



Georgia Department of Agriculture

Capitol Square • Atlanta, Georgia 30334-4201

Gary W. Black
Commissioner

GUIDANCE DOCUMENT FOR INDUSTRY: QUESTIONS AND ANSWERS REGARDING CHAPTER 40-7-18 ADDITIONAL REGULATIONS APPLICABLE TO FOOD PROCESSING PLANTS

Introduction

This document is intended to be a “Guideline” and used in conjunction with the regulations Chapter 40-7-18 Additional Regulations Applicable to Processing Plants. This document provides guidance intended to assist those parties responsible for complying with the regulations Chapter 40-7-18 prescribed by the Georgia Department of Agriculture. This regulation shall apply to all plants where food is processed, in addition to other regulations in place.

For further assistance contact the Administrative Office in Atlanta (404) 657-4801.

Background

On May 1, 2009, Governor Sonny Perdue signed into Georgia law the Georgia Senate Bill 80 (O.C.G.A § 26-2-27 et seq.). The Georgia Department of Agriculture was charged with promulgating the regulations to support this Bill. Chapter 40-7-18 Additional Regulations Applicable to Processing Plants are the regulations applicable to food processing plants pursuant to the Georgia Food Act and comply with Senate Bill 80 (O.C.G.A § 26-2-27 et seq.) that was passed during the 2009 legislative session.



Georgia Department of Agriculture

Capitol Square • Atlanta, Georgia 30334-4201

Gary W. Black
Commissioner

Questions and Answers for implementation of Chapter 40-7-18:

1. Is every company required to conduct finished product testing?

Yes, if your facility is a commercial operation that manufactures finished food(s) or finished food ingredients for human consumption, unless your facility is exclusively a retail operation or one of the exemptions applies to your facility.

2. How do I report a positive test result?

Positive test results must be reported to the Georgia Department of Agriculture within 24 hours of receiving the result. The owner or company representative will report the results by e-mail to the Georgia Department of Agriculture positiveresults@agr.georgia.gov.

3. Do I still have to report a product that tests positive that is still in my control?

Yes, the law states all positive test results must be reported to the Georgia Department of Agriculture within 24 hours of receiving the result. This includes reporting the presence of poisonous or deleterious substances or other contaminants even if the product was not distributed and the problem was corrected.

What are you going to do with this information?

When the Department receives a report of positive sample results we will begin working with the company to identify the cause of the problem and ensure a permanent corrective action has been instituted. This can include such actions as enhanced investigations / inspections, possible environmental sampling, ingredient testing, and accelerated testing protocol.

4. Do I only need to report a positive pathogen test?

No, any finished foods or finished food ingredients with the presence of a substance that would cause a manufactured food bearing or containing the same to be adulterated with the presence of poisonous or deleterious substances or other contaminants, shall be reported within 24 hours of obtaining confirmed results. This will include microbiological, physical & chemical contaminants that would be injurious to health.



Georgia Department of Agriculture

Capitol Square • Atlanta, Georgia 30334-4201

Gary W. Black
Commissioner

5. Can I conduct my finished product testing in the in-house laboratory? Am I required to take the finished product to a private laboratory for testing?

Either option will work as long as the methods performed are consistent and in accordance with testing standards and procedures outlined in the federal Food and Drug Administration's Bacterial Analytical Manual (BAM) and standards developed by the Association of Analytical Communities (AOAC) International, U.S. Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) Microbiological Laboratory Guidebook (MLG), International Organization for Standardization (ISO), or another internationally recognized certification body.

6. If I receive a presumptive positive test result can I use another sample collected from the same lot code to confirm the test results?

No, a presumptive positive test result or test result requiring further typing or numeration shall be carried out through additional testing, utilizing the same sample that yielded the presumptive, to obtain a final result. A sample should be collected and submitted to the laboratory that would be sufficient to obtain a final result if a presumptive positive test result is received or a test requiring further typing or numeration is necessary using additional testing. If the decision is made not to confirm or further type the test result, this is treated as a positive result and shall follow the reporting procedure.

7. Do I have to submit a Written Food Safety Plan?

No, the Written Food Safety Plan is an optional plan that is submitted in lieu of the testing requirements stated in 40-7-18-.06. The Department will accept, deny, or request modifications to the plan.

8. How do I submit a Written Food Safety Plan?

Please see Guidance Document for Submitting the Optional Written Food Safety Plan for details.



Georgia Department of Agriculture

Capitol Square • Atlanta, Georgia 30334-4201

Gary W. Black
Commissioner

9. Can I store all my ingredients, raw & finished, together in the same room?

Food products shall be stored in order to prevent cross contamination. Raw agricultural products requiring pathogen destruction should be stored so as to prevent cross contamination of ready-to-eat foods and/or ingredients not requiring further processing, except when combined as ingredients.

10. Route trucks are often required to meet pre-set delivery times and if they encounter unexpected delays the retailers may refuse delivery. How will free access during all reasonable times to my facility as well as the transport vehicles affect my business?

The Georgia Department of Agriculture has no intentions of unintentionally disrupting business but will inspect transport vehicles while conducting the inspection at the facility and if needed while the vehicle is located at a another location with regards to food safety concerns.

The following link is to the Georgia Department of Agriculture internet website. The directions that follow will lead to the Georgia Department of Agriculture 40-7-18 Additional Regulations Applicable to Processing Plants Operating in Georgia.

www.agr.georgia.gov

Select Divisions;
Select on Food Safety Division;
Click on Manufactured Foods;
Click on 40-7-18 Processing Regulations



Georgia Department of Agriculture

Capitol Square • Atlanta, Georgia 30334-4201

Gary W. Black
Commissioner

Effective May 27, 2010
Revised January 10, 2011