



# **Conference for Food Protection**

**2018**

**Biennial Meeting**

**Richmond, Virginia**

**Council I**

**Issue Recommendations**

**Submitted to the**

**Assembly of State**

**Delegates**

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*Council Alternates listed on next page*

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## Council I – 2018 Issue Listing

Number	Issue Title	As Submitted	As Amended	No Action	Assembly Action
I-001	Report – Unattended Food Establishment (UFE) Committee	X			
I-002	UFE 2 – Guidance Document for Unattended Food Establishments		X		
I-003	UFE 3 – Amend Food Code Food Establishment definition and exemption for PIC		X		
I-004	Report – Clean In Place (CIP) Committee	X			
I-005	CIP 2 – ANSI/Food Code definition	X			
I-006	Amend Food Code – Biofilms			X	
I-007	Amend Food Code – Standards for Food Equipment Certification	X			
I-008	Amend Food Code – Backflow Prevention, 5-402.11			X	
I-009	Creation of a Committee – Clarification of the Term “Easily Cleanable		X		
I-010	Amend Food Code 1-201.10 Statement of Application and Listing of Terms			X	
I-011	Amend Food Code – Whole Muscle Intact Beef Labeling			X	
I-012	Amend Food Code – Harmonize Labeling for Mechanically Tenderized Beef		X		
I-013	Amend Food Code – Update Definition for “Mechanically Tenderized”		X		
I-014	Amend Food Code – Exempt Restaurant-Type Food from label requirements			X	
I-015	Amend Food Code Consumer Advisory: Food Allergies – Allergen Disclosure	<i>Issue transferred to Council II</i>			
I-016	Amend Food Code-Resolve conflict in § 3-502.12 (C) and (F): ROP Criteria	X			
I-017	Amend Food Code duplicative text in ¶¶ (E) and (B) in 3-502.12 ROP Criteria			X	
I-018	Amend Food Code 3-502.12 Reduced Oxygen Packaging Without a Variance	X			
I-019	Amend Food Code 8-201.14 Contents of a HACCP Plan.		X		
I-020	Amend Food Code – Variance Procedure Requirements			X	
I-021	Amend Food Code – Food Establishment Requirement to Retain Variance	X			
I-022	Amend Food Code – Separation of Raw Animal Foods by Cook Temperature			X	
I-023	Amend Food Code – Separation of Packaged Products Displayed at Retail		X		
I-024	Amend Food Code – Food Safety Regulations for Food Donations		X		
I-025	Creation of a Committee – Safety of Third Party Delivery Services (TPDS)	<i>Issue transferred to Council III</i>			
I-026	Amend Food Code – Add Time/Date Together as a Method of Date Marking		X		
I-027	Amend Food Code – Obtaining Purchase Info During Outbreak Investigations			X	
I-028	Amend Food Code – Clarify 3-301.11(D) When Reheating for Hot Holding			X	
I-029	Amend Food Code FSIS Chicken Liver Compliance Guide in Annex		X		
I-030	Amend Food Code – 3-201.11 Compliance with Food Law			X	

Number	Issue Title	As Submitted	As Amended	No Action	Assembly Action
I-031	Amend Food Code – Storage in Toilet Rooms	X			
I-032	Amend Food Code – Use Limitation of Untreated Wood for Cooking Surface		X		
I-033	Amend Food Code – Shellstock Maintaining Identification		X		
I-034	Amend Food Code – Remove Pf from Handwashing Water Temperature		X		

**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-001**

<b>Council Recommendation:</b>	Accepted as Submitted	<u>  X  </u>	Accepted as Amended	<u>      </u>	No Action	<u>      </u>
<b>Delegate Action:</b>	Accepted	<u>      </u>	Rejected	<u>      </u>		

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

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**Title:**

Report - Unattended Food Establishment (UFE) Committee

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

1. Acknowledgement of the 2016-2018 Unattended Food Establishment Committee final report,
2. Thanking the committee members for their work and efforts on the committee, and
3. Disbanding the committee; all assigned charges have been completed.

*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.*

**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-002**

<b>Council Recommendation:</b>	Accepted as Submitted _____	Accepted as Amended _____	<input checked="" type="checkbox"/> No Action _____
<b>Delegate Action:</b>	Accepted _____	Rejected _____	

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**Title:**

UFE 2 - Guidance Document for Unattended Food Establishments

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

1. Approval of the Unattended Food Establishment Committee document titled *Guidance Document for Unattended Food Establishments* (attached to the Issue titled: Report - Unattended Food Establishment (UFE) Committee);
2. Adding a disclaimer as follows: The guidance in this document does not create or confer any rights for or on any person and does not operate to bind public health officials or the public. An alternative approach may be utilized if the approach satisfies the requirements of the applicable statutes and regulations within a government's jurisdiction. Whether this guidance or an alternative procedure is utilized, contact the state or local public health authority responsible prior to implementation;
3. Authorizing the Conference to make any necessary edits prior to posting the document on the CFP web site to assure consistency of format and non-technical content; edits will not affect the technical content of the document; and
4. Posting of the approved document in PDF format on the Conference for Food Protection website.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-003**

<b>Council Recommendation:</b>	Accepted as Submitted _____	Accepted as Amended _____	<input checked="" type="checkbox"/> No Action _____
<b>Delegate Action:</b>	Accepted _____	Rejected _____	

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**Title:**

UFE 3 – Amend Food Code Food Establishment definition and exemption for PIC

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

that a letter be sent to the FDA requesting that Section 2-101.11 of the most recent edition of the Food Code be amended as follows (new language is underlined):

Section 2-101.11 Assignment be revised to add the following language:

(A) Except as specified in ¶ (B) and (C) of this section, the PERMIT HOLDER shall be the PERSON IN CHARGE or shall designate a PERSON IN CHARGE and shall ensure that a PERSON IN CHARGE is present at the FOOD ESTABLISHMENT during all hours of operation.

(C) A FOOD ESTABLISHMENT that provides only prepackaged foods using a self-checkout system is not required to have a Person In Charge present during all hours of operation that has all of the following:

1. Entry is not accessible by the general public;
2. Food is sold in packages intended for individual retail sale and labeled per LAW;
3. Refrigerated equipment for display or sale of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD is equipped with self-closing doors and meets the automatic shut-off requirements for vending machines specified in section 4-204.111;
4. The PERMIT HOLDER is responsible for routine service on a scheduled basis and at a frequency acceptable to the REGULATORY AUTHORITY;
5. The PERMIT HOLDER has an agreement with the owner of the location that outlines the responsibilities for cleaning and maintenance of all surfaces, equipment and supportive facilities/services acceptable to the REGULATORY AUTHORITY.
6. Is under continuous electronic surveillance or similar security precautions as approved by the REGULATORY AUTHORITY; and
7. Contact information for the PERMIT HOLDER is continuously and conspicuously posted at the point of sale.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-004**

<b>Council Recommendation:</b>	Accepted as Submitted	<u>  X  </u>	Accepted as Amended	<u>      </u>	No Action	<u>      </u>
<b>Delegate Action:</b>	Accepted	<u>      </u>	Rejected	<u>      </u>		

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**Title:**

Report-Clean In Place (CIP) Committee

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

acknowledgment of the 2016-18 Clean in Place (CIP) Committee Report, with thanks to the members of the Committee for their work, and dissolution of the CIP committee.

