



## GEORGIA DEPARTMENT OF AGRICULTURE

Gary W. Black, Commissioner

[www.agr.georgia.gov](http://www.agr.georgia.gov)

**DATE:** January 22, 2021

**ACTION:** Notice of Intent to Amend Subject 40-7-19 entitled *Cottage Food Regulations*

### **TO ALL INTERESTED PERSONS AND PARTIES:**

Pursuant to the Official Code of Georgia Annotated, O.C.G.A. §§ 26-2-34 and 50-13-4, notice is hereby given that the Georgia Department of Agriculture will be accepting written comments regarding amendments to Subject 40-7-19 entitled *Cottage Food Regulations*. The Department will be accepting written comments from January 22, 2021, to close of business (4:30 p.m. EST) on February 23, 2021.

### **SYNOPSIS, MAIN FEATURES, AND DIFFERENCES:**

The Department is proposing to make grammatical and structural changes throughout Subject 40-7-19 to clarify existing requirements.

The Department is proposing to add an appropriate legal authority citation to each rule in Subject 40-7-19.

The Department is proposing to amend Rule 40-7-19-.02 entitled *Definitions* by correcting an outdated reference to a repealed rule.

The Department is proposing to amend Rule 40-7-19-.03 entitled *Registration* by removing the requirement to list sizes and/or volumes of the cottage food products disclosed on the registration form. There are no restrictions on the amount of cottage food products manufactured annually by the Cottage Food Operator, so this information is not relevant to the issuance of a Cottage Food License.

The Department is proposing to amend Rule 40-7-19-.04 entitled *Licenses and Fees* by removing nitrates from the water analysis required for Cottage Food Licenses. Nitrate testing is not currently a requirement for Food Sales Establishment Licenses, so this requirement is likewise being removed for the Cottage Food Licenses.

The Department is proposing to amend Rule 40-7-19-.04 entitled *Licenses and Fees* by removing the provision that the Department can perform the water analysis. The Department ceased conducting water analysis for retail food establishments; therefore, it will no longer be maintaining the testing supplies and laboratory proficiencies required by ISO accreditation. Annual water analysis is still a requirement, and Cottage Food Operators will have to utilize private laboratories if they are not connected to a municipal source.

The Department is proposing to amend Rule 40-7-19-.04 entitled *Licenses and Fees* by adding a provision that the Cottage Food Licensee must maintain a copy of the most recent water sampling

results and provide the results to the Department upon request. This will allow the Department to verify that an annual water analysis has been performed according to the regulation requirement.

The Department is proposing to amend Rule 40-7-19-.04 entitled *Licenses and Fees* by requiring the Cottage Food Operator adhere to the Department's *Non-Public Water Supply Testing Guidance*. The Department's guidance document provides further clarification on the coliform testing required and describes circumstances where the Department must be notified of positive results.

The Department is proposing to amend Rule 40-7-19-.04 entitled *Licenses and Fees* by correcting an outdated reference from 40-7-1-.02(41)(f) to O.C.G.A. § 26-2-21(a)(5)(C).

The Department is proposing to amend Rule 40-7-19-.06 entitled *Cottage Food License* by replacing the term *registration form* with *license application*.

The Department is proposing to amend Rule 40-7-19-.07 entitled *Inspections* by removing the provision that the Department will certify the Cottage Food Operator's scale during a pre-operational inspection. Since the Department is not conducting routine regulatory inspections of Cottage Food Licensees, maintaining certifications on these scales is resource intensive. To maximize available resources, the Department will only verify scale accuracy in response to consumer complaints.

The Department is proposing to amend Rule 40-7-19-.09 entitled *Product Labels* by correcting incorrect references from 40-7-19-.10(1)(b) to 40-7-19-.09(1)(b).

The Department is proposing to amend Rule 40-7-19-.09 entitled *Product Labels* by clarifying that labeling information for bulk sales must be made available to the consumer, but this can be accomplished by way of a card, sign, loose leaf booklet, or other method of notification at the point of sale.

The Department is proposing to amend Rule 40-7-19-.10 entitled *Scales Required* by removing the provision that the Department will certify the Cottage Food Operator's scale at least every 12 months. Scales must be "legal for trade" if products are being sold by weight, and the Department will verify a scale's accuracy in response to a consumer complaint.

#### **COMMENT PERIOD AND ADDITIONAL INFORMATION:**

The Department will be accepting written comments from January 22, 2021, to close of business (4:30 p.m. EST) on February 23, 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](http://www.agr.georgia.gov).

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