

Massachusetts Department of Public Health  
Food Protection Program  
**Temporary Food Establishment Operations**

## Are You Ready?

*Use this guide as a checklist to verify compliance with MA food safety regulations.*

- Application**      Submit a completed temporary food establishment application to the Local Board of Health a minimum of 30 days prior to the event.

### FOOD & UTENSIL STORAGE AND HANDLING

- Dry Storage**      Keep all food, equipment, utensils and single service items stored above the floor on pallets or shelving, and protected from contamination.
- Cold Storage**      Keep potentially hazardous foods at or below 41°/45°F. An effectively insulated container with sufficient coolant may be approved by the board of health for storage of less hazardous foods, or use at events of short duration.
- Hot Storage**      Use hot food storage units when necessary to keep potentially hazardous foods at or above 140°F.
- Thermometers**      Use a food thermometer to check temperatures of both hot and cold potentially hazardous food.
- Wet Storage**      Wet storage of canned or bottled non-potentially hazardous beverages is acceptable when the water contains at least 10 ppm of available chlorine and the water is changed frequently to keep the water clean.
- Food Display**      Protect food from customer handling, coughing, or sneezing by wrapping, sneeze guards or other effective barriers.  
  
Post consumer advisories for raw or undercooked animal foods.
- Food Preparation**      Food employees must use utensils, disposable papers, disposable gloves or any other means approved by the board of health to prevent bare hand contact with ready-to-eat food.  
  
Protect all storage, preparation, cooking and serving areas from contamination.  
  
Obtain food from an approved source. Potentially hazardous foods and perishable items may not be prepared in residential kitchens.

### PERSONNEL

- Person in Charge**      There must be one designated person in charge at all times responsible for compliance with the regulations. Check with your local board of health for food protection management certification requirements.
- Handwashing**      A minimum two-gallon insulated container with a spigot, basin, soap and disposable towels shall be provided for handwashing. The container shall be filled with warm water 100° to 120°F. A handwashing sign must be posted.
- Health**      The person-in-charge must tell food employees that if they are experiencing vomiting and/or diarrhea, or have been diagnosed with a disease transmissible through food, they cannot work with food or clean equipment and utensils. Infected cuts and lesions on fingers or hands must be covered and protected with waterproof materials.

- Hygiene** Food employees must have clean outer garments and effective hair restraints. Tobacco usage and eating are not permitted by food employees in the food preparation and service areas.

## CLEANING AND SANITIZING

- Warewashing** A minimum of three basins, large enough for complete immersion of utensils and a means to heat water are required to wash, rinse and sanitize food preparation equipment that will be used on a production basis.  
  
The board of health may require additional sets of utensils if warewashing sinks are not easily accessible.
- Sanitizing** Use chlorine bleach or other approved sanitizers for sanitizing food contact surfaces, equipment and wiping cloths.
- Wiping Cloths** Store wet wiping cloths in a clean 100ppm chlorine solution. Change frequently.

## WATER

- Water Supply** An adequate supply of potable water shall be on site and obtained from an approved source. Water storage at the booth shall be in approved storage containers.
- Wastewater Disposal** Dispose of wastewater in an approved wastewater disposal system. An adequate number of covered containers, labeled "Wastewater" shall be provided in the booth.

## PREMISES

- Floors** Unless otherwise approved, floors shall be constructed of tight wood, asphalt, or other cleanable material. Floors must be easily cleanable.
- Walls & Ceilings** Walls and ceilings are to be of tight and sound construction to protect from entrance of elements, dust, debris and, where necessary, flying insects. Walls shall be easily cleanable.
- Lighting** Provide adequate lighting by natural or artificial means if necessary. Bulbs shall be shatterproof or shielded.
- Counters/Shelving** All food preparation surfaces shall be smooth, easily cleanable, durable and free of seams and difficult to clean areas. All other surfaces shall be easily cleanable.
- Trash** Provide an adequate number of cleanable containers inside and outside the booth.
- Restrooms** Provide an adequate number of approved toilet and handwashing facilities. These facilities shall be accessible for employee use.
- Clothing** Store personal clothing and belongings in a designated place in the booth, away from food preparation, food service and warewashing areas.

