

FOOD PREMISES INSPECTION PROGRAM

Department of Health and Community Services

FOOD PREMISES INSPECTION POLICY

Policy Title: **Itinerant Food Premises**

Date: March 2004; Revised June 2024

Policy Id Number: **FOOD2024-2**

Authorization:

The following policy and standard health guidelines have been developed by the Public Health Division of the Department of Health and Community Services. The legislative authority for the food premises inspection program is the Newfoundland and Labrador **Food Premises Act**, SNL2013 CHAPTER F-21.1. The regulatory authority falls under the **Food Premises Regulations**, 1022/96.

POLICY:

Itinerant food premises are food premises that can move from place to place, and include food stands and fish trucks, catering vehicles, hot dog carts, and mobile food preparation premises. All itinerant food premises shall be included in the Food Premises Inspection Program. These types of food premises shall be inspected prior to licensing and once during the operating season, for seasonal operations, or at a frequency based on the document Risk Based Approach to Inspection Frequency, for year round operations.

Inspections shall be carried out under the authority of the **Food Premises Act**, the **Food Premises Regulations**, this policy and the attached Guidelines.

OVERVIEW OF REGULATORY REQUIREMENTS:

Definitions from Section 2 of the *Food Premises Regulations*:

(b) "catering vehicle" means an itinerant food service premises in which food other than hot beverages is not prepared;

(j) "mobile preparation premises" means a vehicle or other itinerant food premises from which food is prepared and is offered for sale to the public;

Section 3 of the *Food Premises Regulations*:

The Act and these regulations apply to all food premises except

(b) farms selling only their own farm products in the form of honey, unprocessed fruits, vegetables and grains;

(d) temporary facilities or not for profit organizations provided they meet standard health guidelines of the department;

(g) establishments as defined in the *Fish Inspection Act* when used by a fish harvester to fillet, sell or offer to sell fish in accordance with paragraphs 4(1)(a.1) and (a.2) of the *Fish Inspection Administrative Regulations*.

Section 31 of the *Food Premises Regulations*:

- (1) All food offered for sale from a catering vehicle shall be pre-packaged except for hot beverages.
- (2) A catering vehicle which serves hazardous foods shall be equipped with refrigerated storage and display facilities that shall be used for holding hazardous foods.
- (3) Subsection (2) does not apply to vehicles from which only frozen confections in the original package or wrapper are sold.

Section 32 of the *Food Premises Regulations*:

- (1) Mobile preparation premises are exempt from subsection **6(1)(a)(iii)** and sections **29 and 30** (see page 4), but where mobile preparation premises provide sanitary facilities for employees the sanitary facilities shall be in compliance with sections 29 and 30.

- (2) Where mobile preparation premises have a separate food storage area it shall meet the other provisions of these regulations applicable to a separate food storage area.
- (3) In mobile preparation premises:
- (a) food shall be prepared within the premises and served to the public by persons working within the premises;
 - (b) only single-service articles shall be used;
 - (c) service doors and windows to the preparation area shall be screened and, when the premises are in motion, tightly closed with a solid material to prevent the entrance of dust, fumes or other contaminants into the food preparation area;
 - (d) the driver's compartment shall be completely partitioned from the food preparation area and, where the partition has an access door, the door shall be solid and self-closing;
 - (e) separate holding tanks shall be provided for toilet and sink wastes; and
 - (f) every waste tank and water supply tank shall be equipped with an easily readable gauge for determining the waste or water level in the tank.
- (4) Mobile preparation premises where food preparation is limited to the reheating of precooked meat products in the form of wieners or similar sausage products to be served on a bun are exempt from paragraph (3)(a) with respect to the preparation and serving of food to the public by persons positioned within the premises.

EXEMPTIONS

Some itinerant food premises (listed below) are exempt from certain subsections of the **Food Premises Regulations**, provided that they use only single-service articles (i.e. containers and eating utensils), provide a supply of single-use commercially packaged moist hand towellettes for the personal hygiene of its employees, and do not provide public seating.

Applicable premises:

- Catering vehicles;
- Premises where only cold drinks are sold in or from the original container; and,
- Premises where only frozen confections are sold in the original package or wrapper.

