



# **Proceedings of the Conference for Food Protection Meeting**

**April 7-12, 2000  
Milwaukee, WI**

Conference for Food Protection  
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**The Proceedings for the Conference for Food Protection Meeting have been published through the courtesy of  
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National Restaurant Association   
EDUCATIONAL FOUNDATION 

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Chicago, Illinois 60606  
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Dear Friends and Colleagues:

Food Safety! It's on everyone's mind these days, from consumers to the President. In the fast-paced society of today, more meals are eaten away from home, placing even more emphasis on the importance of proper food protection techniques and safe service of food. Greater amounts of food are processed and packaged in central locations for distribution in markets nationwide. Agricultural commodities are imported from other countries around the world. Many emerging pathogens have the potential for contaminating food supplies. Although our nation's food supply is undoubtedly the safest in the world, there remain numerous challenges of maintaining and enhancing the safety of the food we eat.

The Conference for Food Protection (CFP) promotes food safety through collaboration among and partnership with federal, state and local regulatory agencies, the food industry, academia and consumers. By participating in the activities of the Conference, these stakeholders are able to come together and work to find consensus on many difficult food safety issues. The U. S. Food and Drug Administration's (FDA) and United States Department of Agriculture's (USDA) support of and cooperation with the CFP through the years has aided in establishing an improved regulatory process and increased efforts toward food safety.

The 2000 Conference, held in Milwaukee, Wisconsin on April 7-12, continued the success of previous conferences. There were 114 issues considered by the three Councils of the Conference. Council recommendations on a total of 53 issues were accepted by the Assembly of State Delegates, a body made up of representatives from each of the 44 states and one territory participating in this year's meeting. The enclosed proceedings document is provided to assist not only Conference attendees but also those having a vital interest who were unable to attend. The CFP Executive Board extends its appreciation to The Educational Foundation of the National Restaurant Association for the publication of these 2000 Proceedings of the Conference for Food Protection.

The next Conference for Food Protection will be held April 19-24, 2002 in Nashville, Tennessee. I encourage you to get involved and participate through committee work, submission of issues, and attendance at the conference. If you would like more specific information about the CFP, the councils and working committees, you may contact our executive office by telephone, fax or e-mail.

I look forward to serving as Chair of the Conference during these next two years. Please join me in working together to carry out our mission.



Lydia Strayer, Chair  
Conference for Food Protection

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# THE CONFERENCE FOR FOOD PROTECTION

## Mission

Though the federal, state, and local governments are primarily responsible for setting food safety standards, many other organizations share a stake in carrying out enforcement of the standards. The Conference for Food Protection brings together representatives from the food industry, government, academia, and consumer organizations to identify and address emerging problems of food safety and to formulate recommendations. The Conference seeks to balance the interests of regulatory and industry people while providing an open forum for the consideration of ideas from any source. The Conference meets at least biennially to provide this forum. Though the Conference has no formal regulatory authority, it is a powerful organization that profoundly influences model laws and regulations among all government agencies and minimizes disparate interpretations and implementation.

## History

In 1971, the U.S. Food and Drug Administration and the American Public Health Association sponsored the first Conference for Food Protection in Denver, Colorado. The purpose of this meeting was to provide an interprofessional dialogue on the microbiological aspects of food safety for individuals representing industry, government, and consumers. Not until 1984 did the Conference assume a more permanent role in promoting the formulation and use of uniform model laws and regulations among all government agencies. In that year, the scope was expanded to include toxicological concerns, and a constitution and bylaws document was developed. The Conference was incorporated in 1985. To assist the Conference in its further development, NSF International agreed to provide office services and staff assistance to handle the routine activities of the Conference. Shortly after the 1990 Conference meeting, the Executive Board hired its first executive secretary and began operating on its own, marking the beginning of a new era for the Conference.

## Objectives

The Conference for Food Protection promotes food safety and consumer protection by the following:

1. Identifying and addressing problems in the production, processing, packaging, distribution, sale, and service of foods;
2. Focusing on and facilitating the food protection programs governing the foodservice, retail food store, and food vending segments of the food industry;
3. Adopting sound, uniform procedures which will be accepted by food regulatory agencies and industry;

4. Promoting mutual respect and trust by establishing a working liaison among governmental agencies, industry, academic institutions, professional associations, and consumer groups concerned with food safety;
5. Promoting uniformity among states, territories, and the District of Columbia. Territories include American Samoa, Guam, Northern Mariana Islands, Puerto Rico, The Trust Territory, and the U.S. Virgin Islands; and
6. Utilizing the following as the primary channels for dissemination of information:
  - a. The U.S. Department of Agriculture/Food Safety and Inspection Service in matters under its purview, such as food production, meat and poultry processing, and consumer information; and
  - b. The U.S. Public Health Service/Food and Drug Administration in matters under its purview, such as food processing and assistance to food regulatory agencies based on the model food codes and related documents.

## **Current Organization**

The Conference is managed by an Executive Board that includes 22 voting members who represent state food regulatory agencies from each of the FDA regions, local food regulatory agencies from each of the FDA regions, the FDA, USDA/FSIS, the food industry, an academic institution, and consumers. In addition, the Board includes non-voting members as follows: the Chair and Vice-Chair of each of the three Councils; the Program Chair(s); international advisors; and the Executive Secretary.

Three Councils provide a balance between deliberating the impact of food-related laws and regulations (Council I); developing various administrative, education and certification guidelines and procedures (Council II); and discussing the science and technology of food safety issues (Council III). Separate committees in each discipline may be appointed to deliberate and review issues and make recommendations to each Council. Membership provides for participation by regulatory, industry, consumer, academic, and professional organizations. Non-voting academic and other professional consultants are available to each Council to offer needed advice. Councils deliberate Issues and recommend actions to the Assembly of State Delegates.

## **Presentation of Issues**

The Conference deliberates food safety issues submitted by interested persons on approved forms and within specified time frames. Issues are assigned by the Program Committee to one of the three Councils for consideration. (See Appendix J for sample form.)

## **Assembly of State Delegates**

A delegate is a registrant at a Conference meeting who represents a state, territory, or District of Columbia food regulatory agency responsible for the enforcement of food laws and regulations for food processing, food service, vending, and food stores. The Assembly considers and votes on actions recommended by the Councils.

## **Future Activities**

The Conference has reached consensus on many difficult Food Code issues and a variety of other matters dealing with food safety. A number of new committees were formed as the result of CFP 2000 and are reflected in Appendix I, along with a listing of those committees that either report to the Board or are continuing within the Council framework. A newsletter has been developed to apprise members of the business of the Conference, including communications from the Conference to FDA and USDA. The electronic age has improved communications and provided opportunity for issues to be submitted electronically and issue packets to be made available on diskette. In addition, the Proceedings of CFP 2000 will be produced by the Educational Foundation on CD-ROM, and the Board will be actively pursuing development of a state-of-the-art web site for use by members and other interested parties.

## **Registration and Affiliation Procedures**

If you would like more specific information about the Conference for Food Protection, its Councils or working committees, or are interested in promoting the objective of the Conference, you may obtain forms to register or become affiliated by contacting:

Conference for Food Protection  
1085 Denio Avenue  
Gilroy, CA 95020-9206  
Telephone/Fax: 408/848-2255  
e-mail: TWHgilroy@aol.com  
Trevor Hayes, Executive Secretary



## **2000 CONFERENCE ISSUES**

Following are the Issues addressed by the 2000 Conference for Food Protection. These Issues were assigned to one of three Councils for deliberation. The three Councils of the Conference are as follows:

Council I	Laws and Regulations
Council II	Administration, Education and Certification
Council III	Science and Technology

Recommendations of the Councils were passed on to the Assembly of Voting Delegates. A Council recommendation of "No Action" reflects the fact that the Issue was deliberated at the Council level but, for a variety of reasons, it was determined that no action was recommended. A "No Action" recommendation could relate to the fact that a particular Issue was combined with another Issue, was determined to be better addressed by another Issue or that it was the wisdom of the Council members that a particular recommendation was not warranted at this time.

As the result of extensive discussion during this year's meeting, it was determined that the Assembly of Voting Delegates would, for the first time ever, hear all Council recommendations. Heretofore, "No Action" Council recommendations were not advanced to the Assembly for consideration by the state delegates. As with other Council recommendations, the Assembly members could "accept," "reject" or "abstain" on a Council recommendation, but could not change it. Accordingly, the effect of a vote to reject a "No Action" Issue by the Assembly of Voting Delegates was to refer the matter back to the Executive Board for disposition. It was agreed that the Executive Board could then refer the matter back to the originating Council or to another Council where the Issue would then be eligible for consideration at the next Conference meeting.

Although there were a number of Assembly votes to reject Council recommendations this year, only two such Issues were "No Action" recommendations: 00-02-17 and 00-02-19. As a result, these two Issues will now be considered by the Executive Board for further disposition.

For those Issues pertaining to the FDA Model Food Code, the Conference Board has 45 days from the meeting's conclusion to submit Assembly-approved recommendations to the Food and Drug Administration. FDA has agreed to review these recommendations and respond to the Conference Board within 60 days of receipt. Recommendations with which FDA concurs will then be included in the text of the forthcoming edition of the Food Code. Those Issues with which FDA does not concur will be brought back to the Executive Board for further discussion and possible resubmission as Issues at the next conference meeting.

# COUNCIL I — LAWS AND REGULATIONS

## Issues and Actions

In this section are the Issues deliberated by Council I. Some of the Issues originally assigned to Council I were referred to Council III and will be included in the Council III report summary. Additionally, Issues 00-02-16 and 00-01-63 were combined with Issue 00-01-06 and was reported out as 00-01-06.

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**Issue Number:** 00-01-01

**Issue Title:** **Changing Safe Hot Holding Temperatures from 140 degrees F. to 130 degrees F.**

**Recommendation:** Change the current hot holding temperature of potentially hazardous food from 140°F to 130°F.

Page 63 of the 1999 FDA Food Code, section 3-501.16(A) should be deleted and recommend changing all other appropriate sections to reflect the change to 130°F from 140°F for hot holding.

**Council Action:** **Referred to Council III**

---

**Issue Number:** 00-01-02

**Issue Title:** **Hot Holding Temperature Change From 140 Degrees F. to 130 degrees F. for all Potentially Hazardous Foods.**

**Recommendation:** I would like the Conference to refer this issue to the appropriate Council for discussion and referral for delegate vote. I would like the Conference to recommend to the FDA to change the next Food Code revision to allow 130° F for hot holding of all potentially hazardous food.

This change would occur on page 63, section 3-501.16 (A). It would read: At 54° C (130° F) or above; or

A second option is: If the Council is unable to pass this issue, I would request the Council to submit this topic to a study committee for further review and be resubmitted at the 2002 Conference.

**Council Action:** **Referred to Council III**

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**Issue Number: 00-01-03**

**Issue Title: Changing Safe Hot Holding Temperature from 140 degrees F. to 130 degrees F.**

**Recommendation:** Page 63 of the 1999 FDA Food Code, section 3-501.16(A) should be deleted and replaced with: "At 54°C (130°F) or above; or:

Recommend changing all other appropriate sections to reflect the change to 130°F from 140°F for only hot holding.

**Council Action: Referred to Council III**

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**Issue Number: 00-01-04**

**Issue Title: Section 3-401.13, Plant Food Cooking for Hot Holding**

**Recommendation:** If the CFP approves the change for hot holding from 140°F to 130°F in section 3-501.16 (A), then change "140°F" to "130°F" in section 3-401.13.

If the CFP does not approve the change for hot holding from 140°F to 130°F in section 3-501.16 (A), then change "140°F" to "130°F" in section 3-401.13. This is based on the science provided in the 2000 CFP issues on hot holding that shows no growth above 127.5°F for *C.perfringens*. Additionally, the supporting PHR on page 277 of the 1999 FDA Food Code indicates these items "do not require the same level of microorganism destruction as do raw animal foods..." due to their ready-to-eat nature at any temperature.

**Council Action: Referred to Council III**

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**Issue Number: 00-01-05**

**Issue Title: Cooling Food**

**Recommendation:** Revise the FDA Food Code to call for cooling from 130° to 45°F within 15 hours, continuous cooling.

**Council Action: Referred to Council III**

**Issue Number: 00-01-06**

**Issue Title: Add the Provisions of the Performance Standards for the Production of Certain Meat and Poultry Products to the Food Code**

**Recommendation:** Page 55, modify 3-401.11(A)(2) by adding at the beginning of the section: “Uncured comminuted meat shall attain a lethality equivalent to 9 CFR 318.23(b).” Page 56, modify 3-410.11(A)(3) by adding at the beginning of the section: “Poultry or stuffed poultry shall attain a lethality equivalent to 9 CFR 381.150 (a)(1) and conform to 3-502.11 or”. Page 56, modify 3-401.11(B) by adding at the beginning of the section: “Whole beef roasts and corned beef roasts shall attain a lethality equivalent to 9 CFR 318.17(a)(1) and conform to 3-502.11 or”. Page 62, modify 3-501.14(A) by adding at the beginning of the section: “Cooked meat or poultry shall attain a stabilization (cooling) equivalent to 9 CFR 318.17(a)(2), 318.23(c), 381.150(a)(2) and conform to 3-502.11 or”. Page 68, modify 3-502.11 by adding before “smoking food as a method...” “applying lethality or stabilization (cooling) for whole beef roasts, corned beef roasts, cooked patties, or cooked poultry”.

**Council Action: No Action.**

**Delegate Action: Accepted**

Note: Issues 00-01-63 and 00-02-16 combined with 00-01-06

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**Issue Number: 00-01-07**

**Issue Title: Preventing Contamination from Hands, Section 3-301.11**

**Recommendation:** Delete 3-301.11(B) and (C) and replace with: “Except when washing fruits and vegetables, food employees should attempt to minimize contact with exposed, ready-to-eat food with their bare hands.”

Charge FDA to work with industry, academia and other government agencies to conduct a quantitative risk assessment on bare hand contact and use of physical barriers, e.g., utensils, single-use gloves, tongs, deli tissues, and effective hand washing practices.

**Council Action: Referred to Council III**

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**Issue Number: 00-01-08**

**Issue Title: Submission Supporting National Restaurant Association's CFP Issue Submission titled "Preventing Contamination From Hands, Section 3.301.11".**

**Recommendation:** The Conference should direct the Chair to send a letter to the FDA Commissioner to urge the following changes to Section 3-301.11, page 45 of the 1999 Food Code: Section 3-301.11 of the 1999 FDA Model Food Code should be modified to accommodate a more practical approach to limiting bare hand contact. The regulation should read as follows: "Except when washing fruits and vegetables, food employees should attempt to minimize contact with exposed, ready-to-eat food with their bare hands." In addition, the letter should charge FDA to work with industry, academia and other government agencies to conduct a quantitative risk assessment on bare hand contact and use of physical barriers, e.g., utensils, single-use gloves, tongs, deli tissues, and effective hand washing practices.

**Council Action: Referred to Council III**

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**Issue Number: 00-01-09**

**Issue Title: No Bare Hand Contact with Ready-to-eat Foods and the Findings of the National Advisory Committee for Microbiological Criteria for Foods.**

**Recommendation:** Since the purpose of this Issue is to report the NACMCF's statement and since the 1999 Food Code does not contain a blanket prohibition with respect to bare hand contact, it is the Agency's position that the two are in harmony. CFSAN believes that the prevailing principle and rule in retail operations needs to be no bare hand contact with ready-to-eat food, with the understanding that under controlled conditions in which multiple barriers are rigorously employed, bare hand contact and consumer protection can both occur. In response to a 1996 Conference recommendation and to the first part of its 1998 recommendation on the matter, the Food Code was adjusted to address that allowance. This was done by adding in the 1997 Code, "or when otherwise approved", and by adding in the 1999 Code specific guidance for regulators and the industry in approving specific situations.

**Council Action: Referred to Council III**

Note: Additional information on this subject is available at the end of Council I's Report.

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**Issue Number: 00-01-10**

**Issue Title: Preventing Contamination from Hands, Section 3-301.11**

**Recommendation:** A letter should be sent to the FDA Commissioner to urge the following changes to Section 3-301.11, page 45 of the 1999 Food Code: Section 3-301.11 of the 1999 FDA Model Food Code should be modified to accommodate a more practical approach to limiting bare hand contact. The regulation should read as follows: “Except when washing fruits and vegetables, food employees should attempt to minimize contact with exposed, ready-to-eat food with their bare hands.”

**Council Action: Referred to Council III**

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**Issue Number: 00-01-11**

**Issue Title: Handwashing, Hands-free Operation**

**Recommendation:** Insert new subparagraph (A) as described [thus] and renumber subsequent paragraphs within 5-202.12 as (B), (C), (D), and (E). NOTE: New subparagraph (A) is not proposed as a replacement for subparagraph (A). “[A] In a newly-constructed facility, a handwashing lavatory shall be equipped with foot-pedal, knee-pedal, sensor operated valves, or other hands-free method of activation.]”

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-01-12**

**Issue Title: Handwashing Frequency**

**Recommendation:** Section 2-301.12 should be amended to read [thus]: “(A) Except as specified in paragraph (B) of this section, FOOD EMPLOYEES shall clean their hands and exposed portions of their arms with a cleaning compound in a lavatory that is equipped as specified under Section 5-202.12 by vigorously rubbing together the surfaces of their lathered hands and arms for at least [10] seconds and thoroughly rinsing with clean water. EMPLOYEES shall pay particular attention to the areas underneath the fingernails and between the fingers.”

**Council Action: Referred to Council III**

**Issue Number: 00-01-13**

**Issue Title: Date Marking Ready-to-eat Potentially Hazardous Foods, Section 3-501.17**

**Recommendation:** The Conference should direct the Chair to send a letter to the FDA Commissioner to urge the revision of Section 3-501.17, pages 64-66 of the of the 1999 FDA Food Code to: Clarify the language of § 3-501.17(A) to include date marking terminology currently used by the supermarket industry, e.g. "Sell By" date and/or "Best If Used By" date. Rework to read: "Except as specified in § (E) of this section, refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD prepared and held refrigerated for more than 24 hours in a FOOD ESTABLISHMENT shall be clearly marked at the time of preparation to indicate the "Sell By" date, "Best If Used By" date, or a date by which the food shall be consumed, which is including the day of preparation. Date marking may be accomplished through use of identification stickers or tags, color codes or other effective means." Expand 3-501.17(F) listing to include additional exempt products from the date marking requirements that incorporate alternative measures to ensure food safety. These products include: specific cheeses containing certain moisture content meeting the aging standards of 21 CFR Part 133 (see attached chart), commercially processed RTE meat items with a "moisture to one part protein ratio" of 1.9:1 or less, regardless if the casing is on the remaining product. These products would not support the rapid AND progressive growth of infectious or toxigenic microorganisms. RTE PHFs containing barriers to ensure food safety, e.g., anion effects from the acidulent use, phosphates, sorbates, and bacteriocins, and humectants other than sodium chloride.

Charge FDA to evaluate the validity and application of the USDA Pathogen Modeling Program by specific food commodity groups (based on foods, processes and/or ingredients) prior to providing time criteria within Section 3-501.17. The temperature requirements throughout the 1999 FDA Food Code are reasonable and applicable to ensure food safety at the retail level, but the time parameters specified in Section 3-501.17 are not supported by science, nor should they be generically applied to all RTE PHFs.

Re-categorize Section 3-501-17 as non-critical by removal the asterisk (\*) at the end of the tagline due to insufficient and non-supportive food safety shelf life data at this time.

**Council Action: Referred to Council III**

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**Issue Number: 00-01-14**

**Issue Title: Section 3-501.17, Date Marking Ready-to-eat Potentially Hazardous Foods**

**Recommendation:** The Conference should direct the Chair to send a letter to the FDA Commissioner to urge the revision of Section 3-501.17, pages 64-66 of the of the 1999 FDA Food Code to:

Clarify the language of § 3-501.17(A) and (C) to include date marking terminology currently used by the supermarket industry, e.g. “Sell By”, “Best If Used By” date, “Prepared on” and/or “Pull on” dates. Example of rewording for § 3-501.17(A) with bracketed example for § 3-501.17(C) could read:

“Except as specified in § (E) of this section [or exempt under in § (F)], refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD prepared and held refrigerated for more than 24 hours in a FOOD ESTABLISHMENT shall be clearly marked at the time of preparation to indicate the date by which the food shall be sold or used, which includes the day of preparation. Date marking may be accomplished through use of identification stickers or tags, color codes or other effective means commonly used in the industry.”

Re-categorize Section 3-501-17 as non-critical by removal of the asterisk (\*) at the end of the tagline, due to insufficient and non-supportive food safety shelf life data, until scientifically validated quantitative risk assessments of RTE PHFs are completed.

Allow commercially prepared RTE PHF that remain cased per USDA MPI Guideline No.6, “A Glossary of Meat and Poultry Industry Terms” to be sold or used within 10 days if held at 45 degrees F or less if the remaining portions are maintained with the casing on. Expand 3-501.17(F) to include products exempt from the date marking requirements to include:

- a. Hard cheeses that meet the aging standards of 21 CFR Part 133, or as already identified in reference 6.
- b. RTE PHF commercially processed meats that contain other barriers aside from refrigeration to control the growth of pathogens. These include acidulents, phosphates, sorbates, nitrates, salts or other ingredients and/or processes known to control the growth of pathogenic bacteria.

**Council Action:**    **Referred to Council III**

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**Issue Number:**    **00-01-15**

**Issue Title:**        **Date Marking**

**Recommendation:**    Taking into account the on-going risk assessment initiatives, particularly with respect to L.m., the Conference should evaluate the date marking provision found in the 1999 Food Code at Section 3-501.17 and recommend Code language that reflects current science, provides adequate consumer protection, and provides guidance on the concerns listed above.

FDA will offer a proposal for the Conference to consider.

**Council Action:**    **Referred to Council III**



**Issue Number: 00-01-16**

**Issue Title: Potentially Hazardous Food, Expiration Date Labeling**

**Recommendation:** Modify the wording of section 3-501.17 (E) to include a new paragraph as follows: A food service establishment shall also meet the provisions of Paragraphs (A)-(D) of this section by submitting an alternative identification method that 1) easily identifies the preparation or opening date of each container, and 2) details the system to assure all specified products are less than 7 or 4 days.

**Council Action: Referred to Council III**

---

**Issue Number: 00-01-17**

**Issue Title: AFDO's Position on Bare Hand Contact with Ready-to-eat Foods for Model Variances**

**Recommendation:** Acceptable model variances for those special occasions where bare hand contact is required must be developed and supported by the FDA in addition to the Interpretation Document developed during the 1998 Conference for Food Protection. The availability of approved model variances would provide a safe haven and a solution for these situations.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-01-18**

**Issue Title: Person in Charge, Duties, Section 2-103.11**

**Recommendation:** The Conference should direct the Chair to send a letter to the FDA Commissioner to urge the following changes to Section 2-103.11(D), page 22 of the 1999 Food Code: Section 2-103.11(D) of the 1999 FDA Model Food Code should be modified to provide a means for practicing routine monitoring of employees' handwashing. The regulation should read as follows: "The Person in Charge shall ensure that Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing practices using appropriate handwashing control devices properly equipped to support the practices and procedures specified in Sections 2-301.11 through 2-301.15, and which provide monitoring, documentation, and verification to ensure that the practices and procedures are followed."

**Council Action: No Action**

**Delegate Action: Accepted**

**Issue Number: 00-01-19**

**Issue Title: Preventing Contamination from Hands, Section 3-301.11**

**Recommendation:** The Conference should direct the Chair to send a letter to the FDA Commissioner to urge the following changes to Section 2-103.11(D), page 22 of the 1999 Food Code: Section 2-103.11(D) of the 1999 FDA Model Food Code should be modified to provide a means for practicing routine monitoring of employees' handwashing. The regulation should read as follows: "The Person in Charge shall ensure that Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing practices using appropriate handwashing control devices properly equipped to support the practices and procedures specified in Sections 2-301.11 through 2-301.15, and which provide monitoring, documentation, and verification to ensure that the practices and procedures are followed."

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-01-20**

**Issue Title: Preventing Contamination from Hands, Section 3-301.11**

**Recommendation:** The Conference should direct the Chair to send a letter to the FDA Commissioner to urge the following changes to Section 3-301.11, page 45 of the 1999 Food Code: Section 3-301.11 of the 1999 FDA Model Food Code should be modified to provide accountability in foodworker handwashing programs as an alternative approach to limiting bare hand contact. The regulation should read as follows: "Except when (1) an effective handwashing management program, including monitoring, documentation, and verification is in place; and (2) when washing fruits and vegetables, food employees should attempt to minimize contact with ready-to-eat food with their bare hands."

**Council Action: Referred to Council III**

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**Issue Number: 00-01-21**

**Issue Title: Bare Hand Contact**

**Recommendation:** Possible clarification on "when otherwise approved" in Food Code section 3-301.11 (B) (preventing contamination from hands): "when otherwise approved" or when acceptable ill worker exclusion 2-201.12 and hand washing programs are instituted.

**Council Action: Referred to Council III**

Note: Additional information on this subject available at end of Council I Report

**Issue Number: 00-01-22**

**Issue Title: Hands, Food Contact, Section 2-302.11(B) deletion**

*Recommendation:* The Conference should direct the Chair to send a letter to the FDA Commissioner to urge the deletion of Section 2-302.11(B), page 32, 1999 Food Code, in its entirety.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-01-23**

**Issue Title: Water Temperature for Handwashing**

*Recommendation:* Modify 2-301.12(A) as follows:

“FOOD EMPLOYEES shall clean their hands and exposed portions of their arms with a cleaning compound and warm water in a lavatory that is equipped as specified under 5-202.12(A) by vigorously rubbing”

**Council Action: Combined with Issue 00-01-25**

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**Issue Number: 00-01-24**

**Issue Title: Hot Water Temperature at Handwashing Lavatory**

*Recommendation:* It is recommended that the 1999 FDA Food Code 5-202.12 (A) be changed as follows:

A handwashing lavatory shall be equipped to provide water at a temperature of at least 43°C (110°F) 37.7°C (100°F) through a mixing valve or combination faucet.

**Council Action: Combined with Issue 00-01-25**

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**Issue Number: 00-01-25**

**Issue Title: Handwashing, Minimum Temperature**

**Recommendation:** Section 5-202.12 (A) should be amended to read [thus]

“A handwashing lavatory shall be equipped to provide a water temperature of at least [35°C (95°F) during handwashing] through a mixing valve or combination faucet [as measured by a thermometer from the water flow at the faucet.]”

**Council Action: Accepted as Amended**

**Delegate Action: Extracted and Accepted**

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**Issue Number: 00-01-26**

**Issue Title: Hand Washing Water Temperature**

**Recommendation:** It is recommended that the FDA Model Code be changed to allow water used for handwashing to be at a temperature less than 110°F. It is proposed that the FDA Model Code be changed as follows:

Add: The following definition in section 1-201.10(B).

“Tempered Water” means water at a temperature of at least 85°F and no more than 110°F.

Revise section 5-202.12(A) as follows:

A handwashing lavatory shall be equipped to provide tempered water as specified in 1-201.10(B)(xx) or hot water through a mixing valve or faucet.

**Council Action: Combined with Issue 00-01-25**

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**Issue Number: 00-01-27**

**Issue Title: Providing a Safe Range of Hand Sink Temperatures**

**Recommendation:** Change the language in 5-202.12 (A) to read:

A handwashing lavatory shall be equipped to provide water in the range of 110° - 130° F through a mixing valve or combination faucet.

**Council Action: Combined with Issue 00-01-25**

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**Issue Number: 00-01-28**

**Issue Title: Hot Water Requirements for Handwashing and Manual Warewashing**

**Recommendation:** Provide a clarification in section 2-301.12 or 5-202.12 that water can be tempered “warm” to meet individual comfort through a mixing valve for effective handwashing provided it is available at the mixing valve of at least 43°C (110°F) within a reasonable period of time. Additionally, clarification should also be made to section 4-301-12 Manual Warewashing, Sink Compartment Requirements for the same reasons cited above. PHRs for both sections could be annotated, but these should be used as the only way to communicate this requirement since many PHRs are not included in code adoptions by the states.

**Council Action: Combined with Issue 00-01-25**

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**Issue Number: 00-01-29**

**Issue Title: Changing Cooking Times and Temperatures for Ready-to-eat Whole Beef Roasts, Corned Beef Roasts, Pork Roast and Pork Roast such as Hams, Paragraph 3-401.11(B)**

**Recommendation:** The Conference should direct the Chair to send a letter to the FDA Commissioner to urge the revision of Paragraph 3-401.11 (B), pp. 56-57 of the 1999 FDA Food Code as follows:

Replace charts in Paragraph 3-401.11(B) with the charts provided by FSIS in Appendix A of the Compliance Guidelines for Meeting Lethality Performance Standards for Certain Meat and Poultry Products (See Attached Chart). Such a change would provide consistency, assure the greatest protection to the public, and incorporate the most current science on lethality.

**Council Action: Accepted**

**Delegate Action: Accepted**

Note: Additional information on this subject available at end of Council I Report

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**Issue Number: 00-01-30**

**Issue Title: When thin raw animal foods (those less than ½ inch thick) are cooked to temperatures specified in section 3-401.11, a thermocouple with appropriate needle point probe must be available and used to measure temperatures as required in section 4-302.12.**

**Recommendation:** Adopt wording similar to “When thin raw animal foods (those less than ½ inch thick) are cooked to temperatures specified in section 3-401.11, a temperature measuring device capable of rapid and accurate temperature measurement must be used.”

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-01-31**

**Issue Title: Procedures, Written Notification**

**Recommendation:** The Conference should direct the Chair to send a letter to the FDA Commissioner to urge the following change to the 1999 Food Code:

Add a section 3-501.19(C) on page 68 of the Food Code, which would state:

(C) The food establishment must submit written notification to the regulatory authority of its intention to use the procedures provided under this part prior to implementing the provisions of this part.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-01-32**

**Issue Title: Permanent Outdoor Cooking Establishments**

**Recommendation:** Recommend that Council I and the Conference accept the Recommended Guidelines for Permanent Outdoor Cooking Establishments and direct the Chair to send a letter to the FDA requesting that the agency work with the CFP Outdoor Cooking Committee to enhance the document to be included as a guidance document in the 2001 Food Code. It can serve as the basis on which regulatory authorities can permit permanent outdoor cooking establishments.

Note: Text of referenced document included at conclusion of Council I report.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-01-33**

**Issue Title: Variance Committee Report**

**Recommendation:** The committee has the following recommendations based on what has occurred since the last CFP:

1. Discontinue the CFP test pilot.
2. Adopt a process in the Food Code that reflects the flow charts submitted by the Variance Committee as an issue to the CFP in 1997. The protocol outlined in the 1997 issue provides regulators with a science-based decision making process that can be followed when faced with a request for a variance. Both regulators and industry committee members expressed the need to have the variance provision retained in the Food Code so there is opportunity to develop and implement alternative or new and innovative processes. A standardized process will ensure uniformity among local, state, and tribal regulatory authorities in addressing variances.
3. Develop and place model administrative rules or procedures for the granting of variances in the Food Code. The guidelines should address essential criteria such as how to submit a request for a variance, decision notification back to the applicant which includes the rationale for approval or denial, and an appeal process if the variance is denied. This could be accomplished in an annex or in the Compliance and Enforcement Chapter.
4. Specific variance problems or issues regarding protocol that occur in the future can be submitted to the CFP.
5. Charge the committee with:
  - consideration of how to disseminate information
  - adding USDA
  - development of administrative language showing how the variance was granted
  - how to develop a guidance document for how to grant a variance
  - looking into ancillary data about why jurisdictions do not or think they cannot grant variances

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

Note: See end of Council I Report for additional material regarding this Issue.

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**Issue Number: 00-01-34**

**Issue Title: Consistency of Exclusion/Restriction Language, 2-201.11/.12**

**Recommendation:** The Conference recommends that the Chair send a letter to the FDA Commissioner to urge the revision of Section 2-201.11(C), page 24 of the 1999 Food Code to change (C) to read,

“(C) Had a past illness from: S. Typhi within the past three months, Shigella species or Shiga toxin-producing E. coli (enterohemorrhagic) within the past month, or Hepatitis A virus; or ”ensure that reporting requirements by food employees and applicants are consistent with the requirements for exclusions and restrictions.

The recommended revision below modifies § 2-201.11(C), adds a new paragraph § 2-201.11(D) and re-numbers the current § 2-201.11(D) to § 2-201.11(E). Works in a FOOD ESTABLISHMENT serving a general population and is currently diagnosed with an infectious agent specified under § (A) of this section; or suffering from a symptom specified under § (B) of this section. Shigella subspecies or Shiga toxin-producing...

Works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION and is currently diagnosed with an infectious agent specified under § (A) of this section; or suffering from a symptom specified under § (B) of this section. Had a past illness from Salmonella Typhi within the past three months, Shigella spp. within the past month, or jaundice within the last 7 days.

Meets one or more of the following high-risk conditions:

(1) Is suspected...

**Council Action: Accepted as amended**

**Delegate Action: Accepted**

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**Issue Number: 00-01-35**

**Issue Title: Expanding Employee Health and Enforcement Provisions and the Annexes of The Food Code to include all Shiga toxin-producing E. coli (in addition to E. coli O157:H7)**

**Recommendation:** The Conference recommends that, based on consultation among the Retail Food and Interstate Travel Team, Center for Food Safety and Applied Nutrition's Medical Officer, and the Centers for Disease Control and Prevention, adequate consumer protection from the severe and fatal potential effects of all Shiga toxin-producing E. coli organisms warrants changes in the Food Code. This entails amending all Food Code provisions and Annex statements and forms that relate to employee health and to related enforcement to include all Shiga toxin-producing E. coli organisms. All of the above must be in accord with the current CDC listing "List of Infectious and Communicable Diseases Transmissible Through Food".

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-01-36**

**Issue Title: Section 2-201.11 Responsibility of the Person in Charge to Require Reporting by Food Employees and Applicants\*, and Section 2-201.12 Exclusions and Restrictions.\***

Recommendation: Delete the italicized statements from Section 2-201.11(B)(2)(a)(b)(c) and under Section 2-201.12 Exclusions and Restrictions insert a new subparagraph 2-201.12(B)(3) citing the restrictions for a protective covering:

“(3) Suffering from a lesion specified under § 2-201.11(B)(2) by requiring: an impermeable cover such as a finger cot or stall to protect the lesion and a SINGLE-USE glove worn over the impermeable cover, the lesion to be protected by an impermeable cover, or the lesion to be covered by a dry, durable, tight-fitting bandage.”

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-01-37**

**Issue Title: Carpeting**

**Recommendation:** Change — 6-201.14 Floor Carpeting, Restrictions and Installation

(A) A floor covering such as carpeting or similar material may not be installed as a floor covering in food preparation areas, walk-in refrigerators, ware washing areas, toilet room areas where hand washing lavatories, toilets, and urinals are located, refuse storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.

To — 6-201.14 Floor Carpeting, Restrictions and Installation

(A) A floor covering such as carpeting or similar material may not be installed as a floor covering in food preparation areas, non-customer areas where food or food service items are stored, walk-in refrigerators or freezers, ware washing areas, toilet room areas where hand washing lavatories, toilets, and urinals are located, refuse storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-01-38**

**Issue Title: Packaged Food Stored in Undrained Ice**

**Recommendation:** Revise Section 3-303.12 (A) as follows:

(A) Packaged food shall not be stored in water. Packaged food shall not be stored in direct contact with undrained ice, if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its position in the ice. Canned beverages stored in ice and offered for customer self-service must be stored in drained ice.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-01-39**

**Issue Title: Reserving Food (Bread)**

**Recommendation:** Add an exception to the reuse of once served food products.

Returned Food and Reservice of Food.\*

(C) Except as specified under 3-801.11(C), bread and rolls offered to customers and returned unadulterated may be reprocessed into another item that has been heat treated.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-01-40**

**Issue Title: Cloths and Napkins as Hot Pads/Pot Holders**

**Recommendation:** Add to 3-304.13 Linens and Napkins, Use Limitation. The item currently under 3-304.13 would become (A). The item I am proposing would become (B).

(B) Cloths, towels and napkins may be used to handle hot pots, pans and plates and shall be used for no other purpose, stored in a clean, dry location between uses, and cleaned as specified under 4-802.11 (C).

