



**GUIDELINES
FOR FOOD VENDORS
AT
TEMPORARY EVENTS**

**New Brunswick Department of Health
Office of the Chief Medical Officer of Health**

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1. INTRODUCTION

The mission of the Office of the Chief Medical Officer of Health (OCMOH) is to improve, promote, and protect the health of the people of New Brunswick.

The “Guidelines for Food Vendors at Temporary Events” has been prepared to provide guidance to individuals (food vendors) who wish to sell food at a Temporary Event. These guidelines outline the requirements for compliance with the *Food Premises Regulation* under the *Public Health Act* (See [Appendix A – Legislation and Authority](#); and [Appendix B – Definitions](#)).

By following these guidelines, individuals selling food at a Temporary Event can make a significant contribution to keeping those attending safe and healthy. Safe food handling practices help to eliminate, reduce and control foodborne illness (food poisoning) in a community.

This document provides a guideline for food vendors. A separate stand-alone document titled “Temporary Events, A Guide for Event Organizers” has been developed for Event Organizers.

2. WHAT IS A TEMPORARY EVENT

The Department of Health considers a “Temporary Event”, a sponsored or community organized event, lasting less than 14 days that may have food and/or liquor service. A temporary event does not include those operations that open multiple weekends in a row.

Examples would include events or celebrations such as Canada Day, fairs or exhibitions that last for a period of no more than 14 consecutive days.

3. FOOD SERVICE AT A TEMPORARY EVENT

Food vendors at a temporary event must be approved by Health Protection Services. In most cases, food vendors attending a temporary event will require a Temporary Food Premises Licence. Health Protection Services requires food vendors to submit their application 15 days prior to the event in order to process their application. Applications received 7 days or less from the date of the event may not be approved.

Applications and corresponding documentation can be forwarded to Health Protection Services ([See Appendix C](#)).

4. SHARED SERVICES

A Temporary Event may have an organizer that takes responsibility for the overall event set up and operation.

The event organizer may choose to provide shared services to help assist food vendors in meeting the requirements for licensing and to help reduce the risk of injury, illness, or the creation of a health hazard. Some examples of shared services include:

- Provision of electricity
- Provision of potable (drinkable) water
- Provision on waste water collection and disposal
- Provision of solid waste handling and disposal
- Communal clean-up area e.g. a common kitchen where food vendors can clean and sanitize their utensils.
- Communal facilities for frozen and refrigerated food storage

In addition to the above, some other important services the event organizer may provide include:

- Overall site planning
- Selection/approval process for a food vendor to be located at the event. Some vendors are exempt from licensing under the *Public Health Act* ([See Appendix A](#)). However, an event organizer could require all Temporary Event Food Premises to have Health Protection Services approval.

For each event, event organizers are to provide a copy of any applicable agreements between the event organizer and the food vendor(s) to Health Protection Services to support the licensing information requirements.

Notwithstanding the fact that an event organizer may supply communal services, it is the full responsibility of the food vendor to be in compliance with the *Public Health Act* and *Regulations* at all times. The Public Health Inspector will hold the food vendor accountable and not intervene with the event organizer on behalf of the food vendor.

5. LICENSING

Temporary food premises shall be issued a Class 3 or 4 Temporary Food Premises Licence.

Although most food vendors will require a Temporary Food Premises Licence, some food premises may be exempted from requiring a Temporary Food Premises Licence ([See Appendix A](#)). Even if exempted from licensing, food vendors are encouraged to consult with a Public Health Inspector on their intended operation to prevent health hazards from occurring. The *Public Health Act* allows Public Health Inspectors the authority to inspect and take action on **any** food premises if a potential health hazard is identified.

Food vendors must complete both the “Application for Food Premises Licence” and the “Mandatory Information Form for Temporary Food Premises”, as described in [Section 7](#) of this Guideline. Food vendors must also refer to the “*Public Health Inspector Guide to Food Premises Inspections*” to ensure they meet the criteria of Health Protection Services ([See Section 9](#)).

