

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .1000 - SANITATION OF SUMMER CAMPS

15A NCAC 18A .1001 DEFINITIONS

The following definitions shall apply throughout this Section:

- (1) "Summer camp" includes those camp establishments which provide food or lodging accommodations for groups of children or adults engaged in organized recreational or educational programs. It also includes day camps, church assemblies, and retreats.
- (2) "Department" shall mean the Secretary of the Department of Environment and Natural Resources or his authorized representative.
- (3) "Sanitarian" shall mean a person authorized to represent the Department on the local or state level in making inspections pursuant to state laws and regulations.
- (4) "Person" means an individual, firm, association, organization, partnership, business trust, corporation, or company.
- (5) "Potentially hazardous food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including *Clostridium botulinum*. This term includes raw or heat treated foods of animal origin, raw seed sprouts, and treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.
- (6) "Sanitize" means the approved bactericidal treatment by a process which meets the temperature and chemical concentration levels in 15A NCAC 18A .2619.

*History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. November 1, 2002; September 1, 1990.*

15A NCAC 18A .1002 FIELD SANITATION

Summer camps or other organizations may conduct overnight hikes or similar primitive camping activities if accepted field sanitation standards are maintained.

*History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.*

15A NCAC 18A .1003 INVESTIGATION AND APPROVAL

(a) The sponsor of a proposed site for a summer camp may make an advance appointment with a sanitarian from the health department of the county in which the site is located for a joint visit to the site by representatives of the sponsor and the health department. During the site visit, the sponsor's preliminary plans for development of needed structures and facilities will be evaluated, including water supply, sewage disposal, swimming facilities, solid waste disposal, and insect and rodent control. If it is determined that the proposed site and facilities, if properly developed and operated, will comply with this Section, the sponsor should proceed to develop final plans and specifications.

(b) Plans and specifications for camp buildings and equipment, water supply system, sewerage system, and swimming pool or other swimming facility shall be submitted in duplicate to the health department of the county in which the site is located. Construction shall not be started until the plans and specifications have been approved by the local health department.

*History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.*

15A NCAC 18A .1004 PERMITS

(a) No person shall operate a summer camp within the State of North Carolina who does not possess a valid permit from the Department. No permit to operate shall be issued until an inspection by a sanitarian shows that the establishment complies with this Section. Permits or transitional permits are issued by and inspections made by the Department.

(b) If camp food service is provided by a caterer, the overall responsibility for food service sanitation remains with the camp management.

(c) Upon transfer of ownership of an existing summer camp, the Department shall evaluate the facility to determine compliance with the rules. If the establishment satisfies all the requirements of the rules, a permit shall be issued. If the establishment does not satisfy all the requirements of the rules, a permit shall not be issued. However, if the Department determines that the noncompliant items are construction or equipment problems that do not represent an immediate threat to the public health, a transitional permit may be issued. The transitional permit shall expire 90 days after the date of issuance, unless suspended or revoked before that date, and shall not be renewed. Upon expiration of the transitional permit, the owner or operator shall have corrected the noncompliant items and obtained a permit, or the summer camp shall not continue to operate.

(d) The Department may impose conditions on the issuance of a permit or transitional permit. Conditions may be specified for one or more of the following areas:

- (1) The number of persons served.
- (2) The categories of food served.
- (3) Time schedules in completing minor construction items.
- (4) Modification or maintenance of water supplies, water use fixtures and sanitary sewage systems.
- (5) Use of facilities for more than one purpose.
- (6) Continuation of contractual arrangements upon which basis the permit was issued.
- (7) Submission and approval of plans for renovation.
- (8) Any other conditions necessary for the summer camp to remain in compliance with this Section.

(e) A permit or transitional permit shall be immediately revoked in accordance with G.S. 130A-23(d) for failure of the facility to maintain a minimum grade of C. A permit or transitional permit may otherwise be suspended or revoked in accordance with G.S. 130A-23. A new permit to operate shall be issued only after the establishment has been reinspected by the Department and found to comply with this Section. This reinspection shall be conducted within a reasonable length of time, not to exceed 30 days, after the request is made by the operator.

*History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. April 1, 1992; September 1, 1990; March 1, 1988.*

15A NCAC 18A .1005 PUBLIC DISPLAY OF GRADE CARD

Inspections of summer camps shall be made in accordance with this Section at least once during each season's operation. Upon completion of an inspection, the sanitarian shall remove the existing grade card, issue a grade card, and post the new grade card in a conspicuous place where it may be readily observed by the public upon entering the facility. The owner or operator shall be responsible for keeping the grade card posted at the location designated by the sanitarian at all times.

*History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. July 1, 1986.*

15A NCAC 18A .1006 REINSPECTIONS

Upon receipt of a request from the management for a reinspection for the purpose of raising the posted grade, the sanitarian shall make an unannounced inspection after the lapse of a reasonable period of time.

*History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.*

15A NCAC 18A .1007 INSPECTION FORMS

The grading of summer camps shall be done on an inspection form furnished by the Department to local health departments. The form shall include at least the following information:

- (1) name and address of each facility,
- (2) length of season,
- (3) number of residents,
- (4) signature of authorized representative,
- (5) score,
- (6) standards of construction and operation as listed in .1009 to .1029 of this Section.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990; June 30, 1980.

15A NCAC 18A .1008 GRADING

The sanitation grading of all summer camps shall be based on a system of scoring wherein all summer camps receiving a score of at least 90 percent shall be awarded Grade A; all summer camps receiving a score of at least 80 percent and less than 90 percent shall be awarded Grade B; all summer camps receiving a score of at least 70 percent and less than 80 percent shall be awarded Grade C; and no summer camp receiving a score of less than 70 percent, or Grade C, shall operate.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1009 STANDARDS

The grading of summer camps shall be based on the standards of construction and operations set out in .1010 to .1029 of this Section.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1010 SITE

The topography, drainage and other site factors shall be satisfactory for the camp facilities and activities, and the site shall be free of actual or potential health hazards.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1011 WATER SUPPLY

- (a) Water supplies shall meet the requirements in 15A NCAC 18A .1700.
- (b) The water supply used shall be located, constructed, maintained, and operated in accordance with the Commission for Public Health's rules governing water supplies. At least once a year, a sample of water shall be collected by the Department and submitted to the Division of Laboratory Services or other laboratory certified by the Department to perform bacteriological examinations. A sample of water from a private or public non-community water supply serving a summer camp shall be collected by the sanitarian and submitted at least once a year to the laboratory section of the Department or other approved laboratory for bacteriological examination.
- (c) Cross-connections with unapproved water supplies are prohibited. All plumbing fixtures for potable water shall be provided and installed as required by the North Carolina State Building Code. Copies of the North Carolina State Building Code may be obtained from the North Carolina Department of Insurance, P.O. Box 26387, Raleigh, North Carolina 27611.
- (d) Hot water heating facilities shall be provided. Hot and cold running water under pressure shall be provided to food preparation areas, and any other areas in which water is required for cleaning.

History Note: Authority G.S. 130A-248;

Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990; July 1, 1986.

15A NCAC 18A .1012 RECREATIONAL WATERS

- (a) A natural or artificial body of water may be approved by the Department for the recreational purposes based upon the results of inspections, bacteriological examinations of the water, and sanitary surveys.
- (b) Swimming Pools shall meet the requirements in 15A NCAC 18A .2500.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1013 LIQUID WASTES

All sewage and other liquid wastes shall be disposed of in a public sewer system or, in the absence of a public sewer system, by a properly operating sanitary sewage system approved by the Department.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Amended Eff. July 1, 1977;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990; July 1, 1986.

15A NCAC 18A .1014 TOILET: HANDWASHING: LAUNDRY: AND BATHING FACILITIES

- (a) All summer camps shall be provided with toilet, handwashing, and bathing facilities which are adequate, conveniently located and readily accessible. These facilities, and laundry facilities when provided, shall comply with the North Carolina State Building Code, Volume II.
- (b) A sufficient number of water closets or privies approved by the Department shall be provided.
- (c) Adequate lavatories supplied with running water shall be provided and located convenient to all flush toilet facilities. At least one lavatory supplied with hot and cold running water through mixing faucets and with soap and towels shall be provided in the kitchen and any other food preparation areas.
- (d) Bathing facilities shall be provided and located convenient to sleeping quarters.
- (e) Laundry facilities, if provided, shall be kept clean and in good repair.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1015 DRINKING WATER FACILITIES

Drinking water facilities shall be provided so that water can be dispensed in a sanitary manner. Drinking fountains, if provided, shall be of a sanitary angle-jet design, shall be kept clean and shall be properly regulated.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1016 LODGING FACILITIES

Permanent sleeping quarters shall provide cross ventilation, at least 30 inches between beds, a minimum of six feet between heads of sleepers and at least one bed for every camper. Only single beds or double level bunk beds shall be allowed. Lodging facilities, whether provided by the camp or by individual campers, shall be kept clean and in good repair. Clean linen and soiled linen shall be stored and handled separately and in a sanitary manner.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;

Readopted Eff. December 5, 1977;
Amended Eff. October 1, 1992; September 1, 1990.

15A NCAC 18A .1017 FOOD SERVICE FACILITIES

Food service facilities shall include a kitchen of adequate size and of completely enclosed, permanent construction, and a dining hall providing protection from the elements.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1018 FOOD SERVICE UTENSILS AND EQUIPMENT

(a) All equipment and utensils shall be so designed and of such material and workmanship as to be smooth, easily cleanable and durable, and shall be kept clean and in good repair; and the food-contact surfaces of such equipment and utensils, shall, in addition, be easily accessible for cleaning, non-toxic, corrosion-resistant, relatively nonabsorbent, and free of open crevices; provided, that hard maple or equivalent may be used for bakers' tables and cutting blocks and boards.

(b) All multi-use eating and drinking utensils shall be thoroughly cleaned and sanitized after each usage. All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink, and all food storage utensils, shall be thoroughly cleaned after each use. Cooking surfaces of equipment shall be cleaned at least once each day. All utensils and food-contact surfaces of equipment used in the preparation, service, display, or storage of potentially hazardous foods shall be cleaned and sanitized prior to each use. Non-food-contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.

(c) Necessary facilities shall be provided and used for the cleaning and sanitizing of utensils and equipment. All such utensils and equipment shall then be stored so as to drain dry, and be protected from splash, dust or contamination. In-place cleaning of fixed equipment shall be acceptable when found effective. All single service articles shall be stored, handled, and dispensed in a sanitary manner, and shall be used only once. All cloths used by chefs and other employees in the kitchen shall be clean.

(d) The National Sanitation Foundation has developed standards for many food service equipment items. Equipment which meets these or equivalent standards shall be accepted as meeting the requirements of this Section.

(e) Facilities and methods for the cleaning and sanitizing of utensils and equipment shall comply with "Sanitation of Restaurants and Other Foodhandling Establishments," 15A NCAC 18A .2600.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1019 FOOD SUPPLIES

All food shall be from approved sources and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. All meat and meat food products and all poultry and poultry products shall have been inspected for wholesomeness under an official inspection program; and, in all cases, the source shall be identifiable from labeling on carcasses, cuts, unit packages, bulk packages, or from bills of sale.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1020 SHELLFISH

(a) All shellfish and crustacea meat shall be obtained from sources in compliance with 15A NCAC 18A .0100 - .0900. If the source of clams, oysters, or mussels is outside the state, the shipper's name shall be on the list of Interstate Certified Shellfish Shippers. If the source of cooked crustacea meat is outside the state, the establishment in which the crustacea meat was packed shall be certified by the regulatory authority of the state or territory of origin, and attested by the presence of an official permit number on the container.

(b) All shucked shellfish and all cooked crustacea meat shall be obtained and stored in the clean single-service shipping containers in which packed at the source. Each unit container shall be clearly identified with the name and address of the

packer, repacker, or distributor; the certificate number of the packer or repacker; and the abbreviated name of the state. The re-use of single-service shipping containers and the storage of shucked shellfish in other containers are not permitted.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1021 MILK AND MILK PRODUCTS

- (a) Only Grade "A" pasteurized milk and milk products shall be used. The term "milk products" shall mean milk products as defined in 15A NCAC 18A .1200. Milk and milk products shall be served in the individual, original containers in which they were received from the distributor, so that the name and grade of the contents and the name of the milk distributor may be readily observed by the consumers; provided that approved sanitary bulk milk dispensers may be used if so located and so labeled that the name and grade of the contents and the name of the distributor may be observed readily by the consumers; provided further, that the milk dispenser may be installed in the food serving area of the kitchen if the label information required by this item is displayed or posted so as to be observed readily by the consumer.
- (b) An exception may be made in the case of cream served with coffee, cereals, etc., as the distributor cannot deliver cream in the unit sizes that would be required. For such service, transferring to individual service units from the original container of not more than one-half gallon capacity, or from pumps, or other approved dispensers is permissible. The mixing of cream and milk or the pouring of either into jars, bottles, or other containers for storage therein shall be prohibited. Where meals are served in a communal or family type dining area, milk may be served by pouring it into individual glasses or cups from original containers of not more than one gallon capacity which have been provided by a milk distributor. Such pouring shall be done by the counselor at each table or by responsible food service personnel of the summer camp immediately before the milk is to be consumed. The milk remaining in the container shall be immediately refrigerated and used for cooking purposes only. The transfer of milk from its original one gallon container into any type of container other than glasses or cups as specified in this Rule is prohibited.
- (c) Bulk milk dispenser containers, as received from the distributor, shall be properly sealed, labeled with the name and grade of the contents and identity of the distributor, and only the outlet seal shall be broken in the establishment.
- (d) Milk and milk products shall be stored in a sanitary manner and shall be kept refrigerated, except when being served. Milk containers shall not be completely submerged in water.
- (e) Dry milk and milk products may be reconstituted in the establishment if used for cooking purposes only.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990; July 1, 1984.

15A NCAC 18A .1022 FOOD PROTECTION

- (a) All food while being stored, prepared, displayed, and served shall be protected from contamination. All perishable foods shall be stored at such temperatures as will protect against spoilage. All potentially hazardous food shall be maintained at safe temperatures (45° F. or below, or 140° F. or above) except during necessary periods of preparation and serving. Ground beef and foods containing ground beef shall be cooked to an internal temperature of at least 155° F (68° C). Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to 165° F (74° C) or higher throughout before being served or before being placed in a hot food storage facility, except that food in intact packages from regulated food manufacturing plants may initially be reheated to 140° F (60° C).
- (b) Raw fruits and vegetables shall be washed thoroughly before use. Stuffings, poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served. Salads made of meat, poultry, potatoes, fish, shellfish, or eggs, and other potentially hazardous prepared foods shall be prepared, preferably from chilled products, with a minimum of manual contact, and on surfaces and with utensils which are clean and which, prior to use, have been sanitized. Individual portions of food once served to a person shall not be served again.
- (c) Conveniently located refrigeration facilities, hot food storage and display facilities, and effective insulated facilities, shall be provided as needed to assure the maintenance of all food at required temperatures during storage, preparation, display, and serving. Each cold-storage facility used for the storage of perishable food in a non-frozen state shall be provided with an indicating thermometer of such type and so situated that the thermometer can be easily read.
- (d) Containers of food shall be stored above the floor, on clean racks, dollies, slatted shelves, or other clean surfaces in such a manner as to be protected from splash and other contamination.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. October 1, 1993.

15A NCAC 18A .1023 ICE HANDLING

Ice shall be handled, transported, stored, and dispensed in such a manner as to be protected from contamination. If block ice is used, outer surfaces shall be thoroughly rinsed before crushing. Ice crushers, buckets, containers and scoops shall be kept clean and shall be stored and handled in a sanitary manner. Facilities for the making and storage of ice shall be kept clean and in good repair and shall be so located as to be protected from the elements, splash, drip, dust, vermin, and other contamination, and from use by unauthorized personnel.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1024 CONSTRUCTION AND MAINTENANCE REQUIREMENTS

All camp buildings shall be of sound construction, shall comply with the North Carolina Building Code, Volume I, II, shall be kept clean and in good repair and shall comply with the following specific requirements:

- (1) All floors shall be of such materials and so constructed as to be easily cleanable, shall be kept free of obstacles to cleaning and shall be kept clean and in good repair. The floor area shall be sufficient to accommodate all necessary operations. Floors in the rooms used for the handling, storage, and preparation of food; rooms in which utensils are washed; walk-in refrigerators; dressing or locker rooms; laundry rooms; and toilet rooms shall be of nonabsorbent materials such as concrete, terrazzo, tile, durable grades of linoleum or plastic, or equal, provided that floors in non-refrigerated dry storage areas need not be nonabsorbent. In all rooms in which water is routinely discharged to the floor, or in which floors are subjected to flooding-type cleaning, floors shall be concrete, terrazzo, tile or equal, shall slope to drain, and be provided with floor drains.
- (2) The walls of all rooms shall be kept clean and in good repair. All walls and ceilings in rooms used for the handling, storage and preparation of food; rooms in which utensils or equipment are washed; dressing or locker rooms; toilet rooms and bath rooms shall be easily cleanable and light colored; and walls shall have washable surfaces to the highest level reached by splash or spray in rooms or areas where such occur.
- (3) All rooms and areas shall be well lighted and ventilated, by natural or artificial means, which shall be effective under actual use conditions. Lighting fixtures and ventilating equipment shall be kept clean and in good repair. Ventilation systems shall comply with the North Carolina Building Code, Volume III, and vents to the outside air shall discharge in such a manner as not to create a nuisance.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1025 SOLID WASTES

(a) All solid wastes containing food scraps and other decomposable material shall, prior to disposal, be kept in leak-proof, nonabsorbent containers such as standard garbage cans, which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use. Storage racks elevated above the ground are required for outside storage of garbage cans. All dry rubbish (including scrap paper, cardboard, etc.) shall be stored in containers, rooms, or designated areas, in an approved manner.

(b) The rooms, enclosures, designated areas, and containers shall be adequate for the storage of all solid wastes accumulating on the premises. Container cleaning facilities, including a mixing faucet with hose threads, shall be provided and each container, room, or designated area shall be thoroughly cleaned after emptying or removal of wastes. All solid wastes shall be disposed of with sufficient frequency and in such a manner approved by the Department.

History Note: Authority G.S. 130A-248;

Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1026 VERMIN CONTROL: PREMISES: STABLES

- (a) Effective measures shall be taken to keep flies, rodents, and other vermin out of the food service areas and permanent sleeping quarters, and to prevent their breeding or presence on the premises. Unless flies or other flying insects are absent from the immediate vicinity of the camp, all openings to the outer air of food service areas and sleeping quarters shall be effectively protected against the entrance of such insects by self-closing doors, closed windows, 16-inch mesh or finer screening, controlled air currents, or other effective means.
- (b) Only those pesticides shall be used which have been approved for a specific use and properly registered with the Environmental Protection Agency and with the North Carolina Department of Agriculture in accordance with the "Federal Environmental Pesticide Control Act" and the "North Carolina Pesticide Law". Such pesticides shall be used as directed on the label and shall be so handled and stored as to avoid health hazards.
- (c) The premises under control of the management shall be kept neat, clean and free of litter.
- (d) No live birds or animals shall be permitted in the kitchen or dining areas.
- (e) Horse stables, if provided, shall be in a location removed from the main recreation center of activity to minimize potential odor and nuisance problems. All manure shall be stored, removed, or disposed of in such a manner as to minimize the breeding of flies.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1027 FOOD SERVICE EMPLOYEES

- (a) All employees shall wear clean outer clothing and shall be clean as to their person and methods of foodhandling. No employee shall use tobacco in any form while engaged in the washing of eating and cooking utensils or in the preparation, handling, or serving of food.
- (b) Employees shall wash their hands thoroughly in an approved handwashing lavatory before starting work, after each visit to the toilet, and as often as may be necessary to remove soil and contamination.
- (c) Employees engaged in the preparation, handling, or serving of food shall wear hairnets, caps, or other effective hair restraints to prevent the contamination of food or food contact surfaces. Wigs and hairspray do not constitute compliance with this Rule.
- (d) Cooks and other kitchen employees shall wear clean outer clothing or other special dress (uniforms) when on duty.
- (e) No person who has a communicable or infectious disease that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or who has a boil, infected wound, or an acute respiratory infection with cough and nasal discharge, shall work in food service in any capacity in which there is a likelihood of such person contaminating food or food contact surfaces, with disease-causing organisms or transmitting the illness to other persons.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1028 MISCELLANEOUS

- (a) Potentially hazardous materials, such as fuel, chemicals, explosives, equipment and apparatuses, shall be handled and stored so as to minimize health hazards.
- (b) Protective railings, fences, or similar enclosures shall be provided where necessary and shall be kept in good repair.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1029 SEVERABILITY

If any rule of this Section, or the application thereof to any person or circumstances, is held invalid, the remainder of these Rules, or the application of such provision to other persons or circumstances, shall not be affected thereby.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1031 APPEALS PROCEDURE

Appeals concerning the interpretation and enforcement of the rules in this Section shall be made in accordance with G.S. 150B.

History Note: Authority G.S. 130A-248;
Eff. February 1, 1987;
Amended Eff. September 1, 1990.

SECTION .1300 - SANITATION OF HOSPITALS, NURSING HOMES, ADULT CARE HOMES, AND OTHER INSTITUTIONS

15A NCAC 18A .1301 DEFINITIONS

The following definitions shall apply throughout this Section in the interpretation and enforcement of this Section:

- (1) "Disinfect" means a process used on inanimate surfaces to destroy or irreversibly inactivate infectious fungi and bacteria but not necessarily their spores.
- (2) "Environmental Health Specialist" means a person authorized by the Department of Environment and Natural Resources under G.S. 130A-6 to enforce environmental health rules adopted by the Commission for Public Health.
- (3) "Institution" includes the following establishments providing room or board and for which a license or certificate of payment must be obtained from the Department of Health and Human Services, other than those operated exclusively by the State of North Carolina:
 - (a) hospital, as defined in G.S. 131E-76 including doctors' clinics with food preparation facilities;
 - (b) nursing home, as defined in G.S. 131E-101;
 - (c) sanitarium, sanatorium, and any similar establishment, other than hospital and nursing home, for the recuperation and treatment of 13 or more persons suffering from physical or mental disorders;
 - (d) adult care home, providing custodial care on a 24-hour basis for 13 or more persons, including homes for the aged;
 - (e) orphanage, or children's home providing care on a 24-hour basis for 13 or more children.However, the term shall not include a child day care facility, an adult day service facility as defined in 15A NCAC 18A .3300 or a residential care facility as defined in 15A NCAC 18A .1600.
- (4) "Department of Environment and Natural Resources" shall mean the Secretary, or his authorized representative.
- (5) "Local health director" shall mean local health director as defined in G.S. 130A-2(6) or his authorized representative.
- (6) "Patient" means a patient or resident living in an institution as defined in this Section.
- (7) "Person" shall mean an individual, firm, association, organization, partnership, business trust, corporation, or company.
- (8) "Personal Hygiene" means maintenance of personal health, including grooming, brushing teeth, showering, applying makeup, or washing/drying face, hands, and body.
- (9) "Potentially hazardous food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including *Clostridium botulinum*. This term includes raw or heat treated foods of animal origin, raw seed sprouts, and treated foods of plant origin. The term does not include foods that have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.
- (10) "Sanitize" means a bactericidal treatment that meets the temperature and chemical concentration levels in 15A NCAC 18A .2619.

- (11) "Soiled utility room" means a room or area with fixtures used for cleaning and disinfecting soiled patient-care items.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); August 1, 1998; February 1, 1997; September 1, 1990;
March 1, 1988;
Temporary Amendment Eff. June 1, 2003;
Amended Eff. February 1, 2004.

15A NCAC 18A .1302 APPROVAL OF PLANS

In addition to any other licensure requirements, plans shall be submitted to the local health department for review and approval before beginning construction. Construction shall comply with the Rules of this Section.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); April 1, 1997; September 1, 1990; June 30, 1980.

15A NCAC 18A .1304 INSPECTIONS

(a) Institutions shall be graded once each six months and food services at institutions that prepare and serve meals to 13 or more patients or residents shall be inspected at least once each quarter.

(b) The grading of institutions shall be done on inspection forms furnished by the Department to local health departments. The form shall include the following information:

- (1) the name and address of the facility;
- (2) the name of the person in charge of the facility;
- (3) the standards of construction and operation as listed in .1309 - .1324 of this Section;
- (4) the score; and
- (5) the signature of the authorized agent of the Department.

(c) Whether or not a permit is required under G.S. 130A-248, inspections of food preparation and central dining areas in institutions serving meals to 13 or more patients or residents shall be documented separately using the inspection forms and grading system used for grading restaurants as specified in current "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments" 15A NCAC 18A .2600. When grading the food preparation and central dining areas of institutional food services that are not required to obtain a permit under G.S. 130A-248, the provisions of Rule .1323(d) of this Section shall supercede the provisions of Rule 15A NCAC 18A .2610(e) regarding animals in dining areas. Except as required by G.S. 130A-247 through 250, food services at institutions shall not be required to obtain foodhandling establishment permits. Facilities that the "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments" are made effective by the rules of this Section that were in operation before March 1, 2003 may continue to use equipment and construction in use on that date if no imminent hazard exists. Points shall not be deducted from the food service sanitation score for existing equipment that is kept clean and performs the task for which it is used. Replacement equipment for these facilities shall comply with 15A NCAC 18A .2600.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990; June 30, 1980;
Temporary Amendment Eff. June 1, 2003;
Amended Eff. February 1, 2004.

15A NCAC 18A .1305 GRADING RESIDENTIAL CARE FACILITIES IN INSTITUTIONS

If an institution includes one or more residential care facilities each providing room or board for 12 persons or fewer, the rules in 15A NCAC 18A .1600 shall apply and grading of the residential care facilities shall be in accordance with the residential care and these Rules do not apply.

History Note: Authority G.S. 130A-235;

Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990.

15A NCAC 18A .1306 PUBLIC DISPLAY OF GRADE CARD

(a) Whenever an inspection of an institution is made, the Environmental Health Specialist shall remove the existing grade card, issue a new grade card, and post the new grade card where it may be readily observed by the public upon entering the facility. The administrator shall be responsible for keeping the grade card posted at the location designated by the Environmental Health Specialist at all times. If the administrator objects to the location designated by the Environmental Health Specialist, then the administrator may suggest an alternative location which meets the criteria of this Rule.

(b) Private institutions are inspected and graded by Environmental Health Specialists employed by the local health departments, under the direction of the local health directors.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); July 1, 1986.

15A NCAC 18A .1307 REINSPECTIONS

Upon receipt of a request from the management for a reinspection for the purpose of raising the alphabetical grade of the institution, the Environmental Health Specialist shall make an unannounced inspection after the lapse of a reasonable period of time, not to exceed 30 days.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160).

15A NCAC 18A .1308 APPROVED INSTITUTIONS AND SCORING SYSTEM

(a) The sanitation grading of all institutions shall be based on a system of scoring wherein all institutions receiving a score of at least 90 percent shall be awarded Grade A; all institutions receiving a score of at least 80 percent and less than 90 percent shall be awarded Grade B; all institutions receiving a score of at least 70 percent and less than 80 percent shall be awarded Grade C; and all institutions receiving a score of less than 70 percent do not meet the minimum sanitation standards. If an institution or an institutional food service fails to maintain a sanitation score of at least 70 percent or if the Environmental Health Specialist determines that conditions found at the institution at the time of any inspection are dangerous to the health of residents or the public, the Environmental Health Specialist shall notify the licensing agency within 24 hours. A copy of the inspection report documenting the dangerous conditions shall be sent to the licensing agency within two working days following the inspection.

(b) Sanitation scores for institutions shall be determined by an Environmental Health Specialist authorized by the Department by completing an inspection report Form DENR 1213. The score is a percentage compliance determined by deducting points from 100 percent for each item found not to be in compliance with the Rules of this Section. The authorized Environmental Health Specialist shall deduct full or half credit for non-compliant items based on the severity, pervasiveness and persistence of the rule violation. The percentage point value of each item is determined as follows:

- (1) Violation of Rule .1309 of this Section regarding cleanability of floors and provision of floor drains shall be assessed a value of two points
- (2) Violation of Rule .1309 of this Section regarding cleaning and maintenance of floors and carpet shall be assessed a value of two points.
- (3) Violation of Rule .1310 of this Section regarding cleanability and repair of walls and ceilings shall be assessed a value of two points.
- (4) Violation of Rule .1311(a) of this Section regarding lighting levels shall be assessed a value of two points.
- (5) Violation of Rule .1311(b) or (c) of this Section regarding ambient air temperatures and cleaning of ventilation equipment shall be assessed a value of two points.
- (6) Violation of Rule .1311(d) of this Section regarding moisture control shall be assessed a value of three points.

- (7) Violation of Rule .1311(e) of this Section regarding control of indoor smoke exposure shall be assessed a value of two points.
- (8) Violation of Rules .1312(a), (b), or (f) of this Section regarding location, cleaning and repair of toilet, handwashing and bathing facilities shall be assessed a value of two points.
- (9) Violation of Rule .1312(b) of this Section regarding toilet rooms shall be assessed a value of one point.
- (10) Violation of Rule .1312(c) of this Section regarding bedpans, urinals, bedside commodes and emesis basins shall be assessed a value of one point.
- (11) Violation of Rule .1312(c) or (d) of this Section regarding provision, accessibility and use of hand sinks shall be assessed a value of two points.
- (12) Violation of Rule .1312(d) of this Section regarding equipment for handwashing facilities shall be assessed a value of three points.
- (13) Violation of Rule .1312(e) of this Section regarding hot water temperature at lavatory and bathing facilities shall be assessed a value of two points.
- (14) Violation of Rule .1312(f) of this Section regarding accessibility and mixing of cleaning and disinfectant agents shall be assessed a value of two points.
- (15) Violation of Rule .1313(a) or (d) of this Section regarding water supply and cross-connections shall be assessed a value of four points.
- (16) Violation of Rule .1313 (e) or (f) of this Section regarding quantity of hot water and backup water supply plans shall be assessed a value of two points.
- (17) Violation of Rule .1314(a) of this Section regarding cleaning, repair and flow regulation of drinking fountains shall be assessed a value of two points.
- (18) Violation of Rule .1314(a) of this Section regarding drinking utensils shall be assessed a value of two points.
- (19) Violation of Rule .1314(b) of this Section regarding protection of ice and cleaning and repair of ice making and handling equipment and utensils shall be assessed a value of two points.
- (20) Violation of Rule .1315 of this Section regarding wastewater disposal shall be assessed a value of four points.
- (21) Violation of Rule .1316(a), (b) or (c) of this Section regarding solid waste storage and container cleaning facilities shall be assessed a value of four points.
- (22) Violation of Rule .1316(d) of this Section regarding solid waste disposal and control of insect breeding or nuisance shall be assessed a value of two points.
- (23) Violation of Rule .1316(e) of this Section regarding handling and disposal of medical wastes shall be assessed a value of two points.
- (24) Violation of Rule .1317(a) of this Section regarding exclusion of vermin shall be assessed a value of three points.
- (25) Violation of Rule .1317(b) of this Section regarding storage and handling of pesticides shall be assessed a value of two points.
- (26) Violation of Rule .1317(c) of this Section regarding cleaning and maintenance of premises shall be assessed a value of two points.
- (27) Violation of Rule .1317(e) or (f) of this Section regarding pet maintenance shall be assessed a value of two points.
- (28) Violation of Rule .1318(a) of this Section regarding storage areas shall be assessed a value of one point.
- (29) Violation of Rule .1318(b) of this Section regarding mop sinks shall be assessed a value of one point.
- (30) Violation of Rule .1318(c) of this Section regarding medication carts shall be assessed a value of two points.
- (31) Violation of Rule .1318(d) of this Section regarding feeding syringes, oral suction catheters and tube-feeding bags shall be assessed a value of two points.
- (32) Violation of Rule .1319(a) of this Section regarding cleaning and repair of furniture and use of mattress covers shall be assessed a value of two points.
- (33) Violation of Rule .1319(b) of this Section regarding linen changes and handling of soiled laundry shall be assessed a value of two points.
- (34) Violation of Rule .1319 of this Section regarding laundry areas and equipment, cleaning and sanitizing of laundry, and storage and handling of clean laundry shall be assessed a value of two points.
- (35) Violation of Rule .1319(c) of this Section regarding repair, storage, cleaning and disinfection of patient contact items shall be assessed a value of one point.

- (36) Violation of Rule .1320 of this Section regarding approval, cleaning and sanitizing food contact items shall be assessed a value of two points.
- (37) Violation of Rule .1320 of this Section regarding approved uses of activity kitchens shall be assessed a value of one point.
- (38) Violation of Rule .1320(b) of this Section regarding handwashing lavatories in foodhandling areas shall be assessed a value of two points.
- (39) Violation of Rule .1321(a) of this Section regarding food sources and supplies shall be assessed a value of four points.
- (40) Violation of Rule .1321(b) of this Section regarding disposition of food brought by employees or visitors shall be assessed a value of one point.
- (41) Violation of Rule .1322 of this Section regarding milk and milk products shall be assessed a value of two points.
- (42) Violation of Rule .1323(a) of this Section regarding food protection, temperature control and time in lieu of temperature shall be assessed a value of four points.
- (43) Violation of Rule .1323(b) of this Section regarding hot and cold food storage and display units and thermometers shall be assessed a value of one point.
- (44) Violation of Rule .1323(c) of this Section regarding food storage shall be assessed a value of one point.
- (45) Violation of Rule .1323(d) of this Section regarding control of live animals in food service areas shall be assessed a value of two points.
- (46) Violation of Rule .1324(a) of this Section regarding employee clothing and tobacco use while handling food shall be assessed a value of one point.
- (47) Violation of Rule .1324(a) or (b) of this Section regarding employee hand washing and hand antiseptics shall be assessed a value of three points.
- (48) Violation of Rule .1324(c) of this Section regarding exclusion of persons with infections from food service work shall be assessed a value of two points.

History Note: Authority G.S. 130A-235;
 Eff. February 1, 1976;
 Readopted Eff. December 5, 1977;
 Amended Eff. February 1, 2004; August 1, 2002.

15A NCAC 18A .1309 FLOORS

- (a) All floors in intensive care units, bathrooms, showers, hydrotherapy areas, operating rooms, soiled utility rooms and laundry areas shall be of smooth, non-absorbent materials and so constructed as to be easy to clean. Floors shall be free of obstacles to cleaning, and shall be kept clean and in good repair. Carpeting shall be maintained clean, odor free, dry and in good repair.
- (b) In all rooms in which floors are subjected to flooding-type cleaning, floors shall be of nonabsorbent materials, shall be sloped to drain and be provided with floor drains.

History Note: Authority G.S. 130A-235;
 Eff. February 1, 1976;
 Readopted Eff. December 5, 1977;
 Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990.

15A NCAC 18A .1310 WALLS AND CEILINGS

The walls and ceilings of all rooms and areas shall be kept clean and in good repair. All walls shall be easily cleanable and shall have washable surfaces to the highest level reached by splash or spray in rooms or areas where such occur.

History Note: Authority G.S. 130A-235;
 Eff. February 1, 1976;
 Readopted Eff. December 5, 1977;
 Amended Eff. March 1, 2003 (see S.L. 2002-160).

15A NCAC 18A .1311 LIGHTING, VENTILATION AND MOISTURE CONTROL

- (a) All areas shall be provided with sufficient illumination to effectively perform all operations, including cleaning, and shall have at least 10 foot candles of light at 30 inches above the floor in all areas other than food service areas. Food

service areas shall be lighted as required for restaurants in "Rules Governing The Sanitation of Restaurants and other Foodhandling Establishments" 15A NCAC 18A .2600.

- (b) Ventilation equipment shall be kept clean and in good repair.
- (c) Ambient air temperatures shall be maintained in the range of 65° F to 85° F.
- (d) Moisture shall be controlled such that there is no evidence of microbial growth on interior surfaces and objects.
- (e) Indoor smoking, including the carrying of any lit cigarette, pipe, cigar, or other similar product containing tobacco or other substances shall be restricted to dedicated smoking rooms. Smoking rooms shall be ventilated to prevent environmental tobacco smoke from moving into other occupied portions of the building. There shall be no obligation to establish such smoking rooms.

*History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990; July 1, 1986; October 1, 1985.*

15A NCAC 18A .1312 TOILET: HANDWASHING: LAUNDRY: AND BATHING FACILITIES

- (a) All institutions shall be provided with toilet, handwashing, and bathing facilities that are conveniently located and readily accessible to residents and staff. These facilities, and laundry facilities when provided, shall be kept clean and in good repair.
- (b) Toilet facilities shall comply with the requirements of the state agency licensing the facility. Toilet rooms shall not be used for storage. Fixtures and furnishings shall be kept clean and in good repair. Durable, legible signs shall be posted or stenciled conspicuously in each toilet room for food service employees directing them to wash their hands before returning to work.
- (c) Institutions where bedpans, urinals or emesis basins are used shall provide facilities for emptying, cleaning, and disinfecting bedpans, urinals and emesis basins. Bedpans, urinals and emesis basins shall be cleaned after each use and shall be disinfected before use by other patients. Where bedpans are cleaned in patient rooms, bedpan cleaning facilities shall consist of a water closet with bedpan lugs or spray arms. Where facilities for cleaning bedpans are not provided in patient rooms, bedpans shall be taken to a soiled utility room and be cleaned and disinfected using an EPA registered hospital disinfectant after each use. Where disposable bedpans are reused, they shall be labeled with the patient's name and date and shall not be used by more than one patient. Bedside commodes shall be cleaned after each use and shall be cleaned and disinfected before use by successive patients. Hand sinks shall not be used for cleaning bedpans or bedside commodes.
- (d) Handwashing facilities shall be accessible to all areas where personnel may be exposed to bodily excretions or secretions and in sterile supply processing areas, medication rooms, laundry areas, and soiled utility rooms. Any area where personnel may be exposed to bodily excretions or secretions shall have handwashing facilities located in the same room or have a doorway connecting to an adjacent room or corridor containing handwashing facilities. All lavatories shall be supplied with hot and cold running water through a mixing faucet, or with tempered warm water, soap, and sanitary towels or hand-drying devices. Facilities in operation prior to March 1, 2003 that do not have handwashing lavatories in all areas required shall not be required to install additional lavatories if an approved hand hygiene program is used. Hand hygiene programs shall be approved by the Environmental Health Specialist case-by-case based on type and frequency of activities involving contamination with bodily excretions or secretions, use of gloves to reduce contamination, availability of pre-moistened detergent wipes for hand cleaning, use of alcohol rubs or other skin antiseptics, and availability of handwashing facilities on the same wing or floor of the building. Handwashing facilities shall be provided in kitchens and any other food preparation areas in addition to any lavatories provided at employees' toilet rooms. Sinks used for washing utensils and equipment shall not be accepted as a substitute for required handwashing facilities. Handwash lavatories shall be used only for handwashing. Lavatories provided for use of patients or residents shall be used only for handwashing, personal hygiene, rinsing feeding tubes and obtaining water. Lavatories used for handwashing or personal hygiene shall not be used for disposal of body fluids or cleaning soiled linens. Lavatories in medication rooms used primarily for handwashing can be used for other purposes, such as disposal of medications, which do not interfere with effective handwashing.
- (e) Water heating facilities shall provide hot water within the temperature range of 100 degrees F to 116 degrees F at all lavatories and bathing facilities.
- (f) Bathing facilities as required by the licensing agency shall be provided, maintained and kept clean. Bathing facilities shall be supplied with hot and cold running water and a mixing device, or tempering device. Shared bathing equipment that has contact with patient's skin shall be cleaned with detergent and an EPA registered hospital disinfectant between patient uses. Manufacturer's instructions shall be followed for cleaning equipment with pumps. A supply of cleaning and

disinfectant agents shall be accessible to bathing areas. Where disinfectants are mixed on site, the concentration of the mix shall be assured by use of a metering pump, measuring device or chemical test kit.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;
Temporary Amendment Eff. June 1, 2003;
Amended Eff. February 1, 2004.

15A NCAC 18A .1313 WATER SUPPLY

- (a) Water supplies at institutions shall meet the requirements in 15A NCAC 18C or 15A NCAC 18A .1700.
- (b) Non-community public water supplies shall be listed with the Public Water Supply Section, Division of Environmental Health.
- (c) In institutions that use a non-community water supply, a sample of water shall be collected by the Department at least once a year and submitted to the Division of Laboratory Services or other laboratory certified by the Department to perform bacteriological examinations.
- (d) Cross-connections with sewage lines, non-potable water supplies, or other potential sources of contamination are prohibited.
- (e) Hot water heating facilities shall be provided. Hot and cold running water under pressure shall be provided to food preparation areas, and to any other areas where water is required in sufficient quantities to carry out all operations.
- (f) The local health department shall be immediately notified if the primary water supply is interrupted for more than four hours. Each institution shall have a plan to obtain a backup water supply in the event that the water supply is lost for more than four hours. The backup water supply plan shall provide for two liters of water per day per person for drinking. The backup water supply plan shall include a plan for either relocating residents or providing an alternative source of water for essential functions such as food preparation, hand washing, bathing, cleaning, dishwashing, laundry and disposal of bodily waste. The amount of water provided for uses other than drinking may be reduced if the plan includes alternatives for water use for services such as laundry and dishwashing. If an assessment determines that tap water is not to be used for drinking, sources shall be prominently labeled or hooded to restrict use and potable water shall be provided.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990; July 1, 1986;
Temporary Amendment Eff. June 1, 2003;
Amended Eff. February 1, 2004.

15A NCAC 18A .1314 DRINKING WATER FACILITIES: ICE HANDLING

- (a) Drinking fountains shall be of sanitary angle-jet design, kept clean, and properly regulated. All multi-use utensils used for service of water in patients' rooms, including glasses, pitchers, and drinking tubes, shall be cleaned and sanitized before being used by any other individuals. Disposable water pitchers shall be marked with the patient's name, used only by that patient and shall be disposed of and replaced when visibly soiled.
- (b) Ice shall be handled, transported, stored, and dispensed in such a manner as to be protected against contamination. Ice machines, buckets, other containers, and scoops shall be cleaned on a regular schedule such that they are kept free of scum, rust, mold or other contamination. Ice machines, buckets, other containers and scoops shall be maintained in good repair and shall be protected from the elements, splash, drip, dust, vermin, other contamination, and from use by unauthorized personnel. Ice machines and storage chests which are accessible to patients or the public shall provide ice through automatic ice dispensing equipment which prevents the contamination of stored ice.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990.

15A NCAC 18A .1315 LIQUID WASTES

All wastewater shall be disposed of in accordance with 15A NCAC 18A .1900 or 15A NCAC 02H .0200.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Amended Eff. July 1, 1977;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990.

15A NCAC 18A .1316 SOLID WASTES

- (a) All solid wastes containing food scraps or other decomposable materials shall, prior to disposal, be kept in leak-proof, non-absorbent containers, such as standard garbage cans, which shall be kept covered with tight-fitting lids when filled or stored, or not in continual use; provided that such containers need not be covered when stored in a special vermin-proofed room, such as a refrigerated garbage room, or enclosure.
- (b) All dry rubbish (including scrap paper, cardboard boxes, packing crates, etc.) shall be stored in containers, rooms, or designated areas.
- (c) The rooms, enclosures, designated areas, and containers shall be adequate for the storage of all solid wastes accumulating on the premises. Cleaning facilities for waste containers shall be provided. Containers, rooms, or designated areas shall be kept clean.
- (d) All solid wastes shall be disposed of with sufficient frequency and in such a manner as to prevent insect breeding or public health nuisances.
- (e) Medical wastes shall be handled and disposed of as required in North Carolina "Solid Waste Management Rules" 15A NCAC 13B .1200 Medical Waste Management.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990.

15A NCAC 18A .1317 VERMIN CONTROL: PREMISES: ANIMAL MAINTENANCE

- (a) Effective measures shall be taken to keep flies, rodents, cockroaches, and other vermin out of the establishment and to prevent their breeding or presence on the premises. All openings to the outer air shall be protected against the entrance of flies and other flying insects by self-closing doors, closed windows, 16-mesh or finer screening, controlled air currents, or other effective means.
- (b) Only those pesticides shall be used which have been approved for a specific use and registered with the Environmental Protection Agency and with the North Carolina Department of Agriculture in accordance with the "Federal Insecticide, Fungicide and Rodenticide Act" and the "North Carolina Pesticide Law". Such pesticides shall be used as directed on the label and shall be so handled and stored as to avoid health hazards.
- (c) The premises under control of the management shall be kept neat, clean, and free of litter. There shall be no fly or mosquito breeding places, rodent harborages, or undrained areas on the premises.
- (d) Cleaning shall minimize accumulation of feces and other allergens generated by insects and other vermin.
- (e) Animal pens, litter boxes, bird cages and other areas on the premises shall be cleaned to minimize accumulation of animal wastes, pet dander and allergens.
- (f) Copies of veterinary records for all resident pets shall be kept on the premises.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990.

15A NCAC 18A .1318 MISCELLANEOUS

- (a) Suitable rooms or spaces shall be provided for the storage of all necessary equipment, furniture and supplies, and kept clean. All patient care or consumable items shall be stored at least eight inches above the floor to prevent water contamination from cleaning floors and shall not be stored below exposed sewer lines.
- (b) Mop receptors or sinks shall be provided and used for the cleaning of mops and the disposal of mop water. Other plumbing fixtures shall not be used for these purposes.

(c) Medication carts shall be cleaned when visibly soiled. Food and utensils used on medication carts shall be handled in a sanitary manner. Unused medication cups shall be kept covered or inverted. Sharps containers on medication carts shall be affixed or secured to prevent spillage.

(d) Feeding syringes which are reused shall be labeled with the patient's name and date opened, shall be disassembled and rinsed after each use, and shall be disposed of within 24 hours of first use. Tube feeding bags shall be changed within the time period specified by the manufacturer. Oral suction catheters which are reused shall be flushed after each use and shall be disposed of within 24 hours of first use. Feeding syringes and oral suction catheters shall be stored in a clean container.

*History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160).*

15A NCAC 18A .1319 FURNISHINGS AND PATIENT CONTACT ITEMS

(a) All furniture, bed springs, mattresses, sleeping mats, draperies, curtains, shades, venetian blinds, or other furnishings in institutions shall be kept clean and in good repair. Mattresses shall be kept clean, dry and odor free.

(b) Clean bed linen in good repair shall be provided for each individual and shall be changed when soiled. Soiled linen shall be placed in a covered container or bag at the point of use and stored and handled so as to contain and minimize aerosolization of and exposure to any waste products. Soiled laundry shall be handled and stored separately from clean laundry using separate cleanable carts or bags. Carts used for soiled laundry shall be labeled for soiled laundry use only. If hot water is used, linen including sheets, pillow cases, absorbent pads, towels and wash cloths provided by the facility shall be washed with a detergent in water at least 71°C (160°F) for 25 minutes. If low temperature (less than 71° C) laundry cycles are used, linens shall be washed in at least 50 parts per million chlorine or an EPA Listed laundry sanitizer shall be used in accordance with the manufacturer's instructions. This shall not preclude the approval of other chemicals or processes shown to produce a 99.9 percent reduction of the pathogens *Staphylococcus aureus*, *Klebsiella pneumoniae* and *Pseudomonas aeruginosa* on laundry. The wash temperatures and chemicals required for linens shall not apply to personal laundry provided and used by a resident. Clean linen shall be stored and handled in a separate room or area, or in another manner that will prevent contamination of clean linen. Laundry areas and equipment shall be kept clean.

(c) Patient contact items shall be kept clean and in good repair. Soiled patient contact items shall be taken to a designated area for cleaning and shall be stored separately from clean items. A room or area shall be provided for cleaning patient contact equipment such as wheelchairs. Patient contact items such as diaper changing surfaces that become contaminated during use shall be cleaned and disinfected after each use. Shared toys subject to mouthing shall be washed and rinsed with soap and water and disinfected with 70 percent alcohol or 100 parts per million chlorine after each day's use. Shared plush toys shall be laundered after each day's use. Shared toys that are not washable shall be gas sterilized or disposed of when soiled.

*History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); August 1, 1998; February 1, 1997; September 1, 1990;
Temporary Amendment Eff. June 1, 2003;
Amended Eff. February 1, 2004.*

15A NCAC 18A .1320 FOOD SERVICE UTENSILS AND EQUIPMENT

(a) All food service equipment and utensils used in institutions for preparing meals for 13 or more people shall comply with the requirements of "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments" 15A NCAC 18A .2600. Residential style rehabilitation activity kitchens with domestic utensils and equipment may be used by groups of 12 or less people to prepare meals only for members of the group. Potentially hazardous foods prepared in rehabilitation activity kitchens shall not be served to groups of more than 12 people. This shall not preclude the use of an activity kitchen as a serving area for meals catered from a main kitchen and served to groups of 13 or more people in connection with a planned event from which the public is excluded. For planned events, the equipment in the activity kitchen may be used for heating prepared foods received from a main kitchen or a commercial source. Bread machines, soup kettles and other food contact items used at nutrition stations shall be so constructed as to be easily cleanable.

(b) At activity kitchens or nutrition stations, provisions shall be made for cleaning all food service utensils and equipment and sanitizing utensils and equipment not continuously subjected to high temperatures. Where utensils and equipment are

not returned to a central kitchen for cleaning, designated nutrition stations shall be equipped with at least a two compartment sink with 24 inch drainboards or counter top space at each end for handling dirty items and air drying clean items. Sinks shall be of sufficient size to submerge, wash, rinse and sanitize utensils and equipment. At nutrition stations, dish machines listed with NSF International shall meet this provision. Any area where food is portioned, served or handled shall be equipped with a separate handwash lavatory with hot and cold mixing faucet, soap and individual towels or hand drying device. Separate handwashing lavatories shall not be required for activity kitchens used only by groups of 12 or less people.

(c) All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink, and all food storage utensils, shall be cleaned after each use. Cooking surfaces of equipment shall be cleaned at least once each day. All utensils and food-contact surfaces of equipment used in the preparation, service, display, or storage of potentially hazardous foods shall be cleaned and sanitized prior to each use. Non-food-contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;
Temporary Amendment Eff. June 1, 2003;
Amended Eff. February 1, 2004.

15A NCAC 18A .1321 FOOD SUPPLIES

(a) All food and food supplies provided by an institution shall be from sources that comply with North Carolina "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments" 15A NCAC 18A .2600 and shall be clean, free from spoilage, free from adulteration and misbranding, and safe for human consumption.

(b) Food brought from home by employees or visitors of patients or residents shall be stored separately from the institution's food supply and shall be labeled with the name of the person to receive the food and the date the food was brought in and shall be kept only as long as it is clean, and free from spoilage. Labeling shall not be required for food items stored in employee-designated or individual resident's refrigerators or rooms.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;
Temporary Amendment Eff. June 1, 2003;
Amended Eff. February 1, 2004.

15A NCAC 18A .1322 MILK AND MILK PRODUCTS

Milk and milk products shall comply with 15A NCAC 18A .1200 "Rules Governing Grade A Milk Sanitation".

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990; July 1, 1979.

15A NCAC 18A .1323 FOOD PROTECTION

(a) All food while being stored, prepared, transported, displayed, and served, shall be protected from contamination. All perishable foods shall be stored at temperatures which will protect against spoilage. All potentially hazardous food shall be maintained at safe temperatures (45 degrees F. or below, or 140 degrees F. or above) except during necessary periods of preparation and serving. Potentially hazardous foods served shall be either consumed or discarded within two hours of being removed from temperature control. Medications shall be stored in a manner which will not contaminate food or food products such as in separate covered containers or in separate refrigerators.

(b) Conveniently located refrigeration units, hot food storage and display units and effective insulated units shall be provided as needed to assure the maintenance of all food at required temperatures during storage, preparation, display, service, and transportation. Each refrigeration unit shall be provided with an indicating thermometer of such type and so situated that the thermometer can be easily read except that indicating thermometers shall not be required for food iced in coolers for transport.

(c) Containers of food shall be stored above the floor, on clean racks, dollies, slatted shelves, or other clean surfaces in such a manner as to be protected from splash or other contamination.

(d) No live animals shall be allowed in any room where food is prepared or stored. Live animals shall be allowed in dining areas if their presence will not result in contamination of food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles in the following situations:

- (1) Fish or crustacea in aquariums or display tanks, or other animals in enclosed terrariums or glass enclosed aviaries;
- (2) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;
- (3) In areas that are not used for food preparation such as dining and sales areas, support animals such as guide dogs that are trained to assist an employee or other person who is handicapped, are controlled by the handicapped employee or person, and are not allowed to be on seats or tables; and
- (4) Pets in the common dining areas of group residences at times other than during meals if:
 - (A) Effective partitioning or self-closing doors prevent pets from entering food storage and food preparation areas;
 - (B) Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and
 - (C) Dining areas including tables, countertops, and similar surfaces are cleaned after all pets have left the area and before the next meal service.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); October 1, 1993; September 1, 1990.

15A NCAC 18A .1324 EMPLOYEES

(a) While on duty, all employees shall wear visibly clean outer clothing and shall be clean as to their persons. No employee shall use tobacco in any form while engaged in the preparation and handling of food. Employees shall wash or decontaminate their hands:

- (1) before beginning work;
- (2) after each visit to the toilet;
- (3) before and after patient contact, including oral feeding;
- (4) after contact with a source of microorganisms (body fluids and substances, mucous membranes, nonintact skin, inanimate objects that are likely to be contaminated); and
- (5) after removing gloves.

(b) When hands are visibly soiled, routine handwashing shall include a vigorous rubbing together of all surfaces of lathered hands for at least 10 seconds followed by thorough rinsing under a stream of water and drying with individual disposable towels or hand drying devices. When hands are not visibly soiled, hand antiseptics with alcohol-based hand rubs shall be acceptable for decontamination of hands. In the event of interruption of water supply or in settings where handwashing facilities are inadequate or inaccessible, hand decontamination can be achieved by using detergent containing towelettes and alcohol-based hand rubs.

(c) No person who has a communicable or infectious disease that can be transmitted by foods, or who knowingly is a carrier of organisms that cause such a disease, or who has a boil, infected wound, or an acute respiratory infection with cough or nasal discharge, shall work in food service in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces, with disease-causing organisms or transmitting the illness to other persons.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990.

15A NCAC 18A .1325 SEVERABILITY

If any provision of this Section or the application thereof to any person or circumstance, is held invalid, the remainder of the rules, or the application, of such provision to other persons or circumstances shall not be affected thereby.

History Note: Authority G.S. 130A-235;

Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1327 INCORPORATED RULES

(a) The North Carolina "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments" 15A NCAC 18A .2600 are incorporated by reference including any subsequent amendments or editions. This material is available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, NC. Copies may be obtained from Environmental Health Services Section, 1632 Mail Service Center, Raleigh, NC 27699-1632 at no cost.

(b) The North Carolina "Rules Governing Public Water Systems" 15A NCAC 18C are incorporated by reference including any subsequent amendments or editions. This material is available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, NC. Copies may be obtained from Public Water Supply Section, 1634 Mail Service Center, Raleigh, NC 27699-1634 at no cost.

(c) The North Carolina "Rules Governing Protection of Water Supplies" 15A NCAC 18A .1700 are incorporated by reference including any subsequent amendments or editions. This material is available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, NC. Copies may be obtained from Environmental Health Services Section, 1632 Mail Service Center, Raleigh, NC 27699-1632 at no cost.

(d) The North Carolina "Solid Waste Rules" 15A NCAC 13B .1200 Medical Waste Management are incorporated by reference including any subsequent amendments or editions. This material is available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, NC. Copies may be obtained from Solid Waste Section, 1646 Mail Service Center, Raleigh NC 27699-1646 at a cost of nine dollars (\$9.00).

(e) The North Carolina "Rules Governing Grade A Milk Sanitation" 15A NCAC 18A .1200 are incorporated by reference including any subsequent amendments or editions. This material is available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, NC. Copies may be obtained from Environmental Health Services Section, 1632 Mail Service Center, Raleigh, NC 27699-1632 at no cost.

History Note: Authority G.S. 130A-235;
Eff. March 1, 2003 (See S.L. 2002-160).

SECTION .1400 - MASS GATHERINGS

15A NCAC 18A .1404 ACTIVITY AREA

An activity area shall be provided of sufficient size to accommodate the estimated number of persons reasonably expected to be in attendance at any one time. This activity area is in addition to those areas required for parking in .1410, for camping in .1407, and for the command post in .1408 of this Section.

History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1405 DISTANCE FROM DWELLINGS

No part of the perimeter of the activity and camping areas shall be within 1500 feet of any residence unless the occupant or owner has signed a written waiver. Notarized copies of any such waivers shall accompany the application.

History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1406 DISTANCE FROM CERTAIN PUBLIC WATER SUPPLY SOURCES

No part of the perimeters of the activity, including camping areas, shall be located within one mile of a class I or class II reservoir, as classified by the Division of Environmental Health, or within three miles of a protected watershed which drains into an A-I stream, as classified by the Division of Environmental Management, and which stream is used as a source of public water supply.

History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. June 30, 1980.

15A NCAC 18A .1407 CAMPING AREA

An area of adequate size to accommodate the provision of safe drinking water and sewage collection and disposal shall be provided and designated for camping. Such area shall be in addition to the areas provided for activities in Rule .1404 and for parking in Rule .1410 of this Section.

History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1408 COMMAND POST

A command post at a conveniently accessible location approved by the Department shall be provided for use by the Department, law enforcement, and other governmental agencies with regulatory authority for such events. The command post shall consist of at least one building or mobile unit equipped with telephones, other utilities and parking spaces. The permittee shall provide access to the command post at all times for use by the Department and the other entities listed in this Rule.

History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1409 INGRESS AND EGRESS ROADS: ENTRANCES AND EXITS

The permittee shall provide personnel and arrangements necessary to keep entrances and exits to public highways open to traffic at all times. The permittee shall make arrangements with private parties or consult with the North Carolina Department of Transportation and Highway Safety regarding adequate ingress and egress roads.

History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1410 PARKING

Parking spaces shall be provided on the basis of one space for every four persons expected to attend. Vehicles used for camping shall park in the camping area provided in Rule .1407 of this Section. Parking on shoulders of public highways shall not be permitted and temporary signs shall be erected by permittee to so indicate.

History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1411 CROWD CONTROL AND SECURITY ENFORCEMENT

The application for permit shall be accompanied by a written plan for limiting attendance to the number stated in the application for permit, the exclusion of persons not holding tickets, and a written plan for security enforcement, including the number of security guards to be provided for internal and external crowd control and security enforcement. The plan shall be accompanied by a written statement by the sheriff or chief of police, whichever has jurisdiction over the area, that the plan seems adequate. The permittee shall execute the plan.

History Note: Authority G.S. 130A-257;

Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1412 DUST CONTROL

The application shall be accompanied by a written plan for dust control. The permittee shall execute the plan.

History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1413 FIRE PREVENTION AND CONTROL

The application shall be accompanied by a written plan for fire prevention and control.

History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1414 PLANS FOR EMERGENCIES

The application shall be accompanied by written plans for dealing with emergency situations involving the occurrence of incidents requiring rapid evacuation, including arrangements for use of emergency egress roads.

History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1415 PROVISION OF MEDICAL CARE

The application for permit shall be accompanied by a written plan for the provision of medical care, such plan having been approved in writing by the local health director. At the time of the inspection, the structure and all supplies and equipment provided for in the plan shall be in place; and the agreements and statements provided for in the plan shall be determined to be valid. The plan shall include provisions for:

- (1) the name and address of a physician licensed to practice medicine in North Carolina to be responsible for the organization and delivery of emergency medical services; A signed notarized statement by the physician accepting the responsibility shall accompany the plan. He shall determine how many licensed physicians, licensed nurses, and other medical personnel shall be on duty on the premises at any particular time;
- (2) at least one enclosed covered structure to be used as a medical treatment center; The structure or structures shall provide at least a total of 450 square feet and shall have running water under pressure from an approved source;
- (3) a list of medical supplies and equipment sufficient to support reasonably anticipated medical care requirements;
- (4) notification of all general public hospitals within 20 miles of the mass gathering location as to scheduled dates and anticipated attendance of the mass gathering;
- (5) the name and address of at least one licensed ambulance service agency to be responsible for providing emergency transportation; A signed notarized statement by an official of the agency accepting the responsibility shall accompany the plan.

History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1416 WATER SUPPLY

(a) There shall be provided a water supply from an approved source. An approved emergency source shall be provided in addition where necessary. Facilities approved by the Department for the distribution and dispensing of water shall be provided. The sponsor shall have in his possession, at the time of inspection, the reports of bacteriological and chemical examinations of water samples performed by the Division of Laboratory Services or another laboratory certified by the

Department to perform such examinations. The water shall be chlorinated so as to provide a free chlorine residual of at least 1.0 part per million at all outlets at all times during the gathering. The water supply and the facilities for distribution and dispensing shall be provided with effective safeguards to prevent the introduction of hallucinogenic drugs or other contamination.

(b) If water is to be provided only for drinking and washing, water shall be supplied at a rate of three gallons per person per day and a peak hour demand of one and one-half pints per person. If water is to be provided for drinking, washing, and bathing, water shall be supplied at a rate of 12 gallons per day per person and a peak hour demand of six pints per person.

(c) Water shall be obtained from a public or community water supply approved by the Department. If a new source of water supply is to be provided, the application shall be accompanied by the necessary plans, engineer's report, and specifications (in triplicate) as required for review and approval by the Department. The application shall include plans, engineer's report, and specifications for an emergency source capable of supplying at least three gallons per day per person. If water is to be hauled from an off-site source, storage facilities shall be provided in the area sufficient in volume to supply the needs of the gathering for its duration. Before being filled with water for use during the gathering, all such storage tanks shall be cleaned thoroughly, filled with clean water containing a chlorine residual of at least 100 parts per million, and, after a contact time of at least 24 hours, all such tanks shall be emptied. Subsequently, and prior to the issuance of a permit, all such tanks shall be filled with water from an approved source and all inlets to such tanks shall be closed and locked so as to give positive protection against the introduction of contamination.

(d) Water outlets shall be provided at an adequate number of convenient and readily accessible locations properly distributed throughout the activity and camping areas.

*History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990; June 30, 1980.*

15A NCAC 18A .1417 TOILET FACILITIES: SEWAGE DISPOSAL

(a) Sanitary toilet facilities shall be provided at convenient and readily accessible locations properly distributed throughout the activity and camping areas at a rate of not more than 100 persons per toilet seat.

(b) If chemical toilet rental service is to be employed, all toilets shall be so located as to be readily accessible by service vehicles and shall be serviced as often as necessary. Material removed from such toilets shall be disposed of in a public or community sewerage system, or in a disposal trench to be constructed in the area. Each load of material deposited in such trench shall be covered immediately with earth or lime. At the end of each 24-hour period, the material shall be covered with a layer of at least six inches of earth.

(c) If trench latrines are to be used, all trenches shall be covered with fly-tight seat boxes with hinged lids.

(d) If water-carried sewerage facilities are provided, the sewer system shall be connected to a public or community sewerage system having wastewater treatment facilities of adequate capacity to treat the flow of wastewater from the mass gathering. The application shall be accompanied by a signed statement by the Division of Environmental Management attesting to the adequacy of the treatment facilities. A similar statement shall accompany the application if material removed from chemical toilets is to be disposed of in a public or community sewerage system. No sewage shall be discharged to the surface of the ground or into any watercourse without the approval of the Division of Environmental Management.

*History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.*

15A NCAC 18A .1418 SOLID WASTE COLLECTION AND DISPOSAL

(a) Facilities shall be provided for all solid wastes to be collected and stored in leak-proof, nonabsorbent containers, and all solid wastes shall be removed daily or more often and disposed of in a community solid waste disposal facility or in a sanitary landfill to be constructed in the area. Solid wastes shall be placed in the landfill, compacted as densely as possible, and covered after each day of operation with a compacted layer of at least six inches of dirt.

(b) Approved receptacles having a maximum capacity of 32 gallons shall be provided at places conveniently located throughout the activity, camping and parking areas, and at each food service facility for the deposition of solid wastes.

(c) If bulk solid waste storage containers are used, at least two four-cubic-yard containers shall be provided per 1,000 persons in the case of once-daily removal, or two two-cubic-yard containers per 1,000 persons in the case of twice-daily removal, and these containers shall be so located as to be accessible to solid waste service vehicles.

*History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.*

15A NCAC 18A .1419 FOOD DISPENSING

(a) Sanitary food dispensing facilities shall be provided at accessible and convenient locations, and shall be maintained in a sanitary condition.

(b) Perishable food items dispensed from such facilities shall be limited to prepackaged items, such as wrapped sandwiches, prepared in commercial establishments and under official sanitary supervision, and shall be dispensed in the unbroken packages; provided, that chicken, hamburgers, and frankfurters obtained from approved sources may be cooked and packaged at the site if all operations of preparation, cooking and packaging in unit packages for dispensing to individuals are done inside an approved structure or vehicle, in a sanitary manner, and otherwise in compliance with the "Sanitation of Restaurants and Other Foodhandling Establishments," 15A NCAC 18A .2600. Perishable foods shall be stored at or below 45 degrees F., or in the frozen state, until heated or cooked immediately before serving.

