



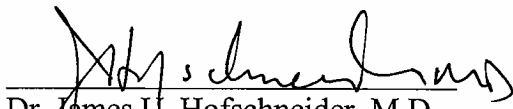
Commonwealth of the
Northern Mariana Islands

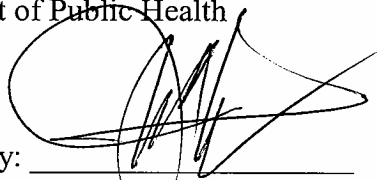
Department of Public Health

Office of the Secretary

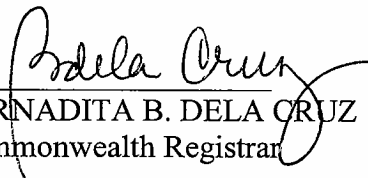
NOTICE AND CERTIFICATION OF FINAL ADOPTION OF THE PROPOSED
AMENDMENTS TO THE RULES AND REGULATIONS
GOVERNING WATER AND ICE MANUFACTURING

I, Dr. James U. Hofschneider, M.D., Secretary of the Department of Public Health of the Commonwealth of the Northern Mariana Islands, which has promulgated PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS GOVERNING WATER AND ICE MANUFACTURING, originally published in the Commonwealth Register, volume 27, number 4, page 24496, May 18, 2005, by signing below hereby certify that as published such Rules and Regulations are a true, complete, and correct copy of the Rules and Regulations previously proposed which, after the expiration of appropriate time for public comment, have been finally adopted without modification. I further request and direct this Notice and Certification to be published in the CNMI Commonwealth Register. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the ___ day of July 2005, at Saipan, in the Commonwealth of the Northern Mariana Islands.


Dr. James U. Hofschneider, M.D.
Secretary of Public Health
Department of Public Health

Received by: 
THOMAS TEBUTEB
Special Assistant for Administration

Date 7-19-05

Filed by: 
BERNADITA B. DELA CRUZ
Commonwealth Registrar

Date 7-19-05



**Commonwealth of the Northern Mariana
Islands**

Department of Public Health

Office of the Secretary

PUBLIC NOTICE

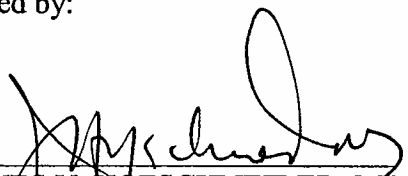
**NOTICE OF PROPOSED AMENDMENTS
TO THE RULES AND REGULATIONS
GOVERNING WATER AND ICE MANUFACTURING**

The Secretary of the Department of Public Health (DPH), Commonwealth of the Northern Mariana Islands (CNMI), hereby notifies the public that DPH proposes to adopt amendments to the rules and regulations governing water and ice manufacture. The regulations are proposed pursuant to the authority of the Commonwealth Environmental Health and Sanitation Act, P.L. 12-57, which repealed and reenacted with amendments 3 CMC Div. 2, Chapter 1, Article 2.

These regulations are intended to conform to the statute and provide the standards and procedures for environmental health and sanitation for water and ice manufacture in the CNMI.

In accordance with 1 CMC § 9104(a), the public has the opportunity to comment on the proposed amendments. Copies of the proposed revisions are available at the Office of the Secretary of Public Health at the Commonwealth Health Center in Saipan. Written comments should be submitted to: Office of the Secretary of Public Health, Department of Public Health, P.O. Box 500409 CK, Saipan, MP 96950. Comments must be received by DPH within thirty (30) days of the date this notice is published in the Commonwealth Register.


Issued by:


JAMES U. HOFSCHEIDER, MD
Secretary of Public Health
Department of Public Health

Date 05/12/05

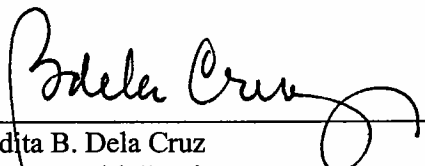
Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated the 15th day of May, 2005.


