

CALIFORNIA CONFERENCE OF  
DIRECTORS OF ENVIRONMENTAL HEALTH

# TEMPORARY FOOD FACILITY GUIDELINES

Revised March 2015

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## **BACKGROUND**

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

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

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

## **SCOPE**

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

## DEFINITION

Definition details can be found in Chapter 2 of CRFC for all of the following:

- Approved source
- Community event
- Enforcement agency
- Enforcement officer
- Food
- Food compartment
- Food-contact surface
- Food employee
- Food facility
- Food preparation
- Impound
- Juice
- Limited food preparation
- Nonpermanent food facility
- Nonprofit charitable temporary food facilities
- Open-air barbeque
- Potentially hazardous food
- Temperature measuring device
- Temporary food facility
- Warm water

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

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

## **MAJOR RISK FACTORS**

### Food from an approved source

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

### Food preparation at Community events

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

### Holding temperatures – potentially hazardous food

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

### Warewashing facilities

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

### Alternate handwashing facilities

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

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

**Enforcement officer discretion in imposing requirements**

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

## **PERMIT REQUIREMENTS**

### Authority to inspect and require permits

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

(CalCode 114332.7)

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

### Permit requirements for an organizer

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

(a) The permit application and site plan shall be submitted to the enforcement agency at least two weeks prior to operation of any food facility at a TFF event.

(b) The site plan shall show the proposed locations of the food facilities, restrooms, refuse containers, potable water supply faucets, waste water disposal facilities, and all shared warewashing and handwashing facilities. (CalCode 114381.1)

### Permit requirements for temporary food facilities

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

- a) A site plan that indicates the proposed layout of equipment, food preparation tables, food storage, warewashing, and handwashing facilities.
- b) Details of the materials and methods used to construct the temporary food facility.
- c) All food products that will be handled and dispensed.
- d) The proposed procedures and methods of food preparation and handling.
- e) Procedures, methods, and schedules for cleaning utensils, equipment, and structures, and for the disposal of refuse.
- f) How food will be transported to and from a permanent food facility or other approved food facility and the temporary food facility, and steps taken to prevent contamination of foods.
- g) How potentially hazardous foods will be maintained at or below 41°F or at or above 135°F. (CalCode 114381.2)

## PERMIT APPLICATION REVIEW

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

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

Phone interviews with TFF operators are useful in clarifying application information and to educate the operator on safe food handling practices, determining food service risk level, and food safety control measures.

Some local enforcement agencies will inspect at every TFF event. Manpower in some jurisdictions may allow only for application review. Field inspection of a TFF event should be based primarily upon public health risk factors and upon the enforcement agency's capacity to inspect. The following chart is an *example* matrix of factors that can be considered when estimating the relative food safety risks of various events. It is important to consider more than one factor when assigning risk.

EVENT CRITERIA (anticipated or historical)	DEGREE OF HAZARD		
	Low	Medium	High
Daily Attendance	<500	500-5,000	>5,000
Duration in Days	1	2	3 or more
Number of Food Facilities	1	2-10	>10
Past Event Compliance History	Good	Fair	Poor
Types of Food	No food preparation, prepackaged non-potentially	Food preparation of non-potentially hazardous foods	Food preparation of potentially hazardous foods

## STRUCTURAL & OPERATIONAL

There are differing structural and operational requirements for TFFs and nonprofit charitable TFFs, as highlighted in the following chart (for all requirements see CalCode Chapter 10.5 and 11 and Sections 113953(e)), 114143:

<b>TFFs (Chapter 11)</b>	<b>Nonprofit Charitable TFFs (Chapter 10.5)</b>
Subject to applicable sections of Chapters 1-8 & 13 except as specified.	Operation limited to 72 hours, four times annually.
All food must be from an approved source.	Potentially hazardous food must be from an approved source.
Owner/operator must be prominently identified on the facility.	
Event organizer must obtain a permit for 2 or more profit TFFs.	Local jurisdictions may require a permit.
Temperature requirements for PHF. (< 45 degrees F or > 135 degrees F at all times )	Temperature requirements for PHF. (< 45 degrees F or > 135 degrees F at all times )
No live animals within 20 feet of facility except service animals.	No live animals in the facility except service animals.
Equipment and utensils must be approved.	
Ice must be protected from contamination. Ice for beverages must be kept separate from ice for refrigeration.	Ice must be protected from contamination. Ice for beverages must be kept separate from ice for refrigeration.
Adequate storage facilities must be provided. Food must be stored 6 inches off the floor or in enclosed cabinets or facilities during periods of operation. During periods of operation supplies & non-potentially hazardous foods in unopened containers may be stored adjacent to the TFF. Food must be protected from contamination during transportation.	Food must be protected from contamination. Food must be stored off the floor on pallets or shelves in the facility.
One toilet for each 15 employees within 200 ft. and have approved hand washing facility.	One toilet for each 15 employees must be provided within 60 meters (200 ft.)

<b>TFFs (Chapter 11)</b>	<b>Nonprofit Charitable TFFs (Chapter 10.5)</b>
<ul style="list-style-type: none"> <li>• Hot and cold running water for hand washing or as approved by the local enforcement agency. Soap &amp; towels in permanent dispensers.</li> <li>• Alternatives may be approved.</li> </ul>	
<p>Shared janitorial facilities can be provided.</p>	
<p>A separate area for storage of employee personal effects must be provided.</p>	
<p>Adequate lighting must be provided.</p>	
<p>Liquid waste:</p> <ul style="list-style-type: none"> <li>• The enforcement officer shall approve disposal.</li> <li>• Waste capacity must be at least 50% greater than potable water holding tanks. If ice is used, additional storage for ice melt is required.</li> <li>• Liquid waste must not contaminate potable water.</li> </ul>	<p>Liquid waste disposal is subject to the approval of the enforcement officer.</p>
<p>Open-air barbecue facilities are subject to approval by the enforcement officer and must comply with Section 114143</p>	<p>Open-air barbecue facilities are subject to approval by the enforcement officer and must comply with Section 114143</p>
<p>Prepackaged foods only:</p> <ul style="list-style-type: none"> <li>• Floor is not required</li> <li>• Enforcement officer may require overhead and other protective measures as needed.</li> <li>• No hand washing facility required.</li> </ul>	
<p>Non-prepackaged foods:</p> <ul style="list-style-type: none"> <li>• The booth must be fully enclosed. Exception: for limited food preparation, food compartments with overhead cover and flooring is allowed, instead of full enclosure.</li> <li>• A readily cleanable floor, walls, and ceiling are required. Screens must be 16 mesh or finer.</li> <li>• Self-service condiments must be prepackaged or dispensed from</li> </ul>	<p>Non-prepackaged foods: Utensil washing and handwashing facilities must be provided in the booth. The enforcement officer must approve utensil washing and handwashing facilities. Food contact surfaces must be smooth, easily cleanable, and nonabsorbent. Smoking is prohibited in the facility. Garbage must be disposed of in a sanitary manner.</p>

TFFs (Chapter 11)	Nonprofit Charitable TFFs (Chapter 10.5)
<p>approved dispensers.</p> <ul style="list-style-type: none"> <li>• A 3 compartment sink with drainboards and hot and cold water supplied from a mixing valve must be provided. Sharing may be allowed by up to 8 facilities. Other methods may be approved by the enforcement agency per section 114099.6(c).</li> <li>• Hand washing: <ul style="list-style-type: none"> <li>• 3 days or less Temporary food facility: Container that provide continuous stream of water from an approved source, with soap and warm free-flowing water for 10-15 seconds.</li> <li>• More than 3 days Temporary food facility: A hand wash sink with hot and cold water supplied from a mixing valve is required. Other facilities may be approved by the enforcement agency per section 113953(e).</li> </ul> </li> </ul>	

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

**COMPLIANCE ASSISTANCE SUGGESTIONS**

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

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