

*Si necesita un traductor, llame al 360-728-2235 y diga español.*

June 16, 2022

**RE: UPDATE FOR FOOD ESTABLISHMENTS WITHOUT PERMANENT PLUMBING**

Dear Food Establishment Operator:

Other than a temporary food booth that operates a few hours or days at a fair or festival, all food establishments are required to have permanent plumbing to ensure safe sources of fresh water, sufficient capacity to keep hands and surfaces clean, and safe connections to dispose of sewage.

To ensure protection of the consumer and surrounding area, food establishments operating without permanent plumbing have always been required to submit additional materials to demonstrate ability to meet safe water source and disposal requirements before approval. A recent change in the state's food service rule does not change that requirement. However, the rule change will consider these requests as a variance from the affected sections of the food service rule. Other food establishments that make similar requests to deviate from a substantial food safety requirement are also required to complete a variance to show they can maintain food safety controls in the unique situation.

The Washington State Retail Food Code ("Food Code") was updated and went into effect on March 1, 2022. A section in the old version of the Food Code was removed, which you may have seen publicized in the media. This letter will address concerns you may have, and we encourage you to contact your inspector if you have any further questions. You may also contact any food inspector by calling 360-728-2235.

**What section was removed in the old Food Code?**

**Washington Administrative Code (WAC) 246-215-09180** "The regulatory authority may allow a person to operate a food establishment with a limited menu in a movable building without permanent plumbing under applicable provisions of [the Mobile Food Unit] subpart."

**Why was the rule changed?**

**Comments during rule revision.** The Washington State Department of Health received comment during the 2018-2020 rule revision process to remove the section as permanent buildings did not fit in the section related to mobile food trucks. Mobile food trucks have onboard plumbing needed to support

food handling and are required to travel for needed services. Structures on a chassis would fit a mobile food unit category, but stationary structures are not easily or routinely moved to access needed service.

**Vagueness of outgoing section.** The outgoing code provision was vague as it included the phrase "The regulatory authority *may* allow [emphasis added]".

### **What types of establishments are usually approved without permanent plumbing?**

Typically, coffee stands, limited-menu kiosks, and concession stands are the types of food establishments that would most likely be approved without permanent plumbing. While some establishments may have been approved a broader menu, the code specified 'limited menus'.

Most of the affected units will be in areas without direct access to potable water supply or safe wastewater disposal, such as rural areas without service, paved parking areas with no direct connection, or mixed-use spaces with repeated, but short-term use such as concession stands.

### **Does the rule change require closure of existing businesses?**

No. Structures operating as approved do not require closure. The code change does not necessitate closure or modification of the structures currently in compliance, including establishments with approved off-site restroom agreements. It also does not preclude similar structures that are able to meet food safety and other jurisdictional requirements from being approved in the future (including changes of ownership), but the [variance process](#) will need to be followed in these cases.

### **What does the code change require?**

The code change will require applicants to request a variance from the health district to demonstrate how they will satisfactorily meet the requirements for safe water and food preparation without permanent plumbing. Current operators have routinely provided this information during the application process.

- Examples include limiting the menu and food handling, having an agreement with a neighboring business to use the restroom, using a separate restaurant kitchen to wash utensils, using commercially-supplied fresh water, and having a service remove wastewater.

If I can be of any further assistance, please do not hesitate to contact me at 360-728-2301 or [dayna.katula@kitsappublichealth.org](mailto:dayna.katula@kitsappublichealth.org).

Respectfully,



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