



## Temporary Food Establishment & Mobile Food Establishment Permitting

### Official Policy of the Cooperative Public Health Service

in Accordance with the FDA Food Code Merged with 105 CMR 590

Last updated: Approved at CPHS Oversight Board meeting February 22, 2024

#### Definitions

Temporary Food	A food establishment that operates for a period <b>of no more than 14 consecutive days</b> in conjunction with a <b>single event or celebration</b>
Mobile Food	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 is able to change location
Pushcarts	A non-self propelled vehicle limited to serving non-TCS foods, packaged time/temperature control for safety foods maintained at proper temperatures, or limited to the preparation and serving of frankfurters
TCS Food	A food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation
Non-TCS Food	A food that does not require time/temperature control for safety such as hotdogs, jams/jellies, baked goods, etc.
Food	A raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum

# Temporary Food

## Important Notes/Details

- Temporary food applications can be accessed here: <https://frcog.org/cooperative-public-health-service-online-permitting-scheduling/>
- Temporary food applications must be submitted *at least* 10 business days prior to the event. Applications received within **10 business days** may be denied. Fees are doubled for applications that are approved within the 10-day deadline
- Temporary food permits are required for anyone who is either selling or giving away food products. Permits are required for profit and non-profit entities
- Temporary food permits may not be issued on a seasonal basis per the FDA Food Code Merged with 105 CMR 590
- A separate temporary food permit is required for **each** single event or celebration, lasting no longer than 14 consecutive days
- CPHS has a local regulation that still requires pre-packaged, non-TCS foods to be permitted.
- If you are cooking foods that produce grease laden vapors, cooking with propane, or using a portable generator, you must contact the local fire prevention officer in the community where the event is taking place *at least* 10 business days in advance to ensure all fire code requirements are being met. CPHS is unable to issue a permit to an applicant that has not yet been approved by the local fire department
- [CBD-infused foods are not allowed](#) per the MA Department of Public Health

## Base of Operation

- A base of operation is not required if all food preparation is done on site of the temporary food event. If any food is prepared prior to the event, a copy of the applicants Food Establishment Permit from the city/town where the food is prepared must be submitted. This permit must be in the name of the applicant, not the name of the permitted base of operation (if used)

## Certifications required to be submitted with application:

- Food Protection Manager (Food Handler will not be accepted)
- [MA Allergen Awareness](#) (only the MA certificate will be accepted)

## Documentation required to be submitted with application:

- Proposed menu for the event

- Copies of all labels for pre-packaged foods, if applicable (labels must comply with [MA minimum labeling requirements](#))
- Reference
- If not all food is prepared at the temporary food site, a copy of the Food Establishment Permit from the town/city where the food is prepared. This permit must be in the name of the applicant, not the name of the permitted base of operation.
- A copy of the Food Establishment Permit for the base of operation from the city/town where the base is located.

### **Inspections:**

- Inspections will occur the day of the event, typically prior to the start of the event (food preparation may begin prior to inspection; however, food may not be sold or given away until an inspection has occurred)
- The inspector will reach out prior to the event with what time they expect you to be fully operational and ready for inspection
- Late arrival/set up may result in denial of permit

### **Signage required on-site and posted:**

- Food Protection Manager certificate posted in a conspicuous area for customer view
- MA Allergen Awareness certificate posted in a conspicuous area for customer view
- *“Please inform your server if a person in your party has a food allergy”* posted on printed menus and all menu boards
- *“Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness”* posted on printed menus and all menu boards
  - All animal-derived foods shall be identified by asterisking them to the above noted footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients
- *“A copy of the most recent inspection report is available upon request”* posted in a conspicuous area for customer view
- [Allergen poster](#) posted in food preparation areas for employee view
- Copy of the temporary food permit once issued by the regulatory authority

### **Temporary Food Exemptions**

- A permit is not required for un-cut fresh fruits and vegetables, unprocessed honey, pure maple products, or farm fresh eggs that are stored at 45 degrees F or less
- Non-profit organizations are exempt from the MA Allergen Awareness & Food Protection Manager training requirement.

