



2010

## **Council III**

Issue Recommendations



## Conference for Food Protection – 2010

## Council III

No.	Title	AS	AA	NA	Other
III_001	Report and Re-creation - Food Allergen Committee	X			
III_002	Allergen Ingredients and Allergen Cross-contamination			X	
III_003	Food Allergen Poster Endorsement			X	
III_004	Report - Sanitizer Committee	X			
III_005	On-Site Generation of Antimicrobial Pesticides	X			
III_006	4-501.19 Manual and Mechanical Warewashing Equipment, Wash solution Temperature		X		
III_007	Reduced Minimum Temperatures for Mechanical Warewashing Equipment		X		
III_008	Establishment of Criteria for Presence and Use of General Purpose Cleaners			X	
III_009	Report - Blade Tenderization Committee	X			
III_010	Guidelines for Producing or Cooking Mechanically Tenderized Beef for Retail		X		
III_011	Report - Hot Holding Committee	X			
III_012	Re-create - Hot Holding Committee		X		
III_013	Bare Hand Contact for RTE Ingredients that are Fully Cooked After Handling		X		
III_014	Hand Sanitizer Use between Glove Changes			X	
III_015	Temperature of Water for Handwashing Sinks		X		
III_016	Sequential Application of Hand Antiseptic for Use in No-Water Situations		X		
III_017	Elimination of Open, Refillable Soap Dispensers			X	
III_018	Updating ROP Criteria with regard to Cook Chill and Sous Vide		X		
III_019	Reduce Confusion in ROP Criteria with regard to Cook Chill and Sous Vide			X	
III_020	3-302.11 Packaged and Unpackaged Food – Separation		X		
III_021	Packaged Ice Manufacturing at Retail			X	
III_022	Antimicrobial Treatments for Washing Fruits and Vegetables		X		
III_023	Food Establishment Response Procedure to Vomiting and Diarrheal Contamination		X		
III_024	Drying Agents	X			
III_025	Specialized Processing Methods			X	
I_005	Consumer Advisory for pinned/injected/tenderized meats: Food Code 3-603.11			X	



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**Issue: 2010 III-001**

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

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**Title: Report and Re-creation – Food Allergen Committee**

**Recommended Solution:**

The Conference recommends acknowledgment of the Food Allergen Committee report and thanking the committee members for their work.

The Conference further recommends the re-creation of the Food Allergen Committee to extend the reach of food allergy education, training and awareness as follows:

- Identify appropriate strategies to develop an FDA "endorsed" Allergen Management Course, including the review of course curriculum.
- Review the pending publication of FDA materials and guidance document(s) related to allergen management.
- Utilize the strengths of groups like FAAN and IFIC Foundation (in cooperation with the CFP Food Allergen Committee) to define and lead a health professional outreach activity such as a "food allergy resource page" of educational materials suitable for state/local regulatory officials, food managers, and food employees.
- Add a CDC representative to serve on the CFP Food Allergen Committee to help enhance our current public health perspectives and assist in the development and dissemination of a health professional outreach activity.
- Report back to the 2012 Biennial Meeting with the outcome of these charges.

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**Issue: 2010 III-002**

<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 checked="" type="checkbox"/>	Rejected	<input type="checkbox"/>		

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**Title: Allergen Ingredients and Allergen Cross-Contamination**

**Recommended Solution:**

The Conference recommends no action.

**Reason:**

The charge given to the allergen committee in issue III-001 is sufficient to address the intent of issue III-002.

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**Issue: 2010 III-003**

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

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**Title: Food Allergen Poster Endorsement**

**Recommended Solution:**

The Conference recommends no action.

**Reason:**

Submitter requested that issue III-003 be withdrawn.

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2010 Issue Form**

**Issue: 2010 III-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>  x  </u>	Rejected	<u>      </u>		

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**Title: Report – Sanitizer Committee**

**Recommended Solution:**

The Conference recommends acknowledgment of the 2008-10 Sanitizer Committee Report, with thanks to the members of the Sanitizer Committee for completing their task, and disbanding the committee.



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**Issue: 2010 III-005**

<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>  x  </u>	Rejected	<u>      </u>		

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**Title: On-Site Generation of Antimicrobial Pesticides**

**Recommended Solution:**

The Conference recommends that a letter be sent to the FDA recommending changes to the Food Code as detailed in the attached "Food\_Code\_Recommendations\_for\_On-site\_Generation\_of\_Antimicrobials" (extracted from Table 1 of the CFP 2008-10 Sanitizer Committee Final Report). Detailed rationales for the recommended changes are included in the table.

