



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:	<p>Approve the request to process Case ES-2013-006 through the Expedited Program.</p> <p>Per the Enhanced Regulatory Outreach Program Policy, Section IV(E), the Expedited Process may only be used if the following criteria have been met:</p> <ol style="list-style-type: none">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 RS, MBA
Director
1001 N. Central Avenue #401
Phoenix, Arizona 85004
Phone: (602) 506-6623
Fax: (602) 506-5141
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."

A handwritten signature in black ink, appearing to read "Tom Manos", written over a horizontal line.

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
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(69) <u>(70)</u>	No Change
(70) <u>(71)</u>	No Change
(71) <u>(72)</u>	No Change
(72) <u>(73)</u>	No Change
(73) <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

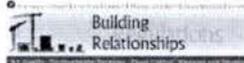
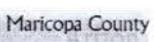



Maricopa County
Environmental Services Department

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.

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.

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
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- Step 8** Schedule BOS Public Hearing
- Step 9** Board of Supervisor Public Hearing
- Step 10** Item Adopted




– BE INFORMED –

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Chapter 8, Section 1 - Definition

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

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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/>

Caroline Oppleman, M.S.P.H., 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-2013-006 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, where as 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 6th, 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. Oppleman 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




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Environmental Services Department

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Building Relationships
Maricopa County

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Chapter 8, Section 6, Regulation 9

REGULATION 9. CONFECTIONARY FOOD ESTABLISHMENT

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Chapter 8, Section 6, Regulation 9

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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.

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Chapter 8, Section 6, Regulation 9

REGULATION 9. CONFECTIONARY FOOD ESTABLISHMENT

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



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](#)

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

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](#), 5th 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 | maricopa.gov/regulations/es



Working with our community
to ensure a safe and healthy environment



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>]
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

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 To Initiate Regulatory Change

Prepared by the Maricopa County Environmental Services Department



Environmental Services
Department

Case #/Title: ES-2013-007/Food Peddler Permit

Meeting Date: October 28, 2013

Supervisor Districts: All Districts

Applicant: Department

Request: Revisions to Maricopa County Environmental Health Code (MCEHC) Chapter VIII – Add a food peddler permit duration of six months to provide customers with the flexibility to either obtain a six month or the current one year permit commensurate with the actual time period during which they conduct business. The six month food peddler permit fee will be half of the current one year fee.

Support/Opposition: No comments in support or in opposition of this MCEHC proposal have been received to date.

Department Recommendation: **Initiate**

Discussion: Revise MCEHC Chapter VIII to add the food peddler permit duration of six months in addition to the current one year permit to provide customers flexibility to obtain a permit commensurate with the actual time period during which they conduct business.

Many food peddlers only operate on a seasonal basis, and therefore do not need a one year permit. Creating a six month food peddler permit in addition to the existing one year food peddler permit will provide an additional option to reduce customer cost. The six month food peddler permit fee will be half of the current listed one year fee.

Proposed revisions to the MCEHC Chapter VIII:

This proposed regulatory change is following the Enhanced Regulatory Outreach 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 (BOS) in June 2013.

After discussion with the BOS, the proposal was amended to maintain the one year fee and offer a second option of a six month fee.

An initial stakeholder meeting was conducted on August 6, 2013.

Department

Recommendation:

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

Presented by:

John Kolman, R.S., MBA, Director

Attachments:

County Manager Case Approval (1 Page)
Proposed Code Revision Language (1Page)
Presentation – Stakeholder Meeting (8/6/13) – (2 Pages)
No Stakeholder Meeting Minutes - No stakeholders attended the (8/6/13) meeting.



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: 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-2013-007/Food Peddler Permit.

These requested changes to MCEHC Chapters I and VIII would change the food peddler permit duration from one year to six months to provide customers with the flexibility to obtain a permit commensurate with the actual time period during which they conduct business. The six month food peddler permit fee would be half of the current listed one year fee, therefore, the prorated fee would remain the same.

Many food peddlers operate on a seasonal basis only, and therefore do not need a one year permit. Creating a six month food peddler permit would reduce customer cost, increase customer satisfaction, and better align with their business model.

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."

A handwritten signature in black ink, appearing to read "Tom Manos", written over a horizontal line.

Approved by Tom Manos, County Manager

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

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

SECTION 3

MOBILE FOOD ESTABLISHMENTS

REGULATION 1. Definitions No Change

REGULATION 2. Compliance

- a. No Change
- b. Mobile food unit, pushcart and food peddler permit holders that desire to perform operations not allowed under their permit, while operating in conjunction with an event, shall obtain a temporary food establishment, seasonal food establishment, or special event food establishment permit. **UNLIKE MOBILE FOOD UNITS AND PUSHCARTS, WHICH ARE OFFERED ONLY AS A ONE (1) YEAR PERMIT, PEDDLER PERMITS ARE ISSUED FOR EITHER SIX (6) MONTHS OR ONE (1) YEAR. THE SIX (6) MONTH PEDDLER PERMIT IS HALF OF THE ONE (1) YEAR PEDDLER PERMIT FEE LISTED IN THE CHAPTER I FEE SCHEDULE OF THIS CODE.**
- c. to f. No Change

REGULATION 3. to REGULATION 12. No Change




Initial Stakeholder Meeting

Proposed Revisions
Maricopa County Environmental Health Code

ES-2013-007/Food Peddler Permit

Maricopa County Environmental Services Department
August 6, 2013




Maricopa County
Environmental Services Department

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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.



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- Step 9** Board of Supervisor Public Hearing
- Step 10** Item Adopted




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Chapter 8, Section 3, Regulation 2

REGULATION 2. Compliance

a. No Change

b. Mobile food unit, pushcart and food peddler permit holders that desire to perform operations not allowed under their permit, while operating in conjunction with an event, shall obtain a temporary food establishment, seasonal food establishment, or special event food establishment permit. **UNLIKE MOBILE FOOD UNITS AND PUSHCARTS, WHICH ARE OFFERED ONLY AS A ONE (1) YEAR PERMIT, PEDDLER PERMITS ARE ISSUED FOR EITHER SIX (6) MONTHS OR ONE (1) YEAR. THE SIX (6) MONTH PEDDLER PERMIT IS HALF OF THE ONE (1) YEAR PEDDLER PERMIT FEE LISTED IN THE CHAPTER I FEE SCHEDULE OF THIS CODE.**



Chapter 8, Section 3, Regulation 5g

Mobile food establishments shall provide information about daily operations to the Department. Information such as location, address and business name, time in and time out of each stop shall be provided in a format prescribed by the Department. This information shall only be made available pursuant to the Public Records Act, A.R.S. § 39-121 et seq. and Maricopa County policy.

This existing regulation will be required for all 12 month Food Peddler permits, but will be waived for 6 month permits.



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

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

Caroline Oppleman, M.S.P.H., R.S.
Robert Stratman, M.S., R.S., CPM
Maricopa County Environmental Services Department
1001 N. Central Ave.
Phoenix, AZ 85004



Report to the Board of Health To Initiate Regulatory Change

Prepared by the Maricopa County Environmental Services Department



Environmental Services
Department

Case #/Title: ES-2013-008/Manual Warewashing Sink Compartment Requirements

Meeting Date: October 28, 2013

Supervisor Districts: All Districts

Applicant: Department

Request: Revise the Maricopa County Environmental Health Code (MCEHC) to remove the outdated allowance for a one compartment sink that was in place prior to adoption of the FDA 2009 Food Code. No fee changes are requested.

Support/Opposition: No comments in support or in opposition of this MCEHC proposal have been received to date.

Department Recommendation: **Initiate**

Discussion: This proposed revision to MCEHC Chapter VIII would eliminate the existing inconsistency between the MCEHC and the U.S. Food and Drug Administration (FDA) 2009 Food Code previously adopted by reference concerning manual warewashing sink compartment requirements at permitted food establishments. The MCEHC would be revised to remove the outdated allowance for a one compartment sink that was in place prior to adoption of the FDA 2009 Food Code. No fee changes are requested.

This proposed regulatory change is following the Enhanced Regulatory Outreach 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.

An initial stakeholder meeting was conducted on August 7, 2013.

Department

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

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

Attachments: County Manager Case Approval (1 Page)
Proposed Code Revision Language (1 Page)
Presentation – Stakeholder Meeting (8/7/13) – (2 Pages)
No Stakeholder Meeting Minutes - No stakeholders attended the (8/7/13) meeting.



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: 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 to comply with a federal regulatory requirement – to create consistency between the MCEHC and the previously adopted U.S. Food and Drug Administration (FDA) 2009 Food Code. We would refer to this new EROP case as ES-2013-008/Manual Warewashing Sink Requirements.

This proposed revision would eliminate the existing inconsistency between the MCEHC and the FDA 2009 Food Code previously adopted by reference concerning manual warewashing sink compartment requirements at permitted food establishments. The MCEHC would be revised to remove the outdated allowance for a one compartment sink that was in place prior to adoption of the FDA 2009 Food Code. No fee changes would be requested.

It is staff's opinion that these proposed revisions to the MCEHC are necessary "to comply with a federal statutory or regulatory requirement." We are requesting your approval to move these proposed code revisions forward in accordance with the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens."

A handwritten signature in blue ink, appearing to read "Tom Manos", written over a horizontal line.

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. to **REGULATION 7.** No Change

REGULATION 8. General Sanitation

The following shall be complied with in all food establishments:

a. to f. No Change

g. Utensils and Equipment

(1) Utensils and equipment, such as but not limited to vats, piping, counters, shelves, sinks, preparation tools, refrigerators, etc., shall be of approved materials and construction, easily cleanable and maintained in a sanitary condition. Equipment shall be certified or classified by an American National Standards Institute Accredited Certification Program, or deemed acceptable by the Department.

~~(a) The minimum number of sink compartments acceptable for manual washing, rinsing and sanitizing utensils and equipment shall be a 3 compartment sink with indirect drain lines except where utensils are limited in type to tongs, scoops and similar articles, the Department may approve a single compartment sink with an indirect drain line.~~

~~(b)~~ **(A)** A separate food preparation sink is required in facilities that have food preparation as determined by the Department.

h. and i. No Change

REGULATION 9. to **REGULATION 11.** No Change




Initial Stakeholder Meeting

**Proposed Revisions
Maricopa County Environmental Health Code**

**ES-2013-008
Manual Warewashing Sink
Compartment Requirements**

**Maricopa County Environmental Services Department
August 7, 2013**




Maricopa County Environmental Services Department

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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.




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Chapter 8, Section 1, Regulation 8

g. Utensils and Equipment

(1) Utensils and equipment, such as but not limited to vats, piping, counters, shelves, sinks, preparation tools, refrigerators, etc., shall be of approved materials and construction, easily cleanable and maintained in a sanitary condition. Equipment shall be certified or classified by an American National Standards Institute Accredited Certification Program, or deemed acceptable by the Department.

(a) ~~The minimum number of sink compartments acceptable for manual washing, rinsing and sanitizing utensils and equipment shall be a 3 compartment sink with indirect drain lines except where utensils are limited in type to tongs, scoops and similar articles, the Department may approve a single compartment sink with an indirect drain line.~~



**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



Report to the Board of Health To Initiate Regulatory Change

Prepared by the Maricopa County Environmental Services Department



Environmental Services
Department

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.

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."

A handwritten signature in blue ink, appearing to read "Tom Manos".

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

- 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**:-

- 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. § 36-138(H)(4)(G).**

- 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**

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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

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).**




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](#)

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
esd.maricopa.gov | maricopa.gov/regulations/es



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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>]
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

Does citizen want to be contacted: no

Comment is regarding: express support

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

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

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

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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.

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From: 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

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

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.

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From: 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

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

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.

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From: 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

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

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.

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From: 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

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> 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'

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.

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From: 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

Does citizen want to be contacted: no

Comment is regarding: express opposition

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

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.

Sincerely,

Deborah Cunningham

Pink Tree Bakery
Fountain Hills, AZ 85268

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

From: [EROP Stakeholders](#)

To: 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

1001 N. Central Avenue, Phoenix, AZ 85004

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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)'
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.

Sincerely,

Deborah Cunningham

Pink Tree Bakery
Fountain Hills, AZ 85268

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

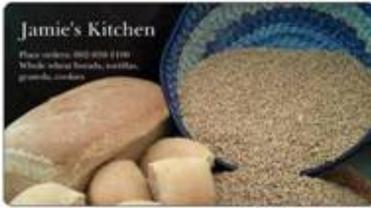
I wasn't able to attend today's meeting, can you please send me an outline or brief update if anything was decided today, I would really appreciate it.

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
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 | maricopa.gov/regulations/es



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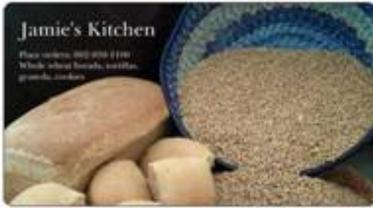


From: Dave and Jamie [<mailto:jcanddc@cox.net>]
Sent: Wednesday, October 02, 2013 3:19 PM
To: Regulatory
Subject: workshop on Oct 8th

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> 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

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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

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<image001.png>

From: 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

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

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 | 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

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From: 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

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

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> 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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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>]

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](tel:6023146006)
Phone Type: home
Email: 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

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Liz
[Happy Cat Confections](#)
creamy dreamy candy that is (human) paw-lickin' good!