PAMELA S. BROWN,
Acting Attorney General


Filed by:

Date: 5.10.05


Bernadita B. Dela Cruz
Commonwealth Registrar

Received at the Governor's Office by:

Date: 5.16.05


Thomas I. Tebuteb
Special Assistant to the Governor for Administration

Commonwealth I Sankattan Siha Na Islas Marianas

Dipattamenton i Hinemlo' Publiku

Ofisinan i Sekretario

NOTISIAN PUBLIKU

**NOTISIAN MAN MA PROPONE NA AMENDASION POT I
AREKLAMENTO YAN REGULASION SIHA NI GINIBEBIETNA I
KOMPANIAN HANOM YAN AIS(ICE)**

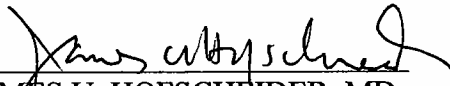
I Sekretarion i Dipattamenton i Hinemlo' Publiku (DPH), gi Commonwealth I Sankattan Siha Na Islas Marianas (CNMI), a notifikika i publiku na i Dipattamenton i Hinemlo' Publiku man propopone para u adopta i amendasion siha pot i areklamento yan regulasion siha ni ginibebietna i kompanian hanom yan ais. I regulasion siha man ma propone sigun i aturidat i Akton Sanidat yan Hinemlo' Uriyan i Commonwealth, Lai Publiku 12-57, ni ma diroga yan otdena ni amendasion 3 CMC Dibision 2, Kapitulu 1, Attikulu 2.

Este siha na regulasion ma intensiona para u konfotma i lai ya u probeniyi manera yan areklamento siha para i Sanidat yan Hinemlo' Uriyan i Commonwealth ni ginibebietna i kompanian hanom yan ais gi Commonwealth I Sankattan Siha Na Islas Marianas.

Sigun i lai 1 CMC Seksiona 9104 (a), gai apotunidat i publiku na u fan laknos opinion pot i man ma propone na amendasion siha. Gaige i kopian i man ma propone siha na tinilaika gi ofisinan i Sekretarion i Dipattamenton i Hinemlo' Publiku gi Sentron Hinemlo' Commonwealth (CHC) giya Saipan. Tinige' opninion debi di u ma na halom gi: ofisinan i Sekretarion, Dipattamenton i Hinemlo' Publiku, P.O. Box 500409 CK, Saipan, MP 96950. Debi di u ma risibe' i opnion siha ni Dipattamenton i Hinemlo' Publiku gi halom trenta (30) dias ginen i ma fechan este na notisia

anai ma pupblika gi Rehistran i Commonwealth.

Linaknos:


JAMES U. HOFSCHEIDER, MD
Sekritarion i Hinemlo' Pupbliku
Dipattamenton i Hinemlo' Pupbliku

Fecha: 5/13/05

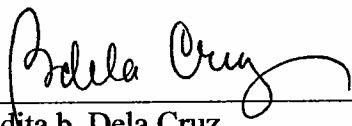
Sigun i lai 1 CMC Seksiona 2153 (e) (inapruedian i Abugao Henerat ni regulasion siha ni para u ma establesi pot para u fotma)(yan 1 CMC Seksiona 9104 (a)(3) (u guaha inapruedian i Abugao Henerat) i ma propone na regulasion siha ni man che'che'ton guine esta man ma ina yan aprueba pot para u fotma yan suficiente ligat ginen i Abugao Henerat i CNMI ya debi di u ma publika (1 CMC Seksiona 2153 (f) (publikasion i areklamento yan regulasion siha).

Ma fecha este mina _____ na dia gi Mayu, 2005.

PAMELA BROWN
Abugao Henerat

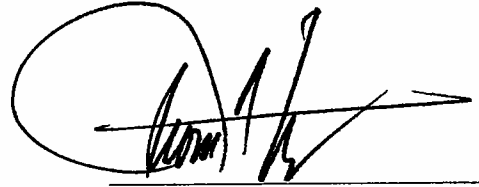
Pine'lo as:

Fecha: 5.13.05


Bernadita b. Dela Cruz
Rehistran i Commonwealth

Ma risibe' gi Ofisinan i Gubietno as:

Fecha: 5.16.05

A handwritten signature in black ink, consisting of a large loop followed by several strokes, ending in a long horizontal line.

