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Conference for Food Protection

2016

Biennial Meeting

Boise, Idaho

Council III

Final Issue

Recommendations with Assembly of Delegates Action

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Council III – 2016 Issue Listing

Number	Issue Title	As Submitted	As Amended	No Action	Assembly of Delegates
III-001	Report - Listeria Retail Guidelines (LRG) Committee	X			Accepted
III-002	LRG 2 - Approval of Listeria Retail Guidance Document		X		Accepted
III-003	Report - Hand Hygiene Committee (HHC)	X			Accepted
III-004	HHC 2 - Definition for "Hand Cleaning Compound"			X	Accepted
III-005	HHC 3 - Definition for "Antiseptic Hand Rub"			X	Accepted
III-006	HHC 4 - Recommendations to FDA	X			Accepted
III-007	Re-create Hand Hygiene Committee to review "When to Wash" (2-301.14)			X	Accepted
III-008	Allowing Specified Use of Hand Antiseptic in Place of Handwashing			X	Accepted
III-009	Updating the Handwashing Procedure to Reflect Liquid/Foam Soaps			X	Accepted
III-010	Hand Cleanse-Sanitize Protocol Not Requiring Running Water			X	Accepted
III-011	Reduce risk of cross-contamination by hands.			X	Accepted
III-012	Food Service Employees Not Meeting Hand Hygiene Timing Compliance Code			X	Accepted
III-013	Motion-Activated Handwashing Sinks			X	Accepted
III-014	Bandage, Finger Cot, and Stall contamination	X			Accepted
III-015	Require disposable gloves at foodservice handwash sinks			X	Accepted
III-016	Employee Health Interventions – Reducing Norovirus	X			Accepted
III-017	Amend Food Code – Clarify Clean-up of Vomiting and Diarrheal Events		X		Accepted
III-018	Sore Throat with Fever			X	Accepted
III-019	Plant Food Cooking Time Frame			X	Accepted
III-020	Plant Food Cooking for Hot Holding	X			Accepted
III-021	Cooking by food temperature		X		Accepted
III-022	Slow Continuous Cooking of Raw Animal Foods		X		Accepted
III-023	Reheating Commercially Processed TCS Foods in a Microwave for Hot Holding	X			Accepted
III-024	Separation of Packaged Products Displayed at Retail		X		Accepted
III-025	Separating Raw Animal Food from Unwashed Fruits and Vegetables	X			Accepted
III-026	Chemical treatment of water used to wash or crisp raw fruits and vegetables		X		Accepted
III-027	Chemicals Used for Washing and Treating Fruits and Vegetables		X		Accepted
III-028	Ambient Cooling Pre-chilled TCS Foods		X		Accepted
III-029	Acidified Food Date Marking Exemption	X			Accepted
III-030	Amend Food Code – Clarify sprouting as a specialized process	X			Accepted
III-031	Amend Food Code – Include Definition for Curing			X	Accepted
III-032	Amend Food Code Annex – Clarifying ROP of fish requirements		X		Accepted
III-033	Fish Advisory Committee			X	Accepted
III-034	Reducing the need for HACCP Plans Under 3-502.12		X		Accepted
III-035	Revise Food Code to be Consistent with FSIS Requirements and Guidance	X			Accepted
III-036	"Intended Use" for Raw Beef Source Materials		X		Accepted
III-037	Creation of a Mail-Order Food Safety Committee		X		Accepted

Council III – 2016 Issue Listing

Number	Issue Title	As Submitted	As Amended	No Action	Assembly of Delegates
III-038	Use of pre-formulated sanitizing solutions	X			Rejected
III-039	Surface Cleaning of Utensils and Equipment in Contact with Non-TCS Foods			X	Accepted
III-040	Add a definition for ATP			X	Accepted
III-041	Biofilm definition			X	Accepted
I-016	Food Establishments With Robotic Operations			X	Accepted
I-027	Protecting Unwashed Produce From Cross Contamination			X	Accepted

**Conference for Food Protection
2016 Issue Form**

Issue: 2016 III-001

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

All information above the line is for conference use only.

