

Conference for Food Protection Executive Board Meeting Committee Report

Committee Name: Issue Committee
Council: Standing Committee (Council II)
Date of Report: July 16, 2013
Submitted By: Vicki Everly and Aggie Hale, Issue Co-Chairs
Committee Member Roster: See attachment #1 – *there have been no changes to committee membership since roster was submitted for approval in August 2012*

Committee Charges:

Constitutional Charge

Article XV Duties of the Committees

Section 1. The Issue Committee shall review all Issues submitted at least ninety (90) days before the Conference meeting. The Issue Committee shall assign for Council deliberation those Issues that have met the Issue acceptance criteria specified in the Conference Procedures Manual. Issue assignments shall be made in accordance with Article XIII, Section 1, Subsection 1; Section 2, Subsection 1; and Section 3, Subsection 1.

Charges Established by Issue 2012 II-008

- a. Complete the charge from Issue 2010 II-30 to "Expand Archive and Posting Capabilities of CFP Approved Documents" on the Conference web site and develop a process / procedure to ensure posting of all:
 - i. Documents and attachments modified or edited after Issue packets are made available with reference to the original Issue number and attachment titles;
 - ii. Documents and attachments modified during and after Council deliberations at the Biennial Meetings; and
 - iii. Final version of conference approved guides, documents, and presentations in both PDF and the original editable format.
- b. Work with the Constitution, Bylaws, and Procedures Committee to review, consolidate, and update CFP governing documents, guidelines, and instructions regarding:
 - i. Preparation, submission, and presentation of Issues, final committee reports, and Issue attachments.
 - ii. Roles and responsibilities for each biennium.
- c. Review the CFP Commercialism Policy as it relates to Issue "attachments" (e.g., peer reviewed articles, industry sponsored studies, letters of recommendation, presentations).
- d. Develop a "masthead, flag, nameplate, or style guide" to readily identify approved and posted documents as belonging to the Conference.

Requested Action for Executive Board (EB):

1. Review and approve the following documents:
 - a. **Committee Periodic Status Report** template and instructions (see attachment #2)
 - b. **Committee Final Report** template and instructions (see attachment #3)
 - c. **Issue Review Process and Checklist – Committee Issues** (see attachment #4) – this is a heavily edited and modified document updated from 2012; the use of underline/strikethrough format was not practical.
 - o Major additions to this document include:
 - An explanatory cover sheet.
 - A timeline
 - Clarification of submittal instructions based on lessons learned
 - "Quick Summary" boxes for experienced submitters
 - Description of "Issue finalization" – what it means and what is the process
 - Description of the "Issue rejection" process
 - Instructions on submitting changes or modifications to council during the biennial meeting

- o Note: once approved, a modified/abbreviated version will be developed by the Issue Co-Chairs specific for non-committee (independent) submitted Issues
- d. **Edited Issue Submission Info for 2014** (see attachment #5) – this document contains narrative from various pages on the CFP web site; edits are in underline/strikethrough format:
 - i. **Terms and Conditions for Issue Submission**
 - ii. **Issue Attachment Limitations**
 - iii. **Late Issue Submission Policy**
 - iv. **Commercialism Policy** – no recommended changes; included for reference only
 - v. **Issue Acceptance and Rejection Criteria** – recommended for deletion; information incorporated into “Terms and Conditions for Issue Submission”
- 2. Review and approve the following **Committee Members Roster Template and Requirements and Restrictions** (see attachment #1– Issue Committee Roster presented as an example):
 - a. The *Committee Members Roster Template* (as posted on the CFP web site) is the approved roster format for all CFP committees.
 - b. Information to be included on the roster is limited to the following:

Committee Name:								
Last Name	First Name	Position (Chair/Member)	Constituency	Employer	City	State	Telephone	Email

- c. The *Committee Members Roster Template* will be used for:
 - i. Submittal in Excel Format to the EB for review and approval of Committee Members
 - ii. Posting as a PDF document on the CFP web site (not to be posted in Excel)
 - iii. Submittal in Excel format to the Executive Assistant (EA) for preparation of the Biennial Meeting program booklet
 - iv. Submittal as a PDF attachment to the committee final report for acknowledgement of Committee Members
- d. Rosters must be sized so that all required columns fit within the width of standard 8 ½ x 11 inch paper in PDF landscape orientation.
- e. An “expanded roster” may contain additional information (e.g., mailing addresses) for internal committee use by the chair and members; however, the additional information is not to be published or disseminated outside the committee.
- 3. Review and approve a new procedure: **Archiving of CFP Documents** (see attachment #6)
- 4. Review and approve draft revisions to the following **Position Description Statements** (see attachment #7) – all suggested edits are in underline/strikethrough format; the majority of edits relate to the Issue process:
 - a. **Council Chair**
 - b. **Council Vice Chair**
 - c. **Committee Chair**
 - d. **Issue Chair**
 - e. **Constitution and Bylaws/Procedures Chair**
- 5. Approve **Placeholder Policy Statement** (suggested language noted below in **bold** font). Once approved, it is requested the statement be **inserted into the appropriate governing document** by the Constitution and Bylaws/Procedures Chair, and submitted as an Issue for the 2014 Biennial Meeting, if necessary.