Thomas I. Tebuteb
Espesiât Na Ayudânte

ARONGOL TOULAP

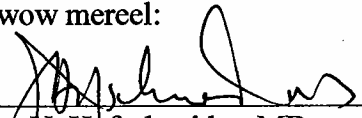
Arongol pomwol lliwel reel alléghúl Lemelemil Schaal me fféerúl Ice

Sekketóriyool Limil Malaweer Toulap (DPH) mellól Commonwealth Téél faluw kka faluwasch Efáng (CNMI) ekki arongaar aramas toulap bwe DPH ekki pomwoli bwe ebwe fillóoy lliwelil alléghúl lemelemil schaal me fféerúl ice. Pomwol allégh kkaal nge e mwir sáangi bwángil Alléghúl Fischil weleór me Limifisch, Commonwealth (Enviromental Health and Sanitation Act,) PL 12-57, iye e ayúwuló me allegh sefal me lliwel kkaal 3 CMC Div. 2 Chapter 1, Article 2.

Allégh kkaal nge bwelle ebwe fil fengál me alléghúl fischil weleór me limifischil schaal me fféerúl ice mellól CNMI.

Sáangi allégh ye 1 CMC 9004(a) nge eyoor bwángiir toulap bwe rebwe aghiyeghiy nge isisilong mángemáng reel pomwol lliwel kkaal. Tilighial pomwol lliwel kkaal eyoor bwulasiyool Sekkeretoriyol Public Health mereel Commonwealth Health Center mellól Seipél. Ischil mángemáng ebwe akkafangeló reel bwulasiyool Sekkeretóriyool Public Health mereel Public Health PO Box 500409 CK Seipél, MP 96950. Mángemáng ebwe toolong DPH llól eliigh (30) rál, sáangi ráálil ye e filló mellól Commonwealth Register.

Isisiwow mereel:


James U. Hofschneider, MD
Sekkeretóriyool Public Health
Bwulasiyool Public Health

05/13/05
Rál

Sáangi allégh ye 1CMC 2153 (e) (Sów Bwungúl Allégh Lapalap yaal appelúghúlúgh reel allégh kka e appasch) me 1CMC 9104 (a) (3) (Sáangi yaal AG appelúghúlúgh) lliwel kkaal nge aa mwir sáangi me appelúgh mereel Sów Bwungúl Lapalap mellól CNMI nge ebwe filló (1 CMC 2153 (f) (fillóól allégh kkaal).

Rál ye _____ Ilól Ghúúw, 2005

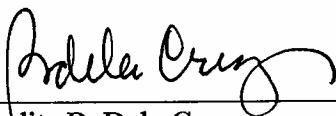
PAMELA S. BROWN,
Sów Bwungúl Allégh Lapalap

Aisis sáangi:

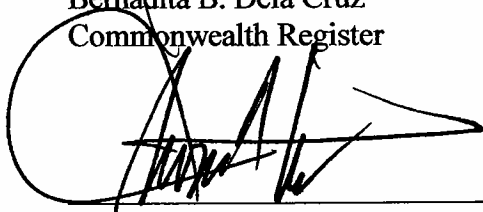
Rál: 5.13.05

Mwir sáangi Bwulasiyool Sów Lemelem:

Rál: 5.16.05



Bernadita B. Dela Cruz
Commonwealth Register



Thomas I. Tebuteb
Sów Alillisil Sów Lemelem

REVISED
CHAPTER VI
RULES AND REGULATIONS
GOVERNING
WATER AND ICE MANUFACTURING

- I. Definitions
- II. General Sanitary Requirements
- III. Production and Process Control
- IV. Compliance Procedures
- V. Remedies

