

INSTRUCTIONS AND WORKSHEET FOR CONDUCTING A SELF-ASSESSMENT

STANDARD 1 - REGULATORY FOUNDATION

Part III – Compliance and Enforcement

STEP 1 – Review Compliance and Enforcement Administrative Provisions

Part III of the *Standard 1: Self-Assessment Worksheet* contains 12 Compliance and Enforcement areas within a regulatory retail food program. This worksheet is included at the end of these instructions. To meet this element of Standard 1, the jurisdiction's regulatory requirements must have a corresponding requirement for the *Food Code* sections listed in Items 1 through 11. For Item 12 pertaining to "Legal Remedies," a jurisdiction need only demonstrate that its regulatory foundation provides the authority to implement one of the legal remedies pertaining to criminal, injunctive, or civil penalties.

STEP 2 - Conduct the Self-Assessment for Part III

The self-assessor must compare the jurisdiction's code, regulation or ordinance against with the FDA Food Code Compliance and Enforcement provisions listed on the self-assessment worksheets. For each *Food Code* section:

- Record the corresponding jurisdiction requirement; and
- Document his/her determination:
 - If **Full Intent** of the *Food Code* section is met, place an "X" in the appropriate column.
 - If **Partial Intent** of the *Food Code* section is met, identify language that is not included with the jurisdiction's requirement. Indicate whether the language is addressed in another jurisdiction statute, ordinance, or regulatory requirement.
 - If **No corresponding regulation exists**, indicate "No Compliance" in the appropriate column and provide any information that may explain why it is not part of the jurisdiction's current requirements.

STEP 3 – Document the Self-Assessment Results for Part III

A summary table is provided at the end of Part III on the *Standard 1: Self-Assessment Worksheet* to document the results of the regulatory foundation self-assessment for the Compliance and Enforcement *Food Code* provisions. At the bottom of Part III on the *Standard 1: Self-Assessment Worksheet*, record the number of Compliance and Enforcement categories that are met. To meet the Standard 1, Part III criteria, the jurisdiction must have a "YES" response for all 12 of the listed Compliance and Enforcement categories.

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.

Standard 1: Regulatory Foundation Self-Assessment Worksheet

Part III – 2013 Food Code: Compliance and Enforcement Summary

Item No.	Food Code Section	Jurisdiction's Corresponding Code Section, Rule, etc.	<u>YES</u> Full Intent is Met	<u>Partial Compliance</u> List what is not covered (Additional sheets can be used for explanations and comments)	<u>NO</u> Compliance with the Food Code section is NOT Met (Indicate the Situation)
1a	Hold orders, Embargo, and Destruction of Food 8-901.10 – Conditions Warranting Remedy		<input type="checkbox"/>		
1b	Hold orders, Embargo, and Destruction of Food 8-903.10 – Hold Order, Justifying Conditions and Removal of Food		<input type="checkbox"/>		
1c	Hold orders, Embargo, and Destruction of Food 8-903.30 – Hold Order, Contents		<input type="checkbox"/>		
2a	Permit / License Required; Right to Deny 8-301.11 – Prerequisite for Operation		<input type="checkbox"/>		
2b	Permit / License Required; Right to Deny 8-304.20 – Permits Not Transferable		<input type="checkbox"/>		
3	Plan Review / Pre-operational inspections 8-201.11 – When Plans are Required		<input type="checkbox"/>		

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Item No.	Food Code Section	Jurisdiction's Corresponding Code Section, Rule, etc.	YES	Partial Compliance	NO
			Full Intent is Met	List what is not covered (Additional sheets can be used for explanations and comments)	Compliance with the Food Code section is NOT Met (Indicate the Situation)
4	Inspection Authority / Right to Access 8-402.20 – Refusal, Notification of Right to Access, and Final Request for Access		<input type="checkbox"/>		
5a	Information Authority; Restriction / Exclusion of Employees 8-501.10 – Obtaining Information: Personal History of Illness, Medical Examination, and Specimen Analysis		<input type="checkbox"/>		
5b	Information Authority; Restriction / Exclusion of Employees 8-501.20 – Restriction or Exclusion of Food Employee, or Summary Suspension of Permit		<input type="checkbox"/>		
5c	Information Authority; Restriction / Exclusion of Employees 8-501.30 – Restriction or Exclusion Order: Warning or Hearing Not Required, Information Required in Order		<input type="checkbox"/>		
6	Authority to Require HACCP Plans 8-201.13 – When a HACCP Plan is Required		<input type="checkbox"/>		
7a	Granting of Variances 8-103.10 – Modifications and Waivers		<input type="checkbox"/>		
7b	Granting of Variances 8-103.11 – Documentation of Proposed Variance and Justification		<input type="checkbox"/>		
7c	Granting of Variances 8-103.12 – Conformance with Approved Procedures		<input type="checkbox"/>		

