OVERSIGHT OF FOOD TRUCK OPERATIONS BY THE DEPARTMENT OF ENVIRONMENTAL HEALTH

Summary

The Santa Clara County Civil Grand Jury (Grand Jury) inquired into how Mobile Food Facilities (“Trucks”) are overseen in the County of Santa Clara. The Grand Jury wanted to know how many Trucks operated, how they are inspected, how they are regulated, and how they are cleaned. The Grand Jury investigation focused on the oversight of food truck operations by the Department of Environmental Health (DEH).

The Grand Jury found that there are some 350 Trucks operating in Santa Clara County. For purposes of this report, a Mobile Food Facility is a fully enclosed truck manufactured and used for the purpose of preparing and serving food, or serving food at various locations. Trucks must first receive an insignia from the California State Department of Housing and Community Development (DHCD). Trucks are then inspected and granted permits by the County of Santa Clara Department of Environmental Health Consumer Protection Division (CPD). In order to obtain a permit, Trucks must have an agreement with a commissary, which is a facility that services the Trucks. Trucks must report to a commissary once a day for cleaning and servicing.

Environmental Health Specialists (EHS) conduct inspections of the Trucks to ensure a safe and wholesome food supply for the public. Since Trucks must operate in connection with a commissary, the commissaries are a good point of contact for the EHS. Although Trucks inform the CPD of their selected commissary at the time of inspection, it is difficult for the CPD to associate a Truck with a specific commissary after that time. The Grand Jury learned that some commissaries offer rental space on a daily basis, thus, it is difficult for the CPD to ascertain whether a given Truck uses the commissary on a daily basis as required or just periodically, which is prohibited. Further, if a given Truck is inspected randomly while in operation, the EHS does not record the commissary on the inspection report, thus, making it difficult to associate a given Truck (or multiple Trucks) with a particular commissary. Consequently, if the commissary that serviced the Trucks was the source the problem, it would be difficult to link the Truck(s) to the commissary.
The Grand Jury learned that—due to the mobile nature of the Trucks—it can also be difficult for an EHS to locate Trucks for random inspections. The County has been exploring tracking technologies for Trucks but has not implemented a tracking mechanism. Some other jurisdictions have solved the problems associated with tracking Trucks by requiring Trucks to use global positioning systems or requiring that the Trucks lodge their daily schedule with the County so they can be located. The Grand Jury recommends that the County explore methods to track Trucks so it can ascertain whether Trucks are using the commissaries as required by law and so the EHS can more easily find the Trucks to conduct inspections.

Background

A “Mobile Food Facility” (referenced in this report as “Trucks”) is a vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail.

Trucks must first obtain an insignia approved by the California State Department of Housing and Community Development (DHCD).1 Thereafter, Trucks are inspected and issued permits by the CPD (sticker affixed to back of each Truck).2 The CPD classifies Trucks based upon their level of food preparation: (a) no food preparation, (b) limited food preparation, (c) full food preparation. The Grand Jury’s investigation concentrated on Trucks with a full food preparation permit only. Trucks must have a permit from the county in which they operate but Trucks can carry permits from multiple California counties.

All Trucks engaged in food preparation must have a County health sticker (Permit),3 which in order to obtain a permit, the owner/operator must submit a permit application and certification statement from the owner/operator, a signed Commissary/Approved Facility (AF) Agreement between the commissary and the truck owner/operator; a copy of the Truck’s vehicle registration; and a proposed menu. In addition to the Permit, there must be at least one person associated with the Truck that holds a current California State Food Safety Certificate (recertified every five years).4

No distinction is made in the permit process between the typically white “route” Trucks and the painted and adorned “wrap” Trucks. The white “route” Trucks are typically seen during the day visiting construction sites and commercial businesses without cafeteria facilities. They tend to follow the same itinerary (location and time schedule) each day. The “wrap” Trucks are typically seen at special events.

1 ibid
2 Appendix B
3 Appendix H
4 California Retail Food Code Sections 113947.3, 113947.1
Truck owners/operators must report to a commissary once a day for cleaning and servicing options and must have a commissary agreement to do so.\textsuperscript{5} There are three\textsuperscript{6} major multi-Truck commissaries in Santa Clara County: Lee Bros. Food Service, 660 Gish Road, San Jose; George’s Industrial Catering, 3295 Woodward Avenue, Santa Clara; and Johnson’s Catering Supply, 1670 Rogers Avenue, San Jose. The CPD has oversight and enforcement powers over commissaries in Santa Clara County, just like other food facilities (restaurants, markets, bakeries, etc.). The Grand Jury was advised by CPD and commissary personnel that each commissary is inspected about twice a year. During the inspection, the EHS utilizes an Official Inspection Report (OIR) which lists the areas evaluated by CPD during the commissary inspection.\textsuperscript{7}

The CPD also conducts initial and annual inspections of Trucks. The CPD schedules at least eight Truck inspections per week at 1550 Berger Drive, San Jose. Appendix D to this report contains a copy of the Mobile Food Facility Self Inspection Checklist (checklist) that is used by the Truck owner to prepare for the inspection. The EHS does a Truck inspection using the OIR.\textsuperscript{8} If the Truck is found to be in compliance, in possession of a DHCD insignia, has evidence of a signed Commissary Agreement\textsuperscript{9} for the Truck, and has paid a fee to CPD, an annual Permit is issued to be affixed to the back of the Truck.

**Methodology**

The Grand Jury interviewed representatives of the Department of Environmental Health, toured three commissaries, and reviewed various documents to understand the intent, processes, and implementation of rules and regulations for Trucks and commissaries.

