

Minutes of ASPAC Meeting, November 27, 2012

Attendees:

Kim Stryker, ADEC
Greg Peters, Alyeska Seafood/Westward Seafoods
Mark Weed, Golden Alaska Seafoods, LLC
Jeff Backlund, North Pacific Seafoods, Inc.
Hart Schwarzenbach, Peter Pan Seafoods, Inc.
Slim Jorgensen, North Pacific Seafoods, Inc.
Dan Block, Icicle Seafoods, Inc.
John Lin, Pacific Seafood Group
Joe Frazier, Ocean Beauty Seafoods, Inc.
Subba Rao Gurram, Seafood Products Associations
Chris Rezendes, Seafood Products Associations
Kenny Lum, Seafood Products Associations
John Walker, JTA Food Safety (Phone)
Brian Himmelbloom, Kodiak Seafood and Marine Science Center (Phone)

Handouts:

- 2012 Crab PSP Monitoring Program
http://dec.alaska.gov/eh/fss/seafood/Docs/2012CrabPSPMonitoringPlan_5-21-12.pdf
- Fall Dungeness Paralytic Shellfish Toxin (PST) Sampling for Sale of Whole Crab
http://dec.alaska.gov/eh/fss/seafood/Docs/Fall_Dungeness_Crab_Harvest_Samples.pdf
- New Registration Requirements (Re-registration requirement under FDA's Bioterrorism Act of 2002)
<http://dec.alaska.gov/eh/fss/seafood/Bioterrorism.htm>
- Assessment of Reinspection and Recall Fees of Domestic and Foreign Facilities by the FDA
http://dec.alaska.gov/eh/fss/seafood/Docs/2012CrabPSPMonitoringPlan_5-21-12.pdf
- ADEC's Top 5 Commonly Marked Violations on the Seafood Processing Inspection Checklist (11/1/2011-10/31/2012)

1. Old Business review.

Meeting held in February 2011. <http://dec.alaska.gov/eh/fss/seafood/ASPAC/aspac.htm>
Items discussed:

- Discussion of approved processes.
- Food defense.
- Regulation revisions.

- Food Safety Modernization Act review'
- University advisory positions.

2. Inspection Statistics for FY 2012 (July 2011 – June 2012)

Retail Inspections

There are approximately 4,500 retail establishments in the State of Alaska. 39% of the retail establishments were inspected at least once, including:

- 47% of high risk establishments; and
- 38% of medium risk establishments.

Seafood Inspections

- 42% of the permitted seafood establishments (including shellfish harvesters) were inspected at least once, including 85% of the high risk establishments (e.g., low acid canned foods, smokers).
- Included in the accomplishments were 314 FDA state contract inspections. The 314 inspections included approximately 20 non-seafood inspections. (Note: The 314 were not accomplished between July 2011 – June 2012, but rather October 1, 2011 – Sept 30, 2012.)

3. FDA State Contract and ADEC Phase III Auditing

FDA continues to have a contract with ADEC to conduct food inspections. The two agencies meet each year to work plan and generate the list of permitted establishments for inclusion in the contract.

- The contract includes land based and processing vessels. A large number of direct marketers are planned since direct marketers can be difficult to track down but must report a location to ADEC to facilitate an annual inspection and are best covered by ADEC.
- The list includes a number of low acid canned food establishments.
- Some low risk establishments are included in the contract.
- The list is flexible and changes are periodically made during the course of the contract.
- State contract inspections are submitted to FDA's Anchorage office for review and evaluation within 30 working days (42 calendar days).
- FDA and ADEC share inspection reports, compliance activities and other information.
- During a state contract inspection, an ADEC inspection is also conducted.

Establishments are encouraged to respond to adverse observations noted during state contract and/or ADEC inspections in accordance with correction dates noted on inspection reports. While ADEC shares correspondence with FDA, it is a better practice for operators to send their communications to both ADEC and FDA.

ADEC is in Phase III with FDA's HACCP certification process. At this phase, ADEC is responsible for self-auditing their inspectional staff and FDA audits the ADEC auditors. Inspectors must be audited every two years.

