

# New Food Establishment Information Packet



**Orange County Environmental Health and Code Compliance**

**11475-C FM 1442**

**Orange, Texas 77630**

**409-745-1463 (Phone)**

**409-745-1523 (Fax)**

**[jscals@co.orange.tx.us](mailto:jscals@co.orange.tx.us)**





**We are excited to hear that you are opening a new food establishment here in Orange County!**

This packet has been put together to help answer your questions and give you the tools you will need to get your business started. Please know that if your business is going to be located inside the city limits you must contact that city's code enforcement department to obtain other required permits.

What type of retail food businesses need a retail food permit?

- All Restaurants
- Bakeries
- Mobile Units
- Catering Businesses
- Convenience Stores
- Schools/Cafeterias
- Daycares
- Church Soup Kitchens
- Hotels
- Drug Stores
- Supermarkets/Bakeries/Deli
- Snow Cone Stands
- Mobile Shrimp Vendors
- Retail Meat Markets (excludes deer processing)

**Food Code and the Texas Food Establishment Rules (TFER)**

This is the code book of Rules and Regulations that all food service establishments in the Orange County must follow. The State of Texas adopted the 2017 Food Code with amendments that are listed in the TFER. For a copy of these rules please visit our website at [http://www.co.orange.tx.us/Food\\_Service.html](http://www.co.orange.tx.us/Food_Service.html)



# Orange County Environmental Health Code Compliance

11475-C FM 1442; Orange, Texas 77630

Phone: 409-745-1463 Fax: 409-745-1523

Email: jscales@co.orange.tx.us

## Food Service Permit Application

**Permit Will Not Be Issued If Form Is Not Filled Out Completely**

Name of Establishment: \_\_\_\_\_

Owner (Person): \_\_\_\_\_

Manager: \_\_\_\_\_

Mailing Address: Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

Physical Address: Address: \_\_\_\_\_  
City: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Mobile Phone: \_\_\_\_\_

Federal Tax ID Number: \_\_\_\_\_

Area:             Orange                                     West Orange                                     Pinehurst  
                   Vidor                                             Bridge City                                     Pine Forest  
                   Rose City                                             Orange County (outside city limits)

Food Service Type:

<input type="checkbox"/> Restaurant (0-20 Seats)	<input type="checkbox"/> Bakery
<input type="checkbox"/> Restaurant (21-50 Seats)	<input type="checkbox"/> Meat/Fish Market (no food prep)
<input type="checkbox"/> Restaurant (51-75 Seats)	<input type="checkbox"/> Meat/Fish Market (food prep)
<input type="checkbox"/> Restaurant (75+ Seats)	<input type="checkbox"/> School Food Service
<input type="checkbox"/> Convenience (no food prep)	<input type="checkbox"/> Church Food Service (Soup Kitchen)
<input type="checkbox"/> Convenience (food prep)	<input type="checkbox"/> Mobile Vendor (Ice Cream)
<input type="checkbox"/> Grocery (no food prep)	<input type="checkbox"/> Non-Profit (No Fee)
<input type="checkbox"/> Grocery (food prep)	<input type="checkbox"/> Temporary: 3-day
<input type="checkbox"/> Take Out Food	<input type="checkbox"/> Road Side Vendor
<input type="checkbox"/> Snow Cone Stand	<input type="checkbox"/> Daycare Facility

\_\_\_\_\_  
Signature of Owner/Manager

\_\_\_\_\_  
Date

## Permitted Establishments

Retail food establishments, unless specifically exempted, must be permitted.

There are (3) types of permits:

1. Fixed Establishment
2. Mobile Food Unit (including roadside vendors)
3. Temporary Establishment- single event not to exceed (14) consecutive days

## Certified Food Protection Manager Information:

A Certified Food Protection Manager shall be present at each retail food establishment at all times. This employee must have the authority to direct and control food preparation and service. A Certified Food Protection Manager must show proficiency of the required information through passing a test that is part of an accredited program.

The original food manager certificate shall be posted in a location in the food establishment that is conspicuous to consumers.

## Food Handler Information:

Except in a temporary food establishment and the certified food manager, all food employees shall successfully complete an accredited food handler training course, within (30) days of employment. The food establishment shall maintain on premises a certificate of completion of the food handler training course for each food employee. The requirement to complete a food handler training course shall be effective September 1, 2016.

