



TOWN OF MASHPEE
 BOARD OF HEALTH
 16 Great Neck Road North, Mashpee, MA 02649
 (508) 539-1426

Permit # _____

Fee: \$ 50.00

Date: _____

**APPLICATION FOR A TEMPORARY FOOD ESTABLISHMENT PERMIT
 (APPLICATION MUST BE SUBMITTED 14 DAYS PRIOR TO THE EVENT)**

Name of Event/Location _____ Date(s) of Event/Hours of Operation _____

Name of Establishment _____ Operator _____ Contact Telephone _____

Operator Mailing Address _____ Social Security # or Federal ID _____

1) Before completing this application, read Food Safety at Temporary Events and the temporary food service "Are You ready?" checklist. Have you read this material? _____ YES _____ NO

2) Certified Food Protection Manager in Charge (provide copies of certification): _____

3) Menu: Attach or list all items. Any changes must be submitted and approved by the Board of Health at least 7 days prior to the event: _____

4) Describe how you will prevent bare hand contact with ready to eat foods: _____

5) Will all foods be prepared at the temporary food service booth?

_____ YES Fill out **Section B** below: (Check off appropriate boxes.)

_____ NO 1. Attach a copy of the food permit and agreement for use of another approved kitchen giving dates and times.

2. Fill out both **Sections A and B** below. (Check off appropriate boxes.)

SECTION A: At the approved kitchen:

FOOD	Thaw	Cut/ Assemble	Cook	Cool	Cold Holding	Reheat	Hot Holding	Portion Package
1.)								
2.)								
3.)								
4.)								
5.)								

SECTION B: At the booth:

FOOD	Thaw	Cut/ Assemble	Cook	Cool	Cold Holding	Reheat	Hot Holding	Portion Package
1.)								
2.)								
3.)								
4.)								
5.)								

Note: If your food preparation procedures cannot fit these charts, please list all of the steps in preparing each menu item on an attached sheet.

SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

6. Food source(s): _____

Source and storage of water/ice: _____

Storage and disposal of wastewater: _____

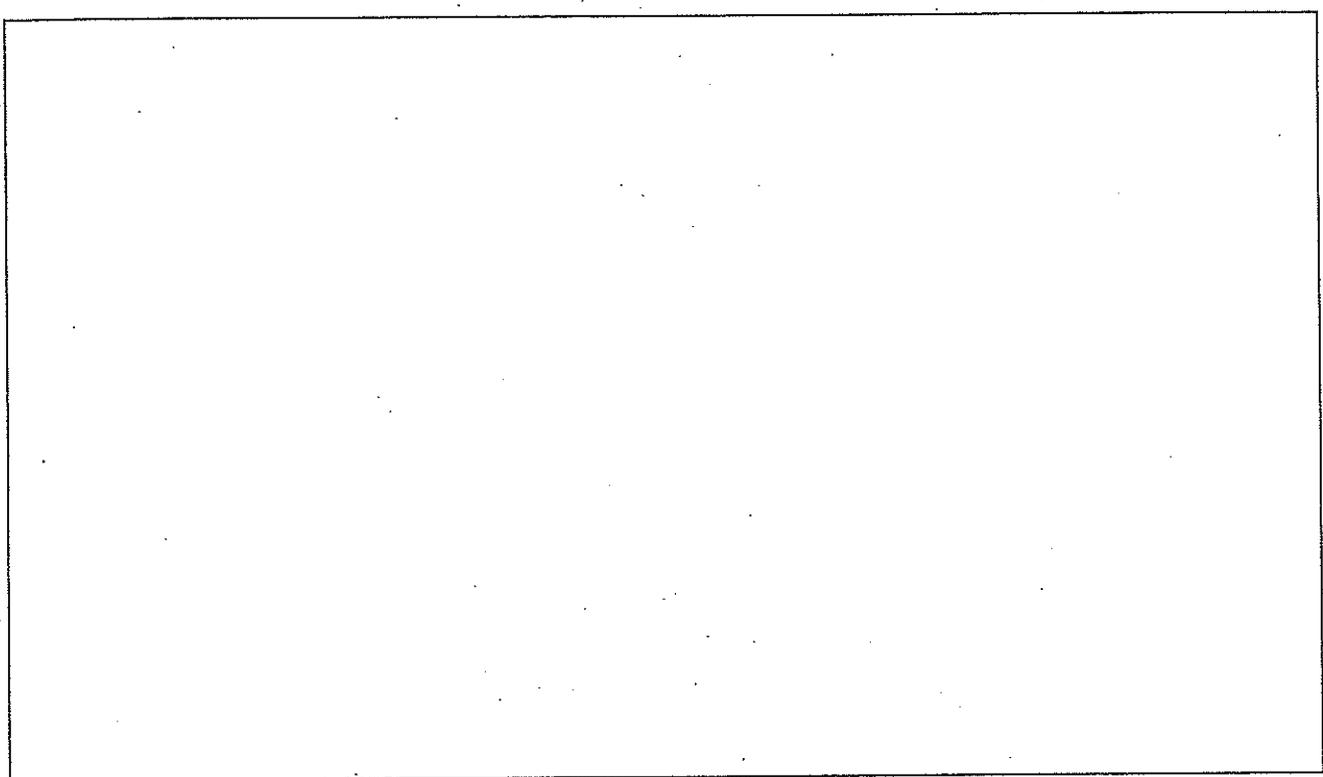
Storage and disposal of garbage: _____

7. Describe your hand washing facilities: _____

8. List type of sanitizer used: _____

9. Describe floor, wall and ceiling surfaces: _____

10. Draw a sketch of the booth below, identify all equipment including hand washing facilities, ware washing facilities, ranges, refrigerators, coolers, freezers, worktables, food/single service storage, etc. Note: A certificate from the Fire Department is required for all open flames.



BOARD OF HEALTH COMMENTS: _____

APPLICANT'S SIGNATURE(S)

DATE

Note: If you are a non-profit agency please include a copy of your 501(c)(3)

Massachusetts Department of Public Health
Food Protection Program
Temporary Food Establishment Operations

Are You Ready?

Use this guide as a checklist to verify compliance with MA food safety regulations.

- Application** Submit a completed temporary food establishment application to the Local Board of Health a minimum of 30 days prior to the event.

FOOD & UTENSIL STORAGE AND HANDLING

- Dry Storage** Keep all food, equipment, utensils and single service items stored above the floor on pallets or shelving, and protected from contamination.
- Cold Storage** Keep potentially hazardous foods at or below 41°/45°F. An effectively insulated container with sufficient coolant may be approved by the board of health for storage of less hazardous foods, or use at events of short duration.
- Hot Storage** Use hot food storage units when necessary to keep potentially hazardous foods at or above 140°F.
- Thermometers** Use a food thermometer to check temperatures of both hot and cold potentially hazardous food.
- Wet Storage** Wet storage of canned or bottled non-potentially hazardous beverages is acceptable when the water contains at least 10 ppm of available chlorine and the water is changed frequently to keep the water clean.
- Food Display** Protect food from customer handling, coughing, or sneezing by wrapping, sneeze guards or other effective barriers.

Post consumer advisories for raw or undercooked animal foods.
- Food Preparation** Food employees must use utensils, disposable papers, disposable gloves or any other means approved by the board of health to prevent bare hand contact with ready-to-eat food.

Protect all storage, preparation, cooking and serving areas from contamination.

Obtain food from an approved source. Potentially hazardous foods and perishable items may not be prepared in residential kitchens.

PERSONNEL

- Person in Charge** There must be one designated person in charge at all times responsible for compliance with the regulations. Check with your local board of health for food protection management certification requirements.
- Handwashing** A minimum two-gallon insulated container with a spigot, basin, soap and disposable towels shall be provided for handwashing. The container shall be filled with warm water 100° to 120°F. A handwashing sign must be posted.
- Health** The person-in-charge must tell food employees that if they are experiencing vomiting and/or diarrhea, or have been diagnosed with a disease transmissible through food, they cannot work with food or clean equipment and utensils. Infected cuts and lesions on fingers or hands must be covered and protected with waterproof materials.

- Hygiene** Food employees must have clean outer garments and effective hair restraints. Tobacco usage and eating are not permitted by food employees in the food preparation and service areas.

