



Conference for Food Protection

2023

Biennial Meeting

Houston, Texas

**Council III –
Science and
Technology**

***Issue Recommendations
Submitted to the Assembly
of State Delegates***

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Dr. Chip Manuel, Vice-Chair, GOJO Industries, Akron, OH

Regulatory

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Lauren Dinauer, Pima County Health Department, Tucson, AZ

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Jonathan Wheeler, South Carolina Department of Health and Environmental Control, Columbia, SC

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Troy Huffman, Colorado Department of Public Health & Environment, Denver, CO

Industry

Christina Bongo-Box, Church's Chicken, Atlanta, GA

Dr. Donna Garren, American Frozen Food Institute, Arlington, VA

Steve Oswald, Wakefern Food Corp, Elizabeth, NJ

Allison Jennings, Albertsons Companies, Boise, ID

Dr. Anna Starobin, Anna Starobin Food Safety/Antimicrobials LLD, Greensboro, NC

David Buckley, Diversey, Fort Mill, SC

Dr. Hillary Thesmar, FMI – The Food Industry Association, Arlington, VA

Dagny Tucker, Vessel, Lyons, CO

Dr. Keith Jackson, Performance Food Group, Richmond VA

At Large

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Scribe

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Victoria Burgess, Publix Super Markets, Inc., Lakeland, FL

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Alicia Collins, Steritech, Lilburn, GA

Melissa Vaccaro, National Environmental Health Association, New Cumberland, PA

Kwasi Wilson, National Restaurant Association, Chicago, IL

Council III 2023 Issues and Actions

Number	Issue Title	As Submitted	As Amended	No Action	Assembly Action
III-001	Report - Eval of Intended Use Hazards During Retail Meat Grinding Committee	X			
III-002	IUMGC 2 – Approval of Guidance Document	X			
III-003	IUMGC 3 - Amend Food Code	X			
III-004	Report – Retail Sushi HACCP Standardization Committee (RSHSC)	X			
III-005	RSHSC 2 – Approval of Guidance Document	X			
III-006	RSHSC 3 – Amend Food Code Annexes to Reference Approved Document	X			
III-007	RSHSC 4 – Review and Streamlining of Retail Sushi HACCP Process		X		
III-008	RSHSC 5 – Including Rice Acidification Parameters in Food Code	X			
III-009	Report – Safe Use of Reusable Containers Committee (SURCC)	X			
III-010	SURCC 2 – Approval and Posting of Guidance Document	X			
III-011	SURCC 3 – Amend Food Code to Include Reusable Container Definition		X		
III-012	SURCC 4 – Amend Food Code Language to include Reuse of Containers		X		
III-013	Report - Disinfectant Committee (DC)	X			
III-014	DC 2 - Approval and Posting of Guidance Document	X			
III-015	DC 3 - Amend Food Code to Address Use of Disinfectants		X		
III-016	DC 4 - Amend Food Code Annex on Hand Antiseptics	X			
III-017	DC 5 - Amend Food Code Annex - Use of Disinfectants During Clean-up of V&D	X			
III-018	Commercial Space Travel and Food Safety			X	
III-019	Create a Committee - Sea Moss and Sea Moss Gel Committee		X		
III-020	Create a Committee - Retail Cold Brew Coffee Safety & Compliance Committee	X			
III-021	Creation of a Committee to Define Heat-Treated	X			
III-022	Creation of a Committee: Rehydrated Foods		X		
III-023	Revise definition of Reduced Oxygen Packaging specific to packaging type	X			
III-024	Amend ¶3-501.13(E) thawing of frozen ROP fish			X	
III-025	Amend Food Code to Clarify Fish Thawing Requirements in 3-501.13(E)	X			
III-026	Add new defined term “Impermeable” to clarify cook-chill processes		X		
III-027	Amend Food Code to Include Definition of "Preservation"		X		
III-028	Amend Food Code - Delete 4-101.12 Cast Iron, Use Limitations			X	
III-029	Modification of the Definition of TCS Foods		X		
III-030	Amend Food Code – Add Laboratory Methods for Reinstating Ill Food Workers	X			
III-031	Amend Food Code - Considerations for Bulk Refillable Hand Soap Dispensers		X		
III-032	Amend Food Code - Add Aqueous Ozone as an Approved Sanitizer in 4-501.114			X	
I-022	Amend Food Code to Allow Cooling Without Time and Temperature Monitoring		X		
I-025	Amend Food Code to Include Procedures for Clean-Up of Vomit & Diarrhea		X		
I-026	Add Off-Site Warewashing Facilities for Multi Use Articles to Food Code		X		

**Conference for Food Protection
2023 Issue Form**

Issue: 2023 III-001

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

All information above the line is for conference use only.

Title:

Report - Eval of Intended Use Hazards During Retail Meat Grinding Committee

Recommended Solution: The Conference recommends...:

1. Acknowledgement of the Intended Use Hazards During Retail Meat Grinding Committee Report.
2. Thanking the committee members for their work.
3. Disbanding the Committee, all assigned charges have been completed.

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.

**Conference for Food Protection
2023 Issue Form**

Issue: 2023 III-002

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

All information above the line is for conference use only.

Title:

IUMGC 2 – Approval of Guidance Document

Recommended Solution: The Conference recommends...:

1. Approval of the committee generated guidance document entitled "Evaluation of Intended Use Hazards during Retail Meat Grinding" (attached as a content document to the Issue titled: Report - Eval of Intended Use Hazards During Retail Meat Grinding Committee); and
2. Authorizing the Conference to make any necessary edits prior to posting the document on the CFP web site to assure consistency of format and non-technical content; edits will not affect the technical content of the document; and
3. Posting the final document on the CFP website in PDF format.

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**Conference for Food Protection
2023 Issue Form**

Issue: 2023 III-003

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

All information above the line is for conference use only.

Title:

IUMGC 3 - Amend Food Code

Recommended Solution: The Conference recommends...:

A letter be sent to FDA requesting that the most recent edition of the Food Code be amended to include a reference to the guidance document "Evaluation of Intended Use Hazards During Retail Meat Grinding" (attached as a content document to the Issue titled: Report - Eval of Intended Use Hazards During Retail Meat Grinding Committee) in Annex 2. References, 3. Supporting Documents, K. Requirements and Guidance for Retail Facilities Regarding Beef Grinding Logs Tracking Supplier Information.

