

**RULES
OF
GEORGIA DEPARTMENT OF AGRICULTURE

CHAPTER 40-7-2
ADDITIONAL REGULATIONS APPLICABLE TO
SALVAGEABLE FOODS AND SINGLE SERVICE ITEMS**

40-7-2-.01 Salvageable Foods and Single Service Utensil Items.

(1) Definitions.

- (a) "**Commissioner**" means Commissioner of Agriculture and/or his designated representative.
- (b) "**Department**" means the Georgia Department of Agriculture.
- (c) "**Act**" means the Georgia Food Act (1966 Ga. L. 195) as amended, and all regulations thereunder.
- (d) "**Food**" means articles used for food or drink for human consumption, chewing gum, and articles used for components of any such articles, including single-service articles as hereinafter defined.
- (e) "**Person**" means an individual, partnership, corporation, or association or any combination thereof.
- (f) "**Salvage Food**" means any item of food which (or the container or label of which) may have been subject to damage, contamination, deterioration, or other adverse effect by fire, water, smoke, chemicals impact, exposure to the elements, temperature changes, or any other forces or means which may temperature changes, or any other forces or means which may cause the same to fail to be in compliance with the Act and regulations thereunder.
- (g) "**Unsalvageable Foods/Distressed Foods**" means foods which are not in compliance with the Act, and with respect to which, Food Salvage Operations are not planned or in process to bring the same into compliance with said Act.
- (h) "**Single service articles**" means items used by the food sales establishment or the consumer such as cups, containers, lids, and packing materials, including bags and similar articles, intended for contact with food, and designed for one-time use. The term does not include "Single use articles" such as number 10 cans, aluminum pie pans, bread wrappers and similar articles into which food has been packaged by the manufacturer.
- (i) "**Vehicles used in Salvaged Food Transportation**" shall mean any truck, car, bus, rail car, boat or other means by which salvage food is transported from one location to another.
- (j) "**Application**" shall mean a written application which is required pursuant to the 1971 Amendment to the Act and will be made on a form provided by the Department.
- (k) "**Food Salvager**" means a person, firm, partnership, auction firm or corporation engaged in the business of reconditioning, labeling, relabeling, repackaging, reconditioning, sorting, cleaning, culling or by any other means salvaging; and who sells, stores, offers for sale, transports, or distributes for human consumption any salvaged food, beverage, including beer, wine and distilled spirits, food supplement, single service articles, or any other human food product of a similar nature that has been damaged, contaminated (or may have been subjected to contamination) by fire, water, smoke, chemicals, transit, or by any other means.
- (l) "**Salvage Food Distributor**" means a person engaged in the business of selling, storing, offering for sale, distributing, peddling, or otherwise trafficking in salvage food or unsalvageable food, including without limitation, a salvage food auction firm as hereinafter defined.

(m) **"Salvage Food Auction Firm"** means a person engaged in the business of selling salvage food for his own account or for others, irrespective of the manner in which he is compensated or receives consideration with respect to such sale.

(n) **"Salvage Food Operations"** means any operation, including without limitation, reconditioning, labeling, relabeling, repackaging, reconditioning, sorting, cleaning, culling and trimming, by which it is sought to prepare salvage food for ultimate human consumption or to bring the same into compliance with the Act.

(o) **"Salvageable Food"** is any food item or single service article which can be reconditioned, labeled, relabeled, repackaged, reconditioned, sorted, cleaned, culled, trimmed or by any other means be salvaged and which brings such food item into compliance with requirements of the Act and regulations under this Act and its amendments, to the satisfaction of the Commissioner, and which is not deleterious to the health of the consumer.

(2) License.

(a) Food Salvagers, Salvage Food Distributors, and Salvage Food Auction Firms located in or operating in Georgia shall obtain a Food Sales Establishment License from the Commissioner pursuant to 1971 Ga. L. 66, and shall apply for the same on a form provided by the Department.

(b) Every salvage food auction firm must have a business location and address from which the business is conducted. Each branch location of the business must have the same type license as the parent operational base, and such branch location shall not begin operation until such time as an Application for License has been filed with the Department and an inspection has been made of the location; the same approved for this type of business and a license has been issued by the Department. Auction of salvaged foods must comply with the same regulations as any other licensed Food Sales Establishment.

(c) The license shall be displayed conspicuously in the place of business.

(3) Food Salvage Operations.

(a) All Food Salvage Operations shall be performed in buildings and structures and with facilities, equipment and procedures which meet the requirements of the Act.

(b) A Food Salvage receiving room area shall be provided and separated from other rooms by a solid wall divider.

(c) Food Salvaging Operations shall be in a separate room/area, suitably arranged and equipped, providing for the actual cleaning and reworking of foods. Effective bactericidal treatment of salvageable merchandise shall be any method approved by the Commissioner as being effective in destroying micro-organisms.

(d) Salvage Food sales areas shall meet all requirements of the Act and all regulations thereunder; all merchandise in this area shall be handled, stored, and kept under conditions as required in the Act and all regulations thereunder.

(e) Any holder of Unsalvageable Foods shall provide a separate area/ room which is vermin and rodent proof for such foods until time of destruction.

(f) All Unsalvageable Foods/Distressed Foods must be denatured and for disposed of in a manner approved by the Commissioner.