Title:

Report - Listeria Retail Guidelines (LRG) Committee

Recommended Solution: The Conference recommends....:

1. Acknowledgment of the 2014-2016 *Listeria* Retail Guidelines Committee report,
2. Thanking the members of the 2014-2106 *Listeria* Retail Guidelines Committee for their work on the "2016 Draft Voluntary Guidelines of Sanitation Practices Standard Operating Procedures and Good Retail Practices to Minimize Contamination and Growth of *Listeria monocytogenes* within Food Establishments, Second Edition document", and
3. That the Committee be disbanded.

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
2016 Issue Form**

Issue: 2016 III-002

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

All information above the line is for conference use only.

Title:

LRG 2 - Approval of Listeria Retail Guidance Document

Recommended Solution: The Conference recommends....:

1. That the new "2016 Draft Voluntary Guidelines of Sanitation Practices Standard Operating Procedures and Good Retail Practices to Minimize Contamination and Growth of *Listeria monocytogenes* within Food Establishments, Second Edition document", be approved, replacing the 2006 document by the Conference for posting on the CFP website (*document is attached to Issue titled: Report - Listeria Retail Guidelines Committee*); and
2. That a letter be sent to the FDA encouraging them to amend the 2013 Food Code, Annex 2 (References, Part 3-Supporting Documents) by adding a reference to the 2016 revision of the Conference approved voluntary guidelines.

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**Conference for Food Protection
2016 Issue Form**

Issue: 2016 III-003

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

All information above the line is for conference use only.

Title:

Report - Hand Hygiene Committee (HHC)

Recommended Solution: The Conference recommends...:

1. Acknowledgement of the 2014-2016 Hand Hygiene Committee report.
2. Thanking the committee for the effort of the members put forth in working on the charges.
3. Disbanding the Hand Hygiene 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
2016 Issue Form**

Issue: 2016 III-004

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

All information above the line is for conference use only.

Title:

HHC 2 - Definition for "Hand Cleaning Compound"

Recommended Solution: The Conference recommends...:

no action because the additional definition adds no value to the Food Code.

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
2016 Issue Form**

Issue: 2016 III-005

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

All information above the line is for conference use only.

Title:

HHC 3 - Definition for "Antiseptic Hand Rub"

Recommended Solution: The Conference recommends...:

no action as this Issue was beyond the scope of the charge of the 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
2016 Issue Form**

Issue: 2016 III-006

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

All information above the line is for conference use only.

Title:

HHC 4 - Recommendations to FDA

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA:

1. Encouraging the development of performance standards that will allow evaluation of equivalent alternate procedures for soil removal from hands of food handlers.
2. Encouraging CFSAN (Center for Food Safety and Applied Nutrition) to work in conjunction with CDER (Center for Drug Evaluation and Research) to define antiseptic criteria for food handler use.

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
2016 Issue Form**

Issue: 2016 III-007

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

All information above the line is for conference use only.

Title:

Re-create Hand Hygiene Committee to review "When to Wash" (2-301.14)

Recommended Solution: The Conference recommends....:

no action as the issue is adequately addressed in the 2013 FDA Food Code, Section 2-301.14.

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
2016 Issue Form**

Issue: 2016 III-008

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

All information above the line is for conference use only.

Title:

Allowing Specified Use of Hand Antiseptic in Place of Handwashing

Recommended Solution: The Conference recommends...:

no action. The submitter withdrew the issue.

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
2016 Issue Form**

Issue: 2016 III-009

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

All information above the line is for conference use only.

Title:

Updating the Handwashing Procedure to Reflect Liquid/Foam Soaps

Recommended Solution: The Conference recommends...:

no action. Insufficient science/research has been provided to take action on the recommended solution. Does not take into account removal of gross contamination.

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
2016 Issue Form**

Issue: 2016 III-010

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

All information above the line is for conference use only.

Title:

Hand Cleanse-Sanitize Protocol Not Requiring Running Water

Recommended Solution: The Conference recommends....:

no action. The issue is adequately addressed in the 2013 FDA Food Code, Sections 5-203.11 and a performance standard has not been determined per Issue 2016-III-006.

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
2016 Issue Form**

Issue: 2016 III-011

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

All information above the line is for conference use only.

Title:

Reduce risk of cross-contamination by hands.

Recommended Solution: The Conference recommends...:

no action; it contradicts FDA Food Code section 3-304.15(A).

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
2016 Issue Form**

Issue: 2016 III-012

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

All information above the line is for conference use only.

