

## **FDA Report to the Executive Board of the Conference for Food Protection**

**August 21-22, 2018 – San Antonio, Texas**

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FDA representative to the CFP Executive Board**

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### **Status of 2018 CFP Meeting Recommendations**

In FDA's August 21, 2018 response letter to the Conference, FDA responded to the 31 total recommendations resulting from the 2018 CFP meeting that were sent to FDA.

**FDA conceptually agrees** with 14 of the twenty-five final recommendations in Part 1 of the letter and anticipates making changes to the Food Code and its Annexes related to the following issues:

<b>2018-I-003</b>	UFE 3 Amend Food Establishment Definition and Exemption for Person in Charge (PIC)
<b>2018-I-009</b>	Clarification of the Term Easily Cleanable
<b>2018-I-013</b>	Amend Food Code – Update Definition for “Mechanically Tenderized”
<b>2018-I-018</b>	Amend Food Code – 3-502.12 Reduced Oxygen Packaging Without a Variance
<b>2018-I-019</b>	Amend Food Code – 8-201.14 Contents of a HACCP Plan
<b>2018-I-021</b>	Amend Food Code – Food Establishment Requirement to Retain Variance
<b>2018-I-026</b>	Amend Food Code – Add Time/Date together as a method of Date Marking
<b>2018-I-029</b>	Amend Food Code – FSIS Chicken Liver Compliance Guide in Annex
<b>2018-III-005</b>	MOFSC 3 – Amend Food Code to add Guidance Document for Mail Order Food
<b>2018-III-016</b>	Amend Food Code – Chill/Sous Vide Option for ROP Bags to 41°F
<b>2018-III-018</b>	Amend Food Code – Clarify 3-301.11(D) for Single Ingredient Food
<b>2018-III-019</b>	Amend Food Code – Room Temp. Non-TCS Food becoming TCS, then held using TPHC
<b>2018-III-020</b>	Amend Food Code – Reheating RTE Food to be held using TPHC
<b>2018-III-026</b>	Amend Food Code – Remove Chemically Treated Towelette from 5-203.11

\*\*Please note that FDA agrees in concept but may not agree with specific proposed wording for the FDA Food Code changes. In these cases, FDA may exercise its option to modify the recommended text, either to provide clarity or to achieve consistency with the structure or conventions of the Food Code.

**For the following 2 recommendations in Part 1 of the letter, FDA partially concurs:**

<b>2018-I-007</b>	Amend Food Code – Standards for Food Equipment Certification
<b>2018-I-023</b>	Amend Food Code – Separation of Packaged Products Displayed at Retail

**For the following 9 recommendations in Part 1 of the letter, FDA either does not concur or will need to further consider the matter and perhaps consult with the Executive Board of the Conference for Food Protection prior to deciding on whether to modify the Food Code in the recommended manner.**

- 2018-I-024** Amend Food Code – Food Safety Regulations for Food Donations
- 2018-I-031** Amend Food Code – Storage in Toilet Rooms
- 2018-I-032** Amend Food Code – Use Limitation of Untreated Wood for Cooking Surface
- 2018-II-005** Amend Food Code for Demonstration of Knowledge
- 2018-II-006** Amend Food Code 2-103.11 Person in Charge
- 2018-III-008, III-009, and III-010** SPCC 3 – HACCP Templates for ROP, Curing and Sushi Rice
- 2018-III-028** Amend Food Code – Mechanical Warewashing Temperature per Manufacturer Label

**Part 2 of the letter identified 6 recommendations that request FDA take certain actions but that do not recommend specific changes to the FDA Food Code. FDA will consider the availability of agency resources to pursue the recommended actions and strive to keep the CFP Executive Board and the Conference apprised of progress made between now and the 2020 Biennial Meeting in Denver, Colorado.**

**FDA conceptually agrees on the merits of the following 4 of the 6 Part 2 recommendations:**

- 2018-I-012** Harmonize Labeling for Mechanically Tenderized Beef
- 2018-II-014** PSC 2 – Improvements to Voluntary National Retail Food Regulatory Program Standards (VNRFRPS)\*
- 2018-II-015** PSC 4 – Amend VNRFRPS Standard 3, Inspections Based on HACCP Principles
- 2018-III-021** Cooking/Heating Commercially Processed Not RTE Food

\*Please note that FDA agrees in concept with the five-part recommendation within 2018-II-014, but at this time does not concur with the proposed recommendation for part 4c that requests the creation of hyperlinks throughout the VNRFRPS manual to the Clearinghouse Q/A's. The requested addition of hyperlinks to the Clearinghouse document would require the entire document to be fully interactive which in its current format is not compatible. FDA strives to modernize these documents and make them easily accessible on an electronic portal and is exploring new technology to enable this capability, but cannot insure completion by the next biennial meeting.

