



pennsylvania
DEPARTMENT OF AGRICULTURE
BUREAU OF FOOD SAFETY & LABORATORY SERVICES

APPLICATION PACKET RETAIL FOOD FACILITIES

MOBILE FOOD FACILITIES

Mobile Food Facility (MFF) Permanent Retail License

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RETAIL FOOD FACILITY LICENSE APPLICATION AND PLAN REVIEW
MOBILE FOOD FACILITIES

Enclosed is the application for obtaining a Retail Food Facility License from the Pennsylvania Department of Agriculture. Please note according to Retail Food Facility Safety Act (3 Pa. C.S.A. §§5701 - 5714), "...it shall be unlawful for any proprietor to conduct or operate a retail food facility without first obtaining a license for each retail food facility...."

All material must be submitted at least **60 days prior** to the **preparation/sale of food from a retail food facility**. Failure to provide all required information could delay your plan review.

Please check and sign you have included all required supporting documentation along with submission of the completed application.

Section 2:

- Food Employee Certification

Section 3*:

- Proof of municipal water supply (ex. A copy of a water bill)
OR
- DEP Approval Letter for a non-community public water system
OR
- Non-public water supply results **AND** affidavit / DEP documentation

Section 4*:

- Sales tax license or proof of application

Section 5*:

- Menu
- Mobile floorplan / layout**
- Commissary floorplan / layout* (if applicable)
- Location of all food service equipment
- List of equipment including manufacture's names and model numbers

Section 6:

- Food Establishment Application for commissary (if applicable)

*Signature within this section of the application is also required.

Plans may be hand drawn, but must be to approximate scale, neat and legible. Plans will **NOT be returned.

I have attached all required documentation for each section outlined above that are applicable to this plan review application. I have signed all applicable individual sections within the application. **Failure to provide documentation or sign all sections will result in a delay of processing and/or the application may be denied.**

Applicant Signature: _____

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The Department of Agriculture will review the plans and notify you of its approval/disapproval. Please allow **4 – 6 weeks** for processing. Once you receive your approval, notify your Food Inspector or regional office at least ten (10) days prior to operation to arrange a licensing inspection. Inquiries regarding your application status should be directed to 717-787-4315 or RA-AGPlanReview@pa.gov.

All material **must be fully completed** and returned with any necessary accompanying documentation to:

RA-AGPLANREVIEW@pa.gov

or mail / fax to:

Pennsylvania Department of Agriculture
Bureau of Food Safety and Laboratory Services
Attn: Plan Review
2301 N. Cameron St, Room 112
Harrisburg, PA 17110

Fax: 717-787-1873

***If your county is under a County Health Department Jurisdiction, you should contact them directly for licensing. These counties include Allegheny, Bucks, Chester, Delaware, Erie, Montgomery, and Philadelphia.**

In some cases, a Local Health Department will issue your license. You will need to know where the local health departments are in Pennsylvania. There is currently no reciprocity between local health departments for licensing. You will need to contact each local health department separately if you wish to sell/service food in their jurisdiction. There is additionally no reciprocity between local health departments and PDA. Most local health departments will not accept the PDA Retail Food License. In many situations, the Department will honor a local health retail food license. **This should be discussed with your PDA Regional Office.** For a list of Local Health Departments visit www.agriculture.pa.gov/eatsafe.

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7 Pa. Code, Chapter 46, Food Code, the Rules and Regulations of the PA Department of Agriculture, are issued under the Retail Food Facility Safety Act (3 Pa. C.S.A. §§5701 - 5714) and require that properly prepared plans and specifications for construction, remodeling or alteration of a retail food facility must be submitted to and approved by the Department before food can be prepared, served and sold. PDA follows the most current version of the FDA Model Food Code as its regulations. The Retail Food Facility Safety Act also requires that "New" Proprietors, or Owners, of a Retail Food Facility apply for licensing as all licenses are non-transferable between proprietors.

SECTION 1: COMPLETE AND MOVE TO SECTION 2

FACILITY INFORMATION

NAME OF MOBILE FACILITY (Common Public Name):

ADDRESS OF MOBILE FACILITY:

Location where MFF is operation

Facility street number and name	City	State	Zip code
_____	_____	_____	_____
County	Township/Borough		
(_____) _____	(_____) _____		
Facility phone number	Facility fax number		
_____	_____		
Facility email address	Facility cell number or alternate phone number		
_____	_____		

MAILING ADDRESS (if different than above):

Street number and name	City	State	Zip code
_____	_____	_____	_____

RESPONSIBLE OFFICIAL AT THE FOOD FACILITY (if not the owner):

Name	Title
_____	_____

PROPRIETOR/OWNER TYPE: SOLE PROPRIETOR CORPORATION NON-PROFIT OR ASSOCIATION
 PARTNERSHIP LIMITED LIABILITY CO. (LLC) OR PARTNERSHIP (LLP)

LEGAL BUSINESS NAME (if different than facility name):

LEGAL OWNER MAILING ADDRESS (if different than above mailing address):

Owner street number and name	City	State	Zip code
_____	_____	_____	_____
(_____) _____	(_____) _____	Owner e-mail address	
Owner phone number	Owner fax number		
_____	_____		

FILL IN DETAILED INFORMATION FOR YOUR PROPRIETORSHIP ON PAGE 8 OF THIS APPLICATION.

RETAIL FOOD FACILITY LICENSE APPLICATION AND PLAN REVIEW
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SECTION 2: COMPLETE AND MOVE TO SECTION 3

FACILITY SERVICE INFORMATION

DAYS & TIMES OF OPERATION: Check anticipated days and time the facility will be operational:

<input type="checkbox"/> Monday	Time _____	<input type="checkbox"/> Friday	Time _____
<input type="checkbox"/> Tuesday	Time _____	<input type="checkbox"/> Saturday	Time _____
<input type="checkbox"/> Wednesday	Time _____	<input type="checkbox"/> Sunday	Time _____
<input type="checkbox"/> Thursday	Time _____		

TYPE OF MOBILE UNIT:

- Type 1 – Commercially packaged non-TCS foods
- Type 2 – Commercially packaged TCS-foods
- Type 3 – Non-complex food preparation
- Type 4 – Complex food preparation

LOCATION WHERE MFF/TFS UNIT WILL BE PARKED/STORED WHEN NOT IN USE:

Same as Owner Mailing Address
 Same as MFF
 Other: _____
Street Address City State Zip Code

LOCATION WHERE FOOD IS PREPARED AND/OR STORED AND/OR WHERE EQUIPMENT IS CLEANED AND SANITIZED (I.E. COMMISSARY):

Same as Owner Mailing Address
 Same as MFF
 Other: _____
Street Address City State Zip Code

AT THIS LOCATION: Check ALL that apply:

- Store food (freezers, refrigerators, dry storage)
- Prepare food
- Clean and sanitize equipment
- All food is stored and prepared in our fully equipped MFF unit at this address
- All equipment is cleaned and sanitized on our fully equipped MFF unit at this address

EMPLOYEE INFORMATION:

Anticipated # of employees/volunteers, including owner _____

Do you have a Certified Food Manager on Staff?

