**Conference for Food Protection**

**2018 Issue Form**

**Issue: 2018 I-017**

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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 duplicative text in ¶¶ (E) and (B) in 3-502.12 ROP Criteria

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

The Food Code was updated prior to the 2013 edition to include 3-502.12 (E) permitting the vacuum packaging of cheese with a refrigerated 30-day shelf life. The 2013 Food Code edition then modified 3-502.12 (B) extending the vacuum packaging with two barriers shelf life from 14 to 30 days. Prior to the 2013 Food Code, the main difference between paragraphs B and E was shelf life. The 2013 Food Code 3-502.12 (B) and 3-502.12 (E) now have the same 30 day shelf life. This issue seeks to move text from paragraph (E) to (B) and delete duplicative paragraph (E) text for clarity.

**Public Health Significance:**

This issue does not have a public health significance directly. The existing code is already there. If combining the sections is more clear and understandable to users, then there is possibility of better compliance and training.

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

a letter be sent to the FDA requesting the most current edition of the FDA Food Code be amended as follows in (language to be added is underlined; language to be deleted is in strikethrough format)

Section 3-502.12 Reduced Oxygen Packaging without a Variance

3-502.12 (B) Except as specified under ¶ (F) of this section, a FOOD ESTABLISHMENT that PACKAGES TIME/TEMPERATURE CONTROL FOR SAFETY FOOD using a REDUCED OXYGEN PACKAGING method shall implement a HACCP PLAN that contains the information specified under ¶¶ 8-201.14 (B) and (D) and that: Pf

(1) Identifies the FOOD to be PACKAGED; Pf

(2) Except as specified under ¶¶ (C) -(~~E~~ F) of this section, requires that the PACKAGED FOOD shall be maintained at 5°C (41°F) or less and meet at least one of the following criteria: Pf

(a) Has an AW of 0.91 or less, Pf

(b) Has a PH of 4.6 or less, Pf

(c) Is a MEAT or POULTRY product cured at a FOOD PROCESSING PLANT regulated by the USDA using substances specified in 9 CFR 424.21, Use of food ingredients and sources of radiation, and is received in an intact PACKAGE, Pf ~~or~~

(d) Is a FOOD with a high level of competing organisms such as raw MEAT, raw POULTRY, or raw vegetables; Pf or

(e) Is a cheese commercially manufactured in a FOOD PROCESSING PLANT with no ingredients added in the FOOD ESTABLISHMENT and that meet the Standards of Identity as specified in 21 CFR 133.150 Hard cheeses, 21 CFR 133.169 Pasteurized process cheese or 21 CFR 133.187 Semisoft cheeses; P

(3) Describes how the PACKAGE shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to: Pf

(a) Maintain the FOOD at 5°C (41°F) or below, Pf and

(b) Discard the FOOD if within 30 calendar days of its PACKAGING if it is not served for on-PREMISES consumption, or consumed if served or sold for off-PREMISES consumption; Pf

(4) Limits the refrigerated shelf life to no more than 30 calendar days from PACKAGING to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first; P

~~3-502.12 (E) Except as specified under ¶ (F) of this section, a FOOD ESTABLISHMENT that PACKAGES cheese using a REDUCED OXYGEN PACKAGING method shall:~~

~~(1) Limit the cheeses PACKAGED to those that are commercially manufactured in a FOOD PROCESSING PLANT with no ingredients added in the FOOD ESTABLISHMENT and that meet the Standards of Identity as specified in 21 CFR 133.150 Hard cheeses, 21 CFR 133.169 Pasteurized process cheese or 21 CFR 133.187 Semisoft cheeses;~~ ~~P~~

~~(2) Have a HACCP PLAN that contains the information specified under ¶¶ 8-201.14 (B) and (D) and as specified under ¶¶ (B)(1), (B)(3)(a), (B)(5) and (B)(6) of this section;~~ ~~Pf~~

~~(3) Labels the PACKAGE on the principal display panel with a "use by" date that does not exceed 30 days from its packaging or the original manufacturer's "sell by" or "use by" date, whichever occurs first;~~ ~~Pf~~

~~and~~

~~(4) Discards the REDUCED OXYGEN PACKAGED cheese if it is not sold for off - PREMISES consumption or consumed within 30 calendar days of its PACKAGING.~~

**Submitter Information:**

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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.