

4626.0420 3-502.12 REDUCED OXYGEN PACKAGING; CRITERIA.*

A. A food establishment that packages potentially hazardous food using a reduced oxygen packaging method shall have a HACCP plan that contains the information specified in part 4626.1735, item A, subitem (4).

B. A HACCP plan under item A shall:

- (1) identify the food to be packaged;
- (2) limit the food packaged to a food that does not support the growth of *Clostridium botulinum* because the food:
 - (a) has an a_w of 0.91 or less;
 - (b) has a pH of 4.6 or less;
 - (c) is a food with a high level of competing organisms, including raw meat, raw poultry, or a naturally cultured standardized cheese; or
 - (d) is a meat or poultry product:
 - i. cured at a food processing plant regulated by the United States Department of Agriculture and received at the food establishment in an intact package; or
 - ii. cured using substances specified in Code of Federal Regulations, title 9, sections 318.7 and 381.147;
- (3) specify how the food will be maintained at 5 degrees C (41 degrees F) or below;
- (4) describe how the packages will be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:
 - (a) keep refrigerated or frozen; and
 - (b) discard the food if within 14 calendar days of its packaging it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption unless a variance, including a HACCP plan, has been granted by the regulatory authority under parts 4626.1690 to 4626.1715;
- (5) limit the shelf life to no more than 14 calendar days from packaging to consumption or the original manufacturer's "sell by" or "use by" date, whichever occurs first, unless a variance, including a HACCP plan, has been granted under parts 4626.1690 to 4626.1715;
- (6) include operational procedures that:
 - (a) comply with part 4626.0225 relating to contamination from hands;

- (b) identify a designated area and the method by which:
 - i. physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross contamination; and
 - ii. access to the processing equipment is restricted to responsible trained personnel familiar with the potential hazards of the operation; and
- (c) delineate cleaning and sanitization procedures for food-contact surfaces; and
- (7) describe the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the:
 - (a) concepts required for a safe operation;
 - (b) equipment and facilities; and
 - (c) procedures specified in subitem (6) and part 4626.1735, item A, subitem (3).

C. Except for fish that is frozen before, during, and after packaging, a food establishment shall not package fish using a reduced oxygen packaging method.

D. If a variance from item B, subitem (2), is requested according to parts 4626.1690 to 4626.1715, the variance request shall include a HACCP plan.

Statutory Authority: *MS s 31.101; 31.11; 144.05; 144.08; 144.12; 157.011*

History: *23 SR 519*

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