

STANDARD 1 REGULATORY FOUNDATION

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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 public health interventions contained in the current published edition of the *Food Code* or one of the two most recent previous editions of the *Food Code*;
2. Control measures for the risk factors known to contribute to foodborne illness;
3. Good Retail Practices (GRP's) at least as stringent as the *Food Code* edition as specified in 1 above; and
4. Compliance and enforcement at least as stringent as the selected provisions from *Food Code* and Annex 1 of the *Food Code* edition as specified in 1 above.

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 *Food Code* or one of the two most recent previous editions of the *Food Code*. Jurisdictions that meet Standard 1 but who may become noncompliant due to the release of a new edition of the *Food Code* are considered to continue meeting the Standard for a period of two years from the release date of the new *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 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 *Food Code* as specified in A. To meet this element of the Standard, regulations must have a corresponding requirement for 95 percent of the *Food Code* sections as listed and summarized in the *Standard 1: Self-Assessment Worksheet for Part II*, from #12 “Personnel” through #37 “Variance for Smoking.”

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 *Food Code* as specified in A. To meet this element of the Standard, regulations must have a corresponding requirement for each of the *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.

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