Title:

Food Service Employees Not Meeting Hand Hygiene Timing Compliance Code

Recommended Solution: The Conference recommends....:

no action. Insufficient science/research has been provided to take action on the recommended solution.

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
2016 Issue Form**

Issue: 2016 III-013

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

All information above the line is for conference use only.

Title:

Motion-Activated Handwashing Sinks

Recommended Solution: The Conference recommends....:

no action. Council has multiple concerns of how the technology works. This Issue is adequately addressed in the 2013 FDA Food Code, Section(s) 5-203.11 and 5-205.15.

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
2016 Issue Form**

Issue: 2016 III-014

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

All information above the line is for conference use only.

Title:

Bandage, Finger Cot, and Stall contamination

Recommended Solution: The Conference recommends....:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows
(language to be added is underlined):

2-401.13 Bandages, Finger Cots, or Stall products on Wrists, Hands or Fingers

2-401.13 An impermeable cover such as a bandage, finger cot or stall located on the wrist, hand or finger of a food employee working with exposed food shall be covered with a Single-Use glove.^{Pf}

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
2016 Issue Form**

Issue: 2016 III-015

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

All information above the line is for conference use only.

Title:

Require disposable gloves at foodservice handwash sinks

Recommended Solution: The Conference recommends....:

no action. It is unnecessary and too prescriptive.

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
2016 Issue Form**

Issue: 2016 III-016

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

All information above the line is for conference use only.

Title:

Employee Health Interventions – Reducing Norovirus

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that the 2013 Food Code, Part 2-2 Employee Health, Subpart 2-201 *Responsibilities of Permit Holder, Person in Charge, Food Employees, and Conditional Employees* be amended to reflect the following changes:

1. Extend the exclusion period for food employees symptomatic with vomiting or diarrhea and NO diagnosis of norovirus illness from a minimum of 24 hours after becoming asymptomatic to a minimum of 48 hours after becoming asymptomatic.
2. Remove the distinction in criteria for exclusion and restriction in highly susceptible populations (HSP) and non-HSP establishments, thereby requiring exclusion until a minimum of 48 hours after becoming asymptomatic in all settings.
3. Remove the allowance to restrict a food employee that has been diagnosed with an infection from norovirus (exclusion criteria only).
4. Extend the exclusion period for a food employee who is asymptomatic and diagnosed with norovirus illness from a minimum of 24 hours to a minimum of 48 hours.

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
2016 Issue Form**

Issue: 2016 III-017

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

All information above the line is for conference use only.

Title:

Amend Food Code – Clarify Clean-up of Vomiting and Diarrheal Events

Recommended Solution: The Conference recommends....:

that a letter be sent to the FDA recommending:

- 1) the expansion of Annex 3 as related to Food Code section 2-501.11 “Clean-up of Vomiting and Diarrheal Events” to provide guidance for written procedures; and
- 2) the 2013 Food Code be amended to include clarifying language for written procedures as follows (new language is underlined):

2-501.11 Clean-up of Vomiting and Diarrheal Events.

A FOOD ESTABLISHMENT shall have written procedures for EMPLOYEES to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the FOOD ESTABLISHMENT. The procedures shall address the specific actions EMPLOYEES must take to minimize the spread of contamination and the exposure of EMPLOYEES, consumers, FOOD, and surfaces to vomitus or fecal matter.

In the case of a vomit event due to suspected infectious disease (excluding events self-reported by vomiting individual such as pregnancy, medication or chronic disease), these written procedures should include:

- Cordoning off an area of no less than 25 feet in radius, and likelihood of aerosolization of virus particles.
- Identifying disinfection products sufficient to inactivate norovirus which may include at least 1000 ppm chlorine or other disinfectant registered as effective against norovirus by the Environmental Protection Agency (EPA).
- Initial cleaning of gross visible contamination to minimize spread (including disinfectant and/or absorbent).
- Take into account the differences for cleaning and disinfecting of hard and soft surfaces.
- Cleaning and disinfection tools and equipment from food preparation, storage and handling areas.

- Steps to address the disinfection of wares and fabrics used within the vomit event areas.
- Include a training program for clean-up employees or building maintenance or janitorial staff.
- Employing personal protective equipment (PPE).
- Monitoring of clean-up employees for symptoms for 72 hours post event.