A licence to operate a Temporary Food Premise is for a specific event, location and time period. This means that licences are non-transferable, and a new application for a licence must be submitted should the vendor wish to operate at another event.

5.1 CLASS 3

A Class 3 food premise is where potentially hazardous food is stored, handled, displayed, distributed, sold or offered for sale **without any processing or preparing** on the premises.

5.2 CLASS 4

A Class 4 food premise is where food is **prepared or processed** for sale or consumption on or off the premises.

5.3 FOOD PREMISES LICENSED OUTSIDE NB

Licences are **not** transferrable from another jurisdiction.

If an operator comes from another province (e.g. Nova Scotia) where they are licensed, they are still **required** to apply for, and obtain, a Temporary Food Premises Licence in New Brunswick.

5.4 FOOD PREMISES IN NB LICENSED OUTSIDE THE EVENT

A food premises at a Temporary Event that has a Class 4 or 5 licensed premises outside of the event is permitted to do the following at the temporary event location under the same licence:

- Transport food
- Hold foods hot or cold
- Re-heat previously cooked foods (i.e., lasagna, soups, stews, meat pies, etc.)
- Divide food into portions for the purpose of serving
- Dishwashing
- Any Class 3 type of activity, for example, a Class 4 licensee who peddles fish to the event or a Class 5 cheese-making plant that brings blocks of cheese and subdivides into smaller portions for sale at the event

However, if the same Class 4 or 5 licensee wants to cook, mix food or food ingredients, cut and/or chop at the event location, the Class 4 or 5 licensee will require an additional Class 4 licence for the temporary event location. This would not apply to mobile food premises that are licensed in New Brunswick to prepare food directly in the unit.

5.5 TERMS AND CONDITIONS

Food vendors may have terms and conditions attached to the licence when it is issued. For example, this could include a specific list of potentially hazardous foods that a vendor is permitted to prepare and/or sell at the event.

Any change to the “Terms and Conditions” will require a new application for a licence. **Given the short timeframe of a temporary event, approval of additional potentially hazardous food products may not be possible.** Therefore, it is very important for the food vendor to include a list of all food products they plan to sell at the very beginning of their application.

The “Terms and Conditions” can relate to topics including, but not restricted to:

- Type of food
- Type of preparation
- Degree of handling
- Equipment and utensils
- Hours of operation (e.g. daylight only)
- Arrangements with an off-site Class 4 or 5 Food Premises being used as part of their operation and any associated areas of concern (e.g. food transportation)

6. FOODS NOT PERMITTED TO BE SOLD OR OFFERED FOR SALE AT A TEMPORARY EVENT

Some **examples of foods not permitted** are:

- All milk and milk products made with raw milk unless they are from a provincially licensed Class 5 Dairy Plant or federally registered/licensed establishment
- Low acid canned/bottled food unless produced in a federally licensed facility, examples include vegetables not acidified in vinegar (asparagus, beets, corn, garlic, green beans, peppers), mushrooms, chicken and chicken livers, ham, liver pate, sausage, salted and fermented fish products, chicken or beef stew, bottled fish or shellfish (bar clams, oysters, clam fricot, lobster), and bottled meat
- Smoked fish, shellfish and seafood products unless produced in an approved/licensed facility.
- Meat and poultry or their products from animals that have not been slaughtered at a provincially licensed or federally registered/licensed establishment
- Wild foraged mushrooms
- Foods prepared in a kitchen in a private home where meals or foods are prepared for family members, non-paying guests or boarder sunder private arrangement;

This list is not meant to include all prohibited foods. If in doubt about your product you should consult a Public Health Inspector.

7. APPLICATION PROCESS

7.1 COMPLETING THE APPLICATION

In order to be approved as a food vendor, the food vendor must complete the following:

- [Appendix D - Application for Food Premises Licence](#) – Page 1.
 - The “Application for Food Premises Licence” can also be found:
 - At any Service New Brunswick (SNB) office
 - Online at www.snb.ca (more specifically <https://www.pxw1.snb.ca/snb7001/b/1000/CSS-FOL-35-1762B.pdf>)
 - At any Health Protection Services regional office ([See Appendix C](#)).
- [Appendix E- Mandatory Information Form for Temporary Food Premises](#)

Applications and corresponding documentation can be forwarded to the regional Health Protection Services office ([See Appendix C](#)).

