

Food Allergen Awareness FAQs

Comprehensive Requirements for Ensuring Safe Dining in Retail Food Establishments
Updated September 11, 2024

In 2009, Massachusetts became the first state to mandate comprehensive food allergen awareness requirements for retail food establishments. The Department of Public Health (DPH) regulates Food Allergen Awareness in the Retail Food Code, [105 CMR 590.011 \(C\)](#), to improve safe dining for people with food allergies in retail food establishments across the Commonwealth. The most critical element of these requirements is training to ensure staff are knowledgeable about food allergens and their associated risks and to ensure staff are equipped to handle food allergies safely and effectively. DPH also requires establishments to post an approved allergen awareness poster for employees, to clearly label menus to advise customers to notify servers of any food allergies, and to include allergen information on food labels and packaging. Together, these requirements aim to prevent allergic reactions and foster a safer dining environment for people with food allergies.

Q1 What are the major food allergens?

A1: Although nearly any food can trigger an allergic reaction, there are nine foods that cause the majority of reactions:

1. Major food allergen:

- a. There are now **nine major food allergens**: milk, egg, fish (such as bass, flounder, cod), shellfish (crustacean shellfish such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, soybeans, **and sesame**; or
- b. A major food allergen could also include a food ingredient that contains protein derived from a food containing a Major Food Allergen. **(590.001(C); FC 1-201.10(B))**

2. Major food allergen does not include:

- a. Any highly refined oil derived from a FOOD specified in Subparagraph (1)(a) of this definition and any ingredient derived from such highly refined oil; or
- b. Any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004. **(590.001(C); FC 1-201.10(B))**



Q2: What are the key components of the Massachusetts Food Allergen Awareness Requirements?

A2: Key components include:

- Staff Training. The permit holder or designated person in charge must be trained in allergen awareness and must be on site during all operating hours. Per regulation, this person must train other staff members in allergen awareness according to their assigned duties. In order to ensure that a person in charge is on site during all operating hours, the owner or person in charge must designate and train an alternate person-in-charge to cover responsibilities during absences.
- Display of a DPH-approved allergen awareness poster in employee areas.
- Clear labeling on menus advising customers to notify servers of any food allergies.
- Inclusion of allergen information on food labels.
- Adherence to strict cleaning and sanitization protocols to prevent cross-contact with allergens.

Q3: Effective October 7, 2024, the Food Protection Program (FPP) issued updated guidance on allergen awareness training requirements for food establishments. What do those updates mean for how a food establishment trains its staff going forward?

A3: Before October 7, 2024, the Food Protection Program provided a single video for training on the mass.gov website. After DPH guidance changes on October 7, 2024, food establishments will have expanded access to allergen awareness training options (NOTE: the previous training video offered by DPH via YouTube does not meet current requirements and is no longer an approved training). DPH will deem training to be approved if a course is one (or more) of the following:

- accredited/certified by [ANAB](#) and includes allergen awareness content specified by FPP (listed below); or
 - approved by FARE as part of their [FAREcheck program](#); or
1. if not otherwise accredited/ approved, the training includes an interactive video, an exam to assess knowledge, and food allergen awareness content areas specified by FPP (shown below).



FPP Food Allergen Awareness Content Areas

For a training course to be deemed approved under FPP guidance the training video must be interactive, conclude with an exam that tests a user's knowledge, and incorporate all of the following competence focus areas:

Major Food Allergens

- Visual/Pictorial and Text representations of the 9 major food allergens (Peanuts, Milk, Soy, Tree nuts, Shellfish, Fish, Egg, Wheat, and Sesame)
- Concise and informative descriptions of food allergens

Health Risks of Food Allergies

- Clearly stated common recognizable symptoms of an allergic reaction
- Clear discussion of potential risks to the consumer if they ingest food that they are allergic to, including death
- Difference between food intolerance and food allergens

Procedure to follow when customers state they have a food allergy

- Step-by-step process regarding food allergies for point of service employees, kitchen staff, and person in charge/managers
- Outline of detailed instructions for a food employee who is not knowledgeable or does not know how to handle a consumer question on food allergens
- The importance of and how to maintain a consistent and reliable line of communication between consumers, staff, and chefs
- Methods to prevent cross-contact, including cleaning and separating tools and preparation/cooking areas

Emergency Procedures to follow if customer has allergic reaction

- "Call 911" and detail allergic reaction symptoms and instruct staff member to stay with customer until help arrive.

Q4: What must be included in the allergen awareness posters?

A4: DPH provides a downloadable poster here ([Allergen Awareness Guidance | mass.gov](https://www.mass.gov/allergen-awareness-guidance)) for use by food establishments to meet requirements. To meet the requirements, posters must meet DPH requirements (listed in A5 below) and prominently displayed in the employee work area. The poster must include a list of nine major food allergens and the relevant safety information (specified below in A5) and be no smaller than 8.5 by 11 inches.



Q5: May a food establishment display a poster which is different from the poster provided by DPH?

A5: Yes. The poster provided by DPH was developed by Food Allergy Research & Education ([FARE](#)) and includes important information for employees to help protect people with food allergies. Food establishments may use a different poster, but each poster must meet DPH requirements to be considered valid.

DPH requirements for content to be displayed on food allergen posters created by food establishments include:

1) Major Food Allergens

- a) Visual/ Pictorial and text representations of the Major food allergies (Peanuts, Tree nuts, Milk products, Soy, Wheat, Fish, Shellfish, Eggs & Sesame).
- b) Visual/ Pictorial representations are easily associated with the allergy item and cannot be confused with a different food item (e.g., cows can be beef or dairy, chickens can be eggs or poultry).

2) Health Risks of food allergies

- a) Risks to a consumer ingesting an item that they are allergic to are clearly stated (risk is defined as the end result of the symptoms or the danger to the allergic individual, such as, mild to severe reaction, including death).

3) Procedure to follow when a customer states that he or she has a food allergy

- a) Preventative methods for cross-contact are indicated.
- b) The employee is directed to ask questions if they are unsure of the presence of allergens in food items, allowing the guest to make an informed decision.

4) Emergency procedure to follow if a customer has an allergic reaction to a food

- a) "Call 911" is prominently visible.

As posters become available for sharing, examples of different posters will be posted here ([Allergen Awareness Guidance | mass.gov](#)).



Q6: What specific notice must be included on menus and menu boards?

A6: All printed menus and menu boards must include a clear and conspicuous notice requesting that customers inform the server before placing an order if they have a food allergy. The notice should state: "Before placing your order, please inform your server if a person in your party has a food allergy."

Q7: Are Massachusetts allergen awareness training certificates still valid for 5 years from the date they are issued?

A7: Allergen awareness training certificates are considered valid for five (5) years from the date they are issued for the purposes of complying with the Massachusetts regulations. **(590.011(C)(3)(a))**

Q8: Are there specific cleaning protocols related to allergens?

A8: Sanitizing food contact surfaces after cleaning can eliminate pathogenic bacteria, but sanitizing alone does not fully eliminate contamination by food allergens.

Visit the [Avoiding Cross-Contact](#) page on the FARE (Food Allergy Research and Education) website to learn how to prevent cross-contact, which happens when an allergen is accidentally transferred from one food or surface to another. Another resource on cleaning is FARE's ***Tip Sheet to Avoid Cross Contact*** in [English](#) and [Spanish](#).

In 2022, the US Food and Drug Administration reported that full cleaning (using a wash-rinse-sanitize-air dry method) as recommended in the FDA Food Code was effective at allergen removal and minimizing allergen transfer. The FDA finding and the study it was based on is available here: [Allergen Removal and Transfer Using Wiping and Cleaning Methods in Retail Food Establishments](#).

In 2023, the Conference for Food Protection released guidance to help retail food establishments develop protocols for food allergy prevention and control of the major food allergens. The CFP guidance document is available here: [Major Food Allergen Framework](#).

Q9: Do local health departments need to update their inspection reports in response to the updated allergen awareness guidance effective October 7, 2024?

A9: No, Local Boards of Health (LBOH) do not need to update their approved retail food inspection reports and should be able to continue using their current system to accommodate the updated guidance.



Q10: What establishments or individuals are exempt from the Allergen Awareness requirements?

A10: Food establishments that DO NOT cook, prepare, or serve food intended for immediate consumption are exempt from the allergy awareness requirements.

Public and private schools, educational institutions, summer camps, childcare facilities, and other childcare programs approved to participate in USDA Child Nutrition Programs are exempt, provided that they have written policies and procedures for identifying, documenting, and accommodating students with food allergies. Documentation is also required to verify participation in food allergen training recognized by the Massachusetts Department of Elementary and Secondary Education and the Massachusetts Department of Public Health. These institutions must also ensure that their employees are properly trained in food allergy awareness as it relates to their assigned duties.

Food service operations in institutional settings where food is prepared and/or served to a specific population (e.g. hospitals, non-profits, Older American Act Elderly Nutrition programs, charitable food facilities) are exempt ONLY from the menu notice requirement. They must still comply with the poster and training requirements.

Temporary food establishments operated by non-profit organizations are exempt from all of the allergen awareness requirements in accordance with 105 CMR 590.011 (C)(4)(c).