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
2016 Issue Form**

Issue: 2016 III-018

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

All information above the line is for conference use only.

Title:

Sore Throat with Fever

Recommended Solution: The Conference recommends....:

no action because Streptococcus pyogenes is a public health concern for food handlers.

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
2016 Issue Form**

Issue: 2016 III-019

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

All information above the line is for conference use only.

Title:

Plant Food Cooking Time Frame

Recommended Solution: The Conference recommends....:

no action because insufficient science/research has been provided to take action on the recommended solution.

*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
2016 Issue Form**

Issue: 2016 III-020

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

All information above the line is for conference use only.

Title:

Plant Food Cooking for Hot Holding

Recommended Solution: The Conference recommends....:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows
(language to be added is underlined; language to be deleted is in strikethrough format):

Section 3-401.13

Plant foods, such as F~~fruits, and~~ vegetables, roots and grains, that are cooked for hot holding shall be cooked to a temperature of 57°C (135°F). ^{Pf}

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
2016 Issue Form**

Issue: 2016 III-021

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

All information above the line is for conference use only.

Title:

Cooking by food temperature

Recommended Solution: The Conference recommends....:

a letter be sent to the FDA requesting that Section 3-401.11 of the 2013 Food Code be evaluated for clarification including discussions regarding humidity, and not limiting oven types.

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
2016 Issue Form**

Issue: 2016 III-022

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

All information above the line is for conference use only.

Title:

Slow Continuous Cooking of Raw Animal Foods

Recommended Solution: The Conference recommends....:

that a letter be sent to FDA CFSAN and USDA FSIS requesting they evaluate the cooking temperatures in FDA Food Code sections 3-401.11 (A-C) and 3-401.13 and any other related or affected sections regarding the concern that operators may have food that dwells in the temperature danger zone for times that are hazardous for foodborne illness pathogens and their toxins.

The Conference further requests that the FDA and/or USDA consider presenting Issue(s) to the 2018 CFP biennial meeting that helps minimize this foodborne illness concern.

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
2016 Issue Form**

Issue: 2016 III-023

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

All information above the line is for conference use only.

Title:

Reheating Commercially Processed TCS Foods in a Microwave for Hot Holding

Recommended Solution: The Conference recommends....:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows
(language to be added is underlined; language to be deleted is in strikethrough format):

Section 3-403.11

(A) Except as specified under ¶¶ (B) and (C) and in ~~¶ (E)~~ ¶ (F) of this section, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the FOOD reach a temperature of at least 74°C (165°F) for 15 seconds. ^P

(B) Except as specified under ¶ (C) of this section, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD reheated in a microwave oven for hot holding shall be reheated so that all parts of the FOOD reach a temperature of at least 74°C (165°F) ~~and the FOOD is rotated or stirred, covered, and allowed to stand covered for 2 minutes after reheating.~~ ^P

(C) READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that has been commercially processed and PACKAGED in a FOOD PROCESSING PLANT that is inspected by the REGULATORY AUTHORITY that has jurisdiction over the plant, shall be heated to a temperature of at least 57°C (135°F) when being reheated for hot holding. ^P

(D) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD reheated in a microwave oven for hot holding shall be rotated or stirred, covered, and allowed to stand covered for 2 minutes after reheating. ^P

~~(D)~~ (E) Reheating for hot holding as specified under ¶¶ (A) -(C) of this section shall be done rapidly and the time the FOOD is between 5°C (41°F) and the temperatures specified under ¶¶ (A) -(C) of this section may not exceed 2 hours. ^P

~~(E)~~ (F) *Remaining unsliced portions of MEAT roasts that are cooked as specified under ¶ 3-401.11(B) may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under ¶ 3-401.11(B).*

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
2016 Issue Form**

Issue: 2016 III-024

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

All information above the line is for conference use only.

Title:

Separation of Packaged Products Displayed at Retail

Recommended Solution: The Conference recommends....:

a letter be sent to the FDA to amend the FDA Food Code section 3-302.11 to allow raw and ready to eat foods that are packaged to be stored next to each other with the intent of the following:

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, ^P and

(b) Cooked READY-TO-EAT FOOD; ^P

(c) *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.*

(d) 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.

