



TEXAS DEPARTMENT OF STATE HEALTH SERVICES
FOOD ESTABLISHMENTS GROUP

**STARTING A NEW RETAIL FOOD ESTABLISHMENT
UNDER DEPARTMENT OF STATE HEALTH SERVICES JURISDICTION**

*****There are many local health departments in the State of Texas. You should contact your city or county office to determine if they permit facilities in your area. If not, then you are under Department of State Health Services (DSHS) jurisdiction and the following information is applicable. Contact your county or city code enforcement division regarding local building, plumbing, electrical, fire, and zoning requirements.*****

PERMITTING

Unless specifically exempted, a retail food establishment located in any area regulated by Texas Department of State Health Services (DSHS) must have a valid permit before operating. Permit exemptions may be reviewed at 25 TAC 229.371(6)(B) and 25TAC 229.372(b) and (c).

DSHS regulates retail food establishments in all areas of the State that are not permitted and inspected by local health agencies. To determine the permitting and inspecting agency, contact your city or county government offices. If you need additional assistance, contact us at (512) 834-6753.

Retail food establishments, unless specifically exempted, must be permitted. There are 3 types of permits:

- Fixed Establishment (including child care facilities licensed for 13 or more children)
- Mobile food unit (including roadside vendors)
- Temporary establishment
 - single event not to exceed 14 consecutive days
 - multiple event permit for unlimited number of events for 2 years.

DSHS permit applicants must acknowledge that they have "read and understood Chapter 437 of the Health & Safety Code, the applicable provisions of 25 TAC, Chapter 229 (The Texas Food Establishment Rules)(TFER), and agree to abide by them".

OBTAINING A CERTIFIED FOOD MANAGER'S CERTIFICATE

All food service establishments, under the jurisdiction of the DSHS, with some exemptions, shall employ a Certified Food Manager. Additional information is available at <http://www.dshs.state.tx.us/foodestablishments/cfm.shtm>.

Exemptions include:

- Non-profit organizations.
- Child care (day care) facilities.
- Firms that sell only prepackaged foods.
- Firms that do not prepare or handle exposed potentially hazardous foods.

OBTAINING A TAX ID NUMBER

You must have a sales tax ID number before you submit a permit application. Contact the State Comptroller's Office at 1-800-252-5555 or by referring to the web site at <http://www.window.state.tx.us/taxpermit/> for information about obtaining a sales tax ID number.

EQUIPMENT AND FACILITY REQUIREMENTS

The following list of equipment and facility requirements was developed in response to questions from customers making initial business decisions. It is not a complete list. For more detailed requirements, refer to the Texas Food Establishment Rules at: <http://www.dshs.state.tx.us/foodestablishments/rules.shtm>.

Fixed Establishment:

- a 3-compartment sink to wash, rinse, and sanitize equipment and utensils. A mechanical dishwasher may also be utilized.
- handwash sink(s) conveniently located in the food preparation area(s).
- employee restroom(s) with handwash facilities.
- hot and cold water under pressure at all sinks.
- a service sink or curbed cleaning facility for mops.
- a sewage disposal system that is properly constructed, maintained, and operated.
- water from an approved source.
- adequate heating and/or refrigeration equipment for cooking, reheating, or holding foods at safe temperatures.
- an appropriate temperature measuring devices for checking internal food temperatures (probe-type thermometers or thermocouples).
- an accurate thermometer for each hot/cold holding unit.

Mobile Food Unit: Minimum requirements can be reviewed at 25 TAC 229.169 and Mobile Food Unit Checklist.

NOTE: Mobile food unit operators typically prepare or handle unpackaged foods. Roadside vendors are limited to handling pre-packaged foods only.

Temporary Food Establishment: Minimum requirements can be reviewed at 25 TAC 229.170 and Compliance Requirements.

Food Contact Surfaces of Equipment: Minimum requirements can be reviewed at 25 TAC 229.165 or the TFER, Section 229.165(a)(1).

APPROVED WATER SOURCE/WATER WELLS

Water used for food preparation, handwashing, and dishwashing must come from an approved source. The following sources are approvable:

- Community (municipal) water system (public water system).
- Non-Community water system (public water system). This category includes on-site wells that supply more than 25 customers per day for a total of 60 days per year. These wells must be listed and approved by the Texas Commission of Environmental Quality (TCEQ). TCEQ will oversee the testing requirements and operation of the wells. Contact the TCEQ Public Drinking Water Section at (512) 239-4691 for assistance.
- Non-public (private) water system – This category includes wells that serve less than 25 customers per day for a total of 60 days per year. The well must be properly constructed, maintained, and operated. Prior to use, the water must be sampled for safe bacteriological quality and must be tested at least annually thereafter.