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**Conference for Food Protection
2023 Issue Form**

Issue: 2023 III-004

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

All information above the line is for conference use only.

Title:

Report – Retail Sushi HACCP Standardization Committee (RSHSC)

Recommended Solution: The Conference recommends...:

1. Acknowledgement of the attached Retail Sushi HACCP Standardization Committee Report.
2. Thanking the committee members for their work.
3. The Committee be disbanded; all assigned charges have been completed.

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.

**Conference for Food Protection
2023 Issue Form**

Issue: 2023 III-005

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

All information above the line is for conference use only.

Title:

RSHSC 2 – Approval of Guidance Document

Recommended Solution: The Conference recommends...:

1. Acceptance of the committee generated guidance document entitled "Guidance Document for Retail Sushi HACCP Standardization" (attached as a content document to Issue titled: Report - Retail Sushi HACCP Standardization Committee (RSHSC) 1); and
2. Authorizing the Conference to make any necessary edits prior to posting the document on the CFP web site to assure consistency of format and non-technical content; edits will not affect the technical content of the document; and
3. Posting the final document on the CFP website in PDF format

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**Conference for Food Protection
2023 Issue Form**

Issue: 2023 III-006

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

All information above the line is for conference use only.

Title:

RSHSC 3 – Amend Food Code Annexes to Reference Approved Document

Recommended Solution: The Conference recommends...:

A letter be sent to FDA requesting that the most recent edition of the Food Code Annex be amended to include a reference to the document entitled "Guidance Document for Retail Sushi HACCP Standardization" (attached as a content document to Issue titled: Report - Retail Sushi HACCP Standardization Committee (RSHSC) 1) in a section determined to be appropriate by the FDA. Suggestions for location of the document reference are Annex 2 - Supporting Documents or Annex 3 - Section 3-502.11.

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
2023 Issue Form**

Issue: 2023 III-007

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

All information above the line is for conference use only.

Title:

RSHSC 4 – Review and Streamlining of Retail Sushi HACCP Process

Recommended Solution: The Conference recommends...:

That two letters be sent, one to the FDA and one to the Retail Food Collaborative requesting that jointly they identify a panel of experts and create a process to review HACCP Plans for chain establishments operating in multiple jurisdictions and provide a validation and approval of the HACCP Plan, and that FDA issue a written interpretation encouraging regulatory authorities to accept the HACCP Plans as approved by the panel, in an effort to standardize HACCP Plan review.

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
2023 Issue Form**

Issue: 2023 III-008

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

All information above the line is for conference use only.

Title:

RSHSC 5 – Including Rice Acidification Parameters in Food Code

Recommended Solution: The Conference recommends...:

That a letter be sent to the FDA requesting the most recent version of the Food Code be amended to include specific requirements to follow for rice acidification, including critical control point, critical limit, and corrective action parameters consistent with the parameters in the committee generated guidance document entitled "Guidance Document for Retail Sushi HACCP Standardization" (attached as a content document to Issue titled: Report - Retail Sushi HACCP Standardization 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
2023 Issue Form**

Issue: 2023 III-009

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

All information above the line is for conference use only.

Title:

Report – Safe Use of Reusable Containers Committee (SURCC)

Recommended Solution: The Conference recommends...:

1. Acknowledgement of the Safe Use of Reusable Containers Committee Report.
2. Thanking the committee members for their work.
3. The Committee be disbanded; all assigned charges have been completed.

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.

**Conference for Food Protection
2023 Issue Form**

Issue: 2023 III-010

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

All information above the line is for conference use only.

Title:

SURCC 2 – Approval and Posting of Guidance Document

Recommended Solution: The Conference recommends...:

1. Approval of the committee generated draft guidance document entitled "Guidance Document for the Safe Reuse of Containers". (*See document attached to Issue titled: Report - Safe Use of Reusable Containers Committee (SURCC)*)
2. Posting the guidance document on the CFP website in a down-loadable PDF format; and
3. Authorizing the Conference to make any necessary edits prior to posting the document to assure consistency of format and non-technical content; edits will not affect the technical content of the document.

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
2023 Issue Form**

Issue: 2023 III-011

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

All information above the line is for conference use only.

Title:

SURCC 3 – Amend Food Code to Include Reusable Container Definition

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting paragraph 1-201.10(B) in the current Food Code be amended as follows:

Reusable Container.

A vessel or primary packaging to hold food that is used repeatedly, refilled, or returned for multiple uses and conforms to characteristics of sanitary construction as defined in Parts 4-1 and 4-2 of the Food Code.

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**Conference for Food Protection
2023 Issue Form**

Issue: 2023 III-012

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

All information above the line is for conference use only.

Title:

SURCC 4 – Amend Food Code Language to include Reuse of Containers

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA requesting Section 3-304.17 of the current Food Code be amended as follows:

3-304.17 ~~Refilling Returnables~~ Refilling REUSABLE CONTAINERS.

(A) Except as specified in ¶¶ (B) - (E) of this section, empty containers returned to a FOOD ESTABLISHMENT for ~~cleaning and~~ refilling with FOOD shall be cleaned and refilled in a regulated FOOD PROCESSING PLANT.^P

~~(B) A CONSUMER-owned container not specifically designed for reuse may be refilled by the same CONSUMER with a non-TIME/TEMPERATURE CONTROL FOR SAFETY FOOD or BEVERAGE using a contamination-free transfer process.~~

~~(C) CONSUMER-owned containers that are not FOOD-specific may be filled at a water VENDING MACHINE or system.~~

~~(D) REUSABLE CONTAINERS may be refilled with READY-TO-EAT or TIME/TEMPERATURE CONTROL FOR SAFETY FOODS either by a FOOD EMPLOYEE or the CONSUMER, if:~~

(1) The REUSABLE CONTAINER is designed and constructed for reuse in accordance with the requirements specified under Parts 4-1 and 4-2 of this Code; and

(2) The REUSABLE CONTAINER is cleaned and sanitized following APPROVED procedures as specified under Parts 4-6 and 4-7 of this Code prior to refilling unless:

(a) The container is refilled in a contamination-free transfer process; and

(b) The container is isolated from FOOD-CONTACT SURFACES or FOOD-CONTACT SURFACES are cleaned as specified under Part 4-6 and sanitized as specified under Part 4-7 of this Code by a FOOD EMPLOYEE after each filling.

