



## **MOBILE GUIDANCE INFORMATION FOR LOCAL SANITARIANS**

### **INTRODUCTION**

The popularity of mobile food establishments (mobiles) has increased in recent years. They vary in size and complexity, from large modular units to pushcarts. In the past, differences between counties' plan review and licensing requirements has been confusing for both operators and regulators. With the passage of HB 478, the definition has changed:

*“Mobile food establishment” means a retail food establishment that serves or sells food from a motor vehicle, a nonmotorized cart, a boat, or other movable vehicle that periodically or continuously changes location and requires a servicing area to accommodate the unit for cleaning, inspection and maintenance.*

This guidance document is designed to assist local environmental health offices to address the process for approval, and the support service requirements that need to be met. The one unique characteristic of these units is that they are not situated in a fixed location with permanent water and sewer connections but remain mobile by design. Additionally, they differ from a Temporary Food Establishment in that they are not limited to the number of days that they can operate, and are not restricted to a single event or celebration. Due to these differences, there are different design requirements for mobiles in order to support food safety during longer operations without fixed facilities.

### **DEFINITIONS**

The following definitions may be referenced along with the definition of a Food Establishment as defined in the Administrative Rules of Montana.

**Servicing Area** means an operating base location to which a mobile food establishment 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 restocking food and supplies.

**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.

## **REVIEWING MOBILE FOOD ESTABLISHMENT PLANS**

Operators seeking approval for a mobile must submit a set of drawings or plans for review consistent with the criteria provided in Sections 8-201.11 and 8-201.12 of the FDA Food Code to their local environmental health office. The plans and specifications for a mobile should include all the information necessary to demonstrate conformance with, and an understanding of, food safety provisions within the Food Code. The regulatory authority 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 on the limitations of the mobile – the same as for any other food establishment operation.

Prior to giving approval to and issuing a license for a mobile, the local regulatory authority is responsible for performing a pre-operational plan review and one or more pre-operational inspections. Assistance with the plan review process from DPHHS-Food and Consumer Safety Section is available (FCSS).

## **SERVICING AREA**

The servicing area shall be a fixed facility – not a temporary establishment, or a mobile type establishment. The servicing area may provide a variety of services to the mobile 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 servicing area must be of such size and scope as to accommodate its own operation, as well as those of the mobile.

The servicing area can be as simple as a storage location for packaged food or as complex as a licensed catering kitchen; however, this will depend on the type of mobile it is providing a service to.

A servicing area must be operated in compliance with the Food Code and applicable regulations. The servicing area will require a DPHHS-FCSS license if any of the following occur: food storage, food preparation, or ware washing.

The scope and frequency of services provided by both the servicing area and the mobile must be determined at the time of plan review and included in the application and must be based on the:

- Menu;
- Frequency of the mobile operation;
- Limitations of the mobile and the servicing area; and
- How often the mobile will be returning to the servicing area

For those mobiles traveling long distances, additional, approved servicing areas may be required by the local environmental health offices.

Local environmental health offices may write a variance from the requirement of having a servicing area if it is determined that one is not necessary for the mobile.

## **PREMISES**

Montana state building codes and fire codes do not apply to mobiles, so the requirements are based on the retail food ARMs, only.

### **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 mobile must have overhead protection (ceiling) (§§ 6-202.16; 3-305.11). Examples of acceptable overhead protection are roofs or other permanent structures, canopies, awnings, or attached umbrellas for units such as pushcarts. The type of overhead protection required should be based on the menu and extent of food preparation that is done on the mobile.
- b. For mobiles 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 mobiles, 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).

### **3. FLOORS**

- a. Unless otherwise approved, floors of self-contained mobiles 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).
- c. Push carts and food delivery and dispensing units must be located on concrete, asphalt, or a similar non-absorbent surface that minimizes dust and mud. The service sites should be graded to drain away from the mobile.

#### 4. VENTILATION AND FIRE PROTECTION

- a. Local regulations shall govern ventilation and fire protection requirements at the mobile.
- b. Enclosed mobiles must comply with Section 6-304.11 of the Food Code.

