

## CHAPTER 18 - ENVIRONMENTAL HEALTH

### SUBCHAPTER 18A - SANITATION

#### SECTION .0100 – HANDLING, PACKING, AND SHIPPING OF CRUSTACEA MEAT

Rules .0101 - .0133 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A.0101 - .0133); has been transferred and recodified from Rules .0701 - .0733 Title 10 Subchapter 10B of the North Carolina Administrative Code (T10.10B .0701 - .0733), effective April 4, 1990.

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*History Note:* Authority G.S. 130A-230;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1991; September 1, 1990; December 1, 1987; July 1, 1985, 1980;  
Repealed Eff. October 1, 1992.

#### **15A NCAC 18A .0133 REFERENCE**

*History Note:* Authority G.S. 130A-230;  
Eff. February 1, 1976;  
Amended Eff. July 1, 1977;

*Readopted Eff. December 5, 1977;*  
*Amended Eff. July 1, 1985;*  
*Repealed Eff. September 1, 1990.*

#### **15A NCAC 18A .0134 DEFINITIONS**

The following definitions shall apply to this Section; however, nothing in this Section shall be construed as expanding or restricting the definitions in G.S. 106-129 and G.S. 106-130:

- (1) "Adulterated" as defined in G.S. 106-129 shall include the following:
  - (a) any cooked crustacea or crustacea meat that does not comply with the rules in this Section;
  - (b) any cooked crustacea or crustacea meat that exceeds the bacteriological standards in Rule .0182 of this Section; or
  - (c) any cooked crustacea or crustacea meat that has been deemed to be an imminent hazard.
- (2) "Clean" means free from dirt, debris, dust, marks, stains, waste materials, litter, or foreign material.
- (3) "Code date" means the date legibly placed on the container to indicate the date that the product was packed.
- (4) "Cook" means to prepare or treat raw crustacea by heating.
- (5) "Critical control point" means a point, step, or procedure in a food process at which a control can be applied and a food safety hazard can, as a result, be prevented, eliminated, or reduced to acceptable levels.
- (6) "Critical limit" means the maximum or minimum value to which a biological, chemical, or physical parameter shall be controlled at a critical control point to prevent, eliminate, or reduce to an acceptable level the occurrence of the identified food safety hazard.
- (7) "Crustacea meat" means the meat of crabs, lobster, shrimp, or crayfish.
- (8) "Division" means the Division of Marine Fisheries.
- (9) "Easily cleanable" has the same meaning as defined in the 2017 U.S. Food Code. This definition is incorporated by reference not including subsequent amendments and editions. A copy of the reference material can be found at <https://www.fda.gov/food/fda-food-code/food-code-2017>, at no cost.
- (10) "Food-contact surface" means the parts of equipment, including auxiliary equipment, that may be in contact with the food being processed, or that may drain into the portion of equipment with which food is in contact.
- (11) "Food safety hazard" means any biological, chemical, or physical property that may cause a food to be unsafe for human consumption.
- (12) "Foreign" means any place or location outside the United States.
- (13) "Fresh crustacea" means a live, raw, or frozen raw crab, lobster, shrimp, or crayfish that shows no decomposition.
- (14) "Good repair" means maintained in order to function as designed and without defect.
- (15) "HACCP plan" means a written document that delineates the procedures a dealer follows to implement food safety controls.
- (16) "Hazard analysis critical control point (HACCP)" means a system of inspection, control, and monitoring measures initiated by a dealer to identify microbiological, chemical, or physical food safety hazards that are likely to occur in shellfish products produced by the dealer.
- (17) "Imminent hazard" has the same meaning as defined in G.S. 130A-2.
- (18) "Internal temperature" means the temperature of the product as opposed to the ambient temperature.
- (19) "Misbranded" as defined in G.S. 106-130 shall include any container of cooked crustacea or crustacea meat that is not labeled in compliance with the rules in this Section.
- (20) "Most probable number (MPN)" means a statistical estimate of the number of bacteria per unit volume and is determined from the number of positive results in a series of fermentation tubes.
- (21) "Operating season" means the season of the year during which a crustacea product is processed.
- (22) "Pasteurization" means the process of heating every particle of crustacea meat in a hermetically-sealed container to a temperature of at least 185° F (85° C) and holding it continuously at or above this temperature for at least one minute at the geometric center of a container in equipment being operated in compliance with the Process Validation Study Report. The term includes any other process that has been found equally effective by the Division.
- (23) "Pasteurization date" means a code legibly placed on the container to indicate the date that the product was pasteurized.

- (24) "Process Validation Study Report" means a report of tests that shows a piece of equipment can produce time-temperature results as required by the rules of this Section, and the procedures required to achieve such results.
- (25) "Processing" means any of the following operations when carried out in conjunction with the cooking of crustacea or crustacea meat: receiving, refrigerating, air-cooling, picking, packing, repacking, thermal processing, or pasteurizing.
- (26) "Repacker" means a facility that repacks cooked crustacea meat into other containers.
- (27) "Responsible individual" means the individual present in a cooked crustacea facility who is the apparent supervisor of the cooked crustacea facility at the time of the inspection. If no individual is the apparent supervisor, then any employee is the responsible individual.
- (28) "Retort" means a pressure vessel used to cook raw crustacea.
- (29) "Sanitize" has the same meaning as defined in 21 CFR 110.3, which is incorporated by reference including subsequent amendments and editions. A copy of the reference material can be found at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-110/subpart-A/section-110.3>, at no cost.
- (30) "Thermal processing" means the heating of previously cooked crustacea or crustacea meat to a desired temperature for a specified time at the geometric center of a container in equipment being operated in compliance with the Process Validation Study Report.

*History Note:* Authority G.S. 106-129; 106-130; 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Amended Eff. August 1, 2000; August 1, 1998; February 1, 1997;  
Readopted Eff. April 1, 2022.

#### **15A NCAC 18A .0135 PERMITS**

- (a) It shall be unlawful to operate a processing facility without first obtaining a Crustacea Permit and Certificate of Compliance from the Division of Marine Fisheries.
- (b) Application for a permit shall be submitted in writing to the Division. Application forms may be obtained from the Division, P.O. Box 769, 3441 Arendell Street, Morehead City, NC 28557.
- (c) No permit shall be issued by the Division until an inspection by the Division shows that the facility and equipment comply with applicable rules of this Section. The owner or responsible person shall sign the completed inspection sheet to acknowledge receipt of the inspection sheet.
- (d) The permit shall be posted in a conspicuous place in the facility.
- (e) All permits shall expire on March 31 of each year and are non-transferrable.
- (f) Plans and specifications for proposed new construction, expansion of operations, or changes in operating processes shall be submitted to the Division for review and approval prior to beginning construction or making a change.
- (g) A permit may be revoked or suspended in accordance with 15A NCAC 03O .0504.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. March 15, 2023.

#### **15A NCAC 18A .0136 APPLICABILITY OF RULES**

The rules in this Section shall apply to the operation of all facilities and persons permitted in Rule .0135 of this Section and all other businesses and persons that buy, sell, transport, or ship cooked crustacea or crustacea meat that has not been transformed into another product.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Amended Eff. April 1, 1997;  
Readopted Eff. August 23, 2022.

#### **15A NCAC 18A .0137 GENERAL REQUIREMENTS FOR OPERATION**

- (a) During the operating season the processing portion of the facility shall be used for no purpose other than the processing of cooked crustacea or crustacea meat.
- (b) Retail sales of cooked crustacea or crustacea meat shall not be made from any processing portion of the facility.

(c) Accurate records of all purchases and sales of crustacea and crustacea meat shall be maintained for one year. The records shall be available for inspection by the Division of Marine Fisheries.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Amended Eff. April 1, 1997.  
Readopted Eff. April 1, 2022.

#### **15A NCAC 18A .0138 SUPERVISION**

(a) The owner or responsible individual shall supervise the processing operation and be responsible for compliance with the rules of this Section, including compliance with personal hygiene requirements as set forth in Rule .0153 of this Section.

(b) No unauthorized individuals shall be allowed in the facility during the periods of operation. For the purpose of this Rule, "unauthorized individual" shall mean an individual that is not designated and trained by the owner or responsible individual to perform specific processing tasks in the facility.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992.  
Readopted Eff. April 1, 2022.

#### **15A NCAC 18A .0139 FACILITY FLOODING**

(a) If the facility floors are flooded, processing shall be discontinued until flood waters have receded and the facility and equipment are cleaned and sanitized.

(b) Any cooked crustacea or crustacea meat that may have been contaminated by flood waters shall be deemed adulterated and disposed of in accordance with G.S. 113-221.4 and Rule .0181 of this Section.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 113-221.4; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. April 1, 2022.

#### **15A NCAC 18A .0140 FLOORS**

Floors shall be of concrete or other impervious material, constructed so that they are easily cleanable and shall be sloped so that water drains.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. May 1, 2021.

#### **15A NCAC 18A .0141 WALLS AND CEILINGS**

(a) Walls and ceilings shall be constructed of smooth, easily cleanable, non-corrosive, impervious material.

(b) Insulation on cooked crustacea cooler walls shall be covered to the ceiling with a smooth, easily cleanable, non-corrosive, impervious material.

(c) Doors and windows shall be tightly fitted and maintained in good repair so as to keep insects and weather out of the facility.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. May 1, 2021.

#### **15A NCAC 18A .0142 LIGHTING**

(a) Natural or artificial lighting shall be provided in all parts of the facility. Minimum lighting intensities shall be as follows:

(1) 50 foot-candles on working surfaces in the picking and packing rooms and areas.

(2) 10 foot-candles measured at a height of 30 inches above the floor throughout the rest of the processing portion of the facility.

(b) Light bulbs within the processing portion of the facility shall be shatterproof or shielded to prevent product contamination in case of breakage.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. May 1, 2021.

**15A NCAC 18A .0143 VENTILATION**

All rooms and areas shall be ventilated.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. May 1, 2021.

**15A NCAC 18A .0144 INSECT CONTROL**

All outside openings shall be screened, provided with wind curtains, or be provided with other methods to eliminate the entrance of insects. All screens shall be kept in good repair. All outside doors shall open outward and shall be self-closing. The use and storage of pesticides shall comply with all applicable State and federal laws and rules.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992.  
Readopted Eff. April 1, 2022.

**15A NCAC 18A .0145 RODENT AND ANIMAL CONTROL**

Measures shall be taken by the owner or responsible individual to keep animals, fowl, rodents, and other vermin out of the facility. The storage and use of rodenticides shall comply with all applicable State and federal laws and rules.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. April 1, 2022.

**15A NCAC 18A .0146 PREMISES**

- (a) Premises under the control of the owner shall be kept clean at all times. Waste materials, rubbish, other articles, or litter shall not be permitted to accumulate on the premises.
- (b) Measures shall be taken to prevent the harborage and breeding of insects, rodents, and other vermin on premises.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. May 1, 2021.

**15A NCAC 18A .0147 WATER SUPPLY**

- (a) The water supply used shall be in accordance with 15A NCAC 18A .1720 through .1728.
- (b) Water samples for bacteriological analysis shall be collected at least annually by the Division of Marine Fisheries and submitted for analysis to the State Laboratory of Public Health or other laboratory that is certified in accordance with 10A NCAC 42C .0102, which is incorporated by reference including subsequent amendments.
- (c) Cross-connections with unapproved water supplies are prohibited. Hot and cold running water under pressure shall be provided to food preparation, utensils, 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, hand washing, cleaning, and other water-using operations.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. April 1, 2022.

**15A NCAC 18A .0148 ICE**

- (a) Ice shall be obtained from a water supply approved by the Division of Marine Fisheries pursuant to Rule .0147 of this Section and shall be stored and handled in a manner to prevent contamination and keep the ice clean.

(b) All equipment used in the handling of ice shall be used for no other purpose and shall be cleaned and sanitized at least once each day the facility is in operation.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. April 1, 2022.*

#### **15A NCAC 18A .0149 PLUMBING**

- (a) Plumbing fixtures shall be located to facilitate the flow of processing activities and to prevent the splashing of water on food-contact surfaces or cooked crustacea and crustacea meat.
- (b) Fixtures, ducts, and pipes shall not be suspended over working areas.
- (c) Handwash lavatories shall be located so that the supervisor can observe that employees wash and sanitize their hands before beginning work and after each interruption.
- (d) Handwash lavatories shall be provided in the following locations:
  - (1) packing room or area;
  - (2) toilet or lounge area; and
  - (3) picking room.
- (e) At least one handwash lavatory shall be provided for every 20 employees among the first 100 employees and at least one handwash lavatory shall be provided for every 25 employees in excess of the first 100 employees.
- (f) Additional lavatories required by Paragraph (e) of this Rule shall be located in the picking room.
- (g) A container shall be located near each handwash lavatory in the picking room and packing room or area to sanitize hands in a solution containing at least 100 parts per million (ppm) of available chlorine or other equally effective bactericide. A testing method or equipment shall be available and used to test chemical sanitizers to ensure minimum prescribed strengths.
- (h) Soap and single service towels in protected dispensers shall be available near the handwash lavatories. Other hand drying devices that are found equally effective by the Division of Marine Fisheries may be used.
- (i) All pre-cool rooms, picking rooms, packing rooms or areas, and cooking areas shall be provided with hose bibs and wash down hoses. Storage racks shall be provided to keep the hoses elevated off the floor when not in use.
- (j) An automatically regulated hot-water system shall be provided to furnish a sufficient volume of hot water with a temperature of at least 130° F (54.5° C) to carry out all processing operations.
- (k) All handwash lavatories and sinks shall be equipped with mixing faucets.
- (l) A three-compartment sink with drainboards, large enough to wash the largest utensils used in the facility, shall be located in the picking room near the delivery shelf. One three-compartment sink, with drainboards, shall be provided for every 50 employees or fraction thereof.
- (m) The floor drains in coolers shall not be connected directly to a sewer in processing or repacking facilities constructed after October 1, 1992.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. April 1, 2022.*

#### **15A NCAC 18A .0150 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 on-site method approved by the Division of Marine Fisheries.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. May 1, 2021.*

#### **15A NCAC 18A .0151 TOILETS**

- (a) Toilets shall be provided by the owner or responsible person in the facility.
- (b) Toilet tissue shall be provided by the owner or responsible person in a holder.
- (c) Toilet room doors shall not open directly into processing areas of the facility and shall be self-closing.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;*

*Readopted Eff. April 1, 2022.*

**15A NCAC 18A .0152 SOLID WASTE**

- (a) Cooked crustacea scrap and other putrescible wastes shall be removed from the premises at least daily. Other solid wastes shall be removed from the premises at least weekly.
- (b) Scrap containers shall be removed from the picking room immediately after filling and placed in storage areas approved by the Division of Marine Fisheries.
- (c) Scrap containers shall be non-corrosive and cleaned at least daily.
- (d) Scrap containers shall be cleaned in an area approved by the Division.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. April 1, 2022.*

**15A NCAC 18A .0153 PERSONAL HYGIENE**

- (a) All employees shall wash their hands with soap and running water before beginning work and again after each interruption. Signs to this effect shall be posted in visible places in the facility by the owner or responsible individual, such that the signs can be seen by employees.
- (b) All individuals handling cooked crustacea or crustacea meat shall sanitize their hands before beginning work and again after each interruption.
- (c) All individuals employed or engaged in the handling, picking, or packing of cooked crustacea or crustacea meat shall wear clean, washable outer clothing.
- (d) Employees shall not eat food, drink, or use tobacco in any form in the areas where cooked crustacea or crustacea meat are stored, processed, or handled.
- (e) Any individual known to be a carrier of any disease that can be transmitted through the handling of cooked crustacea or crustacea meat or who has an infected wound or open lesion on any exposed portion of the body shall be prohibited from handling cooked crustacea or crustacea meat.
- (f) Hair restraints shall be worn by all employees who handle cooked crustacea or crustacea meat.
- (g) The arms of employees who pick or pack cooked crustacea or crustacea meat shall be bare to the elbow or covered with an arm guard that is easily cleanable and capable of being sanitized.
- (h) Employees who pick and pack cooked crustacea or crustacea meat shall have clean fingernails free from nail polish and that are short enough to not extend past the fingertips. Employees shall not wear jewelry other than easily cleanable rings. The use of absorbent wraps or absorbent finger cots shall not be permitted.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. April 1, 2022.*

**15A NCAC 18A .0154 EMPLOYEES' PERSONAL ARTICLES**

Employees' street clothing, aprons, gloves, and personal articles shall not be stored in rooms or areas described in Rule .0159(b) of this Section.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0155 SUPPLY STORAGE**

Shipping containers, boxes, and other supplies shall be stored in a storage room or area. The storage room or area shall be kept clean.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0156 EQUIPMENT AND UTENSIL CONSTRUCTION**

All processing equipment and utensils shall be smooth, easily cleanable, durable, and kept in good repair. The food-contact surfaces of equipment, utensils, and processing machinery shall be accessible for cleaning, non-toxic, non-corrosive, non-absorbent, and free of open seams.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. April 1, 2022.*

#### **15A NCAC 18A .0157 FACILITY AND EQUIPMENT SANITATION**

- (a) The walls and floors in the picking and packing areas shall be kept clean while operating and shall be sanitized at least daily and whenever there is evidence of contamination, such as splatter of crustacea meat or juices.
- (b) All food-contact surfaces shall be washed, rinsed, and sanitized prior to starting operation each day and whenever there is evidence of contamination, such as splatter of crustacea meat or juices.
- (c) Reusable picking containers and knives shall be washed, rinsed, and sanitized each time crustacea meat is delivered to the packing room.
- (d) Sanitizing methods shall be as follows:
  - (1) by steam in a steam chamber or box equipped with an indicating thermometer located in the coldest zone, with exposure to a temperature of 170° F (77° C) for at least 15 minutes or to a temperature of 200° F (93° C) for at least five minutes.
  - (2) by immersion for at least one minute in the third compartment in clean hot water at a temperature of at least 170° F (77° C). A thermometer accurate to 3° F (1.5° C) shall be available to the compartment. Where hot water is used for bactericidal treatment, a booster heater that maintains a water temperature of at least 170° F (77° C) in the third compartment at all times when utensils are being washed shall be provided. The heating device may be integral with the immersion compartment.
  - (3) by immersion for at least one minute in, or exposure for at least one minute to a constant flow of, a solution containing not less than 100 ppm chlorine residual. Utensils and equipment that have to be washed in place shall be washed, rinsed, and sanitized.
  - (4) by other equivalent products and procedures approved in 21 CFR 178.1010 "Sanitizing solutions", which is hereby incorporated by reference including any subsequent amendments and editions. A copy of the reference material can be found at [https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=17d119b223f9451322279713caa2e6ab&ty=HTML&h=L&mc=true&n=pt21.3.178&r=PART#se21.3.178\\_11010](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=17d119b223f9451322279713caa2e6ab&ty=HTML&h=L&mc=true&n=pt21.3.178&r=PART#se21.3.178_11010), at no cost. A testing method or equipment shall be available and used to test chemical sanitizers to ensure minimum prescribed strengths.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. April 1, 2022.*

#### **15A NCAC 18A .0158 EQUIPMENT STORAGE**

Equipment and utensils that have been cleaned and sanitized shall be stored in a manner to protect against contamination and keep the equipment and utensils clean.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. April 1, 2022.*

#### **15A NCAC 18A .0159 SEPARATION OF OPERATIONS**

- (a) Facility design shall provide for continuous flow of raw materials and product to prevent contamination by exposure to areas involved in earlier processing steps, refuse, or other areas subject to contamination.
- (b) The following processes shall be carried out in separate rooms or areas:
  - (1) raw crustacea receiving or refrigeration;
  - (2) crustacea cooking;
  - (3) cooked crustacea air-cool;
  - (4) cooked crustacea refrigeration;



- (5) picking;
- (6) packing;
- (7) picked crustacea meat refrigeration;
- (8) pasteurizing or thermal processing;
- (9) machine picking;
- (10) repacking; and
- (11) other processes when carried out in conjunction with the cooking of crustacea or crustacea meat.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
 Eff. October 1, 1992;  
 Amended Eff. April 1, 1997;  
 Readopted Eff. May 1, 2021.

**15A NCAC 18A .0160 RAW CRUSTACEA RECEIVING AND REFRIGERATION**

- (a) Only fresh crustacea shall be accepted for processing.
- (b) Within two hours of receipt at the facility, crustacea shall be cooked or placed in a refrigerated area maintaining a temperature of 50° F (10° C) or below.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
 Eff. October 1, 1992;  
 Readopted Eff. May 1, 2021.

**15A NCAC 18A .0161 CRUSTACEA COOKING**

- (a) The cooking area or room shall be under a roof located between the area for receiving raw crustacea and the air-cool room and shall be vented to assure the removal of steam.
- (b) Crustacea shall be cooked in accordance with the following:
  - (1) Crabs shall be cooked under steam pressure until the internal temperature of the center-most crab reaches 235° F (112.8° C). Temperature shall be measured with an accurate, indicating thermometer having a range of 170-270° F (77-132° C).
  - (2) Other crustacea shall be cooked until the internal temperature of the center-most crustacean reaches 180° F (83° C) and is held at this temperature for one minute. Temperature shall be measured with an accurate, indicating thermometer. Crayfish shall be culled and cleaned prior to cooking.
  - (3) Nothing in this Rule shall prohibit any other cooking process that has been found equally effective and approved by the Division of Marine Fisheries.
- (c) The retort shall be constructed to permit a working pressure of at least 20 pounds per square inch (psig). Steam inlet and venting shall provide a uniform and complete distribution of steam. Venting shall be sufficient to permit complete elimination of air from the retort. Drains and vents shall be located at least two feet above mean high tide.
- (d) The retorts shall be equipped with:
  - (1) an accurate, indicating thermometer with a range that will include 170-270° F (77-132° C) and located with the sensor extending into the heat chamber;
  - (2) an operating pressure indicator, at least three inches in diameter, with a 0-30 psig range and located adjacent to the indicating thermometer; and
  - (3) a safety valve operational at 18-30 psig, located in the upper portion of the retort, protected from tampering, and designed to prevent injury to the operator.
- (e) The boiler shall be of such capacity as to maintain 45 to 100 psig during cooking. The steam line from the boiler to the retort shall be at least one and one-fourth inch inside diameter.
- (f) Overhead hoists shall be equipped with chain bags or other means of preventing foreign material from falling onto the cooked product.
- (g) Retort cooking baskets shall be of stainless steel or equally impervious, non-corrosive material, and shall be designed to allow for equal steam disbursement, ease of handling, dumping, and cleaning.
- (h) All construction or replacement of retorts after October 1, 1992 shall be "flow-through" type and open directly into the air-cool room or a protected passageway into the air-cool room.
- (i) All construction of new or replacement retorts shall require a Process Validation Study Report approved by the Division prior to use based upon documentation of the ability to produce time-temperature results as required by the rules of this Section.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. April 1, 2022.

**15A NCAC 18A .0162 COOKED CRUSTACEA AIR-COOL**

- (a) Cooked crustacea, after removal from the retort, shall be moved immediately to the cooked crustacea air-cool area to be air cooled to ambient temperature without being disturbed. Cooked crustacea shall be stored in the original cooking basket.
- (b) The construction and arrangement of the air-cool room shall be designed to provide protection from contamination of the cooked crustacea. The air-cool room shall open directly into the cooked crustacea cooler or other protected area.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. April 1, 2022.

**15A NCAC 18A .0163 COOKED CRUSTACEA REFRIGERATION**

- (a) The cooked crustacea cooler shall be large enough to store all cooked crustacea and maintain a minimum temperature of 40° F (4.4° C). The cooler shall open directly into the picking room or into a clean, enclosed area leading into the picking room.
- (b) Cooked crustacea shall be stored at a temperature between 33° F (0.5° C) and 40° F (4.4° C) ambient air temperature if not immediately processed. The cooler shall be equipped with an accurate, operating thermometer.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. May 1, 2021.

**15A NCAC 18A .0164 COOKED CRUSTACEA PICKING**

- (a) The picking operation shall be conducted in accordance with the rules of this Section such that crustacea meat does not become adulterated.
- (b) All cooked crustacea shall be picked before a new supply is delivered to the picking table.
- (c) Picked crustacea meat shall be delivered to the packing room at least every 90 minutes or upon the accumulation of five pounds per picker, whichever is sooner.
- (d) Paper towels used at the picking table shall be discarded after initial use.
- (e) If provided, bactericidal solutions at picking tables shall be maintained at 100 ppm chlorine solution or an equivalent bactericidal solution. A testing method or equipment shall be available and used to ensure minimum prescribed strengths of the chlorine solution or equivalent bactericidal solution.
- (f) Handles of picking knives shall not be covered with any material.
- (g) Crustacea shall be cooked and picked in the same permitted facility unless a written plan for interfacility shipment has been filed with the Division. The plan shall address and be approved based on the following:
  - (1) time-temperature requirements;
  - (2) shipping destination;
  - (3) handling;
  - (4) labeling;
  - (5) records;
  - (6) processing;
  - (7) sanitation; and
  - (8) HACCP plan.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Temporary Amendment Eff. July 1, 2000;  
Temporary Rule Expired on March 12, 2001;  
Amended Eff. August 1, 2002;  
Readopted Eff. April 1, 2022.

#### **15A NCAC 18A .0165 PACKING**

- (a) Crustacea meat shall be packed in a container and iced and cooled to an internal temperature of 40° F (4.4° C) or below within two hours of receipt in the packing room.
- (b) The storage of ice in the packing room shall be in an easily cleanable, non-corrosive, non-toxic container.
- (c) Blending or combining of any of the following shall be prohibited:
  - (1) fresh crustacea meat;
  - (2) frozen crustacea meat;
  - (3) pasteurized crustacea meat; and
  - (4) crustacea meat packed in another facility.
- (d) Clean shipping containers shall be provided by the owner or responsible individual for storing and shipping of packed crustacea meat.
- (e) The return of overage of crustacea meat to a picker shall be prohibited.
- (f) Washing of picked crustacea meat shall be under running potable water. The crustacea meat shall be drained prior to packing.
- (g) Any substance added to cooked crustacea or crustacea meat shall be approved for use by the U.S. Food and Drug Administration and labeled according to federal and State rules and regulations.
- (h) Only those individuals responsible for packing the crustacea or crustacea meat shall be allowed in the packing room or area.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. April 1, 2022.*

#### **15A NCAC 18A .0166 PICKED CRUSTACEA MEAT REFRIGERATION**

- (a) The refrigeration room or ice box shall be of sufficient size so that a full day's production, with ice, can be stored such that the crustacea meat does not become adulterated. The refrigeration room or ice box shall be equipped with an accurate, operating thermometer.
- (b) Ice boxes shall be easily cleanable, non-corrosive, and non-toxic with an impervious lining and a drain.
- (c) Picked crustacea meat shall be stored at 40° F (4.4° C) or below.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. April 1, 2022.*

#### **15A NCAC 18A .0167 DELIVERY WINDOW OR SHELF**

A delivery window or a non-corrosive shelf shall be provided between the picking room and packing room or area. The delivery window shall be equipped with a shelf completely covered with smooth, non-corrosive metal or other material approved by the Division of Marine Fisheries and sloped to drain towards the picking room.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. May 1, 2021.*

#### **15A NCAC 18A .0168 SINGLE-SERVICE CONTAINERS**

- (a) Single-service containers used for packing or repacking cooked crustacea and crustacea meat shall be made from food-safe materials approved by the United States Food and Drug Administration.
- (b) Containers shall not be reused for packing or repacking cooked crustacea and crustacea meat.
- (c) No person shall use containers bearing a permit number other than the number assigned to the facility.
- (d) Each container or lid shall be legibly impressed, embossed, or lithographed with the name and address of the original packer, repacker, or distributor. The original packer's or repacker's permit number preceded by the state abbreviation shall be legibly impressed, embossed, or lithographed on each container or lid.
- (e) Each container or lid shall be permanently and legibly identified with a code date.
- (f) All containers and lids shall be stored and handled in a manner to prevent contamination and keep them clean, sanitized by a procedure as stated in Rule .0157 of this Section, and drained prior to filling.

(g) All containers shall be sealed so that tampering can be detected. The words "Sealed For Your Protection" or equivalent shall be legibly displayed on the container or lid.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Amended Eff. August 1, 1998; February 1, 1997;  
Readopted Eff. April 1, 2022.

#### **15A NCAC 18A .0169 FREEZING**

- (a) If crustacea or crustacea meat is to be frozen, the code date shall be followed by the letter "F."
- (b) Frozen crustacea or crustacea meat shall be stored at a temperature of 0° F (-18° C) or less.
- (c) The frozen storage rooms shall be equipped with an accurate, operating thermometer.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Amended Eff. August 1, 2002; April 1, 1997;  
Readopted Eff. May 1, 2021.

#### **15A NCAC 18A .0170 SHIPPING**

Cooked crustacea and crustacea meat shall be shipped between 33° F (0.5° C) and 40° F (4.4° C). Frozen crustacea products shall be shipped at 0° F (-18° C) or below.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. May 1, 2021.

#### **15A NCAC 18A .0171 WHOLE CRUSTACEA OR CRUSTACEA PRODUCTS**

Whole crustacea, claws, or any other crustacea products shall be prepared, packaged, and labeled in accordance with the rules of this Section.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. May 1, 2021.

#### **15A NCAC 18A .0172 COOKED CLAW SHIPPING CONDITIONS**

- (a) Vehicles used to transport cooked claws shall be mechanically refrigerated, enclosed, tightly constructed, kept clean, and equipped with an operating thermometer.
- (b) Cooked crab claws shall be stored and transported between 33° F (0.5° C) and 40° F (4.4° C) ambient air temperature.
- (c) All vehicles shall be approved by the Division of Marine Fisheries prior to use.
- (d) Cooked claw shipping containers shall be marked for intended use, cleaned, and sanitized prior to use and shall meet the requirements in Rule .0156 of this Section.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. May 1, 2021.

#### **15A NCAC 18A .0173 REPACKING**

- (a) Crustacea meat for repacking that is processed in North Carolina shall comply with Rules .0134 through .0187 of this Section. Crustacea meat for repacking that is processed outside of North Carolina shall comply with Rule .0182 of this Section.
- (b) Upon request of the Division of Marine Fisheries, the repacker shall provide the Division a current written list of all sources of crustacea meat used for repacking.
- (c) Repacking of crustacea meat:
  - (1) Crustacea meat shall not exceed 40° F (4.4° C) during the repacking process.

- (2) Repacking shall be conducted separately by time or space from the routine crustacea meat picking and packing process.
- (3) The food contact surfaces and utensils utilized in the repacking process shall be cleaned and sanitized prior to repacking and thereafter on 30-minute intervals during repacking.
- (4) Repacked crustacea meat shall be maintained at or below 40° F (4.4° C).
- (5) Blending or combining of any of the following shall be prohibited:
  - (A) fresh crustacea meat.
  - (B) frozen crustacea meat.
  - (C) pasteurized crustacea meat.
  - (D) crustacea meat packed in another facility.
- (6) Crustacea meat shall not be repacked more than one time.
- (7) All empty containers from which crustacea meat was removed and repacked shall be rendered unusable.
- (d) Labeling of repacked crustacea meat:
  - (1) Each container shall be legibly embossed, impressed, or lithographed with the repacker's or the distributor's name and address.
  - (2) Each container shall be legibly embossed, impressed, or lithographed with the repacker's certification number followed by the letters "RP."
  - (3) Each container shall be permanently and legibly identified with a code indicating the repack date.
  - (4) Each container shall be sealed so that tampering can be detected.
  - (5) Each container of foreign crustacea meat that has been repacked outside of North Carolina and shipped into North Carolina shall be labeled in accordance with federal labeling requirements.
- (e) Records shall be kept for all purchases of crustacea meat for repacking and sales of repacked meat for one year. The records shall be available for inspection by the Division.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
 Eff. October 1, 1992;  
 Amended Eff. August 1, 2002; April 1, 1997;  
 Readopted Eff. August 23, 2022,*

**15A NCAC 18A .0174 PASTEURIZATION PROCESS CONTROLS - THERMOMETERS**

- (a) All pasteurizing equipment shall have a time-temperature recording thermometer with a temperature controller (combined or separately) and an indicating thermometer. The thermometers shall be located to give a true representation of the operating temperature of the water bath. The recording thermometer chart shall be at least a 12-hour chart and at least 10 inches in diameter.
- (b) The recording thermometer shall be installed so that it will be protected from vibration and from striking by loading operations or facility traffic. The thermometer mechanism shall be protected from moisture under prevailing conditions. The thermometer case shall not be opened during the pasteurizing cycle, except for temperature check or for emergency or repair. A record shall be made when the thermometer case has been opened.
- (c) The recording thermometer shall have a range of at least 120-220° F (48.9-104.4° C). It shall be accurate within plus or minus 1° F between 160° F (71° C) and 200° F (93° C). The chart shall be scaled at a maximum of 2° F intervals in the range of 160° F (71° C) and 200° F (93° C).
- (d) The indicating thermometer shall be a thermometer with an accuracy and readability of plus or minus 1° F between 160° F (71° C) and 200° F (93° C). The thermometer shall be protected against damage.
- (e) The recording thermometer shall be equipped with a spring-operated or electrically operated clock. The recorded elapsed time as indicated by the chart rotation shall not exceed the true elapsed time as shown by an accurate watch. The rotating chart support shall be provided with pins upon which the chart shall be affixed by puncturing the chart.
- (f) The pasteurization unit shall not be operated without a recording thermometer chart in place, the pen in contact with the chart, and an inked record being made of the operating time-temperature cycle. Falsification of a thermometer chart by an individual with access to or that is an operator of a pasteurization unit shall constitute failure to comply with the requirements of this Paragraph. A permanent file of the used thermometer charts shall be maintained by the pasteurizer and kept available for inspection by the Division of Marine Fisheries for a period of one year. The following information shall be recorded within the confines of the pen markings after the pasteurization cycle has been completed:
  - (1) date of pasteurization;
  - (2) quantity of each batch pasteurized (pounds of crustacea meat or number and size of containers);

- (3) processor's code of each pack;
  - (4) if the pasteurizer processes crustacea meat for someone else, then the packer's name, address, and permit number shall be recorded. A copy of the recording chart shall be provided to the owner of the crustacea meat;
  - (5) notation of mechanical or power failure or opening of the recording thermometer case for adjustment or repair during the pasteurizing cycle;
  - (6) after the temperature in the water bath has been reached and during the holding time, as set forth in Rule .0176 of this Section, the reading of the indicating thermometer and the time of reading shall be recorded on the chart; and
  - (7) signature of the pasteurizer operator.
- (g) A constant flow steam control valve is required, if steam is used as a source of heat.
- (h) The water bath shall be provided with effective agitation to maintain a uniform temperature.
- (i) Other technologies shall be approved by the Division if they are shown to provide equivalent data, information, and records as required in this Rule.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Amended Eff. April 1, 1997;  
Readopted Eff. April 1, 2022.*

#### **15A NCAC 18A .0175 PREPARATION OF CRUSTACEA MEAT FOR PASTEURIZATION**

The preparation of crustacea meat for pasteurization shall be in compliance with the following:

- (1) crustacea meat shall be prepared in compliance with Rules .0134 through .0183 of this Section;
- (2) the containers of crustacea meat shall be sealed as quickly as possible after the crustacea meat is picked; and
- (3) the sealed containers of crustacea meat shall be placed in ice and refrigerated immediately after sealing until pasteurized.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Amended Eff. April 1, 1997;  
Readopted Eff. April 1, 2022.*

#### **15A NCAC 18A .0176 PASTEURIZATION OF CRUSTACEA MEAT**

(a) All pasteurization operations shall require a Process Validation Study Report approved by the Division of Marine Fisheries prior to operation based upon documentation of the ability to produce time-temperature results as required by the rules of this Section.

(b) The pasteurization of crustacea meat shall be conducted in compliance with the following procedures:

- (1) the minimum pasteurization specifications shall be heating every particle of crustacea meat in a hermetically-sealed container to a temperature of at least 185° F (85° C) and holding it continuously at or above this temperature for at least one minute at the geometric center of a container in equipment being operated in compliance with the Process Validation Study Report. A copy of the procedures for operating the pasteurizing equipment shall be posted adjacent to the pasteurization vat. The pasteurizer shall keep the report on file and shall provide the Division a copy of such report;
- (2) alteration of the equipment or loading of containers shall require a new Process Validation Study Report;
- (3) the containers of crustacea meat shall be cooled to 50° F (10° C) or below within three hours of the completion of pasteurization; and
- (4) refrigerated storage shall be provided for the cooled crustacea meat and shall maintain a storage temperature at or below 38° F (3.3° C).

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Amended Eff. August 1, 1998;  
Readopted Eff. April 1, 2022.*

### **15A NCAC 18A .0177 LABELING OF PASTEURIZED CRUSTACEA MEAT**

Labeling of pasteurized crustacea meat shall be in compliance with the following:

- (1) the label used shall legibly identify the contents of the container as pasteurized crustacea meat;
- (2) each container shall be permanently and legibly identified with a code indicating the batch and day of processing;
- (3) the words "Perishable-Keep Under Refrigeration" or equivalent shall be legibly displayed on the container; and
- (4) the original packer's or repacker's permit number preceded by the state abbreviation shall be legibly impressed, embossed, or lithographed on each container. Each container shall be legibly impressed, embossed, or lithographed with the name and address of the original packer, repacker, or distributor.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. April 1, 2022.*

### **15A NCAC 18A .0178 INTERFACILITY PASTEURIZATION PROCEDURES**

No person shall initiate interfacility pasteurization of crustacea meat without prior written approval by the Division of Marine Fisheries. Interfacility pasteurization of crustacea meat shall be in compliance with the following:

- (1) crustacea meat shall be packed, labeled, and refrigerated in compliance with Rules .0134 and .0136 through .0182 of this Section and shall originate only from a facility permitted in accordance with Rule .0135 of this Section. Records shall be maintained to identify each batch of crustacea meat pasteurized;
- (2) crustacea meat shall be shipped in an enclosed, easily cleanable vehicle at a temperature of 40° F (4.4° C) or below; and
- (3) crustacea meat shall be pasteurized in compliance with Rules .0175 through .0177 of this Section. The pasteurizer shall provide a copy of each pasteurization chart to the original packer.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. April 1, 2022.*

### **15A NCAC 18A .0179 RECALL PROCEDURE**

Each owner of a cooked crustacea or crustacea meat facility or repacker facility shall keep on file a written product recall procedure. A copy of this recall procedure shall be provided to the Division of Marine Fisheries.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. May 1, 2021.*

### **15A NCAC 18A .0180 SAMPLING AND TESTING**

Samples of cooked crustacea or crustacea meat may be taken and examined by the Division of Marine Fisheries at any time or place. Samples of cooked crustacea or crustacea meat shall be furnished by the owner or operator of facilities, trucks, carriers, stores, restaurants, and other places where cooked crustacea or crustacea meat are sold.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. May 1, 2021.*

### **15A NCAC 18A .0181 EMBARGO OR DISPOSAL OF COOKED CRUSTACEA OR CRUSTACEA MEAT**

- (a) When it has been determined by the Division of Marine Fisheries that cooked crustacea or crustacea meat have not been stored, transported, handled, cooked, picked, packed, or offered for sale in compliance with this Section, the cooked crustacea or crustacea meat shall be deemed adulterated.
- (b) Cooked crustacea or crustacea meat determined to be adulterated or misbranded shall be subject to embargo or disposal by the Division in accordance with G.S. 113-221.4.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 113-221.4, 143B-289.52;  
Eff. October 1, 1992;  
Readopted Eff. April 1, 2022.

#### **15A NCAC 18A .0182 BACTERIOLOGICAL AND CONTAMINATION STANDARDS**

- (a) Cooked crustacea or crustacea meat shall not exceed *Escherichia coli* Most Probable Number (MPN) of 36 per 100 grams of sample or exceed a standard plate count of 100,000 per gram.
- (b) Pasteurized crustacea meat shall contain no *Escherichia coli* or fecal coliform. Samples of pasteurized crustacea meat, taken within 24 hours of pasteurizing, shall not have a standard plate count of more than 3,000 per gram.
- (c) Thermally processed crustacea or crustacea meat shall not exceed *Escherichia coli* MPN of 36 per 100 grams of sample or exceed a standard plate count of 100,000 per gram.
- (d) Cooked crustacea or crustacea meat shall be handled in accordance with the rules of this Section.
- (e) Cooked crustacea or crustacea meat not complying with the standards set forth in this Rule may be deemed adulterated by the Division of Marine Fisheries according to the severity of exceedance and the expected threat to public health.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. October 1, 1992;  
Amended Eff. August 1, 1998; February 1, 1997;  
Readopted Eff. April 1, 2022.

#### **15A NCAC 18A .0183 ALTERNATIVE LABELING**

A durable label, such that it will not fade or deteriorate, that is permanently affixed to the container may be used to meet any labeling requirement in this Section.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. August 1, 1998;  
Readopted Eff. April 1, 2022.

#### **15A NCAC 18A .0184 THERMAL PROCESSING CONTROLS - THERMOMETERS**

- (a) All thermal processing equipment shall have a time-temperature recording thermometer with a temperature controller (combined or separately) and an indicating thermometer. The thermometers shall be located to give a true representation of the operating temperature of the process. The recording thermometer chart shall be at least a 12-hour chart and at least 10 inches in diameter.
- (b) The recording thermometer shall be installed so that it will be protected from vibration and from striking by loading operations or facility traffic. The thermometer mechanism shall be protected from moisture under prevailing conditions. The thermometer case shall not be opened during the thermal processing cycle, except for temperature check or for emergency or repair. A record shall be made when the thermometer case has been opened.
- (c) The recording thermometer shall have a range of at least 120-220° F (48.9-104.4° C). It shall be accurate within plus or minus 1° F between 160° F (71° C) and 200° F (93° C). The chart shall be scaled at a maximum of 2° F intervals in the range of 160° F (71° C) and 200° F (93° C).
- (d) The indicating thermometer shall be a thermometer with an accuracy and readability of plus or minus 1° F between 160° F (71° C) and 200° F (93° C). The thermometer shall be protected against damage.
- (e) The recording thermometer shall be equipped with a spring-operated or electrically operated clock. The recorded elapsed time as indicated by the chart rotation shall not exceed the true elapsed time as shown by an accurate watch. The rotating chart support shall be provided with pins upon which the chart shall be affixed by puncturing the chart.
- (f) The thermal processing unit shall not be operated without a recording thermometer chart in place, the pen in contact with the chart, and an inked record being made of the operating time-temperature cycle. Falsification of a thermometer chart by an individual with access to or that is an operator of a thermal processing unit shall constitute failure to comply with the requirements of this Paragraph. A permanent file of the used thermometer charts shall be maintained by the thermal processor and kept available for inspection by the Division of Marine Fisheries for a period of one year. The following information shall be recorded within the confines of the pen markings after the thermal processing cycle has been completed:
  - (1) date of thermal processing;
  - (2) quantity of each batch thermally processed (pounds of crustacea meat or number and size of containers);
  - (3) thermal processor's code of each pack;



- (4) if the thermal processor processes crustacea meat for someone else, then the packer's name, address, and permit number shall be recorded. A copy of the recording chart shall be provided to the owner of the crustacea meat;
  - (5) notation of mechanical or power failure or opening of the recording thermometer case for adjustment or repair during the thermal processing cycle;
  - (6) after the temperature in the thermal process has been reached and during the holding time, as set forth in Rule .0185 of this Section, the reading of the indicating thermometer and the time of reading shall be recorded on the chart; and
  - (7) signature of the thermal process operator.
- (g) A constant flow steam control valve is required, if steam is used as a source of heat.
- (h) The thermal processing unit shall be provided with effective and uniform temperature.
- (i) Other technologies shall be approved by the Division if they are shown to provide equivalent data, information, and records as required in this Rule.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. April 1, 1997;  
Readopted Eff. April 1, 2022.*

**15A NCAC 18A .0185 THERMAL PROCESSING OF CRUSTACEA AND CRUSTACEA MEAT**

- (a) All thermal processing operations shall require a Process Validation Study Report approved by the Division of Marine Fisheries prior to operation based upon documentation of the ability to produce time-temperature results as required by the rules of this Section.
- (b) The thermal processing of crustacea or crustacea meat shall be conducted in compliance with the following procedures:
- (1) the minimum thermal processing specifications shall be the heating of previously cooked crustacea or crustacea meat to a desired temperature for a specified time at the geometric center of a container in equipment being operated in compliance with the Process Validation Study Report. A copy of the procedures for operating the thermal processing equipment shall be posted adjacent to the thermal processing unit. The thermal processor shall keep the report on file and shall provide the Division a copy of such report;
  - (2) alteration of the equipment or loading of containers shall require a new Process Validation Study Report;
  - (3) the containers of crustacea or crustacea meat shall be cooled to 50° F (10° C) or below within three hours of the completion of the thermal process; and
  - (4) refrigerated storage shall be provided for the cooled crustacea or crustacea meat and shall maintain a storage temperature at or below 36° F (2.2° C).

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. August 1, 1998;  
Readopted Eff. April 1, 2022.*

**15A NCAC 18A .0186 LABELING OF THERMALLY PROCESSED CRUSTACEA OR CRUSTACEA MEAT**

Labeling of thermally processed crustacea or crustacea meat shall be in compliance with the following:

- (1) the label used shall legibly identify the contents of the container as thermally processed crustacea or crustacea meat;
- (2) each container shall be permanently and legibly identified with a code indicating the batch and day of processing;
- (3) the words "Perishable-Keep Under Refrigeration" or equivalent shall be legibly displayed on the container; and
- (4) the original packer's or repacker's permit number preceded by the state abbreviation shall be legibly impressed, embossed, or lithographed on each container. Each container shall be legibly impressed, embossed, or lithographed with the name and address of the original packer, repacker, or distributor.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. April 1, 1997;  
Readopted Eff. April 1, 2022.*

### **15A NCAC 18A .0187 INTERFACILITY THERMAL PROCESSING PROCEDURES**

Interfacility thermal processing of crustacea or crustacea meat shall be in compliance with the following:

- (1) crustacea or crustacea meat shall be packed, labeled, and refrigerated in compliance with Rules .0134 through .0187 of this Section. Records shall be maintained to identify each batch of crustacea or crustacea meat thermally processed;
- (2) crustacea or crustacea meat shall be shipped in an enclosed, easily cleanable vehicle at a temperature of 40° F (4.4° C) or below; and
- (3) crustacea or crustacea meat shall be thermally processed in compliance with Rules .0184 through .0187 of this Section. The thermal processor shall provide a copy of each thermal processing chart to the original packer.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. August 1, 1998;  
Readopted Eff. April 1, 2022.*

### **15A NCAC 18A .0188 HAZARD ANALYSIS**

Each dealer shall conduct a hazard analysis to determine the food safety hazards that are reasonably likely to occur for each kind of crustacea or crustacea meat product processed by that dealer and to identify the preventative measures that the dealer can apply to control those hazards.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. August 1, 2000;  
Readopted Eff. May 1, 2021.*

### **15A NCAC 18A .0189 HACCP PLAN**

Each dealer shall have and implement a written HACCP plan. The owner or authorized designee shall sign the plan when implemented and after any modification. The plan shall be reviewed at least annually and updated if necessary. The plan shall, at a minimum:

- (1) list the food safety hazards that are reasonably likely to occur;
- (2) list the critical control points for each of the food safety hazards;
- (3) list the critical limits that must be met for each of the critical control points;
- (4) list the procedures, and frequency thereof, that will be used to monitor each of the critical control points to ensure compliance with the critical limits;
- (5) list any corrective action plans to be followed in response to deviations from critical limits at critical control points;
- (6) provide a record keeping system that documents critical control point monitoring; and
- (7) list the verification procedures, and frequency thereof, that the dealer will use.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. August 1, 2000;  
Readopted Eff. May 1, 2021.*

### **15A NCAC 18A .0190 SANITATION MONITORING REQUIREMENTS**

Each dealer shall monitor, at a minimum, the following sanitation items:

- (1) safety of water;
- (2) condition and cleanliness of food contact surfaces;
- (3) prevention of cross contamination;
- (4) maintenance of hand washing, hand sanitizing, and toilet facilities;
- (5) protection of crustacea or crustacea meat, crustacea or crustacea meat packaging materials, and food contact surfaces from adulteration;
- (6) proper labeling, storage, and use of toxic compounds;
- (7) control of employees with adverse health conditions; and
- (8) exclusion of pests from the facility.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;*

*Eff. August 1, 2000;*  
*Readopted Eff. May 1, 2021.*

#### **15A NCAC 18A .0191 MONITORING RECORDS**

Monitoring records of critical control points and the eight key sanitation items shall be recorded, as specified in the HACCP Plan, and signed and dated when recorded. The eight key sanitation items are set forth in 21 CFR 123.11 "Sanitation Control Procedures", which is incorporated by reference including any subsequent amendments and editions. A copy of the reference material can be found at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-123/subpart-A/section-123.11>, at no cost. The records shall be reviewed by the owner or designee within one week of recording.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;*  
*Eff. August 1, 2000;*  
*Readopted Eff. April 1, 2022.*

### **SECTION .0200 - SANITATION OF SCALLOPS**

Rules .0201 - .0204 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .0201 - .0204); has been transferred and recodified from Rules .0501 - .0504 of Title 10 Subchapter 10B of the North Carolina Administrative Code (T10.10B .0501 - .0504); Rules .0205 - .0231 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .0205 - .0233); has been transferred and recodified from Rules .0601 - .0627 of Title 10 Subchapter 10B of the North Carolina Administrative Code (T10.10B .0601 - .0627; effective April 4, 1990.

