

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Do Not Mark In This Box

FILED

JUN 22 1 31 PM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #2

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

Division of Health

AGENCY: Department of Health and Human Resources TITLE NUMBER: 64

RULE TYPE: Legislative; CITE AUTHORITY WV Code § 16-1-7

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 18

TITLE OF RULE BEING PROPOSED: General Sanitation Rules

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July, 22, 1998 AT 4:30 p.m. ONLY

WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Regulatory Development

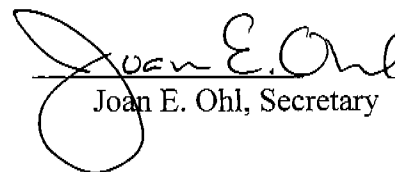
Department of Health & Human Resources

Capitol Complex - Building 3, Room 265

Charleston, WV 25305

ATTN: Marsha Dadisman, Acting Director

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Joan E. Ohl, Secretary

\$6.60

Brief Summary of the Proposed Rule

64 CSR 18

The proposed legislative rule will consolidate and update the general sanitation requirement currently contained in four legislative rules:

School Sanitation, 64 CSR 44
Tourist Resort Camp, 64 CSR 24
Labor Camp, 64 CSR 29
Organized Camp, 64 CSR 18.

Additionally, sanitation standards were incorporated into the proposed rule for correctional facilities, colleges and universities, bed and breakfast inns, residential care facilities, adult day care facilities, non-disaster emergency shelters, campgrounds, parks, mass gatherings and public restrooms.

**Statement of Circumstances
Which Require the Proposed Rule**

The proposed General Sanitation Rule §64 CSR 18 establishes minimum public health sanitation requirements necessary to assure a healthy and safe environment for all institutions, schools, care facilities, lodging facilities, recreational facilities, and public restrooms.

The proposed rule will revise and consolidate four existing regulations that are well over thirty (30) years old and are so antiquated that they are not applicable to the facilities in operation today. The four rules govern School Sanitation, Tourist and Resort Camps, Labor and Industrial Camps, and Organized Camps.

In addition, the proposed rule establishes general sanitation requirements for correctional facilities, colleges and universities, residential care facilities, bed and breakfast inns, adult day care facilities, non-disaster emergency shelters, campgrounds, parks, mass gatherings, and public restrooms. These new standards will allow the health department to develop effective public health programs for these facilities, including routine inspection and investigation of complaints.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: General Sanitation Rules, 64 CSR ___

Type of Rule: Legislative Interpretive Procedural

Agency: Division of Health
Department of Health and Human Resources

Address: Building 3, Capitol Complex
Charleston, W. Va. 25305

1. Effect of the Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$ 0	\$ 0	\$ 0
Personal Services					
Current Expense					
Repairs & Alterations					
Equipment					
Other					
Revenue					

2. Explanation of above estimates.

This proposed rule will not require additional general funds.

3. Objectives of this rule:

The purpose of the proposed rule is to update and consolidate general sanitation requirements contained in existing rules: School Sanitation Rules (64 CSR 44), Tourist and Resort Camp Rules (64 CSR 24), Labor Camp Rules (64 CSR 29), Organized Camp Rules (64 CSR 18) and to add sanitation requirements for correctional facilities, colleges and universities, residential care facilities, bed and breakfast inns, adult day care facilities, non-disaster emergency shelters, campgrounds, parks, mass gatherings, and public restrooms.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

none

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens.

None. The facilities covered by the scope of these proposed rules are currently being inspected by health departments.

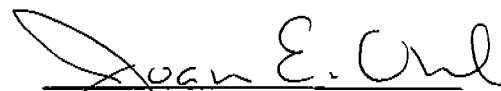
Specific sanitation requirements, however, have not been defined for some of the facilities covered by the rule, i.e., correctional facilities, colleges and universities, residential care facilities, adult day care facilities, non-disaster emergency shelters, campgrounds, parks, mass gatherings, and public restrooms.

C. Economic Impact on Citizens/Public at Large.

None.

Date: 6/22/98

Signature of Agency Head or Authorized Representative


Joan E. Ohl, Secretary
Department of Health and Human Resources

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period, Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: June 22, 1998

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency name, Address & Phone No.) Department of Health and Human Resources

State Capitol Complex, Building 3, Room 265, Charleston, WV 25305

Telephone: (304) 558-3223

LEGISLATIVE RULE TITLE: General Sanitation Rules, 64 CSR 18

1. Authorizing statute(s) citation: WV Code Section 16-1-7

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

June 22, 1998

b. What other notice, including advertising, did you give of the hearing?

Notice of public comment period for the proposed rule was provided by press release. Notice was also provided, with a copy of the proposed rule, to each local health department, the Department of Education, the Division of Corrections, the Regional Jail and Correctional Facility Authority, the Division of Natural Resources, the Department of Agriculture, the WV Hospitality and Travel Association. and the Mountain State Association of Bed and Breakfast.

c. Date of Public Hearing(s) or Public Comment Period ended:

July 22, 1998

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached N/A No comments received N/A

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing (be exact):

N/A

f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule (please type):

Marsha Dadisman, Acting Director

Regulatory Development/Department of Health and Human Resources

Room 265, Capitol Complex

Charleston, West Virginia 25305

(304) 558-3223 FAX: (304) 558-1130 MDadisman@WVDHHR.ORG

g. IF DIFFERENT FROM ITEM 'f', please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule (please type):

Ronald K. Forren

Director, Public Health Sanitation

1815 Quarrier Street, suite 418

Charleston, WV 25301-2616

Phone: (304) 558-3956 Fax: (304) 558-1071

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place a hearing for the taking of evidence and a general description of the issues to be decided.

____ N/A _____

b. Date of hearing or comment period:

____ N/A _____

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefore?

