

ENVIRONMENTAL HEALTH SERVICES – Proposed Amendments and Repeals

R.61-25, Retail Food Establishments

R.61-37, Retail Food Establishment Inspection Fees

State Register Document 4842

Summary:

The intent of R.61-25, Retail Food Establishments, is to safeguard public health and provide consumers safe, unadulterated food and food products at the retail level. This regulation governs restaurants, grocery stores, school cafeterias, and other establishments where food is prepared and served to the public. R.61-25 was last amended in 2014.

The amendments herein will enable the Department of Health and Environmental Control (“Department” or “DHEC”), through regulation, to incorporate standards of the 2017 United States Food and Drug Administration (“FDA”) Food Code. The FDA Food Code is the national standard for state, local, and tribal food protection programs. The FDA Food Code offers practical, science-based guidance that addresses the risk factors known to cause foodborne illness outbreaks in retail food establishment settings. The national Conference for Food Protection, comprised of food safety regulators, food scientists, industry representatives, and members of academia, amends the FDA Food Code every two (2) years and publishes it in full every four (4) years.

These amendments also include revisions to selected sections of R.61-25 to reflect the current business models of the food service industry based on comments and suggestions from the regulated community.

The amendments, furthermore, include combining R.61-25 with revised provisions of R.61-37, Retail Food Establishment Inspection Fees, which was last amended in 2002. Specifically, the Department revises fee schedules currently residing in R.61-37, places the fee schedules in R.61-25, and repeals R.61-37. This provides the retail food industry with one streamlined regulation, while allowing for necessary program support through an increase in inspection fees.

The amendments also include other changes as deemed necessary by the Department to improve the overall clarity, organization, and quality of the regulation. These changes include, but are not limited to, stylistic changes, updates to definitions and exemptions, corrections for clarity, readability, grammar, punctuation, references, and codification, and overall improvement of the text of the regulation.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these amendments and the repeal.

Link to Notice of Final Regulation submitted for legislative review:

<http://www.scstatehouse.gov/regs/4842.docx>

History and Status:

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August 24, 2018

Drafting comment period closed:

September 24, 2018

Board approval to publish Notice of Proposed Regulation:	October 12, 2018
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Proposed Regulation comment period closed:	November 26, 2018
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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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