

CFP Sanitizer Committee Progress Report 2

Standing Committee: CFP Sanitizer Committee

Date of Report: July 20, 2009

Report prepared by: Katie Swanson and Tressa Madden, Co-Chairs

Committee Charge: to work with the FDA, EPA and other stakeholders to develop appropriate language for the Food Code addressing onsite generation of pesticides in food establishments and report back to the 2010 CFP Council III.

Committee Members: Several changes have been made (See Attachment 1).

- Chris Gordon changed affiliations, from NRA to Virginia Dept of Health
- Matthew Brickey (NRA) added to replace Chris Gordon because of his move
- Five members removed from the roster (noted by strike through text). These members had participated in one or no calls. They were contacted to determine if they were still interested in participating. None indicated the ability to continue. This action was taken to facilitate achieving quorum for committee work.

Progress Report:

The Committee has held three (conference calls since our last report) and is making excellent progress against the change.

- A summary of the current regulatory status of on-site generators of sanitizers was developed, reviewed, and concurrence was achieved by the committee. It is thought that this may be useful in the appendix to explain the role of various agencies in equipment approval. (Draft in Attachment 2)
- Relevant citations of the Food Code were identified and are under review. The Committee agreed that a new section 4-204.124 to address on-site generators may be useful to clarify language. A draft will be discussed on the July 31 conference call.

Requested Board Actions: We request that the Board approve the new roster.

Recommendations for future charge: None requested at this time.

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Council III
Sanitizer

Update July 20, 2009

ATTACHMENT 1

Last Name	First Name	Position (Chair/Member)	Constituency	Employer	Address	City	State	Zip	Telephone	Email
Swanson	Katherine	Co chair	Other - sanitation services	Ecolab, Inc.	655 Lone Oak Drive	Eagan	MN	55121	651-975-5943	katie.swanson@ecolab.com
Madden	Tressa	Co chair	Regulatory - state	Oklahoma State Dept. of Health	1000 NE 10th	Oklahoma City	OK	73117	405-271-5243	tressam@health.ok.gov
Muriana	Peter	member	Academia	Oklahoma State University	109 FAPC Bldg/Monroe Street	Stillwater	OK	74078	405-744-5563	peter.muriana@okstate.edu
Hipp	Joel	member	Industry - equipment mfg.	Hobart Corp.	701 S. Ridge Avenue	Troy	OH	45374	937-332-2836	joel.hipp@hobartcorp.com
Brickey*	Matthew	member	Industry - food service	National Restaurant Association International Flight Services Association	1200 17th Street, NW 5700 Waters Edge Landing Court	Washington	DC	20036	202-331-5913	mbrickey@restaurant.org
Schwarz	Thomas	member	Industry - food service	Luby's Restaurants, Inc.	P.O. Box 120370	San Antonio	TX	78212	713-329-6964	d_thayer@lubys.com
Plante	Andrew	member	Industry - food service	Brinker International	6700 LBJ Freeway Suite 3105	Dallas	TX	75240	972-770-1778	andrew.plante@brinker.com
Doty	Karen	member	Industry - food service	Brinker International	6700 LBJ Freeway Ste 3105	Dallas	TX	75240	972-770-1707	karen.doty@brinker.com
Barowsky	David	member	Industry - retail food stores	Roundy's Supermarkets, Inc.	5500 52nd Street	Kenosha	WI	53144	262-957-4123	dave.barowsky@roundys.com
Kunduru	Mahipal	member	Industry - retail food stores	Safeway, Inc.	5918 Stoneridge Mall Road	Pleasanton	CA	94588	925-226-9393	mahipal.kunduru@safeway.com
McMahan	Thomas	member	Industry - retail food stores	SuperValu, Inc.	250 E. Parkcenter Blvd.	Boise	ID	83706	208-395-3265	Thomas.A.McMahan@supervalu.com
Himes	Bob	member	Industry - vending	Himes Vending, Inc.	4654 Groves Road	Columbus	OH	43232	614-868-6931	bobh@himesvending.com
Cannon	Beth	member	Industry - sanitation services	Steritech	8646 Aspen Circle	Parker	CO	80134	720-252-4196	beth.cannon@steritech.com
Grinstead	Dale	member	Other - sanitation services	Johnson Diversey	8310 16th Street	Sturtevant	WI	53177	262-631-4433	dale.grinstead@johnsondiversev.com
Herd	Brandon	member	Other - sanitation services	Ecolab, Inc.	655 Lone Oak Drive	Eagan	MN	55121	651-795-5828	brandon.herd@ecolab.com
Johnson	Thomas	member	Other - sanitation services	Johnson Diversified Products, Inc.	1408 Northland Drive, #407	Mendota Heights	MN	55120	651-587-0418	tomj@jdpinc.com
Sampson	Mark	member	Other - sanitation services	PuriCore	508 Lapp Road	Malvern	PA	19355	484-321-2719	msampson@puricore.com
Brania	Jonathan	member	Other - services	Underwriters Laboratories, Inc.	12 Laboratory Drive	Triangle Park	NC	27709	919-549-1768	jonathan.brania@us.ui.com
Luo	Yaguang	member	Regulatory - federal	USDA/ARS	10300 Baltimore Ave Bldg 2	Beltsville	MD	20705	301-504-6186	Yaguang.luo@ars.usda.gov
Hepp	Mark	member	Regulatory - federal	FDA/CFSAN	5100 Paint Branch Parkway 7510C Ariel Rios Building,	College Park	MD	20740	301-436-1203	mark.hepp@fda.hhs.gov
Edwards	Dennis	member	Regulatory - federal	EPA	1200 Pennsylvania Ave NW	Washington	DC	20460	703-308-8087	edwards.dennis@epamail.epa.gov
Moore	Veronica	member	Regulatory - federal	FDA/CFSAN	5100 Paint Branch Parkway	College Park	MD	20740	301-436-1409	Veronica.moore@fda.hhs.gov
Harris	Tanya	member	Regulatory - local	Tulsa Health Department	4616 E. 15th Street	Tulsa	OK	74112	918-595-4315	tharris@tulsa-health.org
Gordon	Chris	member	Regulatory - state	Virginia Dept of Health Alaska Dept. Environ.	109 Governor's Street, 5th Floor	Richmond	VA	23219	804-864-7417	Christopher.Gordon@vdh.virginia.gov
Lhotka	Lorinda	member	Regulatory - state	Conservation Food & Sanitation	610 University Avenue	Fairbanks	AK	99709	907-451-2119	lorinda.lhotka@dec.state.ak.us
Rosenwinkle	Ken	Council III chair	CFP	Jewel-Osco	150 Pierce Road, Suite 200	Itasca	IL	60143	630-948-6787	Ken.Rosenwinkle@supervalu.com

