



Sanders County—Environmental Health Department
Po Box 519
Thompson Falls, MT 59873
PH 406-827-6961 / FAX 406-827-4388
www.co.sanders.mt.us

**REQUEST FOR EXEMPTION
(50-50-102 (21)(c)(x), MCA)**

Private, religious, fraternal, youth, patriotic, or civic organizations that serve or sell food to the public over no more than 4 days in a 12 month period.

Please complete this form and return to Sanders County Environmental Health Department at least two (2) weeks prior to the event/function.

GENERAL INFORMATION

Organization name: _____ Contact Person(s): _____
Address: _____ Email: _____
Event: _____ Telephone: _____
Event Location: _____ Date(s): _____

I certify that :

- The above named organization qualifies for exemption based on documentation provided.
- This organization has not sold or served food to the public for more than 4 days in a 12 month period.
- Food Safety Guidance has been provided by the SC Environmental Health Department.

PROPOSED MENU

FOOD PREPARATION SITE(S): _____

Signature: _____ **Date:** _____
Applicant

Health Department Determination:

Approved: _____ Date: _____
Sanders County Sanitarian



Department of Public Health and Human Services

Public Health & Safety Division ♦ Communicable Disease Control & Prevention Bureau

Food & Consumer Safety ♦ PO Box 202951 ♦ 1400 Broadway ♦ Helena, MT 59620-2951

Phone: (406) 444-2837 ♦ Fax: (406) 444-5055

Steve Bullock, Governor

Sheila Hogan, Director

Four Day Exemption Guidance

The purpose of this document is to provide guidance regarding what organizations are exempt from retail food establishment licensure in MCA 50-50-102 (21)(c)(x).

This law states that retail food establishments do not include “private, religious, fraternal, youth, patriotic, or civic organizations that serve or sell food to the public over no more than 4 days in a 12-month period.”

If a situation arises where the safety of the public has been, or may likely be in jeopardy, or an outbreak has occurred, DPHHS recommends working closely with your county health officer to take action to protect public health (see local health authorities in MCA 50-2-118).

DPHHS interprets MCA 50-50-102 (21)(c)(x) to include many non-profit organizations that may qualify for tax-exempt status under the federal tax code (IRS 501 (c)(3)). The table at the end of this document provides examples of such organizations, which may be license exempt, if serving the public.

If it is unclear if an organization meets the exemption, DPHHS recommends using the following definitions to guide your decision as to whether or not the organization should be exempt.

Private Organizations – a group which maintains selective members, is operated by the membership, does not provide food or lodging for pay to anyone who is not a member or a member's guest and is not profit oriented.

Fraternal Organizations - It must have a fraternal purpose. An organization has a fraternal purpose if membership is based on a common tie or the pursuit of a common goal. The organization must also have a substantial program of fraternal activities. It must operate under the lodge system. Operating under the lodge system requires, at a minimum, two active entities: (i) a parent organization; and (ii) a subordinate organization (called a lodge, branch, or the like) chartered by the parent and largely self-governing. It must devote its net earnings exclusively to religious, charitable, scientific, literary, educational, and fraternal purposes.

You may also ask if they have an IRS exemption for "Fraternal Societies or Organizations".

Religious Organization – a group organized and operated exclusively for religious purposes; net earnings may not benefit any private individual or shareholder; no substantial part of its activity may be attempting to influence legislation; the organization may not intervene in political campaigns; and the organization's purposes and activities may not be illegal or violate fundamental public policy.

Civic Organization - groups primarily engaged in promoting the civic and social interest of their members.

Youth Organization - groups operating for direct benefit of individuals under the age of eighteen. Net earnings may not benefit any private individual or shareholder; no substantial part of its activity may be attempting to influence legislation; the organization may not intervene in political

campaigns; and the organization's purposes and activities may not be illegal or violate fundamental public policy.

Patriotic Organization - an organization expressing or inspired by patriotism, operated exclusively for membership. Net earnings may not benefit any private individual or shareholder; no substantial part of its activity may be attempting to influence legislation; the organization may not intervene in political campaigns; and the organization's purposes and activities may not be illegal or violate fundamental public policy.

