



# County of San Diego

## DEPARTMENT OF ENVIRONMENTAL HEALTH & QUALITY

### FOOD AND HOUSING DIVISION

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## COMPACT MOBILE FOOD OPERATION (CMFO)

### OPERATIONAL GUIDELINES

Effective January 1, 2023, SB 972 changes the California Retail Food Code by establishing a new Chapter in the California Retail Food Code (CRFC) titled “Compact Mobile Food Operations.” These changes were intended to promote economic inclusion while modernizing the CRFC so that sidewalk food vendors can obtain a permit and join the regulated vending economy. These guidelines are not meant to be inclusive of all local and state requirements but intended to provide a summary of the requirements contained within the CRFC.

### WHAT IS A COMPACT MOBILE FOOD OPERATION?

A compact mobile food operation (CMFO) is defined as a type of mobile food facility operated from any of the following:

- An individual, stand, showcase, rack, display – limited to the sale of prepackaged nonpotentially hazardous foods (nonPHF) or whole uncooked produce.
  - Food must be displayed on shelving or racks that are 6” above the ground surface.
  - May be exempt from permitted if offering 25 sq. ft. or less of prepackaged nonPHF or whole uncooked/unprocessed produce, which includes back-up inventory not on display
- A pushcart, pedal-driven cart, wagon, or other nonmotorized conveyance - that may be approved for prepackaged food or limited food preparation.

A CMFO:

- Must meet all the requirements listed in Chapter 10 (Mobile Food Facilities), except as provided for in the new Chapter 11.7 (Compact Mobile Food Operations).
- Is required to operate in conjunction with a commissary, mobile support unit, or other facility approved by the enforcement agency.

### PLAN CHECK PROCESS FOR THE MANUFACTURING OF A CMFO

The new changes within the CRFC provide for a new plan check process for the manufacturing of a cart constructed using a model plan.

- Contact DEHQ for plan check guidelines.
- Submit complete, easily readable plans that are drawn to scale and include equipment specifications along with the applicable plan review fee.

*Note: If using an approved model plan: submit the approved model plan, schedule the final inspection of the cart, and pay the applicable fee. It is important to ensure that CMFO has not been altered from the approved plan.*
- Submit the proposed menu and standard operating procedures (for food handling and the cleaning and sanitizing of food-contact surfaces and utensils).
- Once approved, submit an application for a Health Permit along with applicable fees to operate.

## OVERVIEW OF STRUCTURAL/OPERATIONAL REQUIREMENTS FOR A CMFO

Operational Requirements	Prepackaged* non-potentially hazardous food (greater than 25 square feet)	Prepackaged* potentially hazardous food	Limited food preparation (hot/cold holding, dispensing, portioning, slicing/chopping)	Limited food preparation with raw meat, raw poultry or raw fish
Food handler card	Not required	Not required	Required	Required
Overhead protection	Required	Required	Required	Required
Food from approved source	Required	Required	Required	Required
Food properly stored	Required	Required	Required	Required
Integral equipment	Not required	Required	Required	Required
Mechanical refrigeration	Not required	Required	Required	Required
Three-compartment sink	Not required	Not required	Not required - may provide adequate utensils in lieu of three-compartment sink	Meet Chapter 10 requirements for a MFF
Handwashing sink	Not required	Not required	Required - warm water not required	Meet Chapter 10 requirements for a MFF
Food to be disposed at end of operating day	Not required	Required	Required	Required
Access to commissary	Required	Required	Required	Required
Access to restrooms	Allows for exemption if the CMFO is operated by multiple employees or operators			
* <i>Prepackaged food means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, a food facility, or other approved source.</i>				

