

**Conference for Food Protection
2018 Issue Form**

Issue: 2018 III-016

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 Cook-chill/sous vide ROP option for ROP bags to 41°F

Issue you would like the Conference to consider:

The 2013 Food Code edition modified section 3-502.12 in several areas. As changes were made by FDA Center for Food Safety and Applied Nutrition (CFSAN), an option was deleted from the 2009 Food Code that is regularly used by operators.

The 2009 Food Code read:

3-502.12 (D)(2)(e) Cooled to 5°C (41°F) in the sealed package or bag as specified under § 3-501.14 and subsequently: ^P

(i) Cooled to 1°C (34°F) within 48 hours of reaching 5°C (41°F) and held at that temperature until consumed or discarded within 30 days after the date of packaging;^P

(ii) Cooled to 1°C (34°F) within 48 hours of reaching 5°C (41°F), removed from refrigeration equipment that maintains a 1°C (34°F) food temperature and then held at 5°C (41°F) or less for no more than 72 hours, at which time the food must be consumed or discarded; ^P

(iii) Cooled to 3°C (38°F) or less within 24 hours of reaching 5°C (41°F) and held there for no more than 72 hours from packaging, at which time the food must be consumed or discarded; ^P or

(iv) Held frozen with no shelf life restriction while frozen until consumed or used.^P

The 2013 Food Code reads:

3-502.12 (D)(2)(e) Cooled to 5°C (41°F) in the sealed PACKAGE or bag as specified under §3-501.14 and:^P

(i) Cooled to 1°C (34°F) within 48 hours of reaching 5°C (41°F) and held at that temperature until consumed or discarded within 30 days after the date of PACKAGING;^P

(ii) Held at 5°C (41°F) or less for no more than 7 days, at which time the FOOD must be consumed or discarded; ^P or

(iii) Held frozen with no shelf life restriction while frozen until consumed or used.^P

Specifically, the 2013 Food Code did not include an option to remove foods from 34 to 41°F. In a commissary-satellite cook chill operation, this is a common occurrence.

Public Health Significance:

Removing cook-chill or sous vide (ROP) foods from 34°F to 41°F refrigeration is safe when done within the 30-day total shelf life currently provided for in the Food Code. There is no possibility of pathogen growth at or below 34°F for any length of time and no possibility of growth of pathogens at 41°F for 7 days or less. This science is supported by US FDA Skinner Larkin model for psychrotrophic *Clostridium botulinum* and via the FDA Food Code performance standard 7 day ready-to-eat shelf life regarding *Listeria monocytogenes*.

Recommended Solution: The Conference recommends...:

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

§ 3-502.12(D)(e) Reduced Oxygen Packaging without a Variance, Criteria

(iii) Cooled to 1°C (34°F) within 48 hours of reaching 5°C (41°F), removed from refrigeration equipment that maintains a 1°C (34°F) food temperature and then held at 5°C (41°F) or less for no more than 7 days, not to exceed 30 days from its date of packaging, at which time the food must be consumed or discarded;^P

(iii iv) Held frozen with no shelf life restriction while frozen until consumed or used.

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