I. DEFINITIONS

- 1.1. **BOTTLED WATER.** Shall mean water that is intended for human consumption and that is sealed in bottles or other containers with no added ingredients except that it may contain safe and suitable anti-microbial agents.
- 1.2. **BULK TANK HOUSING.** Shall mean the covers, boxes, and/or compartments commonly used by water manufacturers and/or suppliers to protect the bulk water tanks located at retail outlets.
- 1.3. **BUREAU.** Shall mean the CNMI Bureau of Environmental Health.
- 1.4. **CONTAMINANTS.** Shall mean undesirable particles, agents, pathogens, bacteria or other forms of microorganisms.
- 1.5. **HEALTH INSPECTOR.** Shall mean an individual duly authorized by the Secretary of the Department of Public Health to represent the Bureau of Environmental Health during a sanitary inspection, investigation, or other public environmental health related duty.
- 1.6. **IDENTITY LABEL.** Shall mean labels, as required in these regulations, which are placed on primary containers, which identifying the manufacturer's name, address and telephone numbers.
- 1.7. **PACKAGED ICE.** Shall mean ice made solid from potable water and that is sealed in bags or other containers with no added ingredients except that it may contain safe and suitable anti-microbial agents.
- 1.8. **POTABLE WATER.** Shall mean water that is of a quality that meets the requirements of the CNMI Department of Environmental Quality Drinking Water Regulations.
- 1.9. **POTABLE WATER TANKER TRUCK.** Shall mean tanker trucks used by a water or ice manufacturer for the transportation of bulk potable water.
- 1.10. **PRIMARY CONTAINERS.** Shall mean the containers used for the transport, dispensing or consuming of water or ice, such as but not limited to; bulk water tanker, retail bulk water tanks, plastic bottles and/or plastic bags.

1.11. PRODUCT WATER. Shall mean processed water used by a water or ice manufacturer.

1.11-1.12. RETAIL BULK WATER TANK. Shall mean the storage tanks located at retail stores that are used to dispense product water from the water or ice manufacturer to the general public.

1.12-1.13. SECRETARY. Shall mean the Secretary of the CNMI Department of Public Health or his/her duly authorized representative.

1.13-1.14. SANITIZED or SANITIZATION. Shall mean the processes of eliminating or inactivating biological contaminants.

1.14-1.15. TESTING AND/OR MONITORING. Shall mean the methods used to analyze the bacteriological, chemical, and/or physical content of water and/or ice intended for human consumption.

1.15-1.16. WATER AND ICE MANUFACTURING. Shall mean the processes of purifying water and the processes of converting such water into solid form of ice for human consumption.

II. GENERAL SANITARY REQUIREMENT

2.1. GENERAL

All equipment, buildings and facilities used in operation of water or ice manufacturing shall be maintained by means of sanitization and in good repair. Any equipment, buildings and/or facilities not used in connection with the operation shall be removed.

2.2. STRUCTURES

(1) The building and its facilities and its surrounding premises shall be clean and orderly.

(2) All rooms, space or facilities of all buildings shall be adequately ventilated and lighted in compliance with the requirements of the CNMI Building Safety Code.

(3) The building must be properly constructed as to be of safe and sound condition and in compliance with the requirements of the CNMI's Building Safety Code.

2.3. WASTE

(1) All litter, trash or garbage generated through water or ice manufacturing must be disposed of in compliance with the CNMI Litter Control Act, the CNMI Solid Waste Management Act, and all regulations which implement those Acts. Adequate disposal sites and confinements shall be maintained in order to prevent overflowing and scattering of waste. All confinements must have tight fitting lids to prevent nuisance emission and vermin infestation.

(2) Raw sewage and wastewater shall be disposed in a CNMI Division of Environmental Quality approved waste disposal system or be transported to a public sewer system using an appropriately designed connection.

2.4. STORAGE AND HANDLING

(1) All equipment, water bottles, devices, or instruments including their accessories or parts shall be sanitized prior to use and shall be stored in a place protected from dust, insects or rodents.

(2) All persons handling water or ice, where the possibility of contamination exists, must wear disposable hand gloves and hair restraint (e.g. hairnets, caps, etc.).

