

**CHAPTER 4635**  
**DEPARTMENT OF HEALTH**  
**TOWELS; MACHINES; SPORTS ARENAS**

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**VENDING MACHINES AND ROLLER TOWELS, GENERALLY**

**4635.0100 DEFINITIONS.**

Subpart 1. **Commissary.** The term "commissary" includes only those establishments defined in Minnesota Statutes, chapters 157 and 144.

Subp. 2. **Employee.** The term "employee" means any operator or any person employed by him who handles any food, beverage, or ingredient to be dispensed through vending machines, or who comes into contact with food contact surfaces of containers, equipment, utensils, or packaging materials, used in connection with vending machines operations, or who otherwise services or maintains one or more such machines.

Subp. 3. **Food.** The term "food" means any raw, cooked, or processed edible substance, beverage or ingredient used or intended for use in whole, or in part, for human consumption.

Subp. 4. **Hot liquid, food or beverage.** The term "hot liquid, food or beverage" means liquid, food or beverage, the temperature of which at the time of service to the consumer is at least 140 degrees Fahrenheit.

Subp. 5. **Machine location.** The term "machine location" means the room, enclosure, space, or area where one or more vending machines are installed and operated.

Subp. 6. **Person.** The term "person" means any individual, partnership, corporation, company, firm, institution, trustee, association, or any other public or private entity.

Subp. 7. **Product contact surface.** The term "product contact surface" means any surface of the vending machine, appurtenances, or containers which comes into direct contact with any food, beverage, or ingredient.

Subp. 8. **Readily perishable foods.** The term "readily perishable foods" means any food or beverage or ingredients consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry, or other food capable of supporting rapid and progressive growth of microorganisms which can cause food infections or food intoxication. However, products in hermetically sealed containers processed by heat to prevent spoilage, and dehydrated, dry or powdered products so low in moisture content as to preclude development of microorganisms are excluded from the terms of this definition.

**Subp. 9. Single-service article.** The term "single-service article" means any utensil, container, implement, or wrapper intended for use only once in the preparation, storage, display, service, or consumption of food or beverage.

**Subp. 10. Vending machine.** The term "vending machine" means any self-service device offered for public use which, upon insertion of a coin, coins, or token, dispenses unit servings of food or beverage, either in bulk or in package, without the necessity of replenishing the device between each vending operation. This subpart shall not include bottled or canned soft drinks, prepackaged confections, and similar dry, nonperishable items, ball gum, nuts, and panned candies.

**Statutory Authority:** *MS s 144.12, subd 1*

#### **4635.0200 ROLLER TOWELS.**

In order to prevent the spread of communicable diseases, the use of the roller towels in public places, public conveyances, and public buildings is hereby prohibited, except that continuous towels dispensed from a cabinet which is so constructed as to provide complete separation between the clean and soiled portions of the towel on separate rolls within the cabinet and to provide that the soiled portion is taken up on the soiled towel roll at the same rate the clean portion is withdrawn from the clean roll shall not be within this prohibition.

**Statutory Authority:** *MS s 144.05; 144.12 subd 1*

#### **SANITATION REQUIREMENTS FOR VENDING MACHINE OPERATIONS**

#### **4635.0300 FOODS, BEVERAGES, INGREDIENTS, CONSUMER CONTAINERS, EQUIPMENT MAINTENANCE, AND OPERATIONS.**

**Subpart 1. Standards.** Foods, beverages, and ingredients intended for sale through vending machines shall be obtained from sources complying with applicable local, state, and federal laws and rules. Such products shall be clean and wholesome, free from spoilage, and shall be processed, prepared, handled, and stored in such a manner as to be protected against contamination and adulteration. All product contact surfaces of containers and equipment shall be protected from contamination. This subpart shall be deemed to have been satisfied when the following requirements are met.

**Subp. 2. Manufacturing of food.** All foods, beverages, and ingredients offered for sale through vending machines shall be manufactured, processed, and prepared in commissaries or establishments which comply with all applicable local, state, and federal laws and regulations. Verification of products shall be secured by the commissioner of health from those agencies having jurisdiction. Inspection by the commissioner of health shall be conducted in accordance with Minnesota Statutes, chapters 157 and 144.

**Subp. 3. Food.** All foods, beverages, and ingredients offered for sale through vending machines shall be wholesome and free from spoilage, contamination, and adulteration.

