Rules and Regulations of the State of Georgia

Department 40 RULES OF GEORGIA DEPARTMENT OF AGRICULTURE

Current through Rules and Regulations filed through November 2, 2022

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Rule 40-21-1-.03. Renumbered as 40-21-8-.03.
Rule 40-21-1-.04. Renumbered as 40-21-8-.04.

Rule 40-21-1-.05. Renumbered as 40-21-8-.05.
Rule 40-21-1-.06. Renumbered as 40-21-8-.06.
Subject 40-21-2. CATEGORIES AND SUBCATEGORIES FOR CERTIFIED APPLICATORS.
Rule 40-21-2-.01. Commerical Applicators.
Rule 40-21-2-.02. Private Applicators.
Subject 40-21-3. STANDARDS OF COMPETENCY.
Rule 40-21-3-.01. Commerical Applicators.
Rule 40-21-3-.02. Private Applicators.
Subject 40-21-4. RECERTIFICATION AND APPLICATOR LICENSE RENEWALS.
Rule 40-21-4-.01. Recertification Requirements and Commercial Applicator License Renewals.
Rule 40-21-4-.02. Exemption of Fees for Commercial Applicators.
Rule 40-21-4-.03. Recertification of Private Applicators.
Rule 40-21-4-.04. Exemption of Fees for Private Applicators.
Subject 40-21-5. RECORD KEEPING REQUIREMENTS.
Rule 40-21-5-.01. Persons Required to Keep Records.
Rule 40-21-5-.02. Content of Records.
Rule 40-21-5-.03. Duration of Records.
Rule 40-21-5-.04. Inspection of Records.
Subject 40-21-6. APPLICATION BY UNCERTIFIED PERSONS.
Rule 40-21-6-.01. Supervision of Uncertified Persons.
Rule 40-21-6-.02. Limitations on Uncertified Persons.
Rule 40-21-6-.03. Supervisory Restrictions on Certified Applicators.
Subject 40-21-7. RECIPROCITY.
Rule 40-21-7-.01. Reciprocity.
Subject 40-21-8. FINANCIAL RESPONSIBILITY.
Rule 40-21-8-.01. Persons Subject to Regulations.
Rule 40-21-8-.02. Certification of Financial Responsibility.
Rule 40-21-8-.03. Insurance.
Rule 40-21-8-.04. Surety Bond.
Rule 40-21-8-.05. Cash Deposit.
Rule 40-21-8-.06. Exclusion of Coverage.
Subject 40-21-9. APPLICATION POSTING.
Rule 40-21-9-.01. Definitions.
Rule 40-21-9-.02. Posting and Information.
Rule 40-21-9-.03. Exemptions.
Chapter 40-22. TREATED TIMBER AND TREATED TIMBER PRODUCTS.

Subject 40-22-1. REPEALED.
Rule 40-22-1-.01. Repealed.
Subject 40-22-2. REPEALED.
Rule 40-22-2-.01. Repealed.
Subject 40-22-3. REPEALED.
Rule 40-22-3-.01. Repealed.
Rule 40-22-3-.02. Repealed.
Subject 40-22-4. REPEALED.
Rule 40-22-4-.01. Repealed.
Rule 40-22-4-.02. Repealed.
Subject 40-22-5. REPEALED.
Rule 40-22-5-.01. Repealed.
Rule 40-22-5-.02. Repealed.
Subject 40-22-6. REPEALED.
Rule 40-22-6-.01. Repealed.
Subject 40-22-7. REPEALED.
Rule 40-22-7-.01. Repealed.
Subject 40-22-8. REPEALED.
Rule 40-22-8-.01. Repealed.
Rule 40-22-8-.02. Repealed.
Subject 40-22-9. GRADING STANDARDS.
Rule 40-22-9-.01. Definitions.
Rule 40-22-9-.02. Grading Standards.
Rule 40-22-9-.03. Enforcement.
Chapter 40-23. PREVENTION OF GROUND AND SURFACE WATER CONTAMINATION.
Subject 40-23-1. DEFINITIONS.
Rule 40-23-1-.01. Definitions.
Subject 40-23-2. ANTI-SYPHON DEVICE.
Rule 40-23-2-.01. Anti-Syphon Device.
Rule 40-23-2-.02. Maintenance.
Rule 40-23-2-.03. Placement of Components.
Subject 40-23-3. PENALTY.
Rule 40-23-3-.01. Penalty.
Chapter 40-24. BOLL WEEVIL ERADICATION.
Subject 40-24-1. BOLL WEEVIL QUARANTINE.
Rule 40-24-1-.01. Purpose and Identification of Pest.
Rule 40-24-1-.02. Administration.

Rule 40-24-1-.03. Definitions.
Rule 40-24-1-.04. Regulated Articles.
Rule 40-24-1-.05. Program Participation Required.
Rule 40-24-1-.06. Responsibilities of Gins.
Rule 40-24-1-.07. Assessments and Penalties.
Rule 40-24-1-.08. Movement of Regulated Articles into Georgia.
Rule 40-24-1-.09. Exemptions.
Rule 40-24-1-.10. Cotton Stalk Destruction.
Rule 40-24-1-.11. Movement for Scientific Purposes.
Rule 40-24-1-.12. Inspection and Enforcement.
Rule 40-24-1-.13. Non-Commercial Cotton.
Rule 40-24-1-.14. Georgia Interior Quarantine Requirements.
Rule 40-24-1-.15. Organic Treatments to Control Weevil Infestations.
Rule 40-24-1-.16. Prohibited Action.
Rule 40-24-1-.17. Penalties.
Subject 40-24-2. DEFINITIONS (Repealed).
Rule 40-24-2-.01. Repealed.
Subject 40-24-3. REGULATED ARTICLES (Repealed).
Rule 40-24-3-.01. Repealed.
Rule 40-24-3-.02. Repealed.
Subject 40-24-4. COMPLIANCE AGREEMENTS (Repealed).
Rule 40-24-4-.01. Repealed.
Subject 40-24-5. INSPECTION AND ENFORCEMENT (Repealed).
Rule 40-24-5-.01. Repealed.
Subject 40-24-6. NON-COMMERCIAL COTTON (Repealed).
Rule 40-24-6-.01. Repealed.
Subject 40-24-7. PROGRAM PARTICIPATION (Repealed).
Rule 40-24-7-.01. Repealed.
Rule 40-24-7-.02. Repealed.
Rule 40-24-7-.03. Repealed.
Rule 40-24-7-.04. Repealed.
Subject 40-24-8. BOLL WEEVIL TREATMENTS (Repealed).
Rule 40-24-8-.01. Repealed.
Rule 40-24-8-.02. Repealed.
Rule 40-24-8-.03. Repealed.
Subject 40-24-9. SOLICITATION FOR BIDS (Repealed).
Rule 40-24-9-.01. Repealed.
Chapter 40-25. GRAIN DEALERS.

Subject 40-25-1. DEFINITIONS.
Rule 40-25-1-.01. Short Title.
Rule 40-25-1-.02. Definitions.
Subject 40-25-2. LICENSE REQUIREMENTS.
Rule 40-25-2-.01. License.
Subject 40-25-3. OPERATIONAL REQUIREMENTS.
Rule 40-25-3-.01. Records.
Chapter 40-26. AGRICULTURAL COMMODITY COMMISSIONS.
Subject 40-26-1. GEORGIA AGRICULTURAL COMMODITY COMMISSIONS ADMINISTRATIVE RULES.
Rule 40-26-1-.01. Definitions.
Rule 40-26-1-.02. Commission Policy.
Rule 40-26-1-.03. Meeting Minutes.
Rule 40-26-1-.04. Budgets.
Rule 40-26-1-.05. Inventories.
Rule 40-26-1-.06. Contracts.
Rule 40-26-1-.07. Funds.
Rule 40-26-1-.08. Surety Bonds.
Rule 40-26-1-.09. Rent.
Rule 40-26-1-.10. Insurance.
Rule 40-26-1-.11. Administrative Expenses.
Rule 40-26-1-.12. Exceptions.
Rule 40-26-1-.13. Procedure.
Rule 40-26-1-.14. Bids.
Rule 40-26-1-.15. Invoices.
Rule 40-26-1-.16. Payment of Claims.
Rule 40-26-1-.17. Payrolls.
Rule 40-26-1-.18. Commission Personnel.
Rule 40-26-1-.19. Relocation Expenses.
Rule 40-26-1-.20. Applicant Travel Expenses.
Rule 40-26-1-.21. Conflicts of Interest.
Rule 40-26-1-.22. Travel Authorization.
Rule 40-26-1-.23. Travel Advances.
Rule 40-26-1-.24. Meals for Meetings and Guests.
Rule 40-26-1-.25. Registration Fees.
Rule 40-26-1-.26. Expense Claim Form.
Rule 40-26-1-.27. Commission Owned Vehicles.
Rule 40-26-1-.28. Repealed.

Rule 40-26-1-.29. Repealed.
Rule 40-26-1-.30. Repealed.
Rule 40-26-1-.31. Per Diem and Expenses.
Chapter 40-27. LIMING MATERIALS.
Subject 40-27-1. LIMING MATERIALS.
Rule 40-27-1-.01. Definitions.
Rule 40-27-1-.02. License Fees.
Rule 40-27-1-.03. Product Registration Renewal and Renewal Fees.
Rule 40-27-1-.04. Tonnage Reporting.
Rule 40-27-1-.05. Calcium Carbonate Equivalents.
Rule 40-27-1-.06. Magnesium Content.
Rule 40-27-1-.07. Moisture Content.
Rule 40-27-1-.08. Investigational Allowances.
Rule 40-27-1-.09. Reports of Analysis and Requests for Portions of Official Samples.
Rule 40-27-1-.10. Determining Injurious Toxic Materials.
Rule 40-27-1-.11. Liming Material Sampling.
Chapter 40-28. AGRICULTURAL TOURIST ATTRACTION.
Subject 40-28-1. AGRICULTURAL TOURIST ATTRACTION.
Rule 40-28-1-.01. Definitions.
Rule 40-28-1-.02. Duty of the Georgia Department of Agriculture.
Rule 40-28-1-.03. Criteria to Determine What Constitutes an "Agricultural Tourist Attraction".
Rule 40-28-1-.04. Registration of "Agricultural Tourist Attraction".
Rule 40-28-1-.05. Once Designated an "Agricultural Tourist Attraction" the Facility Shall.
Rule 40-28-1-.06. Removal of Designation.
Chapter 40-29. GEORGIA AGRICULTURE TAX EXEMPTION.
Rule 40-29-.01. Definitions.
Rule 40-29-.02. Application for Authorization to Attain a Georgia Agriculture Tax Exemption (GATE) Certificate.
Rule 40-29-.03. Renewal Process.
Rule 40-29-.04. Denial of Certification for the Georgia Agriculture Exemption (GATE) Certificate.
Rule 40-29-.05. Revocation of Certification.
Chapter 40-30. DEALERS IN AGRICULTURAL PRODUCTS.
Subject 40-30-1. GENERAL PROVISIONS.
Rule 40-30-1-.01. Definitions.
Rule 40-30-1-.02. Applicability of Rules.
Rule 40-30-1-.03. Record Keeping.

Subject 40-30-2. LICENSING.
Rule 40-30-2-.01. Eligibility.
Rule 40-30-2-.02. Requirements.
Rule 40-30-2-.03. Fees.
Subject 40-30-3. BONDING.
Rule 40-30-3-.01. Dealer Bond.
Rule 40-30-3-.02. Amount of Bond.
Chapter 40-31. SOIL AMENDMENTS.
Subject 40-31-1. GENERAL PROVISIONS.
Rule 40-31-1-.01. Definitions.
Rule 40-31-1-.02. Prohibitions.
Rule 40-31-1-.03. Sampling and Analysis.
Rule 40-31-1-.04. Registration and Renewal.
Rule 40-31-1-.05. Labeling.
Rule 40-31-1-.06. Records.
Rule 40-31-1-.07. Tonnage Reports.
Chapter 40-32. HEMP GROWERS AND PROCESSORS.
Subject 40-32-1. GENERAL PROVISIONS.
Rule 40-32-1-.01. Authority and Purpose of Rules.
Rule 40-32-1-.02. Definitions.
Rule 40-32-1-.03. Compliance with Federal Law.
Rule 40-32-1-.04. Georgia Hemp Plan - Incorporation by Reference.
Rule 40-32-1-.05. Consultation with the Georgia Bureau of Investigation.
Rule 40-32-1-.06. Severability.
Subject 40-32-2. HEMP GROWERS.
Rule 40-32-2-.01. Application for Hemp Grower License.
Rule 40-32-2-.02. Grower License Terms and Conditions.
Rule 40-32-2-.03. Grower Sampling Requirements.
Rule 40-32-2-.04. Grower Laboratory Testing Requirements.
Rule 40-32-2-.05. Grower Responsibilities and Restrictions.
Rule 40-32-2-.06. Disposal or Remediation of Non-Compliant Cannabis.
Rule 40-32-2-.07. Sale of Hemp Seed and Live Hemp Plants.
Rule 40-32-2-.08. Storage of Hemp.
Rule 40-32-2-.09. Pesticide Use.
Rule 40-32-2-.10. Recordkeeping and Reporting Requirements.
Rule 40-32-2-.11. Hemp Grower Compliance Inspections.
Rule 40-32-2-.12. Violations and Enforcement.
Subject 40-32-3. HEMP PROCESSORS.

Rule 40-32-3-.01. Application for Hemp Processor Permit.
Rule 40-32-3-.02. Processor Permit Terms and Conditions.
Rule 40-32-3-.03. Processor Sampling.
Rule 40-32-3-.04. Processor Laboratory Testing.
Rule 40-32-3-.05. Permittee Restrictions.
Rule 40-32-3-.06. Disposal of Non-Compliant Cannabis Products.
Rule 40-32-3-.07. Permittee Surety Bonds.
Rule 40-32-3-.08. Storage of Hemp.
Rule 40-32-3-.09. Recordkeeping Requirements.
Rule 40-32-3-.10. Hemp Processor Compliance Inspections.
Rule 40-32-3-.11. Violations and Enforcement.

ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Chapter 40-1-1 entitled "Organization" was filed and effective on June 30, 1965.

Chapter 40-1-2 entitled "Administrative Rules of Practice and Procedure" was filed and effective on June 30, 1965.

Chapter 40-2-1 entitled "Definitions" was filed and effective on June 30, 1965.

Chapter 40-2-2 entitled "Licenses and Reports" was filed and effective on June 30, 1965.

Chapter 40-2-3 entitled "Labeling" was filed and effective on June 30, 1965.

Chapter 40-2-4 entitled "Examination and Application" was filed and effective on June 30, 1965.

Chapter 40-2-5 entitled "Importing Dry Milk" was filed and effective on June 30, 1965.

Chapter 40-2-6 entitled "Sanitation-Plant Requirements" was filed and effective on June 30, 1965.

Chapter 40-2-7 entitled "Dispensing Milk" was filed and effective on June 30, 1965.

Chapter 40-2-8 entitled "Butterfat" was filed and effective on June 30, 1965.

Chapter 40-2-9 entitled "Ice Cream" was filed and effective on June 30, 1965.

Chapter 40-2-10 entitled "Milk Shake" was filed and effective on June 30, 1965.

Chapter 40-3-1 entitled "Certification" was filed and effective on June 30, 1965.

Chapter 40-3-2 entitled "Classification" was filed and effective on June 30, 1965.

Chapter 40-3-3 entitled "Inspection Fee" was filed and effective on June 30, 1965.

Chapter 40-3-4 entitled "Inspection, Condemnation, Confiscation" was filed and effective on June 30, 1965.

Chapter 40-3-5 entitled "Processing Plants" was filed and effective on June 30, 1965.

Chapter 40-3-6 entitled "Egg-Breaking Room Sanitation" was filed and effective on June 30, 1965.

Chapter 40-3-7 entitled "Information to Commissioner of Agriculture" was filed and effective on June 30, 1965.

Chapter 40-3-8 entitled "Advertising" was filed and effective on June 30, 1965.

Chapter 40-3-9 entitled "Infractions" was filed and effective on June 30, 1965.

Chapter 40-4-1 entitled "Rules and Regulations for Out of State Beekeepers" was filed and effective on June 30, 1965.

Chapter 40-4-2 entitled "Regulations for the Certification of Package and Queen Bees" was filed and effective on June 30, 1965.

Chapter 40-4-3 entitled "Regulations for the Production of Georgia Certified Cabbage Plants" was filed and effective on June 30, 1965.

Chapter 40-4-4 entitled "Regulations for the Production of Georgia Certified Easter Lily Bulbs" was filed and effective on June 30, 1965.

Chapter 40-4-5 entitled "Regulations for the Production of Georgia Certified Pepper Plants" was filed and effective on June 30, 1965.

Chapter 40-4-6 entitled "Regulations for the Production of Georgia Certified Tomato Plants" was filed and effective on June 30, 1965.

Chapter 40-4-7 entitled "Regulations for the Movement of Tomato Plants into Georgia" was filed and effective on June 30, 1965.

Chapter 40-4-8 entitled "Sweet Potato Plant Regulations" was filed and effective on June 30, 1965.

Chapter 40-4-9 entitled "Nursery Regulations" was filed and effective on June 30, 1965.

Chapter 40-4-10 entitled "Camellia Flower Blight Quarantine" was filed and effective on June 30, 1965.

Chapter 40-4-11 entitled "Imported Fire Ant Quarantine" was filed and effective on June 30, 1965.

Chapter 40-4-12 entitled "Japanese Beetle Quarantine" was filed and effective on June 30, 1965.

Chapter 40-4-13 entitled "Phony Peach Disease Quarantine" was filed and effective on June 30, 1965.

Chapter 40-4-14 entitled "Tobacco Plant Quarantine" was filed and effective on June 30, 1965.

Chapter 40-4-15 entitled "Sweet Potato Weevil Quarantine" was filed and effective on June 30, 1965.

Chapter 40-4-16 entitled "White-Fringed Beetle Quarantine" was filed and effective on June 30, 1965.

Chapter 40-5-1 entitled "Qualifications" was filed and effective on June 30, 1965.

Chapter 40-5-2 entitled "Description of Product" was filed and effective on June 30, 1965.

Chapter 40-5-3 entitled "Components of Feed" was filed and effective on June 30, 1965.

Chapter 40-5-4 entitled "Additives" was filed and effective on June 30, 1965.

Chapter 40-5-5 entitled "Uniform Policy" was filed and effective on June 30, 1965.

Chapter 40-6-1 entitled "Scope of Regulations" was filed and effective on June 30, 1965.

Chapter 40-6-2 entitled "Qualification" was filed and effective on June 30, 1965.

Chapter 40-6-3 entitled "Fertilizer Production" was filed and effective on June 30, 1965.

Chapter 40-6-4 entitled "Tobacco Fertilizers" was filed and effective on June 30, 1965.

Chapter 40-6-5 entitled "Pesticide Inclusion" was filed and effective on June 30, 1965.

Chapter 40-6-6 entitled "Testing and Reporting" was filed and effective on June 30, 1965.

Chapter 40-6-7 entitled "Weed Killer Warning" was filed and effective on June 30, 1965.

Chapter 40-6-8 entitled "Penalties" was filed and effective on June 30, 1965.

Chapter 40-7-1 entitled "General Rules" was filed and effective on June 30, 1965.

Chapter 40-7-2 entitled "Regulations Applicable to Retail Grocery Stores" was filed and effective on June 30, 1965.

Chapter 40-7-3 entitled "Regulations Applicable to Wholesale Grocer Store" was filed and effective on June 30, 1965.

Chapter 40-7-4 entitled "Regulations Applicable to Corn Meal" was filed and effective on June 30, 1965.

Chapter 40-7-5 entitled "Regulations Applicable to Processing Plants" was filed and effective on June 30, 1965.

Chapter 40-7-6 entitled "Regulations Applicable to Crab Meat Plants" was filed and effective on June 30, 1965.

Chapter 40-7-7 entitled "Regulations Applicable to Retail and Wholesale Seafood" was filed and effective on June 30, 1965.

Chapter 40-7-8 entitled "Regulations Applicable to Nuts" was filed and effective on June 30, 1965.

Chapter 40-7-9 entitled "Regulations Applicable to Manufacturers, Distributors, and Bottlers of Bottled Soft Drinks and Soft Drink Syrups" was filed and effective on June 30, 1965.

Chapter 40-7-10 entitled "Regulations Applicable to the Grading and Sales of Citrus Fruit" was filed and effective on June 30, 1965.

Chapter 40-7-11 entitled "Regulations Applicable to Commercial Bottled Water" was filed and effective on June 30, 1965.

Chapter 40-8-1 entitled "Advertising" was filed and effective on June 30, 1965.

Chapter 40-8-2 entitled "Notices" was filed and effective on June 30, 1965.

Chapter 40-8-3 entitled "Coverage" was filed and effective on June 30, 1965.

Chapter 40-9-1 entitled "Purpose" was filed and effective on June 30, 1965.

Chapter 40-9-2 entitled "Management" was filed and effective on June 30, 1965.

Chapter 40-9-3 entitled "Local Rules" was filed and effective on June 30, 1965.

Chapter 40-9-4 entitled "Reports and Complaints" was filed and effective on June 30, 1965.

Chapter 40-9-5 entitled "Law Enforcement" was filed and effective on June 30, 1965.

Chapter 40-10-1 entitled "Meat Processing" was filed and effective on June 30, 1965.

Chapter 40-10-2 entitled "Poultry Processing" was filed and effective on June 30, 1965.

Chapter 40-10-3 entitled "Rabbit Processing" was filed and effective on June 30, 1965.

Chapter 40-11-1 entitled "Administration" was filed and effective on June 30, 1965.

Chapter 40-11-2 entitled "Definition" was filed and effective on June 30, 1965.

Chapter 40-11-3 entitled "Labeling" was filed and effective on June 30, 1965.

Chapter 40-11-4 entitled "Safety Measures" was filed and effective on June 30, 1965.

Chapter 40-11-5 entitled "Transportation" was filed and effective on June 30, 1965.

Chapter 40-11-6 entitled "Poisons and Pests" was filed and effective on June 30, 1965.

Chapter 40-11-7 entitled "Registration" was filed and effective on June 30, 1965.

Chapter 40-12-1 entitled "Tests" was filed and effective on June 30, 1965.

Chapter 40-12-2 entitled "Definition" was filed and effective on June 30, 1965.

Chapter 40-12-3 entitled "Limitation" was filed and effective on June 30, 1965.

Chapter 40-12-4 entitled "Germination" was filed and effective on June 30, 1965.

Chapter 40-12-5 entitled "Labeling" was filed and effective on June 30, 1965.

Chapter 40-13-1 entitled "Definitions" was filed and effective on June 30, 1965.

Chapter 40-13-2 entitled "Health" was filed and effective on June 30, 1965.

Chapter 40-13-3 entitled "Health; Transportation" was filed and effective on June 30, 1965.

Chapter 40-13-4 entitled "Auctioning" was filed and effective on June 30, 1965.

Chapter 40-13-5 entitled "Special Sales" was filed and effective on June 30, 1965.

Chapter 40-13-6 entitled "Slaughtering Requirements" was filed and effective on June 30, 1965.

Chapter 40-13-7 entitled "Licensing" was filed and effective on June 30, 1965.

Chapter 40-13-8 entitled "Contagious Diseases" was filed and effective on June 30, 1965.

Chapter 40-13-9 entitled "Garbage Feeding" was filed and effective on June 30, 1965.

Chapter 40-13-10 entitled "Poultry" was filed and effective on June 30, 1965.

Chapter 40-14-1 entitled "Definitions" was filed and effective on June 30, 1965.

Chapter 40-14-2 entitled "License Requirements" was filed and effective on June 30, 1965.

Chapter 40-14-3 entitled "Operational Requirements" was filed and effective on June 30, 1965.

Chapter 40-14-4 entitled "Storage" was filed and effective on June 30, 1965.

Chapter 40-15-1 entitled "Definitions" was filed and effective on June 30, 1965.

Chapter 40-15-2 entitled "Scales" was filed and effective on June 30, 1965.

Chapter 40-15-3 entitled "Labeling; Packaging" was filed and effective on June 30, 1965.

Chapter 40-15-4 entitled "Paper Products" was filed and effective on June 30, 1965.

Chapter 40-15-5 entitled "Roofing" was filed and effective on June 30, 1965.

Chapter 40-15-6 entitled "Food Products" was filed and effective on June 30, 1965.

Chapter 40-15-7 entitled "Agricultural Products" was filed and effective on June 30, 1965.

Chapter 40-15-8 entitled "Bulk Deliveries" was filed and effective on June 30, 1965.

Chapter 40-16-1 entitled "Biologicals" was filed and effective on June 30, 1965.

Rules 40-1-2-.05, .09 have been amended. Rule 40-1-2-.06 has been repealed and a new Rule adopted. Filed December 29, 1965; effective January 17, 1966.

Emergency Rule 40-4-17-0.1 has been adopted. Filed and effective February 11, 1966, to remain in effect for 120 days or until the effective date of Permanent Rules covering the same subject matter is adopted, as specified by the Agency. Said Emergency Rule was adopted because of the threat of Peanut Stunt Disease. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule 40-7-9-.38 has been adopted. Filed May 10, 1966; effective May 29, 1966.

Chapter 40-16-1 has been repealed and a new Chapter adopted. Filed May 18, 1966; effective on June 6, 1966.

Rules 40-2-1-.01 and 40-2-9-.05 have been amended. Filed June 20, 1966; effective July 9, 1966.

Rules 40-4-11-.02, 40-4-15-.02, and 40-4-16-.02 have been repealed and new Rules adopted.

Rule 40-7-1-.27 has been amended. Filed August 15, 1966; effective September 3, 1966.

Rule 40-1-2-.10 has been repealed and a new Rule adopted. Filed September 2, 1966; effective September 21, 1966.

Rules 40-4-6-.06, .11 have been amended. Rules 40-4-12-.03 and 40-9-2-.01 have been repealed and new Rules adopted. Filed January 10, 1967; effective January 29, 1967.

Chapter 40-4-17 entitled "Peanut Stunt Disease Quarantine" has been adopted. Filed January 12, 1967; effective January 31, 1967.

Chapter 40-17-1 entitled "Scope and Administration of Program" has been adopted. Filed February 7, 1968; effective February 26, 1968.

Chapters 40-17-2 entitled "Definitions"; 40-17-3 entitled "Applications"; 40-17-4 entitled "Signs"; 40-17-5 entitled "Design"; 40-17-6 entitled "Location"; 40-17-7 entitled "Sanitation and Cleanliness Standards"; 40-17-8 entitled "Product Quality"; 40-17-9 entitled "Fair and Honest Marketing Practices"; 40-17-10 entitled "Violations" have been adopted. Filed February 7, 1968; effective February 26, 1968.

Rules 40-4-15-.02 and 40-4-16-.02 have been repealed and new Rules adopted. Filed April 29, 1968; effective May 18, 1968.

Rule 40-2-1-.01 has been amended by the adoption of paragraphs (50), (51), and (52). Filed May 8, 1968; effective May 27, 1968.

Rule 40-4-11-.02 has been repealed and a new Rule 40-4-11-.02 adopted. Filed January 31, 1969; effective February 19, 1969.

Rule 40-4-12-.03 has been repealed and a new Rule 40-4-12-.03 adopted. Filed January 31, 1969; effective February 19, 1969.

Rule 40-4-16-.02 has been repealed and a new Rule 40-4-16-.02 adopted. Filed January 31, 1969; effective February 19, 1969.

Chapter 40-4-15 has been repealed and a new Chapter 40-4-15 of the same title, containing Rules 40-4-15-.01 through 40-4-15-.07, adopted. Filed May 13, 1969; effective June 1, 1969.

Chapter 40-2-1 has been repealed and a new Chapter 40-2-1 of the same title, containing Rule 40-2-1-.01, adopted. Filed August 1, 1969; effective August 20, 1969.

Chapter 40-2-2 has been repealed and a new Chapter 40-2-2 of the same title, containing Rules 40-2-2-.01 through 40-2-2-.03, adopted. Filed August 1, 1969; effective August 20, 1969.

Chapter 40-2-3 has been repealed and a new Chapter 40-2-3 of the same title, containing Rules 40-2-3-.01 through 40-2-3-.09, adopted. Filed August 1, 1969; effective August 20, 1969.

Chapter 40-2-4 has been repealed and a new Chapter 40-2-4 of the same title, containing Rules 40-2-4-.01 and 40-2-4-.02, adopted. Filed August 1, 1969; effective August 20, 1969.

Chapter 40-2-5 has been repealed and a new Chapter 40-2-5, entitled "Importing Ingredients," containing Rules 40-2-5-.01 and 40-2-5-.02, adopted. Filed August 1, 1969; effective August 20, 1969.

Chapter 40-2-6 has been repealed and a new Chapter 40-2-6 of the same title, containing Rules 40-2-6-.01 and 40-2-6-.02, adopted. Filed August 1, 1969; effective August 20, 1969.

Chapter 40-2-7 has been repealed and a new Chapter 40-2-7, entitled "Dispensing," containing Rules 40-2-7-.01 through 40-2-7-.04, adopted. Filed August 1, 1969; effective August 20, 1969.

Chapter 40-2-8 has been repealed and a new Chapter 40-2-8 of the same title, containing Rules 40-2-8-.01 through 40-2-8-.05, adopted. Filed August 1, 1969; effective August 20, 1969.

Rule 40-2-1-.01 has been amended by the repeal of paragraph (53) and by the adoption of a new paragraph (53). Filed August 21, 1969; effective September 9, 1969.

Rule 40-3-2-.03 has been repealed and a new Rule 40-3-2-.03 adopted. Filed September 10, 1969; effective September 29, 1969.

Rule 40-3-3-.01 has been repealed and a new Rule 40-3-3-.01 adopted. Filed September 10, 1969; effective September 29, 1969.

Chapter 40-13-1 has been repealed and a new Chapter 40-13-1 of the same title, containing Rule 40-13-1-.01, adopted. Filed April 1, 1970; effective April 20, 1970.

Chapter 40-13-2 has been repealed and a new Chapter 40-13-2 of the same title, containing Rules 40-13-2-.01 and 40-13-2-.02, adopted. Filed April 1, 1970; effective April 20, 1970.

Chapter 40-13-3 has been repealed and a new Chapter 40-13-3 of the same title, containing Rules 40-13-3-.01 through 40-13-3-.08, adopted. Filed April 1, 1970; effective April 20, 1970.

Chapter 40-13-4 has been repealed and a new Chapter 40-13-4 of the same title, containing Rules 40-13-4-.01 through 40-13-4-.09, adopted. Filed April 1, 1970; effective April 20, 1970.

Chapter 40-13-5 has been repealed and a new Chapter 40-13-5 of the same title, containing Rule 40-13-5-.01, adopted. Filed April 1, 1970; effective April 20, 1970.

Chapter 40-13-6 has been repealed and a new Chapter 40-13-6 of the same title, containing Rule 40-13-6-.01, adopted. Filed April 1, 1970; effective April 20, 1970.

Chapter 40-13-7 has been repealed and a new Chapter 40-13-7 of the same title, containing Rule 40-13-7-.01, adopted. Filed April 1, 1970; effective April 20, 1970.

Chapter 40-13-8 has been repealed and a new Chapter 40-13-8 of the same title, containing Rules 40-13-8-.01 through 40-13-8-.03, adopted. Filed April 1, 1970; effective April 20, 1970.

Chapter 40-13-9 has been repealed and a new Chapter 40-13-9 of the same title, containing Rule 40-13-9-.01, adopted. Filed April 1, 1970; effective April 20, 1970.

Chapter 40-13-10 has been repealed and a new Chapter 40-13-10 of the same title, containing Rules 40-13-10-.01 and 40-13-10-.02, adopted. Filed April 1, 1970; effective April 20, 1970.

Chapter 40-16-2, entitled "Dead Animals," containing Rules 40-16-2-.01 through 40-16-2-.12, has been adopted. Filed April 1, 1970; effective April 20, 1970.

Chapter 40-16-3, entitled "Equine Act of 1969," containing Rules 40-16-3-.01 through 40-16-3-.16, was filed on April 1, 1970; effective April 20, 1970.

Emergency Rule 40-4-6-0.2, relating to the packing of tomato plants, has been adopted superseding paragraph 40-4-6-09 (3). Filed and effective on April 7, 1970, for 90 days, as specified by the Agency.

Rule 40-2-9-.05 has been amended by the repeal of paragraph (4) and by the adoption of a new paragraph (4). Filed July 1, 1970; effective July 31, 1970, as specified by the agency.

Emergency Rule 40-10-1-0.3, relating to meat inspection and meat processing, has been adopted. Filed and effective August 24, 1970, for 120 days.

Chapter 40-4-6 has been repealed and a new Chapter 40-4-6 of the same title, containing Rules 40-4-6-.01 through 40-4-6-.11, adopted. Filed October 22, 1970; effective November 11, 1970.

Rule 40-4-12-.03 has been repealed and a new Rule 40-4-12-.03 adopted. Filed December 4, 1970; effective December 24, 1970.

Rule 40-4-17-.05 has been repealed and a new Rule 40-4-17-.05 adopted. Filed December 4, 1970; effective December 24, 1970.

Chapter 40-10-1, entitled "Meat Inspection-Meat Processing" containing Rules 40-10-1-.01 through 40-10-1-.35, has been adopted replacing Emergency Rule 40-10-1-0.3. Filed December 17, 1970; effective January 6, 1971.

Rule 40-2-1-.01 has been amended by the repeal of subparagraph (3) (b), and paragraphs (8), (10), (11), (16), (17), (18), (22), (25), (26), (28), (53), (54), (58), (60), (62), (63), and (65) and by the adoption of a new subparagraph (3) (b), and new paragraphs of the same numbers; said Rule has been further amended by the repeal of paragraph (59) and by the adoption of paragraphs (67) and (68). Filed January 12, 1971; effective February 1, 1971.

Paragraphs (1) and (2) of Rule 40-2-10-.01 have been repealed and new paragraphs (1) and (2) adopted. Filed January 12, 1971; effective February 1, 1971.

Rule 40-2-10-.02 has been amended by the repeal of paragraph (3) and the adoption of a new paragraph (3). Filed January 12, 1971; effective February 1, 1971.

Chapter 40-1-2 has been repealed and a new Chapter 40-1-2, of the same title containing Rules 40-1-2-.01 through 40-1-2-.07, adopted. Filed January 27, 1971; effective February 16, 1971.

Chapter 40-6-1 has been repealed and a new Chapter 40-6-1, entitled "Fertilizer Production," containing Rules 40-6-1-.01 through 40-6-1-.04, adopted. Filed February 11, 1971; effective March 3, 1971.

Chapter 40-6-2 has been repealed and a new Chapter 40-6-2, entitled "Tobacco Fertilizer," containing Rule 40-6-2-.01, adopted. Filed February 11, 1971; effective March 3, 1971.

Chapters 40-6-3 through 40-6-8 have been repealed. Filed February 11, 1971; effective March 3, 1971.

Rule 40-4-16-.02 has been repealed and a new Rule 40-4-16-.02 adopted. Filed February 11, 1971; effective March 3, 1971.

Rule 40-4-15-.02 has been repealed and a new Rule 40-4-15-.02 adopted. Filed March 16, 1971; effective April 5, 1971.

Rule 40-5-1-.01 has been repealed and a new Rule 40-5-1-.01 adopted. Filed May 19,1971; effective June 8, 1971.

Rules 40-5-3-.01 and 40-5-3-.02 have been repealed and new Rules of the same numbers adopted. Filed May 19, 1971; effective June 8, 1971.

Rule 40-5-5-.02 has been repealed and a new Rule 40-5-5-.02 adopted. Filed May 19, 1971; effective June 8, 1971.

Subparagraph (6) (a) 5. of Rule 40-13-3-.03 has been repealed and number reserved. Filed July 15, 1971; effective August 4, 1971.

Rule 40-13-3-.03 has been amended by the repeal of subparagraphs (4) (c)2., (6) (a) 6., (9)(a), and (11) (c) (d) 1. 2. 3.4. and by the adoption of new sub-paragraphs(4) (c) 2., (6) (a) 6., (9) (a), and (11) (c) (d) 1.2. Filed July 15, 1971; effective August 4, 1971.

Rule 40-13-3-.06 has been amended by numbering the existing paragraph as (1) and by the adoption of paragraph (2). Filed July 15, 1971; effective August 4, 1971.

Rule 40-13-4-.02 has been amended by the repeal of paragraph (5) and by the adoption of a new paragraph (5). Filed July 15, 1971; effective August 4, 1971.

Rule 40-13-4-.04 has been amended by the repeal of subparagraph (b) and by the adoption of a new subparagraph (b). Filed July 15, 1971; effective August 4, 1971.

Rule 40-13-4-.10 has been adopted. Filed July 15, 1971; effective August 4, 1971.

Rule 40-13-6-.01 has been amended by numbering the existing paragraph as (1) (a) (b) (c) and by the adoption of subparagraphs (2) (a) (b) (c). Filed July 15, 1971; effective August 4, 1971.

Rule 40-13-7-.01 has been amended by the repeal of paragraph (2) and by the adoption of a new paragraph (2). Filed July 15, 1971; effective August 4, 1971.

Rule 40-13-8-.01 has been amended by the adoption of a new subparagraph (1) (f) 4. Filed July 15, 1971; effective August 4, 1971.

Emergency Rule 40-18-1-0.4, relating to leaf tobacco sales, was filed on July 23, 1971, effective July 22, 1971, for 60 days or upon the prior adoption of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the agency. Said Emergency Rule was not printed due to the filing of the permanent Rule on the same day. **(See Editor's Note-p. 774.)**

Chapter 40-18-1, entitled "Leaf Tobacco Sales," containing Rules 40-18-1-.01 and 40-18-1-.02, has been adopted replacing Emergency Rule 40-18-1-0.4. Filed July 23, 1971; effective August 12, 1971.

Rule 40-4-11-.02 has been repealed and a new Rule 40-4-11-.02 adopted. Filed September 24, 1971; effective October 14, 1971.

Rule 40-4-8-.06 has been repealed and a new Rule 40-4-8-.06 adopted. Filed February 4, 1972; effective February 24, 1972.

Rule 40-4-12-.03 has been repealed and a new Rule 40-4-12-.03 adopted. Filed February 4, 1972; effective February 24, 1972.

Rule 40-4-16-.02 has been repealed and a new Rule 40-4-16-.02 adopted. Filed February 4, 1972; effective February 24, 1972.

Chapter 40-14-5, entitled "Leaf Tobacco Warehouse," containing Rule 40-14-5-.01, has been adopted. Filed May 5, 1972; effective May 25, 1972.

Rules 40-4-11-.01 and 40-4-11-.02 have been repealed and new Rules of the same numbers adopted. Filed July 20, 1972; effective August 9, 1972.

Chapter 40-7-12, entitled "The Handling, Storage, Shucking, Packing, Shipping and/or Sale of Shellfish," containing Rules 40-7-12-.01 through 40-7-12-.10, has been adopted.

Filed August 8, through 40-7-12-10, has been adopted. Filed August 8, 1972; effective August 28, 1972.

Chapter 40-19-1, entitled "Bedding," containing Rules 40-19-1-.01 through 40-19-1-.07, has been adopted. Filed August 8, 1972; effective August 28, 1972.

Chapter 40-20-1, entitled "Substantive Regulations; Petroleum Products," containing

Rules 40-20-1-.01 through 40-20-1-.15, has been adopted. Filed August 8, 1972; effective August 28, 1972.

Emergency Rules 40-13-3-0.5-.03, 40-13-3-0.5-.07, 40-13-3-0.5-.08; 40-13-4-0.5-.02, 40-13-4-0.5-.04, 40-13-8-0.5-.01 and 40-13-8-0.5-.03, relating to health requirements and transportation, Animal Health Division, were filed on August 29, 1972, to become effective September 1, 1972, for 120 days, as specified by the Agency. (The foregoing Emergency Rules expired on December 26, 1972.)

Chapter 40-5-1 has been repealed and a new Chapter 40-5-1, entitled "Definitions," containing Rule 40-5-1-.01, adopted. Filed September 15, 1972; effective October 5, 1972.

Chapter 40-5-2 has been repealed and a new Chapter 40-5-2, entitled "Labeling," containing Rules 40-5-2-.01 through 40-5-2-.05, adopted. Filed September 15, 1972; effective October 5, 1972.

Chapter 40-5-3 has been repealed and a new Chapter 40-5-3, entitled "Non-Protein Nitrogen," containing Rule 40-5-3-.01, adopted. Filed September 15, 1972; effective October 5, 1972.

Chapter 40-5-4 has been repealed and a new Chapter 40-5-4, entitled "Drug and Feed Additives," containing Rule 40-5-4-.01, adopted. Filed September 15, 1972; effective October 5, 1972.

Chapter 40-5-5 has been repealed and a new Chapter 40-5-5, entitled "Change of Registrations," containing Rule 40-5-5-.01, adopted. Filed September 15, 1972; effective October 5, 1972.

Chapter 40-5-6, entitled "Adulterants," containing Rule 40-5-6-.01, was filed on September 15, 1972; effective October 5, 1972.

Chapter 40-5-7, entitled "Good Manufacturing Practices," containing Rule 40-5-7-.01, was filed on September 15,1972; effective October 5, 1972.

Chapter 40-5-8, entitled "Minimum Standards," containing Rule 40-5-8-.01, was filed on September 15, 1972; effective October 5, 1972.

Chapter 40-5-9, entitled "Pet Food Definitions and Terms," containing Rules 40-5-9-.01 through 40-5-9-.07, was filed on September 15, 1972; effective October 5, 1972.

Emergency Rule 40-16-3-0.6-.05, relating to equine infectious anemia, was filed on October 19, 1972, to become effective October 23, 1972, and to remain in effect for 120 days, as specified by the Agency.

Rule 40-13-3-.03 has been amended by the repeal of subparagraphs (4) (a), (4) (b), (6) (a) 4., (6) (a) 6., (6) (b) 2., (11) (d) 1. (iv), (11) (d) 2. (ii) and by the adoption of new subparagraphs of the same numbers. Filed February 26, 1973; effective March 18, 1973.

Rule 40-13-3-.07 has been amended by the repeal of paragraphs (1) and (2) and by the adoption of new paragraphs of the same numbers. Filed February 26, 1973; effective March 18, 1973.

Rule 40-13-3-.08 has been repealed and a new Rule 40-13-3-.08 adopted. Filed February 26, 1973; effective March 18, 1973.

Rule 40-13-4-.02 has been amended by the repeal of paragraphs (1), (2), and (5) and by the adoption of new paragraphs of the same numbers. Filed February 26, 1973; effective March 18, 1973.

Rule 40-13-4-.04 has been amended by the repeal of subparagraph (d) and by the adoption of a new subparagraph (d). Filed February 26, 1973; effective March 18, 1973.

Rule 40-13-8-.01 has been amended by the repeal of subparagraph (1) (f) and by the adoption of a new subparagraph (1) (f). Filed February 26, 1973; effective March 18, 1973.

Rule 40-16-3-.05 has been amended by the adoption of paragraph (3). Filed March 22, 1973; effective April 11, 1973.

Rule 40-4-15-.02 has been repealed and a new Rule 40-4-15-.02 adopted. Filed April 27, 1973; effective May 17, 1973.

Rule 40-4-16-.02 has been repealed and a new Rule 40-4-16-.02 adopted. Filed April 27, 1973; effective May 17, 1973.

Emergency Rule 40-20-1-0.7-.02(3), relating to gasoline distillation range, was filed on May 18, 1973, to become effective June 1, 1973 for 120 days, as specified by the agency.

Rule 40-17-6-.01 has been repealed and a new Rule 40-17-6-.01 adopted. Filed September 6, 1973; effective September 26, 1973.

Rule 40-17-6-.06 has been repealed. Filed September 6, 1973; effective September 26, 1973.

Chapter 40-4-18, entitled "Peach Stem Pitting Quarantine," containing Rules 40-4-18-.01 through 40-4-18-.06 has been adopted. Filed October 30, 1973; effective November 19, 1973.

Chapter 40-15-1 has been repealed and a new Chapter 40-15-1 of the same title, containing Rules 40-15-1-.01 and 40-15-1-.02, adopted. Filed November 30, 1973; effective December 20, 1973.

Chapter 40-15-2 has been repealed and a new Chapter 40-15-2, entitled "Weights and Measures," containing rules 40-15-2-.01 through 40-15-2-.06, adopted. Filed November 30, 1973; effective December 20, 1973.

Chapter 40-15-3 has been repealed and a new Chapter 40-15-3, entitled "Packaging and Labeling, Advertising and Representations in General," containing Rules 40-15-3-.01 through 40-15-3-.14, adopted. Filed November 30, 1973; effective December 20, 1973.

Chapter 40-15-4 has been repealed and a new Chapter 40-15-4, entitled "Sale from Bulk," containing Rule 40-15-4-.01, adopted. Filed November 30, 1973; effective December 20, 1973.

