



Memorandum

To: Temporary Food Event Vendors and Organizers

From: Foothills Health District

Subject: Rule Changes and New Application Process

Date: March 21, 2013

North Carolina recently adopted the FDA Food Code and other 15A NCAC 18A .2600 rule amendments that became effective September 1, 2012. As a result of these rule changes, there are some new requirements for those who wish to obtain a Temporary Food Establishment permit.

A Temporary Food Establishment is a food establishment that operates for a period of time not to exceed 21 days in one location, affiliated with and endorsed by a transitory fair, carnival, circus, festival, or public exhibition. Food establishments that operate in the same event location for more than 21 days per calendar year are not eligible for a temporary food establishment permit. Domestic yard sales and businesses such as auctions, flea markets, or farmers' markets are not eligible for a temporary food establishment permit. For those who wish to prepare food in advance or off site, a separate permit must be obtained for a Temporary Food Establishment Commissary.

Temporary Food Establishments and Temporary Food Establishment Commissaries shall submit their application and fee of \$75.00 to the Health Department **no fewer than 15 calendar days prior to commencing operation**. The only exceptions that will be made to this 15 day requirement is for substitute vendors provided that these applications are submitted no fewer than 3 business days prior to the event.

Establishments are still **exempt from the TFE permit** if they are incorporated as nonprofit corporations or are exempt from federal income tax under the Internal Revenue code as defined in G.S. 105-228.90, or that are political committees as defined in G.S. 163-278.6 (14) and that prepare or serve food or drink for pay **no more frequently than once a month for a period not to exceed two consecutive days**.

A complete packet of information is attached with this memo, including the application, the **new TFE rules, and information guide**. Please read all information and return only what is required to be returned and retain the other portion for your reference. Every effort will be made by this agency to assist you on the date of your event.

For additional information please contact the Health Department at the number below.

Rutherford 828-287-6317

McDowell 828-652-2921 Ext. 0

***PAYMENT OF FEE DOES NOT GUARANTEE THAT A PERMIT WILL BE ISSUED.**

Rutherford County Health Department
221 Callahan Koon Road
Spindale, NC 28160
(828) 287-6100 – Health Dept.
(828) 287-61001 – Administration
(828) 287-6059 – HD FAX
(828) 287-6317 – Environmental
(828) 287-6238 - WIC

McDowell County Health Department
408 Spaulding Road
Marion, NC 28752
(828) 652-6811 – Health Dept.
(828) 652-9376 – HD FAX
(828) 652-2921 – Environmental
(828) 652-2019 – Environmental Fax
(828) 652-2922 – WIC

THIS INFORMATION IS TO BE RETURNED TO THE
HEALTH DEPARTMENT

***** Please note: Incomplete applications will be returned.***

Be sure to include the signed application, the menu item chart, the layout of the food booth and please view Fee Schedule or call the office for Current Fee's that will need to be paid

RETURN

FOOTHILLS HEALTH DISTRICT TEMPORARY FOOD EVENT VENDOR APPLICATION

This application must be completed and submitted to the Foothills Health District to provide information about all food preparation and sales to the public at any event or public exhibition within the Foothills Health District. **Applications must be submitted no later than 15 days prior to the event.**

****Please note:** A fee will be required for each food service permit and must be paid with the submission of each Temporary Food Event Vendor Application. Please contact your local health department office for current fee schedule.

1) Booth / Business name: _____

2) Event name: _____

3) Location of event: _____ NC _____
Street City Zip

4) Dates and hours of operation: _____

5) Owner or operator: _____

6) Owner / operator contact information: Email: _____

Phone: _____ Cell: _____ Fax: _____

Mailing address: _____
Street or PO Box City State Zip

7) Event organizer contact information:

Name: _____ Email: _____

Phone: _____ Cell: _____ Fax: _____

Mailing address: _____
Street or PO Box City State Zip

Secondary contact: _____

8) Date and time the booth will be ready for permitting: _____

****Please note:** The food booth must be completely set up prior to permitting.

9) Are you exempt from Federal Income Tax? ___ If yes, attach a letter with tax exempt ID number. Ex: 501 (c)(3)

10) Are you a political group? ___ If yes, attach an authorization letter from the candidate or political group.