CLEANING AND SANITIZING

- Warewashing** A minimum of three basins, large enough for complete immersion of utensils and a means to heat water are required to wash, rinse and sanitize food preparation equipment that will be used on a production basis.
- The board of health may require additional sets of utensils if warewashing sinks are not easily accessible.
- Sanitizing** Use chlorine bleach or other approved sanitizers for sanitizing food contact surfaces, equipment and wiping cloths.
- Wiping Cloths** Store wet wiping cloths in a clean 100ppm chlorine solution. Change frequently.

WATER

- Water Supply** An adequate supply of potable water shall be on site and obtained from an approved source. Water storage at the booth shall be in approved storage containers.
- Wastewater Disposal** Dispose of wastewater in an approved wastewater disposal system. An adequate number of covered containers, labeled "Wastewater" shall be provided in the booth.

PREMISES

- Floors** Unless otherwise approved, floors shall be constructed of tight wood, asphalt, or other cleanable material. Floors must be easily cleanable.
- Walls & Ceilings** Walls and ceilings are to be of tight and sound construction to protect from entrance of elements, dust, debris and, where necessary, flying insects. Walls shall be easily cleanable.
- Lighting** Provide adequate lighting by natural or artificial means if necessary. Bulbs shall be shatterproof or shielded.
- Counters/Shelving** All food preparation surfaces shall be smooth, easily cleanable, durable and free of seams and difficult to clean areas. All other surfaces shall be easily cleanable.
- Trash** Provide an adequate number of cleanable containers inside and outside the booth.
- Restrooms** Provide an adequate number of approved toilet and handwashing facilities. These facilities shall be accessible for employee use.
- Clothing** Store personal clothing and belongings in a designated place in the booth, away from food preparation, food service and warewashing areas.

Need more information on food safety and MA food regulations

www.mass.gov/dph/fpp

Retail Food Information

http://www.umass.edu/umext/nutrition/programs/food_safety/resources/index.html

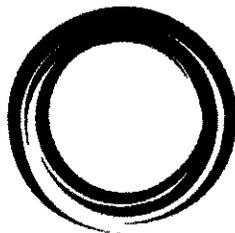
MA Partnership for Food Safety Education Resources/Food Safety Principles for Food Workers

www.foodsafety.gov

Gateway to Government Food Safety Information

FOOD SAFETY
AT
TEMPORARY
EVENTS

*Are your hot foods hot?
Cold foods cold?
Equipment and utensils clean?*



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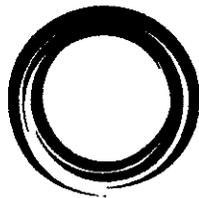
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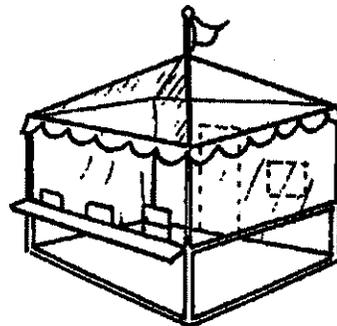
14 Steps to Safe and Sanitary Food Service Events

Church suppers, street fairs, civic celebrations and other similar events often call for volunteers to prepare and serve food safely for large groups of people. This 14-step guide, based on recommendations by food safety experts will help you keep your temporary event free of the risk of foodborne illness.

1. **Obtain the proper permits.** Check with your local health department or other government agency about permits and food code requirements. Be prepared to tell the department where you will hold the event, if you will be holding the event on a regular basis, the number of people you anticipate serving, what you plan to serve, where the food will come from, how you will prepare and transport it, and the precautions you will take to prevent contamination.

In the event of a foodborne illness, it will help if you can show you ran your event "by the book."

2. **Design your booth with food safety in mind.** The ideal booth will have an overhead covering, be entirely enclosed except for the serving window and have only one door or flap for entry. Clear plastic or light colored screening on sidewalls will aid visibility. Flooring must be of approved surface; no dirt floors are permitted. Only



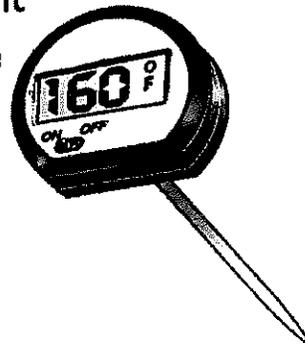
food workers may be permitted inside the food preparation area; animals must be excluded. Location of food stand should be at least 100 feet from where animals are housed or from portable restroom facilities.