Chapter 40-15-5 has been repealed and a new Chapter 40-15-5, entitled "Agriculture Products," containing Rules 40-15-5-.01 through 40-15-5-.05, adopted. Filed November 30, 1973; effective December 20, 1973.

Chapter 40-15-6 has been repealed and a new Chapter 40-15-6, entitled "Building Materials" containing Rules 40-15-6-.01 through 40-15-6-.06, adopted. Filed November 30, 1973; effective December 20, 1973.

Chapter 40-15-7 has been repealed and a new Chapter 40-15-7, entitled "Special Investigative Powers," containing Rule 40-15-7-.01, adopted. Filed November 30, 1973; effective December 20, 1973.

Chapter 40-15-8 has been repealed and a new Chapter 40-15-8, entitled "Revocation of Conflicting Regulations" containing Rule 40-15-8-.01, adopted. Filed November 30,1973; effective December 20, 1973.

Rule 40-4-12-.03 has been repealed and a new Rule 40-4-12-.03 adopted. Filed December 5, 1973; effective December 25, 1973.

Rule 40-2-3-.01 has been amended by the adoption of subparagraphs (c), (d), (e), (f), (g) and (h). Filed January 23, 1974; effective February 12, 1974.

Emergency Rule 40-20-1-0.8-.02, relating to gasoline specifications, was filed and effective on February 5, 1974, for 120 days, as specified by the Agency.

Rule 40-4-16-.02 has been repealed and a new Rule 40-4-16-.02 adopted. Filed February 5, 1973; effective February 25, 1973.

Emergency Rule 40-13-4-0.9-.02(1) (a), relating to test requirements for all cattle from quarantined herds offered for sale to livestock markets for slaughter, was filed and effective on March 4, 1974, for 120 days, as specified by the Agency.

Correction of a technical error in Table III of Emergency Rule 40-20-1-O.8-.02 was filed on March 14, 1974; effective February 5, 1974, the effective date of said Emergency Rule.

Rule 40-13-4-.02(1) (a) has been adopted repealing Emergency Rule 40-13-4-0.9-.02(1) (a). Filed March 29, 1974; effective April 18, 1974.

Emergency Rule 40-16-3-0.10-.05(3) (a), relating to equine infectious anemia, was filed and effective on May 7, 1974, for 120 days or until the adoption of a permanent Rule cove ring the same subject matter superseding said Emergency Rule, as specified by the agency.

Emergency Rule 40-20-1-0.8-.02 has been repealed and a new Rule 40-20-1-.02 adopted. Filed May 6, 1974; effective May 26, 1974.

Chapter 40-18-2, entitled "Licensing Leaf Tobacco Dealers," containing Rules 40-18-2-.01 through 40-18-2-.06, has been adopted. Filed May 6, 1974; effective May 26, 1974.

Chapter 40-2-11, entitled "Milk Price Filing," containing Rules 40-2-11-.01 through 40-2-11-.03, has been adopted. Filed June 11, 1974; effective July 1, 1974.

Rule 40-9-2-.01 has been amended by the repeal of paragraphs (2), (4), and (5), and by the adoption of new paragraphs of the same numbers. Filed June 13, 1974; effective July 3, 1974.

Chapter 40-21-1, entitled "Financial Responsibility," containing Rules 40-21-1-.01 through 40-21-1-.06, has been adopted. Filed June 24, 1974; effective July 14, 1974.

Emergency Rule 40-16-3-0.10-.05(3) (a) has been repealed and a new subparagraph 40-16-3-.05 adopted. Filed July 18, 1974; effective August 7, 1974.

Rule 40-4-9-.05 has been repealed and a new Rule 40-4-9-.05 adopted. Filed August 27,1974; effective September 16, 1974.

Rule 40-4-11-.02 has been repealed and a new Rule 40-4-11-.02 adopted. Filed August 27, 1974; effective September 16, 1974.

Rule 40-4-15-.02 has been repealed and a new Rule 40-4-15-.02 adopted. Filed August 27, 1974; effective September 16, 1974.

Rule 40-13-9-.01 has been repealed. Filed November 1, 1974; effective November 21, 1974.

Rules 40-4-3-.03 and 40-4-3-.04 have been repealed and new Rules of the same numbers adopted. Filed November 27, 1974; effective December 17, 1974.

Rule 40-4-12-.03 has been repealed and a new Rule 40-4-12-.03 adopted. Filed November 27, 1974; effective December 17, 1974.

Rule 40-7-1-.31 has been adopted. Filed December 31, 1974; effective January 20, 1975.

Rule 40-7-2-.04 has been repealed and a new Rule 40-7-2-.04 adopted. Filed January 20, 1975; effective February 9, 1975.

Chapter 40-7-14, entitled "Regulations Applicable to the Sale of Meat by Hanging Weight," containing Rules 40-7-14-.01 through 40-7-14-.09, has been adopted. Filed January 20, 1975; effective has been adopted. Filed January 20, 1975; effective February 9, 1975.

Paragraphs (10), (18), (25), (26) and subparagraphs (22) (a) and (22) (b) of Rule 40-2-1-.01 have been amended; said Rule 40-2-1-.01 has been further amended by the adoption of subparagraph (3) (c). Filed April 22, 1975; effective May 12, 1975.

Chapter 40-7-13, entitled "Pecan Rules and Regulations," containing Rules 40-7-13-.01 through 40-7-13-.24, has been adopted. Filed April 15, 1975; effective July 1, 1975, as specified by the Agency, with the exception of Rules 40-7-13-. 15, 40-7-13-.18, and 40-7-13-.19 which shall become effective on September 1, 1976, as specified by the Agency.

Rule 40-2-6-.01 has been amended by the repeal of paragraph (14). Filed April 22, 1975; effective May 12, 1975.

Rule 40-2-6-.01 has been amended by the adoption of new subparagraphs (16) (c) 9. and (16)(c) 10. Filed April 22, 1975; effective May 12, 1975.

Rule 40-2-9-.05 has been amended by the repeal of paragraph (7) and by the adoption of a new paragraph (7). Filed April 22, 1975; effective May 12, 1975.

Chapters 560-6-1, entitled "Administration", 560-6-2, entitled "Substantive Regulations-Petroleum Products," 560-6-3, entitled "Substantive Regulations-Liquid Measurement," 560-6-4, entitled "Substantive Regulations-Vehicle Tanks," and 560-6-5, entitled "Substantive Regulations-Vehicle Tank Meters," Fuel Oil Inspection Unit, transferred to the Department of Agriculture from the Department of Revenue by the Executive Reorganization Act of 1972, have been repealed. Filed May 13, 1975; effective June 2, 1975.

Rules 40-15-2-.07 through 40-15-2-.09 have been adopted. Filed May 13, 1975; effective June 2, 1975.

Rule 40-4-15-.02 has been repealed and a new Rule 40-4-15-.02 adopted. Filed May 30,1975; effective June 19, 1975.

Rule 40-10-1-.05 has been amended by the repeal of subparagraph (5) (b) and by the adoption of a new subparagraph (5) (b). Filed June 24, 1975; effective July 14, 1975.

Rule 40-10-1-.06 has been amended by the adoption of paragraph (5). Filed June 24, 1975; effective July 14,1975.

Rule 40-10-1-.07 has been amended by the adoption of paragraph (6). Filed June 24,1975; effective July 14, 1975.

Rule 40-10-1-.10 has been amended by the adoption of paragraph (20). Filed June 24,1975; effective July 14, 1975.

Rule 40-10-1-.11 has been amended by the repeal of subparagraphs (2) (c), (d) and by the adoption of new subparagraphs (2) (c), (d),(e), (f), (g), and (h). Filed June 24, 1975; effective July 14, 1975.

Rule 40-10-1-.17 has been amended by the repeal of subparagraph (8) (b) 26. and by the adoption of new subparagraphs (8) (b) 26., 29., 30., and 31. Filed June 24, 1975; effective July 14, 1975.

Rule 40-10-1-.18 has been amended by the repeal of subparagraphs (6) (b) 7., 8. and 10 (b) and by the adoption of new subparagraphs of the same numbers. Filed June 24, 1975; effective July 14, 1975.

Subparagraph (14) (c) 2. of Rule 40-10-1-.18 has been amended. Filed June 24, 1975; effective July 14, 1975.

Rule 40-10-1-.19 has been amended by the repeal of paragraph (180) and by the adoption of a new paragraph (180). Filed June 24, 1975; effective July 14, 1975.

Chapter 40-22-1, entitled "Definitions," containing Rule 40-22-1-.01, has been adopted. Filed September 5, 1975; effective September 25, 1975.

Chapter 40-22-2, entitled "Licensing Requirements," containing Rule 40-22-2-.01, has been adopted. Filed September 5, 1975; effective September 25, 1975.

Chapter 40-22-3, entitled "Standards for Preservatives," containing Rules 40-22-3-.01 and 40-22-3-.02, has been adopted. Filed September 5, 1975; effective September 25, 1975.

Chapter 40-22-4, entitled "Standards for Treatment," containing Rules 40-22-4-.01 and 40-22-4-.02, has been adopted. Filed September 5, 1975; effective September 25, 1975.

Chapter 40-22-5, entitled "Standards for Results of Treatment," containing Rules 40-22-5-.01 and 40-22-5-.02, has been adopted. Filed September 5, 1975; effective September 25, 1975.

Chapter 40-22-6, entitled "Branding of Treated Timber and Products," containing Rule 40-22-6-.01, has been adopted. Filed September 5, 1975; effective September 25, 1975.

Chapter 40-22-7, entitled "Shipping Documents," containing Rule 40-22-7-.01, has been adopted. Filed September 5, 1975; effective September 25, 1975.

Chapter 40-22-8, entitled "Enforcement," containing Rules 40-22-8-.01 and 40-22-8-.02, has been adopted. Filed September 5, 1975; effective September 25, 1975.

Chapter 40-18-3, entitled "Licensing Leaf Tobacco Storage Operators," containing Rules 40-18-3-.01 through 40-18-3-.09, has been adopted. Filed September 10, 1975; effective September 30, 1975.

Chapter 40-4-16 has been repealed. Filed September 19, 1975; effective October 9, 1975.

Emergency Rule 40-12-4-0.11-.02(d), relating to the minimum germination percent of rye seed, was filed on September 30, 1975, to become effective on date of filing for 120 days, as specified by the Agency. Said Emergency Rule will not be printed.

Rule 40-7-1-.32 has been adopted. Filed October 28, 1975; effective November 17, 1975.

Rule 40-20-1-.16 has been adopted. Filed November 26, 1975; effective December 16,1975.

Rules 40-4-12-.03, 40-4-12-.04, and 40-4-12-.05 have been repealed and new Rules of the same numbers adopted. Filed January 26, 1976; effective February 15, 1976.

Emergency Rule 40-12-4-0.12-.02(d), relating to the minimum germination percent of cotton, was filed on February 23, 1976, to become effective on date of filing for 120 days, as specified by the Agency. Said Emergency Rule will not be printed.

Rule 40-13-3-.03 has been amended by the adoption of subparagraph (1) (a). Filed March 16, 1976; effective April 5, 1976.

Paragraph (1) of Rule 40-13-4-.02 has been amended. Filed March 16, 1976; effective April 5, 1976.

Paragraph (7) of Rule 40-4-15-.02 has been amended. Filed May 19, 1976; effective June 8, 1976.

Rule 40-4-15-.06 has been repealed and a new Rule 40-4-15-.06 adopted. Filed May 19, 1976; effective June 8, 1976.

Subparagraph (1) (a) of Rule 40-15-2-.02 has been amended. Filed June 21, 1976; effective July 11, 1976.

Rules 40-4-3-.02 and 40-4-3-.04 have been repealed and new Rules of the same numbers adopted. Filed August 5, 1976; effective August 25, 1976.

Rule 40-4-11-.02 has been repealed and a new Rule 40-4-11-.02 adopted. Filed August 5,1976; effective August 25, 1976.

Rule 40-13-10-.02 has been amended by: the adoption of subparagraphs (1) (a), (b), (c),(d), (e), (f), and (g); the repeal of subparagraphs (2) (a) 1. and 2. and by the adoption of new subparagraphs (2) (a) 1. and 2.; the repeal of subparagraph (2) (b) 3. Filed August 31, 1976; effective September 20, 1976.

Rule 40-3-2-.03 has been amended. Filed November 5, 1976; effective November 25,1976.

Rules 40-4-4-.02 and 40-4-4-.08 have been repealed and new Rules of the same numbers adopted. Filed March 29, 1977; effective April 18, 1977.

Rules 40-4-5-.02 and 40-4-5-.10 have been repealed and new Rules of the same numbers adopted. Filed March 29, 1977; effective April 18, 1977.

Rule 40-4-6-.02 has been repealed and a new Rule 40-4-6-.02 adopted. Filed March 29, 1977; effective April 18, 1977.

Rules 40-4-8-.02 and 40-4-8-.09 have been repealed and new Rules of the same numbers adopted. Filed March 29, 1977; effective April 18, 1977.

Rules 40-4-9-.11 and 40-4-9-.14 have been repealed and new Rules of the same numbers adopted. Filed March 29, 1977; effective April 18, 1977.

Chapter 40-9-6, entitled "Licensing," containing Rules 40-9-6-.01 through 40-9-6-.03, has been adopted. Filed April 7, 1977; effective April 27, 1977.

Rule 40-15-5-.03 has been repealed and a new Rule 40-15-5-.03 adopted. Filed April 8,1977; effective April 28, 1977.

Rules 40-22-3-.01 and 40-22-3-.02 have been repealed and new Rules of the same numbers adopted. Filed April 18, 1977; effective May 8, 1977.

Rules 40-22-4-.01 and 40-22-4-.02 have been repealed and new Rules of the same numbers adopted. Filed April 18, 1977; effective May 8, 1977.

Rules 40-22-5-.01 and 40-22-5-.02 have been repealed and new Rules of the same numbers adopted. Filed April 18, 1977; effective May 8, 1977.

Rule 40-22-6-.01 has been repealed and a new Rule 40-22-6-.01 adopted. Filed April 18,1977; effective May 8, 1977.

Rules 40-22-8-.01 and 40-22-8-.02 have been repealed and new Rules of the same numbers adopted. Filed April 18, 1977; effective May 8, 1977.

Rule 40-15-3-.15 has been adopted. Filed April 22, 1977; effective May 12, 1977.

Chapter 40-9-7, entitled "Local Operating Rules Atlanta State Farmers' Market," containing Rules 40-9-7-.01 through 40-9-7-.05, has been adopted. Filed May 31, 1977; effective June 20, 1977.

Rule 40-4-15-.02 has been repealed and a new Rule 40-4-15-.02 adopted. Filed June 24,1977; effective July 14, 1977.

Chapter 40-4-19, entitled "Regulations for the Inspection of Peach Orchard for Phony Peach Disease," containing Rules 40-4-19-.01 through 40-4-19-.04, has been adopted.

Filed June 24, 1977; effective July 14, 1977.

Rules 40-21-1-.01 through 40-21-1-.06 have been repealed and new Rules of the same numbers adopted. Filed July 5, 1977; effective July 25, 1977.

Rules 40-13-3-.03 has been repealed and a new Rule 40-13-3-.03 adopted. Filed September 8, 1977; effective September 28, 1977.

Emergency Rule 40-18-3-0.13-.06(g) relating to licensing leaf tobacco storage operators was filed on November 3, 1977, having become effective September 30, 1977, the day of adoption, as specified by Certification of said Rule, to remain in effect for a period of 120 days. Said Emergency Rule will not be printed; copies may be obtained from the Department of Agriculture, Leaf Tobacco Sales Division.

Rules 40-18-2-.01 through 40-18-2-.03 have been repealed and new Rules of the same numbers adopted. Filed November 3, 1977; effective November 23, 1977.

Chapter 40-6-1 has been repealed and a new Chapter 40-6-1 of the same title, containing Rules 40-6-1-.01 through 40-6-1-.04, adopted. Filed April 14, 1978; effective May 4,1978.

Chapter 40-6-2 has been repealed and a new Chapter 40-6-2 of the same title, containing Rule 40-6-2-.01, adopted. Filed April 14, 1978; effective May 4, 1978.

Chapter 40-9-8, entitled "Local Operating Rules Augusta State Farmers' Market," containing Rules 40-9-8-.01 through 40-9-8-.05, has been adopted. Filed June 9, 1978; effective June 29, 1978.

Chapter 40-9-9, entitled "Local Operating Rules Columbus State Farmers' Market," containing Rules 40-9-9-.01 through 40-9-9-.05, has been adopted. Filed June 9, 1978; effective June 29, 1978.

Chapter 40-9-10, entitled "Local Operating Rules Macon State Farmers' Market," containing Rules 40-9-10-.01 through 40-9-10-.05, has been adopted. Filed June 9, 1978; effective June 29, 1978.

Chapter 40-9-11, entitled "Local Operating Rules Savannah State Farmers' Market," containing Rules 40-9-11-.01 through 40-9-11-.05, has been adopted. Filed June 9, 1978; effective June 29, 1978.

Rule 40-4-11-.02 has been repealed and a new Rule 40-4-11-.02 adopted. Filed July 6, 1978; effective July 26, 1978.

Rule 40-4-15-.02 has been repealed and a new Rule 40-4-15-.02 adopted. Filed July 6, 1978; effective July 26, 1978.

Chapter 40-11-8 through 40-11-11 have been reserved. Filed July 10, 1978; effective July 30, 1978.

Chapter 40-11-12, entitled "Restricted Use Pesticide Dealers," containing Rules 40-11-12-.01 through 40-11-12-.04, has been adopted. Filed July 10, 1979; effective July 30,1978.

Chapter 40-21-1 has been renumbered as 40-21-8 and Rules 40-21-1-.01 through 40-21-1-.06, contained therein, have been renumbered as 40-21-8-.01 through 40-21-8-.06; Chapter 40-21-1 is reserved. Filed July 10, 1978; effective July 30, 1978.

Chapter 40-21-2, entitled "Categories for Certified Applicators," containing Rules 40-21-2-.01 and 40-21-2-.02, has been adopted. Filed July 10, 1978; effective July 30, 1978.

Chapter 40-21-3, entitled "Standards of Competency," containing Rules 40-21-3-.01 and 40-21-3-.02, has been adopted. Filed July 10, 1978; effective July 30, 1978.

Chapter 40-21-4, entitled "Recertification and Applicator License Renewals," containing Rules 40-21-4-.01 through 40-21-4-.04, has been adopted. Filed July 10, 1978; effective July 30, 1978.

Chapter 40-21-5, entitled "Record Keeping Requirements," containing Rules 40-21-5-.01 through 40-21-5-.04, has been adopted. Filed July 10, 1978; effective July 30, 1978.

Chapter 40-21-6, entitled "Application by Uncertified Persons," containing Rules 40-21-6-.01 through 40-21-6-.03, has been adopted. Filed July 10, 1978; effective July 30, 1978.

Chapter 40-21-7, entitled "Reciprocity," containing Rule 40-21-7-.01, has been adopted. Filed July 10, 1978; effective July 30, 1978.

Chapter 40-9-7 has been repealed and a new Chapter 40-9-7 of the same title, containing Rules 40-9-7-.01 through 40-9-7-.05, adopted. Filed August 7, 1978; effective August 27,1978.

Emergency Rule 40-18-3-0.14-.06(g), relating to sale of carryover tobacco, was filed on September 18, 1978, having become effective September 13, 1978, the date of adoption, to remain in effect for a period of 120 days, as specified by the Agency.

Rule 40-7-1-.33 has been adopted. Filed January 3, 1979; effective April 1, 1979, as specified by the Agency. (Rule 40-7-1-.33 was filed by the Department of Agriculture as 40-7-1-.32 in error, whereas it should correctly have been filed as 40-7-1-.33. In accordance with a request from the Commissioner of the Department of Agriculture by letter dated March 5, 1979, said numbering has been corrected.)

Chapter 40-4-3 has been repealed and a new Chapter 40-4-3, entitled "Regulations for Production of Georgia Certified Cruciferous Plants," containing Rules 40-4-3-.01 through 40-4-3-.09, adopted. Filed February 8, 1979; effective February 28, 1979. Chapter 40-15-2 has been amended by changing the title to "Regulations Applicable to Weights and Measures." Filed February 22, 1979; effective March 14, 1979.

Rule 40-15-2-.05 has been amended by the repeal of subparagraphs (5) (b) and (5) (f) and by the adoption of new subparagraphs of the same number. Filed February 22, 1979; effective March 14, 1979.

Rule 40-4-14-.02 has been amended by the repeal of paragraph (2) and subparagraphs (2) (a) and (2) (b). Filed May 30, 1979; effective June 19, 1979.

Rules 40-4-14-.04 and 40-4-14-.05 have been repealed and new Rules of the same number adopted. Filed May 30, 1979; effective June 19, 1979.

Rule 40-4-15-.02 has been repealed and a new Rule 40-4-15-.02 adopted. Filed May 30,1979; effective June 19, 1979.

Subparagraph (3)(a) of Rule 40-1-2-.05 has been amended. Filed April 9, 1980; effective April 29, 1980.

Rule 40-1-2-.07 has been amended. Filed April 9, 1980; effective April 29, 1980.

Chapter 40-9-7 has been repealed and a new Chapter 40-9-7, of the same title, containing Rules 40-9-7-.01 through 40-9-7-.04, adopted. Filed April 9, 1980; effective April 29,1980.

Chapter 40-9-8 has been repealed and a new Chapter 40-9-8, of the same title, containing Rules 40-9-8-.01 through 40-9-8-.04, adopted. Filed April 9, 1980; effective April 29,1980.

Chapter 40-9-9 has been repealed and a new Chapter 40-9-9, of the same title, containing Rules 40-9-9-.01 through 40-9-9-.04, adopted. Filed April 9, 1980; effective April 29,1980.

Chapter 40-9-10 has been repealed and a new Chapter 40-9-10, of the same title, containing Rules 40-9-10-.01 through 40-9-10-.04, adopted. Filed April 9, 1980; effective April 29, 1980.

Chapter 40-9-11 has been repealed and a new Chapter 40-9-11, of the same title, containing Rules 40-9-11-.01 through 40-9-11-.04, adopted. Filed April 9, 1980; effective April 29, 1980.

Rule 40-12-3-.01 has been amended. Filed April 9, 1980; effective April 29, 1980.

Chapter 40-13-11, entitled "Payment for Livestock Purchased at Auction," containing Rule 40-13-11-.01, has been adopted. Filed May 30, 1980; effective June 19, 1980.

Rules 40-4-15-.02 and 40-4-15-.04 have been repealed and new Rules of the same numbers adopted. Filed July 31, 1980; effective August 20, 1980.

Chapter 40-20-1 has been repealed and a new Chapter 40-20-1, of the same title, containing Rules 40-20-.01 through 40-20-1-.16, adopted. Filed October 31, 1980; effective November 20, 1980.

Emergency Rule 40-4-20-0.15, entitled "Mediterranean Fruit Fly Quarantine," was filed on July 16, 1981, effective July 15,1981, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said Emergency

Rule relates to the movement into this State of fruits, vegetables, plants, or plant products originating in California, and quarantines to prevent the spread of the Mediterranean Fruit Fly into this State; and relates to certain exemptions from quarantine regarding same.

(Said Emergency Rule will not be published; copies may be obtained from the Department of Agriculture, Entomology and Plant Industry Division.) (Emergency Rule 40-4-20-0.15 expired on November 12, 1981).

Rule 40-4-3-.03 has been repealed and a new Rule 40-4-3-.03 adopted. Filed August 10, 1981; effective August 30, 1981.

Rule 40-4-3-.04 has been repealed and a new Rule 40-4-3-.04 adopted. Filed August 10, 1981; effective August 30, 1981.

Rule 40-4-11-.02 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed August 10, 1981; effective August 30, 1981.

Rule 40-4-15-.02 has been amended by the repeal of paragraph (2) and by the adoption of a new paragraph (2). Filed August 10, 1981; effective August 30, 1981.

Emergency Rule 40-4-20-0.16, entitled "Mediterranean Fruit Fly Quarantine," was filed on August 24, 1981, effective August 18, 1981, the date of the adoption, to remain in effect for a period of 129 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule establishes a quarantine against the Mediterranean Fruit Fly which prevents the movement into Georgia of certain fruits, vegetables, and berries originating in the following California counties: San Joaquin, Calaveras, Tuolumne, Mariposa, and Merced. Said quarantine is in addition to, and supplements, the quarantine declared on July 15, 1981. (Said Emergency Rule will not be published; copies may be obtained from the Agency.) (Emergency Rule 40-4-20-0.16 expired on December 21, 1981).

Chapter 40-7-15, entitled "Retail Sale of Fresh and Frozen Seafood, Meat, Poultry and Other Foods from Mobile Vehicles," containing rules 40-7-15-.01 through 40-7-15-.03, has been adopted. Filed January 7, 1982; effective January 27, 1982.

Rules 40-4-8-.03, 40-4-8-.04, and 40-4-8-.06 have been repealed and new Rules of the same numbers adopted. Filed February 24, 1982; effective March 16,1982.

Rule 40-4-12-.03 has been repealed and a new Rule 40-4-12-.03 adopted. Filed February 24, 1982; effective March 16, 1982.

Rule 40-21-4-.01 has been repealed and a new Rule 40-21-4-.01 adopted. Filed March 3, 1982; effective March 23, 1982.

Rule 40-22-3-.01 has been repealed and a new Rule 40-22-3-.01 adopted. Filed April 15, 1982; effective May 5, 1982.

Rules 40-22-4-.01 and 40-22-4-.02 have been repealed and new Rules of the same numbers adopted. Filed April 15, 1982; effective May 5, 1982.

Rule 40-22-5-.01 has been repealed and a new Rule 40-22-5-.01 adopted. Filed April 15,1982; effective May 5, 1982.

Rules 40-22-8-.01 and 40-22-8-.02 have been repealed and new Rules of the same numbers adopted. Filed April 15, 1982; effective May 5, 1982.

Rule 40-4-15-.02 has been amended by the repeal of paragraph (2) and by the adoption of a new paragraph (2). Filed May 3, 1982; effective May 23, 1982.

Chapter 40-23-1, entitled "Definitions," containing Rule 40-23-1-.01, has been adopted.

Filed October 20, 1982; effective November 9, 1982.

Chapter 40-23-2, entitled "Anti-Syphon Device," containing Rules 40-23-2-.01 through 40-23-2-.03, has been adopted. Filed October 20, 1982; effective November 9, 1982.

Chapter 40-23-3, entitled "Penalty," containing Rule 40-23-3-.01, has been adopted. Filed October 20, 1982; effective November 9, 1982.

The following Emergency rules were filed on November 12, 1982, effective November 8,1982, the date of adoption, to remain in effect for a period of 120 days or until the effective date of permanent Rules covering the same subject matter superseding these Emergency Rules, as specified by the Agency: 40-20-1-0.18-.03, entitled "No. 1 Kerosene and No. 2 Kerosene," relating to specifications for No. 1 and No. 2 kerosene; and 40-20-1-0.18-.12, entitled "Registration of Brand Names," relating to the requirement that each motor fuel sold in this State shall have a definite brand name, which shall be registered in compliance with O.C.G.A. 10-1-149 (Ga. L. 1979, pp. 981, 982), and to the requirements that the Octane rating or antiknock index of applicable motor fuels shall be included in the registration; and relating to the registration, identification, and display of motor fuel brand names in compliance with O.C.G.A. 10-1-152. (These Emergency Rules will not be published; copies may be obtained from the Agency.).

Rule 40-5-2-.01 has been amended by renumbering subparagraph (d)8. as (d)9. and by the adoption of a new subparagraph (d)8. Filed November 12, 1982; effective December 2, 1982.

Chapter 40-2-1 has been repealed and a new Chapter 40-2-1, of the same title, containing

Rules 40-2-1-.01 and 40-2-1-.02, adopted. Filed December 21, 1982; effective January 10, 1983.

Chapter 40-2-2 has been repealed and a new Chapter 40-2-2, entitled "Administration," containing Rule 40-2-2-.01, adopted. Filed December 21, 1982; effective January 10,1983.

Chapter 40-2-3 has been repealed and a new Chapter 40-2-3, of the same title, containing

Rules 40-2-3-.01 through 40-2-3-.03, adopted. Filed December 21, 1982; effective January 10, 1983.

Chapter 40-2-4 has been repealed and a new Chapter 40-2-4, entitled "Sanitation," containing Rule 40-2-4-.01, adopted. Filed December 21, 1982; effective January 10,1983.

Chapter 40-2-5 has been repealed and a new Chapter 40-2-5, entitled "Appendixes to the 1978 Pasteurized Milk Ordinance& 151; Additional Requirements," containing Rules 40-2-5-.01 and 40-2-5.02, adopted. Filed December 21, 1982; effective January 10, 1983.

Chapter 40-2-6 has been repealed and a new Chapter 40-2-6, entitled "Dry Milk," containing Rule 40-2-6-.01, adopted. Filed December 21, 1982; effective January 10, 1983.

Chapter 40-2-7 has been repealed and a new Chapter 40-2-7, entitled "Ice Cream& 151; Standards and Requirements," containing Rule 40-2-7-.01, adopted. Filed December 21, 1982; effective January 10, 1983.

Chapter 40-2-8 has been repealed and a new Chapter 40-2-8, entitled "Ice Cream, Frozen Desserts and Related Products& 151; Regulations and Enforcement," containing Rules 40-2-8-.01 through 40-2-8-.03, adopted. Filed December 21, 1982; effective January 10,1983.

Chapter 40-2-9 has been repealed and a new Chapter 40-2-9, entitled "Ice Cream, Frozen Desserts and Related Products& 151; Sanitation Standards," containing Rules 40-2-9-.01 through 40-2-9-.06, adopted. Filed December 21, 1982; effective January 10, 1983.

Chapter 40-2-10 has been repealed and a new Chapter 40-2-10, entitled "Ice Cream Mixes, Etc.," containing Rule 40-2-10-.01, adopted. Filed December 21, 1982; effective January 10, 1983.

Chapter 40-2-11 has been repealed and a new Chapter 40-2-11, entitled "Imitation Products," containing Rule 40-2-11-.01, adopted. Filed December 21, 1982; effective January 10, 1983.

Chapter 40-1-12, entitled "Milk Shake," containing Rule 40-2-12-.01, has been adopted. Filed December 21, 1982; effective January 10, 1983.

Chapter 40-2-13, entitled "Returns," containing Rule 40-2-13-.01, has been adopted. Filed December 21, 1982; effective January 10, 1983.

Chapter 40-2-14, entitled "Records and Reports," containing Rule 40-2-14-.01, has been adopted. Filed December 21, 1982; effective January 10, 1983.

Chapter 40-2-15, entitled "Pasteurized Milk Ordinance," containing Rules 40-2-15-.01 and 40-2-15-.02, has been adopted. Filed December 21, 1982; effective January 10, 1983.

Rule 40-13-8-.04 has been adopted. Filed December 21, 1982; effective January 10,1983.

Chapter 40-13-12 entitled "Bird Dealers Licensing," containing Rules 40-13-12-.01 through 40-13-12-.05, has been adopted. Filed December 21, 1982; effective January 10,1983.

Rule 40-6-1-.03 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed March 22, 1983; effective April 11, 1983.

Chapter 40-4-17 has been repealed. Filed May 9, 1983; effective May 29, 1983.

Rule 40-4-15-.02 has been repealed and a new Rule 40-4-15-.02 adopted. Filed May 10,1983; effective May 30, 1983.

Rule 40-6-2-.01 has been amended. Filed June 30, 1983; effective July 20, 1983.

Chapter 40-20-1 has been repealed and a new Chapter 40-20-1 of the same title, containing Rules 40-20-1-.01 through 40-20-1-.13, adopted. Filed September 13, 1983; effective October 3,1983.

Chapter 40-4-3, 40-4-5 and 40-4-6 have been repealed and a new Chapter 40-4-3, entitled "Production of Certified Tomato, Pepper and Cruciferous Plants," containing Rules 40-4-3-.01 through 40-4-3-. 14, adopted. Filed September 12, 1983; effective October 2, 1983.

Emergency Rule 40-7-1-0.19-.34 entitled "Pesticide Tolerances" was filed on February 3, 1984; effective February 3, 1984, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule establishes maximum permissible tolerance levels for Ethylene dibromide residues in items or products for human consumption in the State of Georgia. (This Emergency Rule will not be published, copies may be obtained from the Agency.)

Emergency Rule 40-7-1-0.19-.34 has been repealed and a new Emergency Rule 40-7-1-0.20 -34 adopted in lieu thereof covering the same subject matter. Filed March 5, 1984; effective March 5, 1984, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (Said Emergency Rule will not be published, copies may be obtained from the Agency.)

Rules 40-15-1-.01 and 40-15-1-.02 have been amended. Filed March 1, 1984; effective March 21, 1984.

The title of Chapter 40-15-2 has been changed to "Weights and Measures" and Rules 40-15-2-.01 through 40-15-2-.05 have been amended; and, Rules 40-15-2-.06 through 40-15-2-.09 repealed and new Rules 40-15-2-.06 through 40-15-2-.09 adopted. Filed March 1,1984; effective March 21, 1984.

Chapter 40-15-3 has been repealed and a new Chapter 40-15-3, of the same title, containing Rules 40-15-3-.01 through 40-15-3-.13, adopted. Filed March 1, 1984; effective March 21,1984.

Chapter 40-15-4 has been repealed and a new Chapter 40-15-4, entitled "Method of Sales of Commodities," containing Rules 40-15-4-.01 through 40-15-4-06, adopted. Filed March 1, 1984; effective March 21, 1984.

Chapter 40-15-5 has been repealed and a new Chapter 40-15-5, entitled "Agriculture Products," containing Rules 40-15-5-.01 through 40-15-5-.04, adopted. Filed March 1,1984; effective March 21, 1984.

Chapter 40-15-6 has been repealed and a new Chapter 40-15-6, entitled "Special Investigative Powers," containing Rule 40-15-6-.01, adopted. Filed March 1, 1984; effective March 21, 1984.

Chapter 40-15-7 has been repealed and a new Chapter 40-15-7, entitled "Revocation of Conflicting Regulations," containing Rule 40-15-7-.01, adopted. Filed March 1, 1984; effective March 21, 1984.

Chapter 40-15-8 has been repealed. Filed March 1, 1984; effective March 21, 1984.

Rule 40-13-1-.01 has been amended by the repeal of paragraph (d) and by the adoption of a new paragraph (d) and the authority changed. Filed May 2, 1984; effective May 22,1984.

Rule 40-3-2-.01 has been amended by the repeal of paragraphs (1) and (8) and by the adoption of new paragraphs (1), (8) and (11). Filed May 2, 1984; effective May 22, 1984.

Rule 40-13-2-.02 has been amended by the repeal of subparagraph (3) (d) and by the adoption of a new subparagraph (3) (d). Filed May 2, 1984; effective May 22, 1984.

Rules 40-13-3-.01, 40-13-3-.03, 40-13-3-.06, and 40-13-3-.07 have been repealed and new Rules of the same numbers adopted. Filed May 2, 1984; effective May 22, 1984.

Rule 40-13-3-.02 has been amended by changing the authority. Filed May 2, 1984; effective May 22, 1984.

Rule 40-13-3-.04 has been amended and the authority changed. Filed May 2, 1984; effective May 22, 1984.

Rule 40-13-3-.08 has been amended by the repeal of paragraph (4) and by renumbering paragraphs (5) and (6) as paragraphs (4) and (5), respectively. Filed May 2, 1984; effective May 22, 1984.

Rules 40-13-4-.01, 40-13-4-.06, and 40-13-4-.09 have been amended by changing the authority. Filed May 2, 1984; effective May 22, 1984.

Rules 40-13-4-.02, 40-13-4-.03, 40-13-4-.04, 40-13-4-.05, 40-13-4-.08 and 40-13-4-.10 have been repealed and new Rules of these numbers adopted. Filed May 2, 1984; effective May 22, 1984.

Rule 40-13-4-.07 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1) and the authority changed. Filed May 2, 1984; effective May 22, 1984.

Rule 40-13-5-.01 has been repealed and a new Rule 40-13-5-.01 adopted. Filed May 2, 1984; effective May 22, 1984.

Rule 40-13-7-.01 has been repealed and a new Rule 40-13-7-.01 adopted. Filed May 2, 1984; effective May 22, 1984.

Rules 40-13-8-.01, 40-13-8-.02, and 40-13-8-.03 have been repealed and new Rules of these numbers adopted. Filed May 2, 1984; effective May 22, 1984.

Rule 40-13-8-.04 has been amended by changing the authority. Filed May 2, 1984; effective May 22, 1984.

Rule 40-13-9-.01 has been repealed and a new Rule 40-13-9-.01 adopted. Filed May 2,1984; effective May 22, 1984.

Rules 40-16-1-.01 through 40-16-1-.07, and Rules 40-16-1-.10 through 40-16-1-.12 have been amended by changing the authority. Filed May 2, 1984; effective May 22, 1984.

Rules 40-16-1-.08, 40-16-1-.13 and 40-16-1-.14 have been amended by changing the title and authority. Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-1-.09 has been amended and the authority changed. Filed May 2, 1984; effective May 22, 1984.

Rules 40-16-2-01, 40-16-2-.02, and 40-16-2-.09 through 40-16-2-.12 have been amended by changing the authority. Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-2-.03 has been amended by the repeal of paragraphs (2) and (3) and by the adoption of new paragraphs (2) and (3). Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-2-.04 has been amended by the repeal of paragraph (3). Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-2-.05 has been amended by the repeal of subparagraph (a) and by the adoption of a new subparagraph (a). Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-2-.06 has been amended by the repeal of paragraphs (3), (4), and (5) and by the adoption of new paragraphs (3), (4), and (5). Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-2-.07 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-2-.08 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed May 2, 1984; effective May 22, 1984.

Rules 40-16-3-.01, 40-16-3-.03, 40-16-3-.04, 40-16-3-.06 through 40-16-3-.12, 40-16-3-.14, and 40-16-3-.15 have been amended by changing the authority. Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-3-.02 has been amended by the repeal of paragraph (6) and by the adoption of a new paragraph (6). Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-3-.05 has been amended by the repeal of subparagraph (3) (a) and by the adoption of a new subparagraph (3) (a). Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-3-.13 has been amended. Filed May 2, 1984; effective May 22, 1984.

Rule 40-21-8-.03 has been amended by the repeal of subparagraph (b) and by the adoption of a new subparagraph (b). Filed May 17, 1984; effective June 6, 1984.

Rule 40-21-8-.04 has been amended by the repeal of subparagraph (b) and by the adoption of a new subparagraph (b). Filed May 17, 1984; effective June 6, 1984.

Rule 40-21-8-.05 has been amended by the repeal of subparagraph (2) (b) and by the adoption of a new subparagraph (2) (b). Filed May 17, 1984; effective June 6, 1984.

Emergency Rule 40-7-1-0.21 containing Rule 40-7-1-0.21-.34 has been adopted. Filed July 2, 1984; effective July 2, 1984, the date of adoption, for a period of 120 days or until the effective date of a permanent rule covering the same subject matter superseding this emergency Rule, as specified by the Agency. (This Emergency Rule is a readoption of Emergency Rule 40-7-1-0.20 relating to Ethylene dibromide levels in food and food products pending the adoption of a permanent rule in September 1984.) (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 40-13-12-0.22-.06 has been adopted. Filed July 5, 1984; effective July 5, 1984, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this emergency Rule, as specified by the Agency. Said Emergency Rule was adopted to protect the important Georgia poultry industry from exotic Newcastle Disease, a highly infectious disease for poultry, which has been diagnosed in pet and exotic birds in Alabama and Florida and one location in Georgia. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule 40-10-1-.01 has been amended by: the adoption of subparagraphs (2) (j) and (2) (k); the repeal of subparagraphs (2) (aa)9., (2) (rr), and (2) (ccc)7. and the adoption of new subparagraphs of these numbers; and by the adoption of subparagraph (2)(iii). Filed July 23, 1984; effective August 12, 1984.

Subparagraphs 40-10-1-.02 1. and 2. have been amended. Filed July 23, 1984; effective August 12, 1984.

Rule 40-10-1-.03 has been amended by: amending subparagraphs (1)(a)2. and (1)(d)4. and 5.; and adopting subparagraph (1)(a)3. Filed July 23, 1984; effective August 12,1984.

Rule 40-10-1-.04 has been amended by changing the title and repealing paragraph (1) and subparagraph (1) (a) and adopting a new paragraph (1) and subparagraph (1) (a). Filed July 23, 1984; effective August 12, 1984.

Rule 40-10-1-.05 has been amended by: amending subparagraph (5) (b); and, by adopting subparagraph (5) (c). Filed July 23, 1984; effective August 12, 1984.

Subparagraphs 40-10-1-.09,and(2) (g) have been amended. Filed July 23,1984; effective August 12, 1984.

Rule 40-10-1-.10 has been amended by the repeal of paragraph (16) and by the adoption of a new paragraph (16). Filed July 23, 1984; effective August 12, 1984.

Rule 40-10-1-.11 has been amended by: amending subparagraph (1) (b); repealing paragraph (12) and adopting a new paragraph (12); and, repealing paragraph (23) and adopting a new paragraph (23). Filed July 23, 1984; effective August 12, 1984.

Rule 40-10-1-.13 has been adopted. Filed July 23, 1984; effective August 12, 1984.

Rule 40-10-1-.15 has been amended by the repeal of paragraph (2) and by the adoption of new paragraphs (2) and (3). Filed July 23, 1984; effective August 12, 1984.

Rule 40-10-1-.16 has been amended by: amending paragraphs (1) and (2) and subparagraphs (5) (b) and (9) (b); adopting subparagraphs (9) (d) and (10) (d); and, amending subparagraphs (13) (a) and (13) (e). Filed July 23, 1984; effective August 12,1984.

Rule 40-10-1-.17 has been amended by: the repeal of subparagraph (8) (b)5. and the adoption of a new subparagraph (8) (b)5.; the adoption of subparagraphs (8) (b) 32., 33. and 34.; the repeal of paragraph (16) and the adoption of new paragraphs (16), (17) and (19). Filed July 23, 1984; effective August 12, 1984.

Rule 40-10-1-.18 has been amended by: the repeal of subparagraphs (7) (b)4., (7) (c) and its parts and the adoption of new subparagraphs (7) (b)4., (7) (c) and its parts and (7) (d) and its parts; the adoption of paragraph (8); the repeal of paragraph (10); and the adoption of paragraph (17). Filed July 23, 1984; effective August 12, 1984.

Rule 40-10-1-.19 has been amended by: the adoption of paragraphs (2) and (5); the amending of subparagraph (104)(f); the adoption of subparagraph (105)(b)10. and paragraph (106); amending paragraphs (140) through (144); the adoption of paragraph (145); and, amending paragraphs (160) and (180). Filed July 23, 1984; effective August 12, 1984.

Emergency Rule 40-4-20-0.23, entitled "Honeybee Quarantine," has been adopted. Filed August 6, 1984; effective August 6, 1984, the date of adoption, to remain in effect through October 31, 1984, unless repealed earlier by the Commissioner. Said Emergency Rule is required to prevent the movement of honeybees into or through the State of Georgia due to the presence in Texas of an infestation due to an endoparasitic mite, Acarapis woodi, which poses a serious potential threat to the beekeeping industries of Georgia. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 40-4-20-0.23 entitled "Honeybee Quarantine" has been repealed. Filed September 10, 1984; effective September 7, 1984, the date of adoption.

Rule 40-4-11-.02 has been amended. Filed October 2, 1984; effective October 22, 1984.

Emergency Rule 40-7-1-0.21-.34 expired on October 27, 1984.

Rule 40-7-2-.04 has been repealed and a new Rule 40-7-2-.04 adopted. Filed February 14, 1985; effective March 6, 1985.

Emergency Rule 40-4-1-0.24, which repealed Chapter 40-4-1 and adopted a new Chapter 40-4-1, entitled "Rules and Regulations for Out of State Beekeepers," was filed April 8,1985, effective April 8, 1985, the date of adoption, to remain in effect for a period of 120 days or until the effective date of permanent rules covering the same subject matter superseding this Emergency Rule, as specified by the Agency. This emergency is again due to the finding of an acarine mite, *Acarapis Woodi*, an endoparasite and serious pest of the honeybee, in Florida and other states. Movement of infested bees from other states into Georgia poses a serious risk to the honey producing and pollinating industries of the State. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 40-4-2-0.25, which repealed Chapter 40-4-2 and adopted a new Chapter 40-4-2, entitled "Certification and Shipment of Package and Queen Bees," was filed on April 8, 1985, effective April 8, 1985, the date of adoption, to remain in effect for a period of 120 days or until the effective date of permanent rules covering the same subject matter superseding this Emergency Rule, as specified by the Agency. This emergency is caused by the *Acarapis Woodi* mite, an endoparasite and serious pest of the honeybee, referred to in the above paragraph. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 40-4-1-0.26 (readopting Emergency Rule 40-4-1-0.24 which expired) and Emergency Rule 40-4-2-0.27 (readopting Emergency Rule 40-4-2-0.25 which expired) have been adopted due to the continuous threat of an acarine mite, *Acarapis Woodi*, to the honeybee industries of the State of Georgia. Filed August 15, 1985, effective August 12, 1985, the date of adoption, to remain in effect for a period of 120 days or until the effective date of permanent rules covering the same subject matter superseding these Emergency Rules, as specified by the Agency. (Said Emergency Rules will not be published; copies may be obtained from the Agency.)

