

FAQs for Food Service

1. Are mobile food vendors supposed to have a health permit?

Answer: Yes. It should be placed in view of customers. If you do not see one ask the vendor to show it to you. They may be operating without a health permit which is illegal.

2. Who is required to have a health permit?

Answer: Anyone serving food to the public must have a health permit, even if the food is free. The health permit allows the Ector County Health Department the access to inspect where food is being prepared to ensure its quality.

3. Are you allowed to prepare food from home?

Answer: Absolutely not. The Texas Food Establishment Rules prohibits foods from being prepared from people's homes. Cottage Food products are allowed which are non potentially hazardous baked items. You can get a list of these items from the Texas Department of State Health Service's website.

DSHS website: <http://www.dshs.state.tx.us/foodestablishments/cottagefood/>

4. Is Ector County's Health Permit valid in other counties?

Answer: No. Ector County's health permit is only good for Ector County. Entities such as mobile food vendors often operate in other counties. They need to contact the local health department of that county to obtain a permit. If no local health department exists then they need to contact the Department of State Health Services.

DSHS website:

<http://www.dshs.state.tx.us/Layouts/ContentPage.aspx?PageID=35827&id=35281&terms=local+jurisdiction+food+service>

Midland Health Department: <http://www.midlandtexas.gov/232/Health-Senior-Services> Phone: (432) 681-7613

5. Do churches need a health permit for their congregation?

Answer: We do not require churches to have a health permit when they have events for their members only. Many churches like having events such as Halloween Carnivals where they invite the public in for foods such as hot dogs and hamburgers. In these cases we do require the church to get a temporary type permit and the Health Inspectors go out and inspect the foods which are prepared on site at the church.

6. Is hand sanitizer required for hand sinks in Ector County?

Answer: Yes. It is in the City and County Ordinances that hand sanitizer is required for all hand sinks.

7. *Are children allowed in the food service area?*

Answer: No children in diapers are allowed in the food preparation area and only authorized employees are allowed.

8. *What kind of water supply is required in unincorporated areas of the county?*

Answer: The TCEQ must be contacted for all public water systems.
TCEQ website: <http://www.tceq.texas.gov/drinkingwater/index.html>
TCEQ Phone: (432) 570-1359
Midland Health Department: <http://www.midlandtexas.gov/232/Health-Senior-Services> Phone: (432) 681-7613

9. *Are there different types of health permits?*

Answer: Yes, the health department does offer different types of health permits to better accommodate your needs. The temporary food permit is good for a one time use for the cost of \$60.00. The seasonal food permit will cover up to six separate uses throughout the year for \$100.00. The yearly health food permit is good from January 1st to December 31st of each year and these costs depend upon the number of employees. Yearly permits start at \$140.00 and go up to \$600.00, contact the health department to determine which is best for you.

10. *When is the best time to meet with inspectors?*

Answer: At the Ector county health department we have four inspectors divided into specific areas. The best times to get a hold of an inspector is during their office hours which are 8-9am, 1-2pm, and 4:30-5pm. Any other times you are welcome to leave a message and your call will be returned during the office hours.

11. *What other functions do health inspectors do for Ector County?*

Answer: Health inspectors also perform other functions to help promote health and sanitation in the community such as:

- 1) health inspections of daycares and foster homes
- 2) foodborne disease investigations
- 3) follow-up investigations of sanitation complaints
- 4) bar/sexually based business inspections
- 5) public emergency/disaster first responders
- 6) health and sanitation classes
- 7) public swimming pool inspections

12. *What are the requirements to become a health Inspector?*

Answer:

- Must hold at least a bachelor's degree with 30 hours of basic or applied science.
- Must obtain a Registered Sanitarian certification within one year of being hired.

13. Are all employees required to obtain a food handlers certificate?

Answer: Due to the changes of the Texas food establishment rules effective October, 2015 all employees handling or who have contact with foods must obtain a food handlers certification, and management must obtain a managers certification. (The deadline to be in full compliance with these new rules on food handlers certifications is September, 2016).

14. Where can individuals obtain a food handlers certification?

Answer: A registry of accredited programs is posted on the Texas Department of State Health Services located at <https://www.dsh.state.tx.us/foodestablishments/handler.shtm#training>

Some sites included are the following

- www.servsafe.com
- <http://www.texasfoodhandler.com>
- www.statefoodsafety.com

15. What are Potentially Hazardous Foods?

Answer: A food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms; the growth and toxin production of Clostridium botulinum, or in raw shell eggs, the growth of salmonella enteritis's.

