



**PLEASE DISTRIBUTE
TO:**

- Superintendents
- Principals
- Food services personnel
- Teachers
- Athletic directors
- Coaches
- Club/organization sponsors

TECHNICAL INFORMATION BULLETIN No. 54

To: Members, Arizona School Risk Retention Trust, Inc.

Re: Food Operations on School Grounds

Introduction

In July of 2012, the Maricopa County Environmental Services Department sent a mass communication to school principals and superintendents throughout the county. (See **Exhibit 1.**) The purpose of the communication was to call attention to “independent food operations” that were selling or giving away food on school grounds, in some cases in violation of state and local laws and regulations. In particular, the document raised concerns about: (a) the types of food being sold; (b) the facilities/equipment being used (or not being used) in conjunction with food sales; and (c) selective failures to secure the necessary food/beverage permits.

This Technical Information Bulletin provides information on the laws and regulations related to food/beverage concessions outside of the cafeteria setting. Though the discussion is based on the requirements for Maricopa County, the issues addressed should be of concern to *all* Trust members. Individual members should check on requirements specific to their jurisdictions. (See the “References” section of this document for a listing of county regulatory authorities.)

When Can Food/Beverages be Sold Without a Permit?

Many schools have on-campus concession stands, and many more allow the sale of food and beverages in conjunction with on-campus athletic events, club functions, fundraisers, and so on. In certain circumstances, food sales in these settings require a county permit. In other circumstances, they do not.

In general, *no* health permit for food sales is required when:

1. the food/beverage is commercially prepared and individually pre-packaged; and
2. the food is “non-PHF” (a non-potentially hazardous food), meaning that it generally does not require time and/or temperature controls to limit the growth of microorganisms that can cause illness.¹

¹ Common examples of potentially hazardous foods include meat; poultry; fish, shellfish, and crustaceans; eggs; milk and dairy products; baked potatoes; heat-treated plant food (cooked rice, beans, or vegetables); mushrooms, raw sprouts; tofu and soy protein foods; untreated garlic and oil mixtures; and

As an example, a concession table selling bottled water, canned soda, bags of potato chips, and candy bars would not need a food/beverage sales permit from the county. These items are commercially prepared and prepackaged, and generally do not become hosts for dangerous microorganisms if left unrefrigerated for an extended period.

A bake sale may also be conducted without a permit under the following circumstances:

- the food items being sold are non-PHF; and
- the sales area displays a placard informing consumers that some or all of the food was prepared in a private kitchen/private home not regulated by the county.²

(The latter requirement would not apply if baked goods were purchased from a commercial vendor and then re-sold on campus.)

Beyond these limited circumstances, the auxiliary/independent sale of food on campus requires a permit from the county.

When a Permit is Required, What Kind is Needed?

In any specific instance, the county permitting authority is the best source of information on what type of permit will be needed to ensure compliance.³ In general, however, the type of permit required depends on the extent of food preparation at the sales/display site.

If minimal or no food preparation takes place on site, then a *retail food establishment permit* will most likely be required. This would be the case, for example, when:

1. in addition to pre-packaged/non-PHF foodstuffs, limited bulk/open items were being sold, such as pretzels or popcorn; or
2. commercially prepared and individually pre-packaged PHF items were being sold, such as pre-packaged sandwiches purchased from an approved vendor to be re-sold, as-is, at the campus event.

When more extensive on-site preparations are involved, then an *eating and drinking establishment permit* will most likely be required. This would be the case, for example, if the food selections included items such as hot dogs on roller grills, soft-serve ice cream, nachos with hot cheese, chili or similar condiments, or pre-cooked PHF food items that are heated on-site (e.g., pizza slices, chicken sandwiches, etc.).

custards, puddings, cakes with custard fillings, meringues, cheesecakes, pumpkin, cream, or custard pies, and other desserts containing ingredients of animal origin.

² See **Exhibit 2** for a sample placard.

³ Maricopa County has prepared a summary of school food service permitting requirements, available online at <http://www.maricopa.gov/EnvSvc/EnvHealth/docs/School%20Permitting%20Matrix.xls>. (The summary opens as an Excel spreadsheet.)

(Regarding the sale of hot foods, please note that no outside cooking or grilling is permitted without an approved variance from the county.)

What Kind of Facilities/Equipment are Required?

Different permitting levels bring with them different requirements for facilities and equipment. In the “no permit” cases described above, nothing more may be needed than safe, easily cleanable food contact surfaces (e.g., tables, utensils, serving equipment).

