

**Temporary Food Events
October 10, 2014
Questions and Answers**

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Below you will find the summary of the questions and answers (Q & A) from the live Webinar Series. For clarity and brevity, the live session of Q & A was trimmed from the original recording. Please keep in mind that this document is meant as a job aide. It does not create or confer any right for or on any person and does not operate to bind federal, state, or local food safety regulatory agencies. If you have questions concerning interpretation or application of various portions, please reach out to your District Supervisor for assistance. A current District Map is posted at the top of the page where you found the recording and Q & A document.

Q: For cold holding – are battery operated coolers okay?

- As long as the unit can maintain a temperature below 41 degrees, the unit would function like a refrigerator. I would not have any issue with this being used as long as a thermometer would be provided inside the cooler. I also believe the inspector still reserves the right to discard any adulterated product due to inadequate cold holding temperatures.
- LPHAs mentioned they have battery operated coolers for vaccine transfers that are temperature controlled.

Q: How should we address a vendor that wants to argue the temporary event guidelines do not specify that raw meat cannot be stored in a cooler with ice. The guidelines state it cannot be in direct contact with undrained ice or water, so if the drain plug is open, what do we show them to support that rule?

- We have a food school that we present to vendors that will be at the Missouri State Fair. The guideline is clear that mechanical refrigeration is required.
- Ice is a food, and the vendor cannot argue that ice will be a sufficient cold holding method.
- A lot of times the temperature measurement is cold on the outside of food, but the ice is not cooling the inside of the food to maintain a constant safe temperature.
- Doesn't matter if it's draining or not - ice coolers do not meet the requirements since it melts and can't maintain constant temperatures.

Q: Are they allowed to use ice chests during transportation to and from an event? Most units do not have power while in transit.

- We see vendors do it, but it's not ideal. We don't allow it as public health control.
- Check what the vendor is doing and how they plan to ensure foods like meat stay in temperature. How long will these foods be without refrigeration?
- When an inspector gets there to temp the food and it's out of temp, you can't allow it to be sold. The vendor will have to take it back home or dispose of it on site.

Q: Is cold holding in ice coolers not adequate for raw meat only? Can it be used for hot dogs, lunchmeat, packaged food, etc.?

- Mechanical refrigeration is required for foods that need to maintain temperature.
- Lunch meat must be held at a certain temperature, if it goes above that temp, it's not safe for consumption.
- Ice is not sufficient for cold holding anything except shelf stable foods. These can be stored in coolers to improve taste but do not require refrigeration.
- Vendors are responsible for compliance.

Q: Why can a salad bar use ice for cold holding?

- This is answered in full detail on page 35 of the State of Missouri Food Code in code 303.11 and 3-303.12. Salad bars are not typically seen at temporary food events. However, there may be some circumstances where there would be a salad bar and if all other requirements are met, the use of ice may be allowed for display.

Q: Is this rule for ice and ice chests statewide? Or are local jurisdictions able to regulate based on their own ordinances and interpretation of the food code?

- Local ordinances are allowed to be more stringent on the Food Code.
- Local ordinances are applied first, then state ordinances could be applied. Most of the Eastern District Counties have their own ordinances that cover the use of ice.

Q: Can you speak to the religious/charitable group exemptions that allow them to serve foods prepared from home?

Can you talk about non-profits, exemptions, and temporary events?

- For temporary events, there have been several changes to the law.
- Difficult to discern what might or might not be an exception, most of the time it's a case-by-case basis depending on the circumstances.
- Determine the reason of the event - Fundraiser type of events can be done under exemption. For example: a church operating a food stand at an event for a charitable cause.

- When you're looking at events like county or state fairs, most of the time these are commercial vendors that have a business, so they are not meeting that exemption.
- Chili Law:
<https://revisor.mo.gov/main/OneSection.aspx?section=196.056&bid=10134&hl=>

Q: If a non-profit with 501 C3 is serving PHF foods do they require a permit and inspection (with fees waived)?

- This is a touchy subject that can be political as well. In my opinion, this would best be handled by the local health department, with the help of BEHS staff if the LPHA asks for it. If there are no local ordinances that apply, then we would evaluate this on a case-by-case basis to determine what type of inspection may be needed.

Q: Chapter 196.291 states religious events or charitable functions that are NOT selling potentially hazardous foods are exempt so if they are making potentially hazardous foods then we have the right to inspect, correct?

- This is a touchy subject that can be political as well. In my opinion, this would best be handled by the local health department, with the help of BEHS staff if the LPHA asks for it. If there are no local ordinances that apply, then we would evaluate this on a case-by-case basis to determine what type of inspection may be needed.
- You can always go to district supervisors with questions. This is a good place to start because they might have more information on the local area.

Q: If no food handling is occurring such as a stand that only pours beverages and they are single serve cups, do they still need warewashing? Handwashing?

- Any place considered a food establishment, even with minimal food handling, will still be required to at least have hand washing.
- If there are no utensils used – no reason for ware washing in that situation.
- There will be some places that don't meet the definition of food establishments (only pre-packaged foods) and wouldn't need to be checked.

Q: Would ice scoop need ware washing if only serving drinks?

- This would really depend on the circumstances, like how long is the event going or is it in an inspected kitchen?
- Ask questions? Do they have a commissary kitchen to take the scoop to wash, rinse, sanitize?
- If operating a stand for multiple days, then they would probably need to do it.

Note from Aaron:

Working with the organizers is critically important before an event. Put the bulk of your effort into getting out there and making sure you and the event organizer are on the same page and have their support about rules for the food establishments coming in.

We do this at the State Fair, and it helps with issues that come up with vendors and having information passed along before the start of the event. Avoid vendors entering an event without knowledge of the operations. This pays off during hectic events.

Can we have Whitney's information for future reference on food events and thank you for this presentation.

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Links given during the webinar:

<https://health.mo.gov/safety/foodsafety/foodborneillness/>

<https://health.mo.gov/safety/foodsafety/index.php>

<https://health.mo.gov/safety/foodsafety/industryfoods/retailfoods/tempfoodevents.php>

<https://aaafoodhandler.com/>

<https://www.servsafe.com/>

<https://www.statefoodsafety.com/>

<https://www.learn2serve.com/missouri-food-safety-certification/>

<https://www.fda.gov/files/food/published/Most-Common-Foodborne-Illnesses-%28PDF%29.pdf>