

**CALIFORNIA CONFERENCE OF
DIRECTORS OF ENVIRONMENTAL HEALTH**

TEMPORARY FOOD FACILITY GUIDELINES

revised July 2008

BACKGROUND

This guideline was originally created in August 2004. This revision was completed by the Bay Area Food Technical Advisory Committee in response to the adoption of the California Retail Food Code (CRFC).

With the enactment of CRFC, local enforcement agencies are refocusing their food facility inspections with emphasis on the Centers for Disease Control and Prevention's (CDC) identified foodborne illness risk factors and public health interventions.

A temporary event can vary from a few low-risk food facilities and consumers, to a large number of high-risk food facilities with extensive preparation and thousands of consumers. Community events will often include many classifications of food facilities, in addition to temporary food facilities (TFFs), such as separately permitted mobile and permanent food facilities. The increasing numbers and complexity of TFF events proves a challenge for the safe handling and serving of food to the public. Resources may be limited at the local enforcement agency level, and prioritization of TFF inspection activities based on risk factors and public health outcomes should be considered.

SCOPE

These guidelines are designed to assist local enforcement agencies in their application of CRFC to TFFs. Additional event sanitation issues, such as water, wastewater, garbage, and toilet/hand washing facilities, will be briefly addressed within the Question and Answer section of these Guidelines. Local enforcement agencies that deal with temporary food facility issues are encouraged to adopt these guidelines in the hope that uniform statewide interpretation and enforcement along with professional judgment and a reasonable, practical application of CURFFL will benefit the public health, as well as regulatory and industry interests. This guideline is intended to assist local jurisdictions in achieving greater uniformity and consistency throughout California.

DEFINITIONS

Approved means acceptable to the enforcement agency based on a determination of conformity with applicable Laws, or, in the absence of applicable Laws, current public health principles, practices, and generally recognized industry standards that protect public health. (CalCode 113734)

Approved source means a food source allowed under Article 3 (commencing with Section 114021) of Chapter 4, or a producer, manufacturer, distributor, transporter that meets the requirements of Section 113982, or food facility that is acceptable to the enforcement agency based on a determination of conformity with applicable Laws, or, in the absence of applicable Laws, with current public health principles and practices, and generally recognized industry standards that protect public health. (CalCode 113735)

Community event means an event that is of civic, political, public, or educational nature, including state and county fairs, city festivals, circuses, and other public gathering events approved by the local enforcement agency. (CalCode 113755)

Enforcement agency means the department or the local health agency having jurisdiction over the food facility. (CalCode 113773)

Enforcement officer means the director, agents, or environmental health specialists appointed by the Director of Health Services, and all local health officers, directors of environmental health, and their duly authorized registered environmental health specialists and environmental health specialist trainees. (CalCode 113774)

Food means a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum. (CalCode 113781)

Food compartment means an enclosed space with all of the following characteristics:

- The space is defined by a physical barrier from the outside environment that completely encloses all food, food-contact surfaces, and the handling of nonprepackaged food.
- All access openings are equipped with tight-fitting closures, or one or more alternative barriers that effectively protect the food from contamination, facilitate safe food handling, while minimizing exposure to the environment.
- It is constructed from materials that are nontoxic, SMOOTH, EASILY cleanable, and durable and is constructed to facilitate the cleaning of the interior and exterior of the compartment. (CalCode 113784)

Food-contact surface means either of the following:

- A surface of equipment or a utensil with which food normally comes into contact.
- A surface of equipment or a utensil from which food may drain, drip, or splash into a food or onto a surface normally in contact with food. (CalCode 113786)

Food employee means an employee working with food, food equipment or utensils, or food-contact surfaces. (CalCode 113788)

Food facility means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

- An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.
- Any place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

"food facility" includes permanent and nonpermanent food facilities, including, but not limited to, the following:

- Public and private school cafeterias.
- Restricted food service facilities.
- Licensed health care facilities.
- Commissaries.
- Mobile food facilities.
- Mobile support units.
- Temporary food facilities.
- Vending machines.
- Certified farmer's market, for purposes of permitting and enforcement.