Exempted subsections:

- A. Section 6:** Requirements for: separate food preparation areas, convenient and equipped washroom facilities, separate food storage areas, and preventing the entrance of pests and dust.
- B. Section 6.1:** At least one employee who has successfully completed a food safety course and whose training is current is present at the food premises.
- C. Section 9 (1):** All food premises shall be provided with
 - (a) a supply of potable water adequate for the operation of the premises;
 - (b) hot and cold running water under pressure in areas where food is processed, prepared or manufactured or utensils are washed
 - (c) a hand washing basin, for employee use only, in a location convenient for employees in each processing, preparation and manufacturing area, together with supplies of hot and cold water and soap or detergent in a dispenser, and
 - (i) clean single-service towels, or
 - (ii) a mechanical air dryer.
- D. Section 20:** Garbage and wastes shall be removed from food premises as often as is necessary to maintain the premises in a sanitary condition.
- E. Section 21:** Premises kept clean, free of live birds and animals, materials/equipment that does not contaminate food.
- F. Section 24:** Toxic and poisonous substances kept in labelled containers, separated from food, and used in a manner that prevents food contamination.

Mobile preparation premises are exempt from the following sections of the **Food Premises Regulations**:

- A. Section 6. (1)(a)(iii):** Food premises shall have a separate food storage area.
- B.** Where mobile preparation premises do not provide sanitary facilities for employees, the mobile preparation premises are also exempt from:

Section 29:

- (1) A sanitary facility shall be conveniently located on or accessible to the premises' employees and patrons.
- (2) A sanitary facility shall be equipped with
 - (a) a supply of toilet paper;
 - (b) a constant supply of hot and cold running water;
 - (c) a supply of soap or detergent in a dispenser;
 - (d) a receptacle of durable construction that is easily cleaned for used towels and other waste material; and
 - (e) a supply of paper towels or a hot air dryer.
- (3) This section does not apply to a vehicle that is used for the transporting of food or a catering vehicle.

C. Section 30:

- (1) Food premises shall have available, sanitary facilities for patrons and employees as per the standards established in the National Building Code.
- (2) Where a parking lot is operated as part of the premises and patrons are served in their vehicles, each parking space shall be considered for the purpose of standards established in the National Building Code to be equivalent to 2 seats.
- (3) Public portable sanitary facilities may be used as an alternative to facilities that are part of the food service premises provided that those public facilities are
 - (a) conveniently located with respect to the food premises;
 - (b) equipped with sufficient fixtures to assure availability under normal conditions or use; and
 - (c) located in the same building or on the same grounds where the food service premises are operated in connection with an exhibition, fair, carnival, sporting event or amusement park.

Standard Health Guidelines For Itinerant Food Premises

June 2024

LICENSING

1. No person shall operate an Itinerant Food Premises (IFP) unless it conforms to the standard health guidelines contained in this document and has a valid Food Premises Licence.
2. Prior to the issuance of a licence, plans of the IFP must be submitted to the Government Service Centre along with:
 - [a] An application form complete with an itinerary of travel locations which is to be updated pending any deviation from original schedule.
 - [b] In the case of a motorized vehicle, confirmation that the vehicle is licensed for the activity under the **Highway Traffic Act**, or similar legislation as applicable.
3. The Food Premises Licence shall be renewed annually for seasonal operations and in accordance with the document “Risk Based Food Premises Inspections” for year round operations. The licence is not transferable. This licence must be displayed in a prominent location within or upon the IFP.
4. At any time, the licence may be revoked where the operator fails to comply with the **Food Premises Regulations**, these guidelines or any other recommendations or order as deemed necessary by the Inspector.

CATEGORIES

Itinerant Food Premises shall be categorized as follows (see Table 1 for a summary of IFPs):

Category 1 – Mobile food stands and fish vans/trucks

This category includes Itinerant Food Premises involved in the sale of fish, meat, poultry, eggs, vegetables, fruit, and other foods that typically require preparation prior to consumption. This may include potentially hazardous foods, provided that they are kept frozen or at refrigeration temperatures.

Note: Any cleaning, cutting or packaging would require piped hot and cold potable water in the IFP, as well as a separate handwashing sink. For this reason all cleaning, cutting and packaging should be carried out in separate premises licensed by the appropriate agency.

