



**National Environmental Health Association  
Position:**

**Retail Food Protection on the Local, State and Tribal Levels:  
Left Out of the New Federal Food Protection Initiatives?**

There are currently broad ranging discussions on the national level regarding reorganization of the food protection system in this country. The number of illnesses and deaths associated with contaminated food products has lead to nearly universal agreement that the current food protection system in the U.S. is not working adequately.

Most of the current national discussion about food protection is focused on new initiatives or powers for federal agencies - principally the Centers for Disease Control and Prevention (CDC), the Food and Drug Administration (FDA), and the United States Department of Agriculture (USDA). While these new initiatives are greatly welcomed, they do not adequately consider the retail food protection work done at the local, state and tribal levels by environmental health professionals. **Indeed, each year environmental health professionals employed by local, state and tribal governments perform more than two million inspections of food facilities in the U.S.** (FDA Consumer Updates: Cooperative Programs Help Keep Food Safe, 10/14/2009)

The National Environmental Health Association (NEHA), as the premiere national organization representing environmental health professionals, is uniquely qualified to provide leadership on national food protection policy and to comment on initiatives to improve retail food protection at the local, state and tribal levels.

***What Would Be Needed To Develop a Successful National Retail Food Protection System?***

NEHA believes that national success in retail food protection hinges on the integration of local, state, tribal and federal retail food protection regulatory programs into a nationwide retail food protection system. ***Such a system must***

***clearly recognize the independence of each agency and jurisdiction while creating nationally recognized and accepted retail food protection program standards.*** Such a system must, of necessity, rely heavily on local, state and tribal retail food protection programs and must focus principally on building increased capacity and interoperability into these local, state and tribal programs. NEHA believes that a successful national retail food protection system must include the following twelve elements:

1. Adoption of the latest FDA Food Code nationwide

A starting point for uniformity of standards would be the rapid adoption of the latest version of the FDA Food Code by all localities, states and tribal nations. This is the only way to assure consistency and interoperability from agency to agency and state to state. Local, state and tribal governments must remove obstacles that significantly delay adoption of the FDA Food Code. Obstacles include examples of state health departments that seek local consensus by modifying code language, or state government structures that require expensive, time-consuming hearing processes before the code can be adopted. The federal government's retail food protection program should provide incentives to individual localities, states and tribes that expeditiously adopt the latest version of the FDA Food Code by reference.

2. Use of the FDA Model Retail Food Safety Regulatory Program Standards

The FDA Model Retail Food Safety Regulatory Program Standards provides an excellent blueprint for a locality, state or tribe to develop a quality retail food protection program. These standards are national consensus standards developed by FDA with input from the Conference for Food Protection. The Uniform Inspection Program, detailed in the Model Retail Food Safety Regulatory Program Standards, calls for uniform use of the risk-based inspection format that focuses on food-borne illness risk factors and public health interventions. The federal government's food protection program should provide direct financial incentives to localities, states and tribes that are meeting or are making measurable progress towards meeting the FDA Model Retail Food Safety Regulatory Program Standards.

3. Improved local, state, tribal and federal authority to enforce food protection standards

The FDA Model Retail Food Safety Regulatory Program Standards require that critical violations related to food-borne illness risk factors and public health interventions are corrected in a timely way or that effective enforcement actions are taken to gain code compliance. However, in order for this program to be effective, localities, states and tribes need clear authority to enforce food protection standards based on public health principles. Some local, state and tribal governments and federal agencies need to strengthen their regulatory foundations to support environmental health enforcement activities. For example, laws enabling embargo or condemnation of contaminated food products anywhere in the food supply chain in order to keep such food products

from being sold or served at retail need be strengthened in some agencies and jurisdictions. Also, the FDA needs to provide a clear model enforcement framework to help executive, legislative, and judicial officials understand the enforcement needs of food protection programs.

4. Improved communication between the local, state, tribal and federal agencies

Communication and coordination among the local, state, tribal, and federal agencies is critical for rapid response to food-borne illness outbreaks, food trace backs and food recalls. It is important that food protection professionals know their counterparts in other agencies and jurisdictions and are able to coordinate public health protection and emergency response efforts with them. Educational conferences for environmental health professionals, emergency preparedness exercises, and regional food protection meetings all provide good venues for improving communication and collaboration between agencies. State, local, and tribal budget support as well as federal funding to help support these types of activities is needed.

5. Improved systems for sharing food protection information

A successful national retail food protection system must include the ability to rapidly share information between local, state, tribal, and federal food protection agencies about inspections of food establishments, compliance and enforcement actions, laboratory results, and food-borne illness outbreaks. Established protocols are needed for sharing confidential information. Standardized report formats are needed so that data from different agencies and jurisdictions can be easily reported and aggregated into a single database. Data elements with clear definitions are needed so that data aggregated from multiple jurisdictions or agencies can be used to produce meaningful reports. Federal leadership coupled with federal, state, local and tribal funding is needed to develop these information systems.