The recommended new language is indicated below in underline format for additions and plain text for current 2009 Food Code language:

1. Adding §4-204.124 to address equipment requirements for on-site generators

"4-204.124 On-Site Devices for Generation of Sanitizing Solutions

"Devices for generation of sanitizing solutions shall meet the characteristics specified under §4-202.11 and

(A) Devices for generating pesticides must comply with regulations as established by section 2(q)(1) and section 12 of FIFRA, as well as 40 CFR 152.500 and 156.10.

(B) Devices for generating pesticides shall display the manufacturing establishment's registration number."

2. Adding §4-501.114 (F) to address the sanitizing solutions generated on-site

"A chemical SANITIZER used in a SANITIZING solution for a manual or mechanical operation at contact times specified under ¶ 4-703.11(C) shall meet the criteria specified under § 7-204.11 SANITIZERS, Criteria, shall be used in accordance with the EPA-registered label use instructions, and shall be used as follows<sup>P</sup>:

"(F) Any chemical substance produced and used on-site as a food contact surface SANITIZING solution shall have the concentration, temperature, pH and other conditions necessary to meet the definition of SANITIZATION in §1-201.10."

3. Insert the following in Annex 3 for §4-501.114 to address FIFRA requirements for on-site generators, as indicated in the attachment.

"...section 7-204.11 would be violated.

"A variety of sanitizers can be generated on-site, including chlorine, hypochlorous acid (generated by processes known as electrolyzed water, electro chemically activated water, electro activated water, etc.), chlorine dioxide, ozone, and others. EPA does not require the registration of pesticidal devices; however, these devices must be produced in a registered establishment. The data plate should list the establishment number. Additionally, device label requirements are established by section 2(q)(1) and section 12 of FIFRA, as well as 40 CFR 152.500 and 156.10. No statement that is false or misleading can appear in a device's labeling. Statements that are subject to this standard include, but are not limited to:

- the name, brand, or trademark under which the product is sold
- an ingredient statement
- statements concerning effectiveness of the product
- hazard and precautionary statements for human and domestic animals
- environmental and exposure hazards
- the directions for use

"Because there is no EPA registration of solutions generated and used on-site, either the equipment manufacturer or the user of the equipment must generate data to validate the efficacy of the solution the device produces as well as the conditions for use of the solution (e.g., concentration, temperature, contact time, pH, and other applicable factors). These data should be available on-site. Section 4-703.11 requires that the conditions of use yields SANITIZATION as defined in paragraph 1-201.10(B), i.e., a 5 log (99.999%) reduction.

"EPA Disinfectant - Technical Science Section (DIS-TSS) 4 describes efficacy data requirements for sanitizing rinses for previously cleaned food-contact surfaces [http://www.epa.gov/oppad001/dis\\_tss\\_docs/dis-04.htm](http://www.epa.gov/oppad001/dis_tss_docs/dis-04.htm). Chlorine equivalent testing is used for halide-based biocides (chlorine bearing chemicals, iodophors, and mixed halides) and a minimum of 99.999% reduction of *E. coli* and *S. aureus* for non-chlorine biocides. These procedures are required for EPA-registered sanitizers (e.g., bottled chlorine, iodine, quats, etc.), but modification is needed for on-site generated sanitizers. For example, the procedures specify that 3 different batches are to be tested, one of which must be 60 days old. A 60 day sample would not be relevant for on-site generated sanitizers because they should be used shortly after generation. Validation testing for on-site generated product should include a time element, because efficacy can reduce with time. Testing should include all factors that could impact the efficacy of the pesticide solution including water hardness, pH and temperature. The report should also clearly identify the minimum acceptable concentration of active ingredient required for that product to pass the test. This testing is best performed under Good Laboratory Practices.

"Some technologies generate chemicals that are addressed in the Code, such as chlorine or hypochlorous acid. Verifying performance of these chlorine-based solutions can be accomplished by confirming that the concentration, temperature, and pH of the sanitizing solutions comply with paragraph 4-501.114 (A) using test methods and equipment that is currently used.