Change 4-802.11 (C): LINENS and napkins that are used as specified under 3-304.13(A) and cloth napkins shall be laundered between each use and cloth napkins and towels that are used as specified under 3-304.13(B) shall be laundered as necessary to prevent contamination of FOOD and clean UTENSILS.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-01-41**

**Issue Title: Commingling of Shellstock by Lot in Lieu of Container, Section 3-203.12**

**Recommendation:** The Conference should direct the Chair to send a letter to the FDA Commissioner to delete section 3-203.12 (B), (2)(a) and (b)(i)(ii)(iii) on page 44 of the 1999 FDA Food Code and replace with:

3-203.12(B)(2) If SHELLSTOCK are removed from their tagged or labeled container, preserve source identification by using a recordkeeping system as specified under subparagraph (B)(1) of this section.

**Council Action: Accepted**

**Delegate Action: Extracted and Accepted**

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**Issue Number: 00-01-42**

**Issue Title: Handwashing, Automatic Sensors**

**Recommendation:** Section 5-202.12 (C) should be amended to read [thus]:

“A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet. [Except that self-closing, slow-closing, or metering faucets whose water flow is controlled by sensors that detect the presence of hands within the water flow zone shall provide a flow of water immediately upon detection.]”

**Council Action: No Action**

**Delegate Action: Accepted**

**Issue Number: 00-01-43**

**Issue Title: Non-Hand-Operated Lavatory Faucets**

**Recommendation:** Revise section 5-202.12(C) relating to the design and construction of food employee lavatories as follows:

C) If a self-closing, slow-closing, or metering faucet is used, that faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

And add:

(E) A handwashing lavatory in a food preparation area shall have a faucet of the type which is not hand-operated.

Note: Combined with Issue 00-01-11

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-01-44**

**Issue Title: Hand Drying**

**Recommendation:** It is proposed that 2-301.12, Cleaning Procedure, be revised to reference 6-301.12 (a) and (b) Hand Drying Provision and add section 2-301.12(C) as follows:

"After effective cleaning hands shall be dried by one of the methods specified in section 6-301.12 (a) and (b)."

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-01-45**

**Issue Title: Metered Faucets**

**Recommendation:** Change — 5-202.12 Handwashing Facility, Installation

(C) A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

To — 5-202.12 Handwashing Facility, Installation

(C) A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Except that self-closing, slow-closing, or metered faucets may not be installed in food preparation, food dispensing or ware washing areas.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-01-46**

**Issue Title: Handwashing Sinks, Location Exception**

**Recommendation:** Add a part C to section 5-202.11 as follows:

(C) Except that handwashing sinks are not required where drinks and ice are dispensed.

**Council Action: Accepted as Amended**

**Delegate Action: Extracted and Rejected**

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**Issue Number: 00-01-47**

**Issue Title: Handwashing Lavatories, Work Area Accessibility**

**Recommendation:** The Conference should direct the Chair to send a letter to the FDA Commissioner to urge the following changes to the 1999 Food Code.

Section 5-203.11(A), page 124:

“Except as specified in (B) and (C) of this section, at least 1 dedicated handwash sink, and not fewer than the number of handwash sinks required by law, shall be provided for employees in areas specified under Section 5-204.11.”

Section 5-204.11(A), page 125:

“A dedicated handwash sink shall be located accessible to the immediate work area for each station in food preparation, food dispensing, and warewashing.”

**Council Action: No Action**

**Delegate Action: Accepted**

**Issue Number: 00-01-48**

**Issue Title: Pre-wash Sink Requirement**

**Recommendation:** Change FDA Model Food Code 4-603.12 (B) to read, “If necessary for effective cleaning, utensils and equipment shall be pre-flushed, presoaked, or scrubbed with abrasives utilizing a pre-wash sink, a well-type garbage disposal with overhead spray, or in a ware washing machine with a pre-wash cycle”. Also reference pre-cleaning 4-603.12 in sections of code discussing manual and mechanical ware washing.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-01-49**

**Issue Title: Backflow Prevention at Sinks**

**Recommendation:** Change Section 5-402.11 to read: (A) Except as specified in (B) of this section, a direct connection may not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed.

(B) If allowed by law, a warewashing machine or warewashing sink may have a direct connection between its waste outlet and a floor drain when the machine is located within 1.5 m (5 feet) of a trapped floor drain and the machine or sink outlet is connected to the inlet side of a properly vented floor drain trap.

Delete Subsection (C).

**Council Action: Withdrawn**

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**Issue Number: 00-01-50**

**Issue Title: Backflow Prevention at Sinks**

**Recommendation:** The Conference recommends that issue be referred to Plan Review Committee to report back to Council I in 2002.

5-402.11

(A) Except as specified in (B) of this section, a direct connection may not exist between the sewage system and a drain originating from equipment in which food, portable equipment or utensils are placed.

(B) Where allowed by law, a warewashing machine or a warewashing sink shall be permitted to be directly connected in accordance with the law.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-01-51**

**Issue Title: Equipment Use Requirements**

*Recommendation:* The Conference recommends the Plan Review Committee be charged with completing the Plan Review Guide and report back to the 2002 Conference.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-01-52**

**Issue Title: 4-204.112 Temperature measuring Devices Using Product Mimicking Technology**

*Recommendation:* The Conference Recommends that section 4-204.112 be changed to read:

(A) In a mechanically refrigerated or hot FOOD storage unit, the sensor of a TEMPERATURE MEASURING DEVICE shall be located to measure the air temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot FOOD storage unit. Alternatively, refrigerated storage units may be equipped with approved product mimicking sensors placed in devices located in the warmest part of the mechanically refrigerated storage unit in lieu of an ambient air sensor.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-01-53**

**Issue Title: Dishmachine, Sanitizer Alert**

**Recommendation:** The Conference recommends that the Chair send a letter to FDA requesting them to revise Section 4-204.117 to require automatic dispensing of detergents and sanitizers for equipment installed after the effective date of adoption of the Code. Further, clarify Annex 3 with respect to 4-204.117 to address the intent of what is meant by "...a device that indicates audibly or visually when more chemical sanitizer needs to be added."

**Council Action: Accepted As Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-01-54**

**Issue Title: Detergents, Sanitizers, and Rinsing Agents shall be Automatically Dispensed in Warewashing Machines**

**Recommendation:** Amend 4-501.17 pg 100, Mechanical warewashing machines shall have detergents, sanitizers and drying agents automatically dispensed that are installed after the adoption of this Code by the Regulatory Authority. Since this is new, I also recommend that existing warewashing machines be grandfathered and that new warewashing machines installed after the adoption of the Code be affected. This is a similar situation as the sanitizer level indicator in section 402.117, page 90, that was adopted in the 1997 Food Code.

Amend 4-204-117, page 90, Warewashing Machines, Detergent and Sanitizer Level Indicator, Warewashing machines shall be equipped with a device that indicates audibly or visually when more detergent or chemical sanitizer needs to be added that is installed after the adoption of this Code by the Regulatory Authority.

**Council Action: Combined with Issue 00-01-53**

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**Issue Number: 00-01-55**

**Issue Title: Backflow Protection for Carbonated Beverage Dispensers**

**Recommendation:** The Conference recommends that FDA amend § 5-203.15 on page 125 of the 1999 Food Code as follows:

5-203.15 Backflow Prevention Device, Carbonator.\*

Carbonators and beverage dispensers with internal carbonators intended to be connected to a water supply system under pressure shall have one of the following located upstream of the CO<sub>2</sub> injection system:

(A) An air gap conforming to § 5-202.13; or



(B) A backflow prevention device that conforms to American Society of Sanitary Engineering (ASSE) Standard #1022 — Backflow Preventers for Use with Beverage Dispensing Equipment; or

(C) A backflow prevention device that conforms to American Society of Sanitary Engineering (ASSE) Standard #1032 — Dual Check Valve Type Backflow Preventer for Carbonated Beverage Dispensers / Post Mix Type with an externally installed vented backflow preventer for carbonated beverage dispensers on the water supply conforming to ASSE Standard #1022.

**Council Action: Accepted**

**Delegate Action: Accepted**

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**Issue Number: 00-01-56**

**Issue Title: Temperature Measuring Devices, Critical Violation**

**Recommendation:** The Conference should direct the Chair to send a letter to the FDA Commissioner to urge the following change to the 1999 Food Code:

Designate section 4-302.12 as a “Critical Item”.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-01-57**

**Issue Title: Ten-Year Exemption from 41° F Standard for Existing Refrigerators**

**Recommendation:** The recognition of integrated time/temperature relationships as proposed by FMI would allow for the best application of science to food safety. While this broader recognition is under study by NACMCF, the following interim solutions are put forth:

1. An exemption for the life of the refrigeration equipment (grandfathering) be given for all small open top, grill line and prep reach-in units intended for short-term storage of three days or less (or other time-temperatures as ultimately allowed by the code), or
2. The five-year “phase-in” period be extended to ten years from the date of local adoption of the statute.

**Council Action: Referred to Council III**

**Issue Number: 00-01-58**

**Issue Title: Variances for Meat and Poultry Processing at Retail**

**Recommendation:** The Conference recommends that this issue be sent to a Committee made up of members of the Conference for Food Protection, with equal representation of stakeholders, and in conjunction with the AFDO Retail Food Committee, FDA and USDA for study to bring it into harmonization with the FDA Model Food Code and USDA Meat Inspection regulations. The report of this Committee is to be brought back to Council I in 2002.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-01-59**

**Issue Title: Whole-muscle, Intact Beef Steak Labeling**

**Recommendation:** The conference recommends that FDA delete the labeling requirement from Section 3-201.11(E)

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-01-60**

**Issue Title: Deletion of List Proprietary Substances and Nonfood Compounds Reference**

**Recommendation:** The Conference recommends that the Chair write a letter to FDA to request deletion of subparagraph 2-301.16(A)(1)(b)(ii), page 31 of the 1999 FDA Food Code.

**Council Action: Accepted**

**Delegate Action: Accepted**

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**Issue Number: 00-01-61**

**Issue Title: Definition of Single-Use Articles**

**Recommendation:** Recommend adding the following to the existing definition of (81) "Single-Use Articles" on page 16 of the 1999 FDA Food Code:

"Single-use articles" does not include formed food containers (aluminum, plastic, etc.) when used in conjunction with pan liners or equivalent from being re-used if process includes a cooking step and non-potentially hazardous foods (e.g., bakery cakes, muffins).

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-01-62**

**Issue Title: Food Recovery Guidelines as a Food Code Annex**

**Recommendation:** The Conference recommends that the Executive Summary of the Comprehensive Guidelines as amended be included as an Annex to the FDA Model Food Code, with the full guide being made available as a stand-alone document for in-depth guidance about food recovery programs.

The Committee would continue to work with FDA to revise the guidance charts and forms referenced in the appendix of the Comprehensive Guidelines for Food Recovery Programs to have consistent format and terminology.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

Note: Additional information on this subject available at end of Council I Report.

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**Issue Number: 00-01-63**

**Issue Title: Incorporating Federal Performance Standards that are in the Code of Federal Regulations (CFR) in the Food Code**

**Recommendation:** The Conference should consider the current Food Code Chapter 3 provisions, particularly in Subparts 3-4 and 3-5 and Chapter 8, and make recommendations about how federally promulgated performance standards can be effectively recognized.

FDA will coordinate with USDA in making a joint proposal to the Conference.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-01-64**

**Issue Title: Change the Term “Critical Items” and Update Definition**

*Recommendation:* The Conference recommends that a Committee be established under Council I to look at critical and non-critical item designation and terminology. The Committee will bring their report back to Council I at the 2002 Conference.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-01-65**

**Issue Title: Update Food Code Preface for Current CDC Data**

*Recommendation:* The Conference recommends that FDA review the entire Preface for accuracy and clarity.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-01-66**

**Issue Title: Periodicity of the FDA Food Code**

*Recommendation:* The Conference recommends that an ad hoc committee be established under Council I to develop a Conference position paper to explore the impact of changing the periodicity of the Food Code, with equal representation of stakeholders, prior to the next Conference. The Committee shall report back to Council I at the 2002 Conference.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-01-67**

**Issue Title: Frequency of Issuing Editions of the FDA Food Code**

**Recommendation:** The current plan is to publish a 2001 Food Code. CFSAN is interested in the Conference's opinion about the optimum frequency of future Code editions. The Agency looks forward to a recommendation that considers and balances the various needs of all stakeholders and takes into account the factors outlined above. We are also interested in comments about other activities and suggested frequencies, in addition to Food Code revisions, that might best focus resources on having significant impact on food safety at the retail level.

FDA will submit additional information at the CFP meeting.

**Council Action: Combined with Issue 00-01-66**

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**Issue Number: 00-02-16**

**Issue Title: Providing a Mechanism to Incorporate Federal Performance Standards in the Food Code**

**Recommendation:** Add a provision to the Food Code to incorporate federal performance standards.

This statement can be added to either of the following sections:

- 1) Preface ii, 4th paragraph, after the 3rd sentence, or
- 2) Annex 2, pg. 209, References, 1st paragraph, after the 1st sentence

**Council Action: Combined with Issue 00-01-06**

## **ATTACHMENTS TO COUNCIL I REPORT**

# RECOMMENDED GUIDELINES FOR PERMANENT OUTDOOR COOKING ESTABLISHMENTS

The cooking of foods outdoors and the enjoyment of outdoor food events is part of a long-standing tradition in this country and worldwide. Today, many food operators and consumers across the United States wish to continue providing and enjoying outdoor cooking and dining experiences. Geographically and environmentally, there are many areas of the country where a year-round permanent outdoor cooking operation is feasible.

According to the most recent round of published data by the Centers for Disease Control and Prevention (CDC), between 1988 and 1992 the most commonly reported contributing factors related to foodborne diseases were improper holding temperatures, poor personal hygiene, inadequate cooking, contaminated equipment, and food from unsafe sources. Regardless of whether food is prepared outdoors or indoors, these factors must be controlled to ensure the safety of the foods being prepared and served.

Permanent outdoor cooking sites present unique challenges associated with the type of cooking equipment and infrastructure proposed to be utilized outdoors, including adequate access to utilities at the outdoor site. Nevertheless, outdoor cooking can be done safely if performed in accordance with well-defined performance standards that are established to control and minimize the contributing factors of foodborne disease identified above. Establishments seeking approval for a permanent outdoor cooking operation must submit a set of plans for plan review consistent with the criteria provided in section 8-2, U.S. Public Health Service 1999 Food Code (hereafter referred to as 1999 Food Code).

The minimum guidelines set forth in this document for cooking foods outdoors on a permanent basis are consistent with the requirements of the 1999 Food Code and should provide the basis on which regulatory authorities can permit permanent outdoor cooking sites.

## **“Support Base” Food Establishment**

Each permanent outdoor cooking location must be operated in conjunction with a permitted food establishment that will support the outdoor location. This permitted food establishment must be of such size and scope as to accommodate its own operation, as well as support the needs of the outdoor cooking location site. The plan review approval process should include the following criteria:

### **• Location of Permanent Outdoor Cooking Site**

The permanent outdoor cooking site shall be located on the premises of the permitted support food establishment as defined in the 1999 Food Code. “Premises” is defined in § 1-201.10(63), 1999 Food Code as follows:

(63) “Premises” means:

- (a) The physical facility, its contents, and the contiguous land or property under the control of the permit holder;  
or
- (b) The physical facility, its contents, and the land or property not described under Subparagraph (a) of this definition if its facilities and contents are under the control of the permit holder and may impact food establishment personnel, facilities, or operations, if a food establishment is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

Public parks, playgrounds, parking lots, or other similar locations not under the control of the permit holder will not qualify for approval as a permanent outdoor cooking facility.

- **Servicing by Support Base Food Establishment**

This is a performance standard issue determined at the time of plan review with the submittal of menu, number of anticipated customers, and frequency of operation. The frequency of support functions would be on a case-by-case basis to comply with the 1999 Food Code.

### **Structural Components for Outdoor Cooking**

All usual and customary public health risks must be evaluated when assessing an outdoor cooking operation with the additional consideration of exterior environmental factors. The structural requirements for the outdoor site are dependent on whether there will be cooking only or food preparation, cooking, storage, and/or service at the outdoor site. If food is being prepared, held, and/or served at the outdoor site, there should be a greater level of structural protection. Ultimately, the local authority will have to assess the environmental factors to determine the extent of protection necessary. The following are minimum standards:

- **Floors**

Floor surfaces in a permanent outdoor cooking operation will be consistent with the requirements for temporary food establishments. The 1999 Food Code language in § 6-101.11(B)(1) is as follows:

(B) In a temporary establishment:

- (1) If graded to drain, a floor may be concrete, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust and mud.

- **Walls**

If there is cooking only at the outdoor site, walls are not required in most circumstances. If there is any food preparation, service, storage and/or hot or cold holding performed at the outdoor site, consideration must be made to environmental conditions to provide adequate food protection. This may be accomplished through use of tents with sides, screening, air curtains, vermin-resistant containers, or other methods in accordance with the 1999 Food Code.

- **Overhead Protection**

Each individual piece of cooking equipment must be separately covered (cooker top, chafing dish lid, etc.) or all uncovered pieces must have overhead protection. Examples of acceptable overhead protection are tent, canopy, awning, table-type umbrella, or a permanent structure. The presence of overhead protection, such as a tent or canopy, does not preclude circumstances in which protection of individual food containers is also required, such as placement of food near a warewashing operation (potential splash contamination.)

- **Ventilation and Fire Protection**

Local regulations shall govern ventilation and fire protection requirements at outdoor cooking sites.

- **Lighting**

Adequate lighting by artificial or natural means is to be provided. The lighting intensity shall be consistent with the standards of § 6-303.11, 1999 Food Code.



- **Equipment/Utilities for Outdoor Cooking**

Construction, maintenance, and cleaning of all equipment pieces shall be consistent with the 1999 Food Code. Equipment pieces do not have to be permanent or fixed but may be moveable.

- **Food Contact Surfaces**

All food contact surfaces used in an outdoor cooking operation shall be designed, constructed, and maintained in accordance with 1999 Food Code requirements. Surfaces shall be smooth, easily cleaned, free of rust, dents or pitting, and durable under normal outdoor use conditions.

- **Cooking/Hot Holding Equipment**

A continuous heat source such as electric or gas is preferred in a permanent operation. Use of sterno, wood, or charcoal is acceptable if consistent temperatures are achieved and/or maintained in accordance with the 1999 Food Code.

- **Cold Holding Equipment**

The use of cold holding equipment is performance-driven and dependent on the physical operation. Ice or electric/gas powered equipment may be used provided the use is consistent with, and temperatures are maintained, in accordance with 1999 Food Code standards.

- **Plumbing/Water/Sewer Facilities**

Water and sewer may be permanently plumbed in or supplied via portable tanks. If not plumbed, the sizes of the tanks shall be consistent with § 5-401.11, 1999 Food Code requirements for mobile food units. The quantity of tanks provided shall be sufficient to fully accommodate the needs of the operation. Potable water components: tanks, hoses, connections, etc. shall also be consistent with the 1999 Food Code or meet requirements adopted by the local authority.

If potable water and wastewater disposal is permanently plumbed, warewashing may be conducted on site. Hot water must be provided if warewashing is conducted on site. Warewashing procedures must be conducted in accordance with the 1999 Food Code.

- **Garbage/Refuse Disposal**

An adequate number of non-absorbent, easily cleaned, lidded waste receptacles shall be provided at each outdoor cooking site.

- **Food**

All foods must be obtained from an approved source in accordance with the 1999 Food Code. There shall be no home canned, cooked, or prepared foods offered at an outdoor cooking site. Ice must be potable, obtained from an approved source and used in accordance with the 1999 Food Code.

- **Food Storage**

Food items shall not be stored at an outdoor cooking site when the site is not in operation. All foods stored outside during preparation, cooking, or service must be maintained in vermin-resistant containers and stored at appropriate temperatures according to the 1999 Food Code.

- **Food Transport**

Foods shall be kept covered and protected during transport between preparation site, cooking site, and service site. Food shall be received at 41°F in accordance with § 3-202.11, 1999 Food Code.

- **Food Preparation and Display**

All cooking and preparation areas shall be protected from contamination and shall be segregated from the public. Patrons must be prevented from accessing areas of the outdoor site where food, food contact surfaces, or equipment are located. All food shall be protected from customer handling, coughing, sneezing, or other contamination by wrapping, using food shields, or other effective barriers.

Open or uncovered containers of food are not allowed, except working containers. Condiments must be dispensed in single-service type packaging, in pump-style containers, or in protected squeeze bottles, shakers, or similar dispensers which minimize contamination of food items by food workers, patrons, vermin, environmental conditions, or other sources. Self-service containers of non-potentially hazardous condiments such as minced onions, relish and the like shall be acceptable so long as the foods are adequately protected from contamination.

- **Personal Hygiene Requirements**

If any direct hand contact or preparation is done on site, there must be handwash facilities easily accessible in accordance with the 1999 Food Code. If single-use disposable gloves are used, a handwash process/station must be accessible and used between removing soiled single-use gloves and putting on clean single-use gloves. Application of heat to food (cooking only with no hand contact) or service of pre-packaged food does not require handwash facilities.

Sufficient quantities of potable water for handwashing must be provided at a temperature that is readily tolerated by employees and will allow the cleaning agent to function properly, aiding in the effective removal of dirt, debris, or other physical contaminants. Toilet and handwash facilities for employees must be easily accessible.

Respectfully submitted by the Permanent Outdoor Cooking Committee  
Co-Chairs: Lee M. Cornman and Frank Yiannas  
Variance Committee Attachment

### **Summary of Recommendations**

1. Place a definition for the term “Variance” in the Food Code.
2. The Committee’s recommendation is based on the verbage in Section 8-103.10 of the Food Code. “Variance” means official authorization issued by a REGULATORY AUTHORITY allowing a modification or waiver from any section of the Code based upon a finding by the REGULATORY AUTHORITY that a health HAZARD or nuisance will not result. (See discussion below)
3. Adopt administrative rules or a procedure for the granting of a variance. (See discussion below)
4. Adopt a process in the Food Code that reflects the flow charts. (See discussion below)
5. Suggestions for the dissemination of information are as follow:
  - a. Disseminate the information through the internet, NRSTEN, Prime Connection or e-mail system.

- b. Have the regional food specialists disseminate the information among their states.
- c. Have the states distribute the variances they have granted during their state reports or in list form during their regional meetings.
- d. The Conference for Food Protection or food associations such as AFDO could utilize their networks in the dissemination of variances granted by regulatory authorities.
- e. Have states send information on variances to the locals through their established networks.

## **VARIANCE COMMITTEE ATTACHMENT (ISSUE 00-01-33)**

Food Code 1997 contains no formal definition of “Variance” in Chapter One. The Committee believes a definition would be helpful. It appears Section 8-103.10 broadly states a regulatory authority may grant a “variance from any section.” The potential for broad application may have the effect of reducing the uniformity of the Food Code. The Committee anticipates regulatory authorities will be faced with a host of requests including, but not limited to, “variance” from equipment rules, designation of a person in charge, hand contact, product specific food handling rules, and perhaps a product-specific temperature danger zone. Two flow charts were developed to outline the process to be used.

Traditional public health regulation of retail food establishments has not formally recognized applications for variances, although informal allowances may have been permitted in specific situations. Recognizing “variance” will require additional formal rulemaking at the jurisdictional level in accordance with jurisdictional processes. Rulemaking would outline the procedures for submitting an application, including the information required in Section 8-103.10 (Food Code 1997), the regulatory authority’s responsibility to consider the application, and an appeals process in case a variance is denied. The Committee believes state and local variance review processes should be included in the adopted, amended, revised version of the Food Code or other retail food code on a state or local level.

Regulatory authorities considering implementing variances have encountered questions relating to the appropriate regulatory authority to evaluate or validate a variance request. From any variance request there may emerge a set of complex issues and scientific competencies beyond the ability of the local regulatory authority to validate. The Committee believes rulemaking should reflect a matrix of regulatory agencies ranging from local through FDA based upon the attached flow charts. It appears FDA authority to formally issue a “variance” is limited because the rulemaking authority is applicable on a state or local basis. Advisory assistance is consistent with the mission and responsibility of FDA. The appropriate advisory process begins with the Regional Food Protection Specialist.

Food Safety and Good Manufacturing model flow charts were developed to depict the variance granting process. These charts could be combined into one chart (attached and labeled “Variance Flow Chart”). Basically, food safety variances where the food product moves interstate or where a company has food establishments in other states, would be submitted to the FDA Regional Food Specialist and then to CFSAN if necessary. Food products that move intrastate could be handled at the appropriate level of commerce if the regulatory authority had the technical resources to handle the issue, and then the FDA Regional Food Specialist would be notified. The information would then be made available to interested parties. For variances involving Good Manufacturing Practices, such as equipment or construction issues, the state, local or tribal regulatory authority would grant the variance if they had the ability to do so and then notify the FDA Regional Specialist. This process should streamline the granting of a variance so it could occur in a timely manner. Using the Regional Food Specialists as a connecting point ensures uniformity.

The information age has created an immense potential for the sharing of information among interested parties. The Committee believes this is an issue in and of itself. There are many levels and methods of sharing information that could be used if resources were available. The Committee recommendations focused on the Council I question:

“How should information on the approval of a variance be made available to state and local regulatory agencies?”

Note: The complete text of the Variance Committee Report may be obtained by contacting the CFP executive offices.

# ATTACHMENT 1 TO ISSUE 00-01-09

## Bare Hand Contact

### **No Bare Hand Contact with Ready-to-Eat Foods and the Findings of the National Advisory Committee for Microbiological Criteria for Foods**

Summary of the CFSAN, FDA white paper: "Evaluation of Risks Related to Microbiological Contamination of Ready-to-eat Food by Food Preparation Workers and the Effectiveness of Interventions to Minimize Those Risks," by Jack Guzewich, RS, MPH, and Marianne P. Ross, DVM, MPH.

The FDA white paper is a summary of current information that was available to the FDA regarding the relationship between bare hand contact with ready-to-eat food and human foodborne illness. It evaluates the factors related to contamination of foods by food workers and the effectiveness of intervention to prevent or minimize contamination of ready-to-eat food by food workers. Three major intervention areas are addressed: exclusion of ill food workers from the workplace, removal of pathogens from the hands of foodworkers, and use of barriers to prevent bare hand contact with ready-to-eat foods. Information provided in this review includes all applicable submissions that were received in response to Federal Register Notice, Vol. 64, No. 63, Friday, April 2, 1999.

The white paper is divided into two sections, including:

SECTION ONE: "A Literature Review Pertaining to Foodborne Disease Outbreaks Caused by Food Workers, 1975-1998", by Jack Guzewich, RS, MPH, and Marianne P. Ross, DVM, MPH, with the following abstract:

"A search was conducted of the published scientific literature for the period 1975-1998 to identify articles that described outbreaks of foodborne disease that were believed to have resulted from contamination of food by food workers. A total of 72 articles that described 81 outbreaks involving 16 different pathogens were identified.

"Viral agents, specifically hepatitis A and Norwalk-like virus, accounted for 60% (49) of the outbreaks in this review. Ninety-three percent (75) of the outbreaks involved food workers who were ill either prior to or at the time of the outbreak, depending on the organism involved. In most of the remaining outbreaks, an asymptomatic food worker was believed to be the source of the infections. Eighty-nine percent of the outbreaks (72) occurred in food service establishments as compared to 11% (9) that were attributed to foods prepared in domestic settings. Sandwiches, salads, and miscellaneous hot food items that required extensive hand contact during preparation accounted for the majority of foods involved in the outbreaks. This review provides evidence that food workers, particularly ill food workers, can serve as the source of infection in foodborne outbreaks and that hand contact with foods represents a mode by which contamination may occur."

SECTION TWO: "Interventions to Prevent or Minimize Risks Associated with Bare-Hand Contact with Ready-to-Eat Foods", Jack Guzewich, RS, MPH and Marianne P. Ross, DVM, MPH, covers the following information:

"This review addresses the many different interventions that can be used to minimize or eliminate the contamination of ready-to-eat foods by food workers. Two major areas have been presented in this section: removal of pathogens from the hands of food workers, and barriers to bare-hand contact with ready-to-eat foods."

Part One of the white paper discussed the transmission of pathogens from food workers to foods. Exclusion of ill or infected food workers from the workplace is one intervention that can be applied in response to the information presented.

Removal of pathogens from the hands of food workers can be accomplished by various modalities. Handwashing technique, including duration of handwash, water temperature, and hand drying method, along with frequency of handwash, play an important role in pathogen removal. Handwashing agents, such as detergents, soaps, sanitizers, and antimicrobial agents, vary in their ability to remove pathogens. Factors such as type of pathogen, duration of contact with hands, and characteristics of organic material present on hands must be considered when selecting an appropriate handwashing agent. Hand drying methods range from hot air dryers to cloth and paper towels. Factors such as cycle length of air drying, friction used with towel drying, and type of towel used can all influence the removal of pathogens from hands. Handwashing machines are also used to remove pathogens from hands. They are found to offer consistency and compliance monitoring capabilities but must be evaluated based on their mechanism of action, such as cycle length, water pressure and quantity, as well as the products utilized in the handwash procedure.

Barriers to bare hand contact with ready-to-eat foods include such things as gloves, deli wraps and utensils. In this review, gloves were the only barriers that were included due to lack of available data regarding other barrier methods. Issues related to the use of gloves as barriers include the glove material, glove permeability, duration of wearing, and handwashing techniques prior to and after wearing.”

## **ATTACHMENT 2 TO ISSUE 00-01-09**

### **No Bare Hand Contact with Ready-to-Eat Foods and the Findings of the National Advisory Committee for Microbiological Criteria for Foods**

MEETING AGENDA: NATIONAL ADVISORY COMMITTEE ON MICROBIOLOGICAL CRITERIA FOR FOODS

The Washington Plaza Hotel  
10 Thomas Circle, NW  
Massachusetts Avenue & 14th Street  
Washington, DC

#### BARE HAND CONTACT OF READY-TO-EAT FOODS AT RETAIL

Tuesday, September 21, 1999

- 8:00 Welcome and Introduction — Dr. I. Kaye Wachsmuth  
Dr. Morris E. Potter
- 8:15 Background of the Issue — Ms. Betty Harden, Office of Field Programs, CFSAN  
(Invited but not confirmed: Sandra Lancaster,  
Conference for Food Protection)
- 8:30 Epidemiology — Dr. Eileen Barker, Office of Scientific Analysis and Support, CFSAN  
Dr. Craig Hedberg, University of Minnesota  
Dr. Dale Morse, New York Department of Health  
Dr. Steve Monroe, Centers for Disease Control and Prevention
- 9:30 Quantitative Risk Assessment — Dr. Don Schaffner, Rutgers, The State University
- 10:15 Industry Panel — TBD, National Council of Chain Restaurants  
Dr. Jill Hollingsworth, Food Marketing Institute  
Mr. Steve Grover, National Restaurant Association
- 11:00 Questions and Answers
- 1:00 Consumer Panel — Ms. Carol Tucker Foreman, Consumer Federation of America  
Ms. Nancy Donnelly, Safe Tables Our Priority  
Ms. Caroline Smith DeWaal, Center for Science in the Public Interest
- 1:45 Interventions — Mr. Jack Guzewich, Office of Field Programs, CFSAN  
Ms. Debbie Lumpkins, Center for Drug Evaluation and Research, FDA  
Dr. Jenan Al-Atrash, The Soap and Detergent Association  
Dr. Daryl Paulson, Bioscience Laboratories  
Ms. Linda Chiarello, Centers for Disease Control and Prevention
- 3:20 Questions and Answers
- 4:00 Public Comment
- 5:00 Questions and Answers

Wednesday, September 22, 1999

- 8:00 NACMCF Deliberations
- 11:00 Finalize Recommendations
- 12:30 Adjourn

## **ATTACHMENT 3 TO ISSUE 00-01-09**

### **No Bare Hand Contact with Ready-to-Eat Foods and the Findings of the National Advisory Committee for Microbiological Criteria for Foods**

National Advisory Committee on Microbiological Criteria for Foods  
September 24, 1999

#### Recommendations on Bare Hand Contact with Ready-to-Eat Foods

Based on data presented, the National Advisory Committee on Microbiological Criteria for Foods (the Committee) finds that bare hand contact with ready-to-eat foods can contribute to the transmission of foodborne illness. In principle, this transmission can be interrupted.

Available data suggest that a preventable cause of foodborne illness related to bare hand contact is the handling of ready-to-eat foods by foodworkers with a disease or medical condition as defined in section 2-201 in the 1999 Food Code.

The first preventive strategy to interrupt transmission of foodborne illness is the exclusion/restriction of ill food workers from contact with ready-to-eat foods and food contact surfaces. This prevents not only transmission to the public, but also to other employees who, if infected, further extend the chain of transmission.

Exclusion/restriction of ill workers by itself is not sufficient to halt transmission of foodborne pathogens from infected food workers. Persons who are infected but asymptomatic can also transmit foodborne pathogens. Hence, proper handwashing is an essential and integral component of a strategy (such as that outlined in 2-3 of the 1999 Food Code) aimed at interrupting transmission of foodborne pathogens through bare hand contact with ready-to-eat foods. In addition, handwashing helps control cross-contamination from other sources.

The Committee concludes that minimizing bare hand contact with ready-to-eat food provides an additional means of interrupting disease transmission, when used in combination with the exclusion/restriction of ill foodworkers and proper handwashing. However, most members of the Committee deemed the available scientific data insufficient to support a blanket prohibition of bare hand contact with ready-to-eat foods.

Implementation of all three interventions outlined above will require education and motivation of foodworkers and managers.

The Committee noted that additional research is needed on the benefits, disadvantages, and public health outcomes of bare hand contact with ready-to-eat foods.



## ATTACHMENT TO ISSUE 00-01-29

### Lethality Performance Standards for Certain Meat and Poultry Products (see Issue 00-01-29, page 12)

#### Minimum Internal Temperature

Minimum processing time in minutes or seconds after minimum temperature is reached.

Degrees Fahrenheit	Degrees Centigrade	6.5-log <sub>10</sub> Lethality
130	54.4	112 min.
131	55.0	89 min.
132	55.6	71 min.
133	56.1	56 min.
134	56.7	45 min.
135	57.2	36 min.
136	57.8	28 min.
137	58.4	23 min.
138	58.9	18 min.
139	59.5	15 min.
140	60.0	12 min.
141	60.6	9 min.
142	61.1	8 min.
143	61.7	6 min.
144	62.2	5 min.
145	62.8	4 min.
146	63.3	169 sec.
147	63.9	134 sec.
148	64.4	107 sec.
149	65.0	85 sec.
150	65.6	67 sec.
151	66.1	54 sec.
152	66.7	43 sec.
153	67.2	34 sec.
154	67.8	27 sec.
155	68.3	22 sec.
156	68.9	17 sec.
157	69.4	17 sec.
158	70.0	17 sec.
159	70.6	17 sec.
160	71.1	10 sec.

# FOOD RECOVERY GUIDELINES

## EXECUTIVE SUMMARY

Comprehensive Guidelines for Food Recovery Programs  
Developed by a Subcommittee of the CFP Food Recovery Committee  
draft January 19, 2000

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### DEFINITIONS

**Critical Control Point** means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

**Food Distribution Organization (FDO)** means the organization that accepts donated food and directly distributes it to needy consumers or, in some cases, distributes donated food to another facility (receiving facility) which will then directly distribute it to the consumer. Sometimes the FDO and the receiving facility are one and the same.

**Food Recovery** means the collection of wholesome food for distribution to the poor and hungry; sometimes referred to as food rescue.

**HACCP** is an acronym which stands for Hazard Analysis and Critical Control Point, a prevention-based food safety system. HACCP systems are designed to prevent the occurrence of potential food safety problems.

**Hazard** means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

**Perishable Food** means meats, dairy products, produce, bakery items that are donated from grocery stores, produce distributors, food distributors, etc.

**Prepared Food** means foods of all descriptions that have been prepared but have never been served. This includes cooked items such as meats, entrees, vegetables, and starches. This category also includes items such as deli trays, vegetable trays, etc.

**Receiving facility** means the organization that accepts donated food and distributes it directly to the consumer.

## **Introduction to Food Recovery**

In recent years, there has been growing concern about hunger, resource conservation, and the environmental and economic costs associated with food waste. This, in turn, has accelerated public and private efforts to make better use of available food supplies by recovering safe and nutritious food that would otherwise be wasted.

A July 1997 study by the U.S. Department of Agriculture estimates that over one-quarter of all food produced in this country (96 billion pounds) is wasted. Food recovery programs collect foods from commercial production and distribution channels and redistribute them to people in need. Food recovery is one way to help reduce the problem of hunger in America. Participating in a successful food recovery program has benefits that extend beyond providing food to those who are in need. These include positive consumer and employee response and improved visibility in the community.

