

Virginia Department
of Health
Guidance for Outdoor
Cooking Operations at
Permanent Food
Establishments

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TABLE OF CONTENTS

PREFACE	3
DEFINITIONS	3
PLAN REVIEW AND APPLICATION PROCESS	4
SUPPORT SERVICES PROVIDED BY THE PERMANENT FOOD ESTABLISHMENT	4
LOCATION OF THE OUTDOOR COOKING OPERATION	4
STRUCTURAL REQUIREMENTS FOR OUTDOOR COOKING OPERATIONS	5
Premises	5
Overhead Protection	5
Walls	5
Floors	6
Equipment	6
Handwashing Facilities	6
Warewashing Facilities	7
Ventilation and Fire Protection	7
Lighting	7
Garbage	8
Food Defense	8
OPERATIONAL REQUIREMENTS FOR OUTDOOR COOKING OPERATIONS	7
Handwashing	7
Hygiene	8
No Bare Hand Contact	8
Food Preparation	8
Temperature Measuring Device	8
Cooking Temperatures	8
Reheating	9
Holding Temperatures	9
Cleaning & Sanitizing	9
Food & Utensil Storage	9

ENV(F)-2020-01

PREFACE

This document, in conjunction with the Food Regulations (12VAC5-421-et seq.) and applicable citations of the Food and Drug Administration Food Code 2013 Edition, is intended to provide guidance to local health districts and food establishments with regard to 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 guidance contained herein is not intended to supplant, or otherwise serve as, the rules and regulations applicable to food establishments.

DEFINITIONS

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 permitted fully enclosed permanent food establishment.

PLAN REVIEW AND APPLICATION PROCESS

Plans must be submitted to the local health department for review and approval before the construction of or change of food operation, including the addition or installation of an outdoor cooking operation (OCO) (12VAC5-421-3600/8-201.11, 12VAC5-421-3610/8-201.12). Proposed construction, conversion or remodel 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 if applicable.

The plans and specifications for an OCO should include all the information necessary, such as those outlined in this document, to demonstrate conformance with, and an understanding of, food safety provisions. The plan review process provides the opportunity to discuss areas of concern prior to construction or addition of equipment and issuance of a permit or approval of an OCO.

OCOs that are fully compliant with the Food Regulations may not require a variance. However, upon completion of a plan review, the local health district 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.

ENV(F)-2020-01

SUPPORT SERVICES PROVIDED BY THE PERMANENT FOOD ESTABLISHMENT (PFE)

An OCO shall be operated in conjunction with a permitted PFE that will provide “support services” for the OCO. 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 PFE 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 OCO, and the limitations of the OCO. The PFE must have a certified food protection manager as defined in 12VAC5-421-55 who is responsible for the overall operation of both the PFE and the OCO.

LOCATION OF THE OUTDOOR COOKING OPERATION

The OCO must be located in an area that allows convenient, unimpeded, and easy access to the support services provided by the PFE. A safe and protected means of transporting food, equipment, utensils, and other items from the PFE to the OCO must be provided. Proposed methods for transportation of food, equipment, utensils, and other items from the PFE used for support services to the OCO must be evaluated by the local health department based on safety and protection conformance.

STRUCTURAL REQUIREMENTS FOR OUTDOOR COOKING OPERATIONS

Structural requirements must be evaluated by the local health department based on the proposed type of OCO.

Premises

All usual and customary public health risks must be evaluated when assessing an OCO with the additional consideration of environmental factors. The structural requirements for the outdoor site depend on the nature of the food preparation and service. Outdoor sites where food is prepared, held, and/or served require physical facilities of greater complexity to ensure adequate protection from contamination than those outdoor sites at which food is only cooked and all preparation is done in the PFE kitchen. Waste disposal, sewage, and rainwater runoff locations, maintenance of vegetation, and effective ongoing pest management initiatives are some potential sources of contamination unique to OCOs that must be considered.