NOTE: A food vendor application will not be deemed complete until both the *Application for Food Premises Licence* and the *Mandatory Information Form for Temporary Food Premises*, containing all the required information, have been submitted to Health Protection Services. Health Protection Services requires food vendors submit their application 15 days prior to the event in order to process the application for a Temporary Food Premise Licence. Applications received 7 days or less from the date of the event may not be approved.

7.2 LICENCE FEES

There is no fee required for a Temporary Food Premise Licence.

8. PUBLIC HEALTH INSPECTION

Public Health Inspectors at Health Protection Services of the Department of Public Safety enforce the *Public Health Act* on behalf of the Department of Health.

When deemed necessary by a Public Health Inspector, a food vendor at a Temporary Food event may require an inspection prior to a licence being issued and prior to the premises beginning operation. Public Health Inspectors may conduct routine inspections of licensed temporary food premises during the event.

Routine inspections are unannounced and are a full assessment of the premises including its facilities, operating practices and on-site documentation required by the Regulations. Any violations of the regulations or Terms and Conditions of the licence will be recorded and

discussed with the licensed food vendor or the person in charge at the time of the inspection.

NOTE: Given the short duration of temporary events, premises with critical or major deficiencies that cannot be immediately corrected may have their licence revoked. Additionally, if the Public Health Inspector is of the opinion that any food is an immediate health hazard, that food will be seized and destroyed.

There may not be sufficient time to carry out correction, re-application, training or other required actions. Therefore, if a temporary food premises has been closed, it is possible that it will remain closed for the rest of the event.

9. CRITERIA USED BY PUBLIC HEALTH INSPECTORS IN DETERMINING COMPLIANCE

Please refer to the “*Public Health Inspector Guide to Food Premises Inspections*” online at: <https://www2.gnb.ca/content/dam/gnb/Departments/h-s/pdf/en/HealthyEnvironments/FoodPremisesInspections.pdf>

In order to help food vendors verify their level of compliance, food vendors can start by referring to the criteria listed in [Appendix F - Checklist for Temporary Food Premises](#).

10. ADDITIONAL GUIDANCE FOR FOOD VENDORS

10.1 Water Testing

As part of the licensing process, food vendors must demonstrate that they have a safe and adequate supply of potable water.

Prior to operation:

- The water source must be tested at the expense of the sponsoring agency, organizer or food premises. This would not apply to public water supplies that have water sampling plans and are monitored by Health Protection Services.
- If the event is being supplied by a private well, at least one (1) or more acceptable bacteriological water sample results is required before commencing the operation, with the sample taken no sooner than 2 weeks prior to the event.
- All results must be forwarded to Health Protection Services no later than 1 week prior to the event.
- Health Protection Services may recommend additional testing for the duration of the event.

10.2 Water Infrastructure (if required)

In some instances food vendors may require the installation of temporary water lines to connect to the event’s potable water supply. In other larger events, connections to the event’s potable water supply may be more extensive (e.g. temporary lines may have to be connected

to drinking water stations, comfort stations - washrooms with toilets and handwashing sinks, etc.).

In each case the event organizer must ensure that water infrastructure work is coordinated and managed in a manner that meets the requirements of Health Protection Services. This may require the event organizer to obtain the services of an engineer or municipal water operator.