### Need more information on food safety and MA food regulations

[www.mass.gov/dph/fpp](http://www.mass.gov/dph/fpp)

Retail Food Information

[http://www.umass.edu/umext/nutrition/programs/food\\_safety/resources/index.html](http://www.umass.edu/umext/nutrition/programs/food_safety/resources/index.html)

MA Partnership for Food Safety Education Resources/Food Safety Principles for Food Workers

[www.foodsafety.gov](http://www.foodsafety.gov)

Gateway to Government Food Safety Information

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**TOWN OF FAIRHAVEN BOARD OF HEALTH**  
**FOOD PROTECTION PROGRAM**

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**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.

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.

1. 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	How will food employees wash their hands? How will bare hand contact with ready-to-eat foods be prevented? How long will it take to prepare PHFs at ambient air temperatures? How will food temperatures be monitored?
Cooking	Does the TFE operator own a food stem thermometer? To what temperatures will PHF be cooked?
Hot Holding	How will hot PHFs be held at 140°F or above prior to service?
Cooling	How will PHF be cooled? How will leftovers be handled? Will salads with PHFs be made with pre-chilled ingredients?
Reheating	How will cooled PHF be reheated? To what temperature will PHF be reheated?
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 Handlers: Food handlers must not have any infected cuts or lesions, and must not have any disease transmittable by food. 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 bare hand contact with ready-to-eat foods are minimized. 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).



## REFERENCES

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

## COVER LETTER TO TFE OPERATORS

Dear *TFE Operator*:

The Board of Health has been informed that you intend to operate a temporary food establishment in the *Town of Fairhaven*. A temporary food establishment is defined as a food establishment that operates for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration. Temporary food establishments are licensed and inspected by local boards of health in accordance with Massachusetts Regulation 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments - Chapter X and the federal 1999 Food Code.

Enclosed is a Temporary Food Service Permit Application, which must be completed and returned to the Board of Health 30 days prior to the event. All equipment must be in working order. Failure to correct violations noted during the pre-operational and routine inspections may result in suspension of operations.

Also enclosed is an "Are you Ready" Check List and a "Food Safety at Temporary Events" pamphlet which outline operational requirements and food safety information for temporary food establishment operators. Please review these materials carefully and share them with anyone else who will be preparing and serving food with you. To obtain a copy of 105 CMR 590.000 and the federal 1999 Food Code, which contains specific provisions, contact the State House Bookstore at (617)727-2834 or go to the MA Retail Food Safety Information web site at [www.mass.gov/dph/fpp/retail](http://www.mass.gov/dph/fpp/retail).

Please note that non-profit organizations are exempt from paying the temporary food permit application fee and obtaining a certified food protection management and allergen awareness certifications. Documentation of the exemption must be provided when applying. The temporary food permit application fee is \$50.00 and the fee for farmers markets is \$25.00.

Please contact the Board of Health if you have any questions or need assistance with completing your application at (508) 979-4023 ext. 125.

Sincerely,

Fairhaven Board of  
Health



**FAIRHAVEN BOARD OF HEALTH  
APPLICATION FOR TEMPORARY FOOD  
ESTABLISHMENT PERMIT**



**Public Health**  
Prevent. Promote. Protect.

Name of Establishment \_\_\_\_\_ Operator \_\_\_\_\_ Contact Telephone \_\_\_\_\_

Name of Event/Location \_\_\_\_\_ Date(s) of Event/Hours of Operation \_\_\_\_\_

Operator Mailing Address \_\_\_\_\_

1. Before completing this application, read Food Safety at Temporary Events and the temporary food service "Are You Ready?" Checklist. Have you read this material?           **YES**                             **NO**

2. Menu: Attach or list **all** items. Any changes must be submitted and approved by the Board of Health at least 7 days prior to the event.

\_\_\_\_\_

\_\_\_\_\_

3. Will all foods be prepared at the temporary food service booth?

       **YES**                      Fill out **Section B** below.

       **NO**                      1. Attach a copy of the food permit and agreement for use of another approved kitchen giving dates and times.                      2. Fill out both **Sections A and B** below.

4. List each potentially hazardous food item, and for each item check which preparation procedure will occur.

**SECTION A: At the approved kitchen:**

FOOD	Thaw	Cut/ Assemble	Cook	Cool	Cold Holding	Reheat	Hot Holding	Portion Package
1.								
2.								
3.								
4.								
5.								