The more your food is exposed to outsiders, the greater the likelihood of contamination.

- 3. Choose a food-safe menu.** Keep your menu simple, and keep potentially hazardous foods (meats, eggs, dairy products, cut fruits and vegetables, salads, etc.) to a minimum or take extra precautions for food safety. Use only foods from approved sources, avoiding foods that have been prepared at home. Cook to order to avoid the potential for bacterial contamination. Use precooked foods only if they have been properly chilled and reheated. Avoid using leftovers. Keep raw foods and cooked foods separate.

Complete control over your food, from source to service, is one key to safe, sanitary food service.

- 4. Cook to the proper temperature.** Use an instant read food thermometer to check on cooking and cold holding temperatures of potentially hazardous foods. Check with your government agency for specific requirements. The USDA recommends that hamburgers and other ground meats be cooked to a minimum internal



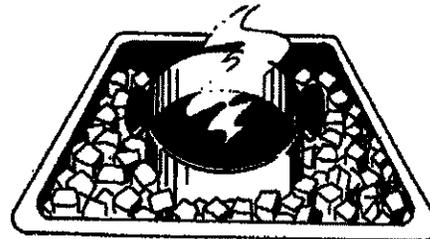
temperature of 160°F (71°C); poultry and poultry parts 180°F (82°C); medium-rare roasts or steaks 145°F (63°C); eggs, fish, pork and other meats 160°F (71°C). Foods cooked in a microwave must have a minimum internal temperature of 165°F (74°C).

Most illnesses from temporary events can be traced back to lapses in temperature control.

- 5. Re-heat with care.** Reheat foods rapidly to an internal temperature of 165°F (74°C). If the food has not reached this temperature within 2 hours, discard it. Do not attempt to reheat foods in crock-pots, steam tables or other hot holding devices, or over sterno. Foods can be safely kept hot at 140°F (60°C) in these hot holding devices.

Slow-cooking mechanisms used for reheating may activate bacteria and may never reach killing temperatures.

- 6. Chill food promptly.** When cooked food will not be served immediately, it is essential to hold it properly (above 140°F) or to cool it as quickly as possible. Foods that require refrigeration must be cooled to 41°F (5°C) as quickly as possible and held at that temperature until ready to serve. To cool foods quickly, use an ice water bath (60% ice to 40% water),



stirring the product frequently, or place the food in shallow pans no more than 3-4 inches deep and refrigerate. Pans should not be stored one atop the other, and lids should be off or ajar until the food is completely cooled. Check the temperature periodically to see if the food is cooling properly. Cover the food once it has reached 41°F (5°C) in order to avoid contamination.

Allowing hazardous foods to remain unrefrigerated for too long has been the cause of many episodes of foodborne illness.

- 7. Transport with care.** If food needs to be transported from one location to another, keep it well covered and provide adequate temperature controls. Use refrigerated trucks or insulated containers to keep cold foods cold (below 41°F) and hot foods hot (above 140°F).

Neglecting to consider food safety when transporting food can undo all the good of your other measures to prevent foodborne illness. Keep hot foods hot and cold foods cold.

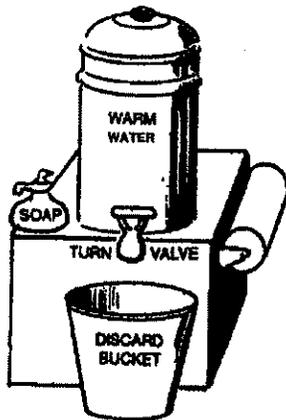


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- 8. Take care with health and hygiene.** Only healthy workers should prepare and serve food. Any workers who show symptoms of a disease – cramps, nausea, fever, vomiting, diarrhea, jaundice, etc. – or who have open sores or infected cuts on the hands should not be allowed in the food booth. Workers should wear clean outer garments and should not smoke or eat in the booth. Food handlers should wear effective hair restraints, remove jewelry, and wash hands before preparing or serving food.