BACKGROUND: Issue Chairs do not have the authority and the online Issue Management Program (IMP) does not have the capability to allow Issues to be entered into the system after the online submittal deadline. Once the Issue submittal deadline passes, it is impossible to submit additional Issues; the only remaining option is utilizing the Late Issue Submittal Policy which is limited to extremely urgent and late breaking Issues.

Therefore, the use of online “placeholder” Issues was implemented in 2008 to ensure that additional Issues could be entered into the online system after the deadline, if those Issues are deemed to be in the best interest of the Conference or to facilitate council debate.

A placeholder is simply a “blank” Issue entered into the online system prior to the submittal deadline by the Issue Chair; this placeholder can then be filled in with the required information at any time prior to Issue finalization.

Previous Issue Committee reports to the EB requested clarification on the continued use of placeholder Issues and discussion affirming their use; however, EB minutes do not reflect formal approval of this practice; therefore, formal approval of a policy statement is sought at the request of the Executive Director (ED).

Draft Policy Statement:

Placeholder or “blank” Issues will be entered into the online Issue Management Program (IMP) by the Issue Chair in advance of the submittal deadline. Placeholder Issues will become finalized Issues ONLY in the following two (2) situations:

- **for CFP committees (e.g., “recommendations” from a committee that are stated within the final report but not included in an Issue recommendation, missing the online submittal deadline).**
 - **to separate the content of any Issue submitted in advance of the deadline when final review determines the topic is too complex for a single Issue or when it would benefit council deliberation by presenting the topic as separate Issues.**
6. Review and approve **“Ownership/Professionalism” Policy Statement** regarding documents submitted via the Issue process (suggested language noted below in **bold** font). Once approved, it is requested the statement be **inserted into the appropriate governing document** by the Constitution and Bylaws/Procedures Chair, and submitted as an Issue for the 2014 Biennial Meeting, if necessary.

BACKGROUND: Questions have been frequently raised regarding “ownership” of documents submitted to the Conference via the Issue process and whether or not the professionalism of those documents reflects upon the Conference as an organization, or upon the submitter as an individual. A review of the CFP governing documents could find no reference to answer this question; however, the Issue submittal “Terms and Conditions” approved by the Executive Board for the 2012 Biennial Meeting states the following:

“Issues become the property of the Conference for Food Protection once accepted finalized by the Issue Reviewers.”

(note: change from “accepted” to “finalized” is proposed for the 2014 Biennial Meeting)

DISCUSSION POINTS / QUESTIONS:

- Does the draft policy statement (below) clarify that documents submitted to the EB or via the online Issue process belongs to the Conference and does **NOT** belong to the committee, the Committee Chair, or the Committee Members?
- If committee reports are “the property of” the Conference and their content reflects upon the organization... should these documents be fully reviewed by council “and approved”? Currently, final reports are reviewed by Council Chairs and Issue Chairs and only “acknowledged” by council.

- If this policy statement is approved, should Independent (non-committee) Issues be accepted “as submitted” (unedited) as long as basic submittal criteria are met?

ADDITIONAL BACKGROUND: The intent of review and editing by Issue Reviewers is to help improve clarity, increase readability and understanding, and minimize confusion during council deliberation. The overall goal of Issue and report review is to ensure that all documents move forward in a manner that facilitates council deliberation and to ensure that final “recommended solutions” provide specific and achievable direction. That said, Issue review and clarification can take an inordinate amount of time with some submitters... both from committees and independent submitters.

The ED has requested that the Issue Committee seek approval of a policy statement; the following language is submitted for consideration:

Draft Policy Statement:

Committee-submitted documents reflect upon the professionalism of the Conference as an organization. Once submitted to the Executive Board, or submitted online via the Issue Management Program, all Issues, reports, and content documents generated by a Conference committee belong to, and are solely the property of, the Conference.