(E) Establishment or third-party reuse service provider owned, managed, or provided REUSABLE CONTAINERS for refilling with FOOD shall follow APPROVED procedures that ensure compliance with the requirements of this code and be cleaned and sanitized following APPROVED procedures.

~~(B) A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with FOOD if the FOOD container is:~~

~~(1) Designed and constructed for reuse and in accordance with the requirements specified under Part 4-1 and 4-2;^P~~

~~(2) One that was initially provided by the FOOD ESTABLISHMENT to the CONSUMER, either empty or filled with FOOD by the FOOD ESTABLISHMENT, for the purpose of being returned for reuse;~~

~~(3) Returned to the FOOD ESTABLISHMENT by the CONSUMER after use;~~

~~(4) Subject to the following steps before being refilled with FOOD:~~

~~(a) Cleaned as specified under Part 4-6 of this Code,~~

~~(b) Sanitized as specified under Part 4-7 of this Code;^P and~~

~~(c) Visually inspected by a FOOD EMPLOYEE to verify that the container, as returned, meets the requirements specified under Part 4-1 and 4-2.^P~~

~~(C) A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with BEVERAGE if:~~

~~(1) The BEVERAGE is not a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;~~

~~(2) The design of the container and of the rinsing EQUIPMENT and the nature of the BEVERAGE, when considered together, allow effective cleaning at home or in the FOOD ESTABLISHMENT;~~

~~(3) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;~~

~~(4) The CONSUMER-owned container returned to the FOOD ESTABLISHMENT for refilling is refilled for sale or service only to the same CONSUMER; and~~

~~(5) The container is refilled by:~~

~~(a) An EMPLOYEE of the FOOD ESTABLISHMENT, or~~

~~(b) The owner of the container if the BEVERAGE system includes a contamination-free transfer process as specified under §§ 4-204.13(A), (B), and (D) that cannot be bypassed by the container owner.~~

~~(D) CONSUMER-owned, personal take-out BEVERAGE containers, such as thermally insulated bottles, nonspill coffee cups, and promotional BEVERAGE glasses, may be refilled by EMPLOYEES or the CONSUMER if refilling is a contamination-free process as~~

~~specified under §§ 4-204.13(A), (B), and (D).~~

~~(E) CONSUMER-owned containers that are not FOOD-specific may be filled at a water VENDING MACHINE or system.~~

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**Conference for Food Protection
2023 Issue Form**

Issue: 2023 III-013

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

All information above the line is for conference use only.

Title:

Report - Disinfectant Committee (DC)

Recommended Solution: The Conference recommends...:

1. Acknowledgement of the Disinfectant Committee Report.
2. Thanking the members of the Committee for their work.
3. The Committee be disbanded; all assigned charges have been completed.

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.

**Conference for Food Protection
2023 Issue Form**

Issue: 2023 III-014

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

All information above the line is for conference use only.

Title:

DC 2 - Approval and Posting of Guidance Document

Recommended Solution: The Conference recommends...:

1. Approving the "Guidance for the Safe and Proper Use of Sanitizers and Disinfectants in Food Establishments" guidance document (attached as a content document to the Issue titled: Report - Disinfectant Committee (DC)).
2. The guidance document be posted to the CFP website; and
3. Authorizing the Conference to make any necessary edits prior to posting the document on the CFP website to assure consistency of format and non-technical content; edits will not affect the technical content of the document.

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
2023 Issue Form**

Issue: 2023 III-015

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

All information above the line is for conference use only.

Title:

DC 3 - Amend Food Code to Address Use of Disinfectants

Recommended Solution: The Conference recommends...:

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

1-201.10 Statement of Application and Listing of Terms.

(B) Terms Defined. As used in this Code, each of the terms listed in ¶ 1-201.10(B) shall have the meaning stated below.

"Disinfection" means the application of a substance, or mixture of substances, that destroys or irreversibly inactivates bacteria, fungi, or viruses, but not necessarily bacterial spores on cleaned food-contact or other hard, non-porous surfaces.

"Poisonous or toxic materials" means substances that are not intended for ingestion and are included in 5 categories:

(1) Cleaners and SANITIZERS, and disinfectants, which include cleaning and SANITIZING agents, DISINFECTION agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;

(2) Pesticides, except SANITIZERS and disinfectants, which include substances such as insecticides and rodenticides;

Renumber the current Food Code Sections 4-8 and 4-9 to 4-9 and 4-10, respectively to accommodate the following:

4-8 DISINFECTION OF EQUIPMENT AND UTENSILS

Subparts

4-801 Objective

4-802 Frequency

4-803 Methods

Objective

4-801.10 Equipment, Food-Contact Surfaces, Non-Food-Contact Surfaces, and Utensils.

EQUIPMENT, FOOD-CONTACT SURFACES, non-FOOD-CONTACT SURFACES, and UTENSILS shall be disinfected when pathogens of concern are not controlled by available sanitizers.

Frequency

4-802.11 Equipment, Food-Contact Surfaces, Non-Food-Contact Surfaces, and Utensils.

EQUIPMENT, FOOD-CONTACT SURFACES, non-FOOD-CONTACT SURFACES, and UTENSILS, shall be disinfected:

(A) If contaminated with vomitus, fecal matter, blood, or any other bodily fluid that can lead to disease transmission.

(B) During an outbreak or imminent health hazard not controlled by sanitizers

Methods

4-803.11 Chemical.

(A) FOOD-CONTACT SURFACES and non-FOOD-CONTACT SURFACES shall be disinfected in accordance with EPA-registered label use instructions. ^{Pf}

(B) Disinfectants applied to a FOOD-CONTACT SURFACE shall be rinsed with potable water, unless otherwise specified on the EPA-registered label use instructions.