**Interviews:**

- Current and former staff of the County Department of Environmental Health, including the Consumer Protection Division.
- Commissary personnel at Lee Bros Food Service, George’s Industrial Catering, and Johnson’s Catering Supply.
- Bay Area Mobile Food Vendors Association.

\textsuperscript{5} California Retail Food Code Sections 114295, 114297

\textsuperscript{6} Most Trucks operating in Santa Clara County are associated with the three commissaries, but it should be noted that fewer than 20 Trucks are associated with restaurants, also licensed as commissaries. This report does not address restaurant-based commissaries.

\textsuperscript{7} Appendix G

\textsuperscript{8} Appendix D

\textsuperscript{9} Appendix E
**Visits:**

Moveable Feast: Willow Glen Friday Dinner at the Curtner VTA Station at Canoas Garden Avenue in San Jose

**Documents Reviewed:**

See Appendix A

**Discussion**

The Discussion consists of five Sections:

- The Inspectors and the Inspection Process
- Initial Truck Inspections and Re-inspections
- Inspections of the Trucks in the Field
- The Commissaries
- Number of Trucks Commissaried

**The Inspectors and the Inspection Process**

The CPD has 55 Environmental Health Specialists (EHS) who function as inspectors. The County Department of Environmental Health's *Enforcement Policy and Procedures* guides inspectors when enforcement actions are required. The Grand Jury was given a copy of this Policy and Procedures. The policy states that there are 11 “critical hazard factors” which warrant close monitoring since they are major contributors to foodborne illness. These are:

- Food not kept free from contamination, adulteration, or spoilage (i.e. improper cooling of food in deep containers; cross contamination due to improper storage or preparation of raw foods; using dirty equipment in food preparation; obtaining food from unapproved sources).
- Improper temperature control of potentially hazardous foods.
- Unpackaged food served or returned from eating area; foods prepared, stored or handled from private homes.
- Employees preparing, serving or handling food or utensils in an unsanitary way.
- Failure to wash hands before commencing work after using toilet facilities.
- Failure to provide hot and cold running water, hand washing cleaner, and towels or hot-air blowers in dispensers, within or adjacent to toilet rooms.
• Failure to provide fully equipped hand washing facilities.
• Failure to construct, maintain, and/or operate a food facility free of vermin (i.e. cockroaches, flies, and rodents).
• Failure to keep food facility equipment and utensils clean and in good repair.
• Failure to properly clean and sanitize equipment and utensils.
• Failure to provide hot and cold running water in food facility.

The EHS documents the conditions observed when performing inspections of Trucks on the OIR. The EHS performing the inspection is instructed to neatly prepare the report, make the findings clear to the reader, convey the nature of the violations, state the corrective actions taken, and complete the report in the field.

As stated above, Trucks must operate in conjunction with a commissary. The OIR does not, however, contain the location of the commissary. The Grand Jury recommends that this be added to the OIR because the commissary is the single point of operation for multiple Trucks.

Some of the information contained in the OIR is transferred into an online search engine called Food Facility Inspections. The Grand Jury noted that the written OIR currently has many more fields and categories than is contained in the database. The Grand Jury was advised that the CPD was updating its inspections database to broaden the database schema and provide all the inspectors with OIR tablet-based recording capabilities. The recording process will use a drop down category method to record standard items as well as provide free form fields for inspector comments. This system should provide information to identify the Truck, the vehicle owner/operator and the commissary. The Grand Jury was further advised that CPD hopes to roll out this new OIR recording process in 2014.

The Santa Clara County Board of Supervisors (BOS) commissioned the DEH to inquire, over the next six to nine months, into the possibility of incorporating GPS (and/or other technology) into Trucks. One of the major hurdles was legal considerations for the use of such position tracking technologies where a privacy option was designed for “not in operation” Trucks. Tracking technology would allow for the on-line tracking of Trucks in operation. The study will also look at costs involved.

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10 Appendix G
11 http://www.sccinspections.org/onlineinsp/
12 Database schema here refers to an information field type to hold the required information e.g., commissary name.
Initial Truck Inspections and Re-inspections

Initial Truck inspections and annual re-inspections are conducted at the CPD headquarters mostly on Tuesdays, with up to four morning inspections and four afternoon inspections. Other inspections can be arranged as needed by the Truck owner or as required by the CPD. This schedule allows for over 300 Truck inspections a year.

The Grand Jury observed the inspections of two Trucks. Both Trucks had their DHCD insignia.

The first Truck was an older vehicle undergoing a permit renewal inspection. The owner/operator had performed the Self Inspection Checklist to prepare for DEH inspection. The basic construction of the Truck allowed for easy full wash down of the interior. Old Trucks are not required to follow some of the newer requirements like the ANSUL requirements (automated fire suppression equipment). The owner/operator also had a signed commissary agreement. This Truck required an exterior gasoline generator for power. After a satisfactory inspection and fee payment, a County Health Department Permit was issued by the CPD to be placed on the Truck (dated sticker affixed to the left rear of the vehicle).

The second vehicle was a new model with all the Self Checklist Inspection requirements completed for newer vehicles, refrigeration, fans, interior hose down equipment, and in-board LPG power generation.

The Grand Jury followed the inspection process for the vehicle identification on both Trucks. The Grand Jury verified that the California Department of Motor Vehicles (DMV) license plate number, vehicle identification number, and Truck construction number (insignia) was recorded by the CPD Inspector. The license plate number was recorded on the written OIR. Only the owner/operator's name is then put into the online database but other information regarding the Truck, like the vehicle identification number, is not contained in the CPD database inspection report on the website. The CPD is in the process of updating their inspection records technology as detailed above.

