

**NEW HANOVER COUNTY
BOARD OF HEALTH
RULES GOVERNING
FOOD / WATER SAFETY AND SANITATION
AT MASS GATHERINGS
IN
NEW HANOVER COUNTY
NORTH CAROLINA
Effective March 7, 2018**



History

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Section 3000 Purpose

To establish standards for mass gatherings, the New Hanover County Board of Health declares that the following rules for protection of the public health are hereby adopted pursuant to authority granted by Chapter 130A Section 39 of the North Carolina General Statutes, and shall apply throughout New Hanover County, North Carolina.

Section 3001 General Provisions

(a) **Scope** No person shall convene a mass gathering, and operate or cause to be operated any temporary facility where foods or beverages are prepared and/or sold contrary to the provisions of these Rules. These Rules supersede regulations, requirements, rules and standards previously adopted by the Board of Health. "Mass gathering" means a congregation or assembly of 1,000 or more people for a period of more than four (4) hours (1,000 people > 4 hours). The number expected shall be based on promotion, advertisement and preparation for the congregation or assembly and from the attendance at prior congregations or assemblies. The organizer of any mass gathering where 1,000 people or more congregate or assemble for a period of more than four (4) hours (1,000 people > 4 hours) shall provide and maintain adequate handwashing stations, potable drinking water, approved wastewater and solid waste disposal facilities.

(b) **Conflict** The provisions of any federal, state or municipal law, ordinance, regulation or rule establishing requirements and standards affording greater protection to the public health, safety and welfare shall prevail within the jurisdiction of such agency or municipality over requirements established by these Rules.

(c) **Notification and Application** No person shall convene a mass gathering, and operate or cause to be operated any temporary facility where food or beverages are prepared and/or sold prior to giving formal notification and making written application to the Department; and, demonstrating to the Department full compliance with these Rules. Notification and application shall be filed with the Department **at least thirty 30 calendar days** before the proposed date of opening/operating and shall include a **site layout** depicting the proposed location of handwashing stations, potable drinking water, wastewater and solid waste disposal facilities, along with the location of proposed temporary food and beverage facilities. A **complete menu** listing all foods and beverages planned to be offered for sale to the public with an explicit **description of preparation processes** shall be provided to the Department. Applications shall not be considered complete and ready for evaluation or review until all stipulated documents / information are submitted to the Department as an application packet.

(d) **Inspection and Authorization** While the organizer of all mass gatherings as defined in these Rules shall provide and maintain adequate handwashing stations, potable drinking water, approved wastewater and solid waste disposal facilities, the Department after examination of the application and proposed plans including a thorough review of the complete menu with an explicit description of preparation processes **may determine** it not essential to impose further inspection/authorization of:

- (1) food and/or beverage establishments or operations holding a valid permit under authority of North Carolina General Statutes 130A -247 through 130A – 250, 15A NCAC 8A .2600 Rules Governing The Food Protection And Sanitation Of Food Establishments such as mobile food units, pushcarts or temporary food establishments;
- (2) assemblies in permanent buildings or permanent structures designed or intended for use by a large number of people when the preparation/sale of all foods and/or beverages is offered by businesses or establishments holding a valid permit under authority of North Carolina General Statutes 130A -247 through 130A – 250, 15A NCAC 18A .2600 Rules Governing The Food Protection And Sanitation Of Food Establishments;
- (3) private parties or other special venues where food or beverage is catered by establishments or operations holding a valid permit under authority of North Carolina General Statutes 130A -247 through 130A – 250, 15A NCAC 18A .2600 Rules Governing The Food Protection And Sanitation Of Food Establishments;
- (4) food/beverage preparation or recipe competitions conducted under the oversight of chartered organization regulations or standards and are overseen by judges or organization representatives who evaluate preparation processes where: all entries must be prepared onsite during the competition period; precooked/prepared items are not allowed; pre-chopping of ingredients and mise en place are not allowed; prepackaged ingredients, material and products must come in original packaging as purchased; meat, poultry, seafood, vegetable and other ingredients are inspected by judges or organization representatives;
- (5) events such as “Food Shows” held for the specific purpose of promoting vendor products where small portion samples are offered and require only minimal handling such as heating, portioning and pouring of ready to eat or drink products;
- (6) nonprofit entities such as churches using their once per thirty (30) day exemption under North Carolina General Statutes 130A -247 through 130A – 250, 15A NCAC 18A .2600 Rules Governing The Food Protection And Sanitation Of Food Establishments; and,
- (7) operations proposing to limit food and/or beverage handling/preparation/sales to items that are not under typical circumstances potentially hazardous thus requiring highly controlled environmental conditions such as candied apples, confectionaries, popcorn, and many baked goods.