#### 5. LIGHTING

- a. Adequate lighting by artificial or natural means is required.
- b. Mobiles 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. Unless all foods are commercially pre-packaged and dispensed from their original containers, a handwashing sink is required.
- b. Each handwashing sink must be provided with suitable hand cleaner, individual disposable towels, and a waste receptacle. A handwashing sign is to be posted at the handwashing sink. (§§ 6-301.11; 6-301.12; 6-301.14)
- c. Handwashing facilities 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)
- d. Hand-washing facilities must be provided at all toilet facilities used by the food employees in addition to those in the mobile. (§ 5-204.11 B)

#### 7. TOILET AND HANDWASHING FACILITIES

- a. Toilet and hand washing facilities must be available for mobile employees along their route of service. (§ 5-204.11)

b. The toilet facilities must be conveniently located at the servicing area and along the mobile's vending route 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 mobile. (§ 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 regulatory authority, and used.

## 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 mobile is in transit to and from its service locations.

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 mobile.

Equipment installed in a fully enclosed mobile must be sealed to the unit 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 the mobile 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.
- b. The reheating equipment used on the mobile must be capable of heating all of the TCS foods offered from the mobile 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 mobile, then cooking and reheating must occur at the servicing area and will not be allowed on the mobile.

### 3. HOT HOLDING EQUIPMENT

- a. Equipment used at the mobile 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.

### 4. COLD HOLDING EQUIPMENT

- a. Equipment used for cold holding at the mobile 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. (§ 4-201.11)
- 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. 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)
- e. Low ambient air temperature, such as during colder months, should not be considered an acceptable alternate to cold holding equipment.

### 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

Warewashing facilities may be located in the servicing area, the mobile, or both depending on the menu and food preparation. (§ 4-301.12)

### **WATER SUPPLY, CAPACITY AND WASTEWATER DISPOSAL**

#### 1. WATER

a. Every mobile must be equipped with a gravity or pressurized water storage tank. 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 mobile for cooking and drinking purposes; for cleaning and sanitizing equipment, utensils, and food-contact surfaces; and for hand washing. The following is the minimum required under ARM 37.110.267(25):

(a) a mobile food establishment that serves beverages or food or reheats processed foods must have a water storage tank, or tanks, with a capacity of at least 38 liters (10 gallons) for food employee handwashing;

(b) a food pushcart must have a water storage tank, or tanks, with a minimum capacity of 19 liters (5 gallons) for handwashing; and

(c) a mobile food establishment that processes food or beverages must have a water storage tank, or tanks, with a capacity of at least 151 liters (40 gallons) for handwashing, utensil washing, and sanitizing purposes.

b. Water must come from an approved public water source or comply with FCS Circular 1.

#### 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. The water tank inlet shall be 3/4 inch in inner diameter or less and provided with a hose connection of a size or type that will prevent its use for any other service. (§§ 5-303.13)

#### 3. WASTEWATER 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 sized 15 percent larger in capacity than the water supply tank and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. (§ 5-401.11)
- c. Wastewater must be removed from the mobile at an approved waste servicing area or by a sewage transport vehicle. (§ 5-402.14)
- d. Wastewater may not be dumped onto the ground surface, into waterways, or into storm drains, but shall be collected and dumped into an approved receptacle. (§ 5-402.13)

## **FOOD SOURCE**

### **1. APPROVED SOURCE**

- a. The source of food on the mobile must be in compliance with Sections 3-201, 3-202 and 3-203 of the Food Code.
- b. Ice for use as a food or a cooling medium shall be made from potable water.
- c. No storage or preparation of ice, food or other items at a home or other unregulated location is allowed.
- d. Cottage foods are not allowed to be sold at any Retail Food Establishments, including mobile units.

## **FOOD PREPARATION**

### **1. COOLING**

- a. All TCS food which is pre-cooked and pre-cooled either on the mobile or at the Servicing Area should be pre-approved by the local regulatory authority.
- b. The person in charge must demonstrate that the facilities on the mobile or at the Servicing Area are adequate to cool TCS foods in accordance with Sections 3-501.14 and 3-501.15 of the Food Code.

### **2. REHEATING FOR HOT HOLDING**

If proper reheating at the mobile cannot be accomplished, reheating TCS food must take place at the servicing area and the products hot held on the mobile unit at 135° F or greater. (§ 3-501.16)

### **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)