



## Report to the Board of Supervisors

Prepared by the Maricopa County Environmental Services Department



Environmental Services  
Department

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### Board of Health (BOH)

**Meeting Date:** April 28, 2014

### Board of Supervisors (BOS) Hearing Date:

June 11, 2014

**Case #/Title:** ES-2013-006/Confectionary Food Establishment

**Supervisor Districts:** All Districts

**Applicant:** Maricopa County Environmental Services Department (MCESD)

**Request:** Approve the proposed revision to the Maricopa County Environmental Health Code (MCEHC) Chapter VIII to create a new permit and applicable plan review and annual permit fees of \$307.50 and \$155.00, respectively. This proposed revision will allow citizens of Maricopa County to prepare not potentially hazardous bakery and confectionary items for direct consumer sales and for wholesaling to other MCESD permitted food service establishments. The permit definition establishes these food items as an approved food source for sale by other MCESD permitted food establishments. This proposal lessens the burden of equipment/infrastructure requirements necessary to qualify for an MCESD permit for an owner that may have begun as a home business and has outgrown the home kitchen.

**Support/Opposition:** MCESD received comments from fifteen stakeholders via the EROP website: nine expressed support, four opposed and two did not state their position. The four opposing comments were received following the October 28, 2013 BOH meeting and were for home kitchen fees, which do not pertain to this proposal; the Arizona Department of Health Services (ADHS) regulates home kitchen baked and confectionary goods (A.R.S. § 36-136), not MCESD. MCESD emailed and left phone messages for the four opposing stakeholders to clarify the proposal. Following efforts to clarify the ES-2013-006 case proposal, MCESD has not received any communication from the opposing stakeholders, except for an undeliverable notification from one email address.

Initial and two follow-up stakeholder meetings were conducted on July 25, 2013, August 6, 2013, and March 18, 2014 respectively. The one stakeholder who attended the July 25, 2013 meeting supported the MCEHC proposal and the one who attended the August 6, 2013 meeting did not support or oppose the proposed revision. Six stakeholders attended the March 18,

2014 meeting and did not state their support or opposition to the proposed revision.

**MCESD**

**Recommendation:** Approve

**BOH**

**Recommendation:** Approve per MCESD recommended language.

**Executive Summary:** This submittal was initiated per conversations with the Honorable John Kavanagh, State Representative District 23, whose constituent, registered with the ADHS pursuant to A.R.S. § 36-136 (baked and confectionary goods), wants to wholesale products to other MCESD permitted establishments.

Revise MCEHC Chapter VIII to create a new permit and applicable plan review and annual permit fees of \$307.50 and \$155.00, respectively, to allow citizens of Maricopa County to prepare bakery and confectionary items for direct sale to consumers and wholesale to other permitted food service establishments within Maricopa County. The permit definition establishes these food items as an approved food source for sale by other permitted food establishments in Maricopa County.

This proposed regulatory change is following the EROP policy and workflow process. In accordance with the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens", the County Manager authorized the MCESD to proceed with this case in June 2013. The County Manager also briefed the Board of Supervisors in June 2013.

MCESD complied with all statutory and county policies, including the EROP policy. Initial and follow-up stakeholder meetings were conducted on July 25, 2013, August 6, 2013 and March 18, 2014 respectively. Then on April 28, 2014, MCESD presented a Staff Report for this case to the BOH at their public meeting during which the BOH voted to recommend the BOS adopt the proposed revision to the MCEHC.

**Presented by:** John Kolman, R.S., MBA, Director

**Attachments:** Report to BOH (April 28, 2014) – (82 Pages)



**Report to the Board of Health**  
**To Make Recommendations to the Board of Supervisors**  
Prepared by the Maricopa County Environmental Services Department



Environmental Services  
Department

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**Case #/Title:** ES-2013-006/Confectionary Food Establishment

**Meeting Date:** April 28, 2014

**Supervisor Districts:** All Districts

**Applicant:** Maricopa County Environmental Services Department  
(Department)

**Request:** Approve the proposed revision to the Maricopa County Environmental Health Code (MCEHC), which creates a new permit (and applicable plan review and permit fees) to allow a business that has expanded beyond the home kitchen and only produces not potentially hazardous baked or confectionary goods.

**Support/Opposition:** The Department received comments from fifteen stakeholders via the Enhanced Regulatory Outreach Program (EROP) website: nine expressed support, four opposed and two did not state their position. The four opposing comments were received following the October 28, 2013 BOH meeting and were for home kitchen fees, which do not pertain to this proposal. The Department emailed and left phone messages for the four opposing stakeholders to clarify the proposal. Following efforts to clarify the ES-2013-006 case proposal, the Department has not received any communication from the opposing stakeholders, except for an undeliverable notification from one email address.

An Initial and two follow-up stakeholder meetings were conducted on July 25, 2013, August 6, 2013, and March 18, 2014 respectively. Based on opposition received via the EROP website, this ES-2013-006 case proposal has been removed from the expediated process.

**Discussion:** This submittal was initiated per conversations with the Honorable John Kavanagh, State Representative District 23, whose constituent, registered with the Arizona Department of Health Services (ADHS) pursuant to A.R.S. § 36-136 (baked and confectionary goods), wants to wholesale products to other Department permitted establishments.

The revision to MCEHC Chapter VIII will create a new permit (and applicable plan review and permit fees) to allow a business that has expanded beyond the home kitchen and only produces not potentially hazardous baked or confectionary goods. Although the business is still required to comply with MCEHC operational food safety regulations, the revision will reduce the burden of equipment and infrastructure requirements to qualify for a Department permit.

This proposed regulatory change is following the EROP policy and workflow process.

In accordance with the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens", the County Manager authorized the Department to proceed with this case in June 2013. The County Manager also briefed the Board of Supervisors in June 2013.

**Presented by: John Kolman, R.S., MBA, Director**

**Attachments:**

Presentation – Stakeholder Meeting (3/18/14) – (4 pages)  
Minutes – Stakeholder Meeting (3/18/14) – (3 pages)  
Report to BOH (10/28/13) – (2 Pages)  
County Manager Case Approval (1 Page)  
Proposed MCEHC Revision Language (5 Pages)  
Presentation – Stakeholder Meeting (7/25/13) – (2 Pages)  
Minutes – Stakeholder Meeting (7/25/13) – (2 Pages)  
Presentation – Stakeholder Meeting (8/6/13) – (2 Pages)  
Minutes – Stakeholder Meeting (8/6/13) – (1 Page)  
Stakeholder Input & Department Response - (4 Pages)  
Addendum to the BOH - (54 Pages)




**Follow-up Stakeholder Meeting**  
*(Stakeholder Meeting #3 for Each Case)*

**PROPOSED CHANGES**  
to  
**Maricopa County Environmental Health Code**

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**ES-2013-006 / Confectionary Food Establishment**

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**ES-2013-009 / FDA Food Code Reference Amendment**

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**Maricopa County Environmental Services Department**  
March 18, 2014




**Maricopa County**  
**Environmental Services Department**

Working with our community  
to ensure a safe and healthy environment

**VISION STATEMENT:**  
As the recognized regional environmental leader, we will develop and foster innovative environmental health protection programs for the safety of our residents and their environment.

**MISSION STATEMENT:**  
The mission of the Environmental Services Department is to provide safe food, water, waste disposal and vector borne disease reduction controls to the people of Maricopa County so that they may enjoy living in a healthy and safe community.




Building Relationships

**MARICOPA COUNTY**  
**ENHANCED REGULATORY OUTREACH PROGRAM**



Maricopa County has five regulatory departments that seek to ensure the safety and well-being of our community. Because we understand that regulations and rulemaking decisions, discussions, and meetings can be confusing, we developed the Enhanced Regulatory Outreach Program that allows citizens to easily monitor and engage in the adoption and amendment of all regulations.

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**FOLLOW MARICOPA COUNTY'S**  
**REGULATORY ADOPTION PROCESS**  
**STEP-BY-STEP**

- Step 1 County Manager Briefed Board of Supervisors
- Step 2 Conduct Stakeholder Workshop
- Step 3 Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission
- Step 4 Public Meeting to Initiate Regulatory Change
- Step 5 Specific Departmental Processes
- Step 6 Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission
- Step 7 Public Meeting to Make Recommendation to Board of Supervisors
- Step 8 Schedule BOS Public Hearing
- Step 9 Board of Supervisor Public Hearing
- Step 10 Item Adopted




**-- BE INFORMED --**

Sign up to receive notice from the five Maricopa County regulatory departments about new proposals, information and meetings:  
<http://www.maricopa.gov/regulations/Notifications.aspx>

**-- PARTICIPATE --**

Your comments are important! Feedback for every proposed regulation is compiled and presented to every voting body to help policymakers during the decision process.

Submit your comments by visiting:  
<http://www.maricopa.gov/regulations/comments.aspx>




**Goals -- Proposed Changes**

<b>ES-2013-006</b> Confectionary Food Establishment	<b>ES-2013-009</b> FDA Food Code Reference Amendment
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- The home baked goods exemption only applies to businesses operating from a residence. This proposal provides a permit option for businesses that produce non-potentially hazardous baked or confectionary goods outside of a residence.
- Resolves a conflict between the home-baked goods exemption and the 2009 FDA Food Code. The proposal will allow products prepared under the home-baked goods exemption to be an approved food source for food establishments.

**CASE TIMELINE OVERVIEW**

<p><b>ES-2013-006</b> <b>Confectionary Food Establishment</b></p> <ul style="list-style-type: none"> <li>Initiated/Board of Supervisors briefed – June 2013</li> <li>Stakeholder meetings – July and August 2013; March 2014</li> <li>Board of Health – October 2013; approved case to expedite to Board of Supervisors’ adoption</li> <li>Based on stakeholder input, MCESD extended schedule from expedite to standard.</li> </ul> <p><b>NEXT STEP:</b> Board of Health meeting – April 2014; Staff Report requests Board of Health recommend that the Board of Supervisors adopt proposed changes</p>	<p><b>ES-2013-009</b> <b>FDA Food Code Reference Amendment</b></p> <ul style="list-style-type: none"> <li>Initiated/Board of Supervisors briefed – September 2013</li> <li>Stakeholder Meetings – July &amp; November 2013; March 2014</li> <li>Board of Health – October 2013; approved case initiation</li> <li>Board of Health – January 2014; recommended that the Board of Supervisors adopt proposed changes</li> </ul> <p><b>NEXT STEP:</b> Board of Supervisors Hearing – Tentative June 2014; Prepare Staff Report recommending adoption of proposed changes</p>
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**ES-2013-006**  
**Confectionary Food Establishment**

- Create a new permit (and applicable plan review and permit fees) to allow a business that has expanded beyond the home kitchen to produce not potentially hazardous baked or confectionary goods for either wholesaling products to other MCESD permitted establishments or for retail sale.

**ES-2013-009**  
**FDA Food Code Reference Amendment**

- Update the Maricopa County Environmental Health Code (MCEHC) FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders who prepare non-potentially hazardous baked and confectionary goods for commercial purposes in a kitchen of a private home, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department.

**PROPOSED CHANGES**  
to  
Maricopa County  
Environmental Health Code  
**Chapter VIII – Food, Food Products, Food Handling Establishments**  
**ES-2013-006**  
**Confectionary Food Establishment**

**ES-2013-006 / Confectionary Food Establishment**

Section 1 - Definition

(19) “CONFECTIONARY FOOD ESTABLISHMENT” MEANS ANY PLACE IN WHICH THE PROCESSES ARE CARRIED ON OF MIXING, COMPOUNDING, COOKING, BAKING, OR MANUFACTURING ANY NON-POTENTIALLY HAZARDOUS (NON-TIME/TEMPERATURE CONTROL FOR SAFETY) BAKERY PRODUCTS AND CONFECTIONARY ITEMS TO BE IMMEDIATELY SERVED ON THAT PREMISES, DIRECTLY TO A CONSUMER, AND/OR FOR RESALE OR REDISTRIBUTION BY A FOOD ESTABLISHMENT.

**ES-2013-006 / Confectionary Food Establishment**

Regulation 9. Confectionary Food Establishment

A. IN FACILITIES THAT DO NOT MEET §4-301.12 OF THE 2009 FDA FOOD CODE, WAREWASHING CAN BE ACCOMPLISHED USING ALTERNATIVE CLEANING AND SANITIZING PROCEDURES APPROVED BY THE DEPARTMENT. THE DEPARTMENT WILL EVALUATE THE TYPE/QUANTITY OF UTENSILS REQUIRED TO BE CLEANED, THE TYPE OF WAREWASHING EQUIPMENT AVAILABLE, AND THE CLEANING PROCEDURES DEVELOPED BY THE APPLICANT AS PART OF THE APPROVAL PROCESS.

 **ES-2013-006 / Confectionary Food Establishment** 

Regulation 9. Confectionary Food Establishment (cont.)

B. THE DEPARTMENT MAY APPROVE THE USE OF NONCOMMERCIAL FOOD SERVICE EQUIPMENT IF IT CAN BE DEMONSTRATED THE EQUIPMENT CAN BE SUFFICIENTLY CLEANED AND SANITIZED AND CAN WITHSTAND THE INTENDED USE OF THE BUSINESS.

C. EMPLOYEES MUST HAVE ACCESS TO A HANDWASHING SINK WITHIN 25 FEET OF THE FOOD PRODUCTION AREA. EMPLOYEES CANNOT USE A WAREWASHING OR FOOD PREPARATION SINK FOR HANDWASHING.

 **ES-2013-006 / Confectionary Food Establishment** 

Regulation 9. Confectionary Food Establishment (cont.)

D. FOOD PRODUCTION, FOOD STORAGE, AND EQUIPMENT STORAGE AREAS MUST CONTAIN CLEANABLE FINISHES AND BE IN GOOD REPAIR.

E. EMPLOYEES MUST HAVE ACCESS TO A RESTROOM SUPPLIED WITH A WATER CLOSET, LAVATORY WITH HOT AND COLD WATER, AND SOAP AND PAPER TOWELS.

 **ES-2013-006 / Confectionary Food Establishment** 

Regulation 9. Confectionary Food Establishment (cont.)

F. THE CONFECTIONARY FOOD ESTABLISHMENT PLAN REVIEW FEE IS HALF THE PLAN REVIEW FEE FOR THE "ALL OTHER FOOD ESTABLISHMENTS" CATEGORY, AND THE ANNUAL PERMIT FEE IS HALF THE "BAKERY" PERMIT FEE, BOTH OF WHICH ARE LISTED IN THE CHAPTER I FEE SCHEDULE OF THIS CODE.

WHEN THE DEPARTMENT HAS PREVIOUSLY PERMITTED THE LOCATION, HALF THE NEW PERMIT APPLICATION INSPECTION FEE LISTED IN THE CHAPTER I FEE SCHEDULE OF THIS CODE MAY APPLY IN LIEU OF HALF THE PLAN REVIEW FEE.

 **PROPOSED CHANGES** 

to  
Maricopa County  
Environmental Health Code  
**Chapter VIII – Food, Food Products, Food Handling Establishments**  
**Section 2 – Food Establishments**  
**ES-2013-009**  
**FDA Food Code Reference Amendment**

 **ES-2013-009 / FDA Food Code Reference Amendment** 

**Regulation 1. Food Establishments**

a. ~~As of~~**EFFECTIVE** March 31, 2010, the following provisions of the U.S. Food and Drug Administration 2009 Food Code, **AND NO FUTURE EDITIONS OR AMENDMENTS**, ~~except for Section 3-304.15,15~~ **ADOPTED AND** are incorporated by reference, **EXCEPT AS FOLLOWS:**

1. **SECTION 3-304.15 IS OMITTED;**
2. **SECTION 3-201.11(B) IS AMENDED TO READ: FOOD PREPARED IN A PRIVATE HOME MAY NOT BE USED OR OFFERED FOR HUMAN CONSUMPTION IN A FOOD ESTABLISHMENT UNLESS THE FOOD IS PREPARED IN COMPLIANCE WITH A.R.S. § 36-136(H)(4)(G).**

 **ES-2013-009 / FDA Food Code Reference Amendment** 

**Regulation 1. Food Establishments (cont.)**

b. ~~No future editions or amendments made to the U.S. Food and Drug Administration 2009 Food Code are incorporated by reference in Subsection e.~~ **A FOOD ESTABLISHMENT THAT SERVES OR VENDS FOOD DIRECTLY TO THE CONSUMER THAT HAS BEEN PREPARED IN A PRIVATE HOME IN COMPLIANCE WITH A.R.S. § 36-136(H)(4)(G) SHALL ENSURE THAT THE FINAL CONSUMER OF THE PRODUCT SERVED OR VENDED RECEIVES A COPY OF THE REQUIRED PACKAGE LABEL IN ACCORDANCE WITH A.R.S. § 36-136(H)(4)(G). THIS INCLUDES FOOD PREPARED BY THE FOOD ESTABLISHMENT THAT INCORPORATES PRODUCTS PREPARED IN COMPLIANCE WITH A.R.S. § 36-136(H)(4)(G).**



**Thank you for your participation.  
We welcome your questions  
and comments.**

**<http://www.maricopa.gov/regulations/>**

Hether Krause, CPM, R.S.  
Andrew Linton, CPM, R.S.  
Maricopa County Environmental Services Department  
1001 N. Central Ave.  
Phoenix, AZ 85004



## Environmental Services Department



### Stakeholder Meeting

**ES-2013-006 Confectionary Food Establishment & ES-2013-009 FDA Food Code Reference Amendment.**

**Date: Tuesday March 18, 2014**

**Stakeholders Present:** Peggy Dudinyak – Edible Art Works, Jack & Pat Ripley – Crepes + More, Laura Levine – Because Baked Goods, Susan Tong – Sweet Susan’s LLC, Blanca Caballero – ADHS, Sue Berliner – b Naked.

**Staff Present:** Andy Linton – Division Manager, Hether Krause – Environmental Operations Supervisor, Joan Minichiello – Management Analyst, Lene Pope – Development Services Technician.

**Presenter(s):** Hether Krause and Andy Linton.

**Minutes\*:** Hether Krause started the presentation by covering the EROP process and all the steps involved, and how stakeholders can stay informed of any upcoming items. It was requested from attending stakeholders that the link to the Code Mockup for the two cases will be emailed directly to them.

Andy Linton preceded the presentation with explaining the differences between case ES-2013-006 and ES-2013-009 (please see presentation for specifics). The next step for case ES-2013-006 will be in April; Board of Health (BOH) meeting to make recommendation to the Board of Supervisors (BOS). Case ES-2013-009 will be going for approval in June at the BOS formal hearing.

- Several stakeholders thought the cases were to be approved in April. Why does it seem like the dates keeps getting pushed back?
  - Through the EROP process there is a mechanism where we can expedite cases, and case ES-2013-006 was originally expedited and due to be approved sooner than June. Due to stakeholder opposition received in January case ES-2013-006 is now on the regular path. The next step for this case is the second BOH meeting (which only occur 4 times a year), and the next meeting is on April 28<sup>th</sup>. After the BOH makes their recommendation, it will proceed to the BOS formal hearing on June 11<sup>th</sup>.
- Can anyone attend either the BOH or the BOS meetings to voice their support?
  - Yes; these meetings are open to the public for anyone to speak either against or for a case. The BOH have their meetings once every quarter on Mondays at 3pm, and the BOS generally have their formal hearings on the first and third Wednesday of every month at 9am.
- Is there a chance that this will be pushed back any further due to possible more opposition?
  - To our knowledge, the case(s) will not be pushed back any further. More opposition will not delay the case(s) any further. We do encourage stakeholders to attend those meetings where they can voice their opinions.

- If everything gets approved at these meetings, when will the cases go into effect?
  - If the BOS approves the case(s), the changes will take effect immediately. As far as a timeline for issuing the confectionary food permit, they could be issued as soon as the case is approved; however, we would like to receive stakeholder input to further define equipment requirements. Nevertheless, we could receive and assess applications immediately and on an individual basis until the specific equipment requirements are further defined through this stakeholder process. We encourage our stakeholders to meet with our plan review staff to discuss requirements in the context of their business plan. This process helps ensure questions/concerns are addressed prior to issuing a permit.
- For case ES-2013-006; is it true that you can have a separate kitchen in your house, as long as it would not be accessible to the rest of the house?
  - Yes, in theory it would be possible to obtain a permit to operate at a residence, as long as the facilities are separate and our requirements are met. In this scenario, we always encourage applicants to check with other agencies regarding their requirements (i.e. city zoning)
- ES-2013-006; Would it be possible to use the kitchen facilities of an already permitted establishment? If for example the kitchen is normally only used during the morning hours, and then we could use it in the afternoon or evening. Would it be the confectionary food establishment permit I could get?
  - Yes, this is possible. You may be able to qualify for a permit to operate out of someone else's permitted facility. A confectionary food permit could be issued in this scenario.
- ES-2013-006; If you are using some else's facility to bake goods for that same facility, do you still need a permit?
  - A facility that has a permit to operate has already met the minimum permitting requirements for that operation. If there was an agreement, for example, with the facility owner for you to be his/her "baker" (or employee), an additional permit may not be required. In this scenario, the permit holder would be taking responsibility for the baking operation under his/her permit.
- ES-2013-006; What is the cost going to be?
  - There are two scenarios for qualifying for the permit: 1) if you plan on using a facility that already has a permit from us, you would pay half of new business application fee. 2) if you are going into a space that has never been permitted by us, then you would pay half the plan review fee. Upon qualifying for the permit, you would then pay for the permit to operate, which is half of the current bakery permit fee.
- Can you currently sell your bakery items at a farmers market or would you now need a permit for that?
  - No, you do not need a permit for that. As long as it is prepared under the state's home baked confectionary food statute, then you are allowed to sell directly to the end consumer.
- ES-2013-009; There seems to be a little bit of conflict between the temporary food permits and this, as far as storing items. Under the temporary food permit, you cannot store items such as flour in your own home, but under case ES-2013-009 you would be allowed to.
  - If you were just planning on selling your home baked confectionary items at a special event, then you wouldn't need a permit from us. A permit would only be required if the temporary food operation was going beyond the limits of the home baked and confectionary food exemption. Regarding home storage of ingredients used for products (i.e. crepes) prepared at the special event, the Department can evaluate this if the case(s) are approved.

- ES-2013-006; If you put a commercial kitchen next to my house, that would be a city code issue.
  - You would need to check with the city regarding their requirements.
- ES-2013-006; If I'm going into a commercial space with my business, what are the labeling requirements going to be?
  - The labeling requirements in the 2009 FDA Food Code. We will email you a link to the FDA's guidance document on labeling.
- ES-2013-009; Have there been any more discussions on the labeling requirements since the last stakeholder meeting?
  - The labeling requirement for home baked and confectionary foods are outlined in statute. Changes to statute are outside the purview of the EROP. These changes generally occur through the legislative process.
- ES-2013-009; If you were to sell your home baked goods to a restaurant, would it be the home baker's job to educate the restaurant about the labeling requirements?
  - From our standpoint, we would hold the restaurant accountable for meeting the labeling requirements.
- If these cases are approved, will the different cities have any control over what items will be allowed?
  - For anything related to the health code, Maricopa County has jurisdiction.

We would welcome any other comments through our EROP website.

**Meeting adjourned.**

\*In order for the minutes to be relevant; only those questions and comments that were applicable to the topic presented were recorded. All other questions and comments not relevant to the topic were addressed either at the time of the meeting or shortly thereafter.



# Report to the Board of Health To Approve For Expedited Process

Prepared by the Maricopa County Environmental Services Department



Environmental Services  
Department

**Case #/Title:** ES-2013-006/Confectionary Food Establishment

**Meeting Date:** October 28, 2013

**Supervisor Districts:** All Districts

**Applicant:** Department

**Request:** Approve the proposed revision to the Maricopa County Environmental Health Code (MCEHC), which creates a new permit (and applicable plan review and permit fees) to allow citizens of Maricopa County to prepare bakery and confectionary items for direct sale to consumers and wholesale to other permitted food service establishments within Maricopa County. The permit definition establishes these food items as an approved food source for sale by other permitted food establishments in Maricopa County.

**Support/Opposition:** No comments in opposition have been received to date. Stakeholder meetings were conducted on July 25, 2013 and August 6, 2013. The one stakeholder who attended the July 25, 2013 meeting supported the MCEHC proposal and the one who attended the August 6, 2013 meeting did not support or oppose the revision. Also, one email expressing support was received via the Enhanced Regulatory Outreach Program (EROP) website.

