



BOH Forms: #51 Mobile Food Establishment

Board of Health and Local Health Department Standard Operating Procedures (SOP)

This **Checklist** highlights many of the requirements for regulated Mobile Food Establishments as defined in 105 CMR 590. The checklist is designed to be used in tandem with the **MA Food Code**. **Remember: BOH always has the final say on requirements.**

Board of Health Regulated Food Establishments

- Everyone serving food to the public, whether for free or for a fee, are required to serve safe food and notify the public by posting their BOH Permit or a Consumer Disclaimer stating that they are “Not Regulated by the Board of Health.” If they don’t need a Food Establishment permit.
- **Every regulated Food Establishment is required to prepare all foods in a regulated/permitted kitchen**, depending on the type of food and type of permit. Permitted kitchens include:
 - Mobile Kitchen, Catering Base Kitchen, Restaurant Kitchen, Shared Kitchen, Cottage/Home Kitchen, Temporary Kitchen, etc
- The Board of Health is responsible for permitting and inspection all regulated Food Establishments and ensuring safe food.

Definitions

- **Mobile Food Establishment (MFE):** a food service operation permitted under the Retail Food Code that is operated from a movable motor driven or propelled vehicle, portable structure, or watercraft that can change location.
 - MFE requires a covering or all equipment must have integrated covers such as gas grills.
- **Service Area:** an operating base location to which the MFE returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food (105 CMR 590.001(C)).
- **Food Establishment:** Any vendor/vehicle that stores, packages, prepares, sells, or distributes food to the consumer/public. It does not include places that only sell commercially packaged, non-TCS foods, home kitchens preparing non-TCS foods for a charitable event, cooking classes, private homes, an owner-occupied daycare, a small B & B or farm stands that sell unprocessed produce, maple syrup, eggs kept at 45F, and other unregulated foods.
- **Retail Food:** Any food product intended for human consumption and sold directly to the consumer. **Note: Animal Products require a USDA certification to ensure the meat/animal products are from an approved/inspected source.**
- **Wholesale Food:** Any food product intended for human consumption sold to a vendor who sells to the consumer.
 - **Note: Wholesale Food operations require a permit from the Massachusetts Department of Public Health (DPH).**
- **Caterer:** any person who prepares food intended for individual portion service, transports and serves it at another location, or who 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.
- **Base of Operations:** a Food Establishment / Kitchen that is the homebase for a Caterer
- **Temporary Food Establishment:** a FOOD ESTABLISHMENT that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration, **or has improvised equipment or inexperienced staff**
- **TCS Foods:** Time-Temperature Control for Safety Foods include any cut or processed fruits or vegetables, food products that are not commercially packaged and shelf stable or foods that require refrigeration or special handling.
- **Board of Health Food Permit:** Boards of Health (BOH) primarily regulate Retail Foods sold directly to consumers.

Activities that DON’T require a BOH Permit to Operate

- Transporting or selling only whole, uncut fresh fruits and vegetables, or unprocessed honey, pure maple products, or farm fresh eggs which are stored and maintained at 45°F (7.2°C) or less;
- Transporting food as a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers or jobbers; and
- Selling commercially processed pre-packaged non-TCS foods such as candy bars, potato chips, bottled water, and/or bottled or canned soda products that don’t require refrigeration.
- **Note: Mobile Food Establishments may be subject to regulation by other agencies such as Peddlers, fire/building/zoning/police**

Food Vendors that Require a Board of Health Mobile Food Establishment Permit to Operate

- Any for-profit mobile food vendor that makes or sells **processed** farm products, TCS foods, or foods that require refrigeration (except for whole eggs kept at 45F) unless exempt as noted above.
 - Providing free tastes of any cut or prepared foods requires a Retail Food Permit: Kitchen, Mobile, Caterer, or Temporary Food unless exempted by the BOH.
 - Any non-profit selling Time-Temperature Control for Safety (TCS) foods – foods that require refrigeration, except for whole egg unless granted a temporary permit that does not exceed 14 continuous days at a single event.
 - Food processed or prepared anywhere but onsite at the point of sale or distribution, must be prepared in a licensed kitchen.
 - Mobile Food Vehicles require a BOH permit in each town if transporting and selling processed or regulated foods.
- Note: non-profits that distribute food for free or for a minor handling charge may need a permit, but won’t be charged a permit fee. They are still responsible for providing safe food to the public.**

