

Fiscal Note for Readoption of 15 NCAC 18A .1001-.1031

Agency: North Carolina Commission for Public Health
Department of Health and Human Services
Division of Public Health
Environmental Health Section
Food Protection and Facilities Branch

Rule Citations: 15 NCAC 18A .1001 Definitions (readopt)
15 NCAC 18A .1002 Field Sanitation (readopt)
15 NCAC 18A .1003 Standards and approval of Plans (readopt)
15 NCAC 18A .1004 Permits (readopt)
15 NCAC 18A .1006 Inspections and Reinspections (readopt)
15 NCAC 18A .1007 Inspection Forms (repeal)
15 NCAC 18A .1008 Grading (amend)
15 NCAC 18A .1009 Standards (repeal)
15 NCAC 18A .1011 Water Supply (readopt)
15 NCAC 18A .1012 Recreational Waters (readopt)
15 NCAC 18A .1014 Toilet: Handwashing: Laundry: and Bathing
(readopt)
15 NCAC 18A .1017 Food Service Facilities (amend)
15 NCAC 18A .1018 Food Service Utensils and Equipment (repeal)
15 NCAC 18A .1019 Food Supplies (repeal through readoption)
15 NCAC 18A .1020 Shellfish (repeal)
15 NCAC 18A .1021 Milk and Milk Products (repeal through
readoption)
15 NCAC 18A .1022 Food Protection (repeal)
15 NCAC 18A .1027 Food Service Employees (repeal)

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Rulemaking Authority: G.S. 130A-248

Impact Summary: State Government: Yes
Local Government: Yes
Private Sector: Yes
Substantial Impact: No

Introduction and Purpose

The North Carolina Department of Health and Human Services (DHHS), Division of Public Health, Environmental Health Section, Food Protection and Facilities Branch (FPFB) is responsible for the administration of sanitation requirements at summer camps. These requirements are set forth in the Rules at 15A NCAC 18A Section .1000. Eighteen of these rules are proposed to be updated as part of this rulemaking process: 8 readoptions, 2 amendments, 2 repeals through readoption, and 6 repeals. The 10 rules proposed for readoption are proposed in accordance with G.S. 150B-21.3A. Changes to rule language are also proposed to clarify existing language, align the rules with current practices and standards, and incorporate the NC Food Code to be consistent with the requirements of all regulated food service under NC DHHS purview. The proposed changes to the rules were made following consultation with industry stakeholders, local health department environmental health staff, and FPFB staff.

Description of Proposed Rules

A brief description of each rule has been provided below. The text of proposed rules has been included in **Appendix 2**.

15 NCAC 18A .1001, “Definitions”

The terms “Bathing facility,” “Clean,” “Cross-connection,” “Employee,” “Equipment,” “Evaluation,” “Good repair,” “Inspection,” “Linen,” “Litter,” “Local health department,” “Non-community water supply,” “Permanent sleeping quarters,” “Potable water,” “Rubbish,” “Sewage and other liquid waste,” “Solid waste,” “Swimming pool,” “Toilet facility,” and “Vermin,” are used in the existing rules, but had not previously been defined in this rule. These terms have been added to this definitions rule for the purpose of clarifying existing language. These changes are not expected to result in an economic impact.

The existing definitions for the terms “Department,” “Sanitarian,” “Sanitize,” and “Summer camp” have been changed to clarify existing rule requirements, update outdated terminology, and reflect current practices. The term “Department,” now correctly refers to the North Carolina Department of Health and Human Services, and the part of the definition regarding authorized representatives has now been moved to a new term, “Regulatory authority.” The term “Sanitarian” was updated to the current terminology, “Registered Environmental Health Specialist.” The definition for the term “Sanitize” has been revised to be consistent with how this rule is defined in other Sections of Subchapter 18A and to remove a cross-reference to a rule that has now been repealed. The term “Summer camp” was updated to clarify the establishments considered to meet this definition. The term “Person” was removed because it is no longer necessary to define this term. The term “Potentially hazardous food” was replaced with the current terminology “Time/Temperature Control for Safety Food” or “TCS Food.” These changes are not expected to result in an economic impact.

In addition to the above, there are 19 new terms defined in this rule. These terms have been introduced and used throughout the revised rules and are defined here for clarity. The addition of these new terms and definitions is not expected to result in an economic impact. The 19 new terms are as follows:

1. “Basecamp” is defined as the permanent base of operations of the summer camp served by permanent connection to a public electrical service provider. This term was used in the rules to distinguish between activities and facilities at the camp’s permanent base of operations from activities and facilities that are part of an outing away from the camp’s permanent base of operations. This term also helps to distinguish summer camps from primitive experience camps which are governed by 15 NCAC 18A .2500 and are defined in part as a camp not served by any public electrical service provider.

2. "Camp Food Service kitchen" is defined as 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 educational kitchens. This term only refers to the interior of such kitchen facilities so that the rules governing these kitchen facilities do not overlap with the rules that govern the operation and maintenance of all other areas of the summer camp which fall under the definition of "summer camp premises." Rules that apply to the camp food service kitchen facilities as specified in Rule .1008 (d) are .1017(a) - .1017 (e). Rules that apply to the rest of the summer camp as specified in Rule .1008(c) are 1002, .1010, .1011,.1013 – .1016, and .1017 (f) – .1028.
3. "Closed" means that a summer camp is not offering food or lodging to the public. This term is added to clarify the timing of reinspections and water quality testing for camps using wells.
4. "Community water supply" means as defined in statute at G.S. 130A-313(10).
5. "Cookout" is defined as an organized activity staffed and operated by the summer camp at the basecamp involving outdoor cooking and dining. Proposed rule .1002(b) clarifies that summer camps may conduct cookouts at basecamp provided field sanitation standards are maintained in accordance with items (1) and (4) through (7) of 15A NCAC 18A .3619, except that written procedures are not required. Defining the term "Cookout" clarifies that this activity is allowed and is unique and apart from activities conducted in a camp food service kitchen.
6. "DCDEE" is defined as the Division of Child Development and Early Education of the North Carolina Department of Health and Human Services. The term DCDEE was used in the revised definition for "Summer Camp" to clarify that those establishments that require a permit from DCDEE do not require a summer camp permit.
7. "Educational kitchen" is defined as a kitchen facility at base camp that can be operated by campers and staff for personal use or instructional purposes. It is distinguished from the camp food service kitchen, which is operated and staffed by camp employees.
8. "Garbage" is defined as in G.S. 130A-290(7). This term is added to help further clarify the definition of "clean," which requires that objects and surfaces be free from garbage.
9. "Open" means that a summer camp is offering food or lodging to the public. This term is added to clarify that a summer camp is not open if only staff are present.
10. "Pest" is defined as in G.S. 143-460(26a). This is a comprehensive term that is being used to replace existing rule language that referenced a variety of pests, such as bugs, and insects.
11. "Pest harborage" is defined as any condition that provides water or food and shelter for pests.
12. "Poisonous or toxic materials" means as defined in the NC Food Code. This term was needed to refer categorically to materials such as pesticides and chemicals that may be present on the summer camp premises or in the camp food service kitchen.
13. "Public electrical service provider" is defined as an entity that furnishes electricity for pay. This term was defined here because of its use in the definition of base camp.
14. "Refuse" is as defined at G.S. 130A-290(28). This is the current terminology used in other rule sets including the NC Food Code. To facilitate consistency and to clarify older terms used in these Rules, "rubbish" and "litter" have been designated to mean the same as refuse.
15. "Responsible person" is defined as the administrator, operator, owner, or other person in charge of the operation of the summer camp.
16. "Summer camp premises" is defined as 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. This term does not include a camp food service kitchen facility. This definition serves to set up the camp food service kitchen and the summer camp premises to be mutually exclusive.
17. "Supplemental cooking rooms" means as defined in 15A NCAC 18A .2651(20). Supplemental cooking rooms, commonly known as BBQ rooms, are a specific type of facility allowed to be used in conjunction with permitted food service establishments under the NC Food Code. Rule .1017(e) of the proposed rules clarifies that these types of facilities are also allowed at a permitted summer camp.

18. “Warewashing” means as defined in the NC Food Code.
19. “Wildlife” means as defined in G.S. 143-460(38), which means all living things that are neither human, domesticated, nor pests; including but not limited to mammals, birds, and aquatic life.

