**Conference for Food Protection**

**2012 Issue Form**

**Internal Number: 009**

**Issue: 2012 I-017**

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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:**

Use of Consumer Advisory for Non-Continuous Cooking

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

Add a new section to Section 3-401.14 of the FDA Food Code to allow for the service of raw intact whole muscle beef cooked using a non-continuous cooking process, to be served undercooked with an adequate consumer advisory as described in 3-401.11 (D).

**Public Health Significance:**

Section 3-401.11 (D) allows for the service of raw or undercooked animal products with the use of an adequate consumer advisory. This important and balanced public health approach, currently not allowed under Section 3-401.14, provides the same level of protection and fair consumer choice for raw or undercooked, or non-continuous and undercooked animal products, such as when large catered events either cook to order or when they partially cook, cool and cook to order. As long as consumers are informed with an adequate consumer advisory as outlined in 3-603.11, the same level of public health protection is assured.

**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) be amended as follows:

Add new language to Section 3-401.14 indicated in underlined language below

***3-401.14 Non-Continuous Cooking of Raw Animal Foods.***

Raw animal FOODS that are cooked using a NON-CONTINUOUS COOKING process shall be:

(A) Subject to an initial heating process that is no longer than sixty minutes in duration; P

(B) Immediately after initial heating, cooled according to the time and temperature parameters specified for cooked POTENTIALLY HAZARDOUS FOOD (TIME /TEMPERATURE CONTROL FOR SAFETY FOOD) under ¶ 3-501.14(A); P

(C) After cooling, held frozen or cold, as specified for POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) under ¶ 3-501.16(A) (2); P

(D) Prior to sale or service, cooked using a process that heats all parts of the FOOD to a temperature of at least 74°C (165°F) for 15 seconds; P

(E) Cooled according to the time and temperature parameters specified for cooked POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) under ¶ 3-501.14(A) if not either hot held as specified under ¶3-501.16(A), served immediately, or held using time as a public health control as specified under §3-501.19 after complete cooking; P and

(F) Prepared and stored according to written procedures that:

(1) Have obtained prior APPROVAL from the REGULATORY AUTHORITY; Pf

(2) Are maintained in the FOOD ESTABLISHMENT and are available to the REGULATORY AUTHORITY upon request; Pf

(3) Describe how the requirements specified under ¶ (A)-(E) of this Section are to be monitored and documented by the PERMIT HOLDER and the corrective actions to be taken if the requirements are not met; Pf

(4) Describe how the FOODS, after initial heating, but prior to complete cooking, are to be marked or otherwise identified as FOODS that must be cooked as specified under ¶ (D) of this section prior to being offered for sale or service; Pf and

(5) Describe how the FOODS, after initial heating but prior to cooking as specified under ¶ (D) of this section, are to be separated from READY-TO-EAT FOODS as specified under ¶ 3-302.11 (D).

(G) Allow for the service of raw intact whole-muscle beef cooked using a non-continuous cooking process to be served undercooked with an adequate consumer advisory.

**Submitter Information:**

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