- YES, **attach** copy of National Certificate (ANSI Approved Managers Exam)
- NO, do you have a person-in-charge enrolled in Food Safety Training?
 - YES, Name, date, and location of course: _____
 - NO, explain: _____
- Exempt (non-profit) or other exempt facility

Do you have an employee health policy? YES NO

Do you have a written employee policy for cleanup of vomiting or diarrheal events in the facility? YES NO

RETAIL FOOD FACILITY LICENSE APPLICATION AND PLAN REVIEW
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SECTION 3: COMPLETE AND MOVE TO SECTION 4

WATER, SEWER, WASTE INFORMATION

SERVICING AREA PROVIDING POTABLE WATER*: Location MFF is filled with potable water

Street Address	City	State	Zip Code
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**Only an approved water source may be used to fill MFF water tanks.*

WATER SOURCE:

You must contact the Department of Environmental Protection (DEP) to determine if your facility qualifies as a public water system (PWS). If DEP determines your facility qualifies as a public water system, then the water supply must be approved by DEP. **Written documentation** must be provided including your assigned Public Water System (PWS) ID# and **approval letter** from DEP. If DEP determines your facility does **NOT** qualify as a public water system, **written documentation** from DEP must be provided and **current water tests for Total Coliform (4 initial samples in 24 hours) and 1 initial sample for Nitrate/Nitrite.**

The facility is using:

A municipal (community) water supply.
Provide name of municipal water supplier: _____ (ex: Pa American Water)
AND copy of water bill.

A non-community water supply that is not owned/operated by the facility.
Provide name of the regulated water supplier and its Public Water System ID#: _____
(ex: The Shopping Plaza, Public Water System ID#: 1111111)

A non-community public water supply regulated by Department of Environmental Protection (DEP). Provide Public Water System (PWS) ID#: _____ **AND DEP Approval Letter**

Other / Private water supply (ex: well water). **Provide Affidavit from DEP AND water supply test results.**

I have attached proof of municipal water supply OR I have contacted DEP and attached my approval letter OR I have attached my non-public water supply results and affidavit/DEP documentation. **Failure to provide written proof from DEP will result in denial of plans from this Department.**

Applicant Signature: _____

SERVICING AREA FOR WASTEWATER DISPOSAL:

Street Address	City	State	Zip Code
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SEWER: The facility is using:

A municipal/public sewage disposal system. Sewage Authority: _____

A non-public sewage disposal system (ex: Sand mounds, holding tanks).
For on-lot sewage disposal systems, please contact the local Sewage Enforcement Officer for your municipality and discuss if the current sewage disposal system is appropriate for your food facility. This would not apply if the facility is connected to an approved municipal supply, as listed above.

I have contacted my municipality regarding my sewage disposal system. To the best of my knowledge my system meets state and/or local codes, is adequate for my Retail Food Facility and functioning properly.

Applicant Signature: _____

RETAIL FOOD FACILITY LICENSE APPLICATION AND PLAN REVIEW
MOBILE FOOD FACILITIES

SECTION 4: COMPLETE AND MOVE TO SECTION 5

OTHER CODES

SALES TAX: Select one:

- A license to collect sales tax has been obtained or applied for. For information on applying for a sales tax license, contact the Pennsylvania Department of Revenue at (717) 787-8201. A copy of the sales tax license or proof of application is required with this application.
- According to the PA Department of Revenue rules and regulations, I have determined that my business is exempt from collection of sales tax.

I certify the facility is compliant with the above requirements and all applicable supporting documentation is attached.

Applicant Signature: _____

SECTION 5: COMPLETE AND MOVE TO SECTION 6

FACILITY FLOOR PLAN & PROPOSED MENU

All facilities must **SUBMIT** copies of:

- Proposed menu
- Facility floor plan/layout including location of all food service equipment
- Listing of all food service equipment including manufacture's names and model numbers where applicable (i.e. cooking, hot and cold holding equipment)
- Handwashing facilities
- Dishwashing facilities
- Work tables
- Food storage (location and size)
- Single-service, single-use article storage (location and size)
- Hot water unit (size and type)
- Power source
- Potable water holding tank (location and capacity)
- Waste water holding tank (location and size – must be 15% greater than potable water)
- Garbage disposal (type and location)
- Surface or finish coat material of floors, walls and ceilings
- Lighting type (if an enclosed MFF)
- Overhead protection or ceiling
- Windows, doors, screens, overhead tents, side wall screening as applicable

Information can be included in the form of a drawing, images, or combination. Plans may be hand drawn, but must be to approximate scale, neat and legible. Plans will **NOT** be returned. If all information is not supplied, approval will be delayed, and your application may not be approved.

For MFF units utilizing a commissary or shared food facility, the floor plans and information above must be provided for the commissary in addition to the actual MFF unit itself. If only a portion of a shared kitchen is used, you only need to provide information on the portion of that shared kitchen you are using. You will most likely need to obtain this information from the owner or operator of the shared kitchen.

I have attached the appropriate documents related to the facility with this application.

Applicant Signature: _____

RETAIL FOOD FACILITY LICENSE APPLICATION AND PLAN REVIEW
MOBILE FOOD FACILITIES

SECTION 6: COMPLETE AND MOVE TO SECTION 7

SHARED FACILITY:

You share a common facility with one or more other food businesses. This may be a restaurant, grocery store, warehouse, storage location or similar. ***Complete and attach Appendix I, Shared Facility Agreement***

Name of Shared Facility

Street Address City State Zip Code

Not Applicable

SECTION 7: ALL APPLICANTS READ AND SIGN

FACILITY OPENING:

Anticipated date of opening the facility: _____ (date)

There are NO fees associated with this Plan Review Application. DO NOT SEND MONEY WITH THIS APPLICATION.