Rule 40-13-1-.01 has been amended by the repeal of subparagraphs (b) and (c) and by the adoption of new subparagraphs (b), (c) and (f). Filed October 3, 1985; effective October 23, 1985.

Rule 40-13-2-.02 has been amended by the adoption of paragraph (6). Filed October 3,1985; effective October 23, 1985.

Rule 40-13-3-.01 has been amended by the repeal of paragraphs (4), (5) and (6) and by the adoption of new paragraphs (4), (5), (6) and (7). Filed October 3, 1985; effective October 23, 1985.

Rule 40-13-3-.03 has been amended by the repeal of subparagraph (1)(a) and by the adoption of new subparagraphs (1)(a), (1)(b), (1)(c) and (1)(d). Filed October 3, 1985; effective October 23, 1985.

Rule 40-13-3-.07 has been amended by the repeal of paragraph (2) and by the adoption of new paragraphs (2), (3) and (4). Filed October 3, 1985; effective October 23, 1985.

Rule 40-13-3-.08 has been amended by repealing paragraph (5). Filed October 3, 1985; effective October 23, 1985.

Rules 40-13-3-.09 and 40-13-3-.10 have been adopted. Filed October 3, 1985; effective October 23, 1985.

Rule 40-13-4-.02 has been amended by the repeal of subparagraph (2)(b) and by the adoption of new subparagraphs (2)(b), (2)(c) and (2)(d). Filed October 3, 1985; effective October 23, 1985.

Rule 40-13-4-.03 has been amended by the repeal of paragraph (1) and by the adoption of new paragraph (1). Filed October 3, 1985; effective October 23, 1985.

Rule 40-13-4-.11 has been adopted. Filed October 3, 1985; effective October 23, 1985.

Rule 40-13-7-.02 has been adopted. Filed October 3,1985; effective October 23,1985.

Rule 40-13-8-.01 has been amended by the repeal of subparagraphs (1)(e), (1)(j) and (2)(d) and by the adoption of new subparagraphs (1)(e), (1)(j), (1)(o), (1)(p), (1)(q),(1)(r), (2)(d), (3)(a) and (3)(b). Filed October 3, 1985; effective October 23, 1985.

Rule 40-13-8-.05 has been adopted. Filed October 3, 1985; effective October 23, 1985.

Rule 40-13-12-.01 has been amended by the adoption of paragraphs (8), (9) and (10). Filed October 3, 1985; effective October 23, 1985.

Rule 40-13-12-.02 has been amended by the repeal of paragraphs (2) and (3) and by the adoption of new paragraphs (2), (3), (5) and (6). Filed October 3, 1985; effective October 23, 1985.

Rule 40-13-12-.03 has been amended by the repeal of subparagraphs (1)(b), (1)(c) and paragraph (4) and by the adoption of new subparagraphs (1)(b) and (1)(c) and paragraphs (4) and (5). Filed October 3, 1985; effective October 23, 1985.

Rule 40-13-12-.04 has been amended by the adoption of paragraph (4). Filed October 3,1985; effective October 23, 1985.

Rule 40-13-12-.05 has been repealed and a new Rule 40-13-12-.05 adopted. Filed October 3, 1985; effective October 23, 1985.

Rules 40-13-12-.06, 40-13-12-.07 and 40-13-12-.08 have been adopted. Filed October 3,1985; effective October 23, 1985.

Rule 40-16-2-.01 has been repealed and a new Rule 40-16-2-.01 adopted. Filed October 3,1985; effective October 23, 1985.

Rule 40-16-2-.03 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed October 3, 1985; effective October 23, 1985.

Rules for Boll Weevil Eradication have been adopted in the following chapters: 40-24-1, "Administration"; 40-24-2, "Definitions"; 40-24-3, "Regulated Articles"; 40-24-4, "Compliance Agreements"; 40-24-5, "Inspection and Enforcement"; 40-24-6, "Non-Commercial Cotton"; 40-24-7, "Program Participation"; 40-24-8, "Boll Weevil Treatments"; and, 40-24-9, "Solicitation for Bids". Filed November 21, 1985; effective December 11, 1985.

Emergency Rules 40-4-1-0.28, "Rules and Regulations for Out of State Beekeepers," and 40-4-2-0.29, "Certification and Shipment of Package and Queen Bees," have been adopted readopting Emergency Rules 40-4-1-0.26 and 40-4-2-0.27, respectively. Filed and effective December 10, 1985, the date of adoption, to remain in effect for a period of 120 days or until the effective date of permanent rules superseding these Emergency Rules, as specified by the Agency. This continuing emergency is due to the serious risk of the mite, *Acarapis woodi* to Georgia bee industries. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 40-14-1 has been repealed and a new Chapter 40-14-1 of the same title and rules adopted. Filed February 28, 1986; effective March 20, 1986.

Chapter 40-14-2 has been repealed and a new Chapter 40-14-2 of the same title and rules adopted. Filed February 28, 1986; effective March 20, 1986.

Rule 40-14-3-.02 has been amended by the repeal of paragraph (2) and by the adoption of a new paragraph (2). Filed February 28, 1986; effective March 20, 1986.

Rule 40-14-4-.03 has been amended by the repeal of paragraph (2) and by the adoption of a new paragraph (2). Filed February 28, 1986; effective March 20, 1986.

Chapter 40-25-1, entitled "Definitions," containing Rules 40-25-1-.01 and 40-25-1-.02, was filed on February 28, 1986; effective March 20, 1986.

Chapter 40-25-2, entitled "License Requirements," containing Rule 40-25-2-.01, was filed on February 28, 1986; effective March 20, 1986.

Chapter 40-25-3, entitled "Operational Requirements," containing Rule 40-25-3-.01, was filed on February 28, 1986; effective March 20, 1986.

Chapter 40-7-16, entitled "Vidalia Onions," containing Rules 40-7-16-.01 through 40-7-16-.13, was filed on March 11, 1986; effective March 31, 1986.

Chapter 40-4-20, entitled "Regulations for Movement of Pepper Plants into Georgia," containing Rules 40-4-20-.01 through 40-4-20-.04, adopted. Filed March 18, 1986; effective April 7, 1986.

Emergency Rules 40-4-2-0.30 and 40-4-1-0.31 have been adopted to readopt Emergency Rules 40-4-2-0.29 and 40-4-1-0.28, respectively, which expired on April 9, 1986. Filed April 15, 1986, effective April 11, 1986, the date of adoption, to remain in effect for a period of 120 days or until the effective date of permanent Rules covering the same subject matter superseding these Emergency Rules, as specified by the Agency. Said Emergency Rules are "Rules and Regulations for Out-of-State Beekeepers" and "Certification and Shipment of Package and Queen Bees". (Said Emergency Rules will not be published; copies may be obtained from the Agency.)

Chapter 40-26-1, entitled "Georgia Agricultural Commodity Commissions Administrative Rules," containing Rules 40-26-1-.01 through 40-26-1-.31, adopted. Filed April 30, 1986; effective May 20, 1986.

Rule 40-4-15-.02 has been amended by the repeal of paragraph (2) and by the adoption of a new paragraph (2). Filed August 6, 1986; effective August 26, 1986.

Emergency Rule Chapter 40-4-1-0.32, entitled "Beekeeping," has been adopted. Filed August 21, 1986, effective August 18, 1986, the date of adoption, to remain in effect for a period of 120 days or until the effective date of permanent rules covering the same subject matter superseding this Emergency Rule, as specified by the Agency. This Emergency Rule was adopted because Emergency Rules 40-4-1-0.30 and 40-4-2-0.31 expired on August 11,1986 and the risk of infestation by the endoparasitic mite, *Acarapis woodi*, a pest of the honey bee continues to pose a threat to Georgia's honey bee industry.

Rule 40-26-1.21 has been amended by the adoption of subparagraph (g). Filed October 22, 1986; effective November 11, 1986.

Rule 40-24-7.01 has been repealed and a new Rule 40-24-7-.01 adopted. Filed November 5, 1986; effective November 25, 1986.

Emergency Rule 40-4-1-0.33, entitled "Beekeeping," has been adopted because

Emergency Rule 40-4-1-0.32 of the same title expired on December 16, 1986 and an emergency condition still exist regarding the endoparasitic mite, *Acarapis woodi*. This Rule was adopted because eighteen (18) counties in South Georgia are known to be infested and a depopulation and eradication program in these counties is reinstituted to control this pest. Filed December 17, 1986, effective December 17, 1986, the date of adoption, to remain in effect for a period of 120 days or until the effective date of permanent rules covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 40-13-13, entitled "Animal Protection," containing Rules 40-13-13-.01 through 40-13-13-.08, was filed on March 5,1987; effective March 25,1987.

Rule 40-2-12-.01 has been amended. Filed March 18,1987; effective April 7, 1987.

Rule 40-13-2-.01 has been amended by the adoption of paragraph (12). Filed March 25,1987; effective April 14, 1987.

Rule 40-13-3-.06 has been amended by the adoption of paragraph (4). Filed March 25,1987; effective April 14, 1987.

Rule 40-13-5-.01 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed March 25, 1987; effective April 14, 1987.

Rule 40-13-7-.01 has been amended by the repeal of paragraph (8) and by the adoption of paragraphs (8) and (9). Filed March 25, 1987; effective April 14, 1987.

Rule 40-13-8-.05 has been amended by the repeal of paragraph (3) and by the adoption of a new paragraph (3). Filed March 25, 1987; effective April 14,1987.

Rule 40-16-3-.02 has been amended by the repeal of paragraph (7) and by the adoption of new paragraphs (7) through (14). Filed March 25, 1987; effective April 14, 1987.

Rule 40-16-3-.07 has been amended by the repeal of paragraph (4) and by the adoption of new paragraphs (4), (5) and (6). Filed March 25, 1987; effective April 14, 1987.

Rules 40-16-3-.13, 40-16-3-.14 and 40-16-3-.16 have been repealed and new Rules of these numbers adopted. Filed March 25, 1987; effective April 14, 1987.

Rule 40-16-3-.17 has been adopted. Filed March 25, 1987; effective April 14, 1987.

Emergency Rule Chapter 40-4-1-0.33 expired on April 15, 1987, and Emergency Rule Chapter 40-4-1-0.34, entitled "Beekeeping," adopted to extend this Emergency Rule.

Filed April 16, 1987; effective April 16, 1987 the date of adoption, to remain in effect for a period of 120 days or until the effective date of permanent rules covering the same subject matter superseding this Emergency Rule, as specified by the Agency. The adoption of this Emergency Rule is necessary because the danger to the honey bee industry of Georgia still exist. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 40-4-1-0.35, is verbatim the same as Emergency Rule 40-4-1-0.34 which expired on August 13, 1987, has been adopted.

Filed August 25, 1987, effective August 21, 1987, the date of adoption, to remain in effect for a period of 120 days or until the effective date of permanent rules covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted to extend Emergency Rule 40-1-1-0.34 because the danger to the honey bee industry still exists. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 40-13-10 has been repealed and a new Chapter 40-13-10 of the same title, containing Rules 40-13-10-.01 through 40-13-10-.09, adopted. Filed September 1, 1987; effective September 21, 1987.

Rule 40-24-7-.01 has been amended. Filed September 1, 1987; effective September 21,1987.

Chapter 40-4-9 has been repealed and a new Chapter 40-4-9, of the same title, containing

Rules 40-4-9-.01 through 40-4-9-.10, adopted. Filed September 18, 1987; effective October 8, 1987.

Emergency Rule 40-4-1-0.36, entitled "Beekeeping", was filed on December 22, 1987, having become effective on December 22, 1987, the date of adoption, to remain in effect for a period of 120 days or until the effective date of permanent Rules covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted because Emergency Rule 40-4-1-0.35 expired on December 21, 1987, and the peril of the mites **Acarapis woodi** and **Varroa jacobsoni** is still threatening the beekeeping industry in Georgia. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule 40-2-3-.01 has been repealed and a new Rule 40-2-3-.01 adopted. Filed January 13, 1988; effective February 2, 1988.

Rule 40-2-4-.01 has been repealed and a new Rule 40-2-4-.01 adopted. Filed January 13,1988; effective February 2, 1988.

Rule 40-24-7-.01 has been amended by the repeal of subparagraph (b)1. and by the adoption of a new subparagraph (b)1. Filed March 7, 1988; effective March 27, 1988.

Emergency Rule 40-4-1-0.37 has been adopted because Emergency Rule 40-4-1-0.36 expired on April 20, 1988 and the Emergency still exists. Said Rule readopted

Emergency Rule 40-4-1-0.36, entitled "Beekeeping". Filed April 22, 1988, effective April 21, 1988, the date of adoption, to be in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Paragraph 40-13-3-.03 has been amended and subparagraph 40-13-3-.03 6. adopted. Filed July 18, 1988; effective August 7, 1988.

Rule 40-13-3-.04 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed July 18, 1988; effective August 7,1988.

Rule 40-13-8-.01 has been amended by the repeal of subparagraphs (1)(a), (1)(b) and (1) (e) and by the adoption of new subparagraphs (1)(a), (1)(b), (1)(e), (1)(s) and (1)(t). Filed July 18, 1988; effective August 7, 1988.

Rule 40-3-13-.02 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed July 18, 1988; effective August 7, 1988.

Rule 40-13-8-.05 has been amended and renumbered as Rule 40-13-8-.06 and a new Rule 40-13-8-.05 adopted. Filed July 18, 1988; effective August 7, 1988.

Rule 40-2-1-.01 has been amended by changing the title and by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed August 25, 1988; effective September 14, 1988.

Emergency Rule 40-4-1-0.38 entitled "Beekeeping" which is an extension of Emergency Rule 40-4-1-0.37 verbatim which expired on August 19, 1988. Filed August 26, 1988, effective August 23,1988, the date of adoption, to remain in effect for a period of 120 days or until the effective date of permanent Rules covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted because the threat by parasites to the honey bee industry of the State of Georgia still exists. (Said Emergency Rule will not be published; copies may be obtained from the agency.)

Emergency Rule 40-4-1-0.38 expired on December 23, 1988, and Emergency Rule 40-4-1-0.39, entitled "Beekeeping", adopted to extend this Emergency Rule. Filed December 23, 1988; effective December 23, 1988, the date of adoption, to remain in effect for a period of 120 days or until the effective date of permanent rules covering the same subject matter superseding this Emergency Rule, as specified by the Agency. The adoption of this Emergency Rule is necessary because the danger of the honey bee industry of Georgia still exist. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule 40-24-7-.01 has been repealed and a new Rule of the same title adopted. Filed December 27, 1988; effective January 17, 1989.

Rule 40-13-1-.01 has been amended by the adoption of subparagraphs (g), (h) and (i). Filed February 20, 1989; effective March 12, 1989.

Rule 40-13-3-.03 has been amended. Filed February 20, 1989; effective March 12, 1989.

Rule 40-13-8-.01 has been amended by the adoption of subparagraph (h) and Rule 40-13-8-.05 has adopted paragraph (7). Filed February 20, 1989; effective March 12, 1989.

Rule 40-16-3-.02 has been amended. Filed February 20,1989; effective March 12, 1989.

The GEORGIA DEPARTMENT OF AGRICULTURE has adopted Emergency Rule 40-4-1-0.40 entitled "Beekeeping", which is the same as Emergency Rule 40-4-1-0.39 which expired on April 21, 1989. Filed April 24, 1989, effective April 24, 1989, the date of adoption, to be in effect for a period of 120 days or until the effective date of permanent rules covering the same subject matter superseding this Emergency Rule, as specified by the Agency. This Emergency Rule was readopted because the threat to the honey bee industry still exists. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 40-6-1 has been repealed and a new Chapter of the same title adopted. Filed June 12, 1989; effective July 2, 1989.

Rules 40-3-2-.01, 40-3-2-.03 and 40-3-2-.04 have been amended. Filed July 25, 1989; effective August 14, 1989.

Rule 40-19-1-.07 has been repealed and a new Rule 40-19-1-.07 adopted. Filed July 25,1989; effective August 14, 1989.

Emergency Rule 40-4-1-0.41 entitled "Beekeeping" has been adopted. Emergency Rule 40-4-1-0.40 expired on August 21, 1989. Filed December 20, 1989, effective December 19, 1989, the date of adoption, to be in effect for a period of 120 days or until the effective date of a permanent rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. This Emergency Rule was readopted because the threat to the honey bee industry still exists. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Rules 40-7-16-.02, .03, .04, .05 have been amended. Filed February 19, 1990; effective March 11, 1990.

Rule 40-7-16-.12 has been repealed and a new Rule entitled "Certified Storage" adopted. Filed February 19, 1990; effective March 11, 1990.

Rule 40-7-16-.13 has been repealed and a new Rule entitled "Containers" adopted. Filed February 19, 1990; effective March 11, 1990.

Rule 40-7-16-.14 has been adopted. Filed February 19, 1990; effective March 11, 1990.

Emergency Rule 40-4-1-0.42 entitled "Beekeeping" has been adopted. Emergency Rule 40-4-1-0.41 expired on April 18, 1990. Filed April 20, 1990, effective April 19, 1990, the date of adoption, to be in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. This Emergency Rule was readopted because the threat to the honey bee industry still exists. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule 40-4-15-.02 has been repealed and a new Rule of the same title adopted. Filed May 23, 1990; effective June 12, 1990.

Rules 40-21-8-.01 and 40-21-8-.03 have been repealed and new Rules of same titles adopted. Filed August 27, 1990; effective September 16, 1990.

Emergency Rule 40-4-1-0.43 entitled "Beekeeping" has been adopted. Emergency Rule 40-4-1-0.42 expired on August 17, 1990. Filed and effective September 21, 1990, the date of adoption, to be in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. This Emergency Rule was readopted because the threat to the honey bee industry still exists. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule 40-13-2-.01 has been amended. Filed January 24, 1991; effective February 13, 1991.

Rules 40-13-3-.03, .04, .06, .07 were amended; .09, .10 have been repealed and new rules of same titles adopted; .11 and .12 have been adopted. Filed January 24, 1991; effective February 13, 1991.

Rules 40-13-4-.03 and .05 were amended. Filed January 24, 1991; effective February 13, 1991.

Rules 40-13-8-.01 and .06 were amended. Filed January 24, 1991; effective February 13, 1991.

Rules 40-13-10-.035. and (2)(b)8. were adopted. Filed January 24, 1991; effective February 13, 1991.

Rule 40-13-12-.02 has been amended. Filed January 24, 1991; effective February 13, 1991.

Rules 40-13-13-.01 and .02 were amended; .05, .06, .07, .08 were repealed and new Rules adopted; .09 and .10 were adopted. Filed January 24, 1991; effective February 13, 1991.

Chapter 40-22-9 entitled "Grading Standards," containing Rules 40-22-9-.01 and 40-22-9-.03 were adopted. Filed January 24, 1991; effective February 13, 1991.

Emergency Rule 40-9-2-0.44-.02 entitled "Use of Property for Expressive Activity" has been adopted. Filed and effective February 27, 1991, the date of adoption, to be in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. This Emergency Rule was adopted due to the fact "a group of persons intent to picket the Atlanta State Farmer's Market...that any such assemblage and public communication presents an imminent peril to the public..." (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 40-4-1-0.45 entitled "Beekeeping" has been adopted. Emergency Rule 40-4-1-0.43 expired on January 21, 1991. Filed and effective February 27, 1991, the date of adoption, to be in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. This Emergency Rule was readopted because the threat to the honey bee industry still exists. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule 40-24-7-.01 has been repealed and Emergency Rule 40-24-7-0.46-.01 adopted. Filed April 11, 1991; effective April 9, 1991, the date of adoption, to be in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted because immediate application of effective measures to successfully operate the program of eradication and suppression in 1991. (Emergency Rule will not be published; copies can be obtained from the Agency.)

Chapter 40-7-11 has been repealed and a new Chapter entitled "Commercially Bottled Water and Water Vending Machines" adopted. Filed April 19, 1991; effective May 9, 1991.

Emergency Rule 40-24-7-0.46-.01 has been repealed and a Permanent Rule 40-24-7-.01 adopted. Filed May 21, 1991; effective June 10, 1991.

Chapter 40-9-2 has been amended by adopting a new Rule 40-9-2-.02 entitled "Use of Property for Expressive Activity" and Rules 40-9-2-.02 to .07 have been renumbered to 40-9-2-.03 to .08. Filed July 17, 1991; effective August 6, 1991.

Rule 40-4-15-.02 has been repealed and a new Rule, same title, adopted. Filed August 28, 1991; effective September 17, 1991.

Rule 40-4-8-.02, .06 to .09 were amended; .10 repealed and .11 to .15 renumbered to .10 to .14. Filed August 29, 1991; effective September 18, 1991.

Rules 40-4-3-.02, .04, .14 were amended. Filed September 3, 1991; effective September 23, 1991.

Chapter 40-4-1 has been repealed and a new Chapter entitled "Beekeeping" adopted. Filed October 29, 1991; effective November 18, 1991.

Chapter 40-4-2 entitled "Regulations for the Certification of Package and Queen Bees" has been repealed. Filed October 29, 1991; effective November 18, 1991.

Rule 40-2-3-.01 has been repealed and a new Rule, same title, adopted. Filed January 8, 1992; effective January 28, 1992.

Rule 40-20-1-.015. has been amended. Filed March 2, 1992; effective March 22,1992.

Paragraphs (8) amended and (17) adopted and (17) to (22) renumbered to (18) to (23) of Rule 40-24-2-.01. Filed March 18, 1992; effective April 7, 1992.

Rules 40-24-7-.01 amended and 40-24-7-.02, .03 adopted. Filed March 18, 1992; effective April 7, 1992.

Emergency Rule 40-4-8-0.47-.03 entitled "Inspection" was filed March 30, 1992; effective March 27, 1992, the date of adoption, to be in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. This Emergency Rule was adopted "to allow the production of certified potato plants more than one mile from a sweet potato weevil infestation..." (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 40-4-8-0.47-.03 has been repealed and a permanent Rule adopted. Filed May 5, 1992; effective May 25, 1992.

Rules 40-4-15-.02 and 40-14-2-.01 were repealed and new Rules, same titles, adopted. Filed May 5, 1992; effective May 25, 1992.

Chapter 40-7-11 has been repealed and a new Chapter, same title, adopted Filed May 28, 1992; effective June 17, 1992.

Rules 40-9-1-.01, 40-9-2-.01; 40-13-3-.03, .04, .07, .09; 40-13-4-.01, .05; 40-13-8-.01, .05; 40-16-1-.02, .09; 40-16-3-.02 were amended; Chapters 40-24-7 and 40-24-2 have been amended. Filed June 11, 1992; effective July 1, 1992.

Rules 40-4-8-.03, .04, .10, and 40-4-15-.02 have been repealed and new Rules of same numbers adopted. Filed August 11, 1992; effective August 31, 1992.

Chapters 40-2-1, 40-2-2, 40-2-3, 40-2-6, 40-2-7, 40-2-8, 40-2-9, 40-2-12, 40-2-13, 40-2-14 have been repealed and new Chapters with same titles adopted; Chapter 40-2-5 has been repealed and a new Chapter entitled "Appendixes to the Grade A Pasteurized Milk Ordinance-Additional Requirements" adopted; Chapter 40-2-10 has been repealed and a new Chapter entitled "Frozen Dessert Mixes" adopted; Chapter 40-2-11 repealed. Filed August 14, 1992; effective September 3, 1992.

Emergency Rule 40-4-21-0.48 adopting Chapter entitled "Pine Shoot Beetle Quarantine" containing Emergency Rules 40-4-21-0.48-.01 to 40-4-21-0.48-.05 was filed on October 26, 1992, effective October 23, 1992, the date of adoption, to be in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. This Emergency Rule was adopted to control a major economic pest, the Pine Shoot Beetle. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapters 40-5-1, 40-5-2, 40-5-3, 40-5-4, 40-5-6 and 40-5-7 were repealed and new Chapters, same titles, adopted; Chapter 40-5-5 repealed and a new Chapter entitled "Licensing and Registration" adopted, 40-5-8 repealed and a new Chapter entitled "Pet Food Regulations" adopted, and 40-5-9 repealed and a new Chapter entitled "Analytical Variations" adopted. Filed October 20, 1992; effective November 9, 1992.

Rules 40-13-9-.01, 40-13-12-.02, 40-13-13-.01, 40-13-13-.02, 40-16-2-.06 have been amended and Rule 40-16-2-.05 has been repealed and a new Rule adopted. Filed December 2, 1992; effective December 22, 1992.

Rules 40-20-1-.01, .02, .03 have been repealed and new Rules of same titles adopted. Filed January 13, 1993; effective February 2, 1993.

Chapter 40-21-9 entitled "Application Posting", containing rules 40-21-9-.01 to .03, has been adopted. Filed January 6, 1993; effective July 1, 1993, as specified by the Agency.

Chapters 40-22-3, 40-22-4 and 40-22-8 were repealed and new Chapters of the same titles adopted; Chapter 40-22-6 was repealed and a new Chapter entitled "Identification of Treated

Timber Products" adopted; Rules 40-22-5-.01 and 40-22-7-.01 were repealed and new Rules, same titles adopted. Filed May 11, 1993; effective May 31, 1993.

Rules 40-24-7-.01, .02, .03 have been amended. Filed June 21, 1993; effective July 11, 1993.

Chapter 40-8-2 has been repealed and a new Chapter, same title, adopted; Chapters 40-8-1 and 40-8-3 have been repealed and new Chapters entitled "Coverage" and "Advertising" adopted. Filed July 9, 1993; effective July 29, 1993.

Rule 40-20-1-.03 has been amended. Filed August 3, 1993; effective August 23, 1993.

Chapter 40-7-12 has been repealed and a new Chapter, same title, adopted. Filed September 27, 1993; effective October 17, 1993.

Chapter 40-4-21 entitled "Horticultural Growing Media", containing Rules 40-4-21-.01 to 40-4-21-.08, has been adopted. Filed October 26, 1993; effective November 15, 1993.

Rule 40-13-13-.01 has been amended. Filed December 2, 1993; effective December 22, 1993.

Chapters 40-3-1, 40-3-2, 40-3-3 have been repealed and new Chapters and titles adopted. Filed March 15, 1994; effective April 4, 1994.

Paragraph (8) of Rule 40-24-7-.04 has been adopted. Filed April 6, 1994; effective April 26, 1994.

Chapter 40-4-8 has been repealed, new Chapter entitled "Sweet Potato Regulations" adopted. Filed July 25, 1994; effective August 14, 1994.

Chapter 40-4-15 has been repealed. Filed July 25, 1994; effective August 14, 1994.

Chapters 40-3-4, 40-3-5, 40-3-6, 40-3-7, 40-3-8, 40-3-9 have been repealed. Filed October 17, 1994; effective November 6, 1994.

Chapter 40-12-6 entitled "Seed Arbitration" containing Rules 40-12-6-.01 to 40-12-6-.05, has been adopted. Filed December 9, 1994; effective December 29, 1994.

Chapter 40-7-16 has been amended. Filed February 24, 1995; effective April 1, 1995, as specified by the Agency.

Emergency Rule 40-7-16-0.49 has been adopted. Filed April 20, 1995; effective April 19, 1995, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted to comply with Bill on Vidalia Onion signed by the Governor on April 18, 1995. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 40-9-6 has been repealed and a new chapter adopted. Filed May 17, 1995; effective June 6, 1995.

Chapter 40-12-7 entitled "Charges for Seed Sample Assay" containing Rule 40-12-7-.01 has been adopted. Filed May 19, 1995; effective June 8, 1995.

Rule 40-15-5-.03 has been repealed and a new Rule adopted. Filed May 22, 1995; effective June 11, 1995.

Emergency Rule 40-13-3-0.50-.03 has been adopted. Filed July 13, 1995; effective July 12, 1995, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted to control Vesicular Stomatitis, a highly contagious viral disease. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 40-4-3 has been repealed and a new Chapter adopted. Rule 40-14-4-.02 has been amended. Filed August 2, 1995; effective August 22, 1995.

Rules 40-7-16-.02, .04 to .16 has been amended. Filed August 18, 1995; effective September 7, 1995.

Rule 40-14-3-.05 has been adopted. Filed October 19, 1995; effective November 8, 1995.

Chapter 40-10-4 entitled "Voluntary Inspection of Ratites" containing Rules 40-10-4-.01 to 40-10-4-.16 has been adopted. Filed December 12, 1995; effective January 1, 1996.

Rules 40-13-8-.03, 40-13-4-.05 and 40-13-8-.01 have been amended. Filed January 19,1996; effective February 8, 1996.

Paragraph (8) of Rule 40-20-1-.03 has been adopted. Filed February 26, 1996; effective March 17, 1996.

Chapters 40-7-1 through 40-7-8, 40-7-10, 40-7-11, 40-7-13 have been repealed and new Chapters adopted; Rules 40-7-12-.05, .07, .08 have been repealed and new Rules adopted; Chapters 40-7-14, 40-7-15, 40-7-16 have been repealed. Filed April 30, 1996; effective May 20, 1996.

Emergency Rules 40-4-8-0.51-.12 was filed June 14, 1996, having become effective June 14, 1996, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent rule superseding this Emergency Rule, as specified by the agency. Said Emergency Rule was adopted to "limit the spread of the sweet potato weevil..." (Emergency Rule will not be published, copies may be obtained from the agency.)

Emergency Rules 40-9-7-0.52, 40-9-8-0.53, 40-9-9-0.54, 40-9-10-0.55, 40-9-11-0.56 entitled, "Sanitation", have been adopted. Filed December 31, 1996; effective January 1, 1997, the date of

adoption, to remain in effect for a period of 120 days or until the effective date of a permanent rule covering the same subject matter supersedes this Emergency Rule. Said Emergency Rules were adopted to ... provide standards to guide tenants in the proper disposal of refuge ...(This Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 40-4-9 has been repealed and a new chapter entitled "Plant Protection Regulation" adopted; Chapter 40-7-6, 40-7-9 and Rule 40-20-1-.03 has been amended;

Chapter 40-27-1, entitled "Liming Materials" has been adopted. Filed August 23, 1996; effective September 12, 1996.

Rule 40-12-3-.01 has been amended. Filed September 27, 1996; effective October 17,1996.

Rule 40-21-3-.01 has been amended. Filed November 26, 1996; effective December 17, 1996.

Rules 40-2-3-.02, 40-2-7-.02, 40-2-8-.02, 40-7-12-.16 and Chapter 40-7-8 have been amended. Filed December 13, 1996; effective January 2, 1997.

Emergency Rules 40-9-7-0.57-.03, 40-9-8-0.58-.03, 40-9-9-0.59-.03, 40-9-10-0.60-.03, 40-9-11-0.61-.03 have been adopted. Filed April 30, 1997; effective May 1, 1997, to remain in effect for 120 days or until the effective date of permanent Rules covering the same subject matter superseding these Emergency Rules are adopted, as specified by the agency. Said Emergency Rules were adopted to change the Market's operating rules to remove the responsibility of garbage disposal from the Department. (Emergency Rules will not be published; copies may be obtained from the Agency.)

Chapter 40-4-8 has been repealed and a new chapter adopted. Filed February 7, 1997; effective February 27, 1997.

Chapters 40-12-1 through 40-12-7 have been repealed and new chapters adopted. Chapter

40-12-8 entitled "Seed Dealer License Fees" has been adopted. Filed June 4, 1997; effective July 1, 1997, as specified by the Agency.

Chapters 40-6-1 through 40-6-8 have been repealed and new chapters adopted. Filed July 1, 1997; effective July 21, 1997.

Chapter 40-4-3 has been repealed and a new chapter adopted. Filed July 8, 1997; effective July 28, 1997.

Chapter 40-10-1 has been repealed and a new chapter adopted, chapter 40-10-4 and Rule 40-20-1-.03 have been amended. Filed July 21, 1997; effective August 11, 1997.

Rules 40-9-7-.03, 40-9-8-.03, 40-9-9-.03, 40-9-10-.03, 40-9-11-.03 have been amended.

Filed August 11, 1997; effective August 31, 1997. Rule 40-4-9-.03 has been repealed and a new Rule adopted. Filed December 17, 1997; effective January 6, 1998.

Rule 40-14-3-.05 has been amended. Filed August 18, 1998; effective September 5, 1998.

Rule 40-7-8-.07 has been amended. Filed September 4, 1998; effective September 24, 1998.

Chapter 40-13-13 has been repealed and a new Chapter adopted. Filed January 6, 1999; effective January 26, 1999.

Emergency Rule Chapter 40-16-4-0.62 has been adopted. Filed March 24, 1999, effective March 23, 1999, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. Said Emergency Rule was adopted to "require plants to implement proper and effective plans to monitor, detect and correct any conditions conducive to the generation of such odors." (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Rules 40-21-2-.01, 40-21-3-.01 and 40-21-4-.01 have been amended. Filed April 19, 1999; effective May 9, 1999.

Chapter 40-4-22 entitled "Tropical Soda Apple Rules" has been adopted. Filed April 27, 1999; effective May 17, 1999.

Chapter 40-4-7 has been repealed and a new Chapter entitled "Regulations for the Movement of Tomato or Tobacco Plants into Georgia" adopted. Filed June 14, 1999; effective July 4, 1999.

Chapter 40-16-4 entitled "Rendering Plant Odor Control" has been adopted. Filed July 22, 1999; effective August 11, 1999.

Rule 40-7-8-.02 has been amended. Filed September 3, 1999; effective September 23, 1999.

Rule 40-13-3-.13 has been adopted. Filed November 29, 1999; effective December 19,1999.

Rule 40-20-1-.03 has been amended. Filed December 10, 1999; effective December 30,1999.

Chapter 40-4-22 has been repealed and a new Chapter adopted. Filed May 5, 2000; effective May 25, 2000.

Rule 40-15-2-.10 and Chapter 40-16-5 entitled "Swine Feeding Operator Training and Certification" have been adopted. Filed June 6, 2000; effective June 26, 2000.

Emergency Rule 40-7-8-0.63-.04 adopted. Filed July 7, 2000; effective July 1, 2000, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. Said Emergency Rule was adopted to comply with House Bill 1142, making certain

changes regarding the use of the Vidalia Certification Mark. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 40-7-8-0.64-.02(g) adopted. Filed and effective September 8, 2000, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. Said Emergency Rule was adopted due to a shortage of Vidalia Onion seed in approved varieties; three new varieties of onions were authorized for inclusion as new approved varieties. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule 40-7-8-.04 has been adopted superseding Emergency Rule 40-7-8-0.63-.04. Filed September 8, 2000; effective September 28, 2000.

Rule 40-10-1-.25 has been adopted. Filed December 29, 2000; effective January 20, 2001, as specified by the Agency.

Rules 40-2-1-.01, 40-2-2-.02, 40-2-3-.01, 40-2-5-.01, .02, 40-2-8-.02, 40-2-9-.02, 40-2-15-.01, 40-3-1-.01, 40-7-1-.02, .08, .09, .10, .12, .21, .22, .26, .33, .58, 40-7-12-.01, .14, .16, .19 have been amended. Rules 40-7-12-.03, .04, .06, .09 to .13 have been repealed.

Introductory paragraphs to Chapters 40-2-1 and 40-2-3 have been amended. Preamble to Chapter 40-7-12 has been deleted. Filed January 10, 2001; effective January 31, 2001, as specified by the Agency.

Rules 40-19-1-.01 to 40-19-1-.07 have been repealed. Filed March 8, 2001; effective March 28, 2001.

Rules 40-7-8-.02, .04, 40-12-3-.01, .02, 40-16-5-.01 to .04 have been amended. Rule 40-7-8-.03.1 has been adopted. Filed June 5, 2001; effective June 25, 2001.

Rules 40-14-2-.01 and 40-18-2-.02 have been amended. Rule 40-18-2-.07 has been adopted. Filed July 5, 2001; effective July 25, 2001.

Chapter 40-16-6 entitled "Nutrient Management Plan Specialist Certification" has been adopted. Filed July 23, 2001; effective August 12, 2001.

Rules 40-7-8-.03.1, 40-10-1-.10, 40-13-13-.01, .02, .04, .06, .07 have been amended. Filed July 31, 2001; effective August 20, 2001.

Rules 40-13-12-.02, 40-13-13-.01, .02, .04, .06 have been amended. Filed September 14, 2001; effective October 4, 2001.

Emergency Rule 40-20-1-0.65-.01 adopted. Filed September 18, 2001; effective September 14, 2001, the date of adoption, to be in effect for three days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified

by the Agency. This Emergency Rule was adopted to deal with a possible shortage of Volatility Class AA-2 and A-2 gasoline.

According to the United States Environmental Protection Agency and the Georgia Department of Natural Resources, Environmental Protection Division, temporary localized gasoline supply disruption are developing in certain markets as a result of unusual consumer demand for gasoline due to the terrorist events in New York and Washington, D.C. on September 11, 2001. Volatility Class AA-2 and A-2 are mandated through September 15th and thereafter Class C-2 is also authorized. On September 14th there should be sufficient supplies of Class C-2 to meet any shortfall created by localized shortage of AA-2 and A-2. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 40-13-3-0.66-.07.1 adopted. Filed and effective May 3, 2002, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. This Emergency Rule was adopted to immediately restrict the importation of live poultry and poultry products into the State to control and prevent the introduction of the contagious and infectious avian influenza virus. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule 40-13-3-.07.1 has been adopted superseding Emergency Rule 40-13-3-0.66-.07.1. Filed August 19, 2002; effective September 8, 2002.

Rule 40-7-8-.03.1 has been repealed and a new Rule adopted. Filed August 22, 2002; effective September 11, 2002.

Chapters 40-10-2, 40-10-4, 40-13-1 to 40-13-6, and 40-16-3 have been repealed and new Chapters adopted. Chapter 40-10-5 entitled "Meat and Poultry Inspection Rules of Practice" has been adopted. Filed January 17, 2003; effective February 6, 2003.

Chapter 40-7-17 entitled "Regulations Applicable to Organic" has been adopted. Filed January 28, 2003; effective February 17, 2003.

Rules 40-6-1-.01, 40-6-2-.01, .02, 40-6-3-.01, .02, 40-6-4-.01, 40-6-5-.01, 40-6-6-.01, .02, 40-6-7-.01 to .03, and 40-6-8-.01 have been amended. Chapter 40-6-9 entitled "Regulation of Licensees" has been adopted. Filed February 18, 2003; effective March 10, 2003.

Rules 40-22-1-.01, 40-22-3-.01, 40-22-4-.01, 40-22-5-.01, 40-22-6-.01, 40-22-7-.01, 40-22-8-.01 and .02 have been amended. Rule 40-22-4-.02 has been repealed. Filed June 5,2003; effective July 1, 2003. as specified by the Agency.

Rule 40-2-4-.02 has been adopted. Filed September 8, 2003; effective September 28, 2003.

Rules 40-4-9-.01, .02, .03, and .07 have been amended. Rules 40-7-8-.13, .14, and .15 have been repealed and new Rules adopted. Rule 40-7-8-.16 has been repealed. Filed September 25, 2003; effective October 15, 2003.

Chapter 40-13-14 entitled "Dog and Cat Sterilization Program" has been adopted. Filed September 26, 2003; effective October 17, 2003, as specified by the Agency.

Rules 40-7-1-.02 to .06, .08 to .10, .12, .14, .16 to .21, .25 to .28, .30 to .34, .36 to .38, .40, .41, .44 to .46, .51 to .53, .57, .58, .62, .64, .65, .67, and .69 have been amended.

Rule 40-7-1-.76 has been adopted. Filed October 29, 2003; effective November 28, 2003, as specified by the Agency.

Chapter 40-13-8 has been repealed and a new Chapter adopted. Filed November 19, 2003; effective December 19, 2003, as specified by the Agency.

Chapters 40-13-9 and 40-16-2 have been repealed. Filed November 21, 2003; effective December 11, 2003.

Chapter 40-4-3 has been repealed and a new Chapter adopted. Filed December 9, 2003; effective December 31, 2003, as specified by the Agency.

Chapter 40-10-1 has been repealed and a new Chapter adopted. Filed January 15, 2004; effective February 4, 2004.

Chapters 40-4-4, 40-4-11, 40-4-12, 40-4-14, 40-4-18, 40-4-19, and 40-4-20 have been repealed. Filed January 23, 2004; effective February 12, 2004.

Chapter 40-7-8 has been amended. Filed March 4, 2004; effective March 24, 2004.

Chapters 40-11-1 to 40-11-7 have been repealed and new Chapters adopted. Chapters 40-11-8 entitled "Enforcement", 40-11-9 entitled "Misbranding", and 40-11-10 entitled

"Prohibited Acts" have been adopted. Filed July 14, 2004; effective August 3, 2004.

Chapter 40-7-8 has been repealed and a new Chapter adopted. Filed August 6, 2004; effective August 26, 2004.

Chapters 40-9-1 to 40-9-7 have been repealed and new Chapters adopted. Chapters 40-9-8 to 40-9-11 has been repealed. Filed August 24, 2004; effective September 13, 2004.

Rules 40-20-1-.01, .10, and .11 have been amended. Filed April 18, 2005; effective May 8, 2005.

Rules 40-7-1-.02, .10, .26, .46, and 40-7-5-.03 have been amended. Filed August 12, 2005; effective September 1, 2005.

Emergency Rule 40-20-1-0.67-.01 adopted. Filed August 31, 2005; effective September 1, 2005, as specified by the Agency, to be in effect from September 1, 2005 to September 15, 2005, or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. This Emergency Rule was adopted due

to events creating gasoline supply disruptions. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 40-20-1-0.68-.01 adopted. Filed and effective September 1, 2005, the date of adoption, to be in effect from September 1, 2005 to September 30, 2005, or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. This Emergency Rule was adopted due to events creating low sulfur fuel oils and diesel fuel oils supply disruptions. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 40-20-1-0.69-.01 adopted. Filed October 5, 2005; effective October 1, 2005, as specified by the Agency, to be in effect from October 1, 2005 to November 30, 2005, or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. This Emergency Rule was adopted due to events creating low sulfur fuel oils and diesel fuel oils supply disruptions. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 40-20-1-0.70-.01 adopted. Filed and effective September 30, 2005, the date of adoption, to be in effect from September 30, 2005 to October 31, 2005, or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. This Emergency Rule was adopted due to events creating gasoline supply disruptions. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 40-7-8 has been repealed and a new chapter adopted. Filed October 6, 2005; effective October 26, 2005.

Chapter 40-4-1 has been repealed and a new Chapter adopted. Chapter 40-4-24 entitled "Blueberry Scorch Virus Quarantine" has been adopted. Filed October 27, 2005; effective November 16, 2005.

Chapter 40-4-21 has been repealed and a new Chapter adopted. Filed December 15, 2005; effective January 4, 2006.

Chapter 40-4-21 has been amended. Filed June 22, 2006; effective July 12, 2006.

Chapter 40-7-8 has been amended. Filed August 11, 2006; effective August 31, 2006.

Chapter 40-13-14 has been amended. Filed August 31, 2006; effective September 20, 2006.

Chapter 40-4-9 has been repealed and a new Chapter adopted. Filed September 13, 2006; effective October 3, 2006.

Rule 40-13-4-.13 has been repealed and a new Rule adopted. Filed November 14, 2006; effective December 4, 2006.

Chapter 40-7-8 has been repealed and a new Chapter adopted. Filed June 11, 2007; effective July 1, 2007.

Chapter 40-7-8 has been repealed and a new Chapter adopted. Filed September 20, 2007; effective October 10, 2007.

Chapter 40-4-7 has been repealed and a new Chapter adopted. Filed September 26, 2007; effective October 10, 2007.

Rules 40-5-2-.01 to .05, 40-5-8-.01 to .04, and 40-5-9-.01 have been amended. Filed December 27, 2007; effective January 16, 2008.

Chapter 40-4-9 has been repealed and a new Chapter adopted. Filed January 17, 2008; effective February 6, 2008.

Rule 40-20-1-.01 has been repealed and a new Rule adopted. Filed February 13, 2008; effective March 4, 2008.

Chapters 40-9-2 and 40-9-7 have been repealed and new Chapters adopted. Filed April 8, 2008; effective April 28, 2008.

Rules 40-22-1-.01, 40-22-2-.01, 40-22-3-.01, .02, 40-22-4-.01, 40-22-5-.01, 40-22-6-.01, 40-22-7-.01, 40-22-8-.01, .02, 40-22-9-.01 to .03 have been amended. Filed July 9, 2008; effective July 29, 2008.

Chapter 40-10-1 has been repealed and a new Chapter adopted. Filed December 17, 2008; effective January 6, 2009.

