

WHAT'S THE PROBLEM?

- LHD inquiry about a complaint response to expanded seating...how to handle???
- Previously, FLI staff had been documenting seating on inspections.

18E CHANGES

- When a LHD issues a NOV to an owner of a wastewater system pursuant to this Rule, the LHD may pursue legal remedies no sooner than 30 days after the date of the NOV, unless the NOV specifies a shorter time frame. The LHD shall issue an NOV to the owner in the following situations:

.....(7) the facility was expanded without a permit issued in accordance with Section .0200 of this Subchapter.

KNOWN/POTENTIAL ISSUES

- On-site wastewater system undersized for additional flow.
 - May cause premature failure of system.
 - May cause effluent strength to increase.
- Mixed use venues makes it difficult to determine flow and seating.
- Difficult for REHS to ensure food permit and operation permit harmonize.

REVISED POSITION STATEMENT

OSWP

- Document # of seats.
- Issue 30 Day NOV and Intent to Revoke for the OP (concurrently with ITS of food permit).
- Options for compliance:
 - Request an adjusted DDF.
 - Obtain EOP for a flow reduction.
 - Apply for an expansion.

FLI

- Document # of seats.
- Issue Intent to Suspend Food Permit to permit holder.
- Options for compliance:
 - Remove additional seating to comply with existing permit.

Questions/Discussion?

Thank you!

Anthony Williams, REHS, MPA

NCDHHS/DPH

Onsite Water Protection

FSE's Served by On Site Wastewater Treatment and Dispersal Systems: FPB Perspective

Help them understand why they are out of compliance and why it matters

If they have been out of compliance for years.....

- Discuss NCDHHS's position
- Show them the new Position Statement
- Offer to have a Supervisor or Regional Specialist call/email them

Communicate Options

Tell them to start this project sooner rather than later

Document! Document! Document!

Training Opportunities

• SAVA Workshop	Dec 10-12	Wilmington
• SOP Plan Review	TBD	TBD
• CIT Food Module	Feb 3-7	Virtual
• Conference for Food Protection	Mar 24-28	Denver, CO
• CIT Food Module	Jun 2-6	Virtual
• Interstate EH Seminar	Sep 9-11	Hebron, KY
• CIT Food Module	Oct 6-10	Virtual
• FDA Retail Food Safety Seminar	TBD	Georgia

Variance Committee Update

- Remember to check Food Shield when searching for old variance approvals, pizza sauce information, etc...
- Need access to the Food Shield group? Send request to ncvariancecommittee@dhhs.nc.gov
- If you are already a member of the group, but cannot remember password or have been “locked out”, you must get help from Food Shield helpdesk. We do not have the ability to troubleshoot on Food Shield.

Variance Committee Update

- **2-compartment sink approvals and dumpster pad exemptions must be granted by the NC Variance Committee**
- **Request form, pictures (for dumpster pad exemption), and letter/email of support or non-support must be submitted to ncvariancecommittee@dhhs.nc.gov for review**
- **Jeff Jackson is reviewing and issuing letters for these at this time.**

Variance Committee Update

- **Only .2600 permitted “food establishments” are eligible for variances.**
- **Licensed facilities are NOT eligible**
- **Please be certain the establishment is eligible for a variance approval before suggesting a request be submitted or submitting on behalf of a licensed facility**

Variance Committee Update

- **Remember the NC Food Code allows for local approval of some specialized processes without a variance.**
- **ROP raw meats/poultry, ROP for cook-chill or sous vide, ROP certain cheeses as long as the process is in complete compliance with 3-502.12.**
- **Offer 3-502.12 (F) where ROP of any food can be done without special approval as long as all of part (F) is followed. (ROP less than 48 hours, etc...)**

Environmental Health Section Update

November 20, 2024



The Long Short Session



- Current biennial + Special Sessions
 - Resolution 2024-2
 - Monthly Sessions
 - Adjourn December 13, 2024
- Long Session (25-26 Biennial)

2023-24 Session

- S3 - Compassionate Care Act - Cannabis
- S53/H41 - Hotel Safety Issues
SL 2023-5 - No Impact to 130A
- H190 - DHHS Revisions
Sec 9.1 REHS Amendment
SL 2023-65
- H210 - Reduce Barriers to State Employment
- H117 - Modify Admin. Law Prov.
Interpreting Rule by Ref.
- S350 - Safe Drinking Water Act
- S412 - Modify Food Establishment Rules
Moved to H600 w/ changes
- H259 - 2023 Appropriations Act
SL 2023-134 OSWW Training Team