License fees will be collected at the time of the licensing inspection pending the facility is compliant with all Food Safety laws and regulations. The fees are as follows (payable to: Commonwealth of PA):

Retail Food License

- New Licenses:
 - Under 50 seats AND Owner Operated – **\$103**
 - All others – **\$241**

Other fees

- Remodel Plan Review – no charge
- Annual Renewals – \$82
- 2nd Follow-up Inspection – \$150
- 3rd or Subsequent Follow-up Inspection – \$300
- Duplicate License – \$14
- Courtesy Inspection – \$150

This application, floor plan and all other requested materials, as listed above, should be **submitted to RA-AGPlanReview@pa.gov or the Harrisburg Office via mail/fax**, as listed on the cover letter. Please allow 4-6 weeks for processing of your application from the date of submission. You may be contacted by the Plan Review Specialist requesting further clarification or information and will provide you with final approval/disapproval (including the reasons) via email or mail of this application. Next, an on-site inspection **must occur prior to** licensing and operating.

A mobile food facility license will not be issued unless this application meets all applicable requirements found in the FDA Food Code. Additionally, the undersigned and/or legal business owner is aware that non-compliance may result in re-inspection fees, various legal actions and potentially closure of the mobile food facility at any time.

RETAIL FOOD FACILITY LICENSE APPLICATION AND PLAN REVIEW
MOBILE FOOD FACILITIES

The Applicant understands and agrees that this document is an application for licensure of a retail food facility. The applicant understands and agrees that only a "proprietor" of a retail food facility may obtain a retail food facility license; and that a "proprietor" may be a person, partnership, association or corporation operating a retail food facility within the Commonwealth of Pennsylvania. The applicant verifies by signature below, that they are the "proprietor" of the retail food facility that is the subject of this application. The applicant verifies that all statements and information in this application is true and correct to the best of the applicant's knowledge, information and belief; and makes these statements subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

INDIVIDUAL PERSON:

Signature

Legibly Print Name

_____ _____
Date Date of Birth

PARTNERSHIP:

_____ Signature – General Partner	_____ Signature – General Partner
_____ Legibly Print Name	_____ Legibly Print Name
_____ _____ Date Date of Birth	_____ _____ Date Date of Birth

CORPORATION OR ASSOCIATION / NON-PROFIT ENTITY:

Name of Corporation or Non-Profit Entity

_____ Name of current CEO/President/or similar	_____ Official Title	_____ Date of Birth of CEO/President/or similar
_____ Signature of Corporate / Association / Non-Profit Official		_____ Official Title of Signatory
_____ Legibly Print Name		_____ Date

LIMITED LIABILITY COMPANY (LLC) OR LIMITED LIABILITY PARTNERSHIP (LLP):

Name of LLC or LLP

_____ Name of Senior Official/General Partner, or Similar	_____ Official Title	_____ Date of Birth of Senior Official/General Partner, or Similar	
_____ Signature – Member	_____ Date	_____ Signature – Member	_____ Date
_____ Legibly Print Name		_____ Legibly Print Name	

RETAIL FOOD FACILITY LICENSE APPLICATION AND PLAN REVIEW
MOBILE FOOD FACILITIES
MFF UNIT SHARED FACILITY AGREEMENT
(APPENDIX I)

A shared facility is one in which one or more food businesses with different owners are using the same physical food facility but at different times of operation. Each food business owner using this kitchen must have their own license or registration.

TYPE OF MOBILE FOOD FACILITY:

TYPE 1 TYPE 2 TYPE 3 TYPE 4

NAME OF MOBILE FACILITY (Common Public Name): _____

LEGAL OWNER:

Owner Name (_____) _____
Owner phone number Owner e-mail address

TO BE COMPLETED BY SHARED FACILITY OWNER/OPERATOR

FACILITY NAME: _____

FACILITY ADDRESS:

Facility street number and name City State Zip code

FACILITY OWNER:

Owner Name (_____) _____
Owner phone number Owner e-mail address

RETAIL FOOD FACILITY LICENSE ISSUED BY: _____

Name of Jurisdiction

LICENSE #: _____ **(ATTACH COPY OF LICENSE ISSUED BY REGULATORY AGENCY)**

This facility will be providing the following services to the above-mentioned business owner/operator on a:

Daily basis Weekly basis Other, Explain: _____

The other owner listed above will be using:

- Entire Facility will be used
- Only the following will be used (Check ALL that apply):
 - Approved Potable Water Source
 - Approved Waste Water Disposal
 - Equipment/Utensil Warewashing Area
 - Use of Refrigeration/Freezers
 - Handwashing Sinks
 - Food Preparation Area including equipment
 - Food Storage Area
 - Equipment and Utensil Storage Area
 - Employee Restrooms
 - Other: _____

I give permission to the above listed Mobile Food Facility Operator to use my facility located at the above address.

SIGNATURE: _____ **DATE:** _____

TITLE: _____

RETAIL FOOD FACILITY LICENSE APPLICATION AND PLAN REVIEW
MOBILE FOOD FACILITIES

FDA Food Code Mobile Food Facility Matrix
(Appendix II)

This table is a plan review and inspectional guide for mobile food facilities based on the mobile unit's menu and operation. Mobile can include pushcarts, catering vehicles, stick stand tent type units, lunch trucks or any other movable unit.

To use the table, read down the columns based on the menu and operation in use. For example, if only prepackaged time/temperature control for safety (TCS) food is served, then requirements listed in the **TCS food Menu - Prepackaged** column apply. Likewise, if only food that is not time/temperature control for safety food is prepared on board, then requirements listed in the **non-TCS - Food Preparation** column apply. Note that if a mobile food facility has available for sale to the consumer both prepackaged TCS and non-TCS food prepared on board, then the more stringent requirements of the **TCS Menu - Food Preparation** column apply.

This is not an all-inclusive list of requirements; it is important to remember that mobile units are subject to all Food Code provisions that apply to food facilities.

The decision to require a commissary or servicing area should be based on the menu, type of operation, and availability of on-board or on-site equipment.