15A NCAC 18A .1002, “Field Sanitation”

This rule governs field sanitation at summer camps. It was revised to add a specific cross-reference to rule 15A NCAC 18A .3619 to clarify the existing requirement that accepted field sanitation procedures are applicable to activities conducted by the camp away from basecamp facilities. The referenced standards describe procedures for off-site food storage and preparation, off-site drinking water, handwashing, cleaning of utensils and equipment, and human waste disposal procedures. If the camp conducts activities away from the basecamp where these procedures will be utilized, the referenced standards require the camp to have these procedures in writing. The requirement for written procedures for field sanitation when activities are conducted away from base camp facilities will take minimal time for camp management to create, if not already in place. This could result in a small unquantifiable impact, which is discussed in the fiscal analysis.

A new Paragraph (b) was added to clarify that cookouts may be conducted at basecamp using the referenced field sanitation standards for food storage and preparation, handwashing, and cleaning of utensils and equipment, except written procedures are not required for cookouts at the basecamp. This new paragraph ensures that, despite the adoption of the NC Food Code and changes to Paragraph (a) of this Rule, cookouts at basecamp will continue to be permissible as long as field sanitation standards are met.

15 NCAC 18A .1003, “Standards and Approval of Plans”

This rule establishes requirements for submission and approval of construction plans for proposed summer camp facilities. Paragraph (a) was removed because it described an optional preliminary process where the local health department (LHD) would act as a consultant prior to the development and submission of plans and specifications for construction of a proposed summer camp. The rule title was changed from “Investigation and Approval” to “Standards and Approval of Plans” to better reflect the intent of the rule and to match existing language in the Resident Camp Rules at 15A NCAC 18A .3602. The removal of the option for preliminary evaluations may lead to cost savings for local health departments. Due to limited data available on the number of preliminary evaluations conducted each year across the state, the exact cost savings are challenging to estimate.

Paragraph (b) was moved to Paragraph (a) and was revised to clarify the existing submission and approval process for construction plans. The requirement for a duplicate set of plans to be submitted was removed. Plan submission for a camp food service kitchen now references the standards for plan submission and approval in Part 8-2 of the NC Food Code. Referencing Part 8-2 of the NC Food Code provides plan submittal guidelines for the construction or remodeling of camp food service kitchen facilities that are consistent with other food service establishments. A 30-day time limit was added for local health departments to complete the LHD review of the submitted plans for proposed camp facilities. The imposition of a 30-day time frame for review would be a change for local health departments. In the event that a local health department does not review a plan within the 30-day time limit, the plan will be deemed approved. Based on feedback from local health departments, this is unlikely to occur as the vast majority of summer camp facilities plans are reviewed in a timely manner. It is possible that having the 30-day time limit in regulation will result in local health departments prioritizing review of summer camp facility plans over other tasks. In that way, the proposed time limit could result in an opportunity cost to local health departments. Due to limited data available on the number of plan reviews conducted each year across the state, these opportunity costs for local health departments are challenging to estimate, but they are likely to be relatively minimal.

A new Paragraph (b) was added to clarify that plans for construction or remodeling of swimming pools at a summer camp must be submitted to the LHD in accordance with the requirements of the Rules Governing Public Swimming Pools. A 30-day time frame for LHD review of swimming pool plans already exists in the public swimming pool rules 15A NCAC 18A .2509(c). Paragraph (b) incorporates this preexisting requirement and therefore has no economic impact.

15 NCAC 18A .1004, "Permits"

This rule describes permitting procedures for Summer Camps. Changes were made to Paragraph (a) to clarify existing language and requirements. "Summer camp permit" was used in place of "permit to operate" since this terminology better conveys that once issued, the permit continues unless it is later revoked or suspended, expires due to closure of the establishment for more than one year per G.S. 130A-248(b1), or is made invalid due to a change in ownership. The term "evaluation" replaced the term "inspection." An "evaluation," a concept borrowed from 15A NCAC 18A .2659, is intended to "ensure the establishment satisfies all the requirements of the rules," as required by G.S. 130A-248(b), before it begins serving the public. It is distinct from an inspection that is conducted at a permitted establishment. The evaluation focuses on an establishment's compliance with the rules and is a necessary step to obtaining a permit. In contrast, an inspection focuses on the establishment's operation and the behavior of its workers, and results in a letter grade based on the degree of compliance with the rules. These changes to terminology are to clarify this for the regulated public and are not expected to result in an economic impact.

Paragraph (b) in the existing rule was stricken and is now contained in Rule .1017(d) with additional clarification. A new Paragraph (b) was crafted to establish a requirement for permitted camps to submit a "Advanced Notification for Operation" 45 days prior to the first date of operation each calendar year. This communication tool is currently required for seasonal resident camps in 15A NCAC 18A .3603. This formalized communication helps the LHD stay abreast of shifting camp schedules and capacities so that they can plan inspections. The contents of the advance notice form are delineated by items 1-14 of Paragraph (b). The advanced notice form contents have been revised from the form established in Rule .3603 to include elements that provide for public health protection by asking camp management to attest on the form that they have ensured that refrigeration equipment, critical in the production of safe food at the camp, is clean and functioning properly prior to opening day. The form also asks camp management to attest that camp buildings and permanent sleeping quarters are free from all bats, vermin, and wildlife. For over a decade now, yearly pre-operational communication concerning the public health significance of encounters between bats and sleeping campers has been emphasized due to the significant public health risk and the high cost of mass rabies prophylaxis when such an encounter happens. Incorporation of an attestation via this form regarding the exclusion of vectors of disease, particularly rabies, formalizes these yearly best practices communications.

The advanced notification form as set forth in Paragraph (b) of this rule will hopefully eventually be used as a communication tool for all types of permitted camps. This aspiration is reflected in item (b)(1), which inquires as to the type of camp: summer, resident, or primitive experience. However, until such time as the rules for those other types of camps are revised, the form as set forth here will only be applicable to summer camps. The creation of this updated form and the training related to this new form is expected to result in a minor one-time economic impact for state government. The impact for state government regarding the creation of this form is discussed in the Impact Analysis section of this fiscal note. The training for the use of this form is also part of the Impact Analysis section of the fiscal note for both Local and State Government. The potential unquantifiable positive impacts for the protection of public health discussed above are also discussed further in the Private Sector Impact Analysis of this fiscal note.

Paragraphs (c) and (d) of this rule has been updated to clarify existing language and requirements regarding transitional permits. The length of time the camp is afforded to correct noncompliant construction and equipment items listed on a transitional permit has been extended from 90 to 180 days. This extended time frame aligns with the 180 days allowed for food service transitional permits under 15A NCAC 18A .2659. The extended time frame for addressing noncompliant items noted on a transitional permit imposes a less stringent burden on regulated persons and, as such, no fiscal analysis is required pursuant to G.S. 150B-21.3A(d)(2). However, it is anticipated that this will lead to cost savings for industry. Potential cost savings afforded by the extended time are challenging to estimate.

Paragraph (e) was updated to clarify existing requirements for suspended or revoked permits by mirroring language from 15A NCAC 18A .2659(d). The new language reduces the maximum time afforded to the LHD from 30 days to 15 days to act on a request by a permit holder for an evaluation at a camp with a suspended or revoked permit. This reduced time frame imposes a less stringent burden on regulated persons and, as such, no fiscal analysis is required pursuant to G.S. 150B-21.3A(d)(2). However, it is anticipated that this will lead to cost savings for industry due to less time that the establishment will remain closed before an evaluation prerequisite to reopening is conducted by the LHD. The potential cost savings afforded to industry by this reduced response time are challenging to estimate. These changes are also expected to result in an opportunity cost for local health departments due to the reduced timeframe. This is included in the Local Government Impact Analysis section of this fiscal note.

15 NCAC 18A .1006, “Inspection and Reinspections”

The existing language of this Rule has been updated to clarify the requirement for reinspection upon request from the permit holder or responsible person. The updated language tracks closely with 15A NCAC 18A .2661(h). As in Rule .2661(h), the maximum time frame that the LHD is given to act on a request by a permit holder for a reinspection for the purposes of raising the alphabetical grade for the camp is specified to be 15 days whereas previously in this Rule it was specified to be “after the lapse of a reasonable period of time.” It is anticipated it may have a cost savings for industry, as it may result in a quicker reinspection that raises the sanitation grade of the summer camp, which is good for business. These changes may also result in local health departments prioritizing summer camp reinspections over other tasks, which could result in an opportunity cost for local health departments.

