**Conference for Food Protection**

**2010 Issue Form**

**Internal Number: 050**

**Issue: 2010 I-019**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **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:**

4-501.114-Manual and Mechanical Warewashing Equipment Chemical Sanitation

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

Every sub-section (A-E) in Section 4-501.114 currently has an individual criticality rating although complying with the first part automatically covers all subsequent items. Having the sub-sections individually rated may result in the food establishment incurring multiple Priority P violations when in fact they should only have one.

**Public Health Significance:**

Section 4-501.114 begins with a requirement that a chemical sanitizer used in a sanitizing solution for manual or mechanical warewashing at contact times specified elsewhere in the FDA Food Code meet additional criteria specified in 7-204.11, be used in accordance with EPA registered label use instructions and be used as set forth in sub-paragraphs (A) through (E). This entire paragraph is classified as a Priority P item as is each individual sub-section (A) - (E). The result is that instead of one Priority P item assessed for 4-501.114, the food establishments are now subject to 9 additional Priority P items that all essentially are covered in the first paragraph of this section. If anyone of the variables listed under (A) through (E) was not in compliance, the food establishment would not be in compliance with the first section of 4.501.114. Having the extra 9 Priority P items only adds to the Food Establishment being subjected to additional violations for the same reason. Removing the Priority P item classifications from the sub-sections in (A) through (E) would not affect Public Health since any one not in compliance would be assessed a violation under the first paragraph.

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

That a letter be sent to FDA requesting that Section 4-501-114(A) through (E) have a single Priority P item classification for the entire section, and that the subsequent 9 Priority P item classifications contained within sections (A) through (E) be removed. The initial paragraph and Priority P item classifications (as indicated below in italics) would cover any and all of the requirements under Section 4-501.114.

4-501.114 Manual and Mechanical Warewashing Equipment, Chemical Sanitization - Temperature, pH, Concentration, and Hardness.

A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at contact times specified under ¶ 4-703.11(C) shall meet the criteria specified under § 7-204.11 Sanitizers, Criteria, shall be used in accordance with the EPA-registered label use instructions, and shall be used as follows P:

**Submitter Information:**

|  |  |  |  |
| --- | --- | --- | --- |
| Name: | Larry Kohl | | |
| Organization: | Food Marketing Institute | | |
| Address: | 2345 Crystal DriveSuite 800 | | |
| City/State/Zip: | Arlington, VA 22202 | | |
| Telephone: | 202-220-0659 | Fax: |  |
| E-mail: | lkohl@fmi.org | | |

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.