

Attachment to the Committee Report

Committee on Consumer Food Purchase History for Outbreak Investigations (2018-I-027, Ad Hoc Exec. Bd. Committee)

CFP Board Meeting, August 13-14, 2019

**COMMITTEE DRAFT LANGUAGE RECOMMENDATION FOR INCLUSION IN THE SUPPLEMENT TO
THE 2017 FDA FOOD CODE OR THE NEXT FULL EDITION OF THE FOOD CODE IN 2021**

**CHANGE TO ALLOW ACCESS TO
CONSUMER PRODUCT PURCHASE INFORMATION**

(The following would insert new wording into 8-304.11 (I) of the 2017 FDA Food Code (<https://www.fda.gov/media/110822/download>) to require access to customer product purchase information in the case of a foodborne illness investigation. The existing Food Code wording under (I) would become (J). In addition, a new section has been added to **Annex 3 PUBLIC HEALTH REASONS/ADMINISTRATIVE GUIDELINES** to provide the public health rationale for the change. A definition for HEALTH AUTHORITY has also been added using the template for the REGULATORY AUTHORITY definition.

Annex 3 Public Health Reasons/Administrative Guidelines

8-304.11 Responsibility of the Permit Holder

- (I) Whole Genome Sequencing (WGS) is identifying numerous illness clusters likely associated with nationally and regionally distributed food products. Accurate food histories from case-patients are key to solving foodborne outbreaks. Unfortunately, recollection of foods eaten can fade rapidly, sometimes necessitating an objective source of information regarding food exposures. Some outbreaks that persisted for months were solved only after obtaining consumer food product purchase information (https://www.cdc.gov/mmwr/preview/mmwrhtml/mm5950a3.htm?s_cid=mm5950a3_e). Speed and accuracy of information are essential during outbreak investigations in order to allow public health officials to identify the suspect product, exonerate other suspected vehicles, and prevent additional illnesses. Immediate access to purchase information not only protects public health, it also may reduce business liability by preventing additional illnesses.

(The following adds a definition for Health Authority into the definitions section using the style used to define Regulatory Authority.)

Applicability and Terms Defined

1-201.10 Statement of Application and Listing of Terms.

- (A) The following definitions shall apply in the interpretation and application of this Code.
- (B) Terms Defined. As used in this Code, each of the terms listed in ¶ 1-201.10(B) shall have the meaning stated below.

"Health authority" means the local, state, or federal body or authorized representative having jurisdiction over the FOOD ESTABLISHMENT in the event of an illness or outbreak investigation.

Also add a definition of 'Consumer purchase card information'

8-304.11 RESPONSIBILITIES OF THE PERMIT HOLDER

(H) Comply with directives of the REGULATORY AUTHORITY including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the REGULATORY AUTHORITY in regard to the PERMIT HOLDER'S FOOD ESTABLISHMENT or in response to community emergencies;

(I) Provide immediate access to customer product purchase information to the REGULATORY AUTHORITY and/or HEALTH AUTHORITY when needed during an illness investigation or IMMINENT HEALTH HAZARD;