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2011 FDA-CFSAN Retail Food Safety Report

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CFSAN/Office of Food Safety

FDA Southeast Region Annual Food Safety
Seminar

November 9, 2011



**Field Offices +
State Training Team
& ORA-U**

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& Applied Nutrition (CFSAN)**

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Cooperative Programs
Coordination Staff**

**Retail Food
Protection
Team**

CFSAN Office of Food Safety



**Retail Food and
Cooperative
Programs
Coordination
Staff
Kevin Smith,
Director**

**Retail Food
Protection Team
Glenda R. Lewis,
Team Leader**

**Mary Cartagena
Consumer Safety
Officer**

**Mr. Girvin Liggins
Consumer Safety
Officer**

**Veronica Moore
Consumer Safety
officer**

**Laurie Williams
Consumer Safety
Officer**

VACANT



CFSAN Updates

- Assessing Trends in Retail Food Safety
- FDA's Retail Food Safety Initiative & Action Plan
- Supplement to the 2009 FDA Food Code
- Other Topics of Interest
 - New FDA-NACCHO Cooperative Agreement
 - New Educational/Training Tools
 - CORE
 - CFP 2012 Meeting in Indianapolis, IN



Scope of Retail Food Protection in US

- Growing Retail & Foodservice Industry:
 - ~1M restaurants serving 70 billion meals/year
 - ~250,000 supermarkets, grocery stores, c-stores
 - ~100,000 schools
 - ~24,000 nursing homes and hospitals
 - Mobile Units
 - Temporary events
 - Farmers markets
 - Vending operations



FDA Retail Risk Factor Study

Purpose

- Establish a national baseline on the occurrence of foodborne illness risk factors and then analyze trends and assess progress
- Assess Industry Compliance as a Performance Metric for National Retail Food Protection System
- Effort to collect sufficient data to measure patterns in the occurrence of foodborne illness risk factors over time
- Call Attention to Operational Risk Factors that require the most Attention of the Industry and Regulatory Community

3 Data Collection Periods:

- 1998, 2003 and 2008

Separate Reports Issued For Each Collection

10-year Trend Analysis Report

- Issued October 2010

All reports available at:

<http://www.fda.gov/Food/FoodSafety/RetailFoodProtection/FoodborneIllnessandRiskFactorReduction/RetailFoodRiskFactorStudies/default.htm>



Foodborne Illness Risk Factors in Retail/Foodservice Operations

- **Food from Unsafe Sources**
- **Inadequate Cooking**
- **Improper Holding Temperatures**
- **Contaminated Equipment/Inadequate Protection of Contamination**
- **Poor Personal Hygiene**

42 Individual Data items divided among the Risk Factors plus Other/Chemical Category



Trend Analysis Report (1998-2008)

- Examine improvement or regression over the 10 year period in the percent compliance observations for each facility type
- Statistical analysis of trends at the facility type level, the risk factor level, and individual data item level



Statistically Significant Improvement - Individual Data Items

- **Proper/Adequate Handwashing**
 - 4 of 9 facility types
- **No Bare Hand contact with Ready-to-Eat Foods**
 - 7 of 9 facility types
- **Date Marking of Ready-to-Eat, Refrigerated Foods**
 - 6 of 9 facility types



Statistically Significant Improvement 10-year span - Risk Factor Control

One or more Foodborne Illness Risk Factors

- 8 of 9 Facility Types

Poor Personal Hygiene Risk Factor

- 7 of 9 Facility Types

Improper Holding/Time-Temperature Risk Factor

- 5 of 9 Facility Types



Impact of a Certified Food Protection Manager

- The results of the 2003 and 2008 studies indicate the presence of a Certified Food Protection Manager is positively correlated to Overall IN Compliance percentages in some facility types - **2008- Full Service Rest.; Delis; Seafood: Produce**
- In Compliance % for establishments without a certified manager never exceeded the In Compliance % for establishments with a certified manager in a statistically significant manner



Takeaways from Trend Analysis

- **Significant Gains made over 10-year span**
 - Biggest gains made in areas that were most in need of improvement
 - Efforts on part of industry and regulatory appear to be having impact
- **Significant Improvement still needed**
- **Primary compliance challenges**
 - Hand Hygiene
 - Cold Holding & Cooling of Foods
 - Cleaning and Sanitizing Equipment & Surfaces



