

STANDARD 1 - REGULATORY FOUNDATION

INSTRUCTIONS AND WORKSHEET FOR CONDUCTING A VERIFICATION AUDIT

Part III – Compliance and Enforcement

STEP 1 – Review the Self-Assessment conducted for Compliance and Enforcement Food Code provisions

The jurisdiction's self-assessment of their Compliance and Enforcement provisions must indicate that it has a corresponding regulatory requirement for the *Food Code* sections listed in Items 1 through 12 on Part III of the *Standard 1: Self-Assessment Worksheet*. For Items 1 through 11, a jurisdiction must demonstrate its regulations have a corresponding provision or language for all the *Food Code* sections listed. For Item 12, a jurisdiction need only demonstrate that its regulatory foundation provides the authority to implement one of the following three *Food Code* legal remedies pertaining to criminal, injunctive, or civil penalties:

8-911.10 – Authorities, Methods, Fines and Sentences

8-912.10 – Petitions for Injunction

8-913.10 – Petitions, Penalties and Continuing Violations

STEP 2 – Determine Food Code Compliance and Enforcement Sections to Review

The verification auditor must randomly select five Compliance and Enforcement areas for the review process. A list of random numbers can be obtained from the "Randomizer" web link: www.randomizer.org. Using Part III of the jurisdiction's *Standard 1: Self-Assessment Worksheet*, the verification auditor will identify the *Food Code* sections that correspond to the randomly selected number recorded on Part III of the *Standard 1: Verification Audit Worksheet*. This worksheet is included at the end of these instructions.

When conducting a verification audit, the auditor will randomly select 5 of the 11 compliance and enforcement areas to review. For each selected area, the jurisdiction must demonstrate its regulations have a corresponding provision(s) or language for each *Food Code* section listed under that area.

In the case of Item 12, pertaining to "Legal Remedies", three *Food Code* sections comprise this Compliance and Enforcement area. A jurisdiction must demonstrate a corresponding regulatory requirement for one of the *Food Code* sections pertaining to criminal, injunctive, or civil penalties.

STEP 3 – Confirm Findings for Food Code Compliance and Enforcement Sections

The auditor must review the randomly selected *Food Code* sections. The auditor must compare the language in each of the selected jurisdiction code sections to verify that it is at least as stringent as the corresponding *Food Code* section language. The language may be more stringent, but not less stringent. Record an "X" in the appropriate box based on the determination.

Yes - Full Intent is Met

or

No - Full Intent is not Met

In instances where the verification auditor determined that the jurisdiction's language does not meet the criterion, an explanation must be provided on the Verification Audit Worksheet. The auditor must record the explanation under the column "If No, Auditor is to specify why the criterion is not met."

Examples of documents that may be reviewed:

- The jurisdiction's statute, regulation, rule, ordinance, or other prevailing set of regulatory requirements that govern the operation of its food establishments
- Version of the *FDA Food Code* that was used for the self-assessment
- Completed *Standard 1: Self-Assessment Worksheet, Part III – Compliance and Enforcement*
- If applicable, documents discussing or comparing code provisions excepted if adoption was made by reference with exceptions.

Summary for the Standard 1 – Regulatory Foundation Verification Audit

At the conclusion of the verification audit process, the jurisdiction's Verification Audit Worksheet must indicate that it meets the criteria in all three Parts of the Standard in order to fully meet the Standard I requirement.

Part 1: Control of Foodborne Illness Public Health Interventions and Risk Factor Controls

Part II: Good Retail Practices

Part III: Compliance and Enforcement Administrative Provisions

Standard 1: Regulatory Foundation
Verification Audit Worksheet
Part III – Compliance and Enforcement

Number of Sections Reviewed	Randomly Selected Number	Corresponding <i>Food Code</i> Chapter from Part II Good Retail Practices Self-Assessment Worksheet	Jurisdiction's Corresponding Code Section, Rule, etc.	<u>YES</u> Full Intent is Met	<u>NO</u> Full Intent is not Met	If no, auditor must specify why criterion is not met
1						
2						
3						
4						
5						

NOTES

1. Some Compliance and Enforcement Areas contain multiple Food Code Sections. List all the pertinent Food Code Sections listed on the Self-Assessment Worksheet for each of the Compliance and Enforcement areas that are randomly selected.
2. Meeting the Standard 1 criteria for the "Compliance and Enforcement" component requires a "Yes" for all *Food Code* sections listed in Items 1 through 11. For Item 12 pertaining to legal remedies, the jurisdiction needs to demonstrate a corresponding regulatory requirement for only one of the sections pertaining to criminal, injunctive, or civil penalties.
3. If there is agreement that ALL code sections within the 5 selected "Compliance and Enforcement" components meet the stringency of the language criteria in the *FDA Food Code*, the Standard 1 criteria is met for Part III.
4. If one or more of the code sections within the 5 selected "Compliance and Enforcement" components do not meet the stringency of the language criteria in the *FDA Food Code*, the jurisdiction does not meet the Standard 1 criteria for Part III.