*History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.*

15A NCAC 18A .1420 INSECT AND RODENT CONTROL

There shall be no fly or mosquito-breeding places, rodent harborages, or undrained areas on the premises. Necessary measures shall be taken to control flies, mosquitoes, rodents, or other vermin.

*History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.*

15A NCAC 18A .1421 POST-GATHERING CLEAN-UP

Within one week after the end of the gathering, all sanitary landfills and any trenches or pits used for sewage and liquid waste disposal shall be covered with at least two feet of compacted earth material; and the areas and immediate surrounding properties shall be cleaned of all litter and solid wastes attributable to the mass gatherings. In addition, any signs, litter, and solid wastes on roads leading from the areas and within one mile of the areas and which can be attributed to the mass gathering shall be removed. All solid wastes shall be disposed of as provided in .1418 of this Section. Unless otherwise directed by the owner of the property, all temporary facilities (such as solid waste receptacles and signs) shall be removed from the areas.

*History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.*

15A NCAC 18A .1422 NOISE LEVEL AT PERIMETER

The application shall be accompanied by detailed plans for amplifying equipment, which shall be so located and operated as to limit the noise level at the perimeter of the site to no more than 70 decibels on the A scale of a sound level meter which meets the specifications of the American National Standards Institute, which are adopted by reference in accordance with G.S. 150B-14(c). The applicant shall include a signed statement certifying that the noise level limit as herein specified will not be exceeded.

*History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.*

15A NCAC 18A .1423 LIGHTING

The application shall be accompanied by detailed plans for lighting designed to illuminate the site.

*History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.*

15A NCAC 18A .1424 SIGNS

Signs shall be posted throughout the area showing the locations of toilet facilities, water supply outlets, solid waste receptacles, food stands, first aid facilities, and the command post.

*History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.*

15A NCAC 18A .1425 SEVERABILITY

If any provisions of this Section, or the application thereof to any person or circumstances, is held invalid, the remainder of the rules, or the application of such provision to other persons or circumstances, shall not be affected thereby.

*History Note: Authority G.S. 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.*

SECTION .1500 - SANITATION OF LOCAL CONFINEMENT FACILITIES

15A NCAC 18A .1501 DEFINITIONS

The following definitions shall apply throughout this Section in the interpretation and enforcement of this Section:

- (1) "Local confinement facility" shall include the following and similar establishments: any county or municipal confinement facility, local lockup, regional or district confinement facility, any detention facility for children or adults, any county or municipal workhouse or house of correction, and any other confinement facility operated by any local government for confinement of persons awaiting trial or sentences.
- (2) "Department" shall mean the Secretary of the Department of Environment and Natural Resources or his authorized representative.
- (3) "Local health director" shall mean local health director as defined in G.S. 130A-2(6) or his authorized representative.
- (4) "Sanitarian" shall mean a person authorized to represent the Department on the local or state level in making inspections pursuant to state laws and rules.
- (5) "Sanitize" means the approved bactericidal treatment by a process which meets the temperature and chemical concentration levels in 15A NCAC 18A .2619.
- (6) "Potentially hazardous food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including *Clostridium botulinum*. This term includes raw or heat treated foods of animal origin, raw seed sprouts, and treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.

*History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. November 1, 2002; September 1, 1990.*

15A NCAC 18A .1502 APPROVAL OF PLANS

Plans and specifications for new construction or major modification of local confinement facilities shall be submitted to the local health director for review and endorsement prior to, or concurrent with, submission to the Division of Health Service Regulation, Department of Human Resources, for approval.

*History Note: Authority G.S. 153A-226; 143B-165;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.*

15A NCAC 18A .1503 INSPECTIONS

Inspections of local confinement facilities shall be made at least once a year. A copy of each inspection form shall be left with the person in charge of the facility at the time of the inspection.

*History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.*

15A NCAC 18A .1504 REINSPECTIONS

A sanitarian may reinspect a local confinement facility at any time to insure compliance with these Rules and to give assistance in the interpretation of these Rules.

*History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.*

15A NCAC 18A .1505 INSPECTION FORMS

The grading of local confinement facilities shall be done on an inspection form furnished by the Department to local health departments. The form shall include at least the following information:

- (1) the name and address of the facility,
- (2) the name of the person in charge of the facility,
- (3) the classification of the facility,
- (4) the standards of construction and operation as listed in .0107 to .0123 of this Section,
- (5) the signature of the authorized representative of the Department.

*History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990; June 30, 1980.*

15A NCAC 18A .1506 GRADING

(a) The grading of local confinement facilities shall be based on the standards of construction and operation as set out in .0107 to .0123 of this Section.

(b) The grade of the facility shall be classified as follows:

- (1) as approved if the demerit score is 20 or less and no six demerit point item is violated;
- (2) As provisional if any six demerit point item is violated, or if the demerit score is more than 20 but not more than 40; The duration of such classification shall not exceed seven days; provided, that a longer period may be established if construction or renovation is involved;
- (3) as disapproved if the demerit score is more than 40, if the conditions found are dangerous to the health of the persons confined, or if the conditions resulting in the provisional classification have not been corrected within the specified time period.

*History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. January 1, 1978.*

15A NCAC 18A .1507 FLOORS

(a) All floors shall be so constructed as to be easily cleanable and shall be kept clean and in good repair.

(b) In all areas in which water is routinely discharged to the floor, or in which the floors are subjected to flooding-type cleaning, floors shall be of nonabsorbent materials, shall be sloped to drain and be provided with floor drains.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1508 WALLS AND CEILINGS

- (a) The walls and ceilings of all rooms and areas shall be kept clean and in good repair.
- (b) All walls shall be easily cleanable and light colored, and shall have washable surfaces to the highest level reached by splash or spray in rooms or areas where such occur.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1509 LIGHTING AND VENTILATION

- (a) All rooms shall be well lighted by natural or artificial means.
- (b) Ventilation shall be provided and installed as required by the North Carolina State Building Code. Copies of the North Carolina State Building Code may be obtained from the North Carolina Department of Insurance, P.O. Box 26387, Raleigh, North Carolina 27611.
- (c) Ventilation equipment shall be kept clean and in good repair.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. October 1, 1985.

15A NCAC 18A .1510 TOILET, HANDWASHING AND BATHING FACILITIES

- (a) Each cell shall be provided with access to toilet and handwashing facilities, and soap and individual towels shall be provided. The fixtures shall be kept clean and in good repair.
- (b) Each cell block or section shall be provided with bathing facilities which shall be easily cleanable and shall be kept clean.
- (c) Convenient toilet facilities shall be provided for kitchen workers.
- (d) Handwashing facilities with hot and cold water and mixing faucet shall be provided in kitchens and any food preparation areas in addition to any lavatories which may be provided at workers' toilet rooms.
- (e) A supply of hot water adequate to meet all requirement for hot water in these Rules shall be provided.
- (f) Plumbing shall comply with the North Carolina State Building Code, Volume II.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. April 1, 1992; September 1, 1990.

15A NCAC 18A .1511 WATER SUPPLY

- (a) Water supplies shall meet the requirements in 15A NCAC 18A .1700.
- (b) At least once a year, a sample of water shall be collected by the Department and submitted to the Division of Laboratory Services or other laboratory certified by the Department to perform bacteriological examinations.
- (c) No backflow connections or cross connections with unapproved water supplies shall exist.
- (d) Hot water heating facilities shall be provided. Hot and cold running water under pressure shall be provided to food preparation areas, and any other areas in which water is required for cleaning.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1512 DRINKING WATER FACILITIES

- (a) Drinking fountains approved by the Department or individual drinking cups shall be provided.
- (b) Cups with open seams or surfaces readily corrodible and difficult to clean and maintain shall not be used. All multi-use drinking cups shall be thoroughly cleaned and sanitized daily and before being used by succeeding persons. Drinking fountains, if provided, shall be properly regulated and kept clean.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1513 LIQUID WASTES

- (a) All sewage and other liquid wastes shall be disposed of in a public sewer system or, in the absence of a public sewer system, by a sanitary sewage disposal method approved as provided in "Sewage Disposal Systems," 15A NCAC 18A .1900.
- (b) All sewage and other liquid wastes shall be so disposed of as not to create a public-health hazard.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Amended Eff. July 1, 1977;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1514 SOLID WASTES

- (a) All solid wastes containing food scraps or other decomposable materials shall, prior to disposal, be kept in leak-proof, nonabsorbent containers such as standard garbage cans, which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use.
- (b) All dry rubbish (including scrap paper, cardboard boxes, or similar items) shall be stored in containers, rooms, or designated areas in a manner approved by the Department. Cleaning facilities for waste containers shall be provided. Containers shall be cleaned after emptying or removal of garbage or rubbish.
- (c) All solid wastes shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1515 VERMIN CONTROL: PREMISES

- (a) Effective measures shall be taken to keep flies, rodents, and other vermin out of the local confinement facility and to prevent their breeding or presence on the premises.
- (b) The premises under control of the custodian shall be kept neat, clean, and free of litter.
- (c) Unless flies and other flying insects are absent from the immediate vicinity of the local confinement facility, all openings to the outer air shall be effectively protected against entrance of such insects by self-closing doors, closed windows, 16-mesh or finer screening, or other effective means.
- (d) Only those pesticides shall be used which have been approved for a specific use and properly registered with the Environmental Protection Agency and with the North Carolina Department of Agriculture in accordance with the "Federal Environmental Pesticide Control Act" and the "North Carolina Pesticide Law."

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1516 STORAGE

- (a) The local confinement facility shall provide at least one sufficiently sized janitor's closet equipped with a mop receptor, shelving, hooks, and other items necessary for the storage of all janitorial supplies and equipment.
- (b) The facility shall also provide storage closets or rooms for all bed linens, mattresses, and general supplies. Such rooms shall be kept clean.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1517 MATTRESSES, MATTRESS COVERS, BED LINEN

- (a) All furniture, bunks, mattresses, and other furnishings shall be kept clean and in good repair.
- (b) Clean bed linen and easily cleanable or washable mattress covers, washable mattresses, or equivalent, shall be provided for each occupant and shall be changed as often as necessary.
- (c) Clean linen shall be stored and handled in a sanitary manner. Soiled linen shall be stored and handled in such a manner as not to spread contamination, as by use of suitable bags or closed hampers. Suitable rooms or spaces shall be provided for the separate storage of clean and soiled linens.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1518 FOOD SERVICE UTENSILS AND EQUIPMENT

- (a) All equipment and utensils shall be so designed and of such material and workmanship as to be smooth and easily cleanable, and shall be kept in good repair.
- (b) The food-contact surfaces of such equipment and utensils shall, in addition, be easily accessible for cleaning, non-toxic, corrosion-resistant, relatively nonabsorbent, and free of open crevices; provided, that hard maple or its equivalent may be used for bakers' tables and cutting boards or blocks.
- (c) The National Sanitation Foundation has developed standards for many food service equipment items. Equipment which meets these or equivalent standards shall be accepted as meeting the requirements of this Section.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1519 CLEANING AND SANITIZING OF UTENSILS AND EQUIPMENT

- (a) All multi-use eating and drinking utensils shall be thoroughly cleaned and sanitized after each usage.
- (b) All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink, and all food storage utensils, shall be thoroughly cleaned after each use. Cooking surfaces of equipment shall be cleaned at least once each day. All utensils and food-contact surfaces of equipment used in the preparation, service, display or storage of potentially hazardous foods shall be cleaned and sanitized prior to each use. Non-food-contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.
- (c) Necessary facilities shall be provided and used for the cleaning and sanitizing of utensils and equipment. All such utensils and equipment shall then be stored so as to drain, dry and be protected from splash, dust, or contamination. In-place cleaning of fixed equipment shall be accepted when found effective.
- (d) Hand dishwashing facilities shall consist of an approved three-compartment sink of adequate size and depth, with hot and cold water service for each vat, and drainboards on each end of ample size to accommodate the number of eating and drinking utensils involved. When hot water is used for sanitizing, a booster heater of adequate capacity shall be provided to maintain a water temperature of at least 170 degrees F. in the third compartment.
- (e) A separate sink with drainboards on each end shall be provided where necessary for the washing of pots, pans, and vegetables.
- (f) If a dishwashing machine is provided, the capacity shall be adequate to handle the number of utensils to be washed. The machine shall be fitted with a drainboard of ample size on each side; and the dirty dish lane shall be provided with a counter-sunk sink, or other effective means for the pre-cleaning, pre-flushing, or pre-soaking of the utensils.

- (g) All cloths used by workers in the kitchen shall be clean. Single service containers shall be used only once.
- (h) No polish or other substance containing cyanide or other poisonous material shall be used for the cleaning or polishing of eating or cooking utensils.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1520 STORAGE AND HANDLING OF UTENSILS AND EQUIPMENT

- (a) Sanitized utensils shall be stored in a clean place. Containers and utensils shall be covered, inverted, or stored in tight, clean cabinets. After cleaning and until use, food-contact surfaces of equipment shall be protected from contamination. Utensils shall be handled in such a manner as to prevent contamination.
- (b) Single service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1521 FOOD SUPPLIES

- (a) All food shall be from approved sources and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption.
- (b) All meat and meat food products and all poultry and poultry products shall have been inspected for wholesomeness under an official federal, state, or local regulatory program; and, in all cases, the source shall be identifiable from labeling on carcasses, cuts, unit packages, bulk packages, or from bills of sale.
- (c) Only Grade A pasteurized fluid milk and fluid milk products or canned milk shall be used. Dry milk and milk products may be reconstituted if used for cooking purposes only.
- (d) When necessary to provide meals for prisoners in a jail or lockup which is not equipped with a kitchen, such meals shall be obtained from a foodhandling establishment approved by the local health director. Such meals or food shall be served in single service eating and drinking utensils. The procedures and equipment used for transporting of meals shall be approved by the local health director.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1522 FOOD PROTECTION

- (a) All food, while being stored, prepared, served, and during transportation, shall be protected from contamination. All perishable food shall be stored at such temperatures as will protect against spoilage. All potentially hazardous food shall be maintained at safe temperatures (45° F. or below, or 140° F. or above) except during necessary periods of preparation and serving. Ground beef and foods containing ground beef shall be cooked to an internal temperature of at least 155° F (68° C). Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to 165° F (74° C) or higher throughout before being served or before being placed in a hot food storage facility, except that food in intact packages from regulated food manufacturing plants may initially be reheated to 140° F (60° C). Raw fruits and vegetables shall be washed thoroughly before use. Stuffings, poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served. Salads made of meat, poultry, potatoes, fish, shellfish, or eggs, and other potentially hazardous prepared food shall be prepared, preferably from chilled products, with a minimum of manual contact, and on surfaces and with utensils which are clean and which, prior to use, have been sanitized. Individual portions of food once served shall not be served again.
- (b) No live animals or fowl shall be allowed in any room or area in which food is prepared, served, or stored.
- (c) Refrigeration facilities, hot food storage facilities, and effective insulated facilities, shall be provided as needed to assure the maintenance of all food at required temperatures during storage, preparation, and serving.
- (d) Each cold-storage facility used for the storage of perishable food in a non-frozen state shall be provided with an indicating thermometer of such type and so situated that the thermometer can be easily read.
- (e) Containers of food shall be stored above the floor, on clean racks, dollies, slatted shelves, or other clean surfaces, in such a manner as to be protected from splash and other contamination.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. October 1, 1993.

15A NCAC 18A .1523 FOOD SERVICE WORKERS

- (a) All food service workers shall wear clean outer garments and conform to proper hygienic practices. They shall wash their hands thoroughly in an approved handwashing facility before starting work, and as often as may be necessary to remove soil and contamination.
- (b) No worker shall resume work after visiting the toilet room without first washing his hands. Hair nets, headbands, caps, or other effective hair restraints, shall be used by workers engaged in the preparation and service of food to keep hair from food and food-contact surfaces. Workers shall not use tobacco in any form while engaged in food preparation, or while in equipment and utensil-washing or food-preparation areas.
- (c) No person who has a communicable or infectious disease that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or who has a boil, infected wound, or an acute respiratory infection with cough and nasal discharge, shall work in food service in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces, with disease-causing organisms or transmitting the illness to other persons.
- (d) If the custodian has reason to suspect that any person has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the local health department or county physician immediately.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1524 SEVERABILITY

If any provision of this Section, or the application thereof to any person or circumstance, is held invalid, the remainder of these Rules, or the application of such provision to other persons or circumstances, shall not be affected thereby.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

SECTION .1600 - SANITATION OF RESIDENTIAL CARE FACILITIES

15A NCAC 18A .1601 DEFINITIONS

The following definitions shall apply throughout this Section:

- (1) "Department of Environment and Natural Resources" means the Secretary, or his authorized representative.
- (2) "Director" means the State Health Director.
- (3) "Foster Care" means the care of individuals as defined in G.S. 131D-10.2(9).
- (4) "Family foster home" means a facility as defined in G.S. 131D-10.2(8).
- (5) "Manager" means the person in responsible charge of a residential care facility.
- (6) "Potentially hazardous food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including *Clostridium botulinum*. This term includes raw or heat treated foods of animal origin, raw seed sprouts, and treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.
- (7) "Residential care facility" means an establishment providing room or board and for which a license or certificate for payment is obtained from the Department of Human Resources. However, the term shall not include a child day care facility or an institution as defined in 15A NCAC 18A .1300.
- (8) "Resident" means a person, other than the manager, his immediate family, and staff, residing in a residential care facility.
- (9) "Sanitarian" means a person authorized to represent the Department on the local or state level in making inspections pursuant to state laws and rules.

- (10) "Sanitize" means the approved bactericidal treatment by a process which meets the temperature and chemical concentration levels in 15A NCAC 18A .2619.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. July 1, 1993; September 1, 1990; March 1, 1988; July 1, 1984;
Temporary Amendment Eff. May 5, 1998;
Temporary Amendment Expired January 26, 1999;
Amended Eff. November 1, 2002

15A NCAC 18A .1602 APPROVAL OF PLANS

Plans and specifications for new construction or modification of residential care facilities, except family foster homes, shall be submitted to the agency designated by the state licensure regulations and to the local health department for review and approval before beginning construction.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1603 INSPECTIONS

Inspections of residential care facilities shall be made by the Department at least once a year prior to the expiration of the license. Inspections are required for family foster homes only for those homes served by individual or non-community water supplies or on-site sewage systems. A copy of the inspection form shall be provided to the person in charge of the facility. If conditions found at the time of the inspection are dangerous to the health of the residents, the agency supervising the family foster home shall be notified immediately by telephone or other direct means by the sanitarian.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. July 1, 1993.

15A NCAC 18A .1604 REINSPECTIONS: VISITS

The sanitarian may reinspect or visit residential care facilities at any time to insure compliance with these Rules. When requested by the manager to inspect for the purpose of improving a classification, the sanitarian shall make at least one unannounced inspection within 30 days. The sanitarian shall give assistance in the explanation and interpretation of these Rules.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1605 INSPECTION FORMS

The grading of residential care facilities shall be done on an inspection form furnished by the Department to local health departments. The form shall include at least the following information:

- (1) name and address of facility,
- (2) name of person in charge,
- (3) number of residents,
- (4) classification,
- (5) standards of construction and operation as listed in Rule .1607 to .1621 of this Section,
- (6) signature of authorized representative.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;

Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990; June 30, 1980.

15A NCAC 18A .1606 GRADING

(a) The grading of residential care facilities shall be based upon the standards of construction and operation set out in Rules .1607 - .1621 of this Section; however, family foster homes are required to comply only with Rule .1611(a) and (b) and Rule .1613 of this Section.

(b) The grade of the facility shall be classified as follows:

- (1) as approved if the demerit score is 20 or less and no six demerit point item is violated;
- (2) as provisional if any six demerit point item is violated, or if the demerit score is more than 20 but not more than 40; The duration of such classification shall not exceed seven days; provided, that a longer period may be established if construction or renovation is involved;
- (3) as disapproved if the demerit score is more than 40, if the conditions found are dangerous to the health of the residents, or if the conditions resulting in the provisional classification have not been corrected within the specified time.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. July 1, 1993; January 1, 1978.

15A NCAC 18A .1607 FLOORS

All floors shall be easily cleanable and shall be kept clean and in good repair.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1608 WALLS AND CEILINGS

The walls and ceilings of all rooms and areas shall be kept clean and in good repair.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1609 LIGHTING AND VENTILATION

- (a) All rooms shall be well lighted by natural or artificial means.
- (b) Ventilation equipment shall be kept clean and in good repair.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. July 1, 1993; October 1, 1985; July 1, 1984.

15A NCAC 18A .1610 TOILET: HANDWASHING: LAUNDRY AND BATHING FACILITIES

(a) All residential care facilities shall be provided with approved sanitary toilet, handwashing and bathing facilities complying with state licensure requirements. These facilities, and laundry facilities when provided, shall be kept clean and in good repair.

(b) All lavatories and baths shall be supplied with hot and cold running water through mixing devices. Each resident will be provided soap and individual towels. These towels will be stored separately after being used.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1611 WATER SUPPLY

(a) Water supplies shall meet the requirements in 15A NCAC 18A .1700; however wells shall be approved without meeting the setback to building foundation requirements found in 15A NCAC 18A .1720, if water sampling in accordance with Paragraph (b) of this Rule does not indicate a health threat.

(b) At least once a year, samples of water shall be collected by the Department and submitted to the North Carolina State Laboratory of Public Health or other laboratory certified by the Department to perform examinations for Nitrates and Coliform bacteria. If the well is located less than 25 feet from a building foundation, the well shall also be sampled for pesticides upon application for licensure or approval. After the initial pesticide sample is collected and analyzed, the well shall be sampled again for pesticides following any treatment for structural pests.

(c) No backflow connections or cross connections with unapproved supplies shall exist.

(d) Adequate hot water heating facilities shall be provided. Hot and cold running water under pressure shall be provided to food preparation areas and any other areas in which water is required for cleaning.

History Note: Authority G.S. 95-225; 130A-5(3); 130A-230; 130A-235; 130A-236; 130A-248; 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990; July 1, 1984;
Temporary Amendment Eff.; May 5, 1998;
Temporary Amendment Expired January 26, 1999;
Temporary Amendment Eff. January 1, 1999;
Amended Eff. August 1, 2000.

15A NCAC 18A .1612 DRINKING WATER FACILITIES: ICE HANDLING

Common drinking cups shall not be provided or used. If ice is provided for residents, it shall be handled, transported, stored and dispensed in such a manner as to be protected against contamination.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1613 LIQUID WASTES

All sewage and other liquid wastes shall be disposed of in a public sewer system or, in the absence of a public sewer system, by an approved, properly operating sanitary sewage system.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Amended Eff. July 1, 1977;
Readopted Eff. December 5, 1977;
Amended Eff. July 1, 1984.

15A NCAC 18A .1614 SOLID WASTES

(a) All solid wastes shall be kept in durable, rust-resistant, nonabsorbent, watertight, rodent-proof standard waste containers which shall be kept covered when filled or stored or not in continuous use.

(b) Outdoor containers shall be stored on a rack to prevent overturning. Waste containers shall be kept clean.

(c) All solid wastes shall be disposed of with sufficient frequency and in such a manner as to prevent insect breeding and public health nuisances.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1615 VERMIN CONTROL: PREMISES

(a) Effective measures shall be taken to keep insects, rodents, and other vermin out of the residential care facility and to prevent their breeding, harborage, or presence on the premises. The premises shall be kept neat, clean, adequately drained,

and free of litter and vermin harborage. All openings to the outer air shall be effectively protected against the entrance of flying insects by screens, closed doors, closed windows, or other effective means.

(b) Only those pesticides shall be used which have been approved for a specific use and properly registered with the Environmental Protection Agency and with the North Carolina Department of Agriculture. Such pesticides shall be used as directed on the label and shall be so handled and stored as to avoid health hazards.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. July 1, 1984.

15A NCAC 18A .1616 STORAGE: MISCELLANEOUS

(a) Rooms or spaces which are provided and used for the storage of clothing, personal effects, luggage, necessary equipment and supplies and for items not in routine use, shall be kept clean.

(b) Pesticides, herbicides and other substances which may be hazardous if ingested, inhaled, or handled, shall be stored in a closet, cabinet or box not accessible to young children unless otherwise required in the rules of the licensing agency.

(c) Household cleaning agents such as bleaches, detergents and polishes shall be stored out of the reach of young children unless otherwise required in the rules of the licensing agency.

(d) Medications shall be stored in a separate cabinet, closet or box not accessible to young children unless otherwise required in the rules of the licensing agency.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1617 BEDS: LINEN: FURNITURE

(a) All furniture, mattresses, curtains, draperies, and other furnishings shall be kept clean and in good repair.

(b) Clean bed linen in good repair shall be provided for each resident and shall be changed when soiled.

(c) Clean linen shall be stored and handled in a sanitary manner and separate from soiled linen.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1618 FOOD SERVICE UTENSILS AND EQUIPMENT

(a) All equipment and utensils shall be so constructed as to be easily cleaned and shall be kept in good repair. All surfaces with which food or drink comes in contact shall, in addition, be easily accessible for cleaning, nontoxic, corrosion-resistant, nonabsorbent, and free of open crevices. Disposable articles shall be made from nontoxic materials.

(b) All multi-use eating and drinking utensils shall be thoroughly cleaned after each usage, and the facilities needed for the operations of washing and rinsing shall be provided.

(c) All pots, pans and other utensils used in the preparation or serving of food or drink, and all food storage utensils, shall be thoroughly cleaned after each use. Cooking surfaces of equipment, if any, shall be cleaned at least once each day. Non-food-contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.

(d) No polish or other substance containing cyanide or other poisonous material shall be used for the cleaning or polishing of eating or cooking utensils.

(e) All cloths used in the kitchen shall be clean. Disposable items shall be used only once.

(f) All containers and clean utensils shall be stored in a clean place. Containers and clean utensils shall be covered, inverted, stored in tight, clean cabinets, or otherwise stored in such a manner as to prevent contamination. After cleaning and until use, food-contact surfaces of equipment shall be protected from contamination. Utensils shall be handled in such a manner as to prevent contamination.

(g) Disposable utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

(h) Acceptable facilities for washing multi-use eating and drinking utensils, and pots, pans and other cooking utensils, include 2-section residential sinks, in counters. It is not necessary that such sinks be deep enough to permit immersion of large utensils.

(i) Acceptable storage facilities include residential kitchen cabinets, which should be kept clean and free of vermin.

*History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.*

15A NCAC 18A .1619 FOOD SUPPLIES

(a) All food, including milk and milk products, shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption.

(b) If non-acid or low-acid home-canned foods are used, they shall be boiled for ten minutes in order to destroy any toxin that may have been produced by bacteria surviving the canning process.

*History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.*

15A NCAC 18A .1620 FOOD PROTECTION

(a) All foods, while being stored, prepared, served, and during transportation, shall be protected from contamination. All perishable foods shall be stored at such temperatures as will protect against spoilage. All potentially hazardous food shall be maintained at safe temperatures (45° F. or below, or 140° F. or above) except during necessary periods of preparation and serving. Frozen food shall be kept at such temperatures as to remain frozen, except when being thawed for preparation or use. Potentially hazardous frozen food shall be thawed at refrigerator temperatures of 45° F. or below; or quick-thawed as part of the cooking process; or by a method approved by the sanitarian. An indicating thermometer shall be located in each refrigerator. Raw fruits and vegetables shall be washed thoroughly before use. Ground beef and foods containing ground beef shall be cooked to an internal temperature of at least 155° F (68° C). Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to 165° F (74° C) or higher throughout before being served or before being placed in a hot food storage facility, except that food in intact packages from regulated food manufacturing plants may initially be reheated to 140° F (60° C). Stuffings, poultry, stuffed meats and poultry, and pork and pork products, shall be thoroughly cooked before being served. Salads made of meat, poultry, potatoes, fish, shellfish, or eggs, and other potentially hazardous prepared food shall be prepared, preferably from chilled products, with a minimum of manual contact, and on surfaces and with utensils which are clean. Portions of food once served to an individual shall not be served again.

(b) Live pets shall not be allowed in any room or area in which food is prepared or stored. Live pets, unless caged and restricted from the immediate eating area, shall not be allowed in any room or area in which food is served.

(c) Refrigeration facilities, hot food storage facilities, and effective insulated facilities, shall be provided as needed to assure the maintenance of all food at required temperatures during storage, preparation, and serving.

(d) Containers of food shall be stored above the floor, on clean racks, shelves, or other clean surfaces, in such a manner as to be protected from splash and other contamination.

*History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. October 1, 1993; September 1, 1990.*

15A NCAC 18A .1621 FOOD SERVICE PERSONS

(a) All persons, while preparing or serving food or washing equipment or utensils, shall wear clean outer garments, and conform to proper hygienic practices. They shall wash their hands thoroughly before starting work and as often as necessary to remove soil and contamination. After visiting a toilet room, such persons shall wash their hands thoroughly in a lavatory and in no case in the kitchen sink. They shall not use tobacco in any form while preparing or serving food.

(b) No person who has a communicable or infectious disease that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or who has a boil, infected wound, or an acute respiratory infection with cough and

nasal discharge, shall work in food service in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces, with disease-causing organisms or transmitting the illness to other persons.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1622 SEVERABILITY

If any provision of this Section, or the application thereof to any person or circumstance is held invalid, the remainder of these Rules or the application of such provision to other persons or circumstances, shall not be affected thereby.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

SECTION .1700 - PROTECTION OF WATER SUPPLIES

15A NCAC 18A .1720 WATER SUPPLIES

(a) A water supply for which requirements are established in this Subchapter, shall be from a community water supply regulated pursuant to 15A NCAC 18C or from a supply located, constructed, maintained, and operated in accordance with this Section.

(b) The requirements found in Rules .1720(c) through .1728 of this Section shall not apply to community water supplies.

(c) The following setback requirements shall apply:

- (1) A well shall not be located in an area propensity for flooding. Areas which have a propensity for flooding include those with concave slope, alluvial or colluvial soils, gullies, depressions or drainage ways.
- (2) A well constructed on or after July 1, 1993 shall be located at a minimum horizontal distance from:
 - (A) Septic tank or nitrification field; 100 ft.
 - (B) Other subsurface ground absorption waste disposal; 100 ft.
 - (C) Industrial or municipal sludge spreading or wastewater irrigation site; 100 ft.
 - (D) Watertight sewage or liquid-waste collection or transfer facility; 50 ft.
 - (E) Other sewage or liquid-waste collection or transfer facility; 100 ft.
 - (F) Animal feedlot or manure pile; 100 ft.
 - (G) Fertilizer, pesticide, herbicide or other chemical storage area; 100 ft.
 - (H) Non-hazardous waste storage, treatment or disposal lagoon; 100 ft.
 - (I) Sanitary landfill; 500 ft.
 - (J) Other non-hazardous solid waste landfill; 100 ft.
 - (K) Animal barn; 100 ft.
 - (L) Building foundation; 50 ft.
 - (M) Surface water body; 50 ft.
 - (N) Chemical or petroleum fuel underground storage tank regulated under 15A NCAC 2N:
 - (i) with secondary containment; 50 ft.
 - (ii) without secondary containment; 100 ft.
 - (O) Any other source of groundwater contamination. 100 ft.
- (3) For a well constructed prior to July 1, 1993, the minimum horizontal distances specified in Parts (C)(2)(A), (B), (D), and (L) of this Rule shall be reduced to no less than the following:
 - (A) Septic tank or nitrification field; 50 ft.
 - (B) Other subsurface ground absorption waste disposal system; 50 ft.
 - (C) Water-tight sewage or liquid-waste collection or transfer facility; 25 ft.
 - (D) Building foundation. 25 ft.
- (4) A well constructed prior to July 1, 1993 serving an establishment regulated under 15A NCAC 18A in operation prior to July 1, 1993 shall be required to meet only the following minimum horizontal distance requirements:
 - (A) Septic tank or nitrification field; 50 ft.
 - (B) Other subsurface ground absorption waste disposal system. 50 ft.

- (5) An owner, licensee or permittee shall not place or have placed a new source of contamination within the minimum horizontal distances in Subparagraphs (c)(1)-(4) of this Rule.
- (6) If different minimum horizontal distances requirements are set by the Division of Environmental Management pursuant to 15A NCAC 2C .0118 and .0119, those minimum horizontal distance requirements shall be used. The owner, licensee or permittees shall provide a written copy of the adjusted minimum horizontal distance requirements from the Division of Environmental Management to the local health department.

History Note: Authority G.S. 95-225; 130A-5(3); 130A-230; 130A-235; 130A-236; 130A-248; 130A-257;
Eff. September 1, 1990;
Amended Eff. May 1, 1996; July 1, 1993;
Temporary Amendment Eff. May 25, 1998; May 5, 1998; March 1, 1998;
Temporary Amendment (March 1, 1998) Expired December 11, 1998;
Temporary Amendment (May 5, 1998) Expired January 26, 1999;
Temporary Amendment (May 25, 1998) Expired March 12, 1999.

15A NCAC 18A .1721 WELL CASING

- (a) For a well constructed after July 1, 1993, the well casing shall be terminated at least 12 inches above the land surface.
- (b) For a well constructed prior to July 1, 1993, the well casing shall be terminated at least six inches above the land surface.

History Note: Authority G.S. 95-225; 130A-5(3); 130A-228; 130A-230; 130A-235; 130A-236; 130A-248; 130A-257;
Eff. July 1, 1993.

15A NCAC 18A .1722 WELL HEAD PROTECTION

- (a) The base plate of a pump placed directly over the well shall be designed to form a watertight seal with the well casing or pump foundation.
- (b) In an installation where the pump is not located directly over the well, the annular space between the casing and pump intake or discharge piping shall be closed with a watertight seal designed specifically for this purpose.
- (c) The well shall be vented at the well head to allow for pressure changes within the well except when a suction lift type pump is used. Any vent pipe or tube shall be screened or otherwise designed to prevent the entrance of insects or other foreign materials.
- (d) For a well constructed after July 1, 1993, a hose bib shall be installed at the well head for obtaining samples. In the case of offset jet pump installations, the hose bib shall be installed directed downward on the pressure side of the jet pump piping. A vacuum breaker or backflow prevention device shall be installed on the hose bib.
- (e) For a well constructed after July 1, 1993, a continuous bond concrete slab or well house concrete floor extending at least three feet horizontally around the outside of the well casing shall be provided. The minimum thickness for the concrete slab or floor shall be four inches. The slab or floor shall slope to drain away from the well casing.
- (f) Any establishments permitted or licensed after July 1, 1993 shall have a continuous bond concrete slab or well house concrete floor extending at least three feet horizontally around the outside of the well casing. The minimum thickness for the concrete slab or floor shall be four inches. The slab or floor shall slope to drain away from the well casing.

History Note: Authority G.S. 95-225; 130A-5(3); 130A-230; 130A-235; 130A-236; 130A-248; 130A-257;
Eff. July 1, 1993;
Amended Eff. May 1, 1996.

15A NCAC 18A .1723 SPRINGS

- (a) If a spring is serving an establishment regulated under 15A NCAC 18A on or before July 1, 1993, the spring shall be approved unless a violation of Rule .1725 of this Section is identified. If Rule .1725 of this Section is violated and violation remains after disinfection in accordance with Rule .1724(b) of this Section, or the removal of chemical constituents, the spring shall comply with all requirements of Paragraph (b) of this Rule. However, a spring which is in violation of Rule .1725(c) of this Section may continue to be used if equipped with a continuous disinfection device in accordance with Rule .1727 of this Section.
- (b) Any establishment permitted or licensed under 15A NCAC 18A after July 1, 1993, and any establishment developing a new spring shall meet the requirements of 2 NCAC 9C .0703, except Paragraphs (a), (b) and (f) shall not apply. 2 NCAC 9C .0703, except Paragraphs (a), (b) and (f) are hereby incorporated by reference including any subsequent amendments

and editions. This material is available for inspection at the NC Department of Environment, Health, and Natural Resources, Environmental Health Services Section, 2728 Capital Blvd., Raleigh, North Carolina. Copies may be obtained from the Environmental Health Services Section at no cost.

(c) Springs approved pursuant to Paragraph (b) of this Rule shall not be connected to the establishment until compliance with this Section has been completed and the Department receives written certification from the owner of the establishment or a registered engineer, that the spring has been constructed in accordance with the approved plans and specifications.

History Note: Authority G.S. 95-225; 130A-5(3); 130A-230; 130A-235; 130A-236; 130A-248; 130A-257; Eff. July 1, 1993; Amended Eff. May 1, 1996.

15A NCAC 18A .1724 DISINFECTION OF WATER SUPPLIES

(a) A water supply serving an establishment regulated under this Subchapter shall be disinfected upon completion of construction, maintenance, repairs, pump installation, or a report of a positive coliform sample as follows:

- (1) chlorine in sufficient quantities to produce a chlorine residual of at least 100 milligrams per liter (mg/l) shall be placed in the supply;
- (2) a chlorine solution shall be placed in the supply in such a manner as to contact any water-contact parts and materials above the normal water level;
- (3) a chlorine solution shall stand in the supply for a period of at least 24 hours; and,
- (4) the supply shall flow to waste until no disinfectant can be measured with a test kit that measures chlorine levels.

(b) A spring enclosure shall be disinfected upon completion of construction, maintenance, repairs, pump installation, or a report of a positive coliform sample as follows:

- (1) the interior walls of the spring enclosure shall be washed or swabbed with a chlorine solution of at least 100 milligrams per liter (mg/l) or greater of chlorine residual approved by the Department;
- (2) the disinfectant shall be poured into the spring, the service pipe shall be plugged, and water shall be retained in the spring storage for at least 24 hours, or, disinfectant shall be fed into the spring continuously for at least 24 hours; and
- (3) the spring shall flow to waste until no disinfectant can be measured with a test kit that measures chlorine levels.

History Note: Authority G.S. 95-225; 130A-5(3); 130A-228; 130A-230; 130A-235; 130A-236; 130A-248; 130A-257; Eff. July 1, 1993.

15A NCAC 18A .1725 WATER QUALITY

(a) Prior to the initial use of a water supply, or after construction, maintenance, repairs, pump installation, or a report of a positive coliform sample, two consecutive bacteriological water samples taken at least 48 hours apart shall be collected by the Department and submitted to the Division of Laboratory Services of the Department of Environment, Health, and Natural Resources or another laboratory certified pursuant to 15A NCAC 20D for analysis. Prior to collecting the sample, the water shall be tested and shall be negative for chlorine residual. For the purposes of this Rule, confirmation means another positive sample result following the initial positive sample unless the last positive sample was preceded by two consecutive negative samples.

(b) The water supply shall be deemed an imminent hazard under the following circumstances:

- (1) confirmation of the presence of fecal coliform bacteria.
- (2) determination by the Environmental Epidemiology Section of the Department that the presence of chemical constituents are present at levels that constitute an imminent hazard as defined in G.S. 130A-2(3).

(c) The water supply shall be deemed unsafe for use under the following conditions:

- (1) confirmation of the presence of total coliform.
- (2) determination by the Environmental Epidemiology Section of the Department that the presence of chemical constituents are present at levels in violation of water quality standards found in 15A NCAC 18C .1500 and do not constitute an imminent hazard as defined in G.S. 130A-2(3).

(d) After a positive sample has been followed by two consecutive negative samples collected at least 48 hours apart, follow-up samples shall be collected by the Department at least once each quarter, while the supply is in use, for one year. There shall be no treatment procedures between the two consecutive negative samples.

History Note: Authority G.S. 95-225; 130A-5(3); 130A-230; 130A-235; 130A-236; 130A-248; 130A-257;
Eff. July 1, 1993;
Amended Eff. May 1, 1996.

15A NCAC 18A .1726 EMERGENCY SUPPLY SYSTEMS

A water supply serving an establishment regulated under 15A NCAC 18A which is in violation of Rule .1725 of this Section may be replaced by an emergency supply system for a time period not to exceed three months provided the Public Water Supply Section determines that the emergency supply system meets all the following requirements:

- (1) The source of water used by the emergency supply shall meet the requirements of 15A NCAC 18C;
- (2) Containers, hoses, pumps, lines, or other means of conveyance used to transport the water is disinfected with a chlorine solution of at least 100 mg/l of chlorine prior to being placed into use and after each transfer of water;
- (3) A chlorine residual of no less than 0.2 mg/l of free chlorine is maintained at all times and the owner, licensee, or permittee shall maintain a log to record the level of free chlorine residual at least twice a day while the facility is in operation; and
- (4) The emergency supply system is sampled for bacteriological analysis at least every other week by the Department and at least weekly by the owner, permittee, or licensee. All samples shall be submitted to the laboratory section of the Department or another laboratory certified by the Department for the analysis. A copy of all sample reports collected by the owner, permittee, or licensee shall be submitted to the local health department having jurisdiction within three days of receipt of the report.

History Note: Authority G.S. 95-225; 130A-5(3); 130A-230; 130A-235; 130A-236; 130A-248; 130A-257;
Eff. July 1, 1993;
Amended Eff. May 1, 1996.

15A NCAC 18A .1727 CONTINUOUS DISINFECTION

(a) A supply which is in violation of Rule .1725(c)(1) of this Section may be used provided that the supply shall be continuously disinfected and a chlorine residual is maintained of at least 0.2 mg/l by use of equipment designed for this purpose. An operator shall be required for a water supply using continuous disinfection. The operator shall hold a valid certificate issued by the N.C. Water Treatment Facility Operators Certification Board.

(b) The owner, operator, or permittee shall provide to the Department a statement from the operator that a supply using continuous disinfection has a minimum chlorine residual of 0.2 mg/l and a chlorine contact time of at least 20 minutes.

(c) A disinfection device shall not be used to comply with a violation of Rule .1725 (b)(1) of this Section.

History Note: Authority G.S. 95-225; 130A-5(3); 130A-228; 130A-230; 130A-235; 130A-236; 130A-248; 130A-257;
Eff. July 1, 1993.

15A NCAC 18A .1728 PROHIBITED SUPPLIES

(a) A supply in violation of Rule .1725(b)(1) of this Section shall be prohibited.

(b) Cisterns shall be prohibited.

History Note: Authority G.S. 95-225; 130A-5(3); 130A-228; 130A-230; 130A-235; 130A-236; 130A-248; 130A-257;
Eff. July 1, 1993.

SECTION .2100 - RULES GOVERNING THE SANITATION AND SAFETY OF MIGRANT HOUSING

15A NCAC 18A .2117 WATER SANITATION AND QUALITY

(a) A water supply shall be provided that complies with the provisions of 15A NCAC 18A .1700.

(b) Prior to occupancy of a migrant housing facility, water samples for bacteriological analysis shall be collected by an environmental health specialist and submitted to the Division of Laboratory Services of the Department of Environment and Natural Resources or another laboratory certified pursuant to 15A NCAC 20D for analysis. A sample negative for coliform organisms shall be obtained prior to the issuance of health department approval.

(c) An environmental health specialist may collect water samples after occupancy for analysis by the Division of Laboratory Services of the Department or another laboratory certified pursuant to 15A NCAC 20D to determine the

continued safety of the water supply for domestic use. The water supply shall be deemed unsafe for domestic use and action taken as follows:

- (1) The water supply shall be deemed immediately unsafe upon confirmation of the presence of fecal coliform bacteria or, upon determination by the Environmental Epidemiology Section of the Department that the presence of chemical constituents poses an immediate threat to life. Under these circumstances, the Department shall immediately contact both the migrant housing operator and the Migrant Housing Division, North Carolina Department of Labor. All verbal contact made by the environmental health specialist shall be confirmed in writing.
- (2) The water supply shall be deemed unsafe for long-term usage upon confirmation of a positive total coliform test or upon determination by the Environmental Epidemiology Section of the Department that the presence of chemical constituents poses a threat to health. Under these circumstances, the Department shall, within three days, notify the migrant housing operator and the Migrant Housing Division, North Carolina Department of Labor. All verbal contacts made by the environmental health specialist shall be confirmed in writing.

History Note: Authority G.S. 95-225;
Eff. October 1, 1990;
Amended Eff. January 1, 2003.

SECTION .2300 - DELEGATION OF AUTHORITY TO ENFORCE COMMISSION FOR PUBLIC HEALTH'S SANITATION RULES

15A NCAC 18A .2305 AGENTS SERVING AS CONTRACTORS

The Division may allow an agent who is authorized in a specific local health department to contract with another local health department to provide services to the other local health department. When a local health department contracts for such services, the contracting department shall provide a statement to the Division on progress made to employ an individual who may be considered for authorization.

- (1) A contract shall be created between the contracting local health department and the agent (contractor) to include at least the following provisions:
 - (a) Names and addresses of each party.
 - (b) Scope of work to be performed.
 - (c) A requirement that the original public records remain in the local health department in which the work is performed. The public records shall be left at the local health department or with an individual employed by the local health department who shall be responsible for returning said records to the local health department within two business days of the service provided.
 - (d) Designation of the party responsible for maintaining public records created by the agent.
 - (e) A requirement that the contracting agent be available for consultation to the public being served during usual business hours.
 - (f) A requirement that the contracting agent be available for any hearing or other legal proceeding which may ensue from activities conducted by the agent.
- (2) The contracting agent shall maintain a list of each activity and the date performed for review in accordance with Item (3) of this Rule.
- (3) Each public record created by the contracting agent shall be reviewed, dated, and initialed by an authorized agent of the contracting local health department. In addition, at least 10 percent of the activities performed by the agent shall be reviewed in the field by an authorized agent employed by the contracting local health department. If the contracting local health department has no authorized employee, the Division shall conduct a review of each public record created by the contracting agent. In addition, at least 10 percent of the activities performed by the agent shall be reviewed on-site in the field by the Division. The review shall be conducted each month and shall cover the previous month's activities conducted by the agent.

History Note: Authority G.S. 130A-4; 130A-29;
Eff. October 1, 1985;
Amended Eff. July 1, 1998; September 1, 1990.

15A NCAC 18A .2307 EVALUATION

The regional specialist may, at any time, evaluate the performance of an authorized agent and recommend that the Director, Division of Environmental Health, take corrective action.

*History Note: Authority G.S. 130A-4(b); 130A-5(3);
Eff. February 1, 1987;
Amended Eff. July 1, 1998; September 1, 1990.*

15A NCAC 18A .2310 APPEALS PROCEDURES

Appeals concerning denials, suspensions and revocations of authorization under these Rules shall be made in accordance with G.S. 150B. An individual whose authorization has been suspended or revoked and who timely requests an appeal may continue to work as an authorized agent until a final agency decision is made pursuant to G.S. 150B-36; however, all inspection forms and permits completed by the agent during that period must be countersigned by another authorized agent who concurs with the findings and conclusions reflected on the inspection forms and permits.

*History Note: Authority G.S. 130A-4; 130A-29;
Eff. July 1, 1998.*

SECTION .2400 - SANITATION OF PUBLIC: PRIVATE: AND RELIGIOUS SCHOOLS

15A NCAC 18A .2401 DEFINITIONS

The following definitions shall apply throughout this Section:

- (1) "Central toilet" means a toilet which exits into a hallway or corridor and has more than one water closet.
- (2) "Department" means the Department of Environment and Natural Resources and its authorized agents.
- (3) "Home school" means a school as defined in G.S. 115C-563.
- (4) "Principal" means the executive head of a school.
- (5) "Private or religious school" means a school which is not supported by funds appropriated by the General Assembly of North Carolina, by the federal government, or through local governmental sources.
- (6) "Public school" means a school supported by public funds appropriated by the General Assembly of North Carolina, by the federal government, and through local governmental sources.
- (7) "Sanitarian" means a person authorized to represent the Department in enforcing the rules of this Section.
- (8) "Superintendent" means the chief administrative head of a local school administrative unit.

*History Note: Authority G.S. 130A-236;
Eff. January 1, 1986;
Amended Eff. November 1, 2002; September 1, 1990.*

15A NCAC 18A .2402 INSPECTIONS

- (a) An inspection of each school shall be made by the Department at least once a year to determine compliance with this Section.
- (b) An inspection report shall be completed by the sanitarian upon completion of the inspection.
- (c) If the conditions found at the time of the inspection of a public school are dangerous to the health of the students, or if an imminent hazard exists, the sanitarian shall notify the office of the local superintendent immediately by telephone or other direct means. A copy of the inspection report shall be immediately forwarded to the local and state superintendents.
- (d) If the conditions found at the time of the inspection of a private or religious school are dangerous to the health of the students, or if an imminent hazard exists, the sanitarian shall notify the Office of Non-Public Education, 532 N. Wilmington Street, Raleigh, N.C. 27604, immediately by telephone or other direct means. A copy of the inspection report shall be immediately forwarded to that office.

*History Note: Authority G.S. 130A-236;
Eff. January 1, 1986;
Amended Eff. September 1, 1990.*

15A NCAC 18A .2403 CLASSIFICATION

- (a) Schools shall be classified as follows: schools which receive a score of at least 90 percent shall be classified A; schools which receive a score of at least 80 percent and less than 90 percent shall be classified B; schools which receive a score of

at least 70 percent and less than 80 percent shall be classified C; and schools which receive a score of less than 70 percent shall be classified as unapproved. When the school is classified as unapproved, the sanitarian shall provide notification in accordance with Rule .2402(c) or (d) as appropriate. Grade cards shall not be posted in schools.

(b) The grading of schools shall be based on the standards of operation and construction as set forth in Rules .2405 through .2415 of this Section.

*History Note: Authority G.S. 130A-236;
Eff. January 1, 1986.*

15A NCAC 18A .2404 REINSPECTIONS

Upon request of the principal, a reinspection shall be made for the purpose of improving a classification. An unannounced inspection shall be made after the lapse of a reasonable period of time, not to exceed 30 days, from the date of the request.

*History Note: Authority G.S. 130A-236;
Eff. January 1, 1986.*

15A NCAC 18A .2405 WATER SUPPLY

(a) The water supply shall be from an approved source and shall be adequate and of a safe, sanitary quality.

(b) The water supply used shall be located, constructed, maintained, and operated in accordance with the Commission for Public Health's rules governing water supplies. Copies of 15A NCAC 18A .1700 and 15A NCAC 18C may be obtained from the Department. A sample of water from a private or public non-community water supply serving a school shall be collected by the sanitarian and submitted at least once a year to the Division of Laboratory Services or other laboratory certified by the Department to perform bacteriological examination.

(c) Backflow connections and cross-connections with unapproved water supplies are prohibited.

(d) Hot and cold running water under pressure shall be provided to food preparation areas, and any other areas in which water is required for operations and maintenance cleaning.

(e) The well house shall be kept clean and free of storage.

*History Note: Authority G.S. 130A-236;
Eff. January 1, 1986;
Amended Eff. September 1, 1990.*

15A NCAC 18A .2406 DRINKING FOUNTAINS

(a) Drinking fountains shall be provided and installed as required by the North Carolina State Building Code. Copies of the North Carolina State Building Code may be obtained from the North Carolina Department of Insurance, P.O. Box 26387, Raleigh, N.C. 27611.

(b) Fountains shall be provided with adequate water pressure, properly regulated, kept clean and in good repair.

*History Note: Authority G.S. 130A-236;
Eff. January 1, 1986;
Amended Eff. September 1, 1990.*

15A NCAC 18A .2407 SANITARY SEWAGE DISPOSAL

All sewage and other liquid wastes shall be disposed of in a public sewer system or, in the absence of a public sewer system, by an approved, properly operating sanitary sewage system.

*History Note: Authority G.S. 130A-236;
Eff. January 1, 1986.*

15A NCAC 18A .2408 TOILET FACILITIES

(a) Toilet facilities shall be provided and installed as required by the North Carolina State Building Code. Copies of the North Carolina State Building Code may be obtained from the North Carolina Department of Insurance, P.O. Box 26387, Raleigh, N.C. 27611.

(b) Walls and ceilings of toilet facilities shall be constructed of non-absorbent, washable materials and shall be kept clean.

(c) Floors of toilet facilities shall be impervious and kept clean.

(d) Toilet fixtures shall be kept clean and in good repair.

History Note: Authority G.S. 130A-236;
Eff. January 1, 1986;
Amended Eff. September 1, 1990.

15A NCAC 18A .2409 LAVATORY FACILITIES

- (a) Lavatory facilities shall be provided and installed as required by the North Carolina State Building Code. Copies of the North Carolina State Building Code may be obtained from the North Carolina Department of Insurance, P.O. Box 26387, Raleigh, N.C. 27611.
- (b) Fixtures shall be kept clean and in good repair.
- (c) Soap and individual towels or approved hand-drying devices shall be provided.

History Note: Authority G.S. 130A-236;
Eff. January 1, 1986;
Amended Eff. September 1, 1990.

15A NCAC 18A .2410 FLOORS: WALLS: AND CEILINGS

Floors, walls, and ceilings of all areas shall be kept clean and in good repair.

History Note: Authority G.S. 130A-236;
Eff. January 1, 1986.

15A NCAC 18A .2411 STORAGE SPACES

Storage spaces and custodians' closets shall be kept clean and arranged so as to facilitate cleaning. All storage shall be at least 15 inches (38.1 centimeters) above the floor or otherwise arranged so as to permit thorough cleaning.

History Note: Authority G.S. 130A-236;
Eff. January 1, 1986.

15A NCAC 18A .2412 LIGHTING AND VENTILATION

- (a) Lighting and ventilation shall be provided and installed as required by the North Carolina State Building Code. Copies of the North Carolina State Building Code may be obtained from the North Carolina Department of Insurance, P.O. Box 26387, Raleigh, N.C. 27611.
- (b) All windows and fixtures (grills, vents, blinds, drapes, lighting fixtures, etc.) shall be kept clean and in good repair.

History Note: Authority G.S. 130A-236;
Eff. January 1, 1986;
Amended Eff. September 1, 1990.

15A NCAC 18A .2413 DRESSING ROOMS AND SHOWERS

- (a) Floors, walls, and ceilings shall be kept clean and in good repair.
- (b) Floors, walls, and ceilings of shower areas shall be washable and non-absorbent.
- (c) Showers shall be provided and installed as required by the North Carolina State Building Code. Copies of the North Carolina State Building Code may be obtained from the North Carolina Department of Insurance, P.O. Box 26387, Raleigh, N.C. 27611.
- (d) All fixtures shall be kept clean and in good repair.
- (e) Adequate facilities for storage of clothes and other personal items shall be provided and kept clean.
- (f) A clean bath towel and soap shall be provided for each person using the showers.
- (g) All bath towels shall be stored in a sanitary manner.

History Note: Authority G.S. 130A-236;
Eff. January 1, 1986;
Amended Eff. September 1, 1990.

15A NCAC 18A .2414 SOLID WASTE DISPOSAL

- (a) Impervious, cleanable containers with lids, approved by the Department, shall be provided for the storage of solid waste.
- (b) Solid waste containers shall be kept clean, in good repair, and emptied when full, but not less than once a week.
- (c) All solid waste shall be disposed of in an approved landfill or by a method approved by the Department in accordance with state laws and rules.

History Note: Authority G.S. 130A-236;
Eff. January 1, 1986;
Amended Eff. September 1, 1990.

15A NCAC 18A .2415 PREMISES: MISCELLANEOUS

- (a) The premises of the school under control of the principal shall be kept neat and clean at all times. Waste material, unnecessary articles, rubbish, litter, or garbage shall not be allowed to accumulate on the premises. There shall be no fly or mosquito breeding places, rodent harborages, or undrained areas on the premises.
- (b) Pesticides and other toxic materials shall be used as directed on the label and handled and stored as to avoid health hazards.

History Note: Authority G.S. 130A-236;
Eff. January 1, 1986.

15A NCAC 18A .2416 REQUIREMENTS FOR HOME SCHOOLS

Home schools shall be exempt from this Section.

History Note: Authority G.S. 130A-236;
Eff. January 1, 1986.

15A NCAC 18A .2417 APPEALS PROCEDURE

Appeals concerning the interpretation and enforcement of the rules in this Section shall be made in accordance with G.S. 150B.

History Note: Authority G.S. 130A-236;
Eff. January 1, 1986;
Amended Eff. September 1, 1990; February 1, 1987.

SECTION .2500 - PUBLIC SWIMMING POOLS

15A NCAC 18A .2508 DEFINITIONS

The following definitions apply throughout this Section:

- (1) "Equipment replacement" means replacement of individual components of the hydraulic and disinfection systems such as pumps, filters, and automatic chemical feeders.
- (2) "Public swimming pool" means public swimming pool as defined in G.S. 130A-280. Public swimming pools are divided into five types:
 - (a) "Swimming pools" are public swimming pools used primarily for swimming.
 - (b) "Spas" are public swimming pools designed for recreational and therapeutic use that are not drained, cleaned, or refilled after each individual use. Spas may include units designed for hydrojet circulation, hot water, cold water mineral bath, air induction bubbles, or any combination thereof. Common terminology for spas includes "therapeutic pool," "hydrotherapy pool," "whirlpool," "hot spa," and "hot tub."
 - (c) "Wading pools" are public swimming pools designed for use by children, including wading pools for toddlers and children's activity pools designed for casual water play ranging from splashing activity to the use of interactive water features placed in the pool.
 - (d) "Specialized water recreation attractions" are pools designed for special purposes that differentiate them from swimming pools, wading pools and spas. They include:
 - (i) water slide plunge pools and run out lanes, which transfer the kinetic energy of the users' velocity through friction to the slide;
 - (ii) wave pools;

- (iii) rapid rides;
 - (iv) lazy rivers;
 - (v) interactive play attractions that incorporate devices using sprayed, jetted, or other water sources contacting the users and that do not incorporate standing or captured water as part of the user activity area; and
 - (vi) training pools deeper than a 24 inch deep wading pool and shallower than a 36 inch deep swimming pool.
- (e) "Special purpose and therapy pools" are pools designed and used for therapeutic treatments or physical training and fitness outside of a licensed medical facility or practice of a licensed physical therapist. They include:
- (i) float tanks used for float therapy in a salt brine solution;
 - (ii) swim spa training pools which use jetted water for stationary swimming against a water current;
 - (iii) exercise therapy and treadmill pools equipped for water resistance exercise therapy; and
 - (iv) scuba pools designed and used for training swimmers to use self-contained underwater breathing apparatus.
- (3) "Registered Design Professional" means an individual who is registered or licensed to practice engineering as defined by G.S. 89C or architecture as defined by G.S. 83A.
- (4) "Remodeled" means renovated in a manner requiring disruption of the majority of the pool shell or deck, changes in the pool profile, or redesign of the pool hydraulic system.
- (5) "Repair" means returning existing equipment to working order, replastering or repainting of the pool interior, replacement of tiles or coping and similar maintenance activities. This term includes replacement of pool decks where the Department has determined that no changes are needed to underlying pipes or other pool structures.
- (6) "Safety vacuum release system" means a system or device capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to suction outlet flow blockage.
- (7) "Splash zone" means the area of an interactive play attraction that sheds water to a surge tank or container to be recirculated.
- (8) "Unblockable drain" means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

*History Note: Authority G.S. 130A-282;
 Eff. May 1, 1991;
 Temporary Amendment Eff. June 1, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Amended Eff. April 1, 2013; May 1, 2010; March 1, 2004; April 1, 1999; January 1, 1996; October 1, 1994.*

15A NCAC 18A .2509 PLAN REVIEW AND APPROVAL

(a) Public swimming pools plans and specifications shall be prepared by a registered design professional if required by G.S. 89C Engineering or G.S. 83A Architecture, and shall be approved by the Department prior to construction. If required by G.S. 87-1 General Contractors, public swimming pools shall be constructed by swimming pool contractors licensed by the North Carolina Licensing Board for General Contractors.

(b) The owner shall submit a minimum of two complete sets of plans to the local Health Department for review. Plans shall be drawn to scale and accompanied by specifications so as to permit a clear, comprehensive review by the local health department. All prints of drawings shall be a minimum of 18 x 24 inches and a maximum size of 36 x 42 inches. These plans shall include:

- (1) Plan and sectional view dimensions of both the pool and the area enclosed by the barrier fences to include the bathhouse and the equipment room and pool accessories;
- (2) Specifications of all treatment equipment used and their layout in the equipment room;
- (3) A piping schematic showing piping, pipe size, inlets, main drains, skimmers, gutter outlets, vacuum fittings and all other appurtenances connected to the pool-piping system;
- (4) Layout of the chemical storage room; and
- (5) Specifications for the water supply and wastewater disposal systems that include aspects such as well location and backwash water disposal where applicable.

- (c) The Department shall approve, disapprove, or provide written comments on plans and specifications for public swimming pools within 30 days of their receipt. If such action is not taken within 30 days, the plans and specifications shall be deemed approved.
- (d) If construction is not initiated within one year from the date of approval, the approval is void.
- (e) The swimming pool contractor shall contact the local health department when pool pipes are in place and visible so that the local health department may conduct an open-pipe inspection of the pool piping.
- (f) Prior to issuance of the operation permit, the owner shall submit to the local health department a statement signed by a registered design professional stating that construction is complete and in accordance with approved plans and specifications and approved modifications. Observation of construction and a final inspection for design compliance by the certifying registered design professional or his representative are required for this statement.
- (g) Upon completion of construction, the contractor shall notify the local health department and the owner. The contractor shall provide the owner with a complete set of drawings, which show as built, the location of all pipes and the connections of all equipment and written operating instructions for all equipment.

History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. May 1, 2010; July 1, 1992.

15A NCAC 18A .2510 PUBLIC SWIMMING POOL OPERATION PERMITS

- (a) No public swimming pool shall commence or continue operation unless the owner or operator has an operation permit issued by the Department for each public swimming pool. Unless suspended or revoked, the operation permit shall be valid for the period of operation specified in the application but in no event shall it be valid for more than 12 months. For public swimming pools which are constructed or remodeled, plans and specifications shall have been approved by the Department in accordance with Rule .2509. Compliance with the design and construction requirements in Rules .2514 through .2534 and approval of plans and specifications shall not be required for public swimming pools constructed or remodeled prior to May 1, 1993. No public swimming pool shall commence or continue operation after May 1, 2010 unless documentation of compliance with pool drain safety requirements of Rule .2539 of this Section has been submitted to the local health department.
- (b) Equipment replacement shall comply with Rules .2514 through .2534 and shall be approved by the Department prior to installation. However, for existing swimming pools with recirculation systems unable to meet the pool volume turnover rates specified in the rules of this Section, pump replacement shall match the flow capabilities of the system. Repairs do not require prior approval by the Department.
- (c) A separate application for an operation permit must be submitted for each public swimming pool. The owner or operator shall apply annually to the Department for an operator's permit. The application form shall be obtained from the Department and shall include the following information:
 - (1) the owner's name, address, and phone number;
 - (2) the operator's name, address, and phone number;
 - (3) street address of the public swimming pool;
 - (4) the physical location of the public swimming pool;
 - (5) type of public swimming pool;
 - (6) construction date;
 - (7) proposed operating dates;
 - (8) type of disinfection; and
 - (9) signature of owner or designated representative.

History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. May 1, 2010; January 1, 1996.

15A NCAC 18A .2511 INSPECTIONS

- (a) Each public swimming pool shall be inspected by the Department to determine compliance with the rules of this Section. Where an operation permit is issued prior to inspection of a public swimming pool, an inspection shall be completed within 60 days following issuance of the permit. Pools that open on or after April 1 and close on or before October 31 shall be inspected at least once during the period of operation. All other pools shall be inspected at least twice a year.

