

# Regulation 61-54

## Wholesale Commercial Ice Manufacturing

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## **SECTION I. PURPOSE**

This regulation sets forth minimum health standards, procedures, and practices to ensure that wholesale ice is manufactured in South Carolina in a safe and wholesome manner.

## **SECTION II. SCOPE**

This regulation shall apply to all persons in South Carolina who manufacture or package ice that will be sold on a wholesale basis for human consumption in South Carolina.

## **SECTION III. DEFINITIONS**

**ADEQUATE** - shall mean substantial compliance with acceptable health standards, procedures and practices.

**ADULTERATED** or **ADULTERATION** - the presence or addition of any harmful or unwholesome substance, article, object, or other ingredients which may dilute or lower the quality of the food product involved or any substance which is prohibited by law or regulation in food product.

**APPROVED** - acceptable to the Department based on a determination as to conformance with applicable standards and good public health practice.

**CORING** - shall mean the process of pumping or removing a small amount of water that accumulates in the center of a block of ice in the freezing process. This water is mineral-laden and is removed to produce a pure, mineral-free block of ice.

**DEPARTMENT** - the South Carolina Department of Health and Environmental Control acting through its authorized representatives.

**EASILY CLEANABLE** - surfaces that are readily accessible and made of such materials and finishes and fabricated in such a way that residue may be effectively removed by normal cleaning methods.

**EMPLOYEE** - shall mean any person working in an ice plant, or ice production area in any commercial establishment, who transports ice or ice containers, who engages in ice manufacture, processing, packaging, storage, or distribution, or who comes into contact with any ice equipment.

**EQUIPMENT** - all grinders, crushers, chippers, ice makers, shavers, scorers, saws, cubers, can fillers, drop tubes, needles, core sucking devices, conveyors, rake bins, augers, baggers, and similar items used in ice plants.

**FOOD-CONTACT SURFACE** - the surface of any object coming into direct contact with ingredients and finished products during storage and manufacture. This shall include any surface upon which the product routinely may drip, drain, or be drawn into, as part of normal processing.

**ICE** - shall mean the product, in any form, obtained as a result of freezing water by mechanical or artificial means.

**ICE PLANT** - any commercial establishment, together with the necessary appurtenances, in which ice is manufactured or processed, packaged, distributed, or offered for sale for human consumption on a wholesale basis.

ICE VENDING MACHINES - any self-service machines that act as stand-alone units, and may operate without full time service personnel. These units are activated by the insertion of money; the ice is bagged automatically or dispensed in bulk outside to the customer.

PACKAGED ICE - ice products packaged by approved manufacturers and sold through retail outlets.

PERSON - any individual, plant operator, partnership, company, corporation, trustee, association, or a public or private entity.

PEST - any animals or insects including, but not limited to, birds, rodents, flies and larvae.

PROCESSING - the grinding, crushing, flaking, cubing, or any other operation which changes the physical characteristics of ice or packaged ice for human consumption.

PRODUCT AREA - the production area and all other areas where the product, ingredients, or packaging materials are handled or stored, and shall include any area related to the manufacturing, packing, handling, and storage of ice intended for sale for human consumption.

RETAIL ICE MERCHANTS - merchants (i.e. convenience stores, grocery stores) who produce ice products and sell directly to their customers; these are regulated under DHEC Regulation 61-25, Retail Food Establishments.

SANITIZE - 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.

SHALL - the item or condition discussed is mandatory.

SHOULD or MAY - the item or condition discussed is preferred, but not mandatory.

SINGLE-SERVICE ITEMS - those items, such as packaging materials, which are intended by the manufacturer and generally recognized by the public as being for one usage only, then to be discarded.

UNPACKAGED ICE - ice products from approved manufacturers that are not packaged or put into packets (usually produced in block form).

UTENSILS - any multi-use cans, buckets, tubs, pails, covers, containers, tongs, picks, shovels, scoops, and similar items used in the manufacture, handling, and transport of ice.

UNDESIRABLE MICROORGANISMS - those microorganisms which are considered to be of public health significance, which subject food to decomposition, which indicate that food is contaminated with filth, or which otherwise may cause food to be adulterated.

