


# TEMPORARY FOOD EVENTS & NON-PROFITS

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## AGENDA




- **The Food Code**
- **Temporary Food Events**
  - Definitions
  - Permitting
  - Mobile & Caterers
  - Bases of Operation/Leased Kitchens
  - Requirements
- **Non-Profits**
  - Permit Requirements
  - Bake Sales/Potlucks
- **Miscellaneous**
- **Resources**

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## FOOD CODE

We are currently enforcing the **2013 FDA Food Code & 105 CMR 590 590**

FDA Food Code  
+  
105 CMR 590  
=  
★ **Merged Food Code**



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## MERGED FOOD CODE



*What's with the red text?*

**Red text** is taken right from 105 CMR 590

**Black text** is the FDA code

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## DEFINITIONS

Definitions are capitalized throughout the code

(H) If a FOOD EMPLOYEE is ill with symptoms of acute onset of sore throat with fever:

- (1) EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION;<sup>P</sup> or
- (2) RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.<sup>P</sup>

What does exclude mean? Restrict? Highly susceptible population?

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## DEFINITIONS

**"Exclude"** means to prevent a PERSON from working as an EMPLOYEE in a FOOD ESTABLISHMENT or entering a FOOD ESTABLISHMENT as an EMPLOYEE.

**"Restrict"** means to limit the activities of a FOOD EMPLOYEE so that there is no RISK of transmitting a disease that is transmissible through FOOD and the FOOD EMPLOYEE does not work with exposed FOOD, clean EQUIPMENT, UTENSILS, LINENS, or un-wrapped SINGLE-SERVICE or SINGLE-USE ARTICLES.

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## DEFINITIONS

**Food-** a raw, cooked, or **processed edible substance**, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum



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## DEFINITIONS

**Time/Temperature Control for Safety Food (TCS):** A food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation

aka...refrigeration needed/perishable!



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## DEFINITIONS

**Non-Time/Temperature Control for Safety Food (Non-TCS):** 'A food that does not support the growth or toxin formation of pathogenic microorganisms...'

aka...no refrigeration needed



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## DEFINITIONS

What if it's not obvious?

Table A. Interaction of PH and AW for control of spores in FOOD heat-treated to destroy vegetative cells and subsequently PACKAGED AW values

|               | PH < 4.6 or less | PH > 4.6-5.6 | PH > 5.6     |
|---------------|------------------|--------------|--------------|
| < 0.92        | non-TCS FOOD*    | non-TCS FOOD | non-TCS FOOD |
| > 0.92 - 0.95 | non-TCS FOOD     | non-TCS FOOD | PA**         |
| > 0.95        | non-TCS FOOD     | PA           | PA           |

\* TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD  
\*\* PA means Product Assessment required

Table B. Interaction of PH and AW for control of vegetative cells and spores in FOOD not heat-treated or heat-treated but not PACKAGED AW values

|               | PH < 4.2      | PH < 4.2-4.6 | PH > 4.6-5.6 | PH > 5.0     |
|---------------|---------------|--------------|--------------|--------------|
| < 0.88        | non-TCS food* | Non-TCS food | non-TCS food | non-TCS food |
| 0.88 - 0.90   | non-TCS food  | non-TCS food | non-TCS food | PA**         |
| > 0.90 - 0.92 | non-TCS food  | non-TCS food | PA           | PA           |
| > 0.92        | non-TCS food  | PA           | PA           | PA           |

\* TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD  
\*\* PA means Product Assessment required

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## DEFINITIONS

**Food Establishment:** 'stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption such as a restaurant...'

**A food establishment includes:** an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food

*"...but we're giving the food away for free..."*

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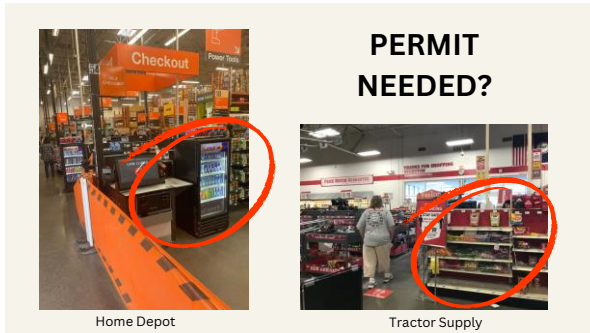
## DEFINITIONS