15 NCAC 18A .1007, “Inspection Forms”

This rule is proposed for repeal. The language in this rule sets forth what information the inspection form shall include. This information is now proposed to be in Rule .1008, “Grading.” Therefore, this rule is no longer necessary. No fiscal analysis is required for the repeal of a rule.

15 NCAC 18A .1008, “Grading”

This rule describes the grading of summer camps based on sanitation inspections. The existing language now in Paragraph (a) is modified for clarity and to track more closely with other regulatory frameworks, including 15A NCAC 18A .2662. A statutory citation for immediate revocation was added to support the existing requirement that no camp receiving a score less than 70% shall be permitted to operate. These changes are not expected to result in an economic impact.

A new Paragraph (b) has been created which establishes the information that is to be included on the summer camp inspection form. This information previously existed in Rule .1007, which is proposed for repeal, but fits better here, since this section now contains additional information on the inspection in new Paragraphs (c) and (d). New Paragraphs (c) and (d) establish which rules are applicable for grading the summer camp premises and the camp food service kitchen respectively. These two paragraphs work together with the definitions of “summer camp premises” and “camp food service kitchen” to set these elements of the camp apart as mutually exclusive such that there is no regulatory overlap.

Paragraphs (c) and (d) further set forth the 47 items that will appear on the revised summer camp inspection form and the points allocated for each item. Paragraph (c) establishes 18 unique items pertaining to the summer camp premises with a total of 50 points allocated across these items. Paragraph (d) establishes 29 unique items pertaining to the camp food service kitchen with a total of 50 points allocated across these items. Previously the summer camp grade sheet was not set forth in the Rules of this Section. However, there was an inspection form for summer camps that was provided by the Department. Codifying the inspection sheet in the rules as was done here in Rule .1008 is standard practice and provides for an inspection sheet that is more consistent and accessible. The previous inspection form provided by the Department sheet allocated 39 points for items related to food service at the camp and 61 for items related to camp areas outside of the food service area. The current Resident Camp Rules 15A NCAC 18A .3600 allocate 31 points for the camp outside of the food service area and 69 points for the camp food service. Because of this mismatch in priorities between these two rule sets and because summer camps, by definition, can provide just food, just lodging, or both food and lodging, it was agreed that the point allocation would be more appropriate if it was split equally between the camp food service kitchen and the summer camp premises. A new Paragraph (e) establishes that the inspection form is used to document points assessed for violations of the rules as set forth in Paragraphs (c) and (d). These changes are expected to result in a one-time opportunity cost for state government for the time required for creation of this updated inspection form. Additionally, these changes will result in a one-time opportunity cost for training by state government for local health departments. Although these changes do represent a change in the way summer camps are scored for their sanitation inspections, the impact of such a change on the private sector is challenging to quantify, given the numerous factors that could inform the number of points that might be deducted for each potential violation. These impacts are discussed further in the Impact Analysis section of this fiscal note.

New Paragraph (f) was created using language mirroring the Resident Camp Rules 15A NCAC 18A .3605(d). This paragraph provides guidance for inspectors in determining point deductions for observed violations. This guidance was not previously codified in the summer camp rules but was indicated on the inspection sheet provided by the Department and was familiar to inspectors and industry based on the language in the Resident Camp Rules and based on similar language in .2661(e). Therefore this is not expected to be a change from the current standard of practice, nor is it expected to result in an economic impact.

A new Paragraph (g) clarifies that water stains on walls or ceilings are not a violation of these Rules unless there is microbial growth. This clarification originates from the Resident Camp Rule 15A NCAC 18A .3637(a). A new paragraph (h) mirrors the language in Rule 15A NCAC 18A .2662(b), incorporating the appearance parameters for the grade card. These changes are not expected to be a change from the current standard of practice, nor is it expected to result in an economic impact.

15 NCAC 18A .1009, “Standards”

This rule is proposed for repeal. The language in this rule set forth what rules were the basis for debitable violations during an inspection. This information is now proposed to be in Rule .1008, “Grading.” Therefore, this rule is no longer necessary. No fiscal analysis is required for the repeal of a rule.

15 NCAC 18A .1011, “Water supply”

This rule describes the requirements for the summer camp’s water supply. Paragraph (a) is revised to clarify existing language to make it clear that a public water supply is an acceptable water supply for a summer camp. These changes are not expected to result in an economic impact.

Paragraph (b) was updated for clarity to reflect the current nomenclature for the “North Carolina State Laboratory of Public Health.” For better protection of the public health, a new requirement has been added

that requires the annual sample to be taken by the regulatory authority at least thirty days, but not more than 60 days, prior to opening a camp that has been closed for more than 180 days during any 365-day period. This requirement for early sampling is like the requirements in 15A NCAC 18A .3603 for seasonal Resident Camps. Wells that have been dormant for extended periods of time are more likely to return positive bacteriological samples. Having required annual samples taken before the camp opens gives the camp time to take appropriate measures to address a positive bacteriological sample before the water is used in the operation of the camp. This also helps avoid the disruption of the camp that could possibly occur when samples are taken during the operating season of the camp and show positive for bacteriological contamination. The onus of this Rule requirement is on the regulatory authority. If the regulatory authority is unable to take these samples in the specified time frame, there is no delay or penalty incurred by the camp. The 45-day advanced notice form established in Rule .1004 (b) helps facilitate the regulatory authority's ability to schedule samples within this time period. This is the existing required annual sample for summer camps and is not an additional sample. However, taking this sample before the camp opens will require that the LHD make an extra trip to the camp. This will result in an unquantifiable economic impact to a limited number of LHDs that is discussed further in the Impact Analysis section of this fiscal note.

Paragraph (c) was updated to clarify and simplify. Cross connection is now a defined term. Paragraph (d) was amended to clarify that "bathing facilities" are a location where hot water was required for cleaning. These changes are not expected to result in an economic impact.

15 NCAC 18A .1012, "Recreational Waters"

This rule governs bodies of water that exist at the camp that are intended to be used for recreational purposes. This rule was updated to remove the requirement for inspections, bacteriological examinations, and sanitary surveys for the purposes of approving natural bodies of water for recreational use. This rule now simply refers to the existing requirements for public swimming pools to comply with the Rules Governing Public Swimming Pools 15A NCAC 18A .2500. The removal of this requirement imposes a less stringent burden on regulated persons and, as such, no fiscal analysis is required pursuant to G.S. 150B-21.3A(d)(2).

15 NCAC 18A .1014, "Toilet: Handwashing: Laundry: and Bathing Facilities"

This rule describes the general requirements for toilets, handwashing, and bathing facilities. Paragraphs (a) and (b) have been clarified by defining several of the terms used, and by providing minimum standards regarding adequate and convenient toilet facilities. The NC Plumbing Code and the existing Resident Camp rules, 15A NCAC 18A .3600, were utilized as the basis on the new requirement for number of toilets and their locations. These requirements do not apply to structures used in the operation of a permitted summer camp before the effective date of the Rule. These structures are grandfathered in and will not be required to provide additional toilet facilities or to relocate those facilities to comply with these updated standards. The standards set forth here regarding toilet facilities location and quantity are equal to or less strict than current NC Building Code standards. Any new camps that are being constructed would be subject to NC Building Code already and therefore not adversely impacted by the requirements in this Rule. Many proposed summer camps utilize existing school buildings. The standard set forth in this Rule for the number of toilets aligns with the NC Building Code standard for the number of toilets at elementary schools. Therefore, new summer camps proposed at school buildings, churches, and community centers will also not be economically impacted by the requirements of this Rule.

Updated language in Paragraph (b) also clarifies the location of handwashing facilities. In Paragraph (c), language was updated to clarify points of hot water at bathing facilities and its availability in reference to overnight stay. Language was also added in Paragraphs (b) through (d) stating that all bathing, handwashing, and toilet facilities must be kept clean. Language was also added in Paragraph (e) that

requires clean and soiled laundry items to be stored separately. It is not anticipated that this will have an economic impact as this is standard practice currently.

15 NCAC 18A .1017, “Food Service Facilities”

This rule establishes requirements for camp food service facilities. This rule was updated to include language that incorporates the current version of the NC Food Code for the operation and maintenance of a camp food service kitchen as defined in these Rules. The incorporation of the NC Food Code in this rule makes it possible to repeal six sections that governed food sanitation at summer camps: Rules .1018 Food Service Utensils and Equipment, .1019 Food Supplies, .1020 Shellfish, .1021 Milk and Milk Products, .1022 Food Protection, and .1027 Food Service Employees. The incorporation of the NC Food Code is followed by a list of exceptions which remove the applicability of certain NC Food Code provisions and provide for delayed enforcement of others. This list of exceptions was developed with close consideration of requirements that existed in the Rules slated for repeal such that incorporation of the NC Food Code here constitutes an incremental change that will provide stakeholders with access to the most current food safety standards available with updated policies and procedures relating to food protection and employee health. This change is expected to result in an economic impact and is discussed further in the Impact Analysis section of this fiscal note.