Ill or unclean personnel are a frequent cause of foodborne diseases. Smoking, besides being unhealthful and aesthetically unappealing in food preparation, contributes to the contamination of workers' hands.

9. Provide proper handwashing facilities. Clean running



water, hand soap, and disposable paper towels are essential for setting up proper handwashing facilities. While cold water will work, access to warm water is ever better.

When water under pressure is not available, use a covered insulated container of at least 5-gallon capacity

with a valve that allows a continuous flow of water over hands. Dispose waste water properly in a municipal sewer system or approved septic system. Wash your hands frequently: before starting work, before engaging in food preparation, after handling raw meat, after eating, smoking, coughing, sneezing or using a tissue, after handling soiled items or garbage, and after using the restroom.

Frequent and thorough hand washing remains the first line of defense in preventing foodborne disease. The use of disposable gloves can provide an additional barrier to contamination, but gloves are no substitute for hand washing.



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10. **Handle foods safely.** Avoid bare hand contact with ready-to-serve foods and food contact surfaces. Use disposable gloves, tongs, napkins, or other tools to handle food. Be sure to first wash hands thoroughly to avoid contaminating the outside of the gloves. Gloves used to handle food are for single use only and should never be washed and re-used. Gloves should be changed:

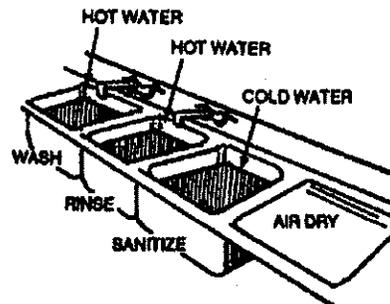


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- As soon as they become soiled or torn
- Before beginning a different task (such as when you move from handling money to handling food)
- At least every 4 hours during continual use, and more often as necessary
- After handling raw meat and before handling cooked or ready-to-eat food

Touching food with bare hands or dirty gloves transfers germs to the food.

11. **Carefully clean all equipment.** Use disposable utensils for food service. Keep your hands away from food contact surfaces, and never re-use disposable ware. Wash equipment and utensils in a 4-step sanitizing process: washing in hot, soapy water; rinsing in hot water; chemical sanitizing; and air-drying. For chemical sanitizing, use concentrations recommended by the manufacturer. For example, soak equipment and utensils in solution of 1-tablespoon bleach for 1 gallon of water for two minutes.

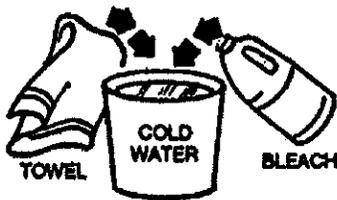


Clean utensils provide protection against the transfer of harmful germs.

- 12. Properly store and handle ice.** Ice used to cool cans and bottles should not be used in cup beverages and should be stored separately, and be from an approved source. Use a scoop to dispense ice, never the hands.

Ice can become contaminated with bacteria and viruses and cause foodborne illness.

- 13. Sanitize work surfaces and tables.** Sanitize work



surfaces and tables with a dilute bleach solution. First, wash surfaces with warm soapy water and rinse.

Then use a cloth to wipe with a sanitizer (use at concentrations

specified by the manufacturer; for example, use 3 table-
spoons bleach in 1 gallon of water). Rinse and store your
wiping cloths in a bucket of sanitizer. Change the solution
every 2 hours.

Clean and well-sanitized work surfaces prevent cross contamination and discourage flies.

- 14. Control insects and carefully discard waste.** Keep foods covered to protect them from insects. Store pesticides away from food. If you apply insecticides or other pesticides, follow the label directions, avoiding contamination of food, equipment, or other food contact surfaces. Place garbage and paper wastes in a refuse container with a tight-fitting lid. Dispose of wastewater in a sewer or public toilet.

Flies and other insects are carriers of foodborne diseases. The chemicals used to kill them can be toxic to humans.

