**Conference for Food Protection**

**2018 Issue Form**

**Issue: 2018 I-008**

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

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

**Issue History:**

This is a brand new Issue.

**Title:**

Amend Food Code - Backflow Prevention, 5-402.11

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

Section 5-402.11 of the 2013 FDA Food Code states:

"(A) Except as specified in (B), (C), and (D) of this section, a direct connection may not exist between the sewage system and a drain originating from EQUIPMENT in which FOOD, portable EQUIPMENT, or UTENSILS are placed.P"

(C) and (D) then state:

"(C) If allowed by LAW, a WAREWASHING machine may have a direct connection between its waste outlet and a floor drain when the machine is located within 1.5 m (5 feet) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.

(D) If allowed by LAW, a WAREWASHING or culinary sink may have a direct connection."

The language in these sections is incongruous. If paragraph A has been classified based on risk as a priority violation for the safety of food, then a direct connection should not be allowed under paragraph C or D. If however, C and D have been classified on risk as core, they should be core violations in the Food Code without the language "if allowed by LAW".

It is redundant to include the phrase "if allowed by LAW" anywhere in the body of this model Code. The FDA Food Code is a model guidance document offered for adoption by local, state and federal governmental jurisdictions. It is written to allow for the modification of specific provisions to accommodate existing law, administrative procedure, or regulatory policy. Governmental jurisdictions adopt this model language into their LAW and revise or amend it as they see fit.

**Public Health Significance:**

The model Food Code is science-based and focused on food safety. The "if allowed by LAW" in C and D, imply that from a food safety perspective:

* a WAREWASHING machine may have a direct connection between its waste outlet and a floor drain when the machine is located within 1.5 m (5 feet) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap, and
* a warewashing or culinary sink may have a direct connection.

C and D should both be core violations as they relate to general equipment and facility design. There are other control measures in the Code that insure that even with a direct connection on a culinary sink the food placed in the sink would not be contaminated. If food would be placed in the sinks, that makes the sink a food contact surface. The Food Code adequately addresses the cleaning and sanitizing of food contact surfaces prior to use through numerous Priority and Priority foundation violations.

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

that a letter be sent to the FDA requesting that section 5-402.11 of the most current edition of the Food Code be amended as follows (new language is underlined; language to be deleted is in strikethrough format):

(A) Except as specified in (B) (C) and (D), a direct connection may not exist between the sewage system and a drain originating from EQUIPMENT in which FOOD, portable EQUIPMENT, or UTENSILS are placedP...

...~~(C)~~(D) ~~If allowed by LAW~~, A ~~a~~ WAREWASHING machine may have a direct connection between its waste outlet and a floor drain when the machine is located within 1.5 m (5 feet) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.

~~(D) If allowed by LAW,~~ A ~~a~~ WAREWASHING or culinary sink may have a direct connection.

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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.