CHAPTER 14 | STUDY GUIDE

Authority: Who Does What

The FDA Food Code 2026 is this guide's model, not automatic local law. Identify the adopted requirement and the agency responsible for the particular product, operation, or approval.

Recognize	Understand and apply
Federal food oversight	FDA means Food and Drug Administration. Its responsibilities include the retail model, shell-egg safety, and important seafood controls. USDA FSIS means Department of Agriculture, Food Safety and Inspection Service; it oversees covered meat, poultry, and processed egg products. Shell eggs differ from egg products; neither animal origin nor interstate shipment alone defines jurisdiction.
Public health	CDC means Centers for Disease Control and Prevention; it contributes surveillance, research, and outbreak work with partners. PHS means Public Health Service. The Code describes its federal assistance to state/local public-health programs and delegated food-protection responsibilities. Neither is a universal second restaurant permit office.
Retail jurisdiction	State/local authorities have primary responsibility for much retail licensing and inspection. Tribal, territorial, and federal jurisdictions also act in their settings. The responsible authority administers adopted requirements and required approvals.
Rule or practice?	An adopted provision governs compliance. Annex explanations support understanding. A company procedure may add controls but cannot waive law. New FDA publication alone does not change an existing jurisdiction's adopted rule.

Two levels of oversight
A poultry processor's federal inspection and a restaurant's operating permit are different controls. The restaurant still needs the retail authority's required permit and approvals even when its supplier is properly inspected.

Remember: Identify the agency's action and the applicable jurisdiction. This is a bounded role overview, not an exhaustive federal product-jurisdiction chart.

Memory cues and recall practice: page 8.

2026 Food Code: Preface 2-3,6-7; 3-201.11; 8-102.10; 8-304.11; Annex 2 agency references; Annex 3 food sources

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Permits and Inspection Scheduling

Permission to operate and the frequency of inspection depend on the actual operation. The next routine inspection is never a substitute for the correction deadline on an existing finding.

Recognize	Understand and apply
Permit scope	A valid permit is required before operation. The application describes ownership, mobile/stationary and temporary/permanent status, processes, and consumers. Local names and renewal terms vary. Plans, fees, and preoperational compliance checks are not themselves a permit.
Ownership or process change	Permits do not transfer between persons or establishments. An unapproved change of operation is not covered by the old permission. A new owner follows the authority's application/approval process even when the address and menu stay the same.
Default and risk	Model baseline: inspect at least every 6 months, with stated alternatives. History, repeated findings, valid complaints, food hazards, processing, volume, and highly susceptible consumers can justify more frequent inspection.
Longer intervals	Authority may allow them for full operation under an approved/validated HACCP plan; a uniform written risk schedule with authority contact at least every 6 months to check manager/operation changes; or the specified limited coffee/non-time-temperature-control food operation. A good score or certificate alone is not an exception.
Temporary establishments	Periodically inspect throughout the permit period when unpackaged time/temperature-control food is prepared, sold, or served using improvised facilities or inexperienced employees. A brief event does not avoid oversight.

A calendar is not permission
An operator cannot move itself to annual inspections after one good visit. The authority must determine whether a model alternative applies. Similarly, buying the restaurant does not transfer the seller's permit.

Remember: Match the permit to the operation; let the authority determine inspection scheduling; keep every correction due date separate.

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PIC Knowledge, Qualification, and Performance

The person in charge (PIC) connects the rules to employee actions. Certification, demonstrated knowledge, and daily oversight are separate obligations rather than interchangeable substitutes.

Recognize	Understand and apply
Presence and oversight	Default PIC presence covers all operating hours. Authority-determined minimal-risk exclusion and tightly conditioned shared departmental coverage are limited exceptions. Staff may take measurements; the PIC ensures controls and duty-specific training are carried out.
Three knowledge routes	No Priority violations during the current inspection; qualifying certified food protection manager status; OR correct responses to operation-specific inspector questions. A Core finding does not by itself defeat the first route. An old good score does not establish current compliance.
Separate CFPM requirement	CFPM means certified food protection manager. When that qualification is required, correct oral answers do not waive it. The minimal-risk exception is an authority determination. A certificate also does not excuse unsafe practices.
Food-defense duties	The PIC's duties explicitly require active managerial control. Employees need awareness of intentional-adulteration signs related to their work and must report suspicious activity to the PIC. Knowledge topics include explaining food-defense steps. No separate universal food-defense certificate is created.

