

ENV-353



## COMMONWEALTH of VIRGINIA

ROBERT B. STROUBE, M.D., M.P.H.  
STATE HEALTH COMMISSIONER

Department of Health  
P O Box 2448  
RICHMOND VA 23218

July 29, 1992

### MEMORANDUM

TO: Tim Baker, Environmental Health Manager  
West Piedmont Health District

FROM: John E. Benko, X.F.H., Director Division of Food and Environmental Services

SUBJECT: Exempt Organizations Participating at Fairs & Festivals

Thank you for your letter of June 8, 1992 regarding churches and social organizations that want to participate at an event - such as a fair or festival.

I have enclosed two documents that have been distributed state-wide that deals specifically with exempt organizations. The first of these documents is a policy letter from Robert B. Stroube, M.D., M.P.H. dated December 3, 1990. The second document is the text of a letter from R. Claire Guthrie, Deputy Attorney General, to Delegate Raymond R. Guest, Jr., which gives support for the health department's position. The department's position is that churches, fraternal and social organizations, and volunteer fire and rescue squads are NOT EXEMPT from the Rules and Regulations Governing Restaurants if they are part of an event such as a fair or festival (see attachments).

Your first questions concerned the use at home canned foods or ingredients involving home canned foods to be sold at festivals. Section 3.1 of the Rules and Regulations Governing Restaurants state: "Food shall be in sound condition, free from spoilage, filth, or other contamination and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling. The use of food in hermetically sealed containers that was not prepared in an approved food processing establishment is prohibited."



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Your second question involves exempt organizations, such as churches preparing foods in the church kitchen or the home of members. This is allowed ONLY if the church or other exempt organization sponsors its own dinner or bazaar of not more than one time per week and not in excess of two days duration. (Section 2.7 of the Rules and Regulations Governing Restaurants) If the exempted organization chooses to participate in a regulated event such as a fair or festival it must apply for a permit and follow health department's regulations for Temporary Restaurants. (Part 32, Rules and Regulations Governing Restaurants) This includes all foods being prepared on-site under this supervision of the local health department or prepared in a food establishment that is regulated by the health department. In other words, the church or social organization kitchen would have to be permitted by the health department before transportation of prepared foods to a fair or festival.

If you have any questions concerning this matter, please call me at (804) 786-3559.

LCB: jab

Attachments

pc: Joseph L. Holliday, M.D., M.P.H.  
Elizabeth W. Roycroft, M.D.  
Robert W. Hicks  
Joseph E. Burrow  
Environmental Health Project Managers  
Food and Milk Rating Officers