**Conference for Food Protection**

**2016 Issue Form**

**Issue: 2016 III-032**

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| **Council Recommendation:** | Accepted asSubmitted |  | Accepted as Amended |  | No Action |  |
| **Delegate Action:** | Accepted |  | Rejected |  |  |  |

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

**Title:**

Amend Food Code Annex – Clarifying ROP of fish requirements

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

that a letter be sent to the FDA recommending the 2013 Food Code Annex 3, Section 3-502.12 be amended to include clarifying language for "after packaging." Recommended language to read (new language is underlined):

3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria

Reduced Oxygen Packaging with Fish

Unfrozen raw fish and other seafood are specifically excluded from ROP at retail because of these products' natural association with non-proteolytic C. botulinum (primarily type E) which grows at 3oC (37-38oF). ROP of fish and seafood that are frozen before, during and after the ROP packaging process does not present this hazard. Fish that has been packaged using an ROP method must be removed from the ROP package before thawing process begins in order to fully satisfy the requirement of frozen "after ROP". Due to the fact the food establishment cannot verify that the fish would remain frozen until removed from the package once the product is sold to the consumer, fish that has been packaged using an ROP method must not be sold directly to consumers in the packaging.

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.