**Subp. 4. Packaging.** All foods, beverages, and ingredients shall be stored or packaged in clean protective containers and shall be handled, transported, and vended in a sanitary manner. Wet storage of packaged products is prohibited.

**Subp. 5. Perishable foods.** Readily perishable foods offered for sale through vending machines shall be dispersed to the consumer in the individual original container or wrapper into which it was placed at the commissary or at the manufacturer's or processor's plant, or such products shall be dispensed into single service containers. In those vending machines dispensing readily perishable foods, beverages, or ingredients in bulk, the bulk supplies of such foods, beverages, or ingredients shall be transferred only to a bulk vending machine container and appurtenances which are clean and have been subjected to an approved bactericidal process.

**Subp. 6. Temperature to maintain perishable foods.** Readily perishable foods or ingredients within the vending machine shall be maintained at a temperature not higher than 45 degrees Fahrenheit for cold foods, or a temperature not lower than 140 degrees Fahrenheit for hot foods. Vending machines dispensing readily perishable foods shall be provided with controls which insure the maintenance of these temperatures at all times; provided, that an exception may be made for the actual time required to fill or otherwise service the machine and for a maximum recovery period of 30 minutes following completion of filling or servicing operations. Such controls shall also place the machine in an inoperative condition until serviced by the operator, in the event of power failure or other condition, which permits the food storage compartment to attain a temperature over 45 degrees Fahrenheit or below 140 degrees Fahrenheit, whichever is applicable. Vending machines dispensing readily perishable food shall be provided with a thermometer which, to an accuracy of plus or minus two degrees Fahrenheit, indicates the air temperature of the food storage compartment.

**Subp. 7. Dispensing of milk.** Milk and fluid milk products offered for sale through vending machines shall be dispensed only in individual, original containers or from bulk containers into which such product was placed at the milk plant; provided, that in the case of vending machines that use fluid milk products as an ingredient in hot liquid foods or beverages, such milk product may be transferred at the machine location from the individual, original container of not more than one-half gallon capacity to a vending machine bulk container which is clean and has been subjected to an approved bactericidal process in accordance with subpart 9; provided further, that in such transfer, the entire contents of the individual original container are used.

**Subp. 8. Milk vending machines.** All multiuse parts of any bulk milk vending machine which come in direct contact with the milk or milk product shall be effectively cleaned and bactericidally treated at the milk plant; provided, that single service dispensing tubes which receive bactericidal treatment at the fabricating plant and which are individually packaged in such manner as to preclude contamination may be exempted from this provision. The can or other bulk milk container shall be filled only at the milk plant and shall be sealed with two seals in such manner as to make it impossible to withdraw any part of its contents without breaking one seal, and impractical to introduce any substance without breaking the other seal. The delivery tube and any milk contact parts of the dispensing device shall be attached at the milk plant and shall be protected by a moisture-proof covering, or housed in a compartment with a moisture-tight closure, which shall not be removed until after the container is placed in the refrigerated compartment of the vending machine.

**Subp. 9. Cleaning of vending machines.** With the exception of product contact surfaces of bulk milk vending machines for which separate provisions for cleaning and bactericidal treatment are specified in subpart 8, all multiuse containers or parts of vending machines which come into direct contact with readily perishable foods, beverages, or ingredients shall be removed from the machine daily and shall be thoroughly cleaned and effectively subjected to an approved bactericidal process at the commissary or other approved facility; provided, that the requirement for daily cleaning and bactericidal treatments may be waived for those contact surfaces which are maintained at all times at a temperature of not higher than 45 degrees Fahrenheit or at a temperature of not lower than 140 degrees Fahrenheit, whichever is applicable. Such parts shall after cleaning and bactericidal treatment be protected from contamination.

All parts of vending machines which come into direct contact with other than readily perishable foods, shall be thoroughly cleaned and subjected to bactericidal treatment by methods approved by the health authority. The frequency of such cleaning and bactericidal treatment shall be established by the health authority based upon the type of product being dispensed. A record of such cleaning and

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bactericidal treatment operations shall be maintained by the operator in each machine and shall be current for at least the past 30 days.

