

# Sustainable Food Safety 201



PEAK SHIFT

## CHAPTER 14

# Food Safety Regulations and Standards

Know the authority. Act on the finding.

FDA Food Code, 8-304.11; 8-404.11-.12

BASIS: 2026 FDA MODEL FOOD CODE



# Federal Food Oversight Has Boundaries

**FDA**

Food and Drug Administration: model retail Code and federal food-safety responsibilities.

**USDA FSIS**

Department of Agriculture, Food Safety and Inspection Service: covered meat, poultry, and egg products.

**Product and activity**

Animal origin or interstate shipment alone does not identify the regulator.

**Supplier oversight and restaurant permitting are different responsibilities.**

Preface, parts 2, 3 and 6; 3-201.11; Annex 2, federal food-law and seafood references; Annex 3, 3-201.11

BASIS: FEDERAL CONTEXT / FDA MODEL

# Public Health Partners and Retail Authority

## CDC

Centers for Disease Control and Prevention: illness surveillance and outbreak science with partners.

## PHS

Public Health Service: federal assistance for disease prevention and public-health programs.

## Retail authority

The agency with jurisdiction administers adopted requirements, permits, inspections, and approvals.

**Use the agency responsible for the specific action, not just a familiar acronym.**

# Read the Requirement at the Right Level

|                      |                                                                                              |
|----------------------|----------------------------------------------------------------------------------------------|
| Model provision      | FDA's recommended regulatory language; adoption determines enforceability in a jurisdiction. |
| Adopted requirement  | The applicable law and authorized regulatory conditions govern the operation.                |
| Explanatory guidance | Public-health reasons explain a rule; examples do not automatically create new mandates.     |
| Restaurant procedure | A house control can add protection but cannot waive an applicable requirement.               |

**A newer publication or a company checklist is not automatic permission to change the rule.**

Preface, parts 2 and 7; 8-102.10; 8-304.11

BASIS: FDA MODEL CODE

# A Permit Matches an Owner and Operation

|                        |                                                                                                         |
|------------------------|---------------------------------------------------------------------------------------------------------|
| Before opening         | A valid operating permit is required; approval of plans alone is not the permit.                        |
| Describe the operation | Mobile or stationary; temporary or permanent; menu, processes, and population served.                   |
| Changes matter         | Permits do not transfer between owners or establishments; unapproved operation changes are not covered. |
| Conditions continue    | Post the permit, allow lawful access, and follow applicable plans, approvals, and directives.           |

A sale, location change, or new process needs review of the actual permission.

8-301.11; 8-302.13-.14; 8-303.10-.20; 8-304.11-.20

BASIS: FDA MODEL CODE

# Inspection Frequency Follows Risk

## Baseline

At least once every 6 months under the model, except for its stated alternatives.

## More frequent

Compliance history, valid complaints, food hazards, processes, volume, and consumers matter.

## Different clock

The next routine inspection is not the deadline for an existing violation.

**A safe-looking dining room does not determine the inspection schedule.**

# Less Frequent Is an Authorized Exception

**Approved HACCP route**

Fully operating under an approved and validated HACCP plan can support a longer interval.

**Written risk schedule**

Uniform jurisdiction-wide schedule; authority contact at least every 6 months checks manager and operation changes.

**Limited food operation**

Specified coffee and other non-time/temperature-control foods can qualify.

**Temporary operations**

Specified unpackaged time/temperature-control food operations receive periodic inspection during the permit period.

**The authority may extend an interval; the operator does not award itself an exemption.**

8-401.10(B)-(C)

BASIS: FDA MODEL CODE

# The Person in Charge Owns Daily Oversight

## Present

Default: a person in charge is present during all operating hours; limited exceptions apply.

## Observe

Oversee employee controls for food, hygiene, temperatures, and sanitizing.

## Prepare people

Provide duty-specific training and maintain required procedures and records.

**Delegating a measurement does not delegate away the oversight duty.**

2-101.11; 2-103.11 as amended

BASIS: FDA MODEL CODE

## Three Routes Demonstrate Knowledge

### Current compliance

No Priority-item violations during the current inspection.

### Qualified certification

Certified food protection manager through an accredited examination program.

### Correct explanations

Correct answers to the inspector's operation-specific food-safety questions.

**These are alternative knowledge routes, not three requirements that must all be used.**

# Knowledge Does Not Waive Qualification

## Demonstrated knowledge

The PIC can establish knowledge through one of the three routes.

## Applicable certification

The separate certified food protection manager requirement still applies unless its exception is met.

**Answering questions correctly is not a self-issued certification exemption.**

## Three Categories Describe the Requirement

### Priority | P

Directly controls a foodborne illness or injury hazard.

### Priority Foundation | Pf

Supports, enables, or facilitates a Priority control.

### Core

Other provisions, commonly general sanitation, operations, facilities, or maintenance.

**Core means a different category, not optional compliance.**

1-201.10, Priority item, Priority foundation item, Core item; 8-404.11

BASIS: FDA MODEL CODE

# Classify the Control, Not the Object

## Direct control

Required hot/cold holding temperatures are Priority controls.