This section does not apply to certain types of food establishment deemed by the regulatory authority to pose minimal risk of causing, or contributing to, foodborne illnesses based on the nature of the operation and extent of food preparation.

## Classroom Instruction:

We have partnered up with the Orange County Texas AgriLife Extension Service to provide classroom instruction for both the Certified Food Protection Manager and the Food Handler requirements. These classes are taught throughout the year. If you are interested in these classes please call them at 409-882-7010.

## Online Courses:

There are several companies that offer the online courses. Here are the websites:

Food Protection Manager

<http://www.dshs.texas.gov/food-managers/default.aspx>

Food Handler

<http://www.dshs.texas.gov/food-handlers/default.aspx>





## **Obtaining a Tax ID Number**

You must have a Sales Tax ID Number before you submit a permit application!

You will need to contact the State Comptroller's Office at 1-800-252-5555 or by referring to their website at <http://www.window.state.tx.us/taxpermit/> for information about obtaining a Sales Tax ID Number.

## **Equipment and Facility Requirements**

The following list of equipment and facility requirements was developed in response to questions from customers making initial business decisions. This is not a complete list for every food establishment. For a more detail list please refer to the FDA Food Code 2017 or the Texas Food Establishment Rules (TFER) at [http://www.co.orange.tx.us/Food\\_Service.html](http://www.co.orange.tx.us/Food_Service.html)

- A (3) compartment sink to wash, rinse and sanitize equipment and utensils. A mechanical dishwasher may also be utilized.
- Hand washing sink(s) conveniently located in the food preparation area(s).
- Employee restroom(s) with hand washing facilities and proper signage.
- Hot and cold water under pressure at all sinks.
- A service sink for curbed cleaning facility for mops and mop buckets.
- A sewage disposal system that is properly constructed, maintained and operated.
- Adequate heating and/or refrigeration equipment for cooking, reheating or holding foods at safe temperatures.
- An appropriate temperature measuring devices for checking internal food temperatures.
- An accurate thermometer for each hot/cold holding unit.

## **Restrictions on Commercial Food Preparation in a Home**

The Texas Food Establishment Rules (TFER), Section 228.174(k) states: A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting food establishment operations.

## **Cottage Food Production Information**

A cottage food production operation is defined as an individual, operating out of the individual's home, who:

- Produces a baked good; candy; coated and uncoated nuts; unroasted nut butters; fruit butters; a canned jam or jelly; a fruit pie; dehydrated fruit or vegetables, including dried beans' popcorn and popcorn snacks; cereal, including granola, dry mix; vinegar, pickled fruit or vegetables, including beets and carrots, that are preserved in vinegar, brine, or similar solution at an equilibrium pH values of 4.6 or less; mustard; roasted coffee or dry tea; or a dried herb or dried herb mix; plant-based acidified canned goods, fermented vegetable products, including products that are refrigerated to preserve quality; frozen raw and uncut fruit or vegetables; or any other foods that are not a time and temperature control for safety food.
- Has an annual gross income of \$50,000 or less from the sale of the described foods; and
- Sells the foods produced directly to consumers at the individual's home, a farmers' market, a farm stand, or a municipal, county, or nonprofit fair, festival or event.
- Delivers products to the consumer at the point of sale or another location designated by the consumer.

## **Cottage Food Production Licensing**

A cottage food production operation is exempt from the requirements of a food service establishment and does not have to comply with the FDA Food Code or the Texas Food Establishment Rules. Health Departments do not have regulatory authority to conduct inspections of a cottage food production operation. However, the Department or local health authority has authority to act to prevent an immediate and serious threat to human life or health through emergency order, recall orders and delegation of powers or duties. Health Departments are required to maintain records of all complaints against a cottage food production operation.

## **Cottage Food Production Requirements and Restrictions**

An individual who operates a cottage food production operation must successfully complete a basic food safety education or training program for food handlers accredited under [Health and Safety Code, Chapter 438\(D\)](#).

A cottage food production may not sell to customers potentially hazardous foods. A potentially hazardous food (PHF) is a food that requires time and temperature control for safety (TCS) to limit pathogen growth or toxin production. In other words, a food must be held under proper temperature controls, such as refrigeration to prevent the growth of bacteria that may cause human illness. A PHF/TCS is a food that:

contains protein, moisture (water activity greater than 0.85), and is neutral to slightly acidic (pH between 4.6 -7.5).