Section 3002 Definitions

The following definitions shall apply in the interpretation and enforcement of these Rules:

Approved means determined by the Department to be in compliance with these Rules based on the conformity with principles, practices, and generally recognized standards that protect public health.

Board of Health means the New Hanover County Board of Health.

Department means the New Hanover County Department of Public Health or its authorized representative.

“Establishments holding a valid permit to operate” means any food service establishment actively operating under a current permit and inspections by authority of North Carolina General Statutes 130A -247 through 130A – 250, 15A NCAC 18A .2600 Rules Governing The Food Protection And Sanitation Of Food Establishments such as restaurants, food stands, commissaries, mobile food units, pushcarts or temporary food establishments.

Food Code means the current version of the US Food and Drug Administration (FDA) model set of regulatory standards for safeguarding public health and ensuring food is unadulterated and honestly presented when offered to the consumer. It represents FDA's best advice for a uniform system of provisions that address the safety and protection of food offered at retail and in food service.

Health Director means the administrative head of the New Hanover County Department of Public Health.

Hermetically sealed container means a container that is designed and intended to be secure against entry of microorganisms and, in the case of low acid canned foods, to maintain the commercially sterility of its contents after processing.

Mass gathering means a congregation or assembly of 1,000 or more people in an open space or open air for a period of more than four (4) hours. A mass gathering shall include all congregations and assemblies organized or held for any purpose, but shall not include assemblies in permanent buildings or permanent structures designed or intended for use by a large number of people. To determine whether a congregation or assembly extends for more than four (4) hours, the period shall begin when the people expected to attend are first permitted on the land where the congregation or assembly will be held and shall end when the people in attendance are expected to depart. To determine whether a congregation or assembly shall consist of more than 1,000 people, the number reasonably expected to attend, as determined from the promotion, advertisement and preparation for the congregation or assembly and from the attendance at prior congregations or assemblies of the same type, shall be considered.

'Mise en place' (is a French culinary phrase which means "putting in place" or "everything in its place.") It refers to the set up required before cooking, and is often used in professional kitchens to refer to organizing and arranging the ingredients (e.g., cuts of meat, relishes, sauces, par-cooked items, spices, freshly chopped vegetables, and other components) that a cook will require for the menu items that are expected to be prepared during a shift.

Organizer means the person or persons who orchestrate the planning and scheduling of a mass gathering event.

Person means any individual, firm, association, organization, partnership, business trust, corporation or company.

"Person in charge" means the individual present at a temporary food facility who is responsible for the operation at the time of inspection.

Potentially hazardous food includes as stated in the 2013 edition of the US Food and Drug Administration's *Food Code* any food or ingredient requiring "Time/Temperature Control for Safety Food" (TCS):

- (a) an animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and,
- (b) a food that because of the interaction of its A_w and PH values is designated as Product Assessment Required (PA).