<b>15A NCAC 18A .0201</b>	<b>DEFINITIONS</b>
<b>15A NCAC 18A .0202</b>	<b>ADULTERATED OR MISBRANDED SCALLOPS</b>
<b>15A NCAC 18A .0203</b>	<b>GROWING AND GATHERING: SCALLOPS SHUCKED AT SEA</b>
<b>15A NCAC 18A .0204</b>	<b>SEVERABILITY</b>
<b>15A NCAC 18A .0205</b>	<b>INSPECTION AND APPROVAL</b>
<b>15A NCAC 18A .0206</b>	<b>PERMITS</b>
<b>15A NCAC 18A .0207</b>	<b>APPLICATION</b>
<b>15A NCAC 18A .0208</b>	<b>REVOCATIONS</b>
<b>15A NCAC 18A .0209</b>	<b>SEPARATION OF OPERATIONS</b>
<b>15A NCAC 18A .0210</b>	<b>LIGHTING AND VENTILATION</b>
<b>15A NCAC 18A .0211</b>	<b>FLOORS</b>
<b>15A NCAC 18A .0212</b>	<b>WALLS AND CEILINGS</b>
<b>15A NCAC 18A .0213</b>	<b>INSECT AND RODENT CONTROL</b>
<b>15A NCAC 18A .0214</b>	<b>SHUCKING BENCHES</b>
<b>15A NCAC 18A .0215</b>	<b>REFRIGERATION</b>
<b>15A NCAC 18A .0216</b>	<b>TOILET FACILITIES</b>
<b>15A NCAC 18A .0217</b>	<b>WATER SUPPLY</b>
<b>15A NCAC 18A .0218</b>	<b>HAND WASHING FACILITIES</b>
<b>15A NCAC 18A .0219</b>	<b>WASHING AND SANITIZING FACILITIES</b>
<b>15A NCAC 18A .0220</b>	<b>CONSTRUCTION OF EQUIPMENT</b>
<b>15A NCAC 18A .0221</b>	<b>PERSONAL HEALTH</b>
<b>15A NCAC 18A .0222</b>	<b>PERSONAL HYGIENE</b>
<b>15A NCAC 18A .0223</b>	<b>WASHING OF SCALLOPS</b>
<b>15A NCAC 18A .0224</b>	<b>CONTAINERS</b>
<b>15A NCAC 18A .0225</b>	<b>PACKING</b>
<b>15A NCAC 18A .0226</b>	<b>CLEANSING OF EQUIPMENT</b>
<b>15A NCAC 18A .0227</b>	<b>INTERIOR OF PLANTS</b>
<b>15A NCAC 18A .0228</b>	<b>WASTE DISPOSAL</b>
<b>15A NCAC 18A .0229</b>	<b>REPACKING</b>
<b>15A NCAC 18A .0230</b>	<b>APPEALS PROCEDURE</b>

*History Note: Authority G.S. 130A-230;*  
*Eff. February 1, 1976;*

*Readopted Eff. December 5, 1977;*  
*Amended Eff. September 1, 1990; December 1, 1987; July 1, 1985; June 30, 1980;*  
*Repealed Eff. January 4, 1994.*

## **15A NCAC 18A .0231 REFERENCE RULES**

*History Note: Authority G.S. 130A-230;*  
*Eff. February 1, 1976;*  
*Amended Eff. July 1, 1977;*  
*Readopted Eff. December 5, 1977;*  
*Amended Eff. July 1, 1985;*  
*Repealed Eff. September 1, 1990.*

## **SECTION .0300 – SANITATION OF SHELLFISH - GENERAL**

### **15A NCAC 18A .0301 DEFINITIONS**

The following definitions shall apply throughout Sections .0300 through .0800 of this Subchapter:

- (1) "Adulterated" means:
  - (a) any shellfish that have been harvested from polluted areas as defined in 15A NCAC 03I .0101;
  - (b) any shellfish that have been shucked, packed, or otherwise processed in a plant that has not been permitted by the Division of Marine Fisheries in accordance with these Rules or by another state shellfish control "authority" as defined in the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish, Section I: Purposes and Definitions. This definition is incorporated by reference, including subsequent amendments and editions. A copy of the reference material can be found at <https://www.fda.gov/food/federalstate-food-programs/national-shellfish-sanitation-program-nssp>, at no cost;
  - (c) any shellfish that may have been contaminated by flood waters in accordance with Rule .0405 of this Subchapter;
  - (d) any shellfish that exceed the standards in Rule .0430 of this Subchapter; and
  - (e) any shellfish that have been deemed to be an imminent hazard.
- (2) "Certification number" means the unique identification number assigned by the state shellfish control agency to each certified shellfish dealer for each location. It consists of a one-to-five-digit number preceded by the two-letter state abbreviation and followed by the two-letter abbreviation designating the type of operation certified.
- (3) "Clean" means free from dirt, debris, dust, marks, stains, waste materials, litter, or foreign material.
- (4) "Critical control point" means a point, step, or procedure in a food process at which control can be applied, and a food safety hazard can as a result be prevented, eliminated, or reduced to acceptable levels.
- (5) "Critical limit" means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to prevent, eliminate, or reduce to an acceptable level the occurrence of the identified food safety hazard.
- (6) "Depurate" or "deputation" means the process of reducing the pathogenic organisms that may be present in shellstock by using a controlled aquatic environment as the treatment process.
- (7) "Depuration facility" means any establishment or place where the depuration of shellfish occurs by a shellfish dealer.
- (8) "Division" means the Division of Marine Fisheries.
- (9) "Easily cleanable" has the same meaning as defined in the 2017 U.S. Food Code. This definition is incorporated by reference, not including subsequent amendments and editions. A copy of the reference material can be found at <https://www.fda.gov/food/fda-food-code/food-code-2017>, at no cost.
- (10) "Food contact surface" means the parts of equipment, including auxiliary equipment, that may be in contact with the food being processed, or that may drain into the portion of equipment with which food is in contact.
- (11) "Food safety hazard" means any biological, chemical, or physical property that may cause a food to be unsafe for human consumption.
- (12) "Good repair" means maintained to function as designed and without defect.

- (13) "HACCP plan" means a written document that delineates the procedures a shellfish dealer follows to implement food safety controls.
- (14) "Hazard analysis critical control point (HACCP)" means a system of inspection, control, and monitoring measures initiated by a shellfish dealer to identify microbiological, chemical, or physical food safety hazards that are likely to occur in shellfish products produced by the dealer.
- (15) "Heat shock process" means the practice of heating shellstock to facilitate removal of the shellfish meat from the shell.
- (16) "Imminent hazard" has the same meaning as defined in G.S. 130A-2.
- (17) "In-shell product" means non-living, processed shellfish with one or both shells present.
- (18) "Misbranded" as defined in G.S. 106-30 shall include any shellfish that are not labeled in compliance with these Rules.
- (19) "National Shellfish Sanitation Program (NSSP)" means the federal/state cooperative program recognized by the U.S. Food and Drug Administration (FDA) and the Interstate Shellfish Sanitation Conference (ISSC) for the sanitary control of shellfish produced and sold for human consumption.
- (20) "Pests" means animals or insects, including dogs, cats, birds, rodents, flies, and larvae.
- (21) "Plant" means the establishment or place where shellfish processing occurs by shellfish dealers.
- (22) "Processing" or "processed" means any activity associated with the handling, shucking, freezing, packing, labeling, or storing of shellfish in preparation for distribution. This includes the activities of a shellstock shipper, shucker-packer, repacker, reshipper, or depuration processor.
- (23) "Recall procedure" means the detailed procedure the shellfish dealer will use to retrieve product from the market when it is determined that the product is adulterated or misbranded.
- (24) "Repacking plant" means the establishment or place where a shellfish dealer, other than the original shucker-packer, repacks shucked shellfish into other containers.
- (25) "Reshipper" means a person that purchases shellfish from a shellfish dealer and sells the product without repacking or relabeling to another shellfish dealer, wholesaler, or retailer.
- (26) "Responsible individual" means the individual present at a shellfish dealer that is the supervisor or the supervisor's designee at the time of the inspection.
- (27) "Sanitize" has the same meaning as defined in 21 CFR 110.3, which is incorporated by reference including subsequent amendments and editions. A copy of the reference material can be found at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-110/subpart-A/section-110.3>, at no cost.
- (28) "SELL BY date" means a date placed on a container or tag by which a consumer is informed of the latest date the product will remain suitable for sale.
- (29) "Shellfish" means oysters, mussels, scallops, and all varieties of clams, whether shucked or in the shell, fresh, frozen, whole, or in part. The requirements of Sections .0300 through .0800 of this Subchapter shall not apply to scallops if the final product is the shucked adductor muscle only.
- (30) "Shellfish dealer" means a plant to which a Shellfish Dealer Permit and Certificate of Compliance is issued by the Division for the activities of shellstock shipping, shucking or packing, repacking, reshipping, or depuration.
- (31) "Shellstock" means any live molluscan shellfish that remain in their shells.
- (32) "Shellstock conveyance" means all trucks, vessels, trailers, or other conveyances used to transport shellstock.
- (33) "Shellstock plant" means any establishment or place where shellstock are washed, packed, or otherwise prepared for sale by a shellfish dealer.
- (34) "Shucking and packing plant" means any establishment or place where shellfish are shucked and packed for sale by a shellfish dealer.
- (35) "Use" means employ, set, operate, or permit to be operated or employed.
- (36) "Wet storage" means the storage by a shellfish dealer of shellstock from a growing area in the open status and classified as "approved" or "conditionally approved" as defined in Rule .0901 of this Subchapter, in containers or floats in natural bodies of water, or in tanks containing natural or synthetic sea water at any permitted land-based activity or facility.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52; Eff. February 1, 1987; Amended Eff. August 1, 2000; August 1, 1998; February 1, 1997; January 4, 1994; September 1, 1990; December 1, 1987;*

*Readopted Eff. April 1, 2024.*

**15A NCAC 18A .0302 PERMITS**

(a) It shall be unlawful to operate any of the following facilities without first obtaining a Shellfish Dealer Permit and Certificate of Compliance from the Division of Marine Fisheries:

- (1) depuration facilities;
- (2) repacking plants;
- (3) shellstock plants; and
- (4) shucking and packing plants.

(b) It shall be unlawful to operate as a shellstock dealer without first obtaining a Shellfish Dealer Permit and Certificate of Compliance from the Division.

(c) It shall be unlawful to operate as a reshipper without first obtaining a Shellfish Dealer Permit and Certificate of Compliance from the Division if shellfish are purchased and shipped out of state.

(d) Approval for wet storage of shellstock shall be granted only to persons permitted pursuant to this Rule.

(e) Application for a permit shall be submitted in writing to the Division. Application forms may be obtained from the Division, P.O. Box 769, 3441 Arendell Street, Morehead City, NC 28557.

(f) No permit shall be issued by the Division until an inspection by the Division shows that the facility and equipment comply with all applicable Rules in Sections .0300 through .0800 of this Subchapter. The owner or responsible person shall sign the completed inspection sheet to acknowledge receipt of the inspection sheet.

(g) All permits shall be posted in a conspicuous place in the facility.

(h) All permits shall expire on April 30 of each year and are non-transferrable.

(i) Plans and specifications for proposed new construction, expansion of operations, or changes in operating processes shall be submitted to the Division for review and approval prior to beginning construction or making a change.

(j) A permit may be revoked or suspended in accordance with 15A NCAC 03O .0504.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. April 1, 1997;  
Readopted Eff. March 15, 2023.*

**15A NCAC 18A .0303 RELAYING PERMITS**

*History Note: Authority G.S. 130A-230;  
Eff. February 1, 1987;  
Amended Eff. September 1, 1990;  
Repealed Eff. March 15, 2023.*

**15A NCAC 18A .0304 DEPURATION HARVESTING PERMITS**

*History Note: Authority G.S. 130A-230;  
Eff. February 1, 1987;  
Amended Eff. September 1, 1990;  
Repealed Eff. June 1, 2022.*

**15A NCAC 18A .0305 APPEALS PROCEDURE**

*History Note: Authority G.S. 130A-230;  
Eff. February 1, 1987;  
Amended Eff. September 1, 1990;  
Repealed Eff. April 1, 2024.*

**SECTION .0400 – SANITATION OF SHELLFISH - GENERAL OPERATION STANDARDS**

Rules .0401 - .0431 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .0401 - .0431); has been transferred and recodified from Rules .0901 - .0931 of Title 10 Subchapter 10B of the North Carolina Administrative Code (T10.10B .0901 - .0931), effective April 4, 1990.

#### **15A NCAC 18A .0401 APPLICABILITY OF RULES**

The rules in this Section shall apply to the operation of all facilities and persons permitted in Rule .0302 of this Subchapter, including shellfish dealers, shellstock plants, reshippers, shucking and packing plants, repacking plants, depuration facilities, permittees with facilities approved for wet storage, and all other businesses and persons that buy, sell, transport, or ship shellfish. These Rules shall not apply to individuals possessing shellfish for personal use.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. April 1, 1997; December 1, 1987;  
Readopted Eff. April 1, 2024.*

#### **15A NCAC 18A .0402 GENERAL REQUIREMENTS FOR OPERATION**

- (a) Shellfish dealers shall provide mechanical refrigeration that is capable of maintaining an ambient temperature of 45°F or less and be sized to handle one day's production. The mechanical refrigeration shall include an automatic temperature regulating control and be equipped with an accurate, operating thermometer in the refrigerated storage area. If the sole means of refrigeration is a portable unit, that unit shall be capable of operating utilizing alternating current electrical power that will allow the unit to be plugged into a power supply during transport and at the certified facility.
- (b) Food contact surfaces shall be easily cleanable, corrosion-resistant, constructed of non-toxic and food-grade materials, and shall be kept in good repair. Shellfish dealers shall only use food contact surface equipment that conforms to standards found in the guidance document within the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish, Section II: Model Ordinance titled "Shellfish Industry Equipment Construction Guide", which is incorporated by reference, including subsequent amendments and editions. A copy of the reference material can be found at <https://www.fda.gov/food/federalstate-food-programs/national-shellfish-sanitation-program-nssp> at no cost.
- (c) Food contact surfaces of equipment, utensils, and containers shall be cleaned at the end of each day or operation and shall be sanitized prior to the start-up of each day's activities. Food contact surfaces shall also be cleaned and sanitized following any interruption during which the surfaces have become contaminated.
- (d) Non-food contact surfaces such as equipment, floors, walls, ceilings, and windows shall be kept clean and in good repair.
- (e) Wheelbarrows, measures, baskets, shovels, and other implements used in the handling of shellstock shall not be used for any other purpose and shall be cleaned prior to use.
- (f) Shellfish dealers shall provide a temperature measuring device accurate to +/- 2°F for use in monitoring product temperatures.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.*

#### **15A NCAC 18A .0403 SUPERVISION AND TRAINING**

- (a) The shellfish dealer shall personally supervise or shall designate a responsible individual whose principal duty shall be to supervise and be responsible for compliance with the rules of this Subchapter. No unauthorized individuals shall be allowed in any processing area of the plant during periods of operation. For the purpose of this Rule, "unauthorized individual" shall mean an individual that is not designated and trained by the shellfish dealer or responsible individual to perform specific processing tasks in the facility.
- (b) The shellfish dealer shall ensure that all employees that manufacture, process, pack, or hold food obtain training in the principles of food hygiene and food safety, including the importance of employee health and personal hygiene, in accordance with 21 CFR 117.4, which is incorporated by reference, including subsequent amendments and editions. A copy of the reference material can be found at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-117/subpart-A/section-117.4> at no cost. Employees shall complete the training within 30 days following the initial hire date. The shellfish dealer or responsible individual shall maintain a record of the completed training.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;*

*Readopted Eff. April 1, 2024.*

**15A NCAC 18A .0404 CONSTRUCTION**

Shellfish plants shall be sized and constructed to permit compliance with the operational provisions of Sections .0300 through .0800 of this Subchapter.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.*

**15A NCAC 18A .0405 FACILITY FLOODING**

- (a) Shellfish plants shall be located so that they will not be subject to flooding by high tides.
- (b) If the facility floors are flooded, processing shall be discontinued until flood waters have receded and the facility and equipment are cleaned and sanitized.
- (c) Any shellfish that may have been contaminated by flood waters shall be deemed adulterated and shall be destroyed.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 113-221.4; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.*

**15A NCAC 18A .0406 FLOORS**

Floors shall be concrete or other equally impervious material, constructed so that they are easily cleanable, sloped so that water drains completely, and kept in good repair. The junction between floors and walls shall be sealed to render them impervious to water in areas where the floor gets wet and is used to store shellfish, process food, or clean equipment and utensils.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.*

**15A NCAC 18A .0407 WALLS AND CEILINGS**

- (a) Walls and ceilings in areas where shellfish are stored, handled, processed, or packaged or where food handling equipment or packaging materials are stored shall be constructed of smooth, easily cleanable, non-corrosive, impervious material. The walls and ceilings in these areas shall also be light-colored, such as white in color, so that unclean surfaces can be detected.
- (b) Doors and windows shall be tightly fitted and kept in good repair so as to keep pests and weather out of the facility.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.*

**15A NCAC 18A .0408 LIGHTING**

- (a) Natural or artificial lighting shall be provided in all parts of the plant. Lighting intensities shall be a minimum of 25 foot-candles on working surfaces in packing and shucking rooms and a minimum of 10 foot-candles measured at a height of 30 inches above the floor throughout the rest of the processing portion of the facility.
- (b) Light bulbs, fixtures, or other glass within the plant shall be shatterproof or shielded to prevent food contamination in case of breakage.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.*

**15A NCAC 18A .0409 VENTILATION**

Ventilation shall be provided to prevent odors and condensation from contaminating shellfish, food contact surfaces, or food packaging materials.



*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.

**15A NCAC 18A .0410 PEST CONTROL**

- (a) All exterior openings shall be screened or provided with wind curtains, or other methods to prevent the entrance of pests. All screens shall be kept in good repair. All exterior doors shall open outward and shall be self-closing.
- (b) The use and storage of pesticides and rodenticides shall comply with all applicable State and federal laws and rules.
- (c) No pets or other animals shall be allowed in those portions of the facility where shellfish, food handling equipment, or packaging materials are stored, handled, processed, or packaged.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.

**15A NCAC 18A .0411 RODENT AND ANIMAL CONTROL**

*History Note:* Authority G.S. 130A-230;  
Eff. February 1, 1987;  
Repealed Eff. April 1, 2024.

**15A NCAC 18A .0412 PLUMBING AND HAND WASHING FACILITIES**

- (a) All plumbing shall be in compliance with applicable plumbing codes.
- (b) Hand washing facilities shall be provided with running water at a minimum temperature of 100°F dispensed from a hot and cold combination faucet.
- (c) Hand washing facilities shall be provided in or adjacent to each bathroom and in shucking and packing rooms. Hand washing facilities in packing areas shall be located where supervisors can observe employee use.
- (d) Hand washing facilities shall be separate from three-compartment or other sinks used for cleaning equipment and utensils.
- (e) Soap, single service towels in protected dispensers, and an easily cleanable waste receptacle shall be available and used at hand washing facilities. Other hand drying devices may be used if approved by the Division of Marine Fisheries based upon being equally effective at drying hands without the potential for recontamination.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.

**15A NCAC 18A .0413 WATER SUPPLY**

- (a) The water supply used shall be in accordance with 15A NCAC 18A .1720 through .1728, 15A NCAC 18C, or 02 NCAC 09C .0703, which are incorporated by reference, including subsequent amendments.
- (b) If the water supply is from a private source, samples for bacteriological analysis shall be collected by the Division of Marine Fisheries prior to use and after the water supply has been repaired or disinfected, and submitted for analysis to the State Laboratory of Public Health or other laboratory that is certified in accordance with 10A NCAC 42C .0102, which is incorporated by reference, including subsequent amendments.
- (c) Cross-connections with unapproved water supplies shall be prohibited. A backflow or back siphonage of a solid, liquid, or gas containment into the water supply shall be precluded by use of an air gap or backflow prevention device in accordance with applicable plumbing codes.
- (d) Hot and cold running water under pressure shall be provided to food preparation, utensil, and hand washing 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, hand washing, cleaning, and other water-using operations.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. September 1, 1990;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0414 TOILET FACILITIES**

- (a) Toilets shall be provided in the plant by the owner or responsible individual and shall be kept clean and in good repair.
- (b) Toilet tissue, in a holder, shall be provided by the owner or responsible individual.
- (c) Toilet room doors shall not open directly into a processing area and shall be tight-fitting and self-closing.
- (d) All toilet wastes and other sewage shall be disposed of in accordance with 15A NCAC 18A .1900 or 15A NCAC 02H .0200, which are incorporated by reference, including subsequent amendments.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. September 1, 1990;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0415 PREMISES**

- (a) The premises shall be maintained free from conditions that may constitute an attractant, breeding place, or harborage for pests such as unmowed weeds or grass, uncontained litter or waste, or unused equipment.
- (b) To prevent pests and odors, shells and other solid waste shall not be permitted to accumulate on the premises.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0416 PERSONAL HYGIENE**

- (a) All employees shall wash their hands thoroughly with soap and running water before beginning work and again after each interruption or if their hands may have become soiled or contaminated. Hand washing signs shall be posted by the owner or responsible individual at each hand washing facility in a language understood by employees.
- (b) All individuals employed or engaged in the shucking, packing, or repacking of shellfish shall wear clean, washable outer clothing. Clean plastic or rubber aprons, overalls, and rubber gloves shall be considered satisfactory.
- (c) All individuals employed or engaged in the shucking, packing, or repacking of shellfish shall wear hair restraints and have clean fingernails free from nail polish and that are short enough to not extend past the fingertips. Employees shall not wear jewelry other than easily cleanable rings. The use of absorbent wraps or absorbent finger cots shall not be permitted.
- (d) Employees shall not eat, drink, use electronic cigarettes or vaping products, or use tobacco in any form in the rooms where shellfish are stored, processed, or handled.
- (e) An individual known to be a carrier of any disease that can be transmitted through the handling of shellfish or who has an infected wound or open lesion on any exposed portion of the body shall be prohibited from handling shellfish or coming into contact with food contact surfaces.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0417 EMPLOYEES' PERSONAL ARTICLES**

Employees' street clothing, aprons, gloves, food, drink, and personal articles shall be stored in a room or locker separate from any area where shellfish are shucked or packed or any area that is used for the cleaning or storage of utensils.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0418 SUPPLY STORAGE**

- (a) Shipping containers, boxes, and other supplies shall be stored in a storage room or area. The storage room or area shall be kept clean.
- (b) Pesticides, rodenticides, chemical agents, sanitizers, and other toxic substances shall be stored separate from processing areas or food contact surfaces using spacing or partitioning so that they cannot contaminate food, equipment, utensils, and single-service articles. Each of the following categories of toxic substances shall be stored separate from one another using spacing or partitioning such that one category of toxic substance is not mistaken for another category:

- (1) pesticides and rodenticides;
  - (2) detergents, sanitizers, and cleaning agents; and
  - (3) caustic acids, polishes, and other chemicals.
- (c) Cleaning compounds, sanitizers, and other toxic substances shall be labeled and used in accordance with the manufacturer's label directions.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0419 HARVEST VESSELS AND VEHICLES**

- (a) It shall be unlawful to use vessels or vehicles that are engaged in the commercial harvest, handling, or transport of shellstock in such a manner that allows contact of shellstock with bilge water, standing water, or other sources of contamination in the vessel or vehicle.
- (b) It shall be unlawful to allow dogs or other animals on or inside vessels or vehicles that are engaged in the commercial harvest or transport of shellstock.
- (c) It shall be unlawful to discharge human waste overboard from vessels or vehicles used in the harvesting of shellstock.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. June 17, 2024.

#### **15A NCAC 18A .0420 TRANSPORTING SHELLFISH**

- (a) All shellfish storage areas in trucks, vessels, trailers, and other conveyances used for transporting shellfish shall be enclosed, tightly constructed to eliminate the entrance of pests, kept clean, and shall be subject to inspection by the Division of Marine Fisheries.
- (b) It shall be unlawful to transport shellstock and in-shell product unless shipped under mechanical refrigeration and the shipping conveyance is pre-chilled and maintained at an ambient temperature of 45°F or below. The storage area of the shipping conveyance shall be equipped with an accurate, operating thermometer.
- (c) It shall be unlawful to transport shucked shellfish unless maintained under temperature control of 45°F or below.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. May 1, 1994;  
Readopted Eff. June 17, 2024.

#### **15A NCAC 18A .0421 RECORDS**

- (a) All shellfish dealers who conduct any business of buying, selling, or shipping shellfish shall keep an accurate, daily record that shall show the names of all persons from whom shellfish are received, the address of any shellfish dealer from whom shellfish are received, the location of the source of shellfish, and the names and addresses of all persons to whom shellfish are sold or shipped with the exception of retail sales. For the purpose of this Rule, "retail sale" shall be defined as the sale of shellfish directly to end consumers. These records shall be kept on file for a minimum of one year for fresh shellfish, and a minimum of two years for frozen shellfish. All records shall be open to inspection by the Division of Marine Fisheries at the dealer facility at any time during business hours.
- (b) All shellfish dealers who receive shellstock from licensed harvesters shall record the following information at the time of receipt:
- (1) harvester name;
  - (2) harvest area;
  - (3) time of the start of harvest;
  - (4) quantity and type of shellfish received;
  - (5) time shellfish were received; and
  - (6) time shellfish were mechanically refrigerated.
- (c) Each shellfish shipment shipped by a shellfish dealer shall be accompanied by a shipping document that includes:
- (1) name, address, and certification number of shipping dealer;
  - (2) name and address of major consignee;

- (3) type and quantity of shellfish product;
- (4) date and time of shipment;
- (5) documentation that shipping conveyance is pre-chilled at 45°F or below prior to shipment; and
- (6) temperature of shellstock recorded by shipping dealer at time of shipment.

(d) A dealer receiving a shellfish shipment from another shellfish dealer shall record the temperature of the shipping conveyance and the temperature of the shellfish product received. These records shall be kept on file for a minimum of one year for fresh shellfish, and a minimum of two years for frozen shellfish. All records shall be open to inspection by the Division at the dealer facility at any time during business hours.

(e) Within 72 hours of any purchase or sale of shellfish, each purchase or sale shall be entered into a permanently bound ledger book, computer record, or any other method that permanently records the information and is organized so that it can be reviewed by the Division.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. August 1, 1998;  
Readopted Eff. April 1, 2024.*

#### **15A NCAC 18A .0422 SHELLSTOCK CLEANING**

No person shall offer for sale any shellstock that have not been washed free of harvest area sediments and detritus. Water used for shellstock washing shall be obtained from a water source in accordance with Rule .0413 of this Section or from a growing area in the open status and classified as "approved" or "conditionally approved" as defined in Rule .0901 of this Subchapter.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.*

#### **15A NCAC 18A .0423 SALE OF LIVE SHELLSTOCK**

Only live shellstock shall be offered for sale.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.*

#### **15A NCAC 18A .0424 SHELLFISH RECEIVING**

No shellfish dealer shall receive or accept:

- (1) any shellstock from:
  - (a) a licensed shellfish harvester unless:
    - (i) the container or package bears the harvest tag as required in Rule 15A NCAC 03K .0109 and in accordance with the HACCP plan; and
    - (ii) the shellstock was harvested from a growing area in the open status and classified as "approved" or "conditionally approved" as defined in Rule .0901 of this Subchapter and as indicated on the harvest tag; or
  - (b) another shellfish dealer unless the container or package bears the tag as required in Rule .0425 of this Section or, in the case of a bulk shipment, Rule .0426 of this Section; and
- (2) any shellfish from another shellfish dealer unless:
  - (a) it is accompanied by the documentation required in Rule .0421(c) of this Section; and
  - (b) the shellfish temperature and other critical limits are in compliance with the HACCP plan.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. April 1, 1997;  
Readopted Eff. April 1, 2024.*

#### **15A NCAC 18A .0425 DEALER TAGS**

(a) Consistent with the rules of this Section, it shall be unlawful to possess shellstock without a dealer tag or label affixed after the shellstock is processed or shipped by the initial certified shellfish dealer. The tag shall be durable, waterproof, and a minimum of two and five-eighths inches by five and one-fourth inches in size. It shall be unlawful for the tag to fail to contain legible information arranged in the specific order as follows:

- (1) the dealer's name, address, and certification number assigned by the appropriate shellfish control agency;
- (2) the original shipper's certification number;
- (3) the harvest date, or if depurated, the date of depuration processing, or if wet stored, the original harvest date and the final harvest date, which is the date removed from wet storage;
- (4) if wet stored or depurated, the wet storage or depuration cycle or lot number. The wet storage lot number shall begin with the letter "W";
- (5) the most precise identification of the harvest location as is practicable, including the initials of the state of harvest, and the state or local shellfish control authority's designation of the growing area by indexing, administrative, or geographic designation. If the authority in another state has not indexed growing areas, then a geographical or administrative designation shall be used (e.g., Long Bay, shellfish lease or franchise number, or lot number);
- (6) the type and quantity of shellstock;
- (7) the following statements in bold, capitalized font:
  - (A) "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE, IN CHRONOLOGICAL ORDER, FOR 90 DAYS."; and
  - (B) "RETAILERS; DATE WHEN LAST SHELLFISH FROM THIS CONTAINER SOLD OR SERVED (INSERT DATE) \_\_\_\_\_.";
- (8) the following statement, or equivalent:

"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 raw shellfish and become sick, see a doctor immediately."; and
- (9) the following statement, or equivalent:

"Keep Refrigerated".

(b) The dealer tag or label shall remain attached to the shellstock container until the container is empty and thereafter shall be kept on file, in chronological order, for 90 days.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. April 1, 1997; January 4, 1994; December 1, 1987;  
Temporary Amendment Eff. October 12, 1998; February 1, 1998;  
Amended Eff. April 1, 1999;  
Readopted Eff. March 15, 2023.*

#### **15A NCAC 18A .0426 BULK SHIPMENTS BETWEEN SHELLFISH DEALERS**

(a) For the purpose of this Rule:

- (1) "bulk shipment" shall mean a shipment of a shellstock lot between shellfish dealers.
- (2) "shellstock lot" shall mean a single type of bulk shellstock or containers of shellstock of no more than one day's harvest from a single growing area harvested by one or more harvesters.

(b) Bulk shipments shall not be made except if the shipment is from only one consignor to one consignee, both of which shall be shellfish dealers.

(c) When a shellstock lot is shipped, if multiple containers are used they shall be on a wrapped pallet, in a tote, in a net bailer, or other container and the unit shall be tagged with a single tag in accordance with Rule .0425 of this Section. The single tag shall also include a statement that "All shellstock containers in this lot have the same harvest date and area of harvest" and shall include the number of individual containers in the unit.

(d) The shellfish dealer shall provide a transaction record that accompanies the bulk shipment that contains the same information required on a dealer's tag in Rule .0425 of this Section and additionally states the name of the consignee, which shall be a shellfish dealer.

(e) Bulk shipments shall be kept above the floor using pallets to prevent the shellstock from becoming contaminated, unless the shipping conveyance has a channeled floor.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0427 SHELLFISH STORAGE**

(a) It shall be unlawful to fail to keep shellstock and in-shell product under mechanical refrigeration at a temperature of 45°F or below unless otherwise required by proclamation issued under the authority of 15A NCAC 03K .0110 or otherwise specified in the HACCP plan.

(b) Refrigerated storage areas shall be equipped with an accurate, operating thermometer.

(c) It shall be unlawful to fail to keep shucked shellfish under temperature control at a temperature of 45°F or below.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. May 1, 1994; December 1, 1987;  
Readopted Eff. June 17, 2024.

#### **15A NCAC 18A .0428 SAMPLING AND TESTING**

Samples of shellfish may be taken and examined by the Division of Marine Fisheries at any time or place for routine quality control checks or to evaluate for threats of physical injury or adverse health effects to consumers. This may include bacteriological examination or analysis for poisonous or deleterious substances as listed in the latest approved edition of the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish, Section IV: Guidance Documents, Chapter II: Growing Areas; Action Levels, Tolerances and Guidance Levels for Poisonous or Deleterious Substances in Seafood, which is incorporated by reference, including subsequent amendments and editions. A copy of the reference material can be found at <https://www.fda.gov/food/federalstate-food-programs/national-shellfish-sanitation-program-nssp>, at no cost. Samples of shellfish shall be furnished, upon request of the Division, by operators of plants, trucks, carriers, stores, restaurants, and other places where shellfish are sold.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0429 EMBARGO OR DISPOSAL OF SHELLFISH**

(a) When it has been determined by the Division of Marine Fisheries that shellfish have not been grown, harvested, stored, treated, transported, handled, shucked, packed, or offered for sale in compliance with Sections .0300 through .0900 of this Subchapter, those shellfish may be deemed adulterated in accordance with Rule .0438 of this Section, except as required in Rules .0405 and .0430 of this Section.

(b) Shellfish or shellfish products processed or prepared for sale to the public determined to be adulterated or misbranded shall be subject to embargo or disposal by the Division in accordance with G.S. 113-221.4. The authority of marine fisheries inspectors to seize shellfish or shellfish products pursuant to G.S. 113-137 shall not be affected by this Rule.

(c) If voluntary disposal of adulterated or misbranded shellfish or shellfish products is alternatively chosen by the shellfish dealer, responsible individual, or other person or facility specified in Rule .0401 of this Section, the product disposal shall be observed by a Division employee.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 113-221.4; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0430 BACTERIOLOGICAL AND CONTAMINATION STANDARDS**

Shellfish shucked or in the shell and intended or offered for sale shall be deemed adulterated by the Division of Marine Fisheries if:

- (1) the concentration of *Escherichia coli* exceeds a Most Probable Number (MPN), as defined in Rule .0901 of this Subchapter, of 230 per 100 grams of sample;
- (2) the total bacteria count, as determined by a standard plate count, exceeds 500,000 colony-forming units, as defined in Rule .0901 of this Subchapter. The standard plate count method, as detailed in Recommended

Procedures for the Examination of Sea Water and Shellfish 4th Edition, is incorporated by reference, not including subsequent amendments and editions. The method can be found at <https://www.issc.org/Data/Sites/1/media/-22-com-docs/apha-recommended-procedures-1970-full-text.pdf>, at no cost; or

- (3) the shellfish contain any contaminant that renders it unsafe for human consumption in accordance with the latest approved edition of the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish, Section IV: Guidance Documents, Chapter II: Growing Areas; Action Levels, Tolerances and Guidance Levels for Poisonous or Deleterious Substances in Seafood, which is incorporated by reference, including subsequent amendments and editions. A copy of the reference material can be found at <https://www.fda.gov/food/federalstate-food-programs/national-shellfish-sanitation-program-nssp>, at no cost.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.

### **15A NCAC 18A .0431 STANDARDS FOR AN APPROVED SHELLFISH GROWING AREA**

*History Note:* Authority G.S. 130A-230;  
Eff. February 1, 1987;  
Repealed Eff. May 1, 2021.

### **15A NCAC 18A .0432 PUBLIC DISPLAY OF CONSUMER ADVISORY**

All shellfish dealers permitted by Rule .0302 of this Subchapter and all other businesses and persons that sell or serve raw shellfish shall post one of the following consumer advisories or an equivalent statement in a place where it may be observed by the public in the area where raw shellfish is sold or served:

- (1) "Consumer Advisory  
Eating raw or undercooked oysters, clams, whole scallops, 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."; or
- (2) "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions."

Nothing in this Rule is intended to supersede regulation of restaurants or other establishments subject to 15A NCAC 18A .2600 or the U.S. Food Code.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Temporary Adoption Eff. October 12, 1998; February 1, 1998;  
Eff. April 1, 1999;  
Readopted Eff. April 1, 2024.

### **15A NCAC 18A .0433 HAZARD ANALYSIS**

Each shellfish dealer shall conduct a hazard analysis to determine the food safety hazards that are reasonably likely to occur for each kind of shellfish product processed by that dealer and to identify the preventative measures that the dealer can apply to control those hazards. For the purpose of this Rule, "reasonably likely to occur" shall mean a food safety hazard for which a processor would establish controls because experience, illness data, scientific reports, or other information provide a basis to conclude that there is a reasonable possibility that it will occur in the absence of those controls, as defined in 21 CFR 123.6, which is incorporated by reference, including subsequent amendments and editions. A copy of the reference material can be found at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-123>, at no cost.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. August 1, 2000;  
Readopted Eff. April 1, 2024.

### **15A NCAC 18A .0434 HACCP PLAN**

(a) Each shellfish dealer shall have and implement a written HACCP plan specific to each kind of shellfish product processed. The owner or authorized individual shall sign the plan when implemented, which shall signify that the plan has been accepted for implementation by the dealer. The HACCP plan shall also be signed by the owner or authorized individual after any modification or verification of the plan as required by this Rule. The plan shall, at a minimum:

- (1) list the food safety hazards that are reasonably likely to occur;
- (2) list the critical control points for each of the food safety hazards;
- (3) list the critical limits that must be met for each of the critical control points;
- (4) list the procedures, and frequency thereof, that will be used to monitor each of the critical control points to ensure compliance with the critical limits;
- (5) list any corrective action plans to be followed in response to deviations from critical limits at critical control points;
- (6) provide a record keeping system that documents critical control point monitoring; and
- (7) list the verification procedures, and frequency thereof, that the dealer will use.

For the purpose of this Rule, "reasonably likely to occur" shall mean a food safety hazard for which a processor would establish controls because experience, illness data, scientific reports, or other information provide a basis to conclude that there is a reasonable possibility that it will occur in the absence of those controls, as defined in 21 CFR 123.6, which is incorporated by reference, including subsequent amendments and editions. A copy of the reference material can be found at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-123>, at no cost.

(b) With the exception of a shellfish dealer that has not been permitted for interstate commerce, the following functions shall be performed by an individual who has successfully completed Segment one and Segment two of a seafood HACCP training course approved by the Seafood HACCP Alliance or an equivalent training course where the curriculum covers the principles of HACCP, conducting a hazard analysis, and developing a HACCP plan for a seafood business:

- (1) developing a HACCP plan;
- (2) reassessing and modifying the HACCP plan; and
- (3) performing the record review specified in Paragraph (d) of this Rule.

(c) If a deviation from a critical limit occurs, the shellfish dealer shall take corrective action in accordance with 21 CFR 123.7, which is incorporated by reference, including subsequent amendments and editions. A copy of the reference material can be found at [https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-123/subpart-A/section-123.7#p-123.7\(b\)](https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-123/subpart-A/section-123.7#p-123.7(b)), at no cost.

(d) At least annually, each shellfish dealer shall verify that the HACCP plan is being implemented to control food safety hazards. Verification procedures shall include:

- (1) a reassessment of the plan when a change occurs that could affect the hazard analysis, and a review of any consumer complaints that have been received; and
- (2) a review, including signing and dating by the trained individual or responsible individual, of the records that document the monitoring of critical control points, the taking of corrective actions, and the calibrating of any process-monitoring instruments. This review shall occur within one week of the day that the records are made.

(e) All records required by this Rule shall be retained at the dealer facility for at least one year after the date they were prepared in the case of refrigerated products, and at least two years after the date they were prepared in the case of frozen products and shall include:

- (1) the name and location of the dealer;
- (2) the date and time of the activity that the record reflects;
- (3) the signature or initials of the individual performing the operation; and
- (4) the identity of the product and the production code, if any.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 113-221.4; 143B-289.52;  
Eff. August 1, 2000;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0435 SANITATION MONITORING REQUIREMENTS**

(a) Each shellfish dealer shall monitor the following sanitation items when the plant is operational:

- (1) safety of water;
- (2) condition and cleanliness of food contact surfaces;
- (3) prevention of cross-contamination;
- (4) maintenance of hand washing, hand sanitizing, and toilet facilities;



- (5) protection of shellfish, shellfish packaging materials, and food contact surfaces from becoming adulterated;
- (6) proper labeling, storage, and use of toxic compounds;
- (7) control of employees with adverse health conditions; and
- (8) exclusion of pests from the facility.

(b) Monitoring records of these sanitation items shall be recorded at least daily and shall include the date and time of the activity that the record reflects, and the signature or initials of the individual performing the operation. The records shall be reviewed and signed by the owner or designated individual within one week of recording.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. August 1, 2000;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0436 MONITORING RECORDS**

*History Note:* Authority G.S. 130A-230;  
Eff. August 1, 2002;  
Repealed Eff. April 1, 2024.

#### **15A NCAC 18A .0437 IN-SHELL PRODUCT**

(a) In-shell product shall be kept under mechanical refrigeration at a temperature of 45°F or below.

(b) In-shell product shall be tagged or labeled to contain the following indelible and legible information listed in sequential order:

- (1) the shellfish dealer's name, address, and certification number assigned by the shellfish control agency in the state of the shellfish dealer's location;
- (2) the original shipper's certification number, except if the in-shell product is depurated, the original shipper's certification number is not required;
- (3) a "SELL BY date" that indicates the shelf-life or the words "BEST IF USED BY" followed by a date when the product would be expected to reach the end of its shelf-life. The date shall include month, day, and year;
- (4) if the in-shell product is depurated, the depuration cycle number or lot number;
- (5) the most precise identification of the harvest location as is practicable, including the initials of the state of harvest, and the state or local shellfish control authority's designation of the growing area by indexing, administrative, or geographic designation. If the authority in another state has not indexed growing areas, then a geographical or administrative designation shall be used (e.g., Long Bay, shellfish lease or franchise number, or lot number);
- (6) the type and quantity of in-shell product; and
- (7) the following statement in bold type on each tag or label: "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND THEREAFTER KEPT ON FILE, IN CHRONOLOGICAL ORDER, FOR 90 DAYS." "RETAILERS: DATE WHEN LAST SHELLFISH FROM THIS CONTAINER SOLD OR SERVED (INSERT DATE)\_\_\_\_\_." OR "THIS LABEL IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RELABELED AND THEREAFTER KEPT ON FILE, IN CHRONOLOGICAL ORDER, FOR 90 DAYS." "RETAILERS: DATE WHEN LAST SHELLFISH FROM THIS CONTAINER SOLD OR SERVED (INSERT DATE)\_\_\_\_\_."

(c) In-shell product shall include one of the following consumer advisories, or equivalent statement:

- (1) "Consumer Advisory  
Eating raw or undercooked oysters, clams, whole scallops, 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."
- (2) "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions."

(d) The statement "Keep Refrigerated" or an equivalent statement shall be included on the tag or label.

(e) If in-shell product for retail sale is packed in individual containers of five pounds or less and shipped in a master container that includes a tag in compliance with Paragraph (b) of this Rule, the individual containers of five pounds or less shall not

require tags as specified in Paragraph (b) of this Rule if a lot code number is included on each container that allows traceback of the in-shell product to the master container. A consumer advisory shall be included on each retail package in accordance with Paragraph (c) of this Rule.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. April 1, 2024.

#### **15A NCAC 18A .0438 INSPECTIONS AND COMPLIANCE SCHEDULE**

- (a) If a critical deficiency is detected during an inspection of a shellfish dealer by a Division of Marine Fisheries inspector:
- (1) the deficiency shall be corrected by the shellfish dealer during that inspection; or
  - (2) the shellfish dealer shall immediately cease production affected by the deficiency.

If the shellfish dealer fails to correct the deficiency during the inspection, the Division shall initiate the suspension or revocation process for the Shellfish Dealer Permit and Certificate of Compliance as set forth in 15A NCAC 03O .0504. For the purpose of this Rule, "critical deficiency" shall mean a condition or practice that results in the production of a shellfish product that is adulterated or presents a threat to the health or safety of the consumer.

(b) Shellfish products affected by a critical deficiency shall be controlled to prevent adulterated product from reaching consumers. The Division shall:

- (1) embargo or destroy adulterated shellfish in accordance with Rule .0429 of this Section;
- (2) initiate a recall of adulterated shellfish; and
- (3) notify enforcement officials for the United States Food and Drug Administration, as well as shellfish control authorities in states that are known to have received adulterated shellfish.

(c) If a key or other deficiency is detected during an inspection of a shellfish dealer by a Division inspector, a compliance schedule shall be issued by the Division inspector that provides a time frame by which the deficiency shall be corrected by the shellfish dealer. For the purpose of this Rule, "key or other deficiency" shall mean a deficiency other than a critical deficiency.

(d) If a shellfish dealer fails to meet the compliance schedule, the Division shall proceed with one of the following options:

- (1) revise the existing compliance schedule;
- (2) initiate the suspension or revocation process for the Shellfish Dealer Permit and Certificate of Compliance as set forth in 15A NCAC 03O .0504; or
- (3) seek other administrative remedies.

(e) Nothing in this Rule shall be construed to limit or make null any option for remedy in accordance with Rule 15A NCAC 03O .0504 or other available administrative remedy.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 113-221.4; 143B-289.52;  
Eff. April 1, 2024.

#### **15A NCAC 18A .0439 RECALL PROCEDURE**

Each shellfish dealer shall adopt and adhere to a written procedure for conducting recalls of adulterated or misbranded shellfish products. This written procedure shall be based on, and complementary to, the FDA Enforcement Policy on Recalls, CFR Title 21, Chapter 1, Subchapter A., Part 7-Enforcement Policy, which is incorporated by reference, including subsequent amendments and editions. A copy of the reference material can be found at <https://www.ecfr.gov/current/title-21/chapter-1/subchapter-A/part-7>, at no cost. This procedure shall include shellfish dealers notifying the Division of Marine Fisheries and any consignee receiving affected product when a recall begins, as well as removal or correction of the affected product.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. April 1, 2024.

### **SECTION .0500 – OPERATION OF SHELLSTOCK PLANTS AND RESHIPPIERS**

Rules .0501 - .0504 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .0501 - .0504); has been transferred and recodified from Rules .1001 - .1004 of Title 10 Subchapter 10B of the North Carolina Administrative Code (T10.10B .1001 - .1004), effective April 4, 1990.

#### **15A NCAC 18A .0501 REQUIREMENTS FOR SHELLSTOCK PLANTS AND RESHIPPIERS**

The rules in Section .0400 and the rules of this Section shall apply for the operation of shellstock plants and reshippers.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0502 GRADING SHELLSTOCK AND COMMINGLING**

(a) For the purpose of this Rule:

- (1) "commingling" shall mean the act of combining different lots of shellfish harvested on different days in the same growing area or combining different lots of shellstock harvested from different growing areas.
- (2) "lot" shall mean clams from one day's harvest, from a single growing area, harvested by one or more harvesters.

(b) The grading of shellstock by a shellfish dealer shall be conducted only in a permitted shellstock plant.

(c) A grading room or area separate from other processing operations shall be required for the grading of shellstock.

(d) The grader used to grade shellstock, and any other accessories or tables used in the grading operation, shall be constructed to be easily cleanable and shall be kept in good repair.

(e) Shellfish dealers shall not commingle any shellfish, except for clams with prior approval of a commingling plan by the Division of Marine Fisheries. A commingling plan shall be approved by the Division based on limiting the dates of harvest and growing areas and maintaining lot identity so that each individual lot of shellfish can be traced back to its harvest source.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0503 GRADER**

*History Note:* Authority G.S. 130A-230;  
Eff. February 1, 1987;  
Repealed Eff. April 1, 2024.

#### **15A NCAC 18A .0504 RESHIPPERS**

Reshippers shall only purchase shellfish from other shellfish dealers and sell the product to other shellfish dealers, wholesalers, or retailers without repacking or relabeling.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. September 1, 1990;  
Readopted Eff. April 1, 2024.

### **SECTION .0600 – OPERATION OF SHELLFISH SHUCKING AND PACKING PLANTS AND REPACKING PLANTS**

Rules .0601 - .0619 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .0601 - .0619); has been transferred and recodified from Rules .1101 - .1119 of Title 10 Subchapter 10B of the North Carolina Administrative Code (T10.10B .1101 - .1119), effective April 4, 1990.

#### **15A NCAC 18A .0601 REQUIREMENTS FOR SHUCKING AND PACKING PLANTS AND REPACKING PLANTS**

The rules in Section .0400 and the rules of this Section shall apply for the operation of shucking and packing plants and repacking plants.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0602 SEPARATION OF OPERATIONS**

A shucking and packing plant shall provide separate areas for shellstock storage, shucking, heat shock, and general storage. A packing area that is separate from other processing areas and with a delivery window or shelf as set forth in Rule .0605 of this Section shall be required.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.*

#### **15A NCAC 18A .0603 HOT WATER SYSTEM**

An automatically regulated hot water system shall be provided that has capacity to furnish water at a temperature of at least 130°F during all hours of shucking and packing plant operation.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.*

#### **15A NCAC 18A .0604 HANDWASHING FACILITIES**

*History Note: Authority G.S. 130A-230;  
Eff. February 1, 1987;  
Repealed Eff. April 1, 2024.*

#### **15A NCAC 18A .0605 DELIVERY WINDOW OR SHELF**

(a) A delivery window or a non-corrosive shelf shall be installed between the shucking area and packing area. If a delivery window is used it shall be equipped with a shelf completely covered with smooth, non-corrosive metal or other impervious material and shall be sloped to drain towards the shucking area.

