

LOWER ELWHA KLALLAM TRIBE
TEMPORARY FOOD ESTABLISHMENT POLICY AND PROCEDURES

I. PURPOSE AND SCOPE

The Lower Elwha Klallam Tribe (“Tribe”) has inherent power as a sovereign government to manage and regulate conditions that impact the health of the public, including the preparation, transportation, handling, repackaging, and distribution of food items for human consumption. The Tribe recognizes the importance of maintaining food safety, preventing food borne illnesses, and preventing unintentional injuries at temporary food establishments.

II. ELIGIBILITY

This policy applies to all temporary food establishments operating within the Tribe’s reservation and trust lands that are preparing, selling, cooking, or repackaging food items intended for human consumption.

Food establishments exempted from the policy include those that only serve pre-packaged foods, whole fruit and vegetables, and pre-packaged drinks. If the food establishment serves any time/temperature control foods, the food establishment needs to complete the application and adhere to the criteria outlined below.

Food sales hosted out of personal residences for fundraising purposes must comply with food fundraising policy and procedures.

Temporary food establishments that use residential kitchens do not meet the criteria of a “Temporary Food Establishment” and are not permitted. The use of a commercial or mobile kitchen must be used.

III. DEFINITIONS

Approved means acceptable to the Tribal Public Health Officer based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

Beverage means a liquid for drinking, including water.

Consumer means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or food processing plant, and does not offer the food for resale.

Permit means the document issued by the Tribal Public Health Officer that authorizes a person to operate a food establishment.

Person means any individual, corporation, company, association, society, firm, partnership, joint stock company, or governmental agency, or the authorized agents of any of these entities.

Food means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

Food Establishment means an operation that:

- a. Stores, prepares, packages, serves, and vends food directly to the consumer, or otherwise provides food for human consumption such as a restaurant; or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and
- b. Relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery or grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

A food establishment includes:

- a. An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is regularly inspected by the Tribal Public Health Officer; and
- b. An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premise; and regardless of whether there is a charge for the food.

Regulatory Authority means the Tribal Public Health Officer having jurisdiction over the food establishment. The Tribal Public Health Officer, is the regulatory authority for the activity of a food establishment.

Temporary Food Establishment is a Food Establishment that serves food to the public at a fixed location that uses a commercial or mobile kitchen for food prep and cooking and is either:

- a. Operating at a fixed location, with a fixed menu, for not more than 15 consecutive days in conjunction with a single event or celebration, such as a fair or festival, or tribal sponsored event; or
- b. Operating not more than three days a week at a fixed location, with a fixed menu, in conjunction with an approved, recurring, organized event, such as a farmers market.

If the event is advertised to the general public by email, social media, or with flyers, banners, newspaper articles or by any other means, a temporary food permit is required.

IV. Procedures

A. Temporary Food Establishment Application Process

All temporary food establishments must apply for a temporary food permit through the Tribal Public Health Officer either in person or online through the following SmartSheet link: <https://app.smartsheet.com/b/form/878b79c838a54066a2c2d5f0b4891c01> and undergo an on-site inspection of the food establishment. Applications must be submitted no later than 10 days prior to the first operating day of the food establishment.

Applicants must provide:

- a. Name
- b. Address
- c. Phone number

- d. Association to the Lower Elwha Klallam community
- e. Address of temporary food establishment operation
- f. Days and hours of temporary food establishment operation
- g. Menu of food items
- h. Location of food preparation
- i. Location of food cooking
- j. Transportation method of any food items
- k. Method to keep cold food cold
- l. Method to keep hot food hot
- m. Method to measure temperature of food and food holding devices
- n. Process used to wash cooking ware, serving ware, and food prep dishes
- o. Source of food items (purchase at Safeway, etc.)
- p. Methods to prevent cross contamination
- q. Verification of current food handler's permits
- r. Sources of potable water, waste water disposal, garbage disposal, power, and restrooms

B. Review and Inspection Process

No later than 5 days prior to the applicant's first operating day, the Tribal Public Health Officer will:

- a. Review the temporary food establishment application; and
- b. Perform on-site inspection; and
- c. Approve and issue a temporary food establishment permit; or
- d. Deny the temporary food establishment permit, and identify corrective actions needed before a permit can be issued.

C. Conditions Operating under a Temporary Food Establishment Permit

The conditions for operating under a temporary food establishment permit are as follows. The food establishment must:

- a. Display the temporary food establishment permit in location visible by consumers.
- b. Display current food handler's permits for all persons involved in the food establishment in a location visible by consumers.
- c. Maintain a log of food holding temperatures on two hour intervals.
- d. Provide reports of food borne illness to the Tribal Public Health Officer as they are reported.