

**Conference for Food Protection  
2016 Issue Form**

**Issue: 2016 I-032**

<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:**

Proposed Revision to Food Code Section 3-401.14, Non-Continuous cooking

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

Subparagraph 3-401.14 of the 2013 FDA Food Code, together with supporting paragraphs 3-501.14 (A), 3-501.16 (A) (2), 3-401.11 (A-C), 3-501.19 & 3-302.11 (A), deals with very basic food safety principles; cooking, cooling and holding. This section is very prescriptive, lists all necessary steps for safe food preparation and does not require review of any new science to ensure it is being conducted properly.

Developing a non-continuous cooking procedure and providing a copy to the regulatory authority prior to implementation gives notice to the regulatory authority that the food establishment intends to conduct non-continuous cooking operations for raw animal foods and makes it possible for the regulatory authority to verify, if they so desire, that the appropriate non-continuous cooking procedures are being followed and that the requirements of §3-401.14 together with supporting paragraphs 3-501.14 (A), 3-501.16 (A), 3-401.11 (A-C), 3-501.19 & 3-302.11 (A) are being met.

Consequently, we request consideration of changing Section 3-401.14 (F) (1) of the FDA Food Code from requiring a food establishment to obtain pre-approval of a non-continuous cooking process to providing the regulatory authority notice of intent to conduct a non-continuous cooking process along with the procedures the food establishment will use to comply with section 3-401.14 of the FDA Food Code.

**Public Health Significance:**

This process would not result in any additional public health or food safety risk to consumers. Some of the benefits would include:

1. Developing a non-continuous cooking process and providing a copy to the regulatory authority prior to implementation gives notice to the regulatory authority that the food establishment intends to conduct non-continuous cooking operations for raw animal foods and makes it possible to verify that the appropriate non-

continuous cooking procedures are being followed and that the requirements of §3-401.14 are being met.

2. Subparagraph 3-401.14 deals with very basic food safety principles-heating, cooling and cooking. This section is very prescriptive, lists all necessary steps for safe food preparation and does not require review of any new science or evaluations to ensure it is being conducted properly.
3. This process would allow regulatory agencies to focus on reviews of processes they had concerns on and avoid detailed administrative reviews for complete processes.
4. Encouraging industry to submit their plans for their non-continuous cooking procedures to regulatory agencies for their review without a fear of potential delay that could take weeks or months.
5. Would allow for identification of establishments that needed additional training before implementing a non-continuous cooking process.
6. Reducing the need for overburdened regulatory agencies from needing to conduct a detailed review of each non-continuous cooking process and issuing approvals.
7. Places greater responsibility on industry to ensure their non-continuous cooking plans and procedures are sound and executed properly.

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

that a letter be sent to FDA requesting that Subparagraph 3-401.14 (F) (1) of the 2013 Food Code be modified to read ( language to be added is underlined; language to be deleted is in strikethrough format):

(F) Prepared and stored according to written procedures that:

1. Have ~~obtained prior Approval from~~ been provided to the REGULATORY AUTHORITY prior to implementation describing the process they will use to comply with section 3-401.14;

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*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.*