

Guidance Document For Unattended Food Establishments

Prepared by the
Unattended Food Establishment Committee
Conference for Food Protection 2014-2016

Preface

Council I of the Conference for Food Protection (CFP) formed the Unattended Food Establishment Committee which was charged to:

- (A) Develop recommendations on whether and how the Food Code should be modified to address unattended food merchandising operations.
- (B) Consider any existing guidance from FDA and others and develop a CFP guidance document that could assist states when addressing the need to have alternative protective provisions in place when approving a waiver or variance for entities that do not meet section 2-101.11 and 2-103.11 of the Food Code.
- (C) Report back to the 2016 Biennial Meeting with a recommendation to Council I.

Charge No. 1: Upon completion of the guidance document the Committee was unsure as to where to place the proposed requirements for an unattended food establishment in the Food Code. The proposed requirements cover a number of different sections of the Food Code and some requirements, such as video surveillance, have never been addressed in the Food Code.

Charge No. 2: The CFP Unattended Food Establishment Committee recommends that this information be placed on the CFP website for use as a guidance document. This document is intended to assist regulatory authorities and the foodservice industry in the review, approval and operation of unattended food establishments.

Introduction

A recent innovation in retail operations is the “unmanned food establishment”. This type of operation is typically located in office buildings or restricted break areas where access by the general public is somewhat restricted. While a wide variety of food items may be provided, these operations frequently offer packaged TCS and non-TCS food products that are displayed via refrigeration units, food racks, baskets and/or countertop display units. “Unmanned food establishments” may also be equipped with microwave ovens or offer automatically dispensed hot and cold beverages. The one common characteristic of these operations is that they lack the presence of an onsite person-in-charge.

As these operations have been observed, various jurisdictions have identified them by a variety of names including, but not limited to, micro-markets, self-service food markets and self-service retail convenience stores. Since this type of establishment is not specifically addressed in the FDA 2013 Food Code, impacted jurisdictions have found it necessary to individually address licensing requirements. Except where otherwise indicated in the document, the requirements of the Food Code for food establishments shall apply. For purposes of this guidance document below, such operations will be referred to as Unattended Food Establishments.

The 2014 Conference for Food Protection Biennial Meeting established the “Unattended Food

Guidance Document
Unattended Food Establishment

Establishment Committee” which was tasked to develop a CFP guidance document that could assist states and local agencies in their regulation of these new entities. The committee proposes the following requirements need to be in place to allow the operation of an unattended food establishment:

Minimum Requirements for an Unattended Food Establishment

- A) Definitions
 - (1) Unattended Food Establishment means an operation that provides packaged foods or whole fruit using an automated payment system; and has controlled entry not accessible by the general public.
 - (2) Controlled Entry means selective restriction or limitation of access to a place or location.
- B) The plan review and food safety operating permit shall be in accordance with the requirements of the local authority having jurisdiction.
- C) Unattended Food Establishment Location
 - (1) The unattended food establishment shall be located in the interior of a building that is not accessible by the general public. Access to the unattended food establishment shall be limited to a defined population (e.g., employees or occupants of the building where the establishment is located).
- D) Nature and Source of Food and Beverages Offered for Sale
 - (1) Only commercially packaged foods properly labeled for individual retail sale (per Food Code definition of packaged and labeled per section 3-201.11(C) are offered).
 - (2) No unpackaged food is permitted except as provided by section 3-302.11(B) (1), of the Food Code.
 - (3) Food preparation by consumers is limited to heating/reheating food in a microwave oven.
 - (4) No dispensing of bulk food.
- E) Refrigerated Display Equipment
 - (1) An unattended food establishment shall be equipped with refrigeration or freezer units that have the following features:
 - (a) Self-closing doors that allow food to be viewed without opening the door to the refrigerated cooler or freezer; and
 - (b) Automatic self-locking mechanism that prevents the consumer from accessing the food upon the occurrence of any condition that results in the failure of the refrigeration unit to maintain the internal product temperature specified under section 3-501.16(A) (2) or freezer unit to maintain the product frozen.
- F) Food Service Equipment Limitations
 - (1) Dispenses beverages by individual serving only.
 - (a) Beverage dispensers connected to the building water supply must be properly equipped with backflow prevention per section 5-203.14, of the Food Code.

Guidance Document
Unattended Food Establishment

- (2) Food Contact Surfaces
 - (a) Multi-use food-contact surfaces shall be cleaned on the frequency consistent with the-service per section 4-202. 11, of the Food Code or can be easily removed and replaced with cleaned surfaces.
 - (b) No multi-use food-contact surfaces intended for use with TCS foods.
- G) Security
 - (1) An unattended food establishment shall provide continuous video surveillance of areas where consumers view, select, handle and purchase products that provides sufficient resolution to identify situations that may compromise food safety or food defense.
 - (a) Video surveillance recordings shall be maintained and made available for inspection upon request by a representative of a regulatory agency within 24 hours of a request.
 - (b) Video surveillance recordings shall be held by the establishment for a minimum of fourteen (14) days after the date of the surveillance.
 - (2) The permit holder takes reasonable steps necessary to discourage individuals from returning food and/or beverages that not have been selected for purchase.
- H) Routine Maintenance at an Unattended Food Establishment:
 - (1) The permit holder shall service the unattended food establishment on a scheduled basis and at a frequency acceptable to the regulatory agency. Service may include, but is not limited to the following:
 - (a) Checking food supplies and equipment for signs of product damage and/or tampering.
 - (b) Verifying refrigeration equipment is operating properly including the temperature display and self-locking mechanism.
 - (c) Rotating foods to better ensure first in/first out of food items.
 - (d) Cleaning food service equipment and food display areas.
 - (e) Stocking food and disposable single-use and single-service supplies.
 - (f) Checking inventory for recalled foods.
 - (2) Permit holder shall assure:
 - (a) Food is from an approved source.
 - (b) Packaged food is provided in tamper-evident packaging.
 - (c) Food is protected from potential sources of cross contamination.
 - (d) Food is maintained at safe temperatures during transport and display.
- I) Unattended Food Establishment Oversight
 - (1) Each unattended food establishment shall have a sign readily visible at the automated payment station stating:
 - (a) The name and mailing address of the business entity responsible for the establishment and to whom complaints and comments should be addressed.

Guidance Document
Unattended Food Establishment

- (b) The telephone, email or web information for the responsible business entity, when applicable.
- J) Designation of Responsibilities:
- (1) The permit holder bears all responsibilities for the operation of the food establishment. Where the permit holder is not the owner or operator of the building where the food establishment is located, a mutual agreement that outlines the responsibilities for cleaning and maintenance of all surfaces and equipment, provision of supportive facilities/services such as janitorial and restroom facilities, pest control and removal of solid waste may be approved by the regulatory agency. This agreement should also outline what actions must be taken by both parties to maintain the establishment in compliance with all requirements.