

TOWN OF WESTFORD
BOARD OF HEALTH
TOWN HALL
WESTFORD, MASSACHUSETTS 01886
(978)692-5509 Fax (978) 399 2558

**Westford Board of Health Rules and Regulations Concerning Minimum Sanitation Standards
for Food Establishments**

I. Authority

These regulations are promulgated under the authority granted to the Board of Health under Massachusetts General Law chapter 111, section 31.

II. Purpose

The Westford Health Department seeks to enhance the protection of the public's health by improving food safety and, in doing so, reducing foodborne illness through implementation of a risk and intervention-based food safety program.

III. Definitions

For the purposes of this regulation, the following words shall have the meanings respectively ascribed to them by this section:

- (1) **Board:** The Board of Health of the Town of Westford.
- (2) **Certified Professional-Food Safety (CP-FS):** An individual holding the credential Certified Professional-Food Safety issued under the by-laws of the National Environmental Health Association.
- (3) **Food Establishment:** An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. This includes; (i) satellite or catered feeding location; catering operation if the operation provides food directly to the consumer or to a conveyance used to transport people, market, vending location, conveyance used to transport people, institution or food bank; and (ii) that relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or deliver service that is provided by common carriers.
- (4) **Person:** Any individual, firm, partnership, association, corporation, company or organization of any kind including, but not limited to an owner, operator, manager, proprietor or person in charge of any building, establishment, business, or restaurant or retail store, or the business agents or designees of any of the foregoing.
- (5) **Sanitarian:** An individual, licensed by the Commonwealth of Massachusetts as a Registered Sanitarian as described in 255 CMR 2.000 through 5.000 and whose license is current and in good standing.
- (6) **Plastic Beverage Straw:** means a tube made predominately for transferring a beverage from its container to the mouth of the drinker and derived from petroleum.
- (7) **Plastic Beverage Stirrer:** means a device that is used to mix beverages, intended for only a one time use, and made predominately of plastic derived from petroleum.



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IV. Minimum Standards and Administration

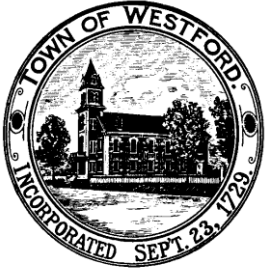
- A. 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments (State Sanitary Code, Chapter X) is hereby adopted in its entirety.
- B. Food Code 2017 Recommendations of the United States Public Health Service Food and Drug Administration and the Annexes to the 2017 Food Code is hereby adopted in its entirety in its current form. In instances where the State and Federal regulations conflict; 105 CMR 590.000 will prevail except as outlined in section III(C) of this regulation.
- C. Food establishments designated as "Risk Factor 1" (establishments selling non-TCS food items) no longer require annual inspections. Risk Factor 1 establishments are required to receive a permit issued by the Westford Board of Health. There will be no charge for the permit and there will be no required annual inspection. The Westford Board of Health or the Board's Agent(s) reserves the right to conduct an inspection at any time without notice.
- D. Approval of Plans
When a plan is required as designated in the 2017 FDA Food Code, Section 8-201.11, sub-sections A through C, and also at change of ownership, the plan shall be stamped and signed by a Registered Sanitarian or CP-FS and submitted to the Board for approval. The signature and credential identification number shall attest to the proper and sanitary design of the proposed food establishment and compliance with section 8-201.12, sub-sections A through F of the 2017 FDA Food Code.
- E. Plastic Beverage Straws and Stirrers
 - 1. Food Establishments that serve drinks for immediate consumption will not automatically provide plastic straws to customers.
 - 2. If a customer asks for a straw or stirrer, the business may give them one.
 - 3. Straws and Stirrers made of paper or other non-plastic material can be freely provided as well.
 - 4. Sales of packaged plastic straws or stirrers are not prohibited.

V. Enforcement and Penalties

- (A) Failure to submit review plans that have been signed by a Sanitarian or CP-FS shall result in denial of approval of said plans.
- (B) This regulation may be enforced by any lawful means in law or in equity including, but not limited to, a non-criminal disposition as provided in the M.G.L., ch. 40, § 21D and Ch. 1 ss 1.3 of the General Bylaws of the Town of Westford. The following penalties shall apply:

First Offense:	\$100.00
Second Offense:	\$200.00
Third Offense/Subsequent	\$300.00

Each day's failure to comply with an order shall constitute a separate violation.



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VI. Variance

- (A) The Board of Health may vary the application of any provision of any of these regulations with respect to any case when the Board of Health finds the enforcement thereof would do manifest injustice.
- (B) Every request for a variance shall be made in writing to the Board of Health and shall state the specific variance sought and the reasons thereof.

VI. Severability

If any paragraph or provision of this regulation is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining paragraphs or provisions being in force.

VII. Effective Date

These regulations shall be effective as of July 1, 2020.
Amended on January 13, 2020