

R.61-34, Raw Milk for Human Consumption – Proposed Amendment

R.61-34.1, Pasteurized Milk and Milk Products – Proposed Amendment

General Assembly review required

Link to published Notice of Drafting (“NOD”): [State Register Volume 44, Issue 3 \(Page 17\)](#)

Status |

NOD comment period open:
March 27, 2020 – April 27, 2020

Submit Comments To |

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Summary |

Pursuant to R.61-34, Raw Milk for Human Consumption, the Department provides sanitation oversight for the production and sale of raw milk that has not been pasteurized for food safety in South Carolina. The Department proposes amending R.61-34 to address the further processing and sale of raw milk products, such as cream and buttermilk, and any additional consumer advisory changes that would be needed for products that receive further processing or become necessary as a byproduct of further processing (if allowed). The proposed revisions would also update raw milk standards if needed to align certain requirements with the 2019 version of the U.S. Food and Drug Administration Pasteurized Milk Ordinance (“PMO”).

Pursuant to R.61-34.1, Pasteurized Milk and Milk Products, the Department provides sanitation oversight of the production and sale of pasteurized milk and milk products for both intrastate and interstate commerce. The Department proposes incorporating requirements of the 2019 PMO through amendment of R.61-34.1. The regulation is currently based on the 2013 PMO and will not meet the federal standards after this year. The amendment of R.61-34.1 to incorporate the updated requirements of the 2019 PMO would enable South Carolina milk producers to continue to meet federal standards and ship milk and milk products for interstate commerce. The Department further proposes clarification of requirements for potable water sources.

The Department may also include changes to both regulations for clarity and readability, grammar, punctuation, and codification, and other regulatory text improvement. Amendments to both regulations may also include updates to administrative and enforcement provisions.

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

R.61-32, Soft Drink and Water Bottling Plants – Proposed Amendment

R.61-54, Wholesale Commercial Ice Manufacturing – Proposed Repeal

State Register Document No. 4903

General Assembly review required

Link to Notice of Final Regulation (“NFR”) for legislative review: www.scstatehouse.gov/regs/4903.docx

Status |

Legislative review of NFR began: January 2020

Contact Information |

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Summary |

The purpose of R.61-32, Soft Drink and Water Bottling Plants, and R.61-54, Wholesale Commercial Ice Manufacturing, are to safeguard public health and provide consumers safe, unadulterated soft drinks, bottled water, and wholesale ice products manufactured in South Carolina to be sold and distributed both in state and out of state. These regulations govern the production, processing, storing, labeling, transportation, and distribution of soft drinks, bottled water, and wholesale ice products. The regulations are based on Title 21, Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food of the Code of Federal Regulations (CFR) (21 CFR Part 110).

The Department of Health and Environmental Control (Department) last amended R.61-32 in 2004 and R.61-54 in 2008. Earlier this year, 21 CFR Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food was replaced by 21 CFR Part 117 Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls For Human Food. There have been numerous changes in the manufactured food industry, including changes to food handling practices, food equipment technology, and food preparation processes, making R.61-32 and 61-54 outdated. The new federal regulation updates good manufacturing processes and incorporates new preventive controls for minimizing or preventing food safety hazards.

The Department proposes amending the provisions of R.61-32, Soft Drink and Water Bottling Plants, and R.61-54, Wholesale Commercial Ice Manufacturing to incorporate standards of the new federal regulation. The structure of the federal regulation also facilitates combining provisions governing manufactured water-based products into one streamlined regulation, instead of two separate regulations with repetitive content. To achieve this more functional, streamlined regulation, the Department proposes repealing R.61-54 and combining its revised provisions into R.61-32. This also includes amending the title of R.61-32 to “Wholesale Bottled Water, Soft Drinks, and Ice Manufacturing.” The proposed amendments also include other changes not required by federal law, including additions, updates, and clarifications to administrative requirements, enforcement requirements, and definitions, as well as other changes deemed necessary by the Department to improve the overall clarity, organization, and quality of the regulation. These changes include stylistic changes such as corrections for clarity and readability, grammar, punctuation, references, codification, and overall improvement of the text of the regulation.

