

**Conference for Food Protection
2014 Issue Form**

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Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	No Action _____
Delegate Action:	Accepted _____	Rejected _____	

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Title:

WHM 2 - Model Wild Harvested Mushroom Food Code Language for Annex 3

Issue you would like the Conference to consider:

Model regulatory language should be added to Annex 3 Section 3-201.16 of the 2013 FDA Food Code to provide a template for regulatory jurisdictions to use as they choose to develop their own wild harvested mushroom standards.

Public Health Significance:

Since 1993, Section 3-201.16 of the FDA Food Code has required that mushroom species picked in the wild "be obtained from sources where each mushroom is individually inspected and found safe by an approved mushroom identification expert." Over the years, regulatory jurisdictions have struggled to implement this provision and have either resorted to alternatives such as an outright prohibition on sale and service of wild harvested mushrooms, development of training programs to attempt to comply with the standard, to deleting it from their version of the FDA Food Code altogether. Several unsuccessful attempts have also been made to amend this code language through the CFP issues submission or committee process.

The committee was charged to work with FDA to revise current language in the FDA Food Code 3-201.16 and Annex 3 3-201.16 and create language that establishes criteria for compliance and enforcement. In December 2012, the committee was offered the opportunity to submit code language to FDA to recommend a change in the wild mushroom language, which would be reflected in the 2013 FDA Food Code. The committee submitted language that was based upon the standard in Oregon. Oregon language builds on recommendations from other sources and provides for three criteria: Consumer notification; information about the mushroom seller and identifier; and a statement of the qualifications of the identifier and retention of this information.

A conference call was held with FDA on January 28, 2013 to discuss the proposed code language. FDA did not accept the amended language as proposed, but did agree to change the 2013 FDA Food Code language to remove the requirement that each mushroom be individually inspected by a mushroom expert and instead defer to the regulatory authority to determine compliance with 3-201.16. The recently released 2013 FDA Food Code reflects this change. As a result of this change, regulatory jurisdictions now have the flexibility to develop their own wild harvested mushroom regulatory programs

based upon their resources and taking into account the geographical variability in mushroom species and a change to the 2013 FDA Food Code language is no longer necessary. However, regulatory jurisdictions need to have resource information available to develop their own program if they choose to do so, and the model food code language referenced below should be included in Annex 3 Section 3-201.16.

At the 2012 CFP Biennial Meeting, the previous Wild Harvested Mushroom Committee also recommended a 90 day retention period for wild harvested mushroom records, but the recommendation was not approved. The rationale for our recommendation is similar and is based upon:

- That while most wild mushroom intoxications occur within hours of consumption, one species of mushroom (Sorrel Webcap) causes a type of poisoning characterized by an extremely long asymptomatic latent period of up to 14 days.
- According to CDC guidelines, it may take up to 3 weeks to diagnose, report and investigate a mushroom intoxication incident.
- To provide for a consistent recordkeeping standard for industry. Ninety days is not only the standard for raw shellfish recordkeeping in Section 3-202.18, but is also referenced in 3-402.12 (A) for raw or undercooked fish and in 3-402.12 (C) for aqua-cultured fish.

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA recommending that the 2013 Food Code, Annex 3 Section 3-201.16 be amended as follows (new language underlined):

1. to include the following language as an option for regulatory jurisdictions to comply with the Wild Mushroom standards referenced in Section 3-201.16 (A) of the Food Code; in addition, language to be printed in italics to convey an alternative means for compliance.
3-201.16 Wild Mushrooms.

For the purpose of this section a "Wild Fresh Mushroom" means a mushroom that has not been processed, dried or cultivated.

(A) Except as specified in (B), identification of mushroom species picked in the wild shall have a written buyer specification, which is to remain on file in the food establishment for a minimum of 90 days from the date of sale or service. ^{Pf} This written specification shall include:

(1) Identification by the scientific name and the common name of the mushroom species; ^P

(2) A statement that the mushroom was identified while in the fresh state; ^{Pf}

(3) The name and contact information of the person who identified the mushroom and the mushroom seller; ^{Pf} and

(4) A statement as to the qualifications and training of the identifier, specifically related to mushroom identification. ^{Pf}

(B) Paragraph (A) of 3-201.16 does not apply to cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the food regulatory agency that has jurisdiction over the operation.

(C) The food establishment that sells, uses or serves mushrooms picked in the wild shall ensure the mushrooms are conspicuously identified by a label, placard, or menu notation that states:

(1) The common and usual name of the mushroom; ^{Pf} and

(2) The statement "Wild mushrooms: not an inspected product and is harvested from a non- inspected site". ^{Pf} (a cross reference to 3-602.12 (A) Other forms of information should be made)

(D) The food establishment will provide notification to the regulatory authority ^{Pf} prior to use or sales.

2. to include a narrative recommendation that jurisdictions develop their own record keeping document using information in Annex 3 and taking into consideration factors unique to each local or regional jurisdiction, including accounting for appropriate records retention.

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