(3) Bottled water and/or packaged ice at retail outlets must not be stored or come into contact with potentially hazardous foods (e.g. eggs, meat, fish or other un-processed and/or un-packaged foods) or substances that may contain toxins.

2.5. TRANSPORTATION

(1) All potable water tanker trucks shall be labeled on the sides of the tanks "Potable Water Only" in bright and legible print not less than 6 inches in height. Labeling will aid workers to avoid cross-contamination. The transportation of potable water shall be in compliance with the CNMI Bureau of Environmental Health Food Transportation Regulations.

(2) Tanks, hoses and appurtenances that are outfitted on potable water tanker trucks must conform to the standards for materials that come in contact with drinking water described in CNMI Division of Environmental Quality Drinking Water Regulations. Tanker trucks shall be maintained in a sanitary manner. Potable water tanker trucks may not be used for any other purpose than to deliver potable water.

(3) Processed water and/or packed ice must be protected from contamination during delivery.

(4) Upon delivery, bottled water must be stored in a clean place. Packed ice must be stored immediately in a freezer. Bottled water and/or ice must not be stored directly on a floor surface. The conveyance used to transport processed water and/or packed ice must be free of filth or dust.

III. PRODUCTION AND PROCESS CONTROLS

3.1. GENERAL

The product water contact surfaces of all equipment, devices, and instruments used in the manufacturing of water or ice shall be washed and sterilized, at a minimum, every eight hours of operation. The quality of processed water and ice intended for human consumption shall meet or exceed the drinking water standards described in the CNMI Division of Environmental Quality Drinking Water Regulations.

3.2 CONTAINERS

Single-service and/or multi-service primary containers shall be cleaned, sanitized, and inspected just prior to being filled, capped, and sealed. Containers found to be unsanitary or defective by the inspection shall be reprocessed or discarded. All single-service and/or multi-service primary containers shall be washed, rinsed, and sanitized by mechanical washers or by immersion in a three compartment sink so as to wash, rinse, sanitize and air dry. Mechanical washers shall be inspected as often as is necessary to assure adequate performance.

3.3 CLEANING AND SANITIZING SOLUTIONS

Cleaning and sanitizing solutions utilized by the water and/or ice manufacturer shall be disposed of prior to the prescribed expiration date or sampled and tested as often as necessary to assure adequate performance in the cleaning and sanitizing operation and shall be disposed of prior to the prescribed expiration date. Records of these tests shall be maintained by the water or ice manufacturer.

3.4 SANITIZING OPERATIONS

Sanitizing operations including those performed by chemical means or by any other means, such as circulation of live steam or hot water, shall be adequate to disinfect the intended product water or ice contact surfaces and any other critical area. The manufacturer shall maintain a record of the concentration and/or efficacy of the sanitizing agent and the time duration that the agent is in contact with the surface being sanitized. The following contact time and/or concentration shall be the minimum required to sanitize bottles and other contact surfaces:

(1) Steam in an enclosed system: At least 170° Fahrenheit for at least 15 minutes or at least 200 °Fahrenheit for at least 5 minutes; or,

(2) Hot water in an enclosed system: At least 170° Fahrenheit for at least 15 minutes or at least 200° Fahrenheit for at least 5 minutes; or,

(3) Chemical sanitizer equivalent in strength to the bactericidal action of 50 parts per million free chlorine over 2 minute exposure at 57° Fahrenheit when used as an immersion or circulating solution. Chemical sanitizers applied as a spray or fog shall be equivalent 100 parts per million free chlorine at 57° Fahrenheit for 5 minutes or its equivalent in bactericidal action. When using a chemical sanitizer, a final rinse, prior to filling the primary container with product water or ice, shall be performed using a disinfected water rinse free of pathogenic bacteria. The final rinsing of the primary container interior surfaces shall remove any residues of the chemical sanitizer; or,

~~(3) Chemical sanitizers shall be equivalent in strength to the bactericidal action of 50 parts per million free chlorine over 2 minutes exposure at 57° Fahrenheit when used as an immersion or circulating solution. Chemical sanitizers applied as a spray or fog shall be equivalent 100 parts per million free chlorine at 57° Fahrenheit for 5 minutes or its equivalent in bactericidal action.~~