If, after review of this guidance, a question arises as to whether or not an organization should be granted exemption from licensure please contact DPHHS to discuss the individual case with Food and Consumer Safety staff.

COMMON ORGANIZATION EXAMPLES

Private	Religious	Fraternal	Youth	Patriotic	Civic
Boy Scouts	Church groups	Eagles Club	4-H Club	American Legion	Fire Department Associations
Chamber of Commerce	Knights of Columbus	Elks Club	Boys' and Girls' Clubs	Daughters of the American Revolution	Kiwanis International
Ducks Unlimited	Synagogue groups	Moose Club	Sports Associations (football, wrestling, baseball, soccer, etc.)	Veterans of Foreign Wars	Police Department Associations
Girl Scouts		Shriners International	School related booster clubs		Parent-Teacher Organizations
National Rifle Association					Hospital Foundations
Prickly Pear Land Trust					Gardening clubs
Business Association					
Tavern League					
Wilderness Society					

Montana DPHHS Temporary Food Establishments (TFE) Guidance Document



TABLE OF CONTENTS

Preface3

Definitions3

Introduction3

Temporary Food Event Coordination3

Plan Review and Application Process4

Monitoring and Planning Temporary Food Events4

Temporary Food Establishment Operations Checklist5

 Personnel5

 Food Source6

 Food Preparation6

 Equipment8

 Food and Utensil Storage9

 Cleaning and Sanitizing9

 Water Supply and Wastewater Disposal10

 Premises10

Application to Operate a Temporary Food Establishment Attachment I

Event Organizer Application to Operate Temporary Food Establishments Attachment II

Temporary Food Establishment - Expanded Process Flow Attachment III

PREFACE

This document is intended to assist local health regulatory authorities with the review and approval of Temporary Food Establishments. As of October 1, 2015, the permitting of temporary food establishments was changed from the Department of Public Health and Human Services-Food and Consumer Safety Section to the county where the temporary is operating.

Counties are allowed to charge a permit fee to for-profit temporaries; however, it cannot exceed the retail food fee. Each time a temporary alters its menu substantially by food type and means of production, a separate permit must be obtained and a separate permit fee paid. A fee cannot be charged to non-profit organizations operating temporary food establishments; however, the review requirements should be the same.

INTRODUCTION

Events, such as fairs and carnivals, cultural celebrations, special interest fundraisers, have become extremely popular and are held at an increasing frequency.

Many of these events have temporary food establishments with high risk food operations engaging in extensive preparation of raw ingredients; processes that include the cooking, cooling, and reheating of potentially hazardous foods; and advanced preparation of food several days prior to service.

Temporaries operate either indoors or outdoors and often have limited physical and sanitary facilities available. As such, temporaries present special challenges to regulatory authorities that have the responsibility to permit and inspect them.

DEFINITIONS

"Temporary food establishment" means a retail food establishment that in a licensing year either:

- (a) Operates at a fixed location for no more than 21 days in conjunction with a single event or celebration; or
- (b) Uses a fixed menu and operates within a single county at a recurring event or celebration for no more than 45 days.

TEMPORARY FOOD EVENT COORDINATION

Since food preparation and service at temporary events have unique concerns, the regulatory authority may require event organizers contact their office in advance. This is not a requirement in the rule and must be approved through appropriate channels locally prior to implementation. The regulatory authority may ask the following information to determine if the event venue can support food service:

- Number of people expected per day
- Number and type of handwashing facilities
- Location of the event

- Water source, solid waste and waste water disposal information
- Power provided
- List of operators with contact information

PLAN REVIEW AND APPLICATION PROCESS

The plans and application for a temporary should include all the information necessary to determine that the physical and sanitary facilities are adequate to ensure safe food. It is recommended that a pre-event meeting be held between the regulatory authority and the applicants and/or the primary food vendors for the event to discuss the requirements that must be adhered to for safe operation of the temporary.