**SECTION B: At the booth:**

FOOD	Thaw	Cut/ Assemble	Cook	Cool	Cold Holding	Reheat	Hot Holding	Portion Package
1.								
2.								
3.								
4.								
5.								

**Note: If your food preparation procedures cannot fit these charts, please list all of the steps in preparing each menu item on an attached sheet.**

5. Food source(s): \_\_\_\_\_

Source and storage of water/ice: \_\_\_\_\_

Storage and disposal of wastewater: \_\_\_\_\_

Storage and disposal of garbage: \_\_\_\_\_

6. On the back of this page, draw a sketch of the booth.

**I certify that I am familiar with 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments - Chapter X., federal 1999 Food Code and the above described establishment will be operated and maintained in accordance with the regulations**

APPLICANT'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_



590.003: Management and Personnel – Federal 1999 Food Code Chapter 2

- (A) FC 2-101.11 Assignment\* .The first paragraph in FC 2-101. 11 is stricken and replaced by the following:
- (1) The permit holder shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the food establishment during all hours of the operation. The owner or person(s) in charge shall designate an alternate person to be in charge at all times when they cannot be present. The alternate, when acting as the person in charge shall be responsible for all duties specified in FC 2-103.11 and must be adequately trained by the person in charge to ensure that the establishment operates in compliance with 105 CMR 590.000.
  - (2) In addition to the provisions in 105 CMR 590.003(A)(1), effective one year from the date of promulgation of 105 CMR 590.000 each food establishment shall employ at least one full-time equivalent (FTE) person in charge who shall be an on-site manager or supervisor and is at least 18 years of age and who by being a certified food protection manager has shown proficiency of required information through passing a test that is part of an accredited program recognized by the Department.
- (3) 105 CMR 590.003(A)(2) shall not apply to:
- (a) Temporary food establishments operated by non-profit organizations such as, but not limited to, school sporting events, firemen's picnics, grange and church suppers and fairs;
  - (b) Daycare operations which serve only snacks;
  - (c) Food establishments restricted to the sale of pre-packaged food and limited preparation of non-potentially hazardous food and meat and poultry products processed under U.S.D.A supervision with a nitrite level of at least 120 PPM and a minimum brine concentration of 3.5%;
  - (d) Satellite feeding sites, which receive prepared meals from commissaries for immediate service.
- (4) Documentation that at least one full-time equivalent person in charge has demonstrated knowledge of food safety as specified in 105 CMR 590.003(A)(2) shall be prominently posted in the establishment next to the food establishment permit. Such documentation shall be removed when the individual(s) is no longer employed on-site by the establishment.



The Commonwealth of Massachusetts  
 Executive Office of Health and Human Services  
 Department of Public Health  
 Bureau of Environmental Health  
 Food Protection Program  
 305 South Street, Jamaica Plain, MA 02130-3597  
 617-983-6712 617-983-6770 - Fax

DEVAL L. PATRICK  
 GOVERNOR

TIMOTHY P. MURRAY  
 LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD  
 SECRETARY

JOHN AUERBACH  
 COMMISSIONER

TO: Local Boards of Health

FROM: Kim Foley, Acting Director  
 MDPH/BEH Food Protection Program

DATE: January 3, 2011

RE: **Enforcement Guidelines for Allergen Awareness Regulation**

The following guidelines for interpreting and enforcing the allergen awareness section of 105 CMR 590.000 are provided by the MDPH Food Protection Program (FPP) in accordance with 105 CMR 590.010(E). To obtain copies of any of the documents discussed in these guidelines,

- (a) Go to the FPP website at <http://www.mass.gov/dph/fpp>
- (b) Under “What’s New”, select the link for “Food Allergen Awareness Training and Regulation”
- (c) Under “Special Operations”, look under the title “Food Allergen Awareness Training and Regulation”, and select a link for information.

- (1) **Background** – In order to implement requirements of the Allergen Awareness Act, M.G.L. c. 140, § 6B, the MDPH Public Health Council voted on June 9, 2010 to amend Chapter 10 of State Sanitary Code, 105 CMR 590.000, *Minimum Sanitation Standards for Food Establishments*. The allergen awareness amendments to the Food Code are available at the FPP website discussed above.
- (2) **Poster** – Section 105 CMR 590.009(G)(1) requires food establishment to display an MDPH-approved poster in the employee work area. MDPH has approved two (2) versions of the Food Allergy & Anaphylaxis Network: the 2005 version, and the 2009 version. These posters are available on the FPP website discussed above and at <http://www.foodallergy.org/page/restaurant-poster>. If one of these two posters is on display as required, then additional posters may be displayed also. In other words, an

alternative poster may be on display, provided that an MDPH-approved poster is displayed in the employee work area as required by 105 CMR 590.009(G)(1).