(b) No shuckers or individuals that are not designated as packers by the owner or responsible individual shall be allowed in the packing area.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.*

#### **15A NCAC 18A .0606 NON-FOOD CONTACT SURFACES**

All non-food contact surfaces of equipment such as cabinets and shelving shall be impervious and constructed to be easily cleanable.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.*

#### **15A NCAC 18A .0607 SHUCKING BENCHES**

Shucking benches, tables, and contiguous walls to a height of at least two feet above the bench top, shall be of smooth concrete, non-corrosive metal, or other durable impervious material, free from cracks and pits, and constructed so that drainage is complete and is directed away from the stored shellfish. Shucking blocks shall be solid, one-piece construction, removable, and easily cleanable. The stands, stalls, and stools shall be of smooth material and shall be painted with a light-colored washable paint, such as white in color, so that unclean surfaces can be detected.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.*

#### **15A NCAC 18A .0608 EQUIPMENT CONSTRUCTION**

- (a) All pails, skimmers, measures, tanks, tubs, blowers, paddles, and other equipment, that come into contact with shucked shellfish or with ice used for direct cooling of shellfish, shall be made of smooth, non-corrosive, impervious materials and constructed so as to be easily cleanable and shall be kept clean and in good repair.
- (b) All equipment, including external and internal blower lines and hoses below a point two inches above the overflow level of the tank and blower drain valves, shall be constructed as to be easily cleanable in accordance with the "Shellfish Industry Equipment Guide" referenced in Rule .0402 of this Subchapter.
- (c) The blower and skimmer drain shall not be directly connected with the sewer. There shall be an air gap between the blower and skimmer outlets. A floor drain shall be provided.
- (d) Air-pump intakes shall be located in a place protected from dirt and other contamination, and shall be equipped with filters.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. September 1, 1990;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0609 SANITIZING EQUIPMENT**

Washing and sanitizing facilities, including a three-compartment wash sink of adequate size to wash the largest utensils used in the shucking and packing plant, shall be provided in a section of the plant so that it can service the work areas. The sink shall be kept in good repair. Permanent hot and cold water connections, with combination supply faucets, shall be installed so that all vats may receive hot and cold water. Either steam, hot water, or a sanitizing solution shall be used to sanitize utensils and equipment.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. December 1, 1987;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0610 EQUIPMENT SANITATION**

All utensils and tools, such as opening knives, shucking pails, measures, skimmers, colanders, tanks, tubs, paddles, and containers that come in contact with shellfish shall be thoroughly cleaned and then sanitized by:

- (1) steam in a steam chamber or box equipped with an indicating thermometer located in the coldest zone, by exposure to a temperature of 170°F for at least 15 minutes, or to a temperature of 200°F for at least five minutes;
- (2) immersion in hot water at a temperature of 170°F for at least two minutes;
- (3) immersion for at least one minute in, or exposure for at least one minute to a constant flow of, a solution containing not less than 100 parts per million chlorine residual. Utensils and equipment that must be washed in place shall require washing, rinsing, and sanitizing; or
- (4) other equivalent products and procedures approved in 21 CFR 178.1010, which is incorporated by reference, including subsequent amendments and editions. A copy of the reference material can be found at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-178/subpart-B/section-178.1010>, at no cost.

A testing method or equipment shall be available and used to test chemical sanitizers to ensure minimum prescribed strengths.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0611 EQUIPMENT STORAGE**

Equipment and utensils that have been cleaned and sanitized shall be stored in a manner to prevent contamination.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.

### **15A NCAC 18A .0612 ICE**

- (a) Ice shall be obtained from a water supply approved by the Division of Marine Fisheries pursuant to Rule .0413 of this Subchapter and shall be stored and handled in a manner to prevent contamination and keep the ice clean.
- (b) All equipment used in the handling of ice shall be used for no other purpose and shall be cleaned and sanitized at least once each day the facility is in operation.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.*

### **15A NCAC 18A .0613 SHELLFISH SHUCKING**

- (a) Shellfish shall be shucked in a manner to prevent contamination. Shellstock shall be free of excessive sediment prior to being shucked. Only live shellstock shall be shucked.
- (b) Shucking of shellstock shall only be permitted on shucking tables or benches in accordance with Rules .0402 and .0607 of this Subchapter. Floors shall not be used for the storage of shellfish or the retention of shucking pails or other food contact containers.
- (c) When shellstock are stored in the shucking room, protection shall be provided for the storage space to prevent the shellstock from becoming adulterated from wash water wastes and from the feet of the employees.
- (d) Shucking pails shall be placed so as to exclude the drippings from shells and from the hands of shuckers. The pails shall be rinsed with running tap water before each filling.
- (e) Shucked shellfish shall be washed on a skimmer or a container approved by the Division of Marine Fisheries with cold running water from a source in accordance with Rule .0413 of this Subchapter.
- (f) The return of excess shucked shellfish from the packing room shall not be allowed. All shucked shellfish shall be packed before it leaves the packing room.
- (g) If blowers are used for cleansing, the total time that shellfish are in contact with water after leaving the shucker, including the time of washing, rinsing, and any other contact with water, shall not be more than 30 minutes. In computing the time of contact with water, the length of time that shellfish are in contact with water that is agitated shall be calculated at twice the actual length of time that the shellfish are in contact with the water. Before packing into containers for shipment or delivery for consumption, the shellfish shall be drained. Shellfish shall be packed without any added substance.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. September 1, 1990;  
Readopted Eff. April 1, 2024.*

### **15A NCAC 18A .0614 CONTAINERS**

- (a) Containers used for transporting shucked shellfish shall be made from food-safe materials. These containers shall not be reused for packing shellfish.
- (b) The shucker-packer's or repacker's name and address and certification number shall be permanently and visibly recorded on the label of each container used for shucked shellfish.
- (c) Any container of shucked shellfish that has a capacity of 64 fluid ounces or more shall include the words "DATE SHUCKED" followed by the date shucked permanently recorded on the lid and sidewall or bottom of the container. The date shall consist of either the abbreviation for the month and number of the day of the month or the Julian format (YDDD), the last digit of the four-digit year and the three-digit number corresponding to the day of the year.
- (d) Any container of shucked shellfish that has a capacity of less than 64 fluid ounces shall include the words "SELL BY" or "BEST IF USED BY" followed by a date when the product will reach the end of its projected shelf life. The date shall consist of the abbreviation for the month and number of the day of the month.
- (e) For fresh frozen shellfish, the year shall be added to the date for non-Julian format. If fresh frozen, the container shall be labeled as frozen in equal size type immediately adjacent to the type of shellfish. If a frozen container of shucked shellfish is thawed and repacked, the container shall be labeled as previously frozen.
- (f) Each container of shucked shellfish shall include a consumer advisory. The following statement, or an equivalent statement, shall be included on all containers: "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions."
- (g) No person shall use containers bearing a certification number other than the number assigned to him or her.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. August 1, 1998; February 1, 1997; December 1, 1987;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0615 SHELLFISH COOLING**

- (a) For shellstock that has not been refrigerated prior to processing, shucked meats and in-shell product shall be chilled to an internal temperature of 45°F or less within three hours of shucking or processing.
- (b) For shellstock that has been refrigerated prior to processing, shucked meats and in-shell product shall be chilled to an internal temperature of 45°F or less within four hours after removal from refrigeration.
- (c) If heat shock is used, once shellstock is shucked, the shucked shellfish meats shall be cooled to an internal temperature of 45°F or less within two hours from the time of heat shock.
- (d) Shucked and packed shellfish shall be stored in covered containers at an ambient temperature of 45°F or less or covered in ice.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. April 1, 1997;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0616 SHELLFISH FREEZING**

- (a) If shellfish are to be frozen, they shall be frozen within three days of shucking and packing. Containers of frozen shellfish shall be labeled in accordance with Rule .0614 of this Section.
- (b) A temperature of 0°F or less shall be maintained in the frozen storage rooms.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. April 1, 1997; December 1, 1987;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0617 SHIPPING**

*History Note:* Authority G.S. 130A-230;  
Eff. February 1, 1987;  
Amended Eff. April 1, 1997;  
Repealed Eff. April 1, 2024.

#### **15A NCAC 18A .0618 HEAT SHOCK METHOD OF PREPARATION OF SHELLFISH**

- (a) If a shucking and packing plant uses the heat shock process, it shall be done in a separate room adjacent to the shellstock storage room and the shucking room.
- (b) The heat shock tank shall be constructed of smooth, non-corrosive metal, designed to drain completely and to be easily cleanable.
- (c) All heat shock tanks shall be equipped with booster heaters that are thermostatically controlled.
- (d) All shellstock subjected to the heat shock process shall be washed with flowing potable water immediately prior to the heat shock operation.
- (e) During the heat shock process the water shall be maintained at not less than 140°F or more than 150°F. An accurate thermometer shall be available and used to determine the temperature during the heat shock process.
- (f) Nothing in this Rule shall be construed to prohibit any other process that has been found by the Division of Marine Fisheries to be equally effective.
- (g) At least eight gallons of heat shock water shall be maintained in the tank for each one-half bushel of shellstock being treated. All water used in the heat shock process shall be from a source approved by the Division in accordance with Rule .0413 of this Subchapter.
- (h) Immediately after the heat shock process, all treated shellstock shall be subjected to a cool-down with flowing potable water. All heat-shocked shellstock shall be handled in a manner to prevent the product from becoming adulterated. Shellfish

that have been subjected to the heat shock process shall be cooled to an internal temperature of 45°F or below within two hours after this process and shall be placed in storage at 45°F or below.

- (i) At the close of each day's operation, the heat shock tank shall be completely emptied of all water, mud, and detritus, and cleaned and then rinsed with flowing potable water.
- (j) All heat shock tanks shall be sanitized immediately before starting each day's operation.
- (k) The procedure for the heat shock process shall be posted in a location that can be viewed by employees to help ensure the correct procedure can be followed.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. August 1, 2002; August 1, 1998; February 1, 1997; September 1, 1990;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0619 REPACKING OF SHELLFISH**

- (a) If repacking is practiced, it shall be conducted in accordance with all the requirements for shucking and packing plants in the rules of this Section except for requirements related to shucking.
- (b) The shucked shellfish to be repacked shall be received at the repacking plant at a temperature of 45°F or less.
- (c) Shellfish shall not be repacked more than one time.
- (d) The temperature of the shellfish shall not exceed an internal temperature of 45°F for more than two hours during the repacking process.
- (e) Containers of repacked shellfish shall be repacked and labeled in accordance with Rule .0614 of this Section, except that the original date of shucking shall be added to the new repacked container or the original date of shucking shall be used in establishing the "SELL BY" or "BEST IF USED BY" date.
- (f) Repackers shall keep records indicating the source from which shellfish were purchased, the date packed, the date of purchase, and the names and addresses of shellfish dealers to whom shellfish were sold.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. December 1, 1987;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0620 SHELLFISH THAWING AND REPACKING**

- (a) If frozen shellfish are thawed, they shall be thawed at a temperature of 45°F or less.
- (b) Shellfish held for thawing shall be separated from other shellfish.
- (c) Thawed shellfish shall not exceed 45°F for more than two hours during the repacking process.
- (d) Containers of repacked, thawed shellfish shall be labeled as required in Rule .0619 of this Section and shall also be labeled as "PREVIOUSLY FROZEN", or equivalent.
- (e) Thawed shellfish that remain in original containers shall be labeled as required in Rule .0614 of this Section and shall also be labeled as "PREVIOUSLY FROZEN", or equivalent.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. April 1, 1997;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0621 RECALL PROCEDURE**

*History Note:* Authority G.S. 130A-230;  
Eff. August 1, 1998;  
Repealed Eff. April 1, 2024.

### **SECTION .0700 – OPERATION OF DEPURATION (MECHANICAL PURIFICATION) FACILITIES**

Rules .0701 - .0713 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .0701 - .0713); has been transferred and recodified from Rules .1201 - .1213 of Title 10 Subchapter 10B of the North Carolina Administrative Code (T10.10B .1201 - .1213), effective April 4, 1990.



#### **15A NCAC 18A .0701 REQUIREMENTS FOR DEPURATION**

(a) In addition to and to the extent not inconsistent with other applicable provisions of North Carolina Marine Fisheries Commission rules, requirements for depuration shall be in accordance with the 2019 Revision of the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish chapter titled "Depuration", which is incorporated by reference, not including subsequent amendments and editions. A copy of the reference material is available online at: <https://www.fda.gov/food/federalstate-food-programs/national-shellfish-sanitation-program-nssp>, at no cost.

(b) All laboratory analyses used to evaluate the effectiveness of the depuration process shall be performed by a laboratory found by a Food and Drug Administration (FDA) Shellfish Laboratory Evaluation Officer or by an FDA-certified State Shellfish Laboratory Evaluation Officer to conform or provisionally conform to the requirements established under the National Shellfish Sanitation Program (NSSP).

(c) If a method is needed for the analysis of depuration process water and shellfish that are used to evaluate the effectiveness of the depuration process and no method approved for use within the NSSP exists, the following may be used:

- (1) a validated Association of Analytical Communities, Bacteriological Analysis Manual, or Environmental Protection Agency method; or
- (2) an Emergency Use Method as set forth in the latest approved edition of the NSSP Guide for the Control of Molluscan Shellfish.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .0702 FACILITY SUPERVISION**

#### **15A NCAC 18A .0703 FACILITY DESIGN AND SANITATION**

*History Note:* Authority G.S. 130A-230;  
Eff. February 1, 1987;  
Repealed Eff. April 1, 2024.

#### **15A NCAC 18A .0704 LABORATORY PROCEDURES**

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Amended Eff. September 1, 1991; September 1, 1990;  
Readopted Eff. May 1, 2021;  
Repealed Eff. April 1, 2024.

#### **15A NCAC 18A .0705 FACILITY OPERATIONS**

#### **15A NCAC 18A .0706 SHELLFISH SAMPLING PROCEDURES**

#### **15A NCAC 18A .0707 DEPURATION PROCESS WATER CONTROL - SAMPLING PROCEDURES**

#### **15A NCAC 18A .0708 DEPURATION TREATMENT PROCESS WATER - STANDARDS**

#### **15A NCAC 18A .0709 DEPURATION - SHELLFISH MEAT STANDARDS**

#### **15A NCAC 18A .0710 ULTRAVIOLET UNIT**

#### **15A NCAC 18A .0711 SHELLSTOCK STORAGE**

#### **15A NCAC 18A .0712 DEPURATION - TAGGING AND RELEASE OF SHELLFISH**

#### **15A NCAC 18A .0713 DEPURATION - RECORDS**

*History Note:* Authority G.S. 130A-230;  
Eff. February 1, 1987;  
Amended Eff. September 1, 1990; December 1, 1987;  
Repealed Eff. April 1, 2024.

### **SECTION .0800 – WET STORAGE OF SHELLSTOCK**

Rules .0801 - .0806 of Title 15A Subchapter 10B of the North Carolina Administrative Code (T15A.10B .0801 - .0806); has been transferred and recodified from Rules .1301 - .1306 of Title 10 Subchapter 10B of the North Carolina Administrative Code (T10.10B .1301 -.1306), effective April 4, 1990.

### **15A NCAC 18A .0801 REQUIREMENTS FOR WET STORAGE OF SHELLSTOCK**

(a) In addition to and to the extent not inconsistent with other applicable provisions of North Carolina Marine Fisheries Commission Rules, requirements for wet storage shall be in accordance with the 2019 Revision of the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish (hereinafter referred to as "Model Ordinance") chapter titled "Wet Storage in Approved and Conditionally Approved Growing Areas", which is incorporated by reference except as provided in Paragraph (b) of this Rule, not including subsequent amendments and editions. A copy of the reference material is available online at: <https://www.fda.gov/food/federalstate-food-programs/national-shellfish-sanitation-program-nssp>, at no cost.

(b) Amendments and exceptions to the Model Ordinance chapter titled "Wet Storage in Approved and Conditionally Approved Growing Areas" incorporated by reference include:

- (1) Section @.01, .04, C(1)(a) is amended to read: "Except for a water source in accordance with Rule .0413 of this Subchapter, the quality of the surface source water prior to treatment shall meet, at a minimum, the bacteriological standards for the conditionally approved classification in the open status. Water classified as prohibited or restricted shall not be used as source water."
- (2) the following sections are not incorporated by reference and shall not apply: Sections @.01, .04, C(2)(a)(ii), @.01, .04, C(2)(b), @.01, .04, C(2)(c), and @.01, .04, C(2)(d).

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. February 1, 1987;  
Readopted Eff. April 1, 2024.

<b>15A NCAC 18A .0802</b>	<b>PLANT DESIGN: SANITATION: AND WET STORAGE</b>
<b>15A NCAC 18A .0803</b>	<b>WET STORAGE WATER</b>
<b>15A NCAC 18A .0804</b>	<b>SHELLSTOCK CLEANING</b>
<b>15A NCAC 18A .0805</b>	<b>WET STORAGE TANKS</b>
<b>15A NCAC 18A .0806</b>	<b>SHELLSTOCK CONTAINERS</b>

*History Note:* Authority G.S. 130A-230;  
Eff. February 1, 1987;  
Repealed Eff. April 1, 2024.

## **SECTION .0900 - CLASSIFICATION OF SHELLFISH GROWING WATERS**

### **15A NCAC 18A .0901 DEFINITIONS**

The following definitions shall apply to this Section.

- (1) "Approved" means shellfish growing waters determined suitable by the Division for the harvesting of shellfish for direct market purposes.
- (2) "Closed-system marina" means a marina constructed in canals, basins, tributaries, or any other area with restricted tidal flow.
- (3) "Colony forming unit" means an estimate of the number of viable bacteria cells in a sample as determined by a plate count.
- (4) "Commercial marina" means a marina that offers one or more of the following services: fuel, transient dockage, haul-out facilities, or repair services.
- (5) "Conditionally approved" means shellfish growing waters that are subject to predictable intermittent pollution but that may be used for harvesting shellfish for direct market purposes when management plan criteria are met.
- (6) "Division" means the Division of Marine Fisheries or its authorized agent.
- (7) "Estimated 90<sup>th</sup> percentile" means a statistic that measures the variability in a sample set that shall be calculated by:
  - (a) calculating the arithmetic mean and standard deviation of the sample result logarithms (base 10);
  - (b) multiplying the standard deviation in Sub-Item (a) of this Item by 1.28;

- (c) adding the product from Sub-Item (b) of this Item to the arithmetic mean; and
  - (d) taking the antilog (base 10) of the results from Sub-Item (c) of this Item to determine the estimated 90<sup>th</sup> percentile.
- (8) "Fecal coliform" means bacteria of the coliform group that will produce gas from lactose in a multiple tube procedure liquid medium (EC or A-1) within 24 plus or minus two hours at 44.5° C plus or minus 0.2° C in a water bath.
  - (9) "Geometric mean" means the antilog (base 10) of the arithmetic mean of the sample result logarithm.
  - (10) "Marina" means any water area with a structure (such as a dock, basin, floating dock) that is utilized for docking or otherwise mooring vessels and constructed to provide temporary or permanent docking space for more than 10 boats.
  - (11) "Marine biotoxins" means any poisonous compound produced by marine microorganisms and accumulated by shellstock.
  - (12) "Median" means the middle number in a given sequence of numbers, taken as the average of the two middle numbers when the sequence has an even number of numbers.
  - (13) "Most probable number (MPN)" means a statistical estimate of the number of bacteria per unit volume and is determined from the number of positive results in a series of fermentation tubes.
  - (14) "National Shellfish Sanitation Program (NSSP)" means the cooperative federal-state-industry program for the sanitary control of shellfish that is adequate to ensure that the shellfish produced in accordance with the NSSP Guide For The Control Of Molluscan Shellfish will be safe and sanitary.
  - (15) "Open-system marina" means a marina constructed in an area where tidal currents have not been impeded by natural or man-made barriers.
  - (16) "Private marina" means any marina that is not a commercial marina as defined in this Rule.
  - (17) "Prohibited" means shellfish growing waters unsuitable for the harvesting of shellfish for direct market purposes.
  - (18) "Public health emergency" means any condition that may immediately cause shellfish waters to be unsafe for the harvest of shellfish for human consumption.
  - (19) "Restricted" means shellfish growing waters from which shellfish may be harvested only by permit and are subjected to a treatment process through relaying or depuration that renders the shellfish safe for human consumption.
  - (20) "Sanitary survey" means the written evaluation of factors that affect the sanitary quality of a shellfish growing area including sources of pollution, the effects of wind, tides, and currents in the distribution and dilution of polluting materials, and the bacteriological quality of water.
  - (21) "Shellfish" means the term as defined in G.S. 113-129, except the term shall not include scallops when the final product is the shucked adductor muscle only.
  - (22) "Shellfish growing area" means a management unit that defines the boundaries of a sanitary survey and that is used to track the location where shellfish are harvested.
  - (23) "Shellfish growing waters" means marine or estuarine waters that support or could support shellfish life.
  - (24) "Shellstock" means live molluscan shellfish in the shell.
  - (25) "Shoreline survey" means an in-field inspection by the Division to identify and evaluate any potential or actual pollution sources or other environmental factors that may impact the sanitary quality of a shellfish growing area.
  - (26) "Systematic random sampling strategy" means a sampling strategy designed to assess the bacteriological water quality of shellfish growing waters impacted by non-point sources of pollution and scheduled sufficiently far in advance to support random collection with respect to environmental conditions.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
 Eff. June 1, 1989;  
 Amended Eff. August 1, 1998; February 1, 1997; September 1, 1990;  
 Readopted Eff. May 1, 2021.

**15A NCAC 18A .0902 CLASSIFICATION OF SHELLFISH GROWING WATERS**

- (a) All shellfish growing waters shall be classified by the Division of Marine Fisheries as to their suitability for shellfish harvesting. Shellfish growing waters shall be designated with one of the following classifications:
- (1) approved;
  - (2) conditionally approved;

- (3) restricted; or
  - (4) prohibited.
- (b) Maps showing the classification of shellfish growing waters shall be maintained by the Division.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. June 1, 1989;  
Readopted Eff. May 1, 2021.*

#### **15A NCAC 18A .0903 SANITARY SURVEY**

(a) Shellfish growing waters shall be divided into shellfish growing areas by the Division of Marine Fisheries. Maps showing the boundaries of these shellfish growing areas shall be maintained by the Division and can be found at: <https://deq.nc.gov/polluted-area-proclamations>.

(b) Except in shellfish growing areas where all shellfish growing waters are classified as prohibited, the Division shall complete a sanitary survey report for each shellfish growing area at least once every three years.

(c) A sanitary survey report shall include the following:

- (1) a shoreline survey.
- (2) an evaluation of meteorological, hydrodynamic, and geographic factors that may affect distribution of pollutants.
- (3) a microbiological survey to assess water quality. A microbiological survey shall include the collection of water samples and their analysis for fecal coliforms. The number and location of sampling stations shall be selected to produce the data necessary to effectively evaluate all point and non-point pollution sources identified during the shoreline survey. A minimum of six samples shall be collected annually from each designated sampling station.
- (4) a determination of the appropriate classification for all shellfish growing waters within the shellfish growing area in accordance with Rule .0902 of this Section.

(d) A sanitary survey report shall be required to designate any portion of a shellfish growing area with a classification other than prohibited, or for a reclassification from:

- (1) prohibited to any other classification;
- (2) restricted to conditionally approved or approved; or
- (3) conditionally approved to approved.

All other reclassifications may be made without a sanitary survey.

(e) In each calendar year that a shellfish growing area is not evaluated with a sanitary survey, a written annual evaluation report shall be completed by the Division and shall include the following:

- (1) a microbiological survey to assess water quality as set forth in Subparagraph (c)(3) of this Rule.
- (2) an evaluation of changes in pollution source impacts that may affect the classifications of the shellfish growing area.

If the annual evaluation determines conditions have changed and a classification for shellfish growing waters is incorrect, the Division shall initiate action to reclassify the shellfish growing waters in accordance with Rule .0902 of this Section.

(f) Sanitary survey reports and annual evaluation reports shall be maintained by the Division.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. June 1, 1989;  
Readopted Eff. May 1, 2021.*

#### **15A NCAC 18A .0904 APPROVED WATERS**

Shellfish growing waters classified as approved for shellfish harvesting shall meet the following criteria as indicated by a sanitary survey, as set forth in Rule .0903 of this Section:

- (1) the shoreline survey indicates there are no significant point sources of pollution;
- (2) the area is not contaminated with fecal material, pathogenic microorganisms, poisonous or deleterious substances, or marine biotoxins that may render consumption of the shellfish hazardous; and
- (3) the microbiological survey, as set forth in Rule .0903(c)(3) of this Section, indicates the bacteriological water quality does not exceed the following standards based on results generated using the systematic random sampling strategy:
  - (a) a median fecal coliform most probable number (MPN) or geometric mean MPN of 14 per 100 milliliters;

- (b) a median fecal coliform colony-forming units (CFU) or geometric mean CFU of 14 per 100 milliliters;
- (c) an estimated 90<sup>th</sup> percentile of 43 MPN per 100 milliliters for a five-tube decimal dilution test; or
- (d) an estimated 90<sup>th</sup> percentile of 31 CFU per 100 milliliters for a membrane filter membrane-Thermotolerant Escherichia coli (mTEC) test.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. June 1, 1989;  
Readopted Eff. May 1, 2021.*

#### **15A NCAC 18A .0905 CONDITIONALLY APPROVED WATERS**

(a) Shellfish growing waters may be classified as conditionally approved if the Division of Marine Fisheries determines the following:

- (1) the sanitary survey indicates the shellfish growing waters will not meet the approved waters classification criteria as set forth in Rule .0904 of this Section under all conditions, but will meet those criteria under certain conditions;
- (2) the conditions when the shellfish growing waters will meet the approved waters classification criteria are known and predictable;
- (3) the public bottom within those shellfish growing waters support a population of harvestable shellfish; and
- (4) staff are available to carry out the requirements defined in the management plan, as set forth in Paragraph (b) of this Rule.

(b) A written management plan shall be developed by the Division for conditionally approved areas. This plan shall define the conditions under which the shellfish growing waters may be open to the harvest of shellfish. If the conditions defined in the management plan are not met, the Division shall immediately close the shellfish growing waters to shellfish harvesting.

(c) All conditionally approved growing waters shall be re-evaluated on an annual basis. A written report summarizing this re-evaluation shall be produced and shall include the following:

- (1) an evaluation of compliance with management plan criteria;
- (2) a review of the cooperation of all persons involved;
- (3) an evaluation of bacteriological water quality in the growing waters with respect to the standards for the classification; and
- (4) an evaluation of critical pollution sources.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
Eff. June 1, 1989;  
Readopted Eff. May 1, 2021.*

#### **15A NCAC 18A .0906 RESTRICTED AREAS**

(a) Shellfish growing waters may be classified as restricted if:

- (1) a sanitary survey indicates there are no significant point sources of pollution; and
- (2) levels of fecal pollution, human pathogens, or poisonous or deleterious substances are at such levels that shellstock can be made safe for human consumption by either relaying or depuration.

(b) Relaying of shellfish shall be conducted in accordance with all applicable rules, including 15A NCAC 03K and 15A NCAC 18A .0300.

(c) Depuration of shellfish shall be conducted in accordance with all applicable rules, including 15A NCAC 03K and 15A NCAC 18A .0300 and .0700.

(d) For shellfish growing waters classified as restricted and used as a source of shellstock for depuration, the microbiological survey, as set forth in Rule .0903(c)(3) of this Section, shall indicate the bacteriological water quality does not exceed the following standards based on results generated using the systematic random sampling strategy:

- (1) a median fecal coliform most probable number (MPN) or geometric mean MPN of 88 per 100 milliliters;
- (2) a median fecal coliform colony-forming units (CFU) or geometric mean CFU of 88 per 100 milliliters;
- (3) an estimated 90<sup>th</sup> percentile of 260 MPN per 100 milliliters for a five-tube decimal dilution test; or
- (4) an estimated 90<sup>th</sup> percentile of 163 CFU per 100 milliliters for a membrane filter membrane-Thermotolerant Escherichia coli (mTEC) test.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;*

*Eff. June 1, 1989;*  
*Readopted Eff. May 1, 2021.*

#### **15A NCAC 18A .0907 PROHIBITED WATERS**

Shellfish growing waters shall be classified as prohibited if:

- (1) no current sanitary survey, as set forth in Rule .0903 of this Section, exists for the growing area; or
- (2) the sanitary survey determines:
  - (a) the shellfish growing waters are adjacent to a sewage treatment plant outfall or other point source outfall with public health significance; or
  - (b) the shellfish growing waters are contaminated with fecal material, pathogenic microorganisms, poisonous or deleterious substances, or marine biotoxins that render consumption of shellfish from those growing waters hazardous.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;*  
*Eff. June 1, 1989;*  
*Readopted Eff. May 1, 2021.*

#### **15A NCAC 18A .0908 UNSURVEYED AREAS**

*History Note: Authority G.S. 130A-230;*  
*Eff. June 1, 1989;*  
*Repealed Eff. May 1, 2021.*

#### **15A NCAC 18A .0909 BUFFER ZONES**

(a) The Division of Marine Fisheries shall establish a buffer zone around the following:

- (1) marinas, in accordance with Rule .0911 of this Section; and
- (2) wastewater treatment plant outfalls or other point source outfalls determined to be of public health significance, in accordance with the latest approved edition of the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, Section II: Model Ordinance, Chapter IV: Shellstock Growing Areas, which is incorporated by reference, including subsequent amendments and editions, and available at <https://www.fda.gov/food/federalstate-food-programs/national-shellfish-sanitation-program-nssp> at no cost.

(b) Buffer zones shall be classified as prohibited.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;*  
*Eff. June 1, 1989;*  
*Readopted Eff. May 1, 2021.*

#### **15A NCAC 18A .0910 RECLASSIFICATION**

*History Note: Authority G.S. 130A-230;*  
*Eff. June 1, 1989;*  
*Repealed Eff. May 1, 2021.*

#### **15A NCAC 18A .0911 MARINAS, DOCKING FACILITIES, AND OTHER MOORING AREAS**

The Division of Marine Fisheries shall classify shellfish growing waters with respect to marinas, docking facilities, and other mooring areas as follows:

- (1) the Division shall classify all waters within a marina as prohibited to the harvesting of shellfish for human consumption; and
- (2) the Division shall conduct a dilution analysis, in the form of a volumetric calculation or in-field hydrographic study, to determine the volume of water necessary to dilute the concentration of fecal coliform bacteria to less than 14 MPN. The Division shall classify the water area determined by this dilution analysis as prohibited to the harvesting of shellfish for human consumption. The Division shall conduct the dilution analysis yearly and shall incorporate the following:

- (a) the findings of the shoreline survey, including the presence of a sewage pumpout system or dump station;
- (b) the physical factors influencing the dilution and dispersion of human wastes; and
- (c) for marinas, docking facilities, and mooring areas in close proximity to one another, slip counts and services shall be combined for the purposes of the dilution analysis. Marinas, docking facilities, and mooring areas, each with three slips or more, shall be considered to be in close proximity to one another if the dilution analysis for each individual facility indicates that the dilution areas meet or overlap.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
 Eff. June 1, 1989;  
 Amended Eff. July 1, 1993;  
 Readopted Eff. June 1, 2023.

**15A NCAC 18A .0912 SHELLFISH MANAGEMENT AREAS**

*History Note:* Authority G.S. 130A-230;  
 Eff. June 1, 1989;  
 Repealed Eff. June 1, 2022.

**15A NCAC 18A .0913 PUBLIC HEALTH EMERGENCY**

- (a) The Division of Marine Fisheries shall immediately close any potentially impacted shellfish growing waters to the harvesting of shellfish in the event of a public health emergency.
- (b) The Division may re-open shellfish growing waters if the condition causing the public health emergency no longer exists and shellfish have had time to purify naturally from possible contamination.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
 Eff. June 1, 1989;  
 Readopted Eff. May 1, 2021.

**15A NCAC 18A .0914 LABORATORY PROCEDURES**

- (a) All laboratory analyses used for the evaluation of shellfish growing areas shall be performed by a laboratory found by a Food and Drug Administration (FDA) Shellfish Laboratory Evaluation Officer or by an FDA-certified State Shellfish Laboratory Evaluation Officer to conform or provisionally conform to the requirements established under the National Shellfish Sanitation Program (NSSP).
- (b) All methods for the analysis of shellfish and shellfish growing waters that are used for the evaluation of shellfish growing areas shall be cited in the latest edition of the NSSP Guide for the Control of Molluscan Shellfish, Section IV: Guidance Documents, subsection Approved NSSP Laboratory Tests, which is incorporated by reference, including subsequent amendments and editions, and available at <https://www.fda.gov/food/federalstate-food-programs/national-shellfish-sanitation-program-nssp> at no cost, or validated for use by the NSSP under the Constitution, Bylaws and Procedures of the Interstate Shellfish Sanitation Conference, which is incorporated by reference, including subsequent amendments and editions, and available at <https://www.issc.org/constitution-bylaws-procedures>, at no cost. If there is an immediate or ongoing critical need for a method and no method approved for use within the NSSP exists, the following may be used:
  - (1) a validated Association of Analytical Communities, Bacteriological Analysis Manual, or Environmental Protection Agency method; or
  - (2) an Emergency Use Method as set forth in the latest approved edition of the NSSP Guide for the Control of Molluscan Shellfish.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
 Eff. June 1, 1989;  
 Amended Eff. September 1, 1991; September 1, 1990;  
 Readopted Eff. May 1, 2021.

**SECTION .1000 - SANITATION OF SUMMER CAMPS**

## 15A NCAC 18A .1001 DEFINITIONS

The following definitions shall apply throughout this Section:

- (1) "Basecamp" means the permanent base of operations of the summer camp served by permanent connection to a public electrical service provider.
- (2) "Bathing facility" means any facility designed to wash the whole body, including a shower facility.
- (3) "Camp food service kitchen" means the interior of a camp kitchen facility at the basecamp, of permanent construction, operated and staffed by the camp employees, used to prepare food for camp attendees, employees, and guests. This term does not include an educational kitchen.
- (4) "Clean" means that an object or surface has been made free of garbage, solid waste, soil, dust, hair, dander, food, bodily fluids and secretions, and feces.
- (5) "Closed" means that a summer camp is not offering food or lodging to the public.
- (6) "Community water supply" means a community water system as defined at G.S. 130A-313(10).
- (7) "Cookout" means an organized activity staffed and operated by the summer camp at the basecamp involving outdoor cooking and dining.
- (8) "Cross-connection" means as defined in 15A NCAC 18C .0102(c)(8).
- (9) "DCDEE" means the Division of Child Development and Early Education of the North Carolina Department of Health and Human Services.
- (10) "Department" means the North Carolina Department of Health and Human Services.
- (11) "Educational kitchen" means a kitchen facility at base camp that can be operated by campers and staff for personal use or instructional purposes.
- (12) "Employee" means as defined in Part 1-2 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A 2651.
- (13) "Equipment" means as defined in Part 1-2 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2651. "Equipment" also includes washing machines and dryers.
- (14) "Evaluation" means an in-person visit from the regulatory authority to a summer camp for the purpose of assessing whether the summer camp will be issued a permit, or have a suspension lifted, pursuant to Rule .1004 of this Section. An evaluation does not result in a letter grade being issued.
- (15) "Garbage" means as defined at G.S. 130A-290(7).
- (16) "Good repair" means in a working safe condition. But for food service equipment and utensils, good repair means as defined at 15A NCAC 18A .2651(8).
- (17) "Inspection" means an in-person visit from the regulatory authority to an open summer camp with an active permit for the purpose of assessing the camp's sanitation pursuant to Rule .1008 of this Section. An inspection results in a letter grade being issued.
- (18) "Linen" means fabric items such as bedding, towels, cloth hampers, cloth napkins, tablecloths, wiping cloths, and work garments including cloth gloves.
- (19) "Litter" means refuse as defined in 130A-290(28).
- (20) "Local health department" means as defined in G.S. 130A-2(5).
- (21) "Non-community water supply" means a noncommunity water system as defined at G.S. 130A-313(10).
- (22) "Open" means that a summer camp is offering food or lodging to the public.
- (23) "Permanent sleeping quarters" means those buildings, cabins, platform tents, covered wagons, or teepees provided by the camp that remain in a fixed location during the camp operation session and provide overnight lodging accommodations for camp participants.
- (24) "Pest" means as defined at G.S. 143-460(26a).
- (25) "Pest harborage" means any condition that provides water or food and shelter for pests.
- (26) "Poisonous or toxic materials" means as defined in Part 1-2 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2651.
- (27) "Potable water" means water that is safe for human consumption.
- (28) "Public electrical service provider" means an entity that furnishes electricity for pay.
- (29) "Refuse" means as defined at G.S. 130A-290(28).
- (30) "Regulatory authority" means the Department or authorized agent of the Department.
- (31) "Responsible person" means the administrator, operator, owner, or other person in charge of the operation of the summer camp.
- (32) "Rubbish" means refuse as defined in 130A-290(28).
- (33) "Sanitarian" means the same as "Registered Environmental Health Specialist" as defined at G.S. 90A-51(4).



- (34) "Sanitize" means as defined in Part 4-7 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2654.
- (35) "Sewage and other liquid waste" means sewage as defined in G.S. 130A-334(13).
- (36) "Solid waste" means as defined at G.S. 130A-290(35).
- (37) "Summer camp" means those camp establishments which prepare or serve food for pay or provide overnight lodging accommodations for pay, for groups of children or adults engaged in organized recreational or educational programs. This definition does not include:
  - (a) those day camps required to obtain a license through DCDEE;
  - (b) Campgrounds or other facilities that only rent property or campsites for camping;
  - (c) Resident camps, Children's Foster Care Camps, and Residential Therapeutic (Habilitative) Camps as defined in 15A NCAC 18A .3601; or
  - (d) Primitive experience camps as defined in 15A NCAC 18A .3501.
- (38) "Summer camp premises" means the physical facilities of the summer camp, the contents of those facilities, and the contiguous land or property under the control of the permit holder or responsible person. This term does not include a camp food service kitchen facility.
- (39) "Supplemental cooking rooms" means as defined in 15A NCAC 18A .2651(20).
- (40) "Swimming pool" means a public swimming pool as defined in Section .2500 of this Subchapter.
- (41) "Time/Temperature Control for Safety Food" or "TCS Food" means as defined in Part 1-2 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2651.
- (42) "Toilet facility" means water closets or privies.
- (43) "Vermin" means "Pest" as defined at G.S. 143-460(26a).
- (44) "Warewashing" means as defined in Part 1-2 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2651.
- (45) "Wildlife" means as defined in G.S. 143-460(38).

*History Note:* Authority G.S. 130A-4; 130A-248;  
 Eff. February 1, 1976;  
 Readopted Eff. December 5, 1977;  
 Amended Eff. November 1, 2002; September 1, 1990;  
 Readopted Eff. April 1, 2024.

**15A NCAC 18A .1002 FIELD SANITATION**

- (a) Summer camps may conduct activities away from base camp provided field sanitation standards are maintained in accordance with 15A NCAC 18A .3619.
- (b) Summer camps may conduct cookouts at basecamp provided field sanitation standards are maintained in accordance with 15A NCAC 18A .3619(1) and (4) through (7), except that written procedures are not required.

*History Note:* Authority G.S. 130A-4; 130A-248;  
 Eff. February 1, 1976;  
 Readopted Eff. December 5, 1977;  
 Amended Eff. September 1, 1990;  
 Readopted Eff. April 1, 2024.

**15A NCAC 18A .1003 STANDARDS AND APPROVAL OF PLANS**

- (a) Plans drawn to scale for the proposed construction of summer camp kitchen facilities, lodging facilities, bathing facilities, and toilet facilities shall be submitted to the local health department of the county in which the camp is located. Plans and equipment specifications for construction or remodeling of a camp food service kitchen shall be submitted in accordance with the provisions of Part 8-2 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2658. Construction shall not be started until the plans have been approved by the local health department. The local health department shall approve, disapprove, or mark incomplete plans for summer camps within 30 days of their receipt. If the local health department disapproves plans or marks them incomplete, the local health department shall provide written comments to the submitter informing them of what is missing or incomplete. If the local health department fails to approve, disapprove, or mark incomplete plans within 30 days of their receipt, the plans shall be deemed approved.
- (b) Plans for the proposed construction or remodeling of a public swimming pool at a summer camp shall be submitted in accordance with 15A NCAC 18A .2509.

*History Note: Authority G.S. 130A-4; 130A-248;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990;  
Readopted Eff. April 1, 2024.*

#### **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 summer camp permit shall be issued until an evaluation by the regulatory authority shows that the establishment complies with all rules within this Section.

(b) Summer camps shall complete and submit to the Department an Advanced Notification for Operation at least 45 days prior to the first date of operation each calendar year. The advanced notification form shall be obtained from the Department and shall include the following information:

- (1) type of camp (Summer, Resident, Primitive Experience);
- (2) date notification is submitted;
- (3) dates of operation (a calendar schedule may be attached);
- (4) the name of the camp;
- (5) the physical and billing addresses of the camp;
- (6) the name of the camp responsible person;
- (7) contact information for the responsible person including phone numbers and emails;
- (8) type of water supply;
- (9) type of wastewater system;
- (10) the capacity of the camp including campers and staff;
- (11) the date the water supply will be accessible for sampling and inspection if applicable;
- (12) the dates, prior to the first date of operation, when facilities will be inspected by camp management to ensure that:
  - (A) camp facilities are clean, and in good repair;
  - (B) camp kitchen equipment, including required refrigeration and dishwashing equipment, is clean and operational;
  - (C) camp buildings and permanent sleeping quarters are free of all bats and other vermin, wildlife, and pest harborages; and
  - (D) the camp is free from conditions which represent a threat to the public health;
- (13) list of any public swimming pools, wading pools, or water recreation attractions at the camp; and
- (14) the name, signature, and title of the person completing the form.

(c) Upon transfer of ownership of an existing summer camp, the regulatory authority shall complete an evaluation of the facility. If the establishment satisfies all the requirements of this Section, a permit shall be issued. If the establishment does not satisfy all the requirements of this Section, a permit shall not be issued. If the regulatory authority determines that the noncompliant items are related to construction or equipment items that do not represent a threat to the public health, a transitional permit may 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 permit holder or responsible person shall have corrected the noncompliant items and obtained a summer camp permit, or the summer camp shall be closed.

(d) The regulatory authority shall impose conditions on the issuance of a summer camp permit or transitional permit, if necessary, to ensure that the summer camp remains in compliance with the rules of this Section. 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; and
- (8) Any other conditions necessary for the summer camp to remain in compliance with the Rules of this Section.

(e) A summer camp 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. If a permit or transitional permit has been suspended, the suspension shall be lifted if the regulatory authority has evaluated the 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 establishment and found it to comply with all applicable rules. These evaluations shall be scheduled and conducted within 15 days after the request is made by the summer camp's permit holder or responsible person.

*History Note:* Authority G.S. 130A-4; 130A-248;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. April 1, 1992; September 1, 1990; March 1, 1988;  
Readopted Eff. April 1, 2024.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **15A NCAC 18A .1006 INSPECTIONS AND REINSPECTIONS**

Upon request from the permit holder or responsible person for a reinspection for the purpose of raising the alphabetical grade of their summer camp, the regulatory authority shall make an unannounced inspection within 15 calendar days from the date of the request. If the camp is closed for the 15 calendar days following the request, the permit holder or responsible person shall inform the regulatory authority when the camp will open, and the regulatory authority shall make an unannounced inspection within 15 calendar days of when the camp opens.

*History Note:* Authority G.S. 130A-4; 130A-248;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .1007 INSPECTION FORMS**

*History Note:* Authority G.S. 130A-248;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990; June 30, 1980;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019;  
Repealed Eff. April 1, 2024.

#### **15A NCAC 18A .1008 GRADING**

(a) The grading of summer camps shall be based on a system of scoring wherein summer camps receiving a score of at least 90 percent shall receive Grade A, summer camps receiving a score of at least 80 percent and less than 90 percent shall receive Grade B, and summer camps receiving a score of at least 70 percent and less than 80 percent shall receive Grade C. Permits shall be immediately revoked in accordance with G.S. 130A-23(d) for summer camps receiving a score of less than 70 percent.

(b) The grading of summer camps shall include the grading of the summer camp premises and the camp food service kitchen, if applicable, using an inspection form provided by the Department. The form shall include the following information:

- (1) name and mailing address of the summer camp;
- (2) name of summer camp permit holder;
- (3) summer camp permit status and score given;
- (4) length of season;
- (5) number of residents;
- (6) standards of construction and operation referenced in Paragraph (c) and (d) of this Rule;
- (7) an explanation for all points deducted;
- (8) signature of the regulatory authority; and
- (9) date of the inspection.

(c) The grading of the summer camps premises shall be based on the standards of operation and construction as set forth in Rules .1002, .1010, .1011, .1013 through .1016, and .1017(f) through .1028 of this Section as follows:

- (1) Violation of Rule .1010 of this Section related to summer camp site free of actual or potential health hazards shall equal no more than three points.
- (2) Violation of Rule .1011(a), (b), or (c) of this Section related to water supply approved and no cross connections shall equal no more than four points.
- (3) Violation of Rule .1011(d) of this Section related to hot water facilities provided, hot and cold water under pressure shall equal no more than two points.
- (4) Violation of Rule .1013 of this Section related to sewage and liquid waste disposal shall equal no more than four points.
- (5) Violation of Rule .1025 of this Section related to solid waste storage and cleaning facilities shall equal no more than three points.
- (6) Violation of Rule .1024(1) or (2) of this Section related to camp building floors, walls, and ceilings properly constructed, clean, and in good repair shall equal no more than four points.
- (7) Violation of Rule .1024(3) of this Section related to lighting and ventilation adequate, clean, and in good repair shall equal no more than two points.
- (8) Violation of Rule .1016 of this Section related to lodging facilities and permanent sleeping quarters provided by the camp, properly arranged, clean, and in good repair shall equal no more than three points.
- (9) Violation of Rule .1016 of this Section related to separate storage and handling of clean and dirty linen in lodging facilities provided by the camp shall equal no more than two points.
- (10) Violation of Rule .1014(a) through (d) of this Section related to toilet, handwashing, or bathing facilities shall equal no more than four points.
- (11) Violation of Rule .1014(e) of this Section related to laundry areas and equipment clean and in good repair; soiled laundry handled and stored separately from clean laundry shall equal no more than two points.
- (12) Violation of Rule .1015 of this Section related to drinking water facilities shall equal no more than one point.
- (13) Violation of Rule .1026(b) or .1028(a) of this Section related to storage, handling, and use of pesticides, poisonous or toxic materials, and hazardous materials shall equal no more than three points.
- (14) Violation of Rule .1026(a) or (e) of this Section related to measures to exclude flies, rodents and other vermin from entry into food service areas and permanent sleeping quarters and measures to prevent pest harborages on the premises shall equal no more than three points.
- (15) Violation of Rule .1026(c) and .1028(b) of this Section related to clean camp premises, protective railings, and fences in good repair, shall equal no more than three points.
- (16) Violation of Rule .1017(f) or (g), or .1026(d) of this Section related to sanitation standards, lighting protected, and live animals not present in educational kitchen facilities shall equal no more than two points.
- (17) Violation of Rule .1002 of this Section related to field sanitation standards maintained for cookouts or activities involving food preparation or service away from base camp, and written procedures when required, shall equal no more than three points.
- (18) Violation of Rule .1023 of this Section related to the storage and handling of ice outside of a camp food service kitchen shall equal no more than two points.

(d) The grading of a camp food service kitchen shall be based solely on the standards of operation and construction set forth in Rule .1017(a) through .1017(e) of this Section as follows:

- (1) Violation of Chapter 2 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652 related to person in charge present; performance of PIC duties shall equal no more than one point.

- (2) Violation of Chapter 2 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652 related to management awareness, policy present; proper use of reporting, restriction, and exclusion; procedures for responding to vomiting and diarrheal events shall equal no more than two points.
- (3) Violation of Chapter 2 or 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652 and .2653 related to proper employee eating, tasting, drinking, or tobacco use; no discharge from eyes, nose, and mouth shall equal no more than one point.
- (4) Violation of Chapter 2 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652 related to hands clean and properly washed shall equal no more than three points.
- (5) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to no bare hand contact with ready-to-eat food or approved alternate method properly followed shall equal no more than two points.
- (6) Violation of Chapters 5 or 6 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2655 and .2656 related to handwashing facilities supplied and accessible shall equal no more than one point.
- (7) Violation of .1017(d) or Chapter 3 or 5 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 and .2655 related to food obtained from an approved source; food received at proper temperature; food in good condition, safe, unadulterated; required records available, shellstock tags, parasite destruction; water and ice from approved source shall equal no more than three points.
- (8) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to food separated and protected; disposition of returned, previously served, reconditioned, and unsafe food shall equal no more than two points.
- (9) Violation of Chapter 4 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2654 related to food-contact surfaces cleaned and sanitized shall equal no more than two points.
- (10) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to cooking time and temperatures; pasteurized eggs used where required shall equal no more than two points.
- (11) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to reheating procedures for hot holding shall equal no more than two points.
- (12) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to cooling time and temperatures; proper cooling methods shall equal no more than two points.
- (13) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to hot holding temperatures shall equal no more than two points.
- (14) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to cold holding temperatures shall equal no more than two points.
- (15) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to date marking and disposition shall equal no more than two points.
- (16) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to time as a public health control procedures and records shall equal no more than two points.
- (17) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to consumer advisory provided for raw or undercooked foods; pasteurized foods used and prohibited foods not offered shall equal no more than two points.
- (18) Violation of Chapter 3 or 7 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 and .2657 related to food additives approved and properly used; toxic substances properly identified, stored, and used shall equal no more than two points.
- (19) Violation of Chapters 3 and 4 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 and .2654 related to adequate equipment for temperature control; plant food properly cooked for hot holding; approved thawing methods used shall equal no more than two points.

- (20) Violation of Chapter 4 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2654 related to thermometers provided and accurate shall equal no more than one point.
  - (21) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to food being properly labeled or in the original container shall equal no more than one point.
  - (22) Violation of Chapters 2 and 6 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652 and .2656 related to insects and rodents not present and no unauthorized animals shall equal no more than one point.
  - (23) Violation of Chapters 2, 3, 4, 6, or 7 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652, .2653, .2654, .2656, and .2657 related to contamination prevented during food preparation, storage, and display, personal cleanliness, wiping cloths properly used and stored, and washing fruits and vegetables shall equal no more than two points.
  - (24) Violation of Chapters 3 and 4 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 and .2654 related to in-use utensils properly stored; utensils, equipment, and linens properly stored, dried and handled; single-use and single-service articles properly stored and used; gloves used properly shall equal no more than two points.
  - (25) Violation of Chapters 3 and 4 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 and .2654 related to equipment, food and non-food contact surfaces approved, cleanable, properly designed, constructed and used; warewashing facilities installed, maintained, used, and test strips shall equal no more than one point.
  - (26) Violation of Chapter 4 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2654 related to non-food contact surfaces clean shall equal no more than one point.
  - (27) Violation of Chapters 5 and 6 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2655 and .2656 related to hot and cold water available and adequate pressure; plumbing installed and proper backflow devices; sewage and wastewater properly disposed; toilet facilities properly constructed, supplied, and cleaned; garbage and refuse properly disposed and facilities maintained shall equal no more than two points.
  - (28) Violation of .1017(e) or Chapters 4 or 6 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2654 and .2656 related to physical facilities installed, maintained, and clean shall equal no more than one point.
  - (29) Violation of Rule .1017(c) regarding lighting intensity, or Chapters 4 and 6 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2654 and .2656 related to meets ventilation and lighting requirements and designated areas used shall equal no more than one point.
- (e) The inspection form shall be used to document points assessed for violations of the rules of this Section as set forth in Paragraph (c) and (d) of this Rule.
- (f) In filling out the inspection form, points shall be deducted only once for a single occurrence or condition existing within the summer camp. 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 violation.
- (g) Water stains on walls or ceilings are not violations unless microbial growth is present.
- (h) The posted grade card shall be black on a white background on a form provided by the Department. 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 summer camp unless approved by the regulatory authority.