ENV(F)-2020-01

Overhead Protection

a. Each individual piece of cooking equipment must be separately covered (cooker top, chafing dish lid, etc.) or have overhead protection. Examples of overhead protection are roofs or other permanent structures, canopies, or awnings, 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. (12VAC5-421-2940/6-202.16, 12VAC5-421-2820/6-201.12, 12VAC5-421-610/3-305.11)

b. Protection of individual food containers may be necessary even if a canopy or other protective structure is provided. (12VAC5-421-640/3-305.14, 12VAC5-421-660/3306.12)

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. 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.

(12VAC5-421-2810/6-201.11, 12VAC5-421-640/3-305.14, 12VAC5-421-2940/6-202.16)

b. Screening, canvas, or other similar material may be approved, if it provides adequate protection. (12VAC5-421-2810/6-201.11, 12VAC5-421-640/3-305.14)

Floors

The floor surfaces of an OCO shall be smooth, easily cleanable, and of durable construction. Floors must be constructed of concrete, asphalt, non-absorbent matting, plywood (or other hard wood surface), or other approved material. (12VAC5-421-2790/6-101.11, 12VAC5-421-2800/6-102.11)

Equipment

Construction, maintenance, and cleaning of all equipment shall be in accordance with Chapter 4 of the Food Regulations 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 12VAC5-421-700/3-403.11. 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 12VAC5-421-760/3-403.11. The local fire safety authority must approve all outdoor cooking devices, if applicable.

ENV(F)-2020-01

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. (12VAC5-421-2190/5-202.12, 12VAC5-421-3020/6-301.12, 12VAC5-421-3030/6-301.13, 12VAC5-421-3040/6-301.14)

- a. If food handling is taking place, a handwashing facility shall be provided within the OCO that is easily accessible and within close proximity to the food handling operations to allow for convenient use for washing hands.
- b. When the OCO consists exclusively of transporting foods 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.
- c. When the OCO is not conveniently located near an existing handwashing facility, a portable handwashing setup should be made available.

Where food handling is limited to transporting foods directly to the OCO for cooking and then immediately transporting the finished product to the kitchen for further preparation, the local health district 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 OCO 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 local health department 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 OCO are not necessary. (12VAC5-421-1460/4-301.12)

Ventilation and Fire Protection

Local regulations shall govern ventilation and fire protection requirements at the OCO. 12VAC5-421-3090/6-304.11 is also applicable to the OCE in the case of enclosed areas.

ENV(F)-2020-01

Lighting

- a. Adequate lighting by artificial or natural means is required at the OCO during all hours of operation. (12VAC5-421-3080/6-303.11)
- b. The artificial lighting fixtures provided over food handling locations shall be properly shielded. (12VAC5-421-2890/6-202.11)

Garbage

- a. An adequate number of non-absorbent, easily cleanable garbage containers should be provided at the OCO. (12VAC5-421-2620/5-501.13)
- b. Garbage containers must be covered when not in use, rodent-proof, and non-absorbent. (12VAC5-421-2640/5-501.15)
- c. Grease must be disposed of properly and shall not be dumped onto the ground surface or into the sanitary sewer system. (12VAC5-421-2580/5- 403.12)

Food Defense

The OCO must be secured to prevent unauthorized access to food, equipment, utensils, and related items when food employees are not present. (12VAC5-421-70/2-103.11)

OPERATIONAL REQUIREMENTS FOR OUTDOOR COOKING OPERATIONS

Since all OCOs must be operated in conjunction with a PFE, the operational requirements that follow are specifically intended for the OCO. The Food Regulations 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. (12VAC5-421-130/2-301.11, 12VAC5-421-140/2-301.12, 12VAC5-421- 160/2-301.14, 12VAC5-421-170/2-301.15)

Hygiene

- a. Food employees need to maintain a high degree of personal cleanliness and conform to good hygienic practices during all working periods. (12VAC5-421-

