

Committee Final Reports are considered DRAFT until acknowledged by Council or accepted by the Executive Board

COMMITTEE NAME: Allergen Committee

DATE OF FINAL REPORT: 11/1/2019

COMMITTEE ASSIGNMENT: Council I Council II Council III Executive Board

REPORT SUBMITTED BY: Jeff Hawley - Committee Chair, Mike Pascucilla - Committee Vice Chair

COMMITTEE CHARGE(S): Issue 2018 I-015

- Review Issues 2018-I-015, 2018-II-007, 2018-II-008 and their original submitted Recommended Solution, including but not limited to:
 - Evaluation of major food allergen disclaimers in retail food establishments.
 - Development of methodology for retail food establishments to notify consumers when menu items contain major food allergens.
 - Determining if any additional staff training for food allergen awareness is needed.
 - Identifying any supporting research or evidence that supports recommendations.
- Recommend changes to the Food Code that support retail food establishments in their efforts to protect consumers with major food allergens.
- Report back findings and recommendations to the 2020 Biennial Meeting of the Conference for Food Protection.

COMMITTEE WORK PLAN AND TIMELINE:

1. This Committee has been holding regular conference calls, and workgroup calls between Committee calls. All Committee work has been completed.

COMMITTEE ACTIVITIES:

1. **Dates of committee meetings or conference calls: 9/28/18, 11/9/18, 11/30/18, 1/25/19, 2/22/19, 3/29/19, 4/26/19, 5/31/19, 6/28/19, 7/19/19, 8/9/19, 8/30/19, 9/13/19.**
2. **Overview of committee activities:**

Two workgroups were formed to address Committee charges. Notification Workgroup addressed allergen notification in food service establishments. Training Workgroup addressed food allergen training in food service establishments. Committee members were asked to volunteer for one of the workgroups. Emilee Follett chaired the Notification Workgroup. Betsy Craig chaired the Training Workgroup.

The first order of business was to identify and review current major food allergen requirements for notification, labeling, disclaimers, and training. After reviewing current regulatory requirements the Committee recognized that rules for labeling major food allergens on packaged foods are very thorough. However, there is a gap in regulatory requirements for notification of major food allergens in food service establishments.

Notification Workgroup researched types of allergen notification that are currently being used domestically and internationally, to try and determine which methods are most effective. The Workgroup developed surveys that were sent to industry members within CFP and consumer groups, including food allergy organizations, to get input on how they prefer to be notified about major food allergens in food products.

Notification Workgroup made 3 recommendations that were approved by the Committee.

- 1) **3-602.11 Food Labels** - Amend part (C) to require posting of notification of major food allergens in bulk food that is available for customer self-service. This is currently not required for bulk foods.
- 2) Add new section to Food Code that requires the permit holder to notify consumers of the presence of major food allergens as ingredients in unpackaged food items using brochures, deli case or menu notifications, label statements, table tents, placards, or other effective written means.
- 3) **3-602.12 Other Forms of Information** - Add new part (C) that requires the permit holder to, upon request, provide consumers with a written list of all major food allergen ingredients in food items.

Additionally, the Workgroup developed a food allergy guidance document for food service establishments. Recommendation is to post this guidance document on the CFP website.

Training Workgroup researched food allergy training requirements by state, and county, and compiled a spreadsheet with this information. A survey was developed and sent to representatives of the food industry (restaurant and retail) to gather information about food allergy training provided by these establishments. Slightly more than half of those who completed the retail industry survey responded that they provide food allergy training, separate from food safety training. The survey was also sent to restaurant and retail members of the Allergen Committee. Results indicated that most establishments provide additional training for allergens. It was expressed that food allergen training courses are more specific to restaurants, so majority of retail respondents rely on in-house developed food allergy training. Consensus by the Workgroup was that additional food allergen training is necessary for food employees, but there should not be additional requirements for food allergen training in the Food Code.

Training Workgroup made 1 recommendation that was approved by the Committee.

