



**Date:** September 20, 2013

**To:** Local Health Departments & other Indiana Food Regulatory Agencies

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Food Protection Program

**Subject:** Guidance Document - Nelson's Catering & Fundraising Variance Request; Not Required

### PURPOSE

The purpose of this memo is to advise retail food regulatory agencies that a variance for the process submitted from Nelson's Catering and Fundraising (Nelson's) operation, Wakarusa, Indiana is not required as it relates to the section 270 of 410 IAC 7-24, Indiana State Department of Health Retail Food Sanitation Requirements (rule). In addition, this memo explains Nelson's operation as detailed in the variance application so that all retail food regulatory agencies are aware of what has been reviewed and accepted as it does not deviate from the rule. The same thought process could be used for other operations similar in nature to Nelson's

### BACKGROUND & DISCUSSION

On May 23, 2013, this office received a variance request (see attachment) from Nelson's, relating primarily to 410 IAC 7-24, section 270, Manual Ware Washing; Sink Requirements.

Nelson's operates in varying capacities as a retail food establishment, offering a banquet hall, catering and fundraising services. Many not-for-profit organizations hire Nelson's to raise funds. These fundraising events are held primarily in northern and central Indiana. As part of the fundraiser, Nelson's provides an on-site cooking service preparing ready-to-eat products such as chicken halves/wings, pork chops, ribs and whole small potatoes.

Depending on the size and/or duration of the event, Nelson's provides at least one cook, one on-site rotisserie cooking unit and a support stock truck to prepare the barbecued food products. Commonly, after food products are cooked, they are placed in plastic coolers by the cook and released to organization members for portioning and service. Nelson's may operate as either as a "mobile retail food establishment" or a "temporary food establishment".

According to question #4 of the variance application, their... “on-site cooking process does not, and never has, used any spoons, tongs, forks or any serving utensils of any kind. The only utensils used are heat resistant gloves which are used throughout the cooking process, therefore, there is no need for an on-site three compartment sink...”

Application question #5 explains that there are multiple, differently colored sets of gloves for raw and ready-to-eat products. The application also says, “Nelson’s cleans and sanitizes all machinery and limited cooking equipment back at the commissary after the conclusion of each event”. The use of durable, cleanable gloves as utensils is acceptable as long as the gloves meet the requirements in section 246 of the rule and are cleaned at a frequency of not less than every 4 hours as required in section 296 (c ) of the rule. They also have the option of changing out to new sets of gloves after the four (4) hours.

Application question #5 continues with “The time when the gloves need to be changed will be tracked on a log sheet to indicate when the next set of gloves needs to be put into use”. This is Nelson’s policy for an alternative way of complying with the regulatory authority approval under section 270. A failure of Nelson’s to maintain these records should be considered a violation of section 270, as the regulatory agencies’ approval is based on the gloves/log system being utilized.

The insulated containers into which cooked product is placed must also be cleaned after a period of not more than four (4) hours of use according to section 296(c). Additional information provided under application question #5 says that the cooking grates or baskets used in the rotating cooker are transported to the commissary every day for cleaning and sanitizing. The application correctly cites section 298 as the basis for this function.

## **CONCLUSION**

When Nelson’s or a similar type of vendor operates as either a “mobile retail food establishment” or “temporary retail food establishment”, section 270 gives the regulatory agency sufficient discretion to allow the unit to operate without a 3-compartment sink under an alternate means of ware washing, such as using gloves for up to four hours at a time and returning each day to a commissary or servicing area for cleaning functions of the unit. When operating for multiple days as a “temporary retail food establishment”, the unit can either return to the commissary/servicing area each day or be supported in ware washing functions by the hiring organization/business. Either choice would be acceptable under section 270. Section 296 supports their use of the gloves for up to four hours. Section 298 supports their cleaning of items such as the cooking baskets every 24 hours.

It is understood that if these conditions are not met it would be in violation of the applicable sections of the rule and citing of these violations should occur. There are other additional sections of the rule that are also applicable that have not been discussed in this document, such as hand washing. Additional regulatory action could be implemented for continued violations of the rule and should be based on your local food ordinance and applicable state law.