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Recommended Guidance for Outdoor Cooking Operations at Permanent Food Establishments (2014)

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PREFACE

This document is intended to assist regulatory authorities and the food industry in understanding the review, approval, and operation of an Outdoor Cooking Operation that is fully supported by a Permanent Food Establishment. However, it does not establish regulatory requirements and the recommendations contained herein are not intended to supplant, or otherwise serve as, the rules and regulations applicable to food establishments in a given Federal, State, local, or tribal jurisdiction.

This document:

- Describes effective processes for reviewing plans and applications for outdoor cooking operations.
- Is intended as a training tool for individuals responsible for conducting plan reviews and is used in Food and Drug Administration (FDA) -sponsored training courses on Plan Review.
- It is intended to be consistent with the recommendations of the FDA as contained in the FDA 2009 Food Code. The FDA Food Code contains requirements for safeguarding public health and ensuring food is that is unadulterated and honestly presented when offered to the consumer. Terminology with respect to the word “shall” is based on recommendations within the FDA Food Code.
- Was developed by the Conference for Food Protection’s Plan Review Committee to replace the 2003 Recommended Guidance for Permanent Outdoor Cooking Establishments document.

DEFINITIONS

The following definitions may be referenced along with the definition of a Food Establishment as defined in the FDA Food Code.

Permanent Food Establishment (PFE) means a food establishment operating in a permanently constructed structure permitted and operated for the purpose of storing, preparing, serving, packaging, or otherwise handling food at the retail level. This does not include a Temporary Food Establishment or Mobile Food Establishment.

Outdoor Cooking Operation (OCO) means a cooking operation that is operated in conjunction with a properly permitted and approved food establishment but is not located within the fully enclosed permanent food establishment.

Permanently Installed Outdoor Cooking Operation (POCO) means a cooking operation that has permanently installed equipment and facilities and is operated in conjunction with a properly permitted and approved food establishment.

Portable Outdoor Cooking Equipment (POCE) means a movable cooking operation that is conducted on equipment that is suitably designed and maintained for use out of doors and is operated on the same premises as, and in conjunction with, a Permanent Food Establishment.

Time/Temperature Control for Safety Food (TCS) means a food that requires temperature controls to limit pathogenic microorganism growth or toxin growth. Refer to the FDA Food Code for the complete definition.

INTRODUCTION

The cooking of foods outdoors and the enjoyment of outdoor food events is part of a longstanding tradition in this country and worldwide. Today, across the United States, many food operators and consumers wish to continue providing and enjoying outdoor cooking and dining experiences. Geographically and environmentally, there are many areas of the country where a year-round permanent outdoor cooking operation (POCO) is feasible and where seasonal outdoor cooking operations are safely conducted.

It is essential that the equipment and physical facility requirements be based upon a menu review of the items to be prepared, cooked, held, and served. Many of these outdoor cooking operations are high risk operations engaging in extensive preparation of raw ingredients with processes that include cooking, hot and cold holding, and reheating of potentially hazardous foods.

OCOs present unique challenges depending on the type of cooking equipment and infrastructure proposed to be utilized outdoors, including adequate access to utilities at the outdoor site. OCOs can be operated safely when they are in compliance with well-defined regulatory standards that are established to control and minimize the contributing factors of foodborne disease identified above. For the purpose of this document, the term “permanent” used in conjunction with outdoor cooking establishments refers to a cooking set-up that is operated by a permanent food establishment that has been approved for food preparation and service.

The minimum guidelines set forth in this document for cooking foods outdoors are extracted from, or consistent with, the requirements of the U.S. Public Health Service, Food and Drug Administration’s 2009 Food Code (hereafter referred to as the Food Code).

These guidelines provide the basis on which regulatory authorities can evaluate and permit outdoor cooking operations.

PLAN REVIEW AND APPLICATION PROCESS

Plans may be required to be submitted to the regulatory authority for review and approval before a change of food operation, which would include the addition or installation of a permanent outdoor food operation (2009 Food Code § 8-201.11, 8-201.12) and must 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 plans and specifications for an OCO should include all the information necessary, such as outlined in this document, to demonstrate conformance with, and an understanding of, food safety provisions. The pre-operational review provides the opportunity to discuss areas of concern and should be conducted prior to the issuance of a permit or approval of outdoor cooking operations.

Outdoor cooking operations that are fully compliant with the Food Code may not require any variances. However, upon completion of a plan review, the regulatory authority may determine that a variance request is necessary based on the type of proposed operation, proposed menu items or proposed equipment, or may limit the menu based upon the

limitations of the OCO – the same as any other food operation.