Food produced by a cottage food production operation may not be sold via the Internet, by mail order or at wholesale. The Department of State Health Services is in the process of amending the rule, [Section 229.661](#), concerning cottage food production operations.

## **Cottage Food Production Food Labeling**

Foods sold by a cottage food production operation must be packaged and labeled. The food must be packaged in a manner that prevents product contamination, except for foods that are too large and or bulky for conventional packaging. The labeling information for foods that are not packaged must be provided to the consumer on an invoice or receipt. The label must include:

- The name and address of the cottage food production operation;
- The common or usual name of the product, if a food is made with a major food allergen, such as eggs, nuts, soy, peanuts, milk or wheat that ingredient must be listed on the label; and
- A statement: "This food is made in a home kitchen and is not inspected by the Department of State Health Services or a local health department."
- The labels must be legible.



## **Approved Water Sources/Water Wells**

Water used for food preparation, hand washing and dish washing must come from an approved source. The following sources are approvable:

- Community (municipal) Water System (Public Water System).
- Non-Community Water System (Public Water System) - This category included on-site wells that supply more than 25 customers per day for a total of 60 days per year. These wells must be

listed and approved by the Texas Commission of Environmental Quality (TCEQ). TCEQ will oversee the testing requirements and operation of the wells. Contact the TCEQ Public Drinking Water Section at (512) 239-4691 for more information.

- Non-Public (Private) Water System – This category includes wells that serve less than 25 customers per day for a total of 60 days per year. The well must be properly constructed, maintained and operated. Prior to use, the water must be sampled for safe bacteriological quality and must be tested at least bi-annually thereafter.

### **Minimum Requirements for Outdoor BBQ Pits and Crawfish Cookers**

Commercial outdoor cooking on barbeque pits and crawfish cooker is a common practice in Texas. Although many of these establishments have been in existence for many years, our first responsibility is to protect public health. Barbeque pits and crawfish cookers are used in many types of facilities, both old and new. The following guidelines should be used during an inspection to determine the requirements for the various types of barbeque facilities.

#### **Requirements Based Upon the Type of Facility**

Fixed Food Establishment- Outdoor barbeque pits/crawfish cookers in conjunction with a fixed food establishment shall have, as a minimum, an overhead cover, an enclosed screened shelter and floors that are surfaced with concrete, asphalt or similar materials. No food preparation activities, other than cooking on the pit are allowed unless hand washing facilities, with hot and cold water, are available inside the enclosure.

#### **Mobile Shrimp Vendors**

Mobile shrimp vendors shall have the following:

- Shrimp shall be safe for human consumption, from an approved source, in sound condition, and free from spoilage, filth, or any other type of contamination.
- Shrimp shall be maintained at 41° Fahrenheit or below, and stored in either a mechanical refrigeration unit, or in ice in a clean and sanitized container with a lid. Ice must be from an approved source.
- A three-compartment sink, plumbed with hot (minimum 110° F) and cold running water under pressure, shall be provided for the purpose of cleaning and sanitizing food contact surfaces of equipment and utensils. A hand wash sink “equipped to provide water at a temperature of at least 100° F through a mixing valve or combination faucet” shall also be provided and furnished with soap and paper towels. Water shall be from an approved source and be contained in an approved mobile food establishment water tank. A wastewater retention tank shall be installed on the mobile unit to retain all liquid wastes.
- The mobile food establishment shall be constructed so as to prevent the entrance of flies, dust, dirt, and other foreign matter.
- A mobile food establishment servicing area shall be provided for a mobile food establishment. In addition, a mobile food establishment may be required to operate from a central preparation facility or other fixed food establishment and shall report to such location for supplies and for cleaning and servicing operations. The central preparation facility shall be licensed and inspected by the appropriate health authority.
- The operator of a mobile food establishment shall maintain a current Certified Food Manager certification.
- A Retail Fish Dealer Truck Permit is required from the Texas Parks and Wildlife Department and can be obtained by calling (1-800) 792-1112 or from the website at <http://www.tpwd.texas.gov/>.

# Safe Refrigerator Storage for Retail Food Establishments

Fridge: 41°F / 5 °C

When storing foods, place the foods with the **highest** internal cooking temperatures at the **bottom** of your fridge!



Ready-to-eat foods, fully cooked foods, and produce

Internal cooking temperature of the food:



Raw seafood, fish, and eggs

145 °F

Note!