"However, some on-site generators produce chemicals that are not listed as sanitizers in the Code (e.g. ozone, chlorine dioxide, hydrogen peroxide, etc.). The manufacturer should provide methods (e.g., test strips, kits, etc.) to verify that the equipment continues to generate the solution at the same concentration on-site.

"Some solutions, such as ozone, chlorine dioxide, and hypochlorous acid, may lose concentration more quickly than other solutions. Therefore, it is necessary to verify concentration on an on-going basis, and to comply with section 4-501.116.

"...To summarize, a sanitizing solution that is too weak would be a violation of section 4-501.114. A solution that is too strong would be a violation of section 7-204.11..."

4. Adding ¶7-204.11 (B) and inserting a reference to on-site generated antimicrobials to address pesticides that may not required a tolerance. The section to read as follows.

"Chemical SANITIZERS, including those generated on-site, and other chemical antimicrobials applied to FOOD-CONTACT SURFACES shall:

(A) meet the requirements specified in 40 CFR 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface sanitizing solutions) <sup>P</sup>, or

(B) be listed in 40 CFR 180.2020 Pesticide Chemicals Not Requiring a Tolerance or an Exemption From Tolerance - Non-food determinations."

5. Adding the following at the end of existing Annex 3 for §7-204.11 to address OSHA limits for gases dissolved in solution.

"...The CFR reference that is provided lists concentrations of sanitizers that are considered safe.

"Some SANITIZERS produced by on-site generators are based on gases dissolved in solution. These may present toxicology issues if the gases can come out of solution and into the air at high concentrations. OSHA limits on gases like ozone and chlorine dioxide are outlined in 29 CFR 1910.1000. Although the amount of dissolved gas in solution may be very low when evenly distributed through out all the air in a site, the gas may not be evenly distributed. This may lead to localized concentrations, e.g., immediately over a three compartment sink, that exceed OSHA limits. It is the responsibility of the permit holder and equipment supplier to ensure that the equipment is used in a safe manner so that OSHA limits will not be exceeded anywhere in the permit holder's facility.

The permit holder using a pesticide device is responsible for being in compliance with 40 CFR 180.940. Because no process for regulatory review of the output of a pesticide device exists, no standard method for checking compliance exists. As such, a potential user of a pesticide device needs to look elsewhere for evidence of compliance. This may include a statement from the device manufacturer, an analysis of the MSDS ingredient statement or a third party chemical analysis of the device output."

6. Update ¶7-204.12 (A) to address on-site generation of chemicals to wash vegetables.

"(A) Chemicals including those generated on-site, used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315  
Chemicals used in washing or to assist in the peeling of fruits and vegetables. P"

**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-006**

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

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**Title: 4-501.19 Manual and Mechanical Warewashing Equipment, Wash Solution Temperature**

**Recommended Solution:**

The Conference recommends that a letter be sent to FDA requesting that section 4-501.19 be revised to remove the minimum wash solution temperature and be classified as a Core <sup>C</sup> item by removing the "Pf" and substituting "C" at the end of the section as indicated below AND requests that the Annex 3 entry for this section be amended as stated below.

**4-501.19 Manual Warewashing Equipment, Wash Solution Temperature.**

The temperature of the wash solution in manual warewashing equipment shall be maintained at a temperature to effectively remove visible soil (including fat and oils) unless there is a temperature specified on the cleaning agent manufacturer's label instructions or other written instructions from the manufacturer.

Further, the Annex 3 reference to Manual and Mechanical Warewashing Equipment, Wash solution Temperature be revised to address the importance of controlling the variables that help remove soils from the wares or utensils during washing and rinsing to assure effective sanitizing. An example change by replacement of the existing section is as follows:

**4-501.19 Manual Warewashing Equipment, Wash Solution Temperature.**

The wash solution temperature is important for removing organic matter along with other variables. If the temperature is too low, the performance of the detergent may be adversely affected, e.g., animal fats that may be present on the dirty dishes would not be dissolved unless detergents are adjusted to work at lower water temperatures or other variables like power spraying, turbo washing, or heavy scrubbing are used. The manufacturer's instructions should be consulted and followed for the correct application pertaining to cleaning agent. The items being washed should be visibly clean by noting the absence of soil (including fat and oils) prior to sanitization.