11) Have you operated a TFE in N.C. in the past 6 months? ___ If yes, where and when? _____

12) Will any food or beverages be prepared prior to the event? ____ If yes, provide the information in # 14.

13) Will any food or beverages be prepared at another location? ____ If yes, provide a letter from the owner of the permitted facility where the preparation will take place **and** provide the information in # 14.

14) If you answered yes to 12) and 13) provide the following information:

Name of prep facility _____ Dates / Time of preparation: _____

Mailing address: _____

****Please note:** Advanced preparation may require a permit from The Foothills Health District for the preparation site. Home kitchens cannot be used.

15) As of September 1, 2012 the permit holder shall require all food employees to comply with an approved Employee Health Policy. Do you have an Employee Health Policy? _____

****Please note:** A sample Employee Health Policy is in the application packet.

16) Which best describes your food booth set-up?

3 sided tent tent w/ comb of walls, screens and fans food truck or enclosed trailer

N.C. permitted Pushcart or Mobile Food Unit other: _____

17) Please check the line that best describes the source of water at the food booth:

public water supplied by the organizer bottled water

private well (sampling by Health Dept. required)

18) Check the line that best describes the disposal method for the following:

Waste water:

holding tank supplied by organizer

holding tank supplied by vendor

other: _____

Grease:

grease taken off site

event grease receptacle

other: _____

Garbage:

taken off site by vendor

event dumpster

other: _____

19) Check the line that best describes your equipment:

Cold Holding:

refrigerated truck

refrigerator / freezer

insulated coolers

other: _____

Hot Holding:

chafing dishes

warming boxes

grill

other: _____

Utensil Washing:

3 basins

3 compartment sink

3 utility sinks

other: _____

Hand Washing:

mechanical sink

gravity flow

other: _____

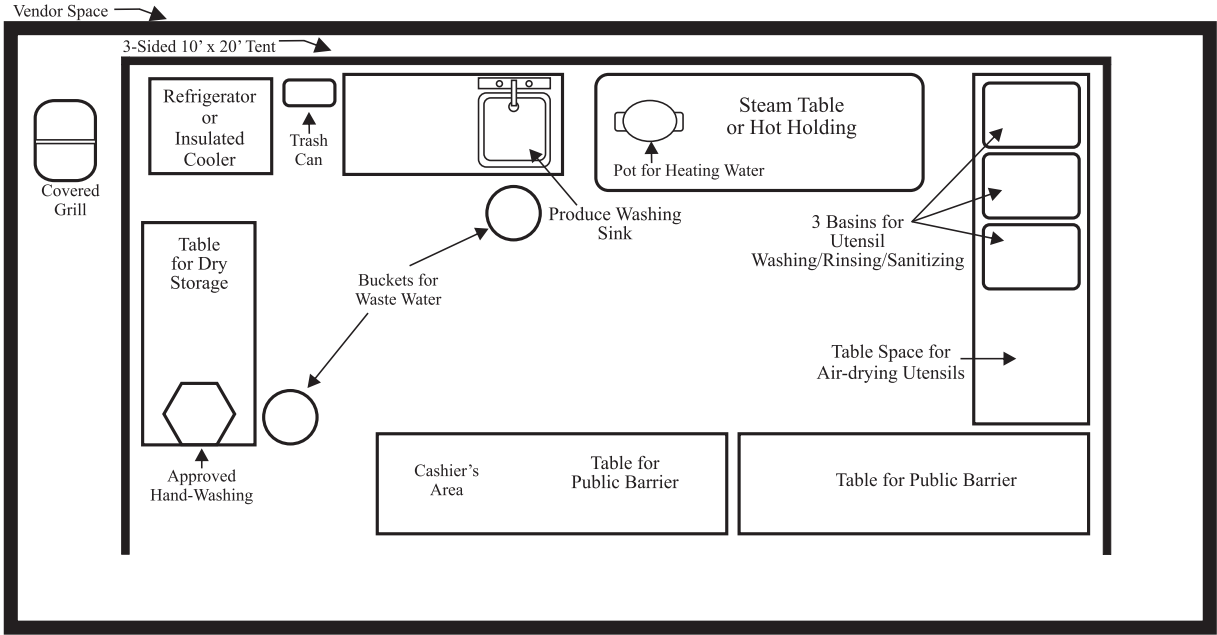
20) Will fresh vegetables or fruit be prepared in your food booth? Yes No

****If yes, a separate produce sink is required.**

- 21) Please provide a **complete** list of all food and beverage menu items in the attached chart. Be sure to include items such as ice, lettuce, tomatoes, onions, etc.

