

THE SWINOMISH INDIAN TRIBAL COMMUNITY  
SWINOMISH INDIAN RESERVATION

RESOLUTION NO. 2011-02- 022

**A Resolution Approving Paddle to Swinomish Tribal Journey 2011 Health & Sanitation Policy**

**WHEREAS**, the Swinomish Indian Tribal Community (the "Tribe") is a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 476); and

**WHEREAS**, the Tribe is organized under a constitution and bylaws originally ratified by the Tribe on November 16, 1935, and approved by the Secretary of the Interior on January 27, 1936, and as most recently amended and ratified by the Tribe on September 7, 1985 and approved by the Secretary of the Interior on October 22, 1985; and

**WHEREAS**, the Swinomish Indian Senate (the "Senate") is the duly enacted governing body of the Swinomish Indian Tribal Community and exercises governmental authority over all lands and waters within the Swinomish Indian Reservation; and

**WHEREAS**, the Tribe is hosting the 2011 Canoe Journey, and desires to provide an opportunity for vendors to offer food and goods for sale to Canoe Journey participants and guests; and

**WHEREAS**, the conduct of business within the Swinomish Indian Reservation constitutes a consensual relationship with the Swinomish Indian Tribal Community and/or its members, and such conduct can threaten or have a direct effect on the economic security, health or welfare of the Swinomish Indian Tribal Community and its members; and

**WHEREAS**, the Tribe desires to regulate the conduct of business within the Swinomish Reservation in order to protect the economic security, health, safety and welfare of the Swinomish Indian Tribal Community and its members, and of residents and other persons present on such lands; and

**WHEREAS**, the Swinomish Canoe Journey staff has recommended that the attached Paddle to Swinomish Tribal Journey 2011 Health & Sanitation Policy be approved in order to protect the health, safety, and wellbeing of the Swinomish Indian Tribal Community and its members, and of residents and other persons present on the Reservation during Paddle to Swinomish Tribal Journey 2011; and

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Update: 6/24/2010

**WHEREAS**, the Tribal Senate is authorized to take this action pursuant to Article VI, Sections 1(h) and (l) of the Constitution of the Tribe approved January 27, 1936, as amended, **NOW THEREFORE**,

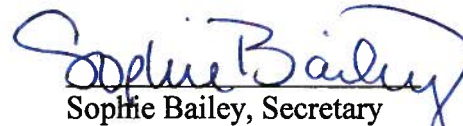
**BE IT RESOLVED BY THE SWINOMISH INDIAN SENATE** that the attached Paddle to Swinomish Tribal Journey 2011 Health & Sanitation Policy is approved.

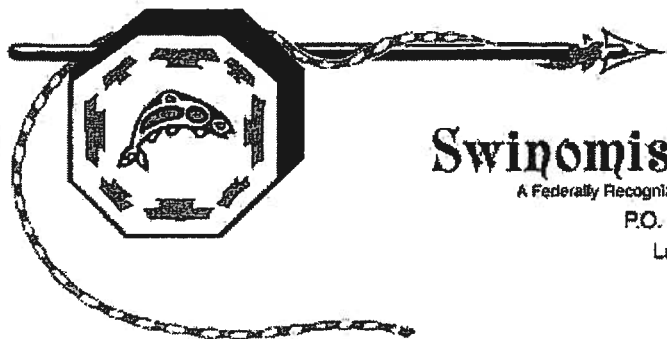
  
Brian Cladoosby, Chairman  
Swinomish Indian Senate

  
Barbara James  
Vice-Chair

### CERTIFICATION

As Secretary of the Swinomish Indian Senate, I hereby certify that the foregoing Resolution was approved at a Regular Meeting of the Swinomish Indian Senate held on February 8, 2011, at which time a quorum was present and the resolution was passed by a vote of 7 FOR, 0 AGAINST, and 0 ABSTENTIONS.

  
Sophie Bailey, Secretary  
Swinomish Indian Senate



## Swinomish Tribal Community

A Federally Recognized Indian Tribe Organized Pursuant to 25 U.S.C. § 478

P.O. Box 817 • 11404 Moorage Way

LaConner, Washington 98257

### PADDLE TO SWINOMISH TRIBAL JOURNEY 2011 HEALTH & SANITATION POLICY

**Purpose.** The Swinomish Indian Senate adopts this policy in order to protect the health, safety, and wellbeing of Tribal members, other Reservation residents, and visitors to the Reservation during the Paddle to Swinomish Tribal Journey 2011.

