



BOH Guide: #41 FDA Retail Standard 1 Policies

Board of Health and Local Health Department Standard Operating Procedures (SOP)

This **Checklist** highlights many of the steps needed currently to organize a Massachusetts Board of Health. The checklist is designed to be used in tandem with the **Alliance Food Safety Plan & Job Aids**. BOXES CAN BE CHECKED WITH the CURSOR.

Alliance Governing Board approved FDA Voluntary Retail Program Standard Policies

Alliance Boards of Health are encouraged to:

- Become Registered with the FDA Retail Food Program Standards.
- Participate in FDA Standards Assessments every 5 years.
- Adopt Alliance policies that conform to FDA Retail Program Standards as available.
- Promote Alliance education opportunities and trainings to food establishments and the public.
- Actively work towards improving food safety in the county by participating in online permitting and inspector trainings. and inviting the Food Safety Team to present at Board of Health Meetings.
- Follow the Massachusetts Food Code or adopt a more restrictive local regulation.
- Alliance Food Inspectors meet FDA Retail Standard 2 or are in the process of being trained to Standard 2 within 24 mo.
- Support the Alliance Food Safety Program.

FDA Voluntary Retail Program Standard 1 Policies

1. Assessment of Program’s Regulatory Foundation

- a. The Alliance and Alliance Boards of Health use the Mass State Food Code which cross walk show/documents show meet the requirements for a side-by-side comparison of its prevailing statutes, regulations, rules, and other pertinent requirements against the 2013 published edition of the FDA Food Code.
- b. The State’s side-by-side comparison included an assessment of major Food Code Interventions and Risk Factors, Good Retail Practices, and Compliance/Enforcement Administrative requirements.
- c. The State’s regulatory foundation assessment clearly identified the State’s corresponding requirement to the applicable Code section. The assessment provided a determination that specific provisions in the State’s regulation meet the intent of the corresponding FDA Food Code section. The State has a letter from FDA certifying this.

2. Food Code Interventions and Risk Factors

- a. The State’s initial Food Code assessment indicated that the agency’s regulatory requirements contain at least 9 of the 11 FDA Food Code intervention and risk factor controls. By the third verification audit the jurisdiction’s assessment indicated that the agency’s regulatory requirements contain all 11 of the FDA Food Code invention and risk factor controls.
Part I – Self Assessment Worksheet
Part I – Verification Audit Worksheet
- b. The State’s Food Code assessment indicated that the agency has a corresponding requirement for ALL FDA Food Code provisions related to interventions and risk factor controls.
NOTE: If not using the State Food Code, the auditor’s random selection of Food Code Intervention and Risk Factor Control Sections confirms the jurisdiction’s assessment that a corresponding requirement is contained in the agency’s rules, regulations, ordinances, code, or statutes.

3. Good Retail Practices

- a. The State’s Food Code assessment indicated that regulatory requirements contained at least 95 percent of the FDA Food Code Good Retail Practices Sections.
NOTE: If not using the State’s Food Code, auditor’s random selection of Good Retail Practices Code Sections confirms the jurisdiction’s assessment that a corresponding requirement is contained in the agency’s code or statutes. Documentation from:
Part II – Self-Assessment Worksheet
Part II – Verification Audit Worksheet

4. Compliance and Enforcement

- a. The State’s Food Code assessment indicated that regulatory requirements contained ALL the FDA Food Code Compliance and Enforcement Sections identified in the Standard.
NOTE: Note, if not using the State Food Code, auditor’s random selection of Compliance and Enforcement Code Sections confirms the jurisdiction’s assessment that a corresponding requirement is contained in the agency’s code or statutes. Documentation from:
Part III – Self Assessment Worksheet
Part III – Verification Audit Worksheet

The Commonwealth of Massachusetts
Executive Office of Health and Human Services Department of Public Health - Bureau of
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To: Massachusetts Boards of Health
From: Michael J. Moore, Director MDPH/BEH/FPP
Date: May 14, 2019
Re: Report on Conformance with FDA VNRFRPS #1

Findings

On March 12, 2019, the Massachusetts Department of Public Health (DPH) confirmed that DPH regulation 105 CMR 590.000 meets Program Standard 1, *Regulatory Foundation*, of the US Food and Drug Administration (FDA) Voluntary National Retail Food Regulatory Program Standards (VNRFRPS).

This conformance with Standard 1 will remain in effect until 2025, and will also apply to any Board of Health that enforces DPH regulation 105 CMR 590.000 until 2025.

Background

On September 12, 2018, the Public Health Council of the Massachusetts Department of Public Health (DPH) approved amendments to DPH regulation 105 CMR 590.000, *State Sanitary Code Chapter X – Minimum Sanitation Standards for Food Establishments*. This DPH regulatory action was filed with the Secretary of the Commonwealth and became effective on October 5, 2018 upon publication in the Massachusetts Register.

In addition to the provisions set forth in 105 CMR 590.001(B) through 590.018, the regulation adopted by DPH adopts and incorporates by reference the 2013 FDA Food Code (not including Annexes 1 through 8), as amended by the Supplement to the 2013 Food Code released in 2015.

On February 26, 2019, the DPH Bureau of Environmental Health, Food Protection Program completed a self-assessment of the newly-adopted 105 CMR 590.000 for compliance with VNRFRPS Program Standard #1. The following self-assessment worksheets demonstrate full conformance results for Standard # 1 - Parts I, II, and III. A verification audit conducted on March 12, 2019 confirmed that 105 CMR 590.000 met VNRFRPS Program Standard #1, and that all interventions and risk factor controls were met in full by verification audit cycle as required by the VNRFRPS.