This document is intended primarily to provide guidance to retail-level food operators that want to participate in food recovery programs and provide safe food to people in need.

### **Legal Issues**

#### **The Bill Emerson Good Samaritan Food Donation Act**

When citizens volunteer their time and resources to help feed hungry people, they are rightfully concerned that they are putting themselves at legal risk. Fortunately, recent legislation provides uniform national protection to citizens, businesses, and nonprofit organizations that act in good faith to donate, recover, and distribute excess food. The Bill Emerson Good Samaritan Food Donation Act converts Title IV of the National and Community Service Act of 1990, known as the Model Good Samaritan Food Donation Act, into permanent law, within the Child Nutrition Act of 1966. Congress passed the legislation in late September, 1996, and President Clinton signed the bill into law on October 1, 1996. The Act is designed to encourage the donation of food and grocery products to nonprofit organizations such as homeless shelters, soup kitchens, and churches for distribution to individuals in need.

The Bill Emerson Good Samaritan Food Donation Act promotes food recovery by limiting the liability of donors to instances of gross negligence or intentional misconduct. The Act further states that, absent gross negligence or intentional misconduct, persons, gleaners, and nonprofit organizations shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of wholesome food or fit grocery products received as donations. It also establishes basic nationwide uniform definitions pertaining to donation and distribution of nutritious foods and will help ensure that donated foods meet all quality and labeling standards of federal, state, and local laws and regulations. Although the Bill Emerson Good Samaritan Food Donation Act takes precedence over the various state Good Samaritan statutes, it may not entirely replace such statutes. State Good Samaritan statutes still may provide protection for donors and gleaners above and beyond that guaranteed in the federal statute. Therefore, local organizations should be familiar with their state's statutes.

### **Implementing a Food Recovery Program**

There are many ways to contribute to food recovery programs including donating excess prepared foods, donating produce or canned and packaged goods, fund raising, training volunteer foodworkers, or providing transportation for food from donor to the food distribution organizations (FDOs).

Major aspects of implementing a food recovery program include: (1) choosing a suitable FDO and (2) donor and FDO agreement on the terms of their relationship.

Advice on finding a partner to receive donated foods is available from a number of reliable sources. Among them are the United States Department of Agriculture (USDA), the lead federal agency for food recovery activities; America's Second Harvest, a national network of food banks and community-based hunger relief programs; and the National Restaurant Association.

To lay the foundation for a successful partnership and to minimize misunderstandings, the donor and FDO need to plan joint policies and procedures together. The initial planning meetings should cover at least the following topics:

- (1) exchange of basic data, such as:
  - names of key contacts
  - addresses, phone and fax numbers
  - anticipated frequency of donations
- (2) the types of foods to be donated, for example:
  - raw fruits and vegetables
  - cold fruit and vegetable salads
  - hot cooked foods of animal origin, including mixed dishes like lasagna
  - cold cooked foods of animal origin
  - hot or cold cooked vegetables
  - gravies, cream-based soups
  - hot or cold grain dishes
  - canned and packaged goods that are not potentially hazardous in their packaged form
  - beverages, and
  - cold or frozen uncooked foods of animal origin, such as raw ground beef
- (3) the food transport arrangements including:
  - who will transport food from donor to FDO's receiving facility
  - the type of vehicle(s) and temperature-holding equipment (e.g., insulated containers, refrigerated unit) to be used
  - back-up or transportation contingency plan in case of vehicle breakdown or emergency
  - distance in miles between donor and receiving facility
  - anticipated time in minutes from donor to receiving facility
  - anticipated frequency of donations, and
  - times/dates for pickup of donations
- (4) the qualifications of the food manager in the donor and receiving facilities, such as training and experience;
- (5) the training provided to staff on hygienic and safe food preparation, storage, and transporting practices;
- (6) preferred time, means and frequency of communication;
- (7) how unsatisfactory situations will be addressed; and
- (8) any other considerations raised by either party.

Early in the planning process, both the donor and FDO operators should familiarize themselves and their staff with the Good Samaritan laws that limit liability to gross negligence and intentional misconduct. Foodworkers need to fully understand that food safety training, consistent practice of hygienic food preparation practices, and regulatory inspection reports showing favorable performance histories are factors which help to protect the participants from civil and criminal liability in the good faith donation of apparently wholesome food. Good practices help to provide legal protection for the donor and helps ensure the service of safe food to consumers.

## Food Safety Procedures

Serving safe food is an essential part of all food recovery activities. In the donor's domain and in the food distribution organization, all steps need to be taken to ensure that consumers of the recovered food are receiving a safe product. Certain basic principles of food safety must be incorporated into the program and followed by food workers to provide the consumers protection from foodborne illness.

The national food standards at the retail level, as expressed in the FDA Model Food Code (Food Code), do not differentiate between the protection provided to food consumed by paying consumers and to food consumed by individuals who eat at FDOs.

Procedures outlined here are based on well-established food safety principles and are set forth as a guideline for planning and conducting a food recovery program. The following section is divided into five parts: Food Donation, Food Workers, Food Safety, Equipment, and Maintaining Food Safety During Transportation.

### Food Donation

- **Types of Foods**

Foods donated in a food recovery program may include excess prepared food or produce, canned food, and shelf-stable packaged goods. Excess food is any extra wholesome, edible food, including food that was prepared for service, but not served or sold. The charitable donation of food may result because a donor finds itself with an excess or because there is a conscious planning to have an excess in the daily or weekly volume of food. Restaurants, grocery stores, office food drives, or community food drives are possible donation sources.

- **Receiving and Storing Food: Evaluating the Condition of the Food**

1. Check that the food is from an approved source (i.e., one that meets food safety standards, such as those outlined in this document and the Food Code) and that its condition is sound.
2. Check for evidence of problems such as the following, and take appropriate action to keep products from being received in an unsatisfactory condition, consumed, or contaminating other products:
  - A. Environmental conditions of transport, e.g., the vehicle is not clean, pets in the vehicle, evidence of insects or rodents, temperature controls not in use, ready-to-eat foods stored so they can be contaminated by raw foods, toxic compounds are transported in a way that can contaminate food;
  - B. Cans that are dented in the top or side seams or are leaking or swollen; and
  - C. Insect or rodent infested food, e.g. droppings, gnawings, or nesting material.
3. Discard or isolate infested foods, foods that are obviously compromised, and foods of questionable safety.
4. With whole produce and prepared foods, attention should be focused on the packaging and condition of the food and the storage condition in terms of time and temperature. Cut produce such as melons and prepared foods, including cooked entrees and refrigerated foods, need to be kept at the cold or hot holding temperatures in the Food Code. (See the Food Preparation Practices section of this document). With canned food and shelf-stable packaged goods, attention should be focused on the condition of the food container.

5. Store foods in a manner that protects them from potential contamination such as water drippage, dust, rodents, insects, and other sources of contamination. Canned goods should be organized to prevent damage to the cans and all foods should be organized to allow for proper rotation (i.e., FIFO — First In/First Out). For information on acceptability of foods based on quality, see America’s Second Harvest’s Salvage Manual, which describes quality criteria for the inspection of foods.

## **Foodworkers**

### Good Hygienic Practices: Basic Essentials

1. Foodworkers must exercise good sanitation practices with limited hand contact with raw food and no bare hand contact with ready-to-eat food.
2. Foodworkers must wash their hands using soap and running water, vigorously rubbing the hands together to be sure soap contacts all surfaces of the hands. Handwashing needs to occur for at least 20 seconds.
3. Hands must be washed: a) immediately before beginning food preparation; b) during food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks; c) after using the toilet room; and d) after engaging in other activities that contaminate the hands. Additional information on when to wash the hands can be found in the Food Code, Chapter 2, section 2-301.14.

## **Food Safety**

### Foodborne Illness

1. An ill foodworker, whether a paid staff member or a volunteer, should not be allowed to work directly with exposed foods; clean equipment, utensils, and linens; or unwrapped single-service and single-use articles. In some cases, foodworkers should remain away from the establishment until they are no longer ill. Guide 1 of Annex 7 in the Food Code provides information on when to exclude a foodworker and when to restrict (limit) a foodworker’s duties.
2. Cook foods thoroughly, reaching proper cooking temperatures, for the required amount of time to kill pathogens as required by the Model Food Code.
3. Cool cooked foods rapidly and hold under refrigeration as required by the Model Food Code.
4. Reheat refrigerated foods properly as required by the Model Food Code.
5. Keep raw and ready-to-eat foods separated.
6. Maintain personal cleanliness during food preparation, including handwashing.
7. (See Food Code Chapter 2).
8. Train foodworkers about health, personal hygiene, and proper food preparation techniques.
9. Maintain a clean establishment, particularly equipment, utensils, and all other surfaces that come into contact with food, to prevent contamination of foods (See Chapter 4 of the Food Code).
10. Additionally, certain precautions in the Food Code apply to highly susceptible populations and should be considered by recovery programs.

## Controlling Biological Hazards

1. Foodworkers, including paid staff and volunteers who prepare food, should know the TEMPERATURE DANGER ZONE! and remember it during the thawing, cooking, cooling, and reheating of foods. The Food Code's Chapter 3 addresses time-temperature relationships as a major intervention against foodborne illness. Consult this reference for more information on time-temperature requirements for food safety.
2. Personal hygiene must be considered due to the threat of biological contamination from unsanitary practices of foodworkers. Adequate training must be provided to paid staff and volunteers who are involved in the handling and preparation of food.

## Chemical and Physical Hazards

1. Operators need to be aware of the hazards associated with different foods and handling practices and take prudent precautions to minimize risks to food recipients.
2. Chemical hazards can also exist at various stages of food production, transportation, storage, and preparation. Chapter 7 of the Food Code outlines provisions that target the control of poisonous or toxic compounds in retail-level food operations.

## Cross-Contamination

1. Precautions must be taken to protect food from contamination and to maintain safe food practices during preparation, transportation, storage, and service.
2. Separate raw foods from ready-to-eat foods.
3. Wash, rinse, and sanitize cutting boards and food contact surfaces at work stations between uses when working with different foods, especially when changing from working with raw foods to ready-to-eat foods.
4. Separate employee jobs to eliminate work with raw and ready-to-eat foods at one time.

## Keeping the Food Safe

All food establishments should strive to integrate food safety practices and managerial control of critical steps of food preparation into their operations. A well-known system for instituting those practices and assuring managerial control can be found in applying the Hazard Analysis Critical Control Point (HACCP) principles. Annex 5 of the Food Code discusses the HACCP approach. The FDA Draft "Managing Food Safety: A HACCP Principles Guide for Operators of Food Service, Retail Food Stores, and other Food Establishments at the Retail Level," 1998, is also available. All of these resources can assist food recovery programs.

A HACCP system requires the person in charge of the food recovery operation to objectively examine the flow of the food, from its receipt to service. This analysis can help the person in charge identify points at which it is critical to impose control in order to keep the food safe.

Most operations fall within three categories:

- (1) Food processed with NO COOK steps (ready-to-eat food)  
(receive-store-prepare-hold-serve)  
Examples: fresh vegetables or fruits, tuna salad, coleslaw, sliced sandwich meats

(2) Food preparation for SAME DAY SERVICE

(receive-store-prepare-cook-hold-serve)

Examples: Hamburgers, hot vegetables, cooked eggs, hot entrees for “special of the day”

(3) Complex Processes (foods prepared in large volume or for next day service)

(receive-store-prepare-cook-cool-reheat-hot hold-serve)

Examples: Soups, gravies, sauces, large roasts, chili, taco filling, egg rolls

By tracking the flow of food, critical steps in a specific operation (e.g., cooking and cold holding) and potential cross-contamination points can be identified. Once the facility identifies the points in its process where food can become contaminated, and where incoming foods that are assumed to be contaminated (such as raw, animal-derived foods) must be time/temperature controlled, operational procedures and monitoring can be established.

Another facet in this proactive and preventive HACCP-based strategy is to anticipate failures in the food recovery program and to predetermine corrective actions. For example, what will occur if there is a power failure for an extended period of time or the transport vehicle breaks down? Applying HACCP plan principles would prompt the person in charge to consider the period of time involved in the power failure, the effect it may have on product temperatures, and whether a “reheat” would be sufficient to render a product safe.

### Food Preparation Practices

Thawing:

1. Frozen foods need to be thawed according to the Food Code, which allows 4 ways to thaw:

- a) through the cooking process;
- b) under cool running water;
- c) in a microwave as part of the cooking process; or
- d) under refrigeration of 5°C (41°F) or less.

Cooking:

1. To kill microorganisms, all parts of the food must reach a sufficient internal food temperature and be held at that temperature for the specified time.

2. There are many time-temperature combinations that can constitute an adequate cook. The minimum cooking times and temperatures given below do not preclude other time-temperature combinations from being used, provided microbial lethality is achieved in the final food product. For simplicity, the Food Code prescribes specific times and temperatures for certain foods. Those minimum internal food temperatures and times for holding at that temperature are:

63°C (145°F) for 15 seconds: raw shell eggs that are prepared for immediate consumption; pork; solid portions of fish or meat.

68°C (155°F) for 15 seconds: hamburger and other comminuted meats, fish, and game animals such as deer, elk, and rabbit.

74°C (165°F) for 15 seconds: wild game animals; poultry; stuffed fish, meat, pasta, poultry; stuffing containing fish, meat, poultry.

3. Microwave cooking procedures are also outlined in the Food Code.

4. The cooking equipment and methods must be adjusted to achieve the desired safe cooking temperatures internally in the final product. The person preparing the food needs to know the required cooking time and



temperature and what practices, such as oven temperature and placement of the food within the cooking equipment, are necessary to bring the food to the required temperature. A thermometer should always be used to determine internal food temperature.

#### Cooling Methods:

1. Cooling foods from hot temperatures should be done as rapidly as possible and must not take more than 6 hours for all parts of the food to reach the required refrigeration temperature. The recommended time frames to achieve cooling within this 6 hour window are: 2 hours to cool foods from 60°C (140°F) to 21°C (70°F) and an additional 4 hours to cool from 21°C (70°F) to 5°C (41°F). Several methods of cooling are:
  - A. Placing the food in shallow pans;
  - B. Separating the food into smaller or thinner portions;
  - C. Using rapid cooling equipment;
  - D. Stirring the food in a container placed in an ice water bath;
  - E. Using containers that facilitate heat transfer, e.g. a metal pan allows food to cool faster than a plastic container; and
  - F. Adding ice as an ingredient.

#### Reheating:

1. Foods must be reheated to 74°C (165°F) minimum. All parts of the food being reheated must reach this temperature.

#### Equipment

1. Of particular importance to food recovery operations are temperature measuring devices, freezers, refrigerators, sinks, warewashing machines, and food temperature holding equipment.
2. Foodworkers need to be appropriately trained and to understand their role in properly cleaning (washing and rinsing) and sanitizing equipment and work stations after use.

#### Maintaining Food Safety During Transportation

1. Loading for Transport
  - A. When foods are ready for transport, they must be containerized to prevent contamination of the food while simultaneously keeping the food at the proper temperature. Care must be taken to protect the food from contaminants such as insects, dust, water drippage, or other sources of contamination during transport to the receiving facility.
  - B. Large batches of foods may need to be separated into several smaller, covered containers. Stack containers securely and do not pack temperature controlling units beyond their capacity.
2. Maintaining Food Temperature
  - A. Foods must be kept hot or cold during transport. Foods can be kept at the proper temperature provided the right equipment is available and used properly. Consult the regulatory authority in your jurisdiction for examples of acceptable methods for hot and cold holding of foods during transport.

3. Cleaning of the Vehicle for Transport of Food
  - A. Vehicles used for transporting food for food recovery programs, whether private vehicles or commercial trucks, need to be routinely cleaned.
4. Receiving Food
  - A. Food should be received by a person who is responsible for ensuring that, if not shelf-stable or immediately served to consumers, it is immediately refrigerated or otherwise properly served.
  - B. It is important to conduct a timely inspection of incoming products and to isolate any suspect foods as discussed earlier.
5. Recordkeeping for Food Safety
  - A. Donors and receiving facilities are encouraged to voluntarily keep certain records as a part of their food recovery programs to accomplish food safety objectives and to maintain a system of checks and balances to document that food is safely managed.

## **FOOD RESCUE PROGRAM RESPONSIBILITIES**

A food distribution organization, as a food rescue participant, has responsibilities which include:

1. Comply with all applicable requirements of the state and/or local regulatory authority. If the jurisdictional regulatory authority does not inspect the program, the program may make a written request for at least an annual inspection.
2. Examine and accept and store only those foods which have met the criteria as outlined in this document. See Appendix A, chart regarding the assessment of donated foods on receipt.
3. In transporting food, use a visible active temperature retention system such as a refrigerated vehicle for the safe transport of chilled food to maintain foods at no more than 40°F or a passive temperature system such as cam carriers to maintain hot foods at 140°F or above.
4. Effect a comprehensive safe food handling educational and training program for staff and volunteers, including transport drivers. Certification of key staff in safe food handling is one means to managing the food rescue staff in accordance with current food protection standards.
5. Provide cooks, staff, and volunteers with regular inservice education as well as supervision by a person with demonstrated knowledge in safe food handling.
6. Work out agreements with food recovery partner(s) regarding mutual inspections of each others' facilities to assure confidence in the soundness of the partner's capacity to operate within the standard (see Appendix A for sample forms).
7. As a quality assurance mechanism, design or procure an evaluation tool to assess the condition of partner(s) facilities (see Appendix B for sample forms) and include, as a minimum, an initial physical plant inspection and at least an annual physical plant review to determine the ability and resources of the partner to receive, store, prepare, serve, or perform other food handling activities in compliance with the regulatory agency requirements.

## **GUIDELINES FOR MONITORING PROGRAMS**

The purpose of the guidelines and the monitoring of facilities to determine if standards are in compliance is to protect the health of the consumers being served.

An added benefit is that compliance with the guidelines increases the confidence of all stakeholders (donors, regulatory authorities, contributors, consumers and a variety of supporters) that every effort is being made to serve a clean, safe product to hungry people, thereby minimizing the risk of foodborne illness.

The programs may be routinely monitored by the jurisdiction's regulatory agency. In such cases, there would be official inspection protocols and forms in use to record observations, areas of noncompliance and remarks regarding corrections and enforcement.

For non-regulatory monitoring visits by peer reviewers and corporate sanitarians, the terms and procedures should be in writing and agreed to by both sides. The agreement should include statements regarding:

- access to the premises,
- qualifications of the monitor/inspector,
- procedures for dealing with minor and serious violations observed,
- oral and written reports of findings during the monitoring visits, and
- specifications for corrective actions for violations observed.

The forms may also be used for self-inspections.

For non-regulatory monitoring visits, see Appendix B for sample monitoring forms for kitchens, food bank warehouses and food bank salvage operations.

## **HANDLING DONATIONS OF GAME ANIMALS**

Large wild game animals include mammals such as deer, reindeer, caribou, elk, moose, antelope and bison. In addition to ranch- or farm-raised game animals that are slaughtered and processed under state inspection or a USDA voluntary inspection program, surplus wild game meat is available as a result of herd culling and through programs such as "Hunters for the Hungry." If handled properly, this can be an important food source for food recovery programs. Nutrient data on game animals can be found on the USDA Agricultural Research Service's Food Composition Database at: [www.nal.usda.gov/fnic/foodcomp/index.html](http://www.nal.usda.gov/fnic/foodcomp/index.html) where you can search on the species of interest.

Primary concerns regarding otherwise healthy wild game animals are pathogens such as Salmonella and Escherichia coli. These could contaminate the meat if the animal is not slaughtered, dressed, transported, and processed under sanitary conditions; held at temperatures to preclude bacterial growth; or cooked to temperatures to destroy pathogens.

Road kills (wild game animals killed by impact with vehicles) are not generally recommended for recovery, as the intestines or stomach may rupture, contaminating the meat, and they are often so bloodshot that little or none of the carcass is salvageable. Some jurisdictions may add some additional controls and allow their recovery, but they are not addressed in this document.

Wild game animals such as bear or walrus are also not generally recommended due to the potential for trichinosis cysts in the meat.

### **Food Safety Procedures**

Harvest:

1. Determine that the animal appears to be healthy, and does not exhibit obvious signs of illness.
2. Eviscerate the animal within an hour of harvest.
3. Field dress the animal as well, unless facilities are available at the processing plant.

4. Cut the carcass into quarters if needed.
5. Chill the meat as quickly as possible to refrigeration temperatures.

Transport:

1. During transport, protect the meat from contamination by cover and separation from non-food items.
2. Maintain the meat as close to refrigeration temperatures as possible.

Processor:

1. Use a state- or federally-inspected plant or custom exempt plant. A retail meat market may be acceptable if approved by the local authority.
2. Ensure the processor has the space, facilities and equipment to handle wild game meat.

Receipt:

1. Examine the carcass or quarters for general cleanliness and quality, and determine whether the product can be further processed or needs to be rejected.
2. Record the date, source and species of the donated wild game. Retain this information with the product and in plant records.
3. Freeze the carcass or quarters if not immediately processed.
4. Store the carcass or quarters physically separate from other food products from approved sources, if using common refrigeration equipment.

Processing:

1. Completely separate the processing of wild game meat from other meat processing by space or time.
2. Disassemble, clean and sanitize equipment and food preparation surfaces prior to and following processing and packaging to preclude any cross-contamination.
3. Portion wild game meat only into steaks, roasts, stew meat, or grind.
  - a) If the carcass or quarters are frozen, keep them frozen during processing and packaging. Do not thaw.
  - b) Any fat added to the ground meat must come from a state- or federally-inspected plant.
  - c) Wild game meat may NOT be cured, smoked, dried or fermented, or processed into other products.

Packaging and Labeling:

1. Individually package and label the finished product.
2. Ensure the label clearly and conspicuously states:
  - a) the name of the game animal;
  - b) the name and location address of the processing facility;
  - c) "Not an Inspected Product" or "Not for Sale;"
  - d) KEEP FROZEN; and
  - e) COOK to 165°F.

Storing and distribution:

1. Maintain product temperatures of 0°F.
2. Protect from contamination.

Cooking and service:

1. Thaw meat in a refrigeration unit or as part of the cooking process.
2. Cook all portions to an internal temperature of 165°F.
3. Hold cooked portions at an internal temperature of 140°F prior to service.
4. Avoid cooling and reheating.

## REFERENCES

### PUBLICATIONS

1. American Culinary Federation, The Chef and The Child Foundation, Understanding Prepared Foods; Understanding Prepared Foods II; and Chef's Educational Series Transportation Module.
2. Cooperative Extension, Food Safety Information Sheet No. 5, Shelf Storage.
3. Food and Drug Administration Draft Managing Food Safety: A HACCP Principles Guide for Operators of Food Service, Retail Food Stores, and other Food Establishments at the Retail Level, 1998
4. National Restaurant Association, Food Donation: A Restaurateur's Guide, 1997.
5. Purdue University Cooperative Extension Service, University of Wisconsin-Cooperative Extension, Food Safety Information Sheet No. 6, Food Repackaging.
6. President's Memorandum for the Head of Executive Departments and Agencies, 1996.
7. U.S. Department of Agriculture, A Citizen's Guide to Food Recovery, revised 1997.
8. U. S. Department of Agriculture, Economic Research Service, Estimating and Addressing America's Food Losses, 1997.
9. U.S. Department of Health and Human Services, U.S. Public Health Service, Food and Drug Administration, Food Code, 1999.
10. Volusia County Public Health Unit (Florida) Information Sheet, Things You Must Know to Prevent Foodborne Disease, 1994.

### WEB SITES

1. Congressional Hunger Center [logos.ghn.org/chc/index.html](http://logos.ghn.org/chc/index.html)
2. America's Second Harvest [www.secondharvest.org](http://www.secondharvest.org)
3. Share Our Strength [www.strength.org/home.html](http://www.strength.org/home.html)
4. St. Mary's Food Bank [www.smbf.or](http://www.smbf.or)
5. The Chef and the Child Foundation [www.acfchefs.org](http://www.acfchefs.org)
6. USDA Gleaning and Food Recovery Home Page [www.fns.usda.gov/fns/menu/whatsnew/gleaning/recover.htm](http://www.fns.usda.gov/fns/menu/whatsnew/gleaning/recover.htm)
7. World Hunger Year [Worldhungeryear.org/why.htm](http://Worldhungeryear.org/why.htm)

Note: Complete text of Food Recovery Guidelines available upon request from CFP Executive Secretary

# COUNCIL II — ADMINISTRATION, EDUCATION AND CERTIFICATION

## Issues and Actions

In this section are the Issues deliberated by Council II. One of the Issues assigned to this Council, 00-02-16, was referred to Council I, where it was combined with 00-01-63 and reported out of Council as 00-01-06.

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**Issue Number:** 00-02-01

**Issue Title:** **CFP Managers Training, Testing and Certification Committee — Standards for Accreditation of Food Protection Manager Certification Programs**

**Recommendation:** The Conference recommends the issue be accepted as amended by attaching the following amendments to the Standards for Accreditation of Food Manager Certification Programs:

1. Change current definition of continued proficiency from:

“Continued proficiency means successfully completing a food safety certification examination from an accredited certification program at least every five years.”

To:

“Continued proficiency means a certification organization’s process or program designed to assess continued competence and/or enhance the competencies of Certified Food Protection Managers.”

2. Delete existing wording for Section 6.6 and replace with:

“6.6 Continued Proficiency. A Certification Organization shall implement a process or program for assessing continued competence and/or enhancing the competence of Certified Food Protection Managers.”

3. Add C.5 to Annex C to read:

“C.5 Every 5 years a Certified Food Protection Manager should demonstrate competence or enhance competencies through an accredited certification organization’s continued proficiency process or program.”

4. Revise introductory phrase to Section 6.2 to add the word “initial.” The revised introductory phrase reads:

“Qualifications for Initial Certification.”

**Council Action:** **Accepted as Amended**

**Delegate Action:** **Accepted**

Note: Text of referenced document may be obtained by contacting the CFP Executive Offices

**Issue Number: 00-02-02**

**Issue Title: CFP Managers Training, Testing and Certification Committee 2000 Conference Report and Action Plan**

**Recommendation:** The Conference recommends that:

1. It accept the Committee's 2000 Conference Report.
2. It re-affirm its commitment to, and support of, the Committee's work to complete its 1996 "charge."

The Conference should direct the Committee to select an accrediting body and implement the accreditation process. Recommend that the Conference support the implementation and execution of the Committee action plan.

**Council Action: Accepted**

**Delegate Action: Accepted**

Note: Referenced document included at end of this report

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**Issue Number: 00-02-03**

**Issue Title: Managers Training, Testing and Certification (MTC) Committee as a Standing Committee**

**Recommendation:** Note that the following recommended solution must be reviewed in conjunction with the 2000 Issue titled "Proposed Changes to the Constitution and Bylaws."

The Conference recommends:

Amend the Constitution and Bylaws by adding: to new Section 2 of Article XII, Committees:

"Food Protection Managers Training, Testing and Certification Committee ,which shall include food protection managers and representatives of those who require, provide, use, and benefit from food protection certification programs, such as regulators, certifiers, employers, and consumers."

and a new Section to Article XIII, Duties of the Committees, to correspond in sequence to where the above change is made in Section 2:

"The Food Protection Managers Training, Testing and Certification Committee shall work with the accreditation organization for Food Protection Manager Certification Programs to:

- a. establish and refine policies and standards to which certifiers may conform in order for them to be accredited;

- b. provide Conference input into the development of accreditation standards for certifying organizations specific to Food Protection Manager Certification Programs;
- c. develop strategies for enhancing equivalence among food protection manager certificates issued by certifiers; and
- d. promote universal acceptance of certificates issued by accredited certifiers.”

**Council Action: Accepted**

**Delegate action: Accepted**

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**Issue Number: 00-02-04**

**Issue Title: Food Manager Certification**

**Recommendation:** The Conference on Food Protection should allow for other approaches to nationally accredited certification other than proctored testing. The Standards for the Training, Testing, and Certification of Food Protection Managers must be sufficiently flexible to allow for new delivery vehicles, such as internet-based training and testing. Further, the CFP should recommend that the FDA consider alternate methods of training and testing such as those that are internet-based.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-02-05**

**Issue Title: Modification of Consumer Advisory Language, Section 3-603.11**

**Recommendation:** The Conference recommends the Chair send a letter to the FDA Commissioner to:

1. Urge FDA to work through a partnership with all entities responsible to educate consumers, including vulnerable consumers, on the risks associated with consumption of raw or partially cooked animal foods. The partnership would include industry, doctors, nutritionists and dieticians, academia, public interest groups and government. This will allow the development of responsible messages, whether in brochures or media campaigns, and provide flexible use to effectively reach the right people in the appropriate manner. Lessons can be taken from the Fight BAC(r) campaign to achieve such goals.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-02-06**

**Issue Title: Consumer Advisory Modification, Section 3-603.11**

**Recommendation:** The Conference should direct the Chair to send a letter to the FDA Commissioner to:

1. Delete the reminder requirement found in Section 3-603.11 (or insert page), page 73 of the of the 1999 Food Code. Replace 3-603.11 with the following language:

All menu items must be honestly presented and identify any raw potentially hazardous foods in the final product. The term “cooked to order” shall imply that raw ingredients may be in the finished product or menu item. This may be accomplished by any effective means of communication.

2. Urge FDA to work through a partnership with include all entities responsible to educate consumers, including vulnerable consumers, on the risks associated with consumption of raw or partially cooked animal foods. The partnership would include industry, doctors, nutritionists and dieticians, academia, public interest groups and government. This will allow the development of responsible messages, whether in brochures or media campaigns, and provide flexible use to effectively reach the right people in the appropriate manner. Lessons can be taken from the Fight BAC(r) campaign to achieve such goals.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-02-07**

**Issue Title: Consumer Advisory for Ready-to-Eat Foods that are Not Currently Addressed in Section 3-603.11 of the Food Code**

**Recommendation:** The Conference should, based on current science and risk assessments, consider how to advise consumers in a way similar to § 3-603.11 of the Food Code about foods that are being implicated in foodborne outbreaks and that are not encompassed within the current scope of existing § 3-603.11.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-02-08**

**Issue Title: Voluntary National Retail Food Regulatory Standards**

**Recommendation:** A status report on the pilot project, along with recommendations from the CFP Accreditation Study Committee, concerning the Voluntary National Retail Food Regulatory Program Standards will be presented at the 2000 Conference. The Committee report will include recommendations for endorsement, revision, continued piloting, or institution of the standards with the understanding that the standards are dynamic and revisions can occur in the future.

The amendment adds the CFP Accreditation Study Committee's status report and recommendations.

See addendum at end of report for recommendations of the Food Protection Accreditation Committee

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

Note: Additional information on this subject available by contacting the CFP Executive Offices.

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**Issue Number: 00-02-09**

**Issue Title: Develop a New Inspection Form to be Used to Identify and Correct Critical Item Violations**

**Recommendation:** The Conference recommends that the CFP form a committee with staff from the FDA, interested states, local health agencies, industry partners, consumers, and other interested parties to work on elements and concepts that should be included on an inspection report. The Washington state "Red-Blue Form" or New York state form could be used as a beginning point. The committee would develop the form and bring the form for approval to the 2002 CFP.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-02-10**

**Issue Title: Certification Program for Retail Food Establishment Inspectors**

**Recommendation:** The Conference recommends that a committee be formed to review current initiatives intended to develop a credential for regulatory food inspectors. Activities of the Committee would include a review of current initiatives with a goal toward creating standards for training, testing and certification of retail food regulatory inspectors and a standard for the accreditation of retail food regulatory inspector certification examinations.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-02-11**

**Issue Title: Certification of Health Officials**

**Recommendation:** The Conference recommends that health officials who inspect food establishments should have been 'certified' as attaining a minimum level of food safety knowledge equal to or higher than the food managers they are entrusted to regulate. This can be easily accomplished by requiring all food inspectors to successfully pass a national food safety or food professionals exam.

**Council Action: Accepted as Amended**

**Delegate Action: Extracted and Rejected**

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**Issue Number: 00-02-12**

**Issue Title: Demonstration of Knowledge, Section 2-102.11**

**Recommendation:** The Conference recommends that Section 2.102.11 of the Food Code should be designated as a swing item. In addition, a Conference committee should work with the FDA to review the items that are designated as critical and non-critical in the Code in the context of applying HACCP-based principles. This issue could be assigned to the Conference committee recommended under Issue 2000-II-09.

**Council Action: Accepted as Amended**

**Delegate Action: Extracted and Rejected**

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**Issue Number: 00-02-13**

**Issue Title: Presence of Person-In-Charge, Section 2-101.11**

**Recommendation:** The Conference recommends the Chair send a letter to the FDA Commissioner to urge the following change to Section 2-101.11, page 19 of the 1999 Food Code:

Modify the requirement for the PERSON IN CHARGE to be present "during all hours of food preparation and service" rather than "during all hours of operation."

This change will continue to provide the food safety enhancements of the PERSON IN CHARGE, without placing unnecessary burden on industry. When no potentially hazardous foods are being processed or served and only pre-packaged self-service items are available for purchase, food safety concerns needing the on-site supervision of a PERSON IN CHARGE are unlikely to occur.

**Council Action: Accepted**

**Delegate Action: Extracted and Rejected**

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**Issue Number: 00-02-14**

**Issue Title: Standardize Temperatures**

**Recommendation:** Charge FDA and USDA for a consensus and to standardize the temperatures that are required or recommended for safe food.

Submitter withdrew issue.

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**Issue Number: 00-02-15**

**Issue Title: Cooking Temperature Requirements, USFDA and USDA Differences**

**Recommendation:** The Conference recommends that the U.S. Food and Drug Administration and the U.S. Dept. of Agriculture should make recommendations for safe cooking temperatures of meat products that agree with each other and with appropriate scientific literature.

**Council Action: Accepted**

**Delegate Action: Accepted**

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**Issue Number: 00-02-16**

**Issue Title: Providing a Mechanism to Incorporate Federal Performance Standards in the Food Code**

**Recommendation:** Add a provision to the Food Code to incorporate federal performance standards.

This statement can be added to either of the following sections:

1) Preface ii, 4th paragraph, after the 3rd sentence;

2) Annex 2, pg. 209, References, 1st paragraph, after the 1st sentence.

**Council Action: Referred to Council I**

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**Issue Number: 00-02-17**

**Issue Title: Egg Safety Action Plan**

**Recommendation:** FDA plans to explore existing egg handling practices in restaurants as part of its education initiative included as part of the Egg Safety Action Plan. FDA will ensure that the identification of barriers to changing unsafe egg handling practices is investigated. FDA will use the knowledge and information gathered to develop an education program to implement the new egg handling requirements.

FDA will also work with the Federal Food Safety Coalition to assist in improving safe egg preparation practices in federal agencies' programs, particularly as they relate to high-risk populations.

It is recommended that the Conference for Food Protection assist in the implementation of the education programs and in changing unsafe egg handling behaviors in all facilities regulated by state agencies (including those agencies responsible for health care facilities, programs for the aging, penal institutions, and child care).

**Council Action: No Action**

**Delegate Action: Extracted and Rejected**

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**Issue Number: 00-02-18**

**Issue Title: Residential Assisted Living Facilities**

**Recommendation:** The Conference recommends that all state and local regulatory authorities and other interested parties provide information and support to the State of Rhode Island Dept. of Health in its effort to explore possible changes to the Food Code for small assisted living facilities. Issues and concerns should be forwarded to Susan Wallace, Rhode Island Dept. of Health, 3 Capitol Hill, Providence, RI 02908, (401) 222-2749, susanw@doh.state.ri.us.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

**Issue Number: 00-02-19**

**Issue Title: Consumer Voting Members of Councils**

**Recommendation:** In the Constitution and Bylaws of the Conference for Food Protection — Article IX, Councils. Section 2 , first line, change twenty (20) to twenty-two (22).

In Article IX, Councils, Section 2, Subsection 1 change twenty-two (22) to twenty-four (24), and add two (2) consumers. In Subsection 2 add “one (1) consumer member shall be from a national consumer organization and one (1) consumer member shall be from a state or local consumer organization.” In Subsection 3 change twenty-two (22) to twenty-four (24) and add “one (1) consumer member shall be from a national consumer organization and one (1) consumer member shall be from a state or local consumer organization.” In Section 3, change twenty (20) to twenty-two (22). Under Article X, Council Consultants, Section 1, delete “a consumer.”