*History Note:* Authority G.S. 130A-4; 130A-248;  
 Eff. February 1, 1976;  
 Readopted Eff. December 5, 1977;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019;  
 Amended Eff. April 1, 2024.

## **15A NCAC 18A .1009 STANDARDS**

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

*Readopted Eff. December 5, 1977;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019;*  
*Repealed Eff. April 1, 2024.*

#### **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;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **15A NCAC 18A .1011 WATER SUPPLY**

- (a) Water supplies shall meet the requirements in 15A NCAC 18A .1700 or 15A NCAC 18C, as applicable.
- (b) For summer camps that use a non-community water supply, a sample of water shall be collected by the Department once a year and submitted to the North Carolina State Laboratory of Public Health or other laboratory certified by the North Carolina State Laboratory of Public Health under 10A NCAC 42C .0102 to perform bacteriological examinations. If the summer camp has been closed for more than 180 consecutive days during any 365-day period, the regulatory authority shall collect these samples at least 30 days and not more than 60 days prior to the camp's scheduled opening date. Failure of the regulatory authority to collect these samples at least 30 days prior to the camps scheduled opening shall not impede the opening of the camp.
- (c) A summer camp's water supply plumbing shall not include cross-connections.
- (d) Summer camps shall provide hot water heating facilities. Hot and cold running water under pressure shall be provided to food preparation areas, bathing facilities, and any other areas in which water is required for cleaning.

*History Note: Authority G.S. 130A-4; 130A-248;*  
*Eff. February 1, 1976;*  
*Readopted Eff. December 5, 1977;*  
*Amended Eff. September 1, 1990; July 1, 1986;*  
*Readopted Eff. April 1, 2024.*

#### **15A NCAC 18A .1012 RECREATIONAL WATERS**

When public swimming pools are provided by a summer camp, they shall meet the requirements of Section .2500 of this Subchapter.

*History Note: Authority G.S. 130A-4; 130A-248;*  
*Eff. February 1, 1976;*  
*Readopted Eff. December 5, 1977;*  
*Amended Eff. September 1, 1990;*  
*Readopted Eff. April 1, 2024.*

#### **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;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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 available for use by employees and campers during all hours the camp is open. Toilets for campers shall be located so that the campers do not pass through a camp food service kitchen to enter the toilet rooms. Toilet facilities shall be provided at a rate of not more than 25 campers and staff per toilet seat. Toilet facilities shall be provided within 500 feet of permanent sleeping quarters and within 500 feet of every camp kitchen facility. Urinals may substitute for no more than two-thirds of toilets. The toilet facility ratio and distance requirements of this Paragraph do not apply to any structure used in the operation of the summer camp before the effective date of this Rule.

(b) Handwashing facilities with running potable water, soap, and individual towels or hand-drying devices shall be provided and located in or immediately adjacent to all flush toilet facilities. All camp kitchen facilities at basecamp shall contain at least one sink that can be used for handwashing supplied with hot and cold running water through mixing faucets, soap, and individual towels or hand-drying devices.

(c) Bathing facilities shall be provided with hot and cold potable water. Bathing facilities shall not be required for day camps where neither campers nor staff stay at the camp overnight.

(d) All toilet, handwashing, and bathing fixtures shall be kept clean and in good repair.

(e) Laundry areas and equipment, if provided, shall be kept clean and in good repair. Soiled laundry shall be handled and stored separately from clean laundry.

*History Note: Authority G.S. 130A-4; 130A-248;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990;  
Readopted Eff. April 1, 2024.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **15A NCAC 18A .1017 FOOD SERVICE FACILITIES**

(a) Summer camps that prepare or serve food for pay shall include at least one camp food service kitchen and a covered dining hall. A camp food service kitchen shall comply with the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2651-.2658 with the following exceptions:

- (1) Any TCS food required to be maintained at or below 41 degrees Fahrenheit by the provisions set forth in Part 3-501 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 may also be maintained between 41 degrees Fahrenheit and 45 degrees Fahrenheit in refrigeration equipment that is not capable of maintaining the food at 41 degrees Fahrenheit or less if:
  - (A) The equipment is in place and in use in the camp food service kitchen on or before the effective date of this Rule;



- (B) On or before April 1, 2026, the equipment is upgraded or replaced to maintain food at a temperature of 5 degrees Celsius or 41 degrees Fahrenheit or less; and
- (C) Any food required to be datemarked in accordance with Part 3-501.17 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 is clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded when held at a temperature between 41 degrees Fahrenheit and 45 degrees Fahrenheit for a maximum of 4 days. The day of preparation shall be counted as Day 1;
- (2) The provisions of Part 8-405 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2658 shall not apply to camp food service kitchens;
- (3) The lighting intensity requirements set forth in Part 6-303.11 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2656 shall not apply;
- (4) Nothing in these Rules shall prohibit family style service where patrons elect to participate in the family dining-table type of service;
- (5) For all equipment, except warewashing equipment, non-commercial equipment in good repair shall be allowed in a camp food service kitchen;
- (6) When only single-service eating and drinking utensils are used, a sink with at least two-compartments meeting the requirements set forth in Chapter 4 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2654 shall be acceptable as the camp food service kitchen warewashing sink;
- (7) The provisions of Part 2-102 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652 shall not apply; and
- (8) The following provisions of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2651 -.2658 shall be effective for summer camps beginning April 1, 2025:
  - (A) Part 2-103.11 Person In Charge;
  - (B) Part 2-201 Responsibilities of Permit Holder, Person in Charge, Food Employees, and Conditional Employees;
  - (C) Part 4-302.13(B) Temperature Measuring Devices, Mechanical Warewashing; and
  - (D) Part 2-501.11 Clean-up of Vomiting and Diarrheal Events.
- (b) After April 1, 2026, all TCS food in camp food service kitchens shall be held in accordance with the provisions of Part 3-501 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 with no allowance for cold holding above 41 degrees Fahrenheit.
- (c) Camp food service kitchens shall be illuminated by natural or artificial means.
- (d) If camp food service is provided by contract with an outside person or operated by an outside company, the responsibility for compliance with food service sanitation requirements remains with the permit holder. The permit holder shall confirm that all food provided by an outside person or company complies with the requirements of Part 3-201.11 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653.
- (e) Supplemental cooking rooms shall be allowed in summer camps. Supplemental cooking rooms shall comply with the standards set forth in 15A NCAC 18A .2664 except that the lighting intensity requirements in Item (7) of that Rule shall not apply.
- (f) Educational kitchens may be operated with non-commercial utensils and equipment. Notwithstanding the provisions set forth in this Section, field sanitation standards set forth in 15A NCAC 18A .3619 shall be met in educational kitchens.
- (g) The lighting in any educational kitchen, food preparation area, or food storage area shall comply with Part 6-202.11 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2656.

*History Note: Authority G.S. 130A-4; 130A-248;  
 Eff. February 1, 1976;  
 Readopted Eff. December 5, 1977;  
 Amended Eff. September 1, 1990;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019;  
 Amended Eff. April 1, 2024.*

- 15A NCAC 18A .1018 FOOD SERVICE UTENSILS AND EQUIPMENT**
- 15A NCAC 18A .1019 FOOD SUPPLIES**
- 15A NCAC 18A .1020 SHELLFISH**
- 15A NCAC 18A .1021 MILK AND MILK PRODUCTS**

## **15A NCAC 18A .1022 FOOD PROTECTION**

*History Note: Authority G.S. 130A-248;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. October 1, 1993; September 1, 1990; July 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019;  
Repealed Eff. April 1, 2024.*

## **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

## **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

## **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **15A NCAC 18A .1027 FOOD SERVICE EMPLOYEES**

*History Note:* Authority G.S. 130A-248;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019;  
Repealed Eff. April 1, 2024.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **15A NCAC 18A .1029 SEVERABILITY**

*History Note:* Authority G.S. 130A-248;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Expired Eff. August 1, 2019 pursuant to G.S. 150B-21.3A.

#### **15A NCAC 18A .1030 REFERENCE RULES**

*History Note:* Authority G.S. 130A-248;  
Eff. February 1, 1976;  
Amended Eff. July 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1986; June 10, 1978;  
Repealed Eff. September 1, 1990.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

### **SECTION .1100 - SANITATION OF FOOD AND BEVERAGE VENDING MACHINES**

Rules .1101 - .1135 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .1101 - .1135); has been transferred and recodified from Rules .1101 - .1135 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .1101 - .1135). Rules .1136 - .1137 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .1136 - .1137); has been transferred and recodified from Rules .1137 - .1138 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .1137 - .1138), effective April 4, 1990.

<b>15A NCAC 18A .1101</b>	<b>DEFINITIONS</b>
<b>15A NCAC 18A .1102</b>	<b>ISSUANCE OF PERMIT</b>
<b>15A NCAC 18A .1103</b>	<b>APPLICATION FOR COMMISSARY PERMIT</b>
<b>15A NCAC 18A .1104</b>	<b>APPLICATION FOR VENDING MACHINE PERMIT</b>
<b>15A NCAC 18A .1105</b>	<b>DISPLAY</b>
<b>15A NCAC 18A .1106</b>	<b>LIST OF MACHINES</b>
<b>15A NCAC 18A .1107</b>	<b>SUSPENSION OR REVOCATION OF PERMITS</b>
<b>15A NCAC 18A .1108</b>	<b>ADVANCE NOTICE OF CERTAIN INSTALLATIONS</b>
<b>15A NCAC 18A .1109</b>	<b>INSPECTIONS OF VENDING MACHINES AND COMMISSARIES</b>
<b>15A NCAC 18A .1110</b>	<b>ADULTERATED OR MISBRANDED FOOD OR BEVERAGE</b>
<b>15A NCAC 18A .1111</b>	<b>REQUIREMENTS FOR VENDING MACHINES</b>
<b>15A NCAC 18A .1112</b>	<b>SATISFACTORY COMPLIANCE</b>
<b>15A NCAC 18A .1113</b>	<b>MACHINE LOCATION</b>
<b>15A NCAC 18A .1114</b>	<b>EXTERIOR CONSTRUCTION AND MAINTENANCE</b>
<b>15A NCAC 18A .1115</b>	<b>INTERIOR CONSTRUCTION AND MAINTENANCE</b>
<b>15A NCAC 18A .1116</b>	<b>APPROVED MACHINES</b>
<b>15A NCAC 18A .1117</b>	<b>WATER SUPPLY</b>
<b>15A NCAC 18A .1118</b>	<b>WASTE DISPOSAL</b>
<b>15A NCAC 18A .1119</b>	<b>DELIVERY OF FOODS AND SUPPLIES</b>
<b>15A NCAC 18A .1120</b>	<b>REQUIREMENTS FOR PERSONNEL</b>
<b>15A NCAC 18A .1121</b>	<b>DISEASE CONTROL</b>
<b>15A NCAC 18A .1122</b>	<b>COMMISSARIES PREPARING FOOD</b>
<b>15A NCAC 18A .1123</b>	<b>COMMISSARIES NOT PREPARING FOOD</b>

15A NCAC 18A .1124	FLOOR
15A NCAC 18A .1125	WALLS AND CEILINGS
15A NCAC 18A .1126	DOORS AND WINDOWS
15A NCAC 18A .1127	LIGHTING AND VENTILATION
15A NCAC 18A .1128	TOILET FACILITIES
15A NCAC 18A .1129	LAVATORY FACILITIES
15A NCAC 18A .1130	FOOD STORAGE AREAS
15A NCAC 18A .1131	FACILITIES FOR CLEANING
15A NCAC 18A .1132	LIQUID WASTES
15A NCAC 18A .1133	OTHER WASTES
15A NCAC 18A .1134	PREMISES
15A NCAC 18A .1135	SEVERABILITY
15A NCAC 18A .1136	REFERENCES

*History Note:* Authority G.S. 130A-248;  
 Eff. February 1, 1976;  
 Amended Eff. July 1, 1977;  
 Readopted Eff. December 5, 1977;  
 Amended Eff. June 30, 1980;  
 Repealed Eff. July 1, 1990 in accordance with G.S. 150B-59(c).

**15A NCAC 18A .1137 APPEALS PROCEDURE**

*History Note:* Authority G.S. 130A-248;  
 Eff. February 1, 1987;  
 Repealed Eff. July 1, 1990 in accordance with G.S. 150B-59(c).

**SECTION .1200 - GRADE A MILK SANITATION (TRANSFERRED TO 02 NCAC 09G .2001-.2010)**

15A NCAC 18A .1201-.1208 were transferred and recodified from 10 NCAC 10A .1205-.1212, 15A NCAC 18A .1209 was transferred and recodified from 10 NCAC 10A .1214, transfers and recodifications effective April 4, 1990.

15A NCAC 18A .1201	GENERAL - ADOPTION BY REFERENCE (TRANSFERRED TO 02 NCAC 09G .2001)
15A NCAC 18A .1202	MODIFICATIONS OF THE ADOPTION BY REFERENCE (TRANSFERRED TO 02 NCAC 09G .2002)
15A NCAC 18A .1203	DEFINITIONS (TRANSFERRED TO 02 NCAC 09G .2003)
15A NCAC 18A .1204	PERMITS REQUIRED (TRANSFERRED TO 02 NCAC 09G .2004)
15A NCAC 18A .1205	PROCEDURE FOR ISSUANCE OF PERMIT: SAMPLING: EMBARGO (TRANSFERRED TO 02 NCAC 09G .2005)
15A NCAC 18A .1206	PERMIT SUSPENSION AND REVOCATION (TRANSFERRED TO 02 NCAC 09G .2006)
15A NCAC 18A .1207	ENFORCEMENT AND PENALTIES (TRANSFERRED TO 02 NCAC 09G .2007)
15A NCAC 18A .1208	SEVERABILITY (TRANSFERRED TO 02 NCAC 09G .2008)
15A NCAC 18A .1209	APPEALS PROCEDURE (TRANSFERRED TO 02 NCAC 09G .2009)
15A NCAC 18A .1210	RESTRICTIONS ON DISPENSING RAW MILK (TRANSFERRED TO 02 NCAC 09G .2010)

## **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:

- (1) "Activity kitchen" means a kitchen that is available to residents of an institution and their guests for the purpose of preparing food for individual or group activities. Nothing in this Section shall prohibit residents or employees of a residential care facility, as that term is defined at 15A NCAC 18A .1601 or their guests from using an activity kitchen when an institution's activity kitchen is in the same building where a residential care facility is located.
- (2) "Administrator" means the person designated by the licensee to be responsible for the daily operation of the institution.
- (3) "Ancillary kitchen" means a kitchen that is used by the institution's employees for meal preparation and other work to support the dietary kitchen. Ancillary kitchens shall meet the requirements of 15A NCAC 18A .2600.
- (4) "Bed linens" means bed sheets, pillowcases, mattress covers, blankets, and duvets covers.
- (5) "Clean" means that an object or surface has been made free of garbage, solid waste, soil, dust, hair, dander, food, bodily fluids and secretions, and feces.
- (6) "Department" means the North Carolina Department of Health and Human Services.
- (7) "Dietary kitchen" means the primary kitchen in the institution that is used to provide meals and nutrition services to the institution's residents, employees, and guests. Dietary kitchens shall meet the requirements of 15A NCAC 18A .2600.
- (8) "Disinfect" means a non-sporicidal process used on inanimate surfaces to destroy or irreversibly inactivate fungi, viruses, and bacteria by using an EPA registered disinfectant in accordance with the disinfectant's product label.
- (9) "EPA registered disinfectant" means a disinfectant as defined at 40 C.F.R. 158.2203 that has been registered with the United States Environmental Protection Agency ("EPA") in accordance with 40 C.F.R. 152, which are hereby incorporated by reference, including any subsequent amendments or editions, and available free of charge at <https://www.ecfr.gov/>.
- (10) "Garbage" means as defined at G.S. 130A-290(7).
- (11) "Good repair" means as defined at 15A NCAC 18A .2651(8). Items that are in good repair shall operate in accordance with the manufacturer's instructions.
- (12) "Hand Hygiene Program" means a written plan implemented in an institution in the absence of hand washing facilities as set forth in this Section. The licensee or the licensee's designee shall submit the hand hygiene program plan to the local health department for the county in which the institution is located, serving as the regulatory authority, for approval prior to implementing the hand hygiene program. The regulatory authority shall notify the institution or the institution's designee in writing of the decision to approve or not to approve the hand hygiene program plan. In determining whether to approve the hand hygiene program, the regulatory authority shall consider the following:
  - (a) the type and frequency of activities carried out at the institution that involve employee or resident contact with bodily fluids or secretions; and
  - (b) the number of handwashing facilities on each wing or floor of an institution's building or buildings.
- (13) "Institution" means the following establishments that provide room or board and for which a license or certificate of payment must be obtained from the Department:
  - (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) an establishment, other than a hospital and nursing home, for the recuperation and treatment of 13 or more persons suffering from physical, behavioral, or mental health conditions;
  - (d) adult care home, as defined at G.S. 131D-2.1;
  - (e) residential child care facility, as defined at G.S. 131D-10.2(13); and
  - (f) facilities that provide room and board to individuals but are exempt from licensure under G.S. 131D-10.4(1).

This term shall not include a child care facility as defined in G.S. 110-86(3), an adult day service facility as defined in 15A NCAC 18A .3300, or a residential care facility as defined in 15A NCAC 18A .1600.

- (14) "Licensing agency" means the North Carolina Department of Health and Human Services, Division of Health Service Regulation.
- (15) "Linens" means bath towels, hand drying towels, and bed linens.
- (16) "Local health department" means as defined in G.S. 130A-2(5).
- (17) "Non-community water supply" means a noncommunity water system as defined at G.S. 130A-313(10).
- (18) "Nourishment station" means an area where commercially packaged food that is used to provide nourishment to an institution's residents, employees, or guests is stored.
- (19) "Pest" means as defined at G.S. 143-460(26a).
- (20) "Pest harborage" means any condition that provides water or food and shelter for pests.
- (21) "Refuse" means as defined at G.S. 130A-290(28).
- (22) "Registered Environmental Health Specialist" or "REHS" means as defined at G.S. 90A-51(4).
- (23) "Regulatory authority" means the Department or authorized agent of the Department.
- (24) "Rehabilitation kitchen" means a kitchen used solely for the purpose of providing supervised therapeutic activities to residents, including occupational or physical therapy. Food prepared in a rehabilitation kitchen shall not be consumed by anyone who is not a participant in the therapeutic activity being conducted in the rehabilitation kitchen.
- (25) "Resident" means an individual residing in or being served by the institution, including patients. This term does not include an institution's employees or a resident's guests.
- (26) "Sanitize" means as defined in Part 4-7 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2654.
- (27) "Solid waste" means as defined at G.S. 130A-290(35).
- (28) "Time/Temperature Control for Safety Food" or "TCS Food" means as defined in Part 1-2 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2651.
- (29) "Yard trash" means as defined at G.S. 130A-290(45).

*History Note:* Authority G.S. 130A-4; 130A-29; 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;  
 Readopted Eff. December 1, 2022.

**15A NCAC 18A .1302 APPROVAL OF PLANS**

Construction documents, as defined in 10A NCAC 13B .3001, for an institution shall be submitted by the licensee to the local health department for the county in which the institution is located, serving as the regulatory authority, for review and approval before beginning construction. Construction documents shall be approved by the regulatory authority when the plans comply with the Rules of this Section.

*History Note:* Authority G.S. 130A-4; 130A-29; 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;  
 Readopted Eff. December 1, 2022.

**15A NCAC 18A .1303 WATER SUPPLY AND SEWERAGE FACILITIES**

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

**15A NCAC 18A .1304 INSPECTIONS**

(a) Institutions shall be inspected once in a six month period by the local health department for the county in which the institution is located, serving as the regulatory authority. Dietary kitchens within institutions shall be inspected in accordance with G.S. 130A-235(a1) or 10A NCAC 46 .0213, as applicable.

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

- (1) the name and address of the institution;
- (2) the name of the licensee;
- (3) an explanation for all points deducted during the inspection and scoring;
- (4) the institution's score calculated in accordance with Rule .1308 of this Section;
- (5) the signature of the Registered Environmental Health Specialist who conducted the inspection; and
- (6) the date on which the inspection was conducted.

(c) The inspection of dietary kitchens, ancillary kitchens, and areas for dining associated with the dietary kitchen or ancillary kitchen shall be documented separately using the inspection forms and grading system specified in 15A NCAC 18A .2661 and .2662. Dietary kitchens, ancillary kitchens, and areas for dining associated with the dietary kitchen or ancillary kitchen in operation before March 1, 2003 shall be allowed to continue to use equipment and construction in use on that date if no imminent hazard as defined at G.S. 130A-2(3) exists. When such equipment is replaced, the replacement equipment shall comply with 15A NCAC 18A .2654.

*History Note: Authority G.S. 130A-4; 130A-29; 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;  
Readopted Eff. December 1, 2022.*

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

When an institution is located in the same building or on contiguous parcels of land as one or more residential care facilities that provide room or board for 12 persons or fewer, the residential care facilities shall be inspected and graded separately from the institution and in accordance with 15A NCAC 18A .1600.

*History Note: Authority G.S. 130A-4; 130A-29; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;  
Readopted Eff. December 1, 2022.*

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

(a) When an institution is inspected, the regulatory authority shall designate the location where the grade card shall be posted. The grade card shall be located where the public has an unobstructed view of the grade card upon entering the institution. The posted grade card shall be black text on a white background. The section of text on the grade card that lists the numeric score and the alphabetic grade shall be 1.5 inches in height.

(b) When an institution is inspected, the regulatory authority shall remove any existing grade card, issue a new grade card, and post the new grade card in accordance with Paragraph (a) of this Rule. The administrator shall keep the grade card posted at the designated location at all times.

*History Note: Authority G.S. 130A-4; 130A-29; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. March 1, 2003 (see S.L. 2002-160); July 1, 1986;  
Readopted Eff. December 1, 2022.*

#### **15A NCAC 18A .1307 REINSPECTIONS**

The administrator may request a reinspection for the purpose of raising the alphabetical grade. If the administrator requests a reinspection for the purpose of raising the alphabetical grade, the regulatory authority shall conduct a reinspection in



accordance with the rules of this Section. The administrator shall submit the request for reinspection to the local health department, serving as the regulatory authority, for the county in which the institution is located. The regulatory authority shall make an unannounced inspection within 30 calendar days from the date on which the request for reinspection is made. The alphabetical grade that is assessed based on the reinspection shall replace the institution's most recently assessed alphabetical grade. Following a reinspection, a new grade card shall be issued and posted in accordance with Rule .1306 of this Section.

*History Note: Authority G.S. 130A-4; 130A-29; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. March 1, 2003 (see S.L. 2002-160);  
Readopted Eff. December 1, 2022.*

#### **15A NCAC 18A .1308 SCORING SYSTEM**

(a) The grading of all institutions shall be based on a sanitation system of scoring as follows:

- (1) institutions receiving a score of 90 percent or greater shall be awarded Grade A;
- (2) institutions receiving a score of at least 80 percent and less than 90 percent shall be awarded Grade B;
- (3) institutions receiving a score of at least 70 percent and less than 80 percent shall be awarded Grade C; and
- (4) institutions receiving a score of less than 70 percent do not meet the minimum sanitation standards and shall not receive a grade.

(b) If an institution or an institution's dietary kitchen fails to earn a sanitation score of at least 70 percent, the regulatory authority shall notify the licensing agency within 24 hours of completing the inspection and shall provide a copy of the inspection report to the licensing agency within two business days of the date of the inspection.

(c) The sanitation score is a percentage determined by deducting points from 100 for each item found not to be in compliance with the rules of this Section. Deductions for sanitation scores shall be based on violations of the Rules of this Section that are observed during the inspection. The regulatory authority shall take zero, one-half, or a full deduction based on the severity or the recurring nature of the rule violation. The percentage point value of each item is determined as follows:

- (1) Violation of Rule .1309 of this Section regarding the cleanliness and repair of floors and carpet shall equal no more than two points.
- (2) Violation of Rule .1310(a) of this Section regarding walls and ceilings shall equal no more than two points.
- (3) Violation of Rule .1310(b) of this Section regarding ceiling attachments shall equal no more than one point.
- (4) Violation of Rule .1311(a) of this Section regarding lighting levels shall equal no more than one point.
- (5) Violation of Rule .1311(b) of this Section regarding cleanliness of ventilation equipment shall equal no more than one point.
- (6) Violation of Rule .1311(c) of this Section regarding ambient air temperatures shall equal no more than two points.
- (7) Violation of Rule .1312(a) of this Section regarding toilet, handwashing, and bathing facilities shall equal no more than two points.
- (8) Violation of Rule .1312(b) of this Section regarding storage and signage shall equal no more than one point.
- (9) Violation of Rule .1312(c) of this Section regarding bedpans, urinals, bedside commodes, and emesis basins shall equal no more than one point.
- (10) Violation of Rule .1312(d) of this Section regarding handwashing facilities shall equal no more than three points.
- (11) Violation of Rule .1312(e) of this Section regarding disinfectants shall equal no more than two points.
- (12) Violation of Rule .1312(f) of this Section regarding bathing facilities shall equal no more than three points.
- (13) Violation of Rule .1313(a) of this Section regarding water supply shall equal no more than four points.
- (14) Violation of Rule .1313(b) of this Section regarding water sampling shall equal no more than two points.
- (15) Violation of Rule .1313(c) of this Section regarding cross-connections shall equal no more than two points.
- (16) Violation of Rule .1313(d) of this Section regarding hot and cold water shall equal no more than three points.
- (17) Violation of Rule .1313(e) of this Section regarding back up water supply plans shall equal no more than one point.
- (18) Violation of Rule .1314(a) of this Section regarding cleaning and maintenance of drinking fountains shall equal no more than one point.

- (19) Violation of Rule .1314(b) of this Section regarding utensils used for service of water and ice shall equal no more than two points.
- (20) Violation of Rule .1314(c) of this Section regarding protection of ice shall equal no more than two points.
- (21) Violation of Rule .1315(a) of this Section regarding sewage disposal shall equal no more than four points.
- (22) Violation of Rule .1315(b) of this Section regarding disposal of mop water shall equal no more than three points.
- (23) Violation of Rule .1316(a) of this Section regarding solid waste storage shall equal no more than one point.
- (24) Violation of Rule .1316(b) of this Section regarding refuse, recyclables, and returnables shall equal no more than one point.
- (25) Violation of Rule .1316(c) of this Section regarding containers and container washing facilities shall equal no more than one point.
- (26) Violation of Rule .1316(d) of this Section regarding cleaning and maintenance of the premises shall equal no more than two points.
- (27) Violation of Rule .1316(e) of this Section regarding handling and disposal of medical waste shall equal no more than two points.
- (28) Violation of Rule .1317(a) of this Section regarding pest control shall equal no more than one point.
- (29) Violation of Rule .1317(b) of this Section regarding storage and handling of pesticides shall equal no more than two points.
- (30) Violation of Rule .1318(a) of this Section regarding medication carts shall equal no more than two points.
- (31) Violation of Rule .1318(b) of this Section regarding feeding bags, tubes, syringes, and oral suction catheters shall equal no more than two points.
- (32) Violation of Rule .1319(a) of this Section regarding furnishings shall equal no more than one point.
- (33) Violation of Rule .1319(b) of this Section regarding linens and linen storage shall equal no more than one point.
- (34) Violation of Rule .1319(c) of this Section regarding sanitizing of laundry shall equal no more than three points.
- (35) Violation of Rule .1319(d) of this Section regarding laundry shall equal no more than one point.
- (36) Violation of Rule .1319(e) of this Section regarding laundry areas shall equal no more than one point.
- (37) Violation of Rule .1319(f) of this Section regarding mobility equipment shall equal no more than one point.
- (38) Violation of Rule .1320(a) of this Section regarding food service equipment shall equal no more than one point.
- (39) Violation of Rule .1320(b) of this Section regarding cleaning and sanitization of utensils shall equal no more than three points.
- (40) Violation of Rule .1320(c) of this Section regarding handwashing facilities shall equal no more than two points.
- (41) Violation of Rule .1320(d) of this Section regarding cooking and baking equipment surfaces shall equal no more than one point.
- (42) Violation of Rule .1321(a) of this Section regarding food sources and supplies shall equal no more than three points.
- (43) Violation of Rule .1321(b) of this Section regarding storage, labeling, and condition of food shall equal no more than one point.
- (44) Violation of Rule .1323(a) of this Section regarding food protection shall equal no more than four points.
- (45) Violation of Rule .1323(b) of this Section regarding hot and cold food holding equipment shall equal no more than one point.
- (46) Violation of Rule .1323(c) of this Section regarding food storage shall equal no more than one point.
- (47) Violation of Rule .1323(d) of this Section regarding live animals shall equal no more than two points.
- (48) Violation of Rule .1324(a) of this Section regarding employee clothing shall equal no more than two points.
- (49) Violation of Rule .1324(a)(1)-(5) of this Section regarding employee handwashing shall equal no more than three points.
- (50) Violation of Rule .1324(b) of this Section regarding employee handwashing shall equal no more than three points.
- (51) Violation of Rule .1324(c) of this Section regarding exclusion of persons with certain diseases and conditions from food service work shall equal no more than four points.
- (52) Violation of Rule .1324(d) of this Section regarding cleaning supplies and written procedures for responding to vomiting or diarrheal events shall equal no more than two points.

*History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. February 1, 2004; August 1, 2002;  
Readopted Eff. December 1, 2022.

#### **15A NCAC 18A .1309 FLOORS**

- (a) Except as permitted by Paragraph (b) of this Rule, the floors in an institution shall be made of smooth, non-absorbent materials and shall be kept clean and in good repair.
- (b) Notwithstanding the foregoing in Paragraph (a) of this Rule, carpet is permitted if it is kept clean, odor free, and in good repair.

*History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;  
Readopted Eff. December 1, 2022.

#### **15A NCAC 18A .1310 WALLS AND CEILINGS**

- (a) The interior walls of the institution, including doors, windows and window trim, and ceilings shall be kept clean and in good repair.
- (b) Light fixtures, fans, conduits, and heating, ventilation, and air conditioning vents shall be kept clean and in good repair.

*History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. March 1, 2003 (see S.L. 2002-160);  
Readopted Eff. December 1, 2022.

#### **15A NCAC 18A .1311 LIGHTING AND VENTILATION**

- (a) The areas interior to an institution's building or buildings shall be equipped with at least 10 foot candles of light at 30 inches above the floor.
- (b) Ventilation equipment shall be kept clean and in good repair.
- (c) Ambient indoor air temperatures shall be maintained at or below 85 degrees Fahrenheit.

*History Note:* Authority G.S. 130A-4; 130A-29; 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;  
Readopted Eff. December 1, 2022.

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

- (a) All institutions shall provide toilet, handwashing, and bathing facilities that are available for use by residents and staff. These facilities shall be kept clean and in good repair.
- (b) Bathrooms shall not be used for storage of items not currently in use. A sign shall be posted in each toilet room for institution employees directing them to wash their hands after each visit to the toilet room and before returning to work.
- (c) Institutions where bedpans, bedside commodes, urinals, or emesis basins are used shall provide facilities for emptying, cleaning, and disinfecting bedpans, bedside commodes, urinals, and emesis basins. Bedpans, bedside commodes, urinals, shared diaper changing surfaces, and emesis basins that have been used by a resident shall be kept clean and shall be disinfected before use by other residents. When disposable bedpans, emesis basins, and urinals are reused, they shall be labeled so that they are associated with an individual resident. Disposable bedpans, emesis basins, and urinals shall not be used by more than one resident.
- (d) Handwashing facilities shall be located in an institution in accordance with 10A NCAC 13B .5411, 10A NCAC 13D .3201, 10A NCAC 13F .0305, .1304, and 10A NCAC 13K .1109, .1204, as applicable. Institutions that do not have a

handwashing facility located in all areas required by this Paragraph shall not be required to install handwashing facilities if the institution has an approved hand hygiene program. Hand washing facilities shall be equipped with running water and a tempering device. Handwashing facilities shall be supplied with soap and disposable towels or hand-drying devices. Handwashing facilities shall be used only for handwashing and shall not be used for disposal of bodily fluids or washing items that are not clean. Notwithstanding the foregoing sentence, handwashing facilities provided for use in a resident's room may be used for personal hygiene, rinsing feeding tubes, obtaining drinking water, and disposal of medications in accordance with the manufacturer's instructions or non-TCS liquids as long as the handwashing facility is kept clean and is disinfected daily. Employees shall be permitted to use handwashing facilities to dispose of medications in accordance with the manufacturer's instructions.

(e) EPA registered disinfectants shall be used in accordance with the manufacturer's instructions. When EPA registered disinfectants are mixed and prepared by institution employees, a measuring device, chemical testing device, or the methods and devices prescribed by the chemical manufacturer shall be used to prepare the concentration of chemicals in accordance with the disinfectant's label and the manufacturer's instructions.

(f) Bathing facilities shall be equipped with running water and a tempering device. Bathing equipment that has contact with a resident's skin and is used by more than one resident shall be kept clean and shall be disinfected between resident uses. Equipment located within a bathing facility that uses a pump to move water shall be kept clean in accordance with the manufacturer's instructions.

*History Note: Authority G.S. 130A-4; 130A-29; 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;  
Readopted Eff. December 1, 2022.*

#### **15A NCAC 18A .1313 WATER SUPPLY**

(a) Water supplies at institutions shall meet the requirements in 15A NCAC 18C or 15A NCAC 18A .1700, as applicable.

(b) In institutions that use a non-community water supply, a sample of water shall be collected by the Department once a year and submitted to the North Carolina State Laboratory of Public Health or other laboratory certified by the North Carolina State Laboratory of Public Health under 10A NCAC 41C .0102 to perform bacteriological examinations.

(c) An institution's water supply plumbing shall not include cross-connections as set out in 15A NCAC 18C .0102(c)(8).

(d) Institutions shall provide water heating facilities. Hot and cold running water under pressure shall be provided to carry out all operations. Hot water shall be provided at temperatures between 105 degrees Fahrenheit and 116 degrees Fahrenheit at handwashing and bathing facilities.

(e) The administrator shall immediately notify the licensing agency and the local health department that serves the county in which the institution is located if the institution's primary water supply is interrupted for more than four consecutive hours. The institution shall have a written plan to obtain a backup water supply in the event that the institution's primary water supply is interrupted for more than four consecutive hours. The written plan shall identify a backup water supply or alternate source of water that provides two liters of potable water per day per resident and institution employee for drinking and potable water for food preparation, hand washing, bathing, cleaning, dishwashing, laundry, and disposal of bodily waste. This may include a plan for relocating residents to a facility with a water supply that satisfies Paragraph (a) of this Rule. If an institution's primary water supply or back up water supply becomes unsafe for human consumption then the water sources within the institution, such as sink faucets, shall be labeled or hooded to prevent their use and the administrator shall provide potable water for use by the institution's residents and employees.

*History Note: Authority G.S. 130A-4; 130A-29; 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;  
Readopted Eff. December 1, 2022.*

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

- (a) Drinking fountains shall be kept clean and in good repair.
- (b) Multi-use utensils for service of water and ice shall be kept clean and in good repair and shall be sanitized before being provided to a resident for use. Disposable, single service utensils shall be used by only one person.
- (c) Ice shall be protected against physical, chemical, and biological contamination and shall be kept clean. Ice machines, buckets, and scoops shall be kept clean and in good repair. Ice machines and storage chests accessible to residents, guests, or the public shall provide ice through automatic ice dispensing equipment and shall not permit ice to be accessed using a scoop or bucket.

*History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;  
Readopted Eff. December 1, 2022.

#### **15A NCAC 18A .1315 LIQUID WASTES**

- (a) All sewage originating from the institution shall be disposed of using a publicly operated sewage treatment plant or an individual sewage disposal system that meets the requirements of Section .1900 of this Subchapter.
- (b) Mop basins or mop sinks shall only be used to wash mops and dispose of the water used for mopping.

*History Note:* Authority G.S. 130A-4; 130A-29; 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;  
Readopted Eff. December 1, 2022.

#### **15A NCAC 18A .1316 SOLID WASTES: PREMISES MEDICAL WASTES**

- (a) All solid wastes containing food scraps or other putrescible materials shall be kept in leak-proof, non-absorbent containers which shall be kept covered with tight-fitting lids when not in use.
- (b) Refuse, recyclables, and returnables shall be stored in containers, rooms, or areas designated for the storage of refuse, recyclables, and returnables.
- (c) The designated rooms and containers described in Paragraph (b) of this Rule shall have the capacity to store the institution's refuse, recyclables, and returnables and shall be kept clean. Cleaning facilities for containers used to store food scraps, putrescible materials, refuse, recyclables, and returnables shall be provided.
- (d) An institution's exterior premises, including parking lots, lawns, and walkways, and interior premises within the institution's building or buildings, shall be kept free of garbage, solid waste, yard trash, and pest harborage.
- (e) Medical wastes shall be handled and disposed of as required in North Carolina "Solid Waste Management Rules" 15A NCAC 13B .1200.

*History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;  
Readopted Eff. December 1, 2022.

#### **15A NCAC 18A .1317 PEST CONTROL: PESTICIDES**

- (a) Pests shall not be present in an institution's building or buildings. Openings to the outside of an institution's building or buildings shall be equipped with self-closing doors that are flush with the door frame when closed, closed windows, window screening on windows that can be opened, or controlled air currents to prevent pests from entering the building or buildings.
- (b) Only pesticides that are registered in accordance with 40 C.F.R. 152 and G.S. 143-442 shall be used to control pests. Pesticides shall be used, handled, and stored in accordance with the instructions on the manufacturer's label.

*History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;

*Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;  
Readopted Eff. December 1, 2022.*

**15A NCAC 18A .1318 MEDICAL SUPPLIES**

- (a) Medication carts shall be kept clean. Food, utensils, medications, and equipment used on medication carts shall be kept clean. Sharps containers located on medication carts shall be attached or secured to the medication cart to prevent the sharps contained from spilling.
- (b) Feeding bags, tubes, syringes, and oral suction catheters shall be stored and used in accordance with the manufacturer's instructions.

*History Note: Authority G.S. 130A-4; 130A-29; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. March 1, 2003 (see S.L. 2002-160);  
Readopted Eff. December 1, 2022.*

**15A NCAC 18A .1319 FURNISHINGS AND LAUNDRY**

- (a) Furnishings in an institution, including furniture, curtains, rugs, and blinds, shall be kept clean and in good repair. Mattresses shall be kept clean, dry, and in good repair.
- (b) Bed linens that are provided by the institution for use by residents shall be free from holes and tears. A resident's bed linens shall be changed when no longer clean. Linens that are not clean shall be placed in a covered container or bag devoted to this purpose at the point of use and stored in the covered container or bag until sanitized in accordance with Paragraph (c) of this Rule to contain and minimize aerosolization of and exposure to any waste products. Such covered containers or bags shall be kept clean between uses and labeled to indicate the contents. Linens that are not clean shall be handled and stored separately from cleaned and sanitized linens.
- (c) Linens provided by the institution that are not clean shall be cleaned and sanitized in accordance with this paragraph. When hot water in washing machines is used to sanitize linens provided by the institution, the washing machines shall be operated in accordance with the manufacturer's instructions. When chemicals are used to sanitize linens provided by the institution, linens shall be washed in accordance with the following:
  - (1) using a solution of at least 50 parts per million chlorine; or
  - (2) using laundry sanitizer that is registered in accordance with 40 C.F.R. 152 and that is used in accordance with the manufacturer's instructions.
- (d) Clothing and linens that are provided by a resident for the resident's personal use shall be that resident's personal laundry. Personal laundry that is not clean shall be kept separate from clean clothing and linens using covered containers or bags that are labeled to indicate their contents and kept clean between uses. Containers or bags that are used to hold personal laundry that is not clean shall not be used for clean personal laundry. When a resident's personal laundry is combined with the personal laundry of one or more other residents and washed together by the institution, the combined personal laundry shall be washed in accordance with Paragraph (c) of this Rule.
- (e) Laundry areas and equipment shall be kept clean.
- (f) Wheelchairs, walkers, lifts, and other mobility equipment shall be kept clean and sanitized between uses by different residents.

*History Note: Authority G.S. 130A-4; 130A-29; 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;  
Readopted Eff. December 1, 2022.*

**15A NCAC 18A .1320 ACTIVITY KITCHENS, REHABILITATION KITCHENS, AND NOURISHMENT STATIONS**

- (a) All food service equipment and utensils shall be kept clean and in good repair. Institutions shall be allowed to use domestic food service equipment in activity kitchens, rehabilitation kitchens, and nourishment stations.

(b) Utensils that have been used to prepare, serve, or consume food or drink shall be returned to the dietary kitchen and shall be washed, rinsed, and sanitized. Notwithstanding the foregoing sentence, utensils may be washed, rinsed and sanitized at activity kitchens, rehabilitation kitchens, and nourishment stations that are equipped with the following:

- (1) a two compartment sink with 24 inch drainboards or counter top space at each end of the sink for handling used utensils and air drying clean and sanitized utensils. The sinks shall be of sufficient size to submerge, wash, rinse and sanitize utensils; or
- (2) a dishwashing machine approved by National Sanitation Foundation International.

(c) Any area where food is portioned, served, or handled shall be equipped with a handwashing facility with a hot and cold mixing faucet, soap, and single-use towels or a hand-drying device.

(d) The food-contact surfaces of cooking and baking equipment, including microwave ovens, shall be kept clean.

*History Note: Authority G.S. 130A-4; 130A-29; 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;  
Readopted Eff. December 1, 2022.*

#### **15A NCAC 18A .1321 FOOD SUPPLIES**

(a) All food and food supplies provided by an institution for consumption by residents shall be from approved sources, stored, and handled as set forth in 15A NCAC 18A .2600.

(b) Food brought from home by employees or visitors of patients or residents shall be stored separately from the institution's food supply as described in Paragraph (a) of this Rule. Such food shall be labeled with the name of the resident or employee that the food belongs to and the date the food was brought into the institution. Labeling as required by this Rule shall not be required for food items stored in employee-designated or individual resident's refrigerators or rooms.

*History Note: Authority G.S. 130A-4; 130A-29; 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;  
Readopted Eff. December 1, 2022.*

#### **15A NCAC 18A .1322 MILK AND MILK PRODUCTS**

*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;  
Expired Eff. August 1, 2019 pursuant to G.S. 150B-21.3A.*

#### **15A NCAC 18A .1323 FOOD PROTECTION IN ACTIVITY KITCHENS, REHABILITATION KITCHENS, AND NOURISHMENT STATIONS**

(a) All TCS food shall be maintained at temperatures required by Part 3-501.19 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 during storage, preparation, transportation, display, and service of the TCS food. Time as a public health control may be used as specified in Section .2600 of this Subchapter, except that written procedures shall not be required.

(b) Hot and cold holding equipment shall be used to maintain required temperatures for TCS food. Each refrigeration unit shall be provided with an indicating thermometer that is accurate to  $\pm 3$  degrees Fahrenheit or  $\pm 1.5$  degrees Celsius.

(c) Food shall be stored at least six inches above the floor, in a clean, dry location, and protected from contamination.

(d) No live animals shall be allowed in any room where food is prepared or stored. Live animals shall be permitted in an institution's dining areas in the following situations and only if the live animal does not come into physical contact with

institution employees engaged in the preparation or handling of food, serving dishes, utensils, tableware, linens, unwrapped single service and single use articles, food contact surfaces, or other food service items:

- (1) Fish or crustacea in aquariums or display tanks, or other animals in enclosed terrariums or glass enclosed aviaries;
  - (2) Dogs accompanying police or security officers in offices and dining, sales, and storage areas, and dogs used for security purposes running loose in outside fenced areas;
  - (3) Service animals, as defined in 28 C.F.R. 36.104, accompanying individuals with disabilities in areas that are not used for food preparation; and
  - (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 dining areas of the facility.
- (e) Notwithstanding Paragraph (d) of this Rule, and except in accordance with applicable law, nothing in this Rule shall prohibit an institution from restricting live animals in dining areas.

*History Note: Authority G.S. 130A-4; 130A-29; 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;  
Readopted Eff. December 1, 2022.*

#### **15A NCAC 18A .1324 EMPLOYEES**

(a) While at work, all institution employees shall wear clean outer clothing. Employees shall wash or decontaminate their hands as set forth in Paragraph (b) immediately:

- (1) before beginning work;
- (2) after each visit to the toilet;
- (3) before and after resident contact;
- (4) after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking; and
- (5) after removing gloves.

(b) Institution employees shall wash their hands as required by Paragraph (a) of this Rule in a handwashing sink using the handwashing method required for food employees in Part 2-301.12 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652. When an employee's hands are visibly clean, in lieu of handwashing, the employee may use alcohol-based hand antiseptics that contain 65 percent or more ethyl alcohol or 70 percent or more isopropyl alcohol. In the event of interruption of the institution's water supply or when handwashing facilities are not available for use, hand decontamination can be achieved by using a towelette containing detergent followed by an alcohol-based hand antiseptic that contains 65 percent or more ethyl alcohol or 70 percent or more isopropyl alcohol.

(c) Institution employees shall comply with the requirements for exclusion from work and restriction due to communicable disease or illness required for food employees as set forth in Parts 2-201.12 and 2-201.13 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652.

(d) The institution shall have gloves, personal protective equipment, disinfectant, individual disposable towels, and a coagulating agent on-site for employees to use and a written procedure for employees to follow when responding to vomitus or fecal matter on institution surfaces. The procedure shall specify the actions that employees shall take to minimize the exposure of employees, residents, guests, food, and additional surfaces to vomitus or fecal matter.

*History Note: Authority G.S. 130A-4; 130A-29; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;  
Readopted Eff. December 1, 2022.*

#### **15A NCAC 18A .1325 SEVERABILITY**

*History Note: Authority G.S. 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Expired Eff. August 1, 2019 pursuant to G.S. 150B-21.3A.*



## **15A NCAC 18A .1326 REFERENCE RULES**

*History Note:* Authority G.S. 130A-235;  
Eff. February 1, 1976;  
Amended Eff. July 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. June 10, 1978;  
Repealed Eff. September 1, 1990.

## **15A NCAC 18A .1327 INCORPORATED RULES**

Where referenced in this Section, 15A NCAC 13B .1200, 15A NCAC 18A .1700, 15A NCAC 18A .2600, and 15A NCAC 18C, are hereby incorporated by reference, including any subsequent amendments or editions, and available free of charge at <http://reports.oah.state.nc.us/ncac.asp>.

*History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;  
Eff. March 1, 2003 (See S.L. 2002-160);  
Readopted Eff. December 1, 2022.

## **SECTION .1400 - MASS GATHERINGS**

Rules .1401 - .1426 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .1401- .1426); has been transferred and recodified from Rules .1401 - .1426 of Title 10 Subchapter 10B of the North Carolina Administrative Code (T10.10B .1401 - .1426), effective April 4, 1990.

## **15A NCAC 18A .1401 DEFINITIONS**

## **15A NCAC 18A .1402 STANDARDS AND REQUIREMENTS**

## **15A NCAC 18A .1403 FACILITIES AND SERVICES**

*History Note:* Authority G.S. 130A-257;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1985;  
Repealed Eff. September 1, 1990.

## **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

## **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

## **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **15A NCAC 18A .1425 SEVERABILITY**

*History Note:* Authority G.S. 130A-257;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Expired Eff. August 1, 2019 pursuant to G.S. 150B-21.3A.

#### **15A NCAC 18A .1426 REFERENCE RULES**

*History Note:* Authority G.S. 130A-257;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1985;  
Repealed Eff. September 1, 1990.

## SECTION .1500 - SANITATION OF LOCAL CONFINEMENT FACILITIES

Rules .1501 - .1525 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .1501 - .1525); has been transferred and recodified from Rules .0101 - .0125 of Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .0101 - .0125), effective April 4, 1990.

### 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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### 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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### 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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### 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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **15A NCAC 18A .1511 WATER SUPPLY**

- (a) Water supplies at local confinement facilities shall meet the requirements in 15A NCAC 18C or 15A NCAC 18A .1700, as applicable.
- (b) In local confinement facilities that use a non-community water system, as defined at G.S. 130A-313(10), a sample of water shall be collected by the Department of Health and Human Services once a year and submitted to the North Carolina State Laboratory of Public Health or other laboratory certified by the North Carolina State Laboratory of Public Health under 10A NCAC 42C .0102 to perform bacteriological examinations.
- (c) A local confinement facility's water supply plumbing shall not include cross-connections as set out in 15A NCAC 18C .0102(c)(8).
- (d) Local confinement facilities shall provide water heating facilities, and shall provide hot and cold running water under pressure to carry out all operations.

*History Note:* Authority G.S. 153A-226;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990;  
Readopted Eff. October 1, 2023.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **15A NCAC 18A .1524 SEVERABILITY**

*History Note: Authority G.S. 153A-226;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Expired Eff. August 1, 2019 pursuant to G.S. 150B-21.3A.*

### **15A NCAC 18A .1525 REFERENCE RULES**

*History Note: Authority G.S. 153A-226;  
Eff. February 1, 1976;  
Amended Eff. July 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. June 10, 1978;  
Repealed Eff. September 1, 1990.*

## **SECTION .1600 - SANITATION OF RESIDENTIAL CARE FACILITIES**

Rules .1601 - .1622 of Title 15A Subchapter 18A of the North Carolina Administrative Code(T15A.18A .1601 - .1622); has been transferred and recodified from Rules .0201 - .0222 of Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .0201 - .0222), effective April 4, 1990.