FDA Food Code Mobile Food Establishment Matrix			
Food Code	TCS food Menu		NonTCS Food Menu
Areas/Chapter	Food Preparation	Prepackaged	Food Preparation
Personnel	Applicable Sections of Parts 2-2 - 2-4 5-203.11 (C)	Applicable Sections of Parts 2-2 - 2-4 5-203.11 (C)	Applicable Sections of Parts 2-2 - 2-4 5-203.11 (C)
Food	3-101.11 3-201.11-.16 3-202.16; Applicable Sections of Part 3-3; 3-501.16 3-501.18(A)	3-101.11 3-201.11-.16 3-303.12(A) 3-501.16 3-305.11; 3-305.12 (Applicable to Service Area or Commissary)	3-101.11; 3-201.11 3-202.16; Applicable Sections of Part 3-3
Temperature Requirements	3-202.11; Applicable Sections of Parts 3-4 & 3-5	3-202.11 3-501.16	NONE
Equipment Requirements	Applicable Sections of Parts 4-1 - 4-9 and 5-5	Applicable Sections of Parts 4-1 - 4- 2; 4-6 and 5- 5	Applicable Sections of Parts 4-1 - 4-2; 4-5 - 4- 6 and 5-5
Water & Sewage	5-104.12 5-203.11(A) & (C) Part 5-3; 5-401.11 5-402.13-.15	5-104.12 5-203.11(A) & (C) Part 5-3; 5-401.11 5-402.13 -.15	5-104.12 5-203.11(A) & (C) Part 5-3; 5-401.11 5-402.13-.15
Physical Facility	6-101.11; 6-201.11 6-102.11(A) & (B) 6-202.15; 6-501.11 6-501.12; 6-501.111	6-101.11 6-102.11(A) & (B) 6-202.15 6-501.111	6-101.11; 6-201.11 6-102.11(A) & (B) 6-202.15; 6-501.11 6-501.12; 6-501.111
Toxic Materials	Applicable Sections of Chapter 7	Applicable Sections of Chapter 7	Applicable Sections of Chapter 7
Servicing	6-202.18 / As necessary to comply with the Food Code	6-202.18 / As necessary to comply with the Food Code	6-202.18 / As necessary to comply with the Food Code
Compliance & Enforcement	Applicable Sections of 7 Pa Code, Chapter 46	Applicable Sections of 7 Pa Code, Chapter 46	Applicable Sections of 7 Pa Code, Chapter 46

RETAIL FOOD FACILITY LICENSE APPLICATION AND PLAN REVIEW

MOBILE FOOD FACILITIES

The popularity of mobile food operations has increased in recent years. They vary in size and complexity, from large modular units to pushcarts. While they frequently operate at temporary food events, such as festivals or fairs, many seek to be permitted as year-round or seasonal food facilities. This guidance document is designed to address the process for approval, and the unique support service requirements that need to be met in order to obtain year-round or seasonal approval as a mobile food operation (MFF).

This document is intended to assist in understanding the operation of a Mobile Food Facility and provide licensing paperwork. It does not establish regulatory requirements and the recommendations contained herein are not intended to supplant, or otherwise serve as, the rules and regulations applicable to food facilities in a given Federal, State, local, or tribal jurisdiction.

DEFINITIONS

The following definitions may be referenced along with the definition of a Food Facility as defined in the Food Code.

Mobile Food Facility (MFF) A movable retail food facility, such as a stand, vehicle, cart, basket, box or similar structure, from which food is stored, prepared, processed, distributed or sold. A MFF designation indicates that the mobile food facility is not licensed as a temporary retail food facility under The Retail Food Facility Safety Act §5703(g)(2).

Permanent Food Facility (PFF) means a retail food facility operating in a permanently constructed structure permitted and operated for the purpose of storing, preparing, serving, packaging, or otherwise handling food at the retail level. Permanent Food Facility does not include Mobile Food Facility, or a facility licensed as a Temporary Food Service Facility (TFS) under The Retail Food Facility Safety Act §5703(g)(2).

Commissary means an operating base location to which a mobile food facility or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food. A commercial commissary may not be a residential personal use kitchen and must be separate from private residential use areas.

Time/Temperature Control for Safety Food (TCS) means a food that requires temperature controls to limit pathogenic microorganism growth or toxin growth. Refer to the FDA Food Code for the complete definition.

TYPES OF MOBILE FOOD FACILITIES

MFF Type 1

- Only non-TCS food that is prepackaged.
- No preparation or assembly is required
- Only bottled or canned drinks, no fountains or other dispensers
- Exempt from license fees

Examples: chips, canned soda, cookies, candy

MFF Type 2

- Commercially processed packaged food in its original package (Receive-Store-Hold).

Examples of food offered: Packaged ice cream, single serving size packaged snacks, packaged milk, packaged frozen meats.

MFF Type 3

- Unpackaged food.
- Food Preparation with no cook step (Store-Prepare-Serve).

RETAIL FOOD FACILITY LICENSE APPLICATION AND PLAN REVIEW

MOBILE FOOD FACILITIES

- Preparation for same day service (Store-Prepare-Cook-Serve).
- Reheating of a commercially processed food item (Store-Reheat-Hold-Serve).
- Based on the Department may be required to return to a Commissary and may operate in conjunction with a Permanent Food Facility that may or may not have a Commissary on-site.

Examples of food offered: Hot dogs, grilled sandwiches, salads, shaved ice, kettle corn, nut roasting

MFF Type 4

- Complex food preparation (Store-Prepare-Cook-Cool-Reheat-Hot Hold-Serve).
- Includes food that must be prepared pursuant to a Hazard Analysis Critical Control Point (HACCP) Plan or Variance.
- Based on the Department may be required to return to a Commissary and may operate in conjunction with a Permanent Food Facility that may or may not have a Commissary on-site.

