

ENVIRONMENTAL HEALTH SERVICES – Proposed Amendments and Repeals

R.61-25, Retail Food Establishments

R.61-37, Retail Food Establishment Inspection Fees

State Register Document TBD

Summary:

Currently, R.61-25 is based on the 2013 Federal Food and Drug Administration (“FDA”) Food Code (“Food Code”), which the FDA has revised and replaced with the 2017 Food Code. The Department proposes amending R.61-25 to incorporate much of the revisions appearing in the 2017 Food Code. The Department further proposes amending the fee scale currently appearing in R.61-37, and, in the interest of efficiency, moving the amended fee scale to R.61-25 and repealing R.61-37. The amended fee scale would be a more concise scale based on process (risk) level or type of establishment, instead of the current eight-tiered gross sales method. The fee scale revision would also include a fee increase, as the Department has not updated the fees in approximately 18 years.

The Department may also include stylistic changes, such as corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation.

General Assembly review is required.

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R.61-35, Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products

R.61-36, Frozen Desserts

State Register Document TBD

Summary:

The Department proposes amending R.61-36 and the requirements of R.61-35. Currently, R.61-36 and R.61-35 are both based on 21 CFR Part 110, which has been replaced by 21 CFR Part 117. In the interest of efficiency, the Department proposes repealing R.61-35 and merging its amended requirements into R.61-36. The Department further proposes adding requirements for manufacturing cheese, butter, and other non-grade “A” milk products to R.61-36 and renaming the regulation R.61-36, Manufactured Grade Dairy

Products. The South Carolina Department of Agriculture previously regulated these products (also based on 21 CFR Part 110), but, going forward, oversight will reside with the DHEC pursuant to an agreement between the two agencies.

In addition to revising and adding standards, the proposed amendments will provide for an initial permit fee and annual renewal fee to support Department implementation.

The Department may also include stylistic changes, such as corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation.

General Assembly review is required.

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R.61-55, Septic Tank Site Evaluation Fees

R.61-56, Onsite Wastewater Systems

R.61-56.1, License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-Contained Toilets

R.61-56.2, Licensing of Onsite Wastewater Master Contractors

State Register Document TBD

Summary:

The Department proposes amending Regulation 61-56, Onsite Wastewater Systems, to add new system standards, clarify and amend definitions, and clarify and update selected sections. The amendments will clarify and modernize the regulation to address needed updates in administering the Onsite Wastewater program.

The Department further proposes amending the fee schedule currently appearing in R.61-55 and, in the interest of efficiency, moving the amended fee scale to R.61-56. This will entail repealing R.61-55 and simultaneously adding its provisions, as amended, to R.61-56. The proposed amendments will include amended definitions, increase in fees, a new, expedited permitting process with associated fees, and assignment of application fees to specific performed services. These amendments would update fees to

an appropriate level for implementing site evaluations for proposed individual sewage treatment and disposal systems.

The Department also proposes amending provisions of R.61-56.1 and R.61-56.2 and merging R.61-56.1 and R.61-56.2 into R.61-56 to improve efficiency and clarity for Department staff, regulated entities, and the public. This will entail repealing R.61-56.1 and R.61-56.2 and simultaneously adding their provisions, as amended, to R.61-56. The proposed amendments will include changes to licensing and fee requirements for pumpers and haulers currently under R.61-56.1. The proposed amendments also will revise provisions currently contained in R.61-56.2 to implement a tiered licensing program to establish improved competency of onsite wastewater system contractors/installers. This approach includes new requirements for examination, continuing education, and an associated licensure fee.

The Department may also include stylistic changes for internal consistency, such as corrections for clarity in wording, references, grammar, outlining and codification, and such other changes as necessary to improve the overall quality of the regulation.

Legislative review is required.

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