(b) Inspections of public swimming pools shall be conducted by Environmental Health Specialists authorized by the Department to enforce the rules of this Section. Inspections shall be documented on Inspection of Swimming Pool Form DENR 3960. Items on the grade sheet shall be divided into two, four and six-demerit items. Six-demerit items are failures to maintain minimum water quality or safety standards and warrant immediate suspension of an operation permit under G.S. 130A-23(d). Four-demerit items are rule violations which warrant denial of an operation permit or notification of an intent to suspend an operation permit. Two-demerit items are rule violations that do not warrant permit action unless such violation causes an imminent hazard, a failure to meet water quality or safety standard, or a suction hazard. Demerits shall be assessed for each item found not to be in compliance with the rules of this Section. Demerits shall be assessed as follows:

- (1) Violation of Rule .2535(2) of this Section regarding water clarity shall be assessed six demerits.
- (2) Violation of Rule .2531(a)(10), .2531(b)(3), .2535(3), (4), (5), (7), (8), or (9), or .2543(d)(7) or (e)(2) of this Section regarding disinfectant residuals shall be assessed six demerits.
- (3) Violation of Rule .2535(1) of this Section regarding pool water pH shall be assessed six demerits.
- (4) Violation of Rule .2535(12) of this Section or regarding control of water temperature in heated pools shall be assessed six demerits.
- (5) Violation of Rule .2535(10), (11), or (13), .2537(c), or .2540 of this Section regarding pool operator training, water quality records and test kits shall be assessed four demerits.
- (6) Violation of Rule .2518(j), .2537(b)(7) or (16), or .2539 of this Section regarding pool drains and suction hazards shall be assessed six demerits.
- (7) Violation of Rule .2537(b)(3), (8), (9) or (14) of this Section regarding maintenance of pool walls and floor shall be assessed four demerits.
- (8) Violation of Rule .2518(k) or (l), .2531(4), .2532(4)(b) or .2537(b)(14) of this Section regarding water surface skimmers shall be assessed four demerits.
- (9) Violation of Rule .2523 or .2537(b)(6) of this Section regarding depth markers and no diving markers shall be assessed four demerits.
- (10) Violation of Rule .2515(d) or (f), .2523(e) or .2537(b)(12) of this Section regarding floating safety ropes and contrasting color bands at breakpoints shall be assessed two demerits.
- (11) Violation of Rule .2517, .2521, .2527, .2537(b)(10), .2527, or .2542 of this Section regarding diving equipment, slides, ladders, steps, handrails and in-pool exercise equipment shall be assessed two demerits.
- (12) Violation of Rule .2518(i) or .2537(b)(8) of this Section regarding inlets and other fittings shall be assessed four demerits.
- (13) Violation of Rule .2516(b), .2521(b)(4), .2532(13) or .2537(b)(12) of this Section regarding contrasting color bands on seats or benches shall be assessed four demerits.
- (14) Violation of Rule .2532(7) or .2537(b)(11) of this Section regarding spa timers shall be assessed four demerits.
- (15) Violation of Rule .2530(a), or (b), or .2537(b)(1) of this Section regarding lifesaving equipment shall be assessed six demerits.
- (16) Violation of Rule .2528, .2531(a)(7) or .2537(b)(5) of this Section regarding fences, barriers and gates shall be assessed four demerits.
- (17) Violation of Rule .2522 or .2537(b)(2) of this Section regarding decks shall be assessed four demerits.
- (18) Violation of Rule .2530(c) of this Section regarding No Lifeguard warning signs shall be assessed four demerits.
- (19) Violation of Rule .2530(d) or .2543(d)(13) of this Section regarding pet and glass container signs shall be assessed four demerits.
- (20) Violation of Rule .2532(15) through (17), or .2537(b)(13) of this Section regarding caution signs at hot water spas shall be assessed four demerits.
- (21) Violation of Rule .2524, or .2537(b)(4) of this Section regarding pool and deck lighting and ventilation shall be assessed four demerits.
- (22) Violation of Rule .2530(f) of this Section regarding emergency telephones shall be assessed six demerits.
- (23) Violation of Rule .2535(6) of this Section regarding automatic chlorine or bromine feeders shall be assessed four demerits.
- (24) Violation of Rule .2518, .2519, .2525, .2531(a)(1) through (3), .2532(1) through (6), or .2543(b), (d)(1) through (6) or (e)(1) of this Section regarding pool filter and circulation systems shall be assessed four demerits.

- (25) Violation of Rule .2533, .2534 or .2537(b)(15) of this Section regarding equipment rooms and chemical storage rooms shall be assessed two demerits.
- (26) Violation of Rule .2518(d) of this Section regarding identification of valves and pipes shall be assessed two demerits.
- (27) Violation of Rule .2513(b) of this Section regarding air gaps for filter backwash shall be assessed two demerits.
- (28) Violation of Rule .2526 or .2543(d)(11) of this Section regarding accessible dressing and sanitary facilities shall be assessed two demerits.
- (29) Violation of Rule .2526 of this Section regarding maintenance and cleaning of dressing and sanitary facilities and fixtures shall be assessed two demerits.
- (30) Violation of Rule .2512 of this Section regarding water supplies shall be assessed two demerits.
- (31) Violation of Rule .2513(a) of this Section regarding sewage disposal shall be assessed two demerits.
- (32) Violation of Rule .2526(c) of this Section regarding floors in dressing and sanitary facilities shall be assessed two demerits.
- (33) Violation of Rule .2526(c), or (d) of this Section regarding hose bibs and floor drains in dressing and sanitary facilities shall be assessed two demerits.

History Note: Authority G.S. 130A-282;
 Eff. May 1, 1991;
 Amended Eff. May 1, 2010; March 1, 2004; January 1, 1996.

15A NCAC 18A .2512 WATER SUPPLY

- (a) The water supply serving the swimming pool and all plumbing fixtures including drinking fountains, lavatories, toilets, and showers, shall meet all requirements in 15A NCAC 18A .1700 or be an approved public water supply in accordance with 15A NCAC 18C. However, the Department may approve the use of water from natural sources, including the use of saline water, for the swimming pool.
- (b) The water distribution system serving the swimming pool and auxiliary facilities shall be protected against backflow. Water introduced into the pool, either directly or by the circulation system, shall be supplied through an air gap (American National Standards Institute A112.1.2-1979), a pipe-applied atmospheric vacuum breaker (ANSI/American Society of Sanitary Engineering No. 1001-1971), a pressure type anti-siphon vacuum breaker (ANSI/ASSE No. 1020-1976), or a reduced-pressure principle backflow preventer (ASSE No. 1013-1979, American Water Works Association No. C506-1978), which are hereby adopted by reference in accordance with G.S. 150B-14(c) or equivalent.
- (c) Whenever an over-the-rim spout is used to introduce water into the swimming pool, it shall be shielded so as not to create a hazard. The open end of the spout shall have no sharp edges, shall not protrude more than two inches (5.1 cm) beyond the edge of the pool and shall be at least two pipe diameters above the deck or pool overflow level. The over-the-rim spout shall be located under the diving board or within six inches of a ladder or handrail.

History Note: Authority G.S. 130A-282;
 Eff. May 1, 1991.

15A NCAC 18A .2513 SEWAGE SYSTEMS AND OTHER WASTEWATER DISPOSAL

- (a) Sewage shall be disposed of in a public sewer system or, in the absence of a public sewer system, by an approved, properly operating sanitary sewage system.
- (b) There shall be no direct physical connection between the sewer system and any drain from the swimming pool or circulation system. Overflow from the swimming pool, and discharges from the circulation system, when discharged to the sewer system, storm drain or other approved natural drainage course, shall be discharged through a suitable air gap so as to preclude the possibility of back flow of sewage or other waste water into the swimming pool or the swimming pool piping system. Deck drainage shall be discharged through an indirect drain.

History Note: Authority G.S. 130A-282;
 Eff. May 1, 1991;
 Amended Eff. April 1, 1999; July 1, 1992.

15A NCAC 18A .2514 MATERIALS OF CONSTRUCTION

- (a) Pools and appurtenances shall be constructed of materials which are inert, non-toxic to man, impervious and permanent, which can withstand design stresses and which can provide a water-tight tank with a smooth and cleanable surface. Use

of vinyl liners is prohibited; however, liners no less than 60 mil thick may be used provided the underlying pool shell is of approved construction. If this material is used for repairs, the existing pool shall be remodeled in accordance with this Rule.

(b) Sand or earth bottoms are prohibited in swimming pool construction.

(c) Pool finish, including bottom and sides, shall be of white or light colored material determined visually to contrast least with a value of gray whiter than 50 percent black on an artists gray scale, or shown by reflectance testing to reflect more than 50 percent of visible light.

(d) Pool surfaces in areas which are intended to provide footing for bathers including steps, ramps, and pool bottoms in areas with water less than three feet deep, shall be designed to provide a slip-resistant surface.

*History Note: Authority G.S. 130A-82;
Eff. May 1, 1991;
Amended Eff. May 1, 2010.*

15A NCAC 18A .2515 DESIGN DETAILS

(a) Pools shall be designed and constructed to withstand all loadings for both full and empty conditions.

(b) A hydrostatic relief valve shall be provided for in-ground swimming pools which extend more than two feet below the grade of surrounding land surface unless a gravity drainage system is provided.

(c) Provisions shall be made for complete, continuous circulation of water through all areas of the swimming pool. Swimming pools shall have a circulation system with approved treatment, disinfection, and filtration equipment as required in the rules of this Section.

(d) The minimum depth of water in the swimming pool shall be three feet (0.91 m) except where a minimum depth of less than three feet is needed to provide non-swimming areas such as children's activity areas and sun shelves.

(e) The maximum depth at the shallow end of a swimming pool shall be three and a half feet (1.07 m) except for pools used for competitive swimming, diving or other uses which require water deeper than three and a half feet.

(f) Connections for safety lines shall be recessed in the walls in a manner which presents no hazard to swimmers.

(g) Decorative features such as planters, umbrellas, fountains and waterfalls located on pool decks shall comply with the following:

- (1) Decorative features shall not occupy more than 20 percent of the pool perimeter;
- (2) If located adjacent to a water depth of greater than five feet, decorative features shall not be more than 20 feet wide;
- (3) Decorative features shall not provide handholds or footholds that could encourage climbing above deck level;
- (4) A walkway shall be provided to permit free access around decorative features and shall be as wide as the lesser of five feet or the deck width required in Rule .2528 of this Section;
- (5) Decorative features shall not obstruct the view of any part of the pool from any seating area; and
- (6) Features with moving water shall be separate from the pool recirculation system.

*History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. May 1, 2010; August 1, 2000; April 1, 1999.*

15A NCAC 18A .2516 POOL PROFILE

(a) The vertical walls of a public swimming pool shall not exceed 11 degrees from plumb. Corners formed by intersection of walls and floors shall be coved or radiused. Hopper bottomed pools are prohibited.

(b) Underwater ledges or protrusions are prohibited; except that underwater stairs, sun shelves, seats and benches may be installed in areas of the pool no more than four feet deep. Underwater benches shall have a maximum seat depth of two feet from the water surface, protrude no more than 18 inches from the wall and be marked by a two inch contrasting color band on the leading edge. Underwater protrusions may provide seating at swim-up bars located in offset areas away from swim lanes. Underwater stairs may adjoin a sun shelf to deeper water provided the depth at the bottom of the stairs is no more than four feet and the stairs meet all provisions of Rule .2521 of this Section.

(c) The slope of the bottom of any portion of any public swimming pool having a water depth of less than five feet (1.52 m) shall not be more than one foot vertical change in 10 feet (10 cm in one meter) of horizontal distance and the slope shall be uniform.

(d) In portions of pools with water depths greater than five feet (1.52 m), the slope of the bottom shall not be more than one foot vertical in three feet (33.3 cm in one meter) of horizontal distance.

- (e) Design of diving areas shall be in accordance with Tables 1A and 1B of Rule .2517 of this Section.
- (f) Fountains installed in public swimming pools shall be approved prior to installation and shall comply with the following:
- (1) Fountains shall not be installed in an area with a water depth exceeding 18 inches;
 - (2) Fountains shall be recommended by the manufacturer for use in a public swimming pool;
 - (3) Fountains shall be installed in accordance with the manufacturer's instructions;
 - (4) Fountains shall be separate from the pool water recirculation system; and
 - (5) Fountains shall not release water at a velocity greater than 10 feet per second.

*History Note: Authority G.S. 130A-82;
 Eff. May 1, 1991;
 Amended Eff. May 1, 2010; February 1, 2004; January 1, 1996.*

15A NCAC 18A .2517 DIVING EQUIPMENT

(a) When diving equipment is installed in a public swimming pool, it shall be located in the diving area of the pool so as to provide the minimum dimensions as shown in Tables 1A and 1B of this Rule and shall conform to the following specifications:

- (1) Diving equipment shall be designed for swimming pool use and shall be installed in accordance with the manufacturer's recommendations.
 - (2) Installation instructions and specifications shall be provided with each unit.
 - (3) A label shall be permanently affixed to the diving equipment and shall include:
 - (A) manufacturer's name and address;
 - (B) board length;
 - (C) type of diving board;
 - (D) fulcrum setting specifications if applicable.
 - (4) Diving equipment shall have slip-resistant tread surfaces.
- (b) Supports, platforms, and steps for diving equipment shall be of sufficient strength to carry safely the maximum anticipated loads. Steps shall be of corrosion-resistant design. Handrails shall be provided at all steps and ladders leading to diving boards that are one meter or more above the water.
- (c) There shall be a completely unobstructed clear vertical distance of 13 feet above any diving board measured from the center of the front end of the board. This area shall extend horizontally at least eight feet behind, eight feet to each side, and 16 feet ahead of Point A in Table 1A.

Table 1A

Maximum Board Length	Maximum Board Height Above Water	Board Overhang (Pt. A)		Minimum Water Depths		
		Max	Min	D1	D2	D3
12 feet	30 in	5 feet	4 feet	8'0"	9'0"	8'3"
16 feet	1 meter	6 feet	5 feet	8'6"	10'0"	8'6"
16 feet	3 meters	6 feet	5 feet	11'6"	12'0"	11'6"

KEY TO ABBREVIATIONS:

- Pt A is the point on the water line of the pool directly beneath the end of the diving board.
- D1 is the depth of the water measured from the water line to the floor at the beginning of the radius connecting the end wall with the floor at the deep end of the pool.
- D2 is the depth of the water at the deepest point in the pool.
- D3 is the depth of the water at the point where the deep area of the pool meets the transition to the shallow area of the pool.

Table 1B

Maximum Board Length	Horizontal Distances						Minimum Pool Width	Minimum Separation Distances	
	L1	L2	L3	L4	L5	L6		F	G
	12 feet	3'	7'	10'3"	9'9"	30'		4'	20'
16 feet	5'	5'	11'6"	10'6"	32'	4'	24'	12'	10'
16 feet	5'	5'	7'6"	19'6"	37'	3'	28'	14'	12'

KEY TO ABBREVIATIONS:

L1 is the radius of the curve connecting the side wall to the floor at the deep end of the pool.

L2 is the distance between the center of the radius connecting the end wall to the floor at the deep end of the pool and the deepest point in the pool.

L3 is the distance between the deepest point in the pool and the beginning of the transition to the shallow area of the pool.

L4 is the length of the transition zone.

L5 is the total of L1 + L2 + L3 + L4.

L6 is the length of the shallow area of the pool.

F is the distance between the side wall of the pool and the centerline of the diving board.

G is the distance between the center lines of two adjacent diving boards.

(d) Public pools with diving facilities in excess of three meters in height, or pools designed for platform diving, shall meet the Federation Internationale De Nation Amateur (FINA) guidelines that are incorporated by reference in accordance with G.S. 130B-21.6 including any subsequent amendments or additions.

(e) Starting platforms used for racing starts during competition shall be secured from use when the pool is open for general use by removal; covering; or signage and active supervision. Minimum water depth for starting platforms shall be measured at a distance of 3 feet, 3 ½ inches (1.0 meter) to 16 feet, 5 inches (5.0 meters) from the end wall. Height of starting platforms shall not exceed the following:

- (1) In pools with water depth less than 3 feet, 6 inches (1.07 meters) at the starting end, raised starting platforms shall be prohibited.
- (2) In pools with water depth 3 feet, 6 inches (1.07 meters) to less than 4 feet (1.22 meters) at the starting end, starting platforms shall be no more than 18 inches (0.46 meter) above the water surface.
- (3) In pools with a water depth of 4 feet (1.22 meters) or greater at the starting end, starting platforms shall be no more than 30 inches (0.762 meter) above the surface of the water. Starting platforms shall be constructed to be easily removed from the deck when the swimming pool is used for other than competitive purposes.

*History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. February 1, 2004; April 1, 1999; January 1, 1996.*

15A NCAC 18A .2518 CIRCULATION SYSTEM

(a) Pools shall be equipped with a circulation system.

(b) The capacity of the circulation system shall be sufficient to clarify and disinfect the entire volume of swimming pool water four times in 24 hours. The system shall be operated 24 hours per day during the operating season.

(c) The circulation piping shall be designed and installed with the necessary valves and pipes so that the flow from the swimming pool can be from main drains or the surface overflow system. The circulation piping shall be designed such the flow of water from the swimming pool can be simultaneous from the surface overflow system and the main drains. Skimmer piping constructed after May 1, 2010 shall be sized to handle the maximum flow rate for the required number of skimmers, but in no case less than 100 percent of the design flow rate. Perimeter overflow system piping constructed after May 1, 2010 shall be sized to handle 100 percent of the design flow rate. The main drain piping constructed after May 1, 2010 shall be sized to handle 100 percent of the design flow rate.

(d) Piping shall be designed to reduce friction losses to a minimum and to carry the required quantity of water at a maximum velocity not to exceed six feet per second for suction piping and not to exceed 10 feet per second for discharge piping except for copper pipe where the velocity shall not exceed eight feet per second. Piping shall be of non-toxic material, resistant to corrosion, and able to withstand operating pressures. If plastic pipe is used, a minimum of Schedule 40 PVC is required. Flexible pipe shall not be used except that flexible PVC hoses that meet NSF Standard 50 may be

affixed to spa shells where rigid pipes do not provide the necessary angles to connect circulation components. Exposed pipes and valves shall be identified by a color code or labels.

(e) The circulation system shall include a strainer to prevent hair, lint, and other debris from reaching the pump. A spare basket shall be provided. Strainers shall be corrosion-resistant with openings not more than ¼ inch (6.4 mm) in size that provide a free flow area at least four times the cross-section area of pump suction line and are accessible for daily cleaning.

(f) A vacuum cleaning system shall be provided to remove debris and foreign material that settles to the bottom of the swimming pool. Where provided, integral vacuum ports shall be located on the pool wall at least six inches and no greater than 18 inches below the water level. Skimmer vacuums may be used in pools with two or fewer skimmers provided the skimmer basket remains in place while the vacuum is in operation. Integral vacuum cleaning systems shall be provided with valves and protective caps. Integral vacuum ports constructed after May 1, 2010 shall have self-closing caps designed to be opened with a tool.

(g) A rate-of-flow indicator, reading in liters or gallons per minute, shall be installed on the filtered water line and located so that the rate of circulation is indicated. The indicator shall be capable of measuring flows that are at least 1½ times the design flow rate, shall be accurate within 10 per cent of true flow, and shall be easy to read. The indicator shall be installed in accordance with manufacturers' specifications.

(h) A pump or pumps shall be provided with capacity to recirculate the swimming pool water four times in 24 hours, and shall be so located as to eliminate the need for priming. If the pump or pumps, or suction piping is located above the overflow level of the pool, the pump or pumps shall be self-priming. The pump or pumps shall be capable of providing a flow adequate for the backwashing of filters. Unless headloss calculations are provided by the designing engineer, pump design shall be based on an assumed total dynamic head of 65 feet of water. Pumps three horsepower or smaller shall be NSF International (NSF) listed or verified by an independent third-party testing laboratory to meet all applicable provisions of NSF/ANSI Standard 50 which is incorporated by reference including any subsequent amendments or editions. Copies may be obtained from NSF International, P.O. Box 130140, Ann Arbor, MI 48113-0140 at a cost of one hundred fifty-five dollars (\$155.00). Verification shall include testing and in-plant quality control inspections. Larger pumps for which NSF listing is not available shall be approved by the Department on a case-by-case basis.

(i) Inlets.

- (1) Inlets shall be provided and arranged to produce a uniform circulation of water and maintain a uniform disinfectant residual throughout the pool.
- (2) The number of inlets for any swimming pool shall be determined based on return water flow. There shall be at least one inlet per 20 gallons per minute of return water flow. There shall be a minimum of four inlets for any swimming pool.
- (3) Inlets shall be located so that no part of the swimming pool is more than 25 feet of horizontal distance from the nearest return inlet.
- (4) Provision shall be made to permit adjustment of the flow through each inlet, either with an adjustable orifice or provided with replaceable orifices to permit adjustments of the flows.

(j) Drains.

- (1) Public Swimming pools with suction drains shall be provided with at least two main drain outlets which are located at the deepest section of the pool and connected by "T" piping. Connecting piping shall be sized and configured such that blocking any one drain will not result in flow through the remaining drain cover/grates exceeding the cover/grate manufacturer's safe flow rating while handling 100 percent of the pump system flow. The drains shall be capable of permitting the pool to be emptied completely. Drains shall be spaced not more than 30 feet apart, and not more than 15 feet away from the side walls. Drains shall be separated by at least three feet measured from centers of the cover/grates. This shall not preclude construction of a public swimming pool without main drains where water is introduced at the bottom of the pool and removed through a surface overflow system designed to handle 100 percent of the design flow rate. Provision shall be made to completely drain pools constructed without drains. Public swimming pools constructed prior to May 1, 2010 with a single drain or multiple drains closer than three feet apart shall protect against bather entrapment with an unblockable drain or a secondary method of preventing bather entrapment in accordance with Rule .2539 of this Section.
- (2) Drain outlets shall comply with the American National Standard ASME/ANSI A112.19.8-2007 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs which is hereby incorporated by reference including any subsequent amendments, editions, and successor standards under the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8001 et seq.). Copies may be obtained from ASME, P.O. Box 2300, Fairfield, NJ 07007-2300 at a cost of fifty-three dollars (\$53.00).
- (3) Public swimming pools constructed after May 1, 2010 shall comply with ANSI/APSP -7 2006 American National Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot

Tubs and Catch Basins which is hereby incorporated by reference including any subsequent amendments and editions. Copies may be obtained from APSP, 2111 Eisenhower Avenue, Alexandria, VA 22314 at a cost of three hundred fifty dollars (\$350.00).

(k) Surface Overflow Systems.

- (1) Swimming pools shall be provided with a surface overflow system that is an integral part of the circulation system and that consists of a built-in-place perimeter overflow system, a pre-fabricated perimeter overflow system, or recessed automatic surface skimmers.
 - (2) Whenever a built-in-place perimeter overflow system or a pre-fabricated perimeter overflow system is provided, it shall be designed and installed as follows:
 - (A) The system shall be capable of handling 100 percent of the circulation flow without the overflow troughs being flooded;
 - (B) A surge capacity shall be provided either in the system or by use of a surge tank; and the total surge capacity shall be at least equal to one gallon per square foot (41L per square meter) of swimming pool water surface area;
 - (C) The water level of the swimming pool shall be maintained above the level of the overflow rim of the perimeter overflows, except for the time needed to transfer all of the water that may be in the surge capacity back into the swimming pool after a period of use; provided that this transfer time shall not be greater than 20 minutes;
 - (D) When installed the tolerance of the overflow rim shall not exceed ¼ inch (6.4 mm) as measured between the highest point and the lowest point of the overflow rim;
 - (E) During quiescence, the overflow system shall be capable of providing continuously and automatically a skimming action to the water at the surface of the swimming pool;
 - (F) The overflow troughs shall be installed completely around the perimeter of the swimming pool, except at steps, recessed ladders and stairs;
 - (G) The exposed surfaces of the overflow trough shall be capable of providing a firm and safe handhold; and
 - (H) The overflow trough shall be cleanable and shall be of such configuration as to minimize accidental injury.
 - (3) Whenever a recessed automatic surface skimmer or skimmers are installed, they shall be designed and constructed in accordance with Section 8 of NSF Standard #50 for circulation system components for swimming pools, spas, or hot tubs. Recessed automatic surface skimmers shall be installed as follows:
 - (A) The flow-through rate through any one recessed automatic surface skimmer shall be between 20 gallons per minute and the maximum flow the skimmer is certified for under NSF Standard Number 50;
 - (B) There shall be at least one recessed automatic surface skimmer for each 400 square feet of water surface area of the swimming pool or fraction thereof;
 - (C) When two or more recessed automatic surface skimmers are required, they shall be so located as to minimize interference with each other and as to insure proper and complete skimming of the entire swimming pools water surface; and
 - (D) Skimmers shall not protrude into the swimming pool. Automatic surface skimmer or skimmers without a perimeter overflow system shall be installed so that the operating level of the pool is no more than nine inches below the finished deck level so that the deck can be used as a handhold.
- (l) Where flooded suction on the pump is not possible to prevent cavitation and loss of prime, skimmers shall have a device or other protection to prevent air entrainment in the suction line. The inlet to the equalizer line shall be provided with a grate.
- (m) Nothing in this Section shall preclude the use of a roll-out or deck-level type of swimming pool. Such designs shall conform to the general provisions relating to surface overflow systems.
- (n) Nothing in this Section shall preclude the use of a surface overflow system that combines both a perimeter overflow system and a recessed automatic surface skimmer or skimmers.

*History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. May 1, 2010; February 1, 2004; April 1, 1999; January 1, 1996; July 1, 1992.*

- (a) All swimming pools shall be equipped with a filtration system for the purpose of clarifying the swimming pool water; said filtration system shall be an integral part of the circulation system and shall consist of one or more units of sand type filters, of diatomaceous earth type filters, or of cartridge type filters.
- (b) All filter units shall be designed and constructed in accordance with Section 5 of the National Sanitation Foundation's Standard number 50 which is hereby adopted by reference in accordance with G.S. 150B-14(c), or equivalent.
- (c) When a sand type filter is installed on a swimming pool, it may be either a gravity or a pressure sand type filter, and it may be either a standard-rate sand type filter which shall be designed for filtration rates not in excess of three gallons per minute per square foot (122 L per minute per square meter) of sand bed area, or a high-rate sand type filter which shall be designed for filtration rates not in excess of 15 gallons per minute per square foot (612 L per minute per square meter) of sand bed area or the flow rate indicated for commercial pools in the most recent NSF listing.
- (d) When a sand type filter is installed on a swimming pool, it shall be designed and installed such that it may be backwashed at a rate recommended by the manufacturer or, in the absence of manufacturer's recommendations, at a rate not less than 15 gallons per minute per square foot (612 L per minute per square meter) of filter bed area. The backwash water shall be discharged to waste. A sight glass or other means for viewing the clarity of the backwash water shall be provided.
- (e) If the sand type filter is designed to be operated in conjunction with a coagulant, a chemical feeder shall be provided for adding the coagulant ahead of the filters.
- (f) When a diatomaceous earth type filter is installed on a swimming pool, it may be either a pressure or vacuum type and it may be designed to operate either with or without continuous body feed. Diatomaceous earth filters which operate with continuous body feed shall be designed for filtration rates not in excess of 2.5 gallons per minute per square foot (102 L per minute per square meter) of filter area; and diatomaceous earth filters which operate without continuous body feed shall be designed for filtration rates not in excess of two gallons per minute per square foot (82 L per minute per square meter) of filter area.
- (g) When a diatomaceous earth type filter is installed on a swimming pool, it shall be designed and installed with provisions for cleaning by one or more of the following methods:
- (1) backwashing at two gallons per minute per square foot minimum;
 - (2) air-bump-assist backwashing;
 - (3) spray wash, (either mechanical or manual); or
 - (4) agitation.
- (h) The water used in cleaning a diatomaceous earth type filter shall be discharged to waste, or in a manner approved by the Department.
- (i) When a cartridge type filter is installed on a swimming pool, it shall be designed for filtration rates not in excess of 0.375 gallons per minute per square foot (15 L per minute per square meter) of effective filtration area.
- (j) When a cartridge type filter is installed on a swimming pool, it shall be designed and installed with provisions being provided for cleaning or replacement as recommended by the manufacturer. Two sets of filter cartridges shall be provided to facilitate the cleaning and drying of one set while the filter is operating.
- (k) All filters on swimming pools shall be designed and installed so as to provide easy accessibility for cleaning, operating, maintaining, and servicing. All filter tanks shall be so positioned as to provide adequate circulation of air beneath and around all sides, when necessary, to reduce corrosion and to facilitate cleaning. Whenever filter tanks are installed in the ground (i.e. buried), provisions shall be made so that the tanks are protected against corrosion and are installed in accordance with the recommendations of the manufacturer.
- (l) Filters on swimming pools shall be equipped with an approved type pressure gauge or gauges.
- (m) Filters on swimming pools shall be designed and installed with all the necessary valves and piping which may be needed to drain the filters completely.
- (n) All pressure filters on swimming pools shall be designed and installed with an air-relief valve or valves which shall be located at or near the high point of the filters.

*History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. January 1, 1996.*

15A NCAC 18A .2521 LADDERS, RECESSED STEPS, AND STAIRS

- (a) If the vertical distance from the bottom of the swimming pool to the deck is over two feet (0.61 m), recessed steps, stairs, or ladders shall be provided in the shallow area of all swimming pools. Recessed steps or ladders shall be provided at the deep portion of all pools; and, if the swimming pool is over 30 feet (9.14 m) wide, such recessed steps or ladders shall be installed on each side near the deep end. A stairway, ladder or set of recessed steps shall be provided every 75

feet along the shallow area perimeter. Where stairs are provided in the shallow area of the pool, one ladder may be deleted in the shallow area for each stairway provided.

(b) Pool Stairs - The design and construction of pool ladders and stairs shall conform to the following:

- (1) Stair treads shall have a minimum unobstructed horizontal depth of 10 inches, a maximum horizontal depth of 36 inches, and a minimum unobstructed surface area of 240 square inches.
- (2) Risers at the centerline of the treads shall have a maximum height of 12 inches and shall be within one inch of a uniform height with the bottom riser height allowed to vary plus or minus two inches from the uniform riser height.
- (3) Each set of stairs shall be provided with at least one handrail to serve all treads and risers. For stairs wider than 20 feet, additional handrails shall be provided and spaced no more than 10 feet from adjacent handrails or stair ends.
 - (A) Handrails, if removable, shall be installed in such a way that they cannot be removed without the use of tools.
 - (B) The leading edge of handrails facilitating stairs and pool entry/exit shall be no more than 18 inches horizontally from the vertical plane of the bottom riser.
 - (C) The outside diameter of handrails shall be between one inch and one and nine-tenths inches.
- (4) The leading edge of stair treads shall be marked with a contrasting color band or line at least two inches (5 cm) wide visible from above the stairs. Use of contrasting color tiles installed in the stair tread is acceptable provided the tiles are spaced no more than one inch (2.5 cm) from the edge of the tread or from adjacent tiles.
- (5) Swimming pool ladders shall be corrosion-resistant and shall be equipped with slip-resistant treads. All ladders shall be designed to provide a handhold and shall be installed rigidly. There shall be a clearance of not more than six inches (15.3 cm), nor less than three inches (7.6 cm), between any ladder and the swimming pool wall. If the steps are inserted in the walls or if step holes are provided, they shall be of such design that they may be cleaned easily and shall be arranged to drain into the swimming pool to prevent the accumulation of dirt thereon. Step holes shall have a minimum tread of five inches (12.7 cm) and a minimum width of 14 inches (35.6 cm).
- (6) When step holes or ladders are provided within the swimming pool, there shall be a handrail at each side.

*History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. May 1, 2010; January 1, 1996.*

15A NCAC 18A .2522 DECKS

- (a) Outdoor swimming pools shall have a continuous deck extending completely around the swimming pool. The width of the deck or walkway shall provide at least six feet of clear walking space at all points. If the swimming area of the pool is 1600 square feet or larger, at least eight feet of clear walking space is required.
- (b) Indoor swimming pools shall have a continuous deck or walkway extending completely around the swimming pool. The width of the deck shall provide at least five feet of clear walking space at all points. Structures covering swimming pools, including temporary domes, shall be constructed to maintain a vertical clearance of at least seven feet from all parts of the required clear walk space.
- (c) Wading pools shall have a continuous deck extending completely around the wading pool. The width of the deck or walkway shall provide at least four feet of clear walking space at all points.
- (d) Spas shall have a continuous deck extending at least one-half way around the spa. The width of the deck or walkway shall provide at least four feet of clear walking space at all points.
- (e) There shall be at least five feet of clear walking space around any diving board, handrail, slide or other permanent structure installed on a swimming pool deck.
- (f) All deck areas and walkways shall be sloped at a grade of one-fourth inch to one-half inch per foot to a deck drain or sheet drain to deck edge. Deck drains shall not be connected to the circulation system in any manner.
- (g) All decks and walkways shall have a slip-resistant, impervious surface.
- (h) Sufficient hose bibs shall be provided to allow all areas of the deck to be reached with a 100 foot hose.
- (i) Special purpose pools such as waterslides and wave pools may vary from the minimum deck area requirements to the extent necessary to accommodate the special features of the pool.
- (j) Structures necessary to provide access to a public swimming pool by persons with disabilities shall be allowed to vary from the provisions of this Section to the extent necessary to accommodate such access. Such structures shall be approved on a case-by-case basis and shall be designed so as to minimize obstruction of the deck.

(k) For all swimming pools constructed after April 1, 2000 decks shall be continuous with the top of the pool wall or gutter and shall not be more than nine inches above the standard operating water level.

*History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. February 1, 2004; April 1, 1999; January 1, 1996; July 1, 1992.*

15A NCAC 18A .2523 DEPTH MARKINGS AND SAFETY ROPES

(a) On swimming pools the depth of the water shall be marked at or above the water surface on the vertical wall of the swimming pool where possible and on the edge of the deck next to the swimming pool. Where depth markers cannot be placed on the vertical walls at or above the water level, other means shall be used; provided the markings shall be visible to persons in the swimming pool. Depth markers shall be placed at the following locations:

- (1) at the points of maximum and minimum depths;
- (2) at the transition point where the slope of the bottom changes from the uniform slope of the shallow area;
- (3) if the pool is designed for diving, at points to denote the water depths in the diving area; and
- (4) at both ends of the pool.

(b) Depth markers shall be so spaced that the distance between adjacent markers is not greater than 25 feet (7.5 m) when measured along the perimeter of the pool.

(c) Depth markers shall be in Arabic numerals at least four inches (10 cm) high and of a color contrasting with the background. Depth markings shall indicate the depth of the pool in feet of water and shall include the word "feet" or symbol "ft" to indicate the unit of measurement. Depth markings installed in pool decks shall provide a slip resistant walking surface.

(d) "No Diving" markers shall be provided on the pool deck adjacent to all areas of the pool less than five feet deep. "No Diving" markers shall consist of the words "No Diving" in letters at least four inches high and of a color contrasting with the background or at least a six-by-six inch international symbol for no diving in red and black on a white background. The distance between adjacent markers shall not be more than 25 feet. Posting of "No Diving" markers shall not preclude shallow diving for racing starts and competitive swimming practice.

(e) A minimum of $\frac{3}{4}$ inch diameter safety rope shall be provided at the breakpoint where the slope of the bottom changes to exceed a 1 to 10 vertical rise to horizontal distance at a water depth of five feet (1.5 m) or less. The position of the rope shall be marked with colored floats at not greater than a five-foot spacing and a minimum two inch wide contrasting color band across the pool bottom. Float ropes shall be positioned within two feet on the shallow side of the breakpoint marker.

*History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. May 1, 2010; February 1, 2004; January 1, 1996; July 1, 1992.*

15A NCAC 18A .2524 LIGHTING AND VENTILATION

(a) Artificial lighting shall be provided at all pools that are to be used at night, or when natural lighting is insufficient to provide visibility in the pool area.

(b) Lighting fixtures shall be of such number and design as to illuminate all parts of the pool, the water, the depth markers, signs, entrances, restrooms, safety equipment and the required deck area and walkways.

(c) Fixtures shall be installed so as not to create hazards such as burning, electrical shock, mechanical injury, or temporary blinding by glare to the bathers, and so that lifeguards, when provided, can see every part of the pool area without being blinded by glare. The illumination shall be sufficient so that the floor of the pool can be seen at all times the pool is in use.

(d) If underwater lighting is used, it shall provide at least 0.5 watts or 8.35 lumens per square foot of water surface and deck lighting shall provide not less than 10 foot candles of light measured at 6 inches above the deck surface.

(e) Where underwater lighting is not used, and night swimming is permitted, area and pool lighting combined shall provide not less than 10 foot candles of light to all parts of the pool and required deck area.

(f) Mechanical ventilation is required for all indoor pools.

*History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. May 1, 2010; February 1, 2004; January 1, 1996; July 1, 1992.*

15A NCAC 18A .2525 HEATER AND TEMPERATURE REQUIREMENTS

(a) Pool heaters shall be designed for the purpose intended.

(b) Heaters shall be equipped with thermostatic controls capable of assuring that the maximum operating temperature of spa water does not exceed 104 degrees Fahrenheit (40 degrees C), and that the maximum operating temperature of other heated public swimming pools does not exceed 90 degrees Fahrenheit (32 degrees C). Such controls shall be accessible only to the operator.

*History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. February 1, 2004; August 1, 1991.*

15A NCAC 18A .2526 DRESSING AND SANITARY FACILITIES

(a) Dressing and sanitary facilities shall be provided at all pools, except for pools at hotels, motels, condominiums, and apartments where pool use is restricted to residents or guests. At hotels, motels, condominiums and apartments where the farthest unit is more than 300 feet from the pool, as measured along walkways provided for access by residents or guests to the pool area, a toilet and lavatory shall be provided. All public swimming pools shall post a sign visible upon entering the pool enclosure directing pool users to shower before entering the pool.

(b) Partitions shall be of material, not subject to damage by water and shall be designed so that a waterway is provided between partitions and floor to permit thorough cleaning of the walls and floor areas with hoses and brooms.

(c) Dressing facility floors shall be continuous throughout the areas. Floors shall have a slip-resistant surface that shall be smooth, to insure complete cleaning. Floor drains shall be provided, and floors shall be sloped not less than ¼ inch per foot toward the drains to insure positive drainage.

(d) Hose bibs shall be provided such that all parts of the dressing facility interior can be reached with a 50 foot hose.

(e) The minimum number of fixtures required in dressing and sanitary facilities shall be based upon the maximum bather load.

(f) One water closet, one lavatory, and one urinal shall be provided for the first 100 male users. One additional water closet, lavatory, and urinal shall be provided for each additional 200 male users up to a total of 500 users. Where user load exceeds 500 male users, two additional water closets or urinals and one lavatory shall be provided for each additional 250 male users. Where the maximum bather load includes less than 50 male users, one water closet and one lavatory will be sufficient.

(g) Two water closets and two lavatories shall be provided for the first 100 female users. One additional water closet and lavatory shall be provided for each additional 100 female users up to a total of 500 users. Where user load exceeds 500 female users, two additional water closets and one lavatory shall be provided for each additional 250 female users. Where the maximum bather load includes less than 50 female users, one water closet and one lavatory will be sufficient.

(h) Showers shall be provided in the proportion of one for each 200 persons at the time of maximum bather load.

(i) The water heater shall be inaccessible to users. The system shall be designed such that water temperature at the shower heads and lavatories cannot exceed 110° Fahrenheit.

(j) Soap dispensers with either liquid or powdered soap shall be provided at each lavatory or required shower. The dispenser shall be of all metal or plastic type, with no glass permitted in these units.

(k) If mirrors are provided, they shall be of shatterproof materials.

(l) Toilet paper holders with toilet paper shall be provided at each water closet.

(m) Dressing and sanitary facilities shall be kept clean and in good repair.

*History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. February 1, 2004; April 1, 1999; January 1, 1996; July 1, 1992.*

15A NCAC 18A .2527 SWIMMING POOL SLIDES

All swimming pool slides installed at a public swimming pool shall be labeled by the manufacturer for use in public pools, and shall be installed in accordance with manufacturer's instructions.

*History Note: Authority G.S. 130A-282;
Eff. May 1, 1991.*

15A NCAC 18A .2528 FENCES

(a) Public Swimming pools shall be completely enclosed by a fence, wall, building, or other enclosure, or any combination thereof, which encloses the swimming pool area such that all of the following conditions are met:

- (1) The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches measured on the side of the barrier that faces away from the swimming pool;
- (2) Openings in the barrier shall not allow passage of a four-inch-diameter sphere and shall provide no external handholds or footholds. Solid barriers that do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints;
- (3) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between the vertical members shall not exceed four inches. Where there are decorative cutouts within the vertical members, spacing within the cutouts shall not exceed 1.75 inches in width;
- (4) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between the vertical members shall not exceed 1.75 inches in width. Where there are decorative cutouts within the vertical members, spacing within the cutouts shall not exceed 1.75 inches in width;
- (5) Maximum mesh size for chain link fences shall be a 2.25 inch square unless the fence is provided with slats fastened at the top or the bottom that reduce the openings to no more than 1.75 inches;
- (6) Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1.75 inches;
- (7) Access gates shall comply with the dimensional requirements for fences and shall be equipped to accommodate a locking device. Effective April 1, 2011, pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device except where a gate attendant and lifeguard are on duty. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism shall require the use of a key, combination or card reader to open or shall be located on the pool side of the gate at least three inches below the top of the gate, and the gate and barrier shall have no openings greater than 0.5 inch within 18 inches of the release mechanism; and
- (8) Ground level doors and windows opening from occupied buildings to inside the pool enclosure shall be self-closing or child protected by means of a barrier or audible alarm.

(b) Public swimming pool fences constructed prior to May 1, 2010 may vary from the provisions of Paragraph (a) of this Rule as follows:

- (1) the maximum vertical clearance between grade and the bottom of the barrier may exceed two inches, but shall not exceed four inches;
- (2) where the barrier is composed of vertical and horizontal members and the space between vertical members exceeds 1.75 inches, the distance between the tops of the bottom horizontal member and the next higher horizontal member may be less than 45 inches, but shall not be less than 30 inches;
- (3) gates other than pedestrian access gates are not required to have self-latching devices if the gates are kept locked; and
- (4) gates may swing towards a pool where natural topography, landscape position or emergency egress requirements prevent gates from swinging away from the pool.

(c) Public swimming pools permitted prior to April 1, 2010 with existing fences that do not comply with the dimensional requirements of Subparagraphs (a)(1) through (a)(6) and (b)(1) through (b)(2) shall not be denied an operation permit solely due to the preexisting non-compliance. Operation permits shall be denied to an owner or operator who fails to comply with Subparagraphs (a)(1) through (a)(6) and (b)(1) through (b)(2) of this Rule when:

- (1) at least fifty percent (50%) of the fence has been damaged or destroyed; or
- (2) the owner or operator elects to replace the fence.

*History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. May 1, 2010; February 1, 2004; April 1, 1999; January 1, 1996; July 1, 1992;
Temporary Amendment Eff. November 30, 2011;
Amended Eff. October 1, 2012.*

15A NCAC 18A .2529 USER LOADING

In determining the maximum number of persons allowed in the pool at any one time, the following criteria shall govern:

- (1) Fifteen square feet (1.39 sq m) of water surface area per person shall be provided in areas of the pool five feet (1.52 m) deep or less.
- (2) Twenty-four square feet (2.23 sq m) of water surface area per person shall be provided in areas of the pool greater than five feet (1.52 m) deep. Three hundred square feet (27.87 sq m) of pool area around each diving board or platform, where provided, shall not be included in computing this area for the purpose of determining maximum bather load.
- (3) Ten square feet (0.9 sq m) of water surface area per person shall be provided in spas.
- (4) Twenty-five square feet of splash zone area per person shall be provided at interactive play attractions.

*History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. March 1, 2004; January 1, 1996.*

15A NCAC 18A .2530 SAFETY PROVISIONS

(a) Swimming pools shall have lifesaving equipment conspicuously and conveniently on hand at all times. A unit of lifesaving equipment shall include the following:

- (1) A pole not less than 12 feet long, with a body hook securely attached. The pole attached to the body hook shall be non-telescoping, non-adjustable and non-collapsible.
- (2) A minimum ¼ inch diameter throwing rope as long as one and one-half times the maximum width of the pool or 50 feet, whichever is less, attached to a U.S. Coast Guard approved ring buoy. A rescue tube or rescue can shall be accepted as a substitute for the ring buoy where it is accompanied by a lifeguard who has been trained to use it properly.

(b) Two units of lifesaving equipment must be provided for any pool that exceeds 3,000 square feet (186 sq m) of total surface area.

(c) When a swimming pool does not have at least one lifeguard on duty, a sign shall be posted with legible letters of at least four inches (10 cm) in height stating: "WARNING-NO LIFEGUARD ON DUTY." In addition there shall be signs legible from all bather entrances with a minimum letter size of one inch stating: "CHILDREN SHOULD NOT USE THE SWIMMING POOL WITHOUT ADULT SUPERVISION", and: "ADULTS SHOULD NOT SWIM ALONE". Wading pools that do not have a lifeguard inside the wading pool enclosure shall have a sign posted stating "WARNING NO LIFEGUARD ON DUTY". Such signs shall be mounted permanently.

(d) A sign prohibiting pets and glass containers in the pool area shall be provided.

(e) Pool closed signs shall be provided and shall be posted at bather entrances whenever an operation permit is suspended for water quality or safety violations.

(f) A telephone capable of directly dialing 911 or other emergency notification system shall be provided and accessible to all pool users. Effective April 1, 2005 the telephone shall be permanently affixed to a location inside the pool enclosure or outside the enclosure within 75 feet of a bather entrance. The telephone shall be visible from within the pool enclosure or a sign shall be posted indicating the location of the emergency telephone. A sign with legible letters shall be posted at the telephone providing dialing instructions, address of the pool location and the telephone number. Where the telephone does not directly access 911, the emergency notification system shall:

- (1) Provide 24 hour monitoring of all incoming calls by a telecommunicator who answers only emergency calls;
- (2) Be capable of routing calls to the local 911 telecommunicator via the 911 dedicated emergency trunk line; and
- (3) Electronically transfer Automatic Number Identification and Automatic Locator Identification for the emergency telephone at the pool to the Enhanced 911 system for all calls routed to 911.

*History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. February 1, 2004; April 1, 1999; January 1, 1996; July 1, 1992.*

15A NCAC 18A .2531 WADING POOLS

(a) Wading pools shall meet all design specifications for swimming pools and wading pools included in Rules .2512 through .2530 of this Section with the following exceptions:

- (1) Wading pools shall be physically separate from other public swimming pools except that a fill pipe and valve from a swimming pool recirculation system may be used to introduce water to a wading pool.

- (2) Every wading pool shall be equipped with a circulation system that is separate from, and independent of, the circulation system of the swimming pool. Such circulation system shall at least consist of a circulating pump, piping, a filter, a rate-of-flow meter, a disinfectant feeder, two inlets, and one automatic surface skimmer. Individual components of a wading pool system must meet the criteria of Rule .2518 of this Section.
 - (3) The capacity of the circulation system shall be capable of filtering and disinfecting the entire volume of water in the wading pool 12 times in every 24 hours.
 - (4) Wading pools shall be equipped with a surface overflow system capable of removing floating material.
 - (5) Wading pools shall be no deeper than 24 inches (61 cm) at the deepest point.
 - (6) Wading pools' floor slope shall not exceed one foot in 12 feet.
 - (7) Wading pools shall be located in the vicinity of the shallow end of the swimming pool, and shall be separated from the swimming pool by a fence or structure similar to that described in Rule .2528 of this Section, that shall be equipped with self-closing and positive self-latching closure mechanisms, and shall be equipped with permanent locking devices. Wading pool entrance gates located inside another public swimming pool enclosure shall open away from the deeper pool. Wading pool fences constructed after April 1, 2000 shall be at least four feet high.
 - (8) Wading pools shall be designed to provide at least 10 square feet per child.
 - (9) Depth markers are not required at wading pools.
 - (10) The free chlorine residual in wading pools shall be maintained at no less than two parts per million.
 - (11) Wading pools are not required to provide the lifesaving equipment described in Rule .2530(a) of this Section.
- (b) Children's activity pools shall be constructed and operated in accordance with the rules of this Section including the requirements for wading pools with the following exceptions:
- (1) The filter circulation system shall be separate from any feature pump circulation system.
 - (2) The filter circulation system for stand-alone children's activity pools shall filter and return the entire water capacity in no more than one hour and shall operate 24 hours a day.
 - (3) The disinfectant residual in children's activity pools shall be maintained at a level of at least two parts per million of free chlorine measured in the pool water and at least one part per million in all water features.
 - (4) Valves shall be provided to control water flow to the features in accordance with the manufacturers' specifications.
 - (5) Children's activity pools built prior to February 1, 2004 that do not comply with this Paragraph may operate as built if no water quality or safety violations occur.

*History Note: Authority G.S. 130A-282;
 Eff. May 1, 1991;
 Amended Eff. May 1, 2010; February 1, 2004; April 1, 1999; January 1, 1996.*

15A NCAC 18A .2532 SPAS AND HOT TUBS

Spas and hot tubs shall meet all design specifications for swimming pools and wading pools included in Rules .2512 through .2530 of this Section with the following exceptions:

- (1) The circulation system equipment shall provide a turnover rate for the entire water capacity at least once every 30 minutes.
- (2) The arrangement of water inlets and outlets shall produce a uniform circulation of water so as to maintain a uniform disinfectant residual throughout the spa.
- (3) A minimum of two inlets shall be provided with inlets added as necessary to maintain required flowrate.
- (4) Water outlets shall be designed so that each pumping system in the spa (filter systems or booster systems if so equipped) provides the following:
 - (a) Where drains are provided, drains shall be unblockable or shall consist of two or more drains connected by a "T" pipe. Connecting piping shall be of the same diameter as the main drain outlet. Filter system drains shall be capable of emptying the spa completely. In spas constructed after April 1, 2000 drains shall be installed at least three feet apart or located on two different planes of the pool structure.
 - (b) Filtration systems shall provide at least one surface skimmer per 100 square feet, or fraction thereof of surface area.

- (5) The water velocity in spa or hot tub discharge piping shall not exceed 10 feet per second (3.05 meters per second); except for copper pipe where water velocity shall not exceed eight feet per second (2.44 meters per second). Suction water velocity in any piping shall not exceed six feet per second (1.83 meters per second).
- (6) Spa recirculation systems shall be separate from companion swimming pools.
 - (a) Where a two-pump system is used, one pump shall provide the required turnover rate, filtration and disinfection for the spa water. The other pump shall provide water or air for hydrotherapy turbulence without interfering with the operation of the recirculation system. The timer switch shall activate only the hydrotherapy pump.
 - (b) Where a single two-speed pump is used, the pump shall be designed and installed to provide the required turnover rate for filtration and disinfection of the spa water at all times without exceeding the maximum filtration rates specified in Rule .2519 of this Section. The timer switch shall activate only the hydrotherapy portion of the pump.
 - (c) Where a single one-speed pump is used, a timer switch shall not be provided.
- (7) A timer switch shall be provided for the hydrotherapy turbulence system with a maximum of 15 minutes on the timer. The switch shall be placed such that a bather must leave the spa to reach the switch.
- (8) The maximum operational water depth shall be four feet (1.22 m) measured from the water line.
- (9) The maximum depth of any seat or sitting bench shall be two feet (61 centimeters) measured from the waterline.
- (10) A minimum height between the top of the spa/hot tub rim and the ceiling shall be seven and a half feet.
- (11) Depth markers are not required at spas.
- (12) Steps, step-seats, ladders or recessed treads shall be provided where spa and hot tub depths are greater than 24 inches (61 centimeters).
- (13) Contrasting color bands or lines shall be used to indicate the leading edge of step treads, seats, and benches.
- (14) A spa or hot tub shall be equipped with at least one handrail (or ladder equivalent) for each 50 feet (15.2 meters) of perimeter, or portion thereof, to designate points of entry and exit.
- (15) Where water temperature exceeds 90 degrees Fahrenheit (32 degrees Celsius), a caution sign shall be mounted adjacent to the entrance to the spa or hot tub. It shall contain the following warnings in letters at least ½ inch in height:

CAUTION:

 - Pregnant women; elderly persons, and persons suffering from heart disease, diabetes, or high or low blood pressure should not enter the spa/hot tub without prior medical consultation and permission from their doctor;
 - Do not use the spa/hot tub while under the influence of alcohol, tranquilizers, or other drugs that cause drowsiness or that raise or lower blood pressure;
 - Do not use alone;
 - Unsupervised use by children is prohibited;
 - Enter and exit slowly;
 - Observe reasonable time limits (that is, 10-15 minutes), then leave the water and cool down before returning for another brief stay;
 - Long exposure may result in nausea, dizziness, or fainting;
 - Keep all breakable objects out of the area.
- (16) Spas shall meet the emergency telephone and signage requirements for swimming pools in Rule .2530(f).
- (17) A sign shall be posted requiring a shower for each user prior to entering the spa or hot tub and prohibiting oils, body lotion, and minerals in the water.
- (18) Spas are not required to provide the lifesaving equipment described in Rule .2530(a) of this Section.
- (19) In spas less than four feet deep, the slope of the pool wall may exceed 11 degrees from plumb, but shall not exceed 15 degrees from plumb.

*History Note: Authority G.S. 130A-282;
 Eff. May 1, 1991;
 Amended Eff. May 1, 2010; January 1, 2006; July 1, 2004; February 1, 2004; April 1, 1999; January 1, 1996; July 1, 1992.*

- (a) All pumps, chemical feeding apparatus and other mechanical and electrical equipment shall be enclosed in a weatherproof structure with a minimum ceiling height of seven feet. The equipment room shall be provided with a door with a permanent lock that must be kept locked when not in use by the pool operator. Filters located outside the equipment room shall be completely enclosed by a fence.
- (b) Lighting to allow the operator to read all gauges and control devices shall be provided.
- (c) Valves and control devices shall be accessible and visible to the pool operator. At least three feet of clear walkway shall be provided to allow access to equipment.
- (d) Drainage in and around the equipment room shall preclude the possibility of water entering or accumulating on any interior surface of the enclosure. Equipment room floors shall be sloped not less than ¼ inch per foot toward the drains.
- (e) Natural cross draft or continuous forced ventilation is required.
- (f) A permanent means of access shall be provided to all equipment rooms.
- (g) A hose bib with an approved backflow prevention device shall be provided within 50 feet of the equipment room.

*History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. February 1, 2004; January 1, 1996.*

15A NCAC 18A .2534 CHEMICAL STORAGE ROOM

A separate chemical storage room that meets the following criteria shall be provided:

- (1) The chemical storage room shall be in a dry, weatherproof structure with a minimum ceiling height of seven feet.
- (2) For public swimming pools built after May 1, 1996, chemical storage space shall be provided based on a minimum of five square feet for the first 10,000 gallons of pool water plus one additional square foot for each additional 3,000 gallons or portion thereof up to a total area of 100 square feet. Public swimming pools constructed after April 1, 2004 shall provide a separate room for storage of pool chemicals.
- (3) Natural cross draft or continuous forced ventilation is required.
- (4) Provision shall be made for dry storage of all pool chemicals in waterproof containers or above the floor on shelves, pallets or dollies.
- (5) The chemical storage room shall be arranged so that chemicals which can react with other pool chemicals are stored separately and shall be constructed and arranged to permit easy cleanup of chemical spills.
- (6) Lighting shall be provided in chemical storage rooms.

*History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. February 1, 2004; January 1, 1996.*

15A NCAC 18A .2535 WATER QUALITY STANDARDS

Whenever a public swimming pool is open for use, water quality shall be maintained in accordance with the following:

- (1) The chemical quality of the water shall be maintained in an alkaline condition at all times with the pH between 7.2 and 7.8.
- (2) The clarity of the water shall be maintained such that the main drain grate is visible from the pool deck at all times.
- (3) Disinfection shall be provided in accordance with manufacturers' instructions for all pools by a chemical or other process that meets the criteria listed as follows:
 - (a) registered with the U.S. Environmental Protection Agency for pool water or potable water;
 - (b) provides a residual effect in the pool water that can be measured by portable field test equipment;
 - (c) will not impart any immediate or cumulative adverse physiological effects to pool bathers when used as directed;
 - (d) will not produce any safety hazard when stored or used as directed;
 - (e) will not damage pool components or equipment; and
 - (f) will demonstrate reduction of total coliform and fecal coliform to a level at least equivalent to free chlorine at a level of one part per million in the same body of water.
- (4) When chlorine is used as the disinfectant, a free chlorine residual of at least one part per million (ppm) shall be maintained throughout the pool whenever it is open or in use. Pools that use chlorine as the disinfectant must be stabilized with cyanuric acid except at indoor pools or where it can be shown that

cyanuric acid is not necessary to maintain a stable free chlorine residual. The cyanuric acid level shall not exceed 100 parts per million.

- (5) When bromine or compounds of bromine are used as the disinfectant, a free bromine residual of at least two parts per million, shall be maintained throughout the pool whenever it is open or in use.
- (6) When chlorine or bromine are used as the disinfectant, automatic chemical feeders shall be used. Automatic chlorine or bromine feeders shall be manufactured and installed in accordance with NSF/ANSI Standard number 50. Automatic chlorine and bromine feeder pumps shall be automatically prevented from operating when the circulation pump is not in operation.
- (7) When biguanide is used as the disinfectant, a residual of 30 to 50 parts per million shall be maintained throughout the pool whenever it is open or in use.
- (8) When silver/copper ion systems are used, the copper concentration in the pool water shall not exceed one part per million and a chlorine residual must be maintained in accordance with Item (4) of this Rule.
- (9) The use of chlorine in its elemental (gaseous) form for disinfection of public swimming pools is prohibited.
- (10) Test kits or equipment capable of measuring disinfectant level, pH, and total alkalinity must be maintained at all public swimming pools. Pools using cyanuric acid or chlorinated isocyanurates must have a test kit capable of measuring cyanuric acid levels.
- (11) The pool operator shall inspect the pool at least daily and maintain written records of the operating conditions of each pool. Records shall be maintained at the pool site for a period of not less than six months. Records shall include the following:
 - (a) daily recording of the disinfectant residual in the pool;
 - (b) daily recording of pool water pH;
 - (c) daily recording of water temperature in heated pools; recording of activities pertaining to pool water maintenance including chemical additions and filter backwash cycles;
 - (d) weekly recording of total alkalinity and cyanuric acid levels; and
 - (e) daily recording of pool drain cover/grate inspection.
- (12) Water temperature in heated swimming pools shall not exceed 90 degrees Fahrenheit (32 degrees Celsius) and in heated spas shall not exceed 104 degrees Fahrenheit (40 degrees Celsius).
- (13) The pool operator shall take the following steps to manage fecal and vomitus accidents:
 - (a) Direct everyone to leave all pools into which water containing the feces or vomit is circulated and do not allow anyone to enter the pool(s) until decontamination is completed;
 - (b) Remove as much of the feces or vomit as possible using a net or scoop and dispose of it in a sewage treatment and disposal system;
 - (c) Raise the free available chlorine concentration to two ppm at a pH of 7.2 to 7.5 and test to assure the chlorine concentration is mixed throughout the pool; and
 - (d) For accidents involving formed stools or vomit, maintain the free available chlorine concentration at two ppm for at least 25 minutes or at three ppm for at least 19 minutes before reopening the pool. For accidents involving liquid stools increase the free chlorine residual and closure time to reach a CT inactivation value of 15,300 then backwash the pool filter before reopening the pool. CT refers to concentration (C) of free available chlorine in parts per million multiplied by time (T) in minutes.

History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. May 1, 2010; February 1, 2004; April 1, 1999; January 1, 1996; July 1, 1992.

15A NCAC 18A .2536 REVOCATION OF PERMITS

The Department may suspend or revoke permits in accordance with G.S. 130A-23.

History Note: Authority G.S. 130A-282;
Eff. May 1, 1991.

15A NCAC 18A .2537 MAINTENANCE AND OPERATION

(a) All public swimming pools constructed or remodeled on or after May 1, 1991 shall be maintained and operated in accordance with the Rules of this Section.

(b) On or after May 1, 1993 all public swimming pools including those constructed prior to May 1, 1991 shall be maintained and operated in accordance with the following:

- (1) All safety provisions of Rule .2530 of this Section shall be met.
- (2) Decks shall be structurally sound and shall be maintained free of trip hazards or offsets greater than one-half inch resulting from deterioration or changes from the original deck profile.
- (3) There shall be no loose coping.
- (4) Artificial lighting shall be provided for all pools used when natural lighting is not sufficient to make all parts of the pool and pool area clearly visible.
- (5) Swimming pools shall be protected by a fence, wall, building, or other enclosure, or any combination thereof, that completely encloses the swimming pool area. All gates and doors shall be equipped with self-closing and positive self-latching closure mechanisms. Existing waterslide flumes and other appurtenances are not required to be located inside the fence.
- (6) Depth and safety markings shall be provided as required in Rule .2523 of this Section
- (7) Drain covers shall be in good condition and securely attached.
- (8) Damaged face plates or fittings shall be repaired or replaced.
- (9) Underwater light niches shall be maintained or covered so as not to present a potential hazard to bathers.
- (10) Diving equipment and pool slides including stairs and railing shall be maintained in good working order.
- (11) A timer switch that allows no more than 15 minutes of operation without manual resetting shall be used to control air blowers and hydrotherapy pumps on heated spas.
- (12) All breaks in grade of the pool bottom including the leading edges of stair treads and seats and the tops of breakpoints where the slope of the bottom changes at a depth of five feet (15m) or less shall be marked with a contrasting color band by May 1, 2000. Contrasting color bands are not required where a registered engineer, registered architect or licensed swimming pool contractor certifies in writing that structural weakness or materials of construction prevent the installation of permanent markings.
- (13) All heated spas shall post a caution sign as specified in Rule .2532 of this Section.
- (14) Pool maintenance shall include removal of debris from the water surface and bottom of the pool.
- (15) All pool chemicals shall be stored in a clean, dry, well ventilated area and shall be organized so as to prevent chemicals from reacting.
- (16) No submersible pumps or mechanical pool cleaning equipment shall be placed or used in the pool while bathers are in the pool.

(c) The owner of a public swimming pool shall provide for the operation of the pool by a person or persons who shall be responsible to the owner for operation, maintenance, pool safety and record keeping. The pool owner shall maintain documentation that the person responsible for operating the pool has been trained on pool equipment operation, disease and injury prevention, pool water chemistry and regulatory requirements for public swimming pools. A pool and spa operator certificate issued by the National Swimming Pool Foundation or other organization that provides training on those subjects shall be accepted as meeting this requirement.

History Note: Authority G.S. 130A-282;
Eff. July 1, 1992;
Temporary Amendment Eff. May 11, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner.
The Codifier of Rules determined that the agency's findings of need did not meet the criteria listed in GS 150B-21.1(a);
Temporary Amendment Eff. May 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Amended Eff. February 1, 2004; April 1, 1999; January 1, 1996; October 1, 1993; May 1, 1993.

15A NCAC 18A .2538 FILL AND DRAW POOLS

Fill and draw pools are prohibited. Provisions shall be made for filtration and recirculation of water in all public swimming pools, wading pools, and spas.

History Note: Authority G.S. 130A-282;
Eff. May 1, 1993.

15A NCAC 18A .2539 SUCTION HAZARD REDUCTION

(a) At all public wading pools that use a single main drain for circulation of water, signs shall be posted stating, "WARNING: To prevent serious injury do not allow children in wading pool if drain cover is broken or missing." Signs shall be in letters at least one-half inch in height and shall be posted where they are visible to people entering the wading pool.

(b) All submerged suction outlets other than vacuum ports shall be protected by anti-entrapment cover/grates in compliance with ASME/ANSI A112.19.8-2007 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs. All submerged suction fittings shall be installed in accordance with the manufacturer's instructions. Pumping systems that have a single main drain or single submerged suction outlet other than an unblockable drain, or which have multiple outlets separated by less than three feet measured at the centers of the cover grates shall have one or more secondary methods of preventing bather entrapment. Secondary methods of preventing bather entrapment include:

- (1) Safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at the suction outlet when a blockage has been detected, that has been tested by a third party and found to conform to ASME/ANSI standard A112.19.17 which is incorporated by reference including any subsequent amendments or editions. Copies may be obtained from ASME, P.O. Box 2300, Fairfield, NJ 07007-2300 at a cost of forty-five dollars (\$45.00);
- (2) A suction-limiting vent system with a tamper-resistant atmospheric opening;
- (3) A gravity drainage system that utilizes a collector tank;
- (4) An automatic pump shut-off system;
- (5) Drain disablement; or
- (6) Any other system determined by the U.S. Consumer Product Safety Commission to be equally effective as, or better than the systems in Subparagraphs (1) through (5) of this Paragraph.

(c) Prior to issuance of operation permits, owners of all public swimming pools shall provide documentation to the Department to verify suction outlet safety compliance. This documentation shall include:

- (1) Documentation of the maximum possible flow rate for each pump suction system. This shall be the maximum pump flow shown on the manufacturer's pump performance curve except where flow reductions are justified with total dynamic head measurements or calculations; and
- (2) Documentation that cover/grates meeting ASME/ANSI A112.19.8-2007 are installed in compliance with the standard and manufacturer's instructions. This includes documentation that each cover/grate on a single or double-drain pump suction system is rated to meet or exceed the maximum pump system flow and that cover/grates on a pump suction system with three or more suction outlets are together rated to always meet or exceed the maximum pump system flow with one drain completely blocked; and
- (3) Documentation that drain sumps meet the dimensional requirements specified in the cover/grate manufacturer's installation instructions.

(d) Operators of all public swimming pools shall inspect pools daily to ensure the drain covers are in good condition and securely attached. Missing, broken, or cracked suction fittings shall be replaced and loose suction fittings shall be reattached before using the pool.

*History Note: Authority G.S. 130A-282;
Temporary Adoption Eff. June 1, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. October 1, 1994;
Amended Eff. May 1, 2010; January 1, 2006; February 1, 2004; April 1, 1999.*

15A NCAC 18A .2540 REPORTING OF INJURY OR ILLNESS

The pool operator shall report any death, serious injury or complaint of illness attributed by a bather to use of a public swimming pool to the local health department within two working days of the incident or complaint. The report to the health department shall include the following:

- (1) Name and telephone number or address of the person injured or making a complaint.
- (2) Date of the incident or onset of illness.
- (3) Description of the type of injury or complaint.
- (4) Name and phone number of the person rendering assistance or first aid.
- (5) The name of any known hospital, rescue squad or physician providing medical assistance.
- (6) Names and phone numbers of available witnesses to the incident.

*History Note: Authority G.S. 130A-282;
Eff. January 1, 1996.*

15A NCAC 18A .2541 FLOW THROUGH POOLS

Tanks or structures built prior to May 1, 1995 which hold a flowing natural water source for public swimming, diving, wading or recreational use without physical or chemical treatment shall not be required to comply with the rules of this Section.