In this type of premises, food handling is minimal (e.g., weighing and bagging). In the

case of fish vans/trucks, the operation must also be approved by the provincial Department of Fisheries, Forestry and Agriculture.

Operations in this category are to be licensed as Class 1 Food Stands.

Category 2 – Catering vehicles

This category includes Itinerant Food Premises involved in the sale of pre-packaged snacks, donuts, confections, sandwiches, popcorn, cotton candy etc., where products are considered ready-to-eat. These IFPs include traditional snack or coffee trucks, and ice cream push carts serving only frozen confections in their original packaging.

Note: This category does not refer to vehicles used for the delivery of food from licenced food premises directly to individual consumers (i.e. delivery vehicles associated with a food premises, or third party food delivery services.)

All food products served from these IFPs, with the exception of hot beverages, are to be pre-packaged in a separately licensed food premises, or low risk products made ready on site with minimal preparation (e.g. popcorn, cotton candy).

Potentially hazardous foods may be served, provided that they are kept frozen or at refrigeration temperatures (i.e. no cooking, re-heating or hot holding), with mechanical refrigeration (except for ice cream push carts). Coffee and other hot beverages may be prepared in the catering vehicle.

Separate handwashing facilities are not required, however a supply of single-use commercially packaged moist hand towellettes must be provided for the personal hygiene of employees.

Public seating must not be provided for this category of IFP.

Operations under this category are to be licensed as Class 1 Catering Vehicles.

Category 3 – Hot dog carts

Hot dog carts shall be limited to the sale of commercially prepared and pre-cooked meat products and veggie dogs/burgers that may be served on a bun. **With the exception of wieners, the pre-cooked meat product and veggie dogs/burgers are to be stored frozen and remain frozen until cooking.**

Hot dog carts must be self-contained with respect to storage, cooking and refrigeration. Gas barbeques without a self-contained structure are not acceptable.

Operations under this category shall be licensed as Class 2 Hot Dog Carts.

Category 4 – Mobile preparation premises

Mobile Preparation Premises may include operations preparing and/or serving: ice cream (scooped hard ice cream or soft serve machines), fountain drinks, hot dogs, hamburgers, french fries, fish and chips, soup or other grilled, cooked or deep fried foods, that are prepared within the unit.

Separate hand washing facilities and potable hot and cold water under pressure are required. If potentially hazardous foods are stored, prepared and/or served, mechanical refrigeration of adequate size must be provided and be capable of maintaining foods at 4°C or less and in the case of frozen food at 0°C or less.

Operations under this category shall be licensed as Class 2 Mobile Preparation Premises.

Table 1: Summary of Itinerant Food Premises (IFP)

	Category 1	Category 2	Category 3	Category 4
Licence Class	1 – Food Stand	1 – Catering Vehicle	2 – Hot Dog Cart	2 – Mobile Preparation Premises
Examples	Fruit/Vegetable cart; fish truck; mobile egg stand; grocery wagon	Coffee and snack truck; sandwich truck; ice cream push cart	Hot dog cart; pre-cooked burger cart	Fish and chip wagon; taco stand; hard/soft ice cream truck
Types of foods	Raw food items (e.g. fish, meat, poultry, eggs, fruit, vegetables)	Only: pre-packaged ready-to-eat foods, except hot beverages	Only: hot dogs; pre-cooked meat and veggie dogs/burgers	Various foods prepared and/or handled on-site
Potentially hazardous foods permitted?	Fish/meat/poultry must be kept frozen or at 4°C or less; eggs must be kept at 4°C or less	Must have refrigerated storage and display (except ice cream push carts)	Pre-cooked meat and veggie dogs/burgers kept frozen until cooking	Yes, with appropriate hot/cold holding
Minimum hand hygiene requirements	Hand sanitizer and paper towels, or single-use commercially packaged moist hand towellettes	Hand sanitizer and paper towels, or single-use commercially packaged moist hand towellettes	Hand sanitizer and paper towels, or single-use commercially packaged moist hand towellettes	Separate hand washing facilities with hot and cold potable water
Food safety training required?	No	No	Yes	Yes
Public seating permitted?	No	No	No	Yes
Piped hot/cold water required?	No	No	No	Yes
Home base required?	Yes	Yes*	Yes	No
Washrooms required?	No	No	No	No**

*A home base may not be required if appropriate cleaning/sanitizing, food storage, and waste disposal can be achieved within the Catering Vehicle itself (see “Maintenance”).