The Top Six Causes of Foodborne Illness

From past experience, the U.S. Centers for Disease Control and Prevention list these six circumstances as the ones most likely to lead to illnesses. Check through the list to make sure your event has avoided these common causes of foodborne illness:

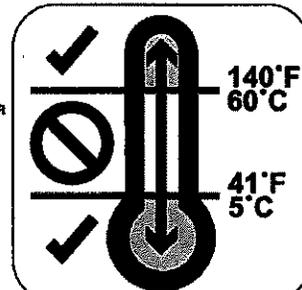
- **Inadequate Cooling and Cold Holding**

More than half of all foodborne illnesses are due to keeping foods out at room temperature for more than 2 to 4 hours.

- **Inadequate Hot Holding**

Cooked foods not held above 140°F (60°C) until served can be a significant source of foodborne illness.

KEEP
FOOD
OUT
OF
THE
DANGER
ZONE



- **Inadequate Reheating**

When previously cooked foods are not reheated to above 165°F, illness often results.

- **Preparing Food Too Far Ahead of Service**

Food prepared 12 or more hours before service increases the risk of temperature abuse.

- **Poor Personal Hygiene and Infected Personnel**

Poor handwashing habits, and food handlers working while ill are implicated in 1 out of every 4 foodborne illnesses.

- **Contaminated Raw Foods and Ingredients**



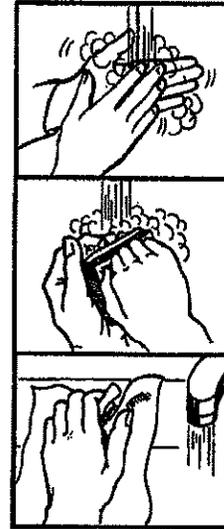
Serving raw shellfish or raw milk that is contaminated, or using contaminated raw eggs in sauces and dressings, has often led to outbreaks of foodborne disease. It is always safer to use pasteurized products. Wash all fruits and vegetables before use.

Remember: When in doubt, throw it out!

Clean Hands for Clean Foods

Since the staff at temporary food service events may not be professional food workers, it is important that they be thoroughly instructed in the proper method of washing their hands. The following may serve as a guide:

- Use soap and water.
- Rub your hands vigorously for 20 seconds as you wash them.
- Wash ALL surfaces, including:
 - back of hands
 - wrists
 - between fingers
 - under finger nails using a good brush
- Rinse your hands well.
- Dry hands with a paper towel.
- Turn off the water using paper towel instead of your bare hands.



Wash your hands in this fashion before you begin work and frequently during the day, especially after performing any of these activities:

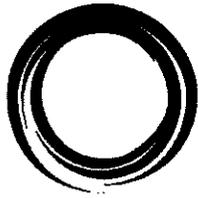
- Using the toilet
- Handling raw food
- Coughing or sneezing
- Touching hair, face or body
- Smoking
- Handling soiled items
- Scraping tableware
- Disposing of garbage

Written by:

The Food Sanitation Professional Development Group, 1998

Revised by:

The Outreach Education Professional Development Group, 2003



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TOWN OF MASHPEE
BOARD OF HEALTH

TEMPORARY FOOD VENDING POLICY

Applicants who wish to serve free samples of food or sell any food at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration shall apply for a temporary food permit from the Board of Health. The application must include the proposed menu and be submitted at least fourteen (14) days prior to the event date. All food concessions must be licensed and inspected prior to opening. Any food concession failing to meet public health standards will be immediately closed and the permit will be revoked.

Applicants who request a permit to serve or sell food from an outdoor booth, table, or cart for more than fourteen (14) consecutive days will not be approved. Also, applicants who request to operate a temporary booth, table or cart which would not be operating in conjunction with a single event or celebration will not be approved. The Board of Health in any particular case may vary this requirement.

Temporary food establishment operators shall comply with the mandatory food protection management certification requirement in accordance with 105 CMR 590.003, except that the board of health may waive the requirement if the sponsor of a temporary event has employed at least one full time employee (FTE) in charge in accordance with 105 CMR 590.003, who is not a vendor. The FTE is responsible for monitoring safe food handling practices and initiating corrective actions to ensure compliance with 105 CMR 590.000.