*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.*

**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-005**

<b>Council Recommendation:</b>	Accepted as Submitted	<input checked="" type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input type="checkbox"/>
<b>Delegate Action:</b>	Accepted	<input type="checkbox"/>	Rejected	<input type="checkbox"/>		

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**Title:**

CIP 2 - ANSI/Food Code definition

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

A letter be sent to National Sanitation Foundation (NSF) requesting that NSF:

1. Initiate the consensus process to change "in place cleaning" to the more commonly used "Clean in Place (CIP)" which would also align with the Food Code.
2. Include the same specific exclusionary language: "CIP does not include the cleaning of EQUIPMENT such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system." used by the Food Code in its definition of CIP into the American National Standards Institute (ANSI) definition.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-006**

<b>Council Recommendation:</b>	Accepted as Submitted _____	Accepted as Amended _____	No Action _____	<u><b>X</b></u>
<b>Delegate Action:</b>	Accepted _____	Rejected _____		

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**Title:**

Amend Food Code - Biofilms

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

no action because the proposed change in priority designation would be inconsistent with current Food Code ideology. Insufficient information was provided about how inspectors can verify proposed regulatory inspection requirements and there is insufficient science regarding the nature of risk associated with biofilms. The recommended solution would also not be allowed due to the EPA not permitting biofilm control claims for food contact surfaces.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-007**

<b>Council Recommendation:</b>	Accepted as Submitted	<u>  X  </u>	Accepted as Amended	<u>      </u>	No Action	<u>      </u>
<b>Delegate Action:</b>	Accepted	<u>      </u>	Rejected	<u>      </u>		

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**Title:**

Amend Food Code - Standards for Food Equipment Certification

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

that a letter be sent to the FDA requesting the most current edition of Food Code be amended as follows:

1) addition to Section 4-205.10 (new language underlined).

*Acceptability* 4-205.10 Food Equipment, Certification and Classification.

FOOD EQUIPMENT that is certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program to the corresponding American National Standard listed in Annex 8, is deemed to comply with Parts 4-1 and 4-2 of this chapter.

2) addition of an Annex 8 that lists the relevant American National Standards (see attached content document titled: *Proposed Annex 8 of Food Code*).

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-008**

<b>Council Recommendation:</b>	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input checked="" type="checkbox"/>
<b>Delegate Action:</b>	Accepted	<input type="checkbox"/>	Rejected	<input type="checkbox"/>		

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**Title:**

Amend Food Code - Backflow Prevention, 5-402.11

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

no action because it conflicts with plumbing codes detrimental to public health.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-009**

<b>Council Recommendation:</b>	Accepted as Submitted _____	Accepted as Amended _____	<u>X</u>	No Action _____
<b>Delegate Action:</b>	Accepted _____	Rejected _____		

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**Title:**

Creation of a Committee - Clarification of the Term "Easily Cleanable"

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

that a letter be sent to the FDA requesting an interpretation of the definition of "easily cleanable" in the Food Code with regard to food equipment known to have designs that depend upon clean in place (CIP) processes for safety but do not allow for easy inspection, cleaning, and sanitizing access of its food contact surfaces in light of National Sanitation Foundation/American National Standards Institute (NSF/ANSI) 170-2015 Glossary of Food Equipment Terminology.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-010**

<b>Council Recommendation:</b>	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input checked="" type="checkbox"/>
<b>Delegate Action:</b>	Accepted	<input type="checkbox"/>	Rejected	<input type="checkbox"/>		

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**Title:**

Amend Food Code 1-201.10 Statement of Application and Listing of Terms

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

no action because the term 'clean' is adequately defined in Section 4-601.11 of the FOOD CODE.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-011**

<b>Council Recommendation:</b>	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input checked="" type="checkbox"/>
<b>Delegate Action:</b>	Accepted	<input type="checkbox"/>	Rejected	<input type="checkbox"/>		

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**Title:**

Amend Food Code - Whole Muscle Intact Beef Labeling

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

no action because Food Code Section 3-201.11(C) already requires the entirety of 9 Code of Federal Regulation (CFR) 317, Labeling, Marking Devices, and Containers.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-012**

<b>Council Recommendation:</b>	Accepted as Submitted _____	Accepted as Amended _____	<input checked="" type="checkbox"/> No Action _____
<b>Delegate Action:</b>	Accepted _____	Rejected _____	

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**Title:**

Amend Food Code - Harmonize Labeling for Mechanically Tenderized Beef

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

that a letter be sent to the FDA and USDA/FSIS requesting that they work collectively to develop language in Paragraph 3-602.11(B) Food Labels that reflects the labeling requirements in 9 Code of Federal Regulations (CFR) Part 317 Labeling, Marking Devices, and Containers, as it relates to “mechanically tenderized” and “injected meat.”

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-013**

<b>Council Recommendation:</b>	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No Action	<input type="checkbox"/>
<b>Delegate Action:</b>	Accepted	<input type="checkbox"/>	Rejected	<input type="checkbox"/>			

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**Title:**

Amend Food Code - Update Definition for "Mechanically Tenderized"

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

that a letter be sent to the FDA requesting that they establish a harmonized and aligned definition with the USDA for the term 'mechanically tenderized' as it pertains to 9 Code of Federal Regulations (CFR) 317.2(e)(3) – Labels: definitions.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-014**

<b>Council Recommendation:</b>	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input checked="" type="checkbox"/>
<b>Delegate Action:</b>	Accepted	<input type="checkbox"/>	Rejected	<input type="checkbox"/>		

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**Title:**

Amend Food Code - Exempt Restaurant-Type Food from label requirements

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

no action because the recommended definition would be in conflict with 21 Code of Federal Regulations (CFR) Part 101 – Food Labeling.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-016**

<b>Council Recommendation:</b>	Accepted as Submitted	<u>  X  </u>	Accepted as Amended	<u>      </u>	No Action	<u>      </u>
<b>Delegate Action:</b>	Accepted	<u>      </u>	Rejected	<u>      </u>		

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**Title:**

Amend Food Code-Resolve conflict in § 3-502.12 (C) and (F): ROP Criteria

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

that a letter be sent to the FDA requesting § 3-502.12 of the most current edition of the Food Code, Reduced Oxygen Packaging without a Variance, Criteria be amended as follows (new language is underlined):

(C) Except as specified under ¶ (F) of this section, for FISH that is frozen before, during, and after PACKAGING, a FOOD ESTABLISHMENT may not PACKAGE FISH using a REDUCED OXYGEN PACKAGING method.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-017**

<b>Council Recommendation:</b>	Accepted as Submitted _____	Accepted as Amended _____	No Action _____	<u><b>X</b></u>
<b>Delegate Action:</b>	Accepted _____	Rejected _____		

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**Title:**

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

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

no action because the Issue is addressed in Issue 2018-I-018.

