



Regulating Food Trucks in the Age of Meal Delivery

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www.FoodSafetyGuides.com



Agenda

1. Food trucks: A New Age
2. Food truck entities & their relations
3. Plan check
4. Food safety messaging
5. Covid-19 resources
6. Federal Retail exemptions
7. Q&A

Food Trucks in the Age of Meal Delivery

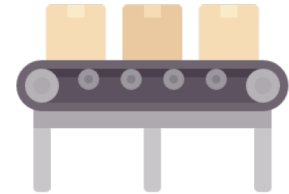
What Did They Used to Be?



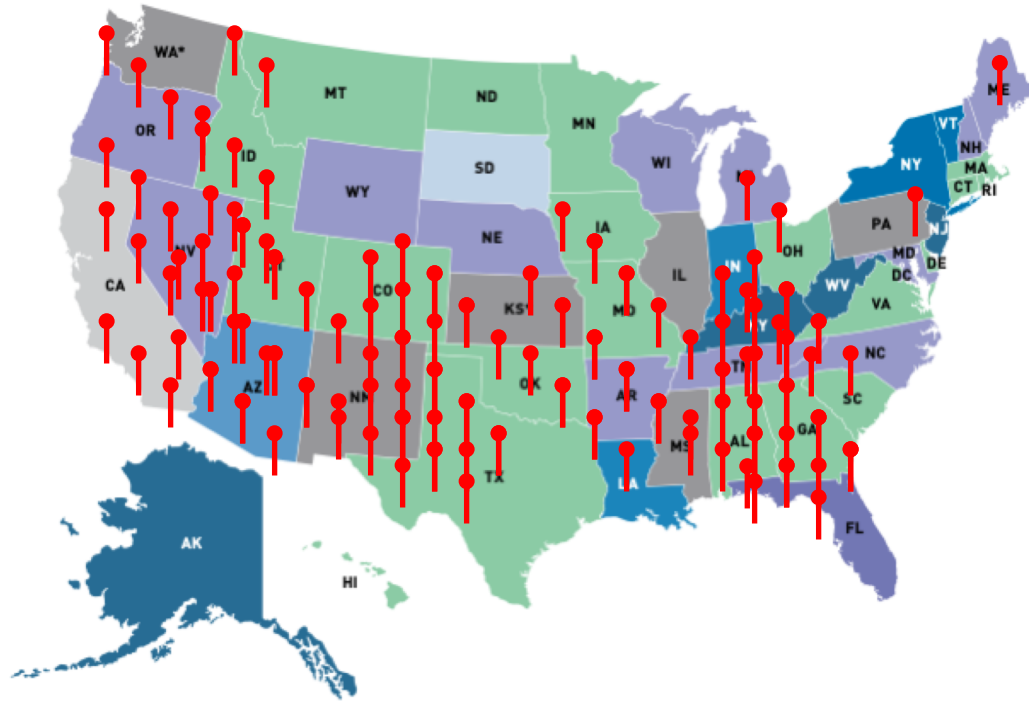
What are they now?



What are they going?



Food Trucks in the Age of Meal Delivery



Food Service/Retail



Manufacturer/Processor



Food Trucks in the Age of Meal Delivery



Now



In Future

Geographical Distribution



Volume of Production



Complexity of Supply Chain



Food Truck Entities

Who's involved

*How does food safety
relate to each food
truck entity?*

Entities

Commissary



Service Station



Site

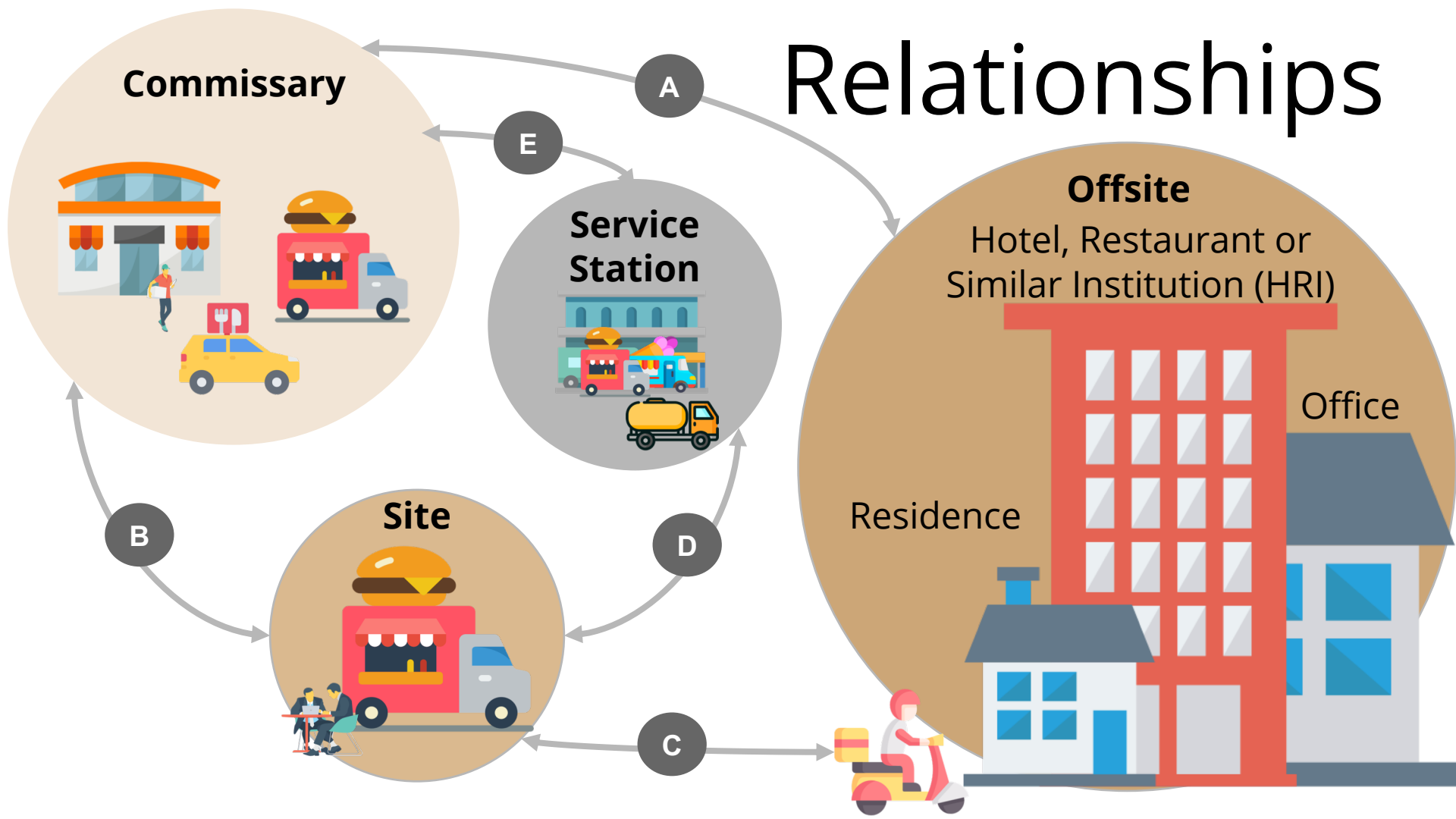


Offsite

Hotel, Restaurant or Similar Institution (HRI)



Relationships



Commissary



Common names

Other names used in regulatory local, state and federal code and policies:

- Base of Operations
- Central Preparation Facility
- Retail Food Establishment

Food handling

Prepare
and store
food

Load food
onto
vehicle

Service Station



1. Power

Refill propane tanks

Refill gas/generator tank

Recharge battery

Shore-power

2. Cleaning & Sanitizing of surfaces

COP utensils
utensils in 3CS

CIP surfaces
floors, walls, ceiling, shelving

Clean exterior
Walls, wheels, doors, windows

3. Water

Evacuate waste water

CIP tanks
Waste & potable water

Refill potable water

4. Vehicle storage

PM & repair of vehicle

Overnight parking

5. Food

Overnight food storage

Site



1. Power

Generator, propane, and/or battery

Shore-power

2. Parking

Private **or** public-right-of-way

Zoning and parking restrictions

Operating restrictions (Noise & hours)