The state contract provided travel funds (\$20,000) to attend various FDA training courses, including the standardized training requirements. ADEC inspectors must attend the courses to be certified to conduct seafood HACCP inspections. As a result, the inspection staff has received extensive training under the state contract agreement. Training has included HACCP training, Processing School at Perdue University, and the FDA's Office of Regulatory Affairs University (ORAU) on-line training courses, plus joint on-the-job training inspections.

ADEC is preparing written protocols to assure consistency between inspectors.

FDA can now charge a fee for re-inspection of a violative establishment whether inspected by FDA or by ADEC under contract. If a state contract inspection is deemed violative, as defined by FDA, FDA will conduct the re-inspection and charge the fee. ADEC will not charge an additional fee. If an establishment fails a state inspection (<72 points), ADEC may charge a fee.

4. 18 AAC 34 Seafood Processing and Inspection

This chapter is under review. Even though ADEC adopts federal codes by reference, some items have been restated and/or reworded, causing some confusion and requiring some "clean up" so that the state is clear where we adopt federal code by reference and where we intend to have a regulation that is additional to the federal code. FSS is also looking to make changes based on feedback we have received. As a result, FSS anticipates the next issue of 18 AAC 34 will be smaller in size and clearer for the readers. The Administrative Procedure Act must be followed in revising regulations and the time frame for completing the review is one year. At least a minimum 30-day comment period will follow. ASPAC requested that FSS hold in-person workshops during the comment period so that members and others may seek clarification as to the changes to better formulate their comments.

5. Photographs

The ADEC regulations allow state inspectors to take photographs during inspections. Photographs taken during an FDA contract inspection are provided to FDA as part of the written inspection report.

6. Ozone

The Code of Federal Regulations (21 CFR part 173) allows ozone as a food additive, and ADEC intends to adopt the CFR. ADEC sees no reason to more specifically change its regulations after the CFR is adopted.

<http://www.fda.gov/OHRMS/Dockets/98fr/062601a.htm>

Ozone is approved as a second treatment for drinking water if the water is chlorinated, but may not be used to meet requirements for primary disinfection.

OSHA and EPA have responsibility and requirements for ozone use and ADEC is not going to be involved in enforcing their rules.

7. Food Code

In June 2012 the ADEC Food Code provided an exemption (“Cottage Food Law”) for home-prepared low risk food products for distribution directly to consumers, e.g., farmers markets. No permit is required for these operations unless the products are wholesaled. The products require a label to designate it is a cottage produced product.

8. Pre-Harvest Testing

ADEC conducted spring pre-harvest testing of Dungeness Crabs and found some high levels of PSP in some areas. Subsequent fall pre-harvest testing found low levels. Further testing is not planned at this time.

Shellfish pre-harvest and water testing will continue as required by the ISSC.

9. Protocols

ADEC is in the process of documenting its practices in protocols, including those for food safety-related consumer complaints, and industry complaints regarding ADEC inspectors.

Flow chart decision trees are being developed for use by inspectors to evaluate observations. For example, if an establishment doesn't have a HACCP plan, what should be done with the product; if an establishment has repeat violations affecting safety, what course of action should be pursued.

These protocols are part of the standards set out by FDA.

10. Grants

ADEC received two grants from FDA specific to performing work necessary to conform to the standards: a \$70,000 grant for retail standards, and a \$300,000 grant for manufactured food standards.

11. Staffing

Soldotna – recruiting for an environmental health inspector ends November 30, 2012.

Juneau – Bruce Gazaway is a new environmental health inspector.

Ketchikan – Kathleen Yarr is the new shellfish technician.

Fairbanks – Jessica Davison is the new environmental health inspector.

Kodiak – Vacant position.

Recall Coordinator – Mike Solter

Kristin Ryan is on detail to the EPA. Elaine Busse Floyd is acting.

13. Radiation

ADEC has no concerns about Fukushima fallout. Some inquiries are still being received from the southeast. Current data shows that radiation will not reach Alaska by sea.

Radioactive material from the nuclear events entering the Pacific Ocean is dispersed as it moves farther away from Japan.

Refer to the ADEC Director's for more details. <http://www.dec.alaska.gov/eh/index.htm>

14. Most Commonly Marked Violations of Seafood Processing Inspection Checklist