15 NCAC 18A .1018, “Food Service Utensils and Equipment”

This rule is proposed for repeal. This Rule describes requirements for food service equipment and utensils regarding their design, construction, cleaning, sanitizing, handling, and storage. This Rule incorporated the requirements of 15A NCAC 18A .2600 for the cleaning and sanitizing of utensils and equipment in summer camps. The requirements in this Rule are now covered by the incorporation of the NC Food Code in Rule .1017(a). Because the .2600 rules were already incorporated in this Rule, incorporation of the NC Food Code in .1017 (a) constitutes only an incremental change that clarifies requirements by providing more comprehensive coverage of the broad concepts set forth in this Rule regarding design and construction as well as handling and storage. Additionally, new language in Rule .1017(a)(5) & (a)(6) clarifies the existing standard that, except for warewashing equipment, domestic equipment is approved for use in summer camp food service kitchens and further allows that a commercial two-compartment sink can be used in lieu of a commercial three compartment sink at a summer camp without a variance if the camp uses only single service eating and drinking utensils. No fiscal analysis is required for the repeal of a rule, but any impacts will be discussed as part of the change to rule .1017.

15 NCAC 18A .1019, “Food Supplies”

This Rule is proposed for repeal. This Rule describes requirements for safe food sources at summer camps that prepare or serve food. The requirements in this Rule are now covered by the incorporation of the NC Food Code in Rule .1017(a). The NC Food Code provides a much more detailed picture of the broad provisions set forth in this Rule regarding approved sources that are wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. The NC Food Code fleshes out specifics for these broad concepts by establishing source requirements for such things as wild mushrooms, game animals, eggs, fish, fluid milk and milk products, food in hermetically sealed containers, and it provides reciprocity for food from states bordering North Carolina. No fiscal analysis is required for the repeal of a rule, but any impacts will be discussed as part of the change to rule .1017.

15 NCAC 18A .1020, “Shellfish”

This Rule is proposed for repeal. This Rule describes the requirements for protection of Shellfish served at summer camps. The requirements in this Rule are now covered by the incorporation of the NC Food Code in Rule .1017(a). The NC Food Code provides a much more comprehensive and up to date regulatory framework of requirements for Shellfish and Shell stock which fully align with other areas of State law and align with current practice in the field. No fiscal analysis is required for the repeal of a rule, but any impacts will be discussed as part of the change to rule .1017.

15 NCAC 18A .1021, “Milk and Milk Products”

This Rule is proposed for repeal. This Rule describes the requirements for protection of milk and milk products served at summer camps. The requirements for protection of milk and milk products are covered by the provisions of the NC Food Code and are now incorporated in Rule .1017(a). Therefore, this rule is no longer necessary. No fiscal analysis is required for the repeal of a rule, but any impacts will be discussed as part of the change to rule .1017.

15 NCAC 18A .1022, “Food Protection”

This Rule is proposed for repeal. This Rule describes requirements for food protection at summer camps that prepare and serve food. The requirements in this Rule are now covered by the incorporation of the NC Food Code in Rule .1017(a). As stated earlier, incorporation of the NC Food Code for food protection at summer camps constitutes an incremental change that improves food safety by providing the most updated science-based policies and procedures regarding food protection. No fiscal analysis is required for the repeal of a rule, but any impacts will be discussed as part of the change to rule .1017.

15 NCAC 18A .1027, “Food Service Employees”

This Rule is proposed for repeal. This Rule describes requirements for employee dress, hand washing, and exclusion from work due to illness. The requirements in this Rule are now covered by the incorporation of the NC Food Code in Rule .1017(a). The additional Food Code requirements of an employee illness reporting policy for camp employees working in the camp food service kitchen and requirements for a written vomit and diarrheal plan will result in minimal fiscal impact. LHD staff are well versed in helping food service establishments with these requirements and routinely provide guidance on these items during routine inspections. No fiscal analysis is required for the repeal of a rule, but any impacts will be discussed as part of the change to rule .1017.

Impact Analysis

State Government Impact

The impact on state government is expected to consist of costs associated with creation of an updated summer camp grade sheet based on Rule .1008, creation of an updated Advanced Notice of Operation form based on Rule .1004(b), and providing training on the updated rules and forms to registered environmental health specialists (“REHSs”) at local health departments. Under G.S. 130A-4, REHSs employed by local health departments (“local REHSs”) are delegated authority to operate as authorized agents of the Department in administering and enforcing certain environmental health laws. One area in which local REHSs carry out this work is by permitting and conducting sanitation inspections of summer camps in accordance with these rules. Training for these local REHSs will be conducted by REHSs who are employed by the NCDHHS, Division of Public Health (“state REHSs”). The state REHSs provide oversight, technical assistance, and training on a regular basis to the local REHSs at regional and district education meetings. Following the readoption of these rules, state REHS staff will create the updated forms indicated above and will develop and provide training on the updated rules to local REHSs.

The average salary for the state REHS staff that will be involved in the development of forms and delivery of training is \$65,086. Using this figure, as well as an estimate of the value of fringe benefits, it is calculated that the hourly rate of a state REHS staff member at \$43.23, as set out in Table 1.

Table 1: Average Hourly Pay Rate for State REHS

Salary and Fringe Benefits¹		
Salary/Benefit	% of Salary	Total Value
Salary	100	\$65,086
FICA	7.65	\$4,979.07
Retirement, Death, and Disability Benefit	19.70	\$12,821.91
Health Insurance	10.81	\$7,035.78
Hourly Rate Calculation		
Total Salary + Fringe	Hours Worked / Year	Hourly REHS Rate
\$77,995.62	2080	\$43.23

The content of the updated forms is set forth in the rule language and therefore creation of the updated forms will mostly consist of structuring the specified content into an approved format. It is anticipated that these updated forms can be created by two state REHSs working 4 hours total. The regional and district education meetings where state REHSs will present the training are regularly scheduled events and will not be convened solely for the purpose of providing training on the updated rules. Based on State REHS familiarity with the subject matter and experience with similar training, it is expected that one state REHS will spend approximately 10 hours total (a one-time effort) developing training materials on the updated rules.

Given that there are a small number of substantial changes to these rules and given that local REHSs are already very familiar with the NC Food Code, which is incorporated by these rules for the governance of the summer camp food service, it is anticipated that each local REHS will need just 1 hour of training on the updated rules to become proficient in their administration. The training will be delivered by state REHSs during regularly scheduled regional meetings. Additionally, the training will likely be recorded using MS Teams and made available to local REHSs for future reference. The presentation of the training at each of two regularly scheduled regional meetings plus a one-hour recording will amount to a total of 3 hours of state REHS time. The training is expected to be held virtually and will therefore not require travel or overnight accommodation. The state will not take in any new fees as a result of changes to these rules.

As demonstrated by the calculations in Table 2 below, the total cost to the state for these rule changes is estimated as a one-time opportunity cost of \$734.91. The time spent by state REHSs is expected to be an opportunity cost, as it is not anticipated that the State will hire any additional staff to complete this work.

¹ The benefits listed were identified using the North Carolina Office of State Human Resources "Total Compensation Calculator," which is available at <https://oshr.nc.gov/state-employee-resources/classification-compensation/total-compensation-calculator>.

Table 2: Estimated Impact on State Government (Opportunity Costs)

State REHS Staff Time Spent on creating updated forms (one time)		
Number of Hours to Complete	REHS Hourly Rate	Cost to State Government
4	\$43.23	\$172.92
State REHS Staff Time Spent on Training Development (one time)		
Number of Hours to Complete	REHS Hourly Rate	Cost to State Government
10	\$43.23	\$432.30
State REHS Staff Time Spent Delivering Training		
Number of Hours to Complete	REHS Hourly Rate	Cost to State Government
3 (1hrs. x 2 meetings + 1hrs x 1 recorded session)	\$43.23	\$129.69
TOTAL ESTIMATED STATE GOVERNMENT IMPACT.....		\$734.91

Local Government Impact

Local health departments will be responsible for ensuring that their local REHS staff receive training on the updated rules by attending the trainings offered by the state REHSs. Local REHSs will also be responsible for implementing the rules. The average salary for a local REHS in North Carolina is estimated to be \$50,038.46.² Using this figure, as well as an estimate of the value of fringe benefits, it is calculated that the hourly rate of a local REHS is \$33.25.