Considerations for Next Risk Factor Study

- Streamline the data collection - fewer data items; more easily communicated
- Examine impact of different interventions and regulatory strategies on specific risk factor occurrence
- Establish a performance metric based on percent of establishments with different levels of control
- More in-depth study of practices of greatest public health interest and impact
- Attempt to correlate performance metric with other indicators and industry demographics



FDA's Role

- **National policy for retail food protection**
 - FDA *Food Code*
 - *Voluntary National Retail Food Regulatory Programs Standards*
 - *Guidance Documents on Food Safety and Disease Prevention*
 - Key Collaboration: Conference for Food Protection*
- **National Leadership**
 - Elevate attention to Food Safety at Retail
 - Investigate multi-state foodborne illness outbreaks
 - Engage Industry Organizations
 - Establish and track national performance measures
 - Research emerging hazards



FDA's Goals

- Reduction in Foodborne Illness
 - Both in overall incidence and in risk to individual
- Enhanced Consumer Trust and Confidence in Food Supply
 - Access to safe and healthful foods
- For Food Safety at Retail level, this means:
**Improved Food Safety Practices and Behaviors
in the Food Establishment**



Retail Food Safety Initiative

- Announced in conjunction with October 2010 release of Risk Factor Study Reports
- Recognition that food safety at point of sale and service is important part of FDA's farm-to-table strategy
- Acknowledge key partnerships as part of an integrated food safety system
- Retail Initiative Task Force established
- Action Plan **available on the FDA web at:**

<http://www.fda.gov/Food/FoodSafety/RetailFoodProtection/RetailFoodSafetyInitiative/default.htm>



Retail Food Safety Initiative

Retail Initiative Task Force

- **Charges**
 - Establish an action plan to best leverage FDA's expertise and resources with those of the retail food industry and our regulatory partners at all levels of government.
 - Establish deliverables and timelines for achieving the objectives of the Retail Food Safety Initiative.



Retail Food Safety Initiative

- **Goal 1:** Make the presence of certified food protection managers common practice.
- **Goal 2:** Strengthen active managerial controls at the retail level and ensure better compliance.
- **Goal 3:** Encourage widespread, uniform, and complete adoption of the FDA Food Code.
- **Goal 4:** Create an enhanced local regulatory environment for retail food operations.

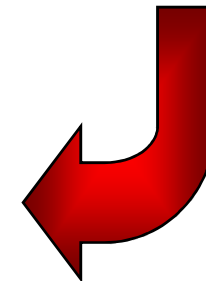
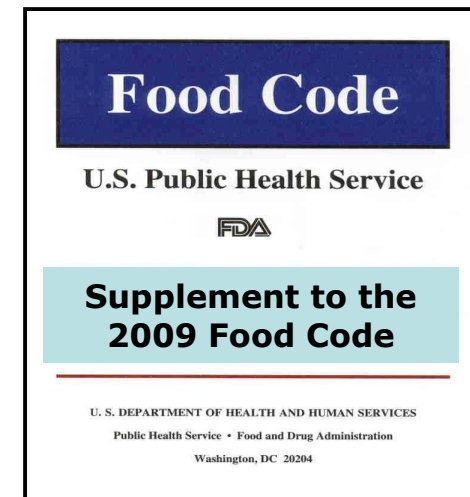
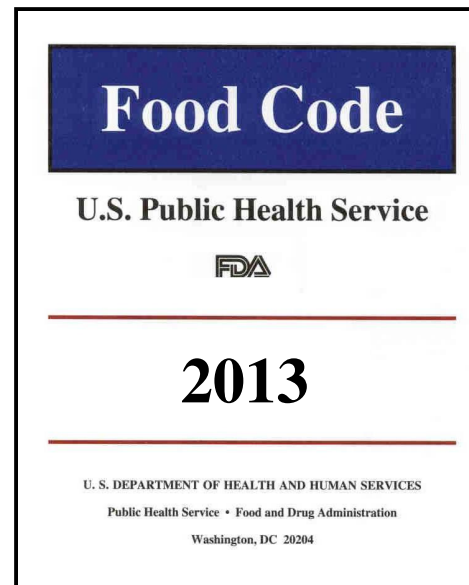
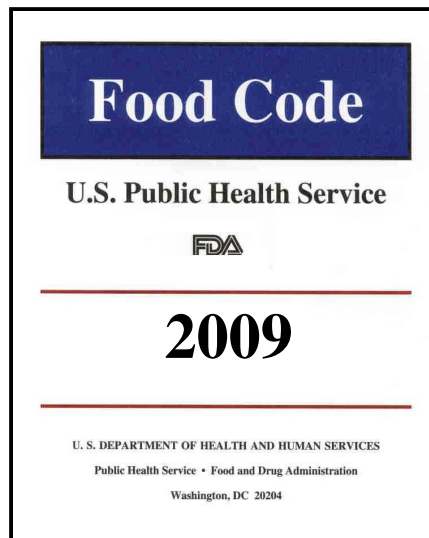


