CITY OF LONG BEACH

Health and Human Services
Bureau of Environmental Health
2525 Grand Avenue RM 220, Long Beach, CA 90815
(562) 570-4132 FAX (562) 570-4038

California Conference of Directors of Environmental Health

COMPACT MOBILE FOOD OPERATION (CMFO) FREQUENTLY ASKED QUESTIONS

Effective January 1, 2023, California Retail Food Code (CRFC) was amended to promote economic inclusion while modernizing the CRFC so that food vendors can obtain a permit and join the regulated vending economy. The law established a new definition for Compact Mobile Food Operations (CMFO) and criterion for permitting. Below are frequently asked questions about these changes.

Q1: What is a compact mobile food operation (CMFO)?
A1: A CMFO is a mobile food facility that operates from an individual or from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized unenclosed conveyance that can be approved to sell packaged food or conduct limited food preparation.

Q2: Do I need a Health Permit from Environmental Health?

A2: Yes, a permit is required, unless your compact mobile food operation has 25 square feet or less of display area and sells only prepackaged, nonpotentially hazardous (non-perishable) foods or whole uncooked produce, otherwise a permit is required.

Q: What is "prepackaged food"?

A: Prepackaged considered food is food that has been processed in a permitted food facility or food establishment and properly packaged and labeled to prevent any direct human contact with the food product and the consumer prior to consumption.

Q: Can I sell tamales that were prepared in an approved commissary on the CMFO?

A: It all depends on the type of CMFO you have. If you have a CMFO with a hand sink, you may be approved to sell tamales in the husk from the permitted cart. If the CMFO does not have hand sink, the tamales must be prepackaged prior to sale on the CMFO.

Q: How do I measure 25 square feet of prepackaged non-potentially hazardous food (non-phf) display to be exempt from permitting?

A: To be exempt from permitting, the total amount of display and non-displayed food inventory must not exceed 25 sq feet measurement. The footprint is limited to no greater than 5 feet x 5 feet.

Q3: How do I get a Health Permit from my local Environmental Health Department?
A3: Contact us at environmentalhealth@longbeach.gov or Tel: (562) 570- 4132 regarding our application process.

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Q4: What kind of food can I prepare from a CMFO?

A4: A CMFO can conduct limited food preparation when the equipment to support the proposed menu is approved by the City of Long Beach, DHHS, Environmental Health Bureau.

Q5: What is non-potentially hazardous food?

A5: Food that does not require refrigeration or hot holding to prevent bacterial growth and is unlikely to cause food borne illness. Some examples include cut mango, cut cucumbers, cut jicama, pretzels, churro.

Q6: What is limited food preparation?

A6: Limited food preparation is food preparation that is restricted to the following, based on the CMFO ability to support safe preparation and food storage based on the proposed menu:

1. Dispensing and portioning of nonpotentially hazardous food (nonPHF) or dispensing and portioning for immediate service to a customer of food that has been held at the required temperatures.
2. Slicing and chopping of nonPHF food or produce that has been washed at an approved facility.
3. Hot and cold holding of food that has been prepared at an approved permanent food facility.
4. Reheating of food that has been prepared at an approved permanent food facility.
5. Heating, frying, baking, roasting, popping, shaving of ice, blending steaming or boiling of hot dogs, or assembly of non-prepackaged food.
6. Slicing and chopping of food on a heated cooking surface during the cooking process.
7. Juicing or preparing beverages that are for immediate service, in response to an individual consumer order, that does not contain frozen milk products.

Q7: Can I prepare food to be sold from my compact mobile food facility at home?

A7: Yes. Only if you have an approved Cottage Food Operation (CFO) Permit (Class B) or Microenterprise Home Kitchen Operation (MEHKO) Permit, issued by the Local Environmental Health Department. Food preparation is limited to the food items that have been approved as part of the permitting process.

Q8: What is considered prepackaged food?

A8: Prepackaged food is food that has been processed by a manufacturer, a food facility or other approved source, properly labeled and sealed to prevent any direct human contact with the food prior to sale.

Q9: Do I need a commissary?

A9: Yes.

Q10: What is a commissary?

A10: A commissary is a food facility that has been approved by the local Environmental Health Department to support the proposed operation of a CMFOs where any of the following occur:

1. Food, containers, and supplies are stored.
2. Food is prepared for sale or display on the CMFO
3. Food is prepackaged for sale or display on the CMFO.
4. Utensils are cleaned and sanitized.
5. Potable water is obtained.
6. Liquid and solid wastes are disposed.
7. Carts are washed.
8. Water tanks are filled, and wastewater tanks are emptied.