Table 3: Average Hourly Pay Rate for Local REHS

Salary and Fringe Benefits³		
Salary/Benefit	% of Salary	Total Value
Salary	100	\$50,038.46
All Benefits	38.2	\$19,114.69
Hourly Rate Calculation		
Total Salary + Fringe	Hours Worked / Year	Hourly REHS Rate
\$69,153.15	2080	\$33.25

² The average REHS salary was estimated using the UNC School of Government’s County Salary Survey, for which 2021 data is the most recently available information, and which is available at:<https://www.sog.unc.edu/publications/reports/county-salaries-north-carolina-2021>.

³ The value of benefits was identified using the U.S. Bureau of Labor Statistics’ latest available figures from March 2023 on employer costs for employee compensation for state and local government workers, which is available at: <https://www.bls.gov/news.release/ecec.t03.htm>.

As noted in the previous section, it is anticipated that one training on the updated rules will last 1 hour. By attending the training, local REHS staff will receive continuing education credits toward their yearly requirement for REHS credentialing. The North Carolina Board of REHSs requires local health department environmental health staff members to maintain a minimum number of continuing education training hours per year to maintain their status as REHSs. The training is anticipated to be approved by the Board and, if approved, will count toward local REHS staffs' educational requirements. Mileage is not included as a cost because travel is expected to be unnecessary, as trainings will be held virtually. Similarly, costs for printed materials are not included because the new rules and updated forms will be made available online at no cost. There are approximately 800 REHSs employed by North Carolina's 86 local health departments, each of whom will need to receive the 1 hour of training.

As demonstrated by the calculations in Table 4 below, the total cost for this one-time training to local REHS staff will amount to a total cost of \$26,600.00 to local government. It is expected that these costs will be opportunity costs, as participating in training is a regular part of local REHS staff responsibilities and it is unlikely that local health departments will hire additional staff to do this work. It is challenging to know how this total cost to local government will translate to costs for each of North Carolina's 86 local health departments, which employ varying numbers of REHS staff.

Table 4: Estimated Impact on Local Government (Opportunity Costs)			
Training for Local REHSs			
Number of Hours to Complete Training	REHS Hourly Rate	Number of REHS to Receive Training	Cost to Local Government
1	\$33.25	800	\$26,600.00
TOTAL ESTIMATED LOCAL GOVERNMENT IMPACT			
\$26,600.00			

In addition, there may be some minimal impacts to local health departments due to changes in the rules. New shorter timeframes have been set forth for the LHDs completion of plan review, evaluations for suspended or revoked permits, and reinspections upon request of the permit holder or responsible person for the purposes of raising the alphabetical grade (.1003(a), .1004(e), and .1006 respectively). These shorter timeframes may result in an opportunity cost for the LHD, as it may require LHDs to reorder or reprioritize their work to accomplish these more time sensitive tasks. However, as these updates do not impose new requirements on LHDs, minimal impact is anticipated.

The removal of the requirement in rule .1003 for LHD review of preliminary plans at the site of a proposed summer camp may lead to cost savings for local government. However, the limited data available on the number of preliminary evaluations conducted each year across the state make the exact cost savings challenging to estimate.

Finally, the new requirement in Rule .1011 for early water sample collection is anticipated to have an economic impact on local government. For summer camps that are served by a non-community water supply that has been closed for 180 days during the last 365-day period, the LHD will need to make an additional trip to the summer camp to collect the required annual sample prior to the scheduled opening of the camp. Only a portion of permitted summer camps are served by non-community water supplies that

require annual sampling. Of that portion, an even smaller portion are closed for 180 days or more. The data on how many summer camps would meet the criteria for the early sampling requirement each year is not readily available. However, the combination of factors that trigger the early sampling requirement is unusual and, since the only additional cost to the LHD is the trip to the camp for collecting the required annual sample early, it is anticipated that the economic impact to local government will be small.

Private Sector Impact

The revised rules may result in an economic impact to the private sector in four areas:

1. Updates to Rule .1002, “Field Sanitation” may result in a small unquantifiable opportunity cost to a limited number of summer camps.

Rule .1002 was updated to reference a specific set of accepted field sanitation standards that are set forth in 15A NCAC 18A .3619 for activities involving food preparation or overnight camping away from base camp facilities. These referenced standards include a new requirement for the camp to have procedures in writing regarding methods of compliance with accepted field sanitation standards. There are a very limited number of summer camps that conduct activities away from their base camp that would require written procedures. Furthermore, it is likely that those that do conduct such activities already have written procedures. Therefore, the opportunity cost required for a camp to write or obtain the required written procedures is expected to be small and is unquantifiable due to a lack of data regarding how many camps this would affect.

2. New language in Rule .1004, “Permits” includes an attestation regarding the exclusion of vectors of disease, particularly rabies, in the 45 Day Advanced Notification for Operation. It is anticipated that there will be a small cost to summer camps to complete and submit this form. This is far offset by the anticipated positive impact to the public health of campers and staff. Exposure of sleeping campers and staff to bats is of particular concern in summer camps. Bat bites are small, and exposures may go unnoticed. When a bat is discovered in the same room as a person who may not be aware that contact has occurred (e.g., a sleeping person awakens to find a bat in the room, or an adult witnesses a bat in the room with an unattended child) post exposure rabies prophylaxis must be initiated since the outcome of an untreated rabies exposure is death. Finding a bat in a summer camp lodging facility where there are many sleeping campers can result in large numbers of campers and staff being referred for rabies post-exposure prophylaxis with extensive risk assessments and investigations conducted by local and state health departments. In recent years there have been several bat mass exposure investigations in NC and other states at summer camps resulting in many campers and staff receiving rabies postexposure prophylaxis at great expense in resources to camps and state and local public health, as well as disruption of camp activities. Local Health Departments have been advised to communicate annually with summer camps about the risk of rabies exposure and precautions that can be taken by the camp to mitigate that risk. However, this communication between permitted summer camps and the LHD was not formalized and as such, there was not a mechanism to prompt or verify that these yearly conversations regarding rabies had occurred. The formalization of communication between the permitted summer camp and the LHD and the inclusion of an attestation regarding vectors of rabies in Item (12) of rule .1004 is intended to close this communication gap and thereby improve public health protections. These improved protections will reduce the likelihood of exposure and the likelihood of post exposure prophylaxis and thereby is anticipated to have an unquantifiable positive economic impact for all stakeholders.

3. New language in Rule .1008, “Grading” describes the grading of summer camps based on sanitation. This rule has been revised to provide clarity on the point value that can be accrued on the sanitation form based on a sanitation inspection by the regulatory authority. Point values were applied based on public health significance and similar regulatory precedents in other existing agency rules. Previously, these values were assigned by department policy. Codifying these values increases transparency in the scoring system. The changes in scoring are such that the camps lodging and food service are equally weighted. Incorporation of the NC Food Code for scoring the camp’s food service introduces new requirements (discussed in the paragraph on Rule .1017 below) including vomit and diarrheal event cleanup plan, date marking refrigerated ready to eat foods, allergy awareness, avoiding bare hand contact with ready to eat food, and shielded lighting. The addition of these new requirements reduces the weight of existing requirements because the summer camp scoring is still based on a 100-point system. These changes will impact the way summer camps are scored for their sanitation inspections, but it is challenging to quantify that impact given the numerous factors that could inform the number of points that might be deducted for each potential violation forth in Rule .1008.

4. New language in Rule .1017, “Food Service Facilities” incorporates the current version of the North Carolina Food Code by reference for the operation and maintenance of a camp food service kitchen as defined in these rules. The statement of incorporation by reference in Paragraph (a) of this Rule is followed by a list of exceptions which remove the applicability of certain NC Food Code provisions and provide for delayed enforcement of others. This list of exceptions was developed with close consideration of requirements that existed in the Summer Camp rules. Thus, the incorporation of the North Carolina Food Code here constitutes only an incremental change that will provide stakeholders with access to the most current food safety standards available with updated policies and procedures relating to food protection and employee health. These changes will bring this rule into alignment with national standards. Methods for safe handling of food are used daily by summer camp staff in the preparation and serving of meals, so it is anticipated that one impact to summer camps will be the need to spend time training staff on these new requirements. It is challenging to know how much time will be dedicated to this type of training and which staff will be involved, but it is expected that this impact to be an opportunity cost, as summer camps are unlikely to hire new staff for this work.