*Pending board approval

ATTACHMENT 2

Sanitizer Committee concurs with draft up to “Food Equipment Requirements” June 25, 2009 Requirements for ‘On Site Generators’ of Pesticides in Food Establishments

Background

- The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of 1947 was enacted to regulate the marketing of pesticides and devices, and for other purposes.
- By law, the EPA is authorized to register a pesticide for sale and distribution in the United States only if it will not cause unreasonable adverse effects on human health or the environment when used according to its label.
- FIFRA provides EPA with the authority to oversee the registration, distribution, sale, and use of pesticides. FIFRA applies to all types of pesticides (unless exempt), including but not limited to antimicrobials. The antimicrobial class of pesticides includes disinfectants, sanitizers and other substances that are intended to control microorganisms in or on various surfaces or media. FIFRA requires sellers, distributors and users of registered pesticide products to follow the labeling directions on each product explicitly.
- Under FIFRA, no one may sell or distribute a pesticide or an article containing a pesticide, including but not limited to an antimicrobial pesticide, unless it is registered by EPA, or unless it is exempted by the regulations.

On Site Generator Status

- On site generators of hard surface sanitizers/disinfectants such as chlorine dioxide, ozone, HOCl or ECA are currently classified by EPA as devices.
- EPA does not require the registration of pesticidal devices.

FIFRA Requirements

- All onsite generating devices are subject to a number of FIFRA's provisions including, labeling standards and production in registered establishments.
- On site generators are subject to EPA device labeling requirements. No person may sell or distribute a pesticide device that is misbranded.

- The requirements for device labels are established by section 2(q)(1) and section 12 of FIFRA, as well as 40 CFR 152.500 and 156.10. No statement that is false or misleading can appear in a device's labeling. Statements that are subject to this standard include – but are not limited to – the following:
 - The name, brand, or trademark under which the product is sold as
 - An ingredient statement
 - **Statements concerning effectiveness of product**
 - Hazard and precautionary statements for human and domestic animal hazards
 - Environmental and exposure hazards.
 - The directions for use
- On site generators may still be subject to state registration. Each state has its own statutes and regulations concerning pesticide and pest control device registration and regulation.

Comment [KMJS1]: Need to cover efficacy determination elsewhere.

Equipment Requirements

- On site generators are classified as equipment and therefore must meet the requirements of Food Code Sections 4-1 “Materials for Construction and Repair” and 4-2 “Design and Construction”. According to 4-205.10, on site generators that are certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program are deemed to comply with Parts 4-1 and 4-2 of this chapter.
- On site generators must meet the requirements of 4-402.11 “Fixed Equipment, Spacing or Sealing”.
- Furthermore, on site generators are electrical equipment and are required to be approved by the Electrical Authority Having Jurisdiction (AHJ). Equipment certified by a Nationally Recognized Testing Laboratory (NRTL), such as UL, is typically considered acceptable to the AHJ.

Comment [KMJS2]: Information in this section needs to be reviewed after the committee considers specific changes in the Food Code language, which may include addition of on-site generators to the definition of equipment and creation of a new section 4-204.124 for On-site generators of sanitizers.

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**Deleted: <#>The NSF Certification process includes:¶
<#>Physical Evaluations of design and construction, material evaluation and performance testing (when required). ¶
<#>Material Requirements including specifications that all materials which have contact, or potential contact, with food must not contribute contaminants of toxicological significance to the food. ¶
<#>Performance Testing to verify that equipment conforms to all performance requirements of the standard. ¶**

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In closing, additional questions being addressed by FDA for the committee to answer:

- Does the chemical produce comply with Food Code Section 7-204.11 Sanitizers, Criteria which, states that the sanitizer shall meet the requirements of 40 CFR 180.940?
- Does the unit as implemented comply the requirements of FIFRA in 40 CFR §152.500?
- Are there occupational exposure concerns that make the unit unsuitable for a retail/foodservice setting? (i.e. OSHA requirements) The Food Code is written to be consistent with other federal requirements.
- Are there operational and user training issues, such as ability to adjust and maintain proper output concentrations, that make it unsuitable for retail/foodservice?

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- Has the device been accepted for use in other non-retail applications? By whom?
- Does the manufacturer, the device and/or the sanitizer produced need to be EPA registered? There are FIFRA requirements that apply to the manufacturers of pesticidal devices. Also, the need for sanitizer registration depends on the nature of the sanitizer produced, by whom it is applied and whether there is intent to package/sell/distribute it.