"Food facility" does not include any of the following:

- A cooperative arrangement wherein no permanent facilities are used for storing or handling food; a private home; a church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period; or a for-profit entity that gives or sells food to members and guests for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.
- Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code and in the regulations adopted pursuant to that section, if no food or beverage is offered for sale for onsite consumption.
- Premises operated by a producer, selling or offering for sale only whole produce grown by the producer, or shell eggs, or both, provided the sales are conducted on Premises controlled by the producer.

- A commercial food processing plant as defined in Section 111955. (CalCode 113789)

Food preparation means packaging, processing, assembling, portioning, or any operation that changes the form, flavor, or consistency of food, but does not include trimming of produce. (CalCode 113791)

Impound means the legal control exercised by the enforcement officer over the use, sale, disposal, or removal of any food, equipment, or utensils. (CalCode 113812)

Juice means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. "juice" includes juice as a beverage, an ingredient of a beverage, and a puree as an ingredient of a beverage. (CalCode 113815)

Limited food preparation means food preparation that is restricted to one or more of the following:

- Heating, frying, baking, roasting, popping, blending, or assembly of nonprepackaged food.
- Bulk dispensing of nonpotentially hazardous beverages.
- Holding, portioning, and dispensing of any foods that are prepared for satellite food service by the onsite permanent food facility or prepackaged by another approved source.
- Slicing and chopping of food on a heated cooking surface during the cooking process.
- Cooking and seasoning to order.

"Limited food preparation" does not include slicing and chopping unless it is on the heated cooking surface, thawing, cooling of cooked potentially hazardous food, grinding raw ingredients or potentially hazardous food, reheating for hot holding, washing of foods, or cooking of potentially hazardous foods for later use. (CalCode 113818)

Nonpermanent food facility means a food facility that operates from a mobile unit or at a nonpermanent location, including, but not limited to, a certified farmers' market, a mobile food facility, a mobile support unit, a temporary food facility, or a vending machines. (CalCode 113839)

Nonprofit charitable temporary food facilities means either one of the following:

- A temporary food facility, as defined in Section 113930, that is conducted by a nonprofit charitable organization, as defined in Section 113841.
- An established club or organization of students that operates under the authorization of a school or other educational facility. (CalCode 113842)

Open-air barbecue means a piece of equipment designed for barbecuing food, where the food is prepared out of doors by cooking directly over hot coals, heated lava, hot stones, gas flame, or other method approved by the department, on equipment suitably designed and maintained for use out of doors, that is operated by a temporary food facility, or a mobile food facility that remains fixed during hours of operations at a community event or a permanent food facility. (CalCode 113843)

Potentially hazardous food means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic micro-organisms, the growth and toxin production of *Clostridium botulinum*, or, in raw shell EGGs, the growth of *Salmonella enteritidis*.

"potentially hazardous food" includes a food of animal origin that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic-in-oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth as specified under subdivision (a).

"potentially hazardous food" does not include any of the following:

- A food with an aw value of 0.85 or less.
- A food with a pH level of 4.6 or below when measured at 75°F.
- A shell egg that is not hard-boiled but has been treated to destroy all viable salmonellae.
- A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution.
- A food that has been shown by appropriate microbial challenge studies approved by the enforcement agency not to support the rapid and progressive growth of infectious or toxigenic microorganisms that may cause food infections or food intoxications, or the growth and toxin

- production of *Clostridium botulinum*, such as a food that has an aw and a pH that are above the levels specified under paragraphs (1) and (2) and that may contain a preservative, other barrier to the growth of micro-organisms, or a combination of barriers that inhibit the growth of micro-organisms.
- A food that does not support the rapid and progressive growth of infectious or toxigenic micro-organisms, even though the food may contain an infectious or toxigenic micro-organism or chemical or physical contaminant at a level sufficient to cause illness. (CalCode 113871)

Swap meet shall have the meaning set forth in Section 21661 of the Business and Professions Code. (CalCode 113917)