● S166 - Bldg. Code Reg Reform
SL 2024-49 OSWW's

● S616 - Environmental Health Associates
Moved to H628 w/ changes

● S582 - NC Farm Act of 2023
SL 2023-63

● S602 - Require Lifeguards at Day Camps

● H627 - OSLW Rules Implementation
SL 2023-77

● H628 - OSLW/Environment Statutes
EH Associates SL 2023-90

● H600 - Reg Reform Act of 2023
Sec 29.1 Food Inspections SL 2023-137

● S542 - DOL Omnibus/Other
SL 2024-5

● H125 - NCDHHS Workforce Act
SL 2023-129

● S607 Reg Reform of 2024
+ Gov 8.11
SL 2024-45

● S527 - ABC Omnibus

HID
4-06-23
5-21-23
5-26-23
11
1440 4-12-21
215 25
11-14-23 2-05-21

Hey
- Amanda

hello
- Ashley

SL 2024-49 (S166)

Section 4.7

- Annual Agreement = Consolidated Agreement
- Requirement for QA for all environmental health services
- Liability
 - REHS defended by the AG and judgments against covered 50/50 (Department may agree to pay more than half)
 - If NOT entering into an annual agreement or fails to abide by the annual agreement. OR if enforcing local rules
 - Not covered by the AG
 - Judgments against are covered 100% by the LHD

SL 2024-49- Section 4.51



- Exemption for private pools offered for use through a sharing economy platform
- Minimum requirements (not enforced by EH):
 - Proper fencing—4 ft high/self latching gate
 - Signage, lifesaving equipment
 - Non-slip deck
 - Covers for suction outlets
 - Proper chemicals and clean

SL 2024-45

- •Regulatory Reform Act of 2024
- •Allows cast iron, stone, or similar cooking surface that complies with 4-1 and 4-2 of the NC Food Code for outdoor grills
- •Requires agencies and each county to establish a policy to send permits via:
- •US mail or designated delivery service
- •By electronic mail (if permittee consents)



