COMPACT MOBILE FOOD OPERATIONS (CMFO) PRESENTATION
OVERVIEW

• Compact Mobile Food Operations (CMFO) - The Basics
• Structural Requirements
• Operational Requirements
• Commissary and Storage
• MEHKO and CFOs
• Supporting Vending Sites
• Local Municipalities Role
• Enforcement
• Q & A
Background
CMFO Background

- Senate Bill 972 (SB972) became effective in January 1, 2023
- Relaxes some structural and operational requirements for lower risk sidewalk food vending operations.
- Created a new permit category called Compact Mobile Food Operation (CMFO) in California Retail Food Code (CRFC).
- Also expands Cottage Food Operations – Class B (CFO B)
- Earlier SB946 (passed 2018) eased sidewalk vending barriers
No Permit Required

• No health permit is required when vending food from a person, stand, rack, or cart if selling **25 square feet** or less of **ONLY prepackaged**, non-potentially hazardous food or whole, uncut produce.
  • Food must be from approved source
  • Food must be stored, handled, displayed so as to be protected from adulteration or contamination
  • Food must be stored/displayed at least 6 inches off the ground
  • Subject to inspection as a result of a complaint or just cause during normal business hours.
Prepackaged Foods

• Foods that have been processed in a permitted food facility or food establishment and properly packaged and labeled to prevent any direct human contact with the food product and the customer prior to consumption.

• Whole, uncut fruit is also considered “prepackaged”.

![Strawberries](image1)
![Beef Tamale](image2)
![Chips](image3)
What is a potentially hazardous food (PHF)?

• Food that requires time or temperature control to limit pathogenic micro-organism growth.

• Cold foods must be at 41°F or less

• Hot foods must be 135°F and above

• Perishable

• Needs to be kept hot or cold to prevent spoiling
What is a CMFO?

• Compact mobile food operation means an unenclosed mobile food facility that operates from an individual or from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance.
• Equipment must be **integral or** connected.
• Must operate with an approved commissary.
• Can only sell:
  • Perishable food prepared with limited food preparation steps
  • Prepackaged foods
  • Whole, uncut produce
What is NOT a CMFO?

• Pop up food tents with multiple pieces of cooking equipment
• Foods made from a private home or unpermitted restaurant or facility
Limited Food Preparation

1. Heating, frying, baking, roasting, popping, shaving of ice, blending, steaming or boiling of hot dogs, or assembly of non-prepackaged food.

2. Dispensing and portioning of non-potentially hazardous food or dispensing and portioning for immediate service to a customer of food that has been temperature controlled until immediately prior to portioning or dispensing.

3. Holding, portioning, and dispensing of any foods that are prepared for satellite food service by the onsite permanent food facility or prepackaged by another approved source.
Limited Food Preparation (Cont.)

4. Slicing and chopping of non-PHF food or produce that has been previously washed at an approved commissary

5. Cooking and seasoning to order

6. Preparing beverages that are for immediate service and don’t contain frozen milk products
Limited Food Preparation (Cont.)

7. Hot and cold holding of food that has been prepared at an approved, permitted (permanent) food facility.

8. Reheating food that has been previously prepared at an approved, permitted (permanent) food facility and held at required temperatures.
Limited food preparation does not include:

• Slicing and chopping of potentially hazardous food, other than produce, unless it is on a heated cooking surface
• Thawing food
• Cooling cooked, potentially hazardous food
• Grinding raw ingredients or potentially hazardous food
• Washing foods
• Cooking potentially hazardous foods for later use
• Handling, manufacturing, freezing, processing, or packaging milk, milk products, or products resembling milk products under Division 15 of the Food and Ag. Code
Food Preparation Restrictions

A CMFO cannot prepare the following food items:

• Raw meats, raw poultry or raw fish **unless** the CMFO meets warewashing and handwashing requirements
• Smoke or cure food as a method of preservation
• Cure or pickle food
• Use food additives as a method of food preservation (e.g. sushi rice to be held at room temperature)
• Reduced-oxygen packaging food (e.g. vacuum packaging, sous-vide)
• Produce, serve, or sell **raw milk** or **raw milk products**
• Serve or sell raw oysters
Structural Requirements
CMFO Structural requirements

• Identification on the consumer side of CMFO
  • Business name, owner name, city, state, and zip code

• All equipment must be:
  • Certified for sanitation
  • Integral to CMFO
  • Smooth and easily cleanable

• Mechanical refrigeration required if handling PHFs – **NO ICE!**

• First aid kit

• Fire extinguisher
CMFO sink requirements

• Hand wash sink built into cart with pressurized water
  • Warm water not required if NOT handling raw meats, raw poultry or raw fish.

