

# **From policy to practice**

## **Unpacking the implementation hurdles of South Africa's R638 regulation on hygiene for handling food**

**In the wake of the 2016/17 listeriosis outbreak, the SA government promulgated Regulation 638 to urgently tighten up safety standards on storage, handling and transport of food. However, the haste with which this was done meant crucial stakeholder consultation was forfeited.**

**NTOMBIZETHU MKHWANAZI, CAMILLA ADELLE and LISE KORSTEN argue this resulted in gaps in training, human capacity, and resources that have seriously compromised the industry's capacity to protect consumers.**

Street vendor in Johannesburg  
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# From policy to practice

## Unpacking the implementation hurdles of South Africa's R638 regulation on hygiene for handling food

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### **Abstract**

This case study examines the implementation of Regulation R638, which outlines general hygiene requirements for food premises and the transport of food in South Africa. The regulation was introduced without stakeholder consultation due to the urgency of addressing public health concerns, particularly following the listeriosis outbreak across the country in 2017/18. This study explores the roles of various stakeholders, including government, industry, civil society, and research institutions, in the implementation of Regulation R638 and identifies significant challenges in enforcement. Key challenges include budgetary constraints, insufficient training, lack of institutional capacity, and non-compliance among food handlers. The findings highlight how the absence of stakeholder engagement during the regulation's formulation has hindered effective implementation. Additionally, the study underscores the complexities of policy networks at different levels of government and the impact of resource allocation on food safety governance. The results suggest that the top-down approach adopted by the Department of Health, although necessary in response to a public health crisis, has led to difficulties in practical enforcement, underscoring the need for more inclusive and well-planned regulatory processes.

**Keywords:** Stakeholders; Regulation R638; policy network; implementation; South Africa



## Introduction

Food safety is a global concern impacting consumer confidence, economic stability, and public health (Hussain & Dawson, 2013). In South Africa, food safety regulations play a vital role in ensuring supply chain integrity and public well-being (Mkhwanazi, 2024; Mphaga et al., 2024). Central to this framework is Regulation R638 governing general hygiene requirements for food premises, transport, and related matters. Strict food safety laws are essential for meeting international standards, preventing contamination-related losses, and reducing foodborne illnesses (Abegaz, 2022; Hussain & Dawson, 2013). Regulation R638 establishes compliance guidelines from farm to fork (Mkhwanazi, 2024).

This case study examines Regulation R638's implementation, highlighting the roles of key stakeholders in enforcement. It reveals that limited stakeholder engagement, particularly with local enforcers and industry players, has weakened policy execution. The disconnect between policymakers and implementers has resulted in underfunded enforcement agencies and regulatory non-compliance (Braun & Busuoic, 2020). By critically analysing Regulation R638 and its enforcement dynamics, this study enhances understanding of South Africa's food safety governance. It underscores the need for integrated scientific insights, continuous regulatory improvements, and inclusive stakeholder collaboration to safeguard the food supply and strengthen public trust.

### ***Background to Regulation R638***

Regulation R638, issued under the Foodstuffs, Cosmetics, and Disinfectants Act 54, 1972, establishes general hygiene requirements for food premises, handling, and transport in South Africa. Gazetted in June 2018 and effective from July 1, 2018, it replaced Regulation R962 of 2012 (Department of Health, 2018). Due to public concerns following the listeriosis outbreak across the country in 2017/18, the regulation was published without stakeholder consultation, as permitted under the Act (WTO, 2018).

Regulation R638 is an entry-level regulation defining minimum hygiene requirements for food businesses, including structural standards and necessary facilities (Campbell, 2020). It is a prerequisite for implementing Regulation R908<sup>1</sup> and applies to all food premises except those governed by the Meat Safety Act, 2000. A key requirement is the Certificate of Acceptability (COA), issued by environmental health practitioners (EHPs) after inspection, legally binding the person in charge



to food safety compliance (ASC Consultants, 2021).

Significant amendments in Regulation R638 include replacing “shall” with “must” to emphasise compliance obligations, lowering the minimum display temperature for hot food from 65°C to 60°C, and enhancing sanitation standards, including new handwashing protocols for allergen handling (Department of Health, 2018; Campbell, 2020). The regulation also expands the responsibilities of the person in charge, requiring demonstrated competence in food safety, ongoing staff training, and record-keeping for processing, production, and distribution (Department of Health, 2018; Campbell, 2020).