**Authority.** Art. VI Sec. 1(h) and (l) of the Swinomish Constitution provides authority for the Senate to adopt this policy.

**Effective Dates.** This policy shall become effective upon adoption and remain in place until August 1, 2011.

**Relation to Other Law.** If this policy conflicts with any other provision of Tribal law, including but not limited to any provision in STC Title 10, this policy shall control. Otherwise, this policy supplements and does not modify, replace, or repeal other provisions of Tribal law.

#### **Rules for Food Service.**

##### *1) Temporary food service establishment permits.*

- a. A temporary food service establishment is any person or group of people who intends to prepare and distribute food to the general public (i.e., to people that he or she is not related to by blood, marriage, or Canoe Journey family), regardless whether the food is offered for sale, trade, or free of charge, during a time limited event including the Paddle to Swinomish Canoe Journey 2011.
- b. The person(s) responsible for operating and/or managing a temporary food service establishment shall first obtain a temporary food service establishment permit from the Swinomish Tribal Journey Committee before the temporary food service establishment prepares or distributes food to the general public. In order to apply for a temporary food service establishment permit, submit a complete Paddle to Swinomish Tribal Journey 2011 Vendor Application to Swinomish Tribal Journey Office,

Attn: Aurelia Washington or Melissa Miller, 11404 Moorage Way, La Conner, WA 98257 by June 30, 2011.

- c. The Swinomish Tribal Journey Office shall forward all food service Vendor Applications to the Swinomish Tribe's public health consultant at Northwest Washington Indian Health Board (NWWIHB or Indian Health Board), 1400 King Street, Suite 104, Bellingham, WA 98229, (360) 647-9480, Stephanie@indianhealthboard.org. The Swinomish Tribal Journey Committee shall not issue any temporary food service establishment permit unless and until the food service Vendor Application is approved by the Indian Health Board.
- d. If both the Indian Health Board and the Swinomish Tribal Journey Committee approve a food service Vendor Application, the Swinomish Tribal Journey Office shall issue a temporary food service establishment permit to the applicant and assign the applicant a space in the food service area. The temporary food service establishment permit shall be posted in the vendor booth and visible to the general public when the temporary food service establishment is in operation.
- e. Temporary food service establishments must allow Indian Health Board inspectors and Swinomish Tribal Journey Committee representatives to conduct inspections at any time when the temporary food service establishment is in operation. If the inspection of a temporary food service establishment reveals food safety violations or deficiencies, the temporary food service establishment must come into compliance within four (4) hours. If the temporary food service establishment fails to achieve compliance within two (4) hours following an inspection or refuses to allow the Indian Health Board inspectors or Swinomish Tribal Journey Committee representatives to conduct an inspection, the temporary food service establishment permit is automatically revoked and the temporary food service establishment must immediately cease operations.

2) *Food handler's permits.*

- a. At least one person with operating or management authority for a temporary food service establishment must be present and in possession of a valid food handler's permit from during temporary food service operations. It is recommended that all food service workers have a valid food handler's permit. Local resources for obtaining food handler's permits include: Indian Health Board, 1400 King Street, Suite 104, Bellingham, WA 98229, (360) 647-9480, the Skagit County Health Department, 700 South 2nd, Mount Vernon, WA 98273, (360) 336-9380, and the Whatcom County Health Department, 509 Girard Street, Bellingham, WA 98225, (360) 676-6724.

- b. Any food service worker with a valid food handler's permit must carry a copy of his or her food handler's permit during temporary food service operations and shall produce it to the Indian Health Board inspectors and Swinomish Tribal Journey Committee representatives upon request. If the inspection of a temporary food service establishment reveals that there is not a person with operating or management authority for a temporary food service establishment present and in possession of a valid food handler's permit during temporary food service operations, the temporary food service establishment permit is automatically revoked and the temporary food service establishment must immediately cease operations.