*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.*

**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-018**

**Council Recommendation:** Accepted as Submitted   X   Accepted as Amended        No Action       

**Delegate Action:** Accepted        Rejected       

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**Title:**

Amend Food Code 3-502.12 Reduced Oxygen Packaging Without a Variance

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

that a letter be sent to the FDA requesting that Section 3-502.12 of the most current edition of the Food Code be amended as follows (language to be removed is in strikethrough format; new language is underlined):

3-502.12- Reduced Oxygen Packaging Without a Variance, Criteria

(A) Except for a FOOD ESTABLISHMENT that obtains a VARIANCE as specified under § 3-502.11, a FOOD ESTABLISHMENT that ~~PACKAGES TIME/TEMPERATURE CONTROL FOR SAFETY FOOD~~ using a REDUCED OXYGEN PACKAGING method shall control the growth and toxin formation of ***Clostridium botulinum*** and the growth of ***Listeria monocytogenes***.<sup>P</sup>

(B) Except as specified under ~~¶(F), ¶(E)~~ 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 (C) and (D)~~ § 8-201.14 and that:<sup>Pf</sup>

(1) ~~Identifies the FOOD to be PACKAGED;~~<sup>Pf</sup>

2) Except as specified under ~~¶¶ (C)-(E)~~ ¶¶ (C)-(D) 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:<sup>Pf</sup>

(a) Has an A<sub>w</sub> of 0.91 or less;<sup>Pf</sup>

(b) Has a PH of 4.6 or less;<sup>Pf</sup>

(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,<sup>Pf</sup> or

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

(e) Is a cheese that is 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; <sup>P</sup>

~~(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: <sup>Pf</sup>~~

~~(a) Maintain the FOOD at 5°C (41°F) or below, <sup>Pf</sup> 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; <sup>Pf</sup>~~

~~(4)-(2) 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; <sup>P</sup>~~

~~(5) (3) Includes operational procedures that:~~

~~(a) Prohibit contacting READY-TO-EAT FOOD with bare hands as specified under ¶ 3-301.11(B), <sup>Pf</sup>~~

~~(b) Identify a designated work area and the method by which: <sup>Pf</sup>~~

~~(i) Physical barriers or methods of separation of raw FOODS and READY-TO-EAT FOODS minimize cross contamination, <sup>Pf</sup> and~~

~~(ii) Access to the processing EQUIPMENT is limited to responsible trained personnel familiar with the potential HAZARDS of the operation, <sup>Pf</sup> and~~

~~(c) Delineate cleaning and SANITIZATION procedures for FOOD-CONTACT SURFACES; <sup>Pf</sup> and~~

~~(d) Describe how the PACKAGE shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to: <sup>Pf</sup>~~

~~(i) Maintain the FOOD at 5°C (41°F) or below, <sup>Pf</sup> and~~

~~(ii) 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; <sup>Pf</sup>~~

~~(6)~~ (4) Describes the training program that ensures that the individual responsible for the REDUCED OXYGEN PACKAGING operation understands the: <sup>Pf</sup>

(a) Concepts required for a safe operation, <sup>Pf</sup>

(b) EQUIPMENT and facilities, <sup>Pf</sup> and

(c) Procedures specified under Subparagraph ~~(B)(5)~~ (B)(3) of this section and ~~¶¶ 8-201.14 (C) and (D)~~ § 8-201.14. <sup>Pf</sup>

~~(7)~~ (5) Is provided to the REGULATORY AUTHORITY prior to implementation as specified under ¶ 8-201.13(B).

(C) *Except for FISH that is frozen before, during, and after PACKAGING*, a FOOD ESTABLISHMENT may not PACKAGE FISH using a REDUCED OXYGEN PACKAGING method. <sup>P</sup>

(D) Except as specified under ¶(C) and ~~¶(F)~~ ¶(E) of this section, a FOOD ESTABLISHMENT that PACKAGES TIME/TEMPERATURE CONTROL FOR SAFETY FOOD using a cook-chill or sous vide process shall:

(1) Provide to the REGULATORY AUTHORITY prior to implementation, a HACCP PLAN that contains the information as specified under ~~¶¶ 8-201.14 (C) and (D)~~ § 8-201.14; <sup>Pf</sup>

(2) Ensure the FOOD is:

(a) Prepared and consumed on the PREMISES, or prepared and consumed off the PREMISES but within the same business entity with no distribution or sale of the PACKAGED product to another business entity or the CONSUMER, <sup>Pf</sup>

(b) Cooked to heat all parts of the FOOD to a temperature and for a time as specified under ¶¶ 3-401.11 (A), (B), and (C), <sup>P</sup>

(c) Protected from contamination before and after cooking as specified under Parts 3-3 and 3-4, <sup>P</sup>

(d) Placed in a PACKAGE with an oxygen barrier and sealed before cooking, or placed in a PACKAGE and sealed immediately after cooking and before reaching a temperature below 57°C (135°F), <sup>P</sup>

(e) Cooled to 5°C (41°F) in the sealed PACKAGE or bag as specified under § 3-501.14 and: <sup>P</sup>

(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; <sup>P</sup>



(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; <sup>P</sup> or

(iii) Held frozen with no shelf life restriction while frozen until consumed or used. <sup>P</sup>

(f) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily, <sup>Pf</sup>

(g) If transported off-site to a satellite location of the same business entity, equipped with verifiable electronic monitoring devices to ensure that times and temperatures are monitored during transportation, <sup>Pf</sup> and

(h) Labeled with the product name and the date PACKAGED; <sup>Pf</sup> and

(3) Maintain the records required to confirm that cooling and cold holding refrigeration time/temperature parameters are required as part of the HACCP PLAN and:

(a) Make such records available to the REGULATORY AUTHORITY upon request, <sup>Pf</sup> and

(b) Hold such records for at least 6 months; <sup>Pf</sup> and

(4) Implement written operational procedures as specified under Subparagraph ~~(B)(5)~~ (B)(3) of this section and a training program as specified under Subparagraph ~~(B)(6)~~ (B)(4) of this section. <sup>Pf</sup>

~~(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; <sup>P</sup>~~

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

~~(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; <sup>Pf</sup> 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. <sup>Pf</sup>~~

~~(F)~~(E) A HACCP Plan is not required when a FOOD ESTABLISHMENT uses a REDUCED OXYGEN PACKAGING method to PACKAGE TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is always:

(1) Labeled with the production time and date,

(2) Held at 5°C (41°F) or less during refrigerated storage, and

(3) Removed from its PACKAGE in the FOOD ESTABLISHMENT within 48 hours after PACKAGING.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-019**

<b>Council Recommendation:</b>	Accepted as Submitted _____	Accepted as Amended _____	<u>X</u> No Action _____
<b>Delegate Action:</b>	Accepted _____	Rejected _____	

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**Title:**

Amend Food Code 8-201.14 Contents of a HACCP Plan.