- 22) The following is an example of a typical food booth. All food booths must have approved hand washing and utensil washing set-up. All equipment, food, utensils, etc. must be located within the food booth. Exceptions are covered grills and bulk food cookers with attached lids. Exceptions are covered grills and bulk food cookers with attached lids.

Example Booth Layout:



Please Draw Your Booth Layout In The Box Below:

A large grid for drawing a booth layout. The grid is 20 units wide and 25 units high, providing a space for the student to draw their own booth layout.

I certify that the information in this application is complete and accurate. I understand that:

- *Any changes to the operation must be submitted to the Foothills Health District for review and approval prior to the day of the event.*
- *All potentially hazardous foods (PHF or TCS food) must be maintained at approved temperatures (45 F or below for cold food and 135 F or above for hot food) during transport, holding and / or service.*
- *Failure to maintain approved temperatures for PHF may result in disposal or embargo of the food.*
- *Submission of the application and payment of the fee does not guarantee a permit will be issued.*

→ Applicant signature: _____ Date: _____

**The NC Food Code Manual can be found on line:
<http://ehs.ncpublichealth.com/rules.htm>**

****PLEASE RETURN APPLICATION TO THE COUNTY WHERE THE EVENT IS TO BE HELD****

RUTHERFORD COUNTY HEALTH DEPARTMENT
Environmental Health
221 Callahan-Koon Rd.
Spindale, NC 28160
(828) 287-6317
rutherfordenv@foothillshd.org

McDOWELL COUNTY HEALTH DEPARTMENT
Environmental Health
408 Spaulding Rd.
Marion, NC 28752
(828) 652-2921
mcdowellenv@foothillshd.org

THIS INFORMATION IS FOR YOU TO KEEP

The NC Food Code Manual can be found on line:

<http://ehs.ncpublichealth.com/rules.htm>

DO NOT RETURN

FOOTHILLS HEALTH DISTRICT

REQUIREMENTS FOR TEMPORARY FOOD ESTABLISHMENTS

This information is intended to help you with the set up of your TFE.

Please do not return.

All food service equipment shall be positioned under an approved canopy or tent and above the ground at all times. Properly positioned fans, large enough to produce a strong, steady flow of air, will be required unless the tent is closed on 3 sides by approved screening. Covered grills and cookers with attached lids can be outside the canopy.

Indoor / outdoor carpeting, tarps, matting or similar non-absorbent material is required in the absence of asphalt, concrete, grass, or other surfaces that control dust and mud.

Hoses conveying potable water must be NSF or of food-grade quality and labeled. Connections to approved water supplies must be above ground, with proper back flow prevention devices in place.

Waste water containers, buckets and hoses shall be labeled and not used for any other purpose.

Waste water connections shall lead to an approved location, not a ditch, culvert, storm drain, etc.

A method of heating water is required. Examples include an electric coffee pot containing clean hot water or a pot of water on cooking equipment.

An employee hand wash station is required. This shall consist of at least a 2 gallon container with an unassisted free flowing faucet, such as turn spout (no push-button types), soap, disposable towels and a labeled waste water container (such as a 5 gallon bucket).

Utensil washing facilities shall consist of 3 basins of sufficient size to wash-rinse-sanitize all utensils. A 3 compartment sink is required for multi use eating and drinking utensils.

If fresh produce will be washed on site, a separate produce sink will be required- including a labeled waste water container.

Food shields or other effective barriers shall be installed to effectively protect food, disposables and food contact surfaces from the public.

Lighting must be provided within booths operating during nighttime hours. Light fixture must include shatterproof bulbs or shields.

Condiments, disposable utensils and ice shall be dispensed in a manner that protects it from the public.

