

**Conference for Food Protection
2018 Issue Form**

Issue: 2018 I-007

Council Recommendation: Accepted as Submitted _____ Accepted as Amended _____ No Action _____

Delegate Action: Accepted _____ Rejected _____

All information above the line is for conference use only.

Issue History:

This issue was submitted for consideration at a previous biennial meeting, see issue: 2010 I-020; new or additional information has been included or attached.

Title:

Amend Food Code - Standards for Food Equipment Certification

Issue you would like the Conference to consider:

The 2013 Model Food Code currently references "Acceptability" of foodservice equipment in Section 4-205.10, titled Food Equipment, Certification and Classification. This section of the Food Code currently reads:

Acceptability 4-205.10 Food Equipment, Certification and Classification.

- *FOOD EQUIPMENT that is certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program is deemed to comply with Parts 4-1 and 4-2 of this chapter.*

The above Section references ANSI accredited certifications or classifications of food equipment, but the Food Code language is not clear or specific as to what the certification or classification programs should be based on. It simply states, "for sanitation". It is commonly assumed and accepted that the certification is to American National Standards (also known as ANSI Standards). However, the Food Code fails to provide this specificity.

ANSI accredits certifying bodies to ISO 17065 for product certification (i.e. food equipment). ISO 17065 does not describe or limit in any way which standards ANSI-accredited certifiers may certify products to - including standards or specifications that may not be aligned with Food Code Parts 4-1 and 4-2. Therefore, simply requiring certification by an ANSI-accredited certification program is insufficient to ensure compliance with the Parts 4-1 and 4-2 of the Food Code as intended by Section 4-205.10. To solve this problem, and to reflect original intent and current practice, it is recommended that the Conference for Food Protection recommend that the FDA amend the Food Code by referencing ANSI Standards in Section 4-205.10 and include a list of the relevant American National Standards for Food Equipment in a newly created ANNEX 8 (see attachment, "Proposed ANNEX 8 of Food Code")

Public Health Significance:

The rapid increase of imported foods and food equipment, and the many public health related issues associated with imported products, makes it vitally important to have certified products comply with ANSI Standards where specific requirements for compliance are clearly spelled out. Manufacturers, exporters, importers, wholesalers, retailers, consultants and regulators at all levels understand the role and importance of ANSI Standards. Their participation in the development and maintenance of these standards ensures safety and compliance with the Food Code which may not occur without their involvement. Further, section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) and the Office of Management and Budget Circular A-119 encourages federal agencies, like the FDA, to participate in and rely on consensus standards in their activities.

Currently in the U.S., state and local regulatory agencies routinely require, trust and rely on certified food equipment to comply with the specific requirements of ANSI Standards, which in turn comply with the requirements of the Food Code. Other standards to which food equipment could get certified, such as national standards of another country or industry standards, may not have the same level of relevant stakeholder input that ANSI Standards do. This creates a concerning situation where food equipment could become certified to a standard or criteria that is not reflective or representative of the Food Code's requirements, is therefore non-compliant, and potentially puts the public's health at risk. Specification of the appropriate national standards in the Food Code solidifies the original intent, increases consistency of certifications, and results in increased public health protection. Having clearly defined equipment requirements is essential to increasing regulatory compliance.

It should be noted that listing the ANSI Standards does not preclude other standards from being accepted by the state or local regulatory authorities upon their review. Referencing ANSI Standards in Section 4-205.10 only means that food equipment certified specifically to the ANSI Standards are, per Section 4-205.10, "...deemed to comply with 4-1 and 4-2 of this chapter." Adoption of the proposed language recognizes that the technical requirements established in ANSI Standards for foodservice equipment meet the same minimum technical requirements of the Food Code.

Another concern that may be partially addressed by this Issue is the methodology and consistency with which regulatory agencies evaluate food equipment for compliance with the Food Code when certified food equipment is not required. By referencing the ANSI Standards, the Food Code would provide valuable guidance documents for health agencies to draw on when evaluating food equipment for compliance.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the most current edition of Food Code be amended as follows:

1) addition to Section 4-205.10 (new language underlined).

Acceptability 4-205.10 Food Equipment, Certification and Classification.

FOOD EQUIPMENT that is certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program to the corresponding American National Standard listed in Annex 8, is deemed to comply with Parts 4-1 and 4-2 of this chapter.

2) addition of an Annex 8 that lists the relevant American National Standards (see attached content document titled: *Proposed Annex 8 of Food Code*).

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Content Documents:

- "Proposed Annex 8 of Food Code"

Supporting Attachments:

- "NEHA Letter of Support"
- "ANSI Letter of Support"
- "UL Letter of Support"

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.