If water infrastructure is necessary, the following steps shall be followed:

- National Sanitation Foundation (NSF) Standards for materials that come in contact with potable water must be met.
- Written disinfection procedures must be submitted to Health Protection Services and approved by Health Protection Services prior to work being completed. The following disinfection procedure is an example of how a food vendor can disinfect their hose when connecting to the temporary events water source:
 - Step 1: Prepare the disinfectant solution by mixing $\frac{1}{4}$ cup of bleach in one gallon (4.5 litres) of water or 1 part chlorine solution to 100 parts water.
 - Step 2: Plug one end of the hose.
 - Step 3: Pour the solution into the other end and leave for at least one hour.
 - Step 4: Empty the solution from the hose and rinse with drinking water until the chlorine odour has completely disappeared.
- American Water Works Association (AWWA) drinking water standards must be followed before commissioning of the water infrastructure.
- All connections must be disinfected in accordance with the best management practices outlined in AWWA standards prior to connecting to a potable water supply.
- Testing and documentation of chlorine residuals is required at all extremities of distribution lines. These results may be requested by the Public Health Inspector, who may also determine the timeline for submission of this data.
- If continuous disinfection is required, ultraviolet (UV) treatment may be the best option for this type of event; however, pretreatment of the water supply may be required.
- Consultation with the provincial plumbing inspector concerning backflow preventers should be considered. The Public Health Inspector may request a copy of the plumbing inspector's report.

10.3 Water Containers

- Food vendors must ensure the containers used to store water in are food grade and have been properly cleaned and sanitized prior to use. The following procedure is an example of how food vendors can cleaned and sanitized their water containers:
 - Step 1: Wash container by filling with a clean hot detergent solution
 - Step 2: Rinse container with clean warm water
 - Step 3: Sanitize container by filling with clean warm water with 100 ppm of chlorine or 200 ppm quats. Note: food vendors are required to have sanitizer test strips to check the sanitizer solution to ensure it is mixed to the proper strength.
 - Step 4: Drain container and let air dry

10.4 Ice

- Ice must be from an approved source. Ice used for consumption in drinks must be stored in a way that it is protected from contamination.

10.5 Sanitary Facilities

- Grey water which is not discharged into a sewerage system shall be stored in water-tight containers with tight-fitting covers while waiting for pick up and disposal. Grey water containers should be at least 15% larger than the water reservoir. Containers should be emptied daily or as often as required to prevent the creation of a health hazard.
- Food vendors are prohibited from running wastewater lines to catch basins, or from dumping wastewater down a catch basin.
- Liquid waste that is not discharged into a sewerage system is to be stored, transported and disposed of, in such a manner, as not to create a health hazard.

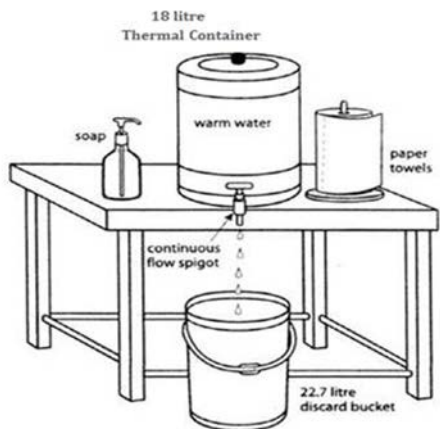
10.6 Solid Waste

- Solid waste shall be kept in water-tight, non-absorbent, washable containers with tight-fitting covers or other approved water-tight receptacles.
- They shall be removed daily or as often as required to prevent a health hazard.
- Solid waste shall be disposed of in a place and manner acceptable to the Department of Environment and Local Government.
- Each food vendor must have its own solid waste container(s). Solid waste must be removed from the food vendor's area and its immediate environment on a regular basis to prevent accumulation that may lead to a health hazard.

10.7 Handwashing Stations

For the purpose of the “TE Guidelines for Food Vendors” warm water in lieu of hot water will be accepted given that hot water will be difficult to provide at many outdoor temporary events.

Alternative equipment to plumbed-in sinks may be used; however, water still needs to be running, warm (at a minimum) and from a known potable source. Sinks must be of a size that allows for proper hand washing. See Photo: Upside Down Jug Method.