____ N/A _____

d. Attach findings and determinations and reasons:

Attached ____ N/A _____

TITLE 64
WEST VIRGINIA LEGISLATIVE RULES
DIVISION OF HEALTH
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SERIES 18
GENERAL SANITATION RULES

TITLE 64
WEST VIRGINIA LEGISLATIVE RULES
DIVISION OF HEALTH
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SERIES 18
GENERAL SANITATION RULES

TABLE OF CONTENTS

§64-18-1. General.	1
§64-18-2. Definitions.	2
§64-18-3. Permits, Hearings, Notices and Orders.	5
§64-18-4. Inspections.	7
§64-18-5. Animals.	8
§64-18-6. Bedding and Sleeping Areas	8
§64-18-7. Communicable Disease	10
§64-18-8. Garbage and Refuse.	10
§64-18-9. Heating and Ventilation	11
§64-18-10. Housekeeping and Maintenance.	12
§64-18-11. Laundry.	12
§64-18-12. Lighting.	13
§64-18-13. Noise.	14
§64-18-14. Plumbing.	14
§64-18-15. Safety.	15
§64-18-16. Sewage.	16
§64-18-17. Size, Space.	17
§64-18-18. Storage.	17
§64-18-19. Structure, Materials, Construction and Repair.	17
§64-18-20. Surroundings.	18
§64-18-21. Toilet, Handwashing and Bathing Facilities.	18
§64-18-22. Vector Control.	21
§64-18-23. Water Supply.	21
§64-18-24. Penalty for Violating Provisions of Regulations.	23
§64-18-25. Administrative Due Process.	23

TITLE 64
WEST VIRGINIA LEGISLATIVE RULES
DIVISION OF HEALTH
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SERIES 18
GENERAL SANITATION RULES

§64-18-1. General.

1.1. Scope - These regulations establish the minimum public health sanitation requirements governing all institutions and schools, care facilities, lodging facilities, recreational facilities, and public restrooms.

1.2. Authority - W. Va. Code §16-1-7.

1.3. Filing Date -

1.4. Effective Date -

1.5. Supersession of Former Rule - This rule repeals and replaces WV Division of Health legislative rule, Organized Camps, 64 CSR 18; Tourist and Resort Camps, 64 CSR 24; Labor and Industrial Camps, 64 CSR 29; and School Sanitation, 64 CSR 44, all effective December 29, 1967.

1.6. Applicability - This rule applies to every person, as defined in this rule, who shall in any manner establish, conduct, control, manage, maintain, or operate a facility included under the scope of these rules.

1.6.a. For the purpose of this rule, institutions and schools shall include, but not be limited to, whether public or private, correctional facilities, colleges and universities, and primary and secondary educational facilities (K through 12).

1.6.b. For the purpose of this rule, care facilities shall include, but not be limited to, whether public or private, halfway houses, adult day care facilities, residential care facilities (such as juvenile group homes and work release centers), and non-disaster emergency shelters (such as homeless shelters and family violence protection shelters).

1.6.c. For the purpose of this rule, lodging facilities shall include, but not be limited to, hotels, motels, and labor camps.

1.6.d. For the purpose of this rule, recreational facilities shall include, but not be limited to, campgrounds, parks, playgrounds, organized camps, fairs, festivals and mass

64 CSR 18

gatherings.

1.6.e. For the purpose of this rule, public restrooms shall include any facility where restrooms are provided for public use.

1.7. Enforcement - This rule is enforced by the director of the division of health.¹

§64-18-2. Definitions.

2.1. Approved - A procedure of operation, installation or construction which is in accordance with the standards, specifications, and instructions established by the division of health.

2.2. Bed and Breakfast - An establishment providing sleeping accommodations, and at a minimum, a breakfast for a fee, provided that the health officer may not require an owner of a bed and breakfast providing sleeping accommodations of six or fewer rooms to install a restaurant style or commercial food service facility; and also provided that the health officer may not require an owner of a bed and breakfast providing sleeping accommodations of more than six rooms to install a restaurant-type or commercial food service facility if the entire bed and breakfast inn or those rooms numbering above six are used on an aggregate of two weeks or less per year.

2.3. Campground - A tract of land established, maintained, and offered to the public for payment for the location or placement of two or more camping units.

2.4. Camping Unit - Any tent, camping vehicle, cabin, or similar vehicle or structure designed or intended to be used for camping purposes.

2.4.a. A camping unit shall mean and include, but shall not be limited to, tents, tent campers, fold down campers, pop up campers, travel trailers, camping vans, motor homes, pick up coach campers, or any other unit built or mounted on a vehicle or chassis and capable of being self propelled or towed.

2.4.b. A camping unit shall not include any unit kept by its owner on land occupied by the owner in connection with his dwelling, or any unoccupied camping unit kept and stored at a location that has been reserved for such storage within a campground.

¹ The Department of Health and Human Resources (DHHR) was created by the Legislature's reorganization of the executive branch of State government in 1989. The Department of Health was renamed the Division of Health and made a part of the DHHR (WV Code § 5F-1-1 et seq.). Administratively within the DHHR the Bureau for Public Health through its Commissioner carries out the public health function of the Division of Health.

64 CSR 18

2.5. Campsite - Any plot of land within a campground used or intended to be used for the location or placement of a camping unit.

2.6. Construct - The term construct shall be construed to mean and include the terms extend, alter and modify.

2.7. Director - Director of the division of health or his or her lawful designee.

2.8. Health Officer - The director of the division of health or the executive officer of the local board of health or his or her lawful representative.

2.9. Hotel - Every building where food and lodging are usually furnished to guests and payment required shall be deemed a hotel. The definition does not apply to any hotel wherein there are fewer than ten bed chambers, nor to any hotel known as a "summer hotel" which is not open for guests from November fifteenth to May fifteenth.