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FDA Food Code Updates



2009 Food Code in Spanish – coming soon!



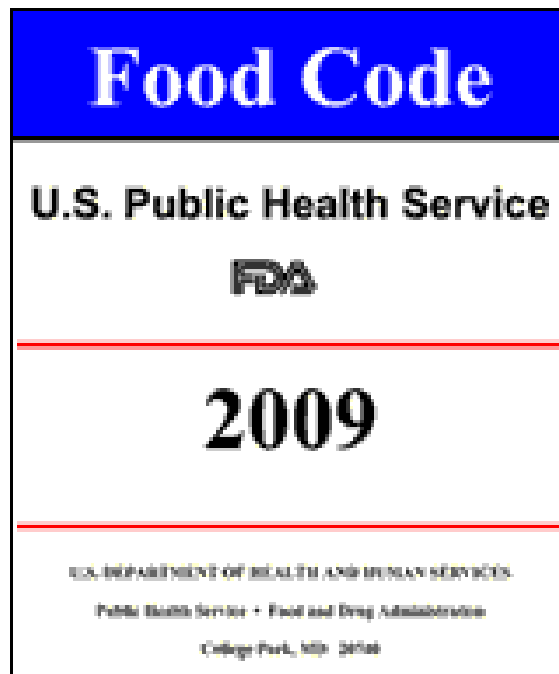
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FDA Food Code

- 2009 Food Code (*Published – November 5, 2009*)



Available online at:

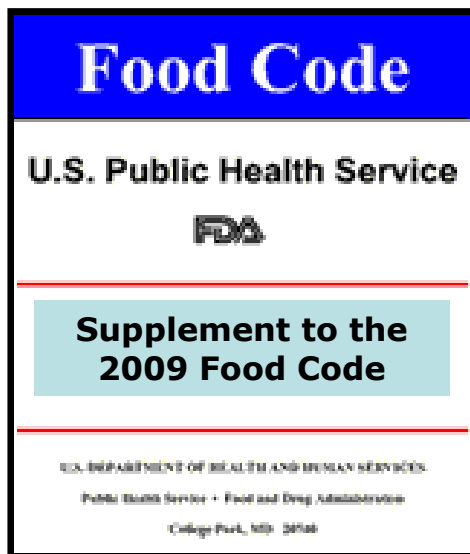
www.fda.gov/retailfoodprotection

To order the 2009 FDA Food Code please go to:

<http://www.ntis.gov/products/food-code.aspx>



Supplement to 2009 Food Code



- Modifies 2009 Food Code
- Released September 29, 2011
- 13 of 16 Food Code recommendations made at 2010 Meeting of the Conference for Food Protection addressed
- Codified Text and Public Health Reasons (Annex 3)
- On web and in hard copy



Contents of the Supplement

- Introduction
- Part 1 – Summary of Changes
- Part 2 – Amendments, Additions, Deletions to Chapters 1-8 and the Annexes.
- Part 3 – New Terms added to the Index to the Food Code



Preface Changes

- Revised the foodborne illness statistics to state 2011 CDC estimates of foodborne illness in the United States
 - 48 million illnesses
 - 128,000 hospitalizations
 - 3,000 deaths

Detailed information available at:

www.cdc.gov/foodborneburden



Overview of Changes

Chapter 2 – Management & Personnel

- 2-102.12 - Requirement for a Certified Food Protection Manager (New section)
- 2-102.20 - Define compliance for FPMC
- 2-103.11 - Added additional duties for the PIC
- 2-501.11 – Procedures for responding to contamination events (New section)
 - Purpose specified in codified; areas to consider highlighted in Annex 3
 - Related to CFP-III-023



2-102.12 Certified Food Protection Manager

(A) At least one employee that has supervisory and management responsibility and the authority to direct and control food preparation and service shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.