(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, ^P or
- (b) Arranging each type of FOOD in EQUIPMENT so that cross contamination of one type with another is prevented, ^P and
- (c) Preparing each type of FOOD at different times or in separate areas; ^P
- (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 and
- (8) Separating fruits and vegetables, before they are washed as specified under § 3-302.15 from READY-TO-EAT FOOD.

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
2016 Issue Form**

Issue: 2016 III-025

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

All information above the line is for conference use only.

Title:

Separating Raw Animal Food from Unwashed Fruits and Vegetables

Recommended Solution: The Conference recommends....:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows
(language to be added is underlined; language to be deleted is in strikethrough format):

Section 3-302.11(A)(1)

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

(1) Except as specified in (1)~~(e)~~ (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, ^P and

(b) Cooked READY-TO-EAT FOOD; ^P

(c) Fruits and vegetables before they are washed as specified under § 3-302.15.

~~(e)~~ (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.

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
2016 Issue Form**

Issue: 2016 III-026

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

All information above the line is for conference use only.

Title:

Chemical treatment of water used to wash or crisp raw fruits and vegetables

Recommended Solution: The Conference recommends...:

a committee be created to:

1. Review science and public health impact of water treatment options to minimize cross-contamination when using a water bath for washing, rinsing, crisping, processing, and/or other treatments of Raw Agricultural Commodities (RACs) and ready-to-eat (RTE) fruits and vegetables in food establishments;
2. Identify conditions of use, including types of RACs and RTE fruits and vegetables, and methods for assuring efficacy of use;
3. Review applicable rules and regulations pertaining to the use of water and chemicals for washing, rinsing, crisping, processing, and/or other treatments of RACs and RTE fruits and vegetables as it relates to food establishments to avoid creating conflict.
4. Consult with appropriate professional produce trade organizations; and
5. Report back with recommendations to the 2018 Biennial Meeting of the Conference for Food Protection.

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
2016 Issue Form**

Issue: 2016 III-027

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

All information above the line is for conference use only.

Title:

Chemicals Used for Washing and Treating Fruits and Vegetables

Recommended Solution: The Conference recommends....:

that a letter be sent to the FDA requesting the 2013 Food Code Section 7-204.12 Chemicals for Washing, Treatment, Storage and Processing Fruits and Vegetables, Criteria be modified as follows (language to be added is underlined; language to be deleted is in strikethrough format):

(A) Chemicals, including those generated on-site, used to wash or peel raw whole fruits and vegetables shall:

- (1) Be an approved food additive listed for this intended use in 21 CFR 173, or
- (2) Be generally recognized as safe (GRAS) for this intended use, or
- (3) Be the subject of an effective food contact notification for this intended use (only effective for the manufacturer or supplier identified in the notification), and
- (4) Meet the requirements in 40 CFR 16 Labeling Requirement for Pesticide and Devices.

(B) Chemicals Ozone, including those generated on-site, used as an antimicrobial agent ~~used~~ in the treatment, storage, and processing of fruits and vegetables in a food establishment shall: ~~meet the requirements of 21 CFR 173.368 Ozone:~~

- (1) Meet the requirements in 7-204.11 and 7-204.12 (A), and,
- (2) Be appropriately cleared by FDA and be used in accordance with the manufacturer's instructions, and also (if applicable),
- (3) Be appropriately registered with EPA and be used in accordance with the EPA registered label use instructions.

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
2016 Issue Form**

Issue: 2016 III-028

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

All information above the line is for conference use only.

Title:

Ambient Cooling Pre-chilled TCS Foods

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that section 3-501.14 of the 2013 FDA Food Code be amended to clearly state that pre-chilled time/temperature control for safety (TCS) foods that rise above 5 degrees C (41 degrees F) during preparation be cooled within four (4) hours to 5 degrees C (41 degrees F) or less when the product would be held for cold holding.

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
2016 Issue Form**

Issue: 2016 III-029

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

All information above the line is for conference use only.