New provisions mandate a traceability system and recall procedures, with officials reporting to local inspectors and the National Directorate: Food Control (Department of Health, 2018; Campbell, 2020). While the National Consumer Commission (NCC) oversees product recalls under the Consumer Protection Act 68, 2008, and follow up on consumer complaints, it lacks technical capacity and relies on other agencies, potentially causing delays (Republic of South Africa, 2009; Department of Trade and Industry, 2018). In essence, the NCC interacts with the National Directorate: Food Control and EHPs to manage product recalls by coordinating, monitoring, and enforcing safety regulations. Following consumer complaints and suspected risks, the NCC collaborates with these bodies to investigate and may demand new, targeted inspections to confirm compliance or identify hazards, particularly during food safety crises (NCC, 2025).

## **Material and methods**

This case study was guided by two complementary theoretical frameworks: the Policy Network Approach and the Kaleidoscope Model. The Policy Network Approach, drawing on the work of Klijn and Koppenjan (2000), Rhodes (1997), and Borzel (1997), was used to analyse the interactions, dependencies, and power dynamics among stakeholders involved in food safety governance. The Kaleidoscope Model, developed by Resnick et al. (2018), is a policy cycle model used to identify determinants of policy change across five stages – agenda-setting, design, adoption, implementation, and evaluation – and was applied to pinpoint where governance weaknesses occurred in the policy process. Focusing on the adoption and implementation of the Regulation R638 under the Foodstuffs, Cosmetics, and Disinfectants Act, this case study examined the regulatory response following the 2017/2018 listeriosis outbreak, which highlighted the urgent need for stricter food safety regulations.

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*Keeping children safe and healthy.*

*Photo: Rawpixels*

Stakeholders were identified through purposive sampling and stakeholder mapping based on their documented roles in food safety governance. Eligible sectors included government departments (the Department of Health [DoH], the Department of Agriculture, Land Reform and Rural Development [DALRRD], and the Department of Trade, Industry and Competition [DTIC]), food safety agencies (the National Regulator for Compulsory Specifications [NRCS], the South African Bureau of Standards [SABS], the South African National Accreditation System [SANAS]), industry representatives (processed meat manufacturers, retailers), civil society organisations, and research institutions.

A total of 15 key informants were interviewed between March and August 2022, comprising five government officials, four industry representatives, three agency staff, two civil society representatives, and one academic. The selection aimed to capture a range of perspectives, though participation was limited by availability and institutional constraints; for instance, access to DoH officials required high-level approval, and some identified experts declined or did not respond to invitations.

A semi-structured interview guide was developed based on the Kaleidoscope Model stages and policy network themes, covering stakeholder roles, coordination experiences, implementation challenges, and recommendations. The guide was pre-tested with two food safety



governance experts to ensure clarity and relevance. Interviews were conducted online via Zoom, recorded with consent, transcribed, and validated. Thematic analysis was conducted using ATLAS.ti 9 data analysis software, where an initial coding framework was developed from the research questions and iteratively refined to capture emergent categories from the data. Despite some recruitment challenges, data saturation was achieved on the core themes related to regulatory implementation and network dynamics.

*... the listeriosis outbreak originated from a major formal business, a processed meat manufacturer, exposing critical failures in the governance of large-scale, formal operations.*

## **Findings**

### ***Stakeholder involvement in the implementation of Regulation R638***

#### ***Government***

Responsibility for implementation falls to municipalities. South Africa comprises 257 municipalities, categorised into eight metropolitan, 44 district, and 205 local municipalities. Metropolitan municipalities are major urban centres responsible for all local governance functions. It is important to note that not all municipalities operate Metro Police services; these specialised law enforcement units exist primarily within the eight largest cities to assist the national police force. Non-metropolitan areas are governed by a two-tier system of district and local councils (South African Government, 2026).

The distinction in capacity between municipalities is critical for understanding food safety enforcement, as their organisation, resources, and preparedness require different approaches to guidance and inspection. This is further complicated by the vastly different scales and natures of the food businesses they regulate. The formal food sector in South Africa is highly concentrated and dominated by large corporations and retail chains, contributing significantly to the economy and formal employment. In stark contrast, the informal sector is vast and fragmented,

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comprising street vendors, spaza shops, and small-scale traders. It is estimated that over 50% of economically marginalised Black South Africans rely on the informal sector for food, with over 40% of households spending a majority of their food budget there.

Crucially, the 2017/2018 listeriosis outbreak – the largest globally in terms of fatalities – originated from a major formal business, a processed meat manufacturer, exposing critical failures in the governance of large-scale, formal operations.

