

**Conference for Food Protection  
2016 Issue Form**

**Issue: 2016 III-030**

<b>Council Recommendation:</b>	Accepted as Submitted _____	Accepted as Amended _____	No Action _____
<b>Delegate Action:</b>	Accepted _____	Rejected _____	

*All information above the line is for conference use only.*

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**Issue History:**

This is a brand new Issue.

**Title:**

Amend Food Code – Clarify sprouting as a specialized process

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

A recommendation is being made to change the 2013 FDA Food Code Section 3-502.11 (H) to include a clarification on sprouting that requires a variance and Hazard Analysis Critical Control Point (HACCP) plan.

The FDA Food Code Section 3-502.11 discusses specialized processing methods that require a variance from the regulatory authority. A clarification on what is considered "sprouting seeds or beans" is needed to provide both industry and regulatory personnel guidance on proceeding with variance submittal and HACCP Plan development.

**Public Health Significance:**

The FDA Food Code Annex 3 explains the rationale for FDA Food Code Section 3-502.11 by stating: "specific food processes that require a variance have historically resulted in more foodborne illness than standard processes." Also, these methods require specialized equipment or knowledge by food employees to be done safely, and can present a significant health risk if not done properly<sup>1</sup>. When a variance is required, the FDA Food Code Section 8-201.13 states that a HACCP Plan must be prepared by the permit applicant or permit holder and approved by the regulatory authority. Creation of HACCP Plans by food service establishments can be costly<sup>2</sup>, and therefore it is important to eliminate confusion regarding sprouting which requires a HACCP Plan.

Consumption of seed sprouts is a growing trend among the public, with raw seed sprouts being served on many restaurant menus for decades. Raw seed sprouts from manufacturers have been linked to many foodborne illness outbreaks<sup>3</sup>. The contamination seems to come from the seed itself and the dark, warm growing conditions that are present for growth<sup>3,4</sup>. Because of this, producers of raw seeds sprouts have taken steps to eliminate contamination prior to sprouting<sup>3</sup>. Microgreens are also growing in popularity among high end restaurants, and because they can be grown quickly in small quantities<sup>5</sup>, could be produced by the food service establishment for use. Microgreens are grown in soil

and require light to grow<sup>4</sup>, which is different from the growing conditions for a raw seed sprout. This means that the high risk associated with the growth of raw seed sprouts would not be the same as the growth of microgreens.

Both microgreens and raw seed sprouts would meet the dictionary definition of sprouting, which is "to produce new leaves<sup>6</sup>." Clarifying that this only applies to sprouting that is done from a raw seed sprout and not microgreens would help to eliminate the development and review of unnecessary HACCP Plans. The clarification needs to be made that the sprouting would be considered a special process only when the intention is for the seed itself to be consumed, since that is where the potential contamination is found.

#### References:

1. "Annex 3." FDA 2013 Food Code. College Park, MD: U.S. Dept. of Health and Human Services, Public Health Service, Food and Drug Administration, 2013. 465. Print.
2. Sharma, A., Roberts, K., & Seo, K. 2010. HACCP Cost Analysis in Retail Food Establishments. Food Protection Trends.
3. Thompson, S., Powell D.A. Risks Associated With The Consumption of Fresh Sprouts. Food Safety Network Technical Report # 16. July, 2000
4. R. Holmer, G. Linwattana, P. Nath, J.D.H. Keatinge, eds. High Value Vegetables in Southeast Asia: Production, Supply and Demand. AVRDC-WorldVegetableCenter, 2013.
5. Treadwell, D., Hochmuth, R., Landrum, L., Laughlin W. Microgreens- A New Specialty Crop. Florida Cooperative Extension Service. April 2010.
6. Sprout [def.1]. In *Merriam-Webster Online*. Retrieved January 8, 2016. <http://www.merriam-webster.com/dictionary/sprout>.

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

that a letter be sent to the FDA recommending the 2013 Food Code be amended to include clarifying language for "sprouting seeds or beans." Recommended language to read (new language is underlined):

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: <sup>Pf</sup>

(H) Sprouting seeds or beans for the purpose of human consumption of both the seed and the sprout, as in raw seed sprouts.

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#### **Supporting Attachments:**

- "Microgreens- A New Specialty Crop"

*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.*