



NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS
DIVISION OF FOOD SAFETY AND INSPECTION
10B AIRLINE DRIVE, ALBANY, NEW YORK 12235

REDUCED OXYGEN PACKAGING REQUEST

It is vital that food establishment personnel understand safe food handling practices as it relates to food that will be packaged in a reduced oxygen environment. A reduced oxygen environment (or vacuum packaging) is a concern for the *Clostridium botulinum*, an anaerobic bacterium which can produce a deadly neurotoxin if food products are not handled properly. Due to this risk, only certain foods, which are at a reduced risk for *Clostridium botulinum*, may be packaged in a reduced oxygen packaging. Additionally, approval from the Department must be granted to any establishment looking to conduct ROP processing.

Food establishments are not authorized to conduct reduced oxygen packing of food product until approval is granted by the Department. The term reduced oxygen packaging (ROP) refers to vacuum pack, modified atmosphere pack, controlled atmosphere, sous vide and cook-chill packaging.

Retail food stores are subject to 1 NYCRR Section 271-2.24 concerning Reduced Oxygen Packaging. The regulation requires the following:

- ROP is limited to food that does not support the growth of *Clostridium botulinum* because it meets one of the following requirements for pathogen control:
 - (1) the product has an a_w of 0.91 or less,
 - (2) the product has a pH of 4.6 or less,
 - (3) the product is a USDA inspected cured meat or cured poultry product made using substances specified in 9 CFR section 318.7, "Approval of substances for use in the preparation of products," and 9 CFR section 381.7, "Restrictions on the use of substances in poultry products," and is received in an intact package,
 - (4) Is a food with a high level of competing organisms such as raw meat or raw poultry;
 - (5) Is a frozen food which is conspicuously labeled, "Important – Keep Frozen Until Use;"
 - (6) Is a food which contains some other barrier which precludes the growth of *Clostridium botulinum*.
- The product must be stored at a temperature of 41°F (5°C) or less for a time frame of no more than 14 days. The "14 day Use By" code cannot exceed the original manufacturer's code.
- The establishment maintains a written HACCP plan that contains the following information:
 - (1) Clearly identifies the food to be packaged;
 - (2) Specifies how the product will be maintained at 41°F (5°C) or less
 - (3) Describes 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) Maintain the food at 41°F (5°C) or less, and

- (b) Limits 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;
- (c) Discard the food if it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption within the 14 calendar days of being packaged.
- The establishment maintains written operational procedures to address the following:
 - (1) Prohibiting contact of food with bare hands,
 - (2) Identifies a designated area where the vacuum packaging will be conducted and:
 - (a) identifies how cross contamination between raw foods and ready-to-eat foods will be prevented by use of physical barriers or other methods of separation
 - (b) identifies the means of restricting access to the processing equipment to responsible trained personnel familiar with the potential hazards of the operation, and
 - (3) Describes the cleaning and sanitization procedures for food contact surfaces.
- The firm maintains a written training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the:
 - (1) Concepts required for a safe operation,
 - (2) Equipment and facilities, and
 - (3) Procedures for sanitary food processing as outlined in 1NYCRR Section 271-2.24 Subparagraph (a)(6) and
 - (4) The required contents of a HACCP as outlined in 1NYCRR Section 271-9.6(d).
- Except for fish that is frozen before, during and after packaging, a food establishment may not package fish using a reduced oxygen packaging method.

Retail establishments interested in conducting ROP must develop a HACCP plan to be maintained on site, written standard operating procedures (SOPs) and a training program as outlined above, and submit a completed request form. Upon approval of the request, a letter documenting the approval to vacuum package certain items will be returned to the establishment. Completed forms can be emailed with supporting documentation to: AGR.SM.foodlicense@agriculture.ny.gov.

I have read and agree to the requirements outlined above.

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REDUCED OXYGEN PACKAGING REQUEST FORM

(To be completed by establishment operator)

DATE:

| | | | | | | | | | |
|--|------------------|--|--------------|--|---|----------------|--|-------------|--|
| OWNER: | EST. NO.: | | | | | | | | |
| TRADE NAME: | | | | | | | | | |
| STREET: | | | CITY: | | | COUNTY: | | ZIP: | |
| DESCRIPTION OF REFRIGERATED PRODUCTS REQUESTED TO BE VACUUM PACKAGED. ALL PRODUCTS MUST BE LABELED WITH A "14 DAY USE BY CODE" | | | | | DESCRIPTION OF FROZEN PRODUCTS REQUESTED TO BE VACUUM PACKAGED. ALL PRODUCTS MUST BE FROZEN PRIOR TO PACKAGING AND MUST REMAIN FROZEN UNTIL USE. PRODUCT MUST BE LABELED "IMPORTANT: KEEP FROZEN UNTIL USE" | | | | |
| <input type="checkbox"/> Various Cuts of Raw Meat (may not contain added ingredients such as in house made marinades or vegetables.) <input type="checkbox"/> Poultry- Raw (may not contain added ingredients such as in house made marinades or vegetables.) <input type="checkbox"/> Various Cuts of Raw Meat with added commercial marinades. <input type="checkbox"/> Poultry- Raw with added commercial marinades. <input type="checkbox"/> Hard Cheeses (i.e.: cheddar, parmesan, and swiss cheeses). <input type="checkbox"/> Semi- Soft Cheeses (i.e.: Gouda or Munster) - must be less than 50% moisture and may not contain added ingredients such as vegetables or herbs. <input type="checkbox"/> USDA Inspected Deli Meats containing nitrites. Product must be sliced or cut from an unopened USDA package. | | | | | <input type="checkbox"/> Various Cuts of Raw Meat (may contain added ingredients such as in house made marinades or vegetables.) <input type="checkbox"/> Poultry- Raw (may contain added ingredients such as in house made marinades or vegetables.) <input type="checkbox"/> Fish- must be frozen prior to vacuum packaging and labeled to remain frozen until use. <input type="checkbox"/> Vegetables- Raw or Blanched <input type="checkbox"/> Vegetables- Cooked <input type="checkbox"/> Meats and/or Poultry- Cooked <input type="checkbox"/> Entrees/ Frozen Meals containing multiple ingredients. | | | | |
| DESCRIPTION OF DRY PRODUCTS REQUESTED TO BE VACUUM PACKAGED. | | | | | | | | | |
| <input type="checkbox"/> Low water activity products such as dried hops, beans, grains or flour. (Process review identifying the products water activity may be required.) | | | | | | | | | |
| Establishment Representative Name/Title: | | | | | Establishment Representative Signature: | | | | |
| Name: | | | | | | | | | |
| Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No Date: | | | | | | | | | |