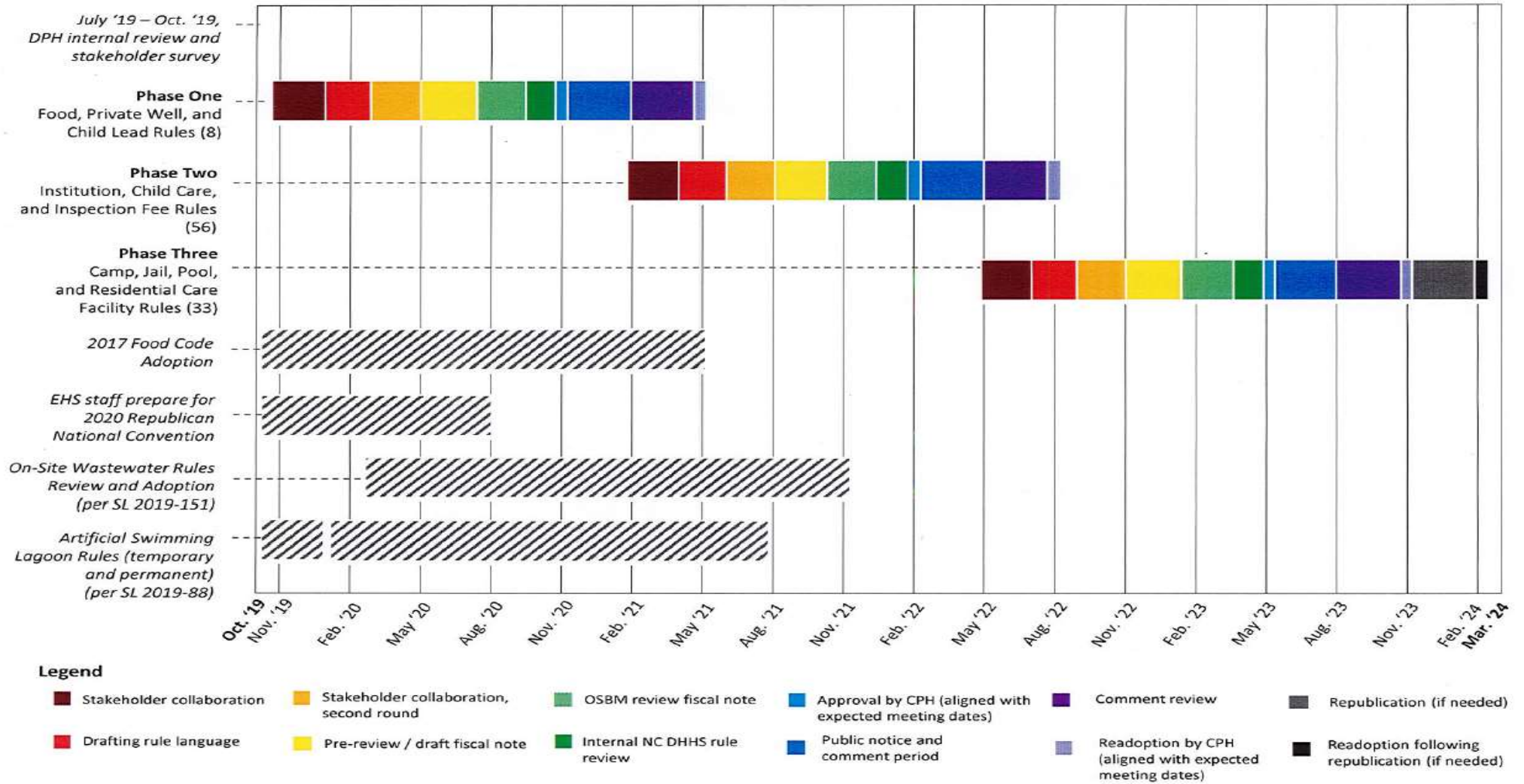
Periodic Review



Division of Public Health, Food Protection and Facilities Branch
North Carolina Department of Health and Human Services



CPH Projected 15A NCAC 18A Readoption Timeline October 2019 – March 1, 2024



Phase 1 – Periodic Review

- Includes rules in the NC Administrative Code as of **January 1, 2024**
- Agency to analyze and classify existing rules in a Report
 - 60-day public comment period on initial classifications
 - Reports posted for comment on OAH’s website and the Department’s website here: <https://info.ncdhhs.gov/dhsr/rules/hb74/index.asp>
- Deadline for completion set by the RRC. Report of classifications due to RRC by the 20th of the month *prior* to the scheduled due date
- RRC to review and consult with the Joint Legislative Administrative Procedure Oversight Committee prior to finalizing the report

PREVIOUS PERIODIC REVIEW (2014-2023)

Classification Determinations	Action
Necessary <i>with</i> substantive public interest	Readopt
Necessary <i>without</i> substantive public interest	Remain
Unnecessary	Expire

PERIODIC REVIEW – Starting 2024

Classification Determinations	Action
Necessary	Readopt
Unnecessary	Expire

Periodic Review Report Deadlines

August 2024

- 15A NCAC 01O (9 rules) – EH Delegation of Authority

December 2024

- 10A NCAC 45 (21 rules) – General Procedures for PH Programs
 - Subchapter 45A – Payment Programs
 - Subchapter 45B – Procedural Rules

October 2025

- 10A NCAC 47 (15 rules) – Information Services
 - Subchapter 47A – SCHS
 - Subchapter 47B – Cancer Registry
 - Subchapter 47C – Birth Defects Monitoring Program

November 2025

- 10A NCAC 46 (16 rules) – Local Standards
- 10A NCAC 48 (51 rules) – Local Health Department Accreditation
 - Subchapter 48A – LHD Accreditation Administration
 - Subchapter 48B – LHD Accreditation Standards

June 2026

- Chapter 41 Epidemiology Health (one subchapter)
 - Subchapter 41C (44 rules) – Occupational Health

July 2026

- 10A NCAC 39 (17 rules) – Adult Health
 - Subchapter 39A – Chronic Disease (HMAP)
 - Subchapter 39B – Commission of Anatomy
 - Subchapter 39C – Smoking Prohibited in Restaurants and Bars
- 10A NCAC 43 – Personal Health (4 subchapters)
 - Subchapter 43G (4 rules) – Developmental Evaluation Centers: Specialized Services Branch (Early Intervention)
 - Subchapter 43H (12 rules) – Sickle Cell Syndrome: Genetic Counseling
 - Subchapter 43I (1 rule) – Summer Food Service Program
 - Subchapter 43J (1 rule) – Children and Adult Care Food Program