Obtaining the Required Permits

- All Mobile food Establishments that **sell** regulated (mostly processed/refrigerated foods) food to the public, must contact the local Board of Health in **each** town/city where they intend to sell or distribute.
- The plans and specifications for a Mobile Food Establishment unit must be submitted to the local board of Health for approval and include all the information necessary, including the intended menu, proposed layout, equipment types and information, and anticipated volume of food to be stored and prepared (105 CMR 590.008; FC 8-201.11).
- The regulatory authority may require additional information or plans, restrict the menu based upon the limitations of the Mobile Food Establishment equipment, or require a dedicated or permitted “Servicing Area”.
 - Requiring a Servicing Area is strongly recommended for all MFE that prepare TCS foods of any kind.
 - The BOH has the authority to require any MFE to have a Servicing Area
- If required, the Servicing Area should be permitted/inspected, along with the mobile operation, prior to issuing a permit (105 CMR 590.010). If the Servicing Area is not located in the town where the MFE permit is requested, the LBOH may request a copy of the Servicing Area’s permit and/or a letter from the LBOH in the Servicing Area’s municipality certifying that it is still in operation and has been inspected.

Changes in Mobile Food Establishment Operations

- **Mobile Food Establishment: Must notify their Board of Health of substantial changes to their permit or list of vendors.**

Handwashing and Restroom Requirements

- Portable or permanent restrooms and handwashing facilities must be available for use during food preparation and on the route.
- Handwashing sinks must be easily accessible (within 25 feet) to vendors handling exposed, processed foods. If handwashing sinks are not easily accessible, and food preparation and exposure are limited, the local authority may approve the use of chemically treated towelettes for handwashing in very limited circumstances.
- Dedicated Handwash sinks are required and must be labeled.
- Staff should wash hands as soon as they arrive, between tasks, before and after eating and before leaving.
- *When in doubt, wash your hands. Gloves are no substitute for handwashing except when all food is commercially prepacked.*

Water Supply Options if no Approved Water Supply is available

- A supply of containers of commercially bottled drinking water.
- Closed portable water containers.
- An enclosed vehicular water tank approved for potable water.
- An on-premises water storage tank approved for potable water.
- Piping, tubing, or hoses approved for potable water (not garden hoses) connected to an adjacent approved source (5-104.12).

Additional permits that may be required

- **Hawker and Peddler License:** Any person... who goes from town to town or from place to place in the same town selling goods to people passing by (M.G.L. c. 101 sec.13)
- **Ice Cream Truck Vendor:** Selling, displaying or offering to sell ice cream or any other pre-packaged food product from an ice cream truck (105 CMR 520) likely also need a permit from the police or other municipal authority that does background checks.
- **Retail Seafood Truck Permit:** Allows the sale of fish and live lobsters and crabs from a mobile unit following inspection by the local board of health. Does not allow for the sale of shellfish, or the processing, cooking, or shucking of any fish product. (M.G.L., c.130, s 80).
- **Solicitor Permit:** Door-to Door food sales, if required by the municipality

Illness Policy

Note: Mobile Food Establishments are required to have an employee illness policy and train their staff on this policy.

- Employees should report any illnesses to their supervisor.
- Anyone with a foodborne illness must not prep or serve food. Depending on the illness they may have to stay home.
- Post handwash signage in the restrooms and at handwashing stations to remind all of the proper steps for washing hands..
- Keep hot foods hot and cold foods cold. Protect all foods from contamination. And only use approved, tested food and water.

Permitting Recommendations for Off-Site or Outdoor Food Prep or Service

Offsite/Outdoor Permitting Recommendations	Type 1 Food: Commercially packaged TCS & non- TCS foods	Type 2 Food: Unpackaged, TCS, limited meats & food preparation	Type 3 Food: Complex, full menu	Temporary FE or Limited Equipment or Temp Staff
Mobile Food w. Servicing Area & Full Equipment	Yes 1 – 365 Days	Yes 1 – 365 Days	Yes 1 – 365 Days	Permit 1 – 14 Days

Mobile Food w/o Servicing Area & Limited Equip.	Yes 1 – 365 Days	Maybe depending on menu and equipment	Don't Permit	Permit 1 – 14 Days
Temp Food w. limited equip	Yes 1 – 14 Days	Maybe depending on menu and equipment	Don't Permit	Permit 1 – 14 Days
Temp Food w. full equipment	Yes 1 – 14 Days	Probably depending on menu & equipment	Don't Permit	Permit 1 – 14 Days
Caterer w. Base Kit. & Full Equipment	Yes – 1 - 365	Yes - Annual	Yes - Annual	Permit 1 – 14 Days
Caterer w. Base Kit. & Limited Equip.	Yes – 1 - 365	Probably depending on menu & equipment	Maybe depending on menu & equip.	Permit 1 – 14 Days

Mass Food Establishment Requirements Checklist: BOH may pass more stringent requirements at any time.