**Council Action: No Action**

**Delegate Action: Extracted and Rejected**

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**Issue Number: 00-02-20**

**Issue Title: Amendment to Conference for Food Protection Procedures Relating to “No Action” Recommendations**

**Recommendation:** The Conference recognizes the inconsistency between procedures and bylaws and recommends the bylaws and procedures committee review the inconsistency. The Council recommends, based on extended discussion and the successful history of the procedures of the Conference, that the following choices of action on submitted issues be incorporated:

- Accept
- Accept as amended
- No action (Reject)
- No action (Comment)

The Council strongly recommends that issues which are “No Action (Reject)” or “No Action (Comment)” not be forwarded to the Assembly of Delegates.

**Council Action: Accepted as Amended**

**Delegate Action: Extracted and Rejected**

**Issue Number: 00-02-21**

**Issue Title: Proposed Changes to Conference Procedures**

**Recommendation:** The Conference recommends that proposed changes to the procedures manual reflect the changes made during the 2000 Conference for Food Protection.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

Note: The text of the proposed changes to Conference Procedures follows as Appendix M.

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**Issue Number: 00-02-22**

**Issue Title: Proposed Changes to the Constitution and Bylaws**

**Recommendation:** The Conference recommends that the Constitution and Bylaws be amended as proposed in attachments 1 to 6, except that the word "final" be reinserted in Article II, Section 3, paragraph 2, line 15, as contained in Attachment #1.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

Note: The text of the proposed changes to the Constitution and Bylaws follows as Appendix L.

## **ATTACHMENTS TO COUNCIL II REPORT**



**CONFERENCE FOR FOOD PROTECTION  
FOOD PROTECTION MANAGER TRAINING, TESTING AND CERTIFICATION COMMITTEE  
COMMITTEE REPORT (ISSUE 00-02-02)**

January 20, 2000

**HISTORY BEHIND THE COMMITTEE**

During the 1996 Conference for Food Protection (CFP) Meeting, Council II deliberated the issue of universal acceptance of Food Protection Managers certified to a national standard. Lack of a national standard for universal acceptance of certified Food Protection Managers results in duplication of training/testing and additional cost for the industry. At the same time, regulatory officials are left without reliable criteria for evaluating psychometric validity, equivalence of examinations, and legal defensibility of certification programs.

The 1996 Conference charged the CFP Food Protection Manager Training, Testing and Certification Committee (henceforth referred to as the Committee) with developing standards for the accreditation of certifying agencies and identifying an appropriate third-party accrediting body. An accreditation subcommittee was created to address these charges, as well as:

1. administrative and financial independence; and
2. administration and proctoring of certification examinations.

The Conference also recommended that the Food and Drug Administration (FDA) accept food managers' certificates issued by accredited certification programs as one method of complying with the Food Code's knowledge requirement.

**REVIEW OF ACCREDITATION ISSUES**

▪ **Accreditation Objectives**

The Committee identified three key objectives for accreditation standards:

1. Develop a valid and reliable process that is practical and legally defensible.
2. Maintain an accessible, flexible and cost-effective delivery system for the industry.
3. Encourage universal acceptance based on nationally recognized accreditation standards.

▪ **Review of the CFP "Working Document"**

The Committee has followed the Conference's directive to use the 1996 CFP working document, entitled Standards for Training, Testing and Certification of Food Protection Managers, in the development of accreditation standards. Extensive revision of this document is being presented to the 2000 Conference, under the title Standards for Accreditation of Food Protection Manager Certification Programs, for review and approval.

The title was changed to more accurately reflect the intent and focus of the standard. The revision and reformatting of the document followed a comprehensive Committee review of each section. The Committee worked with national experts in psychometric development of valid and reliable examinations, and accreditation.

The Standards for Accreditation of Food Protection Manager Certification Programs eliminate ambiguities in the original working document pertaining to test development, test administration, and responsibilities of certification organizations to the candidates and the public as well as their responsibilities to the accrediting organization.

### ■ **Examination Development and Administration**

Initially, the Committee worked on developing comprehensive criteria and standards for the development and administration of food safety certification examinations (Sections 1.0, 4.0 and 5.0 of the Standards for Accreditation of Food Protection Manager Certification Programs). The following references were used to evaluate examination development and administration methods:

- Standards for Educational and Psychological Testing, produced by the American Education Research Association, the American Psychological Association and the National Council on Measurement in Education; and
- Guidelines for the Development, Use and Evaluation of Licensure and Certification Programs (Professional Examination Services, New York, NY).

During the 1998 Conference, Council II and the Voting Delegates unanimously approved recommended changes to the document. The revisions to Sections 1.0, 4.0, and 5.0 focus on the following areas:

- Basing examination content on a psychometrically valid job analysis.
- Ensuring that examination development is based on nationally recognized psychometric standards for validity and reliability.
- Providing criteria and methods for the periodic review of examinations.
- Providing test administration and security procedures for examinations.

### **CFP TEST RECOGNITION PROCESS**

The 1998 Conference approved a Committee action plan to establish a CFP Test Recognition Process. Following the steps outlined in the action plan, the Committee worked with the University of Nebraska's Buros Institute of Mental Measurement, Outreach and Awareness. The goal was to implement a process for CFP recognition of food safety certification examinations.

The Buros Institute is nationally recognized for its work in assessing the psychometric integrity of examinations, including examinations which are used to license or certify candidates in specific professions. All information pertaining to the CFP Test Recognition process can be obtained from the Buros web site:

<http://www.unl.edu/buros/cfp.html>. This web site includes:

- overview of the program;
- application form;
- examination provider contract;
- CFP Standards pertaining to test development and administration;
- examination review screen checklist;
- application process steps;

- ethics statement;
- list of Recognized Test Forms and Versions for CFP; and
- list of frequently asked questions and answers.

In February 1999, CFP signed a Memorandum of Understanding (MOU) with the Buros Institute. This MOU outlines the agreement with the Buros Institute to conduct a review process for the recognition of food safety certification examinations. CFP Test Recognition requires that the food safety certification examination meet or exceed Conference standards for validity, reliability and legal defensibility (CFP Standards for Accreditation of Food Protection Manager Certification Programs, Sections 1.0, 4.0 and 5.0).

In September 1999, the Buros Institute began publishing the list of food safety certification examinations that are CFP Recognized. The current list can be found on the Buros web site. The CFP Test Recognition process is the first phase in a two-step process leading to the accreditation of Food Protection Manager Certification Programs. Standardized accreditation is critical for more universal acceptance of certificates.

### **CERTIFICATION ORGANIZATION'S RESPONSIBILITIES TO CANDIDATES AND THE PUBLIC**

The psychometric review of Food Safety certification examinations is one part of the accreditation process for Food Protection Manager certification programs. Another part is an evaluation of the certification organization's ability to administer the Food Protection Manager certification program in a fair and reasonable manner. This evaluation is critical to ensure fair administration to candidates seeking the credential and minimize the potential for conflicts of interest. Examples of potential conflicts of interest include:

- Increased financial benefits from minimizing examination development costs, resulting in an exam that does not comply with sound psychometric standards.
  - requiring membership in an organization or association as a pre-requisite for obtaining certification
  - increasing profits through increased sales associated with demand for an easier exam
- Providing an invalid test by minimizing examination development costs, resulting in an exam that does not accurately reflect the "job analysis" and/or effectively assess demonstration of knowledge.
  - using the certification process primarily for revenue generation, rather than as a valid demonstration of food safety knowledge
- Inadequate examination security
  - allowing practices that provide inadequate security for the examination:
    - a. within the organization that develops the test;
    - b. during shipment; or
    - c. while under control of the proctor.
  - allowing instructors to teach to the test
  - implementing inadequate procedures following verification of a stolen test
    - implementing inadequate procedures following verification of the sale of examination questions.
- Lack of administrative and financial independence.
  - providing inadequate separation of administrative and financial procedures that may affect the validity of examinations. Without adequate separation, there is potential for inappropriate influence on examination development and administration from other business or operational departments within the certifying organization.

## **ASSESSING ACCREDITATION MODELS TO RESOLVE “PROBLEMATIC” ISSUES**

The Committee began by using the National Commission for Certifying Agencies (NCCA) “Standards for Accreditation of Certification Organizations” as a guideline. While reviewing this document, the Committee identified NCCA standards that did not address CFP needs and/or placed excessive restrictions on the accessibility of certification programs.

Examples of these potential problems include:

- Absence of the comprehensive psychometric review of examination that CFP has incorporated and implemented through the Buros Institute.
- Requirement that a certification organization be national in scope, not-for-profit, and not governmental.

Initially, the Committee was unable to reach consensus on three specific NCCA standards:

1. Administrative and financial independence of the certification program (e.g., from the trade association).
2. Required independent governing boards to oversee all policies related to the certification process and a structure to ensure separation of training functions from the certification process.
3. Intent and scope of a disciplinary process within a Food Protection Manager certification program.

## **COMMITTEE PROCESS TO OBTAIN RESOLUTION TO “PROBLEMATIC” ACCREDITATION ISSUES**

In September 1999, the Committee worked with Mike Hamm, former Executive Director of the National Organization for Competency Assurance (NOCA), to reach consensus on standards having impact on problematic areas. Mr. Hamm provided insights into the legal and program rationale for the NCCA’s standards. Alternatives that met the specific needs of Food Protection Manager certification programs without compromising the credibility of the accreditation process were presented for committee consideration.

Through Committee deliberation, each of the problematic areas has been addressed within the CFP Standards for Accreditation of Food Protection Manager Programs.

## **SUMMARY OF RESOLUTIONS TO PROBLEMATIC AREAS**

### **▪ Not-for-profit, Non-governmental**

The Committee reached consensus on recognition of government, non-government, for-profit and not-for-profit certification organizations that meet all CFP accreditation standards, provided there is an examination review process by a qualified professional conducted in accordance with nationally accepted and CFP standards. (At the present time the Buros Institute is providing the professional review of the food safety certification examinations). Reference Sections 1.3, 2.1, and 3.1 of the Standards.

### **▪ National in Scope**

The Committee reached consensus that administration of the Food Protection Manager certification program can be local as long as it meets all the other CFP accreditation standards. Any Food Protection Manager certification program meeting the CFP accreditation standards and issuing a credential that may be universally recognized is

national in scope and impact. Geography should not be an issue. The requirement that a certification program be national in scope is NOT included in the Standards.

#### ▪ **Independence of the Certification Program**

The Committee reached consensus that the certification organization has the responsibility to ensure the administrative and financial independence of the certification program and its related functions. Reference Section 3.2 of the Standards.

#### ▪ **Separation of Education and Certification**

The Committee has included in the Standards a requirement for certification organizations to separate any education and certification functions that are specific to Food Protection Manager Certification. A certification organization can accomplish this through its own internal governing structure. Reference Section 3.3 of the Standards.

#### ▪ **Separate Governing Bodies**

The Committee has included Annex D in the Standards for Accreditation of Food Protection Manager Certification Programs. Annex D is intended to establish the role of the CFP Food Protection Managers Training, Testing and Certification Committee as a body within the framework of the Conference. The Committee's role is to work with accreditation organizations in establishing policies for Food Protection Manager certification programs. Through this Committee, CFP stakeholders will continue to provide direct input into the framework and Standards that comprise the accreditation process for Food Protection Manager certification programs. Organizations providing Food Protection Manager certification must abide by the policies developed through this mechanism.

This type of framework establishes a national program that recognizes multiple providers and is representative of stakeholders in Food Protection Manager certification programs and CFP: industry, regulatory, academia and the consumer. Governing boards for accredited certification programs in other professions also use the same representation. Reference Annex D to the Standards.

#### ▪ **Disciplinary Process**

The Committee reached consensus that a certification organization must have formal certification policies and operating procedures pertaining to the discipline of certificate holders and applicants. This disciplinary process pertains to breaches in conduct relating to examination administration. Examples of such breaches include but are not limited to:

- cheating;
- falsifying candidate identification;
- removing an examination from the testing site;
- copying questions from the exam; and
- unacceptable ethical behavior, such as the intentional contamination of a food product intended for consumer consumption.

The disciplinary process is NOT intended to encompass poor performance ratings, e.g., regulatory agency inspection scores relating to the operation of a food establishment. Reference Section 6.5 of the Standards.

## ▪ **Instructors as Test Administrators**

Section 5.3 of the Standards outlines provisions that allow an instructor/educator/trainer to administer the examination. This is contingent upon the accredited certification program providing a food safety certification examination that:

- conforms to all CFP Standards;
- has been developed from an item bank of at least 600 questions;
- develops a new examination form at least quarterly; and
- incorporates an ongoing statistical performance review of the examination form.

## ▪ **SHARING EXAMINATION FORMS AND ITEM BANKS WITH REGULATORY AGENCIES.**

CFP has been working for several years to develop Standards for Accreditation of Food Protection Manager Certification Programs. These Standards conform to nationally recognized principles accepted by a variety of highly-respected organizations providing certification programs for diverse professions and occupations. CFP developed the Standards to ensure validity, reliability and legal defensibility of Food Protection Manager certification programs.

CFP Standards do not allow for examination providers to divulge any items within their item bank to ANY entity, including state and local regulatory authorities. The CFP standard requires certification organizations to semi-annually compile a summary of certification activities, including statistical analysis on the performance of specific test items. The certification organization must submit this information to the Buros Institute on a more frequent basis, if requested.

Additional individual item review by regulatory agencies would result in duplication of effort that would likely cause unfair financial hardship for examination providers. However, when regulatory review is mandated by statute or rule within a jurisdiction, CFP and Buros Institute recommend the protocol outlined in Attachment A to this report.

## **ROLE OF TRAINING**

The Committee supports the position that training is critical to performance and operational application of food safety principles and practices. Guidelines for training have been provided in Annex B of the Standards. The food safety knowledge domains in Section B.5 have been identified by the Conference as essential for Food Protection Managers. Training criteria, however, has NOT been incorporated into the Standards for Accreditation of Food Protection Manager Certification Programs. The Committee's decision is based on the:

- recognition that effective training incorporates a variety of instructional techniques, approaches and delivery systems;
- emergence of new delivery technologies, such as distance learning and computer-based training (CBT), increasing accessibility and availability of training;
- difficulty in developing an "equivalency standard" to assess the content, scope and effectiveness of diverse training methods; and
- recognition that an assessment tool such as an examination is a common component in certification programs.

## **IDENTIFYING THE APPROPRIATE THIRD PARTY ACCREDITATION ORGANIZATION**

Since 1996, the Committee has met with a number of organizations that have experience with the accreditation process for certification organizations or have been involved with key components of the process, such as the psychometric evaluation of examinations. The Committee has identified several organizations capable of serving as accreditor of Food Protection Manager certification programs.

Though the Committee has not ended its search for the appropriate accrediting body, it has developed ongoing communication with three organizations which have indicated a willingness to work with the Conference on the development of an accreditation process specific to Food Protection Manager certification programs. These three organizations are:

- the National Organization for Competency Assurance;
- NSF International; and
- The Buros Institute for Mental Measurement, Awareness & Outreach.

These organizations have common strengths relating to providing accreditation services for the Conference. At the same time, each specifically embodies some services the Committee has determined to be important.

At the time of submission of this report, the Committee is in the process of using a decision-making matrix to clearly identify services CFP expects and wants the accreditation organization to possess. The Committee will be seeking the Conference's endorsement to continue the process, leading to the selection of an accreditation organization. As with other initiatives involving entities external to the Conference, the Committee plans to work closely with the CFP Executive Board during the selection process.

During the interim period before CFP has selected a third-party accreditor to implement a full accrediting program based on the Standards for Accreditation of Food Protection Managers, a certifying organization, currently accredited by the National Organization for Competency Assurance (NOCA) to validate competencies of Food Protection Managers, will be considered to have met Conference standards for test development and administration.

The food safety certification examinations offered by such NOCA-accredited certification organizations will be listed by the Buros Institute as "CFP Recognized". When a CFP-sanctioned accreditation program for Food Protection Managers is implemented, the certification organization seeking CFP accreditation will be expected to apply through the CFP-sanctioned accreditor at the time their NOCA accreditation next expires.

## **FUTURE ROLE OF THE COMMITTEE**

A framework for the future role and responsibilities of the CFP Food Protection Managers, Training, Testing and Certification Committee is presented in Annex D to the Standards. The Committee will work with the accreditation organization to:

- establish and refine policies and standards to which certifiers may conform to become accredited;
- provide CFP input into the development of accreditation standards for certifying organizations specific to Food Protection Manager certification programs;
- develop strategies to enhance equivalence among Food Protection Manager certificates issued by certifiers; and
- promote universal acceptance of certificates issued by accredited certifiers.

## **ITEMS TO BE RESEARCHED AND EVALUATED**

While developing accreditation standards, several issues were identified that require research and discussion within the Committee and with the future accreditation organization. Plans should include:

- Establishing a process for the accreditation organization and the CFP Managers, Training, Testing and Certification Committee to jointly develop policies affecting Food Protection Manager certification programs. This may include developing bylaws to address selection of members, procedures, meetings, funding, etc.
- Developing a framework for comparing examinations from multiple providers. This may entail development of a common job analysis, common cut score setting review committee, or other mechanisms deemed to be valid and reliable.
- Developing a standardized/uniform approach to pilot questions for examination providers, enhancing their ability to create a large pool of questions for test security.
- Establishing criteria for administrators of examinations delivered via new technologies, e.g., computer-based.
- Researching potential legal concerns related to incorporating a common job analysis into the accreditation process.
- Continuing to research criteria for disciplinary action related to knowledge, ethics, performance, etc.
- Working with the Conference and regulatory agencies at all levels to promote endorsement of the Standards of Accreditation for Food Protection Managers Certification Programs.
- Working to promote the Standards as the basis for universal acceptance of certified managers.



# **ATTACHMENT A**

## **GUIDELINES FOR REGULATORY AUTHORITY REVIEW OF EXAMINATION FORMS AND ITEM BANKS**

The CFP Standards do not allow for examination providers to divulge any items within their item bank to ANY entity, including state and local regulatory agencies. The CFP standard requires certification organizations to semi-annually compile a summary of certification activities, including statistical analysis on the performance of specific test items. The certification organization must submit this information to the Buros Institute on a more frequent basis, if requested.

Additional individual item review by regulatory agencies would result in duplication of effort that would likely cause unfair financial hardship for examination providers. However, when regulatory review is mandated by statute or rule within a jurisdiction, the CFP and Buros Institute recommend the following protocol.

1. The examination provider's designated representative must set a definite appointment to meet with the appropriate official(s) at the requesting regulatory agency.
2. The examination provider's designated representative must transport the item bank in a secure manner to the designated meeting location. The item bank must remain in the security of the examination provider's representative at all times. In order to preserve the security of the examination, the preferred format for the item bank review should be computerized.
3. The appropriate official of the regulatory authority requesting to review the item bank must sign at least two copies of a confidentiality, non-disclosure statement previously executed by the examination provider. The examination provider's designated representative is to retain the original, placing it with the item bank on its return to the examination provider. One copy of the statement is to remain with the requesting regulatory authority.
4. The regulatory authority official(s) reviewing the item bank must possess technical knowledge of food safety principles. The reviewer must demonstrate knowledge of item writing, item review, and statistical analysis of items and examinations in total.
5. The regulatory authority official(s) must review the examination and/or item bank in a secure room with no one else present except the examination provider's representative. The examination provider's representative must be present at all times during the review.
6. No copies of the examination form or item bank are to be made in any manner, including handwritten transfer of questions to a note pad or any electronic method (including computer records, videotaping or audiotaping) of the proceedings. Any notes regarding the regulatory authority's concerns regarding specific items in the examination form or item bank must be signed by both the requesting regulatory authority and the examination provider's representative. The examination provider's representative shall retain all copies of the notes to ensure that specific concerns are addressed in a secure manner.
7. After the meeting, the examination provider's representative must transport under secure conditions the examination and/or item bank back to the test providing organization. The examination form(s) and/or item bank must be stored under secure conditions at all times within the examination provider's organization.
8. The examination provider must provide the regulatory authority written conformation that any identified concerns have been addressed. If the content or wording of an item is revealed in any written or electronic

correspondence, that item is invalidated and must be removed from the item bank and any forms in which it appears for a period of time to be determined by CFP and the Buros Institute.

9. When corrections must be made within the examination form or item bank, the Buros Institute must be notified as to the nature of the problem and the actions taken to correct it if the correction or changes directly affect examinations currently recognized using the review process.

## **CONFERENCE FOR FOOD PROTECTION ACCREDITATION STUDY COMMITTEE (ISSUE 00-02-08)**

The Accreditation Study Committee was created as a result of an issue submitted at the 1990 Conference for Food Protection meeting in Atlanta. The Committee was charged with considering the desirability and feasibility of an accreditation program for local food regulatory programs; determining whether participation in the accreditation program should be voluntary or mandatory; identifying, creating and validating appropriate accreditation standards; and developing and/or validating procedures for implementing an accreditation program.

The Conference for Food Protection accepted the Committee's 1992 recommendation that indicated accreditation of retail food regulatory agency programs was both desirable and feasible. The primary issue was how to effectively and economically develop and implement such a program to agencies that wanted it. At the same time, it was determined that a voluntary program would receive the greatest amount of support from state and local food regulatory agencies.

The aspect of national uniformity has long been a point of contention among the industry, regulators and consumers. Adoption of the Food Code has historically been the keystone in achieving uniformity. However, a missing piece has been an agreed-upon national standard or foundation for regulatory programs. The National Voluntary Retail Food Regulatory Program Standards were formulated by FDA from ideas and input from federal, state and local regulatory officials, industry, trade and professional associations, academia and consumers. It is FDA's intent that the finalized Standards will become an additional volume of the Food Code and that they will be the basis for establishing a "listing" of regulatory programs that have met or exceeded the Standards.

The objectives of these Standards are:

- To promote uniformity within, and provide a foundation for, the implementation of regulatory retail food programs focused on the reduction of risk factors known to cause foodborne illness;
- To promote, through the management of a regulatory retail food program, industry's active managerial control of foodborne illness risk factors within retail establishments;
- To serve as a benchmark in the design and management of retail food programs; and
- To provide a means of recognition of regulatory retail food programs that meet these Standards.

In 1998, the Conference for Food Protection endorsed the National Voluntary Retail Food Program Standards as a conceptual approach (Issue 98-02-09). The CFP Accreditation Study Committee has been charged with the assessment and review of these Standards and is participating with FDA in a two-year pilot to allow input from all stakeholders to revise or otherwise finalize the Standards at the 2000 Conference.

Five regulatory jurisdictions are participating in pilot testing of these Standards. The five pilot sites are comprised of four state food programs and three local programs, consolidating their resources to provide input as one collective entity. Participating regulatory agencies include:

- Rhode Island Department of Health;
- Wisconsin Department of Health;
- Florida Department of Business Regulations;
- Oregon Department of Health;
- City of Arlington, Texas;
- City of Fort Worth, Texas; and
- City of Dallas, Texas

The three local jurisdictions are participating jointly. The pilot project is designed to collect information that includes an evaluation of the:

- overall assessment process as outlined in the Standards;
- forms provided as tools for regulatory programs to use when conducting their self-assessment; and
- regulatory jurisdiction's self-assessments of its retail food program.

Each of the participating jurisdictions is piloting all nine Program Standards and preparing a self-assessment report. The format for these self-assessments is included as an attachment to this report. Participating jurisdictions are assessing EACH of the Program Standards to determine:

- The usefulness of each standard within the self-assessment process. Jurisdictions will be reporting on how they intend to use the information garnered from the self-assessment, noting any shortcomings in their programs and a vision for how these might be addressed.
- Whether the standard self-assessment content is on target. Feedback will be obtained as to whether the standard's measurement goal is appropriate and achievable. Determinations will be made as to whether any content elements are missing. In addition, pilot jurisdictions are encouraged to suggest alternative measurements.
- Whether there are alternatives for program assessment for each of these standards.

Participating jurisdictions are using the forms in the Standards document specifically designed for conducting the self-assessments related to each of the standards. An important component within the pilot reports will be an evaluation of the forms and recommendations for changes. Jurisdictions have been encouraged to provide examples of other types of data collection tools that can be used to obtain the program information necessary to conduct the self-assessment. The self-assessment reports will be completed by February 29, 2000. The information obtained from these self-assessment reports will be presented at the 2000 Conference for Food Protection.

In addition to the formal pilot project, FDA Regional Food Specialists have met with a significant number of state and local Food Program Managers to provide an orientation and introduction to the Standards. Preliminary reports from FDA's Retail Food Specialists indicated that these jurisdictions are beginning the process by focusing on one or two of the Program Standards.

Not unexpectedly, the initial focus has been on Standard Number 1 — Regulatory Foundation. Regulatory jurisdictions are using this standard to assess provisions within their current food code with those presented in the FDA Food Code. Some of these assessments are linked with state food safety task forces that are charged with updating or revising the existing food codes in their respective jurisdictions.

Based on the information and experience gained during initial pilot studies, the Accreditation Study Committee will work with FDA to revise the National Voluntary Retail Food Regulatory Program Standards as necessary. Should it be deemed that additional pilot studies are necessary, the Committee will work with FDA to select jurisdictions to participate in the pilot program. Should the Conference deem that the Standards are ready to promote nationally, the Committee will lend its assistance to FDA in this endeavor.

David McSwain  
Chair

## **ATTACHMENT**

### NATIONAL VOLUNTARY REGULATORY RETAIL FOOD PROGRAM STANDARDS

#### SELF-ASSESSMENT REPORT FORMAT

#### **I. For EACH of the Program Standards, provide the following information.**

1. How useful did you find the self-assessment process for this standard?

Describe ways you intend to use this information.

If shortcomings were noted in your program, how do you envision addressing these areas?

2. Is the standard's self-assessment content on target?

Are the measurements on target?

Are there other measurements you would include?

Is the standard achievable?

What content elements are missing from the standard?

3. What changes would you recommend?

Are there alternatives for assessing a program against this standard?

4. Other comments related to the standard?

#### **II. For EACH Program Standard, provide information pertaining to the self-assessment forms.**

1. Are the forms for this standard useful?

2. What changes in the form would you recommend?

3. Are there other types of data collection tools that can be used to obtain the program information necessary to conduct a self-assessment against this standard?

4. Other comments.

#### **III. Looking at the ENTIRE self-assessment process:**

1. Did you find the self-assessment process useful?

Are there specific items you plan to address or incorporate into your program, based on this self-assessment? If so, what are these?

Do you have a time frame in mind for implementing specific actions to address these items?

2. What changes would you recommend in the self-assessment process?

3. Are there alternatives for effective self-assessments of regulatory jurisdiction's retail food program?
4. Other comments.

**IV. Summary of findings/conclusions/future "vision" for the National Program Standards.**

## Attachments to Issue 00-02-21

### Attachment #1

#### IV. Conference Issues

##### ~~1~~A. Issue Submission Form

- ~~A~~1. The Executive Board shall approve an Issue Submission Form.
- ~~B~~2. Within the time specified in the Constitution and Bylaws, the Issue Submission Form shall be mailed to Conference members and to anyone who specifically requested a copy.
- ~~C~~3. Issue submissions may be made by mail, FAX, or electronically through the ~~FDA Prime Connection Bulletin Board system~~ **INTERNET**. Current instructions for submission and the form are made available through ~~that system~~ **THE INTERNET** at the same time the information is mailed to members of the Conference.

##### ~~2~~B. Issue Acceptance Criteria

- ~~A~~1. In order for the Issue to be accepted by the Conference and considered for Council deliberation, all sections of the form must be completed and the Issue described completely, with its impact on retail distribution identified. The food protection or public health aspect of the Issue must be clearly stated so as to be easily understood. A suggested solution or rationale for the Issue must be sufficiently detailed to cover all aspects of the submission.
- ~~B~~2. Where the recommended solution is to change the wording of a document, such as the Food Code or a CFP document, the portion of the document to be changed must be accurately identified, the change that is requested must be specified (e.g., actual language for replacement, addition, change or deletion), and the recommended language provided.

##### ~~3~~C. Program Committee Assignment of Issues to Councils

- ~~A~~1. Immediately after the deadline for Issue submission, the Program Committee meets to review submitted Issues for their compatibility with the CFP objective, as stated in the Constitution and Bylaws, and for their public health significance and completeness.
- ~~B~~2. The Committee consults with Issue submitters ~~and the Professional Association Advisory Committee~~, as needed. Those Issues fulfilling the criteria for acceptance are ~~then given a recommended priority for Council deliberation~~, numbered and assigned to one of three Councils for consideration at the Conference meeting:
  - Council I — Laws and Regulations
  - Council II — Education, Certification and Administration
  - Council III — Science and Technology
- ~~C~~ 3. Once an Issue is assigned to a Council, it may be given to a Committee to review in depth and develop a position for the Council to consider at the meeting. For a limited number of key Issues, Council Chairs may request a white paper be developed.

#### 4-D. Issue Rejection Process

- A 1.** If the Issue form does not meet the criteria set forth in IV. ~~2-B.~~, the Program Committee will make a reasonable attempt, for two working days, to contact the submitter by phone and/or FAX with a brief explanation of the problem. If the submitter cannot be reached in two working days, the Issue will be returned by mail to the submitter who will have to resubmit the Issue again with the noted problem corrected. Failure of the submitter to correct and resubmit the Issue within five days after being contacted will result in rejection of the Issue.
- B 2.** At least thirty (30) days before the Conference meeting, the submitter of an Issue that does not meet the criteria for acceptance or is not in the jurisdiction of the Conference is notified by letter (with a copy to the Conference Chair) of the reason(s) why the proposed Issue is not acceptable. A rejected Issue may be considered a “Special Issue” if accepted by the Board and submitted by the Board to the Council prior to the Conference meeting.

#### 5 E. Numbering of Issues

- A.** Each Issue is given a six-digit number. The first two represent the year, the second two indicate the Council to which it is assigned, and the third two sequence the Issue within that Council. For example, Issue 96-01-01 is the first Issue submitted for the 1996 Conference meeting that is assigned to Council I.
- B. Issues that are carried over from a previous year continue to bear the Issue number originally assigned to them and are accompanied with appropriate Committee reports.**

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#### 6 F. Presentation of the Issue to the Council

**The submitter of each Issue, or the submitter’s representative, is afforded the opportunity to verbally present the Issue to the Council as it is opened for discussion and to address questions that arise during its deliberation.**

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#### 7 G. Issues Packet and Council Agendas

- A 1.** An Issues Packet shall be sent to all CFP members. The Issues Packet contains ~~carryover Issues with the available Committee reports, new~~ Issues, and the agenda for each Council. The agenda is organized as follows:
  - a. ~~Carryover Issues with Committee reports identifying which Committees are to report to their Council and which carryover Issues they are addressing.~~ A brief summary of the Council’s previous action on the Issues being addressed by ~~the~~ Committees ~~should be included.~~
  - b. ~~New~~ Issues are arranged in the order assigned by the Program Committee, although the order may be rearranged prior to or during Council meetings based on a variety of considerations.

*Reasons for proposed changes:*

- *Editing format of Procedures Manual document*
- *Consistency with changes being proposed to the Constitution and Bylaws, i.e., PAAC Committee being deleted as a Standing Committee.*



- *Assigning a priority to an Issue was deleted at the 1996 and 1998 Conference Meetings via Issues 96-02-20 and 98-02-18.*
- *Carryover Issue removal: Recommendation by vote of the Executive Board that there be no Carryover Issues. An Issue that has not been addressed should be resubmitted as an Issue to the next Conference meeting.*

## Attachment #2

### V. Councils

#### 4 A. Meeting Arrangements

- A 1. Council Chairs meet prior to the Issue deliberation to review and have a common understanding of uniform procedures to be followed during Council meetings. This meeting is chaired by the **CONSTITUTION AND BYLAWS/Procedures** Committee Chair and the Parliamentarian will be present to answer any questions.
- B 2. A meeting room is assigned to each Council for the duration of the Conference meeting. Should Councils wish to meet at times other than scheduled, they are free to do so. However, a notice must be posted as to when and where so all attendees are advised. The Executive Secretary and the Chair of the Local Arrangements Committee shall assist in arranging a room.
- C 3. Councils will post, in a conspicuous place, agendas that show the sequence in which the Issues will be discussed and will update the agenda as they dispense with each Issue. This allows a submitter or interested parties to move from Council to Council to present multiple Issues, if necessary.
- D 4. If there are conflicts in agendas, i.e., where two or more Issues submitted by the same person are scheduled for discussion at the same time, the submitter should notify the Council Chairs as soon as a conflict is identified. The Council Chairs will make every effort to rearrange their agendas to accommodate presentation of the Issues by the submitter or the submitter's representative.

#### 2 B. Conducting Business

##### A 1. Rules

Before beginning Council deliberations, each Council Chair announces the respective rules to be followed in addition to *Robert's Rules of Order*, reviews the agenda, schedules, limits of time for deliberation on each Issue by any individual, voting on Issues (i.e., acceptance, no action or referral) and any other pertinent information.

##### B 2. Incorrect Assignments

If a Council determines that an Issue is incorrectly assigned to it, the Council Chair immediately notifies the Program Chair. The Program Chair reassigns the Issue, posts a notice on the agendas of the two Councils involved and provides sufficient copies of the Issue to the second Council for their use in reviewing the Issue. A reassigned Issue is generally considered at the end of the Council agenda.

##### C 3. Referral of Issues to Another Council

If a Council decides by a simple majority vote that it is necessary to refer an Issue to another Council, the Council Chair notes the supporting reasons in writing and immediately transfers the information to the referenced Council, either personally or through the Council Vice-Chair.

#### 4. Recorder

Each Council has a recorder preselected by the Conference Chair assigned for the purpose of noting significant information and actions generated in that Council. The recorder should be reasonably free of advocacy positions with the respective Council.

#### 5. Participation in Other Council Meetings

Council members can leave their meeting to participate in other Council meetings for a particular Issue. Council Chairs should be told beforehand by their members if they are going to do this. Councils post an agenda of Issues along with action status to keep attendees informed and to facilitate scheduling for attendees.

#### 6. Council Deliberations and Voting Process

- a. Councils start by discussing ~~carryover Issues and then proceed to new~~ Issues, beginning with Issue XX-XX-01. Should any Council member wish to change the order of discussion, the Chair requests a vote by the Council. If acceptable, the Chair tells the audience and posts a note on the door of the meeting room with the changes. Issues addressing similar subjects may be grouped under one Issue by consent of Council members. A note describing the groupings is also posted on the door.
- b. The Council Chair reads each Issue to the Council and entertains a motion and a second in order to bring the Issue to the floor for discussion. For discussion purposes, the Council Chair recognizes members of the Council first and then those in the audience. Should members of the audience wish to be recognized by the Chair, they need to raise their hand, await recognition by the Chair, and then step forward to address the Council. The audience may come and go in an orderly fashion should they wish.
- c. The following actions can be taken by a Council:
  - **ACCEPT AS WRITTEN**  
Goes to Assembly of State Delegates as submitted.
  - **ACCEPT AS AMENDED**  
When amending an Issue, the Council must recommend a specific action that is achievable. **THE RECOMMENDATION SHOULD BEGIN WITH THE PHRASE "THE CONFERENCE RECOMMENDS..."** Goes to Assembly of State Delegates as amended.
  - **NO ACTION**  
The Council can take no action on an Issue. The Council can give a reason for their action or they can simply state "No Action." No Action Issues do not go to the Assembly of State Delegates.

#### 7. Council Reports

Upon conclusion of the Council meetings, each Council prepares a report. These reports are duplicated and distributed to Conference attendees before the Assembly of State Delegates session.

*Reasons for proposed changes:*

- *Editing format of Procedures Manual document*
- *Consistency with changes being proposed to the Constitution and Bylaws, i.e., the Constitution and Bylaws Committee being combined with the Procedures Committee and renamed the Constitution and Bylaws/Procedures Committee.*
- *Carryover Issue removal: Recommendation by vote of the Executive Board that there be no Carryover Issues. An Issue that has not been addressed should be resubmitted as an Issue to the next Conference meeting.*
- *To ensure consistency with the final Council reports, recommendations presented by the Councils should reflect the same language, i.e., "The Conference recommends..."*

## Attachment #3

### VI. Committees

#### 1 A. Committee Membership

Whenever possible, depending upon the nature of the Issue, membership of the Committees should be made up of representatives from around the country and from regulatory, industry, **CONSUMERS** and academia.