Prior to issuing a permit to a food establishment, the local regulatory authority is responsible for performing a plan review. The pre-operational review provides the opportunity to discuss areas of concern and should be conducted prior to the issuance of a permit. The regulatory authority may impose restrictions on the types of food to be prepared and served based upon the preparation and sanitary facilities available.

For large events such as fairs there is often an event organizer that is responsible for coordinating the temporary food establishments. In this situation, if the event organizer provides any of the required facilities (i.e., toilet and handwashing facilities, warewashing facilities, refuse or waste water services) that are to be utilized by a temporary food establishment, depending on local regulations and practices, a separate application and permit may be required by the regulatory authority.

A sample plan review is attached.

MONITORING AND PLANNING FOR TEMPORARY FOOD EVENTS

Due to the complexities of temporary food events, the local regulatory authority should develop a method to monitor and plan for these events so that the necessary resources are available to assist with the review and inspection of the temporary food establishments.

- Many events are scheduled on an annual basis and can be monitored by keeping a calendar of these events.
- Information on temporary events can be obtained from fliers, banners, newspaper and radio announcements, and local TV ads.
- A working relationship should be established with local visitor's associations or Chambers of Commerce as these organizations often maintains schedules of events.
- A working relationship should be established with managers/owners of fairgrounds, parks and other locations where temporary events are often held.

TEMPORARY FOOD ESTABLISHMENT OPERATIONS CHECKLIST

The following checklist provides an overview of the general requirements that should be considered when reviewing applications and conducting on-site inspections. The local regulatory authority may impose additional requirements based upon the type of food preparation and/or sanitary facilities available.

Please be aware that temporary food establishments must each be reviewed on their own operation and not all aspects of this checklist may apply to every temporary food establishment.

The applicable 2013 Model Food Code Sections have been italicized.

PERSONNEL

- ❑ **PERSON-IN-CHARGE (PIC):** A designated person must be on site during all hours of operations of the temporary food establishment. The PIC is responsible for ensuring compliance with health code requirements. (*§2-101.11, 2-103.11*)
- ❑ **CERTIFIED FOOD PROTECTION MANAGER:** At least one employee that has supervisory and management responsibility and authority to direct and control food preparation and service shall be a Certified Food Protection Manager for those temporary food establishments, unless the temporary only serves beverages; pre-packaged, ready-to-eat items; and non-TCS foods. (*§2-102.12*)
- ❑ **EMPLOYEE HEALTH:** 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*)
- ❑ **HANDWASHING:** Food employees shall wash their hands upon entering the temporary or food preparation and service areas, immediately before engaging in food preparation, after using the toilet room, 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*)
- ❑ **HANDWASHING FACILITIES:** Handwashing facilities shall be located to allow convenient use by food employees in food preparation, food dispensing and warewashing areas. Handwashing sinks are to only be used for handwashing. A handwashing sign shall be posted at each handwashing sink. (*§5-204.11, 5-205.11, 5-202.12, 5-203.11, 6-301.11, 6-301.12, 6-301.14, 6-301.20*)

Packaged food only – Hand wash stations are not required if only commercially pre-packaged foods kept in their original containers will be provided to consumers.

Temporary handwash stations can be a variety of different possibilities. For example – A five gallon insulated container with a spigot which can be turned on to allow potable warm water to flow over one's hands into a waste receiving bucket of equal or larger volume. Hand soap, single-use dispensed towels, and a

waste receptacle shall be provided. (See Below)



- ❑ **HYGIENE:** Food employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods. (§2-302.11)
 - Food employees shall have clean outer garments, aprons and effective hair restraints. (§2-304.11, 2-402.11)
 - Food employees are not allowed to smoke or eat (including chewing gum) 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)
 - All non-working, unauthorized persons should be restricted from food preparation and service areas. (§2-103.11)

- ❑ **NO BARE HAND CONTACT:** Employees preparing food may not contact exposed, ready-to-eat 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)
 - *Bare hand contact may be allowed if the provisions for allowing bare hand contact in §3-301.11 are followed.*