WHOLESALE ICE - ice products manufactured in large quantities to be sold on the wholesale market.

## **SECTION IV. PERSONNEL**

### **A. DISEASE CONTROL**

Any person who by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial

contamination by which may contribute to the reasonable possibility of food, food-contact surfaces, or food-packaging materials becoming contaminated, shall be excluded from any operations expected to result in such contamination, until the condition is corrected. All personnel shall be instructed to report such health conditions to their supervisors.

## B. CLEANLINESS

All persons working in direct contact with food, food-contact surfaces, and food-packaging materials shall conform to hygienic practices while on duty to the extent necessary to protect against contamination of food. Methods for maintaining cleanliness to prevent food contamination include, but are not limited to:

1. Wearing outer garments suitable for the operation in a manner that protects against the contamination of food, food-contact surfaces, or food-packaging materials.
2. Maintaining adequate personal cleanliness.
3. Washing hands thoroughly (and sanitizing, if necessary, to protect against contamination with undesirable microorganisms) in an adequate hand-washing facility before starting work, after each absence from the work station, and at any other time when the hands may have become soiled or contaminated. Signs shall be posted reminding employees to wash their hands before returning to work.
4. Removing all insecure jewelry or other objects which might fall into food, equipment, or containers, and removing hand jewelry that cannot be adequately sanitized during periods in which food is manipulated by hand. If such hand jewelry cannot be removed, it should be covered by material that can be maintained in an intact, clean, and sanitary condition and which effectively protects against the contamination by these objects of the food, food-contact surfaces, or food-packaging materials.
5. Maintaining gloves used in food handling in an intact, clean, and sanitary condition. These gloves should be of an impermeable material.
6. Where appropriate, wearing in an effective manner, hairnets, headbands, caps, beard covers, or other effective hair restraints.
7. Storing clothing or other personal belongings in areas other than where food is exposed or where equipment or utensils are washed.
8. Confining the following to areas other than where food may be exposed or where equipment or utensils are washed: eating food, chewing gum, drinking beverages, or using tobacco.
9. Taking any other necessary precautions to protect against contamination of food, food-contact surfaces, or food-packaging materials with microorganisms or foreign substances including, but not limited to, perspiration, hair, cosmetics, tobacco, chemicals, and medicines applied to the skin.

## C. EDUCATION AND TRAINING

Personnel responsible for identifying sanitation failures or food contamination should have a background in education or experience, or a combination thereof, to provide a level of competency necessary for production of clean and safe food. Food handlers and supervisors should receive appropriate training in proper food-handling techniques and food protection principles, and should be informed of the danger of poor personal hygiene and unsanitary practices.

## D. SUPERVISION

Responsibility for ensuring compliance by all personnel with all requirements of this section shall be clearly assigned to competent supervisory personnel.

## SECTION V. GROUNDS, BUILDINGS AND FACILITIES

### A. GROUNDS

The grounds around an ice plant under the control of the operator shall be kept in such condition to protect against the contamination of its products. The methods for adequate maintenance of grounds include, but are not limited to:

1. Properly storing equipment, removing litter and waste, and cutting weeds or grass in the immediate vicinity of plant buildings or structures that may constitute an attractant, breeding place, or harborage for pests.
2. Maintaining roads, yards, and parking lots so that they do not constitute a source of contamination in areas where food is exposed.
3. Adequately draining areas that may contribute to the contamination of food by seepage, foot-borne filth, or providing a breeding place for pests.
4. Operating waste treatment and disposal systems in an adequate manner so that they do not constitute a source of contamination in areas where food is exposed.

### B. BUILDING CONSTRUCTION AND DESIGN

Ice plant buildings and structures shall be suitable in size, construction, and design to facilitate maintenance and sanitary operations for food-manufacturing purposes and to prevent drip and condensation from fixtures, ducts and pipes from contaminating foods, food-contact surfaces or food containers. Sufficient space shall be provided for the placement of equipment and storage of materials as deemed necessary for the proper maintenance of sanitary operations and production of safe food. Ice plants shall meet, but not be limited to, the following:

#### 1. Required Rooms

Ice for human consumption shall be processed and packaged only in rooms used solely for those operations. Ice for human consumption shall not be processed or packaged on open platforms or on trucks or delivery vehicles, or in any manner which would permit contamination from overhead drip, condensation, dirt or other contaminants.