Title:

Acidified Food Date Marking Exemption

Recommended Solution: The Conference recommends....:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined):

Section 3-501.17 (G):

(G) Paragraph (B) of this section does not apply to the following FOODS prepared and PACKAGED by a FOOD PROCESSING PLANT inspected by a REGULATORY AUTHORITY:

(1) Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, manufactured in accordance with 21 CFR 110
Current good manufacturing practice in manufacturing, packing, or holding human food;

(2) Hard cheeses containing not more than 39% moisture as defined in 21 CFR 133
Cheeses and related cheese products, such as cheddar, gruyere, parmesan and reggiano, and romano;

(3) Semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture, as defined in 21 CFR 133
Cheeses and related cheese products, such as blue, edam, gorgonzola, gouda, and monterey jack;

(4) Cultured dairy products as defined in 21 CFR 131 Milk and cream, such as yogurt, sour cream, and buttermilk;

(5) Preserved FISH products, such as pickled herring and dried or salted cod, and other acidified FISH products defined in 21 CFR 114 Acidified foods;

(6) Shelf stable, dry fermented sausages, such as pepperoni and Genoa; and

(7) Shelf stable salt-cured products such as prosciutto and Parma (ham).

(8) Packaged acidified food items, such as salad dressings, salsas, fruits, vegetables, etc. that have been manufactured in accordance with 21 CFR 114 Acidified Foods.

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
2016 Issue Form**

Issue: 2016 III-030

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

All information above the line is for conference use only.

Title:

Amend Food Code – Clarify sprouting as a specialized process

Recommended Solution: The Conference recommends....:

that a letter be sent to the FDA recommending the 2013 Food Code be amended to include clarifying language for "sprouting seeds or beans." Recommended language to read (new language is underlined):

3-502.11 Variance Requirement

A FOOD ESTABLISHMENT shall obtain a VARIANCE from the REGULATORY AUTHORITY as specified in § 8-103.10 and under § 8-103.11 before: ^{Pf}

(H) Sprouting seeds or beans for the purpose of human consumption of both the seed and the sprout, as in raw seed sprouts.

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
2016 Issue Form**

Issue: 2016 III-031

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

All information above the line is for conference use only.

Title:

Amend Food Code – Include Definition for Curing

Recommended Solution: The Conference recommends....:

no action based on the formation of a special process committee from Issue 2016 III-034.

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
2016 Issue Form**

Issue: 2016 III-032

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

All information above the line is for conference use only.

Title:

Amend Food Code Annex – Clarifying ROP of fish requirements

Recommended Solution: The Conference recommends....:

that a letter be sent to the FDA requesting the 2013 Food Code be amended to require reduced oxygen packaging (ROP) fish packaged at retail food establishments be accompanied by a label indicating ROP fish is to be kept frozen until further use and removed from packaging for thawing and that retail food establishments be required to remove ROP fish from packaging before thawing.

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
2016 Issue Form**

Issue: 2016 III-033

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

All information above the line is for conference use only.

Title:

Fish Advisory Committee

Recommended Solution: The Conference recommends....:

no action based on the fact that this Issue is adequately addressed in the current FDA Food Code, Annex 3, section 3-201.14. The FDA Food Code is not the best place to cover this information. There are other agencies that cover this information.

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
2016 Issue Form**

Issue: 2016 III-034

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

All information above the line is for conference use only.

Title:

Reducing the need for HACCP Plans Under 3-502.12

Recommended Solution: The Conference recommends....:

a Special Process Controls Committee be formed with the following charges:

1. To review current FDA Food Code specialized processes, including curing and reduced oxygen packaging (ROP) in sections 3-502.11 and 3-502.12 to determine when and if food safety hazards could be controlled by a plan less than a full HACCP plan as defined in 8-201.14.
2. Report back findings and recommendations to the 2018 biennial meeting of the Conference for Food Protection.

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
2016 Issue Form**

Issue: 2016 III-035

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

All information above the line is for conference use only.

Title:

Revise Food Code to be Consistent with FSIS Requirements and Guidance

Recommended Solution: The Conference recommends....:

that a letter be sent to FDA recommending that the 2013 FDA Food Code be modified to reflect the following (language to be added is underlined):

1. Provide a new definition in Chapter 1 Purpose and Definitions for the term INTACT MEAT to read: "Intact meat" means a cut of whole muscle(s) MEAT that has not undergone comminution, injection, mechanical tenderization, or reconstruction.
2. Clarify which criteria apply to INTACT MEAT (cook to 145°F for 15 sec internal temperature).
3. Revise the minimum cooking temperature that applies to mechanically tenderized and injected meats, from 155°F for 15 seconds to 155°F for 17 seconds.
4. Revise the minimum cooking temperature that applies to poultry from 165°F for 15 seconds to 165°F instantaneous.
5. Provide additional time/temperature combinations from Appendix A, the FSIS Guidance on Safe Cooking of Non-Intact Meat Chops, Roasts, and Steaks and the Time-Temperature Tables for Cooking Ready-to-Eat Poultry Products in the Food Code Annexes.