** If provided, washrooms must meet certain requirements (see “Washrooms”)

CONSTRUCTION/EQUIPMENT

1. Itinerant Food Premises must not be “hardwired” to a metered electrical service. Rather, if electricity is needed, it must be provided via a plug-in service or a mobile generator, where permitted.
2. The areas of IFPs where food is stored, prepared and/or served, must be of durable construction and consist of a smooth, non-porous material which is easily cleaned and sanitized.
3. Service and preparation areas shall be totally separated from the vehicle cab, where applicable.
4. All openings to the outside shall be screened and so fitted to repel or prevent the entrance of dust, flies, insects and vermin; and all such equipment shall be maintained in proper working order.
5. All food contact surfaces must be constructed in a manner that all joints are tightly sealed.
6. Refrigeration units, where provided, must be sufficient in size to store all potentially hazardous foods, and must be capable of maintaining food temperatures at 4°C or less and in the case of frozen food at 0°C or less.
7. Any ovens or other cooking or hot holding equipment shall be capable of maintaining food temperatures at 60°C or higher.
8. Where electric refrigeration units and ovens or other cooking equipment is used, and it is necessary to maintain hot or cold food temperatures during transportation, such units must have an additional mode of operation consisting of direct current (DC), gas or propane.
9. Where mobile self-contained water supplies are used:
 - i) the potable water tanks must only be used for storing potable water;
 - ii) the potable water tanks must be sufficiently sized to ensure an adequate supply of water for hand washing, cleaning of equipment, and similar operations;
 - iii) the potable water tanks must have an easily readable gauge to monitor liquid levels;
 - iv) the potable water tank must be designed to facilitate cleaning and sanitizing as

well as sanitary filling and emptying. Generally, design criteria should include the following:

- the tank is sloped to an outlet that allows for complete drainage;
- the tank is enclosed from the filling inlet to the discharge outlet;
- if the tank has an access port, the port cover should be provided with a gasket and device for securing the cover in place. The cover should be flanged to overlap the opening and sloped to drain;
- if the tank has a vent, it should terminate in a downward direction and be covered with a screen or filter;
- the tank inlet should be positioned so that it is protected from outside contaminants.

v) if a hose is used on the tank outlet, the hose should be food grade, cleanable and should not be used for any other purpose.

10. Wastewater holding tanks, where provided, should be sized sufficiently larger than the volume of the potable water supply, incorporated into the design of the IFP, and have an easily readable gauge to monitor liquid levels. An approved site for disposal of the waste water should also be specified.
11. Private accommodations are discouraged within an IFP, but if present, they must be separated from food storage, preparation and service areas with a solid wall or full self-closing door.

OPERATION AND MAINTENANCE

1. The areas of IFPs where food is stored, prepared and/or served shall be kept in a clean and sanitary manner and should be used for no other purpose.
2. All foods used in an IFP shall be obtained from an approved source, and/or in accordance with any relevant legislation, including but not limited to the **Fish Inspection Act**, the **Meat Inspection Act**, and the **Natural Products Marketing Act**.
3. If ice is used for cold storage or display, it shall be obtained from an approved source and handled and stored in a sanitary manner.
4. All foods, shall be kept covered at all times, or otherwise protected from dust, flies and vermin.
5. Pre-packaged, ready-to-eat food sold from an IFP shall be packaged in food grade materials that is clearly labelled as follows:

- [a] The name and address of manufacturer
 - [b] The date of manufacture
 - [c] The contents of the packaged food
 - [d] Non-frozen food must have a best before or expiry date not later than five (5) days after the date of preparation. This five day requirement does not apply to modified atmosphere packaged foods
6. Only single-service containers and eating utensils shall be used in the service of food. Such utensils shall be protected from dust and contamination during storage and display for customers (e.g. pre-packaged). If unwrapped utensils are offered for use, they must be handed out individually to customers.
 7. Drinking straws shall be dispensed by means of an approved dispenser or packaged in single service wrapping.
 8. Condiments shall be made available in single service packages or dispensed from approved containers.
 9. In Category 1, 2 and 3 IFPs, hand sanitizer and paper towels or single-use commercially packaged moist hand towellettes will be accepted for hand hygiene.

