



2010

Council I

Issue Recommendations

Conference for Food Protection – 2010

Council I

No	Title	AS	AA	NA	Other
I_001	Report - TCS Implementation Committee	X			
I_002	Report - Plan Review Committee		X		
I_003	Addition to Section 8-4 Inspection and Correction of Violations				Moved II
I_004	Inclusion of Inspection Result Posting in the Model Food Code				Moved II
I_005	Consumer Advisory for pinned/injected/tenderized meats: Food Code 3-603.11				Moved III
I_006	Grocery Seafood Advisory for Women of Childbearing Age and Children			X	
I_007	Addition to Section 3-603.11 of the Model Food Code, Consumer Advisory			X	
I_008	Wild Harvested Mushrooms		X		
I_009	New Recall Notification Section of the Model Food Code, Section 3-603.12			X	
I_010	USFDA Recall Policy Revision		X		
I_011	Signage Requirement on Reporting of Employee Health Conditions		X		
I_012	Employee Written Agreement for Employee Health Reporting			X	
I_013	Jewelry Prohibition			X	
I_014	Report - Criticality Implementation and Education Committee	X			
I_015	Criticality Implementation and Education Committee - Criticality Training Slides	X			
I_016	Criticality Implementation and Education Committee - Frequently Asked Questions	X			
I_017	Criticality Implementation and Education Committee - Timely Correction of Violations		X		
I_018	Effective Risk Communication for Process HACCP			X	
I_019	4-501.114-Manual and Mechanical Warewashing Equipment Chemical Sanitation		X		
I_020	American National Standards for Food Equipment - Clarification of Food Code			X	
I_021	3-304.14 Wiping Cloths, Use Limitation		X		
I_022	Key Drop		X		
I_023	Proper Identification of Seafood Species			X	
I_024	Management Responsibility Code Section 2-101.11		X		
I_025	Addition to S. 2-103.11 of the Model Food Code, Duties: Person in Charge			X	
I_026	Mandatory Food Protection Manager Certification for Persons in Charge			X	
II_021	Food Protection Manager Certification		X		

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-001

Council Recommendation:	Accepted as Submitted	<u> X </u>	Accepted as Amended	<u> </u>	No Action	<u> </u>
Delegate Action:	Accepted	<u> x </u>	Rejected	<u> </u>		

All information above the line is for conference use only.

Title: Report – TCS Implementation Committee

Recommended Solution:

The Conference recommends acknowledgement of the TCS Implementation Committee's report and recognition of the efforts committee members put forth in completion of the charges issued by the 2008 Biennial Meeting.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-002

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	X	No Action _____
Delegate Action:	Accepted _____	x	Rejected _____	

All information above the line is for conference use only.

Title: Report – Plan Review Committee

Recommended Solution:

The Conference recommends

1. acknowledgement of the CFP Plan Review Committee Report;
2. re-creation of the committee to review and update the following Conference for Food Protection documents and present their finding at the 2012 CFP Biennial Meeting:
 - a. Temporary Food Establishments
 - b. Permanent Outdoor Cooking Operations
3. thanking the Committee members.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-006

Council Recommendation:	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input checked="" type="checkbox"/>
Delegate Action:	Accepted	<input checked="" type="checkbox"/>	Rejected	<input type="checkbox"/>		

All information above the line is for conference use only.

Title: Grocery Seafood Advisory for Women of Childbearing Age and Children

Recommended Solution:

The Conference recommends no action.

Reason:

Information provided to the council was insufficient to support the Issue proposal for posting of advisor documents in retail establishments.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-007

Council Recommendation:	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input checked="" type="checkbox"/>
Delegate Action:	Accepted	<input checked="" type="checkbox"/>	Rejected	<input type="checkbox"/>		

All information above the line is for conference use only.

Title: Addition to Section 3-603.11 of the Model Food Code, Consumer Advisory

Recommended Solution:

The Conference recommends no action.

Reason:

Adequately addressed in current FDA consumer advisory section **3-603.11**.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-008

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	<input checked="" type="checkbox"/> No Action _____
Delegate Action:	Accepted _____	<input checked="" type="checkbox"/> Rejected _____	

All information above the line is for conference use only.

Title: Wild Harvested Mushrooms

Recommended Solution:

The Conference recommends that the Council consider forming a committee to continue discussion of this issue and that the following language and attachments for consideration to be placed on the CFP website as guidance listing steps that states can use to develop and implement a wild harvested mushroom program for their state.