In the case of food sales that require a retail permit or an eating and drinking establishment permit, some of the additional requirements include:

- plumbing equipment that can produce potable water;
- an approved hand sink with splashguards, soap, and paper towels;
- a minimum 30-gallon water heater with a 100% recovery rate; and
- access to a mop sink/service sinks.

These are just a few examples. There are many additional requirements, along with a number of prohibitions. The most reliable way of ensuring compliance is to consult with the county permitting authority.

What About Licenses/Certificates for Individuals Selling Food?

In most cases in which a permit is required, a certified food service manager must be available for oversight/consultation whenever the food establishment is operating. This means that he or she must be: (1) physically present; *or* (2) available by phone or other electronic means.⁴

As for individual sales/display workers, county requirements are as follows:

Food service worker licenses are required for any person who handles, prepares, serves, sells or gives away food for human consumption, including those whose duties are restricted to busing or washing dishes. The rule does not apply to workers in facilities that handle food or beverages exclusively in a closed package or container.⁵

Generally speaking, this means that:

1. Individuals working at a school food operation that does not require a permit, or that requires only a retail permit, *will not* need a food worker card.

⁴ Please note that **Exhibit 1**, a letter from the Maricopa County Environmental Services Department, indicates that the certified food service manager should be available “...*on-site* at all times during food service operations” (emphasis added). Conversations with county officials, however, have confirmed that telephonic/electronic availability is an acceptable alternative to physical presence on-site. There should be a person in charge on site, however, who is knowledgeable about all applicable requirements and prohibitions.

⁵ See <http://www.maricopa.gov/EnvSvc/QC/FoodHandlerCard/FoodWorkerCard.aspx>.

2. Individuals working at a school food operation that requires an eating and drinking establishment permit *will* need a food worker card.

Again, however, the county permitting authority is the best source of information on whether individual food service worker or manager cards will be needed in a specific instance.

When an individual food service worker license is required, the individual may secure it by: (1) visiting a local licensing office or the online testing website; (2) reviewing testing materials; (3) paying a small fee;⁶ and (4) taking and passing a licensing test.⁷

Requirements Related to Student Hydration Units

The Maricopa County Environmental Services Department now requires a review of schools' hydration equipment, facilities, and procedures to ensure that they are safe for use. The review process is initiated by the school through the submission of a Remodel application. Additional information on this process is available through Maricopa County online at <http://goo.gl/PImUu>. Trust members located outside of Maricopa County should check with the local county regulatory authority to determine whether equivalent requirements apply to their student hydration systems.

Conclusion

Food and beverage sales on campus can play an important role in raising funds, promoting group/club activities, and adding to the enjoyment of various campus events. Depending on the nature and extent of the sales activity, however, a county food and beverage sales permit may be required. Additionally, individuals working at the sales/display site may need to have a food service worker card. Check with your county permitting authority to ensure that you are meeting all of the requirements of the law.

If you have questions regarding the contents of this Technical Information Bulletin, please contact Member Services at (800) 266-4911 or (602) 266-4911, or via email at the-trust@the-trust.org.

⁶ Volunteer workers—that is, individuals who are not paid for their work—may qualify for a fee waiver. Check with the county permitting authority.

⁷ For additional information, see <http://goo.gl/D5gvha>.

References

The names and website addresses for the county permitting authorities are given in the table below.

Table 1. County Permitting Authorities for Food Operations

County	Permitting Authority and Web Address
Apache	Apache County Public Health Services District, Environmental Health Division http://www.co.apache.az.us/Departments/CommDevelope/Environmental.htm
Cochise	Cochise County Health Department, Environmental Health Division http://goo.gl/V6MjT
Coconino	Coconino County Health Department, Environmental Health Division http://coconino.az.gov/index.aspx?NID=229
Gila	Gila County Health Department, Environmental Health Section http://goo.gl/cgsC6
Graham	Graham County Health Department, Environmental Health Office http://www.graham.az.gov/health-department/environmental-health-services/
Greenlee	Greenlee County Health Department, Environmental Health Services Division http://www.co.greenlee.az.us/health/environmental.aspx
La Paz	La Paz County Health Department, Environmental Health Division http://www.lpchd.com/environmental.html
Maricopa	Maricopa County Environmental Services Department, Environmental Health Division http://www.maricopa.gov/EnvSvc/EnvHealth/
Mohave	Mohave County Health Department, Environmental Health Division http://www.mohavecounty.us/ContentPage.aspx?id=127&cid=467
Navajo	Navajo County Public Health Services, Environmental Health Program http://www.navajocountyaz.gov/pubhealth/env.aspx
Pima	Pima County Health Department, Consumer Health and Food Safety Program http://webcms.pima.gov/cms/One.aspx?portalId=169&pageId=431
Pinal	Pinal County Health Department, Division of Environmental Health Division http://pinalcountyaz.gov/EnvironmentalHealth/Pages/Home.aspx
Santa Cruz	Santa Cruz County Health and Human Services Department, Environmental Health Services Division http://www.co.santa-cruz.az.us/health/ehs.html
Yavapai	Yavapai County Community Health Services, Environmental Health Division http://www.yavapaihealth.com/?page_id=369
Yuma	Yuma County Public Health Services District, Environmental Health Services Division http://www.co.yuma.az.us/index.aspx?page=618