## FRIDGE SPACE

If you're low on space, you can place:  
a) raw seafood, fish, eggs  
b) steak, and  
c) pork  
on the same shelf!



Raw steak

145 °F



Raw pork

145 °F



Raw ground beef

155 °F

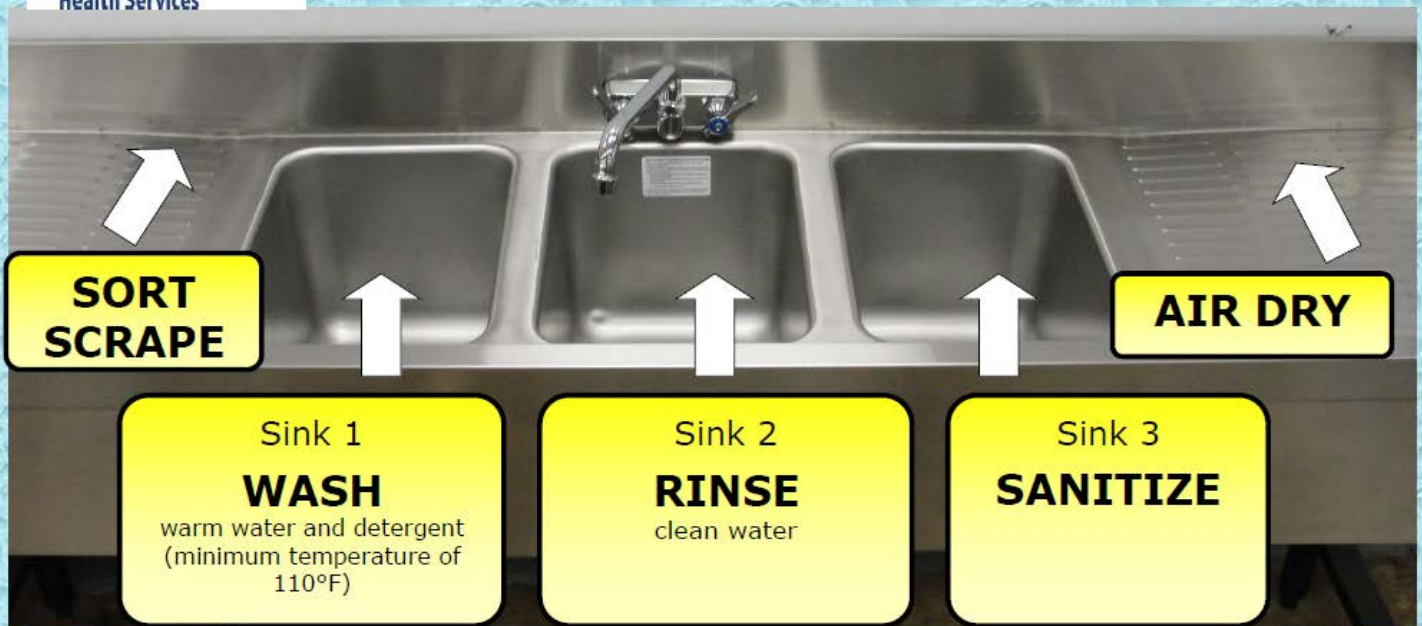


Raw poultry

165 °F



# Three-Compartment Sink



## HOW TO SANITIZE

### Chlorine Solution

- minimum temperature 75°F - 100°F
- 7-10 seconds in 25 - 100 ppm

### Quaternary Ammonium Solution

- minimum temperature 75°F
- 30 seconds in 200 - 400 ppm

### Iodine Solution

- minimum temperature 75°F
- 30 seconds in 12.5 - 25 ppm

*All chemical solutions should be tested for effectiveness using a test kit strip. Use according to manufacturer's directions and the Texas Food Establishment Rules*

## SERVICE SINK OR CURBED CLEANING FACILITY



**SERVICE SINK**



**CURBED CLEANING FACILITY**

## **EMPLOYEES MUST WASH HANDS BEFORE RETURNING TO WORK**



**1. Wet hands with running water,**



**2. Apply soap**



**3. Vigorously scrub lathered fingers, fingertips,**



**scrub hands and arms for at least 10 to 15 seconds**



**4. Rinse under clean running water**



**5. Dry cleaned hands and arms**



**TEXAS**  
Health and Human  
Services

**Texas Department of State  
Health Services**