## STRUCTURAL REQUIREMENTS

- The business name or name of operator (3" high), city, state, ZIP code, and name of permitholder if different from the name of the facility (1" high), shall be legible, clearly visible to consumers and permanently affixed on the consumer side of the CMFO.
- All equipment shall be designed and made of materials that result in smooth, readily accessible, and easily cleanable surfaces as specified in CRFC Section 114301.
- Mechanical refrigeration is required for a CMFO that handles potentially hazardous foods (except for prepackaged frozen ready-to-eat foods, such as ice cream or paletas).
- All equipment shall be certified or classified for sanitation and be integral with the conveyance.
- If conducting limited food preparation:
  - A warewashing sink shall be provided (as an integral part of the CMFO or if a site-specific CMFO adjacent to) or CMFO shall maintain an adequate supply of spare preparation and serving utensils along with the ability to store clean and soiled utensils.
  - An integral handwashing sink with a minimum 5 gallons of water for handwashing with a minimum dimension of nine inches by nine inches in length and width and five inches in depth (9"x9"x5") and easily accessible by food employees. Water flow must be pressurized. A container with a gravity-fed dispenser does not meet these requirements.
  - The wastewater tanks shall have a minimum capacity that is 50 percent greater than the potable water tank.
- Food preparation counter space shall be adequate to support the food operation, and adjacent to all cooking equipment.

- Food preparation shall be conducted within a food compartment or as approved by the enforcement agency.
- A separate cabinet or drawer shall be installed for the storage of insecticides or other poisonous substances, if used.
- A first aid kit shall be provided and located on the CMFO in a convenient area in an enclosed case.
- A properly charged and maintained minimum 10 BC-rated fire extinguisher to combat grease fires shall be properly mounted and readily accessible on a CMFO that is equipped with heating elements or cooking equipment.
- Restrooms shall be available within 200 feet travel distance for food employees whenever the CMFO is stopped to conduct business for more than a one-hour period. This does not apply when the CMFO operates with multiple food employees at the same time.
- Retain a copy of approved Standard Operating Procedure on the CMFO during periods of operation.

## **FOOD EMPLOYEE REQUIREMENTS**

Any individual that is involved in the preparation, storage or service of food at a CMFO must have a valid food handler card (unless they possess a valid food manager certificate) within 10 days of beginning work.

In addition to completing the above training requirements, the person-in-charge and all food employees shall have adequate food safety knowledge and be able to demonstrate their food safety knowledge as it relates to their assigned duties such as:

- Understanding the importance of employee health and hygiene, including but not limited to handwashing practices and exclusion of ill food employees.
- Ability to demonstrate how cooking, cooling, and reheating temperatures are verified using an available calibrated food temperature measuring device with a suitable probe thermometer that is designed to measure the foods being prepared.
- Ability to demonstrate how to prevent cross-contamination during the preparation and storage of food.
- Ability to demonstrate how to properly wash, rinse, and sanitize equipment and utensils within the warewashing sink and how to clean and sanitize food-contact surfaces to prevent cross-contamination.
- Determining which type of sanitizer will be used and obtain the appropriate test strips to measure concentration.

## **FOOD DISPLAY AND STORAGE**

- Overhead protection must be provided above all food display areas.
- All food intended for retail sale shall be conveyed, held, stored, displayed, or served from the CMFO.
- Food must be from an approved source and properly labeled.
- All potentially hazardous food must be displayed and stored at required holding temperatures.
- The surrounding area, as relating to the operation of food service, shall be maintained in a sanitary condition.
- For CMFOs that operate from an individual, stand, showcase, rack, or display:
  - Food must be displayed on shelving or racks that are 6" above the ground surface.
  - Food sales are limited to the sale of nonpotentially hazardous prepackaged food or whole produce.

*Note: No public health permit is required when sales are limited to 25 square feet or less of prepackaged nonpotentially hazardous food. All food must still be protected from contamination and from an approved source.*

## **FOOD PREPARATION LIMITATIONS**

A CMFO may only conduct limited food preparation:

- Dispensing and portioning of nonpotentially hazardous food (nonPHF) or dispensing and portioning for immediate service to a customer of food that has been held at the required temperatures.
- Slicing and chopping of nonPHF food or produce that has been washed at an approved facility.
- Hot and cold holding of food that has been prepared at an approved permanent food facility.
- Reheating of food that has been prepared at an approved permanent food facility.
- Heating, frying, baking, roasting, popping, shaving of ice, blending, steaming or boiling of hot dogs, or assembly of non-prepackaged food.
- Slicing and chopping of food on a heated cooking surface during the cooking process.
- Juicing or preparing beverages that are for immediate service, in response to an individual consumer order, that do not contain frozen milk products.
- No leftover food can be used as part of the preparation for next-day service or sold on subsequent days.
- At the end of the operating day, potentially hazardous food that is prepared on or served from a CMFO shall be disposed.