Exhibit 1. Letter from Maricopa County Environmental Services Department



Maricopa County

Environmental Services Department

Environmental Health Division
1001 N. Central Ave., Suite 300
Phoenix, Arizona 85004-1937
Phone: (602) 506-6970
Fax: (602) 506-6862

July 30, 2012

Dear Principal /Superintendent,

This letter is being sent in an effort to provide a uniform approach to the "Fall 2012" school year. During 2011 – 2012, our Department responded to numerous inquiries from schools regarding the Department's regulatory approach to school daycares, culinary arts classrooms, concession stands, booster clubs, fund raisers, sports games, athletic events or other related activities in regards to food service facilities operating within the school premises as they pertain to the Maricopa County Environmental Health code requirements.

During the past school year, routine inspections revealed independent food operations on school grounds that may not have the proper permits to sell or give food away to the public. Some of these operations take place in outlying buildings or concession stands. Some of these buildings have been noted by our inspectors to lack appropriate equipment such as sinks, refrigerators and cooking equipment. We have also seen an increase of independent groups running booster clubs and fundraisers. In some cases, the food for these events are prepared and cooked at home which is prohibited by the Maricopa County Environmental Health code. We have also become aware that some of the Culinary Arts programs may be expanding their curriculum to include a student enterprise, wherein food is served to the public, which may require a permit. It has been our experience that school principals and cafeteria food service managers may be reluctant to accept responsibility and liability for these independent or school sponsored food service operations.

Please be advised that school districts and school principals are responsible for ensuring that they meet all current Maricopa County Environmental Health Code requirements and that these operations must qualify and obtain a valid permit to operate from our Department.

Applicants are responsible for the operations that are being conducted on the premises and will operate in full compliance with all applicable environmental regulations, duly adopted and all other Local, County, State rules, Ordinances and Regulations pertaining thereto. The applicant is responsible for knowing the contents of the applicable regulations as they pertain to said operation. There are many permitting options, each with its own requirements. Please refer to the

Environmental Health Division
1001 N. Central Ave., Suite 300
Phoenix, Arizona 85004-1937
Phone: (602) 506-6970
Fax: (602) 506-6862

School permitting Matrix, which can be found on our website:
<http://www.maricopa.gov/EnvSvc/EnvHealth/docs/School%20Permitting%20Matrix.xls> . The Matrix, though not all-inclusive, provides numerous options in the types of permits and the limitations within each type.

It is the intent of the Maricopa County Environmental Health Division to permit these operations whenever possible. Non-permitted operations will be in violation of the County Environmental Health Code and they will be instructed to Cease & Desist until such time that they are properly permitted. Once permitted, our inspectors can conduct routine inspections and monitor operations. Establishments shall be in compliance with current Maricopa County Environmental Health Code § Chapter VIII and Department policy. It is our goal to provide a fair and consistent approach to protecting the public's health, through means of education, consensus building and using enforcement as a last resort.

Please note that we regard the school's Principal as the responsible party to ensure all food facilities operating on school premises are obtaining required permit from this Department. In most permitting cases the establishments must operate under the direction of a Certified Food Service Manager available on-site at all times during food service operations. Approved permits will be effective and valid one year from the date of approval. Your permit should be posted at the point of sales registers.

If you have additional questions please contact your district health inspector or their supervisor for additional assistance.

Thank you for your attention to this matter.

Sincerely,

David F. Ludwig

David F. Ludwig, M.P.H., R.S.
Division Manager – Environmental Health

Central Regional Office	(602)-506-6272
Northern Regional Office	(480)-483-4703
Eastern Regional Office	(480)-820-7655
Western Regional Office	(623)-939-5788

Exhibit 2. Sample Bake Sale Placard

**The Food at this Bake Sale
is prepared in a kitchen
that is not subject to
regulation and inspection
by the Maricopa County
Environmental Services
Department.**