6. Improved food-borne outbreak response

A standardized national model for rapidly identifying food-borne outbreaks and tracing back food-borne illness cases to the source food is needed. People with a suspected food-borne illness need an 800-number to call to report their illness. Interview formats for these reports must be standardized and should be completed under the supervision of an epidemiologist (or a disease control specialist). There must also be a partnership between these epidemiologists and local, state, or tribal food protection professionals for follow-up inspections and retail staff interviews. Pre-established interdisciplinary teams are needed on the national level to coordinate the response to regional or national food-borne illness outbreaks. Federal leadership and funding is needed to establish such a nationwide food-borne outbreak response capability.

7. There must be federal leadership to reduce pathogens in raw and processed foods

In the past decade, the number of raw and processed food products implicated in food-borne illness outbreaks has been substantial. Raw agricultural products like spinach, tomatoes, peppers, melons, and green onions have caused nationwide outbreaks of food-borne illness. Processed food products like chicken pot pies, peanut butter and ground beef have also caused nationwide food-borne illness outbreaks. Strong federal leadership is needed to improve the regulatory oversight of food producers and processors in the U.S. to assure that the sources of the food sold and served at retail are safe. Equally important, federal agencies need to substantially increase the surveillance of imported foods at both food producers and processors in the countries of origin and at U.S. ports of entry.

#### 8. Better coordination of recalls and trace backs

To improve the speed and effectiveness of recalls and trace backs, policies and procedures for coordinating recalls and trace backs need to be standardized nationwide. A federal system to conduct recall effectiveness checks is needed as local jurisdictions usually do not have the resources or mandate to fulfill this responsibility. Pre-established multidisciplinary teams are needed on the national level to coordinate regional and national recalls and trace backs.

#### 9. Well trained local, state and tribal food protection professionals

Trained environmental health professionals are essential to any effective retail food protection program. FDA provides training to regulatory retail food protection professionals through its online ORA-U courses and classroom courses taught by FDA regional food specialists. Localities, states and tribes as well as professional associations like NEHA and its state affiliates also provide a variety of food protection training through various venues. What is lacking, however, is a standardized national training curriculum based on a set of widely accepted core competencies that would assure a universally consistent terminology, inspection methodology and knowledge base for regulatory retail food protection professionals working in different agencies. Such a training curriculum should include training standards for professionals from entry-level trainees to senior level program managers. Food security training must also be standardized and become a necessary training element for food protection professionals. A successful national retail food protection program initiative would fund development of a standardized national food protection training curriculum based on a set of widely accepted core competencies and development of a cadre of qualified trainers of sufficient size to assure that all regulatory retail food protection professionals have access to the training they need.

NEHA, because it has performed a Job Task Analysis for regulatory retail food protection professionals and has developed the only certification available in this area of practice, is uniquely qualified to provide leadership in the development of this standardized curriculum. Additionally, NEHA and its affiliates have the capacity to host and/or provide instructors for courses teaching a standardized national food protection curriculum for regulators.

10. Standardized local, state and tribal food protection professionals

To assure that field level regulatory retail food protection professionals are able to skillfully apply the knowledge they have acquired through training, they should be required to regularly demonstrate their knowledge and skill in the field as required by the standardization requirements in Standard 2 of the FDA Model Retail Food Safety Regulatory Program Standards. These standardization exercises should be conducted by a standardization officer trained to FDA standards and certified by an FDA authorized certification officer. A successful national retail food protection program initiative would assure that there are enough FDA regional food specialists to certify a sufficient number of certification officers throughout the country.

11. Credentialed local, state and tribal food protection professionals

Credentialed food protection professionals are a critical component of any successful retail food protection system. Employment of qualified staff that either are credentialed or are eligible to become credentialed must be the standard. ***Credentialing assures that professionals possess the knowledge necessary to operate competently in their field of expertise and receive regular and appropriate continuing education to keep their knowledge current.*** NEHA has credentialed qualified environmental health professionals for decades and many, but not all, of the retail food protection professionals in the field today are Registered Environmental Health Specialists/Registered Sanitarians (REHS/RS). In addition, since 1999, NEHA has offered the Certified Professional-Food Safety (CP-FS) credential, which tests exclusively for food protection knowledge. While the CP-FS credential is not as comprehensive as the REHS/RS for overall environmental health work, it is our recommendation that food protection professionals carry both of these credentials as a basis for food protection work.