#### **15A NCAC 18A .1601 DEFINITIONS**

The following definitions shall apply throughout this Section:

- (1) "Administrator" means the person designated by the licensee to be responsible for the daily operation of the residential care facility.
- (2) "Bed linens" means bed sheets, pillowcases, mattress covers, blankets, and duvet covers.
- (3) "Clean" means that an object or surface has been made free of garbage, solid waste, soil, dust, hair, dander, food, bodily fluids and secretions, and feces.
- (4) "Department" means the North Carolina Department of Health and Human Services.
- (5) "Disinfectant" means a disinfectant as defined at 40 C.F.R. 158.2203 that has been registered with the United States Environmental Protection Agency in accordance with 40 C.F.R. 152, which are hereby incorporated by reference, including any subsequent amendments or editions, and are available free of charge at <https://www.ecfr.gov/>.
- (6) "Good repair" means as defined at 15A NCAC 18A .2651(8). Items that are in good repair shall operate in accordance with the manufacturer's instructions.
- (7) "Licensing agency" means the North Carolina Department of Health and Human Services, Division of Health Service Regulation.
- (8) "Linen" means bath towels, hand drying towels, bed linens, and pillows.
- (9) "Non-community water supply" means as defined in G.S. 130A-313(10).
- (10) "Pest" means as defined in G.S. 143-460(26a).
- (11) "Pest harborage" means any condition that provides water or food and shelter for pests.
- (12) "Regulatory authority" means the Department or authorized agent of the Department.
- (13) "Resident" means a person, other than the administrator, his or her immediate family, and residential care facility employees , who is residing in a residential care facility.
- (14) "Residential care facility" means an establishment providing room or board and for which a license or certificate for payment is obtained from the Department, but does not include a child day care facility or an institution as defined in 15A NCAC 18A .1301.
- (15) "Solid waste" means as defined in G.S. 130A-290(35).
- (16) "Time/Temperature Control for Safety Food" or "TCS Food" means as defined in Part 1-2 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2651.

*History Note: Authority G.S. 130A-4; 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;  
Readopted Eff. April 1, 2024.*

#### **15A NCAC 18A .1602 APPROVAL OF PLANS**

*History Note: Authority G.S. 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990;  
Repealed Eff. April 1, 2024.*

#### **15A NCAC 18A .1603 INSPECTIONS**

(a) The regulatory authority shall inspect residential care facilities at least once a year prior to the expiration of the residential care facility's license issued by the licensing agency. The Department shall provide a copy of the inspection form to the administrator of the facility.

(b) The inspection of institutions shall be documented on an inspection form provided by the Department. The form shall include at least the following information:

- (1) name and address of the residential care facility;
- (2) name of licensee;
- (3) an explanation for all demerits incurred during the inspection;
- (4) classification in accordance with Rule .1606 of this Section;
- (5) the date on which the inspection is conducted; and
- (6) the signature of the regulatory authority.

*History Note: Authority G.S. 130A-4; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1993;  
Readopted Eff. April 1, 2024.*

#### **15A NCAC 18A .1604 REINSPECTIONS: VISITS**

The regulatory authority may reinspect or visit residential care facilities at any time to ensure compliance with these Rules. When the administrator requests an inspection of their facility to improve a classification the regulatory authority shall make an unannounced inspection within 30 days.

*History Note: Authority G.S. 130A-4; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990;  
Readopted Eff. April 1, 2024.*

#### **15A NCAC 18A .1605 INSPECTION FORMS**

*History Note: Authority G.S. 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990; June 30, 1980;  
Repealed Eff. April 1, 2024.*

#### **15A NCAC 18A .1606 SCORING SYSTEM**

(a) Residential care facility sanitation scores shall be based upon the standards of construction and operation set out in Rules .1607 through .1621 of this Section.

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

- (1) "Approved" if the demerit score is less than 40 and no six-demerit item is violated; and
- (2) "Disapproved" if the demerit score is 40 or greater, or if any six-demerit item is violated.

(c) The sanitation score is the total amount determined by adding demerits for each item found not to be in compliance with the rules of this Section. The demerit value of each item is determined as follows:

- (1) Violation of Rule .1607 of this Section regarding the cleanliness of floors and carpet shall equal two demerits and repair of floors and carpet shall equal one demerit.
- (2) Violation of Rule .1608 of this Section regarding the cleanliness of walls, ceilings, and attachments shall equal two demerits and repair of walls, ceilings, and attachments shall equal one demerit.
- (3) Violation of Rule .1609(a) of this Section regarding the illumination of required spaces shall equal two demerits.
- (4) Violation of Rule .1609(b) of this Section regarding the cleanliness and state of repair of windows, fixtures, and ventilation equipment shall equal two demerits.
- (5) Violation of Rule .1610(a) of this Section regarding the availability of toileting, handwashing, and bathing facilities shall equal five demerits.

- (6) Violation of Rule .1610(a) of this Section regarding the cleanliness and state of repair of toileting, handwashing, and bathing facilities shall equal four demerits.
- (7) Violation of Rule .1610(b) of this Section regarding the handwashing sink design shall equal four demerits.
- (8) Violation of Rule .1610(b) of this Section regarding the supply and storage provisions in bathrooms shall equal four demerits.
- (9) Violation of Rule .1611(a) of this Section regarding the water supply shall equal six demerits.
- (10) Violation of Rule .1611(c) of this Section regarding cross-connections shall equal five demerits.
- (11) Violation of Rule .1611(d) of this Section regarding the pressure availability and temperature of water at fixtures shall equal four demerits.
- (12) Violation of Rule .1613 of this Section regarding liquid waste disposal shall equal six demerits.
- (13) Violation of Rule .1614(a) of this Section regarding the locations of storage waste disposal shall equal two demerits.
- (14) Violation of Rule .1614(b) of this Section regarding the covering, cleanliness, and state of repair of solid waste containers shall equal two demerits.
- (15) Violation of Rule .1614(c) of this Section regarding solid waste disposal frequency shall equal two demerits.
- (16) Violation of Rule .1615(a) of this Section regarding pest presence shall equal three demerits.
- (17) Violation of Rule .1615(a) of this Section regarding the prevention of harborage conditions shall equal two demerits.
- (18) Violation of Rule .1615(a) of this Section regarding the state of repair of outdoor furniture shall equal two demerits.
- (19) Violation of Rule .1616 of this Section regarding the storage of substances shall equal four demerits.
- (20) Violation of Rule .1617(a) of this Section regarding the cleanliness of furnishings shall equal two demerits.
- (21) Violation of Rule .1617(a) of this Section regarding the state of repair of furnishings shall equal two demerits.
- (22) Violation of Rule .1617(b) of this Section regarding the provisions and state of repair of bed linens shall equal four demerits.
- (23) Violation of Rule .1617(b) of this Section regarding the cleanliness and cleaning frequency of bed linens shall equal four demerits.
- (24) Violation of Rule .1617(c) of this Section regarding the storage of clean linen shall equal three demerits.
- (25) Violation of Rule .1617(d) of this Section regarding the cleanliness and state of repair of laundry areas and equipment shall equal three demerits.
- (26) Violation of Rule .1618(a) of this Section regarding the state of repair of food utensils and equipment, except temperature holding equipment, shall equal three demerits.
- (27) Violation of Rule .1618(b) of this Section regarding the cleanliness of food utensils and equipment shall equal four demerits.
- (28) Violation of Rule .1618(b) of this Section regarding the cleanliness of the non-food contact sides of equipment shall equal two demerits.
- (29) Violation of Rule .1618(c) of this Section regarding the storage of equipment and utensils shall equal two demerits.
- (30) Violation of Rule .1618(d) of this Section regarding the provisions for ware washing shall equal five demerits.
- (31) Violation of Rule .1618(e) of this Section regarding the cleanliness of food storage areas shall equal three demerits.
- (32) Violation of Rule .1619 of this Section regarding the safety and approved sources of foods shall equal five demerits.
- (33) Violation of Rule .1620(a) of this Section regarding the time and temperature control of food shall equal five demerits.
- (34) Violation of Rule .1620(b) of this Section regarding the prohibitions of live pets shall equal no more than three demerits.
- (35) Violation of Rule .1620(c) of this Section regarding the provisions and state of repair of temperature holding equipment shall equal five demerits.
- (36) Violation of Rule .1620(c) of this Section regarding the availability of accurate temperature indicating devices shall equal no more than two demerits.
- (37) Violation of Rule .1620(d) of this Section regarding the storage of food shall equal four demerits,



- (38) Violation of Rule .1621(a) of this Section regarding handwashing methods shall equal four demerits.
- (39) Violation of Rule .1621(b) of this Section regarding when to wash hands shall equal four demerits.
- (40) Violation of Rule .1621(c) of this Section regarding restricting or excluding employees shall equal five demerits.
- (41) Violation of Rule .1621(d) of this Section regarding cleaning supplies and written procedures for responding to vomiting or diarrheal events shall equal two demerits.

*History Note:* Authority G.S. 130A-4; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1993; January 1, 1978;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .1607 FLOORS**

All floors shall be kept clean and in good repair.

*History Note:* Authority G.S. 130A-4; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .1608 WALLS AND CEILINGS**

- (a) The interior walls and ceilings, including doors, window, and window trim, shall be kept clean and in good repair.
- (b) Wall and ceiling attachments, such as light fixtures, fans, and vent covers, shall be kept clean and in good repair.

*History Note:* Authority G.S. 130A-4; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .1609 LIGHTING AND VENTILATION**

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

*History Note:* Authority G.S. 130A-4; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1993; October 1, 1985; July 1, 1984;  
Readopted Eff. April 1, 2024.

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

- (a) All residential care facilities shall provide toilet, handwashing, and bathing facilities that are available for use by residents and employees. These facilities shall be kept clean and in good repair.
- (b) All hand sinks and baths shall be supplied with hot and cold running water through mixing devices. The residential care facility shall provide each resident with soap and individual hand-drying towels. These hand-drying towels will be stored separately after being used.

*History Note:* Authority G.S. 130A-4; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .1611 WATER SUPPLY**

- (a) Water supplies at residential care facilities shall meet the requirements in 15A NCAC 18C or 15A NCAC 18A .1700, as applicable. For facilities licensed by the licensing agency before this Rule's effective date, a well that does not meet the

setback to building foundation requirements found in 15A NCAC 18A .1720 shall be approved if water sampling in accordance with Paragraph (b) of this Rule indicates the water is safe for human consumption.

(b) In residential care facilities that use a non-community water supply, a sample of water shall be collected by the Department once a year and submitted to the North Carolina State Laboratory of Public Health or other laboratory certified by the North Carolina State Laboratory of Public Health under 10A NCAC 41C .0102 to perform bacteriological examinations.

(c) A residential care facility's water supply plumbing shall not include cross-connections as set out in 15A NCAC 18C .0102(c)(8).

(d) Residential care facilities shall provide water heating facilities. Hot and cold running water under pressure shall be provided to carry out all operations. Hot water shall be provided at temperatures between 105 degrees Fahrenheit and 116 degrees Fahrenheit at handwashing and bathing facilities.

*History Note:* Authority G.S. 95-225; 130A-4; 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;  
Readopted Eff. April 1, 2024.

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

*History Note:* Authority G.S. 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990;  
Repealed Eff. April 1, 2024.

#### **15A NCAC 18A .1613 LIQUID WASTES**

All sewage originating from the residential care facility shall be disposed by using a publicly operated sewage treatment plant or in a sewage disposal system that meets the requirements of Section .1900 of this Subchapter.

*History Note:* Authority G.S. 130A-4; 130A-235;  
Eff. February 1, 1976;  
Amended Eff. July 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1984;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .1614 SOLID WASTES**

(a) All solid wastes shall be kept in leak-proof, non-absorbent containers. Waste containers shall be kept clean and in good repair.

(b) Outside waste containers shall be kept covered with tight-fitting lids when not in use.

(c) All solid wastes shall be removed from the premises at a frequency that prevents pest harborages.

*History Note:* Authority G.S. 130A-4; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .1615 PEST CONTROL AND OUTDOOR PREMISES**

(a) Pests shall not be present in a residential care facility. Openings to the outside of a residential care facility building or buildings shall be equipped with doors that are flush with the door frame when closed, closed windows, window screening on

windows that can be opened, or controlled air currents to prevent pests from entering the building or buildings. The external premises of a residential care facility shall be kept clean, and free of litter and pest harborage. Outdoor furniture and playgrounds shall be kept in good repair.

(b) Only those pesticides that are registered in accordance with 40 C.F.R. 152 and G.S. 143-442 shall be used at a residential care facility.

*History Note:* Authority G.S. 130A-4; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1984;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .1616 CHEMICAL AND MEDICATION STORAGE**

Toxic substances, which include corrosive agents, pesticides, bleaches, detergents, cleansers, polishes, and any substance which may be hazardous to a person if ingested, inhaled, or not handled in accordance with the manufacturer's instructions, and all medications, shall be stored and used in accordance with the manufacturer's instructions.

*History Note:* Authority G.S. 130A-4; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .1617 BEDS: LINEN: LAUNDRY: FURNITURE**

(a) Furnishings, including furniture, curtains, draperies, and blinds, shall be kept clean and in good repair. Mattresses shall be kept clean, dry, and in good repair.

(b) Clean bed linen in good repair shall be provided for each resident and shall be changed when no longer clean.

(c) Clean linen shall be stored and handled in a manner to protect from contamination and separate from linen that is not clean.

(d) Laundry areas and equipment shall be kept clean and in good repair.

*History Note:* Authority G.S. 130A-4; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990;  
Readopted Eff. April 1, 2024.

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

(a) All food service equipment and utensils shall be kept clean and in good repair.

(b) All food contact surfaces of utensils and equipment shall be cleaned after each use.

(c) Utensils and equipment shall be handled and stored in a manner as to protect from contamination.

(d) Residential care facilities shall provide a kitchen sink for cleaning food service equipment and utensils.

(e) Food storage areas shall be kept clean and free of pests.

*History Note:* Authority G.S. 130A-4; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990;  
Readopted Eff. April 1, 2024.

#### **15A NCAC 18A .1619 FOOD**

All food provided by a residential care facility for consumption by residents shall comply with Parts 3-1 and 3-2 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653.

*History Note:* Authority G.S. 130A-4; 130A-235;

*Eff. February 1, 1976;*  
*Readopted Eff. December 5, 1977;*  
*Amended Eff. September 1, 1990;*  
*Readopted Eff. April 1, 2024.*

**15A NCAC 18A .1620 FOOD PROTECTION**

(a) All TCS food shall be maintained at temperatures required by Part 3-501.16 of the Food Code, incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653, during storage, preparation, transportation, display, and service of the TCS food. Time as a public health control as set forth in Part 3-501.19 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653, may be used, except that written procedures shall not be required.

(b) Live animals shall not be allowed in any room or area in which food is prepared or stored. Live animals shall be permitted in a residential care facility's dining areas if the live animal does not come into physical contact with residential care facility employees engaged in the preparation or handling of food, serving dishes, utensils, tableware, linens, unwrapped single service and single use articles, or food contact surfaces.

(c) Equipment shall be provided and maintained to keep all food at required temperatures during storage and transport. Cold holding equipment shall be provided with an indicating thermometer that is accurate to  $\pm 3$  degrees Fahrenheit or  $\pm 1.5$  degrees Celsius.

(d) All food shall be stored as required by Parts 3-302.11, 3-302.12, 3-305.11, and 3-305.12 of the Food Code, incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653.

*History Note: Authority G.S. 130A-4; 130A-235;*  
*Eff. February 1, 1976;*  
*Readopted Eff. December 5, 1977;*  
*Amended Eff. October 1, 1993; September 1, 1990;*  
*Readopted Eff. April 1, 2024.*

**15A NCAC 18A .1621 EMPLOYEES**

(a) Residential care facility employees shall wash their hands as required by Paragraph (b) of this Rule using the handwashing method required for food employees in Part 2-301.12 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652.

(b) Residential care facility employees shall wash their hands immediately:

- (1) before beginning work;
- (2) before preparing food;
- (3) after each visit to the toilet;
- (4) before and after resident contact;
- (5) after coughing, sneezing, or using a handkerchief or disposable tissue; and
- (6) after using tobacco, eating, or drinking.

(c) Residential care facility employees shall comply with the requirements for exclusion from work and restriction due to communicable disease or illness required for food employees as set forth in Parts 2-201.12 and 2-201.13 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652.

(d) The residential care facility shall have gloves, personal protective equipment, disinfectant, individual disposable towels, and a coagulating agent on-site for employees to use and a written procedure for employees to follow when responding to vomitus or fecal matter on facility surfaces. The procedure shall specify the actions that employees shall take to minimize the exposure of employees, residents, guests, food, and additional surfaces to vomitus or fecal matter.

*History Note: Authority G.S. 130A-4; 130A-235;*  
*Eff. February 1, 1976;*  
*Readopted Eff. December 5, 1977;*  
*Amended Eff. September 1, 1990;*  
*Readopted Eff. April 1, 2024.*

**15A NCAC 18A .1622 SEVERABILITY**

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

*Eff. February 1, 1976;*  
*Readopted Eff. December 5, 1977;*  
*Expired Eff. August 1, 2019 pursuant to G.S. 150B-21.3A.*

## **SECTION .1700 - PROTECTION OF WATER SUPPLIES**

Rules .1701 - .1719 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .1701 - .1719); has been transferred and recodified from Rules .1701 - .1719 of Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .1701 - .1719), effective April 4, 1990.

<b>15A NCAC 18A .1701</b>	<b>PURPOSE</b>
<b>15A NCAC 18A .1702</b>	<b>DESIGN AND CONSTRUCTION</b>
<b>15A NCAC 18A .1703</b>	<b>SITE SELECTION</b>
<b>15A NCAC 18A .1704</b>	<b>WELL CONSTRUCTION</b>
<b>15A NCAC 18A .1705</b>	<b>PROTECTION</b>
<b>15A NCAC 18A .1706</b>	<b>WATER SUPPLY NEEDED</b>
<b>15A NCAC 18A .1707</b>	<b>DISINFECTION</b>
<b>15A NCAC 18A .1708</b>	<b>TEST WATER QUALITY</b>
<b>15A NCAC 18A .1709</b>	<b>TYPES OF WELLS</b>
<b>15A NCAC 18A .1710</b>	<b>CONTAMINATION</b>
<b>15A NCAC 18A .1711</b>	<b>PROTECTION OF SPRINGS</b>
<b>15A NCAC 18A .1712</b>	<b>CISTERNS</b>
<b>15A NCAC 18A .1713</b>	<b>HORIZONTAL SUCTION LINES</b>
<b>15A NCAC 18A .1714</b>	<b>PITLESS ADAPTER</b>
<b>15A NCAC 18A .1715</b>	<b>DISINFECTION PROCEDURES</b>
<b>15A NCAC 18A .1716</b>	<b>DISINFECTION OF WELLS</b>
<b>15A NCAC 18A .1717</b>	<b>DISINFECTION OF SPRINGS</b>
<b>15A NCAC 18A .1718</b>	<b>DISINFECTION OF DISTRIBUTION SYSTEM</b>
<b>15A NCAC 18A .1719</b>	<b>AVAILABILITY OF BULLETIN</b>

*History Note: Authority G.S. 130A-5(3); 130A-120; 130A-228; 130A-230; 130A-235; 130A-236; 130A-239; 130A-248; 130A-257;*  
*Eff. February 1, 1976;*  
*Readopted Eff. December 5, 1977;*  
*Amended Eff. June 10, 1978;*  
*Repealed Eff. September 1, 1990.*

### **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; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

### **15A NCAC 18A .1724 DISINFECTION OF WATER SYSTEMS**

(a) A water system regulated under this Section shall be disinfected upon completion of construction, maintenance, repairs, pump installation, or a report of a confirmed positive coliform sample. Wells shall be disinfected as required in 15A NCAC 02C .0111, which is hereby incorporated by reference, including any subsequent amendments and editions.

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

- (1) the interior surfaces 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;
- (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-235; 130A-236; 130A-248; 130A-257; 130A-315;  
Eff. July 1, 1993;  
Readopted Eff. April 1, 2021.

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

**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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

**SECTION .1800 - SANITATION OF LODGING PLACES**

<b>15A NCAC 18A .1801</b>	<b>DEFINITIONS</b>
<b>15A NCAC 18A .1802</b>	<b>PERMITS</b>
<b>15A NCAC 18A .1803</b>	<b>PUBLIC DISPLAY OF GRADE CARD</b>
<b>15A NCAC 18A .1804</b>	<b>INSPECTIONS</b>
<b>15A NCAC 18A .1805</b>	<b>INSPECTION FORMS</b>
<b>15A NCAC 18A .1806</b>	<b>GRADING</b>
<b>15A NCAC 18A .1807</b>	<b>APPROVED LODGING ESTABLISHMENTS</b>
<b>15A NCAC 18A .1808</b>	<b>LOBBY: HALLS: STAIRS: AND VENDING AREAS</b>
<b>15A NCAC 18A .1809</b>	<b>LAVATORIES AND BATHS</b>
<b>15A NCAC 18A .1810</b>	<b>WATER SUPPLY</b>
<b>15A NCAC 18A .1811</b>	<b>DRINKING WATER FACILITIES</b>
<b>15A NCAC 18A .1812</b>	<b>GUESTROOMS</b>
<b>15A NCAC 18A .1813</b>	<b>STORAGE AND LAUNDRY FACILITIES</b>
<b>15A NCAC 18A .1814</b>	<b>DISPOSAL OF GARBAGE AND TRASH: PREMISES</b>
<b>15A NCAC 18A .1815</b>	<b>SEVERABILITY</b>

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

*Eff. February 1, 1976;*

*Readopted Eff. December 5, 1977;*

*Amended Eff. April 1, 1997; August 1, 1996; January 1, 1996; April 1, 1992; September 1, 1990; December 1, 1988; March 1, 1988; July 1, 1986; June 30, 1980; September 1, 1979;*

*Temporary Amendment Eff. June 22, 1998;*

*Temporary Amendment Expired March 12, 1999;*

*Temporary Amendment Eff. March 18, 1999;*

*Temporary Amendment Eff. January 31, 2000;*

*Amended Eff. November 1, 2006; September 1, 2002; April 1, 2001; August 1, 2000;*

*Repealed Eff. October 1, 2017.*

**15A NCAC 18A .1816 REFERENCE RULES**

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

*Eff. February 1, 1976;*

*Amended Eff. July 1, 1977;*

*Readopted Eff. December 5, 1977;*

*Amended Eff. June 10, 1978;*

*Repealed Eff. September 1, 1990.*

**15A NCAC 18A .1817 APPEALS PROCEDURE**

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

*Eff. February 1, 1987;*

*Amended Eff. September 1, 1990;*

*Repealed Eff. October 1, 2017.*

## **15A NCAC 18A .1818 PLAN REVIEW**

*History Note: Authority G.S. 130A-248;  
Eff. August 1, 1990;  
Amended Eff. January 1, 1996;  
Repealed Eff. October 1, 2017.*

### **SUBCHAPTER 18A - SANITATION**

#### **SECTION .1800 - SANITATION OF LODGING PLACES**

##### **15A NCAC 18A .1821 DEFINITIONS**

The following definitions shall apply throughout this Section:

- (1) "Accredited Program"
  - (a) "Accredited program" means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals.
  - (b) "Accredited program" refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline, and grievance procedures; and test development and administration.
  - (c) "Accredited program" does not refer to training functions or educational programs.
- (2) "Adulterated" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, 402, 21 U.S.C. 342, which is hereby incorporated by reference, including subsequent amendments and Editions and which can be accessed free of charge at <https://www.gpo.gov/fdsys/pkg/USCODE-2010-title21/html/USCODE-2010-title21-chap9-subchapIV-sec342.htm>.
- (3) "Approved" means acceptable to the regulatory authority based upon a determination of conformity with principles, practices, and generally recognized standards that protect public health.
- (4) "Bed and Breakfast Home" means bed and breakfast home as defined in G.S. 130A-247(5a).
- (5) "Bed and Breakfast Inn" means bed and breakfast inn as defined in G.S. 130A-247(6).
- (6) "CFR" means Code of Federal Regulations.
- (7) "Clean" means washed and free from dirt, marks, or unwanted matter.
- (8) "Department" means the North Carolina Department of Health and Human Services.
- (9) "Employee" means the permit holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a lodging establishment.
- (10) "Equipment" means an article that is used in the operation of a lodging establishment such as a freezer, grinder, hood, ice machine, water fountain, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or warewashing machine.
- (11) "Food" means a 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, or chewing gum.
- (12) "Food-contact surface" means:
  - (a) A surface of equipment or a utensil with which food normally comes into contact; or
  - (b) A surface of equipment or a utensil from which food may drain, drip, or splash:
    - (i) Into a food product; or
    - (ii) Onto a surface normally in contact with food.
- (13) "Food employee" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.
- (14) "Furnishings" means furniture, fittings, window coverings, and other accessories, including decorative accessories.

- (15) "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 incorporated by reference in Rule 15A NCAC 18A .2650.
- (16) "Guest Rooms" means the accommodations or designated areas for persons who pay for the services of the lodging establishment, such as bedrooms, suite areas, and bathrooms.
- (17) "Handwashing sink" means a lavatory, basin, or vessel for washing, a washbasin, or a plumbing fixture placed for use in personal hygiene and designed for the washing of the hands. This includes an automatic handwashing facility.
- (18) "Kitchenware" means food preparation and storage utensils.
- (19) "Linen" means fabric items such as bedding, towels, cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.
- (20) "Lodging establishment" means all hotels, motels, inns, tourist homes, and other places providing lodging accommodations for pay. Facilities described in G.S. 130A-250 (1) through (5) shall not be regulated as "lodging establishment." For the purposes of this Section, the term "lodging establishment" also includes bed and breakfast homes and bed and breakfast inns.
- (21) "mg/L" means milligrams per liter, which is the metric equivalent of parts per million (ppm).
- (22) "Packaged" means bottled, canned, cartoned, bagged, or wrapped, whether packaged in a food establishment or a food processing plant.
- (23) "Permit" means the document issued by the regulatory authority that authorizes a person to operate a lodging establishment.
- (24) "Permit Holder" means:
  - (a) The person in charge who resides in and owns or rents the bed and breakfast home or bed and breakfast inn.
  - (b) The legal entity responsible for the operation of the lodging establishment, such as the owner, the owner's agent, or other person.
- (25) "Person" means person as defined in G.S. 130A-2(7).
- (26) "Person in charge" means the individual present at a lodging establishment who is responsible for the operation at the time of inspection.
- (27) "Physical facilities" means the structure and interior surfaces of a lodging establishment, including furnishings and accessories such as soap and towel dispensers and attachments, such as light fixtures and heating or air conditioning system vents.
- (28) "Poisonous or toxic materials" means substances that are not intended for ingestion and are included in four categories:
  - (a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
  - (b) Pesticides, except sanitizers, which include substances such as insecticides and rodenticides;
  - (c) Substances that are necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items; and
  - (d) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.
- (29) "Potentially Hazardous Food" means potentially hazardous food (time/temperature control for safety food) to limit pathogenic microorganism growth or toxin formation.
- (30) "Premises" means the physical facility, its contents, and the contiguous land or property under the control of the permit holder.
- (31) "Refuse" means solid waste not carried by water through the sewage system.
- (32) "Registered Environmental Health Specialist" means an Environmental Health Specialist as defined in G.S. 90A-51(2b) who has registered in accordance with G.S. 90A-51(4).
- (33) "Regulatory Authority" means the Department or authorized agent of the Department.
- (34) "Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five logs, which is equal to a 99.999% reduction, of representative disease microorganisms.
- (35) "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.
- (36) "Single-use articles" means tableware, carry-out utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one

person use after which they are intended for discard. It also includes utensils and bulk food containers designed and constructed to be used once and discarded, such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans.

- (37) "Tableware" means eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.
- (38) "Temperature measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.
- (39) "Transitional Permit" means a permit issued by the regulatory authority upon the transfer of ownership or lease of an existing lodging establishment to allow the correction of construction and equipment problems that do not represent an immediate threat to public health.
- (40) "Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; temperature sensing probes of food temperature measuring devices; and probe-type price or identification tags used in contact with food.
- (41) "Warewashing" means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.

*History Note:* Authority G.S. 130A-4; 130A-6; 130A-248;  
Eff. October 1, 2017.

#### **15A NCAC 18A .1822 MANAGEMENT AND PERSONNEL**

(a) Bed and breakfast homes or bed and breakfast inns shall comply with Parts 2-1 through 2-4 of the Food Code as amended by Rule 15A NCAC 18A .2652, with the following exceptions:

- (1) Food preparation shall not be prohibited in a bed and breakfast home or bed and breakfast inn.
- (2) Nothing shall prohibit family style dining or return to self-service areas such as buffets in a bed and breakfast home or bed and breakfast inn.
- (3) The requirement in Section 2-102.12 of the Food Code as amended by Rule 15A NCAC 18A .2652 shall be effective one year after the effective date of this Rule.

(b) Lodging establishment employees shall comply with the requirements of Sections 2-301.11, 2-301.12, 2-301.14, 2-301.15, 2-304.11, 2-401.11, 2-401.12, and 2-403.11 of the Food Code as amended by Rule 15A NCAC 18A .2652.

*History Note:* Authority G.S. 130A-4; 130A-6; 130A-248;  
Eff. October 1, 2017.

#### **15A NCAC 18A .1823 FOOD**

(a) Lodging establishments that prepare and serve food shall obtain a food establishment permit unless exempted by G.S. 130A-250.

(b) Food prepared in a bed and breakfast home or a bed and breakfast inn shall comply with Chapter 3 of the Food Code as amended by Rule 15A NCAC 18A .2653. The rules in this Section shall not prohibit family style service in bed and breakfast homes and bed and breakfast inns, and no additional protection or labeling of food shall be required during display and service in these establishments.

(c) In lodging establishments, ice used for room service shall be manufactured from a water supply that complies with 15A NCAC 18A .1700, "Rules Governing the Sanitation of Protection of Water Supplies Rules" and 15A NCAC 18C and shall be stored and handled in a manner so as to prevent contamination. All ice machines for use by guests shall dispense ice without exposing stored ice to guests.

*History Note:* Authority G.S. 130A-4; 130A-6; 130A-248;  
Eff. October 1, 2017.

#### **15A NCAC 18A .1824 EQUIPMENT AND UTENSILS**

(a) Food-contact surfaces shall comply with Parts 4-1 and 4-2 of the Food Code as amended by Rule 15A NCAC 18A .2654. This shall not prohibit the use of domestic equipment.

(b) Equipment and utensils shall be kept clean and in good repair.

(c) All kitchenware and food-contact surfaces of equipment, excluding cooking surfaces of equipment, used in the preparation or serving of food or drink, and all food storage utensils, in a bed and breakfast home or bed and breakfast inn shall be

cleaned and sanitized, as required in Parts 4-6 and 4-7 of the Food Code as amended by Rule 15A NCAC 18A .2654 after each use, air dried, and stored in a manner to prevent contamination.

(d) Cooking and baking equipment in a bed and breakfast home or bed and breakfast inn shall be cleaned no less than once each day.

(e) Nonfood-contact surfaces of equipment shall be clean.

(f) Sanitizers used for sanitization of kitchenware and food-contact surfaces shall be maintained as required in Part 4-5 of the Food Code as amended by Rule 15A NCAC 18A .2564.

(g) Nothing in this Rule shall require sanitization as exempted in guest rooms per G.S. 130A-248(a3)(3).

(h) Sinks in guest rooms shall be sanitized before washing multi-use utensils.

(i) Single-use articles may be used if discarded after each use. Single-use articles must be stored and handled to prevent contamination.

(j) A food temperature measuring device with a small diameter probe shall be provided and accessible for use by employees in ensuring attainment and maintenance of food temperatures.

(k) A test kit or other device that measures the concentration in mg/L of sanitizing solutions shall be provided by the lodging establishment.

(l) Equipment for preparing coffee and tea shall be kept clean, but is exempt from sanitization required by Paragraph (c) of this Rule.

*History Note: Authority G.S. 130A-4; 130A-6; 130A-248;  
Eff. October 1, 2017.*

#### **15A NCAC 18A .1825 WATER, PLUMBING, AND WASTE**

(a) Water, plumbing, and waste shall comply with Chapter 5 of the Food Code as amended by Rule 15A NCAC 18A .2655. The requirements of Sections 5-202.12, 5-203.11, 5-203.12, 5-203.13, 5-204.11, and 5-205.11 of the Food Code as amended by Rule 15A NCAC 18A .2655 shall be effective one year after the effective date of this Rule.

(b) Bed and Breakfast Homes that are permitted prior to April 2017 and only serve the breakfast meal shall not be required to provide a separate handwashing sink in the kitchen.

(c) A handwashing sink, located to allow use by employees handling clean and soiled linen, shall be provided. This requirement shall be effective one year after the effective date of this Rule. Facilities that do not have handwashing sinks in soiled linen areas shall not be required to install additional lavatories if a hand hygiene program, approved by the regulatory authority, is used.

(d) Baths, handwashing sinks, and toilets shall be provided for each guest room or unit in lodging establishments constructed on or after December 1, 1988.

(e) All refuse shall be collected and stored in covered receptacles. Refuse receptacles shall be kept clean and in good repair.

(f) Where dumpsters are used, a contract for off-site cleaning shall constitute compliance with Paragraph (e) of this rule.

(g) Refuse shall be removed from the premises at a frequency that will prevent the development of odors and other conditions that attract or harbor insects and rodents.

*History Note: Authority G.S. 130A-4; 130A-6; 130A-248;  
Eff. October 1, 2017.*

#### **15A NCAC 18A .1826 PHYSICAL FACILITIES**

(a) Handwashing sinks as required in Rule .1825 in this Section shall be supplied with hand soap, and either individual, disposable towels; a continuous towel system that supplies the user with a clean towel; a heated-air hand drying device; or a hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures. Handwashing sinks in guest rooms shall be supplied with soap and clean towels.

(b) Toilets or urinals shall be provided as in Rule .1825 of this Section and shall have a supply of toilet tissues available at each toilet.

(c) Sinks, vanities, toilets, and showers in guest rooms shall be cleaned and sanitized between guests.

(d) The light intensity shall be minimum 215 lux/20 foot candles at a distance of 75 cm/30 inches above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms.

(e) Where natural ventilation only is provided, outside openings shall be screened and in good repair. Windows and doors shall be kept clean and in good repair.

(f) Physical facilities shall be kept clean and in good repair.

- (g) Perimeter walls and roofs shall protect the lodging establishment from the weather and the entry of insects, rodents, and other pests.
- (h) Furnishings, bathroom fixtures, carpets, and other accessories in guest rooms, shall be kept clean and in good repair.
- (i) The premises and guest rooms shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by: inspecting incoming shipments of food and supplies; inspecting the premises for evidence of pests; and eliminating harborage conditions.
- (j) Live animals shall be prohibited from entering areas of food preparation, storage, sales, display, or dining. This excludes service animals accompanying persons with disabilities in areas that are not used for food preparation.

*History Note:* Authority G.S. 130A-4; 130A-6; 130A-248;  
Eff. October 1, 2017.

#### **15A NCAC 18A .1827 PREMISES, STORAGE, POISONOUS OR TOXIC MATERIALS**

- (a) There shall be no fly or mosquito breeding places, rodent harborages, or undrained areas on the premises. The premises shall free of litter and items unnecessary to the operation or maintenance of the lodging establishment, such as equipment that is nonfunctional or no longer used.
- (b) Only pesticides that have been registered with the EPA and with the N.C. Department of Agriculture and Consumer Services shall be used and only for the specific use for which they have been approved. Such pesticides shall be used as directed on the label and shall be handled and stored to avoid health hazards. Pesticides shall not be accessible to guests.
- (c) Household cleaning agents such as bleaches, detergents, and polishes shall be used and stored according to manufacturer's recommendations.
- (d) Sanitizing solutions shall not be stored in or dispensed from containers previously containing other poisonous or toxic materials.
- (e) Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements specified in "40 CFR 180.940," tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface sanitizing solutions). 40 CFR 180.940 is hereby incorporated by reference, including all subsequent editions and amendments, and can be accessed free of charge at <https://www.gpo.gov/fdsys/granule/CFR-2012-title40-vol25/CFR-2012-title40-vol25-sec180-940>.
- (f) Medications under the control of the permit holder shall be stored in a manner to avoid contamination of food and food contact surfaces.
- (g) A storage area shall be provided for building and ground maintenance tools and supplies and stored in a manner to avoid contamination of food and food contact surfaces, linen, and single-use articles.

*History Note:* Authority G.S. 130A-4; 130A-6; 130A-248;  
Eff. October 1, 2017.

#### **15A NCAC 18A .1828 LAUNDRY AND LINENS**

- (a) Except as specified in Paragraph (b) of this Rule, clean bed and bath linen in good repair shall be provided for each guest who is provided accommodations and shall be changed between successive guests. Two sheets shall be provided for each bed. The lower sheet shall be folded under both ends of the mattress. The upper sheet shall be folded under the mattress at the lower end.
- (b) If bed covers are not cleaned between successive guests, the upper sheet shall be folded under the mattress at the lower end and folded over the bed cover minimum six inches at the top end.
- (c) Clean linen and supplies shall be stored in cabinets, or on shelves in linen and supply storage rooms. Cabinets, shelves, and storage rooms shall be in good repair and kept clean.
- (d) Items on housekeeping carts shall be arranged in a manner to prevent cross-contamination between soiled and cleaned items. Housekeeping carts shall be kept clean and stored to protect items from contamination.
- (e) 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 or identified for soiled laundry use only.

*History Note:* Authority G.S. 130A-4; 130A-6; 130A-248;  
Eff. October 1, 2017.

#### **15A NCAC 18A .1829 PERMITS**

(a) No permit for a lodging establishment shall be issued to a person until an application is submitted in accordance with Rule .1833 and an evaluation by the regulatory authority shows that the establishment complies with this Section. However, for bed and breakfast homes and inns, the regulatory authority shall allow a period of 210 days after the date of issuance of the permit to comply with the certified food protection manager requirements in Rule .1822 of this Section.

(b) Upon transfer of ownership of an existing lodging establishment, the regulatory authority shall complete an evaluation. If the lodging establishment satisfies all the requirements of the rules, a permit shall be issued. If the lodging 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 an immediate threat to public health. 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 a transitional permit, the permit holder shall have corrected the noncompliant items and obtained a permit, or the lodging establishment shall not continue to operate.

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

- (1) The number of bedrooms or persons housed;
- (2) The amount of laundry or kitchen and warewashing equipment on the premises;
- (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; or
- (7) Any other conditions necessary for a lodging place 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 lodging 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 a request is made by the permit holder and the regulatory authority has evaluated the lodging establishment and found it to comply with the rules of this Section. The evaluations shall be conducted within 15 days after the request is made by the permit holder.

*History Note:* Authority G.S. 130A-4; 130A-6; 130A-248;  
Eff. October 1, 2017.

#### **15A NCAC 18A .1830 PUBLIC DISPLAY OF GRADE CARD**

(a) Upon initial inspection of a lodging establishment or if a renovation or other change in the establishment makes the grade card not visible, 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 lodging establishment. If the person in charge of the lodging establishment objects to the location designated by the regulatory authority, the grade card may be posted in another location that meets the criteria of this Rule if agreed upon by the person in charge and the regulatory authority.

(b) When an inspection of a lodging 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 lodging establishment shall keep the grade card posted at the designated location at all times. The grade card may be posted in another location that meets the criteria of this Rule if agreed upon by the person in charge and the regulatory authority.

(c) The grade card issued by the Department shall be posted. The posted grade card shall be black on a white background. The alphabetical and numerical rating shall be 1.5 inches in height.

*History Note:* Authority G.S. 130A-4; 130A-6; 130A-248; 130A-249;  
Eff. October 1, 2017.

#### **15A NCAC 18A .1831 INSPECTIONS AND REINSPECTIONS**

(a) Upon entry into a lodging 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 them 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 lodging establishments shall be conducted using an inspection form furnished by the regulatory authority. The form shall provide the following information:

- (1) The name and mailing address of the lodging establishment;
- (2) The name of the permit holder;
- (3) The permit status and score given;
- (4) Standards of construction and operation as listed in Rules .1821 through .1834 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 lodging establishments shall be based on the standards of operation and construction as set forth in Rules .1821 through .1834 of this Section.

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

- (1) Violation of Part 2-1 of the Food Code incorporated by reference in Rule .1822 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 Part 2-1 of the Food Code incorporated by reference in Rule .1822 of this Section related to management awareness, policy present, and allergy awareness shall equal no more than 2 points.
- (3) Violation of Part 2-2 of the Food Code incorporated by reference in Rule .1822 of this Section related to use of reporting, restriction, and exclusion shall equal no more than 2 points.
- (4) Violation of Part 2-4 or Chapter 3 of the Food Code incorporated by reference in Rules .1822 and .1823 of this Section related to eating, tasting, drinking, or tobacco use shall equal no more than 1 point.
- (5) Violation of Parts 2-3 through 2-4 of the Food Code incorporated by reference in Rule .1822 of this Section related to personal cleanliness and hair restraints shall equal no more than 1 point.
- (6) Violation of Part 2-3 or Chapter 3 of the Food Code incorporated by reference in Rules .1822 and .1823 of this Section related to hands clean shall equal no more than 4 points.
- (7) Violation of Chapter 3 of the Food Code incorporated by reference in Rule .1823 of this Section related to food obtained from approved source, good condition, safe, and unadulterated shall equal no more than 3 points.
- (8) Violation of Chapter 3 of the Food Code incorporated by reference in Rule .1823 of this Section related to food separated and protected from contamination shall equal no more than 3 points.
- (9) Violation of Rule .1823 or Chapter 3 of the Food Code incorporated by reference in Rule .1823 of this Section related to food protected from environmental or other sources of contamination, including proper dispensing of ice, shall equal no more than 3 points.
- (10) Violation of Chapter 3 of the Food Code incorporated by reference in Rule .1823 of this Section related to cooking/reheating temperatures shall equal no more than 3 points.
- (11) Violation of Chapter 3 of the Food Code incorporated by reference in Rule .1823 of this Section related to proper cooling and approved methods shall equal no more than 3 points.
- (12) Violation of Chapter 3 of the Food Code incorporated by reference in Rule .1823 of this Section related to cold/hot holding temperatures shall equal no more than 3 points.
- (13) Violation of Chapter 3 of the Food Code incorporated by reference in Rule .1823 of this Section related to date marking shall equal no more than 3 points.
- (14) Violation of Rule .1824 or Parts 4-1 through 4-2 of the Food Code incorporated by reference in Rule .1824 of this Section related to equipment, food and nonfood-contact surfaces approved, cleanable, properly designed, constructed and used shall equal no more than 1 point.
- (15) Violation of Rule .1824 of this Section related to utensils, equipment properly stored, dried and handled shall equal no more than 1 point.
- (16) Violation of Rule .1824 or Part 4-6 of the Food Code incorporated by reference in Rule .1824 of this Section related to warewashing facilities installed, maintained and used shall equal no more than 2 points.
- (17) Violation of Rule .1824 or Parts 4-5 through 4-7 of the Food Code incorporated by reference in Rule .1824 of this Section or of Rule .1827 of this Section related to food-contact surfaces cleaned and sanitized where required and sanitizers maintained as required shall equal no more than 3 points.
- (18) Violation of Rule .1824 of this Section related to cooking surfaces of equipment and nonfood-contact surfaces clean shall equal no more than 1 point.



- (19) Violation of Rule .1824 of this Section related to single-use articles properly stored and used shall equal no more than 1 point.
- (20) Violation of Rule 1824 of this Section related to temperature measuring devices and sanitizer test kits provided shall equal no more than 2 points.
- (21) Violation of Rule .1825 or Chapter 5 of the Food Code incorporated by reference in Rule .1825 or .1826 of this Section related to handwashing sinks supplied and accessible and toilet tissue supplied shall equal no more than 2 points.
- (22) Violation of Rule .1823 of this Section or Chapter 5 of the Food Code incorporated by reference in Rule .1825 of this Section related to water from approved source, backflow prevention, plumbing in good repair shall equal no more than 4 points.
- (23) Violation of Chapter 5 of the Food Code incorporated by reference in Rule .1825 of this Section related to service sink or other approved method and mop storage shall equal no more than 2 points.
- (24) Violation of Chapter 5 of the Food Code incorporated by reference in Rule .1825 of this Section related to sewage and waste water disposal shall equal no more than 4 points.
- (25) Violation of Rule .1826 of this Section related to natural ventilation and lighting requirements shall equal no more than 2 points.
- (26) Violation of Rule .1826 of this Section related to furnishings clean and in good repair and guest room bathroom fixtures clean and sanitized between guests shall equal no more than 4 points.
- (27) Violation of Rule .1826 of this Section related to physical facilities installed, maintained and clean shall equal no more than 4 points.
- (28) Violation of Rule .1826 of this Section related to insects and rodents present shall equal no more than 4 points.
- (29) Violation of Rule .1828 of this Section related to linens changed as required shall equal no more than 3 points.
- (30) Violation of Rule .1828 of this Section related to linen clean and in good repair shall equal no more than 4 points.
- (31) Violation of Rule .1828 of this Section related to linen properly handled and stored shall equal no more than 3 points.
- (32) Violation of Rule .1828 of this Section related to housekeeping carts shall equal no more than 4 points.
- (33) Violation of Rule .1825 or Chapter 5 of the Food Code incorporated by reference in Rule .1825 of this Section or of Rule .1827 of this Section related to garbage and refuse disposal and facilities maintained shall equal no more than 2 points.
- (34) Violation of Rule .1826 or .1827 of this Section related to premises maintained to prevent breeding and harborages shall equal no more than 3 points.
- (35) Violation of Rule .1827 of this Section related to storage areas maintained clean, provided for maintenance equipment shall equal no more than 3 points.
- (36) Violation of Rule .1827 of this Section related to approved pesticide use shall equal no more than 3 points.
- (37) Violation of Rule .1827 of this Section related to household cleaning agents, sanitizers, and medicines properly stored and handled shall equal no more than 3 points.
- (38) Violation of Rule .1827 of this Section related to premises kept neat and clean shall equal no more than 2 points.

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

*History Note: Authority G.S. 130A-4; 130A-6; 130A-248; 130A-249; Eff. October 1, 2017.*

### **15A NCAC 18A .1832 GRADING**

(a) The grading of lodging establishments shall be based on a system of scoring. A lodging establishment that earns a score of:

- (1) 90 percent or more 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.

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

*History Note:* Authority G.S. 130A-4; 130A-6; 130A-4; 130A-6; 130A-248; 130A-249;  
Eff. October 1, 2017.

#### **15A NCAC 18A .1833 APPLICATION AND PLAN REVIEW**

(a) Plans drawn to scale for new lodging establishments shall be submitted for review and approval to the local health department prior to initiating construction, or prior to construction of additions or renovations, excluding cosmetic or nonstructural changes to existing lodging establishments.

(b) An applicant shall submit an application for a permit or transitional permit at least 30 days before the date planned for opening the lodging establishment. The applicant shall submit to the regulatory authority a written application for a permit on a form provided by the regulatory authority.

(c) The application form shall include:

- (1) The name, mailing address, telephone number, and signature of the person applying for the permit and the name, mailing address, and location of the lodging establishment;
- (2) Information specifying whether the lodging establishment is owned by an association, corporation, individual, partnership, or other legal entity;
- (3) The name, title, address, and telephone number of the person in charge responsible for the lodging establishment;
- (4) A statement specifying the number of guest rooms or units and whether the lodging establishment is an operation that includes one or more of the following:
  - (A) Prepares, or serves potentially hazardous food (time/temperature control for safety food) for guests;
  - (B) Prepares only food that is not potentially hazardous (time/temperature control for safety food) for guests;
  - (C) Does not prepare, but serves only prepackaged food that is not potentially hazardous (time/temperature control for safety food) for guests;
- (5) Number and type of meals served, and the menu;
- (6) Source of water supply and wastewater disposal; and
- (7) A statement signed by the applicant that attests to the accuracy of the information provided in the application.

*History Note:* Authority G.S. 130A-4; 130A-6; 130A-248;  
Eff. October 1, 2017.

#### **15A NCAC 18A .1834 INFORMAL REVIEW PROCESS**

(a) If a permit holder disagrees with a decision of the local health department on the enforcement of the rules of this Section the permit holder may request an informal review in accordance with Paragraphs (b) and (c) of this Rule.

(b) 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. The informal review shall be conducted by a Registered Environmental Health Specialist authorized as an agent of the Department. If the inspection giving rise to the informal review was conducted by the Environmental Health Supervisor in the county or area where the lodging establishment is located, or when the county or area has only one Registered Environmental Health Specialist assigned to inspect lodging establishments, the Departmental Environmental Health Regional Specialist assigned to that county or area shall conduct the local informal review. As soon as possible, but no later than 30 days of receipt of the request, the person conducting the review shall:

- (1) Contact the permit holder;
- (2) Provide that permit holder an opportunity to be heard on the issues in dispute; and
- (3) Issue a written decision addressing the issues raised in the informal review.

Copies of the decision shall be delivered by the local health department to the permit holder and to the State Health Director. That decision shall be followed by the Department for the purposes of future inspections of the establishment in question unless modified pursuant to Paragraph (c) of this Rule.

(c) Following receipt of the written decision issued pursuant to Paragraph (b) of this Rule, the permit holder who initiated the informal review may request a State informal review of the resulting decision to an Informal Review Officer employed by and

designated by the Department as responsible for final decisions on requests for State informal review from throughout the State. Notice of the request for State informal review 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 (b) of this Rule. Within 35 days of receipt of this request for State informal review, 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 State informal review and that decision shall be followed by the Department for purposes of future inspections of the establishment in question.

(d) If the informal review results in a change in the score resulting from an inspection of the establishment, the regulatory authority shall post a new grade card reflecting that new score.