7-102.11 Common Name.

Working containers used for storing POISONOUS OR TOXIC MATERIALS such as cleaners and SANITIZERS, and disinfectants taken from bulk supplies shall be clearly and individually identified with the common name of the material. ^{Pf}

4-302.14 Sanitizing and Disinfecting Solutions, Testing Devices.

a. A test kit or other device that accurately measures the concentration in ~~MG/L~~ of SANITIZING solutions shall be provided ^{Pf}

b. A test kit or other device that accurately measure the concentration of disinfecting solutions shall be provided if a disinfectant is being used as a final step on a food contact surface ^{Pf}

4-501.116 Warewashing Equipment, Determining Chemical Sanitizer or Disinfectant Concentration.

Concentration of the SANITIZING or disinfecting solution shall be accurately determined by using a test kit or other device. ^{Pf}

Annex 3. Public Health Reasons/Administrative Guidelines

4-302.14 Sanitizing and Disinfecting Solutions, Testing Devices.

Testing devices to measure the concentration of sanitizing and disinfecting solutions are required for 2 reasons:

1. The use of chemical sanitizers requires minimum concentrations of the sanitizer during the sanitization ~~final-rinse~~ step to ensure sanitization;
2. The use of chemical disinfectants requires minimum concentrations of disinfectant during the disinfection step to ensure disinfection. and

~~2.3.~~ Too much sanitizer or disinfectant in the final ~~rinse-water~~ step could be toxic.

4-501.116 Warewashing Equipment, Determining Chemical Sanitizer or Disinfectant Concentration.

The effectiveness of chemical sanitizers or disinfectants is determined primarily by the concentration and pH of the sanitizer or disinfectant solution. Therefore, a test kit is

necessary to accurately determine the concentration of the chemical sanitizer or disinfectant solution.

Objective (FDA to add new section and numbering system)

4-801.10 Equipment, Food-Contact Surfaces, Non-Food-Contact Surfaces, and Utensils.

Food establishments must be able to control microorganisms that pose a risk to employees and patrons to protect public health within their establishment. Since sanitizers only reduce, as opposed to eliminate, the number of microorganisms on a surface and do not control all types of microorganisms, i.e., bacteria, fungi, viruses, and spores, a disinfectant with an appropriate EPA-registered efficacy claim may be required.

Several examples of situations when a higher level of antimicrobial efficacy and/or a broader range of microorganisms maybe warranted are listed below:

- Clean-up of bodily fluid spills
- Microorganism of concern is not listed on the product label, (i.e., viruses, biofilm, fungus)
- A higher level of antimicrobial efficacy is warranted
- When required by a regulatory authority

Frequency

4-802.11 Equipment, Food-Contact Surfaces, Non-Food-Contact Surfaces, and Utensils.

Frequency of disinfection varies depending on circumstances at the time of disinfection. During outbreaks surfaces should be disinfected at the frequency recommended by public health officials or other regulatory authorities. Surfaces should also be disinfected immediately after a bodily fluid event.

Methods

4-803.11 Chemical.

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Submitter Information 1:

4/26/23, 7:50 am

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Organization: Mountain Top Microbiology
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Submitter Information 2:

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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
2023 Issue Form**

Issue: 2023 III-016

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

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Title:

DC 4 - Amend Food Code Annex on Hand Antiseptics

Recommended Solution: The Conference recommends...:

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

Annex 3. Public Health Reasons/Administrative Guidelines

2-301.16 Hand Antiseptics

~~Sanitizers used to disinfect food contact equipment and utensils can easily achieve the 5-log reduction of microorganisms and often far exceed this minimum requirement. However, removing~~ Reducing microorganisms from human skin is a totally different process than sanitizing surfaces and sterilization of human skin is nearly impossible to achieve without damaging the skin. Many antimicrobial hand agents typically achieve a much smaller reduction in microorganisms on hands than the 5-log reduction required for "sanitization." Therefore, the effect achieved from using antimicrobial hand agents (often called "hand sanitizers") is not consistent with the definition of "sanitization" in 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
2023 Issue Form**

Issue: 2023 III-017

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

All information above the line is for conference use only.

Title:

DC 5 - Amend Food Code Annex - Use of Disinfectants During Clean-up of V&D

Recommended Solution: The Conference recommends...:

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

Annex 3. Public Health Reasons/Administrative Guidelines

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

paragraph 6

Effective clean-up of vomitus and fecal matter in a food establishment should be handled differently from routine cleaning procedures. It should involve a more stringent cleaning and disinfecting process. Some compounds that are routinely used for sanitizing food-contact surfaces and disinfecting countertops and floors, such as certain quaternary ammonium compounds, non-food contact surfaces may not be effective against some viruses such as norovirus. It is therefore important that food establishments have procedures for the cleaning and disinfection of vomitus and/or diarrheal contamination events that include address, among other items, the use of proper disinfectants at the proper concentration. EPA-registered disinfectants against the microorganisms of concern.

paragraph 9

When developing a written plan that addresses the need for the cleaning and disinfection of a vomitus and/or diarrheal contamination event, a food establishment should consider:

- The procedures for containment and removal of any discharges, including airborne particulates; The conditions under which the plan will be implemented;
- The availability of effective disinfectants, such as EPA registered disinfection products sufficient to inactivate norovirus, personal protective equipment, and other cleaning and disinfecting appurtenances tools intended for response and their