#### 2. Floors

(a) The floors of ice manufacturing rooms shall be constructed of concrete or equally impervious, easily cleanable material, and shall be kept clean, in good repair, and properly sloped to trapped drains to prevent pools of standing water after flushing.

(b) The floors of ice storage, packaging and accessory rooms shall be easily cleanable, and be kept clean and in good repair at all times.

### 3. Walls and Ceilings

The walls and ceilings in ice manufacturing, packaging, storage and accessory rooms shall be smooth, washable and kept clean and in good repair at all times.

### 4. Lighting

(a) Adequate lighting shall be provided in all areas of the plant. A minimum of 20 foot-candles of light should be provided in all working areas, and a minimum of 10 foot-candles in all storage areas.

(b) Adequate protection from glass breakage and falling debris shall be provided for all light bulbs and fixtures located over exposed food or unsealed packages in any step of preparation.

### 5. Ventilation

(a) Adequate ventilation or control equipment shall be provided to minimize odors, vapors and moisture from accumulating in areas where ice for human consumption is manufactured.

(b) Pressurized ventilating systems shall have a filtered air intake.

(c) Fans and other air-moving equipment shall be located and operated in a manner minimizing the potential for contaminating food and unsealed packages.

### 6. Doors and Windows

(a) All openings into ice manufacturing rooms shall be adequately protected against the entrance of dust and insects by tight-fitting, self-closing doors, closed windows, screening, air curtains, vinyl or rubber strip curtains, or by other means approved by the Department.

(b) Screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings into ice manufacturing rooms shall be tight-fitting and free of breaks. Screening materials shall not be less than sixteen mesh to the inch.

## C. WATER SUPPLY

Each ice plant shall be equipped with adequate facilities and accommodations including, but not limited to, the following:

1. The water supply shall be from a public water system approved by the Department.

2. The design, operation and maintenance of water purification systems used to further treat potable water shall be approved by the Department. They shall not be operated beyond their rated capacity and shall be maintained in a clean, sanitary condition at all times. If water is treated at the ice plant, the use of chemicals and additives shall be in accordance with regulations promulgated under the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act.

3. Potable running water at a suitable temperature, and under pressure as needed, shall be provided in all areas where required for the ice manufacturing, for the cleaning of equipment, utensils, and containers, and for employee sanitary facilities.



4. All water storage and cooling tanks shall be of noncorrosive material, properly covered, air vents properly filtered, clean, free from dust both inside and outside, and the inlet and outlet so arranged as to prevent contamination during filling and emptying.

#### D. DISPOSAL OF WASTES

1. All liquid wastes shall be disposed of by connection to a public sewer or as approved by the Department.

2. Rubbish, refuse, and garbage shall be so handled, stored and disposed of as to minimize the development of odor, prevent waste from becoming an attractant and harborage or breeding place for vermin, and prevent contamination of food, food-contact surfaces, ground surfaces and water supplies.

#### E. PLUMBING

Plumbing shall meet all applicable state and local plumbing laws, ordinances and regulations, and shall be sized, installed and maintained to:

1. Carry sufficient quantities of water to required locations throughout the ice plant.
2. Properly convey sewage and liquid disposable waste from the ice plant.
3. Not constitute a source of contamination to foods, food products or ingredients, water supplies, equipment, or utensils or create an unsanitary condition.
4. Provide adequate floor drainage in all areas where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor.
5. Prevent backflow or back-siphonage from, or cross-connection between, piping systems discharging wastewater or sewage and piping systems carrying water for ice manufacturing.
6. Non-potable water piping shall not be connected to equipment or have outlets in the brine circulation tanks.

