



North Carolina Department of Environment and Natural Resources  
Division of Environmental Health

Beverly Eaves Perdue  
Governor

Terry L. Pierce  
Director

Dee Freeman  
Secretary

**MEMORANDUM OF AGREEMENT  
BETWEEN  
N.C. Department of Agriculture and Consumer Services  
AND  
N.C. Department of Environment and Natural Resources**

**1. PURPOSE**

The purpose of this Memorandum of Agreement (MOA) is to clarify inspections for “Retail Frozen Dessert Dispensers” located in establishments regulated by the N.C. Department of Environment and Natural Resources (NCDENR).

**2. AUTHORITY**

- a. NCGS § 106-254
- b. NCGS § 130A-247 et seq.
- c. 02 NCAC 09k § .0200
- d. 15A NCAC 18A § .2600

**3. BACKGROUND**

The authority to inspect and regulate retail frozen dessert dispensers is normally assigned to the N.C. Department of Agriculture and Consumer Services (NCDA&CS). The majority of the units subject to this inspection are located in establishments regulated by NCDENR; therefore, in these establishments, NCDENR or its authorized agents in local health departments will evaluate these dispensers as part of the routine food service establishment inspection, thereby decreasing duplication and improving the efficiency of North Carolina’s retail food protection programs.

**4. APPLICABILITY**

This MOA applies to establishments subject to NCGS §130A-247 et seq. and 15A NCAC 18A § .2600. NCDA&CS will continue to evaluate and inspect frozen dessert dispensers in facilities where the majority of the business is to sell frozen desserts.

When NCDENR or its authorized agent has reason to suspect illnesses associated with retail frozen dessert dispensers, bacterial analysis of samples will be conducted by NCDA&CS.

NCDENR Regional Environmental Health Specialists should be consulted for questions regarding applicability.

**5. INSPECTION OF RETAIL FROZEN DESSERT DISPENSERS**

Inspection of retail frozen dessert dispensers shall be regulated in accordance with NCGS § 130A-247 et seq. and 15A NCAC 18A § .2600. Retail frozen dessert dispensers that were in operation prior to the effective date of this agreement, that do not comply with NSF/ANSI sanitation standards may continue to be used if the dispenser poses no immediate threat to public health. All retail frozen dessert dispensers must be brought into compliance with NSF/ANSI sanitation standards by January 1, 2013.

Rerun shall not be used in any retail frozen dessert dispenser. Rerun is the reuse of frozen dessert mix that was previously in the machine and which has been drawn through the retail frozen dessert dispenser.

**6. FEES**

Inspection fees for retail frozen dessert dispensers pursuant to NCGS §106-254 will not be collected by NCDA&CS in establishments regulated by NCDENR. No fees beyond the annual establishment fee will be collected by NCDENR for Retail Frozen Dessert Dispensers.

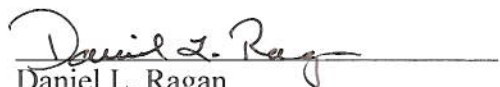
**7. AMENDMENT, MODIFICATION AND TERMINATION**

This MOA may be amended or modified only by written, mutual agreement of the parties. Either party may terminate this MOA by providing written notice to the other party. The termination shall be effective upon the sixtieth calendar day following notice, unless a later date is set forth.

**8. EFFECTIVE DATE:**

This agreement becomes effective July 1, 2010, and will remain in effect indefinitely until superseded, rescinded, or modified by written, mutual agreement of both parties.

**9. ACCEPTANCE OF AGREEMENT:**

  
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Daniel L. Ragan  
Director  
NCDA&CS Food & Drug Protection Division

5/7/10  
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DATE

  
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Terfy L. Pierce  
Director  
NCDENR Division of Environmental Health

04 May 2010  
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DATE