

**Conference for Food Protection
2012 Issue Form**

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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:

Expanded Use of Time Only as a Public Health Control

Issue you would like the Conference to consider:

The provision in Section 3-501.19 for use of Time as a Public Health Control (TPHC) requires potentially hazardous food time/temperature control for safety (PHFTCS) food be taken from temperature control (have an initial temperature of 5°C (41°F) or 57°C (135°F). This requires ambient temperature FOODS that become PHFTCS during preparation (such as opening a hermetically sealed container, cutting PHFTCS produce or mixing garlic and oil, etc) to undergo cooling before TPHC is allowed. Expanding the provision, would allow for use of TPHC immediately after preparation (when foods are at ambient temperatures).

Public Health Significance:

The relationship between Time AND temperatures has long been recognized as boundaries of retail food safety because they effectively prevent the growth of foodborne pathogens ((below 41°F (5°C) and above 135°F (57°C)) or lead to microbial inactivation (above 135°F). Food Code provides science based guidance for steps in the flow of food (preparation, cooking, cooling, reheating, TPHC where PHFTCS will be exposed to temperatures above 41°F and below 135°F.

Proper Cooling requirements (Paragraph 3-501.14(B)) allow for food taken from ambient temperatures (such as hermetically sealed containers, or ambient temperature whole uncut PHFTCS produce) to be cooled to 41°F within 4 hours. These products are considered Ready-to-Eat and safe for consumption as long as they comply with date marking provisions §3-501.17).

There is currently no provision in Section 3-501.19 to allow for ambient temperature foods that become PHFTCS during preparation to be held under TPHC. There are situations (e.g. opening a hermetically sealed container, cutting PHFTCS produce or mixing garlic and oil) in the flow of food where foods may be taken from ambient temperatures and served to the public within the time frame allowed for proper cooling.

The position paper included in the TPHC Section (3-501.19) of the Public Health Annex (3) supports the allowance of this process (use of TPHC as specified in the Food Code) stating that current time frames (for using TPHC) were "selected to create a worst-case scenario for pathogens growth and possible toxin production." The paper further states that "the 4-hour limit for keeping foods without temperature control allows for a needed margin of

safety if the temperature of the environment is higher than 75°F" with the assumption that "these foods can reach any temperature as long as they are discarded or consumed within the four hours."

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 to include new language to Section 3-501.19 as indicated below in underlined format:

(B) If time temperature control is used as the public health control up to a maximum of 4 hours:

(1) Except as specified in Subparagraph (a), the food shall have an initial temperature of 5°C (41°F) or less when removed from cold holding temperature control, or 57°C (135°F) or greater when removed from hot holding temperature control; ^P

(a) FOOD may be at ambient temperatures if it becomes POTENTIALLY HAZARDOUS during preparation, such as opening a hermetically sealed container or cutting POTENTIALLY HAZARDOUS plan foods.

(3) The food shall be cooked and served, served at any temperature if ready-to-eat, or discarded, within 4 hours from the point in time when the food is removed from temperature control or becomes POTENTIALLY HAZARDOUS; ^P and

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