3. Prep & Execution

Cooking, cooling & thawing

Portioning, mixing & assembling

Packaging & labeling

4. Potable water

Water availability

Water pressure

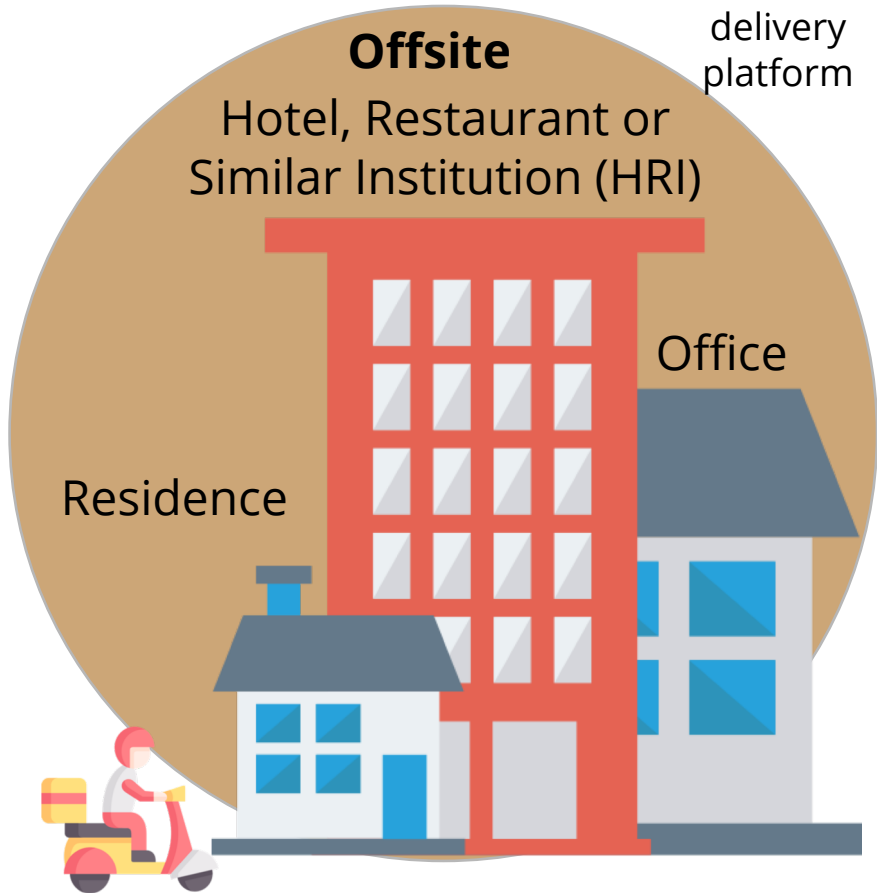
Hot water

5. Waste water

Free of leaks overflow

Free of backflow & cross-connection

No odors



1. Order placement

Meal
delivery
platform

Direct

2. Order mgmt

Triage

Orders to
minimize
distance to
customer

Prioritizing

Orders based
on proximity
of pick-up
customers

Confirming

receipt of food
via app (Time
stamp)

3. Hand-off

Consumer
pick-up

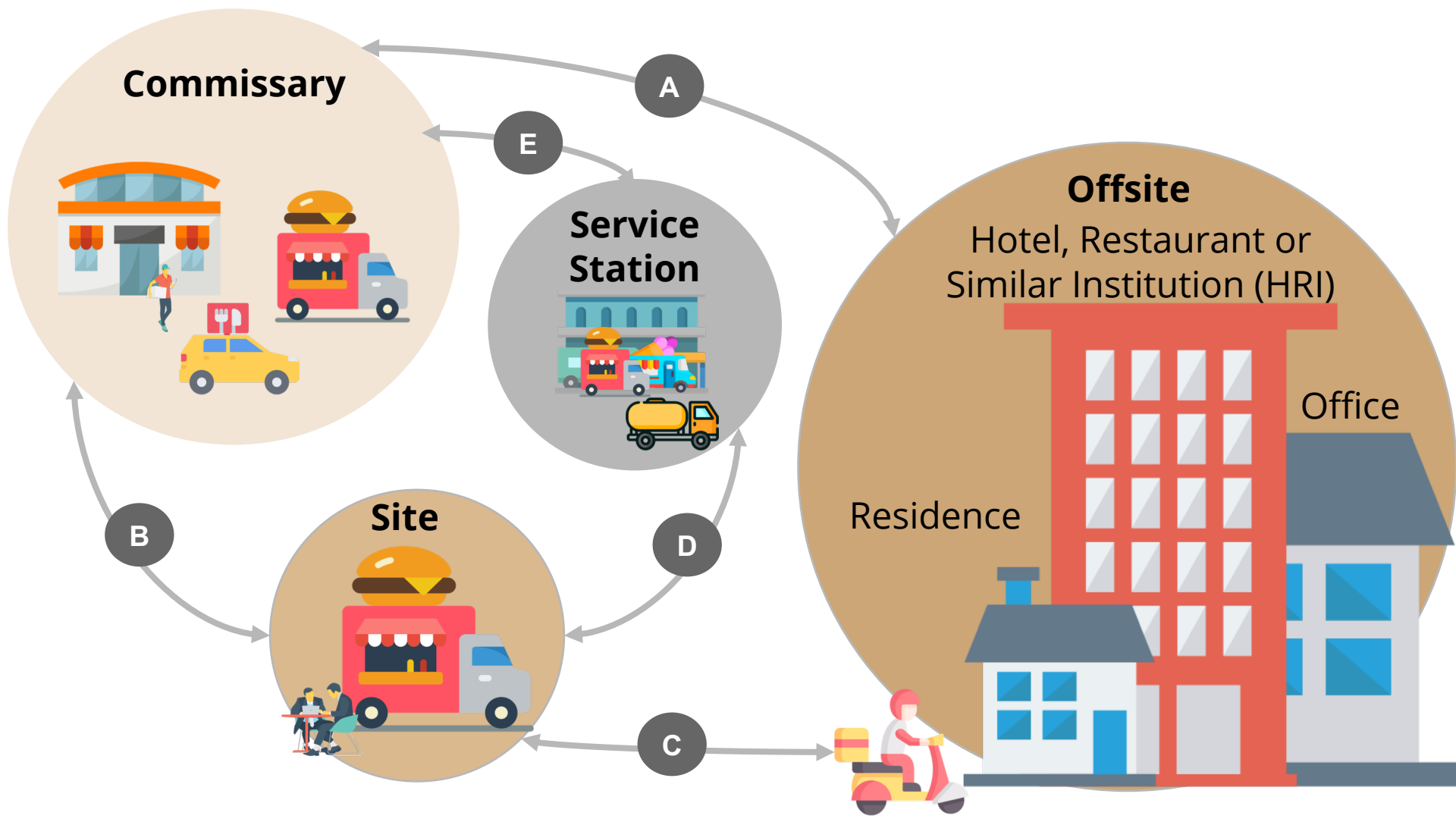
Internal
delivery
person

Meal delivery
platform
contract
delivery person

Food Truck Relationships

A Global Picture

*How do the
relationships
between food truck
entities complicate
food safety?*



Commissary

A

E

Service Station

Offsite

Hotel, Restaurant or
Similar Institution (HRI)