FOOD SOURCE

- ❑ **SOURCE:** All food shall be obtained from sources that comply with law. All meat and poultry shall come from USDA or other acceptable government regulated approved sources. (§3-201.11)
 - Home canned foods are not allowed nor shall there be any home cooked or prepared foods offered at temporary food events. (§3-201.11)
 - Ice for use as a food or a cooling medium shall be made from potable water. (§3-202.16)
 - All Potentially Hazardous Food (Time/Temperature Control for Safety Food) (PHF/TCS) which is pre-cooked and pre-cooled off site for service at the temporary food establishment shall be prepared at an approved, permanent food establishment. (§3-201.11)

- ❑ **TRANSPORTATION:** Food shall be transported in a manner that protects the food from contamination and if a PHF/TCS food item shall be maintained at 135°F or above or 41°F or below. (§3-202.15, 3-501.16)

FOOD PREPARATION

- ❑ **FOOD CONTAMINATION:** All cooking and serving areas shall be protected from contamination. Consumers shall be prevented from accessing areas of the temporary where food, food-contact surfaces, and equipment are located. (§2-103.11(B), 3-307.11)
- ❑ **CROSS CONTAMINATION:** Food shall be protected from cross contamination by separating raw animal foods from ready-to-eat foods and separating types of raw animal foods from each other during storage, preparation, holding, and display. (§3-302.11, 3-307.11)
 - Equipment and utensils (including knives, cutting boards, and food storage containers) shall be thoroughly cleaned and sanitized after being used for raw animal foods and before being used for ready-to-eat food. (§3-304.11, 4-602.11)
- ❑ **HANDLING OF UNPACKAGED NONPHF/TCS FOOD**

During preparation, unpackaged food shall be protected from contamination. (§3-305.14, 3-307.11)
- ❑ **HOLDING OF COMMERCIALY PROCESSED PACKAGED PHF/TCS FOOD:**

PHF/TCS food shall be maintained at 135°F or higher or 41°F or below. (§3-501.16)
- ❑ **HOLDING OF PHF/TCS FOOD:** Potentially Hazardous Food (Time/Temperature Control for Safety Food) shall be maintained at 135°F or higher or 41°F or below. (§3-501.16)
- ❑ **COOKING:** Food shall be cooked to the minimum temperatures and times specified below**: (§3-401.11, 3-603.11)
 - **165°F for 15 seconds** - poultry; wild game animals; stuffing containing fish, meat, poultry or ratites; stuffed fish, meat, pasta, poultry or ratites.
 - **155°F for 15 seconds** - mechanically tenderized and injected meats; the following if they are comminuted: fish, meat (hamburgers), game animals commercially raised for food; pooled raw eggs; ratites.
 - **145°F for 15 seconds** - raw eggs that are broken and prepared in response to a consumer's order and for immediate service; fish and meat.

**temporary operators should consult with the local regulatory authority if considering cooking roasts (whole beef, pork, cured pork (ham) and corned beef) or if serving or selling undercooked foods to ensure compliance with the provisions of the Model Food Code.
- ❑ **THAWING:** PHF/TCS food shall be thawed either under refrigeration that maintains the food temperature at 41°F or less, or as part of a cooking process. (§3-501.13)
- ❑ **REHEATING FOR HOT HOLDING OF COMMERCIALY PROCESSED FOOD**
 - Food from a commercially processed, hermetically sealed container of food or from an intact package from a food processing plant shall be reheated to 135°F for hot holding. (§3-403.11)

- ❑ **COOLING: Cooling may be approved for a temporary depending on refrigeration capacity and the operator's ability to cool food to required temperatures.** If approved by the regulatory agency, PHF/TCS must be cooled by in accordance with the following time and temperature criteria: (§3-501.14 3-501.15)
 - Cooked PHF/TCS food shall be cooled within 2 hours from 135°F to 70°F and within a total of 6 hours from 135°F to 41°F or less.
 - PHF/TCS food prepared from ingredients at ambient temperature shall be cooled within 4 hours to 41°F or less.
- ❑ **REHEATING FOR HOT HOLDING:** PHF/TCS food that is cooked and cooled at a permanent food establishment prior to delivery to the temporary food establishment shall be reheated so that all parts of the food reach a temperature of at least **165°F for 15 seconds if hot held.** (§3-403.11)
 - Reheating shall be done rapidly so that the food is between 41°F and 165°F for no more than 2 hours.
 - Cooked and refrigerated food that is prepared in response to an individual consumer order may be served at any temperature.