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Item No.	<i>Food Code Section</i>	Jurisdiction's Corresponding Code Section, Rule, etc.	<u>YES</u> Full Intent is Met	<u>Partial Compliance</u> List what is not covered (Additional sheets can be used for explanations and comments)	<u>NO</u> Compliance <u>with</u> the <i>Food Code</i> section is NOT Met (Indicate the Situation)
7d	Jurisdiction Does NOT Issue Variances (Variances Prohibited) Variances Prohibited				
8a	Timely Correction of Critical Violations 8-405.11 – Timely Correction		<input type="checkbox"/>		
8b	Timely Correction of Critical Violations 8-405.20 – Verification and Documentation of Correction		<input type="checkbox"/>		
8c	Timely Correction of Critical Violations 8-406.11 – Time Frame for Correction		<input type="checkbox"/>		
9a	Imminent Health Hazard (Summary of Suspension) 8-404.12 – Resumption of Operations		<input type="checkbox"/>		
9b	Imminent Health Hazard (Summary of Suspension) 8-904.10 – Conditions Warranting Action		<input type="checkbox"/>		
10a	License Suspension / Revocation 8-905.10 – Response to Notice of Hearing or Request for Hearing, Basis and Time Frame		<input type="checkbox"/>		

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Item No.	<i>Food Code</i> Section	Jurisdiction's Corresponding Code Section, Rule, etc.	YES Full Intent is Met	Partial Compliance List what is not covered (Additional sheets can be used for explanations and comments)	NO Compliance with the <i>Food Code</i> section is NOT Met (Indicate the Situation)
10b	License Suspension / Revocation 8-905.20 - Response to Notice of Hearing or Request for Hearing, Required Form and Contents		<input type="checkbox"/>		
11a	Institution of Proceedings 8-910.10 - Institution of Proceedings		<input type="checkbox"/>		
12a	Criminal Penalties 8-911.10 - Authorities, Methods, Fines and Sentences		<input type="checkbox"/>		
12b	8-912.10 - Petitions for Injunction		<input type="checkbox"/>		
12c	Civil Penalties Provided 8-913.10 - Petitions, Penalties and Continuing Violations		<input type="checkbox"/>		

NOTE:

1. 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.
2. 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.

Standard 1: Regulatory Foundation Self-Assessment Worksheet

Part III – Compliance and Enforcement Self-Assessment Results

Compliance and Enforcement Area	Compliance and Enforcement Program Description	YES Standard Criteria is Met	NO Standard Criteria is not Met	Self-Assessor's General Comments
1	Hold Orders, Embargo, and Destruction of Food	<input type="checkbox"/>	<input type="checkbox"/>	
2	Permit / License Required; Right to Deny	<input type="checkbox"/>	<input type="checkbox"/>	
3	Plan Review / Pre-operational Inspections	<input type="checkbox"/>	<input type="checkbox"/>	
4	Inspection Authority / Right to Access	<input type="checkbox"/>	<input type="checkbox"/>	
5	Information Authority; Restriction / Exclusion of Employees	<input type="checkbox"/>	<input type="checkbox"/>	
6	Authority to Require HACCP Plans	<input type="checkbox"/>	<input type="checkbox"/>	
7	Granting of Variances / Variances Prohibited	<input type="checkbox"/>	<input type="checkbox"/>	
8	Timely Correction of Critical Violations	<input type="checkbox"/>	<input type="checkbox"/>	
9	Imminent Health Hazard (Summary of Suspension)	<input type="checkbox"/>	<input type="checkbox"/>	
10	License Suspension / Revocation	<input type="checkbox"/>	<input type="checkbox"/>	
11	Highly Susceptible Populations	<input type="checkbox"/>	<input type="checkbox"/>	
12	Legal Remedies	<input type="checkbox"/>	<input type="checkbox"/>	

Assessment of _____ indicates conformance with _____ out of the 12 Compliance and Enforcement Categories
(Regulatory Agency) (# Met)