

# QUICK OVERVIEW AND GUIDE

## RETAIL FOOD SAFETY TRAINING PROGRAMS

DIVISION FOR CONSUMER PROTECTION

FOOD AND DRUG SECTION

RETAIL FOOD SAFETY OPERATIONS



**TEXAS**  
Health and Human  
Services

Texas Department of State  
Health Services

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## Introduction and Purpose

This is a quick overview of training programs and resources available to new retail food inspectors and Retail Health Programs creating an inspection program. The purpose of this document is to assess a retail food inspector's particular training situation and provide guidance to assist in the development of the inspector's knowledge, skillset, and understanding of rules and statutes.

It is important that any established Food Safety Program has a training program in place to educate and train inspection staff. This guide will provide recommendations and resources to help programs in development of their regularity training programs and assist all inspectors through a better understanding of basic training and development based on their experience and understanding concerning State of Texas food safety rules, city ordinances or municipal codes, and Texas statute. More established training programs may use the necessary information and resources in this manual to modify the currently developed trainings programs as needed.

This document is not all-inclusive due to individual regulatory health program needs or requirements however it is imperative that new programs and inspectors utilize all the available resources within their jurisdictions. The Quick Overview and Guide is meant to help inspectors and programs find resources for training and learning opportunities to better develop their individual programs.

If there are any questions not answered in this guide, please contact the Texas Department of State Health Services, Retail Food Safety Operations Team.

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## **A Few Important Acronyms**

<u>TFER:</u>	Texas Food Establishment Rules
<u>CFR:</u>	Code of Federal Regulations
<u>DSHS:</u>	Department of State Health Services
<u>FDA:</u>	Food and Drug Association
<u>HSC:</u>	Texas Health and Safety Code
<u>TAC:</u>	Texas Administrative Code
<u>R.S.:</u>	Registered Sanitarian
<u>S.I.T.:</u>	Sanitarian-in-Training
<u>HHS:</u>	Health and Human Services
<u>TLO:</u>	Texas Legislature Online
<u>TDLR:</u>	Texas Department of Licensing and Regulation

# Laws, Rules, and Public Health Policy

## Law vs. Regulation

Statutes (or laws) are enacted by the State of Texas legislature: TX Senate, TX House of Representatives, and TX Governor. The Texas Administrative Code (TAC) is created by DSHS under authority granted by the legislature in which to create regulations (or rules) to enforce the prevailing statutes; but also staying within the scope and intent of the law.

Unlike a statute or state rule, an ordinance is a local law that is passed by municipal governing authorities, such as a city council or county board of commissioners. Many state statutes grant local boards of health and programs the authority to pass public health rules and regulations specific to the municipality.

## DSHS Inspection Jurisdiction

DSHS regulates regions of Texas that have not adopted a food safety program charter. If a city/town, county, or public health district adopts a charter, then **DSHS no longer has jurisdiction**, and the responsibility falls to the established regulatory authority. If a jurisdiction wants to withdraw their charter, then DSHS will assume regulatory authority and permitting of the jurisdiction relating to food safety. Under DSHS jurisdiction the department will permit, inspect, and provide enforcement.

## Municipal/City Inspection Jurisdiction

There are two categories of cities in Texas: **home rule** and **general law**.

## General Law in Texas

- General law cities are smaller cities whose powers are limited; they operate according to specific state statutes that define their powers and duties.
- They are restricted to doing what the state directs or permits them to do per statute.
- If a general law city has not been granted the express or implied power by the state to initiate a particular action, none may be taken.
- Depending on population size and type: Types A, B and C are described in the Texas Local Government Code.



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## Home Rule in Texas

- The **Home Rule Amendment** gave cities with over 5,000 inhabitants the power to adopt their own charter after an election, thereby giving them the power of self- government. Presently, with very few exceptions, cities in Texas are classified as general law or home rule.
- This allows Home Rule Cities to adopt their own rulesets, compliance/enforcement actions, and regulations in the process of self-governance.
- Home rule creates some challenges with food safety processes, training, and enforcement/compliance across the state as many of these rules can be more stringent than the minimum rules set by the State and will be specific to the jurisdictions they are enacted.