(e) Nothing in this Rule shall impact the right of a permit holder to a reinspection pursuant to Rule .1831 of this Section.

(f) Nothing in this Rule shall prohibit the permit holder from seeking remedies as set forth under G.S. 150B.

*History Note: Authority G.S. 130A-4; 130A-6; 130A-248; 248-249;  
Eff. October 1, 2017.*

## **SECTION .1900 - SEWAGE TREATMENT AND DISPOSAL SYSTEMS**

Rules .1901 - .1968 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .1901 - .1968); has been transferred and recodified from Rules .1901 - .1968 of Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .1901 - .1968), effective April 4, 1990.

<b>15A NCAC 18A .1901</b>	<b>PURPOSE</b>
<b>15A NCAC 18A .1902</b>	<b>PROPER DISPOSAL</b>
<b>15A NCAC 18A .1903</b>	<b>DEFINITIONS</b>
<b>15A NCAC 18A .1904</b>	<b>SEWAGE DISPOSAL REQUIREMENTS</b>
<b>15A NCAC 18A .1905</b>	<b>PRIVY AND SEPTIC TANK CONSTRUCTION</b>
<b>15A NCAC 18A .1906</b>	<b>PREFABRICATED TANKS</b>
<b>15A NCAC 18A .1907</b>	<b>MINIMUM STANDARDS FOR PREFABRICATED SEPTIC TANKS</b>
<b>15A NCAC 18A .1908</b>	<b>SITE EVALUATION</b>
<b>15A NCAC 18A .1909</b>	<b>APPLICATION RATES</b>
<b>15A NCAC 18A .1910</b>	<b>SITE CLASSIFICATION</b>
<b>15A NCAC 18A .1911</b>	<b>SPACE REQUIREMENTS</b>
<b>15A NCAC 18A .1912</b>	<b>LOCATION OF SEPTIC TANK SYSTEMS AND PRIVIES</b>
<b>15A NCAC 18A .1913</b>	<b>MAINTENANCE OF PRIVIES</b>
<b>15A NCAC 18A .1914</b>	<b>MAINTENANCE OF SEPTIC TANK SYSTEMS</b>
<b>15A NCAC 18A .1915</b>	<b>PERMITS</b>
<b>15A NCAC 18A .1916</b>	<b>RESPONSIBILITIES</b>
<b>15A NCAC 18A .1917</b>	<b>TECHNICAL GUIDE</b>
<b>15A NCAC 18A .1918</b>	<b>SITE FACTORS</b>
<b>15A NCAC 18A .1919</b>	<b>TOPOGRAPHY</b>
<b>15A NCAC 18A .1920</b>	<b>SOIL CHARACTERISTICS</b>
<b>15A NCAC 18A .1921</b>	<b>PERCOLATION TESTS</b>
<b>15A NCAC 18A .1922</b>	<b>DETERMINATION OF SOIL SUITABILITY</b>
<b>15A NCAC 18A .1923</b>	<b>AVAILABLE SPACE</b>
<b>15A NCAC 18A .1924</b>	<b>OTHER APPLICABLE FACTORS</b>
<b>15A NCAC 18A .1925</b>	<b>ESTIMATES OF SEWAGE QUANTITIES</b>
<b>15A NCAC 18A .1926</b>	<b>POSSIBLE MODIFICATIONS OF INITIAL CLASSIFICATIONS</b>
<b>15A NCAC 18A .1927</b>	<b>INTERPRETATION AND TECHNICAL ASSISTANCE</b>
<b>15A NCAC 18A .1928</b>	<b>APPLICABILITY OF RULES</b>
<b>15A NCAC 18A .1929</b>	<b>EXEMPTION</b>
<b>15A NCAC 18A .1930</b>	<b>DISUSE OF SEWAGE SYSTEM</b>
<b>15A NCAC 18A .1931</b>	<b>VIOLATIONS</b>

**15A NCAC 18A .1932 CONFLICTING RULES REPEALED**  
**15A NCAC 18A .1933 SEVERABILITY**

*History Note:* Authority G.S. 130-160; 166.23 through 166.28;  
Eff. July 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1982; March 31, 1981; June 30, 1980;  
Repealed Eff. July 1, 1982.

**15A NCAC 18A .1934 SCOPE**  
**15A NCAC 18A .1935 DEFINITIONS**

*History Note:* Authority G.S. 130A-335(e) and (f);  
Eff. July 1, 1982;  
Amended Eff. July 1, 1995; December 1, 1990; January 1, 1990; August 1, 1988; April 1, 1985;  
Temporary Amendment Eff. June 24, 2003;  
Amended Eff. June 1, 2006; May 1, 2004;  
Repealed Eff. January 1, 2024.

**15A NCAC 18A .1936 REQUIREMENTS FOR SEWAGE TREATMENT AND DISPOSAL**

*History Note:* Authority G.S. 130A-335(e);  
Eff. July 1, 1982;  
Repealed Eff. January 1, 1990.

- 15A NCAC 18A .1937 PERMITS**
- 15A NCAC 18A .1938 RESPONSIBILITIES**
- 15A NCAC 18A .1939 SITE EVALUATION**
- 15A NCAC 18A .1940 TOPOGRAPHY AND LANDSCAPE POSITION**
- 15A NCAC 18A .1941 SOIL CHARACTERISTICS (MORPHOLOGY)**
- 15A NCAC 18A .1942 SOIL WETNESS CONDITIONS**
- 15A NCAC 18A .1943 SOIL DEPTH**
- 15A NCAC 18A .1944 RESTRICTIVE HORIZONS**
- 15A NCAC 18A .1945 AVAILABLE SPACE**
- 15A NCAC 18A .1946 OTHER APPLICABLE FACTORS**
- 15A NCAC 18A .1947 DETERMINATION OF OVERALL SITE SUITABILITY**
- 15A NCAC 18A .1948 SITE CLASSIFICATION**
- 15A NCAC 18A .1949 SEWAGE FLOW RATES FOR DESIGN UNITS**
- 15A NCAC 18A .1950 LOCATION OF SANITARY SEWAGE SYSTEMS**
- 15A NCAC 18A .1951 APPLICABILITY OF RULES**
- 15A NCAC 18A .1952 SEPTIC TANK, EFFLUENT FILTER, DOSING TANK AND LIFT STATION DESIGN**
- 15A NCAC 18A .1953 PREFABRICATED SEPTIC TANKS AND PUMP TANKS**
- 15A NCAC 18A .1954 MINIMUM STANDARDS FOR PRECAST REINFORCED CONCRETE TANKS**
- 15A NCAC 18A .1955 DESIGN INSTALLATION CRITERIA FOR CONVENTIONAL SEWAGE SYSTEMS**
- 15A NCAC 18A .1956 MODIFICATIONS TO SEPTIC TANK SYSTEMS**
- 15A NCAC 18A .1957 CRITERIA FOR DESIGN OF ALTERNATIVE SEWAGE SYSTEMS**
- 15A NCAC 18A .1958 NON-GROUND ABSORPTION SEWAGE TREATMENT SYSTEMS**
- 15A NCAC 18A .1959 PRIVY CONSTRUCTION**
- 15A NCAC 18A .1960 MAINTENANCE OF PRIVIES**
- 15A NCAC 18A .1961 MAINTENANCE OF SEWAGE SYSTEMS**
- 15A NCAC 18A .1962 APPLICABILITY**

*History Note:* Authority G.S. 89C; 89E; 89F; 90A; 130A-335(e),(f),(f1); 130A-342;  
Eff. July 1, 1982;

*Amended Eff. January 1, 1990; August 1, 1988; February 1, 1987; April 1, 1985; January 1, 1984; October 1, 1983; July 1, 1983, January 1, 1983; October 1, 1982;*  
*Temporary Amendment Eff. June 30, 1990, for a period of 180 days to expire on December 27, 1990;*  
*Amended Eff. May 1, 1991; December 1, 1990; October 1, 1990;*  
*Temporary Amendment Eff. July 3, 1991, for a period of 180 days to expire on December 30, 1991;*  
*Amended Eff. July 1, 1995; April 1, 1993; February 1, 1992; August 1, 1991;*  
*Temporary Amendment Eff. January 20, 1997;*  
*Amended Eff. August 1, 1998;*  
*Temporary Amendment Eff. January 1, 1999;*  
*Amended Eff. August 1, 2000; November 1, 1999;*  
*Temporary Amendment Eff. June 24, 2003; April 17, 2002;*  
*Amended Eff. August 1, 2007; June 1, 2006; May 1, 2004;*  
*Repealed Eff. January 1, 2024.*

**15A NCAC 18A .1963 DISUSE OF SEWAGE SYSTEM**

*History Note: Authority G.S. 130A-335(e);*  
*Eff. July 1, 1982;*  
*Repealed Eff. August 1, 1988.*

**15A NCAC 18A .1964 INTERPRETATION AND TECHNICAL ASSISTANCE**

**15A NCAC 18A .1965 APPEALS PROCEDURE**

**15A NCAC 18A .1966 SEVERABILITY**

**15A NCAC 18A .1967 INJUNCTIONS**

**15A NCAC 18A .1968 PENALTIES**

*History Note: Authority G.S. 130A-335(e);*  
*Eff. July 1, 1982;*  
*Amended Eff. January 1, 1990; February 1, 1987; January 1, 1985;*  
*Repealed Eff. January 1, 2024.*

**15A NCAC 18A .1969 APPROVAL AND PERMITTING OF ON-SITE SUBSURFACE WASTEWATER SYSTEMS, TECHNOLOGIES, COMPONENTS, OR DEVICES**

*History Note: Authority G.S. 130A-335(e),(f); 130A-343;*  
*Eff. April 1, 1993;*  
*Temporary Amendment Eff. June 24, 2003; February 1, 2003;*  
*Amended Eff. June 1, 2006; February 1, 2005; May 1, 2004;*  
*Repealed Eff. January 1, 2024.*

**15A NCAC 18A .1970 ADVANCED WASTEWATER PRETREATMENT SYSTEM**

*History Note: Authority G.S. 130A-334; 130A-335; 130A-336; 130A-337; 130A-340; 130A-342; 130A-343;*  
*Eff. June 1, 2006;*  
*Amended Eff. October 1, 2011;*  
*Repealed Eff. January 1, 2024.*

**15A NCAC 18A .1971 ENGINEERED OPTION PERMIT**

*History Note: Authority G.S. 130A-335; 130A-336.1;*  
*Temporary Adoption Eff. July 1, 2016;*  
*Eff. April 1, 2017;*  
*Repealed Eff. January 1, 2024.*

**SECTION .2000 - ADMINISTRATIVE PENALTIES**

Rules .2001 - .2011 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .2001 - .2011); has been transferred and recodified from Rules .2001 - .2011 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .2001 - .2011), effective April 4, 1990.

<b>15A NCAC 18A .2001</b>	<b>DEFINITIONS</b>
<b>15A NCAC 18A .2002</b>	<b>ADMINISTRATIVE PENALTIES</b>
<b>15A NCAC 18A .2003</b>	<b>WHO MAY ASSESS PENALTIES</b>
<b>15A NCAC 18A .2004</b>	<b>WHEN PENALTIES MAY BE ASSESSED</b>
<b>15A NCAC 18A .2005</b>	<b>AMOUNT OF PENALTY ASSESSMENT</b>
<b>15A NCAC 18A .2006</b>	<b>CONSIDERATIONS IN ASSESSING ADMINISTRATIVE PENALTIES</b>
<b>15A NCAC 18A .2007</b>	<b>PROCEDURE FOR ASSESSMENT</b>
<b>15A NCAC 18A .2008</b>	<b>PAYMENTS: HEARING</b>
<b>15A NCAC 18A .2009</b>	<b>STAY OF PENALTY ASSESSMENT</b>
<b>15A NCAC 18A .2010</b>	<b>WAIVER OF ADMINISTRATIVE HEARING</b>
<b>15A NCAC 18A .2011</b>	<b>REFERRAL</b>

*History Note:* Authority G.S. 130A-22(f);  
Eff. January 1, 1984;  
Amended Eff. May 1, 1987;  
Repealed Eff. July 1, 1990 in accordance with G.S. 150B-59(c).

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

Rules .2101 - .2103 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .2101 - .2103); have been transferred and recodified from Rules .2114 - .2116 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .2114 - .2116). Rules .2104 - .2105 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .2104 - .2105); have been transferred and recodified from Rules .2118 - .2119 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .2118 - .2119). Rules .2106 - 2116 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .2106 - .2116) have been transferred and recodified from Rules .2121 - .2131 of Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .2121 - .2131), effective April 4, 1990.

<b>15A NCAC 18A .2101</b>	<b>DEFINITIONS</b>
<b>15A NCAC 18A .2102</b>	<b>PERMITS</b>
<b>15A NCAC 18A .2103</b>	<b>INSPECTIONS</b>
<b>15A NCAC 18A .2104</b>	<b>RIGHT OF ENTRY</b>
<b>15A NCAC 18A .2105</b>	<b>GRADING</b>
<b>15A NCAC 18A .2106</b>	<b>SITE</b>
<b>15A NCAC 18A .2107</b>	<b>BUILDINGS</b>

*History Note:* Authority G.S. 130A-239;  
Eff. January 1, 1985;  
Amended Eff. June 1, 1989; January 1, 1989; February 1, 1987; July 1, 1986;  
Repealed Eff. July 1, 1990 in accordance with G.S. 150B-59(c).

#### **15A NCAC 18A .2108 WATER SUPPLY**

*History Note:* Authority G.S. 130A-239;  
Eff. January 1, 1985;  
Amended Eff. June 1, 1989; January 1, 1989; July 1, 1986;  
Repealed Eff. October 1, 1990.

<b>15A NCAC 18A .2109</b>	<b>TOILET FACILITIES</b>
<b>15A NCAC 18A .2110</b>	<b>SEWAGE DISPOSAL FACILITIES</b>

<b>15A NCAC 18A .2111</b>	<b>LAUNDRY: HANDWASHING: AND FACILITIES</b>
<b>15A NCAC 18A .2112</b>	<b>LIGHTING AND ELECTRICAL OUTLETS</b>
<b>15A NCAC 18A .2113</b>	<b>SOLID WASTE DISPOSAL</b>
<b>15A NCAC 18A .2114</b>	<b>KITCHEN AND DINING FACILITIES</b>
<b>15A NCAC 18A .2115</b>	<b>INSECT: RODENT: AND ANIMAL CONTROL</b>
<b>15A NCAC 18A .2116</b>	<b>FIRST AID</b>

*History Note:* Authority G.S. 130A-239;  
 Eff. January 1, 1985;  
 Amended Eff. June 1, 1989; January 1, 1989;  
 Repealed Eff. July 1, 1990 in accordance with G.S. 150B-59(c).

**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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

**SECTION .2200 - SANITATION OF BED AND BREAKFAST HOMES**

<b>15A NCAC 18A .2201</b>	<b>DEFINITIONS</b>
<b>15A NCAC 18A .2202</b>	<b>PERMITS</b>
<b>15A NCAC 18A .2203</b>	<b>INSPECTIONS: VISITS: POSTING OF GRADE CARD</b>
<b>15A NCAC 18A .2204</b>	<b>INSPECTION FORMS</b>
<b>15A NCAC 18A .2205</b>	<b>GRADING</b>
<b>15A NCAC 18A .2206</b>	<b>FLOORS</b>
<b>15A NCAC 18A .2207</b>	<b>WALLS AND CEILINGS</b>
<b>15A NCAC 18A .2208</b>	<b>LIGHTING AND VENTILATION</b>
<b>15A NCAC 18A .2209</b>	<b>TOILET: HANDWASHING: LAUNDRY: AND BATHING FACILITIES</b>
<b>15A NCAC 18A .2210</b>	<b>WATER SUPPLY</b>
<b>15A NCAC 18A .2211</b>	<b>DRINKING WATER FACILITIES: ICE HANDLING</b>
<b>15A NCAC 18A .2212</b>	<b>DISPOSAL OF WASTES</b>
<b>15A NCAC 18A .2213</b>	<b>VERMIN CONTROL: PREMISES</b>
<b>15A NCAC 18A .2214</b>	<b>STORAGE: MISCELLANEOUS</b>

<b>15A NCAC 18A .2215</b>	<b>BEDS; LINEN; FURNITURE</b>
<b>15A NCAC 18A .2216</b>	<b>FOOD SERVICE UTENSILS AND EQUIPMENT</b>
<b>15A NCAC 18A .2217</b>	<b>FOOD SUPPLIES</b>
<b>15A NCAC 18A .2218</b>	<b>FOOD PROTECTION</b>
<b>15A NCAC 18A .2219</b>	<b>FOOD SERVICE PERSONS</b>
<b>15A NCAC 18A .2220</b>	<b>SEVERABILITY</b>
<b>15A NCAC 18A .2221</b>	<b>APPEALS PROCEDURE</b>

*History Note:* Authority G.S. 130A-250;  
 Eff. April 1, 1984;  
 Amended Eff. November 1, 2006; November 1, 2002; October 1, 1993; April 1, 1992; August 1, 1991;  
 September 1, 1990; March 1, 1988; February 1, 1987; July 1, 1986;  
 Repealed October 1, 2017.

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

Rules .2301 - .2306 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .2301 - .2306); has been transferred and recodified from Rules .2301 - .2306 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .2301 - .2306). Rule .2307 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .2307); has been transferred and recodified from Rule .2308 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .2308), effective April 4, 1990.

<b>15A NCAC 18A .2301</b>	<b>SCOPE OF DELEGATED AUTHORITY</b>
<b>15A NCAC 18A .2302</b>	<b>ELIGIBILITY FOR DELEGATION OF AUTHORITY</b>
<b>15A NCAC 18A .2303</b>	<b>DELEGATION OF AUTHORITY</b>
<b>15A NCAC 18A .2304</b>	<b>EVALUATION</b>

*History Note:* Authority G.S. 130A-4(b); 130A-5(3);  
 Eff. October 1, 1985;  
 Amended Eff. December 1, 1990; September 1, 1990;  
 Repealed Eff. March 1, 1998.

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **15A NCAC 18A .2306 RE-AUTHORIZATION**

*History Note:* Authority G.S. 130A-4(b); 130A-5(3);  
Eff. October 1, 1985;  
Repealed Eff. March 1, 1998.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **15A NCAC 18A .2308 RESERVED FOR FUTURE CODIFICATION**

#### **15A NCAC 18A .2309 RESERVED FOR FUTURE CODIFICATION**

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

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

Rules .2401 - .2417 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .2401 - .2417); has been transferred and recodified from Rules .2401 - .2417 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .2401 - .2417), effective April 4, 1990.

#### **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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

**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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

**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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

**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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

**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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

**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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

**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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

**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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

**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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

**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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

**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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

### **SECTION .2500 - PUBLIC SWIMMING POOLS**

Rules .2501 - .2507 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .2501 - .2507); have been transferred and recodified from Rules .2501 - .2507 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .2501 - .2507), effective April 4, 1990.

<b>15A NCAC 18A .2501</b>	<b>DEFINITIONS</b>
<b>15A NCAC 18A .2502</b>	<b>PUBLIC SWIMMING POOL OPERATION PERMITS</b>
<b>15A NCAC 18A .2503</b>	<b>INSPECTIONS</b>
<b>15A NCAC 18A .2504</b>	<b>DESIGN AND CONSTRUCTION STANDARDS</b>
<b>15A NCAC 18A .2505</b>	<b>WATER QUALITY STANDARDS</b>
<b>15A NCAC 18A .2506</b>	<b>REVOCAION OF PERMITS</b>
<b>15A NCAC 18A .2507</b>	<b>APPEALS</b>

*History Note:* Authority S.L. 1989, c. 577;  
Eff. May 1, 1990;  
Repealed Eff. May 1, 1991.

#### **15A NCAC 18A .2508 DEFINITIONS**

The following definitions apply throughout this Section:

- (1) "Department" means North Carolina Department of Health and Human Services.
- (2) "Equipment replacement" means replacement of individual components of the hydraulic and disinfection systems such as pumps, filters, and automatic chemical feeders.
- (3) "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) "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;
    - (vi) training pools deeper than a 24 inch deep wading pool and shallower than a 36 inch deep swimming pool; and
    - (vii) artificial swimming lagoons as defined in G.S. 130A-280.
  - (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.
  - (f) "Display spa at a temporary event" or "DSTE" is a portable, above ground spa that contains water but is not used for body immersion and is displayed at a temporary event.
- (4) "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.
  - (5) "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.
  - (6) "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.
  - (7) "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.
  - (8) "Splash zone" means the area of an interactive play attraction that sheds water to a surge tank or container to be recirculated.
  - (9) "Temporary event" means a non-permanent fair, carnival, circus, festival, or public exhibition.
  - (10) "Unblockable drain" means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.
  - (11) "Water feature" means any component within a public swimming pool that pumps, jets, or sprays water above the waterline.

*History Note:* Authority G.S. 130A-280; 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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019;  
 Temporary Amendment Eff. December 3, 2019;

*Amended Eff. July 1, 2022; October 1, 2020.*

**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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

**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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
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#### **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;  
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**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;  
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**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'	10'
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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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.*

#### **15A NCAC 18A .2519 FILTERS**

- (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.

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#### **15A NCAC 18A .2520 CHEMICAL FEEDERS**

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#### **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.

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### **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.

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### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **15A NCAC 18A .2533 EQUIPMENT ROOM**

- (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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **15A NCAC 18A .2543 WATER RECREATION ATTRACTIONS**

(a) Upon written request and approval by the Department, water recreation attractions including water slides, wave pools, rapid rides, lazy rivers, artificial swimming lagoons, and other similar features may deviate from the requirements of this Section with respect to pool profile, depth, freeboard, flow dynamics and surface skimming systems. The Department shall approve the request upon a showing that such deviation performs in a manner equally to or more protective of public health than the requirements of this Section based upon design plans and technical specifications by the designing engineer or equipment manufacturer. 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.
  - (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 not be required.
  - (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 under Rules .2535 and .2537 of this Section.
- (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.
- (f) Artificial swimming lagoons shall meet the requirements for public swimming pools except as specified in this Rule:
- (1) Pool shells shall not be required. Liners shall meet the requirements of Rule .2514 of this Section.
  - (2) Underwater components of the artificial swimming lagoon or float lines with openings greater than one-half inch shall not be allowed in swimming zones.
  - (3) All swimming zone float rope components shall be a color contrasting with the pool liner. Artificial swimming lagoons are not required to meet the float rope location requirements of Rule .2523(e) of this Section regarding breakpoint and slope. A contrasting color band shall not be required on the liner under the rope.
  - (4) Each swimming zone and water feature shall meet water quality standards as required in Rule .2535 of this Section. If the water quality of a swimming zone or water feature does not meet the requirements of Rule .2535 of this Section, the operator shall close the swimming zone or water feature and post a sign at the entrance of the swimming zone with legible letters of at least four inches (10 cm) in height stating "ATTENTION: THE SWIMMING ZONE IS CLOSED. SWIMMING IN THIS AREA IS NOT PERMITTED AT THIS TIME." The swimming zone or water feature shall remain closed until the water quality in the swimming zone or water feature complies with the requirements of Rule .2535 of this Section.
  - (5) All non-swimming zones shall be maintained so the bottom of the lagoon is visible in all areas.
  - (6) A sign shall be posted at all entrances to the artificial swimming lagoon with legible letters of at least four inches (10 cm) in height stating "NOTICE – NO SWIMMING ALLOWED OUTSIDE OF DESIGNATED SWIMMING ZONES."
  - (7) Signage shall be posted indicating swimming zones.
  - (8) Depth markings and no diving markers shall be provided on decks in swimming zones as required in Rule .2523 of this Section. Signs shall be posted at all entrances to swimming zones with legible letters of at least four inches (10cm) in height stating "NO DIVING" and stating the maximum depth of the swimming

- zone in Arabic numerals and shall include the word "feet" or the symbol "ft" to indicate the unit of measure.
- (9) Decks at zero entry areas located within swimming zones are not required to meet the minimum deck area requirements in Rule .2522 of this Section. Access to swimming zones shall be provided for emergency vehicles and personnel. No decks shall be required in non-swimming zones. The requirements of Rule .2515(g)(1) of this Section shall not apply to swimming zones and Rule .2515(g) of this Section shall not apply to non-swimming zones.
  - (10) Swimming zones shall meet all safety provisions as set out in Rule .2530 of this Section. Where swimming zones are separated by more than 75 feet, each swimming zone shall separately meet all safety provisions. Non-swimming zones are exempt from the requirements in Rule .2530 of this Section.
  - (11) A water treatment system that does not meet the requirements of Rules .2518 and .2519 of this Section shall be approved by the Environmental Health Section of the Department's Division of Public Health when the treatment system performs in a manner equal or superior to the systems described in Rules .2518 and .2519 of this Section in terms of water clarification, disinfection, and removal of debris, and results in a disinfectant residual and pH level as required in Subparagraph (f)(4) of this Rule.
  - (12) The requirements of Rule .2529 of this Section and Rule .2526(e)–(h) of this Section shall not apply. Sanitary facility requirements shall comply with the 2018 North Carolina State Building Code: Plumbing Code, which is incorporated by reference, including any subsequent amendments or editions and available free of charge at: <https://codes.iccsafe.org/content/NCPC2018>.
  - (13) Bacteriological samples shall be collected by the operator in non-swimming zones and tested weekly. One sample shall be collected for every 250 feet of shoreline, with no more than 300 feet and no less than 25 feet between any two sampling locations. The samples shall be collected at least one foot below the surface, in at least three feet of water. The samples shall be analyzed by a laboratory accredited by the North Carolina Drinking Water Laboratory Certification Program, the North Carolina Wastewater/Groundwater Laboratory Certification Program, or the National Environmental Laboratory Accreditation Program. The test results shall be maintained as part of the records required in Rule .2535(11) of this Section.
  - (14) When the result of any test required by Subparagraph (f)(13) of this Rule exceeds the standards in Rule .3402(a) of this Subchapter, the operator shall:
    - (A) notify the local health department that permitted the artificial swimming lagoon and resample the water within 24 hours of receipt of the result from the laboratory; and
    - (B) close all non-swimming zones and post a sign at all non-swimming zone entrances with legible letters of at least four inches (10 cm) in height stating "ATTENTION: ALL NON-SWIMMING ZONES ARE CLOSED. RECREATIONAL ACTIVITIES IN THIS AREA ARE NOT PERMITTED AT THIS TIME." This sign shall remain posted until resampling determines that bacterial levels do not exceed the standards in Rule .3402(a) of this Subchapter.
  - (15) Non-swimming zones shall not be required to comply with the lighting requirements of Rule .2524 of this Section. When night swimming is allowed, the operator shall provide lighting in swimming zones as required for public swimming pools.
  - (16) The requirements of Rule .2537(b)(16) of this Section shall not apply. Submersible pumps or mechanical pool cleaning equipment shall not be used in swimming zones or within 25 feet of swimming zones when a swimming zone is open to bathers. If submersible pumps or mechanical pool cleaning equipment are used in non-swimming zones when a non-swimming zone is open to users, the following conditions shall apply:
    - (A) A registered design professional shall provide design plans or technical specifications that demonstrate that any underwater suction outlets perform in a manner that is equally protective or more protective than the Pool and Hot Tub Alliance's ANSI/APSP/ICC-7 2013 Standard for Suction Entrapment Avoidance in Swimming Pools, which is incorporated by reference, including any subsequent amendments or editions, and available for a fee of one hundred sixty-five dollars (\$165.00) at <https://www.apsp.org/store1>; and
    - (B) All floating components of submersible pumps or mechanical pool cleaning equipment shall be labeled with a sign above the water line with legible letters of at least four inches (10 cm) in a contrasting color stating: "DANGER: MECHANICAL EQUIPMENT IN USE. STAY BACK 25 FEET."
  - (17) The requirements of Rules .2521 and .2516(f)(1) of this Section shall not apply to non-swimming zones.

*History Note:* Authority G.S. 130A-280; 130A-282; S.L. 2011-39; S.L. 2019-88;

*Eff. April 1, 1999;*

*Amended Eff. March 1, 2004;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019;*

*Temporary Amendment Eff. December 3, 2019;*

*Amended Eff. October 1, 2020.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **15A NCAC 18A .2545 DISPLAY SPA AT A TEMPORARY EVENT**

A display spa at a temporary event (DSTE) shall not be required to comply with the Rules of this Section except as specified in this Rule.

- (1) A DSTE shall not operate without a permit that has been issued by the local health department that serves the county in which the temporary event is located. The duration of a permit for a DSTE shall be no more than 21 consecutive calendar days. The applicant may apply for additional permits to operate a DSTE for multiple 21-day periods at the same temporary event.
- (2) One permit application shall be submitted for each DSTE. The applicant shall submit the application for a permit at least 15 calendar days before commencing operation of a DSTE. The application form shall be submitted to the local health department that serves the county in which the temporary event is located and shall include the following information:
  - (a) applicant's name, address, and phone number;
  - (b) name of the temporary event;
  - (c) street address of the temporary event;
  - (d) proposed operating dates; and
  - (e) signature of the applicant.
- (3) A DSTE shall meet the requirements of Rule .2535 of this Section, except as follows:
  - (a) automatic chemical feeders shall not be required;
  - (b) written records shall only be required to include disinfectant concentration, pH, and the type and amount of chemicals added to the DSTE;
  - (c) disinfectant residual shall be measured every day before opening the DSTE to the public and every four hours thereafter until the DSTE is closed for the day;
  - (d) disinfectant concentrations shall be maintained at or above 3 ppm free chlorine or 4 ppm free bromine; and
  - (e) pH shall be maintained between 7.0-7.8.
- (4) A sign shall be posted on each permitted DSTE that states: "DISPLAY SPA – ONLY HANDS AND FOREARMS ALLOWED IN WATER." The text on the sign shall be at least 2 inches in height.
- (5) When the water in a DSTE does not meet the water quality standards set out in Item (3) of this Rule or is closed for the day, the DSTE shall be kept closed with a latched or locked cover that prevents the public from coming into contact with the DSTE water. The applicant shall post a sign on the DSTE that states: "SPA CLOSED." The text on the sign shall be at least 2 inches in height.
- (6) The applicant shall keep water quality records required under Sub-Item (3)(b) of this Rule on site during the temporary event and for six months after the completion of the temporary event. The applicant shall provide water quality records to the local health department that issued the DSTE permit and the Department upon request.
- (7) All pool chemicals stored on-site at the temporary event shall be stored in a water resistant, covered container in an area that is not used by the public.
- (8) When the applicant or applicant's designee is not available to supervise a DSTE, the DSTE shall be kept closed with a latched or locked cover that prevents the public from coming into contact with the DSTE water.
- (9) The permit for each DSTE shall be posted for the duration of the temporary event in a location that is visible to the public.
- (10) The applicant or the applicant's designee shall report any death, serious injury, or complaint of illness attributed to the applicant's DSTE in accordance with Rule .2540 of this Section.

*History Note: Authority G.S. 130A-280; 130A-282;  
Eff. July 1, 2022.*

### **SECTION .2600 – THE SANITATION OF FOOD SERVICE ESTABLISHMENTS**

#### **15A NCAC 18A .2601 DEFINITIONS**



**15A NCAC 18A .2602 PERMITS**  
**15A NCAC 18A .2603 PUBLIC DISPLAY OF GRADE CARD**  
**15A NCAC 18A .2604 INSPECTIONS AND REINSPECTIONS**

*History Note:* Authority G.S. 130A-248;  
Eff. May 5, 1980;  
Amended Eff. January 1, 1996; July 1, 1994; January 4, 1994; July 1, 1993; May 1, 1991; July 1, 1984;  
February 1, 1990; March 1, 1988; July 1, 1986;  
Temporary Amendment Eff. April 8, 1996;  
Amended Eff. July 1, 2008; August 1, 2007; April 1, 2005; October 1, 2004; January 1, 2002; August 1,  
1998; April 1, 1997;  
Repealed Eff. September 1, 2012.

**15A NCAC 18A .2605 INSPECTION FORMS**

*History Note:* Authority G.S. 130A-248;  
Eff. May 5, 1980;  
Amended Eff. May 1, 1991; July 1, 1984;  
Repealed Eff. August 1, 1998.

**15A NCAC 18A .2606 GRADING**  
**15A NCAC 18A .2607 STANDARDS AND APPROVAL OF PLANS**

*History Note:* Authority G.S. 130A-248;  
Eff. May 5, 1980;  
Amended Eff. January 1, 1996; July 1, 1994; January 4, 1994; July 1, 1993; July 1, 1992; May 1, 1991;  
March 1, 1988; July 1, 1984;  
Temporary Amendment Eff. April 8, 1996;  
Amended Eff. July 1, 2008; August 1, 2007; January 1, 2006; April 1, 2005; October 1, 2004; August 1,  
2004; January 1, 2002; August 1, 1998; April 1, 1997;  
Repealed Eff. September 1, 2012.

**15A NCAC 18A .2608 SOURCES OF FOOD**  
**15A NCAC 18A .2609 REFRIGERATION: THAWING: AND PREPARATION OF FOOD**  
**15A NCAC 18A .2610 STORAGE: HANDLING: AND DISPLAY OF FOOD**  
**15A NCAC 18A .2611 RE-SERVING OF FOOD**  
**15A NCAC 18A .2612 SHELLFISH**

*History Note:* Authority G.S. 130A-248;  
Eff. May 5, 1980;  
Amended Eff. July 1, 1994; April 1, 1994; October 1, 1993; July 1, 1992; May 1, 1991; October 1, 1990;  
July 1, 1984;  
Temporary Amendment Eff. February 1, 1998;  
Amended Eff. August 1, 1998;  
Temporary Amendment Eff. October 12, 1998;  
Amended Eff. November 1, 2007; January 1, 2006; May 1, 2005; April 1, 2005; October 1, 2004; April 1,  
1999;  
Repealed Eff. September 1, 2012.

**15A NCAC 18A .2613 BARBECUE PLACES**  
**15A NCAC 18A .2614 OUTDOOR DINING**  
**15A NCAC 18A .2615 MILK AND MILK PRODUCTS**  
**15A NCAC 18A .2616 REQUIREMENTS FOR EMPLOYEES**  
**15A NCAC 18A .2617 UTENSILS AND EQUIPMENT**  
**15A NCAC 18A .2618 CLEANING OF EQUIPMENT AND UTENSILS**

- 15A NCAC 18A .2619 METHODS OF BACTERICIDAL TREATMENT**
- 15A NCAC 18A .2620 STORAGE AND HANDLING OF UTENSILS AND EQUIPMENT**
- 15A NCAC 18A .2621 DRINKING WATER FOUNTAINS**
- 15A NCAC 18A .2622 STORAGE: HANDLING: AND USE OF ICE**
- 15A NCAC 18A .2623 WATER SUPPLY**
- 15A NCAC 18A .2624 TOILET FACILITIES**
- 15A NCAC 18A .2625 LAVATORY FACILITIES**
- 15A NCAC 18A .2626 DISPOSAL OF WASTES AND BY-PRODUCTS**
- 15A NCAC 18A .2627 FLOORS**
- 15A NCAC 18A .2628 WALLS AND CEILINGS**

*History Note:* Authority G.S. 130A-248;  
Eff. May 5, 1980;  
Amended Eff. January 1, 1996; July 1, 1994; January 4, 1994; July 1, 1993; July 1, 1992; April 1, 1992;  
July 1, 1991; May 1, 1991; December 1, 1991; July 1, 1986; October 1, 1985; July 1, 1984;  
Temporary Amendment Eff. April 8, 1996;  
Amended Eff. September 1, 2010; November 1, 2007; August 1, 2007; April 1, 2005; October 1, 2004;  
February 1, 2004; January 1, 2002; September 1, 1999; August 1, 1998; April 1, 1997;  
Repealed Eff. September 1, 2012.

**15A NCAC 18A .2629 DOORS AND WINDOWS**

*History Note:* Authority G.S. 130A-248;  
Eff. May 5, 1980;  
Amended Eff. April 1, 1992; May 1, 1991;  
Repealed Eff. October 1, 2004.

- 15A NCAC 18A .2630 LIGHTING**
- 15A NCAC 18A .2631 VENTILATION**
- 15A NCAC 18A .2632 STORAGE SPACES**
- 15A NCAC 18A .2633 PREMISES: MISCELLANEOUS: VERMIN CONTROL**
- 15A NCAC 18A .2634 REQUIREMENTS FOR FOOD STANDS**
- 15A NCAC 18A .2635 REQUIREMENTS FOR TEMPORARY FOOD ESTABLISHMENTS**

*History Note:* Authority G.S. 130A-248;  
Eff. May 5, 1980;  
Amended Eff. September 1, 2010; October 1, 2004; January 1, 1996; August 1, 1998; April 1, 1992; May  
1, 1991; February 1, 1987; July 1, 1986; October 1, 1985; July 1, 1984;  
Repealed Eff. September 1, 2012.

**15A NCAC 18A .2636 REQUIREMENTS FOR TEMPORARY RESTAURANTS**

*History Note:* Authority G.S. 130A-248;  
Eff. May 5, 1980;  
Repealed Eff. January 1, 1996.

- 15A NCAC 18A .2637 EMPLOYEES' COOK TENTS**
- 15A NCAC 18A .2638 GENERAL REQUIREMENTS FOR PUSHCARTS AND MOBILE FOOD UNITS**
- 15A NCAC 18A .2639 SPECIFIC REQUIREMENTS FOR PUSHCARTS**
- 15A NCAC 18A .2640 SPECIFIC REQUIREMENTS FOR MOBILE FOOD UNITS**
- 15A NCAC 18A .2641 PROCEDURE WHEN INFECTION SUSPECTED**
- 15A NCAC 18A .2642 SEVERABILITY**
- 15A NCAC 18A .2643 INFORMAL REVIEW PROCESS AND APPEALS PROCEDURE**

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

*Eff. May 5, 1980;*  
*Amended Eff. November 1, 2007; August 1, 1998; January 4, 1994; September 1, 1991; May 1, 1991;*  
*April 1, 1985; September 22, 1980;*  
*Repealed Eff. September 1, 2012.*

#### **15A NCAC 18A .2644 REQUIREMENTS FOR CATERED ELDERLY NUTRITION SITES**

*History Note: Authority G.S. 130A-248;*  
*Eff. March 1, 1989;*  
*Amended Eff. July 1, 1993;*  
*Repealed Eff. September 1, 2012.*

#### **15A NCAC 18A .2645 REQUIREMENTS FOR LIMITED FOOD SERVICE ESTABLISHMENTS**

*History Note: Authority G.S. 130A-248;*  
*Eff. July 1, 1994;*  
*Repealed Eff. September 1, 2012.*

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

The 2017 Food Code and the accompanying 2017 Food Code Supplement, 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") are hereby incorporated by reference. A copy of the Food Code is available online and free of charge at: [www.fda.gov/food/fda-food-code/food-code-2017](http://www.fda.gov/food/fda-food-code/food-code-2017).

*History Note: Authority G.S. 130A-248; S.L. 2019-129;*  
*Eff. September 1, 2012;*  
*Readopted Eff. October 1, 2021.*

#### **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 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, which are found in 10A NCAC 05 and 06."
- (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 "Equipment (1)" to read: "means an article that is used in the operation of a food establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, or warewashing machine."
- (5) 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."
- (6) 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."
- (7) In Paragraph 1-201.10(B), add: "Food stand' means a food establishment that prepares or serves food and that only provides seating facilities as set forth in G.S. 130A-248(a6)."
- (8) 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."
- (9) In Paragraph 1-201.10(B), amend "Imminent health hazard" to read: "Imminent health hazard' means an imminent hazard as defined in G.S. 130A-2(3)."

- (10) In Paragraph 1-201.10(B), add: "'Limited food services establishment' means a food establishment as defined in G.S. 130A-247(7)."
- (11) In Paragraph 1-201.10(B), add: "'Local health director' means a local health director as defined in G.S. 130A-2(6)."
- (12) 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)."
- (13) In Paragraph 1-201.10(B), add: "'Mobile food unit' means a food establishment with no permanent utility connections, except for an onsite electrical connection, that is designed to be moved and vend food and that does not provide seating facilities for customers to use while eating or drinking."
- (14) In Paragraph 1-201.10(B), amend "Person" to read: "'Person' means person as defined in G.S. 130A-2(7)."
- (15) 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"
- (16) In Paragraph 1-201.10(B), add: "'Pushcart' means a mobile piece of equipment or vehicle used to vend food."
- (17) 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."
- (18) In Paragraph 1-201.10(B), amend "Regulatory Authority" to read: "'Regulatory Authority' means the Department or authorized agent of the Department."
- (19) In Paragraph 1-201.10(B), add: "'Restaurant' means a food establishment that prepares or serves food and provides seating."
- (20) 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."
- (21) In Paragraph 1-201.10(B), amend "Temporary food establishment" to read: "(1) 'Temporary food establishment' means a food establishment as defined in G.S. 130A-247(8). (2) 'Temporary food establishment' does not include domestic yard sales and businesses such as auctions and flea markets."
- (22) 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 of or off-site from the event. The temporary food establishment commissary permit shall be valid for no more than the time period described in G.S. 130A-247(8) 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 the time period described in G.S. 130A-247(8) 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 as set forth in the rules at 15A NCAC 18A .2600."
- (23) In Paragraph 1-201.10(B), add: "'Transitional Permit' means as defined at G.S. 130A-248(c). The transitional permit shall expire 180 days after the date of issuance."
- (24) In Paragraph 1-201.10(B), delete the definition of "Vending machine."
- (25) In Paragraph 1-201.10(B), delete the definition of "Vending machine location."

*History Note:* Authority G.S. 130A-248; S.L. 2019-129; Eff. September 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019; Amended Eff. October 1, 2021.

## **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 Paragraph 2-102.11(A), amend to read: "Complying with this code by having no violations of priority items during the current inspection; or"
  - (3) In Paragraph 2-102.12(B), amend to read: "This section does not apply to congregate nutrition sites and Risk Category I food establishments as defined in 10A NCAC 46 .0213."

*History Note:* Authority G.S. 130A-248; S.L. 2019-129;  
Eff. September 1, 2012;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019;  
Amended Eff. October 1, 2021.

#### **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 originating state and approved by the regulatory authority in North Carolina in accordance with G.S. 130A-248(b). 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) Delete Section 3-305.13.
- (3) In Section 3-306.12, delete (B).

*History Note:* Authority G.S. 130A-248; S.L. 2019-129;  
Eff. September 1, 2012;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019;  
Amended Eff. October 1, 2021.

#### **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 comply with 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."
- (4) In Section 4-502.14, amend to read: "Except as permitted under G.S. 130A-248(c3), mollusk and crustacea shells shall not be used more than once as serving containers."

*History Note:* Authority G.S. 130A-248; S.L. 2019-129;  
Eff. September 1, 2012;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019;  
Amended Eff. October 1, 2021.

#### **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:

- (1) In Paragraph 5-202.12(A), change the risk designation from "priority foundation item" to "core item."
- (2) Delete Section 5-501.14.

*History Note:* Authority G.S. 130A-248; S.L. 2019-129;  
Eff. September 1, 2012;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019;  
Amended Eff. October 1, 2021.

#### **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 (*Feliscatus*) 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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

### **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; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **15A NCAC 18A .2661 INSPECTIONS AND REINSPECTIONS**

(a) Upon entry into a food establishment for an inspection or reinspection, 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, demonstration of knowledge, or performance of duties shall equal no more than 1 point.
- (2) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to the person in charge being a certified food protection manager by having certification from an accredited program shall equal no more than 1 point.
- (3) 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 2 points.
- (4) 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.
- (5) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to procedures responding to vomiting and diarrheal events shall equal no more than 1 point.
- (6) Violation of Chapters 2 and 3 of the Food Code as amended by Rules .2652 and .2653 of this Section related to proper employee eating, tasting, drinking, or tobacco use shall equal no more than 1 point.
- (7) 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.
- (8) 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.
- (9) 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 4 points.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) 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.
- (15) 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.
- (16) 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.
- (17) 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.
- (18) 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.
- (19) 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.
- (20) 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.
- (21) 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.
- (22) 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.
- (23) 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.
- (24) 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 3 points.
- (25) 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.
- (26) 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.

- (27) 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.
- (28) 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.
- (29) 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.
- (30) 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.
- (31) 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.
- (32) 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 2 points.
- (33) 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.
- (34) 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.
- (35) 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.
- (36) 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.
- (37) 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.
- (38) 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.
- (39) 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.
- (40) 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.
- (41) 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.
- (42) 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.
- (43) 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.
- (44) 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.
- (45) 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.
- (46) 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.
- (47) 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 1 point.
- (48) 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.
- (49) 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.
- (50) 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 1 point.
- (51) 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.

- (52) 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.
  - (53) 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.
  - (54) 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.
  - (55) 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.
  - (56) 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.
- (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 cleaning practices of the food establishment; and
  - (3) 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 calendar 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 scheduled by the regulatory authority.
- (j) In Section 8-304.11 of the Food Code delete (K).

*History Note: Authority G.S. 130A-248; S.L. 2019-129; Eff. September 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019; Amended Eff. October 1, 2021.*

### **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; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

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

Notwithstanding the provisions set forth in Rules .2671 and .2672 of this Section, pushcarts and mobile food units shall comply with all requirements in this Section with the following exceptions:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) Single service articles shall be used for serving customers.

*History Note:* Authority G.S. 130A-248; S.L. 2019-129;  
Eff. September 1, 2012;

*Readopted Eff. October 1, 2021.*

**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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

**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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*



### **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; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **15A NCAC 18A .2674 LIMITED FOOD SERVICES ESTABLISHMENTS**

Limited food services establishments shall comply with all the requirements in Rules .2650 through .2662 of this Section, except as follows:

- (1) The permit for a limited food services establishment shall be posted in accordance with G.S. 130A-249. Permits for limited food services establishments shall expire one year from the date of issuance. A new permit from the regulatory authority shall be obtained before the limited food services establishment operates 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 by the local health department that includes a menu, plans, and specifications for the proposed limited food services establishment, and location, hours, and dates of operation.
- (3) Limited food services establishments shall not prepare any time/temperature control for safety food prior to the day of sale.
- (4) Time/temperature control for safety food that has been heated at the limited food services 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 services establishment that is not certified or classified for sanitation by an ANSI-accredited certificate program 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 as tableware as defined in Chapter 1 of the Food Code.
- (8) Limited food services establishments may reheat pre-cooked and cook food in accordance with the overhead protection requirements set forth in Rule .2669(b) of this Section.
- (9) Floors, walls, and ceilings of limited food services establishments shall meet the requirements of this Section, except those limited food services establishments preparing food in accordance with Rule .2669(b) of this Section.
- (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 event is taking place are acceptable. Toilet facilities for the public are not required.

*History Note:* Authority G.S. 130A-248; S.L. 2019-129;  
Eff. September 1, 2012;  
Readopted Eff. October 1, 2021.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

## SECTION .2700 - SANITATION OF MEAT MARKETS

Rules .2701 - .2720 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .2701 - .2720); has been transferred and recodified from Rules .0501 - .0520 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .0501 - .0520). Rules .2721 - .2725 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .2721 - .2725); has been transferred and recodified from Rules .0523 - .0527 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .0523 - .0527), effective April 4, 1990.

<b>15A NCAC 18A .2701</b>	<b>DEFINITIONS</b>
<b>15A NCAC 18A .2702</b>	<b>PERMITS</b>
<b>15A NCAC 18A .2703</b>	<b>PUBLIC DISPLAY OF GRADE CARD</b>
<b>15A NCAC 18A .2704</b>	<b>REINSPECTIONS</b>
<b>15A NCAC 18A .2705</b>	<b>APPROVAL OF PLANS</b>
<b>15A NCAC 18A .2706</b>	<b>INSPECTION FORMS</b>
<b>15A NCAC 18A .2707</b>	<b>GRADING</b>
<b>15A NCAC 18A .2708</b>	<b>FLOORS</b>
<b>15A NCAC 18A .2709</b>	<b>WALLS AND CEILINGS</b>
<b>15A NCAC 18A .2710</b>	<b>LIGHTING</b>
<b>15A NCAC 18A .2711</b>	<b>TOILET FACILITIES</b>
<b>15A NCAC 18A .2712</b>	<b>LAVATORY FACILITIES</b>
<b>15A NCAC 18A .2713</b>	<b>STORAGE SPACES</b>
<b>15A NCAC 18A .2714</b>	<b>WATER SUPPLY</b>
<b>15A NCAC 18A .2715</b>	<b>LIQUID WASTES</b>
<b>15A NCAC 18A .2716</b>	<b>SOLID WASTES AND BY-PRODUCTS</b>
<b>15A NCAC 18A .2717</b>	<b>VERMIN CONTROL: PREMISES</b>
<b>15A NCAC 18A .2718</b>	<b>MISCELLANEOUS</b>
<b>15A NCAC 18A .2719</b>	<b>EMPLOYEES</b>
<b>15A NCAC 18A .2720</b>	<b>UTENSILS AND EQUIPMENT: CLEANING AND STORAGE</b>

*History Note:* Authority G.S. 130A-248;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. November 1, 2002; April 1, 1997; May 1, 1996; July 1, 1992; May 1, 1991;  
March 1, 1988; July 1, 1986; July 1, 1984; June 30, 1980; June 10, 1978;  
Repealed Eff. October 1, 2004.

<b>15A NCAC 18A .2721</b>	<b>UTENSILS AND EQUIPMENT: INSTALLATION</b>
<b>15A NCAC 18A .2722</b>	<b>BARBECUE MACHINES</b>
<b>15A NCAC 18A .2723</b>	<b>REFRIGERATION</b>
<b>15A NCAC 18A .2724</b>	<b>HANDLING AND STORAGE OF MEAT AND OTHER FOOD PRODUCTS</b>
<b>15A NCAC 18A .2725</b>	<b>APPEALS PROCEDURE</b>

*History Note:* Authority G.S. 130A-230; 130A-248;  
Eff. July 1, 1984;  
Amended Eff. May 1, 1991; February 1, 1987;  
Repealed Eff. October 1, 2004.

