**Conference for Food Protection**

**2010 Issue Form**

**Internal Number: 020**

**Issue: 2010 III-020**

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| **Council Recommendation:** | Accepted as  Submitted |  | Accepted as Amended |  | No Action |  |
| **Delegate Action:** | Accepted |  | Rejected |  |  |  |

*All information above the line is for conference use only.*

**Title:**

3-302.11 Packaged and Unpackaged Food - Separation

**Issue you would like the Conference to consider:**

Currently Annex 3 gives guidance on separating raw animal foods during storage, preparation, holding, and display that is "...based on a succession of cooking temperatures since cooking temperatures as specified under § 3-401.11 are based on thermal destruction data and anticipated microbial load." Because of this guidance, many jurisdictions prohibit packaged ground beef (cook to 155oF ) from being stored, held, or displayed above whole muscle beef products (cook to 145 oF ) even though 3-302.11(A)(4) recognizes that storing the FOOD in packages or wrappings is an exception to separating raw animal FOODS. Ground beef is cooked to a higher temperature to kill potential internal contamination. Whole muscle beef can be cooked to kill surface contamination only. If the packaged whole muscle beef were to be cross-contaminated from the packaged ground beef, it would still only be a surface contaminant and normal cooking temperature of 145 oF would render the product safe. This fact is supported by 3-302.11(A)(2) which allows combining certain types of raw animal FOODS as ingredients. Request the Conference to consider amending Section 3-302.11 of the Food Code along with Annex 3 (Public Health Reasons/Administrative Guidelines) to recognize that packaged ground meat displayed for sale over packaged whole muscle cuts is an acceptable practice that has minimal risk.

**Public Health Significance:**

In the unlikelyevent the juice or pieces of ground beef products from a packaged product were to get onto a piece of packaged whole muscle beef, the normal cooking requirements for the whole muscle product would be adequate to render the food safe based in part on similar information applicable to seared steak found in the 2009 Food Code Annex which states:

**Seared Steak**

The provision for allowing seared steaks was reviewed by the National Advisory Committee for Microbiological Criteria on Foods (NACMCF) and USDA. Paragraph 3-401.11(C) includes their recommendations.

USDA comments included, "For the purposes of this discussion, steak is a whole beef muscle. It does not include whole beef muscle that has been pinned, injected, or chopped and formed. It may be cut cross grain, such as sirloin, chuck, or porterhouse; or it may be cut with the grain, such as flank, skirt, or Chateaubriand. Other species, such as poultry, pork, and lamb are not included."

NACMCF comments included, "Due to the low probability of pathogenic organisms being present in or migrating from the external surface to the interior of beef muscle, cuts of intact muscle (steaks) should be safe if the external surfaces are exposed to temperatures sufficient to effect a cooked color change. In addition, the cut (exposed) surfaces must receive additional heat to effect a complete sear across the cut surfaces. Grill or char marks may be applied to the complete surface searing. The meat should be seared on both top and bottom surfaces utilizing a heating environment (e.g., grill or broiling oven) that imparts a temperature at the surface of the intact steak of at least 145°F to achieve a cooked color change on all external surfaces. The searing of all surfaces should be continuous until the desired degree of doneness and appearance are attained. This is considered a ready-to-eat food."

**Recommended Solution: The Conference recommends...:**

that a letter be sent to FDA requesting that Section 3-302.11 have (A)(1)(d) added as follows:

3-302.11 Packaged and Unpackaged Food - Separation, Packaging, and Segregation.

(d) Packaged raw Ground beef may be stored or displayed with or above packaged whole muscle beef

and Annex 3 (Public Health Reasons/Administrative Guidelines) be amended by adding the following at the end of the paragraph.

**Annex 3 - 3-302.11 Packaged and Unpackaged Food - Separation, Packaging, and Segregation.**

"...from these products packaged in-house. Another exception is permitted for packaged raw ground beef to be stored or displayed adjacent to or above packaged whole muscle beef since the packaging is an acceptable barrier for separating and if there were leakage in both packages, the surface of the whole muscle cuts would receive sufficient heat treatment similar to searing a steak and make the whole muscle cut safe when standard cooking instructions are followed. "

**Submitter Information:**

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