A knowledgeable but unqualified manager
Correct answers can establish the knowledge route while the applicable certification requirement remains unmet. Conversely, a certified PIC who does not oversee employee controls has not fulfilled the daily duties.

Remember: Confirm presence, qualification, knowledge, and performance independently. Explain the controls for the operation actually being inspected.

During Inspection and Report Review

Understand the observed condition before deciding how to respond. The exact provision determines its designation; the real hazard determines whether emergency action is needed.

Recognize	Understand and apply
Priority / Foundation / Core	Priority (P) directly controls illness or injury hazards, such as required holding temperatures. Priority Foundation (Pf) enables a Priority control, such as required hand soap. Core covers other provisions, such as routine facility cleaning. Core remains mandatory.
Lawful access	After official credentials and notice of purpose/intent, allow access at operating hours and other reasonable times and provide information/records to which the authority is legally entitled. Notice does not promise a booked appointment. Refusal triggers a lawful access process, not one universal automatic penalty.
Inspector's work	The authority documents factual observations and correction time frames, supplies the completed report and notice to correct, and requests acknowledgment. Clarify the actual condition and required result rather than relying on an overall score.
Receipt versus agreement	Acknowledgment confirms receipt, not agreement. Refusing to sign does not remove correction duties or deadlines. Raise factual concerns through review procedures available under applicable law; do not assume an automatic stay.
Public information	Inspection reports are generally public according to law. Legally qualifying trade-secret information receives the stated confidentiality protection; that does not make the entire inspection automatically private.

One room, different findings
Missing soap and an ordinary dirty floor may be different categories. Sewage across the same floor calls for an imminent-hazard assessment, not merely the routine floor-cleaning schedule.

Remember: Verify credentials, cooperate, understand the facts and deadline, acknowledge receipt, and manage the correction.

Correction Timing and Proof

The default for Priority and Priority Foundation violations, and corrective action for a HACCP critical-limit deviation, is at the time of inspection. Additional time is not self-authorized.

Recognize	Understand and apply
Priority extension	After considering hazard and correction complexity, the authority may agree to or specify a longer period, not exceeding 72 hours after inspection. An assigned shorter period controls.
Foundation / deviation	The conditional extension ceiling is 10 calendar days after inspection for Priority Foundation violations or HACCP-plan deviations. A common deadline does not make these identical categories.
Core schedule	Use the authority's agreed/specified date and time, ordinarily within 90 calendar days after inspection. A longer period requires the permit holder's written compliance schedule, authority approval, and no health hazard existing or resulting from the extension.
Verification	Observed P/Pf corrections and HACCP corrective actions remain on the inspection report with the original finding. After an extension, the authority verifies and documents correction after completion notice or at the specified period's end.
Follow-through practice	Assign responsibility, track the actual deadline, and record what restored the control. A work order supports scheduling but does not establish working performance. No routine deadline authorizes an imminent hazard.

The shorter assigned deadline controls
A Priority item allowed 24 hours is not due at 72 hours. A Core item due in 14 days is not due at 90 days. Ask for any needed extension through the authority; do not replace its deadline with a supplier's estimate.

Remember: Category identifies the timing rule; authority action establishes any extension; evidence and verification establish correction.

Emergency Decisions and Resumption

When an imminent health hazard may exist, the permit holder must immediately discontinue operations and notify the authority, subject to the model's stated exceptions. Confirmed illness is not a prerequisite.

Recognize	Understand and apply
Trigger	Sewage backup, fire, flood, extended utility interruption, an apparent outbreak, or another serious condition can trigger the rule. Assess the actual hazard; there is no universal outage-minute cutoff here.
Unaffected areas	An area truly unaffected need not discontinue. A different room label is insufficient when water, food, staff movement, or contamination connects it to the hazard.
Narrow utility route	For extended electricity or water interruption, the authority may agree to continuation if a written emergency plan is approved, immediate corrective action eliminates/prevents/controls risk, and the authority is informed when the plan is implemented.
Reopening	After required discontinuation, obtain authority approval before resuming. Repair completion, restored utilities, an internal checklist, and contractor certification do not replace that approval.