Examples of food offered: full menu (i.e. Kitchen on wheels)

SUBMITTING AND REVIEWING MOBILE FOOD FACILITY PLANS

No person, firm, or corporation should be allowed to operate a mobile food facility (MFF) where food or beverages are served to the public without a license from the Department. **Allow 4 – 6 weeks for processing.**

Operators seeking approval for a MFF unit must submit a set of drawings or plans for review consistent with the criteria provided in the FDA Food Code. The plans and specifications for a MFF unit should include all the information necessary, such as outlined in this document, to demonstrate conformance with, and an understanding of, food safety provisions within the Food Code. **If a commissary is used in conjunction with a MFF unit, all information regarding the commissary must also be included in the Floor Plans. An additional Food Establishment application may be required.** The Department may determine that a variance and/or a HACCP plan is necessary based on the type of proposed operation, proposed menu items or proposed equipment, or may restrict the menu based upon the limitations of the MFF – the same as for any other food facility operation. Prior to issuing a license for a MFF, the Department is responsible for performing a pre-operational plan review (application review) and one or more pre-operational inspection/licensing inspections.

COMMISSARY

The Department may require that a Mobile unit operate in conjunction with a commissary. A commissary must be operated in compliance with the Food Code and applicable regulations and *must be included in the application and plan review of the facility.*

The commissary shall be a fixed facility – not a temporary facility, nor a mobile type facility. A personal home cannot be used for food preparation, ware-washing or storage of opened food. A commercial commissary registered as a Food Establishment is required for activities not approved within personal residences (i.e. food preparation and storage of TCS foods). **A Food Establishment application must be submitted at the same time as the mobile food facility application.** A commissary may be located on a residential property if approved by the local municipality. The commissary may provide a variety of services to the MFF unit such as: storage and preparation facilities for food products (including refrigeration and cooking facilities); the supply of potable water; the availability of adequate plumbing and waste disposal; storage and cleaning facilities for equipment and utensils; storage and maintenance of other supplies; and personnel resources. The commissary must be of such size and scope as to accommodate its own operation, as well as those of the MFF unit.

The commissary can be as simple as a storage location for packaged food or as complex as a licensed catering kitchen; depending upon the type of Mobile Food Facilities it is providing a service to.

If the MFF is used at a fair, carnival or other event where it does not or cannot return to the commissary the MFF must comply with the requirements of a self-sufficient Retail Food Facility at the event. More information can be found in the “Mobile Food Facilities Operation Guide.”

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If the MFF unit is sharing a facility with another food facility owner (i.e. incubator kitchen, restaurant, grocery store, fire hall kitchen, or church kitchen) a copy of that facility's current license and a Shared Facility Agreement (Appendix 3) must be submitted to the Department with the application.

A MFF unit may not need to function with a commissary if it is capable of storing and preparing all foods in the licensed unit and not in any other location. This would include all necessary equipment to wash, rinse and sanitize all food equipment properly. In many cases a push cart will need a commissary as they are typically designed with minimal or smaller equipment than necessary for adequate warewashing of all equipment.

STRUCTURAL REQUIREMENTS FOR MOBILE FOOD FACILITIES

PREMISES

1. OVERHEAD PROTECTION

- a. Each individual piece of cooking and hot and cold holding equipment must be separately covered (cooker top, lidded holding compartment, etc.) or the structure of the MFFS must have overhead protection (ceiling) (§§ 6-202.16; 6-201.12A; 3-305.11). Examples of acceptable overhead protection are roofs or other permanent structures, canopies, awnings, or attached umbrellas for units such as pushcarts. Overhead protection may not always be suitable for use over frying or grilling operations that generate airborne grease. State/local fire codes may dictate specific limitations.
- b. For MFF Type 3 and 4 units that have self-service components, additional protection of individual food dispensing containers that are located beneath an awning or similar structure may be necessary (§ 3-306.12). Examples would be lidded dispensing containers and sneeze guards.

2. WALLS

- a. For self-contained MFF units, walls are required to protect against the elements, wind-blown dust and debris, insects or other sources that may contaminate food, food-contact surfaces, equipment, utensils, or employees.
- b. Walls must be smooth, durable, easily cleanable and nonabsorbent. Pass-through windows may be installed in the walls and may require screening to prevent the entrance of insects (§§ 6-101.11; 6-201.11; 6-202.15; 6-202.16; 6-501.11).
- c. For non-self-contained MFF units, such as stick stands, drop down side walls shall be available at all times in case of inclement weather or excessive dust.

3. FLOORS

- a. Unless otherwise approved, floors of self-contained MFF units must be designed, constructed, and installed so they are smooth, durable, and easily cleanable. Examples of acceptable floors are vinyl composition tile, commercial grade linoleum, or similar finish (§§ 6-101.11; 6-201.11; 6-501.11).
- b. The floor and wall junctures are to be coved and sealed (§ 6-201.13).

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- c. Push carts and food delivery and dispensing units must be located on concrete, asphalt, or a similar non-absorbent permanent or temporary surface that minimizes dust and mud. The service sites should be graded to drain away from the MFF unit.

4. VENTILATION AND FIRE PROTECTION

- a. Enclosed MFF units must comply with Section 6-304.11 of the Food Code, and must have adequate ventilation to prevent grease, condensate, or other buildup that may cause sanitation issues within the unit.

5. LIGHTING

- a. Adequate lighting by artificial or natural means is required.
- b. MFF units that are fully enclosed must be provided with artificial lighting.
- c. The lighting intensity shall be in accordance with Section 6-303.11 of the Food Code and shielding of the lights shall be in accordance with Section 6-202.11.

6. HANDWASHING FACILITIES

- a. **Type 1-** A handwashing sink is not required if **only** non-TCS, commercially pre-packaged foods, that are dispensed in their original containers are offered. (MFF Type 1). Hand towelettes should be provided.
- b. **Type 2-** A temporary handwashing station/basin (a container with a spout and warm water with a catch basin at a minimum) must be available. Hand Towelettes may be approved if packaging is very secure and food exposure is limited.
- c. **Type 3 and 4-** At least one handwashing sink must be located on all MFF that are classified as Type 3 or Type 4. (§ 5-203.11)
- d. Each handwashing sink/basin must be provided with suitable hand cleaner, individual disposable towels, and a waste receptacle.
- e. A handwashing sign is to be posted at all handwashing sinks/basins. (§§ 6-301.11; 6-301.12; 6-301.14)
- f. Handwashing sinks shall be equipped to provide potable water at a minimum temperature of at least 100°F through a mixing valve or combination faucet. (§ 5-202.12)

7. TOILET AND HANDWASHING FACILITIES

- a. Toilet and hand washing facilities must be available for MFF unit employees along their route of service. (§ 5-204.11)
- b. The toilet facilities must be conveniently located to the food preparation and ware washing areas and meet all applicable sections of the Food Code and applicable regulations. (§ 6-402.11)

8. GARBAGE

- a. An adequate number of non-absorbent, easily cleanable garbage containers must be provided at the MFF (§ 5-501.13)
- b. Garbage containers must be rodent-proof, non-absorbent, and covered when not in use. (§ 5-501.15)
- c. Grease must be disposed of properly and shall not be dumped onto the ground surface or into the sanitary sewer system.
- d. Final disposal facilities for garbage, grease, and other waste materials must be identified, approved by the Department, and used.

