

2026

FOOD CODE



**U.S. FOOD & DRUG
ADMINISTRATION**



2026 FDA Retail Food Protection Seminar Philadelphia, PA

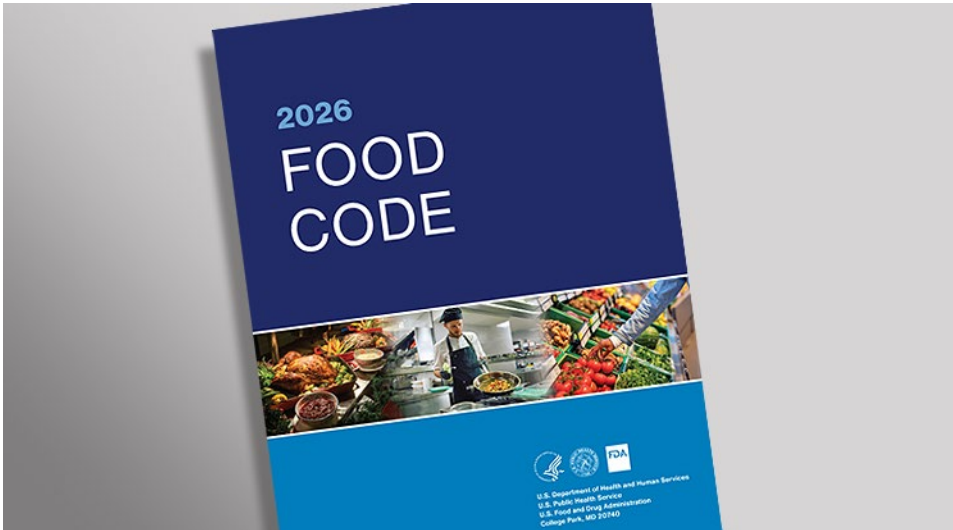
**Rebecca Vought, Biologist, Human Foods Program
Office of Retail Food Protection
September 17, 2026**



U.S. Department of Health and Human Services
U.S. Public Health Service
U.S. Food and Drug Administration
College Park, MD 20740

Objectives

Our goals for today's update on the **2026 Food Code**.



**Understand
2026 Food Code Changes**



**Understand Public Health
Rationale for Changes**

Supplement to the 2022 Food Code: Other Codified Changes

Important updates across key food safety requirements to strengthen clarity, safety, and compliance.



Food Defense

Active Managerial Control & Food Safety Management Systems

Disinfection Requirements for Equipment & Utensils

Employee Health: Expanded Laboratory Testing Options

Refillable Food Containers & Contamination Controls

Water-Based Fire Protection Systems

Technical, Cross-Reference & Editorial Corrections

Preface



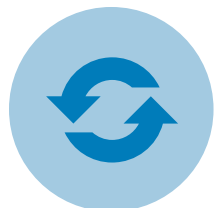
Preface - Editorial Update



Defined terms carry specific regulatory significance. Undefined terms refer to common dictionary meaning.



508 Compliance utilizing legacy small caps along with a new * for auditory readers.



Corrected inadvertently switched Items 7 and 8 in the 2022 Print Version.

Updates to Chapters 1-8



Employee Illness Policy Overview

Food Code Provision: New Part 2-5 - Policies and Procedures for Employee Illness Management



Subpart 2-501:
Employee Illness Policy



Subpart 2-502: Contamination
Event Response Procedures

Annex 3: 2-501.11: Key Components of an Employee Health Policy

1

Employee
Responsibilities

2

Exclusion,
Restriction, and
Reinstatement Criteria

3

Manager (Person
In Charge)
Responsibilities

4

Employee
Training and
Awareness

5

Documentation
and
Recordkeeping

Alternative Loose Gloving Overview

Gloves are a barrier, not a substitute for handwashing.