## County Inspection Jurisdiction

A county may enforce state law and rules adopted under state law concerning food service establishments, retail food stores, mobile food units, and roadside food vendors.

Statute does not authorize a county to adopt orders establishing standards for the operation of food service establishments, retail food stores, mobile food units, or roadside food vendors. Permitting and Inspection authority will fall to the County Jurisdiction.

## Public Health District Inspection Jurisdiction

A public health district may enforce state law and rules adopted under state law concerning food service establishments, retail food stores, mobile food units, and roadside food vendors.

Statute does not authorize a public health district to adopt orders establishing standards for the operation of food service establishments, retail food stores, mobile food units, or roadside food vendors. Permitting and Inspection authority will fall to the Public Health District Jurisdiction.

## **Know Your Codes**

It is incredibly important for Food Safety Inspection Officers to know the rulesets, statutes, regulations, and ordinances that are applicable in the jurisdiction(s) where they operate.

If for new health programs and inspectors you must adhere to local ordinances, statutes, and regulations specific to your jurisdiction.

## **Local Municipal Codes**

Local ordinances are passed by the city council governing the jurisdiction. These codes are implemented by the local authority which are not already addressed by federal or state law. Please reference your local municipal codes as they will outline the authority of the health program and specific ordinances to the jurisdiction.

## **TFER**

The Texas Food Establishment Rules (TFER) are the minimum food safety regulations for Food Establishments, Retail Food Stores, Mobile Food Units, and Roadside Food Vendors in the State of Texas. These rules are developed and maintained by the Texas Department of State Health Services (DSHS) and updated as required. These rules are followed by County and Public Health Districts and adopted by local health programs into their local ordinances throughout the state.

## **FDA Food Code**

The Food and Drug Administration (FDA) provides the model Food Code as a guidance document to support uniform food safety regulations across the nation. The model Food Code is neither federal law or federal regulation it represents FDA's best advice for a uniform system of regulation to ensure that food at retail is safe and properly protected and presented. The model Food Code is used as the basis for TFER and is currently recognized as rule in the State of Texas.

# DSHS and Texas Resource Weblinks

## DSHS Retail Food

[www.dshs.texas.gov/foodestablishments/](http://www.dshs.texas.gov/foodestablishments/)

Provides retail food guidance and has dedicated webpages for Farmer's Markets, Cottage Food Production, Certified Food Manager/Food Handler Accreditation, and Mobile Food Units. Texas law and rule changes pertaining to food are detailed here.

## Texas Interactive Jurisdiction Map

[txdshsea.maps.arcgis.com](http://txdshsea.maps.arcgis.com)

An interactive jurisdiction map that details the many home-rule jurisdictions in Texas, as well as DSHS regions and contacts.

## Texas Department of Licensing and Regulation

<https://www.tdlr.texas.gov/san/san.htm>

TDLR is the licensing and regulation agency that oversees Registered Sanitarian licensing in the State of Texas.

## Texas Legislature Online

<https://capitol.texas.gov/>

Provides legislative bill information for every bill that has gone through the Texas Legislature.

## DSHS Guidance

[www.dshs.texas.gov/foodestablishments/guidance.aspx](http://www.dshs.texas.gov/foodestablishments/guidance.aspx)

Provides regulatory guidance and clarification documents pertaining to TFER food safety rules. Also, provides copies of the regulatory sets (TFER, Code Quick Reference Guides, Marking Instructions, etc.) and resources in Spanish.

## Texas Administrative Code (TAC)

**Title 25, Part I Chapters 228, 229**

Texas Administrative Code details how rules are put into action and the processes of their applicability. Chapter 228 & 229 are the most used for Health Inspectors in Texas.