Office

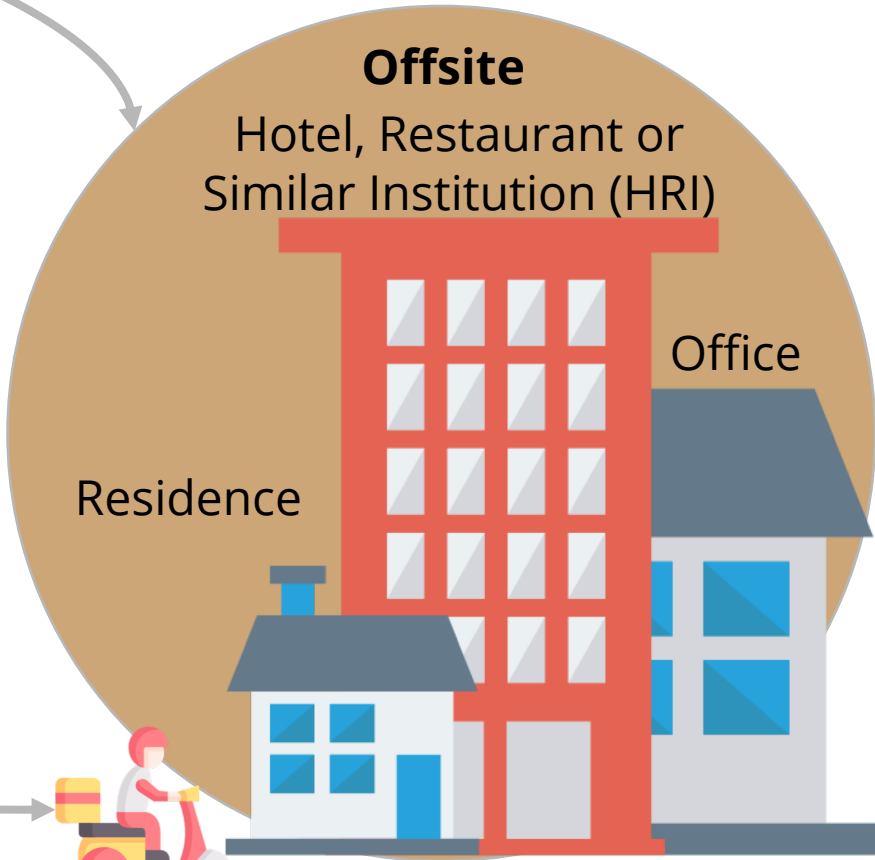
Residence

D

Site

B

C



Commissary



A

Offsite

Hotel, Restaurant or
Similar Institution (HRI)



Considerations

1

Time/Temp:
(i) execution
(ii) departure
(iii) arrival

2

Packaging
integrity

3

Delivery
worker
health

4

Customer
contact

Commissary



B

Site



Considerations

1

Time/Temp:
(i) Loading
(ii) Departure
(iii) Arrival
(iv) Surface

2

Packaging
integrity
during
loading and
storage

3

Food
handler
health &
contact

Considerations

1

Time/Temp:
(i) execution
(ii) departure
(iii) arrival

2

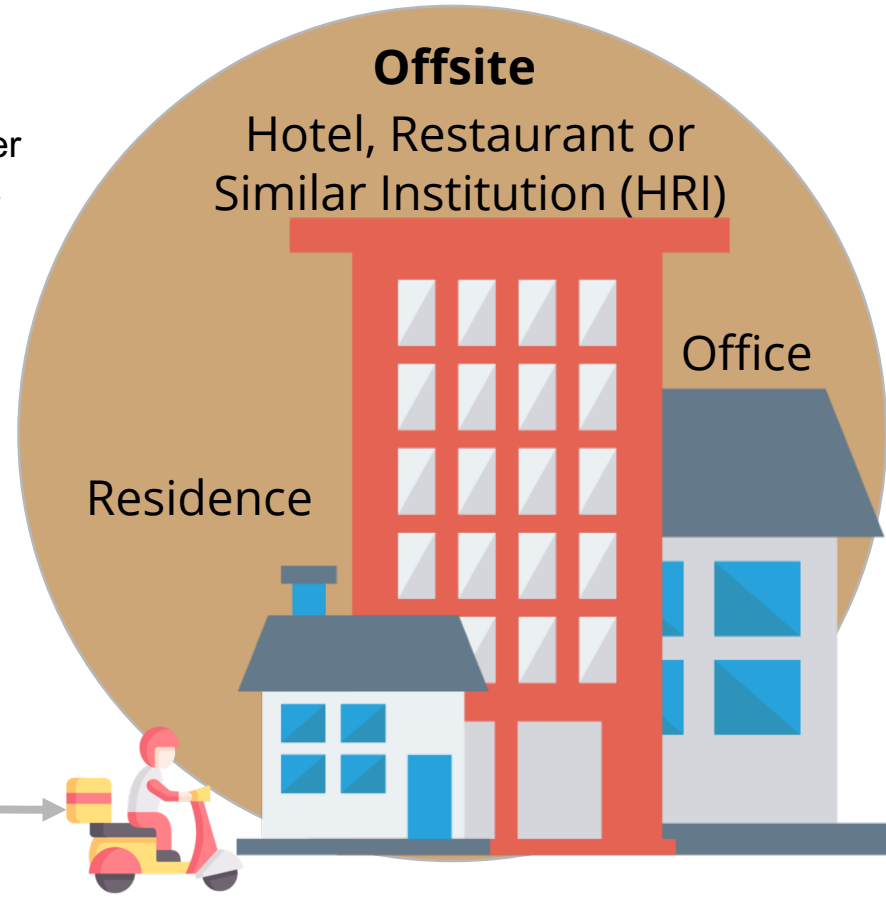
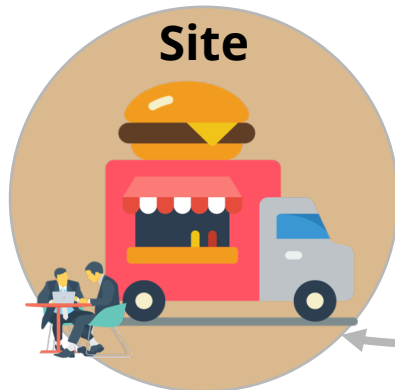
Packaging
integrity

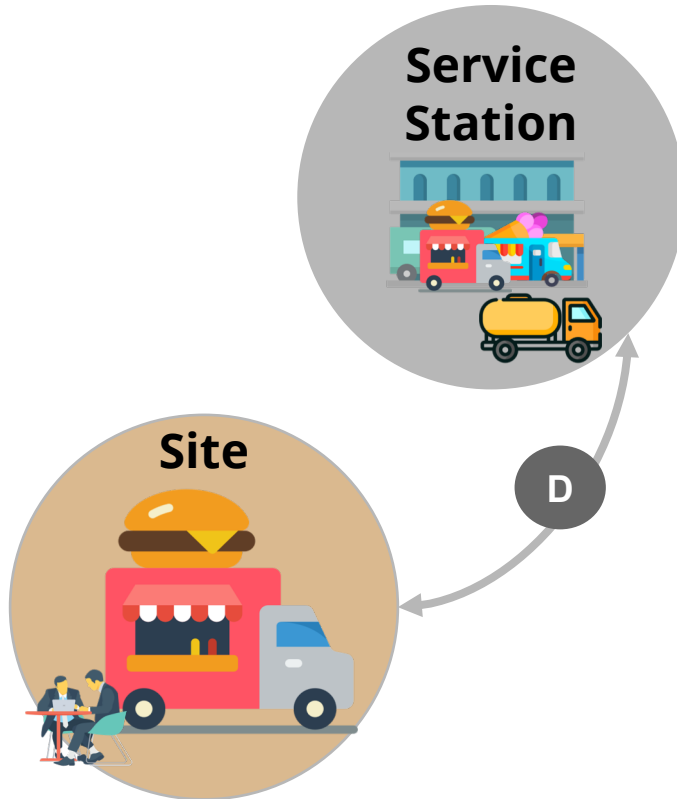
3

Food handler
& delivery
person health
& contact

4

Customer
contact





Considerations

- 1**
Status of relationship
- 2**
Frequency of return
- 3**
Station availability
- 4**
Water quality