2-102.12 Certified Food Protection Manager

(B) This section does not apply to certain types of FOOD ESTABLISHMENTS deemed by the REGULATORY AUTHORITY to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of food preparation.



2-102.12 Certified Food Protection Manager

- At least one employee be a Certified Food Protection Manager
 - Management & supervisory role
 - Acknowledge exceptions are appropriate for types of establishment, but does not specify in detail
 - Retain existing requirements for PIC
 - Recognize (not mandate) ANSI-Accredited Certification Programs
 - Related to CFP 2010-II-021



2-102.20 Food Protection Manager Certification

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



2-102.20 Food Protection Manager Certification

(B) A FOOD ESTABLISHMENT that has an EMPLOYEE that is certified by a FOOD protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs is deemed to comply with §2-102.12.



Revised Duties of Person in Charge (2-103.11)

- Ensuring safety of foods delivered after hours of operation
 - Related to CFP 2010-I-022
- Employees informed of illness reporting requirements in **“verifiable” manner**
- Development & implementation of required procedures
 - Reinforce that management needs to ensure procedures are place, as required
 - Related to CFP 2010-I-024



2-103.11 Duties of the Person in Charge

(F) EMPLOYEES are verifying that FOODS delivered to the FOOD ESTABLISHMENT **during non-operating hours** are from APPROVED sources and are placed into appropriate storage locations such that they are maintained at the required temperatures, protected from contamination, unADULTERATED, and accurately presented;^{Pf}



2-103.11 Duties of the Person in Charge

(N) FOOD EMPLOYEES and CONDITIONAL EMPLOYEES are informed **in a verifiable manner** of their responsibility to report in accordance with LAW, to the PERSON IN CHARGE, information about their health and activities as they relate to diseases that are transmissible through FOOD, as specified under ¶2-201.11(A);^{Pf} and



2-103.11 Duties of the Person in Charge

- (O) Written procedures and plans, where specified by this Code and as developed by the FOOD ESTABLISHMENT, are maintained and implemented as required. ^{Pf}



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Part 2-5 Responding to Contamination Events

Subpart 2-501 Procedures for Responding

Section 2-501.11 Clean-up of Vomiting and Diarrheal Events



2-501.11

Clean-up of Vomiting and Diarrheal Events.

A FOOD ESTABLISHMENT shall have procedures for EMPLOYEES to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the FOOD ESTABLISHMENT. The procedures shall address the specific actions EMPLOYEES must take to minimize the spread of contamination and the exposure of EMPLOYEES, consumers, FOOD, and surfaces to vomitus or fecal matter. ^{Pf}



Overview of Changes

Chapter 3 - Food

- **3-301.11** – The rule of no bare hand contact with RTE foods does not apply to the handling of RTE foods as they are being added as ingredients to a food that is to be cooked
- **3-302.11** – Allow for storage of packaged meats in a manner that precludes the potential for cross contamination
- **3-302.15(C)** – Addresses devices used on-site for generation of chemicals for washing fruits and vegetables



3-301.11 Preventing Contamination from Hands

(B) Except when washing fruits and vegetables as specified under § 3-302.15 or as specified in ¶¶ (D) and (E) of this section, FOOD EMPLOYEES may not contact exposed, READY-TO-EAT FOOD with their bare hands and shall use suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT. ^P



3-301.11 Preventing Contamination from Hands

(D) Paragraph (B) of this section does not apply to a FOOD EMPLOYEE that contacts exposed, READY-TO-EAT FOOD with bare hands at the time the READY-TO-EAT FOOD is being added as an ingredient to a FOOD that:

(1) contains a raw animal FOOD and is to be cooked in the FOOD ESTABLISHMENT to heat all parts of the FOOD to the minimum temperatures specified in §§3-401.11(A)-(B) or §3-401.12; or

(2) ...



3-301.11 Preventing Contamination from Hands

(D) Paragraph (B) of this section does not apply to a FOOD EMPLOYEE that contacts exposed, READY-TO-EAT FOOD with bare hands at the time the READY-TO-EAT FOOD is being added as an ingredient to a FOOD that:

(1) ...

(2) does not contain a raw animal FOOD but is to be cooked in the FOOD ESTABLISHMENT to heat all parts of the FOOD to a temperature of at least 74°C (165°).



