



GEORGIA DEPARTMENT OF AGRICULTURE

Gary W. Black, Commissioner

www.agr.georgia.gov

DATE: December 9, 2020

ACTION: Notice of Intent to Amend Subject 40-7-5 entitled *Additional Regulations Applicable to the Sale of Fresh and Frozen Seafood, Meat, Poultry and Other Foods from Mobile Vehicles*

TO ALL INTERESTED PERSONS AND PARTIES:

Pursuant to the Official Code of Georgia Annotated, O.C.G.A. §§ 26-2-412 and 50-13-4, notice is hereby given that the Georgia Department of Agriculture will be accepting written comments regarding amendments to Subject 40-7-5 entitled *Additional Regulations Applicable to the Sale of Fresh and Frozen Seafood, Meat, Poultry and Other Foods from Mobile Vehicles*. The Department will be accepting written comments from December 9, 2020, to close of business (4:30 p.m. EST) on January 11, 2021.

SYNOPSIS, MAIN FEATURES, AND DIFFERENCES:

The Department is proposing to make grammatical and structural changes throughout Subject 40-7-5 to clarify existing requirements.

The Department is proposing to amend Rule 40-7-5-.01 entitled *Definitions* to provide for relevant definitions as they appear in O.C.G.A. § 24-2-410. The Department is also proposing to include a definition for *Regulatory Authority*, as featured in Subject 40-7-1 entitled *Retail Food Sales*.

The Department is proposing to amend Rule 40-7-5-.02 entitled *Retail Sale of Fresh Seafood, Meat or Poultry from Mobile Vehicles* by increasing the temperature requirements for cold holding fresh products from 40 degrees Fahrenheit to 41 degrees Fahrenheit. This change will harmonize the rule's cold holding temperature requirements with those found in Subject 40-7-1 entitled *Retail Food Sales*.

The Department is proposing to amend Rule 40-7-5-.02 entitled *Retail Sale of Fresh Seafood, Meat or Poultry from Mobile Vehicles* by increasing the temperature requirements for cold holding oysters in the shell from 40 degrees Fahrenheit to 45 degrees Fahrenheit. This change will harmonize the rule's temperature requirements with those found in the Federal Food and Drug Administration (FDA) *Shellfish Model Ordinance*.

The Department is proposing to amend Rule 40-7-5-.02 entitled *Retail Sale of Fresh Seafood, Meat or Poultry from Mobile Vehicles* by replacing the term *stop sale* with the term *embargo*.

The Department is proposing to amend Rule 40-7-5-.02 entitled *Retail Sale of Fresh Seafood, Meat or Poultry from Mobile Vehicles* by excluding certain facility requirements for pre-packaged food sales. Chapter 40-7-5 already excludes certain facility requirements for sales of fresh shrimp that have been pre-packaged at a GDA licensed facility. This proposed change will afford these same

exclusions to pre-packaged meat, poultry, and seafood that has been obtained from processing facilities licensed or permitted by the regulatory authority having jurisdiction over their operations.

The Department is proposing to amend Rule 40-7-5-.03 entitled *Retail Sale of Frozen Seafood, Meat, Poultry and Other Food* by removing specific temperature requirements for cold holding frozen products. This change will harmonize the rule's cold holding temperature requirements with those found in Subject 40-7-1 entitled *Retail Food Sales*.

COMMENT PERIOD AND ADDITIONAL INFORMATION:

The Department will be accepting written comments from December 9, 2020, to close of business (4:30 p.m. EST) on January 11, 2021. Please submit written comments to:

Natalie Adan
Division Director
Food Safety Division
Georgia Department of Agriculture
19 Martin Luther King, Jr. Drive, S.W.
Atlanta, Georgia 30334
Telephone: 404-656-3627

Interested persons may call or submit a written request to obtain a copy of the proposed rule. A copy of the synopsis and the proposed rule 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.