- ~~proper use; The procedure for cleaning, sanitizing, and, as necessary, the disinfection of any surfaces that may have become contaminated;~~
- ~~The circumstances under which a food employee is to wear personal protective equipment for cleaning and disinfecting of a contaminated area; The procedures for the evaluation and disposal of any food that may have been exposed to discharges;~~
 - ~~Notification to food employees on the proper use of personal protective equipment and procedures to follow in containing, cleaning, and disinfecting a contaminated area; The availability of effective disinfectants, such as EPA registered disinfection products sufficient to inactivate norovirus, personal protective equipment, and other cleaning and disinfecting equipment and appurtenances intended for response and their proper use;~~
 - ~~The procedures for minimizing risk of disease transmission through the prompt removal of ill customers and others from areas of food preparation, service and storage;~~
 - ~~The segregation of areas that may have been contaminated so as to minimize the unnecessary exposure of employees, customers and others in the facility to the discharges or to surfaces or food that may have become contaminated; Procedures for the disposal and/or cleaning and disinfection of tools and equipment used to clean up vomitus or fecal matter;~~
 - ~~The procedures for containment and removal of any discharges, including airborne particulates; The circumstances under which a food employee is to wear personal protective equipment for cleaning and disinfecting of a contaminated area;~~
 - ~~The procedure for cleaning, sanitizing, and disinfecting of any surfaces that may have become contaminated ; Notification to food employees on the proper use of personal protective equipment and procedures to follow in containing, cleaning, and disinfecting a contaminated area;~~
 - ~~The procedures for the evaluation and disposal of any food that may have been exposed to discharges; The segregation of areas that may have been contaminated so as to minimize the unnecessary exposure of employees, customers and others in the facility to the discharges or to surfaces or food that may have become contaminated;~~
 - ~~Procedures for the disposal and/or cleaning and disinfection of tools and equipment used to clean up vomitus or fecal matter; and Minimizing risk of disease transmission through the exclusion and restriction of ill employees as specified in §2-201.12 of the Food Code;~~
 - ~~The procedures for minimizing risk of disease transmission through the exclusion and restriction of ill employees as specified in §2-201.12 of the Food Code; Minimizing risk of disease transmission through the prompt removal of ill customers and others from areas of food preparation, service and storage; and~~
 - ~~The conditions under which the plan will be implemented.~~

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
2023 Issue Form**

Issue: 2023 III-018

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

All information above the line is for conference use only.

Title:

Commercial Space Travel and Food Safety

Recommended Solution: The Conference recommends...:

No Action: Issue is covered in current Code of Federal Regulations (CFR) 21 CFR 1240 and 1250.

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
2023 Issue Form**

Issue: 2023 III-019

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

All information above the line is for conference use only.

Title:

Create a Committee - Sea Moss and Sea Moss Gel Committee

Recommended Solution: The Conference recommends...:

That a letter be sent to FDA to provide immediate interpretation for the safe use of sea moss and sea moss gel that is used in retail establishments as an ingredient in food such as sourcing and consideration as TCS 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
2023 Issue Form**

Issue: 2023 III-020

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

All information above the line is for conference use only.

Title:

Create a Committee - Retail Cold Brew Coffee Safety & Compliance Committee

Recommended Solution: The Conference recommends...:

a Retail Cold Brew Coffee Safety & Compliance Committee be created and charged with the following:

1. Consider the need for having uniform standards on retail cold brew coffee food safety for consistent enforcement across all U.S. health department and retail food safety jurisdictions.
2. Identify and review available food safety literature and challenge study data on retail cold brew coffee.
3. Propose language on retail cold brew coffee food safety for inclusion in the Food Code.
4. Report the Committee's findings back at the next biennial meeting.

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
2023 Issue Form**

Issue: 2023 III-021

Council Recommendation: Accepted as Submitted Amended No Action
Delegate Action: Accepted Rejected

All information above the line is for conference use only.

Title:

Creation of a Committee to Define Heat-Treated

Recommended Solution: The Conference recommends...:

that a committee be created to complete the following charges and report the committee's findings at the next biennial meeting.

The resulting Committee will be charged with:

1. Identifying and evaluating risk-based literature that aids in defining a temperature threshold for what is considered heat treatment for all types of foods.
2. Developing a definition for "heat-treated" that will adequately convey the risk and will clarify which processes seen at retail result in a food product being TCS. As part of this definition, it is recommended to also clarify the meaning of "heat-treated to destroy vegetative cells" as it appears in Table A in Paragraph 1-201.10(B) to also include an additional temperature for plant foods that do not have a final cook temperature in Section 3-401.11.
3. Determining appropriate methods of sharing the committee's work, including but not limited to a recommendation that a letter be sent to the FDA recommending the most recent version of the FDA Food Code to include the newly formed definition for "heat-treated" as referenced in Paragraph 1-201.10(B) where Time and Temperature Control for Safety Foods is defined and "heat-treated to destroy vegetative cells" as referenced in Table A of this definition.
4. Report the committee's findings and recommendations at the next biennial meeting.

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
2023 Issue Form**

Issue: 2023 III-022

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

All information above the line is for conference use only.

Title:

Creation of a Committee: Rehydrated Foods

Recommended Solution: The Conference recommends...:

that a committee be created to evaluate the preparation of rehydrated foods at retail, the food safety hazards, and the guidance related to controlling these hazards.

Charges for this committee would include:

1. Reviewing of the literature available on rehydration of food practices at retail
2. Analyzing of food safety hazards likely to occur during rehydration process and during hydrated storage.
3. Providing guidance on controlling hazards, in a guidance document or another format
4. Identifying the recommended methods to disseminate the committee's findings
5. Reporting the committee's findings at the next CFP Biennial Conference

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
2023 Issue Form**

Issue: 2023 III-023

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

All information above the line is for conference use only.

Title:

Revise definition of Reduced Oxygen Packaging specific to packaging type

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the definition of the term "Reduced Oxygen-Packaging" under 1-201.10 (B) in the current Food Code be amended as follows:

Reduced Oxygen Packaging.

(2) "**Reduced oxygen packaging**" includes:

(d) Cook chill PACKAGING, in which cooked FOOD is hot filled into impermeable ~~bags~~ PACKAGING (such as a bag or film on trays) that ~~are~~is then sealed or crimped closed. The ~~bagged~~PACKAGED FOOD is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens; 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.

**Conference for Food Protection
2023 Issue Form**

Issue: 2023 III-024

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

All information above the line is for conference use only.

Title:

Amend ¶3-501.13(E) thawing of frozen ROP fish

Recommended Solution: The Conference recommends...:

No Action: Lack of science supporting 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
2023 Issue Form**

Issue: 2023 III-025

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

All information above the line is for conference use only.