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

that a letter be sent to the FDA requesting that Section 8-201.14 of the most current edition of the Food Code be amended as follows (language to be removed is in strikethrough format; new language is underlined):

8-201.14 - Contents of a HACCP Plan

For a food establishment that is required under § 8-201.13 to have a HACCP PLAN, the PERMIT applicant or PERMIT HOLDER shall submit to the REGULATORY AUTHORITY a properly prepared HACCP PLAN that includes:

(A) General information such as the name of the PERMIT applicant or PERMIT HOLDER, the FOOD ESTABLISHMENT address, and contact information;

(B) A categorization of the types of TIME/TEMPERATURE CONTROL FOR SAFETY FOODS that are to be controlled under the HACCP PLAN; <sup>Pf</sup>

(C) A flow diagram or chart for each specific FOOD or category type that identifies:

(1) Each step in the process; Pf

(2) The HAZARDS and controls for each step in the flow diagram or chart; Pf

(3) The steps that are CRITICAL CONTROL POINTS; Pf

(4) A list of the ingredients, materials, and equipment used in the preparation of that FOOD; ~~Pf and~~

~~(D)~~ (5) The materials, equipment, formulations or recipes that delineate methods and procedural control measures that address the FOOD safety concerns involved and the points at which such materials, equipment, formulations, and recipes enter the flow of food.<sup>Pf</sup>

~~(D)~~ (E) A CRITICAL CONTROL POINTS summary for each specific FOOD or category type that clearly identifies:

(1) Each CRITICAL CONTROL POINT,<sup>Pf</sup>

(2) The significant HAZARDS for each CRITICAL CONTROL POINT,<sup>Pf</sup>

~~(2)~~ (3) The CRITICAL LIMITS for each CRITICAL CONTROL POINT,<sup>Pf</sup>

~~(3)~~ (4) The method and frequency for monitoring and controlling each CRITICAL CONTROL POINT by the designated FOOD EMPLOYEE or the PERSON IN CHARGE,<sup>Pf</sup>

~~(4)~~ (5) The method and frequency for the PERSON IN CHARGE to routinely verify that the FOOD EMPLOYEE is following standard operating procedures and monitoring CRITICAL CONTROL POINTS,<sup>Pf</sup>

~~(5)~~ (6) Action to be taken by the designated FOOD EMPLOYEE or PERSON IN CHARGE if the CRITICAL LIMITS for each CRITICAL CONTROL POINT are not met,<sup>Pf</sup> and

~~(6)~~ (7) Records to be maintained by the PERSON IN CHARGE to demonstrate that the HACCP PLAN is properly operated and managed;<sup>Pf</sup>

~~(E)~~ (F) Supporting documents such as:

(1) FOOD EMPLOYEE and supervisory training plan and operating procedures that addresses the FOOD safety issues of concern;<sup>Pf</sup>

(2) Copies of blank records forms that are necessary to implement the HACCP PLAN;<sup>Pf</sup>

(3) Additional scientific data or other information, as required by the REGULATORY AUTHORITY, supporting the determination that FOOD safety is not compromised by the proposal.<sup>Pf</sup>

~~(F)~~ (G) Any other information required by the REGULATORY AUTHORITY.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-020**

<b>Council Recommendation:</b>	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input checked="" type="checkbox"/>
<b>Delegate Action:</b>	Accepted	<input type="checkbox"/>	Rejected	<input type="checkbox"/>		

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

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**Title:**

Amend Food Code – Variance Procedure Requirements

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

no action because the Issue is adequately addressed in Paragraph 8-304.11(B) of the current FDA Food Code.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-021**

<b>Council Recommendation:</b>	Accepted as Submitted	<input checked="" type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input type="checkbox"/>
<b>Delegate Action:</b>	Accepted	<input type="checkbox"/>	Rejected	<input type="checkbox"/>		

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**Title:**

Amend Food Code – Food Establishment Requirement to Retain Variance

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

that a letter be sent to the FDA requesting that Section 8-103.11 of the most current edition of the Food Code be amended to include clarifying language for variance procedures that do not require a HACCP Plan. Recommended language to read (new language is underlined):

Before a VARIANCE from a requirement of this Code is APPROVED, the information that shall be provided by the PERSON requesting the VARIANCE and retained by the FOOD ESTABLISHMENT and in the REGULATORY AUTHORITY'S file on the FOOD ESTABLISHMENT includes...

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-022**

<b>Council Recommendation:</b>	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input checked="" type="checkbox"/>
<b>Delegate Action:</b>	Accepted	<input type="checkbox"/>	Rejected	<input type="checkbox"/>		

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**Title:**

Amend Food Code - Separation of Raw Animal Foods By Cook Temperature

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

no action because the Issue is adequately covered in Section 3-302.11 of the current FDA Food Code.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-023**

<b>Council Recommendation:</b>	Accepted as Submitted _____	Accepted as Amended _____	<input checked="" type="checkbox"/> No Action _____
<b>Delegate Action:</b>	Accepted _____	Rejected _____	

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**Title:**

Amend Food Code - Separation of Packaged Products Displayed at Retail

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

that a letter be sent to the FDA requesting the most current edition of the Food Code Section 3-302.11 be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format)

3-302.11

(A) FOOD shall be protected from cross contamination by:

(1) Except as specified in (1)(c) or (d) below, separating raw animal FOODS during storage, preparation, holding, and display from:

(a) Raw READY-TO-EAT FOOD including other raw animal FOOD such as FISH for sushi or MOLLUSCAN SHELLFISH, or other raw READY-TO-EAT FOOD such as fruits and vegetables, <sup>P</sup> and

(b) Cooked READY-TO-EAT FOOD; <sup>P</sup>

(c) Fruits and vegetables before they are washed; <sup>P</sup>

(d) Frozen, commercially processed and packaged raw animal FOOD may be stored or displayed with or above frozen, commercially processed and packaged, ready-to eat food.

(e) Commercially processed and packaged food that is vacuum packaged, modified atmosphere packaged (MAP), or hermetically sealed to prevent the entry of microbes and other contaminants such as chemicals, physical barriers or other effective means may be displayed with or above foods packaged in the same manner, and package integrity is maintained.