Note: Section 21661 of the Business and Professions Code is amended to read:
21661. (a) As used in this article, the term "swap meet" includes a flea market or an open-air market and means an event at which two or more persons offer merchandise for sale or exchange and that meets one of the following conditions:
(1) A fee is charged for the privilege of offering or displaying merchandise for sale or exchange.
(2) A fee is charged to prospective buyers for parking or for admission to the area where merchandise is offered or displayed for sale or exchange.
(3) The event is held more than six times in any 12-month period.
(b) Notwithstanding subdivision (a), the term "swap meet," as used in this article, includes a flea market or an open-air market and means an event, regardless of the number of persons offering or displaying personal property or the absence of fees, at which used personal property is offered or displayed for sale or exchange if the event is held more than six times in any 12-month period.
(c) The term "swap meet," as used in this article, is interchangeable and applicable to "flea markets," "indoor swap meets," "open-air markets," or other similar terms, regardless of whether these events are held either inside a building or outside in the open. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business.
(d) "Operator," as used in this article, means any person, partnership, organization or corporation that controls, manages, conducts or otherwise administers a swap meet.
(e) "Vendor," as used in this article, means any person, partnership, organization or corporation who exchanges, sells, or offers for sale or exchange any merchandise at a swap meet. A swap meet vendor shall be classified according to the following categories:
(1) A "casual swap meet vendor" means a vendor who participates in a swap meet two times or less per year.
(2) A "regular swap meet vendor" means a vendor who participates in a swap meet three or more times per year.

Temperature measuring device means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water. (CalCode 113928)

Temporary food facility means a food facility approved by the enforcement officer that may be readily disassembled for storage or for transporting, and readily assembled to its original integrity at a different location, is easily movable, and operates at a fixed location for the duration of an approved community event or at a swap meet. (CalCode 113930)

Warm water means water that is supplied through a mixing valve or combination faucet at a temperature of at least 100°F. (CalCode 113941)

MAJOR RISK FACTORS

Food from an approved source

- No home canned or home processed foods shall be permitted within a temporary food facility.
- Notwithstanding subdivision (a), nonpotentially hazardous beverages and baked goods may be offered for sale, sold, or given away by a nonprofit charitable organization or by an established club or organization that operates under the authorization of a school or educational facility for fundraising purposes at community events. (CalCode 114339)

Food preparation at Community events

- All food preparation at a community event shall be conducted within the temporary food facility or other approved food facility.
- Barbecues, grills or other equipment approved by the local enforcement agency for outdoor cooking may be located adjacent to the temporary food facility if local building and fire codes prohibit cooking inside the temporary food facility.
- Grills and barbecues or other approved cooking equipment shall be separated from public access by using ropes or other approved methods to prevent contamination of the food and injury to the public. (CalCode 114341)

Holding temperatures – potentially hazardous food

- Except as otherwise provided in Section 113996, during operating hours of the temporary food facility, potentially hazardous food may be held at a temperature not to exceed 45°F for up to 12 hours in any 24-hour period.
- At the end of the operating day, potentially hazardous food that is held at 45°F shall be destroyed in a manner approved by the enforcement agency.
- At the end of the operating day, potentially hazardous food that is held at or above 135°F shall be destroyed in a manner approved by the enforcement officer. (CalCode 114343)

Warewashing facilities

A warewashing sink may be shared by no more than four temporary FOOD facilities that handle nonprepackaged food if the sink is centrally located and is adjacent to the sharing facilities. (CalCode 114351)

Alternate handwashing facilities

- Handwashing facilities for temporary food facilities that operate for three days or less may include a container capable of providing a continuous stream of water at a temperature of 100°F from an approved source that leaves both hands free to allow vigorous rubbing with soap and warm water for 20 seconds.
- food facilities that handle only prepackaged food may provide cold water with a germicidal soap at the handwashing facility.

- A catch basin shall be provided to collect wastewater, and the wastewater shall be properly disposed of according to Section 114197.
- Liquid waste shall be disposed of into an approved sewerage system in a manner approved by the local enforcement agency. (CalCode114197)]
- Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels.
- A separate receptacle shall be available for towel waste. (CalCode 114358)

Enforcement officer discretion in imposing requirements

Based upon local environmental conditions, location, and other similar factors, the enforcement officer may establish additional structural or operational requirements, or both, as necessary to ensure that foods are of a safe and sanitary quality. (114363)

PERMIT REQUIREMENT

Authority to inspect and require permits

Nothing in article 13.5 shall prevent a local enforcement agency from performing inspections of, or requiring permits for, any nonprofit charitable temporary food facility to ensure compliance with food safety provisions contained in this chapter. (CalCode 114332.7)

TFFs must obtain a permit to operate from the enforcement agency prior to beginning operations. The operation of multiple TFFs at community events also requires a designated event organizer and organizer permit.