## Enabling supply

Required hand-cleaning soap is a Priority Foundation provision.

## General condition

Routine physical-facility cleaning is a Core provision.

**Use the report's exact provision to confirm its category.**

3-501.16; 6-301.11; 6-501.12; 1-201.10; 8-404.11

BASIS: FDA MODEL CODE

# Cooperate With a Lawful Inspection

## Arrival

The authority presents credentials and states the purpose and intent to inspect.

## Access

Allow inspection during operating hours and other reasonable times; provide lawfully required information.

## Working together

Clarify observations, make corrections, and maintain food-safety oversight during the visit.

**Notice of the inspection is not a requirement for a booked appointment.**

# The Report Records Facts and Required Action

## Inspector's report

Documents factual findings and specifies correction time frames.

## Acknowledgment

Signing for receipt does not mean agreement with every finding.

## Response

Clarify disputed facts through the applicable process; correction duties do not disappear with refusal to sign.

**Receiving a report, disputing a finding, and correcting it are separate actions.**

# Correction Starts at the Inspection

**Priority**

Correct the violation at the time of inspection unless an authorized extension applies.

**Priority Foundation**

The same immediate default applies; a supporting control is not permission to wait.

**HACCP deviation**

Implement corrective action for a failed critical limit at inspection, subject to the stated extension rule.

**An extension maximum is not the default correction period.**

8-405.11(A)-(B); 8-404.11

BASIS: FDA MODEL CODE

## Conditional Extension Limits Are Different

### Priority

Authority may allow no more than 72 hours after inspection.

### Priority Foundation or HACCP deviation

Authority may allow no more than 10 calendar days after inspection.

**The authorized deadline controls, even when it is shorter than the maximum.**

## Core Findings Still Have a Deadline

### Assigned date

Correct by the date and time agreed to or specified by the authority.

### Ordinary ceiling

No later than 90 calendar days after inspection.

### Longer schedule

Requires the operator's written schedule and approval; no health hazard may exist or result.

**A maximum of 90 days does not override an assigned earlier date.**

## A Corrected Finding Is Still Documented

### During inspection

The authority records the original P/Pf violation or HACCP deviation and its observed correction.

### After an extension

The authority verifies and documents correction after notice or at the specified period's end.

### Manager follow-through

Track responsibility, actual completion, and evidence; prevent recurrence.

**Correction changes the condition; it does not erase the inspection history.**

## A Possible Imminent Hazard Changes the Response

### Recognize

Fire, flood, sewage backup, extended utility interruption, or other serious conditions may create an imminent hazard.

### Act

Immediately discontinue affected operations and notify the regulatory authority, subject to stated exceptions.

### Do not wait

A possible hazard can trigger action before confirmed illness or completed repairs.

**Ordinary correction periods do not authorize operation through an imminent health hazard.**

1-201.10, Imminent health hazard; 8-404.11(A)

BASIS: FDA MODEL CODE

# Unaffected Areas, Utility Plans, and Reopening

## Unaffected area

An area truly unaffected by the hazard need not discontinue operations.

## Utility continuation

Authority agreement, approved written plan, immediate risk controls, and notice when implemented.

## After discontinuation

Obtain regulatory approval before resuming; restored utilities alone are not approval.

**A narrow continuation route is not blanket permission for every emergency.**

# A Variance Changes a Specified Requirement

## Decision

The authority may modify or waive a requirement if no health hazard or nuisance will result.

## Evidence

Identify the proposed departure and explain how the original hazard will be controlled.

## Conditions

Supply a HACCP plan when required; maintain and follow the approved variance and procedures.

**A variance is an authorized alternative, not the operator's personal exception.**

# A HACCP Plan Is Not a Waiver

## Plan

Hazard Analysis and Critical Control Point describes the operation's hazard controls and evidence.

## Permission

A variance is a separate authority decision where a modification or special process requires it.

## Before starting

Meet the applicable submission and approval conditions for the particular process.

**Having a plan does not mean the requested departure has been approved.**

3-502.11(A); 3-502.12; 8-201.13-.14; 8-103.11

BASIS: FDA MODEL CODE

# The Model Code Includes a Written-System Requirement

**Contents**

Operation-specific written procedures, training plans, and monitoring records.

**Trigger**

Within 4 years of the authority's adoption, not FDA publication or the restaurant's opening.

**Use**

Maintain and implement during operating hours; make available on request. Authority-determined minimal-risk exclusion applies.

**A transition for one written-system provision does not suspend existing controls.**

2026 FDA model Food Code: 1-201.10; 8-201.12(E); 8-201.15

BASIS: FDA MODEL CODE

# Turn Findings Into Working Controls

## Check the work

**Self-inspections examine actual food processes and applicable requirements.**

## Close the loop

Correct the condition, verify the result, and address recurring causes.

## Keep the boundaries

House checks do not replace official inspections or grant extensions and approvals.

**Authority sets required permissions; management keeps the controls working between visits.**

2-103.11 as amended; 8-304.11; Annex 4 active managerial control; Annex 5 risk-based inspection guidance

BASIS: FDA MODEL + RESTAURANT PRACTICE