• 3-compartment sink needed if handling raw meats, poultry or fish
  • Can have approved auxiliary sink (sink separate from CMFO)
  • If not handling raw meats, 3-compartment sink not needed if:
    • Spare utensils provided
    • Utensils are washed, rinsed, sanitized and air-dried each day at approved commissary

• Wastewater tank must be 50% greater than potable water tank
Auxiliary Sink

Must:
• Have pressurized water
• Have potable water
• Be mobile
• Be permitted by EHS
Unpackaged CMFO requirements

<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>Not handling raw meats, raw poultry, or raw fish</th>
<th>Handling raw meats, raw poultry, or raw fish</th>
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</thead>
<tbody>
<tr>
<td>Health Permit</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Plan Check</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Hand sink</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Warewashing sink</td>
<td>No</td>
<td>Yes</td>
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<tr>
<td>Water heater</td>
<td>No</td>
<td>Yes</td>
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<tr>
<td>Mechanical refrigeration for PHF</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Commissary required</td>
<td>Yes</td>
<td>Yes</td>
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Operational Requirements
Operational requirements

• Must have an approved commissary
  • Home preparation and storage of foods is NOT allowed
• Valid food handler card
• All PHF foods must be discarded/thrown away at end of the day
• No restroom required if CMFO has multiple employees
Commissary and Storage
Commissary Options

• A commissary is a permitted food facility where:
  • Food is prepared or prepackaged for sale
  • Food, containers, or supplies are stored
  • Utensils are cleaned and sanitized
  • Liquid waste and garbage is disposed
  • Potable water is obtained

• Commissary Agreement required
CMFO Storage

• May allow for a private home to store a CMFO when not in use.
• Requires **site evaluation** and **approval** from Environmental Health Services.
  • Evaluated for following:
    • Overhead protection
    • Area must be restricted and prevent unapproved access to CMFO
    • Provides an area that prevents vermin harborage or infestation
    • Hard surface is provided
    • Must be available to CMFO operator at all times.
<table>
<thead>
<tr>
<th>Operational Requirements</th>
<th>Prepackaged* non-potentially hazardous food (greater than 25 square feet)</th>
<th>Prepackaged* potentially hazardous food</th>
<th>Limited food preparation (hot/cold holding, dispensing, portioning, slicing/chopping)</th>
<th>Limited food preparation with raw meat, raw poultry or raw fish</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food handler card</td>
<td>Not required</td>
<td>Not required</td>
<td>Required</td>
<td>Required</td>
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<tr>
<td>Overhead protection</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
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<tr>
<td>Food from approved source</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
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<tr>
<td>Food properly stored</td>
<td>Required</td>
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<td>Required</td>
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<tr>
<td>Integral equipment</td>
<td>Not required</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
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<tr>
<td>Mechanical refrigeration</td>
<td>Not required</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
</tr>
<tr>
<td>Three-compartment sink</td>
<td>Not required</td>
<td>Not required</td>
<td>Not required - may provide adequate utensils in lieu of three-compartment sink</td>
<td>Meet Chapter 10 requirements for a MFF</td>
</tr>
<tr>
<td>Handwashing sink</td>
<td>Not required</td>
<td>Not required</td>
<td>Required - warm water not required</td>
<td>Meet Chapter 10 requirements for a MFF</td>
</tr>
<tr>
<td>Food to be disposed at end of operating day</td>
<td>Not required</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
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<tr>
<td>Access to commissary</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
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<td>Access to restrooms</td>
<td>Allows for exemption if the CMFO is operated by multiple employees or operators</td>
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* Prepackaged food means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, a food facility, or other approved source.
CMFOs in Conjunction with MEHKOs and CFOs
Microenterprise Home Kitchen Operations (MEHKO)

