



March 8, 2002

Dockets Management Branch  
HFA-305  
Food and Drug Administration  
5630 Fishers Lane, Room 1061  
Rockville, MD 20852

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Dear Ladies and Gentlemen:

Founded in 1919, the National Restaurant Association is the leading trade association for the restaurant industry. Representing more than 52,000 members and 254,000 restaurant outlets in 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands, the National Restaurant Association has always supported government security enhancement of the nation's food supply. As such, we have a vested interest in the food security guidance documents released in January and wish to submit formal comments for the record concerning Docket No. 01D-0583, Federal Register, Volume 67, No. 6, January 9, 2002, pages 1224-1225. We appreciate the opportunity to comment on the newly released FDA guidance and are encouraged that the Agency has requested input from the restaurant industry and others regarding their food security recommendations for the food industry from farm-to-table.

The restaurant industry has had a longstanding commitment to food safety and food security to protect our customers and our industry. The safety of the food supply, our customers and our employees is a top priority, and has been underscored by the September 11 attacks. We fully support the spirit and intent of the new FDA Food Security Guidelines established in the guidance document "Guidance for Industry: Food Producers, Processors, Transporters, and Retailers: Food Security Preventive Measures Guidance." In fact, many of the restaurant-applicable recommendations have been widely adopted in the restaurant industry for decades.

We commend the Agency for attempting the very difficult task of developing a single set of security recommendations for multiple diverse food industry segments. Overall, many of the FDA recommendations will support ongoing initiatives and be useful for the restaurant industry as part of the development and review process for new food security programs. However, as the Agency notes in the document itself, not all of the guidance or individual recommendations are appropriate or practical for every food establishment. It should be strongly noted that operators need to review the guidance to determine which sections relate to their component or operation and assess which preventive measures are suitable. This "pick and choose" approach, may limit the usefulness of the entire guidance document. Important recommendations may be lost while others may be incorporated into some establishment's security protocols that may not be appropriate or useful to their particular industry segment. As such, we believe that the Agency should work with the different food industry segments to align and develop more focused recommendations for specific industry segments.

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If all segments of the food industry are involved in the development of recommendations, the usefulness of the guidance will be greatly enhanced. An inclusive development process is necessary and appropriate as each industry segment has intimate knowledge of the intricacies associated with their business operations that may not be shared by all sectors. While we fully support the FDA guidance document as a first step, the Association believes that additional changes can be made to the document that would enhance the usability for all segments of the food industry.

Of particular concern to the restaurant industry is the recommendation that food establishments consider performing criminal background checks. While this advice is helpful, it is not at this time able to be practically realized by the majority of industry segments. The inclusion of the recommendation in the guidance document can be misinterpreted by some and possibly viewed as a requirement rather than a suggested employee control mechanism. The restaurant industry believes that screening employees by obtaining and verifying work references, addresses and phone numbers is wholly appropriate. However, performing criminal background checks in some instances may in fact be prohibited by law. Therefore, we recommend that the section in the guidance on "pre-hiring screening" be refocused by providing clearer recommendations concerning employee screening and limiting comments related to criminal background checks.

While the guidance document is useful, the Association is concerned with the public disclosure and discussion of specific control measures in place or being developed from a security standpoint. As the Agency is well aware, and as we move forward in increasing food security, a certain amount of confidentiality will be absolutely necessary. We certainly do not want to give a roadmap to those who may be contemplating actions against the food industry. We should all guard against wide spread release of specific industry recommendations and keep confidential any detailed company and individual operational food security controls.

The Association strongly believes that sharing information and expertise with all food industry partners and government officials is critical to the food industry's preparedness for intentional food-contamination events. In this light, we stand ready to maintain active lines of communication with all federal and state regulatory agencies involved with food safety and security.

Thank you for this opportunity to provide our industry comments regarding the guidance documents. We stand ready to work with the FDA and all other governmental agencies to meet the challenge of keeping our nation's food supply the safest in the world.

Sincerely,

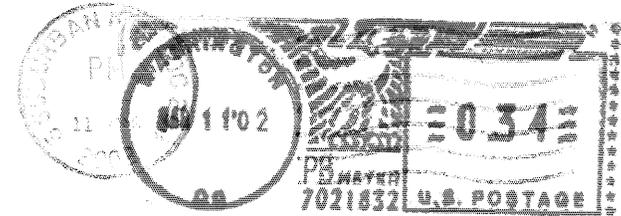
A handwritten signature in black ink that reads "Steven F. Grover, REHS". The signature is written in a cursive style with a large, stylized "S" at the beginning.

Steven F. Grover, REHS

Vice President, Health and Safety Regulatory Affairs

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*Representing, Educating and Promoting the Restaurant/Hospitality Industry*  
1200 SEVENTEENTH STREET NW, WASHINGTON DC 20036-3097



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