SUPPORT SERVICES PROVIDED BY THE PERMANENT FOOD ESTABLISHMENT

An OCO shall be operated in conjunction with a permitted/licensed permanent food establishment that will provide “support services” for the outdoor cooking operation. Support services may include, but are not limited to, a variety of services such as: the supply of potable water; the availability of adequate plumbing and waste disposal; storage and preparation facilities for food products (including refrigeration and cooking facilities); storage and cleaning facilities for equipment and utensils; storage and maintenance of other supplies; and personnel resources. The permanent food establishment must be of such size and scope as to accommodate its own operation, as well as support the needs of the OCO.

The scope of support services should be determined at the time of plan review and be based on the menu, the number of anticipated customers, the frequency of the outdoor cooking operation, and the limitations of the OCO. The permanent food establishment must have a Certified Food Manager who is responsible for the overall operation of both the permanent food establishment and the OCO.

LOCATION OF THE OUTDOOR COOKING OPERATION

The Outdoor Cooking Operation must be located in an area that allows convenient and easy access to the support services provided by the permanent food establishment. Safe and protected transportation of food, equipment, utensils, and other items from the permanent food establishment used for support services to the OCO must be evaluated.

STRUCTURAL REQUIREMENTS FOR OUTDOOR COOKING OPERATIONS

Structural requirements must be evaluated based on the proposed type of outdoor cooking operation. For example a Permanent Outdoor Cooking Operation (POCO) may warrant additional structural requirements as compared to Portable Outdoor Cooking Equipment (POCE).

Premises

All usual and customary public health risks must be evaluated when assessing an outdoor cooking operation with the additional consideration of exterior environmental factors. The structural requirements for the outdoor site depend on the nature of the food preparation and service. Greater structural protection is required if food is being prepared, held, and/or served at the outdoor site. Protection may include isolation from waste disposal, sewage and rainwater runoff locations, maintenance of vegetation, and effective ongoing pest management initiatives.

Overhead Protection

- a. Each individual piece of cooking and hot and cold holding equipment must be separately covered (cooker top, chafing dish lid, etc.) or have overhead protection. Examples of acceptable overhead protection are roofs or other permanent structures,

canopies, awnings, or table-type umbrellas that have met all state/local fire codes that dictate what materials are suitable to be located above cooking equipment. Subsequently, canopies and awnings may not be suitable for use over frying or grilling operations that generate airborne grease. (§§ 6-202.16, 6-201.12, 3-305.11)

- b. Protection of individual food containers may still be necessary even if a canopy or other protective structure is provided. If tables or other food contact surfaces are used when cutting, slicing, washing, portioning, or otherwise preparing food items, then a roof or other permanent overhead protection would be required over these areas to protect the food. (§3-305.14, 3-306.12)

Walls

- a. If cooking and hot and cold holding equipment are separately covered, walls may not be required at the OCO unless a specific environmental condition exists to require additional food protection, or for POCO's identified as requiring protection during the plan review process. In certain locations walls could be required to protect against the elements, windblown dust and debris, insects, or other sources that may contaminate food, food contact surfaces, equipment, utensils, or employees. Screening, canvas, or other similar material may be approved by the regulatory authority if it provides adequate protection. (§§ 6-201.11, 3-305.14)
- b. If tables or other food contact surfaces are used when cutting, slicing, washing, portioning, or otherwise preparing food items, then walls would be required to provide additional food protection.

Floors

- a. The floor surfaces of a POCO shall be smooth, easily cleanable and of durable construction. Portable Outdoor Cooking Equipment, such as a barbeque, must be located on floors constructed of concrete, asphalt, non-absorbent matting, plywood (or other hard wood surface), or other material approved by the local regulatory authority. (§§ 6-101.11, 6-102.11)

Equipment

Construction, maintenance, and cleaning of all equipment shall be in accordance with Chapter 4 of the Food Code and with the manufacturer's instructions. Hot and cold holding equipment, cooking facilities, preparation surfaces, and dispensing equipment must be appropriate for the types and quantities of food items being prepared and served at the OCO.

Equipment may be portable or permanently secured in place. Equipment used at the OCO must be capable of cooking Time/Temperature Control for Safety Foods (TCS) to the minimum temperatures and times specified in Section 3-401.11 of the Food Code. If reheating of previously cooked and cooled foods is done at the OCO, the equipment must be capable of heating to the minimum temperatures and times specified in Section 3-403.11. A continuous, consistent heat source such as that from gas or electric cooking equipment is preferred over wood or charcoal. The local fire safety authority must approve all outdoor cooking devices.