The charges will be:

- 1) Develop guidelines to help regulators address the issue of wild mushrooms in food establishments
- 2) Report back at the 2012 CFP.
- 3) The name of the committee will be Wild Harvested Mushrooms Committee.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-009

Council Recommendation:	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input checked="" type="checkbox"/>
Delegate Action:	Accepted	<input checked="" type="checkbox"/>	Rejected	<input type="checkbox"/>		

All information above the line is for conference use only.

Title: New Recall Notification Section of the Model Food Code, Section 3-603.12

Recommended Solution:

The Conference recommends no action.

Reason:

Issue combined with 2010 I-010.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-010

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	X	No Action	_____
Delegate Action:	Accepted	_____	x	Rejected	_____		

All information above the line is for conference use only.

Title: USFDA Recall Policy Revision

Recommended Solution:

The Conference Recommends that a Recall Evaluation Committee be formed and work with FDA, USDA, and states on the following charge:

- Clarify the system of classification for recalls established by USDA and FDA.
- Create clarifying instructions and procedures that industry and consumers can easily understand and comply with.
- Recommend enforceable and reasonable time frames for execution of recall communications and actions.
- Clarify the information required to be included in supplier recall notifications.
- Recommend expectations for the notification of end-users, including restaurant and retail customers as well as school and institutional food service.
- Report back to the 2012 Biennial Meeting.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-011

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	<u> X </u>	No Action _____
Delegate Action:	Accepted _____	<u> x </u>	Rejected _____	_____

All information above the line is for conference use only.

Title: Signage Requirement on Reporting of Employee Health Conditions

Recommended Solution:

The Conference recommends that a letter be sent to the FDA recommending that Section 2-103.11 be amended.

Amend Section 2-103.11 Person in Charge by adding Paragraph (N) to read:

- (N) " A verifiable system needs to be in place to communicate to employees the importance of employee health as described in, Subparagraphs 2-201.11 (A)(1), (2), (3), (4), and (5) to the permit holder, such as posting a sign, written agreement, or training related to reporting symptoms and diagnosis."

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-012

Council Recommendation:	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input checked="" type="checkbox"/>
Delegate Action:	Accepted	<input checked="" type="checkbox"/>	Rejected	<input type="checkbox"/>		

All information above the line is for conference use only.

Title: Employee Written Agreement for Employee Health Reporting

Recommended Solution:

The Conference recommends no action.

Reason:

Issue combined with 2010 I-011.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-013

Council Recommendation:	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input checked="" type="checkbox"/>
Delegate Action:	Accepted	<input checked="" type="checkbox"/>	Rejected	<input type="checkbox"/>		

All information above the line is for conference use only.

Title: Jewelry Prohibition

Recommended Solution:

The Conference recommends no action.

Reason:

Sufficiently covered in FDA Food Code.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-014

Council Recommendation:	Accepted as Submitted	<u> X </u>	Accepted as Amended	<u> </u>	No Action	<u> </u>
Delegate Action:	Accepted	<u> x </u>	Rejected	<u> </u>		

All information above the line is for conference use only.

Title: Report – Criticality Implementation and Education Committee

Recommended Solution:

The Conference recommends

1. Acknowledgement of the Criticality Implementation and Education Committee's report and recognition of the efforts committee members put forth in completion of the charges issued by the 2008 Biennial Meeting.
2. Dissolution of the committee as it has completed the charges issued by the 2008 Biennial Meeting.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-015

Council Recommendation:	Accepted as Submitted	<u> X </u>	Accepted as Amended	<u> </u>	No Action	<u> </u>
Delegate Action:	Accepted	<u> x </u>	Rejected	<u> </u>		

All information above the line is for conference use only.

Title: Criticality Implementation & Education Committee – Criticality Training Slides

Recommended Solution:

The Conference recommends

1. acceptance of the PowerPoint presentation and speaker notes titled "Re-designation of Food Code Provisions" and place it in a downloadable format under the "Conference Developed Guidance and Documents" section of the Conference web site.
2. that a letter be sent to FDA requesting the same PowerPoint presentation and speaker notes be made available through its web site.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-016

Council Recommendation:	Accepted as Submitted	<u> X </u>	Accepted as Amended	<u> </u>	No Action	<u> </u>
Delegate Action:	Accepted	<u> x </u>	Rejected	<u> </u>		

All information above the line is for conference use only.

Title: Criticality Implementation & Education Committee – Frequently Asked Questions

Recommended Solution:

The Conference recommends that a letter be sent to FDA requesting that they:

1. provide answers to the list of FAQs included in the attached document.
2. have the FAQs and answers available for stakeholders on or before June 30, 2010 by posting on the FDA website.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-017

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

Delegate Action: Accepted x Rejected _____

All information above the line is for conference use only.

