



GRAHAM COUNTY

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health (928) 428-1962

826 West Main Street, Safford, Arizona 85546

FAX (928) 428-8074

Food Establishment Permit Application Frequently Asked Questions

Do I need a Food Establishment Permit?

It depends. The following are some examples of activities that do **not** require a food permit:

- Offering only prepackaged foods that are not potentially hazardous (e.g., chips, candy bars, canned sodas, bottled water, etc.)
- A produce stand that offers only whole, uncut fresh fruits and vegetables.
- Making non-potentially hazardous baked goods or candy at home after registering with Arizona's Home Baked and Confectionary Goods Program. (azdhs.gov)
- The occasional bake sale by a charitable organization, if it offers only food that is not potentially hazardous, and informs the public that the food was prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority.

Any "Food Establishment" must complete the plan review and permitting process through this department. According to the Food Code, a food establishment means "an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption."

Examples include:

- Restaurants, taverns or bars, grocery stores, convenience stores, meat markets, food banks, church or club kitchens that will serve food to the public, mobile food units, pushcarts, hotdog carts, food warehouses (with potentially hazardous foods), caterers, cafeterias, and concession stands.
- Food processors who make jerky, salsa, or jam/jelly. (It is illegal to make these foods at home to sell to the public.)

Please contact our department to determine whether your business must be permitted as a food establishment.

How do I know if the food I want to sell is "potentially hazardous" or not?

Potentially hazardous foods are those that require temperature control to limit the growth of microorganisms that may cause a foodborne illness. Anything that requires refrigeration (41° F or colder) is considered potentially hazardous, including dairy, meat, poultry, eggs, fish and seafood. Anything that must be kept hot (130° F or hotter) to be safe is potentially hazardous. Examples include cooked meats, beans, rice, burros, tamales, pasta, baked potatoes, gravy,

etc. Please contact our department if you have questions about whether the food you wish to sell is considered potentially hazardous.

I'm buying a food establishment that is already permitted. Can I start operating immediately?

No. A Food Establishment Permit is *not* transferable to a new owner. Even though the facility is already permitted, you will need to apply for a permit in your name in order to operate legally. Depending on the type of business and any changes that will be made, a formal or informal plan review will need to be conducted. Restaurants usually make changes to the menu and food preparation processes that will require a formal plan review. A grocery store that is not making any changes may only require an informal plan review. Please contact our department to discuss your particular situation.

What is a plan review?

A plan review is the process by which we ensure that your plans and equipment meet state and local health requirements *before* you begin construction of your project. By working with you early in your project, our goal is to prevent costly mistakes while ensuring that your establishment meets code and will function in the best interest of the public's health. The process of opening, remodeling, or repairing a food establishment may also require the approval of other departments, such as Liquor Licenses and Control, and local building, zoning, and fire departments.

How much does it cost?

You must submit \$250 with your application to begin the plan review process. After successfully completing the review process and the pre-operational inspection, you may open after paying for and receiving your annual food establishment permit (see list of health permit fees).

How long does it take?

The time needed for the plan review process varies greatly, but typically can take 3-6 weeks depending on the complexity of the operation and the completeness of the information provided to us. However, the state allows 30 days to review the application for completeness, and another 60 days for the plan review process. (See the *Graham County Health Department Permit Application Process* for state-mandated timeframes.)

Can my home kitchen be permitted as a Food Establishment?

No. State law prohibits home kitchens from being licensed as commercial food establishments. The one exception to this is [Arizona's Home Baked and Confectionary Goods program](#). By registering with the state – at no cost – you can make non-potentially hazardous baked and confectionary goods at home for commercial sale.

How will I be notified of my project status?

You will be notified in writing following the initial plan review, after any inspections, and after any plan revisions, to update you on what still must be done and/or what your next step is. We can send the letter via mail or email, or you may pick it up at the Health Department – whichever you prefer.

Will the Health Department conduct an assessment of the food establishment for me?

The Health Department will do inspections as part of the plan review process. However, we don't do consultative work such as design, purchasing, or compliance with other codes (e.g. building codes). The assessment report will address any deficiencies that need to be addressed to bring the facility into compliance with the Arizona Food Code. Some examples include:

- A handwash sink must be installed in the kitchen/bar, if one is not present.
- Replace ceiling tiles, if tiles are missing.
- Repair the floor, if flooring is damaged.
- Install a correctly-sized three-compartment sink, if current one has compartments that are too small to accommodate kitchen wares.
- Install a three-compartment sink with rounded corners, if current sink has square or welded corners that does not meet current code.
- Install a backflow device on an unprotected water line, if one is missing.