Inspections of the Trucks in the Field

The Grand Jury learned that it can be difficult for the inspectors to locate the Trucks in the field in order to conduct random inspections. The “route” trucks will often follow the same route each day but the “wrap” trucks may concentrate on special events, often in the evening hours. The Grand Jury was told that EHS sometimes used social media to find Truck locations.

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13 Appendix D  
14 ANSUL is a Company name – acronym derived from ANhydrous SULfur dioxide (SO2) used in fire suppression equipment.  
15 LPG Liquid Propane Gas  
16 State of California Department of Housing and Community Development MFF construction number.  
17 www.ehinfo.org then tab "Inspection Reports for: Restaurants, Groceries and other Food Facilities" to search for individual MFF inspection reports.
The CPD could use tracking technology to confirm the overnight location of the Trucks at commissaries to make finding Trucks for inspections more efficient. It should be noted that surrounding counties have implemented tracking technologies. Alameda County is currently studying electronic tracking for their Trucks and San Francisco County requires Trucks to submit its route and stopping schedules. As an additional benefit to the Trucks, tracking technology could be used as the basis for mobile applications for customers to find a Truck’s location.

Further, it is important for the OIR to identify the commissary associated with the Truck for the purposes of linking any OIR to both Truck and commissary. For example, any compromise of the commissary water supply would be passed onto all Trucks during replenishment operations but the OIR would not include the commissary so the connection could not be easily made.

**The Commissaries**

By law, full food service Trucks must operate in conjunction with a commissary or another approved facility.¹⁸ Every Truck is required to be based at a commissary or another approved facility, to return every night and be thoroughly cleaned after removing any food that needs refrigeration.¹⁹ Trucks enter into commissary agreements. The commissaries have Truck parking slot rental agreements that specify overnight rates and additional fees for the other services listed above. Trucks can also purchase food from the commissaries. The Grand Jury found by interview of commissary personnel that these commissary agreements could be issued on a monthly, weekly or daily basis. The Grand Jury was also told that a signed Commissary Approved Facility (AF) agreement can be provided based on a single day’s slot rental just prior to the annual Truck inspection.²⁰

The Grand Jury visited the three major commissaries in Santa Clara County. The commissary must provide space to wash out the Trucks and pre-treat the waste water before discharge into the county/city sewer system. The commissary also provides waste food disposal, fat and oil disposal, water, power, and ice. The commissaries issue Truck parking slot rental agreements that specify overnight rates and additional fees for the other services listed above. (Trucks cannot park anywhere else, such as on a city street or residence, and can only park overnight at a commissary.) Trucks can also purchase food from the commissaries.

Truck owner/operators are required by law to use a commissary daily to clean and service their trucks and park overnight.²¹ However, there is no way for an EHS to confirm if or where a given Truck was commissaried on a particular day. Trucks are required to have a commissary agreement during the initial and annual permit process.

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¹⁸ California Retail Food Code Section 114295  
¹⁹ California Retail Food Code Sections 114295 and 114297  
²⁰ Appendix E  
²¹ Appendix E
Thereafter, the commissary agreement requires that the Truck owner/operator advise CPD if it changes its commissary agreement. The Grand Jury learned that the CPD only receives a handful of commissary location changes a year. Notably, many commissaries indicated that they rent space to Trucks on a daily, weekly, or monthly basis, suggesting that some Trucks’ commissary locations can be more transitory.

The use of commissaries is important to ensure that Trucks are clean and to avoid critical health hazards. Commissaries are not under any obligation to monitor a Truck’s use of the commissary consistent with the cleaning and servicing requirements. Of particular concern to the Grand Jury is that there is no record of whether a particular Truck actually overnights at the commissary or not. The Grand Jury is concerned that if the Trucks do not use the commissary the potential for health hazards increases and CPD has no ability to track this outcome.

**How Many Trucks Are Commissaried?**

As stated earlier, any Truck that wants to sell food must have a permit. Approximately 400 Trucks have permits in Santa Clara County. A Truck can have multiple county permits but is commissaried in only one county. Although the Grand Jury was able to determine the number of trucks that have permits, it was more difficult to find out how many trucks were commissaried in Santa Clara County.

From the three major Santa Clara County commissaries we obtained the following statistics:

- **Lee Bros:** 170 Truck parking slots with typically 150 in use.
- **Johnson’s Catering:** 75 Truck parking slots with typically 55 in use.
- **George’s:** 60 Truck parking slots with typically 50 in use.

Of the 305 Truck parking slots available between the three major commissaries, 255 to 260 parking slots are used each night for full hot food preparation Trucks.

There are approximately 255 Trucks commissaried in Santa Clara County; at least 75 Trucks operating in Santa Clara County that are based in commissaries in other counties (given the number of hot food permits currently issued for out-of-county commissaries, plus another 20 Trucks associated with restaurants, for a total of approximately 350 full food preparation Trucks.)
Conclusion

Oversight of Truck operations in Santa Clara County is the responsibility of the CPD. There are approximately 350 Trucks operating in Santa Clara County. Trucks have DEH permits and commissary agreements. The use of commissaries is important to ensure that Trucks are clean and to avoid critical health hazards. Three major commissaries are the single point of operation for most of the Trucks in the county. The EHS submits paper Truck inspection reports for subsequent entry into the inspections database. The CPD is preparing for a tablet-based online Inspection reporting process by 2014. Trucks are difficult for the EHS to locate for random inspections or confirm that they stay at a commissary on a daily or nightly basis. The County needs to explore better ways to locate Trucks via tracking technology to enhance their ability to conduct random inspections and confirm where Trucks are commissaried overnight.
Findings and Recommendations

Finding 1
Trucks’ daily use of the commissaries is important to ensure that they are cleaned and serviced to avoid health hazards.