Documents and Issues submitted to the Conference by an independent entity do *not* reflect upon the Conference as an organization and reflect solely on the professionalism of the submitter.

All Issues and attached content documents, once finalized by the Issue Reviewer and accepted for council consideration become the property of the Conference for Food Protection and reflect on the professionalism of the Conference as an organization.

7. Discussion and clarification of “**Public domain**” and **availability/usage of CFP documents** posted on the web site.

The question has been raised regarding whether or not committee reports, attachments, and Issues posted on the CFP web site are considered to be in the “public domain” and whether use limitations can or should be placed on those documents.

BACKGROUND: this question originated from a previous request for advance copies of finalized Issues prior to the release of Issue Packets to all Conference members; the ED has requested that the Issue Committee seek clarification from the EB regarding “public domain” of CFP documents and the authority (or lack thereof) for early release of Issues and attached documents.

According to Wikipedia: In informal usage, the public domain consists of works that are publicly available; while according to the formal definition, it consists of works that are unavailable for private ownership or are available for public use

According to Public Counsel Law Center (see supporting attachment #8, page 5): If a work is publicly accessible, like on a web site, does that mean it is in the “public domain”? NO! Just because a work is publicly accessible does not mean that it is publicly available for use by all. The term “public domain” refers specifically to copyright protection, or lack thereof, and does not refer to a work’s accessibility. Any work available on the Internet can be copyright-protected in the same way a physical book in a library or a photograph in a magazine would be.

DISCUSSION POINTS / QUESTIONS:

- When are CFP documents considered to be “available”... once finalized and released online in the Issue packets (i.e., before council has reviewed and acknowledged)... or at another point in time?

- Does the CFP web site need to modify existing statements regarding “copyright protection” or approved usage of CFP documents?

The “Conference-Developed Guides and Documents” page of the web site states:

As a result of the Issue Submission process, including deliberation and acceptance, the Conference for Food Protection may form a Committee that is charged with producing a guidance document related to retail food safety.

The guidance documents are drafted through a representative Committee process and submitted back to the Conference for final review and approval. The guidance documents may be used by the FDA, other regulatory agencies, and the food industry and may be referenced in the Food Code. They are available to any interested parties.

The “footer” on each web page states:

Copyright © 2000-2013, Conference for Food Protection. All Rights Reserved.

8. Clarification of **authority of committee charges and authority to speak on behalf of the Conference.**

BACKGROUND: Issue “recommended solutions” generally direct “the Conference” to take some action... such as writing a letter to a federal agency or modifying a governing document. This has been interpreted to mean that the action will be completed by the Conference Chair. There are some members that take a more liberal interpretation and believe that a committee has the authority to speak on behalf of the Conference if so directed within their charge.

A search of the CFP governing documents could find NO single statement that clarifies “who” has the authority to speak on behalf of the Conference. CFP documents state the following:

Constitution and Bylaws, Article VI Duties of the Chair, Section 11.

The Chair shall perform all other responsibilities and duties as detailed in the Conference Chair position description.

Conference Chair Position Description: Conducts the following duties as Conference Chair:

- iv. *Assists the new Conference Chair in compiling the final Conference recommendations for the FDA and USDA and submits letters to the FDA and USDA outlining these recommendations within forty five (45) days of the conclusion of the biennial meeting.*
- v. *Meets with the leadership of the FDA, USDA, CDC and other national organizations.*
- vi. *Upon request, represents CFP at national meetings.*

Conference Procedures, IX. Conference Recommendations Relating to FDA Food Code:

Conference recommendations to State and local governments and others that pertain to retail food protection matters and that may therefore have relevance to the FDA Food Code are conveyed to the FDA in the following manner.

1. *The Conference Chair will convey to the FDA and USDA any recommendations that relate to the Food Code within 45 days of the CFP Biennial Meeting.*

Biennial Meeting Information Manual: After the Biennial Meeting

After the Conference meeting, a summary of the Proceedings of the Conference is provided to all Conference members via the web site.

The Conference Chair, in cooperation with the past Council Chairs, communicates the Conference recommendations to the applicable federal agency. Pursuant to Memoranda of Understanding, the agencies provide timely responses with their position on each Issue.

DISCUSSION POINTS / QUESTIONS:

- Is it appropriate to write an Issue charge that directs a committee to take action on its own... without final edits or recommendations going through the report-back process at the next Biennial Meeting or through the EB for approval? If yes, Issue Reviewers and Council

Chairs will need specific direction on the parameters when such a charge can be assigned to a committee; without direction, the intent may be interpreted differently by each council.