September 2026

- Chapter 41 Epidemiology Health (5 subchapters)
 - Subchapter 41A (38 rules) – Communicable Disease Control
 - Subchapter 41B (30 rules) – Injury Control
 - Subchapter 41D (5 rules) – Methamphetamine Decontamination
 - Subchapter 41F (3 rules) – Pesticide-Related Illness or Injury Surveillance
 - Subchapter 41G (2 rules) – Veterinary Public Health
- 10A NCAC 42 (46 rules) – Laboratory Services
 - Subchapter 42A – General Policies
 - Subchapter 42B – Laboratory Sections
 - Subchapter 42C – Milk and Water Laboratory Certification
 - Subchapter 42D – Laboratory Certification
- 10A NCAC 43 – Personal Health (one subchapter)
 - Subchapter 43D (39 rules) – WIC/Nutrition
- 10A NCAC 44 (7 rules) – Postmortem Medicolegal Examination

November 2026

- Chapter 41 Epidemiology Health (one subchapter)
 - Subchapter 41H (57 rules) – Vital Records

December 2026

- 10A NCAC 43 – Personal Health (four subchapters)
 - Subchapter 43A (8 rules) – Family Planning
 - Subchapter 43B (5 rules) – Maternal Health
 - Subchapter 43F (4 rules) – NBS Program
 - Subchapter 43K (3 rules) – NBS for CCHD

March 2027

- 15A NCAC 18A (367 rules) – Sanitation
 - .1000, .1200-.1800, .2100, .2300-.2600, .2800, .2900, .3100-.3300, .3500, .3600, and .3800

TBD (expected - June 2027)

- 15A NCAC 18E (99 rules) – Wastewater Treatment & Dispersal Systems

Periodic Review Report Schedule

Periodic Review Schedule				
	2024	2025	2026	2027
Jan				
Feb				
Mar				367
Apr				
May				
June			44	99
July			35	
Aug	9			
Sept			170	
Oct		15		
Nov		67	57	
Dec	21		20	
Total	904			

This reflects # of rules in reports due these months.

<https://www.oah.nc.gov/documents/rules/periodic-review-report-schedule-2024-2027/open>

How does this compare to last time?

- Only a quarter of the rules in the code were readopted in the last round of periodic review.

PREVIOUS PERIODIC REVIEW (2014-2023)

Classification Determinations	Action	% Rules Across All Agencies
Necessary <u>with</u> substantive public interest	Readopt	26%
Necessary <u>without</u> substantive public interest	Remain	61%
Unnecessary	Expire	13%

- In this round, to remain in the code, a rule must be readopted.

How are rules adopted

- Must go before the Commission for Public Health
 - Appointed membership from General Assembly
 - Rules must be granted authority to approve, then public comment period
 - Final approve to move forward with rule making after answering each public comment period
- Must then go before the Rules Review Commission for final approval
 - -total time is usually an 18-month process

Helene Response



Division of Public Health, Food Protection and Facilities Branch
North Carolina Department of Health and Human Services



Food Establishments & Lodging Reopening

Food & lodging establishments:

- Biggest impediments to reopening have been potable water and proper wastewater disposal
- Emergency Operation Plans were created and required for reopening
 - These plans include an attestation from the owner/manager that items like potable water, handwashing stations, and electricity are available.
 - Once signed and submitted to LHD, establishment may reopen
 - Later site visits by LHD will confirm adherence to the Emergency Operation Plan
 - Over 800 EOPs were submitted for Food and Lodging establishments to allow for reopening
- Emergency Operating Plans were also developed for Swimming Pools and Spas and for Tattoo permits

Helene Deployment and Response



95 EH specialists have been deployed to assist Counties with FLI, OSWW, LTCF, and Wells



Over 160 volunteers to deploy have responded to PPHR survey



338 Long Term Care Assessments Completed



Direct to Consumer Well Disinfection Sites are ongoing

Other Branch Updates



MFU updates and guidance

Website migration

Data modernization

Updated mushroom guidance

Questions?

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