Title: Criticality Implementation & Education Committee – Timely Correction of Violations

Recommended Solution:

The Conference recommends that a letter be sent to the FDA requesting revision and/or addition to the following three sections in Chapter 8, Compliance and Enforcement in the FDA Food Code: 8-405.11, 8-405.12 and 8-405.13 (new language is in underline format; deleted language in strike through).

Violation of Priority Item ~~or Priority Foundation Item~~ 8-405.11 Timely Correction.

- (A) Except as specified in ¶ (B) of this section, a permit holder shall at the time of inspection immediately initiate and correct a violation of a priority item violations or priority foundation item of this Code and implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit. ^{Pf}
- (B) *Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the regulatory authority may agree to or specify a longer time frame for corrective actions that have been initiated but not yet completed, not to exceed 72 hours 40 calendar days after the inspection, for the permit holder to correct ~~violations of a priority item or priority foundation item or HACCP plan deviations~~ violations.*

Violation of Priority Foundation Item 8-405.12 Timely Correction.

- (A) Except as specified in ¶ (B) of this section, a permit holder shall at the time of inspection immediately initiate and correct priority foundation item violations of this Code.
- (B) Considering the nature of the violation involved or the complexity of the corrective action needed, the regulatory authority may agree to or specify a longer time frame, not to exceed 10 calendar days after the inspection, for the permit holder to correct violations of a priority foundation item violations.

Core Item Violation ~~8-406.14~~ 8.405.13 Time Frame for Correction.

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.

(A) Except as specified in ¶ (B) of this section, the permit holder shall correct core items violations by a date and time agreed to or specified by the regulatory authority but no later than 90 calendar days after the inspection.

(B) The regulatory authority may approve a compliance schedule that extends beyond the time limits specified under ¶ (A) of this section if a written schedule of compliance is submitted by the permit holder and no health hazard exists or will result from allowing an extended schedule for compliance.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-018

Council Recommendation:	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input checked="" type="checkbox"/>
Delegate Action:	Accepted	<input checked="" type="checkbox"/>	Rejected	<input type="checkbox"/>		

All information above the line is for conference use only.

Title: Effective Risk Communication for Process HACCP

Recommended Solution:

The Conference recommends no action.

Reason:

Out of alignment with current language in the FDA Food Code.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-019

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	<input checked="" type="checkbox"/> No Action _____
Delegate Action:	Accepted _____	<input checked="" type="checkbox"/> Rejected _____	

All information above the line is for conference use only.

Title: 4-501.114-Manual and Mechanical Warewashing Equipment Chemical Sanitation

Recommended Solution:

The Conference recommends that a letter be sent to FDA requesting that Section 4-501-114 be revised as follows:

4-501.114 Manual and Mechanical Warewashing Equipment, Chemical Sanitization - Temperature, pH, Concentration, and Hardness.

A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at contact times specified under ¶ 4-703.11(C) shall meet the criteria specified under § 7-204.11 Sanitizers, Criteria, shall be used in accordance with the EPA-registered label use instructions^P.

The chemical SANITIZER shall be used as follows :

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-020

Council Recommendation:	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input checked="" type="checkbox"/>
Delegate Action:	Accepted	<input checked="" type="checkbox"/>	Rejected	<input type="checkbox"/>		

All information above the line is for conference use only.

Title: American National Standards for Food Equipment – Clarification of Food Code

Recommended Solution:

The Conference recommends no action.

Reason:

Adequately addressed in the FDA Food Code.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-021

Council Recommendation:	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input checked="" type="checkbox"/>	No Action	<input type="checkbox"/>
Delegate Action:	Accepted	<input checked="" type="checkbox"/>	Rejected	<input type="checkbox"/>		

All information above the line is for conference use only.

Title: 3-304.14 Wiping Cloths, Use Limitation

Recommended Solution:

The Conference recommends that a letter be sent to FDA requesting written clarification in the Food Code or Annexes on how the FDA may recognize the appropriate use of dry cloths, including disposable towels, for wiping down counters and equipment.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-022

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	<input checked="" type="checkbox"/> No Action _____
Delegate Action:	Accepted _____	<input checked="" type="checkbox"/> Rejected _____	

All information above the line is for conference use only.