Handwashing Facilities

Handwashing facilities, where required, shall be equipped to provide potable water at a

minimum temperature of at least 100°F. Handwashing sinks must be provided with suitable hand cleaner, dispensed paper towels, and a waste receptacle. (§§ 5-202.12, 6-301.12, 6-301.13, 6-301.14)

- POCO's – If food handling is taking place, a handwashing facility shall be provided that is easily accessible and within close proximity to the food handling operations to allow for convenient use for washing hands.
- POCE – When the OCO operation consists exclusively of transporting foods directly to the POCE for cooking and then the immediate transport of the finished product to the kitchen for all processing, then a handwashing facility may not be required. If the OCO activities are to be altered to incorporate additional handling activities then the local regulatory authority should require the set-up to meet all POCO requirements, including the provision of a handwashing facility.

Where food handling is limited to transporting foods directly to the POCE for cooking and then immediately transporting the finished product to the kitchen for further preparation, the regulatory authority should take the following characteristics into account when assessing if the placement of an existing or new handwashing sink is required at the outdoor cooking operation:

1. Nature of the food that will be cooked;
2. Characteristics of the cooking process and equipment;
3. The food employee's choice of utensils or gloves during the cooking process;
4. Duration of the cooking process;
5. Additional tasks or functions that the food employee may be reasonably expected to engage in during the cooking process;
6. The location of the portable outdoor cooking equipment in relation to the nearest accessible handwashing sink; and
7. Any other unique characteristics of the outdoor cooking operation, or the establishment's compliance history with handwashing, that the regulatory authority determines to be relevant when assessing if the placement of an existing or new handwashing sink is accessible to the outdoor cooking operation.

Warewashing Facilities

The POCO shall be provided with a sink with at least 3-compartments of appropriate size for manually washing, rinsing and sanitizing equipment and utensils. If the regulatory authority has evaluated the warewashing facilities located within the PFE and found that they are conveniently accessible at the appropriate frequencies during all hours of operation, then additional warewashing facilities at the POCO are not necessary. (§ 4-301.12)

Ventilation and Fire Protection

Local regulations shall govern ventilation and fire protection requirements at the OCO. Section 6-304.11 of the Food Code is also applicable to the POCE in the case of enclosed areas.

Lighting

- a. Adequate lighting by artificial or natural means is required at the OCO during all hours of operation. (§6-303.11)
- b. The artificial lighting fixtures provided over food handling locations shall be properly

shielded. (§ 6-202.11)

Garbage

- a. An adequate number of non-absorbent, easily cleanable garbage containers should be provided at the OCO. (§ 5-501.13)
- b. Garbage containers must be covered when not in use, rodent-proof, and non-absorbent. (§ 5-501.15)
- c. Grease must be disposed of properly and shall not be dumped onto the ground surface or into the sanitary sewer system.

Toilet Facilities

- a. An adequate number of approved toilet and handwashing facilities shall be available for food employees at the OCO. (§ 5-203.12)
- b. The toilet facilities shall be conveniently located and accessible within reasonable proximity of the permanent food establishment or a location otherwise approved by the local regulatory authority. (§ 6-402.11)

Food Defense

The OCO must be secured to prevent unauthorized access to food, equipment, utensils, and related items when food employees are not present. (§2-103.11)

OPERATIONAL REQUIREMENTS FOR OUTDOOR COOKING OPERATIONS

Since all outdoor cooking operations must be operated in conjunction with an approved, permitted/licensed food establishment, the operational requirements that follow are specifically intended for the outdoor cooking operation. The Food Code should be used as a reference for all applicable requirements.

Handwashing

Food employees shall clean their hands and exposed portions of their arms immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and:

- a. When switching between working with raw food and ready-to-eat food in the outdoor cooking area;
 - b. Before donning gloves for working with food;
 - c. After handling soiled equipment and utensils; and
 - d. After engaging in other activities that contaminate the hands.
- (§§2-301.11, 2-301.12, 2-301.14, 2-301.15)

Hygiene

- a. Food employees need to maintain a high degree of personal cleanliness and conform to good hygienic practices during all working periods. (§ 2-302.11)
- b. Food service workers must wear clean outer garments and effective hair restraints. (§§ 2-304.11, 2-402.11)
- c. Smoking and eating are not allowed by food service workers in the food preparation and service areas. Drinking by food service workers is allowed only from a closed beverage container to prevent contamination of the employee's hands, the container, and exposed food and food contact surfaces. (§ 2-401.11)