HOME BASES FOR CLEANING AND RESTOCKING

1. An approved location shall be provided as a home base for IFP which do not have hot and cold water under pressure on or within the unit. IFPs are to return to the home base at the end of each day for cleaning of equipment and maintenance, disposal of wastes and replenishment of non-food products. In the case of push carts without running water, replenishment should take place as close as possible to the time the push cart begins service for the day. At least daily return is needed.

If hot and cold water under pressure is provided on or within the IFP, and suitable arrangements can be made for utensil and equipment sanitization, food preparation and waste disposal, a home base may not be required.
2. A home base as described in No. 1 above, is only required to be operated and licensed in accordance with the **Food Premises Regulations** if food is stored and/or prepared in the home base. An unlicensed home base may be used for cleaning IFPs and sanitizing utensils, and/or storing non-food products.
3. The home base locations identified in No. 1 above shall have:

- [a] A separate room of sufficient size to handle storage and cleaning of all utensils and equipment.
- [b] Smooth easily cleanable floors, walls and ceilings.
- [c] Adequate lighting.
- [d] Potable hot and cold water under pressure.
- [e] Sufficient sinks to carry out sanitization of utensils and equipment, with each compartment large enough to immerse the largest piece of equipment or utensil, as approved by an Inspector.
- [f] Access to washroom facilities.

PERSONNEL

Every operator or employee who works within the home base or operates an Itinerant Food Premises shall:

1. Be clean.
2. Wear clean washable or disposable outer garments.
3. Be free from and not a carrier of any disease which may be spread through food.
4. Engage with an inspector to ensure appropriate Public Health follow-up following enteric illness or during an outbreak investigation.
5. Refrain from smoking while on duty.
6. Wear approved hair covering.

ADDITIONAL REQUIREMENTS FOR CATEGORY 4 MOBILE PREPARATION PREMISES (MPP)

1. Category 4 MPPs should have convenient access to a washroom for staff use within 150 metres. Park and campground pit privies and/or portable toilets are acceptable.
2. Separate hand washing facilities shall be provided within the MPP.

3. An adequate amount of potable water must be provided in MPP. Any hoses used for filling water tanks must be food-grade.
4. An approved storage tank capable of providing a constant pressure of water to the fixtures. Only potable water shall be stored on the premises. A tank installed at a higher elevation (flowing under atmospheric pressure) may be satisfactory.

Potable Water Tank Capacity	
No on-site cooking/grilling/deep frying:	45 litre capacity
On-site cooking/grilling/deep frying:	135 litre capacity

5. An approved heating unit capable of maintaining a temperature of not less than 49°C for washing and chemical sanitizing purposes. A tank installed at a higher elevation (flowing under atmospheric pressure) may be satisfactory.
6. An approved waste storage tank, with the following minimum capacities:
 - MPP with no on-site cooking/grilling/deep frying - capacity at least 23 litres greater than vehicle tank storage.
 - MPP with on-site cooking/grilling/deep frying - capacity at least 46 litres greater than vehicle tank storage.

Greywater and wastewater held in holding tanks must be disposed of by a septic hauler or at an approved sewage dumping station.

7. An approved two (2) compartment sink or larger shall be provided for washing and sanitizing utensils used in food preparation. Each compartment should be large enough to immerse the largest piece of equipment or utensil.
8. Disposable wiping cloths for sanitizing tables and counters are required.
9. Walls, ceilings and equipment must be protected from grease or food particles by:
 - [i] Placing any cooking equipment in suitable locations.
 - [ii] Using an approved powered exhaust canopy, filters and appropriate duct work to carry off cooking odours, gases, fumes and grease-laden air given off by any grills, deep fryers and other types of cooking apparatus, where applicable.

10. All foods must be prepared within the MPP or at a Food Premises which holds a license from an appropriate agency.
11. Receptacles for waste disposal shall be provided on site.