**For the following Part 2 recommendation, FDA partially concurs:**

- 2018-II-016** PSC 5 – Amend VNRFRPS Standard 6, Compliance and Enforcement

**FDA trusts that the CFP membership recognize that FDA does not have unlimited resources and so must consider each recommendation in the context of overall Agency priorities. FDA will do its best to keep CFP leadership and its members informed. For the following recommendation, FDA believes it merits further discussion prior to considering this recommendation noted in Part 2 of your letter.**

**2018-II-029**      Creation of a Retail Food Regulatory Program Alliance

This recommendation requests FDA to recognize and support a “Retail Food Regulatory Program Alliance” and provide funding for the development of this Alliance to assure it meets the objective of advancing conformance with the VNRFRPS. It is difficult for FDA to commit to the creation of a Retail Food Regulatory Program Alliance, as currently proposed under CFP Issue 2018-II-029, without additional information and specifics. The additional information and specifics FDA seeks, include but are not limited to:

- A clearly defined need to establish this Alliance and expected outcome
- The proposed purpose, goals, priorities, and strategic vision of the Alliance
- The prospective organizational structure, hierarchy, and membership of the Alliance
- The projected funding needs, mechanisms, and cycles of the Alliance
- The anticipated activities, deliverables, metrics, and oversight of the Alliance
- An evaluation of the potential impact on existing funding vehicles and agreements (e.g. MOUs, cooperative agreements, partnership agreements, etc.) with FDA, and
- The Alliance’s role with the Voluntary National Retail Food Regulatory Program Standards and impact on existing CFP processes

FDA welcomes a discussion with the CFP and its stakeholders about the proposed Alliance.

See FDA’s full response on the CFP web site at [www.foodprotect.org](http://www.foodprotect.org)

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**Collaborating with our Regulatory Retail Food Professional Associations**

- Plan Retail Food Association Summit for the 1<sup>st</sup> Qtr. of next calendar year
- Engagement of the Primary Retail Food Associations (CFP; AFDO; NACCHO; and NEHA)
- Conceptual planning already started – strawman for format and content of the summit being drafted – provide a foundation for input/revisions/recommendations by Association partners.
- Developing the framework for the Summit will be a collaborative process
- Planning Web Ex meetings with ALL Associations likely to be scheduled this Fall.

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**Regional Food Protection Seminars**

CFP members and all interested in Food Safety are encouraged to attend the annual Food Protection Seminars held throughout the nation in 2018. Much of the agendas for these seminars address topics that are important to the mission and activities of the Conference for Food Protection.

**2018 Retail Food Seminars****Central Region**

Location: Louisville, KY

Dates: August 28-30, 2018

FDA Point of Contact: Kris Moore, 502-425-0069 ext. 1013, [Kris.Moore@fda.hhs.gov](mailto:Kris.Moore@fda.hhs.gov)

**Northeast Region**

Location: South Portland, ME

Dates: September 19-21, 2018

FDA Point of Contact: Tom Nerney, 781-587-7431, [Thomas.Nerney@fda.hhs.gov](mailto:Thomas.Nerney@fda.hhs.gov)

**Pacific Region**

Location: Boise, ID

Dates: September 11-13, 2018 (tentative)

FDA Point of Contact: Brad Tufto, 509-353-2136 ext.104, [Brad.Tufto@fda.hhs.gov](mailto:Brad.Tufto@fda.hhs.gov)

**Southeast Region**

Location: Charleston, SC

Dates: October 16-18, 2018

FDA Point of Contact: Donna Wanucha, 678-616-5600, [Donna.Wanucha@fda.hhs.gov](mailto:Donna.Wanucha@fda.hhs.gov)

**Southwest Region**

Location: Cheyenne, WY

Dates: September 17-20, 2018

FDA Point of Contact: Mario Seminara, 303-236-3026, [Mario.Seminara@fda.hhs.gov](mailto:Mario.Seminara@fda.hhs.gov)

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### **Voluntary National Retail Food Regulatory Program Standards**

**NACCHO/CFP On-line Sharing Session held on July 17, 2018 on the CFP Process and its role in development of the Food Code and the Retail Program Standards** – The session, hosted by the National Association of County and city Health Officials (NACCHO), provided information on: How the Retail Program Standards and Food Code are revised and How to provide feedback on the Retail Program Standards criteria. During the session, participants heard from the CFP Chair and Council and Committee members and the Food and Drug Administration on the overview of the CFP, learned about the Issue submission process, types of Issues submitted, how Issues connect with the Food Code and the Retail Program Standards, and how to become involved. There was a Questions and Answers portion at the end of the session.

