

FDA Backtracks On Its Ban of Wooden Boards to Age Cheese

Many American and foreign cheese makers use wooden boards as part of the cheese-aging process. In fact, cheese makers in other countries have used wooden boards to age cheese for centuries. Recently, however, an FDA official shocked the cheese community by banning the centuries-old practice but, after public outcry, the FDA subsequently backtracked on its position.

Specifically, the FDA's initial ban followed a listeria outbreak at a cheese-manufacturing facility in New York. This facility used wood in its cheese-making process. The FDA shut down the New York facility and cited other facilities for using wood surfaces to age cheese. This prompted several parties to reach out to the FDA for clarification on the issue. The FDA's branch chief responsible for food safety issues involving cheese responded by stating, in part:

The use of wooden shelves, rough or otherwise, for cheese ripening does not conform to CGMP requirements, which require that "all plant equipment and utensils shall be so designed and of such material and workmanship as to be adequately cleanable, and shall be properly maintained." 21 CFR 110.40(a). Wooden shelves or boards cannot be adequately cleaned and sanitized. The porous structure of wood enables it to absorb and retain bacteria, therefore bacteria generally colonize not only the surface but also the inside layers of wood. The shelves or boards used for aging make direct contact with finished products; hence they could be a potential source of pathogenic microorganisms in the finished products.

Interestingly, the FDA considered this an enforcement of an existing policy, not the creation of a new one. In response, the artisanal cheese community criticized the ban, pointing out that there is a lack of conclusive evidence connecting the use of cheese boards to any health risks, and that this ban would significantly affect the importation of cheese from foreign countries that still use, and often require, wooden boards in the cheese-making process.

After the public outcry, the FDA quickly backtracked (at least temporarily) and clarified its stance on the issue. Specifically, the FDA stated:

POSTED:

Sep 23, 2014

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- The FDA does not have a new policy banning the use of wooden shelves in cheese making, nor is there any [Food Safety Modernization Act] requirement in effect that addresses this issue. Moreover, the FDA has not taken any enforcement action based solely on the use of wooden shelves.
- In the interest of public health, the FDA's current regulations state that utensils and other surfaces that contact food must be "adequately cleanable" and properly maintained. Historically, the FDA has expressed concern about whether wood meets this requirement and has noted these concerns in inspectional findings. FDA is always open to evidence that shows that wood can be safely used for specific purposes, such as aging cheese.
- The FDA will engage with the artisanal cheese-making community to determine whether certain types of cheeses can safely be made by aging them on wooden shelving.

After fearing that their livelihoods were in jeopardy, cheese makers can now rest assured that the FDA is not coming after their wooden boards just yet. However, changes may be lurking in the future and all cheese makers should be on the lookout for new developments in this area.

If you would like to know more about the FDA's regulations and how they affect you, Reinhart's attorneys specializing in food and beverage law would be glad to help you.

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