

**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*).

Submitter Information 1:

Name: Derek DeLand, MPH, REHS/RS
Organization: NSF International
Address: 789 N. Dixboro Rd.
City/State/Zip: Ann Arbor, MI 48105
Telephone: 734-418-6683
E-mail: ddeland@nsf.org

Submitter Information 2:

Name: Stan Hazan, MPH
Organization: NSF International
Address: 789 N. Dixboro Rd.
City/State/Zip: Ann Arbor, MI 48105
Telephone: 734-769-5105
E-mail: hazan@nsf.org

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.

ANNEX 8

List of American National Standards for Food Equipment

The following standards were established and adopted by the ANSI process as minimum voluntary consensus standards are also used internationally:

NSF/ANSI 2	Food equipment
NSF/ANSI 3	Commercial warewashing equipment
NSF/ANSI 4	Commercial cooking, rethermalization, and powered hot food holding and transport equipment
NSF/ANSI 5	Water heaters, hot water supply boilers, and heat recovery equipment
NSF/ANSI 6	Dispensing freezers
NSF/ANSI 7	Commercial refrigerators and freezers
NSF/ANSI 8	Commercial powered food preparation equipment
NSF/ANSI 12	Automatic ice making equipment
NSF/ANSI 13	Refuse processors and processing systems
NSF/ANSI 18	Manual food and beverage dispensing equipment
NSF/ANSI 20	Commercial bulk milk dispensing equipment
NSF/ANSI 21	Thermoplastic refuse containers
NSF/ANSI 25	Vending machines for food and beverages
NSF/ANSI 29	Detergent and chemical feeders for commercial spray-type dishwashing machines
NSF/ANSI 35	High pressure decorative laminates (HPDL) for surfacing food service equipment
NSF/ANSI 36	Dinnerware
NSF/ANSI 37	Air curtains for entranceways in food and food service establishments
NSF/ANSI 51	Food equipment materials
NSF/ANSI 52	Supplemental flooring
NSF/ANSI 59	Mobile food carts
NSF/ANSI 169	Special purpose food equipment and devices
ANSI/UL 2007A	Shatter Containment of Lamps for Use in Regulated Food Establishments
ANSI/UL 2333	Infrared Thermometers



720 South Colorado Blvd.
Suite 1000-N
Denver, Colorado 80246-1926
Phone (303) 756-9090
Fax (303) 691-9490
www.neha.org

January 12, 2018

Conference for Food Protection 2018
30 Elliott Court
Martinsville, IN 46151

To Whom It May Concern:

The National Environmental Health Association (NEHA) is pleased to provide this letter of support for the 2018 CFP Issue titled: *Amend Food Code to specify the standards for food equipment certification*, which was drafted by NSF International.

While Section 4-205.10 of the Model Food Code identifies the need for food equipment to be certified by an ANSI-Accredited organization in order to obtain automatic acceptance as Code compliant, it is lacking with respect to identifying a specific standard(s) for the equipment to be certified to. The language proposed in this issue submission identifies the appropriate national standard(s) for product certification. Addition of this language satisfies both the need for certification as well as the means of certification.

NEHA urges the Conference for Food Protection to accept this issue and incorporate the suggested language into the Model Food Code.

Sincerely yours,

David T. Dyjack, Dr.PH, CIH
Executive Director & CEO



January 11, 2018

Conference for Food Protection
30 Elliott Court
Martinsville, IN 46151

To Whom It May Concern:

The American National Standards Institute (ANSI) is pleased to provide information on the American National Standards process, in relation to the 2018 CFP issue titled: *Amend Food Code to specify the standards for food equipment certification.*

While Section 4-205.10 of the Model Food Code identifies the need for food service equipment to be certified by an ANSI-accredited organization, it does not address the standards to which the equipment should conform. Specifically, the National Technology Transfer and Advancement Act (NTTAA) of 1996 directs government agencies to “use technical standards”, such as American National Standards, “developed or adopted by voluntary consensus standards bodies if compliance would not be inconsistent with applicable law or otherwise impracticable.”

ANSI facilitates the development of American National Standards by accrediting the procedures of standards developing organizations (SDOs). These groups work cooperatively to develop voluntary national consensus standards. Accreditation by ANSI signifies that the procedures used by the standards body in connection with the development of American National Standards meet the Institute’s essential requirements for openness, balance, consensus and due process. These requirements are consistent with the principles outlined in the NTTAA.

ANSI does not comment on the technical content of specific American National Standards, but can attest to the integrity of the process by which the standards were developed. Finally, identifying American National Standards as appropriate for use in an ANSI-accredited certification program does not preclude the acceptance of other standards.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Saunders".

Mary Saunders
Vice President for Government Relations and Public Policy



January 12, 2018

Conference for Food Protection
2018 Biennial Meeting

To Whom It May Concern:

We are writing in support of the NSF proposal to add language to the Food Code that would clarify the appropriate ANSI accredited standards by which Food Equipment is certified to by an ANSI accredited organizations.

This language is needed not only to ensure that the equipment being installed is certified to the correct standards referenced in the Food Code, but also to ensure that Authorities having Jurisdiction (AHJs) have clear direction to enable them to quickly and accurately verify that the equipment has been certified to the correct standard.

We hope that the Conference for Food Protection will closely consider this issue and agree that it is in the best interest of the Food Code to reference these standards.

Best Regards,

Maggie Carroll

Marguerite (Maggie) Carroll
Manager - Codes and Regulatory Services
Distinguished Member of Technical Staff

UL LLC
47173 Benicia Street
Fremont, CA 94538
T: 510.319.4023
M: 510.299.6984
Marguerite.e.carroll@ul.com