Calibrated stem thermometers shall be used to monitor food temperatures.

A properly mixed sanitizer solution shall be available and used on all food contact surfaces. Test kits to accurately measure sanitizer solutions shall be available and used.

Raw meat, poultry and fish shall be purchased in ready-to-cook portions.

Ready-to-eat food shall not be in direct contact with ice. All insulated coolers must have drainage ports.

Hair restraints are required. Gloves are required for ready-to-eat.

An Employee Health Policy is required.

Advance preparation of foods must be in a kitchen which holds a valid N.C. food service permit or a TFE commissary permit (TFE commissary requires a separate application). Advance preparation may take place up to 7 days before the scheduled event date.

Please keep a copy of your Employee Health Policy on site during the event.

EMPLOYEE HEALTH POLICY

APPLICATION

All associates and applicants to whom a Conditional Offer of Employment has been extended.

OBJECTIVE

To minimize the spread of communicable diseases and its impact on food and human safety.

POLICY

- I. The diseases caused by the following organisms are considered “reportable diseases”, and must be reported to the local Health Department by an infected individual’s health care provider:
 - Shiga toxin-producing E. coli (such as E. coli 0157:H7)
 - Hepatitis A
 - Salmonella
 - Shigella
 - Norovirus
- II. If an individual has one of the above-listed reportable diseases that has been diagnosed by a health care provider, or has been diagnosed with Salmonella within the last 90 days, they are required to report this information to their store/facility manager.
- III. If an individual has been exposed to a reportable disease within the following timeframes, they are required to report this information to their manager:
 - Shiga toxin-producing E. coli - 3 days
 - Hepatitis A – 30 days
 - Salmonella – 14 days
 - Shigella – 3 days
 - Norovirus – 2 days.
- IV. Exposure may occur through any of the following methods:
 - A. Consuming a food implicated as the cause of a reportable disease
 - B. Consuming a food prepared by a person diagnosed with a reportable disease, or a suspected carrier of a reportable disease
 - C. Attending or working in a setting where there is a confirmed reportable disease outbreak
 - D. Living in the same household with a person who has been diagnosed with a reportable disease
 - E. Living in the same household with a person who works or attends a setting where there is a confirmed reportable disease outbreak
- V. When an individual notifies their manager that they have been diagnosed with or exposed to someone with a reportable disease, management will contact the Regulatory Authority
 - A. Type of disease in question
 - B. Confirmation of disease in writing from physician
 - C. Individual's position and specific duties
 - D. Date individual last worked
 - E. Food products handled by individual

- VI. When an individual notifies their manager that they have been diagnosed with or exposed to someone with a reportable disease, management will make arrangements for the individual to be removed from work immediately. Written confirmation of negative [absence of illness, bacteria, disease, etc.] test results from the individual's health care provider will be required before they may start or return to work.
- VII. If an individual is experiencing any of the following symptoms, they are required to report this information to their manager:
- A. Vomiting
 - B. Diarrhea
 - C. Jaundice
 - D. Sore throat with fever
 - E. Infected cut, wound, or lesion
- VIII. When an individual notifies their manager that they have any of the symptoms of illness listed in Section VII, management will restrict the individual from working with exposed food, clean equipment, utensils, or unwrapped single-service items. The individual may return to normal duties when symptoms of vomiting or diarrhea have been absent for at least 24 hours; or when the individual provides written confirmation from their health care provider that the symptoms are noninfectious. No documentation from a health care provider is needed for an infected cut/wound/lesion; however the cut/wound/lesion must be properly covered.
- IX. All information will be kept confidential to protect the privacy of the individual. All health information should be kept in the individual's medical file.
- X. Applicants for employment must indicate on their POST-OFFER MEDICAL QUESTIONNAIRE if they currently have one of the above-listed reportable diseases that has been diagnosed by a health care provider; or has been diagnosed with Salmonella within the last 90 days; or has been exposed to one of the following reportable diseases within these timeframes:
- Shiga toxin-producing E. coli - 3 days
 - Hepatitis A – 30 days
 - Salmonella – 14 days
 - Shigella – 3 days
 - Norovirus – 2 days.