2.10. Institution - A public or private facility established by an organization or corporation for the purpose of providing higher education, care, training, rehabilitation or other similar services or functions.

2.11. Labor Camp - A labor camp shall include any lumber, mining, agricultural, construction, or other industrial camp where ten or more persons are employed and housed in temporary quarters, such as cars, motor homes, camper vehicles, wagons, tents, cabins, buildings, or other similar enclosures.

2.12. Mass Gatherings - Any group of two hundred fifty (250) or more persons assembled together for a meeting, festival, social gathering, concert or other similar purpose. The term shall not include assembly in any permanent buildings or permanent structures designed, equipped and intended for use by large numbers of people. Equipped shall mean supplied with adequate sanitary facilities for the intended use.

2.13. Motel - Every building constructed, designed, maintained, offered or used for the accommodation of automobile transient guests or the traveling public. The term motel shall include auto courts, motor courts, auto lodges, motor lodges, tourist cabins, tourist cottages, and tourist courts.

2.14. Nuisance - Nuisance shall mean annoyance, anything which causes injury, inconvenience, damage, or which essentially interferes with the enjoyment of life or property, and shall include, but not be limited to, inadequate or unsanitary sewage, water or plumbing facilities or other unsanitary conditions.

2.15. Occupant - A person utilizing a specific facility governed by this rule.

64 CSR 18

2.16. Operator - A person who has been granted a written permit, in accordance with these regulations, to operate a facility governed by this rule.

2.17. Organized Camp - Any area, place, parcel or tract of land on which facilities are established or maintained to provide an outdoor group living experience for children or adults, or where one or more permanent or semi-permanent structures are established or maintained as living or sleeping quarters for children or adults, and operated for educational, social, recreational, religious instruction or activity, physical education or health, or vacation purposes either gratuitously or for compensation. This definition shall not be construed to include a hunting, fishing, or other camp privately owned and used exclusively for the personal pleasure of the owner.

2.18. Permit - A written document issued by the health officer giving a person permission to operate a specific facility governed by this rule.

2.19. Person - Individual, partnership, association, syndicate, company, firm, trust, corporation, institution, department, division, bureau, agency, or any entity recognized by law.

2.20. Public Restroom - A structure housing toilet, lavatory, or other such facilities intended for the unrestricted use by the public.

2.21. School - A public or private organization that provides instruction for the teaching of children. The term includes early childhood / primary education centers, middle childhood / junior high education centers, adolescent / high school education centers and vocational education centers. The term does not include child care centers as defined in the division of health rule, Child Care Centers, 64 CSR 21.

2.22. Sewer Connection - The connection consisting of all pipes, fittings, and appurtenances from the waste drain outlet of a facility to the inlet pipe of the corresponding sewer riser pipe of the sewer system serving a specific facility governed by this rule.

2.23. Sewer System - A system whether publicly or privately owned which receives and treats sewage and provides for the disposal of effluent and sludge therefrom. Included in this definition are individual sewer systems and public sewer systems.

2.24. Waste Disposal Station - A facility used for disposing of excreta or sewage from a camping unit waste holding tank.

2.25. Wastewater - Water containing human, animal, or domestic waste.

2.26. Water Connection - The connection consisting of all pipes, fittings and

64 CSR 18

appurtenances from the water connection inlet of a facility to the outlet pipe of the corresponding water riser pipe of the water distribution system serving a specific facility governed by this rule.

2.27. Water Supply System - A system of pipes, appurtenances and equipment for the collection, treatment, storage or distribution of water.

§64-18-3. Permits, Hearings, Notices and Orders.

3.1. Construction and Modification

3.1.a. Except as provided in paragraph 3.1.a.1 of this section, whenever a facility governed under the scope of this rule is constructed or extensively remodeled and whenever an existing structure is converted to use as one of the facilities governed under this rule, plans and specifications for such construction, remodeling, or conversion shall be submitted to the health officer for review and approval before construction, remodeling, or conversion is begun.

3.1.a.1. This section does not apply to colleges and universities or to public restrooms unless the public restroom is included as part of a facility governed under this rule.

3.1.a.2. Once completed plans are received by the health officer, the plans shall be reviewed within a period of time not to exceed forty-five (45) days.

3.2. Permit to Operate

3.2.a. Except as provided in paragraph 3.2.a.1 of this section, no person shall operate a facility governed by this rule who does not possess a valid permit issued to him or her by the health officer.

3.2.a.1. This provision shall not apply to colleges and universities or to the operation of a public restroom unless it is included as part of a facility governed under this rule.

3.2.b. An application for a permit to operate a facility governed by this rule shall be made in writing to the health officer on a form prescribed by the health officer and signed by the applicant or his or her authorized representative.

3.2.c. The application for a permit shall be made at least fifteen (15) days before the actual or proposed operation of said facility is to be effected.

3.2.d. Prior to approving the application for a permit the health officer shall inspect the proposed facility to determine compliance with this rule. Only persons who comply

64 CSR 18

with the applicable provisions of this rule are entitled to a permit.

3.2.e. Facilities governed by this rule, in operation at the time this rule becomes effective, and meeting all applicable prior rules are eligible for a permit to operate, provided that the facility shall be required to meet the applicable operational requirements of this rule, and, provided further, that any construction taking place after the effective date of this rule shall be in compliance with this rule and other applicable design standards and rules.

3.2.f. Permits are not transferable or assignable and automatically become invalid upon change of ownership or upon suspension or revocation.

3.2.g. A permit to operate shall expire at midnight on the 30th day of June following the date of issuance.

3.2.h. Application for the renewal of a permit shall be made at least 15 days prior to the expiration date of the existing permit.

3.2.i. In the event of an intended change or an actual change in ownership of a facility, an application for a permit to operate shall be made to the health officer by the person concerned at least 15 days before the proposed or actual change is effected.

