



Alameda County
Health Care Services Agency



“POP-UP” OPERATIONS IN PERMITTED FOOD FACILITIES

Presentation to

Board of Supervisors' Health Committee
October 8, 2018

Presented by

Colleen Chawla, HCSA Director
Ronald Browder, DEH Director



THE CALIFORNIA RETAIL FOOD CODE “CAL CODE”

- Alameda County Department of Environmental Health (ACDEH) charged with enforcing state food safety law.
- California Retail Food Code governs retail food safety:
The Legislature finds and declares that the public health interest requires that there be **uniform statewide health and sanitation standards for RETAIL FOOD FACILITIES** to assure the people of this state that the FOOD will be pure, safe, and unadulterated. Except as provided in Section 113709, it is the **intent of the Legislature to occupy the whole field of health and sanitation standards for RETAIL FOOD FACILITIES**, and the standards set forth in this part and regulations adopted pursuant to this part shall be exclusive of all health and sanitation standards relating to RETAIL FOOD FACILITIES.



CURRENT TEMPORARY FOOD SERVICE OPERATIONS

- Cal Code and Alameda County currently provide for some temporary food service operations:
 - Catering (catering permit)
 - Food trucks (mobile food facility permit)
 - Stalls at Farmers' markets and community events (temporary events permit)
- However, the recent food movement has evolved faster than state food safety laws.



CHANGES IN THE RETAIL FOOD ENVIRONMENT

- More unpermitted temporary food operations have emerged as a result of the recent food movement.
- The concept of the “Pop-Up” is not provided for in Cal Code, as each food operation proposed must first be reviewed, approved and permitted by the local Environmental Health jurisdiction.
- New food service concepts and ideas require a regulatory response to ensure food safety and the public’s health.



SOME LOCAL JURISDICTIONS REGULATE POP-UPS

County	Pop-Up Concept	Website info	Permitting method	Legal Basis
San Diego	Host Facility	Yes	Permitted Caterer	County Ordinance
San Francisco	Pop-Up Program	Yes	Permitted Food Facility	City/County Ordinance
San Mateo	N/A	N/A	N/A	N/A
Santa Clara	N/A	N/A	N/A	N/A
Contra Costa	Permitted Caterer	Temporary Events	Seasonal Permit	California Retail Food Code
Marin	N/A	N/A	N/A	N/A



LEGISLATIVE RESPONSE TO CHANGES IN THE RETAIL FOOD ENVIRONMENT

- Three food safety bills were recently signed by the Governor will be effective January 2019.
 - AB 2524
 - AB 2178
 - AB 626
- Each could have an impact on pop-up restaurants.



LEGISLATIVE RESPONSE TO CHANGES IN THE RETAIL FOOD ENVIRONMENT

- AB 2524 – Changes to the “Food Facility” definition in Cal Code
Defines a “Catering Operation” (new Section 113739.1) and a “Host Facility”.
Creates the needed flexibility for permitting temporary foodservice concepts like a Pop-up.
- AB 626 – Microenterprise Kitchen Operations
Add (new Section 113825) specific requirements for food handling and safety that are critical to temporary food service
- AB 2178 – Limited Service Charitable Feeding Operation
Adds new Chapter 10.6 to Cal Code commencing with new Section 114333.
Establishes the requirement to register with Environmental Health and will limit temporary food service to specific functions.



Alameda County
Health Care Services Agency



A POP-UP PROGRAM FOR ALAMEDA COUNTY

- Pop-ups will be allowed to operate within permitted food facilities.
- Permitted food facilities may serve as “host facilities” for pop-up operations.
- Local pop-up program will be operative by December 2018.



EXISTING CAL CODE PROVISIONS WILL BE USED TO FACILITATE A POP-UP PROGRAM

- A permitted facility (Host Facility) will notify ACDEH of a proposed pop-up operation.
Cal Code §113715. Any construction, alteration, remodeling, or operation of a food facility shall be approved by the enforcement agency and shall be in accordance with all applicable local, state, and federal statutes, regulations, and ordinances, including but not limited to, fire, building, and zoning codes.
- The Host Facility must be equipped to handle the menu of the proposed pop-up operation.
Cal Code § 113824. "Menu change" means a modification of a food facility's menu that would require a change in the food facility's food preparation methods, storage equipment, or storage capacity previously approved by the local enforcement agency. These changes may include, but are not limited to, the addition of potentially hazardous foods to a menu, installation of new food preparation or storage equipment, or increasing storage capacity.
- The Person in Charge of the Host Facility and the proposed pop-up operation must ensure food safety and sanitation.
Cal Code § 113856. "Person in charge" means the individual present at a food facility who is responsible for the operation of the food facility.



POP-UP PROGRAM OPERATIONAL REQUIREMENTS

- Evaluation of permitted restaurant (Host Facility) by ACDEH to confirm its capacity to produce the temporary food service menu in a safe and sanitary manner.
- Food safety certification (must have at least one certified staff).
- Identification of the Person in Charge.
- Access to facility fixtures for handwashing, food prep, ware washing, and janitorial sinks.
- Clean and sanitary food prep areas.
- Restrooms, storage room, refuse facilities.
- If alcohol is to be served, must be conducted by ABC license holder.
- A “Notification to Proceed” for a “Temporary Food Service Operation” will be issued once all requirements are complete and verified.



POP-UP PROGRAM APPLICATION PROCESS

- ACDEH will receive requests for pop-up permits via walk-in, phone calls or the ACDEH website.
- The application process will require:
 - Name and location of proposed pop-up at a permitted restaurant (Host Facility)
 - Signed agreement with Host Facility operator for use of the permitted restaurant
 - Date and time (duration) of proposed pop-up operation
 - Proposed menu (must be produced within existing facility infrastructure)
 - Fee for review and processing



POP-UP PROGRAM INFORMATION AND EDUCATION

- ACDEH will provide education for Permit Holders, City and County Agencies and other stakeholders.
- ACDEH staff will be trained to ensure uniform implementation and enforcement.
- ACDEH website will be enhanced to include pop-up program description, requirements, forms, and educational materials.



IMPACT OF LEGISLATIVE CHANGES

- New Cal Code changes in AB 2524, AB 2178, and AB 626 will:
 - Provide more clarity and flexibility
 - Allow local jurisdictions to permit new food service concepts that are safe and sanitary
 - Become effective January 2019
- ACDEH will be reviewing these Cal Code changes and will meet with stakeholders – including food service operators, cities, county agencies, and others – to develop procedures responsive to the new laws.



Alameda County
Health Care Services Agency



Thank you & Questions