



# 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.**

### 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.”
- **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.
  - If all food sold/distributed is commercially packaged, non-refrigerated, there is no food prep and no permit required.
- 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.
- **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.
- **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 fire/building/zoning/police dept.**

### 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 eggs 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 (most 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 regulated food products.
- 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".
- The LBOH may require that a MFE operate in conjunction with a Servicing Area. If required, the Servicing Area should be 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.
- Wash your hands as soon as you arrive, between tasks, before and after eating and before you leave.
- *When in doubt, wash your hands.*

**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.

**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*	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
<p>*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.</p> <p>**Allergen Awareness Notice: <i>Before placing your order, please inform your server if a person in your party has a food allergy.</i></p> <p>***<b>Every Food Establishment, including non-profits, must have a Knowledgeable Person in Charge (PIC) at all times.</b></p> <p>Consumer Advisory: Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness; <a href="http://www.mass.gov/http://www.foodprotect.org/media/guide/Temporary%20Food%20Establishment%20Guidance%20Final%202011.pdf">Food Establishments at Events and Farmers Markets Questions and Answers (07/25/19)</a></p>							