#### 2 B. Appointment of Members

- A 1.** The Council Chairs appoint the Chairs of each Committee formed within their Council with the concurrence of the Conference Chair. The Conference Chair will confirm the appointment of the Committee Chair and then notify the person of their appointment. Once confirmed, the Committee Chair will select the remaining members of the Committee and submit them to the Conference Chair for final Board approval.
- B 2.** Federal participants (FDA/USDA) may appoint a member and an alternate for each Committee. The member participates in discussion but does not vote. The alternate may act in the member's place if the member is unable to attend.

#### 3 C. Committee Chair

- A.** Committee ~~Chair~~ **CHAIRS** ~~serves~~ **SERVE** until the Committee charge is completed or until replaced, whichever occurs first. Committee Chairs should develop a work plan and establish time frames to accomplish their work plan. A Committee Chair may appoint subcommittees to accomplish the work plan. The Conference Chair or the Chair's designee establishes a calendar for submission of interim and final Committee reports.

#### 4 D. Term of the Committee

- A.** A Committee ceases to exist as soon as the Council or Executive Board receives the Committee's final report, unless it is a standing Committee, or the Council or Executive Board re-authorizes the Committee to continue to work on the Issue under consideration.

#### 5 E. Committee Meetings

- A 1.** Committees may convene during the two years before the Conference to complete discussions of Issues assigned to them. The assignments are a result of previous Council actions that were passed by the Assembly of State Delegates. Committees can also convene just prior to the Conference meeting at the Conference site.
- B 2.** If Committee members are unable to fulfill their obligation, they are to notify the Committee Chair immediately so that the Committee Chair may appoint a replacement. Members who are unable to attend a meeting may not send a substitute, but may forward any material for Committee consideration.

- € 3. Committees may address new Issues, i.e., Issues submitted for the current year's meeting, which have been assigned to the Council, if the Council Chair and Vice-Chair deem it appropriate. The Conference Vice-Chair works with each Council Chair to ensure that Council Committees work on assigned charges and report back to respective Councils in a timely manner.

## 6 F. Committee Reports

### A 1. Periodic Status Report

A status report of the Committee's activities shall be submitted to the Council Chair no later than thirty (30) days prior to the Spring Executive Board meeting. A Council can send a Committee report back to a Committee, instructing them to work further on their report.

### B 2. Final Report

Committees assigned to a Council shall provide a final report of their activities to that Council with a recommended action ~~within the time frame necessary to accommodate 7A of these procedures.~~ This **SHOULD** ~~may~~ be done seventy-five (75) days in advance of the Conference meeting as specified in Article II, Section 3, of the **CONSTITUTION AND** Bylaws ~~and shall have WITH~~ the report attached to the pertinent ~~carryover~~ Issue or **THE FINAL REPORT** may be presented during the Council's deliberation.

The Committee Chair or the Committee Chair's designee should be present when the Council meets during the Conference **MEETING** to present and discuss the Committee's report.

## 7 G. Committee Sign-Up Sheets

At the Conference meeting, the Executive Secretary will post sign-up sheets for members interested in working on standing and *ad hoc* Committees.

*Reasons for proposed changes:*

- *Editing format of Procedures Manual document.*
- *Consumers should be added to the list of representatives or stakeholders on committee memberships to ensure consistency with the Constitution and Bylaws.*
- *The word "meeting" is appropriate to distinguish a "Conference meeting," which is the biennial event, from the entity itself, the Conference.*
- *Regarding "Final Reports", although there should be a concerted effort for committee reports to be finalized and sent out with the Issues, there is often a need for committee meetings immediately prior to the Conference meeting's Opening Session and, at times, during the meeting. In fact, the meeting agenda is designed to accommodate committee meetings. These meetings also allow the opportunity for noncommittee Conference members to attend and become familiar with the committee process.*
- *Additionally, concerns may arise pursuant to a matter before the Conference that a committee may want to discuss or about which the Executive Board may wish a committee's recommendation. The outcomes of those discussions may prove useful to the Council's deliberations and to expediting the resolution of Issues.*

## Attachments to Issue 00-02-22

### Attachment # 1

#### Article II Organization and Operation

Section 3. The Conference identifies food safety issues by receiving problems submitted by interested persons. The Conference addresses problems by assigning them to appropriate Councils or Committees for consideration. Council membership is balanced between government and industry interests. Aspects of problems may also be assigned to Committees for study, procedure development or for other reasons. All committees that are assigned to a Council shall submit a report to the Council Chair and Conference at least seventy-five (75) days preceding the Conference meeting. Councils then recommend actions to the Assembly, which is composed of delegates designated by the states and territories. The Assembly considers and votes to approve or reject Council recommendations. Conference participation is open to all interested individuals who choose to become members and attend. Individuals may serve as appointed or elected officials on the Board, Councils, or Committees, or as a participating registered member in attendance at the Conference meeting.

The Conference shall consider problems related to food safety that are submitted on approved forms and within specified time frames. Any interested person may submit a problem for consideration. At least one hundred and twenty (120) days preceding the Conference meeting, the Executive Secretary shall notify members of the Conference of the time and place of the Conference meeting and of issues that are to be voted on under "unfinished business". Each notice shall include approved forms for submitting problems, including proposed changes to the Constitution and Bylaws, and a statement that all problems, including constitutional changes, shall be submitted to the Conference on the approved forms at least seventy-five (75) days preceding the Conference **MEETING**. Problems are to be assigned to appropriate Councils by the Program Committee. At least thirty (30) days preceding the Conference meeting, the Executive Secretary shall make available to members of the Conference copies of the **final** committee reports and problems, including Constitution changes which have been received and assigned for Conference deliberation.

The Board may submit special issues to the Councils at the beginning of the Conference as necessary.

Councils are to deliberate their problems and report their recommended actions on each to the Assembly. The Assembly considers and votes on actions it receives from the Councils.

#### *Reasons for proposed changes:*

- *The word "meeting" is appropriate to distinguish a "Conference meeting," which is the biennial event, from the entity itself, the Conference.*
- *The word "final" is proposed for deletion because (although there should be a concerted effort for committee reports to be finalized and sent out with the Issues,) there is often a need for committee meetings immediately prior to the Conference meeting's Opening Session and, at times, during the meeting. In fact, the meeting agenda is designed to accommodate committee meetings. These meetings also allow the opportunity for noncommittee Conference members to attend and become familiar with the committee process.*
- *Additionally, concerns may arise pursuant to a matter before the Conference, that a committee may want to discuss or about which the Executive Board may wish a committee's recommendation. The outcomes of those discussions may prove useful to the Council's deliberations and to expediting the resolution of Issues.*

## Attachment # 2

### Article IV Composition of Organizational Components and Eligibility Requirements for Serving in Official Capacities

#### Section 3. Board Membership

- Subsection 1. The Board shall be composed of twenty-two (22) voting members as follows:
- a. Six (6) members from state food regulatory agencies (one (1) from each ~~FDA~~ CFP region);
  - b. Six (6) members from local food regulatory agencies (one (1) from each ~~FDA~~ CFP region);
  - c. Two (2) members from federal regulatory agencies (one (1) from FDA, one (1) from FSIS);
  - d. Six (6) members from the food industry with at least one (1) each representing food processing, food service, retail food stores and food vending;
  - e. One (1) member from an academic institution; and
  - f. One (1) member representing consumers.
- Subsection 2. Regulatory agency, industry, academic institution and consumer Board members shall be elected by a caucus of registrants in each respective group. State and local regulatory Board members shall be elected in regional caucuses of regulatory registrants. Federal regulatory Board members shall be appointed by the head of their agency.
- Subsection 3. Such elected Board members shall serve through three (3) general meetings of the Conference. Elected Board members may succeed themselves unless reelection would extend the total of consecutive service to more than twelve (12) years.
- The terms of elected Board members shall be staggered so that one-third (1/3) of the members are elected at each Conference meeting.
- Subsection 4. The Board shall have non-voting Ex-Officio members as follows:
- a. The Immediate Past Chair of the Board;
  - b. The Chair **AND VICE CHAIR** of each Council;
  - c. The Conference Program Chair;
  - ~~d. The Chair of the Professional Association Advisory Committee;~~
  - e** d. A representative from Canada (Health Canada/Health Protection Branch), the Pan American Health Organization (PAHO), the World Health Organization (WHO), and the Food and Agriculture Organization (FAO); and
  - ~~f~~e. The Executive Secretary.



Reasons for proposed changes:

- Article IV, Section 3, Subsection 1(a) and (b)  
FDA has moved from 6 Regions to 5 Regions. It is proposed that the structure of the Conference remain based on 6 CFP Regions.
- Article IV, Section 3, Subsection 4
  - (b) The Executive Board believes that it is useful to the administration of the Conference that Vice Chairs of the Councils be included as nonvoting, Ex-Officio Board members. This allows for well-informed leadership in the Councils and continuity from one Conference meeting to the next.
  - (d) The Executive Board believes that the intended functions of the Professional Association Advisory Committee (PAAC) should be accomplished via interactions between the listed (in the existing Constitution and Bylaws) groups and the Conference, pursuant to Memorandums of Understanding (MOU) with the Conference. The use of MOUs is currently in use in the CFP process. The Executive Board voted to invite the groups by letter to enter into MOUs with the Conference and then to eliminate the PAAC.
  - (e) and (f) require relettering if the above proposals are accepted.

### **Attachment # 3**

Article VIII Duties of the Executive Secretary

Section 3. The Executive Secretary shall notify each person registered at the preceding Conference **MEETING** and each member of the Conference, of the time and place of Conference meetings, issues that are to be voted on under unfinished business, and proposed changes in the Constitution and Bylaws, as specified in Article II, Section 3 and Article XV, Section 5, Subsection 3.

Reason for proposed changes:

- The word “meeting” is appropriate to distinguish a “Conference meeting,” which is the biennial event, from the entity itself, the Conference.

### **Attachment # 4**

Article X Council Consultants

Section 1. The Conference Chair shall appoint a member from an academic institution **AND** a consumer, ~~and a member from the Professional Association Advisory Committee~~ as non-voting ~~consultant~~ **CONSULTANTS** for each Council ~~deliberation to offer needed advice when requested by a member of the Council.~~

Reasons for proposed changes:

- Addition of the conjunction “and” is needed because of the deletion of the PAAC.
- Rationale for deletion of the PAAC is explained in Attachment 2.
- The words “deliberation to offer needed advice when requested by a member of the Council” are suggested for deletion because the consultants should be free to speak either at the invitation of a voting Council member or, as is the case for anyone sitting on a Council, when recognized by the Council Chair. To adequately represent their constituencies, Council consultants need to have the latitude to decide on their own initiative if they have useful information to contribute to discussions.

**Attachment # 5**

Article XII Committees

**SECTION 1. ALL APPOINTMENTS TO CONFERENCE COMMITTEES SHALL BE MADE TO PROVIDE A BALANCE IN REPRESENTATION OF THE STAKEHOLDERS IN THE PARTICULAR MATTER UNDER CONSIDERATION.**

Section ~~4~~ 2. The following standing committees shall be established:

- a. Program Committee;
- b. ~~Professional Association Advisory Committee~~ CONSTITUTION AND BYLAWS/PROCEDURES COMMITTEE; ~~and~~
- c. ~~Education Committee~~-RESOLUTIONS COMMITTEE; AND
- d. AUDIT COMMITTEE.

~~Subsection 1. The Program Committee shall be composed of both regulatory and industry members, and shall consist of at least five (5) persons.~~

~~Subsection 2. The Professional Association Advisory Committee shall consist of one (1) representative from each national or international association set forth below:~~

- ~~a. American Association of Food Hygiene Veterinarians;~~
- ~~b. American Public Health Association;~~
- ~~c. American Veterinary Medical Association;~~
- ~~d. Association of Food and Drug Officials;~~
- ~~e. Institute of Food Technologists;~~
- ~~f. International Association of Milk, Food, and Environmental Sanitarians, Inc.;~~
- ~~g. National Conference of Local Environmental Health Administrators;~~
- ~~h. National Environmental Health Association; and~~
- ~~i. National Society of Professional Sanitarians.~~

~~Subsection 3. Additional national or international Associations may be represented on the Professional Association Advisory Committee if approved by the Board. Each association shall appoint its representative to the Committee. The Committee shall elect its own Chair and Vice Chair.~~

Section ~~2~~ 3. Other committees may be established as necessary to accomplish the Conference objectives. Such committees may be for the purpose of focusing Conference resources around specific scientific disciplines, for studying multi-faceted problems, for developing new procedures or for other purposes.

Subsection 1. A Local Arrangements Committee shall be established for each Conference meeting.

*Reasons for proposed changes:*

- *A new Section 1 sets forth the underlying principle for all Conference committee compositions, that is, that they provide a balanced representation of the stakeholders so that resulting recommendations are not biased to one constituency's interests.*
- *Section 2 is a renumbered, current section 1 and it reflects:  
In (b), deletion of the PAAC - refer to Attachment 2 for rationale; and  
In (c), deletion of the Education Committee, and addition of three committees, based on an Executive Board decision at the April, 1998 Conference meeting that Standing Committees of the Conference should be limited to those committees that carry out the administrative affairs of the Conference. Other non-Standing committees would be established as needed to address substantive issues and would report to the appropriate Council.*
- *Section 2, Subsection 1 is deleted because the Constitution and Bylaws Committee believes that the new Section 1 addresses the important principle of balanced representation and there is no need to establish a minimum number of members for any committee.*
- *Section 2, Subsections 2 and 3, for rationale for deletion of the PAAC, refer to Attachment 2*
- *Section 3 is the renumbered, current section 2.*

## **Attachment # 6**

### Article XIII Duties of the Committees

Section 1. The Program Committee shall review and assign for Council deliberation all problems or proposals submitted at least seventy-five (75) days before the Conference meeting. Problems or proposal assignments shall be made in accordance with Article XI, Section 1, Subsection 1, Section 2, Subsection 1 and Section 3, Subsection 1.

- a. The Program Chair shall assist the Executive Secretary and Chair in planning and arranging for all Conference meetings.
- b. The Program Chair shall assist the Executive Secretary in the preparation and distribution of programs for each Conference meeting.

**c. The Program Chair shall serve as a non-voting member of the Board.**

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Section 2. The ~~CONSTITUTION AND BYLAWS/PROCEDURES~~ ~~Professional Association Advisory~~ Committee shall ~~identify food safety problems, review Conference issues, establish Committee priorities~~ **SUBMIT RECOMMENDATIONS TO IMPROVE CONFERENCE ADMINISTRATIVE FUNCTIONS THROUGH PROPOSALS TO AMEND THE CONSTITUTION AND BYLAWS. THE COMMITTEE SHALL REVIEW PROPOSED MEMORANDUMS OF UNDERSTANDING AND ENSURE CONSISTENCY AMONG THE MEMORANDUMS OF UNDERSTANDING, THE CONFERENCE PROCEDURES MANUAL, THE CONSTITUTION AND BYLAWS AND OTHER WORKING DOCUMENTS. THE COMMITTEE SHALL REPORT ALL RECOMMENDATIONS TO THE BOARD PRIOR TO COUNCIL II DELIBERATION AND SHALL FOLLOW THE DIRECTION OF THE BOARD,**

~~provide consultants to Councils and develop strategies for promoting and implementing needed food safety initiatives through member organizations. Member organization officials may combine their organizational resources with the organizational resources of their counterparts to influence national policy on critical food safety issues. They may also choose to identify the program strengths of each organization and agree to avoid duplication, support each other's efforts and act to fill important voids, i.e., needed programs that no organization is presently providing.~~

~~Subsection 1. The Professional Association Advisory Committee Chair shall serve as a non-voting member of the Board.~~

Section 3. **THE RESOLUTIONS COMMITTEE SHALL REPORT TO THE BOARD. EXCEPT FOR THANK YOU RESOLUTIONS, IT SHALL PREPARE ALL NECESSARY RESOLUTIONS FOR BOARD APPROVAL.**

**SECTION 4. THE AUDIT COMMITTEE SHALL REPORT TO THE BOARD. EXCEPT WHEN A CERTIFIED PUBLIC ACCOUNTANT CONDUCTS AN AUDIT OF THE CONFERENCE'S FINANCIAL RECORDS, THE AUDIT COMMITTEE SHALL AUDIT THE CONFERENCE'S FINANCIAL RECORDS ANNUALLY.**

**SECTION 5.** All Committees shall submit a report to be received by the Council Chair and the Conference in a timely manner as specified under Article II, Section 3.

*Reasons for proposed changes:*

- *Section 2 reflects deletion of the PAAC – refer to Attachment 2 for rationale.*
- *Sections 2, 3, and 4 reflect the addition of the three Standing Committees, as discussed in Attachment 5. The duties of the three additional committees are set forth.*

## **COUNCIL III — SCIENCE AND TECHNOLOGY**

### **Issues and Actions**

In this section are the Issues deliberated by Council III. Please note that a number of Issues originally assigned to Council I were referred to Council III. They will appear beginning at the conclusion of Issue Number 00-03-25.

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**Issue Number: 00-03-01**

**Issue Title: Continue the Activities of the Retail HACCP Committee Under Council III of the Conference for Food Protection**

**Recommendation:** The Conference recommends that the chair(s) of the Retail HACCP Committee report their recent findings to the Executive Board prior to its September 2000 meeting or their consideration and forwarding to FDA. The report should include recommendations and suggestions for changes to the document "Managing Food Safety: A HACCP principles Guide for Operators of Food Service Retail Stores, and other Food Establishments at the Retail Level."

The Conference also recommends the HACCP Committee analyze FDA's report on foodborne illness risk factors (after it is issued) prior to the next CFP meeting. It is also recommended that the HACCP Committee consider other documents relative to retail HACCP as appropriate. The primary goal is to recommend how this information can be used by specific segments of the retail food industry.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-03-02**

**Issue Title: Definition of Potentially Hazardous Food**

**Recommendation:** The Conference recommends that a committee be formed for deliberation of the definition of "potentially hazardous" food. The committee shall report back to the CFP Executive Board at the Board's next regularly scheduled meeting in September 2000.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-03-03**

**Issue Title: Modification of Time as a Public Health Control, Section 3-501.19**

**Recommendation:** The Conference recommends that the Chair send a letter to the FDA Commissioner to urge FDA to refer this issue to the National Advisory Committee for Microbiological Criteria for Foods (NACMCF) for evaluation and validity of using various time/temperature relationships to ensure food safety, and request a report on their findings be provided to CFP for 2002.

**Council Action: Accepted**

**Delegate Action: Accepted**

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**Issue Number: 00-03-04**

**Issue Title: Multiplication of Bacteria in Food**

**Recommendation:** The Food Code should be revised to include the table for growth, as shown in Snyder (1998), Figure 3.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-03-05**

**Issue Title: Science Review of Safe Cooling Times**

**Recommendation:** The Conference recommends that the Chair send a letter to USDA/FSIS and FDA requesting that the issue of safe cooling times, including the proposal of cooling from 130°F to 45°F within 15 hours, be turned over to NACMCF for evaluation and report based on the complete body of research available. We further recommend that NACMCF's findings become the basis for new cooling times for the Food Code.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-03-06**

**Issue Title: Industry Protocol for Establishing the Shelf Stability of Pumpkin Pie**

**Recommendation:** We would like the Conference to review this protocol, recognize its validity for the intended purpose and recommend it to the states for implementation by manufacturers under their jurisdiction. ABA has submitted this protocol to FDA, CFSAN and AFDO for their review. ABA will actively promote this protocol to its member and non-member bakers.

**Council Action: Withdrawn**

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**Issue Number: 00-03-07**

**Issue Title: Reheating of Leftover Foods**

**Recommendation:** On page 60, Section 3-403.11, changing the title to read "Reheating", adding to (A) "Except as specified under (B) and (C) and in (E) and (F) of this section"... and adding the subsection (F) to read "Large quantities of potentially hazardous foods that have been previously cooked, cooled and held, such as soups, stews, rice, or casseroles, that are intended to be consumed hot, shall be reheated to 165 degrees F for 15 seconds for immediate service."

**Council Action: Withdrawn**

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**Issue Number: 00-03-08**

**Issue Title: Leftover Food from Consumer Self-Service Operations**

**Recommendation:** A subsection should be added to the Food Code on page 54, Section 3-306.13, to read (D) Leftover potentially hazardous food that has been offered in a consumer self-service operation, such as a buffet or salad bar, must be discarded. Fresh food may not be added to a container of food previously offered for customer self-service.

**Council Action: Withdrawn**

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**Issue Number: 00-03-09**

**Issue Title: Wild Mushrooms, 1999 FDA Food Code 3-201.16**

**Recommendation:** The Conference recommends that the Chair submit a letter to FDA requesting:  
1. Amendment to current language of 1999 FDA Food Code 3-201.16, page 38.

Except as specified in paragraph (B) of this section, identification of mushroom species picked in the wild shall have a written buyer specification which includes:

- A) identification by the Latin binomial with author and common name,
- B) identification in the fresh state,
- C) the name of the person making the identification, and
- D) a statement of their qualifications and training.

This information is to remain on file in the retail establishment for a minimum of 90 days from the date of sale or service.

2. CFP shall convene a committee or working group to coordinate with the North American Mycological Association (NAMA) on the development of a brochure about wild mushroom identification for state and local retail regulatory agencies, which will provide information on how persons can meet qualifications and training programs in mushroom identification.
3. The Conference recommends that a wild mushroom committee (may be same committee as in part 2) be established to work with FDA, other agencies, industry, academia and the mycological association to identify current knowledge and practices and develop guidance documents regarding:
  - a) identification of edible mushroom species in the wild;
  - b) processing, including field drying, packaging, and labeling;
  - c) interstate shipment.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-03-10**

**Issue Title: Retail-level Guidance for Minimizing Microbial Contamination of Produce**

**Recommendation:** The Conference recommends a committee be formed to develop guidance for minimizing the potential of contamination and growth of pathogens in ready-to-eat fruits and vegetables in retail food operations. It is further recommended that the committee seek out ongoing guidance that may be available through government, industry, or academic sources to avoid duplication of effort. The Committee should report its findings at the Conference Executive Board meeting in September, 2000, to Conference members via the CFP Newsletter, and at the 2002 CFP Meeting.



**Council Action: Accepted**

**Delegate Action: Accepted**

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**Issue Number: 00-03-11**

**Issue Title: Efficacy of Fit Antibacterial Fruit and Vegetable Professional Cleaner on Dirt, Chemicals, and Pathogens Associated with Foodborne Illness from Processed Produce vs. Washing with Water Alone**

**Recommendation:** The Conference recommends the following change in the Food Code wording as follows:

“3-302.15.... (B) Fruits and vegetables may be washed by using chemicals as specified under § 7-204.12. To provide both cleaning and antibacterial benefits vs. water alone, after produce is cut, peeled, sliced, or chopped, processed fruits and vegetables should be thoroughly washed with an antibacterial cleaning wash designed for food service use and made from ingredients as specified under § 7-204.12 and approved for food use or used in common everyday foods.”

**Council Action: No Action**

**Delegate Action Accepted**

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**Issue Number: 00-03-12**

**Issue Title: Use of Electrolyzed Water to Assist in Vegetable Washing and Peeling**

**Recommendation:** CFP should direct the Chair to send a letter to the FDA Commissioner to urge the following changes to 21 Code of Federal Regulation:

Add HOCL to 21 CFR 173.315, Section A2 Table under existing chemicals as granting acceptance for use to wash or to assist in peeling of fruits and vegetables.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-03-13**

**Issue Title: Recognizing Hypochlorous Acid as GRAS**

**Recommendation:** CFP should direct the Chair to send a letter to the FDA Commissioner to urge the following changes to 21 Code of Federal Regulation:

1. Recognize and list HOCL as Generally Recognized As Safe (GRAS) in 21 CFR 184.1369, and
2. Add a new Section under 178.1010 part B(48) to existing code stating:

Hypochlorous acid (CAS Reg. No. 7790-92-3) generated by the electrolysis of sodium chloride at ambient temperatures for use on food-processing equipment and utensils.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-03-14**

**Issue Title: Use of Electrolyzed Water in Food Sanitation**

**Recommendation:** CFP should direct the Chair to send a letter to the FDA Commissioner to urge the following changes to 21 Code of Federal Regulation:

Add a new Section 178.1010 part C(34) listing electrolyzed water with a pH of 2.7 or less and a minimum chlorine concentration of 40ppm as an alternative method of sanitation.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-03-15**

**Issue Title: Fingertip Washing**

**Recommendation:** Revise the hand washing procedure in the code to provide for a double-wash procedure using the nailbrush on the first wash to remove fecal pathogens from fingertips, and an ordinary wash, with no time specification, for the second wash. The fingernail brush will only be used when coming into the kitchen from another location (e.g., restroom). Inside the kitchen, a single-wash procedure should be identified as sufficient to reduce food pathogens to a safe level when working between raw and ready-to-eat/cooked food.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-03-16**

**Issue Title: Change of Hand Drying Provision 6-301.12(A) to Eliminate Cross-Contamination**

*Recommendation:* 6-301.12 Hand Drying Provision

Each handwashing lavatory or group of adjacent lavatories shall be provided with:

(A) A no-touch (hands-free) dispenser system that delivers individual, disposable towels to reduce the risks of cross-contamination.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-03-17**

**Issue Title: Eliminate Provision 6-301.12(B) Due to Potential for Implement to Become a Communal Towel**

*Recommendation:* Eliminate hand drying provision 6-301.12(B) from Code due to inevitable end-of-roll contamination.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-03-18**

**Issue Title: Elimination of 6-301.12(C), Heated-air Hand Drying Device as Accepted Equipment**

*Recommendation:* Elimination of heated-air device as an accepted hand drying provision as per 6-301.12 (C).

**Council Action: No Action**

**Delegate Action: Accepted**

**Issue Number: 00-03-19**

**Issue Title: Section 3-401.11(C), Cooking Temperatures for Injected (Jacarded) Steaks**

**Recommendation:** Replace Section 3-401.11(C) (1) through (3) with:

(C) A raw or undercooked WHOLE-MUSCLE, INTACT BEEF steak or INJECTED steak using the Jacard or similar process may be served or offered for sale in a ready-to-eat form if the steak is cooked to an external surface temperature of 63°C (145°F) or above on both sides and a cooked color change is achieved on all external surfaces PROVIDED that:

(1) Raw steak cooked less than 63°C (145°F) is not served to a HIGHLY SUSCEPTIBLE POPULATION.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-03-20**

**Issue Title: Pinned Beef, Sections 3-201.11(E), 3-401.11(B) and (C), and Definition 1-201.10(B)(94)**

**Recommendation:** The Conference recommends the Chair send a letter to the FDA Commissioner proposing the undercooking of pinned meats be allowed and exempted from the requirement for a consumer advisory, along with whole muscle, intact beef steaks. Further, it is recommended to replace Section 3-401.11 (C) with “A raw or undercooked whole-muscle or pinned beef steak may be served or offered for sale in ready-to-eat form if it is cooked to an external surface temperature of 63°C (145°F) on all sides”.

**Council Action: Accepted as Amended**

**Delegate Action: Extracted and Rejected**

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**Issue Number: 00-03-21**

**Issue Title: Destruction of Organisms in Blade Tenderized Steaks**

**Recommendation:** Change FDA Food Code 1999, Section 3-401.11 (D) (2) to:

(2) The consumer is informed as specified under § 3-603.11 that to ensure its safety:

a) the food should be cooked as specified under § (A) or (B) of this section, or

b) in the case of blade tenderized beef steaks, the consumer is informed that the product should be cooked to a minimum internal temperature of 145°F only if a lesser degree of doneness is requested.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-03-22**

**Issue Title: Latex Gloves, Proscription**

**Recommendation:** The Conference recommends the chair send a letter to FDA requesting the Commissioner investigate the growing reports of allergic reactions related to Hevea natural rubber latex products when used in contact with food. In addition, the Conference requests the Commissioner report back with findings at the 2002 Conference.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-03-23**

**Issue Title: Latex Gloves, Food Adulteration through Allergenic Proteins**

**Recommendation:** The Conference should direct the Chair to send a letter to the FDA urging the Commissioner to make the following changes to the Food Code:

1) 3-302.14 Protection from Unapproved Additives.\*

(A) FOOD shall be protected from contamination that may result from the addition of, as specified in § 3-202.12:

(B) A FOOD EMPLOYEE may not:

Add (3) Use single-use, disposable gloves manufactured from Hevea natural rubber latex.

2) 3-304.15 Gloves, Use Limitation.

Add (E) Single-use, disposable gloves manufactured from Hevea natural rubber latex are not acceptable utensils. (As specified in 3-302.14, Protection from Unapproved Additives)

3) 3-301.11 Preventing Contamination from Hands.\*

Add (D) Single-use, disposable gloves manufactured from Hevea natural rubber latex are not acceptable utensils. (As specified in 3-302.14, Protection from Unapproved Additives)

4) Based on current research, growing reports of allergic reactions to Hevea natural rubber latex products, most notably latex gloves, and recent governmental recommendations, the Conference should direct the Chair to send a letter to the FDA urging the Commissioner to petition the Office of Pre-market Approval to examine and rule on the use of single-use, disposable gloves manufactured from Hevea natural rubber latex as a source of an unapproved food additive.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-03-24**

**Issue Title: Shucked Shellfish, Tag and Label Retention**

**Recommendation:** If shucked shellfish are a safer product relative to Hepatitis A and the risk of this disease is reduced, then the Food Code requirements may stand as is. Additional language is needed in Annex 3.

If shucked shellfish are not a safer product relative to Hepatitis A and the risk of this disease is equal to that found in shellstock, then additional tag and/or label requirements need to be enacted for shucked shellfish.

1. Changes would need to be made to the following:

- 3-202.17 — No harvester information is currently required on the shucked shellfish container label.
- 3-203.11 — Shucked shellfish labels are not required to be kept beyond the time of display and dispensing.
- 3-203.12 — Maintenance of identification currently applies only to shellstock, not to shucked shellfish.

2. Specify time period for record retention of shucked product removed from original container.

3-203.11(C)(1) does require that labeling information be retained and correlated to the date when, or dates during which, the shellfish is sold or served if the shellfish is removed from its original container and held in a display container. The language does not specify a length of time for record retention. Change section 3-203.11(C)(1) to add underlined information to read:

- “The labeling information for the shellfish on display as specified under § 3-202.17 is retained for 90 days and correlated to the date when, or dates during which, the shellfish are sold or served,”

3. Maintain product identity for shucked product removed from original container.

Section 3-203.12 deals exclusively with shellstock. A more logical place for the change would be an addition to 3-203.11(C). Change the current (2) to (3) and add

(2) Shucked shellfish from different certified dealers and/or different dates shucked or dates packed are not commingled; and

(3) The shellfish are protected from contamination.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-03-25**

**Issue Title: Lead Content in Alloys Used for Food Contact**

**Recommendation:** Change FDA Model Code 4-101.17 Lead in Pewter Alloys, Use Limitation.

Pewter alloys containing lead in excess of 0.05% may not be used as a FOOD CONTACT SURFACE.

To:

Pewter alloys containing lead in excess of that allowed in 4.101.13 for ceramic, china and crystal may not be used as a FOOD CONTACT SURFACE.

**Council Action: Withdrawn**

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**Note: The following Issues, deliberated by Council III, were referred by Council I**

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**Issue Number: 00-01-01**

**Issue Title: Changing Safe Hot Holding Temperature from 140°F to 130°F**

**Recommendation:** Change the current hot holding temperature of potentially hazardous food from 140°F to 130°F.

Page 63 of the 1999 FDA Food Code, section 3-501.16(A) should be deleted and replaced with: “At (54°C (130°F) or above; or”

Recommend changing all other appropriate sections to reflect the change to 130°F from 140°F for hot holding.

**Council Action: Combined with 00-03-03**

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**Issue Number: 00-01-02**

**Issue Title: Hot Holding Temperature Change From 140°F To 130°F in the Food Code for All Potentially Hazardous Foods**

**Recommendation:** I would like the Conference to refer this Issue to the appropriate Council for discussion and referral for Delegate vote. I would like the Conference to recommend to the FDA to change the next Food Code revision to allow 130°F for hot holding of all potentially hazardous food.

This change would occur on page 63, section 3-501.16 (A). It would read:

At 54°C (130°F) or above; or

A second option is: If the council is unable to pass this Issue, I would request the council to submit this topic to a study committee for further review and be resubmitted at the 2002 Conference.

**Council Action: Combined with 00-03-03**

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**Issue Number: 00-01-03**

**Issue Title: Changing Safe Hot Holding Temperature from 140°F to 130°F**

**Recommendation:** The Conference recommends that the Chair send a letter to FDA requesting that page 63 of the 1999 FDA Food Code, section 3-501.16(A) should be deleted and replaced with: “At 54°C (130°F) or above; or”

The Conference further recommends changing all other appropriate sections to reflect the change to 130°F from 140°F for only hot holding. Hot holding temperatures between 130°F and less than 135°F require verification through monitoring and corrective action.

**Council Action: Accepted as Amended**

**Delegate Action: Extracted and Rejected**



**Issue Number: 00-01-04**

**Issue Title: Section 3-401.13, Plant Food Cooking for Hot Holding**

**Recommendation:** The Conference recommends that the Chair send a letter to FDA requesting to change “140 degrees F. to 130 degrees F.” in section 3-401.13

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

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**Issue Number: 00-01-05**

**Issue Title: Cooling Food**

**Recommendation:** Revise the FDA Food Code to call for cooling from 130 to 45 degrees F. within 15 hours, continuous cooling.

**Council Action: Combined with 00-03-05**

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**Issue Number: 00-01-07**

**Issue Title: Preventing Contamination from Hands, Section 3-301.11**

**Recommendation:** The Conference recommends a committee be established to develop a report based on review of the statement “when other approved” and to consider the following items:

- 1) Those risk factors associated with transmission of foodborne illness related to bare hand contact (e.g., direct contact with wet foods, ill workers, etc.)
- 2) Identify potential examples of the following:
  - a) Tasks where bare hand contact cannot be practically avoided; and
  - b) Incidental contact where bare hands do not appear to present appreciable risk to consumers.

The committee shall present its report at the 2002 Conference, including its rationale for making recommendations relative to the above issues and guidelines for regulatory approval.

**Council Action: Accepted as Amended**

**Delegate Action: Accepted**

**Issue Number: 00-01-08**

**Issue Title: Submission Supporting National Restaurant Association's CFP Issue Submission Titled "Preventing Contamination From Hands, Section 3-301.11", Replicated Herein**

**Recommendation:** The Conference should direct the Chair to send a letter to the FDA Commissioner to urge the following changes to Section 3-301.11, page 45 of the 1999 Food Code:

Section 3-301.11 of the 1999 FDA Model Food Code should be modified to accommodate a more practical approach to limiting bare hand contact. The regulation should read as follows:

"Except when washing fruits and vegetables, food employees should attempt to minimize contact with exposed, ready-to-eat food with their bare hands."

In addition, the letter should charge FDA to work with industry, academia and other government agencies to conduct a quantitative risk assessment on bare hand contact and use of physical barriers, e.g., utensils, single-use gloves, tongs, deli tissues, and effective hand washing practices.

**Council Action: Combined with 00-01-07**

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**Issue Number: 00-01-09**

**Issue Title: No Bare Hand Contact with Ready-to-Eat Foods and Findings of the National Advisory Committee for Microbiological Criteria for Foods**

**Recommendation:** Since the purpose of this Issue is to report the NACMCF's statement and since the 1999 Food Code does not contain a blanket prohibition with respect to bare hand contact, it is the Agency's position that the two are in harmony. CFSAN believes that the prevailing principle and rule in retail operations needs to be no bare hand contact with ready-to-eat food, with the understanding that under controlled conditions in which multiple barriers are rigorously employed, bare hand contact and consumer protection can both occur. In response to a 1996 Conference recommendation and to the first part of its 1998 recommendation on the matter, the Food Code was adjusted to address that allowance. This was done by adding in the 1997 Code, "or when otherwise APPROVED", and by adding in the 1999 Code specific guidance for regulators and the industry in approving specific situations.

**Council Action: Combined with 00-01-07**

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**Issue Number: 00-01-10**

**Issue Title: Preventing Contamination from Hands, Section 3-301.11**

**Recommendation:** A letter should be sent to the FDA Commissioner to urge the following changes to Section 3-301.11, page 45 of the 1999 Food Code:

Section 3-301.11 of the 1999 FDA Model Food Code should be modified to accommodate a more practical approach to limiting bare hand contact. The regulation should read as follows: "Except when washing fruits and vegetables, food employees should attempt to minimize contact with exposed, ready-to-eat food with their bare hands."

