

## STANDARD 1 – REGULATORY FOUNDATION

### Table of Contents

REQUIREMENT SUMMARY .....	2
DESCRIPTION OF REQUIREMENT .....	2
A. FDA Food Code Interventions and Risk Factor Control Measures .....	2
B. Good Retail Practices .....	2
C. Compliance and Enforcement .....	3
OUTCOME.....	3
DOCUMENTATION .....	3

## STANDARD 1 – REGULATORY FOUNDATION

This standard applies to the regulatory foundation used by a retail food program. Regulatory foundation includes any statute, regulation, rule, ordinance, or other prevailing set of regulatory requirements that governs the operation of a retail food establishment.

### Requirement Summary

The regulatory foundation includes provisions for:

1. The control measures for the RISK FACTORS known to contribute to foodborne illness and public health interventions contained in the current published edition of the *FDA Food Code* or one of the two most recent previous editions of the *FDA Food Code*;
2. GOOD RETAIL PRACTICES (GRP'S) at least as stringent as the *FDA Food Code* edition as specified in 1 above; and
3. COMPLIANCE AND ENFORCEMENT at least as stringent as the selected provisions from *FDA Food Code* and Annex 1 of the *FDA Food Code* edition as specified in 1 above.

If a jurisdiction adopted the current published edition or one of the two most recent editions of the *FDA Food Code* by reference, a side-by-side comparison of the language is not necessary. Adoption by reference meets the criteria of the Standard.

### Description of Requirement

#### **A. Food Code Interventions and Risk Factor Control Measures**

The regulatory foundation contains provisions that are at least as stringent as the public health interventions and the provisions that control RISK FACTORS known to contribute to foodborne illness contained in the current published edition of the *FDA Food Code* or one of the two most recent previous editions of the *FDA Food Code*. Jurisdictions that meet Standard 1 but who may become noncompliant due to the release of a new edition of the *FDA Food Code* are considered to continue meeting the Standard for a period of two years from the release date of the new *FDA Food Code* edition in order to complete the process of updating its regulations.

To meet this element of the Standard, regulations must have a corresponding requirement for the *Food Code* sections as listed and summarized in the *Standard 1: Self-Assessment Worksheet for Part I*, from #1 “Demonstration of Knowledge” through #11 “Highly Susceptible Populations.” For initial listing, the regulatory foundation must contain all elements of at least 9 of the 11 interventions and risk factor controls. In order to meet fully the requirements of the Standard, the regulatory foundation must meet all 11 of the interventions and risk factor controls by the third audit.

#### **B. Good Retail Practices**

The regulations contain provisions that address GOOD RETAIL PRACTICES that are at least as stringent as those described in the edition of the *FDA Food Code* as specified in A. To meet this element of the Standard, regulations must have a corresponding requirement for 95 percent of the *FDA Food Code* sections as listed and summarized in the *Standard 1: Self-Assessment Worksheet for Part II*, from #12 “Personnel” through #36 “Presence of Insects / Rodents Minimized, Outer Openings Protected, etc.”

## C. Compliance and Enforcement

The regulations contain provisions that address COMPLIANCE AND ENFORCEMENT requirements that are at least as stringent as those contained in the edition of the *FDA Food Code* as specified in A. To meet this element of the Standard, regulations must have a corresponding requirement for each of the *FDA Food Code* sections as listed in the *Standard 1: Self-Assessment Worksheet for Part III*, items 1 through 12; except Item 12 pertaining to “Legal Remedies,” where only one of the sections pertaining to criminal, injunctive, or civil penalties is required. For Item 7d, jurisdictions that do not issue variances defaults to a “yes, full intent is met”.

### Outcome

The desired outcome of this standard is the adoption of a sound, science-based regulatory foundation for the public health program and the uniform regulation of industry.

### Documentation

The QUALITY RECORDS needed for this standard include:

1. The statute, regulation, rule, ordinance, or other prevailing set of regulatory requirements that govern the operation of a retail food establishment; and
2. The completed *Standard 1: Program Self-Assessment and Verification Audit Form*.
3. The completed *Standard 1: Self-Assessment Worksheet* for:
  - Part I – *Food Code* Intervention and Risk Factor Controls
  - Part II – Good Retail Practices
  - Part III – Compliance and Enforcement