*History Note: Authority G.S. 130A-282;
Eff. January 1, 1996.*

15A NCAC 18A .2542 IN POOL EXERCISE EQUIPMENT

(a) Exercise equipment such as steps, weights, or floats used in a public swimming pool shall be designed and constructed so as not to pose a threat to water quality or bather safety and shall be removed from the pool after each use.

(b) Where in-pool exercise equipment such as underwater treadmills remain in a swimming pool when not in use, the following conditions shall be met:

- (1) The swimming pool shall be restricted to use only by adults or a lifeguard shall be on duty at all times when children are allowed in the pool.
- (2) Exercise equipment shall meet Underwriters' Laboratories Standard Number 1647 for exercise equipment as verified in writing by an independent third party testing laboratory.
- (3) The position of underwater equipment shall be marked with colored floats attached by a 3/4 inch diameter rope or other movable barrier that surrounds the equipment with a visible perimeter designed so as not to entangle or otherwise threaten bather safety.
- (4) Equipment shall be verified by the manufacturer to be designed for use in a public swimming pool and to be free of grease or oil that might negatively impact pool water quality.
- (5) Any cords or hoses attached to underwater exercise equipment shall not pose a threat of bather entanglement. Cords or hoses which cross a pool deck shall be covered or shielded to prevent tripping. Covers that protrude more than one-half inch from the deck surface shall be sloped at an angle of no more than 30° from the horizontal deck surface.

*History Note: Authority G.S. 130A-282;
Eff. January 1, 1996;
Amended Eff. February 1, 2004.*

15A NCAC 18A .2543 WATER RECREATION ATTRACTIONS

(a) Water recreation attractions including water slides, wave pools, rapid rides, lazy rivers and other similar features can deviate from the requirements of this Section with respect to pool profile, depth, freeboard, flow dynamics and surface skimming systems. The designing engineer or equipment manufacturer shall provide the Department with information to justify such deviation as necessary for the proper function of the attraction. Water recreation attractions shall meet all other requirements of this Section.

(b) Water slide landing pools with a capacity of less than 60,000 gallons shall have a circulation and filtration system capable of turning over the entire pool capacity every two hours. Where automatic chemical controllers are used the turnover time shall be no more than three hours. Landing pool dimensions shall be consistent with the slide manufacturer's recommendation.

(c) When waterfalls are incorporated in water recreation attractions, they shall be constructed with no handholds or footholds to a height of four feet to discourage climbing.

(d) Interactive play attractions shall be constructed and operated in accordance with the rules of this section and shall comply with the following:

- (1) The recirculation system shall contain a water capacity equal to at least three minutes of maximum flow of all feature pumps and filter circulation pumps combined and shall not be less than 1,000 gallons. Where the water capacity exceeds 10,000 gallons, the minimum capacity shall be based on the lesser of three minutes of maximum feature flow or 7.5 gallons per square foot of splash zone watershed drained to the surge container.
- (2) Access shall be provided to the surge water container.
- (3) A filter circulation system shall be provided and shall be separate from the feature pump system except that both systems can draw water from a common drain pipe if the drain and pipe are sized to handle the flow of all pumps without exceeding the flow velocities specified in Rule .2518 of this Section.

- (4) The filter circulation system shall draw water from the surge container through a variable height surface skimmer and a bottom drain located no more than 6 inches from the bottom of the container. Custom skimming systems that do not comply with ANSI/NSF Standard 50 shall be approved where the operational requirements make it necessary to deviate from that standard.
 - (5) The filter circulation system shall filter and return the entire water capacity in no more than 30 minutes and shall operate 24 hours a day.
 - (6) Automatic chemical controllers shall be provided to monitor and adjust the disinfectant residual and pH of the water contained in the system.
 - (7) The disinfectant residual in interactive play attractions shall be maintained at a level of at least two parts per million of free chlorine. Chlorine feeders shall be capable of producing 12 parts per million of free chlorine in the filter circulation piping.
 - (8) Valves shall be provided to control water flow to the features in accordance with the manufacturers' specifications.
 - (9) Splash zones shall be sloped to drains sized and located to remove all feature water to the surge tank without water accumulating on the surface.
 - (10) Deck or walkway space is not required outside the splash zone.
 - (11) Dressing and sanitary facilities shall be provided.
 - (12) Interactive play features shall not be required to have a fence except the wading pool fence requirements shall apply to interactive play features located inside a swimming pool enclosure.
 - (13) The safety provisions of Rule .2530 of this Section shall not apply except a sign shall be posted prohibiting pets and glass containers.
 - (14) Interactive play attractions built prior to April 1, 2004, that do not comply with these design and construction requirements shall be permitted to operate as built if no water quality or safety violations occur.
- (e) Training pools shall meet the requirements for swimming pools with the following exceptions:
- (1) Training pools shall be equipped with a filter circulation system that filters and returns the entire pool capacity in no more than two hours.
 - (2) The free chlorine residual in training pools shall be maintained at no less than two parts per million.

*History Note: Authority G.S. 130A-282;
Eff. April 1, 1999;
Amended Eff. March 1, 2004.*

15A NCAC 18A .2544 SPECIAL PURPOSE AND THERAPY POOLS

- (a) Special purpose and therapy pools shall comply with the requirements for public swimming pools and spas except as specified in this Rule.
- (b) Float tanks:
- (1) The requirement in Rule .2522 of this Section for a deck or walkway continuous with the top of the pool wall does not apply to isolation float tanks where a clear floor space of at least eight feet by four feet is provided adjacent to the entrance to the tank.
 - (2) The requirement in Rule .2532 of this Section for the minimum ceiling height of 7 ½ feet above the rim of the pool does not preclude use of a canopy of a lower height to enclose an isolation float tank provided the canopy can be opened to allow users a standing entry and exit from the float tank.
 - (3) The minimum lighting requirement in Rule .2524 of this Section does not apply to float tanks provided lighting is available for cleaning and is sufficient to provide visibility for entry and exit from the float tank.
 - (4) The requirements in Rule .2518 of this Section that recirculation pumps operate 24 hours per day do not preclude turning off the pump during float sessions when a sanitizing cycle is provided that filters and disinfects the entire capacity of the float tank system at least twice before every user enters the pool. When the float tank is not being used, the pump shall either operate continuously or intermittently to filter and disinfect the capacity of the pool twice every hour.
 - (5) The requirement in Rule .2518 of this Section that pool pumps three horsepower or smaller meet NSF/ANSI Standard 50 is not applicable when the mineral content of the brine in a float tank is incompatible with standard pool pumps. Pumps that do not meet NSF/ANSI standard 50 shall be approved by the Department when the viscosity of the mineral solution in the float tank requires a pump impeller or magnetic coupling designed to pump viscous liquids. Electrical safety of such pumps shall

be verified by an independent third-party testing lab to meet applicable Underwriters Laboratories (UL) Standards.

- (6) The requirement in Rule .2532 of this Section for a caution sign at spas with a water temperature above 90 degrees Fahrenheit is not applicable to float tanks that do not exceed an operating temperature of 95 degrees Fahrenheit. Float tanks that exceed an operating temperature of 95 degrees Fahrenheit shall have a posted sign with the same warnings required for hot spas except references to spas may be reworded to reference float tanks or float spas.

(c) Swim Spas:

- (1) Irrespective of Rule .2522(k) of this Section, swim spa training pools that use jetted water for training swimmer athletes under constant supervision of a swim coach may be located above deck level. Swim spa training pools located above deck level shall be in an enclosure secured against unauthorized access or use when a swim coach is not present.
- (2) The maximum operational water depth of four feet required for spas in Rule .2532 of this Section does not apply to swim spas.
- (3) Ladders, steps or stairs required by Rule .2521 of this Section are not required for an above-ground swim spa where a handhold or handrail is provided to facilitate transfer over the pool wall.

(d) Exercise Therapy and Treadmill Pools:

- (1) The maximum operational water depth of four feet required for spas in Rule .2532 of this Section does not apply to exercise therapy and treadmill pools.
- (2) The 30 minute turnover rate required for spa recirculation systems in Rule .2532 of this Section does not apply to exercise therapy or treadmill pools with a water capacity exceeding 1,000 gallons provided that the turnover time does not exceed two hours.

(e) Scuba Training Pools:

- (1) The prohibition of underwater ledges in Rule .2516(b) of this Section does not preclude drop-off ledges to the deep-diving portion of pools designed and used for training swimmers to use self-contained underwater breathing apparatus.
- (2) Scuba pools shall comply with the requirements for swimming pools and are not required to meet the requirements for spas in Rule .2532 of this Section.

History Note: Authority G.S. 130A-282;
Eff. April 1, 2013.

SECTION .2600 – THE SANITATION OF FOOD SERVICE ESTABLISHMENTS

15A NCAC 18A .2650 GENERAL – ADOPTION BY REFERENCE

The 2009 Food Code, not including subsequent amendments and editions, established by the U.S. Department of Health and Human Services, Food and Drug Administration (hereinafter referred to as the "Food Code") is incorporated by reference. The Food Code may be accessed from the internet at www.fda.gov/Food/FoodSafety/RetailFoodProtection/FoodCode/default.htm, or a copy can be obtained by contacting the U.S. Department of Commerce, National Technical Information Service, at (703) 605-6040, and is also available for inspection at the Division of Public Health, N.C. Department of Health and Human Services.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2651 DEFINITIONS

The provisions of this Rule make amendments, additions, and deletions to the Food Code incorporated by reference in Rule .2650 of this Section. In Chapter 1, the following apply:

- (1) In Paragraph 1-201.10(B), add: "'Commissary' means a food establishment that services a mobile food unit or a pushcart."
- (2) In Paragraph 1-201.10(B), add: "'Congregate nutrition sites' means food establishments where food preparation is limited to same day service, reheating of potentially hazardous food (time/temperature control for safety food), and operated under the rules of the Division of Aging and Adult Services, N.C. Department of Health and Human Services."

- (3) In Paragraph 1-201.10(B), add: "'Department' means the N.C. Department of Health and Human Services."
- (4) In Paragraph 1-201.10(B), amend "Food establishment (2)(b)" to read: "An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location and where consumption is on or off the premises."
- (5) In Paragraph 1-201.10(B), amend "Food establishment (3)" to read: "'Food establishment' does not include entities exempted as described in G.S. 130A-250 or establishments that only serve such items as dip ice cream, popcorn, candied apples, or cotton candy."
- (6) In Paragraph 1-201.10(B), add: "'Food stand' means a food establishment that prepares or serves food and that does not provide seating facilities for customers to use while eating or drinking."
- (7) In Paragraph 1-201.10(B), add: "'Good repair' means equipment and utensils shall be maintained in a state of repair and condition that meets the requirements specified under Parts 4-1 and 4-2 of the Food Code as amended by Rule .2654."
- (8) In Paragraph 1-201.10(B), amend "Imminent health hazard" to: "'Imminent hazard' means an imminent hazard as defined in G.S. 130A-2(3)."
- (9) In Paragraph 1-201.10(B), add: "'Limited food establishment' means a food establishment as defined in G.S. 130A-247(7)."
- (10) In Paragraph 1-201.10(B), add: "'Local health director' means a local health director as defined in G.S. 130A-2(6)."
- (11) In Paragraph 1-201.10(B), amend "Meat" to read: "'Meat' means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goat, other edible animals, and as defined in G.S. 106-549.15(14), except fish, poultry, and wild game animals as specified under Subparagraphs 3-201.17(A)(3) and (4)."
- (12) In Paragraph 1-201.10(B), add: "'Mobile food unit' means a food establishment or pushcart designed to be readily moved and vend food."
- (13) In Paragraph 1-201.10(B), amend "Person" to: "'Person' means person as defined in G.S. 130A-2(7)."
- (14) In Paragraph 1-201.10(B), amend "Poultry (1)" to read: "Any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs), whether live or dead, as defined in 9 CFR 381.1 Poultry Products Inspection Regulations Definitions, Poultry, and G.S. 106-549.51(26); and"
- (15) In Paragraph 1-201.10(B), add: "'Pushcart' means a mobile piece of equipment or vehicle used to vend food."
- (16) In Paragraph 1-201.10(B), add: "'Registered Environmental Health Specialist' means a Registered Environmental Health Specialist as defined in G.S. 90A-51(2b) and 90A-51(4) and authorized agent of the Department."
- (17) In Paragraph 1-201.10(B), add: "'Regulatory Authority' means the Department or authorized agent of the Department."
- (18) In Paragraph 1-201.10(B), add: "'Restaurant' means a food establishment that prepares or serves food and provides seating."
- (19) In Paragraph 1-201.10(B), add: "'Supplemental cooking room' means a separate attached or detached structure in that food is cooked on grills, pits, or fireplaces and no other processing occurs."
- (20) In Paragraph 1-201.10(B), amend "Temporary food establishment" to: "'Temporary food establishment' means a food establishment that operates for a period of time not to exceed 21 days in one location, affiliated with and endorsed by a transitory fair, carnival, circus, festival, or public exhibition. Food establishments that operate in the same event location for more than 21 days per calendar year are not eligible for a temporary food establishment permit. Domestic yard sales and businesses such as auctions, flea markets, or farmers' markets are not eligible for a temporary food establishment permit."
- (21) In Paragraph 1-201.10(B), add: "'Temporary food establishment commissary' means a food establishment affiliated with a temporary food establishment that prepares food in advance or off-site. The temporary food establishment commissary permit shall be valid for no more than 21 consecutive days and shall be permitted no more than 7 days prior to commencement of the event. Food establishments that operate in the same location for more than 21 days per calendar year are not eligible for a temporary food establishment commissary permit. Food shall not be sold from the temporary food establishment commissary. The temporary food establishment commissary shall comply with all temporary food establishment requirements."
- (22) In Paragraph 1-201.10(B), add: "'Transitional Permit' means a permit issued by the regulatory authority upon the transfer of ownership or lease of an existing food establishment to allow the correction of

construction and equipment problems that do not represent an immediate threat to public health. The transitional permit shall expire 180 days after the date of issuance."

- (23) In Paragraph 1-201.10(B), delete "Vending machine."
- (24) In Paragraph 1-201.10(B), delete "Vending machine location."

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2652 MANAGEMENT AND PERSONNEL

The provisions of this Rule make amendments, additions, and deletions to the Food Code incorporated by reference in Rule .2650 of this Section. In Chapter 2, the following apply:

- (1) In Paragraph 2-101.11(B), amend to read: "In a food establishment with two or more separately permitted departments that are the legal responsibility of the same permit holder and that are located on the same premises, the permit holder may designate a single person in charge who is present on the premises during all hours of operation, and who is responsible for each separately permitted food establishment on the premises."
- (2) In Section 2-102.11, amend the last sentence in the first paragraph to: "The person in charge shall demonstrate this knowledge by being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program. The person in charge is not required to be a certified food protection manager when the food establishment is not operating and food is not being prepared, packaged, or served for immediate consumption."
- (3) In Section 2-102.11, delete (A), (B), and (C).
- (4) In Subpart 2-102, add Section 2-102.12, Certified Food Protection Manager, to read:

"2-102.12 Certified Food Protection Manager.

(A) At least one employee who has supervisory and management responsibility and the authority to direct and control food preparation and service shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an American National Standards Institute (ANSI)-accredited program.

(B) This section does not apply to congregate nutrition sites and Risk Category I food establishments as defined in 10A NCAC 46 .0213."

(C) The requirements of this section are effective on January 1, 2014.

- (5) In Section 2-102.20, replace "Paragraph 2-102.11(B)" with "Section 2-102.11."

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2653 FOOD

The provisions of this Rule make amendments, additions, and deletions to the Food Code incorporated by reference in Rule .2650 of this Section. In Chapter 3, the following apply:

- (1) In Paragraph 3-201.11(A), add at the end: "Food from food establishments in states adjacent to North Carolina may be sold within North Carolina if the food establishments are under jurisdiction of the local or state enforcement body in that state and approved by the regulatory authority in North Carolina. To determine the extent of compliance with this Code, the regulatory authority shall obtain reports regarding compliance and compliance history from responsible authorities in other jurisdictions where the food establishments are located."
- (2) In Paragraph 3-301.11(B), amend to read: "Except when washing fruits and vegetables as specified under Section 3-302.15 or as specified in Paragraphs (D) and (E) of this section, food employees may not contact exposed ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment."
- (3) In Paragraph 3-301.11(D), amend to read:
"Paragraph (B) of this section does not apply to a food employee who contacts exposed, ready-to-eat food with bare hands at the time the ready-to-eat food is being added as an ingredient to a food that is to be cooked in the food establishment to heat all parts of the food to a temperature of at least 74°C (165°F)."
- (4) In Section 3-301.11, redesignate existing Paragraph (D) as new Paragraph (E).

- (5) In Subparagraph 3-301.11(D)(7), replace "(D)(1)-(6)" with "(E)(1)-(6)."
- (6) Delete Section 3-305.13.
- (7) In Section 3-306.12, delete (B).
- (8) In Paragraph 3-403.11(D), amend to read: "Reheating for hot holding as specified under Paragraphs (A) through (C) of this section shall be completed within 2 hours and the time the food is between 5°C (41°F) or 7°C (45°F) and the temperatures specified under Paragraphs (A) through (C) of this section may not exceed 2 hours."
- (9) In Paragraph 3-501.12(A), amend to read: "Under refrigeration that maintains the food temperature at 5°C (41°F) or less, or at 7°C (45°F) or less as specified under Subparagraph 3-501.16(A)(2)(b)."
- (10) In Paragraph 3-501.13(A), amend to read: "Under refrigeration that maintains the food temperature at 5°C (41°F) or less, or at 7°C (45°F) or less as specified under Subparagraph 3-501.16(A)(2)(b)."
- (11) In Paragraph 3-501.13(B), amend to read:

"Completely submerged under running water:

 - (1) At a water temperature of 21°C (70°F) or below,
 - (2) With sufficient water velocity to agitate and float off loose particles in an overflow,
 - (3) Such that for ready-to-eat food, the temperature of thawed portions do not rise above 5°C (41°F), or 7°C (45°F) as specified under Subparagraph 3-501.16(A)(2)(b), and
 - (4) Such that for raw animal food requiring cooking as specified under Paragraph 3-401.11(A) or (B), thawed portions are not above 5°C (41°F), or 7°C (45°F) as specified under Subparagraph 3-501.16(A)(2)(b), for more than 4 hours including:
 - (a) The time the food is exposed to the running water and the time needed for preparation for cooking, or
 - (b) The time it takes under refrigeration to lower the food temperature to 5°C (41°F), or 7°C (45°F) as specified under Subparagraph 3-501.16(A)(2)(b);"
- (12) In Subparagraph 3-501.14(A)(2), amend to read: "Within a total of 6 hours from 57°C (135°F) to 5°C (41°F) or less, or to 7°C (45°F) or less as specified under Subparagraph 3-501.16(A)(2)(b)."
- (13) In Paragraph 3-501.14(B), amend to read: "Potentially hazardous food (time/temperature control for safety food) shall be cooled within 4 hours to 5°C (41°F) or less, or to 7°C (45°F) or less as specified under Subparagraph 3-501.16(A)(2)(b) if prepared from ingredients at ambient temperature such as reconstituted foods and canned tuna."
- (14) In Subparagraph 3-501.16(A)(2), amend to read:

"At a temperature specified in the following:

 - (a) 5°C (41°F) or less; or
 - (b) 7°C (45°F) or between 5°C (41°F) and 7°C (45°F) in existing refrigeration equipment that is not capable of maintaining the food at 5°C (41°F) or less if:
 - (i) The equipment is in place and in use in the food establishment; and
 - (ii) On or before, January 1, 2019, the equipment is upgraded or replaced to maintain food at a temperature of 5°C (41°F) or less."
- (15) In Paragraph 3-501.17(A), amend to read:

"(A) Except when packaging food using a reduced oxygen packaging method as specified under Section 3-502.12, and except as specified in Paragraphs (D) and (E) of this section, refrigerated, ready-to eat, potentially hazardous food (time/temperature control for safety food) prepared and held in a food establishment for more than 24 hours shall be marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature and time combinations specified below. The day of preparation shall be counted as Day 1.

 - (1) 5°C (41°F) or less for a maximum of 7 days; or
 - (2) 7°C (45°F) or between 5°C (41°F) and 7°C (45°F) for a maximum of 4 days in existing refrigeration equipment that is not capable of maintaining the food at 5°C (41°F) or less if:
 - (a) The equipment is in place and in use in the food establishment, and
 - (b) On or before, January 1, 2019, the equipment is upgraded or replaced to maintain food at a temperature of 5°C (41°F) or less."
- (16) In Paragraph 3-501.19(B), amend to read: "If time without temperature control is used as the public health control up to a maximum of 4 hours:"
- (17) In Subparagraph 3-501.19(B)(1), amend to read: "The food shall have an initial temperature of 5°C (41°F) or less, or 7°C (45°F) or less when removed from cold holding temperature control, or 57°C (135°F) or greater when removed from hot holding temperature control;"

- (18) In Paragraph 3-801.11(D), amend to read: "Food employees may not contact ready-to-eat food as specified under Paragraphs 3-301.11(B) and (E)."

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2654 EQUIPMENT, UTENSILS, AND LINENS

The provisions of this Rule make amendments, additions, and deletions to the Food Code incorporated by reference in Rule .2650 of this Section. In Chapter 4, the following apply:

- (1) Delete Sections 4-204.14, 4-204.19, 4-204.111, 4-204.121, and 4-204.123.
- (2) In Section 4-205.10, amend to read: "Except for toasters, mixers, microwave ovens, water heaters, and hoods, food equipment shall be used in accordance with the manufacturer's intended use and certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program. If the equipment is not certified or classified for sanitation, the equipment shall meet Parts 4-1 and 4-2 of the Food Code as amended by this Rule. Nonabsorbent wooden shelves that are in good repair may be used in dry storage areas."
- (3) In Section 4-301.14, amend to read: "Ventilation hood systems and devices shall prevent grease or condensation from collecting on equipment, walls, and ceilings."

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2655 WATER, PLUMBING, AND WASTE

The provisions of this Rule make amendments, additions, and deletions to the Food Code incorporated by reference in Rule .2650 of this Section. In Chapter 5, the following applies: Delete Paragraph 5-203.11(C) and Section 5-501.14.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2656 PHYSICAL FACILITIES

The provisions of this Rule make amendments, additions, and deletions to the Food Code incorporated by reference in Rule .2650 of this Section. In Chapter 6, the following apply:

- (1) Delete Section 6-202.17.
- (2) Delete Section 6-202.18.
- (3) In Paragraph 6-501.115(B), amend to read:
"Live animals are allowed in the following situations if the owner or operator does not permit animals to physically contact food, serving dishes, utensils, tableware, linens, unwrapped single-service and single-use articles or other food service items that may result in contamination of food or food-contact surfaces and does not permit animals to physically contact employees engaged in the preparation or handling of food:
 - (1) Fish or crustacea in aquariums or display tanks;
 - (2) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas; and sentry dogs in outside fenced areas;
 - (3) Service animals accompanying persons with disabilities in areas that are not used for food preparation;
 - (4) Dogs (*Canis lupus familiaris*) and cats (*Felis catus*) in outdoor dining areas; provided that dogs and cats are physically restrained, and do not pass through any indoor areas of the food establishment. Except for service animals described in Subparagraph (3) of this Paragraph, nothing in this Rule prohibits a food establishment from prohibiting dogs and cats in outdoor dining areas; and
 - (5) In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals."

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2657 POISONOUS OR TOXIC MATERIALS

The provisions of this Rule make amendments, additions, and deletions to the Food Code incorporated by reference in Rule .2650 of this Section. In Chapter 7, the following apply:

- (1) In Section 7-101.11, add at the end: "Only those pesticides that have been registered with the EPA and with the N.C. Department of Agriculture and Consumer Services shall be used. If the manufacturer's label is missing from a pesticide container, the container shall be identified with the manufacturer's product brand name, percentage of each active ingredient, and EPA registration number."
- (2) In Section 7-203.11, add at the end: "Sanitizing solutions shall not be stored in or dispensed from containers previously containing other poisonous or toxic materials."

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2658 COMPLIANCE AND ENFORCEMENT

The provisions of this Rule make amendments, additions, and deletions to the Food Code incorporated by reference in Rule .2650 of this Section. In Chapter 8, the following apply:

- (1) In Section 8-103.10, add the following to the end: "Variance requests shall be submitted to a committee including a food scientist and representatives from industry and state and local public health agencies appointed by the Department."
- (2) In Section 8-201.11, add the following to the beginning: "Plans drawn to scale for franchised or chain food establishments shall be submitted for review and approval to the Environmental Health Services Branch, N.C. Division of Public Health. Plans drawn to scale for independent food establishments shall be submitted for review and approval to the local health department."
- (3) In Paragraph 8-201.12(A), amend to read: "Intended menu and plan review application;"
- (4) In Paragraph 8-302.14(G), amend to read: "A statement signed by the applicant that attests to the accuracy of the information provided in the application."
- (5) In Paragraph 8-302.14(G), delete (1) and (2).
- (6) In Section 8-303.20, delete "Permit Renewal" from the heading.
- (7) In Section 8-303.20, amend to read: "As applicable, the regulatory authority may issue a permit in accordance with 15A NCAC 18A .2659, to a new owner of an existing food establishment after an application is submitted, reviewed, and approved, and an inspection shows that the establishment is in compliance with this Code. If the establishment is not in compliance with the Code, a transitional permit may be issued in accordance with G.S. 130A-248 (b) and (c) and Rule .2659(b)."
- (8) Delete Section 8-304.10.
- (9) Delete Paragraph 8-304.11(A).
- (10) Delete Section 8-304.20.
- (11) In Section 8-401.10, delete (A) and replace with: "The regulatory authority shall inspect a food establishment in accordance with 10A NCAC 46 .0213."
- (12) In Section 8-401.10, delete (B) and (C).
- (13) Delete Section 8-401.20.
- (14) Delete Section 8-402.10.
- (15) In Subparagraph 8-402.20(A)(1), amend to read: "The permit holder shall allow access to the regulatory authority as specified under Section 8-402.11 of the Code and G.S. 130A-17 and 130A-249."
- (16) In Subparagraph 8-402.20(A)(3), amend to read: "If access is denied, an administrative warrant may be obtained according to G.S. 15-27.2."
- (17) In Section 8-402.40, amend heading to read: "Administrative Warrant to Gain Access."
- (18) In Section 8-402.40, amend to read: "If denied access to a food establishment for an authorized purpose and after complying with Section 8-402.20 of the Food Code as amended by Rule .2658, the regulatory authority may issue, or apply for the issuance of, an administrative warrant to gain access as provided by G.S. 15-27.2."
- (19) In Section 8-403.20, delete the reference to Section 8-406.11.
- (20) Delete Section 8-406.11.
- (21) Delete Subpart 8-501.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);

Eff. September 1, 2012.

15A NCAC 18A .2659 PERMITS

(a) No permit for a food establishment shall be issued to a person until an evaluation by the regulatory authority shows that the establishment complies with this Section. However, the regulatory authority shall allow a period of 210 days after the date of issuance to comply with the certified food protection manager requirements in Sections 2-102.11 and 2-102.12 of the Food Code as amended by Rule .2652 of this Section.

(b) Upon transfer of ownership of an existing food establishment, the regulatory authority shall complete an evaluation. If the establishment satisfies all the requirements of the rules, a permit shall be issued. If the establishment does not satisfy all the requirements of the rules, a permit shall not be issued. A transitional permit shall be issued if the regulatory authority determines that the noncompliant items are construction or equipment problems that do not represent a threat to public health or no certified food protection manager is on the premises. The transitional permit shall expire 180 days after the date of issuance unless suspended or revoked before that date and shall not be renewed. Upon expiration of the transitional permit, the permit holder shall have corrected the noncompliant items and obtained a permit or the food establishment shall not continue to operate.

(c) The regulatory authority shall impose conditions on the issuance of a permit or transitional permit if necessary to ensure that a food establishment remains in compliance with this Section. Conditions may be specified for one or more of the following areas:

- (1) The number of seats or consumers served.
- (2) The categories of food served.
- (3) Time schedules in completing minor construction items.
- (4) Modification or maintenance of water supplies.
- (5) Use of facilities for more than one purpose.
- (6) Continuation of contractual arrangements upon which basis the permit was issued.
- (7) Submission and approval of plans for renovation.
- (8) Any other areas necessary for a food establishment to remain in compliance with this Section.

(d) If a permit or transitional permit has been suspended, the suspension shall be lifted if the regulatory authority has evaluated the food establishment and found that the violations causing the suspension have been corrected. If a permit or transitional permit has been revoked, a new permit shall be issued only after the regulatory authority has evaluated the food establishment and found it to comply with all applicable rules. The evaluations shall be conducted within 15 days after the request is made by the permit holder.

*History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.*

15A NCAC 18A .2660 PUBLIC DISPLAY OF GRADE CARDS

(a) Upon initial inspection of a food establishment or if a renovation or other change in the establishment makes the grade card inconspicuous, the regulatory authority shall designate the location for posting the grade card. The grade card shall be located in a conspicuous place where it may be readily observed by the public upon entering the food establishment. If the person in charge of the food establishment objects to the location designated by the regulatory authority then the person in charge may suggest an alternative location which meets the criteria of this Rule.

(b) When an inspection of a food establishment is made, the regulatory authority shall remove the existing grade card, issue a new grade card, and post the new grade card in the same location where the grade card was previously posted as long as that location remains conspicuous. The person in charge of the food establishment shall keep the grade card posted at the designated location at all times. The grade card may be posted in another location which meets the criteria of this Rule if agreed upon by the person in charge and the regulatory authority.

(c) On a mobile food unit and pushcart, the grade card shall be located where it is visible to the public when purchasing food. The grade card shall be maintained on the mobile food unit and pushcart and may be removed during transport to operating locations and the person in charge shall repost the grade card in the original location prior to commencing operation.

*History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.*

15A NCAC 18A .2661 INSPECTIONS AND REINSPECTIONS

(a) Upon entry into a food establishment, the regulatory authority shall provide identification and the purpose in visiting that establishment. The regulatory authority shall inquire as to the identity of the person in charge and invite the person in charge to accompany the regulatory authority during the inspection. If no employee is identified as the person in charge, the regulatory authority shall invite an employee to accompany the regulatory authority on the inspection. Following the inspection, the regulatory authority shall offer to review the results of the inspection with the person in charge or employee, as applicable.

(b) The grading of food establishments shall be conducted using an inspection form furnished by the regulatory authority. The form shall provide for the following information:

- (1) The name and mailing address of the food establishment;
- (2) The name of the permit holder;
- (3) The permit status and score given;
- (4) Standards of construction and operation as listed in .2651 through .2677 of this Section;
- (5) An explanation for all points deducted;
- (6) The signature of the regulatory authority; and
- (7) The date.

(c) The grading of food establishments shall be based on the standards of operation and construction as set forth in Rules .2650 through .2676 of this Section.

(d) The Food Establishment Inspection form shall be used to document points assessed for violation of the rules of this Section as follows:

- (1) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to person in charge present, certification by accredited program or performs duties shall equal no more than 2 points.
- (2) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to management awareness, policy present, and allergy awareness shall equal no more than 3 points.
- (3) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to proper use of reporting, restriction, and exclusion shall equal no more than 3 points.
- (4) Violation of Chapters 2 and 3 of the Food Code as amended by Rules .2652 and .2653 of this Section related to proper eating, tasting, drinking, or tobacco use shall equal no more than 2 points.
- (5) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to no discharge from eyes, nose, and mouth shall equal no more than 1 point.
- (6) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to hands clean and properly washed shall equal no more than 4 points.
- (7) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to no bare hand contact with ready-to-eat food or approved alternate method properly followed shall equal no more than 3 points.
- (8) Violation of Chapters 5 and 6 of the Food Code as amended by Rules .2655 and .2656 of this Section related to handwashing facilities supplied and accessible shall equal no more than 2 points.
- (9) Violation of Chapters 3 and 5 of the Food Code as amended by Rules .2653 and .2655 of this Section related to food obtained from an approved source shall equal no more than 2 points.
- (10) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to food received at proper temperature shall equal no more than 2 points.
- (11) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to food in good condition, safe, and unadulterated shall equal no more than 2 points.
- (12) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to required records available, shellstock tags, and parasite destruction shall equal no more than 2 points.
- (13) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to food separated and protected shall equal no more than 3 points.
- (14) Violation of Chapter 4 of the Food Code as amended by Rule .2654 of this Section related to food-contact surfaces cleaned and sanitized shall equal no more than 3 points.
- (15) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to disposition of returned, previously served, reconditioned, and unsafe food shall equal no more than 2 points.
- (16) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to cooking time and temperatures shall equal no more than 3 points.
- (17) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to reheating for hot holding shall equal no more than 3 points.
- (18) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to cooling time and temperatures shall equal no more than 3 points.

- (19) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to hot holding temperatures shall equal no more than 3 points.
- (20) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to cold holding temperatures shall equal no more than 3 points.
- (21) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to date marking and disposition shall equal no more than 3 points.
- (22) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to time as a public health control procedures and records shall equal no more than 2 points.
- (23) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to consumer advisory provided for raw or undercooked foods shall equal no more than 1 point.
- (24) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to pasteurized foods used and prohibited foods not offered shall equal no more than 3 points.
- (25) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to food additives approved and properly used shall equal no more than 1 point.
- (26) Violation of Chapter 7 of the Food Code as amended by Rule .2657 of this Section related to toxic substances properly identified, stored, and used shall equal no more than 2 points.
- (27) Violation of Chapters 3, 4 and 8 of the Food Code as amended by Rules .2653, .2654, and .2658 of this Section related to compliance with variance, specialized process, and HACCP plan shall equal no more than 2 points.
- (28) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to pasteurized eggs used where required shall equal no more than 1 point.
- (29) Violation of Chapters 3 and 5 of the Food Code as amended by Rules .2653 and .2655 of this Section related to water from an approved source shall equal no more than 2 points.
- (30) Violation of Chapter 8 of the Food Code as amended by Rule .2658 of this Section related to variance obtained for specialized processing methods shall equal no more than 1 point.
- (31) Violation of Chapters 3 and 4 of the Food Code as amended by Rules .2653 and .2654 of this Section related to proper cooling methods used or adequate equipment for temperature control shall equal no more than 1 point.
- (32) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to plant food properly cooked for hot holding shall equal no more than 1 point.
- (33) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to approved thawing methods used shall equal no more than 1 point.
- (34) Violation of Chapter 4 of the Food Code as amended by Rule .2654 of this Section related to thermometers provided and accurate shall equal no more than 1 point.
- (35) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to food properly labeled or original container shall equal no more than 2 points.
- (36) Violation of Chapters 2 and 6 of the Food Code as amended by Rules .2652 and .2656 of this Section related to insects and rodents not present or no unauthorized animals or persons shall equal no more than 2 points.
- (37) Violation of Chapters 3 and 6 of the Food Code as amended by Rules .2653 and .2656 of this Section related to contamination prevented during food preparation, storage, and display shall equal no more than 2 points.
- (38) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to personal cleanliness shall equal no more than 1 point.
- (39) Violation of Chapters 3 and 4 of the Food Code as amended by Rules .2653 and .2654 of this Section related to wiping cloths properly used and stored shall equal no more than 1 point.
- (40) Violation of Chapters 3 and 7 of the Food Code as amended by Rules .2653 and .2657 of this Section related to washing fruits and vegetables shall equal no more than 1 point.
- (41) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to in-use utensils properly stored shall equal no more than 1 point.
- (42) Violation of Chapter 4 of the Food Code as amended by Rule .2654 of this Section related to utensils, equipment, and linens properly stored, dried and handled shall equal no more than 1 point.
- (43) Violation of Chapter 4 of the Food Code as amended by Rule .2654 of this Section related to single-use and single-service articles properly stored and used shall equal no more than 1 point.
- (44) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to gloves used properly shall equal no more than 1 point.

- (45) Violation of Chapters 3 and 4 of the Food Code as amended by Rules .2653 and .2654 of this Section related to equipment, food and non-food contact surfaces approved, cleanable, properly designed, constructed and used shall equal no more than 2 points.
- (46) Violation of Chapter 4 of the Food Code as amended by Rule .2654 of this Section related to warewashing facilities installed, maintained, used, and test strips shall equal no more than 1 point.
- (47) Violation of Chapter 4 of the Food Code as amended by Rule .2654 of this Section related to non-food contact surfaces clean shall equal no more than 1 point.
- (48) Violation of Chapter 5 of the Food Code as amended by Rule .2655 of this Section related to hot and cold water available and adequate pressure shall equal no more than 2 points.
- (49) Violation of Chapter 5 of the Food Code as amended by Rule .2655 of this Section related to plumbing installed and proper backflow devices shall equal no more than 2 points.
- (50) Violation of Chapter 5 of the Food Code as amended by Rule .2655 of this Section related to sewage and wastewater properly disposed shall equal no more than 2 points.
- (51) Violation of Chapters 5 and 6 of the Food Code as amended by Rules .2655 and .2656 of this Section related to toilet facilities properly constructed, supplied, and cleaned shall equal no more than 1 point.
- (52) Violation of Chapters 5 and 6 of the Food Code as amended by Rules .2655 and .2656 of this Section related to garbage and refuse properly disposed and facilities maintained shall equal no more than 1 point.
- (53) Violation of Chapters 4 and 6 of the Food Code as amended by Rules .2654 and .2656 of this Section related to physical facilities installed, maintained, and clean shall equal no more than 1 point.
- (54) Violation of Chapters 4 and 6 of the Food Code as amended by Rules .2654 and .2656 of this Section related to meets ventilation and lighting requirements and designated areas used shall equal no more than 1 point.

(e) In filling out the inspection form, points may be deducted only once for a single occurrence or condition existing within or outside of the food establishment. Deductions shall be based on actual violations of the rules of this Section observed during the inspection. The regulatory authority shall take zero, one-half, or a full deduction of points depending upon the severity or the recurring nature of the core item violations. Priority items or priority foundation items may be corrected during the inspection and no more than one-half of the total point value shall be deducted when the violation meets the following criteria:

- (1) The priority item or priority foundation item violation was not documented on the previous inspection; and
- (2) Correction of the item is documented on the inspection form.

(f) At the time of inspection, if a priority item or priority foundation item violation is observed and not corrected, the regulatory authority shall take one-half or a full deduction of points depending upon the severity or the recurring nature of the violation. The regulatory authority shall specify a time frame of no more than 10 calendar days to correct the priority items or priority foundation items.

(g) In determining whether items or areas of a food establishment are clean for purposes of enforcing the rules set forth in this Section and grading a food establishment, the regulatory authority shall consider, among other things:

- (1) The age of the accumulated material;
- (2) The relative percentage of items which are clean and not clean;
- (3) The cleaning practices of the food establishment; and
- (4) The health risk posed by the circumstances.

(h) Upon request of the permit holder or his or her representative a reinspection shall be made. In the case of a food establishment that requests an inspection for the purpose of raising the alphabetical grade, and that holds an unrevoked permit, the regulatory authority shall make an unannounced inspection within 15 days from the date of the request.

(i) In the case of food establishments that have been closed for failure to comply with the rules of this Section, a reinspection to consider the issuance or reissuance of a permit shall be made at the earliest convenience of the regulatory authority.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); Eff. September 1, 2012.

15A NCAC 18A .2662 GRADING

(a) The grading of food establishments is based on a system of scoring. A food establishment that earns a score of at least:

- (1) 90 percent shall receive a grade A;
- (2) 80 percent and less than 90 percent shall receive a grade B;

(3) 70 percent and less than 80 percent shall receive a grade C.

Permits shall be immediately revoked in accordance with G.S. 130A-23(d) for food establishments receiving a score of less than 70 percent.

(b) The posted grade card shall be black on a white background. All graphics, letters, and numbers for the grade card shall be approved as meeting the standards in this Paragraph by the State. The alphabetical and numerical rating shall be 1.5 inches in height. No other public displays representing sanitation level of the establishment may be posted by the regulatory authority, except for sanitation awards issued by the local health department. Sanitation awards shall be in a different color and size from the grade card and must be labeled as an award.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2663 OUTDOOR DINING AND BEVERAGE FACILITIES

(a) A food establishment may provide outdoor dining and beverage service.

(b) Beverages may be prepared outdoors if all equipment and utensils are provided with overhead protection.

(c) Portable cooking, food, and beverage serving facilities shall be allowed for food service provided to a club, organization, or private individual as a planned event and from which the public is excluded. All open food and utensils shall be provided with overhead protection or otherwise equipped with individual covers such as domes, chafing lids, or cookers with hinged lids.

(d) Food and beverage equipment and supplies shall be located in enclosed areas and protected from environmental contamination when not in operation.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2664 SUPPLEMENTAL COOKING ROOMS

The following construction standards apply to food establishments cooking on grills, pits, or fireplaces in supplemental cooking rooms:

(1) Grills, pits, and fireplaces shall be kept clean, maintained in good repair, and located in an enclosed room as specified in Sections 6-202.15 and 6-202.16 of the Food Code as amended by Rule .2656 of this Section and shall comply with Parts 4-1 and 4-2 of the Food Code as amended by Rule .2654 of this Section.

(2) Walls and ceilings shall be kept clean and in good repair.

(3) Floors shall be constructed of easily cleanable concrete or equal and graded to drain.

(4) Water under pressure shall be provided for floor cleaning.

(5) Ventilation systems and devices shall prevent grease or condensation from collecting on walls and ceilings.

(6) A handwashing sink shall be provided as specified in Section 5-202.12 of the Food Code as amended by Rule .2655 of this Section.

(7) Lighting shall comply with Sections 6-202.11 and 6-303.11 of the Food Code as amended by Rule .2656 of this Section.

(8) All food shall be processed in an area meeting the requirements for operation and construction as set forth in Rules .2650 through .2657 of this Section.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2665 TEMPORARY FOOD ESTABLISHMENT AND TEMPORARY FOOD ESTABLISHMENT COMMISSARY PERMIT REQUIREMENTS

(a) A permit shall be issued by the regulatory authority to each temporary food establishment and temporary food establishment commissary that complies with Rules .2665 through .2669 of this Section. Temporary food establishments and temporary food establishment commissaries are not eligible for transitional permits. A single permit shall be issued for a temporary food establishment that does not operate consecutive days as long as the total number of days does not exceed 21. The permit shall be posted in a conspicuous place designated by the regulatory authority. The permit shall include:

(1) Name and location of the temporary food establishment and temporary food establishment commissary;

- (2) Permit holder;
 - (3) Name and location of the event;
 - (4) Dates of operation; and
 - (5) Any other conditions necessary to remain in compliance with this Section.
- (b) No food preparation shall occur prior to a permit being issued by the regulatory authority.
- (c) When affiliated with a temporary food establishment for an event where the food will be served, a temporary food establishment commissary permit for prior food preparation may be issued for advance or off-site preparation. A temporary food establishment commissary may commence operation no more than 7 days prior to the event and operate for the length of the event up to a time period not to exceed 21 consecutive days.
- (d) Temporary food establishments and temporary food establishment commissaries shall make application to the regulatory authority no fewer than 15 calendar days prior to commencing operation. This 15-day requirement does not prohibit the submission of applications for substitute vendors provided that these applications are submitted no fewer than 3 business days prior to the event. Applications shall be submitted to the regulatory authority and shall include the following:
- (1) Name, mailing address, and telephone number of the permit holder of the temporary food establishment or temporary food establishment commissary;
 - (2) Name and location of the event at which the temporary food establishment operated immediately prior to the current event for which applying, if applicable;
 - (3) Name, mailing address, and telephone number of the event organizer;
 - (4) Event name, location, dates, and hours of operation;
 - (5) Proposed menu, food handling procedures, including anticipated food volume and sources;
 - (6) Food equipment list;
 - (7) Proposed water supply;
 - (8) Provisions for sewage and other waste disposal; and
 - (9) Any information necessary to ensure compliance.
- (e) The regulatory authority shall require documentation to verify any provision of Rules .2665 through .2669 of this Section.
- (f) The regulatory authority may condition the permit to ensure compliance with Rules .2665 through .2669 of this Section.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); Eff. September 1, 2012.

15A NCAC 18A .2666 TEMPORARY FOOD ESTABLISHMENT FOOD HANDLING REQUIREMENTS

- (a) All sources of food in temporary food establishments shall comply with Chapter 3 of the Food Code as amended by Rule .2653 of this Section.
- (b) Raw meat, poultry, and fish in temporary food establishments shall be purchased in ready-to-cook portions, except that cutting and skewering shall be allowed where evaluation by the regulatory authority determines sufficient preparation areas and food equipment are provided.
- (c) Salads containing ingredients that are cooked and cooled shall not be prepared in the temporary food establishment or temporary food establishment commissary, but may be served.
- (d) Shellstock and shucked shellfish in temporary food establishments shall comply with Chapter 3 of the Food Code as amended by Rule .2653 of this Section.
- (e) All food in temporary food establishments shall be protected in accordance with Chapter 3 of the Food Code as amended by Rule .2653 of this Section and the following also apply:
- (1) The regulatory authority may approve food preparation and storage for a temporary food establishment at a permitted temporary food establishment commissary or other permitted food establishment;
 - (2) Temporary food establishment or temporary food establishment commissary operations shall not be conducted in any room or area used for purposes not related to the temporary food establishment or other permitted food establishment;
 - (3) Food shall be secured in a manner to prevent tampering and contamination at all times;
 - (4) Ready-to-eat food shall not be stored in direct contact with ice; non-mechanical coolers must be provided with a drainage port;
 - (5) All food shall be stored above the ground or floor and arranged to prevent contamination of foods;
 - (6) Potentially hazardous food (time/temperature control for safety food) that has been heated at the temporary food establishment or temporary food establishment commissary shall not be sold or held for use on subsequent days. Approval shall be granted to allow cooling and reheating of potentially

hazardous food (time/temperature control for safety food) if the food can be handled in accordance with the rules of this Section; and

- (7) The regulatory authority shall further limit the food to be prepared or served, based on methods of preparation and the adequacy of facilities, equipment, utensils, and available utilities.
- (f) Food prepared at a previous event or potentially hazardous food (time/temperature control for safety food) removed from original packaging shall not be served at a subsequent event in a temporary food establishment.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2667 TEMPORARY FOOD ESTABLISHMENT EMPLOYEE REQUIREMENTS

- (a) Food employees in temporary food establishments shall wear effective hair restraints, clean outer clothing, and maintain good hygienic practices as specified in Part 2-4 of the Food Code as amended by Rule .2652 of this Section.
- (b) Employees in temporary food establishments shall wash their hands in a handwashing facility before starting work, after each visit to the toilet, and as often as necessary to remove soil and contamination.
- (c) Employees in temporary food establishments shall not use tobacco in any form or consume food in food preparation, storage or serving areas, utensil washing, or utensil storage areas.
- (d) Employees in temporary food establishments may consume beverages in the food establishment only if covered and consumed in a manner to prevent contamination of food and food-contact surfaces.
- (e) Employees in temporary food establishments shall comply with the requirements in Subpart 2-201 of the Food Code as amended by Rule .2652 of this Section.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2668 TEMPORARY FOOD ESTABLISHMENT EQUIPMENT AND UTENSIL REQUIREMENTS

- (a) Equipment and utensils in temporary food establishments shall be kept clean and maintained in good repair. Those surfaces that come into contact with food, drink, or utensils shall comply with Parts 4-1 and 4-2 of the Food Code as amended by Rule .2654 of this Section.
- (b) Equipment and utensils in temporary food establishments shall be cleaned, sanitized, stored, and handled in accordance with Parts 4-6 and 4-7 of the Food Code as amended by Rule .2654 of this Section.
- (c) When multi-use utensils other than eating and drinking utensils are used in temporary food establishments, three basins of sufficient size to submerge, wash, rinse, and sanitize utensils shall be provided. Other equivalent products and procedures may be used in accordance with Part 4-7 of the Food Code as amended by Rule .2654 of this Section. At least one drainboard, table, or counter space shall be provided for air-drying.
- (d) When multi-use eating and drinking utensils are used in temporary food establishments, a three-compartment sink of sufficient size to submerge, wash, rinse, and sanitize utensils must be provided. Drainboards shall be provided as specified in Section 4-301.13 of the Food Code as amended by Rule .2654 of this Section.
- (e) Wash, rinse, and sanitizing solutions shall be maintained in temporary food establishments as specified in Sections 4-501.18 and 4-501.19 of the Food Code as amended by Rule .2654 of this Section.
- (f) A food preparation sink must be provided for washing produce in temporary food establishments.
- (g) Food shields or other effective barriers in temporary food establishments shall be installed in a manner to protect food and food contact surfaces from contamination.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2669 TEMPORARY FOOD ESTABLISHMENT PHYSICAL REQUIREMENTS

- (a) A temporary food establishment shall be located in an area kept in a clean and sanitary condition. The arrangement of temporary food establishments shall restrict public access to all areas of the food establishment except dining areas.
- (b) For outdoor cooking, overhead protection shall be provided such that all food, utensils, and equipment are protected. When bulk foods such as roasts, shoulders, and briskets are cooked, cooking equipment with attached lids, such as smokers, roasters, and other cooking devices, provide sufficient cover for the food being cooked. Food in individual servings such as hot dogs, hamburgers, and meat kabobs shall have additional overhead cover.

- (c) Effective measures such as fans, screens, walls, or a combination thereof, shall be provided to keep dust, insects, rodents, animals, and other sources of potential contamination out of the food establishment and shall comply with Paragraph 6-501.115(B) of the Food Code as amended by Rule .2656 of this Section regarding live animals.
- (d) Indoor/outdoor carpeting, matting, tarps, or similar nonabsorbent material is required as ground covering in the absence of asphalt, concrete, grass, or other surfaces that control dust or mud.
- (e) The temporary food establishment and temporary food establishment commissary shall be equipped with a handwashing facility used only for employee handwashing. This facility shall consist of at least a two gallon container with an unassisted free flowing faucet such as a stopcock or turn spout, soap, single-use towels, and a wastewater receptacle. Warm water shall be used for handwashing.
- (f) Water under pressure shall be provided as follows:
- (1) The water supply used shall be in accordance with 15A NCAC 18A .1700, 15A NCAC 18C, or 02 NCAC 09C .0703;
 - (2) All potable water holding tanks, containers, and hoses used to transport or store water at the temporary food establishment shall be drained, washed, rinsed, and sanitized;
 - (3) Containers and hoses used to store, haul, or convey potable water shall be approved for potable water use, shall not be used for any other purpose, and shall be protected from contamination. Potable water hoses and containers shall be labeled; and
 - (4) Warm water shall be available and used for cleaning.
- (g) Wastewater shall be disposed in accordance with 15A NCAC 18A .1900 or 15A NCAC 02H .0200. Portable wastewater containers may be used when the volume of potable water can be determined by the dimensions of sinks, basins, and interim storage containers and the portable wastewater containers are sized to contain the wastewater volume generated. Wastewater containers and hoses shall be labeled and not used for any other purpose. Wastewater containers shall not be emptied into waterways, storm drains, or on the ground.
- (h) Employees must have access to toilet facilities that are kept clean and in good repair.
- (i) Garbage and refuse shall be collected and stored in garbage containers with properly fitted lids. Nothing in this Rule shall prohibit uncovered garbage containers in the food establishment during periods of operation. Garbage and refuse shall be removed as needed and disposed in a manner to prevent vermin breeding and harborage. The premises shall be kept clean.
- (j) Lighting shall comply with Section 6-202.11 of the Food Code as amended by Rule .2656 of this Section. Lighting is required for nighttime operations.
- (k) Temporary food establishments and temporary food establishment commissaries shall remain connected to necessary utilities at all times food is prepared, served, or stored in the food establishment.
- (l) Toxic materials shall be labeled, used, and stored to prevent the contamination of food, equipment, utensils, linens, and single-service articles and meet the provisions of Sections 7-101.11 and 7-203.11 of the Food Code as amended by Rule .2657 of this Section.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2670 GENERAL REQUIREMENTS FOR PUSHCARTS AND MOBILE FOOD UNITS

- (a) A permit shall be issued by the regulatory authority that inspects the commissary from which a pushcart or mobile food unit is to operate, if the regulatory authority determines that the pushcart or mobile food unit complies with the rules of this Section. The permit shall be maintained on the pushcart or mobile food unit and made available to the regulatory authority upon request.
- (b) The regulatory authority that issues the permit shall be provided by the permit holder a list of counties and locations where each pushcart or mobile food unit will operate.
- (c) Prior to initiating food service operations in a particular county, the pushcart or mobile food unit permit holder shall provide the regulatory authority in each county in which food service operations are proposed a list of locations where they will operate. Such lists must be kept current.
- (d) Pushcarts or mobile food units shall operate in conjunction with a permitted commissary and shall report at least daily to the commissary for supplies, cleaning, and servicing. Facilities, in compliance with this Section, shall be provided at the commissary for storage of all supplies. The pushcart shall also be stored in an area that protects it from dirt, debris, vermin, and other contamination. Water faucets used to supply water for pushcarts or mobile food units shall be protected to prevent contact with chemicals, splash, and other sources of contamination. Solid waste storage and liquid waste disposal facilities must also be provided on the commissary premises.

- (e) All food shall be obtained from sources that comply with Chapter 3 of the Food Code as amended by Rule .2653 of this Section.
- (f) All potentially hazardous food (time/temperature control for safety food) shall be maintained at temperatures as required in Chapter 3 of the Food Code as amended by Rule .2653 of this Section. A metal stem-type thermometer accurate to 1°C (2°F) shall be available to check food temperatures.
- (g) Single service articles shall be used for serving customers. Single-service articles shall be purchased in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a manner to prevent contamination.
- (h) All garbage and other solid waste shall be stored and disposed in an approved manner.
- (i) Employees shall wear effective hair restraints, clean outer clothing, and maintain good hygienic practices as specified in Part 2-4 of the Food Code as amended by Rule .2652 of this Section.
- (j) Employees shall comply with the requirements in Subpart 2-201 of the Food Code as amended by Rule 2652. of this Section
- (k) Equipment and utensils shall meet the requirements in Parts 4-1 and 4-2 of the Food Code as amended by Rule .2654 of this Section.
- (l) The pushcart or mobile food unit shall be kept clean and free of flies, roaches, rodents, and other vermin.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2671 SPECIFIC REQUIREMENTS FOR PUSHCARTS

- (a) Only hot dogs shall be prepared, handled, or served from a pushcart; however, food which has been prepared, pre-portioned, and individually pre-wrapped at a food establishment or commissary may be served from a pushcart.
- (b) Food and utensils on the pushcart exposed to the public or to dust or insects shall 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 food.
- (c) Toilet facilities, handwashing sinks, and running water are not required. Single-service towels are required.
- (d) All pre-wrapped potentially hazardous food (time/temperature control for safety food) shall be maintained at temperatures as required in Chapter 3 of the Food Code as amended by Rule .2653 of this Section or as labeled on the food item. Each pre-wrapped food item shall contain the name of the food establishment at which it was prepared, the name of the food item, and the time and date of expiration. The wrapper shall enclose the food at all times but sealing is not required.
- (e) Pre-portioned, individually pre-wrapped food that remains after the specified time period has elapsed shall not be sold for human consumption.
- (f) Pushcarts shall not be provided with seating facilities.
- (g) Pushcarts shall not be used for consumer self-service.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2672 SPECIFIC REQUIREMENTS FOR MOBILE FOOD UNITS

- (a) A mobile food unit shall be constructed and arranged so that food, drink, utensils, and equipment will not be exposed to insects, dust, and other contamination. Protection against flies and other insects shall be provided by screening or by effective use of fans. Where food or griddles are exposed to the public or to dust or insects, they shall 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 food.
- (b) A mobile food unit shall have a potable water system under pressure. The system shall furnish hot and cold water for all food preparation, utensil cleaning, and handwashing. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease and it shall be kept capped unless being filled.
- (c) Water heating facilities shall be provided.
- (d) A handwashing sink with hot and cold water, combination supply faucet, soap, and single-service towels shall be provided.
- (e) At least a one-compartment sink shall be provided. The sink shall be of sufficient size to submerge, wash, rinse, and sanitize utensils and shall have splashback protection. Drainboards shall be provided as specified in Section 4-301.13 of the Food Code as amended by Rule .2654 of this Section to accommodate the drying of washed utensils. However, in cases where no food is prepared on the mobile food unit and all utensils are effectively cleaned at the commissary, the equipment sink is not required.

(f) Sewage disposal must be provided either by means of an approved sewage disposal system or approved sewage storage tanks. Sewage storage tanks must be maintained in a manner so as not to create a health hazard or nuisance and to prevent contamination of food or water supply. Toilets are not required on the unit. Liquid waste that results from the operation of a mobile food unit shall be disposed in an approved sewage disposal system or stored in a permanently installed sewage storage tank that is of at least 15 percent larger capacity than the water supply tank. Liquid waste shall not be discharged from the sewage storage tank when the mobile food unit is in motion. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

(g) A servicing area shall be established at a commissary for the mobile food unit. Potable water servicing equipment shall be installed, stored, and handled to protect the water and equipment from contamination. The mobile food unit's sewage storage tank shall be flushed and drained during servicing operation. All sewage shall be discharged to an approved sewage disposal system in accordance with 15A NCAC 18A .1900 or 15A NCAC 02H .0200.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2673 CONGREGATE NUTRITION SITES

Congregate nutrition sites shall comply with all requirements in Rules .2650 through .2662 of this Section with the following exceptions:

- (1) Food preparation in a congregate nutrition site shall be limited to reheating food prepared in a food establishment or in a food processing plant or preparation of food that does not require cooking.
- (2) Potentially hazardous food (time/temperature control for safety food) that has been heated or reheated at the congregate nutrition site and remains at the end of the day shall not be served or placed in refrigeration to be used another day.
- (3) Only single-service articles shall be used.
- (4) Equipment in the congregate nutrition site that is not certified or classified for sanitation by an ANSI-accredited certification program that is in good repair and operating properly may be used. At least a two-compartment sink shall be provided. The sink shall be of sufficient size to submerge, wash, rinse, and sanitize utensils. At least one drainboard, table, or counter space shall be provided for air-drying.
- (5) Garbage can liners are required for all garbage receptacles unless the site has receptacle cleaning facilities as specified in Section 5-501.18 of the Food Code as amended by Rule .2655 of this Section.
- (6) Water used for mop or receptacle cleaning shall not be disposed in the utensil sink. Wastewater from mopping, receptacle cleaning, and other cleaning operations shall be disposed in a service sink or another approved manner in accordance with 15A NCAC 18A .1900 or 15A NCAC 02H .0200.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2674 LIMITED FOOD ESTABLISHMENTS

Limited food establishments shall comply with all the requirements in Rules .2650 through .2662 of this Section, except that the following provisions apply in lieu of Rules .2654(2) and .2659(a) and (b), Section 5-204.11(b) of the Food Code as amended by Rule .2655 of this Section, and Sections 8-201.11 and 8-201.12 of the Food Code as amended by Rule .2658 of this Section:

- (1) The permit for a limited food establishment shall be posted in a conspicuous place where it can be readily seen by the public at all times. Permits for limited food establishments shall expire on December 31 of each year. A new permit from the regulatory authority shall be obtained before the limited food establishment shall be allowed to operate each year. Transitional permits shall not be issued.
- (2) The permit application shall be submitted to the local health department at least 30 days prior to construction or commencing operation. The permit application shall include a proposal for review and approval that includes a menu, plans, and specifications for the proposed limited food establishment, and location and dates of operation.
- (3) Limited food establishments shall not prepare any potentially hazardous food (time/temperature control for safety food) prior to the day of sale.

- (4) Potentially hazardous food (time/temperature control for safety food) that has been heated at the limited food establishment and remains at the end of the day shall not be served or placed in refrigeration to be used another day.
- (5) All meats, poultry, and fish shall be purchased in a pre-portioned and ready-to-cook form.
- (6) Equipment in the limited food establishment that is not certified or classified for sanitation by an ANSI-accredited certificate program that is in good repair and operating properly may be used. At least a two-compartment sink shall be provided. The sink shall be of sufficient size to submerge, wash, rinse, and sanitize utensils and shall have splashback protection. At least one drainboard, table, or counter space shall be provided for air-drying.
- (7) Only single-service articles shall be used.
- (8) Limited food establishments may prepare food in accordance with Rule .2669(b) of this Section.
- (9) Floors, walls, and ceilings of limited food establishments shall meet the requirements of this Section, except those limited food establishments preparing food in accordance with Rule .2669(b) of this Section. Limited food establishments shall use dustless methods of floor cleaning and all, except emergency floor cleaning, shall be done during those periods when the least amount of food and drink is exposed, such as after closing, or between meals.
- (10) All areas in which food is handled, prepared, or in which utensils are washed, shall be provided with artificial lighting that complies with Section 6-202.11 of the Food Code as amended by Rule .2656 of this Section.
- (11) A handwashing sink shall be provided in food service areas for use by employees only.
- (12) Toilet facilities shall be provided for use by employees. Public toilet facilities provided on the grounds of the facility where the associated amateur athletic event is taking place are acceptable. Toilet facilities for the public are not required.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2675 PROCEDURE WHEN INFECTION SUSPECTED

When the regulatory authority has reason to suspect the possibility of exposure to, or transmission of, infection within a food establishment from any person or from any food or drink, the local health director shall act in accordance with the Communicable Disease Laws and Rules (G.S. 130A-134 through 148, and 10A NCAC 41A.)

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.

15A NCAC 18A .2676 INFORMAL REVIEW PROCESS AND APPEALS PROCEDURE

- (a) If a permit holder disagrees with a decision of the local health department on the interpretation, application, or enforcement of the rules of this Section the permit holder may:
 - (1) Request an informal review pursuant to Paragraphs (d) and (e) of this Rule; or
 - (2) Initiate a contested case in accordance with G.S. 150B.
- (b) The permit holder is not required to complete the alternative dispute resolution prior to initiating a contested case in accordance with G.S. 150B.
- (c) When a petition for a contested case is filed, the informal review process shall terminate.
- (d) If the permit holder requests an informal review, the request shall be in writing and shall be postmarked or hand-delivered to the local health department within seven days of notice of the decision giving rise to the review. The request shall state the issues in dispute. If the inspection giving rise to the informal review was conducted by the Environmental Health Supervisor in the county or area where the food establishment is located, or when the county or area has only one registered environmental health specialist assigned to inspect food establishments, the Environmental Health Regional Specialist assigned to that county or area shall conduct the local informal review. As soon as possible, but at least within 30 days of receipt of the request, the person conducting the review shall contact the permit holder, provide that permit holder an opportunity to be heard on the issues in dispute and issue a written decision addressing the issues raised in the appeal. Copies of the decision shall be mailed to the permit holder and to the State Health Director. That decision shall be binding for the purposes of future inspections of the establishment in question unless modified pursuant to Paragraph (e) of this Rule or by the State Health Director.
- (e) Following receipt of the written decision of the Environmental Health Supervisor or his or her representative issued pursuant to Paragraph (d) of this Rule, the permit holder who initiated the informal review may appeal the resulting decision

to an Informal Review Officer designated by the Department to be responsible for final decisions on appeals from throughout the state. Notice of such appeal shall be in writing, shall include a copy of the Environmental Health Supervisor's or his or her representative's decision, and shall be postmarked or hand-delivered to the local health department and to the Department within seven days of receipt of the written decision issued pursuant to Paragraph (a) of this Rule. Within 35 days of receipt of this appeal, the designated Informal Review Officer shall hold a conference in Wake County. At least 10 days prior to the conference, the Informal Review Officer shall provide notice of the time and place of this conference to the permit holder and the Environmental Health Supervisor for the county or area where the issue arose. Within 10 days following the date of the conference, the Informal Review Officer shall issue a written decision addressing the issues raised in the appeal and that decision shall be binding for purposes of future inspections of the establishment in question unless modified pursuant to Paragraph (g) of this Rule or by the State Health Director.

(f) If the decision on appeal at the local or state level results in a change in the score resulting from an inspection of an establishment, the regulatory authority shall post a new grade card reflecting that new score.

(g) Appeals of the decision of the designated Informal Review Officer shall be in accordance with G.S. 150B.

(h) Nothing in this Rule shall impact the right of a permit holder to a reinspection pursuant to Rule .2661 of this Section.