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
2016 Issue Form**

Issue: 2016 III-036

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

All information above the line is for conference use only.

Title:

“Intended Use” for Raw Beef Source Materials

Recommended Solution: The Conference recommends...:

to send a letter to USDA FSIS to discuss better ways to label this information to retail operators for whole-muscle intact beef to remain whole-muscle intact beef at the retail level.

**Conference for Food Protection
2016 Issue Form**

Issue: 2016 III-037

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

All information above the line is for conference use only.

Title:

Creation of a Mail-Order Food Safety Committee

Recommended Solution: The Conference recommends...:

that a Mail-Order Food Safety Committee be created composed of members from all constituencies of the CFP. The Committee will be charged with:

1. Identifying best practices and existing guidance documents that relate to shipment directly to a consumer of perishable food items.
2. Developing a guidance document for food establishments that includes best practices for transportation directly to a consumer of perishable products, to include proper packaging; temperature control during shipping, receiving, and storage; return of compromised and abused products; and other food safety related topics.
3. Determining appropriate methods of sharing the committee's work, including but not limited to a recommendation that a letter be sent to FDA requesting that the Food Code, Annex 2 (References, Part 3-Supporting Documents) be amended by adding references to the new guidance document as well as any existing guidance documents that the committee recommends, and the posting of information on the CFP website.
4. Reporting the committee's findings and recommendations to the 2018 Biennial Meeting of the Conference for Food Protection.

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
2016 Issue Form**

Issue: 2016 III-038

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

All information above the line is for conference use only.

Title:

Use of pre-formulated sanitizing solutions

Recommended Solution: The Conference recommends....:

that a letter be sent to FDA requesting the 2013 Food Code be amended by adding a new paragraph to Section 4-302.14 as follows (language to be added is underlined; language to be deleted is in strikethrough format):

4-302.14 Sanitizing Solutions, Testing Devices.

~~(A) Except as specified under ¶(B) of this section, a test kit or other device that shall be provided to accurately measures the concentration in mg/l of sanitizing solutions shall be provided.~~^{Pf}

(B) The availability of a test kit or other device specified under ¶(A) of this section, does not apply to pre-formulated sanitizing solutions that are ready-to-use, not diluted or mixed in the food establishment, and are sprayed directly onto food contact surfaces.

Note: italic font is consistent with Food Code formatting; it offers an exception or another possibility and is pursuant to a preceding provision that states a requirement (exception to the rule).

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
2016 Issue Form**

Issue: 2016 III-039

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

All information above the line is for conference use only.

Title:

Surface Cleaning of Utensils and Equipment in Contact with Non-TCS Foods

Recommended Solution: The Conference recommends....:

no action based on insufficient science/research having been provided to take action on the recommended solution.

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
2016 Issue Form**

Issue: 2016 III-040

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

All information above the line is for conference use only.

Title:

Add a definition for ATP

Recommended Solution: The Conference recommends....:

no action based on this term is not used anywhere in the 2013 FDA Food Code.

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
2016 Issue Form**

Issue: 2016 III-041

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

All information above the line is for conference use only.

Title:

Biofilm definition

Recommended Solution: The Conference recommends...:

no action based on the term is not used in the 2013 FDA Food Code.

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
2016 Issue Form**

Issue: 2016 I-016

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

All information above the line is for conference use only.

Title:

Food Establishments With Robotic Operations

Recommended Solution: The Conference recommends....:

no action based on the 2013 FDA Food Code section 8-103 adequately addressing the variance process.

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
2016 Issue Form**

Issue: 2016 I-027

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

All information above the line is for conference use only.

Title:

Protecting Unwashed Produce From Cross Contamination

Recommended Solution: The Conference recommends...:

no action because this Issue is the same as Issue 2016 III-025.

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.