

---

**MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH  
FOOD PROTECTION PROGRAM**

---

**TEMPORARY FOOD ESTABLISHMENT GUIDELINE  
FOR LOCAL BOARDS OF HEALTH**

**INTRODUCTION**

A temporary food establishment is defined by the 1999 Food Code as a food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration. Temporary food establishments (TFE) are licensed and inspected by local boards of health (LBOH) in accordance with Massachusetts Regulation 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments - Chapter X and the federal 1999 Food Code.

Temporary food events present special challenges to the Sanitarian. TFE may operate either indoors or outdoors and often have limited physical and sanitary facilities available. Certain organizations may also presume they are exempt from LBOH regulations because of their non-profit status. Non-profit organizations are not exempt unless they distribute the food for free or at cost. An event that is advertised with fliers, banners, newspaper articles, radio or TV announcements, or by other means, is considered a public event and is subject to the health code requirements of the regulatory authority. Private events for members only that are not advertised might not be considered public events by the regulatory agency.

Frequently, there are operators who want to run temporary establishments on an ongoing basis. LBOH should evaluate whether the operation would be defined as a temporary establishment under the current regulations, or whether the temporary establishment operator is using the definition to get around complying with full food service regulations. Roadside stands and farmers markets, which sell only fresh, produce, non-profit organizations (i.e. soup kitchens, food donations for charity), which distribute food for free or at cost, and neighborhood bake sales, are exempt from the regulations.

Food preparation in TFE operations can pose significant hazards due to limited physical facilities and equipment. The lack of proper storage and preparation space, inadequate refrigeration and hot holding units, inadequate hand washing facilities and the lack of a hot/cold potable water supply are a few of the factors often identified in TFE operations which may contribute to cross-contamination, inadequate holding temperatures and the contamination of food by infected food handlers. Menus, physical facility and equipment design, food supply sources and food handling procedures should be carefully reviewed with the operator prior to the issuance of a permit by the board of health.

Temporary food events such as traveling fairs and carnivals, multi-cultural celebrations, special interest fund raisers and restaurant food shows have become extremely popular within the last few years. Many of these TFE are high-risk food operations, which must be carefully monitored by the LBOH. The materials in this package are designed to facilitate the application approval process and to provide event coordinators and TFE operators with basic food safety requirements necessary to prevent a foodborne outbreak.

**A. MONITORING TEMPORARY FOOD EVENTS IN YOUR COMMUNITY**

1. Many events are scheduled on an annual basis. Keep a calendar of these events.

2. Be alert for flyers, banners, newspaper, radio announcements and Internet postings on city and town event calendars.
3. Contact your local visitor's association or Chamber of Commerce. These organizations maintain schedules of events.
4. Contact managers of fairgrounds, parks, and other locations where temporary events are often held.

## **B. COORDINATING THE TEMPORARY FOOD ESTABLISHMENT APPLICATION PROCESS**

1. For scheduled and/or annual events, contact the event coordinator and have them complete and return the Coordinator's Check List 30 days prior to the event. Be sure to get the indicated information under the following items:
  - Item 2 (Expected number of patrons/day). This number is needed to determine the number of restroom facilities required at the event.
  - Item 3 (Location). This is the exact location. The purpose is to assess the location regarding the availability of water, wastewater and solid waste facilities and services; dust control, and the size of the parcel for the expected number of patrons.
  - Item 8 (Restroom Facilities) This includes the number and type of toilet and handwashing facilities to be provided.
  - Toilets. In the interest of public health, toilet facilities should be provided at gatherings longer than 2 - 3 hours. Providing adequate toilets and handwashing facilities would normally be the responsibility of the coordinator. Toilets may consist of properly designed and operated portable toilets.

The requirement for toilets at outdoor temporary food events is not covered under MA Fuel Gas and Plumbing Code. LBOH should use the "Sanitarian and Health Official Guide" for determining the "Portable Restroom Requirements at Special Events and Crowd Gatherings" as published by the Center for Business and Industrial Studies, University of Missouri, St. Louis, MO 63121. The peak crowd should be used to determine the number of toilets required.

