

# **Lewis County Public Health & Social Services (LCPHSS)**

Environmental Services Division

## **Food Service Policy & Procedures**

January 2013

---

## LCPHSS MISSION STATEMENT

To promote, enhance, and protect the health and well-being of our community through partnerships, education, and prevention services.

## PROGRAM GOALS & OBJECTIVES

To adhere to the department's mission and protect public health through a comprehensive food program stressing public education and critical item enforcement by meeting the following objectives:

- Objective #1: Organize and present one educational workshop annually at least one month prior to the deadline for renewing permits.
- Objective #2: Review food regulations and applications annually by November 15<sup>th</sup> to determine if any updates need to be made for the upcoming permit cycle.
- Objective #3: Develop and publish at least two informational articles annually.
- Objective #4: Permit establishments and conduct inspections based on risk and potential impact to public health using the schedule in Section 3 as a guideline.

## DEFINITIONS:

- **Potentially Hazardous Foods:** Foods that require temperature control for safety
- **Non-potentially Hazardous Foods:** Foods that can safely be kept at room temperature
- **Permit Cycle:** February 1 – January 31 each year
- **Permanent Establishment:** A place, location, operation, site or facility where food is manufactured, prepared, processed, packaged, dispensed, distributed, sold, served, or offered to the consumer regardless of whether or not compensation for food occurs
- **Temporary Establishment:** A food establishment:
  - a) Operating at a fixed location, with a fixed menu, for not more than twenty-one consecutive days in conjunction with a single event or celebration such as a fair or festival; **or**
  - b) Operating not more than three days a week at a fixed location, with a fixed menu, in conjunction with an approved, recurring, organized event, such as a farmers market

## SECTION 1: PERMIT CATEGORIES

Food Establishments are placed in categories based on the risk involved in the food they prepare/serve. The lists below identify the different categories for all permanent and temporary establishments. Handouts, in table format, are provided to first time permit applicants and/or upon request.

### *Permanent Establishments*

- **Risk Category 1:** Establishments that:
  - sell only pre-packaged potentially hazardous foods; OR
  - prepare only non-potentially hazardous foods; OR
  - only process raw meat for sale; OR
  - serve only ice cream or other frozen items; AND
  - do not cook, cool, reheat, or process potentially hazardous foods.
    - *Examples include most convenience store operations, meat markets, bakeries that only prepare non-potentially hazardous baked goods, ice cream shops, and coffee/espresso shops.*

- **Risk Category 2:** Establishments that:
  - prepare only commercially processed, potentially hazardous foods for immediate service or hot/cold holding; AND
  - do not cook raw meat or unpasteurized shell eggs; AND
  - do not cool potentially hazardous foods.
    - *Examples include delis, grocery stores, and espresso stands with limited food service, some schools, preschools, senior centers, and some fast food restaurants.*
- **Risk Category 3:** Establishments that:
  - cook raw meat or unpasteurized shell eggs; OR
  - are mobile units with menus that fall into risk categories 1 and 2.
    - *Examples include some delis, most fast food restaurants, and some full service restaurants that do not cool potentially hazardous foods.*
- **Risk Category 4:** Establishments that:
  - cool potentially hazardous foods; OR
  - are mobile units with menus that fall into risk category 3.
    - *Examples include some delis and bakeries, some fast food restaurants, and most full service restaurants.*
- **Risk Category 5:** Establishments that:
  - cater non-public events, including the transport and service of food (This permit does not apply to establishments that only deliver food such as pizza delivery); OR
  - have 3 or more separate areas of food service, such as a grocery store with cold holding cases, a deli, and a bakery; OR
  - conduct specialized processes such as smoking and curing or reduced oxygen packaging for extended shelf life.
    - *Examples include caterers and multi-departmental supermarkets.*
- **Cooking Outside a Permitted, Permanent Establishment:**
  - **A temporary permit *IS NOT* required when the cooking:**
    - occurs immediately outside of a permitted, permanent establishment; AND
    - is operated by the permitted establishment's staff; AND
    - only involves cooking foods for processing and service inside; AND
    - has been approved by LCPHSS; AND
    - complies with fire safety regulations; AND
    - does not involve:
      - adding any other ingredients such as cheese while cooking outside; OR
      - direct service onto customers' plates outside.
  - **A temporary permit *IS* required when:**
    - there is any food preparation, hot holding, or cold holding immediately outside of the permitted, permanent establishment; OR
    - outdoor cooking involves processing and/or service immediately outside of a permitted, permanent establishment, including:
      - adding any ingredients such as cheese, lettuce, tomatoes, or buns; OR
      - slicing, chopping, or cutting; OR
      - direct service onto customers' plates.
- **Off-site Public Event:**
  - **A temporary permit *IS* required when:**
    - any potentially hazardous foods are provided at another location, whether packaged or unpackaged, and whether a fee is charged or not; OR
    - any food preparation is done at another location.