*History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.*

SECTION .2800 - SANITATION OF CHILD CARE CENTERS

15A NCAC 18A .2801 DEFINITIONS

The following definitions shall apply in regards to child care centers throughout this Section:

- (1) "Adequate" means determined by the Department to be of sufficient size, volume, or technical specifications, to effectively accommodate and support the planned, current, or projected workloads for a specified operational area.
- (2) "Approved" means determined by the Department to be in compliance with this Section.
- (3) "Communicable Condition" means the state of being infected with a communicable agent but without symptoms.
- (4) "Communicable Disease" means any disease that can be transmitted from one person to another directly, by contact with excrement, other body fluids, or discharges from the body; or indirectly, via substances or inanimate objects, such as contaminated food, drinking glasses, toys or water; or via vectors, such as flies, mosquitoes, ticks, or other insects.
- (5) "Department" or "DENR" means the North Carolina Department of Environment and Natural Resources. The term also means the authorized representative of the Department.
- (6) "Designated Emergency Medication" means any medication used or needed for the immediate recovery from a potentially life-threatening event.
- (7) "Disinfecting Solution" means a solution containing 500 to 800 parts per million (ppm) of chlorine. A disinfecting solution can be made by mixing a solution of one-quarter cup (2 fluid ounces) household liquid chlorine bleach with one gallon of tap water (or one tablespoon of liquid household bleach in one quart of water) and prepared fresh daily. In addition, products registered with the U.S. Environmental Protection Agency as hospital grade germicides or disinfectants or as disinfectants for safe use in schools, child care centers, institutions or restaurants are also approved disinfectants, provided the manufacturer's Material Safety Data Sheets are kept on file at the child care center and the instructions for use are followed.
- (8) "Division of Child Development" means the child care licensing agency in the N.C. Department of Health and Human Services.
- (9) "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
- (10) "Food Preparation" means the handling of foods or utensils in the preparation of meals, including opening and closing of baby bottles, baby food jars and cereal boxes, as well as the opening and closing of any other food items intended for the assembly of ingredients for human consumption.
- (11) "Food Service" means the distribution of prepared foods for consumption, including those food items prepared at the child care center; received by the center from approved food establishments; milk placed in a pitcher or other serving container; ice transported, stored and dispensed; bagged lunches sent from home; and the use of utensils to minimize direct food contact.

- (12) "Frying" means to cook over direct heat in hot oil or fat. This includes the oil or fat that is generated by the food or added to the cooking utensil.
- (13) "Hermetically Sealed" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.
- (14) "Household bleach" means bleach sold in concentrations that are intended for household use, and not industrial applications. Household bleach is sold in retail stores at strengths of 5.25 percent hypochlorite (regular strength bleach) solution and 6.00 percent hypochlorite (ultra strength bleach) solution.
- (15) "Lavatory" means a sink that is equipped with hot and cold water under pressure for the primary purpose of handwashing.
- (16) "Multi-Service Articles" means tableware, including flatware and hollowware that are designed, fabricated, and intended by the manufacturer to be washed, rinsed, sanitized, and re-used.
- (17) "Multi-Use Articles" means bulk food containers and utensils designed, fabricated, and intended by the manufacturer to be washed, rinsed, sanitized, and re-used. The term includes food storage containers, beverage pitchers, serving spoons and bowls, tongs, and spatulas. The term does not include multi-service articles as defined in this Rule.
- (18) "Potable Water" means water from an approved source which is suitable for drinking.
- (19) "Potentially Hazardous Food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including *Clostridium botulinum*. This term includes raw or heat-treated food of animal origin, raw seed sprouts, and heat-treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity value of 0.85 or less.
- (20) "Putrescible Materials" means materials likely to rot or putrefy, such as fruit, vegetables, meats and dairy products.
- (21) "Sanitary Sewage System" means a complete system of sewage collection, treatment, and disposal and includes septic tank systems, connection to a public or community sewage system, sewage reuse or recycle systems, or mechanical or biological treatment systems.
- (22) "Sanitizing Solution" means a solution containing 50 to 200 parts per million (ppm) of chlorine. A sanitizing solution can be made by mixing a tablespoon of liquid household chlorine bleach with one gallon of water and prepared fresh daily.
- (23) "School Age" means any child who is at least five years old on or before October 16 of the current school year and who is attending, or has attended, a public or private grade school or kindergarten; or any child who is not five years old and will not be five years old on or before October 16 of that school year, but has been attending school during that school year in another state in accordance with the laws or rules of that state before moving to and becoming a resident of North Carolina; or any child who is at least five years old on or before April 16 of the current school year, is determined by the principal of a school to be gifted and mature enough to justify admission to the school and is enrolled no later than the end of the first month of the school year.
- (24) "Single-Service Articles" means tableware, including flatware and hollowware, carry-out utensils and other items such as bags, containers, stirrers, straws, toothpicks, and wrappers that are designed, fabricated and intended by the manufacturer for one-time use.
- (25) "Single-Use Articles" means bulk food containers and utensils intended by the manufacturer to be used once and discarded. The term includes formed buckets, bread wrappers, pickle barrels, and No. 10 cans. The term does not include single-service articles as defined in this Rule.
- (26) "Tempered Water" means water that is between 80°F and 110°F.
- (27) "Utensils" means any kitchenware, tableware, glassware, cutlery, containers or other equipment that food or drink comes in contact with during storage, preparation or serving.
- (28) "Work Surfaces" means the following locations in the kitchen: food service areas; stove top surfaces; food preparation surfaces; utensil and dishwashing areas; surfaces used for air drying; drain boards; and counter top surfaces. In child care rooms, work surfaces include food preparation areas, diaper changing surfaces, counter top surfaces, children work tables, desks and easels.

History Note: Authority G.S. 110-91;
 Eff. July 1, 1991;
 Amended Eff. March 1, 1995;
 Temporary Amendment Eff. April 15, 1998;

Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999.

15A NCAC 18A .2802 APPROVAL OF CONSTRUCTION AND RENOVATION PLANS

- (a) Plans drawn to scale and specifications for new child care centers shall be submitted to the local health department for review and approval prior to initiating construction. Plans drawn to scale and specifications for changes to building dimensions, kitchen specifications, or other modifications to existing child care centers shall also be submitted to the local health department for review and approval prior to construction. Plans drawn to scale and specifications for prototype "franchise" or "chain" child care centers shall be submitted to DENR, Division of Environmental Health, Environmental Health Services Section, Children's Environmental Health Branch. When requested by an operator of a center or by the Secretary of the Department of Health and Human Services, the local health department shall visit or inspect an existing or proposed center, within 30 days of the request, to determine compliance with this Section.
- (b) Review of the plans by the local health department or the Environmental Health Services Section shall be based on the requirements of this Section.
- (c) Construction and modifications shall comply with the approved plans.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. April 1, 1999;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. January 1, 2006; April 1, 2001.*

15A NCAC 18A .2803 HANDWASHING

- (a) Child Care operators shall instruct employees that handwashing is the single most important line of defense in preventing the transmission of disease-causing organisms. Employees shall wash hands upon reporting for work; before and after handling food; before bottle feeding or serving to other children; before handling clean utensils or equipment; after toileting or handling of body fluids (e.g., saliva, nasal secretions, vomitus, feces, urine, blood, secretions from sores, pustulant discharge); after diaper changing; after handling soiled items such as garbage, mops, cloths and clothing; after being outdoors; after handling animals or animal cages; and after removing disposable gloves. The use of hand sanitizing products does not replace the requirement for handwashing. However, except for diapering, food preparation, and food service, hand sanitizing products may be used in lieu of handwashing while an employee is supervising children outdoors if hands are washed upon returning indoors.
- (b) Children shall wash hands upon arrival at the child care center; after each diaper change or visit to the toilet; before eating meals or snacks; before and after water play; after outdoor activity; and after handling animals or animal cages. Except for diapering and before eating meals or snacks, hand sanitizing products may be used in lieu of handwashing while children are outdoors if hands are washed upon returning indoors.
- (c) Handwashing procedures shall include:
- (1) using liquid soap and tempered water;
 - (2) rubbing hands vigorously with soap and tempered water for 15 seconds;
 - (3) washing all surfaces of the hands, to include the backs of hands, palms, wrists, under fingernails and between fingers;
 - (4) rinsing well for ten seconds;
 - (5) drying hands with a paper towel or other hand-drying device; and
 - (6) turning off faucet with a paper towel or other method without recontaminating hands.

Note: Refer to Rule .2828 of this Section for history.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999.*

15A NCAC 18A .2804 FOOD SUPPLIES

- (a) In child care centers, food shall be free from spoilage, filth, or other contamination and shall be safe for human consumption. Potentially hazardous foods, including foods packaged in hermetically sealed containers, shall be obtained only from sources that are permitted or inspected by a local health department, the North Carolina Department of Agriculture and Consumer Services or other government regulatory agency. The use of food packaged in hermetically

sealed containers that was not prepared in a commercial food processing establishment is prohibited. Food prepared and sent from home to be shared with other children shall be limited to non-potentially hazardous baked goods.

(b) Milk products that are used shall be Grade "A" pasteurized fluid milk and fluid milk products or evaporated milk. The term "milk products" means those products as defined in 15A NCAC 18A .1200. Copies of 15A NCAC 18A .1200 may be obtained from the Environmental Health Services Section, Division of Environmental Health. Unless prescribed by a physician, dry milk and dry milk products shall be used only for cooking purposes, including cooked pudding desserts and flavored hot beverages.

(c) Steamed and uncooked shellfish, raw eggs, and products containing raw eggs including raw cookie dough, cake batter, brownie mix, milkshakes and ice cream shall not be consumed by children. A pasteurized egg product may be used as a substitute for raw eggs.

(d) Breast milk, formula, and other bottled beverages, including beverages in sippy cups, sent from home shall be fully prepared, dated, and identified for the appropriate child at the child's home. All breast milk, formula, and other bottled beverages shall be returned to the child's home or discarded at the end of each day. Frozen breast milk shall be stored frozen for up to seven days. Frozen breast milk shall be labeled with the date received and date thawed for use. Previously frozen breast milk shall be refrigerated and may be stored for no more than 24 hours. Microwaves shall not be used to thaw or warm breast milk, baby food, formula or other bottled beverages. Bottle warming equipment shall be inaccessible to children when in use and shall be emptied, cleaned and sanitized daily. Previously frozen breast milk shall not be refrozen for storage. Formula provided by the child care center shall be commercially pre-packaged, ready-to-feed, fully prepared, and packaged in single-use containers. However, breast milk or formula that does not meet these requirements may be provided by the child care center as prescribed by the child's physician or instructed by parent or guardian in writing. Bottles and other drinking utensils provided by the child care center shall be sanitized in accordance with this Section. Formula and other beverages which require refrigeration, baby food after opening, and breast milk shall be identified for the appropriate child and shall be refrigerated at 45°F (7°C) or below. Upon opening, jars of baby food shall be covered, dated, refrigerated, and used within two days. Baby food may be served directly from the jar to one child if unused portions of the food are discarded after each feeding; otherwise, commercially prepared baby foods shall be served from a serving dish rather than the food jar. After the completion of each feeding, leftover formula, breast milk, and other bottled beverages shall be discarded or returned to the child's home at the end of each day.

(e) Child care centers receiving prepared meals or snacks from outside sources shall use meals and snacks obtained from food handling establishments permitted by a local health department, organizations that only serve prepared meals to child care centers, or another child care center inspected by a local health department. Child care centers may also receive prepared meals from organizations not licensed as child care centers only when these organizations are providing prepared meals to licensed child care centers. These organizations shall be inspected as child care centers by the local health department in the county where the meal is prepared. The inspection of these organizations shall be made by the local health department at the same time the inspection of the licensed child care center receiving these prepared meals is done. The inspection report of the organization providing these meals shall be a part of the inspection of the licensed child care center receiving the prepared meals, unless the organization is a permitted food handling establishment. During transportation, food shall meet the requirements of the Rules of this Section relating to food protection and storage.

(f) Lunches and other meals brought from home shall be dated and identified for the appropriate child at the child's home and shall be returned to the child's home or discarded at the end of each day. Meals containing potentially hazardous foods shall be refrigerated at 45°F (7°C) or below.

(g) Nothing in the Rules of this Section shall prohibit the use of fresh garden fruits and vegetables, including those grown at the child care center, so long as they are washed before being served.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995; January 1, 1992;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999.*

15A NCAC 18A .2806 FOOD STORAGE AND PROTECTION

(a) In child care centers, food shall be stored in approved, clean, tightly covered, storage containers once the original package is opened. Approved containers include resealable bags and other containers made of plastic or glass. Reusable containers that come in direct contact with food must be easy to clean, in good repair and intended for food storage.

(b) Food items, that are stored in classrooms or other rooms intended for child care use, shall be limited to those food items which are individually packaged unless the classroom is equipped with a food preparation area. Provisions shall be

made to store and protect these food items from all potential sources of contamination and other nonfood items stored in the classroom.

(c) Dry foods that are not readily identifiable and are stored in containers shall be labeled.

(d) Food shall be stored above the floor in a manner that protects the food from splash and other contamination and that permits easy cleaning of the storage area.

(e) Food and containers of food shall not be stored under exposed sewer lines. Food shall not be stored in toilet or laundry rooms. Child care centers licensed for fewer than 13 children and located in a residence may store food in laundry rooms if protected as required in Paragraph (f) of this Rule.

(f) All food shall be stored in a manner to protect it from dust, rodents, insects, drip, splash and other contamination. Raw meats, poultry, fish, shellfish and eggs shall be stored on shelving beneath and separate from other foods. The temperature of potentially hazardous food provided by the center shall be 45°F (7°C) or below, or 140°F (60°C) or above at all times, including field trips, catering events, outdoor service, except during necessary periods of preparation and service, and as otherwise provided in the Rules of this Section.

(g) Packaged food such as milk or other fluid containers may be stored in undrained ice as long as any individual units are not submerged in water. Wrapped sandwiches and other foods shall not be stored in direct contact with ice.

(h) Refrigerated storage:

(1) Refrigeration equipment shall be provided in such number and of such capacity to assure the maintenance of potentially hazardous food at required temperatures during storage. Each refrigerator shall be provided with a numerically scaled indicating thermometer, accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$) located to measure the air temperature in the warmest part of the refrigerator and located to be easily readable. Recording thermometers, accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$), may be used in lieu of indicating thermometers.

(2) Potentially hazardous food requiring refrigeration after preparation shall be cooled to an internal temperature of 45°F (7°C), or below. Cooling of potentially hazardous foods shall be initiated upon completion of preparation or hot storage. Methods such as pouring into pans, agitation, and chilling with ice or water circulation external to the food containers shall be used to cool potentially hazardous food. Potentially hazardous food to be transported cold shall be prechilled and held at a temperature of 45°F (7°C) or below.

(3) Ice used for cooling stored food and food containers shall not be used for human consumption.

(i) Hot storage:

(1) Hot food storage equipment shall be provided in sufficient number and capacity to assure the maintenance of food at the required temperature during storage. Each hot food unit shall be provided with a numerically scaled indicating thermometer, accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$), located to measure the air temperature in the coolest part of the unit and located to be easily readable. Recording thermometers, accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$), may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a metal stem-type numerically scaled indicating product thermometer shall be available and used to check internal food temperature.

(2) The internal temperature of potentially hazardous foods requiring hot storage shall be 140°F (60°C) or above except during necessary periods of preparation and service. Potentially hazardous food to be transported hot shall be held at a temperature of 140°F (60°C) or above.

(j) In the event of a fire, flood, water supply interruption, power outage, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall either discard the food in question or contact the local health department.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991.
Amended Eff. February 1, 1995;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 2001.*

15A NCAC 18A .2807 FOOD PREPARATION

(a) In child care centers, the preparation of food shall take place only in the approved facilities or space equipped as required in Rule .2810 of this Section.

(b) Food shall be prepared with the least possible manual contact, with utensils, and on surfaces that have been cleaned, rinsed, and sanitized prior to use in order to prevent cross-contamination.

- (c) Food contact surfaces and utensils shall be cleaned and sanitized after preparing raw foods, prior to preparing ready-to-eat foods and after any interruption of operations in which contamination may have occurred.
- (d) Raw fruits and raw vegetables shall be washed with potable water before being cooked or served.
- (e) Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140°F (60°C), except that:
 - (1) poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165°F (74°C) with no interruption of the cooking process;
 - (2) pork and any food containing pork shall be cooked to heat all parts of the food to at least 150°F (66°C) with no interruption in the cooking process;
 - (3) ground beef and foods containing ground beef shall be cooked to an internal temperature of at least 155°F (68°C) with no interruption in the cooking process; and
 - (4) roast beef shall be cooked to an internal temperature of at least 130°F (54°C) with no interruption in the cooking process.
- (f) Potentially hazardous foods requiring cooking and cooked in a microwave oven shall be rotated during cooking to compensate for uneven heat distribution and shall be heated an additional 25°F (13.9°C) to compensate for shorter cooking times.
- (g) Potentially hazardous foods that have been cooked and then refrigerated, if served above 45°F (7°C), shall be reheated to an internal temperature of 165°F (74°C) or higher before being served or before being placed in a hot food storage unit except that, food in intact packages may initially be reheated to 140°F (60°C). Steam tables, warmers, and similar hot food holding units are prohibited for reheating of potentially hazardous foods. Potentially hazardous foods reheated in a microwave oven shall be heated an additional 25°F (13.9°C).
- (h) Metal stem-type numerically scaled indicating product thermometers, accurate to 2°F (1°C), shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.
- (i) Potentially hazardous foods shall be thawed:
 - (1) in refrigerated units at a temperature not to exceed 45°F (7°C);
 - (2) under potable water of a temperature of 70°F (21°C) or below, with sufficient water velocity to agitate and float off loose food particles into the overflow;
 - (3) in a microwave oven only when the food will be immediately transferred to conventional cooking equipment as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
 - (4) as part of the conventional cooking process.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. January 1, 2006; February 1, 1995; October 1, 1993.*

15A NCAC 18A .2808 FOOD SERVICE

- (a) In child care centers, milk and milk products for drinking purposes shall be stored in the original commercially filled container. Serving containers may be used for food service provided the unused milk is discarded.
- (b) Ice shall be made, handled, transported, stored and dispensed in such a manner as to be protected against contamination. Ice shall be dispensed with scoops, tongs, or other ice-dispensing utensils or through automatic ice-dispensing equipment. Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles shall be stored to protect them from dust, drip, splash and other contamination. Ice storage bins shall be drained through an air gap.
- (c) Employees preparing or serving food shall wash their hands in accordance with the procedures in Rule .2803(c) of this Section. Employees shall either use antibacterial soap, dips, or hand sanitizers immediately prior to food preparation or service or use clean, disposable gloves during food preparation or service. Employees engaged in food preparation in the kitchen shall wear effective hair restraints, keep their fingernails trimmed, clean and shall not wear fingernail polish or artificial fingernails unless wearing intact gloves. Hair spray is not an effective hair restraint.
- (d) Once served, portions of leftover food shall not be served again unless the package is intact and the food is not potentially hazardous. Foods, including milk, placed on the table for family style food service are considered served.
- (e) Between uses during service, dispensing utensils shall be stored in the food with the dispensing utensil handle extended out of the food, in a container of water if the water is maintained at a temperature of at least 140°F (60°C), or stored clean and dry.

- (f) Children attending child care centers shall not be in the kitchen except when participating in a supervised activity.
- (g) Nothing in this Section shall be construed as prohibiting family style food service at child care centers so long as supervision of the children is maintained throughout each meal except that family style food service shall be prohibited during the outbreak and investigation of communicable diseases.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. January 1, 2006; April 1, 1999; February 1, 1995.*

15A NCAC 18A .2809 FOOD SERVICE EQUIPMENT AND UTENSILS

In child care centers, material and construction of food service equipment and utensils shall meet the following requirements:

- (1) Materials used in the construction of utensils and equipment shall be durable; corrosion-resistant; nonabsorbent; non-toxic; finished to have a smooth, easily cleanable surface; and resistant to pitting, chipping, cracking, scratching, distortion, and decomposition.
- (2) Food-contact surfaces shall be smooth; free of breaks, open seams, cracks, chips, pits and other imperfections; free of sharp internal angles, corners and crevices; and accessible for cleaning and inspection without being disassembled or by easy disassembly.
- (3) Nonfood contact surfaces shall be nonabsorbent with no obstructions to cleaning.
- (4) Solder shall be comprised of approved, non-toxic; corrosion-resistant materials.
- (5) Wood and wicker shall not be used as food-contact surfaces, except hard maple or an equivalent nonabsorbent wood may be used for cutting boards, cutting blocks or bakers' tables.
- (6) Galvanized metal shall not be used for utensils or food-contact equipment.
- (7) Linens shall not be used as food-contact surfaces, except that clean linen may be used in contact with bread and rolls.
- (8) Single-use and single-service articles shall be clean.
- (9) Reuse of single-service articles is prohibited.
- (10) Single-use articles such as formed buckets, bread wrappers, aluminum pie plates and cans shall be used only once except that containers made of plastic, glass or other material intended for food storage, with smooth sides and constructed to be easily cleaned may be reused.
- (11) Equipment and utensils that impart odors, color or taste, or contribute to the contamination of food shall not be used.
- (12) Product thermometers and thermometer probes shall be of metal stem-type construction.
- (13) Water filters or any other water conditioning devices shall be cleaned and maintained in accordance with the manufacturer's instructions.
- (14) Filters and other grease extracting equipment shall be cleaned and maintained in accordance with the manufacturer's specifications.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. January 1, 2006; February 1, 1995.*

15A NCAC 18A .2810 SPECIFICATIONS FOR KITCHENS, FOOD PREPARATION AREAS AND FOOD SERVICE AREAS

- (a) Each child care center shall have at least a two-compartment sink, drainboards or countertop space of adequate size, adequate refrigeration equipment and, when needed, adequate cooking equipment, except for child care centers located in a school that receives all food supplies prepared and ready to serve from a food service establishment permitted by a local health department, which is located at the same school campus and provides food during all hours of child care operation. Domestic or commercial kitchen equipment may be used. Child care centers using multi-service articles shall also provide a dishwasher. In lieu of a dishwasher and two-compartment sink, a three-compartment sink of sufficient size and depth to wash, rinse and sanitize utensils may be used.
- (b) A separate lavatory for handwashing is required in food preparation areas. If the dishwashing area is separate from the food preparation area, an additional lavatory shall be required.
- (c) A separate food preparation sink with drainboards or countertop space of adequate size shall be required when a plan review indicates that separate facilities are needed based on volume and preparation frequency.

(d) When domestic refrigeration equipment is used, except in child care centers licensed for fewer than 13 children and located in a residence, the following provisions shall apply:

- (1) except for thawing under refrigerated conditions, potentially hazardous foods shall not be prepared prior to the day that such foods are to be served;
- (2) potentially hazardous foods that have been heated shall not be reheated or placed in refrigeration to be used in whole or in part on another day; and
- (3) salads containing potentially hazardous food shall not be prepared on site. Prohibited salads include chicken, egg, tuna, crab, and other salads containing meat.

(e) A commercial hood shall be installed when frying is used for food preparation on site. The hood shall be installed in accordance with the North Carolina Building Code and approved by the local building code enforcement agent.

(f) If food is prepared in a classroom, a food preparation area shall be provided. Water from a handwash lavatory shall not be used to prepare formula, mix dry cereals, or other foods. Toy cleaning and sanitizing may also be conducted in this food preparation area. This food preparation area shall contain an easily cleanable countertop and a lavatory and, when needed, adequate refrigeration. The food preparation counters, bottle warming equipment if used, food and food contact surfaces shall be out of reach of children and the following shall apply:

- (1) all equipment shall be cleaned at least daily. Warming equipment shall be cleaned and sanitized as required in Rule .2812 of this Section;
- (2) after each use, all multi-service articles provided by the center shall be cleaned and sanitized in the child care center kitchen;
- (3) single-service articles shall be handled as required in Rule .2814 of this Section; and
- (4) counter, shelf or cabinet space shall be provided for food storage. Food supplies shall be stored in accordance with Rule .2806 of this Section.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. March 1, 1995;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. April 1, 1999;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 2001.*

15A NCAC 18A .2812 CLEANING AND SANITIZING EQUIPMENT AND UTENSILS

(a) In child care centers, drainboards or countertop space of adequate size shall be provided for handling of soiled utensils prior to washing and cleaned utensils following sanitizing. For child care centers originally licensed on or after April 15, 1998, drainboards or countertop space shall be no less than 8 square feet. A domestic dishwasher may be used to provide the equivalent of 4 square feet of drainboard space and other designated areas not contiguous with the sink may be utilized to meet drainboard or countertop space requirements. Drainboards or countertop space designated for clean equipment and utensils shall be on the opposite end of the sink from drainboards or countertop space designated for soiled equipment and utensils unless these areas are otherwise separated and protected from cross contamination. Upon change of ownership, or the closing of the operation and the issuance of a new license, or the remodeling of an existing kitchen, a child care center shall also comply with this Paragraph.

(b) Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing, and sanitizing shall be conducted in the following sequence:

- (1) when necessary, equipment and utensils shall be scraped, flushed, or soaked to remove food particles;
- (2) sinks shall be cleaned and sanitized prior to use;
- (3) equipment and utensils shall be washed in the first compartment with a hot detergent solution that is changed once visibly soiled;
- (4) equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment; and
- (5) the food-contact surfaces of equipment and utensils shall be sanitized in the third compartment in the following manner:
 - (A) immersion for at least one minute in clean, hot water at a temperature of at least 170°F (77°C) in dish baskets of such size and design to permit complete immersion of the tableware, kitchenware and equipment in the hot water;
 - (B) immersion for at least two minutes in a clean solution containing 50 to 200 parts per million (ppm) of chlorine at a temperature of at least 75°F (24°C);

- (C) immersion for at least two minutes in a clean solution containing at least 12.5 ppm of iodine and having a pH not higher than 5.0 and at a temperature of at least 75°F (24°C);
- (D) immersion for at least two minutes in a clean solution containing 200 to 400 ppm of quaternary ammonium products and having a temperature of at least 75°F (24°C), provided that the product is labeled to show that it is effective in water having a hardness value at least equal to that of the water being used; or
- (E) other sanitizing products, procedures, or equipment as effective as those above may be used if these products are nontoxic to children, used according to the manufacturer's instructions and approved by the Department.

(c) For mechanical cleaning and sanitizing, food-contact surfaces of equipment and utensils shall be sanitized according to the manufacturer's instructions. When a domestic dishwashing machine with a sanitizing cycle is used according to manufacturer's instructions, additional sanitizing is not required. When commercial dishwashing equipment is used, a temperature indicating device, accurate to 2°F (1°C), shall be provided.

(d) For utensils and equipment which are either too large or impractical to sanitize in a dishwashing machine or dishwashing sink, a spray-on or wipe-on sanitizer of sufficient chemical strength as indicated in Paragraph (b) of this Rule shall be used. Spray-on or wipe-on sanitizers shall be prepared daily and kept on hand for bactericidal treatment.

(e) Multi-service articles, including highchair feeding trays, shall be washed, rinsed and sanitized after each use.

(f) Nonfood-contact surfaces shall be cleaned to keep equipment free of accumulation of dust, dirt, food particles and other debris.

(g) A testing method or equipment, used in accordance with the product manufacturer's instructions, shall be made available, convenient, and regularly used to test the strengths of these chemical sanitizing solutions to ensure the prescribed concentrations are met.

(h) After sanitizing, all equipment and utensils shall be air dried.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995; July 1, 1993;
Temporary Amendment Eff. December 1, 1999; April 15, 1998;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 2001.*

15A NCAC 18A .2814 FOOD SERVICE EQUIPMENT AND UTENSIL STORAGE

(a) In child care centers, cleaned and sanitized equipment and utensils, including single-service articles, shall be handled in a way that protects the food-contact surfaces from contamination. Spoons, knives, and forks shall be handled with the least amount of contact necessary. Cups, glasses, bowls, plates, and similar items shall be handled without contact with inside surfaces or surfaces that contact the user's mouth.

(b) Cleaned and sanitized utensils and equipment shall be stored above the floor in a clean, dry location in a way that protects them from dust, insects, drip, splash and other contamination and facilitates floor cleaning. The food-contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed sewer lines.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. January 1, 2006; February 1, 1995.*

15A NCAC 18A .2815 WATER SUPPLY

(a) In child care centers, the water supply shall meet the requirements of 15A NCAC 18A .1700 Protection of Water Supplies. In addition, any center using a groundwater supply that serves 25 or more people shall provide documentation from the Public Water Supply Section that the well meets the requirements of 15A NCAC 18C. A water sample shall be collected by the Department and submitted to a state certified laboratory for bacteriological analysis annually if the child care center is not served by a community water supply. Other tests of water quality, as indicated by possible sources of contamination, may be collected by the Department.

(b) Water under pressure shall be provided to meet the needs of cooking, cleaning, drinking, toilets, and outside uses in accordance with the North Carolina Plumbing Code.

(c) No cross-connections with an unapproved water supply shall exist. If the potential for backsiphonage or backflow conditions exist, an approved atmospheric vacuum breaker or backflow prevention device shall be installed in accordance with the North Carolina Plumbing Code.

(d) Water heating equipment shall be provided to meet the maximum hot water requirements of the child care center. The capacity and recovery rates of water heating equipment shall be based on number and size of sinks, capacity of dishwashing machines, capacity of laundering machines, diaper changing facilities, and other food service and cleaning needs for child care centers not located in a residence. Child care centers licensed for fewer than 13 children and located in a residence may use an existing water heater, or the equivalent replacement, if all required temperatures are maintained. Hot and cold water under pressure shall be provided in all rooms where food is prepared, rooms in which utensils or equipment are washed, and other areas where water is required for cleaning and sanitizing, including diaper changing areas.

(e) Hot water used for cleaning and sanitizing food utensils and laundry shall be provided at a minimum temperature of 120°F (49°C) at the point of use. Water in areas accessible to children shall be tempered between 80°F (27°C) and 110°F (43°C). For handwash lavatories used exclusively by school-age children, the 80°F (27°C) minimum temperature requirement shall not apply. Hot water in an area accessible to any child, which is in excess of 120°F (49°C), shall be considered a burn hazard. Child care centers serving only school-age children are not required to provide hot water in areas accessible to children. In the event of the loss of hot water, the person in charge shall immediately contact the local health department.

(f) Drinking fountains, if provided, shall comply with the North Carolina Plumbing Code, be separate from handwash lavatories, and kept clean. The pressure shall be regulated so that an individual's mouth does not come in contact with the nozzle and so that water does not splash on the floor. Other approved dispensing devices may be used and shall be kept clean.

(g) Outdoor drinking fountains shall be constructed to protect the spout from contamination and shall be kept clean.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. April 1, 1999;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 2001.

15A NCAC 18A .2816 LEAD POISONING HAZARDS

In child care centers, areas accessible to children shall be free of identified lead poisoning hazards as defined under G.S. 130A-131.7(7).

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. January 1, 2006; February 1, 1995.

15A NCAC 18A .2817 TOILETS

(a) In child care centers, toilet tissue shall be provided in each toilet room and stored in a clean, dry place. The toilet room shall include or be adjacent to a handwash lavatory. Storage in toilet rooms shall be limited to toileting and diapering supplies. All toilet fixtures shall be easily cleanable, and in good repair. Toilet fixtures shall be child-sized, adapted adult toilets or potty chairs.

(b) Toilet fixtures shall be cleaned and disinfected at least daily and when visibly soiled. A disinfecting solution as set out in 15A NCAC 18A .2801(7) shall be used for this purpose. A testing method shall be made available to ensure compliance with the prescribed bleach solution concentration. To achieve the maximum germ reduction with bleach, the cleaned surfaces shall be left glistening wet with the bleach solution and allowed to air dry or be dried only after a minimum contact time of at least two minutes. Products registered with the U.S. Environmental Protection Agency as hospital grade germicides or disinfectants or as disinfectants for safe use in schools, child care centers, institutions or restaurants are also approved disinfectants, provided the manufacturer's Material Safety Data Sheets are kept on file at the child care center and the instructions for use are followed.

(c) If potty chairs are used, they shall be located and stored in a toilet room equipped with a spray-rinse toilet or utility sink. Potty chairs shall be emptied, rinsed, cleaned and disinfected after each use with a disinfecting solution as described in Paragraph (b) of this Rule.

(d) When cloth diapers are used and emptied, the diaper changing area shall be located next to a toilet room.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;

Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999; February 1, 1995.

15A NCAC 18A .2818 LAVATORIES

(a) In child care centers, lavatories shall be easily cleanable, in good repair, and kept free of storage. Lavatories shall be mounted at an appropriate height to accommodate the children, or otherwise made accessible. Any lavatory may be used for handwashing as specified in 15A NCAC 18A .2803, except for flush-rimmed sinks and those with an attached operable drinking fountain.

(b) Lavatories shall be equipped with hot and cold water or tempered water provided through mixing faucets or pre-mixing devices which provide water in the temperature range specified in Rule .2815(e) of this Section.

(c) Lavatories shall be cleaned and disinfected with each change of use, as needed and at least daily. A disinfecting solution as set out in 15A NCAC 18A .2801(7) shall be used for this purpose. A testing method shall be made available to ensure compliance with the prescribed bleach solution concentration. To achieve the maximum germ reduction with bleach, the cleaned surfaces shall be left glistening wet with the bleach solution and allowed to air dry or be dried only after a minimum contact time of at least two minutes. Products registered with the U.S. Environmental Protection Agency as hospital grade germicides or disinfectants or as disinfectants for safe use in schools, child care centers, institutions and restaurants are also approved disinfectants, provided the manufacturer's Material Safety Data Sheets are kept on file at the child care center and the instructions for use are followed.

(d) Liquid soap and disposable towels or other hand-drying devices shall be provided at every handwash lavatory area.

(e) Handwash signs shall be posted at every handwash lavatory area.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. July 1, 2006; January 1, 2006; February 1, 1995.*

15A NCAC 18A .2819 DIAPERING AND DIAPER CHANGING FACILITIES

(a) In child care centers, children in diapers shall be changed at stations designated for diapering or toileting. Each diaper changing station shall include a handwash lavatory. For centers licensed for fewer than 13 children and located in a residence and for diaper changing areas designated for school age children, a handwash lavatory shall be in or next to a diaper changing area.

(b) Diapering surfaces shall be smooth, intact, nonabsorbent, easily cleanable and shall be approved by the Department. Nothing shall be placed on the diapering surface except for those items required for diapering.

(c) A disinfecting solution as set out in 15A NCAC 18A .2801(7) shall be used to disinfect diapering surfaces. A testing method shall be made available to ensure compliance with the prescribed bleach solution concentration. To achieve the maximum germ reduction with bleach, the cleaned surfaces shall be left glistening wet with the bleach solution and allowed to air dry or be dried only after a minimum contact time of at least two minutes. Products registered with the U.S. Environmental Protection Agency as hospital grade germicides or disinfectants or as disinfectants for safe use in schools, child care centers, institutions or restaurants are also approved disinfectants, provided the manufacturer's Material Safety Data Sheets are kept on file at the child care center and the instructions for use are followed. Cleaning and disinfecting solutions shall be kept in separate and labeled bottles at each diaper changing station. Bleach disinfecting solutions shall be stored in hand pump spray bottles. No cloths or sponges shall be used on diapering surfaces.

(d) Diaper changing procedures shall include:

- (1) gathering supplies before placing child on diapering surface;
- (2) donning disposable gloves (if needed);
- (3) using disposable towelette or moistened paper towel to clean child, wiping front to back;
- (4) disposing of gloves if used, soiled towelettes and diaper in a plastic-lined, covered receptacle;
- (5) wiping hands with disposable towelette or moistened paper towel;
- (6) sliding a clean diaper under the child, applying diapering products (if needed) using facial or toilet tissue, discarding the tissue in a plastic-lined, covered receptacle;
- (7) fastening the diaper and placing clothing on child;
- (8) washing child's hands in accordance with Rule .2803 of this Section, or, if child is unable to support her or his head, cleaning the child's hands with a disposable towelette or moistened paper towel, then drying the child's hands and returning the child to a supervised area;
- (9) spraying entire diapering surface with detergent solution and wipe clean, using disposable paper towels;
- (10) spraying entire diapering surface with approved disinfecting solution and allowing to remain on the surface for two minutes or as specified by the manufacturer, or air dry; and

- (11) washing hands in accordance with Rule .2803 of this Section even if disposable gloves are used by the caregiver.
- (e) Vinyl or latex disposable gloves shall be used by caregivers during the diaper changing process if she or he has cuts or sores on her or his hands or has chapped hands.
- (f) Caregivers may dispose of feces in diapers in the toilet, but shall not rinse soiled cloth diapers, or training pants or clothes. Soiled cloth diapers, training pants or clothes shall be sent to a diaper service or placed in a tightly closed plastic bag or other equivalent container approved by the Department, stored out of reach of children, and sent daily to the child's home to be laundered.
- (g) Receptacles containing soiled disposable diapers shall be emptied in an exterior garbage area at least daily.
- (h) Instructions for caregivers on proper methods of diaper changing and handwashing shall be posted in each diaper changing area.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999.

15A NCAC 18A .2820 STORAGE

- (a) In child care centers, adequate space shall be provided for the storage of equipment, furniture, toys, clothes, linens, backpacks, book bags, diaper bags, beds, cots, mats, and supplies and shall be kept clean. Shelving or other storage areas shall be provided and constructed in a manner to facilitate cleaning. Soiled laundry shall be handled and stored separately from clean laundry using separate cleanable containers.
- (b) All corrosive agents, pesticides, bleaches, detergents, cleansers, polishes, any product which is under pressure in an aerosol dispenser, and any substance which may be hazardous to a child if ingested, inhaled, or handled shall be kept in its original container or in another labeled container, used according to the manufacturer's instructions and stored in a locked storage room or cabinet when not in use. Locked storage rooms and cabinets shall include those which are unlocked with a combination, electronic or magnetic device, key, or equivalent locking device. These unlocking devices shall be kept out of the reach of a child and shall not be stored in the lock. Toxic substances shall be stored below or separate from medications and food. Any product not listed above, which is labeled "keep out of reach of children" without any other warnings, shall be kept inaccessible to children when not in use, but is not required to be kept in locked storage. The product shall be considered inaccessible to children when stored on a shelf or in an unlocked cabinet that is mounted a minimum vertical distance of five feet above the finished floor.
- (c) Non-aerosol sanitizing, disinfecting, and detergent solutions, hand sanitizers, and hand lotions shall be kept out of reach of children when not in use, but are not required to be in locked storage. These solutions shall be labeled as sanitizing, disinfecting, or detergent (soapy water) solutions. Hand soap other than that which is in bulk containers is not required to be kept out of reach of children or in locked storage.
- (d) Medications including prescription and non-prescription items shall be stored in a locked cabinet or other locked container and shall not be stored above food. Designated emergency medications shall be stored out of reach of children, but are not required to be in locked storage. Non-prescription diaper creams and sunscreen shall be kept out of reach of children when not in use, but are not required to be in locked storage.
- (e) Individual cubicles, lockers, or coat hooks shall be provided for storage of coats, hats, or similar items. Coat hooks not in individual cubicles or lockers, shall be spaced at least 12 horizontal inches apart. Combs shall be labeled and stored individually. Toothbrushes shall be individually identified, allowed to air dry and protected from contamination. When a container of toothpaste is used for multiple children, the toothpaste shall be dispensed onto an intermediate surface such as waxed paper.
- (f) Employee purses and other personal effects shall be kept out of reach of children.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999; February 1, 1995.

15A NCAC 18A .2821 BEDS, COTS, MATS, AND LINENS

- (a) In child care centers, all beds, cribs, cots, and mats shall be in good repair, stored to prevent contamination, cleaned and sanitized between users.

- (b) Cribs and play pens used for sleeping shall be easily cleanable, and equipped with a firm, tight-fitting mattress made of waterproof, washable material at least two inches thick.
- (c) All beds, cots or mats shall be assigned and labeled for each individual child, and equipped with individual linens.
- (d) Mats shall be of a waterproof, washable material at least two inches thick and shall be stored so that the floor side does not touch the sleeping side or by an equivalent method approved by the Department.
- (e) When in use, cribs, cots, mats and playpens shall be placed at least 18 inches apart or separated by partitions which prevent physical contact.
- (f) Linen shall be kept clean, in good repair, and stored with the individual mat or cot or stored individually for each child in a designated area. Linen shall be laundered between users, when soiled, and at least once per week. Linen used in rooms where children in care are less than 12 months old shall be changed and laundered when soiled and at least daily. Linens shall be large enough to cover the sleeping surface.
- (g) Wash cloths, bibs, and burping cloths shall not be used more than once until laundered and shall be laundered when soiled and at least daily.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. July 1, 2006; January 1, 2006; February 1, 1995.*

15A NCAC 18A .2822 TOYS, EQUIPMENT AND FURNITURE

- (a) Toys, equipment and furniture provided by a child care center shall be kept clean and in good repair. In rooms designated for children who are not toilet trained, toys and other mouth-contact surfaces shall be cleaned and then sanitized at least daily when used and more frequently if visibly dirty, by the following methods:
 - (1) scrubbed in warm, soapy water using a brush to reach into crevices;
 - (2) rinsed in clean water;
 - (3) submerged in a sanitizing solution as set out in 15A NCAC 18A .2801(22) for at least two minutes or sanitized with another approved sanitizing solution; and
 - (4) air dried.

A testing method or kit shall be available to ensure compliance with the prescribed concentration. To achieve the maximum germ reduction with bleach, the cleaned surfaces shall be left glistening wet with the bleach solution and allowed to air dry or be dried only after a minimum contact time of at least two minutes. Other sanitizing solutions that have been determined to be at least as effective as the chlorine bleach solution are acceptable as long as these products are nontoxic to children, used according to the manufacturer's instructions and approved by the Department. Toys, items and surfaces not designed to be submerged shall be washed and rinsed in place, sprayed with a sanitizing solution and allowed to air dry. Hard plastic toys may be washed and rinsed in a dishwasher and cloth toys may be laundered and mechanically dried without requiring sanitizing.

- (b) Toys, furniture, cribs, or other items accessible to children, shall be free of peeling, flaking, or chalking paint.
- (c) Water play centers shall be filled just prior to each water play session. Water shall be emptied after each session or more often if visibly soiled. The water play centers including toys, shall be cleaned and sanitized at least daily or more often if visibly soiled. Water play is prohibited during the outbreak and investigation of communicable diseases at the site. Wading pools are not considered water play centers and are regulated under 15A NCAC 18A .2500.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995; July 23, 1992;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999.*

15A NCAC 18A .2823 PERSONNEL

- (a) In child care centers, employees and their clothing shall be clean. Employees shall keep their fingernails clean.
- (b) Tobacco use in any form is prohibited in any part of a child care center except in a designated area either outdoors, separate from the outdoor learning environment, or indoors in a room with a separate ventilation system approved by the building inspector.
- (c) Volunteer personnel shall adhere to the same requirements as employees, as specified in the rules of this Section.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;*

Amended Eff. February 1, 1995;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. January 1, 2006; April 1, 1999.

15A NCAC 18A .2824 FLOORS

- (a) In child care centers, floors and floor coverings of all food preparation, food storage, utensil-washing areas, toilet rooms, and laundry areas shall be constructed of nonabsorbent, easily cleanable material.
- (b) Floors and floor coverings of all sleeping and play areas shall be constructed of easily cleanable materials.
- (c) Carpeting used as a floor covering shall be of closely woven construction, properly installed, and easily cleanable. Carpeted floors shall be vacuumed daily when children are not present in the room, except to clean up spills. Instead of waiting for children to leave the room, a High Efficiency Particulate Air (HEPA) filter vacuum cleaner may be used. If used for this purpose, a HEPA vacuum cleaner shall include a HEPA filter individually tested and rated as 99.97% efficient at 0.3 micron dust particle size and sealed to prevent leakage around connecting points. Vacuum bags shall be changed and vacuums shall be emptied when children are not present in the room. The vacuum cleaner shall be in good repair. Wall to wall carpets shall be cleaned using extraction methods at least once each six months. Cleaning materials including surfactants, solvents and water shall be removed from the carpet before the space is reoccupied. When hot water extraction is used, carpet shall be completely dry within 12 hours of cleaning.
- (d) Floors in areas accessible to children, shall be free of peeling, flaking or otherwise deteriorating paint.
- (e) All floors and floor coverings shall be kept clean and maintained in good repair.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. January 1, 2006; April 1, 1999; February 1, 1995; July 23, 1992.

15A NCAC 18A .2825 WALLS AND CEILINGS

- (a) In child care centers, the walls and ceilings, including doors and windows, of all rooms and areas shall be kept clean, free of visible fungal growth, and in good repair. All walls and ceilings shall be easily cleanable and free of peeling, flaking, chalking, or otherwise deteriorating paint.
- (b) Walls and ceilings in rooms in which food is stored, handled or prepared, utensil-washing rooms, and toilet rooms shall be nonabsorbent. Acoustic and other ceiling material may be used where ventilation precludes the possibility of grease and moisture absorption. For child care centers licensed for fewer than 13 children and located in a residence, ceilings of residential construction are acceptable if kept clean and in good repair.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. April 1, 1999; July 23, 1992;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. January 1, 2006; April 1, 2001.

15A NCAC 18A .2826 LIGHTING AND THERMAL ENVIRONMENT

- (a) In child care centers, all rooms and enclosed areas shall be lighted by natural or artificial means. Lighting shall be capable of illumination to at least 50 foot-candles at work surfaces in kitchens and diaper changing areas and at children's work tables, desks and easels. Lighting shall be capable of illumination to at least 10 foot-candles of light, at 30 inches above the floor, in all other areas, including storage rooms. Light fixtures in all areas shall be kept clean and in good repair. Shielded or shatterproof bulbs shall be used in food preparation, storage, and serving areas and in all rooms used by children.
- (b) All rooms used by children shall be heated, cooled, and ventilated to maintain a temperature between 65°F (19°C) and 85°F (30°C). Ventilation may be in the form of operable windows which are screened or by means of mechanical ventilation to the outside. Windows and window treatments shall be kept clean and in good repair. All ventilation equipment, including air supply diffusers (heating and cooling vents) and return grilles, fans, and all other ventilation equipment shall be kept clean and in good repair.
- (c) Nothing in the rules of this Section requires that outdoor storage buildings be wired with electricity or provided with heating and air conditioning.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;

Amended Eff. January 1, 2006; February 1, 1995.

15A NCAC 18A .2827 COMMUNICABLE DISEASES AND CONDITIONS

- (a) In child care centers, children who become ill to the extent that they can no longer participate in routine group activities shall be separated from the other children until the child leaves the center.
- (b) Each child care center shall include a designated area for a child who becomes ill to the extent that she or he can no longer participate in the routine group activities. When in use, such area shall be equipped with a bed, cot or mat and a vomitus receptacle. Thermometers and all materials used in the designated area including mouthable toys shall be cleaned and sanitized after each use. Linens and disposables shall be changed after each use.
- (c) If the area is not a separate room, it shall be separated from space used by other children by a partition, screen or other means. The designated area shall be located so that health and sanitation measures can be carried out without interrupting activities of other children and staff.
- (d) Employees with a communicable disease or a communicable condition shall be excluded from situations in which transmission can be expected to occur, in accordance with Communicable Disease Control Measures under 10A NCAC 41A .0200. Any employee with boils, sores, burns, infected wounds or other potentially draining lesions on exposed skin shall bandage the affected area to eliminate exposure to drainage. If such bandaging obstructs handwashing or if the exposure to drainage cannot be eliminated, then the employee shall be excluded from food preparation and caregiving while the condition exists.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. January 1, 2006; April 1, 1999.*

15A NCAC 18A .2829 WASTEWATER

In child care centers, all wastewater shall be disposed of in a publicly-owned wastewater treatment system or by an approved properly operating on-site wastewater system under 15A NCAC 18A .1900. Septic systems shall be sized to accommodate anticipated children and staff for all shifts.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. January 1, 2006; April 1, 1999; February 1, 1995.*

15A NCAC 18A .2830 SOLID WASTES

- (a) In child care centers, food scraps and other putrescible materials shall be placed in a plastic-lined, cleanable, covered container and removed to an exterior garbage area at least daily. Scrap paper, cardboard boxes and similar items shall be stored in containers or designated areas.
- (b) Garbage containers, mops and other cleaning equipment shall be kept clean. Facilities shall be provided for the washing and storage of garbage containers and mops for child care centers, except for centers licensed for fewer than 13 children and located in a residence. Cleaning facilities shall include a faucet with a threaded nozzle and water of at least 80°F (27°C) in either a designated utility sink or above a curbed impervious pad sloped to drain into a publicly-owned wastewater treatment system or by an approved properly operating on-site wastewater system in accordance with 15A NCAC 18A .1900. Can cleaning facilities approved prior to July 1, 1991 shall be approved if in good repair.
- (c) Dumpsters and other containerized systems shall be kept clean and covered. Facilities shall be provided for cleaning either on-site, or off-site through a contractual agreement.
- (d) Solid wastes shall be disposed of to prevent insect breeding and public health nuisances.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. January 1, 2006; April 1, 1999.*

15A NCAC 18A .2831 ANIMAL AND VERMIN CONTROL

- (a) Unrestrained animals, except those used in supervised activities or pet therapy programs, shall not be allowed in a child care center, including the outdoor learning environment. When animals are on the premises, copies of vaccination records required by North Carolina law and local ordinances shall be available for review. Any animals kept as pets shall be examined by a veterinarian to determine that they are free from vermin, such as mites, lice, fleas, and ticks, and pathogens that could adversely affect human health. Turtles, iguanas, frogs, salamanders, and other reptiles or amphibians are not allowed to be kept as pets on the premises. Animals shall not be allowed in or kept at the entrances to food preparation areas. Animal cages shall be kept clean and waste materials shall be bagged, sealed, and immediately disposed of in the exterior garbage area in a covered container. Animals belonging to child care owners, employees, volunteers, visitors, and children shall not be allowed in child care centers or on the premises unless the above requirements are met.
- (b) Effective measures shall be taken to keep uncontained insects, rodents, and other vermin out of the child care centers and to prevent their breeding or presence on the premises. Traps shall only be placed in areas inaccessible to children.
- (c) All openings to the outer air shall be protected against the entrance of flying insects. In food preparation areas, only fly traps, pyrethrin-based insecticides or a fly swatter shall be used for extermination of flying insects. Products shall be used only in accordance with directions and cautions appearing on their labels. Insecticides shall not come in contact with raw or cooked food, utensils, or equipment used in food preparation and serving, or with any other food-contact surface.
- (d) Only those pesticides which have been registered with the U.S. Environmental Protection Agency and the North Carolina Department of Agriculture and Consumer Services shall be used. Pesticides shall be used in accordance with the directions on the label and shall be stored in a locked storage room or cabinet separate from foods and medications. Pesticides shall not be applied or used when children are present in the area.
- (e) Decks, fences, playground equipment, and other products constructed or installed after September 1, 2006 shall not be made from chromated copper arsenate (CCA) pressure-treated wood unless the use of CCA-treated wood is for an approved use listed on the CCA product label and allowed under the US EPA Supplemental Guidance on Interpretation of Revised Chromated Copper Arsenate (CCA) Wood Preservative Label, as amended.
- (f) In areas accessible to children, CCA-treated wood decks, playground and recreational equipment, and structures installed or constructed:
- (1) prior to January 1, 2005; or
 - (2) where EPA allows the use of CCA-treated wood,
- shall be sealed using an oil-based, semi-transparent sealant; oil-based clear stain; or a water-based clear stain applied at least once every two years.
- (g) At the time of the initial sealant or stain application and whenever more than two years has passed since the previous sealant application, soil under such wood shall be:
- (1) removed and replaced with similar material;
 - (2) covered with at least four inches of soil, gravel, sand, sod, or other vegetation; or
 - (3) otherwise made inaccessible.
- (h) Any composting areas shall be covered and maintained to prevent attracting rodents or vermin. Worm bins shall be kept covered.
- (i) Grass, fruit and vegetable gardens, vines on fences, and other vegetation shall be maintained in a manner which does not encourage the harborage of vermin.
- (j) Pets kept outdoors shall be in a designated area that is maintained and separate from the outdoor area used by the children.

*History Note: Authority G.S. 110-91;
 Eff. July 1, 1991;
 Temporary Amendment Eff. April 15, 1998;
 Amended Eff. August 2, 2007; January 1, 2006; April 1, 1999.*

15A NCAC 18A .2832 OUTDOOR LEARNING ENVIRONMENT AND PREMISES

- (a) At child care centers, the premises, including the outdoor learning environment, shall be kept clean, drained to minimize standing water, free of litter and hazardous materials, and maintained in a manner which does not encourage the harborage of vermin. All debris, glass, dilapidated structures and broken play equipment shall be removed. Wells, grease traps, cisterns and utility equipment shall be made inaccessible to children.
- (b) Sand toys, water tables and other items that can collect standing water in the outdoor learning environment shall be emptied and stored to prevent standing water.
- (c) For outdoor play equipment, including all structures accessible to children, the following shall apply:
- (1) Equipment shall be kept in good repair, free of peeling, flaking, or chalking paint and free of rust and corrosion;

- (2) The sandbox used in outdoor play shall be constructed to allow for drainage and shall be covered when not in use and kept clean.
- (d) If a daily air quality forecast is made by the Division of Air Quality or the regional air quality agency for the county where a center is located, outdoor activity for children shall be restricted as follows. On days with a code orange (unhealthy for sensitive groups) forecast, children shall not be outside participating in physical activity between noon and 8:00 p.m. for more than one hour. On days with a code red (unhealthy) forecast, children shall not be outside participating in physical activity between noon and 8:00 p.m. for more than 15 minutes. On days with a code purple (very unhealthy) forecast, children shall not be outside participating in physical activity between noon and 8:00 p.m. Provisions shall be made to allow children with diagnosed asthma or with coughing or wheezing symptoms to participate in physical activity indoors on days with a code orange, red or purple air quality forecast.
- (e) When food service is provided in the outdoor learning environment, food shall be protected, stored, prepared and served in accordance with 15A NCAC 18A .2806, .2807 and .2808. Employees and children shall wash hands in accordance with 15A NCAC 18A .2803 and food service tables shall be cleaned or covered prior to use.
- (f) When diapering and toileting facilities are provided in the outdoor learning environment, they shall be maintained in accordance with 15A NCAC 18A .2817 and .2819 and employees and children shall wash hands in accordance with 15A NCAC 18A .2803.
- (g) Storage provided outdoors for children's toys shall be kept clean. Storage areas that are accessible to children shall be kept free of hazardous equipment and substances in accordance with 15A NCAC 18A .2820. Storage areas shall meet requirements for lighting in accordance with 15A NCAC 18A .2826 by means of opening doors, windows, sky lights, battery operated light, flashlight or electric lighting. Spare batteries shall be available for battery operated light fixtures and flashlights.
- (h) Outdoor water activity centers shall be maintained in accordance with 15A NCAC 18A .2822. Flow through water play systems shall be designed to minimize standing water. Employees and children shall wash hands in accordance with 15A NCAC 18A .2803 before and after water play.
- (i) Central vacuums that exhaust to the outdoors away from children may be used in lieu of HEPA vacuum cleaners to meet the daily vacuuming requirements in Rule .2824(c).

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999; July 23, 1992.*

15A NCAC 18A .2833 SWIMMING AND WADING POOLS

- (a) At child care centers, swimming and wading pools shall be designed, constructed, operated and maintained in accordance with the Rules Governing Public Swimming Pools, 15A NCAC 18A .2500. Copies of these Rules may be obtained from DENR, Division of Environmental Health, Environmental Health Services Section.
- (b) Portable wading pools, natural bodies of water, and other unfiltered, nondisinfected containments of water shall not be utilized for recreation activities.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995; January 1, 1992;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. January 1, 2006; April 1, 1999.*

15A NCAC 18A .2834 COMPLIANCE, INSPECTIONS AND REPORTS

- (a) When requested by a child care operator or the Division of Child Development, a sanitation inspection shall be conducted by the local health department within 30 days.
- (b) Unannounced inspections of child care centers shall be made by the Department at least once each six-month period. The evaluation shall be completed on the Sanitation Standards Evaluation Form for Child Care Centers provided by the Department. Other versions of the form, including electronic, are allowed but shall be duplicates of the Sanitation Standards Evaluation Form for Child Care Centers. An original and two copies of the form shall be completed by the Department. The original shall be submitted to the Division of Child Development. The child care center operator and the Department shall each retain a copy.
- (c) The Department shall inspect each child care program that has been designated as a child care center by the Division of Child Development. Demerits shall be assigned for each occurrence of violations within these requirements:

- (1) violation of Rules .2803 or .2836 of this Section related to handwashing when required shall be assessed five demerits;
- (2) violation of Rule .2803 of this Section related to proper handwashing procedures shall be assessed five demerits;
- (3) violation of Rule .2804 of this Section related to food from approved sources, no spoilage, or adulteration shall be assessed six demerits;
- (4) violation of Rules .2804, .2806, or .2807 of this Section related to potentially hazardous food meeting storage and holding temperatures; and refrigeration of bottles and lunches at 45° F or below shall be assessed six demerits;
- (5) violation of Rules .2806, .2807, .2808, or .2836 of this Section related to food properly stored, thawed, prepared, cooked, cooled, handled, served, transported, packaged, and identified, and only supervised children in the kitchen shall be assessed five demerits;
- (6) violation of Rule .2808 of this Section related to food not re-served shall be assessed three demerits;
- (7) violation of Rule .2807 of this Section related to food thermometers provided and accurate shall be assessed two demerits;
- (8) violation of Rules .2809 or .2810 of this Section related to food service equipment and utensils meeting specifications for refrigeration, sinks, lavatories and dishwashing equipment shall be assessed six demerits;
- (9) violation of Rules .2809 or .2810 of this Section related to food service equipment and utensils meeting specifications for other equipment and utensils, approved material and construction shall be assessed four demerits;
- (10) violation of Rules .2809 or .2812 of this Section related to food contact surfaces properly washed, rinsed, sanitized and air dried; and single-service articles not re-used shall be assessed five demerits;
- (11) violation of Rule .2812 of this Section related to sanitizer provided and test kit available shall be assessed two demerits;
- (12) violation of Rule .2812 of this Section related to equipment and non-food contact surfaces clean and in good repair shall be assessed four demerits;
- (13) violation of Rule .2814 of this Section related to proper storage and handling of clean equipment, utensils, and single-service articles shall be assessed three demerits;
- (14) violation of Rule .2815 of this Section related to water supply and drinking water facilities meets 15A NCAC 18A .1700 or 15A NCAC 18C, whichever is applicable, and documentation provided shall be assessed six demerits;
- (15) violation of Rule .2815 of this Section related to hot water supplied and maintained in the kitchen shall be assessed six demerits;
- (16) violation of Rule .2815 of this Section related to hot water supplied and tempered water maintained as required in all other areas shall be assessed four demerits;
- (17) violation of Rule .2815 of this Section related to hot water in excess of 120° F not allowed in areas accessible to children shall be assessed six demerits;
- (18) violation of Rule .2815 of this Section related to backflow prevention provided, no cross connections shall be assessed three demerits;
- (19) violation of Rules .2815 or .2836 of this Section related to drinking fountains of approved type, pressure regulated, clean shall be assessed two demerits;
- (20) violation of Rule .2816 of this Section related to identified lead poisoning hazards as defined under G.S. 130A-131.7(7) shall be assessed six demerits;
- (21) violation of Rules .2817, .2818 or .2836 of this Section related to toilet and lavatory facilities properly sized, located and accessible, and in good repair; sinks, toilets and potty chairs cleaned and disinfected shall be assessed four demerits;
- (22) violation of Rules .2817 or .2818 of this Section related to soap, approved hand drying devices, and toilet tissue available shall be assessed three demerits;
- (23) violation of Rules .2817 or .2818 of this Section related to approved storage in toilet rooms, lavatories free of storage; and handwash signs posted shall be assessed two demerits;
- (24) violation of Rules .2817, .2819 or .2836 of this Section related to approved diaper changing facilities shall be assessed six demerits;
- (25) violation of Rule .2819 of this Section related to diapering surfaces cleaned and disinfected after each use shall be assessed six demerits;

- (26) violation of Rule .2819 of this Section related to cleaning and disinfecting solutions provided and test kit available when required shall be assessed two demerits;
- (27) violation of Rules .2818, .2819 or .2820 of this Section related to diaper changing facilities free of storage and in good repair; cleaning and disinfecting solutions labeled; approved diapering methods used; and diaper changing and handwash signs posted shall be assessed four demerits;
- (28) violation of Rule .2820 of this Section related to medications properly stored shall be assessed six demerits;
- (29) violation of Rule .2820 of this Section related to hazardous products properly stored and locked shall be assessed six demerits;
- (30) violation of Rule .2820 of this Section related to non-hazardous products properly stored shall be assessed three demerits;
- (31) violation of Rule .2820 of this Section related to facilities provided for proper storage, used and kept clean shall be assessed two demerits;
- (32) violation of Rules .2821 or .2836 of this Section related to individual linen provided; adequate beds, cots, or mats provided, in good repair, properly stored, labeled, and spaced during use shall be assessed three demerits;
- (33) violation of Rule .2821 of this Section related to linen, bedding, wash cloths, bibs and burping cloths laundered and in good repair shall be assessed three demerits;
- (34) violation of Rules .2822 or .2836 of this Section related to toys, equipment and furniture clean and in good repair; water play centers cleaned, sanitized and maintained shall be assessed four demerits;
- (35) violation of Rules .2822 or .2836 of this Section related to mouth-contact surfaces cleaned and sanitized in rooms where children who are not toilet trained are cared for shall be assessed four demerits;
- (36) violation of Rules .2808 or .2823 of this Section related to personnel using approved hygienic practices, clean clothes and hair restraints where required, and evidence of tobacco use in the outdoor learning environment or in any part of a child care center without a separate ventilation system shall be assessed two demerits;
- (37) violation of Rules .2824, .2825 or .2836 of this Section related to floors, walls and ceilings easily cleanable, in good repair, clean, carpets vacuumed and extraction cleaned as required shall be assessed four demerits;
- (38) violation of Rule .2826 of this Section related to the lighting and thermal environment and room temperature between 65°F and 85°F shall be assessed three demerits;
- (39) violation of Rule .2826 of this Section related to equipment clean and in good repair and maintained as required shall be assessed two demerits;
- (40) violation of Rule .2827 of this Section related to persons with a communicable disease or a condition excluded in accordance with 15A NCAC 19A .0200 shall be assessed six demerits;
- (41) violation of Rules .2827 or .2836 of this Section related to persons caring for sick or mildly ill children excluded from situations in which transmission of communicable disease can be expected to occur shall be assessed four demerits;
- (42) violation of Rule .2827 of this Section related to the designated area for sick children maintained as required shall be assessed two demerits;
- (43) violation of Rule .2829 of this Section related to wastewater disposed of by approved methods in accordance with 15A NCAC 18A .1900 shall be assessed six demerits;
- (44) violation of Rules .2830 or .2836 of this Section related to solid waste properly handled; containers and cleaning equipment kept clean, and can cleaning facilities adequate shall be assessed two demerits;
- (45) violation of Rule .2831 of this Section related to approved pesticides properly used and new Chromated Copper Arsenate (CCA) pressure-treated wood shall be assessed six demerits;
- (46) violation of Rule .2831 of this Section related to Chromated Copper Arsenate pressure-treated wood sealed and soil covered or inaccessible as required shall be assessed two demerits;
- (47) violation of Rule .2831 of this Section related to animals in food preparation areas and no unrestrained or prohibited animals except as noted shall be assessed three demerits;
- (48) violation of Rules .2831 or .2832 of this Section related to effective control of rodents, insects and other vermin; premises free of vermin harborage and breeding areas shall be assessed three demerits;
- (49) violation of Rule .2832 of this Section related to premises clean and drained, equipment in good repair, sandboxes properly constructed and clean, and adherence to air quality forecast outdoor activity restrictions shall be assessed two demerits; and

- (50) violation of Rule .2833 of this Section related to swimming and wading pools designed, constructed, operated and maintained in accordance with 15A NCAC 18A .2500 shall be assessed six demerits.
- (d) The Department shall indicate on the Child Care Sanitation Inspection Form whether the center is superior, approved, provisional, or disapproved. A Sanitation Classification placard shall be posted in the center in a conspicuous place designated by the Department. The classification of a child care center is based on the center's compliance with the Rules of this Section. A summary classification of disapproved shall be issued and forwarded to the Division of Child Development when the right-of-entry to inspect is denied or when an inspection is discontinued at the request of the operator or administrator unless the decision to discontinue the inspection is mutual. A summary classification of disapproved shall also be issued and forwarded to the Division of Child Development when a water sample is confirmed positive for fecal coliform, total coliform or other chemical constituents in accordance with 15A NCAC 18A .1725.
- (e) The child care center's compliance is indicated by the number of demerits on the Child Care Sanitation Inspection Form.
- (1) When an inspection is requested and conducted for the purpose of issuing a license to a new operator, a Child Care Sanitation Inspection Form shall be forwarded to the Division of Child Development only when the child care center can be granted a superior classification. If the center is not yet open and children are not in attendance when the initial inspection is conducted, a Child Care Sanitation Inspection Form shall be completed and forwarded to the Division of Child Development, but the Sanitation Classification placard shall not be posted. Another sanitation inspection shall be conducted when children are in attendance within 30 days of opening and the Sanitation Classification placard shall then be posted. When a temporary license is issued as a result of a change of ownership in a child care center that continues to operate, the operator shall request an inspection from the Department within fourteen days. A sanitation classification placard shall be posted after each inspection of a center operating under a temporary license.
 - (2) A child care center shall be classified as superior if the demerit score does not exceed 15 and no 6-point demerit item is violated.
 - (3) A child care center shall be classified as approved if the demerit score is more than 15 and does not exceed 30, and no 6-point demerit item is violated.
 - (4) A child care center shall be classified as provisional if any 6-point demerit item is violated or if the total demerit score is more than 30 but does not exceed 45. The provisional classification period shall not exceed seven days unless construction or renovation is necessary to correct any violation, in which case the Department may specify a longer provisional classification period.
 - (5) A child care center shall be classified as disapproved if the demerit score is more than 45, or if conditions which resulted in a provisional classification have not been corrected in the time period specified by the Department.
 - (6) If the child care center receives a disapproved classification, the Department shall immediately notify the Division of Child Development by faxing a copy of the inspection form.
 - (7) The Sanitation Classification placard shall not be removed except by or upon the instruction of the Department.
- (f) If the Department determines that conditions found at the child care center at the time of any inspection or visit are dangerous to the health of the children, the Department shall immediately notify the Division of Child Development by verbal contact. The original inspection report or other documentation of the dangerous conditions shall be sent to the Division of Child Development within two working days following the inspection.
- (g) The Department may conduct an inspection of any child care center as frequently as necessary in order to ensure compliance with the Rules in this Section.
- (h) The Department shall use the Child Care Sanitation Inspection Form to document demerits for violations of the rules. A written explanation and corrective action for each violation shall be documented on a comment addendum form.
- (i) In filling out the inspection form, demerits may be assessed only once for a single occurrence or condition existing within or outside the child care center. Demerits shall be assessed based on actual violations of the Rules of this Section observed during the inspection.