## Texas Health & Safety Code (HSC)

[statutes.capitol.texas.gov](http://statutes.capitol.texas.gov)

Texas Health and Safety Code contains a statute that pertain to many programs.

The most utilized by Sanitarians Title 5 & 6

# Federal and National Regulatory Resource Weblinks

## FDA Retail Food Protection

### [Retail Food Protection](#)

The FDA's Retail Food Protection page is full of resources related to the Food Code, industry/regulatory training, standardization procedures, and the Voluntary National Retail Food Regulatory Program Standards.

## FDA Food Code 2017

The [FDA 2017 Food Code](#) was adopted by the State of Texas DSHS by reference and went into effect in August 2021. Many health jurisdictions follow DSHS's lead, but they are not required to.

## FDA ComplianceWire & ORA LearnED Training System

### [ComplianceWire & ORA LearnED](#)

Self-Registration into ComplianceWire and ORA LearnED training systems provides Food Code, Microbiology, Public Health Law, and other trainings relevant to Sanitarians and Health Inspectors. These trainings are provided in classroom and virtual settings. Standard 2, pre and post course trainings are found here as well.

## Association of Food & Drug Officials (AFDO)

### [afdo.org](http://afdo.org)

AFDO consists of government officials, public health officials, researchers, consumer advocates, and industry leaders. AFDO offers many training, webinar, resource, and conference opportunities.

## Conference for Food Protection (CFP)

### [www.foodprotect.org](http://www.foodprotect.org)

The Conference for Food Protection is a non-profit that has created a formal process whereby members of industry, regulatory, academia, consumer, and professional organizations are afforded equal input in the development and/or modification of food safety guidances provided by FDA model Food Code.

## National Environmental Health Association (NEHA/TEHA)

### [neha.org](http://neha.org)

NEHA and its Texas affiliate, TEHA, maintain credentialing programs, training and resources for continuing education through online courses, an annual educational conference, and publishing of peer-reviewed *Journal of Environmental Health*. TEHA provides a resource for new programs to network with other health programs in their regional location and across the State of Texas.

# Training Programs

## Where to begin?

It is essential that all Retail Food Safety Regulatory Programs have a comprehensive and effective training program for inspectors. Also, depending on your specific regulatory agency, you may be required to obtain particular trainings, certifications, or credentials. First you must address questions about your health program and obtain a thorough understanding of what your responsibilities are within the program. Below is a basic training regimen utilizing FDA, DSHS, and other training resources. This program guide assumes that the regulatory agency has adopted the TFER/Food Code as its minimum regulatory ruleset.

*NOTE: This program guide also does not pertain to all responsibilities that may be required by an inspector, such as but not limited to: Code Enforcement, OSSF, Swimming Pool inspections, Public Nuisance complaints, Daycare Inspections and any other responsibilities not specifically related to Food Safety.*

## Initial Training Program Questions

- **What is my regulatory agency's training program?**
  - Is there currently a training program in place?
  - Does the program require creation of a training program?
  - Who will lead or manage the Training Program? Manager, Training Officer...etc.
- **What is the programs Compliance and Enforcement ability?**
  - Municipal Codes, Internal Polices, Standard Operation Procedures...etc.?
- **Does my regulatory agency have specific requirements for inspectors?**
  - Minimum experience requirements?
  - Professional Credentials (ex. Registered Sanitarian)?
- **Has my regulatory agency adopted a regulatory ruleset?**
  - TFER/Food Code?
- **Does my regulatory agency have specific municipal rules for our retail food safety program?**
  - How often are inspections conducted? Risk Categorization used?
  - What rules are specific to my regulatory agency's jurisdiction?
- **What inspection resources are available to the inspector or health program?**
  - Transportation?
  - Inspection Forms? Inspection Software?
  - Laptops?
  - Inspection Equipment? (ex. Thermometers, test strips, flashlights...etc.)

