I. CALL TO ORDER - Mike Hickey

II. ROLL CALL – Ken Moore

Board members in attendance were:

Kathy Brohawn	Task Force I Chair
Bill Dewey (Alternate)	Industry - Region 6
Paul DiStefano	FDA Representative
Steve Fleetwood	Industry - Region 2
David Fyfe	Northwest Indian Fisheries Commission
David Guilbeau	Regulatory – Region 5
William Hastback	Regulatory - Region 2
J. Michael Hickey	Regulatory Region 1
Lori Howell	Industry - Region 1
Dan Leonard	Industry - Region 4
Ken B. Moore	Executive Director
Chris Nelson (Alternate)	Industry – Region 5
Charles Newell	Regulatory – Region 4
Debbie Rouse	Regulatory - Region 3
Angela Ruple	NOAA
Larry Simns	Industry - Region 3
Keith Skiles	Vice Chairman / Task Force II Chair
Manny Soares	Regulatory Region 6

Board members absent were:

Bill Eisele	Office Manager
Donna Garren	National Restaurant Association (Consumer Advisor)
Johnathan Gerhardt	Non-Producing State
Terri Gerhardt	Non-Producing State
John Jenkins	Patrol Advisor
Bill Kramer	EPA Representative
Ed Watson	Non-Producing State
Robert Wittman	Program Chairman

Others Present:

Don Kraemer	FDA
Nancy Daniel	ISSC
Heather Thomas	ISSC

III. APPROVAL OF AGENDA – Mike Hickey

A motion was made by Lori Howell to adopt the agenda as proposed. The motion was seconded by Bill Hastback and carried with a voice vote by the Board.

IV. AGENDA ITEMS FOR DISCUSSION

A. FDA Correspondence of July 8, 2008, Regarding "For Cooking Only" Labeling

Board members had previously been furnished a copy of the referenced letter and the *Vp* Control Plan. Mike Hickey recognized Don Kraemer of FDA.

Don Kraemer:

- Provided information to the Board on the background that led to the writing of this letter.
- FDA recognizes that this is a very difficult situation and did not want to back track from support for a proposal that FDA had already given support to.
- FDA held discussions, internal options, brainstorming on how to deal with situation. Could not come up with any other approaches than letter.
- FDA is open to other possibilities in ways to deal with the problems.
- Apologized for the difficulties this will create. Understands industry and states have already taken steps to comply with the proposal as written.
- Understands States have gone to great extent to get regulations in place and regrets FDA felt they had to write the letter.
- Addressed Al Sunseri's letter to the Board and elaborated on Al's position that "For Cooking Only" is inconsistent with a variety of agency policy, which is a key issue in FDA consideration of ISSC action.
- FDA should have been clearer in their letter that it is not a policy problem for cooking only labels to be on products (eggs) where the consumer expects they are going to be cooked.
- FDA's policy on eggs is that all eggs should be cooked. This is not FDA's policy on molluscan shellfish.
- FDA has concern that even though the product (oysters) would be marketed with the assumption by consumers, because of FDA/ISSC advice, that it is okay to eat this product raw now they are seeing a product that has a label on it that says they should be cooking it.
- FDA feels they have passed on this hazard to the consumer which is inconsistent with the seafood HACCP regulations which requires hazards to be controlled by the processor. As it turns out there is not a mechanism in most states to enforce the cooking instructions through the Food Code.
- FDA researched and did not find anything in Food Code on how to implement this.
- No provision in Food Code that a state sanitarian could cite a retailer or restaurant if this product was served raw despite the fact that it had cooking

instructions on the package which means FDA has severely weakened control strategy.

- FDA's intent is to have further discussions with the Conference on Food Protection Executive Board to (1) inform them of the issue; and (2) try to come up with mechanism for implementation at least short term and get the word on to retailers on what they might do for the next year when seeing these labels. Will encourage retailer to voluntarily adhere to label, to not buy the product if not intending to cook it, etc. but FDA will not be able to cite a Food Code provision
- "For Cooking Only" labeling sends mixed message compared to FDA's and ISSC's shellfish policy statements that are setting out a policy where the product is safe for raw consumption recognizing that it is a raw product and there isn't a zero risk.
- FDA also recognizes the goal of the program is to provide product that is safe for raw consumption but here we are saying there is a piece of this product that maybe isn't safe for raw consumption and that is why we are putting cooking instructions on it. FDA finds that to be somewhat contradictory.

Ken Moore:

- Reviewed Procedure X (Procedures for Handling ISSC Summary of Actions) of the ISSC Constitution, Bylaws, and Procedures.
- What was adopted in Proposal 07-202 is now a part of the NSSP.
- FDA, in the referenced letter, suggested that this be changed and the only way the NSSP can be changed is through a proposal submission.
- Suggested referring matter to VMC for full discussion with a recommendation at the scheduled September meetings.

After discussion, a motion was made by Dan Leonard and seconded by Paul DiStefano, that the Board will take no action relative to changing the requirements of the NSSP as suggested by FDA's letter of July 8, 2008, but to refer FDA's concerns to the Vibrio Management Committee and the Vibrio Management Committee will develop recommendations for discussion at the Board's scheduled meeting on September 11, 2008, in Memphis, Tennessee.

Following further discussion, the motion carried with a voice vote by the Board.

Information relating to this matter has been retained in these files and is identified as Exhibit 1.

B. States' Deadline for Submitting *Vv* Management Plans

Ken reminded the Board that at its last meeting, they had approved a recommendation from the Vibrio Management Committee that States provide their *Vv* Management Plans for review by the VMC no later than August 15, 2008. The Gulf Oyster Industry Council (GOIC) recommended and has provided funding for workshops to be held in Florida, Louisiana, and Texas so FDA can share some of

their modeling results with the Gulf States to be used in developing these plans. Due to scheduling conflicts these meetings will be held August 18th, 19th, and 20th and it has been suggested that the submission date be moved back to accommodate these workshops and give the states an opportunity to participate in the workshops and incorporate the recommendations/conclusions into those plans.

A motion was made by Kathy Brohawn to change the submission date for State *Vv* Management Plans submitted to the VMC for review up to September 2, 2008. The motion was seconded and carried with a voice vote by the Board.

Information relating to this matter has been retained in these files and is identified as Exhibit 2.

V. ADJOURNMENT

With there being no further business a motion was made by Larry Simns and seconded by Bill Hastback to adjourn the meeting at 1:58 PM EDST. The motion carried with a voice vote by the Board.