Subp. 10. **Equipment for cleaning machines.** In lieu of a permanent fixed installation of sink facilities, the operator may provide portable equipment which can be moved from one location to another. Such equipment shall consist of detergents, disinfectants, brushes, pails and/or other utility devices required to permit effective "on the spot" cleaning and disinfection with separate containers for washing and rinsing operations.

Subp. 11. **Single-service containers.** All single-service containers, which receive food or beverage from machines dispensing such products in bulk, shall be purchased in sanitary cartons or packages which protect the containers from contamination, shall be stored in a clean, dry place until used, and shall be handled in a sanitary manner. Such containers shall be stored in the original carton or package in which they were placed at the point of manufacture until introduced into the container magazine or dispenser of the vending machine. Single-service containers stored within the vending machine shall be protected from manual contact, dust, insects, rodents, and other contamination.

**Statutory Authority:** *MS s 144.12 subd 1*

**History:** *L 1977 c 305 s 39*

### 4635.0400 MACHINE LOCATION.

Subpart 1. **Standards.** The machine location shall be such as to minimize the potential for contamination of the product, shall be easily cleanable, and shall be kept clean. This subpart shall be deemed to have been satisfied when the following requirements are met.

Subp. 2. **Area required.** Each vending machine shall be located in a room, area, or space which can be maintained in a clean condition and which is protected from overhead leakage from drains and piping. Each vending machine shall be so located that the space around and under the machine can be readily cleaned, and so that insect and rodent harborage is not created.

Subp. 3. **Floor.** The floor area upon which vending machines are located shall be reasonably smooth, of cleanable construction, and be capable of withstanding repeated washing and scrubbing. This space and the immediate surroundings of each vending machine shall be maintained in a clean condition.

**Statutory Authority:** *MS s 144.12 subd 1*

### 4635.0500 EXTERIOR CONSTRUCTION AND MAINTENANCE.

Subpart 1. **Standards.** The exterior construction of the vending machine shall be such as to facilitate cleaning and to prevent the entrance of insects and rodents, and the exterior of the machine shall be kept clean. Service connections shall be such as to protect against unintentional or accidental interruption of service to the machine. This subpart shall be deemed to have been satisfied when the following requirements are met.

Subp. 2. **Construction.** The vending machine shall be of sturdy construction and the exterior shall be so designed, fabricated, and finished as to facilitate its being kept clean, and prevent the entrance of insects and rodents.

Subp. 3. **Doors.** Door and panel access openings to the product and container storage spaces of the machine shall be tight fitting and, if necessary, gasketed so as to preclude the entrance of dust, moisture, insects, and rodents.

Subp. 4. **Openings screened.** All necessary ventilation louvers or openings into vending machines shall be effectively screened against insects and rodents; provided, that an exception to this provision may be made for vending machines currently in use until such time as such machines are relocated or removed from present machine location for any purposes. Such screening material shall be not less than 16 mesh to the inch or equivalent.

Subp. 5. **Condenser unit.** In all new vending machines in which a condenser unit is an integral part of the machine, such unit shall be sealed from the product and container storage spaces.

Subp. 6. **Cleaning under the machine.** Unless the vending machine is sealed to the floor so as to prevent seepage underneath, or can be manually moved with ease, one or more of the following provisions shall be utilized to facilitate cleaning operations: the machine shall be mounted on legs six or more inches in height; or the machine shall be mounted on casters or rollers; or the machine shall be mounted on gliders which permit it to be easily moved.

Subp. 7. **Service connections.** All service connections through an exterior wall of the machine, including water, gas, electrical, and refrigeration connections, shall be grommeted or sealed to prevent the entrance of insects and rodents. All connections to such utilities shall be such as to discourage their unauthorized or unintentional disconnection.

Subp. 8. **Construction standards for new machines.** All new vending machines shall be constructed in accordance with the specifications set forth in the "Vending Machine Evaluation Manual" by the Automatic Merchandising Health-Industry Council of the National Automatic Merchandising Association, 7 South Dearborn Street, Chicago 3, Illinois or Standard C-1 of the National Sanitation Foundation, Ann Arbor, Michigan.

**Statutory Authority:** *MS s 144.12 subd 1*

#### 4635.0600 INTERIOR CONSTRUCTION AND MAINTENANCE.

Subpart 1. **Standards.** All interior surfaces and component parts of the vending machine shall be so designed and constructed as to permit easy cleaning and shall be kept clean. All product contact surfaces of the machine shall be of smooth, nontoxic, corrosion resistant, and relatively nonabsorbent material and shall be capable of withstanding repeated cleaning and bactericidal treatment by normal procedures. Such surfaces shall be protected against contamination. This subpart shall be deemed to have been satisfied when the following requirements are met.