Commissary



E

Service Station



Considerations

1

Pre-opt
hygiene &
sanitation

2

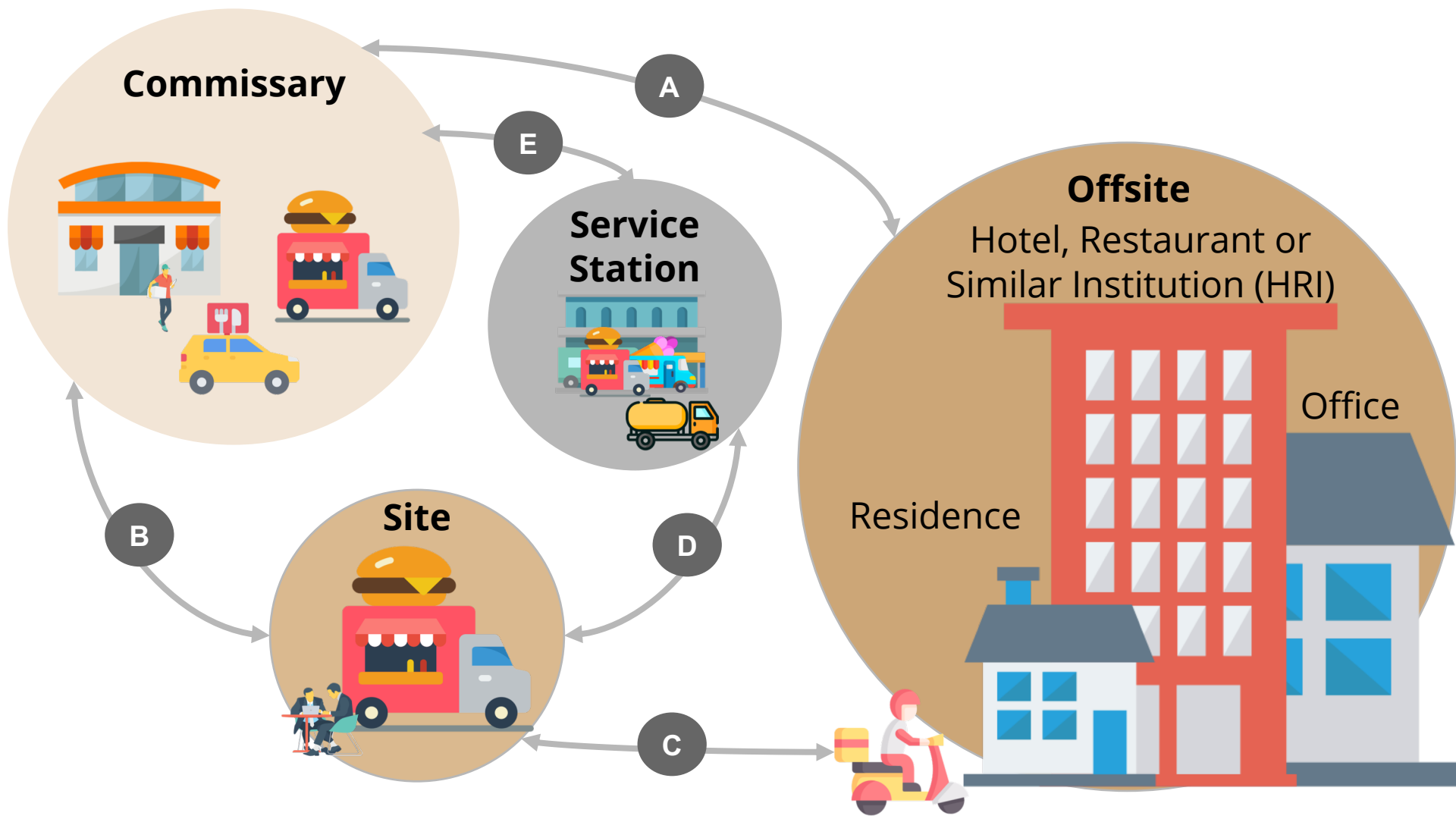
Pre-opt
stock of
supplies

3

Pre-opt
Food
storage
temp

4

Water
quality



Commissary

Service Station

Site

Offsite

Hotel, Restaurant or
Similar Institution (HRI)

Office

Residence

A

E

D

C

B

Plan check

Opportunities to
improve

*What can be done to
harmonize food truck
construction and
design requirements?*

How can regulators aid food trucks?

1. Culinary
2. Design
3. Electrical
4. Mechanical
5. Plumbing
6. Supply-chain
7. Legal
8. Food Safety
9. Business
10. Software
11. Fire



Disciplines relevant to
a food truck business

FDA FOOD CODE MOBILE FOOD ESTABLISHMENT MATRIX

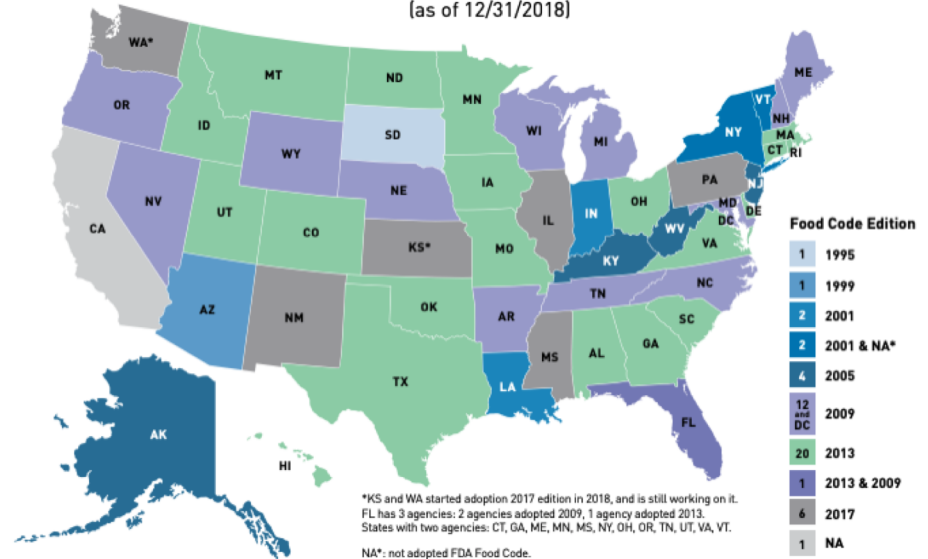
Food Code	Time/Temperature for Safety Food (TCS) Menu	Time/Temperature for Safety Food (TCS) Menu	Not TCS Food Menu
<i>Areas/Chapter</i>	<i>Food Preparation</i>	<i>Prepackaged</i>	<i>Food Preparation</i>
Personnel	Applicable Sections of Parts 2-2 - 2-4 5-203.11 (C)	Applicable Sections of Parts 2-2 - 2-4 5-203.11 (C)	Applicable Sections of Parts 2-2 - 2-4 5-203.11 (C)
Food	3-101.11 3-201.11-.16 3-202.16; Applicable Sections of Part 3-3; 3-501.16 3-501.18(A)	3-101.11 3-201.11-.16 3-303.12(A) 3-501.16 3-305.11; 3-305.12 (Applicable to Service Area or Commissary)	3-101.11; 3-201.11 3-202.16; Applicable Sections of Part 3-3
Temperature Requirements	3-202.11; Applicable Sections of Parts 3-4 & 3-5	3-202.11 3-501.16	NONE
Equipment Requirements	Applicable Sections of Parts 4-1 - 4-9 and 5-5	Applicable Sections of Parts 4-1 - 4-2; 4-6 and 5-5	Applicable Sections of Parts 4-1 - 4-2; 4-5 - 4-6 and 5-5
Water & Sewage	5-104.12 5-203.11(A) & (C) Part 5-3; 5-401.11 5-402.13-.15	5-104.12 5-203.11(A) & (C) Part 5-3; 5-401.11 5-402.13 -.15	5-104.12 5-203.11(A) & (C) Part 5-3; 5-401.11 5-402.13-.15
Physical Facility	6-101.11; 6-201.11 6-102.11(A) & (B) 6-202.15; 6-501.11 6-501.12; 6-501.111	6-101.11 6-102.11(A) & (B) 6-202.15 6-501.111	6-101.11; 6-201.11 6-102.11(A) & (B) 6-202.15; 6-501.11 6-501.12; 6-501.111
Toxic Materials	Applicable Sections of Chapter 7	Applicable Sections of Chapter 7	Applicable Sections of Chapter 7
Servicing	6-202.18 / As necessary to comply with the Food Code	6-202.18 / As necessary to comply with the Food Code	6-202.18 / As necessary to comply with the Food Code
Compliance and Enforcement	Applicable Sections of Chapter 8 and Annex 1	Applicable Sections of Chapter 8 and Annex 1	Applicable Sections of Chapter 8 and Annex 1

Food Code

U.S. Public Health Service



Food Code Adoption by State
(as of 12/31/2018)



5-3 MOBILE WATER TANK AND MOBILE FOOD ESTABLISHMENT WATER TANK

Food Code

U.S. Public Health Service



Materials

5-301.11 Approved.