3) *Food safety.*

- a. Where not inconsistent with this policy, the provisions of the 2009 FDA Food Code apply. Any person who prepares or distributes food to the general public shall comply with applicable provisions of the 2009 Food FDA Code.
- b. All food intended for the general public must be prepared on-site or in an approved commercial kitchen (i.e., a commercial kitchen with a valid food service establishment permit issued by the Tribe or another jurisdiction). No person shall prepare or distribute food to the general public that was prepared off-site in a campground, RV, mobile kitchen, private home, or other unapproved location.
- c. A list of all foods that will be offered to the general public must be submitted to and approved by the Indian Health Board in advance of food service operations. No person shall prepare or distribute food to the general public that is not listed on a menu approved by the Indian Health Board. Home-canned and home prepared foods are prohibited.
- d. Potentially hazardous hot food must be held at an internal temperature above 140°F and potentially hazardous cold food must be held at an internal temperature below 41°F. Temporary food service establishments shall keep a metal stem or digital food thermometer on site and periodically check potentially hazardous food temperature. Food may be kept warm in crockpots but cannot be cooked in crockpots. Ice must be obtained from an approved source.
- e. Service items (i.e., plates, cups, utensils) shall be single-service. Condiments (i.e., ketchup, mustard, mayonnaise, relish) shall be single-service or available in a covered pump container. Reusing service items or providing open jars of condiments is prohibited.
- f. Required equipment. Food service establishments shall maintain on-site at all times:

- i. Metal stem or digital food thermometer;
  - ii. Drinking water from an approved source stored in sanitized closed containers;
  - iii. Chlorine test strips;
  - iv. Sanitizing solution (EITHER bleach spray bottle and disposable paper towels OR bucket with 1 teaspoon bleach per gallon of water and wiping cloths);
  - v. Handwashing station consisting of at least a 5-gallon insulated container with a spigot that provides a continuous flow of warm (100-120°F) running water, soap, paper towels, and a 5-gallon container to collect wastewater;
  - vi. Disposable gloves;
  - vii. Dishwashing station consisting of a covered food waste container with plastic liner; wash bucket; rinse bucket; sanitizing bucket; and area to air dry equipment or dishes;
  - viii. Covered trash can(s) with plastic liners for food waste;
  - ix. Covered container for wastewater (i.e., dirty water from handwashing or dishwashing); and
  - x. A fire extinguisher.
- g. Personal hygiene. A person who prepares or distributes food to the general public shall:
- i. Be in good health (i.e., no communicable illness like the flu, common cold, etc.);
  - ii. Keep his or her hands clean and sanitary by washing frequently and thoroughly;
  - iii. Use disposable gloves when handling ready-to-eat foods;
  - iv. Keep his or her hair clean and covered (i.e., in a ball cap or hairnet); and
  - v. Wear a clean uniform or clothes.

### **Rules for Paddle to Swinomish Tribal Journey 2011 Landing Area and Campground.**

- 1) The Swinomish Tribal Journey Committee shall provide an adequate supply of potable water for consumption to serve the number of people expected to utilize the landing area and campground. If potable water is delivered to the site, it must be transported, stored and dispensed in containers and in a manner approved by the Indian Health Board. Swinomish Public Works and/or Swinomish Utility Authority shall install water spigots near the vendor area, and, if possible given the location of Swinomish Utility Authority water lines, at the landing area and campground. Swinomish Public Works and Swinomish Planning shall work together to ensure that the area beneath water spigots drains adequately to prevent standing water or mud.
- 2) The Swinomish Tribal Journey Committee shall provide an adequate supply of covered trash cans with plastic liners to serve the number of people expected to utilize the landing area and campground. Solid waste should be disposed of in accordance with the Rules for Solid Waste and Wastewater Disposal below.
- 3) The Swinomish Tribal Journey Committee shall provide an adequate number of portable toilets to serve the number of people expected to utilize the landing area and campground. The Committee shall also install a temporary handwashing station approved by the Indian Health Board and covered trash can with plastic liner near each portable toilet. Portable toilets shall be serviced and emptied frequently enough to ensure that they are clean and sanitized and contain paper products for public use.
- 4) Swinomish Planning and Swinomish Public Works shall work together to ensure the landing area and campground drains adequately to prevent standing water or mud.

### **Rules for Solid Waste and Wastewater Disposal.**

- 1) The Swinomish Tribal Journey Committee shall provide an adequate supply of covered trash cans with plastic liners in the vendor area to serve the number of people expected to visit the vendor area.
- 2) Swinomish Public Works shall ensure that all trash cans (i.e., trash cans at the landing area, at the campground, in the food service vendor area, and in the non-food service vendor area) are emptied at least once daily and are emptied more frequently if necessary to prevent trash from overflowing the cans.
- 3) No person, including but not limited to vendors and temporary food service establishments, shall dispose of wastewater (i.e., dirty water from handwashing or dishwashing) by pouring it on the ground. Wastewater must be disposed of by pouring it into portable toilets, portable showers, portable handwashing stations, or plumbed sinks or toilets.