- Need a health permit with the local Environmental Health to operate
- Needs to fill out and submit a rental notification from landlord (if renting)
- They are allowed to cook, prepare and serve hot foods (some exemptions apply) for the same day, and up to 60 meals per week and no more than 30 meals per day
- May require local city municipality business license
- These facilities are like homebased restaurants where delivery, on-site consumption may take place
- $150,000 per year cap of gross sales
- Initial inspection necessary and thereafter once a year routines apply
CMFOs in Conjunction with a MEHKO:

- Limited to store up to 2 carts of their own
- Storage evaluation by EHS is necessary
- Permitted MEHKO only
Cottage Food Operations

- Homebased food operation that sells non-perishable foods to customers
- Requires a permit from Environmental Health
- Operations that sell their product directly or indirectly to consumers
- Most food products sold are baked goods and pastries from the CDPH “Approved List”
- Gross annual sales are $174,000 for Class B
CMFOs

CFO in conjunction with

CMFO in conjunction with a CFO

CFO permit allows low-risk food products to be prepared and/or packaged in a private home and sold to public.

Two types of permits: CFO-Class A and CFO-Class B

Must have a Class B permit to obtain CMFO permit

Site evaluation required to ensure additional food prep and storage can be safely supported in home
Supporting Vending Sites For CMFOs
Requirements

With the support of businesses/property owners, such as community centers, churches, and community parks, CMFO vendors could be further supported to sell food legally if they are provided with access to some basic infrastructure to support handwashing, dishwashing, and employee restroom access.

- Space for Mobile food facilities that will use the auxiliary conveyance
- Employee Restroom Access
- Refuse Containers
- Sinks for Handwashing & Warewashing
Examples

San Mateo County Event Center

Supported vending at public parks

Warewashing & Handwash Sink

Supported vending at parking lots
Local Municipalities/CMFOs

- Home based business licenses
- Setback requirements for CMFOs
- Local Ordinances
- Planning department/Zoning
- Code Enforcement
How to get a CMFO permitted

• Contact Environmental Health before operating and purchasing any equipment!! envhealth@smcgov.org

• Either:
  a) Purchase EH-approved CMFO
  b) Require plan review for first CMFO
      • Plan review fee is $841

• Once permitted, annual fee is $335-892

  c) Check with the local City for additional requirements
Other Types of Food Permits

• Mobile Food Facility (e.g., food truck)
• Temporary Food Facility (community event food vendor)
• Catering, Host Catering (private events, or public sales at a host facility)
• Cottage Food Operation (baked goods made at home)
• Food Facility (e.g., restaurant, bakery)
• Permit Fees
Business License and Approval

- Need to obtain a business license from each city you operate in.
- Cities may have their own requirements or restrictions.
Enforcement
Enforcement

• Failure to obtain an Environmental Health permit will result in:
  • Food and equipment being confiscated or impounded
  • Penalty fees
  • Prosecution

• Businesses allowing unpermitted vending to take place on their property will also be subject to penalty fees and prosecution
Contact Information

San Mateo County Environmental Health Services
2000 Alameda de las Pulgas, Suite 100
San Mateo, CA 94403

Phone: (650) 372-6200
Email: envhealth@smcgov.org
Web: smchealth.org/CMFO
Office Hours: 8:00 am – 5:00 pm M-F
Health Permit Process Workflow

Do you need a permit?

- Prepackaged food or whole uncut produce
  - >25 sq/ft of retail food/drinks: Permit required
  - <25 sq/ft of retail food/drinks: Potentially hazardous food
- Unpackaged food
  - See unpackaged food guide

- Non-potentially hazardous food: No permit required

Check with your local city to determine if other permits are required.

Permit required

SAN MATEO COUNTY HEALTH ENVIRONMENTAL HEALTH SERVICES
QUESTIONS?