



Georgia Department of Agriculture

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Gary W. Black
Commissioner

DATE: July 2, 2012

ACTION: Notice of Intent to Consider the Adoption of Rules to Provide for the Production of Non-Potentially Hazardous Foods in Domestic Kitchens for Sale to the End Consumer

TO ALL INTERESTED PERSONS AND PARTIES:

Pursuant to the Official Code of Georgia Annotated, O.C.G.A. §§ 26-2-34 and 26-2-25, notice is hereby given that the Georgia Department of Agriculture will be accepting written comments regarding the promulgation of Chapter 40-7-19, Cottage Food Regulations. This new chapter will contain departmental rules addressing the production of non-potentially hazardous foods in domestic kitchens. The Department will be accepting written comments from July 2, 2012, to close of business (4:30 p.m. EDT) on August 2, 2012.

SYNOPSIS, MAIN FEATURES, AND DIFFERENCES

It is proposed to promulgate departmental rules relating to new Chapter 40-7-19, which establishes a cottage food program at the Georgia Department of Agriculture. These regulations will allow licensed operators to produce non-potentially hazardous foods in their domestic kitchens for sale solely to the end consumer. The Cottage Food License is for food sales only. Food service establishments shall remain under the jurisdiction of the local county health department and/or Georgia Department of Public Health.

The proposed rules would require those desiring to produce non-potentially hazardous food in their domestic kitchen to first register with the Department. The cottage food operator will be required to register annually and submit a fee of \$100.00 to cover the cost of a pre-license inspection and other costs to administer the program.

Registration requires: listing the business name and address; a list of products the cottage food operator intends to produce; successful completion of a recognized food safety training course; compliance with all local codes/ordinances; and an attestation that the cottage food operator grants the department the right to enter the residence during normal business hours to investigate complaints, possible disease outbreaks, and/or other public health emergencies. Inspections due to foodborne illness outbreaks or consumer complaints will be unannounced.

Moreover, applicants must indicate the source of water that will be utilized and attach a copy of the most recent water bill to the application. If a cottage food operator uses a private water supply for their operation, the rules would provide that a water analysis for coliform bacteria and nitrates must be performed on a yearly basis by the department at a cost of \$100.00 or via an accredited laboratory.

The proposed rules would allow inspections to be performed prior to issuing the license and for investigations of consumer complaints or public health emergencies like foodborne disease outbreaks. During the pre-license inspection, the department will: ensure that the cottage food operator understands all requirements; confirm that only standard kitchen equipment is used; perform an assessment of the equipment used; ensure easily cleanable and smooth food contact surfaces and utensils; make sure the permitted area is free from rodents and insects; ensure proper storage of ingredients and finished product; the accuracy of the scale if products are sold by weight; and confirm the label is accurate and includes all necessary information. A cottage food license will be issued following a review of the registration application and passing the pre-license inspection of the home kitchen.

Cottage food operators would only be allowed to produce non-potentially hazardous foods, including: loaf breads, rolls, and biscuits; cakes; pastries and cookies; candies and confections; fruit pies; jams, jellies, and preserves; dried fruits; dry herbs, seasonings and mixtures; cereals, trail mixes, and granola; coated or uncoated nuts; vinegar and flavored vinegars; and popcorn, popcorn balls and cotton candy. Cottage food operators may only sell to the end consumer, i.e. no distribution or wholesale sell is allowed. Cottage food operators would be allowed to produce only products that are listed on the registration form; products cannot be manufactured in conjunction with any domestic activities like preparing your own meals, washing dishes, cleaning, etc. Products that have been canned at home cannot be used in preparing cottage food products.

The proposed rules would require cottage food operators to label their products with a declaration that the food was prepared in a kitchen not subject to state food safety inspections. This statement should be in 10 point Arial or Times Roman font and in a color that contrasts to the background color of the label. In addition to this statement, cottage food operators will be required to list the business name and home address, the common name of the product, the ingredients in descending order or predominance by weight, the net weight or volume, nutritional information and allergen labeling as specified by the labeling requirements of the Food and Drug Administration for pre-packaged foods and cottage food products that are offered for sale from bulk food containers. For bulk food containers, the information required may be made available to the consumer by card, sign, loose leaf booklet or other method of notification at the point of sale. For cottage food operators selling directly to an individual consumer, for example wedding or birthday cakes, the business name and home address are still required to be listed on the label as well as the statement that cottage food operation is not subject to state food safety inspections.

The proposed rules would provide a list of food safety directives, or public health intervention strategies designed to limit the potential for foodborne disease outbreaks. These directives include directions on proper hand washing, bare-hand contact, hair restraints, eating/drinking/using tobacco, employee health, unauthorized persons, food contact surfaces, proper storage of ingredients, proper use/storage of chemicals, pest control, and pets. The guidelines proposed in the rule help ensure product safety and represent the minimum best practices required in the production of cottage food products.

COMMENT PERIOD AND ADDITIONAL INFORMATION:

The Department will be accepting written comments from July 2, 2012, to close of business (4:30 p.m. EDT) on August 2, 2012. Written comments shall be considered on August 3, 2012. Please submit written comments to:

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Division Director,
Food Safety Division
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19 Martin Luther King, Jr. Drive
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Telephone Number: 404-656-3627
FAX Number: 404-463-6428

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.