RESTRICTIONS ON COMMERCIAL FOOD PREPARATION IN A HOME

The Texas Food Establishment Rules (TFER), Section 229.167(d)(10) states: A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting food establishment operations.

TEXAS FOOD ESTABLISHMENT RULES (TFER)

Refer to the TFER for detailed information regarding these and other requirements. The TFER can be found at <http://www.dshs.state.tx.us/foodestablishments/rules.shtm>.

You can also contact the Food Establishments Group at (512) 834-6753 for additional guidance.



TEXAS DEPARTMENT OF STATE HEALTH SERVICES
FOOD ESTABLISHMENTS GROUP
TEMPORARY FOOD ESTABLISHMENT PERMIT & COMPLIANCE REQUIREMENTS

PERMIT REQUIRED: Each temporary food establishment, unless operated by a non-profit organization or in an area that is under the jurisdiction of a local health authority, shall have a valid permit issued by the Department. The single event permit is valid for one individual food booth or unit at one specific event, and is valid for 14 consecutive days from the initial effective date. The multiple event permit is valid for one individual food booth or unit at multiple events for 2 years from the initial effective date. You may request a permit application by calling the Department at (512) 834-6626 or by downloading the application from the following website: <http://www.dshs.state.tx.us/fdlicense>. The submission of the permit application and payment of the fees may be completed on-line. **NOTE: IF THE EVENT IS TO BE HELD IN AN AREA PERMITTED AND INSPECTED BY A CITY, COUNTY OR PUBLIC HEALTH DISTRICT, YOU MUST CONTACT THAT AGENCY FOR PERMITTING.**

FOOD PREPARATION: Food shall be obtained from approved sources and be in sound condition. Food shall be prepared only in permitted or licensed establishments. Food prepared in a private home is not allowed. The Texas Food Establishment Rules (TFER) requires that meat and poultry products be cooked to the following minimum internal temperatures: **Poultry-165°F, Ground Meats-155°F, Pork-145°F, and other Meats- 145°F.** Potentially hazardous foods (i.e., foods which consist in whole or in part of milk or milk products, eggs, cut tomatoes, meat, seafood) shall be held at 41°F or lower, or at 135°F or above. Equipment adequate to cook and maintain foods at the required temperatures shall be provided. An accurate food temperature thermometer (metal stem) shall be used to monitor the proper internal cooking and holding temperatures of potentially hazardous foods. Packaged foods shall not be stored in direct contact with water or undrained ice.

EQUIPMENT: Food, utensils and single service articles shall be protected from contamination during storage, preparation, display and service. Utensils, including ice scoops, shall be provided to minimize handling of foods. Food contact surfaces shall be easily cleanable and washed, rinsed and sanitized as necessary using three suitably sized basins as follows: wash with warm soapy water, rinse in clean water and sanitize with 50 ppm chlorine or 200 ppm quaternary ammonia. Single-service articles must be provided for use by the consumers.

PERSONAL HYGIENE: Personnel shall maintain a high degree of personal cleanliness and conform to good hygienic practices. They shall be free of infections which may transmit foodborne illness. Hands shall be washed as often as needed during food preparation. Handwash facilities shall include an insulated container with a spigot that can be turned on to allow potable, clean, warm water to flow; a wastewater container; soap; disposable towels and a waste receptacle. An approved hand sanitizer must be used after handwashing. Single-use gloves may be used in addition to handwashing. The use of tobacco or eating food in preparation and serving areas is prohibited.

WATER: A sufficient supply of flowing water from an approved source shall be provided to prepare food and to clean hands, equipment and utensils. A closed water container with a spigot may be used.

TOILET FACILITIES & WASTE DISPOSAL: Conveniently located toilet facilities shall be provided. All sewage and wastewater shall be disposed of through a sewage system according to law. Adequate, covered containers for refuse and garbage shall be provided.

BOOTH CONSTRUCTION: Subflooring shall be graded to drain and dust shall be controlled. Floors shall be constructed of concrete, asphalt, dirt or gravel if covered with mats, removable platforms or other suitable materials approved by the regulatory authority. Ceilings over food preparation areas shall be constructed of wood, canvas or other materials to protect against the weather. Pests (flies, roaches or rodents) shall be controlled. Doors, walls, screening and other measures may be required when necessary to restrict the entrance of flying insects.

