



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
MARK T. BENTON • Assistant Secretary for Public Health
Division of Public Health

MEMORANDUM

June 9, 2020

TO: Local Health Directors and Registered Environmental Health Specialists

FROM: Larry D. Michael, REHS, MPH
State Environmental Health Director

SUBJECT: Executive Order No. 130, Section 4(A)(1) – Guidance for Environmental Health Specialists on Transitional Food Establishment Permits

Governor Roy Cooper issued Executive Order No. 130 to provide additional relief in meeting the state's health and human services needs during the COVID-19 pandemic. This Executive Order delegates to the Secretary of the Department of Health and Human Services the authority to waive the enforcement of certain regulatory and legal constraints. This includes authority in Section 4(A)(1) of the Executive Order to waive or modify the expiration date of transitional food establishment permits.

This memo addresses Section 4(A)(1) of the Executive Order and serves as guidance for environmental health specialists and local health departments on this Section. It is not intended to address the Executive Order in its entirety. Executive Order No. 130 may be accessed at the following link: <https://files.nc.gov/governor/documents/files/EO130-Meeting-North-Carolinas-Health-and-Human-Services-Needs.pdf>

As specified in the attached June 3, 2020, memorandum, Secretary Mandy Cohen delegated the authority granted to her under Executive Order 130, Section 4 to Mark Benton, Assistant Secretary for Public Health. Assistant Secretary Benton exercised this authority in the attached June 5, 2020, memorandum to waive the expiration date of transitional food establishment permits under 15A NCAC 18A .2659(b) issued from January 1, 2020 to June 30, 2020, for 180 days. In practice, this means that transitional food establishment permits issued during this timeframe may be effective for up to 360 days--180 days under the rule and an additional 180 days under the Executive Order. This waiver is intended to provide relief to food establishments continuing to provide services during the COVID-19 pandemic.

Transitional permit expiration dates should be adjusted for any permits that have already been issued since January 1, 2020, and food establishments should be notified of the extension of the expiration date. For permits to be issued from now through June 30, 2020, the environmental health specialist should assign an expiration date of 360 days and notify the permit holder of the extended transitional period. Status codes will remain the same for transitional permits.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH

LOCATION: 5605 SIX FORKS RD, RALEIGH NC 27609
MAILING ADDRESS: 1632 MAIL SERVICE CENTER, RALEIGH NC 27699-1632
www.ncdhhs.gov • TEL: 919-707-5854 • FAX: 919-845-3972

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Permits will be issued “T” status and remain in “U” status for up to 360 days after inspections begin. When all transitional permit non-compliant items have been completed, the permit (non-transitional) may be issued at any point during the transitional period with a “K” status.

For questions or additional information, please contact Veronica Bryant, Emergency Response and Outbreak Coordinator, at veronica.bryant@dhhs.nc.gov or by phone at 919-218-6943, or you may contact me at larry.michael@dhhs.nc.gov or 919-707-5855.