

Conference for Food Protection 2008-10
Executive Board Ad Hoc Committee Update

Executive Board – CFP Extracted Issue 2008 1-016
Ad Hoc Committee Report

Date of Ad Hoc Committee Report: March 13, 2009

Submitted By: Lorna Girard, Chair

Ad Hoc Committee Charge:

The State Assembly of Delegates at the 2008 CFP in San Antonio rejected “no action” to Issue 2008 1-016, prohibiting undercooked animal food being served from children menu; therefore, this issue was given to the Executive Board for resolution. At the August 2008 Executive Board meeting a charge was given to form an ad hoc committee to review and recommend a solution to the Extracted Issue 2008 1-016 for consideration by the Executive Board.

Ad Hoc Committee Members:

Lorna Girard MN Dept. of Agriculture 625 Robert Street Saint Paul, MN 55155-2538 651/201-6591 FAX/297-5637 lorna.girard@state.mn.us	Bill Hardister Mecklenburg County Health Dept. 700 N. Tryon Street, Suite 208 Charlotte, NC 28202-2236 704/336-5533 FAX/319-9529 Bill.Hardister@MecklenburgCountyNC.gov
Donna M. Garren, PhD National Restaurant Association 1200 Seventeenth St. NW Washington, DC 20036-3097 202/331-5986 FAX/973-3671 dgarren@restaurant.org	Kevin Smith Food & Drug Administration 5100 Paint Branch Parkway College Park, MD 20740-3835 301/436-2149 FAX/436-2672 Kevin.Smith@fda.hhs.gov
Paul Uhler USDA Food Safety and Inspection Service 1400 Independence Avenue, SW Rm. 3541 Washington D.C. 20250 202-205-0438 Paul.uhler@fsis.usda.gov	

Progress Report/Committee Activities:

The ad hoc committee held three conference calls to discuss a recommended solution with the extracted issue. In addition, due to the type and small number of members who make up this committee, a second notice went to the Board asking for greater participation on this ad hoc committee.

One member, Chris Gordon on behalf of Donna Garren, is requesting “NO ACTION” be taken on this issue; and four members, Kevin Smith, Kristina Barlow on behalf of Paul Uhler, Bill Hardister and Lorna Girard are recommending that the Board accept the following “AMENDED” language.

DRAFT TEXT for FOOD CODE Section 3-401.11(D) to address CFP 2008-I-016

(D) A raw animal FOOD such as raw EGG, raw FISH, raw-marinated FISH, raw MOLLUSCAN SHELLFISH, or steak tartare; or a partially cooked FOOD such as lightly cooked FISH, soft cooked EGGS, or rare MEAT other than WHOLE-MUSCLE, INTACT BEEF steaks as specified in ¶ (C) of this section, may be served or offered for sale upon CONSUMER request or selection in a READY-TO-EAT form if:

(1) As specified under ¶¶ 3-801.11(C)(1) and (2), the FOOD ESTABLISHMENT serves a population that is not a HIGHLY SUSCEPTIBLE POPULATION; and

(2) The FOOD, if served or offered for service by CONSUMER selection from a children's menu, does not contain COMMINUTED MEAT; and

~~(2)(3)~~ The CONSUMER is informed as specified under § 3-603.11 that to ensure its safety, the FOOD should be cooked as specified under ¶ (A) or (B) of this section; or

~~(3)(4)~~ The REGULATORY AUTHORITY grants a VARIANCE from ¶ (A) or (B) of this section as specified in ' 8-103.10 based on a HACCP PLAN that:

(a) Is submitted by the PERMIT HOLDER and APPROVED as specified under § 8-103.11,

(b) Documents scientific data or other information showing that a lesser time and temperature regimen results in a safe FOOD, and

(c) Verifies that EQUIPMENT and procedures for FOOD preparation and training of FOOD EMPLOYEES at the FOOD ESTABLISHMENT meet the conditions of the VARIANCE.

Also update the Reference in line 2 of 3-603.11 (A) from 3-401.11(D)(3) to 3-401.11(D)(4)

Discussion

AMENDED version

- Assembly of Delegates rejected the NO ACTION from Council I; therefore, it was important to develop a resolution,
- limit its scope only to comminuted meats,
- anyone can continue to order undercooked meats from the adult menu,
- may result in increased protection to children from foodborne illness, particularly from *E. coli* 0157:H7, which can result in severe consequences in children, and
- removes the debate of determining the age of a child

NO ACTION version

- Adequately already addressed in current Food Code,
- recommend addressing the issue in the Public Health Annex in the Food Code, and
- restaurants would then choose to not offer undercooked comminuted meats to children from the adult menu, also, due to an increase in liability

Requested Actions:

Board to take action by voting on Issue 2008 1-016