Joint Committee on Food Equipment
170i28r2 Straw Poll
February 3, 2020

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Purpose
The purpose of this straw ballot is to affirm new and revised language for the harmonization of language between the FDA Food Code and NSF Food Equipment Standards.

Background
Issue paper FE-2019-09 recommended the Joint Committee of Food Equipment (JCFE) consider changing the term Potentially Hazardous Foods currently used in NSF Food Equipment Standards to the term Time/Temperature Control for Safety Food used in the FDA Food Code. Making this change would require adding a definition to NSF/ANSI 170 Glossary of Food Equipment Terminology.

The issue paper was initially presented to the JCFE during its annual meeting in August 2019. The committee discussed the topic in some detail and motioned the language be sent to the JCFE as a straw poll for review and comment. Revision 1 straw ballot received a 27 : 1 : 1 (Yes : No : Abstain) vote and several comments for suggested improvement.

The Task Group met on December 10, 2019 whereby the group discussed the comments and unanimously motioned the updated language be sent to this TG as revision 2 straw ballot.

This revision 2 straw ballot represents language updated during the teleconference and is presented here for your consideration.

An affirmative (yes) vote on this straw poll means you agree with the revised language as submitted.

A negative (no) vote on this straw poll means you disagree with the revised language as submitted. A negative vote must include an explanation of why you disagree with the revised draft.
Rationale: The United States Food Code has revised the phrase Potentially Hazardous Food to Time/Temperature Control for Safety Food. Updating NSF 170 and the other applicable NSF Food Equipment Standards adds consistency and continuity with these regulations.

3.XX time/temperature control for safety (TCS) food (formerly known as “potentially hazardous food”):

(1) A food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation

(2) Time/temperature control for safety (TCS) food includes:
   — animal food (a food of animal origin) that is raw or heat-treated;
   — food of plant origin that is heat-treated or consists of raw seed sprouts;
   — cut melons;
   — cut leafy greens;
   — cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and
   — garlic and oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support pathogenic microorganism growth or toxin formation

(3) Time/temperature control for safety (TCS) food does not include:
   — an air-cooled hard-boiled egg with shell intact, or a shell egg that is not hard-boiled but has been treated to destroy all viable salmonellae; or
   — a food having a water activity ($a_w$) value less than 0.88; or
   — a food with a pH of less than 4.2; or
   — a food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution; or
   — a food for which laboratory evidence demonstrates that rapid and progressive growth of infectious or toxigenic microorganisms or the growth of S. enteritidis in eggs or C. botulinum cannot occur, as defined previously in this section, and that may contain a preservative, other barrier to
the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; or

— a food that does not support the growth of microorganisms as specified under part (1) of this definition even though the food may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a sufficient level to cause illness.

NOTE – cut leafy greens include but are not limited to fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. Examples include: iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard. Does not include: Herbs such as cilantro or parsley or whole heads of lettuce or other raw agricultural commodities. ‘Cut’ does not include removing and discarding exterior leaves, which is a common practice for display in retail food establishments.

Rationale: Proposed language is based on definition for “cut leafy greens” within the U.S. FDA Food Code and Fact Sheet from Oregon Department of Agriculture.¹

3.155 potentially hazardous food: See time/temperature control for safety (TCS) food. (1) A food that is natural or synthetic and requires temperature control because it is in a form capable of supporting the following: rapid and progressive growth of infectious or toxigenic microorganisms; growth and toxin production of Clostridium botulinum; or, in raw shell eggs, the growth of Salmonella enteritidis; (2) Potentially hazardous food includes animal food (a food of animal origin) that is raw or heat-treated; food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic and oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth as specified above; and (3) Potentially hazardous food does not include:

— an air-cooled hard-boiled egg with shell intact, or a shell egg that is not hard-boiled but has been treated to destroy all viable salmonellae;

— a food having water activity (aw) value of 0.85 or less;

— a food with a pH of 4.6 or less when measured at 75 °F (24 °C);

— a food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;

— a food for which laboratory evidence demonstrates that rapid and progressive growth of infectious or toxigenic microorganisms or the growth of S. enteritidis in eggs or C. botulinum cannot occur, as defined previously in this section, and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; or

— a food that does not support the growth of microorganisms as specified under part (1) of this definition, even though the food may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a sufficient level to cause illness.