## Training Program Initial Steps

- 1. Obtain a regulatory foundation:** FDA Food Code and TFER (Resource Weblinks). Assure these documents are recognized as your foundation for food safety rules within your regulatory jurisdiction through ordinance or policy adoption.
- 2. Read and understand** your regulatory agency's specific rules and regulations (applicable to municipal, county, state, and federal codes based on the programs responsibilities).
- 3. Utilize Online Resources and Training Courses** offered by DSHS, FDA, and National Organizations to reinforce understanding of TFER/ Food Code rules.
- 4. Training Plan and Training Program.** The Health Program should have an outline for regulatory retail food inspection staff that can provide the knowledge, skills, and ability to adequately perform their required duties. DSHS uses a schematic 5-step training (Education & Field Training) and standardization process to achieve the required level of competency. Assigning a training program lead, manager, or training officer to manage and implement the training plan with inspection staff.

## Training Program Plan

In the situation of a Health Program not having a set Training Plan or is in the initial stages of creating a Training Plan this section will provide some guidance and recommendations. The **FDA Voluntary National Retail Food Regulatory Program Standards (or Retail Program Stds)** provide an outline for a highly effective and responsive program for the regulation of foodservice and retail food establishments. Retail Program Stds provide a foundation and system upon which all regulatory programs can build through a continuous improvement process; conveyed through 9 Retail Program Standards. All nine Standards encourage regulatory agencies to improve and build upon existing programs, however focusing on training specifically, **Program Standard#2 provides an outline for a Trained Regulatory Staff.**

*NOTE: The intent of Standard #2 is for a program to complete and meet all the requirements outlined in the standard. However, if the program has no intent to enroll or complete standards outlined by FDA Retail Program Stds, the Standard #2 training outline can still be utilized in parts or sections in creation of your Training Program Plan.*

# Training Program Plan Steps

## 1. Foundational Training Curriculum:

Retail Program Std #2, Appendix B provides the training curriculum outlined by FDA for retail food safety inspection officers through online training education and field inspection exercises.

Appendix B:

- Appendix B-1: Curriculum for Retail Food Safety Inspection Officers.
  - Web based trainings to provide an inspector with understanding of essential food safety and public health principles needed to conduct effective retail food safety inspections.  
*NOTE: Self-Registration for ComplianceWire & ORA LearnED Account will be required.*
- Appendix B-2: The **CFP Field Training Manual**
  - A Field Training guidance document and nationally recognized model for training and standardizing regulatory Food Safety Inspectors responsible for conducting food safety inspections (Training Worksheets and Log)
    - **CFP's Field Training Manual**
- Appendix B-3: Establishment Categories
  - Risk Categorization of Food Establishments, using food production processes in accessing risk and inspection frequency.

Recommended Trainings:

- FD112: Food Code
  - Virtual or Classroom Training Available
  - IF, not able to register for course the FD112W100 Curriculum: Food Code is extremely beneficial.
- FDA Decoding the Food Code
  - Free online based training module developed to engage and educate stakeholders on the foundational policy principles of the Food Code
  - **Decoding the Food Code**
- FD215: Managing Retail Food Safety
  - Virtual or Classroom Training Available
  - Process approach to HACCP, applications of HACCP principles in routine inspection work, and assessing active managerial control of risk factors by operators.
- FD218: Risk-Based Inspection Methods in Retail
  - Virtual or Classroom Training Available
  - Enhance the knowledge, skills, and abilities of food safety inspection officers in conducting risk-based inspections.

## **2. Field Inspection Experience:**

Ideally, the new inspector should shadow an established or standardized inspector already employed within the Health Program. This Training Officer should be knowledgeable of TFER, Food Code, Specific jurisdictional regulations...etc. This person will set the example of how the health program will conduct retail food safety inspections and train others in the same uniform approach.

Utilization of the Appendix B-2: The **CFP's Field Training Manual**, Worksheets, and Training Log can help assess inspection competencies through Trainer and Trainee Lead joint inspections. The trainer can use these documents to show where specific competencies are being met and where improvement is necessary.