At least one lavatory per 5 toilets should be provided. Lavatories should be installed within or adjacent to a toilet room if running water is practically available. If running water is not practically available, lavatories must be equipped with water for handwashing from an approved storage tank. Storage tanks used in remote or other locations where running water is not practical should:

- a) be clean,
  - b) not have been used previously for the storage of wastewater or toxic substances,
  - c) be of adequate capacity to provide .25 gallon per person for the peak crowd,
  - d) be refilled at least daily,
  - e) provide water at lavatories via gravity flow, and
  - f) flow into a catchment, drywell or other receptacle approved for the event by the department.
- Item 9 (Electricity). This information will help the Sanitarian determine the type of food that can be safely prepared or served at the event.

- Item 10-12 (Water, Wastewater and Solid Waste). This information will help the Sanitarian determine if adequate facilities are provided on site or if additional supplies / services are needed.
  - Request a list of the names, telephone numbers and addresses of the TFE operators.
2. Prepare packets which include:
- Cover Letter
  - Temporary Food Service Permit Application
  - “Are You Ready?” Check List
  - “Food Safety at Temporary Events” pamphlet or other educational materials.

Cover letters should include the deadline for receipt of the applications and a general schedule for pre-opening inspections.

2. Send the coordinator a number of packets, which he/she will distribute to potential operators; or obtain a list of operators from the coordinator and mail each individual operator a packet.
3. Days prior to the event, check the applications received against the list of operators from the coordinator. Call or send a reminder postcard or letter to operators for whom you have not received an application.
4. Inform the coordinator that reports of suspected or confirmed illness associated with the event must be immediately reported to the LBOH.

### C. REVIEWING APPLICATIONS AND REGULATIONS WITH TFE OPERATORS

1. **Food Preparation and Plan Review:** Conduct a food preparation and plan review based on the menu and procedures identified on the Application for Temporary Food Service Permit. It may be necessary to call or meet with the TFE operator to obtain complete information. Event coordinators often schedule meetings to review event policies and procedures with the concessionaires. This is an excellent opportunity for you to meet with the temporary food operators and review requirements, answer questions and assist them in completing the application. Also inform the event coordinators and the TFE operators that reports of suspected or confirmed illness associated with the event must be immediately reported to the LBOH.
- Item 2 (Menu) The operator should list all menu items including beverages, condiments, etc. The sanitarian may prohibit certain foods or procedures based on the availability of adequate physical and sanitary facilities. Menus should be kept simple.
  - Item 3 (Agreement). The letter of agreement should include dates, times and foods to be prepared at the permitted or otherwise approved kitchen. A copy of the approved kitchen’s food permit should also be attached if the establishment is in another city or town.

Item 4 (Potentially Hazardous Foods And Other Foods Which Will Support The Survival Of Pathogenic Organisms). Insure that the operator has correctly identified all such foods listed in the menu and has accurately indicated all food handling steps involving each item. Identify high-risk foods, which have been implicated in foodborne outbreaks (i.e. salads, sandwiches, ice, ground beef). Pay special attention to foods, which will require several steps of preparation or handling prior to service, and foods, which are prepared 12 or more hours prior to service. Encourage TFE operators to prepare food as close to time of service as possible. The Sanitarian may restrict foods prepared and served based on preparation and/or physical and sanitary facilities available. Meat, poultry, seafood and other PHF items may be approved if they simply require cooking and/or holding at the TFE site prior to service. If such PHFs and other foods such as salads which require extensive processing, i.e.

thawing, cutting, mixing, and cooling prior to cooking or serving is necessary, these activities must be conducted in an approved kitchen such as a restaurant. Sometimes a church or club kitchen, which is licensed by the board of health, could be approved for preparation prior to an event. All food service establishments should be evaluated to determine if it has the space and equipment to safely accommodate the additional food preparation/storage/transportation that is proposed, before approving its use in conjunction with a temporary establishment.

