Task Group on Standard 170
Teleconference Meeting Summary
September 15, 2020

Participating Members:
Michele Samarya-Timm (Somerset County Dept. of Health)    Syed Rizvi (Cornelius, Inc.)
James Leonard (Princess Cruises)    Bob Corrao (J.M. Smucker Company)
Luis Rodriguez (Centers for Disease Control and Prevention)    Jeff Burnett (Perlick)
Danielle Melaragno (Intertek)    Jonathan Brania (UL LLC)
Thomas Jumalon (Wake County North Carolina)    Stephen Schaefer (Hoshizaki America, Inc.)

Absent Members:
Mike Kohler (NSF International)    Charlie Souhrada (NAFEM)
Rex Brandt (Taylor Co.)

Participating observers:
Al Rose (NSF International)    Michael Perez (Baring Industries)
Eric Brasseur (Little Caesars Enterprises)    Burl Finkelstein (Kason Industries)
Joe Wallace (A.O. Smith Water Products Company)    John Scanlon (Hatco Corp.)
Rick Petersen (Norwalk Community College)    Joel Hipp (Hobart Corp.)
Girvin Liggans (Food and Drug Administration)

Supplemental Materials Referenced
2) 170i28r4 - PHF to TCS - Ballot COMMENTS.pdf
3) 170i28r5 - PHF to TCS - Ballot - various options.docx
4) FW_ 170i28r4 PHF to TCS Negative Ballot.pdf

Discussion
M.Samarya-Timm welcomed everyone and called the meeting to order. A.Rose read the anti-trust statement and took attendance. Ten of the 13 voting members were present (77%) representing a quorum. The floor was then opened to accept motions for accepting the previous meeting summary and today’s agenda:

Motion, B.Corrao:    accept today’s agenda
Second:    T.Jumalon
Discussion:    None
Vote:    10 in favor, 0 opposed, 0 abstention

Motion, J.Burnett:    accept previous meeting summary
Second:    S.Schaefer
Discussion:    None
Vote:    10 in favor, 0 opposed, 0 abstention

A.Rose and M.Samarya-Timm then provided a background of only issue at hand on the agenda:

- Issue paper presented and discussed during the 2019 JC Face-to-Face meeting in August
- Group decided to send this to Straw Ballot with the full JC, with potential of creating a new TG for 170 based on the results
- Newly created TG met to discuss, executing straw ballots through a unanimous revision 4 which ultimately went to the full JC as an approval ballot yielding a vote of 24 : 1 : 1 (Affirmative : Negative : Abstain)
• Since then, the issue proponent, TG chair, content experts and negative commenter have discussed various options, all of which to be discussed at today’s meeting.

M.Samarya-Timm asked G.Liggans if there were any updates to the food code that would influence this discussion and he confirmed there were not. She then opened the floor for comments.

J.Leonard explained his issues and summarized his negative comment. His concern is basically how the discussion turned to water activity and pH when that wasn’t on the original issue paper, and if it is being addressed, then why not use the table in the food code which would then completely harmonize with the food code. He contended that the original issue paper proposed alignment with food code, then when the ballot came out it wasn’t actually harmonized, the application of which might create challenges for regulators in the field. Ended stating his suggestion is to simply add a table like the food code.

The issue proponent D.Melaragno appreciated the feedback, stating it may make sense in the long run, but suggested that this be added as a separate issue paper because this strays too far away from the scope of her issue paper. She added that holding up the great work already completed here would delay this important update to the standard. She finished by saying including the table as is might be a challenge because there are no prescribed guidelines for product assessment (which are part of the table). This led to a short discussion about how 170 came to use only the extreme limits of the food code and not a table and G.Liggans thought the table was added to the food code in either 1999 or 2001, so the definition in 170 was likely created prior.