### ***Temporary Establishments***

- **Risk Category 1:** Establishments that:
  - provide samples of low risk products that do not require cooking or hot holding.
    - *Examples include samples of cheese, dips, and dressings.*
- **Risk Category 2:** Establishments that:
  - only prepare non-potentially hazardous foods; OR
  - prepare food that has been fully cooked or pasteurized in a food processing plant.
    - *Examples include the preparation of elephant ears, funnel cakes, espresso, hot dogs, pre-cooked hamburgers, or pasteurized eggs.*
- **Risk Category 3:** Establishments that:
  - prepare all other types of potentially hazardous foods, including cooking raw meat or unpasteurized shell eggs.
    - *Examples include hamburger stands, spaghetti dinners, and barbeques.*
- **Risk Categories 4-7: Same Vendor – Multiple Events**
  - **Category 4:** Establishments that:
    - have multiple events in *different* locations; AND
    - only provide samples as explained under category 1 above.
  - **Category 5:** Establishments that:
    - have multiple events in the *same* location; AND
    - submit a list of all foods that may be served throughout the permit period; AND
    - operate MORE than 6 consecutive months.
  - **Category 5a:** Establishments that:
    - are the same as category 5 above except operate LESS than 6 consecutive months.
  - **Category 6:** Establishments that:
    - have multiple events in *different* locations; AND
    - submit a list of all foods that may be served throughout the permit period.
  - **Category 6a:** Establishments that:
    - have a category 6 permit; AND
    - have up to 5 booths, owned by the same vendor, operating at the same time.
  - **Category 7:** Judged cooking contests may include multiple booths on one permit based on the following:
    - Maximum of 10 booths under 1 permit
    - Permit fee is based on categories 2 and 3 listed above
    - Event must have one coordinator to represent all booths (contestants)
    - All booths must meet food safety requirements for judged cooking contests.

### **SPECIAL PERMITTING NOTES**

Permitting requirements for a variety of food operations are discussed below: It is the intent of this policy document to identify and focus food program efforts on those food establishments having the greatest potential impact on public health. Therefore, permits will not be required for certain types of food service operations having low public health impact. This exclusion, however, will not exempt the non-permitted establishments from any applicable requirements of state and local regulations, including the requirement for adequate hand washing facilities and the requirement that workers have valid food worker cards.

- ***Bake Sales:*** No permit required when non-profit organizations operating for religious, charitable, or educational purposes hold bake sales where only non-potentially hazardous baked goods are sold

- **Churches:** No permit required when providing food and/or beverages at no cost to members and invited guests only
- **Farmer’s Market:** No permit required when only pre-packaged, non-potentially hazardous foods are sold
- **Fruit Stands:** No permit required when only non-potentially hazardous produce is sold. \*No permit is required when individual samples of non-potentially hazardous produce are provided.
- **Ice Cream Vendors:** No permit required when commercially prepackaged ice cream is sold. (Permit required if soft ice cream or ice cream served from bulk is sold)
- **Popcorn Vendors:** \*No permit required when only popcorn is sold (including kettle corn)
- **Cotton Candy:** \*No permit required
- **Corn on the Cob:** \*No permit required
- **Roasted Nuts:** \*No permit required (including candy-coated)
- **Private Clubs:** No permit required when providing food and/or beverages at no cost to members and invited guests only

\*A permit exemption form should be completed and turned in to the Public Health Department.

