

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 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.

### What affected section was removed in the outgoing rule?

**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 this [Mobile Food Unit] subpart."

### Why was the rule changed?

**Comments during rule revision.** The department received comment during the 2018-2020 rule revision process to remove the provision 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]". Many jurisdictions in the state indicated they did not accept or approve applications for buildings without permanent plumbing which maintained an inconsistent approach across the state.

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

**Coffee and limited-menu kiosks.** While some local health departments potentially approved a broader menu in their jurisdictions, the code specified 'limited menus'. Traditionally, this included coffee or hot dog stands with very minimal food preparation.

**Concession and similar stands.** 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 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. It also does not preclude similar structures that are able to meet food safety and other jurisdictional requirements from being approved in the future.

The department recognizes the authority of local boards of health and will provide guidance on the use of food establishments operating without permanent plumbing to help provide for consistent and safe application across the state for both current and future establishments.

## What does the code change require?

The code change will require applicants to request a variance from the local health department 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.

## How will the department help?

The department will work with partners to prepare guidance and any needed support materials for local health jurisdictions and affected food establishment operators to ensure they can maintain code compliance. The department will also prepare any needed application materials for local health to use with future applicants and provide continued education to partners.

## Contact

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