A chart has been developed and is included in **Appendix 1** of this fiscal note to provide the reader with a succinct summary of substantive changes and possible economic impact that results from the incorporation of the NC Food Code into the summer camp rules.

As indicated in the chart in **Appendix 1**, the incorporation of the NC Food Code may result in several unquantifiable potential cost savings for the private sector such as:

- A reduction in the incidence/prevalence of foodborne illness.
- Lower energy expenditures for reduced hot holding due to a reduction of the required hot holding temperature from 140°F to 135°F and through alternate means of compliance with hot and cold holding through the use of time as a public health control in lieu of temperature.

Also indicated in the chart in **Appendix 1** are several unquantifiable potential cost increases to the private sector as follows:

- The lowering of the cold holding temperature from 45°F to 41°F may require additional energy usage and could require replacement of malfunctioning equipment that cannot meet

this standard. However, domestic refrigeration equipment is approved for meeting this standard.

- The prohibition of bare hand contact with ready-to-eat food may require the purchase of single use gloves as a method of compliance.
- The requirement for shielded or shatter resistant lighting in areas where exposed food is handled or stored may require the purchase of new bulbs or shields if a camp kitchen facility has unshielded glass lighting over exposed food or utensils.
- The requirement for a maximum registering temperature indicator to verify effective sanitation may be required for a very limited number of camps that use a high temperature warewashing machine to sanitize multiuse utensils.
- Camps may be required to dispose of food that has exceeded the safe refrigerated storage time frame (7 days) for prevention of listeriosis. Foods can be frozen at any time during the 7-day time frame to “stop the clock” until such time as the food is thawed.

The incorporation of the Food Code in this rule makes it possible to repeal six rule sections that governed food sanitation at summer camps: .1018 Food Service Utensils and Equipment, .1019 Food Supplies, .1020 Shellfish, .1021 Milk and Milk Products, .1022 Food Protection, and .1027 Food Service Employees.

Summary

As indicated throughout this fiscal note, the readoption of the Summer Camp rules with the proposed revisions including incorporation of the NC Food Code will result in changes that are challenging to quantify in dollars, but that will result in greater safety and better protection of the public’s health.

For state government, the anticipated impact of the proposed changes to the rules will arise from opportunity costs associated with developing forms and developing and delivering trainings, which is estimated to be \$734.91. For local government, the anticipated impact of the proposed changes to the rules will arise from opportunity costs associated with attending trainings, which is estimated to be \$26,600. There may also be a minimal impact to local health departments due to shorter timeframes to conduct some activities as well as the potential need for an additional visit to a small number of summer camps for water collection. There may be a cost savings to local health departments associated with elimination of the option for a preliminary plan review. The impacts to the private sector are challenging to quantify, but costs are expected to arise from developing field sanitation procedures, submitting the Advanced Notification for Operation Form, and complying with incorporated elements of the NC Food Code. There is also anticipated to be a public benefit to the Advanced Notification for Operation form, which will help protect against rabies exposures in campers and staff.

Appendix 1

Summer Camp Food Service Substantive Changes Summary		
Current Food Safety Standard	Updated Food Safety Standard	Fiscal Impact
Cold holding requirement lowered from 45°F to 41°F		
<p>Rule .1022(a)</p> <p>Cold holding temperature for potentially hazardous food is 45°F or below</p>	<p>Rule .1017(a) incorporates NC Food Code Section 3-501.16(A)(2) and (B) with delayed effective date</p> <p>Beginning January 1, 2026, the cold holding temperature will be lowered from 45°F to 41°F.</p>	<p><u>Potential cost savings</u> Reduced incidence/prevalence of foodborne illness at summer camps.</p> <p><u>Potential cost increases</u> Lowering cold storage temp could require an increase in energy cost or replacement of malfunctioning equipment if the standard cannot be met. Reminder: standard domestic equipment can satisfy this standard.</p>
Date marking of ready to eat TCS foods held under refrigeration for more than 24 hrs.		
N/A	<p>Rule .1017(a) incorporates NC Food Code 3-501.17 and 3-501.18</p> <p>Certain ready to eat (RTE) foods that require refrigeration to prevent the growth of bacteria must be clearly date marked when held under refrigeration more than 24 hours to ensure that the food is consumed or discarded if held for more than 7 days.</p> <p>RTE foods that are exempt from this requirement include RTE food while it is frozen; cheeses that contain less than 50% moisture; cultured dairy products; commercially packaged food in intact packaging; commercially made deli salads; shellstock</p> <p>Rule 1017(a)(1)(c) provides for a 4-day option if the food is held between 41°F and 45°F until the new cold holding standard becomes effective on January 1, 2026.</p>	<p><u>Potential cost savings</u> Reduced incidence/prevalence of foodborne illness specifically listeriosis and other food borne illnesses that result from bacteria that grow slowly at refrigerated temperatures.</p> <p><u>Potential cost increases</u> Loss of product that exceeds the allotted refrigerated hold time.</p>

Hot holding requirement lowered from 140°F to 135°F		
<p>Rule .1022(a)</p> <p>Hot holding temperature for potentially hazardous food is 140°F. or above.</p>	<p>Rule .1017(a) incorporates NC Food Code Section 3-501.16(A)(1)</p> <p>The required hot holding temperature is lowered from 140°F to 135°F (and 130°F for properly cooked roast).</p>	<p><u>Potential cost savings</u> Lower energy expenditures to maintain required holding temperatures will reduce cost.</p>
Time as a Public Health Control (TPHC) in lieu of temperature control to prevent the growth of bacteria and toxin formation		
<p>N/A</p>	<p>Rule .1017(a) incorporates NC Food Code 3-501.19</p> <p>Allows TCS food to be held outside of hot or cold holding temperature control for a limited period of time with written procedures describing the food and the methods of compliance.</p>	<p><u>Potential cost savings:</u> Alternate means of compliance for holding TCS foods that, because of their composition, are difficult to maintain hot or cold could result in savings by reducing the amount of food discarded.</p>
No bare hand contact allowed with RTE foods		
<p>Rule .1022(b)</p> <p>Salads made of meat, poultry, potatoes, fish, shellfish, or eggs, and other potentially hazardous prepared foods shall be prepared, preferably from chilled products, with a minimum of manual contact.</p>	<p>Rule .1017(a) incorporates NC Food Code 3-301.11</p> <p>Food employees must use suitable utensils or gloves to prevent bare hand contact with ready to eat foods.</p>	<p><u>Potential cost savings:</u> Reduced incidence/prevalence of foodborne illness specifically fecal oral route transmission of pathogens such as norovirus, hepatitis (A), salmonella, shigella, and E.coli which are indicated to be the some of the leading causes of foodborne illnesses.</p> <p><u>Potential cost increases:</u> Could require the purchase of single use gloves if not already utilized.</p>

Employee Illness requirement updated		
<p>Rule .1027(e)</p> <p>Employees with certain symptoms or infections not permitted to work if there is a likelihood of spreading their condition.</p>	<p>Rule .1017(a) incorporates NC Food Code parts 2-1 and 2-2 except that subpart 2-102 is made not applicable</p> <p>The person in charge of the camp food service kitchen must educate employees on their responsibility to report certain symptoms or diagnosed diseases, and must exclude employees with symptoms of diarrhea, vomiting, jaundice, sore throat with fever, or infected cut or wound on the hand, wrists, or exposed body part and exclude employees with specific diagnoses.</p> <p>Also, in contrast to the existing rule language, the FDA Food Code allows for employees to be excluded from work or permitted to return to work, subject to certain restrictions. The FDA Food Code provides a detailed framework for determining when employees with certain diseases or conditions should be excluded from work based on type of symptoms or how long an employee has been asymptomatic. Similarly, the framework establishes criteria for permitting employees to return to work subject to restrictions that will help prevent disease transmission, such as wearing an impermeable bandage over an infected wound, being asymptomatic for a certain number of days, or producing a note from a health professional stating that the employee cannot spread the disease to others.</p>	<p><u>Potential cost savings:</u></p> <p>Reduced incidence/prevalence of foodborne illness specifically fecal oral route transmission of pathogens such as norovirus, hepatitis (A), salmonella, shigella, and E. coli which are indicated to be some of the leading causes of foodborne illnesses.</p> <p>The revised rule language reflects the current science and best practices for preventing disease transmission in the food preparation and food service context. Under the revised rule language, the new option to allow certain employees to return to work, subject to restrictions, will avoid the unnecessary exclusion of employees, lost wages for employees who cannot work, and costs for these facilities that must find other staff to work in place of ill or injured employees. It is challenging to quantify this impact, but it is anticipated that this change to the rule will benefit these employees and employers while still being protective of public health and safety.</p>