"Ready-to-eat food" includes as stated in the 2013 edition of the US Food and Drug Administration's *Food Code* any food or ingredient requiring "Time/Temperature Control for Safety Food" (TCS):

- (a) raw animal food that is cooked as specified under § 3-401.11 or 3-401.12, or frozen as specified under § 3-402.11; (b) raw fruits and vegetables that are washed as specified under § 3-302.15; (c) fruits and vegetables that are cooked for hot holding, as specified under § 3-401.13; (d) all potentially hazardous food (time/temperature control for safety food) that is cooked to the temperature and time required for the specific food under Subpart 3-401 and cooled as specified under § 3-501.14; (e)

plant food for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present are removed; (f) substances derived from plants such as spices, seasonings, and sugar; (g) a bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety; (h) the following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham; and dried meat and poultry products, such as jerky or beef sticks; and (i) foods manufactured as specified in 21 CFR Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

"Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

Single-service items means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks and similar articles intended for one-time/one person, used and then discarded.

Special event means an event in which businesses, churches, organizations, civic groups and other non-profit organizations and/or persons participating in an exhibition, festival, street fair or similar public gathering

Temporary food facility means those food or beverage vendors which operate during a special event and does not meet the definition of a state temporary food establishment.

Utensils means any kitchenware, tableware, glassware, cutlery, containers and similar items with which food or drink comes in contact during storage, preparation, or serving.

Wastewater means the liquid and solid human body waste, and liquid waste generated by water using fixtures and appliances including those associated with food and beverage preparation.

Section 3003 Water Supply

(a) Water from an approved public or community water supply along with approved water distribution and dispensing equipment shall be provided. The water supply, and the facilities for distribution and dispensing shall be provided with effective safeguards to prevent the introduction of contamination.

(b) If water is to be hauled from an off-site source, approved storage facilities shall be provided sufficient in volume to supply needs for duration of the mass gathering event. Before being filled with water, all such storage tanks shall be cleaned thoroughly, filled with clean water containing a chlorine residual of at least 100 parts per million, and, after a contact time of at least 24 hours shall be emptied. Subsequently, all such tanks shall be filled with water from an approved source and all inlets to such tanks shall be closed and locked so as to give positive protection against the introduction of contamination.

Section 3004 Toilet Facilities: Wastewater Disposal

(a) Adequate toilet facilities shall be provided at a rate of not more than 100 persons per toilet seat, and at convenient, readily accessible locations within the perimeter of the total site comprising and used during the mass gathering event.

(b) Toilet facilities shall be maintained and serviced so as to be clean and sanitary throughout duration of the mass gathering event.

(d) Copies of contracts with a vendor licensed to service toilet facilities shall be provided to the Department.

Section 3005 Solid Waste Collection and Disposal

- (a) Facilities shall be provided for all solid wastes to be collected and stored in leak-proof, nonabsorbent containers, and all solid wastes shall be removed daily or more often and disposed in an approved solid waste disposal facility or in a sanitary landfill.
- (b) Approved receptacles having a maximum capacity of 32 gallons shall be provided at places conveniently located throughout the activity and parking areas, and at each food and beverage service facility for the collection or deposition of solid wastes.
- (c) If bulk solid waste storage containers are used, at least two (2) four(4)-cubic-yard containers shall be provided per 1,000 persons in the case of once-daily removal, or two (2) two(2)-cubic-yard containers per 1,000 persons in the case of twice-daily removal, and these containers shall be so located as to be accessible to solid waste service vehicles.
- (d) Copies of contracts with a vendor licensed to haul and dispose of solid waste shall be provided to the Department.

Section 3006 Construction: Insect and Rodent Control

Temporary food or beverage facilities shall:

- (a) be located in clean surroundings, free of refuse and solid waste. There shall be no fly or mosquito breeding places, rodent harborages or undrained areas on the premises. Effective measures shall be taken to control flies, mosquitoes, rodents or other vermin.
- (b) consist of at least one enclosure approved by the Department. An approved enclosure shall be of a design and construction to prevent exposure of equipment, food and beverages to the public, and other potential sources of contamination. Floors and ceilings shall be constructed of canvas, plastic, wood or other similar impervious material. The roof or ceiling of the enclosure shall extend at least to the outer edge of all preparation surfaces including bars, counters, tables as well as all cooking and display equipment. Floors and ceilings shall be maintained in a condition or state of repair so as to be cleanable through routine procedures, and shall be kept clean. Bulk storage and grills with lids shall be considered an extension of the food service facility, and shall be configured to exclude public traffic through the extension area including customers, and any animal or fowl.

