

DRAFT Temporary Food Establishment Guidance DRAFT

WAC 246-215-01115(126) Definition:

"Temporary food establishment" means a food establishment:

- (a) Operating at a fixed location, with a fixed menu, for not more than 21 consecutive days in conjunction with a single event or celebration, such as a fair or festival; or
- (b) Operating not more than three days a week at a fixed location, with a fixed menu, in conjunction with an approved, recurring organized event, such as a farmers market.

Farmers Market Definition and Multi-Permit Policy

Per WAC 246-780-010 (Farmers Market Nutrition Program), an "authorized farmers market" means a farmers market authorized by the department (WA Department of Health) that has a minimum of five or more authorized growers who assemble at a defined location for the purpose of selling their produce directly to consumers.

Although this definition originates within the nutrition program, it is commonly referenced when determining eligibility and structure for temporary food operations located at farmers markets. Vendors participating in multiple authorized farmers markets under the same approved menu and operational plan may obtain additional seasonal temporary permits for additional farmers markets at a 50% reduced fee, provided that:

- The menu and food-handling procedures remain unchanged between markets; and
- Each market site meets the definition of an authorized farmers market under WAC 246-780-010; and
- The additional market permits are obtained at the same time as the original (full fee) permit.

Simultaneous operations under multiple temporary food establishment permits are not allowed.

Each approved temporary food establishment permit must correspond to one specific event or location, and vendors may not operate concurrently under more than one active temporary permit.

How It Works

Applicants select the permit type based on their operation's duration and event pattern. These permits apply to one fixed, approved location such as a farmers market, other seasonal community market, and school sports concessions. Vendors operating at more than one location must obtain a separate permit for each location. The WAC does not authorize a single temporary permit to cover multiple locations.

This two-permit approach simplifies compliance, aligns with WAC 246-215, and ensures consistent oversight for temporary food operations.

Permit Types Overview

Permit Type	Definition & WAC Reference	Duration / Schedule	Common Examples
Single-Event Temporary	Matches WAC 126(a) Operates at a fixed location for ≤21 consecutive days as part of a single event.	Continuous run of ≤21 consecutive days.	County fairs Cultural festivals Parades Holiday markets Rodeos Week-long school carnivals Other defined events
Recurring Event Temporary	Matches WAC 126(b) Operates ≤3 days per week at a fixed location as part of an approved recurring organized event.	Intermittent operation ≤3 days/week; spans an entire market or sports season.	Farmers markets Weekend community market/event School sport season concessions Recurring craft-fair booths

Recurring Event Temporary Permit Duration

Recurring Event Temporary permits are valid for the duration of the approved temporary seasonal event. The permit remains active only for the length of that authorized event or market season, as defined in the permit approval. Recurring Event Temporary permits may not exceed 12 months in total duration from the date of issuance.

Seasonal vs. Separate Temporary Determination: To qualify as a recurring event temporary operation, the scheduled events must occur as part of a defined seasonal or recurring series with limited gaps between occurrences (for example, weekly or biweekly markets or sports concessions).

If an operation's events are spread over an extended period (e.g., more than three months between occurrences or across more than one calendar season), it is no longer considered a single recurring event temporary operation. In such cases, each event must be permitted separately as an individual temporary food establishment. The determination between a seasonal recurring operation and a series of separate temporary events may also be made at the discretion of the Health District, based on factors such as frequency, continuity, menu stability, operational consistency, and overall public health oversight needs.