Recommendation 1
The County should evaluate methods to determine if Trucks are using commissaries daily.

Finding 2
Official Inspection Reports do not identify the commissary associated with a Truck.

Recommendation 2
The County should ensure that an OIR includes the commissary identification so that violations that could potentially implicate the commissary can be identified.

Finding 3
The Consumer Protection Division has no record of where a particular Truck parks overnight.

Recommendation 3
The County should continue to explore tracking technologies such as GPS for Trucks, to ensure they are parking at a commissary or another approved facility overnight.

Finding 4
It can be difficult for CPD inspectors to locate a Truck in the field for random inspections.

Recommendation 4
The County should continue to explore tracking technologies such as GPS for Trucks to enhance CPD’s ability to conduct random inspections.
Appendix A – Documents Reviewed

Mobile Food Facility Requirements

Food Recalls, Notices and Alerts
http://www.sccgov.org/sites/deh/Consumer%20Protection%20Division/Food%20Recalls,%20Notices%20-%20Alerts/Pages/default.aspx

Santa Clara County Food Safety

Food Inspection Report

SCC Environmental Resources Agency, Dept of Environmental Health, Consumer Protection Division report to the BOS on inspections of retail food establishments dated May 25, 2005

California Retail Food Code  http://www.cdph.ca.gov/services/Documents/fdbRFC.pdf

Communicable Diseases in California 2001-2008
http://www.cdph.ca.gov/data/statistics/Pages/EpiSummariesCDsCA-01-08.aspx

Yearly Summary Reports of Selected General Communicable Diseases in California
http://www.cdph.ca.gov/data/statistics/Pages/CD-YearlyTables.aspx

California Department of Public Health  http://www.cdph.ca.gov/Pages/DEFAULT.aspx

Guidelines for Access to Public Records
http://www.cdph.ca.gov/Pages/PublicRecords.aspx

Food-Borne Illness: A Moving Target

FDA : What You Need To Know About Food-Borne Illness-Causing Organisms in the U.S.  http://www.fda.gov/Food/ResourcesForYou/Consumers/ucm103263.htm

FDA: Recalls Within Last 60 Days  http://www.fda.gov/Safety/Recalls/default.htm

FDA: Bad Bug Book
http://www.fda.gov/downloads/Food/FoodSafety/FoodborneIllness/FoodborneIllnessFoodbornePathogensNaturalToxins/BadBugBook/UCM297627.pdf

FDA: Produce Safety Activities  http://www.fda.gov/Food/FoodSafety/Product-SpecificInformation/FruitsVegetablesJuices/FDAProduceSafetyActivities/default.htm

FDA: Playing it Safe With Eggs
http://www.fda.gov/downloads/Food/ResourcesForYou/Consumers/UCM278445.pdf

Scientific Publications by FDA Staff
http://www.accessdata.fda.gov/scripts/publications/search_result_record.cfm?id=40939
Appendix A – continued

FDA Produce Safety http://www.fda.gov/Food/FoodSafety/Product-SpecificInformation/FruitsVegetablesJuices/FDAProduceSafetyActivities/ucm174086.htm

Escherichia Coli 0157:H7 E.coli
http://www.cdph.ca.gov/HealthInfo/discond/Pages/EscherichiacoliO157H7.aspx

FDA: Food Facts Listeriosis
http://www.fda.gov/Food/ResourcesForYou/Consumers/ucm079667.htm
http://www.fda.gov/Food/ResourcesForYou/Consumers/ucm085503.htm
http://www.fda.gov/Food/FoodSafety/FoodborneIllness/FoodborneIllnessFoodbornePathogensNaturalToxins/BadBugBook/ucm070064.htm
http://www.cdph.ca.gov/HealthInfo/discond/Pages/Listeriosis.aspx

http://www.cdph.ca.gov/healthinfo/discond/Pages/Salmonellosis.aspx

Restaurant Grading, Hygiene http://are.berkeley.edu/~sberto/restaurants.pdf

Appendix B – Environmental Health Permit
Appendix C- Mobile Food Facility (MFF) Definition

MOBILE FOOD FACILITY (MFF)

Contact Name: ____________________________ Phone #: ________________
Facility Name (DBA): ____________________________ License Plate #: ________________

☐ No food preparation (FP24):
  ➢ All items are prepackaged:
    (EXAMPLE: Produce vehicles, prepackaged ice cream trucks/carts)
      ☐ Permit Application
      ☐ Approved Facility/Commissary Agreement Form (Produce vehicles exempt)
      ☐ Copy of Vehicle Registration (If applicable)

☐ Limited food preparation (FP25):
  ➢ No cooking of raw meat products. Limited hot holding.
    (EXAMPLE: Shaved ice, frozen yogurt, hot dog carts, coffee carts, churros, pastries and scooped ice cream)
      ☐ Permit Application
      ☐ Approved Facility/Commissary Agreement Form
      ☐ Proposed Menu
      ☐ Copy of Vehicle Registration (If applicable)

☐ Full food preparation (FP26):
  ➢ Cooking, heating, reheating of raw products. Cooling and reheating.
    ➢ Hot holding items other than hot dogs, tamales or corn.
      (EXAMPLE: Full-service catering trucks, lunch trucks, taco carts/trucks)
      ☐ Permit Application
      ☐ Approved Facility/Commissary Agreement
      ☐ Proposed Menu
      ☐ Copy of Vehicle Registration (If applicable)

This MFF is which one of the following:
☐ Cart/Non-motorized Unit
☐ Fully enclosed truck, van, or trailer:
  ☐ Must obtain an insignia approval from Department of Housing and Community Development (HCD) prior to scheduling an inspection with this department.

