



GEORGIA DEPARTMENT OF AGRICULTURE

Gary W. Black, Commissioner

www.agr.georgia.gov

DATE: July 16, 2019

Action: Notice of Intent to Amend Subject 40-7-18 entitled *Additional Regulations Applicable to Processing Plants*

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 the amendment of Subject 40-7-18 entitled *Additional Regulations Applicable to Processing Plants*. The Department will be accepting written comments from July 16, 2019, to close of business (4:30 p.m. EST) on August 19, 2019.

Synopsis, Main Features, and Differences:

Current:	Change:	Rationale:
“Authority O.C.G.A. Sec 26-2-27.1,” appearing after each section in 40-7-18.	Changing the authority referenced to “O.C.G.A. Sec 26-2-1, <i>et seq.</i> ”	O.C.G.A. 26-2-27.1 specifically sets up the mandatory testing requirements; however, the powers and authorities vested in the Commissioner of Agriculture to promulgate regulations, and to license and inspect food processing plants, are more correctly referenced within the breadth of the Georgia Food Act (26-2-1, <i>et seq.</i>).
40-7-18-.02(1)	Revised the Definition for “Acid Foods” and “Acidified Foods”	Revised the language to more adequately reflect the Food and Drug Administration’s (FDA’s) definition in 21 CFR 114.3 for Acid and Acidified Foods.
40-7-18-.02(21)	Revised the Definition for “Food Processing Plant.”	Included additional terms colloquially used to refer to food processing plants, found within these regulations and appearing in the Department’s guidance and outreach materials.
40-7-18-.02(25)	Revised the Term “High Risk Facility” to become “High Risk Classification.”	Clarifies that the term is a designation of risk, more adequately representative of the definition.

40-7-18-.02(26)	Revised the Definition for “High Risk Product.”	Struck the extraneous language referring to the classification committee.
40-7-18-.02(30)	Revised the Term “Low Risk Facility” to become “Low Risk Classification.”	Clarifies that the term is a designation of risk, more adequately representative of the definition.
40-7-18-.02(31)	Revised the Definition for “Low Risk Product.”	Struck the extraneous language referring to the classification committee.
40-7-18-.02(32)	Revised the Definition for “Manufacturing/Processing,” adding new paragraph (b).	Added language from 40-7-18-.02(41), consolidating the two similar definitions.
40-7-18-.02(32)(b)	Revised the Definition for “Manufacturing/Processing,” renaming previous paragraph (b) to become new paragraph (c).	Designation was changed following the insertion of new paragraph (b).
40-7-18-.02(32)(c)	Revised the Definition for “Manufacturing/Processing,” to include storing/holding as examples of Manufacturing/Processing activities.	FDA’s Code of Federal Regulations (CFR’s) define “holding” as an activity synonymous with processing. We are including “storing” as a like term.
40-7-18-.02(33)	Revised the Term “Moderate Risk Facility” to become “Moderate Risk Classification.”	Clarifies that the term is a designation of risk, more adequately representative of the definition.
40-7-18-.02(34)	Revised the Definition for “Moderate Risk Product.”	Struck the extraneous language referring to the classification committee.
40-7-18-.02(41)	Struck the Definition for “Processing” or “Process.”	In the CFR’s, these terms are synonymous with manufacturing. This definition was integrated into the “Manufacturing/Processing” definition of 40-4-18-.02(32) as new paragraph (b).

40-7-18-.02(42)	Renumbered 40-7-18-.02(42) to become 40-7-18-.02(41).	Renumbered after the deletion of 40-7-18-.02(41) “Processing” or “Process” definition.
40-7-18-.02(43)	Renumbered 40-7-18-.02(43) to become 40-7-18-.02(42).	Renumbered after the deletion of 40-7-18-.02(41) “Processing” or “Process” definition.
40-7-18-.02(44)	Renumbered 40-7-18-.02(44) to become 40-7-18-.02(43).	Renumbered after the deletion of 40-7-18-.02(41) “Processing” or “Process” definition.
40-7-18-.02(45)	Renumbered 40-7-18-.02(45) to become 40-7-18-.02(44).	Renumbered after the deletion of 40-7-18-.02(41) “Processing” or “Process” definition.
40-7-18-.02(46)	Renumbered 40-7-18-.02(46) to become 40-7-18-.02(45).	Renumbered after the deletion of 40-7-18-.02(41) “Processing” or “Process” definition.
40-7-18-.02(47)	Renumbered 40-7-18-.02(47) to become 40-7-18-.02(46).	Renumbered after the deletion of 40-7-18-.02(41) “Processing” or “Process” definition.
40-7-18-.02(48)	Renumbered 40-7-18-.02(48) to become 40-7-18-.02(47).	Renumbered after the deletion of 40-7-18-.02(41) “Processing” or “Process” definition.
40-7-18-.02(49)	Struck the Definition for “Time/Temperature Control for Safety Food.”	This definition appears verbatim in 40-7-1 Retail Food Sales, which is adopted by reference in 40-7-18-.12(3).
40-7-18-.02(50)	Renumbered 40-7-18-.02(50) to become 40-7-18-.02(48).	Renumbered after the deletion of 40-7-18-.02(41) “Processing” or “Process” and 40-7-18-.02(49) “Time/Temperature Control for Safety Food” definitions.
40-7-18-.02(51)	Renumbered 40-7-18-.02(51) to become 40-7-18-.02(49).	Renumbered after the deletion of 40-7-18-.02(41) “Processing” or “Process” and 40-7-18-.02(49) “Time/Temperature Control for Safety Food” definitions.

40-7-18-.06(1)	Struck the word “facility” and added the word “plant.”	Food processing plant is a defined term found in 40-7-18-.02(21). Changed the words to correctly reference the defined term.
40-7-18-.06(1)(a)	Struck the words “facility” and added the words “plant.”	Food processing plant is a defined term found in 40-7-18-.02(21). Changed the words to correctly reference the defined term.
40-7-18-.06(1)(a)1	Struck “facilities” and added the word “products.”	This change is being made to reflect the fact that the testing frequency is attributed to the highest risk product being manufactured at a food processing plant. The testing frequency is not directly associated with the overall risk rating of the plant.
40-7-18-.06(1)(a)2	Struck “facilities” and added the word “products.”	This change is being made to reflect the fact that the testing frequency is attributed to the highest risk product being manufactured at a food processing plant. The testing frequency is not directly associated with the overall risk rating of the plant.
40-7-18-.06(1)(a)3	Struck “facilities” and added the word “products.”	This change is being made to reflect the fact that the testing frequency is attributed to the highest risk product being manufactured at a food processing plant. The testing frequency is not directly associated with the overall risk rating of the plant.
40-7-18-.09(2)(c)	Struck the word “facility” and added the word “plant.”	Food processing plant is a defined term found in 40-7-18-.02(21). Changed the words to correctly reference the defined term.

Comment Period and Additional Information:

The Department will be accepting written comments from July 16, 2019, to close of business (4:30 p.m. EST) on August 19, 2019. Please submit written comments to:

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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.