

QUESTIONS AND ANSWERS REGARDING HEALTH DEPARTMENT REGULATION OF TEMPORARY FOOD FACILITIES (TFF)

Revised March 2015

1. Are TFFs allowed to operate at grand openings, little league games, and other “undefined” special events?

TFFs may only operate in conjunction with a community event. As defined in CalCode Section

113755, a community event is an event that is of a civic, political, public, or educational nature,

including state and county fairs, city festivals, circuses and other public gathering events approved by the local enforcement agency. This section of CalCode allows for individual interpretation of “public gathering events” by the local enforcement agency. The following questions may be asked in determining whether an event meets the definition of a community event and is suitable for the operation of a TFF:

- A. Are there any local land use and/or planning requirements that may preclude business activities or public events at the site?
- B. Is there an adequate potable water supply, waste water disposal facilities, garbage storage and disposal facilities, and adequate restroom facilities?
- C. Is there an event organizer who will assume responsibility of providing the above facilities and equipment? If the facilities are shared by two or more TFFs, will the event organizer be responsible for obtaining a permit?
- D. Is the event open to the public? Any public advertising?

2. How often can a TFF operate? How often can a nonprofit charitable TFF operate?

CalCode section 113930 states a TFF may operate at a fixed location for the duration of an approved community event or at a swap meet only as a part of the community or swap meet.

CalCode section 114332.1 states a nonprofit charitable TFF may operate up to four times annually. These four time periods shall not exceed 72 hours each.

3. Can a TFF operate at an event in conjunction with a Certified Farmer’s Market?

Yes. However, CalCode section 117371(g) states TFFs may operate as a separate community event adjacent to and in conjunction with Certified Farmers Market that operates as a community event. The organization in control of the event at which one or more TFFs operate shall comply with Section 114381.1.

4. Do bottled water vendors and other non-potentially hazardous prepackaged food vendors need a TFF permit?

Yes, CalCode section 113781 defines food as any raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.

5. Are booths that offer only free food such as samples required to obtain a permit?

Yes. A food facility shall not be open for business without a valid permit, CalCode section 114381 (a). A food facility is an operation where food is consumed on or off the premises, regardless of whether there is a charge for the food, CalCode section 113789 (a)(1).

6. What cooking equipment and activities are allowed outside of an enclosed food booth?

Only barbecues, grills or other equipment approved for outdoor cooking may be located adjacent to the TFF if local building and fire codes prohibit cooking inside the TFF and shall be separated from public access by using ropes or other approved methods to prevent contamination of the food and injury to the public (CalCode Section 114341b-c).

TFF applicants should contact the local jurisdictions for all applicable building and fire requirements before using any high temperature cooking equipment such as deep fryers, woks, and kettles inside food booths. In addition, to ensure operators are not subject to any conflicting requirements from the various local enforcement agencies (fire, building, etc.) a pre- event meeting attended by all these agencies is strongly recommended.

7. When is a TFF required to be fully enclosed?

A TFF shall be fully enclosed whenever there is handling of any open food or beverage at an event that takes place outdoors. CalCode Section 114349(b)(2) does not require full enclosure if the booths are equipped with food compartments that limit the display and handling of the open food and beverages. Food booths that offer only prepackaged food items are not required to be fully enclosed but should have overhead protection and a cleanable floor surface.

8. Are TFFs allowed to place their hand wash station outside the enclosed booth?

No. All sanitary facilities pertinent to the food booth including handwashing and utensil washing stations shall be located inside the fully enclosed booth to preclude the contamination of food contact surfaces and for convenient use by food handlers. Additional hand wash stations may be set up outside the tent for barbeque food handlers.

CalCode Section 114358:

(a) Notwithstanding Section 113953, handwashing facilities for temporary food facilities that operate for three days or less may include a container capable of providing a continuous stream of water from an approved source that leaves both hands free to allow vigorous rubbing with soap and warm water for 10 to 15 seconds, inclusive.