Subp. 2. **Nonproduct-contact surfaces.** The nonproduct-contact surfaces of the interior of vending machines shall be so designed and constructed as to permit easy cleaning and to facilitate maintenance operations. Inaccessible surfaces or areas shall be minimized.

Subp. 3. **Product-contact surfaces.** All product-contact surfaces of vending machines shall be smooth, in good repair, and free of breaks, corrosion, open seams, cracks, and chipped places. The design of such surfaces shall be such as to preclude routine contact between food and V-type threaded surfaces. All joints and welds in product contact surfaces shall be smooth; and all internal angles and corners of such surfaces shall be rounded to facilitate cleaning.

Subp. 4. **Construction of surfaces.** All product or ingredient contact surfaces of vending machines, including containers, pipes, valves, and fittings, shall be constructed of nontoxic, corrosion resistant, and relatively nonabsorbent materials and shall be kept clean. All containers, valves, fittings, chutes, and faucets which are in contact with food shall be easily and readily removable and so fabricated as to be easily disassembled; and when disassembled, all surfaces shall be visible for inspection and cleaning. In machines of such design that product contact pipes or tubing are not readily removable, in-place cleaning of such pipes and pipe fittings may be permitted; provided, they are so arranged that cleaning and bactericidal solutions can be circulated throughout the fixed system, such solutions will contact all interior surfaces, the system is self-draining or otherwise completely evacuated, and the cleaning procedures result in thorough cleaning of the equipment.

Subp. 5. **Covers.** The openings into all nonpressurized containers used for the storage of vendable foods and ingredients, including water, shall be provided

with covers which prevent contamination from reaching the interior of the containers. Such covers shall be designed to provide a flange which overlaps the opening, and shall be sloped to provide drainage from the cover surface. Any port opening through the cover shall be flanged upward at least three-eighths inch and shall be provided with a cover which overlaps the flange. Condensation or drip deflecting aprons shall be provided on all piping, thermometers, equipment, rotary shafts, and other functional parts extending into the container, unless a watertight joint is provided. Such aprons shall be considered as satisfactory covers for those openings which are in continuous use. Gaskets, if used, shall be of a material which is nontoxic, relatively stable, and relatively nonabsorbent, and shall have a smooth surface. All gasket retaining grooves shall be readily cleanable.

**Subp. 6. Openings.** The delivery tube or chute and orifice of all bulk food and bulk beverage vending machines shall be protected from normal manual contact, dust, insects, rodents, and other contamination. The design shall be such as to divert condensation or other moisture from the normal filling position of the container receiving the food or beverage. The vending stage of such machines shall be provided with a tight-fitting, self-closing door or cover which is kept closed, except when the machine is in the process of delivering food or beverage.

**Subp. 7. Product storage compartment.** The product storage compartment within vending machines dispensing packaged liquid products shall be so constructed as to be self-draining, or shall be provided with a drain outlet which permits complete draining of the compartment. All such drains shall be easily cleanable.

**Subp. 8. Opening devices.** Opening devices which come into contact with the product or the product contact surface of the containers shall be constructed of smooth, nontoxic, corrosion resistant, and relatively nonabsorbent materials. Unless the opening device is of a single-service type, it shall be readily removable for cleaning and shall be kept clean. Parts of multiuse opening devices which come into contact with the product or product contact surface of containers shall be reasonably protected from manual contact, dust, insects, rodents, and other contamination, and such parts shall be readily removable for cleaning and shall be kept clean.

**Statutory Authority:** *MS s 144.12 subd 1*

#### **4635.0700 WATER SUPPLY.**

**Subpart 1. Standards.** Water used in vending machines shall be from an approved source and shall be of a safe and sanitary quality. This subpart shall be deemed to have been satisfied when the following requirements are met.

**Subp. 2. Quality.** All water used in vending machines shall be of a safe, sanitary quality and from an approved source. Water used as a product ingredient shall be piped into the vending machine under pressure, and all connections and fittings shall be installed in accordance with local or state plumbing regulations. Containers for the storage of water shall be designed and maintained in the same manner as product contact surfaces. The use of bottled water is not excluded.

