



Foodborne Illness Prevention Program **Enforcement Procedures for Unlicensed Mobile Units without Contact Information Available**

This protocol and “Unlicensed Mobile Unit” stickers are only for use with mobile units where the owner cannot be contacted. Standard protocol for operating without a license should be used for food establishments that are in a permanent location or where the LPHA has contact information for the licensee/owner. In addition, **before proceeding, discuss enforcement, including this enforcement protocol, with your administrator, supervisor and county counsel to ensure that they understand and support your implementation of this protocol.**

Background:

Information provided by the LPHAs indicate that the unlicensed mobile units (“food carts”) at issue are hand-wheeled carts often with rainbow umbrellas. Some of the food carts are selling fruit, while others sell warm meat products, such as meat kebabs and vegetables. Because the food carts have wheels, they meet OHA’s interpretation of its definition of “mobile unit.” Oregon law requires inspection of mobile units and that a copy of the inspection report be placed in the unit. This posted inspection may not be defaced or removed by any person other than an individual authorized by the Oregon Health Authority (OHA).

OHA is providing stickers for LPHAs that clearly identify unlicensed food carts for the public. Often, the individuals operating these food carts are unwilling to speak to LPHA staff when approached and may even leave the area or abandon the food cart. Because of this, it is difficult for LPHA staff to obtain the necessary information (contact information, name, etc.) to issue a civil penalty notice to the owner. Even if the LPHA obtains that information, the civil penalty would likely be issued to the individual operating the food cart at the time instead of the food cart’s owner. Use of the Unlicensed Mobile Unit sticker will let the public know that the food cart is unlicensed and likely out of compliance with the rules.

Protocol:

Use the following guidelines when conducting an inspection of one of these unlicensed mobile units where the owner cannot be contacted:

1. Approach unlicensed mobile unit and inquire about their license. If they are communicative, follow your routine licensing protocol for having them fill out a license application, etc.
2. Even if the operator is unable or unwilling to communicate, let them know that you will be conducting an inspection of the mobile unit.
3. Use translation services if necessary.

4. Ask routine inspection questions about handwashing, food sources, food temperatures, etc.
5. Like any routine inspection, if you are not able to get answers to these questions to determine compliance, these items would be considered violations and noted on the sticker.
6. Inspector must:
 - a. Complete all the header information. Document that "Operator did not provide" for any line items where that applies.
 - b. Specify violations observed in the "Specific violation" column, providing specific details and supporting facts for the observed violation.
 - c. Circle the specific violation number that applies to the observed violation(s).
 - d. Complete the "Required correction" column.
 - e. Calculate score and note on bottom of the form.
 - f. Clearly document if operator refuses to provide contact information, including email, mailing address, or signature.
7. If operator refuses to provide email, mailing address, or signature, document this on report.
8. Inform the operator that you will post sticker on the mobile unit in a conspicuous location.
9. Post and scan the completed inspection sticker using a mobile scanner application, such as Tiny Scanner or MS Lens, into a PDF and then email a copy to the operator and LPHA supervisor. You may also want to take photos of the unit as a whole for your files.
10. Inspectors can provide operators with contact information by stapling a business card to the corner of the inspection sticker or write in the office contact number under their signature on the inspection form.

It is possible that they may remove or hide the sticker. But the intent is to make it clear to the operators and the public that LPHAs are implementing formal procedures to regulate these unlicensed food carts.