Public institutional catering, such as the National School Nutrition Programme, represents another distinct channel with its own supply chains and safety challenges, separate from both the formal retail and informal market sectors.

The expectations, available guidance, and enforcement support differ profoundly between formal and informal businesses, as well as public institutional catering, as summarised in Table 1.

**Table 1: The regulation, support, and enforcement environment for formal, informal, and public institutional catering**

Aspect	Formal sector (large manufacturers, retail chains)	Informal sector (street vendors, spaza shops)	Public institutional catering (e.g. school meals)
<b>Primary regulation</b>	National standards (e.g. R638, Hazard Analysis and Critical Control Point), enforced by municipal EHPs with potential for detailed audit.	Often operates outside formal regulation; subject to inconsistent local bylaws and ad hoc enforcement.	Governed by specific programme guidelines and procurement policies, alongside basic food safety rules.
<b>Guidance and support</b>	Access to technical resources, industry associations, and private certification bodies.	Largely excluded from formal training and support; reliant on NGO or infrequent municipal outreach.	Directed by departmental guidelines; support varies by contractor and provincial capacity.
<b>Enforcement reality</b>	Subject to scheduled inspections, though capacity constraints may limit frequency.	Faces discriminatory or erratic enforcement; often penalised rather than supported to enforce compliance.	Monitoring depends on provincial and district official capacity; gaps in oversight are common.
<b>Business scale and visibility</b>	Large-scale, centralised, and highly visible in the supply chain.	Small-scale, decentralised, and often invisible in official data and governance structures.	Centralised procurement for decentralised preparation and serving.

*Source: Authors' compilation.*

In 2004, the DoH decentralised health inspections, transferring responsibility from the national level to municipalities. Health inspectors were renamed EHPs, who reported to the local MEC for Health under the DoH's jurisdiction (Department of Trade and Industry, 2018). According to the *Foodstuffs, Cosmetics, and Disinfectants Act 54*, Regulation R638 is enforced at the municipal or metro level by EHPs within municipal health



services. These practitioners conduct facility inspections, advise on compliance during construction, and issue COAs. EHPs are sometimes accompanied by Metro Police when issuing fines for non-compliance (Respondent 13).

In cases of food-borne illness outbreaks, the NCC, under Section 60(2) of the *Consumer Protection Act 68, 2008*, has the authority to mandate food manufacturers to investigate and, if necessary, recall affected products (Department of Trade and Industry, 2018).

### ***Civil society/consumers***

The study found that civil society and consumers are marginalised within South Africa's food safety governance, which operates as a closed policy network dominated by government and industry. While regulations such as Regulation R638 legally bind businesses – not consumers – their effectiveness depends on risk communication and public trust, areas where civil society could play a vital role. To move beyond this exclusion, the research suggests concrete alternatives, such as formally integrating civil society into regulatory committees, building their technical capacity through state-supported programmes, partnering with them to co-design public risk communication campaigns, and establishing independent channels for community-based monitoring and feedback. These steps, rooted in network management principles, would foster a more inclusive, transparent, and responsive food safety system.

### ***Universities/research institutions***

The main objective of universities in this regard is to conduct research, particularly on food safety issues. This research can focus on identifying food safety risks, developing new food safety management systems, or evaluating the effectiveness of existing policies and regulations (Lee et al., 2021). Universities may collaborate with government agencies, NGOs, and industry stakeholders to develop and implement effective food safety policies and regulations. Additionally, universities can advocate for consumer interests by producing research that informs the public about the risks and benefits of certain products and services, as well as advocating for consumer protection laws. They can also provide educational resources to help the public make informed decisions (Pineda et al., 2022). For example researchers from the University of Pretoria published the following reports:

- Comparative microbiological safety study of fresh produce sold and consumed in informal markets, Gauteng.



- Food safety knowledge, attitudes, and practices of Tshwane Street vendors when managing fresh produce.
- Microbiological quality and safety of fresh vegetables and coleslaw salad in South Africa and the public's food knowledge, attitudes, and practices.
- The prevalence and characterisation of foodborne pathogens isolated from food school feeding programmes in South Africa.

After publishing these reports, the academics tried to spread awareness in the communities where the research was conducted to ensure proper food handling practices. They did this by producing flyers, which they handed out to students on campus, communities, and schools. While the universities are not legally mandated to perform outreach, their social and ethical responsibility within the knowledge ecosystem includes translating research into public and policy action, as demonstrated by the University of Pretoria's community flyers initiative. However, the current system lacks a formal, integrated mechanism to channel scientific evidence into policymaking. South Africa does not have a dedicated, standing scientific advisory board for food safety that systematically informs regulation. Evidence sharing is often ad hoc or through personal networks rather than via a structured platform.