EQUIPMENT

Equipment used for cooking or for holding of PHF/TCS food shall be evaluated for approval based on a menu review, food service operations that will occur, and the length of the event. (§4-301.11)

- ❑ **COOKING DEVICES:**
 - For safety reasons, cooking equipment, such as BBQs, propane stoves, and grills, should be roped off or otherwise segregated from the public (§3-307.11).
 - Charcoal and wood cooking devices are not recommended.
 - Propane stoves or grills may be approved as cooking devices.
 - All cooking of foods should be done towards the rear of the food booth.
- ❑ **COLD STORAGE:**
 - Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water. (§3-303.12)
 - Each refrigeration unit should have a numerically scaled thermometer accurate to ±3°F if scaled only in Fahrenheit or accurate to +/- 1.5°C if dually scaled in Celsius and Fahrenheit to measure the air temperature of the unit. (§4-203.12, 4-204.112)

For short operations and operations that do not need to transport food long distances, coolers with ice may be approved. For longer operations, transport times, or more complex menus, mechanical refrigeration may be required.

- ❑ **HOT STORAGE:** Hot food storage units shall be used to keep PHF/TCS food at 135°F or above. Electrical equipment, propane stoves, grills, etc. shall be capable of holding foods at 135°F or above. (§3-501.16, 4-301.11)

- ❑ **THERMOMETERS:** A thermocouple or metal stem thermometer shall be provided to check the internal temperatures of PHF/TCS hot and cold food items. Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to +/-1°C or if scaled only in Fahrenheit shall be accurate to +/-2°F in the intended use of range. Temperature measuring devices shall be equipped with a small diameter probe if thin foods are served. (§4-302.12, 4-502.11)
- ❑ **COUNTERS/SHELVES:** All food contact surfaces shall be non-toxic, smooth, easily cleanable, durable, nonabsorbent, and free of seams and difficult to clean areas. All other surfaces shall be finished so that they are easily cleanable. (§4-101.11)

FOOD AND UTENSIL STORAGE

- ❑ **DRY STORAGE:** All food, equipment, utensils, and single service items shall be stored at least 6" off the ground or floor on pallets, tables, or shelving. Food shall be protected from contamination and shall have effective overhead protection. (§3-305.11, 3-305.12)
- ❑ **FOOD DISPLAY:** All food and food contact surfaces shall be protected from consumer handling, coughing, sneezing or other contamination. (§3-306.11, 3-306.12, 3-306.13)
 - Sneeze guards or other effective barriers should be in place for food on display.
 - Food should be covered, except for working containers of food.
 - Condiments should 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 employees, patrons, insects, or other sources.
- ❑ **IN-USE UTENSILS:** Food dispensing utensils shall be stored in the food with their handles above the top of the food and container; on a clean portion of the food preparation table or cooking equipment; or in a container of water if the water is maintained at a temperature of at least 135°F and the utensil and container is cleaned as necessary to preclude accumulation of soil residues. (§3-304.12)

CLEANING AND SANITIZING

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 PHF/TCS food; before using or storing a food temperature measuring device; and if used with PHF/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)

- ❑ **WAREWASHING:** A commercial dishwasher or manual warewashing method should be utilized to wash, rinse, and sanitize equipment and utensils coming into contact with food. (*applicable sections in Chapter 4 Model Food Code*)

Food contact items must be cleaned and sanitized as required, including every four hours of operation. A temporary operator must propose how they will warewash onsite, or propose a suitable servicing area and additional dishes and utensils. The minimum requirements for a utensil washing set-up to wash/rinse/sanitize should consist of 3 basins, large enough for complete immersion of utensils, a potable hot water supply, and an adequate disposal system for the wastewater.