3.2.j. The health officer may, without warning, notice or hearing, suspend a permit to operate a facility governed by this rule if the operation of the facility constitutes an imminent hazard to public health.

3.2.j.1. When a permit is suspended, all operations shall immediately cease.

3.2.k. The health officer may revoke a permit to operate for repeated or serious violations of any of the requirements of this rule or for interference with the health officer in the performance of his or her duties.

3.2.l. Any person whose permit has been suspended or revoked may at any time, make application for a reinspection for the purpose of reinstatement of the permit.

3.2.l.1. Within ten (10) days following receipt of a written request, including a signed statement by the applicant that in his or her opinion the conditions causing the suspension or revocation of the permit have been corrected, the health officer shall reinspect the premises. If the applicant complies with the provisions of this rule, the health officer shall reinstate the permit.

3.2.m. Operational permits shall be posted within the facility and be readily

64 CSR 18

available to the health officer.

3.3. Hearings, notices and orders.

3.3.a. Any person whose application for a permit to operate a facility governed by this rule has been denied, or whose permit has been suspended or revoked, may petition and may be granted a hearing on the matter within ten (10) days after the health officer has received written petition for the hearing.

3.3.b. The filing of a petition for a hearing on a permit denial, suspension, or revocation shall not stay or suspend the execution of the notice or order resulting in the permit denial, suspension, or revocation.

3.3.c. Whenever the health officer makes an inspection of a facility and discovers that any of the provisions of this rule have been violated, he or she shall notify the operator of the violations by means of an inspection report form or other written notice. Correction of the violations shall be accomplished within the time specified in the notice.

3.3.d. Whenever the health officer finds that any facility governed by this rule constitutes an imminent hazard to public health, he or she may, without notice or hearing, issue a written order to the operator or person in charge citing the existence of the condition and requiring action to be taken to remedy the condition, including the suspension of the permit to operate. Notwithstanding any other provision of this rule, the order is effective immediately.

3.3.d.1. Any person to whom such order is directed shall comply therewith immediately, but upon written petition to the health officer shall be afforded a hearing on the matter as set forth in Section 3.3.a. of this rule.

§64-18-4. Inspections.

4.1. Except as specified in subdivision 4.1.a of this section, the health officer shall inspect a facility governed by this rule at least once a year.

4.1.a. Colleges and universities and public restrooms which are not part of a facility governed by this rule may be inspected on a complaint basis only.

4.2. The health officer shall also make additional inspections as necessary to determine satisfactory compliance with the provisions of this rule or any orders, notices, instructions or specifications issued pursuant to this rule.

4.3. The inspection report shall be discussed with the person in charge at the time of inspection.

§64-18-5. Animals.

- 5.1. Every facility falling within the scope of this rule may keep or house domestic animals or pets under conditions conducive to proper sanitation and good health.
- 5.2. No live reptiles shall be permitted unless a written plan is provided and implemented for proper sanitary handling and handwashing.
- 5.3. No wild, dangerous or obviously ill animals are to be kept or fed in an area that would endanger inhabitants or patrons of the facility.
- 5.4. No dogs, cats or other domestic animals shall be permitted to run at large.
- 5.5. If the facility has dogs or cats, they must be immunized by a licensed veterinarian for any disease which can be transmitted to humans and for which there is a vaccine.
- 5.6. Animal quarters shall be kept in a clean condition at all times and located and maintained so as not to create a nuisance.
- 5.7. All manure shall be removed and sanitarily disposed of at a frequency necessary to minimize objectionable odors or insect and rodent breeding.
- 5.8. Drainage from stables, pens, coops or other animal quarters shall be disposed of in a manner to prevent contamination of any source of potable water, groundwater, or surface water.
- 5.9. The maximum number of animals in any facility shall be limited to the number that can be adequately housed, fed, and maintained.
- 5.10. Live animals, including birds and turtles, shall be excluded from food preparation, storage, and serving areas and in in-use dining areas. This exclusion does not apply to edible fish, crustacea, shellfish, or to fish in aquariums.
 - 5.10.a. Patrol dogs accompanying security or police officers or guide dogs accompanying handicapped persons, may be permitted in dining areas.

§64-18-6. Bedding and Sleeping Areas.

- 6.1. All rooms or areas used for bedding and sleeping shall be kept in a clean and sanitary condition and maintained in a safe condition and in good repair.
- 6.2. Floors in sleeping quarters must be smooth, easily cleanable and located to

64 CSR 18

prevent ground and surface water entry.

6.3. Tents used as permanent sleeping quarters shall be placed on platforms or floors elevated at least one foot above the ground surface. Concrete pads may be used in lieu of platforms on floors.

6.4. Single occupancy sleeping areas shall contain a minimum of four hundred (400) cubic feet of air space per person or seventy (70) square feet of floor space per person.

6.5. In multiple occupancy rooms or areas used for combination of eating, sleeping or cooking, a minimum of fifty (50) square feet of floor space shall be required per occupant.

6.6. Sleeping areas shall be designed to provide a minimum of three feet between beds, both laterally and end to end. Beds shall be placed so that the heads of sleepers are at least six feet apart.

6.7. When double-decker beds are used, there shall not be less than twenty seven (27) inches between the lower mattress and the bottom of the upper bed, not less than twenty seven (27) inches between the ceiling and the top mattress of the upper bed.

6.8. Triple decker beds are prohibited.

6.9. Individual bedding shall be provided for each person.

6.10. Mats or cots used for short term napping shall be spaced two (2) feet apart on all sides.

6.11. No sleeping area shall have a ceiling height of less than seven (7) feet measured from the floor.

6.12. All articles of bedding and furniture shall be kept clean and in good repair.

6.13. All fabric mattresses shall be provided with mattress pads and covers.

6.14. A waterproof mattress cover shall be used over fabric mattresses in care facilities, hospitals, and nursing homes.

6.15. Linens shall be provided except in those facilities where the user is normally required to bring his or her own linens.