**Office Use Only**
Facility ID #: ____________________________
Appointment Date: ____________________________ Appointment Time: ____________________________

11/30/12 - bs
# Appendix D – Mobile Food Facility (MFF) Self Inspection Checklist

**MOBILE FOOD FACILITY (MFF) SELF INSPECTION CHECKLIST**

Your inspection is scheduled for: Date:________ Time:________

Please show up to your inspection on time with all equipment turned on and properly functioning. If you are more than 15 minutes late for your inspection, you must reschedule. Failure to meet the requirements listed below may result in a delay of permit issuance.

<table>
<thead>
<tr>
<th>MFF Requirements:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved mechanical refrigeration capable of maintaining cold foods at or below 41°F. Cold plates are no longer acceptable for MFFs that handle foods other than prepackaged frozen ready-to-eat foods.</td>
</tr>
<tr>
<td>Hot hold equipment capable of maintaining hot foods at or above 135°F.</td>
</tr>
<tr>
<td>Adequate supply of hot (120°F minimum) and cold running water of adequate pressure is available at unobstructed and accessible 3 compartment sink.</td>
</tr>
<tr>
<td>Adequate supply of warm (100°F minimum) and cold running water of adequate pressure is available at unobstructed and accessible handwash sink.</td>
</tr>
<tr>
<td>Soap and paper towels in well-mounted dispenser at handwash sink.</td>
</tr>
<tr>
<td>Wastewater tank(s) with a minimum capacity that is 50% greater than the potable water capacity.</td>
</tr>
<tr>
<td>All drain lines free of leaks and connected to wastewater tank.</td>
</tr>
<tr>
<td>Waste lines equipped with proper cep and valve assemblies.</td>
</tr>
<tr>
<td>Mechanical ventilation equipment in good operating condition and equipped with approved baffle filters.</td>
</tr>
<tr>
<td>Free of vermin infestation and free of dead insects/rodents/droppings.</td>
</tr>
<tr>
<td>All seams, holes, and gaps sealed and smooth/cleanable.</td>
</tr>
<tr>
<td>Accurate thermometers in all refrigeration units and warming ovens.</td>
</tr>
<tr>
<td>Approved probe thermometer that is accurate to within ±2°F.</td>
</tr>
<tr>
<td>Cutting boards are smooth, easily cleanable and in good repair.</td>
</tr>
<tr>
<td>Approved first aid kit.</td>
</tr>
<tr>
<td>Wall-mounted, minimum 10 B-C rated approved fire extinguisher.</td>
</tr>
<tr>
<td>All equipment is NSF/ANSI certified.</td>
</tr>
<tr>
<td>Shatterproof covers/bulbs at all light fixtures.</td>
</tr>
<tr>
<td>Identification is permanently affixed to vehicle on the consumer side for a non-motorized MFF and two sides for motorized MFF. Identification must include business name and the name of the permittee if different from the business name (at least 3-inches high) and city, state and zip code (at least 1-inch high) of business.</td>
</tr>
</tbody>
</table>

**Additional requirements for non-motorized carts:**

- Propane tanks must be certified free of leaks.

**Additional requirements for enclosed vehicles:**

- Approved emergency exit (minimum 2 ft x 3 ft) in the side opposite the main exit door, roof, or the rear of the unit. The exit shall be labeled “Safety Exit” with at least 1-inch high letters.
- Self-closing device present for all entry doors.
- Tight-fitting and self-closing screens present at service openings
- Tight-fitting screens present at ceiling vents.
- Positive closing lids and latches for coffee urns, deep fat fryers, and steam tables.
- Valid HCD Insignia affixed to vehicle.

01/10/13
Appendix E - Commissary Agreement

COMMISSARY/APPROVED FACILITY (AF) AGREEMENT
Mobile Food Facility (MFF), Mobile Food Units (MFU), Temporary Food Facility (TFF),
Mobile Support Unit (MSU), Caterer

This form is to be submitted with proposals for a vehicle, trailer, cart, or temporary food facility. Any foods sold or given away to the public must be prepared and stored in an approved facility. Food and food supplies used in a MFF, MFU, or a TFF cannot originate (be stored, prepared, etc.) from a private home.

APPLICANT INFORMATION
Type of Facility: [ ] MFF [ ] MFU [ ] TFF [ ] CART [ ] MSU [ ] Other [ ]
For vehicles, License #: 
owner name: 
Name of Business: 
Owner Address: 
City: 
State: 
Zip: 
Email Address: 
Telephone: ( )
Mobile: ( )

Where will you be operating? (list address/market/event)
Provide dates/days of the week and times of commissary/AF use:

I, the above-mentioned owner/operator will operate out of the commissary/AF noted below. For vehicles: I will report to the facility at least once each operating day for cleaning and servicing. I will store the vehicle and equipment at the approved food facility or another DEH approved location. The facility noted will be providing the following services to my food operations (Check all that apply):

[ ] Frontlines to prepare or package food
[ ] Electrical hook-up
[ ] Restroom facilities
[ ] Waste tank/sump disposal
[ ] Garbage disposal
[ ] Potable (drinkable) water supply
[ ] Washroom facility (i.e. 3 compartment sink)
[ ] Dry food storage
[ ] Waste grease removal
[ ] Chemical storage
[ ] Overnight parking (MFU)
[ ] Enclosed overnight parking (cars)
[ ] Refrigeration/freezer food storage
[ ] Equipment/utensil storage
[ ] Supply food product (i.e. ice, meats)

If the use of the approved facility/commissary is discontinued, I will notify DEH at (408) 918-3460 to make necessary changes.
I understand the use of an approved facility for any of the operations above may lead to the revocation of any permit to operate.