However, if the program is lacking Field Inspection Experience in which to provide field training to a new inspector, either due to minimum staff or the new inspector is the only inspection person utilized within the program. Then it is highly recommended that the program reaches out to another established regulatory agency with sufficient training resources and inspection program. They may be able to assist the program in shadowing a trained inspector to better utilize a risk-based approach to retail food safety inspections and application of the learned foundational curriculum.

*NOTE: IF, a regulatory agency cannot be found by the program DSHS may be able to assist in finding a health program to fulfil the request.*

## **3. Standard Operating Procedures**

Once a standard approach to training new staff is established create a Standard Operating Procedures (SOPs) of your Training Plan. Use the outline recommend by DSHS or modify as needed to fit your program needs and resources. These SOPs for the retail training program will be the foundation for new and current staff moving forward, and eliminating the gap in program understanding or resources due to new hires or change of leadership.

## **4. Maintain a continuing education and training plan**

The goal of continuing education and training is to enhance the inspector's knowledge, skills, and ability to perform retail food and foodservice inspections. The objective is to build upon the current inspection knowledge base and stay current with new regulations, technology, or food processes applied in a retail setting.

Continuing education and training contact hours can be obtained from many sources and may be obtained from in-person classroom trainings, conferences, training/credentialing programs, and webinars.

## **5. Professional License**

Application or requiring a professional certification is another way to show competency in conducting a regulatory inspection. This is not a requirement in Texas Rules but is highly recommended by DSHS. The Registered Sanitarian (R.S) or Sanitarian-in-Training (S.I.T.) is a state recognized professional certification, most commonly obtained, for public health professionals qualified by specific education, specialized training, and field experience to protect the health, safety and general welfare of the public from adverse environmental determinants.

This certification is used throughout the State of Texas for employees conducting environmental and food safety inspections. For more information on the R.S. or S.I.T. certification requirements and exam training materials please visit the link below.

- [\*\*Texas Department of Licensing and Regulation \(TDLR\)\*\*](#)



# Next Steps for the Training Program

## Retail Food Program Standards

**Once the Training Program is in place are there other areas of concern for your Retail Food Safety Program that you would like to improve?**

FDA has developed the “Voluntary National Retail Food Regulatory Program Standards” (Retail Program Standards) through ideas and input from federal, state, and local regulatory officials, industry, trade and professional associations, academia, and consumers on what constitutes a highly effective and responsive retail food regulatory program through a set of recognized standards for regulatory programs that administer the Food Safety Codes.

There are nine standards under the Retail Program Standards. These standards promote greater uniformity among regulatory programs responsible for retail food safety, and the ultimate goal of reducing or eliminating the occurrence of illnesses and deaths from food produced at the retail level.

The Retail Program Standards serve as a guide to regulatory retail food program managers in the design and management of a retail food regulatory program and provide a means of recognition for those programs that meet these standards.

The Retail Program Standards are designed to help food regulatory programs enhance the services they provide to the public. When applied in the intended manner, the Program Standards should:

- Identify program areas where an agency can have the greatest impact on retail food safety
- Promote wider application of effective risk-factor intervention strategies
- Assist in identifying program areas most in need of additional attention
- Provide information needed to justify maintenance or increase in program budgets
- Lead to innovations in program implementation and administration
- Improve industry and consumer confidence in food protection programs by enhancing uniformity within and between regulatory agencies

Each Standard has one or more corresponding worksheets, forms, and guidance documents. Regulatory agencies may use existing, available records or may choose to develop and use alternate forms and worksheets that capture the same information. Information about each of the standards and their corresponding guidance, worksheets, and resources can be found here:

- [\*\*Voluntary National Retail Food Regulatory Program Standards - August 2022| FDA\*\*](#)

## DSHS Standardization Program

Another step once a training program is in place is for a training officer or inspector standardization under the DSHS Standardization Program. The purpose of the DSHS standardization is to promote uniformity of regulatory retail food inspections among state, local, and county agencies.

