

SHARED FOOD FACILITY GUIDELINES

The Environmental Health Division (EH) recognizes that there is a growing demand by aspiring food entrepreneurs to have access to the county's local commercial kitchen facilities in order to make their products. It is the goal of EH is to make the sharing of a food facility by multiple businesses work smoothly, while ensuring that safe food handling practices are in place to protect the public's health.

TYPES OF SHARED FOOD FACILITIES

- Incubator Kitchens are fully equipped commercial kitchens designed for use by multiple food operators. It is important when building a commercial kitchen to consider the type of food operations that intend to be supported within the kitchen and the number of food operators that can operate within the kitchen. These questions will be discussed as part of the plan review process.
- A retail/wholesale permanent food facility which is designed to support one food operation but due to limited business hours may be interested in leasing out their kitchen to a food operator when not in-use.

DEFINITIONS

- **Primary Food Operator** is defined as the owner/operator of an incubator kitchen or a permitted commercial food facility who rents/leases kitchen space to a dependent food operator that has been approved to accommodate the proposed food operations of the dependent food operator.
- **Dependent Food Operator** is defined as the operator who rents or leases space from either a retail or wholesale permitted kitchen for the purposes of preparing food that will be sold within the retail or wholesale marketplace with no public facing storefront at the primary permittee location. The dependent food operator is required to obtain a health permit that allows them to conduct specific food production activities at the permitted primary food facility.

REQUIREMENTS FOR SHARING A COMMERCIAL KITCHEN

In order to obtain approval as a shared use kitchen, the primary food operator must meet the following requirements:

1. The incubator kitchen or permanent food facility must have a health permit issued by Environmental Health.
2. The primary food operator is responsible for ensuring that each dependent food operator has adequate storage space (i.e. dry storage, finished product storage, refrigerated and freezer storage, as applicable) that is clearly labeled to identify the dependent food operator. Storage space will be evaluated during the permit review process based on the dependent's proposed food operation.
3. Maintain a current scheduling calendar for dependent food operators which is to be shared monthly with Environmental Health for inspection purposes.
4. It is the responsibility of the primary food operator to ensure that each dependent food operator has obtained a health permit prior to operating within the shared kitchen or obtain approval for a Limited-Use Food Production Agreement.
5. Maintain all necessary shared equipment and utensils in good working condition. It should be noted that the day-to-day cleaning and sanitizing of utensils and/or equipment used solely by the dependent food operator is the responsibility of the dependent food operator.
6. Provide access into all areas of the facility for the purpose of conducting inspections by the Environmental Health Specialist.
7. Comply with all applicable laws and ordinances.
8. Notify EH in writing within 10 working days of the cancellation of a dependent food operator.

LIMITED-USE FOOD PRODUCTION AGREEMENT

EH recognizes that there are also times when food entrepreneurs and others working in the food industry may require access to a permitted kitchen for a **very specific, short time period** in order to meet production needs. In these circumstances, a separate dependent food operator permit may not be required. It is important to note that the primary food operator assumes responsibility for the food operation, including compliance with all applicable laws and ordinances. To obtain approval, complete and submit the **Limited-Term Production - Shared Food Facility Agreement** to the Food Safety Program.

HOW TO APPLY FOR A DEPENDENT FOOD OPERATOR'S HEALTH PERMIT

Step 1: The Dependent Food Operator must submit copies of the following documents to Environmental Health's Food Safety Program (FSP) to begin the permit review process:

- Shared Food Facility Review Form**
- Shared Food Facility Agreement** must be signed by both the primary food operator and the prospective dependent food operator
- Sample menu** or **package food label(s) sample** that will be prepared/packaged within the proposed commercial kitchen (for labeling guidance, see resources below)
- State of California **Processed Food Registration**, if required by the California Department of Public Health (see resources below)
- State of California **Canning License**, if required by the California Department of Public Health (for guidance on canning and bottling, see resources below)

Step 2: **Environmental Health (EH)** staff will review all documents. EH staff will contact the **Dependent** and/or the **Primary Food Operator** as needed to complete the evaluation of the Shared Kitchen Review Packet. If a site inspection is required, EH staff will call the interested parties to arrange for that visit.

- Upon completion of the review, an **invoice** will be generated at a rate of \$133 per hour or a fraction thereof and will be sent to the applicant.
- Once the invoice is received, **complete payment** by one of the following methods: online, mail a check or money order to Orange County Environmental Health at **PO Box 25400, Santa Ana, CA 92799**, or pay in-person at 1241 E. Dyer Road, Suite 120, Santa Ana, CA 92705.

