

**Conference for Food Protection  
2023 Issue Form**

**Issue: 2023 I-022**

**Council Recommendation:** Accepted as Submitted \_\_\_\_\_ Accepted as Amended \_\_\_\_\_ No Action \_\_\_\_\_

**Delegate Action:** Accepted \_\_\_\_\_ Rejected \_\_\_\_\_

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

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**Issue History:**

This is a brand new Issue.

**Title:**

Amend Food Code to allow cooling without time and temperature monitoring.

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

We propose amending Food Code 3-501.14 to include an option to cool time and temperature control for safety (TCS) foods at a depth of 2 inches or less, uncovered, and refrigerated, without time and temperature monitoring.

Hot foods should be cooled rapidly to minimize pathogen growth and prevent outbreaks. Unfortunately, rapid cooling is often difficult for restaurants to accomplish and for inspectors to verify. The Food Code requirements for achieving proper cooling rely on frequent monitoring of time and temperatures. This monitoring is not always feasible for restaurant operators because of the time required to adequately monitor the cooling process.

The Food Code outlines methods that can promote rapid cooling of TCS foods but does not specify how to apply the methods to various situations or whether some methods are more effective than others. Inspectors and operators are left to evaluate every method, or combination of methods, to determine which meet the time requirement. We recommend that operators and inspectors be allowed to also focus on specified cooling methods that are known to facilitate quick and proper cooling without additional time monitoring.

The recommended solution is intended to reduce the complexities of monitoring cooling time/temperature parameters by offering a safe, simple, and clear alternative: foods can be cooled uncovered, in a refrigerated environment at a depth of 2 inches or less, with no additional time and temperature monitoring required.

**Public Health Significance:**

Our proposed option of refrigerated cooling at an uncovered depth of 2 inches or less, provides a clear cooling standard for operators. This option is also beneficial to inspectors, as it is easy to verify during an inspection and easy to train new operators on safe cooling methods. Ultimately, this option will potentially reduce operating costs for food establishments and reduce time dedication for operators and inspection staff while providing a more reliable way to reduce foodborne illness.

Improper cooling of hot food by restaurants is a significant cause of foodborne illness outbreaks (Brown et al., 2012). Cooling hot foods too slowly is one of the most common pathogen growth factors contributing to restaurant-related outbreaks (Gould *et al.*, 2013).

The FDA Food Code contains specific time and temperature parameters recommended to achieve proper cooling and suggests methods that can promote rapid cooling. Even with these guidelines restaurants continue to struggle with proper cooling (Hedeen & Smith, 2020; Wittry *et. al*, 2022). An FDA study assessing the occurrence of foodborne illness risk factors in retail settings found that cooling was out of compliance in 72% (196) of the full-service restaurants where cooling was observed (U.S. FDA, "Report on the occurrence", 2018)

Washington State has already adopted this alternative cooling option (in place for 17 years) and it is strongly preferred by operators within the state. Seattle-King County Health Department conducted a risk factor study in 2016, which included 2115 restaurants, and found that 75% of operators reported using the 2-inch cooling option to cool hot foods. Only 12% of operators reported using time and temperature monitoring as outlined by the FDA food code (unpublished data, Seattle-King County Health Department). Since 2-inch cooling without time-temperature monitoring was implemented, no foodborne outbreaks have been associated with this cooling method.

The cooling standard in Washington shows that providing an option to cool at a depth of 2 inches or less, ventilated, and refrigerated provides a solution that is consistently safe and that restaurant operators have adopted enthusiastically.

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

That a letter be sent to the FDA requesting 3-501.14 of the current Food Code be amended as specified below:

3-501.14 Cooling.

(A) Except as specified under (B) of this section, Ccooked TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be cooled:

(1) Within 2 hours from 57°C (135°F) to 21°C (70°F); <sup>P</sup> and

(2) Within a total of 6 hours from 57°C (135°F) to 5°C (41°F) or less. <sup>P</sup>

(B) As an alternative to the cooling provisions of subsection A of this section, FOODS that are being continuously cooled must be cooled in a shallow layer of two inches or less, uncovered, in cooling or cold holding EQUIPMENT maintaining an ambient temperature of 5°C (41°F) or less.

~~(B)~~ TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be cooled within 4 hours to 5°C (41°F) or less if prepared from ingredients at ambient temperature, such as reconstituted FOODS and canned tuna. <sup>P</sup>

~~(D)~~ Except as specified under ¶ ~~(D)~~ of this section, a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD received in compliance with LAWS allowing a temperature above 5°C (41°F) during shipment from the supplier as specified in ¶ 3-202.11(B), shall be cooled within 4 hours to 5°C (41°F) or less. <sup>P</sup>

(DE) Raw EGGS shall be received as specified under ¶ 3-202.11(C) and immediately placed in refrigerated EQUIPMENT that maintains an ambient air temperature of 7°C (45°F) or less. P

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**Supporting Attachments:**

- "Summary of Issue to Amend 3-501-14"
- "Supplemental Materials"
- "Supporting Publications"
- "National Restaurant Association Letter of Support"
- "Taco Time Letter of Support"

*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.*