

		West Virginia Department of Health and Human Resources			
		MANUAL OF ENVIRONMENTAL HEALTH PROCEDURES			
Section	Food	Date	August 16, 2013	Procedure #	F-15
Subject	Guidance for Mobile/Pushcarts/Temporary Food Establishments			Page	1 of 2

F-71 that referred to Mobile Food Units was repealed upon adoption of the 1999 FDA Model Food Code. Due to requests from Local Health, the Office of Environmental Health Services has adopted the [Conference for Food Protection guidance document related to Mobile, Pushcart and Temporary Food Establishments](#). The provisions of 64CSR17 Food Establishment Rule requires that mobile food units and pushcarts meet all of the requirements of the food establishment regulations in the same manner as any fixed food service establishment while providing some exceptions based on potential health hazard.

[64 CSR 17 Food Establishment Rule](#) definitions in part:

“Food Establishment”

(b) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the PREMISES; and regardless of whether there is a charge for the FOOD.

"Temporary food establishment" means a FOOD ESTABLISHMENT that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

Temporary food establishments are also referenced in 16-6-3 of the WV State Code. “The provisions of this article shall not apply to temporary food sales, not exceeding two weeks in length, by religious, educational, charitable, or nonprofit organizations.

The following FDA Food Code Mobile Food Establishment Matrix is a plan review and inspectional guide for mobile food establishments based on the mobile unit's menu and operation. Mobile units range in type from push carts to food preparation catering vehicles.

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

NOTE: The Food Code definition of "Food Establishment" does not include an establishment that offers only prepackaged foods that are not potentially hazardous (time/temperature control for safety foods).

FDA Food Code Mobile Food Establishment Matrix			
Food Code	Potentially Hazardous Food (TCS food) Menu		Not Potentially Hazardous Food (TCS Food) Menu
<i>Areas/Chapter</i>	<i>Food Preparation</i>	<i>Prepackaged</i>	<i>Food Preparation</i>
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 and Enforcement	Applicable Sections of Chapter 8 and Annex 1	Applicable Sections of Chapter 8 and Annex 1	Applicable Sections of Chapter 8 and Annex 1

The local regulatory authority's decision to require auxiliary support services such as a commissary or servicing area should be based on the menu, type of operation, and availability of on-board or on-site equipment.

Attached as a guide are two local Health Department documents related to Mobile Food Units.

References: [2005 FDA Food Code](#); [WV State Code 16-6-3](#)

History: Replaces Repealed F-71

Attachments: [Conference for Food Protection Guide for Mobile Food Establishments](#)
[Monongalia Co. Health Dept. General Requirements for Mobile Food Units.](#)
[Plan Review application, and Commissary Agreement](#)
[Cabell Co. Health Department Draft Plan Review Guide](#)
[SF-4 Temporary Food Guide](#)