6.16. Linen, if provided, shall be changed at least once weekly or more often if needed, and clean linen provided.

64 CSR 18

6.17. Linens shall be freshly laundered before being furnished to occupants.

6.18. Storage area or areas shall be provided for the storage of excess clothing, luggage, or similar articles.

6.19. Sleeping areas in primitive or outpost camping or similar recreational activities need not meet the requirements of this section.

§64-18-7. Communicable Disease.

7.1. Good hygienic practices and disease control measures shall be employed to prevent the spread of communicable disease.

7.2. No staff member while affected with any disease in a communicable form, or while a carrier of such a disease, or while affected with boils, infected wounds, sores, or a respiratory infection shall work in any capacity in which there is likelihood of the staff member transmitting disease to other persons; and no person known or suspected of being affected with any disease or condition shall be employed in any area or capacity.

7.3. All staff members in care facilities, schools, and similar facilities where a close staff or client relationship exists shall comply with the following requirements:

7.3.a. Wear clean outer garments and maintain a high degree of personal cleanliness;

7.3.b. Conform to good hygienic practices while on duty;

7.3.c. Thoroughly wash hands and the exposed portions of arms with soap and warm water before starting work, during work as often as necessary to keep them clean, and after smoking, eating, drinking or using the toilet; and

7.3.d. Not use tobacco in any form while performing duties. If not prohibited by law, the health officer may designate specific areas for tobacco use when the staff member is not engaged in the performance of his or her duties.

§64-18-8. Garbage and Refuse.

8.1. Storage, handling, collection, transportation and disposal of garbage and refuse must be so conducted as to prevent odor, insect, rodent and other nuisance conditions.

8.2. All garbage and refuse shall be stored in approved water tight, vermin proof, and

64 CSR 18

easily cleanable containers. There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.

8.3. Garbage and refuse containers shall be kept clean.

8.4. When not in continuous use, garbage and refuse containers shall be covered at all times except those containers used only for nonputrescible and noninfectious wastes.

8.5. Excluding mass gatherings, garbage and refuse containers, enclosures, dumpsters and compactor systems located outside shall be stored elevated or on metal racks or on a smooth surface of non-absorbent material such as concrete or asphalt that is kept clean and maintained in good repair.

8.6. Outside storage areas or enclosures shall be large enough to store the garbage and refuse containers that accumulate and shall be kept clean.

8.7. Garbage and refuse storage rooms and outside enclosures, if used, shall be constructed of easily cleanable, non-absorbent, washable materials, shall be kept clean, shall be insect and rodent proof, and shall be large enough to store the garbage and refuse containers that accumulate.

8.8. Garbage and refuse containers must be readily accessible for use and servicing.

8.9. If garbage and refuse container cleaning operations are conducted outside, then a frostproof hose bibb and sanitary waste drain shall be provided.

8.10. Disposal of garbage and refuse must be in compliance with the West Virginia Solid Waste Act.

§64-18-9. Heating and Ventilation.

9.1. Every space intended for human occupancy shall be ventilated by natural or mechanical means. The minimum amount of outdoor air shall be five (5) cubic feet per minute per person.

9.2. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes.

9.3. Ventilation systems, when vented to the outside, shall not create a nuisance or public health hazard.

9.4. Heating, ventilation and air conditioning systems shall be in compliance with the

64 CSR 18

requirements of the State Building Code.

9.5. Intake and exhaust air ducts shall be located and maintained to prevent the entrance of dust, dirt, and other contaminating materials.

9.6. For mechanical ventilation, indoor design temperature shall be seventy (70) degrees Fahrenheit for heating and seventy eight (78) degrees Fahrenheit for cooling.

9.7. Oil and gas fired heating devices shall be properly vented to the outside air or otherwise in compliance with the State Building Code.

9.8. Clothes dryer vent systems shall be independent of all other systems and shall convey the products of combustion and moisture to the outside.

§64-18-10. Housekeeping and Maintenance.

10.1. The entire premises and contents shall be maintained in good repair and in a clean and sanitary condition. Facilities and equipment shall be provided for this purpose.

10.2. Cleaning and sanitizing shall be conducted at a frequency necessary to maintain an environment conducive to the general safety, health and comfort of the users.

10.3. A written plan providing for a regular schedule of housekeeping tasks shall be provided and implemented.

§64-18-11. Laundry.

11.1. Laundry, if done on the premises, shall be done in a separate area, room, or rooms designed for that particular purpose.

11.2. Soiled laundry shall be stored in non-absorbent, easily cleanable, covered containers or covered laundry bags intended for laundry storage.

11.3. Clean laundry shall be stored in such a manner so as not to become soiled or contaminated.

11.4. Soiled and clean laundry shall be handled, stored, processed and transported in such a manner as to prevent the spread of infection.

11.5. Laundry rooms and equipment shall be maintained in a clean and sanitary condition.

64 CSR 18

11.6. Chemicals and materials used in laundry operations shall be labeled, stored, handled, and used so as to provide maximum cleaning and disinfecting efficiency and prevent injury to the user.

11.7. All laundered articles must be washed at a temperature which gives the best performance in relation to the types of soil, level of soil, fabric types and chemicals used. Manufacturer's instructions regarding time, temperature, mechanical agitation and chemical action should be followed in the washing process.

11.8. All laundered articles must be rinsed to remove the cleaning agent.

11.9. After washing and rinsing, laundered articles must be either rinsed in a chemical sanitizing solution and air dried, or mechanically dried.

11.10. An individual laundering his or her own personal belongings need not meet the requirements of subsections 11.7, 11.8, and 11.9 of this section provided that the handling, storage, processing and transporting of the individual's laundry does not contaminate surrounding areas or other laundry.

§64-18-12. Lighting.

