



NATIONAL  
**FOOD  
SAFETY**  
MONTH

**ECOLAB**<sup>®</sup>

CRACKING THE CODE:

# How and Why Food Safety Regulations Are Made





The U.S. government has a responsibility to protect the safety and well-being of its citizens, which involves ensuring that all food grown, processed, handled, and sold to the public is fit for consumption.

To safeguard the food supply, food safety standards have been developed, regulating bodies have been formed, and there have been marked measures to notify and educate the public on unsafe food practices. Alongside this, vital laws and guidelines have been implemented to preserve the credibility of the foodservice sector and safeguard customers.

While most restaurant leaders are aware that food safety regulations affect their operating standards, foodservice workers might not know why food safety regulations are created and how these decisions directly impact their operations.

**IN THIS eBOOK, WE'LL GO OVER:** \_\_\_\_\_

1. A brief history of food safety in the U.S.
2. Discuss why food safety regulations are created
3. Explain how these regulations affect restaurants



Today, the FDA and other major food safety institutions like the U.S. Department of Agriculture (USDA), the Food Safety and Inspection Service (FSIS), and the Centers for Disease Control and Prevention (CDC), **have played a key role in ensuring the safety of our food supply.**

## A Brief History of Food Safety in the U.S.

The catalyst for serious food safety efforts in the U.S. can be traced all the way back to the late 1800s when a movement to regulate manufacturing processes exposed the risks involved with unsafe food processing practices.

Unethical practices such as the misrepresentation of food products, mislabeling, poor labor conditions, and an increase in outbreaks of foodborne illnesses highlighted the need for food safety regulations.

There are several significant moments in U.S. history that trace the beginnings of food safety legislation. To stop the sale of misbranded and contaminated food and medications, the Pure Food and Drug Act was created in 1906, along with the Meat Inspection Act.<sup>1</sup> The passing of the Pure Food and Drug Act was an enormous milestone in U.S. food safety and is often cited as the precursor to the U.S. Food and Drug Administration (FDA).

Since then, other acts and regulatory bodies have been established to further strengthen food safety practices. If you take overall impact into account, two acts stand out:

1

THE FEDERAL FOOD, DRUG AND COSMETIC ACT OF 1938

2

THE FOOD SAFETY MODERNIZATION ACT (FSMA) OF 2011

These acts **set standards for food labeling, handling, and inspection and paved the way for important food safety development** like the Hazard Analysis Critical Control Point (HACCP) system.

<sup>1</sup> FDA. (2023, January 30). Milestones in U.S. Food and Drug Law.

# What are Food Regulations?

In order to control how food is produced, handled, labeled, and delivered, regulatory bodies construct a set of rules, guidelines, and procedures known as food regulations. They help achieve and maintain the integrity of the food supply chain. **Here are some of the reasons why food regulations are essential:**

## 1 PRESERVATION OF FOOD SECURITY

Food security is defined as the accessibility, affordability, and availability of healthy food for everyone. By guaranteeing the supply chain's consistency, quality, and safety, food regulations play a significant part in preserving food security.

## 2 PROTECTION AGAINST DECEPTIVE PRACTICES

Deceptive practices in food production, handling, and labeling—such as wrong information about weight, nutritional information, and ingredients—not only mislead consumers, but they can also cause serious physical harm. Food regulations protect consumers from such practices as manufacturers must label products accurately.

## 3 PREVENTION OF FOODBORNE ILLNESS

Foodborne illnesses spread by consuming contaminated foods or beverages that contain harmful pathogens, parasites, viruses, or toxins, and are one of the main reasons why food regulations exist. The number one cause of foodborne illness outbreaks is improper food handling in restaurants, which is why retail food safety standards are imperative.



## How are New Food Safety Regulations Created?

While the food safety regulations created a century ago set the foundation for many of our current standards, a lot has changed about the food we eat and how it is processed, sold, and handled. Creating and amending food safety regulations is essential to account for emerging and evolving threats. Creating food safety regulations today is a comprehensive process that involves strong scientific research and input from stakeholders and experts.

The regulatory body may also establish a **scientific panel or advisory committee to get expert external counsel** to ensure that the proposed regulations are formed based on the best expertise and latest data available.

The U.S. has a relatively standard framework for developing food safety regulations, and it starts with identifying emerging issues or concerns regarding food safety. Regulatory bodies use scientific investigation, data analysis, and foodborne disease surveillance to identify potential issues.

1

The FDA and USDA primarily lead the charge in **researching and gathering data to support adoption of new regulations.**

2

After initial research, the process moves on to the **rulemaking phase** if it is determined that new regulations are necessary. While it's the responsibility of regulatory bodies to develop new standards, they also engage members of the public and organizations to gather input.

3

A **review process** then begins to scrutinize the proposed regulations. This process involves internal reviews within the regulatory agency, legal assessments, and assessments of the scientific and economic impacts.

4

The final rules are then **published in the Federal Register** following the review process. After a public commentary period, new food safety standards are finalized.

# How Food Safety Regulations Impact Restaurants

Food safety regulations affect restaurant operations in a number of ways:

## LEADERSHIP

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One of the most important functions of the FDA is establishing food safety best practices in retail settings to curb the transmission of pathogens. These best practices are updated every four years and published in a collection of guidelines known as the [FDA Food Code](#).

