**Conference for Food Protection**

**2012 Issue Form**

**Internal Number: 007**

**Issue: 2012 III-003**

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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:**

Clarification of Section 3-301.11(D) Preventing Contamination from Hands.

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

Allow an exception for bare hand contact with ready-to-eat foods immediately before the food is heated as a sole ingredient to a temperature of at least 63°C (145°F). Also, change the current exception for bare hand contact with ready-to-eat food as the ready-to-eat food is being added to another ready-to-eat food to require a kill step temperature of 63°C (145°F).

**Public Health Significance:**

The 20011 Supplement to the 2009 FDA Food Code added language with the specific intent to allow pizza operators to have bare hand contact with ready-to-eat (RTE) pizza toppings placed on a pizza prior to cooking. Commercially prepared pizzas are heat treated to approximately 165°F -170°F - which is at or slightly above minimum cook temperatures required in paragraphs 3-401.11(A)-(B) or section 3-401.12.

When this additional language was added, there was no intention to create an additional minimum time/temperature cooking parameter **or** alter the minimum time/temperature parameters for cooking raw animal foods. However, since the Food Code only addressed heat treatment of RTE food in two situations - cooking plant food for hot holding and reheating food for hot holding - the creation of an additional time/temperature cooking parameter to address the added risk of bare hand contact with RTE foods not added to raw animal foods was unavoidable.

If there is scientific importance that makes it necessary to heat RTE ingredients touched by bare hands to 165°F, then all RTE ingredients touched by bare hands should be heated to this same temperature. Otherwise, the RTE ingredients added to food that is not a raw animal product should only be required to be heated to the lowest minimum time/temperature cooking requirement present in paragraph 3-401.11(A)(1) (145°F for 15 seconds).

Additionally, heat treatment of RTE foods that have had bare hand contact are only addressed when the RTE food is added as an ingredient - not when it is simply touched prior to heating on its own (e.g., a washed raw potato placed on a baking sheet). This is an oversight that should be addressed. Allowing bare hand contact with RTE foods heated only immediately prior to heating will ensure the touched food item will not mistakenly be included in some other menu item that is not subsequently heat treated. Also, restricting the bare hand contact to immediately before heating will reduce the likelihood of the production of Staphylococcus aureau enterotoins due to bare hand contact.

Annex 3 - 3-401.13 and 3-301.11 suggest that RTE foods cooked to the minimum time/temperature required by the Food Code, in combination with proper handwashing and adherence to employee health requirements, provides an adequate means of interrupting disease transmission - whether added as an ingredient or heated alone. There is no indication that bare hand contact with RTE food that will not be added to raw animal food poses a greater risk and therefore requires a higher level of heat treatment than RTE foods added to raw animal foods.

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

that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011), Section 3-301.11(D), be amended as follows (new language shown with underline):

(D) Paragraph (B) of this section does not apply to a food employee that contacts exposed, ready-to-eat food with bare hands:

(1) Immediately prior to heating the ready-to-eat food to a temperature of at least 63ºC (145ºF) if heated as a sole ingredient; or

(2) At the time the ready-to-eat food is being added as an ingredient to a food that:

(a) Contains a raw animal food and is to be cooked in the food establishment to heat all parts of the food to the minimum temperatures specified in ¶3-401.11(A)-(B) or §3-401.12; or

(b) Does not contain a raw animal food but is to be cooked in the food establishment to heat all parts of the food to a temperature of at least 63ºC (145ºF).

**Submitter Information:**

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