Chapter 40-28-1 entitled "Agricultural Tourist Attraction" has been adopted. Filed December 22, 2008; effective January 12, 2009, as specified by the Agency.

Chapter 40-13-10 has been repealed and a new Chapter adopted. Filed October 6, 2009; effective October 26, 2009.

Rule 40-20-1-.01 has been repealed and a new Rule adopted. Filed December 3, 2009; effective December 23, 2009.

Chapter 40-7-8 has been repealed and a new Chapter adopted. Filed March 31, 2010; effective April 20, 2010.

Chapter 40-4-7 has been repealed and a new Chapter adopted. Filed April 12, 2010; effective May 2, 2010.

Chapter 40-7-18 entitled "Additional Regulations Applicable to Processing Plants" has been adopted. Filed April 14, 2010; effective May 4, 2010.

Rules 40-6-2-.02, 40-6-6-.01, .02, 40-6-8-.01, 40-7-1-.75, 40-7-17-.03, 40-12-8-.01, 40-20-1-.09, 40-22-2-.01, and 40-28-1-.03 have been amended. Filed June 15, 2010, effective July 5, 2010.

Rules 40-11-4-.02, 40-27-1-.02, and .03 have been amended. File June 16, 2010; effective July 6, 2010.

Rules 40-5-5-.02, .03, 40-11-12-.04, 40-13-10-.04, 40-14-2-.01, 40-18-2-.02, and 40-21-4-.01 have been amended. Filed June 21, 2010; effective July 11, 2010.

Chapters 40-13-12 and 40-13-13 have been amended. Filed July 21, 2010; effective August 10, 2010.

Chapters 40-4-1 and 40-4-9 have been amended. Chapter 40-24-1 has been repealed and a new Chapter entitled "Boll Weevil Quarantine" adopted. Chapters 40-24-2, 40-24-3, 40-24-4, 40-24-5, 40-24-6, 40-24-7, 40-24-8, and 40-24-9 have been repealed. Filed September 23, 2010; effective October 13, 2010.

Chapter 40-7-5 has been amended. Rule 40-10-1-.01 has been amended. Filed November 10, 2010; effective November 30, 2010.

Chapter 40-4-7 has been amended. Filed December 14, 2010; effective January 3, 2011.

Rule 4-13-13-.08 has been amended. Filed March 23, 2011; effective April 12, 2011.

Rule 40-20-1-.01 has been amended. Filed June 1, 2011; effective June 21, 2011.

Rule 40-10-4-.02 and .12 have been amended. Filed June 6, 2011; effective June 26, 2011.

Rule 40-7-18-.13 has been adopted. Filed July 7, 2011; effective July 27, 2011.

Chapters 40-13-2 and 40-13-4 have been amended. Filed September 2, 2011; effective September 22, 2011.

Rule 40-20-1-.12 has been amended. Filed September 20, 2011; effective October 10, 2011.

Rule 40-13-13-.07 amended. F. Nov. 10, 2011; eff. Nov. 30, 2011.

Rule 40-7-18-.12 amended. J. Jul. 7, 2011; eff. Jul. 27, 2011.

Rules 40-13-14-.02 and 40-13-14-.03 adopted. F. Mar. 7, 2012; eff. Mar. 27, 2012.

Rule 40-7-18-.14 adopted. F. Aug. 14, 2012; eff. Sep. 3, 2012.

Chapter 40-7-1-.19 adopted. F. Aug. 7, 2012; eff. Aug. 27, 2012.

Rules 40-2-15-.01, 40-3-1-.01, 40-7-1-.02, 40-7-1-.03, 40-7-1-.04, 40-7-1-.09, 40-7-1-.10, 40-7-1-.14, 40-7-1-.19, 40-7-1-.20, 40-7-1-.21, 40-7-1-.26, 40-7-1-.32, 40-7-1-.34, 40-7-1-.40, 40-7-1-.66, 40-7-1-.75 amended. F. Aug. 7, 2012; eff. Aug. 27, 2012.

Rule 40-7-18-.14 adopted. F. Aug. 14, 2012; eff. Sep. 3, 2012.

Rule 40-13-14-.03 amended. F. Sep. 10, 2012; eff. Sep. 30, 2012.

Rules 40-10-1-.05 and 40-10-2-.07 amended. F. Oct. 18, 2012; eff. Nov. 7, 2012.

Rules 40-10-1-.26 and 40-10-2-.18 adopted. F. Oct. 18, 2012; eff. Nov. 7, 2012.

Chapters 40-22-1 through 40-22-8 repealed. F. Oct. 29, 2012; eff. Nov. 18, 2012.

Chapter 40-29 and rules 40-29-.01 through 40-29-.05 adopted. F. Oct. 30, 2012; eff. Nov. 19, 2012.

Rules 40-13-13-.01, 40-13-13-.02, 40-13-13-.04 amended. F. Jul. 8, 2013; eff. Jul. 28, 2013.

Rules 40-21-2-.01, 40-21-3-.01, 40-21-4-.01 amended. F. Jul. 23, 2013; eff. Aug. 12, 2013.

Rules 40-26-1-.01, 40-26-1-.03, 40-26-1-.04, 40-26-1-.05, 40-26-1-.07, 40-26-1-.14, 40-26-1-.16, 40-26-1-.18, 40-26-1-.19, 40-26-1-.21 to 40-26-1-.24, 40-26-1-.26, 40-26-1-.31 amended. Rule 40-26-1-.27 repealed and new Rule adopted. Rules 40-26-1-.28 to 40-26-1-.30 repealed. F. Aug. 2, 2013; eff. Aug. 22, 2013.

Rule 40-7-8-.02 amended. Rule 40-7-8-.17 repealed and new Rule adopted. F. Aug. 8, 2013; eff. Aug. 28, 2013.

Rules 40-29-.01 and 40-29-.02 amended. F. Sep. 4, 2013; eff. Sep. 24, 2013.

Rule 40-13-4-.04 amended. F. Sep. 17, 2013; eff. Oct. 7, 2013.

Chapters 40-4-22 and Rules 40-4-8-.01 to 40-4-8-.09 repealed. F. Sep. 26, 2013; eff. Oct. 16, 2013.

Chapters 40-30-1, 40-30-2, 40-30-3 adopted. F. Nov. 6, 2013; eff. Nov. 26, 2013.

Rule 40-9-2-.03 amended. F. Nov. 8, 2013; eff. Nov. 28, 2013.

Chapter 40-4-25 adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.

Rule 40-10-1-.20 amended. F. May 7, 2014; eff. May 27, 2014.

Rules 40-4-7-.05, 40-4-9-.01, .03, and .05 amended. F. Oct. 1, 2014; eff. Oct. 21, 2014.

Chapter 40-29 amended. F. Oct. 8, 2014; eff. Oct. 28, 2014.

ER 40-13-2-0.1-.15 adopted. F. Mar. 10, 2015; eff. Mar. 10, 2015. This rule to remain in effect for a period of 120 days or until the adoption of permanent Rules covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Rule 40-15-4-.02 amended. F. Mar. 25, 2015; eff. Apr. 14, 2015.

ER 40-13-2-0.2-.15 adopted. F. July 14, 2015; eff. July 14, 2015. This rule to remain in effect for a period of 120 days or until the adoption of permanent Rules covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Chapter 40-7-1 repealed and a new Chapter entitled "Retail Food Sales" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rules 40-13-12-.01, .02, .05, 40-13-13-.01, .02 amended. F. Oct. 19, 2015; eff. Nov. 8, 2015.

Chapter 40-17, 40-17-1 through 40-17-10, repealed. F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rules 40-7-8-.02, .03, .03.1, .05, .08, .16 amended. Rule 40-7-8-.07 repealed. F. Mar. 30, 2016; eff. Apr. 19, 2016.

Rule 40-13-14-.03 amended. F. June 10, 2016; eff. June 30, 2016.

Rule 40-7-8-.08 amended. F. July 26, 2016; eff. Aug. 15, 2016.

ER 40-20-1-0.3-.01 adopted. F. September 21, 2016; eff. September 21, 2016. This rule to remain in effect through November 1, 2016, as specified by the Agency.

Rules 40-29-.02, .03 amended. F. Oct. 12, 2016; eff. Nov. 1, 2016.

Note: Rule 40-4-21-.04, Correction of non-substantive typographical error, *"**History:** Original Rule entitled "Contents of the Label" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993."* corrected to *"**History:** Original Rule entitled "Sampling and Analyses" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993."* Error discovered and original title verified in 2017. Effective June 5, 2017.

Rules 40-4-21-.04, 40-6-7-.01, 40-11-8-.01, 40-12-1-.01 amended. Rules 40-5-1-.02, 40-5-1-.03, 40-12-5-.05, 40-27-1-.1 and Chapter 40-31 entitled "Soil Amendments" adopted. F. May 16, 2017; eff. June 5, 2017.

ER 40-20-1-0.4-.01 adopted. F. August 31, 2017; eff. August 31, 2017. This rule to remain in effect through September 15, 2017, as specified by the Agency.

Rule 40-16-1-.09 amended. F. Mar. 15, 2018; eff. Apr. 4, 2018.

Rules 40-5-1-.02, 40-5-8-.06, 40-12-4-.01 amended. Chapter 40-7-13 (specifically Rule 40-7-13-.01) repealed. Apr. 20, 2018; eff. May 10, 2018.

Rule 40-16-1-.09 amended. F. July 25, 2018; eff. Aug. 14, 2018.

Rules 40-13-6-.01 through .08, 40-13-7-.01 amended. Rules 40-13-6-.09 through .12 repealed and new rules adopted. Rule 40-13-6-.13 adopted. F. Aug. 10, 2018; eff. Aug. 30, 2018.

Rules 40-29-.02, .03, .05 amended. F. Sep. 11, 2018; eff. Oct. 1, 2018.

ER 40-20-1-0.5-.01 adopted. F. September 13, 2017; eff. September 13, 2017. This rule to remain in effect through September 15, 2018, as specified by the Agency.

Subject 40-13-15 entitled "Transportation and Holding of Live Feral Hogs" adopted. F. Sep. 17, 2018; eff. Jan. 1, 2019, as specified by the Agency.

Rules 40-7-18-.02, .06, .09, .10, .12, .14 amended. F. Oct. 1, 2018; eff. Oct. 21, 2018.

Rules 40-10-1-.01, .04, .20; 40-13-6-.01, .04 amended. F. Nov. 5, 2018; eff. Nov. 25, 2018.

Note: Rule 40-8-3-.03, correction of non-substantive typographical error in History. In accordance with Rule title cited in filing, "***Repealed:*** *New Rule entitled "Businesses" adopted. F. Jul. 9, 1993; eff. Jul. 29, 1993."* corrected to *"**Repealed:** New Rule entitled "Notice Prerequisite" adopted. F. Jul. 9, 1993; eff. Jul. 29, 1993."* Effective Feb. 28, 2019.

Chapter 40-8 repealed and new chapter entitled "Farmers and Consumers Market Bulletin" adopted; Subjects 40-8-1, 40-8-2, 40-8-3 repealed and new Subjects adopted entitled "General," "Classified Notices" and "Display Advertisements," respectively. F. Feb. 8, 2019; eff. Feb. 28, 2019.

Subject 40-7-20 entitled "Produce Safety Regulations" adopted. F. Apr. 25, 2019; eff. May 15, 2019.

Rules 40-13-13-.03, .04, .07 amended. F. May 10, 2019; eff. June 1, 2019, as specified by the Agency.

Subject 40-7-3 repealed in its entirety. Rule 40-7-5-.02 amended. Subject 40-7-18 title changed to "Manufactured Food Regulations," Rules 40-7-18-.01 through .14 amended. F. Aug. 27, 2019; eff. Sep. 16, 2019.

Rules 40-7-1-.02, .03, .04, .06, .07, .10 through .13, .18, .26, .36, .38, .39, .41 amended. F. Sep. 27, 2019; eff. Oct. 17, 2019.

Rule 40-14-1-.02 amended. Rule 40-14-4-.06 adopted. Rule 40-31-1-.01 repealed and new Rule adopted, Rules 40-31-1-.02 through .06 adopted. F. Nov. 12, 2019; eff. Dec. 2, 2019.

Rule 40-13-14-.03 amended. F. Nov. 19, 2019; eff. Dec. 9, 2019.

Subject 40-4-26 entitled "Citrus Regulations and Quarantine" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Rule 40-12-4-.01 amended. F. Jan. 15, 2020; eff. Feb. 4, 2020.

Rule 40-10-1-.20 amended. F. Jan. 31, 2020; eff. Feb. 20, 2020.

Chapter 40-32 entitled "Hemp Growers and Processors" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Rule 40-20-1-.01 amended. F. Mar. 2, 2020; eff. Mar. 22, 2020.

ER 40-21-2-0.6-.01 adopted. F. Mar. 24, 2020; eff. Mar. 24, 2020. This rule to remain in effect for a period of no longer than 120 days from the effective date, as specified by the Agency.

Rules 40-7-7-.06, .07, 40-12-4-.01, 40-13-13-.04 amended. F. May 8, 2020; eff. May 28, 2020.

Rule 40-14-4-.02 amended. F. Jan. 4, 2021; eff. Jan. 24, 2021.

Rules 40-7-5-.01, .02, .03 amended. F. Jan. 25, 2021; eff. Feb. 14, 2021.

Subject 40-7-19 amended. Rule 40-13-1-.07 adopted. F. Feb. 24, 2021; eff. Mar. 16, 2021.

Subject 40-4-25 repealed in its entirety. F. Apr. 19, 2021; eff. May 9, 2021.

Rules 40-10-2-.02, .03, .04, .06 amended. F. July 8, 2021; eff. July 28, 2021.

Rules 40-32-1-.02, 40-32-2-.01 through .08, .10, .12, 40-32-3-.01 through .10 amended. F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rules 40-13-14-.01, .02, .03 amended. F. Apr. 4, 2022; eff. Apr. 24, 2022.

Subject 40-13-16 entitled "Local Government Companion Animal Trust Fund" adopted. F. Apr. 25, 2022; eff. May 15, 2022.

Chapter 40-1. ADMINISTRATION.

Subject 40-1-1. ORGANIZATION.

Rule 40-1-1-.01. Organization.

(1) The Head of the Department is the Commissioner of Agriculture.

(2) The Georgia Department of Agriculture is the regulatory department of the State government for the agricultural industry of the State. The objective of the Department is the regulation and control of products which farmers of the state buy or sell, as well as the promotion of agricultural products and commodities.

The regulation by the Department is accomplished by Licensing, Issuance of Permits, Inspection and Sampling as well as the with-holding, suspension or revocation of licenses and permits.

The Department is organized into four branches known as the Office of Animal Industry, the Office of Plant Industry, and the Office of Marketing and Consumer Protection, with an additional Office for Administrative and Personnel Affairs.

(3) Where any law of the State of Georgia or any Rule or Regulation of the Department of Agriculture requires a license or permit from the Department before engaging in any particular activity, application for such license or permit may be made to the local inspector, the Supervisor, Section or Division Head concerned or to the Commissioner. Where the application is required to be accomplished on a specified form, the form will be furnished upon request to any of said persons.

(4) When any application is denied and the denial shall result in a dispute, the matter shall be disposed of in accordance with the procedural rules adopted and promulgated by the Commissioner of Agriculture.

(5) Inspectors of the Department will make such inspections and samplings as are authorized by the Regulations of the Department. Reports will be made to the Division concerned and appropriate action taken. Quarantine powers and the right to condemn livestock will be exercised in accordance with the law and the rules and regulations of the Department. Where indemnity programs are in effect application shall be made to the appropriate Section or Division Head or to the Commissioner of Agriculture and shall be acted upon in accordance with the rules and regulations of the Department.

(6) Requests for analysis of seed should be directed to the Seed Section or to the Commissioner of Agriculture. Other available cooperative services furnished by the Department will be made available upon informal request to the appropriate Division Head or the Commissioner.

(7) The Department of Agriculture publishes the GEORGIA FARMERS' MARKET BULLETIN weekly as a part of its agricultural promotion service. Subscriptions are by request to the Commissioner of Agriculture, the Editor of the MARKET BULLETIN or the Chief of the Information and Education Section.

(8) Commodity marketing associations established in accordance with the law operate under the Department of Agriculture but the marketing orders are proposed by the Agriculture Commodity Commission for the particular product and adopted by vote of producers of that product.

(9) All applications for employment in the Department of Agriculture should be addressed to the Personnel Section within the Administrative Office of the Department.

(10) Any labels, formulas, advertising material or other matter required by law or regulations to be approved by the Department of Agriculture should be submitted to the Section or Department Head Concerned.

(11) The Department of Agriculture is also the administrative force charged with executing policies, rules and orders of the Milk Control Commission which is the agency charged with controlling the usage, distribution and price of milk. The rules, regulations and orders of the Milk Control Commission are published separately.

Cite as Ga. Comp. R. & Regs. R. 40-1-1-.01
Authority: Ga. L. 1964, p. 338, as amended by Ga. Laws 1965, p. 283.
History. Original Rule filed on June 30, 1965.

Subject 40-1-2. ADMINISTRATIVE RULES OF PRACTICE AND PROCEDURE.

Rule 40-1-2-.01. Definitions.

The following words and terms as used in these rules shall have the meaning hereinafter ascribed to them:

(a) "Department" means the Department of Agriculture of the State of Georgia.

(b) "Commissioner" means the Commissioner of Agriculture of the State of Georgia.

(c) "Hearing Officer" means the Commissioner or any other person designated by him as Hearing Officer. Any Hearing Officer, other than the Commissioner, shall be a person with previous legal experience.

Cite as Ga. Comp. R. & Regs. R. 40-1-2-.01
Authority: Ga. L. of 1874, p. 5: 1893, p. 136; 1960, p. 245, 246; 1964, p. 338, as amended by Ga. L. of 1965, p. 283.
History. Original Rule entitled "Definitions" was filed and effective on June 30, 1965.
Amended: Filed January 27, 1971; effective February 16, 1971.

Rule 40-1-2-.02. Licensing.

(1) No application to the Department of Agriculture for a license or permit shall be granted if the person, firm or corporation applying is indebted to the Department of Agriculture for any license, permit, penalty, or services previously rendered. Failure to promptly pay any sum owing the Department or the violation of any law of the State of Georgia or any rule or regulation having the effect of law shall constitute good cause for suspension, denial or revocation of any license or permit.

(2) Any non-resident person, firm or corporation applying to the Department of Agriculture for a license or permit shall by such application admit to the conduct of business within the state, shall consent to the jurisdiction of the courts of the State of Georgia and the Department of Agriculture and as a condition to the granting of such license or permit shall name and appoint an agent for acceptance of service of all legal processes authorized by the laws and regulations of the State of Georgia. Failure to so appoint an agent for acceptance of service shall authorize the Secretary of State to accept service for such person.

(3) In any proceeding relating to actions revoking, suspending or denying a license to any party or person, such action cannot be taken without giving the affected party prior written notice of the intended action and affording him an opportunity for hearing.

Cite as Ga. Comp. R. & Regs. R. 40-1-2-.02
Authority: Ga. L. of 1874, p. 5; 1893, p. 136; 1960, p. 245, 246; 1964, p. 338, as amended by Ga. L. of 1965, p. 283.
History. Original Rule entitled "Licensing" was filed and effective on June 30, 1965.
Amended: Filed January 27, 1971; effective February 16, 1971.

Rule 40-1-2-.03. Conduct of Hearing.

(1) The order of proof in the conduct of a hearing should be somewhat flexible. Generally the following procedure will be adhered to:

   (a) The representative of the Department or division which asserts the claim or makes the charge should examine its witnesses first.

   (b) The opposing party and his witnesses should then be heard.

   (c) The giving of testimony by each respective party and his witnesses is subject to appropriate cross examination.

   (d) The Hearing Officer may call or recall a witness as the exigencies of a case dictate.

(2) There will be no time requirement for a party to complete his case. The hearing is not considered complete until both sides of the controversy have completed their arguments.

(3) Motions on technical grounds to dismiss claims, charges and proceedings before the completion of the hearing which are superfluous will not be entertained by the Hearing Officer.

(4) The rules of evidence as applied in civil cases in the superior court of Georgia shall be followed; however, when necessary to ascertain facts not reasonably susceptible of proof thereunder the strict rules of evidence or technical procedure shall not apply. The Hearing Officer shall conduct the hearing on a middle course between rigid formal technical procedure and careless informality.

(5) Confidential and privileged documents:

(a) Documents, reports, data and other information obtained by the Department from any person, firm, corporation, municipality, counties and other public authorities and political subdivisions, where such matters relate to secret processes, formulae, or where such matters were obtained on a confidential basis, shall be classified confidential and privileged documents.

(b) Upon receipt of any confidential and privileged document, the Hearing Officer shall label it "Confidential and Privileged - Not For Release." Such document shall be maintained in a security file.

(c) All matters so classified shall not be subject to public inspection nor discovery until and unless the Department or a court of competent jurisdiction after in camera inspection shall determine that the public interest requires such production and disclosure.

Cite as Ga. Comp. R. & Regs. R. 40-1-2-.03
Authority: Ga. L. of 1874, p. 5; 1893. p. 136; 1960, p. 245, 246; 1964, p. 338. as amended by Ga. L. of 1965, p. 283.
History. Original Rule entitled "Hearing Officer-Authority" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Conduct of Hearing" adopted. Filed January 27, 1971; effective February 16, 1971.

Rule 40-1-2-.04. Declaratory Ruling by Agency.

Any person shall have the right to file a petition with the agency requesting a declaratory ruling by the Commissioner as to the applicability of any statutory provision or of any rule or order of the agency. The Commissioner shall make a ruling with respect to the applicability of such provision, rule or order within twenty days of the filing of said petition and give notice of his ruling to the petitioner. The Commissioner may, in his discretion, or upon written request by the petitioner refer the matter to a hearing officer for the conduct of a hearing which shall be held in accordance with the law and rules governing contested hearings, in which case the petitioner shall be given twenty days notice of the time and place of such hearing. The petitioner shall have the same rights with respect to such hearing and appeal therefrom as would be available in any contested case.

Cite as Ga. Comp. R. & Regs. R. 40-1-2-.04
Authority: Ga. L. 1964, p. 388, as amended by Ga. L. of 1965, p. 283.
History. Original Rule entitled "Appeal from the Department" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Declaratory Ruling by Agency" adopted. Filed January 27, 1971; effective February 16, 1971.

Rule 40-1-2-.05. Procedure for Adoption of Rules.

(1) When in the judgment of the Commissioner, it is deemed necessary to adopt rules to secure satisfactory compliance with or to implement the provisions of Georgia laws, the Commissioner shall prepare or cause to be prepared a draft of such rules and such draft shall:

(a) Contain only rules that reasonably adapt to the purposes intended and are within the purview of the powers conferred and duties imposed upon the Commissioner and the Department by Georgia law.

(b) Provide such definitions as are necessary to assure reasonable uniformity in interpretation and enforcement of the rules.

(2) Interested persons may petition the Georgia Department of Agriculture requesting the promulgation, amendment, or repeal of a rule. Such petition should be in the form of a letter addressed to the Commissioner of Agriculture setting forth the language of the proposed rules, amendments or repeal, and, where applicable, the language of the rules sought to be amended or repealed. Such letter should be sent to the Commissioner of Agriculture by certified or registered mail and should set forth the interest of the person petitioning the Commissioner. Within twenty days after submission of such petition, the Commissioner shall deny the petition in writing (stating his reason for the denial) or shall initiate rulemaking proceedings in accordance with Rule 40-1-2-.05(3)(a)(b).

(3) Prior to adoption, amendment or repeal of any rule other than an interpretive rule, or a general statement of policy the Department shall:

(a) Give at least thirty days' notice of its intended action. The notice shall include a statement of either the terms or substance of the proposed regulation or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon. The notice shall be mailed to all persons who have requested in writing that they be placed upon a mailing list, which shall be maintained by the agency for advance notice of its rulemaking proceedings and who have tendered the actual cost of such mailing as from time to time determined by the agency.

(b) Afford to all interested persons reasonable opportunity to submit data, views or arguments, orally or in writing. In the case of substantive rules, opportunity for oral hearing must be granted if requested by twenty-five (25) persons, who will be directly affected by the proposed rule, by a governmental subdivision, or by an

association having not less than twenty-five (25) members. The agency shall consider fully all written and oral submissions respecting the proposed rule.

Cite as Ga. Comp. R. & Regs. R. 40-1-2-.05
Authority: Ga. L. of 1874, p. 5; 1893, p. 136; 1960, p. 245, 246; 1964, p. 338 as amended by Ga. L. of 1965, p. 283; 1979, p. 1014, 1015.
History. Original Rule entitled "Procedure for Adoption of Rules" was filed and effective on June 30, 1965.
Amended: Filed December 29, 1965; effective January 17, 1966.
Amended: Filed January 27, 1971; effective February 16, 1971.
Amended: Filed April 9, 1980; effective April 29, 1980.

Rule 40-1-2-.06. Signing and Filing of Adopted Rules or Regulations or Repeals.

Upon the adoption of a rule or regulation or repeal of existing rule or regulation, the Commissioner shall sign the same and file an original and two copies with the Secretary of State.

Cite as Ga. Comp. R. & Regs. R. 40-1-2-.06
Authority: Ga. L. of 1874, p. 5; 1893, p. 136; 1960, p. 245, 246; 1964, p. 338, as amended by Ga. L. of 1965, p. 283.
History. Original Rule entitled "Adoption of the Rule" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Signing and Filing of Adopted Rules or Regulations or Repeals" adopted. Filed December 29, 1965; effective January 17, 1966.
Amended: Filed January 27, 1971; effective February 16, 1971.

Rule 40-1-2-.07. Emergency Rules.

If the Commissioner finds that an imminent peril to the public health, safety or welfare (including but not limited to summary processes such as quarantines, contrabands, seizures and the like authorized by law without notice), requires adoption of a rule upon fewer than thirty (30) days' notice and states in writing his reason for this finding, he may proceed without prior notice or hearing or upon an abbreviated notice and hearing that he finds practicable, to adopt and emergency rule. The rule may be effective for a period of not to exceed 120 days and will be set out in said rule, but the adoption of an identical rule under Rule 40-1-2-.05 through 40-1-2-.06 hereof is not precluded.

Cite as Ga. Comp. R. & Regs. R. 40-1-2-.07
Authority: Ga. L. of 1874, p. 5; 1893. p. 136; 1960, p. 245, 246; 1964, p. 338, as amended by Ga. L. of 1965, p. 283; 1979, p. 1014, 1015.
History. Original Rule entitled "Imminent Threat" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Emergency Rules" adopted. Filed January 27, 1971; effective February 16, 1971.

Rule 40-1-2-.08. Forms and General Instructions.

Copies of all forms and general instructions, other than regulations, now in general use by the Department, are available at the Department and copies may be obtained upon request.

Cite as Ga. Comp. R. & Regs. R. 40-1-2-.08
Authority: Ga. L. of 1874, p. 5; 1893, p. 136; 1960, p. 245, 246; 1964, p. 338, as amended by Ga. L. of 1965, p. 283.
History. Original Rule entitled "Effective Date of Rule" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Forms and General Instructions" adopted. Filed January 27, 1971; effective February 16, 1971.

Rule 40-1-2-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-1-2-.09
Authority: Ga. L. 1874, p. 5; Ga. L. 1893, p. 136; Ga. L. 1960, pp. 245, 246; Ga. L. 1964, p. 338, as amended by Ga. L. 1965, p. 283.
History. Original Rule entitled "Promulgation of Rules" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed January 27, 1971; effective February 16, 1971.

Rule 40-1-2-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-1-2-.10
Authority: Ga. L. 1874, p. 5; Ga. L. 1893, p. 136; Ga. L. 1960, pp. 245, 246; Ga. L. 1964, p. 338, as amended by Ga. L. 1965, p. 283.
History. Original Rule entitled "Forms and General Instructions" was filed and effective on June 30, 1965.
Amended: Filed September 2, 1966; effective September 21, 1966.
Amended: Rule repealed. Filed January 27, 1971; effective February 16, 1971.

Chapter 40-2. MILK AND MILK PRODUCTS.

Subject 40-2-1. DEFINITIONS.

Rule 40-2-1-.01. Definitions.

The following definitions shall apply in the interpretation and enforcement of the Georgia Dairy Act of 1980.

(a) **"Raw Milk and Raw Milk Products for Human Consumption."** It shall be unlawful to sell, offer for sale, or otherwise dispense raw or unpasteurized milk, cream, or other milk products except raw milk cheese properly processed and aged according to Federal requirements.

(b) **"Raw whole milk for manufacturing purposes"** is hereby defined to mean that fluid whole milk in its natural state from healthy cows or other lactating non-human species,

but which has not been produced and handled in compliance with the requirements for Grade A raw milk.

(c) **"Manufactured milk products"** is hereby defined to mean those milk products, including condensed, evaporated, concentrated, sterilized, or powdered milk made from raw whole milk for manufacturing purposes which have been processed in such a safe and suitable manner and under such conditions so as to make them free of possible adulterants found exceeding safe or tolerance levels set by FDA in such raw milk from which such products were manufactured under such rules and regulations which are substantially equivalent to the Grade A PMO physical and structural requirements. Manufactured milk products may be made from Grade A raw milk. Manufactured Milk Product Standards. Raw milk for manufacturing used in Georgia must meet the following standards:

1. Solids not fat - 8.25% minimum;
2. Added water - freezing point not below -.525 (3.7%);
3. Antibiotics - Shall not exceed acceptable levels using the approved methods recognized by the Food and Drug Administration;
4. Producer milk Standard Plate Count - not to exceed 500,000 per ml.;
5. Somatic Cell count - not to exceed 1,000,000 per ml. or most current level adopted by the United States Department of Agriculture;
6. Commingled milk - Standard Plate Count not to exceed 1,000,000 per ml.

(d) **"Ungraded milk"** is any milk that does not comply with the requirements of Grade A raw milk or raw whole milk for manufacturing purposes as defined in this chapter. The sale or offer for sale or delivery of ungraded milk is hereby prohibited.

(e) **"Adulterated milk and milk products"** in addition to all conditions of appendix L of the Grade A Pasteurized Milk Ordinance a milk or milk product shall be deemed to be adulterated when it contains more than 3.7% added water or a freezing point below -.525.

(f) **"Ultra-pasteurized",** when used to describe a dairy product, means that such product shall have been thermally processed at or above 280° F (138°C) for at least 2 seconds, either before or after packaging, or any other time and temperature acceptable to U.S. Food and Drug Administration, so as to produce a product which has an extended shelf life under refrigerated conditions.

(g) **"Milk producer"** is any person or persons who operates a dairy farm and provides, sells, or offers for sale to a milk plant, receiving station or transfer station or licensed facility raw milk produced under the requirements of these regulations.

(h) **"Dairy Farm"** is any place, premises where one or more cows or other lactating non human species are kept, and from which a part of all of the milk or milk products is

provided, sold, or offered for sale to a milk plant, transfer station, receiving station or licensed facility.

(i) **"Milk Plant".**

1. "Milk Plant" is any place, premises, or establishment where Grade A milk or milk products are processed, pasteurized, bottled, packaged or prepared for further sale and which holds a valid license from the Georgia Department of Agriculture.

2. "Dairy Manufacturing Plant" is a business that purchases milk from producers or other handlers for manufacturing purposes and/or manufacturers such products as cheese, condensed milk, evaporated milk, powdered milk, frozen desserts and frozen dessert mixes and which holds a valid license from the Georgia Department of Agriculture.

(j) "Manufacturing" - The combination of any of the following: The collection, processing, packaging, bottling, wrapping, freezing, or labeling of any milk, milk product or frozen dessert, except as otherwise provided for in these regulations.

(k) **"Substations".**

1. "Substation" is hereby defined as any permanent facility where milk, milk products and frozen desserts are stored outside the manufacturing plants premises before final delivery to any retail establishment and shall comply with all applicable sections of the Grade A Pasteurized Milk Ordinance. The overnight parking of a route truck shall not be considered a substation.

2. The following items listed on the Milk Plant Inspection Report, Grade A Pasteurized Milk Ordinance, shall apply to substations: 1a, 2a, 3a, 4a, 4b, 6a, 6b, 6c, 6d, 8a, 9a, 9b, 15a, 15b, 15d, 17b, 17c, 20b, 21a, 21b, 22a, and 20c.

3. Enforcement procedures shall be the same as those in section 3 of the Grade A Pasteurized Milk Ordinance, on Permits, and no milk plant or distributor shall be allowed to deliver milk to any substation under suspension.

4. Effective July 1, 1980, all "substations" shall be issued permits, without change.

(l) **"Grade A Modified Milk"** is a fluid milk product having its fat, milk solids not fat, vitamins, minerals and/or other optional ingredients adjusted by addition or deletion, of which a portion or all of the solids not fat, vitamins, and minerals and/or optional ingredients contained therein are derived from approved sources. The limits shall be the same limits as for Grade A whole milk for distribution as required in the Grade A Pasteurized Milk Ordinance and Supplements. Formula, contents, and/or process for modification must be submitted only by a licensed dairy plant after establishing proof satisfactory to the Commissioner that the applicant has and will continue to meet all the requirements of the laws, rules, regulations, orders and standards pertaining to milk and milk products of the state and making the declarations as required on application for

permit allowing processing of modified milk. Pursuant to the provisions of the Grade A milk law and upon the Commissioner's approval, a license may be issued for processing of modified milk and milk products. When there is satisfactory evidence of misuse or failure to meet all the requirements of the laws, rules, regulations, orders and standards of all agencies pertaining to milk and milk products of this state, said permit shall be revoked or suspended. Each processing plant, which modifies milk, shall keep and maintain the following records, which shall be open to inspection by the Commissioner or his designee at any reasonable time:

1. original invoices of all purchases of concentrates used;
2. the amounts used in milk each day;
3. the daily production of modified milk.

Cite as Ga. Comp. R. & Regs. R. 40-2-1-.01
Authority: O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "Definitions" adopted. F. and eff. June 30, 1965.
Amended: F. June 20, 1966; eff. July 9, 1966.
Amended: F. May 8, 1968; eff. May 27, 1968.
Repealed: New Rule of same title adopted. F. Aug. 1, 1969; eff. Aug. 20, 1969.
Amended: F. Aug. 21, 1969; eff. Sept. 9, 1969.
Amended: F. Jan. 12, 1971; eff. Feb. 1, 1971.
Amended: F. April 22, 1975; eff. May 12, 1975.
Repealed: New Rule entitled "Milk" adopted. F. Dec. 21, 1982; eff. Jan. 10, 1983.
Amended: F. Aug. 25, 1988; eff. Sept. 14, 1988.
Repealed: New Rule entitled "Definitions" adopted. F. Aug 14, 1992; eff. September 3, 1992.
Amended: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by agency.

Rule 40-2-1-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-1-.02
Authority: Ga. L. 1980, pp. 921, *et seq.*
History. Original Rule entitled "Dairy Terms" was filed on December 21, 1982; effective January 10, 1983.
Repealed: F. Aug. 14, 1992; eff. Sept. 1, 1992.

Subject 40-2-2. ADMINISTRATION.

Rule 40-2-2-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-2-.01
Authority: Ga. L. 1980, p. 981, *et seq.*; O.C.G.A. Sec. 2-9-1*et seq.*
History. Original Rule entitled "Licenses" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adapted. Filed August 1, 1969; effective August 20, 1969.
Amended: Rule repealed and a new Rule entitled "Permits" adopted. Filed December 21, 1982; effective January 10, 1983.
Amended: New Rule entitled "Bond and Prompt Pay Requirements" adopted. F. Jul. 19, 1991; eff. Aug. 8, 1991.

Repealed: F. Aug. 14, 1992; eff. Sept. 3, 1992.

Rule 40-2-2-.02. Permits and Licenses.

In addition to the requirements of the most recent Pasteurized Milk Ordinance as amended the following shall apply in the State of Georgia.

(a) All Grade A Plants, Grade A Producers, Distributors, receiving stations, dairy manufacturing plants and milk handlers purchasing raw milk in Georgia must meet the requirements according to the laws, rules and regulations vested in the Commissioner of Agriculture, and apply in writing annually to the Dairy Division, Department of Agriculture for license prior to December 1 of each year. All out of state Grade A Plants currently on the Interstate Milk Shippers list and holding a valid rating shall be considered to be licensed. Provided, however, that nonprofit cooperative associations having paid the fee provided by code section 2-10-105 shall not be provided herein, but such associations shall obtain and keep current the requisite licenses.

(b) Issuance of Permits - Licenses: It shall be unlawful for any person who does not possess a license from the Georgia Department of Agriculture - Dairy Division to bring into, send into, or receive into the State of Georgia or its jurisdiction, for sale, or to sell or offer for sale therein, or to have in storage any milk or milk products as defined in these rules. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations.

(c) Application for all licenses, registrations and permits shall be made on the forms provided by the Department of Agriculture - Dairy Division. All licenses shall be renewable upon payment of the required fee and submission of all required application forms. All such licenses shall be valid for a period of one year unless revoked or suspended.

(d) License for Grade A Dairy Plant. For a place of business that purchases Grade 'A' Milk from producers of other Grade 'A' milk handlers for processing and/or for bottling and distribution. LICENSE FEE: $10.00

(e) License for Raw Milk Handlers/Brokers. For a place of business that purchases milk produced in Georgia from producers or other milk handlers to be shipped for further processing. LICENSE FEE: $5.00

(f) License for Dairy Manufacturing Plant. For a place of business that purchases milk from producers or other milk handlers for manufacturing purposes, such as cheese, condensed milk, evaporated milk, powdered milk, ice cream, ice cream mix or other frozen desserts and products not defined in the Grade A Pasteurized Milk Ordinance. LICENSE FEE: $10.00

(g) License for Milk and Cream Testers. All persons, firms, or corporations buying milk and milk products on a butterfat basis shall engage a tester licensed and bonded by the Department of Agriculture. This bond shall be made to the Commissioner of Agriculture in the amount of one thousand dollars ($1,000.00). LICENSE FEE: $5.00

(h) Temporary Marketing Permit. The Georgia Department of Agriculture recognizes that advances in technology and the changing nutritional needs of consumers sometimes require market tests of products varying from existing standards of identity. Using the for-mat outlined in 21 CFR, 130.17, the Georgia Department of Agriculture will provide temporary approval for marketing such a product in Georgia when the following conditions are met:

1. The sole purpose of the marketing test is to obtain data necessary for reasonable grounds in support of a petition to amend a standard of identity.

2. The approval of such a test shall be normally for a period not to exceed fifteen (15) months unless applicant can show good cause for extending the test market period.

3. Any person desiring a Temporary Marketing Permit on a dairy product including frozen desserts must meet the criteria cited in paragraph (a) and (b) above, and must file a written application with the Dairy Division, Room 318, Georgia Department of Agriculture, Capitol Square, Atlanta, Georgia 30334. This application must accompany copies of proposed product label and contain the following information:

   (i) Name and address of the applicant;

   (ii) Citation of the applicable definition and standard of identity from which a deviation is being requested;

   (iii) A full and complete description of the deviation or variation being requested;

   (iv) The basis upon which the product that will vary from the standard is believed to be wholesome and not deleterious;

   (v) The purpose or rationale of effecting the variation;

   (vi) The time period during which the product will be sold in Georgia;

   (vii) The projected quantity and an explanation of why this projected amount is believed necessary to measure consumer response;

   (viii) The physical address of the applicant's manufacturing facility and points of distribution in Georgia;

(ix) A statement of whether or not the product has been or is to be distributed in the state in which it is manufactured;

(x) If an applicant that has been granted a temporary marketing permit in Georgia feels a need to extend the permit beyond fifteen (15) months, they must submit an application to the department three (3) months prior to the expiration date of the permit. It shall be accompanied by a description of experiments conducted, tentative conclusions reached and reasons why further experimental shipments are considered necessary;

(xi) Information as to how long and where this product may have been marketed in other states prior to requesting a permit in Georgia. LICENSE FEE: $100.00

(i) In addition to the provisions of permit and licenses issuances and suspension, the following reports shall be sent to the Dairy Division of the Department of Agriculture.

1. Suspended Milk Report. Each milk plant or milk transporter will supply the Department of Agriculture - Dairy Division with a copy of the Suspended Milk Report. This report is to include the following information on the disposition of all milk suspended at producer dairies and mailed no later than ten (10) days after suspension is lifted.

   (i) Date suspended milk picked up;

   (ii) Number of pounds of milk transported;

   (iii) Destination of suspended milk.

2. Plant Information Request. Each milk processing plant shall furnish the Georgia Department of Agriculture, Dairy Division with a Plant Information Request in the event that one or more of their products is suspended. This information will be reported on in the event that another plant bottles or processes a suspended milk product normally handled by the plant. Information requests will contain the following information:

   (i) Date bottled or processed;

   (ii) Gallons bottled or processed;

   (iii) Plant at which product was bottled or processed;

   (iv) Mailed not later than ten (10) days after product suspension is lifted.

Cite as Ga. Comp. R. & Regs. R. 40-2-2-.02
Authority: O.C.G.A. Sec 26-2-230*et seq.*

History. Original Rule entitled "Reports" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Aug. 1, 1969; eff. Aug. 20, 1969.
Amended: Rule repealed. F. Dec. 21, 1982; eff. Jan. 10, 1983.
Amended: New Rule entitled "Permits and Licenses" adopted. F. July 19, 1991; eff. August 8, 1991.
Repealed: New Rule of same title adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.
Amended: F. Jan 10, 2001; eff. January 31, 2001, as specified by Agency.

Rule 40-2-2-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-2-.03
Authority: Ga. L. 1961, p. 501.
History. Original Rule entitled "Forms" was filed on August 1, 1969; effective August 20, 1969
Amended: Rule repealed. Filed December 21, 1982; effective January 10, 1983.

Subject 40-2-3. LABELING.

Rule 40-2-3-.01. Labeling, General.

(1) All bottles, cans, packages, and other containers enclosing milk, any milk product or frozen desserts defined in these rules and regulations shall be plainly labeled and marked with:

(a) the name of the product; and,

(b) the grade of the product, if a grade is prescribed for such product under these definitions, standards, rules and regulations.

(c) All containers of milk, milk products, frozen desserts and imitation dairy products shall be clearly marked with the name and address of the processor and/or the plant identification number assigned to the processor by the regulatory agency when offered for sale. This does not include containers for products, which have been cut, dipped, or otherwise dispensed.

(2) All containers of milk and milk products shall be clearly marked with a Sell By Date with the exception of frozen desserts and some shelf stable products where processing codes may be required.

(a) The Georgia Department of Agriculture may require acceptable documentation from an approved lab that validates the shelf life claim.

(b) Sell By Date shall be expressed by the first three letters of the month followed by the numeral(s) constituting the appropriate calendar date or alternately could be expressed numerically, provided plant code or machine code is not placed adjacent to the Sell By Date. The Sell By Date shall be conspicuous and legible. Containers

with dates on the bottom shall display information concerning the location of the Sell By Date.

(3) In addition to the above labeling requirements, all products shall meet legal standards as established by other sections of these regulations.

(4) All retail establishments shall be supplied with fresh dairy products with a Sell By Date on products that would conform to a reasonable delivery time from the date of processing. Milk products after initial delivery shall not be moved to other accounts when such products are late in code.

Cite as Ga. Comp. R. & Regs. R. 40-2-3-.01
Authority: O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "Labeling" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Aug. 1, 1969; eff. Aug. 20, 1969.
Amended: F. Jan. 23, 1974; eff. Feb. 12, 1974.
Repealed: New Rule entitled "Labeling, General" adopted. F. Dec. 21, 1982; eff. Jan. 10, 1983.
Repealed: New Rule of same title adopted. F. Jan. 13, 1988; eff. Feb. 2, 1988.
Repealed: New Rule, same title, adopted. F. Jan. 8, 1992; eff. Jan. 28, 1992.
Repealed: New Rule of same title adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.
Amended: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by Agency.

Rule 40-2-3-.02. Approval of Labels.

(1) Manufacturer-Processor Identity Labeling: Identity is defined as the name, address, including zip code of the plant at which the pasteurization, ultra pasteurization or aseptic processing takes place. The Voluntary National Uniform Coding System for Identification of Pasteurization Plants at which milk and milk products are packaged is hereby adopted by reference, in order to provide a uniform system of codes throughout the country. However, before a code may be used to indicate address of the plant at which pasteurization takes place, the code shall be registered with the regulatory agency. Name and address and/or plant codes must be placed on the final delivery container.

(2) In cases where several pasteurization, ultra pasteurization or aseptic processing plants are operated by one firm, the common firm name may be utilized on product containers; provided, that the location of the plant at which the contents were pasteurized is also shown, either directly or by a code. The street address of the pasteurizing plant need not be shown when only one approved plant of a given name is located within the municipality.

(3) Misleading labels: The regulatory agency shall not permit the use of any misleading marks, words or endorsements upon the label. The agency may permit the use of registered trade designs or similar terms on the bottle cap or label when, in the agency's opinion, they are not misleading and are clearly and conspicuously shown.