~~(4) The primary container interior surfaces must be exposed to a cleaning agent with a concentration of not less than 0.35% active alkalinity at a minimum temperature of 130° Fahrenheit for not less than 1 minute where high velocity jets are used, or for not less than 3 minutes where soaked type bottle three sink compartment washers are used, followed by a rinse of at least 1 minute of 25 parts per million chlorine solution. When using a cleaning agent, a final rinse, prior to filling the primary container with product water or ice, shall be performed using a disinfected water rinse free of pathogenic bacteria. The final rinsing of the primary container interior surfaces shall remove any residues of cleaning agent or chlorine.~~

~~The final rinse, prior to filling the primary container with product water or ice, shall be performed using a disinfected water rinse free of pathogenic bacteria. The final rinsing of the primary container interior surfaces shall remove any residues of cleaning agent or chlorine.~~

3.5 FILLING, CAPPING OR SEALING

During the process of filling, capping or sealing either single-service or multi-service primary containers, the performance of the filler, capper or sealer, shall be monitored and the filled

containers visually or electronically inspected to assure they are sound, and properly capped or sealed, and free of foreign matter. Containers that are visually inspected shall be viewed in a well-lighted area to assure adequate inspection. Containers that are not properly capped or sealed, or contain any type of foreign matter, shall be rejected or re-processed. Only non-toxic containers or covers shall be used.

3.6 LABELLING

All packaged ice containers, potable water tanker trucks, primary containers, and retail bulk water tanks shall have an identity label identifying the manufacturer's name, address, and telephone number. All identity labels on primary containers shall clearly indicate the date and time on which the container was sealed. Retail bulk water tanks shall clearly indicate the date and time on which potable water was delivered to the tank.

3.7 TESTING AND MONITORING

To assure that the production of water and/or ice maintains standards necessary to prevent the spread of disease and does not pose an adverse health effect (via toxin or other harmful chemicals), manufacturers of water or ice shall perform testing and monitoring of production samples as required by the Division of Environmental Quality or as directed by the Secretary of the Department of Public Health. Testing and monitoring shall also be in conformance with CNMI Division of Environmental Quality Drinking Water Regulations.

3.8 RECORD RETENTION

All inspections, testing or monitoring required in these regulations and required by the CNMI Division of Environmental Quality shall be maintained by the water or ice manufacturer for a minimum of 5 years from the date of inspections, testing or monitoring. Records shall be kept that track the operation and maintenance of all equipment used to produce water and/or ice. Such records shall include, but are not limited to, (a) weekly volumes of water produced and (b) logs that display the date of equipment and/or equipment component replacement. Equipment components include such items as filter cartridges and media, UV bulbs, etc., and records should include equipment manufacturer and product names.

IV. COMPLIANCE PROCEDURES

4.1. SANITARY PERMITS AND FOOD HANDLER'S CERTIFICATES

No person shall operate a water or ice manufacturer who does not have a valid sanitary permit issued to him/her by the CNMI Bureau of Environmental Health. Only a person who complies with the requirements of these regulations shall be entitled to receive or retain such a sanitary permit. Sanitary permits are not transferable. A valid sanitary permit shall be posted in public view in every water or ice manufacturing facility.

4.2. ISSUANCE OF A SANITARY PERMIT

(a) Any person desiring to operate a water or ice manufacturer shall submit a written application for a sanitary permit on forms provided by the Bureau. Such application shall include the name and address of each applicant, the location and type of the proposed water or ice manufacturer and the signature of each applicant.

(b) The applicant shall submit the Standard Operating Procedures that personnel shall use in the water and ice manufacturing facility's sanitizing operations. Standard Operating Procedures shall include descriptions of all sanitizing chemicals, which shall be from approved sources, and instructions on proper mixtures. Health Inspectors shall review the Standard Operating Procedures prior to inspection.