**Council Action: Combined with 00-01-07**

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**Issue Number: 00-01-12**

**Issue Title: Handwashing, Frequency**

**Recommendation:** The Conference recommends that Section 2-301.12 should be amended to read:

"(A) Except as specified in paragraph (B) of this section, FOOD EMPLOYEES shall clean their hands and exposed portions of their arms with a cleaning compound in a lavatory that is equipped as specified under Section 5-202-12 by vigorously rubbing together the surfaces of their lathered hands and arms for at least 10 seconds and thoroughly rinsing with clean water. EMPLOYEES shall pay particular attention to the areas underneath the fingernails and between the fingers."

**Council Action: Accepted**

**Delegate Action: Extracted and Rejected**

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**Issue Number: 00-01-13**

**Issue Title: Date Marking RTE PHFs, Section 3-501.17**

**Recommendation:** The Conference should direct the Chair to send a letter to the FDA Commissioner to urge the revision of Section 3-501.17, pages 64-66 of the of the 1999 FDA Food Code to:

1. Clarify the language of § 3-501.17(A) to include date marking terminology currently used by the supermarket industry, e.g. "Sell By" date and/or "Best If Used By" date.  
Reword to read:

"Except as specified in § (E) of this section, refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD prepared and held refrigerated for more than 24 hours in a FOOD ESTABLISHMENT shall be clearly marked at the time of preparation to indicate the "Sell By" date, "Best If Used By" date, or a date by which the food shall be consumed, which is including the day of preparation. Date marking may be accomplished through use of identification stickers or tags, color codes or other effective means."

2. Expand 3-501.17(F) listing to include additional exempt products from the date marking requirements that incorporate alternative measures to ensure food safety. These products include:
  - a. Specific cheeses containing certain moisture content meeting the aging standards of 21 CFR Part 133 (See attached chart).
  - b. Commercially processed RTE meat items with a “moisture to one part protein ratio” of 1.9:1 or less, regardless if the casing is on the remaining product. These products would not support the rapid AND progressive growth of infectious or toxigenic microorganisms.
  - c. RTE PHFs containing barriers to ensure food safety, e.g., anion effects from acidulent use, phosphates, sorbates, and bacteriocins, and humectants other than sodium chloride.
3. Charge FDA to evaluate the validity and application of the USDA Pathogen Modeling Program by specific food commodity groups (based on foods, processes and/or ingredients) prior to providing time criteria within Section 3-501.17. The temperature requirements throughout the 1999 FDA Food Code are reasonable and applicable to ensure food safety at the retail level, but the time parameters specified in Section 3-501.17 are not supported by science, nor should they be generically applied to all RTE PHFs.
4. Re-categorize Section 3-501-17 as non-critical by removal the asterisk (\*) at the end of the tagline due to insufficient and non-supportive food safety shelf life data at this time.

**Council Action: Combined with 00-01-16**

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**Issue Number: 00-01-14**

**Issue Title: Section 3-501.17, Date Marking RTE PHFs**

**Recommendation:** The Conference should direct the Chair to send a letter to the FDA Commissioner to urge the revision of Section 3-501.17, pages 64-66 of the of the 1999 FDA Food Code to:

5. Clarify the language of § 3-501.17(A) and (C) to include date marking terminology currently used by the supermarket industry, e.g. “Sell By”, “Best If Used By”, “Prepared on” and/or “Pull on” dates. Example of rewording for § 3-501.17(A) with bracketed example for § 3-501.17(C) could read:

“Except as specified in § (E) of this section [or exempt under in § (F)], refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD prepared and held refrigerated for more than 24 hours in a FOOD ESTABLISHMENT shall be clearly marked at the time of preparation to indicate the a date by which the food shall be sold or used, which is including the day of preparation. Date marking may be accomplished through use of identification stickers or tags, color codes or other effective means commonly used in the industry.”

6. Re-categorize Section 3-501-17 as non-critical by removal of the asterisk (\*) at the end of the tagline, due to insufficient and non-supportive food safety shelf life data, until scientifically validated quantitative risk assessments of RTE PHFs are completed.

7. Allow commercially prepared RTE PHF that remain cased per USDA MPI Guideline No. 6, "A Glossary of Meat and Poultry Industry Terms" to be sold or used within 10 days if held at 45°F or less if the remaining portions are maintained with the casing on.
8. Expand 3-501.17(F) to include products exempt from the date marking requirements to include:
  - a. Hard cheeses that meet the aging standards of 21 CFR Part 133, or as already identified in reference 6.
  - b. RTE PHF commercially processed meats that contain other barriers aside from refrigeration to control the growth of pathogens. These include acidulents, phosphates, sorbates, nitrates, salts or other ingredients and/or processes known to control the growth of pathogenic bacteria.

**Council Action: Combined with 00-01-16**

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**Issue Number: 00-01-15**

**Issue Title: Date Marking**

**Recommendation:** Taking into account the ongoing risk assessment initiatives, particularly with respect to L.m., the Conference should evaluate the date marking provision found in the 1999 Food Code at Section 3-501.17 and recommend Code language that reflects current science, provides adequate consumer protection, and provides guidance on the concerns listed above.

FDA will offer a proposal for the Conference to consider.

**Council Action: No Action**

**Delegate Action: Accepted**

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**Issue Number: 00-01-16**

**Issue Title: PHF, Expiration Date Labeling**

**Recommendation:** The Conference recommends that a committee be formed to resolve the issues of date marking and report back to the CFP meeting in 2002.

The Conference further recommends to the FDA to provide guidance to the states to adopt and to hold enforcement of Section 3-501.17 in abeyance until this issue has been resolved.

**Council Action: Accepted as Amended**

**Delegate Action: Extracted and Accepted**

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**Issue Number: 00-01-20**

**Issue Title: Preventing Contamination from Hands, Section 3-301.11**

**Recommendation:** The Conference should direct the Chair to send a letter to the FDA Commissioner to urge the following changes to Section 3-301.11, page 45 of the 1999 Food Code:

Section 3-301.11 of the 1999 FDA Model Food Code should be modified to provide accountability in foodworker handwashing programs as an alternative approach to limiting bare hand contact. The regulation should read as follows:

“Except when (1) an effective handwashing management program including monitoring, documentation, and verification is in place; and (2) when washing fruits and vegetables, food employees should attempt to minimize contact with ready-to-eat food with their bare hands.”

**Council Action: Combined with 00-01-07**

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**Issue Number: 00-01-21**

**Issue Title: Bare Hand Contact**

**Recommendation:** Possible clarification on “when otherwise approved” in Food Code section 3-301.11 (B) (preventing contamination from hands).

“when otherwise approved” or when acceptable ill worker exclusion 2-201.12 and hand washing programs are instituted.

**Council Action: Combined with 00-01-07**

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**Issue Number: 00-01-57**

**Issue Title: Ten-Year Exemption from 41°F. Standard for Existing Refrigerators**

**Recommendation:** The recognition of integrated time/temperature relationships as proposed by FMI would allow for the best application of science to food safety. While this broader recognition is under study by NACMCF, the Conference recommends the following interim solution be put forth:

An exemption for the life of the refrigeration equipment (grandfathering) be given for all small open top, grill line and prep reach-in units intended for short-term storage of three days or less (or other time-temperatures as ultimately allowed by the code).

**Council Action: Accepted as Amended**

**Delegate Action: Extracted and Rejected**

# **APPENDIX A**

## **CONFERENCE FOR FOOD PROTECTION 2000**

### **BIOTERRORISM WORKSHOP**

#### **Agenda**

**Welcome** – John Marcy, University of Arkansas, Workshop Program Chair

#### **Part I Planning for Bioterrorism**

“Local and State Bioterrorism Planning”

Karen A. Holmes, Director of Environmental Health  
DuPage County Health Department

Ms. Holmes serves on the DuPage County Terrorism Taskforce, the State of Illinois Terrorism Task Force and has worked with the Chicago FBI on previous table top exercises for terrorism planning.

“The FBI Role in Bioterrorism”

Howard T. Kaeding, Special Agent, Chicago FBI  
Mark A. Wallschlaeger, Special Agent, Chicago FBI

Both Mr. Kaeding and Mr. Wallschlaeger are assigned to the FBI Joint Terrorism Task Force and are Coordinator and Co-Coordinator for the Weapons of Mass Destruction Program under the Domestic Terrorism Squad. They are also part of the Chicago Regional Evidence and Response Team and the Hazardous Materials Team.

“Update from the National Perspective”

Caren A. Wilcox, USDA  
Deputy Under-secretary of Agriculture for Food Safety

Ms. Wilcox serves as a Member of the National Security Council Food and Agriculture Work Group and the Policy Council on Counter Terrorism.

Video Presentation on “Bioterrorism”

Highlights from the satellite broadcast September 21-23, 1999  
Centers for Disease Control  
Food and Drug Administration  
United States Army Medical Research Institute of Infectious Diseases

#### **Part II Table Top Exercise on Bioterrorism**

This interactive exercise portrayed the release of a biological agent. Participants worked through three scenarios, “Detection, Initial Response and Recovery,” to analyze the differences between a customary foodborne illness investigation and a bioterrorism event, involving a biological agent released into food.

The role of local, state and federal authorities, including the FBI, were determined. Sources of laboratory support, coordination of public information releases and protocols for dealing with mass numbers of ill persons and numerous deaths were reviewed.

### **Summary**

The Conference workshop focused on preparing for bioterrorism events involving the food industry. Emergency and disaster planning has traditionally looked to fire and police for first response. However, terrorism events involving biological agents are “Public Health” events.

Biological agents require an incubation time. Since most people are very mobile, even on any given day, this means the point of contact and point of discovery are not going to be in the same vicinity. The difficulty of diagnosis of the agent and source are therefore compounded.

Surveillance for diseases that are not usually seen in a community will help to prepare for identification of a suspect biological agent and prevention of secondary infections. Emergency physicians and nurses will become the first responders in these events.

Whenever a biological agent is used as an intentional agent of harm, this escalates to a criminal event and the Federal Bureau of Investigation (FBI) has jurisdiction over the event.

Karen A. Holmes, April 20, 2000



## **APPENDIX B CONFERENCE FOR FOOD PROTECTION ASSEMBLY OF VOTING DELEGATES APRIL 12, 2000**

The Assembly of Voting Delegates was called to order by Conference Chair Sandra Lancaster at 8:40 a.m.

The roll call showed 44 states and one territory seating delegates. Delegates and the jurisdictions they represented are reflected in Appendix C of this Proceedings document.

The Executive Secretary gave the following report:

- There are 366 paid registrants with 346 attending.
- There are 44 states and one territory represented.
- Our year-end fiscal report reflects a balance of \$47,679, as confirmed by an audit conducted at the close of Leon Townsend's tenure.
- Caucus elections for this year resulted in the following people being named to the Board: Glenda Christy, Karen Holmes and David Ludwig from Local Regulatory; David Gagnon and Sandra Lancaster from State Regulatory; and Dan Smyly, Lisa Wright and Cory Hedman from Industry.
- A brief summary of meeting minutes from the 1998 Assembly of Voting Delegates disclosed there were 43 states and one territory represented; Council Reports were submitted and Resolutions of Appreciation were approved.

Chair Lancaster requested a motion to accept the minutes of the 1998 Assembly of Voting Delegates. A **motion passed** to accept the minutes.

Secretary Hayes read as follows: "A quorum is defined as the presence of registered voting Delegates from at least two-thirds of the states, with designated states in attendance at the conference meeting. Each territory and the District of Columbia count as one-half state in constituting a quorum. A two-thirds majority is required to change a procedure adopted at a previous conference or to make changes in the Constitution and Bylaws. Other actions require a simple majority, unless specifically covered by *Roberts' Rules of Order*. The voting choices are as follows: 'Yes', 'No', 'Abstain.' A Council recommendation cannot be changed. Votes are cast by a show of hands by the Voting Delegates. Roll call votes are taken only if requested by a Delegate."

Parliamentarian Otto provided an explanation as to how "no action" recommendations would be handled, this being the first year that such Issues would be heard by the Assembly. Chair Lancaster entertained a motion from the floor that, in fact, "no action" Council recommendations would go to the Assembly for vote by the Delegates. **Motion passed.**

Chair Lancaster then explained the procedures for Assembly action. Council Reports will be presented in sequence, beginning with Council I. Council Reports, however, will be divided into Part A and Part B. Part A will be the accepted Issues, the opportunity for extraction of Issues, and voting on the accepted Issues, followed by voting on the extracted Issues individually.

Part B of the Council Reports deals with “no action” Issues, allowing for extraction of “no action” recommendations on Issues. A “yes” vote accepts the Council recommendation. A “no” vote rejects the Council recommendation. A rejected “no action” Issue will be sent to the Executive Board and the Board may send the Issue to the originating Council or to another Council.

Issues dealing with the Constitution and Bylaws are automatically extracted from the Council II Report because they require a two-thirds vote for passage.

Chair Lancaster then entertained a motion to limit the time of debate on each Issue. A motion was made and seconded to limit the time for debate on each Issue to a total of 15 minutes; the Delegate who extracts the Issue would be the first speaker, limited to a total of 3 minutes, and any subsequent speaker would be limited to a total of 1½ minutes. **Motion passed.**

Chair Lancaster entertained a motion to have the Constitution and Bylaws Committee address the matter of “no action” Issues. Motion seconded and passed.

The Chair of Council I was recognized.

### **Council I Report, Part A — Charlene Bruce, Chair**

Council I voted to refer the following Issues to Council III: 00-01-01, 00-01-02, 00-01-03, 00-01-04, 00-01-05, 00-01-07, 00-01-08, 00-01-09, 00-01-10, 00-01-12, 00-01-13, 00-01-14, 00-01-15, 00-01-16, 00-01-20, 00-01-21 and 00-01-57 (17 Issues).

It was noted that Issue 00-01-49 was withdrawn by the submitter. Issues 00-01-23, 00-01-24, 00-01-26, 00-01-27 and 00-01-28 were combined with Issue 00-01-25 and accepted as amended. Issues 00-01-29, 00-01-30, 00-01-32, 00-01-33, 00-01-34, 00-01-35, 00-01-41, 00-01-46, 00-01-50, 00-01-51, 00-01-52, (00-01-53 and 00-01-54 combined), 00-01-55, 00-01-58, 00-01-59, 00-01-60, 00-01-62, 00-01-64, 00-01-65, (00-01-66 and 00-01-67 combined) were “accepted” or “accepted as amended”. Issue 00-02-16 was referred to Council I from Council II.

The following Issues were extracted from the Council I Report, Part A: Issues 00-01-25, 00-01-41, and 00-01-46. A **motion passed** to accept the Council I Report, Part A, minus the extracted Issues.

Issue 00-01-25 — A **motion passed** to accept Council recommendation of “Accepted as Amended.”

Issue 00-01-41 — A **motion passed** to accept Council recommendation of “Accepted.”

Issue 00-01-46 — A **motion passed** to reject Council recommendation of “Accepted.”

### **Council II Report, Part A — Lisa Wright, Chair**

Council II had 22 Issues with Issue 00-02-14 withdrawn by the submitter. Issue 00-02-16 was referred to Council I. Issues 00-02-02, 00-02-03, 00-02-13 and 00-02-15 were accepted. Issues 00-02-01, 00-02-05, 00-02-08, 00-02-09, 00-02-10, 00-02-11, 00-02-12, 00-02-18, 00-02-20, 00-02-21, and 00-02-22 were accepted as amended. Issues 00-02-03 and 00-02-22 were extracted since they require a two-thirds vote of the Assembly of Voting Delegates.

The following Issues were extracted from the Council II, Part A Report: 00-02-11, 00-02-12, 00-02-13, 00-02-20. A **motion passed** to accept the Council II Report, Part A, minus the extracted Issues. A **motion passed** to accept Issue 00-02-03 (2/3 vote required). A **motion passed** to accept Issue 00-02-22 (2/3 vote required).

Issue 00-02-11 — A **motion passed** to reject Council recommendation of “Accepted as Amended.”

Issue 00-02-12 — A **motion passed** to reject Council recommendation of “Accepted as Amended.”

Issue 00-02-13 — A **motion passed** to reject Council recommendation of “Accepted.”

Issue 00-02-20 — A **motion passed** to reject Council recommendation of “Accepted as Amended.”

### **Council III Report, Part A — Bert Bartleson, Chair**

In addition to the Issues originally assigned to Council III, 17 Issues were referred to Council III from Council I. The following Issues were withdrawn by the submitter: 00-03-06, 00-03-07, 00-03-08, and 00-03-25. The following Issues were accepted as written: 00-03-03, 00-03-10, and 00-03-12. The following Issues, originally assigned to Council III, were accepted as amended: 00-03-01, 00-03-02, 00-03-05, 00-03-09, 00-03-20, and 00-03-22. The following Issues, referred from Council I, were accepted as amended: 00-01-03, 00-01-04, 00-01-07, 00-01-16 and 00-01-57. The following Issues were extracted from the Council III Report: 00-03-20, 00-01-03, 00-01-12, 00-01-16 and 00-01-57. A **motion passed** to accept the Council III Report, Part A, minus the extracted Issues.

Issue 00-03-20 — A **motion passed** to reject Council recommendation of “Accepted as Amended.”

Issue 00-01-03 — A **motion passed** to reject Council recommendation of “Accepted as Amended.”

Issue 00-01-12 — A **motion passed** to reject Council recommendation of “Accepted.”

Issue 00-01-16 — A **motion passed** to accept Council recommendation of “Accepted as Amended.”

Issue 00-01-57 — A **motion passed** to reject Council recommendation of “Accepted as Amended.”

### **Council I Report, Part B — Charlene Bruce, Chair**

Council I “No action” Issues were as follows: 00-01-06, 00-01-11, 00-01-17, 00-01-18, 00-01-19, and 00-01-22; (Issues 00-01-23, 00-01-24, 00-01-26, 00-01-27 and 00-01-28 were combined with Issue 00-01-25); 00-01-31, 00-01-36, 00-01-37, 00-01-38, 00-01-39, 00-01-40, 00-01-42, 00-01-43, 00-01-44, 00-01-45, 00-01-47, 00-01-48, 00-01-56, 00-01-61 and 00-01-63.

A **motion passed** to accept all of the Council I “No action” Issues.

## **Council II Report, Part B — Lisa Wright, Chair**

Council II “No action” Issues were as follows: 00-02-04, 00-02-06, 00-02-07, 00-02-17 and 00-02-19. Of the Council II “No action” Issues, 00-02-17 and 00-02-19 were extracted.

A **motion passed** to accept all of the Council II “No action” Issues that were not extracted.

Issue 00-02-17 — A **motion passed** to reject Council recommendation of “No action.”\*

Issue 00-02-19 — A **motion passed** to reject Council recommendation of “No action.”\*

\*Note: Assembly rejection of a “no action” Issue requires the Issue to be referred to the Executive Board for referral to the originating Council or to another Council.

## **Council III Report, Part B — Bert Bartleson, Chair**

Council III “No action” Issues were as follows: 00-03-04, 00-03-11, 00-03-12, 00-03-13, 00-03-14, 00-03-15, 00-03-16, 00-03-17, 00-03-18, 00-03-19, 00-03-21, 00-03-23 and 00-03-24. In addition, the following Issues referred from Council I were “No action” Issues: 00-01-01, 00-01-02, 00-01-05, 00-01-08, 00-01-09, 00-01-10, 00-01-13, 00-01-14, 00-01-15, and 00-01-20.

A **motion passed** to accept all of the Council III “No action” Issues.

Ted Strouth, Resolutions Committee Chair, read the following resolutions: (**motion passed** to accept each as they were read)

Resolution #1 — Acknowledging and thanking Michael Jarrard, Marie Zoromski, Tera Hubbard, Dawn Schilcher, Matt Wooden, and the staff of the Hyatt Regency Milwaukee Hotel.

Resolution #2 — Acknowledging and thanking the Educational Foundation of the National Restaurant Association for publishing the proceedings of the 1994, 1996 and 1998 Conference meetings and for again agreeing to publish the proceedings of CFP 2000.

Resolution #3 — Acknowledging and thanking Patty Hoppe, Debbie Mazanec, Helen White, Laura Murphy, Tom Leitzke and the Local Arrangements Committee and volunteers for their excellent service and hospitality.

Resolution #4 — Acknowledging and thanking Sandra Lancaster for her distinguished service as Chair of the Conference for the past two years.

Resolution #5 — Acknowledging and thanking Tom Chestnut for his distinguished service as Vice-Chair of the Conference for the past two years.

Resolution #6 — Acknowledging and thanking the following organizations and companies for their sponsorship support of the Conference:

Gold Level — Educational Foundation of the National Restaurant Association  
Food Marketing Institute  
Albertson’s  
Tricon Global  
Johnson Wax Professional

National Registry of Food Safety Professionals  
Burger King Corporation  
Underwriters Laboratories  
International Food Safety Council

Silver Level — Georgia-Pacific Corporation

Bronze Level — Siliker Laboratories

Copper Level — National Food Processors Association

CKE Restaurants

Hannaford Brothers Company

National Automatic Merchandising Association

Chair Lancaster requested authorization for the Executive Board to make editorial changes to the Issues and Resolutions prior to publication. A **motion passed** to so authorize the Board.

Chair Lancaster reported that Lydia Strayer of the Mississippi Department of Health is the incoming Conference Chair and that Dan Smyly of The Coca-Cola Company is the incoming Vice-Chair.

Chair Lancaster announced that the next conference meeting is scheduled for the Sheraton Downtown in Nashville, Tennessee, April 19-24, 2002.

Chair Lancaster requested and received a motion to adjourn. Meeting adjourned at 11:05 a.m.

**APPENDIX C  
CONFERENCE DELEGATES  
APRIL 12, 2000**

<b>Affiliation</b>	<b>Delegate</b>	<b>Alternate</b>	<b>Agency</b>
Alaska	Nancy Napolilli	Janice Adair	Env'l/Cons
Arizona	Charles S. Catlin	David Ludwig	Health
Arkansas	George C. Smith	Veronica L. Call	Health
California	Stuart E. Richardson	James Waddell	Health
Colorado	Patricia Klocker	Erin Mathiason	Health
Connecticut	Tracey Weeks	Steve Natrass	Health
Delaware	Thom May	Robert C. Hoffner	Health
Florida	Lee Cornman	Debra Williams	B & Prof'l
	Ric Mathis	Pad Juarez	Health
	Dr. Wayne Derstine		Ag
Hawaii	Brian J. J. Choy	Maurice Tamura	Health
Illinois	Francis C. Okino	James Bloom	Health
Indiana	A. Scott Gilliam	Shirley K. Vargas	Health
Iowa	Robert Haxton	Judy Harrison	Insp & Appls
Kansas	Steve Paige		Health
Kentucky	David Klee		Health
Louisiana	Barry Blue	Jody Guidry	Health
Maine	Robert F. Peterson	Ronald W. McDongal	Health
Maryland	Richard J. Kropka	Alan Taylor	Health
Massachusetts	Richard Waskiewicz		Health
Michigan	Jerry Wojtala	John Tilden	Ag
Minnesota	Colleen Paulas	Paul Attwood	Health

<b>Affiliation</b>	<b>Delegate</b>	<b>Alternate</b>	<b>Agency</b>
	Shirley Bohm	Lorna K. Girard	Ag
	Mississippi	Lydia L. Strayer	Health
Missouri	Daryl W. Roberts	Russell Lilly	Health
Montana	Howard Reid	Mitzi Schwab	Health
Nebraska	George Hanssen	Denis Blank	Ag
Nevada	Robbin E. Rose		Health
New Hampshire	John Seiferth		Health
New Jersey	William N. Manley	John A. Pisciella	Health
New York	J. Joseph Corby	Joseph Ferrara	Ag/Mkts
	Michael Cambridge	Richard W. Svenson	Health
North Carolina	Susan C. Grayson		Env/Nat'l Res
Ohio	Theodore D. Strouth	Lawrence Holbert	Health
	Paul Panico	Dr. Roland Jenkins	Ag
Oklahoma	James L. Walker	Rocky D. McElvany	Health
Oregon	Eric Pippert	David Martin	Health
	Charles Herrick		Ag
Pennsylvania	Glenda Christy		Ag
Rhode Island	Ernest M. Julian	Susan Wallace	Health
South Carolina	E. O'Neal Dufford	Gary W. Elliott	Health
Tennessee	Jerry Roland		Health
Texas	Steven C. McAndrew	Mario Seminara	Health
Utah	Becky Shreeve	Kyle R. Stephens	Ag
Vermont	Alfred B. Burns	Terry Macaig	Health
Virginia	Ryan W. Davis	James a. Morano	Ag
	Ron Ponzar	Ralph Sharp	Health

<b>Affiliation</b>	<b>Delegate</b>	<b>Alternate</b>	<b>Agency</b>
Washington	Jennifer A. Tebaldi		Health
West Virginia	Linda M. Jones	Ronald K. Forren	Health
Wisconsin	Edward G. Rabotski	David St. Jules	Health
	Charles T. Leitzke	Steven B. Steinhoff	Ag
Wyoming	Dean Finkenbinder	Laurie Leis	Ag
TERRITORY			
Puerto Rico	Rita M. Goytia	Mariely Ortiz	Health



## **APPENDIX D RESOLUTIONS OF APPRECIATION**

### **CONFERENCE FOR FOOD PROTECTION APRIL 7-12, 2000 MILWAUKEE, WISCONSIN**

#### RESOLUTION OF APPRECIATION

WHEREAS, The Conference for Food Protection wishes to thank Michael Jarrard, Marie Zoromski, Tera Hubbard, Dawn Schilcher, Matt Wooden, and the staff of the Milwaukee Hyatt Regency Hotel for extending their hospitality to the members of the Conference; and

WHEREAS, The staff of the Hyatt Regency Hotel have been flexible and extremely cooperative with all the requests of the Conference; and

WHEREAS, The excellent facilities at the Hyatt Regency Hotel and the help of the staff provided a meeting conducive to effectively conducting the business of the Conference and facilitating interaction between its members.

THEREFORE, BE IT RESOLVED That the Conference for Food Protection extends its thanks this April 12, 2000, to the staff of the Hyatt Regency Hotel for contributing significantly to the success of the 2000 Conference for Food Protection Meeting.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Michael Jarrard, Marie Zoromski, Tera Hubbard, Dawn Schilcher, Matt Wooden, and the Hyatt Regency Hotel and be published in the Proceedings of the 2000 Conference for Food Protection Meeting.

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Sandra Lancaster  
Chair, Conference for Food Protection

**CONFERENCE FOR FOOD PROTECTION  
APRIL 7-12, 2000  
MILWAUKEE, WISCONSIN**

RESOLUTION OF APPRECIATION

WHEREAS, The Educational Foundation of the National Restaurant Association published the Proceedings of the 1994, 1996, and 1998 Conference for Food Protection Meetings; and

WHEREAS, The Educational Foundation of the National Restaurant Association has once again graciously agreed to publish the Proceedings of the 2000 Conference for Food Protection Meeting.

THEREFORE, BE IT RESOLVED That the Conference for Food Protection commends and sincerely thanks The Educational Foundation of the National Restaurant Association this April 12, 2000, for its continued support of the Conference.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to The Educational Foundation of the National Restaurant Association, and be published in the Proceedings of the 2000 Conference for Food Protection.

---

Sandra Lancaster  
Chair, Conference for Food Protection

**CONFERENCE FOR FOOD PROTECTION**  
**APRIL 7-12, 2000**  
**MILWAUKEE, WISCONSIN**

RESOLUTION OF APPRECIATION

WHEREAS, The Conference for Food Protection wishes to extend its heartfelt thanks to Patty Hoppe, Debbie Mazanec, Helen White, Laura Murphy, Tom Leitzke, and the Local Arrangements Committee and Volunteers for the excellent services provided and hospitality extended to attendees of the 2000 Conference for Food Protection Meeting held in Milwaukee, Wisconsin; and

WHEREAS, Patty, Debbie, Helen, Laura, and Tom demonstrated great dedication in following through with a long-term commitment; and

WHEREAS, The members of the Local Arrangements Committee and Volunteers demonstrated their flexibility and willingness to assist the Conference with numerous requests and deadlines.

THEREFORE, BE IT RESOLVED That the Conference for Food Protection extends its thanks this April 12, 2000, for contributing significantly to the success of the 2000 Conference for Food Protection Meeting.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Patty Hoppe, Debbie Mazanec, Helen White, Laura Murphy, Tom Leitzke, The Local Arrangements Committee, and Volunteers, and be published in the Proceedings of the 2000 Conference for Food Protection Meeting.

---

Sandra Lancaster  
Chair, Conference for Food Protection

**CONFERENCE FOR FOOD PROTECTION  
APRIL 7-12, 2000  
MILWAUKEE, WISCONSIN**

RESOLUTION OF APPRECIATION

WHEREAS, The Conference for Food Protection wishes to commend Sandra Lancaster for her distinguished service as Chair of the Conference for Food Protection; and

WHEREAS, Sandra has shown her commitment to the Conference for Food Protection by giving unselfishly of her time and energy during the past two years; and

WHEREAS, Sandra's professionalism, organizational skills, and hard work are appreciated by all members of the Conference for Food Protection.

THEREFORE, BE IT RESOLVED That the Conference for Food Protection extends its heartfelt thanks this April 12, 2000, to Sandra Lancaster.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Sandra Lancaster and to the Commissioner of the Arkansas Department of Health and be published in the Proceedings of the 2000 Conference for Food Protection Meeting.

---

Tom Chestnut  
Vice Chair, Conference for Food Protection

**CONFERENCE FOR FOOD PROTECTION  
APRIL 7-12, 2000  
MILWAUKEE, WISCONSIN**

RESOLUTION OF APPRECIATION

WHEREAS, The Conference for Food Protection wishes to commend Tom Chestnut for his distinguished service as Vice Chair of the Conference for Food Protection; and

WHEREAS, Tom has shown his commitment to the Conference by giving unselfishly of his time and energy during the past two years; and

WHEREAS, Tom's professionalism ,organizational skills, and hard work are appreciated by all members of the Conference for Food Protection.

THEREFORE BE IT RESOLVED That the Conference for Food Protection extends its heartfelt thanks this April 12, 2000, to Tom Chestnut.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Tom Chestnut and to Darden Restaurants and be published in the Proceedings of the 2000 Conference for Food Protection Meeting.

---

Sandra Lancaster  
Chair, Conference for Food Protection

**CONFERENCE FOR FOOD PROTECTION**  
**APRIL 7-12, 2000**  
**MILWAUKEE, WISCONSIN**

RESOLUTION OF APPRECIATION

WHEREAS, The following organizations and companies have given graciously to provide sponsorship support to the 2000 Conference for Food Protection Meeting at the designated levels:

Gold Level:    Educational Foundation of the National Restaurant Association  
                  Food Marketing Institute  
                  Albertson's  
                  Tricon Global  
                  Johnson Wax Professional  
                  National Registry of Food Safety Professionals  
                  Burger King Corporation  
                  Underwriters Laboratories  
                  International Food Safety Council

Silver Level:   Georgia-Pacific Corporation

Bronze Level:  Siliker Laboratories Group

Copper Level: National Food Processors Association  
                  CKE Restaurants  
                  Hannaford Brothers Company  
                  National Automatic Merchandising Association

WHEREAS, This financial support gives assistance to the Conference for carrying out its mission of bringing together representatives from food industry, government, academia, and consumers to identify and address emerging problems of food safety and to formulate recommendations.

THEREFORE BE IT RESOLVED That the Conference for Food Protection sincerely thanks these companies and organizations for their support.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to each company or organization listed above and be published in the Proceedings of the 2000 Conference for Food Protection Meeting.

