**Conference for Food Protection**

**2012 Issue Form**

**Internal Number: 105**

**Issue: 2012 III-012**

**Title:**

ROP 4: Sous Vide and Cook Chill, pH and Temperature Control

**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 (using underlining for additions and strike through for language elimination):

**1) The following exclusionary language be added to the end of Subparagraph 3-502.11 (C)**

3-502.11 Variance Requirement.

A FOOD ESTABLISHMENT shall obtain a VARIANCE from the REGULATORY AUTHORITY as specified in § 8-103.10 and under § 8-103.11 before: Pf

(A) Smoking FOOD as a method of FOOD preservation rather than as a method of flavor enhancement; Pf

(B) Curing FOOD; Pf

(C) Using FOOD ADDITIVES or adding components such as vinegar, except as specified in 3-502.12 (D)(2)(e)(iii): Pf

(1) As a method of FOOD preservation rather than as a method of flavor enhancement, Pf or

(2) To render a FOOD so that it is not POTENTIALLY HAZARDOUS (TIME/TEMPERATURE CONTROL OF SAFETY FOOD); Pf

**2) That a new paragraph (d) be added Section 3-502.12 (B)(5)**

3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria.

(B) A FOOD ESTABLISHMENT that PACKAGES POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) using a REDUCED OXYGEN PACKAGING method shall have a HACCP PLAN that contains the information specified under ¶ 8-201.14(D) and that: Pf ...(no changes to paragraphs 1-4)

(5) Includes operational procedures that:....(no changes to subparagraphs a-c)

(d) If pH is used as a barrier to growth of Clostridium botulinum and Listeria monocytogenes such as in 3-502.12 (D)(2)(e)(iii), delineate equilibrium pH measurement, instrument calibration, and pH recordkeeping procedures.

**3) Replace existing Subpargraph (iii) of Section 3-502.12 (D)(2)(e) with new language**

3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria.

~~(iii) Cooled to 3°C (38°F) or less within 24 hours of reaching 5°C (41°F) and held there for no more than 72 hours from PACKAGING, at which time the food must be consumed or discarded; P or~~

(iii) Has an equilibrium pH of 5.0 or less, verified by a properly calibrated digital pH meter, and held at 5°C (41°F) or less until consumed or discarded within 30 days after the date of PACKAGING; P or

**This issue recommends no additional changes to remainder of Section 3-502.12 (D).**

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.