Materials that are used in the construction of a mobile water tank, mobile FOOD ESTABLISHMENT water tank, and appurtenances shall be:

- (A) Safe; P
- (B) Durable, CORROSION-RESISTANT, and nonabsorbent; and (C) Finished to have a SMOOTH, EASILY CLEANABLE surface.

165

Design and Construction

5-302.11 Enclosed System, Sloped to Drain.

A mobile water tank shall be:

- (A) Enclosed from the filling inlet to the discharge outlet; and
- (B) Sloped to an outlet that allows complete drainage of the tank.

5-302.12 Inspection and Cleaning Port, Protected and Secured.

If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and:

- (A) Flanged upward at least 13 mm (one-half inch); and
- (B) Equipped with a port cover assembly that is:
 - (1) Provided with a gasket and a device for securing the cover in place, and
 - (2) Flanged to overlap the opening and sloped to drain.

5-302.13 "V" Type Threads, Use Limitation.

A fitting with "V" type threads on a water tank inlet or outlet shall be allowed only when a hose is permanently attached.

5-302.14 Tank Vent, Protected.

If provided, a water tank vent shall terminate in a downward direction and shall be covered with:

- (A) 16 mesh to 25.4 mm (16 mesh to 1 inch) screen or equivalent when the vent is in a protected area; or
- (B) A protective filter when the vent is in an area that is not protected from windblown dirt and debris.

5-302.15 Inlet and Outlet, Sloped to Drain.

- (A) A water tank and its inlet and outlet shall be sloped to drain.
- (B) A water tank inlet shall be positioned so that it is protected from contaminants such as waste discharge, road dust, oil, or grease.

5-302.16 Hose, Construction and Identification.

A hose used for conveying DRINKING WATER from a water tank shall be:

- (A) Safe; P
- (B) Durable, CORROSION-RESISTANT, and nonabsorbent;
- (C) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition;
- (D) Finished with a SMOOTH interior surface; and
- (E) Clearly and durably identified as to its use if not permanently attached.

Numbers and Capacities

5-303.11 Filter, Compressed Air.

A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and DRINKING WATER system when compressed air is used to pressurize the water tank system. P

5-303.12 Protective Cover or Device.

A cap and keeper chain, closed cabinet, closed storage tube, or other APPROVED protective cover or device shall be provided for a water inlet, outlet, and hose.

5-303.13 Mobile Food Establishment Tank Inlet.

A mobile FOOD ESTABLISHMENT'S water tank inlet shall be:

- (A) 19.1 mm (three-fourths inch) in inner diameter or less; and
- (B) Provided with a hose connection of a size or type that will prevent its use for any other service.

Food Code

U.S. Public Health Service



Operation and Maintenance

5-304.11 System Flushing and Sanitization.

A water tank, pump, and hoses shall be flushed and SANITIZED before being placed in service after construction, repair, modification, and periods of nonuse. P

5-304.12 Using a Pump and Hoses, Backflow Prevention.

A PERSON shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.

5-304.13 Protecting Inlet, Outlet, and Hose Fitting.

If not in use, a water tank and hose inlet and outlet fitting shall be protected using a cover or device as specified under § 5-303.12.

5-304.14 Tank, Pump, and Hoses, Dedication.

(A) Except as specified in ¶ (B) of this section, a water tank, pump, and hoses used for conveying DRINKING WATER shall be used for no other purpose. P

(B) Water tanks, pumps, and hoses APPROVED for liquid FOODS may be used for conveying DRINKING WATER if they are cleaned and SANITIZED before they are used to convey water.

Food Code

U.S. Public Health Service



5-4 SEWAGE, OTHER LIQUID WASTE, AND RAINWATER

Mobile Holding Tank

5-401.11 Capacity and Drainage.

A SEWAGE holding tank in a mobile FOOD ESTABLISHMENT shall be:

- (A) Sized 15 percent larger in capacity than the water supply tank; and
- (B) Sloped to a drain that is 25 mm (1 inch) in inner diameter or greater, equipped with a shut-off valve.

Retention, Drainage, and Delivery: design, construction, and installation

5-402.10 Establishment Drainage System.

FOOD ESTABLISHMENT drainage systems, including grease traps, that convey SEWAGE shall be designed and installed as specified under ¶ 5-202.11(A).

5-402.11 Backflow Prevention.

- (A) Except as specified in ¶¶ (B), (C), and (D) of this section, a direct connection may not exist between the SEWAGE system and a drain originating from EQUIPMENT in which FOOD, portable EQUIPMENT, or UTENSILS are placed. P
- (B) Paragraph (A) of this section does not apply to floor drains that originate in refrigerated spaces that are constructed as an integral part of the building.
- (C) If allowed by LAW, a WAREWASHING machine may have a direct connection between its waste outlet and a floor drain when the machine is located within 1.5 m (5 feet) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.
- (D) If allowed by LAW, a WAREWASHING or culinary sink may have a direct connection.

location and placement

5-402.12 Grease Trap.

If used, a grease trap shall be located to be easily accessible for cleaning operation and maintenance

Food Code

U.S. Public Health Service



Operation and maintenance

5-402.13 Conveying Sewage.

SEWAGE shall be conveyed to the point of disposal through an APPROVED sanitary SEWAGE system or other system, including use of SEWAGE transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to LAW.P

5-402.14 Removing Mobile Food Establishment Wastes.

SEWAGE and other liquid wastes shall be removed from a mobile FOOD ESTABLISHMENT at an APPROVED waste SERVICING AREA or by a SEWAGE transport vehicle in such a way that a public health HAZARD or nuisance is not created. Pf

5-402.15 Flushing a Waste Retention Tank.

A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

Disposal Facility: Design and construction

5-403.11 Approved Sewage Disposal System.

SEWAGE shall be disposed through an APPROVED facility that is:

(A) A public SEWAGE treatment plant; P or

(B) An individual SEWAGE disposal system that is sized, constructed, maintained, and operated according to LAW. P

5-403.12 Other Liquid Wastes and Rainwater.

Condensate drainage and other nonSEWAGE liquids and rainwater shall be drained from point of discharge to disposal according to LAW.

Food Code

U.S. Public Health Service



More guidance →

Annex

3 Public Health Reasons/
Administrative Guidelines

FDA FOOD CODE MOBILE FOOD ESTABLISHMENT MATRIX

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Food Code

U.S. Public Health Service



For example, does not address:

- 1

Fire
Electrical,
LPG, Fire
suppression
- 2

Sink
plumbing
to tanks
- 3

Storage
Space for
cold & dry
food
- 4

Risk-based
approach

Only section customized to mobile food establishments

Food Trucks, Commissaries, and Food Safety in the Age of Meal Delivery

Mobile food facilities (MFFs), or food trucks, have always been understood as a scrappy, low-capital investment for starting, or extending, a food business. Today, fleets of high-tech MFFs are being increasingly considered by large retail and foodservice brands to be the investment needed to shorten the distance between shifting locations of online consumers and brick-and-mortar stores. Mobile-cuisine.com reports that industry revenue is projected to grow at an annualized rate of 12.4 percent during the 5 years between 2014 and 2019, and to reach \$1.5 billion by 2030, at which time most meals currently cooked in restaurants will be delivered from either restaurants or central kitchens.

For food safety professionals, the role of food safety control and hygienic design is a necessary role of a “commisary.” To address these issues, regulatory agencies like the Centers for Disease Control and Prevention have set a standard for hygienic design. “Food safety temperatures.”[10]

Minimize the opportunity for improper handling.