Title:

Amend Food Code to Clarify Fish Thawing Requirements in 3-501.13(E)

Recommended Solution: The Conference recommends...:

That a letter be sent to the FDA requesting the most recent version of the FDA Food Code Section 3-501.13(E) be amended within the Code Section to clarify the statement "removed from the reduced oxygen environment," with this clarification to allow the package to be opened without the product being removed as long as no additional *C. botulinum* risk exists.

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
2023 Issue Form**

Issue: 2023 III-026

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

All information above the line is for conference use only.

Title:

Add new defined term "Impermeable" to clarify cook-chill processes

Recommended Solution: The Conference recommends...:

The Conference sends FDA a letter to rapidly work with partners to develop the science to support the definition of oxygen impermeable packaging for the purpose of use in ROP applications in retail food and that a letter be sent to the FDA requesting the current Food Code be amended as follows:

1-201.10 (B) Reduced Oxygen Packaging.

(2) "Reduced oxygen packaging" includes:

(d) Cook chill PACKAGING, in which cooked FOOD is hot filled into impermeable bags that are then sealed or crimped closed. The bagged FOOD is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens; or

2-201.11(A)

Reportable symptoms

(1) Has any of the following symptoms:

(e) A lesion containing pus such as a boil or infected wound that is open or draining and is:

(i) On the hands or wrists, *unless an ~~impermeable~~ waterproof cover such as a finger cot or stall protects the lesion and a SINGLE-USE glove is worn over the ~~impermeable~~ waterproof cover,*^P

(ii) On exposed portions of the arms, *unless the lesion is protected by an impermeable waterproof cover,*^P or

2-201.13(I)

Uncovered infected wound or pustular boil - removing restriction

(I) Reinstate a FOOD EMPLOYEE who was RESTRICTED as specified under ¶ 2-201.12(I) if the skin, infected wound, cut, or pustular boil is properly covered with one of the following:

(1) An ~~impermeable-waterproof~~ cover such as a finger cot or stall and a ~~single-use SINGLE-USE~~ glove over the ~~impermeable-waterproof~~ cover if the infected wound or pustular boil is on the hand, finger, or wrist;^P

(2) An ~~impermeable-waterproof~~ cover on the arm if the infected wound or pustular boil is on the arm;^P or

7-202.12 Conditions of Use.

POISONOUS OR TOXIC MATERIALS shall be:

(B) Applied so that:

(2) Contamination including toxic residues due to drip, drain, fog, splash or spray on FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES is prevented, and this is achieved by:^P

(b) Covering the items with ~~impermeable-waterproof~~ covers,^P or

Annex 3. Public Health Reasons/Administrative Guidelines

2-201.11 Responsibilities of the Person in Charge, Food Employees, and Conditional Employees.

Reporting Symptoms:

paragraph 4

Lesions containing pus that may occur on a food employee's hands, as opposed to such wounds on other parts of the body, represent a direct threat for introducing ***Staphylococcus aureus*** into food. Consequently, a double barrier is required to cover hand and wrist lesions. Pustular lesions on the arms are less of a concern when usual food preparation practices are employed and, therefore, a single barrier is allowed. However, if the food preparation practices entail contact of the exposed portion of the arm with food, a barrier equivalent to that required for the hands and wrists would be necessitated. Lesions

on other parts of the body need to be covered; but an ~~impermeable~~ waterproof bandage is not considered necessary for food safety purposes.

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
2023 Issue Form**

Issue: 2023 III-027

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

All information above the line is for conference use only.

Title:

Amend Food Code to Include Definition of "Preservation"

Recommended Solution: The Conference recommends...:

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

1-201.10 Statement of Application and Listing of Terms.

(B) Terms Defined. As used in this Code, each of the term listed in ¶ 1-201.10(B) shall have the meaning stated below.

"Food-Preservation" means formulating, processing and/or packaging a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD in a manner which extends shelf life of the refrigerated READY-TO-EAT FOOD product beyond seven days as allowed under 3-501.17, or which renders the final product a non-TIME/TEMPERATURE CONTROL FOR SAFETY 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
2023 Issue Form**

Issue: 2023 III-028

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	No Action _____	x _____
Delegate Action:	Accepted _____	Rejected _____		

All information above the line is for conference use only.

Title:

Amend Food Code - Delete 4-101.12 Cast Iron, Use Limitations

Recommended Solution: The Conference recommends...:

No Action: Lack of sufficient science supporting 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
2023 Issue Form**

Issue: 2023 III-029

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

All information above the line is for conference use only.

Title:

Modification of the Definition of TCS Foods

Recommended Solution: The Conference recommends...:

That a CFP committee be formed with the following charges. Proposed Committee Title
Consideration of plant TCS foods.

Charges:

1. Evaluate the criteria for the definition of plant food that is raw and cut/diced/sliced/peeled/comminuted TCS food in the FDA Food Code including but not limited to the following issues:
 - a. The relevant science regarding current plant TCS foods and the current definition of TCS in the FDA Food Code.
 - b. Common industry practices for merchandising prior to sale such as trimming asparagus, trimming bulk leafy greens, husking corn, removing non-edible portions of produce items, refrigeration for quality, and antimicrobials.
 - c. Time as a public health control for items on display for a short period of time.
 - d. Consideration if the intended use is for the product to be consumed raw.
 - e. Modification to control for pathogenic growth.
2. Evaluate the need for changes to be made to section 1-201.10 (B), Including identifying and defining TCS plant foods along with any exemptions. As well as any other identified sections in the FDA Food Code.
3. Conduct industry and regulatory impact assessment.
4. Provide a report at the next biennial meeting and present recommendations in a format that CFP members can understand and utilize the 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
2023 Issue Form**

Issue: 2023 III-030

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

All information above the line is for conference use only.

Title:

Amend Food Code – Add Laboratory Methods for Reinstating Ill Food Workers

Recommended Solution: The Conference recommends...:

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

2-201.13 Removal, Adjustment, or retention of Exclusions and Restrictions.