### ***Challenges with the implementation of Regulation R638***

#### ***Lack of stakeholder consultation***

Regulation R638, amended in 2018 during the listeria outbreak, lacked stakeholder consultation due to time constraints. The regulation was published urgently to protect public health, leaving no time for input or clarification:

***When the regulation was revised during the listeriosis outbreak, the consultation with the stakeholders, especially the industry and the primary enforcers of the regulations to ensure everyone understood what is expected of them, was not done.***

(Respondent 9)

Because the regulation's amendment design was rushed during the listeriosis outbreak, the EHPs lost an opportunity to clarify and improve on aspects of the regulation that they were unfamiliar with or struggled to understand or interpret in order to improve their capacity to enforce it.

***... when the regulation came into effect, the environmental health practitioners struggled to understand and interpret the regulation. It has been two years since the regulation has been in***



*effect, but environmental health practitioners are still trying to understand how to enforce it. And it's now dependent on the inspector themselves or the municipality, how they interpret certain sections.* (Respondent 7)

*The Department of Health should have at least assisted the environmental health practitioners [to] understand the requirements of them in the new regulation and also could have trained them to do the inspections.* (Respondent 7)

*Three years after the regulation's implementation, I've noticed that local government and inspectors are still trying to figure out how to enforce it. Both the industry and enforcement bodies were unprepared due to a lack of consultation and training. There's still confusion about how to interpret certain sections, and enforcement now depends on how individual inspectors understand it.* (Respondent 10)

The South African government lacks urgency in food safety governance and preparedness for emergencies or crises (Hunter-Adams et al., 2018). This lack of readiness has serious implications for the health of the population and the country's economy.

### ***People in charge***

A key challenge is the lack of specific training for those in charge of premises, who currently receive low-level training. These individuals play a crucial role in ensuring food safety and compliance with regulations (ASC Consultants, 2024).

*The DoH did not define in the new regulation what ... the training for the person in charge entails. It only states that the person in charge must be adequately trained/accredited ... but does not specify ... accredited by whom or what 'adequately' means.* (Respondent 7)

Due to the lack of clear guidelines from the DoH about the training for those in charge, respondent 7 further notes that:

*The training offered for the person in charge is low for their position and is similar to the general production worker/food handler.*

Furthermore, some companies have not invested enough financially in proper training.

*There are food companies that set a budget for training but then there are those who take a chance and go for the cheapest online training as long as they have the certificate.* (Respondent 7)



Regulation R638 outlines very broadly that the person in charge of the premises must make sure that the food they sell is not contaminated and is safe to eat (Department of Health, 2018). According to the respondent below, it is difficult to keep track of compliance without a reference point.

*R638 is such a broad requirement that a person working in a food processing plant can't be on the lookout for every possible thing that can go wrong if there is no reference point to look at. At least there should be some sort of checklist of things to look out for, as they can't make sure it is safe. Moreover, R638 doesn't require a person in charge of premises to have any formal education in food safety. It only says the person in charge of the premises must be adequately trained. In addition to that, several food factories operate with someone from a different field (accountant for example) than food safety. But a person who studied microbiology or a related formal scientific programme in food safety can understand the risk inherent in food production, there is no requirement for that. Subsequently, companies are offering R638 training courses that last two days. (Respondent 7)*

#### **Budgetary constraints**

Budgetary constraints were found to be one of the biggest problems at the local municipality level. Without a sufficient budget, local government cannot provide sufficient office space for all the EHPs, and may have to accommodate them in spaces outside municipal offices, where they have to conduct all their administrative tasks. This can cause delays and challenges for EHPs.

*The lack of office space is a major issue, forcing us field workers to complete administrative tasks at home. I spend the morning in the office for admin, then conduct inspections until mid-afternoon and go home to finish my work. (Respondent 13)*

Despite the limited resources, local governments must provide essential services to their citizens.



*Street vendor.*

*Wikimedia Commons*



### ***Institutional capacity***

Lack of staff is another challenge that affects the inspections and effective enforcement of food safety regulations. According to local EHP Mr Nector Mavundla:

*... when the function of health inspections shifted to the municipality level, the resource plan was not attached. Thus, the municipalities are experiencing financial constraints, especially when the environmental health practitioners have to conduct quality assurance* (Department of Trade and Industry, 2018).