12. Federal funding for local, state and tribal retail food protection regulatory programs

The need for reorganization and enhancement of the nation's retail food protection system has never been greater. However, as a result of the current recession, the funding for retail food protection programs in many areas of the country has been cut drastically. In some cases, local health departments that had responsibility for retail food protection have been entirely eliminated. In some cases, retail food protection responsibilities have been transferred into licensing or inspection departments for the licensing revenue, but those now responsible for retail food protection have not been given adequate training, equipment, or lab support to properly perform the work. At the very time when the U.S. should be enhancing its retail food protection capabilities, a significant portion of the local, state, and tribal food protection capacity is being lost.

***Of all the elements that NEHA believes are critical to a successful national retail food protection system, none is as important as the need for***

***significant federal funding to help support local, state, and tribal retail food protection regulatory programs.*** Local, state, and tribal authorities also need their government assistance to adopt legislation allowing them to assess reasonable license fees to support their food safety programs. Without significant funding to help preserve and build capacity in local, state, and tribal retail food protection regulatory programs, investments in code development, information systems, training development, and food-borne outbreak response would be pointless. Specifically funding is needed for:

- a. Staffing – Most local and state and some tribal retail food protection work units are badly understaffed and have been for decades. The current widespread cuts in local and state funding for retail food protection are resulting in significant reductions in staff, which in turn increases the work load for remaining staff and exacerbates an already bad situation. Retail food facilities are being inspected less frequently. Follow-up inspections to assure that critical violations have been corrected and enforcement actions are often delayed or neglected. Without the necessary regulatory staffing, it is virtually impossible to maintain quality retail food protection programs or to achieve the desired food protection outcomes.
- b. Improved compensation for retail food protection professionals - Salaries for retail food protection professionals often do not compete with those employed in similar private sector jobs. To retain experienced, credentialed staff, salaries for retail food protection professionals should be comparable to those of other degreed and credentialed public health professionals. Funding is needed to increase compensation for retail food protection specialists sufficiently to attract and retain competent, credentialed professionals.
- c. Training, certification, and continuing education – As budgets tighten, often the first thing to be cut is funding for training and travel. Local, state, and tribal retail food protection agencies desperately need consistent funding to train and certify their staffs in the skills they need to competently perform their jobs. Funding is also needed to support continuing professional education for retail food protection personnel.
- d. Equipment – Retail food protection professionals also need the proper tools to perform inspections including accurate thermocouples, test kits and strips, pH meters, light meters, data loggers, and cameras. Local, state, and tribal retail food protection agencies need consistent funding for basic equipment purchases.
- e. Information systems – Retail food protection professionals must have access to current technology in order to standardize information and formats for easy information retrieval, and to have the ability to share information quickly with other local, state, tribal, and/or federal agencies.

While many agencies use computerized formats for inspections and record-keeping, there are still retail food protection agencies writing reports by hand and maintaining paper file reports. Information in these systems is not easily accessed and there are delays when critical information is needed. Funding is needed for computer hardware and software for retail food protection information systems and for the technical support necessary to maintain these systems.

- f. Epidemiology support - Retail food protection professionals need the support of professional epidemiologists to investigate food-borne illness outbreaks. After September 11, bioterrorism grant money from CDC supported the creation of numerous epidemiologic surveillance positions in state and local public health agencies. As a result, the public health capacity in epidemiology was greatly enhanced. This had a very positive effect on the ability of local, state, and tribal jurisdictions to investigate food-borne illness outbreaks. Unfortunately, the funding now available from CDC for epidemiology is shrinking and retail food protection professionals sometimes lack the support of epidemiologists to investigate outbreaks of food-borne illness. Funding is needed to maintain public health capacity in epidemiology at the local, state, and tribal levels.
  
- g. Laboratory support - Retail food protection professionals also need laboratory support to test food samples and investigate food-borne illness outbreaks. After September 11, bioterrorism grant money from CDC supported capacity building in public health laboratories across the country. As a result, public health laboratory capacity was greatly enhanced. This had a very positive effect on the ability of local, state, and tribal jurisdictions to investigate food-borne illness outbreaks. Unfortunately, the funding now available from CDC for public health laboratories is shrinking and retail food protection professionals sometimes lack the support of laboratories to investigate outbreaks of food-borne illness. Funding is needed to maintain public health laboratory capacity in states and large cities.

For the past five years NEHA has become increasingly aware of these needs through membership surveys and focus groups. Funding is needed at all levels of retail food protection, but especially at the local, state, and tribal levels, and NEHA strongly supports direct federal funding to agencies that demonstrate measureable improvements in their retail food protection programs. Implementation of the twelve recommendations above would greatly enhance our national retail food protection infrastructure and move the United States in the direction of a more effective and unified food protection system.

**NEHA Food Safety Committee  
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