

ODH Files Rules on Mobile Food Vendors – Summarized by GOSA Lobbyists

3701-21-02 – License – Adds reference to low risk or high risk mobile food service operation. Adds a reference for fees that go to ODH

3701-21-02.1 – License fees and categories – Establishes a \$50 license fee for a low risk mobile and allows the licensor to establish the fee for the high risk mobile food service operations.

3701-21-02.2 – Cost and analysis calculation – adds references to “high risk mobiles”

3701-21-02.3 – Risk level of food service operations – adds the following provision on how risk level for mobiles will be determined. So basically nearly all mobiles would be classified as “high risk”.

(E) The licensor shall determine the risk level of mobile food service operations based on the highest risk level activity of mobile food service operations in accordance with the following criteria:

(1) Low risk poses a potential risk to the public in terms of sanitation, food labeling, sources of food, storage practices, hand contact, hand washing, and employee health concerns but minimal possibility of pathogenic growth exists and includes the following activities:

(a) Holding for sale or service pre-packaged refrigerated or frozen time/temperature controlled for safety foods in equipment that complies with paragraph (KK)(3) of rule 3717-1-04.1 of the Administrative Code; and

(b) Offering for sale or serving pre-packaged non-time/temperature controlled for safety foods;

(2) High risk poses a higher potential risk to the public than low risk because of concerns associated with: proper receiving, holding, and cooking temperatures; proper cooling procedures; contamination issues or processing a raw food product requiring bacterial load reduction procedures in order to sell it as ready-to-eat; handling or preparing food using a procedure with several preparation steps that includes reheating of a product or ingredient of a product where multiple temperature controls are needed to preclude bacterial growth; offering as ready-to-eat a raw time/temperature controlled for safety meat, poultry product, fish, or shellfish or a food with these raw time/temperature controlled for safety items as ingredients; or using time in lieu of temperature as a public health control for time/temperature controlled for safety food. Examples of high-risk activities include, but are not limited to:

(a) Assembling or cooking time/temperature controlled for safety food that is immediately served, held hot or cold, or cooled;

(b) Operating a heat treatment dispensing freezer;

(c) Reheating bulk quantities or individual portions of leftover time/temperature controlled for safety food;

(d) Heating of a product from an intact, hermetically sealed package and holding it hot; or

(e) Operating as a mobile catering food service operation as defined in

3701-21-01(L) of the Administrative Code.

3701-21-02.4 – Food Service operation inspection frequency – Amended to add reference to low and high risk mobiles. (One standards inspection per licensing period)

3701-21-25 – Certification in food protection – Amended to require person in charge certification for mobile food operations as follows:

For all new mobiles licensed: The licensor shall mandate person in charge certification for at least one person in charge per shift in high risk mobile food service operations and high risk mobile retail food establishments initially licensed on or after the effective date of this rule.

For currently licensed mobiles: The licensor shall mandate person in charge certification for all persons in charge in high risk mobile food service operations and high risk mobile retail food establishments initially licensed prior to the effective date of this rule that have been implicated in a foodborne disease outbreak or the licensor has documented a failure to maintain sanitary conditions as per sections 3717.29 and 3717.49 of the Revised Code.

3717-1-04.1 – Equipment, utensils, and linens: design and construction – Adds language specifying that low risk mobile food operations to do have to comply with a certain provision on food equipment being approved by a recognized food equipment testing agency.

3701-21-01 – Definitions – Adds the following definition:

(L) "Mobile catering food service operation" means an operation that prepares food in a licensed high risk mobile food service operation or prepares food in a risk level IV food service operation or risk level IV retail food establishment for serving at a function or event for a charge determined on a per-function or per-event basis. The charge is contracted for on the basis of the entire function or event and not on the basis of an individual meal or serving.

Link to Submit Comments by September 10, 2019:

<https://mygosa.net/2019/09/03/comments-wanted-mobile-food-service-operations-and-retail-food-establishments/>