	All Commercial Mobile Food, Catering, Restaurants	Institutions Camps, Schools Hospitals/LTC	Non-Profit Venue Free Food Distribution	Non-Profit Multiple Events Non-TCS Foods	Non-Profit Fundraisers TCS Foods	Non-Profit Temporary Food Event	Residential Kitchen for Free Non-Profit Distr
Permits	Yes	Yes	Yes	No*	Yes	Yes	No
Fees	Yes	Yes	No	No	Yes	Yes	No
Inspections	Yes	Yes	Yes	May	Yes	Yes	No
Choke Saver TR	Yes, 25+ seats	Yes, 25+ seats	Yes, 25+ seats	Yes, 25+ seats	Yes, 25+	Yes, 25+	N/A
Allergen Awareness Training/Signs	Yes**	Yes**, or have written plan	Yes**	Yes**	Yes**	No* 590. 11.(c)	Yes**
Consumer Advisory Signs	Yes	Yes	Yes	N/A	Yes	Yes	N/A
Food Manager Training***	Yes	Yes	Yes	No*	Yes	No*	No*
Consumer Postings, Disclosures	Display Permit & Disclosures	Display Permit & Disclosures	Post Sign: <i>Food prepared in kitchens not regulated or inspected by the Board of Health</i>	Display Permit & Disclosures	Display Permit & Disclosures	N/A	

*Food Managers Training, Allergen Awareness, Consumer Advisories are good practices and can be required by local BOH regulations. BOH can require additional Food Employee training at any time as deemed necessary for compliance.
 **Allergen Awareness Notice: *Before placing your order, please inform your server if a person in your party has a food allergy.*
 *****Every Food Establishment, including non-profits, must have a Knowledgeable Person in Charge (PIC) at all times.**
 Consumer Advisory: Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness; [Food Establishments at Events and Farmers Markets Questions and Answers \(07/25/19\)](http://www.mass.gov/http://www.foodprotect.org/media/guide/Temporary%20Food%20Establishment%20Guidance%20Final%202011.pdf)
<http://www.mass.gov/http://www.foodprotect.org/media/guide/Temporary%20Food%20Establishment%20Guidance%20Final%202011.pdf>

Mobile/Temporary Food Inspection Checklist

Event:

Date:

Inspector:

Establishment Name:

PIC:

Contact Info:

IN	OUT	COS	NA	<i>NOTE: Each Food Establishment requires a permit unless exempted by the BOH</i>
				Knowledgeable Person in Charge is always onsite when open.
				Staff with current Food Protection Manager certificate onsite & certificate available on site
				ChokeSaver trained person should be at large events. Can be EMS, Nurse, First Aid/CPR
				Allergen Awareness trained employee on site; certificate available on site
				Allergen Awareness poster displayed in food prep and service areas. https://www.mass.gov/lists/food-allergenawareness-training-and-posters
				"Please inform your server if you or someone in your party has an Allergy" posted on menus.
				"Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness " posted on menu board. All animal-derived foods shall be identified by asterisking them to the above noted footnote that states that the items served raw or undercooked or containing contain raw or undercooked ingredients increases risk.
				Overhead protection is provided from sun, rain and dust. Tents may need a building permit.
				Overhead protection is fire resistant if cooking under cover. Tents must have fire tags.
				TCS foods maintained below 41 degrees F or above 135 degrees F
				Thermometers in all refrigerators/freezers
				Probe thermometer available to measure internal cooking temperature of TCS foods
				Hand washing facilities available in food prep area with pump soap, paper towels, waste catch basin and trash can. Wastewater must be properly disposed of.
				Sanitizer available and tested for sanitizing food contact surfaces and utensils. Cloths stored in sanitizer solution away from food and not on the floor.
				Test kit available to test proper PPM of sanitizer solution
				Proper wash, rinse, sanitize facilities available
				All sanitizer buckets/bottles clearly labeled
				Utensils stored away are clean and protected from dust/debris
				Food handlers wearing hair constraints i.e. hair nets, beard nets, hats, etc.
				Gloves provided. Must use at a Temporary Food Event unless granted a waiver by the BOH
				All pre-packaged foods are properly labeled. Food stored off the ground/floor. ://www.mass.gov/files/documents/2016/07/Food-label-brochure .
				"This establishment's most recent inspection report is available upon request" sign posted.
				Food sources approved. All food prepared on-site or in a permitted and inspected kitchen.
				Fire Department approval for fire extinguishers and all open flames (propane, fires, and anything producing grease-laden vapors, etc.) Please call Fire Prevention and check if prior approval is required from the Fire Department. Permit WILL NOT be issued without FD approval