ENV(F)-2020-01

190/2-302.11, 12VAC5-421-200/2-303.11)

b. Food service workers must wear clean outer garments and effective hair restraints. (12VAC5-421-210/2-304.11, 12VAC5-421-240/2-402.11)

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. (12VAC5-421-220/2-401.11)

No Bare Hand Contact

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. *(12VAC5-421-450/3-301.11)*

Food Preparation

a. For the purposes of this document, the allowances for cooking operations and degree of food preparation are based on the design and structure of the OCO. Only OCO's that by design meet the requirements contained in STRUCTURAL REQUIREMENTS FOR OUTDOOR COOKING OPERATIONS are allowed to exceed the actual process step of cooking. All other outdoor cooking operations are limited to long time/low temperature cooking processes or other similar cooking methods that require limited attention or manipulation during the cooking process. OCO operations shall not include cooking to fill immediate orders. Operations conducted at the OCO are limited to cooking performed on covered protected equipment with all pre-prep and post-prep (plating, etc.) conducted in the PFE. Two-stage cooling is not allowed in an OCO, regardless of type. Food preparation in limited OCOs is not to exceed cooking/smoking, seasoning, and/or basting.

b. Cooking in a manner to fill immediate orders and food preparation that exceeds cooking, seasoning, and/or basting can only be conducted in an OCO designed and constructed in such a way that it substantially complies with the Physical Facilities requirements of the Food Regulations referenced in STRUCTURAL REQUIREMENTS FOR OUTDOOR COOKING OPERATIONS. These OCOs must be designed with perimeter walls and sufficient overhead protection to afford protection from environmental factors.

c. All cooking 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 OCO provides adequate protection.

d. Cooking equipment, such as smokers, propane stoves, and grills, should be roped off or otherwise segregated from the public as prescribed by law.

e. Patrons or other unauthorized individuals must be prevented from accessing unsupervised areas of the OCO where food, food contact surfaces, and equipment are located. (12VAC5-421-70/2-103.11)

Temperature Measuring Device

ENV(F)-2020-01

a. An accurate, temperature-measuring device, appropriate to the operation, must be used for monitoring time and temperature control for safety (TCS) foods prepared in the OCO. (12VAC5-421-1510/4-302.12)

Cooking Temperatures

Raw animal food must be cooked to heat all parts of the food to the minimum temperatures and for a time 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 12VAC5-421-700 A. 3./3-401.11 (A) (3);
- b. 155°F for 15 seconds--comminuted fish; comminuted meat (hamburgers); pooled raw eggs or as specified in 12VAC5-421-700 A. 2./3- 401.11 (A) (2);
- 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 12VAC5-421-700 A. 1./3-401.11 (A) (1) (a) and (b) of the FDA Food Code.
- d. Roasts (whole beef, pork, cured pork (ham) and corned beef) must be cooked using the parameters specified in 12VAC5-421-700. Recommend contacting the regulatory authority for additional time/temperature options.
- e. Reference 12VAC5-421-930/3-603.11 regarding specific consumer advisory language as applicable.

Reheating

Reheating shall be done in compliance with 12VAC5-421-760/3-403.11.

Holding Temperatures

- a. TCS foods must be maintained at 135°F or higher or 41°F or below (12VAC5-421-820/3-501.16), unless utilizing Time as a Public Health Control as specified in 12VAC5-421-850/3-501.19.
- 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 TCS at portable outdoor cooking operations.
- e. Hot food storage units must 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.

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. (12VAC5-421- 1780/4-602.11)

ENV(F)-2020-01

b. Wiping cloths that are in use for wiping food spills may not be used for any other purpose and must be stored clean and dry or in a clean sanitizing solution at the proper concentration. *(12VAC5-421-570/3-304.14)*

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 PFE. *(12VAC5-421-610/3-305.11, 12VAC5-421-2000/4-903.11)*