Management should obtain the same information and follow the same procedures as listed above. Under no circumstances should an individual work until cleared both by their treating health care provider.

NC Department of Health and Human Services 15A NCAC 18A .2600

15A NCAC 18A .2666 TEMPORARY FOOD ESTABLISHMENT FOOD HANDLING REQUIREMENTS

(a) All sources of food in temporary food establishments shall comply with Chapter 3 of the Food Code as amended by Rule .2653.

(b) Raw meat, poultry, and fish in temporary food establishments shall be purchased in ready-to-cook portions, except that cutting and skewering shall be allowed where evaluation by the regulatory authority determines sufficient preparation areas and food equipment are provided.

(c) Salads containing ingredients that are cooked and cooled shall not be prepared in the temporary food establishment or temporary food establishment commissary, but may be served.

(d) Shellstock and shucked shellfish in temporary food establishments shall comply with Chapter 3 of the Food Code as amended by Rule .2653 of this Section.

(e) All food in temporary food establishments shall be protected in accordance with Chapter 3 of the Food Code as amended by Rule .2653 of this Section and the following also apply:

(1) The regulatory authority may approve food preparation and storage for a temporary food establishment at a permitted temporary food establishment commissary or other permitted food establishment;

(2) Temporary food establishment or temporary food establishment commissary operations shall not be conducted in any room or area used for purposes not related to the temporary food establishment or other permitted food establishment;

(3) Food shall be secured in a manner to prevent tampering and contamination at all times;

(4) Ready-to-eat food shall not be stored in direct contact with ice; non-mechanical coolers must be provided with a drainage port;

(5) All food shall be stored above the ground or floor and arranged to prevent contamination of foods;

(6) Potentially hazardous food (time/temperature control for safety food) that has been heated at the temporary food establishment or temporary food establishment commissary shall not be sold or held for use on subsequent days. Approval shall be granted to allow cooling and reheating of potentially hazardous food (time/temperature control for safety food) if the food can be handled in accordance with the rules of this Section; and

(7) The regulatory authority shall further limit the food to be prepared or served, based on methods of preparation and the adequacy of facilities, equipment, utensils, and available utilities.

(f) Food prepared at a previous event or potentially hazardous food (time/temperature control for safety food) removed from original packaging shall not be served at a subsequent event in a temporary food establishment.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);

Eff. September 1, 2012.

15A NCAC 18A .2667 TEMPORARY FOOD ESTABLISHMENT EMPLOYEE REQUIREMENTS

(a) Food employees in temporary food establishments shall wear effective hair restraints, clean outer clothing, and maintain good hygienic practices as specified in Part 2-4 of the Food Code as amended by Rule .2652 of this Section.

(b) Employees in temporary food establishments shall wash their hands in a handwashing facility before starting work, after each visit to the toilet, and as often as necessary to remove soil and contamination.

(c) Employees in temporary food establishments shall not use tobacco in any form or consume food in food preparation, storage or serving areas, utensil washing, or utensil storage areas.

(d) Employees in temporary food establishments may consume beverages in the food establishment only if covered and consumed in a manner to prevent contamination of food and food-contact surfaces.

(e) Employees in temporary food establishments shall comply with the requirements in Subpart 2-201 of the Food Code as amended by Rule .2652 of this Section.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);

Eff. September 1, 2012.

15A NCAC 18A .2668 TEMPORARY FOOD ESTABLISHMENT EQUIPMENT AND UTENSIL REQUIREMENTS

(a) Equipment and utensils in temporary food establishments shall be kept clean and maintained in good repair. Those surfaces that come into contact with food, drink, or utensils shall comply with Parts 4-1 and 4-2 of the Food Code as amended by Rule .2654 of this Section.

(b) Equipment and utensils in temporary food establishments shall be cleaned, sanitized, stored, and handled in accordance with Parts 4-6 and 4-7 of the Food Code as amended by Rule .2654 of this Section.

(c) When multi-use utensils other than eating and drinking utensils are used in temporary food establishments, three

basins of sufficient size to submerge, wash, rinse, and sanitize utensils shall be provided. Other equivalent products and procedures may be used in accordance with Part 4-7 of the Food Code as amended by Rule .2654 of this Section. At least one drainboard, table, or counter space shall be provided for air-drying.