#### F. TOILET FACILITIES

1. Toilet facilities shall be approved by the Department, shall be adequate, conveniently located, accessible to employees at all times, and shall conform to applicable building and plumbing codes.
2. Toilet room floors shall be easily cleanable. Toilet room floors should be properly sloped to trapped drains.
3. Toilet room walls and ceilings shall be of sound construction. Toilet room walls shall be smooth and washable to at least a wainscot height.
4. Toilet rooms shall not open directly into ice production or storage rooms.
5. Toilet room doors shall be self-closing.
6. Toilet rooms shall be adequately ventilated. Toilet room windows opened for ventilation shall be properly screened.

7. Toilet rooms shall be kept clean, in good repair and free of insects at all times.
8. Approved hand-washing signs shall be posted in each toilet room used by production employees.
9. Toilet tissue, soap, individual towels and trash receptacles shall be provided.

#### G. DRESSING ROOMS AND LOCKER AREAS

1. If employees routinely change clothes within the ice plant, rooms or areas shall be designated and used for that purpose and shall be kept clean and in good repair.
2. Adequate lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings and shall be kept clean. Personnel lockers shall not be located in ice manufacturing, packaging, or storage rooms.

#### H. HAND-WASHING FACILITIES

1. An adequate number of lavatories, convenient to toilet rooms and production areas, shall be provided.
2. Each lavatory shall be provided with hot and cold running water, soap and approved sanitary towels, or other approved hand-drying devices. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the hand washing facilities.

#### I. SANITARY OPERATIONS

##### 1. General Maintenance

Buildings, fixtures, and other physical facilities of the ice plant shall be kept in good repair and shall be maintained in a sanitary condition. Cleaning operations shall be conducted in such a manner as to minimize the danger of contamination of food and food-contact surfaces. Detergents, sanitizers, and other supplies employed in cleaning and sanitizing procedures shall be free of significant microbiological contamination and shall be safe and effective for their intended uses. Only such toxic materials as are required to maintain sanitary conditions, for use in laboratory testing procedures, for plant and equipment maintenance and operation, or in manufacturing or processing operations shall be used or stored in the ice plant. These materials shall be identified, used only in such manner and under conditions as will be safe for their intended uses, and stored in an approved area and manner so as to minimize the danger of contamination of food and food-contact surfaces.

##### 2. Animal and Vermin Control

No animals or birds shall be allowed in any area of the ice plant. Effective measures shall be taken to exclude pests from the processing areas and to protect against the contamination of foods in or on the premises by animals, birds, and vermin (including, but not limited to, rodents and insects). The use of insecticides or rodenticides is permitted only under such precautions and restrictions as will prevent the contamination of food or packaging materials with illegal residues. Insecticides and rodenticides shall be properly labeled and stored in an approved area and manner so as to minimize the danger of contamination of food and food-contact surfaces.

## **SECTION VI. EQUIPMENT AND UTENSILS**

A. All ice plant equipment and utensils shall be so designed and of such material and workmanship as to be adequately cleanable, and shall be properly maintained and kept clean and in good repair. The design, construction and use of equipment and utensils shall preclude the adulteration of food with lubricants, fuel, metal and glass fragments, contaminated water, or any other contaminants. Only food grade equipment lubricants shall be used and equipment lubrication shall not contaminate the ice.

B. All equipment shall be so installed and maintained to facilitate the cleaning of the equipment and all adjacent spaces.

C. All food-contact surfaces shall be corrosion-resistant when in contact with food and shall be made of nontoxic materials and designed to withstand the environment of their intended use and any corrosive action by the food, cleaning compounds and sanitizing agents. Seams on food-contact surfaces shall be smoothly bonded. Conveyor surfaces shall be of impervious material and shall protect ice from contaminants that may result from shredding, flaking, peeling, or fragmentation of the conveyor surface.

D. All equipment shall be designed to prevent food-contact surfaces from being contaminated by clothing or personal contact.

E. All equipment shall be constructed so that drip or condensation from fixtures, ducts, pipes, etc., does not contaminate food, food-contact surfaces or food-packaging materials.

F. All equipment that is in the manufacturing or food-handling areas and that does not come in contact with food shall be so constructed that it can be kept in a clean condition.