Examples for discussion:

- “XYZ Committee is charged to work with the FDA to make changes to the Food Code relative to ABC”
- “XYZ Committee is charged to make final editorial revisions to the following council approved documents...”
- “Prior to posting on the FDA and CFP web sites, XYZ Committee Chair to work with the FDA to include final revisions to the ABC document as follows...”
- “XYZ Committee is charged to send a letter to the FDA requesting changes to the Food Code relative to ABC.”

- Is a modification to the governing documents needed to clarify authority to speak on behalf of the Conference? If yes, request the EB charge the Constitution and Bylaws/Procedures Chair to draft appropriate language for submittal as an Issue at the 2014 Biennial Meeting.

9. Request that the final EB approved version of the following new or revised documents be **posted on the CFP web site by September 1, 2013; removing ALL old documents and replacing with new.** Final documents will be provided to the ED and EA by the Issue Co-chairs in Word, Excel, and PDF as appropriate:

- a. **Abbreviated Committee Report and Issue Review Process** (approved by EB in May 2013)
- b. **Committee Final Report** template and instructions
- c. **Committee Final Report** template (without instructions)
- d. **Committee Periodic Status Report** template and instructions
- e. **Committee Periodic Status Report** template (without instructions)
- f. **Issue Review Process and Checklist – Committee Issues**
- g. **Issue Review Process and Checklist – Independent (non-committee) Issues** – document will be developed by the Issue Co-Chairs by editing the approved committee Issue checklist to remove topics and requirements specific to CFP committees.
- h. **Terms and Conditions for Issue Submission**
- i. **Issue Attachment Limitations**
- j. **Late Issue Submission Policy**
- k. Revised Position Description Statements:
 - i. **Council Chair**
 - ii. **Council Vice Chair**
 - iii. **Committee Chair**
 - iv. **Issue Chair**
 - v. **Constitution and Bylaws/Procedures Chair**

10. **Reminder: Important upcoming Issue related dates**

September 2013	Conference call between all Committee Chairs, Council Chairs and Vice Chairs, Issue Co-Chairs, and ED
October 2013	Submission templates and instructions available on CFP web site
December 6, 2013	Due date for draft committee reports and committee Issues to be submitted for preliminary review

January 6, 2014	Online Issue submission opens
January 24, 2014	Issue Submission deadline (mandated not less than 90 days prior to biennial meeting) – <i>online process closes at 9 PM EST</i>
3 rd week February	Target date to finalize all Issues
March 1, 2014	Target date to send Issues to Issue Committee for assignment to council
March 7, 2014	Deadline date for Issue Committee to finalize Issue council assignments
March 21, 2014	Mandated date for Issue Packets to be made available by ED

11. **Reminder: Executive Board members are asked to provide clear and specific direction to the Conference Chair** if there is a need to return any committee report submitted to this meeting for further information or clarification (as stated in the *CFP Procedures Manual*).

Progress Report / Committee Activities with Activity Dates (since last report):

- Information requested by, and submitted to, the ED:
 - Suggested revisions to position descriptions as they relate to the Issue process
 - Edits reviewed by the ED and Constitution and Bylaws/Procedures Chair
 - Final recommendations for the following positions submitted to EB for approval – **see attached documents** and “requested action for EB” (above):
 - Committee Chair
 - Council Chair and Vice Chair
 - Constitution, Bylaws, and Procedure Chair
 - Issue Chair
 - List of technical challenges with the Issue Management Program (IMP) for discussion with the consulting web master, Kevin Hamstra.
- Developed revised templates for *Committee Periodic Status Report*, *Committee Final Report*
 - Preliminary edits submitted to and approved by the ED
 - Final draft submitted to the full Issue Committee for review and comment
 - Final recommendations submitted to EB for approval – **see attached documents** and “requested action for EB” (above)
- Developed format requirements for *Committee Members Roster*
 - Final draft submitted to the ED for review
- Revised and expanded the *Issue Review Process and Checklist* – **see attached document** and “requested action for EB” (above)
 - Final draft submitted to the full Issue Committee for review and comment
- Reviewed and revised various documents currently posted on the CFP web site related to the Issue process – **see attached document** and “requested action for EB” (above)
 - Documents reviewed included:
 - Terms and Conditions for Issue Submission
 - Issue Attachment Limitations
 - Late Issue Submission Policy
 - Commercialism Policy Issue Acceptance and Rejection Criteria
 - Final draft submitted to the full Issue Committee for review and comment