## SECTION .2800 - SANITATION OF CHILD CARE CENTERS

### **15A NCAC 18A .2801** DEFINITIONS

The following definitions shall apply throughout this Section:

- (1) "Adequate" means to be of the size, volume, or technical specifications necessary to effectively accommodate and support the planned, current, or projected workloads for the technology or constructed space.

- (2) "Approved Disinfectant" means a chlorine solution containing 500 to 800 parts per million (ppm) of chlorine or a disinfectant as defined at 40 C.F.R. 158.2203 that is registered with the United States Environmental Protection Agency (EPA) in accordance with 40 C.F.R. 152 with use indicated in schools and child care settings and that is prepared and maintained in accordance with Rule .2812(i) of this Section.
- (3) "Chain or Franchise Child Care Center" means a child care center that operates under the same business name and prototype design concept, with common ownership or management, as nine or more other child care centers pursuant to a franchise agreement under the same franchisor as nine or more other child care centers.
- (4) "Child Care Administrator" means as defined at G.S. 110-86(2a).
- (5) "Child Care Center" means as defined at 10A NCAC 09 .0102(6).
- (6) "Child Care Operator" or "Operator" means as defined at G.S. 110-86(7).
- (7) "Clean" means that an object or surface has been made free of garbage, soil, dust, hair, dander, food, bodily fluids and secretions, and feces.
- (8) "Communicable Condition" means as defined at G.S. 130A-2(1b).
- (9) "Communicable Disease" means as defined at G.S. 130A-2(1c).
- (10) "Department" or "DHHS" means the North Carolina Department of Health and Human Services or the Department's authorized agent pursuant to G.S. 130A-4.
- (11) "Designated Emergency Medication" means a medication needed to immediately treat a life-threatening medical event that is administered in accordance with 10A NCAC 09 .0803(10) and G.S. 110-102.1A.
- (12) "Detergent Solution" means a solution comprised of water and soap.
- (13) "Disinfect" means a non-sporicidal process of using an approved disinfectant on inanimate surfaces to destroy or irreversibly inactivate fungi, viruses, and bacteria.
- (14) "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.
- (15) "Food-contact surface" means as defined in Part 1-201.10 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2651.
- (16) "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 during the assembly of ingredients.
- (17) "Food Service" means the distribution of foods for consumption, including milk placed in a pitcher or other serving container, ice that is transported, stored and dispensed, the distribution of children's bagged lunches and snacks sent from home, and the use of utensils to prevent direct food contact.
- (18) "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.
- (19) "Garbage" means as defined at G.S. 130A-290(a)(7).
- (20) "Good Repair" means as defined at 15A NCAC 18A .2651(8). Items that are in good repair shall be free of substrate damage, deterioration, peeling surfaces, and broken or missing parts and shall operate in accordance with the manufacturer's or builder's instructions.
- (21) "Hand Antiseptic" means as defined in Part 2-301.16 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652.
- (22) "Handwash Lavatory" means a sink that is equipped with hot and cold water under pressure and is used primarily for handwashing.
- (23) "Hazard" means as defined in Part 1-201.10 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2651, except that "consumer" shall be replaced with "child."
- (24) "Hermetically Sealed Container" means as defined in Part 1-201.10 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2651.
- (25) "Licensing Agency" means the DHHS, Division of Child Development and Early Education.
- (26) "Local Health Department" means as defined at G.S. 130A-2(5).
- (27) "Milk Products" means as defined in Section 1 of the 2017 Grade "A" Pasteurized Milk Ordinance, including subsequent amendments and editions, established by the U.S. Department of Health and Human Services, Food and Drug Administration, which is hereby incorporated by reference and available free of charge at <https://www.fda.gov/media/114169/download>.
- (28) "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.

- (29) "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.
- (30) "Outdoor Learning Environment" means as set forth at 10A NCAC 09 .0605.
- (31) "Pest" means as defined at G.S. 143-460(26a).
- (32) "Potable Water" means water from a potable water supply as defined at 15A NCAC 18C .0102(c)(18).
- (33) "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.
- (34) "Sanitize" means a process of using a sanitizing solution on inanimate surfaces to destroy or irreversibly inactivate bacteria.
- (35) "Sanitizing Solution" means a solution containing 50 to 200 parts per million (ppm) of chlorine or a sanitizer as defined at 40 C.F.R. 158.2203 that is registered with the EPA in accordance with 40 C.F.R. 152 that is approved by the EPA for use on food-contact surfaces, does not require a final rinse step, and has a testing method that can be used by child care center employees to confirm that the prescribed chemical concentrations are met and that is prepared and maintained in accordance with Rule .2812(j) of this Section.
- (36) "School Age" means a school-aged child as defined at 10A NCAC 09 .0102(42).
- (37) "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.
- (38) "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.
- (39) "Tempered Water" means water that is between 80 and 110 degrees Fahrenheit.
- (40) "Utensil" means any kitchenware, tableware, glassware, cutlery, containers or other equipment that food or drink comes in contact with during storage, preparation or serving.
- (41) "Water Play Center" means water tables or containers that allow children to scoop, splash, pour, and play with water to explore their senses.
- (42) "Work Surfaces" means surfaces used for food service, stove tops, food contact utensil and dishwashing sinks, surfaces used for air drying, drain boards, surfaces used for diaper changing, counter top surfaces, and children's 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;  
 Readopted Eff. July 1, 2023.*

**15A NCAC 18A .2802 APPROVAL OF CONSTRUCTION AND RENOVATION PLANS**

(a) Construction plans drawn to scale and specifications for a new child care center that is not a chain or franchise child care center shall be submitted by the operator or the operator's designee to the local health department that serves the county in which the child care center is located 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, including chain or franchise child care centers, shall also be submitted to the local health department for review and approval prior to initiating construction. Construction plans drawn to scale and specifications for prototype chain or franchise child care centers shall be submitted to DHHS, Division of Public Health, Environmental Health Section by mail at 5605 Six Forks Road, 1632 Mail Service Center, Raleigh, North Carolina 27699-1632. When requested by an operator of a child care center or by the Secretary of the Department, 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) The local health department or the DHHS, Division of Public Health, Environmental Health Section, as applicable, shall approve plans described in Paragraph (a) of this Rule when the plans meet the requirements of the rules of this Section that pertain to the construction or renovation of child care centers.

(c) Construction and modifications shall comply with the plans approved pursuant to this Rule.

*History Note: Authority G.S. 110-91; 110-92;  
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;  
Readopted Eff. July 1, 2023.*

### **15A NCAC 18A .2803 HANDWASHING**

(a) Child care center employees shall wash their hands as follows when at work in a child care center:

- (1) upon reporting for work at the child care center;
- (2) before and after handling or preparing food;
- (3) before bottle feeding a child;
- (4) before providing food service;
- (5) before handling clean utensils;
- (6) after toileting or handling of body fluids, including but not limited to saliva, nasal secretions, vomitus, feces, urine, blood, secretions from sores, and pustulant discharge;
- (7) after diaper changing;
- (8) after handling soiled items that are not clean;
- (9) after being outdoors;
- (10) after handling animals or animal cages; and
- (11) after removing disposable gloves.

(b) The use of a hand antiseptic does not replace the requirements for handwashing in Paragraph (a) of this Rule except that an employee who is supervising a child or children outdoors may use a hand antiseptic while outdoors in lieu of handwashing, provided that the employee's hands are washed in accordance with Paragraph (e) of this Rule when the employee returns indoors. Hand antiseptic shall not be used in lieu of handwashing when the employee's action that necessitates handwashing is diapering, food preparation, or food service.

(c) Child care center employees shall ensure that children wash their hands as follows:

- (1) upon arrival at the child care center;
- (2) after each diaper change or visit to the toilet;
- (3) before eating meals or snacks;
- (4) before and after water play;
- (5) after being outdoors; and
- (6) after handling animals or animal cages.

(d) Except when the action that necessitates handwashing is diapering and before eating meals or snacks, hand antiseptics may be used in lieu of handwashing while a child is outdoors, provided that the child's hands are washed when the child returns indoors.

(e) Handwashing procedures shall include the following steps:

- (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 the hands under tempered water for 10 seconds;
- (5) drying the 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.

*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;  
Readopted Eff. July 1, 2023.*

**15A NCAC 18A .2804 FOOD SUPPLIES**

- (a) In child care centers, food shall be kept 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 agency. The use of food packaged in hermetically sealed containers that was not prepared in a commercial food processing establishment is prohibited. Food prepared at home and sent to a child care center to be shared with other children shall be limited to baked goods that are not potentially hazardous foods.
- (b) Milk products that are used shall be Grade "A" milk and milk products, as set forth in Section 1 of the 2017 Grade "A" Pasteurized Milk Ordinance, including subsequent amendments and editions, established by the U.S. Department of Health and Human Services, Food and Drug Administration, which is hereby incorporated by reference and available free of charge at <https://www.fda.gov/media/114169/download>, in fluid form or evaporated milk. Unless prescribed by a health care provider, 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. This requirement shall not apply when a pasteurized egg product is used as a substitute for raw eggs.
- (d) All human milk, formula, and other bottled beverages, including beverages in sippy cups, that are sent from home shall be fully prepared and labeled with the date received at the child care center and the name of the child to whom the milk, formula, or beverage belongs before being brought to the child care center. All human milk, formula, and other bottled beverages shall be sent home with the child whose name is on the label or discarded at the end of each day. Formula and other beverages that require refrigeration, baby food that has been opened, and human milk shall be labeled with the name of the child to whom the beverage, baby food, or milk belongs and shall be refrigerated at 45 degrees Fahrenheit or below.
- (e) Frozen human milk may be stored frozen for three months. Any frozen human milk stored beyond seven days shall be stored in the freezer compartment of a full-size refrigerator that has a separate door to the freezer, in a chest freezer, or in an upright deep freezer. Frozen human milk shall be thawed in accordance with of Rule .2807(i)(1) or (i)(2) of this Section and prepared in the child care center's kitchen or food preparation area. In addition to the labeling required by Paragraph (d) of this Rule, frozen human milk shall be labeled with the date that it is thawed for use. Human milk that was previously frozen and has been thawed shall be refrigerated and stored for no more than 24 hours from when it was thawed. Human milk that was previously frozen and has been thawed shall not be refrozen for storage at the child care center.
- (f) Formula provided by the child care center shall be commercial ready-to-feed formula that is pre-packaged in single-use containers. Formula that does not meet these requirements and human milk may be provided to a child by child care center employees as prescribed by the child's health care provider or as instructed, in writing, by the child's parent or guardian. Bottles and other drinking utensils provided by the child care center shall be sanitized in accordance with this Section.
- (g) After opening, jars of baby food shall be covered, labeled with the date on which they were opened, refrigerated and used within two days of opening, provided that the baby food is not served directly from the jar. 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.
- (h) After the completion of each feeding, any leftover formula, human milk, or other bottled beverages used during the feeding shall be discarded or sent home with the child whose name is on the label for the formula, human milk, or bottled beverage at the end of each day. Feeding is complete when the child care center employee has stopped feeding the child and the child has been removed from the feeding area in the child care center and returned to other activities. Bottles previously used for feeding shall not be returned to communal mechanical refrigeration. Nothing in these Rules shall prohibit human milk from being sent home at the end of the day with the child whose name is on the label for the human milk instead of being discarded when the child's parent or guardian has given the child care center written permission to send the human milk home.
- (i) A water bottle that a child brings to the child care center from home and that is used only for water consumption by that child shall be exempt from the requirements of Paragraph (h) of this Rule. Instead, the water bottle shall be labeled with the name of the child to whom the water bottle belongs, individually stored in the child's cubby, and sent home with the child at the end of the day.
- (j) Child care centers that receive and provide children with prepared meals or snacks from sources outside the child care centers, other than meals or snacks sent from home, shall use meals and snacks obtained from food establishments that are 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 and provide children with prepared

meals from organizations not licensed as child care centers only when these organizations are providing prepared meals to licensed child care centers and are inspected in the county where the meal is prepared in accordance with G.S. 110-91(1). 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. Food shall be transported to the child care center that is receiving the prepared meals in a manner that meets the requirements of the Rules of this Section relating to hazards, food protection, and storage.

(k) Lunches, snacks, and other meals that a child brings from home to the child care center shall be labeled with the date on which the food is brought to the child care center and the name of the child to whom the food belongs at the child's home and shall be returned to the child's home or discarded at the end of each day. Lunches, snacks, and other meals containing potentially hazardous foods shall be refrigerated at 45 degrees Fahrenheit or below and stored in the child care center kitchen or approved food preparation area. Hot foods that a child brings from home to the child care center in double-walled, insulated thermos containers may be stored outside of refrigeration at the child care center with the written permission of the child's parent or guardian.

(l) Nothing in the Rules of this Section shall prohibit the use of fresh fruits and vegetables, including those grown at the child care center, so long as the fruits and vegetables meet the requirements of the rules of this Section and 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;  
Readopted Eff. July 1, 2023.

#### **15A NCAC 18A .2805 FOOD PROTECTION**

*History Note:* Authority G.S. 110-91;  
Eff. July 1, 1991;  
Repealed Eff. January 1, 2006.

#### **15A NCAC 18A .2806 FOOD STORAGE AND PROTECTION**

(a) Once pre-packaged food has been opened, the food shall be stored in clean, resealable bags or containers made of plastic or glass that are tightly covered and manufactured for the purpose of food storage.

(b) Food that is stored in child care center classrooms or other rooms intended for child care use, shall be limited to foods that are individually packaged unless the classroom is equipped with a food preparation area.

(c) Notwithstanding Paragraph (b) of this Rule, bulk dry goods or food stored in freezers may be stored in rooms in child care centers that are not equipped with a food preparation area when all food preparation involving the bulk dry goods or frozen food is done in the kitchen or an approved food preparation area.

(d) Bulk food stored in a refrigerator shall be stored at 45 degrees Fahrenheit or below and stored in the child care center's kitchen or in an approved food preparation area equipped with a full-size refrigerator. Specialty bulk milk that is sent from home for consumption by a child while at the child care center may be stored as set forth in this Paragraph when the child's parent or guardian provides written permission and the specialty bulk milk is sent to the child care center at the beginning of each week unopened, labeled with the date received by the child care center, and labeled with the name of the child to whom the bulk specialty milk belongs. Any remaining bulk specialty milk shall be sent home at the end of the week with the child to whom the bulk specialty milk belongs.

(e) Dry goods that are stored in containers shall be labeled.

(f) Food and containers of food shall not be stored under exposed sewer lines. Food shall not be stored in toilet or laundry rooms, except that child care centers licensed for fewer than 13 children and located in a residence may store food in laundry rooms if the food is stored and protected as required in Paragraph (g) of this Rule.

(g) Food shall be stored above the floor and in a manner to protect it from dust, pests, drip, splash, and other contamination.

(h) Raw meats, poultry, fish, shellfish and eggs shall be stored in a refrigerator or freezer on shelving beneath and separate from other foods. The temperature of potentially hazardous food provided by the child care center for consumption by children shall be 45 degrees Fahrenheit or below, or at 135 degrees Fahrenheit or above at all times, including field trips, catering events, and outdoor service, except during periods of preparation and service immediately prior to consumption.



- (i) Sealed, commercially pre-packaged food may be stored in undrained ice as long as the food is not fully submerged in ice or water. Wrapped sandwiches and other foods shall not be stored in direct contact with ice.
- (j) The following shall apply to refrigerated storage of food:
- (1) Refrigeration equipment shall be provided in such number and of such capacity to ensure the maintenance of potentially hazardous food at the required temperatures during storage. Each refrigerator shall be provided with a numerically scaled indicating thermometer that is accurate to  $\pm 3$  degrees Fahrenheit and located to measure the air temperature in the warmest part of the refrigerator. Recording thermometers that are accurate to  $\pm 3$  degrees Fahrenheit 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 degrees Fahrenheit or below. Cooling of potentially hazardous foods shall be initiated upon completion of the food 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 that will be transported cold shall be prechilled and held at a temperature of 45 degrees Fahrenheit or below.
  - (3) Ice used for cooling stored food and food containers shall not be used for human consumption.
- (k) The following shall apply to the hot storage of food:
- (1) Hot food storage equipment shall be provided in sufficient number and capacity to ensure the maintenance of food at the required temperature during storage. Each hot food unit shall be provided with a numerically scaled indicating thermometer that is accurate to  $\pm 3$  degrees Fahrenheit and located to measure the air temperature in the coolest part of the unit. Recording thermometers that are accurate to  $\pm 3$  degrees Fahrenheit 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, thin probe, numerically scaled indicating product thermometer that is accurate to  $\pm 3$  degrees Fahrenheit shall be used to check internal food temperature.
  - (2) The internal temperature of potentially hazardous foods requiring hot storage shall be 135 degrees Fahrenheit or above except during periods of preparation and service. Potentially hazardous food that will be transported hot shall be held at a temperature of 135 degrees Fahrenheit or above during transportation.
- (l) In the event of a fire, flood, water supply interruption, power outage, or other event that results 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 for information on food safety.

*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;  
Readopted Eff. July 1, 2023.*

#### **15A NCAC 18A .2807 FOOD PREPARATION**

- (a) In child care centers, the preparation of food shall take place only in the kitchen or space equipped as required in Rule .2810 of this Section.
- (b) Employees engaged in food preparation in the kitchen shall wear clean clothes and hair restraints, as set out in Part 2-402.11 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652, and shall keep their fingernails trimmed. Hair spray is not a hair restraint for the purpose of this Rule. Employees engaged in food preparation who are wearing nail polish or artificial nails on their fingers shall wear intact gloves during food preparation.
- (c) Food shall be prepared using utensils, deli paper, or disposable gloves to prevent exposed, ready-to-eat-food from coming into direct contact with an employee's bare hands or exposed skin. Food shall be prepared on food-contact surfaces that have been cleaned, rinsed, and sanitized prior to use. Food-contact surfaces and utensils that are exposed to bacterial, viral, fungal, or hazard contaminants during use shall be made clean, free from hazards, and sanitized before continued use.
- (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 145 degrees Fahrenheit, 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 degrees Fahrenheit with no interruption of the cooking process;

- (2) ground beef, other ground or comminuted meat or fish, and eggs pooled and cooked for hot storage shall be cooked to an internal temperature of at least 155 degrees Fahrenheit with no interruption in the cooking process; and
  - (3) roast beef shall be cooked to an internal temperature of at least 130 degrees Fahrenheit with no interruption in the cooking process.
- (f) Potentially hazardous foods that require cooking prior to consumption and cooked in a microwave oven shall be heated to an internal temperature of at least 165 degrees Fahrenheit.
- (g) Potentially hazardous foods that have been cooked and then refrigerated, if served above 45 degrees Fahrenheit, shall be reheated to an internal temperature of 165 degrees Fahrenheit or higher before being served or before being placed in a hot food storage unit except that commercially packaged food in intact packages may initially be reheated to 135 degrees Fahrenheit. Hot storage equipment shall not be used for reheating of potentially hazardous foods. Potentially hazardous foods reheated in a microwave oven shall be heated to an internal temperature of at least 165 degrees Fahrenheit.
- (h) Metal stem-type, thin probe, numerically scaled indicating product thermometers, accurate to  $\pm 3$  degrees Fahrenheit shall be used to ensure the maintenance of the internal cooking temperatures of all potentially hazardous foods required under this Rule.
- (i) Potentially hazardous foods that are frozen shall be thawed using one of the following methods:
- (1) in refrigerated units at a temperature not to exceed 45 degrees Fahrenheit;
  - (2) submerged under potable water of a temperature of 70 degrees Fahrenheit 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 uninterrupted cooking process.

*History Note: Authority G.S. 110-91;  
 Eff. July 1, 1991;  
 Amended Eff. January 1, 2006; February 1, 1995; October 1, 1993;  
 Readopted Eff. July 1, 2023.*

**15A NCAC 18A .2808 FOOD SERVICE**

- (a) In child care centers, milk and milk products used for drinking purposes shall be stored in the original commercially filled container until the milk or milk product is served for drinking. Unused milk and milk products that are transferred from the original commercially filled container into a separate container, such as a pitcher, for serving shall be discarded and shall not be put back into the original commercial filled container or stored in the container that was used for serving.
- (b) Ice shall be protected against physical, chemical, and biological contamination and shall be kept clean. 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 kept clean. Ice storage bins shall be drained through an air gap in accordance with in Part 5-202.13 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2655.
- (c) Food that is leftover after serving shall not be served again unless the original package is unopened and the food is not a potentially hazardous food. Foods that have been placed on the table for family style or self-serve food service are considered served.
- (d) Between uses during service, utensils that are used to serve food shall be stored in the food with the utensil handle extended out of the food, in a container of water if the water is maintained at a temperature of at least 135 degrees Fahrenheit, or stored clean and dry.
- (e) Children shall not be in the kitchen except when participating in a supervised activity.
- (f) Nothing in this Section shall be construed as prohibiting family style or self-serve food service at child care centers provided that children are supervised by child care center employees for the duration of the meal. Notwithstanding the foregoing sentence, family style or self-serve food service shall be prohibited during the outbreak and investigation of a communicable disease or condition at the child care center.

*History Note: Authority G.S. 110-91;  
 Eff. July 1, 1991;  
 Amended Eff. January 1, 2006; April 1, 1999; February 1, 1995;  
 Readopted Eff. July 1, 2023.*

### **15A NCAC 18A .2809 FOOD SERVICE EQUIPMENT AND UTENSILS**

In child care centers, material, construction, and use of food service equipment and utensils shall meet the following requirements:

- (1) Utensils shall be made of nonabsorbent material that is free from hazards, finished to have a smooth surface, and shall be kept clean and in good repair.
- (2) Food-contact surfaces shall be smooth, nonabsorbent, free of sharp corners, and kept clean and in good repair. Hard wood may be used for cutting boards, cutting blocks, or bakers' tables.
- (3) Other surfaces that do not come into contact with food shall be made of nonabsorbent material and shall be kept clean and in good repair.
- (4) Galvanized metal shall not be used for utensils, food-contact surfaces, or cooking equipment that comes into contact with 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 kept clean.
- (7) Reuse of single-service articles is prohibited.
- (8) Single-use articles shall be used only once, except that containers made of plastic, glass or other material intended for food storage, with smooth sides may be reused.
- (9) Water filters or any other water conditioning devices shall be kept clean and in good repair and shall be maintained in accordance with the manufacturer's instructions.
- (10) Filters and other grease extracting equipment shall be kept clean and in good repair and shall be maintained in accordance with the manufacturer's instructions.

*History Note: Authority G.S. 110-91;  
Eff. July 1, 1991;  
Amended Eff. January 1, 2006; February 1, 1995;  
Readopted Eff. July 1, 2023.*

### **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 that this requirement shall not apply to child care centers located in a school that receives food supplies that are pre-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 the child care center's operation. Child care centers shall be permitted to use domestic kitchen equipment. A child care center may use and wash multi-use articles and highchair feeding trays in a two-compartment sink, but shall not use or wash multi-service articles other than highchair feeding trays unless equipped with either:

- (1) a dishwasher and two-compartment sink, or
- (2) a three-compartment sink of sufficient size and depth to submerge, wash, rinse and sanitize utensils.

(b) A separate lavatory for handwashing is required in food preparation areas and kitchens. If the dishwashing area is separate from the food preparation area, an additional handwashing lavatory shall be required in the dishwashing area.

(c) A separate food preparation sink with drainboards or countertop space of adequate size shall be required when a review of construction plans, modifications, or change in child care procedures indicates that separate facilities are needed based on volume and preparation frequency.

(d) Except in child care centers licensed for fewer than 13 children and located in a residence, when domestic refrigeration equipment is used the following shall apply:

- (1) except for thawing in a refrigerator, 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 in accordance with G.S. 110-91 when frying is used for food preparation on-site at the child care center.

(f) If food is prepared in a child care center classroom, then the classroom shall be equipped with a food preparation area. Water from a handwash lavatory shall not be used for bottle warming or to prepare formula, mix dry cereals, or other foods. Toy cleaning and sanitizing may be conducted in the food preparation area. This food preparation area shall contain a countertop that is kept clean and in good repair, a handwash lavatory, and refrigeration when items are stored that require refrigeration in accordance with Rules .2804 and .2806 of this Section. The food preparation counters, food, and food-contact surfaces shall be out of reach of children and the following shall apply to food preparation counters, food, food-contact surfaces, and equipment used in food preparation:

- (1) all equipment shall be kept clean. Bottle warming equipment shall be cleaned and sanitized as required in Rule .2812 of this Section and the manufacturer's instructions;
- (2) if bottles are warmed, bottles shall be warmed in the child care center's kitchen or food preparation area. Bottle warming equipment shall be kept out of reach of children. Microwaves and slow cookers shall not be used to thaw or warm human milk, baby food, formula, or other bottled beverages meant for consumption by children. Bottles shall be warmed by placing bottles under running potable water or in containers of potable water or by using bottle warming equipment that is used in accordance with the manufacturer's instructions. Temperature restrictions listed in Rule .2815(e) of this Section do not apply to equipment manufactured specifically for bottle warming. If other bottle warming methods are used in food preparation areas, compliance with temperature restrictions listed in Rule .2815(e) of this Section is required; and
- (3) after each use, multi-service articles provided by the child care center shall be cleaned and sanitized in the child care center kitchen.

*History Note:* Authority G.S. 110-91;  
Eff. July 1, 1991;  
Amended Eff. March 1, 1995;  
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#### **15A NCAC 18A .2811 CLEANING AND SANITIZING OF EQUIPMENT AND UTENSILS**

*History Note:* Authority G.S. 110-91;  
Eff. July 1, 1991;  
Repealed Eff. January 1, 2006.

#### **15A NCAC 18A .2812 CLEANING, SANITIZING, AND DISINFECTING EQUIPMENT, UTENSILS, AND OTHER AREAS**

(a) Each child care center shall be equipped with adequate drainboards or countertop space for handling used utensils and air drying clean and sanitized utensils. 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. 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 equipment and utensils that are not clean, unless these areas are otherwise separated and protected from cross-contamination. Child care centers originally licensed before April 15, 1998 shall comply with this Paragraph upon change of ownership, the closing of the child care center and the issuance of a new license, or the remodeling of an existing kitchen in a child care center.

(b) Except for fixed equipment and utensils too large to be cleaned in sink compartments, equipment and utensils that are cleaned manually instead of in a dishwasher shall be washed, rinsed, and sanitized as follows, in the order of the steps presented herein:

- (1) equipment and utensils shall be scraped, flushed with water, or soaked with water to remove food particles;
- (2) sinks shall be cleaned and sanitized before proceeding to Subparagraph (3) of this Paragraph;
- (3) equipment and utensils shall be washed in the first compartment of the sink with a hot detergent solution that is changed once visibly soiled;
- (4) equipment and utensils shall be rinsed free of detergent solution with clean water in the second compartment of the sink; and
- (5) the food-contact surfaces of equipment and utensils shall be sanitized in the third compartment of the sink in the following manner:

- (A) immersion for at least one minute in clean, hot water at a temperature of at least 170 degrees Fahrenheit;
- (B) immersion for at least two minutes in a solution containing 50 to 200 parts per million (ppm) of chlorine at a temperature of at least 75 degrees Fahrenheit;
- (C) immersion for at least two minutes in a 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 degrees Fahrenheit;
- (D) immersion for at least two minutes in a solution containing 200 to 400 ppm of quaternary ammonium products and having a temperature of at least 75 degrees Fahrenheit, provided that the quaternary ammonium product label indicates that it is effective in water that has a hardness value at least equal to that of the water being used; or
- (E) other sanitizing products, procedures, or equipment that are nontoxic to children, used according to the manufacturer's instructions, are safe for use on food-contact surfaces, do not require a final rinse step, and have a testing method.

(c) When utensils and equipment are washed mechanically using a dishwasher, food-contact surfaces of equipment and utensils shall be sanitized according to the dishwasher 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, the dishwasher shall be equipped with a temperature indicating device that is accurate to two degrees Fahrenheit.

(d) For fixed equipment and utensils and equipment that are too large to sanitize in a dishwashing machine or dishwashing sink, a spray-on or wipe-on sanitizer of sufficient chemical strength as indicated in Subparagraph (b)(5) of this Rule shall be used.

(e) Multi-service articles, including highchair feeding trays, shall be washed, rinsed and sanitized in the child care center kitchen after each use.

(f) Kitchen surfaces that are not food-contact surfaces shall be kept clean.

(g) A testing method or equipment shall be used in accordance with the product manufacturer's instructions to test the strengths of sanitizing solutions to ensure the prescribed concentrations are met.

(h) After sanitizing, all equipment and utensils shall be air dried.

(i) An approved disinfectant shall be provided for cleaning purposes. Throughout this Section, when an approved disinfectant is used in a child care center, the manufacturer's Safety Data Sheets for the disinfectant product shall be kept on file at the child care center and the instructions for use of the disinfectant product shall be followed. When a chlorine solution is prepared by a child care center employee for use as an approved disinfectant, then the solution shall be prepared for use within 24 hours and a testing method shall be used to ensure compliance with the prescribed chlorine concentration. To achieve the maximum germ reduction with a chlorine disinfecting solution, the surface being disinfected shall be made wet with the chlorine disinfecting solution and allowed to air dry or be dried only after the surface has been in contact with the chlorine disinfecting solution for a minimum of two minutes.

(j) A sanitizing solution shall be provided for cleaning purposes. Throughout this Section, when a sanitizing solution is used in a child care center, the manufacturer's Safety Data Sheet shall be kept on file at the child care center and the instructions for use of the sanitizing solution shall be followed. When a chlorine solution is used in a child care center it shall be prepared for use within 24 hours and a testing method or kit shall be used to ensure compliance with the prescribed chlorine concentration. To achieve the maximum germ reduction with a chlorine solution, the cleaned surfaces shall be left wet with the chlorine solution and allowed to air dry or be dried only after a minimum contact time of at least two minutes.

*History Note:* Authority G.S. 110-91;  
 Eff. July 1, 1991;  
 Amended Eff. February 1, 1995; July 1, 1993;  
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## **15A NCAC 18A .2813 MECHANICAL CLEANING AND SANITIZING**

*History Note:* Authority G.S. 110-91;  
 Eff. July 1, 1991;  
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 Temporary Amendment Eff. April 15, 1998;

*Amended Eff. April 1, 1991;*  
*Repealed Eff. January 1, 2006.*

**15A NCAC 18A .2814 FOOD SERVICE EQUIPMENT AND UTENSIL STORAGE**

- (a) In child care centers, food-contact surfaces, equipment, utensils, and single service articles shall be protected from contamination.
- (b) Cleaned and sanitized utensils and equipment shall be stored above the floor in a clean, dry location and shall be kept clean while stored. The food-contact surfaces of fixed equipment shall be kept clean while stored or otherwise not in use. Equipment and utensils shall not be stored under exposed sewer lines.

*History Note: Authority G.S. 110-91;*  
*Eff. July 1, 1991;*  
*Amended Eff. January 1, 2006; February 1, 1995;*  
*Readopted Eff. July 1, 2023.*

**15A NCAC 18A .2815 WATER SUPPLY**

- (a) A child care center's water supply shall meet the requirements of 15A NCAC 18C or 15A NCAC 18A .1700, as applicable. The operator of a child care center using a groundwater supply that serves 25 or more people shall provide the local health department serving the county in which the child care center is located with documentation from the Department of Environmental Quality, Division of Water Resources, Public Water Supply Section that the well meets the requirements of 15A NCAC 18C. In child care centers that use a non-community water supply, a water sample shall be collected by the Department once a year and submitted to the North Carolina State Laboratory of Public Health or other laboratory certified by the North Carolina State Laboratory of Public Health under 10A NCAC 42C .0102 to perform bacteriological examinations. The Department may collect additional samples for tests of water quality, as indicated by possible additional sources of contamination.
- (b) Water under pressure shall be provided to meet the child care center's needs of cooking, cleaning, drinking, toilets, and outside uses.
- (c) A child care center's water supply plumbing shall not include cross-connections as set out in 15A NCAC 18C .0102(c)(8). If the potential for back siphonage or backflow conditions exist, an atmospheric vacuum breaker or backflow prevention device shall be installed.
- (d) Water heating equipment shall be provided to meet the hot water requirements set forth in this Rule. 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 shall be allowed to use an existing water heater, or the equivalent replacement, if the water temperature requirements set forth in this Rule are met. 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 utensils and laundry shall be provided at a minimum temperature of 120 degrees Fahrenheit at the point of use. Water in areas accessible to children shall be tempered between 80 degrees Fahrenheit and 110 degrees Fahrenheit. Hot water that exceeds 120 degrees Fahrenheit is a burn hazard and shall not be provided in areas accessible to children. For handwash lavatories used exclusively by school-age children, the requirement to provide water tempered between 80 degrees Fahrenheit and 110 degrees Fahrenheit shall not apply. In the event of the loss of hot water at the child care center, the operator shall immediately notify the local health department that serves the county in which the child care center is located.
- (f) Drinking fountains, if provided, shall be separate from handwash lavatories and kept clean. The water pressure of a drinking fountain 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 devices used to dispense drinking water shall be kept clean.
- (g) Outdoor drinking fountains shall be constructed to protect the spout from contamination by hazards 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;*  
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**15A NCAC 18A .2816 LEAD POISONING HAZARDS IN CHILD CARE CENTERS**

(a) 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).

(b) The following actions shall be taken to ensure that drinking water in child care centers is free of identified lead poisoning hazards as defined under G.S. 130A-131.7(7)(g).

- (1) Child care operators, as defined under G.S. 110-86(7), shall test, once every three years, all water outlets used for drinking or food preparation. Samples shall also be collected and tested within 30 calendar days of completion of any renovations or repairs that may impact the facility's drinking water infrastructure, such as repair or replacement of all or part of drinking water service lines or faucets, at impacted outlets. The operator shall provide documentation of testing results for review by the Department during each unannounced routine sanitation inspection under Rule .2834(b) of this Section.
- (2) For child care centers that submit an application for licensure in accordance with 10A NCAC 09 .0302 after the effective date of this Rule, initial samples shall be collected by the child care operator and tested in accordance with Subparagraph (b)(4) of this Rule during the license application process.
- (3) For all other centers, initial samples shall be collected by the child care operator and tested in accordance with Subparagraph (b)(4) of this Rule within one year of the effective date of this Rule.
- (4) The child care operator shall collect samples and submit them for testing in accordance with guidance specified by the United States Environmental Protection Agency in its publication, 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, which is incorporated by reference with subsequent changes or amendments and available free of charge at <https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water>. Notwithstanding the guidance, samples may be collected with a stagnation period of up to 72 hours. Samples shall be analyzed by a laboratory certified by the North Carolina State Laboratory of Public Health to analyze for lead in drinking water.
- (5) When a water sample is analyzed for lead content by a laboratory under this Rule, the laboratory shall notify the Department of the test results by electronic submission in accordance with G.S. 130A-131.8.
- (6) When a child care center receives test results from a laboratory indicating that a water sample collected by the child care operator contains a lead concentration at or above the lead poisoning hazard level defined in G.S. 130A-131.7(7)(g), the child care operator shall:
  - (A) restrict access to any water outlet(s) used for drinking or food preparation that have lead concentrations at or above the lead poisoning hazard level; and
  - (B) ensure that all children and staff have access to water free of cost that does not contain lead concentrations at or above the lead poisoning hazard level for drinking and food preparation.
- (7) When notified of a water lead level at or above the lead poisoning hazard level, the Department shall conduct sampling at the water outlet identified to have a water lead level at or above the lead poisoning hazard level within 10 business days of notification.
- (8) If a water sample collected by the Department reveals a water lead level at or above the lead poisoning hazard level, the child care operator shall continue to follow Subparagraph (b)(6) of this Rule until the Department determines the water outlet(s) are not producing water lead levels at or above the lead poisoning hazard level and notifies the child care operator and the Division of Child Development and Early Education in writing of this determination.
- (9) Failure to comply with Paragraph (a) of this Rule or any Subparagraph of this Paragraph, shall be deemed a violation of this Rule subject to demerits under Rule .2834(c)(20) of this Section.
- (10) Within five business days of receiving the test results of the Department's water analysis that shows a water lead level at or above the lead poisoning hazard level, the child care center operator shall provide written notification of the test results to the parents or legal guardians of the children attending the child care center and the staff of the child care center, in accordance with the United States Environmental Protection Agency guidance specified in Subparagraph (b)(4) of this Rule.
- (11) Within five business days of receiving the test results of the Department's water analysis that shows a water lead level at or above the lead poisoning hazard level, the child care center operator shall make the test results available to the public, free of charge. The child care center operator may post test results to the child care center's website to satisfy the requirement to make the test results available to the public.

*History Note:* Authority G.S. 110-91; 130A-131.5; 130A-131.7(7); 130A-131.8;  
Eff. July 1, 1991;  
Amended Eff. October 1, 2019; January 1, 2006; February 1, 1995;  
Readopted Eff. July 1, 2023.

#### **15A NCAC 18A .2817 TOILETS**

- (a) In child care centers, toilet tissue paper 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 kept clean and in good repair. Toilet fixtures shall be child-sized, adult-sized toilets that are adapted to accommodate children, or potty chairs.
- (b) Toilet fixtures shall be cleaned and disinfected daily and when visibly soiled.
- (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.
- (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;  
Readopted Eff. July 1, 2023.

#### **15A NCAC 18A .2818 LAVATORIES**

- (a) In child care centers, lavatories shall be kept clean and in good repair and shall not be used for storage. Lavatories shall be mounted at an appropriate height to accommodate children or otherwise made accessible to children. Water from a handwash lavatory shall not be used for consumption. Lavatories with flush-rimmed sinks or with an attached operable drinking fountain shall not be used for handwashing.
- (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, when visibly soiled, and at least daily. Change of use occurs when a handwash lavatory is used outside of its original intent. Change of use includes, but is not limited to, a classroom handwash lavatory used for rinsing toothbrushes, a food preparation handwash lavatory used for toy cleaning, or a classroom handwash lavatory used for diaper changing handwashing.
- (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. The signs shall instruct children and child care center employees to wash their hands in accordance with Rule .2803 of this Section.

*History Note:* Authority G.S. 110-91;  
Eff. July 1, 1991;  
Amended Eff. July 1, 2006; January 1, 2006; February 1, 1995;  
Readopted Eff. July 1, 2023.

#### **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 child care 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 the diaper changing area.
- (b) Diapering surfaces shall be made of smooth, intact, nonabsorbent material and shall be kept clean and in good repair. Nothing shall be placed on the diapering surface except for those items required for diapering and the child whose diaper will be changed. If diapering is performed on the floor in a toilet room, then a smooth, intact, nonabsorbent barrier that is clean and in good repair shall be placed on the floor to minimize cross-contamination.
- (c) Diapering surfaces shall be disinfected using an approved disinfectant. Approved disinfectants and detergent solution shall be kept in separate and labeled bottles at each diaper changing station. Approved disinfectants that are chlorine disinfecting solutions shall be stored in hand pump spray bottles. No cloths or sponges shall be used on diapering surfaces.
- (d) Child care center employees shall change a child's diaper as follows:
  - (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 the child care center employee's hands and the child's hands each with a separate disposable towelette or moistened paper towel;
- (6) sliding a clean diaper under the child, applying diapering products if needed, using facial or toilet tissue, and 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 the child's 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 an approved disinfectant 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 child care center employee.

(e) Vinyl or latex disposable gloves shall be used by child care center employees during the diaper changing process if the employee's hands have cuts, sores, or chapped skin.

(f) Child care center employees may dispose of feces from diapers in the toilet, but shall not rinse soiled cloth diapers, training pants, or clothes. Soiled cloth diapers, training pants, or clothes shall be sent to a diaper service or placed in a sealed plastic bag or other sealed container, stored out of reach of children, and sent home with the child on the same day to be laundered.

(g) Receptacles containing soiled disposable diapers shall be emptied in a garbage area located outside the child care center building daily.

(h) Signs that instruct child care center employees on proper methods of diaper changing and handwashing as set forth in the rules of this Section 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;  
Readopted Eff. July 1, 2023.*

#### **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. Storage areas shall be kept clean. Laundry that is not clean shall be handled and stored separately from clean laundry using separate containers that are made clean in between uses and kept in good repair.

(b) Toxic substances, which include 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 the 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 lock, electronic or magnetic device, keypad, key, or equivalent locking device. Keys and electronic or magnetic 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 other product that is labeled "keep out of reach of children" and does not have any other warnings on the label shall be kept inaccessible to children when not in use, but is not required to be kept in locked storage. For the purpose of Paragraphs (b), (c), and (d) of this Rule, a 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 solutions, approved disinfectants, detergent solutions, hand antiseptics, and hand lotions shall be kept inaccessible to children when not in use, but are not required to be in locked storage. These solutions shall be labeled as sanitizing, disinfecting, or detergent solutions. Hand soap other than that which is in bulk containers is not required to be kept inaccessible to children or in locked storage. Bulk soaps shall be kept inaccessible to children.

(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 kept inaccessible to children, but are not required to be in locked storage. Non-prescription diaper creams and sunscreen shall be kept inaccessible to children when not in use, but are not required to be in locked storage.

(e) A locked kitchen is not considered to be a locked storage room or cabinet for the purposes of this Rule; however, for child care centers that are located within a school and that use the school cafeteria's kitchen to meet the kitchen requirements of the rules of this Section, it shall not be a violation of this Rule to store products described in Paragraphs (a)-(d) of this Rule unlocked in the cafeteria's kitchen, provided that the kitchen is kept locked and children are not permitted in the kitchen for any purpose.

(f) Individual cubicles, lockers, or coat hooks shall be provided for storage of coats, hats, bags, or other items and accessories. Coat hooks not in individual cubicles or lockers, shall be spaced at least 12 horizontal inches apart. A child's coats, hats, bags, and other items or accessories belonging to a child that are stored using cubicles, lockers, or coat hooks shall not come into contact with stored items belonging to other children. Combs shall be labeled with the name of the child to whom the comb belongs and stored separately from combs or other items that belong to a different child. Toothbrushes shall be labeled with the name of the child to whom the toothbrush belongs, allowed to air dry after use, protected from contamination, and stored in a designated area. When a container of toothpaste is used for multiple children, the toothpaste shall be dispensed onto an intermediate surface such as waxed paper and shall not be dispensed directly onto each child's toothbrush.

(g) Purses and other personal effects belonging to child care center employees shall be kept inaccessible to children and shall be stored in accordance with this Rule, as applicable.

*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;  
Readopted Eff. July 1, 2023.

#### **15A NCAC 18A .2821 BEDS, COTS, MATS, AND LINENS**

(a) In child care centers, beds, cribs, cots, mats, and play pens shall be kept clean and in good repair, stored to prevent contamination, and cleaned and sanitized between users.

(b) Cribs and play pens used for sleeping shall be kept clean and equipped with a firm, tight-fitting mattress made of waterproof, washable material at least two inches thick.

(c) Beds, cots, and mats shall be assigned and labeled for use by an 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 side of the mats that makes contact with the floor does not touch the side of a mat that any child sleeps on. The sleeping surface of one child's mat shall not come in contact with the sleeping surface of another child's mat during storage.

(e) When in use, cribs, cots, mats and play pens shall be placed at least 18 inches apart or separated by partitions that prevent physical contact between children.

(f) Linens shall be kept clean, in good repair, and stored with the mat or cot that the linens are assigned to or stored apart from the mattress or cot in a manner that keeps the linens used for each child separate from the linens belonging to other children. Linens shall be laundered between users, when soiled, and otherwise once per week. Linens used in rooms where the children in care are less than 12 months old shall be changed and laundered when soiled and otherwise at least daily. Linens shall be large enough to cover the bed, cot, or mat's sleeping surface.

(g) Wash cloths, bibs, and burping cloths shall be laundered after each use. Each time a wash cloth, bib, or burping cloth is used, it shall be used for only one child.

*History Note:* Authority G.S. 110-91;  
Eff. July 1, 1991;  
Amended Eff. July 1, 2006; January 1, 2006; February 1, 1995;  
Readopted Eff. July 1, 2023.

#### **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 that are used by children shall be cleaned and then sanitized after each use and when visibly dirty. Toys and other mouth-contact surfaces shall be cleaned and sanitized as follows:

- (1) the items shall be scrubbed in warm, soapy water, using a brush to reach into any crevices;
  - (2) the items shall be rinsed in clean water;
  - (3) the items shall be submerged in a sanitizing solution for at least two minutes or in accordance with the instructions on the label of the sanitizing solution; and
  - (4) the items shall be air dried.
- (b) Toys and other mouth-contact surfaces that are not designed to be submerged in liquid 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.
- (c) Toys, furniture, cribs, or other items accessible to children shall be free of peeling, flaking, or chalking paint.
- (d) Water play centers shall be filled with potable water immediately before children begin a water play session. Water shall be emptied after each play session and at a minimum each morning and afternoon, or more often if no longer clean. The water play centers, including toys, shall be cleaned and sanitized at least daily or more often if no longer clean. Water play is prohibited during the outbreak and investigation of a communicable disease or condition at the child care center. Wading pools are not considered water play centers and are regulated under the rules in Section .2500 of this Subchapter.

*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;  
Readopted Eff. July 1, 2023.

#### **15A NCAC 18A .2823 PERSONNEL**

- (a) In child care centers, employees shall wear clean clothing while at work. Employees shall keep their fingernails clean.
- (b) Tobacco use in any form is prohibited in any part of a child care center.
- (c) Volunteer personnel shall adhere to the same requirements as child care center 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;  
Readopted Eff. July 1, 2023.

#### **15A NCAC 18A .2824 FLOORS**

- (a) In child care centers, floors and floor coverings in food preparation, food storage, utensil washing, toilet rooms, and laundry areas shall be constructed of nonabsorbent material and shall be kept clean and in good repair.
- (b) Floors and floor coverings in sleeping and play areas shall be kept clean and in good repair.
- (c) Carpeting used as a floor covering shall be of closely woven construction and shall be kept clean and in good repair. 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 used for extraction shall be removed from the carpet before the space is reoccupied. When water extraction is used, the carpet shall be completely dry within 12 hours of cleaning.
- (d) Floors in areas accessible to children, shall be kept free of peeling, flaking, chalking, or otherwise deteriorating paint.

*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;  
Readopted Eff. July 1, 2023.

### **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 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 absorbent ceiling material may be used where ventilation in the room precludes the possibility of grease and moisture absorption by the acoustic or other material. 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.  
Readopted Eff. July 1, 2023.*

### **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 light. Lighting shall be capable of illumination to at least 50 foot-candles at work surfaces. 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 an ambient temperature between 65 degrees Fahrenheit and 85 degrees Fahrenheit. Ventilation may be in the form of openable windows with screens or by means of mechanical ventilation to the outside of the building. Windows and window treatments shall be kept clean and in good repair. All ventilation equipment, including air supply diffusers, return grilles, and fans shall be kept clean and in good repair.

(c) Nothing in the rules of this Section shall require 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;  
Readopted Eff. July 1, 2023.*

### **15A NCAC 18A .2827 COMMUNICABLE DISEASES AND CONDITIONS**

(a) In child care centers, a child who becomes ill to the extent that the child can no longer participate in routine group activities shall be separated from the other children until the child leaves the child care center and in accordance with 10A NCAC 09 .0804.

(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 and shall be cleaned and disinfected after each use. Thermometers and all materials used in the designated area, including toys, shall be cleaned and sanitized after each use. Linens shall be changed after each use.

(c) If the designated area required under Paragraph (b) of this Rule is not a separate room, then it shall be separated from space used by other children by a partition or screen. 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) The child care center shall have written procedures that employees shall follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the center. The procedures shall address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, children, food, and surfaces to vomitus or fecal matter. The written procedures shall include the following information:

- (1) Child care center employees who are part of the designated clean up response team;
- (2) A supply list for vomit and diarrhea cleanup kit items that shall be kept on-site at the child care center, including:
  - (A) disposable personal protective equipment (gloves, apron, mask, shoe covers, and hair restraint);
  - (B) two disposable plastic bags;
  - (C) paper towels;

- (D) a scoop or scraper;
  - (E) a mop and bucket; and
  - (F) an approved disinfectant;
  - (3) The location of the supplies described in Subparagraph (d)(2) of this Rule;
  - (4) A procedure for preventing access to the contaminated area;
  - (5) The steps used to clean and disinfect the contaminated area, which shall include the following:
    - (A) for hard surfaces, remove the vomit or diarrhea, wash the contaminated surface, and use an approved disinfectant.
    - (B) for carpet or upholstery, remove the vomit or diarrhea without use of vacuum, wash all surfaces, and steam clean or use an approved disinfectant.
  - (6) The steps for after clean up, which shall including the following:
    - (A) throw away all items that came into contact with the vomit or diarrhea;
    - (B) remove all personal protective equipment (PPE);
    - (C) discard all cleaning items and PPE in a secured trash area;
    - (D) disinfect non disposable cleaning items such as scoops, scrapers, mop heads, mop handles, and buckets and discard of disposable cleaning items; and
    - (E) wash hands in accordance with the procedures in Rule .2803(e) of this Section.
  - (7) Identify steps for properly storing contaminated articles of clothing and cloth diapers that came into contact with the vomit or diarrhea in accordance with the procedures in Rule .2819(f) of this Section.
- (e) Employees with a communicable disease or a communicable condition shall be excluded from work or subject to restrictions to prevent transmission in accordance with the Rules in Section 10A NCAC 41A .0200. Any employee with boils, sores, burns, infected wounds, or other draining lesions on exposed skin shall bandage the affected area to avoid exposing others to drainage. If such bandaging obstructs handwashing as set out in Rule .2803 of this Section, if the exposure to drainage cannot be prevented, or if otherwise required under the rules in Section 10A NCAC 41A .0200, then the employee shall be excluded from food preparation and work activities that involve contact with other employees or children while risk of transmission of the communicable disease or 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;  
 Readopted Eff. July 1, 2023.

**15A NCAC 18A .2828 HANDWASHING**

*History Note:* Authority G.S. 110-91;  
 Eff. July 1, 1991;  
 Amended Eff. April 1, 1999; February 1, 1995;  
 Repealed Eff. January 1, 2006. (See Rule .2803).