FOOD PROTECTION MANAGEMENT CERTIFICATION EXEMPTIONS: Non-profit temporary food establishments (for events such as bake sales and church dinners), food establishments selling only of prepackaged food and limited preparation of non-potentially hazardous foods (i.e. hot dogs).

FEE: The fee is \$25.00/day per cart, table, and booth for profit and non-profit organizations. Organizations selling the food in order to donate the funds to charity are not charged a fee.

Applicants who wish to sell or serve potentially hazardous foods shall demonstrate compliance with the following criteria:

- A.) **Sink/Handi-wipes/Sanitizers:** - If there is no handwash or utensil sink on the cart, table or booth; said cart, table or booth shall contain moist sanitizing "alcohol-wipes" and liquid hand sanitizers. A chlorine sanitizing solution of 50 p.p.m. must be used to clean utensils and cleanable surfaces.

- B.) **Floor/Roof:** - All food stands must have a floor and a sloped roof. Roof may be plywood or secured tarpaulin.
- C.) **Tongs/Disposable Napkins/Gloves:** - For preparing and serving "ready-to-eat" foods (without using bare hands).
- D.) **Refrigeration/Coolers:** - Electronic refrigerator or coolers with ice packs and ice to keep potentially hazardous foods below 41 degrees F. Food must be thawed in a refrigerator or cooler or as part of the cooking process.
- E.) **Thermometers (stem-type):** - For testing the internal temperature of potentially hazardous foods.
- F.) **Refuse Container:** - Each stand must have two (2) lined and covered trash cans.
- G.) **Sneeze Guards:** - For the protection of unwrapped foods from the public and patrons during preparation and serving.
- H.) **Covers/Plastic Wrapping:** - To keep unwrapped food covered during storage or display.
- I.) **Potentially Hazardous Food:** - All stands serving potentially hazardous food must have facilities to maintain proper food temperatures. Food items may not be kept longer than four (4) hours unless maintained hot, (above 140 degrees F.), or cold, (below 41 degrees F.) then they must be discarded. Hot foods must be kept in heated chafing dishes, crock-pots or portable steam tables to maintain the 140-degree temperature.

This Policy was adopted on May 16, 2002.

The Board of Health:

John T. Doherty, Chairman
L. Glenn Santos, Co-chairman
Steven R. Ball, Clerk

105 CMR: DEPARTMENT OF PUBLIC HEALTH

non-perishable foods are served and there is no bare-hand contact. Chemically treated towlettes must be made available for use by customers in self-service operations.

(9) A sign shall be provided at consumer self-service operations, which states that the use of bare hands by consumers for self-service is prohibited by state law.

(10) Equipment.

(a) Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the equipment and establishment.

(b) Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination. Mobile food operations, which cook or reheat unpackaged food for hot holding shall be fully enclosed unless equipped with air curtains to prevent the contamination of food and food contact surfaces with environmental contaminants.

(c) Ware-washing facilities, when required, shall be available in accordance with the FC for cleaning in-use utensils and food contact surfaces.

(11) Operators of mobile food operations shall obtain the use of adequate and suitable toilet facilities where handwashing facilities are available.

(12) Mobile food operations shall operate from a fixed, licensed food establishment or food processing plant and shall report at least daily to such locations for all food, water and supplies and for all cleaning and servicing operations. Mobile food operators shall retain the list of ingredients and the receipt for all bulk foods, which must indicate the name of the food item, the date purchased and the name of the approved food source licensed in accordance with 105 CMR 500.000.

(13) Servicing areas shall be provided with overhead protection except that areas used only for the loading of water, packaged food or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection.

(14) Mobile food operations shall have identification, *i.e.*, person's name and/or business name, city and telephone number in letters not smaller than three inches, on the left and right door panels of the vehicle or on the left and right sides of the trailer or pushcart.

* (C) Temporary Food Establishments.

(1) A temporary food operation shall comply with all applicable requirements of the federal *1999 Food Code*, except as otherwise provided in this 105 CMR 590.009(C). The board of health may impose additional requirements to protect against health hazards related to the conduct of the temporary food operation, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of 105 CMR 590.000 pursuant to the provisions of 105 CMR 590.010(H).