A food establishment does **not** include:

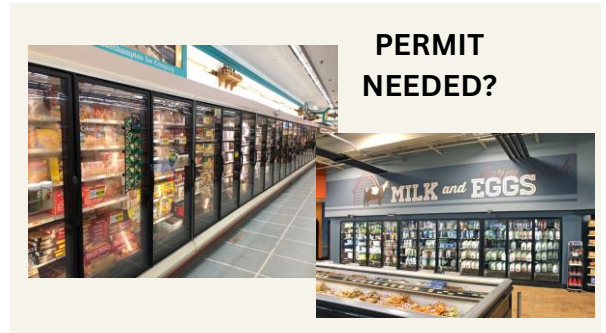
- Only pre-packaged, non-TCS foods



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**DEFINITIONS**

**Temporary Food Establishment:** means a food establishment that operates for a period of no more than **14 consecutive days** in conjunction **with a single event or celebration.**

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**DEFINITIONS**

*Let's break the definition down...*

1. Is a food establishment
2. 'Operates for a period no longer than 14 consecutive days'
3. 'In conjunction with a single event or celebration'

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## SCENARIO 1

Wake the Dead Donuts has the following weekend lineup in **Springfield**:

**Friday** - MHOA Conference at MGM from 4-8 PM

**Saturday & Sunday** - Taste of Springfield at MGM from 12-4 PM

How many temporary food permits are required?

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## POLL 1 - HOW MANY TEMPORARY FOOD PERMITS ARE REQUIRED

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## SCENARIO 1

### ANSWER-

**2 separate temporary food permits**

1. Is a food establishment
2. 'Operates for a period no longer than 14 consecutive days'
3. 'In conjunction with a single event or celebration'

**Event 1** - Friday @ MHOA Conference at MGM from 4-8 PM

**Event 2** - Saturday & Sunday @ Taste of Springfield at MGM from 12-4 PM

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## SCENARIO 2



Thai Chili is a temporary food vendor and has a great relationship with a local winery. They want to set up at every single event, every single weekend throughout the summer. They cook on a grill, store everything in coolers, and have a tent.

How should you permit them?

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POLL 2 - HOW SHOULD THAI CHILI BEING PERMITTED AT THE WINERY?

## SCENARIO 2

**ANSWER-**

**Permit required for each single event**

1. Is a food establishment
  2. 'Operates for a period no longer than 14 consecutive days'
  3. 'In conjunction with a single event or celebration'
- Seasonal temporary food permits are not allowed per code.

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## SCENARIO 3

Deano's Concessions is setting up at the Big E - a 14 day fair in West Springfield.

How many permits do they need?



## SCENARIO 2

**ANSWER-**

**One permit**

1. Is a food establishment
  2. 'Operates for a period no longer than 14 consecutive days'
  3. 'In conjunction with a single event or celebration'
- The Big E lasts for 14 days and is considered **one event**.

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**BUT WHAT ABOUT MOBILE FOOD TRUCKS?  
FARMERS' MARKETS?**

**FARMERS' MARKETS**

The DPH Food Protection Program specifically states Farmers' Markets can be issued seasonal permits in their [Temporary Food Event & Farmers' Markets Q&A document](#)



**FOOD TRUCKS**

105 CMR 590 states: 'a permit for a mobile food operation may be issued for a period of time which shall be determined by the board of health...'



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**FOOD TRUCKS VS TEMPORARY FOOD**



Mobile



Temporary

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**'I'D LIKE TO APPLY FOR AN ANNUAL MOBILE FOOD PERMIT PLEASE...'**



Beware of vendors trying to get an annual permit out of you and disguising themselves as a food truck...