When reviewing food preparation procedures with the TFE operator, let the operator explain to you in his or her own words how each food item is handled from receiving to serving. Using the principles of Hazard Analysis Critical Control Point (HACCP), critical control points and monitoring procedures can be identified for each food item. Examples of questions, which should be addressed to identify potential critical control points, include:

Food Supply	<p>Will all prepared foods be from an approved source?</p> <p>Will raw eggs, meat, seafood etc., be used in any ready-to-eat foods, which does not require cooking?</p> <p>Will shellfish tags, which identify source and dealer available for shellfish and retained for 90 days?</p> <p>Will shucked shellfish containers labeled with the kind and quantity of shellfish, name, address and certificate number of the dealer and the lot number?</p> <p>Will meat and poultry be from a USDA inspected source?</p> <p>Will any home-canned products used?</p> <p>How will all fresh produce (fruits and vegetables) be washed prior to use?</p> <p>Will the water/ice be from an approved source?</p>
Infected Employees	<p>Are food employees aware that they will not be permitted to work if they have vomiting, diarrhea, fever or are diagnosed with a disease transmissible through food?</p> <p>Are food employees aware that infected cuts and lesions must be well protected with a finger cot or disposable glove?</p>
Cross-Contamination	<p>Will ready-to-eat foods be adequately protected from cross-contamination by raw animal foods during storage?</p> <p>How will food-contact surfaces be cleaned and sanitized after preparing raw animal foods.</p> <p>Will separate utensils and containers be used for handling raw and cooked animal foods during the cooking process?</p> <p>Will food stored in ice be adequately protected from melting water?</p> <p>How will food be protected from environmental contaminants (i.e. dust, insects, birds) during preparation and holding prior to service?</p>
Storage/Cold Holding	<p>Will refrigeration units or coolers with ice/ice packs effectively hold PHFs at 41°/45°F or below for the duration of the event?</p> <p>Will ice used to store foods be properly drained?</p> <p>Will refrigeration units be equipped with thermometers?</p>
Thawing	<p>How will frozen foods be thawed, if necessary, prior to service?</p>
Preparing	<p>How will food employees wash their hands?</p> <p>How will bare hand contact with ready-to-eat foods be prevented?</p> <p>How long will it take to prepare PHFs at ambient air temperatures?</p> <p>How will food temperatures be monitored?</p>
Cooking	<p>Does the TFE operator own a food stem thermometer?</p> <p>To what temperatures will PHF be cooked?</p>
Hot Holding	<p>How will hot PHFs be held at 140°F or above prior to service?</p>
Cooling	<p>How will PHF be cooled?</p> <p>How will leftovers be handled?</p> <p>Will salads with PHFs be made with pre-chilled ingredients?</p>
Reheating	<p>How will cooled PHF be reheated?</p> <p>To what temperature will PHF be reheated?</p>

Serving	How will bare hand contact with ready-to-eat foods be prevented?
Transporting	How will PHF be held at 41°/45°F and below or at 140°F and above during transportation?

The Sanitarian should:

1. Identify the critical control points for each potentially hazardous food item. There may be many control points. Critical control points are those few steps in a process that are most conducive to bacterial contamination, survival or growth. (i.e. handling of ready-to-eat food, which does not require further cooking with bare hands).
  2. Correct any deficiencies at critical control points (i.e. rapid cooling of potentially hazardous food, preparing raw and ready-to-eat foods on separate work surface, prepare foods as close to service as possible) and insure that proper equipment and procedures are provided.
  3. Identify how the critical control points for each operation will be monitored. Make note of these points on the back of the application form under LBOH Comments.
  4. Emphasize these monitoring points during subsequent inspections, with appropriate enforcement action when these critical steps are not being followed. Appropriate enforcement action could include voluntary destruction of food or suspension of the permit where necessary.
- Item 5 (Food Sources). Meat and poultry sources must be USDA inspected. All foods must be from approved sources that are licensed and inspected by the regulatory agency. Shellfish tags must be available at the time of inspection and be retained by the TFE operator for 90 days.
  - Item 5 (Water/Ice Supply). A potable water supply, which complies with all applicable regulations, is necessary for food preparation, drinking, handwashing and cleaning and sanitizing food contact surfaces. A municipal water source is preferred. Containers used to haul potable water must be food grade, used for no other purpose, and dispense water via a spout or capped opening.

Ice from an approved must be made from potable water and be in chipped, crushed or cubed form. Ice should be stored and dispensed in a way, which protects it from contamination. Disposable gloves should be used when dispensing utensils have short handles.