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EQUIPMENT

Construction, maintenance, and cleaning of all equipment shall be in accordance with Chapter 4 of the Food Code and with the manufacturer's instructions. Equipment may be movable; however, it must be capable of being secured when the MFF unit is in transit to and from its service locations or commissary.

Hot and cold holding equipment, cooking facilities, preparation surfaces, and dispensing equipment must be appropriate for the types and quantities of food items being prepared and served at the MFF unit.

Equipment installed in a fully enclosed MFF unit must be sealed to facilitate cleaning as required in Section 4-402.11 and 4-402.12.

1. FOOD-CONTACT SURFACES

- a. All food-contact surfaces used in a MFF unit shall be designed, constructed, and maintained in accordance with Chapter 4 of the Food Code.
- b. Materials used in the construction of food-contact surfaces shall comply with Parts 4-1 and 4-2 of the Food Code
- c. Surfaces shall be non-toxic, smooth, easily cleanable, free of rust, dents or pitting, and durable under the conditions to which they will be exposed.

2. COOKING AND REHEATING EQUIPMENT

- a. Cooking and reheating equipment shall be installed and used in accordance with the manufacturer's instructions and shall meet all fire safety code requirements.
- b. The reheating equipment used on the MFF unit must be capable of heating all of the TCS foods offered from the mobile unit to their required reheating temperature within two hours or less. (*§ 3-403.11*)
- c. If proper temperatures cannot be attained using the equipment on the MFF unit, then cooking and reheating must occur at the commissary and will not be allowed on the mobile unit.

3. HOT HOLDING EQUIPMENT

- a. Equipment used at the MFF unit for hot holding must be capable of maintaining TCS foods at 135° F or above. (*§ 3-501.16*)
- b. Hot holding equipment shall be installed and used in accordance with the manufacturer's instructions and shall meet all fire safety code requirements.

4. COLD HOLDING EQUIPMENT

- a. Equipment used for cold holding at the MFF unit must be capable of maintaining TCS foods at 41° F or below. (*§ 3-501.16*)
- b. Refrigeration, such as mechanical, absorption or thermoelectric, shall be installed and used in accordance with the manufacturer's instructions.
- c. Each refrigeration unit must have a numerically scaled thermometer accurate to $\pm 3^\circ$ F to measure the air temperature of the unit. (*§ 4-203.12*)
- d. If ice is used to cold hold TCS foods at 41° F or below, it must come from an approved source and be protected from contamination. (*§ 3-202.16*)
- e. Unpackaged foods may not be stored in direct contact with undrained ice, except as allowed for raw fruits and vegetables, and raw poultry and raw fish that are received on ice in shipping containers. (*§ 3-303.12*)
- f. Ice used as a coolant for foods shall not be used for drink ice. (*§ 3-303.11*)
- g. Low ambient air temperature, such as during colder months, should not be considered an acceptable alternate to cold holding equipment.

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5. COUNTERS/SHELVES

- a. All food-contact surfaces shall be safe, corrosion resistant, nonabsorbent, smooth, easily cleanable, durable, and free of seams and difficult to clean areas.
- b. All other surfaces shall be finished so that they are smooth, nonabsorbent, corrosion resistant, and easily cleanable.
- c. Surfaces shall be constructed in compliance with Parts 4-1 and 4-2 of the Food Code.

6. WAREWASHING FACILITIES

- a. A MFF unit that is classified as a TYPE 3 will be required to install a three-compartment sink or submit a variance to modify or waive the requirement. (§ 4-301.12). They may also discuss the use of a two – compartment sink with their Inspector. (§4-301.12(c))
- b. A MFF that is classified as a TYPE 4 is required to install a three compartment sink with drainboards, utensil racks or tables for soiled and clean equipment. (§§ 4-301.12; 4-301.13)
- c. A share-facility agreement for 3-compartment sinks that do not fit the largest piece of equipment may be required.

WATER SUPPLY, CAPACITY AND WASTEWATER DISPOSAL

1. WATER

- a. An adequate supply of potable water meeting the requirements specified under Subparts 5-101, 5- 102, and 5-103 of the Food Code shall be available on the MFF for cooking and drinking purposes; for cleaning and sanitizing equipment, utensils, and food-contact surfaces; and for hand washing.
- b. Water must come from an approved public water source or an approved well water source.
- c. Well water sources not regulated by DEP must comply with the Departments water testing protocol. **MFF 3 and 4:** 4 initial samples for Total Coliform in 24 hours & 1 initial test for Nitrate/Nitrite. **MFF 1 and 2:** 1 initial sample for Total Coliform & 1 initial test for Nitrate/Nitrite.

2. WATER SYSTEM

- a. The water supply system and hoses carrying water must be constructed with approved food- contact materials and must be installed to preclude the backflow of contaminants into the potable water supply. (§§ 5.205.12; 5-301.11; 5-302.11; 5-302.14; 5-302.15; 5-302.16)
- b. All hose and other connections shall be installed, handled and stored so that no contamination is created. (§§ 5-303.12; 5-304.13)
- c. If approved by the Department, water supplied to an MFF need not be under pressure.