Step 3: Upon approval, EH staff will require that the **Dependent Food Operator** submit a completed Health Permit Application along with ownership documentation and payment for the initial annual health permit. The permit must be readily accessible at all times at the **Primary Food Operator** facility for review by EH staff. **Dependent Food Operators** will be subject to annual, unannounced inspections and at any other time as deemed necessary by EH.

HELPFUL RESOURCES

Food Manager Certificate

All retail food facilities that handle unpackaged food, are required to have at least one (1) owner or employee who has successfully passed one of the approved and accredited food safety certification examinations within 60 days of operation. Food facilities which handle only unpackaged, non-potentially hazardous foods may be exempt from the certification requirement if they can adequately demonstrate to the enforcement officer that the employees of the food facility have knowledge of the food safety principles as they relate to the specific food operation.

Food Handler Cards

Any paid employee of a Dependent Food Operator's business that is involved in the preparation, storage or service of food at retail must have a valid food handler card (unless they possess a valid food manager certificate) within 30 days of hire. A California Food Handler Card must be issued from a certification organization that is accredited as meeting the requirements of the Conference for Food Protection's "Standards for Accreditation of Food Protection Manager Certification Programs."

For more information on accredited food certification or food handler programs, visit [ANSI-CFP Accreditation Program](#).

Packaged Food Label Guidance

Food packaged prior to sale or distribution require labels. Obtain information on labeling requirements by visiting <https://www.cdph.ca.gov/Programs/CEH/DFDCS/CDPH%20Document%20Library/FDB/FoodSafetyProgram/GeneralFoodLabelingRequirements.pdf>.

State of California Processed Food Registration

The California Department of Public Health's Food and Drug Branch (FDB) regulates the manufacture, processing, storage and distribution of food products in California. California law requires that businesses obtain a registration for these activities:

Processors of general food commodities (e.g. baked goods, noodles, processed fresh vegetables, seafood, snack foods, dietary supplements, etc.) must obtain a Processed Food Registration (PFR) from FDB. The PFR allows firms to manufacture products not specifically covered by another FDB license.

For information on what food production may require a PFR and how to obtain one, call (916) 650-6500 or visit

<https://www.cdph.ca.gov/Programs/CEH/DFDCS/Pages/FDBPrograms/FoodSafetyProgram/ProcessedFoodRegistration.aspx>.

Canning License

Retail food operators that are interested in low-acid or acidified canned, jarred or hermetically sealed foods are to contact the FDB to determine if their food item requires a Processed Food Registration (PFR) or Cannery License. It is the responsibility of the dependent food operator to obtain the required registration/license from the FDB. For information regarding whether the food you process requires a PFR or Canning License, call (916) 650-6500 or visit

<https://www.cdph.ca.gov/Programs/CEH/DFDCS/Pages/FDBPrograms/FoodSafetyProgram/CanneryInspectionProgram.aspx>.

The Orange County Environmental Health Division does not issue a registration/license for low-acid or acidified food packaged in jars, cans, or hermitically sealed containers prepared at retail food facilities. However, the food facility operator/owner shall provide the required registration/license when requested by EH, or written documentation from FDB that the registration/license is not required. Owners/operators who fail to provide the required by the CDPH-FDB approval for jarred, canned or hermetically sealed food containers may be subject to further enforcement actions by this Agency.

Milk Products Plant Licenses

Milk Products Plant Licenses are issued by CDFA for various types of businesses that handle or manufacture milk and milk products. As required by the Food and Agricultural Code, a person shall not engage in any of

the following businesses unless he has obtained a license from the secretary for each separate milk products plant or place of business:

- Dealing in, receiving, manufacturing, freezing, or processing milk, or any product of milk.
- Manufacturing, freezing, or processing imitation ice cream or imitation ice milk. (§35011, et seq., FAC)

All milk products plants must be inspected and approved by CDFA. Contact the nearest Regional Office of the Milk and Dairy Food Safety Branch to obtain an application and schedule an appointment with an inspector. ALL APPLICATIONS MUST HAVE AN INSPECTOR'S SIGNATURE BEFORE A LICENSE WILL BE ISSUED. For more information, call (916) 654-0466 or visit

https://www.cdfa.ca.gov/ahfss/Milk_and_Dairy_Food_Safety/Milk_Product_Licenses.html#Soft_Serve.