(2) Whenever a temporary food establishment is permitted to prepare exposed foods without complying with all the requirements of 105 CMR 590.000, the

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following requirements are applicable. Only those foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, shall be prepared or served. The preparation of other potentially hazardous foods including pastries filled with cream or synthetic cream, custards, and similar products and salads or sandwiches containing Meat, poultry, eggs or fish is prohibited. This prohibition does not apply to the service of any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of 105 CMR 590.000, is packaged in individual servings, is stored at or below 45°F (7°C)/ 41°F (5°C) or at or above 140°F (60°C) in facilities meeting the federal *1999 Food Code* requirements for storage, display and transportation and is served directly in the unopened container in which it was packaged.

(3) Temporary food establishment operators shall comply with the mandatory food protection management certification requirement in accordance with 105 CMR 590.003, except that the board of health may waive the requirement if the sponsor of a temporary event has employed at least one (FTE) person in charge in accordance with 105 CMR 590.003(A), who is:

- (a) Not a vendor; and
- (b) Responsible for monitoring safe food handling practices and initiating corrective actions to ensure compliance with 105 CMR 590.000.

(4) Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of FC 3-202.16 and FC 3-303. The ice shall be in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice shall be held in these bags until it is dispensed in a way that protects it from contamination.

(5) A convenient handwashing facility must be available for employee handwashing whenever handling unpackaged foods. This facility shall consist of at least sufficient warm running water, soap and individual paper towels. The board of health may approve the use of chemically treated towelettes in lieu of handwashing facilities if:

- (a) Only frankfurters, non-potentially hazardous foods or non-perishable foods are prepared and served and there is no bare-hand contact, or
- (b) If other foods are served and there is no bare-hand contact.

(6) Equipment.

- (a) Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the equipment and establishment.
- (b) Food contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination.
- (c) Warewashing facilities, when required, shall be available in accordance with federal *1999 Food Code* Chapter 4 for cleaning in-use utensils and food contact surfaces.

(7) All temporary food establishments without effective facilities for cleaning and sanitizing tableware shall provide only single-service articles for use by the

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consumer:

(8) Enough potable water shall be available in the operation for food preparation, for cleaning and sanitizing utensils and equipment, and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.

(9) Mechanical refrigeration or insulated containers with ice or gel packs must be used to maintain product temperature for pre-packaged, ready-to-eat foods, which are required to be held at or below 41°F (5°C)/45°F (7°C). The storage of packaged food in contact with water or undrained ice is prohibited. Wrapped ready-to-eat foods such as sandwiches shall not be stored in direct contact with ice.

(10) Potentially hazardous food, which is reheated for hot holding, shall be discarded if not used or sold by the end of the day. Temporary food operations designed to dispense hot foods shall be provided with suitable units to rapidly heat foods and to keep such food hot until served.

(11) All sewage, including liquid waste, shall be disposed of according to law.

(12) Floors, Walls and Ceilings of Food Preparation Areas.

(a) Floors shall be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair. Dirt or gravel, when graded to drain, may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings or other suitable materials effectively treated to control dust.

(b) Walls and ceilings shall be made of wood, canvas, or other material that protects the interior of the establishment from the weather, dust and debris.

(c) Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects. Doors to food preparation areas shall be solid or screened and shall be self-closing. Screening material used for walls, doors, or windows shall be at least 16 mesh to the inch.

(d) Counter-service openings shall not be larger than necessary for the particular operation conducted. These openings shall be provided with tight-fitting solid or screened doors or windows or shall be provided with fans installed and operated to restrict the entrance of flying insects. Counter-service openings shall be kept closed, except when in actual use.

(e) 105 CMR 590.009(3)(12)(c) and (d) do not apply if flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting conditions.

(D) Residential Kitchens.

(1) Residential Kitchens in Bed and Breakfast Homes and Bed and Breakfast Establishments.

(a) All bed and breakfast homes serving full breakfast and bed and breakfast establishments serving full or continental breakfast shall require a food establishment permit and shall comply with the minimum requirements of 105 CMR 590.009(D) as well as the Administration and Enforcement sections (105 CMR 590.010 through 590.021), except they shall be exempt from 105 CMR 590.043, "Plan Submission and Approval" in which case