

STUDENT COURSEBOOK

2026 FDA Food Code

Chapter 8: Compliance and Enforcement

Code Applicability • Plan Review • Permits • Inspections • Corrective Actions • Employee Disease Control

Training note: Chapter 8 describes the regulatory framework for permits, plan review, inspections, correction of violations, imminent health hazards, and regulatory control of foodborne disease transmission. The FDA Food Code is a model code; jurisdictional adoption and enforcement may vary.

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How to Use This Coursebook

Chapter 8 is different from the operational food-safety chapters. It explains how the regulatory authority applies the Food Code, reviews plans, issues permits, conducts inspections, documents violations, establishes correction time frames, responds to imminent health hazards, and acts when an employee may transmit foodborne disease.

Learning Objectives

- Identify the five major parts of Chapter 8.
- Explain when plans, HACCP plans, and a written food safety management system are required.
- Describe the permit application and permit-holder responsibilities.
- Explain inspection frequency, access, inspection reports, and public disclosure.
- Distinguish correction requirements for Priority, Priority Foundation, and Core items.
- Recognize an imminent health hazard and the requirements for discontinuing and resuming operations.
- Describe regulatory actions involving employees suspected of transmitting foodborne disease.

Chapter 8 at a Glance

Part	Topic
8-1	Code Applicability
8-2	Plan Submission and Approval
8-3	Permit to Operate
8-4	Inspection and Correction of Violations
8-5	Prevention of Foodborne Disease Transmission by Employees

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1. Code Applicability and Variances

6 Variances and HACCP



- A variance allows an alternative approach to a specific Food Code requirement.
- A HACCP plan is required when using a variance.
- The plan must identify hazards, critical control points, monitoring procedures, corrective actions, verification, and recordkeeping.

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Variance and HACCP: approved alternative procedures require appropriate documentation and controls.

Chapter 8 begins by describing how the Code is applied and how the regulatory authority may address situations that require additional public-health protection. It also establishes the framework for variances.

- A regulatory authority may impose additional requirements when necessary to protect against public-health hazards or nuisances.
- A regulatory authority may grant a variance from a Code requirement when the alternative provides an equivalent level of public-health protection.
- An approved variance must be maintained at the food establishment.
- When a variance is granted, the establishment must comply with the approved HACCP plan and related procedures when required.
- Required monitoring, verification, and corrective-action records must be maintained and made available to the regulatory authority upon request.

2. Plan Submission and Approval

2 **Plan Review & Food Safety Management System**



- The regulatory authority may review plans, specifications, and menu items before construction or operation.
- Plans must show the layout, equipment, and food flow.
- A food safety management system (e.g., HACCP) may be required for certain processes or when using a variance.

Plan review: facility layout, equipment, menu, operating procedures, and food-safety controls.

Plans must be submitted when required by the Code, including before construction of a new food establishment, conversion of an existing structure for use as a food establishment, or major remodeling when specified by the regulatory authority.

What May Be Included in Plans

- Intended menu.
- Anticipated volume of food to be stored, prepared, and sold or served.
- Proposed layout, mechanical schematics, construction materials, and finish schedules.
- Equipment types, manufacturers, model numbers, locations, dimensions, capacities, and installation specifications.
- Evidence that a food safety management system is developed or is being developed.
- Other information required by the regulatory authority for proper review.

3. HACCP Plans

A properly prepared HACCP plan must be submitted for approval before an establishment begins an activity for which the Code or law requires a HACCP plan.

- A HACCP plan is required when submission is required by law.
- A HACCP plan is required for specified activities that require a variance.
- The regulatory authority may require a HACCP plan when a preparation or processing method requires a variance.
- Reduced oxygen packaging conducted without a variance under § 3-502.12 requires submission of a properly prepared HACCP plan.

Major HACCP Plan Elements

Element	Student-friendly description
Food/process description	Identify the foods, ingredients, recipes/formulations, equipment, and processing methods.
Critical Control Points	Identify each CCP and the significant hazard associated with it.
Critical Limits	State the measurable limit that must be met at each CCP.
Monitoring	State how and how often each CCP will be monitored and who is responsible.
Corrective Actions	State what will be done when a critical limit is not met.
Verification	Explain how the Person in Charge verifies the system is being followed.
Records	Identify records maintained to demonstrate the HACCP plan is properly operated.

4. NEW 2026 Requirement: Food Safety Management System

The 2026 Food Code adds § 8-201.15, establishing a written Food Safety Management System requirement.

Within four years of the regulatory authority's adoption of the 2026 Code, a written Food Safety Management System must generally be developed, maintained, implemented during all hours of operation, and made available to the regulatory authority upon request.