**Subp. 3. Water filters.** If used, water filters or other water conditioning devices which are a part of vending machines shall be of a type which may be disassembled for periodic cleaning or replacement of the active element. Replacement elements shall be handled in a sanitary manner.

**Subp. 4. Check valves for machines dispensing carbonated beverages.** All vending machines which dispense carbonated beverages and which are connected to a water supply system shall be equipped with two (or a double) check valves, an air gap, a device to vent carbon dioxide to the atmosphere, or other devices approved by the health authority which will provide positive protection against the entrance of carbon dioxide or carbonated water into the water supply system.

**Subp. 5. Screens.** Where such check valves are used for the protection of the

water supply system, a screen of not less than 100 mesh to the inch shall be installed in the water supply line immediately upstream from the check valves.

Subp. 6. **Surfaces in machines dispensing carbonated beverages.** In all vending machines which dispense carbonated beverages and which are connected to a water supply system, the ingredient water contact surfaces from the check valves or other protective device downstream, including the device itself, shall be of such material as to preclude the production of toxic substances which might result from interaction with carbon dioxide or carbonated water.

*Statutory Authority: MS s 144.12 subd 1*

#### 4635.0800 WASTE DISPOSAL.

Subpart 1. **Standards.** All wastes shall be properly disposed of and, pending disposition, shall be kept in suitable containers so as to prevent creating a nuisance. This subpart shall be deemed to have been satisfied when the following requirements are met.

Subp. 2. **Removal of trash.** All trash and other waste material shall be removed from the machine location as frequently as may be necessary to prevent nuisance and unsightliness and shall be disposed of in a manner approved by the health authority.

Subp. 3. **Waste container.** Self-closing, leakproof, readily cleanable, plainly labeled and designated waste container or containers shall be provided in the vicinity of each machine or machines to receive used cups, cartons, wrappers, straws, closures, and other single-service items. Such waste containers shall not be located within the vending machine; provided, that an exception may be made for those machines dispensing only packaged products with crown closures, in which case the closure receptacle may be located within the machine. Suitable racks or cases shall be provided for multiuse containers or bottles.

Subp. 4. **Container overflow.** Containers shall be provided within all machines dispensing liquid products in bulk for the collection of drip, spillage, overflow, or other liquid wastes. An automatic shutoff device shall be provided which will place the vending machine out of operation before such container overflows. Containers or surfaces on which such wastes may accumulate shall be readily removable for cleaning, shall be easily cleanable, and shall be corrosion resistant. If liquid wastes from drip, spillage or overflow, which originate within the machine, are discharged into a sewerage system, the connection to the sewer shall be through an air gap.

*Statutory Authority: MS s 144.12 subd 1*

#### 4635.0900 DELIVERY OF FOODS, INGREDIENTS, EQUIPMENT, AND SUPPLIES TO MACHINE LOCATION.

Subpart 1. **Standards.** Foods, beverages, and ingredients and product contact surfaces of containers, equipment, and supplies shall be protected from contamination while in transit from commissary as defined in part 4635.0100, subpart 1, to machine location. Readily perishable foods and beverages while in transit from such commissary shall be maintained at a temperature not higher than 45 degrees Fahrenheit or not lower than 140 degrees Fahrenheit. This subpart shall be deemed to have been satisfied when the following requirements are met.

Subp. 2. **Foods protected during transit.** Food, beverages, or ingredients while in transit to vending machine locations shall be protected from the elements, dirt, dust, insects, rodents, and other contaminations. Similar protection shall be provided for single-service containers, and for the product contact surfaces of equipment, containers, and devices in transit to machine locations.

Subp. 3. **Perishable foods.** Readily perishable foods or beverages while in transit from the commissary to vending machine locations shall be maintained at a temperature of not more than 45 degrees Fahrenheit or at a temperature of not less than 140 degrees Fahrenheit.

*Statutory Authority: MS s 144.12 subd 1*

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### 4635.1000 PERSONNEL CLEANLINESS.

Employees shall keep their hands clean and shall wear clean outer garments while engaged in handling foods or beverages or product contact surfaces of utensils or equipment. This paragraph shall be deemed to have been satisfied when the following requirements are met.

