



Georgia Department of Agriculture

Capitol Square • Atlanta, Georgia 30334-4201

Gary W. Black
Commissioner

DATE: February 24, 2016

ACTION: Notice of Intent to Consider Amendments to Rules relating to the Georgia Vidalia Onion Act

TO ALL INTERESTED PERSONS AND PARTIES:

Pursuant to the Official Code of Georgia Annotated, O.C.G.A. § 2-14-130 et. seq., notice is hereby given that the Georgia Department of Agriculture will be accepting written comments regarding amendments to Chapter 40-7-8, relating to the Georgia Vidalia Onion Act. The Department will be accepting written comments from February 24, 2016, to the close of business (4:30 p.m. EST) on March 25, 2016.

SYNOPSIS, MAIN FEATURES, AND DIFFERENCES:

The Department is proposing to amend Departmental Rule 40-7-8-.02 entitled “Definitions,” by adding definitions for “Other Yellow Onion”, “Transition Period”, and “Packing Facility.”

The Department is also proposing to amend Departmental Rule 40-7-8-.03 entitled “Registration” by requiring registration with the Commissioner on or before March 1 of each year, providing for a \$1,000 monetary penalty for failure to register on or before March 1, and setting April 15th as the date after which no applications for registration will be accepted. Proposed Rule 40-7-8-.03 would also require registration through the Department’s online licensing division and require both the packer and grower of Vidalia Onions be properly registered. A new paragraph (6) would also be added that would require any person who will or may have other yellow onions and Vidalia onions in the same facility during a Transition Period to acknowledge the same in the application for registration.

The Department is likewise proposing to amend Departmental Rule 40-7-8-.03.1(a) entitled “Vidalia Onions Varieties Allowed to Be Grown” by removing the list of authorized varieties and providing that the list of authorized varieties will be published online at <http://agr.georgia.gov>, as well as on the Vidalia grower/packer application. Said list would be updated as necessary. Subsection (b) of this Rule would be deleted and replaced with language providing that any and all varieties not included on the published list are specifically limited and excluded from being planted and marketed as Vidalia onions or Vidalia green onions. In addition Subsection (c) would be amended by deleting the qualifier “Upon the same recommendation, any variety not listed in paragraph (a) above is specifically limited and excluded from being planted and marketed as Vidalia onions or Vidalia green onions” and adding qualifying language that “No onion variety shall be listed as an authorized variety until it shall have completed three years of testing...”

The Department is proposing to amend Departmental Rule 40-7-8-.05(2)(c) entitled “Labeling” by allowing the display of the official logo of “Georgia Grown”, the use of which requires a membership with the Georgia Grown Commodity Commission, and no longer allowing use of the promotional logo “Georgia. Always in good Taste.”

The Department is also proposing to repeal current Departmental Rule 40-7-8-.07 entitled “Onion Pungency Analysis” in its entirety.

The Department is proposing to amend Departmental Rule 40-7-8-.08 entitled “Handling Requirements” by adding the qualifier “[p]rovided that unless otherwise specified” to paragraph (b) relating to Size Requirements. Proposed Rule 40-7-8-.08 would also remove all current language under paragraph (g) relating to Facility Packing Requirements. Said language would be replaced with new provisions allowing for Vidalia Onions and other yellow onions to be in the same facility during a Transition Period, defining the time frames for each Transition Period, and setting additional requirements for packing facilities during each Transition Period.

Finally, the Department is proposing to amend Departmental Rule 40-7-8-.16 entitled “Vidalia Onion Advisory Panel” by providing for the Panel’s recommendation of the commencement date for Transition 2 each year.

COMMENT PERIOD AND ADDITIONAL INFORMATION:

The Department will be accepting written comments from February 24, 2016, to the close of business (4:30 p.m. EST) on March 25, 2016. A public hearing will be held on March 28, 2016, at 11:00 a.m. in Room 201 of the Georgia Department of Agriculture Building located at 19 Martin Luther King, Jr. Drive, S.W. in Atlanta, Georgia. Written and oral comments will be considered on March 29, 2016. Please submit any and all written comments to:

Jack Spruill
Marketing Division Director
Georgia Department of Agriculture
19 Martin Luther King, Jr. Drive, S.W., Room 324
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Telephone Number: 404-656-3600

You may download a copy of the synopsis and the proposed rules 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.