The question was raised to the group to explain/discuss what the challenge is with including the table. D.Melaragno confirmed it’s all about the product assessment part. She indicated as issue proponent she was simply trying to use the format of the outer limits of pH and water activity which are in the current definition of 170. G.Liggans confirmed his understanding is we are simply trying to get this closer to the Food Code as the term PHF and TCS foods, and the language could be worked either way.

At this point M.Perez proposed to the TG that since J.Leonard was the only negative ballot; one option would be to send this out as an adjudication ballot with the suggestion that J.Leonard put in a new issue paper to add the table.

G.Liggans suggested the TG go back to the R4 ballot in question and A.Rose presented it to the group. G.Liggans pointed out the bullet point that clarifies the issue:

— 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.

He pointed out that if someone can prove that a food doesn’t support the growth of microorganism, then that accounts for the pH and water activity. In this case, the table is not needed in these Food Equipment standards. These aren’t food standards exactly, but rather Food Equipment standards. J.Leonard indicated that as a user, even if he uses the last bullet as an ‘out’, he would have to rely directly on the food code to make decisions.

D.Melaragno suggested those are good points but added that if someone were buying certain equipment the user is required to assess these for his/her own specific needs. As a certifier we don’t take the equipment manufacturer at face value. We are accredited to certify separately.
At this point, A.Rose thoroughly explained due process regarding the current language and balloting. After which D.Melaragno made the following motion:

**Motion, D.Melaragno:** to move forward with R4, including the outer most limits of pH and water activity as is, with the expectation that a new issue paper would be submitted to discuss the addition of a table

**Second:** J.Brania

**Discussion:** D.Melaragno reminded the group that the current definition already uses the outer most limits and the current ballot simply updates those limits to match the changes in the food code. Perez explained for clarity that ‘moving forward’ as described in the motion would be to adjudicate R4 and then send to CPHC if passes. J.Leonard indicated here that his point of contention is that if the original issue paper didn’t not include updating the pH and water activity values, and the group later decided to update those, why not fully update to a table now. D.Melaragno said changing the outer most elements is much more straightforward than adding a table, but added that if this is holding things up, she would agree to simply not change the limits. The main priority of the issue paper was to add cut leafy greens and tomatoes. To this B.Corrao suggested the group consider taking baby steps, for instance just change cut leafy greens and change the pH and water activity later.

To this D.Melaragno made the friendly amendment to the motion to not revise the pH and water activity values but include the rest of the R4 language.

Before J.Brania could update his second to the amended motion, he asked if the group could call up the documents where it was decided to update the values in the first place. If it wasn’t in the original issue paper, there must have been a place where this happened and going back now might fix one negative comment just to create another. A.Rose presented comments from the R1 straw ballot sent to the entire JC:

<table>
<thead>
<tr>
<th>Liggans, Girvin - Food and Drug Administration</th>
<th>Yes vote</th>
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As the objective is harmonization between the FDA Food Code and NSF Food Equipment Standards, the following changes should be made:

**Instead of:**
- a food having water activity (aw) value of 0.85 or less; or
- a food with a pH of 4.6 or less when measured at 75 °F (24 °C); or

**Please revise to:**
- a food having a water activity (aw) value less than 0.88; or
- a food with a pH less than 4.2; or

**Also,** the phrase "physical contaminant at a sufficient level to cause illness" should be part of the sentence above it. It is not intended to stand alone. The last bullet under (3) should be revised to read:

- a food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with part (1) of this definition even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.
D. Melaragno confirmed then that she did not want to make the amendment to the motion.

Vote to the motion was then called:

- **Vote:** 10 in favor, 0 opposed, 0 abstention
- **Motion:** carries

M. Samarya-Timm asked if anybody here wanted to create another issue paper; there were no volunteers. She then asked if there was desire to set up another call now, to which A. Rose suggested we wait to see how the vote goes.

Michelle asked if there were any other business to discuss; there was nothing added and the meeting adjourned.

**Action Items:**
- A. Rose to create Revision 4 adjudication ballot and send to the JC.
- A. Rose to set up another teleconference if necessary.