(2) Except when combined as ingredients, separating types of raw animal FOODS from each other such as beef, FISH, lamb, pork, and POULTRY during storage, preparation, holding, and display by:

(a) Using separate EQUIPMENT for each type, <sup>Pf</sup> or

(b) Arranging each type of FOOD in EQUIPMENT so that cross contamination of one type with another is prevented, <sup>Pf</sup> and

(c) Preparing each type of FOOD at different times or in separate areas; <sup>P</sup>

(3) Cleaning EQUIPMENT and UTENSILS as specified under ¶ 4-602.11(A) and SANITIZING as specified under § 4-703.11;

(4) Except as specified under Subparagraph 3-501.15(B)(2) and in ¶ (B) of this section, storing the FOOD in packages, covered containers, or wrappings;

(5) Cleaning HERMETICALLY SEALED CONTAINERS of FOOD of visible soil before opening;

(6) Protecting FOOD containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;

(7) Storing damaged, spoiled, or recalled FOOD being held in the FOOD ESTABLISHMENT as specified under § 6-404.11; ~~and~~ OR

(8) Separating fruits and vegetables, before they are washed as specified under § 3-302.15 from READY-TO-EAT FOOD.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-024**

<b>Council Recommendation:</b>	Accepted as Submitted _____	Accepted as Amended _____	<input checked="" type="checkbox"/> No Action _____
<b>Delegate Action:</b>	Accepted _____	Rejected _____	

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**Title:**

Amend Food Code - Food Safety Regulations for Food Donations

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

establishment of a Food Recovery Committee in order to ensure safe food donation practices with the following charges:

1. Evaluate existing materials including the AFDO guidance, Comprehensive Resource for Food Recovery, and any other relevant guidances and documents pertaining to donated food; update the CFP guidance as needed; and evaluate opportunities to better disseminate existing guidance.
2. Identify best practices for handling, storage, and labeling of food for donation.
3. Examine existing state regulations that address food safety procedures for donation.
4. Recommend any necessary language changes to the FDA Food Code to ensure the safety of donated food.
5. Report back to the 2020 Biennial Meeting.

The Conference further recommends that a letter be sent to the FDA requesting that the definition of "food establishment" in the FDA Food Code be modified as follows:

**Food Establishment.**

- (1) **"Food establishment"** means an operation that:
  - (a) Stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides FOOD for human consumption such as a restaurant; satellite or catered feeding location; catering operation if the operation provides FOOD directly to a CONSUMER or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or FOOD bank; and
  - (b) Relinquishes possession of FOOD to a CONSUMER directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers; or to a FOOD bank, food recovery program or organization.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-026**

<b>Council Recommendation:</b>	Accepted as Submitted _____	Accepted as Amended _____	<input checked="" type="checkbox"/> No Action _____
<b>Delegate Action:</b>	Accepted _____	Rejected _____	

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**Title:**

Amend Food Code - Add Time/Date Together as a Method of Date Marking

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

that a letter be sent to the FDA asking that a day be clarified as a 24-hour interval for the purpose of date marking in the public health reasons of Annex 3.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-027**

<b>Council Recommendation:</b>	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input checked="" type="checkbox"/>
<b>Delegate Action:</b>	Accepted	<input type="checkbox"/>	Rejected	<input type="checkbox"/>		

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**Title:**

Amend Food Code - Obtaining Purchase Info During Outbreak Investigations

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

no action because while there are significant legal concerns with Personal Information Protection and Privacy Laws, the CFP Executive Board should consider the establishment of an ad-hoc committee to develop model practices that address the collection and protection of consumer data associated with the investigation of foodborne illness outbreak events.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-028**

<b>Council Recommendation:</b>	Accepted as Submitted _____	Accepted as Amended _____	No Action _____	<u><b>X</b></u>
<b>Delegate Action:</b>	Accepted _____	Rejected _____		

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**Title:**

Amend Food Code - Clarify 3-301.11(D) When Reheating for Hot Holding

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

no action because there is insufficient science to support the solution as proposed.

*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.*

**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-029**

<b>Council Recommendation:</b>	Accepted as Submitted _____	Accepted as Amended _____	<input checked="" type="checkbox"/> No Action _____
<b>Delegate Action:</b>	Accepted _____	Rejected _____	

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**Title:**

Amend Food Code FSIS Chicken Liver Compliance Guide in Annex

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

that a letter be sent to the FDA requesting the most current edition of the Food Code be amended by:

1. adding a link to the FSIS "Food Safety Lessons learned from Outbreaks Associated with Chicken Livers for Official Establishments Retail Food and Food Service Entities Mini-Compliance Guide" guideline (*as attached*); and

2. adding a subsection to the Annex on Chicken Livers with phrasing similar to:

From 2000-2015, chicken livers were associated with 22 outbreaks, most commonly due to undercooking. USDA FSIS' Compliance Guideline on Food Safety Lessons Learned from Outbreaks Associated with Chicken Livers for Establishments Retail Food and Food Service Entities (provide link when available) provides additional guidance (beyond the time/temperature recommendations in the Food Code) that retailers and others can use to reduce or eliminate pathogens, thereby decreasing the likelihood of foodborne illness outbreaks from this product. The guidance document explains why searing the outside of the liver is not adequate for pathogen elimination in chicken livers and emphasizes appropriate cooking to an internal temperature of 165°F to avoid illnesses. Thorough cooking is the only method to eliminate pathogens. However, although it is not recommended from a food safety standpoint, some foodservice preparers and consumers prefer undercooked chicken liver dishes. The guidance also provides other recommendations to minimize (but not eliminate) pathogen contamination associated with undercooked chicken liver dishes.

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# Chicken Liver–Associated Outbreaks: Food Safety Guideline for Official Establishments, Retailers, and Foodservice Entities

## What is the purpose of this guideline?

FSIS is issuing this draft guideline to help FSIS-regulated establishments, retail food outlets, and foodservice entities mitigate the risks from chicken liver.

## Who is this guideline designed for?

This document is designed for FSIS-regulated establishments, and retail food outlets, and foodservice entities, including hotels, restaurants, and institutions, that produce raw (not-ready-to-eat) chicken liver, or products made from chicken liver, for human consumption. It provides **guidance** to assist establishments in reducing the public health risk associated with chicken liver. Additionally, retail food outlets and foodservice entities may find this guidance useful when considering suppliers for chicken liver for use in pâté or similar dishes. These entities may also find it useful when considering preparation practices, as this guidance explains the need to fully cook chicken liver due to the potential for the external and internal presence of pathogens. The document discusses recommendations by FSIS, based on currently available scientific evidence and practical considerations. The recommendations are **not requirements** that must be met. Establishments may choose to adopt different procedures than those outlined in the guideline, but they would need to support why those procedures are effective. This guideline represents FSIS's current thinking on this topic, and FSIS encourages official establishments and others to use it.

## Why was this guidance developed?

Several reports of outbreaks of *Campylobacter* and *Salmonella* illnesses associated with chicken liver consumption have been published ([USDA-FSIS, 2011](#); [CDC, 2013](#); [CDC, 2015](#); [CDC, 2017](#)). According to a recent presentation summarizing a review of these outbreaks, 22 chicken liver–associated campylobacteriosis and salmonellosis outbreaks were reported to public health authorities in the United States during 2000–2015, comprising 331 total reported illnesses (Lanier et al., 2017). Over half of these outbreaks occurred during 2014–2015 and represented 21-34% of chicken-related outbreaks ([CDC, 2016](#); [CDC, 2017](#)). Commonly reported outbreak features included:

- 1) Consumption of a blended chicken liver dish (e.g., pâté);
- 2) Inadequate cooking of the chicken liver dish; and/or
- 3) Consumption of the chicken liver dish outside the home (e.g., in a restaurant).