Q11: Can I use my home as a commissary?

A11: Yes, if you also have a CFO Class B permit or a MEHKO permit. If you do not have a CFO Class B or MEHKO permit, you may store up to 2 carts with approval from the local Environmental Health Department.

Q12: Can I use my home to store my CMFO?

A12: If you are not permitted as a CFO Class B or MEHKO, you may be allowed through an endorsement by the local Environmental Health Department to store up to two CMFO at your home. Only those CMFO that offer whole produce and prepackaged non-potentially hazardous foods may be stored in your home. A separate commissary will be required for a CMFO that stores and/or prepares potentially hazardous foods in addition to the home cart storage.

Q13: What is an endorsement?

A13: An endorsement by the local Environmental Health Department is a documented and recorded approval of compliance with code requirements. An endorsement may include an inspection or evaluation but does not require a registration or permit. A one-time fee may be charged for this service.

Q14: How many carts can I store in my house?

A14: Up to two, if approved by the local Environmental Health Department.

Q15: Do I need to own my home to store carts here?
A15: No, but you should check with your landlord to confirm storing carts is allowed onsite and if running a business from your home is allowed.

Q16: Do I need an annual health permit to store carts in my house?

A16: It depends. If you are currently not permitted as a Cottage Food Operation or Microenterprise Home Kitchen Operation and you are only storing your CMFO in your home, you do not need a health permit, but you need an endorsement by your Local Environmental Health Department.

Q17: What does the endorsement or evaluation include?

A17: A site visit to determine that the storage in the private home will not pose a public health hazard and there is sufficient room to store carts in a manner that protects the CMFO from contamination.

Q18: Do I need access to restrooms when I am selling food?

A18: Yes, if the CMFO is stopped in one location for longer than an hour. Restrooms must be located within 200 feet of the CMFO unless at least two employees are present on site.

Q19: Can I rent a portable toilet instead of operating within 200 feet of an approved restroom?

A19: No.

Q20: Do I need a handwash sink?

A20: Yes, if you will be handling open food on the CMFO.

Q21: Do I need hot water?

A21: No, unless you are handling raw meats, raw poultry, or raw fish. If you intend to have any of these raw food items on the CMFO, additional sinks and hot water requirements apply.

Q22: Can I use home or domestic appliances on my compact mobile food operation?

A22: No, you must use commercial equipment that has been certified and approved by the local Environmental Health Department. Electrical appliances must meet applicable Underwriters Laboratories standards for electrical equipment as determined by an ANSI accredited certification program.

Q23: Do I need an integral three-compartment dish sink?

A23: Yes, if your menu includes preparation of raw meat, raw poultry, or raw fish. If not, an adequate amount of clean and sanitized utensils must be kept on the CMFO for replacing when soiled or if handling potentially hazardous foods, every 4 hours.

Q24: Do I need mechanical refrigeration?

A24: Yes, if you are working with potentially hazardous foods, such as cut melons.

Q25: Do I need overhead protection?

A25: Yes, this can include sneezeguards, canopies, food compartments, etc.

Q26: Can I take unsold food back home to use again later or the next day?

A26: No, unless it is uncooked whole fruit and whole vegetables, or prepackaged non-potentially hazardous foods. All potentially hazardous foods must be discarded at the end of the day.

Q27: What kind of signage must be on the compact mobile food operation?

A27: The CMFO must have the business name in letters of at least 3 inches in a location that is clearly visible to the customer. The city, state, zip code, and name of the operator must be present in letters of at least 1 inch in size. The letters must be of a color that contrasts with the background.

Q28. Do I need to have signage if I sell less than 25 square feet of produce or prepackaged non-phf food?

A28: No. A CMFO that has less than 25 square feet of whole raw produce or prepackaged nonperishable food is exempt from signage requirements.

Q29: What type of food training do I need?

A29: Compact mobile food operation staff must hold a food handler card if managing open food. A food handler card must be obtained within 30 days of start of operation or hire.

Q30: Am I required to have a Food Safety Certificate?

A30: No, however, a Food Safety Certificate is encouraged.

Q31: Do I need any other permits?

A31: You may need a local business license or peddlers permit to sell food. Check with City of Long Beach Business Licensing.

Q32: What happens if I am caught without a health permit?

A32: A notice of violation will be issued initially followed by increasing administrative fines. The local enforcement agency can charge up to three times the cost of the permit fee in lieu of administrative fines for failure to operate without a health permit.