

**Conference for Food Protection
2018 Issue Form**

Issue: 2018 III-015

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 3-402.11(A) regarding undercooked non-Thunnus fish

Issue you would like the Conference to consider:

Fresh wild-caught fish such as salmon and halibut must be cooked to 145°F for 15 seconds. Cooking to the Food Code required temperature renders fish such as fresh salmon and halibut unpalatable due to dryness/toughness - a product not meeting chefs' quality standards and likely to generate consumer complaints.

Freezing as required in 3-402.11 prevents a food establishment operator from honestly presenting fish as "fresh" or "fresh caught." Freezing can also adversely impact the quality of fresh fish.

Chefs commonly undercook fresh fish to present it in the most palatable manner possible. When informed of the Food Code mandated choice to either cook thoroughly or freeze for parasite destruction, many chefs have expressed surprise and frustration that the Food Code offers two unpalatable choices.

The requirement to freeze non-*Thunnus* fish for parasite destruction in 3-402.11 is inconsistent with the manner that the Food Code addresses the risk of illness from consuming raw or undercooked molluscan shellfish and other raw animal proteins. The Food Code allows service of raw molluscan shellfish, posing a much greater risk of infection, as long as the items are presented with a consumer advisory.

See CDC illness estimates: <https://www.cdc.gov/foodborneburden/pdfs/scallan-estimated-illnesses-foodborne-pathogens.pdf>. Illness/injury from *Anisakis* and similar parasites commonly found in raw non- *Thunnus* fish is not reported in these estimates of "...31 Pathogens Commonly Transmitted by Food...". A request for *Anisakiasis* illness data from Washington State revealed one case over the past 15 years (Reported in April 2016 by Beth Melius with the Washington State Department of Health Communicable Disease/Epidemiology program).

Cases of *Vibrio* infection (most commonly from ingestion of raw or undercooked molluscan shellfish) are estimated to number over 75,000 per year.

Public Health Significance:

The service of non-*Thunnus* fish in an undercooked form without parasite destruction can increase a consumer's risk of illness. But, an increased risk is already recognized and accepted for many other raw animal foods which can be served undercooked as long as a consumer advisory is present. While infection with parasites from undercooked fish is possible, the documented burden of illness from such infections is much lower than consuming other undercooked foods, especially molluscan shellfish.

Fresh salmon and halibut are being undercooked on a routine basis throughout the country. Our inspection team has documented the undercooking of fresh, non-*Thunnus* fish on several occasions. We have also confirmed the routine nature of the practice by reaching out to chefs at fine dining establishments and faculty at a culinary arts program at a technical college in our community.

This Issue presents two choices for consideration:

- Retaining current Food Code language prohibiting under cooking of non-*Thunnus* fish without parasite destruction steps in compliance with 3-402.11; or
- Amending the Food Code by allowing undercooking of non-*Thunnus* fish with a consumer advisory in compliance with 3-603.11.

Since this practice is a common industry-wide practice, consumers are routinely being served undercooked fish without the benefit of a consumer advisory. The public is better served by allowing this practice of undercooking with a proper consumer advisory.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting that 3-402.11(A) in the most current published edition of the Food Code be amended by removing the words partially cooked from this section. The amended section would read as follows: (new language is underlined, existing language to be deleted is in strike-thru format)

"(A) Except as specified in ¶ (B) of this section, before service or sale in READY-TO-EAT form, raw, ~~or raw-marinated~~, ~~partially cooked~~, ~~or marinated-partially cooked~~ FISH shall be:"

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