**Department Recommendation:** Approve the request to process Case ES-2013-006 through the Expedited Program.

Per the Enhanced Regulatory Outreach Program Policy, Section IV(E), the Expedited Process may only be used if the following criteria have been met:

1. The proposed amendment has been subject to at least one Stakeholder Workshop (posted on the County's website at least two weeks in advance) and one Citizens' Board or Commission meeting;
2. A draft of the regulatory change was available on the EROP website at least two weeks prior to the Citizens' Board or Commission meeting and was forwarded to the Board/Commission at least one week in advance of their review meeting;
3. No comments of opposition to the amendment have been received from the public;

4. The Citizens' Board or Commission reviewing the amendment recommends approval.

ES-2013-006/Confectionary Food Establishment has met the criteria for the Expedited Process:

1. Two Stakeholder Workshops (July 25, 2013 and August 6, 2013) were held and announcements for both were posted on the County's website at least two weeks in advance;
2. A draft of the regulatory change was available on the EROP website at least two weeks prior to the Board of Health (BOH) meeting;
3. No comments of opposition to the MCEHC revision proposal have been received from the public;
4. The Department is requesting the BOH approve the Expedited Process.

**Discussion:**

This submittal was initiated per conversations with the Honorable John Kavanagh, State Representative District 23, whose constituent, registered with the Arizona Department of Health Services (ADHS) pursuant to A.R.S. § 36-136 (baked and confectionary goods), wants to wholesale products to other Department permitted establishments.

Revise MCEHC Chapter VIII to create a new permit (and applicable plan review and permit fees) to allow citizens of Maricopa County to prepare bakery and confectionary items for direct sale to consumers and wholesale to other permitted food service establishments within Maricopa County. The permit definition establishes these food items as an approved food source for sale by other permitted food establishments in Maricopa County.

This proposed regulatory change is following the EROP policy and workflow process.

In accordance with the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens", the County Manager authorized the Department to proceed with this case in June 2013. The County Manager also briefed the Board of Supervisors in June 2013.

**Presented by: John Kolman, R.S., MBA, Director**

**Attachments:**

County Manager Case Approval (1 Page)  
Proposed MCEHC Revision Language (5 Pages)  
Presentation – Stakeholder Meeting (7/25/13) – (2 Pages)  
Minutes – Stakeholder Meeting (7/25/13) – (2 Pages)  
Presentation – Stakeholder Meeting (8/6/13) – (2 Pages)  
Minutes – Stakeholder Meeting (8/6/13) – (1 Page)  
Other Stakeholder Input & Department Response (copies of written/electronic ) (4 Pages)



**Maricopa County**  
Environmental Services Department

John Kolman R.S., MBA  
Director  
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TDD 602.372-0622

Date: June 17, 2013

To: Tom Manos

Via: Joy Rich, AICP, Deputy County Manager

From: John Kolman, R.S., MBA, Director

Re: County Manager Approval – Proposed Changes to the Maricopa County Environmental Health Code (MCEHC)

In accordance with the newly passed Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens," the Environmental Services Department (Department) is seeking your approval to initiate changes to the MCEHC via the Enhanced Regulatory Outreach Process (EROP).

The requested changes to the MCEHC qualify for County Manager Approval under the moratorium, as these changes are necessary to provide adequate service to our customers. We would refer to this new EROP case as ES-2013-006/Confectionary Food Establishment.

These requested changes to MCEHC Chapter VIII would create a new permit (and applicable plan review and permit fees) to allow citizens of Maricopa County to prepare bakery and confectionary items for direct sale to consumers and wholesale to other permitted food service establishments within Maricopa County. The permit definition would establish these food items as an approved food source for sale by other permitted food establishments in Maricopa County.

These revisions were initiated per conversations with the Honorable John Kavanagh, State Representative District 23, whose constituent, registered with the Arizona Department of Health Services (ADHS) pursuant to A.R.S. § 36-136 (baked and confectionary goods), wants to wholesale products to other businesses.

It is staff's opinion that this code revision and fee change are "necessary to provide adequate, timely, or required service." We are requesting your approval to move these proposed code revisions forward in accordance with the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens."

Approved by Tom Manos, County Manager

**MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE**

**CHAPTER VIII**

**FOOD, FOOD PRODUCTS,  
FOOD HANDLING ESTABLISHMENTS**

**SECTION 1**

**GENERAL PROVISIONS**

**REGULATION 1. Definitions**

(1) to (18) No Change

**(19) “CONFECTIONARY FOOD ESTABLISHMENT” MEANS ANY PLACE IN WHICH THE PROCESSES ARE CARRIED ON OF MIXING, COMPOUNDING, COOKING, BAKING, OR MANUFACTURING ANY NON-POTENTIALLY HAZARDOUS (NON-TIME/TEMPERATURE CONTROL FOR SAFETY) BAKERY PRODUCTS AND CONFECTIONARY ITEMS TO BE IMMEDIATELY SERVED ON THAT PREMISES, DIRECTLY TO A CONSUMER, AND/OR FOR RESALE OR REDISTRIBUTION BY A FOOD ESTABLISHMENT.**

- | ~~(19)~~ (20) No Change
- | ~~(20)~~ (21) No Change
- | ~~(21)~~ (22) No Change
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<del>(73)</del> <u>(74)</u>	No Change

**REGULATION 2. to REGULATION 11.** No Change

**MARICOPA COUNTY HEALTH CODE**

**CHAPTER VIII**

**FOOD, FOOD PRODUCTS,  
FOOD HANDLING ESTABLISHMENTS**

**SECTION 6**

**FOOD RELATED FACILITIES**

In addition to complying with the regulations in Section 1 and 2 of this Chapter, beverage plants, damaged and salvaged food establishments, bakeries, ice manufacturing plants, refrigerated warehouses and food catering establishments shall comply with the following regulations.

**REGULATION 1. to REGULATION 8 No Change**

**REGULATION 9. CONFECTIONARY FOOD ESTABLISHMENT**

- A. IN FACILITIES THAT DO NOT MEET §4-301.12 OF THE 2009 FDA FOOD CODE, WAREWASHING CAN BE ACCOMPLISHED USING ALTERNATIVE CLEANING AND SANITIZING PROCEDURES APPROVED BY THE DEPARTMENT. THE DEPARTMENT WILL EVALUATE THE TYPE/QUANTITY OF UTENSILS REQUIRED TO BE CLEANED, THE TYPE OF WAREWASHING EQUIPMENT AVAILABLE, AND THE CLEANING PROCEDURES DEVELOPED BY THE APPLICANT AS PART OF THE APPROVAL PROCESS.**
- B. THE DEPARTMENT MAY APPROVE THE USE OF NONCOMMERCIAL FOOD SERVICE EQUIPMENT IF IT CAN BE DEMONSTRATED THE EQUIPMENT CAN BE SUFFICIENTLY CLEANED AND SANITIZED AND CAN WITHSTAND THE INTENDED USE OF THE BUSINESS.**
- C. EMPLOYEES MUST HAVE ACCESS TO A HANDWASHING SINK WITHIN 25 FEET OF THE FOOD PRODUCTION AREA. EMPLOYEES CANNOT USE A WAREWASHING OR FOOD PREPARATION SINK FOR HAND WASHING.**
- D. FOOD PRODUCTION, FOOD STORAGE, AND EQUIPMENT STORAGE AREAS MUST CONTAIN CLEANABLE FINISHES AND BE IN GOOD REPAIR.**

E. EMPLOYEES MUST HAVE ACCESS TO A RESTROOM SUPPLIED WITH A WATER CLOSET, LAVATORY WITH HOT AND COLD WATER, AND SOAP AND PAPER TOWELS.

F. THE CONFECTIONARY FOOD ESTABLISHMENT PLAN REVIEW FEE IS HALF THE PLAN REVIEW FEE FOR THE "ALL OTHER FOOD ESTABLISHMENTS" CATEGORY, AND THE ANNUAL PERMIT FEE IS HALF THE "BAKERY" PERMIT FEE, BOTH OF WHICH ARE LISTED IN THE CHAPTER I FEE SCHEDULE OF THIS CODE.

WHEN THE DEPARTMENT HAS PREVIOUSLY PERMITTED THE LOCATION, HALF THE NEW PERMIT APPLICATION INSPECTION FEE LISTED IN THE CHAPTER I FEE SCHEDULE OF THIS CODE MAY APPLY IN LIEU OF HALF THE PLAN REVIEW FEE




**Initial Stakeholder Meeting**

**Proposed Revisions**  
**Maricopa County Environmental Health Code**

**ES-2013-006**  
**Confectionary Food Establishment**

Maricopa County Environmental Services Department  
 July 25, 2013




**Maricopa County**  
**Environmental Services Department**

Working with our community  
 to ensure a safe and healthy environment

**VISION STATEMENT:**  
 As the recognized regional environmental leader, we will develop and foster innovative environmental health protection programs for the safety of our residents and their environment.

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 The mission of the Environmental Services Department is to provide safe food, water, waste disposal and vector borne disease reduction controls to the people of Maricopa County so that they may enjoy living in a healthy and safe community.




**MARICOPA COUNTY**  
**ENHANCED REGULATORY OUTREACH PROGRAM**

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<http://www.maricopa.gov/regulations/>





**FOLLOW MARICOPA COUNTY'S**  
**REGULATORY ADOPTION PROCESS**  
**STEP-BY-STEP**

- Step 1: County Manager Briefed Board of Supervisors
- Step 2: Conduct Stakeholder Workshop
- Step 3: Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission
- Step 4: Public Meeting to Initiate Regulatory Change
- Step 5: Scope: Departmental Processes
- Step 6: Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission
- Step 7: Public Meeting to Make Recommendation to Board of Supervisors
- Step 8: Schedule BO'S Public Hearing
- Step 9: Board of Supervisor Public Hearing
- Step 10: Item Adopted




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Your comments are important! Feedback for every proposed regulation is compiled and presented to every voting body to help policymakers during the decision process.

Submit your comments by visiting:

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**Chapter 8, Section 1 - Definition**

**REGULATION 1. Definitions**  
 (1) to (18) No Change

**(19) "CONFECTIONARY FOOD ESTABLISHMENT" MEANS ANY PLACE IN WHICH THE PROCESSES ARE CARRIED ON OF MIXING, COMPOUNDING, COOKING, BAKING, OR MANUFACTURING ANY NON-POTENTIALLY HAZARDOUS (NON-TIME/TEMPERATURE CONTROL FOR SAFETY) BAKERY PRODUCTS AND CONFECTIONARY ITEMS TO BE IMMEDIATELY SERVED ON THAT PREMISES, DIRECTLY TO A CONSUMER, AND/OR FOR RESALE OR REDISTRIBUTION BY A FOOD ESTABLISHMENT.**

 **Chapter 8, Section 6, Regulation 9** 

**REGULATION 9. CONFECTIONARY FOOD ESTABLISHMENT**

**A. IN FACILITIES THAT DO NOT CONTAIN A 3 COMPARTMENT SINK, WAREWASHING CAN BE ACCOMPLISHED USING ALTERNATIVE CLEANING AND SANITIZING PROCEDURES APPROVED BY THE DEPARTMENT. THE DEPARTMENT WILL EVALUATE THE TYPE/QUANTITY OF UTENSILS REQUIRED TO BE CLEANED, THE TYPE OF WAREWASHING EQUIPMENT AVAILABLE, AND THE CLEANING PROCEDURES DEVELOPED BY THE APPLICANT AS PART OF THE APPROVAL PROCESS.**

 **Chapter 8, Section 6, Regulation 9** 

**REGULATION 9. CONFECTIONARY FOOD ESTABLISHMENT**

**B. THE DEPARTMENT MAY APPROVE THE USE OF NONCOMMERCIAL FOOD SERVICE EQUIPMENT IF IT CAN BE DEMONSTRATED THE EQUIPMENT CAN BE SUFFICIENTLY CLEANED AND SANITIZED AND CAN WITHSTAND THE INTENDED USE OF THE BUSINESS.**

**C. EMPLOYEES MUST HAVE ACCESS TO A HANDWASHING SINK WITHIN 25 FEET OF THE FOOD PRODUCTION AREA. EMPLOYEES CANNOT USE A WAREWASHING OR FOOD PREPARATION SINK FOR HAND WASHING.**

 **Chapter 8, Section 6, Regulation 9** 

**REGULATION 9. CONFECTIONARY FOOD ESTABLISHMENT**

**D. FOOD PRODUCTION, FOOD STORAGE, AND EQUIPMENT STORAGE AREAS MUST CONTAIN CLEANABLE FINISHES AND BE IN GOOD REPAIR.**

**E. EMPLOYEES MUST HAVE ACCESS TO A RESTROOM SUPPLIED WITH A WATER CLOSET, LAVATORY WITH HOT AND COLD WATER, AND SOAP AND PAPER TOWELS.**

**F. THE CONFECTIONARY FOOD ESTABLISHMENT PLAN REVIEW FEE IS HALF THE PLAN REVIEW FEE FOR THE "ALL OTHER FOOD ESTABLISHMENTS" CATEGORY, AND THE ANNUAL PERMIT FEE IS HALF THE "BAKERY" PERMIT FEE, BOTH OF WHICH ARE LISTED IN THE CHAPTER 1 FEE SCHEDULE OF THIS CODE.**

 **Thank you for your participation.** 

**We welcome your questions and comments.**

**<http://www.maricopa.gov/regulations/>**

**Carolee Oppleman, Sr.S.P.H., R.S.  
Robert Stratsman, M.S., R.S., CPAT  
Maricopa County Environmental Services Department  
1001 N. Central Ave.  
Phoenix, AZ 85004**



## Environmental Services Department



### Stakeholder Meeting ES-2013-006 Confectionary Food Establishment Thursday July 25, 2013

**Stakeholders Present:** Sam Webb – Iss’s Magic Mixes

**Staff Present:** Robert Stratman – Environmental Health Operations Supervisor, Caroline Oppleman – Quality & Compliance Management Analyst, Ken Conklin – Quality & Compliance Division Manager, Andrew Linton – Environmental Health Division Manager, Bryan Hare – Environmental Health Operations Supervisor, Amanda Griffin – Environmental Health Supervisor, Lene Pope – Quality & Compliance Development Service Technician.

**Presenter(s):** Caroline Oppleman, Robert Stratman.

#### **Minutes\*:**

The stakeholder present was not familiar with the Enhanced Regulatory Outreach Process (EROP), so Ms. Oppleman explained the step by step process and encouraged the stakeholder to sign up to receive further notices.

Mr. Stratman gave a little background information on the state law regarding home baked goods and how this proposal is not to interfere with state program, but it would add another opportunity. This new permit would allow; non-potentially hazardous food (non-PHF) items prepared in a permitted facility to be sold to a Maricopa County permitted facility for the purpose of being re-sold. This permit is very similar to the “bakery permit” that we currently have. The major difference is that this new permit specifically says that it is non-PHF food items. This aligns with how the states program is written. A normal bakery permit has 2 inspections per year; we are proposing that this new permit only has 1 inspection per year, so naturally we are anticipating that the permit fee will be half of the bakery permit fee. The plan review fee would be \$307.50 for a one-time cost and the annual fee would be \$150. When applications are submitted each will be evaluated individually as each case is different.

- Where do you issue these permits to?
  - The primary thought would still be that this would be issued outside the home, like a church kitchen or a club house for example. We would look at all locations that would be “secure” to a food service area. A place that wouldn’t be considered would be an apartment club house/common kitchen area. Such a place is not considered “secure”, since everybody has access to it. But if there is a separate room that could be controlled during hours of operation, we could look into that. A residence would have to have a separate space to make the food for resale. We wouldn’t allow cooking in the same space where family meals are prepared.
- It appears that several of the small business operations are gearing up for this. This law has helped provide a great opportunity for a lot of people, and has the potential of growing fast.
  - That’s what we are hoping that this new permit will add another opportunity for people to grow even more.

- The Stakeholder thinks that this will be a good thing, and hopefully this type of permit will make it easier for some people. Some vendors need to have more oversight and be inspected, there are a lot of vendors operating under the state law that would benefit from being regulated.
  - This new permit is just another option for people, it will not be required if you are just selling directly to consumer, only if you will be selling to an establishment that is permitted by Maricopa County. By obtaining a permit from us, your status would be “approved source”, and you could sell your product to any permitted facility. You wouldn’t need the permit if you just wanted to sell your product in a non-food establishment.
- Would the labeling requirements change with this new permit?
  - Yes, that is correct. You would now be considered an approved source.
- We are thinking of renting the kitchen of a banquet hall where the kitchen has not been used and it is sealed off from the rest of the hall. Would that be allowed, and would you pay the plan review fee for that?
  - If that facility has ever had a permit from Maricopa County and has gone through plan review, then you wouldn’t have to pay the plan review fee. It would most likely be something like a new owner fee then, around \$157.50. If the space never had a permit, then it would be the plan review fee.
- Besides the fees, what is the difference between this type of permit and a regular baking permit?
  - The main difference is that with this new type of permit you would only be licensed to sell non-PHF foods, whereas a regular baking permit allows you to sell perishable foods like cream puffs and cheese cakes etc.
- It seems that this type of permit would be enhancing the state program.
  - That’s what we are hoping.
- Suggestion on perhaps establishing some sort of volunteer board of advisory. There are a lot of smart people out at the farmers markets etc. that could provide help to others. Maybe ask the people on the ground how this new regulation will affect them and what they think about it, then any concerns would be put to rest right up front.
  - We do have a second stakeholder meeting scheduled for August 6<sup>th</sup>, so if the word could be spread about this, that would be very helpful. We want to get as many people to the meetings as possible, that way we could move forward more quickly with the process, but we need to establish whether there is any opposition or support for this, which could then change the speed of which it moves through the process.

Ms. Oppeleman stated that currently we have two different paths that this case can take; we can go the expedited way if all we receive is support and the case would be reviewed by the Board of Health in October and possibly be adopted by the Board of Supervisors in January. If at some point in this process we receive opposition to this case it could slow down the process, and nothing would occur until later next year.

The stakeholder present believes that there would be a lot of support for this new permit.

### **Meeting adjourned.**

\*In order for the minutes to be relevant; only those questions and comments that were applicable to the topic presented were recorded. All other questions and comments not relevant to the topic were addressed either at the time of the meeting or shortly thereafter.




**Follow-up Stakeholder Meeting**

Proposed Revisions  
**Maricopa County Environmental Health Code**

**ES-2013-006**  
**Confectionary Food Establishment**

Maricopa County Environmental Services Department  
 August 6, 2013




**Maricopa County**  
**Environmental Services Department**

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**STEP-BY-STEP**

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- Step 3 Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission
- Step 4 Public Meeting to Initiate Regulatory Change
- Step 5 Specific Departmental Processes
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- Step 10 Item Adopted




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WHEN THE DEPARTMENT HAS PREVIOUSLY PERMITTED THE LOCATION, HALF THE NEW PERMIT APPLICATION INSPECTION FEE LISTED IN THE CHAPTER I FEE SCHEDULE OF THIS CODE MAY APPLY IN LIEU OF HALF THE PLAN REVIEW FEE.

 **Thank you for your participation.**  
**We welcome your questions and comments.**  
<http://www.maricopa.gov/regulations/>

Juan Minichiello, R.S.  
 Robert Stratman, M.S., R.S., CPM  
 Maricopa County Environmental Services Department  
 1001 N. Central Ave.  
 Phoenix, AZ 85004



## Environmental Services Department



### Follow-up Stakeholder Meeting ES-2013-006 Confectionary Food Establishment Tuesday August 6, 2013

**Stakeholders Present:** Norm Barnett – Frys Food

**Staff Present:** Steven Goode – Deputy Director, Robert Stratman – Environmental Health Operation Supervisor, Caroline Oppleman – Environmental Health Management Analyst, Andrew Linton – Environmental Health Division Manager, Bryan Hare – Environmental Health Operation Supervisor, Joan Minichiello – Quality & Compliance Management Analyst, Lene Pope – Quality & Compliance Development Service Technician.

**Presenter(s):** Joan Minichiello, Robert Stratman.

#### **Minutes\*:**

The stakeholder present was familiar with the Enhanced Regulatory Outreach Process (EROP), and he also has a general knowledge of the state law regarding home baked goods.

Mr. Stratman explained briefly how this permit will run adjacently to the state program and is not intended to interfere with it, but rather offer another opportunity for vendors to sell their goods to a permitted establishment. By offering this type of permit, the vendor then becomes an approved source.

- So the confectionary food establishment can be the manufacture processor not the retailer?
  - That is correct. They will not be able to use their own kitchen; it has to be kept separate from their family kitchen, but could be in their home. The ideal solution would be a commercial space where the baker has simply outgrown their home kitchen and would like to expand.

The fee for this is being defined in the code as half of the bakery permit fee. They will be considered a class 1 and have 1 inspection per year.

- The stakeholder offered support for this new permit, but do not foresee anyone approaching his company about selling items. But this certainly opens up a new avenue and we could potentially accept items like this in the future.
  - This is meant to be a stepping stone and open up some more doors for people.
- Is this meeting in the beginning face of the process?
  - Yes, it still needs to get approved by the Board of Health and the Board of Supervisors before being adopted.
- The stakeholder has no other input or opposition, he just wanted to find out about the details of the permit and how it could impact his business. He supports this case moving forward.

#### **Meeting adjourned.**

\*In order for the minutes to be relevant; only those questions and comments that were applicable to the topic presented were recorded. All other questions and comments not relevant to the topic were addressed either at the time of the meeting or shortly thereafter.

**From:** [judy kubinski](#)  
**To:** [EROP Stakeholders](#)  
**Subject:** RE: Response/ES-2013-006/Confectionary Food Establishment  
**Date:** Tuesday, July 16, 2013 3:31:48 PM  
**Attachments:** [image001.png](#)

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thank you for such a quick reply. i understand a bit better. of course the food handling rules should not be altered. i'll continue to watch and if i get confused again, i'll ask.

Life's Short, eat chocolate!

judy kubinski  
Goodies Galore  
[azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com)

Life's short.....eat CHOCOLATE!!!

---

From: participate@mail.maricopa.gov  
To: azchocolatelady@gmail.com  
CC: SuzanneGray@mail.maricopa.gov  
Date: Tue, 16 Jul 2013 14:29:18 -0700  
Subject: Response/ES-2013-006/Confectionary Food Establishment

Dear Ms. Kubinski,

Thank you for expressing your support for this case. The scope of this case is to offer a permitting option for businesses registered under the Home Baked Goods and Confectionary program. This new permitting option will identify food products manufactured in these kitchens as an approved source when sold in other permitted businesses within Maricopa County.

Proposed regulations will lessen the burden of equipment/infrastructural requirements when qualifying for a permit. However, all other operational food safety regulations found in the Maricopa County Environmental Health Code still will apply.

Once again, we appreciate your support of this case and our Department's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

We welcome further input at our ES-2013-006/Confectionary Food Establishment Stakeholder Meetings:

Thursday, July 25, 2013 at 10:00 am ([initial](#))  
Tuesday, August 6, 2013 at 2:00 pm ([follow-up](#))  
Maricopa County Environmental Services Department

1001 N. Central Avenue, 5<sup>th</sup> Floor Conference Room – Classroom  
Phoenix, AZ 85004

as well as via the Enhanced Regulatory Outreach Program website.

Regards,

**Permitting Services**

Maricopa County Environmental Services Department

[esd.maricopa.gov](http://esd.maricopa.gov) | [maricopa.gov/regulations/es](http://maricopa.gov/regulations/es)



Working with our community  
to ensure a safe and healthy environment



Environmental Services  
Department

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**From:** Suzanne Gray - PLANDEVX  
**Sent:** Tuesday, July 16, 2013 11:55 AM  
**To:** Caroline Oppleman - ENVX  
**Subject:** FW: Regulatory Outreach

Below is a comment submitted via the EROP site.