Employees shall clean their hands immediately prior to engaging in any vending machine servicing operation which may bring them into contact with foods, beverages, or ingredients or with product contact surfaces of utensils, containers, or equipment. While engaged in such servicing operations, employees shall wear clean outer garments.

**Statutory Authority:** *MS s 144.12 subd 1*

### ENCLOSED SPORTS ARENAS

### 4635.1100 APPLICATION.

Parts 4635.1100 to 4635.2000 apply to owners/operators of ice arenas in which internal combustion engine-powered ice resurfacing machines are used; and owners/operators of enclosed sports arenas in which other internal combustion engine-powered vehicles or equipment are used for racing, competition, or for demonstration including, but not limited to, midget cars, motorcycles, and snowmobiles.

**Statutory Authority:** *MS s 144.05; 144.12*

### 4635.1200 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 4635.1100 to 4635.2000, the following terms shall have the meanings given them unless the context clearly indicates otherwise.

Subp. 2. **Applicant.** "Applicant" means a person who applies for a certificate pursuant to parts 4635.1100 to 4635.2000.

Subp. 3. [Repealed by amendment, L 1977 c 305 s 39]

Subp. 4. **Certificate.** "Certificate" means a certificate of approval issued by the commissioner of health pursuant to parts 4635.1100 to 4635.2000.

Subp. 5. **Certificate holder.** "Certificate holder" means a person to whom a certificate is issued pursuant to parts 4635.1100 to 4635.2000.

Subp. 6. **Enclosed sports arena.** "Enclosed sports arena" means any building with a roof and a majority of the sides closed in which sporting events and demonstrations occur.

Subp. 7. **Ice arena.** "Ice arena" means any building with a roof and a majority of the sides closed which contains an ice rink.

Subp. 8. **Person.** "Person" means any natural person, corporation, partnership, or other business association and includes the state and its political subdivisions.

Subp. 9. **Resurfacing machine.** "Resurfacing machine" means internal combustion engine-powered ice resurfacing machine.

**Statutory Authority:** *MS s 144.05; 144.12 subd 1*

**History:** *L 1977 c 305 s 39*

### 4635.1300 RESURFACING MACHINES.

After July 1, 1973, no person shall own or operate an ice arena in which a resurfacing machine is used unless a certificate is issued by the commissioner of health. The certificate must be displayed in a conspicuous place in the ice arena. If all conditions specified in parts 4635.1100 to 4635.2000 are met, the commissioner of health shall issue a certificate.

**Statutory Authority:** *MS s 144.05; 144.12*

**History:** *L 1977 c 305 s 39*

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**4635.1400 APPLICATIONS FOR CERTIFICATE.**

Applications for a certificate must be submitted on forms prescribed by the commissioner of health. The applicant must be the owner/operator of the arena. An application shall be submitted:

- A. prior to July 1, 1973, by all owners/operators of existing ice arenas;
- B. prior to commencement of operation by all owners/operators of new ice arenas; and
- C. prior to subsequent change of the approved method of maintenance of required air quality conditions or the replacement or modification of the resurfacing machine. Modification of the resurfacing machine does not include routine maintenance or tune-ups.

**Statutory Authority:** *MS s 144.05; 144.12 subd 1*

**History:** *L 1977 c 305 s 39*

**4635.1500 DOCUMENTATION OF AIR QUALITY CONDITIONS.**

The applicant must document that acceptable air quality conditions can be maintained. Such conditions are: one-hour average air concentrations of not more than 30 parts of carbon monoxide per million parts of air by volume (30 ppm), and one-hour average air concentrations of not more than 0.5 ppm of nitrogen dioxide.

The commissioner of health may refuse to issue a certificate if the applicant's documentation is insufficient to demonstrate that acceptable air quality conditions will be maintained during all hours of operation.

**Statutory Authority:** *MS s 144.05; 144.12 subd 1*

**History:** *L 1977 c 305 s 39*

**4635.1600 MAINTENANCE OF AIR QUALITY CONDITIONS.**

Acceptable methods of maintenance of the required air quality conditions are:

- A. proper ventilation;
  - B. proper mechanical adjustment of the internal combustion engine;
- and
- C. any other method acceptable to the commissioner of health. Such acceptance shall be based upon a reasonable demonstration by the certificate applicant that such alternate method is adequate to maintain the required air quality conditions.