## **FOOD PREPARATION RESTRICTIONS**

A CMFO cannot:

- Prepare raw meats, raw poultry, or raw fish unless the CMFO meets warewashing and handwashing requirements outlined in Chapter 10 for mobile food facilities.
- Smoke or cure food as a method of preservation.
- Cure or pickle food.
- Use food additives as a method of food preservation (e.g. sushi rice to be held at room temperature).
- Use reduced-oxygen packaging of food (e.g. vacuum packaging, sous-vide).
- Produce, serve, or sell raw milk or raw milk products (Section 11380, Title 17 CCR).
- Serve or sell raw oysters.

## **OPERATING A CMFO IN CONJUNCTION WITH A COTTAGE FOOD OPERATION (CFO)**

To operate a CMFO in conjunction with a CFO, an operating permit for each CMFO is required. As a condition of the permit, an evaluation of the permitted CFO (Class B only) will be required to ensure that additional food preparation and storage of the CMFO can be safely supported within the residential home.

- A CFO (Class B only) may only be evaluated for the storage of up to 2 CMFOs.
- Nonconforming structural conditions can be approved if no public health hazard is determined.
- Cottage foods prepared within the home may be sold from the CMFO.
- Gross annual sales are limited to sales caps previously established in the CRFC (adjusted annually based on CPI).

*Note: Sales from the CMFO(s) do not count toward the annual gross sales restrictions if the governing body has authorized this action.*

## **OPERATING A CMFO IN CONJUNCTION WITH A MICROENTERPRISE HOME KITCHEN OPERATION (MEHKO)**

To operate a CMFO in conjunction with a MEHKO, a separate permit and evaluation will be required to ensure that additional food preparation and storage of the CMFO can be safely supported within the residential home.

- A MEHKO may only be evaluated for the storage of up to 2 CMFOs, if authorized by the local governing body.

- Nonconforming structural conditions can be approved if no public health hazard is determined.
- Gross annual sales are limited to \$50,000 (adjusted annually based on CPI), unless adjusted by the local governing body.
- The MEHKO that uses a CMFO to sell its approved food must also be the permit holder of the CMFO.

*Note: Sales from the CMFO(s) do not count toward the annual gross sales restrictions if the governing body has authorized this action.*

## **PRIVATE HOME CMFO STORAGE REQUIREMENTS**

To obtain approval for the storage of a CMFO within a home, the residential home will be evaluated to ensure that the proposed storage safeguards public health. The following items will be evaluated to determine if the proposed operation can be conducted:

- Only prepackaged, nonpotentially hazardous foods and whole produce may be stored in the home prior to sale or preparation of that food in a CMFO.
- No food can be prepared within a home unless permitted as a CFO (Class B only) or MEHKO.
- CMFO storage area must be designated and clearly identified so that the CMFO is protected from contamination. The designated area cannot change without approval.

For those homes also operating as a CFO/MEHKO the following items will also be evaluated to determine if the proposed operation can be conducted:

- Ability to clean and sanitize the CMFO.
- Proper handling and disposal of liquid waste.
- Proper handling and disposal of garbage and refuse.
- Ability to properly fill wastewater tanks with potable water.
- Available hot and cold water under pressure for cleaning of the CMFO.
- Have electrical outlets when required.

*Notes:*

- *A local ordinance may prohibit the use of a private home for the storage of a CMFO.*
- *No registration or permit is required for storage of a CMFO within a private home; however, a site evaluation to determine approval is required. Any additional inspections will be based on consumer complaints or reason to suspect.*

## **EXPANDING APPROVAL FOR USE OF A PERMANENT FOOD FACILITY OR COMMERCIAL FOOD OPERATION TO SUPPORT THE STORAGE OF A CMFO**

- No plan submission is required, though a site evaluation may be required.
- The purpose of the site evaluation is to determine if the proposed operation and storage of a CMFO can successfully provide the necessary functions of a commissary:
  - Handling and disposal of liquid waste.
  - Handling and disposal of garbage and refuse.
  - Ability to properly fill wastewater tanks with potable water.
  - Hot and cold water under pressure for cleaning of the CMFO.
  - Adequate facilities for the storage of food, utensils, and other supplies.
  - Adequate electrical outlets when required.