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**"MY CATERING PERMIT COVERS THIS, RIGHT?"**



**No, a caterer is defined as:**

'...prepares food intended for individual portion service, **transports and serves it at another location**

OR

'...prepares and serves food **at a food establishment**, other than one for which he holds a permit, for service at a single meal, party or similar gathering'

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## TEMPORARY FOOD EXEMPTIONS

- Whole, uncut fresh fruits and vegetables, unprocessed honey, pure maple products, or farm fresh eggs
- Transporting food as a delivery service such as home delivery of grocery orders or restaurant takeout orders
- Selling commercially processed pre-packaged non-TCS foods such as candy bars, potato chips, bottled water, and/or bottled or canned soda products.



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## TEMPORARY FOOD EXEMPTIONS



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## BASE OF OPERATIONS/SERVICING AREA

**A Servicing Area is defined as:** means an operating base location to which a **mobile** food establishment or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding FOOD



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## BASE OF OPERATIONS/SERVICING AREA

- The LBOH may require a servicing area for **mobile** food establishments.
- For temporary food events, food is typically prepared on site. No prepping at home!



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### PRE-PACKAGED?



No label required



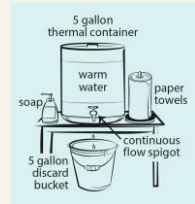
Label required

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### TEMPORARY FOOD REQUIREMENTS

#### Restrooms and handwashing

- If permanent restrooms are not available, portable restrooms must be provided
- Handwash sinks must be easily accessible (within 25 feet) to vendors
- If food exposure is limited, the local BOH may approve the use of chemically treated towelettes for handwashing



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### TEMPORARY FOOD REQUIREMENTS

#### Cold/hot holding

- Refrigerators are not required; TCS foods can be stored in insulated containers with ice (coolers)
- Thermometers are required for monitoring temperatures
- If applicable, hot holding equipment required and capable of keeping foods hot



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### TEMPORARY FOOD REQUIREMENTS

#### Overhead cover

- Food must be protected during preparation, storage, etc.
- If cooking under a tent, consult with your local FD
- The FD may also have requirements for fire extinguishers



2. If you are cooking food that produces grease laden vapors, cooking with propane, or using a portable generator - you must contact Fire Prevention XXX-XXX-XXXX at least 10 days in advance. Failure to meet fire code requirements set in 527 CMR 1.00, 50.2.1.9 and NFPA 96, 4.1.9 will result in no food permit being issued.

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## TEMPORARY FOOD REQUIREMENTS

### Surface characteristics - Temporary Food only

- If graded to drain, a floor may be:
  - concrete
  - machine-laid asphalt,
  - or dirt or gravel if it is covered with mats, removable platforms, duckboards,
  - or other approved materials that are effectively **treated to control dust and mud**
- Walls and ceilings may be constructed of a material that protects the interior from the weather and windblown dust and debris.

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## TEMPORARY FOOD REQUIREMENTS



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## TEMPORARY FOOD REQUIREMENTS



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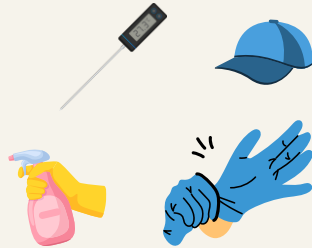


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## TEMPORARY FOOD REQUIREMENTS

### Miscellaneous

- Probe thermometer
- Hair/beard constraints
- Gloves
- Surface sanitizer (properly labeled)
- 3-bay sink (can be 3 large plastic tubs)
- Warewashing sanitizer
- Test strips



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## POSTING REQUIREMENTS

### Posted In a Conspicuous Place for Public View

- **Food Protection Manager** and **Allergen Awareness** certificates posted in a conspicuous place for the public
- A sign stating "a copy of the most recent inspection form is available upon request" hung in a conspicuous location for the public.
- A clear and conspicuous notice on the printed menu or menu board stating: "Before placing your order, please inform your server if a person in your party has a food allergy"

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## POSTING REQUIREMENTS

**A copy of the most recent inspection report is available upon request**

In accordance with section 9-304-11 of the 2013 FDA Food Code Merged with 105 CMR 990.000



**Before placing your order, please inform your server if a person in your party has a food allergy**



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

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## POSTING REQUIREMENTS


### Posted In a Conspicuous Place for Public View

- A sign stating "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness"
  - All animal-derived food that is served raw or undercooked listed on the menu shall be linked to the above statement by an asterisk
- A copy of the temporary food permit
  - the permit shall state the inclusive dates, location, and any restrictions in the operations allowed