Shatter resistant or shielded lighting in food preparation and food storage areas		
N/A	<p>Rules .1017(a) and .1017(g) incorporate NC Food Code 6-202.11 for Camp Food Service Kitchens and other kitchen or food storage area.</p> <p>Lighting in kitchen areas of the camp where there is exposed food or utensils must be shatter resistant or shielded to reduce the likelihood of tiny shards of glass from a broken bulb contaminating food.</p>	<p><u>Potential cost savings:</u> Reduced incidence/prevalence of physical injury resulting from contact with broken glass.</p> <p><u>Potential cost increases:</u> Cost to purchase and install light shields, shielded light fixtures, or shatter resistant light bulbs is unquantifiable. Most facilities now utilize LED bulbs which meet this requirement.</p>
Maximum registering thermometer for high temperature dish machine		
N/A	<p>Rule .1017(a) incorporates NC Food Code 4-302.13 with delayed effective date</p> <p>Beginning January 1, 2025, summer camps that use a warewashing machine that sanitizes the dishes using hot water will be required to have an irreversible temperature thermometer or color changing test strips to confirm that utensil surface temperature is reaching 160°F for effective sanitizing.</p>	<p><u>Potential cost savings:</u> Reduced incidence/prevalence disease transmission from multi use dining utensils that have not been properly sanitized between use by different persons.</p> <p><u>Potential cost increases:</u> There are two options available for establishments that need to fulfill this requirement: the use of T-strips (25 strips/pack at \$9.95/pack) or a thermometer-plate style device, which costs between at \$48.50 and \$65.00 and can be used repeatedly. The total impact is not quantifiable, as it is not known how many summer camps utilize high temperature dish machines.</p>

Properly cooling food		
N/A	<p>Rule .1017(a) incorporates NC Food Code 3-501.14 and 3-501.15</p> <p>Food must be cooled between 135°F and 70°F in no more than 2 hours and from 135°F to below 41°F in no more than 6 hours.</p>	<p><u>Potential cost savings:</u> Reduced incidence/prevalence of foodborne illness specifically from spore forming bacteria that grow well in the absence of competition that exist in cooked food and may produce heat stable toxins that are not rendered harmless by the reheating process.</p>
Vomit and diarrheal event clean up procedures		
N/A	<p>Rule .1017(a) incorporates NC Food Code 2-501.11 with delayed effective date</p> <p>Beginning January 1, 2025, summer camps that operate a camp food service kitchen will be required to have written procedures for employees to follow when responding to vomiting or diarrheal events.</p>	<p><u>Potential cost savings:</u> Reduced incidence/prevalence of disease transmission that could result from improper or ineffective techniques used to clean up infectious material and disinfect exposed equipment and facilities.</p> <p><u>Potential cost increases:</u> Compliance with this new requirement will involve time spent writing the written procedures. It is challenging to know how much time would be required to draft the written procedures and which staff at a summer camp would be tasked with this work; however, it is estimated that the written procedures would require one hour of staff time to develop and would likely be an opportunity cost. A sample plan can be offered by the Department or LHD to use as a template for the written procedure.</p> <p>Summer camps already have cleaning supplies on-site for vomiting or diarrheal events, so it is not anticipated that this will be an additional cost.</p>

Allergy awareness		
N/A	<p>Rule .1017(a) incorporates NC Food Code 2-103.11 (N)</p> <p>Beginning January 1, 2025, the management of the summer camp must ensure that employees in the camp food service are properly trained in allergy awareness as it relates to their assigned duties.</p>	<p><u>Potential cost savings:</u> Reduced incidence/prevalence of medical interventions needed for allergic reactions due to underinformed workers or consumers and/or avoidable cross contact between major allergens and other foods during food preparation and storage.</p> <p><u>Potential cost increases:</u> There is anticipated to be a small cost associated with training employees.</p>
Reheating of TCS food		
<p>Rule .1022(a)</p> <p>Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to 165°F 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.</p>	<p>Rule .1017(a) incorporates NC Food Code 3-403.11</p> <p>Foods reheated for hot holding must reach 165°F in two hours time unless they are from a manufacturing plant and have not been heated and cooled in the establishment since being obtained from the manufacturer, in which case it only has to reach 135°F in under two hours time.</p> <p>Foods reheated for immediate service do not have a required reheat temperature.</p> <p>There are additional options for reheating unsliced portions of meat roast.</p>	<p><u>Potential cost savings:</u> Lower energy expenditures to reheat some foods to lower temperatures as allowed.</p>

Proper cooking time and temperatures for foods of animal origin		
<p>Rule .1022(b)</p> <p>Stuffings, poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served.</p>	<p>Rule .1017(a) incorporates NC Food Code 3-401.11-14</p> <p>Requires specific final cook temperatures for different animal foods, such as: 165°F for poultry, stuffed fish or pastas, or any animal food cooked in a microwave oven; 155°F for all comminuted meat and for shell eggs prepared for hot holding; and 145°F for pork, fish, and shell eggs cooked for immediate service.</p>	<p><u>Potential cost savings:</u> Reduced incidence/prevalence of foodborne illness specifically from foods not cooked to the required time temperature combination achieve the desired reduction of the anticipated bacterial load of the product to a safe level prior to serving to the consumer.</p>
Food employee personal cleanliness		
<p>Rule .1027 (a) - (d)</p> <p>Employees must observe various standards regarding cleanliness, tobacco use, handwashing, hair control, and clothing.</p>	<p>Rule .1017(a) incorporates Parts 2-3 and 2-4 of the NC Food Code, imposing additional cleanliness standards</p> <p>Employees must keep their fingernails trimmed and filed and may not wear fingernail polish or artificial nails when working with exposed food unless also wearing intact food service gloves.</p> <p>Except for a plain ring such as a wedding band, employees may not wear jewelry on the arms and hands while preparing food.</p> <p>Specific procedures are set forth in 2-301.12 that describe what constitutes effective hand washing.</p>	<p><u>Potential cost savings:</u> Reduced incidence/prevalence of foodborne illness.</p>

Appendix 2

SECTION .1000 - SANITATION OF SUMMER CAMPS

Rules .1001 - .1028 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .1001 - .1028); has been transferred and recodified from Rules .1001 - .1028 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .1001 - .1028). Rule .1030 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .1030); has been transferred and recodified from Rule .1029 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .1029), effective April 4, 1990. Rules .1030 - .1031 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .1030 - .1031); has been transferred and recodified from Rules .1032 - .1033 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .1032 - .1033), effective April 4, 1990.

15A NCAC 18A .1001 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1001 DEFINITIONS

The following definitions shall apply throughout this Section:

- ~~(1) "Summer camp" includes those camp establishments which provide food or lodging accommodations for groups of children or adults engaged in organized recreational or educational programs. It also includes day camps, church assemblies, and retreats.~~
- (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.
- ~~(2)(10) "Department" means the North Carolina Department of Health and Human Services. shall mean the Secretary of the Department of Environment and Natural Resources or his authorized representative.~~

- ~~(3) "Sanitarian" shall mean a person authorized to represent the Department on the local or state level in making inspections pursuant to state laws and regulations.~~
- (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.
- ~~(4) "Person" means an individual, firm, association, organization, partnership, business trust, corporation, or company.~~
- ~~(5) "Potentially hazardous food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including Clostridium botulinum. This term includes raw or heat treated foods of animal origin, raw seed sprouts, and treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.~~
- (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. ~~the approved bactericidal treatment by a process which meets the temperature and chemical concentration levels in 15A NCAC 18A .2619.~~
- (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~~, 1990;
Readopted Eff. April 1, 2024.

15A NCAC 18A .1002 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1002 FIELD SANITATION

(a) ~~Summer camps or other organizations may conduct overnight hikes or similar primitive camping activities away from base camp provided if accepted~~ field sanitation standards are maintained ~~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 items (1) and (4) through (7) of 15A NCAC 18A .3619, 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~~, 1990;
Readopted Eff. April 1, 2024.

