**Conference for Food Protection**

**2012 Issue Form**

**Internal Number: 074**

**Issue: 2012 III-021**

**Title:**

Determining the Disposition of Refrigerated PHF (TCS food) above 5°C (41°F)

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

1. that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended using strike through to remove language and underline for new language as follows:

Food Code Part 3-7 Contaminated Food be renamed Disposition of Food as follows:

3-7 ~~Contaminated Food~~ Disposition of Food

AND:

Subpart 3-701 be renamed Disposition of contaminated food; the Sections and Paragraphs A-D under 3-701 remain the same; and a new Subpart 3-702 be added named Disposition of Refrigerated PHF (TCS food) as follows:

Subparts

* 3-701 Disposition of Contaminated Food
* 3-702 Disposition of Refrigerated PHF (TCS food)

AND:

The new Subpart 3-702 will include a Section and Paragraphs explaining the time/temperature parameters that can be used when determining the disposition of refrigerated PHF (TCS food) held at temperatures above 41°F but still eligible for sale as indicated below:

3-702 Disposition of Refrigerated PHF (TCS food)

3-702.11 Determining when Refrigerated PHF (TCS food) can be Safely Sold Following an Increase in Cold Holding Temperature

(A) Refrigerated PHF (TCS Food) can be safely held and sold at temperatures above 5°C (41°F) provided:

(1) Written procedures are in place to specify the methods used to demonstrate compliance with Subparagraphs B and C of this section

(B) Refrigerated PHF (TCS food) can be held and sold at a temperature up to 7.2°C (45ºF) provided:

(1) The total time during which the food is above 5°C (41°F) but not over 7.2°C (45ºF) is 15 hours or less

(2) By the end of 15 hours the food has returned to 5°C (41°F) or lower

(3) The food shall be monitored to ensure the warmest portion of the food does not exceed 7.2ºC (45ºF) during the 15-hour period, unless an ambient air temperature is maintained that ensures the food does not exceed 7.2ºC (45ºF) during the 15-hour period;

(4) The food shall be destroyed if at the end of 15 hours the food is not at 5°C (41°F) or lower as described in subparagraph 1-3 above, unless using Section 3-501.19 Time as a Public Health Control to determine the disposition of the food.

(C) Refrigerated PHF (TCS food) may be held and sold at a temperature up to 10°C (50ºF) provided:

(1) The total time during which the food is above 5°C (41°F) but not over 10.0°C (50°F) is 9 hours or less

(2) By the end of 9 hours the food has returned to 5°C (41°F) or lower

(3) The food shall be monitored to ensure the warmest portion of the food does not exceed 10.0°C (50°F) during the 9-hour period, unless an ambient air temperature is maintained that ensures the food does not exceed 10.0°C (50°F) during the 9-hour period;

(4) The food shall be destroyed if at the end of 9 hours the food is not at 5°C (41°F) or lower as described in subparagraph 1-3 above, unless using Section 3-501.19 Time as a Public Health Control to determine the disposition of the food.

AND:

2. The Conference further recommends revising the CFP Emergency Action Plan for Retail Food Establishments, Interruption of Electrical Service, Part III. Recovery, on page 10, by removing the table labeled "Cold Foods Internal Temperature Guidance" and replacing it with the same language as above in the new Food Code Subpart 3-702 Disposition of Refrigerated PHF (TCS food).

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.