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Sandra Lancaster  
Chair, Conference for Food Protection

**APPENDIX E  
CONFERENCE FOR FOOD PROTECTION  
EXECUTIVE BOARD 1998 – 2000  
VOTING MEMBERS**

<b>Terms Expire</b>	<b>State Agencies</b>		
2004		2004	Lydia Strayer MS Dept. of Health P.O. Box 1700 Jackson, MS 39215-1700 601/576-7690 FAX576-7632 lstrayer@msdh.state.ms.us
2000	Sandra Lancaster AR Dept. of Health 4815 W. Markham Little Rock, AR 72205-3867 501/661-2171 FAX/661-2572 slancaster@mail.doh.state.ar.us		<b>Federal Agencies</b>
2002	Stuart (Stu) E. Richardson, Jr. CA Dept. of Health Services 601 N. 7th Street, MS 357 P. O. Box 942732 Sacramento, CA 94234-7320 916/445-2264 FAX/322-6326 srichard@dhs.ca.gov		Elizabeth Harden Food & Drug Administration 200 "C" Street, SW Washington, DC 20204 202/205-8145 FAX/205-5560 elizabeth.harden@cfsan.fda.gov
2000	Ernest (Ernie) M. Julian RI Dept. of Health 3 Capitol Hill - Cannon Bldg. Providence, RI 02908 401/222-2750 FAX/222-4775 erniej@doh.state.ri.us		Ralph E. Stafko USDA, FSIS 1400 Independence Ave., SW 3835 South Building Washington, DC 20250 202/720-5861 FAX/720-2345 Ralph.Stafko@usda.gov
2004	C. Thomas (Tom) Leitzke WI Dept. of Agriculture P.O. Box 8911 Madison, WI 53708 608/224-4711 FAX/224-4710 leitzct@wheel.datcp.state.wi.us	2000	<b>Local Regulatory Agencies</b>
2002	Paul P. Panico OH Dept. of Agriculture 8995 E. Main Street Reynoldsburg, OH 43068 614/728-6250 FAX/644-0720 panico@odant.agri.state.oh.us	2002 (2000)	Karen A. Holmes * DuPage Co. Health Dept. 111 N. County Farm Rd. Wheaton, IL 60187-3988 630/682-7979 FAX/462-9463 kholmes@dupagehealth.org
			Ben Gale * Santa Clara County Dept. Of Environmental Health P.O. Box 26070 San Jose, CA 95159-6070 408/299-2086 FAX298-6261 ben.gale@deh.co.santa-clara.ca.us

2004 Frederick (Rick) Petersen  
Stamford Health Dept.  
888 Washington Blvd.  
Stamford, CT 06904-2152  
203/977-4382 FAX/977-5882  
rickpetersens@worldnet.ATT.net

2000 Jerry R. Rowland  
Metro Health Dept.  
311 23rd Ave. N  
Nashville, TN 37203  
615/340-5620 FAX/340-2142  
jerry\_rowland@mhd.nashville.org

2002 Clyde Harding  
Tulsa Health Dept.  
4616 E. 15th St.  
Tulsa, OK 74112-6199  
918/595-4302 FAX/595-4339  
charding@tulsa-health.org

2004 (2000) Glenda Christy \*  
Allegheny Co. Health Dept.  
3901 Penn Ave. Bldg. #1  
Pittsburgh, PA 15224-1318  
412/578-8044 FAX/578-8190  
gchristy@ACHD.NET

#### Academic Institution

2002 John Marcy  
University of Arkansas  
O-203 PO SC  
Fayetteville, AR 72701  
501/575-2211 FAX/575-8775  
jmarcy@comp.uark.edu

#### Industry

2002 (2000) Dan Smyly \*  
The Coca-Cola Company  
P. O. Box 1734  
Atlanta, GA 30301  
404/676-7962 FAX/515-2878  
dsmyly@na.ko.com

2004 Larry M. Eils  
Nat'l. Auto. Merchandising Assoc.  
20 N. Wacker Drive, Suite 3500  
Chicago, IL 60606-3102  
312/346-0370 FAX/704-4140  
tech@vending.org

2000 Chester (Chet) R. England III  
Burger King Corporation  
P. O. Box 020783  
Miami, FL 33102  
305/378-7038 FAX/378-3402  
cengland@whopper.com

2002 Cindy Ayers  
5430 Midland Road  
Christiana, TN 37037  
615/867-0090 FAX/867-0090  
Foodsafety1@mindspring.com

2000 Gale Prince  
The Kroger Company  
1014 Vine Street  
Cincinnati, OH 45202-1100  
513/762-4209 FAX/762-4372  
gprince@Kroger.com

2004 Tom Chestnut  
Darden Restaurants  
P.O. Box 593330  
Orlando, FL 32859-3330  
407/245-5328 FAX/245-4032  
tchestnut@darden.com

#### Consumer

2004 Linda Golodner  
National Consumers League  
1701 "K" Street, NW Suite 1200  
Washington, DC 20006  
202/835-3323 FAX/835-0747  
lindag@NCLNET.org

\* Selected by Executive Board to fill unexpired terms until 2000 CFP



## EX-OFFICIO NON-VOTING MEMBERS

### Chair Council I

Charlene Bruce  
Mississippi State Dept. Of Health  
P.O. Box 1700  
Jackson, MS 39215-1700  
601/576-7689 FAX/576-7632  
cbruce@msdh.state.ms.us

### Vice Chair Council I

Fred Reimers  
H-E-B Grocery Co.  
5719 Valley Forge  
San Antonio, TX 78233  
210/656-6385 FAX/938-5038  
freimers@aol.com

### Chair Council II

Lisa Wright  
Jack-in-the-Box Inc.  
9330 Balboa Ave.  
San Diego, CA 92123-1516  
858/571-2474 FAX/571-2116  
lisa.wright@jackinthebox.com

### Vice Chair Council II

Steve McAndrew  
TX Dept. of Health  
1100 W. 49th Street  
Austin, TX 78756  
512/719-0232 FAX/719-0262  
steve.mcandrew@tdh.state.tx.us

### Chair Council III

Charles A. (Bert) Bartleson  
WA Department of Health  
Office of Food Safety and Shellfish  
P.O. Box 47824  
Olympia, WA 98504-7824  
360/236-3071 FAX/236-2257  
bert.bartleson@doh.wa.gov

### Vice Chair Council III

Catherine Adams  
Heinz North America  
1062 Progress Street  
Pittsburgh, PA 15212-5990  
412/237-5508 FAX/237-5368  
catherine.adams@husa.com

### P.A.A.C. Chair

Vacant

### Canadian Representative

Vacant

### Program Co-Chairs

Marsha Robbins  
Marsha Robbins Consulting  
1245 W. Ruth Ave.  
Phoenix, AZ 85021  
602/395-9164 FAX/861-2428  
Robbinscon@aol.com

John Marcy

(Also voting member of Board)

### Advisory to the Board

Fritz K. Kaferstein  
World Health Organization  
4-6, chemin du Midi  
CH-1260 Nyon, FRANCE  
Tel/FAX: 41.22.361.8567  
kafersteinf@who.ch

Claudio Almeida

Pan American Health Org./WHO  
525 23rd Street, NW  
Washington, DC 20037  
202/861-3193 FAX/861-8462

### Executive Secretary

Trevor Hayes  
1085 Denio Avenue  
Gilroy, CA 95020-9206  
408/848-2255 FAX/848-2255  
twhgilroy@aol.com

# **APPENDIX F COUNCIL MEMBERSHIP CFP 2000**

## **Council I — Laws and Regulations**

Charlene Bruce, Chair  
Fred Reimers, Vice-Chair

### Regulatory

Shirley Bohm  
Nancy Napolilli  
Michael Cambridge  
Jerry Rowland  
Clyde Harding  
James Fry  
Ben Gale  
Charles Otto, III  
Robert Hicks  
Debra K. Williams

### Industry

Don Kimball  
Chet England  
Frank Yiannas  
Terry Levee  
Peter Rojek  
Gary Coleman  
Dale Yamnik  
Rick McKinney  
Elizabeth Wise  
Jennifer Tong

### Consultants

Richard Barnes, FDA  
Don Edwards, USDA

Linda Golodner, Nat'l Consumer's League

### Committees assigned to Council I

Facility Plan Review  
Variance Protocol  
Permanent Outdoor Cooking

## **Council II — Administration, Education and Certification**

Lisa Wright, Chair

Steve McAndrew, Vice-Chair

### Regulatory

Charles Catlin

Ernie Julian

Jeff Lineberry

Ed Rabotski

Chirag H. Bhatt

Karen Holmes

David Ludwig

Elizabeth Nutt

Scott Brooks

Mike Welsh

### Industry

Doug Campbell

Katherine Church

Frank Ferko

John Gurrisi

Roger Hancock

Ed Laclair

David McSwane

William Pool

Mary Sandford

Jorge Hernandez

### Consultants

Betty Harden, FDA

Bessie Berry, USDA

Brett Kay, Nat'l Consumer's League

Angela Fraser, NC State University

### Committees assigned to Council II

Accreditation Study

Food Manager Training, Testing and Certification

## **Council III — Science & Technology**

Bert Bartleson, Chair

Catherine Adams, Vice-Chair

### Regulatory

Arthur Miller

Wayne Derstine

Richard Waskiewicz

Glenda Christy

Mario Seminara

Steve Wilson

Mike Hillyer

### Academia

Charles Papa

Mike Magner

John Marcy

Gary Smith

Richard Linton

### Consultants

John Kvenberg, FDA

Mimi Sharar, USDA

Darren Mitchell, Center for Science in  
the Public Interest

### Industry

Dane Bernard

Larry Eils

Tim Lawlis

Gale Prince

Ken Rosenwinkel

Tim Fink

### Committees assigned to Council III

HACCP

Wild Mushroom

# **APPENDIX G**

## **COMMITTEES ASSIGNED TO THE EXECUTIVE BOARD**

### **1998 – 2000**

#### **Program**

Marsha Robbins, Co-Chair	MRC Consulting
John Marcy, Co-Chair	University of Arkansas
Glenda Christy	Allegheny County Health Dept.
Larry Eils	NAMA
Linda Golodner	National Consumer's League
Betty Harden	FDA
Cory Hedman	Hannaford Brothers Company
Amelia Sharar	USDA/FSIS
Charlene Bruce	Council I Chair
Lisa Wright	Council II Chair
Bert Bartleson	Council III Chair

#### **Education**

Martha Patnoad, Chair	University of Rhode Island
Patt Bowman	Johnson & Wales University
Angela Fraser	NC Cooperative Extension Svcs.
Jorge Hernandez	NRA Educational Foundation
Diane Wright-Hirsch	University of Connecticut
Ernest Julian	RI Dept. of Health
Michael Kasnia	NRA
Kirsten Savage	FMI
Richard Vergili	Culinary Institute of America

#### **Public Relations**

Larry Eils, Chair	NAMA
Tom Chestnut	Darden Restaurants
Karen A. Holmes	DuPage County Health Department
Sandra Lancaster	AR Dept. of Health
Dan Smyly	The Coca-Cola Company
Lydia Strayer	MS Dept. of Health
Marsha Robbins	MRC Consulting
Lisa Wright	Jack-in-the-Box

**Constitution & Bylaws/Procedures**

Paul Panico, Chair	OH Dept. of Agriculture
Cindy Ayers	At-large Representative to Board
Larry Eils	NAMA
Elizabeth Harden	FDA/CFSAN

**Proceedings Printing**

Larry Eils	NAMA
Trevor Hayes	Executive Secretary

## **APPENDIX H COMMITTEES ASSIGNED TO COUNCILS 1998-2000**

### **Accreditation Study**

David McSwane, Chair	Indiana University
Glenda Christy	Allegheny County Health Dept.
Richard H. Barnes	FDA/Fed-State Relations
Jeanette Lyon	FDA/CFSAN
Tom Leitzke	WI Dept. of Agriculture
Jerry Rowland	Metro Health, Nashville
Lydia Strayer	MS Dept. of Health
Glenda Overfelt	Austin, TX
George Brittain	Dallas, TX
Chet Morris	FDA
D.J. Inman	Englewood, CO
Bud Anderson	Cheyenne, WY
Gus Lopez	Cheyenne, WY
Nelson Fabian	NEHA

### **Facility Plan Review**

Rick Petersen, Chair	Stamford, CT Dept. of Health
Tom Blewitt	Underwriters Laboratories
Robert Brands	FDA
John Canner	Culinary Institute of America
Tom Chestnut	Darden Restaurants
Lawrence Edwards	FDA
John Farquhar	FMI
Roger Fortman	NC Dept. of Health
Steven F. Grover	NRA
Peter Hibbard	Darden Restaurants
D.L. Lancaster	NSF International
Maureen McAlinden	NSF International
Murray Penner	USDA
Karen Reid	W. Hartford-Bloomfield Health Dept.
Peter Rojek	Greater Atlantic & Pacific Tea Company
Richard Sanchez	County of San Bernardino, CA
John Schrade	FDA
Todd Stephens	SC Dept. of Health

## **Food Manager Training, Testing and Certification**

John Marcello, Co-Chair	FDA
Edward G. Rabotski, Co-Chair	WI Bureau of Public Health
Ione Wenzel	TX Dept. of Health
Jeff Lineberry	CA Dept. of Health
Ernie Julian	RI Dept. of Health
Shirley Bohm	MN Dept. of Agriculture
Lee Cornman	FL Dept. of Business & Prof'l Regulation
David Ludwig	Maricopa County, AZ
Robin E. Rose	Washoe County Health Dept., NV
Mike Diskin	Allegheny County Health, PA
Karen A. Holmes	DuPage County Health, IL
Katherine Church	Dietary Manager's Assoc'n, IL
Jorge Hernandez	NRA, Educational Foundation
Tim Weigner	FMI
Edward J. Lump	WI Restaurant Association
Doug Campbell	Experior Assessments, FL
Rose Mary Ammons	Tarpon Springs, FL
Ed LaClair	Tricon Global, MI
John Gurrisi	Darden Restaurants, FL
Roger Hancock	Albertson's Inc., ID
Skip Steward	McDonald's Corporation, IL
Jim Lewis	NSF International, MI

## **Food Recovery Guidelines**

Chet England, Chair	Burger King Corporation
Shirley Bohm	MN Dept. of Agriculture
Dave Krepko	
Nancy Napolilli	AK Div. of Environmental Conservation
Robin Rose	Washoe County, NV
Linda Singletary	USDA
David Stull	MO Dept. of Health
Edith Thomas	USDA
Elaine Tutman	FDA

**HACCP**

Richard Linton, Chair	Purdue University
Gary Ades	Technical Food Information Spectrum
Brady Daniels	Audits International
Mario deFigueiredo	Food Consultant
Steven Grover	NRA
Peter Healy	Creative Concepts in Food Service
Chuck Higgins	CDC
Roger Hancock	Albertson's
Linda Jones	OK Dept. of Health
Jeanette Lyon	FDA/CFSAN
Mike Magner	Price Chopper
John Marcello	FDA
John Marcy	University of AR
Ray Mobley	FL Dept. of Agriculture
Marsha Robbins	MRC Consulting
Farzad Siahmakoun	Wal-Mart Stores, Inc.
Amelia Sharar	USDA
Gary Sherlaw	Food Safety Consulting International Inc.
Robert Strong	Diversey Liver Consulting
Debra Williams	FL Dept. of Business & Prof'l Regulation
Pam Williams	Tricon Global Restaurants, Inc.

**Variance**

Becky Shreeve, Chair	UT Dept. of Agriculture and Food
George Smith	AR Dept. of Health
James Lee Budd	HealthMinder, A Sloan Valve Company
Barbara Boyer	Dobbs International, TN
Jeanette Lyon	FDA/CFSAN
Padraic Juarez	FL Dept. of Health

**Wild Mushroom**

Karen A. Holmes, Chair	DuPage County Health Dept., IL
Dr. Gerry Adams	MI State University
Allein Stanley	North American Mycological Society, NC
Nancy Napolilli	AK Dept. of Environmental Conservation
Richard Svenson	NY Dept. of Health
Wendy Fanaselle	FDA, Consultant to Committee



## **Permanent Outdoor Cooking**

Lee M. Cornman, Co-Chair	FL Dept. of Business & Prof'l Regulation
Frank Yiannas, Co-Chair	Walt Disney World Company
Patricia A. Klocker	CO Dept. of Health
Edward G. Rabotski	WI Bureau of Public Health
Frederick Petersen	Stamford, CT Health Dept.
Bruce Tompkin	Armour Swift-Eckrich, IL
Pete Snyder	HITM, St. Paul, MN
John Schultz	Marriott, Washington, DC
Jennifer Tong	NRA, Washington, DC
Charles S. Otto, III	CDC, Atlanta, GA
Chester W. Morris	FDA, Atlanta, GA

# **APPENDIX I CONFERENCE FOR FOOD PROTECTION COMMITTEE LISTING 2000 – 2002I**

## **COUNCIL I**

### **Continuing Committees**

Facility Plan Review  
Food Recovery  
Variance

### **New Committees**

Critical Item Update  
Periodicity of Food Code  
Variances for Meat and Poultry Processing at Retail

## **COUNCIL II**

### **Continuing Committees**

Accreditation Study  
Food Protection Manager Training, Testing and Certification\*

### **New Committees**

Certification of Health Officials  
Inspection Form/Critical Item Violations

## **COUNCIL III**

### **Continuing Committees**

HACCP  
Wild Mushroom

### **New Committees**

Bare Hand Contact  
Date Marking of Potentially Hazardous Foods  
Potentially Hazardous Food Definition  
Ready-to-eat Fruits and Vegetables

## EXECUTIVE BOARD

### Continuing Committees

Constitution & Bylaws/Procedures\*

Proceedings Printing

Program\*

Public Relations

Resolutions\*

Audit\*

\* Denotes Standing Committee

**APPENDIX J  
CONFERENCE FOR  
FOOD PROTECTION  
SUBMISSION FORM**

**ISSUE NO. 2000 -**

Title: \_\_\_\_\_  
Council Action:      No Action \_\_\_\_\_ Accepted \_\_\_\_\_ Amended \_\_\_\_\_  
Delegate Action:    No Action \_\_\_\_\_ Accepted \_\_\_\_\_

---

---

**Issue you would like the Conference to consider:** [Explain, in detail, the Issue that concerns you. List relevant references.]

---

**Public Health Significance:** [Completely describe what impact this Issue will have on foodservice, retail food or vending.]

---

**Recommended Solution:** [State as precisely as possible what action you would like the Conference to take to address this Issue. Cite the specific type of change, location (page and line) and exact wording to be changed in a document, such as the Food Code or Conference document.]

---

---

Submitter's Name \_\_\_\_\_  
Agency/Company \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
Telephone \_\_\_\_\_ FAX \_\_\_\_\_ e-Mail \_\_\_\_\_

## **APPENDIX K MEMBERSHIP APPLICATION**

I hereby apply for membership with the Conference for Food Protection. Enclosed please find my membership dues in the amount of fifty (50) dollars for the period 2000-2002. It is my understanding that membership will entitle me to receive all conference mailings including CFP 2000 Proceedings, newsletters and registration packets for the 2002 conference scheduled for April 19-24, 2002 in Nashville, Tennessee.

NOTE: Please make check payable to CFP, Federal ID #31-1161343

NAME: \_\_\_\_\_

EMPLOYER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ FAX \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

Please remit to: Trevor Hayes  
CFP Executive Secretary  
1085 Denio Avenue  
Gilroy, CA 95020-9206

# APPENDIX L

## CONSTITUTION AND BYLAWS

### Preface

The following comments serve as a historical preface to the Constitution and Bylaws for the Conference for Food Protection.

The Conference for Food Protection dates back to the 1971 Conference on Food Protection held in Denver, Colorado. It was sponsored jointly by the Food and Drug Administration (FDA) and the American Public Health Association (APHA). The purpose of the Conference was to provide an interprofessional dialogue on the microbiological aspects of food safety for individuals representing industry, government and consumers.

The Second National Conference for Food Protection was held in Washington, D.C. in 1984. The 1984 Conference expanded its scope to cover toxicological as well as microbiological concerns. The purpose of the 1984 Conference was:

“To share perspectives on the toxicological and microbiological aspects of food safety problems in the United States; to identify the needs, direction and opportunities of food production, processing, handling and regulation through the year 1990; and to establish an organization for the continuing study of food safety problems and for promotion of the recommendations of the Conference.”

The 1984 Conference was organized into seven committees: Toxicology; Microbiology; Good Manufacturing and Quality Control; Standards and Regulations; Education and Training; New Foods Processing and Packaging; and Conference Program Committees, with selected individuals also serving as resource persons who prepared “white papers” on various issues that were to be discussed at the Conference. In addition to the federal, state and local health officials who had been invited to the 1971 Conference, the 1984 Conference included industry, academic and consumer representatives. The 1984 Conference adopted a recommendation that a continuing conference organization be established and that a constitution and bylaws be developed based upon a draft presented at the Conference. It was agreed that the objectives of the Conference would be:

- To identify emerging problems of food safety;
- To address the problems of food safety on a regular basis;
- To formulate recommendations for the solution of the identified problems;
- To follow up on the recommendations of the Conference so that they will be incorporated into public policy and in industry practice;
- To evaluate the effectiveness of the Conference recommendations; and
- To establish a working liaison with professional and trade associations, academic institutions and government agencies concerned with food safety.

Following the 1984 Conference, the Constitution and Bylaws were finalized and the Conference was incorporated in 1985. The National Sanitation Foundation (NSF) agreed to support the Conference financially and a Conference Executive Director was hired.

The 1986 Conference for Food Protection was held in Ann Arbor, Michigan. The 1986 Conference was again organized into seven committees representing the major science and technical aspects of food protection. A 25-member Executive Committee selected the topics to be discussed and requested “white papers” from technical experts. In addition to the committees, five Councils were formed representing the interests of the participants at the Conference.

Although the purposes of these Conferences were well established and accepted, the organization and procedures of the Conference were long debated. In the early meetings of the Steering Committee preparing for the 1984 Conference, the idea of emulating the National Conference on Interstate Milk Shipments (NCIMS) was introduced. Individuals working during this Conference to write a new constitution began introducing NCIMS-type structure into the Conference organization. This was the first step leading to the current Constitution and Bylaws.

The second step was action taken at the 1984 Conference to reaffirm the intent to model the Conference after the NCIMS. The following is quoted from the Proceedings of the 1984 Conference:

An Organizational Model: from the beginning it was the intention of the organizers of the Second National Conference that it should include an effort ‘to establish an organization for the continuing study of food safety problems and for the promotion of the recommendations of the Conference.’ What the organizers had in mind in making that a goal of the Conference was to establish, in the area of food safety, something akin to the Interstate Milk Shipments Conference and the more recent Interstate Shellfish Sanitation Conference, so that a national dialogue on food safety might continue on a regular, periodic basis. (page 369)

A National Conference for Food Protection should be established as an ongoing conference and be structured similarly to the National Conference on Interstate Milk Shipments. One of the Conference’s primary purposes should be to promote the formulation and use of uniform model laws and regulations among all government agencies to assure uniform interpretations and implementation and to eliminate duplication of services. Its membership should consist of federal, state and local food regulatory officials, academia and representatives from industry. It should be governed by an Executive Board with representatives from federal, state and local agencies and industry. (Recommendation No. 10, Standards and Regulations Committee — approved by the Conference, page 266).

The draft Constitution and Bylaws adopted by the 1984 Conference were, according to its authors, not meant to be a fully workable source for forming and operating the conference model after the NCIMS. It was intended as an interim document that would be upgraded to provide a more authoritative foundation for Conference actions.

The final step in the decision to upgrade the Conference organization was taken at the 1986 Conference. The Program Committee reported that:

“It was the unanimous view of the committee that the Conference should operate as an action organization, existing not merely to identify problems and formulate recommendations, but to resolve issues through the implementation of recommendations, much as the Weights and Measures Conference and the Interstate Milk Shippers do. Specific recommendations in this regard will be presented prior to the next conference.” (page 410, Proceedings)

To accomplish this, the 1986 Conference agreed:

- To develop a state regulatory ratification mechanism whereby each of the 50 states will have one vote; and
- To create a Constitution and Bylaws Committee to review the entire Constitution and Bylaws and to formulate recommendations for the Executive Committee to consider.

The Constitution and Bylaws Committee approached the review process with three principal needs in mind. First, the Constitution needed to allow for the continuing study of food safety problems, but with a more limited focus. To achieve this, the following changes were made:

1. The objective of the Conference placed greater emphasis on food safety at the point of ultimate sale to consumers through food services, retail food stores and food vending, and continued to identify and address problems in production, processing, packaging, distribution, sale and service of food;
2. The seven committees were condensed into three councils to provide a balance between discussing the science and technology of food safety issues and developing various certification guidelines, procedures and models; however, as in the other two Conference examples, separate committees in each discipline area could still function to deliberate and review issues.

The second principle that guided the review process was the need for the Conference to be more successful in promoting food safety, mutual respect and uniformity. This was accomplished through the following changes:

1. The final actions taken by the Conference regarding such items as food safety controls, certification procedures and Memoranda of Understanding, were to be adopted by the regulatory delegates of the Conference with the advice of industry and other non-regulatory members;
2. The Constitution created a Council on Laws and Regulations; a Council on Administration, Certification and Education; and a Council on Science and Technology that provided vehicles by which the Conference could deliberate on all food safety issues and promote more uniform and effective food safety controls.

The final guiding principle was the need to ensure that the Conference would provide national and, to the extent possible, international dialogue on food safety on a regular, periodic basis; and that this dialogue would be among representatives of regulatory, industry and other non-regulatory organizations. To accomplish this, the Constitution and Bylaws provided for the following:

1. The name of the Conference remained unchanged consistent with the recommendation made by the 1986 Program Committee. In order to increase international information exchange, the Pan American Health Organization (PAHO) and the World Health Organization (WHO) were added. The Food and Agricultural Organization (FAO) was already a member of the Conference.
2. The role that industry plays in the Conference is substantial. Industry is fully represented on all councils, committees and the Executive Board. Industry representatives alternate as Chair and Vice-Chair on all councils. Industry representatives are elected through industry caucuses. Industry's concerns and advice are fully considered since problems submitted to the Conference are assigned to one of the councils. Regulatory delegates vote on each council's recommended actions.
3. The Science and Technology Council provided a forum for discussion by all concerned parties of the scientific and technological aspects and principles underlying the problems faced by government and industry in their mutual goal of trying to provide safe foods for consumers and could include formation of individual committees for each scientific discipline.

The Constitution and Bylaws attempt to intertwine these guiding principles so that in pursuing one, each would be pursued. This interdependence is critically important if the Conference recommendations are going to command the respect of the food regulators and the food industry who would be called upon to implement the recommendations. As was stated by Mr. Archie Holliday in his comments on the 1988 proposed Constitution and Bylaws,



“The most important need for an organization of this kind is to have its recommendations respected by the community called upon to implement them. Without the results of our deliberations commanding the highest respect attainable, getting together to identify and study food safety problems will be of little or no value to enough people to support a viable organization. The strength of the organization structure now being proposed by your Constitution and Bylaws Committee is that it provides the means to balance the interests of regulatory and industry people while providing an open forum for the consideration of ideas from any source. At the same time, matters that are supported by the voting delegates will have endured such a process as to command the utmost of respect.”

The Constitution and Bylaws are one step in an evolving process to develop a viable permanent Conference. The next was also discussed by Mr. Archie Holliday in his comments on the Constitution:

“One should be careful not to conclude that a food service-oriented structure would prohibit the free and open study of the wider range of food safety problems. When the values of NCIMS and ISSC organizational structures are discussed, we often fail to acknowledge the importance of procedures to successful operation of these bodies. Well defined, established procedures will be essential to the effectiveness of the Conference operating under our proposal. Procedures should remain as a separate entity from the Constitution and Bylaws. When the new Constitution and Bylaws are adopted, the Executive Board should immediately begin the process of establishing procedures to be approved by the Conference. It is in this process that attention can be given to how broad the scope of the Conference should be. The adoption and revision of Conference procedures should receive the same careful consideration as the adoption of Conference recommendations.”

The Constitution and Bylaws Committee and the Executive Board believed that the Constitution and Bylaws proposed and accepted at the 1988 Conference provided a workable and proven approach that should be followed to develop an effective voice for present and future issues of food safety.

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## **PREAMBLE**

The Conference for Food Protection, hereinafter referred to as the Conference, is incorporated as a non-profit organization under the laws of the State of Virginia to carry out the objective stated in the Constitution and Bylaws of the Conference.

## **CONSTITUTION AND BYLAWS**

### **Article I      Objective**

- |               |  |
|---------------|--|
| Section 1     | The objective of the Conference shall be to promote food safety and consumer protection by:  |
| Subsection 1. | Identifying and addressing problems in the production, processing, packaging, distribution, sale and service of foods;   |
| Subsection 2. | Focusing on and facilitating the food protection programs governing the food service, retail food store and food vending segments of the food industry;  |
| Subsection 3. | Adopting sound, uniform procedures which will be accepted by food regulatory agencies and industry;  |
| Subsection 4. | Promoting mutual respect and trust by establishing a working liaison among governmental agencies, industry, academic institutions, professional associations and consumer groups concerned with food safety;   |
| Subsection 5. | Promoting uniformity among states, territories and the District of Columbia. Territories include American Samoa, Guam, Northern Mariana Islands, Puerto Rico, The Trust Territory and the U.S. Virgin Islands. |
| Subsection 6. | Utilizing as the primary channels for dissemination of information:  |

The United States Department of Agriculture/Food Safety and Inspection Service (USDA/FSIS) in matters under their purview, such as food production, meat and poultry processing and consumer information; and The United States Department of Health and Human Services/Public Health Service/Food and Drug Administration (HHS/PHS/FDA) in matters under their purview, such as food processing and assistance to food regulatory agencies based on the model food codes and related documents.

## **Article II      Organization and Operation**

Section 1.      The Conference shall be directed by the delegates of the states, territories and District of Columbia, who join together with representatives of industry, academic institutions, professional associations and consumer groups to achieve the objective of the Conference.

The Conference shall include an Assembly of State Delegates, hereinafter referred to as the Assembly; an Executive Board, hereinafter referred to as the Board; officers; an Executive Secretary, Councils; Committees; a Program Chair and any member of the Conference as described in Article III, Sections 1 and 2.

Section 2.      The Conference shall meet at least biennially during even-numbered years with additional meetings as the need arises as determined by the Board.

Section 3.      The Conference identifies food safety issues by receiving issues submitted by interested persons. The Conference addresses issues by assigning them to appropriate Councils or Committees for consideration. Council membership is balanced between government and industry interests. Aspects of issues may also be assigned to Committees for study, procedure development or for other reasons. All committees that are assigned to a Council shall submit a report to the Council Chair and Conference at least seventy-five (75) days preceding the Conference meeting. Councils then recommend actions to the Assembly, which is composed of delegates designated by the states and territories. The Assembly considers and votes to approve or reject Council recommendations. Conference participation is open to all interested individuals who choose to become members and attend. Individuals may serve as appointed or elected officials on the Board, Councils, Committees; or as a participating registered member in attendance at the Conference meeting.

The Conference shall consider issues related to food safety that are submitted on approved forms and within specified time frames. Any interested person may submit an issue for consideration. At least one hundred and twenty (120) days preceding the Conference meeting, the Executive Secretary shall notify members of the Conference of the time and place of the Conference meeting and of issues that are to be voted on under "unfinished business". Each notice shall include approved forms for submitting issues, including proposed changes to the Constitution and Bylaws, and a statement that all issues, including constitutional changes, shall be submitted to the Conference on the approved forms at least seventy-five (75) days preceding the Conference meeting. Issues are to be assigned to appropriate Councils by the Program Committee. At least

thirty (30) days preceding the Conference meeting, the Executive Secretary shall make available to members of the Conference copies of the final committee reports and issues, including Constitution changes that have been received and assigned for Conference deliberation.

The Board may submit special issues to the Councils at the beginning of the Conference as necessary.

Councils are to deliberate their issues and report their recommended actions on each to the Assembly. The Assembly considers and votes on actions it receives from the Councils.

### **Article III Registration and Membership**

- Section 1. Any persons interested in promoting the objective in Article I may attend the Conference meetings by registering their name, address, and the business they represent with the Executive Secretary and paying the registration fee established by the Board under Article V, Section 11.
- Section 2. Persons who are interested in promoting the objective in Article I but who can not attend the Conference meeting may become members of the Conference by applying to the Executive Secretary using forms provided and paying the biennial membership fee established by the Board under Article V, Section 12.
- Section 3. Persons paying the Conference membership fee through the Executive Secretary's office or by paid registration at the Conference meetings are members of the Conference and are entitled to be on an official list to receive copies of the Conference proceedings and other Conference matters determined by the Board to be of interest to all members of the Conference.

### **Article IV Composition of Organizational Components and Eligibility Requirements for Serving in Official Capacities**

- Section 1. The Assembly shall consist of persons attending the Conference and qualified as voting delegates under Article XV, Section 5, Subsection 4.
- Section 2. To be eligible to serve on the Board, as an officer of the Conference, on Councils or Committees, or as Program Chair, individuals must be members of the Conference and must be in attendance at the Conference meeting at which they are appointed or elected; or shall have attended the Conference meeting immediately preceding the one at which they are appointed or elected. This requirement in respect to Councils and Committees may be waived by consent of the Board.
- Section 3. Board Membership
- Subsection 1. The Board shall be composed of twenty-two (22) voting members as follows:
- a. Six (6) members from state food regulatory agencies (one (1) from each CFP region);

- b. Six (6) members from local food regulatory agencies (one (1) from each CFP region);
- c. Two (2) members from federal regulatory agencies (one (1) from FDA, one (1) from FSIS);
- d. Six (6) members from the food industry with at least one (1) each representing food processing, food service, retail food stores and food vending;
- e. One (1) member from an academic institution; and
- f. One (1) member representing consumers.

Subsection 2. Regulatory agency, industry, academic institution and consumer Board members shall be elected by a caucus of registrants in each respective group. State and local regulatory Board members shall be elected in regional caucuses of regulatory registrants. Federal regulatory Board members shall be appointed by the head of their agency.

Subsection 3. Such elected Board members shall serve through three (3) general meetings of the Conference. Elected Board members may succeed themselves unless reelection would extend the total of consecutive service to more than twelve (12) years.

The terms of elected Board members shall be staggered so that one-third (1/3) of the members are elected at each Conference meeting.

Subsection 4. The Board shall have non-voting Ex-Officio members as follows:

- a. The Immediate Past Chair of the Board;
- b. The Chair and Vice Chair of each Council;
- c. The Conference Program Chair;
- d. A representative from Canada (Health Canada/Health Protection Branch), the Pan American Health Organization (PAHO), the World Health Organization (WHO), and the Food and Agriculture Organization (FAO); and
- e. The Executive Secretary.

Section 4. The Board shall elect a Chair and Vice-Chair from its membership after each biennial meeting of the Conference and they may retain their positions at the pleasure of the Board as long as they are officially members of the Board. The Board Chair and Vice-Chair shall be the Chair and Vice-Chair of Conference

meetings. The Board shall retain the services of a qualified person to act as an Executive Secretary. The Executive Secretary shall be bonded, have no vote on the Board or in the Conference meetings and shall perform all duties outlined in Article VIII. The compensation of the Executive Secretary shall be set by the Board.

Section 5. The Immediate Past Chair of the Board shall continue to serve on the Board until replaced by the next retiring Chair. If the Immediate Past Chair of the Board is unable for any reason to continue to serve on the Board, the position shall remain vacant until filled by the next retiring Chair. Immediate Past Chairs shall serve on the Board as non-voting members unless re-elected to the Board in a capacity other than as Immediate Past Chair.

## **Article V Duties of the Assembly and the Board**

Section 1. The Assembly with recommendation from a Council or the Board shall approve or reject all recommended actions including those pertaining to the Constitution and Bylaws, any Conference procedures, and all Memoranda of Understanding or other formal agreements and other necessary actions including resolutions; and establish Conference policies and positions on all subjects related to the objective of the Conference except as delegated (by the Assembly) to the Board. If the recommended action is approved, the Assembly shall submit the actions to their states and to the Board for distribution to the Conference members for implementation. If the recommended action is rejected, the Assembly shall decide whether to return the action to the originating Council, the Board, or any other Council as deemed necessary, with comments as to why it was rejected and/or reassigned.

Section 2. The Board shall manage the affairs of the Conference.

Section 3. The Board shall meet prior to each Conference meeting and after the meeting closes. The Chair shall call special meetings of the Board at any time at the request of two-thirds (2/3) of its voting members. In addition, the Chair is empowered to call special meetings of the Board at any time, as the need arises, with the concurrence of two-thirds (2/3) of the voting Board members.

Section 4. The Board may, at the discretion of the Chair, utilize mail or fax ballots to establish a position, action or confirm telephone conference call votes. Only a preprinted ballot form approved by the Board shall be used. Once such a position or action has been taken, the Board shall notify all Conference members.

Section 5. The Board shall direct the Chair, Executive Secretary, and Program Chair in the preparation of the programs for each meeting of the Conference.

Section 6. The Board shall set the time and place of the meetings of the Conference.

Section 7. If voting members of the Board are unable to participate in a Board meeting, they may not send a substitute, but may forward by mail information for consideration by attending members of the Board. Voting members may participate through a telephone conference call.

- Section 8. Voting Board members who fail to attend two (2) consecutive Board meetings and who fail to show cause why they were absent may have their positions declared vacant by the Chair.
- Section 9. If a vacancy occurs for any reason in Board membership between biennial meetings, the Chair with concurrence of the Board may fill the vacancy with a person representing the same discipline as the person being replaced until the next biennial meeting at which time the vacancy shall be filled by a qualified person who is properly elected.
- Section 10. The Board shall direct the Executive Secretary to collect registration and membership fees as necessary to defray the costs of the operation of the Conference. The Board shall cause an annual audit to be made of the Executive Secretary's financial reports.
- Section 11. The Board shall authorize the form used to tally votes in meetings of the Board and Assembly.
- Section 12. The Board shall establish the registration and membership fees identified in Article III.
- Section 13. The Board shall approve an annual budget for the fiscal year established by the Board.
- Section 14. The Board shall appoint Committees as necessary to accomplish the Conference objective.

**Article VI      Duties of the Chair**

- Section 1. The Chair shall preside at all meetings of the Assembly and Board, except as provided in Article VII, Section 1.
- Section 2. The Chair shall assist the Executive Secretary in arranging Conference meetings.
- Section 3. The Chair with the approval of the Board shall appoint Council Chairs and Vice-Chairs.
- Section 4. The Chair shall appoint Council consultants required in Article X, Section 1.
- Section 5. The Chair shall appoint a Program Chair.
- Section 6. The Chair, with the approval of the Board, shall appoint qualified persons to Councils and Committees as provided in the Constitution and Bylaws.
- Section 7. The Chair shall appoint a Local Arrangements Committee to assist in planning the physical facilities for the next Conference meeting.
- Section 8. The Chair shall appoint a parliamentarian to advise on matters of parliamentary procedures at Board and Assembly meetings.



- Section 9. The Chair, with Board approval, may retain clerical assistance for the Conference.
- Section 10. Between Conference meetings the Chair shall require from each Council Chair a report of the status of implementation of each approved action originating in the respective Council and this information shall be provided to the Conference participants.

**Article VII Duties of the Vice-Chair**

- Section 1. In the event the Chair is unable to perform the duties of the Chair, the Vice-Chair shall act as Chair.
- Section 2. When acting as Chair, the Vice-Chair shall perform all the necessary duties for the Conference as outlined in Article VI.

**Article VIII Duties of the Executive Secretary**

- Section 1. The Executive Secretary shall record the minutes of each meeting of the Assembly and the Board.
- Section 2. The Executive Secretary shall tally and record all voting of the Assembly on a form authorized by the Board.
- Section 3. The Executive Secretary shall notify each person registered at the preceding Conference meeting and each member of the Conference of the time and place of Conference meetings, of issues that are to be voted on under unfinished business, and proposed changes in the Constitution and Bylaws, as specified in Article II, Section 3 and Article XV, Section 5, Subsection 3.
- Section 4. The Executive Secretary shall collect registration and membership fees and shall pay all bills as directed by the Board. The Executive Secretary shall obtain a receipt for all disbursements and shall make all such receipts a part of Board records.
- Section 5. The Executive Secretary shall accomplish the duties outlined in Article VI, Section 10 and in Article XV, Section 3, Subsections 1, 3, 4, 5, and Section 5, Subsection 3.
- Section 6. The Executive Secretary shall prepare a proposed annual budget for presentation to the Board.
- Section 7. The Executive Secretary shall maintain an up-to-date list of the qualified delegates designated as required by Article XIV.

**Article IX Councils**

- Section 1. There shall exist three (3) Councils in the Conference to provide for continuity of action in carrying out the objective of the Conference.
- Subsection 1. The Councils shall be known as Council I, Council II and Council III.

