

## Food Protection Program:

# *Mobile Food Establishment Questions and Answers*

*The MA Department of Public Health's Food Protection Program works in conjunction with Local Boards of Health (LBOH) to ensure a safe and wholesome food supply in Massachusetts by promulgating and enforcing regulations related to food safety, conducting foodborne illness complaint investigations, and responding to other food emergency incidents.*

*A Mobile Food Establishment must get a local permit from each board of health in each municipality in which it operates, and must comply with certain requirements in 105 CMR 590 (the Retail Food Code). Some Mobile Food Establishments must also get additional state or local permits depending on the products they are selling and must comply with associated permitting requirements.*

*The following is provided to assist in complying with state regulations related to production and sale of food from a Mobile Food Establishment.*

### **What is a Mobile Food Establishment?**

A Mobile Food Establishment (MFE) is 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.

### **What activities in a mobile operation require a permit as a MFE?**

- Preparing and selling food items such as hot dogs, grilled sandwiches, salads, kettle corn or popcorn, shaved ice or roasted nuts;
- Selling commercially processed pre-packaged time/temperature control for safety (TCS) foods such as packaged ice cream products;
- Selling TCS beverages such as milk or juice;
- Selling beverages that contain TCS ingredients such as coffee with milk/ cream or smoothies;
- Conducting complex food preparation that involves cooking, cooling, reheating, hot holding and/or specialized food processing methods that must be prepared pursuant to a Hazard Analysis Critical Control Point (HACCP) Plan.

### **What activities in a mobile operation do not require a retail food permit?**

The following activities conducted by a mobile food operation do not require a retail food permit:

- Transporting 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.

### **Is a local permit required for each MFE?**

Each MFE must have a separate permit from the Local Board of Health (LBOH) for each mobile facility and from each municipality where the MFE intends to operate. The permit may be issued for any period of time approved by the LBOH, and should include the dates, location(s), and any restrictions in the operation.

### **If a permit is required, what standards must the MFE comply with?**

For a list of provisions that all Mobile Food Establishments permitted under the Retail Food Code must adhere to, please see guidance issued by the Department titled *Retail Food Code Standards for Mobile Food Establishments* located here: [mass.gov/lists/retail-food](http://mass.gov/lists/retail-food).

### **Must a permit application be accompanied by a set of plans?**

Yes. The plans and specifications for an MFE unit must be submitted to the LBOH 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). Based on the type of proposed operation, proposed menu items or proposed equipment, the regulatory authority may require additional information or plans, restrict the menu based upon the limitations of the MFE unit, or require a "Servicing Area".

### **What is a Servicing Area and are all MFEs required to have a Servicing Area?**

A Servicing Area is 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)).

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.

### **What if there is no water supply to the Mobile Food Establishment?**

If no permanent water supply is available, the MFE may access water through:

- A supply of containers of commercially bottled drinking water
- Closed portable water containers
- An enclosed vehicular water tank
- An on-premises water storage tank
- Piping, tubing, or hoses connected to an adjacent approved source. (5-104.12)

### **What are the restroom and handwashing requirements for the MFE?**

Permanent or portable restrooms and handwashing facilities must be available for use during food preparation and along 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 exposure is limited, the local authority may approve the use of chemically treated towelettes for handwashing.

**What additional state or local permits may the MFE be required to have?**

The chart below provides a list of potential permits that may be required for a MFE, in addition to a Food Establishment Permit. This list may not be exhaustive. You should consult with your local municipality to determine whether all requirements are met.

License/Permit	Required For	Issued By	Contact
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)	The MA Division of Standards, or municipal licensing agency	<p><u>Division of Standards:</u>            Email: <a href="mailto:standards.mail@mass.gov">standards.mail@mass.gov</a>            Website: <a href="https://www.mass.gov/hawker-and-peddler">https://www.mass.gov/hawker-and-peddler</a></p> <p><u>Local:</u> Municipal licensing agency</p>
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)	Municipal Permitting Authority (the chief of police or the board or officer having control of the police in a city or town)	Local Police Department
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)	The Division of Marine Fisheries	<p>Email: <a href="mailto:marine.fish@mass.gov">marine.fish@mass.gov</a></p> <p>Website: <a href="https://www.mass.gov/service-details/seafood-dealer-permits">https://www.mass.gov/service-details/seafood-dealer-permits</a></p>
Solicitor Permit	Door-to-door food sales, if required by municipality	Local Police Department	Local Police Department



For Any Questions, please contact your Local Board of Health or the Massachusetts Department of Public Health, Bureau for Environmental Health’s Food Protection Program at 617-983-6712 | Fax: 617-983-6770 | TTY: 617-624-5286 | Email: FPPDPH@state.ma.us

If you would like a copy of the state regulations or additional information concerning the retail food code, please visit: [mass.gov/lis3/retail-food](https://mass.gov/lis3/retail-food)