### **2018 Retail Program Standards Grant Program**

FDA and the Association of Food and Drug Officials (AFDO) announced the successful completion of the application period for the 2018 AFDO-administered Retail Program Standards Grant Program. The program provides funds for the completion of projects and training to enhance conformance with Retail Program Standards.

Each year, grant funding is open to State, local, territorial, and tribal regulatory retail food programs that have enrolled in the Retail Program Standards. Project categories for the 2018 funding year include:

- 151 grants awarded Small Projects up to \$3,000, for jurisdictions to complete: a self-assessment of all nine Standards, small projects related to meeting one or more Standards, a verification audit or audits, or custom projects that increase a jurisdiction's conformance with the standards;
- 30 grants awarded Moderate Projects, \$10,000-\$20,000, for more ambitious projects that further conformance with the Retail Program Standards (computer software systems, risk factor studies, development of a written compliance program, training events, etc.);
- 190 grants awarded Training up to \$3,000, for jurisdiction staff to meet the requirements of Standard 2 (Step 1 & 3 Curriculum or CEU maintenance) or to attend FDA Regional Seminars to maintain FDA Standardization; and
- 25 grants awarded Food Protection Task Force Support Projects up to \$3,000 per award. The goal of this category is to advance conformance with the Retail Program Standards by supporting attendance at Food Protection Task Force activities (or similar Food Advisory Board/Council activities, whether Task Force/Board/Council is supported by an FDA grant or not).

Approximately \$1,890,000.00 in funding was available for this granting year. For more information visit Retail Food Safety Grants Website at <http://afdo.org/retailstandards>.

The 2019 AFDO-administered Retail Program Standards Grant Program Portal will open on Sept. 19, 2018. Enrolled programs can apply for grant funding through Oct. 24, 2018.

The Advancing Conformance with the Voluntary National Retail Food Regulatory Program Standards Cooperative Agreement Cohorts 2 and 3 continue their approved multi-year strategic plans to advance their Retail Program Standards conformance. No new funding opportunities for this grant were open during 2018. A new funding opportunity for this grant is not scheduled for 2019.

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### **Update on activity related to Issue 2016-I-023**

At the 2018 Biennial Meeting, the CFP Executive Board discussed the creation of a CFP-ISSC Joint Committee on Shellfish as recommended to address matters presented in Issue 2016-I-023. The CFP Board approved the creation of the committee to include regulators in states that regulate shellstock and industry who also participate in shellstock production and or distribution or sale and that the ISSC would have 3 regulators and 1 industry representative and CFP would have 2 regulators, 1 industry, and 1 consumer representative.

ISSC appointed the following individuals to represent ISSC on the committee: Regulator 1: Johnathan Gerhardt - New Mexico Department of the Environment; Regulator 2: Kim Stryker - Alaska Department of Environmental Conservation; Regulator 3: Eric Hickey - Massachusetts Department of Public Health; and Industry: Bill Dewey – Taylor Shellfish Company.

CFP appointed the following individuals to represent CFP on the committee: Regulator 1: Julie Henderson - Virginia Department of Health; Regulator 2: Joe Graham – Washington State Department of Health; Industry 1: Barry Parsons – Paster Training; Industry 2: Kathleen O'Donnell – Wegman's Food Markets; and Consumer: Susan Vaughn Grooters – KAW Coalition. Representing ISSC on the committee will be Jonathon Gerhardt, Kim Stryker Eric Hickey, Bill Dewey.

The ad hoc committee will undertake the charge in Issue 2016-I-023 as follows:

In 2016, the Interstate Shellfish Sanitation Conference (ISSC) submitted Issue 2016-I-023 to the Conference for Food Protection (CFP) for consideration. The CFP adopted the Issue as submitted. Recommendation #2 of the issue requested the FDA begin discussions with the ISSC and the CFP to identify steps that can be taken to enhance implementation and enforcement of shellfish record keeping at retail establishments. This committee is requested to address recommendation #2 by investigating opportunities and activities that will educate and advise State and Local retail food inspectors and retail food establishments of the importance of compliance with Food Code Section 3-203.12. These efforts would explain how the source information associated with record keeping requirements is used by Shellfish Control Authorities and the USFDA in illness investigations that can subsequently result in shellfish growing area closures and recalls. The purpose of this effort would be to enhance compliance of record keeping requirements to improve the ability of retail food establishments to provide complete and accurate source information in illness investigations.

FDA has started some preliminary work to identify the states that have adopted Food Code §3-203.12, Shellstock, Maintaining Identification, and will work with the CFP and ISSC to convene a meeting in the near future.

Respectfully submitted to the CFP Executive Board by Glenda R. Lewis, CFSAN, on August 22, 2018.