(4) Movement of Salvageable Food.

(a) No Salvageable Food will be moved by a Food Salvager, Food Salvage Distributor or Food Salvage Auction Firm interstate or intrastate without prior notice to the Commissioner.

(b) Notification. The Food Salvager license holder shall immediately notify the proper district office of the Department of any purchase of salvageable or distress type food.

Such notification shall be made prior to the beginning of any salvage operations. Telephone numbers will be furnished to all Food Salvagers upon request.

(c) A carrier which is otherwise subject to the provisions of this paragraph shall not be required to comply with such provisions if the carrier moves Salvageable Food in accordance with a plan or procedure which has been previously filed with, and approved by the Department.

(5) Records.

(a) Orderly records shall be kept on hand for a period of six (6) months by the license holder of a Salvage Operation and shall be made available to a representative of the Department upon request. The records shall include the following (including allied receipts): Sales receipts for foods bought shall state the seller and his address; the buyer; the Salvage Firm's Food Sales Establishment License Number; the quantities of each item bought, stating number of cases and size of containers therein; the product name; the amount of foods voluntarily destroyed by the license holder; the estimated value of the destroyed food; the place where destroyed; the date of such destruction and by whom witnessed.

(b) Sales of one mixed lot of foods by a Salvage Food Distributor may be entered on the sales record as a miscellaneous or conglomerate sale.

(6) Liquid Waste-Rubbish.

(a) Approved facilities must be provided for collection and disposal of all liquid and solid wastes including the water from wash and sanitizing vats/areas used in Food Salvage Operations.

(b) Containers with tight-fitting covers must be provided for trash and rubbish. The establishment premises shall be free of unnecessary litter and rubbish.

(7) Unlabeled and Damaged Foods.

(a) Cans or packages without full labeling information shall not be sold individually or by a multiple can/package/case sale.

(b) Perishable Vegetables shipped by truck, railroad, or any other type of conveyance method and which, by any means, are damaged enroute or which are rejected by the consignee for loss in quality, deterioration, adulteration, contamination of the product, misbranding, or damage during transportation or shipment, shall be inspected by a representative of the Department before being sold by a Salvage Food Distributor.

(c) Notice by a common carrier or a Salvage Food Distributor of perishable vegetables/fruits, meats, poultry, fish or any other food item which is of a perishable nature, shall be given to the Department by phone immediately upon receipt of such perishable products as a damaged, rejected, or otherwise bad condition or bad order shipment when it comes into the possession of such common carrier. Immediate action will be taken by the Department to make inspection of such products. Notice to the common carrier of proper disposition will be made without undue delay.

(d) A carrier shall not be required to comply with the provisions of subparagraphs (b) and (c) of this paragraph if the carrier handles such food items in accordance with a plan or procedure which has been previously filed with, and approved by, the Department.

(8) Regulated Transportation.

(a) The provisions of these rules shall not apply to the transportation of commodities which include any items of food or single service articles referred to in these rules, by carriers by motor, rail, air, or water pursuant to authority granted by an agency of the federal government or of the State of Georgia, nor to any other activities of such carriers in relation to such items which are a part of such carriers' regulated transportation functions, nor to such carriers by reason of their engagement in such regulated

transportation functions; provided, however, that if any such carrier sells, stores, offers for sale, distributes, peddles or otherwise traffics in salvage food or unsalvageable food for such carriers own account outside of its regulated transportation functions, whether by reason of rejection of such items by the consignee or otherwise, such carrier shall be subject to all applicable provisions of these rules relating to a Salvage Food Distributor.

(b) Damaged meats and meat products, poultry or fish which are fresh, frozen, or cured (packed or processed under USDA or state inspection) are not subject to immediate Salvage Sales to a Salvage Dealer or a Food Salvager. Notice of the ownership of such products must be given immediately to the Meat Compliance Office of the Department.

(c) Damaged fresh, frozen or cured meats, fish or poultry are not to be culled, processed or sold until authorization is received, and at that time, the owner of such products will be advised of the handling and or movement of such meats to a specified plant for reinspection and reconditioning.

(9) Rerouting of Damaged Foods. Any of the food items specified in Paragraph (7)(c) may be moved or rerouted by the carrier to a specified central collecting or storage point, the designation of which has been previously filed with, and approved by, the Department, or, with the permission of the Department, to other central collecting or storage points. The provisions of this section shall not prevent a carrier from taking reasonable and customary measures to protect or prevent further damage or deterioration to such food items.

(10) Reuse of Crates, Boxes or Bags. The storage, holding, or shipment of fresh fruits, vegetables, meats or poultry in used crates, boxes, or bags of any type whereby the products therein may be subject to contamination or adulteration, or may be made deleterious to health; or the crate, box, or bag carries a federal or state mark of inspection from the appropriate meat inspection agency, or carries a mark indicating the grade of the original contents of the container, are prohibited from such reuse.

Authority Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History:** Original Rule entitled "Cleaning Utensils and Equipment" was F. and eff. on Jun. 30, 1965. **Repealed:** New Rule entitled "Salvageable Foods and Single Service Utensil Items" adopted. F. Apr. 30, 1996; eff. May 20, 1996.