12.1. Lighting levels shall be commensurate with the type of activity occurring within the area.

12.2. Light sources must be installed or available to provide the following minimum foot candles of light:

12.2.a. Twenty (20) foot candles of light shall be provided in critical cleaning areas, including, but not limited to, food preparation areas, utensil washing areas, toilet and bathing facilities, and laundry areas. Dining areas shall not be considered critical cleaning areas.

12.2.b. Ten (10) foot candles of light shall be provided in normal cleaning areas, including, but not limited to, corridors, lobbies, janitor's closets, storage areas, and lodging quarters.

12.2.c. One hundred (100) foot candles of light shall be provided in hazardous work areas, including, but not limited to, workshops and school laboratories.

12.2.d. Forty (40) foot candles of light shall be provided in reading and activity areas, including, but not limited to, classrooms, day rooms, play rooms, and meeting rooms.

12.3. Lighting may be by either natural or artificial means or both.

64 CSR 18

12.4. All light bulbs and fluorescent tubes must be protected by effective shields or the use of shatterproof bulbs over food preparation areas, showers, gymnasiums, and any other area where safety is a concern. This includes the classrooms in primary and secondary schools.

12.5. Tamper proof light fixtures shall be provided in areas where a safety hazard may exist to the user or where abuse is likely.

12.6. Primitive or outpost camping areas need not meet the requirements of this section.

§64-18-13. Noise.

13.1. All facilities falling under the scope of this rule and constructed after the effective date of this rule shall incorporate reasonable acoustic planning into the facility design and site selection.

13.2. Acoustic planning for the construction of a facility must take into consideration the effects of exposure to noise on the physical health, mental health, and comfort of the facility user within the context of the intended use of the facility.

13.3. The director may develop through interpretive rule ranges of design goals for ambient sound levels in facilities covered under this rule and require estimated ambient sounds levels in decibels to be shown in plans submitted for review.

§64-18-14. Plumbing.

14.1. In the absence of applicable division of health rules and design standards, water supply and wastewater systems and fixtures shall comply with the requirements of the State Building Code, except that a minimum pressure of twenty (20) pounds per square inch shall be maintained at all points in a water distribution system designed to be under pressure under all conditions of flow.

14.2. Any plumbing or drainage system under the jurisdiction of this rule shall be maintained in good repair and in a sanitary and serviceable condition by the owner or his agent.

14.3. Plumbing fixtures shall be installed in a manner to afford easy access for cleaning and shall not be located in such a manner as to interfere with the use or the normal operation of doors, windows or other exit opening.

14.3.a. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floors, walls and ceilings.

64 CSR 18

14.3.b. Utility service lines and pipes shall not be unnecessarily exposed on floors, walls or ceilings.

14.4. Drainage system vent terminals shall extend to the outer air and be so installed as to minimize the possibilities of clogging and the return of foul air into the building or into adjoining structures.

14.5. Plumbing fixtures directly connected to a drainage system shall be equipped with a water-seal trap.

14.6. Plumbing fixtures shall have a smooth impervious surface and be constructed of materials especially suited to the use for which the fixture is intended.

14.7. A service or utility sink is required in all establishments where wet cleaning methods are used.

14.8. Plumbing fixtures shall be installed and maintained so that back siphonage, backflow, and cross connection potentials are eliminated.

§64-18-15. Safety.

15.1. All premises and facilities available to public patronage, employment, confinement, or use shall be designed, maintained and operated to minimize safety hazards and promote an accident-free environment.

15.2. Adequate protection against all electrical hazards shall be provided.

15.3. The design, installation and maintenance of the facility shall comply with applicable State Fire Marshal's rules.

15.4. The design, maintenance and arrangement of facilities, including lighting, shall minimize hazards of falls, slipping and tripping.

15.5. Applicable color codes may be incorporated in design and installation to promote swift and uniform recognition.

15.5.a. Red shall be the basic color for the following:

15.5.a.1. Identification of fire protection equipment and apparatus; and

15.5.a.2. Signifying danger.

64 CSR 18

15.5.a.2.a. Safety cans or other portable containers of flammable liquids having a flash point at or below eighty (80) degrees Fahrenheit and table containers of flammable liquids (open cup tester) shall be painted red with some additional clearly visible identification either in the form of a yellow band around the can or the name of the contents conspicuously stenciled or painted on the can in yellow. This requirement shall not apply to shipping containers.

15.5.a.2.b. Red lights shall be provided at barricades and at temporary obstructions, as specified in the ANSI Safety Code for Building Construction, A10.2-194.

15.5.a.2.c. Danger signs shall be painted red.

15.5.a.3. Designating emergency stop equipment and signs.

15.5.a.3.a. Emergency stop bars on hazardous machines, such as rubber mills, wire blocks, and flat work ironers, and stop buttons or electrical switches used for emergency stopping of machinery shall be red.

15.5.b. Yellow shall be the basic color for designating caution and for marking physical hazards such as striking against, stumbling, falling, tripping, and "caught in between."

15.5.c. Green shall be used to identify first aid kits or stations.

15.6. A fence or barrier shall be provided around any outdoor playground or activity area located in an area where safety may be a concern and which is used by children or persons not capable of self preservation.

§64-18-16. Sewage.

16.1. Sewage and liquid waste disposal systems must comply in full with the division of health rule, Sewer Systems, Sewage Treatment Systems, and Sewage Tank Cleaners, 64 CSR 9.

16.2. Sewage and liquid waste disposal systems must be kept in good repair and properly maintained and operated.

16.3. Liquid waste shall not be deposited on the ground in a manner that may create a nuisance.

16.4. Adequate access for approved cleaning vehicles and operations shall be provided to all self-contained privies and portable excreta disposal units.

64 CSR 18

§64-18-17. Size, Space.

17.1. In campgrounds, camping units, including canopies and similar appurtenances, shall be separated from other camping units on adjacent campsites and all campground buildings and structures by a minimum distance of ten (10) feet.

