

VCFSA NEWS



Ventura County Food Safety Association

www.vcfsa.org

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FDA Registration of Food Facilities

It's an even numbered year. That means FDA registrations of food facilities must be renewed by December 31. Click [here](#) for more information.

The FDA is proposing to establish additional traceability recordkeeping requirements (beyond what is already required in existing regulations) for persons who manufacture, process, pack, or hold foods the Agency has designated for inclusion on the Food Traceability List.

The proposed rule would require companies to keep certain records describing their traceability operations and the listed foods they handle to help FDA investigators understand their traceability procedures and records when reviewing them during a food-borne illness outbreak or a routine inspection. These traceability program records include a description of the reference records (e.g., bills of lading, purchase orders) in which they keep required tracing information, a list of foods on the Food Traceability List they ship, a description of how they assign traceability lot codes, and other information needed to understand their traceability programs. This proposed rule is up for public comment before amendments and finalization. Click [here](#) for details.

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For More Information

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Food Safety and Local News

- ["Who's Managing the Safety of Food Delivery?"](#) Food Safety Magazine addresses food safety of delivered food.
- Read about the progressive food safety policies Kerry Bridges has implemented at Chipotle. QA Magazine has the [insight](#).
- The Ventura County Agricultural Commissioner has published the [final staff report](#) for the Hemp Planning Commission.
- Satisfy your CE credits for Pesticide Safety with [webinars](#) by UC Integrated Pest Management Program.
- Implement technology into your supply chain. See Western Growers AgTech Innovation Directory [here](#).
- [Amazon](#) is building a fulfillment center in Oxnard and will offer 1,500 jobs by the end of 2021.
- Food Safety Fun at home. Teachers and parents can use [this](#) to educate children.
- Get involved in Ventura County Food Safety Association. [Contact us](#) to see how.

Food Safety Has No Competition

Voluntary Recalls are not Optional

There seems to be confusion in some parts of the industry on what is meant when there is a “voluntary recall.” The word “voluntary” is in contrast with “mandatory”; but when it comes to food safety recalls, particularly Class 1 recalls, “voluntary” does not mean optional, and it does not mean unnecessary. It does not imply that the recalling firm had a choice. And if you’re the customer of product that is subject to a “voluntary recall,” you don’t have a choice either. A recall is a recall, and appropriate action must be taken.

The Code of Federal Regulations (21 CFR 7) states, “Recall means a firm’s removal or correction of a marketed product that the Food and Drug Administration considers to be in violation of the laws it administers and against which the agency would initiate legal action, e.g., seizure. Recall does not include a market withdrawal or a stock recovery.” This means that regardless of whether a recall is “voluntary” or “mandatory,” the food violates the law; it is illegal. Therefore, the recall, although initiated by the firm, is by no means discretionary.

Why has the term “voluntary recall” been used extensively? It may imply that the recalling firm is “doing the right thing” and protecting public health by choosing to recall a product. However, if that product has been linked to illness, tests positive for a pathogen, contains an undeclared allergen, or is otherwise violative, it would be completely irresponsible for a firm to *not* recall. Doing the “right thing” should be the default; it should not be voluntary.

Prior to the passage of FSMA, all produce-related recalls were voluntary, since FDA lacked mandatory recall authority. In some ways, labeling a recall “voluntary” was even more misleading in the pre-FSMA era, since there wasn’t an alternative.

Now, FDA does have mandatory recall authority — but this is seldom used and is a last resort. Additionally, this authority only applies to “registered facilities” not farms. Facilities need to be given the opportunity to recall on their own (e.g., “voluntarily”). It is only if a firm refuses to recall that FDA can initiate a process to mandate a recall. The industry does *not* want “mandatory recalls” to become commonplace.

Within the supply chain, the term “voluntary recall” causes a communication challenge when the receiving firm equates “voluntary” with “optional” and is not sure if it needs to carry the recall forward to its customers. Despite the short shelf life of many produce items, the supply chains can be complicated, with produce going from farm to packing operation to repacker to processor to manufacturer. At each point, product may be mixed and mingled with other lots and other products. Secondary, tertiary, and further recalls often mean that the total amount of product at the end of the supply chain may be massive relative to the amount of product subject to the initial recall. This scenario makes for a natural reluctance to recall product if it’s not absolutely necessary — and the term “voluntary” suggests that indeed, it’s not necessary to follow the recall through.

Another point to consider in the language used to convey recalls is the message it sends to consumers when a “voluntary recall” is announced. Does this mean it’s voluntary for them? Can they still eat the product, since they may perceive that producer did not actually have to recall, but instead, did it voluntarily? When a food is recalled due to a food safety issue, it’s critical that the industry provide consumers with clear directions to protect their health. Calling a recall “voluntary” does consumers a disservice that could result in illness, injury, or death.

I suggest that we abandon the term “voluntary recall” because it’s misleading and inaccurate. Instead, using the term “firm-initiated recall” would more accurately describe the situation and limit the confusion around the expectations for others in the supply chain, as well as consumers.

A recall is a recall, and if a recalling firm wants to “do the right thing,” it will communicate clearly, leaving no question as to the action that must be taken to remove the product from distribution.

QA Quality Assurance and Food Safety Magazine September/October

Questions about the necessity of secondary and tertiary recalls prompted a pop-up style informal discussion between the United Fresh Produce Safety Immersion Program and a leader of the United Fresh Food Safety Council whose company had recently executed a secondary recall.

The session was recorded and is available [on YouTube](https://bit.ly/3jJANXU) (<https://bit.ly/3jJANXU>).

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