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Public Interest

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Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

RE: Comments on the Proposed Collection of Data regarding the Adoption of the Food and Drug Administration Food Code by Local, State, and Tribal Governments. (Docket No. 2007N-0015)

The Center for Science in the Public Interest (CSPI) appreciates this opportunity to comment on the Food and Drug Administration (FDA) proposed collection of data regarding the adoption of the model Food Code. CSPI is a non-profit consumer advocacy and education organization that focuses largely on food safety and nutrition issues. It is supported principally by 900,000 subscribers to its *Nutrition Action Healthletter* and by foundation grants.

I. General Comments

According to CSPI's database of over 5,000 outbreaks from 1990 to 2004, a total of 1,997 outbreaks (approximately 40%) have been linked to restaurants. These outbreaks encompass over 45,000 cases of individual illness from restaurant foods. While consumers trust that restaurant food will not harm them, the standards for food safety in food establishments are so haphazard that the risk of contracting a food-borne illness remains high.

The model Food Code serves as a compilation of FDA's best advice on techniques and standards to enhance food safety and protect the public health. As a guidance document, the model Food Code has obvious limits—because its adoption is voluntary, states often adopt an older or modified version rather than the edition most recently released. Local governments and municipalities, in turn, may develop and follow their own code, which may or may not be based on the Food Code adopted by their state. The result is an amalgam of food safety restaurant codes in the 3,000 jurisdictions responsible for enforcing food safety regulations in the U.S.

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Uniform adoption of the Food Code would greatly enhance public health protection and reduce the likelihood of illnesses and deaths from restaurant-prepared food.

CSPI supports the proposed data collection and encourages the FDA to continue assessing the status of Food Code adoption across the U.S. A current, comprehensive, and accurate inventory of the adoption of the Food Code is necessary for FDA to continue its important public health mission.

III. Conclusion

As a public health agency, FDA is responsible for ensuring that safety standards are well-researched and scientifically based, publicly disseminated, and widely followed. Nationwide adoption of the Food Code would help to clarify those standards across jurisdictions. The proposed data collection will enable FDA to more fully understand the status of food code adoption in the U.S., and thus will serve an important role in creating future policies to protect consumers from food-borne illness.

Respectively submitted,

A handwritten signature in black ink, appearing to read 'SK', followed by a horizontal line extending to the right.

Sarah Klein, J.D.

Food Safety Staff Attorney