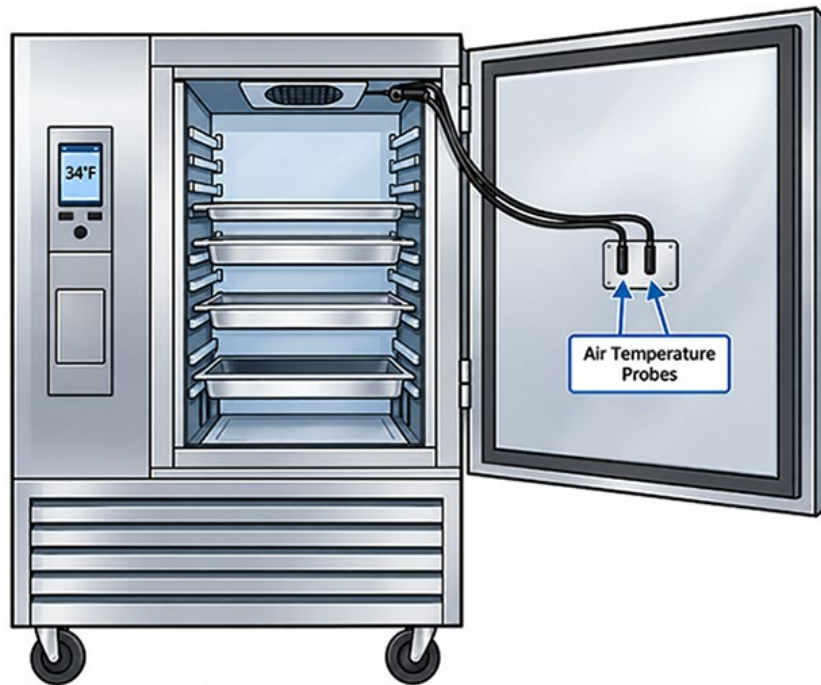
Food Code Provision: 3-304.15(B) – Alternative Loose Gloving

- New allowance with regulatory approval

Annex 3: 3-304.15(B) – Glove Hygiene: Proper Glove Use (Gloves Selection and Alternative Loose Gloving Technique)

Cooling Methods Overview

Food Code Provision: 3-501.15 – Cooling Methods



§3-501.15(A)(7) New Cooling Method

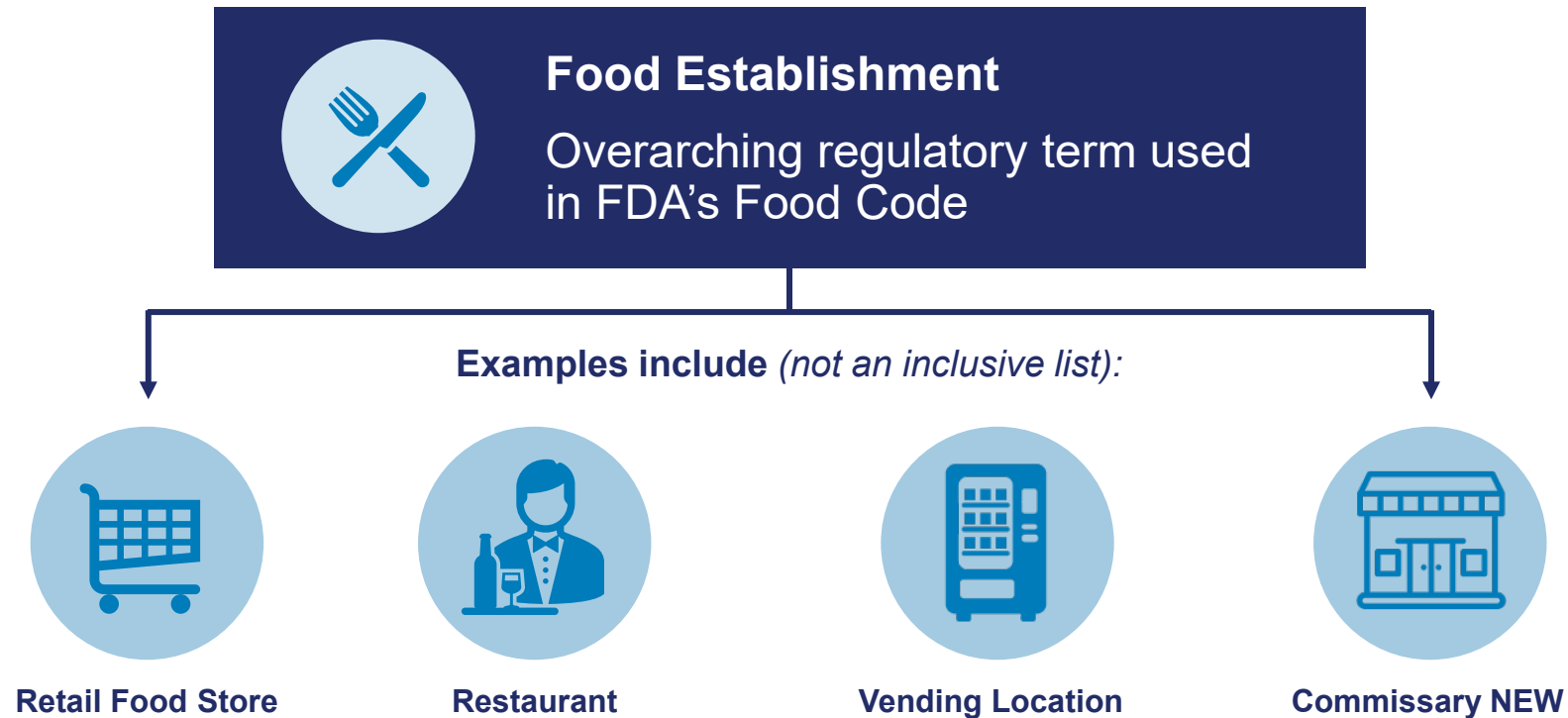
Adds **2-inch food depth** or less as an additional method

