

Retail Food Code Standards for Allergen Awareness

Updated September 11, 2024

This guidance document outlines the food allergen awareness requirements for retail food establishments in Massachusetts. Some of these requirements are in current Massachusetts regulation, but others, such as the addition of sesame to the list of major food allergens, are being adopted by policy in order to reflect the federal Food Allergy Safety, Treatment, Education, and Research (FASTER) Act. The Massachusetts Department of Public Health (DPH) is also changing how it approves the allergen awareness training required for retail food employees. The document provides information on training courses, resources for operators and Local Boards of Health, and a new downloadable poster that highlights major food allergens and meets the requirements to better protect consumers with food allergies.

Additional information is available on our website at [Food Allergen Awareness Guidance | mass.gov](https://www.mass.gov/info-details/food-allergen-awareness-guidance). The regulations cited below are 105 CMR 590.000, [State sanitary code chapter X: Minimum sanitation standards for food establishments](#) and the US Federal Drug Administration's [2013 Food Code](#), which has been adopted by the Massachusetts Department of Public Health.

DEFINITIONS

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))**



ALLERGEN AWARENESS TRAINING PROTOCOL

Previously, the DPH Food Protection Program (FPP) approved a single video for training that was offered through a limited number of training providers. However, given the increase in the number of quality allergen awareness training courses, DPH is expanding access to allergen awareness training options for food establishments, provided those courses meet specific requirements.

Effective October 7, 2024, DPH will no longer review and approve specific training courses, but will deem training to be approved if a course meets one (or more) of the following:

1. the course is accredited by [American National Standards Institute \(ANSI\)](#) [National Accreditation Board Standards \(ANAB\)](#) and includes allergen awareness content specified by FPP (listed below);
2. the course is approved by the organization Food Allergy Research & Education (FARE) as part of their [FAREcheck program](#);
3. 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 (listed below).

FPP Food Allergen Awareness Content Areas

For a training course to be deemed approved by FPP, an allergen awareness training video must be interactive, must conclude with an exam that tests a user's knowledge, and must include all of the following competence 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 arrives.

ALLERGEN AWARENESS TRAINING CERTIFICATES

In order to demonstrate allergen awareness, food establishments must have a certified food protection manager on staff who has been issued a certificate of allergen awareness training approved by the Department. By current regulation, the certificate is valid for five years from the date of issuance. Some of the new training certificates may expire before five years from the date they are issued. However, for compliance with the current FPP regulation, the expiration date will be 5 years from the date of issuance, regardless of the date listed on the certificate. **(590.011(C)(3)(a))**

RESPONSIBILITIES OF PERSON IN CHARGE AND REQUIREMENTS TO BE ON-SITE DURING HOURS OF OPERATION

1. Each food service establishment shall have at least one person in charge who is a certified food protection manager and has completed allergen awareness training. This certified food protection manager shall designate an alternate person in charge when they cannot be present and shall ensure that the alternate person in charge is adequately trained in allergen awareness. **(590.002(A); FC 2-101.11)**
2. A person in charge must be present at the food establishment during all hours of the operation. **(590.002(A); FC 2-101.11)**
3. The person in charge must be capable of demonstrating their knowledge of foods identified as major allergens and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction. This also applies to any alternate person in charge **(590.002(B); FC 2-102.11(C)(9))**
4. The person in charge shall ensure that all employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties. **(590.002(D); FC 2-103.11(N))**

LABELS AND CLEANING

1. When packaged, foods shall be labeled with the name of the food source for each major food allergen contained in the food unless the food source is already part of the common or usual name of the respective ingredient. **(590.003; FC 3-602.11)**
2. Food contact surfaces of equipment and utensils shall be cleaned at any time during the operation when contamination may have occurred. **(590.004; FC 4-602.11).**



3. 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](#).

POSTER AND MENU REQUIREMENTS

Poster Requirements

Food establishments must prominently display a DPH approved poster related to major food allergens in the employee work area. The poster must not be smaller than 8.5 by 11 inches.

DPH has approved a new poster that includes sesame as a major food allergen ([available here](#)). To meet new requirements, effective October 7, 2024, a new poster that includes sesame must replace the old, outdated, poster previously approved by DPH. **(590.011(C)(1))**

Food establishments may create their own posters, but every poster must meet DPH's requirements for allergen awareness. 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.

Menu Notice Requirements

Food establishments shall include on all printed menus and menu boards a clear and conspicuous notice requesting that the customer inform the server about a food allergy before placing an order. State: *Before placing your order, please inform your server if a person in your party has a food allergy.* **(590.011(C)(2))**

COMPLIANCE AND ENFORCEMENT

1. Inspectional findings and observations shall be documented on a DPH-approved inspection report ([available here](#)) or an alternate inspection report approved by DPH. The DPH-approved inspection report did not change as a result of this new allergen policy. **(590.008(K); FC 8-403.10)**
2. Inspectors shall specify on the inspection report form the time frame for correcting any violations cited, provided that times do not exceed 72 hours after the inspection, for the permit holder to correct the violations of a priority item; or 10 calendar days after the inspection, for the permit holder to correct violations of a priority foundation item. **(590.008; FC 8-405.11)**
3. Allergen awareness training certificates shall be considered valid for five (5) years from the date of issuance regardless of any statement by the training organization. Certificates issued prior to the effective date of October 7, 2024, shall also be considered valid for five (5) years from the date of issuance. **(590.011(C)(3)(a))**