The regulatory authority may determine that this requirement does not apply to certain food establishments that pose minimal risk based on the nature of the operation and the extent of food preparation. Section 8-201.16, Contents of a Food Safety Management System, is reserved in the 2026 Code.

5. Preoperational Inspection

Before operation, the regulatory authority conducts one or more preoperational inspections to verify that the establishment was constructed and equipped according to approved plans and modifications, has established required operating procedures, and complies with law and the Food Code.

6. Permit to Operate

1 Permit and Application



- A food establishment must obtain a permit from the regulatory authority.
- The application includes owner information, facility information, menu, and operation details.
- The permit is specific to the person, location, and type of operation.

Permit application: a valid permit is generally required before operating a food establishment.

A person may not operate a food establishment without a valid permit issued by the regulatory authority.

Permit topic	Chapter 8 requirement
Application timing	Submit at least 30 calendar days before the planned opening date, or before expiration of the current permit for an existing facility.
Application form	Submit a written application on a form provided by the regulatory authority.
Applicant	Must be an owner or officer of the legal ownership and meet Code requirements.
Access	Applicant agrees to allow required access and provide required information.
Fees	Applicable permit fees are paid when the application is submitted.
Transfer	A permit may not be transferred from one person or establishment to another; unapproved changes in type of operation also affect transferability.

7. Responsibilities of the Permit Holder

- Comply with the Food Code and conditions of the permit.
- Allow representatives of the regulatory authority access to the establishment and provide required information.
- Immediately discontinue operations and notify the regulatory authority when an imminent health hazard exists, unless a Code exception applies.
- Comply with directives and corrective-action time frames issued by the regulatory authority.
- Accept notices served according to law.
- Be subject to remedies authorized by law for failure to comply.
- Notify customers that a copy of the most recent inspection report is available upon request, using a conspicuous sign/placard or another method acceptable to the regulatory authority.

8. Inspection Frequency and Risk-Based Inspection

The model Code generally calls for inspection of a food establishment at least once every six months, subject to specified exceptions.

- The inspection interval may be longer for qualifying establishments operating under an approved and validated HACCP plan.
- A written risk-based inspection schedule may allow a less frequent interval when applied uniformly and accompanied by at least six-month contact to confirm management and operation have not changed.
- Certain very low-risk operations involving coffee service and non-TCS snacks may qualify for a longer interval.
- Temporary food establishments with higher-risk conditions are inspected periodically during the permit period.
- More frequent inspections may be prioritized based on compliance history, valid complaints, food hazards, type of operation, number of people served, and whether a highly susceptible population is served.

9. Inspector Competency and Access

3 Inspections and Access



- The regulatory authority may inspect the establishment at any time.
- The operator must allow access to all areas of the establishment.
- Records, documents, and employee information must be made available upon request.

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Inspection and access: authorized regulatory representatives inspect the establishment and review required information.

Authorized representatives who inspect establishments or conduct plan review must have the knowledge, skills, and ability needed to perform those duties and must have access to training and continuing education.

After presenting credentials and providing notice of the purpose of the inspection, an authorized representative must be allowed access to the food establishment during reasonable hours. If access is denied, the regulatory authority follows the procedures allowed by law, which may include obtaining an inspection order.

10. Inspection Reports

4 Inspection Report



- Inspectors use a standardized report to document compliance.
- Items are categorized as Priority, Priority Foundation, or Core.
- The report lists any violations and required corrective actions.
- An inspection report is provided to the operator at the end of the inspection.

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Inspection report: findings, item classifications, and required corrective actions are documented.

The inspection report documents administrative information about the establishment and specific factual observations of violations or other conditions requiring correction.

- The report identifies violations and required corrective actions.
- The regulatory authority specifies applicable correction time frames.
- At the conclusion of the inspection, a completed report and notice to correct violations are provided to the permit holder or Person in Charge.
- The regulatory authority requests a signed acknowledgment of receipt.
- Signing the acknowledgment is not an agreement with the findings.
- Refusing to sign does not remove the obligation to correct violations; the refusal is documented.
- Except for protected trade-secret information, the inspection report is treated as a public document and made available for disclosure as provided by law.

11. Imminent Health Hazards

When an imminent health hazard may exist, the permit holder generally must immediately discontinue operations and notify the regulatory authority.

Examples listed in Chapter 8	Response
Fire or flood	Discontinue affected operations and notify the regulatory authority.
Extended interruption of electrical or water service	Discontinue unless the applicable approved emergency-plan exception is met.
Sewage backup	Discontinue affected operations and notify.
Misuse of poisonous or toxic materials	Discontinue affected operations and notify.
Apparent foodborne illness outbreak	Discontinue affected operations and notify.
Gross insanitary condition or other circumstance endangering public health	Discontinue affected operations and notify.