3. WASTEWATER CAPACITY AND DISPOSAL

- a. Equipment and facilities that generate liquid waste must be disposed of in an approved manner. (§5-403.11)
- b. Wastewater shall be disposed in an approved wastewater disposal system where the sewage holding tank is 15% larger than the water supply tank and sloped to drain, in accordance with §5-401.11 of the Food Code.
- c. Adequate backflow prevention must exist between food equipment and the sewage system. (§5-402.11)
- d. Wastewater must be removed from an MFF at an approved waste commissary or by a sewage transport vehicle. (§ 5-402.14)
- e. Wastewater may not be dumped onto the ground surface, into waterways, or into storm drains, but shall be collected/dumped into approved receptacles. (§ 5-402.13)

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OPERATIONAL REQUIREMENTS FOR MOBILE FOOD FACILITIES

PERSONNEL

1. PERSON IN CHARGE

- a. The MFF unit must have a person in charge present during all hours of its operation. The person in charge shall be responsible for the overall operation of the MFF unit and for compliance with all health code requirements in accordance with Sections 2-101.11 through 2-103.11 of the Food Code.
- b. The menu and manner for transportation, storage, cooking, preparation, and service of the food and beverage items must be provided to the Department for evaluation and approval.
- c. Any changes to the menu must be submitted to and approved by the Department prior to their service.
- d. All food and beverage items to be offered at the MFF unit must be identified and approved by the Department during the application process and prior to an evaluation being conducted of the structural components of the mobile unit.

2. HANDWASHING

- a. Food employees shall clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms, immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and as often as necessary to remove soil and contamination and to prevent cross contamination. (§§ 2-301.11, 2-301.12, 2-301.14, 2-301.15)

3. EMPLOYEE HEALTH

- a. Employees with communicable diseases which can be transmitted through food shall be excluded and/or restricted from food activities. (§§ 2-201.11, 2-201.12, 2-201.13, 2-401.12)
- b. Food employees who have an infected or open cut or wound on their hands or arms must have it properly bandaged and covered with an impermeable bandage if on the arms or an impermeable cover such as a glove and finger cot if it is on the wrists or hands.
- c. There must be employee practices and behaviors established that can help prevent the spreading of viruses and bacteria to food. The Centers for Disease Control and Prevention (CDC) and FDA cite six highly infective pathogens that can be easily transmitted by food employees and cause severe illness. These six pathogens, known as the Big Six, are Norovirus, Hepatitis A virus, *Salmonella* Typhi, *Salmonella* Non-typhoidal (SNT), *Shigella* spp., and *Escherichia coli* (E. coli) 0157:H7 or other Enterohemorrhagic or Shiga toxin-producing E. coli.
- d. Interventions must be used to prevent the transmission of foodborne illness. Interventions include: a) restricting or excluding ill food employees from working with food; b) using proper handwashing procedures; and c) eliminating bare hand contact with ready-to-eat (RTE) foods.
- e. Proper management involves ensuring that food employees do not work when they are ill and having procedures for identifying employees who may transmit foodborne pathogens to food, other employees, and consumers. The PIC should be concerned with employees having the following symptoms: vomiting, diarrhea, jaundice (yellow skin or eyes), sore throat with fever, infected cuts and burns with pus on hands and wrists.
- f. Information and forms to aid in complying with Employee Health can be found in the 2013 FDA Food Code and the Employee Health and Personal Hygiene Handbook.
(<http://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/IndustryandRegulatoryAssistanceandTrainingResources/ucm113827.htm>)

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4. HYGIENE

- a. Food employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods. (§ 2-302.11)
- b. Food employees shall have clean outer garments, aprons and effective hair restraints. (§§ 2-304.11, 2-402.11)
- c. Food employees are not allowed to eat (including chewing gum), drink, or use any tobacco in the food preparation and service areas. A food employee may drink from a closed beverage container if the container is handled to prevent contamination of the employee's hands; the container; and exposed food, clean equipment, utensils and single-service/single-use articles. (§ 2-401.11)
- d. Unauthorized persons are not allowed in food preparation and service areas. (§ 2-103.11)

5. NO BARE HAND CONTACT

- a. Employees preparing food may not contact exposed, ready-to-eat (RTE) food with their bare hands and shall use suitable utensils such as deli paper, spatulas, tongs, single-use gloves or dispensing equipment. (§ 3-301.11)

6. FOOD DEFENSE

- a. The MFF unit must be secured to prevent unauthorized access to food, equipment, utensils, and related items. (§ 2-103.11). This includes storage trucks for overflow products that are away from the mobile unit.
- b. Self-service operations at MFF units must be supervised at all times. (§ 3-306.13)
- c. Unauthorized personnel shall not be allowed at or in the MFF unit. (§ 2-103.11)

FOOD SOURCE AND TEMPERATURE CONTROL

1. APPROVED SOURCE

- a. The source of food on a MFF unit must be in compliance with Sections 3-201, 3-202 and 3-203 of the Food Code. All meat and poultry must come from USDA or other acceptable government regulated approved sources.
- b. Home canned foods or other homemade foods not under the inspection of the Department are NOT allowed; nor shall there be any home cooked or prepared foods offered at the MFF unit.
- c. Ice for use as a food or a cooling medium shall be made from potable water. Ice may not be from a home or other unregulated location.
- d. A private home may not be used for the storage of food or related items. Food and related items can only be stored on the secured MFF unit, at the commissary (which can be on a residential property), or at a Permanent Food Facility.

2. TEMPERATURE MEASURING DEVICES

- a. Temperature measuring devices, appropriate to the operation, must be used for monitoring temperatures for the types of TCS foods prepared and held at the MFF unit as specified in the Food Code. (§ 4-302.12)
- b. A thermocouple, thermistor or metal stem thermometer shall be provided to check the internal temperatures of TCS hot and cold food items. The temperature measuring device must be appropriate for the type of foods served such as for thin foods. (§ 4-302.12)
- c. Food temperature measuring devices shall be accurate to $\pm 2^{\circ}\text{F}$ and have a suggested range of 0°F to 220°F . (§ 4-203.11)
- d. Regular calibration of the temperature measuring devices shall be accomplished to ensure accurate food temperature measurements.

3. HOLDING TEMPERATURES

- a. TCS food must be maintained at 135°F or higher or 41°F or below (§ 3-501.16), unless utilizing Time as a Public Health Control as specified in Section 3-501.19.

