

Conference for Food Protection – Committee FINAL Report

Template rev: 06/21/2013

Committee Final Reports are considered DRAFT until deliberated and acknowledged by the assigned Council at the Biennial Meeting

COMMITTEE NAME: Oyster Advisory Committee

COUNCIL or EXECUTIVE BOARD ASSIGNMENT: Council I (established by Executive Board Ad Hoc Committee formed from extracted issue 2014-I-25)

DATE OF REPORT: November 6, 2015

SUBMITTED BY: Lisa Staley, Committee Co-Chair, Thomas McMahan, Committee Co-Chair

COMMITTEE CHARGE(s):

1. Develop recommendations to update Food Code section 3-603.11 Consumer Advisory regarding raw molluscan shellfish that have not been treated by a process sufficient to reduce *Vibrio spp.* to an undetectable level, as detected by the *Vibrio vulnificus* testing method in the most current edition of the U.S. Food and Drug Administration Bacteriological Analytical Manual.
2. Report back to the 2016 Conference for Food Protection Biennial meeting on the committee's work and submit an issue amending the FDA Food Code as recommended by the committee.

COMMITTEE ACTIVITIES AND RECOMMENDATIONS:

1. Progress on Overall Committee Activities:

The Oyster Advisory Committee was tasked with developing recommendations to update the 2013 Food Code section 3-603.11 Consumer Advisory, as follows, regarding raw molluscan shellfish that have not been treated by a process sufficient to reduce *Vibrio spp.* to an undetectable level, as detected by the *Vibrio vulnificus* testing method in the most current edition of the U.S. Food and Drug Administration Bacteriological Analytical Manual.

3-603.11 Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens.

(A) Except as specified in ¶ 3-401.11(C) and Subparagraph 3-401.11(D)(4) and under ¶ 3- 801.11(C), if an animal FOOD such as beef, EGGS, FISH, lamb, milk, pork, POULTRY, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in READY-TO-EAT form or as an ingredient in another READY-TO- EAT FOOD, the PERMIT HOLDER shall inform CONSUMERS of the significantly increased RISK of consuming such FOODS by way of a DISCLOSURE and REMINDER, as specified in ¶¶ (B) and (C) of this section using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.

(B) DISCLOSURE shall include:

- (1) A description of the animal-derived FOODS, such as “oysters on the half shell (raw oysters),” “raw-EGG Caesar salad,” and “hamburgers (can be cooked to order)”; or
- (2) Identification of the animal-derived FOODS by asterisking them to a footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients.

- (C) REMINDER shall include asterisking the animal-derived FOODS requiring DISCLOSURE to a footnote that states:
- (1) Regarding the safety of these items, written information is available upon request;
 - (2) Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness; or
 - (3) Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness, especially if you have certain medical conditions.

The Oyster Advisory Committee conducted three phone conferences (December 9, 2014, January 13, 2015, and February 26, 2015). A prevailing discussion during the calls was regarding the content contained in the letter from Interstate Shellfish Sanitation Conference (ISSC) dated July 7, 2014 addressed to Kevin Smith, CFSAN and Lori LeMaster, Conference Chair (see attached letter). In the letter, ISSC recommended that CFP take no action on Issue 2014-1-25 as written. This is due to the direct assertion that Council 1 Issue 2014-1-25 would not improve the Food Code consumer advisory effectiveness or reduce illnesses.

At the conclusion of the January 2015 call, the committee members were tasked to compare a side by side comparison of the recommended language from the original Council 1 Issue 2014-1-25 to the current language in section 3-603.11 of 2013 Food Code.

Committee members submitted written feedback that addressed varying positions that either suggested minor revisions to the current language in section 3-603.11 and the importance of having additional employee/consumer education available at establishments that serve raw oysters or took a position that no changes are warranted as the language contained within the committee charge is already covered within 3-603.11. The written feedback was discussed during the February 26, 2015 call. In addition, due to overwhelming discussion that supported a position that no change to the current language in the FDA Food Code is warranted to meet the intent of the charge, committee members asked to vote on whether the issue required further review. As a result of the vote, the committee determined that the current language in 3-603.11 of the 2013 FDA Food Code are sufficient to meet the intent of the charge and no changes to the FDA Food Code Consumer Advisory language are needed at this time.

2. The committee determined that the current language in the section 3-603.11 of the 2013 FDA Food Code is sufficient to meet the intent of the charge and no further discussions were needed.

- a. **FUTURE OF THE COMMITTEE:** Recommendation that this committee be disbanded and not recreated.

CFP ISSUES TO BE SUBMITTED BY COMMITTEE:

1. Acknowledgement of the CFP 2014 - 2016 Oyster Advisory Committee Final Report and thanking the committee members for their work.
2. LIST OF SUPPORTING ATTACHMENTS
 - a. ISSC Letter dated July 7, 2014
 - b. Council 1, 2014-1-025
 - c. 3-603.11, 2013 FDA Food Code

COMMITTEE MEMBER ROSTER: See attached CFP Oyster Advisory Committee