Appendix A – Legislation and Authority

- Section 3(1),(e),(f),(j) and (k) of the *Food Premises Regulation* states: “*This Regulation does not apply to:*
 - (e) *a produce stand that offers only whole, uncut fresh fruits or vegetables,*
 - (f) *a premises where only non-potentially hazardous food is stored, displayed, distributed, transported, sold or offered for sale, without any preparation, manufacturing or processing of food on the premises,*
 - (j) *a food premises of a not-for-profit organization where food is prepared for a single-day event,*
 - (k) *a food premises where food is prepared and sold on an occasional basis to raise money for a not-for-profit organization, or*
 - (l) *a stand where only hard ice cream and ice cream toppings are sold but not produced or processed.*
- Section 5 of the *Public Health Act* states: “*Where a medical officer of health or public health inspector has reasonable grounds to believe that a health hazard may exist in or on any premises, the medical officer of health or public health inspector shall investigate or cause an investigation to be carried out to determine whether a health hazard exists.*”
- Section 6 (1-12) of the *Public Health Act* provides authority to issue orders once there is reasonable grounds that a health hazard exists.
- Section 7 (1) of the *Public Health Act* states: “*A medical officer of health or a public health inspector who is of the opinion upon reasonable and probable grounds, that a condition or any substance, thing, plant or animal other than man is a health hazard, may seize or cause the seizure of the substance, thing, plant or animal*”.
- Section 12(1) of the *Public Health Act* states: “*No person shall operate a food premises unless the person is the holder of a licence issued in accordance with this Act and the regulations.*”
- Section 16 of the *Public Health Act* states: “*No person shall sell or offer for sale any food that is unfit for human consumption by reason of disease, adulteration, impurity or other cause.*”
- Section 43(1) of the *Public Health Act* states: “*A medical officer of health or a public health inspector may, for the purpose of this Act, for the purpose of ensuring compliance with any provision of this Act or the regulations or for the purpose of*

exercising a power or carrying out of a duty under this Act or the regulations, do any of the following:

(a) enter and have access to, through or over any premises;

(b) make inspections, examinations, tests and inquiries;

(c) make or require the making of copies or extracts of documents or records related to an examination, inspection, test or inquiry;

(d) take or require the taking of samples related to an inspection, examination, test or inquiry;

Appendix B - Definitions

“Abattoir” includes slaughterhouses and any place where cattle, sheep, swine, poultry or other animals are killed for use as food.

“Class 3 food premises” means food premises where potentially hazardous food is stored, handled, displayed, distributed, sold or offered for sale without any processing or preparing on the premises.

“Class 4 food premises” means a food premises where food:

- a) is prepared or processed without killing or pasteurizing or, if meat or fish is being prepared or processed, without thermal processing, and
- b) is for sale and is consumed on or off the premises, but is not distributed wholesale.

“Class 5 food premises” means a food premises where food is processed for direct sale or wholesale or where food is prepared for wholesale distribution.

“Container” means a receptacle or covering used to package, wrap, contain or cover food.

“Contamination”, with respect to food, means conditions that permit

- a) the introduction of foreign matter,
- b) the introduction or multiplication of disease-causing microorganisms or parasites, or
- c) the introduction or production of toxins.

“Equipment” means any appliance, apparatus or device that is used in the operation of a food premises, but does not include utensils.

“Event Organizer” means the person or organization responsible for oversight of the entire event.

“Fish” means any fish, including mollusks, crustaceans and echinoderms, and any of their parts, products or byproducts.

“Food” means food or drink, including milk, for human consumption and includes an ingredient of food or drink for human consumption.

“Food contact surface” means the surface of equipment or utensils with which food normally comes into contact, and includes counter surfaces.

“Food premises” means a premises where food or milk is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, and includes a food vending machine and an abattoir but does not include premises exempted by the regulations.

“Handling” means subdividing and/or repackaging only of potentially hazardous food.

“Hand washing station” means a hand basin that is provided with hot and cold running potable water and that has in its immediate vicinity a dispenser for the provision of liquid or powder soap and a method of hand drying that uses paper towels in a dispenser or that uses forced air.

“Health hazard” means

- a) a condition of a premises,
 - b) a substance, thing or plant or animal other than man,
 - c) a solid, liquid, gas or combination of any of them, or
 - d) a noise, vibration or radiation
- that has or is likely to have an adverse effect on the health of a person.

“Licence” means a licence to operate a food premises.