17.2. There shall be at least ten (10) feet of space between a camping unit and any campground street, common parking area, or other common use areas.

17.3. Campground areas used exclusively for back-pack type of camping shall be exempted from subsections 17.1 and 17.2 of this section provided the use of such areas will not adversely affect public health.

17.4. For mass gatherings, at least twenty (20) square feet per person shall be provided at the site for day time assemblage, and at least forty (40) square feet per person shall be provided for overnight assemblage, exclusive of parking areas.

17.5. For mass gatherings, adequate parking space shall be provided for every four (4) persons with the density not to exceed one hundred (100) passenger cars or thirty (30) buses per usable acre.

§64-18-18. Storage.

18.1. Appropriate storage facilities of cleanable construction shall be provided for, but not limited to, the following items: food stuffs, utensils, toys, work materials, cleaning supplies, clothing, linens, medicines, and toxic materials.

18.2. All storage facilities must be maintained in a neat, orderly, and clean condition.

18.3. Only those articles necessary for the operation and maintenance of the facility shall be stored on the premises.

18.4. All items intended for human consumption or human contact must be protected from contamination during storage.

18.5. Poisons and other potentially hazardous items shall be stored in locked storage spaces not used for any other purpose. Keys for such storage spaces shall be available only to authorized staff members.

§64-18-19. Structure, Materials, Construction and Repair.

19.1. Every foundation, roof and exterior wall, door, sky-light and window shall be

64 CSR 18

reasonably weather-tight, water-tight, and damp-free, and shall be kept in sound condition and good repair.

19.2. Floors, interior walls and ceilings shall be sound and in good repair.

19.3. Materials, adhesives and coverings used in interior areas shall be limited to a type that minimizes offensive or hazardous emissions to individuals who use or occupy the facility.

19.4. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment using non-toxic materials where accessible to children.

19.5. The interior finish of floors, walls, and ceilings shall be constructed of materials which are suitable for the intended use of the area and the frequency and type of cleaning methods necessary to maintain these finishes in a sanitary condition.

19.6. Floors, walls and ceilings in toilet rooms, food preparation areas, bathing facilities, and similar areas shall be easily cleanable, non-absorbent, and capable of withstanding routine wet cleaning methods. Other types of floor coverings may be permitted in areas where necessary for safety reasons, provided it does not interfere with floor cleaning.

19.7. Accessory structures present or provided shall be structurally sound, be designed to prevent rodent harborage, and be maintained in good repair and free of vermin, or such structures shall be removed from the premises.

19.7.a. The exterior of accessory structures shall be made weather-resistant through the use of decay-resistant materials or the use of paint or other preservatives.

19.8. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon.

§64-18-20. Surroundings.

20.1. All parts of property used in connection with the operation of the facility shall be kept neat, clean, adequately drained, free of litter and vermin harborage, and so designed, located, maintained and operated as not to endanger the public health or to create a nuisance or safety hazard.

§64-18-21. Toilet, Handwashing and Bathing Facilities.

21.1. Toilet, handwashing, and bathing facilities shall be provided in the number

64 CSR 18

required in the State Building Code.

21.2. Toilet, handwashing and bathing facilities must be designed, constructed, installed, maintained, and operated in a sanitary manner.

21.3. Rooms containing toilet facilities must be vented to the outside air. Adequate ventilation or humidity control shall be provided as needed in shower rooms and other high humidity areas.

21.4. All toilet facilities shall be provided with toilet tissue.

21.5. All handwashing facilities shall be provided with hand cleansing soap or detergent, and sanitary towels or a hand drying device providing heated air, adjacent to each hand washing sink.

21.5.a. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the handwashing facilities.

21.6. For bathing, occupants shall be provided with soap and clean washcloths and towels.

21.6.a. Occupants shall be provided with clean washcloths and towels at least once weekly or more often if needed.

21.6.b. Washcloths and towels shall be freshly laundered before being furnished to occupants.

21.7. Common use towels are prohibited.

21.8. The above supplies are not required to be provided in those facilities where the user is normally required to bring his or her own soap, washcloths, towels, and/or toilet tissue.

21.9. Handwashing facilities, where provided, shall be in or immediately adjacent to the toilet facilities and shall meet the requirements of section 23 of this rule, §64-18-23, Water Supply.

21.10. Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet.

21.11. Any self-closing or metering faucet shall be designed to provide a flow of water for a minimum of fifteen seconds without the need to reactivate the faucet.

64 CSR 18

21.12. Except for privies, unless properly constructed privacy barriers are provided, toilet rooms shall be completely enclosed and shall have tight-fitting doors which shall be closed except during cleaning or maintenance.

21.13. Privies shall meet the requirements of section 16 of this rule, §64-18-16, Sewage.

21.14. Toilet rooms used by women shall have at least one covered waste receptacle for the disposal of sanitary napkins.

21.15. In facilities which are mainly used by children, toilet and handwashing fixtures shall be sized so that they may be used by children without assistance, or step stools that are properly constructed for safety and cleanability must be provided.

21.16. In institutions, schools, and care facilities, diaper changing or changing of soiled underwear by employees or staff members shall be done in an established diaper changing area. The changing area shall not be located in food preparation areas.

21.16.a. Handwashing facilities shall be readily accessible to the diaper changing area.

21.16.b. Diaper changing shall be done on a clean, safe, impervious, nonabsorbent surface which is used for no other purpose.

21.16.c. The individual's perineal (urinary and anal) area shall be cleaned with disposable wipes.

21.16.d. After removing a soiled diaper or soiled underwear and before putting on a fresh diaper, staff members wipe their own hands with a pre-moistened towelette or a damp paper towel.

21.16.e. Both the individual's and the staff member's hands shall be thoroughly washed after each diaper change. If disposable gloves are used, they must be discarded immediately and hands washed.