(b) Temporary food facilities that handle only prepackaged food and comply with Section 113952 shall not be required to provide a handwashing facility, except as required in Section 114359.

(c) A catch basin shall be provided to collect wastewater, and the wastewater shall be properly disposed of according to Section 114197.

(d) Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels.

(e) A separate receptacle shall be available for towel waste.

9. Is a TFF required to have a utensil wash station if they are supplied with sufficient quantities of extra equipment and utensils?

Yes, in most cases. CalCode section 114095 states all food facilities in which food is prepared or in which multiservice utensils and equipment are used shall provide manual methods to effectively clean and sanitize utensils as specified in Section 114099.

In Section 114351(c), if the TFF operates no more than 4 hours per day at a single event they are allowed to provide an adequate supply of utensils and spare utensils that have been properly washed and sanitized at an approved facility and then stored to protect them from contamination at the event.

10. Under what circumstances should a TFF be denied approval to operate?

Conditions that present an imminent health hazard to public health and safety shall be immediately corrected by the TFF operator or the TFF shall be ordered closed. These conditions may include but are not limited to:

- A. Improper holding temperatures
- B. Lack of proper equipment to hold food at proper temperatures
- C. Lack of adequate handwashing facilities
- D. Lack of adequate warewashing facilities
- E. Lack of full booth enclosure when food preparation occurs
- F. Improper water or wastewater connections
- G. Employees or food handlers with signs of a communicable disease
- H. Food from an unapproved source
- I. Inadequate supply of potable water
- J. Lack of a current health permit or failure to complete permit application

11. What are the consequences associated with an event organizer or TFF operator that does not meet the application deadline established?

CalCode section 114387 states any person who operates a food facility shall obtain all necessary permits to conduct business, including, but not limited to, a permit issued by the enforcement agency. In addition to the penalties under Article 2 (commencing with Section 114390), violators who operate without the necessary permits shall be subject to closure of the food facility and a penalty not to exceed three times the cost of the permit.

12. What is acceptable construction of the food booth?

Floors:

TFFs that handle nonprepackaged food shall provide floors constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair.

Ceilings and outer exclusionary barriers:

TFFs shall be equipped with overhead protection for all food preparation, food storage, and warewashing areas. Overhead protection shall be made of wood, canvas, or other materials that protect the facility from precipitation, dust, bird and insect droppings, and other contaminants. Enclosure of the food facility with 16 mesh per square inch screens.

Notwithstanding Section 113984, this section does not apply to TFF that are approved for limited food preparation if flying insects, vermin, birds, and other pests are absent due to the location of the facility or other limiting conditions.

13. What food items are allowed to be stored or held outside a TFF?

Only condiments that means nonpotentially hazardous food, such as relishes, spices, sauces, confections, or seasonings, that requires no additional preparation, and that is used on a food item, including, but not limited to, ketchup, mustard, mayonnaise, sauerkraut, salsa, salt, sugar, pepper, or chili peppers and shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected food displays provided with the proper utensils, original containers designed for dispensing, or individual packages or portions.

14. Is an event Organizer required to obtain a permit if all the food booths at the event are considered nonprofit charitable TFFs?

Yes. Both the event organizer and all TFFs shall obtain permits. Nonprofit charitable TFFs shall operate according to CalCode Article 10.5. The local enforcement agency may establish additional operational and structural requirements as necessary.

15. How much potable water is considered adequate to serve a TFF?

At least five gallons of water shall be provided exclusively for handwashing for each nonpermanent food facility. Any water need for other purposes shall be in addition to the five gallons for handwashing CalCode Section 114217 (b).

At least 25 gallons of water shall be provided for food preparation and warewashing CalCode Section 114217 (c).

At least 15 gallons of water shall be provided for nonpermanent food facilities that conduct limited food preparation CalCode Section 114217(d).

The water delivery system shall deliver at least one gallon per minute to each sink basin CalCode Section 114217 (e).