Shigella spp. Diagnosis - Removing Exclusion or Restriction

(E) Reinstatement of a FOOD EMPLOYEE who was EXCLUDED as specified under Subparagraph 2-201.12(A)(2) or (E)(1) or who was RESTRICTED under Subparagraph 2-201.12(E)(2) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY and if the following conditions are met:

(1) The EXCLUDED or RESTRICTED FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of a *Shigella* spp. infection based on ~~test results showing 2 consecutive negative stool specimen cultures~~ test results from a validated laboratory test that is acceptable to the REGULATORY AUTHORITY obtained from stool specimens that are taken:

- (a) Not earlier than 48 hours after discontinuance of antibiotics,^P and
- (b) At least 24 hours apart;^P

STEC diagnosis - removing exclusions or restriction

(F) Reinstate a FOOD EMPLOYEE who was EXCLUDED or RESTRICTED as specified under Subparagraph 2-201.12(A)(2) or (F)(1) or who was RESTRICTED under Subparagraph 2-201.12(F)(2) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY and one of the following conditions is met:

(1) The EXCLUDED or RESTRICTED FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of an infection from SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* based on ~~test results that show 2 consecutive negative stool specimen cultures~~ test results from a validated laboratory test that is acceptable to the REGULATORY AUTHORITY obtained from stool specimens that are taken:

(a) Not earlier than 48 hours after discontinuance of antibiotics;^P and

(b) At least 24 hours apart;^P

Nontyphoidal Salmonella - removing exclusion or restriction

(G) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under Subparagraph 2-201.12(A)(2) or who was RESTRICTED as specified under ¶ 2-201.12(G) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY^P and one of the following conditions is met:

(1) The EXCLUDED or RESTRICTED FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of a *Salmonella* (nontyphoidal) infection based on ~~test results showing 2 consecutive negative stool specimen cultures~~ test results from a validated laboratory test that is acceptable to the REGULATORY AUTHORITY obtained from stool specimens that are taken;

(a) Not earlier than 48 hours after discontinuance of antibiotics,^P and

(b) At least 24 hours apart;^P

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
2023 Issue Form**

Issue: 2023 III-031

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

All information above the line is for conference use only.

Title:

Amend Food Code - Considerations for Bulk Refillable Hand Soap Dispensers

Recommended Solution: The Conference recommends...:

That a letter be sent to the FDA requesting the amendment of The FDA Food Code section 6-301.11 (Handwashing Cleanser, Availability) as follows:

6-301.11 Handwashing Cleanser, Availability.

(A) Each HANDWASHING SINK or group of 2 adjacent HANDWASHING SINKS shall be provided with a supply of hand cleaning liquid, powder, or bar soap.^{Pf}

(B) If a hand cleaning liquid is used it must be undiluted or diluted to the manufacturer's instructions. The hand cleaning liquid itself and its associated dispenser must be free from filth, visible debris, or any other sign of gross contamination.

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**Conference for Food Protection
2023 Issue Form**

Issue: 2023 III-032

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

All information above the line is for conference use only.

Title:

Amend Food Code - Add Aqueous Ozone as an Approved Sanitizer in 4-501.114

Recommended Solution: The Conference recommends...

No Action; Not supported by EPA registration 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
2023 Issue Form**

Issue: 2023 I-022

Reassigned to Council III

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

All information above the line is for conference use only.

Title:

Amend Food Code to allow cooling without time and temperature monitoring.

Recommended Solution: The Conference recommends...:

That a letter be sent to the FDA requesting 3-501.15 of the current Food Code be amended as specified below:

3-501.15 (C) FOODS that are being continuously cooled must be cooled in a shallow layer of two inches or less, uncovered, in cooling or cold holding EQUIPMENT maintaining an ambient temperature of 5°C (41°F) or less shall not require temperature monitoring after initial validation.

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
2023 Issue Form**

Issue: 2023 I-025

Reassigned to Council III

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

All information above the line is for conference use only.

Title:

Amend Food Code to include procedures for clean-up of vomit and diarrhea

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting Section 2-501.11 of the most current edition of the Food Code be amended using language in Issue 2023 III-017 as shown below the text of the current Issue:

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

A FOOD ESTABLISHMENT shall have 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^{Pf} and shall include at least the following: ^{Pf}

(A) Availability of effective disinfectants, such as EPA registered disinfectant effective against norovirus, personal protective EQUIPMENT, and other cleaning and disinfecting EQUIPMENT intended for response and their proper use. ^{Pf}

(B) Procedures for cleaning, and disinfection of surfaces and cleaning and disinfecting EQUIPMENT that may have become contaminated. ^{Pf}

(C) Procedures for containment and removal of any discharges, cleaning and disinfecting EQUIPMENT, and food that may have been exposed. ^{Pf}

Annex 3. Public Health Reasons/Administrative Guidelines

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

paragraph 6

Effective clean-up of vomitus and fecal matter in a food establishment should be handled differently from routine cleaning procedures. It should involve a more stringent cleaning and disinfecting process. Some compounds that are routinely used for sanitizing food-contact surfaces and disinfecting countertops and floors, such as certain quaternary ammonium compounds, non-food contact surfaces may not be effective against some viruses such as norovirus. It is therefore important that food establishments have procedures for the cleaning and disinfection of vomitus and/or diarrheal contamination events that include address, among other items, the use of proper disinfectants at the proper concentration. EPA-registered disinfectants against the microorganisms of concern.

paragraph 9

When developing a written plan that addresses the need for the cleaning and disinfection of a vomitus and/or diarrheal contamination event, a food establishment should consider:

- The procedures for containment and removal of any discharges, including airborne particulates; The conditions under which the plan will be implemented;
- The availability of effective disinfectants, such as EPA registered disinfection products sufficient to inactivate norovirus, personal protective equipment, and other cleaning and disinfecting appurtenances tools intended for response and their proper use; The procedure for cleaning, sanitizing, and, as necessary, the disinfection of any surfaces that may have become contaminated;
- The circumstances under which a food employee is to wear personal protective equipment for cleaning and disinfecting of a contaminated area; The procedures for the evaluation and disposal of any food that may have been exposed to discharges;
- Notification to food employees on the proper use of personal protective equipment and procedures to follow in containing, cleaning, and disinfecting a contaminated area; The availability of effective disinfectants, such as EPA registered disinfection products sufficient to inactivate norovirus, personal protective equipment, and other cleaning and disinfecting equipment and appurtenances intended for response and their proper use;
- The procedures for minimizing risk of disease transmission through the prompt removal of ill customers and others from areas of food preparation, service and storage;
- The segregation of areas that may have been contaminated so as to minimize the unnecessary exposure of employees, customers and others in the facility to the

discharges or to surfaces or food that may have become contaminated; Procedures for the disposal and/or cleaning and disinfection of tools and equipment used to clean up vomitus or fecal matter;