**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-007**

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

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**Title: Reduced Minimum Temperatures for Mechanical Warewashing Equipment**

**Recommended Solution:**

The Conference recommends that a letter be sent to FDA requesting the FDA Food Code be revised as follows:

**4-501.110 Mechanical Warewashing Equipment, Wash Solution Temperature.**

- (A) The temperature of the wash solution in spray type warewashers that use hot water to SANITIZE may not be less than:
  - (1) For a stationary rack, single temperature machine, 74°C (165°F); <sup>Pf</sup>
  - (2) For a stationary rack, dual temperature machine, 66°C (150°F); <sup>Pf</sup>
  - (3) For a single tank, conveyor, dual temperature machine, 71°C (160°F); <sup>Pf</sup> or
  - (4) For a multitank, conveyor, multitemperature machine, 66°C (150°F). <sup>Pf</sup>
- (B) The temperature of the wash solution in spray-type warewashers that use chemicals to SANITIZE may not be less than 49°C (120°F). <sup>Pf</sup>
- (C) As an alternative to (A) above, the temperature of the wash solution in spray type warewashers that use hot water to SANITIZE may not be less than the marked minimum temperatures on the equipment data plate when the equipment has been evaluated and verified by a third party certifying body to an ANSI accredited standard as meeting the sanitizing performance criteria of 5 log reduction of pathogens of public health concern. <sup>Pf</sup>

**4-501.112 Mechanical Warewashing Equipment, Hot Water Sanitization Temperatures.**

- (A) Except as specified in ¶ (B) of this section, in a mechanical operation, the temperature of the fresh hot water SANITIZING rinse as it enters the manifold may not be more than 90°C (194°F), or less than: <sup>Pf</sup>

- (1) For a stationary rack, single temperature machine, 74°C (165°F);<sup>Pf</sup> or
- (2) For all other machines, 82°C (180°F).<sup>Pf</sup>
- (B) The maximum temperature specified under ¶ (A) of this section, does not apply to the high pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and SANITIZING of EQUIPMENT such as meat saws.
- (C) As an alternative to (A) above, in a mechanical operation, the temperature of the fresh hot water SANITIZING rinse as it enters the manifold may not be more than 90°C (194°F), or less than the marked minimum temperature on the equipment data plate when the equipment has been evaluated and verified by a third party certifying body to an ANSI accredited standard as meeting the sanitizing performance criteria of 5 log reduction in pathogens of public health concern.<sup>Pf</sup>

#### **4-703.11 Hot Water and Chemical.**

After being cleaned, EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be SANITIZED in:

- (A) Hot water manual operations by immersion for at least 30 seconds and as specified under § 4-501.111;<sup>P</sup>
- (B) Hot water mechanical operations by being cycled through EQUIPMENT that is set up as specified under §§ 4-501.15, 4-501.112, and 4-501.113 and achieving a UTENSIL surface temperature of 71°C (160°F) as measured by an irreversible registering temperature indicator for machines with a marked minimum final rinse temperature of 180°F (82°C). For machines with a marked minimum final rinse temperature other than 180°F (82°C), the utensil surface temperature shall be as marked on the machine;<sup>P</sup> or...

*(Note - this modification will require a new marking on the machine data plate for hot water sanitizing models with less than 180°F final rinse temperature. This will require a similar change to NSF 3.)*

**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-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 checked="" type="checkbox"/>	Rejected	<input type="checkbox"/>		

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**Title: Establishment of Criteria for Presence and Use of General Purpose Cleaners**

**Recommended Solution:**

The Conference no action.

**Reason:**

Not appropriate for the Food Code rather it would be more appropriately addressed as a legislative/regulatory action outside the scope of the Conference.



**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-009**

<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>  x  </u>	Rejected	<u>      </u>		

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**Title: Report – Blade Tenderization Committee**

**Recommended Solution:**

The Conference recommends acknowledgement of the Final Committee Report from the Blade Tenderization Committee, with thanks to the committee for completing their work and disbanding the committee.

**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-010**

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

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**Title: Guidelines for Producing or Cooking Mechanically Tenderized Beef for Retail**

**Recommended Solution:**

The Conference recommends approval of the new revised guidance document titled "Guidelines for Producing or Cooking Mechanically Tenderized Beef for Retail and Food Service Establishments" and that it be made available to interested stakeholders on CFP's web site.