Another factor that likely contributed to these outbreaks is the potential for pathogens to be present both on the surface and internally. These findings led to the recommendations in this guideline to promote a reduction in pathogens in raw chicken liver products and to promote thorough cooking of these products.

## Can chicken liver be contaminated with pathogens?

Yes, similar to other raw poultry products, chicken liver can be contaminated with pathogens such as *Campylobacter* and *Salmonella*. Surface contamination can result from insanitary dressing procedures, as well as from the processing environment.

In addition to surface contamination, chicken liver can contain pathogens internally, even when chickens are dressed in a sanitary manner. Studies have demonstrated the presence of *Campylobacter* in the internal tissue of between 10% and 90% of tested chicken livers after the external surface was sanitized (Boukraa et al., 1991; Barot et al., 1983; Baumgartner et al., 1995; Firleyanti et al., 2016; Whyte et al., 2006). Additionally, researchers have detected *Campylobacter* and *Salmonella* in the liver of chickens previously free of these pathogens after experimental oral inoculation (Chaloner et al., 2014; Knudsen et al., 2006; Sanyal et al., 1984; Borsoi et al., 2009; Gast et al., 2013; He et al., 2010). Pathogens are thought to spread from the intestine to the internal liver tissue via the biliary, lymphatic, or vascular systems, although the exact route is unclear.

## Why is the presence of pathogens in the internal tissue of chicken liver a problem?

Some recipes for chicken liver dishes, such as pâté, instruct the preparer to only partially cook the liver (e.g., by searing). Partial cooking may kill pathogens on the external surface, but will likely not kill all pathogens in the internal tissue. Any internal pathogens that survive in products made from inadequately cooked chicken liver could make consumers sick. Inadequate cooking was a contributing factor in many of the reported illness outbreaks associated with chicken liver.

## How should retail food outlets, foodservice entities, and consumers prepare chicken liver?

The main message for food preparers at retail food outlets and foodservice entities and at home is that chicken liver dishes, like all poultry products, should be consumed only after being cooked throughout to a [safe minimum internal temperature of 165 °F \(73.9 °C\)](#) as measured with a food thermometer ([Food Code, 3-401.11](#)). For food safety reasons, this should be done regardless of preferences. In addition, with respect to storage, FSIS recommends using chicken liver within one to



two days if stored in a refrigerator set at 40 °F or below, or within three to four months if frozen at 0 °F or below. Further information on the safe handling of chicken liver and other giblets is available on [Foodsafety.gov](http://foodsafety.gov).

## What can establishments do to lower the risks to consumers associated with chicken liver?

The Hazard Analysis and Critical Control Points (HACCP) system of each establishment that produces chicken liver for human consumption is required to adequately address food safety hazards reasonably likely to occur, including external and internal pathogens. As part of the HACCP requirements, establishments must identify the intended use for consumers of the finished product ([9 CFR 417.2\(a\)\(2\)](#)). When identifying the intended use, establishments should consider whether chicken liver will be sold to foodservice entities that prepare pâté or similar dishes and consider the potential hazards that could result from inadequate cooking at foodservice entities. Official establishments that sell chicken liver to foodservice entities should consider any contractual controls that can be put in place to ensure customers will prepare the liver in a manner whereby pathogens would not be a significant health risk. Establishments that do not know the intended use of the chicken liver should consider the possibility that the liver will be used to prepare pâté or similar dishes and the hazards that could result from inadequate cooking. As described below, freezing, washing with organic acids, proper labeling, and other interventions may help establishments address these hazards.

### *Freezing*

Studies have demonstrated that freezing can reduce, but not eliminate, *Campylobacter* contamination of chicken liver.

In a study involving homogenized chicken liver, Harrison et al. (2013) found that freezing caused significant reductions in *Campylobacter* counts. In liver placed in a freezer set at 5 °F (-15 °C), *Campylobacter* counts were reduced by approximately 0.8 log after 24 hours or by approximately 1.5 log after 7 days. *Campylobacter* counts more rapidly decreased in liver placed in a freezer set at -13 °F (-25 °C). An approximately 1.5-log reduction in *Campylobacter* counts was achieved after 24 hours; there was no significant difference between this reduction and the 7-day reduction at the same temperature. Additionally, these researchers observed an overall approximately 3-log reduction in *Campylobacter* counts after two periods of freezing at -13 °F (-25 °C) for 24 hours separated by a 24-hour thaw at 39.2 °F (4 °C).

Baumgartner et al. (1995) found *Campylobacter* less often in chicken liver that had been frozen, then thawed, than in liver that had not been frozen (16% vs. 31%). These researchers also found that *Campylobacter*, when present, was generally present in lower numbers in previously frozen chicken liver than in fresh.

Freezing the entire liver is likely to affect *Campylobacter* organisms existing on both the

external liver surface and in the internal tissue.

Foodservice preparers and consumers may be concerned that freezing chicken liver negatively affects palatability. However, in a study of cooking practices and consumer preferences in the United Kingdom, Hutchinson et al. (2015) observed among consumers an overall sensory preference for chicken liver pâté made from liver that had been frozen.

### *Organic Acid Washes*

Some antimicrobials have been validated to reduce *Campylobacter* on the surface of chicken liver. For example, Hutchinson et al. (2015) found that 2-minute washes at 69.8 °F (21 °C) with either 5% lactic or 5% ethanoic (acetic) acid reduced *Campylobacter* counts on the surface of naturally contaminated chicken liver by ~1.5 log. Any antimicrobial interventions applied by official establishments to chicken liver need to be considered safe and suitable by FSIS. A list of approved antimicrobials can be found in [9 CFR 424.21\(c\)](#) and in [FSIS Directive 7120.1](#), *Safe and Suitable Ingredients Used in the Production of Meat, Poultry, and Egg Products*.

Although acid washes will likely not be effective in reducing internal pathogen contamination, they may reduce pathogens on the external surface of chicken liver.

### *Labeling/Cooking Instructions*

FSIS recommends that chicken liver be fully cooked because freezing and organic acid washes can reduce, but not eliminate, pathogens. For this reason, FSIS recommends that labels of all chicken liver include validated cooking instructions that are sufficient to destroy pathogens. FSIS recommends that cooking instructions indicate that the product should be cooked to a safe minimum internal temperature of 165 °F (73.9 °C), or other validated time/temperature combination, as measured with a food thermometer. This recommendation is consistent with the cooking recommendations in the ([Food Code](#), 3-401.11).

In addition, if the product appears ready-to-eat (RTE), but is not (e.g., because chicken liver is broiled, but not fully cooked to lethality, it appears RTE), the label needs to have features that are conspicuous so that the intended user is fully aware that product must be cooked for safety. This is best conveyed through language on the principal display panel of the label (e.g., “cook and serve,” “needs to be fully cooked,” “see cooking instructions,” or “cook before eating”). In a 2011 outbreak of salmonellosis involving 190 reported illnesses associated with chicken liver products (Hanson et al., 2014), potentially misleading labeling (i.e., “broiled”) and product appearance may have given the impression that the product was fully cooked when, in fact, it was not.