No Bare Hand Contact

- a. Food employees preparing food may not contact exposed, ready-to-eat food with their bare hands and should use suitable utensils such as deli paper, spatulas, tongs, single-use gloves or dispensing equipment. (§ 3-301.11)

Food Preparation

- a. All TCS food which is pre-cooked and pre-cooled for service at the OCO must be prepared **at the permanent food establishment**. No cooling or thawing is to occur at the outdoor food operation.
- b. All cooking and serving areas shall be protected from contamination. Open or uncovered working containers of food can be allowed at the OCO provided that the containers can be closed, covered, or otherwise protected after use or the structure of the POCO provides adequate protection.
- c. Cooking equipment, such as BBQs, propane stoves, and grills, should be roped off or otherwise segregated from the public for a recommended distance of 4 feet (OSHA Standard 1910).
- d. Patrons or other unauthorized individuals must be prevented from accessing unsupervised areas of the OCO where food, food contact surfaces, and equipment are located. (§ 2-103.11)

Temperature Measuring Device

- a. An accurate, temperature measuring device, appropriate to the operation, must be used for monitoring TCS food prepared in the outdoor cooking operation. (§4-302.12)

Cooking Temperatures

Food must be cooked to the minimum temperatures and times specified below, unless a consumer advisory is provided as noted in (e):

- a. 165°F for 15 seconds--poultry; baluts; wild game animals; stuffing containing fish, meat, poultry or ratites; stuffed fish, meat, pasta, poultry or ratites as specified in 3-401.11 (A) (3) of the Food Code.
- b. 155°F for 15 seconds--comminuted fish; comminuted meat (hamburgers); pooled raw eggs or as specified in the Food Code Part 3-401.11 (A) (2) of the Food Code;
- c. 145°F for 15 seconds-- fish; meat; pork; and raw shell eggs that are broken and prepared in response to a consumer's order for immediate service or as specified in Section 3-401.11 (A) (1) (a) and (b) of the Food Code.
- d. Roasts (whole beef, pork, cured pork (ham) and corned beef) must be cooked using the parameters specified in Section 3-401.11. Recommend contacting the regulatory authority for additional time/temperature options.
- e. Reference § 3-603.11 regarding specific consumer advisory language as applicable.

Reheating

- a. Reheating shall be done in compliance with Section 3-403.11 of the Food Code.

Holding Temperatures

- a. TCS foods must be maintained at 135°F or higher or 41°F or below (§ 3-501.16), unless utilizing Time as a Public Health Control as specified in Section 3-501.19.
- b. Approved refrigeration units should be provided to keep TCS food at 41°F or below.
- c. Cold holding equipment needs to be installed and used in accordance with the

manufacturer's instructions.

- d. An effectively insulated, hard sided, cleanable container with sufficient ice or other means to maintain TCS food at 41°F or below may be approved for the storage of small quantities of potentially hazardous foods at portable outdoor cooking operations.
- d. Hot food storage units need to keep TCS foods at 135°F or above.
- f. Electrical equipment, propane stoves, grills, etc. must be capable of holding TCS foods at 135°F or above.
- g. Hot holding equipment is to be installed and used in accordance with the manufacturer's instructions.

Food Display

- a. All food shall be protected from customer handling, coughing, sneezing, or other contamination. Examples would be:
 - i. Individually wrapping items;
 - ii. Sneezeguards;
 - iii. Use of separation using decorative displays or barrier tables;
 - iv. Dome covers;
- b. Condiments must be dispensed in single service type packaging, in pump-style dispensers, or in protected squeeze bottles, shakers, or similar dispensers which prevent contamination of the food items by food workers, patrons, insects, or other sources. (§ 3-306.12)
- c. Unpackaged food may not be stored in direct contact with undrained ice. (§ 3-303.12)

Cleaning & Sanitizing

- a. Equipment and utensils that are used in direct contact with TCS food need to be cleaned and sanitized at least every 4 hours.
- b. Wiping cloths that are in use for wiping food spills need to be used for no other purpose and stored clean and dry or in a clean sanitizing solution at the proper concentration.

Food & Utensil Storage

- a. Food and utensils are expected to be kept adequately protected at all times from contamination, exposure to the elements, ingress of pests, and temperature abuse.
- b. During periods when the outdoor cooking operation is not operating, all food and utensils are to be stored in the permanent food establishment. (§§ 3-305.11, 4-903.11)