



North Carolina Department of Environment and Natural Resources
Division of Environmental Health

Beverly Eaves Perdue
Governor

Terry L. Pierce
Director

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Secretary

April 15, 2010

Revised

MEMORANDUM

TO: Environmental Health Directors, Supervisors, Coordinators, & Specialists

FROM: Kevin Dodge
Environmental Engineer

Judy R. Daye, REHS
Environmental Health Regional Specialist

THROUGH: Larry Michael, REHS, MPH
Food Protection Branch Head

RE: Construction Requirements for Pushcarts

The Division of Environmental Health has received a number of inquiries related to the construction of pushcarts. The purpose of this memo is to provide guidance on pushcart construction and equipment standards in accordance with 15A NCAC 18A .2600, the *Rules Governing the Sanitation of Food Service Establishments*. Rules 15A NCAC 18A .2638 and .2639 address the requirements for pushcarts.

A pushcart is defined as a mobile piece of equipment or vehicle which serves hot dogs or foods which have been prepared, pre-portioned, and individually pre-wrapped at a restaurant or commissary. Rule .2638 requires all equipment and utensils to comply with Section .2600 which means equipment shall comply with American National Standards Institute (ANSI) sanitation standards. The standard of reference for non-motorized pushcarts is NSF/ANSI Standard 59 Mobile Food Carts. This standard includes provisions for construction, materials, data plate information, protection of food zone, hot and cold holding, and water and wastewater disposal.

To address recent questions posed to the Department regarding pushcart construction, the Division offers the following guidance.

1. Encourage all prospective cart operators to purchase a cart listed with an ANSI-accredited certification program to assure compliance with applicable standards.

Verify the usage of the listed cart using the data plate information and the NSF listings. Carts are approved for specific uses such as:

- a. non-potentially hazardous or potentially hazardous food,
- b. pre-packaged food or food preparation, and
- c. indoor or outdoor use.

2. If equipment is not listed by an ANSI-accredited certification program then the owner shall submit documentation to the Department verifying how the equipment is equivalent to NSF/ANSI standards. The NC food service establishment rules do not require potable water supplies or wastewater holding tanks, but if these items are components of the cart they must comply with NSF/ANSI sanitation standards.
3. For individuals who choose to construct their own pushcarts, have them contact an ANSI-accredited certification program to discuss the appropriate standards they need to obtain for construction or the options for certification of their pushcart. The most common programs are NSF International: 800-673-8010 and Underwriters Laboratories: 919-549-1768. Individuals may also order standards through the following websites:

<http://www.global.ihs.com>

<http://www.techstreet.com/cgi-bin/results>

<http://www.nsf.org>

Individuals will not be able to construct carts to meet the NSF/ANSI standards without this information.

4. Rule .2639(b) requires that food and utensils on the cart exposed to the public or to dust or insects be protected by glass, or otherwise on the front, top and ends, and exposed only as much as may be necessary to permit the handling and serving of hot dogs. The NSF/ANSI standard requires food preparation areas on mobile food carts intended for outdoor use to be fully enclosed when the areas are not being accessed for food preparation. In addition to the lid covering the food containers, there must be additional covering of the food areas to protect the food and utensils. Umbrellas and canopies do not meet this requirement.
5. Where supplemental food storage and transport equipment is used it shall comply with the NC food service establishment rules as referenced in rule .2638(m).
6. All currently permitted pushcarts that are in compliance with applicable pushcart rules except for the NSF/ANSI sanitation requirement may continue to operate as long as there is no immediate threat to public health. However, a change in the pushcart permit will require that the pushcart meets applicable rules, including NSF/ANSI standards.
7. Owners of pushcarts that have been permitted and do not have food protection as required in rule .2639(b) are to be notified on their next inspection of the modifications needed to be in compliance with this rule. A time period of no greater than six months shall be allowed to make the necessary modifications to their pushcart as long as food is not exposed to potential sources of contamination resulting in an immediate threat to public health.

If you have any questions pertaining to the construction of pushcarts or availability of NSF/ANSI standards for regulatory agencies please contact Kevin Dodge at 919-715-8307 (kevin.dodge@ncdenr.gov) or Judy Daye at 704-645-0590 (judy.daye@ncdenr.gov).