The FDA's Food Code is updated much like U.S. food safety regulations. The Conference for Food Protection (CFP) includes representation from all 50 states and U.S. territories, industry stakeholders, consumer interest groups, and academic researchers. Every two years, the CFP members deliberate food safety topics and offer recommendations to the FDA. If the FDA agrees with the recommendations, those are then incorporated into the Food Code – which state and local health departments then use to establish their own food safety regulations.

Although every U.S. state has adopted some version of the FDA Food Code, the Food Code is not federally enforced. Rather, it serves as a guidance document for states and local jurisdictions to oversee the health and safety of food establishments in their region.

Regulatory authorities conduct health inspections to ensure restaurants comply with food code standards and may issue violations if a restaurant isn't up to code. Some of the things they focus on during inspections include employee hygiene, food preparation methods, food storage practices, equipment maintenance, and facility cleanliness. Learn more about this process in our [Health Inspections and Health Code Violations eBook](#).

RESTAURANTS MUST ADHERE TO THEIR STATE OR TERRITORY'S OWN FOOD SAFETY CODES AND REGULATIONS; YOU CAN FIND YOURS [HERE](#).



### STAFF TRAINING AND CERTIFICATION

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For restaurants to effectively and consistently adhere to food safety regulations, staff must understand safe food practices and procedures. As such, many jurisdictions require restaurant staff to have food safety training and certification.

Food safety training varies depending on the role. For instance, food handler training is essential for staff handling food to prevent cross-contamination, understand how to handle food at appropriate temperatures, and maintain proper personal hygiene. Manager training, on the other hand, equips leadership staff with knowledge of food safety regulations and how to identify and address potential food safety risks.

Establishments that handle alcohol may require additional training and certification for staff who handle alcoholic drinks. Alcohol training helps staff understand responsible service practices such as checking identification, identifying signs of intoxication, and understanding legal requirements.

With increased food allergies in recent decades, many jurisdictions are requiring food allergen training. This training assists personnel in understanding food allergies, effectively communicating allergy information to customers, and avoiding cross-contact.

Restaurants can greatly lower the risk of foodborne diseases, maintain a safe eating environment, and show their dedication to food safety to patrons and regulatory authorities by ensuring staff employees have the proper training and certification.

# What Happens When Food Regulations Are Not Followed?

In order to safeguard the general public's health and uphold the credibility of the food service industry, regulatory agencies treat infractions of food safety requirements seriously. As a result, violating food safety rules comes with serious ramifications for restaurants. **These can include:**



## **Increased Risk of Foodborne Illness**

**Outbreaks:** The primary goal of food safety regulations is to prevent foodborne illness outbreaks. Depending on the severity of the contamination and the persons affected, foodborne illnesses could lead to severe health problems and even loss of life.



**Legal Consequences:** Non-compliance with food safety regulations can result in legal consequences for restaurants. Continual food safety violations may be subject to fines, penalties, or possibly closure by regulatory bodies.



**Reputational Damage:** Failing to follow food regulations can tarnish a restaurant's reputation. Word spreads quickly in the age of online reviews and social media, and news of food safety violations can quickly reach potential customers.



**Loss of Customers:** When consumers become aware of food safety violations or questionable practices at a restaurant, they may choose to take their business elsewhere. Any restaurant's profitability depends on maintaining customer loyalty and breaking food safety laws can damage trust.



**Decline in Employee Morale:** Non-compliance with food safety regulations can also impact employee morale within a restaurant. Staff members who witness or are involved in unsafe practices may become demotivated or concerned about the well-being of customers and themselves. Maintaining a culture of food safety and adherence to regulations is crucial for fostering a positive work environment.



TO AVOID THESE NEGATIVE CONSEQUENCES, RESTAURANT OWNERS, OPERATORS, AND MANAGERS MUST **PRIORITIZE FOOD SAFETY AND ENSURE COMPLIANCE WITH ALL RELEVANT REGULATIONS.**



## What Happens When Food Regulations Are Not Followed?

For restaurant owners, operators, and managers, it's critical to remain current on food safety regulations. But with so many systems in place, how can foodservice leaders know which regulations impact them and stay up to date?

### SERVSAFE REGULATORY MAP

The ServSafe Regulatory Map lets users pinpoint exactly which food safety training requirements impact their operation. Whether regulations affect an entire state, vary by region, or are voluntary, [ServSafe's interactive map](#) provides a quick overview of all food safety program requirements, allowing users to quickly view certification expiration periods, online or in-person requirements, and more.

### SERVSAFE TRAINING AND CERTIFICATION SOLUTIONS

ServSafe offers a range of training and certification programs designed to educate and empower restaurant staff on food safety practices. These programs cover various aspects, including food handling, allergen awareness, alcohol service, and managerial responsibilities. With ServSafe, restaurant employees can enhance their knowledge and skills, ensuring they are equipped to handle food safely and meet regulatory requirements. ServSafe certification is widely recognized in the industry, validating individuals' understanding of food safety principles.

The ServSafe Regulatory Map and ServSafe training and certification solutions enable restaurant owners, operators, and managers to stay proactive about food safety regulations, improve the knowledge and skills of their staff, and uphold compliance with the constantly changing standards of the food service industry.

VISIT [SERVSAFE.COM](https://www.servsafe.com) TO  
LEARN HOW YOU CAN  
GET STARTED.