When item B is proposed as a method of control, the name of the mechanic(s), his qualifications, and equipment proposed to be used must be included in the request.

**Statutory Authority:** *MS s 144.05; 144.12 subd 1*

**History:** *L 1977 c 305 s 39*

**4635.1700 MEASUREMENT OF AIR QUALITY CONDITIONS.**

**Subpart 1. Measurement requirements.** Air quality conditions shall be measured at least once per week. The measurement shall be made at board height at the red line of the ice 20 minutes after completion of resurfacing. The measurement shall be made each week at a time of maximum use of the resurfacing machine. This measurement shall be accepted as representing the one-hour average air concentration. A record of measurement findings shall be kept and made available to the commissioner of health upon request. Such additional measurements shall be made as considered necessary by the commissioner of health.

**Subp. 2. Methods of measuring.** Acceptable methods of measuring air quality conditions are:

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A. gas detector tubes certified by the National Institute of Occupational Safety and Health; and

B. any other method acceptable to the commissioner of health. The burden is on the certificate applicant to prove that such methods are as accurate and reliable as that specified in item A.

**Statutory Authority:** *MS s 144.05; 144.12 subd 1*

**History:** *L 1977 c 305 s 39*

### **4635.1800 FAILURE TO MAINTAIN AIR QUALITY.**

Subpart 1. **Corrective action necessary.** When one-hour averages of more than 30 ppm but less than 125 ppm of carbon monoxide and/or more than 0.5 ppm but less than 2 ppm of nitrogen dioxide exist in the arena, immediate corrective action must be taken. This may include an immediate increase in the ventilation rate and/or an increase in the interval between resurfacing operations. Subsequent tests shall be conducted to confirm the effectiveness of such action.

Subp. 2. **Report.** Whenever the conditions of subpart 1 occur, a report must be submitted to the commissioner of health within five working days explaining why the methods of air quality control had failed, what immediate corrective action was taken, and what action is planned to prevent recurrence of exceeding the air quality standards.

Subp. 3. **Substantial risk to health of persons.** One-hour average air concentrations of more than 125 ppm of carbon monoxide and/or more than 2 ppm of nitrogen dioxide constitute an imminent, substantial danger to the health of persons. The arena shall be closed immediately and all people evacuated. The arena may reopen when the air quality standards of part 4635.1500 are obtained and can be maintained. The same procedure prescribed in part 4635.1800, subpart 2, shall be followed.

**Statutory Authority:** *MS s 144.05; 144.12 subd 1*

**History:** *L 1977 c 305 s 39*

### **4635.1900 OTHER INTERNAL COMBUSTION ENGINES.**

After July 1, 1973, no person who owns or operates an enclosed sports arena open to the general public shall permit the operation of other internal combustion engine-powered equipment or vehicles for racing, competition, demonstration, or other purposes unless a certificate is issued by the commissioner of health. If all conditions specified in parts 4635.1100 to 4635.2000 are met, the commissioner of health shall issue a certificate. The certificate must be displayed in a conspicuous place in the arena.

Applications for a certificate must be submitted at least 45 days prior to the event and upon forms prescribed by the commissioner of health. The application must be submitted by both the owner/operator of the arena and the sponsor of the activities which involve use of internal combustion engines.

The provisions of parts 4635.1500, 4635.1600, 4635.1700, subpart 2, and 4635.1800, subparts 1 and 3, shall also apply. Air quality conditions shall be measured and reports made as directed by the commissioner of health depending upon the specific type of activity to be conducted in the building.

**Statutory Authority:** *MS s 144.05; 144.12 subd 1*

**History:** *L 1977 c 305 s 39*

### **4635.2000 REVOCATION OR SUSPENSION OF APPROVAL; REINSTATEMENT.**

The commissioner of health may suspend or revoke the approval granted pursuant to parts 4635.1300 and 4635.1900 upon the finding of violations of the provisions of parts 4635.1100 to 4635.2000. All proceedings shall be in accord-

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ance with the Minnesota Administrative Procedure Act, Minnesota Statutes, chapter 14.

A suspended or revoked certificate of approval shall be returned to the commissioner of health.

Reinstatement shall be in accordance with the suspension or revocation order and upon an adequate showing that the grounds for suspension or revocation shall not recur.

**Statutory Authority:** *MS s 144.05; 144.12 subd 1*

**History:** *L 1977 c 305 s 39*