FSIS requires raw meat and poultry products (including those that are partially cooked) to be labeled with safe handling instructions ([9 CFR 317.2\(k\)](#) and [9 CFR 381.125\(b\)](#)). In addition, if it is not obvious the product is raw, based on appearance, FSIS recommends

establishments include other cues on the label, such as those mentioned in the paragraph above, to increase consumer awareness that the product needs to be cooked.

### *Other Interventions*

Additional interventions listed in the [Draft FSIS Compliance Guide for Controlling Salmonella and Campylobacter in Raw Poultry](#), such as high-pressure processing (HPP), may also be effective in controlling pathogens in chicken liver. Generally, HPP has been found effective in reducing pathogen contamination in other chicken parts; however, FSIS is not aware of any published reports of its effectiveness specifically in chicken liver. Therefore, if an establishment uses HPP to support decisions in its hazard analysis related to pathogen reduction in chicken liver, it would need to gather its own scientific support to meet the validation requirements in [9 CFR 417.4\(a\)\(1\)](#).

## **Does this guideline apply to liver from other species?**

This document is specific to chicken liver. However, illness outbreaks associated with the liver of other poultry species, including goose and duck, have been reported; the recommendations contained in this document may also be effective for other species.

## **Helpful Webpages**

- AskKaren Webpages
  - [How do you cook giblets?](#)
  - [How are giblets inspected?](#)
- [Giblets and Food Safety](#)
- [Safe Minimum Internal Temperature Chart](#)
- [FoodSafety.gov blog about cooking chicken liver dishes](#)
- [Draft FSIS Compliance Guideline for Controlling Salmonella and Campylobacter in Raw Poultry](#)

## **What if I still have questions after I read this guideline?**

If the desired information cannot be found within the guideline, FSIS recommends that users search the publicly posted Questions & Answers (Q&As) in the [AskFSIS](#) database or submit questions through [AskFSIS](#). Documenting these questions will help FSIS improve and refine present and future versions of this guideline and associated issuances.

When submitting a question, use the Submit a Question tab, and enter the following

information in the fields provided:

Subject Field: Chicken Liver–Associated Outbreaks: Food Safety Guideline for Official Establishments, Retailers, and Foodservice Entities  
Question Field: Enter question with as much detail as possible.  
Product Field: Select **General Inspection Policy** from the drop-down menu.  
Category Field: Select **Sampling** from the drop-down menu.  
Policy Arena: Select **Domestic (U.S.) Only** from the drop-down menu.

When all fields are complete, press **Continue**.

## How can I comment on this guideline?

FSIS is seeking comments on this guideline as part of its efforts to continuously assess and improve the effectiveness of policy documents. All interested persons may submit comments regarding any aspect of this document, including but not limited to: content, readability, applicability, and accessibility. The comment period will be 60 days and the document will be updated in response to the comments submitted.

Comments may be submitted by any of the following methods:

Federal eRulemaking Portal Online submission at [regulations.gov](http://www.regulations.gov): This web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to <http://www.regulations.gov> and follow the online instructions at that site for submitting comments.

Mail, including CD-ROMs, etc.: Send to Docket Clerk, U.S. Department of Agriculture (USDA), FSIS, OPPD, RIMS, Patriots Plaza 3, 1400 Independence Avenue SW, Mailstop 3782, Patriots Plaza III, 8-163A, Washington, DC 20250-3700.

Hand or courier-delivered submittals: Deliver to Patriots Plaza 3, 355 E. Street SW, Room 8-163A, Washington, DC 20250-3700.

All items submitted by mail or electronic mail must include the Agency name (FSIS) and document title: Chicken Liver–Associated Outbreaks: Food Safety Guideline for Official Establishments, Retailers, and Foodservice Entities. Comments received will be made available for public inspection and posted without change, including any personal information, to <http://www.regulations.gov>.

## References

Barot MS, Mosenthal AC, and Bokkenheuser VD. 1983. Location of *Campylobacter jejuni* in infected chicken livers. J Clin Micro. May:921–2. [DOI](#)

Baumgartner A, Grand M, Liniger M, and Simmen A. 1995. *Campylobacter* contaminations of poultry liver—consequences for food handlers and consumers. Arch Lebensm Hyg. Jan/Feb;46:11–12.

Borsoi A, Santin E., Santos LR, Salle CTP, Moraes HLS, and Nascimento VP. 2009. Inoculation of newly hatched broiler chicks with two Brazilian isolates of *Salmonella* Heidelberg strains with different virulence gene profiles, antimicrobial resistance, and pulsed field gel electrophoresis patterns to intestinal changes evaluation. Poult Sci. 88(4):750–758. [DOI](#)

Boukraa L, Messier S, and Robinson Y. 1991. Isolation of *Campylobacter* from livers of broiler chickens with and without necrotic hepatitis lesions. Avian Dis. Oct;35(4):714–7.

Centers for Disease Control and Prevention (CDC). 2013. Multistate outbreak of *Campylobacter jejuni* infections associated with undercooked chicken livers — northeastern United States, 2012. MMWR Morb Mortal Wkly Rep 62(44):874–6. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6244a2.htm>

Centers for Disease Control and Prevention (CDC). 2015. Notes from the field: campylobacteriosis outbreak associated with consuming undercooked chicken liver pâté — Ohio and Oregon, December 2013–January 2014. MMWR Morb Mortal Wkly Rep 64(14):399. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6414a7.htm>

Centers for Disease Control and Prevention (CDC). 2016. Surveillance for foodborne disease outbreaks United States, 2014, Annual Report. Available at: <https://www.cdc.gov/foodsafety/pdfs/foodborne-outbreaks-annual-report-2014-508.pdf>

Centers for Disease Control and Prevention. 2017. Notes from the field: outbreak of *Campylobacter jejuni* associated with consuming undercooked chicken liver mousse — Clark County, Washington, 2016. MMWR Morb Mortal Wkly Rep. 2017 Sep 29;66(38):1027. [DOI](#) [PubMed](#)

Centers for Disease Control and Prevention (CDC). 2017. Surveillance for foodborne disease outbreaks United States, 2014, Annual Report. Available at: [https://www.cdc.gov/foodsafety/pdfs/2015FoodBorneOutbreaks\\_508.pdf](https://www.cdc.gov/foodsafety/pdfs/2015FoodBorneOutbreaks_508.pdf)

Chaloner G, Wigley P, Humphrey S, Kemmett K, Lacharme-Lora L, Humphrey T, et al. 2014. Dynamics of dual infection with *Campylobacter jejuni* strains in chickens reveals distinct strain-to-strain variation in infection ecology. Appl Environ Microbiol. Oct;80(20):6366–72. [DOI](#)