- Drafted a new procedure on archiving of CFP documents – **see attached document** and “requested action for EB” (above)
 - Final draft submitted to the full Issue Committee for review and comment
- Progress on activities towards meeting charges established via Issue 2012 II-008 (*status inserted in red/italics*):
 - a. Complete the charge from Issue 2012 II-008 to "Expand Archive and Posting Capabilities of CFP Approved Documents" on the Conference web site and develop a process / procedure to ensure posting of all: – *draft procedure submitted with this report and addresses the three points below*
 - i. Documents and attachments modified or edited after Issue packets are made available with reference to the original Issue number and attachment titles;
 - ii. Documents and attachments modified during and after council deliberations at the Biennial Meetings; and
 - iii. Final version of conference approved guides, documents, and presentations in both PDF and the original editable format.
 - b. Work with the Constitution, Bylaws, and Procedures Committee to review, consolidate, and update CFP governing documents, guidelines, and instructions regarding: – *activity ongoing; see Constitution, Bylaws/Procedures Committee Report for progress*
 - i. Preparation, submission, and presentation of Issues, final committee reports, and Issue attachments. – *see revised Issue Review Process and Checklist submitted for approval with this report*
 - ii. Roles and responsibilities for each biennium. – *no action to date; this charge will be completed during the upcoming Issue review process and presented in a report at the May 2014 EB meeting*
 - c. Review the CFP Commercialism Policy as it relates to Issue "attachments" (e.g., peer reviewed articles, industry sponsored studies, letters of recommendation, presentations). – *clarification on submitting letters of recommendation have been included in Issue submittal instructions; balance of charge pending recommendations from the “Ad hoc Committee on Standards for Documents Published on the CFP Web site”*
 - d. Develop a "masthead, flag, nameplate, or style guide" to readily identify approved and posted documents as belonging to the Conference. – *see draft archive procedure submitted with this report for format requirements*

- Future activities:

*NOTE: Items indicated as **NEW** are process improvements added for the first time with the upcoming Biennial Meeting*

- a. By September 1, 2013 –
 - i. Review and edit the *Issue Submission Process* page on the CFP web site – provide updated narrative specific to the 2014 Biennial Meeting to the ED and EA for posting
 - ii. Create an abbreviated version of the *Issue Review Process and Checklist* for Independent (non-committee) Issues
 - iii. Provide the ED and EA with final “clean” version of all documents identified above to be posted on the CFP web site
 - iv. Locate PDF examples of “good” reports and Issues (both committee and non-committee Issues) to post on web site as examples

- b. September 2013
 - i. Verify posting of all Issue related documents on CFP web site
 - ii. Conduct conference call with all committee chairs, Council Chairs and Vice Chairs, ED, and Issue Co-Chairs – **NEW**
- c. October 2013 – draft all-member email blast to explain timeline and process of Issue submittal and review – **NEW**
- d. November 2013 – work with Council Chairs and ED to establish a “staggered review schedule” for committee reports and Issues in December – **NEW**
- e. December 2013 – in conjunction with Council Chairs and Vice Chairs, conduct preliminary review of all committee final reports and draft Issues
- f. Between January 24 and March 1, 2014 – conduct Issue review and finalization
- g. March 2014 –
 - i. Work with Issue Committee to make council assignments for all Issues
 - ii. Create/review Issue Packets (full packet and scribe packet) for ED to release to membership by mandated date of March 21
 - iii. Work with ED, EA, and LAC to clarify and assign “scribe supervisor” duties at Biennial Meeting
- h. For submittal to EB at the May 2014 meeting –
 - i. Establish recommended “standard statements” for use by councils when editing “recommended solutions” and committee charges – **NEW**
 - ii. Establish a written description of roles and responsibilities for each biennium regarding the Issue submittal and review process, to include:
 - (a) duties assigned to Issue Chairs;
 - (b) duties assigned to members of the CFP executive team; and
 - (c) duties contracted with 1EightyDesign
 - ii. Develop a suggested format for Council Chair periodic progress reports (*as requested by the ED*)
- Ideas for the 2014-2016 biennium (not all suggestions are the responsibility of the Issue Chair):
 - a. Establish a “naming convention” for reports submitted to the EB for ease of retrieval from an alpha-generated list
 - b. Conduct a conference call when committees are formed explaining the responsibilities, timeline, and end result of Issues assigned by the Conference
 - c. Create webinars explaining the Issue submission process