G. Approved washable covers shall be provided over exposed containers prior to filling and between filling and sealing in all areas where contamination is reasonable possible.

H. Air for water agitation shall be filtered and free of contaminants. The compressor used to supply air for water agitation shall be designed to deliver oil-free air. Air lines and core sucking (vacuum) devices shall be used as needed to produce ice free of rust or other foreign materials.

I. Ice cans shall be leak proof and the inner surfaces of such containers shall be free of corrosion. Freezing tank covers of acceptable materials shall be designed and constructed to protect ice containers from splash, drip, and other contamination. They shall be easily cleanable and kept clean and in good repair. Such covers shall be equipped with rings or similar devices when hooks are used for pulling. Can or tank covers, and the ledges or sides of the tank upon which the cover rests, shall be cleaned as often as necessary to keep them in a sanitary condition.

## **SECTION VII. PRODUCTION AND PROCESS CONTROLS**

### **A. PROCESS CONTROLS**

1. All operations in the receiving, inspecting, transporting, segregating, preparing, manufacturing, packaging and storing of food shall be conducted in accordance with adequate sanitation principles.

2. Appropriate quality control operators should be employed to ensure that food is suitable for human consumption and that food-packaging materials are safe and suitable. Overall sanitation of the ice plant shall be under the supervision of one or more competent individuals assigned responsibility for this

function. All reasonable precautions shall be taken to ensure that production procedures do not contribute contamination from any source.

3. Chemical, microbiological, or extraneous material testing procedures shall be used, where necessary, to identify sanitation failures or possible food contamination. All food that has become adulterated shall be rejected, or if permissible, treated or processed to eliminate the contamination.

4. Raw materials and other ingredients shall be inspected and segregated or otherwise handled as necessary to ascertain that they are clean and suitable for processing into ice manufacturing and shall be stored under conditions that will protect against contamination and minimize deterioration.

5. Raw materials and other ingredients shall be properly labeled and stored in containers designed and constructed so as to protect against contamination.

6. Ice products manufactured for human consumption shall not be stored, transported, processed or bagged through equipment or lines used for any non-food product.

7. Adequate provisions shall be made so that hands shall not come in direct contact with the ice at any time during manufacturing, processing, packaging, and storage.

8. Packaging shall be done with non-toxic materials and in a sanitary manner. All packaged ice products must be tightly sealed. Bags used for the packaging of ice shall be stored in a dry rodent and dust proof environment. The storage of packaging supplies shall be on pallets or raised above floor level and all partially used supplies shall be kept in closed containers. The bags shall be of sound strength and quality to prevent fracture or tearing during handling and be constructed of FDA approved materials. Bags shall be restricted for reuse, or repackaging.

9. All frozen unpackaged ice blocks intended for sale for human consumption or for the refrigeration of food products shall be washed thoroughly with potable water, packed and handled in a manner to prevent contamination. Water used for rinsing or washing shall not be reused and shall be disposed of as liquid waste. Only potable water shall be used in sprays and in the thaw tanks for the removal of ice from cans. Ice shall not come in direct contact with water in dipping wells.

## **B. CLEANING AND SANITIZING OF EQUIPMENT AND UTENSILS**

All utensils and food-contact surfaces of equipment shall be cleaned as frequently as necessary to prevent contamination of food and food products. Non food-contact surfaces of equipment used in the operation of ice plants shall be cleaned as frequently as necessary to minimize accumulation of dust, dirt, food particles and other debris. Where necessary to prevent the introduction of undesirable microbiological organisms into food products, all utensils and food-contact surfaces of equipment used in the plant shall be cleaned and sanitized prior to such use and following any interruptions during which such utensils and food-contact surfaces may have become contaminated. Where such equipment and utensils are used in a continuous production operation, the food-contact surfaces of such equipment and utensils shall be cleaned and sanitized on a predetermined schedule using adequate methods for cleaning and sanitizing. All cleaning and sanitizing agents shall be free of undesirable microorganisms, shall be safe and adequate under the conditions of use, shall have labels which properly identify the contents, and shall be properly stored. Any facility, procedure, machine, or device may be acceptable for cleaning and sanitizing equipment and utensils if it is established that such facility, procedure, machine, or device will routinely render equipment and utensils clean and provide adequate sanitizing treatment. All cleaned and sanitized equipment and utensils shall be transported and stored to assure complete drainage and stored in a manner that protects the food-contact surfaces from contamination.