Independent means unaffected
A separately supplied service area might remain unaffected, but a second counter supplied by the same contaminated water is not independent just because it has its own staff. Establish the actual connections before relying on the exception.

Remember: Recognize the possible hazard; stop affected work and notify; use only the applicable exception; obtain required approval to resume.

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Special Approvals and Ongoing Control

A variance is authority permission to modify or waive a requirement. A Hazard Analysis and Critical Control Point (HACCP) plan describes process controls. A broader food safety management system connects everyday procedures, training, and records.

Recognize	Understand and apply
Variance evidence	Identify the departure and analyze how the original hazards/nuisances will be controlled. The authority may grant it if no health hazard or nuisance will result. Submit a HACCP plan when required; business convenience is not the safety justification.
Plan versus permission	A consultant's completed HACCP plan does not grant a variance. Smoking for preservation differs from flavor-only smoking. Specified reduced-oxygen routes can require plans without variances; narrow exceptions mean not every sealed package has identical requirements.
Approved conditions	Keep the approved variance at the establishment and follow approved plans/procedures and required records. A change of process is not automatically covered.
Written system timeline	Within 4 years of authority adoption, maintain the required written system, implement it during operating hours, and provide it on request. It includes procedures, training plans, and monitoring records. Authority-determined minimal-risk exclusion applies; existing controls remain required.
Self-inspection practice	Observe real work under relevant conditions, correct findings, verify results, and address recurrence. Use applicable inspection criteria, but do not claim a universal FDA self-inspection interval or automatic reduction of official visits.

Starting is an approval decision
A preservation process needing a variance cannot start merely because employees were trained on its draft plan. Obtain the required permission and plan approval, then operate within those conditions.

Remember: Keep evidence, permission, and daily performance separate. Management checks support compliance; they do not grant exemptions.

2026 Food Code: 8-103.10-.12; 3-502.11-.12; 8-201.13-.14; 1-201.10, 8-103.12(C), 8-201.12(E), 8-201.15; Annex 4-5 guidance

CHAPTER 14 | REMEMBER THE DIFFERENCE

Authority, Priority and Permission

Model is not automatically law. A deadline is not a grace period.

This guide uses the FDA Food Code 2026 model. Local adoption governs an actual establishment. Publication of a new model does not silently change the local rule.

Who does what	FDA develops the retail model and has federal food responsibilities. USDA FSIS oversees covered meat, poultry and processed egg products. CDC supports public-health surveillance and outbreak work. The responsible retail authority handles the operation's adopted requirements and approvals.
P / Pf / Core	Priority directly controls a hazard. Priority Foundation supports that control. Core covers other requirements and remains mandatory. Examples: required holding temperature; required hand soap; routine floor cleanliness, respectively.
Correction vs. extension	Priority and Priority Foundation corrections normally occur at inspection. Only the authority can allow the applicable longer period: up to 72 hours for Priority; up to 10 calendar days for Priority Foundation/HACCP deviations. A shorter assigned deadline controls.
Core vs. emergency	Core corrections follow the authority's date, ordinarily within 90 days; a longer period requires the stated written schedule/approval and no health hazard. An imminent hazard needs immediate action, not a routine correction clock.

Use it on shift: The authority gives a Priority finding a 24-hour deadline. Do not replace that deadline with the 72-hour extension ceiling. After a required imminent-hazard shutdown, repairs alone also do not replace authority approval to resume.

Cover the answers. Explain the reason.

Is signing receipt the same as agreeing with every finding? No. Receipt and agreement are different; correction duties still apply.

Can a company policy waive the adopted requirement? No. It can be stricter, but it cannot authorize a legal violation.

Review: earlier guide pp. 1, 4-6. **Sources:** Preface; 1-201.10; 8-403.30-.40; 8-404.11-.12; 8-405.11; 8-406.11. Agency summary is not an exhaustive product-jurisdiction chart.
FDA Food Code 2026