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4. COOKING TEMPERATURES

- a. Only MFF units that are classified as a Type 3 or Type 4 are approved to cook foods.
- b. Food must be cooked to at least the minimum temperatures and times specified below, unless a consumer advisory is provided as noted in (c):
 - **165°F for < 1 second (instantaneous)**--poultry; baluts, wild game animals; stuffing containing fish, meat, poultry or ratites; stuffed fish, meat, pasta, poultry or ratites as specified in 3-401.11 (A) (3) of the Food Code;
 - **155° F for 15 seconds**--comminuted fish; comminuted meat (hamburgers); pooled raw eggs or as specified in Section 3-401.11 (A) (2) of the Food Code;
 - **145° F for 15 seconds**-- fish; meat; pork; and raw shell eggs that are broken and prepared in response to a consumer's order for immediate service or as specified in Section 3-401.11 (A) (1) (a) and (b) of the Food Code.
 - Roasts (whole beef, pork, cured pork (ham) and corned beef) must be cooked using the parameters specified in Section 3-401.11. Recommend contacting the Department for additional time/temperature options.
- c. Reference § 3-603.11 regarding specific consumer advisory language as applicable.

5. COOLING

- a. The person in charge must demonstrate that the facilities on the MFF unit, or at the Commissary are adequate to cool TCS foods in accordance with Sections 3-501.14 and 3-501.15 of the Food Code.
- b. Cooling shall be done in compliance with Sections 3-501.14 and 3-501.15 of the Food Code. Cooked TCS food shall be cooled from 135° F to 70°F within 2 hours; and from 135°F to 41° F within a total of 6 hours or less.

6. REHEATING FOR HOT HOLDING

- a. Reheating shall be done in compliance with Section 3-403.11 of the Food Code.
- b. TCS food that is cooked, cooled, and reheated for hot holding shall be rapidly reheated so that all parts of the food reach a temperature of at least 165° F for 15 seconds. (§ 3-403.11)
- c. Un-opened, intact, commercially processed and packaged foods to be hot held shall be reheated to 135°F. (§ 3-403.11)
- d. If proper reheating at the MFF unit cannot be accomplished, reheating TCS food must take place at the commissary and then hot held on the mobile unit at 135°F or greater. (§ 3-501.16)

7. THAWING

- a. Thawing shall be done in compliance with Section 3-501.13 of the Food Code.

FOOD EQUIPMENT AND UTENSIL REQUIREMENTS, STORAGE & HANDLING

1. CROSS CONTAMINATION

- a. Cross contamination prevention shall be in accordance with Section 3-302.11 of the Food Code.
- b. Food shall be protected from cross contamination during transportation, storage, preparation, holding, and display by separating different types of raw animal foods from ready-to-eat foods.
- c. Equipment and utensils (including knives, cutting boards, and food storage containers) must be thoroughly cleaned and sanitized after being used for raw animal foods and before being used for ready-to-eat food. (§§ 4-601.11; 4-702.11)

2. DRY STORAGE

- a. Storage shall be in compliance with Sections 3-305.11 & 4-903.11 of the Food Code.
- b. All food, equipment, utensils, and single-service items shall be properly stored including storage which is at least 6" off the ground or floor, protected from contamination, and provided with effective overhead protection.

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3. FOOD DISPLAY

- a. All food shall be protected from customer handling, coughing, sneezing or other contamination by wrapping, the use of food shields or other effective barriers. (§ 3-306.13)
- b. Condiments must be dispensed in single-service type packaging, in pump-style dispensers, or in protected squeeze bottles, shakers, or similar dispensers which prevent contamination of the food items by food workers, patrons, insects, or other sources. (§ 3-306.12)

4. IN-USE UTENSIL STORAGE:

- a. In-use utensil storage shall be in compliance with Section 3-304.12 of the Food Code.
- b. Back-up utensils must be stored clean and dry and in a protected location. (§ 4-903.11)

CLEANING AND SANITIZING

Warewashing shall be done in compliance with Part 4-6 of the Food Code. Equipment food-contact surfaces and utensils shall be cleaned and sanitized when changing from working with raw foods to working with ready-to-eat foods; between uses with raw fruits and vegetables and with TCS food; before using or storing a food temperature measuring device; and if used with TCS food shall be cleaned throughout the day at least every 4 hours; and at any time during the operation when contamination may have occurred. (§ 4-602.11)

1. WAREWASHING

- a. Warewashing methods must be available to wash, rinse, and sanitize equipment and utensils coming into contact with food. (Applicable sections in Chapter 4 FDA Food Code)
 - **MFF Type 1** – No warewashing sink required.
 - **MFF Type 2** - No warewashing sink typically required.
 - **MFF Type 3** – Ideally a three compartment (two- compartment if approved by the Inspector) sink should be available within the MFF unit. A commissary can be used by the MFF unit for the cleaning and sanitizing of equipment and utensils if manual warewashing is not available on the mobile unit. Adequate spare utensils must be available within the mobile unit if the warewashing sinks are only at the commissary. The three compartment sink at the commissary must be supplied with hot and cold running water and approved wastewater disposal system. (§ 4- 301.12) However, if the facility is at an event that does not allow it to return to the commissary daily, there must be a 3-compartment sink available on the MFF unit at the event. **MFF Type 4** – A three compartment sink for manual warewashing that is supplied with hot and cold running water and approved wastewater disposal system must be available within the MFF unit. (§ 4-301.12).

2. SANITIZING

- a. Approved sanitizers must be provided for sanitizing food-contact surfaces, equipment, and wiping cloths. (§ 7-204.11)
- b. Sanitizers are to be used in accordance with the EPA-registered label use instructions. (§ 7- 202.12)
- c. An approved test kit must be available to accurately measure the concentration of sanitizing solutions. (§§ 4-501.116, 4-703.11)

3. WIPING CLOTHS

- a. Wiping cloths that are in use for wiping food spills shall be used for no other purpose and shall be stored clean and dry or in a clean solution at the approved sanitizer concentration. (§ 3-304.14)

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PREMISES

1. PERSONAL BELONGINGS STORAGE:

- a. Personal clothing and belongings must be stored in a designated place in the MFF unit away from food preparation, food service, dry storage areas, utensil and single-service and single-use item storage, and ware washing areas. (*§ 6-403.11*)

2. TOXIC MATERIALS:

- a. Materials necessary for the operation of a MFF unit shall be properly stored, labeled and used.
- b. Poisonous or toxic materials are to be properly labeled and stored so they cannot contaminate food, equipment, utensils, and single-service and single-use articles and in accordance with Parts 7-1 and 7-2 of the Food Code.
- c. Only those chemicals necessary for the food operation shall be provided.

3. PESTS

- a. The MFF unit must be maintained free of insects, rodents, and other pests. (*§ 6-202.15*)