3-302.11 Packaged and Unpackaged Food – Separation, Packaging, and Segregation

(A) FOOD shall be protected from cross contamination by:

(1) No change

(2) No change

**(3) Not storing and displaying
COMMINUTED or otherwise non-intact
MEATS above whole-muscle intact cuts of
MEAT unless they are PACKAGED in a
manner that precludes the potential for
cross-contamination;**



3-302.15 Washing Fruits and Vegetables

- (A) No change
- (B) No change
- (C) Devices used for on-site generation of chemicals for washing raw, whole fruits and vegetables shall be used in accordance with the manufacturer's instructions and shall meet the requirements specified in 21 CFR 173.315 - Chemicals used in the washing or to assist in the peeling of fruits and vegetables.**



Editorial Changes in Chapter 3 - Food

- 3-401.12(C) Microwave Cooking – Revise ¶ C to risk designation of Priority Item “P”
- 3-401.14(F)(5) Non-Continuous Cooking of raw Animal Foods – Corrected the cross reference to ¶ 3-302.11(A)
- 3-501.17(A) – Editorial change end of ¶ (A) to read: The day of preparation shall be counted as Day 1. ^{Pf}
- 3-501.19(B) – Editorial change to revise ¶ (B) to add the term “without” to the introductory sentence so that it reads: (B) If time without temperature control is used...”
- 3-502.12 ROP w/out a Variance Criteria
- 3-801.11(D) Pasteurized Foods, Prohibited Re-Service, & Prohibited Foods – Updated internal cross reference to new ¶ 3-301.11(E)



Annex 3 Changes Public Health Reasons / Administrative Guidelines for Chapter 3

- **3-304.14 Wiping Cloths, Use Limitations**
 - Added new paragraphs 2 and 3
 - Replaced “at all times” with “between uses” in paragraph 1



Other Select Supplement Items

- New requirements for devices that generate On-Site Hard Surface Sanitizers (§4-501.114 and 7-204.11) and Chemicals Used for Washing Produce (7-204.12)
 - Ensure devices and agents comply with law
 - Related to CFP 2010-III-005
- Timely Correction of Violations (8-405.11)
 - Tighter timeframes based on new priority/priority foundation/core designations
 - Related to CFP 2010-I-017



Overview of Changes

Chapter 8 – Compliance & Enforcement

- *8-405.11(B)* – Revised ¶ (B) to maintain consistency with the three tier risk designation ranking system and allow, with RA agreement, up to 72 hours to correct violations of a Priority Item or up to 10 days to correct violations of a Priority Foundation Item or HACCP Plan deviations.



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The Supplement to the 2009 Food Code is available on the FDA web page via on-line direct link at:

- <http://www.fda.gov/Food/FoodSafety/RetailFoodProtection/FoodCode/FoodCode2009/ucm272584.htm>



Collaborative Agreement:

“Strengthening the Role of Local Health Departments in Food Safety Regulation”

- FDA Collaboration with National Association of County and City Health Officials (NACCHO)
- FDA and NACCHO will promote the use of best practices by local authorities and develop tools to strengthen retail food safety oversight and implement FDA’s Voluntary National Retail Food Regulatory Program Standards for retail food regulatory programs.



Collaborative Agreement:

“Strengthening the Role of Local Health Departments in Food Safety Regulation”

There are 4 specific aims:

- **Aim 1** - Increase local health departments awareness of food safety regulation tools, resources & practices
- **Aim 2** - Strengthen local health department involvement in food safety regulation (establish a peer mentorship program)
- **Aim 3** - Improve FDA, NACCHO and local health departments knowledge of the connection between the FDA Voluntary Retail Food Regulatory Program Standards and public health accreditation as guided by the Public Health Accreditation Board (PHAB)
- **Aim 4** - Improve NACCHO's and FDA's understanding of the effectiveness of food inspection grading and scoring systems



Coordinated Outbreak Response & Evaluation (CORE)

- July 2011 FDA launched CORE
- CORE will Manage
 - Incidents involving illness with human and animal foods
 - Significant food contamination events
 - Post-response efforts related to incidents
- 5 Functional Areas
- August 1, 2011 CORE Response Teams began managing new incidents