15A NCAC 18A .1003 is proposed for readoption with substantive changes as follows:

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

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

~~(b)~~(a) Plans and specifications drawn to scale for the proposed construction of summer camp kitchen facilities, lodging facilities, bathing facilities, and toilet facilities buildings and equipment, water supply system, sewerage system, and swimming pool or other swimming facility shall be submitted in duplicate to the local health department of the county in which the site 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 ~~and specifications~~ 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~~, 1990;
Readopted Eff. April 1, 2024.*

15A NCAC 18A .1004 is proposed for readoption with substantive changes as follows:

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 to operate shall be issued until an inspection evaluation by a ~~sanitarian~~ the regulatory authority shows that the establishment complies with all rules within this Section. ~~Permits or transitional permits are issued by and inspections made by the Department.~~

(b) ~~If camp food service is provided by a caterer, the overall responsibility for food service sanitation remains with the camp management.~~ Summer camps shall complete and submit 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 ~~Department~~ regulatory authority shall complete an evaluation of ~~evaluate the facility. Facility to determine compliance with the rules.~~ If the establishment satisfies all the requirements of this Section, the rules, a permit shall be issued. If the establishment does not satisfy all the requirements of this Section, the rules, a permit shall not be issued. ~~However, if~~ If the Department regulatory authority determines that the noncompliant items are related to construction or equipment ~~items problems~~ that do not represent ~~an immediate~~ a threat to the public health, a transitional permit may be issued. The transitional permit shall expire 180 ~~90~~ days after the date of issuance, unless suspended or revoked before that date, and shall not be renewed. Upon expiration of the transitional permit, the ~~owner or operator~~ permit holder or responsible person shall have corrected the noncompliant items and obtained a summer camp permit, or the summer camp shall be closed. ~~not continue to operate.~~

(d) The regulatory authority ~~Department may~~ shall impose conditions on the issuance of a summer camp permit or transitional ~~permit.~~ 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; ~~served.~~
- (2) The categories of food served; ~~served.~~
- (3) Time schedules in completing minor construction items; ~~items.~~
- (4) Modification or maintenance of water supplies, water use fixtures and sanitary sewage systems; ~~systems.~~
- (5) Use of facilities for more than one purpose; ~~purpose.~~
- (6) Continuation of contractual arrangements upon which basis the permit was issued; ~~issued.~~
- (7) Submission and approval of plans for renovation; ~~and renovation.~~
- (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. ~~A new permit to operate shall be issued only after the establishment has been reinspected by the Department and found to comply with this Section. This reinspection shall~~

~~be conducted within a reasonable length of time, not to exceed 30 days. 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. operator.~~

*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~~. 1988;
Readopted Eff. April 1, 2024.*

15A NCAC 18A .1006 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1006 INSPECTIONS AND REINSPECTIONS

Upon ~~receipt of a request from the management permit holder or responsible person~~ for a reinspection for the purpose of raising the ~~posted grade,~~ alphabetical grade of their summer camp, the ~~sanitarian~~ regulatory authority shall make an unannounced inspection within 15 calendar days from the date of the request, after the lapse of a reasonable period of time. ~~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~~. 1977;
Readopted Eff. April 1, 2024.*

15A NCAC 18A .1007 is proposed for repeal as follows:

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, 2019-2019;

Repealed Eff. April 1, 2024.

15A NCAC 18A .1008 is proposed for amendment as follows:

15A NCAC 18A .1008 GRADING

(a) The sanitation grading of all summer camps shall be based on a system of scoring wherein all summer camps receiving a score of at least 90 percent shall ~~be awarded~~ receive Grade A, A; all summer camps receiving a score of at least 80 percent and less than 90 percent shall ~~be awarded~~ receive Grade B, B; and all summer camps receiving a score of at least 70 percent and less than 80 percent shall ~~be awarded~~ receive Grade C, C; ~~and no summer camp Permits shall be immediately revoked in accordance with G.S. 130A-23(d) for summer camps receiving a score of less than 70 percent. percent, or Grade C, shall operate.~~

(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 and .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 3 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 4 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 2 points.
- (4) Violation of Rule .1013 of this Section related to sewage and liquid waste disposal shall equal no more than 4 points.
- (5) Violation of Rule .1025 of this Section related to solid waste storage and cleaning facilities shall equal no more than 3 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 4 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 2 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 3 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 2 points.
- (10) Violation of Rule .1014 (a) through (d) of this Section related to toilet, handwashing, or bathing facilities shall equal no more than 4 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 2 points.
- (12) Violation of Rule .1015 of this Section related to drinking water facilities shall equal no more than 1 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 3 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 3 points.
- (15) Violation of Rule .1026 (c) and .1028 (b) of this Section related to camp premises clean or protective railings and fences in good repair, shall equal no more than 3 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 2 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 3 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 2 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 1 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 2 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 1 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 3 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 2 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 1 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 3 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 2 points.
- (9) 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-contact surfaces cleaned and sanitized shall equal no more than 2 points.
- (10) Violation of Chapter 3 of the Food as amended by 15A NCAC 18A .2653 related to cooking time and temperatures; pasteurized eggs used where required shall equal no more than 2 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 2 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 2 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 2 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 2 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 2 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 2 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 2 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 2 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 2 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 1 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 1 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 1 point.
- (23) Violation of Chapters 2, 3, 4, 6, or 7 of the of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652, 2563, 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 2 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 2 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 1 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 1 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 2 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 1 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 1 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, 2019-2019;
Readopted Eff. April 1, 2024.

15A NCAC 18A .1009 is proposed for repeal as follows:

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, 2019-2019;
Repealed Eff. April 1, 2024.

15A NCAC 18A .1011 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1011 WATER SUPPLY

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

(d) Summer camps shall provide hot water heating facilities. ~~Hot-water heating facilities shall be provided.~~ 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, 1986;~~
Readopted Eff. April 1, 2024.

15A NCAC 18A .1012 is proposed for readoption with substantive changes as follows:

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.

~~(a) A natural or artificial body of water may be approved by the Department for the recreational purposes based upon the results of inspections, bacteriological examinations of the water, and sanitary surveys.~~

~~(b) Swimming Pools shall meet the requirements in 15A NCAC 18A .2500.~~

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

15A NCAC 18A .1014 is proposed for readoption with substantive changes as follows:

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

(a) All summer camps shall be provided with toilet, handwashing, and bathing facilities which are ~~adequate, conveniently located and readily accessible.~~ 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. These facilities, and laundry facilities when provided, shall comply with the North Carolina State Building Code, Volume II.

~~(b) A sufficient number of water closets or privies approved by the Department shall be provided.~~

~~(b)(c)~~ ~~Adequate lavatories supplied~~ Handwashing facilities with running potable water, soap, and individual towels or hand-drying devices shall be provided and located convenient in or immediately adjacent to all flush toilet facilities. At least one lavatory supplied with hot and cold running water through mixing faucets and with soap and towels shall be provided in the kitchen and any other food preparation areas. ~~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)(d)~~ ~~Bathing facilities shall be provided with hot and cold potable water and located convenient to sleeping quarters.~~ 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 facilities, 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, 1990;~~
Readopted Eff. April 1, 2024.*

15A NCAC 18A .1017 is proposed for amendment as follows:

15A NCAC 18A .1017 FOOD SERVICE FACILITIES

~~(a) Food service facilities~~ Summer camps that prepare or serve food for pay shall include a at least one camp food service kitchen of adequate size and of completely enclosed, permanent construction, and a covered dining hall, hall providing protection from the elements. 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 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~~ 2019;
Readopted Eff. April 1, 2024.*

15A NCAC 18A .1018 is proposed for repeal as follows:

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

*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~~ 2019;
Repealed Eff. April 1, 2024.*

15A NCAC 18A .1019 is proposed for repeal through readoption as follows:

15A NCAC 18A .1019 FOOD SUPPLIES

*History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, ~~1977~~ 1997;
Repealed Eff. April 1, 2024.*

15A NCAC 18A .1020 is proposed for repeal as follows:

15A NCAC 18A .1020 SHELLFISH

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,
~~2019-2019~~;
Repealed Eff. April 1, 2024.

15A NCAC 18A .1021 is proposed for repeal through readoption as follows:

15A NCAC 18A .1021 MILK AND MILK PRODUCTS

History Note: Authority G.S. 130A-248;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990; July 1, ~~1984~~, 1984;
Repealed Eff. April 1, 2024.

15A NCAC 18A .1022 is proposed for repeal as follows:

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

15A NCAC 18A .1027 is proposed for repeal as follows:

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~~ 2019;
Repealed Eff. April 1, 2024.