- Item 5 (Wastewater). Wastewater must be disposed of in a public sewerage system or by a sewage disposal system constructed, maintained and operated according to applicable law. Holding tanks may be considered for wastewater disposal in remote locations.
- Item 6 (Plan Review Sketch). The operator needs to provide an adequate and complete to-scale drawing of the establishment. “Same as last year” is not acceptable.

Storage Facilities: Food, equipment and utensils and single service items should be protected from environmental contaminants and stored off the ground on pallets or shelving. Only items necessary for the TFE operation should be stored in the TFE.

Dishwashing Facilities: For short term events (1-3 days), dishwashing equipment may not be needed provided that 1) the operator has a very limited menu requiring very few utensils; and 2) enough utensils can be provided to replace soiled utensils or those used on a production basis. Utensils used on a production basis should be cleaned or replaced every 4 hours. Warewashing facilities must include a 3-compartment sink or 3 basins large enough for complete immersion of utensils and be supplied with

adequate hot water to wash, rinse and sanitize. Disposable single-service utensils should always be used if adequate warewashing facilities are unavailable.

Floors/Walls/Ceilings/Opening: For short term events (1-3 days) at the discretion of the Sanitarian, a grass, woodchip or gravel floor surface may be acceptable if dust can be controlled and if food, utensils and equipment can be stored well above the ground on shelving or pallets. For repeated use of the booth or for booths used at events of long duration, floor/wall/ceilings must be durable and cleanable and all interior wood must be finished so it is non-absorbent and cleanable.

If food is being prepared, the TFE should have a ceiling and should be entirely enclosed. Walls may be constructed of plastic or screening. Windows should be screened to prevent the entry of insects. Screening material used for walls, doors or windows should be at least 16 mesh to the inch. Doors should be solid or screened and be self-closing. Walls and ceilings should be of tight and sound construction to protect from the entrance of the elements and, where necessary, crawling and flying insects. Counter service openings should be no larger than necessary for the serving of food and should be kept closed, except when in actual use. If food is pre-packaged or kept protected until served, full enclosure requirements may be waived by the Sanitarian.

Handwashing Facilities: TFE operations that prepare foods, which are not pre-packaged, must be equipped with a handwashing sink or alternative handwashing station. A large insulated urn (2 gallons minimum) full of warm water, a soap dispenser, a roll of paper towels and a bucket to collect wastewater may be sufficient. TFE selling only pre-packaged foods or preparing only frankfurters may be exempt. The use of disposable gloves can provide an additional barrier to contamination, but gloves are no substitute for handwashing. Hand sanitizers may also be recommended in conjunction with handwashing.

Hot Holding Equipment: Equipment must be capable of holding foods at 140° F or above. Sterno is not generally acceptable for hot holding except where used to maintain hot food temperatures during display for 1 to 2 hours. A certificate from the local fire department for open flames must be obtained for propane tanks and other open fires.

Lighting: Natural lighting is generally adequate for TFE set up outside. Booths should be designed to maximize natural lighting. For evening or indoor events, supplemental lighting may be necessary. Lighting over food preparation and service areas must be shatterproof or shielded from breakage.

Non-food Contact Surfaces: For newly constructed booths at events of short duration, clean wood or tarps are acceptable for floor/wall/ceiling construction. For repeated use of the booth or for booths used at events of long duration, floor/wall/ceilings must be durable and cleanable and all interior wood must be finished so it is non-absorbent and cleanable.

Refrigeration: At the discretion of the Sanitarian, potentially hazardous food may be stored in effectively insulated containers using a coolant to maintain temperatures below 45 F at events of short duration. With all other foods and/or at events of long duration, mechanical refrigeration should be provided. All refrigeration units must have a numerically scaled thermometer to accurately measure the air temperature of the unit. Ice cream may be stored on dry ice.

A metal stem thermometer must be provided where necessary to check the internal temperatures of hot and cold foods. Thermometers must be accurate to  $\pm 2^{\circ}$  F.

Transportation Equipment: If cold or hot potentially hazardous foods will be transported, adequate hot or cold holding equipment may be necessary depending on the time in transit to ensure that they will be maintained at proper temperatures. All food must be kept covered and protected from contamination during transportation.

