



**KANAWHA-CHARLESTON HEALTH DEPARTMENT**

**PUTNAM COUNTY HEALTH DEPARTMENT**



Michael R. Brumage, MD, MPH, FACP  
Executive Director/Health Officer

July 25, 2017

Mr. Brian Skinner  
General Counsel  
Bureau for Public Health  
350 Capitol St.  
Charleston, WV 25305

Dear Mr. Skinner:

Re: 64CSR106, Home-Based Food Production

We question the necessity of this rule, since no legislation passed during the 2017 regular session of the West Virginia legislature allowing for microprocessors.

While local health officers work in many instances as the commissioner's designees, because of the specificity of the rule, we do not feel local health officers have any jurisdiction other than that specifically designated in the rule. Conducting inspections cannot become an unfunded mandate for local health departments.

Specifically, we question in 2.15,

2.15. "Water activity" or "Aw" means the water activity of a food or the ratio between the vapor pressure of the food itself, when in a completely undisturbed balance with the surrounding air media, and the vapor pressure of distilled water under identical conditions.

Who will determine the water activity?

**Kanawha-Charleston**

108 Lee Street, East, Charleston, WV 25301

Phone: 304.348.6494

Fax: 304.348.6821

**Putnam County**

11878 Winfield Road, Winfield, WV 25213

Phone: 304.757.2541

Fax: 304.757.7287

And in,

3.5. A permittee must source 70% percent of any produce for a recipe from farm or garden owned by the applicant and gross receipts from the sale of food may not exceed \$7,500 in a calendar year.

Who will determine the sourcing and the gross sales?

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Stanley Mills". The signature is written in a cursive style with a large initial 'S'.

Stanley Mills, MS, RS, Director  
Environmental Services