- (3) **Menu Notice** – Section 105 CMR 590.009(G)(2) requires all menus and menu boards in the food establishment to display the words “Before placing your order, please inform your server if a person in your party has a food allergy”. For more detailed information on what to look for during an inspection, please refer to the Q&As sheet on the FPP website.
- (4) **Point of Service Notice** – Section 105 CMR 590.009(G)(2)(b)2 allows food establishment to utilize this option in lieu of placing a notice on a menu board. The wording which describes the size and location of the notice was taken from section 105 CMR 590.009(F), which prohibits the sale of tobacco to minors. Board of Health inspectors who are familiar with the “no sale of tobacco to minors” signs already on cash registers can compare those signs to any allergen notices which appear in order to determine if they can be “read from a distance of five feet”.
- (5) **Training Certificate** – Sections 105 CMR 590.009(G)(3) requires at least one certified food protection manager in each effected establishment to obtain a food allergen awareness training certificate by February 1, 2011. The names and contact information about vendors who provide these certificate video are available at the FPP website discussed above.
- (6) **Inspection Report** – A prototype inspection report that meets the requirements of the new amendments is available on the FPP website discussed above. Alternative forms which are consistent with this prototype may be used if approved by FPP in accordance with 105 CMR 590.013(E)(1). Please note that the only difference between this and earlier reports is the addition of the line “Allergy Awareness 590.009(G) ” in the upper right-hand corner under the title “Non-compliance with:”.
- (7) **Documenting Non-compliance** – If an establishment is not in compliance with the allergen awareness regulation, then the Board of Health inspector should check the box next to “Allergy Awareness 590.009(G) ” (see above), and record the findings in the narrative section of the inspection report in accordance with 105 CMR 590.013(E)(1). FPP believes it is reasonable for an inspector to give a food establishment 10 days or less to correct conditions of non-compliance which relate to the allergen awareness sections of the Food Code.
- (8) **Q&As** – The FPP website discussed above contains a list of questions and answers that will be updated on a regular basis. If you have a question about this regulation that you would like to add to the list, please contact FPP.

## ALLERGEN REGULATIONS

### 105 CMR 590.000: STATE SANITARY CODE CHAPTER X – MINIMUM SANITATION STANDARDS FOR FOOD ESTABLISHMENTS

*(1) ADD new definition in 105 CMR 590.002(B):*

**Major Food Allergen means:**

- (1) Milk, eggs, fish (such as bass, flounder, or cod), crustaceans (such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans or walnuts), wheat, peanuts and soybeans; and**
- (2) A FOOD ingredient that contains protein derived from a FOOD named in subsection (1).**

**Major food allergen” does not include:**

- (a) Any highly refined oil derived from a FOOD specified in subsection (1) or any ingredient derived from such highly refined oil; or**
- (b) Any ingredient that is exempt under the petition or notification process specified in the federal Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).**

*(2) Amend the definitions of “menu” and “menu board” in 590.002(B) as follows:*

Menu means a printed list or pictorial display of a food item or items and their price(s) that are available for sale from a food establishment, and includes menus distributed or provided outside of the establishment.

Menu Board means any list or pictorial display of a food item or items and their price(s) posted within or outside a food establishment.

*(3) Amend as follows 105 CMR 590.003(B) (Management and Personnel – federal 1999 Food Code Chapter 2)*

(B) FC 2-102.11 Demonstration

...

The areas of knowledge include:

...  
**(17) No later than February 1, 2011:**

- (a) Describing FOODS identified as MAJOR FOOD ALLERGENS and describing the symptoms that MAJOR FOOD ALLERGENS could cause in a sensitive individual who has an allergic reaction; and**
- (b) Ensuring that employees are properly trained in food allergy awareness as it relates to their assigned duties.**



**(4) Amend 590.009: Special Requirements to add new subsection (G):**

**(G) Food Allergy Awareness Requirements.** Food establishments that cook, prepare, or serve food intended for immediate consumption either on or off the premises shall comply with the following requirements.