**This agreement expires one year from the date signed and must be completed annually.

Print Name
Signature of Applicant
Date

COMMISSARY/APPROVED FACILITY INFORMATION
Type of Facility: [ ] Commissary [ ] Restaurant [ ] Rental Kitchen [ ] Other [ ]
Name of Commissary/Approved Facility:
Facility Address:
City: 
State: 
Zip: 
Email Address: 
Telephone: ( )
Mobile: ( )

I, the commissary/AF owner/operator, can and will provide the necessary facilities, as indicated by the applicant, at any approved facility.
I acknowledge that I am ultimately responsible for the maintenance and sanitation of this commissary/approved facility.

In addition, I will notify DEH when this agreement is terminated.

Print Name
Signature of Commissary, AF Owner/Agent
Date

OUT-OF-COUNTY COMMISSARY/APPROVED FACILITY
Enclose a copy of a valid Environmental Health Permit and obtain RCHS signature from designated county.
The above checked requirements are available at the proposed commissary/approved facility.

Print Name
Signature of Approval, RCHS
Email Address:

FOR OFFICE USE ONLY

Commissary/Approved Facility Within Santa Clara County:
Fist. Staff Initial:_________ Emp #:_________ Date:_________
Sec. Staff Initial:_________ Emp #:_________ Date:_________

COUNTY OF SANTA CLARA • DEPARTMENT OF ENVIRONMENTAL HEALTH (DEH)
3555 Borregas Drive, Suite 300 • San Jose, CA 95132 • 408-918-3400 • Fax: 408-256-5951 • www.scbhs.org
Res 8/20/11
Appendix F - Department of Housing and Community Development Insignia
### Appendix G - OIR

#### Official Inspection Report for Transient, Seasonal or Temporary Food Facilities

<table>
<thead>
<tr>
<th>Facility ID</th>
<th>Program Element</th>
<th>Service</th>
<th>Result</th>
<th>Action</th>
<th>Time In</th>
<th>Permit Expiration Date</th>
</tr>
</thead>
<tbody>
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#### See reverse for general requirements corresponding to each violation.

ANY major violation may result in closure of the facility. Re-inspections may be subject to additional fees.

**Abbreviations:** Major = Major Violation; CGS = Corrected on Site; Minor = Minor Violation; BR = In Compliance; NO = Not Observed; N/A = Not Applicable; MFF = Mobile Food Facility

<table>
<thead>
<tr>
<th>Violation Description</th>
<th>Action</th>
<th>Time In</th>
<th>Permit Expiration Date</th>
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<tr>
<td>Violation 1</td>
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<td>Violation 14</td>
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<td>Violation 15</td>
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<tr>
<td>Violation 16</td>
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</table>

**Inspection:**
- Date: [insert date]
- Location: [insert location]

**Sanitation:**
- [checklist of sanitation requirements]

**Cooking/Heating Temperatures:**
- [insert temperature readings]

**Holding Temperatures:**
- [insert temperature readings]

**County of Santa Clara – Department of Environmental Health – 1555 Berger Drive, Suite 300, San Jose, CA 95112 – (408) 918-3480 – www.EHInfo.org**

Page 18 of
This summary page lists the general requirements for each violation listed on the front side of this form. The department may cite additional sections, if applicable.

**Abbreviations:** CMF = Certified Farmers Market, MF = Mobile Food Facility, PHF = Potentially Hazardous Foods, PMF = Parts Per Million, TFF = Temporary Food Facility.

1. **Demonstration of knowledge**
   - Employees demonstrate food safety knowledge applicable to their duties. Certified Food Manager certificate required if PHFs are handled.

2. **Communicable disease/illness**
   - Employees with communicable disease excluded from food handling. Gloves worn if employee has cut, wound, or rash.

3. **Esophagitis/mouth discharge**
   - Employees experiencing sneezing, coughing or runny nose, not working with food or food-related items.

4. **Catering/Hosting/packaging**
   - No eating, drinking or smoking in any food work area.

5. **Hands-clean/Handwashing**
   - Hands properly washed before handling food, after using toilet, room, after eating, after touching raw foods, etc. Handwash facilities readily available in facility (running water, liquid soap, paper towels, waste water container).

6. **Hot/cold holding**
   - PHFs maintained at 41°F or less or at 135°F or above (TPF only; PHFs may be maintained at 125°F or less for 12 hours maximum, then must be disposed). (CMF producer only: Samples of PHFs maintained at 45°F or less are disposed of two hours after cooling.)

7. **Time as public health concern**
   - When time only is used as public health control, prior approval granted and documentation and records maintained.

8. **Cooling foods**
   - Cooked foods cooled by proper methods and equipment.

9. **Cooking temperature/time**
   - Maximum cooking temperatures reached (pork, fish >145°F; ground meat, egg >155°F; poultry, stuffed food >160°F).

10. **Reheating for hot holding**
    - Foods for hot holding reheated to a minimum of 165°F.