**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-011**

<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>  x  </u>	Rejected	<u>          </u>		

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**Title: Report – Hot Holding Committee**

**Recommended Solution:**

The Conference recommends acknowledgement of the Committee's Final report to the 2010 Biennial Meeting and thanking the committee members for their work.

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2010 Issue Form**

**Issue: 2010 III-012**

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

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**Title: Re-create – Hot Holding Committee**

**Recommended Solution:**

The conference recommends that the Conference send a letter to FDA recommending that the issue of evaporative cooling and its relationship to pathogen growth during hot holding be investigated as a research priority.

**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-013**

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

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**Title: Bare Hand Contact for RTE Ingredients that are Fully Cooked After Handling**

**Recommended Solution:**

The Conference recommends that the Conference send a letter to FDA requesting that provisions to allow for use of Ready-to-Eat FOOD ingredients from containers that are used exclusively in food products which are subsequently fully cooked or reheated should be added to the Food Code.

**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-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 checked="" type="checkbox"/>	Rejected	<input type="checkbox"/>		

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**Title: Hand Sanitizer Use between Glove Changes**

**Recommended Solution:**

The Conference recommends no action.

**Reason:**

Submitter requested that the issue be withdrawn.

**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-015**

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

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**Title: Temperature of Water for Handwashing Sinks**

**Recommended Solution:**

The Conference recommends that a letter be sent to the FDA recommending changes to the Food Code section **5-202.12 Handwashing Sink, Installation** to read as follows:

**5-202.12 Handwashing Sink, Installation.**

- (A) A handwashing sink shall be equipped to provide warm water at a temperature of 85°F (29.5°C) or above through a mixing valve or combination faucet. <sup>Pf</sup>

**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-016**

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

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**Title: Sequential Application of Hand Antiseptic for Use in No-Water Situations**

**Recommended Solution:**

The Conference recommends that a committee be formed to include appropriate stakeholders including Center for Food Safety and Applied Nutrition (CFSAN), CDC and Center for Drug Evaluation and Research (CDER) to address:

- 1.) the efficacy/risk reduction strategies of alternative hand hygiene regimes compared to handwashing with respect to foodborne pathogens including viruses
- 2.) identify settings where alternatives to handwashing are appropriate.

and report back to the 2012 Conference.



**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-017**

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

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**Title: Elimination of Open, Refillable Soap Dispensers**

**Recommended Solution:**

The Conference recommends no action.

**Reason:**

No relevant evidence to support the issue as submitted related to foodborne disease.

**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-018**

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

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**Title: Updating ROP Criteria with regard to Cook Chill and Sous Vide**

**Recommended Solution:**

The Conference recommends the formation of a new committee that is charged with the following:

- 1.) create a guidance document detailing the scientific evidence of ROP HACCP controls and preventive measures and provide implementation suggestions.
- 2.) recommend clarifications to the Food Code based on charge one.
- 3.) report back to the Conference in 2012.

**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-019**

<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 checked="" type="checkbox"/>	Rejected	<input type="checkbox"/>		

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**Title: Reduce Confusion in ROP Criteria with regard to Cook Chill and Sous Vide**

**Recommended Solution:**

The Conference recommends no action.

**Reason:**

Submitter withdrew the Issue since it was covered in 2010 III-018 (formation of a new committee.)

**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-020**

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

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**Title: 3-302.11 Packaged and Unpackaged Food – Separation**

**Recommended Solution:**

The Conference recommends that a letter be sent to FDA requesting that Section 3-302.11 have (A)(1)(d) added as follows:

3-302.11 Packaged and Unpackaged Food - Separation, Packaging, and Segregation.

(d) *Packaged raw Ground beef may be stored or displayed with or above other cuts of packaged raw beef*

and Annex 3 (Public Health Reasons/Administrative Guidelines) be amended.

**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-021**

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

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**Title: Packaged Ice Manufacturing at Retail**

**Recommended Solution:**

The Conference recommends no action.

**Reason:**

Packaged ice is currently covered in the Food Code.

**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-022**

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

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**Title: Antimicrobial Treatments for Washing Fruits and Vegetables**

**Recommended Solution:**

The Conference recommends that a letter be sent to the FDA recommending the following changes to the Food Code:

**Annex 3 §3-302.15 Washing Fruits and Vegetables.**

"... All fresh produce, except commercially washed, pre-cut, and bagged produce, must be thoroughly washed under running, potable water and/or with approved antimicrobial agents, before eating, cutting or cooking. ..."