*History Note: Authority G.S. 110-88; 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999.*

15A NCAC 18A .2835 APPEALS PROCEDURE

Appeals concerning the enforcement of the Child Care Sanitation Rules in this Section as adopted by the Commission for Public Health shall be governed by Section 110-94 and Chapter 150B of the North Carolina General Statutes.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. January 1, 2006.*

15A NCAC 18A .2836 MILDLY ILL CHILDREN

Child care centers that are licensed to offer care to children pursuant to 10A NCAC 09 .2400, shall comply with all rules in this Section except as follows:

- (1) Prior to starting a program for mildly ill children, the child care operator shall request an inspection from the local health department.
- (2) Drinking fountains shall not be used.
- (3) Toilet fixtures, potty chairs, utility sinks, tubs and showers shall be cleaned and disinfected after each use.
- (4) Lavatories shall be of a hands-free design or equipped with single-lever faucets.
- (5) Cloth diapers shall not be used.
- (6) Individually labeled moist towelette containers shall be provided for each child in diapers.
- (7) Caregivers shall wear clean disposable gloves when changing each diaper.
- (8) Moist towelettes shall not be used in lieu of handwashing for children who cannot support their heads.
- (9) A 36-inch separation shall be maintained or partitions shall be placed between beds, cots and mats to minimize contact among children.
- (10) Furniture shall be nonabsorbent.
- (11) Thermometers and mouthable toys shall be cleaned and sanitized between uses by different children. Soft, cloth material toys may be brought from home if labeled for use by an individual child. If soft toys are provided by the center, they shall be sanitized between uses by different children.
- (12) Caregivers for mildly ill children shall not prepare food in the kitchen or serve food to well children.
- (13) Family style food service is prohibited.
- (14) Carpeted floors are prohibited. Throw rugs may be used if laundered when contaminated and at least weekly. Floors contaminated by body fluids shall be cleaned and disinfected immediately.
- (15) Caregivers shall wash hands in accordance with the procedures in Rule .2803(c) before leaving the area designated for mildly ill children.
- (16) All waste shall be disposed of in a plastic-lined, covered receptacle.

*History Note: Authority G.S. 110-91;
Eff. January 1, 2006.*

SECTION .2900 - RESTAURANT AND LODGING FEE COLLECTION AND INVENTORY PROGRAM

15A NCAC 18A .2901 DISBURSEMENT OF FUNDS

Fees collected pursuant to G.S. 130A-248(d), minus state expenses budgeted for the collection and inventory program, shall be distributed to local health departments for the support of local public health programs and activities as follows:

- (1) Seven hundred and fifty dollars (\$750.00) to each county;
- (2) the remaining balance of funds shall be distributed in accordance with the following formula:
 - (a) [the remaining balance of funds after distribution in Paragraph (1) of this Rule] multiplied by (the number of facilities in the county divided by the number of facilities in the state) multiplied by (the county's percentage of compliance with mandatory inspection requirements for food and lodging establishments in G.S. 130A-249 and 15A NCAC 25 .0213 for the previous fiscal year, not to exceed 100 percent) equals the allocation to the county; and
 - (b) distribution of remaining funds to counties with 100 percent compliance with mandatory inspection requirements for food and lodging establishments in G.S. 130A-249 and 15A NCAC 25 .0213 during the previous fiscal year shall be made in accordance with the following:

[total amount of remaining funds after distribution in Paragraph (2)(a)] multiplied by (the number of facilities in the county divided by the number of facilities in all counties with 100 percent compliance with mandatory inspection requirements

for food and lodging establishments in G.S. 130A-249 and 15A NCAC 25 .0213 during the previous fiscal year) equals the additional allocation to the county.

History Note: Authority G.S. 130A-9; 130A-248; 130A-249; Eff. May 1, 1991.

SECTION .3100 - CHILDHOOD LEAD POISONING PREVENTION PROGRAM

15A NCAC 18A .3101 DEFINITIONS

As used in this article, unless the context requires otherwise:

- (1) "Inspection" is a surface by surface investigation to determine the presence of lead-based paint and may include dust and soil sampling and a report of the results.
- (2) "Risk assessment" is an on-site investigation of a residential housing unit to discover any lead-based paint hazards. A risk assessment includes:
 - (a) an investigation of the age, history, management, and maintenance of the residential housing unit;
 - (b) the number of children less than six years old and women of child-bearing potential who are residents;
 - (c) a visual assessment;
 - (d) limited environmental sampling; and
 - (e) preparation of a report identifying acceptable abatement, remediation, and interim control strategies based on specific conditions.
- (3) "Safe work practices" are methods used to avoid creating lead-based paint hazards during on-site work that disturbs paint that may contain lead. Such methods include:
 - (a) taking precautions to prevent the spread of lead-contaminated dust by limiting access to the work area to workers only until final cleanup is completed and by having workers remove protective clothing such as gloves and shoes before leaving the work area;
 - (b) covering the work area including doorways and sealing floors, closets, and cabinets with heavy duty polyethylene plastic secured with duct tape or the equivalent;
 - (c) For exterior surfaces, securing heavy duty polyethylene plastic on the ground from the foundation extending 10 feet beyond the perimeter of the work area;
 - (d) shutting off the heating, ventilation, and cooling system and covering heating, ventilation, and cooling registers with heavy duty polyethylene plastic secured with duct tape or the equivalent;
 - (e) protecting workers by providing necessary protective equipment, training, and cleanup equipment and by not allowing eating, drinking, chewing gum or tobacco, or smoking in the work area;
 - (f) protecting occupants which may include temporary relocation as necessary;
 - (g) protecting occupants' belongings by covering with heavy duty polyethylene plastic secured with duct tape or the equivalent or by removing them from the work area;
 - (h) misting interior painted surfaces before disturbing and hand scraping all loose paint, wallpaper, and plaster;
 - (i) wet sweeping and collecting and containing visible debris and plastic sheeting in a secure container;
 - (j) performing specialized cleaning upon completion of work to remove residual dust and debris;
 - (k) removing all materials, tools, and contained debris from the work area and the residential housing unit upon completion of maintenance activities; and
 - (l) avoiding unsafe practices, including prohibited methods listed in G.S. 130A-131.9C(g).
- (4) "Specialized cleaning" is the use of cleaning protocols that have been shown to be effective in removing lead-contaminated dust as specified by the U.S. Department of Housing and Urban Development in the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing and any updates and revisions.
- (5) "Visual inspection" is an on-site investigation by a certified lead inspector or a certified lead risk assessor to determine the completion of abatement, remediation, and maintenance standard activities. A visual inspection shall include paint, dust, or soil sampling, and a notification of the results.

History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A;
Eff. October 1, 1990;
Transferred and Recodified from 15A NCAC 19I .0101 Eff. August 28, 1991;
Transferred and Recodified from 15A NCAC 21E .0401 Eff. February 18, 1992;
Amended Eff. August 1, 1996; January 1, 1995; July 1, 1992;
Temporary Amendment Eff. November 21, 1997;
Amended Eff. April 1, 1999.

15A NCAC 18A .3102 PERSISTENT ELEVATED BLOOD LEAD LEVEL

The determination of a persistent elevated blood lead level may be based on more than three consecutive blood lead tests performed within the timeframe set forth in G.S. 130A-131.7 so long as all of the consecutive blood lead test results are equal to 15 micrograms per deciliter or greater.

History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A-G;
Eff. October 1, 1990;
Transferred and Recodified from 15A NCAC 19I .0102 Eff. August 28, 1991;
Transferred and Recodified from 15A NCAC 21E .0402 Eff. February 18, 1992;
Amended Eff. August 1, 1996; January 1, 1995;
Temporary Amendment Eff. November 21, 1997;
Amended Eff. April 1, 1999.

15A NCAC 18A .3103 EXAMINATION AND TESTING

(a) When the Department learns of a lead poisoning hazard in a residential housing unit or a child-occupied facility, the Department shall notify the parents of all children less than six years old who reside in, regularly visit, or attend the unit or facility. The notice shall advise the parents of the adverse health effects of lead exposure and recommend that they have their child examined and tested.

(b) Examination and testing shall be required for all children in a residential housing unit or a child-occupied facility in which a lead poisoning hazard has been identified if any child tested who has resided in, regularly visited, or attended the unit or facility has an elevated blood lead level.

(c) Notification of the need for testing shall be repeated every six months until all lead-based paint hazards have been abated and all other lead poisoning hazards have been remediated.

(d) Children less than six months old are not required to be tested when lead poisoning hazards are identified in a residential housing unit or a child-occupied facility. The Department may require that these children be examined and tested within 30 days after reaching six months of age if they continue to reside in, regularly visit, or attend a unit or facility containing lead poisoning hazards.

History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9;
Eff. October 1, 1990;
Transferred and Recodified from 15A NCAC 19I .0103 Eff. August 28, 1991;
Transferred and Recodified from 15A NCAC 21E .0403 Eff. February 18, 1992;
Amended Eff. August 1, 1996;
Temporary Amendment Eff. November 21, 1997;
Amended Eff. April 1, 1999.

15A NCAC 18A .3104 INVESTIGATION TO IDENTIFY LEAD POISONING HAZARDS

(a) The Department shall conduct an investigation when it reasonably suspects that a lead poisoning hazard to children exists. Reasonable suspicion of a lead poisoning hazard to children may be based on the presence of the following characteristics:

- (1) a residential housing unit or a child-occupied facility built before 1950, a unit or facility built before 1978 that contains readily accessible deteriorated paint, or a unit or facility built before 1978 that is undergoing or has undergone renovations or remodeling within the last six months, unless the unit is lead-safe housing or is in compliance with the maintenance standard;
- (2) a child less than six years old residing in, regularly visiting, or attending the unit or facility; and

- (3) a referral by a local, state, or federal public health, environmental protection, or human services official, or building inspector.
- (b) Notwithstanding the existence of a certificate of compliance with the maintenance standard, the Department shall investigate a residential housing unit occupied or regularly visited by a child less than six years old who has a persistent elevated blood lead level or confirmed lead poisoning.
- (c) The Department may upon request conduct an investigation to identify lead poisoning hazards at a proposed or substitute residential housing unit of a child less than six years old with a persistent elevated blood lead level or confirmed lead poisoning who is seeking alternative housing.

History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A; Eff. October 1, 1990; Transferred and Recodified from 15A NCAC 19I .0104 Eff. August 28, 1991; Transferred and Recodified from 15A NCAC 21E .0404 Eff. February 18, 1992; Amended Eff. August 1, 1996; Temporary Amendment Eff. November 21, 1997; Amended Eff. April 1, 1999.

15A NCAC 18A .3105 LEAD POISONING HAZARD AND CLEARANCE STANDARD FOR SOIL

- (a) Bare soil at a residential housing unit or a child-occupied facility is a lead poisoning hazard when:
 - (1) it contains greater than 400 parts per million lead in high contact areas for children including sandboxes, gardens, play areas, pet sleeping areas, and areas within three feet of a residential housing unit or a child-occupied facility;
 - (2) it contains 2000 parts per million lead or greater in other locations at a residential housing unit or a child-occupied facility where contact by children is less likely; or
 - (3) it is determined by the Department to be hazardous to children less than six years old pursuant to 15 U.S.C. 2681 et seq., 42 U.S.C. 4851 et seq. and the regulations promulgated under these Sections.
- (b) Unless otherwise determined by the Department on the basis of credible site-specific evidence including soil lead bioavailability, speciation, or particle size, land use and condition, or epidemiologic or other relevant scientific data, all remediation plans pursuant to G.S. 130A-131.9C shall require that:
 - (1) bare soil lead concentrations greater than 400 parts per million and less than 2000 parts per million at a residential housing unit or a child-occupied facility in high contact areas for children including sandboxes, gardens, play areas, pet sleeping areas, and areas within three feet of the unit or facility be:
 - (A) permanently covered with four to six inches of gravel, mulch, or sod with a vegetative cover;
 - (B) physically restricted by a permanent barrier;
 - (C) removed; or
 - (D) paved over with concrete or asphalt;
 - (2) bare soil lead concentrations of 2000 parts per million or greater at a residential housing unit or a child-occupied facility be:
 - (A) physically restricted by a permanent barrier;
 - (B) removed; or
 - (C) paved over with concrete or asphalt; and
 - (3) ground coverings such as gravel, mulch, sod, or other vegetative covers must be established and maintained.

History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A-G; Eff. October 1, 1990; Transferred and Recodified from 15A NCAC 19I .0105 Eff. August 28, 1991; Transferred and Recodified from 15A NCAC 21E .0405 Eff. February 18, 1992; Amended Eff. August 1, 1996; January 1, 1995; Temporary Amendment Eff. November 21, 1997; Amended Eff. April 1, 1999.

15A NCAC 18A .3106 ABATEMENT AND REMEDIATION

(a) Notwithstanding the existence of a certificate of compliance, the Department may require abatement of lead-based paint hazards and remediation of other lead poisoning hazards identified at a residential housing unit that is occupied or regularly visited by a child less than six years old who has confirmed lead poisoning when:

- (1) a visual inspection reveals that the owner or managing agent has failed to continue to comply with the maintenance standard; or
- (2) the blood lead level of a child with confirmed lead poisoning increases on two consecutive blood tests within a six-month period.

(b) When compliance with the maintenance standard is used to meet remediation requirements, maintenance standard activities must be conducted in accordance with an approved remediation plan in accordance with G.S. 130A-131.9C. The remediation plan must address all lead poisoning hazards identified on interior and exterior surfaces including floors, walls, ceilings, windows, porches, decks, garages, railings, steps, and bare soil.

(c) Abandonment of a residential housing unit or a child-occupied facility is an acceptable method of remediation. A remediation plan of abandonment shall contain a statement that the owner or managing agent agrees to submit a modified remediation plan to the Department at least 14 days before the abandoned unit or facility is reoccupied if the property will be used as a residential housing unit or a child-occupied facility. The lead-based paint hazards must be abated and other lead poisoning hazards must be remediated in accordance with an approved remediation plan. Nothing in this Rule shall be construed as authorizing an owner or managing agent to evict an occupant of a residential housing unit in violation of G.S. 42.

(d) Demolition of a residential housing unit or a child-occupied facility is an acceptable method of remediation. The remediation plan shall indicate containment measures for lead-contaminated dust and soil, and storage and disposal methods for lead-contaminated construction debris. The owner or managing agent must notify the Department and the occupants of any adjacent unit or facility of the dates of demolition at least three days prior to commencement of demolition.

*History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A; 130A-131.9B; 130A-131.9C; 130A-131.9D; 130A-131.9E
Eff. January 1, 1995;
Amended Eff. September 1, 1996;
Temporary Amendment Eff. November 21, 1997;
Amended Eff. April 1, 1999.*

15A NCAC 18A .3107 MAINTENANCE STANDARD

(a) Property owners and managing agents shall use safe work practices to repair and repaint deteriorated paint on interior surfaces of a residential housing unit and to correct the cause of deterioration including structural conditions causing water infiltration, interior moisture, and poor paint adhesion.

For pre-1950 single family and duplex residential housing units, property owners and managing agents shall repair and repaint both interior and exterior surfaces including all walls, ceilings, windows, porches, decks, garages, railings, and steps, and shall correct the causes of deterioration. In addition, for pre-1950 single family and duplex residential housing units, property owners and managing agents shall establish and maintain a vegetative cover in areas of bare soil within three feet of the residential housing unit.

(b) Property owners and managing agents shall conduct specialized cleaning on interior horizontal surfaces to remove dust that may contain lead.

(c) Property owners and managing agents shall correct conditions in which painted surfaces are rubbing, binding, or being damaged to protect the integrity of the paint and to prevent the generation of lead dust.

(d) Subject to the occupant's approval, property owners and managing agents shall steam shampoo carpets or use other specialized cleaning methods to remove dust that may contain lead.

(e) Property owners and managing agents shall provide smooth and cleanable interior horizontal surfaces by recoating deteriorated hardwood floors with a durable coating, replacing or recovering worn-out linoleum floors, making interior window sills smooth and cleanable, capping window troughs with vinyl or aluminum coil stock, and providing drainage from storm window frames.

(f) Property owners and managing agents shall provide occupants with the Environmental Protection Agency-developed pamphlet "Protect Your Family from Lead in Your Home", any summaries of reports prepared by a certified lead inspector or a certified lead risk assessor on lead-based paint hazards, an educational pamphlet developed by the Department

describing the maintenance standard and the effects of compliance on the owner, and information related to previous certificates of compliance issued.

History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.9D; 130A-131.9E; 130A-131.9F; 130A-131.9G; Temporary Adoption Eff. November 21, 1997; Eff. April 1, 1999.

15A NCAC 18A .3108 APPLICATION AND ISSUANCE OF CERTIFICATE OF COMPLIANCE

(a) Written application for a certificate of compliance shall be made by an owner or managing agent on a form developed by the Department and shall include a copy of the tax record or other documentation indicating the date of construction of the residential housing unit.

(b) To obtain a certificate of compliance with the maintenance standard, an owner or managing agent shall comply with the provisions of G.S. 130A-131.7 and these Rules.

(c) Proof of compliance shall include:

- (1) a sworn statement by the owner or managing agent that either he has complied with all provisions of the maintenance standard or a sworn statement that no child less than six years old has resided in or regularly visited the unit for the past year;
- (2) a signed statement by the occupants, if any, acknowledging that information was provided as required under G.S. 130A-131.7 and these Rules;
- (3) a written summary of the visual inspection conducted by a certified lead inspector or a certified lead risk assessor; and
- (4) measurements of at least two composite dust samples, one each from floors and either interior window sills or window troughs, indicating the absence of dust that constitutes a lead poisoning hazard. Each composite sample must contain no more than four subsamples including a bedroom, a playroom, a den, and a kitchen. All samples must be analyzed by a laboratory recognized by the Department and the U.S. Environmental Protection Agency pursuant to section 405(b) of the Toxic Substances Control Act as being capable of performing analyses for lead in paint, dust, and soil.

(d) For multi-family residential housing units consisting of five or more units in a single property, visual inspections and laboratory measurements are only required for a statistical sampling of the units as specified for risk assessments of similar dwellings by the U.S. Department of Housing and Urban Development in Chapter 5 of the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing and any updates and revisions. Any such sampling protocol shall focus on the units most likely to contain lead-based paint hazards and units where children less than six years old reside or regularly visit.

(e) For annual renewal of the certificate of compliance, periodic surveillance may be conducted by an owner or a managing agent who has a good compliance record, with no outstanding violations of these Rules, in lieu of a visual inspection so long as the written summary of a visual inspection conducted by a certified lead inspector or a certified lead risk assessor is provided at least once every three years. Periodic surveillance shall include a written report and composite dust sampling measurements as described in 15A NCAC 18A .3108(c)(4).

(f) The Department shall issue a certificate of compliance within 30 days after receipt of proof of compliance unless the residential housing unit has been designated for on-site monitoring by the Department. If the residential housing unit has been selected for on-site monitoring, the certificate of compliance shall be issued within 30 days after the Department has verified compliance with G.S. 130A-131.7 and these Rules by a visual inspection. The visual inspection shall occur within 30 days after receipt of the application for a certificate of compliance.

(g) The certificate of compliance shall be signed, dated, and issued by the Department. The certificate shall state the date of issue, the date of expiration, and the address of the residential housing unit.

(h) The certificate of compliance shall expire one year from the date of its issuance.

(i) The owner or managing agent shall notify the Department and the occupants of a residential housing unit three days prior to commencing maintenance, renovation, or remodeling activities that occur after a certificate of compliance is issued but before the certificate expires. Such activities shall be performed using safe work practices.

(j) The Department shall notify the occupants at the time a certificate of compliance is issued or reissued. Such notification shall include an educational pamphlet describing the maintenance standard and the effects of compliance on the owner and the lead poisoning hazard information package described in these Rules.

History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A-G; Temporary Adoption Eff. November 21, 1997; Eff. April 1, 1999.

15A NCAC 18A .3109 REVOCATION AND DENIAL OF CERTIFICATE OF COMPLIANCE

- (a) The Department may deny or revoke a certificate of compliance when:
- (1) the Department finds failure or refusal to comply or maintain compliance with G.S. 130A-131.7 or these Rules;
 - (2) the Department finds that the information submitted by the owner or managing agent is incomplete or falsified; or
 - (3) the Department is denied entry by the owner or managing agent to conduct a visual inspection.
- (b) The Department shall give notice of denial or revocation to the owner or managing agent within 30 days after receipt of the application for a certificate of compliance, or within 30 days after the Department was denied entry by the owner or managing agent to conduct a visual inspection, or within 30 days after the Department finds that the owner or managing agent failed to comply or maintain compliance with the provisions of G.S. 130A-131.7 or these Rules.
- (c) The notice of denial or revocation of a certificate of compliance shall be in writing and shall set forth the grounds for the denial or revocation.
- (d) The notice of denial or revocation shall indicate that the owner or managing agent has the right to appeal the denial or revocation in accordance with G.S. 130A-24(a1).
- (e) The notice of denial or revocation shall be delivered personally or mailed by registered or certified mail return receipt requested.

History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A-G;
Temporary Adoption Eff. November 21, 1997;
Eff. April 1, 1999.

15A NCAC 18A .3110 MONITORING

- (a) The Department shall monitor the validity of information submitted by owners who seek certificates of compliance with the maintenance standard.
- (b) Monitoring activities shall include a review of application materials submitted and may include on-site compliance monitoring to verify the accuracy and adequacy of the information provided.
- (c) The Department shall design and implement a plan to conduct visual inspections of up to 50% of the residential housing units for which applications are submitted for certificates of compliance with the maintenance standard.
- (d) For residential housing units subject to abatement and remediation requirements in which children less than six years of age have resided in or regularly visited within the past year, the Department shall conduct visual inspections and residual lead dust monitoring to verify continued compliance with the maintenance standard annually and at any other time the Department deems necessary to carry out the provisions of G.S. 130A-131.7 or these Rules.

History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A-G;
Temporary Adoption Eff. November 21, 1997;
Eff. April 1, 1999.

15A NCAC 18A .3111 RESIDENT RESPONSIBILITIES

When a child less than six years old has an elevated blood lead level of 10 micrograms per deciliter or greater, the Department shall provide to the owner or managing agent and the parents or legal guardians of the child a lead poisoning hazard information package. The information provided shall comply with the provisions of G.S. 130A-131.9G.

History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9G;
Temporary Adoption Eff. November 21, 1997;
Eff. April 1, 1999.

SECTION .3200 - TATTOOING

15A NCAC 18A .3201 DEFINITIONS

The following definitions shall apply throughout this Section:

- (1) "Blood and Body Fluid Precautions" means a method of infection control in which all human blood and body fluids are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), and other infections that can be transmitted by contact with blood.

- (2) "Department" means the Department of Environment and Natural Resources. The term also means the authorized agent of the department.
- (3) "Sharps" means any objects that can penetrate the skin including, but not limited to, needles, razor blades, scalpels, and broken capillary tubes.
- (4) "Sterilize" means the approved microbicidal treatment by a process which provides enough accumulative heat or concentration of chemicals for a length of time sufficient to eliminate the microbial count, including pathogens.
- (5) "Tattooing" means tattooing as defined in G.S. 130A-283.
- (6) "Tattoo Artist" means any person who engages in tattooing.
- (7) "Tattoo Establishment" means any location where tattooing is engaged in or where the business of tattooing is conducted or any part thereof. For purposes of this Section, "Tattoo Parlor" falls within this definition.
- (8) "Tattooing Room" means a room in the tattoo establishment where tattooing is performed.

*History Note: Authority G.S. 130A-29;
 Temporary Adoption Eff. January 1, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Eff. April 1, 1995;
 Amended Eff. November 1, 2002.*

15A NCAC 18A .3202 PERMITTING

- (a) Every person engaged in the practice of tattooing shall register with their local health department on or before January 1, 1995, by providing their name, the address of the location at which they engage in tattooing, and their hours of operation.
- (b) No person shall engage in tattooing on or after June 1, 1995, without first obtaining a tattooing permit issued by the department. Persons permitted to engage in tattooing in counties with local rules shall obtain a tattooing permit from the department on or after June 1, 1995. Nothing herein shall preclude counties with local rules from permitting tattoo artists prior to June 1, 1995, at which time all tattoo artists shall be permitted by the department.
- (c) No tattooing permit shall be issued to a person until an inspection by the department verifies compliance with this Section.
- (d) Tattooing permits shall be issued in the name of the individual tattoo artist, shall list the address of the tattoo establishment where the artist will practice, and shall not be transferable to another person or place of practice.
- (e) A valid tattooing permit shall be posted in the premises of the tattoo establishment in a conspicuous place where it may be easily observed by the public upon entering the establishment.
- (f) Application for a tattooing permit shall be submitted to the local health department. The application shall include at least the following information:
 - (1) Name of tattoo artist;
 - (2) Mailing address of tattoo artist;
 - (3) Name of tattoo establishment;
 - (4) Street address of tattoo establishment;
 - (5) Anticipated date of commencing operation; and
 - (6) Signature of tattoo artist.
- (g) Any additional information requested by the department to verify compliance with this Section shall be submitted with the permit application. An initial application for issuance of a tattooing permit shall be submitted no less than 30 days before anticipated commencement of tattooing by the artist within the jurisdiction of the local health department issuing the permit. Application for renewal of an existing tattooing permit shall be submitted to the local health department at least 30 days prior to the expiration date of the existing permit.
- (h) Any permit application fee established by the local board of health shall be paid upon submission of the application.

*History Note: Filed as a Temporary Adoption Eff. January 1, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Authority G.S. 130A-29;
 Eff. April 1, 1995.*

15A NCAC 18A .3203 WATER SUPPLY

- (a) The water supply serving a tattoo establishment shall be an approved potable water supply. Public water supplies that meet the requirements of 15A NCAC 18C shall be approved.

(b) When a public water supply is not available and a private water supply is used, the water supply for a tattoo establishment shall be located, constructed, maintained, and operated in accordance with the Rules Governing the Protection of Private Water Supplies, 15A NCAC 18A .1700.

History Note: Filed as a Temporary Adoption Eff. January 1, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 130A-29;
Eff. April 1, 1995.

15A NCAC 18A .3204 SEWAGE DISPOSAL

Sewage shall be disposed of in accordance with 15A NCAC 18A .1900 or 15A NCAC 2H .0200.

History Note: Filed as a Temporary Adoption Eff. January 1, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 130A-29;
Eff. April 1, 1995.

15A NCAC 18A .3205 SOLID WASTE MANAGEMENT AND DISPOSAL

Solid waste management and disposal for tattoo establishments shall be in accordance with 15A NCAC 13B.

History Note: Filed as a Temporary Adoption Eff. January 1, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 130A-29;
Eff. April 1, 1995.

15A NCAC 18A .3206 RECORDS, HEALTH REQUIREMENTS FOR PATRONS

- (a) Retrievable records for each patron shall be kept by the tattoo artist. The patron shall be required to record or verify their name, address, phone number, date of birth, and provide their signature.
- (b) Records shall be kept for a minimum of two years and shall be made available to the department on demand.
- (c) No person with visible jaundice (yellowing of the eyes or skin) shall be tattooed.
- (d) No tattooing shall be done on skin surface that has a rash, pimples, boils, infections, or manifests any evidence of being reddened or inflamed.

History Note: Filed as a Temporary Adoption Eff. January 1, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 130A-29;
Eff. April 1, 1995.

15A NCAC 18A .3207 CONSTRUCTION

- (a) Each tattoo establishment shall have at least one tattooing room. This room shall be separate and apart from all other areas in the establishment, and access to this room shall be restricted. Patrons shall be tattooed only in the tattooing room, and there shall be a separate work station for each patron within the tattooing room. Furniture and furnishings within the tattooing room shall be constructed to be easily cleanable, maintained in good repair, and kept clean.
- (b) At least one lavatory with mixing faucets supplied with hot and cold running water under pressure shall be provided for every five artists for hand washing and utensil washing. Lavatories shall be accessible to the tattooing room such that tattoo artists can wash their hands and return to the tattoo room without having to touch anything with their hands. Access to these lavatories shall be restricted to the tattoo artists. Each lavatory shall be easily cleanable, in good repair, and kept free of storage.
- (c) Poisons, including germicidal solutions, used in the tattoo establishment shall be stored in covered containers with labels identifying the contents.
- (d) The tattooing room shall be maintained clean and in good repair. The floor of the tattooing room shall be of impervious material and shall be maintained in clean condition at all times.

History Note: Filed as a Temporary Adoption Eff. January 1, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 130A-29;

Eff. April 1, 1995.

15A NCAC 18A .3208 OPERATION AND MAINTENANCE

(a) Antiseptic soap and a germicidal solution shall be available to each tattoo artist. Individual hand scrub brushes and fingernail files or orange sticks for each tattoo artist shall also be available. Before tattooing the first patron of the day, each tattoo artist shall scrub his hands and forearms with an antiseptic soap and warm water for five minutes using a clean individual hand brush and an individual file or orange stick for his fingernails; and he shall repeat this process for two to three minutes before tattooing each subsequent patron that day. An individual disposable towel shall be used for drying the tattoo artist's hands and arms after rinsing. Each tattoo artist shall wear clean disposable latex surgical gloves and a clean or disposable gown or coat or a clean or disposable lap cloth while engaged in tattooing. Gloves must be changed between patrons and disposed of after each use. There shall be no use of tobacco or other smoking materials in the tattooing room, and there shall be no eating of food or drinking of beverages in the tattooing room by the tattoo artist.

(b) Tattooing instruments and other equipment shall be cared for as follows:

- (1) All clean and ready-to-use instruments, dyes, carbons, and stencils shall be kept in a closed container, case, or storage cabinet while not in use. The storage cabinet shall be maintained in a sanitary manner at all times. Sterile instruments shall be kept in sterile packages or containers;
- (2) Only disposable needles shall be used in the tattooing process, and a new needle or set of needles shall be used on each patron;
- (3) Autoclaving shall be used for sterilization of the needle bar tube and needle bar of the tattoo machine before use on each patron. The needle bar tube of the tattooing machine shall be cleaned after each use and before being sterilized for use with the next patron;
- (4) The needles and instruments required to be sterile shall be handled with aseptic technique during the tattooing procedure so they are not contaminated before use; and
- (5) The effectiveness of the autoclave in killing bacterial endospores shall be tested once each month by using an endospore-impregnated strip. Results of this test shall be recorded for review annually by the department.

(c) All sharps, including the needles after removal from the needle bar, shall be stored and disposed of in containers that are rigid, puncture-resistant, and leak-proof when in an upright position.

(d) Blood and body fluid precautions shall be practiced by the tattoo artist when the potential for contact with blood and body fluids exists in any procedure.

*History Note: Filed as a Temporary Adoption Eff. January 1, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 130A-29;
Eff. April 1, 1995.*

15A NCAC 18A .3209 TATTOOING PROCEDURES

(a) Sterilized or new disposable razors shall be used for each patron when it is necessary to shave the area to be tattooed.

(b) The site of the tattoo shall be cleaned with a germicidal solution, which shall be applied in a circular, centrifugal manner before the design is placed on the skin. If the area to be tattooed is shaved, this cleaning shall be performed after shaving the area. Any other sterile, individual towels or gauze that are used in preparing the site to be tattooed shall be properly disposed of after use on each patron.

(c) The use of styptic pencils, alum blocks, or other solid styptics to control bleeding is prohibited unless a separate, disposable styptic is used for each patron.

(d) If a stencil is used, only clean disposable stencils for transferring the design to the skin shall be used, and no stencil may be used on more than one patron.

(e) Single-service individual containers of dye or ink shall be used for each patron and the container shall be discarded immediately after completing work on a patron. Any dye or ink in which the needles were dipped shall be treated likewise so as not to be used on another person.

(f) After completing the tattoo, the tattooed area shall be cleaned with a clean facial tissue or paper towel, and an antibacterial ointment may be applied. The area shall then be covered with a sterile dressing.

*History Note: Filed as a Temporary Adoption Eff. January 1, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
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Eff. April 1, 1995.*

15A NCAC 18A .3210 INSECT, RODENT AND VECTOR CONTROL

The premises shall be kept clean and free of vermin at all times. There shall be no fly or mosquito breeding places or rodent harborage on the premises. Non-human animals shall not be allowed in the tattooing room. Litter under the control of the tattoo artist or operator shall not be permitted to accumulate on the premises.

*History Note: Filed as a Temporary Adoption Eff. January 1, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 130A-29;
Eff. April 1, 1995.*

15A NCAC 18A .3211 PROCEDURE WHEN INFECTION SUSPECTED

All infections resulting from the practice of tattooing which become known to the tattoo artist shall be reported to the local health department by the tattoo artist within 48 hours.

*History Note: Filed as a Temporary Adoption Eff. January 1, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 130A-29;
Eff. April 1, 1995.*

15A NCAC 18A .3212 PERMIT REVOCATION

The Department may suspend or revoke permits in accordance with G.S. 130A-23.

*History Note: Filed as a Temporary Adoption Eff. January 1, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 130A-23; 130A-29;
Eff. April 1, 1995.*

SECTION .3300 – ADULT DAY SERVICE FACILITIES

15A NCAC 18A .3301 DEFINITIONS

The following definitions shall apply throughout this Section:

- (1) "Adequate" means determined by the Department to be of sufficient size, volume, or technical specifications, to effectively accommodate and support the planned, current, or projected workloads for a specified operational area.
- (2) "Adult Day Service Facility" means an establishment which provides an organized program of services including a meal, for adults during the day in a community group setting and for which a license or certificate for payment is required from the Department of Health and Human Services. It includes adult day care services, adult day health services, psychosocial rehabilitation programs and other day programs which do not provide overnight accommodations.
- (3) "Approved" means procedures and domestic or commercial equipment determined by the Department to be in compliance with this Section. Commercial Kitchen equipment shall be approved in accordance with "ANSI/NSF Standard 2 Food Equipment", "NSF Standard 3 Commercial Spray-Type Dishwashing Machines", or "ANSI/NSF Standard 7 Commercial Refrigerators and Storage Freezers" which are incorporated by reference including any subsequent amendments or additions. This material is available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, NC. Copies may be obtained from NSF International, 3475 Plymouth Road, PO Box 130140, Ann Arbor, Michigan 48113-0140 or on the World Wide Web at www.nsf.org at a cost of sixty dollars (\$60.00) for ANSI/NSF Standard 2 and ninety-five dollars (\$95.00) for NSF Standard 3 or ANSI/NSF Standard 7.
- (4) "Communicable Condition" means the state of being infected with a communicable agent but without symptoms.
- (5) "Communicable Disease" means any disease that can be transmitted from one person to another directly, by contact with excrement, other body fluids, or discharges from the body; or indirectly, via substances or inanimate objects, such as contaminated food, drinking glasses, toys or water; or via vectors, such as flies, mosquitoes, ticks, or other insects.

- (6) "Department" or "DENR" means the North Carolina Department of Environment and Natural Resources. The term also means the authorized representative of the Department.
- (7) "Eating and Cooking Utensils" means and includes any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.
- (8) "Environmental Health Specialist" means a person authorized to represent the Department.
- (9) "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
- (10) "Frying" means to cook over direct heat in hot oil or fat.
- (11) "Hermetically Sealed" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.
- (12) "Hygroscopic Food" means food which readily takes up and retains moisture, such as bean sprouts.
- (13) "Impervious" means that which will not allow entrance or passage, such as an airtight plastic container that will not allow the entrance of moisture or vermin.
- (14) "Multi-Service Articles" means tableware, including flatware and holloware which are designed, fabricated, and intended by the manufacturer to be washed, rinsed, sanitized, and re-used.
- (15) "Multi-Use Articles" means bulk food containers and utensils designed, fabricated, and intended by the manufacturer to be washed, rinsed, sanitized, and re-used. The term includes items such as food storage containers, beverage pitchers, serving spoons and bowls, tongs, and spatulas. The term does not include multi-service articles as defined in this Section.
- (16) "Potable Water" means water from an approved source which is suitable for drinking.
- (17) "Potentially Hazardous Food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including *Clostridium botulinum*. This term includes raw or heat treated food of animal origin, raw seed sprouts, and treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity value of 0.85 or less.
- (18) "Putrescible Materials" means materials likely to rot or putrefy, such as fruit, vegetables, meats, dairy products, or similar items.
- (19) "Sanitary Sewage System" means a complete system of sewage collection, treatment, and disposal and includes septic tank systems, connection to a public or community sewage system, sewage reuse or recycle systems, mechanical or biological treatment systems, or other such systems.
- (20) "Sanitize" means the approved bactericidal treatment by a process which meets the temperature and chemical concentration levels in 15A NCAC 18A .3312.
- (21) "Sewage" means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with foodhandling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater.
- (22) "Single-Service Articles" means tableware, including flatware and holloware, carry-out utensils and other items such as bags, containers, stirrers, straws, toothpicks, and wrappers which are designed, fabricated and intended by the manufacturer for one-time use.
- (23) "Single-Use Articles" means bulk food containers and utensils intended by manufacturer to be used once and discarded. The term includes items such as formed buckets, bread wrappers, pickle barrels, and No. 10 cans. The term does not include single-service articles as defined in this Section.

History Note: Authority G. S. 130A-285;
Eff. August 1, 2002.

15A NCAC 18A .3302 APPROVAL OF CONSTRUCTION AND RENOVATION PLANS

(a) Plans drawn to scale and specifications for new adult day service facilities shall be submitted to the local health department for review and approval prior to initiating construction. Plans drawn to scale and specifications for changes to building dimensions, kitchen specifications, or other modifications to existing adult day service facilities shall also be submitted to the local health department for review and approval prior to construction. The initial inspection for new construction or the first inspection following modifications to existing adult day service facilities shall not be made by the local health department unless these plans have been approved. For new or proposed adult day service facilities, a site visit to evaluate and assist in meeting the requirements of this Section may be requested by the adult day service operator prior to submission of plans and shall be conducted by the local health department within 30 days of the request.

- (b) Review of the plans by the local health department or the Environmental Health Services Section shall be based on the requirements of this Section.
- (c) Construction and modifications shall comply with the approved plans.

*History Note: Authority G.S. 130A-285;
Eff. August 1, 2002.*

15A NCAC 18A .3303 INSPECTIONS AND REPORTS

- (a) Unannounced inspections of adult day service facilities shall be made by an Environmental Health Specialist at least once each year. An original and one copy of the Inspection of Adult Day Service Facility form shall be completed by the Environmental Health Specialist. The adult day service facility operator and the Environmental Health Specialist shall each retain a copy.
- (b) If the Environmental Health Specialist determines that conditions found at the adult day service facility at the time of any inspection are dangerous to the health of the participants, the Environmental Health Specialist shall notify the licensing or certifying agency within 24 hours by verbal contact. A copy of the inspection report documenting the dangerous conditions shall be sent to the licensing or certifying agency within two working days following the inspection. Notification of dangerous conditions found at an adult day care or adult day health service facility shall be made to the NC Department of Health and Human Services, Division of Aging. Notifications involving dangerous conditions found at a psychosocial rehabilitation center facility shall be made to the NC Department of Health and Human Services, Division of Health Service Regulation.
- (c) An Environmental Health Specialist may conduct an inspection of any adult day care facility as frequently as necessary in order to ensure compliance with applicable sanitation standards.

*History Note: Authority G.S. 130A-285;
Eff. August 1, 2002.*

15A NCAC 18A .3304 FOOD SUPPLIES

- (a) Food shall be in good condition, free from spoilage, filth, or other contamination and shall be safe for human consumption. Potentially hazardous foods shall only be obtained from sources that are permitted or inspected by a health department or the North Carolina Department of Agriculture. The use of food packaged in hermetically sealed containers that was not prepared in a commercial food processing establishment is prohibited.
- (b) Milk products that are used shall be Grade "A" pasteurized fluid milk and fluid milk products or evaporated milk. The term "milk products" means those products as defined in 15A NCAC 18A .1200. Copies of 15A NCAC 18A .1200 may be obtained from the Division of Environmental Health, 1630 Mail Service Center, Raleigh, NC 27699-1630. Unless prescribed by a physician, dry milk and dry milk products may be used only for cooking purposes, including cooked pudding desserts and flavored hot beverages.
- (c) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker - packer, or repacker, and the interstate certification number issued according to law. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by an attached tag that states the name and address of the original shell stock processor, the kind and quantity of shell stock, and an interstate certification number issued by the State or foreign shellfish control agency. After each container of shellstock has been emptied, the management shall remove the stub of the tag and retain it for a period of at least 90 days.
- (d) Raw eggs or products containing raw eggs shall not be consumed, including raw cookie dough, cake batter, brownie mix, milkshakes, ice cream and other food products. A pasteurized egg product may be used as a substitute for raw eggs.
- (e) Beverages and food sent from home shall be fully prepared, dated, and identified for the appropriate participant at the participant's home. All formula and other bottled beverages shall be returned to the participant's home or discarded at the end of each day. Drinking utensils provided by the adult day service facility shall be sanitized in accordance with this Section. Formula and other beverages which require refrigeration, and pureed food after opening shall be refrigerated at 45°F (7°C) or below. Commercially prepared pureed foods shall be served from a single-serving dish rather than the food container. Upon opening, containers of pureed food shall be covered, dated with the date of opening, and refrigerated.
- (f) Adult day service facilities receiving prepared, ready-to-eat meals from outside sources shall use only catered meals obtained from a food handling establishment permitted or inspected by a health department. During transportation, food shall meet the requirements of these Rules relating to food protection and storage.
- (g) All bag lunches containing potentially hazardous foods shall be refrigerated in accordance with this Section.

History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.

15A NCAC 18A .3305 FOOD PROTECTION

- (a) Food shall be protected at all times from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage or overhead drippage from condensation. The temperature of potentially hazardous food shall be 45°F (7°C) or below, or 140°F (60°C) or above at all times, including field trips, and as otherwise provided in these Rules.
- (b) In the event of a fire, flood, power outage, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the local health department.

History Note: Authority G.S. 130A-285;
Eff. August 1, 2002.

15A NCAC 18A .3306 FOOD STORAGE

- (a) Opened food products shall be stored in approved, clean, tightly covered, storage containers. Containers shall be impervious and nonabsorbent.
- (b) Foods not stored in the product container or package in which it was obtained, shall be stored in a tightly covered, approved food storage container identifying the food by common name.
- (c) Food shall be stored above the floor in a manner that protects the food from splash and other contamination and that permits easy cleaning of the storage area.
- (d) Food and containers of food shall not be stored under exposed or unprotected sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law. Food shall not be stored in toilet or laundry rooms, or other areas where there is a potential for contamination.
- (e) All food shall be stored in a manner to protect it from dust, insects, drip, splash and other contamination.
- (f) Packaged food such as milk or other fluid containers may be stored in undrained ice as long as any individual units are not submerged in water. Wrapped sandwiches shall not be stored in direct contact with ice.
- (g) Refrigerated storage:
- (1) Refrigeration equipment shall be provided in such number and of such capacity to assure the maintenance of potentially hazardous food at required temperatures during storage. Each refrigerator shall be provided with a numerically scaled indicating thermometer, accurate to $\pm 3^{\circ}$ F ($\pm 1.5^{\circ}$ C) located to measure the air temperature in the warmest part of the refrigerator and located to be easily readable. Recording thermometers, accurate to $\pm 3^{\circ}$ F ($\pm 1.5^{\circ}$ C), may be used in lieu of indicating thermometers.
 - (2) Potentially hazardous food requiring refrigeration after preparation shall be cooled to an internal temperature of 45°F (7°C), or below. Cooling of potentially hazardous foods shall be initiated upon completion of preparation or a period of hot storage. Methods such as shallow pans, agitation, quick chilling or water circulation external to the food containers shall be used to cool large quantities of potentially hazardous food. Potentially hazardous food to be transported cold shall be prechilled and held at a temperature of 45°F (7°C) or below.
 - (3) Ice used for cooling stored food and food containers shall not be used for human consumption.
- (h) Hot storage:
- (1) Hot food storage equipment shall be provided in such number and of such capacity to assure the maintenance of food at the required temperature during storage. Each hot food unit shall be provided with a numerically scaled indicating thermometer, accurate to $\pm 3^{\circ}$ F ($\pm 1.5^{\circ}$ C), located to measure the air temperature in the coolest part of the unit and located to be easily readable. Recording thermometers, accurate to $\pm 3^{\circ}$ F ($\pm 1.5^{\circ}$ C), may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a metal stem-type numerically scaled indicating product thermometer shall be available and used to check internal food temperature;
 - (2) The internal temperature of potentially hazardous foods requiring hot storage shall be 140°F (60°C) or above except during necessary periods of preparation and service. Potentially hazardous food to be transported hot shall be held at a temperature of 140°F (60°C) or above.

History Note: Authority G.S.130A-285;

Eff. August 1, 2002.

15A NCAC 18A .3307 FOOD PREPARATION

- (a) Food shall be prepared with the least possible manual contact, with utensils, and on surfaces that have been cleaned, rinsed, and sanitized prior to use in order to prevent cross-contamination.
- (b) Whenever there is a change in processing from raw to ready-to-eat foods, the new operation shall begin with food-contact surfaces and utensils which are clean and sanitized.
- (c) Raw fruits and raw vegetables shall be thoroughly washed with potable water before being cooked or served.
- (d) Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140°F (60°C), except that:
 - (1) Poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165°F (74°C) with no interruption of the cooking process;
 - (2) Pork and any food containing pork shall be cooked to heat all parts of the food to at least 155°F (68°C) for 15 seconds with no interruption in the cooking process;
 - (3) Ground beef and foods containing ground beef shall be cooked to an internal temperature of at least 155°F (68°C) with no interruption in the cooking process;
 - (4) Rare roast beef shall be cooked to an internal temperature of at least 130°F (54°C) with no interruption in the cooking process.
- (e) Raw animal products cooked in a microwave oven shall be rotated during cooking to compensate for uneven heat distribution.
- (f) Potentially hazardous foods that have been cooked and then refrigerated, if served above 45°F (7°C), shall be reheated rapidly to an internal temperature of 165°F (74°C) or higher before being served or before being placed in a hot food storage unit except that, food in intact manufacturer's heat-and-serve packages may initially be reheated to 140°F (60°C). Steam tables, warmers, and similar hot food holding units are prohibited for the rapid reheating of potentially hazardous foods unless the equipment was specifically designed to rapidly reheat foods to 165°F.
- (g) A food temperature measuring device, accurate to $\pm 2^\circ$ F ($\pm 1^\circ$ C), shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.
- (h) Potentially hazardous foods shall be thawed:
 - (1) In refrigerated units at a temperature not to exceed 45°F (7°C);
 - (2) Under potable running water of a temperature of 70°F (21°C) or below, with sufficient water velocity to agitate and float off loose food particles into the overflow;
 - (3) In a microwave oven only when the food will be immediately transferred to conventional cooking equipment as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
 - (4) As part of the conventional cooking process.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.*

15A NCAC 18A .3308 FOOD SERVICE

- (a) Milk and milk products for drinking purposes shall be served from a commercially filled container of not more than one gallon capacity or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser directly into the drinking utensil.
- (b) Ice shall be made, handled, transported, stored and dispensed in such a manner as to be protected against contamination. Ice shall be dispensed with scoops, tongs, or other ice-dispensing utensils or through automatic ice-dispensing equipment. Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles shall be stored to protect them from dust, drip, splash and other contamination. Ice storage bins shall be drained through an air gap.
- (c) Employees preparing or serving food shall wash their hands in accordance with 15A NCAC 18A .3328 and shall either use antibacterial soap, dips, or hand sanitizers immediately prior to food preparation or service or use clean, disposable gloves during food preparation or service. This requirement is in addition to all handwashing requirements in Rule .3328 of this Section.
- (d) Once served, portions of leftover food shall not be served again unless the package is intact and the food is not potentially hazardous.

- (e) Between uses during service, dispensing utensils shall be stored in the food with the dispensing utensil handle extended out of the food or stored clean and dry.
- (f) Nothing in the Rules of this Section shall be construed as prohibiting family style food service at adult day service facilities so long as supervision of the participants is maintained throughout each meal except that family style food service may be prohibited during the outbreak and investigation of communicable diseases.

*History Note: Authority G.S. 130A-285;
Eff. August 1, 2002.*

15A NCAC 18A .3309 FOOD SERVICE EQUIPMENT AND UTENSILS

(a) Material and Construction:

- (1) Materials used in the construction of utensils and equipment shall, under normal use conditions, be durable; corrosion-resistant; nonabsorbent; non-toxic; of sufficient weight and thickness to permit cleaning and sanitizing by normal warewashing methods; finished to have a smooth, easily cleanable surface; and resistant to pitting, chipping, cracking, scratching, scoring, distortion, and decomposition;
- (2) Solder shall be comprised of approved, non-toxic; corrosion-resistant materials.
- (3) Wood and wicker shall not be used as food-contact surfaces, except hard maple or an equivalent nonabsorbent wood may be used for cutting boards, cutting blocks or bakers' tables.
- (4) Galvanized metal shall not be used for utensils which have general utility or for utensils or food-contact equipment which contacts beverages or moist or hygroscopic food.
- (5) Linens shall not be used as food-contact surfaces, except that clean linen may be used in contact with bread and rolls.
- (6) Single-use and single-service articles shall be fabricated from approved, clean materials.
- (7) Single-use articles such as formed buckets, bread wrappers, aluminum pie plates and No. 10 cans shall be used only once except that containers made of plastic, glass or other food grade material having smooth sides and of a construction so as to be easily cleaned may be reused.
- (8) Equipment, utensils, and single-service articles that impart odors, color or taste, or contribute to the contamination of food shall not be used.

(b) Design and Fabrication:

- (1) Equipment and utensils shall be designed and fabricated to be durable and sufficiently strong to resist denting and buckling under normal-use conditions.
- (2) Product thermometers and thermometer probes shall be of metal stem-type construction.
- (3) Multi-use food-contact surfaces shall be smooth; free of breaks, open seams, cracks, chips, pits and similar imperfections; free of sharp internal angles, corners and crevices; finished to have smooth welds and joints; and accessible for cleaning and inspection without being disassembled, by disassembling without the use of tools or by easy disassembling with the use of only simple tools such as mallets, screw drivers or wrenches which are kept near the equipment.
- (4) Water filters or any other water conditioning devices shall be designed to be disassembled to provide for periodic cleaning or replacement of the active element.
- (5) Nonfood-contact surfaces shall be nonabsorbent, cleanable, and free of ledges, projections, and crevices that obstruct cleaning.
- (6) Interior surfaces of nonfood-contact equipment shall be designed and fabricated to allow easy cleaning and to facilitate maintenance operations.
- (7) Filters and other grease extracting equipment shall be readily accessible for filter replacement and cleaning.

*History Note: Authority G.S. 130A-285;
Eff. August 1, 2002.*

15A NCAC 18A .3310 SPECIFICATIONS FOR KITCHENS

(a) For adult day service facilities licensed for or serving food to fewer than 30 participants:

- (1) Domestic kitchen equipment may be used. Domestic kitchen equipment shall include at least a two-compartment sink, drainboards or countertop space of adequate size, refrigeration equipment and adequate cooking equipment. Adult day service facilities using multi-service articles shall also provide a dishwasher. In lieu of a dishwasher and two-compartment sink, a three-compartment sink with drainboards or counter top space of adequate size on each end may be used;

- (2) When domestic refrigeration equipment is used the following provisions shall apply:
 - (A) Potentially hazardous foods shall not be prepared prior to the day that such foods are to be served;
 - (B) Potentially hazardous foods that have been heated shall not be reheated or placed in refrigeration to be used in whole or in part on another day; and
 - (C) Salads containing potentially hazardous food shall not be prepared on-site.
 - (3) A separate lavatory for handwashing is required in food preparation areas. If the dishwashing area is separate from the food preparation area, an additional lavatory shall be required in the dishwashing area. These handwashing lavatories shall be used only by food service personnel; and
 - (4) A commercial hood shall be installed when foods are fried on-site. The hood shall be installed in accordance with the North Carolina Building Code and approved by the local building code enforcement agent.
- (b) For adult day service facilities licensed for or serving food to 30 or more participants:
- (1) Approved food service equipment shall be used. When domestic refrigeration equipment is used the following provisions shall apply:
 - (A) Potentially hazardous foods shall not be prepared prior to the day that such foods are to be served;
 - (B) Potentially hazardous foods that have been heated shall not be reheated or placed in refrigeration to be used in whole or in part on another day;
 - (C) Salads containing potentially hazardous food shall not be prepared on-site; and
 - (D) All meats, poultry, and fish shall be purchased in pre-portioned, ready-to-cook form.
 - (2) Food service equipment shall include:
 - (A) Where meals are prepared and multi-service articles are used, at least a three-compartment sink with drainboards or counter top space of adequate size on each end, refrigeration equipment, and cooking equipment;
 - (B) Where meals are prepared and only single-service articles are used, at least a two-compartment sink with drainboards or counter top space of adequate size on each end, refrigeration equipment, and cooking equipment; or
 - (C) Where no meals are prepared and only single-service articles are used, refrigeration equipment, and at least a domestic two-compartment sink with drainboards or counter top space of adequate size on each end.
 - (3) A separate food preparation sink with drainboards shall be provided for the washing and processing of foods except where plan review shows that volume and preparation frequency do not require separate facilities.
 - (4) A separate lavatory for handwashing is required in food preparation and food service areas. If the dishwashing area is separate from the food preparation area, an additional lavatory shall be required in the dishwashing area. These handwashing lavatories shall be used only by food service personnel.
 - (5) A commercial hood shall be installed when foods are fried on-site. The hood shall be installed in accordance with the North Carolina Building Code and approved by the local building code enforcement agent.

History Note: Authority G.S. 130A-285;
Eff. August 1, 2002.

15A NCAC 18A .3311 CLEANING AND SANITIZING OF EQUIPMENT AND UTENSILS

- (a) Multi-use tableware shall be washed, rinsed, and sanitized after each use.
- (b) Food-contact surfaces of equipment and utensils shall be washed, rinsed, and sanitized:
 - (1) Each time there is a change from raw to ready-to-eat foods;
 - (2) Each time there is a change in processing between types of raw animal products such as beef, fish, lamb, pork, and poultry;
 - (3) After any contamination may have occurred;
 - (4) Whenever necessitated by food temperature, room temperature, type of food, and food particle accumulation; and
 - (5) After final use each working day.
- (c) Nonfood-contact surfaces of equipment shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.*

15A NCAC 18A .3312 MANUAL CLEANING AND SANITIZING

- (a) Adult day service facilities licensed for or serving food to 30 or more participants shall provide and use a three-compartment sink with drainboards or counter top space of adequate size on each end if multi-service eating and drinking utensils are manually cleaned and sanitized.
- (b) Adult day service facilities licensed for or serving food to fewer than 30 participants that use a domestic dishwasher and two-compartment sink for sanitizing multi-service articles shall sanitize as required in Paragraph (e)(4) of this Rule. Sink compartments shall be large enough to submerge the largest items to be washed and each compartment shall be supplied with hot and cold running water.
- (c) If required under Rule .3310 of this Section, drainboards or counter top space of adequate size shall be provided for handling of soiled utensils prior to washing and cleaned utensils following sanitizing. Drainboards or counter top space shall be no less than 24" long. For adult day service facilities licensed for or serving food to fewer than 13 participants and located in a residence, a domestic dishwasher may be used to provide the equivalent of 24" of drainboard space, and other designated areas not contiguous with the sink may be used to meet drainboard or counter top space requirements.
- (d) Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.
- (e) Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing, and sanitizing shall be conducted in the following sequence:
- (1) Sinks shall be cleaned and sanitized prior to use;
 - (2) Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is changed when visibly soiled;
 - (3) Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment; and
 - (4) The food-contact surfaces of equipment and utensils shall be sanitized in the third compartment by:
 - (A) Immersion for at least one minute in clean, hot water at a temperature of at least 170°F (77°C);
 - (B) Immersion for at least two minutes in a clean solution containing at least 50 parts per million (ppm) of available chlorine at a temperature of at least 75°F (24°C);
 - (C) Immersion for at least two minutes in a clean solution containing at least 12.5 ppm of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75°F (24°C); or
 - (D) Immersion for at least two minutes in a clean solution containing at least 200 ppm of quaternary ammonium products and having a temperature of at least 75°F (24°C), provided that the product is labeled to show that it is effective in water having a hardness value at least equal to that of the water being used.
- (f) For utensils and equipment which are either too large or impractical to sanitize in a dishwashing machine or dishwashing sink, a spray-on or wipe-on sanitizer shall be used. When spray-on or wipe-on sanitizers are used, the chemical strengths shall be those required for sanitizing multi-use eating and drinking utensils. Spray-on or wipe-on sanitizers shall be prepared daily and kept on hand for bactericidal treatment.
- (g) When hot water is used for sanitizing, the following facilities shall be provided and used:
- (1) An approved heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170°F (77°C); and
 - (2) A numerically scaled indicating thermometer, accurate to $\pm 3^{\circ}$ F ($\pm 1.5^{\circ}$ C), convenient to the sink for frequent checks of water temperature; and
 - (3) Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.
- (h) An approved testing method or equipment, used in accordance with the product manufacturer's instructions, shall be available, convenient, and regularly used to test chemical sanitizers to insure minimum prescribed strengths.
- (i) After sanitization, all equipment and utensils shall be air-dried.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.*

15A NCAC 18A .3313 MECHANICAL CLEANING AND SANITIZING

- (a) Machine or water line mounted numerically scaled indicating thermometers, accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$), shall be provided for commercial dishwashing equipment to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.
- (b) Drainboards or counter top space of adequate size for the proper handling of soiled utensils prior to washing and cleaned utensils following sanitization shall be provided.
- (c) Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove large food particles and soil prior to being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters and that permits free draining.
- (d) Machines using chemicals for sanitization may be used provided that a testing method or equipment is available, convenient, and used to test chemical sanitizers to insure minimum prescribed strengths.
- (e) All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary to maintain them in operating condition.
- (f) After sanitization, all equipment and utensils shall be air dried.

History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.

15A NCAC 18A .3314 FOOD SERVICE EQUIPMENT AND UTENSIL STORAGE

- (a) Cleaned and sanitized equipment and utensils shall be handled in a way that protects the food-contact surfaces from contamination. Spoons, knives, and forks shall be touched only by their handles. Cups, glasses, bowls, plates, and similar items shall be handled without contact with inside surfaces or surfaces that contact the user's mouth.
- (b) Cleaned and sanitized utensils and equipment shall be stored above the floor in a clean, dry location in a way that protects them from dust, insects, drip, splash and other contamination and facilitates floor cleaning. The food-contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law.
- (c) Single-service articles shall be purchased only in clean containers, shall be stored in a clean, dry container until used, and shall be handled in accordance with the rules of this Section.

History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.

15A NCAC 18A .3315 WATER SUPPLY

- (a) Running water under pressure shall be provided in sufficient quantities to meet the needs of cooking, cleaning, drinking, toilets, and outside uses without producing water pressure lower than that required by the North Carolina Plumbing Code.
- (b) The water supply shall meet the requirements of 15A NCAC 18C or 15A NCAC 18A .1700 Protection of Water Supplies. Samples of water shall be collected by the Environmental Health Specialist and submitted to a state certified laboratory for bacteriological analysis annually. Other tests of water quality, as indicated by possible sources of contamination, may be collected by the Environmental Health Specialist.
- (c) No cross-connections with an unapproved water supply shall exist. If potential back-flow conditions exist, an approved back-flow prevention device shall be provided.
- (d) Water heating equipment that is sufficient to meet the maximum expected requirements of the adult day service facility shall be provided. Capacity and recovery rates of hot water heating equipment shall be based on number and size of sinks, capacity of dishwashing machines, capacity of laundering machines, clothing changing facilities, and other food service and cleaning needs. Hot and cold water under pressure shall be easily accessible to all rooms where food is processed or handled, rooms in which utensils or equipment are washed, and other areas where water is required for cleaning and sanitizing, including lavatories and diaper changing areas.
- (e) Hot water heating equipment shall provide hot water as follows:
 - (1) at a minimum temperature of 140°F at the point of use when hot water is used for sanitizing; and
 - (2) at a temperature of no less than 90°F and no more than 120°F at hand sinks and in other areas accessible to participants, and in kitchens not used to prepare meals.

History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.

15A NCAC 18A .3316 DRINKING WATER FACILITIES

- (a) Drinking fountains of an approved type or individual drinking utensils shall constitute approved drinking water facilities.
- (b) Drinking fountains, if provided, shall be of sanitary angle-jet design and kept clean. The pressure shall be regulated so that the individual's mouth does not come in contact with the nozzle and so that water does not splash on the floor.
- (c) All multi-use utensils used for drinking purposes shall be easily cleanable, cleaned and sanitized after each use. Single-service articles used for drinking water shall be stored and handled so as not to become contaminated by insects, splash, dust, and other contamination.

History Note: Authority G.S. 130A-285;
Eff. August 1, 2002.

15A NCAC 18A .3317 TOILETS

- (a) All toilet fixtures and toilet rooms shall be located to comply with the requirements of this Section. Storage in toilet rooms shall be limited to toileting and clothing changing supplies except that cleaning supplies can be stored in toilet rooms in a locked cabinet. All toilet fixtures shall be easily cleanable, and in good repair.
- (b) Toilet fixtures shall be cleaned and sanitized when soiled and at least on a daily basis. A solution of 100 ppm chlorine solution or other equivalent methods approved by the Department shall be used for sanitizing.
- (c) If bedside commodes, bedpans or urinals are used, they shall be located in a room equipped with a spray rinse toilet or utility sink. Bedside commodes, bedpans and urinals shall be emptied and rinsed or discarded when used, and cleaned and sanitized before use by any other participant, with 100 ppm chlorine solution or equivalent method approved by the Department.

History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.

15A NCAC 18A .3318 LAVATORIES AND BATHING FACILITIES

- (a) Lavatories shall be sized and located to comply with the appropriate handwashing requirements of this Section, easily cleanable, in good repair, and kept free of storage.
- (b) All lavatories and bathing facilities shall be equipped with hot and cold running water through mixing faucets except that automatic mixing faucets or pre-mixing devices which provide water at the temperature specified in Rule .3315(e) of this Section may be provided.
- (c) Lavatories shall be cleaned and sanitized as needed and at least on a daily basis. A solution of 100 ppm chlorine or other approved methods shall be used for sanitizing.
- (d) Soap and disposable towels or heated air hand drying device shall be provided at every handwash lavatory area.
- (e) Handwash signs shall be posted at each employee handwashing lavatory.
- (f) If bathing facilities or hydrotherapy equipment are provided, they shall be kept clean. Bathing equipment which has contact with participant's skin shall be cleaned with a detergent and an EPA listed Germicidal disinfectant between participant uses. Manufacturer's instructions shall be followed for cleaning equipment with pumps. A supply of cleaning and disinfectant agents shall be accessible to bathing areas. Chemical test kits shall be used to test the concentration of disinfectants mixed on site.

History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.

15A NCAC 18A .3319 CLOTHING AND CLOTHING CHANGING

- (a) Clothing changes shall be done in restrooms or other areas designated for that purpose.
- (b) Clothing Changing surfaces shall be smooth, nonabsorbent, easily cleanable and shall be approved by the Department.
- (c) Clothing Changing surfaces shall be kept free of storage and shall be cleaned with a mild solution of water and detergent and sanitized after each changing. A solution of 100 ppm chlorine or equivalent methods approved by the Department shall be used for sanitizing. A testing method or kit shall be available and used daily to measure sanitizer concentration and insure compliance with the minimum prescribed strength. These solutions shall be used from hand pump spray bottles which are labeled to identify the contents.
- (d) Each clothing changing area shall include a handwash lavatory.
- (e) The use of disposable gloves by caregivers during the clothing changing process is required if the worker has cuts or sores on hands or chapped hands. Gloves shall be discarded after use.