**15A NCAC 18A .2829 WASTEWATER**

In child care centers, all wastewater originating from the child care center shall be disposed of using a publicly-operated sewage treatment system or an individual sewage disposal system that meets the requirements of the rules at Section .1900 of this Subchapter. Septic systems shall be of adequate size to accommodate the wastewater needs of the anticipated number of 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;  
 Readopted Eff. July 1, 2023.

**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 daily. Scrap paper, cardboard boxes, and other recyclable items shall be stored in containers or designated recycling areas.
- (b) Solid waste containers, mops, and other cleaning equipment shall be kept clean when not in use. Facilities shall be provided at the child care center for the washing and storage of solid waste containers and mops, except that such facilities shall not be required for child care centers licensed for fewer than 13 children and located in a residence. Washing facilities required under this Paragraph shall include a faucet with a threaded nozzle that delivers water of at least 80 degrees Fahrenheit. The faucet shall be located in either a designated utility sink or above a curbed impervious pad that is sloped to drain into a system that meets the requirements of Rule .2829 of this Section. Washing facilities used for solid waste containers that were installed at the child care center prior to July 1, 1991 shall be permitted to be used if the facilities are in good repair.
- (c) Dumpsters and other containerized systems shall be kept clean and covered.
- (d) Solid wastes shall be disposed of to prevent conditions that attract and harbor pests and other 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;  
Readopted Eff. July 1, 2023.*

#### **15A NCAC 18A .2831 ANIMAL AND VERMIN CONTROL**

- (a) Animals that are not contained in a cage or restrained on a leash, 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 child care center premises, copies of each animal's vaccination records shall be available for review upon request during a sanitation inspection of the child care center. Any animals kept at the child care center as pets shall be examined by a veterinarian to determine that they are free from pests and pathogens that could adversely affect human health. Turtles, iguanas, frogs, salamanders, and other reptiles or amphibians shall not be kept as pets on the child care center premises. Animals shall not be allowed in or kept at the entrances to food preparation areas. Animal cages shall be kept clean and animal waste materials shall be bagged, sealed, and immediately disposed of in the child care center's exterior garbage area in a covered container. Animals belonging to child care center owners, employees, volunteers, visitors, and children shall not be allowed in child care centers or on the premises unless the requirements set forth in this Paragraph are met.
- (b) Pests shall be excluded from the child care center. Traps set for pests shall only be placed in areas that are inaccessible to children.
- (c) All openings to the area outside of the child care center shall be protected against the entrance of flying pests. In food preparation areas, only fly traps, pyrethrin-based insecticides, or a fly swatter shall be used for extermination of flying pests. 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 in accordance with 40 C.F.R. 152 and G.S. 143-442 shall be used to control pests at a child care center. 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.
- (f) In areas accessible to children, CCA-treated wood decks, playground and recreational equipment, and structures installed or constructed 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 CCA-treated 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 to children.
- (h) Any composting areas shall be covered and maintained to prevent attracting pests. Worm bins shall be kept covered.

- (i) Grass, fruit and vegetable gardens, vines on fences, and other vegetation shall be maintained to prevent the harboring and breeding of pests.
- (j) Pets kept outdoors at a child care center 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;  
Readopted Eff. July 1, 2023.*

#### **15A NCAC 18A .2832 OUTDOOR LEARNING ENVIRONMENT AND PREMISES**

- (a) Child care center premises, including the outdoor learning environment, shall be kept clean, drained to minimize standing water, free of litter and hazards, and maintained in a manner which does not create conditions that attract or harbor pests. Debris, glass, dilapidated structures, and broken play equipment shall be removed from areas accessible to children. Wells, grease traps, cisterns, and utility equipment shall be made inaccessible to children.
- (b) Sand toys, water tables, and other unfiltered items that can collect standing water in the outdoor learning environment shall be emptied and stored to prevent the collection of standing water.
- (c) For outdoor toys and play equipment, including all structures accessible to children, the following shall apply:
  - (1) Equipment and toys shall be kept clean, in good repair, and free of peeling, flaking, or chalking paint, rust, and corrosion; and
  - (2) A sandbox used in outdoor play shall be constructed to allow for drainage of water and shall be covered when not in use and kept clean.
- (d) Children's outdoor activities shall be restricted as set forth in this Paragraph based on a daily air quality forecast made by the North Carolina Department of Environmental Quality, Division of Air Quality for the county where a center is located and published on the Division of Air Quality's Air Quality Portal at: <https://airquality.climate.ncsu.edu/air-guide/aq-datasets/>. 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 Rules .2806, .2807 and .2808 of this Section. Employees and children shall wash their hands in accordance with Rule .2803 of this Section prior to food service in the outdoor learning environment 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 Rules .2817 and .2819 of this Section and employees and children shall wash their hands in accordance with Rule .2803 of this Section.
- (g) Storage provided in the outdoor learning environment for children's toys shall be kept clean and in good repair. Storage areas that are accessible to children shall be kept free of equipment that is not intended by the manufacturer to be used by children and shall meet the requirements of Rule .2820 of this Section. Storage areas shall meet requirements for lighting in accordance with Rule .2826 of this Section. Spare batteries shall be kept on-site at the child care center for battery operated light fixtures used to light storage areas in accordance with this Paragraph.
- (h) Outdoor water play centers shall be maintained in accordance with Rule .2822 of this Section.
- (i) Central vacuums that exhaust to the outdoors and away from where children use the outdoor learning environment may be used in lieu of HEPA vacuum cleaners to meet the daily vacuuming requirements in Rule .2824(c) of this Section.

*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;  
Readopted Eff. July 1, 2023.*

#### **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 in Section .2500 of this Subchapter.
- (b) Portable wading pools, natural bodies of water, and unfiltered water that is not potable shall not be utilized for children's 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;  
Readopted Eff. July 1, 2023.*

#### **15A NCAC 18A .2834 COMPLIANCE, INSPECTIONS AND REPORTS**

- (a) Upon receipt of a request from a child care center operator or the licensing agency, a sanitation inspection shall be conducted of that child care center by the local health department that serves the county in which the child care center is located within 30 calendar days of receipt of the request.
- (b) Unannounced inspections of a child care center shall be made by the Department at least once each six-month period. An original and two copies of the form used to document the inspection shall be completed by the Department. The original shall be submitted by the Department to the licensing agency and 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 licensing agency. Demerits taken during the sanitation inspection shall be assigned for violations of the rules of this Section as follows:
- (1) violation of Rules .2803(a)-(d) or .2836(15) of this Section related to handwashing when required shall be assessed five demerits;
  - (2) violation of Rule .2803(e) of this Section related to proper handwashing procedures shall be assessed five demerits;
  - (3) violation of Rule .2804 of this Section related to food that is not from an approved source or that is from approved sources that is a hazard or is adulterated shall be assessed six demerits;
  - (4) violation of Rules .2804, .2806, or .2807 of this Section related to potentially hazardous food that does not meet temperature storage and holding requirements and requirements regarding the refrigeration of bottles and lunches at 45 degrees Fahrenheit or below shall be assessed six demerits;
  - (5) violation of Rules .2804, .2806, .2807, .2808, or .2836 of this Section related to food being properly stored, thawed, prepared, cooked, cooled, handled, served, transported, packaged, and identified, and only permitting supervised children in the kitchen shall be assessed five demerits;
  - (6) violation of Rule .2808(c) of this Section related to food not re-served shall be assessed three demerits;
  - (7) violation of Rule .2806 or .2807 of this Section related to the use of food thermometers and food thermometer accuracy shall be assessed two demerits;
  - (8) violation of Rules .2809 or .2810 of this Section related to food service equipment and utensils and specifications for refrigeration, sinks, lavatories, and dishwashing equipment shall be assessed six demerits;
  - (9) violation of Rules .2806, .2809, or .2810 of this Section related to food service equipment and utensils meeting approved material, and construction specifications for equipment and utensils, other than equipment described in Subparagraph (c)(8) of this Rule, shall be assessed four demerits;
  - (10) violation of Rules .2809 or .2812 of this Section related to food-contact surfaces being properly washed, rinsed, sanitized, and air dried and single-service articles not being re-used shall be assessed five demerits;
  - (11) violation of Rule .2812 of this Section related to a sanitizing solution being provided and a test kit being available shall be assessed two demerits;
  - (12) violation of Rule .2809, .2810, or .2812 of this Section related to keeping 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 and documentation that water supplies and facilities satisfy the applicable regulatory requirements 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(e) of this Section related to hot water in excess of 120 degrees Fahrenheit not allowed in areas accessible to children shall be assessed six demerits;
- (18) violation of Rule .2815(c) of this Section related to backflow prevention and cross connections shall be assessed three demerits;
- (19) violation of Rules .2815(c) or .2836 of this Section related to drinking fountain construction and location, water pressure regulation, and drinking fountains being kept clean shall be assessed two demerits;
- (20) violation of Rule .2816 of this Section related to identified lead poisoning hazards shall be assessed six demerits;
- (21) violation of Rules .2817, .2818, or .2836 of this Section related to toilet and lavatory facilities being properly sized, located, accessible, and in good repair, and sinks, toilets, and potty chairs being cleaned and disinfected shall be assessed four demerits;
- (22) violation of Rules .2817 or .2818 of this Section related to the provision of soap, disposable towels, hand drying devices, and toilet tissue paper shall be assessed three demerits;
- (23) violation of Rules .2817 or .2818 of this Section related to storage in toilet rooms, lavatories being kept free of storage, and handwash signs being posted shall be assessed two demerits;
- (24) violation of Rules .2817, .2819, or .2836 of this Section related to the set-up of diaper changing facilities shall be assessed six demerits;
- (25) violation of Rule .2819 of this Section related to diapering surfaces being cleaned and disinfected after each use shall be assessed six demerits;
- (26) violation of Rule .2812 or .2819 of this Section related to an approved disinfectant being provided and a test kit being available when required shall be assessed two demerits;
- (27) violation of Rules .2818, .2819, or .2820 of this Section related to diaper changing facilities being kept free of storage and in good repair, detergent solutions and approved disinfectants being labeled, required diapering methods being used, and diaper changing and handwash signs being posted shall be assessed four demerits;
- (28) violation of Rule .2820(d) and (g) of this Section related to medications being properly stored shall be assessed six demerits;
- (29) violation of Rule .2820(b) and (e) of this Section related to hazardous products being properly stored and locked shall be assessed six demerits;
- (30) violation of Rule .2820(c) of this Section related to non-hazardous products being properly stored shall be assessed three demerits;
- (31) violation of Rule .2820 of this Section related to facilities being provided for proper storage, and storage being kept clean shall be assessed two demerits;
- (32) violation of Rules .2821 or .2836 of this Section related to individual linen being provided and adequate beds, cots, or mats being provided, kept 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, wash cloths, bibs, and burping cloths being laundered and kept in good repair shall be assessed three demerits;
- (34) violation of Rules .2822 or .2836 of this Section related to toys, equipment, and furniture being kept clean and in good repair and the cleaning, sanitization, and maintenance of water play centers shall be assessed four demerits;
- (35) violation of Rules .2822 or .2836 of this Section related to mouth-contact surfaces in rooms designated for children who are not toilet trained being cleaned and sanitized in rooms where children who are not toilet trained are cared for shall be assessed four demerits;
- (36) violation of Rules .2807 or .2823 of this Section related child care center employees wearing gloves, clean clothes, and hair restraints where required, and tobacco use shall be assessed two demerits;
- (37) violation of Rules .2824, .2825, or .2836 of this Section related to floors, walls and ceilings being kept clean and in good repair and the vacuuming and extraction cleaning of carpets shall be assessed four demerits;
- (38) violation of Rule .2826 of this Section related to the lighting and thermal environment and room temperature being kept between 65 degrees Fahrenheit and 85 degrees Fahrenheit shall be assessed three demerits;

- (39) violation of Rule .2826 of this Section related to lighting and thermal equipment being kept clean and in good repair and being maintained as required shall be assessed two demerits;
- (40) violation of Rule .2827(e) of this Section related to persons with a communicable disease or a condition shall be assessed six demerits;
- (41) violation of Rules .2827 or .2836 of this Section related to persons caring for mildly sick children or ill children being excluded from situations in which transmission of communicable disease can be expected to occur and proper written procedures being followed for vomiting or diarrheal events shall be assessed four demerits;
- (42) violation of Rule .2827 of this Section related to the designated area for sick children maintained as required and written procedures for responding to vomiting or diarrheal events shall be assessed two demerits;
- (43) violation of Rule .2829 of this Section related to sewage disposal shall be assessed six demerits;
- (44) violation of Rules .2830 or .2836 of this Section related to solid waste being properly handled, solid waste containers and cleaning equipment kept clean, and the provision of adequate solid waste can washing facilities shall be assessed two demerits;
- (45) violation of Rule .2831 of this Section related to pesticides being properly used and new installation of CCA pressure-treated wood shall be assessed six demerits;
- (46) violation of Rule .2831 of this Section related to CCA pressure-treated wood being sealed and soil being covered or made inaccessible as required shall be assessed two demerits;
- (47) violation of Rule .2831 of this Section related to animals in food preparation areas and restrictions on unrestrained or prohibited animals shall be assessed three demerits;
- (48) violation of Rules .2831 or .2832 of this Section related to pest control and the child care center premises being free of conditions that harbor or attract pests shall be assessed three demerits;
- (49) violation of Rule .2832 of this Section related to outdoor premises being kept clean and free of standing water and wells, grease traps, cisterns, and other utility equipment being kept inaccessible to children, outdoor equipment and toys being kept clean and in good repair, sandboxes being properly constructed and kept 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 being designed, constructed, operated, and maintained in accordance with the rules at Section .2500 of this Subchapter shall be assessed six demerits.

(d) The Department shall indicate on the sanitation inspection form whether the child care center is classified as "superior," "approved," "provisional," or "disapproved" based on the sanitation inspection and the resulting score based on demerits taken in accordance with Paragraph (e) of this Rule. A sanitation classification placard that lists the child care center's score and classification shall be posted in the child care center in a location designated by the Department and where the placard can be seen by the public upon entry to the child care center. A summary classification of "disapproved" shall be issued by the Department and forwarded to the licensing agency when the Department's right-of-entry to inspect the child care center is denied or when an inspection is discontinued at the request of the operator or child care center administrator, unless the decision to discontinue the inspection is mutually made by the child care center operator or administrator and the Department. A summary classification of "disapproved" shall also be issued by the Department and forwarded to the licensing agency when a water sample that is collected pursuant to Rule .2815 of this Section is confirmed positive for fecal coliform, total coliform, or other chemical constituents in accordance with Rule .1725 of this Subchapter.

(e) A child care center's level of compliance with the Rules of this Section is indicated by the number of demerits listed on the sanitation inspection form and the following shall apply for a child care center's classification:

- (1) When an inspection is requested and conducted for the purpose of issuing a license to a new operator, a completed sanitation inspection shall be forwarded by the Department to the licensing agency only when the child care center is granted a "superior" classification.
- (2) If the child care center is not yet in operation and children are not in attendance when the initial sanitation inspection is conducted, a sanitation inspection form shall be completed by the Department and forwarded to the licensing agency but the placard listing the child care center's sanitation classification shall not be posted in the child care center. Another sanitation inspection shall be conducted by the Department when children are in attendance at the child care center and within 30 days of the child care center opening. The placard listing the sanitation classification earned by the child care center during the most recent inspection shall be posted following this second sanitation inspection and in accordance with Paragraph (d) of this Rule. When a temporary license is issued by the licensing agency to a child care center as a result of a

change of ownership in a child care center and the child care center continues to operate, the operator shall request an inspection from the Department within 14 days of the issuance of the temporary license. After the sanitation inspection is completed, a placard listing the child care center's sanitation classification shall be posted.

- (3) 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.
- (4) 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.
- (5) 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. At the end of the provisional classification period, a follow-up inspection shall be conducted by the Department and a new demerit score and classification shall be issued.
- (6) A child care center shall be classified as "disapproved" if the demerit score is more than 45, or if conditions and violations which resulted in a "provisional" classification have not been corrected in the time period specified by the Department in accordance with Subparagraph (e)(5) of this Rule.
- (7) If the child care center receives a "disapproved" classification, the Department shall immediately notify the licensing agency of the classification.
- (8) The placard listing the child care center's sanitation classification shall not be removed from the location designated by the Department under Paragraph (d) of this Rule except by or upon the instruction of the Department.

(f) The Department may conduct an additional inspection of any child care center that is issued a "provisional," "disapproved," or summary "disapproved" classification or upon receipt of a complaint about the sanitation of a child care facility that is made to the Department to ensure compliance with the Rules in this Section.

(g) The Department shall document demerits for violations of the rules of this Section on an inspection form and a written explanation and corrective action for each violation shall be documented on a comment addendum to the form. The inspection form shall contain the following minimum elements:

- (1) The date and purpose of the inspection;
- (2) The child care center's name, address, license number, operating status, and maximum capacity;
- (3) The name of the operator of the child care center;
- (4) Documentation of violations observed during the inspection, demerits, and classification;
- (5) Documentation of the type of water supply and wastewater system serving the child care center and whether water samples were taken during the inspection; and
- (6) The name of the inspector's employer, if completed by an authorized agent, and the inspector's signature.

(h) 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;  
Readopted Eff. July 1, 2023.

#### **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 G.S. 110-94 and G.S. 150B.

*History Note:* Authority G.S. 110-91;  
Eff. July 1, 1991;  
Amended Eff. January 1, 2006;  
Readopted Eff. July 1, 2023.

#### **15A NCAC 18A .2836 MILDLY SICK CHILDREN**

Child care centers that are licensed by the licensing agency to offer care to mildly sick children pursuant to 10A NCAC 09 .2404 shall comply with all rules in this Section except as follows:

- (1) Prior to operating a program for mildly sick children, the child care center operator shall undergo a sanitation inspection of the child care center by the Department.
- (2) Drinking fountains shall not be used by mildly sick children.
- (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 with the name of the child to whom the toy belongs and used only by that child. If soft toys are provided by the child care center, they shall be sanitized between uses by different children.
- (12) Employees caring for mildly sick children shall not prepare food in a kitchen used to prepare food for one or more children who are not mildly sick or serve food to children who are not mildly sick.
- (13) Family style and other self-serve 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 sick 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;  
Readopted Eff. July 1, 2023.

## **SECTION .2900 - RESTAURANT AND LODGING FEE COLLECTION AND INVENTORY PROGRAM**

### **15A NCAC 18A .2901 DISBURSEMENT OF FUNDS**

(a) For the purposes of this Rule, the following definitions shall apply:

- (1) "Department" means the North Carolina Department of Health and Human Services.
- (2) "Disaster" means when a declaration has been made by the President of the United States under 44 C.F.R. Part 206, Subpart B, which is hereby incorporated by reference, including any subsequent editions or amendments, or by the Governor of North Carolina under G.S. 166A-19.3(3).
- (3) "Emergency" means when a state of emergency declaration has been issued under G.S. 166A-19.3(19).
- (4) "Event" means a National Special Security Event designated by the President of the United States under 18 U.S.C. 3056(e)(1), which is hereby incorporated by reference, including any subsequent editions or amendments.
- (5) "Rate of compliance" means the number of inspections for food and lodging establishments conducted by the local health department during the previous state fiscal year divided by the number of inspections mandated to be conducted by the local health department per state fiscal year pursuant to G.S. 130A-249 and 10A NCAC 46 .0213, not to exceed a value of 1.

(b) 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; and
- (2) the balance of funds that remain after the distribution described in Subparagraph (b)(1) of this Rule shall be distributed to each county in accordance with the formula provided in Subparagraph (b)(2)(A) of this Rule. After the distribution of funds pursuant to Part (b)(2)(A) of this Rule, the balance of any funds that remain shall be distributed in accordance with the formula provided in Part (b)(2)(B) of this Rule to the counties that have one hundred percent compliance with the inspection requirements for food and lodging

establishments as set out in G.S. 130A-249 and 10A NCAC 46 .0213 in the immediately preceding state fiscal year:

- (A) [the remaining balance of funds after distribution in Subparagraph (b)(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 rate of compliance) equals the allocation to the county; and
- (B) [total amount of remaining funds after distribution in Part (b)(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 as set forth in G.S. 130A-249 and 10A NCAC 46 .0213 during the previous fiscal year) equals the additional allocation to the county.

(c) Notwithstanding the definition of rate of compliance in Paragraph (a) of this Rule, the total amount of funds distributed to a local health department shall be calculated in accordance with Paragraph (b) of this Rule, but using the local health department's rate of compliance from the last state fiscal year that was completed immediately prior to a disaster, emergency, or event, when:

- (1) one or more counties served by the local health department is named in a disaster or emergency declaration or in an event designation;
- (2) the local health director or the local health director's designee submits a written attestation to the State Environmental Health Director that includes the following:
  - (A) an explanation of how disruption caused by the disaster, emergency, or event is such that inspections that are required pursuant to G.S. 130A-249 and 10A NCAC 46 .0213 for food and lodging establishments cannot be carried out as planned because of the local health department's involvement in the response to the disaster, emergency, or event; and
  - (B) a statement that the loss of funds as a result of the local health department's decreased rate of compliance is expected to result in a financial hardship to the local health department's environmental health program; and
- (3) the Department determines that sufficient funds are available to make a disbursement to the local health department in accordance with this Paragraph.

(d) Attestations written pursuant to Paragraph (c) of this Rule shall be submitted to the State Environmental Health Director by mail at 5605 Six Forks Road, 1632 Mail Service Center, Raleigh, NC 27699-1632.

*History Note:* Authority G.S. 130A-9; 130A-248; 130A-249;  
Eff. May 1, 1991;  
Readopted Eff. July 1, 2022.

## **SECTION .3000 - BED AND BREAKFAST INNS**

<b>15A NCAC 18A .3001</b>	<b>DEFINITIONS</b>
<b>15A NCAC 18A .3002</b>	<b>PERMITS</b>
<b>15A NCAC 18A .3003</b>	<b>INSPECTIONS: VISITS: POSTING OF GRADE CARDS</b>
<b>15A NCAC 18A .3004</b>	<b>INSPECTION FORMS</b>
<b>15A NCAC 18A .3005</b>	<b>GRADING</b>
<b>15A NCAC 18A .3006</b>	<b>FOOD SOURCES AND PROTECTION</b>
<b>15A NCAC 18A .3007</b>	<b>FOOD SERVICE PERSONS</b>
<b>15A NCAC 18A .3008</b>	<b>FOOD SERVICE UTENSILS AND EQUIPMENT AND THEIR CLEANING</b>
<b>15A NCAC 18A .3009</b>	<b>LAVATORIES AND BATHROOMS</b>
<b>15A NCAC 18A .3010</b>	<b>WATER SUPPLY</b>
<b>15A NCAC 18A .3011</b>	<b>DRINKING WATER FACILITIES</b>
<b>15A NCAC 18A .3012</b>	<b>BEDS: LINEN</b>
<b>15A NCAC 18A .3013</b>	<b>VERMIN CONTROL: PREMISES</b>
<b>15A NCAC 18A .3014</b>	<b>STORAGE: MISCELLANEOUS</b>
<b>15A NCAC 18A .3015</b>	<b>FLOORS: WALLS: CEILINGS: LIGHTING: VENTILATION</b>
<b>15A NCAC 18A .3016</b>	<b>DISPOSAL OF GARBAGE AND TRASH</b>

*History Note:* Authority G.S. 130A-248;  
Eff. July 1, 1992;

*Amended Eff. November 1, 2002; October 1, 1993; July 1, 1993;  
Repealed Eff. October 1, 2017.*

## **SECTION .3100 - CHILDHOOD LEAD POISONING PREVENTION PROGRAM**

### **15A NCAC 18A .3101 DEFINITIONS**

The following definitions shall apply throughout this Section:

- (1) "Child-occupied facility" means as defined at G.S. 130A-131.7(2).
- (2) "Department" means the North Carolina Department of Health and Human Services.
- (3) "High contact areas for children" means areas including sandboxes, gardens, play areas, pet sleeping areas, and areas within three feet of a residential housing unit or child-occupied facility.
- (4) "Residential housing unit" means as defined at G.S. 130A-131.7(16).
- (5) "Safe work practices" are methods used to avoid creating lead-based paint hazards during on-site work that disturbs paint that may contain lead as set forth in the United States Environmental Protection Agency publication "Steps to Lead Safe Renovation, Repair, and Painting," which is hereby incorporated by reference, including any subsequent amendments and editions, and available free of charge at: [https://www.epa.gov/sites/production/files/2013-11/documents/steps\\_0.pdf](https://www.epa.gov/sites/production/files/2013-11/documents/steps_0.pdf).
- (6) "Specialized cleaning" is the use of cleaning protocols that have been shown to be effective in removing lead-contaminated dust as set forth in the United States Department of Housing and Urban Development publication "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," which is hereby incorporated by reference, including any subsequent amendments and editions, and available free of charge at: [https://www.hud.gov/sites/documents/SECOND\\_EDITION\\_2012.PDF](https://www.hud.gov/sites/documents/SECOND_EDITION_2012.PDF).
- (7) "Visual inspection" means an on-site assessment by the Department or its agent authorized pursuant to 15A NCAC 01O .0101(4) to determine compliance with the approved remediation plan as set forth in G.S. 130A-131.9C.

*History Note: Authority G.S. 130A-131.5;  
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;  
Readopted Eff. April 1, 2021.*

### **15A NCAC 18A .3102 PERSISTENT ELEVATED BLOOD LEAD LEVEL**

*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.  
Expired Eff. August 1, 2019 pursuant to G.S. 150B-21.3A.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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; or
- (2) except as specified in Subparagraph (a)(1) of this Rule, it contains 1200 parts per million lead or greater in other locations at a residential housing unit or a child-occupied facility.

(b) Unless other remediation is determined by the Department to be necessary to protect the public health based on site-specific evidence including soil lead bioavailability, soil lead speciation, soil particle size, land use and condition, or epidemiologic data, all remediation plans pursuant to G.S. 130A-131.9C shall require that bare soil lead concentrations greater than 400 parts per million at a residential housing unit or a child-occupied facility in high contact areas for children or bare soil areas containing 1200 parts per million lead or greater in other locations at a residential housing unit or a child-occupied facility be:

- (1) covered with four to six inches of gravel or mulch that shall be maintained and replaced as often as necessary to ensure there is four to six inches of cover;

- (2) covered with sod or other vegetative cover that shall be maintained and replaced as often as necessary to ensure there is sod or other vegetative cover;
- (3) physically restricted by a permanent barrier;
- (4) removed; or
- (5) paved over with concrete or asphalt.

*History Note: Authority G.S. 130A-131.5; 130A-131.7; Eff. October 1, 1990; Transferred and Recodified from 15A NCAC 191 .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; Readopted Eff. April 1, 2021.*

### **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; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **15A NCAC 18A .3107 MAINTENANCE STANDARD**

The following shall apply to property owners and managing agents of pre-1978 residential housing units implementing the maintenance standard set forth in Rule .3106(b) of this Section:

- (1) 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 sod or other vegetative cover in areas of bare soil within three feet of the residential housing unit.
- (2) Property owners and managing agents shall conduct specialized cleaning on interior horizontal surfaces to remove dust that may contain lead.
  - (3) 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.
  - (4) 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.
  - (5) Property owners and managing agents shall provide interior horizontal surfaces that are smooth, non-absorbent, and easy to clean by recoating deteriorated hardwood floors with a durable coating, replacing or recovering worn-out linoleum floors, making interior windowsills smooth and cleanable, capping window troughs with vinyl or aluminum coil stock, and providing drainage from storm window frames.
  - (6) Property owners and managing agents shall provide occupants with the Environmental Protection Agency-developed pamphlets "Protect Your Family from Lead in Your Home," which is hereby incorporated by reference, including any subsequent amendments and editions, and available free of charge at: <https://www.epa.gov/lead/protect-your-family-lead-your-home-english> and "Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools," which is hereby incorporated by reference, including any subsequent amendments and editions, and available free of charge at: <https://www.epa.gov/lead/renovate-right-important-lead-hazard-information-families-child-care-providers-and-schools-0>, summaries of any reports prepared pursuant to G.S. 130A-131.9A on lead-based paint hazards at the property, and copies of previous certificates of compliance issued.

*History Note:* Authority G.S. 130A-131.5;  
Temporary Adoption Eff. November 21, 1997;  
Eff. April 1, 1999;  
Readopted Eff. April 1, 2021.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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: 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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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: 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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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: 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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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: Authority G.S. 130A-29;  
Eff. April 1, 1995;  
Temporary Adoption Eff. January 1, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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: 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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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: 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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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: 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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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: 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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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: 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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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: 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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **15A NCAC 18A .3212 PERMIT REVOCATION**

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

*History Note: Authority G.S. 130A-23; 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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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](http://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 hollowware, 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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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  $\pm 3^{\circ}\text{F}$ , ( $\pm 1.5^{\circ}\text{C}$ ) 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  $45^{\circ}\text{F}$  ( $7^{\circ}\text{C}$ ), 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  $45^{\circ}\text{F}$  ( $7^{\circ}\text{C}$ ) 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  $\pm 3^{\circ}\text{F}$  ( $\pm 1.5^{\circ}\text{C}$ ), 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  $140^{\circ}\text{F}$  ( $60^{\circ}\text{C}$ ) or above except during necessary periods of preparation and service. Potentially hazardous food to be transported hot shall be held at a temperature of  $140^{\circ}$  ( $60^{\circ}\text{C}$ ) or above.

*History Note: Authority G.S. 130A-285;  
Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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  $140^{\circ}\text{F}$  ( $60^{\circ}\text{C}$ ), 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 ±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.
- (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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

## **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

## **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;  
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**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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

**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  $\pm 3^{\circ}\text{F}$  ( $\pm 1.5^{\circ}\text{C}$ ), 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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

### **SECTION .3400 - COASTAL RECREATIONAL WATERS MONITORING, EVALUATION, AND NOTIFICATION**

#### **15A NCAC 18A .3401 DEFINITIONS (EFFECTIVE APRIL 1, 2021)**

The following definitions shall apply to this Section:

- (1) "Division" means the Division of Marine Fisheries or its authorized agent.
- (2) "Enterococcus" means a gram positive coccoid-shaped bacteria that is found in the intestinal tracts of warm-blooded animals that include *Enterococcus faecalis*, *Enterococcus faecium*, *Enterococcus avium*, and *Enterococcus gallinarum*.
- (3) "Geometric mean" means the mean of "n" positive numbers obtained by taking the "n<sup>th</sup>" root of the product of the numbers with at least five samples collected within a 30-day period.
- (4) "Pending swimming advisory" means a notification to the public that recommends no primary contact with the water in a designated swimming area when bacteriological limits are exceeded, but does not close a swimming area to the public. A pending swimming advisory shall include a public notification via social media release to notify the public of the risks of swimming in the area. A pending swimming advisory shall be followed by a resample that will determine if a swimming advisory will be issued.
- (5) "Point source discharge" means the discharge of liquids through a pipe, drain, ditch, or other conveyance into a swimming area.
- (6) "Primary contact" means an activity in water in which a person's head is partially or completely submerged.
- (7) "Resample" means a water sample that is collected by the Division of Marine Fisheries or its authorized agent after the results of the initial water sample collected are processed by the Division and the results are analyzed by the Division.
- (8) "Storm water discharge" means any natural or manmade conveyance of rainwater or the resultant runoff into coastal recreational waters.
- (9) "Swimming advisory" means a notification to the public that recommends no primary contact with the water in a designated swimming area when bacteriological limits are exceeded, but does not close a swimming area to the public. A swimming advisory shall include a sign posted at the site of the advisory and a public notification via social media and news release to notify the public of the risks of swimming in the area.
- (10) "Swimming area" means a coastal recreation area that is used for primary contact located within waters classified by the Division of Water Resources as SC, SA, or SB as set forth in 15A NCAC 02B .0220 through .0222, and is hereby incorporated by reference including subsequent amendments.
- (11) "Swimming season" means from April 1 through October 31 of each year.
- (12) "Tier I swimming area" means a swimming area used daily during the swimming season, including all oceanfront beaches that are monitored by the Division.
- (13) "Tier II swimming area" means a swimming area that is not used daily during the swimming season.

*History Note:* Authority G.S. 113-134; 113-221.3; 143B-289.52;  
 Eff. February 1, 2004;  
 Readopted Eff. April 1, 2021.

#### **15A NCAC 18A .3401 DEFINITIONS (EFFECTIVE UNTIL MARCH 31, 2021)**

The following definitions shall apply throughout Section 18A .3400 of this Subchapter:

- (1) "Enterococcus" means a gram positive coccoid-shaped bacteria that is found in the intestinal tracts of warm-blooded animals that include *Enterococcus faecalis*, *Enterococcus faecium*, *Enterococcus avium*, and *Enterococcus gallinarum*.
- (2) "Geometric mean" means the mean of "n" positive numbers obtained by taking the "n<sup>th</sup>" root of the product of the numbers with at least five samples collected within a 30 day period.
- (3) "Point source discharge" means the discharge of liquids through a pipe, drain, ditch or other conveyance into a swimming area.
- (4) "Primary contact" means an activity in water in which a person's head is partially or completely submerged.
- (5) "Storm water discharge" means any natural or manmade conveyance of rainwater or the resultant runoff into recreational waters.
- (6) "Swimming advisory" means a notification to the public that recommends no primary contact with the water in a specific area for public health reasons but does not close a swimming area to the public. A swimming advisory shall include a sign posted at the site of the advisory and a press release to notify the public of the risks of swimming in the area.
- (7) "Swimming alert" means a notification to the public by media contact including a press release to warn the public of risks of swimming in an area that exceeds bacteriological swimming area levels.



- (8) "Swimming area" means a coastal recreation area that is used for primary contact located within waters classified by the Division of Water Quality as SA, SB, or SC.
- (9) "Swimming season" means from April 1 through October 31 of each year.
- (10) "Tier I swimming area" means a swimming area used daily during the swimming season, including any public access swimming area and any other swimming area where people use the water for primary contact, including all oceanfront beaches.
- (11) "Tier II swimming area" means a swimming area used an average of three days a week during the swimming season.
- (12) "Tier III swimming area" means a swimming area used an average of four days a month during the swimming season.
- (13) "Winter season" means from November 1 through March 31 of each year.

*History Note:* Authority G.S. 130A-233.1;  
Eff. February 1, 2004.

**15A NCAC 18A .3402 BACTERIOLOGICAL LIMITS FOR SWIMMING AREAS (EFFECTIVE APRIL 1, 2021)**

- (a) The enterococcus level in a Tier I swimming area shall not equal or exceed either:
  - (1) a geometric mean of 35 enterococci per 100 milliliters of water; or
  - (2) a single sample of 104 enterococci per 100 milliliters of water.
- (b) The enterococcus level in a Tier II swimming area shall not equal or exceed a single sample of 104 enterococci per 100 milliliters of water.

*History Note:* Authority G.S. 113-134; 113-221.3; 143B-289.52;  
Eff. February 1, 2004;  
Readopted Eff. April 1, 2021.

**15A NCAC 18A .3402 BACTERIOLOGICAL LIMITS FOR SWIMMING AREAS (EFFECTIVE UNTIL MARCH 31, 2021)**

- (a) The enterococcus level in a Tier I swimming area shall not exceed either:
  - (1) A geometric mean of 35 enterococci per 100 milliliter of water, that includes a minimum of at least five samples collected within 30 days; or
  - (2) A single sample of 104 enterococci per 100 milliliter of water.
- (b) The enterococcus level in a Tier II swimming area shall not exceed a single sample of 276 enterococci per 100 milliliter of water.
- (c) The enterococcus level in a Tier III swimming area shall not exceed two consecutive samples of 500 enterococci per 100 milliliter of water.

*History Note:* Authority G.S. 130A-233.1;  
Eff. February 1, 2004.

**15A NCAC 18A .3403 PUBLIC NOTICE OF INCREASED HEALTH RISKS IN SWIMMING AREAS (EFFECTIVE APRIL 1, 2021)**

- (a) Tier I Swimming areas:
  - (1) A pending swimming advisory shall be issued by the Division of Marine Fisheries if a water sample from a swimming area is equal to or exceeds the bacteriological limit set forth in Rule .3402(a)(2) of this Section during the swimming season.
  - (2) A swimming advisory shall be issued by the Division if either of the following standards are exceeded during the swimming season:
    - (A) Both the initial water sample and resample collected from a swimming area are equal to or exceed the bacteriological limit set forth in Rule .3402(a)(2) of this Section; or
    - (B) The most recent five water samples collected within a 30-day period from a swimming area are equal to or exceed the bacteriological limit set forth in Rule .3402(a)(1) of this Section.
- (b) Tier II swimming areas:

- (1) A pending swimming advisory shall be issued by the Division if a water sample from a swimming area is equal to or exceeds the bacteriological limit set forth in Rule .3402(a)(2) of this Section during the swimming season.
  - (2) A swimming advisory shall be issued by the Division if both the initial water sample and resample collected from a swimming area are equal to or exceed the bacteriological limit set forth in Rule .3402(a)(2) of this Section during the swimming season.
- (c) Signs posted pursuant to this Section shall be placed or erected in open view where the public may see the sign prior to entering the water.
- (d) Signs shall state the following:  
ATTENTION: SWIMMING IN THIS AREA IS NOT RECOMMENDED. BACTERIA TESTING INDICATES LEVELS OF CONTAMINATION THAT MAY BE HAZARDOUS TO YOUR HEALTH. THIS ADVISORY AFFECTS WATERS WITHIN 200' OF THIS SIGN. OFFICE OF THE STATE HEALTH DIRECTOR.

*History Note: Authority G.S. 113-134; 113-221.3; 143B-289.52;  
Eff. February 1, 2004;  
Readopted Eff. April 1, 2021.*

**15A NCAC 18A .3403 PUBLIC NOTICE OF INCREASED HEALTH RISKS IN SWIMMING AREAS (EFFECTIVE UNTIL MARCH 31, 2021)**

(a) Tier I Swimming areas:

- (1) A swimming advisory shall be issued by the Division when samples of water from a swimming area exceeds a geometric mean of 35 enterococci per 100 milliliter during the swimming season.
- (2) A swimming alert shall be issued by the Division when a single sample of water from a swimming area exceeds 104 enterococci per 100 milliliter and does not exceed 500 enterococci per 100 milliliter during the swimming season.
- (3) A swimming advisory shall be issued by the Division when a sample of water from a swimming area exceeds a single sample of 500 enterococci per 100 milliliter during the swimming season.
- (4) A swimming advisory shall be issued by the Division when at least two of three concurrent water samples collected at a swimming area exceeds 104 enterococci per 100 milliliter during the swimming season.

(b) Tier II swimming areas:

- (1) A swimming alert shall be issued by the Division when a single sample of water from a swimming area exceeds 276 enterococci per 100 milliliter and does not exceed 500 enterococci per 100 milliliter during the swimming season.
- (2) A swimming advisory shall be issued by the Division when a single sample of water from a swimming area exceeds 500 enterococci per 100 milliliter during the swimming season.

(c) A Tier III swimming area with a water sample result of 500 enterococci per 100 milliliter or higher on the first sample shall be resampled the following day. If the laboratory results of the second sample exceed 500 enterococci per 100 milliliter a swimming advisory shall be issued by the Division.

(d) Signs posted pursuant to this Section shall be placed or erected in open view where the public may see the sign(s) prior to entering the water.

(e) Signs shall convey the following:

ATTENTION: SWIMMING IN THIS AREA IS NOT RECOMMENDED. BACTERIA TESTING INDICATES LEVELS OF CONTAMINATION THAT MAY BE HAZARDOUS TO YOUR HEALTH. THIS ADVISORY AFFECTS WATERS WITHIN 200' OF THIS SIGN. OFFICE OF THE STATE HEALTH DIRECTOR.

*History Note: Authority G.S. 130A-233.1;  
Eff. February 1, 2004.*

**15A NCAC 18A .3404 SWIMMING ADVISORIES FOR POINT SOURCE DISCHARGES INTO SWIMMING AREAS (EFFECTIVE APRIL 1, 2021)**

(a) The Division of Marine Fisheries shall post at least one sign at a wastewater treatment plant that discharges into swimming waters, which shall stay posted until the discharge is removed. The sign for a wastewater treatment plant discharge shall state the following:

WARNING! SEWAGE TREATMENT EFFLUENT DISCHARGE SITE. SWIMMING IS NOT ADVISED IN THESE WATERS BECAUSE OF THE INCREASED RISK OF ILLNESS. OFFICE OF THE STATE HEALTH DIRECTOR.

(b) A swimming advisory shall be issued by the Division and at least one sign shall be posted at the public access to swimming waters that have been impacted by a wastewater system failure. The sign for waters impacted by a wastewater spill shall state the following:

WARNING! WASTEWATER SPILL. SWIMMING IS NOT ADVISED IN THESE WATERS BECAUSE OF THE INCREASED RISK OF ILLNESS. OFFICE OF THE STATE HEALTH DIRECTOR.

(c) A swimming advisory shall be issued by the Division and at least one sign shall be posted at a storm drain or pipe or storm water discharge that is discharging into a Tier 1 swimming area. A sign shall be placed to advise the public as they enter the area impacted by the storm drain or pipe or storm water discharge. For dry weather discharges, the sign shall state the following:

WARNING! STORM WATER DISCHARGE AREA. SWIMMING WITHIN 200 YARDS OF THIS SIGN MAY INCREASE THE RISKS OF WATERBORNE ILLNESS. OFFICE OF THE STATE HEALTH DIRECTOR.

For wet weather discharges, the sign shall state the following:

WARNING! STORM WATER DISCHARGE AREA. WATERS MAY BE CONTAMINATED BY DISCHARGE FROM PIPE. SWIMMING IS NOT RECOMMENDED WITHIN 200 YARDS OF THIS SIGN DURING ACTIVE DISCHARGE. FOR MORE INFORMATION, CALL 252-726-6827. OFFICE OF THE STATE HEALTH DIRECTOR.

(d) A swimming advisory shall be issued by the Division and at least two signs shall be posted at a storm drain or pipe where flood waters are being pumped into a swimming area. The signs shall state the following:

SWIMMING IS NOT RECOMMENDED BETWEEN SIGNS. WATERS MAY BE CONTAMINATED BY DISCHARGE FROM PIPE. OFFICE OF THE STATE HEALTH DIRECTOR.

(e) A swimming advisory shall be issued by the Division and at least two signs shall be posted at an area receiving dredge material on a swimming beach if the dredge material is being pumped from an area closed to shellfish harvesting. The signs shall state the following:

SWIMMING IS NOT RECOMMENDED BETWEEN SIGNS. WATERS MAY BE CONTAMINATED BY DISCHARGE FROM PIPE. OFFICE OF THE STATE HEALTH DIRECTOR.

*History Note: Authority G.S. 113-134; 113-221.3; 143B-289.52;  
Eff. January 1, 2004;  
Readopted Eff. April 1, 2021.*

**15A NCAC 18A .3404 SWIMMING ADVISORIES FOR POINT SOURCE DISCHARGES INTO SWIMMING AREAS (EFFECTIVE UNTIL MARCH 31, 2021)**

(a) A wastewater treatment plant that discharges into swimming waters shall be posted by the Division with at least one sign until the discharge is removed. The sign(s) for a wastewater treatment plant discharge shall convey the following:

ATTENTION: THESE WATERS MAY BE CONTAMINATED BY HUMAN OR ANIMAL WASTE. SWIMMING IS NOT ADVISED IN THESE WATERS BECAUSE OF THE INCREASED RISK OF ILLNESS. OFFICE OF THE STATE HEALTH DIRECTOR.

(b) A swimming advisory shall be issued by the Division and at least two signs shall be posted at a storm drain or storm water discharge that is actively discharging into a swimming area. Signs shall be placed to advise the public as they enter the area impacted by the drain. The signs for a storm drain or storm water discharge shall convey the following:

SWIMMING IS NOT RECOMMENDED BETWEEN SIGNS. WATERS MAY BE CONTAMINATED BY DISCHARGE FROM PIPE. OFFICE OF THE STATE HEALTH DIRECTOR.

(c) A swimming advisory shall be issued by the Division and at least two signs shall be posted at a storm drain where flood waters are being pumped into a swimming area. The signs shall remain posted for at least 24 hours after the pumping of flood waters has ceased. The signs shall convey the following:

SWIMMING IS NOT RECOMMENDED BETWEEN SIGNS. WATERS MAY BE CONTAMINATED BY DISCHARGE FROM PIPE. OFFICE OF THE STATE HEALTH DIRECTOR.

(d) A swimming advisory shall be issued by the Division and at least two signs shall be posted at an area receiving dredge material on a swimming beach when the dredge material is being pumped from an area closed to shellfish harvesting. The signs shall convey the following:

SWIMMING IS NOT RECOMMENDED BETWEEN SIGNS. WATERS MAY BE CONTAMINATED BY DISCHARGE FROM PIPE. OFFICE OF THE STATE HEALTH DIRECTOR.

*History Note:* Authority G.S. 130A-233.1;  
Eff. January 1, 2004.

**15A NCAC 18A .3405 RESCINDING A PENDING SWIMMING ADVISORY OR SWIMMING ADVISORY (EFFECTIVE APRIL 1, 2021)**

- (a) A pending swimming advisory shall be rescinded by the Division of Marine Fisheries via social media release when the resample collected meets the bacteriological limit set forth in Rule .3402(a)(2) of this Section.
- (b) A Tier I swimming area advisory shall be rescinded by the Division via social media and news release, including the removal of signs, when both of the following conditions are met:
- (1) the geometric mean has met the bacteriological limit set forth in Rule .3402(a)(1) of this Section; and
  - (2) two consecutive weekly water samples meet the bacteriological limit set forth in Rule .3402(a)(2) of this Section.
- (c) A Tier II swimming area advisory shall be rescinded by the Division via social media and news release, including the removal of signs, after water samples meet the bacteriological limit set forth in Rule .3402(b) of this Section.
- (d) A swimming advisory resulting from a flood water discharge or the discharge of dredge material shall be rescinded by the Division via social media and news release, including the removal of signs, 24 hours after the discharge has ceased, to allow for tidal dispersion.
- (e) A swimming advisory resulting from a wastewater system failure shall be rescinded by the Division via social media and news release, including the removal of signs, when failure has been corrected and water samples collected meet the bacteriological limit set forth in Rule .3402(a)(2) of this Section.

*History Note:* Authority G.S. 113-134; 113-221.3; 143B-289.52;  
Eff. January 1, 2004;  
Readopted Eff. April 1, 2021.

**15A NCAC 18A .3405 RESCINDING A SWIMMING ADVISORY OR SWIMMING ALERT (EFFECTIVE UNTIL MARCH 31, 2021)**

- (a) A Tier I swimming area advisory shall be rescinded when two consecutive weekly water samples and the geometric mean meet the bacteriological limits in Rule 18A .3402(a) of this Section. A swimming alert shall be rescinded within 24 hours of compliance with Rule 18A .3402(a)(2) of this Section.
- (b) A Tier II or Tier III swimming area advisory or alert shall be rescinded after water samples meet the bacteriological standard in Rule 18A .3402(b) or (c) of this Section.
- (c) A swimming advisory resulting from a point source discharge or the discharge of dredge material shall be rescinded 24 hours after the discharge has ceased.
- (d) When a swimming advisory or alert has been rescinded, the Division shall issue a press release to announce the lifting of the advisory or the alert and the sign(s) shall be removed immediately by the Division.

*History Note:* Authority G.S. 130A-233.1;  
Eff. January 1, 2004.

**15A NCAC 18A .3406 DESTRUCTION OF SIGNS (EFFECTIVE APRIL 1, 2021)**  
**15A NCAC 18A .3407 APPLICABILITY OF RULES (EFFECTIVE APRIL 1, 2021)**

*History Note:* Authority G.S. 130A-233.1;  
Eff. January 1, 2004;  
Repealed Eff. April 1, 2021.

**15A NCAC 18A .3406 DESTRUCTION OF SIGNS (EFFECTIVE UNTIL MARCH 31, 2021)**

A person shall not mutilate, deface, pull down, destroy, hide, or steal any sign posted pursuant to this Section.

*History Note:* Authority G.S. 130A-233.1;  
Eff. January 1, 2004.

**15A NCAC 18A .3407 APPLICABILITY OF RULES (EFFECTIVE UNTIL MARCH 31, 2021)**

The rules of this Section shall apply to all marine recreational waters in coastal North Carolina.

*History Note: Authority G.S. 130A-233.1;  
Eff. January 1, 2004.*

## **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

## **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 (*A<sub>w</sub>*) 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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

**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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

**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;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

**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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
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#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

**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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

**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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
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#### **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;*

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### **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;*

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**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;*

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**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;  
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**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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*



### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

### **15A NCAC 18A .3802 SAMPLE COLLECTION**

- (a) Within 30 days after it issues a certificate of completion for a private drinking water well that is newly constructed, the local health department shall collect water samples and submit them to a certified laboratory for analyses or ensure that water samples are collected from the well by a certified laboratory and tested by a certified laboratory. All testing shall be done in accordance with the rules of this Section.
- (b) 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 CFR 141.23 and 40 CFR 143.4, which are hereby incorporated by reference including any subsequent amendments and editions, and available free of charge at: <https://www.ecfr.gov/>.
- (c) Water samples shall be collected from the sample tap at the well or the closest accessible collection point to the water source at a threadless sample tap, provided the sampling point shall precede any water treatment devices.
- (d) The well owner shall provide access and a source of power for the purpose of collecting the required water sample.
- (e) For all newly constructed 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 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, which are hereby incorporated by reference, including any subsequent amendments and editions.
- (f) Samples shall be transported to the laboratory following the procedures for sample preservation and within holding times required in 40 CFR 141.23 and 143.4, and 141.21(f), which is hereby incorporated by reference including any subsequent amendments and editions, and available free of charge at: <https://www.ecfr.gov/>

*History Note:* Authority G.S. 87-97;  
Eff. July 1, 2008;  
Readopted Eff. April 1, 2021.

### **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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

**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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

**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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*