11. **Returned and re-service of food**
    - Unpackaged food that has been served not re-served or used for human consumption.

12. **Food condition good/safe**
    - Adulterated food containing poisonous/putrid substances that may render it impure or injurious to health removed/cleaned.

13. **Food contact surfaces clean**
    - All food contact surfaces of utensils and equipment clean and sanitized.

14. **Food from approved source**
    - Food from approved source; no food prepared in a private home. Food invoices, receipts available.

15. **Linen stock tagging/condition/display**
    - Clean stock with complete certification tags, properly stored and displayed.

16. **Gulf Oyster Regulations**
    - Comply with Gulf Oyster warning requirements.

17. **Consumer advisory/undeveloped**
    - Consumer notified of ready-to-eat foods containing undercooked food, raw egg.

18. **Hot & cold potable water**
    - Water supply protected and potable. (MF only and seasonal facilities. Pressurized hot and cold water provided at all times.)

19. **Sewage, wastewater disposal**
    - Approved means of disposal and disposal of all waste in a fully functioning sewer disposal system.

20. **Rodents/squirrels/rats/vermin**
    - Food facility kept free of vermin: rodents, cockroaches or flies. (TPF, MF or CMF only: live animals not allowed within 20 feet of facility)

21. **Persons in charge present**
    - A person in charge present during all hours of operation.

22. **Personal cleanliness/air restraint**
    - All employees personal, serving or handling food or utensils wear clean, washable outer garments and coifine hair.

23. **Frozen food handling**
    - Proper thaw frozen foods.

24. **Food separated/processed/cooling area**
    - All food separated and protected from contamination. Food preparation and cooking conducted in a 1°F lower and five feet closer to the public than food preparation area.

25. **Washing fruits/vegetables**
    - Wash while produce washed prior to preparation.

26. **Toxic substances identified**
    - Poisonous substances (e.g., bleach, cleaners) stored separate from food, utensils or food-contact surfaces.

27. **Food storage, food containers**
    - Food stored in approved containers and labeled as to contents. Food stored at least 6 inches off floor and on approved shelving.

28. **Confinements in individually-wrapped packages, pump containers or squeeze containers**
    - Confinements in individually-wrapped packages, pump containers or squeeze containers.

29. **Food labeling/presentation**
    - Food honestly presented and properly labeled. Sherman Law.

30. **Nonfood contact surfaces clean**
    - All nonfood contact surfaces of utensils and equipment clean.

31. **Water wash pressure monitored**
    - Water wash operational in facility before handling food (3 containers of water: 1 soap, 2 clean, 3-sanitizer). Sanitizer test strips provided. Sanitizer example: 100ppm chlorine = 1 tablespoon household bleach (unscented) per 1 gallon of water.

32. **Equipment/utensils approved, clean, good repair, proper**
    - Equipment and utensils fully operational, clean, in good repair and installed properly. Enough equipment provided for active hot/cold holding.

33. **Non-food contact surfaces**
    - Cleaned/linen properly stored; non-food item stored separate from food and food-contact surfaces.

34. **Ventilation, lighting**
    - Sufficient ventilation to facilitate proper food storage required. Adequate lighting provided to facilitate cleaning and inspection. Light fixtures on food contact areas are of shatterproof construction or protected with light shades.

35. **Thermometer provided/accurate**
    - An accurate, easily readable metal probe thermometer available to the food handler.

36. **Wiping cloths sanitized/used**
    - Wiping cloths used only once unless kept in clean water with sanitizer. Sanitizer example: 100ppm chlorine = 1 tablespoon household bleach (unscented) per 1 gallon of water.

37. **Plumbing, backflow device**
    - Potable water supply protected with backflow protection device. Plumbing and plumbing fixtures kept clean, fully operational and in good repair.

38. **Garbage disposal, maintained**
    - Garbage in leak-proof containers and disposed of frequently to prevent a nuisance. Containers covered at all times.

39. **Toilet facilities**
    - Toilet facilities maintained clean, sanitary and in good repair. Toilet facilities located within 200 feet of food facility and next to handwash station.

40. **Premises**
    - Premises kept clean and free of dirt.

41. **Floors/walls/paintings**
    - Floors, walls and ceiling are durable, smooth, nonabsorbent, light-colored and washable surfaces. (TPF only: Cleanable floor and overhead surface provided. If handling open foods, a fully enclosed food booth is required)

42. **Signs posted**
    - Post business name (3 inches) & address (1 inch) in public view. (Non-profit vendors are exempt from this requirement).

43. **Permit obtained and available**
    - Valid permit from County of Santa Clara Department of Environmental Health obtained and posted in public view.

44. **Urban Runoff fat, oil, grease**
    - Approved methods provided for containment and disposal of fat, oil and grease.

45. **Urban runoff cleaning**
    - Waste produced from outdoor equipment washing, activities properly contained and disposed.

46. **Urban runoff warning**
    - Referral will be made to the local storm water agency.

47. **Nutritional requirements**
    - Copies of labels maintained for foods containing Trans fat. Label indicates Trans fat content < 0.5 grams/serving.

48. **Commission/agency contract**
    - MFs operate as a commission or in conjunction with a mobile food unit. MFs approved in approved location. Advance preparation for TFF conducted in approved kitchen.

49. **Fire extinguisher**
    - First aid kit required. Fire extinguisher required. Non-refillable extinguisher replaced yearly.

50. **Gas storage container(s)**
    - Approved gas storage container required. Proper gas container storage cabinet required.