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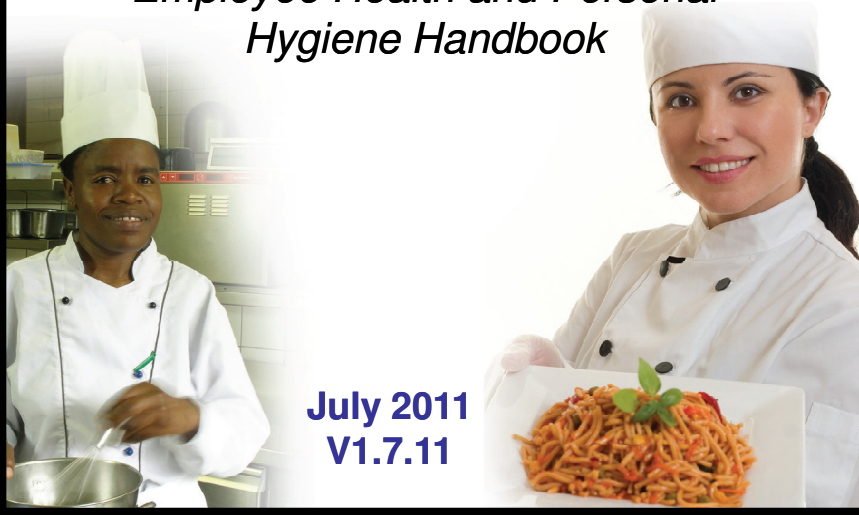
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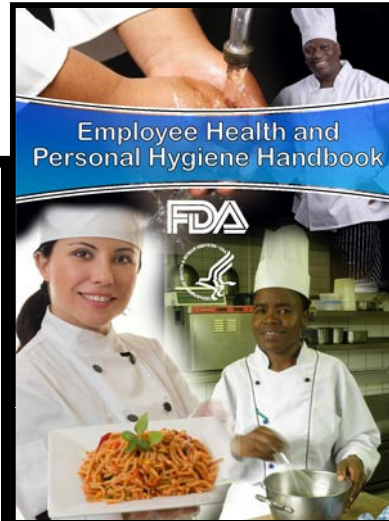
Employee Health and Personal Hygiene Handbook

Employee Health and Personal Hygiene Interactive Resource Disk

An electronic program designed to follow the decision trees and the tables as outlined in the *Employee Health and Personal Hygiene Handbook*

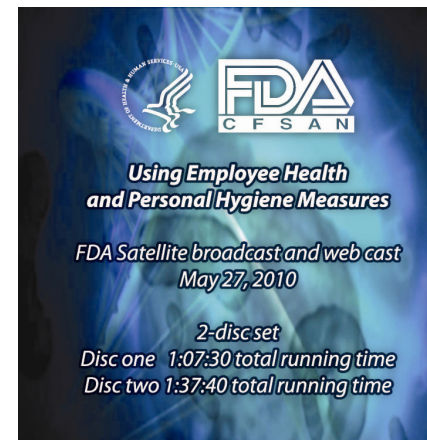


July 2011
V1.7.11



Now Available!!!

Employee Health and Personal Hygiene Satellite Broadcast



Disc 1 of 2

- Chapter 1: Opening
- Chapter 2: Science Background: Kathryn Kennedy
- Chapter 3: Legal Liabilities of Food Borne Illness: Patti Waller
- Chapter 4: EEOC & ADA Requirements: Kerry Leibig
- Chapter 5: CDC on Food Borne Outbreaks: Dr. Laura Brown
- Chapter 6: Communication Techniques in Retail Food: Dr. Donna Beegle
- Chapter 7: Hand Washing Program: Scripps Memorial Hospital
- Chapter 8: Hand Washing Program: Portland Oregon Legends Project

Disc 2 of 2

- Chapter 1: Hand Washing Program: Clyde's Restaurant
- Chapter 2: NBHC Example: Chick-fil-A* Colored Glove Initiative
- Chapter 3: NBHC Example: Seattle, WA Dept. of Public Health
- Chapter 4: Employee Health Example: FDA Atlanta District, FDA National Retail Food Team Oral Culture Learner
- Chapter 5: Employee Health Example: CT. State Dept. of Public Health
- Chapter 6: Question and Answer Session
- Chapter 7: Credits
- Chapter 8: Jurisdictions Enrolled in the Voluntary National Retail Food Regulatory Program Standards



CFP 2012 Meeting

- December 5, 2011 Final Committee Reports & Draft Committee Issues due
- January 6, 2012 Issue Submission Deadline
- April 14-18, 2012 Meet in Indianapolis, Indiana



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Any Questions?

Please visit the Retail Food Protection Team website at:

<http://www.fda.gov/RetailFoodProtection> or email the Team at:

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