Permit requirements for an organizer

In addition to the permit issued to each food facility participating in a community event or swap meet, a permit shall be obtained by the person or organization responsible for facilities that are shared by two or more food facilities.

- (a) The permit application and site plan shall be submitted to the enforcement agency at least two weeks prior to operation of any food facility at a TFF event.
- (b) The site plan shall show the proposed locations of the food facilities, restrooms, refuse containers, potable water supply faucets, waste water disposal facilities, and all shared warewashing and handwashing facilities. (CalCode 114381.1)

Permit requirements for temporary food facilities

A permit application shall be submitted to the enforcement agency by each temporary food facility operator that includes all of the following:

- (a) A site plan that indicates the proposed layout of equipment, food preparation tables, food storage, warewashing, and handwashing facilities.
- (b) Details of the materials and methods used to construct the temporary food facility.
- (c) All food products that will be handled and dispensed.
- (d) The proposed procedures and methods of food preparation and handling.
- (e) Procedures, methods, and schedules for cleaning utensils, equipment, and structures, and for the disposal of refuse.

(f) How food will be transported to and from a permanent food facility or other approved food facility and the temporary food facility, and steps taken to prevent contamination of foods.

(g) How potentially hazardous foods will be maintained at or below 41°F or at or above 135°F. (CalCode 114381.2)

PERMIT APPLICATION REVIEW

Enhanced compliance can be achieved during the permit application review process.

Organizers of events with a history of problems or events with new sponsors or vendors may benefit from a pre-event meeting. This meeting can be used to review provision and maintenance of sanitary support facilities for the event (water, sewage, ice, toilets, trash, electrical, and other sponsor-provided items). Larger and high-risk events will benefit from having an inspector in attendance at any pre-event meetings.

Phone interviews with TFF operators are useful in clarifying application information, determining food service risk level, food safety control measures, and to assess and educate the operator on safe food handling practices. Methods and facilities used in food storage and preparation, food source, food booth construction, and other items can be discussed, as well.

Some local enforcement agencies will inspect at every TFF event. However, manpower in some jurisdictions may allow only for application review. The decision on whether to conduct a field inspection of a TFF event should be based primarily upon public health risk factors, but also upon the enforcement agency’s capacity to inspect. The following chart is an example matrix of factors that can be considered when estimating the relative food safety risks of various events. It is important to consider more than one factor when assigning risk.

| EVENT CRITERIA (anticipated or historical) | DEGREE OF HAZARD | | |
|---|------------------|-----------|-----------|
| | Low | Medium | High |
| Daily Attendance | <500 | 500-5,000 | >5,000 |
| Duration in Days | 1 | 2 | 3 or more |
| Number of Food Facilities | 1 | 2-10 | >10 |
| Past Event Compliance History | Good | Fair | Poor |

| | | | |
|---------------|--|---|---|
| Types of Food | No food preparation, prepackaged non-potentially hazardous foods | Food preparation of non-potentially hazardous foods | Food preparation of potentially hazardous foods |
|---------------|--|---|---|

STRUCTURAL & OPERATIONAL

There are differing structural and operational requirements for TFFs and nonprofit charitable TFFs, as highlighted in the following chart (for all requirements see CalCode Chapter 11 and Article 13.5 and Sections 113953(e), 114143

| TFFs (Chapter 11) | Nonprofit Charitable TFFs (Article 13.5) |
|---|---|
| Subject to applicable sections of Chapters 1-8 except as specified. | Operation limited to 72 hours, four times annually. |
| All food must be from an approved source. | Potentially hazardous food must be from an approved source. |
| Owner/operator must be prominently identified on the facility. | |
| Event organizer must obtain a permit for 2 or more profit TFFs. | Local jurisdictions may require a permit. |
| Temperature requirements for PHF. (< 45 degrees F or > 135 degrees F at all times) | |
| No live animals within 20 feet of facility except service animals. | No live animals in the facility except service animals. |
| Equipment and utensils must be approved. | |
| Ice must be protected from contamination. Ice for beverages must be kept separate from ice for refrigeration. | Ice used for refrigeration must not be used in beverages or cooking. |
| Adequate storage facilities must be provided. Food must be stored 6 inches off the floor or in enclosed cabinets or facilities during periods of operation. During periods of operation supplies & non-potentially hazardous foods in unopened containers may be stored adjacent to the TFF. Food must be protected from contamination during transportation. | Food must be protected from contamination. Food must be stored off the floor on pallets or shelves in the facility. |
| Toilets: • 1 for each 15 employees within 200 ft. | A toilet for each 15 employees must be provided within 200 ft. |

