Reports to the Board of Health

COVER

Prepared by the Maricopa County Environmental Services Department

Environmental Services Department

Meeting Date: January 27, 2014

Summary: Reports to the Board of Health (BOH) for the following Enhanced Regulatory Outreach Program (EROP) cases are attached:

Case #/Title: ES-2013-007/Food Peddler Permit - Adds a six month food peddler permit (and fee) to provide customers 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 is half the current one year fee.

Case #/Title: ES-2013-008/Manual Warewashing Sink Compartment Requirements - Revises the Maricopa County Environmental Health Code (MCEHC) to remove the outdated allowance for a one compartment sink that was in place prior to adoption of the FDA 2009 Food Code.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.

Case #/Title: ES-2013-009/FDA Food Code Reference Amendment - 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 (Department) permit. No fee changes are requested.

Stakeholder input received after the the October 28, 2013 BOH meeting is contained in an Addendum, which provides stakeholder comments and Department responses for Case ES-2013-009.

Report to the Board of Health

To Make Recommendations to the Board of Supervisors

Prepared by the Maricopa County Environmental Services Department

Environmental Services Department

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

Meeting Date: January 27, 2014

Supervisor Districts: All Districts

Applicant: Maricopa County Environmental Services Department (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.

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.

Stakeholder meetings were conducted on August 6, 2013 and on November 18, 2013. However, no stakeholders attended either session.

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

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

Attachments:

Presentation – Stakeholder Meeting (11/18/13) – (2 pages)
No Meeting Minutes - No stakeholders attended
Report to BOH (10/28/13)
- County Manager Case Approval (1 Page)
- Proposed MCEHC Revision Language (1 Page)
- Presentation –Stakeholder Meeting (8/6/13) – (2 Pages)
- No Meeting Minutes - No stakeholders attended

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

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.

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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-2013-007/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."

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

Follow-up Stakeholder Meeting

Proposed Revisions
Maricopa County Environmental Health Code

ES-2013-007/Food Peddler Permit

Maricopa County Environmental Services Department
November 18, 2013

Maricopa County
Environmental Services Department

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VISION STATEMENT:
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MISSION STATEMENT:
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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, R.S., MSPH
Andrew Linton, R.S., CPM
Maricopa County Environmental Services Department
1001 N. Central Ave.
Phoenix, AZ 85004

Report to the Board of Health

To Make Recommendations to the Board of Supervisors

Prepared by the Maricopa County Environmental Services Department

Environmental Services Department

Case #/Title:	ES-2013-008/Manual Warewashing Sink Compartment Requirements
Meeting Date:	January 27, 2014
Supervisor Districts:	All Districts
Applicant:	Maricopa County Environmental Services Department (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.
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 Department 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. Stakeholder meetings were conducted on August 7, 2013 and on November 18, 2013. However, no stakeholders attended either session.

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

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

Attachments:

Presentation – Stakeholder Meeting (11/18/13) – (2 pages)
No Meeting Minutes - No stakeholders attended
Report to BOH (10/28/13)
- County Manager Case Approval (1 Page)
- Proposed MCEHC Revision Language (1 Page)
- Presentation –Stakeholder Meeting (8/7/13) – (2 Pages)
- No Meeting Minutes - No stakeholders attended

Follow-up Stakeholder Meeting

Proposed Revisions
Maricopa County Environmental Health Code

ES-2013-008
Manual Warewashing Sink
Compartment Requirements

Maricopa County Environmental Services Department
November 18, 2013

Maricopa County
Environmental Services Department

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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 10	Item Adopted

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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.

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Caroline Oppleman, R.S., MSPH
Andrew Linton, 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."

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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VISION STATEMENT:
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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 Make Recommendations to the Board of Supervisors

Prepared by the Maricopa County Environmental Services Department

Environmental Services Department

Case #/Title:	ES-2013-009/FDA Food Code Reference Amendment
Meeting Date:	January 27, 2014
Supervisor Districts:	All Districts
Applicant:	Maricopa County Environmental Services Department (Department)
Request:	Approve the proposed revision to the Maricopa County Environmental Health Code (MCEHC) to align the MCEHC with A.R.S. § 36-136 and eliminate a conflict with the 2009 FDA Food Code, which disallows food prepared in a private home from being offered for human consumption in a Department permitted food establishment. This proposal updates a MCEHC FDA 2009 Food Code reference to allow registered A.R.S. § 36-136 stakeholders to prepare not potentially hazardous baked and confectionary goods (goods) in a private home kitchen for commercial purposes and to offer these goods for sale in food establishments that have a valid Department permit.
Support/Opposition:	At the October 28, 2013 Board of Health (BOH) meeting, the Department presented comments received from twelve stakeholders via the Enhanced Regulatory Outreach Program (EROP) website: five expressed support, five opposed and two requested information. After emailing code proposal clarifications to opposing stakeholders, one opposition remained. Four stakeholders attended the October 8, 2013 stakeholder meeting; three expressed support and one did not state an opinion of opposition or support. After the October BOH meeting, the Department received comments from nine additional stakeholders via the EROP website: eight expressed support and one opposed. Department attempts to contact the one opposed stakeholder failed; emails sent to the listed address were returned undeliverable. Five stakeholders attended the November 18, 2013 meeting and all five expressed support.

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

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

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

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

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

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

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

Attachments:

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

Addendum to the BOH (23 Pages)

Follow-up Stakeholder Meeting

Proposed Revisions
Maricopa County Environmental Health Code

ES-2013-009
FDA Food Code Reference Amendment

Maricopa County Environmental Services Department
November 18, 2013

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

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

Maricopa County Environmental Services Department

Working with our community to ensure a safe and healthy environment

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

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

– BE INFORMED –

Sign up to receive notice from the five Maricopa County regulatory departments about new proposals, information and meetings:

http://www.maricopa.gov/regulations/Notifications.aspx

– PARTICIPATE –

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

Submit your comments by visiting:

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Building Relationships ... Maricopa County

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.

AIR QUALITY · ENVIRONMENTAL SERVICES · FLOOD CONTROL · PLANNING & DEVELOPMENT · TRANSPORTATION

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

ES-2013-009
FDA Food Code Reference Amendment

PROPOSAL GOAL

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

ES-2013-009
FDA Food Code Reference Amendment

PROPOSAL RESULT

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

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

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

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

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

REGULATION 1. Food Establishments

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

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

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 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).**

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

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

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

Presenter(s): Caroline Oppleman and Andy Linton

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

Stakeholder questions and MCESD answers:

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

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

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

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

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

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

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

Meeting adjourned.

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

Report to the Board of Health

To Initiate Regulatory Change

Prepared by the Maricopa County Environmental Services Department

Environmental Services Department

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."

Approved by Tom Manos, County Manager

MARICOPA COUNTY HEALTH CODE
CHAPTER VIII

FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS

SECTION 2

FOOD ESTABLISHMENTS

REGULATION 1. Food Establishments

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

c. No Change

d. No Change

REGULATION 2. to REGULATION 5. No Change

Initial Stakeholder Meeting

Proposed Revisions
Maricopa County Environmental Health Code

ES-2013-009
FDA Food Code Reference Amendment

Maricopa County Environmental Services Department
October 8, 2013

Maricopa County
Environmental Services Department

Working with our community
to ensure a safe and healthy environment

VISION STATEMENT:
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MARICOPA COUNTY
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Step 7	Public Meeting to Make Recommendation to Board of Supervisors
Step 8	Schedule BOS Public Hearing
Step 9	Board of Supervisor Public Hearing
Step 10	Item Adopted

– BE INFORMED –

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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

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MCEHC CHAPTER VIII
FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS
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Continued from previous slide: Regulation 1. Food Establishments:

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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

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**

Working with our community
to ensure a safe and healthy environment

Environmental Services Department

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
Maricopa County Environmental Services Department
1001 N. Central Avenue, Phoenix, AZ 85004
esd.maricopa.gov | **maricopa.gov/regulations/es**

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Environmental Services Department

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 <bawhite_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: "bawhite_2003@yahoo.com" <bawhite_2003@yahoo.com>
Sent: Tuesday, October 8, 2013 8:54 AM
Subject: FW: Regulatory Outreach

Dear Ms. White:
After reviewing the Department's clarification, do you support the proposed Chapter 8, FDA Food Code Reference Amendment?
Thank you in advance for your prompt reply.

Environmental Health Division
Maricopa County Environmental Services Department
1001 N. Central Avenue, Phoenix, AZ 85004
esd.maricopa.gov | maricopa.gov/regulations/es

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From: Joan Minichiello - ENVX **On Behalf Of** EROP Stakeholders
Sent: Tuesday, October 08, 2013 8:14 AM
To: 'bawhite_2003@yahoo.com'
Subject: FW: Regulatory Outreach

Dear Ms. White,

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

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

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

Please let us know if you have further questions.

Environmental Health Division
Maricopa County Environmental Services Department
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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.

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

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

Environmental Health Division
Maricopa County Environmental Services Department
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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

1001 N. Central Avenue, Phoenix, AZ 85004

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Environmental Services Department

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.

Environmental Health Division

Maricopa County Environmental Services Department

1001 N. Central Avenue, Phoenix, AZ 85004

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

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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
Maricopa County Environmental Services Department
1001 N. Central Avenue, Phoenix, AZ 85004
esd.maricopa.gov | maricopa.gov/regulations/es

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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
Maricopa County Environmental Services Department
1001 N. Central Avenue, Phoenix, AZ 85004
esd.maricopa.gov | maricopa.gov/regulations/es

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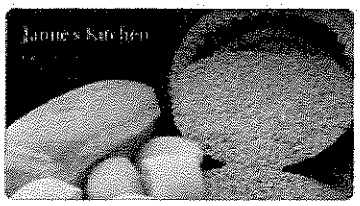
Environmental Services Department

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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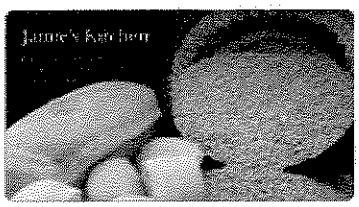
Environmental Services Department

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**
> Maricopa County Environmental Services Department
> 1001 N. Central Avenue, Phoenix, AZ 85004
> esd.maricopa.gov | maricopa.gov/regulations/es
> **<image001.png>**

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

Dear Ms. Somerville,

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

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

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

Please let us know if you have further questions.

Environmental Health Division
Maricopa County Environmental Services Department
1001 N. Central Avenue, Phoenix, AZ 85004
esd.maricopa.gov | maricopa.gov/regulations/es

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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Environmental Services
Department

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

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

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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
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

--

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

Report to the Board of Health

ADDENDUM

Prepared by the Maricopa County Environmental Services Department

Environmental Services Department

Meeting Date: January 27, 2014

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

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

Sent: Thursday, October 31, 2013 5:16 PM
To: suezanetti@gmail.com
Subject: Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment

Dear Ms. Zanetti,

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

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

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

Please let us know if you have questions regarding this proposed revision.

Environmental Health Division
Maricopa County Environmental Services Department
1001 N. Central Avenue, Phoenix, AZ 85004
esd.maricopa.gov | **maricopa.gov/regulations/es**

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Environmental Services Department

From: suezanetti@gmail.com [mailto:suezanetti@gmail.com]
Sent: Thursday, October 31, 2013 9:53 AM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

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

Citizen's Name: Sue Zanetti
Organization:
City: Chandler
Zip: 85225

Phone Number: 480-917-7331
Phone Type: home
Email: suezanetti@gmail.com

Does citizen want to be contacted:

Comment is regarding: express support

Comments:
PLEASE PUT THIS THROUGH!

Time of Request: 10/31/2013 9:52:35 AM

From:	EROP Stakeholders
To:	Sherrye@SherryesKitchen.com
Cc:	Suzanne Gray - PLANDEVX
Subject:	Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment
Date:	Monday, November 04, 2013 12:27:42 PM
Attachments:	image001.png

Dear Ms. Chapin,
Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program case ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter VIII, FDA Food Code Reference Amendment.

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

Environmental Health Division
Maricopa County Environmental Services Department
1001 N. Central Avenue, Phoenix, AZ 85004
ssd.maricopa.gov | maricopa.gov/regulations/es

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Environmental Services Department

From: Sherrye@SherryesKitchen.com [mailto:Sherrye@SherryesKitchen.com]
Sent: Monday, November 04, 2013 10:56 AM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

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

Citizen's Name: Sherye Chapin
Organization: Sherrye's Kitchen LLC
City: Phoenix
Zip: 85041
Phone Number: 4805187776
Phone Type:
Email: Sherrye@SherryesKitchen.com

Does citizen want to be contacted: no

Comment is regarding: express support

Comments:
After a very helpful conversation this morning with Ken Conklin, I not only wholeheartedly support this admendment, but respectfully request that it's passage be expedited. By delaying this until May is

causing undue confusion and is also delaying my growth as a micro-business owner. I have a few retail clients that are anxious to sell my product but are holding off pending the passage of this amendment. Thank you!

Time of Request: 11/4/2013 10:56:12 AM

From: EROP Stakeholders
Sent: Thursday, October 31, 2013 5:12 PM
To: Sherrye@gmail.com
Subject: Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment

Dear Ms. Chapin,

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

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

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

Please let us know if you have questions regarding this proposed revision.

Environmental Health Division
Maricopa County Environmental Services Department
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Environmental Services Department

From: Sherrye@gmail.com [mailto:Sherrye@gmail.com]
Sent: Thursday, October 31, 2013 7:39 AM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

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

Citizen's Name: Sherrye Chapin
Organization: Sherrye's Kitchen LLC
City: Phoenix

Zip: 85041
Phone Number: 480-518-7776
Phone Type: mobile
Email: Sherrye@gmail.com

Does citizen want to be contacted: no

Comment is regarding: express support

Comments:
I fully support this change which would bring Maricopa County into alignment with the current HBCG law in Arizona. This program has allowed me to grow my micro-business to a thriving profit making enterprise. I have several restaurants & stores outside of Maricopa County that routinely purchase & sell my product. But within the county the conflict has been an issue. By enacting this change, I will be able to move forward toward growth, which will bring more tax revenue into the county as well. Being able to fully market my brownies within the county is not only good for me, but for the local economy. Thank you.

Time of Request: 10/31/2013 7:39:25 AM

From:	EROP Stakeholders
To:	abonilla001@hotmail.com
Cc:	Suzanne Gray - PLANDEVX
Subject:	Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment
Date:	Monday, November 04, 2013 3:16:26 PM
Attachments:	image001.png

Dear Ms. Bonilla,
Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program case ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter VIII, FDA Food Code Reference Amendment.

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

Environmental Health Division
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Environmental Services Department

From: Suzanne Gray - PLANDEVX
Sent: Monday, November 04, 2013 2:27 PM
To: Caroline Oppleman - ENVX
Subject: FW: Regulatory Outreach

From: abonilla001@hotmail.com [mailto:abonilla001@hotmail.com]
Sent: Monday, November 04, 2013 2:18 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

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

Citizen's Name: Andrea Bonilla
Organization:
City: Tempe
Zip: 85281
Phone Number: 480-586-1263
Phone Type: mobile
Email: abonilla001@hotmail.com

Does citizen want to be contacted:

Comment is regarding: express support

Comments:
I am wholly in favor of allowing home bakers to sell their goods to retail establishments for resale to the public. I believe this gives both parties more resources for offering products to the public. I think it allows everyone to win. Thank you for considering this change. I hope it is successful.

Time of Request: 11/4/2013 2:17:47 PM

Arizona Department of Health Services

Office of the Director

150 N. 18th Avenue, Suite 500
Phoenix, Arizona 85007-3247
(602) 542-1025
(602) 542-1062 FAX
Internet: www.azdhs.gov

JANICE K. BREWER, GOVERNOR
WILL HUMBLE, DIRECTOR

October 31, 2013

Mr. John Kolman, Director
Maricopa County Department of Environmental Services
1001 N. Central Ave., Suite 200
Phoenix, AZ 85004

Dear Mr. Kolman,

I would like to comment on the baked and confectionary goods ordinance revision being considered at this time. Simply stated, I believe that the Maricopa County Department of Environmental Services existing regulations are in conflict with State law. The proposed Health Code update (Case# ES-2013-009) as written and when instituted, will be in compliance with State law and consistent with statewide application of the law.

A.R.S. § 36-136(H)(4)(g) provides that activities conducted in compliance with this provision are exempt from rulemaking and thus, regulatory authority. Subsection (I) provides that the county board of supervisors can adopt ordinances and rules that "do not conflict with state law" and are equal to or more restrictive than the rules of the Director. First, under A.R.S. § 36-136(H), the County does not have authority to adopt ANY ordinances or rules that in any way regulate non-hazardous home baked goods because state law provides these are exempt from regulation when conducted in accordance with the statute. In addition, under subsection (I), any ordinance or rule of a County which in any way prohibits activity conducted under (H)(4)(g) would be in clear conflict with this state law and not permitted.

The baked and confectionary goods law was a law that was cut very narrowly for the purpose of protecting public health and allowing opportunity for small business growth, and the training and skill building of Arizona citizens. The proposed regulations (Case# ES-2013-009), as written by Maricopa County, meet the intent and purpose of the law allowing for consistent statewide application of the Arizona law. ADHS supports the proposed modification to your existing regulations to address the present shortcomings and bring about adherence to State statute.

Sincerely,

Will Humble, MPH
Director

From:	EROP Stakeholders
To:	Don.Herrington@azdhs.gov
Cc:	Suzanne Gray - PLANDEVX
Subject:	Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment
Date:	Monday, November 04, 2013 8:04:32 AM
Attachments:	MCDES Comment Letter 11-1-13 (3).pdf image001.png

Dear Mr. Herrington,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program case ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter VIII, FDA Food Code Reference Amendment.

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

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

From: Don Herrington [mailto:Don.Herrington@azdhs.gov]
Sent: Friday, November 01, 2013 4:58 PM
To: Regulatory
Subject: ES-2013-009

Hi,

I am sending this on behalf of Will Humble, Director of the Arizona Department of Health Services. Please see the accompanying attachment.

Thank you.

Don Herrington, Assistant Director
Public Health Preparedness
Arizona Department of Health Services
150 N. 18th Ave., Suite 520
Phoenix, Arizona 85007
602.364.3855
Don.Herrington@azdhs.gov

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From:	EROP Stakeholders
To:	Will.Humble@azdhs.gov
Cc:	Suzanne Gray - PLANDEVX
Subject:	Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment
Date:	Monday, November 04, 2013 8:08:11 AM
Attachments:	image001.png

Dear Mr. Humble,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program case ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter VIII, FDA Food Code Reference Amendment.

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

Environmental Health Division
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Environmental Services Department

From: Will.Humble@azdhs.gov [mailto:Will.Humble@azdhs.gov]
Sent: Friday, November 01, 2013 1:48 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

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

Citizen's Name: Will Humble
Organization: ADHS
City: Phoenix
Zip: 85007
Phone Number: 602.542.1140
Phone Type: work
Email: Will.Humble@azdhs.gov

Does citizen want to be contacted: no

Comment is regarding: express support

Comments:
I would like to comment on the baked and confectionary goods ordinance revision being considered at

this time. Simply stated, I believe that the Maricopa County Department of Environmental Services' existing regulations are in conflict with State law. The proposed Health Code update (Case# ES-2013-009) as written and when instituted, will be in compliance with State law and consistent with statewide application of the law. A.R.S. § 36-136(H)(4)(g) provides that activities conducted in compliance with this provision are exempt from rulemaking and thus, regulatory authority. Subsection (I) provides that the county board of supervisors can adopt ordinances and rules that "do not conflict with state law" and are equal to or more restrictive than the rules of the Director. First, under A.R.S. § 36-136(H), the County does not have authority to adopt ANY ordinances or rules that in any way regulate non-hazardous home baked goods because state law provides these are exempt from regulation when conducted in accordance with the statute. In addition, under subsection (I), any ordinance or rule of a County which in any way prohibits activity conducted under (H)(4)(g) would be in clear conflict with this state law and not permitted. The baked and confectionary goods law was a law that was cut very narrowly for the purpose of protecting public health and allowing opportunity for small business growth, and the training and skill building of Arizona citizens. The proposed regulations (Case# ES-2013-009), as written by Maricopa County, meet the intent and purpose of the law allowing for consistent statewide application of the Arizona law. ADHS supports the proposed modification to your existing regulations to address the present shortcomings and bring about adherence to State statute. Sincerely, Will Humble Director Arizona Department of Health Services

Time of Request: 11/1/2013 1:47:37 PM

From: EROP Stakeholders
Sent: Wednesday, October 30, 2013 2:34 PM
To: 'rob@resnikmediation.com'
Subject: Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter 8, FDA Food Code Reference Amendment

Dear Mr. Resnik,

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

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

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

Please let us know if you have further questions.

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

-----Original Message-----
From: Rob Resnik [mailto:rob@resnikmediation.com]
Sent: Tuesday, October 29, 2013 2:14 PM
To: Regulatory
Subject: HBCG Program

I am writing in support of changing the county's policy with regard to allowing home based bakers, acting in compliance with all directives under the authorizing statute, to sell their products in retail stores.
Current policy blocks home bakers from selling their products in a retail setting thereby denying them the ability to effectively market their undeniably safe products. My son Matthew Resnik is one of many directly impacted by this unnecessary policy.

Matthew is a 22 year old who is severely impacted by Autism. His difficulties with communication and environmental challenges make it virtually impossible for him to work in a competitive employment situation. This is why the HBCG program has been a godsend for him and our entire family. Since graduating from school last May he has enthusiastically and diligently worked to develop recipes and a production process that enable him to bake quality biscotti. His ingredients and baking process ensure that the product is completely safe and fully complies with all regulations under the program.

Matthews major challenges at this point are marketing and sales. A number of retail sellers have expressed great enthusiasm for Matthew's product as well as his efforts to gain independence and become a productive member of society. Without taking advantage of these retail opportunities, it will be difficult for Matthew to generate sales sufficient to make his business successful. That outcome can be avoided if the County will simply waive any restrictions beyond those imposed by the State statute. These products are undeniably safe and pose no health risk to the public.

It would truly be a shame if home bakers are denied the opportunity to reach their potential due to unnecessary County restrictions.

For more information on Matthew's business please visit his website www.smilebiscotti.com.

If you have any questions or would like any additional comments please feel free to contact me.

Sincerely

Rob Resnik
602-758-7292
Rob@resnikmediation.com

From:	Joan Minichiello - ENVX on behalf of EROP Stakeholders
To:	hohogingerbread@hotmail.com
Cc:	Suzanne Gray - PLANDEVX
Subject:	Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment
Date:	Monday, November 18, 2013 1:30:16 PM
Attachments:	image001.png

Dear Ms. Sabelman,

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

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

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

Please let us know if you have further questions.

Environmental Health Division
Maricopa County Environmental Services Department
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From: hohogingerbread@hotmail.com [mailto:hohogingerbread@hotmail.com]
Sent: Friday, November 15, 2013 2:42 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

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

Citizen's Name: Wendy Sabelman

Organization: The Naughty Tarte Baking
City: Phoenix
Zip:
Phone Number:
Phone Type:
Email: hohogingerbread@hotmail.com

Does citizen want to be contacted: no

Comment is regarding: express support

Comments:
I am in favor of this revision. It would be wonderful for my baking business to be able to sell non-hazardous baked goods to restaurants without having to obtain a commercial business license. I believe it is a very small risk to public health but would make a huge difference to many home baking businesses. It would help boost the strained Maricopa County economy especially those who cannot afford to rent a commercial kitchen and obtain the Maricopa County licenses. Many states across the county already do this and it would be great for Maricopa County to help their residents.

Time of Request: 11/15/2013 2:41:40 PM

The Department sent a Case ES-2013-009 response to Lakenya Colenburg twice at sweetestindulgene@yahoo.com with both emails returned undeliverable.

From: Mail Delivery System [mailto:MAILER-DAEMON@extmail2.maricopa.gov]
Sent: Friday, November 01, 2013 9:47 AM
To: Hether Krause - ENVX
Subject: Undeliverable: Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment

Delivery has failed to these recipients or distribution lists:

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

The following organization rejected your message: [98.136.217.202].

From: Mail Delivery System [mailto:MAILER-DAEMON@extmail2.maricopa.gov]
Sent: Friday, November 01, 2013 9:54 AM
To: Hether Krause - ENVX
Subject: Undeliverable: Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment

Delivery has failed to these recipients or distribution lists:

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

The following organization rejected your message: [98.138.112.34].

From: EROP Stakeholders
Sent: Friday, November 01, 2013 9:54 AM
To: Sweetestestindulgence@yahoo.com
Cc: Suzanne Gray - PLANDEVX
Subject: Response/ES-2013-009-Revisions to Maricopa County Environmental Health Code - Chapter VIII, FDA Food Code Reference Amendment

Dear Lakenya Colenburg,

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

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

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

Please let us know if you have further questions.

Environmental Health Division
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From: sweetestindulgene@yahoo.com [mailto:sweetestindulgene@yahoo.com]
Sent: Thursday, October 31, 2013 9:51 AM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

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

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

Does citizen want to be contacted:

Comment is regarding: express opposition

Comments:
I do not see why their should be a problem with home based baker supplying or wholesaling to commercial establishments. We have a food handlers card that allows us to prepare food for the public, yet you want ti tie our hands behind our backs and limit us to school bake sales. You have many home

based business who are professional's including myself. We know and understand how to prepare, food for a commercial setting. Why take away a opportunity from someone who would otherwise not have one.

Time of Request: 10/31/2013 9:51:05 AM

Joan Minichiello - ENVX

From: Hether Krause - ENVX on behalf of EROP Stakeholders
Sent: Tuesday, January 14, 2014 4:41 PM
To: jgano@cox.net
Cc: Suzanne Gray - PLANDEVX; EROP Stakeholders
Subject: Response/ES-2013-009 – Revisions to Maricopa County Environmental Health Code – Chapter 8, FDA Food Code Reference Amendment

Dear Mr. Gano:

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

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

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

Please let us know if you have further comments.

Environmental Health Division
Maricopa County Environmental Services Department
1001 N. Central Avenue, Phoenix, AZ 85004
esd.maricopa.gov | maricopa.gov/regulations/es

Working with our community
to ensure a safe and healthy environment

Environmental Services Department

From: Suzanne Gray - PLANDEVX
Sent: Tuesday, January 14, 2014 10:41 AM
To: Hether Krause - ENVX
Subject: FW: Regulatory Outreach

Below is a comment submitted for ES 2013-009.

From: jgano@cox.net [mailto:jgano@cox.net]
Sent: Monday, January 13, 2014 2:53 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

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

Citizen's Name: Jeff Gano
Organization:
City: Scottsdale
Zip: 85257
Phone Number:
Phone Type:
Email: jgano@cox.net

Does citizen want to be contacted:

Comment is regarding: express support

Comments:
This law was passed with the idea of creating jobs and income for those out of jobs. Without being able to sell to food establishments a large segment for potential sales is eliminated.

Time of Request: 1/13/2014 2:53:15 PM