You may also download a copy of the [Arizona Food Code](#) to make your own assessment of the establishment.

Are there guidelines on the plan review process?

There are several resources you may consult:

- This Food Permit Application packet from the Health Department.
- The Arizona Food Code states equipment and construction regulations in Chapters 4, 5, and 6.
- The Food and Drug Administration (FDA) publishes a [Plan Review Guide](#) that addresses critical design aspects for food establishments. It covers equipment placement, finish schedules, hood requirements, plumbing requirements, etc.
- [NSF](#) publishes various guides for food equipment.

The Health Department uses both the Food Code and the FDA Plan Review Guide when evaluating a plan for a food establishment.

The restaurant/mobile unit I'm purchasing has some things that don't meet code. Does the Food Code have a "grandfather clause"?

No. Each time an establishment is permitted, it is expected that it will be brought up to current code. You have the option of applying for a variance (as outlined in 8-103.10 of the Food Code) if you would like the department to consider a piece of equipment or finish that does not meet

current code. If the department believes that the proposal would not result in a health hazard or nuisance, the variance may be granted (with possible provisions).

Why wasn't the food establishment closed for having these violations before I purchased it?

Once a food establishment is permitted to operate, it is inspected on a routine basis. These violations may have been noted on an inspection report, but may not have been corrected by the time you purchased it.

Should I build or remodel before I submit my plans?

No. You should wait until after your plans have been reviewed and approved before building or remodeling the food establishment. This protects the owner from additional costs that may be incurred if changes must be made to meet code requirements.

What if I constructed or remodeled my food establishment before I submitted plans?

You will still have to submit a plan for review. The plan must be approved by the department before the final inspection will be scheduled. Persons who construct or remodel their food establishments prior to approval risk incurring additional costs if changes must be made to comply with the Food Code.

How should I plan for the "grand opening" of my food establishment?

- Carefully follow the plan review response letter, and make any required changes.
- Thoroughly clean the establishment and clear out all construction debris.
- Make sure all equipment and plumbing is working properly, thermometers are placed inside coolers and confirm safe temperatures, and facility is stocked with sanitizer, test strips, soap, paper towels, etc.
- Designate a Person In Charge and ensure they can fulfill the knowledge and duties required in 2-102.11, 2-103.11, and 2-201.11 of the Food Code. (Completion of a food manager's course fulfills 2-102.11.)
- Call the Health Department at (928) 428-0110 to schedule a final inspection.

Can the food establishment fail the final inspection?

Yes. First, the food establishment must be constructed as approved by the department. Significant deviations from the approved plans may require that the plan review process begin again. Secondly, the plumbing system, the refrigeration equipment (and hot holding equipment if used), and the hood must be operating and free from any Food Code violations. If this equipment is not operating, the food establishment will fail the final inspection. Lack of supplies, other equipment problems, or other facility problems may cause the establishment to fail the final inspection.

What happens if the food establishment fails the final inspection?

The inspector will list the corrections that are necessary to have the food establishment pass the final inspection. When the corrections are completed, you may schedule another final inspection.

What if I want to make changes to my facility or menu after I've been permitted?

Once your facility plans and menu/processes have been approved and permitted, changes may require an additional formal or informal plan review. Examples of changes that may require Health Department approval include:

- Remodeling or new construction
- Change of menu, including adding food items to the previous menu
- Keeping the same menu, but changing the way food is prepared or handled
- Adding or replacing food equipment
- Reopening after being closed for an extended period of time

Our role is to make sure that any changes still meet Food Code requirements and won't compromise food safety. While large-scale changes would require a formal plan review, minor changes may need nothing more than a phone call or email to confirm approval. Checking in with us before making changes will ensure that any changes don't result in future violations, that food safety won't be compromised, and that money won't have to be spent to undo changes that don't meet code.

Do smoking ordinances apply to food establishments?

Yes. Arizona's Smoke-Free Arizona Act prohibits smoking indoors and within 20 feet of entrances. Approved no-smoking decals must be posted, and ashtrays must be kept at least 20 feet from entrances. Smoking patios may be constructed/designated. Please contact us if you'd like more information.