

**Conference for Food Protection  
2016 Issue Form**

**Issue: 2016 I-033**

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

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

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**Issue History:**

This is a brand new Issue.

**Title:**

Thawing 3-501.13

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

With the change in the FDA Food Code to priority, priority foundation and core violations, I believe that the thawing of potentially hazardous food (time/temperature control for safety food (TCS)) should be a priority foundation violation rather than core. It should be a priority foundation violation since improper thawing methods can directly lead to the priority violation of Section 3-501.16.

The definition of a priority foundation violation (per preface page xi, 2013 FDA Food Code) is a provision that "supports, facilitate or enables one or more priority violations."

**Public Health Significance:**

Improper thawing methods can result in TCS foods being out of temperature control which can lead to bacterial growth and toxin production. Thawing should be viewed in the same manner as improper cooling methods (Section 3-501.15) which is a priority foundation violation. Especially, since many foods being thawed are previously cooked and cooled TCS foods.

The FDA Food Code and most enforcement policies give the regulatory authority the ability to take more immediate action and more progressive enforcement for a priority foundation violation than a core violation.

**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):

3-501.13 Thawing.

Except as specified in ¶ (D) of this section, potentially hazardous food (time/temperature control for safety food) shall be thawed:

- (A) Under refrigeration that maintains the food temperature at 5°C (41°F) or less<sup>Pf</sup>; or
- (B) Completely submerged under running water:
- (1) At a water temperature of 21°C (70°F) or below<sup>Pf</sup>,
- (2) With sufficient water velocity to agitate and float off loose particles in an overflow<sup>Pf</sup>, and
- (3) For a period of time that does not allow thawed portions of ready-to-eat food to rise above 5°C (41°F)<sup>Pf</sup>, or
- (4) For a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified under ¶ 3-401.11(A) or (B) to be above 5°C (41°F), for more than 4 hours including:
- (a) The time the food is exposed to the running water and the time needed for preparation for cooking<sup>Pf</sup>, or
- (b) The time it takes under refrigeration to lower the food temperature to 5°C (41°F)<sup>Pf</sup>;
- (C) As part of a cooking process if the food that is frozen is:(1) Cooked as specified under ¶ 3-401.11(A) or (B) or § 3-401.12<sup>Pf</sup>, or
- (2) Thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process<sup>Pf</sup>; or
- (D) *Using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.*

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