§3-501.15(C) Alternative temperature monitoring

Allows **continuous electronic monitoring of ambient temperature** requiring regulatory authority approval

Annex 3: 3-501.15 – Cooling Methods

Food Establishment Definition Change



KEY TAKEAWAY: A commissary is now explicitly included within the regulatory definition of a **Food Establishment**.

Mobile Food Establishment Definition

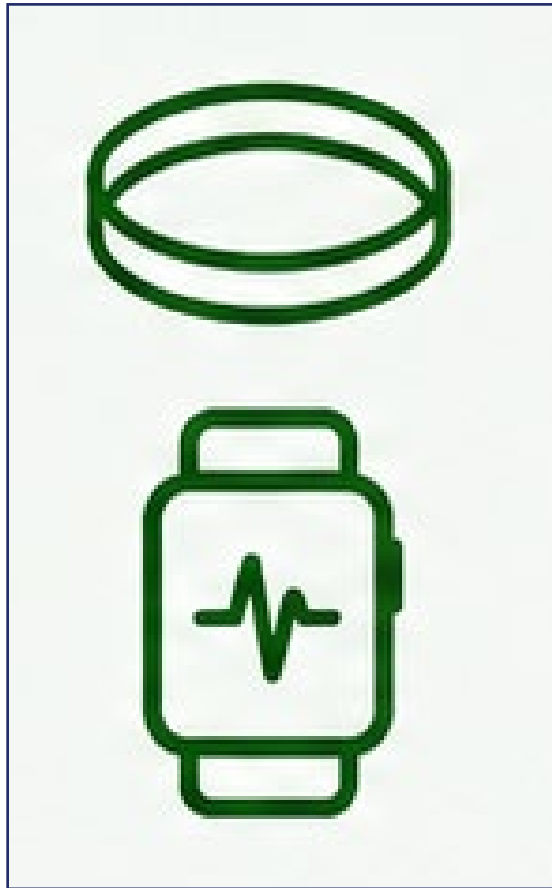


**A new defined term
in the Food Code**



KEY TAKEAWAY: The new definition of a mobile food establishment improves clarity in the Food Code and **supports more uniform plan review** across jurisdictions.

§2-303.11 Prohibition (Jewelry)



Food Code Provision

Amended Structure of Section 2-303.11.

Now includes paragraphs (B) and (C).

- Plain ring (previous)
- Medically necessary devices (new)

Provides practical exceptions while protecting food safety and complying with federal disabilities law.

Annex 3 - Public Health Reasons

§3-401.13 Plant Food Cooking for Hot Holding



Food Code Provision

Added a cross-reference under §3-401.13 for plant foods with manufacturer cooking instructions as specified under §3-401.15.