- (f) Caregivers may dispose of feces in the toilet, and soiled clothing shall be placed in a tightly closed plastic bag or other equivalent container approved by the Department and sent daily to the participant's home or a laundry area to be laundered. Clothing shall not be rinsed except where a utility sink is provided for that purpose.
- (g) Only pre-moistened towelettes or paper towels shall be used for cleaning participants during the changing process. Soiled paper or towelettes shall be discarded after use in a covered plastic-lined receptacle.
- (h) Soiled disposable diapers shall be placed in a cleanable, plastic-lined, covered container and removed to an exterior garbage area at least daily.
- (i) Whether or not disposable gloves are used, caregivers shall wash their hands after each individual clothing change in accordance with Rule .3328 of this Section.
- (j) Participant's hands shall be washed in the lavatory after each individual clothing change in accordance with Rule .3328 of this Section.

History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.

15A NCAC 18A .3320 STORAGE

- (a) Rooms or spaces shall be provided for the storage of equipment, furniture, clothes, beds, cots, mats, and supplies and shall be kept clean. Shelving or other storage, constructed in a manner to facilitate cleaning, shall be provided for orderly storage of supplies and equipment.
- (b) All corrosive agents, insecticides, rodenticides, herbicides, bleaches, detergents, polishes, items containing petroleum products, any product which is under pressure in an aerosol dispensing can, and any substance which may be hazardous if ingested, inhaled, or handled shall be stored in a locked storage room or cabinet, locked with a combination lock or key except at psychosocial rehabilitation programs where participants need access to the chemicals. Keys shall be kept out of the reach of participants and shall not be stored in the lock.
- (c) A properly mixed sanitizing solution and a mild detergent solution approved by the Department shall not be required to be stored in a locked storage room or locked cabinet. These solutions shall be clearly labeled.
- (d) Medications not under the control of a participant shall be stored in a separate locked cabinet or other locked container. Medications which require refrigeration shall be stored in a locked box or locked container in a refrigerator.
- (e) Closets, lockers, or coat hooks shall be provided for storage of coats, hats, or similar items. Personal items such as toothbrushes, dentures or combs shall be stored in containers labeled with the participant's name.

History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.

15A NCAC 18A .3321 BEDS AND LINENS

- (a) All beds, chairs, cots, and mats shall be clean, in good repair and stored to protect them from splash, drip and other contamination.
- (b) Individual beds used for sleeping shall be covered with waterproof, washable material and shall be equipped with individual linen.
- (c) All bed linen shall be kept clean and in good repair and shall be changed between participant uses.
- (d) Blankets, throws or other covers shall be kept clean.
- (e) Linen shall be stored with the individual mat or cot until laundered or stored individually for each participant in a designated area if taken off the mats or cots. Linen shall be laundered a minimum of one time per week, or more often if soiled. Linen used for more than one participant shall be laundered between users. Linen used in clothing changing areas shall be changed and laundered when soiled or at least on a daily basis. Linens shall be large enough to cover the sleeping surface.

History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.

15A NCAC 18A .3322 FURNITURE, EQUIPMENT AND ACTIVITY SUPPLIES

Furniture, equipment and activity supplies provided by the adult day service facility shall be of easily cleanable construction, and shall be kept clean and in good repair.

History Note: Authority G.S. 130A-285;
Eff. August 1, 2002.

15A NCAC 18A .3323 PERSONNEL

- (a) Employees shall wear clean outer clothing and shall be clean as to their person and methods of foodhandling and participant care. Employees shall keep their fingernails clean and trimmed.
- (b) Hair nets, caps, or similar hair restraints shall be worn by employees engaged in the preparation or service of food. Hair spray, barrettes, or visors are not considered an effective hair restraint.
- (c) Tobacco use in any form is prohibited in the food preparation area. Smoking shall be prohibited in building areas occupied by non-smokers.
- (d) Persons with a communicable disease or a communicable condition shall be excluded from situations in which transmission can be reasonably expected to occur, in accordance with Communicable Disease Control Measures under 15A NCAC 19A .0200. Any person with boils, sores, burns, infected wounds or other potentially draining lesions on the face, neck, hands, lower arms or other exposed skin shall bandage affected area to eliminate exposure to drainage. If exposure to drainage cannot be eliminated or proper handwashing cannot be maintained, then the employee shall be excluded from the adult day service facility while the condition exists.
- (e) Volunteer personnel shall adhere to the same requirements in these Rules as employees.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.*

15A NCAC 18A .3324 FLOORS

- (a) Floors and floor coverings of all food preparation, food storage, utensil-washing areas, toilet rooms, maintenance rooms, utility rooms, and laundry areas shall be constructed of nonabsorbent, easily cleanable, durable material such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic, or tight wood impregnated with plastic.
- (b) Carpeting used as a floor covering shall be of closely woven construction, installed to prevent hazards or obstacles to cleaning, and easily cleanable. Carpeting is prohibited in food preparation areas, equipment and utensil-washing areas, food storage areas, laundry areas, and toilet rooms.
- (c) All floors shall be kept clean and maintained in good repair. Carpeting shall be kept clean and dry.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.*

15A NCAC 18A .3325 WALLS AND CEILINGS

- (a) The walls and ceilings, including doors and windows, of all rooms and areas shall be kept clean, in good repair, and free of microbial growth. All walls shall be non-absorbent and easily cleanable.
- (b) Ceilings in rooms in which food is stored, handled or prepared, utensil-washing rooms, and toilet rooms shall be non-absorbent and easily cleanable. Acoustic ceiling material may be used where ventilation precludes the possibility of grease and moisture absorption.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.*

15A NCAC 18A .3326 LIGHTING AND THERMAL ENVIRONMENT

- (a) All rooms and enclosed areas shall be well lighted by natural or artificial means. Lighting shall be capable of illumination to at least 50 foot-candles at food preparation work surfaces. At least 10 foot-candles of light, at 30 inches above the floor, shall be provided in all other areas, including storage rooms. Light fixtures in all areas shall be kept clean and in good repair. Completely shielded bulbs or shatterproof bulbs shall be used in food preparation, storage, and serving areas.
- (b) All rooms used by participants shall be heated, cooled, and ventilated to maintain a temperature between 65°F (19°C) and 85°F (30°C). Ventilation may be in the form of operable windows which are screened or by means of mechanical ventilation to the outside. Windows and window treatments shall be kept clean and in good repair. All ventilation equipment, including heating and cooling vents, fans, and all special ventilation equipment which is required for kitchens and toilet rooms, shall be kept clean and in good repair.

*History Note: Authority G.S. 130A-285;
Eff. August 1, 2002.*

15A NCAC 18A .3327 COMMUNICABLE DISEASES AND CONDITIONS

- (a) Any person who becomes ill at the adult day service facility and is suspected of having a communicable disease or communicable condition shall be separated from the other participants until leaving the facility.
- (b) Each adult day service facility shall include a designated area for a person who becomes ill. When in use, such area shall be equipped with a bed, cot or mat and a vomitus receptacle. All materials shall be sanitized after each use. Linens and disposables shall be changed after each use.
- (c) If the area is not a separate room, it shall be separated from space used by other participants by a partition, screen or other means approved by the Environmental Health Specialist to minimize exposure of other participants to a person who is ill. This designated area shall be proximate to a toilet and lavatory, and where health and sanitation measures can be carried out without interrupting activities of other participants and staff. Ill people shall not be allowed in areas where food is prepared or handled.
- (d) Facilities providing adult day health services shall have a treatment room which is separate from areas used for storage and handling of food. The treatment room shall have a hand sink or have a doorway which connects it to a room containing a sink.

History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.

15A NCAC 18A .3328 HANDWASHING

- (a) Employees shall be instructed that handwashing is the single most important line of defense in preventing the transmission of disease-causing organisms. Employees shall wash hands upon reporting for work; before and after handling food; before feeding participants; before handling clean utensils or equipment; after toileting or handling of body fluids (e.g., saliva, nasal secretions, vomitus, feces, urine, blood, secretions from sores, pustulant discharge); after clothing changing; after handling soiled items such as garbage, mops, cloths, and clothing; and after removing disposable gloves.
- (b) Participants shall wash hands upon arrival at the facility; after each clothing change or visit to the toilet; before eating meals or snacks; and after handling animals or animal cages.
- (c) Proper handwashing procedures shall include:
 - (1) Using soap and tempered running water;
 - (2) Rubbing hands vigorously with soap and tempered water for 15 seconds;
 - (3) Washing all surfaces of the hands, to include the backs of hands, palms, wrists, under fingernails, and between fingers;
 - (4) Rinsing well for 10 seconds;
 - (5) Drying hands with a paper towel or mechanical dryer; and
 - (6) Turning off faucet with paper towel.

History Note: Authority G.S. 130A-285;
Eff. August 1, 2002.

15A NCAC 18A .3329 WASTEWATER

All wastewater shall be disposed of in a publicly-owned wastewater treatment system or by an approved properly operating on-site wastewater system.

History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.

15A NCAC 18A .3330 SOLID WASTES

- (a) Solid wastes containing food scraps or other putrescible materials shall, prior to disposal, be kept in durable, rust-resistant, nonabsorbent, water-tight, rodent-proof, and easily cleanable containers such as standard garbage cans which shall be covered with tight lids when filled or stored or not in continuous use. Refuse including scrap paper, cardboard boxes and similar items shall be stored in containers, rooms or designated areas approved by the Department.
- (b) Facilities shall be provided for the washing and storage of all garbage cans and mops for adult day service facilities, except for facilities certified or licensed for fewer than 13 participants. Cleaning facilities shall include combination faucet, hot and cold running water, threaded nozzle, and curbed impervious pad sloped to drain into an approved sanitary sewage system.
- (c) Where containerized systems are used for garbage storage, facilities shall be provided for the cleaning of such systems. A contract for off-site cleaning shall constitute compliance with this Section.

(d) Solid wastes shall be disposed of so as to prevent insect breeding and public health nuisances.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.*

15A NCAC 18A .3331 ANIMAL AND VERMIN CONTROL: PREMISES

(a) Unrestrained animals, except those used in approved pet therapy programs and service animals accompanying persons with disabilities, shall not be allowed in the adult day service facility, including the outdoor area. Animals shall not be allowed in the food preparation areas. Animal cages, bedding, litter boxes and other pet-related items shall be kept clean.

(b) Effective measures shall be taken to keep insects, rodents, and other vermin out of the facility and to prevent their breeding or presence on the premises.

(c) All openings to the outer air shall be protected against the entrance of flying insects. For extermination of flying insects, only approved pyrethrin-based insecticides or a fly swatter shall be used in the food preparation areas. Products shall be used only in accordance with directions and cautions appearing on the manufacturers' labels. Insecticides shall not come in contact with raw or cooked food, utensils, or equipment used in food preparation and serving, or with any other food-contact surface.

(d) Only those pesticides which have been registered with the U.S. Environmental Protection Agency and the North Carolina Department of Agriculture and Consumer Services shall be used. Pesticides shall be used in accordance with the directions on the manufacturers' label and shall be stored in a locked storage room or cabinet separate from foods and medications.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.*

15A NCAC 18A .3332 OUTDOOR AREAS

(a) The premises, including the outdoor area, shall be kept clean, drained and free of litter and hazardous materials. Grass and other vegetation shall be maintained in a manner which does not encourage the harborage of vermin.

(b) All debris, glass, dilapidated structures, and broken equipment shall be removed. The outdoor areas shall be free from unprotected wells, grease traps, cisterns, and utility equipment.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.*

15A NCAC 18A .3333 SWIMMING AND WADING POOLS

(a) Swimming pools, wading pools and spas shall be designed, constructed, operated and maintained in accordance with the Rules Governing Swimming Pools, 15A NCAC 18A .2500. Copies of these Rules may be obtained from DENR, Division of Environmental Health, Environmental Health Services Section, 1630 Mail Service Center, Raleigh, NC 27699-1630.

(b) Unfiltered and nondisinfected containments of water shall not be utilized for water recreation activities.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.*

15A NCAC 18A .3334 COMPLIANCE

(a) The Environmental Health Specialist shall indicate on the Sanitation Inspection of Adult Day Service Facility Form whether the adult day service facility is superior, approved, provisional, or disapproved based on compliance with the rules of this Section. The classification shall be posted in the facility in a conspicuous place designated by the Environmental Health Specialist.

(b) The degree of compliance is indicated by the total demerit-point score which is shown on the Sanitation Inspection of Adult Day Service Facility Form that the Environmental Health Specialist completes.

- (1) For the purpose of issuing a license or certificate to a new operator, a Sanitation Inspection of Adult Day Service Facility Form, shall be forwarded to the licensing or certifying agency only when the facility can be granted a superior classification;
- (2) An adult day service facility shall be classified as superior if the total demerit score is not more than 15 and no 6-demerit-point item is violated;

- (3) An adult day service facility shall be classified as approved if the total demerit score is more than 15 and not more than 30, and no 6-demerit-point item is violated;
- (4) An adult day service facility shall be classified as provisional if any 6-demerit-point item is violated, or if the total demerit-point score is more than 30 but not more than 45. This provisional period shall not exceed seven days unless construction or renovation is necessary to correct any violation, in which case the Environmental Health Specialist may allow a longer provisional period;
- (5) An adult day service facility shall be classified as disapproved if the demerit score is 46 or more, or if conditions which resulted in a provisional classification have not been corrected in the time period specified by the Environmental Health Specialist;
- (6) If the provisional status period exceeds seven days, or the adult day service facility is disapproved, the licensing or certifying agency shall be notified immediately by forwarding a copy of the inspection report to the Licensing or certifying agency. The Environmental Health Specialist shall notify the licensing or certifying agency in accordance with Rule .3303 of this Section;
- (7) The classification card shall not be removed except by or upon the instruction of the Environmental Health Specialist for the purpose of changing classification cards or establishing another conspicuous location.

(c) The Sanitation Inspection of Adult Day Service Facility Form shall be used to document demerits assessed for violation of the rules of this Section as follows:

- (1) Violation of Rules .3304(a),(b),(c), or (f), or Rule .3303(g)(3) of this Section related to food from approved sources, free of spoilage and adulteration shall be assessed 6 demerits.
- (2) Violation of Rules .3304(e),(f); .3305(a); .3306(g)(2);(h)(2), or .3307(d),(f) of this Section related to potentially hazardous food temperatures shall be assessed 5 demerits.
- (3) Violation of Rules .3304(d),(g),(e); .3306(b); .3307(a),(b),(c),(d),(e),(f),(h), or .3308(a) of this Section regarding food properly handled, packaged and identified shall be assessed four demerits.
- (4) Violation of Rules .3304(e), or .3308(d) of this Section related to not re-serving food shall be assessed four demerits.
- (5) Violation of Rules .3305(a); .3306(c),(d),(e),(f); or .3308(b),(e),(f) of this Section regarding protection of and access to food shall be assessed five demerits.
- (6) Violation of Rules .3306(g)(1),(h)(1); .3307(g), or .3310(a)(2) of this Section regarding refrigerators and hot holding units with thermometers and product thermometers shall be assessed three demerits.
- (7) Violation of Rules .3306; .3307(f); .3310(a),(b); .3312(a),(b),(c),(g), or .3313 of this Section related to food service equipment and utensils meeting specifications for refrigeration, sinks, and dishwashing equipment according to type of service shall be assessed 6 demerits.
- (8) Violation of Rules .3310(a), or (b)(4) of this Section regarding requirements for food service handwash lavatories shall be assessed five demerits.
- (9) Violation of Rules .3309(a) or (b) of this Section regarding other food service equipment and utensils materials of construction and repair shall be assessed four demerits.
- (10) Violation of Rules .3304(e); .3306(a), or (b); .3311(a), or (b); .3312(d),(e),(f), or (i); .3313(c), or (f), or .3316(c) of this Section regarding washing, rinsing and sanitizing food-contact surfaces, equipment and utensils shall be assessed six demerits.
- (11) Violation of Rule .3309(a)(8) of this Section regarding reuse of single-service articles shall be assessed six demerits.
- (12) Violation of Rule .3309(a)(7) of this Section regarding reuse of single-use articles shall be assessed two demerits.
- (13) Violation of Rules .3309(b)(5), or (b)(6), or .3311(c) of this Section regarding cleaning of non-food contact surfaces shall be assessed four demerits.
- (14) Violation of Rules .3314, or .3316(c) of this Section regarding protection of equipment and utensils from contamination shall be assessed four demerits.
- (15) Violation of Rules .3312(f), or (h), or .3313(d) of this Section regarding provision of sanitizing solution and testing equipment used to test sanitizer strength shall be assessed three demerits.
- (16) Violation of Rules .3315(a), or (b) of this Section regarding approval of water supplies shall be assessed six demerits.
- (17) Violation of Rules .3315(d), or (e) of this Section regarding supply and maintenance of hot water shall be assessed six demerits.
- (18) Violation of Rule .3315(c) of this Section regarding cross connections and backflow prevention devices shall be assessed four demerits.

- (19) Violation of Rule .3316 of this Section regarding drinking fountains and drinking utensils shall be assessed four demerits.
- (20) Violation of Rules .3310(a)(3), or (b)(2)(C)(4); .3317(a); .3318(a); or .3319(d) of this Section regarding provision and location of toilets and lavatories shall be assessed five demerits.
- (21) Violation of Rules .3317(b) or .3318(c) of this Section regarding location, sizing, cleaning and sanitizing toilet, lavatory, clothing changing and bathing facilities and availability of cleaning and sanitizing supplies shall be assessed four demerits.
- (22) Violation of Rule .3317(c) of this Section regarding location, cleaning and disinfection of potty chairs, bedpans and urinals shall be assessed four demerits.
- (23) Violation of Rule .3318(d) of this Section regarding lavatories being free of storage and provided with soap and disposable towels or heated-air hand drying devices shall be assessed four demerits.
- (24) Violations of Rules .3319(a),(b), or (d) of this Section regarding clothing changing facilities shall be assessed four demerits.
- (25) Violation of Rules .3318(f) or .3319(c) of this Section regarding cleaning and sanitizing clothing changing facilities and provision of cleaning and sanitizing solutions shall be assessed four demerits.
- (26) Violation of Rules .3319(e),(f),(g),(h),(i), or (j) of this Section regarding clothing changing methods shall be assessed five demerits.
- (27) Violation of Rules .3319(c) or .3320(c) of this Section regarding labeling sanitizers and providing test kits for sanitizers shall be assessed three demerits.
- (28) Violation of Rule .3319(c) of this Section regarding clothing changing surfaces being clean and free of storage shall be assessed two demerits.
- (29) Violation of Rule .3318(e) of this Section regarding posting of handwashing signs shall be assessed two demerits.
- (30) Violation of Rule .3317(a) of this Section regarding storage of medications and other hazardous products shall be assessed six demerits.
- (31) Violation of Rule .3320 of this Section regarding provision and cleaning of storage facilities shall be assessed three demerits.
- (32) Violation of Rule .3321(a) of this Section regarding cleaning, repair and storage of beds, chairs, cots and mats shall be assessed five demerits.
- (33) Violation of Rule .3321(b) of this Section regarding provision of mattress covers and linen shall be assessed five demerits.
- (34) Violation of Rules .3321(c),(d), or (e) of this Section regarding cleaning, repair, handling and storage of linen, blankets, throws and covers shall be assessed four demerits.
- (35) Violation of Rule .3322 of this Section regarding furniture, equipment and activity supplies shall be assessed four demerits.
- (36) Violation of Rules .3323(a) or (b) of this Section regarding hygienic practices, clean clothing and hair restraints for personnel shall be assessed three demerits.
- (37) Violation of Rule .3323(c) of this Section regarding tobacco use shall be assessed five demerits.
- (38) Violation of Rule .3323(d) of this Section regarding exclusion of persons with communicable diseases or conditions shall be assessed six demerits.
- (39) Violations of Rule .3323(d) of this Section regarding bandaging wounds or lesions shall be assessed six demerits.
- (40) Violation of Rules .3324 or .3325 of this Section regarding floors, walls and ceilings shall be assessed four demerits.
- (41) Violation of Rule .3326 of this Section regarding maintenance of lighting and thermal environment shall be assessed four demerits.
- (42) Violation of Rule .3326 of this Section regarding cleaning and repair of lighting, heating, ventilation and cooling equipment shall be assessed two demerits.
- (43) Violation of Rule .3327 of this Section related to providing a designated area for sick participants shall be assessed five demerits.
- (44) Violation of Rule .3327 of this Section related to treatment rooms for adult day health facilities shall be assessed five demerits.
- (45) Violation of Rules .3308(c); .3319(i), or (j); or .3328 of this Section related to handwashing shall be assessed five demerits.
- (46) Violation of Rule .3329 of this Section regarding wastewater disposal shall be assessed six demerits.

- (47) Violation of Rule .3330 of this Section regarding solid waste handling, storage and disposal shall be assessed two demerits.
- (48) Violation of Rule .3330(c) of this Section regarding facilities for cleaning solid waste containers shall be assessed two demerits.
- (49) Violation of Rules .3331(c), or (d) of this Section regarding use of pesticides shall be assessed six demerits.
- (50) Violation of Rule .3331(b), or (c) of this Section regarding control of rodents, insects and other vermin shall be assessed four demerits.
- (51) Violation of Rule .3331(a) of this Section regarding presence of animals shall be assessed four demerits.
- (52) Violation of Rules .3331(b), or .3332 of this Section regarding keeping premises clean, drained, and free of hazards, vermin harborages or breeding areas shall be assessed four demerits.
- (53) Violation of Rule .3333 of this Section regarding swimming pools, wading pools and spas shall be assessed six demerits.
- (54) The sum of all demerits assessed on the Sanitation Inspection of Adult Day Service Facility Form shall be the total demerit score for the facility.

(d) In filling out the inspection form, demerits may be assessed only once for a single occurrence or condition existing within or outside the adult day service facility. Demerits shall be assessed based on actual violations of the Rules of this Section observed during the inspection.

History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.

15A NCAC 18A .3335 APPEALS PROCEDURE

Appeals concerning the interpretation and enforcement of the rules in this Section shall be made in accordance with G.S. 150B.

History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.

SECTION .3500 – RULES GOVERNING THE SANITATION OF PRIMITIVE CAMPS

15A NCAC 18A .3501 DEFINITIONS

The following definitions shall apply throughout this Section:

- (1) "Approved" means food which complies with requirements of the NC Department of Agriculture or the US Department of Agriculture and the requirements of the Rules of this Section. "Approved" also means equipment determined by the Department to be in compliance with the Rules of this Section. Food service equipment which meets and is installed in accordance with National Sanitation Foundation Standards or equal shall be approved. These standards may be obtained from the National Sanitation Foundation, P.O. Box 130140, Ann Arbor, Michigan 48113— 140 and are also available for inspection at the Division of Environmental Health, 1632 Mail Service Center, Raleigh, NC 27699-1632.
- (2) "Department of Environment and Natural Resources" or "Department" means the North Carolina Department of Environment and Natural Resources or its authorized representative. For purposes of any notices required pursuant to the Rules of this Section, notice shall be mailed to "Division of Environmental Health, Environmental Health Services Section, North Carolina Department of Environment and Natural Resources," 1632 Mail Service Center, Raleigh, NC 27699-1632.
- (3) "Employee" means any camp personnel who handles food or drink during preparation or serving, or comes in contact with any eating or cooking utensils, or is employed by the camp at any time in which food or drink is prepared or served.
- (4) "Environmental Health Specialist" shall mean a person authorized to represent the Department on the local or state level in making inspections pursuant to state laws and rules.
- (5) "Equipment" shall mean refrigerators, insulated coolers, buckets, cooking appliances, serving utensils, or any other devices used to serve, hold or prepare food or drink.
- (6) "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
- (7) "Good Repair" means capable of being cleaned, sanitized, and used for the intended purpose.

- (8) "Local Health Director" means the administrative head of a local health department or his authorized representative.
- (9) "Off-site" includes packouts, cookouts, or any activity where food is prepared outside the base camp.
- (10) "Permanent sleeping quarters" includes those buildings, cabins, platform tents, covered wagons and teepees that remain in a fixed location during the operating season and are used as primary residences for campers, staff, or user groups.
- (11) "Permit to Operate" means a permit issued by the Department upon review and approval of the operating primitive experience camp plan of operation.
- (12) "Person" means an individual, firm, association, organization, partnership, business trust, corporation, or company.
- (13) "Plan of Operation" means the procedures, methodologies and measures specifically related to food preparation and protection, drinking water, waste disposal and other general sanitation issues the primitive experience camp will employ to protect the health of campers.
- (14) "Potentially hazardous food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including *Clostridium botulinum*. This term includes raw or heat treated foods of animal origin, raw seed sprouts, and treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.
- (15) "Primitive Experience Base Camp" means that portion of the primitive experience camp at a fixed location which contains structures, water supplies, toilets and other facilities necessary for the operation of the camp under the control or ownership of the primitive experience camp permittee.
- (16) "Primitive Base Experience Camp Permit" means the permit is issued for the base camp facilities and appurtenances upon determination that the base camp is in compliance with the Rules of this Section.
- (17) "Primitive Experience Camp" means a camp not served by any public electrical service providers and provides overnight outdoor primitive camping. Primitive Experience Camps include those camp establishments that provide food and overnight lodging accommodations for 72 consecutive hours or more per week at or from a permanent base camp for groups of children or adults engaged in overnight organized recreational or educational programs. Programs are operated and staffed by the camp and supervision of individual campers is a camp responsibility. This definition does not include campgrounds or other facilities that only rent property or camp sites for camping.
- (18) "Responsible person" means the administrator, operator, owner, or other person in charge of the operation at the time of the inspection. If no individual is the apparent supervisor, then any employee may be the responsible person
- (19) Sanitize means the approved bactericidal treatment by a process which meets the temperature and chemical concentration levels in accordance with Rule .3507 of this Section.
- (20) "Sewage" means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with foodhandling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater.
- (21) "Threat to the Public Health" means circumstances which create a significant risk of serious physical injury or serious adverse health effect.

*History Note: Authority G.S. 130A-248;
Eff. May 1, 2004.*

15A NCAC 18A .3502 PRIMITIVE EXPERIENCE BASE CAMP PERMIT APPROVAL OF PLANS

Plans, drawn to scale, and specifications for primitive experience camps or facilities in existing primitive camps shall include a topographic map of the base camp, buildings, water supply system, waste water disposal system and other appurtenances necessary to maintain base camp operation and compliance with the rules of this Section. Plans shall also include those sites used on a recurring (at least once each season) basis that are not part of the established base camp but are under the control of the ownership of the camp. Plans and specifications shall be submitted to the health department of the county in which the site is located. Plans, drawn to scale, and specifications shall also be submitted to the local health department for any additions or renovations to existing buildings or any new buildings or facilities in primitive experience camps. The local health department shall require a topographic map upon determination that the proposed changes will impact camp sanitation or drinking water supplies. Construction shall not be started until the plans and specifications have been approved by the local health department.

*History Note: Authority G.S. 130A-248;
Eff. May 1, 2004.*

15A NCAC 18A .3503 PERMIT TO OPERATE

(a) No person shall operate a primitive experience camp within the State of North Carolina who does not possess a valid primitive experience base camp permit and a permit to operate issued by the Department. No permit to operate shall be issued until an evaluation by an environmental health specialist shows that the establishment complies with the Rules of this Section.

(b) The local health department shall review the operations plan and the facilities to determine compliance with the Rules of this Section. Once approved the local health department shall issue a permit to operate for the camp.

(c) Upon transfer of ownership or change of operation upon which the original permit was issued the responsible person shall notify the local health department within 72 hours.

(d) At least 30 days prior to permitting the responsible person shall submit a plan of operation to the local health department to determine compliance with the Rules of this Section. The plan shall include the following:

- (1) Scheduled dates of operation.
- (2) Number of campers and staff expected each session.
- (3) Description of general activities and programs the primitive experience camp will be offering each session.
- (4) Description of how food will be stored, prepared, transported and protected.
- (5) Proof of approved food service training required in Rule .3515(a) of this Section.
- (6) Description of how potable water will be made available, protected, treated and transported at base camp and in the field.
- (7) Description of how solid waste will be contained and disposed.
- (8) Methods of all sewage waste disposal.

(e) Any modifications or changes to the approved plan of operation shall be submitted in writing for approval to the local health department at least 30 days prior to change.

(f) Primitive experience camps that operate six months or less per calendar year and do not offer activities, programs, services or food to the public for pay during the remainder of the year shall also be required to obtain a seasonal permit for each operating season. No primitive experience camp required to pay a fee in accordance with G.S. 130A-248 (d) shall pay more than one annual fee unless the permit has been revoked.

- (1) Primitive experience camps shall submit a seasonal permit application at least 45 days prior to the opening session. The seasonal permit shall include the dates of operation and shall expire six months from the first date of operation. Primitive experience camp management shall provide written documentation to the local health department that the following items have been complied with prior to opening:
 - (A) All equipment necessary for food temperature maintenance is operational and clean.
 - (B) Utensils and equipment have been cleaned and sanitized.
 - (C) The cooking and lodging areas shall be clean and free of vermin harborages.
 - (D) All camp facilities are in good repair and clean.
 - (E) The operating plans for the season specified in Paragraph (d) of this Rule have been submitted.
- (2) The local health department shall conduct an evaluation at least 30 days prior to the scheduled opening day of camp to verify the water system is in compliance with Rule .3508 Water Supply, of this Section. If the local health department is unable to meet the water sampling requirement, then the camp shall submit a water sample to a certified lab. Results shall be submitted to the local health department.

(g) Transitional permits shall not be issued to Primitive experience camps.

(h) The Department may impose conditions on the issuance of a permit to operate. Conditions may be specified for one or more of the following areas:

- (1) The number of persons served per session.
- (2) The categories of food served.
- (3) Modification or maintenance of water supplies, water use fixtures and sanitary sewage systems.
- (4) Use of facilities for more than one purpose.
- (5) Continuation of contractual arrangements upon which basis the permit was issued.
- (6) Submission and approval of plans for renovation.
- (7) Any other conditions necessary for the primitive experience camps to remain in compliance with the Rules of this Section.

(i) A permit may be suspended or revoked in accordance with G.S. 130A-23. A permit to operate shall not be issued after revocation or suspension until the camp has been reinspected and determined to be in compliance with the Rules of this Section. A reinspection shall be conducted within 30 days, after the request is made by the operator, administrator or other responsible party.

*History Note: Authority G.S. 130A-248;
Eff. May 1, 2004.*

15A NCAC 18A .3504 INSPECTIONS AND RE-INSPECTIONS

(a) For primitive experience camps that operate six months or less per calendar year, an unannounced inspection shall be conducted at least once during the operating season. For primitive experience camps that operate more than six months of each calendar year, an unannounced inspection shall be conducted at least once each six month operating period.

(b) Upon arrival at a primitive experience camp, Environmental Health Specialists shall identify themselves and their purpose in visiting that establishment. Environmental Health Specialists shall inquire as to the identity of the responsible person and invite the responsible person to accompany them during the inspection. Following the inspection, the Environmental Health Specialist shall offer to review the results of the inspection with the responsible person.

(c) Inspections of primitive experience camps shall be done on a form furnished by the Department to local health departments. The form shall provide for at least the following information:

- (1) the name and mailing address of the facility;
- (2) the name of the person to whom the permit is issued;
- (3) the permit and status of approval given;
- (4) standards of construction and operation as listed in Rules .3505 through .3517 of this Section;
- (5) a short explanation for all deficiencies;
- (6) the signature of the Environmental Health Specialist;
- (7) the date.

(d) If it is determined that the camp is not operating according to the approved plan of operation, the permit may be suspended or revoked until discrepancies are corrected.

(e) Grade cards shall not be posted.

*History Note: Authority G.S. 130A-248;
Eff. May 1, 2004.*

15A NCAC 18A .3505 SPECIFIC REQUIREMENTS FOR PRIMITIVE BASE CAMPS

Primitive experience camps base of operations shall comply with the following:

- (1) Any camp buildings such as shelters, storage facilities, food storage facilities, permanent sleeping quarters and sheds, shall be kept clean and in good repair,
- (2) Where bedding including sleeping bags or bed linens is provided by the primitive experience camp, such items shall be washed or laundered between users and kept in good repair.
- (3) All garbage and other solid wastes shall be stored and disposed of in a manner consistent with local, state and federal ordinances, rules and laws.
- (4) Toilet facilities shall be provided at convenient and accessible locations distributed throughout the base of operations at a rate of not more than 20 campers and staff per toilet seat.
- (5) All sewage shall be disposed of in an approved manner.
- (6) Base camps shall comply with Rule .3506 Sanitation of this Section.

*History Note: Authority G.S. 130A-248;
Eff. May 1, 2004.*

15A NCAC 18A .3506 SANITATION

Primitive experience camps may conduct cookouts, overnight trips or similar primitive camping activities provided accepted sanitation standards are maintained in accordance with the provisions of this Section. Written procedures regarding sanitation standards shall be posted or made readily available for inspection by the Department. It is the responsibility of the primitive experience camp to ensure that the approved procedures are being practiced, utilized and maintained. Minimum sanitation requirements for Primitive Experience Camps are as follows:

- (1) Off Site Food: Storage, Preparation and Cooking shall meet the following requirements.

- (a) Temperature control, food preparation and food protection methods shall be implemented to ensure all potentially hazardous foods stored and prepared for off-site cooking maintain temperatures of 45 degrees or less or 140 degrees or higher and are protected from contamination. Written procedures describing the specific off site cooking activity and the proposed temperature control methods shall be submitted to the Department for approval. Any proposed changes to current procedures shall be submitted at least 10 working days prior to the scheduled activity. Specific approvals will remain valid so long as the activity remains part of the camp program unless the Department determines that procedures are not being maintained in accordance with the approval. The owner may request modifications to the original approval by submitting the request at least 10 working days prior to the scheduled activity. Where potentially hazardous foods are prepared off site, written procedures shall also include methods to prevent cross contamination. For the purpose of off-site food storage coolers with ice or ice packs are considered an approved method of temperature control. Off site potentially hazardous foods once cooked shall be consumed within two hours or discarded. Poultry stuffings, stuffed meats, and stuffings containing meat shall not be used.
- (b) Potentially hazardous foods shall be thawed:
 - (i) in cold holding units at a temperature not to exceed 45° F (7°C);
 - (ii) under potable running water of a temperature of 70° F (21°C), or below, with sufficient water velocity to agitate and float off loose food particles into the overflow; or
 - (iii) as a part of the conventional cooking process.
- (c) Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140° F (60° C) except as follows:
 - (i) poultry shall be cooked to at least 165° F (74°C) with no interruption of the cooking process; and
 - (ii) pork and any food containing pork shall be cooked to heat all parts of the food to at least 150° F (66° C); and
 - (iii) ground beef and foods containing ground beef shall be cooked to an internal temperature of at least 155° F (68° C); and
 - (iv) rare roast beef shall be cooked to an internal temperature of at least 130° F (54° C); and
 - (v) rare beef steak shall be cooked to a temperature of 130° F (54°C) unless otherwise ordered by the immediate consumer.
- (d) Liquid eggs, uncooked frozen dry eggs and egg products shall be cooked before consumption. This Paragraph does not apply to pasteurized products.
- (e) A food thermometer accurate to +/- 2 degrees F (+/- 1 degree C) shall be available to check food temperatures.
- (2) Off-Site Drinking Water
 - (a) Water transported for off site drinking shall be from an approved source and shall be transported and stored in clean, sanitized containers designated solely for this purpose. Where it is not practical to transport drinking water for off site activities, bactericidal treatment measures shall be provided to ensure that drinking water is free from disease causing organisms.
 - (b) Water shall be taken from free-flowing streams, springs and wells, however, water may be taken from still sources when free-flowing sources are unavailable. Water to be treated shall be visibly clear and free from debris, trash and organic matter.
- (3) Approved Methods of Bactericidal Treatment of Off-Site Drinking Water
 - (a) Boiling: Water shall be brought to a rolling boil for a minimum of 5 minutes.
 - (b) Chlorine: A minimum of 2 ppm free chlorine residual must be maintained for a minimum of 30 minutes. This method shall be used in conjunction with Subitem (3)(a) or (d) of this Rule.
 - (c) Iodine: A minimum of 5 drops of 2% tincture of iodine per liter of water. For commercially prepared tablets, use per manufacturer's directions. This method shall be used in conjunction with Subitem (3)(a) or (d) of this Rule.
 - (d) Filtration: Filter systems shall be capable of removing bacteria, cysts, and viruses. Filters shall have an absolute pore size of one micron or smaller.
- (4) Utensils and Equipment shall meet the following requirements:

- (a) All eating, drinking, and cooking utensils, and other items used in connection with the preparation of food shall be kept clean and in good repair.
- (b) All surfaces intended for multi use between campers or staff with which food or drink comes in contact shall consist of smooth, not readily corrodible, non-toxic materials in which there are no open cracks or joints that will collect food particles, slime, and be kept clean.
- (c) Multi-use drinking and eating utensils intended for individual use shall be constructed of not readily corrodible, non toxic materials. Those multi-use drinking and eating utensils which do not meet all the construction provisions of Subitem (4)(b) of this Rule, shall be used by only one person and not reassigned to or reused by another individual.
- (d) Where multi-use utensils are used, they shall be assigned to one individual and not shared until cleaned and sanitized by approved methods.
- (5) Cleaning of Utensils and Equipment shall meet the following requirements:
 - (a) Utensils and equipment shall be kept clean.
 - (b) Water used for cleaning shall meet the requirements of Items (2) and (3) of this Rule.
 - (c) Where an approved sanitizing process can not be implemented, each individual's multi-use utensils shall be cleaned separately to prevent cross contamination.
 - (d) Multi-use utensils may be cleaned together provided they are washed, rinsed, and sanitized by approved methods.
- (6) Handwashing for food preparers shall be in compliance with Rule .3515(c) of this Section.
- (7) Toxic materials shall be labeled and stored to prevent contamination of food, equipment and utensils.
- (8) Where permanent human waste disposal facilities which meet the requirements of 15A NCAC 18A .1900 are not provided at an off site activity, written procedures for waste disposal shall be provided to and approved by the Department. Disposal of human waste shall be in a hole that is at least six inches deep and has a diameter of at least four inches located at least 200 feet from any surface water. After use the hole shall be back filled with a soil to a depth of six inches.

*History Note: Authority G.S. 130A-248;
Eff. June 1, 2004.*

15A NCAC 18A .3507 SANITIZING PROCEDURES

Where required in these Rules, eating and drinking utensils shall be sanitized by one of the following methods:

- (1) Immersion for at least one minute in clean hot water of at least 170° F (77°C). A thermometer accurate to 3° F (5°C) shall be available.
- (2) Immersion for at least two minutes in a chemical bactericide of strength approved by the Department:
 - (a) for chlorine products, a solution containing at least 50 ppm of available chlorine at a temperature of at least 75°F (24°C);
 - (b) for iodophor products, a solution containing at least 12.5 ppm of available iodine and having a pH not higher than 5.0 and having a temperature of at least 75°F (24°C);
 - (c) For quaternary ammonium products, a solution containing at least 200 ppm of QAC and having a temperature of at least 75°F (24°C), provided that the product is labeled to show that it is effective in water having a hardness value at least equal to that of the water being used.
 - (d) Other equivalent products and procedures approved in 21 CFR 178.1010. 21 CFR 178.1010 is incorporated by reference including any subsequent amendments and additions. A copy of applicable provisions may be downloaded from <http://www.gpoaccess.gov/cfr/index.html>.
- (3) A testing method or equipment shall be available, convenient and regularly used to test chemical sanitizers to insure minimum prescribed strengths.

*History Note: Authority G.S. 130A-248;
Eff May 1, 2004.*

15A NCAC 18A .3508 PRIMITIVE BASE CAMP WATER SUPPLY

- (a) Water supplies shall be provided in accordance with 15A NCAC 18A .1700 Rules Governing the Protection of Water Supplies.
- (b) Water samples for bacteriological analysis from non-community supplies shall be collected by the Department and submitted to the laboratory section of the Department or another laboratory certified by the Department for analysis, and at least annually thereafter for bacteriological analysis.

(c) Prior to the issuance of a permit, non-community water supplies shall be listed with the Public Water Supply Section, Division of Environmental Health.

(d) Cross-connections with unapproved water supplies, sewage lines, or other potential sources of contamination are prohibited. Hot and cold water shall be provided to food preparation, utensil and handwashing areas, and any other areas in which water is required for cleaning. Water shall be provided in sufficient quantity to carry out all food preparation, utensil washing, hand washing, cleaning, and other water-using operations.

*History Note: Authority G.S. 130A-248;
Eff. June 1, 2004.*

15A NCAC 18A .3509 SWIMMING POOLS

Swimming and wading pools shall be designed, constructed, operated and maintained in accordance with the Rules Governing Public Swimming Pools, 15A NCAC 18A .2500.

*History Note: Authority G.S. 130A-248;
Eff. May 1, 2004.*

15A NCAC 18A .3510 DRINKING WATER FACILITIES

Drinking water facilities shall be provided. Drinking fountains, if provided, shall be of a sanitary angle-jet design, shall be kept clean and shall be regulated such that water flow is at least two inches above the mouth piece. This Rule shall not be interpreted as prohibiting the pitcher service of water or the service of bottled water.

*History Note: Authority G.S. 130A-248;
Eff. May 1, 2004.*

15A NCAC 18A .3511 FOOD SUPPLIES

All food shall be obtained from sources that comply with all laws relating to food and food labeling and shall be properly identified. Food in hermetically sealed containers shall have been processed in a commercial food processing establishment operated in compliance with G.S. 106-120 through 145. Copies of G.S. 106-120 through 145 may be obtained from the Food and Drug Protection Division, North Carolina Department of Agriculture, 2 West Edenton Street, Raleigh NC, 27601-1094. All food shall be clean, wholesome, free from adulteration and spoilage, safe for human consumption, and shall be handled, served, or transported in such a manner as to prevent contamination, adulteration, and spoilage. Only approved containers and utensils may be used. Foods that are spoiled or otherwise unfit for human consumption shall be immediately disposed of as garbage or returned to the source except as specified in Rule .3518 of this Section. Foods to be returned to the source shall be marked as such and stored in a fashion so as not to contaminate other food.

*History Note: Authority G.S. 130A-248;
Eff. May 1, 2004.*

15A NCAC 18A .3512 MILK AND MILK PRODUCTS

(a) Only Grade "A" pasteurized milk and milk products shall be used. The term "milk products" shall mean milk products as defined in 15A NCAC 18A .1200. Copies of 15A NCAC 18A .1200 may be obtained from the Department of Environment and Natural Resources, Division of Environmental Health, 1632 Mail Service Center, Raleigh, North Carolina 27699-1632.

(b) The mixing of cream and milk or the pouring of either into jars, bottles, or other containers for storage therein shall be prohibited.

(c) Bulk milk dispenser containers, as received from the distributor, shall be properly sealed, labeled with the name and grade of the contents and identity of the distributor. Only the outlet seal shall be broken in the establishment.

(d) Milk and milk products shall be stored in a sanitary manner and shall be kept refrigerated, except when being served. Milk containers shall not be completely submerged in water. However, nothing in these Rules shall prohibit the placement of these items on ice while on display or being served.

(e) Dry milk and dry milk products must be reconstituted according to manufacturer's directions and may not be stored for later use.

*History Note: Authority G.S. 130A-248;
Eff. May 1, 2004.*

15A NCAC 18A .3513 SHELLFISH

- (a) All shellfish and crustacea meat shall be obtained from sources in compliance with the Department's rules on shellfish and crustacea. Copies of 15A NCAC 18A .0300 through .0900 may be obtained from the Department. If the source of clams, oysters, or mussels is outside the state, the shipper's name shall be on the list of Interstate Certified Shellfish Shippers as published monthly by the Shellfish Sanitation Branch, Food and Drug Administration. If the source of cooked crustacea meat is outside the state it shall be certified by the regulatory authority of the state or territory of origin, and attested by the presence of an official permit number on the container.
- (b) All shucked shellfish and all cooked crustacea meat shall be obtained and stored in the clean single-service shipping containers in which packed at the source. Each original container shall be clearly identified with the name and address of the packer, re-packer, and the abbreviated name of the state. Shucked shellfish unit containers shall be dated in accordance with 15A NCAC 18A .0600.
- (c) All shucked shellfish and all cooked crustacea meat shall be stored in the original container. Each original container shall be clearly identified with the name and address of the packer, repacker and the abbreviated name of the state or territory.
- (d) All shellstock shall be stored in the containers in which packed at the source. Each original container shall be clearly identified with a uniform tag or label bearing the name and address of the shipper, the certificate number issued by the state or territory regulatory authority, the abbreviated name of the state, the name of the waters from which the shellfish were taken, the kind and quantity of the shellstock in the container, and the name and address of the consignee.
- (e) Shellstock shall be stored under refrigeration and in a manner to prevent cross-contamination to or from the shellstock. The re-use of single-service shipping containers and the storage of shucked shellfish in other containers are not allowed.
- (f) After each container of shellstock has been emptied, the management shall remove the stub of the tag and retain it for a period of at least 90 days.
- (g) With the exception of opening shellfish for immediate consumption on the premises, no shellfish shucking shall be performed unless the establishment holds a valid shellfish shucking permit.
- (h) Shellstock washing facilities shall consist of an approved mechanical shellfish washer, or a sink or slab with catch basin, indirectly drained into an approved sewage collection, treatment, and disposal system. The washing shall be done in a clean area, protected from contamination. A can wash facility shall not be used for the washing of shellstock or other foods.
- (i) The cooking of shellfish shall be accomplished in an area meeting the requirements of the rules of this Section.
- (j) Re-use of shells for the serving of food is prohibited. It shall not be considered reuse to remove a shellfish from its shell and return it to that same shell for service to the public. Shells shall be stored in a manner to prevent flies, insects, rodents, and odors.
- (k) All establishments that prepare, serve, or sell raw shellfish shall make available in camp literature to individual parents or guardians of campers or shall post in a conspicuous place where it may be readily observed by the public prior to consumption of shellfish, the following consumer advisory:

"Consumer Advisory

Eating raw oysters, clams, or mussels may cause severe illness. People with the following conditions are at especially high risk: liver disease, alcoholism, diabetes, cancer, stomach or blood disorder, or weakened immune system. Ask your doctor if you are unsure of your risk. If you eat shellfish and become sick, see a doctor immediately."

*History Note: Authority G.S. 130A-248;
Eff. May 1, 2004.*

15A NCAC 18A .3514 ICE HANDLING

- (a) Ice which is to be used in drinks, ice water, tea, and coffee, or in connection with the chilling or serving of food shall be manufactured from an approved water supply and shall be stored and handled in a sanitary manner.
- (b) Storage boxes shall be covered, located away from sources of contamination, maintained in good repair, and kept clean. Storage bins or boxes shall be provided with rims and covers designed to exclude spillage and drip.
- (c) Ice grinders, pans, and buckets used in preparing chipped or crushed ice shall be protected from contamination, cleaned between usages, and kept in good repair; buckets and other containers used in the transportation of ice shall be stored above the floor in a clean place.
- (d) Ice shall be dispensed or transferred with a scoop, spoon, or other sanitary method. When not in use, an ice scoop or spoon may be stored in the ice with the handle protruding or on a clean surface. Ice scoops shall not be stored in water. Ice compartments, bowls, buckets, or other containers shall be in good repair; washed and kept free of scum, rust, or other

forms of contamination or adulteration and shall be protected from drip, dust, splash, and other means of contamination. Ice shall not be received, used, or accepted when there is evidence that it is not being handled and transported in a sanitary manner.

(e) Ice machines shall be kept clean.

*History Note: Authority G.S. 130A-248;
Eff. May 1, 2004.*

15A NCAC 18A .3515 FOOD SERVICE EMPLOYEES

(a) In order to operate a primitive experience camp the owner, operator, manager or responsible person of the camp who is employed full time in that particular camp must have successfully completed in the past three years a food service sanitation program as described in 15A NCAC 18A .2600. Evidence that a person has completed such a program shall be maintained at the base camp and provided to the Environmental Health Specialist upon request.

(b) No food service employee shall use tobacco in any form while engaged in the preparation, handling or serving of food or washing utensils.

(c) All food service employees shall wash their hands with soap and potable water prior to preparing food or handling of utensils, after each visit to the toilet, and as often as may be necessary to remove soil and contamination.

(d) No person who has a communicable or infectious disease that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or who has a boil, infected wound, or a disease with sudden onset and severe symptoms including cough and nasal discharge, shall work in food service in any capacity in which there is a likelihood of such person contaminating food or food contact surfaces with disease-causing organisms or transmitting the illness to other persons.

*History Note: Authority G.S. 130A-248;
Eff. May 1, 2004.*

15A NCAC 18A .3516 VERMIN CONTROL: PREMISES:

(a) Only those pesticides shall be used which have been approved for a specific use and properly registered with the Environmental Protection Agency and with the North Carolina Department of Agriculture and Consumer Services in accordance with the "Federal Insecticide, Fungicide & Rodenticide Act" and the "North Carolina Pesticide Law". Such pesticides shall be used as directed on the label and shall be so handled and stored as to avoid health hazards.

(b) Animal stables, if provided, shall be in a location removed from the main recreation center of activity. All manure shall be stored, removed, or disposed of in such a manner as to minimize the breeding of flies.

*History Note: Authority G.S. 130A-248;
Eff. May 1, 2004.*

15A NCAC 18A .3517 MISCELLANEOUS

(a) Hazardous materials, such as fuel, chemicals, explosives, equipment and apparatuses, shall be handled and stored so as to minimize health hazards in accordance with existing laws, rules and ordinances.

(b) Protective railings, fences, or similar enclosures shall be kept in good repair.

*History Note: Authority G.S. 130A-248;
Eff. May 1, 2004.*

15A NCAC 18A .3518 PROCEDURE WHEN INFECTION SUSPECTED

When the local health department has reason to suspect the possibility of exposure to, or transmission of, infection within a foodhandling operation from any person or from any food or drink, the local health director shall act in accordance with the Communicable Disease Laws and Rules (G.S. 130A-133 through 148, 10A NCAC 41A).

*History Note: Authority G.S. 130A-248;
Eff. May 1, 2004.*

15A NCAC 18A .3519 INFORMAL REVIEW PROCESS AND APPEALS PROCEDURE

(a) If a permit holder disagrees with a decision of an Environmental Health Specialist on the interpretation, application or enforcement of the Rules of this Section the permit holder may:

- (1) Request an informal review pursuant to Paragraphs (d) and (e) of this Rule; or
 - (2) Initiate an appeal in accordance with G.S. 150B.
- (b) The permit holder is not required to complete the alternative dispute resolution prior to initiating an appeal in accordance with G.S. 150B.
- (c) When a petition for a contested case is filed, the informal review process shall terminate.
- (d) If the permit holder requests an informal review, the request shall be in writing and shall be postmarked or hand-delivered to the local health department within seven days of notice of the decision giving rise to the review. The request shall briefly state the issues in dispute. In the event the inspection giving rise to the informal review was conducted by the Environmental Health Supervisor in the county or area where the primitive experience camp is located, or when the county or area has only one Environmental Health Specialist assigned to inspect primitive experience camps, the Regional Environmental Health Specialist assigned to that county or area shall conduct the local informal review. As soon as possible but at least within 30 days of receipt of the request, the person conducting the review shall contact the permit holder, provide that permit holder an opportunity to be heard on the issues in dispute and issue a written decision addressing the issues raised in the appeal. Copies of the decision shall be mailed to the permit holder and to the State Health Director. That decision shall be binding for the purposes of future inspections of the establishment in question unless modified pursuant to Paragraph (e) of this Rule or by the State Health Director.
- (e) Following receipt of the written decision of the Environmental Health Supervisor or his or her representative issued pursuant to Paragraph (d) of this Rule, the permit holder who initiated the informal review may appeal the resulting decision to an Informal Review Officer designated by the Department to be responsible for final decisions on appeals from throughout the state. Notice of such appeal shall be in writing, shall include a copy of the Environmental Health Supervisor's or his or her representative's decision and shall be postmarked or hand-delivered to the Local Health Department and to the Department within seven days of receipt of the written decision issued pursuant to Paragraph (a) of this Rule. Within 35 days of receipt of this appeal, the designated Informal Review Officer shall hold a conference in Wake County. Notice of the time and place of this conference shall be provided to the permit holder and the Environmental Health Supervisor for the county or area where the issue arose. Within 10 days following the date of the conference, the Informal Review Officer shall issue a written decision addressing the issues raised in the appeal and that decision shall be binding for purposes of future inspections of the establishment in question unless modified pursuant to Paragraph (f) of this Rule or by the State Health Director.
- (f) Appeals of the decision of the designated Informal Review Officer shall be in accordance with G.S. 150B.
- (g) Nothing in this Rule shall impact the right of a permit holder to a reinspection pursuant to Rule .3503 of this Section.

*History Note: Authority G.S. 130A-248;
Eff. May 1, 2004.*

SECTION .3600 – RULES GOVERNING THE SANITATION OF RESIDENT CAMPS

15A NCAC 18A .3601 DEFINITIONS

The following definitions shall apply throughout this Section:

- (1) "Approved" means food that complies with requirements of the N.C. Department of Agriculture and Consumer Services or the U.S. Department of Agriculture or 15A NCAC 18A .2600 Rules Governing The Sanitation of Food Service Establishment, and the requirements of the Rules of this Section. "Approved" also means equipment and procedures determined by the Department to be in compliance with the rules of this Section.
- (2) "Children's Foster Care Camp" means a residential child care facility which provides foster care at either a permanent camp site or in a wilderness setting as defined in G.S. 131D and 10A NCAC 70J .0100. Children's Foster Care Camps are licensed by the NC Department of Health and Human Services, Division of Health Service Regulation in accordance with G.S. 131D and 10A NCAC 70J .0100.
- (3) "Department of Environment and Natural Resources" or "Department" means the North Carolina Department of Environment and Natural Resources or its authorized representative. For purposes of any notices required pursuant to the rules of this Section, notice shall be mailed to: Division of Environmental Health, Environmental Health Services Section, North Carolina Department of Environment and Natural Resources, 1632 Mail Service Center, Raleigh, NC 27699-1632.
- (4) "Employee" means any camp personnel paid or volunteer who handle food or drink during preparation or serving, or who come in contact with any eating or cooking utensils, or who work at any time in a room in which food or drink is prepared.

- (5) "Environmental health specialist" means a person authorized to represent the Department on the local or state level in making inspections pursuant to state laws and rules.
- (6) "Equipment" means refrigeration, including racks and shelving used in refrigeration, utensil cleaning and culinary sinks and drain boards, warewashing and dishwashing machines, food preparation tables, counters, stoves, ovens and other food preparation and holding appliances.
- (7) "Food" means any raw, cooked or processed edible substance including meat, meat food products, poultry, poultry products, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.
- (8) "Good repair" means capable of being cleaned and used for the intended purpose.
- (9) "Hermetically sealed container" means a container designed and intended to be secure against the entry of micro-organisms and to maintain the commercial sterility of its contents after processing.
- (10) "Limited resident camp" means a resident camp that is limited to a total of 90 campers and staff per session. A limited resident camp shall comply with the rules of this Section with the exception of Rule .3628(d) for all equipment excluding required dishwashing facilities.
- (11) "Local health director" means a local health director as defined in G.S. 301A-2(6).
- (12) "Meat" or "meat food products" means meat and meat food products as defined in G.S. 106-549.15(14).
- (13) "Off-site" means packouts, cookouts or any activity where food is prepared outside the approved kitchen facility.
- (14) "Permanent sleeping quarters" means those buildings, cabins, platform tents, covered wagons, or teepees that remain in a fixed location during the resident camp operation and are used as primary residences for campers, staff or user groups.
- (15) "Permit to operate" means a permit issued by the Department upon evaluation and approval of the Resident Camp facility.
- (16) "Person" means a person as defined in G.S. 130A-2(7).
- (17) "Potentially hazardous food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including *Clostridium botulinum*. This term includes raw or heat-treated foods of animal origin, raw seed sprouts and treated foods of plant origin. The term does not include foods that have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.
- (18) "Poultry" or "poultry products" means poultry and poultry products as defined in G.S. 106-549.51(25) and (26).
- (19) "Resident camp" includes camp establishments which provide food and overnight lodging accommodations for 72 consecutive hours or more per week at a permanent base of operations for groups of children or adults engaged in organized recreational or educational programs and has a permanent connection to a public electrical service provider. Programs are operated and staffed by the camp and supervision of individual campers is a camp responsibility. This definition does not include campgrounds or other facilities that only rent property or campsites for camping. This definition does not include Primitive Experience Camp as defined in 15A NCAC 18A .3500. This definition does include Children's Foster Care Camps and Residential Therapeutic (Habilitative) Camps.
- (20) "Residential Therapeutic (Habilitative) Camp" is a residential treatment facility provided in a camping environment which is designed to help individuals develop behavior control, coping skills, self-esteem and interpersonal skills as defined in G.S. 122C and 10A NCAC 27G .5200. Therapeutic camps are licensed by the NC Department of Health and Human Services, Division of Health Service Regulation in accordance with G.S. 122C and 10A NCAC 27G .5200.
- (21) "Responsible person" means the administrator, operator, owner or other person in charge of the operation at the time of the inspection. If no individual is the apparent supervisor, then any staff member is the responsible person.
- (22) "Sanitize" means the approved bactericidal treatment by a process which meets the temperature and chemical concentration levels in Rule .3629 of this Section.
- (23) "Sewage" means sewage as defined in 15A NCAC 18A .1900. Sewage is the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with food handling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater.
- (24) "Shellstock" means any shellfish which remains in their shells. Shellfish which are shucked or on the half-shell shall not be considered shellstock.

- (25) "Single service items" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks and similar articles intended for one-time, one-person use and then discarded.
- (26) "Utensils" means any kitchenware, tableware, glassware, cutlery, containers and similar items with which food or drink comes in contact during storage, preparation or serving.

History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.

15A NCAC 18A .3602 STANDARDS AND APPROVAL OF PLANS

- (a) The owner or manager of a proposed resident camp shall submit plans, drawn to scale, as well as a topographic map, for buildings and equipment, water supply system, wastewater disposal system, and recreational waters to the health department of the county in which the site is located. Plans, drawn to scale, and specifications shall also be submitted to the local health department for any additions or renovations to existing buildings or any new buildings or facilities in existing resident camps. The local health department shall require that the camp submit a topographic map upon determination that the proposed changes will impact camp sanitation or drinking water supplies.
- (b) Construction shall not be started until the plans and specifications have been approved by the local health department.

History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.

15A NCAC 18A .3603 PERMITS

- (a) No person shall operate a resident camp within the State of North Carolina who does not possess a valid permit from the Department except that residential therapeutic (habilitative) camps and children's foster care camps licensed by the Department of Health and Human Services, Division of Health Service Regulation are not required to obtain permits. No permit to operate shall be issued until an evaluation by the Department or its authorized agent shows that the resident camp complies with the requirements of this Section.
- (b) Resident camps that operate six months or less per calendar year and do not offer activities, programs, services or food to the public for pay during the remaining six months shall obtain a seasonal permit for each operating season as follows:
 - (1) Camps must submit in writing information for a seasonal permit including the name of the camp, the name of the camp owner or responsible person, the physical and billing addresses of the camp, the planned dates of operation, the capacity of the camp including campers and staff, at least 45 days prior to the scheduled opening session. The seasonal permit shall include the dates of operation and shall expire six months from the date of issuance. For non-community water systems regulated under 15A NCAC 18A .1700, the local health department shall conduct a pre-opening evaluation at least 30 days prior to the scheduled opening day of camp to verify the water system is in compliance with Rule .3609 of this Section. If the local health department is unable to meet this requirement, it shall notify the camp and the camp shall submit a water sample to a lab certified by the North Carolina State Laboratory of Public Health to meet this requirement. Community water systems regulated under 15A NCAC 18C are not required to meet this sampling requirement.
 - (2) Prior to opening, resident camps shall provide to the local health department written documentation that:
 - (A) the equipment needed to maintain required food temperatures is operational, clean and sanitized as required;
 - (B) all other equipment and utensils are operational, clean and sanitized as required by the rules in this Section;
 - (C) dishmachines, if any, are clean and operating properly; and
 - (D) kitchen and lodging facilities are in good repair, clean and free of vermin.
- (c) Upon transfer of ownership of an existing resident camp, the Department shall evaluate the facility to determine compliance with this Section. The Department shall issue a permit if the resident camp satisfies all the requirements of this Section. If the Department determines that noncompliant items are construction or equipment problems that do not represent an immediate threat to the public health, a transitional permit shall be issued. The transitional permit shall expire 180 days after the date of issuance, unless suspended or revoked before that date, and shall not be renewed. Upon expiration of the transitional permit, the owner or operator shall have corrected the noncompliant items and obtained a permit, or the resident camp shall not continue to operate.
- (d) The Department may impose conditions on the issuance of a permit or transitional permit. Conditions may be specified for one or more of the following areas:

- (1) number of persons served;
- (2) categories of food served;
- (3) time schedules in completing minor construction items;
- (4) modification or maintenance of water supplies, water use fixtures and sanitary sewage systems;
- (5) use of facilities for more than one purpose;
- (6) continuation of contractual arrangements upon which basis the permit was issued;
- (7) submission and approval of plans for renovation; or
- (8) other conditions necessary for the resident camp to remain in compliance with this Section.

(e) A permit or transitional permit may be suspended or revoked in accordance with G.S. 130A-23. A new permit to operate shall be issued only after the resident camp has been reinspected by the Department and found to comply with this Section. This reinspection shall be conducted within a reasonable length of time, not to exceed 30 days, after the operator makes the request.

*History Note: Authority G.S. 130A-23; 130A-235; 130A-248;
Eff. October 1, 2007.*

15A NCAC 18A .3604 PUBLIC DISPLAY OF GRADE CARD

Inspections of resident camps shall be made in accordance with this Section. Upon completion of an inspection, the environmental health specialist shall remove the existing grade card, issue a new grade card and post the new grade card in a conspicuous place where the public may readily observe it upon entering the facility. The owner or operator shall keep the grade card posted at the location designated by the environmental health specialist at all times. If the responsible person of the resident camp objects to the location designated by the environmental health specialist, then the responsible person may suggest an alternative location that meets the criteria of this Rule. The grade card may be posted in another location that meets the criteria of this Rule if agreed upon by the responsible person and the environmental health specialist.

*History Note: Authority G.S. 130A-235; 130A-248; 130A-249;
Eff. October 1, 2007.*

15A NCAC 18A .3605 INSPECTIONS AND REINSPECTIONS

(a) For resident camps that operate six months or less per year, an unannounced inspection shall be conducted at least once during the operating season. For resident camps that operate more than six months per year, an unannounced inspection shall be conducted at least once each six-month operating period.

(b) Upon entry into a resident camp, the environmental health specialist shall identify herself or himself and state the purpose for the visit. The environmental health specialist shall inquire about the identity of the responsible person and invite the responsible person to accompany her or him during the inspection. If no staff member is identified as the responsible person, the environmental health specialist shall invite a staff member to accompany her or him on the inspection. Following the inspection, the environmental health specialist shall offer to review the results of the inspection with the responsible person.

(c) The grading of resident camps shall be done on an inspection form furnished by the Department to local health departments. The form shall provide the following information:

- (1) name and mailing address of the facility;
- (2) name of person to whom permit is issued;
- (3) permit and score given;
- (4) standards of construction and operation as listed in rules .3608 through .3638 of this Section;
- (5) short explanation for all points deducted;
- (6) signature of the environmental health specialist; and
- (7) date.

(d) In filling out the inspection form, points shall be deducted only once for a single occurrence or condition existing within the resident camp. Deductions shall be based on actual violations of the rules of this Section observed during the inspection. The environmental health specialist shall take zero, one-half or a full deduction of points depending upon the severity or the recurring nature of the violation.

(e) In determining whether items or areas of a resident camp are clean for purposes of enforcing the rules set forth in this Section and grading a resident camp, the environmental health specialist shall consider, among other things:

- (1) age of the accumulated material;
- (2) relative percentage of items that are clean and not clean;
- (3) cleaning practices of the resident camp; and

- (4) health risks posed by the circumstances.
- (f) Upon request of the camp manager or her or his representative, a reinspection shall be made.
- (g) In the case of resident camps that have been closed for failure to comply with the rules of this Section, a reinspection to consider the issuance or reissuance of a permit shall be made by the environmental health specialist.
- (h) In the case of resident camps that request an inspection for the purpose of raising the alphabetical grade and hold unrevoked permits, the environmental health specialist shall make an unannounced inspection after the lapse of a reasonable period of time, not to exceed 15 days from the date of the request.