(c) Prior to approval of an applicant for a sanitary permit, the Bureau shall inspect the proposed water or ice manufacturer to determine compliance with the requirements of these regulations.

(d) The Bureau shall issue a sanitary permit to the applicant if its inspection reveals that the proposed water or ice manufacturer complies with the requirements of the Commonwealth Environmental Health and Sanitation Act and these regulations.

4.3. SUSPENSION OF A SANITARY PERMIT

(a) The Secretary may, without prior hearing, suspend any sanitary permit to operate a water or ice manufacturer if the operation of the water or ice manufacturer otherwise constitutes an imminent hazard to public health.

(i) Suspension is effective immediately upon written notice to the sanitary permit holder or person in charge of the establishment. When a sanitary permit is suspended, ice and water manufacturing operations shall immediately cease.

(ii) Hearings requested following the immediate suspension of a sanitary permit must be scheduled as soon as possible, but not later than five business days from the date of closure.

(b) The Secretary may suspend any sanitary permit to operate a water or ice manufacturer if the holder of the sanitary permit does not comply with the requirements of the Commonwealth Environmental Health and Sanitation Act or these regulations, or if the establishment fails to pay fees assessed against it for violations of the Commonwealth Environmental Health and Sanitation Act or these regulations. Suspension may be imposed for such time until the violation is corrected or may be imposed as a penalty for repeated violations, in which case, the suspension shall not exceed six months.

(i) Written notice of intent to suspend a sanitary permit shall be delivered to the sanitary permit holder. The sanitary permit holder shall have ten calendar days to request a hearing.

(c) Whenever a sanitary permit is suspended, the holder of the permit, or the person in charge, shall be notified in writing of the sections of these regulations that were determined to be in non-compliance. Upon compliance, the person-in-charge or permit holder shall contact the Bureau for re-inspection. A sanitary permit may be re-issued if in compliance, but if rectification has not been fulfilled, extension of suspension and extension for compliance shall be issued in writing.

4.4. REVOCATION OF SANITARY PERMIT

(a) The Secretary may revoke a sanitary permit that has been suspended on two separate occasions and continues to violate the requirements of the Commonwealth Environmental Health

and Sanitation Act or these regulations, or if the establishment has resumed operations after being closed by the Secretary.

(b) Prior to revocation, the Secretary shall notify the sanitary permit holder, in writing, of the specific reasons for which the sanitary permit is to be revoked. The sanitary permit holder may submit a request to the Bureau for re-inspection during any compliance period. The sanitary permit holder shall have ten calendar days to request a hearing.

4.5. REISSUANCE AFTER REVOCATION

(a) A sanitary permit is no longer valid and may not be reinstated when it has been revoked, except upon order of the Court. No person whose sanitary permit has been revoked shall be eligible to apply for a new sanitary permit for a period of one year.

(b) Records and any relevant history pertaining to the initial revocation shall be considered in the review of any new sanitary permit application. Probationary status may be imposed upon the new sanitary permit holder

4.6. FOOD HANDLERS HEALTH CERTIFICATES

Water and ice manufacturers are considered food handling establishments, and all employees must obtain Food Handler Certificates from the CNMI Bureau of Environmental Health.

4.7. INSPECTIONS

The CNMI Bureau of Environmental Health shall perform inspections of water or ice manufacturers at least once every six months. Additional inspections of the water or ice manufacturer shall be performed as deemed necessary for the re-enforcement of non-complied sections of these regulations.

4.8. ACCESS

Health Inspectors, after proper presentation of credentials, shall be permitted to enter any water or ice manufacturer at any reasonable time for the purpose of making inspections to determine compliance with these regulations. The Health Inspectors shall also be permitted to examine the records of the establishment.

4.9. REPORT OF INSPECTION

Whenever an inspection of a water or ice manufacturer is made, the findings shall be recorded on an inspection report form provided by the Bureau. The inspection report form shall summarize the requirements of these regulations and shall set forth a demerit value for each violation. Inspection remarks may be written to reference, by section number, the section violated and shall state the correction to be made. The rating score of the establishment shall be based upon the total demerit values for all violations. A copy of the completed inspection report shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed report form is a public document that shall be made available for public disclosure to any person who requests it, in accordance with the CNMI's Open Government Act, and to any aggrieved person.

