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 it has a corresponding regulatory requirement for the *FDA Food Code* sections listed in Items 1 through 12 on Part III of the *Standard 1: Self-Assessment Worksheet*. For Items 1 through 12, a jurisdiction must demonstrate its regulations have a corresponding provision or language for all the *FDA Food Code* sections listed.

In the case of Item 12, pertaining to "Legal Remedies", three *FDA Food Code* sections comprise this COMPLIANCE AND ENFORCEMENT category. A jurisdiction must demonstrate a corresponding regulatory requirement for one of the *FDA Food Code* sections pertaining to criminal, injunctive, or civil penalties. For item 7d, jurisdictions that do not issue variances defaults to a "yes, full intent is met".

***NOTE**: 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.*

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

The verification AUDITOR must randomly select five COMPLIANCE AND ENFORCEMENT categories 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 *FDA 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 12 COMPLIANCE AND ENFORCEMENT categories to review. For each selected category, the jurisdiction must demonstrate its regulations have a corresponding provision(s) or language for each *FDA Food Code* section listed under that category, 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".

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

For each of the randomly selected regulatory requirements, the AUDITOR must compare the language in the jurisdiction's code to the corresponding *FDA Food Code* section to verify it's at least as 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*; and
- 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 *FDA Food Code* Chapter from Part III Compliance and Enforcement Self-Assessment Worksheet	Jurisdiction's Corresponding Code Section, Rule, etc.	YES Full Intent is Met	NO 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 categories contain multiple FDA Food Code Sections. List all the pertinent FDA Food Code Sections listed on the Self-Assessment Worksheet for each of the Compliance and Enforcement categories that are randomly selected.*
2. *Meeting the Standard 1 criteria for the "Compliance and Enforcement" component requires a "Yes" for all FDA 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. For Item 7d, jurisdictions that do not issue variances defaults to a "yes, full intent is met".*
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.*