Alternate requirements for Washington State Department of Agriculture (WSDA) licensed facilities: WSDA licensed facilities that provide samples of their products to the public will require a food establishment permit through the Health Department. However, we will accept WSDA standards for potable water and septic disposal. The following will be required prior to issuance of a food permit:

- Copy of the WSDA license
- Copy of the most recent coliform test result

*Please note that any further food preparation, beyond simple sampling, will require fully approved public water supply and septic disposal.*

## SECTION 2: CURRENT ESTABLISHMENTS

The following table shows approximately how many establishments are in each category. The table will be updated when significant changes to the numbers take place.

Permanent Establishments	Category 1	122	
	Category 2	108	
	Category 3	81	
	Category 4	167	
	Category 5	31	
Temporary Establishments (for profit)	Category 1	16	
	Category 2	74	
	Category 3	77	
	Category 4	6	
	Category 5	3	
	Category 5a	31	
	Category 6	13	
Temporary Establishments (non-profit)	Category 6a	2	
	Category 7		
	Category 2	46	
	Category 3	45	
	Category 4	2	
	Category 5	5	
	Category 5a	16	
	Category 6	1	

## SECTION 3: INSPECTION SCHEDULE

Washington State Retail Food Code Section 8-401.10 allows the regulatory authority to develop and implement a risk-based plan to exempt certain categories of food establishments from inspection. LCPHSS prioritizes inspections based on available resources and potential impact to public health.

### 1. PERMANENT ESTABLISHMENTS

Permanent establishments will be inspected according to the following:

- Categories 1 and 2: A minimum of once every 18 months
- Category 3: A minimum of once every 12 months
- Category 4: A minimum of once every 9 months
- Category 5: A minimum of twice every 12 months
- Schools: A minimum of twice every 12 months
- Senior Centers: A minimum of twice every 12 months
- Jail & Juvenile: A minimum of twice every 12 months

### 2. TEMPORARY ESTABLISHMENTS

Temporary establishments will be inspected according to the following:

- **Low-Medium Risk:**
  - i. Categories 1 and 2: single event permits may not be inspected unless part of a larger event or the subject of a complaint.
  - ii. Categories 1 and 2: single event permits may be inspected if part of a larger event based on the following factors:
    - The number of potential customers
    - The duration of the event
    - The establishment's performance history
    - Staff availability
  - iii. Category 4: multiple event permits may not be inspected unless part of a larger event or the subject of a complaint.
  - iv. Categories 5 and 6: multiple event permits with low to medium risk menus may not be inspected unless part of a larger event or the subject of a complaint.
- **High Risk:**
  - i. Category 3: single event permits may be inspected as staff availability allows.
  - ii. Categories 5 and 6: multiple event permits with high risk menus may be inspected at least one time annually as staff availability allows. Additional inspections may be conducted based on the following factors:
    - The risk associated with the food being served
    - The number of events
    - The duration of events
    - The facilities being used
    - The establishment's performance history
  - iii. Category 7: judged cooking contests may be inspected as staff availability allows.

## SECTION 4: PROCEDURES

### 1. GENERAL INSPECTION PROCEDURE:

- Avoid inspections at peak hours of operation, if possible (some inspections must be performed at peak hours in order to allow inspector to view operations)
- Use the current inspection forms provided by DOH (fully completing page 1 and page 2 for permanent establishment categories 2 through 5)

- Introduce self to manager or person in charge prior to initiating the inspection
- During the inspection speak with person in charge about food preparation procedures taking place
- Note violations on inspection form and include what was observed, what is the requirement, and what corrective action was taken or is necessary
- Explain inspection results to manager or person in charge, stressing critical items
- Remain objective and open to innovation and suggestions meeting the intent of the regulations
- Leave a copy of the inspection report with manager or person in charge.