The opportunity for microbial growth increases during the time to prep, load, assemble, and deliver the food, which makes efficiency and speed a critical form of control for MFFs and couriers involved in meal delivery. As a reference, the 2017 FDA Food Code’s limit for time as a control is 4 hours for cold ready-to-eat (RTE) food and 6 hours for hot RTE food.[11]

Below are a few points to consider for inspection of food trucks and commissaries:

More to
Read

temperature
indicated by the
of operations).
mitigate the U.S.
authoritative
holding



[Regulators Burdened by the Velocity of Innovation in Nontraditional Food Operations](#)

Food Safety Messaging

How to talk to
operators

*What terms can be
used to increase
retention of food
safety concepts?*

Flow - Zones - Terms

→
Tacos, Pizza, Poke

→ ←
BBQ, Burgers, Salads

← →
Hot bowls & cold items

← → ←
Multiple cooking appliances
& cold offerings

Flow



Provides context for:

- Placement of utensils
- Appropriate areas for prep
- Personnel behavior
- Cleanliness of surfaces

→
Tacos, Pizza, Poke

→ ←
BBQ, Burgers, Salads

← →
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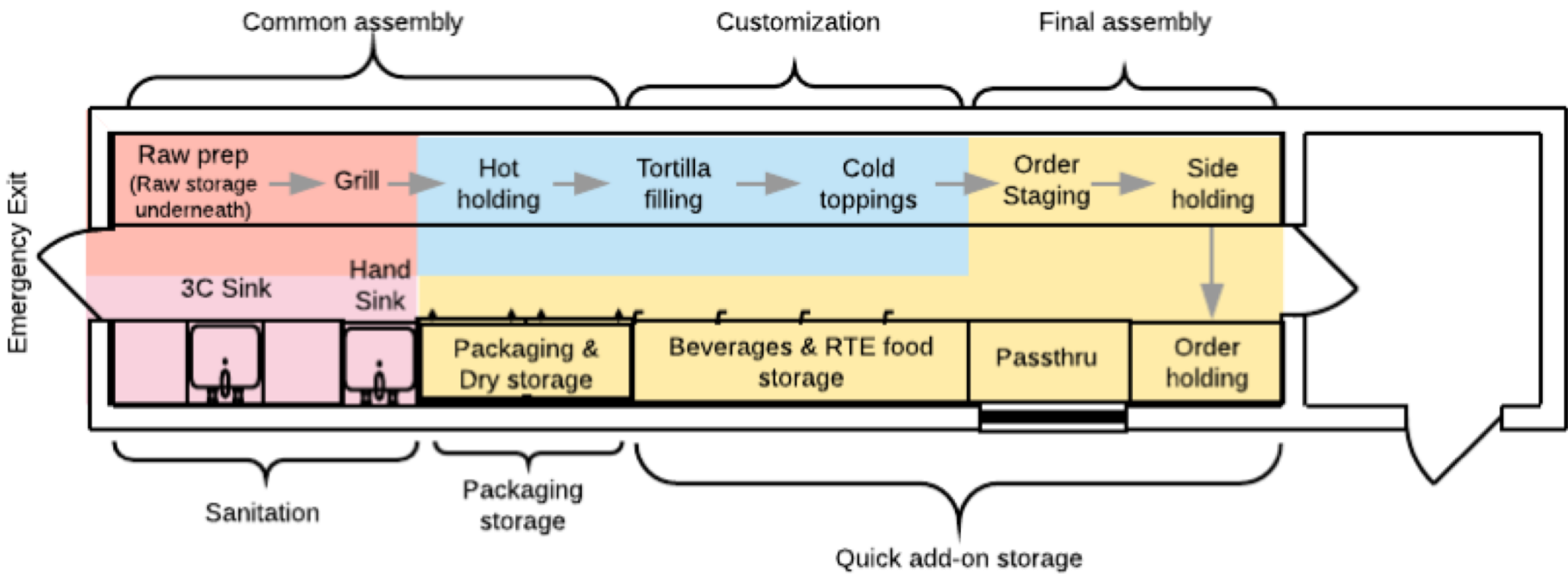
Flow

- Unidirectional
- Convergent
- Divergent
- Random

Zone

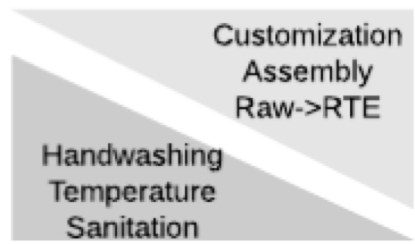
- Raw
- RTE
- Packaged
- Sanitation

—



Legend

- Zone 1 = Raw
- Zone 2 = Sanitation
- Zone 3 = Ready-to-Eat (RTE)
- Zone 4 = Packaged



TACO TUESDAY
COOK FROM RAW

Clean

- **Cleanly** - Free of filth and potential contaminants
- **Organized** - In designated location
- **Safe** – Protected from contamination and infestation
- **Cleanable** - Can be CIP or COP (e.g. Disassembled)
- **Appropriate** - Fit for its purpose
- **Adequate** - Sufficient to achieve its purpose
- **Good Repair** - Cleanable and absence of defects
- **Works** – It functions as intended
- **Maintained** – Handled with care and
- **Symptom-free** - No sign of illness
- **Protected** - Has a face mask and 6' from customers

Cleanable

- **Cleanly** - Free of filth and potential contaminants
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Sanitary

- **Cleanly** - Free of filth and potential contaminants
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Functional

- **Cleanly** - Free of filth and potential contaminants
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- **Cleanable** - Can be CIP or COP (e.g. Disassembled)
- **Appropriate** - Fit for its purpose
- **Adequate** - Sufficient to achieve its purpose
- **Good Repair** - Cleanable and absence of defects
- **Works** – It functions as intended
- **Maintained** – Handled with care and serviced as needed
- **Symptom-free** - No sign of illness
- **Protected** - Has a face mask and 6' from customers

Healthy

- **Cleanly** - Free of filth and potential contaminants
- **Organized** - In designated location
- **Safe** – Protected from contamination and infestation
- **Cleanable** - Can be CIP or COP (e.g. Disassembled)
- **Appropriate** - Fit for its purpose
- **Adequate** - Sufficient to achieve its purpose
- **Good Repair** - Cleanable and absence of defects
- **Works** – It functions as intended
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- **Symptom-free** - No sign of illness
- **Protected** - PPE on and 6' from customers

Clean

Cleanable

Sanitary

Functional

Healthy

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Covid-19

A brief overview

How can food truck design, technology and practices best address the risk of Covid-19?



FDA's Best Practices for Retail Food Stores, Restaurants, and Food Pick-Up/Delivery Services During the COVID-19 Pandemic

For additional Covid-19 guidance, refer to:

- [FDA's Coronavirus Disease 2019 \(COVID-19\) Frequently Asked Questions](#)
- [FDA's Food Safety and the Coronavirus Disease 2019 \(COVID-19\)](#)



Examples of retail work tasks associated with exposure risk levels



Lower (caution)	Medium	High	Very High
<ul style="list-style-type: none"> ▪ Performing administrative duties in non-public areas of work sites, away from other workers. ▪ Working in stock rooms or other non-public areas of stores, away from customers and other workers. ▪ Working when the facility is closed to the public, such as overnight, performing tasks, such as stocking shelves, away from other workers. <p>Note: For activities in the lower (caution) risk category, OSHA's <i>Interim Guidance for Workers and Employers of Workers at Lower Risk of Exposure</i> may be most appropriate.</p>	<ul style="list-style-type: none"> ▪ Working in high-volume retail environments, including at points of sale and other positions within such facilities. 	<ul style="list-style-type: none"> ▪ Category not applicable for most anticipated work tasks. <p>Note: Most retail work tasks are associated with lower (caution) or medium exposure risks; see the other columns of this chart.</p>	<ul style="list-style-type: none"> ▪ Category not applicable for most anticipated work tasks. <p>Note: Most retail work tasks are associated with lower (caution) or medium exposure risks; see the other columns of this chart.</p>

Retail workers in critical and high customer-volume environments, particularly those in the medium-risk category who have frequent contact with the public, must be protected from exposure to SARS-CoV-2.

Various combinations of engineering and administrative controls, safe work practices, and PPE may be appropriate for these types of retail workers, depending on the results of their employers' hazard and risk assessments.



Covid Control and Prevention Interim guidance

Engineering Controls

As appropriate, such as at customer service windows and, if feasible, cash register lanes, use physical barriers to separate retail workers from members of the general public.

Use rope-and-stanchion systems to keep customers from queueing or congregating near work areas. For example, provide a waiting area for customers that is separated by at least 6 feet from a cash register workstation. Signage that instructs individuals waiting in line to remain 6 feet back from work areas may bolster the effectiveness of this engineering control.

Administrative Controls

Whenever possible, direct customers to self-checkout kiosks to minimize worker interaction with customers.