Title: Key Drop

Recommended Solution:

The Conference recommends that a letter be sent to FDA requesting the following changes to the Food Code:

that § 2.103.11 of the FDA Food Code be amended by adding a new ¶ 2.103.11 (F), and renumbering subsequent paragraphs in this Section appropriately, to specifically allow for the practice of key access deliveries by including the following language:

(F) For KEY ACCESS DELIVERIES distribution EMPLOYEES delivered goods at the required temperatures, protected from contamination, unadulterated, and placed into appropriate FOOD ESTABLISHMENT storage locations for later validation, inspection and receipt by an EMPLOYEE of the FOOD ESTABLISHMENT ^{Pf};

Further, that ¶ 1-201.10 (B) be amended to define key access deliveries as follows:

"Key Access Delivery" means a delivery of food and goods into an establishment that occurs when it is closed. Distributors deliver and place products in coolers, freezers and dry goods storage areas for LATER confirmation of receipt and inspection by representatives of the establishment.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-023

Council Recommendation:	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input checked="" type="checkbox"/>
Delegate Action:	Accepted	<input checked="" type="checkbox"/>	Rejected	<input type="checkbox"/>		

All information above the line is for conference use only.

Title: Proper Identification of Seafood Species

Recommended Solution:

The Conference recommends no action.

Reason:

Adequately addressed in the FDA Food Code.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-024

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	<input checked="" type="checkbox"/> No Action _____
Delegate Action:	Accepted _____	<input checked="" type="checkbox"/> Rejected _____	

All information above the line is for conference use only.

Title: Management Responsibility Code Section 2-101.11

Recommended Solution:

The Conference recommends that a letter be sent to FDA requesting that the language in Food Code Section 2-101.11 (Responsibility and Assignment) be added with the following language and that additional changes to Chapter 2 be made as necessary to be consistent with this change.

Responsibility 2-101.11 Assignment*

- (C) The PERMIT HOLDER through the certified food manager or person in charge (PIC) shall ensure that standard operating procedures that ensure compliance with the requirements of this Code are developed & implemented as specified under 8-201.12 (E) & (F);

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-025

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	No Action _____	<u> X </u>
Delegate Action:	Accepted <u> x </u>	Rejected _____		

All information above the line is for conference use only.

Title: Addition to S. 2-103.11 of the Model Food Code, Duties: Person in Charge

Recommended Solution:

The Conference recommends no action.

Reason:

Issue is already addressed in FDA Food Code section 2-103.11-I.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 I-026

Council Recommendation:	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input checked="" type="checkbox"/>
Delegate Action:	Accepted	<input checked="" type="checkbox"/>	Rejected	<input type="checkbox"/>		

All information above the line is for conference use only.

Title: Mandatory Food Protection Manager Certification for Persons in Charge

Recommended Solution:

The Conference recommends no action.

Reason:

The current code options are preferential.

**Conference for Food Protection
2010 Issue Form**

Issue: 2010 II-021

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	X	No Action _____
Delegate Action:	Accepted _____	x	Rejected _____	

All information above the line is for conference use only.

Title: Food Protection Manager Certification

Recommended Solution:

The Conference recommends that a letter be sent to FDA requesting a change to the Food Code to require that at least one Person in Charge in each food establishment (exempting certain low risk establishments) be certified in food protection through a manager certification program that conforms to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs.

In addition to the above basic requirement, if Priority Item violations are found during inspections and the Person in Charge is not able to answer questions concerning food protection requirements specific to the food operation, the Regulatory Authority should be able to require that a non certified Person in Charge become a certified food protection manager through a CFP recognized program.

The suggested new wording and placement in the Food Code is as follows:

Existing 2009 Food Code Language

"2-102.20 Food Protection Manager Certification.

A PERSON IN CHARGE who demonstrates knowledge by being a FOOD protection manager that is certified by a FOOD protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs is deemed to comply with ¶ 2-102.11(B)."

Proposed Addition to Food Code

2-102.21 Certified Food Protection Manager.

(A) Except as specified in (B) of this section, each FOOD ESTABLISHMENT must have at least one FOOD protection manager certified in accordance with the provisions detailed in 2-102.20 who has supervisory, training, and management responsibilities; and is responsible for food preparation and service with the authority to direct and control such activities.

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.

(B) Establishments that serve or sell only pre-packaged foods; establishments that prepare only nonpotentially hazardous foods (nonTCS foods); temporary food events with less than 6 events per year; and establishments that heat only commercially processed, potentially hazardous foods (TCS foods) for hot holding for less than four hours are exempt from the requirements of paragraph (A).

(C) Should there be failure to demonstrate knowledge of foodborne disease prevention during inspections in any food establishment through repeated violations of PRIORITY ITEMS on subsequent inspections and should there be a failure to correctly respond to the inspector's food protection questions as they relate to the specific FOOD operation, the REGULATORY AUTHORITY may require that the PERSON IN CHARGE who is not certified become a certified FOOD protection manager in accordance with the provisions detailed in 2-102.20.

The intent of this submission in (A) is to require one person per establishment (e.g. store) not one person for each department in a food establishment.