

APA-1
4/18

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Alabama Department of Public Health

Rule Number 420-3-22-.05
Rule Title Food Establishment Sanitation

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

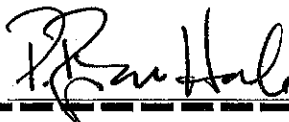
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of §41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of Certifying Officer



Date

6/19/18

FORM APA2
10/17

STATE BOARD OF HEALTH
NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-3-22-.05, Water, plumbing, and waste.

INTENDED ACTION: Amend Chapter 420-3-22-.05

SUBSTANCE OF PROPOSED ACTION: This amendment will provide for the implementation of Act 2018-268, Code of Alabama, 1975 §22-20-5.2.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held on July 17, 2018, at 2:00 p.m., at the RSA Tower, Suite 1540, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on Friday, August 3, 2018. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Mark Sestak, Division of Food, Milk, and Lodging, Bureau of Environmental Services, Department of Public Health, 201 Monroe Street, Suite 1250, Montgomery, Alabama 36104. Telephone number: (334) 206-5375.



P. Brian Hale, Agency Secretary

420-3-22-.05 Water, plumbing, and waste.

(1) Applications

(a) When a sample of a non-public water system taken as provided in Section 5-102.13 of the document entitled 2013 edition of the United States Department of Health and Human Services Food Code shows coliform present as reported by the Alabama Department of Public Health Bureau of Clinical Laboratories, a resample shall be taken within seven days. Whenever two consecutive samples taken on separate days show coliform present, the permit to operate shall be suspended by the Health Officer in accordance with appropriate administrative procedures. A sample result of coliform absent with no confluent growth is required prior to reinstatement of the permit.

(b) The Health Officer may collect samples of water from bulk water dispensing, water vending, or ice vending machines, as often as necessary to protect the public's health. The sample shall meet the bacterial standards of this rule. Immediate suspension of the authorization to operate a water dispensing, water vending, or ice vending machine shall be instituted whenever the bacterial quality standards of this rule is violated on two consecutive samples taken on separate days. The suspension shall remain effective until a sample result of coliform absent with no confluent growth is obtained.

(c) The provisions of paragraph 5-203.11(C) of the document entitled 2013 edition of the United States Department of Health and Human Services Food Code, concerning special allowances for handwashing at mobile or temporary food establishments, shall be allowed only in declared disaster or emergency situations and no better facilities are available.

(d) "Law" relating to plumbing standards, sizes, and numbers, other than when a minimum is specified in these rules or in the document entitled 2013 edition of the United States Department of Health and Human Services Food Code, means local plumbing codes as enforced by local plumbing officials.

(2) Grease traps that are located outdoors or accessible to the general public

(a) Grease traps with manholes shall be designed to withstand expected loads and prevent access by children. The manhole cover shall be secured by a bolt or locking mechanism or be constructed of round cast iron or similar construction rated for heavy road traffic with sufficient weight to prevent unauthorized access. A public water or sewer authority may specify either manner of manhole access exclusively, provided it conforms to this rule and prevents unauthorized access.

(b) A commercial food service establishment shall ensure that a grease trap manhole is secured or locked, if applicable, at all times.

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STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: New rule: filed November 20, 1996, effective December 25, 1996. Repealed and Replaced: Filed July 20, 2005, effective August 24, 2005. Amended: Filed March 20, 2008; effective date April 25, 2008. Amended: Filed February 20, 2013; effective date April 4, 2013. Amended: Filed August 19, 2016; effective date October 3, 2016. Amended: Filed June 20, 2018; effective XX-XX-XXXX.