“Licensee” means a person to whom a licence has been issued to operate a food premises.

“Milk” means milk originating from any animal other than man and intended for human consumption.

“On-site sewage disposal system” means a septic tank with subsurface disposal field and all other on-site sewage disposal systems that are not connected to a wastewater treatment facility approved by the Minister of Environment under the Clean Water Act.

“Pest” means any animal or arthropod that may contaminate food or food contact surfaces, and includes rats, mice, cockroaches and flies.

“Potable water” means water that is suitable, on the basis of health considerations, for cooking or drinking by humans.

“Potentially hazardous”, with respect to food, means a form or state that is capable of supporting the growth of pathogenic microorganisms or the production of toxins. These foods are generally characterized by a water activity of greater than 0.85 and a pH of greater than 4.6. These include high and medium risk foods that are ready-to-eat when served or sold to the consumer. Examples of potentially hazardous foods include:

- meat and meat products
- fish, shellfish and seafood products
- poultry
- eggs
- cream-filled pastries and pies
- cut fruits and vegetables

“Process” includes killing, eviscerating, thermal processing, smoking, salting, pickling, pasteurizing and processing of previously processed food.

“Public health inspector” means a public health inspector appointed under Section 62 of the Public Health Act.

“Public water supply system” means a water supply system that is owned or operated by a municipality, a rural community or the Crown in right of the Province and includes such other water supply systems owned or operated by other persons as are prescribed by the regulations.

“Sanitize” means to treat by a process that destroys most microorganisms, including all pathogens.

“Single service articles” means any article such as cups, plates, knives, forks, spoons, straws or other items that are designed or intended to be used only once and discarded for the serving and consumption of food.

“Temporary food premises” means a food premises that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

“Utensils” includes kitchenware, tableware, glasses, cutlery or other similar items used in the handling, preparation, processing, displaying, serving, dispensing, storing, containing or consuming of food.

“Water supply system” means a works that conveys or is able to convey water for human consumption.

Appendix C – Health Protection Services Regional Office Contact Information

For applications that do not require a fee, applications and corresponding documentation may be submitted by email to one of the regional email addresses, by mail or fax or in person to one of the Health Protection Services regional offices listed below.

Health Protection Services Regional Offices		
165 St. Andrew Street Bathurst , NB E2A 1C1 Tel: 506-549-5550 Fax: 506-547-2332	113 Roseberry Street, Unit 202 Campbellton , NB E3N 2G6 Tel: 506-789-2549 Fax: 506-753-6648	295 St. Pierre Boulevard West Caraquet , NB E1W 1A4 Tel: 506-394-4728 Fax: 506-726-2493
121 Church Street Edmunston , NB E3V 3L3 Tel: 506-737-4400 Fax: 506-737-4495 (Also for Grand Falls)	300 St. Mary's Street, Suite 1400 Fredericton , NB E3B 2S4 Toll-free: 1-844-553-2830 Tel: 506-453-2830 Fax: 506-453-2848	1780 Water Street, Suite 300 Miramichi , NB E1N 1B6 Tel: 506-778-6765 Fax: 506-778-6756
301-81 Albert Street Moncton , NB E1C 1B3 Tel: 506-856-2814 Fax: 506-869-6122	55 Union Street P.O. Box 93 Saint John , NB E2L 3X1 Toll-free: 1-888-652-1333 Tel: 506-658-3022 Fax: 506-643-7894	239 B.J.D. Gauthier Boulevard Shippagan , NB E8S 1N2 Tel: 506-394-4728 Fax: 506-336-3068
3520 Principale Street Tracadie , NB E1X 1C9 Tel: 506-394-4728 Fax: 506-394-3858		

Regional Health Protection Services Email Addresses:	
Central / centrale	FoodLicenceCentral.LicenceAlimentsCentrale@gnb.ca
East / est	FoodLicenceEast.LicenceAlimentsEst@gnb.ca
North / nord	FoodLicenceNorth.LicenceAlimentsNord@gnb.ca
South / sud	FoodLicenceSouth.LicenceAlimentsSud@gnb.ca