Section 3007 Equipment and Utensils

All eating, drinking and cooking utensils, tables, sinks, counters, shelves, and other equipment used in the operation shall be easily cleanable, in good repair, kept clean and used for the designed purpose.

- (a) All equipment and utensils shall be routinely cleaned and sanitized. At least a single vat sink, large enough to wash cooking utensils, pots and pans shall be provided OR a series of three (3) basins of an adequate size for washing, rinsing and sanitizing equipment, surfaces and utensils shall be provided. A testing method shall be available to assure the use of at least the minimum concentration of the sanitizing agent (chemical). One (1) drain board or an easily cleanable, nonabsorbent counter, rack or table space shall be provided to allow air drying.
- (b) Only single service items shall be offered for the public's use. Single-service items shall be properly protected, stored in a clean, dry place and handled in a sanitary manner such as with the use of dispensers when single-service cups are used.
- (c) Facilities shall be provided for employee hand washing. This may consist of a (2) gallon closed container of potable water with a cut-off valve, catch basin, antibacterial soap and single-use disposable towels.
- (d) A calibrated metal-stem food thermometer accurate to ± 2 degrees Fahrenheit and a range of 0-220 degrees Fahrenheit shall be available to monitor food temperatures.
- (e) Adequate coolers or refrigeration/freezer space shall be provided for the storage of all perishable foods/beverages, and cold holding of potentially hazardous foods/beverages. Air temperature

thermometers accurate to ± 3 degrees Fahrenheit shall be provided in all coolers or refrigeration/freezer units.

(f) Small equipment, utensils, other multi-use wares in addition to food/beverages shall be stored off the floor surface on shelves or pallets. Precautions shall be taken to avoid the transfer of contaminants from stored equipment, utensils, multi-use wares, et cetera to food contact surfaces.

Section 3008 Operation

No person shall convene a mass gathering, and operate, or cause to be operated any temporary facility where food or beverages are prepared and/or sold prior to formally giving notification and making written application to the Department; and, demonstrating full compliance with these Rules. Organizers of a mass gathering shall be held responsible for complying with these Rules as established by the Board of Health and implemented by the Department in addition to all applicable federal, state, and local codes, laws, ordinances, regulations, rules and standards. When interpreting and applying standards of operation to circumstances or conditions outside of those specifically herein described, the department shall reference and use the most current version of the US Food and Drug Administration's *Food Code*, the model set of regulatory standards for safeguarding public health and ensuring food is unadulterated and honestly presented when offered to the consumer. The nature of food and foodborne illness has changed dramatically over the last century. While technological advances such as pasteurization and proper canning have all but eliminated some disease, new causes of foodborne illness have been identified. Pathogens or agents that have not yet been identified and thus cannot be diagnosed cause some proportion of foodborne illness. Epidemiological outbreak data, however, repeatedly identify five (5) major risk factors related to employee behaviors and preparation as contributing to foodborne illness:

- Improper holding temperatures,
- Inadequate cooking, such as undercooking raw shell eggs,
- Contaminated equipment,
- Food from unsafe sources, and
- Poor personal hygiene

By referencing the US Food and Drug Administration's *Food Code*, these Rules address controls for risk factors and key public health interventions to protect consumer health. These interventions include: demonstration of knowledge, employee health controls, controlling hands as a vehicle of contamination, and time and temperature parameters for controlling pathogens.

(a) No permit or authorization to operate a temporary food facility shall be issued until comprehensive and thorough inspection by the Department confirms compliance with these Rules.