"... To reduce the likelihood of infiltration, wash water temperature should be maintained at 10°F warmer than the pulp temperature of any produce being washed. Because certain fruits and vegetables are susceptible to infiltration of microorganisms during soaking or submersion, it is recommended that soaking or submerging produce during cleaning be avoided. When it is not practical to reduce the temperature differential between the wash/cooling water and the produce, it is especially important to follow practices to minimize pathogens in the water or on the surface of produce. Such practices may include using antimicrobial chemicals in the wash water or using spray type wash treatments. It is important that proper handwashing procedures are followed, in accordance with ~~¶~~ **Section 2-301.12 (F) Cleaning Procedure**, before and after handling fresh produce."

**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-023**

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

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

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**Title: Food Establishment Response Procedure to Vomiting and Diarrheal Contamination**

**Recommended Solution:**

The Conference recommends that a letter be sent to FDA requesting modification of the 2009 Food Code to require that food establishments have access to a plan for responding to unexpected events that result in the discharge of vomitus or feces in any area other than a toilet.

**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-024**

<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>  x  </u>	Rejected	<u>      </u>		

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

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**Title: Drying Agents**

**Recommended Solution:**

The Conference recommends that a letter be sent to the FDA recommending the following changes to the Food Code,

**7-204.14 Drying Agents, Criteria**

Drying agents used in conjunction with sanitization shall:

(A) Contain only components that are listed as one of the following:

- (1) Generally recognized as safe for use in food as specified in 21 CFR 182 - Substances Generally Recognized as Safe, or 21 CFR 184 - Direct Food Substances Affirmed as Generally Recognized as Safe,<sup>P</sup>
- (2) Generally recognized as safe for the intended use as specified in 21 CFR 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe,<sup>P</sup>
- (3) Generally recognized as safe (GRAS) as determined by independent GRAS self-determinations by a panel of experts as specified in 21 CFR 170.30,<sup>P</sup>
- (4) Subject of a Food Contact Notification (FCN) that is effective in accordance with the Federal Food Drug and Cosmetic Act (FFDCA) Section 409,<sup>P</sup>

FDA publishes the effective FCN's on their website at:

<http://www.fda.gov/Food/FoodIngredientsPackaging/FoodContactSubstancesFCS/ucm116567.htm>

- (~~5~~3) Approved for use as a drying agent under a prior sanction specified in 21 CFR 181 - Prior-Sanctioned Food Ingredients,<sup>P</sup>
- (~~6~~4) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR Parts 174175-178,<sup>P</sup> or

*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.*



(75) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39 Threshold of regulation for substances used in food-contact articles; <sup>P</sup> and

(B) When sanitization is with chemicals, the approval required under Subparagraph (A)(3) or (A)(5) of this section or the regulation as an indirect food additive required under Subparagraph (A)(4) of this section, shall be specifically for use with chemical sanitizing solutions. <sup>P</sup>

## **2) Annex 3. Chapter 7- Part 204.14 Sanitizers, Criteria.**

"If the chemical wash, boiler water additive, or drying agent used is not made up of components that are approved as food additives or generally recognized as safe, illness may result. This could be due to residues that may remain from the use of compounds such as unrecognized drying agents. This is why only those chemicals that are listed in the CFR or are appropriately cleared as food additives can be used.

"Chemicals that are not listed for these uses may be submitted for review by filing a Food Additive Petition, a Food Contact Notification (FCN), have GRAS clearance, or meet the Threshold of Regulation (TOR) requirements. Wash chemicals, boiler water additives, and drying agents are classified as food additives because of the possibility that they may end up in food. Therefore, they are subject to review before being used or listed in the CFR.

**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 III-025**

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

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

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**Title: Specialized Processing Methods**

**Recommended Solution:**

The Conference recommends no action.

**Reason:**

The submitter wished to withdraw the issue.

**Conference for Food Protection  
2010 Issue Form**

**Issue: 2010 I-005**

<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 checked="" type="checkbox"/>		

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

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**Title: Consumer Advisory for pinned/injected/tenderized meats: Food Code 3-603.11**

**Recommended Solution:**

The Conference recommends no action.

**Reason:**

Food establishment operators may not be aware of what products have been tenderized because there is no requirement for labeling.