**(1) Poster.** No later than October 1, 2010, such food establishments shall prominently display in the employee work area a poster approved by the Department, no smaller than 8.5 by 11 inches, relating to major food allergens. The poster shall include the following information:

- (a) Major food allergens;**
- (b) Health risks of food allergies;**
- (c) Procedure to follow when a customer states that he or she has a food allergy; and**
- (d) Emergency procedure to follow if a customer has an allergic reaction to a food.**

**(2) Notice on printed menus and menu boards.** Such food establishments shall include on all printed menus and menu boards a clear and conspicuous notice requesting a customer to inform the server before placing an order, about the customer's allergy to a major food allergen. The notice shall state: *Before placing your order, please inform your server if a person in your party has a food allergy.*

**(a) Effective Date.** The notice must be included on printed menus and on indoor and outdoor menu boards, including drive-through menu boards, no later than October 1, 2010.

**(b) Menu Boards.**

1. All notices on menu boards must be easily readable from the point of service at which food is ordered. On the menu board itself, the font size of the notice must be equal to or greater than the font size of the smallest menu item listed on the menu board.

2. In lieu of placing the notice directly on the indoor or outdoor menu board itself, the food establishment may post the notice adjacent to the menu board or at each point of service where food is ordered. Such notice must be securely posted in a manner so that it may be easily seen and read from a distance of five feet by a person standing at or approaching the point of service, shall directly face the purchaser, and shall not be obstructed by view.

**(3) Food Allergen Awareness Training**

**(a)** By February 1, 2011, such food establishments shall have on staff a certified food protection manager who has been issued a Massachusetts certificate of allergen awareness training by an allergen awareness training verification program recognized by the Department. The certificate will be valid for 5 years.

**(b) The certified food protection manager shall:**

1. Demonstrate knowledge of MAJOR FOOD ALLERGENS by posting the Massachusetts food allergen awareness training certificate; and

2. Ensure that employees are properly trained in food allergy awareness as it relates to their assigned duties.

**(3) Exemptions**

**(a) Public and private schools, educational institutions, summer camps, childcare facilities, and other child care programs approved to participate in USDA Child Nutrition Programs are exempt from 105 CMR 590.009(G), with the exception of 105 CMR 590.009(G)(3)(b)2., provided that they have:**

**1. Written policies and procedures for identifying, documenting, and accommodating students with food allergies, and**

**2. Documentation verifying participation in food allergen training recognized by the Massachusetts Department of Elementary and Secondary Education and the Massachusetts Department of Public Health.**

**(b) Food service operations in institutional settings in which food is prepared and/or served to a specific population (for example, hospitals, non-profit organizations, Older American Act Elderly Nutrition programs, and charitable food facilities) that have written procedures for identifying, documenting, and accommodating their clients with food allergies are exempt from 105 CMR 590.009(G)(2).**

**(c) Temporary food establishments operated by non-profit organizations are exempt from 105 CMR 590.009(G).**

Regulatory authority: MGL c. 140, § 6B.

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title XV** REGULATION OF TRADE

**Chapter 94** INSPECTION AND SALE OF FOOD, DRUGS AND VARIOUS ARTICLES

**Section 328A** POTLUCK EVENTS: EXEMPTION FROM REGULATION BY DEPARTMENT OF PUBLIC HEALTH OR LOCAL BOARD OF HEALTH

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Section 328A. For the purposes of this section, “potluck event” shall mean an event that meets all of the following conditions: (1) people are gathered to share food at the event; (2) there is no compensation provided to people bringing food to the event; (3) the event is not conducted for commercial purposes; and (4) the participants at the event shall be informed that neither the food nor the facilities have been inspected by the state or a local public health department.

Notwithstanding any general or special law to the contrary, neither the department of public health nor any local board of health shall regulate the servicing of food that is brought to a potluck event sponsored by a group of individuals or by a religious, charitable or nonprofit organization by individuals attending the potluck event for consumption at the potluck event. Individuals who are not members of the group or organization sponsoring the potluck event may attend the potluck event and consume the food at the event. A business establishment dealing in the sale of food items shall not sponsor a potluck event. Potluck event food shall not be brought into the kitchen of a business establishment dealing in the sale of food.