(b) All food and beverages inclusive of additives, condiments, garnishes, marinade rubs/sauces, and/or supplemental ingredients shall be secured from an approved source as exhibited with labeling required by federal and state agencies such as the US Food and Drug Administration, the US Department of Agriculture or the NC Department of Agriculture.

(c) All food and beverages shall be: (1) clean, wholesome, and free from adulteration; (2) prepared, stored and transported in a sanitary manner; (3) protected from contamination and spoilage; and, (4) at safe cold holding or safe hot holding temperatures consistent with those stated in the most current version of the US Food and Drug Administration's *Food Code*, the model set of regulatory standards for safeguarding public health and ensuring food is unadulterated and honestly presented when offered to the consumer.

(d) Employees shall avoid unnecessary hand contact or otherwise handling of food and/or beverages

OR contact surfaces during preparing and serving processes. No bare hand contact with food and/or beverages shall be permitted.

(e) Potentially hazardous food and beverages requiring cooking shall be cooked to heat all parts of the food or beverage to a temperature consistent with those stated in the most current version of the US Food and Drug Administration's *Food Code*, the model set of regulatory standards for safeguarding public health and ensuring food is unadulterated and honestly presented when offered to the consumer.

(f) When inspection by the Department shows a temporary food and/or beverage facility fully complies with these Rules, an authorization to operate shall be issued to the owner or operator. An authorization to operate shall be site specific, and shall not be transferable. The owner or operator of the temporary food facility shall be responsible for keeping the authorization to operate posted for the duration of the special event.

(g) Noncompliance with these Rules shall be sufficient cause for the Department to deny or suspend the authorization to operate. A suspended authorization to operate shall not be reinstated until an inspection by the Department shows that the temporary food facility fully complies with these Rules and/or conditions stated on the authorization to operate.

Section 3009 Hygiene and Personnel

No one shall work in a temporary food facility when there is a likelihood of contaminating food or food contact surfaces with disease causing organisms or transmitting illness to other persons. All persons who work in a temporary food facility shall: be clean as to their person and methods of food handling, and shall wear clean outer clothing. All employees shall wear effective hair restraints to prevent the contamination of food or food contact surfaces and beverages. All employees shall scrupulously wash their hands with soap and water, and then dry their hands with a clean, single-use towel: before starting work; after use of the toilet; prior to any direct contact of the hand(s) with food or food contact surfaces; between the handling of cooked food and raw food; upon returning to work from a break; after drinking, eating or smoking; and at the conclusion of any other activity or procedure where the probability exists of contaminating or cross-contaminating food, beverages or contact surfaces. No employee shall use tobacco in any form within the temporary food facility.

Section 3010 Right Of Entry

Pursuant to authority granted by North Carolina General Statute 130A Section 17, the Department shall have the right to enter upon the premises of any property for the purpose of conducting an inspection and determining compliance with these Rules.

Section 3011 Appeals Procedure

Appeals concerning decisions of the Director or authorized representatives (staff) shall be made by written petition to the Board of Health and shall be made within fifteen (15) days of the challenged action. The Board of Health shall conduct a hearing within a reasonable timeframe after receipt of an appeal petition and shall give the appellant reasonable advanced notice of the date, time and place of the hearing. The Board of Health shall respond to affirm, modify or reverse the challenged action. When granting variance from these Rules, the Board of Health may impose such conditions as deemed necessary to protect the public health.

Section 3012 Remedies

If a person violates any part of these Rules, then he/she shall be guilty of a misdemeanor and shall be

subject to sanctions provided in Chapter 130A Section 25 of the North Carolina General Statutes.

Section 3013 Severability

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

Section 3014 Effective Date

Adopted March 7, 2018 by the New Hanover County Board of Health, these Rules shall be effective on and after March 7, 2018.

Signed _____

Chairman
New Hanover County Board of Health

Signed _____

Director
New Hanover County Department of Public Health

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