## **SECTION VIII. WAREHOUSING AND DISTRIBUTION**

A. All product storage and holding areas are to be refrigerated and shall be cleaned as often as necessary to keep them free of contamination.

B. While being transported or delivered, ice shall be protected from contamination from dust, dirt, or any other sources. The ice compartment of vehicles used to transport or deliver ice shall be of cleanable construction and shall be kept clean and in good repair. The ice compartment used for transport or delivery shall be insulated or refrigerated to maintain the ice in a frozen state. Vehicles used to transport unpackaged ice shall be constructed to be fully enclosed. All interior surfaces shall be constructed of food grade quality materials and shall be thoroughly cleaned prior to each loading.

## **SECTION IX. LABELING**

All packaged ice labeling shall conform to applicable federal and state labeling laws.

## **SECTION X. EXAMINATION AND CONDEMNATION OF UNWHOLESOME OR CONTAMINATED RAW MATERIALS OR FINISHED PRODUCT**

A. Samples of ice and other substances shall be taken and examined by the Department as often as may be necessary for the detection of unwholesomeness or adulteration.

B. The Department may condemn and forbid the sale of, or cause to be removed and destroyed, any ice products which are unwholesome or adulterated.

## **SECTION XI. ICE VENDING MACHINES**

A. Owner/operators of ice vending machines within the state must file an application provided by the Department. This application shall include name and address of ice vending machine's owner/operator, location, products to be manufactured, applicant's signature and such other information deemed necessary by the Department to determine compliance with this regulation. However, no permit will be issued. This information will be held on file for the purpose of compliant investigations or product sampling for detection of unwholesomeness or adulteration, or any other circumstance which may constitute an imminent hazard to public health.

B. All ice vending machines must be properly connected to Department approved water supply and sewage disposal facilities.

## **SECTION XII. ENFORCEMENT PROCEDURES**

### **A. PERMITS**

1. It shall be unlawful for any person to manufacture wholesale ice products in South Carolina without a valid permit issued by the Department for the specific ice plant. Permits are not transferable.

2. Any person desiring to manufacture wholesale ice products in South Carolina shall make written application for a permit on the appropriate application form provided by the Department. This form shall include name and address of the ice plant's owner; the location and type of the facility; the type of products to be manufactured; the applicant's signature; and such other information deemed necessary by the Department to determine compliance with this regulation.

3. A permit is valid as long as the ice plant continues in operation under the same ownership or until the permit is revoked or suspended.

4. Any retail facility that produces and bags ice for sale to the public shall have a permit issued under Regulation 61-25, Retail Food Establishments.

## B. SUBMISSION OF PLANS

When an ice plant is constructed or extensively remodeled and when an existing structure is converted for use as an ice plant, properly prepared plans and specifications for such construction, remodeling, or conversion should be submitted to the Department for review and approval before construction, remodeling, or conversion. The plans and specifications should indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the make and model number of proposed fixed equipment and facilities. The Department shall approve the plans and specifications if they meet the requirements of this regulation. In the absence of plan approval, issuance of the ice plant permit shall be determined by compliance with all applicable requirements of this regulation.

## C. INSPECTIONS

Inspections of ice plants shall be performed as frequently as deemed necessary to insure compliance with this regulation.

## D. ACCESS

Representatives of the Department, after proper identification, shall be permitted to enter any ice plant at any reasonable time for the purpose of making inspections to determine compliance with this regulation. The representatives shall be permitted to examine the records of the establishment to ascertain information relative to the purchasing, receiving, and use of such food products or other supplies used in the manufacturing of wholesale ice products. It shall be unlawful for any representatives of the Department who, in an official capacity, obtain any information under the provisions of this regulation which is entitled to protection as a trade secret (including information as to quantity, quality, source or disposition of wholesale ice products, or results of inspections or tests thereof) to use such information to their own advantage or to reveal it to any unauthorized person.