Firleyanti AS, Connerton PL, and Connerton IF. 2016. Campylobacters and their bacteriophages from chicken liver: the prospect for phage biocontrol. Int J. Food Microbiol. Nov;237:121–127. [DOI](#)

Food and Drug Administration. 2017. Food Code. Chapter 3-4: Destruction of

organisms of public health concern. Available at:

<https://www.fda.gov/downloads/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/UCM595140.pdf>

Gast RK, Guraya R, Jones DR, and Anderson KE. 2013. Colonization of internal organs by *Salmonella* Enteritidis in experimentally infected laying hens housed in conventional or enriched cages. *Poult Sci.* 92(2):468–73. [DOI](#)

Hanson H, Hancock WT, Harrison C, Kornstein L, Waechter H, Reddy V, et al. 2014. Creating student sleuths: how a team of graduate students helped solve an outbreak of *Salmonella* Heidelberg infections associated with kosher broiled chicken livers. *J Food Prot.* 77(8):1390–3. [DOI](#)

Harrison D, Corry JEL, Tchórzewska MA, Morris VK, and Hutchison ML. 2013. Freezing as an intervention to reduce the numbers of campylobacters isolated from chicken livers. *Lett Appl Micro.* 57:206–13. [DOI](#)

He GZ, Tian WY, Qian N, Cheng C, and Deng SX. 2010. Quantitative studies of the distribution pattern for *Salmonella* Enteritidis in the internal organs of chicken after oral challenge by a real-time PCR. *Vet Res Commun.* 34:669–76. [DOI](#)

Hutchinson M, Harrison D, Richardson I, and Tchórzewska M. 2015. A method for the preparation of chicken liver pâté that reliably destroys campylobacters. *Int J Environ Res Public Health.* 12(5):4652–69. [DOI](#)

Knudsen KN, Bang DD, Andresen LO, and Madsen M. 2006. *Campylobacter jejuni* strains of human and chicken origin are invasive in chickens after oral challenge. *Avian Dis.* 50(1):10–14. [DOI](#)

Lanier WA, Hale KR, Allen L, White P, Bachert J, Dewey-Mattia D, et al. 2017. Chicken liver-associated illness outbreaks, United States, 2000–2015—identifying opportunities for prevention [presentation at the Council of State and Territorial Epidemiologists, 7 June 2017]. Available at: <https://cste.confex.com/cste/2017/webprogram/Paper7893.html>

Sanyal SC, Islam KM, Neogy PK, Islam M, Speelman P, and Huq MI. 1984. *Campylobacter jejuni* diarrhea model in infant chickens. *Infect Immun.* Mar;43(3):931–6. [DOI](#)

United States Department of Agriculture, Food Safety and Inspection Service (USDA-FSIS). 2011. New York firm recalls broiled chicken liver products linked to salmonellosis illnesses. FSIS-RC-090-2011. Available at: [http://www.fsis.usda.gov/wps/wcm/connect/fsis-archives-content/internet/main/topics/recalls-and-public-health-alerts/recall-case-archive/archives/ct\\_index211a](http://www.fsis.usda.gov/wps/wcm/connect/fsis-archives-content/internet/main/topics/recalls-and-public-health-alerts/recall-case-archive/archives/ct_index211a)

United States Food and Drug Administration. 2017. Food Code. Available at:  
<https://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/ucm595139.htm>

Whyte R, Hudson JA, and Graham C. 2006. *Campylobacter* in chicken livers and their destruction by pan frying. Lett Appl Microbiol. 43(6):591–5. [DOI](#)



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2018

**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-030**

<b>Council Recommendation:</b>	Accepted as Submitted	<input type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input checked="" type="checkbox"/>
<b>Delegate Action:</b>	Accepted	<input type="checkbox"/>	Rejected	<input type="checkbox"/>		

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**Title:**

Amend Food Code – 3-201.11 Compliance with Food Law

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

no action because the recommended solution could conflict with federal, state, and/or local ordinances or laws.

*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.*



**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-031**

<b>Council Recommendation:</b>	Accepted as Submitted	<u>X</u>	Accepted as Amended	_____	No Action	_____
<b>Delegate Action:</b>	Accepted	_____	Rejected	_____		

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**Title:**

Amend Food Code - Storage in Toilet Rooms

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

that a letter be sent to the FDA requesting that the following sections of the most current edition of the Food Code be amended to change the provision designation from core to priority foundation violations (extracted language included below; new designation of <sup>Pf</sup> is underlined):

3-305.12 Food Storage, Prohibited Areas.

Food may not be stored:

...(B) In toilet rooms;<sup>Pf</sup>

4-401.11 Equipment, Clothes Washers and Dryers, and Storage Cabinets, Contamination Prevention.

(A) Except as specified in ¶(B) of this section, EQUIPMENT, a cabinet used for the storage of FOOD, or a cabinet that is used to store cleaned and SANITIZED EQUIPMENT, UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES may not be located:

...(2) In toilet rooms;<sup>Pf</sup>

4-903.12 Prohibitions.

(A) Except as specified in ¶(B) of this section, cleaned and SANITIZED EQUIPMENT, UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES may not be stored:

...(2) In toilet rooms;<sup>Pf</sup>

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-032**

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<b>Delegate Action:</b>	Accepted _____	Rejected _____	

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**Title:**

Amend Food Code - Use Limitation of Untreated Wood for Cooking Surface

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

that a letter be sent to the FDA requesting that the most current edition of the Food Code be amended to include a new subparagraph as follows (new language underlined):

Section 4-101.17 Wood, Use Limitations...

(A) Except as specified in paragraphs (B), (C), ~~and (D)~~, and (E) of this section, wood and wood wicker may not be used as a FOOD-CONTACT SURFACE.

(E) Untreated cedar wood planks that are intended to be a food contact surface may be used as a single-use cooking utensil and may subsequently be used as the serving food contact surface.

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**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-033**

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<b>Delegate Action:</b>	Accepted _____	Rejected _____		

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**Title:**

Amend Food Code - Shellstock Maintaining Identification

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

the CFP Executive Board work with the Interstate Shellfish Sanitation Conference (ISSC) ad hoc committee to clarify shellstock tagging procedure and maintaining shellstock identity when a container is sold in its entirety.

*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.*

**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-034**

<b>Council Recommendation:</b>	Accepted as Submitted _____	Accepted as Amended _____	<input checked="" type="checkbox"/> No Action _____
<b>Delegate Action:</b>	Accepted _____	Rejected _____	

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**Title:**

Amend Food Code – Remove Pf from Handwashing Water Temperature

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

that a letter be sent to the FDA requesting that Section 5-202.12 (A) of the most current edition of the Food Code be amended as follows (language to be deleted is in strikethrough format, new language to be underlined):

(A) A HANDWASHING SINK shall be equipped to provide hot and cold running water ~~at a temperature of at least 38°C (100°F)~~ through a mixing valve or combination faucet. <sup>Pf</sup>

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