4.10. CORRECTION OF VIOLATIONS

(a) The completed inspection report form shall specify a reasonable period for the correction of the violations found. Correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

(1) If the demerit score of the water or ice manufacturer is less than 10 demerits, violations shall be corrected as soon as possible, but in any event, within the compliance period indicated following inspection. Within the compliance period after inspection, the holder of the sanitary permit(s) shall notify the Bureau stating that the violations have been corrected. A follow-up inspection shall be conducted for full compliance.

(2) If the demerit score of the water or ice manufacturer is more than ten (10) demerits but less than thirty (30) demerits, violations must be corrected within the compliance period that is determined by the Secretary. Structural violations shall be corrected within a reasonable time or within the maximum compliance period of thirty (30) days. Extensions of compliance period for violations may be granted after a written request is made stating the cause for needing such extension and the expected time of completion. A second request for extension of compliance period may provide cause for permit suspension.

(3) When the demerit score of the water or ice manufacturer is more than 30 demerits, the establishment shall be considered an imminent health hazard and shall be subject to immediate sanitary permit suspension.

(b) The inspection report shall state that failure to comply with any required correction of violations may result in permit suspension.

(c) Whenever a water or ice manufacturer is required to cease operations, pursuant to section 4.3 of these regulations, it shall not resume operations until it is shown on re-inspection that the conditions responsible for the suspension of operations no longer exist. Opportunity for re-inspection shall be offered within a reasonable time.

4.11. SUBMISSION OF PLANS

Plans for the construction, reconstruction, or the alteration of any bottled water or ice manufacturing facility must be approved by various CNMI regulatory agencies (e.g., DEQ for waste disposal; CRM for coastal concerns; DPW for building safety). After all governmental approvals are received, a set of final plans and specifications must be submitted to the Bureau for recordation. The final plans and specifications for the construction, reconstruction, or the alteration of any bottled water or ice manufacturing facility shall follow the format below:

(a) Plans and specifications shall not be larger than 8 ½ inches by 14 inches and shall include a title block. Large standard size drawings are acceptable, provided that they are folded to the above dimensions and that the title block appears frontage.

(b) Plans must be to scale and the title block shall include the name and location of the establishment.

(c) Specifications shall be detailed and specific, and include placements of all equipment including sinks, washbasins, and permanently affixed appliances.

4.12. PRE-OPERATIONAL INSPECTION

A Health Inspector shall inspect any water and/or ice manufacturing establishment prior to the start of operation for compliance with the requirements of the Commonwealth Environmental Health and Sanitation Act and these regulations, and for the conformity with final plans and specifications as submitted.

4.13. SUSPICION OF DISEASE TRANSMISSION

When the Secretary has reasonable cause to suspect possible disease transmission by an employee of a water or ice manufacturer, s/he may secure a morbidity history of the suspected employee or perform any other investigation as s/he may deem necessary. The Secretary may require any or all of the following:

(a) The immediate exclusion of the employee from employment in water or ice manufacturing;

(b) The immediate suspension of the water or ice manufacturer sanitary permit until, in the opinion of the Secretary, no further danger of disease outbreak exists;

(c) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease; or,

(d) Adequate medical and laboratory examination of the employee and of other employees and of their bodily discharges.

V. REMEDIES

5.1. PENALTIES

Those permit holders found violating the requirements of the Commonwealth Environmental Health and Sanitation Act or these regulations, upon issuance of notice to the sanitary permit holder or the person in charge of the establishment, shall be fined and penalized as follows:

(1) First Offense: The permit holder shall receive a warning.

(2) Second Offense: The permit holder shall receive a fine of up to \$500.00.

(3) Subsequent Offenses: The permit holder shall be subject to a fine of \$1,000.00 for each subsequent offense.

A permit holder who has received notice of imposition of a fine shall have ten calendar days from the date of service of the notice to request a hearing.