Establish protocols and provide supplies to [disinfect](#) frequently-touched surfaces in workspaces and public-facing areas, such as points of sale. For example, wipe down credit card terminals and pens/styluses between each customer. Providing wipes for customers and asking them to do this themselves after each use may also reduce the chance of worker exposure resulting from this frequently repeated activity. Wipe down worker-facing touch screens, keyboards, or other equipment at least as often as workers change workstations. Frequently clean push bars and handles on any doors that do not open automatically.

Take steps to discourage customers from queueing at customer service lanes, cash register lanes, or other areas within the retail environment. Such efforts may include those mentioned in the Engineering Controls section, above, as well as signage.

Consider restricting the number of customers allowed inside the facility at any point in time. Some stores have implemented this by specifying hours dedicated to vulnerable populations (elderly people, people with underlying health conditions, etc.).

Employers may be able to reduce crowding in retail environments by extending store hours, particularly in critical retail environments like grocery stores and pharmacies, but should consider overall additional exposures to employees who must work extra shifts and take steps to mitigate that increased exposure risk.

When developing staff schedules, consider options for additional short breaks to increase the frequency with which staff can wash hands with soap and water. Alternatively, consider providing alcohol-based hand sanitizers with at least 60% alcohol so that workers can frequently sanitize their hands.

Employers should consider options for increasing in-store pickup or delivery to minimize the number of customers shopping in store facilities.

Safe Work Practices

Workers should avoid touching their faces, including their eyes, noses, and mouths, particularly until after they have thoroughly washed their hands upon completing work and/or removing PPE.

Throughout the work shift, frequently wash hands with soap and water for at least 20 seconds, or, if soap and water are unavailable, use an alcohol-based hand sanitizer with at least 60% alcohol.

Personal Protective Equipment

Most retail workers in critical and high customer-volume environments are unlikely to need PPE beyond what they use to protect themselves during routine job tasks. However, employers should consider whether their hazard and risk assessments warrant the use of items such as gloves or eye and face protection. For example, workers may need gloves when implementing protocols for cleaning and disinfecting frequently touched surfaces.



What Grocery and Food Retail Workers Need to Know about COVID-19

What steps should my employer take?

Grocery and food retail establishment employers should have a COVID-19 health and safety plan to protect employees, following [CDC Interim Guidance for Businesses and Employers](#). This plan should be shared with you and your coworkers. Employers should:

Reduce transmission among employees

- Take [steps to help prevent the spread of COVID-19 if an employee is sick](#).
 - Actively encourage sick employees to stay home.
 - Sick employees diagnosed with COVID-19 shouldn't return to work until [the criteria to discontinue home isolation are met](#), in consultation with healthcare providers and state and local health departments.
 - Provide employees with accurate information about COVID-19, how it spreads, and risk of exposure.
 - Be aware that some employees may be at higher risk for serious illness, such as older adults and those with chronic medical conditions. Implement specific policies to minimize face-to-face contact between these employees or assign work tasks that allow them to maintain a distance of six feet from other workers, customers and visitors, or to telework if possible.
 - Provide training to employees on proper [hand washing](#) practices and other routine preventative measures. This will help prevent the spread of many diseases, including COVID-19.
- Provide employees with access to soap, clean running water, and materials for drying their hands, and provide alcohol-based hand sanitizers containing at least 60% alcohol at stations around the establishment for use by both workers and customers.

Maintain a healthy work environment

- Institute measures to physically separate and increase distance between employees, other coworkers, and customers, such as:
 - Configure partitions with a pass-through opening at the bottom of the barrier in checkout lanes, customer service desks, and pharmacy and liquor store counters as a barrier shield, if possible.
 - Use every other check-out lane to aid in distancing.
 - Move the electronic payment terminal/credit card reader farther away from the cashier in order to increase the distance between the customer and the cashier, if possible.
 - Use verbal announcements on the loudspeaker and place signage throughout the establishment, at entrances, in restrooms, and in breakrooms to remind employees and customers to maintain distances of 6 feet from others.
 - Place visual cues such as floor decals, colored tape, or signs to indicate to customers where they should stand during check out.
 - Shift primary stocking activities to off-peak or after hours when possible to reduce contact with customers.
 - Remove or rearrange chairs and tables or add visual cue marks in employee break rooms to support social distancing practices between employees. Identify alternative areas such as closed customer seating spaces to accommodate overflow volume.



What Grocery and Food Retail Workers Need to Know about COVID-19

- Provide remote shopping alternatives for customers, including click-and-collect, delivery, pick-up, and shop-by-phone to limit customers in the establishment. Set up designated pick-up areas.
- Control the flow of traffic into the establishment by ensuring that maximum capacity plans are adjusted and managed at the front door.
- Place posters that encourage [staying home when sick](#), [cough and sneeze etiquette](#), and good [hand hygiene](#) at the entrance to the workplace and in other workplace areas where they are likely to be seen.
- Provide tissues and no-touch disposal receptacles for use by employees.
- [Clean and disinfect](#) frequently touched surfaces within the establishments. If the surfaces are visibly dirty, clean them prior to disinfecting. To disinfect, use [products that meet EPA's criteria for use against SARS-CoV-2](#) [☑](#), diluted household bleach solutions prepared according to the manufacturer's label for disinfection, or alcohol solutions with at least 70% alcohol, and are appropriate for the surface. Follow manufacturer's directions for use.
 - Clean frequently touched shelving, displays, and reach-in refrigerator units nightly when closed to the public.
 - Conduct frequent cleaning of employee break rooms, rest areas, and other common areas.
 - Clean grocery carts and baskets.
 - Require employees to clean out lockers nightly to facilitate overnight deep cleaning processes.
- Provide disposable disinfectant wipes, cleaner, or spray so employees can wipe down frequently touched surfaces such as workstations, cash registers, credit card touch pad, door handles, conveyer belts, tables, cart handles, and countertops.

Maintain healthy business operations

- Designate a person who is responsible for responding to COVID-19 concerns. Employees should know who this person is and how to contact them.
- Consider using a hotline for employees to voice concerns anonymously.
- Implement flexible worksites (telework) for office staff to the extent feasible.
- Limit travel for multi-store personnel to only what is required for critical facility functions. Whenever possible, conduct conversations through phone calls.
- Leverage closed-circuit television (camera systems) to remotely view facilities as opposed to physically visiting the location.
- Implement flexible sick leave and supportive policies and practices. Consider drafting non-punitive emergency sick leave policies if sick leave is not offered to some or all employees. Employers should not require a positive COVID-19 test result or a healthcare provider's note for employees who are sick to validate their illness, qualify for sick leave, or to return to work.
- Provide information on who to contact if employees become sick. If an employee is confirmed to have COVID-19 infection, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA).
- Implement a system in which relief workers rotate into the cashier station to allow cashiers to leave the station to wash their hands regularly.
- Consider decreasing open business hours to perform more frequent deep cleans.



Cleaning



Contact

1

Increased potable water supply for higher frequency of handwashing

2

Pre-op sanitizing w/ frequent shift sanitizing of high touch surfaces

3

App-based ordering/payment

4

Partial plexiglass guard over passthrough window

5

Hooks or touchless cubbies for handoff

6

Wear PPE

Dining area (at retail sq. ft. pricing) **substituted for public right-of-way space (where permissible)*

Exemptions

USDA/FDA retail
exemption

*Which exemptions
are applicable to
commissaries, if any?*

Commissary



Common names

Other names used in regulatory local, state and federal code and policies:

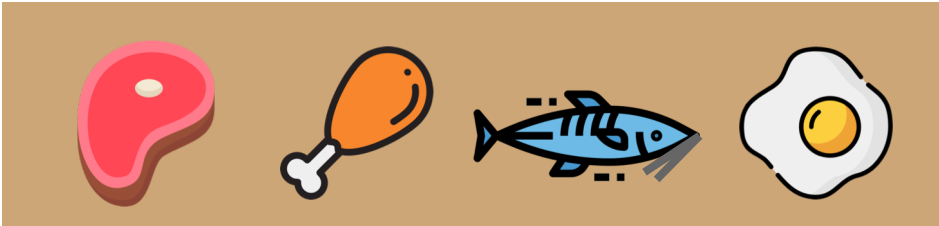
- Base of Operations
- Central Preparation Facility
- Retail Food Establishment

Food handling

Prepare and store food

Load food onto vehicle

USDA-FSIS



Meat - 9 CFR 303.1(d)(1)(i)-(iii)

Poultry - 9 CFR 381.10(d)(1)(i)-(iii)

(d)(1) The requirements of the Act and the regulations in this subchapter for inspection of the preparation of products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments.