16. When is a health permit required for a temporary or seasonal event?

Answer: A health permit is required when food being sold/served are considered potentially hazardous foods, this consist of any food that must stay at a certain temperature, and foods that must be mixed or prepared. Please refer back to DSHS website which will provide a list of food and information about what items can be sold or served to the public without obtaining a health permit. <http://www.dshs.state.tx.us/foodestablishments/cottagefood/>

17. Can yard eggs be sold to the public?

Answer: The Ector county health department does allow yard eggs to be sold to the public as long as the eggs are in cartons with a label indicating the sellers name, address, and phone number. The label should also state "eggs are not graded".

18. What is a mass gathering permit?

Answer: Information regarding mass gatherings can be found at the city of Odessa website.

19. Is establishments required to provide air conditioning for employees?

Texas Food Establishment Rules (TFER) address having mechanical ventilation to keep rooms free of excessive heat (§228.178); thus if there is a ventilation system or air conditioning would resolve this issue. In addition you can also state that food is being contaminated by other sources (i.e. sweat from employees) under §228.70(e). You may also want to contact OSHA in regards to employee health in the work place. I have attached the TFER and OSHA references below.

TFER Reference:

§228.70 Preventing Contamination by Consumers.(e) Preventing contamination from other sources. Miscellaneous sources of Contamination. Food shall be protected from contamination that may result from a factor or source not specified in §§228.65 - 228.70 of this title.

§228.178. Ventilation, Mechanical.

If necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes, mechanical ventilation of sufficient capacity shall be provided.

OSHA Reference:

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FAQ&p_id=154

Heat/Cold Hazards

Does OSHA have requirements for temperature in the workplace? Is my employer required to provide heat/air conditioning?

Regarding temperature in the workplace, OSHA does not require employers to provide heat or air conditioning. However, OSHA does recommend temperature control in the range of 68-76°F. The qualities of good indoor air quality (IAQ) should include comfortable temperature and humidity, adequate supply of fresh outdoor air and control of pollutants from inside and outside of the building. Employers are responsible for protecting workers from extreme heat. **HEAT ILLNESS CAN BE DEADLY**. Every year, thousands of workers become sick from exposure to heat, and some even die. **Heat illnesses and deaths are preventable**. For workers exposed to extreme **heat**, OSHA's [Prevention of Heat-Related Illness and Fatality](#) website provides information on preventing heat-related deaths and illnesses. Remember three simple words: **water, rest, shade**. Drinking water often, taking breaks, and limiting time in the heat. Employers should establish a complete heat illness prevention program to prevent heat illness. elements of the program include: provide workers with water, rest and shade; gradually increase workloads and allow more frequent breaks for new workers or workers who have been away for a week or more to build a tolerance for working in the heat (**acclimatization**); modify work schedules as necessary; plan for emergencies and train workers about the symptoms of heat-related illnesses and their

prevention; and monitor workers for signs of illness. **Workers new to the heat or those who have been away from work and are returning can be most vulnerable to heat stress and they must be acclimatized.** For more information, including materials and training guides, on preventing work-related heat-related illnesses and death, visit OSHA's [Heat Illness Prevention](#) Web page. OSHA's policy on temperature in the workplace can be found in a [letter of interpretation](#).

Additional guidance is provided in the OSHA publication, [Indoor Air Quality in Commercial and Institutional Buildings](#)*

20. Do you have to obtain a health permit if you are NOT selling food but still serving to public for an event?

Answer: Yes, you must still obtain a health permit if you are serving to the public for any reason. Also all food that is made will have to be made on the approved site of the event being held. No potentially hazardous foods can be made at someone's home and served to the public.

21. Are air gaps required for ware wash sinks and washing machines in food establishments?

Answer: yes, air gaps are required please refer to the Texas food establishment rules pg.126. Air gaps are required under the new plumbing code and all new establishments must have air gaps before authorization to operate will be given by the Ector county health department.

22. Are restaurants required to post most current health inspection reports or a sign stating "report is available upon request" for customers to view?

Answer: No, the reason restaurants in Ector County are not required to post reports or signs stating customers can request to view inspection reports is because all restaurant health inspections are posted on the Ector County web page and also through the Odessa American.

23. Are permit fee refundable?

Answer: Refunds of any permit fees collected will be considered by the director on a case by case bases and under extenuating circumstances.