- Bake sales for religious or charitable organizations do not require a temporary food permit if only non-TCS foods are offered and a clear sign is posted stating *“This food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority.”*

# Mobile Food

## Important Notes/Details

- Mobile food applications can be accessed here: <https://frcog.org/cooperative-public-health-service-online-permitting-scheduling/>
- Mobile food applications must be submitted *at least* 10 business days prior to first event. Applications received within 10 business days may be denied
- Mobile food permits may be issued on a seasonal basis or any time period set forth by the regulatory authority
- A separate mobile food permit is required for each community that you plan to serve food in.
- Mobile food trucks must be inspected by the local fire prevention officer in the community where the event is taking place to ensure all fire code requirements are being met. CPHS is unable to issue a permit to a mobile food truck that has not yet been approved by the local fire department
- [CBD-infused foods are not allowed](#) per the MA Department of Public Health
- Push-carts are limited to non-TCS foods only such as hotdogs, shaved ice, etc. Push-carts may be issued a seasonal or annual permit if their operation is completely contained to the cart. If the cart is used as a piece of equipment and the operation uses extra coolers, cooking equipment, additional tents/overhead protection, etc., it is considered temporary in nature and will be permitted as a temporary food event.

## Base of Operation

- A permitted base of operation is required for all mobile food trucks. The base of operation must be used to prepare food, store food, retrieve potable water/ice, discharge wastewater, etc. A mobile food permit will not be issued without proof of a base of operation
- The applicant must submit:
  - A copy of their Food Establishment Permit issued by the regulatory authority in the city/town where the base of operation is located (this should be under the applicants name, not the actual base of operation)
  - A copy of the base of operation's Food Establishment Permit issued by the regulatory authority in the city/town where the base of operation is located
  - A signed agreement between the applicant and base of operation owner stating the applicant may use the base of operation for food preparation, food storage, retrieving potable water/ice, discharging wastewater, etc. (insert sample?)
  - I think either we require the applicant to get a permit themselves OR the base of operation agreement? I think one or the other is appropriate – but should we stay

consistent with the temp. food policy which requires the applicant to be permitted in that city/town as well?

**Certifications required to be submitted with application:**

- Food Protection Manager (Food Handler will not be accepted)
- [MA Allergen Awareness](#) (only the MA certificate will be accepted)

**Documentation required to be submitted with application:**

- Proposed menu for the event
- Copies of all labels for pre-packaged foods (labels must comply with [MA minimum labeling requirements](#))
- A copy of the Food Establishment Permit from the town/city where the applicant operates out of. This permit must be in the name of the applicant, not the name of the permitted base of operation
- A copy of the base of operation agreement
- A copy of the base of operation Food Establishment Permit from the city/town where the base is located.

**Inspections:**

- Inspections may occur prior to the event to ensure the mobile food truck is in good repair, has necessary equipment (3-bay sink, handwash sink, adequate cold/hot holding, etc.), and is in compliance with local fire requirements
- Inspections will occur the day of the event, typically prior to the start of the event (food preparation may begin prior to inspection; however, food may not be sold or given away until an inspection has occurred)
- The inspector will reach out prior to the event with what time they expect you to be fully operational and ready for inspection
- Late arrival/set up may result in denial of permit

**Signage required on-site and posted:**

- Food Protection Manager certificate posted in a conspicuous area for customer view
- MA Allergen Awareness certificate posted in a conspicuous area for customer view
- *"Please inform your server if a person in your party has a food allergy"* posted on printed menus and all menu boards
- *"Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness"* posted on printed menus and all menu boards

- All animal-derived foods shall be identified by asterisking them to the above noted footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients
- *“A copy of the most recent inspection report is available upon request”* posted in a conspicuous area for customer view
- [Allergen poster](#) posted in food preparation areas for employee view
- Copy of the temporary food permit once issued by the regulatory authority

### **Mobile Food Exemptions**

- Transporting only un-cut fresh fruits and vegetables, unprocessed honey, pure maple products, or farm fresh eggs that are stored at 45 degrees F or less
- Transporting food as a delivery service such as home delivery of grocery orders, restaurant takeout orders, or delivery service that is provided by common carriers