2. Notify operators of unapproved food supplies, improper food handling procedures or inadequate facilities as soon as possible. Request modified applications, if necessary. After review and completion of the application by both the applicant and LBOH, give or send a copy to the applicant.

#### **D. CONDUCTING PRE-OPENING INSPECTIONS**

Pre-opening inspections are critical at large events because:

- Many event coordinators require operators to be set up and operating when the gate opens. Some operators want to open before the event to serve set-up crews.
- It is impossible to inspect all the temporary food establishments prior to operation during the morning of the event.
- The pre-opening inspection insures that the proper permits have been obtained and that the required structure and equipment are present. This allows the operator sufficient time to correct any deficiencies without delaying opening of the establishment.
- Food handling and other operational aspects of the establishment can be emphasized during the routine inspection because structural items have already been addressed.

#### **E. CONDUCTING INSPECTIONS**

1. During inspections, focus first on the monitoring procedures established on the application for the critical control points for that TFE operation. Observe the operation to identify potential sources of contamination and time/temperature abuse. Measure temperature of food in storage, after cooking and during cold/hot holding. Evaluate time/temperature violations to determine if food should be discarded or can be safely served.

Sources of Contamination:

Food Supply: Request to see sales receipts for food supplies. Request to see shellfish tags, which must be retained by the TFE operator for 90 days. Check labeling on processed food products.

Food Employee Health and Hygiene: Food employees, in accordance with Chapter 2-2 of the 1999 Food Code, are required to report any illness or condition that relates to diseases that are transmissible through food to the person in charge. Food handlers must not have any infected cuts or lesions. Food handlers with upper respiratory symptoms such as constant coughing or sneezing or food handlers with gastrointestinal symptoms such as cramps, vomiting and diarrhea must be restricted from handling food. Closely observe food handling procedures and hygienic practices to ensure that no bare hand contact with ready-to-eat foods occurs. Food employees should be using utensils, single-service papers or disposable gloves during preparation and service of ready-to-eat food. Disposable gloves are recommended in addition to using utensils or scoops with short handles.

Food handlers must have clean outer garments and hair restraints and restrain from eating and smoking in the TFE food preparation and service area. Persons who are not necessary in the TFE operation must not be in the food preparation and service area. Personal items should be stored in a designated area away from food preparation.

Cross Contamination: Raw foods should be kept protected from ready to eat foods. Observe food handling practices to ensure that equipment and utensils used for raw PHFs are not used for cooked or ready to eat foods. Check sanitization procedures. Food handlers should wash their hands after handling raw PHFs.

Equipment/Utensils/Food Contact Surfaces: Food equipment must be food grade and easily cleanable. Check for availability and use of sanitizer. Wiping cloths must be rinsed frequently in a sanitizing solution (i.e. 100 ppm chlorine). Between uses, dispensing utensils may be stored in the food with the handle extended out of the food; clean and dry or in running potable water.

2. Specific TFE requirements are outlined in Section 590.009 (C) Temporary Food Establishments and the 1999 federal Food Code.
3. Violations noted must be recorded on an inspection report form and a copy left for the operator at the conclusion of the inspection.
4. Critical violations should be corrected before the Sanitarian leaves the TFE. If not possible, critical items should be corrected within 1 or 2 hours with the Sanitarian returning to confirm correction. Other violations must be corrected within a maximum of 24 hours. If violations are not corrected within the time specified, the LBOH may order the establishment to immediately cease food operations in accordance with Section 590.013(I).

<b>REFERENCES</b>
-------------------

MA Department of Public Health, 105 CMR 590.000 - Minimum Sanitation Standards for Food Establishments - Chapter X.

U.S. Food and Drug Administration *1999 Food Code*.

M.G.L. Chapter 94 Section 328.

Alaska Department of Environmental Conservation: Sanitarian's Guide to Temporary Food Service

Food Safety at Temporary Events, International Association of Milk, Food & Environmental Sanitarians, 200 W Merle Hay Center, 6200 Aurora Avenue, Des Moines, IA 50322.

Sanitation & Health Official Guide- Portable Restroom Requirements at Special Events & Crowd Gatherings, Center for Business and Industrial Studies, University of Missouri - St. Louis, MO 63121

1/2007