**From:** [azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com) [<mailto:azchocolatelady@gmail.com>]  
**Sent:** Tuesday, July 16, 2013 11:39 AM  
**To:** Regulatory  
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: judy kubinski  
Organization: registered with the arizona dept of health services in the home baked and confectionary goods preparer  
City: fountain hills  
Zip: 85268  
Phone Number: 480-837-1162  
Phone Type: home  
Email: [azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com)

Does citizen want to be contacted: yes

---

Comment is regarding: express support

**Comments:**

hello,my last check on the number of registered participants was 2150 people. i'm unaware of how many of those are actually making a business "happen". i, and a few others that have contacted me [i have no access to contact all participants] are ready to expand out of our home kitchens. the original purpose of the existing cottage food law was to enable us to operate a home kitchen business and not have to go into debt to equip a commercial kitchen, the new license classification was my request to representative kavanagh, and was eventually put into contact with mr bohan. the idea is to be able to

equip an offsite kitchen as a "clone" to a home kitchen and eliminate some of the rules required for a commercial kitchen. for instance, the ability to equip a new space with home use appliances, no triple bay sink [we don't have them in our home]floor drains and more. having established a following for my goods at our farmers market and more and the inability to retail out of my home, makes moving into a space to produce and sell my baked goods and chocolates sensible. the opportunity but not the requirement [extremely important to be optional]to go offsite will work for some but not others.certainly a new license should not change the existing state law in this matter.my opinion if others object and say why to less restrictions is that we are restricted to not potentially hazardous foods while a fully licensed commercial kitchen can/many do, prepare hazardous food and earn a lot more income. respectfully,

Time of Request: 7/16/2013 11:39:22 AM



## Report to the Board of Health

### ADDENDUM

Prepared by the Maricopa County Environmental Services Department



Environmental Services  
Department

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**Meeting Date:** January 27, 2014

**Case #/Title:** ES-2013-006/Confectionary Food Establishment

Stakeholder comments and the Maricopa County Environmental Services Department responses for input received after the October 28, 2013 Maricopa County Board of Health (BOH) meeting are attached.

**From:** [Hether Krause - ENVX](#) on behalf of [EROP Stakeholders](#)  
**To:** [azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com)  
**Cc:** [Suzanne Gray - PLANDEVX](#)  
**Subject:** Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionery Food Establishment  
**Date:** Thursday, February 13, 2014 12:38:28 PM  
**Attachments:** [image001.png](#)

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Dear Judy Kubinski:

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 (Confectionary Food Establishment) via the [EROP](#) website.

For review of items that may be needed for a potential space please utilize the proposed Maricopa County Environmental Health Code (MCEHC) language. If you already have a space in mind we welcome a conversation to provide further clarification based on the current proposed MCEHC language and your specific circumstances; please contact Vas Hofer, Plan Review Environmental Operations Manager at 602-506-6986.

Please note that Case ES-2013-006 has been postponed from the Board of Supervisors (BOS) hearing date of 2/26/14 to a potential BOS hearing date of 6/11/14. This will allow another opportunity to have a follow-up stakeholder meeting and an additional Board of Health meeting (details to be posted on [EROP](#) ). Be advised proposed MCEHC language may be revised prior to adoption; therefore, the Department recommends waiting to implement any structural changes or equipment purchases until the BOS approves case ES-2013-006 and the Confectionary Food Establishment permit type is created.

We appreciate your participation in the Department's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Respectfully,

**Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

[esd.maricopa.gov](http://esd.maricopa.gov) | [maricopa.gov/regulations/es](http://maricopa.gov/regulations/es)



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Environmental Services  
Department

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**From:** Regulatory [<mailto:regulations@mail.maricopa.gov>]  
**Sent:** Sunday, February 09, 2014 4:20 PM  
**To:** Suzanne Gray - PLANDEVX  
**Subject:** FW: Regulatory Outreach

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**From:** [azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com)[SMTP:[AZCHOCOLATELADY@GMAIL.COM](mailto:AZCHOCOLATELADY@GMAIL.COM)]  
**Sent:** Sunday, February 09, 2014 4:19:49 PM

To: Regulatory  
Subject: Regulatory Outreach  
Auto forwarded by a Rule

**Citizen Comments**

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionery Food Establishment

Citizen's Name: judy kubinski  
Organization: goodies galore  
City: fountain hills  
Zip: 85268  
Phone Number: 4808165887  
Phone Type: work  
Email: [azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com)

Does citizen want to be contacted: yes

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Comment is regarding: express support

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**Comments:**

please tell mw where i can find the necessary rules to follow when installing a kitchen in accordance with ES-2013-006. need to plan a budget. thank you.

Time of Request: 2/9/2014 4:19:49 PM

**From:** [Hether Krause - ENVX](#) on behalf of [EROP Stakeholders](#)  
**To:** [KUBINSKI@HOTMAIL.COM](mailto:KUBINSKI@HOTMAIL.COM); [azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com)  
**Cc:** [Suzanne Gray - PLANDEVX](#); [EROP Stakeholders](#)  
**Subject:** RE: Response/ES-2013-006 - Revisions to Maricopa County Environmental Health Code - Chapter 8, Confectionary Food Establishment  
**Date:** Friday, January 31, 2014 12:30:41 PM  
**Attachments:** [image001.png](#)

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Dear Judy Kubinski:

Again thank you for registering your earlier comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 (Confectionary Food Establishment) via the [EROP](#) website.

Since we haven't had the opportunity to speak to provide further clarification based on your specific circumstances we will provide an email response to your concerns listed in your January 18, 2014 email.

Regard to your mention of \$400 in Maricopa County Environmental Services Department (MCESD) start-up fees for case ES-2013-006, we wanted to follow-up with this clarification:

Startup fees may be closer to \$300 if the location was previously permitted by MCESD this includes half the "New Permit Application Inspection," which would be \$157.50 plus the annual permit fee of \$155.00 (half the "Bakery" permit fee) equals \$312.50 for MCESD case ES-2013-006 fees.

If you choose a location that has not been previously permitted by MCESD the Confectionary Food Establishment plan review fee would be \$307.50 (half the plan review fee for the "All Other Food Establishments" category) and the annual permit fee would be \$155.00. Total MCESD fees for this case ES-2013-006 situation would be \$462.50 (\$307.50 plus \$155.00).

Regard to your mention of payment of fees in installments for case ES-2013-006, we wanted to follow-up with this clarification:

Please note MCESD does not offer installment plans but does accept payment of fees via credit card.

Regard to your mention of general financial concerns for case ES-2013-006, we wanted to follow-up with this clarification:

Please note that businesses operating under the Arizona Department of Health Services Home Baked and Confectionary Goods Program are exempt from MCESD permitting requirements when operating from a home kitchen. If your business expands beyond the home kitchen, the permitting option proposed in case ES-2013-006 may be utilized to meet

the MCESD permitting requirement.

Another new MCEHC proposal is case ES-2013-009 (FDA Food Code Reference Amendment), which will allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid MCESD permit.

Regard to your mention of kitchen set up requirements for case ES-2013-006, we wanted to follow-up with this clarification:

Case ES-2013-006 (Confectionary Food Establishment) provides alternatives to a traditional Bakery permit such as the option to utilize non-commercial food equipment and alternative cleaning and sanitizing procedures for facilities that do not contain a 3 compartment sink resulting in a cost savings for the facility.

Please note we always welcome a conversation to provide further clarification based on your specific circumstances to ensure your questions are addressed; contact Vas Hofer at 602-506-6986 during business hours for further information.

We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

### **Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

[esd.maricopa.gov](http://esd.maricopa.gov) | [maricopa.gov/regulations/es](http://maricopa.gov/regulations/es)



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Environmental Services  
Department

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**From:** Hether Krause - ENVX **On Behalf Of** EROP Stakeholders

**Sent:** Tuesday, January 21, 2014 5:27 PM

**To:** KUBINSKICLAN@HOTMAIL.COM; azchocolatelady@gmail.com

**Cc:** Suzanne Gray - PLANDEVX; EROP Stakeholders

**Subject:** Response/ES-2013-006 - Revisions to Maricopa County Environmental Health Code - Chapter 8, Confectionary Food Establishment

Dear Judy Kubinski:

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, Confectionary Food Establishment via the [EROP](#) website.

The new MCEHC permitting option case ES-2013-006 (Confectionary Food Establishment) proposal will allow businesses that have expanded **beyond the home kitchen** and only produce not potentially hazardous baked or confectionary goods. These proposed regulations will lessen the burden of equipment/infrastructure requirements when qualifying for an Maricopa County Environmental Services Department (MCESD) permit. However, all other operational food safety regulations found in the MCEHC will still apply. The specific regulations for case ES-2013-006 are displayed in the Board of Supervisor staff report at <https://www.maricopa.gov/regulations/es/pdf/meetings/006bossr.pdf>. New permit and applicable plan review and annual permit fees are proposed for this case.

Please note that businesses operating under the Arizona Department of Health Services Home Baked and Confectionary Goods Program are exempt from MCESD permitting requirements when operating from a home kitchen. If your business expands beyond the home kitchen, the permitting option proposed in case ES-2013-006 may be utilized to meet the MCESD permitting requirement.

Another new MCEHC proposal is case ES-2013-009 (FDA Food Code Reference Amendment), which will allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with MCESD. The specific regulations for case ES-2013-009 are displayed in the Board of Health (BOH) staff report at <https://www.maricopa.gov/regulations/es/pdf/meetings/012714staff.pdf>, which also contains 2 other cases that are scheduled on the January 27, 2014 BOH agenda. No fees are proposed for this case.

We welcome a conversation to provide further clarification based on your specific circumstances to ensure your questions are addressed and alleviate any confusion. Please contact Vas Hofer at 602-506-6986 during business hours for further information.

We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

### **Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

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**Environmental Services  
Department**

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**From:** Regulatory [<mailto:regulations@mail.maricopa.gov>]

**Sent:** Saturday, January 18, 2014 9:42 AM

**To:** Suzanne Gray - PLANDEVX

**Subject:** FW: fees

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**From:** judy kubinski[SMTP:KUBINSKICLAN@HOTMAIL.COM]

**Sent:** Saturday, January 18, 2014 9:41:48 AM

**To:** Regulatory

**Subject:** fees

**Auto forwarded by a Rule**

hello, of course there will be fees associated with this proposal. however, the fees i have seen are a bit high i think. if not possible to lower them, can we pay in installments? starting or expanding our little businesses is pricey. takes a lot of cookie/candy sales to pay \$400.00. then of course, the kitchen set up cost. maybe many of us will have to stay home based because of financial restrictions.

actually, where are the kitchen set up requirements about equipment? was my understanding that a home kitchen clone is the model?

respectfully,

judy kubinski

goodies galore

480-816-5887

[azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com)

**From:** Hether Krause - ENVX **On Behalf Of** EROP Stakeholders  
**Sent:** Friday, January 03, 2014 4:31 PM  
**To:** 'azchocolatelady@gmail.com'  
**Cc:** Suzanne Gray - PLANDEVX  
**Subject:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Dear Ms. Kubinski,

Thank you for your ES-2013-006/Confectionary Food Establishment comment via the Enhanced Regulatory Outreach Program.

At the Board of Supervisors (BOS) December 11, 2013 meeting, the BOS voted to place case ES-2013-006/Confectionary Food Establishment on their February 26, 2014 agenda for a public hearing. If the BOS approves case ES-2013-006/Confectionary Food Establishment at their February 26, 2014 meeting this item will immediately become effective as part of the Maricopa County Environmental Health Code (MCEHC).

Specific requirements for the proposed MCEHC revision regarding Confectionary Food Establishment are listed on page 7 of the BOS Staff Report.

Please note that MCEHC requires a permit application be submitted and plans be submitted (as needed) prior to any operation. To discuss any Confectionary Food Establishment requirements specific to your business plan, please contact Vas Hofer at 602-506-6986.

We appreciate your support of this case and our Department's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Sincerely,

**Permitting Services**

Maricopa County Environmental Services Department  
[esd.maricopa.gov](http://esd.maricopa.gov) | [maricopa.gov/regulations/es](http://maricopa.gov/regulations/es)



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**From:** Suzanne Gray - PLANDEVX  
**Sent:** Thursday, January 02, 2014 7:12:34 AM  
**To:** Hether Krause - ENVX; Caroline Oppleman - ENVX  
**Subject:** EROP Comment  
**Auto forwarded by a Rule**

**From:** azchocolatelady@gmail.com [mailto:azchocolatelady@gmail.com]  
**Sent:** Thursday, December 26, 2013 9:24 AM  
**To:** Regulatory  
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: judy kubinski  
Organization: goodies galore  
City: fountain hills  
Zip: 85268  
Phone Number: 480-837-1162  
Phone Type: home  
Email: [azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com)

Does citizen want to be contacted: yes

Comment is regarding: express support

**Comments:**

after reading the latest info i can find about ES-2013-006, my understanding is approval is established. in order to set up a production site other than my home kitchen, when will that happen? where will i find the specific requirements? thank you.

Time of Request: 12/26/2013 9:23:47 AM

**From:** [Hether Krause - ENVX](#) on behalf of [EROP Stakeholders](#)  
**To:** [azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com)  
**Cc:** [Suzanne Gray - PLANDEVX](#)  
**Subject:** Response/ES-2013-006/Confectionary Food Establishment  
**Date:** Friday, September 27, 2013 2:14:06 PM  
**Attachments:** [image001.png](#)

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Dear Ms. Kubinski,

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) Case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) Chapter VIII, Confectionary Food Establishment via the [EROP](#) website.

We understand your concern about minimizing expenses; Maricopa County Environmental Services Department (MCESD) evaluates the proposed code language in relation to its impact on both the business and public health. In this instance, the public health area of concern is employee hygiene through effective hand washing. Both the United States Food & Drug Administration (FDA), as well as the Centers for Disease Control (CDC) identify personal hygiene as one of the most effective means of preventing foodborne illness. Both contaminated food and food equipment caused by employees have been confirmed sources of foodborne outbreaks. To minimize this occurrence, staff must have access to effective hand washing equipment while also preventing contamination of both food and food contact surfaces while washing their hands. This is accomplished through an effective managerial control plan and a facility that can support that plan. Successful implementation of a plan is accomplished through a dedicated handsink located in areas readily accessible to employees but also not immediately adjacent to food storage, food preparation, or food equipment areas.

Hand washing regulations, similar to the proposed language in ES-2013-006, have been part of the MCEHC for more than three years. These regulations exist for all food service establishments that handle and serve open food, and would include establishments obtaining the proposed Confectionary Food Establishment permit.

We hope you find this information helpful and thank you for registering your comments. We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

### **Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

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**Environmental Services  
Department**

**From:** Suzanne Gray - PLANDEVX  
**Sent:** Thursday, September 26, 2013 10:09 AM  
**To:** Hether Krause - ENVX; Joan Minichiello - ENVX; Caroline Oppleman - ENVX  
**Subject:** FW: Regulatory Outreach

Below is a comment from the EROP site.

**From:** [azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com) [<mailto:azchocolatelady@gmail.com>]  
**Sent:** Thursday, September 26, 2013 8:49 AM  
**To:** Regulatory  
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: judy kubinski  
Organization: self  
City: fountain hills  
Zip: 85268  
Phone Number: 4808371162  
Phone Type:  
Email: [azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com)

Does citizen want to be contacted: yes

---

Comment is regarding: other

**Comments:**

email response please. ES-2013-006 & 009. I have read the mock up for the new confectionery license and wish to comment. the stipulation of a hand washing sink 25 feet from the prep area or even the need for one seems unnecessary. please ask home food preparers among you or your food preparers at home where they wash their hand before and during food prep? i doubt many or actually any home kitchen has a separate hand washing sink. our kitchen sinks are empty until it's time to clean up. my kitchen sink has a built in soap dispenser so i can wash my hands when needed. you seem to be implying our hands are so dirty they will contaminate the dirty dishes. please reconsider this unnecessary expense. respectfully.....

Time of Request: 9/26/2013 8:49:29 AM

**From:** [judy.kubinski](#)  
**To:** [EROP\\_Stakeholders](#)  
**Subject:** RE: Response: ES-2013-006/Confectionary Food Establishment  
**Date:** Wednesday, August 21, 2013 4:55:37 PM  
**Attachments:** [image002.png](#)  
**Importance:** High

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thank you, i appreciate the information and look forward to reviewing it.

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From: [participate@mail.maricopa.gov](mailto:participate@mail.maricopa.gov)  
To: [azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com)  
CC: [SuzanneGray@mail.maricopa.gov](mailto:SuzanneGray@mail.maricopa.gov)  
Date: Wed, 21 Aug 2013 16:41:03 -0700  
Subject: Response: ES-2013-006/Confectionary Food Establishment

Dear Ms. Kubinski,

The specific proposed code revision language for case ES-2013-006/Confectionary Food Establishment will be posted to the [Enhanced Regulatory Outreach Program](#) website for stakeholder review and input as part of the Report to the Board of Health (10/28/13) on or about October 16, 2013. An accompanying notice also will be sent to people who have signed up to receive notifications about new case information on the EROP website.

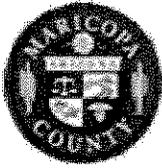
If you have not done so already, we encourage you to sign up to receive notifications about new EROP case information by visiting: <http://www.maricopa.gov/regulations/Notifications.aspx>.

We hope you find this information helpful and thank you for registering your comments. We appreciate your input in our efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

Regards,

Permitting Services  
Maricopa County Environmental Services Department  
[esd.maricopa.gov](http://esd.maricopa.gov) | [maricopa.gov/regulations/es](http://maricopa.gov/regulations/es)



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**From:** Suzanne Gray - PLANDEVX  
**Sent:** Wednesday, August 21, 2013 12:28 PM  
**To:** Caroline Oppeleman - ENVX  
**Subject:** FW: Regulatory Outreach

Here's a new comment from the Regulations site.

**From:** [azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com) [<mailto:azchocolatelady@gmail.com>]  
**Sent:** Wednesday, August 21, 2013 12:02 PM  
**To:** Regulatory  
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: judy kubinski  
Organization: goodies galore  
City: fountain hills  
Zip: 85268  
Phone Number: 480-837-1162  
Phone Type: home  
Email: [azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com)

Does citizen want to be contacted: yes

---

Comment is regarding: other

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**Comments:**

I have a question for which i find no answer concerning ES- 2013-006. is there or will there be a place to read the actual text of the proposal? what i read online seems inaccurate as we certified bakers already have the ability to wholesale our goods per the arizona state law. also, i believe i read "somewhere" an amendment was added but no mention to the substance of that amendent. i can't understand how anyone can fully support or object without being able to read the final draft. this new license classification seems it should be a win win for many. as a disabled woman unable to drive to downtown phoenix and attend meetings, i rely on reading important information online. please respond by email, thank you.

Time of Request: 8/21/2013 12:02:24 PM

**From:** [EROP Stakeholders](#)  
**To:** ["kubinskiclan@hotmail.com"](mailto:kubinskiclan@hotmail.com)  
**Cc:** [Suzanne Gray - PLANDEVX](#)  
**Subject:** FW: Response: ES-2013-006/Confectionary Food Establishment  
**Date:** Friday, August 02, 2013 1:08:00 PM  
**Attachments:** [image001.png](#)

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Dear Ms. Kubinski,

Thank you for registering your supportive comments via the [Enhanced Regulatory Outreach Program](#). We appreciate your support of this case and our Department's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

We welcome further input at our follow-up ES-2013-006/Confectionary Food Establishment stakeholder meeting:

Tuesday, August 6, 2013 at 2:00 pm ([follow-up](#))  
Maricopa County Environmental Services Department  
[1001 N. Central Avenue](#), 5<sup>th</sup> Floor Conference Room – Classroom  
Phoenix, AZ 85004

Regards,

**Permitting Services**

Maricopa County Environmental Services Department

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**From:** Caroline Oppleman - ENVX  
**Sent:** Friday, August 02, 2013 9:25 AM  
**To:** EROP Stakeholders  
**Subject:** FW: Regulatory Outreach

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**From:** Suzanne Gray - PLANDEVX  
**Sent:** Friday, August 02, 2013 9:14 AM  
**To:** Caroline Oppleman - ENVX  
**Subject:** FW: Regulatory Outreach

Below is a message from Judy Kubinski. I've been in contact with her about her submittal because she said she received an error message when trying to enter her comment. She sent me her info and I entered what she provided me.

I told her staff may email her re: her comments.

**From:** [kubinskidan@hotmail.com](mailto:kubinskidan@hotmail.com) [mailto:kubinskidan@hotmail.com]

**Sent:** Friday, August 02, 2013 9:12 AM

**To:** Regulatory

**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Judy Kubinski

Organization: Goodies Galore

City: Fountain Hills

Zip:

Phone Number:

Phone Type:

Email: [kubinskidan@hotmail.com](mailto:kubinskidan@hotmail.com)

Does citizen want to be contacted: no

---

Comment is regarding: express support

---

**Comments:**

the creation of this license will benefit many, the state will receive revenue, utility companies and our vendors will have increased sales because more production & storage for ingredients, packaging, etc equals ability to produce more products. landlords will fill empty spaces and customers will have access to a retail location. the ability now available to use our home kitchens has been a blessing for many of us. some, not all, are ready to expand. some cannot move from home kitchen due to family restrictions etc. we are not asking to increase what our limited products are, just to be able to do it outside of our home kitchens. many years ago before my stroke caused my food processing kitchen to be closed i had all the necessary equipment and the license. we all know that fully equipped kitchens are quite costly and to be able to set up a home style kitchen elsewhere, most helpful. of course i have not had contact with all of the 2000+ registered people but some have asked me how we can change the rules a bit. i believe this to be a win, win situation. to those that have the "regular" commercial kitchens and say, not fair, i say your license includes production of hazardous foods, mine does not. you have the advantage to make more income.....give us little guys a chance to grow.

Time of Request: 8/2/2013 9:11:29 AM

**From:** [Joan Minichiello - ENVX](#) on behalf of [EROP Stakeholders](#)  
**To:** [chareynolds@msn.com](mailto:chareynolds@msn.com)  
**Cc:** [Suzanne Gray - PLANDEVX](#)  
**Subject:** FW: Regulatory Outreach  
**Date:** Monday, November 18, 2013 1:17:22 PM  
**Attachments:** [image001.png](#)

---

Dear Ms. Reynolds,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program case ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment.

We appreciate your participation in the Maricopa County Environmental Services Department's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

### Environmental Health Division

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

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**From:** [chareynolds@msn.com](mailto:chareynolds@msn.com) [<mailto:chareynolds@msn.com>]

**Sent:** Monday, November 18, 2013 9:42 AM

**To:** Regulatory

**Subject:** Regulatory Outreach

### Citizen Comments

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Charlene Reynolds

Organization:

City: Peoria

Zip: 85382

Phone Number: 623-566-6540

Phone Type: mobile

Email: [chareynolds@msn.com](mailto:chareynolds@msn.com)

Does citizen want to be contacted: no

---

Comment is regarding: express support

---

### Comments:

I would like to support this change, the ability to provide certain home-baked goods for sale during this economy as been of great benefit to me and my family. Thank you for allowing me to expand my

growing business.

Time of Request: 11/18/2013 9:42:28 AM

**From:** [EROP Stakeholders](#)  
**To:** [anita@skullvalleylavender.com](mailto:anita@skullvalleylavender.com)  
**Cc:** [Suzanne Gray - PLANDEVX](#)  
**Subject:** Response/ES-2013-006 - Revisions to Maricopa County Environmental Health Code - Chapter VIII, Confectionary Food Establishment  
**Date:** Friday, November 15, 2013 8:06:02 AM  
**Attachments:** [image001.png](#)

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Dear Ms. Scheelings,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) –Chapter 8, Confectionary Food Establishment via the [EROP](#) website.

We welcome further input as the EROP process continues and appreciate your participation in our efforts to develop regulations that serve our community and ensure a safe and healthy environment.

### Environmental Health Division

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

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**From:** Suzanne Gray - PLANDEVX  
**Sent:** Friday, November 15, 2013 7:26 AM  
**To:** Caroline Opplerman - ENVX; Hether Krause - ENVX  
**Subject:** FW: Regulatory Outreach

**From:** [anita@skullvalleylavender.com](mailto:anita@skullvalleylavender.com) [<mailto:anita@skullvalleylavender.com>]  
**Sent:** Thursday, November 14, 2013 3:26 PM  
**To:** Regulatory  
**Subject:** Regulatory Outreach

### Citizen Comments

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Anita Scheelings  
Organization: Skull Valley Lavender Farm  
City: Skull Valley  
Zip: 86338  
Phone Number: 9284423817  
Phone Type: home  
Email: [anita@skullvalleylavender.com](mailto:anita@skullvalleylavender.com)

Does citizen want to be contacted: no

---

Comment is regarding: express support

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**Comments:**

I support the amendment to be able to sell home confectionaries and baked goods to approved commercial establishments.

Time of Request: 11/14/2013 3:26:04 PM

The Department sent a Case ES-2013-006 response to Ms. Colenburg at [sweetestindulgene@yahoo.com](mailto:sweetestindulgene@yahoo.com) and the email was returned undeliverable. In addition, the Department left a voice message on the phone number provided by Ms. Colenburg. The Department has not received any communication from Ms. Colenburg following efforts to clarify the Case ES-006-2013 proposal.

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**Response undeliverable.**

---

**From:** Mail Delivery System [<mailto:MATLER-DAEMON@extmail2.maricopa.gov>]  
**Sent:** Friday, November 01, 2013 2:59 PM  
**To:** Caroline Oppleman - ENVX  
**Subject:** Undeliverable: Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

**Delivery has failed to these recipients or distribution lists:**

[sweetestindulgene@yahoo.com](mailto:sweetestindulgene@yahoo.com)

An error occurred while trying to deliver this message to the recipient's e-mail address. Microsoft Exchange will not try to redeliver this message for you. Please try resending this message, or provide the following diagnostic text to your system administrator.

The following organization rejected your message: [98.138.112.34].

---

**From:** Caroline Oppleman - ENVX  
**Sent:** Friday, November 01, 2013 2:59 PM  
**To:** [sweetestindulgene@yahoo.com](mailto:sweetestindulgene@yahoo.com)  
**Cc:** Suzanne Gray - PLANDEVX  
**Subject:** Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Dear Ms. Colenburg,

We are writing to follow up on the voicemail we left for you earlier today at the telephone number you entered with your comment submittal.

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, Confectionary Food Establishment via the [EROP](#) website. We appreciate your input on this case and MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Businesses operating under the Arizona Department of Health Services Home Baked and Confectionary Goods Program are exempt from Maricopa County Environmental Services Department (MCESD) permitting requirements.

The new permitting option proposed in case ES-2013-006 will allow businesses that have expanded beyond the home kitchen, which only produce not potentially hazardous baked or confectionary goods, to sell their baked and confectionary goods to other MCESD permitted businesses. Therefore, these proposed regulations will lessen the burden of equipment/infrastructure

requirements when qualifying for an MCESD permit. However, all other operational food safety regulations found in the MCEHC still will apply.

After reviewing this clarification, do you support proposed case ES-2013-006 – Revisions to MCEHC – Chapter 8, Confectionary Food Establishment?

Thank you in advance for your prompt reply.

### Environmental Health Division

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

[esd.maricopa.gov](http://esd.maricopa.gov) | [maricopa.gov/regulations/es](http://maricopa.gov/regulations/es)



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**From:** [sweetestindulgene@yahoo.com](mailto:sweetestindulgene@yahoo.com) [<mailto:sweetestindulgene@yahoo.com>]

**Sent:** Thursday, October 31, 2013 9:42 AM

**To:** Regulatory

**Subject:** Regulatory Outreach

### Citizen Comments

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Lakenya Colenburg  
Organization: Sweetest Indulgence Cakes & Dess  
City: Surprise  
Zip: 85388  
Phone Number: 6233125461  
Phone Type: mobile  
Email: [sweetestindulgene@yahoo.com](mailto:sweetestindulgene@yahoo.com)

Does citizen want to be contacted: no

---

Comment is regarding: express opposition

---

### Comments:

Why should home based business have to pay fees, just because we are a home establishment. We do not make nearly the amount of money a store front makes, yet they do not pay fee for their licences. I do not agree with the fees, we are a home based business for a reason, we cannot cover the over head of a business, stay at home mom and dads need extra income just to make it to the next month, and it difficult to obtain capital for a start-up business. Please reconsider.

Time of Request: 10/31/2013 9:42:01 AM

Kim Crapps' comment for Case ES-006-2013 was entered into the Enhanced Regulatory Outreach Program (EROP) website on 10/30/2013 and the Department received notice of the comment on 10/31/2013. On 11/1/13, the Department's response was sent, which included an explanation and a request for Ms. Crapps to restate her support/opposition after reading the clarification. The Department offered to discuss the case on 11/5/2013, via email and a Cakes for Causes phone (520-303-7893) message. Per the Cakes for Causes website, <http://www.cakesforcauses.org/contact-us/>, Ms. Crapps is listed as a baker. The Department has not received any communication from Ms. Crapps following efforts to clarify the Case ES-006-2013 proposal.

---

**From:** EROP Stakeholders

**Sent:** Friday, November 01, 2013 2:49 PM

**To:** kimazx3@yahoo.com

**Cc:** Suzanne Gray - PLANDEVX

**Subject:** Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Dear Ms. Crapps,

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, Confectionary Food Establishment via the EROP website. We appreciate your input on this case and MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Businesses operating under the Arizona Department of Health Services Home Baked and Confectionary Goods Program are exempt from Maricopa County Environmental Services Department (MCESD) permitting requirements.

The new permitting option proposed in case ES-2013-006 will allow businesses that have expanded beyond the home kitchen, which only produce not potentially hazardous baked or confectionary goods, to sell their baked and confectionary goods to other MCESD permitted businesses. Therefore, these proposed regulations will lessen the burden of equipment/infrastructure requirements when qualifying for an MCESD permit. However, all other operational food safety regulations found in the MCEHC still will apply.

After reviewing this clarification, do you support proposed case ES-2013-006 – Revisions to MCEHC – Chapter 8, Confectionary Food Establishment?

Thank you in advance for your prompt reply.

**Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

[esd.maricopa.gov](http://esd.maricopa.gov) | [maricopa.gov/regulations/es](http://maricopa.gov/regulations/es)



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**From:** [kimazx3@yahoo.com](mailto:kimazx3@yahoo.com) [mailto:kimazx3@yahoo.com]

**Sent:** Wednesday, October 30, 2013 5:17 PM

**To:** Regulatory

**Subject:** Regulatory Outreach

#### **Citizen Comments**

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Kim Crapps

Organization:

City: Gilbert

Zip:

Phone Number:

Phone Type:

Email: [kimazx3@yahoo.com](mailto:kimazx3@yahoo.com)

Does citizen want to be contacted: yes

---

Comment is regarding: express opposition

---

#### **Comments:**

After reading the latest update on this matter, I wonder why it is now that they are wanting to impose a fee for cottage food bakers to be able to sell confectionary goods to the public? We've been doing it for over 2 years and now we have to pay a fee to do so? Why? What is it for? What will the fees be used for? What is a permit for? I would appreciate a reply. Thank you for your time. Kim Crapps

Time of Request: 10/30/2013 5:16:37 PM

**From:** [Hether Krause - ENVX](#) on behalf of [EROP Stakeholders](#)  
**To:** [rcunningham202003@yahoo.com](mailto:rcunningham202003@yahoo.com)  
**Cc:** [Suzanne Gray - PLANDEVX](#)  
**Subject:** Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment  
**Date:** Friday, November 01, 2013 9:42:47 AM  
**Attachments:** [image001.png](#)

---

Dear Ricky Cunningham,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) –Chapter 8, Confectionary Food Establishment via the [EROP](#) website.

We welcome further input as the EROP process continues and appreciate your participation in our efforts to develop regulations that serve our community and ensure a safe and healthy environment.

**Environmental Health Division**  
Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004  
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**From:** [rcunningham202003@yahoo.com](mailto:rcunningham202003@yahoo.com) [<mailto:rcunningham202003@yahoo.com>]  
**Sent:** Thursday, October 31, 2013 8:59 AM  
**To:** Regulatory  
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: ricky cunningham  
Organization:  
City: mesa  
Zip: 85207  
Phone Number: 480-981-0204  
Phone Type: home  
Email: [rcunningham202003@yahoo.com](mailto:rcunningham202003@yahoo.com)

Does citizen want to be contacted: no

---

Comment is regarding: express support

---

**Comments:**

I have always loved the idea of making food that others can enjoy. The issue is that when everyday people have a great recipe it takes so much just to bring it to the market. In most cases after months,

sometimes even years they still are not able to compete with large corporations with millions of dollars to spend. Due to that fact these companies can corner the market and just offer anything they like. There is no thought given to higher quality food, better prices, or even the impact to the local environment to produce their goods. By leveling the field for local small business minded people we create more competition, keep more of the money spent here in our local economy and create jobs in the state all at the same time. People can take pride that products that they make here goes to support originations and the areas they live and raise their families in. By allowing people who are willing to follow the rules and do things the right way the right to sell their goods you empower them to take control of their situations. They work hard, pay taxes, and have more pride in themselves and where they live.

Time of Request: 10/31/2013 8:59:06 AM

**From:** [Hether Krause - FNVX](#) on behalf of [EROP Stakeholders](#)  
**To:** [suezanetti@gmail.com](mailto:suezanetti@gmail.com)  
**Cc:** [Suzanne Gray - PLANDEVX](#)  
**Subject:** Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment  
**Date:** Friday, November 01, 2013 9:39:22 AM  
**Attachments:** [image001.png](#)

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Dear Ms. Zanetti,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) –Chapter 8, Confectionary Food Establishment via the [EROP](#) website.

We welcome further input as the EROP process continues and appreciate your participation in our efforts to develop regulations that serve our community and ensure a safe and healthy environment.

### Environmental Health Division

Maricopa County Environmental Services Department  
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**From:** [suezanetti@gmail.com](mailto:suezanetti@gmail.com) [<mailto:suezanetti@gmail.com>]  
**Sent:** Thursday, October 31, 2013 9:51 AM  
**To:** Regulatory  
**Subject:** Regulatory Outreach

### Citizen Comments

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Sue Zanetti  
Organization:  
City: Chandler  
Zip: 85225  
Phone Number: 480-917-7331  
Phone Type: home  
Email: [suezanetti@gmail.com](mailto:suezanetti@gmail.com)

Does citizen want to be contacted: yes

---

Comment is regarding: express support

---

**Comments:**

As I will be divorced soon after 28 years of marriage, I am thrilled to think that I can start a small business doing what I love - baking. Please make this rule of law happen. Thank you.

Time of Request: 10/31/2013 9:50:54 AM

**From:** [EROP Stakeholders](#)  
**To:** [Sherrye@SherryesKitchen.com](mailto:Sherrye@SherryesKitchen.com)  
**Cc:** [Suzanne Gray - PLANDEVX](#)  
**Subject:** Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment  
**Date:** Monday, November 04, 2013 12:30:27 PM  
**Attachments:** [image001.png](#)

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Dear Ms. Chapin,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program case ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment.

We appreciate your participation in the Maricopa County Environmental Services Department's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

### Environmental Health Division

Maricopa County Environmental Services Department  
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**From:** [Sherrye@SherryesKitchen.com](mailto:Sherrye@SherryesKitchen.com) [<mailto:Sherrye@SherryesKitchen.com>]

**Sent:** Monday, November 04, 2013 10:51 AM

**To:** Regulatory

**Subject:** Regulatory Outreach

### Citizen Comments

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Sherrye Chapin

Organization: Sherrye's Kitchen LLC

City: Phoenix

Zip: 85041

Phone Number: 480-518-7776

Phone Type: mobile

Email: [Sherrye@SherryesKitchen.com](mailto:Sherrye@SherryesKitchen.com)

Does citizen want to be contacted: no

---

Comment is regarding: express support

---

### Comments:

After a conversation with Ken Conklin I now understand the purpose of this new proposed law & am in complete support of it's passage. This would allow those of us registered under the HBCG program a

means of growing our businesses to a commercial site without the current regulations & requirements of a full bakery or restaurant permit & the associated costs. Many small businesses fail when making that leap due to the costs involved. This provision would allow for growth without being burdensome.

Time of Request: 11/4/2013 10:51:06 AM

**From:** [EROP Stakeholders](#)  
**To:** [Sherrye Chapin](#)  
**Subject:** RE: Response/ES-2013-006 - Revisions to Maricopa County Environmental Health Code - Chapter 8, Confectionary Food Establishment  
**Date:** Friday, November 01, 2013 3:53:12 PM  
**Attachments:** [image001.png](#)

---

Dear Ms. Chapin,

Thank you for your reply. We will plan on contacting you Monday.

Best regards,

Environmental Health  
Maricopa County Environmental Services Department  
[esd.maricopa.gov](http://esd.maricopa.gov) | [maricopa.gov/regulations/es](http://maricopa.gov/regulations/es)



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**From:** Sherrye Chapin [mailto:[sherrye@gmail.com](mailto:sherrye@gmail.com)]  
**Sent:** Friday, November 01, 2013 3:45 PM  
**To:** EROP Stakeholders  
**Subject:** Re: Response/ES-2013-006 - Revisions to Maricopa County Environmental Health Code - Chapter 8, Confectionary Food Establishment

Anytime Monday between 9 & 4 would be great. Other days I am in the kitchen baking in the mornings, But most afternoons I am available.

Thank you

Sherrye

On Fri, Nov 1, 2013 at 3:37 PM, EROP Stakeholders <[participate@mail.maricopa.gov](mailto:participate@mail.maricopa.gov)> wrote:

Dear Ms. Chapin,

We would welcome a conversation to provide further clarification based on your specific circumstances. We want to ensure your questions are addressed and alleviate confusion. Please let us know if we may contact you during business hours next week at the number you provided with your comment submittal, [480-518-7776](tel:480-518-7776).

Thank you.

Environmental Health Division  
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**From:** Sherrye Chapin [mailto:[sherrye@gmail.com](mailto:sherrye@gmail.com)]  
**Sent:** Friday, November 01, 2013 3:01 PM  
**To:** EROP Stakeholders  
**Subject:** Re: Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

I guess I am more confused than ever. So, can I, at the present, sell my non-hazardous product which is produced at home to stores & restaurants in Maricopa County? Also, I am not understanding what you mean by "moved beyond their home kitchen". Wouldn't that mean a commercial kitchen? I guess I do not fully understand what this provision is trying to do and would appreciate it if someone could put it into easy not understand language. This is very confusing!

Thank you.

Sherrye Chapin

On Fri, Nov 1, 2013 at 2:51 PM, EROP Stakeholders <[participate@mail.maricopa.gov](mailto:participate@mail.maricopa.gov)> wrote:

Dear Ms. Chapin,

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, Confectionary Food Establishment via the [EROP](#) website. We appreciate your input on this case and MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Businesses operating under the Arizona Department of Health Services Home Baked and

Confectionary Goods Program are exempt from Maricopa County Environmental Services Department (MCESD) permitting requirements.

The new permitting option proposed in case ES-2013-006 will allow businesses that have expanded beyond the home kitchen, which only produce not potentially hazardous baked or confectionary goods, to sell their baked and confectionary goods to other MCESD permitted businesses. Therefore, these proposed regulations will lessen the burden of equipment/infrastructure requirements when qualifying for an MCESD permit. However, all other operational food safety regulations found in the MCEHC still will apply.

After reviewing this clarification, do you support proposed case ES-2013-006 – Revisions to MCEHC – Chapter 8, Confectionary Food Establishment?

Thank you in advance for your prompt reply.

### **Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

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**From:** [Sherrye@gmail.com](mailto:Sherrye@gmail.com) [<mailto:Sherrye@gmail.com>]

**Sent:** Thursday, October 31, 2013 7:30 AM

**To:** Regulatory

**Subject:** Regulatory Outreach

### **Citizen Comments**

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Sherrye Chapin  
Organization: Sherrye's Kitchen LLC  
City: Phoenix  
Zip: 85041  
Phone Number: [480-518-7776](tel:480-518-7776)  
Phone Type: mobile  
Email: [Sherrye@gmail.com](mailto:Sherrye@gmail.com)

Does citizen want to be contacted: no

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Comment is regarding: express opposition

---

### **Comments:**

I am registered with the state under the HBCG program. As a micro-business owner this new proposal that requires additional permits & reviews would cause new hardships to trying to turn a profit for my business. I have a medical condition that makes working out of my home extremely difficult. I started

this business after being out of my corporate job on disability and having my position eliminated while out. At the time, I had to have a catering permit & a commercial kitchen to bake my brownies. When the HBCG law was passed it was a game changer for me. I no longer had to pay for commercial kitchen use but more than that, I didn't have to worry about sharing time with the chef that owned the kitchen. I could now really begin to grow my business by allowing me access to my ovens around the clock during my busy holiday seasons. I am finally in a position where I can look at turning a profit. To install another layer of fees & regulations in order to stay in business is a huge step back for me. Maricopa County should be supporting the current HBCG program to encourage micro-businesses to thrive. When we are able to do that our sales tax contributions grow, the need to hire workers grow & the economy grows. To put burdens on such businesses is ultimately not good for anyone. Thank you for your time.

Time of Request: 10/31/2013 7:29:31 AM

**From:** [Hether Krause - ENVX](#)  
**To:** [Laurie Lewis](#)  
**Cc:** [Suzanne Gray - PLANDEVX](#); [EROP Stakeholders](#)  
**Subject:** RE: Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment  
**Date:** Wednesday, January 22, 2014 5:15:12 PM  
**Attachments:** [image001.png](#)

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Dear Laurie Lewis:

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006.

Case ES-2013-006 (Confectionary Food Establishment) is on the February 26, 2014 Board of Supervisors (BOS) agenda and may be approved at that time for incorporation into the Maricopa County Environmental Health Code (MCEHC).

Case ES-2013-009 (FDA Food Code Reference Amendment) is on the January 27, 2014 Board of Health (BOH) agenda for recommendation to the BOS. If approved by the BOH case ES-2013-009 will be submitted for placement on the April 2014 BOS agenda. Please note that MCEHC progress of these and other proposals is available via the [EROP](#) website schedule.

Again, we appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

### **Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

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**From:** Laurie Lewis [<mailto:laurie@lauriesfamilyfoods.com>]  
**Sent:** Tuesday, January 21, 2014 7:22 PM  
**To:** EROP Stakeholders  
**Subject:** RE: Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Thank you for your reply, Hether. Will you continue to update us re the progress of these items via email? Is there a vote scheduled?

---

**From:** Hether Krause - ENVX [<mailto:H.Krause@mail.maricopa.gov>] **On Behalf Of** EROP Stakeholders  
**Sent:** Tuesday, January 21, 2014 5:25 PM  
**To:** [laurie@lauriesfamilyfoods.com](mailto:laurie@lauriesfamilyfoods.com)

**Cc:** Suzanne Gray - PLANDEVX; EROP Stakeholders

**Subject:** Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Dear Laurie Lewis:

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, Confectionary Food Establishment via the [EROP](#) website.

The new MCEHC permitting option case ES-2013-006 (Confectionary Food Establishment) proposal will allow businesses that have expanded **beyond the home kitchen** and only produce not potentially hazardous baked or confectionary goods. These proposed regulations will lessen the burden of equipment/infrastructure requirements when qualifying for an Maricopa County Environmental Services Department (MCESD) permit. However, all other operational food safety regulations found in the MCEHC will still apply. The specific regulations for case ES-2013-006 are displayed in the Board of Supervisor staff report at <https://www.maricopa.gov/regulations/es/pdf/meetings/006bossr.pdf>. New permit and applicable plan review and annual permit fees are proposed for this case.

Please note that businesses operating under the Arizona Department of Health Services Home Baked and Confectionary Goods Program are exempt from MCESD permitting requirements when operating from a home kitchen. If your business expands beyond the home kitchen, the permitting option proposed in case ES-2013-006 may be utilized to meet the MCESD permitting requirement.

Another new MCEHC proposal is case ES-2013-009 (FDA Food Code Reference Amendment), which will allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with MCESD. The specific regulations for case ES-2013-009 are displayed in the Board of Health (BOH) staff report at <https://www.maricopa.gov/regulations/es/pdf/meetings/012714staff.pdf>, which also contains 2 other cases that are scheduled on the January 27, 2014 BOH agenda. No fees are proposed for this case.

We welcome a conversation to provide further clarification based on your specific circumstances to ensure your questions are addressed and alleviate any confusion. Please contact Vas Hofer at 602-506-6986 during business hours for further information.

We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

## Environmental Health Division

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

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**From:** Regulatory  
**Sent:** Friday, January 17, 2014 11:06 AM  
**To:** Suzanne Gray - PLANDEVX  
**Subject:** FW: Regulatory Outreach

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**From:** [laurie@lauriesfamilyfoods.com](mailto:laurie@lauriesfamilyfoods.com)[SMTP:LAURIE@LAURIESFAMILYFOODS.COM]  
**Sent:** Friday, January 17, 2014 11:05:59 AM  
**To:** Regulatory  
**Subject:** Regulatory Outreach  
**Auto forwarded by a Rule**

### Citizen Comments

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Laurie Lewis  
Organization: Laurie's Family Foods  
City: Phoenix  
Zip: 85050  
Phone Number: 480-694-2115  
Phone Type: mobile  
Email: [laurie@lauriesfamilyfoods.com](mailto:laurie@lauriesfamilyfoods.com)

Does citizen want to be contacted:

---

Comment is regarding: express support

---

### Comments:

I would like to express my strongest support for this change in the Maricopa County Code. I was selling individually wrapped and labeled baked goods to a coffee shop in Chandler and the health inspector made them pull them. She even agreed that they were presented in compliance with the cottage food law but said they could not be sold. I'm assuming that's because of this inconsistency between the Maricopa County code and the AZ Cottage Food Law. I am planning to attend the 2/26 meeting. Thanks!

Time of Request: 1/17/2014 11:05:59 AM

**From:** [Hether Krause - ENVX](#) on behalf of [EROP Stakeholders](#)  
**To:** [minlsterburden@yahoo.com](mailto:minlsterburden@yahoo.com)  
**Cc:** [Suzanne Gray - PLANDEVX](#); [EROP Stakeholders](#)  
**Subject:** Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment  
**Date:** Tuesday, January 21, 2014 5:22:49 PM  
**Attachments:** [image001.png](#)

---

Dear Jeffery Burden:

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, Confectionary Food Establishment via the [EROP](#) website.

The new MCEHC permitting option case ES-2013-006 (Confectionary Food Establishment) proposal will allow businesses that have expanded **beyond the home kitchen** and only produce not potentially hazardous baked or confectionary goods. These proposed regulations will lessen the burden of equipment/infrastructure requirements when qualifying for an Maricopa County Environmental Services Department (MCESD) permit. However, all other operational food safety regulations found in the MCEHC will still apply. The specific regulations for case ES-2013-006 are displayed in the Board of Supervisor staff report at <https://www.maricopa.gov/regulations/es/pdf/meetings/006bossr.pdf>. New permit and applicable plan review and annual permit fees are proposed for this case.

Please note that businesses operating under the Arizona Department of Health Services Home Baked and Confectionary Goods Program are exempt from MCESD permitting requirements when operating from a home kitchen. If your business expands beyond the home kitchen, the permitting option proposed in case ES-2013-006 may be utilized to meet the MCESD permitting requirement.

Another new MCEHC proposal is case ES-2013-009 (FDA Food Code Reference Amendment), which will allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with MCESD. The specific regulations for case ES-2013-009 are displayed in the Board of Health (BOH) staff report at <https://www.maricopa.gov/regulations/es/pdf/meetings/012714staff.pdf>, which also contains 2 other cases that are scheduled on the January 27, 2014 BOH agenda. No fees are proposed for this case.

We welcome a conversation to provide further clarification based on your specific circumstances to ensure your questions are addressed and alleviate confusion. Please contact Vas Hofer at 602-506-6986 during business hours for further information.

We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

After reviewing the Department's clarification, do you support the proposed Chapter 8, Confectionary Food Establishment?

Thank you in advance for your prompt reply.

### **Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

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**From:** Regulatory [<mailto:regulations@mail.maricopa.gov>]

**Sent:** Friday, January 17, 2014 3:31 PM

**To:** Suzanne Gray - PLANDEVX

**Subject:** FW: Regulatory Outreach

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**From:** [ministerburden@yahoo.com](mailto:ministerburden@yahoo.com)[SMTP:MINISTERBURDEN@YAHOO.COM]

**Sent:** Friday, January 17, 2014 3:30:38 PM

**To:** Regulatory

**Subject:** Regulatory Outreach

**Auto forwarded by a Rule**

### **Citizen Comments**

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Jeffery Burden

Organization: Jeff's Baked Good of Brazil

City: Buckeye

Zip: 85326

Phone Number: 623 552 9226

Phone Type: mobile

Email: [ministerburden@yahoo.com](mailto:ministerburden@yahoo.com)

Does citizen want to be contacted: yes

---

Comment is regarding: express opposition

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### **Comments:**

I would like to say that the notion of assessing fees further cuts into an already small profit margin realized by home-based bakers. Our traditional way of life of baking and selling to friends and families

is threatend.

Time of Request: 1/17/2014 3:30:37 PM

**From:** [Hether Krause - ENVX](#) on behalf of [EROP Stakeholders](#)  
**To:** [malissa1578@gmail.com](mailto:malissa1578@gmail.com)  
**Cc:** [Suzanne Gray - PLANDEVX](#); [EROP Stakeholders](#)  
**Subject:** Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment  
**Date:** Tuesday, January 21, 2014 5:23:58 PM  
**Attachments:** [image001.png](#)

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Dear Malissa Phillips:

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, Confectionary Food Establishment via the [EROP](#) website.

The new MCEHC permitting option case ES-2013-006 (Confectionary Food Establishment) proposal will allow businesses that have expanded **beyond the home kitchen** and only produce not potentially hazardous baked or confectionary goods. These proposed regulations will lessen the burden of equipment/infrastructure requirements when qualifying for an Maricopa County Environmental Services Department (MCESD) permit. However, all other operational food safety regulations found in the MCEHC will still apply. The specific regulations for case ES-2013-006 are displayed in the Board of Supervisor staff report at <https://www.maricopa.gov/regulations/es/pdf/meetings/006bossr.pdf>. New permit and applicable plan review and annual permit fees are proposed for this case.

Please note that businesses operating under the Arizona Department of Health Services Home Baked and Confectionary Goods Program are exempt from MCESD permitting requirements when operating from a home kitchen. If your business expands beyond the home kitchen, the permitting option proposed in case ES-2013-006 may be utilized to meet the MCESD permitting requirement.

Another new MCEHC proposal is case ES-2013-009 (FDA Food Code Reference Amendment), which will allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with MCESD. The specific regulations for case ES-2013-009 are displayed in the Board of Health (BOH) staff report at <https://www.maricopa.gov/regulations/es/pdf/meetings/012714staff.pdf>, which also contains 2 other cases that are scheduled on the January 27, 2014 BOH agenda. No fees are proposed for this case.

We welcome a conversation to provide further clarification based on your specific circumstances to ensure your questions are addressed and alleviate any confusion. Please contact Vas Hofer at 602-506-6986 during business hours for further information.

We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

### **Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

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**From:** Regulatory  
**Sent:** Friday, January 17, 2014 11:02 AM  
**To:** Suzanne Gray - PLANDEVX  
**Subject:** FW: Regulatory Outreach

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**From:** [malissa1578@gmail.com](mailto:malissa1578@gmail.com)[SMTP:MALISSA1578@GMAIL.COM]  
**Sent:** Friday, January 17, 2014 11:01:40 AM  
**To:** Regulatory  
**Subject:** Regulatory Outreach  
**Auto forwarded by a Rule**

#### **Citizen Comments**

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Malissa PHILLIPS  
Organization:  
City: GLENDALE  
Zip: 85302  
Phone Number: 6232426755  
Phone Type: home  
Email: [malissa1578@gmail.com](mailto:malissa1578@gmail.com)

Does citizen want to be contacted: yes

---

Comment is regarding: other

#### **Comments:**

I support being able to sell to other food goods sellers for re-sale. The fees may be a little high for people that are baking out of their home, maybe consider a one-third as a lot of these people do not have the money right off the bat to support those types of fees. I know alot of these people are trying to supplement an income due to being laid off or some other reason just as viable. Please consider making the fees one-third. It would be a great help to these families and bakers trying to make ends meet.

Time of Request: 1/17/2014 11:01:40 AM

**From:** [Hether Krause - ENVX](#) on behalf of [EROP Stakeholders](#)  
**To:** [DGR4@COX.NET](mailto:DGR4@COX.NET)  
**Cc:** [Suzanne Gray - PLANDEVX](#); [EROP Stakeholders](#)  
**Subject:** Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment  
**Date:** Tuesday, January 21, 2014 5:21:36 PM  
**Attachments:** [Image001.png](#)

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Dear Davis Robinson:

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, Confectionary Food Establishment via the [EROP](#) website.

The new MCEHC permitting option case ES-2013-006 (Confectionary Food Establishment) proposal will allow businesses that have expanded **beyond the home kitchen** and only produce not potentially hazardous baked or confectionary goods. These proposed regulations will lessen the burden of equipment/infrastructure requirements when qualifying for an Maricopa County Environmental Services Department (MCESD) permit. However, all other operational food safety regulations found in the MCEHC will still apply. The specific regulations for case ES-2013-006 are displayed in the Board of Supervisor staff report at <https://www.maricopa.gov/regulations/es/pdf/meetings/006bossr.pdf>. New permit and applicable plan review and annual permit fees are proposed for this case.

Please note that businesses operating under the Arizona Department of Health Services Home Baked and Confectionary Goods Program are exempt from MCESD permitting requirements when operating from a home kitchen. If your business expands beyond the home kitchen, the permitting option proposed in case ES-2013-006 may be utilized to meet the MCESD permitting requirement.

Another new MCEHC proposal is case ES-2013-009 (FDA Food Code Reference Amendment), which will allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with MCESD. The specific regulations for case ES-2013-009 are displayed in the Board of Health (BOH) staff report at <https://www.maricopa.gov/regulations/es/pdf/meetings/012714staff.pdf>, which also contains 2 other cases that are scheduled on the January 27, 2014 BOH agenda. No fees are proposed for this case.

We welcome a conversation to provide further clarification based on your specific circumstances to ensure your questions are addressed and alleviate any confusion. Please contact Vas Hofer at 602-506-6986 during business hours for further information.

We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

**Environmental Health Division**

Maricopa County Environmental Services Department  
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-----Original Message-----

From: Regulatory [<mailto:regulations@mail.maricopa.gov>]

Sent: Saturday, January 18, 2014 7:47 AM

To: Suzanne Gray - PLANDEVX

Subject: FW: Notice of Public Hearing and Proposed Fees, Case # ES-2013-006

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From: [dgr4@cox.net](mailto:dgr4@cox.net)[SMTP:DGR4@COX.NET]

Sent: Saturday, January 18, 2014 7:47:06 AM

To: Regulatory

Subject: Re: Notice of Public Hearing and Proposed Fees, Case # ES-2013-006 Auto forwarded by a Rule

Maricopa County Board of Supervisors,

Please keep this registration process fee free and simple, there are enough regulations already, this is such a great program as is, please don't ruin it.

Thank You,  
Davis Robinson  
Chandler, AZ

**From:** [Hether Krause - ENVX](#) on behalf of [EROP Stakeholders](#)  
**To:** [Lefoxcatering@yahoo.com](mailto:Lefoxcatering@yahoo.com)  
**Cc:** [EROP Stakeholders](#); [Suzanne Gray - PLANDEVX](#)  
**Subject:** Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionery Food Establishment  
**Date:** Friday, February 28, 2014 4:26:03 PM  
**Attachments:** [image001.png](#)

---

Dear John Fox:

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, Confectionery Food Establishment via the [EROP](#) website.

Please note that the scenario described below would be exempt from the requirements proposed in case ES-2013-006 and is exempt from any current Maricopa County Environmental Services Department (MCESD) requirements.

We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

#### **Environmental Health Division**

Maricopa County Environmental Services Department  
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**From:** Regulatory [<mailto:regulations@mail.maricopa.gov>]  
**Sent:** Tuesday, February 25, 2014 11:19 PM  
**To:** Suzanne Gray - PLANDEVX  
**Subject:** FW: Regulatory Outreach

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**From:** [Lefoxcatering@yahoo.com](mailto:Lefoxcatering@yahoo.com)[SMTP:LEFOXCATERING@YAHOO.COM]  
**Sent:** Tuesday, February 25, 2014 11:18:53 PM  
**To:** Regulatory  
**Subject:** Regulatory Outreach  
**Auto forwarded by a Rule**

#### **Citizen Comments**

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionery Food Establishment

Citizen's Name: John Fox  
Organization:  
City: Glendale

Zip: 85306  
Phone Number:  
Phone Type: home  
Email: [Lefoxcatering@yahoo.com](mailto:Lefoxcatering@yahoo.com)

Does citizen want to be contacted: yes

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Comment is regarding: express opposition

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**Comments:**

Dear Board Members, I think that it is ridiculous that I have to stickup for the mom and dad that have to help there kids with bake sales. The parents buy cookie dough in the store and bake it to help a school. Now mom and dad have to pay for a permit, in order to help a school. The cookie dough that the bought from the store was made in a commercial kitchen. The parents are not making any money from the sale, they group that the kid is in is and that is just to help the kids in the group. When is common sense going to be used. I'm not buying a permit, instead I'm going to stop doing it. I think that the County should pay for all these programs that the kids are in because if you don't want help from the parents then you should do it all. Thanks

Time of Request: 2/25/2014 11:18:52 PM

**From:** [Hether Krause - ENVX](#) on behalf of [EROP Stakeholders](#)  
**To:** [SARA@KOWALSKIFARMANDKITCHEN.COM](mailto:SARA@KOWALSKIFARMANDKITCHEN.COM)  
**Cc:** [EROP Stakeholders](#); [Suzanne Gray - PLANDEVX](#)  
**Subject:** Response/Confectionary Food Public Hearing  
**Date:** Friday, February 28, 2014 4:32:29 PM  
**Attachments:** [image001.png](#)

---

Dear Sara Kowalski:

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, Confectionary Food Establishment via the [EROP](#) website. The MCEHC only applies to those food establishments within Maricopa County.

The new MCEHC permitting option case ES-2013-006 (Confectionary Food Establishment) proposal will allow businesses that have expanded **beyond the home kitchen** and only produce not potentially hazardous baked or confectionary goods. These proposed regulations will lessen the burden of equipment/infrastructure requirements when qualifying for an Maricopa County Environmental Services Department (MCESD) permit.

Please note that businesses operating under the Arizona Department of Health Services Home Baked and Confectionary Goods Program are exempt from MCESD permitting requirements when operating from a home kitchen. If your business expands beyond the home kitchen, the permitting option proposed in case ES-2013-006 may be utilized to meet the MCESD permitting requirement.

We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

#### **Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

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Department**

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-----Original Message-----

From: Regulatory [<mailto:regulations@mail.maricopa.gov>]  
Sent: Wednesday, February 26, 2014 11:37 AM  
To: Suzanne Gray - PLANDEVX  
Subject: FW: Confectionary Food Public Hearing

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From: Sara Kowalski[SMTP:SARA@KOWALSKIFARMANDKITCHEN.COM]

Sent: Wednesday, February 26, 2014 11:36:57 AM

To: Regulatory

Subject: Confectionary Food Public Hearing Auto forwarded by a Rule

Is this hearing in June on regulations and fees for confectionery food establishments only to affecting those establishments in Maricopa County or in all of Arizona?

---

Sara L. Kowalski, Owner  
Kowalski Farm & Kitchen, LLC  
520-834-2296

**From:** [Hether Krause - ENVX](#) on behalf of [EROP Stakeholders](#)  
**To:** [azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com)  
**Cc:** [Suzanne Gray - PLANDEVX](#)  
**Subject:** Regulatory Outreach Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionery Food Establishment  
**Date:** Friday, February 28, 2014 4:18:15 PM  
**Attachments:** [image001.png](#)

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Dear Judy Kubinski:

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 (Confectionery Food Establishment) via the [EROP](#) website.

You may find opposition received regarding case ES-2013-006 in the comments section of the Report to the Board of Health; please use the following link to access the Report:  
<http://www.maricopa.gov/regulations/es/pdf/meetings/42814staff.pdf>

We appreciate your participation in the Department's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Respectfully,

**Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004  
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**From:** Suzanne Gray - PLANDEVX  
**Sent:** Thursday, February 27, 2014 12:46 PM  
**To:** Hether Krause - ENVX  
**Subject:** FW: Regulatory Outreach

**From:** [azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com) [<mailto:azchocolatelady@gmail.com>]  
**Sent:** Saturday, February 15, 2014 4:25 PM  
**To:** Regulatory  
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionery Food Establishment

Citizen's Name: judy kubinski  
Organization: goodies galore  
City: fountain hills  
Zip: 85268  
Phone Number: 4808371162

Phone Type: home

Email: [azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com)

Does citizen want to be contacted: yes

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Comment is regarding: other

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**Comments:**

i'm unable to find the comments that oppose the new confectionary license. please direct me to that so i can send my response. thank you.

Time of Request: 2/15/2014 4:24:53 PM

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**From:** Hether Krause - ENVX **On Behalf Of** EROP Stakeholders  
**Sent:** Tuesday, February 25, 2014 2:21 PM  
**To:** judy kubinski (kubinskiclan@hotmail.com)  
**Cc:** Suzanne Gray - PLANDEVX; EROP Stakeholders  
**Subject:** FW: ES-2013-006

Dear Judy Kubinski:

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 (Confectionary Food Establishment) via the [EROP](#) website.

As you know, Case ES-2013-006 has been postponed from the Board of Supervisors (BOS) hearing date of 2/26/14 to a potential BOS hearing date of 6/11/14. If approved, this item will become effective immediately upon BOS approval. Once created, the Confectionary Food Establishment permit type will be available for application and will not be limited to those registered with the Arizona Department of Health Services (ADHS).

Please note that businesses operating under the ADHS Home Baked and Confectionary Goods Program are exempt from Maricopa County Environmental Services Department (MCESD) permitting requirements when operating from a home kitchen. If your business expands beyond the home kitchen, then the permitting option proposed in case ES-2013-006 may be utilized to meet the MCESD permitting requirement.

We appreciate your participation in the Department's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Respectfully,

**Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

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**From:** Regulatory [<mailto:regulations@mail.maricopa.gov>]  
**Sent:** Monday, February 24, 2014 6:49 PM  
**To:** Suzanne Gray - PLANDEVX  
**Subject:** FW: ES-2013-006

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**From:** judy kubinski[[SMTP:KUBINSKICLAN@HOTMAIL.COM](mailto:SMTP:KUBINSKICLAN@HOTMAIL.COM)]  
**Sent:** Monday, February 24, 2014 6:49:14 PM  
**To:** Regulatory  
**Subject:** ES-2013-006  
**Auto forwarded by a Rule**

HELLO, PLEASE TELL ME WHEN [MY ASSUMPTION] THE NEW LICENSE IS AVAILABLE, WILL ANYONE BE ABLE TO APPLY OR ONLY THOSE ENROLLED IN THE HOME BAKERS PROGRAM? THANKS

**From:** [Hether Krause - ENVX](#) on behalf of [EROP Stakeholders](#)  
**To:** [AZCHOCOLATELADY@GMAIL.COM](mailto:AZCHOCOLATELADY@GMAIL.COM)  
**Cc:** [Suzanne Gray - PLANDEVX](#); [EROP Stakeholders](#)  
**Subject:** Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionery Food Establishment  
**Date:** Monday, March 03, 2014 4:35:04 PM  
**Attachments:** [image001.png](#)

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Dear Judy Kubinski:

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, Confectionary Food Establishment via the [EROP](#) website.

Please note that businesses operating under the Arizona Department of Health Services Home Baked and Confectionary Goods Program are exempt from Maricopa County Environmental Services Department (MCESD) permitting requirements when operating from a home kitchen. If your business expands beyond the home kitchen, the permitting option proposed in case ES-2013-006 may be utilized to meet the MCESD permitting requirement.

If case ES-2013-006 is adopted into the MCEHC and the Confectionary Food Establishment permit type is issued, minor changes to the operation may not require additional review.

This determination is dependent on the scope of the changes. Upon application it is important that you discuss your specific circumstances with MCESD. We welcome a conversation to provide further clarification based on your specific circumstances to ensure your questions are addressed and alleviate any confusion. Please contact Vas Hofer at 602-506-6986 during business hours for further information.

We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

### **Environmental Health Division**

Maricopa County Environmental Services Department  
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**From:** Regulatory [<mailto:regulations@mail.maricopa.gov>]

**Sent:** Monday, March 03, 2014 8:22 AM

**To:** Suzanne Gray - PLANDEVX

**Subject:** FW: Regulatory Outreach

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**From:** [azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com)[SMTP:AZCHOCOLATELADY@GMAIL.COM]

**Sent:** Monday, March 03, 2014 8:21:39 AM

**To:** Regulatory

**Subject:** Regulatory Outreach

**Auto forwarded by a Rule**

#### **Citizen Comments**

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionery Food Establishment

Citizen's Name: judy kubinski

Organization: goodies galore

City: fountain hills

Zip: 85268

Phone Number: 4808371162

Phone Type: home

Email: [azchocolatelady@gmail.com](mailto:azchocolatelady@gmail.com)

Does citizen want to be contacted: yes

---

Comment is regarding: other

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#### **Comments:**

i have a question i don't think has been asked.....will the new confectionery license be an all or nothing decision? if i'm unable to financially "do" the commercial kitchen in all aspects, can i still produce at home? goodies galore does both some baked goods and candy.can i furnish a kitchen 1st to do candy and later to do baked goods? if possible, will i have duplicate fees? thank you.

Time of Request: 3/3/2014 8:21:36 AM

**From:** Hether Krause - ENVX on behalf of EROP Stakeholders  
**To:** pdudinyak@hotmail.com  
**Cc:** Suzanne Gray - PLANDEVX  
**Subject:** Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionery Food Establishment  
**Date:** Thursday, March 13, 2014 8:35:42 AM  
**Attachments:** image001.png  
image003.png  
image004.png  
image005.png

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Dear Peggy Dudinyak:

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, Confectionery Food Establishment via the EROP website.

The new MCEHC case ES-2013-006 revision will create a new permit (and applicable plan review and permit fees) to allow a business that has expanded beyond the home kitchen to produce not potentially hazardous baked or confectionary goods for either wholesaling products to other Maricopa County Environmental Services Department (MCESD) permitted establishments or for retail sale. This revision also lessens the burden of equipment/infrastructure requirements when qualifying for an MCESD permit.

Please note that businesses operating under the Arizona Department of Health Services Home Baked and Confectionary Goods Program are exempt from MCESD permitting requirements when operating from a home kitchen. If a business expands beyond the home kitchen, the permitting option proposed in case ES-2013-006 may be utilized to meet the MCESD permitting requirement.

We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

### **Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

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**From:** Regulatory [<mailto:regulations@mail.maricopa.gov>]

**Sent:** Tuesday, March 11, 2014 3:00 PM

**To:** Suzanne Gray - PLANDEVX

**Subject:** FW: Regulatory Outreach

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**From:** [pdudinyak@hotmail.com](mailto:pdudinyak@hotmail.com)[SMTP:PDUDINYAK@HOTMAIL.COM]

**Sent:** Tuesday, March 11, 2014 2:59:34 PM

**To:** Regulatory

**Subject:** Regulatory Outreach

**Auto forwarded by a Rule**

**Citizen Comments**

**Issue:** ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionery Food Establishment

Citizen's Name: Peggy Dudinyak

Organization: Edible Artworks

City: Chandler

Zip: 85286

Phone Number: 480-821-1024

Phone Type: work

Email: [pdudinyak@hotmail.com](mailto:pdudinyak@hotmail.com)

Does citizen want to be contacted:

---

Comment is regarding: express support

---

**Comments:**

I had been doing custom baking in my home for 25 years in another state without any problems. I am in support of this change.

Time of Request: 3/11/2014 2:59:33 PM



## Report to the Board of Supervisors

Prepared by the Maricopa County Environmental Services Department



Environmental Services  
Department

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**Board of Health (BOH) Meeting Date:** January 27, 2014

**Board of Supervisors (BOS) Hearing Date:** June 11, 2014

**Case #/Title:** ES-2013-009/FDA Food Code Reference Amendment

**Supervisor Districts:** All Districts

**Applicant:** Maricopa County Environmental Services Department (Department)

**Request:** Approve the proposed revision to the Maricopa County Environmental Health Code (MCEHC) to align the MCEHC with A.R.S. § 36-136 and eliminate a conflict with the 2009 FDA Food Code, which disallows food prepared in a private home from being offered for human consumption in a Department permitted food establishment. This proposal updates a MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare not potentially hazardous baked and confectionary goods (goods) in a private home kitchen for commercial purposes and to offer these goods for sale in food establishments that have a valid Department permit.

**Support/Opposition:** At the October 28, 2013 BOH meeting, the Department presented comments received from twelve stakeholders via the Enhanced Regulatory Outreach Program (EROP) website: five expressed support, five opposed and two requested information. After emailing MCEHC proposal clarifications to opposing stakeholders, one opposition remained. Four stakeholders attended the October 8, 2013 stakeholder meeting; three expressed support and one did not state an opinion of opposition or support.

At the January 27, 2014 BOH meeting, the Department presented comments received from nine additional stakeholders via the EROP website: eight expressed support and one opposed. Department attempts to contact the one opposed stakeholder failed; emails sent to the listed address were returned undeliverable. Five stakeholders attended the November 18, 2013 stakeholder meeting and all five expressed support.

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**Department Recommendation:** **Approve**

**BOH Recommendation:** **Approve**

**Executive Summary:** This MCEHC submittal was initiated to align with A.R.S. § 36-136 and eliminate a conflict with the 2009 FDA Food Code that disallows food prepared in a private home from being offered for human consumption in a permitted food establishment. Without this MCEHC revision, Department permitted food establishments would be in violation of the MCEHC if they sold registered A.R.S. § 36-136 stakeholder goods in Department permitted establishments.

This proposed regulatory change is following the EROP policy and workflow process.

In accordance with the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens", the County Manager authorized the Department to proceed with this case in September 2013. Also, the County Manager briefed the Board of Supervisors in September 2013.

EROP received opposing comments that indicate stakeholders believe the proposed code change will disallow the sale of their goods in Department permitted establishments; however, the code change actually allows registered A.R.S. § 36-136 stakeholders the opportunity to sell their goods in Department permitted establishments.

An initial stakeholder meeting was conducted on October 8, 2013. Then on October 28, 2013, the Department presented a Staff Report for this case to the BOH at which time the BOH voted in support to initiate this case.

The Department conducted a follow-up stakeholder meeting on November 18, 2013. Then on January 27, 2014, the Department presented a Staff Report for this case to the BOH at which time the BOH voted to recommend the BOS adoption of the revision to the MCEHC.

**Presented by:** **John Kolman, R.S., MBA, Director**

**Attachments:** Report to BOH (01/27/14) – (64 pages)  
Addendum to Report to BOS (stakeholder input/MCESD responses received post 1/27/14 Report to BOH) – (2 pages)



## Report to the Board of Health

### To Make Recommendations to the Board of Supervisors

Prepared by the Maricopa County Environmental Services Department



Environmental Services  
Department

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**Case #/Title:** ES-2013-009/FDA Food Code Reference Amendment

**Meeting Date:** January 27, 2014

**Supervisor Districts:** All Districts

**Applicant:** Maricopa County Environmental Services Department (Department)

**Request:** Approve the proposed revision to the Maricopa County Environmental Health Code (MCEHC) to align the MCEHC with A.R.S. § 36-136 and eliminate a conflict with the 2009 FDA Food Code, which disallows food prepared in a private home from being offered for human consumption in a Department permitted food establishment. This proposal updates a MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare not potentially hazardous baked and confectionary goods (goods) in a private home kitchen for commercial purposes and to offer these goods for sale in food establishments that have a valid Department permit.

**Support/Opposition:** At the October 28, 2013 Board of Health (BOH) meeting, the Department presented comments received from twelve stakeholders via the Enhanced Regulatory Outreach Program (EROP) website: five expressed support, five opposed and two requested information. After emailing code proposal clarifications to opposing stakeholders, one opposition remained. Four stakeholders attended the October 8, 2013 stakeholder meeting; three expressed support and one did not state an opinion of opposition or support.

After the October BOH meeting, the Department received comments from nine additional stakeholders via the EROP website: eight expressed support and one opposed. Department attempts to contact the one opposed stakeholder failed; emails sent to the listed address were returned undeliverable. Five stakeholders attended the November 18, 2013 meeting and all five expressed support.

---

**Department**

**Recommendation:** Staff recommends the Board of Health **approve** the proposed revision to the MCEHC.

**Discussion:** This MCEHC submittal was initiated to align with A.R.S. § 36-136 and eliminate a conflict with the 2009 FDA Food Code that disallows food prepared in a private home from being offered for human consumption in a permitted food establishment. Without this MCEHC revision, Department permitted food establishments would be in violation of the MCEHC if they sold registered A.R.S. § 36-136 stakeholder goods in Department permitted establishments.

We expect Arizona Department of Health Services registered vendors (also known as cottage food vendors) to support this MCEHC revision.

This proposed regulatory change is following the EROP policy and workflow process.

In accordance with the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens", the County Manager authorized the Department to proceed with this case in September 2013. Also, the County Manager briefed the Board of Supervisors in September 2013.

EROP received opposing comments that indicate stakeholders believe the proposed code change will disallow the sale of their goods in Department permitted establishments; however, the code change actually allows registered A.R.S. § 36-136 stakeholders the opportunity to sell their goods in Department permitted establishments.

**Presented by:** **John Kolman, R.S., MBA, Director**

**Attachments:** Presentation – Stakeholder Meeting (11/18/13) – (2 Pages)  
Minutes – Stakeholder Meeting (11/18/13) - (2 Pages)  
Report to BOH (10/28/13)  
County Manager Case Approval (1 Page)  
Proposed MCEHC Revision Language (1 Page)  
Presentation –Stakeholder Meeting (10/8/13) – (2 Pages)  
Minutes – Stakeholder Meeting (10/8/13) - (2 Pages)  
Stakeholder Input & Department Responses (27 Pages)  
Addendum to the BOH (23 Pages)




**Follow-up Stakeholder Meeting**

Proposed Revisions  
**Maricopa County Environmental Health Code**

**ES-2013-009**  
**FDA Food Code Reference Amendment**

**Maricopa County Environmental Services Department**  
 November 18, 2013




**FOLLOW MARICOPA COUNTY'S  
 REGULATORY ADOPTION PROCESS  
 STEP-BY-STEP**

- Step 1 County Manager Briefed Board of Supervisors
- Step 2 Conduct Stakeholder Workshop
- Step 3 Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission
- Step 4 Public Meeting to Initiate Regulatory Change
- Step 5 Specific Departmental Processes
- Step 6 Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission
- Step 7 Public Meeting to Make Recommendation to Board of Supervisors
- Step 8 Schedule BOS Public Hearing
- Step 9 Board of Supervisor Public Hearing
- Step 10 Item Adopted




**Maricopa County  
 Environmental Services Department**

Working with our community  
 to ensure a safe and healthy environment

**VISION STATEMENT:**  
 As the recognized regional environmental leader, we will develop and foster innovative environmental health protection programs for the safety of our residents and their environment.

**MISSION STATEMENT:**  
 The mission of the Environmental Services Department is to provide safe food, water, waste disposal and vector borne disease reduction controls to the people of Maricopa County so that they may enjoy living in a healthy and safe community.




**-- BE INFORMED --**

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**- PARTICIPATE -**

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 ENHANCED REGULATORY OUTREACH PROGRAM**



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<http://www.maricopa.gov/regulations/>





**ES-2013-009  
 FDA Food Code Reference Amendment**

**PROPOSAL GOAL**

- Align with A.R.S. § 36-136 and eliminate conflict with the 2009 FDA Food Code that disallows food prepared in a private home from being offered for human consumption in a permitted food establishment.



**ES-2013-009**  
**FDA Food Code Reference Amendment**



**PROPOSAL RESULT**

- Updates the Maricopa County Environmental Health Code (MCEHC) FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders who prepare non-potentially hazardous baked and confectionary goods for commercial purposes in a kitchen of a private home, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department.



**Thank you for your participation.**  
**We welcome your questions**  
**and comments.**

<http://www.maricopa.gov/regulations/>

Caroline Oppleman, R.S., MSPH  
Andrew Linton, R.S., CPM  
Maricopa County Environmental Services Department  
1001 N. Central Ave.  
Phoenix, AZ 85004




**MCEHC CHAPTER VIII**  
**FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS**  
**SECTION 2 - FOOD ESTABLISHMENTS**



**REGULATION 1. Food Establishments**

a. ~~As of~~**EFFECTIVE** March 31, 2010, the following provisions of the U.S. Food and Drug Administration 2009 Food Code, **AND NO FUTURE EDITIONS OR AMENDMENTS, except for Section 3-304.15, IS ADOPTED AND** are incorporated by reference, **EXCEPT AS FOLLOWS-**

- SECTION 3-304.15 IS OMITTED;**
- SECTION 3-201.11(B) IS AMENDED TO READ: FOOD PREPARED IN A PRIVATE HOME MAY NOT BE USED OR OFFERED FOR HUMAN CONSUMPTION IN A FOOD ESTABLISHMENT UNLESS THE FOOD IS PREPARED IN COMPLIANCE WITH A.R.S. § 36-136(H)(4)(G).**



**MCEHC CHAPTER VIII**  
**FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS**  
**SECTION 2 - FOOD ESTABLISHMENTS**



*Continued from previous slide: Regulation 1. Food Establishments:*

b. ~~No future editions or amendments made to the U.S. Food and Drug Administration 2009 Food Code are incorporated by reference in subsection a-~~**A FOOD ESTABLISHMENT THAT SERVES OR VENDES FOOD DIRECTLY TO THE CONSUMER THAT HAS BEEN PREPARED IN A PRIVATE HOME IN COMPLIANCE WITH A.R.S. § 36-136(H)(4)(G) SHALL ENSURE THAT THE FINAL CONSUMER OF THE PRODUCT SERVED OR VENDED RECEIVES A COPY OF THE REQUIRED PACKAGE LABEL IN ACCORDANCE WITH A.R.S. § 36-136(H)(4)(G). THIS INCLUDES FOOD PREPARED BY THE FOOD ESTABLISHMENT THAT INCORPORATES PRODUCTS PREPARED IN COMPLIANCE WITH A.R.S. 36-136(H)(4)(G).**



## Environmental Services Department



### Stakeholder Meeting ES-2013-009 FDA Food Code Reference Amendments Monday November 18, 2013

**Stakeholders Present:** Jamie Cunningham – Jamie’s Kitchen, M. Flanigan, Slade Grove – Slade Grove Creative, Sue Berliner – bNakedprod., Don Herrington – ADHS.

**Staff Present:** Steven Goode – Deputy Director, Andy Linton – Environmental Health Division Manager, Ken Conklin – Quality & Compliance Division Manager, Caroline Oppleman – Environmental Health Management Analyst, Joan Minichiello – Quality & Compliance Management Analyst, Lene Pope – Quality & Compliance Development Service Technician.

**Presenter(s):** Caroline Oppleman and Andy Linton

#### Minutes\*:

Caroline Oppleman started off by discussing the EROP process and showing the stakeholders in attendance the website and where to go to sign up and make comments.

Andy Linton showed the presentation on the 2009 FDA food Code Reference Amendments that we are proposing to the Maricopa County Environmental Health Code (MCEHC). The goal of this change is to eliminate a conflict that currently exists between the A.R.S. 36-136 and the MCEHC reference to the 2009 FDA Food Code. Clarification was given on what we currently regulate and what we do not regulate. Individuals preparing food under A.R.S. 36-136 are not regulated by Maricopa County Environmental Services Department (MCESD). MCESD does, however, require our permitted food establishments to sell foods from approved sources. Currently, the 2009 FDA Food Code states that food prepared in a private residence is not an approved source. The proposed change will allow food prepared under the A.R.S. 36-136 to be considered an approved source, which will allow these foods to be sold in our permitted establishments.

Stakeholder questions and MCESD answers:

- If the home baker sells their items to a permitted establishment, will it be up to the establishment to make sure the end consumer receives the labeling and list of ingredients?
  - That’s correct. We regulate our permitted establishments, so we would hold them accountable for selling foods from approved sources. If the home baker is not operating under the state statute, then it would not be considered an approved source.
- The US Code does not require a physical street address to be on the labels, the Arizona state law does. I cannot see Maricopa County requiring “Nabisco” etc. to put a street address on their package. Is there a conflict there? Is the reason the County is requiring the labeling because the state law is requiring so?
  - All foods that are not prepared under the A.R.S. 36-136 must meet the requirements in the 2009 FDA Food Code, which may not require a physical address. For foods prepared under the state statute, we would look to the requirements in the A.R.S. 36-

136(H)(4)(G). So for the home baker operating under the A.R.S. 36-136 we would require the same things as the State.

- So the only reason that the County is requiring the strict labeling, is simply because the State has those requirements?
  - That is correct.
- What about a P.O. Box?
  - We will probably need to direct that question to the State.
  - Stakeholder comment: The State told me that it would be ok to use a P.O. Box for an address. It's really a privacy concern to have your own physical street address listed on the label, just because you don't want anyone showing up at your house. So the person I spoke with at the state said it would be ok to use a P.O. Box on the labels.

We do realize that there are many different types of rules and regulation out there, and it can be difficult to understand them. We encourage people to research other requirements. For example, checking with a local city or home owners association to make sure they are operating in compliance with any requirements they may have.

- It would be nice if there was a little more oversight on some of these home bakers, there are just too many out there that doesn't follow a very high sanitarian standard.
  - That would be an issue to take up with the State or legislator(s); they would be the ones to make any kind of changes to the A.R.S. 36-136.

Questions were also answered in regards to case ES-2013-006.

All stakeholders in attendance voiced their support for the proposed changes.

**Meeting adjourned.**

\*In order for the minutes to be relevant; only those questions and comments that were applicable to the topic presented were recorded. All other questions and comments not relevant to the topic were addressed either at the time of the meeting or shortly thereafter.



## Report to the Board of Health To Initiate Regulatory Change

Prepared by the Maricopa County Environmental Services Department



Environmental Services  
Department

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**Case #/Title:** ES-2013-009/FDA Food Code Reference Amendment

**Meeting Date:** October 28, 2013

**Supervisor Districts:** All Districts

**Applicant:** Department

**Request:** Approve the proposed revision to the Maricopa County Environmental Health Code (MCEHC) to align the MCEHC with A.R.S. § 36-136 and eliminate a conflict with the 2009 FDA Food Code, which disallows food prepared in a private home from being offered for human consumption in a permitted food establishment. This proposal updates a MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare not potentially hazardous baked and confectionary goods (goods) in a private home kitchen for commercial purposes and to offer these goods for sale in food establishments that have a valid Maricopa County Environmental Services Department (MCESD) permit.

**Support/Opposition:** MCESD received comments from twelve stakeholders via the Enhanced Regulatory Outreach Program (EROP) website: five expressed support, five opposed and two requested information. After emailing code proposal clarifications to opposing stakeholders, one opposition remains. Four stakeholders attended the October 8, 2013 stakeholder meeting; three expressed support and one did not state an opinion of opposition or support.

**Department Recommendation:** Staff recommends the Board of Health approve **initiation** of the proposed revision to the MCEHC.

**Discussion:** This MCEHC submittal was initiated to align with A.R.S. § 36-136 and eliminate a conflict with the 2009 FDA Food Code that disallows food prepared in a private home from being offered for human consumption in a permitted food establishment. Without this MCEHC revision, permitted MCESD food establishments would be in violation of the MCEHC if they sold registered A.R.S. § 36-136 stakeholder goods in their facilities.

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We expect Arizona Department of Health Services registered vendors (also known as cottage food vendors) to support this MCEHC revision.

This proposed regulatory change is following the EROP policy and workflow process.

In accordance with the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens", the County Manager authorized the Department to proceed with this case in September 2013. Also, the County Manager briefed the Board of Supervisors in September 2013.

EROP received opposing comments that indicate stakeholders believe the proposed code change will disallow the sale of their goods in permitted MCESD establishments; however, the code change actually allows registered A.R.S. § 36-136 stakeholders to sell their goods in permitted MCESD establishments.

**Presented by:** **John Kolman, R.S., MBA, Director**

**Attachments:**  
County Manager Case Approval (1 Page)  
Proposed MCEHC Revision Language (1 Page)  
Presentation – Stakeholder Meeting (10/8/13) – (2 Pages)  
Stakeholder Meeting Minutes (10/8/13) - (2 Pages)  
Other Stakeholder Input & Department Responses (25 Pages)



**Maricopa County**  
Environmental Services Department

John Kolman RS, MBA  
Director  
1001 N. Central Avenue #401  
Phoenix, Arizona 85004  
Phone: (602) 506-6623  
Fax: (602) 506-5141  
TDD 602 372-0622

Date: September 19, 2013

To: Tom Manos

Via: Joy Rich, AICP, Deputy County Manager

From: John Kolman, R.S., MBA, Director

Re: County Manager Approval – Proposed Changes to the Maricopa County Environmental Health Code (MCEHC)

In accordance with the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens," the Environmental Services Department (Department) is seeking your approval to initiate changes to the MCEHC via the Enhanced Regulatory Outreach Process (EROP).

The requested changes to the MCEHC qualify for County Manager Approval under the moratorium, as these changes are necessary to provide adequate service to our customers and to act in accordance with A.R.S. § 36-136. We would refer to this new EROP case as ES-2013-009/ FDA Food Code Reference Amendment.

The requested changes to MCEHC Chapter VIII align with A.R.S. § 36-136 and eliminate a conflict with the 2009 FDA Food Code that disallows food prepared in a private home from being offered for human consumption in a permitted food establishment. This proposal updates the MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department.

We are requesting your approval to move this proposed code revision forward in accordance with the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens."

Approved by Tom Manos, County Manager

MARICOPA COUNTY HEALTH CODE  
CHAPTER VIII

FOOD, FOOD PRODUCTS,  
FOOD HANDLING ESTABLISHMENTS

SECTION 2

FOOD ESTABLISHMENTS

REGULATION 1. Food Establishments

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- b. ~~No future editions or amendments made to the U.S. Food and Drug Administration 2009 Food Code are incorporated by reference in Subsection a.~~**A FOOD ESTABLISHMENT THAT SERVES OR VENDS FOOD DIRECTLY TO THE CONSUMER THAT HAS BEEN PREPARED IN A PRIVATE HOME IN COMPLIANCE WITH A.R.S. § 36-136(H)(4)(G) SHALL ENSURE THAT THE FINAL CONSUMER OF THE PRODUCT SERVED OR VENDED RECEIVES A COPY OF THE REQUIRED PACKAGE LABEL IN ACCORDANCE WITH A.R.S. § 36-136(H)(4)(G). THIS INCLUDES FOOD PREPARED BY THE FOOD ESTABLISHMENT THAT INCORPORATES PRODUCTS PREPARED IN COMPLIANCE WITH A.R.S. § 36-136(H)(4)(G).**

c. No Change

d. No Change

REGULATION 2. to REGULATION 5. No Change




**Initial Stakeholder Meeting**

**Proposed Revisions  
Maricopa County Environmental Health Code**

**ES-2013-009  
FDA Food Code Reference Amendment**

**Maricopa County Environmental Services Department  
October 8, 2013**




**Maricopa County  
Environmental Services Department**

**Working with our community  
to ensure a safe and healthy environment**

**VISION STATEMENT:**  
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Building Relationships

Maricopa County

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**FOLLOW MARICOPA COUNTY'S  
REGULATORY ADOPTION PROCESS  
STEP-BY-STEP**

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- Step 2 Conduct Stakeholder Workshop
- Step 3 Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission
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**ES-2013-009  
FDA Food Code Reference Amendment**

**PROPOSAL GOAL**

- Align with A.R.S. § 36-136 and eliminate conflict with the 2009 FDA Food Code that disallows food prepared in a private home from being offered for human consumption in a permitted food establishment.



**ES-2013-009**  
**FDA Food Code Reference Amendment**



**PROPOSAL RESULT**

- Updates the Maricopa County Environmental Health Code (MCEHC) FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders who prepare non-potentially hazardous baked and confectionary goods for commercial purposes in a kitchen of a private home, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department.



**MCEHC CHAPTER VIII**  
**FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS**  
**SECTION 2 - FOOD ESTABLISHMENTS**



**REGULATION 1. Food Establishments**

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**MCEHC CHAPTER VIII**  
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**SECTION 2 - FOOD ESTABLISHMENTS**



*Continued from previous slide: Regulation 1. Food Establishments:*

b. ~~No future editions or amendments made to the U.S. Food and Drug Administration 2009 Food Code are incorporated by reference in Subsection a-~~**A FOOD ESTABLISHMENT THAT SERVES OR VENDS FOOD DIRECTLY TO THE CONSUMER THAT HAS BEEN PREPARED IN A PRIVATE HOME IN COMPLIANCE WITH A.R.S. § 36-136(H)(4)(G) SHALL ENSURE THAT THE FINAL CONSUMER OF THE PRODUCT SERVED OR VENDED RECEIVES A COPY OF THE REQUIRED PACKAGE LABEL IN ACCORDANCE WITH A.R.S. § 36-136(H)(4)(G). THIS INCLUDES FOOD PREPARED BY THE FOOD ESTABLISHMENT THAT INCORPORATES PRODUCTS PREPARED IN COMPLIANCE WITH A.R.S. § 36-136(H)(4)(G).**



**Thank you for your participation.**  
**We welcome your questions**  
**and comments.**

<http://www.maricopa.gov/regulations/>

Joan Minichiello, R.S.  
Robert Stratman, M.S., R.S., CPM  
Maricopa County Environmental Services Department  
1001 N. Central Ave.  
Phoenix, AZ 85004





## Environmental Services Department



### Stakeholder Meeting ES-2013-009 FDA Food Code Reference Amendment Tuesday October 8, 2013

**Stakeholders Present:** Laura Levine – Because Baked Goods, Cece Russell – SARRC, Carmen Johnson – Q-tsie, Peggy Cottle – Stuttering King Bakery.

**Staff Present:** Steven Goode – Deputy Director, Andrew Linton – Environmental Health Division Manager, Ken Conklin – Quality & Compliance Division Manager, Robert Stratman – Environmental Operation Program Supervisor, Joan Minichiello – Quality & Compliance Management Analyst, Lene Pope – Quality & Compliance Development Service Technician.

**Presenter(s):** Joan Minichiello and Robert Stratman.

#### **Minutes\*:**

Joan Minichiello started off by discussing the EROP process and showing the stakeholders in attendance the website and where to go to sign up and make comments.

Robert Stratman briefed the attendees on the history of how/why Maricopa County adopted the 2009 FDA Food Code and why it's different than the State's Food Code.

The proposed change is an amendment to Maricopa County Environmental Health Code (MCEHC) Section 3-201.11(B), which will allow food service establishments that have a valid permit with the Maricopa County Environmental Services Department (MCESD) to purchase and resell home baked goods and confectionary items made by vendors operating in compliance with A.R.S. § 36-136(H)(4)(G).

MCESD enforces rules for our permitted vendors and not those persons that are licensed by the State's "Cottage Food" rule. This amendment will make the State licensed vendors an approved source. The labeling requirements that the State has in place, will also be incorporated into the MCEHC.

Stakeholder questions:

- So can the specific labeling requirements be verbal, written or posted somewhere?
  - In accordance with A.R.S. § 36-136(H)(4)(G) the label must be given to the final consumer of the product. There are no other options.
- So the end consumer has to see the ingredient list and the address of the home baker?
  - Yes, the final consumer of the product must be given a label meeting the requirements of A.R.S. § 36-136(H)(4)(G)
- So, if the permitted establishments are serving a slice of pie from a home baker, they have to provide the label with each slice? If that is the case, then it's hard to see that they would even bother with this.
  - In order to be in compliance, the permitted food establishment must provide the label with each slice of pie.
- The concern is having the home address listed on the label as well.
  - The address of the maker is required in accordance with A.R.S. § 36-136(H)(4)(G)
- Why does the address need to be on the labels? It seems to be overregulating the home bakers.

- That is part of the State rule, we had nothing to do with that and have no way of changing it. It could be part of a trace-back to the source and comes down to food safety.
- We understand that it's not the County that has these requirements, but it's still a concern to us. The labeling is a huge expense to small business, especially since you have to label every single item.

We also want everybody to know that when we are talking about the food code, it doesn't just apply to restaurants; it's also retail grocery stores and convenience stores, etc.

- So as long as you are registered with the State program, you can sell almost anywhere?
  - Yes, both directly to the consumer and to other establishments. Just to repeat the code proposal intent; it is only to regulate our permitted food establishments and not the home bake vendors. So this will open the door for these permitted facilities to buy products from the home bake vendors, and they are not in violation of an "approved source" rule.
- So a restaurant may ask to see if I'm registered as a vendor under the State rule?
  - The restaurant is responsible for ensuring the food they provide is from an approved source. In order for the food produced under A.R.S. § 36-136 to be considered approved source, it would have to meet all the requirements outlined in A.R.S. § 36-136(H)(4)(G).
- Will it be up to the home bake vendor to make sure the establishment is in compliance under this program or is that up to them?
  - That will be up to the establishment. We will also do our part in getting the word out to MCEHC permitted establishments to make them aware of this new code amendment.
- When does this go into effect?
  - It will depend on whether it goes expedited or the regular route. If expedited, then we could see it go into effect as early as January 2014, if regular, then it could be around April 2014. It all depends on if we encounter opposition to the code change, then it could take longer.
- Will the new change be retroactive?
  - No, it will take effect after the Board of Supervisors approves it.

Three stakeholders supported the code proposal and one individual did not state her opinion of opposition or support. The three who supported the proposal requested the case be expedited.

**Meeting adjourned.**

\*In order for the minutes to be relevant; only questions and comments applicable to the topic presented were recorded. All other questions and comments not relevant to the topic were addressed either at the time of the meeting or shortly thereafter.

**From:** EROP Stakeholders  
**To:** "levinelaura@hotmail.com"  
**Cc:** Suzanne Gray - PLANDEVX  
**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment  
**Date:** Friday, October 18, 2013 8:06:00 AM  
**Attachments:** [image001.png](#)

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Dear Ms. Levine,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter VIII, FDA Food Code Reference Amendment via the [EROP](#) website.

We appreciate your participation in the Maricopa County Environmental Services Department's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

#### **Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

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**From:** Suzanne Gray - PLANDEVX  
**Sent:** Friday, October 18, 2013 7:55 AM  
**To:** Caroline Oppleman - ENVX; Hether Krause - ENVX; Joan Minichiello - ENVX  
**Subject:** FW: Regulatory Outreach

**From:** [levinelaura@hotmail.com](mailto:levinelaura@hotmail.com) [<mailto:levinelaura@hotmail.com>]  
**Sent:** Wednesday, October 16, 2013 12:40 AM  
**To:** Regulatory  
**Subject:** Regulatory Outreach

#### **Citizen Comments**

**Issue:** ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Citizen's Name: Laura Levine  
Organization: Because Baked Goods  
City: Scottsdale  
Zip: 85257  
Phone Number: 602-330-5253  
Phone Type: mobile  
Email: [levinelaura@hotmail.com](mailto:levinelaura@hotmail.com)

Does citizen want to be contacted: no

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Comment is regarding: express support

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**Comments:**

I strongly support the proposed revisions to eliminate the Food Code Conflict. There is great business opportunity for me once the revisions are made to sell to permitted food establishments.

Time of Request: 10/16/2013 12:40:12 AM

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**Subject:** RE: ES-2013-006

**From:** Joan Minichiello - ENVX **On Behalf Of** EROP Stakeholders  
**Sent:** Wednesday, October 09, 2013 9:11 AM  
**To:** 'jjajdlen@cox.net'  
**Subject:** RE: ES-2013-006

Dear Ms. Dalen:

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, FDA Food Code Reference Amendment via the [EROP](#) website.

In line with your expressed comment, this proposed revision updates the MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department (MCESD).

We hope you find this information helpful and welcome further input as the EROP process continues. We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

**Environmental Health Division**

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**From:** Jane Dalen [<mailto:jjajdlen@cox.net>]  
**Sent:** Tuesday, October 08, 2013 9:54 AM  
**To:** Regulatory  
**Subject:** ES-2013-006

Thank you for revisiting this option. I support the change to allow individuals with a Home Baked & Confectionary License to sell their baked goods "wholesale to other permitted food service establishments within Maricopa County".

Jane Dalen  
602 535-5935

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**From:** Beth White <bawwhite\_2003@yahoo.com>  
**Sent:** Tuesday, October 08, 2013 12:38 PM  
**To:** Joan Minichiello - ENVX  
**Subject:** Re: Regulatory Outreach

Hello:-) Yes, I support it! Thank you for asking me and including me! ~Beth

**From:** Joan Minichiello - ENVX <JMinichi@mail.maricopa.gov>  
**To:** "bawwhite\_2003@yahoo.com" <bawwhite\_2003@yahoo.com>  
**Sent:** Tuesday, October 8, 2013 8:54 AM  
**Subject:** FW: Regulatory Outreach

Dear Ms. White:

After reviewing the Department's clarification, do you support the proposed Chapter 8, FDA Food Code Reference Amendment?

Thank you in advance for your prompt reply.

**Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004  
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**From:** Joan Minichiello - ENVX **On Behalf Of** EROP Stakeholders  
**Sent:** Tuesday, October 08, 2013 8:14 AM  
**To:** 'bawwhite\_2003@yahoo.com'  
**Subject:** FW: Regulatory Outreach

Dear Ms. White,

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, FDA Food Code Reference Amendment via the EROP website.

In line with your expressed comment, this proposed revision updates the MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department (MCESD).

We hope you find this information helpful and welcome further input as the EROP process continues. We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

### Environmental Health Division

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**From:** [bawhite\\_2003@yahoo.com](mailto:bawhite_2003@yahoo.com) [mailto:[bawhite\\_2003@yahoo.com](mailto:bawhite_2003@yahoo.com)]

**Sent:** Monday, October 07, 2013 2:59 PM

**To:** Regulatory

**Subject:** Regulatory Outreach

#### Citizen Comments

**Issue:** ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Citizen's Name: Beth White

Organization:

City: Wickenburg

Zip: 85358

Phone Number: 928-231-6593

Phone Type: mobile

Email: [bawhite\\_2003@yahoo.com](mailto:bawhite_2003@yahoo.com)

Does citizen want to be contacted: no

Comment is regarding: express opposition

#### Comments:

Hello:-) I would like it to still be possible to bake things from home that are available for sale in establishments. I like the idea that the restaurant has it marked for the public to see, that these items are baked in a home bakery. I also think it is good that one has to have a Food Handler's card. But, would like it to still be possible to put items in restaurants/stores, etc. Thank you.

Time of Request: 10/7/2013 2:59:29 PM

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**From:** Joan Minichiello - ENVX on behalf of EROP Stakeholders  
**Sent:** Tuesday, October 08, 2013 8:42 AM  
**To:** 'garrettjuanita@yahoo.com'  
**Subject:** FW: Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter 8, FDA Food Code Reference Amendment

Dear Ms. Garrett:

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, FDA Food Code Reference Amendment via the EROP website.

In line with your expressed comment, this proposed revision updates the MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department (MCESD).

We hope you find this information helpful and welcome further input as the EROP process continues. We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

**Environmental Health Division**

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**From:** [garrettjuanita@yahoo.com](mailto:garrettjuanita@yahoo.com) [<mailto:garrettjuanita@yahoo.com>]  
**Sent:** Monday, October 07, 2013 12:11 AM  
**To:** Regulatory  
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Citizen's Name: Juanita Garrett  
Organization: Popohtopia  
City: Phoenix  
Zip: 85035  
Phone Number: 6233295411

Phone Type: mobile  
Email: [garrettjuanita@yahoo.com](mailto:garrettjuanita@yahoo.com)

Does citizen want to be contacted:

---

Comment is regarding: express support

---

**Comments:**

I think each business should be the one to make the decision if it chooses to purchase and sell homebaked goods.

Time of Request: 10/7/2013 12:11:08 AM

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**From:** Joan Minichiello - ENVX on behalf of EROP Stakeholders  
**Sent:** Tuesday, October 08, 2013 8:40 AM  
**To:** 'jraducha@mac.com'  
**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter 8, FDA Food Code Reference Amendment

Dear Mr. Raducha:

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, FDA Food Code Reference Amendment via the EROP website.

In line with your expressed comment, this proposed revision updates the MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department (MCESD).

We hope you find this information helpful and welcome further input as the EROP process continues. We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

### Environmental Health Division

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**From:** [jraducha@mac.com](mailto:jraducha@mac.com) [<mailto:jraducha@mac.com>]  
**Sent:** Sunday, October 06, 2013 2:11 PM  
**To:** Regulatory  
**Subject:** Regulatory Outreach

### Citizen Comments

**Issue:** ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Citizen's Name: Jason Raducha  
Organization:  
City: Phoenix  
Zip: 85050  
Phone Number: 602.697.8967

Phone Type: mobile  
Email: [jraducha@mac.com](mailto:jraducha@mac.com)

Does citizen want to be contacted: yes

---

Comment is regarding: express support

---

**Comments:**

wholesale opportunities should be made to cottage law bakers.

Time of Request: 10/6/2013 2:10:45 PM

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**From:** Joan Minichiello - ENVX on behalf of EROP Stakeholders  
**Sent:** Tuesday, October 08, 2013 8:43 AM  
**To:** 'zoomroom@netzero.com'  
**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter 8, FDA Food Code Reference Amendment

Dear Mr. Boyer:

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, FDA Food Code Reference Amendment via the EROP website.

In line with your expressed comment, this proposed revision updates the MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department (MCESD).

We hope you find this information helpful and welcome further input as the EROP process continues. We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

### Environmental Health Division

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**From:** [zoomroom@netzero.com](mailto:zoomroom@netzero.com) [<mailto:zoomroom@netzero.com>]  
**Sent:** Saturday, October 05, 2013 6:09 PM  
**To:** Regulatory  
**Subject:** Regulatory Outreach

### Citizen Comments

**Issue:** No case number

Citizen's Name: paul boyer  
Organization:  
City: phoenix  
Zip: 85015  
Phone Number:  
Phone Type:

Email: [zoomroom@netzero.com](mailto:zoomroom@netzero.com)

Does citizen want to be contacted:

---

Comment is regarding: express support

---

**Comments:**

I'm a professional baker and use the homebaked good to supplement my income. if it weren't for this, there'd be another foreclosure in Phoenix. Keep this going.

Time of Request: 10/5/2013 6:08:37 PM

---

**From:** Toni DeBenedictis <tonicannoli@gmail.com>  
**Sent:** Monday, October 07, 2013 4:58 PM  
**To:** EROP Stakeholders  
**Subject:** Re: Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter 8, FDA Food Code Reference Amendment

No, I don't support the proposed amendment.

Sincerely,

Miss Toni DeBenedictis

On Mon, Oct 7, 2013 at 4:06 PM, EROP Stakeholders <[participate@mail.maricopa.gov](mailto:participate@mail.maricopa.gov)> wrote:

Dear Mr. DeBenedictis:

After reviewing the Department's clarification, do you support the proposed Chapter 8, FDA Food Code Reference Amendment?

Thank you in advance for your prompt reply.

## Environmental Health Division

Maricopa County Environmental Services Department

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**From:** Hether Krause - ENVX **On Behalf Of** EROP Stakeholders  
**Sent:** Thursday, October 03, 2013 11:50 AM  
**To:** '[tonicannoli@gmail.com](mailto:tonicannoli@gmail.com)'

**Cc:** Suzanne Gray - PLANDEVX

**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter 8, FDA Food Code Reference Amendment

Dear Mr. DeBenedictis:

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, FDA Food Code Reference Amendment via the EROP website.

In line with your expressed comment, this proposed revision updates the MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department (MCESD).

We hope you find this information helpful and welcome further input as the EROP process continues. We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

**Environmental Health Division**

Maricopa County Environmental Services Department

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**From:** [tonicannoli@gmail.com](mailto:tonicannoli@gmail.com) [<mailto:tonicannoli@gmail.com>]  
**Sent:** Wednesday, October 02, 2013 9:46 PM  
**To:** Regulatory  
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Citizen's Name: Toni DeBenedictis  
Organization:  
City: Litchfield Park  
Zip: 85340  
Phone Number: 6235476813  
Phone Type: home  
Email: [tonicannoli@gmail.com](mailto:tonicannoli@gmail.com)

Does citizen want to be contacted: no

---

Comment is regarding: express opposition

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**Comments:**

As a business owner and tax payer I cannot imagine why you repeal this. By embracing the private citizen to open a business out of their home, the state stands to gain money through taxation. In this economy, why shut down even more avenues for hard working people to make a living? I absolutely oppose the shutting down of the from home food service.

Time of Request: 10/2/2013 9:45:39 PM

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**From:** True Story Greetings LLC <tsgllc@cox.net>  
**Sent:** Monday, October 07, 2013 6:45 PM  
**To:** EROP Stakeholders  
**Subject:** Re: Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter 8, FDA Food Code Reference Amendment

To Whom It May Concern,

Thank you for the opportunity to provide input.

Yes, I do support a law which would enable registered A.R.S. & 36-136 stakeholders to prepare and bake confectionary (approved/not potentially hazardous) goods in a private home for resale in food establishments that have a valid permit with the Maricopa County Environmental Services Dept.

If needed, I can be contacted at 480-816-0559, or via email at [pinktreebakery@cox.net](mailto:pinktreebakery@cox.net).

Sincerely,

Deborah Cunningham

Pink Tree Bakery  
Fountain Hills, AZ 85268

----- Original Message -----

**From:** [EROP Stakeholders](mailto:EROP Stakeholders)

**To:** [pinktreebakery@cox.net](mailto:pinktreebakery@cox.net)

**Sent:** 2013-10-07 16:13

**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter 8, FDA Food Code Reference Amendment

Dear Ms. Cunningham:

After reviewing the Department's clarification, do you support the proposed Chapter 8, FDA Food Code Reference Amendment?

Thank you in advance for your prompt reply.

**Environmental Health Division**

Maricopa County Environmental Services Department  
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**From:** Hether Krause - ENVX **On Behalf Of** EROP Stakeholders  
**Sent:** Thursday, October 03, 2013 11:20 AM  
**To:** 'pinktreebakery@cox.net'  
**Cc:** Suzanne Gray - PLANDEVX; 'tsgllc@cox.net'; 'Deborah Cunningham ([kolodny4him@cox.net](mailto:kolodny4him@cox.net))'  
**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter 8, FDA Food Code Reference Amendment

Dear Ms. Cunningham,

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, FDA Food Code Reference Amendment via the [EROP](#) website.

In line with your expressed comment, this proposed revision updates the MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department (MCESD).

We hope you find this information helpful and welcome further input as the EROP process continues. We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

**Environmental Health Division**

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**From:** True Story Greetings LLC [<mailto:tsgllc@cox.net>]  
**Sent:** Wednesday, October 02, 2013 6:29 PM  
**To:** Regulatory  
**Subject:** (Case# ES-2013-009)

To Whom It May Concern,

Thank you for the opportunity to express my opinion regarding Case #ES-2013-009.

I think limiting the sale of home baked goods ultimately has the potential to have negative effects for both parties (established store fronts, and HBGP Program Registrants) in regards to: sales, income, networking and the overall growth of both business and our economy.

In the long run, I think both home based and traditional businesses ultimately benefit from carrying home baked goods. In particular, the sale of home baked goods to established store

front restaurants/businesses, etc., adds a uniquely special element, generates interest, income (at a very difficult financial season for so many), and much more. I do feel careful standards need to be applied in this process to ensure food safety and health for all involved.

If needed, I can be contacted at 480-816-0559, or via email at [pinktreebakery@cox.net](mailto:pinktreebakery@cox.net).

Sincerely,

Deborah Cunningham

Pink Tree Bakery  
Fountain Hills, AZ 85268

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**From:** Joan Minichiello - ENVX on behalf of EROP Stakeholders  
**Sent:** Wednesday, October 09, 2013 12:49 PM  
**To:** 'jcanddc@cox.net'  
**Subject:** FW: SH Response Approval Request

Dear Jamie Cunningham,

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, FDA Food Code Reference Amendment via the EROP website.

The case ES-2013-009 October 8, 2013 stakeholder meeting presentation and minutes will soon be available in the EROP website Board of Health (BOH) Staff Report, which will also contain 3 other cases that are scheduled on the October 28, 2013 BOH agenda.

We hope you find this information helpful and welcome further input as the EROP process continues. We appreciate your participation in Maricopa County Environmental Services Department efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

**Environmental Health Division**

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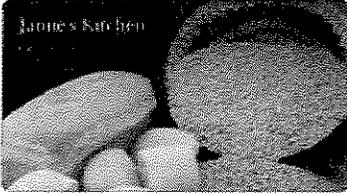
**From:** Dave and Jamie [<mailto:jcanddc@cox.net>]  
**Sent:** Tuesday, October 08, 2013 7:01 PM  
**To:** EROP Stakeholders  
**Subject:** RE: Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter 8, FDA Food Code Reference Amendment

I wasn't able to attend today's meeting, can you please send me an outline or brief update if anything was decided today, I would really appreciate it.

Thank you,

Thank you,  
Jamie Cunningham

*Jamie's Kitchen*  
602-859-1100



---

**From:** Hether Krause - ENVX [<mailto:H.Krause@mail.maricopa.gov>] **On Behalf Of** EROP Stakeholders  
**Sent:** Thursday, October 03, 2013 11:15 AM  
**To:** [jcanddc@cox.net](mailto:jcanddc@cox.net)  
**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter 8, FDA Food Code Reference Amendment

Dear Jamie Cunningham,

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, FDA Food Code Reference Amendment via the [EROP](#) website.

The stakeholder meeting begins at 10:00 am as you referenced; meeting lengths vary based on stakeholder attendance, however the presentation portion typically lasts less than one hour.

We hope you find this information helpful and welcome further input as the EROP process continues. We appreciate your participation in Maricopa County Environmental Services Department efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

**Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004  
[esd.maricopa.gov](http://esd.maricopa.gov) | [maricopa.gov/regulations/es](http://maricopa.gov/regulations/es)



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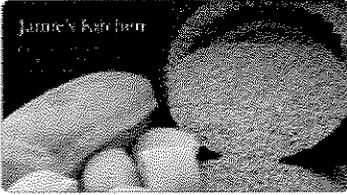
---

**From:** Dave and Jamie [<mailto:jcanddc@cox.net>]  
**Sent:** Wednesday, October 02, 2013 3:19 PM  
**To:** Regulatory  
**Subject:** workshop on Oct 8th

I received an email about the workshop for next Tuesday, 10/8/13 – Any idea how long it will go? I see it starts at 10am, but wasn't sure how long this could last.

Thank you,  
Jamie Cunningham

*Jamie's Kitchen*  
602-859-1100



Part of the email that was received:.....

....'You are encouraged to attend these meetings or submit comments (Case# ES-2013-009) to Maricopa County Environmental Services about how the potential revision to the Health Code will impact you or your business.'

- Citizen comments can be submitted online or via email
- Stakeholder Workshop - October 8, 2013, 10:00 a.m. (NOTE: tentative)
- Board of Health Public Meeting - October 28, 2013, 3:00 p.m.

---

**From:** Hannah Somerville <hannah.d.somerville@gmail.com>  
**Sent:** Monday, October 07, 2013 5:01 PM  
**To:** EROP Stakeholders  
**Subject:** Re: Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter 8, FDA Food Code Reference Amendment

Thank you! Yes I support it!

Sent from my iPhone <3

On Oct 7, 2013, at 4:08 PM, EROP Stakeholders <[participate@mail.maricopa.gov](mailto:participate@mail.maricopa.gov)> wrote:

Dear Ms. Somerville:

After reviewing the Department's clarification, do you support the proposed Chapter 8, FDA Food Code Reference Amendment?

Thank you in advance for your prompt reply.

**Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

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<image001.png>

---

**From:** Hether Krause - ENVX **On Behalf Of** EROP Stakeholders  
**Sent:** Thursday, October 03, 2013 11:21 AM  
**To:** 'hannah.d.somerville@gmail.com'  
**Cc:** Suzanne Gray - PLANDEVX  
**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter 8, FDA Food Code Reference Amendment

Dear Ms. Somerville,

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, FDA Food Code Reference Amendment via the EROP website.

In line with your expressed comment, this proposed revision updates the MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department (MCESD).

We hope you find this information helpful and welcome further input as the EROP process continues. We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

**Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

[esd.maricopa.gov](http://esd.maricopa.gov) | [maricopa.gov/regulations/es](http://maricopa.gov/regulations/es)

<image001.png>

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**From:** [hannah.d.somerville@gmail.com](mailto:hannah.d.somerville@gmail.com) [<mailto:hannah.d.somerville@gmail.com>]

**Sent:** Wednesday, October 02, 2013 2:42 PM

**To:** Regulatory

**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Citizen's Name: Hannah Somerville

Organization:

City: Tempe

Zip: 85282

Phone Number: 4802165376

Phone Type: mobile

Email: [hannah.d.somerville@gmail.com](mailto:hannah.d.somerville@gmail.com)

Does citizen want to be contacted: no

---

Comment is regarding: express opposition

---

**Comments:**

Hello- I think revising would put a lot of bakers out of business. My mom has been making wedding cakes and cake balls out of her home for many years and I just signed up through the county to be able to help her and do the same. Her food has never hurt anyone and I doubt it is taking business away from larger bakeries and establishments. If this goes through she'll lose her job and I'll lose my new second income. I don't see the reason to do this at all. If it's a food health concern then anyone who is eating home baked goods with proper labeling knows what risks they have. If it is to protect bakeries and restaurants I think that is ludicrous as well since my mother has about 15 steady clients. Good luck to everyone making these hard decisions and thank you for reading my comment.

Time of Request: 10/2/2013 2:41:32 PM

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**From:** Hether Krause - ENVX  
**Sent:** Thursday, October 03, 2013 10:28 AM  
**To:** EROP Stakeholders  
**Subject:** FW: Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code  
- Chapter 8, FDA Food Code Reference Amendment

## Hether Krause, R.S., CPM

**Enforcement Program Manager | Quality & Compliance Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Suite 270, Phoenix, AZ 85004  
Desk: 602.506.6930 | Fax: 602.506.6789  
[hkrause@mail.maricopa.gov](mailto:hkrause@mail.maricopa.gov) | [esd.maricopa.gov](http://esd.maricopa.gov)



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**From:** Hether Krause - ENVX **On Behalf Of** EROP Stakeholders  
**Sent:** Thursday, October 03, 2013 10:21 AM  
**To:** 'annadees@feadler.com'  
**Cc:** Suzanne Gray - PLANDEVX  
**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter 8, FDA Food Code Reference Amendment

Dear Ms. Feadler,

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, FDA Food Code Reference Amendment via the EROP website.

To receive notifications about Maricopa County Environmental Services Department (MCESD) proposed revisions to the MCEHC, interested stakeholders sign up on the EROP website at: <http://www.maricopa.gov/regulations/Notifications.aspx>. Therefore, any notifications you receive are in response to your request.

Per the case indicated by your comment, this proposed revision updates the MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department.

We hope you find this information helpful and thank you for registering your comment. We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

**Environmental Health Division**

Maricopa County Environmental Services Department  
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**Environmental Services  
Department**

---

**From:** [annadees@feadler.com](mailto:annadees@feadler.com) [mailto:[annadees@feadler.com](mailto:annadees@feadler.com)]

**Sent:** Tuesday, October 01, 2013 4:41 PM

**To:** Regulatory

**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Citizen's Name: Anna Feadler  
Organization: AnnaDee's Sweet Experience  
City: Phoenix  
Zip: 85024  
Phone Number: 6027907702  
Phone Type: mobile  
Email: [annadees@feadler.com](mailto:annadees@feadler.com)

Does citizen want to be contacted: yes

---

Comment is regarding: other

**Comments:**

I received an email regarding the meeting to discuss the above case. I have spoken with several people that cannot help me understand what this is and what it means for me. Can someone help with this? I don't know why I received this email. Need an explanation. Thank you. AD

Time of Request: 10/1/2013 4:41:20 PM

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**From:** liz.b.guinan@gmail.com on behalf of Liz Guinan <liz@happycatconfections.com>  
**Sent:** Monday, October 07, 2013 4:38 PM  
**To:** Joan Minichiello - ENVX  
**Subject:** Re: Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter 8, FDA Food Code Reference Amendment

Yes, I do support the change to allow stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes. Thank you!

On Mon, Oct 7, 2013 at 4:19 PM, Joan Minichiello - ENVX <[JMinichi@mail.maricopa.gov](mailto:JMinichi@mail.maricopa.gov)> wrote:

Dear Ms. Guinan:

After reviewing the Department's clarification, do you support the proposed Chapter 8, FDA Food Code Reference Amendment?

Thank you in advance for your prompt reply.

### **Environmental Health Division**

Maricopa County Environmental Services Department

1001 N. Central Avenue, Phoenix, AZ 85004

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Department**

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**From:** Hether Krause - ENVX **On Behalf Of** EROP Stakeholders  
**Sent:** Thursday, October 03, 2013 10:24 AM  
**To:** 'liz.b.guinan@gmail.com'  
**Cc:** Suzanne Gray - PLANDEVX

**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter 8, FDA Food Code Reference Amendment

Dear Ms. Guinan:

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, FDA Food Code Reference Amendment via the EROP website.

This proposed revision updates the MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department (MCESD), in line with your expressed comments.

We hope you find this information helpful and thank you for registering your comments. We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

## Environmental Health Division

Maricopa County Environmental Services Department

1001 N. Central Avenue, Phoenix, AZ 85004

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---

**From:** [liz.b.guinan@gmail.com](mailto:liz.b.guinan@gmail.com) [<mailto:liz.b.guinan@gmail.com>]

**Sent:** Tuesday, October 01, 2013 4:22 PM

**To:** Regulatory  
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Citizen's Name: Elizabeth Guinan  
Organization: Happy Cat Confections  
City: Paradise Valley  
Zip: 85253  
Phone Number: 6023146006  
Phone Type: home  
Email: [liz.b.guinan@gmail.com](mailto:liz.b.guinan@gmail.com)

Does citizen want to be contacted:

---

Comment is regarding: other

---

**Comments:**

Please change the Maricopa County law & allow those involved in the Home Baked Goods & Confectionary law to operate the same in Maricopa County as they can the rest of the state. Maricopa County is way behind in this area. The Home Baked and Confectionary Goods state law prohibits producing goods that can cause anyone harm. If cleanliness is a concern fo the county, then set up Board of Health visits to home kitchens. I happen to be fortunate enough to live in a big home with a huge kitchen, and I even have the three sinks required for a commercial kitchen! However either way, let the buyer decide if they want to purchase a home-baked good. There's no reason Maricopa County should be different than the rest of Arizona, let alone the other 47 states in the country who have approved similar laws. Thank you!

Time of Request: 10/1/2013 4:21:39 PM

--

Liz

Happy Cat Confections

*creamy dreamy candy that is (human) paw-lickin' good!*



## Report to the Board of Health

### ADDENDUM

Prepared by the Maricopa County Environmental Services Department



Environmental Services  
Department

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**Meeting Date:** January 27, 2014

**Case #/Title:** ES-2013-009/FDA Food Code Reference Amendment

Stakeholder comments and the Maricopa County Environmental Services Department responses for input received after the October 28, 2013 Maricopa County Board of Health (BOH) meeting are attached.

**Sent:** Thursday, October 31, 2013 5:16 PM

**To:** suezanetti@gmail.com

**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment

Dear Ms. Zanetti,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, FDA Food Code Reference Amendment via the EROP website.

In line with your expressed comment, this proposed revision updates the MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department (MCESD).

We hope you find this information helpful and welcome further input as the EROP process continues. We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have questions regarding this proposed revision.

#### **Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

[esd.maricopa.gov](http://esd.maricopa.gov) | [maricopa.gov/regulations/es](http://maricopa.gov/regulations/es)



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**Environmental Services  
Department**

**From:** [suezanetti@gmail.com](mailto:suezanetti@gmail.com) [<mailto:suezanetti@gmail.com>]

**Sent:** Thursday, October 31, 2013 9:53 AM

**To:** Regulatory

**Subject:** Regulatory Outreach

#### **Citizen Comments**

**Issue:** ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Citizen's Name: Sue Zanetti

Organization:

City: Chandler

Zip: 85225

Phone Number: 480-917-7331  
Phone Type: home  
Email: [suezanetti@gmail.com](mailto:suezanetti@gmail.com)

Does citizen want to be contacted:

---

Comment is regarding: express support

---

**Comments:**

PLEASE PUT THIS THROUGH!

Time of Request: 10/31/2013 9:52:35 AM

**From:** [EROP Stakeholders](#)  
**To:** [Sherrye@SherryesKitchen.com](mailto:Sherrye@SherryesKitchen.com)  
**Cc:** [Suzanne Gray - PLANDEVX](#)  
**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment  
**Date:** Monday, November 04, 2013 12:27:42 PM  
**Attachments:** [image001.png](#)

---

Dear Ms. Chapin,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program case ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter VIII, FDA Food Code Reference Amendment.

We appreciate your participation in the Maricopa County Environmental Services Department's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

### Environmental Health Division

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

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Environmental Services  
Department

**From:** [Sherrye@SherryesKitchen.com](mailto:Sherrye@SherryesKitchen.com) [<mailto:Sherrye@SherryesKitchen.com>]  
**Sent:** Monday, November 04, 2013 10:56 AM  
**To:** Regulatory  
**Subject:** Regulatory Outreach

### Citizen Comments

**Issue:** ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Citizen's Name: Sherye Chapin  
Organization: Sherrye's Kitchen LLC  
City: Phoenix  
Zip: 85041  
Phone Number: 4805187776  
Phone Type:  
Email: [Sherrye@SherryesKitchen.com](mailto:Sherrye@SherryesKitchen.com)

Does citizen want to be contacted: no

---

Comment is regarding: express support

---

### Comments:

After a very helpful conversation this morning with Ken Conklin, I not only wholeheartedly support this admendment, but respectfully request that it's passage be expedited. By delaying this until May is

causing undue confusion and is also delaying my growth as a micro-business owner. I have a few retail clients that are anxious to sell my product but are holding off pending the passage of this amendment. Thank you!

Time of Request: 11/4/2013 10:56:12 AM

**From:** EROP Stakeholders  
**Sent:** Thursday, October 31, 2013 5:12 PM  
**To:** Sherrye@gmail.com  
**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment

Dear Ms. Chapin,

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, FDA Food Code Reference Amendment via the EROP website.

In line with your expressed comment, this proposed revision updates the MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department (MCESD).

We hope you find this information helpful and welcome further input as the EROP process continues. We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have questions regarding this proposed revision.

#### **Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004  
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Environmental Services  
Department

**From:** [Sherrye@gmail.com](mailto:Sherrye@gmail.com) [<mailto:Sherrye@gmail.com>]  
**Sent:** Thursday, October 31, 2013 7:39 AM  
**To:** Regulatory  
**Subject:** Regulatory Outreach

#### **Citizen Comments**

**Issue:** ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Citizen's Name: Sherrye Chapin  
Organization: Sherrye's Kitchen LLC  
City: Phoenix

Zip: 85041  
Phone Number: 480-518-7776  
Phone Type: mobile  
Email: [Sherrye@gmail.com](mailto:Sherrye@gmail.com)

Does citizen want to be contacted: no

---

Comment is regarding: express support

---

**Comments:**

I fully support this change which would bring Maricopa County into alignment with the current HBCG law in Arizona. This program has allowed me to grow my micro-business to a thriving profit making enterprise. I have several restaurants & stores outside of Maricopa County that routinely purchase & sell my product. But within the county the conflict has been an issue. By enacting this change, I will be able to move forward toward growth, which will bring more tax revenue into the county as well. Being able to fully market my brownies within the county is not only good for me, but for the local economy. Thank you.

Time of Request: 10/31/2013 7:39:25 AM

**From:** [EROP Stakeholders](#)  
**To:** [abonilla001@hotmail.com](mailto:abonilla001@hotmail.com)  
**Cc:** [Suzanne Gray - PLANDEVX](#)  
**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment  
**Date:** Monday, November 04, 2013 3:16:26 PM  
**Attachments:** [image001.png](#)

---

Dear Ms. Bonilla,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program case ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter VIII, FDA Food Code Reference Amendment.

We appreciate your participation in the Maricopa County Environmental Services Department's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

### Environmental Health Division

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004

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**From:** Suzanne Gray - PLANDEVX  
**Sent:** Monday, November 04, 2013 2:27 PM  
**To:** Caroline Opplerman - ENVX  
**Subject:** FW: Regulatory Outreach

**From:** [abonilla001@hotmail.com](mailto:abonilla001@hotmail.com) [<mailto:abonilla001@hotmail.com>]  
**Sent:** Monday, November 04, 2013 2:18 PM  
**To:** Regulatory  
**Subject:** Regulatory Outreach

### Citizen Comments

**Issue:** ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Citizen's Name: Andrea Bonilla  
Organization:  
City: Tempe  
Zip: 85281  
Phone Number: 480-586-1263  
Phone Type: mobile  
Email: [abonilla001@hotmail.com](mailto:abonilla001@hotmail.com)

Does citizen want to be contacted:

---

Comment is regarding: express support

---

**Comments:**

I am wholly in favor of allowing home bakers to sell their goods to retail establishments for resale to the public. I believe this gives both parties more resources for offering products to the public. I think it allows everyone to win. Thank you for considering this change. I hope it is successful.

Time of Request: 11/4/2013 2:17:47 PM



*Office of the Director*

150 N. 18<sup>th</sup> Avenue, Suite 500  
Phoenix, Arizona 85007-3247  
(602) 542-1025  
(602) 542-1062 FAX  
Internet: [www.azdhs.gov](http://www.azdhs.gov)

JANICE K. BREWER, GOVERNOR  
WILL HUMBLE, DIRECTOR

October 31, 2013

Mr. John Kolman, Director  
Maricopa County Department of Environmental Services  
1001 N. Central Ave., Suite 200  
Phoenix, AZ 85004

Dear Mr. Kolman,

I would like to comment on the baked and confectionary goods ordinance revision being considered at this time. Simply stated, I believe that the Maricopa County Department of Environmental Services existing regulations are in conflict with State law. The proposed Health Code update (Case# ES-2013-009) as written and when instituted, will be in compliance with State law and consistent with statewide application of the law.

A.R.S. § 36-136(H)(4)(g) provides that activities conducted in compliance with this provision are exempt from rulemaking and thus, regulatory authority. Subsection (I) provides that the county board of supervisors can adopt ordinances and rules that "do not conflict with state law" and are equal to or more restrictive than the rules of the Director. First, under A.R.S. § 36-136(H), the County does not have authority to adopt ANY ordinances or rules that in any way regulate non-hazardous home baked goods because state law provides these are exempt from regulation when conducted in accordance with the statute. In addition, under subsection (I), any ordinance or rule of a County which in any way prohibits activity conducted under (H)(4)(g) would be in clear conflict with this state law and not permitted.

The baked and confectionary goods law was a law that was cut very narrowly for the purpose of protecting public health and allowing opportunity for small business growth, and the training and skill building of Arizona citizens. The proposed regulations (Case# ES-2013-009), as written by Maricopa County, meet the intent and purpose of the law allowing for consistent statewide application of the Arizona law. ADHS supports the proposed modification to your existing regulations to address the present shortcomings and bring about adherence to State statute.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Humble". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Will Humble, MPH  
Director

**From:** [EROP Stakeholders](#)  
**To:** [Don.Herrington@azdhs.gov](mailto:Don.Herrington@azdhs.gov)  
**Cc:** [Suzanne Gray - PLANDEVX](#)  
**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment  
**Date:** Monday, November 04, 2013 8:04:32 AM  
**Attachments:** [MCDES Comment Letter 11-1-13 \(3\).pdf](#)  
[image001.png](#)

---

Dear Mr. Herrington,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program case ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter VIII, FDA Food Code Reference Amendment.

We appreciate your participation in the Maricopa County Environmental Services Department's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

#### **Environmental Health Division**

Maricopa County Environmental Services Department  
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**Environmental Services  
Department**

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**From:** Don Herrington [<mailto:Don.Herrington@azdhs.gov>]  
**Sent:** Friday, November 01, 2013 4:58 PM  
**To:** Regulatory  
**Subject:** ES-2013-009

Hi,

I am sending this on behalf of Will Humble, Director of the Arizona Department of Health Services. Please see the accompanying attachment.

Thank you.

Don Herrington, Assistant Director  
Public Health Preparedness  
Arizona Department of Health Services  
150 N. 18<sup>th</sup> Ave., Suite 520  
Phoenix, Arizona 85007  
602.364.3855  
[Don.Herrington@azdhs.gov](mailto:Don.Herrington@azdhs.gov)

---

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**From:** [EROP Stakeholders](#)  
**To:** [Will.Humble@azdhs.gov](mailto:Will.Humble@azdhs.gov)  
**Cc:** [Suzanne Gray - PLANDEVX](#)  
**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment  
**Date:** Monday, November 04, 2013 8:08:11 AM  
**Attachments:** [image001.png](#)

---

Dear Mr. Humble,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program case ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter VIII, FDA Food Code Reference Amendment.

We appreciate your participation in the Maricopa County Environmental Services Department's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

**Environmental Health Division**

Maricopa County Environmental Services Department  
1001 N. Central Avenue, Phoenix, AZ 85004  
[esd.maricopa.gov](http://esd.maricopa.gov) | [maricopa.gov/regulations/es](http://maricopa.gov/regulations/es)



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Environmental Services  
Department

**From:** [Will.Humble@azdhs.gov](mailto:Will.Humble@azdhs.gov) [mailto:[Will.Humble@azdhs.gov](mailto:Will.Humble@azdhs.gov)]  
**Sent:** Friday, November 01, 2013 1:48 PM  
**To:** Regulatory  
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Citizen's Name: Will Humble  
Organization: ADHS  
City: Phoenix  
Zip: 85007  
Phone Number: 602.542.1140  
Phone Type: work  
Email: [Will.Humble@azdhs.gov](mailto:Will.Humble@azdhs.gov)

Does citizen want to be contacted: no

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Comment is regarding: express support

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**Comments:**

I would like to comment on the baked and confectionary goods ordinance revision being considered at

this time. Simply stated, I believe that the Maricopa County Department of Environmental Services' existing regulations are in conflict with State law. The proposed Health Code update (Case# ES-2013-009) as written and when instituted, will be in compliance with State law and consistent with statewide application of the law. A.R.S. § 36-136(H)(4)(g) provides that activities conducted in compliance with this provision are exempt from rulemaking and thus, regulatory authority. Subsection (I) provides that the county board of supervisors can adopt ordinances and rules that "do not conflict with state law" and are equal to or more restrictive than the rules of the Director. First, under A.R.S. § 36-136(H), the County does not have authority to adopt ANY ordinances or rules that in any way regulate non-hazardous home baked goods because state law provides these are exempt from regulation when conducted in accordance with the statute. In addition, under subsection (I), any ordinance or rule of a County which in any way prohibits activity conducted under (H)(4)(g) would be in clear conflict with this state law and not permitted. The baked and confectionary goods law was a law that was cut very narrowly for the purpose of protecting public health and allowing opportunity for small business growth, and the training and skill building of Arizona citizens. The proposed regulations (Case# ES-2013-009), as written by Maricopa County, meet the intent and purpose of the law allowing for consistent statewide application of the Arizona law. ADHS supports the proposed modification to your existing regulations to address the present shortcomings and bring about adherence to State statute. Sincerely, Will Humble  
Director Arizona Department of Health Services

Time of Request: 11/1/2013 1:47:37 PM

**From:** EROP Stakeholders  
**Sent:** Wednesday, October 30, 2013 2:34 PM  
**To:** 'rob@resnikmediation.com'  
**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter 8, FDA Food Code Reference Amendment

Dear Mr. Resnik,

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, FDA Food Code Reference Amendment via the [EROP](#) website.

In line with your expressed comment, this proposed revision updates the MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department (MCESD).

We hope you find this information helpful and welcome further input as the EROP process continues. We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

#### **Environmental Health Division**

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-----Original Message-----

**From:** Rob Resnik [mailto:rob@resnikmediation.com]  
**Sent:** Tuesday, October 29, 2013 2:14 PM  
**To:** Regulatory  
**Subject:** HBCG Program

I am writing in support of changing the county's policy with regard to allowing home based bakers, acting in compliance with all directives under the authorizing statute, to sell their products in retail stores.

Current policy blocks home bakers from selling their products in a retail setting thereby denying them the ability to effectively market their undeniably safe products. My son Matthew Resnik is one of many directly impacted by this unnecessary policy.

Matthew is a 22 year old who is severely impacted by Autism. His difficulties with communication and environmental challenges make it virtually impossible for him to work in a competitive employment situation. This is why the HBCG program has been a godsend for him and our entire family. Since graduating from school last May he has enthusiastically and diligently worked to develop recipes and a production process that enable him to bake quality biscotti. His ingredients and baking process ensure that the product is completely safe and fully complies with all regulations under the program.

Matthew's major challenges at this point are marketing and sales. A number of retail sellers have expressed great enthusiasm for Matthew's product as well as his efforts to gain independence and become a productive member of society. Without taking advantage of these retail opportunities, it will be difficult for Matthew to generate sales sufficient to make his business successful. That outcome can be avoided if the County will simply waive any restrictions beyond those imposed by the State statute. These products are undeniably safe and pose no health risk to the public.

It would truly be a shame if home bakers are denied the opportunity to reach their potential due to unnecessary County restrictions.

For more information on Matthew's business please visit his website [www.smilebiscotti.com](http://www.smilebiscotti.com).

If you have any questions or would like any additional comments please feel free to contact me.

Sincerely

Rob Resnik

602-758-7292

[Rob@resnikmediation.com](mailto:Rob@resnikmediation.com)

**From:** [Joan Minichiello - ENVX](#) on behalf of [EROP Stakeholders](#)  
**To:** [hohogingerbread@hotmail.com](mailto:hohogingerbread@hotmail.com)  
**Cc:** [Suzanne Gray - PLANDEVX](#)  
**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment  
**Date:** Monday, November 18, 2013 1:30:16 PM  
**Attachments:** [image001.png](#)

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Dear Ms. Sabelman,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, FDA Food Code Reference Amendment via the [EROP](#) website.

In line with your expressed comment, this proposed revision updates the MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department (MCESD).

We hope you find this information helpful and welcome further input as the EROP process continues. We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

### **Environmental Health Division**

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**From:** [hohogingerbread@hotmail.com](mailto:hohogingerbread@hotmail.com) [<mailto:hohogingerbread@hotmail.com>]

**Sent:** Friday, November 15, 2013 2:42 PM

**To:** Regulatory

**Subject:** Regulatory Outreach

### **Citizen Comments**

**Issue:** ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Citizen's Name: Wendy Sabelman

Organization: The Naughty Tarte Baking  
City: Phoenix  
Zip:  
Phone Number:  
Phone Type:  
Email: [hohogingerbread@hotmail.com](mailto:hohogingerbread@hotmail.com)

Does citizen want to be contacted: no

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Comment is regarding: express support

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**Comments:**

I am in favor of this revision. It would be wonderful for my baking business to be able to sell non-hazardous baked goods to restaurants without having to obtain a commercial business license. I believe it is a very small risk to public health but would make a huge difference to many home baking businesses. It would help boost the strained Maricopa County economy especially those who cannot afford to rent a commercial kitchen and obtain the Maricopa County licenses. Many states across the county already do this and it would be great for Maricopa County to help their residents.

Time of Request: 11/15/2013 2:41:40 PM

The Department sent a Case ES-2013-009 response to Lakenya Colenburg twice at [sweetestindulgene@yahoo.com](mailto:sweetestindulgene@yahoo.com) with both emails returned undeliverable.

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**From:** Mail Delivery System [<mailto:MAILER-DAEMON@extmail2.maricopa.gov>]  
**Sent:** Friday, November 01, 2013 9:47 AM  
**To:** Hether Krause - ENVX  
**Subject:** Undeliverable: Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment

**Delivery has failed to these recipients or distribution lists:**

[sweetestindulgene@yahoo.com](mailto:sweetestindulgene@yahoo.com)

An error occurred while trying to deliver this message to the recipient's e-mail address. Microsoft Exchange will not try to redeliver this message for you. Please try resending this message, or provide the following diagnostic text to your system administrator.

The following organization rejected your message: [98.136.217.202].

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**From:** Mail Delivery System [<mailto:MAILER-DAEMON@extmail2.maricopa.gov>]  
**Sent:** Friday, November 01, 2013 9:54 AM  
**To:** Hether Krause - ENVX  
**Subject:** Undeliverable: Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment

**Delivery has failed to these recipients or distribution lists:**

[Sweetestestindulgence@yahoo.com](mailto:Sweetestestindulgence@yahoo.com)

An error occurred while trying to deliver this message to the recipient's e-mail address. Microsoft Exchange will not try to redeliver this message for you. Please try resending this message, or provide the following diagnostic text to your system administrator.

The following organization rejected your message: [98.138.112.34].

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**From:** EROP Stakeholders  
**Sent:** Friday, November 01, 2013 9:54 AM  
**To:** [Sweetestestindulgence@yahoo.com](mailto:Sweetestestindulgence@yahoo.com)  
**Cc:** Suzanne Gray - PLANDEVX  
**Subject:** Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment

Dear Lakenya Colenburg,

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, FDA Food Code Reference Amendment via the EROP website.

In line with your expressed comment, this proposed revision updates the MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department (MCESD).

We hope you find this information helpful and welcome further input as the EROP process continues. We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

### Environmental Health Division

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**From:** [sweetestindulgene@yahoo.com](mailto:sweetestindulgene@yahoo.com) [<mailto:sweetestindulgene@yahoo.com>]

**Sent:** Thursday, October 31, 2013 9:51 AM

**To:** Regulatory

**Subject:** Regulatory Outreach

### Citizen Comments

**Issue:** ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Citizen's Name: Lakenya Colenburg  
Organization: Sweetest Indulgence Cakes & Dess  
City: Surprise  
Zip: 85388  
Phone Number: 6233125461  
Phone Type: mobile  
Email: [sweetestindulgene@yahoo.com](mailto:sweetestindulgene@yahoo.com)

Does citizen want to be contacted:

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Comment is regarding: express opposition

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### Comments:

I do not see why there should be a problem with home based baker supplying or wholesaling to commercial establishments. We have a food handlers card that allows us to prepare food for the public, yet you want to tie our hands behind our backs and limit us to school bake sales. You have many home

based business who are professional's including myself. We know and understand how to prepare, food for a commercial setting. Why take away a opportunity from someone who would otherwise not have one.

Time of Request: 10/31/2013 9:51:05 AM

## Joan Minichiello - ENVX

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**From:** Hether Krause - ENVX on behalf of EROP Stakeholders  
**Sent:** Tuesday, January 14, 2014 4:41 PM  
**To:** jgano@cox.net  
**Cc:** Suzanne Gray - PLANDEVX; EROP Stakeholders  
**Subject:** Response/ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Dear Mr. Gano:

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-009 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, FDA Food Code Reference Amendment via the EROP website.

In line with your expressed comment, this proposed revision updates the MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare baked and confectionary goods that are not potentially hazardous and prepared in a kitchen of a private home for commercial purposes, the ability to offer these goods for sale in food establishments that have a valid permit with the Maricopa County Environmental Services Department (MCESD).

We hope you find this information helpful and welcome further input as the EROP process continues. We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further comments.

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**From:** Suzanne Gray - PLANDEVX  
**Sent:** Tuesday, January 14, 2014 10:41 AM  
**To:** Hether Krause - ENVX  
**Subject:** FW: Regulatory Outreach

Below is a comment submitted for ES 2013-009.

**From:** [jgano@cox.net](mailto:jgano@cox.net) [<mailto:jgano@cox.net>]  
**Sent:** Monday, January 13, 2014 2:53 PM  
**To:** Regulatory  
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Citizen's Name: Jeff Gano  
Organization:  
City: Scottsdale  
Zip: 85257  
Phone Number:  
Phone Type:  
Email: [jgano@cox.net](mailto:jgano@cox.net)

Does citizen want to be contacted:

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Comment is regarding: express support

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**Comments:**

This law was passed with the idea of creating jobs and income for those out of jobs. Without being able to sell to food establishments a large segment for potential sales is eliminated.

Time of Request: 1/13/2014 2:53:15 PM



## Report to the Board of Supervisors ADDENDUM

Prepared by the Maricopa County Environmental Services Department



Environmental Services  
Department

**Meeting Date:** June 11, 2014

**Case #/Title:** ES-2013-009/FDA Food Code Reference Amendment

Stakeholder comments and Maricopa County Environmental Services Department responses for input received after the Maricopa County Board of Health meeting on January 27, 2014 are attached.

**From:** [Hether Krause - ENVX](#) on behalf of [EROP Stakeholders](#)  
**To:** [SHERRYE@SHERRYESKITCHEN.COM](mailto:SHERRYE@SHERRYESKITCHEN.COM)  
**Cc:** [Suzanne Gray - PLANDEVX](#); [EROP Stakeholders](#)  
**Subject:** Response/Update on HBCG bill  
**Date:** Friday, February 28, 2014 4:49:51 PM  
**Attachments:** [image001.png](#)

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Dear Sherrye Chapin:

The Maricopa County Environmental Services Department (MCESD) presented case ES-2013-009 (FDA Food Code Reference Amendment) on January 27, 2014 to the Board of Health (BOH). The BOH approved ES-2013-009 and recommended the case be presented to the Board of Supervisors (BOS). MCESD will submit a request to the BOS for placement on the June 11, 2014 BOS agenda. Please note that the above date may change and case updates are available via the [EROP](#) website.

We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

#### **Environmental Health Division**

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**From:** Regulatory [<mailto:regulations@mail.maricopa.gov>]

**Sent:** Wednesday, February 26, 2014 8:25 AM

**To:** Suzanne Gray - PLANDEVX

**Subject:** FW: Update on HBCG bill

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**From:** [sherrye@sherryeskitchen.com](mailto:sherrye@sherryeskitchen.com)[SMTP:[SHERRYE@SHERRYESKITCHEN.COM](mailto:SHERRYE@SHERRYESKITCHEN.COM)]

**Sent:** Wednesday, February 26, 2014 8:24:38 AM

**To:** Regulatory

**Subject:** Update on HBCG bill

**Auto forwarded by a Rule**

Can you please tell me where we stand on the rewording of the code that will allow registered HBCG bakers to sell their products to establishments that are already permitted by MCHD?

Thanks you!

Sherrye Chapin

480-518-7776

[Caramel Addiction](#)

## Suzanne Gray - PLANDEVX

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**From:** Hether Krause - ENVX  
**Sent:** Tuesday, June 10, 2014 2:38 PM  
**To:** Sherrye@gmail.com  
**Cc:** Suzanne Gray - PLANDEVX; EROP Stakeholders  
**Subject:** Response/ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Dear Sherrye Chapin:

Case ES-2013-009 (FDA Food Code Reference Amendment) and ES-2013-006 (Confectionary Food Establishment) are on the June 11, 2014 Board of Supervisors (BOS) [agenda](#) for possible approval. Provided a quorum is present, the BOS will vote to either approve or deny the cases. If approved, they will become effective immediately. Also, following the June 11, 2014 meeting Step 10 on the [EROP](#) website will be updated to display BOS case approvals.

We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

### Environmental Health Division

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**From:** [Sherrye@gmail.com](mailto:Sherrye@gmail.com)[SMTP:SHERRYE@GMAIL.COM]  
**Sent:** Monday, June 09, 2014 2:30:20 PM  
**To:** Regulatory  
**Subject:** Regulatory Outreach  
**Auto forwarded by a Rule**

### Citizen Comments

**Issue:** ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Citizen's Name: Sherrye Chapin  
Organization: Sherrye's Kitchen LLC  
City: Phoenix  
Zip: 85041-6924  
Phone Number:  
Phone Type: home  
Email: [Sherrye@gmail.com](mailto:Sherrye@gmail.com)

Does citizen want to be contacted: yes

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Comment is regarding: express support

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**Comments:**

I have been trying to follow this for almost a year but I can't see that any action has taken place on this amendment. When is this expected to take effect as every delay is costing micro businesses in Maricopa County to loose money and potential customers. Thank you.

Time of Request: 6/9/2014 2:30:20 PM