1) **2-103.11 Person in Charge** - Amend part (N) to remove food allergy awareness training and add a new section (Q) identifying recommended components that should be included in food allergen training:

- Identification of the major food allergens;
- Food allergen ingredient identities and labeling;
- Knowledge of cross-contact concerning the major food allergens;
- Recognition of symptoms of an allergic reaction;
- How to respond to an allergic reaction.

Other Activity: Committee Chair Jeff Hawley was interviewed by Eric Athas, writer with the NY Times, on 1/4/19. Mr. Athas is working on an article about food allergies that will cover people with food allergies, labeling and notification rules, manufacturing, etc, and contacted CFP through Jen Jobrack (FARE). I explained the CFP process and why the Allergen Committee was formed. I explained that current rules cover labeling of packaged foods, but there's very little regulation about major food allergen notification in food service establishments. I also explained that states must adopt the Food Code before it can become regulation. We spoke for about 15-20 minutes and I asked him to call or email me if he had further questions.

3. Charges COMPLETED and the rationale for each specific recommendation:

- a. Charge 1: Review Issues 2018-I-015, 2018-II-007, 2018-II-008 and their original submitted Recommended Solution, including but not limited to:
- Evaluation of major food allergen disclaimers in retail food establishments.
 - Development of methodology for retail food establishments to notify consumers when menu items contain major food allergens.
 - Determining if any additional staff training for food allergen awareness is needed.
 - Identifying any supporting research or evidence that supports recommendations.

After reviewing current major food allergen regulatory requirements the Committee determined that there is a gap in regulations for notification of major food allergens in food service establishments. We were also in consensus that the general statement about food allergy awareness training in 2-103.11(N) is weak, and should include recommendations for content of an allergen training programs. Because of these deficiencies in food allergen notification and training in the Food Code four states (Illinois, Massachusetts, Michigan, Rhode Island), one county (Montgomery County, Maryland), and 1 locality (Edison, NJ) have enacted their own food allergen notification and/or training requirements.

- b. Charge 2: Recommend changes to the Food Code that support retail food establishments in their efforts to protect consumers with major food allergens.

The Committee is making recommendations to address deficiencies in major food allergen regulatory requirements in food service establishments. These recommended changes will provide food allergen regulatory requirements that can be applied consistently in all states, counties and localities.

- c. Charge 3: Report back findings and recommendations to the 2020 Biennial Meeting of the Conference for Food Protection.

4. Charges INCOMPLETE and to be continued to next biennium:

- a. None

COMMITTEE REQUESTED ACTION FOR EXECUTIVE BOARD:

- No requested Executive Board action at this time; all committee requests and recommendations are included as an Issue submittal.

LISTING OF CFP ISSUES TO BE SUBMITTED BY COMMITTEE:

1. **Report - Allergen Committee:** Acknowledge the 2018-20 Allergen Committee final report; thank the Committee members for their work; and disband the Committee.
 - a. **List of content documents submitted with this Issue:**
 - (a.1) **Committee Report**
 - (a.2) **Committee Member Roster**
 - (a.3) **Food Allergy Notifications: A Guidance for Industry**
 - b. **List of supporting attachments:** **No supporting attachments submitted**
 - (1) **Allergy Training Courses and Laws**
 - (2) **Allergen Committee Survey**
 - (3) **Allergen Notification Consumer Survey**
 - (4) **Food Industry Survey Results**

 - (5) **Restaurant servers' risk perceptions and risk communication-related behaviors when serving customers with food allergies in the US**
 - (6) **Comparing the Eating Out Experiences of Consumers Seeking to Avoid Different Food Allergens**
 - (7) **Consumer Preferences for Written and Oral Information about Allergies When Eating Out**
 - (8) **Food Allergy Knowledge and Attitudes of Restaurant Managers and Staff: An EHS-Net Study**
2. **Amend Food Code for Major Food Allergen Training for Food Employees**
3. **Amend Food Code for Notification of Major Food Allergens in Bulk Foods**
4. **Amend Food Code for Written Notification of Major Food Allergens**
5. **Amend Food Code for Major Food Allergen Notification Upon Request by Consumer**