Standardization under this program provides regulatory personnel with the opportunity to subject their knowledge and skills related to the Code's provisions to a uniform system of measurement.

This procedure is not intended to provide basic training to individual candidates but rather is intended to confirm a high level of knowledge, understanding, and application of food safety principles, and should be applied with a foundational training program.

A DSHS Standardization may be requested to the department through a DSHS Standardization Verification Nomination Form and with all necessary documentation required. The DSHS Procedures Manual and Field Workbook for Standardization will outline the process and criteria for demonstrating proficiency in the required performance areas to satisfy requirements for a standardized food safety inspection officer. For more information on the DSHS Standardization Program please visit the link below or contact the Retail Food Safety Operations Training Team:

- **DSHS Standardization Program**

*NOTE: Please note that submission of a nomination form does not guarantee a scheduled DSHS standardization. The DSHS Standardization Program will review the nomination form for eligibility, educational preparedness, development of the local health dept.'s training program, and progress with the Voluntary National Retail Food Regulatory Program Standards (Retail Program Standards).*



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# Resources and Additional Information

- EEOC "How to Comply with the Americans with Disabilities Act: A Guide for Restaurant and Other Food Service Employers. Available at [http://www.eeoc.gov/facts/restaurant\\_guide.html](http://www.eeoc.gov/facts/restaurant_guide.html).
- FDA Fish and Fisheries Products Hazards and Control Guide, Third Ed. Available at <http://www.fda.gov/food/guidanceregulation/guidancedocumentsregulatoryinformation/seafood/ucm2018426.htm>
- FDA Food Code. Available at <http://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/default.htm>
- FDA Food Code, Annex 3 – Public Health Reasons/Administrative Guidelines. Available at <http://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/default.htm>
- FDA Food Code, Annex 4 – Management of Food Safety Practices Achieving Active Managerial Control of Foodborne Illness Risk Factors. Available at <http://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/default.htm>
- FDA Food Code, Annex 5 – Conducting Risk-Based Inspections. Available at <http://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/default.htm>
- FDA Managing Food Safety: A Regulator’s Manual for Applying HACCP Principles to Risk-based Retail and Food Service Inspections and Evaluating Voluntary Food Safety Management Systems. Available at <https://www.fda.gov/food/hazard-analysis-critical-control-point-haccp/managing-food-safety-regulators-manual-applying-haccp-principles-risk-based-retail-and-food-service>
- FDA ORA-U Communications Course. Available at [https://orauportal.fda.gov/stc/ORA/psciis.dll?linkid=675280&mainmenu=ORA&top\\_frame=1](https://orauportal.fda.gov/stc/ORA/psciis.dll?linkid=675280&mainmenu=ORA&top_frame=1)
- FDA Procedures for Standardization of Retail Food Safety Inspection Officers. <https://www.fda.gov/food/retail-food-protection/standardization-retail-food-safety-inspection-personnel>
- National Advisory Committee on Microbiological Criteria for Foods (NACMCF). 1997. Hazard Analysis and Critical Control Point Principles and Application Guidelines. Available at <http://www.fda.gov/Food/GuidanceRegulation/HACCP/ucm2006801.htm>
- The National Advisory Committee on Microbiological Criteria for Foods. HACCP Principles & Application Guidelines - Adopted August 14, 1997 <https://www.fda.gov/food/hazard-analysis-critical-control-point-haccp/haccp-principles-application-guidelines#princ>
- Retail Food Industry/Regulatory Assistance & Training <https://www.fda.gov/food/retail-food-protection/retail-food-industryregulatory-assistance-training>
- Conference of Food Protection - Developed Guides and Documents <http://www.foodprotect.org/guides-documents/>
- Voluntary National Retail Food Regulatory Program Standards (Retail Program Standards) [Voluntary National Retail Food Regulatory Program Standards | FDA](#)