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## POSTING REQUIREMENTS

**Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness\***



Menu Example B

|   |  |
|---|--|
| <p><b>Hamburgers</b></p> <ul style="list-style-type: none"> <li>Cheeseburger *</li> <li>Bacon Deluxe Burger *</li> <li>Ultimate BBQ Burger *</li> </ul> | <p><b>Steaks &amp; Poultry</b></p> <ul style="list-style-type: none"> <li>Porterhouse 12oz. *</li> <li>Grilled Chicken</li> <li>New York Strip 6oz. *</li> </ul> |
|---|--|

\*These items may be served undercooked. Consuming raw or undercooked meat, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.

(Displayed at the bottom of the page)

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## POSTING REQUIREMENTS

**Postings - For Employee View Only**

- o Allergen poster - for employee view (updated 2024)
- o A sign stating "Employees must wash hands" at all handwash sinks

**Employees must wash their hands before returning to work**

**Los empleados deben lavarse las manos antes de regresar al trabajo**





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Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness\*



A copy of the most recent inspection report is available upon request

In accordance with section 9 26A 12 of the 2012 Food Code changed with 103 040 000000



**Bring copies with you!**

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## NON-PROFITS

**Non-profit exemptions:**

- Food Protection Certificate
- Allergen Awareness Certificate
- Permit fee (per M.G.L. c. 94, § 328 if food is free or the charge covers the cost of food)

**They are not exempt from getting a permit!**



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## BAKES SALES

### Bake Sales

- Bake sales are allowed (without a permit) IF:
  - The food being offered is a **non-TCS food**
  - For a religious or charitable organization
  - The consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority

This food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority



Sample Sign

## POTLUCKS

### Potlucks

- A valid permit to operate is not required when a potluck event meets all of the requirements of M.G.L. c. 94, § 528A, including that participants at the event must be informed that neither the food nor the facilities have been inspected by the state or by a local public health agency.

This food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority



Sample Sign

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## MISCELLANEOUS

- **CBD-infused foods are not allowed**
  - [Fact sheet from the MA DPH](#)
  - CBD is not an approved ingredient under federal law
  - This includes pet food! (not enforced by the BOH)



## MISCELLANEOUS

### Allergen Awareness update - 2024

In 2024, the Department of Public Health Food Protection Program (FPP) updated its policy to allow for new allergen training videos and posters. The previously approved Allergen Awareness video is no longer approved. Current certificates remain valid until their expiration date.

### Allergen Awareness training videos that are now deemed approved must be:

1. ANAB accredited
2. FareCHECK certified
3. Not otherwise accredited or certified, but contain content specified by FPP

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## MISCELLANEOUS

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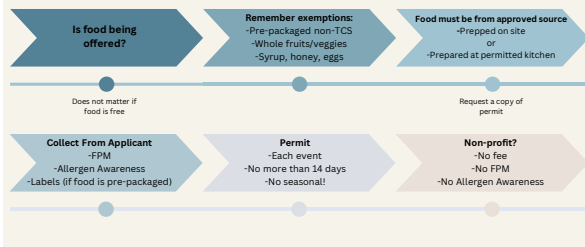
### Allergen Awareness update - 2024

- Updated poster - must be posted in employee area
- Now includes sesame



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## RECAP



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## RESOURCES

- [Sample Signage](#)
  - [Allergen Awareness Poster](#)
  - [Employees Must Wash Hands Signage](#)
  - [Allergy Notice Signage](#)
  - [Most Recent Inspection Report Signage](#)
  - [Consumer Advisory Signage](#)
  - [Bake Sale/Potluck Signage](#)
- [Temporary Food Inspection Checklist](#)
- [Temporary Food & Farmers' Market Q&A](#)
- [Merged Food Code](#)
- [CBD and THC in Food Manufactured or Sold in Massachusetts](#)
- [Allergen Awareness Guidance - 2024 Update](#)

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# QUESTIONS ?

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