

## Conference for Food Protection – Committee FINAL Report

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**COMMITTEE NAME:** Ad Hoc 2018-I-027 Obtaining Purchase Info During Outbreak Investigations

**DATE OF FINAL REPORT:** July 20, 2018

**COMMITTEE ASSIGNMENT:**  Council I  Council II  Council III  Executive Board

**REPORT SUBMITTED BY:** Catherine Feeny & Thomas McMahan, Co-Chairs of Ad Hoc Committee Issue 2018-I-027

### COMMITTEE CHARGE(S):

#### Issue # 2018-I-027

1. An ad hoc committee must be formed in accordance with the 2018 Biennial Meeting/Conference Procedures document that states for Extracted Issues, in part, that "the Board shall form an ad hoc committee of no more than 8 members to further deliberate the Issue as needed and to provide a final recommendation by the next calendar meeting of the Board (August 20-21, 2018).

### COMMITTEE WORK PLAN AND TIMELINE:

1. Conference calls beginning June 27, 2018 to determine recommendation to the Executive Board.
2. Submit final report to the Executive Board to deliberate at the August 2018 meeting.

### COMMITTEE ACTIVITIES:

1. The committee consisted of Catherine Feeny (Co-Chair), Thomas McMahan (Co-Chair), Donna Garren, Susan Grooters, Ernest Julian, Adam Kramer, Angela Sanchez.
2. Dates of committee meetings or conference calls: June 26, July 2, July 16, 2018
3. Overview of committee activities:

On June 26th, Catherine Feeny, Donna Garren, Susan Grooters, Ernest Julian, Thomas McMahan participated on the conference call. Angela Sanchez and Adam Kramer were not able to make the call. The formation of a committee was discussed and deliberation continued throughout the call.

On July 2nd, Catherine Feeny, Susan Grooters, Ernest Julian, Adam Kramer, Thomas McMahan, and Angela Sanchez participated on the call. Donna Garren was unable to participate. There was a robust discussion and a decision to e-vote on a recommendation to form a committee since 1 of the ad hoc committee members was not on the call. Members voted by email and the majority (4) voted to recommend the formation of a committee. As a result, an additional call was scheduled to get consensus.

The final conference call was on July 16, 2018. Prior to the call, Ernest Julian emailed committee members a motion to recommend that the CFP Executive Board send a letter to FDA recommending that the Food Code be changed. Ernie emailed the following to members of this ad hoc committee:

"I move that we recommend that the Executive Board vote to send FDA a letter recommending that the Food Code be changed to require that, in the case of a foodborne illness investigation, purchase information for case-patient customers be given as soon as possible to investigating agencies upon request." "This is being done in order to quickly identify the source of contamination in outbreaks to prevent additional foodborne illnesses and deaths and protect the food industry, and due to unanimous CIFOR support of Issue I-27 "Obtaining Purchase Info for Ill Individuals to Prevent Additional Illnesses," and due to unanimous state rejection of No Action on this issue."

All seven committee members were present and participated on the call. Susan Grooters seconded Ernie's motion from his email. The issue was deliberated. There was a request for consideration from committee members to accept an alternate position which was to recommend CFP send a letter to the FDA, CDC, and CIFOR to request:

- Additional research be conducted to determine if State consumer information privacy laws would restrict or impact the inclusion of a requirement in the FDA food Code to food industry companies to provide shopper / loyalty card data or other purchase information without the consent of consumer(s).
- Additional research to identify a direct correlation between the use of shopper / loyalty card data or other purchase information and the shortened duration of foodborne illness outbreak investigations by leading investigators to the source of an outbreak. Determine if shopper / loyalty card data can improve upon the data already being obtained from existing foodborne illness outbreak surveys to reduce the incidence of illness.

As a result, Ernie's original emailed motion was amended to include language to recommend that FDA work with CIFOR regarding the science, privacy issues, and placement in the Food Code. The change was seconded by Susan Grooters. A vote was taken. There were four (4) votes in support of the motion as amended. There were three (3) no votes.

4. Charges COMPLETED and the rationale for each specific recommendation: **N/A**
5. Charges INCOMPLETE and to be continued to next biennium: **N/A**

**COMMITTEE REQUESTED ACTION FOR EXECUTIVE BOARD:**

**Majority recommendation: The recommendation of this committee is for the CFP Board to send a letter to FDA recommending that the Food Code be changed to require that, in the case of a foodborne illness investigation, purchase information for case-patient customers be given as soon as possible to investigating agencies upon request. We recommend that FDA should work with CIFOR concerning the science, privacy issues, and placement in the Food Code.**

**LISTING OF CFP DOCUMENTS TO BE SUBMITTED BY COMMITTEE:**

1. *Report – Ad Hoc Issue 2018-I-027 Obtaining Purchase Information During Outbreak Investigations*
  - a. List of content documents submitted with this Report:
    - (1) *Committee Member Roster (see attached)*
    - (2) *Committee Conference Call Minutes June 27 (see attached)*
    - (3) *Committee Conference Call Minutes July 2 (see attached)*
    - (4) *Committee Conference Call Minutes July 16 (see attached)*
    - (5) *Issue as submitted (see attached)*
    - (6) *CIFOR (Council to Improve Foodborne Outbreak Response) member organizations*
    - (7) *Research articles pertaining to issue*