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

History |

NOD published, comment period started:	April 26, 2019
NOD comment period closed:	May 28, 2019
Board approval to publish NPR:	September 12, 2019
NPR published, comment period started:	September 27, 2019
NPR comment period closed:	October 28, 2019
Public Hearing:	December 12, 2019

R.61-35, Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products – Proposed Repeal

R.61-36, Frozen Desserts – Proposed Amendment

State Register Document No. 4902

General Assembly review required

Link to Notice of Final Regulation (“NFR”) for legislative review: www.scstatehouse.gov/regs/4902.docx

Status |

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Contact Information |

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Summary |

The purpose of R.61-36, Frozen Desserts, and R.61-35, Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products, is to safeguard public health and provide consumers safe, unadulterated frozen dessert and imitation dairy food products manufactured in South Carolina to be sold and distributed both in state and out of state. These regulations govern the production, processing, storing, labeling, transportation, and distribution of frozen desserts and imitation dairy foods that are not regulated as “Grade A” milk under the provisions of R.61-34, Raw Milk for Human Consumption, or R. 61-34.1, Pasteurized Milk and Milk Products. The regulations are based on Title 21, Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food of the Code of Federal Regulations (CFR) (21 CFR Part 110).

The Department of Health and Environmental Control (Department) last amended R.61-36 in 2004. Earlier this year, 21 CFR Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food was replaced by 21 CFR Part 117 Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls For Human Food. There have been numerous changes in the manufactured food industry, including changes to food handling practices, food equipment technology, and food preparation processes, making R.61-36, Frozen Desserts, and 61-35, Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products, outdated. The new federal regulation updates good manufacturing processes and incorporates new preventive controls for minimizing or preventing food safety hazards.

The Department proposes amending the provisions of R.61-36 and R.61-35 to incorporate standards of the new federal regulation. The structure of the federal regulation also facilitates combining provisions governing all manufactured dairy products into one streamlined regulation, instead of two separate regulations with repetitive content. As part of this new streamlined regulation, the Department also proposes adding requirements for manufacturing cheese, butter, and other non-grade “A” milk products. The South Carolina Department of Agriculture previously regulated cheese and butter products (also under 21 CFR Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food); however, oversight now resides with the DHEC.

To achieve this more functional, streamlined regulation, the Department proposes repealing R.61-35 and combining its revised provisions into R.61-36. This includes amending the title of R.61-36 to “Manufactured Grade Dairy Products.”

The proposed amendments also entail changes not required by federal law, including updates from the current Pasteurized Milk Ordinance (PMO) and additions, updates, and clarifications to administrative requirements, enforcement requirements, and definitions, as well as other changes deemed necessary by the Department to improve the overall clarity, organization, and quality of the regulation. These changes include stylistic changes such as corrections for clarity and readability, grammar, punctuation, references, codification, and overall improvement of the text of the regulation.

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

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NPR comment period closed:	October 28, 2019
Public Hearing:	December 12, 2019

R.61-55, Septic Tank Site Evaluation Fees – Proposed Repeal

R.61-56, Onsite Wastewater Systems – Proposed Amendment

R.61-56.1, License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-Contained Toilets – Proposed Repeal

R.61-56.2, Licensing of Onsite Wastewater System Master Contractors – Proposed Repeal

General Assembly review required

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Submit Comments To |

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Summary |

Pursuant to R.61-56, the Department helps to ensure the safe treatment and disposal of domestic wastewater to protect the health of families and communities. In accordance with R.61-55, R.61-56, R.61-56.1, and R.61-56.2, the Department issues onsite wastewater contractor licenses, permits to construct, and approvals to operate for individual onsite wastewater treatment systems (septic systems).

The Department proposes amending R.61-56, Onsite Wastewater Systems, to add new system standards, clarify and amend definitions, and clarify and update selected sections. The amendments will modernize the regulation and streamline permitting procedures to address needed updates in administering the Onsite Wastewater program.

The Department also proposes amending provisions of R.61-56.1 and R.61-56.2 and merging R.61-56.1 and R.61-56.2 into R.61-56 to improve efficiency and clarity for regulated entities and the public. This will entail repealing R.61-56.1 and R.61-56.2 and simultaneously adding their provisions, as amended, to R.61-56. The proposed amendments will include changes to licensing requirements for pumpers and haulers currently under R.61-56.1. The proposed amendments will revise provisions currently contained in R.61-56.2 to implement a tiered licensing program to establish improved competency of onsite wastewater system contractors/installers. This approach includes new requirements for examination and continuing education. In addition, because R.61-56.1 and R.61-56.2 are being combined with R.61-56, previously separate enforcement provisions will also be consolidated and updated for clarity and to improve administration of the Onsite Wastewater program.

In the interest of efficiency, the Department proposes repealing R.61-55 and adding its provisions to R.61-56. The proposed amendments related to R.61-55 will include amendments to definitions and other changes as necessary to facilitate merging this regulation into R.61-56.

The Department may also include corrections for clarity and readability, grammar, punctuation, codification, and regulation text improvement. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments and repeals.