Cite as Ga. Comp. R. & Regs. R. 40-2-3-.02
Authority: Ga. L. 1980, pp. 981, *et seq.*; O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "Definitions" was filed on August 1, 1969; effective August 20, 1969.
Amended: Rule repealed and a new Rule entitled "Additional Label Requirements for Fluid Milk and Fluid Milk Products, Imitation Milk and Imitation Milk Products" adopted. Filed December 21, 1982; effective January 10, 1983.
Repealed: New Rule entitled "Approval of Labels" adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.
Amended: F. Dec. 13, 1996; eff. Jan. 2, 1997.

Rule 40-2-3-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-3-.03
Authority: Ga. L. 1980, pp. 981, *et seq.*
History. Original Rule entitled "Method of Labeling" was filed on August 1, 1969; effective August 20, 1969.
Amended: Rule repealed and a new Rule entitled "Approval of Labeling" adopted. Filed December 21, 1982; effective January 10, 1983.
Repealed: F. Aug. 14, 1992; eff. Sept. 3, 1992.

Rule 40-2-3-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-3-.04
Authority: Ga. L. 1961, pp. 501.
History. Original Rule entitled "Information Required on Label" was filed on August 1, 1969; effective August 20, 1969.
Amended: Rule repealed. Filed December 21, 1982; effective January 10, 1983.

Rule 40-2-3-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-3-.05
Authority: Ga. L. 1961, pp. 501.
History. Original Rule entitled "Additional Label Requirements for Fluid Milk and Fluid Milk Products, Imitation Milk and Imitation Milk Products" was filed on August 1, 1969; effective August 20, 1969.
Amended: Rule repealed. Filed December 21, 1982; effective January 10, 1983.

Rule 40-2-3-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-3-.06
Authority: Ga. L. 1961, pp. 501.
History. Original Rule entitled "Size and Position of Printing" was filed on August 1, 1969; effective August 20, 1969.
Amended: Rule repealed. Filed December 21, 1982; effective January 10, 1983.

Rule 40-2-3-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-3-.07
Authority: Ga. L. 1961, pp. 501.
History. Original Rule entitled "Approval of Labels" was filed on August 1, 1969; effective August 20, 1969.
Amended: Rule repealed. Filed December 21, 1982; effective January 10, 1983.

Rule 40-2-3-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-3-.08
Authority: Ga. L. 1961, pp. 501.
History. Original Rule entitled "Vehicles, Containers and Dispensers" was filed on August 1, 1969; effective August 20, 1969.
Amended: Rule repealed. Filed December 21, 1982; effective January 10, 1983.

Rule 40-2-3-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-3-.09
Authority: Ga. L. 1961, pp. 501.
History. Original Rule entitled "Effective Date" was filed on August 1, 1969; effective August 20, 1969.
Amended: Rule repealed. Filed December 21, 1982; effective January 10, 1983.

Subject 40-2-4. SANITATION.

Rule 40-2-4-.01. Additional Requirements of the 1978 Pasteurized Milk Ordinance for Farms.

All farm tanks shall be calibrated by the manufacturer before leaving the factory. The Georgia Department of Agriculture, Weights and Measures Division, will check tank after installation for accuracy.

Cite as Ga. Comp. R. & Regs. R. 40-2-4-.01
Authority: O.C.G.A. 26-2-230.
History. Original Rule entitled "The Examination of Milk and Milk Products" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "The Examination of Milk and Milk Products, Imitation Milk and Imitation Milk Products" adopted. Filed August 1, 1969; effective August 20, 1969.
Amended: Rule repealed and a new Rule entitled "Additional Requirements of 1978 Pasteurized Milk Ordinance for Farms" adopted. Filed December 21, 1982; effective January 10, 1983.
Amended: Rule repealed and a new Rule of the same title adopted. Filed January 13, 1988; effective February 2, 1988.

Rule 40-2-4-.02. Mechanical Cleaning of Pumps, Hoses, and Tanks on Farms.

The product contact surfaces of all pumps and hoses used on a farm shall be mechanically cleaned and sanitized in a Clean-in-Place circuit approved by this department. Bulk milk tanks shall be cleaned and sanitized when emptied and shall be emptied at least every 72 hours.

Cite as Ga. Comp. R. & Regs. R. 40-2-4-.02
Authority: O.C.G.A. Sec. 26-2-233.
History. Original Rule entitled "Application of Article" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Aug. 1, 1969; eff. Aug. 20, 1969.
Repealed: F. Dec. 21, 1982; eff. Jan. 10, 1983.
Amended: New Rule entitled "Mechanical Cleaning of Pumps, Hoses, and Tanks on Farms" adopted. F. Sept. 8, 2003; eff. Sept. 28, 2003.

Subject 40-2-5. APPENDIXES TO THE GRADE A PASTEURIZED MILK ORDINANCE - ADDITIONAL REQUIREMENTS.

Rule 40-2-5-.01. Appendix B Milk Production, Hauling Industry Inspection.

In addition to requirements of Appendix B of the Grade A Pasteurized Milk Ordinance, the following shall apply to bulk milk hauler/samplers:

(a) Milk stored in cans or other containers outside the bulk tank shall not be sampled or picked up except that such milk may be permitted to go to cheese with express permission of the Commissioner of Agriculture.

(b) There shall be enough milk in the bulk tank after the first milking to agitate completely all milk in the bulk tank or no milk shall be picked up as Grade A.

(c) When there is a partial pickup, the remaining milk in the bulk farm tank shall be picked up before the next milking. In this instance, the hauler shall notify the dairyman and his superior.

(d) Tagging washed milk tankers:

1. The plant or station at which the tanker is washed shall supply the driver of the milk tanker with a wash tag and affix such tag to the tanker.

(e) Farm Bulk Milk Hauler/Sampler:

1. Bulk Milk Hauler/Samplers in Georgia must have a license issued by the Georgia Department of Agriculture before they can pick up milk or take samples. Bulk Milk Hauler/Samplers licensed/ permitted by other states in accordance with the Grade A PMO shall be considered licensed.

2. Bulk Milk Hauler/Sampler license applicants must fill out an application and submit to the Georgia Department of Agriculture and pass an examination before a license will be issued.

3. Failure of licensed samplers to perform their job in an approved manner can result in suspension or revocation of their license.

Cite as Ga. Comp. R. & Regs. R. 40-2-5-.01
Authority: O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "Importation of Dry Milk Products into Georgia" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Aug. 1, 1969; eff. Aug. 20, 1969.
Repealed: New Rule entitled "Appendix B Milk Production, Hauling Industry Inspection" adopted. F. Dec. 21, 1982; eff. Jan. 10, 1983.
Repealed: New Rule of same title adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.
Amended: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by Agency.

Rule 40-2-5-.02. Appendix G.

Chemical and Bacteriological tests. In addition to Appendix G of the Grade A Pasteurized Milk Ordinance, the following shall apply in the State of Georgia:

(a) Sampling and Testing Milk and Cream. All persons, firms, or corporations purchasing milk or dairy products on a basis which includes the use of milkfat tests as the determining factor of the price shall use one of the following methods:

1. A representative sample of each producer's milk shall be taken at least every other day and tested for milkfat daily. Minimum amount of samples shall be 3 fluid ounces.

2. The average of these tests shall be used as the percentage of milkfat in the milk delivered for each pay period. Minimum amount of samples shall be 3 fluid ounces.

3. A representative sample of each producer's milk shall be taken and held as a composite sample (with addition of approved preservatives) and this composite sample tested for milkfat not less than four or more than eight day intervals. The average of these composite tests shall be used as the percentage of milkfat for the milk delivered in each pay period. Minimum amount of samples shall be 3 fluid ounces.

4. A representative milkfat sample is a portion of milk taken from one or more complete days production from a given dairy after all the milk has been thoroughly mixed. Samples that are to be tested to determine the price paid for milk shall be in the care of a person licensed and bonded by the Commissioner of Agriculture and/or under lock and key, properly refrigerated. Composite samples of milkfat shall be tested within 48 hours after sampling has been completed. Composite samples shall be held by the plants for 48 hours after reporting milkfat test to producer.

5. As the Federal Milk Market order system is used in Georgia, the Market Administrator's office shall have the responsibility of determining correct milkfat on milk and the prices paid to producers. The guidelines set by Federal Law under the Milk Market Administrator's office shall be used in lieu of sections a, 1-4.

(b) Reporting Milkfat Tests to Producers. All milk plants processing Grade A milk shall furnish to each producer weekly a certification of the milkfat tests on the producer's milk, giving dates on which the samples were taken in determining the milkfat content. Distributors or milk processing plant, paying a producer semimonthly, are hereby required to pay the producers of Grade A milk on an average milkfat test of not less than six (6) samples tested in a fifteen day period.

(c) Methods of Testing. The Babcock Method shall be employed as required by law and approved by the Georgia Department of Agriculture or other acceptable methods in the "AOAC PUBLICATION OF STANDARD METHODS FOR TESTING DAIRY PRODUCTS".

(d) Milkfat Deficiency Penalties.

1. Upon a determination of a violation of the milkfat testing laws, and the milkfat content of milk products, and with the consent of the affected purchaser, restitution to the producer of the difference between the amount due on the basis of the official milkfat test and the amount actually paid on the milkfat test found to be in violation, may be considered by the Commissioner in determining the punishment, if any, to be imposed upon the violator.

2. Where producers are paid for milk or milk products, where milkfat content is a factor in determining the price paid, the failure to pay for the actual milkfat content may be penalized on the following basis:

   (i) where the milkfat sample upon which payment is made is more than one (1) point below the official State test, the official state test will be applied and payment made on the basis of the official State test; and,

   (ii) where more than 50% (1/2) of the milkfat tests upon which payment is made are found to be below the official state average test, the official state average test will be applied and payment made on the basis of the official state average test.

3. If, upon test, it is found that a finished milk product is two (2) or more points below the milkfat minimum, a penalty equal to fourteen cents (.14¢) per hundred weight on one days volume of the processor for the affected product may be imposed for the first offense. In each subsequent offense during any twelve month's period the penalty may be based upon twice the current market value of Minnesota, Wisconsin price per hundred weight on one week's volume of the affected product. In addition to the above, inspection fees may be imposed.

4. Milkfats on Finished Products. Enforcement standards for milkfats on finished products shall be those as set forth in the Code of Federal Regulations.

   (i) whenever the standard is violated by 3 out of the last 5 consecutive tests, the processor shall be notified in writing. Another sample shall be collected

within 21 days from the date of the letter and should such product still remain in violation it will be suspended from sale.

(ii) suspension shall remain in effect until such time as the regulatory agency tests show the product to be in compliance.

(iii) a violation shall be defined as greater than (.2) variation plus or minus on any product with a stated milkfat of 1.0% or higher. Products with less than 1.0% milkfat stated on the container must meet the milkfat standards within Good Manufacturing Practices. There shall be no averages or shortages in milkfat on these lower percentage milkfats.

5. Solids not fat standards and enforcement procedures.

   (i) Standards for solids not fat shall be those set referenced in the Code of Federal Regulations, Title 21.

   (ii) Whenever the standard is not met on any milk product this shall be a violation. Whenever 3 of the last 5 tests for solids nonfat do not meet or exceed the standard on any milk or milk product, the holder of the license to manufacture this product will be notified in writing. Should the standard continue to be violated the product shall be suspended from the market until such time as the regulatory agency tests show the standard is being met.

6. Weight Standards (volume) as Determined by USDA Market Administrator's Office and Enforcement Procedures.

   (i) Whenever regulatory tests show that the weight standard established by this Department for any milk or milk products is violated by 3 of the last 5 tests, the holder of the license to manufacture such product shall be sent written notice. Enforcement will be in accordance with NIST HANDBOOK 133.

7. Added Water in Milk. No producer or milk processor shall offer for sale milk or milk products which contains more than 3.7% added water (-.525 freeze point by standard methods Cryoscope determination or equivalent), with the exception of (i) below.

   (i) When a herd test average, determined by the regulatory agency is more than 3.7% such producer shall not be in violation of the standard. Milk not meeting the standard shall be removed from the Grade A market.

8. Drug Residues other Adulterants and the Disposal of Contaminated Milk Products. Any milk or milk product which shows the illegal presence of drug residues, other adulterants and inhibitors shall be condemned immediately and disposed of in a manner approved by the Georgia Department of Agriculture.

Cite as Ga. Comp. R. & Regs. R. 40-2-5-.02
Authority: O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "Forms" adopted. F. Aug. 1, 1969; eff. Aug. 20, 1969.
Repealed: New Rule entitled "Appendix G" adopted. F. Dec. 21, 1982; eff. Jan. 10, 1983.
Repealed: New Rule of same title adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.
Amended: F. Jan. 10, 2001; eff. Jan. 31, 2001; as specified by Agency.

Subject 40-2-6. DRY MILK.

Rule 40-2-6-.01. Standards for Dry Milk Products.

United States standards for grades of nonfat Dry milk (both roller and spray process) are hereby adopted by reference from the Code of Federal Regulations Part 7 Chapter 1 or its most current edition, sections 58.2525-58.2676.

Cite as Ga. Comp. R. & Regs. R. 40-2-6-.01
Authority: Ga. L. 1980, pp. 981, *et seq.*; O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "Sanitation" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adopted. Filed August 1, 1969; effective August 20, 1969.
Amended: Filed April 22, 1975; effective May 12, 1975.
Amended: Rule repealed and a new Rule entitled "Standards for Dry Milk Products" adopted. Filed December 21, 1982; effective January 10, 1983.
Repealed: New Rule of same title adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.

Rule 40-2-6-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-6-.02
Authority: Ga. L. 1961, p. 501.
History. Original Rule entitled "Milk Plant Requirements" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Grade A Milk and Imitation Milk Plant Requirements" adopted. Filed August 1, 1969; effective August 20, 1969.
Amended: Rule repealed. Filed December 21, 1982; effective January 10, 1983.

Subject 40-2-7. ICE CREAM - STANDARDS AND REQUIREMENTS.

Rule 40-2-7-.01. Standards and Requirements.

The standards and requirements for frozen desserts as adopted by the Food and Drug Administration and contained in 21 Code of Federal Regulations part 135, except as otherwise provided herein, are expressly adopted by the Georgia Dairy Act of 1980, as the standards and requirements of the State of Georgia. Additionally, all physical construction and equipment requirements for Grade A plants set forth in the Pasteurized Milk Ordinance shall be enforced for frozen desserts and related products with the exceptions and additions appearing in Chapters 40-2-8 through 40-2-13.

Cite as Ga. Comp. R. & Regs. R. 40-2-7-.01
Authority: Ga. L., 1980, pp. 981, *et seq.*; O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "Transferring or Dipping Milk; Delivery Containers; Handling of More than One Grade; Delivery of Milk at Quarantined Residences" was filed and effective an June 30, 1965.
Amended: Rule repealed and anew Rule of same title adopted. Filed August 1, 1969; effective August 20, 1969.
Amended: Rule repealed and a new Rule entitled "Standards and Requirements" adopted. Filed December 21, 1982; effective January 10, 1983.
Repealed: New Rule of same title adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.

Rule 40-2-7-.02. Nonstandardized Frozen Desserts and Mixes.

Non-standardized frozen desserts and nonstandardized frozen dessert mixes are products that are not subject to the provisions of the Standards of Identity found at 21 CFR, Part 135. Nonstandardized frozen desserts and mixes shall comply with all applicable rules and regulations administered by the Georgia Department of Agriculture, Dairy Division.

Cite as Ga. Comp. R. & Regs. R. 40-2-7-.02
Authority: Ga. L. 1961, p. 501; O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "Bulk Milk Dispensers" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adopted. Filed August 1, 1969; effective August 20, 1969.
Amended: Rule repealed. Filed December 21, 1982; effective January 10, 1983.
Repealed: New Rule entitled "Nonstandardized Frozen Desserts and Mixes" adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.
Amended: F. Dec. 13, 1996; eff. Jan. 2, 1997.

Rule 40-2-7-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-7-.03
Authority: Ga. L., 1961, p. 501.
History. Original Rule entitled "Sanitation Requirements for the Manufacture of Single-Service Containers for Milk or Milk Products and Imitation Milk or Imitation Milk Products" was filed on August 1, 1969; effective August 20, 1969.
Amended: Rule repealed. Filed December 21, 1982; effective January 10, 1983.

Rule 40-2-7-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-7-.04
Authority: Ga. L., 1961, p. 501.
History. Original Rule entitled "Sanitary Requirements for Containers; Testing" was filed on August 1, 1969; effective August 20, 1969.
Amended: Rule repealed. Filed December 21, 1982; effective January 10, 1983.

Subject 40-2-8. ICE CREAM, FROZEN DESSERTS AND RELATED PRODUCTS - REGULATIONS AND ENFORCEMENT.

Rule 40-2-8-.01. Permits - Licenses.

(1) It shall be unlawful for any person who does not possess a valid permit-license from the Georgia Department of Agriculture to: bring into, send into, or receive, offer for sale frozen dessert or frozen dessert mix in the State of Georgia. Grocery stores, restaurants, and other similar retail establishments which sell but do not manufacture any products in these regulations are exempt. Only persons complying with requirements of these regulations shall receive a permit - license. Any person engaged in the combination of collecting, processing, pasteurizing, aseptic processing, packaging, bottling, wrapping, freezing or labeling of any milk, milk product or frozen dessert is considered to be a manufacturer and required to receive a manufacturer's permit - license from the Georgia Department of Agriculture.

(2) The state regulatory agency may immediately and temporarily suspend such permits - licenses whenever there is reason to believe a health hazard exists or is imminent, or in the case of willful refusal to permit authorized inspection. A hearing shall be provided within seventy-two (72) hours of suspension. In all other instances, the regulatory agency shall serve upon the holder of such permit - license a written notice to suspend permit - license which specifies the violations and shall afford the holder of permit - license reasonable opportunity to correct such violations. The permit - license holder may request and have a hearing before permit - license is suspended. Suspension of any permit - license or product will remain in effect until said violations are corrected to the satisfaction of the regulatory agency. These regulations do not preclude the institution of court action.

(3) Exemptions.

(a) Grocery stores, restaurants, and other similar retail establishments which sell but do not manufacture any products in these regulations are exempt.

(b) Retail establishments which freeze but do not manufacture frozen desserts need not obtain a Dairy Manufacturer's License as long as the products being sold are to be consumed on the premises thereof and mixes used are received from a licensed dairy processor.

(c) Retail establishments which freeze and package approved frozen dessert mixes shall not be required to obtain a Dairy Manufacturing Plant License when properly licensed by the State Department of Human Resources to conduct these activities.

Cite as Ga. Comp. R. & Regs. R. 40-2-8-.01
Authority: Ga. L., 1980, pp. 981, *et seq.*; O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "Sampling and Testing Milk and Cream" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adopted. Filed August 1, 1969; effective August 20, 1969.
Amended: Rule repealed and a new Rule entitled "Permits" adopted. Filed December 21, 1982; effective January 10, 1983.
Repealed: New Rule entitled "Permits - Licenses" adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.

Rule 40-2-8-.02. Labeling.

(1) Labeling requirements shall be those defined in the Code of Federal Regulations published by the Food and Drug Administration and the National Labeling Education Act.

Cite as Ga. Comp. R. & Regs. R. 40-2-8-.02
Authority: O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "Reporting Butterfat Tests to Producers" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Aug. 1, 1969; eff. Aug. 20, 1969.
Repealed: New Rule entitled "Labeling" adopted. F. Dec. 21, 1982; eff. Jan. 10, 1983.
Repealed: New Rule of same title adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.
Amended: F. Dec. 13, 1996; eff. Jan. 2, 1997.
Amended: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by Agency.

Rule 40-2-8-.03. Inspection and Enforcement.

(1) Products from each out of state plant holding a permit-license in the state of Georgia shall be sampled at least once each 3 months at the discretion of the Georgia Department of Agriculture.

(2) Any plant violating the same requirement on two successive inspections shall be sent written notice of intent to suspend permit - license and shall be given reasonable time to correct such violations. Permit suspension and/or court action shall be instituted but not before the opportunity for a hearing at the request of permit holder is afforded the license holder. Response must be made within 48 hours by permit license holder.

(3) Any plant producing ice cream or related frozen desserts and violating two of the last four consecutive bacteria counts, coliform determinations or cooling temperatures taken on separate days, shall be sent written notice thereof. This notice shall remain in effect as long as two of the last four consecutive samples exceed the limit of the standard. An additional sample will be taken within 21 days of the notice but not before 3 days. Immediate suspension and/or court action will be instituted when 3 of the last 5 consecutive samples exceed the limit of the standard.

(4) Any product showing a positive phosphatase test shall not be offered for sale.

(5) Any frozen dessert exceeding 50,000 bacteria per gram (except cultured products) by the Standard Plate Count Method or 10 coliform per gram or 20 coliform per gram in product containing bulky flavors shall be in violation.

(6) Ice Cream and other frozen desserts stored, preparatory to delivery to the retail trade, shall be kept in freezers having a temperature of not over 10° F.

(7) Ice Cream and other frozen desserts shall be kept frozen until dispensed, and the refreezing of such products is hereby forbidden.

Cite as Ga. Comp. R. & Regs. R. 40-2-8-.03
Authority: Ga. L., 1980, pp. 981, *et seq.*; O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "'The Babcock Method" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Methods of Testing" adopted. Filed August 1, 1969; effective August 20, 1969.
Amended: Rule repealed and a new Rule entitled "Inspection and Enforcement" adopted. Filed December 21, 1982; effective January 10, 1983.
Repealed: New Rule of same title adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.

Rule 40-2-8-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-8-.04
Authority: Ga. L. 1951, p. 444; Ga. L. 1961, p. 501.
History. Original Rule entitled "Maintaining Test Results" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adopted. Filed August 1, 1969; effective August 20, 1969.
Amended: Rule repealed. Filed December 21, 1982; effective January 10, 1983.

Rule 40-2-8-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-8-.05
Authority: Ga. L. 1951, p. 444; Ga. L. 1961, p. 501.
History. Original Rule entitled "Butterfat Deficiency Penalties" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adopted. Filed August 1, 1969; effective August 20, 1969.
Amended: Rule repealed. Filed December 21, 1982; effective January 10, 1983.

Subject 40-2-9. ICE CREAM, FROZEN DESSERTS AND RELATED PRODUCTS - SANITATION STANDARDS.

Rule 40-2-9-.01. Hardening Room.

The hardening room:

(a) shall be kept properly cleaned and defrosted;

(b) shall have stock arranged in an orderly manner so that it moves in proper rotation; and,

(c) shall not be used for storage of extraneous materials or any other food which may contaminate any frozen dessert on such premises.

Cite as Ga. Comp. R. & Regs. R. 40-2-9-.01
Authority: Ga. L., 1980, pp. 981, *et seq.*; O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "Premises: Ice Cream Plants" was filed and effective an June 30, 1965.
Amended: Rule repealed and anew Rule entitled "Hardening Room" adopted. Filed December 21, 1982; effective January 10, 1983.
Repealed: New Rule of same title adopted. Filed Aug. 14, 1992; eff. Sept. 3, 1992.

Rule 40-2-9-.02. Equipment and Other Requirements.

(1) Construction. All equipment, pipelines, and fittings shall be free from rough surfaces, broken seams, dead ends and pockets, excessive dents and untinned surfaces; and shall be so constructed and located as to permit the convenient disassembling for cleaning and sanitizing.

(2) Cleaning and Sanitizing: Live steam, boiling water, chlorine sanitizing solutions, or other approved sanitizers of a strength no less than 200 parts per million of chlorine or equivalent shall be used for sanitizing equipment.

(3) Steam and Hot Water: All plants in which frozen desserts or frozen dessert mixes are made shall be equipped with facilities for supplying a sufficient quantity of hot water for cleaning and sanitizing purposes. Steam and water supplies shall meet all the requirements for such as set forth in the Grade A Pasteurized Milk Ordinance.

(4) Frequency of Cleaning and Sanitizing: All equipment and utensils used in making or direct handling of frozen desserts shall be sanitized immediately before and promptly cleaned after each usage except in processes such as heat treatment dispensing freezers or other similar methods acceptable to the Commissioner of Agriculture that maintain microbiological quality.

(5) Pipelines shall be disconnected and valves taken apart after each use and thoroughly cleaned and sanitized, unless they meet requirements as set forth by the Commissioner of Agriculture for Cleaned- in-Place (CIP) Systems.

(6) The use of any utensil, piping, apparatus, or equipment in the preparation, service and sale of frozen desserts, which is badly worn, rusted, corroded, or in such condition that it cannot be rendered clean and sanitary by washing, is prohibited. Such utensils, apparatus or equipment shall be condemned by the Commissioner of Agriculture and when so condemned, shall not thereafter be used for any purpose in the handling or processing of any frozen dessert.

Cite as Ga. Comp. R. & Regs. R. 40-2-9-.02
Authority: O.C.G.A. Sec 26-2-230.
History. Original Rule entitled "Equipment and other Requirements: Ice Cream Plants" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Equipment and Other Requirements" adopted. F. Dec. 21, 1982; eff. Jan. 10, 1983.
Repealed: New Rule of same title adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.
Amended: F. Jan 10, 2001; eff. January 31, 2001, as specified by Agency.

Rule 40-2-9-.03. Packaging.

(1) Filling containers and Packages: Ice cream and other frozen desserts shall be kept frozen until dispensed, and the refreezing of such products is hereby prohibited.

(2) Removal from Molds: the removal of frozen desserts from slab tins or other molds shall be done in a sanitary manner.

Cite as Ga. Comp. R. & Regs. R. 40-2-9-.03
Authority: Ga. L., 1980, pp. 981, *et seq.*; O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "Counter Ice Cream Freezers" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Canning and Packaging" adopted. Filed December 21, 1982; effective January 10, 1983.
Repealed: New Rule entitled "Packaging" adopted. Filed Aug. 14, 1992; eff. Sept. 3, 1992.

Rule 40-2-9-.04. Vehicles.

All vehicles used in the transportation of frozen desserts or mixes shall be so constructed and operated as to protect such transported products from contamination, and shall be kept and maintained in a clean and sanitary condition.

Cite as Ga. Comp. R. & Regs. R. 40-2-9-.04
Authority: Ga. L., 1980, pp. 981, *et seq.*; O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "Mobile Frozen Dessert Manufacturing Units" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Vehicles" adopted. Filed December 21, 1982; effective January 10, 1983.
Repealed: New Rule of same title adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.

Rule 40-2-9-.05. Ingredients.

Dairy product ingredients Such as fruits and nuts stored for immediate use shall be kept at a temperature not in excess of 40° F., except when packed in hermetically sealed containers or as otherwise provided for in these regulations.

Cite as Ga. Comp. R. & Regs. R. 40-2-9-.05
Authority: Ga. L., 1980, pp. 981, *et seq.*; O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "Standards for Ice Cream and Other Frozen Milk Products and Water Ices" was filed and effective on June 30, 1965.
Amended: June 20, 1966; effective July 9, 1966.
Amended: Filed July 1, 1970; effective July 31, 1970, as specified by the Agency.
Amended: Filed April 22, 1975; effective May 12, 1975.
Amended: Rule repealed and anew Rule entitled "Ingredients" adopted. Filed December 21, 1982; effective January 10, 1983.
Repealed: New Rule of same title adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.

Rule 40-2-9-.06. Pasteurization.

(1) The entire mix for frozen desserts containing dairy or egg ingredients, with or without flavor or color shall be pasteurized, as set forth in the 21 Code of Federal Regulations, Section 135.3.

(2) After pasteurization the mix shall be cooled to at least 45°: F, and held at not more than said temperature until frozen except in processes such as heat treatment dispensing freezers or other methods acceptable to the Commissioner of Agriculture that maintain microbiological quality by elevating the temperature of the product, maintaining it at a prescribed time and temperature interval, and then cooling it below 45° F.

(3) Frozen desserts and frozen dessert mixes containing milk and/or egg ingredients shall be packaged only at the plant where final pasteurization is performed. Such bottling and packaging shall be done without undue delay following final pasteurization except where completely pasteurized mixes are transported on approved tankers or other approved methods in a sanitary manner from a licensed pasteurization plant to a licensed Dairy Manufacturing Plant. Each out-of-state tanker entering Georgia shall be required to obtain a Tanker Permit prior to delivery.

Cite as Ga. Comp. R. & Regs. R. 40-2-9-.06
Authority: Ga. L., 1980, pp. 981, *et seq.*; O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "Pasteurization" was filed on December 21, 1982; effective January 10, 1983.
Repealed: New Rule of came title adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.

Subject 40-2-10. FROZEN DESSERT MIXES.

Rule 40-2-10-.01. Frozen Dessert Mixes.

(1) Only mixes for ice cream, and other frozen milk products completely pasteurized by methods approved by the Department of Agriculture shall be used. All containers shall be sealed and correctly tagged with the name of the manufacturer and date of packaging. The Commissioner of Agriculture shall prohibit the use of any mix which is not pasteurized in accordance with requirements of the Department of Agriculture.

(2) Mix may be repasteurized during the normal rerun of a fresh product and may be reheated in a heat treatment retail dispensing soft serve freezer to pasteurization temperature or other similar methods acceptable to the Commissioner of Agriculture. Product leaving the manufacturing plant may not be repasteurized except where transported directly to another dairy plant.

(3) Frozen dessert mixes at no time after pasteurization shall have a bacterial plate count in excess of 50,000 bacteria per gram (except cultured mixes where standard plate count is not required), or a maximum coliform of 10 per gram.

(4) Mix used for ice cream or other frozen desserts shall be refrigerated immediately when received and kept in refrigeration at a temperature of not over 45°F except in processes

such as heat treatment dispensing freezers or other similar methods acceptable to the Commissioner of Agriculture that maintain microbiological quality by elevating the temperature of the product maintaining it at a prescribed time and temperature interval then cooling it below 45°F.

Cite as Ga. Comp. R. & Regs. R. 40-2-10-.01
Authority: Ga. L., 1980, pp. 981, *et seq.*; O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "Milk Shake" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adopted. Filed January 12, 1971; effective February 1, 1971.
Amended: Rule repealed and a new Rule entitled "Ice Cream Mixes and Other Frozen Milk Products" adopted. Filed December 21, 1982; effective January 10, 1983.
Repealed: New Rule entitled "Frozen Dessert Mixes" adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.

Rule 40-2-10-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-10-.02
Authority: Ga. L., 1961, pp. 501.
History. Original Rule entitled "Dispenser Milk Shake Machines" was filed and effective on June 30, 1965.
Amended: Filed January 12, 1971; effective February 1, 1971.
Amended: Rule repealed. Filed December 21, 1982; effective January 10, 1983.

Subject 40-2-11. REPEALED.

Rule 40-2-11-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-11-.01
Authority: Ga. L., 1980, pp. 981, *et seq.*; O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "Definitions" was filed on June 11, 1974; effective July 1, 1974.
Amended: Rule repealed and a new Rule entitled "Imitation Products" adopted. Filed December 21, 1982; effective January 10, 1983.
Repealed: F. Aug. 14, 1992; eff. Sept. 3, 1992.

Rule 40-2-11-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-11-.02
Authority: Ga. L. 1974, p. 1042.
History. Original Rule entitled "Records" was filed on June 11, 1974; effective July 1, 1974.
Amended: Rule repealed. Filed December 21, 1982; effective January 10, 1983.

Rule 40-2-11-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-2-11-.03
Authority: Ga. L. 1974, p. 1042.
History. Original Rule entitled "Price Filing Requirements" was filed on June 11, 1974; effective July 1, 1974.

Amended: Rule repealed. Filed December 21, 1982; effective January 10, 1983.

Subject 40-2-12. MILK SHAKE.

Rule 40-2-12-.01. Milk Shake Definitions and Processing Standards.

(1) **Milk Shake Mix or Lowfat Milk Shake Mix.** This product shall be processed in an approved Grade A milk processing plant only; provided, however, that this product may be made in a processing plant with operating facilities which meet the requirements for a Grade A milk processing plant. All mix shall be sold in properly sealed and labeled containers, and the label shall show the name and address of manufacturer, the name of the defined product, and the date of pasteurization or sell by date.

(2) **Milk Shake.** Milk shake is a semifrozen food prepared by freezing while stirring a pasteurized mix consisting of safe and suitable ingredients. Milk shake mix, before the addition of flavoring ingredients, shall contain not less than 3.25 percent milkfat and not less than 10 percent milk solids not fat nor less than 23 percent total solids and not more than 50,000 bacteria per gram and not more than 10 coliform per gram or 20 coliform per gram where bulky flavors are added.

(3) **Lowfat Milk Shake:** Lowfat milk shake is a semifrozen food prepared from the same ingredients and in the same manner as "milk shake", except it shall contain not less than .5 percent milkfat and not more than 2.0 percent milkfat.

Cite as Ga. Comp. R. & Regs. R. 40-2-12-.01
Authority: O.C.G.A. Sec. 26-2-230*et seq.*
History. Original Rule entitled "Milk Shake Definitions" was filed on December 21, 1982; effective January 10, 1983.
Amended: Filed March 18, 1987; effective April 7, 1987.
Repealed: New Rule entitled "Milk Shake Definitions and Processing Standards" adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.

Subject 40-2-13. RETURNS.

Rule 40-2-13-.01. Returns (Mixes or Frozen Desserts).

Frozen dessert mixes or frozen desserts, ice cream, etc., in broken, opened, or partially full containers may after delivery be returned to the plant for inspection but shall not be sold or used for the making of ice cream mix or related products. Return products should be kept segregated and not enter the processing or packaging area.

Cite as Ga. Comp. R. & Regs. R. 40-2-13-.01
Authority: Ga. L. 1980, pp. 981, *et seq.*; O.C.G.A. Sec. 26-2-230.
History. Original Rule entitled "Returns (Mixes or Frozen Desserts)" was filed on December 21, 1982; effective January 10, 1983.

Repealed: New Rule of same title adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.

Subject 40-2-14. RECORDS AND REPORTS.

Rule 40-2-14-.01. Records and Reports to be Kept by Plants.

(1) All pasteurizer and CIP (clean-in place) charts shall be kept on file for a minimum of 90 days and shall comply with all requirements of the Pasteurized Milk Ordinance and supplements*.

(2) All employee medical certificates of current employees shall be kept on file and be accessible to inspection by the Georgia Department of Agriculture sanitarians.

*A copy of the PMO, The Code of Federal Regulations and recent supplements for each are available for public inspection at the Dairy Division office or may be purchased at the following address:

Superintendent of Documents

U.S. Government Printing Office

Washington, D.C. 20402

Cite as Ga. Comp. R. & Regs. R. 40-2-14-.01
Authority: Authority, Ga. L. 1980, pp. 981, *et seq.*; O.C.G.A Sec. 26-3-230.
History. Original Rule entitled "Records and Reports to be Kept by Plants" was filed on December 21, 1983; effective January 10, 1983.
Repealed: New Rule of same title adopted. F. Aug. 14, 1992; eff. Sept. 3, 1992.

Subject 40-2-15. PASTEURIZED MILK ORDINANCE.

Rule 40-2-15-.01. Grade A Pasteurized Milk Ordinance.

The Department hereby adopts by reference the standards and requirements of the most current version of the Food and Drug Administration's Grade A Pasteurized Milk Ordinance and supplements thereto.

Cite as Ga. Comp. R. & Regs. R. 40-2-15-.01
Authority: O.C.G.A. Sec. 26-2-230, *et seq.*
History. Original Rule entitled "Grade A Pasteurized Milk Ordinance, Part I" adopted as ER. 40-2-15-0.17-.01 F. July 9, 1982; eff. July 8, 1982, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Dec. 21, 1982; eff. Jan. 10, 1983.
Amended: Rule retitled "Grade A Pasteurized Milk Ordinance." F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by the agency.

Amended: F. Aug. 7, 2012; eff. Aug. 27, 2012.

Rule 40-2-15-.02. Grade A Pasteurized Milk Ordinance With Administrative Procedures, Part II.

is hereby adopted by reference

Cite as Ga. Comp. R. & Regs. R. 40-2-15-.02
Authority: Authority, Ga. L., 1980, pp. 981, *et seq.*
History. Original Rule entitled "Grade A Pasteurized Milk Ordinance With Administrative Procedures, Part II" was filed on December 21, 1982; effective January 10, 1983.

Chapter 40-3. EGG INSPECTION.

Subject 40-3-1. LABELING, INSPECTION, VIOLATIONS.

Rule 40-3-1-.01. Open Dating on Egg Cases and Egg Cartons.

All eggs that are sold, offered for sale or stored for sale at retail or wholesale shall use an Open Date to express the packing date or the expiration date.

(a) Definitions:

1. Open Date: Means the use of letters (for the month) together with number(s) (for the day of the month).

2. Pack Date: Means the date the eggs were washed, candled, and packed.

3. Expiration Date: Means the last date the eggs shall be sold at retail or wholesale.

(b) Manner of Expressing the Open Date: Open dating shall consist of a combination of three letters (for the month abbreviation) and number(s) for the day of the month. Example: JUN 10

(c) Manner of Expressing the Pack Date: A pack date shall be the use of an Open Date (as defined in 40-3-1-.01(b) of these Regulations) with no words, numbers or letters preceding or following the Open Date. Example: JUN 10

(d) Manner of Expressing the Expiration Date: An Expiration Date shall be the use of an Open Date (as defined in 40-3-1-.01(b) of these Regulations) preceded by the abbreviation "Exp." [Example: EXP Jun 10] or the use of an Open Date (as defined in 40-3-1-.01(b) of these Regulations) preceded by the term "Sell By" [Example: Sell by JUN 10], or "Not to be Sold After" [Example: Not to be Sold After JUN 10]; or "Best Before"

[Example: Best Before JUN 10] or words of similar import. The Expiration Date shall not exceed 45 days from the date packed.

(e) Prohibited Acts: The following acts and the causing thereof are hereby prohibited.

1. Eggs are not to be sold or offered for sale at retail or wholesale after the expiration date.

2. Eggs are not to be sold or offered for sale that do not meet the U.S. Standards, Grades, and Weight Classes for Shell Eggs Part 56, Subpart C, Paragraphs 56.216 and 56.217 established pursuant to the Federal Agricultural Marketing Act of 1946.

Cite as Ga. Comp. R. & Regs. R. 40-3-1-.01
Authority: O.C.G.A. Sec. 26-2-260*et seq.*
History. Original Rule entitled "Forms to be Filled and Filed by Dealers, Etc." adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Open Dating on Egg Cases and Egg Cartoons" adopted. F. Mar 15, 1994; eff. April 4, 1994.
Amended: F. Jan 10, 2001; eff. January 31, 2001, as specified by Agency.
Amended: F. Aug. 7, 2012; eff. Aug. 27, 2012.

Rule 40-3-1-.02. Inspection of Eggs.

The Commissioner of Agriculture, or his authorized representative, shall have the authority, right and privilege to enter the place of business of any wholesaler, retailer, warehouse, cold storage house, or other storage places, trucks or carriers where eggs are stored and inspect any eggs therein; and, shall have the right and privilege to inspect all books, records and invoices that, in their judgement, would enable them to make a more accurate examination or inspection of eggs.

Cite as Ga. Comp. R. & Regs. R. 40-3-1-.02
Authority: Ga. L. 1935, p. 364; O.C.G.A. Sec. 26-2-260*et seq.*
History. Original Rule entitled "Certificates of Registration of Dealers" adopted. F. June 30, 1965.
Repealed: New Rule entitled "Inspection of Eggs" adopted. F. Mar. 15, 1994; eff. Apr. 4, 1994.

Rule 40-3-1-.03. Unfit Eggs.

No person shall sell, offer or expose for sale, or have in his possession for sale, eggs for human consumption that are inedible or adulterated. Eggs that are filthy, putrid, decomposed, or otherwise unfit for food in whole or in part, shall be deemed to be adulterated. Eggs which contain black rots, white rots, mixed rots, (addled eggs), sour eggs with green whites, eggs with stuck yolks, moldy eggs, eggs showing blood rings, eggs containing embryo chicks (at or beyond the blood ring stage), or any other eggs that are filthy, decomposed, or putrid shall be deemed to be inedible.

Cite as Ga. Comp. R. & Regs. R. 40-3-1-.03
Authority: Ga. L. 1935, p. 364; O.C.G.A. Sec. 26-2-260*et seq.*
History. Original Rule entitled "Certificate of Registration of Dealers (Second Part)" adopted. F. June 30, 1965.

Repealed: New Rule entitled "Inspection of Eggs" adopted. F. Mar. 15, 1994; eff. Apr. 4, 1994.

Rule 40-3-1-.04. Determining Violator of the Georgia Egg Law and Rules and Regulations.

(1) For the purpose of determining who is responsible for a violation of Section 26-2-261 of the Official Code of Georgia Annotated it will be presumed that a shipment of eggs was of the same grade when delivered to the retailer as shown by the inspection at the end of a five day period following their delivery to the seller provided the retailer has kept the eggs until the time of inspection under refrigeration of a temperature of not more than 45 degrees Fahrenheit.

(2) The packer will be presumed to be responsible for all labeling and dating on cases and cartons of eggs.

Cite as Ga. Comp. R. & Regs. R. 40-3-1-.04
Authority: Ga. L. 1935, p. 364; O.C.G.A. Sec. 26-2-260*et seq*.
History. Original Rule entitled "Determining Violator of the Georgia Egg Law and the Rules and Regulations" adopted. F. Mar. 15, 1994; eff. Apr. 4, 1994.

Subject 40-3-2. EGG PROCESSING PLANTS.

Rule 40-3-2-.01. Egg Processing Plants, Etc.

No person shall operate an egg processing plant, and egg candling room or an egg breaking plant before the plant has been approved by the Commissioner of Agriculture or his duly authorized agent.

Cite as Ga. Comp. R. & Regs. R. 40-3-2-.01
Authority: Ga. L. 1935, p. 364, as amended; O.C.G.A. Secs. 26-2-261, 26-2-260*et seq*.
History. Original Rule entitled "Classification of Eggs" adapted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Egg Processing Plants, Etc." adopted. F. Mar. 15, 1994; eff. Apr. 4, 1994.

Rule 40-3-2-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-3-2-.02
Authority: Ga. L. 1935, p. 364.
History. Original Rule entitled "Classification of Eggs (Second Part)" adopted. F. and eff. June 30, 1965.
Repealed: F. Mar. 15, 1994; eff. Apr. 4, 1994.

Rule 40-3-2-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-3-2-.03
Authority: Ga. L. 1935, p. 364.
History. Original Rule entitled "Labels to be Affixed to Cases; Content of Labels" adopted. F. and eff. June 30, 1965.
Amended: F. Sep. 10, 1969; eff. Sept. 29, 1969.
Amended: F. Nov. 5, 1976; eff. Nov. 25, 1976.
Amended: F. Jul. 25, 1969; eff. Aug. 14, 1989.
Repealed: F. Mar. 15, 1994; eff. Apr. 4, 1994.

Rule 40-3-2-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-3-2-.04
Authority: Ga. L. 1935, p. 364; O.C.G.A. Sec. 26-2-266.
History. Original Rule entitled "Copy of Invoice to be Furnished to the Department of Agriculture" adopted. F. and eff. June 30, 1965.
Amended: F. Jul. 25, 1969; eff. Aug. 14, 1989.
Repealed: F. Mar. 15, 1994; eff. Apr. 4, 1994.

Subject 40-3-3. EGG BREAKING ROOM SANITATION.

Rule 40-3-3-.01. Egg Breaking Room Sanitation.

(1) Minimum Requirements: Minimum Requirements for Egg Breaking Rooms shall be as follows:

(a) The floor shall be constructed of smooth concrete or tile, with proper drainage facilities.

(b) The room shall be so constructed as to be equipped with hot and cold running water.

(c) The walls shall be so constructed that at least six (6) feet of the wall space, from floor level, shall be constructed of a washable material.

(d) The lighting shall be sufficient and adequate.

(e) All openings shall be screened.

(f) All equipment shall be of stainless steel, or its equivalent, to assure proper sanitation.

(g) Refrigeration shall be adequate to assure standards of quality.

(2) Standards. Froze n egg products shall not be sold or offered for sale in the State of Georgia unless such products conform with the standards established for such products by the Commissioner of Agriculture.

Cite as Ga. Comp. R. & Regs. R. 40-3-3-.01
Authority: Ga. L. 1935, p. 364, as amended. O.C.G.A. Sec. 26-2-260*et seq.*
History. Original Rule entitled "Inspection Fee" adopted. F. June 30, 1965.
Repealed: New Rule entitled "Egg Breaking Room Sanitation" adopted. F. Mar. 15, 1994; eff. Apr. 4, 1994.

Subject 40-3-4. INSPECTION, CONDEMNATION, CONFISCATION.

Rule 40-3-4-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-3-4-.01
Authority: Ga. L. 1935, p. 364; Ga. L. 1956, p. 195.
History. Original Rule entitled "Inspection of Eggs" was filed on June 30, 1965.
Repealed: F. Oct. 17, 1994; eff. Nov. 6, 1994.