- Section 2. Each Council shall have a Chair, Vice-Chair and twenty (20) other voting members to be appointed by the Conference Chair with the approval of the Board. The term for a Council member shall begin at appointment and expire upon adjournment of the next Conference meeting. If a Council member cannot attend a Conference meeting, the member's term expires and the Conference Chair may appoint a member who can attend the Council meeting during the Conference meeting. The Council Chair shall only vote to break a tie.
- Subsection 1. Of the twenty-two (22) members of Councils I and II, eight (8) shall be selected from state and local food regulatory agencies; two (2) from the territories, District of Columbia, or federal jurisdictions that regulate commercial or institutional feeding operations; and ten (10) from industry.
- Subsection 2. The eight (8) food regulatory agency representatives on Councils I and II shall be equally apportioned among state and local agencies. If two (2) members can not be obtained from the territories, District of Columbia or federal food inspection programs, these positions may be filled from state or local food regulatory agencies. The ten (10) industry representatives shall be apportioned so at least one (1) member represents food processing, two (2) members represent food service, two (2) members represent retail food stores and one (1) member represents food vending.
- Subsection 3. Of the twenty-two (22) members of Council III at least five (5) shall be from state and local regulatory agencies, at least five (5) from industry and the remainder at-large. The industry representatives shall include at least one (1) each from food processing, food service, retail food stores and food vending. At large members may include members representing federal agencies and other interest groups.
- Subsection 4. If sufficient designated members are not available at a Conference meeting to complete a Council's membership, the Conference Chair may appoint other members to the Council so long as the balance between regulatory and industry is maintained as specified.
- Section 3. The Council Chair and Vice-Chair shall select twenty (20) Council members from persons holding membership in the Conference and offer their names for Conference Chair appointment and Board confirmation.
- Subsection 1. The Council Chair shall, after appointment, serve through one (1) Conference meeting. The Council Vice-Chair shall, after appointment, serve through two (2) consecutive Conference meetings, one (1) as Vice-Chair and the second as Chair.
- Subsection 2. On Councils I and II when the Council Chair represents a food regulatory agency, the Vice-Chair shall be an industry

representative. If the Council Chair represents industry, the Vice-Chair shall be a food regulatory agency representative.

Subsection 3. The term for the Council Chair and Vice-Chair shall begin at the conclusion of the scheduled Conference meeting and last through the next scheduled Conference meeting. At the end of the Chair's term, the Vice-Chair shall assume the position of Chair and a new Vice-Chair shall be appointed as set forth in Subsection 2 of this section.

## **Article X Council Consultants**

Section 1. The Conference Chair shall appoint a member from an academic institution and a consumer as non-voting consultants for each Council.

Section 2. The following Federal agencies and international organizations may each provide a non-voting consultant for each of the Councils:

- a. Centers for Disease Control;
- b. Environmental Protection Agency;
- c. Food and Drug Administration;
- d. Department of Agriculture;
- e. Food and Agriculture Organization;
- f. Pan American Health Organization;
- g. World Health Organization; and
- h. The Dominion of Canada.

## **Article XI Duties and Responsibilities of Councils**

Section 1. Council I: Council on Laws and Regulations

Subsection 1. Issues and proposals submitted to the Conference dealing with laws, regulations and model codes governing the safety of food shall be assigned to Council I by the Conference Program Committee.

Section 2. Council II: Council on Administration, Education, and Certification

Subsection 1. Issues and proposals submitted to the Conference dealing with matters relating to the Constitution and Bylaws, Conference procedures, memoranda of understanding, program evaluation, education, training and certification, and the like shall be assigned to Council II by the Conference Program Committee.

- Section 3. Council III: Council on Science and Technology
- Subsection 1. Issues and proposals submitted to the Conference dealing with science and technology shall be assigned to Council III by the Conference Program Committee.
- Section 4. Councils shall deliberate on all assigned issues and proposals. Council Chairs shall report the recommended actions of their Councils to the Assembly.
- Section 5. Upon recommendation by the Council, the Council Chair may submit to the Conference Chair issues or proposals not recommended to the Assembly with a request that they be further considered by a committee or other group with a report of findings back to the respective Council. When a Council takes a No Action on an assigned issue or proposal, the Council Chair may record the reason why No Action was reported.
- Section 6. Duties of the Councils Between Conference Meetings
- Subsection 1. Following the Conference meeting, the Conference Chair shall contact the Council Chairs to review the actions approved by the Assembly of State Delegates and to plan for the implementation of approved actions originating in their respective Councils.
- Subsection 2. During the period between Conference meetings, the Council Chairs, working with their respective Council members, shall track the progress of implementation of approved high priority actions originating in their respective Councils.
- Subsection 3. When requested by the Conference Chair, the Council Chairs shall submit a report on the status of implementation of approved high priority actions originating in their respective Councils.

## **Article XII Committees**

- Section 1. All appointments to Conference Committees shall be made to provide a balance in representation of the stakeholders in the particular matter under consideration.
- Section 2. The following standing committees shall be established:
- a. Program Committee;
  - b. Constitution and Bylaws/Procedures Committee;
  - c. Resolutions Committee;
  - d. Audit Committee; and
  - e. Food Protection Managers Training, Testing and Certification Committee.

Section 3. Other committees may be established as necessary to accomplish the Conference objective. Such committees may be for the purpose of focusing Conference resources around specific scientific disciplines, for studying multi-faceted issues, for developing new procedures or for other purposes.

Subsection 1. A Local Arrangements Committee shall be established for each Conference meeting.

### **Article XIII Duties of the Committees**

Section 1. The Program Committee shall review and assign for Council deliberation all issues or proposals submitted at least seventy-five (75) days before the Conference meeting. Issues or proposal assignments shall be made in accordance with Article XI, Section 1, Subsection 1, Section 2, Subsection 1 and Section 3, Subsection 1.

- a. The Program Chair shall assist the Executive Secretary and Chair in planning and arranging for all Conference meetings.
- b. The Program Chair shall assist the Executive Secretary in the preparation and distribution of programs for each Conference meeting.
- c. The Program Chair shall serve as a non-voting member of the Board.

Section 2. The Constitution and Bylaws/Procedures Committee shall submit recommendations to improve Conference administrative functions through proposals to amend the Constitution and Bylaws. The Committee shall review proposed memorandums of understanding and ensure consistency among the memorandums of understanding, the Conference Procedures manual, the Constitution and Bylaws, and other working documents. The Committee shall report all recommendations to the Board prior to Council II deliberation and shall follow the direction of the Board.

Section 3. The Resolutions Committee shall report to the Board. Except for thank you resolutions, the Resolutions Committee shall prepare all necessary resolutions for Board approval.

Section 4. The Audit Committee shall report to the Board. Except when a certified public accountant conducts an audit of the Conference's financial records, the Audit Committee shall audit the Conference's financial records annually.

Section 5. The Food Protection Managers Training, Testing and Certification Committee shall report to the Board. The Food Protection Managers Training, Testing and Certification Committee shall work with the accreditation organization for food protection manager certification programs to:

- a. establish and refine policies and standards to which certifiers may conform in order for them to be accredited;

- b. provide Conference input into the development of accreditation standards for certifying organizations specific to food protection manager certification programs;
- c. develop strategies for enhancing equivalence among food protection manager certificates issued by certifiers; and
- d. promote universal acceptance of certificates issued by accredited certifiers.

Section 6. All Committees shall submit a report to be received by the Council Chair and the Conference in a timely manner as specified under Article II, Section 3.

**Article XIV Duties of States, Territories and District of Columbia**

Section 1. The states, territories and the District of Columbia shall be responsible for designating and keeping the Executive Secretary informed of the name(s) and address(es) of the person(s) designated to represent them in the Assembly.

**Article XV Rules of the Conference**

Section 1. Conference meetings shall be at least two (2) days duration, except this requirement may be waived for special meetings called by the Board.

Section 2. Except for additional meetings as provided for in Article II, Section 2, the Conference meeting will convene each even-numbered year.

Section 3. Order of Business. Meetings of the Assembly shall include the following:

Subsection 1. Registration — all participants must register;

Subsection 2. Call to order by Chair;

Subsection 3. Roll call of states, territories and the District of Columbia and the announcement of the names of the delegates who will vote for each in the Assembly;

Subsection 4. Reading of the minutes of the previous meeting;

Subsection 5. Report of the Executive Secretary;

Subsection 6. Unfinished business;

Subsection 7. Conference Program and FDA, CDC, and USDA reports;

Subsection 8. Council Chair Reports, Resolutions and other new business;

Subsection 9. Authorization that may be required by the Assembly for the Board to conclude and implement any necessary action prior to the next Conference meeting; and

Subsection 10. Adjournment.

Section 4. *Robert's Rules of Order* shall prevail, unless specific rules are established.

Section 5. Rules of the Assembly

Subsection 1. Each state shall be entitled to one (1) full vote and each territory and the District of Columbia shall be entitled to one-half (1/2) vote in the Assembly. When a state has more than one (1) state food regulatory agency enforcing food laws and regulations for food processing, food service, retail food stores and food vending, the vote may be divided into appropriate fractions. State agencies within each state must agree among themselves regarding proportioning the one (1) vote.

Subsection 2. Only a registrant at the Conference meeting who is a representative of a state, territory or District of Columbia food regulatory agency responsible for the enforcement of food laws and regulations for food processing, food service, retail food stores or food vending is entitled to be a delegate in the Assembly. When any state is represented by more than one food regulatory agency, the vote may be cast together as one vote or separately as a fraction of a vote. Representatives of states with more than one regulatory agency delegate certified in compliance with the provisions of Subsection 3 of this Section may, during any meeting of the Assembly, reassign their voting privilege to another duly certified delegate from their state by giving written notice of such action to the Conference Chair. When a state is represented by only one agency, the state's delegate may cast a full vote for that state in the Assembly.

Subsection 3. At least one hundred and twenty (120) days prior to a Conference meeting, the Executive Secretary shall send to the food regulatory agency or agencies in each state, territory and District of Columbia participating in the Conference a notice of the forthcoming meeting. Each notice shall include a current copy of Article II, Section 3 and Article XV, Section 5 of the Constitution and Bylaws.

Subsection 4. Each Agency shall report to the Executive Secretary on approved forms the following:

- a. The agency's officially designated regulatory responsibility regarding food processing, food service, retail food stores and food vending;
- b. The name of the delegate and the alternate, if any; and
- c. Designation of the vote to which that person is entitled, whether one (1) vote or a fraction of one (1) vote.

- Subsection 5. In the event that more than one (1) delegate is designated and the sum of the votes designated for the delegates is greater than one (1), the Executive Secretary shall reject, void and return the reports to the agencies for correction. Such revision shall be submitted to the Executive Secretary at least forty-five (45) days before the Conference meeting.
- Subsection 6. Delegates shall record their names with the Executive Secretary and shall cast their votes in the Assembly when called by announcing “yes”, “no” or “abstain” for one (1) vote; or “yes”, “no” or “abstain” for the appropriate fraction of one (1) vote.
- Subsection 7. Voting in the Assembly shall be recorded by the Executive Secretary as “yes”, “no” or “abstain”.
- Subsection 8. If delegates wish to caucus, they may pass when their names are called for the purpose of caucusing and then shall vote when the second roll is called.
- Subsection 9. To adopt in the Assembly:
- a. A quorum must be present. A quorum is defined as the presence of registered voting delegates from at least two-thirds (2/3) of the states with designated official delegates in attendance at the Conference meeting. Each territory and the District of Columbia shall count as one half (1/2) state in constituting a quorum.
  - b. To change a procedure adopted at a previous conference or to make a change in the Constitution and Bylaws requires a two-thirds (2/3) majority vote.
  - c. Other actions require a simple majority unless specifically covered by *Robert’s Rules of Order*.

## **Article XVI      Dissolution of the Conference**

- Section 1. Upon the dissolution of the Conference, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.



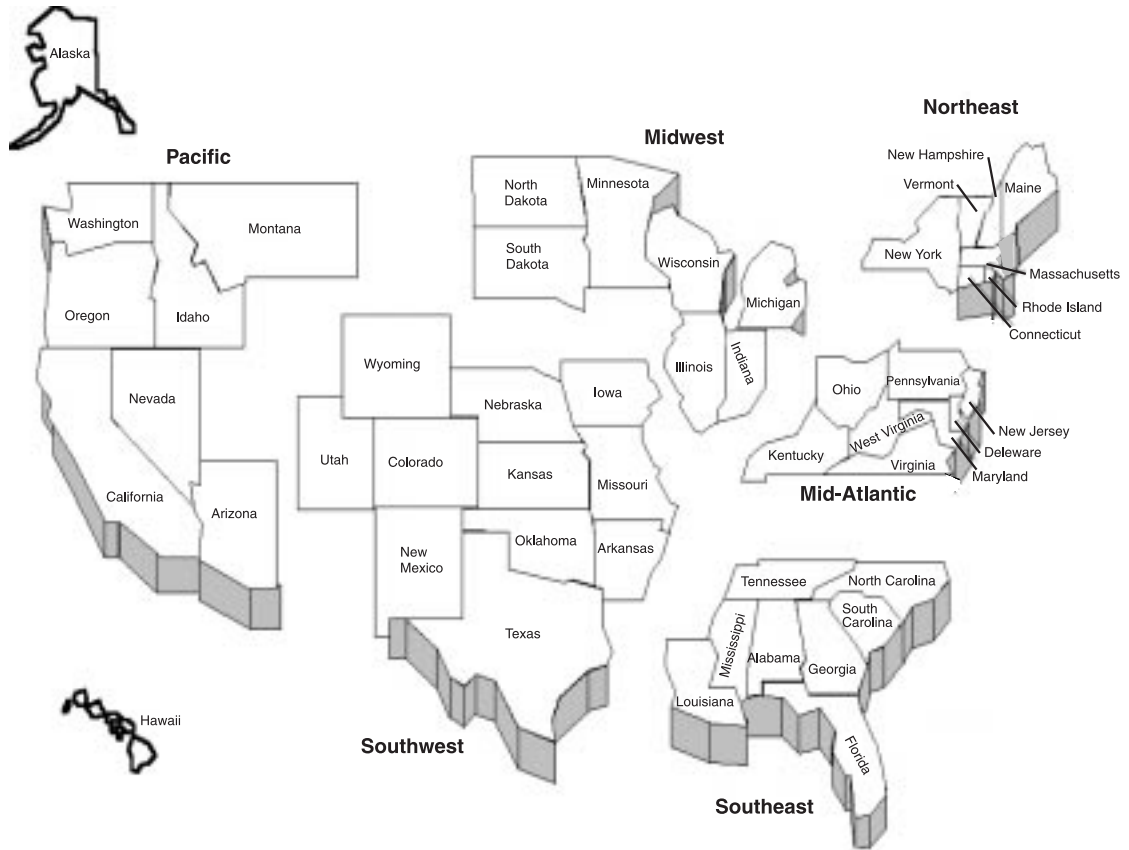
**Article XVII    Amendments to the Constitution and Bylaws**

Section 1.        The Constitution and Bylaws may be amended at a duly called Conference meeting, the delegates having had thirty (30) days notice from the Executive Secretary of such proposal to amend as provided in Article II, Section 3 and Article VIII, Section 3.

Section 2.        Amendments to the Constitution and Bylaws will become effective at the close of the meeting at which they are adopted.

# APPENDIX

## MAP OF CFP REGIONS\*

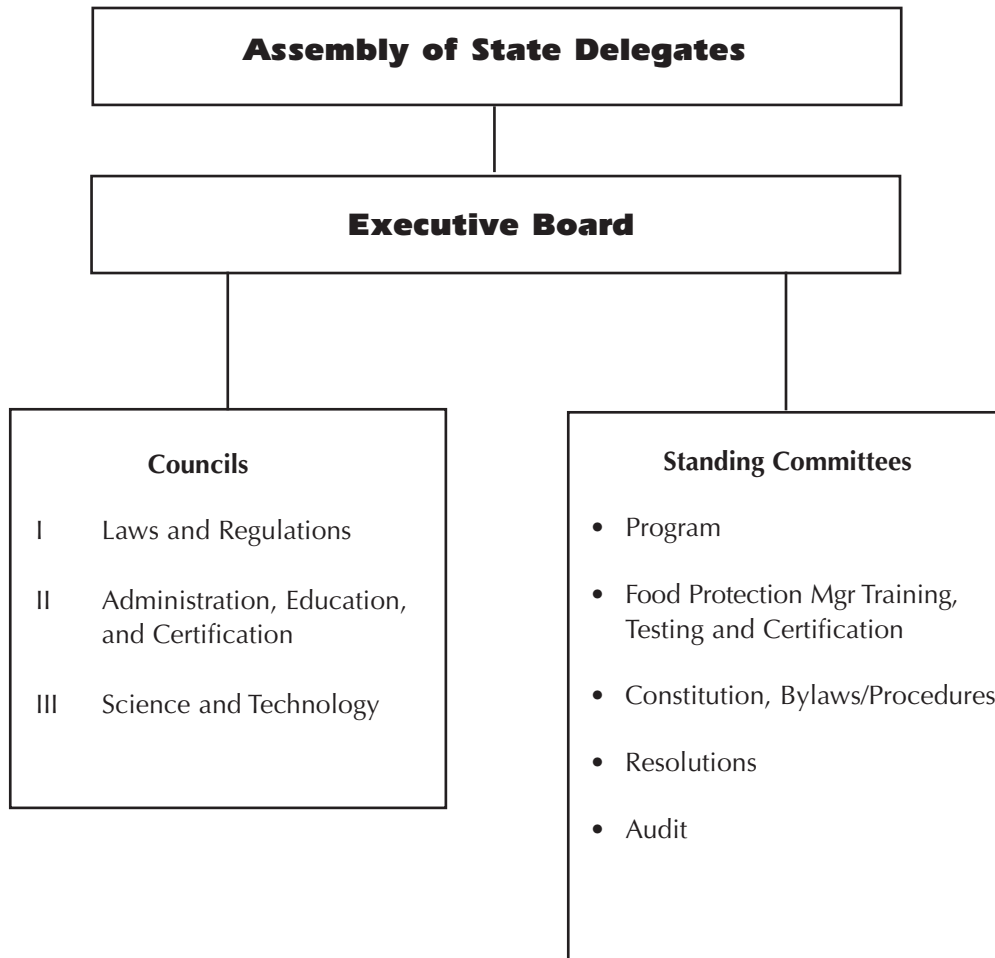


Non-contiguous states and territories shown on map

\*Used in Allocating Members of Executive Board

Mid-Atlantic	Midwest	Pacific	Southeast	Northeast	Southwest
DE	IL	AK	AL	CT	AR
DC	IN	AS	FL	MA	CO
KY	MI	AZ	GA	ME	IA
MD	MN	CA	LA	NH	KS
OH	ND	CM	MS	NY	MO
NJ	SD	GU	NC	RI	NE
PA	WI	HI	PR	VT	NM
VA		ID	SC		OK
WV		MT	TN		TX
		NV	VI		UT
		OR			WY
		TT			
		WA			

# CONFERENCE FOR FOOD PROTECTION ORGANIZATIONAL CHART



## **ORGANIZATIONAL STRUCTURE COMPOSITION ASSEMBLY OF STATE DELEGATES**

**Role:** Approves or rejects recommended actions

**Chair and Vice-Chair:** Board Chair and Vice-Chair preside at meetings of the Assembly

**Delegates:** Designated by 57 food regulatory agencies representing:

50 states

6 territories:

- American Samoa
- Guam
- Northern Mariana Islands
- Puerto Rico
- Trust Territory
- U.S. Virgin Islands

1 District of Columbia

**Voting:** 53-1/2 total possible

50 states have 1 vote each; those states with multiple state regulatory jurisdictions may divide vote equitably

6 territories and DC have 1/2 vote each

## **EXECUTIVE BOARD**

**Role:** Manages the affairs of the Conference

**Chair and Vice-Chair:** Elected from Board Voting Membership

**Members:** 22 elected to staggered terms by caucus of registrants in each respective group; federal members are appointed by agency head

**Voting:**

6 State regulatory agencies (1 each per CFP Region)

6 Local regulatory agencies (1 each per CFP Region)

2 Federal agencies (FDA and USDA)

6 Food Industry

1 Academic Institution

1 Consumer Representative

**Non-Voting Ex-Officio:**

1 Immediate Past Chair

3 Chair of each Council

1 Program Chair

4 Canadian & International Organizations (FAO, WHO, PAHO)

1 Executive Secretary

# COUNCILS

**Role:** Deliberate assigned Issues and proposals and develop recommended actions for Assembly consideration

**Chairs and Vice-Chairs:** 2 appointed by Conference Chair with approval of Board. For Councils I and II, if the Chair has a regulatory affiliation, the Vice-Chair is to be an industry affiliate, and vice versa. The Chair affiliation alternates back and forth each term.

**Members:** 20 selected by Council Chair and Vice-Chair for appointment by Conference Chair with approval of Board

I. Council on Laws and Regulations:

<u>Regulatory</u>	<u>Industry</u>
4 Local	1 Food Processing
4 State	2 Food Service
2 Territorial, DC or Federal	2 Food Store
	1 Food Vending
	4 Not specified

II. Council on Administration, Education and Certification:

Membership allocated as shown in Council I

III. Council on Science and Technology:

- 5 Regulatory agencies (min.) selected from state and local
- 5 Food industry (min.) with at least 1 each from food processing, food service, food stores and food vending
- 10 At-large; may include federal and other

**Consultants:** 9 possible

- 1 Academic Institution
- 4 Designated Federal Agencies
- 3 Designated International Organizations
- 1 Consumer

**Voting:** Consultants do not have a vote. Chair votes only to break a tie.

# COMMITTEES

## Appointments

All appointments to Conference Committees shall be made to provide a balance in representation of the stakeholders in the particular matter under consideration.

## Standing Committees

### Program Committee

**Role:** Reviews all issues and proposals submitted to Conference and assigns to Councils for deliberation; assists in planning and arranging of Conference meeting.

**Chair:** Appointed by Conference Chair

### Constitution and Bylaws/Procedures Committee

**Role:** Submits recommendations to improve Conference administrative functions through proposals to amend the Constitution and Bylaws. Reviews proposed memoranda of understanding and ensures consistency among the memoranda of understanding, the Conference Procedures manual, the Constitution and Bylaws, and other working documents. Reports all recommendations to the Board prior to Council II deliberation and follows the direction of the Board.

**Chair:** Appointed by Conference Chair

### Resolutions Committee

**Role:** Reports to the Board. Except for thank you resolutions, the Resolutions Committee prepares all necessary resolutions for Board approval.

**Chair:** Appointed by Conference Chair

### Audit Committee

**Role:** Reports to the Board. Except when a certified public accountant conducts an audit of the Conference's financial records, the Audit Committee audits the Conference's financial records annually.

**Chair:** Appointed by Conference Chair

### Food Protection Managers Training, Testing and Certification Committee

**Role:** Reports to the Board. Works with the accreditation organization for food protection manager certification programs to:

- a. establish and refine policies and standards to which certifiers may conform in order for them to be accredited;

- b. provide Conference input into the development of accreditation standards for certifying organizations specific to food protection manager certification programs;
- c. develop strategies for enhancing equivalence among food protection manager certificates issued by certifiers; and
- d. promote universal acceptance of certificates issued by accredited certifiers.

**Chair:** Appointed by Conference Chair

#### **Other Committees**

Appointed as needed to carry out Conference objectives.



## TIMELINE FOR CONFERENCE ACTIVITIES

**This chart outlines the “When, Whom and What” of actions that are to be taken.**



	When	Whom	What
1.	At least 120 days preceding Conference meeting	Executive Secretary (Art. II, Sec. 3 and Art. XV, Sec. 5, Sub 3)	Announces to members the time and place of Conference meeting and provides forms for submitting issues and proposals
2.	By 75 days preceding Conference meeting	Any person (Art. II, Sec. 3)	May submit issues and proposals which must be submitted on approved forms by this deadline
3.	By 75 days preceding Conference meeting	Program Committee (Art. II, Sec. 3 and Art. XIII, Sec. 1)	Reviews properly submitted issues and assigns each for Council deliberation
4.	By 30 days preceding Conference meeting	All Committees (Article II, Section 3)	Shall submit a report to the appropriate Council and Conference
5.	During Conference meeting	Executive Secretary (Article II, Section 3)	Make available to members Committee reports and copies of Issues which have been properly submitted and assigned to Council
6.	During Conference meeting	Councils (Art. II, Sec. 3 and Art. XI, Sec. 4)	Deliberate assigned Issues and develop recommended actions for Assembly consideration
7.	Following Conference meeting	Assembly (Art. V, Sec. 1)  Board (Art. V, Sec. 1)	Approves or rejects actions recommended by Councils  Submits approved actions to states and Board for implementation  May return rejected actions to originating body explaining basis for rejection or reassignment  Distributes Assembly actions to Conference members for implementation

# **APPENDIX M**

## **CONFERENCE PROCEDURES 2000**

Conference for Food Protection, Inc.  
Trevor Hayes, Executive Secretary

Telephone/FAX: (408) 848-2255  
e-mail: TWHgilroy@aol.com

May 1, 2000

<b>I. Introduction</b>	<b>.170</b>
<b>II. Conference Orientation</b>	<b>.170</b>
<b>III. Conference Resolutions</b>	<b>.170</b>
<b>IV. Conference Issues</b>	<b>.170</b>
<b>V. Councils</b>	<b>.172</b>
<b>VI. Committees</b>	<b>.173</b>
<b>VII. Conference Recommendations Relating to the FDA Food Code</b>	<b>.175</b>

Amended by 2000 Conference Meeting.

Prepared by: Constitution and Bylaws/Procedures Committee:

Paul Panico, Chair, Larry Eils, Betty Harden, Trevor Hayes, Thomas Leitzke, and Cindy Ayers.

## **Conference for Food Protection Conference Procedures**

### **I. Introduction**

Conference Procedures are intended to supplement the Constitution and Bylaws in the conduct of Conference meetings and other Conference business.

### **II. Conference Orientation**

A brief orientation shall be conducted for attendees at the beginning of the Conference meeting. The orientation is solely for the purpose of explaining and answering questions relative to the structure of the Conference and procedures governing its operation.

### **III. Conference Resolutions**

Resolutions that have been submitted in writing and have received prior approval by a majority of the Executive Board are included in the Order of Business at the Assembly meeting.

### **IV. Conference Issues**

#### **A. Issue Submission Form**

1. The Executive Board shall approve an Issue Submission Form.
2. Within the time specified in the Constitution and Bylaws, the Issue Submission Form shall be mailed to Conference members and to anyone who specifically requested a copy.
3. Issue submissions may be made by mail, FAX, or electronically through the internet. Current instructions for submission and the form are made available through the internet at the same time the information is mailed to members of the Conference.

#### **B. Issue Acceptance Criteria**

1. In order for the Issue to be accepted by the Conference and considered for Council deliberation, all sections of the form must be completed and the Issue described completely, with its impact on retail distribution identified. The food protection or public health aspect of the Issue must be clearly stated so as to be easily understood. A suggested solution or rationale for the Issue must be sufficiently detailed to cover all aspects of the submission.
2. When the recommended solution is to change the wording of a document, such as the Food Code or a CFP document, the portion of the document to be changed must be accurately identified, the change that is requested must be specified (e.g., actual language for replacement, addition, change or deletion), and the recommended language provided.

#### **C. Program Committee Assignment of Issues to Councils**

1. Immediately after the deadline for Issue submission, the Program Committee meets to review submitted Issues for their compatibility with the CFP objective, as stated in the Constitution and Bylaws, and for their public health significance and completeness.

2. The Committee consults with Issue submitters as needed. Those Issues fulfilling the criteria for acceptance are numbered and assigned to one of three Councils for consideration at the Conference meeting:

- Council I       Laws and Regulations
- Council II      Education, Certification and Administration
- Council III     Science and Technology

3. Once an Issue is assigned to a Council, it may be given to a Committee to review in depth and develop a position for the Council to consider at the meeting. For a limited number of key Issues, Council Chairs may request a white paper be developed.

#### D. Issue Rejection Process

1. If the Issue form does not meet the criteria set forth in IV. B., the Program Committee will make a reasonable attempt, for two working days, to contact the submitter by phone and/or FAX with a brief explanation of the problem. If the submitter cannot be reached in two working days, the Issue will be returned by mail to the submitter who will have to resubmit the Issue again with the noted problem corrected. Failure of the submitter to correct and resubmit the Issue within five days after being contacted will result in rejection of the Issue.

2. At least thirty (30) days before the Conference meeting, the submitter of an Issue that does not meet the criteria for acceptance or is not in the jurisdiction of the Conference is notified by letter (with a copy to the Conference Chair) of the reason(s) why the proposed Issue is not acceptable. A rejected Issue may be considered a "Special Issue" if accepted by the Board and submitted by the Board to the Council prior to the Conference meeting.

#### E. Numbering of Issues

Each Issue is given a six-digit number. The first two represent the year, the second two indicate the Council to which it is assigned, and the third two sequence the Issue within that Council. For example, Issue 96-01-01 is the first Issue submitted for the 1996 Conference meeting that is assigned to Council I.

#### F. Presentation of the Issue to the Council

The submitter of each Issue, or the submitter's representative, is afforded the opportunity to verbally present the Issue to the Council as it is opened for discussion and to address questions that arise during its deliberation.

#### G. Issues Packet and Council Agendas

An Issues Packet shall be sent to all CFP members. The Issues Packet contains Issues and the agenda for each Council. The agenda is organized as follows:

1. A brief summary of the Council's previous action on the Issues being addressed by Committees.
2. Issues are arranged in the order assigned by the Program Committee although the order may be rearranged prior to or during Council meetings based on a variety of considerations.

## V. Councils

### A. Meeting Arrangements

1. Council Chairs meet prior to the Issue deliberation to review and have a common understanding of uniform procedures to be followed during the Council meetings. This meeting is chaired by the Constitution and Bylaws/Procedures Committee Chair and the Parliamentarian will be present to answer any questions.
2. A meeting room is assigned to each of the Councils for the duration of the Conference meeting. Should Councils wish to meet at other times than scheduled, they are free to do so. However, a notice must be posted as to when and where so all attendees are advised. The Executive Secretary and the Chair of the Local Arrangements Committee shall assist in arranging a room.
3. Councils will post, in a conspicuous place, agendas that show the sequence in which the Issues will be discussed and will update the agenda as they dispense with each Issue. This allows a submitter or interested parties to move from Council to Council to present multiple Issues, if necessary.
4. If there are conflicts in agendas, i.e., where two or more Issues that were submitted by the same person are scheduled for discussion at the same time, the submitter should notify the Council Chairs as soon as a conflict is identified. The Council Chairs will make every effort to rearrange their agendas to accommodate presentation of the Issues by the submitter or the submitter's representative.

### B. Conducting Business

#### 1. Rules

Before beginning Council deliberations, each Council Chair announces the respective rules to be followed, in addition to Robert's Rules of Order, reviews the agenda, schedules, limits of time for deliberation on each Issue by any individual, voting on Issues (i.e., acceptance, no action or referral) and any other pertinent information.

#### 2. Incorrect Assignments

If a Council determines that an Issue is incorrectly assigned to it, the Council Chair immediately notifies the Program Chair. The Program Chair reassigns the Issue, posts a notice on the agendas of the two Councils involved and provides sufficient copies of the Issue to the second Council for their use in reviewing the Issue. A reassigned Issue is generally considered at the end of the Council agenda.

#### 3. Referral of Issues to Another Council

If a Council decides by a simple majority vote that it is necessary to refer an Issue to another Council, the Council Chair notes the supporting reasons in writing, and immediately transfers the information to the referenced Council either personally or through the Council Vice-Chair.

#### 4. Recorder

Each Council has a recorder preselected by the Conference Chair assigned for the purpose of noting significant information and actions generated in that Council. The recorder should be reasonably free of advocacy positions with the respective Council.

## 5. Participation in Other Council Meetings

Council members can leave their meeting to participate in other Council meetings for a particular Issue. Council Chairs should be told beforehand by their members if they are going to do this. Councils post an agenda of Issues along with action status to keep attendees informed and to facilitate scheduling for attendee

## 6. Council Deliberations and Voting Process

a. Councils start by Issues beginning with Issue XX-XX-01. Should any Council member wish to change the order of discussion, the Chair requests a vote by the Council. If acceptable, the Chair tells the audience and posts a note on the door of the meeting room with the changes. Issues addressing similar subjects may be grouped under one Issue by consent of the Council members. A note describing the groupings is also posted on the door.

b. The Council Chair reads each Issue to the Council and entertains a motion and a second in order to bring the Issue to the floor for discussion. For discussion purposes, the Council Chair recognizes members of the Council first and then those in the audience. Should members of the audience wish to be recognized by the Chair, they need to raise their hand, await recognition by the Chair, and then step forward to address the Council. The audience may come and go in an orderly fashion should they wish.

c. The following actions can be taken by a Council:

- **ACCEPT AS WRITTEN**

Goes to Assembly of State Delegates as submitted.

- **ACCEPT AS AMENDED**

When amending an Issue, the Council must recommend a specific action that is achievable. The recommendation should begin with the phrase "The Conference recommends..."

Goes to Assembly of State Delegates as amended.

- **NO ACTION**

The Council can take no action on an Issue. The Council can give a reason for their action or they can simply state "No Action".

## 7. Council Reports

Upon conclusion of the Council meetings, each Council prepares a report. These reports are duplicated and distributed to the Conference attendees before the Assembly of State Delegates session.

## VI. Committees

### A. Committee Membership

Whenever possible, depending upon the nature of the Issue, membership of the Committees should be made up of representatives from around the country and from regulatory, industry, consumers and academia.

## B. Appointment of Members

1. The Council Chairs appoint the Chairs of each Committee formed within their Council with the concurrence of the Conference Chair. The Conference Chair will confirm the appointment of the Committee Chair and then notify the person of their appointment. Once confirmed, the Committee Chair will select the remaining members of the Committee and submit them to the Conference Chair for final Board approval.
2. Federal participants (FDA/USDA) may appoint a member and an alternate for each Committee. The member participates in discussion but does not vote. The alternate may act in the member's place if the member is unable to attend.

## C. Committee Chair

Committee Chairs serve until the Committee charge is completed or until replaced, whichever occurs first. Committee Chairs should develop a work plan and establish time frames to accomplish their work plan. A Committee Chair may appoint subcommittees in order to accomplish the work plan. The Conference Chair or the Chair's designee establishes a calendar for submission of interim and final Committee reports.

## D. Term of the Committee

A Committee ceases to exist as soon as the Council or Executive Board receives the Committee's final report, unless it is a standing Committee, or the Council or Executive Board re-authorizes the Committee to continue to work on the Issue under consideration.

## E. Committee Meetings

1. Committees may convene during the two years before the Conference to complete discussions of the Issues assigned to them. The assignments are a result of previous Council actions that were passed by the Assembly of State Delegates. Committees can also convene just prior to the Conference meeting at the Conference site.
2. If Committee members are unable to fulfill their obligation, they are to notify the Committee Chair immediately so that the Committee Chair may appoint a replacement. Members who are unable to attend a meeting may not send a substitute, but may forward any material for Committee consideration.
3. Committees may address new Issues, i.e., Issues submitted for the current year's meeting, which have been assigned to the Council, if the Council Chair and Vice-Chair deem it appropriate. The Conference Vice-Chair works with each Council Chair to ensure that Council Committees work on their assigned charges and report back to their respective Councils in a timely manner.

## F. Committee Reports

### 1. Periodic Status Report

A status report of the Committee's activities shall be submitted to the Council Chair no later than thirty (30) days prior to the Spring Executive Board meeting. A Council can send a Committee report back to a Committee instructing them to work further on their report.

## 2. Final Report

Committees that are assigned to a Council shall provide a final report of their activities to the Council with a recommended action. This should be done seventy-five (75) days in advance of the Conference meeting as specified in Article II, Section 3, of the Constitution and Bylaws with the report attached to the pertinent Issue.

The Committee Chair or the Committee Chair's designee should be present when the Council meets during the Conference meeting to present and discuss the Committee's report.

## G. Committee Sign-Up Sheets

At the Conference meeting, the Executive Secretary will post sign-up sheets for members interested in working on standing and ad hoc Committees.

## VII. Conference Recommendations Relating to the FDA Food Code

Conference recommendations to State and local governments and others that pertain to retail food protection matters and that may therefore have relevance to the FDA Food Code may be conveyed to the FDA in the following manner:

1. The Conference Chair will convey to the FDA any recommendations that relate to the Food Code within 45 days of the Conference meeting.
2. The FDA will review and consider any material forwarded by the Conference. The FDA will send any comments that it may have on the recommendations to the Conference Chair. The FDA will make every effort to provide these written comments within 60 days of its receipt of the recommendation.
3. The FDA will be available to discuss any Issue with the Conference Executive Board in an effort to explore any concerns and identify mutually acceptable approaches for their resolution. The FDA will arrange to have appropriate staff available so that this discussion may occur within approximately 30 days of the FDA's reply to the Conference.



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