## **2. MANDATORY RE-INSPECTIONS:**

Public Health will require a re-inspection, to be performed within 30 days, if any of the following occur:

- A total of 40 or more red points are received during a routine or repeat inspection

## **3. ANNUAL PERMIT RENEWAL:**

Food Establishments must renew their food permits annually. Every food permit expires on January 31<sup>st</sup> of each year. The following procedure will be used to remind current establishments of the renewal requirement:

- All notifications will be made via United States Postal Service (USPS), regular mail service. PLEASE NOTE: No notifications will be sent via certified mail
- The first notification: A renewal letter will be mailed between the 1<sup>st</sup> and the 15<sup>th</sup> of December
- The second notification: A reminder letter will be mailed between the 1<sup>st</sup> and the 15<sup>th</sup> of January
- The third notification: A late notice will be mailed on the second business day following the expiration date (January 31<sup>st</sup>) – A late fee will be added at this time
- On or shortly after February 15<sup>th</sup> food establishments who have yet to renew their permit will be closed for operating without a valid permit. PLEASE NOTE: The following additional requirements will be assessed at this time:
  - Due to the cost incurred by the department to seek compliance with this section an additional administrative fee will be assessed; AND
  - The owner/operator of the establishment will be required to take part in an administrative meeting with the Director of Public Health, the Health Officer, or their designee prior to the establishment re-opening.

## **4. PERMIT SUSPENSION AND/OR IMMEDIATE ESTABLISHMENT CLOSURE:**

The following violations will result in suspension of permit and/or closure of a food establishment:

- Failure to destroy hazardous foods when so ordered by Public Health official
- Interference with Public Health official in the performance of their duty, including denial of entry to inspect
- Failure to renew permit annually by date published by Lewis County Public Health. (See 3. Annual Permit Renewal above for details)
- An imminent health risk exists which cannot be corrected during the inspection
- A total of 75 or more red points are received during a routine or repeat inspection
- An establishment receives the same red point violation four (4) times within a two (2) year period.

Public Health will remove the permit suspension once the following has occurred:

- The establishment has submitted a plan of correction and Public Health has approved the plan; AND
- The establishment owner or operator has met with Public Health staff to review and discuss the proposed plan of correction.

## 5. COMPLAINTS

All complaints about food establishments will be investigated to the extent resources will allow. At a minimum:

- Complaints are to be directed to the Food Customer Service Clerk
- Upon receipt of complaint the clerk will record the complaint on an appropriate form and provide the documentation to a food sanitarian for investigation
- If warranted, the investigating sanitarian will perform an inspection of the establishment as part of the investigation.

## 6. POTENTIAL FOODBORNE ILLNESS INVESTIGATION

When responding to potential foodborne illness in Lewis County, staff will follow the “Guidance for Prioritizing Surveillance and Response Activities for High Volume Notifiable Conditions” as proposed by the statewide Community Health Leadership Forum (CHLF). CHLF is a forum of the Washington State Association of Local Public Health Officials (WSALPHO). The table below shows the response activities for potential foodborne illness:

Priority 1 activities should be pursued to the greatest extent possible when resources are limited. Priority 2 activities would be optimum if resources allowed. LCPHSS will follow the priority 1 guidance:

Condition	Primary Goal(s)	Priority 1	Priority 2
Foodborne Illness Complaints	Identify and correct food safety hazards	<p>Receive and document basic information from complainants</p> <p>Review complaints and perform further investigation in high risk situations. Factors which increase the public health risk of a complaint includes:</p> <ul style="list-style-type: none"> <li>• Illness is severe (hospitalization or death in 1 or more people, marine neurotoxin, mushroom poisoning, hepatitis)</li> <li>• Illness is suggestive of bacterial source (e.g., bloody diarrhea, bacterial toxin)</li> <li>• Outbreak is large (involves 10 or more ill people) or ongoing</li> <li>• Illness is associated with shellfish from a commercial source or growing area</li> <li>• Exposures have occurred in a setting with a vulnerable population</li> </ul>	Investigate other situations in which illness is associated with a common source reported by 2 or more unrelated households/parties