

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 III-019

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 – Frozen Food Cook Requirements for HSP

Issue you would like the Conference to consider:

A recommendation is being made to require a final cook temperature for frozen food products that are not considered ready-to-eat by the manufacturer, when served to a highly susceptible population (HSP).

Public Health Significance:

According to the website of the Centers for Disease Control and Prevention, frozen food products have been the source of multiple outbreaks in recent years, including an outbreak of *Listeria monocytogenes* linked to frozen vegetables that killed four people between 2013-2016.

Since 2008, the FDA draft Compliance Policy Guide (CPG) has allowed ready-to-eat food products that do not support the growth of *Listeria monocytogenes* to contain up to 100 CFU/g of the organism. Products that fall within this tolerance level are intended by the manufacturer to be thoroughly heated before consuming¹. However, there has been an increase in the inclusion of frozen foods, such as berries and kale, in food products that are not heated. Currently, there is no regulatory requirement for these products to reach any temperature for lethality before service.

Research has confirmed that *Listeria* spp. will grow in thawed, frozen food without long lag phases. For example, lag phase duration was 48 hours for foods stored at 4°F, and freezing does not cause an increase in lag phase as had been previously hypothesized². During the allowable 7 days holding for foods such as peas and corn, there is potential for a 3-log growth in *Listeria monocytogenes*, according to Kataoka et al². This growth, with no required lethality step, could lead to illness.

An endpoint temperature of 135°F is being recommended to provide lethality for *Listeria monocytogenes* for highly susceptible populations. The listeriosis outbreak in 2015 linked to Blue Bell ice cream showed that even low doses of listeria ingestion can cause illness and death. While FDA and the frozen food industry work to find a solution to *Listeria* spp. in

frozen food for the general public, it is important to acknowledge additional care should be taken for highly susceptible populations.

References

1. Compliance Policy Guide, CFSAN, ORA, February 2008
2. Kataoka et al, *Journal of Food Protection*, Vol. 80, No. 3 (2017) 447-453
3. Pouillot et al, *Emerging Infectious Diseases*, Vol. 22, No. 12 (2016) 2113-2119

Recommended Solution: The Conference recommends...:

That a letter be sent to the FDA recommending the most recent version of the FDA Food Code , Section 3-801.11 be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format):

In a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION:

(E) Plant foods purchased in frozen form which contain validated cooking instructions and are not considered ready-to-eat by the manufacturer must be cooked to 135°F.

~~(E)(F)~~ Time only, as the public health control as specified under ¶ 3-501.19(D), may not be used for raw EGGS.

Submitter Information:

Name: Veronica Bryant
Organization: NC DHHS
Address: 1632 Mail Service Center
City/State/Zip: Raleigh, NC 27699
Telephone: 9192186943
E-mail: veronica.bryant@dhhs.nc.gov

Supporting Attachments:

- "Compliance Policy Guide"
- "Growth of Listeria in Thawed Frozen Food"
- "Infectious Dose of Listeria Monocytogenes"

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.