There is a high demand for EHPs in South Africa, but the supply is limited. The ratio of practitioners to the population is currently fewer than one practitioner for every 15,000 people (Shezi et al., 2019). The shortage of professionals in the industry has led to increased workloads for existing practitioners, resulting in burnout and increased staff turnover.

*There are not enough EHPs to conduct inspections. According to the environmental norms and standards, the ratio is supposed to be 1:10 000 (one EHP is responsible for 10 000 community members). However, the World Health Organization noted that if there is a shortage of inspectors the ratio can be extended to 1:15 000. Nonetheless, in the case of South Africa, EHPs are responsible for more than 15 000 community members. This means they have an extremely high workload and pressure. The EHPs are part of primary health care, however, they are less represented at any level (national, provincial, and local municipality level) in such a way that government would rather hire more nurses instead of EHPs. This is not because there are not enough qualified people with degrees relevant to environmental health.* (Respondent 15)

One of the main reasons for the shortage of EHPs in South Africa is insufficient funding for recruitment, training, and retention of staff. Many municipalities in the country are faced with budget constraints, which limit their ability to hire and train new staff. This results in a shortage of skilled professionals who can carry out inspections, investigations, and enforcement actions to ensure compliance with environmental health regulations (People's Assembly, 2010). Another respondent further noted that:

*We lack resources. even human resources we don't have and that's a serious concern also, that we don't have people to go out and do the inspections that is why you find that we take long. We need to be going to the companies every month to inspect*



*how they manufacture their products, but you find that we go there after three months. So, the companies know that you are not visiting them soon and they can do what they want.*  
(quoted in Shezi et al., 2019)

The EHPs are an essential part of primary health care in South Africa. They play a critical role in promoting and protecting public health, preventing and controlling diseases, and ensuring that communities have access to safe and healthy environments (Shezi et al., 2019). However, EHPs are not always given the support they require. Their work is often undervalued and underfunded, and they are not given the same status as other healthcare professionals. With regard to primary health care another respondent said:

*The EHPs are there to make sure people don't get sick from food poisoning, but the actions of the government say they prefer people getting sick first to be treated by nurses in the hospitals. In addition, instead of hiring permanent EHPs, the government normally hires people on a six-monthly contract basis, and when that six months is done, the load of work carried by contract EHPs hang with no one to take over.* (Respondent 14)

The lack of staff is a significant barrier to effectively enforcing environmental health regulations in South Africa. The government should invest in adequate human resource capacity in all spheres of government to monitor compliance with, and enforce, the legislation (Masombuka & Thani, 2023).

#### ***Lack of knowledge and training***

The results showed that lack of knowledge was another issue that EHPs face. One respondent noted that:

*According to the regulation system, every individual that wants to open whether it's a shop, whether it's a stall, whether it's a canteen or spaza shop, so long as they are selling or handling food, whether food is prepared or processed, they should have a certificate of accessibility from the municipality. But the challenge that the inspectors experience [is that] people who open shops everywhere [are] serving food to the public without the proper documentation. Furthermore, when the EHPs come to inspect the facility, the owner will be hostile saying they were not aware that they needed a certificate to operate. According to the regulation system, EHPs must issue a fine because the person did not let the municipality know that they are opening food premises because of a lack of that knowledge.* (Respondent 12).



### **Non-compliance**

As far as regulations are concerned, the results showed that there is a high rate of non-compliance in the food industry. One respondent said:

*There is a lot of non-compliance in small businesses, especially in townships. The first time they will be nice after doing the inspections especially if the findings show non-compliance, they normally say they will fix whatever needs to be fixed. However, on the follow-up, they will now pretend as if they don't understand English and what is being communicated to them or they find a new person working meaning they have to keep on going to the same premises, finding different people who claim they are in charge. At a point, where a fine needs to be issued or notice to close the establishment [the EHP] then encounters intimidation or is threatened by the store owner because they feel like the EHPs are overdoing it. (Respondent 13)*

Regulation R638 requires that all kitchens must be clean and hygienic, with proper ventilation and adequate space for the preparation and storage of food (Department of Health, 2018), but most of the kitchens in government schools are not compliant with these regulations.