(d) When multi-use eating and drinking utensils are used in temporary food establishments, a three-compartment sink of sufficient size to submerge, wash, rinse, and sanitize utensils must be provided. Drainboards shall be provided as specified in Section 4-301.13 of the Food Code as amended by Rule .2654 of this Section.

(e) Wash, rinse, and sanitizing solutions shall be maintained in temporary food establishments as specified in Sections 4-501.18 and 4-501.19 of the Food Code as amended by Rule .2654 of this Section.

(f) A food preparation sink must be provided for washing produce in temporary food establishments.

(g) Food shields or other effective barriers in temporary food establishments shall be installed in a manner to protect food and food contact surfaces from contamination.

15A NCAC 18A .2669 TEMPORARY FOOD ESTABLISHMENT PHYSICAL REQUIREMENTS

(a) A temporary food establishment shall be located in an area kept in a clean and sanitary condition. The arrangement of temporary food establishments shall restrict public access to all areas of the food establishment except dining areas.

(b) For outdoor cooking, overhead protection shall be provided such that all food, utensils, and equipment are protected. When bulk foods such as roasts, shoulders, and briskets are cooked, cooking equipment with attached lids, such as smokers, roasters, and other cooking devices, provide sufficient cover for the food being cooked. Food in individual servings such as hot dogs, hamburgers, and meat kabobs shall have additional overhead cover.

(c) Effective measures such as fans, screens, walls, or a combination thereof, shall be provided to keep dust, insects, rodents, animals, and other sources of potential contamination out of the food establishment and shall comply with Paragraph 6-501.115(B) of the Food Code as amended by Rule .2656 of this Section regarding live animals.

(d) Indoor/outdoor carpeting, matting, tarps, or similar nonabsorbent material is required as ground covering in the absence of asphalt, concrete, grass, or other surfaces that control dust or mud.

(e) The temporary food establishment and temporary food establishment commissary shall be equipped with a handwashing facility used only for employee handwashing. This facility shall consist of at least a two gallon container with an unassisted free flowing faucet such as a stopcock or turn spout, soap, single-use towels, and a wastewater receptacle. Warm water shall be used for handwashing.

(f) Water under pressure shall be provided as follows:

(1) The water supply used shall be in accordance with 15A NCAC 18A .1700, 15A NCAC 18C, or 02 NCAC 09C .0703;

(2) All potable water holding tanks, containers, and hoses used to transport or store water at the temporary food establishment shall be drained, washed, rinsed, and sanitized;

(3) Containers and hoses used to store, haul, or convey potable water shall be approved for potable water use, shall not be used for any other purpose, and shall be protected from contamination.

Potable water hoses and containers shall be labeled; and

(4) Warm water shall be available and used for cleaning.

(g) Wastewater shall be disposed in accordance with 15A NCAC 18A .1900 or 15A NCAC 02H .0200. Portable wastewater containers may be used when the volume of potable water can be determined by the dimensions of sinks, basins, and interim storage containers and the portable wastewater containers are sized to contain the wastewater volume generated. Wastewater containers and hoses shall be labeled and not used for any other purpose. Wastewater containers shall not be emptied into waterways, storm drains, or on the ground.

(h) Employees must have access to toilet facilities that are kept clean and in good repair.

(i) Garbage and refuse shall be collected and stored in garbage containers with properly fitted lids. Nothing in this Rule shall prohibit uncovered garbage containers in the food establishment during periods of operation. Garbage and refuse shall be removed as needed and disposed in a manner to prevent vermin breeding and harborage. The premises shall be kept clean.

(j) Lighting shall comply with Section 6-202.11 of the Food Code as amended by Rule .2656 of this Section.

Lighting is required for nighttime operations.

(k) Temporary food establishments and temporary food establishment commissaries shall remain connected to necessary utilities at all times food is prepared, served, or stored in the food establishment.

(l) Toxic materials shall be labeled, used, and stored to prevent the contamination of food, equipment, utensils, linens, and single-service articles and meet the provisions of Sections 7-101.11 and 7-203.11 of the Food Code as amended by Rule .2657 of this Section.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); Eff. September 1, 2012.