An unaffected area of an establishment does not necessarily have to discontinue operations. For certain extended electrical or water interruptions, continued operation may be allowed when an approved written emergency operating plan is in place, immediate corrective action controls the risk, and the regulatory authority is informed. After operations are discontinued, regulatory approval is required before resuming.

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12. Correcting Violations

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Corrective Actions and Enforcement



- Violations must be corrected within the timeframe specified by the regulatory authority.
- Follow-up inspections may be required.
- For repeated or serious violations, the regulatory authority may:
 - Suspend the permit
 - Revoke the permit
 - Restrict the menu
 - Order the establishment to cease operations for an imminent health hazard.

Corrective action: violations must be corrected within the time frame established by Chapter 8 and the regulatory authority.

Violation type	Correction time frame in the model Code
Priority Item	Correct at the time of inspection when possible. If a longer period is allowed, it may not exceed 72 hours after inspection.
Priority Foundation Item	Correct at the time of inspection when possible. If a longer period is allowed, it may not exceed 10 calendar days after inspection.
HACCP critical-limit deviation	Corrective action is required; when a longer period is allowed, it may not exceed 10 calendar days after inspection.
Core Item	Correct by the date/time agreed to or specified by the regulatory authority, but generally no later than 90 calendar days after inspection.

The regulatory authority verifies and documents correction. A Core-item compliance schedule may extend beyond 90 days when approved, supported by a written schedule, and no health hazard exists or will result.

13. Prevention of Foodborne Disease Transmission by Employees

Part 8-5 gives the regulatory authority tools to investigate and control suspected foodborne disease transmission involving food employees or conditional employees.

- The regulatory authority may obtain a confidential medical history and conduct other appropriate investigations.
- Appropriate medical examinations and specimen collection for laboratory analysis may be required.
- Based on the investigation, the regulatory authority may restrict or exclude an employee or conditional employee.
- When authorized by law, the regulatory authority may close the food establishment by summarily suspending the permit.
- Restriction or exclusion orders identify the reasons for the action, the evidence needed to show the reason has been eliminated, and applicable appeal rights.

14. What Changed in the 2026 Food Code?

- § 8-103.12 was updated to reflect revised cross-references.
- § 8-201.12(E) replaced the term 'standard procedures' with 'food safety management system.'
- New § 8-201.15 establishes when a written Food Safety Management System is required.
- New § 8-201.16 was added as a reserved provision.
- The heading for § 8-402.11 was corrected.

The most important Chapter 8 change for managers and instructors is the new written Food Safety Management System requirement in § 8-201.15.

Chapter 8 Quick Review

Remember	Core Rule
Chapter 8	Compliance and Enforcement — not food processing.
Plans	Required for specified new, converted, or remodeled establishments.
HACCP	Required for specified processes, variances, and reduced oxygen packaging situations.
FSMS	New 2026 written requirement, generally within 4 years of jurisdiction adoption.
Permit	Generally required before operating; application at least 30 days before opening/expiration.
Inspections	Generally at least once every 6 months, subject to Code exceptions and risk-based scheduling.
Reports	Document violations, correction time frames, and findings; generally public except protected information.
Imminent hazard	Discontinue affected operations and notify; approval required before resuming.
Priority	Correct immediately when possible; otherwise no more than 72 hours if extended.
Priority Foundation	Correct immediately when possible; otherwise no more than 10 calendar days if extended.
Core	Generally no later than 90 calendar days unless an approved schedule applies.

End-of-Chapter Multiple-Choice Review

1. Chapter 8 of the 2026 FDA Food Code is titled:

- A. Food Processing
- B. Compliance and Enforcement
- C. Physical Facilities
- D. Poisonous Materials

2. Chapter 8 contains how many major parts?

- A. 3
- B. 4
- C. 5
- D. 8

3. A variance may be granted when the alternative provides:

- A. Lower cost
- B. Equivalent public-health protection
- C. Faster service
- D. Fewer records

4. Plans may be required before:

- A. New construction or major remodeling
- B. Every employee shift
- C. Every food delivery
- D. Every menu printing

5. Which is normally part of plan review information?

- A. Intended menu
- B. Employee vacation schedule
- C. Customer list
- D. Advertising budget

6. A HACCP plan is required when:

- A. A variance requiring HACCP is used
- B. Any sandwich is made
- C. Only packaged chips are sold
- D. A menu is printed

7. Reduced oxygen packaging under § 3-502.12 requires submission of:

- A. A marketing plan
- B. A HACCP plan
- C. A pest-control invoice only
- D. A payroll report

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8. A HACCP plan identifies:

- A. Critical Control Points and critical limits
- B. Only employee names
- C. Customer complaints only
- D. Menu prices

9. The 2026 Code adds a written requirement for a:

- A. Food Safety Management System
- B. Sales management system
- C. Payroll system
- D. Reservation system

10. The written Food Safety Management System requirement generally takes effect within how long after regulatory-authority adoption?