- ❑ **SANITIZING:** Chlorine bleach or other approved sanitizers should be provided for sanitizing food contact surfaces, equipment, and wiping cloths. Sanitizers shall be used in accordance with the EPA-registered label use instructions. An approved test kit shall be available to accurately measure the concentration of sanitizing solutions. (§4-501.116, 4-703.11)
- ❑ **WIPING CLOTHS:** 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 sanitizing solution at the approved sanitizer concentration. (§3-304.14)

WATER SUPPLY AND WASTEWATER DISPOSAL

- ❑ **WATER:** An adequate supply of potable water shall be available on site for cooking and drinking purposes; for cleaning and sanitizing equipment, utensils, and food contact surfaces; and for handwashing. (*applicable sections in Chapter 5 Model Food Code*)
 - Water shall come from an approved public water supply or an approved well water supply. The water supply system and hoses carrying water shall be constructed with approved food contact materials. *Recommend labeling potable water hose.*
 - The water supply shall be protected with backflow devices to preclude the backflow of contaminants into the potable water supply. (§5-202.13, 5-202.14, 5-203.14, 5-203.15)
 - All hose and other connections to the potable water supply shall be maintained a minimum of 6" above the ground or top plane surface.
 - A supply of commercially bottled drinking water or sanitary potable water storage tanks may be allowed if approved by the regulatory authority.
- ❑ **WASTEWATER DISPOSAL:** Wastewater shall be disposed in an approved waste water disposal system. Wastewater may not be dumped onto the ground surface, into waterways, or into storm drains; but shall be collected and disposed through an approved sewage disposal system. (§5-402.13)

PREMISES

- ❑ **FLOORS:** If graded to drain, a floor may be concrete, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other approved materials that are effectively treated to control dust and mud. (§6-101.11)
- ❑ **WALLS AND CEILINGS:** The temporary should be covered with a canopy or other type of overhead protection, unless the food items offered are commercially

prepackaged food items and dispensed in their original containers.

- Walls and ceilings, when required, are to be of tight and sound construction to protect against the elements, windblown dust and debris, insects, or other sources that may contaminate food, food contact surfaces, equipment, utensils, or employees. (§6-101.11)
- Window and door openings shall be protected from insects and rodents by 16 mesh to 1 inch screen, properly designed air curtain, or other effective means. (§6-202.15)

- ❑ **LIGHTING:** Adequate lighting by natural or artificial means shall be provided. Light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed food; clean equipment and utensils; or unwrapped single-service and single-use articles. (§6-202.11)
- ❑ **REFUSE:** An adequate number of non-absorbent, easily cleanable refuse containers shall be provided both inside and outside of each temporary site. Refuse containers shall be removed at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents. Dumpsters shall be covered, rodent-proof, and non-absorbent. Grease shall be disposed of properly and shall not be dumped onto the ground surface. (§5-501.13, 5-502.11, 5-502.12)
- ❑ **TOILET FACILITIES:** An adequate number of approved toilet and handwashing facilities shall be provided for food employees at each event. The toilet facilities should be conveniently located to the food preparation areas and be supplied with toilet tissue. (§5-203.12, 5-204.11, 6-302.11)
- ❑ **CLOTHING STORAGE:** Personal clothing and belongings should be stored at a designated place in the temporary away from food preparation, food service and warewashing areas. (§6-305.11, 6-403.11)
- ❑ **TOXIC MATERIALS:** Poisonous or toxic materials shall be properly labeled and stored so they cannot contaminate food, equipment, utensils, and single-service and single-use articles. Only those chemicals necessary for the food service operation shall be provided. (§7-202.11, 7-202.12)
- ❑ **PESTS:** The TFE shall be maintained free of insects, rodents, and other pests. (§6-202.15)