- The procedures for containment and removal of any discharges, including airborne particulates;The circumstances under which a food employee is to wear personal protective equipment for cleaning and disinfecting of a contaminated area;
- The procedure for cleaning, sanitizing, and disinfecting of any surfaces that may have become contaminated ;Notification to food employees on the proper use of personal protective equipment and procedures to follow in containing, cleaning, and disinfecting a contaminated area;
- The procedures for the evaluation and disposal of any food that may have been exposed to discharges;The segregation of areas that may have been contaminated so as to minimize the unnecessary exposure of employees, customers and others in the facility to the discharges or to surfaces or food that may have become contaminated;
- Procedures for the disposal and/or cleaning and disinfection of tools and equipment used to clean up vomitus or fecal matter; and Minimizing risk of disease transmission through the exclusion and restriction of ill employees as specified in §2-201.12 of the Food Code;
- The procedures for minimizing risk of disease transmission through the exclusion and restriction of ill employees as specified in §2-201.12 of the Food Code; Minimizing risk of disease transmission through the prompt removal of ill customers and others from areas of food preparation, service and storage; and
- The conditions under which the plan will be implemented.

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**Conference for Food Protection
2023 Issue Form**

Issue: 2023 I-026

Reassign to Council III

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

All information above the line is for conference use only.

Title:

Add off-site warewashing facilities for multiuse articles to Food Code

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting Part(s) 3-3, 4-4, 4-6, 4-7, 4-9 and/or Annex 3 (whichever portions FDA deems appropriate) of the most current edition of the Food Code be amended (using applicable language developed by FDA) to clarify how to safely use off-site warewashing facilities for multiuse utensils, tableware, take-home food container and take-out beverage container cleaning. And to request FDA to consider the solution passed by CFP Council III for Issue 2023 III-012 and make a decision on the appropriate changes required to the FDA Food Code that encompass the spirit of the solution.

For convenience Issue 2023 III-012

3-304.17 Refilling Returnables Refilling REUSABLE CONTAINERS.

(A) Except as specified in ¶¶ (B) - (E) of this section, empty containers returned to a FOOD ESTABLISHMENT for cleaning and refilling with FOOD shall be cleaned and refilled in a regulated FOOD PROCESSING PLANT.^P

~~(B) A CONSUMER-owned container not specifically designed for reuse may be refilled by the same CONSUMER with a non-TIME/TEMPERATURE CONTROL FOR SAFETY FOOD or BEVERAGE using a contamination-free transfer process.~~

(C~~E~~) CONSUMER-owned containers that are not FOOD-specific may be filled at a water VENDING MACHINE or system.

(D) REUSABLE CONTAINERS may be refilled with READY-TO-EAT or TIME/TEMPERATURE CONTROL FOR SAFETY FOODS either by a FOOD EMPLOYEE or the CONSUMER, if:

(1) The REUSABLE CONTAINER is designed and constructed for reuse in accordance with the requirements specified under Parts 4-1 and 4-2 of this Code; and

(2) The REUSABLE CONTAINER is cleaned and sanitized following APPROVED procedures as specified under Parts 4-6 and 4-7 of this Code prior to refilling unless:

(a) The container is refilled in a contamination-free transfer process; and

(b) The container is isolated from FOOD-CONTACT SURFACES or FOOD-CONTACT SURFACES are cleaned as specified under Part 4-6 and sanitized as specified under Part 4-7 of this Code by a FOOD EMPLOYEE after each filling.

(E) Establishment or third-party reuse service provider owned, managed, or provided REUSABLE CONTAINERS for refilling with FOOD shall follow APPROVED procedures that ensure compliance with the requirements of this code and be cleaned and sanitized following APPROVED procedures.

~~(B) A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with FOOD if the FOOD container is:~~

~~(1) Designed and constructed for reuse and in accordance with the requirements specified under Part 4-1 and 4-2;^P~~

~~(2) One that was initially provided by the FOOD ESTABLISHMENT to the CONSUMER, either empty or filled with FOOD by the FOOD ESTABLISHMENT, for the purpose of being returned for reuse;~~

~~(3) Returned to the FOOD ESTABLISHMENT by the CONSUMER after use;~~

~~(4) Subject to the following steps before being refilled with FOOD:~~

~~(a) Cleaned as specified under Part 4-6 of this Code,~~

~~(b) Sanitized as specified under Part 4-7 of this Code;^P and~~

~~(c) Visually inspected by a FOOD EMPLOYEE to verify that the container, as returned, meets the requirements specified under Part 4-1 and 4-2.^P~~

~~(C) A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with BEVERAGE if:~~

~~(1) The BEVERAGE is not a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;~~

~~(2) The design of the container and of the rinsing EQUIPMENT and the nature of the BEVERAGE, when considered together, allow effective cleaning at home or in the FOOD ESTABLISHMENT;~~

~~(3) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;~~

~~(4) The CONSUMER owned container returned to the FOOD ESTABLISHMENT for refilling is refilled for sale or service only to the same CONSUMER; and~~

~~(5) The container is refilled by:~~

~~(a) An EMPLOYEE of the FOOD ESTABLISHMENT, or~~

~~(b) The owner of the container if the BEVERAGE system includes a contamination-free transfer process as specified under §§ 4-204.13(A), (B), and (D) that cannot be bypassed by the container owner.~~

~~(D) CONSUMER-owned, personal take-out BEVERAGE containers, such as thermally insulated bottles, nonspill coffee cups, and promotional BEVERAGE glasses, may be refilled by EMPLOYEES or the CONSUMER if refilling is a contamination-free process as~~

~~specified under §§ 4-204.13(A), (B), and (D).~~

~~(E) CONSUMER-owned containers that are not FOOD-specific may be filled at a water VENDING MACHINE or system~~

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