## E. REPORT OF INSPECTIONS

When an inspection of an ice plant is conducted, a copy of the completed inspection report form shall be furnished to the permit holder, manager or other duly authorized representative.

## F. RECIPROCITY

Upon receiving from any person, entity, or any regulatory agency outside this state, a report of a possible violation of this regulation by a permit holder, the Department may conduct such inspection or investigation as it deems appropriate. Upon receiving information that wholesale ice products manufactured in the state or imported from other states and introduced into this state may have been manufactured in violation of applicable state or federal law or not in conformance with prevailing and applicable standards and good public health practices, the Department may notify appropriate regulatory authorities located outside this state and request that such authorities take appropriate action.

## G. RECALL

Each ice plant operator shall develop and maintain procedures for the notification of regulatory officials, consumer notification, and product recall, and shall implement any of these procedures as necessary with respect to any product for which the operator or the Department knows or has reason to believe circumstances exist that may adversely affect its safety for the consumer. If the Department determines, based upon representative samples, risk analysis, information provided by the ice supplier, and other information available to the Department, that the circumstances present an imminent hazard to the public health and that a form of consumer notice or product recall can effectively avoid or significantly minimize the threat to public health, the Department may order the ice supplier to initiate a level of product recall or, if appropriate, issue a form of notification to customers. The ice supplier shall be responsible for disseminating the notice in a manner designed to inform customers who may be affected by the problem.

## H. SUSPENSION OF PERMIT

1. Permits may be suspended temporarily by the Department for repeated violation of the same requirement on two consecutive inspections, for total number of violations, or for interference with the Department in the performance of its duty. Prior to permit suspension, the Department shall notify, in writing, the permit holder, manager or other duly authorized representative, of the specific reasons for which the permit is to be suspended and that the permit shall be suspended at the end of the 15 days following service of such notice. While the permit is suspended, ice operations shall immediately cease, and the permit shall remain suspended until the reasons for the suspension have been corrected.

2. The Department may, without warning or notice, suspend the permit to operate an ice plant when it is determined that the operation of the ice plant constitutes an imminent hazard to public health. Following immediate permit suspension, all ice manufacturing operations shall immediately cease. The Department shall promptly notify, in writing, the permit holder, manager or other duly authorized representative, of the specific reasons for which the permit was suspended.

## I. REVOCATION OF PERMIT

1. The permit may be revoked for failure to correct deficiencies within prescribed time limits or for repeated violations of any of the requirements of this regulation on two consecutive inspections, or for the interference with the Department in the performance of duty.

2. Prior to revocation, the Department shall notify, in writing, the permit holder, manager or other duly authorized representative, of the specific reasons for which the permit is to be revoked and that the permit shall be revoked at the end of the 15 days following service of such notice.

3. Any person whose permit is revoked shall not be eligible to apply for repermitting within one year from the date of revocation. Any person whose permit has previously been revoked and who obtains a subsequent permit and violates the provisions of this regulation, resulting in revocation of the ice plant's permit for the second time, shall not be granted another permit.

## J. SERVICE OF NOTICES

A notice provided for in this regulation is properly served when it is delivered to the permit holder, manager or other duly authorized representative, or when it is sent by registered or certified mail, return receipt requested and delivery restricted to the addressee, to the last known address of the ice plant's permit holder.

#### K. CONTESTED DECISIONS

A Department decision involving the issuance, denial, suspension, or revocation of a permit may be appealed by an affected person with standing pursuant to applicable law, including S.C. Code Title 44, Chapter 1 and Title 1, Chapter 23.

#### L. ENFORCEMENT PROVISIONS

This regulation is issued under the authority of South Carolina Code Ann. Section 44-1-140 (1976, as amended) and shall be enforced by the Department. Violation of this regulation shall be punishable in accordance with South Carolina Code Ann. Section 44-1-150 (1976, as amended).