



GEORGIA DEPARTMENT OF AGRICULTURE

Gary W. Black, Commissioner

www.agr.georgia.gov

DATE: March 25, 2019

ACTION: Notice of Intent to Consider Adoption of Produce Safety Regulations

TO ALL INTERESTED PERSONS AND PARTIES:

Pursuant to the Official Code of Georgia Annotated, O.C.G.A. §§ 26-2-34, 26-2-441, and 50-13-4, notice is hereby given that the Georgia Department of Agriculture will be accepting written comments regarding the adoption of a new Chapter 40-7-20 entitled “Produce Safety Regulations.” The Department will be accepting written comments from March 25, 2019, to the close of business (4:30 p.m. EST) on April 24, 2019.

SYNOPSIS, MAIN FEATURES AND DIFFERENCES:

The Department is proposing to adopt Produce Safety Regulations, in cooperation with the United States Food and Drug Administration, for implementation of the federal Food Safety Modernization Act. The proposed regulations are as follows:

Proposed Rule 40-7-20-.01 entitled “Scope of Regulations” provides that the regulations apply to a farm or farm mixed-type facility that meets the general provisions as outlined in the Code of Federal Regulations, Title 21 Part 112.

Proposed Rule 40-7-20-.02 entitled “Definitions” defines necessary terminology for the interpretation and enforcement of the Chapter.

Proposed Rule 40-7-20-.03 entitled “Right of Entry” declares that the Commissioner or his duly authorized agent will have free access during all hours of operation and at all other reasonable hours to any farm, mixed-type facility, warehouse, or establishment in which produce is grown, harvested, packed, or held for introduction into commerce, and any vehicle being used to transport or hold produce to commerce.

Proposed Rule 40-7-20-.04 entitled “Embargo or Condemnation” provides that produce determined to be adulterated or misbranded will be subject to embargo or condemnation and destruction. The rule also states that it is unlawful to remove or dispose of detained or embargoed articles.

Proposed Rule 40-7-20-.05 entitled “Remedies and Penalties” explains the Department’s authority to institute civil monetary penalties and seek injunctive relief for violations of this Chapter or any other applicable laws and regulations enforced by the Department.

Proposed Rule 40-7-20-.06 entitled “Adoption of Reference” provides that the requirements of the Federal Food Safety Modernization Act as well as CFR Title 21 Part 112 are adopted by reference and are part of this Chapter.

Proposed Rule 40-7-20-.07 entitled “License Required for Fresh Sprouts Processing Facility” provides that a valid food sales establishment license is required for fresh sprouts processing facilities. The rule also specifies requirements for obtaining, maintaining, and renewing said license.

Proposed Rule 40-7-20-.08 entitled “Reporting Requirements for Fresh Sprouts Processing Facilities” sets forth specific reporting requirements for fresh sprouts processing facilities

Proposed Rule 40-7-20-.09 entitled “Laboratory Requirements” provides that any farm, mixed-type facility, warehouse, or establishment subject to any testing requirements pursuant to this chapter must cause such required tests to be performed consistent and in accordance with testing standards and procedures outlined in Title 21 Part 112 Subpart M and the federal Food and Drug Administration's Bacterial Analytical Manual and standards developed by the Association of Analytical Communities (AOAC) International, International Organization for Standardization, or another internationally recognized certification body.

Proposed Rule 40-7-20-.10 entitled “Egregious Conditions” provides that the Commissioner maintains the right to take necessary action, regardless of exemption status, if a practice, condition, or situation on a farm or in a packing house is reasonably likely to lead to serious adverse health consequence or death from the consumption of or exposure to covered produce, or if corrective action is not immediately taken for an imminent public health hazard.

COMMENT PERIOD AND ADDITIONAL INFORMATION:

The Department will be accepting written comments from March 25, 2019, to close of business (4:30 p.m. EST) on April 24, 2019. Comments will be considered on April 25, 2018. Please submit written comments to:

Natalie Adan
Division Director
Food Safety Division
Georgia Department of Agriculture
19 Martin Luther King, Jr. Drive
Atlanta, Georgia 30334
Telephone Number: (404) 656-3627
Fax: (404) 463-6428

Interested persons may call or submit a written request to obtain a copy of the proposed rules. A copy of the synopsis and the proposed rules may be downloaded from the Georgia Department of Agriculture website at www.agr.georgia.gov.

This notice is given in compliance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-4.