21.16.f. Changing tables and surfaces shall be cleaned and disinfected after each use by cleaning to remove visible soil, followed by wiping with an approved disinfectant solution, whether or not disposable, nonabsorbent paper is used. If disposable paper is used, it shall be discarded immediately after each diapering.

21.16.g. Soiled cloth diapers and underwear shall be stored in nonabsorbent, easily cleanable, covered containers with plastic liners. Said containers shall be emptied, cleaned and disinfected daily.

64 CSR 18

21.16.h. Soiled disposable diapers shall be stored in conveniently located, washable, plastic lined, tightly covered waste containers. Each container shall be labeled and kept clean and free of buildup of soil and odor.

21.16.i. Toilet training chairs, if used, shall be of easily cleanable construction, and after each use, shall be emptied into a toilet, and thoroughly cleaned and sanitized in a utility sink.

21.16.j. Hand washing sinks shall not be used for rinsing soiled diapers or clothing, or for cleaning toilet training equipment.

21.17. In mass gatherings, a ratio of one toilet for each one hundred (100) persons shall be provided for the first one thousand (1000) persons, then an additional two (2) toilets per one thousand thereafter.

§64-18-22. Vector Control.

22.1. Effective measures shall be used to minimize the presence of rodents, flies, cockroaches, and other insects and vermin on the premises.

22.2. The premises shall be kept in such condition as to prevent the harborage or feeding of insects, rodents, and other vermin.

22.3. Applicable doors, windows and other exterior openings shall be effectively protected against the entrance of rodents, insects, and other vermin. Such areas shall include, but not be limited to, food service areas, toilet facilities, and housing areas. This requirement does not apply to primitive camping, outpost camping or similar recreational activities.

22.4. Screening material shall not be less than sixteen (16) mesh to the inch.

22.5. Only those pesticides approved by the United States Environmental Protection Agency and the United States Department of Agriculture shall be used.

22.6. Poisonous or toxic materials shall not be used, stored or disposed of in a way that constitutes a hazard to employees or other persons, nor in a way other than in compliance with the manufacturer's specifications.

§64-18-23. Water Supply.

23.1. An approved, easily accessible, potable water supply shall be provided. This provision may be waived by the health officer for remote campgrounds, campsites, mass

64 CSR 18

gatherings, and similar areas where compliance is impractical.

23.2. Water supplies shall be installed, constructed, maintained, operated and monitored in compliance with division of health rules §64 CSR 3, Public Water Supply Regulations, and §64 CSR 19, Water Well Regulations.

23.3. Hot and cold running water shall be supplied through a mixing faucet in all areas where food is prepared, at all handwashing and bathing facilities, and all other applicable areas. This provision may be waived by the health officer for campgrounds, campsites, mass gatherings, and similar areas where compliance is impractical.

23.3.a. Hot water shall mean water heated to a temperature of not less than 110 degrees Fahrenheit.

23.3.b. Steam-mixing valves are prohibited.

23.4. Drinking fountains, if provided, shall be constructed of impervious material; shall have an angle-jet nozzle protected by a non-oxidizing mouthguard above the overflow rim of the bowl; shall be equipped with a pressure regulating valve; and shall be maintained in a sanitary manner.

23.4.a. Drinking fountain and lavatory combinations where the water fountain is part of the cold water faucet or is built into the sinks basin are prohibited.

23.5. No dipping vessels or cups for common use shall be permitted.

23.6. Drinking cups must be dispensed from an approved sanitary single service dispenser. This does not preclude the use of properly washed and sanitized glasses.

23.7. Where portable drinking water containers or coolers are used, they shall be of easily cleanable construction, securely closed, and so constructed and arranged where water can only be with drawn from the container by a water tap or faucet.

23.7.a. Pitchers, water jugs, or similar receptacles without water taps or faucets may be used if such containers are easily cleanable, of approved construction, and in good repair, and the water contained therein is protected against contamination.

23.7.b. All portable water containers shall be kept clean, sanitized between uses, and properly stored and handled.

23.8. All ice intended for human consumption or for food storage shall be obtained from a source approved by the health officer and must be made, stored, transported, and handled

64 CSR 18

under sanitary conditions.

23.8.a. Ice intended for self-service shall be dispensed from automatic self-service ice dispensing equipment.

23.8.b. Manual self-service of ice shall not be permitted in health care facilities unless approved by the health officer. Manual self-service of ice may be permitted in other facilities provided:

23.8.b.1. An approved ice dispensing utensil is provided at the ice machine or ice storage facility and the utensil is protected from contamination while in storage, wet storage of ice dispensing utensils is prohibited; and

23.8.b.2. A placard approved by the health officer must be provided at the ice machine or ice storage facilities instructing patrons on sanitary ice handling.

23.9. The director may permit the use of potable water transported in tanks to supplement the existing water supply or as the sole source of water supply.

23.9.a. Transported water shall be from an approved public water supply and maintained with at least one (1.0) mg per liter free chlorine residual or an equivalent strength of another disinfectant as approved by the health officer.

23.9.b. Equipment and procedures used to transport and dispense potable water must be approved by the health officer.

§64-18-24. Penalty for Violating Provisions of Regulations.

24.1. Any person violating any of the provisions of this rule, or orders issued pursuant to this rule, is punishable by a fine of not more than two hundred dollars (\$200) or by imprisonment for not more than thirty (30) days, or both. Each day's failure to comply with any applicable provision of this rule constitutes a separate offense.

§64-18-25. Administrative Due Process.

25.1. Those persons adversely affected by the enforcement of this rule desiring a contested case hearing to determine any rights, duties, interests or privileges shall do so in a manner prescribed in the division of health's administrative rule, Rules of Procedure for Contested Case Hearings and Declaratory Rulings, 64 CSR 1.