Annex 3 - Public Health Reasons

§3-401.15 Manufacturer Cooking Instructions



Food Code Provision

§3-401.15 is reorganized into three distinct paragraphs for clarity.



Foods without a pathogen destruction step



USDA-inspected meat and poultry products



Other packaged foods with cooking or preparation instructions

Annex 3 - Public Health Reasons

§3-501.10 Instructions for Commercially Dehydrated Food



Food Code Provision

A new **informational provision** has been added stating that commercially packaged dehydrated foods be rehydrated in accordance with manufacturer label instructions.

Annex 3 - Public Health Reasons

§4-205.10 Food Equipment Certification and Classification



Food Code Provision

Clarifies that food equipment and multiuse food contact surfaces, including **utensils and tableware** are deemed to comply with Parts 4-1 and 4-2 of the FDA Food Code when certified and classified for sanitation by an ANSI accredited certification program.

Annex 3 - Public Health Reasons

¶4-501.114(E) Minimum Temperature for Chemical Sanitizers



Food Code Provision

Establishes a minimum temperature of 24°C (75°F) for chemical sanitizers **NOT** covered by paragraphs (A)-(C) (i.e., other than chlorine, iodine, or quaternary ammonium compounds), unless EPA-registered label specifies otherwise.

Annex 3 - Public Health Reasons

§5-501.17 Covered Waste Receptacles



Food Code Provision

Expanded from female toilet rooms **ONLY** to **ALL** toilet rooms.

Annex 3 - Public Health Reasons

Annex Only Updates

(no accompanying codified change)



Food Donations



Requirements differ by product type for economically adulterated food.

USDA

Specific regulatory requirements

FDA

Evaluated on a case-by-case basis

Fogging Devices



Key Clarification

Clarifies fogging devices **without a water reservoir** are **not subject** to this section.

Why it Matters

The amendment clarifies the distinction between the two types of fogging devices to **prevent confusion**.

CFP Plan Review Guidance Documents



Updated the following CFP guidance documents:



**CFP PLAN
REVIEW**



Food Establishment Plan Review

(Permanent Outdoor Cooking Operations guidance included in Appendices F and G)



Mobile Food Establishments



Temporary Food Establishments

Consumer Advisory

Applies to Immediate Service Only

Consumer Advisory **MAY** Apply

Served Immediately



Raw (e.g. sushi, raw shellfish*)



Undercooked and served immediately

**when cold holding requirements are met.*

VS.

Consumer Advisory Does **NOT** Apply

Partial cook > Cool > Hold > Serve later



Consumer advisory **does not replace** required food safety controls.

Use §3-401.14 **Non-Continuous Cooking** when applicable.



KEY TAKEAWAY: Consumer Advisory addresses **consumer choice** – **not hazards** introduced by preparation, cooling, holding or reheating.

Date Marking

New Annex 3 paragraph notes ongoing **FDA-USDA efforts** to address date marking of dried and fermented sausages.

FDA shifted to **coordinated approach** focused on interagency alignment and **TCS framework refinement**.



Vending Machines, Automatic Shutoff



Clarity, Transparency, and Scientific Accuracy

Provides clear, transparent requirements that support consistent application and are grounded in scientific evidence including multi-pathogen approach and alignment across policies.



Time as a Public Health Control



**Updated guidance
reflects today's science**
while supporting safe
operational decisions in
the field.



Specialty Mushrooms

New language added
to address public
health hazards of raw
specialty mushrooms.



Allergen Cross-Contact

Aligned with FSMA's prevention-based framework to support safe food handling and reduce the risk of allergen cross-contact.



Annex 6 New Sections 5 and 6

Section 5 - Dehydration

New Annex 5 section addressing dehydration as a preservation method.

Section 6 – Freeze Drying

New Annex 6 section addressing freeze drying as a preservation method.

Why the Update?

Provides guidance to both industry and regulatory on hazard identification and controls during processing using these methods.



[illegible]

Thank You!



Your expertise keeps the ever-evolving Food Code current—**protecting public health**
and *ensuring a healthier* future for all.

Food Code

U.S. Public Health Service



2017

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service • Food and Drug Administration

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— **THEN. NOW. ALWAYS.** —
Committed to Food Safety.



2026

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Questions?

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