| TFFs (Chapter 11) | Nonprofit Charitable TFFs (Article 13.5) |
|--|--|
| <ul style="list-style-type: none"> • Hot and cold running water for hand washing or as approved by the local enforcement agency. Soap & towels in permanent dispensers. • Cold water and "germicidal soap" is ok if only prepackaged foods are sold. • Alternatives may be approved. | |
| Shared janitorial facilities can be provided. | |
| A separate area for storage of employee personal effects must be provided. | |
| Adequate lighting must be provided. | |
| <p>Liquid waste:</p> <ul style="list-style-type: none"> • The enforcement officer shall approve disposal. • Waste capacity must be at least 50% greater than potable water holding tanks. If ice is used, additional storage for ice melt is required. • Liquid waste must not contaminate potable water. | Liquid waste disposal is subject to the approval of the enforcement officer. |
| Open-air barbecue facilities are subject to approval by the enforcement officer and must comply with Section 114143 | Open-air barbecue facilities are subject to approval by the enforcement officer and must comply with Section 114143 |
| <p>Prepackaged foods only:</p> <ul style="list-style-type: none"> • Floor is not required • Enforcement officer may require overhead and other protective measures as needed. • May provide cold water with a germicidal soap at the handwashing facility. | |
| <p>Non-prepackaged foods:</p> <ul style="list-style-type: none"> • The booth must be fully enclosed. Exception: for limited food preparation, food compartments with overhead cover and flooring is allowed, instead of full enclosure. • A readily cleanable floor, walls, and ceiling are required. Screens must be 16 mesh or finer. • Self-service condiments must be prepackaged or dispensed from | <p>Non-prepackaged foods:</p> <p>Utensil washing and handwashing facilities must be provided in the booth. The enforcement officer must approve utensil washing and handwashing facilities.</p> <p>Food contact surfaces must be smooth, easily cleanable, and nonabsorbent. Smoking is prohibited in the facility. Garbage must be removed daily.</p> |

| TFFs (Chapter 11) | Nonprofit Charitable TFFs (Article 13.5) |
|--|---|
| <p>approved dispensers.</p> <ul style="list-style-type: none"> • A 3 compartment sink with drainboards and hot and cold water supplied from a mixing valve must be provided. Sharing may be allowed by up to 4 facilities. Other methods may be approved by the enforcement agency per section 114099.6(d).Handwashing: <ul style="list-style-type: none"> 3 days or less Temporary food facility: Container that provide continuous stream of water from an approved source, with soap and warm free-flowing water for 10-15 seconds. More than 3 days Temporary food facility: A handwash sink with hot and cold water supplied from a mixing valve is required. Other facilities may be approved by the enforcement agency per section 113953(e). | |

Based upon local environmental conditions, location, and other similar factors, the enforcement officer may establish additional structural or operational requirements, or both, as necessary to ensure that foods are of a safe and sanitary quality. If alternative methods are approved for use by a TFF operator, then it is strongly recommended that additional event infrastructure be provided for high risk events of over one day’s duration. These would include shared ice supply, refrigeration units, janitorial facilities, three compartment sinks, and hand wash sinks.

COMPLIANCE ASSISTANCE SUGGESTIONS

The following items may be used to aid in gaining operator compliance.

- Pre-event meeting with event organizer and TFF operators.
- Reduced fees for on time application submittal, or late fees for late applications.
- Re-inspection fees.
- Require TFF operators who do not turn in timely applications to only serve non-potentially hazardous, and perhaps pre-packaged, foods.
- Perform a pre-opening inspection.
- Community event organizer training workshop (reduced fees as incentive).
- Self-inspection forms which operators can use to check their operation, prior to arrival of the inspector.
- Request police/law enforcement assistance for inspectors at event.