(2) For purposes of paragraph (d)(1) of this section:

(i) Operations of types traditionally and usually conducted at retail stores and restaurants are the following:

(a) Cutting up, slicing, and trimming carcasses, halves, quarters, or wholesale cuts into retail cuts such as steaks, chops, and roasts, and freezing such cuts;

(b) Grinding and freezing products made from meat;

(c) Curing, cooking, smoking, rendering or refining of livestock fat, or other preparation of products, except slaughtering or the retort processing of canned products;

(d) Breaking bulk shipments of products;

(e) Wrapping or rewrapping products.

(ii) Any quantity or product purchased by a consumer from a particular retail supplier shall be deemed to be a normal retail quantity if the quantity so purchased does not in the aggregate exceed one-half carcass. The following amounts of product will be accepted as representing one-half carcass of the species identified:

	One-half carcass pounds
Cattle	300
Calves	37.5
Sheep	27.5
Swine	100
Goats	25

(iii) A retail store is any place of business where:

(a) The sales of product are made to consumers only;

(b) At least 75 percent, in terms of dollar value, of total sales of product represents sales to household consumers and the total dollar value of sales of product to consumers other than household consumers does not exceed the dollar limitation per calendar year set by the Administrator. This dollar limitation is a figure which will automatically be adjusted during the first quarter of each calendar year, upward or downward, whenever the Consumer Price Index, published by the Bureau of Labor Statistics, Department of Labor, indicates a change in the price of this same volume of product which exceeds \$500. Notice of the adjusted dollar limitation will be published in the FEDERAL REGISTER.¹

¹The dollar limitation currently in effect may be obtained by contacting Director, Slaughter Inspection Standards and Procedures Division, Technical Services, Food and Safety Inspection Service, U.S. Department of Agriculture, Washington, DC 20250 (202) 447-3219.

(c) Only federally or State inspected and passed product is handled or used in the preparation of any product, except that product resulting from the custom slaughter or custom preparation of product may be handled or used in accordance with paragraph (a)(2) and (b) of this section but not for sale;

(d) No sale of product is made in excess of a normal retail quantity as defined in paragraph (d)(2)(ii) of this section;

(e) The preparation of products for sale to household consumers is limited to traditional and usual operations as defined in paragraph (d)(2)(i) of this section; and

(f) The preparation of products for sale to other than household consumers is limited to traditional and usual operations as defined in paragraph (d)(2)(i) (a), (b), (d), and (e) of this section. (A retail store at which custom slaughtering or preparation of products is conducted is not thereby disqualified from exemption as a retail store under this paragraph (d).)

Commissary



FEDERAL REGISTER

The Daily Journal of the United States Government



Retail Exemptions Adjusted Dollar Limitations

A Notice by the [Food Safety and Inspection Service](#) on 06/24/2019

At least 75 percent, in terms of consumers and the total dollar value does not exceed the dollar limitation figure which will automatically be downward, whenever the Consumer of Labor, indicates a change in the adjusted dollar limitation will

PUBLISHED DOCUMENT



AGENCY:

Food Safety and Inspection Service, USDA.



ACTION:

Notice.



Commissary



FSIS Guideline for Determining Whether a Livestock Slaughter or Processing Firm is Exempt from the Inspection Requirements of the Federal Meat Inspection Act

May 24, 2018

One Team, One Purpose



This guideline is designed to help firms that slaughter livestock or process meat and meat products determine whether they are

“The FMIA does not prohibit a person, firm or corporation from preparing exempt meat food products at a central retail store location, for sale to consumers at that central location, and for unlimited distribution and subsequent sale to consumers at their satellite retail outlets, owned or operated by them, such as their additional retail stores, kiosks, **farmers market booths**, or mobile food pantries.” p.10-11

Commissary



Title 21: Food and Drugs

PART 1—GENERAL ENFORCEMENT REGULATIONS

Subpart H—Registration of Food Facilities

§1.225 Who must register under this subpart?

(a) You must register your facility under this subpart if you are the owner, operator, or agent in charge of either a domestic or foreign facility, as defined in this subpart, and your facility is engaged in the manufacturing/processing, packing, or holding of food for consumption in the United States, unless your facility qualifies for one of the exemptions in §1.226.

(b) If you are an owner, operator, or agent in charge of a domestic facility, you must register your facility whether or not the food from the facility enters interstate commerce.

(c) If you are the owner, operator, or agent in charge of a facility, you may authorize an individual to register your facility on your behalf.

§1.226 Who does not have to register under this subpart?

This subpart does not apply to the following facilities:

(a) A foreign facility, if food from such facility undergoes further manufacturing/processing (including packaging) by another facility outside the United States. A facility is not exempt under this provision if the further manufacturing/processing (including packaging) conducted by the subsequent facility consists of adding labeling or any similar activity of a *de minimis* nature;

(b) Farms;

(c) Retail food establishments;

(d) Restaurants;

Commissary



Retail food establishment means an establishment that sells food products directly to consumers as its primary function. The term “retail food establishment” includes facilities that manufacture, process, pack, or hold food if the establishment's primary function is to sell from that establishment food, including food that it manufactures, processes, packs, or holds, directly to consumers. A retail food establishment's primary function is to sell food directly to consumers if the annual monetary value of sales of food products directly to consumers exceeds the annual monetary value of sales of food products to all other buyers. The term “consumers” does not include businesses. A “retail food establishment” includes grocery stores, convenience stores, and vending machine locations. A “retail food establishment” also includes certain farm-operated businesses selling food directly to consumers as their primary function.

Source: [21 CFR 1.227](#)

Commissary





Questions and Answers Regarding Food Facility Registration (Seventh Edition): Guidance for Industry

You may submit electronic or written comments regarding this guidance at any time. Submit electronic comments to <https://www.regulations.gov/>. Submit written comments on the guidance to the Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number FDA-2012-D-1002 listed in the notice of availability that publishes in the *Federal Register*.

B.3.1 Are central kitchens that prepare food for a chain of restaurants considered to be restaurants and, therefore, exempt from registration?

Under 21 CFR 1.226(d), restaurants are not required to register. Central kitchens that do not sell the food they prepare directly to consumers for immediate consumption are not “restaurants,” as defined in 21 CFR 1.227. Thus, they are not exempt, as restaurants, from registration.



Question & Answer

Michael & Charlie Kalish
www.FoodSafetyGuides.com

Resources

USDA Retail Exemptions

- [9 CFR 303\(d\)\(1\)\(i\)-\(iii\)](#) (Meat)
- [9 CFR 381.10\(d\)\(1\)\(i\)-\(iii\)](#) (Poultry)
- [9 CFR 532.3](#) (Siluriformes)
- [9 CFR 590.100 Specific exemptions](#) (Eggs)
- [Retail Exemptions Adjusted Dollar Limitations](#)
- [FSIS Guideline for Determining Whether a Livestock Slaughter or Processing Firm is Exempt from the Inspection Requirements of the Federal Meat Inspection Act](#)

FDA Retail Exemptions

- [Egg Safety Final Rule](#)
- [21 CFR 1.225-1.227 \(Registration\)](#)
- [Questions and Answers Regarding Food Facility Registration \(7th Edition\): Guidance for Industry](#)

Covid Best Practices

- [Best Practices for Retail Food Stores, Restaurants, and Food Pick-Up/Delivery Services During the COVID-19 Pandemic](#)
- [FDA's Coronavirus Disease 2019 \(COVID-19\) Frequently Asked Questions](#)
- [FDA's Food Safety and the Coronavirus Disease 2019 \(COVID-19\)](#)
- [CDC's What Grocery and Food Retail Workers Need to Know about COVID-19](#)
- [OSHA's Guidance on Preparing Workplaces for COVID-19](#)
- [OSHA's Covid Control and Prevention](#)

Thank you for the icons, Flaticon

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Other

- [Regulators Burdened by the Velocity of Innovation in Nontraditional Food Operations](#)



Thank you!

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