*The main challenge for government schools under the feeding scheme programme is structural non-compliance. The kitchens at most schools were not meant to be kitchens but classrooms meant for learning purposes and not for the preparation of food. The renovations of the building takes longer than expected because there are not sufficient funds allocated for renovations. Meanwhile, the school kitchens do not meet the requirements in terms of 638 to make sure that the kitchen has all the necessary equipment that is needed in ensuring that food is properly handled from the point of receiving to the point of consumption. (Respondent 14)*

Structural non-compliance – the failure to adhere to safety regulations and standards in the design and construction of buildings – can lead to increased risks of harm and safety hazards, such as the lack of fire safety measures (Othman, 2012). Even school kitchens have to be compliant with Regulation R638. With regard to the structural non-compliance, another respondent said:

*Structural non-compliance is a big issue compared to challenges such as lack of PPE (personal protective equipment) or someone wearing jewellery while preparing food. Since its government to government, the EHPs are not allowed to issue fines but a*



*compliance notice (three or four notices), and if still not fixed the EHPs have the authority to escalate the matter beyond the school principal to the department of education at the district level. In most cases, the department always acknowledges the problems brought to the fore but hardly sees anything being fixed.* (Respondent 13)

Non-compliance in South Africa's large food industry can harm public health, consumer trust, and the industry's reputation (Mphaga et al., 2024), as seen in the listeria outbreak (Boatemaa et al., 2019). However, the researcher could not assess the level of non-compliance due to industry secrecy and lack of transparency, with some stakeholders declining to participate. This highlights the need for full transparency and collaboration in food safety.

## Discussion

The dynamics of policy networks across different levels of government – national, sub-national, and local – play a crucial role in shaping interactions among interest groups, significantly influencing the distribution of power within policy subsystems in liberal democracies (Marsh & Rhodes, 1992). Each level of government is responsible for the allocation of financial resources to the level below it. However, at the sub-national level authorities often face challenges in allocating sufficient resources to local governments for the effective implementation of food safety policies. This hampers the monitoring and enforcement of food safety regulations at local government level, leading to gaps in governance.

Despite being integral parts of the governmental structure, sub-national authorities and local governments frequently operate in isolation. The sub-national authorities tend to function as a closed network. This insular approach often results in inadequate necessary resources reaching local governments to effectively fulfil their mandates.

A critical factor affecting the efficacy of public institutions is their institutional capacity. When this capacity is lacking, the ability of these institutions to provide services and meet the needs of citizens is significantly compromised (Khambule & Mtapuri, 2018). This weakness not only undermines the public's trust in government and institutions but also risks fostering social unrest and instability. Furthermore, weak institutional capacity can impede the implementation and enforcement of laws, creating an environment where impunity flourishes, thereby weakening the rule of law (Towah, 2019).



In this context, the government's approach to the regulatory design and review process further illustrates the closed nature of these networks. The absence of public participation and consultation during this process allows the government to retain control over policymaking, effectively marginalising other stakeholders. In this top-down approach the government often becomes the primary decision-maker, excluding other actors from the policymaking process.

The listeriosis outbreak serves as a pivotal case that shifted the balance of power. Unlike previous scenarios where industry actors could exert significant influence, including veto power, the outbreak forced the scales of power to tilt away from the industry. This shift excluded them from the decision-making process, allowing the government, particularly the DoH, to assert its authority more decisively.

This top-down decision-making approach, driven by the urgency and gravity of the listeriosis outbreak, led to unintended consequences. The lack of thorough planning during the implementation phase resulted in challenges that could not be adequately addressed within the existing institutional resources and budget. The government's decisive role as the primary decision-maker in this instance, particularly the DoH, was largely a response to the public health crisis posed by the outbreak, which necessitated the exercise of its authoritative power.

## **Conclusion and recommendations**

The study concludes that the implementation of Regulation R638 has been hindered by a lack of stakeholder consultation and insufficient local government resources. The top-down approach by the DOH, while necessary after the listeriosis outbreak, failed to address enforcement challenges. This has led to gaps in knowledge, training, and institutional capacity, weakening the regulation's effectiveness.

The article recommends that future regulations involve comprehensive stakeholder consultations, implement standardised training for food handlers and local practitioners, and increase resources for local governments. Improved coordination between levels of government and periodic reviews of regulations are essential for effective enforcement and continuous improvement.

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## ENDNOTE

<sup>1</sup> Regulation 908 of 2003 states that larger food handling enterprises must have a fully implemented Hazard Analysis and Critical Control Point (HACCP) system.

### **DECLARATIONS**

*The authors confirm that they have all read and approved the final version of the article.*

*Conflict of interest: The authors wish to confirm that there is no conflict of interest to declare.*

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