Rule 40-3-4-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-3-4-.02
Authority: Ga. L. 1935, p. 364; Ga. L. 1956, p. 195.
History. Original Rule entitled "Confiscation of Eggs" was filed on June 30, 1965.
Repealed: F. Oct. 17, 1994; eff. Nov. 6, 1994.

Rule 40-3-4-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-3-4-.03
Authority: Ga. L. 1935, p. 364; Ga. L. 1956, p. 195.
History. Original Rule entitled "Inspections, etc. Confiscation of Unfit Eggs" was filed on June 30, 1965.
Repealed: F. Oct. 17, 1994; eff. Nov. 6, 1994.

Rule 40-3-4-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-3-4-.04
Authority: Ga. L. 1935, p. 364; Ga. L. 1956, p. 195.
History. Original Rule entitled "Confiscation of Unfit Eggs" was filed on June 30, 1965.
Repealed: F. Oct. 17, 1994; eff. Nov. 6, 1994.

Subject 40-3-5. PROCESSING PLANTS.

Rule 40-3-5-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-3-5-.01
Authority: Ga. L. 1935, p. 366; Ga. L. 1956, p. 195.
History. Original Rule entitled "Egg Processing Plants, Etc." was filed on June 30, 1965.
Repealed: F. Oct. 17, 1994; eff. Nov. 6, 1994.

Subject 40-3-6. EGG-BREAKING ROOM SANITATION.

Rule 40-3-6-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-3-6-.01
Authority: Ga. L. 1956, p. 195.
History. Original Rule entitled "Egg-Breaking Room Sanitation" was filed on June 30, 1965.
Repealed: F. Oct. 17, 1994; eff. Nov. 6, 1994.

Subject 40-3-7. INFORMATION TO COMMISSIONER OF AGRICULTURE.

Rule 40-3-7-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-3-7-.01
Authority: Ga. L. 1935, p. 364.
History. Original Rule entitled "Forms to be Filled and Filed by Dealers, Etc." was filed on June 30, 1965.
Repealed: F. Oct. 17, 1994; eff. Nov. 6, 1994.

Rule 40-3-7-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-3-7-.02
Authority: Ga. L. 1935, p. 364.
History. Original Rule entitled "Access to Books" was filed on June 30, 1965.
Repealed: F. Oct. 17, 1994; eff. Nov. 6, 1994.

Subject 40-3-8. ADVERTISING.

Rule 40-3-8-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-3-8-.01
Authority: Ga. L. 1935, p. 364; Ga. L. 1937, p. 639.
History. Original Rule entitled "Advertising in Newspapers, Periodicals, Etc." was filed on June 30, 1965.
Repealed: F. Oct. 17, 1994; eff. Nov. 6, 1994.

Subject 40-3-9. INFRACTIONS.

Rule 40-3-9-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-3-9-.01
Authority: Ga. L. 1935, p. 364.
History. Original Rule entitled "Determining Violator of Georgia Egg Marketing Laws" was filed on June 30, 1965.
Repealed: F. Oct. 17, 1994; eff. Nov. 6, 1994.

Rule 40-3-9-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-3-9-.02
Authority: Ga. L. 1935, p. 364.
History. Original Rule entitled "Violating Egg Marketing Laws" was filed on June 30, 1965.
Repealed: F. Oct. 17, 1994; eff. Nov. 6, 1994.

Rule 40-3-9-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-3-9-.03
Authority: Ga. L. 1935, p. 364.
History. Original Rule entitled "Violation of Rules and Regulations" was filed on June 30, 1965.
Repealed: F. Oct. 17, 1994; eff. Nov. 6, 1994.

Chapter 40-4. ENTOMOLOGY AND PLANT INDUSTRY.

Subject 40-4-1. BEEKEEPING.

Rule 40-4-1-.01. Licensing of Queen and Package Bee Producers.

(1) No person shall engage in the business of selling package bees, queens, or nuclei in the State of Georgia without a license issued by the Commissioner. Such license shall be issued when:

   (a) The applicant has submitted a license application containing information required by the Commissioner; and

   (b) The Commissioner has inspected all colonies to be used in producing package bees and queens and has found them to be apparently free of American and European Foulbrood and other bee diseases; and

   (c) The applicant has submitted the required $50 license fee.

(2) Licenses will be issued annually and will expire on December 31 of each year. The Commissioner may suspend or revoke any apiary license if he finds the license holder to have violated any requirements of this Chapter or if any of the organisms specified in (1)(b) above are found in an apiary or apiaries.

Cite as Ga. Comp. R. & Regs. R. 40-4-1-.01
Authority: Authority O.C.G.A. Secs. 2-14-40, 2-14-41, 2-14-44, 2-14-46.
History. Original Rule entitled "Interstate Movement" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-4-1-0.24-.01 adopted. F. and eff. April 8, 1985, the date of adoption.
Amended: ER. 40-4-1-0.26-.01 adopted. F. Aug. 15, 1985; eff. Aug. 12, 1985, the date of adoption.
Amended: ER. 40-4-1-0.28-.01 adopted. F. and eff. December 10, 1985, the date of adoption.
Amended: ER. 40-4-1-0.31-.01 adopted. F. Apr. 15, 1986; eff. Apr. 11, 1986, the date of adoption.

Amended: ER. 40-4-1-0.32-.01 entitled "Licensing of Queen and Package Producers" adopted. F. Aug. 21, 1986; eff. Aug. 18, 1986, the date of adoption.
Amended: ER. 40-4-1-0.33-.01 entitled "Definitions" adopted. F. and eff. December 17, 1986, the date of adoption.
Amended: ER. 40-4-1-0.34-.01 adopted. F. and eff. April 16, 1987, the date of adoption.
Amended: ER. 40-4-1-0.35-.01 adopted. F. Aug. 25, 1987; eff. Aug. 21, 1987, the date of adoption.
Amended: ER. 40-4-1-0.36-.01 adopted. F. and eff. December 22, 1987, the date of adoption.
Amended: 40-4-1-0.37-.01 adopted. F. Apr. 22, 1988; eff. Apr. 21, 1988, the date of adoption.
Amended: ER. 40-4-1-0.38-.01 adopted. F. Aug. 26, 1988; eff. Aug. 23, 1988, the date of adoption.
Amended: ER. 40-4-1-0.39-.01 entitled "Licensing of Queen and Package Producers" adopted. F. and eff. December 23, 1988, the date of adoption.
Amended: ER. 40-4-1-0.40-.01 adopted. F. and eff. April 24, 1989, the date of adoption.
Amended: ER. 40-4-1-0.41-.01 adopted. F. Dec. 20, 1989; eff. Dec. 19, 1989, the date of adoption.
Amended: ER. 40-4-1-0.42-.01 adopted. F. and eff. April 20, 1990, the date of adoption.
Amended: 40-4-1-0.43-.01 adopted. F. and eff. September 21, 1990, the date of adoption.
Amended: ER. 40-4-1-0.45-.01 adopted. F. and eff. April 5, 1991, the date of adoption.
Repealed: New Rule of same title adopted. F. Oct. 29, 1991; eff. Nov. 18, 1991.
Repealed: New Rule entitled "Licensing of Queen and Package Bee Producers" adopted. F. Oct. 27, 2005; eff. Nov. 16, 2005.
Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-4-1-.02. Queen and Package Certificates.

(1) No licensee shall ship any package bees or queens unless they:

(a) are accompanied by a valid certificate issued by the Commissioner, certifying that the bees have been produced in an apiary which has been found apparently free of American and European Foulbrood, and other bee diseases;

(b) colonies from which queens and package bees originate must be treated at least 7 days prior to shipment with a pesticide registered by the U. S. Environmental Protection Agency and the Georgia Department of Agriculture for controlling *Varroadestructor.*

(2) Certificates will be issued for a period not to exceed twelve (12) months from the date of inspection by the Commissioner.

(3) Certificates will be issued by the Commissioner upon payment of the cost of printing. A certificate order form with certificate cost will be mailed to queen and package shippers by February 1st of each year.

(4) The Commissioner may cancel and recall certificates issued to any apiary:

(a) In which he finds American or European Foulbrood or other bee diseases;

(b) Which he finds has used certificates on shipments of uncertified bees, or bees which have been shipped in violation of these rules.

(5) Fees for certificates canceled and recalled by the Commissioner shall not be refundable.

Cite as Ga. Comp. R. & Regs. R. 40-4-1-.02
Authority: Authority O.C.G.A. Secs. 2-14-41, 2-14-44, 2-14-46.
History. Original Rule entitled "Interstate Permits" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-4-1-0.24-.02 entitled "Issuance of Permits" adopted. F. and eff. April 8, 1985, the date of adoption.
Amended: ER. 40-4-1-0.26-.02 adopted. F. Aug. 15, 1985; eff. Aug. 12, 1985, the date of adoption.
Amended: ER. 40-4-1-0.28-.02 adopted. F. and eff. December 10, 1985, the date of adoption.
Amended: ER. 40-4-1-0.31-.02 adopted. F. Apr. 15, 1986; eff. Apr. 11, 1986, the date of adoption.
Amended: ER. 40-4-1-0.32-.02 entitled "Queen and Package Certificates" adopted. F. Aug. 21, 1986; eff. Aug. 18, 1986, the date of adoption.
Amended: ER. 40-4-1-0.33-.02 entitled "Licensing of Queen and Package Producers" adopted. F. and eff. December 17, 1986, the date of adoption.
Amended: ER. 40-4-1-0.34-.02 adopted. F. and eff. April 16, 1987, the date of adoption.
Amended: ER. 40-4-1-0.35-.02 adopted. F. Aug. 25, 1987; eff. Aug. 21, 1987, the date of adoption.
Amended: ER. 40-4-1-0.36-.02 adopted. F. and eff. December 22, 1987, the date of adoption.
Amended: 40-4-1-0.37-.02 adopted. F. Apr. 22, 1988; eff. Apr. 21, 1988, the date of adoption.
Amended: ER. 40-4-1-0.38-.02 adopted. F. Aug. 26, 1988; eff. Aug. 23, 1988, the date of adoption.
Amended: ER. 40-4-1-0.39-.02 entitled "Queen and Package Certificates" adopted. F. and eff. December 23, 1988, the date of adoption.
Amended: ER. 40-4-1-0.40-.02 adopted. F. and eff. April 24, 1989, the date of adoption.
Amended: ER. 40-4-1-0.41-.02 adopted. F. Dec. 20, 1989; eff. Dec. 19, 1989, the date of adoption.
Amended: ER. 40-4-1-0.42-.02 adopted. F. and eff. April 20, 1990, the date of adoption.
Amended: 40-4-1-0.43-.02 adopted. F. and eff. September 21, 1990.
Amended: ER. 40-4-1-0.45-.02 adopted. F. and eff. April 5, 1991, the date of adoption.
Repealed: New Rule of same title adopted. F. Oct. 29, 1991; eff. Nov. 18, 1991.
Repealed: New Rule of same title adopted. F. Oct. 27, 2005; eff. Nov. 16, 2005.
Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-4-1-.03. Queen and Package Bees Produced Outside the State of Georgia.

Queen and package bees produced outside the State of Georgia may be shipped into Georgia when accompanied by a certificate issued by the apiary official of the state where the bees were produced, certifying that the apiaries of the producer have been inspected within one (1) year of the date of shipment and that such apiaries have been found apparently free of American and European Foulbrood and other diseases. All queen and package bees shipped into Georgia must originate from colonies that have been treated at least 7 days prior to shipment with a pesticide registered with the U. S. Environmental Protection Agency and the Georgia Department of Agriculture for controlling *Varroadestructor*.

Cite as Ga. Comp. R. & Regs. R. 40-4-1-.03
Authority: Authority O.C.G.A. Secs. 2-14-41, 2-14-44, 2-14-46.
History. Original Rule entitled "Cancellation of Permits" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-4-1-0.24-.03 adopted. F. and eff. April 8, 1985, the date of adoption.
Amended: ER. 40-4-1-0.26-.03 adopted. F. Aug. 15, 1985; eff. Aug. 12, 1985, the date of adoption.
Amended: ER. 40-4-1-0.28-.03 adopted. F. and eff. December 10, 1985, the date of adoption.
Amended: ER. 40-4-1-0.31-.03 adopted. F. Apr. 15, 1986; eff. Apr. 11, 1986, the date of adoption.
Amended: ER. 40-4-1-0.32-.03 entitled "Queens and Package Bees Produced Outside the State of Georgia" adopted. F. Aug. 21, 1986; eff. Aug. 18, 1986, the date of adoption.
Amended: ER. 40-4-1-0.33-.03 entitled "Queen and Package Certificates" adopted. F. and eff. December 17, 1986, the date of adoption.
Amended: ER. 40-4-1-0.34-.03 adopted. F. and eff. April 16, 1987, the date of adoption.

Amended: ER. 40-4-1-0.35-.03 adopted. F. Aug. 25, 1987; eff. Aug. 21, 1987, the date of adoption.
Amended: ER. 40-4-1-0.36-.03 adopted. F. and eff. December 22, 1987, the date of adoption.
Amended: 40-4-1-0.37-.03 adopted. F. Apr. 22, 1988; eff. Apr. 21, 1988, the date of adoption.
Amended: ER. 40-4-1-0.38-.03 adopted. F. Aug. 26, 1988; eff. Aug. 23, 1988, the date of adoption.
Amended: ER. 40-4-1-0.39-.03 entitled "Queens and Package Bees Produced Outside the State of Georgia" adopted. F. and eff. December 23, 1988, the date of adoption.
Amended: ER. 40-4-1-0.40-.03 adopted. F. and eff. April 24, 1989, the date of adoption.
Amended: ER. 40-4-1-0.41-.03 adopted. F. Dec. 20, 1989; eff. Dec. 19, 1989, the date of adoption.
Amended: ER. 40-4-1-0.42-.03 adopted. F. and eff. April 20, 1990, the date of adoption.
Amended: 40-4-1-0.43-.03 adopted. F. and eff. September 21, 1990, the date of adoption.
Amended: ER. 40-4-1-0.45-.03 adopted. F. and eff. April 5, 1991, the date of adoption.
Repealed: New Rule entitled "Queen and Package Bees Produced Outside the State of Georgia" adopted. F. Oct. 29, 1991; eff. Nov. 18, 1991.
Repealed: New Rule of same title adopted. F. Oct. 27, 2005; eff. Nov. 16, 2005.
Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-4-1-.04. Interstate and Intrastate Movement of Honey Bees.

(1) No honey bees on comb or in hives shall be moved into or located in Georgia unless a permit has been obtained from the Commissioner of Agriculture of the State of Georgia.

(2) Applications for a permit shall be made on a form obtained from the Entomology and Pesticides Division of the Georgia Department of Agriculture. Such form shall contain the following information:

   (a) The number of colonies to be moved;

   (b) The county(ies) in the state(s) of origin from which the colonies are being moved;

   (c) Each state and county where the colonies have been located during the previous two years;

   (d) The county location(s) in Georgia in which the bees are to be located;

(3) No permit shall be issued by the Commissioner unless the application for the permit is accompanied by a certificate by the apiary official in the state of origin which certifies that the honey bees have been inspected within ninety (90) days of the date of shipment and have been found to be apparently free of American and European Foulbrood, other bee disease, *Varroadestructor* and that bees were actively rearing brood at the time of inspection. In lieu of certification that hives are free of *Varroa*, *destructor* certification may be based upon treatment with hive strips that contain fluvalinate or with another pesticide registered by the U. S. Environmental Protection Agency and the Georgia Department of Agriculture for controlling *Varroadestructor*.

(4) Honey bees on comb or in hives may enter Georgia from any other state for the sole purpose of passage through Georgia, subject to the following conditions:

(a) All shipment shall be securely netted or contained in refrigerated vessels to prevent escape;

(b) Movement through Georgia will be made without interruption, except for necessary fueling, meals, sleep, or emergency service.

(5) Resident Georgia beekeepers may move honey bees on comb or in hives, freely, and without restriction, within Georgia, provided such honey bees have not entered Georgia in violation of any provision of this Chapter, or are not moved from any area in violation of quarantine.

(6) Any Georgia resident beekeeper may, upon request and payment of inspection fee, obtain certification from the Georgia Department of Agriculture that his honey bees are apparently free of the tracheal mite, *Acarapis woodi*, *Varroadestructor* or other bee pest when such certification is required by another state as a condition for shipment. Request for sampling and certification shall be made to the Department of Agriculture at least fifteen (15) days prior to the scheduled time of shipment.

Cite as Ga. Comp. R. & Regs. R. 40-4-1-.04
Authority: Authority O.C.G.A. Secs. 2-14-41, 2-14-44, 2-14-46.
History. Original Rule entitled "Enforcement" adopted as ER. 40-4-1-0.24-.04. F. and eff. April 8, 1985, the date of adoption.
Amended: ER. 40-4-1-0.26-.04 adopted. F. Aug. 15, 1985; eff. Aug. 12, 1985, the date of adoption.
Amended: ER. 40-4-1-0.28-.04 adopted. F. and eff. December 10, 1985, the date of adoption.
Amended: ER. 40-4-1-0.31-.04 adopted. F. Apr. 15, 1986; eff. Apr. 11, 1986, the date of adoption.
Amended: ER. 40-4-1-0.32-.04 entitled "Interstate and Intrastate Movement of Honey Bees" adopted. F. Aug. 21, 1986; eff. Aug. 18, 1986, the date of adoption.
Amended: ER. 40-4-1-0.33-.04 entitled "Queens and Package Bees Produced" adopted. F. and eff. December 17, 1986, the date of adoption.
Amended: ER. 40-4-1-0.34-.04 adopted. F. and eff. April 16, 1987, the date of adoption.
Amended: ER. 40-4-1-0.35-.04 adopted. F. Aug. 25, 1987; eff. Aug. 21, 1987, the date of adoption.
Amended: ER. 40-4-1-0.36-.04 adopted. F. and eff. December 22, 1987, the date of adoption.
Amended: 40-4-1-0.37-.04 adopted. F. Apr. 22, 1988; eff. Apr. 21, 1988, the date of adoption.
Amended: ER. 40-4-1-0.38-.04 adopted. F. Aug. 26, 1988; eff. Aug. 23, 1988, the date of adoption.
Amended: ER. 40-4-1-0.39-.04 entitled "Interstate and Intrastate Movement of Honey Bees" adopted. F. and eff. December 23, 1988, the date of adoption.
Amended: ER. 40-4-1-0.40-.04 adopted. F. and eff. April 24, 1989, the date of adoption.
Amended: ER. 40-4-1-0.41-.04 adopted. F. Dec. 20, 1989; eff. Dec. 19, 1989, the date of adoption.
Amended: ER. 40-4-1-0.42-.04 adopted. F. and eff. April 20, 1990, the date of adoption.
Amended: 40-4-1-0.43-.04 adopted. F. and eff. September 21, 1990, the date of adoption.
Amended: ER. 40-4-1-0.45-.04 adopted. F. and eff. April 5, 1991, the date of adoption.
Repealed: New Rule of same title adopted. F. Oct. 29, 1991; eff. Nov. 18, 1991.
Repealed: New Rule of same title adopted. F. Oct. 27, 2005; eff. Nov. 16, 2005.
Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-4-1-.05. Certificates Issued by Other States.

If the Commissioner should find American or European Foulbrood, other diseases, or the parasitic mite, Varroa *destructor*, in shipments from another state under official certificates of inspection, the Commissioner may refuse to recognize any certificate from that state until such time as the Commissioner is able to determine that the inspection program of said state is adequate to support the issuance of valid certificates.

Cite as Ga. Comp. R. & Regs. R. 40-4-1-.05
Authority: Authority O.C.G.A. Secs. 2-14-41, 2-14-44, 2-14-46.
History. Original Rule entitled "Certificates Issued by Other States" adopted as ER. 40-4-1-0.32-.05. F. Aug. 21, 1986; eff. Aug. 18, 1986, the date of adoption.
Amended: ER. 40-4-1-0.33-.05 entitled "Interstate and Intrastate Movement of Honey Bees" adopted. F. and eff. December 17, 1986, the date of adoption.
Amended: ER. 40-4-1-0.34-.05 adopted. F. and eff. April 16, 1987, the date of adoption.
Amended: ER. 40-4-1-0.35-.05 adopted. F. Aug. 25, 1987; eff. Aug. 21, 1987, the date of adoption.
Amended: ER. 40-4-1-0.36-.05 adopted. F. and eff. December 22, 1987, the date of adoption.
Amended: 40-4-1-0.37-.05 adopted. F. Apr. 22, 1988; eff. Apr. 21, 1988, the date of adoption.
Amended: ER. 40-4-1-0.38-.05 adopted. F. Aug. 26, 1988; eff. Aug. 23, 1988, the date of adoption.
Amended: ER. 40-4-1-0.39-.05 entitled "Certificates Issued by Other States" adopted. F. and eff. December 23, 1988, the date of adoption.
Amended: ER. 40-4-1-0.40-.05 adopted. F. and eff. April 24, 1989, the date of adoption.
Amended: ER. 40-4-1-0.41-.05 adopted. F. Dec. 20, 1989; eff. Dec. 19, 1989, the date of adoption.
Amended: ER. 40-4-1-0.42-.05 adopted. F. and eff. April 20, 1990, the date of adoption.
Amended: ER. 40-4-1-0.43-.05 adopted. F. and eff. September 21, 1990, the date of adoption.
Amended: ER. 40-4-1-0.45-.05 adopted. F. and eff. April 5, 1991, the date of adoption.
Repealed: New Rule of same title adopted. F. Oct. 29, 1991; eff. Nov. 18, 1991.
Repealed: New Rule of same title adopted. F. Oct. 27, 2005; eff. Nov. 16, 2005.
Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-4-1-.06. Quarantines.

Any apiary in any county in Georgia, found by the Commissioner to be infected with American or European Foulbrood, other disease shall be placed under quarantine and enforcement actions shall be taken as follows:

(1) Any apiary found to be infected with American Foulbrood shall be placed under quarantine and all infected hives shall be immediately destroyed by burning under the supervision of the Commissioner. Any such apiary may be released by the Commissioner from quarantine any time after sixty days from the date of finding of the infection, when the Commissioner determines that the apiary is free of American Foulbrood.

(2) In the case of Africanized honey bees (including African honey bees or hybridized African/European bees that are overly aggressive) the Commissioner shall have authority to treat such bees as deemed necessary.

(3) The Commissioner may, in the case of abandoned bee yards, require the removal, treatment or destruction of bee colonies and/or equipment, in order to protect the interests of the honey bee industry.

(4) Any apiary quarantined due to infection with European Foulbrood may be released by the Commissioner from quarantine any time after thirty (30) days from the finding of infestation, when the Commissioner determines that the apiary is free of the disease.

Cite as Ga. Comp. R. & Regs. R. 40-4-1-.06
Authority: O.C.G.A. Secs. 2-14-41, 2-14-44, 2-14-46.
History. Original Rule entitled "Quarantines" adopted as ER. 40-4-1-0.32-.06. F. Aug. 21, 1986; eff. Aug. 18, 1986, the date of adoption.
Amended: ER. 40-4-1-0.33-.06 entitled "Certificates Issued by Other States" adopted. F. and eff. December 17, 1986, the date of adoption.
Amended: ER. 40-4-1-0.34-.06 adopted. F. and eff. April 16, 1987, the date of adoption.
Amended: ER. 40-4-1-0.35-.06 adopted. F. Aug. 25, 1987; eff. Aug. 21, 1987, the date of adoption.
Amended: ER. 40-4-1-0.36-.06 adopted. F. and eff. December 22, 1987, the date of adoption.
Amended: ER. 40-4-1-0.37-.06 adopted. F. Apr. 22, 1988; eff. Apr. 21, 1988, the date of adoption.
Amended: ER. 40-4-1-0.38-.06 adopted. F. Aug. 26, 1988; eff. Aug. 23, 1988, the date of adoption.
Amended: ER. 40-4-1-0.39-.06 entitled "Quarantines" adopted. F. and eff. December 23, 1988, the date of adoption.
Amended: ER. 40-4-1-0.40-.06 adopted. F. and eff. April 24, 1989, the date of adoption.
Amended: ER. 40-4-1-0.41-.06 adopted. F. Dec. 20, 1989; eff. Dec. 19, 1989, the date of adoption.
Amended: ER. 40-4-1-0.42-.06 adopted. F. and eff. April 20, 1990, the date of adoption.
Amended: ER. 40-4-1-0.43-.06 adopted. F. and eff. September 21, 1990, the date of adoption.
Amended: ER. 40-4-1-0.45-.06 adopted. F. and eff. April 5, 1991, the date of adoption.
Repealed: New Rule of same title adopted. F. Oct. 29, 1991; eff. Nov. 18, 1991.
Repealed: New Rule of same title adopted. F. Oct. 27, 2005; eff. Nov. 16, 2005.
Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-4-1-.07. Indemnification.

Any Georgia resident beekeeper whose bees and/or hives are destroyed in accordance with Rules 40-4-1-.06(1)(a) or (b), shall be eligible for indemnification, the amount of which shall be established by the Commissioner as provided in O.C.G.A. 2-14-45, subject to the provision of 40-4-1-.08.

Cite as Ga. Comp. R. & Regs. R. 40-4-1-.07
Authority: O.C.G.A. Secs. 2-14-41, 2-14-44, 2-14-46.
History. Original Rule entitled "Indemnification" adopted as ER. 40-4-1-0.32-.07. F. Aug. 21, 1986; eff. Aug. 18, 1986, the date of adoption.
Amended: ER. 40-4-1-0.33-.07 entitled "Quarantines" adopted. F. and eff. December 17, 1986, the date of adoption.
Amended: ER. 40-4-1-0.34-.07 adopted. F. and eff. April 16, 1987, the date of adoption.
Amended: ER. 40-4-1-0.35-.07 adopted. F. Aug. 25, 1987; eff. Aug. 21, 1987, the date of adoption.
Amended: ER. 40-4-1-0.36-.07 adopted. F. and eff. December 22, 1987, the date of adoption.
Amended: ER. 40-4-1-0.37-.07 adopted. F. Apr. 22, 1988; eff. Apr. 21, 1988, the date of adoption.
Amended: ER. 40-4-1-0.38-.07 adopted. F. Aug. 26, 1988; eff. Aug. 23, 1988, the date of adoption.
Amended: ER. 40-4-1-0.39-.07 entitled "Indemnification" adopted. F. and eff. December 23, 1988, the date of adoption.
Amended: ER. 40-4-1-0.40-.07 adopted. F. and eff. April 24, 1989, the date of adoption.
Amended: ER. 40-4-1-0.41-.07 adopted. F. Dec. 20, 1989; eff. Dec. 19, 1989, the date of adoption.
Amended: ER. 40-4-1-0.42-.07 adopted. F. and eff. April 20, 1990, the date of adoption.
Amended: ER. 40-4-1-0.43-.07 adopted. F. and eff. September 21, 1990, the date of adoption.
Amended: ER. 40-4-1-0.45-.07 adopted. F. and eff. April 5, 1991, the date of adoption.

Repealed: New Rule of same title adopted. F. Oct. 29, 1991; eff. Nov. 18, 1991.
Repealed: New Rule of same title adopted. F. Oct. 27, 2005; eff. Nov. 16, 2005.
Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-4-1-.08. Enforcement.

Any bees or hives found by the Commissioner to have been shipped into or brought into Georgia in violation of any provision of this Chapter shall be subject to:

(1) Immediate depopulation or hive destruction under the direct supervision of the Commissioner, and shall not be eligible for indemnification; or

(2) Such other procedures prescribed by the Commissioner which, in his opinion, are adequate to protect the beekeeping industry in the State of Georgia.

Cite as Ga. Comp. R. & Regs. R. 40-4-1-.08
Authority: O.C.G.A. Secs. 2-14-41, 2-14-44, 2-14-46.
History. Original Rule entitled "Enforcement" adopted as ER. 40-4-1-0.32-.08. F. Aug. 21, 1986; eff. Aug. 18, 1986, the date of adoption.
Amended: ER. 40-4-1-0.33-.08 entitled "Indemnification" adopted. F. and eff. December 17, 1986, the date of adoption.
Amended: ER. 40-4-1-0.34-.08 adopted. F. and eff. April 16, 1987, the date of adoption.
Amended: ER. 40-4-1-0.35-.08 adopted. F. Aug. 25, 1987; eff. Aug. 21, 1987, the date of adoption.
Amended: ER. 40-4-1-0.36-.08 adopted. F. and eff. December 22, 1987, the date of adoption.
Amended: ER. 40-4-1-0.37-.08 adopted. F. Apr. 22, 1988; eff. Apr. 21, 1988, the date of adoption.
Amended: ER. 40-4-1-0.38-.08 adopted. F. Aug. 26, 1988; eff. Aug. 23, 1988, the date of adoption.
Amended: ER. 40-4-1-0.39-.08 entitled "Enforcement" adopted. F. and eff. December 23, 1988.
Amended: ER. 40-4-1-0.40-.08 adopted. F. and eff. April 24, 1989, the date of adoption.
Amended: ER. 40-4-1-0.41-.08 adopted. F. Dec. 20, 1989; eff. Dec. 19, 1989, the date of adoption.
Amended: ER. 40-4-1-0.42-.08 adopted. F. and eff. April 20, 1990, the date of adoption.
Amended: ER. 40-4-1-0.43-.08 adopted. F. and eff. September 21, 1990, the date of adoption.
Amended: ER. 40-4-1-0.45-.08 adopted. F. and eff. April 5, 1991, the date of adoption.
Repealed: New Rule of same title adopted. F. Oct. 29, 1991; eff. Nov. 18, 1991.
Repealed: New Rule of same title adopted. F. Oct. 27, 2005; eff. Nov. 16, 2005.
Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-4-1-.09. Reserved.

Cite as Ga. Comp. R. & Regs. R. 40-4-1-.09
Authority: O.C.G.A. Sec. 2-14-41, 2-14-44, 2-14-46.
History. Original Rule entitled "Enforcement" adopted as ER. 40-4-1-0.33-.09. F. and eff. December 17, 1986, the date of adoption.
Amended: ER. 40-4-1-0.34-.09 adopted. F. and eff. April 16, 1987, the date of adoption.
Amended: ER. 40-4-1-0.35-.09 adopted. F. Aug. 25, 1987; eff. Aug. 21, 1987, the date of adoption.
Amended: ER. 40-4-1-0.36-.09 adopted. F. and eff. December 22, 1987, the date of adoption.
Amended: ER. 40-4-1-0.37-.09 adopted. F. Apr. 22, 1988; eff. Apr. 21, 1988, the date of adoption.
Amended: ER. 40-4-1-0.38-.09 adopted. F. Aug. 26, 1988; eff. Aug. 23, 1988, the date of adoption.

Subject 40-4-2. REPEALED - REGULATIONS FOR THE CERTIFICATION OF PACKAGE AND QUEEN BEES.

Rule 40-4-2-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-2-.01
Authority: Ga. L. 1920, p. 160; Ga. L. 1959, p. 360; O.C.G.A. Sec. 2-14-41.
History. Original Rule filed on June 30, 1965.
Repealed: F. Oct. 29, 1991; eff. Nov. 18, 1991.

Rule 40-4-2-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-2-.02
Authority: Ga. L. 1920, p. 160; Ga. L. 1959, p. 360; O.C.G.A Sec. 2-14-41.
History. Original Rule filed on June 30, 1965.
Repealed: F. Oct. 29, 1991; eff. Nov. 18, 1991.

Rule 40-4-2-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-2-.03
Authority: Ga. L. 1920, p. 160; Ga. L. 1959, p. 360; O.C.G.A Sec. 2-14-41.
History. Original Rule filed on June 30, 1965.
Repealed: F. Oct. 29, 1991; eff. Nov. 18, 1991.

Rule 40-4-2-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-2-.04
Authority: Ga. L. 1920, p. 160; Ga. L. 1959, p. 360; O.C.G.A Sec. 2-14-41.
History. Original Rule filed on June 30, 1965.
Repealed: F. Oct. 29, 1991; eff. Nov. 18, 1991.

Rule 40-4-2-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-2-.05
Authority: Ga. L. 1920, p. 160; Ga. L. 1959, p. 360; O.C.G.A Sec. 2-14-41.
History. Original Rule filed on June 30, 1965.
Repealed: F. Oct. 29, 1991; eff. Nov. 18, 1991.

Rule 40-4-2-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-2-.06
Authority: Ga. L. 1920, p. 160; Ga. L. 1959, p. 360; O.C.G.A Sec. 2-14-41.
History. Original Rule filed on June 30, 1965.

Repealed: F. Oct. 29, 1991; eff. Nov. 18, 1991.

Rule 40-4-2-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-2-.07
Authority: Ga. L. 1920, p. 160; Ga. L. 1959, p. 360; O.C.G.A Sec. 2-14-41.
History. Original Rule filed on June 30, 1965.
Repealed: F. Oct. 29, 1991; eff. Nov. 18, 1991.

Rule 40-4-2-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-2-.08
Authority: Ga. L. 1920, p. 160; Ga. L. 1959, p. 360; O.C.G.A Sec. 2-14-41.
History. Original Rule filed on June 30, 1965.
Repealed: F. Oct. 29, 1991; eff. Nov. 18, 1991.

Subject 40-4-3. PRODUCTION OF CERTIFIED VEGETABLE PLANTS.

Rule 40-4-3-.01. Definitions.

The following words and terms are defined as follows for the purposes of this Chapter.

(a) Certified Plants: vegetable plants produced in accordance with the requirements of this Chapter.

(b) Commissioner: The Commissioner of Agriculture or any employee of the Georgia Department of Agriculture authorized to act on his behalf.

(c) Department: The Georgia Department of Agriculture.

(d) Department Address: Georgia Department of Agriculture, P. O. Box 114, Tifton, Georgia, 31794; Telephone # 229-386-3464; Fax # 229-386-7052.

Cite as Ga. Comp. R. & Regs. R. 40-4-3-.01
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-23.
History. Original Rule entitled "Application for Certification" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Feb. 8, 1979; eff. Feb. 28, 1979.
Repealed: New Rule of same title adopted. F. Sept. 12, 1983; eff. Oct. 2, 1983.
Repealed: New Rule entitled "Definitions" adopted. F. Aug. 2, 1995; eff. Aug. 22, 1995.
Repealed: New Rule of same title adopted. F. July 8, 1997; eff. July 28, 1997.
Repealed: New Rule of same title adopted. F. Dec. 9, 2003; eff. Dec. 31, 2003, as specified by the Agency.

Rule 40-4-3-.02. Application for Certification.

(1) Applications may be obtained from the Department and must be filed by the grower with the Department at its Tifton address, on or before March 1 of the current year.

(2) No application will be approved for any grower having a balance due to the Department from a previous year.

Cite as Ga. Comp. R. & Regs. R. 40-4-3-.02
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-23.
History. Original Rule entitled "Certification Payments" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.
Repealed: New Rule of same title adopted. F. Feb. 8, 1979; eff. Feb. 28, 1979.
Repealed: New Rule of same title adopted. F. Sept. 12, 1983; eff. Oct. 2, 1983.
Amended: F. Sept. 3, 1991; eff. Sept. 23, 1991.
Repealed: New Rule entitled "Application for Certification" adopted. F. Aug. 2, 1995; eff. Aug. 22, 1995.
Repealed: New Rule entitled "Application for Certification or Inspection" adopted. F. July 8, 1997; eff. July 28, 1997.
Repealed: New Rule entitled "Application for Certification" adopted. F. Dec. 9, 2003; eff. Dec. 31, 2003, as specified by the Agency.

Rule 40-4-3-.03. Certification Payments.

(1) The fee for certification shall be described by the Commissioner in a schedule entitled Fees for Vegetable Transplant Certification issued July 1 of each year.

(2) All growers of certified plants shall, upon request, provide authorization to the Department to determine from County FSA Office records the acreage to be used for the production of certified plants.

(3) At least one half of the fee must be paid to the Department prior to issuance of any certificates. The remainder of the fee must be paid either when all certified plants have been pulled or at the time approval for certification is revoked.

Cite as Ga. Comp. R. & Regs. R. 40-4-3-.03
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-23.
History. Original Rule entitled "Land Eligibility" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Nov. 27, 1974; eff. Dec. 17, 1974.
Repealed: New Rule of same title adopted. F. Feb. 8, 1979; eff. Feb. 28, 1979.
Repealed: New Rule of same title adopted. F. Aug. 10, 1981; eff. Aug. 30, 1981.
Repealed: New Rule of same title adopted. F. Sept. 12, 1983; eff. Oct. 2, 1983.
Repealed: New Rule entitled "Certification Payments" adopted. F. Aug. 2, 1995; eff. Aug. 22, 1995.
Repealed: New Rule entitled "Certification or Inspection Payments" adopted. F. July 8, 1997; eff. July 28, 1997.
Repealed: New Rule entitled "Certification Payments" adopted. F. Dec. 9, 2003; eff. Dec. 31, 2003, as specified by the Agency.

Rule 40-4-3-.04. Land Eligibility.

(1) All fields for production of certified plants must be inspected and approved by the Department and must meet the following requirements:

(a) Fields must not have been planted during the previous five years to soybeans nor within the previous three years to other crops susceptible to root-knot nematodes.

(b) All fields used for the production of certified transplants will be sampled and assayed each year to determine the presence of soybean cyst nematode (Heterodera glycines). Fields testing positive shall not be used for the production of certified plants.

(c) Fields for the production of certified tomato, pepper and cruciferous plants must not be planted to these same crops for the production of non-certified or plants nor for crop production within the previous two years. However, successive plantings of certified crops will be allowed until such fields are found not acceptable for the production of certified plants because of insects, disease, nematodes, or history of or proximity to infestation or infection.

(d) Fields for the production of certified cruciferous plants must not be located within 1/4 mile of any commercial cruciferous planting or on any land on which cruciferous crops have been produced or harvested within the previous twelve months.

Cite as Ga. Comp. R. & Regs. R. 40-4-3-.04
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-23.
History. Original Rule entitled "Seed" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Nov. 27, 1974; eff. Dec. 17, 1974.
Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.
Repealed: New Rule of same title adopted. F. Feb. 8, 1979; eff. Feb. 28, 1979.
Repealed: New Rule of same title adopted. F. Aug. 10, 1981; eff. Aug. 30, 1981.
Repealed: New Rule of same title adopted. F. Sept. 12, 1983; eff. Oct. 2, 1983.
Amended: F. Sept. 3, 1991; eff. Sept. 23, 1991.
Repealed: New Rule entitled "Land Eligibility" adopted. F. Aug. 2, 1995; eff. Aug. 22, 1995.
Repealed: New Rule of same title adopted. F. July 8, 1997; eff. July 28, 1997.
Repealed: New Rule of same title adopted. F. Dec. 9, 2003; eff. Dec. 31, 2003, as specified by the Agency.

Rule 40-4-3-.05. Planting.

(1) A field shall consist of a planting of a single variety and lot number, distinctly separated by water lines, field roads, or the skipping of at least two planter rows.

(2) Every field must be staked at time of planting showing the name of the grower, field number, variety, lot number, source of seed, and acreage.

(3) Minimum distance between rows in the field shall be 12 inches for pepper and tomato plants.

Cite as Ga. Comp. R. & Regs. R. 40-4-3-.05
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-23.
History. Original Rule entitled "Planting" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Feb. 8, 1979; eff. Feb. 28, 1979.
Repealed: New Rule of same title adopted. F. Sept. 12, 1983; eff. Oct. 2, 1983.
Repealed: New Rule entitled "Seed" adopted. F. Aug. 2, 1995; eff. Aug. 22, 1995.
Repealed: New Rule of same title adopted. F. July 8, 1997; eff. July 28, 1997.
Repealed: New Rule entitled "Planting" adopted. F. Dec. 9, 2003; eff. Dec. 31, 2003, as specified by the Agency.

Rule 40-4-3-.06. Treatment.

A regular treatment schedule employing only those fungicides and insecticides registered with the U. S. Environmental Protection Agency and with the Department and approved by the Department for vegetable plant production must be followed from the time first true leaves appear until the plants are pulled. A suggested spray schedule may be obtained from the Department.

Cite as Ga. Comp. R. & Regs. R. 40-4-3-.06
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-23.
History. Original Rule entitled "Spraying" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Feb. 8, 1979; eff. Feb. 28, 1979.
Repealed: New Rule of same title adopted. F. Sept. 12, 1983; eff. Oct. 2, 1983.
Repealed: New Rule entitled "Plate Test" adopted. F. Aug. 2, 1995; eff. Aug. 22, 1995.
Repealed: New Rule of same title adopted. F. July 8, 1997; eff. July 28, 1997.
Repealed: New Rule entitled "Treatment" adopted. F. Dec. 9, 2003; eff. Dec. 31, 2003, as specified by the Agency.

Rule 40-4-3-.07. Field Inspection.

(1) Fields will be inspected by the Department at regular intervals for the presence of insects, insect injury, nematodes, disease, spray coverage, and general physical condition.

(2) Rejection of a field of plants for certification, based on the foregoing considerations, shall be left to the discretion of the inspector in charge.

Cite as Ga. Comp. R. & Regs. R. 40-4-3-.07
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-23.
History. Original Rule entitled "Field Inspection" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Feb. 8, 1979; eff. Feb. 28, 1979.
Repealed: New Rule of same title adopted. F. Sept. 12, 1983; eff. Oct. 2, 1983.
Repealed: New Rule entitled "Planting" adopted. F. Aug. 2, 1995; eff. Aug. 22, 1995.
Repealed: New Rule of same title adopted. F. July 8, 1997; eff. July 28, 1997.
Repealed: New Rule entitled "Field Inspection" adopted. F. Dec. 9, 2003; eff. Dec. 31, 2003, as specified by the Agency.

Rule 40-4-3-.08. Clipping.

Clipping will be allowed only on tomato and pepper plants. Such plants will be approved as certified only if they meet the following conditions as determined by the inspector in charge:

(a) First clipping shall be done when the majority of the plants in the field have reached a height of seven inches. Additional clippings will be permitted as necessary or desirable, provided that no more than one inch of material is removed at any clipping.

(b) Clipped plants shall be treated with a fungicide registered with the Department and approved by the Department for vegetable plant production immediately after clipping.

(c) Clipped plants shall not be pulled within three days of clipping, or until clipping scars have callused.

Cite as Ga. Comp. R. & Regs. R. 40-4-3-.08
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-23.
History. Original Rule entitled "Packing" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Feb. 8, 1979; eff. Feb. 28, 1979.
Repealed: New Rule entitled "Clipping" adopted. F. Sept. 12, 1983; eff. Oct. 2, 1983.
Repealed: New Rule entitled "Spraying" adopted. F. Aug. 2, 1995; eff. Aug. 22, 1995.
Repealed: New Rule of same title adopted. F. July 8, 1997; eff. July 28, 1997.
Repealed: New Rule entitled "Clipping" adopted. F. Dec. 9, 2003; eff. Dec. 31, 2003, as specified by the Agency.

Rule 40-4-3-.09. Pulling.

To be approved as certified, plants must be pulled and graded so that 80% of the plants per bundle or crate are first class. For the purpose of this Rule first class plants shall be visibly free of insects, insect injury, nematodes, and disease. In addition, for first class designation, tomato and pepper plants must have strong stems of at least 3/16 inch diameter and a height of 6-11 inches from the crown (soil line) to the terminal bud.

Cite as Ga. Comp. R. & Regs. R. 40-4-3-.09
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-23.
History. Original Rule entitled "Certificates" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Feb. 8, 1979; eff. Feb. 28, 1979.
Repealed: New Rule entitled "Pulling" adopted. F. Sept. 12, 1983; eff. Oct. 2, 1983.
Repealed: New Rule entitled "Field Inspection" adopted. F. Aug. 2, 1995; eff. Aug. 22, 1995.
Repealed: New Rule of same title adopted. F. July 8, 1997; eff. July 28, 1997.
Repealed: New Rule entitled "Pulling" adopted. F. Dec. 9, 2003; eff. Dec. 31, 2003, as specified by the Agency.

Rule 40-4-3-.10. Packing.

(1) Packing containers or trays must be substantial enough to protect plants from physical damage and must be free of certification labels from previous use.

(2) Containers or trays must be packed in such a way that there is sufficient ventilation to prevent heating and there is no bruising of plants.

Cite as Ga. Comp. R. & Regs. R. 40-4-3-.10
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-23.
History. Original Rule entitled "Packing" adopted. F. Sept. 12, 1983; eff. Oct. 2, 1983.
Repealed: New Rule entitled "Clipping" adopted. F. Aug. 2, 1995; eff. Aug. 22, 1995.
Repealed: New Rule of same title adopted. F. July 8, 1997; eff. July 28, 1997.
Repealed: New Rule entitled "Packing" adopted. F. Dec. 9, 2003; eff. Dec. 31, 2003, as specified by the Agency.

Rule 40-4-3-.11. Certificates.

(1) Orders for certificates shall be filed with the Department at its Tifton address well in advance of plant movement. Orders approved by the Department will be forwarded to the printer, and the grower shall be fully responsible for payment of the printing costs.

(2) No certificates will be printed unless the printer is specifically authorized to do so by the Department.