ADVISORY: Section 229.170 of the Texas Food Establishment Rules provides that "The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the temporary food establishment, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of these rules." Failure to comply with these requirements may result in the immediate suspension of the permit and assessment of penalties as provided by the Texas Health and Safety Code, Chapter 437.

PREVENTING FOODBORNE ILLNESS IS A RESPONSIBILITY SHARED BY ALL INDIVIDUALS INVOLVED IN FOOD PRODUCTION, DISTRIBUTION AND PREPARATION. IF YOU HAVE QUESTIONS OR NEED FURTHER ASSISTANCE, CONTACT THE FOOD ESTABLISHMENTS GROUP AT (512) 834-6753 or visit our website: <http://www.dshs.state.tx.us/foodestablishments>.

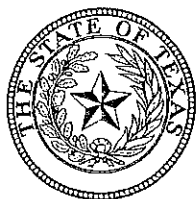
(Revised 10/1/2008)



TEXAS DEPARTMENT OF STATE HEALTH SERVICES
FOOD ESTABLISHMENTS GROUP (FEG)
MOBILE CHECKLIST FOR ROADSIDE FOOD VENDOR
[NO FOOD PREPARATION OR PROCESSING]

This checklist provides a list of requirements necessary for the approval of a Mobile Food Establishment operating within the jurisdiction of the Texas Department of State Health Services. Critical items are identified by an asterisk (*). Mobile food establishment equipment and criteria may vary depending on the type of operation. Refer to the Texas Food Establishment Rules (TFER) for complete information regarding the requirements. The TFER can be found on our website at www.dshs.state.tx.us/foodestablishments or call the Food Establishments Group at (512) 834-6753 for further information.

- *1: Equipment for hot and cold holding, adequate to maintain potentially hazardous food at required temperatures.
 - *2. Food products are obtained from approved sources.
 - *3. A central preparation or storage facility must be licensed and be operated according to TFER requirements.
 4. Effective control measures are used for insects, rodents and environmental contaminants. Installed screening is at least 16 mesh to the inch.
 5. Mobile food establishment is constructed of corrosion-resistant, durable materials.
 6. Mobile food establishment has easily cleanable, non-absorbent floors, walls and ceilings.
 7. Equipment is installed so that it is easily cleanable and is in clean, sound condition.
 8. Facilities are provided for solid waste storage that are easily cleanable and covered.
- * Requirement must be met to be permitted.



TEXAS DEPARTMENT OF STATE HEALTH SERVICES
FOOD ESTABLISHMENTS GROUP
MOBILE FOOD ESTABLISHMENT CHECKLIST

This checklist provides a list of requirements necessary for the approval of a Mobile Food Establishment in those areas of the State permitted by the Texas Department of State Health Services. Critical items are printed at the top of the checklist. Mobile food establishment equipment and criteria may vary depending on the type of operation. Refer to the Texas Food Establishment Rules (TFER) for complete information regarding the requirements. The TFER can be found on our website at www.dshs.state.tx.us/foodestablishments or call the Food Establishments Group at (512) 834-6753 for further information.

- *1. Liquid waste retention tank is provided and capacity is at least 15% larger than the potable water storage tank.
- *2. Potable water from an approved source.
- *3. Hot and cold running water under pressure is provided to sinks.
- *4. Handwash sink is provided, and is conveniently located and accessible.
- *5. Soap, paper towels, detergent and sanitizing chemicals are provided.
- *6. Three-compartment sink is provided.
- *7. Equipment for hot and cold holding, adequate to maintain potentially hazardous food at required temperatures.
- *8. Food products are obtained from approved sources.
- *9. A servicing area shall be provided for cleaning, supplying, loading of water and discharge of sewage.
- *10. A Certified Food Manager shall be employed if potentially hazardous food will be prepared.
- *11. A central preparation facility must be licensed and be operated according the requirements of TFER (if required).
12. Single service articles are provided and used.
13. Potable water inlet is equipped with a hose connection of a size or type that prevents its use for any other purpose.
14. Potable water distribution pipes or tubing are constructed and installed in accordance with public health and plumbing standards.
15. Liquid waste servicing connection is of a different size than the water connection.
16. Effective control measures are used for insects, rodents and environmental contaminants. Installed screening is at least 16 mesh to the inch.
17. Mobile food establishment is constructed of corrosion-resistant, durable materials.
18. Mobile food establishment has easily cleanable, non-absorbent floors, walls and ceilings.
19. Counters and tables are designed for durability and are easily cleanable.
20. Equipment is installed so that it is easily cleanable and is in clean, sound condition.
21. Facilities are provided for solid waste storage that are easily cleanable and covered.

* Requirement must be met to be permitted.