

APA-1  
11/96

**TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION**

Control 420 Department or Agency Alabama Department of Public Health

Rule Number 420-3-20

Rule Title Appendix A

       New XXXX Amend        Repeal        Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of §41-22-23, Code of Alabama, 1975.

**Certification of Authorized Official**

I certify that the attached proposed rule has been in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of Certifying Officer Fabrice Bine Date 9/18/2014

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FORM APA2  
11/96

**STATE BOARD OF HEALTH  
NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-3-20-.01, General Provisions.  
423-3-20-.02, Adoption by Reference.  
420-3-20-.03, Special Provisions.  
420-3-20-.04, Permits.  
420-3-20-.05, Inspections.  
420-3-20-.06, Examination and Condemnation of Food.  
420-3-20, Appendix A.

INTENDED ACTION: Amend Chapters 420-3-20-.01, 420-3-20-.02, 420-3-20-.03, 420-3-20-.04, 420-3-20-.05, 420-3-20-.06, 420-3-20 Appendix A.

SUBSTANCE OF PROPOSED ACTION: Update Code of Federal Regulations adopted by reference from 2009 version to 2013 version; specify priority levels for inspection and reinspection frequencies.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held at 10:00 a.m. October 28, 2014, at the Alabama Department of Public Health, RSA Tower, Suite 1540, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on November 4, 2014. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Ronald Dawsey, Division of Food, Milk, and Lodging, Bureau of Environmental Services, Department of Public Health, 201 Monroe Street, Suite 1250, Montgomery, Alabama 36104. Telephone number (334) 206-5375.

  
Raj Ivie, Agency Secretary

**CHAPTER 420-3-20  
FOOD PROCESSING ESTABLISHMENT SANITATION**

**APPENDIX A**

A critical priority item is a provision of these rules pertaining to food operations that, if in non-compliance, is more likely than other items to contribute to food contamination or illness. These are requirements of the rules, including provisions of parts of 21 CFR adopted by reference, on:

Food source, contamination or adulteration, and spoilage.

Time and temperature requirements of potentially hazardous foods.

Adequate facilities to maintain temperatures of potentially hazardous foods.

Prevention of cross contamination.

Damaged or detained food segregated from food intended to be sold or served.

Personnel infected with a communicable disease restricted from food operations.

Hygienic practices of employees including eating, drinking, or using tobacco in a food area in any manner other than expressly allowed in the rules, or improper or inadequate handwashing.

Sanitization of equipment and utensils when necessary to prevent food contamination or adulteration.

Water from an approved source.

Hot and cold water under pressure to all utensil washing sink compartments, when required for sanitary operations.

Sewage and waste water, including mop water, grease and spillage/runoff from garbage storage, disposed according to law.

Cross-connections, backflow and back siphonage potential.

Number, convenience and accessibility of toilets.

Number, convenience and accessibility of handwashing sinks.

Design of handwashing sink faucets, including mixing valves and timed, self-closing faucets.

Presence of insects, rodents, birds, turtles or other animals unless expressly allowed by the rules.

~~Openings to the outside protected against the entrance of insects or other vermin into the establishment;~~

~~Failure to comply with the provisions of the establishment's Hazard Analysis Critical Control Point (HACCP) plan when such plan is required by CFR.~~

~~Toxic items stored, labeled, and used properly so that potential food contamination is avoided.~~