(3) Certificates will be delivered to growers by the inspector in charge.

(4) Certificates shall be used only on first class plants from certified fields or greenhouses as applicable, whose identity shall have been maintained by tags or labels from the time of pulling to packing and shipping.

(5) A certificate showing the grower's name and code number issued by the Department must be conspicuously placed on each container of certified plants, and each container must be labeled to show the plant variety. Alternately, a certificate and label may be attached to the invoice or bill of lading.

Cite as Ga. Comp. R. & Regs. R. 40-4-3-.11
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-23.
History. Original Rule entitled "Certificates" adopted. F. Sept. 12, 1983; eff. Oct. 2, 1983.
Repealed: New Rule entitled "Pulling" adopted. F. Aug. 2, 1995; eff. Aug. 22, 1995.
Repealed: New Rule of same title adopted. F. July 8, 1997; eff. July 28, 1997.
Repealed: New Rule entitled "Certificates" adopted. F. Dec. 9, 2003; eff. Dec. 31, 2003, as specified by the Agency.

Rule 40-4-3-.12. Revocation of Certification.

(1) The Commissioner may deny or revoke approval of certification, and may recall outstanding certificates for cause, including but not limited to:

(a) any violation of these or other regulations of the Department,

(b) the use of certificates on any plants for which the Department either has not approved, has denied, or has revoked certification,

(c) infectious plant diseases, nematodes, injurious insects, or excessive insect damage,

(d) poor physical condition of plants,

(e) fields too grassy or weedy to afford a dependable inspection,

(f) the use of any labeling so worded as to be confused with an official certificate,

(g) failure to pay certification fees when due, or

(h) severe clipping.

Cite as Ga. Comp. R. & Regs. R. 40-4-3-.12
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-23.
History. Original Rule entitled "Revocation of Certification" adopted. F. Sept. 12, 1983; eff. Oct. 2, 1983.
Repealed: New Rule entitled "Packing" adopted. F. Aug. 2, 1995; eff. Aug. 22, 1995.
Repealed: New Rule of same title adopted. F. July 8, 1997; eff. July 28, 1997.
Repealed: New Rule entitled "Revocation of Certification" adopted. F. Dec. 9, 2003; eff. Dec. 31, 2003, as specified by the Agency.

Rule 40-4-3-.13. Transfer of Certified Plants.

(1) Certified plants may be transferred between growers only when authorized by the inspector in charge.

(2) Certified plants transferred between growers shall be labeled to show the name of the shipper and the code number of the producer.

Cite as Ga. Comp. R. & Regs. R. 40-4-3-.13
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-23.
History. Original Rule entitled "Transfer of Certified Plants" adopted. F. Sept. 12, 1983; eff. Oct. 2, 1983.
Repealed: New Rule entitled "Certificates" adopted. F. Aug. 2, 1995; eff. Aug. 22, 1995.
Repealed: New Rule of same title adopted. F. July 8, 1997; eff. July 28, 1997.
Repealed: New Rule entitled "Transfer of Certified Plants" adopted. F. Dec. 9, 2003; eff. Dec. 31, 2003, as specified by the Agency.

Rule 40-4-3-.14. Greenhouse Grown Plants.

(1) Greenhouse grown plants are defined as plants which are grown under cover in a horticultural growing medium where light, temperature, moisture, and plant nutrients may be controlled for the purpose of producing more uniform plants.

(2) Greenhouse grown plants shall be treated as required in 40-4-3-.06.

(3) First class greenhouse grown plants shall be those which are 4 1/2 - 7 1/2 inches in height, measured from crown (soil line) to terminal bud, free of insects, nematodes, and diseases, in good physical condition, and of such maturity to withstand transplanting shock as determined by the inspector in charge.

(4) Certificates will be provided in accordance with 40-4-3-11.

(5) Revocation of approval of certification shall be subject to the requirements of 40-4-3-.12.

(6) The fee shall be described by the Commissioner in a schedule entitled Fees for Vegetable Transplant Certification issued July 1 of each year.

Cite as Ga. Comp. R. & Regs. R. 40-4-3-.14
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-23.
History. Original Rule entitled "Non-Field Grown Plants" adopted. F. Sept. 12, 1983; eff. Oct. 2, 1983.
Amended: F. Sept. 3, 1991; eff. Sept. 23, 1991.
Repealed: New Rule entitled "Revocation of Certification" adopted. F. Aug. 2, 1995; eff. Aug. 22, 1995.
Repealed: New Rule of same title adopted. F. July 8, 1997; eff. July 28, 1997.
Repealed: New Rule entitled "Greenhouse Grown Plants" adopted. F. Dec. 9, 2003; eff. Dec. 31, 2003, as specified by the Agency.

Rule 40-4-3-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-3-.15
Authority: O.C.G.A. Sec. 2-7-1*et seq.*
History. Original Rule entitled "Transfer of Certified Plants" adopted. F. Aug. 2, 1995; eff. Aug. 22, 1995.
Repealed: New Rule entitled "Transfer of Certified or Inspected Plants" adopted. F. July 8, 1997; eff. July 28, 1997.
Repealed: F. Dec. 9, 2003; eff. Dec. 31, 2003, as specified by the Agency.

Rule 40-4-3-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-3-.16
Authority: O.C.G.A. Sec. 2-7-1*et seq.*
History. Original Rule entitled "Greenhouse Grown Plants" adopted. F. Aug. 2, 1995; eff. Aug. 22, 1995.
Repealed: New Rule of same title adopted. F. July 8, 1997; eff. July 28, 1997.
Repealed: F. Dec. 9, 2003; eff. Dec. 31, 2003, as specified by the Agency.

Subject 40-4-4. REPEALED - REGULATIONS FOR THE PRODUCTION OF GEORGIA CERTIFIED EASTER LILY BULBS.

Rule 40-4-4-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-4-.01
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Application for Certification" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-4-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-4-.02
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Certification Payment" adopted. F. and eff. June 30, 1965.
Amended: F. Mar. 29, 1977; eff. Apr. 18, 1977.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-4-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-4-.03
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Land Eligibility" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-4-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-4-.04
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Planting Stock" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-4-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-4-.05
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Planting" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-4-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-4-.06
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Inspection" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-4-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-4-.07
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Insect and Disease Control" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-4-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-4-.08
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Certificates" adopted. F. and eff. June 30, 1965.
Amended: F. Mar. 29, 1977; eff. Apr. 18, 1977.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Subject 40-4-5. REPEALED - REGULATIONS FOR THE PRODUCTION OF GEORGIA CERTIFIED PEPPER PLANTS.

Rule 40-4-5-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-5-.01
Authority: Ga. L. 1937, p. 659; Ga. L. 1959. p. 360.
History. Original Rule entitled "Application for Certification" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-5-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-5-.02
Authority: Ga. L. 1937. p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Certification" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Certification Payments" adopted. Filed March 29, 1977; effective April 18, 1977.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-5-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-5-.03
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Land Eligibility" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-5-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-5-.04
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Seed" was filed and effective on June 30, 1965.

Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-5-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-5-.05
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Planting" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-5-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-5-.06
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Spraying" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-5-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-5-.07
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Field Inspection" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-5-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-5-.08
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Pulling" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-5-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-5-.09
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Packing" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-5-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-5-.10
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Labeling" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Certificates" adopted. Filed March 29, 1977; effective April 18,

1977.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-5-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-5-.11
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Revocation of Certification" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Subject 40-4-6. REPEALED - REGULATIONS FOR THE PRODUCTION OF GEORGIA CERTIFIED TOMATO PLANTS.

Rule 40-4-6-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-6-.01
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Application for Certification" was filed and effective on June 30, 1965;
Amended: Rule repealed and a new Rule of the same title adopted. Filed October 22, 1970; effective November 11, 1970.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-6-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-6-.02
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Certification Payments" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed October 22, 1970; effective November 11, 1970.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 29, 1977; effective April 18, 1977.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-6-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-6-.03
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Land Eligibility" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed October 22, 1970, effective November 11, 1970.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-6-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-6-.04
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Seed" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed October 22, 1970; effective November 11, 1970.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-6-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-6-.05
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Planting" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed October 22, 1970; effective November 11, 1970.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-6-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-6-.06
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Field Inspection" Was filed and effective June 30, 1965.
Amended: Filed January 10, 1967; effective January 29, 1967.
Amended: Rule repealed and a new Rule of the same title adopted. Filed October 22, 1970; effective November 11, 1970.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-6-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-6-.07
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Spraying" was filed and effective June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed October 22, 1970; effective November 11, 1970.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-6-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-6-.08
Authority: Ga. L. 1937, p. 657; Ga. L. 1959, p. 360.
History. Original Rule entitled "Transfer of Certified Plants" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed October 22, 1970; effective November 11, 1970.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-6-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-6-.09
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Packing" was filed and effective on June 30, 1965.
Amended: Emergency Rule 40-4-6-0.2, entitled "Bare-Root Packing," adopted. Filed and effective on April 7, 1970 for a period of 90 days from the effective date.
Amended: Rule repealed and a new Rule entitled "Packing" adopted. Filed October 22, 1970; effective November 11, 1970.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-6-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-6-.10
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Certificates" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed October 22, 1970; effective November 11, 1970.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Rule 40-4-6-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-6-.11
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Revocation of Certification" was filed and effective on June 30, 1965.
Amended: Filed January 10, 1967; effective January 29, 1967.
Amended: Rule repealed and a new Rule of the same title adopted. Filed October 22, 1970; effective November 11, 1970.
Amended: Rule repealed. Filed September 12, 1983; effective October 2, 1983.

Subject 40-4-7. REGULATIONS FOR THE MOVEMENT OF VEGETABLE TRANSPLANTS INTO GEORGIA.

Rule 40-4-7-.01. Primary Rule.

(1) Vegetable transplants may be moved into the State of Georgia only if in compliance with the regulations established in this chapter.

(2) For the purposes of this Rule, "Vegetable Transplant" means any plant for planting, including but not limited to members of the Alliaceae family (leek, onion, etc.), Asteraceae family (lettuce), Brassicaceae family (broccoli, cabbage, cauliflower, etc.), Cucurbitaceae family (cantaloupe, squash, watermelon, etc.), Malvaceae family (okra) and Solanaceae family (eggplant, pepper, tobacco, tomato etc.) where the fruit or vegetative part will be consumed for food.

Cite as Ga. Comp. R. & Regs. R. 40-4-7-.01
Authority: Authority O.C.G.A. Secs. 2-7-1, 2-7-25.
History. Original Rule entitled "Certificates" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Movement of Tobacco and Tomato Plants into Georgia" adopted. F. June 14, 1999; eff. July 4, 1999.
Repealed: New Rule entitled "Primary Rule" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.
Repealed: New Rule of same title adopted. F. Apr. 12, 2010; eff. May 2, 2010.
Amended: F. Dec. 14, 2010; eff. Jan. 3, 2011.

Rule 40-4-7-.02. Plant Pests Regulated.

(1) Vegetable transplants must be free from aphids, leaf miners, thrips, whiteflies, and other leaf or sap feeding insects.

(2) Vegetable transplants must be free from diseases, including but not limited to, Late Blight (*Phytophthora infestans*), bacterial fruit blotch of cucurbits (*Acidovorax avenae* subsp. *citrulli*), black rot of cabbage (*Xanthomonas campestris* pv. *campestris*), downy mildew of brassicas and (*Peronospora parasitica*), downy mildew of cucurbits (*Pseudoperonospora cubensis*), cucurbit yellow stunting disorder virus, cucurbit leaf crumple virus, squash leaf curl begomovirus and other geminiviruses, closteroviruses or other *Bemisia* species whitefly or other insect vectored diseases determined by the Commissioner of Agriculture to be detrimental to vegetable or fruit production in Georgia.

(3) The Commissioner of Agriculture or his agent may order transplants to be quarantined or destroyed if the transplants are believed to be or if they exhibit signs or symptoms of insect infestation or infection with a plant disease.

Cite as Ga. Comp. R. & Regs. R. 40-4-7-.02
Authority: Authority O.C.G.A. Secs. 2-7-1, 2-7-23.
History. Original Rule entitled "Confiscation" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Plant Pests Regulated" adopted. F. June 14, 1999; eff. July 4, 1999.
Repealed: New Rule of same title adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.
Repealed: New Rule of same title adopted. F. Apr. 12, 2010; eff. May 2, 2010.
Amended: F. Dec. 14, 2010; eff. Jan. 3, 2011.

Rule 40-4-7-.03. Area Under Regulation.

All states. Additional restrictions apply to states known to be infested with cucurbit yellow stunting disorder virus, cucurbit leaf crumple virus, squash leaf curl begomovirus or other viruses determined to be detrimental to vegetable or fruit production in Georgia.

Cite as Ga. Comp. R. & Regs. R. 40-4-7-.03
Authority: Authority O.C.G.A. Secs. 2-7-1, 2-7-23.
History. Original Rule entitled "Inspection" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Area Under Regulation" adopted. F. June 14, 1999; eff. July 4, 1999.
Repealed: New Rule of same title adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.
Repealed: New Rule of same title adopted. F. Apr. 12, 2010; eff. May 2, 2010.

Amended: F. Dec. 14, 2010; eff. Jan. 3, 2011.

Rule 40-4-7-.04. Commodities Covered.

All vegetable transplants.

Cite as Ga. Comp. R. & Regs. R. 40-4-7-.04
Authority: O.C.G.A. Secs. 2-7-1, 2-7-23.
History. . Original Rule entitled "State of Florida" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Commodities Covered" adopted. F. June 14, 1999; eff. July 4, 1999.
Repealed: New Rule of same title adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.
Repealed: New Rule of same title adopted. F. Apr. 12, 2010; eff. May 2, 2010.
Amended: F. Dec. 14, 2010; eff. Jan. 3, 2011.

Rule 40-4-7-.05. Restrictions.

(1) All vegetable transplants moved into Georgia must be regularly inspected during the growing season and be certified free of the plant pests noted above by the Plant Protection Official of the state of origin. The last inspection must be made no more than three days prior to pulling or shipment.

   (a) All vegetable transplants must have been treated during the growing season with appropriate Federal and Stated registered pesticides approved by the Plant Protection Official of the state of origin to control insect, bacterial and fungal plant pests. In addition all vegetable transplants must be treated with an insecticide approved by the Commissioner according to label directions for control of whiteflies and other sap feeding insects.

   (b) All vegetable transplants must be packed at the farm on which they were produced, and labeled to show the name and address of the producer.

   (c) All vegetable transplants must be accompanied by Required Certification.

(2) Additional Restrictions for the states of Arizona, California, Florida, and Texas, or any other state where cucurbit yellow stunting disorder virus, cucurbit leaf crumple virus or squash leaf curl begomovirus are known to be established:

   (a) Vegetable transplants must be free from pests listed in Sections 40-4-7.02 above.

   (b) Field grown onions (Alliaceae family) from the states of Arizona, California, Florida or Texas will be eligible for entry into Georgia if shipper provides the following information in writing to the Georgia Department of Agriculture in advance of shipment:

      a. Destination of transplants.

b. Quantity of shipment.

c. Variety(ies) shipped.

(c) Field grown vegetable transplants other than onion transplants (Alliaceae family) are not eligible for shipment into the State of Georgia.

(d) Screenhouse or Greenhouses must be maintained in such manner as to prevent entry of whiteflies.

(e) Screenhouse or Greenhouse grown vegetable transplants will not be accepted if *Bemisia* species whiteflies are detected on the plants during the growing season.

(f) Vegetable transplants must be visually inspected for freedom of disease symptoms, aphids, leaf miners, thrips, whiteflies, and other leaf or sap feeding insects at least once per week.

(g) Sticky traps must be installed in the screenhouse or greenhouse and monitored at least on a weekly basis. Minimum trapping rates will be two (2) 8 x 12 inch yellow sticky board traps per screenhouse or greenhouse.

Cite as Ga. Comp. R. & Regs. R. 40-4-7-.05
Authority: O.C.G.A. 2-7-1 et. seq.
History. Original Rule entitled "Packing" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Restrictions" adopted. F. June 14, 1999; eff. July 4, 1999.
Repealed: New Rule of same title adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.
Repealed: New Rule of same title adopted. F. Apr. 12, 2010; eff. May 2, 2010.
Amended: F. Dec. 14, 2010; eff. Jan. 3, 2011.
Amended: F. Oct. 1, 2014; eff. Oct. 21, 2014.

Rule 40-4-7-.06. Certified Organic Vegetable Transplants.

(1) Vegetable transplants that are certified under the U.S. Department of Agriculture National Organic Program are permitted entry into Georgia provided that:

(a) the vegetable transplants were grown in a greenhouse maintained in such manner as to prevent entry of whiteflies and other sap feeding insects;

(b) whiteflies were not detected on the plants during the growing season;

(c) the vegetable transplants were visually inspected for freedom of disease symptoms, aphids, leaf miners, thrips, whiteflies, and other leaf or sap feeding insects at least once per week during the growing season; and

(d) sticky traps were installed in the greenhouse and monitored at least on a weekly basis. Minimum trapping rates will be two (2) 8 x 12 inch yellow sticky board traps per greenhouse.

Cite as Ga. Comp. R. & Regs. R. 40-4-7-.06
Authority: Authority O.C.G.A. Secs. 2-7-1, 2-7-11.
History. Original Rule entitled "Penalties" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Required Certification" adopted. F. June 14, 1999; eff. July 4, 1999.
Repealed: New Rule of same title adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.
Repealed: New Rule of same title adopted. F. Apr. 12, 2010; eff. May 2, 2010.
Amended: New Rule entitled "Certified Organic Vegetable Transplants" adopted. F. Dec. 14, 2010; eff. Jan. 3, 2011.

Rule 40-4-7-.07. Required Certification.

(1) All vegetable transplants must be accompanied by an official certificate of inspection issued by the Plant Protection Official of the state of origin certifying compliance with these regulations and restrictions.

(2) Vegetable transplants which are not accompanied by an official certificate of inspection or found to be in violation of these rules will be subject to confiscation and/or destruction without further notice or compensation.

(3) Prior notification of regulated commodity shipment is required for the states of Arizona, California, Florida and Texas, or any other state where cucurbit yellow stunting disorder virus, cucurbit leaf crumple virus or squash leaf curl begomovirus are known to be established. The shipper shall send by mail or facsimile a copy of the certificate of inspection or State Phytosanitary Certificate to: Vegetable Transplant Inspection/Certification Program, Plant Protection Division, Georgia Department of Agriculture, P. O. Box 114, Tifton, Georgia 31793; facsimile 229-386-7052.

Cite as Ga. Comp. R. & Regs. R. 40-4-7-.07
Authority: Authority O.C.G.A. Secs. 2-7-1, 2-7-31.
History. Original Rule entitled "Penalties" adopted. F. June 14, 1999; eff. July 4, 1999.
Repealed: New Rule of same title adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.
Repealed: New Rule of same title adopted. F. Apr. 12, 2010; eff. May 2, 2010.
Amended: New Rule entitled "Required Certification" adopted. F. Dec. 14, 2010; eff. Jan. 3, 2011.

Rule 40-4-7-.08. Penalties.

Any person organization or business that violates the provisions of this Chapter or who interferes with or obstructs an agent of the Commissioner shall be guilty of a misdemeanor upon conviction thereof, and shall be punished by a fine of no more than $1000 and/or one year in jail.

Cite as Ga. Comp. R. & Regs. R. 40-4-7-.08
Authority: Authority O.C.G.A. Sec. 2-7-1.
History. Original Rule entitled "Penalties" adopted. F. Dec. 14, 2010; eff. Jan. 3, 2011.

Subject 40-4-8. REPEALED 40-4-8.

Rule 40-4-8-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-8-.01
Authority: O.C.G.A. 2-7-23.
History. Original Rule entitled "Application for Inspection" was filed and effective on June 30, 1965.
Repealed: New Rule entitled "Definitions" adopted. F. Jul. 25, 1994; eff. Aug. 14, 1994.
Repealed: New Rule, same title, adopted. F. Feb. 7, 1997; eff. Feb. 27, 1997.
Repealed: F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 40-4-8-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-8-.02
Authority: O.C.G.A. 2-7-23.
History. Original Rule entitled "Fees" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adopted. Filed March 29, 1977; effective April 18, 1977.
Amended: F. Aug. 29, 1991; eff. Sept. 18, 1991.
Repealed: New Rule entitled "Growing of Sweet Potatoes" adopted. F. Jul. 25, 1994; eff. Aug. 14, 1994.
Repealed: New Rule entitled "Production of Certified Seed Sweet Potatoes" adopted. F. Feb. 7, 1997; eff. Feb. 27, 1997.
Repealed: F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 40-4-8-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-8-.03
Authority: O.C.G.A. 2-7-23.
History. Original Rule entitled "Inspection" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adopted. Filed February 24, 1982; effective March 16, 1982.
Amended: ER 40-4-8-0.47-.03 was f. Mar. 30, 1992; eff. Mar. 27, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule superseding this ER, as specified by the Agency.
Amended: ER repealed and a permanent Rule, same title, adopted. F. May 5, 1992; eff. May 25, 1992.
Repealed: New Rule of same title adopted. F. Aug. 11, 1992; eff.Aug. 31, 1992.
Repealed: New Rule entitled "Production of Certified Seed Sweet Potatoes" adopted. F. Jul. 25, 1994; eff. Aug. 14, 1994.
Repealed: New Rule entitled "Storage of Certified Seed Sweet Potatoes" adopted. F. Feb. 7, 1997; eff. Feb. 27, 1997.
Repealed: F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 40-4-8-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-8-.04
Authority: O.C.G.A. 2-7-23.

History. Original Rule entitled "Transferring Certified Seed Stock" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adopted. Filed February 24, 1982, effective March 16, 1982.
Repealed: New Rule of same title adopted. F. Aug. 11, 1992; eff. Aug. 31, 1992.
Repealed: New Rule entitled "Storage of Sweet Potatoes" adopted. F. Jul. 25, 1994; eff. Aug. 14, 1994.
Repealed: New Rule entitled "Production of Certified Sweet Potato Plants" adopted. F. Feb. 7, 1997; eff. Feb. 27, 1997.
Repealed: F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 40-4-8-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-8-.05
Authority: O.C.G.A. 2-7-23.
History. Original Rule entitled "Foundation Seed" was filed and effective on June 30, 1965.
Repealed: New Rule entitled "Production of Certified Sweet Potato Plants" adopted. F. Jul. 25, 1994; eff. Aug. 14, 1994.
Repealed: New Rule entitled "Transfer and Movement of Certified Seed Sweet Potatoes" adopted. F. Feb. 7, 1997; eff. Feb. 27, 1997.
Repealed: F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 40-4-8-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-8-.06
Authority: O.C.G.A. 2-7-23.
History. Original Rule entitled "Bedding" was filed and effective on June 30, 1965.
Amended: Filed February 4, 1972; effective February 24, 1972.
Amended: Rule repealed and a new Rule of same title adopted. Filed February 24, 1982; effective March 16, 1982.
Amended: F. Aug. 29, 1991; eff. Sept. 18, 1991.
Repealed: New Rule entitled "Production of Sweet Potatoes for Eating" adopted. F. Jul. 25, 1994; eff. Aug. 14, 1994.
Repealed: New Rule entitled "Fees" adopted. F. Feb. 7, 1997; eff. Feb. 27, 1997.
Repealed: F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 40-4-8-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-8-.07
Authority: O.C.G.A. 2-7-23.
History. Original Rule entitled "Issuing of Certificates and Certificate Tape" was filed and effective on June 30, 1965.
Amended: Rule retitled "Issuing of Certificates." F. Aug. 29, 1991; eff. Sept. 18, 1991.
Repealed: New Rule entitled "Transfer and Movement of Sweet Potatoes" adopted. F. Jul. 25, 1994; eff. Aug. 14, 1994.
Repealed: New Rule entitled "Certificates" adopted. F. Feb. 7, 1997; eff. Feb. 27, 1997.
Repealed: F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 40-4-8-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-8-.08
Authority: O.C.G.A. 2-7-23.
History. Original Rule entitled "Use of Certificates and Certificate Tape" was filed and effective on June 30, 1965.
Amended: Rule retitled "Use of Certificates". F. Aug. 29, 1991; eff. Sept. 18, 1991.
Repealed: New Rule entitled "Sale of Sweet Potatoes" adopted. F. Jul. 25, 1994; eff. Aug. 14, 1994.
Repealed: New Rule entitled "Revocation of Certificates" adopted. F. Feb. 7, 1997; eff. Feb. 27, 1997.
Repealed: F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 40-4-8-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-8-.09
Authority: O.C.G.A. 2-7-23.
History. Original Rule entitled "Cost of Certificate Tape and Tags" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adopted. Filed March 29, 1977; effective April 18, 1977.
Amended: Rule retitled "Cost of Certificates." F. Aug. 29, 1991; eff. Sept. 18, 1991.
Repealed: New Rule entitled "Fees" adopted. F. Jul. 25, 1994; eff. Aug. 14, 1994.
Repealed: New Rule entitled "Inspected Sweet Potatoes" adopted. F. Feb. 7, 1997; eff. Feb. 27, 1997.
Repealed: F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 40-4-8-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-8-.10
Authority: Ga. L. 1937, p. 659; 1959, p. 360; O.C.G.A. Sec. 2-7-23.
History. Original Rule entitled "Dealers" was filed and effective on June 30, 1965.
Amended: Rule retitled "Out-of-State Growers." F. Aug. 29, 1991; eff. Sept. 18, 1991.
Repealed: New Rule of same title adopted. F. Aug. 11, 1992; eff. Aug. 31, 1992.
Repealed: New Rule entitled "Certificates" adopted. F. Jul. 25, 1994; eff. Aug. 14, 1994.
Repealed: F. Feb. 7, 1997; eff. Feb. 27, 1997.

Rule 40-4-8-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-8-.11
Authority: Ga. L. 1937, p. 659; 1959, p. 360; O.C.G.A. Sec. 2-7-23.
History. Original Rule entitled "Out-of-State Growers" was filed and effective on June 30, 1965.
Amended: Rule retitled "Transportation Companies, Common Carriers, etc." F. Aug. 29, 1991; eff. Sept. 18, 1991.
Repealed: New Rule entitled "Unlawful Acts" adopted. F. Jul. 25, 1994; eff. Aug. 14, 1994.
Repealed: F. Feb. 7, 1997; eff. Feb. 27, 1997.

Rule 40-4-8-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-8-.12
Authority: Ga. L. 1937, p. 659; 1959, p. 360.
History. Original Rule entitled "Transportation Companies, Common Carriers, etc." was filed and effective on June 30, 1965.
Amended: Rule retitled "Violations". F. Aug. 29, 1991; eff. Sept. 18, 1991.
Repealed: F. Jul. 25, 1994; eff. Aug. 14, 1994.

Rule 40-4-8-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-8-.13
Authority: Ga. L. 1937, p. 659; 1959, p. 360.
History. Original Rule entitled "Violations" was filed and effective on June 30, 1965.
Amended: Rule retitled "Revocation of Certification". F. Aug. 29, 1991; eff. Sept. 18, 1991.
Repealed: F. Jul. 25, 1994; eff. Aug. 14, 1994.

Rule 40-4-8-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-8-.14
Authority: Ga. L. 1937, p. 659; 1959, p. 360.
History. Original Rule entitled "Revocation of Certificate" was filed and effective on June 30, 1965.
Amended: Rule retitled "Penalties". F. Aug. 29, 1991; eff. Sept. 18, 1991.
Repealed: F. Jul. 25, 1994; eff. Aug. 14, 1994.

Rule 40-4-8-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-8-.15
Authority: Ga. L. 1937, p. 659; 1959, p. 360.
History. Original Rule entitled "Penalties" was filed and effective on June 30, 1965.
Amended: Rule renumbered 40-4-8-.14. F. Aug. 29, 1991; eff. Sept. 18, 1991.
Repealed: F. Jul. 25, 1994; eff. Aug. 14, 1994.

Subject 40-4-9. LIVE PLANT REGULATIONS.

Rule 40-4-9-.01. Definitions.

The following words or terms shall have the meaning set forth herein when used in these rules and regulations.

(a) Bare Root Plant: Any live plant that has been uprooted and separated from its growing medium, then bagged in moss, sawdust or other material to provide temporary moisture to the roots. A bare root plant is also any plant that has been uprooted from its growing medium and placed in controlled atmosphere conditions or heeled in with sawdust, packing material or soil as a means for supplying moisture until it has been planted.

(b) Certificate: Any document issued by the Department attesting to the Plant Pest or treatment status of any Regulated Article.

(c) Commissioner: The Commissioner of Agriculture or any employee of the Department authorized to act on his behalf.

(d) Compliance Agreement: Any written agreement between a person and the Department specifying requirements enforced by the Department for regulatory purposes.

(e) Containerized Plant: Any live plant grown in a container where the plant is healthy, vigorous, well rooted, and established in the container in which it is growing. Containerized plants must possess a well-established root system reaching or nearly reaching the sides of the container to maintain a firm ball when the container is removed, but not possessing excessive root growth that encircles the inside of the container.

(f) Department: The Georgia Department of Agriculture.

(g) Dormant Plant: Any plant or plant part that is not in an active state of growth as evidenced by the lack of vegetative bud swelling and/or shoot growth.

(h) Federal Noxious Weed: Any plant listed under Title 7, Code of Federal Regulations, Part 360 "Noxious Weed Regulations".

(i) Fees: Assessments of costs for the purpose of defraying the expenses of registration of Live Plant Growers and Live Plant Dealers, and expenses of inspection and certification of Regulated Articles.

(j) Live Plant: Any whole or propagative part of any member of the Plant Kingdom, capable of or intended for propagation or growth. It does not include true seeds, cut flowers, or decorative cut foliage.

(k) Live Plant Dealer: Any person who does not grow or propagate Live Plants, but who handles, maintains, solicits orders for, sells, or distributes any Live Plants.

(l) Live Plant Grower: Any person who propagates or grows any Live Plants for sale or distribution. Persons meeting any of the following criteria must be properly licensed by the Department:

1. have a production space greater than 1,000 square feet;
2. receive plants from another state;
3. send plants interstate;
4. send plants internationally; or
5. dig or collect plants from the wild or residential areas for sale or distribution.

(m) Live Plant License: A document issued by the Commissioner indicating that the Live Plants maintained by the licensee are regularly inspected by the Commissioner to ensure freedom from plant pests and absence of poor physical condition, and verifying that the licensee has registered with the Commissioner.

(n) Live Plant Shipping Certificate: A document issued by the Commissioner indicating that the Live Plants in the accompanying shipment have been grown and maintained under a regular inspectional program administered by the Commissioner in compliance with these Rules.

(o) Maintain: Both to prevent and control damage by Plant Pests to Live Plants, and to prevent Poor Physical Condition or decline in viability of Live Plants by providing proper environmental conditions, by applying water and nutrients, by applying chemical and cultural pest control, and by removing damaged, diseased, or dead plant material.

(p) Non-profit: Any government agency or bureau, any member of a county or independent school system, any college or university under the University System of Georgia or any 501(c) organization.

(q) Permit: A document issued by the Commissioner authorizing the movement of Regulated Articles to a specific destination in accordance with specific requirements.

(r) Phytosanitary Certificate: A document issued by the Commissioner indicating that the specified Live Plants or Plant Products comply with the legal requirements of the importing state or country. Such a document may be either a State Phytosanitary Certificate or Federal Phytosanitary Certificate.

(s) Plant Pest: Any organism which is determined by the Commissioner to be injurious to the agricultural, horticultural, or other interests of the state, including, but not limited to, insects, bacteria, fungi, viruses, or weeds.

(t) Plant Products: Fruits, vegetables, grains, roots, bulbs, seeds, cut flowers, decorative cut foliage, wood, timber, and all other Live Plants or parts of Live Plants not intended for or used for propagation or growing.

(u) Poor Physical Condition: Serious physical damage, serious wilting caused by lack of or by excessive water, damage caused by severe heat or cold, death, or any other condition which would cause decline in viability or increased susceptibility to plant pests when subsequently handled with normal care.

(v) Quarantine: A verbal or written order issued by the Commissioner immediately prohibiting the sale or distribution of Regulated Articles from a given location, until released in writing by the Commissioner.

(w) Regulated Articles: Live Plants, Plant Products or other things determined by the Commissioner to be capable of carrying Plant Pests.

Cite as Ga. Comp. R. & Regs. R. 40-4-9-.01
Authority: O. C. G. A. 2-7-1 et. seq.
History. . Original Rule entitled "Definitions" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Sept. 18, 1987; eff. Oct. 8, 1987.
Repealed: New Rule of same title adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.
Amended: F. Sept. 25, 2003; eff. Oct. 15, 2003.

Repealed: New Rule of same title adopted. F. Sept. 13, 2006; eff. Oct. 3, 2006.
Repealed: New Rule of same title adopted. F. Jan. 17, 2008; eff. Feb. 6, 2008
. Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.
Amended: F. Oct. 1, 2014; eff. Oct. 21, 2014.

Rule 40-4-9-.02. Licensing.

(1) No person may engage in business as a Live Plant Dealer or a Live Plant Grower without obtaining a license issued by the Commissioner for each business location. Each sales or growing location must be identified and licensed by one name.

(2) All applications for licenses must be filed with the Commissioner on forms obtained from him, and must include all information requested. Any changes in name, address, ownership, or classification occurring during the license period must be reported to the Commissioner within 10 days.

(3) An applicant for a new Live Plant Dealer or Live Plant Grower license may not use a name which is the same as or is confusingly similar to that of a current licensee.

(4) Licenses will be issued annually for the period ending December 31, and each license must be renewed each year by no later than December 31 on forms supplied by the Commissioner. All licenses expire December 31 of each year.

(5) Any licensee not renewing the Live Plant License by December 31, that business will be immediately placed under quarantine without further notice and prohibited from moving or selling Live Plants until a new license is issued according to this Chapter. A $50.00 late fee will be assessed for any Live Plant License renewed more than thirty (30) days after expiration.

(6) Any check used for payment of a Live Plant License that is returned for insufficient funds or any other cause is subject to a $50.00 administrative fee.

(7) All Live Plant Dealer and Live Plant Grower licenses must be conspicuously displayed in a prominent location within the licensed location.

Cite as Ga. Comp. R. & Regs. R. 40-4-9-.02
Authority: Authority O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-10, 2-7-11, 2-7-21, 2-7-22.
History. Original Rule entitled "Exceptions" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Licensing, Inspection and Fees" adopted. F. Sept. 18, 1987; eff. Oct. 8, 1987.
Repealed: New Rule entitled "Licensing and Inspection" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.
Amended: F. Sept. 25, 2003; eff. Oct. 15, 2003.
Repealed: New Rule of same title adopted. F. Sept. 13, 2006; eff. Oct. 3, 2006.
Repealed: New Rule entitled "Licensing" adopted. F. Jan. 17, 2008; eff. Feb. 6, 2008.
Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-4-9-.03. Categories and Fees.

(1) Live Plant Grower: [as defined in 40-4-9-.01(l)]

(a) Annual registration fee of $105.00 for each location where plants are grown, plus:

(b) An additional annual fee to defray costs of inspection of:

i. $5.00 per acre of sod or sprigs, and/or

ii. $8.00 per acre of field grown plants, and/or

iii. $14.00 per acre of container grown plants, greenhouse grown plants or collected native plants, and/or

iv. The maximum annual fee to defray costs of inspection is $1,100 per location.

(c) Where the business owner registers any fraction of an acre, the full per acre fee will be assessed.

(2) Live Plant Dealers [as defined in 40-4-9-.01(k)]

(a) Live Plant Dealers, Re-wholesalers, Agents or Brokers

1. Annual registration fee of $125.00 for each location where plants are held or maintained.

(b) Florist or Landscaper

1. Any person or business that offers plants for sale as a Florist or Landscaper will be charged an annual registration fee of $75.00 for each location.

(c) Seasonal Vegetable Plant Dealer

1. A business that offers only vegetable transplants for sale during the months of March, April, May, June will be charged a licensing fee of $50.

(3) Non-Profit [as defined in 40-4-9-.01(p)]

(a) Each Non-profit 501(c) organization must provide documentation of their non-profit status with their Live Plant License application and;

(b) With each Live Plant License renewal.

(c) Plant clubs that have a plant sale only once per year may be issued a Live Plant License valid for that sale at no cost.

(4) Certification Fees:

(a) The Commissioner may assess fees for additional certifications or inspections not required by this Chapter. These certifications or inspections shall include but not be limited to:

(1) Federal or State Phytosanitary Certificates for the one time shipment of articles regulated by other countries or states

(2) Live Plant Shipping Certificates to accompany sales or shipment of Live Plants

(3) Special Permit for the shipment of articles regulated by another state or foreign country

(4) Diagnostic fees for the identification of plant pests or certification.

(b) The Certification Fees shall be published by the Commissioner on or by January 1 of each year.

Cite as Ga. Comp. R. & Regs. R. 40-4-9-.03
Authority: O.C.G.A. 2-7-1 et. seq.
History. Original Rule entitled "Licensing" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Out-of-State Nursery Growers or Nursery Dealers" adopted. F. Sept. 18, 1987; eff. Oct. 8, 1987.
Repealed: New Rule entitled "Fees" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.
Repealed: New Rule of same title adopted. F. Dec. 17, 1997; eff. Jan. 6, 1998.
Amended: Rule retitled "Categories and Fees" adopted. F. Sept. 25, 2003; eff. Oct. 15, 2003.
Repealed: New Rule of same title adopted. F. Sept. 13, 2006; eff. Oct. 3, 2006.
Repealed: New Rule of same title adopted. F. Jan. 17, 2008; eff. Feb. 6, 2008.
Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.
Amended: F. Oct. 1, 2014; eff. Oct. 21, 2014.

Rule 40-4-9-.04. Movement of Live PLants into Georgia.

(1) Any Live Plant Grower or Live Plant Dealer who is licensed in another state and in full compliance with all the plant protection laws of that state may sell or distribute Live Plants to locations in Georgia provided:

(a) all Live Plants are apparently free from plant pests as defined in 40-4-9-.01(s) above, are not designated as a Federal Noxious Weed and comply with Chapter 40-4-7 "Regulations For The Movement Of Vegetable Transplants Into Georgia", Chapter 40-4-24 "Blueberry Scorch Virus Quarantine", and all other Georgia plant regulations and quarantines.

(b) all Live Plants are accompanied by a valid inspection Certificate from the state of origin, and a bill of lading or invoice describing the shipment and licensed destination.

(c) all Live Plants are in compliance with all other requirements of this Chapter.

(d) the name and address of the Live Plant Grower or Live Plant Dealer has been submitted to the Department as duly licensed in the state of origin by the plant regulatory officials of that state.

(e) the state of origin will accept Live Plants from Georgia when properly certified by the Department.

(2) Any Live Plant Grower or Live Plant Dealer who operates a sales or growing location in Georgia must be licensed by Georgia as required by this Chapter.

(3) The Commissioner or his agent may order any live plants to be quarantined, returned to place of origin or destroyed at cost to the owner if the plants are believed to have entered Georgia in violation of the Rules of this Chapter.

Cite as Ga. Comp. R. & Regs. R. 40-4-9-.04
Authority: Authority O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-10, 2-7-11, 2-7-23.
History. Original Rule entitled "Inspection" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Maintenance of Plant Material" adopted. Filed September 18, 1987; effective October 8, 1987.
Repealed: New Rule entitled "Out-of-State Live Plant Growers and Dealers" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.
Repealed: New Rule entitled "Out-of-State Live Plant Growers and Live Plant Dealers" adopted. F. Sept. 13, 2006; eff. Oct. 3, 2006.
Repealed: New Rule entitled "Movement of Live Plants into Georgia" adopted. F. Jan. 17, 2008; eff. Feb. 6, 2008.
Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-4-9-.05. Inspection and Maintenance of Live Plants.

(1) The Commissioner will inspect each Live Plant Dealer or Live Plant Grower location prior to issuance of a license, and at any other time at his discretion. All Live Plants at any location must be:

(a) apparently free of plant pests,

(b) in good physical condition,

(c) adequately maintained,

(d) sufficiently free of weeds and grasses to ensure that such weeds and grasses do not:

1. serve as a source of plant pests,
2. interfere with the general health of the Live Plants,
3. interfere with a dependable inspection,

(e) in conformance with requirements of any applicable Compliance Agreement, and

(f) in full compliance with all other requirements of this Chapter.

(2) The Commissioner may specify the conditions under which Live Plants or Plant Products are produced in order to certify that such Live Plants or Plant Products are free of plant pests and in good physical condition.

(3) All Live Plants being grown, sold, or held for distribution, and located in Georgia must be properly maintained as defined in 40-4-9-.01(o) above. Discretion as to what is proper maintenance consistent with the requirements of this Chapter is left to the discretion of the area inspector.

(4) Bare-root Live Plants may be maintained indoors if held under controlled-atmosphere storage conditions of no less than ninety percent relative humidity at a temperature between 32F and 38F, or they may be maintained outdoors if heeled into sawdust, packing material, or soil and protected at all times from extremes of heat or cold, and provided with adequate water.

(5) The Commissioner or his agent may order any live plants to be quarantined and/or destroyed at cost to the owner if the plants are believed to be or if they exhibit signs or symptoms of infestation or infection with a plant pest.

Cite as Ga. Comp. R. & Regs. R. 40-4-9-.05
Authority: O.C.G.A. 2-7-1 et. seq.
History. Original Rule entitled "Out of State Nurseries" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed August 27, 1974; effective September 16, 1974.
Amended: Rule repealed and a new Rule entitled "Certificates" adopted. Filed September 18, 1987; effective October 8, 1987.
Repealed: New Rule entitled "Maintenance of Live Plants" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.
Repealed: New Rule of same title adopted. F. Sept. 13, 2006; eff. Oct. 3, 2006.
Repealed: New Rule entitled "Inspection and Maintenance of Live Plants" adopted. F. Jan. 17, 2008; eff. Feb. 6, 2008.
Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.
Amended: F. Oct. 1, 2014; eff. Oct. 21, 2014.

Rule 40-4-9-.06. Live Plant Shipping Certificates.

(1) Live Plant Shipping Certificates will be issued only to those Live Plant Growers and Live Plant Dealers who are licensed and in full compliance with all requirements of this Chapter.

(2) Live Plant Shipping Certificates will be provided by the Commissioner upon request of the licensee, at cost. A licensee may print its own shipping certificates by applying annually in writing at the time of license renewal to the Commissioner for approval. The form and content of the Certificate must be approved by the Commissioner prior to use by the licensee.

(3) Live Plant Shipping Certificates may not be used on any Live Plants which are not under a regular inspectional program of the Department, nor may such Certificates be used to misrepresent the state of origin of Live Plants.

(4) The Commissioner may impose monetary penalties or recall the Live Plant Shipping Certificates at any time he finds that Certificates are either not being used in accordance with the requirements and stipulations of this Chapter or to accompany Live Plants which would not pass inspection because of presence of Plant Pests or deterioration.

Cite as Ga. Comp. R. & Regs. R. 40-4-9-.06
Authority: Authority O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-11.
History. Original Rule entitled "Terminal Inspection of Nursery Stock" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Sale and Distribution of Plant Material" adopted. Filed September 18, 1987; effective October 8, 1987.
Repealed. New Rule entitled "Live Plant Shipping Certificates" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.
Repealed: New Rule of same title adopted. F. Sept. 13, 2006; eff. Oct. 3, 2006.
Repealed: New Rule of same title adopted. F. Jan. 17, 2008; eff. Feb. 6, 2008.
Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-4-9-.07. Sale and Distribution of Live Plants.

(1) The sale or distribution of any plant listed on the Federal Noxious Weed list or determined by the Commissioner to be a public nuisance is prohibited.

(2) All Live Plant Growers and Live Plant Dealers must purchase Live Plants only from those persons or businesses who are duly licensed by the Department according to this Chapter, or who are duly licensed by the regulatory agency of the state in which that person or business is located, or whose plants have been inspected by the appropriate regulatory agency of the state of origin.

(3) Any sale or distribution of Live Plants other than direct retail sales to walk-in consumers must be accompanied by:

   (a) a Live Plant Shipping Certificate, conspicuously attached to the Live Plants or to the invoice or bill of lading.

(b) an invoice or bill of lading showing the licensed name and address of the Live Plant Grower or Live Plant Dealer, the date of sale, and the number, size, and variety of all Live Plants.

(c) a written statement of any guarantees or conditions made by the seller or distributor as part of the transaction.

(4) No live Plant Grower or Live Plant Dealer may substitute any Live Plant variety or size in lieu of that contracted for by the purchaser, except by agreement of the purchaser. Plant size shall be described as:

(a) The plant height shall be the distance measured in feet and/or inches from the soil line to the uppermost part of the plant.

(b) The total spread shall be the distance measured in feet or inches across the greatest diameter of the plant.

(5) At the request of the purchaser, refund of payment must be made by any Live Plant Grower or Live Plant Dealer on all orders of Live Plants which have not been delivered within 90 days of acceptance of payment, and which are not covered by a contract on a future order.