*History Note: Authority G.S. 130A-235; 130A-248; 130A-249;
Eff. October 1, 2007.*

15A NCAC 18A .3606 GRADING

(a) The sanitation grading of all resident camps shall be based on a system of scoring wherein all resident camps receiving a score of at least 90 percent shall be awarded Grade A; all resident camps receiving a score of at least 80 percent and less than 90 percent shall be awarded Grade B; all resident camps receiving a score of at least 70 percent and less than 80 percent shall be awarded Grade C. Permits shall be revoked for establishments receiving a score of less than 70 percent. The Sanitation Inspection of Resident Camps shall be used to document points assessed for violation of the Rules of this Section as follows:

- (1) Violation of Rule .3608 of this Section regarding site factors for camp facilities and activities and actual or potential health hazards shall be assessed a value of one point.
- (2) Violation of Rule .3609 of this Section regarding water supply, hot and cold water heating facilities in food preparation, utensil and hand washing, and areas required for cleaning shall be assessed a value of three points.
- (3) Violation of Rule .3609(d) of this Section regarding cross-connections shall be assessed a value of three points.
- (4) Violation of Rule .3610 of this Section regarding wastewater disposal shall be assessed a value of four points.
- (5) Violation of Rule .3611 of this Section regarding solid waste storage and cleaning facilities shall be assessed a value of two points.
- (6) Violation of Rule .3612 of this Section regarding swimming pools shall be assessed a value of one point.
- (7) Violation of Rule .3613(1) and (2) of this Section regarding camp building floors walls and ceilings construction, cleanliness and repair shall be assessed a value of one point.
- (8) Violation of Rule .3613(3) of this Section regarding lighting and ventilation adequacy and repair shall be assessed a value of one point.
- (9) Violation of Rule .3614(a) and (c) of this Section regarding sleeping quarters and lodging arrangement, cleanliness and repair shall be assessed a value of two points.
- (10) Violation of Rule .3614(b) of this Section regarding effective vermin exclusion shall be assessed a value of two points.
- (11) Violation of Rule .3614(d) of this Section regarding storage and handling of clean and dirty linen and clothing shall be assessed a value of one point.
- (12) Violation of Rule .3615(a), (b), (c) and (d) of this Section regarding approval, accessibility, adequateness, cleanliness and repair of lavatories, bathing and toilet facilities shall be assessed a value of two points.
- (13) Violation of Rule .3615(e) of this Section regarding cleanliness, repair of laundry facilities and handling of clean and soiled laundry shall be assessed a value of one point.
- (14) Violation of Rule .3616 of this Section regarding approval and cleanliness of drinking water facilities shall be assessed a value of two points
- (15) Violation of Rule .3617(a) and (d) of this Section regarding storage and handling of pesticides and potentially hazardous materials shall be assessed a value of two points.
- (16) Violation of Rule .3617(b) and (e) of this Section regarding cleanliness of the premises and repair of protective enclosures shall be assessed a value of one point.
- (17) Violation of Rule .3617(c) of this Section regarding location of animal stables and approved manure storage and removal shall be assessed a value of two points.
- (18) Violation of Rule .3618(a) of this Section regarding size and construction of food service facilities and dining halls shall be assessed a value of one point.

- (19) Violation of Rule .3618(b) of this Section regarding catering of camp food service shall be assessed a value of two points.
- (20) Violation of Rule .3619 of this Section regarding field sanitation standards and procedures shall be assessed a value of three points.
- (21) Violation of Rule .3620(a) and (c) of this Section regarding food service employee clothing, hair restraints and use of tobacco shall be assessed a value of one point.
- (22) Violation of Rule .3620(b) or (e) of this Section regarding employee handwashing shall be assessed a value of four points.
- (23) Violation of Rule .3620(d) of this Section regarding exclusion of persons with a communicable or infectious disease that can be transmitted by food shall be assessed a value of three points.
- (24) Violation of Rule .3621 of this Section regarding food source, wholesomeness, handling, service and transportation shall be assessed a value of four points.
- (25) Violation of Rule .3622(a) through (f) of this Section regarding food protection during service and storage shall be assessed a value of three points.
- (26) Violation of Rule .3622(g) of this Section regarding storage of dry foods shall be assessed a value of one point.
- (27) Violation of Rule .3623 of this Section regarding milk and milk products shall be assessed a value of two points.
- (28) Violation of Rule .3624 of this Section regarding the source, storage and handling of ice shall be assessed a value of two points.
- (29) Violation of Rule .3625 of this Section regarding shellfish and crustacea meat shall be assessed a value of two points.
- (30) Violation of Rule .3626(a), (b), and (c) of this Section regarding refrigeration and thawing of foods shall be assessed a value of two points.
- (31) Violation of Rule .3626(d) of this Section regarding the protection of food from cross contamination by use of sanitized or gloved hands or utensils, sanitized surfaces and washing of produce shall be assessed a value of three points.
- (32) Violation of Rule 3626(e) through (m) of this Section regarding time and temperature requirements of foods during storage, preparation, cooking, display, service, and transportation shall be assessed a value of four points.
- (33) Violation of Rule 3626(n) of this Section regarding food thermometers shall be assessed a value of two points.
- (34) Violation of Rule .3627 of this Section regarding re-service of foods shall be assessed a value of two points.
- (35) Violation of Rule .3628 of this Section regarding equipment and utensil construction, repair and cleanliness shall be assessed a value of three points.
- (36) Violation of Rule .3629(a) through (c), (e), (f), (k) and (n) of this Section regarding washing, rinsing and sanitizing of utensils and equipment shall be assessed a value of four points.
- (37) Violation of Rule .3629(d), (g) through (j), (l), and (o) of this Section regarding approved dishwashing facilities and methods shall be assessed a value of three points.
- (38) Violation of Rule 3629(m) regarding the hot water heating facilities for food service needs shall be assessed a value of three points.
- (39) Violation of Rule .3630 in this Section regarding storage and handling of utensils and equipment shall be assessed a value of two points.
- (40) Violation of Rule .3631 of this Section regarding food service area storage spaces shall be assessed a value of one point.
- (41) Violation of Rule .3632 of this Section regarding food service area lighting shall be assessed a value of one point.
- (42) Violation of Rule .3633 of this Section regarding food service ventilation shall be assessed a value of one point.
- (43) Violation of Rule .3634 of this Section regarding approved and properly located hand washing lavatory facilities in food service areas shall be assessed a value of three points.
- (44) Violation of Rule .3635 of this Section regarding the food service area toilet facilities shall be assessed a value of one point.
- (45) Violation of Rule .3636 of this Section regarding food service area floor construction, cleanliness and repair shall be assessed a value of one point.

- (46) Violation of Rule .3637 of this Section regarding food service area wall and ceiling construction, cleanliness and repair shall be assessed a value of one point.
 - (47) Violation of Rule .3638(a) through (c) of this Section regarding use of trip kitchens, residential style educational kitchens and domestic kitchens shall be assessed a value of one point.
 - (48) Violation of Rule .3638(d) through (g) of this Section regarding toxic materials, food service laundry, mop and broom storage shall be assessed a value of one point.
 - (49) Violation of Rule .3638(h) and (i) of this Section regarding live animals and pest control measures in food service areas shall be assessed a value of two points.
- (b) The grading of resident camps shall be based on the standards of operation and construction as set forth in Rules .3608 through .3638 of this Section.
- (c) The posted grade card shall be black on a white background. All graphics, letters and numbers for the grade card shall be approved by the State. The alphabetical and numerical sanitation score shall be 1.5 inches in height. No other public displays representing sanitation level of the establishment shall be posted by the local health department, except for sanitation awards issued by the local health department. Sanitation awards shall be in a different color and size from the grade card and must be labeled as an award.
- (d) Nothing in this Rule shall affect the right of a camp manager to a reinspection pursuant to Rule .3605 of this Section.
- (e) Nothing in this Rule shall prohibit the Department from immediately suspending or revoking a permit pursuant to G.S. 130A-23(d).

History Note: Authority G.S. 130A-23; 130A-235; 130A-248; 130A-249;
 Eff. October 1, 2007;
 Amended Eff. July 1, 2008.

15A NCAC 18A .3607 PROCEDURE WHEN INFECTION SUSPECTED

When the local health department has reason to suspect the possibility of exposure to, or transmission of, infection within a resident camp from any person or from any food or drink, the local health director shall act in accordance with the Communicable Disease Laws and Rules (G.S. 130A-134 through 148, 10A NCAC 41A).

History Note: Authority G.S. 130A-235; 130A-485;
 Eff. October 1, 2007.

15A NCAC 18A .3608 SITE

The topography, drainage and other site factors for the resident camp facilities and activities, shall be such that the site is free of actual or potential health hazards.

History Note: Authority G.S. 130A-235; 130A-248;
 Eff. October 1, 2007.

15A NCAC 18A .3609 WATER SUPPLY

- (a) In Resident Camps, water supplies shall be in accordance with 15A NCAC 18A .1700, Rules Governing the Protection of Water Supplies.
- (b) Water samples for bacteriological analysis from non-community supplies shall be collected by the Department and submitted to the North Carolina State Laboratory of Public Health or another lab certified by the North Carolina State Laboratory of Public Health for analysis, at least annually for bacteriological analysis.
- (c) Prior to issuance of a permit, the responsible person shall list non-community water supplies with the Public Water Supply Section, Division of Environmental Health.
- (d) Cross-connections with unapproved water supplies, sewage lines or other potential sources of contamination are prohibited.
- (e) Hot water heating facilities shall be provided. Hot and cold running water under pressure shall be provided to food preparation, utensil and handwashing areas, and any other areas in which water is required for cleaning. Running water under pressure shall be provided in sufficient quantity to carry out all food preparation, utensil washing, handwashing, cleaning and other water-using operations.

History Note: Authority G.S. 130A-235; 130A-248;
 Eff. October 1, 2007.

15A NCAC 18A .3610 LIQUID WASTES

All sewage and wastewater in resident camps shall be disposed of in accordance with 15A NCAC 18A .1900 or 15A NCAC 02H .0200.

*History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.*

15A NCAC 18A .3611 SOLID WASTES AND BY-PRODUCTS DISPOSAL

(a) In Resident Camps, all solid wastes containing food scraps and other decomposable material shall, prior to disposal, be kept in leak-proof, non-absorbent containers such as garbage cans, which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use. Lids shall be kept in place, except for cans inside the kitchen, which are being used during normal operations. The contents of these cans without lids in place shall be removed when the garbage can becomes full, or when flies and foul odor occurs, and the cans shall be washed. Storage racks elevated above the ground are required for outside storage of garbage cans. All dry rubbish (including scrap paper, cardboard or similar items) shall be stored in containers.

(b) The rooms, enclosures, designated areas and containers shall be adequate for the storage of all solid wastes accumulating on the premises. Cleaning facilities, including a mixing faucet with hose threads, shall be provided and each container, room or designated area shall be cleaned after emptying or removal of wastes.

(c) Indoor or outdoor facilities shall be provided for the washing and storage of all garbage cans and mops. Cleaning facilities shall include combination faucet, hot and cold water, threaded nozzle and curbed impervious pad sloped to drain.

(d) Where containerized systems are used for garbage storage, facilities shall be provided for the cleaning of such systems with a dumpster pad sloped to drain into a sewer system and hot and cold running water available for cleaning. Alternate methods can be used for off-site cleaning by having a contract with a waste management company that will take the dumpster or containerized system to an off-site location for cleaning. A contract for off-site cleaning shall constitute compliance with this provision and evidence of such contract shall be made available within 21 days to the Environmental Health Specialist upon request.

*History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.*

15A NCAC 18A .3612 SWIMMING POOLS

When Swimming Pools are provided for recreational use in resident camps, they shall meet the requirements in 15A NCAC 18A .2500, Rules Governing Public Swimming Pools.

*History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.*

15A NCAC 18A .3613 CAMP BUILDINGS CONSTRUCTION AND MAINTENANCE REQUIREMENTS

All resident camp buildings shall be kept clean and in good repair and shall comply with the following specific requirements:

- (1) All floors shall be of such materials and so constructed to be easily cleanable, shall be kept free of obstacles to cleaning and shall be kept clean and in good repair. The floor area shall be sufficient to accommodate all necessary operations. Floors in dressing or locker rooms; laundry rooms; and toilet rooms shall be of non-absorbent materials such as sealed concrete, sealed wood, terrazzo, tile, durable grades of linoleum or plastic. In all rooms in which water is routinely discharged to the floor, or in which floors are subjected to flood-type cleaning, floors shall be sealed concrete, terrazzo, or tile and shall slope to drain and be provided with floor drains.
- (2) The walls of all rooms shall be kept clean and in good repair. All walls and ceilings in dressing or locker rooms; toilet rooms and bathrooms shall be easily cleanable; and walls shall have washable surfaces to the highest level reached by splash or spray in rooms or areas where such occur.
- (3) All rooms and areas shall be well lighted and ventilated, by natural or artificial means, which shall be effective under actual use conditions. Lighting fixtures and ventilation equipment shall be kept clean and in good repair.

*History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.*

15A NCAC 18A .3614 LODGING FACILITIES

- (a) In Resident Camps, permanent sleeping quarters shall provide cross ventilation, at least 30 inches between beds, a minimum of six feet between heads of sleepers and at least one bed for every camper. Only single beds or double level bunk beds shall be allowed.
- (b) Effective methods, such as mosquito netting, screening and self-closing doors, or individual mosquito netting shall be provided to exclude insects, bats and vectors.
- (c) Lodging facilities shall be kept clean and in good repair.
- (d) Clean linen and clothes shall be stored and handled separately from soiled linen and clothes.

History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.

15A NCAC 18A .3615 TOILET: HANDWASHING: LAUNDRY: AND BATHING FACILITIES

- (a) All resident camps shall be provided with toilet and handwashing facilities within 500 feet of permanent sleeping quarters.
- (b) Toilet facilities shall be provided at a rate of not more than 20 campers and staff per toilet seat. Urinals may be provided for up to one-third of required seats for males.
- (c) Lavatory facilities with potable running water, soap and individual towels or hand-drying devices shall be provided and located convenient to all toilet facilities.
- (d) Bathing facilities shall be provided with hot and cold potable water.
- (e) All toilet, handwashing and bathing fixtures shall be kept clean and in good repair.
- (f) Laundry facilities, if provided, shall be kept clean and in good repair. Soiled laundry shall be handled and stored separately from clean laundry. Clean linen and clothes shall be stored and transported in clean containers.

History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.

15A NCAC 18A .3616 DRINKING WATER FACILITIES

In Resident Camps, drinking water facilities shall be provided. Drinking fountains, if provided, shall be of a sanitary angle-jet design, shall be kept clean and shall be properly regulated such that water flow is at least two inches above the mouth piece. This Rule shall not be interpreted as prohibiting the pitcher service of ice water or the service of bottled water.

History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.

15A NCAC 18A .3617 PREMISES: VERMIN CONTROL AND MISCELLANEOUS

- (a) In Resident Camps, only those pesticides shall be used which have been approved for a specific use and properly registered with the Environmental Protection Agency and with the North Carolina Department of Agriculture and Consumer Services. Such pesticides shall be used as directed on the label and shall be handled and stored to avoid health hazards.
- (b) The Resident Camp premises shall be kept neat, clean and free of litter.
- (c) Animal stables, if provided, shall be in a location removed from the main recreation center of activity. All manure shall be stored, removed or disposed of to minimize the breeding of flies.
- (d) Potentially hazardous materials such as fuel, chemicals, explosives, equipment and apparatuses, shall be handled and stored to minimize health hazards.
- (e) Protective railings, fences or similar enclosures around the camp shall be provided and shall be kept in good repair.

History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.

15A NCAC 18A .3618 FOOD SERVICE FACILITIES

- (a) In Resident camps, food service facilities shall include a kitchen of adequate size for the number of meals served. The facility shall be completely enclosed, of permanent construction and contain a dining hall providing protection from the elements and dust.

(b) If camp food service is provided by contract with an outside person or camp food service is operated by an outside firm, the overall responsibility for food service sanitation remains with the camp management. The camp management shall confirm that all food provided by an outside person is approved.

*History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.*

15A NCAC 18A .3619 FIELD SANITATION

Resident camps may conduct cookouts, overnight trips or similar primitive camping activities provided field sanitation standards are maintained in accordance with the provisions of the rules of this Section. Written procedures regarding field sanitation standards shall be posted or made readily available for inspection by the Department. The resident camp shall ensure the approved procedures are being practiced, utilized and maintained. Field sanitation requirements for resident camps are as follows:

- (1) Off-Site Food: Storage, Preparation and Cooking shall meet the following requirements:
 - (a) Temperature control, food preparation and food protection methods shall be implemented to ensure all potentially hazardous foods stored and prepared for off-site cooking maintain temperatures of 45 degrees F (7 degrees C) or less or 135 degrees F (57 degrees C) or higher and are protected from contamination. Written procedures describing the specific off-site cooking activity and the proposed temperature control methods shall be submitted to the Department for approval. Any proposed changes to current procedures shall be submitted to the Department for approval. Specific approvals shall remain valid so long as the activity remains part of the camp program unless the Department determines that procedures are not being maintained in accordance with the approval. Where potentially hazardous foods are prepared off-site, written procedures shall also include methods to prevent cross contamination. For the purpose of off-site food storage, coolers with ice or ice packs are an approved method of temperature control. Off-site potentially hazardous foods once cooked shall be consumed within two hours or discarded. Poultry stuffings, stuffed meats and stuffings containing meat shall not be used.
 - (b) Potentially hazardous foods shall be thawed as follows:
 - (i) in cold holding units at a temperature not to exceed 45 degrees F (7 degrees C);
 - (ii) under potable running water of a temperature of 70 degrees F (21 degrees C), or below, with sufficient water velocity to agitate and float off loose food particles into the overflow; or
 - (iii) as a part of the cooking process.
 - (c) Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 145 degrees F (63 degrees C) except as follows:
 - (i) poultry shall be cooked to at least 165 degrees F (74 degrees C) with no interruption of the cooking process;
 - (ii) pork and any food containing pork shall be cooked to heat all parts of the food to at least 150 degrees F (66 degrees C);
 - (iii) ground meat food products shall be cooked to an internal temperature of at least 155 degrees F (68 degrees C);
 - (iv) roast beef shall be cooked to an internal temperature of at least 130 degrees F (54 degrees C); and
 - (v) beef steak shall be cooked to a temperature of 130 degrees F (54 degrees C) unless otherwise ordered by the immediate consumer.
 - (d) Liquid eggs, uncooked frozen dry eggs and egg products shall be cooked before consumption. This Sub-item does not apply to pasteurized products.
 - (e) A metal stem-type food thermometer accurate to 2 degrees F (1 degree C) shall be available to check potentially hazardous food temperatures.
- (2) Off-Site Drinking Water shall meet the following requirements:
 - (a) Water transported for off-site drinking shall be from an approved source and shall be transported and stored in clean, sanitized containers designated solely for this purpose. Where it is not practical to transport drinking water for off-site activities, treatment measures shall be provided to ensure that drinking water is free from disease causing organisms.

- (b) Water shall be taken from free-flowing streams, springs and wells if available. Water may be taken from still sources when free-flowing sources are unavailable. Water shall be visibly clear and free from debris, trash and organic matter.
- (3) Treatment of Off-Site Drinking Water shall meet the following requirements:
 - (a) Water shall be brought to a rolling boil for a minimum of one minute; or
 - (b) Water shall be filtered to remove cysts and viruses by using a filtration system with an absolute pore size of one micron or smaller, and treated with:
 - (i) A minimum of 2 parts per million of free chlorine residual maintained for a minimum of 30 minutes; or
 - (ii) A minimum of 5 drops of 2 percent tincture of iodine per liter of water. For commercially prepared tablets, manufacturer's directions shall be followed; or
 - (c) Alternate methods of treatment capable of removing bacteria, viruses, cysts and parasites if approved by the Department. Documentation that demonstrates the method is equivalent to SubItem (3)(a) or (b) of this Rule shall be submitted by the owner or operator for approval.
- (4) Utensils and Equipment shall meet the following requirements:
 - (a) All eating, drinking and cooking utensils, and other items used in connection with the preparation of food shall be kept clean and in good repair.
 - (b) All surfaces intended for multi-use between campers or staff with which food or drink comes in contact shall consist of smooth, not readily corrodible, non-toxic materials in which there are no open cracks or joints that will collect food particles or slime and be kept clean.
 - (c) Multi-use drinking and eating utensils which do not meet all the construction provisions of SubItem (4)(b) of this Rule shall be used by only one individual, constructed of not readily corrodible, non-toxic materials, and shall not be reassigned to or reused by another individual.
 - (d) Where multi-use eating utensils are used, they shall be assigned to one individual and not shared until cleaned and sanitized by approved methods.
- (5) Cleaning of Utensils and Equipment shall meet the following requirements:
 - (a) Utensils and equipment shall be kept clean.
 - (b) Water used for cleaning shall meet the requirements of Items (2) and (3) of this Rule.
 - (c) Where an approved sanitizing process cannot be implemented, each individual's multi-use utensils shall be cleaned separately to prevent cross-contamination.
 - (d) Multi-use utensils not assigned for individual use may be cleaned together provided they are washed, rinsed and sanitized by approved methods.
- (6) Handwashing for food preparers shall be in compliance with Rule .3620(b) of this Section. Facilities shall be provided for employees' handwashing; these may consist of a pan, potable water, soap and single-use towels. Hair restraints are not required for field sanitation employees.
- (7) Toxic materials shall be labeled and stored to prevent contamination of food, equipment and utensils.
- (8) Where permanent human waste disposal facilities which meet the requirements of 15A NCAC 18A .1900 are not provided at an off-site activity, written procedures for waste disposal shall be provided to and approved by the Department. Disposal of human waste shall be in a hole that is at least six inches deep and has a diameter of at least four inches located at least 200 feet from any surface water. After use, the hole shall be back filled with soil to a depth of six inches.

History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.

15A NCAC 18A .3620 FOOD SERVICE EMPLOYEES

- (a) In Resident Camp food service, all employees shall wear clean outer clothing and shall be clean as to their person and methods of food handling. No employee shall use tobacco in any form while engaged in the washing of eating and cooking utensils or in the preparation, handling or serving of food.
- (b) Employees shall wash their hands in a lavatory which meets the requirements of Rule .3634 of this Section before starting work, after each visit to the toilet, and as often as may be necessary to remove soil and contamination.
- (c) Effective hair restraints such as hairnets, caps or wrap around visors shall be worn by employees engaged in the preparation or handling of food to prevent the contamination of food or food contact surfaces. Wigs and hairspray do not constitute compliance with this Rule. This Rule does not apply to employees who only serve beverages, set tables, or participate in family dining-table type of service if they present a minimal risk of contaminating exposed food.

(d) No person who has a communicable or infectious disease that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or who has a boil, infected wound, or a disease with sudden onset and severe symptoms including cough and nasal discharge, shall work in food service in any capacity in which there is a likelihood of such person contaminating food or food contact surfaces, with disease-causing organisms or transmitting the illness to other persons.

(e) Employees may have beverages in areas where food is prepared as long as those beverages are covered and consumed in a sanitary manner. Beverage containers shall not be stored on or above a food contact surface and must be handled in a manner to avoid cross-contamination.

*History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.*

15A NCAC 18A .3621 FOOD SUPPLIES

In Resident Camps, all food shall be obtained from sources that comply with all laws relating to food and food labeling and shall be identified. All meat, meat food products, poultry and poultry products shall have been inspected for wholesomeness where required under a federal, state or local regulatory program; and, the source shall be identifiable from labeling on carcasses, cuts, unit packages, bulk packages or from bills of sale. All food shall be clean, wholesome, and free from adulteration and spoilage, safe for human consumption and shall be handled, served or transported in such a manner to prevent contamination, adulteration and spoilage. Only approved containers and utensils may be used. Foods that are spoiled or otherwise unfit for human consumption shall be immediately disposed of as garbage or returned to the source except as specified in Rule .3607 of this Section. Foods to be returned to the source shall be marked as such and stored in a fashion not to contaminate other food.

*History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.*

15A NCAC 18A .3622 FOOD PROTECTION

(a) In Resident Camps, all unwrapped or unenclosed food and drink on display shall be protected in such manner that the direct line from the customer's mouth to the food shall be intercepted by glass or similar shields and shall be otherwise protected from public handling or other contamination, except that hand openings may be permitted on counter fronts. A continually staffed beverage station is not required to provide glass or similar shields for beverages, ice and beverage garnishes. Contaminated beverages, ice or beverage garnishes shall be removed from the beverage station. This requires counter protector installations for all cafeteria counters, salad bars and similar type service to prevent contamination by customers' coughing and sneezing. Nothing in this Rule shall require food kept in enclosed cases to be wrapped or covered as long as effective measures are taken to prevent contamination in multi-level shelving units.

(b) Consumer self-service is permitted only under the following conditions:

- (1) Buffet-style service. Protective shields, equivalent to counter protectors, are provided to intercept contamination.
- (2) Consumer self-service. When customers are allowed to return to a self-service area, clean and sanitized tableware other than flatware, beverage cups and glasses, shall be made available for each return trip. Written notice shall be provided informing customers that clean tableware needs to be used for return trips.
- (3) Family-style service. In resident camps featuring this style of service, patrons elect to participate in the family dining-table type of service. Ordinary serving dishes and utensils are acceptable.
- (4) Private events. When service is provided for a club, organization or private individual at a planned event from which the public is excluded:
 - (A) potentially hazardous foods shall be replaced at least every two hours;
 - (B) food containers shall be arranged conveniently so consumers' clothing does not come in contact with food;
 - (C) dispensing utensils shall be in the food with their handles at least two inches above the top of the food and the container;
 - (D) at the conclusion of the event, food that has not been consumed, shall be discarded; and
 - (E) protective shields are not required for buffet-style service.

(c) Foods, except raw vegetables that are to be cooked, shall be kept under cover when not in the process of preparation and serving. Foods shall not be stored on the floor, or in direct contact with shelves and racks of cold storage boxes, or permitted to come in contact with dirty clothes, newspapers, pasteboard, previously-used paper or other contaminated

surfaces. If open dishes and pans containing food are stacked, food shall be protected with wax paper, foil or plastic food film. Food transported to a camp shall not be accepted unless wrapped, boxed or covered to prevent contamination and maintained at temperatures required in Rule .3626 of this Section. Food and drink shall not be served to the general public in the kitchen.

(d) Containers for onions, slaw, mustard and other condiments not kept in accordance with the requirements of Paragraph (a) of this Rule shall have covers and be kept covered when not in use. Sugar shall be dispensed with either pour-type dispensers or individual packages. Staff shall avoid unnecessary handling of food in the process of serving.

(e) Dustless methods of floor cleaning shall be used and all except emergency floor cleaning shall be done during those periods when the least amount of food and drink is exposed, such as after closing, or between meals.

(f) Foods shall not be stored under exposed sewer lines.

(g) Dry beans, grits, flour, sugar and similar food products shall be stored in approved, covered containers, or glass jars and labeled accordingly.

*History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.*

15A NCAC 18A .3623 MILK AND MILK PRODUCTS

(a) Only Grade "A" pasteurized milk and milk products shall be used for campers and staffing in resident camps. The term "milk products" shall mean milk products as defined in 15A NCAC 18A .1200. Copies of 15A NCAC 18A .1200 may be obtained from the Department of Environment and Natural Resources, Division of Environmental Health, 1632 Mail Service Center, Raleigh, NC 27699-1632.

(b) The mixing of cream and milk or the pouring of either into jars, bottles or other containers for storage is prohibited. Where meals are served in a communal or family type dining area, milk may be served by pouring it into individual glasses or cups from original containers of not more than one-gallon capacity, which have been provided by a milk distributor. The milk remaining in the container shall be immediately refrigerated and used for cooking purposes only. The transfer of milk from its original container into any type of container other than glasses or cups as specified in this Rule is prohibited.

(c) Bulk milk dispenser containers, as received from the distributor, shall be sealed, labeled with the name and grade of the contents and identity of the distributor.

(d) Milk and milk products shall be stored in a sanitary manner and shall be kept refrigerated, except when being served. Milk containers shall not be completely submerged in water. Nothing in the rules in this Section shall prohibit the placement of milk and milk products on ice while on display or being served.

(e) Reconstituted dry milk and dry milk products may be used in instant desserts and whipped products, or for cooking and baking purposes.

*History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.*

15A NCAC 18A .3624 ICE HANDLING

(a) In Resident Camps, ice that is to be used in fountain drinks, ice water, tea and coffee, or in connection with the chilling or serving of salads, vegetables or other foods shall be manufactured from a water supply meeting the requirements of Rule .3609 of this Section and shall be stored and handled in a sanitary manner.

(b) Storage boxes shall be covered, located away from sources of contamination, maintained in good repair and kept clean. Storage bins or boxes shall be provided with rims and covers designed to exclude spillage and drip.

(c) Ice grinders, pans and buckets used in preparing chipped or crushed ice shall be protected from contamination, cleaned between usages and kept in good repair. Buckets and other containers used in the transportation of ice shall be stored above the floor in a clean place.

(d) Ice shall be dispensed or transferred with a scoop, spoon or other sanitary method. When not in use, an ice scoop or spoon may be stored in the ice with the handle protruding or on a clean surface. Ice scoops shall not be stored in water. Fountain ice compartments, bowls, buckets or other containers shall be in good repair; washed and kept free of scum, rust, and mold; and shall be protected from drip, dust, splash and other means of contamination. Ice shall not be received, used or accepted when there is evidence that it is not being handled and transported in a sanitary manner.

(e) Ice machines shall be kept clean.

*History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.*

15A NCAC 18A .3625 SEAFOOD

- (a) In Resident Camps, all shellfish and crustacea meat shall be obtained from sources in compliance with 15A NCAC 18A .0300 through .0900 which may be obtained from the Department. If the source of clams, oysters, or mussels is outside the state, the shipper's name shall appear on the "Interstate Certified Shellfish Shippers List" as published monthly by the Shellfish Sanitation Branch, Food and Drug Administration. If the source of the cooked crustacea meat is within the United States, the processor's name, address, and certificate number with State abbreviation shall appear on the container. If the source of the cooked crustacea meat is outside the United States, containers must meet Federal labeling requirements, Food and Drug Administration, HHS Food Labeling requirements, 21 CFR Chapter 1, Part 101-Food Labeling.
- (b) All shucked shellfish shall be stored in the original container. Each original container shall be identified with the name and address of the packer or repacker, and the certification number, and the abbreviated name of the state or territory. Shucked shellfish unit containers shall be dated in accordance with 15A NCAC 18A .0600.
- (c) All shellstock shall be stored in the containers in which packed at the source. Each original container shall be identified with a uniform tag or label bearing the name and address of the shipper, the certificate number issued by the state or territory regulatory authority, the abbreviated name of the state, the name of the waters from which the shellfish were taken, the date of harvest, the kind and quantity of the shellstock in the container, and the name and address of the consignee.
- (d) Shellstock shall be stored at temperatures and by methods in accordance with 15A NCAC 18A .0427. The re-use of single-service shipping containers and the storage of shucked shellfish in other containers are not allowed.
- (e) After each container of shellstock has been emptied, the management shall remove the tag and retain it for a period of at least 90 days.
- (f) With the exception of opening shellfish for immediate consumption on the premises, no shellfish shucking shall be performed unless the resident camp holds a valid shellfish shucking permit issued by the department.
- (g) Shellstock washing facilities shall consist of a mechanical shellfish washer, or a sink or slab with catch basin, indirectly drained into a sewage collection, treatment, and disposal system. The washing shall be done in a clean area, protected from contamination. A can wash facility shall not be used for the washing of shellstock or other foods.
- (h) The cooking of shellfish shall be accomplished in an area meeting the requirements of the rules of this Section.
- (i) Re-use of shells for the serving of food is prohibited. It shall not be considered reuse to remove a shellfish from its shell and return it to that same shell for service to the public. Shells shall be stored in a manner to prevent flies, insects, rodents, and odors.
- (j) All resident camps that prepare, serve, or sell raw shellfish shall post in a conspicuous place where it may be readily observed by the public prior to consumption of shellfish, the following consumer advisory:

"Consumer Advisory

Eating raw oysters, clams, or mussels may cause severe illness. People with the following conditions are at especially high risk: liver disease, alcoholism, diabetes, cancer, stomach or blood disorder, or weakened immune system. Ask your doctor if you are unsure of your risk.
If you eat shellfish and become sick, see a doctor immediately."

- (k) Cooked crustacea meat shall be held at 40° F or less.

*History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.*

15A NCAC 18A .3626 REFRIGERATION: THAWING: AND PREPARATION OF FOOD

- (a) All potentially hazardous foods requiring refrigeration shall be kept at or below 45 degrees F (7 degrees C), except when being prepared or served in resident camps. An air temperature thermometer accurate to 2 degrees F (1 degree C) shall be provided in all refrigerators.
- (b) Refrigeration and freezer space shall be provided to accommodate the volume of food handled.
- (c) Potentially hazardous foods shall be thawed:
- (1) in refrigerated units at a temperature not to exceed 45 degrees F (7 degrees C);
 - (2) under potable running water of a temperature of 70 degrees F (21 degrees C), or below, with sufficient water velocity to agitate and float off loose food particles into the overflow;
 - (3) as a part of the conventional cooking process; or

- (4) in a microwave oven only when the food will be immediately transferred to conventional cooking equipment as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven.
- (d) Anyone preparing food shall have used anti-bacterial or liquid soap, immediately prior to food preparation or shall use clean, plastic disposable gloves or sanitized utensils during food preparation. This requirement is in addition to all handwashing requirements in this Section. Food shall be prepared with the least possible manual contact, with utensils and preparation surfaces that have been cleaned and rinsed prior to use. Preparation surfaces that come in contact with potentially hazardous foods shall be sanitized as provided in Rule .3629 of this Section. Raw fruits and raw vegetables shall be washed with potable water before being cooked or served.
- (e) Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 145 degrees F (63 degrees C) except as follows:
 - (1) poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165 degrees F (74 degrees C) with no interruption of the cooking process;
 - (2) pork and any food containing pork shall be cooked to heat all parts of the food to at least 150 degrees F (66 degrees C);
 - (3) ground meat food products shall be cooked to an internal temperature of at least 155 degrees F (68 degrees C);
 - (4) roast beef shall be cooked to an internal temperature of 130 degrees F (54 degrees C); and
 - (5) beef steak shall be cooked to a temperature of 130 degrees F (54 degrees C) unless otherwise ordered by the immediate consumer.
- (f) Liquid, or uncooked frozen, dry eggs and egg products shall be used only for cooking and baking purposes. This Paragraph does not apply to pasteurized products.
- (g) Potentially hazardous foods that have been cooked and then refrigerated shall be reheated to 165 degrees F (74 degrees C) or higher throughout before being served or before being placed in a hot food storage facility except that, food in intact packages from food manufacturing plants may initially be reheated to 135 degrees F (57 degrees C). Reheating time shall not exceed two hours.
- (h) All potentially hazardous foods, except roast beef, shall be stored at temperatures of 135 degrees F (57 degrees C) or above; or 45 degrees F (7 degrees C) or below except during necessary periods of preparation and serving. Roast beef shall be stored at a temperature of at least 130 degrees F (54 degrees C) or above; or 45 degrees F (7 degrees C) or below.
- (i) Time only, rather than the temperature requirements set forth in Paragraph (h) of this Rule, may be used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption if:
 - (1) the food is marked or otherwise identified to indicate the time that is four hours past the point in time when the food is removed from temperature control;
 - (2) the food is cooked and served, served if ready-to-eat, or discarded, within four hours from the point in time when the food is removed from required temperature control;
 - (3) food in unmarked containers or packages or marked to exceed the four hour limit in Subparagraph (1) of this Paragraph, is discarded; and
 - (4) written procedures approved by the Department, as being in accordance with the rules in this Section, are maintained in the resident camp for the handling of food from the time of completion of the cooking process or when the food is otherwise removed from required temperature control. These procedures shall be made available to the Department upon request.
- (j) Time only, rather than temperature requirements as set forth in Paragraph (h) of this Rule, may be used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for staff or camper take-out, if:
 - (1) the food is marked or otherwise identified to indicate the time that is two hours past the point in time when the food is removed from temperature control;
 - (2) the food is cooked and served, served if ready-to-eat, or discarded, within two hours from the point in time when the food is removed from required temperature control;
 - (3) food in unmarked containers or packages or marked to exceed the two hour limit in Subparagraph (1) of this Paragraph, is discarded; and
 - (4) written procedures approved by the Department, as being in accordance with the Rules in this Section, are maintained in the resident camp for the handling of food from the time of completion of the cooking process or when the food was otherwise removed from required temperature control. These procedures shall be made available to the Department upon request.

(k) A resident camp wishing to move foods controlled under Rule .3626(j) to Rule .3626(i) for immediate consumption on the premises, shall have their written procedures for the handling of the food from the time of completion of the cooking process or when the food was otherwise removed from required temperature control, approved by the Department, as being in accordance with the rules in this Section, and shall maintain those approved procedures in the resident camp. These procedures shall be made available to the Department upon request.

(l) In a resident camp that serves a highly susceptible population, time only, rather than temperature, may not be used as the public health control for raw eggs.

(m) All potentially hazardous food that is transported must be maintained at temperatures as noted in Paragraph (h) of this Rule.

(n) A metal stem-type food thermometer accurate to 2 degrees F (1 degree C) shall be available to check potentially hazardous food temperatures.

*History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.*

15A NCAC 18A .3627 RE-SERVING OF FOOD

In Resident Camps, food once served to a consumer shall not be served again and not left for the next consumer. Packaged food, other than potentially hazardous food, that is still packaged and is still wholesome, may be re-served.

*History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.*

15A NCAC 18A .3628 FOOD SERVICE UTENSILS AND EQUIPMENT

(a) In Resident Camps, all eating, drinking, cooking utensils, tables, sinks, cabinets, hoods, shelves, equipment, fixtures and other items used in connection with the preparation of food shall be kept clean and in good repair.

(b) All surfaces with which food or drink come in contact shall consist of smooth, not readily corrodible, non-toxic materials in which there are no open cracks or joints that will collect food particles and slime, and shall be kept clean.

(c) Shelves, tables and counters shall not be covered with paper, cardboard, oilcloth or other absorbent material, and shall be free of crevices. Dining table linen or similar dining table coverings, if used, shall be kept clean and in good repair.

(d) Equipment placed into operation after the effective date of the rule, and all dishwashing facilities shall meet NSF/ANSI food equipment standards. Food service equipment that is certified for sanitation by an American National Standards Institute (ANSI)-accredited program shall be approved. NSF/ANSI food equipment standards are incorporated by reference including subsequent amendments and editions. These standards may be obtained from ANSI, 1819 L Street, NW, 6th Floor, Washington, DC 20036, at a cost of six-hundred sixty-five dollars (\$665.00) and are also available for inspection at the Division of Environmental Health, 1632 Mail Service Center, Raleigh, NC 27699-1632. If equipment is not listed by an ANSI accredited education service program, the owner or operator shall submit documentation to the Department that demonstrates that the equipment is at least equivalent to ANSI sanitation standards. In doing so, if the components of the equipment are the same as those meeting ANSI sanitation standards, then the Department shall deem the equipment equivalent. For purposes of the rules of this Section, toasters, mixers, microwave ovens, hot water heaters and hoods shall not be considered to be equipment and shall not be required to meet ANSI sanitation standards. Limited resident camps are exempt from this Rule except for required dishwashing facilities. All existing equipment, excluding dishwashing facilities, not in compliance with this Rule must be brought into compliance by May 1, 2012.

(e) Single-use articles such as formed buckets, bread wrappers, aluminum pie plates and No. 10 cans shall be used only once except that containers made of plastic, glass or other smooth, not readily corrodible, non-toxic materials having smooth sides and of a construction that can be easily cleaned may be reused.

(f) Beverage dispensers installed or replaced after the effective date of this Rule shall be designed to avoid activation by the lip of a cup or glass when these dispensers are used to refill cups or glasses.

*History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.*

15A NCAC 18A .3629 CLEANING OF EQUIPMENT AND UTENSILS

(a) All equipment and fixtures shall be kept clean in resident camps. All cloths used by chefs and other employees in the kitchen shall be clean.

(b) All multi-use eating and drinking utensils shall be washed, rinsed and subjected to a bactericidal treatment after each usage as specified in Paragraph (c) of this Rule.

(c) In a hand dishwashing operation, after cleaning and rinsing, all multi-use eating and drinking utensils shall be subjected to one of the following or other equivalent bactericidal processes:

- (1) Immersion for at least one minute in the third compartment in clean hot water at a temperature of at least 170 degrees F (77 degrees C). A thermometer accurate to 2 degrees F (1 degrees C) shall be available and convenient to the compartment. Where hot water is used for bactericidal treatment, a booster heater that maintains a water temperature of at least 170 degrees F (77 degrees C) in the third compartment at all times when utensils are being washed shall be used. The heating device may be integral with the immersion compartment.
- (2) Immersion for at least two minutes in the third compartment in a chemical bactericide of strength:
 - (A) for chlorine products, a solution containing at least 50 parts per million of available chlorine at a temperature of at least 75 degrees F (24 degrees C);
 - (B) for iodophor products, a solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and having a temperature of at least 75 degrees F (24 degrees C); or
 - (C) for quaternary ammonium products, a solution containing at least 200 parts per million of QAC and having a temperature of at least 75 degrees F (24 degrees C), provided that the product is labeled to show that it is effective in water having a hardness value at least equal to that of the water being used.
- (3) Other equivalent products and procedures approved in 21 CFR 178.1010 "Sanitizing Solutions" from the "Food Service Sanitation Manual" which is hereby incorporated by reference including subsequent amendments, published by the U.S. Food and Drug Administration.

(d) A testing method or equipment shall be available, convenient and regularly used to test chemical sanitizers to ensure minimum prescribed strengths.

(e) The supply of eating and drinking utensils shall be of sufficient quantity to allow washing, rinsing, sanitizing and air-drying before reuse. All multi-use utensils except pizza pans and similar type pans (not used for table service) used in the storage, preparation, cooking or serving of food or drink shall be cleaned and rinsed immediately after the day's operations, after each use or upon completion of each meal as indicated. Pizza pans and similar type pans (not used for table service) that are continually subjected to high temperatures do not require cleaning after each use, or day's use but shall be kept clean and maintained in good repair.

(f) In addition to washing and rinsing multi-use utensils as indicated in Paragraph (c) of this Rule, preparation surfaces which come in contact with potentially hazardous foods and are not subjected to heat during routine cooking operations shall be sanitized. Utensils and equipment that have been used for the preparation of raw meat or raw poultry shall not be used for the preparation of cooked meat, cooked poultry or other ready-to-eat products unless such utensils and equipment have been cleaned and sanitized. Examples of food contact surfaces that must be sanitized are utensils used in preparing cold salads and cold beverages, cutting boards, table tops, knives, saws and slicers. For utensils and equipment that are either too large or impractical to sanitize in a dishwashing machine or dishwashing sink, and for those resident camps that do not have dishwashing equipment, a spray-on or wipe-on sanitizer may be used. When spray-on or wipe-on sanitizers are used, the chemical strengths shall be those required for sanitizing multi-use eating and drinking utensils.

(g) Hand dishwashing facilities shall consist of an approved three-compartment sink of sufficient size and depth to submerge, wash, rinse and sanitize utensils and shall have splash back protection and drain boards that are an integral part of and continuous with the sink. These drain boards shall be of a sufficient size to accommodate the drainage of liquids of the washed utensils after being sanitized. Air-drying of utensils may be accomplished with the use of a drain board, overhead or wall mounted shelves, or with the use of stationary or portable racks or by cross stacking.

(h) Where the Department determines that the volume of dishes, glasses and utensils to be washed cannot be processed in a single warewashing facility, separate dish, glass or utensil washing facilities shall be required. Separate vegetable washing facilities shall be provided in resident camps which wash raw vegetables except where plan review shows that volume and preparation frequency do not require separate vegetable washing facilities or where vegetables are purchased pre-washed and packaged. Resident camps which scale, eviscerate, thaw or wash fish, raw poultry or other food shall provide separate sinks with preparation space for these processes except where plan review shows that volume and preparation frequency do not require separate washing facilities.

(i) When warewashing machines are used, the machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions. Machines shall be fitted with drain boards on each side, and a countersunk sink or a sink with a faucet, spray nozzle or brushes for pre-cleaning, pre-flushing or pre-soaking of the utensils in the dirty dish lane. Thermometers indicating the wash and rinse water temperatures shall be provided and kept in good repair.

(j) When warewashing machines are used, the machines shall be approved as sufficient for size, capacity and type for the number of utensils to be washed. Glasses may be washed with power-driven brushes and passed through door-type machines, which are also used for dishwashing, for final rinse and bacterial treatment. For this method, a motor-driven glass-washer and a single-vat sink shall suffice.

(k) Warewashing machines shall render equipment clean to sight and touch and provide bactericidal treatment in accordance with Paragraph (c) of this Rule.

(l) When only single-service eating and drinking utensils are used, at least an approved two-compartment sink shall be provided. This sink shall be of sufficient size to submerge, wash, rinse and sanitize utensils and shall have splash back protection and drain boards that are an integral part of and continuous with the sink. These drain boards shall be of sufficient size to accommodate the drainage of liquids of the washed utensils after being sanitized. Air drying of utensils may be accomplished with the use of a drain board, overhead or wall mounted shelf or with the use of stationary or portable racks.

(m) Facilities for the heating of water shall be provided. Capacity of hot water heating facilities shall be based on number and size of sinks, capacity of dishwashing machines and other food service and cleaning needs. Hot water storage tanks shall provide a minimum of 130 degree F (54 degree C) hot water when water is not used for sanitizing; when hot water is used for sanitizing, a minimum storage temperature of 140 degree F (60 degrees C) hot water is required.

(n) No article, polish or other substance containing any cyanide preparation or other poisonous material shall be used for the cleaning or polishing of eating or cooking utensils.

(o) In determining the sufficiency of the size of drain boards, machine dishwashers and sinks in a resident camp, the environmental health specialist shall consider the number and size of multi-use utensils regularly cleaned. For drain boards only, the specialist shall also consider the available shelf space, racks and other areas that may be used for air-drying.

History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.

15A NCAC 18A .3630 STORAGE AND HANDLING OF UTENSILS AND EQUIPMENT

(a) After bactericidal treatment, utensils shall be air-dried and stored above the floor in a clean place in resident camps. Wherever practicable, containers and utensils shall be covered or inverted or stored in tight, clean cabinets; and glasses and cups shall be stored inverted in a sanitary manner. It shall not be considered practicable to invert plates and bowls that slide when inverted or to cover plates and bowls positioned for immediate use during business hours. Utensils and equipment shall be handled in such a manner to prevent contamination, and employees shall avoid handling clean surfaces that will come in contact with customers' mouths.

(b) Drain racks, trays and shelves shall be made of not readily corrodible material, and shall be kept clean. These items are not required to be made of plastic.

(c) Spoons, spatulas, dippers, and other in-use utensils shall be stored between uses in the food product with the handles extending out of the food, stored dry on a clean surface or in a container of water if the water is maintained at a temperature of at least 140F.

(d) When utensils are used to dispense frozen products or moist foods, the utensils may be stored in running water dipper wells only when the water has sufficient velocity to flush food residues into the overflow drain.

(e) Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner. Single-service cup dispensers or similar devices shall be used when single-service cups are used. Nothing in the rules in this Section shall prohibit the use of plastic bags in which single-service cups or similar devices are received as the dispenser for those items.

History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.

15A NCAC 18A .3631 FOOD SERVICE AREA STORAGE SPACES

(a) Storage spaces shall be kept clean in resident camps. The contents shall be neatly arranged to facilitate cleaning and to prevent insect and rodent harboring.

(b) All items stored in rooms where food or single-service items are stored shall be at least 12 inches (30.48 cm.) above the floor when placed on stationary storage units or six inches (15.24 cm.) above the floor when placed on portable storage units or otherwise arranged to permit cleaning. For purposes of this Rule, the term "portable" does not require wheels.

(c) Shelves in storage rooms where food or single-service items are stored shall be constructed approximately one inch (2.54 cm.) from the wall, unless stripped or caulked.

(d) Nothing in this Rule shall prohibit the use of non-absorbent wooden shelves that are in good repair in dry storage areas.

History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.

15A NCAC 18A .3632 FOOD SERVICE AREA LIGHTING

- (a) In Resident Camps, all areas in which food is prepared, or in which utensils are washed, shall be provided with at least 50 foot-candles of light on food preparation work levels and at utensil washing work levels. At least 10 foot-candles of light at 30 inches above the floor shall be provided in all other areas, including storage rooms and walk-in units. This shall not include dining areas except during cleaning operations. Fixtures shall be kept clean and in good repair.
- (b) In determining whether the lighting at a particular location meets the requirements of this Rule, the Environmental Health Specialist shall take the measurement with the light meter at the level where work is performed or at 30 inches above the floor if not at a work station identified in Paragraph (a) of this Rule. The environmental health specialist shall place the meter on the surface where the measurement is to be taken and shall not obstruct the path of the light to the surface in question. Instruments used to measure lighting shall be maintained and operated by the Environmental Health Specialist in accordance with the manufacturer's instructions as to ensure their accuracy.
- (c) Light bulbs in food preparation, storage and display areas shall be shatterproof or shielded to preclude the possibility of broken bulbs or lamps falling into food. Shatterproof or shielded bulbs need not be used in food storage areas where the integrity of the unopened packages will not be affected by broken glass falling onto them and the packages, prior to being opened, are capable of being cleaned.
- (d) Heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.

15A NCAC 18A .3633 FOOD SERVICE AREA VENTILATION

In Resident Camps, ventilation equipment shall be kept clean and in good repair.

History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.

15A NCAC 18A .3634 FOOD SERVICE AREA LAVATORY FACILITIES

- (a) In Resident Camps, lavatory facilities, including hot and cold running water and a combination supply faucet or tempered water and sanitary towels or hand-drying devices and soap, shall be provided for staff and campers in food preparation and utensil washing areas.
- (b) For employees, at least one lavatory shall be provided in the kitchen area in addition to any lavatories that may be provided in employees' toilet rooms.
- (c) Dishwashing sinks, vegetable sinks and pot sinks shall not be used as handwashing facilities.
- (d) The lavatories shall be kept clean and in good repair.

History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.

15A NCAC 18A .3635 FOOD SERVICE AREA TOILET FACILITIES

- (a) Unless specified elsewhere in the rules in this Section, every resident camp kitchen shall be provided with toilet facilities located within 500 feet and readily accessible to employees and campers during all operational hours. Toilets for campers shall be so located that the campers do not pass through the kitchen to enter the toilet rooms. Intervening rooms or vestibules, if provided, shall be constructed and maintained in accordance with this Rule. Floors and walls shall be constructed of non-absorbent, washable materials. Floors, walls and ceilings shall be kept clean and in good repair.
- (b) Signs shall be posted to advise campers and staff of the locations and identities of the toilet rooms. Legible signs that read that employees must wash their hands before returning to work shall be posted conspicuously in each employee's toilet room.
- (c) Toilet rooms shall be provided with self-closing doors and kept free of flies. Windows shall be screened if used for ventilation. Toilet rooms shall not be used for storage of food, utensils or equipment. Self-closing doors are not required for toilet rooms that open into the interior of a building and the exterior doors of the building are self-closing.
- (d) Fixtures shall be kept clean and in good repair.

(e) All wastewater shall be disposed of in accordance with 15A NCAC 18A .1900 or 15A NCAC 02H .0200.

History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.

15A NCAC 18A .3636 FOOD SERVICE AREA FLOORS

(a) In Resident Camps, the floors of all rooms in which food is stored, prepared, handled or served, or in which utensils are washed, shall be of such construction to be easily cleaned, and shall be kept clean and in good repair. Food waste on the floor as a result of that day's preparation process is not a violation of this Rule as long as the food waste is removed at regular intervals and prior to closing.

(b) Floors in areas where food is to be prepared or stored may be of sealed concrete, terrazzo, quarry or vinyl tile, wood covered with composition flooring or equal, except that:

- (1) carpet may be used in wait stations and self-service bars;
- (2) there will be no flooring requirements for portable cooking units which may be used in a dining room for occasional service at individual tables; and
- (3) nothing in this Section shall prohibit the use of approved anti-skid floor applications where needed for safety reasons.

(c) The joints between walls and floors shall be rounded or be otherwise constructed to provide a tight seal between the floor and wall.

(d) Floors, which are subjected to flood type cleaning, shall be provided with floor drains and shall slope to drain.

(e) Clean carpet, in good repair, may be used in dining areas.

History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.

15A NCAC 18A .3637 FOOD SERVICE AREA WALLS AND CEILINGS

(a) In Resident Camps, walls and ceilings of all rooms in which food is stored, handled, prepared or served or in which utensils are washed or stored shall be kept clean and in good repair. Water stains on walls or ceilings do not constitute a violation of this Rule unless mold or mildew is present.

(b) The walls of kitchens and other rooms used for the preparation of food and the washing of utensils shall be smooth, washable and be kept clean. Acceptable wall materials include glazed tile; fiberglass reinforced panels, stainless steel, wood or metal; wall board painted with washable, non-absorbent paint; and brick, cinder blocks, slag blocks or concrete blocks, if glazed, tiled, plastered or filled to provide a smooth surface. Ceilings in kitchens and other rooms used for the preparation of food or the washing of utensils shall be washable. Acceptable materials include perforated or non-perforated vinyl faced acoustical tile, and fiberglass reinforced panels and painted wallboard.

(c) The walls and ceilings of dry storage rooms shall be permanent; however, a washable finish is not required.

(d) The interior walls of wait stations that prepare beverages and bars that only prepare beverages and wash utensils with no food preparation other than garnishes for drinks shall be finished to be smooth and washable.

History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.

15A NCAC 18A .3638 KITCHEN PREMISES: MISCELLANEOUS

(a) In a Resident Camp, none of the camp activities shall be conducted in any room used for private living areas.

(b) Packout or trip kitchens where food is portioned and stored for cookouts or overnight trips, where utensils and equipment are not returned to a central kitchen for cleaning, and are not located in the same building as a camp kitchen, shall be equipped with at least a two-compartment sink with 24-inch drainboards or countertop space at each end for handling dirty items and air drying clean items. Sinks shall be of sufficient size to submerge, wash, rinse and sanitize utensils and equipment. Any area where food is portioned shall also be equipped with a separate handwash lavatory with a hot and cold mixing faucet, soap and individual towels or hand-drying device.

(c) Residential style educational activity kitchens with non-commercial utensils and equipment may be used by groups of 32 or less campers and staff to prepare meals only for members of the group. Field sanitation measures of Rule .3619 may be used in these facilities.

(d) Soiled linens, coats and aprons shall be kept in containers provided for this purpose. Laundered table linen and cleaning cloths shall be stored in a clean place until used.

- (e) Toxic materials, cleaners, sanitizers or similar products used in a camp shall be labeled with the common name or manufacturer's label.
- (f) A separate area for storage of toxic materials shall be provided and marked as toxic materials. This requirement shall not apply to cleaners and sanitizers used frequently in the operation of the camp kitchen that are stored for availability and convenience if the materials are stored to prevent the contamination of food, equipment, utensils, linens and single-service items.
- (g) Storage shall be provided for mops, brushes, brooms, hoses and other items in routine use.
- (h) The premises under control of the management shall be kept free of items that provide fly or mosquito breeding places or rodent harborages. Effective measures such as fly repellent fans, self-closing doors, screens and routine use of approved pesticides shall be taken to keep insects, rodents, animals and other public health pests out of the camp kitchen and food service area storage spaces.
- (i) Only those pesticides which have been registered with the U.S. Environmental Protection Agency and with the North Carolina Department of Agriculture and Consumer Service shall be used. Such pesticides shall be used as directed on the label and shall be handled to avoid health hazards.
- (j) Except as specified below, live animals shall not be allowed in a food preparation, storage or dining area. Live animals shall be allowed in the following situations if their presence will not result in the contamination of equipment, utensils, linens and unwrapped single-service and single-use items:
 - (1) fish or crustacea in aquariums or display tanks;
 - (2) patrol dogs accompanying police or security officers in offices and dining, sales and storage areas; and
 - (3) service animals accompanying persons with disabilities in areas that are not used for food preparation.

History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.

15A NCAC 18A .3639 INFORMAL REVIEW PROCESS AND APPEALS PROCEDURE

- (a) If a Resident Camp manager disagrees with a decision of an environmental health specialist on the interpretation, application or enforcement of the rules of this Section, the camp manager may:
 - (1) request an informal review pursuant to Paragraphs (d) and (e) of this Rule; or
 - (2) initiate a contested case in accordance with G.S. 150B.
- (b) The camp manager is not required to complete the informal review prior to initiating a contested case in accordance with G.S. 150B.
- (c) When petition for a contested case is filed, the informal review process shall terminate.
- (d) If the camp manager requests an informal review, the request shall be in writing and shall be postmarked or hand delivered to the local health department within seven days of notice of the decision giving rise to the review. The request shall briefly state the issues in dispute. In the event the inspection giving rise to the informal review was conducted by the environmental health supervisor in the county or area where the resident camp is located, or when the county or area has only one environmental health specialist assigned to inspect resident camps, the regional environmental health specialist assigned to that county or area shall conduct the local informal review. As soon as possible but at least within 30 days of receipt of the request, the person conducting the review shall contact the camp manager, provide that camp manager an opportunity to be heard on the issues in dispute and issue a written decision addressing the issues raised in the appeal. Copies of the decision shall be mailed to the camp manager and to the State Health Director. That decision shall be binding for the purposes of future inspections of the resident camp in question unless modified pursuant to Paragraph (e) of this Rule or by the State Health Director.
- (e) Following receipt of the written decision of the environmental health supervisor or his or her representative issued pursuant to Paragraph (d) of this Rule, the camp manager who initiated the informal review may appeal the resulting decision to an Informal Review Officer designated by the Department to be responsible for final decisions on appeals from throughout the State. Notice of such appeal shall be in writing, shall include a copy of the environmental health supervisor's or her or his representative's decision and shall be postmarked or hand-delivered to the local health department and to the Department within seven days of receipt of the written decision issued pursuant to Paragraph (a) of this Rule. Within 35 days of receipt of this appeal, the designated informal review officer shall hold a conference in Wake County. Notice of the time and place of this conference shall be provided to the camp manager and the environmental health supervisor for the county or area where the issue arose. Within ten days following the date of the conference, the informal review officer shall issue a written decision addressing the issues raised in the appeal and that decision shall be binding for purposes of future inspections of the resident camp in question unless modified pursuant to Paragraph (g) of this Rule or by the State Health Director.

- (f) If the decision on appeal at the local or state level results in a change in the score resulting from an inspection of a resident camp, the environmental health specialist shall post a new grade card reflecting that new score.
- (g) Appeals of the decision of the designated informal review officer shall be in accordance with G.S. 150B.
- (h) Nothing in this Rule shall impact the right of a camp manager to a reinspection pursuant to Rule .3605 of this Section.

History Note: Authority G.S. 130A-235; 130A-248;
Eff. October 1, 2007.

SECTION .3800 - PRIVATE DRINKING WATER WELL SAMPLING

15A NCAC 18A .3801 DEFINITIONS

The following definitions shall apply throughout this Section:

- (1) "Certified laboratory" means the North Carolina State Laboratory of Public Health certified by the US Environmental Protection Agency or a laboratory certified by the Certification Section of the North Carolina Public Health Laboratory pursuant to 10A NCAC 42D to perform tests to determine the presence of coliform bacteria or the chemical constituents to be tested.
- (2) "Coliform bacteria" or "total coliform" means aerobic or facultative anaerobic, gram-negative, non-spore forming, rod shaped bacteria included in the genera Klebsiella, Enterobacter, Escherichia and Citrobacter. Coliform bacteria originate in soil, vegetation or the intestinal tract of warm-blooded animals. The presence of coliform bacteria in a water sample indicate the presence of a pathway for bacteria and possibly pathogens to gain entry into a water supply system.
- (3) "Department of Environment and Natural Resources" or "Department" means the North Carolina Department of Environment and Natural Resources. The term also means the authorized representative of the Department.
- (4) "Fecal coliform bacteria" or "fecal coliform" means a sub-group of coliform bacteria that are present in the intestinal tract and feces of warm-blooded animals. The presence of fecal coliform bacteria in a water sample indicate fecal contamination and the presumed presence of pathogens in the water supply
- (5) "Local Health Department" means the county or district health department or its successor.
- (6) "Private drinking water well" means a private drinking water well as defined in G.S. 87-85(10a).

History Note: Authority G.S. 87-97;
Eff. July 1, 2008.

15A NCAC 18A .3802 SAMPLE COLLECTION

- (a) Within 30 days after it issues a certificate of completion for a newly constructed private drinking water well, the local health department shall obtain water samples and submit them to a certified laboratory for analyses or ensure that the water obtained from the well has been sampled and tested by a certified laboratory, in accordance with the rules of this Section.
- (b) Samples collected from private drinking water wells pursuant to the rules of this Section shall be collected by an employee of a local health department, or a certified laboratory. The sample collector shall use aseptic sampling techniques for collection of coliform bacteria and sampling techniques and containers for chemical constituents following methods described in 40 Code of Federal Regulations 141.23 Inorganic Chemical Sampling and Analytical Requirements and 40 Code of Federal Regulations 143.4 Monitoring, which are incorporated by reference including any subsequent amendments, additions or editions. A copy may be obtained from the National Archives and Records Administration through their website at <http://www.gpoaccess.gov/cfr/index.html>.
- (c) Water samples shall be collected from the sample tap at the well or the closest accessible collection point to the water source with a tap capable of being disinfected, provided the sampling point shall precede any water treatment devices.
- (d) It is the responsibility of the well owner to provide access and a source of power for the purpose of collecting the required water sample.
- (e) For all new private drinking water wells, samples for total coliform and fecal coliform bacteria shall be collected after the disinfectant agent has been flushed from the well and water supply system. The water shall be determined to be free of disinfectant before collection of samples for bacteria. Required water samples shall not be collected from wells that are not constructed and located in accordance with the rules of 15A NCAC 02C .0100 and .0300.
- (f) Samples shall be transported to the laboratory following the procedures for sample preservation and within holding times required in 40 Code of Federal Regulations 141.21(f) Analytical Methodology, 141.23 Inorganic Chemical Sampling and Analytical Requirements, and 143.4 Monitoring, which are hereby incorporated by reference including any subsequent

amendments, additions or editions. Copies may be obtained from the National Archives and Records Administration through their website at <http://www.gpoaccess.gov/cfr/index.html>.

(g) Additional or retest samples may be collected if:

- (1) during the permitting, construction and sampling process, information indicates the potential for other contaminants to be present in the groundwater source; or
- (2) if necessary to confirm initial testing results.

History Note: Authority G.S. 87-97;
Eff. July 1, 2008.

15A NCAC 18A .3803 SAMPLE ANALYSIS

- (a) Water samples shall be analyzed in the North Carolina State Laboratory of Public Health or a certified laboratory.
- (b) A water sample shall be tested for total coliform bacteria and if present, further analyzed for the presence of fecal coliform bacteria or E. coli.
- (c) A water sample shall be analyzed for Arsenic, Barium, Cadmium, Chromium, Copper, Fluoride, Lead, Iron, Magnesium, Manganese, Mercury, Nitrate, Nitrite, Selenium, Silver, Sodium, Zinc and pH.
- (d) Testing protocols shall follow EPA methods as published in the applicable sections of the most recent 40 CFR 141 and 143, Federal Register updates and the North Carolina Drinking Water Laboratory Certification rules of Section 10A NCAC 42D. Copies may be obtained from the National Archives and Records Administration through their website at <http://www.gpoaccess.gov/cfr/index.html>.

History Note: Authority G.S. 87-97;
Eff. July 1, 2008.

15A NCAC 18A .3804 REPORTING

- (a) Laboratories shall report results of chemical and bacteriological water sample analyses for each new private drinking water well to:
 - (1) the local health department;
 - (2) the DENR Private Water Supply Protection Branch; and
 - (3) the DHHS Division of Public Health, Epidemiology Section, Occupational and Environmental Epidemiology Branch.
- (b) Certified laboratories reporting results of sampling required by the rules of this Section shall use the reporting format developed by the North Carolina State Laboratory of Public Health for reporting private well-water sample results and shall include well identification information and a guide for interpreting sample results.
- (c) For the purposes of any notices required pursuant to the rules of this Section, notice shall be mailed to "Division of Environmental Health, On-Site Water Protection Section, North Carolina Department of Environment and Natural Resources," 1642 Mail Service Center, Raleigh, NC 27699-1642.

History Note: Authority G.S. 87-97;
Eff. July 1, 2008.

15A NCAC 18A .3805 DATA REVIEW

- (a) For all private well sampling data where chemical or biological contaminants are detected exceeding the Maximum Contaminant Levels (MCLs) for public drinking water, as defined in 15A NCAC 18C, the North Carolina Occupational and Environmental Epidemiology Branch (OEEB) shall provide the following to the local health department from which the sample was collected:
 - (1) information about the contaminant(s) exceeding public drinking water MCLs;
 - (2) recommendations for water use limitations or treatment options to reduce exposure to a level comparable to meeting public drinking water MCLs; and
 - (3) recommendations about the need for and the frequency of repeat sampling.
- (b) The local health department shall provide information to the well owner or respective lease holder concerning chemical and biological contaminants exceeding public drinking water MCLs and the need for exposure limitation, remediation, or future sampling.

History Note: Authority G.S. 87-97;
Eff. July 1, 2008.