**ENFORCEMENT:** Enforcement officer may impound food, equipment or utensils found to be unsanitary or in disrepair.

An imminent health hazard exists, an enforcement officer may temporarily suspend the permit and order the food facility immediately closed.
Appendix H - Permit Application and Certification Statement, County Dept. of Environmental Health

<table>
<thead>
<tr>
<th>Permit Application &amp; Certification Statement</th>
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</thead>
<tbody>
<tr>
<td>County of Santa Clara</td>
</tr>
<tr>
<td>Dept. of Environmental Health</td>
</tr>
<tr>
<td>Consumer Protection Division</td>
</tr>
<tr>
<td>1555 Berger Drive, Suite 300</td>
</tr>
<tr>
<td>San Jose, CA 95112-2776</td>
</tr>
<tr>
<td>Phone (408) 918-3400, Fax (408) 958-5921</td>
</tr>
<tr>
<td><a href="http://www.BEInfor.org">www.BEInfor.org</a></td>
</tr>
</tbody>
</table>

**Owner Information:**

- **Owner Name:**
- **Address:**
- **City:**
- **ST:**
- **Zip:**
- **Phone:**
- **Ext.:**
- **Fax:**
- **Email:**

**Facility Information:**

- **Facility Name:**
- **Address:**
- **City:**
- **ST:**
- **Zip:**
- **Phone:**
- **Ext.:**
- **Fax:**
- **Email:**

**Please send Official/Billing Correspondence to:**

- **Owner**
- **Facility**
- **Other** (Please specify below):

**Name:**

- **Address:**
- **City:**
- **ST:**
- **Zip:**

This permit is renewable annually. A permit will not be issued or renewed until the application is complete, all fees have been paid in full, and/or all applicable inspections have been passed. The undersigned certifies, under penalty of perjury, that to the best of his/her knowledge and belief, the statements made herein are complete, correct and true.

The undersigned hereby applies for a Permit to Operate and agrees to operate in accordance with all applicable state and local regulations, laws, ordinances, and codes. Payment of the required fee(s) and late penalties, if any, to secure a valid permit, is required before commencing or continuing operation. Failure to do so may result in a misdemeanor citation, fines and permit suspension/revocation proceedings. NOTIFY the Department of Environmental Health of any change in the type of business activity, name, billing address, or ownership by calling the number above within 14 calendar days of a change. PERMITS AND FEES ARE NOT TRANSFERABLE. NOTE: Any information contained in this application is a matter of public record, and is available to the public under the California Public Records Act.

**Signature:**

- **Date:**

**Print Name:**

- **Phone:**

**FOR OFFICE USE ONLY:**

- **Existing AR#:**
- **AR0:**
- **(for Change of Owner Only)**
- **Owner ID#:**
- **OW0:**
- **(Add New)**

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<th>Bus. Type:</th>
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<tbody>
<tr>
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<td>Certificate #:</td>
<td>Test Provider:</td>
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<td>Expiration Date:</td>
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**General Health Program ID#:**

- **PRO:**
- **(Add New)**

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<tr>
<td>P/E: Status:</td>
<td>Risk Category:</td>
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<tr>
<td>Current Permit Valid from: / /</td>
<td>to: / /</td>
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</table>

**FOR MFF's ONLY:**

- **Vehicle Information:**
- **Plate #:**
- **VIN:**
- **Make:**
- **Year:**
- **Type:**

**General Permit ID#:**

- **PT0:**
- **(Add New) Permit Status:**
- **Permit Type:**

**Permit Conditions and Descriptions:**

- **(Supervisor Initials):**
- **Add**
- **Modify**
- **Delete**

**Approved by:**

- **Employee #:**
- **Date:**
- **Supervisor:**
- **Date:**

**Support Staff:**

- **(Specialist):**
- **Entered Date:**
- **New AR#:**
- **Ch#:**

09-2012 Final
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<td><strong>Business Code:</strong></td>
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<tr>
<td><strong>Permit Type:</strong></td>
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## Appendix I – Acronyms

<table>
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<th>Acronym</th>
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<td>Grand Jury</td>
<td>2012-2013 Santa Clara County Civil Grand Jury</td>
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<tr>
<td>DHCD</td>
<td>California State Department of Housing and Community Development</td>
</tr>
<tr>
<td>DEH</td>
<td>Santa Clara County Department of Environmental Health</td>
</tr>
<tr>
<td>CPD</td>
<td>Santa Clara County Department of Environmental Health, Consumer Protection Division</td>
</tr>
<tr>
<td>EHS</td>
<td>Environmental Health Specialist</td>
</tr>
<tr>
<td>OIR</td>
<td>CPD Official Inspection Report</td>
</tr>
<tr>
<td>MFF (Trucks)</td>
<td>Mobile Food Facility</td>
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<tr>
<td>BOS</td>
<td>Santa Clara County Board of Supervisors</td>
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<tr>
<td>LPG</td>
<td>Liquid Propane Gas</td>
</tr>
<tr>
<td>DMV</td>
<td>California Department of Motor Vehicles</td>
</tr>
<tr>
<td>ANSUL</td>
<td>Company name - acronym derived from ANhydrous SULfur dioxide (SO2)</td>
</tr>
<tr>
<td>AF</td>
<td>Commissary Approved Facility</td>
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</tbody>
</table>
This report was **PASSED** and **ADOPTED** with a concurrence of at least 12 grand jurors on this 11\textsuperscript{th} day of June, 2013.

Steven P. McPherson  
Foreperson  

Lyn H. Johnson  
Foreperson pro tem  

Chester F. Hayes  
Foreperson pro tem  

Francis A. Stephens  
Secretary