Cite as Ga. Comp. R. & Regs. R. 40-4-9-.07
Authority: Authority O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-14.
History. Original Rule entitled "Inspection of Plants or Parts Thereof not Classified as Nursery Stock" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Records Required" adopted. F. Sept. 18, 1987; eff. Oct. 8, 1987.
Repealed: New Rule entitled "Sale and Distribution of Live Plants" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.
Amended: F. Sept. 25, 2003; eff. Oct. 15, 2003.
Repealed: New Rule of same title adopted. F. Sept. 13, 2006; eff. Oct. 3, 2006.
Repealed: New Rule of same title adopted. F. Jan. 17, 2008; eff. Feb. 6, 2008.
Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-4-9-.08. Records.

All Live Plant Growers and Live Plant Dealers must maintain records showing the source and date of purchase of all Live Plants received during the past twelve months. Such records must be made available to the Commissioner during normal business hours.

Cite as Ga. Comp. R. & Regs. R. 40-4-9-.08
Authority: Authority O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-10, 2-7-13.
History. . Original Rule entitled "Nematodes in Turf" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Special Inspections and Permits" adopted. Filed September 18, 1987; effective October 8, 1987.
Repealed: New Rule entitled "Records" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.
Repealed: New Rule of same title adopted. F. Sept. 13, 2006; eff. Oct. 3, 2006.
Repealed: New Rule of same title adopted. F. Jan. 17, 2008; eff. Feb. 6, 2008.

Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-4-9-.09. Special Inspections and Permits.

Special inspections for issuance of special permits, compliance letters, phytosanitary certificates, post-entry permits, other certificates and other documents may be performed by the Commissioner upon request and upon payment of the appropriate fee.

Cite as Ga. Comp. R. & Regs. R. 40-4-9-.09
Authority: Authority O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-25, 2-7-29 to 2-7-31, 2-11-2.
History. . Original Rule entitled "Land" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Unlawful Acts" adopted. Filed September 18, 1987; effective October 8, 1987.
Repealed: New Rule entitled "Special Inspections and Permits" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.
Repealed: New Rule of same title adopted. F. Sept. 13, 2006; eff. Oct. 3, 2006.
Repealed: New Rule of same title adopted. F. Jan. 17, 2008; eff. Feb. 6, 2008.
Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-4-9-.10. Pest-Free Premise Certification or Permit.

(1) Certificates may be issued for the following premises used for the production of:

a. Ornamental plants

b. Plant material or seeds certified for varietal purity

c. Pine and/or hardwood seedlings

d. Sod or turfgrass sprigs

(2) Treatment of certain premises may be necessary to prevent the unnatural intrastate and interstate movement of plant pests, including but not limited to federal noxious weeds, via extensive agricultural, forestation and re-forestation, and horticultural practices common to the state. The preferred method of treatment, to insure pest-free plant material, is fumigation using methyl bromide in fields or seedling plant beds prior to seeding. All such treatments shall be done using state and federally-registered pesticides. Each shipment originating from another state must be accompanied by a certificate of inspection issued by the state of origin to verify inspections and/or treatments. Fumigation certificates shall be issued by an inspector for intrastate and interstate shipments of plants or seed upon request.

Cite as Ga. Comp. R. & Regs. R. 40-4-9-.10
Authority: Authority O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-12, 2-7-15 to 2-7-17.
History. Original Rule entitled "Records" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Enforcement" adopted. F. Sept. 18, 1987; eff. Oct. 8, 1987.
Repealed: New Rule entitled "Unlawful Acts" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.

Repealed: New Rule entitled "Pine and Hardwood Seedlings Used for Forestation" adopted. F. Sept. 13, 2006; eff. Oct. 3, 2006.
Repealed: New Rule entitled "Pest-Free Premise Certification or Permit" adopted. F. Jan. 17, 2008; eff. Feb. 6, 2008.
Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-4-9-.11. Unlawful Acts.

Any of the following acts will constitute a violation of this Chapter.

(a) The sale or distribution of any Live Plants infected or infested with Plant Pests or in poor physical condition.

(b) The sale or distribution of any plant listed on the Federal Noxious Weed list or determined by the Commissioner to be a public nuisance.

(c) The sale or distribution of any Live Plants not accompanied by any Certificate required by this Chapter or by any Compliance Agreement.

(d) The use of any Certificate on Live Plants infected or infested with Plant Pests, or in poor physical condition.

(e) The use of any Certificate on any Live Plants which are not covered by a regular inspectional program of, or have not been inspected by the Department.

(f) The use of any Certificate on any Regulated Article in violation of any Compliance Agreement.

(g) The propagation, growing, and maintenance of any Live Plants intended for sale or distribution by any person who is not licensed as required by this Chapter.

(h) The making of any false statement or false promise for the purpose of making a sale of any Live Plants, including but not limited to misrepresentation of name, size, variety, number, availability, description, or condition.

(i) The failure of any Live Plant Grower or Live Plant Dealer to deliver or make available any Live Plants for which he has accepted payment.

(j) The failure of any Live Plant Grower or Live Plant Dealer to maintain records as required by this Chapter, or to make those records available to the Commissioner upon request during normal business hours.

(k) The obstruction of the Commissioner in the performance of his duties.

Cite as Ga. Comp. R. & Regs. R. 40-4-9-.11
Authority: Authority O.C.G.A. Secs. 2-7-1*et seq.*, 2-11-2.
History. Original Rule entitled "Fees" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. Mar. 19, 1977; eff. Apr. 18, 1977.
Repealed: F. Sept. 18, 1987; eff. Oct. 8, 1987.
Amended: New Rule entitled "Enforcement and Penalties" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.
Repealed: New Rule entitled "Unlawful Acts" adopted. F. Sept. 13, 2006; eff. Oct. 3, 2006.
Repealed: New Rule of same title adopted. F. Jan. 17, 2008; eff. Feb. 6, 2008.
Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-4-9-.12. Enforcement and Penalties.

(1) The Commissioner may place a Quarantine or issue a Stop Sale on any Regulated Article which he finds to be infected or infested with Plant Pests or in poor physical condition until the problem can be corrected. If the problem is not corrected during the time specified by the area inspector, or is not correctable, the Commissioner may require the treatment or destruction of the Regulated Article by the owner. If the Regulated Article is not treated or destroyed, the Commissioner may treat or destroy the article and assess the costs of treatment or destruction against the owner of the premises.

(2) The Commissioner may recall any Certificate from any person when he finds that the Certificate has been misused.

(3) The Commissioner may Quarantine any location where he finds any Regulated Article being propagated, grown, maintained, sold, or distributed in violation of any requirement of this Chapter or any Compliance Agreement.

(4) Any person who violates any of the requirements of this Chapter shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or one year in jail.

Cite as Ga. Comp. R. & Regs. R. 40-4-9-.12
Authority: Authority O.C.G.A. Secs. 2-7-1*et seq.*, 2-11-1 *et seq.*
History. Original Rule entitled "Change of Name or Address" adopted. F. and eff. June 30, 1965.
Repealed: F. Sept. 18, 1987; eff. Oct. 8, 1987.
Amended: New Rule entitled "Enforcement and Penalties" adopted. F. Sept. 13, 2006; eff. Oct. 3, 2006.
Repealed: New Rule of same title adopted. F. Jan. 17, 2008; eff. Feb. 6, 2008.
Amended: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-4-9-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-9-.13
Authority: Authority O.C.G.A. Secs. 2-7-1*et seq.*, 2-11-1 *et seq.*
History. Original Rule entitled "Collector of Native Plants" adopted. F. and eff. June 30, 1965.
Repealed: F. Sept. 18, 1987; eff. Oct. 8, 1987.

Rule 40-4-9-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-9-.14
Authority: Authority O.C.G.A. Secs. 2-7-1*et seq.*, 2-11-1 *et seq.*
History. Original Rule entitled "Cost of Nursery Certificates" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Mar. 29, 1977; eff. Apr. 18, 1977.
Repealed: F. Sept. 18, 1987; eff. Oct. 8, 1987.

Rule 40-4-9-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-9-.15
Authority: Authority O.C.G.A. Secs. 2-7-1*et seq.*, 2-11-1 *et seq.*
History. Original Rule entitled "Use of Nursery Certificates" adopted. F. and eff. June 30, 1965.
Repealed: F. Sept. 18, 1987; eff. Oct. 8, 1987.

Rule 40-4-9-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-9-.16
Authority: Authority O.C.G.A. Secs. 2-7-1*et seq.*, 2-11-1 *et seq.*
History. Original Rule entitled "Common Carriers" adopted. F. and eff. June 30, 1965.
Repealed: F. Sept. 18, 1987; eff. Oct. 8, 1987.

Rule 40-4-9-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-9-.17
Authority: Authority O.C.G.A. Secs. 2-7-1*et seq.*, 2-11-1 *et seq.*
History. Original Rule entitled "Plant Interception and Penalties" adopted. F. and eff. June 30, 1965.
Repealed: F. Sept. 18, 1987; eff. Oct. 8, 1987.

Rule 40-4-9-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-9-.18
Authority: Authority O.C.G.A. Secs. 2-7-1*et seq.*, 2-11-1 *et seq.*
History. Original Rule entitled "Penalties" adopted. F. and eff. June 30, 1965.
Repealed: F. Sept. 18, 1987; eff. Oct. 8, 1987.

Subject 40-4-10. REPEALED - CAMELLIA FLOWER BLIGHT QUARANTINE.

Rule 40-4-10-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-10-.01
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Pest" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed September 3, 1982; effective September 23, 1982.

Rule 40-4-10-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-10-.02
Authority: Ga. L. 1937, p. 659; Ga. L. 1959. p. 360.
History. Original Rule entitled "Quarantined Areas" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed September 3, 1982; effective September 23, 1982.

Rule 40-4-10-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-10-.03
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Prohibited Products" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed September 3, 1982; effective September 23, 1982.

Rule 40-4-10-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-10-.04
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Penalties" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed September 3, 1982; effective September 23, 1982.

Subject 40-4-11. REPEALED - IMPORTED FIRE ANT QUARANTINE.

Rule 40-4-11-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-11-.01
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Pest" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. July 20, 1972; eff. August 9, 1972.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-11-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-11-.02
Authority: O.C.G.A. Secs. 2-7-20, 2-7-23*et seq.*
History. Original Rule entitled "Quarantined Areas" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Aug. 15, 1966; eff. Sept. 3, 1966.
Repealed: New Rule of same title adopted. F. Jan. 31, 1969; eff. Feb. 19, 1969.
Repealed: New Rule of same title adopted. F. Sept. 24, 1971; eff. Oct. 14, 1971.
Repealed: New Rule of same title adopted. F. July 20, 1972; eff. August 9, 1972.
Repealed: New Rule of same title adopted. F. Aug. 27, 1974; eff. Sept. 16, 1974.
Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.
Repealed: New Rule of same title adopted. F. July 6, 1978; eff. July 26, 1978.
Amended: F. Aug. 10, 1981; eff. Aug. 30, 1981.
Amended: F. Oct. 2, 1984; eff. Oct. 22, 1984.

Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-11-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-11-.03
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Regulated Articles" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-11-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-11-.04
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Cancellation of Certificates or Limited Permits" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-11-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-11-.05
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Conditions Governing Movement of Regulated Products" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-11-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-11-.06
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Certificates, Permits and Dealer-Carrier Agreements" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-11-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-11-.07
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Assembly of Articles for Inspection" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-11-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-11-.08
Authority: O.C.G.A. Sec. 2-7-23*et seq.*

History. Original Rule entitled "Immunity from Liability" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-11-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-11-.09
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Penalties" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Subject 40-4-12. REPEALED - JAPANESE BEETLE QUARANTINE.

Rule 40-4-12-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-12-.01
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Pest" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-12-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-12-.02
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Definition of Terms" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-12-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-12-.03
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Regulated Areas" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Jan. 10, 1967; eff. Jan. 29, 1967.
Repealed: New Rule of same title adopted. F. Jan. 31, 1969; eff. Feb. 19, 1969.
Repealed: New Rule of same title adopted. F. Dec. 4, 1970; eff. Dec. 24, 1970.
Repealed: New Rule of same title adopted. F. Feb. 4, 1972; eff. Feb. 24, 1972.
Repealed: New Rule of same title adopted. F. Nov. 9, 1972; eff. Nov. 29, 1972.
Repealed: New Rule of same title adopted. F. Dec. 5, 1973; eff. Dec. 25, 1973.
Repealed: New Rule of same title adopted. F. Nov. 27, 1974; eff. Dec. 17, 1974.
Repealed: New Rule of same title adopted. F. Jan. 26, 1976; eff. Feb. 15, 1976.
Repealed: New Rule of same title adopted. F. Feb. 24, 1982; eff. Mar. 16, 1982.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-12-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-12-.04
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Regulated Articles" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Jan. 26, 1976; eff. Feb. 15, 1976.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-12-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-12-.05
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Articles Exempt from Certification" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Jan. 26, 1976; eff. Feb. 15, 1976.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-12-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-12-.06
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Conditions Governing Intrastate Movement of Regulated Articles" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-12-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-12-.07
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Shipments for Experimental and Scientific Purposes" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-12-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-12-.08
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Disinfesting Vehicles, Machinery, and Other Articles" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-12-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-12-.09
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Conditions Governing the Issuance of Certificates" adopted. F. and eff. June 30, 1965.

Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-12-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-12-.10
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Cancellation of Certificates" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-12-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-12-.11
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Assembly of Restricted Articles for Inspection" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-12-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-12-.12
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Inspection in Transit" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-12-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-12-.13
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Penalties" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Subject 40-4-13. PHONY PEACH DISEASE QUARANTINE.

Rule 40-4-13-.01. Disease.

Phony Peach, a virus disease of peach and certain other stone fruits.

Cite as Ga. Comp. R. & Regs. R. 40-4-13-.01
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule filed on June 30, 1965.

Rule 40-4-13-.02. Regulated Areas.

(1) Alabama: Entire State.

(2) Florida: Entire State.

(3) Georgia: Entire State.

(4) Arkansas: County of Arkansas, Ashley, Bradley, Chicot, Columbia, Crittenden, Cross, Desha, Drew, Hempstead, Howard, Jefferson, LaFayette, Lee, Lincoln, Little River, Miller, Monroe, Nevada, Phillips, Pike, Poinsett, St. Francis, Sevier, Union, and Woodruff.

(5) Louisiana: Entire State.

(6) Mississippi: Entire State.

(7) Missouri: County of Dunklin.

(8) North Carolina: Counties of Anson, Cumberland, Gaston, Hoke, Polk, and Rutherford.

(9) South Carolina: Counties of Aiken, Allendale, Bamberg, Barnwell, Cherokee, Chesterfield, Edgefield, Greenville, Lancaster, Laurens, Lexington, Marlboro, Orangeburg, Richland, Saluda, Spartanburg, Sumter, and York.

(10) Tennessee: Counties of Chester, Crockett, Dyer, Fayette, Hardeman, Hardin, Lake Lauderdale, Madison, McNairy, and Weakley.

(11) Texas: Counties of Anderson, Bexar, Brazos, Camp, Cherokee, Freestone, Limestone, McLennan, Milam, Rusk, San Augustine, Smith, and Upshur.

Cite as Ga. Comp. R. & Regs. R. 40-4-13-.02
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule filed on June 30, 1965.

Rule 40-4-13-.03. Regulated Products.

All peach, plum, apricot, nectarine and almond nursery stock.

Cite as Ga. Comp. R. & Regs. R. 40-4-13-.03
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule filed on June 30, 1965.

Rule 40-4-13-.04. Removal of Areas From Regulations.

When satisfactory evidence has been presented that no Phony Peach disease has been found for a period of three years in any county or state affected by this quarantine, said county or state shall be removed from these regulations.

Cite as Ga. Comp. R. & Regs. R. 40-4-13-.04
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule filed on June 30, 1965.

Rule 40-4-13-.05. Conditions Governing Shipment.

The sale and transportation by any means whatsoever of regulated products from any regulated area either into, or within, or from the State of Georgia is permitted only when there is securely attached to the outside of each shipment a valid nursery inspection certificate issued by an authorized official of the State of Origin and bearing the name and address of the consignor of the regulated articles contained therein.

Cite as Ga. Comp. R. & Regs. R. 40-4-13-.05
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule filed on June 30, 1965.

Rule 40-4-13-.06. Shipment of Regulated Products for Scientific Purposes.

(1) Regulations of this quarantine do not apply to shipments of regulated products to the United States Department of Agriculture or to other recognized institutions for scientific purposes except that a special permit must be secured for the entry into or movement within the State of Georgia, of such products.

(2) Shipments of regulated products moving into, within or from the State of Georgia without being accompanied by proper certificates or permits, shall be returned to the shipper or destroyed.

(3) Persons growing any of the regulated products mentioned in this quarantine must make applications to the Chief Entomologist, Agriculture Building, Capitol Square, S.W., Atlanta, Georgia, on or before August 15 of each year.

Cite as Ga. Comp. R. & Regs. R. 40-4-13-.06
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule filed on June 30, 1965.

Rule 40-4-13-.07. Requirements for Certification.

(1) Certificates or permits shall be issued only on the following conditions:

(a) that each nursery in the Phony Peach infected areas producing the regulated products shall apply to the State quarantine official for approval of the proposed nursery-growing site on or before August 15th of each year;

(b) selected nursery sites shall be at least 300 yards from wild or domesticated plum, one-half mile from phony infected commercial orchards, and one-half mile from urban areas;

(c) the one-half mile environs of the nursery site shall be inspected prior to October 1st and all phony trees found within such environs removed prior to November 1;

(d) all budding shall be restricted to the slip-bud method; and

(e) propagation of the regulated products by means of rooted cuttings is prohibited.

Cite as Ga. Comp. R. & Regs. R. 40-4-13-.07
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule filed on June 30, 1965.

Rule 40-4-13-.08. Penalties.

Under the provisions of the Entomology Act of 1937, approved by the Governor of Georgia, March 25, 1937, any person who shall violate any of the regulations of this order shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided by law.

Cite as Ga. Comp. R. & Regs. R. 40-4-13-.08
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule filed on June 30, 1965.

Subject 40-4-14. REPEALED - TOBACCO PLANT QUARANTINE.

Rule 40-4-14-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-14-.01
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Pests" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-14-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-14-.02
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Quarantined Areas" adopted. F. and eff. June 30, 1965.
Amended: F. May 30, 1979; eff. June 19, 1979.

Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-14-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-14-.03
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Regulated Products" adopted. F. and eff. June 30, 1965.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-14-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-14-.04
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Conditions Governing Movement of Regulated Products" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. May 30, 1979; eff. June 19, 1979.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-14-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-14-.05
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Penalties" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. May 30, 1979; eff. June 19, 1979.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Subject 40-4-15. REPEALED - SWEET POTATO WEEVIL QUARANTINE.

Rule 40-4-15-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-15-.01
Authority: Ga. L. 1937, p. 659, Ga. L. 1959, p. 360.
History. Original Rule entitled "Pest" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adopted. Filed May 13, 1969; effective June 1, 1969.
Repealed: F. Jul. 25, 1994; eff. Aug. 14, 1994.

Rule 40-4-15-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-15-.02
Authority: O.C.G.A. Sec. 2-7-20.
History. Original Rule entitled "Regulated Areas" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adopted. Filed August 15, 1966; effective September 3, 1966.
Amended: Rule repealed and a new Rule of same title adopted. Filed April 29, 1968; effective May 18, 1968.
Amended: Rule repealed and a new Rule of same title adopted. Filed May 13, 1969; effective June 1, 1969.
Amended: Rule repealed and a new Rule of same title adopted. Filed March 16, 1971; effective April 5, 1971.

Amended: Rule repealed and a new Rule of same title adopted. Filed April 27, 1973; effective May 17, 1973.
Amended Rule repealed and a new Rule of same title adopted. Filed August 27, 1974; effective September 16, 1974.
Amended Rule repealed and a new Rule of same title adopted. Filed May 30, 1975; effective June 19, 1975.
Amended Filed May 19, 1976; effective June 8, 1976.
Amended: Rule repealed and a new Rule of same title adopted. Filed June 24, 1977; effective July 14, 1977.
Amended: Rule repealed and a new Rule of same title adopted. Filed July 6, 1978; effective July 26, 1978.
Amended: Rule repealed and a new Rule of same title adopted. Filed May 30, 1979; effective June 19, 1979.
Amended: Rule repealed and a new Rule of same title adopted. Filed July 31, 1980; effective August 20, 1980.
Amended: Filed August 10, 1981; effective August 30, 1981.
Amended: Filed May 3, 1982; effective May 23, 1982.
Amended: Rule repealed and a new Rule of same title adopted. Filed May 10, 1983; effective May 30, 1983.
Amended: Filed August 6, 1986; effective August 26, 1986.
Repealed: New Rule of same title adopted. F. May 23, 1990; eff. June 12, 1990.
Repealed: New Rule, same title, adopted. F. Aug. 28, 1991; eff. Sept. 17, 1991.
Repealed: New Rule, same title, adopted. F. May 5, 1992; eff. May 25, 1992.
Repealed: New Rule of same title adopted. F. Aug. 11, 1992; eff. Aug. 31, 1992.
Repealed: F. Jul. 25, 1994; eff. Aug. 14, 1994.

Rule 40-4-15-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-15-.03
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Regulated Material for Scientific Purposes" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adopted. Filed May 13, 1969; effective June 1, 1969.
Repealed: F. Jul. 25, 1994; eff. Aug. 14, 1994.

Rule 40-4-15-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-15-.04
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Restricted Products" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adopted. Filed May 13, 1969; effective June 1, 1969.
Amended: Rule repealed and a new Rule of same title adopted. Filed July 31, 1980; effective August 20, 1980.
Repealed: F. Jul. 25, 1994; eff. Aug. 14, 1994.

Rule 40-4-15-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-15-.05
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Conditions Governing Movement of Restricted Products into Georgia" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adopted. Filed May 13, 1969; effective June 1, 1969.
Repealed: F. Jul. 25, 1994; eff. Aug. 14, 1994.

Rule 40-4-15-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-15-.06
Authority: Ga. L. 1937, p. 659; 1959, p. 360.
History. Original Rule entitled "Conditions Governing the Growing, Handling, Harvesting and Sale of Sweetpotatoes or Any Parts Thereof, Including Plants, in Regulated Areas in Georgia" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adopted. Filed May 13, 1969; effective June 1, 1969.
Amended: Filed May 19, 1976; effective June 8, 1976.
Repealed: F. Jul. 25, 1994; eff. Aug. 14, 1994.

Rule 40-4-15-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-15-.07
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Penalties" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adopted. Filed May 13, 1969; effective June 1, 1969.
Repealed: Rule repealed, F. Jul. 25, 1994; eff. Aug. 14, 1994.

Subject 40-4-16. REPEALED - WHITE-FRINGED BEETLE QUARANTINE.

Rule 40-4-16-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-16-.01
Authority: O.C.G.A. Sec. 2-14-130.
History. Original Rule entitled "Scope of Regulations" was filed on March 11, 1986; effective March 31, 1986.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-4-16-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-16-.02
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Quarantined Areas (Georgia)" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed August 15, 1966; effective September 3, 1966.
Amended. Rule repealed and a new Rule of the same title adopted. Filed April 29, 1968; effective May 18, 1968.
Amended: Rule repealed and a new Rule entitled "Quarantined Areas (Georgia and Other Areas)" adopted. Filed January 31, 1969; effective February 19, 1969.
Amended: Rule repealed and a new Rule of the same title adopted. Filed February 11, 1971; effective March 3, 1971.
Amended: Rule repealed and a new Rule entitled "Quarantined Areas" adopted. Filed February 4, 1972; effective February 24, 1972.
Amended: Rule repealed and a new Rule of the same title adopted. Filed April 27, 1973; effective May 17, 1973.
Amended: Rule repealed and a new Rule of the same title adopted. Filed February 5, 1974; effective February 25, 1974.
Amended: Rule repealed. Filed September 19, 1975; effective October 9, 1975.

Rule 40-4-16-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-16-.03
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Regulated Articles" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed September 19, 1975; effective October 9, 1975.

Rule 40-4-16-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-16-.04
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Conditions Governing Movement" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed September 19, 1975; effective October 9, 1975.

Rule 40-4-16-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-16-.05
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Certificates and Permits" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed September 19, 1975; effective October 9, 1975.

Rule 40-4-16-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-16-.06
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Disinfesting Vehicles, Machinery, and Other Articles" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed September 19, 1975; effective October 9, 1975.

Rule 40-4-16-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-16-.07
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Immunity from Liability" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed September 19, 1975; effective October 9, 1975.

Rule 40-4-16-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-16-.08
Authority: Ga. L. 1987, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Penalties" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed September 19, 1975; effective October 9, 1975.

Subject 40-4-17. REPEALED - PEANUT STUNT DISEASE QUARANTINE.

Rule 40-4-17-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-17-.01
Authority: Ga. L. 1937 p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Peanut Stunt Disease Quarantine" was filed and effective on February 11, 1966 as Emergency Rule 40-4-17-0.1-.01 to remain in effect for a period of 120 days. (Said Emergency Rule expired on June 10, 1966.)
Amended: Rule entitled "Peanut Stunt Disease Quarantine" adopted. Filed January 12, 1967; effective January 31, 1967.
Amended: Rule repealed. Filed May 9, 1983; effective May 29, 1983.

Rule 40-4-17-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-17-.02
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Pest" was filed and effective on February 11, 1966 as Emergency Rule 40-4-17-0.1-.02 to remain in effect for a period of 120 days. (Said Emergency Rule expired on June 30, 1966.)
Amended: Rule entitled "Pest" adopted. Filed January 12, 1967; effective January 31, 1967.
Amended: Rule repealed. Filed May 9, 1983; effective May 29, 1983.

Rule 40-4-17-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-17-.03
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Quarantined Areas" was filed and effective on February 11, 1966 as Emergency Rule 40-4-17-0.1-.03 to remain in effect for a period of 120 days. (Said Emergency Rule expired on June 10, 1966.)
Amended: Rule entitled "Quarantined Areas" adopted. Filed January 12, 1967; effective January 31, 1967.
Amended: Rule repealed. Filed May 9, 1983; effective May 29, 1983.

Rule 40-4-17-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-17-.04
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Regulated Products" was filed and effective on February 11, 1966 as Emergency Rule 40-4-17-0.1-.04 to remain in effect for 120 days. (Said Emergency Rule expired on June 10, 1966.)
Amended: Rule entitled "Regulated Products" adopted. Filed January 12, 1967; effective January 31, 1967.
Amended: Rule repealed. Filed May 9, 1983; effective May 29, 1983.

Rule 40-4-17-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-17-.05
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Conditions Governing Shipment" was filed and effective on February 11, 1966 as Emergency Rule 40-4-17-0.1-.05 to remain in effect for 120 days. (Said Emergency Rule expired on June 10, 1966.)
Amended: Rule entitled "Conditions Governing Shipment" was filed on January 12, 1967; effective January 31, 1967.
Amended: Rule repealed and a new Rule of the same title adopted. Filed December 4, 1970; effective December 24,

1970.
Amended: Rule repealed. Filed May 9, 1983; effective May 29, 1983.

Rule 40-4-17-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-17-.06
Authority: Ga. L. 1937, p. 659; Ga. L. 1959, p. 360.
History. Original Rule entitled "Penalties" was filed and effective on February 11, 1966 as Emergency Rule 40-4-17-0.1-.06 to remain in effect for 120 days. (Said Emergency Rule expired on June 10, 1966.)
Amended: Rule entitled "Penalties" adopted. Filed January 12, 1967; effective January 31, 1967.
Amended: Rule repealed. Filed May 9, 1983; effective May 29, 1983.

Subject 40-4-18. REPEALED - PEACH STEM PITTING QUARANTINE.

Rule 40-4-18-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-18-.01
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Pest" adopted. F. Oct. 30, 1973; eff. Nov. 19, 1973.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-18-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-18-.02
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Quarantined Areas" adopted. F. Oct. 30, 1973; eff. Nov. 19, 1973.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-18-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-18-.03
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Regulated Articles" adopted. F. Oct. 30, 1973; eff. Nov. 19, 1973.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-18-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-18-.04
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Conditions Governing the Movement of Regulated Articles" adopted. F. Oct. 30, 1973; eff. Nov. 19, 1973.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-18-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-18-.05
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Certificates" adopted. F. Oct. 30, 1973; eff. Nov. 19, 1973.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-18-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-18-.06
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Penalties" adopted. F. Oct. 30, 1973; eff. Nov. 19, 1973.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Subject 40-4-19. REPEALED - REGULATIONS FOR THE INSPECTION OF PEACH ORCHARDS FOR PHONY PEACH DISEASE.

Rule 40-4-19-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-19-.01
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Application for Inspection" adopted. F. June 24, 1977; eff. July 14, 1977.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-19-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-19-.02
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Compliance Agreement" adopted. F. June 24, 1977; eff. July 14, 1977.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-19-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-19-.03
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Inspection" adopted. F. June 24, 1977; eff. July 14, 1977.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-19-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-19-.04
Authority: O.C.G.A. Sec. 2-7-23*et seq.*
History. Original Rule entitled "Penalties" adopted. F. June 24, 1977; eff. July 14, 1977.

Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Subject 40-4-20. REPEALED - REGULATIONS FOR MOVEMENT OF PEPPER PLANTS INTO GEORGIA.

Rule 40-4-20-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-20-.01
Authority: O.C.G.A. Secs. 2-7-20, 2-7-23*et seq.*
History. Original Rule entitled "Pest" adopted as ER. 40-4-20-0.15-.01. F. July 16, 1981; eff. July 15, 1981, the date of adoption.
Amended: ER. 40-4-20-0.16-.01 adopted. F. Aug. 24, 1981; eff. Aug. 18, 1981, the date of adoption.
Amended: ER. 40-4-20-0.23-.01 entitled "Honeybee Quarantine" adopted. F. and eff. August 6, 1984, the date of adoption.
Amended: ER. 40-4-20-0.23-.01 repealed. F. Sept. 10, 1984; eff. Sept. 7, 1984, as specified by the Agency.
Amended: New Rule entitled "Applicability" adopted. F. Mar. 18, 1986; eff. Apr. 7, 1986.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-20-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-20-.02
Authority: O.C.G.A. Secs. 2-7-20, 2-7-23*et seq.*
History. Original Rule entitled "Scope of Quarantine" adopted as ER. 40-4-20-0.15-.02. F. July 16, 1981; eff. July 15, 1981, the date of adoption.
Amended: ER. 40-4-20-0.16-.02 adopted. F. Aug. 24, 1981; eff. Aug. 18, 1981, the date of adoption.
Amended: New Rule entitled "Production Requirements" adopted. F. Mar. 18, 1986; eff. Apr. 7, 1986.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-20-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-20-.03
Authority: O.C.G.A. Secs. 2-7-20, 2-7-23*et seq.*
History. Original Rule entitled "Exempted Articles" adopted as ER. 40-4-20-0.15-.03. F. July 16, 1981; eff. July 15, 1981, the date of adoption.
Amended: ER. 40-4-20-0.16-.03 adopted. F. Aug. 24, 1981; eff. Aug. 18, 1981, the date of adoption.
Amended: New Rule entitled "Certification of Shipments" adopted. F. Mar. 18, 1986; eff. Apr. 7, 1986.
Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-20-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-20-.04
Authority: O.C.G.A. Secs. 2-7-20, 2-7-23*et seq.*
History. Original Rule entitled "Conditions Governing the Movement of Non-Exempt Articles" adopted as ER. 40-4-20-0.15-.04. F. July 16, 1981; eff. July 15, 1981, the date of adoption.
Amended: ER. 40-4-20-0.16-.04 adopted. F. Aug. 24, 1981; eff. Aug. 18, 1981, the date of adoption.
Amended: New Rule entitled "Enforcement" adopted. F. Mar. 18, 1986; eff. Apr. 7, 1986.

Repealed: F. Jan. 23, 2004; eff. Feb. 12, 2004.

Rule 40-4-20-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-20-.05
Authority: O.C.G.A. Secs. 2-7-20, 2-7-31.
History. Original Rule entitled "Disposition of Non-Exempt Articles" adopted as ER. 40-4-20-0.15-.05. F. July 16, 1981; eff. July 15, 1981, the date of adoption.
Amended: ER. 40-4-20-0.16-.05 adopted. F. Aug. 24, 1981; eff. Aug. 18, 1981, the date of adoption.
Repealed: F. Mar. 18, 1986; eff. Apr. 7, 1986.

Rule 40-4-20-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-20-.06
Authority: O.C.G.A. Secs. 2-7-20, 2-7-31.
History. Original Rule entitled "Effective Date" adopted as ER. 40-4-20-0.15-.06. F. July 16, 1981; eff. July 15, 1981, the date of adoption.
Amended: ER. 40-4-20-0.16-.06 adopted. F. Aug. 24, 1981; eff. Aug. 18, 1981, the date of adoption.
Repealed: F. Mar. 18, 1986; eff. Apr. 7, 1986.

Subject 40-4-21. HORTICULTURAL GROWING MEDIA.

Rule 40-4-21-.01. Definitions.

The following words or terms shall have the meaning set forth herein when used in these rules and regulations:

(a) Aged: exposed under uncontrolled conditions to weathering and/or natural decay.

(b) Bark: the outer, more or less corky layer of stems of most woody plants. Bark may include no more than 15 percent by volume wood.

(c) Bulk: not in a package or in packages of one cubic yard or more.

(d) Compost: organic materials which have been biologically decomposed by mixing and piling in such a way as to promote decay, and to minimize pathogens, viable weed seeds and odors. Such materials must have passed beyond a thermophilic (heat-generating) stage, and must be in a stage of decomposition (aerobic) of a sufficient degree to be not harmful to plant growth when combined with generally accepted horticultural industry growing practices.

(e) Commissioner: the Commissioner of Agriculture, any employee of the Department of Agriculture, or any other person authorized by the Commissioner to act on behalf of the Commissioner.

(f) Custom Medium: a horticultural growing medium which is prepared to exact specifications of the person who will be planting in the medium and delivered directly to that person without intermediate or further distribution.

(g) Department: the Georgia Department of Agriculture.

(h) Distribute: to offer for sale, sell, barter, exchange, or otherwise supply or make available.

(i) Horticultural growing medium: any substance or mixture of substances which is promoted as or is intended to function as an artificial soil for the managed growth of horticultural crops.

(j) Label: the display of all written, printed, or graphic matter on or attached to the immediate container accompanying the lot of horticultural growing medium.

(k) Labelling: in addition to the label, any written, printed, or graphic matter accompanying any horticultural growing medium or any advertisements, brochures, posters, television, or radio announcements, or any other oral or written material used in promoting a horticultural growing medium.

(l) Person: individuals, partnerships, corporations, or other organized bodies or entities, or any combination thereof.

(m) Processed: deliberately treated or manipulated to modify or transform physical, chemical, or biological characteristics of the natural state of the substance.

(n) Raw: in the natural state, and not prepared, modified or manipulated for use.

(o) Registrant: the person whose name appears on the label of a horticultural growing medium and who is responsible for labeling such medium.

(p) Registration Document: the information required by the Commissioner for registering a horticultural growing medium for distribution into or within Georgia, not including a Suitability Document. The Registration Document may be made available by the registrant to the purchaser upon request.

(q) Suitability Document: the information described by the Commissioner, of an experimental and explanatory nature describing how the registrant determined suitability of the product for its intended use(s).

(r) Suitable: to function as promoted or intended when combined with generally accepted horticultural industry growing practices. Generally, in referring to a medium, this means holds water and air, provides mechanical support, and sustains plant growth when combined with generally accepted horticultural industry growing practices.

(s) Soil: the upper weathered mineral surface of the earth. Soil may contain an organic portion consisting of both living and dead organisms.

(t) Wood: a hard, fibrous material located beneath the bark, which constitutes the greatest part of stems of trees and shrubs.

Cite as Ga. Comp. R. & Regs. R. 40-4-21-.01
Authority: Authority O.C.G.A. Sec. 2-12-100*et seq.*
History. Original Rule entitled "Definitions" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993.
Repealed: New Rule of same title adopted. F. Dec. 15, 2005; eff. Jan. 4, 2006.
Amended: F. June 22, 2006; eff. July 12, 2006.

Rule 40-4-21-.02. Registration and Fees.

(1) All registrants of horticultural growing media distributed in Georgia must register each product name with the Commissioner on a Registration Document supplied by the Commissioner. The initial registration of a horticultural growing medium must be accompanied by a Suitability Document.

(2) All registrants must submit an annual fee of $50.00 for each product name registered. The maximum total annual fee per registrant shall be $1500.00.

(3) No product name shall be registered which misrepresents the product's primary component or component formulation.

(4) Each product name shall refer to a specific formulation; different product names may refer to the same specific formulation. Products for which formulations change or are modified beyond the ranges reported in the Registration Document must either be preregistered with a name which distinguishes them from the previous formulation, or production and distribution of the previous formulation must cease.

(5) Reregistered products must be accompanied by a new Registration Document and Suitability Document for that formulation.

(6) Each product Registration Document shall be accompanied by a label or facsimile of a label for that product as named. If the product is sold in more than one size, a label or facsimile of a label for each package size must be submitted.

(7) Registrations for each product name shall be renewed annually by July 1.

Cite as Ga. Comp. R. & Regs. R. 40-4-21-.02
Authority: Authority O.C.G.A. Sec. 2-12-100*et seq.*
History. Original Rule entitled "Registration and Fees" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993.
Repealed: New Rule of same title adopted. F. Dec. 15, 2005; eff. Jan. 4, 2006.
Amended: F. June 22, 2006; eff. July 12, 2006.

Rule 40-4-21-.03. Contents of the Label.

(1) Label information may be printed on the bag containing the product, printed on a sticker placed on the bag, printed on a flyer or tag attached to the bag, or in the case of bulk bags or bulk, any of the above or printed on a fact sheet accompanying the shipment.

(2) The Commissioner shall require each label to contain the following minimum information. Additional information of an instructional or explanatory nature may be provided at the discretion of the registrant.

(a) The product name as registered.

(b) The volume of the product in quarts, cubic feet, yards, or metric volumes, or the weight of the product in ounces, pounds, or metric weights, as registered.

(c) A listing of all physical components whether organic or inorganic. Components shall be listed in order of decreasing amount by volume, if they comprise at least 3 per cent or more of total volume of the product. The percentage of the primary (first-named) component shall be listed as a 10 percent range of the total volume of the product. Components shall be described as follows:

1. Bark products shall be described as raw, aged, processed, or composted. Bark shall also be specified as pine or softwood (meaning Gymnosperm), or hardwood (not Gymnosperm), and may include no more than 15 percent by volume wood.

2. Peat products shall be described in accordance with ASTM standards as to whether they are sphagnum, hypnum, reed-sedge, humus, or other peat.

3. Wood products shall be described as raw, aged, processed, or composted.

4. Readily degradable organic substances shall be listed and described as raw, aged, processed or composted.

5. The base material(s) for any other composted product shall be described or listed.

(d) Intended use statements such as general recommendations for product use. If cautionary warnings of uses not recommended are made they should be stated in this section of the label.

(e) General fertilization recommendations for use with the product. An acceptable minimum recommendation would indicate at what time after planting the product required the addition of fertilizer, or whether the product required the addition of fertilizer.

(f) An address where further product information may be obtained, and a telephone number available during normal business hours for further product information.

(g) For products intended for use by commercial growers, the date of manufacture, or the month and year of manufacture, stated at any location on the bag. If the date or month and year of manufacture is coded, sufficient information must be provided to determine the date or month and year of manufacture from the code.

Cite as Ga. Comp. R. & Regs. R. 40-4-21-.03
Authority: Authority O.C.G.A. Sec. 2-12-100*et seq.*
History. Original Rule entitled "Contents of the Label" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993.
Repealed: New Rule of same title adopted. F. Dec. 15, 2005; eff. Jan. 4, 2006.
Amended: F. June 22, 2006; eff. July 12, 2006.

Rule 40-4-21-.04. Sampling and Analyses.

(1) The Commissioner may enter in or upon any place used for preparation, distribution, or labeling of horticultural growing media during normal business hours and may inspect and sample any material, or inspect any label or labeling.

(2) The Commissioner may require the registrant to provide physical and chemical analyses of products if he has reason to believe the product does not conform with the label or labeling. The analyses shall include but not be limited to all information required by the label section of this Chapter, the Registration Document, the Suitability Document and any other supporting documentation.

(3) The Commissioner or his duly designated agent is authorized to collect samples of horticultural growing media upon demand without charge or cost from any public or private premises within this state in which horticultural growing media is manufactured, processed, packed, stored, distributed or held for distribution and from any vehicle used to transport or hold such horticultural growing media. Methods of sampling shall be those prescribed by the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 40-4-21-.04
Authority: O.C.G.A. § 2-12-100 et seq.
History. Original Rule entitled "Sampling and Analyses" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993.
Repealed: New Rule of same title adopted. F. Dec. 15, 2005; eff. Jan. 4, 2006.
Amended: F. June 22, 2006; eff. July 12, 2006.
Amended: F. May 16, 2017; eff. June 5, 2017.
Note: Correction of non-substantive typographical error, "**History:** Original Rule entitled "Contents of the Label" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993." corrected to "**History:** Original Rule entitled "Sampling and Analyses" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993." Error discovered in 2017. Effective June 5, 2017.

Rule 40-4-21-.05. Suitability.

(1) If claims of suitability of a horticultural growing medium are made for a specific crop or crops, or any claims of intended purpose are made, or any substance or product is promoted as a horticultural growing medium, the Commissioner may require data and proof of usefulness in the form of a Suitability Document, to show suitability for the intended purpose when used with generally accepted horticultural industry growing practices.

(2) The Commissioner may cooperate with or enter into agreements with any governmental agency or any other person, organization or entity to determine suitability of any horticultural growing medium for the intended purpose.

Cite as Ga. Comp. R. & Regs. R. 40-4-21-.05
Authority: Authority O.C.G.A. Sec. 2-12-100*et seq.*
History. Original Rule entitled "Suitability" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993.
Repealed: New Rule of same title adopted. F. Dec. 15, 2005; eff. Jan. 4, 2006.
Amended: F. June 22, 2006; eff. July 12, 2006.

Rule 40-4-21-.06. Exemptions.

(1) Distribution of horticultural growing media planted with live plant material is exempt from labelling and registration requirements.

(2) Distribution of custom media is exempt from registration requirements provided it is prepared for a single purchaser and is not held for distribution to other purchasers.

(3) Distribution of horticultural growing media containing plant nutrients shall be exempt from the requirements of Article 1 of Chapter 12 of Title 2, the 'Georgia Fertilizer Act of 1997'.

Cite as Ga. Comp. R. & Regs. R. 40-4-21-.06
Authority: Authority O.C.G.A. Sec. 2-12-100*et seq.*
History. Original Rule entitled "Exemptions" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993.
Repealed: New Rule of same title adopted. F. Dec. 15, 2005; eff. Jan. 4, 2006.
Amended: F. June 22, 2006; eff. July 12, 2006.

Rule 40-4-21-.07. Stop Sale and Revocations.

The Commissioner is authorized to:

(a) Place a Stop Sale on any horticultural growing medium if the product name is not registered, or if the composition thereof is found to be inaccurately or untruthfully labelled by the Commissioner.

1. The distributor of the horticultural growing medium placed under Stop Sale will be notified by registered letter or by personal delivery of a Stop Sale document. The reason for the Stop Sale must be given.

2. A Stop Sale order may be released only by written order of the Commissioner.

(b) Revoke or cancel registrations of any person or product, or refuse to register horticultural growing media upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasion or attempted evasion of this Chapter. No registration shall be revoked, denied, cancelled or refused without prior notice and hearing by the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 40-4-21-.07
Authority: Authority O.C.G.A. Sec. 2-12-100*et seq.*
History. Original Rule entitled "Stop Sale and Revocations" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993.
Repealed: New Rule of same title adopted. F. Dec. 15, 2005; eff. Jan. 4, 2006.
Amended: F. June 22, 2006; eff. July 12, 2006.

Rule 40-4-21-.08. Unlawful Acts.

It shall be an unlawful act to:

(a) Distribute an unregistered horticultural growing medium, except one exempted from the requirements of this Chapter.

(b) Distribute a horticultural growing medium if the label or labelling does not accurately reflect its composition.

(c) Distribute a horticultural growing medium which is unsuitable for its intended purpose or which contains substances at a level harmful to plant growth.

(d) Fail to supply the Commissioner with analyses of horticultural growing media when requested by the Commissioner.

(e) Fail to cease distribution of any horticultural growing medium for which the Commissioner has issued a Stop Sale order.

(f) Obstruct the Commissioner in the performance of his duties.

Cite as Ga. Comp. R. & Regs. R. 40-4-21-.08
Authority: Authority O.C.G.A. Sec. 2-12-100*et seq.*
History. Original Rule entitled "Unlawful Acts" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993.
Repealed: New Rule of same title adopted. F. Dec. 15, 2005; eff. