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**Frequently Asked Questions on the Retail Food Code (105 CMR 590.000)**

**What was the effective date of the Retail Food Code?**

105 CMR 590.000 became effective on the date it was published by the Secretary of State: October 5, 2018.

**What happens if cities or towns have adopted different versions of the FDA's Model Retail Food Code?**

105 CMR 590 incorporates the 2013 FDA Model Retail Food Code and its 2015 supplement. The State Sanitary Code, which contains the Retail Food Code, is a set of minimum standards. To the extent that a municipality's regulation or ordinance falls below those standards, the state standard prevails.

**Who enforces the Retail Food Code?**

Massachusetts General Law Ch. 111, s 127A requires local boards of health to enforce the Retail Food Code within their municipalities.

**How are local inspectors trained?**

Local boards of health determine how to train their inspectors. The Retail Food Code in large part incorporates the FDA's 2013 Model Retail Food Code, and training resources are at the bottom of this FAQ. The Department of Public Health's Food Protection Program (FPP) intends to release additional guidance and webinars on the Massachusetts-specific provisions.

**Is the new inspection form being adopted by all local boards of health?**

DPH provides a prototype inspection form that meets the requirements of 105 CMR 590.008(K). Local boards of health may instead use an alternative inspection form with the approval of FPP.

**How will disputes on the interpretation of the Retail Food Code be addressed?**

The majority of disputes between inspectors and permit holders are resolved through the board of health hearing process in 105 CMR 590.015(B). If multiple jurisdictions would benefit from a DPH interpretation or guideline that promotes uniform application of Retail Food Code, then section 105 CMR 590.009(E) allows the FPP Director to investigate and/or advise on particular questions regarding interpretations of 105 CMR 590.000.

**Additional Resources:**

**2013 Food Code Merged with 105 CMR 590:**

<https://www.mass.gov/lists/proposed-amendments-to-regulations-sanitation-standards-for-food-establishments-retail-food>

**FDA Training and Resource Documents:**

<https://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/IndustryandRegulatoryAssistanceandTrainingResources/default.htm>

**FDA Office of Training and Continuing Education:**

<https://www.fda.gov/Training/ForStateLocalTribalRegulators/ucm119016.htm>

**Massachusetts Partnership for Food Safety Education:**

<http://www.mafoodsafetyeducation.info/>

**UMass Extension – The Center for Agriculture, Food and the Environment:**

<https://ag.umass.edu/resources/food-safety>