- A. 30 days
- B. 1 year
- C. 4 years
- D. 10 years

11. A Food Safety Management System must be implemented:

- A. Only during inspections
- B. During all hours of operation
- C. Only on weekends
- D. Only when the owner is present

12. Section 8-201.16, Contents of a Food Safety Management System, is:

- A. Deleted
- B. Reserved
- C. A temperature chart
- D. A permit form

13. A food establishment generally may not operate without:

- A. A valid permit
- B. A printed menu
- C. A website
- D. A delivery vehicle

14. A permit application is generally submitted at least how many calendar days before opening?

- A. 7
- B. 14
- C. 30

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- D. 90

15. A food-establishment permit is:

- A. Freely transferable
- B. Generally not transferable
- C. Transferable to any new owner automatically
- D. Valid in every jurisdiction

16. The model Code generally calls for routine inspection at least once every:

- A. Month
- B. 3 months
- C. 6 months
- D. 2 years

17. Inspection frequency may be based partly on:

- A. Compliance history and foodborne-illness risk
- B. Restaurant decor
- C. Advertising
- D. Employee uniforms

18. An inspector must have:

- A. Knowledge, skills, and ability to perform required duties
- B. Restaurant ownership
- C. A culinary degree only
- D. A vendor account

19. At the end of an inspection, the permit holder or Person in Charge receives:

- A. A completed inspection report and notice to correct violations
- B. A new menu
- C. A tax return
- D. A recipe book

20. Signing an inspection-report acknowledgment means:

- A. The operator agrees with every finding
- B. Receipt is acknowledged; it is not agreement with findings
- C. All violations are waived
- D. The permit is renewed automatically

21. Inspection reports are generally:

- A. Secret in all cases
- B. Public documents except protected information such as trade secrets

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- C. Destroyed immediately
- D. Available only to employees

22. Which is an example of an imminent health hazard listed in Chapter 8?

- A. Sewage backup
- B. New menu item
- C. Employee vacation
- D. Broken chair

23. When an imminent health hazard exists, the permit holder generally must:

- A. Continue normally
- B. Immediately discontinue affected operations and notify the regulatory authority
- C. Wait 30 days
- D. Only post a sign

24. After operations are discontinued because of an imminent health hazard, the establishment must generally obtain what before resuming?

- A. Customer approval
- B. Regulatory-authority approval
- C. Vendor approval
- D. Employee vote

25. A Priority Item violation that cannot be corrected during inspection may be given no more than:

- A. 24 hours
- B. 48 hours
- C. 72 hours
- D. 90 days

26. A Priority Foundation Item violation may be given no more than:

- A. 72 hours
- B. 10 calendar days
- C. 30 days
- D. 90 days

27. A Core Item is generally corrected no later than:

- A. 10 days
- B. 30 days
- C. 60 days

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- D. 90 calendar days

28. Correction of Priority and Priority Foundation violations is:

- A. Never verified
- B. Verified and documented by the regulatory authority
- C. Optional
- D. Recorded only by the customer

29. Part 8-5 addresses:

- A. Employee foodborne disease transmission
- B. Cooking temperatures
- C. Lighting
- D. Plumbing

30. Based on an employee disease investigation, the regulatory authority may:

- A. Restrict or exclude the employee
- B. Change menu prices
- C. Require a new logo
- D. Cancel all deliveries

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Answer Key

1-10	11-20	21-30
1. B	11. B	21. B
2. C	12. B	22. A
3. B	13. A	23. B
4. A	14. C	24. B
5. A	15. B	25. C
6. A	16. C	26. B
7. B	17. A	27. D
8. A	18. A	28. B
9. A	19. A	29. A
10. C	20. B	30. A

Source and Training Use

Primary source: U.S. Food and Drug Administration, 2026 Food Code, Chapter 8 — Compliance and Enforcement, pp. 151–166. This coursebook paraphrases and organizes Chapter 8 for student instruction. Because the FDA Food Code is a model code, consult the applicable regulatory authority for jurisdiction-specific adoption, permit procedures, enforcement remedies, and legal requirements.

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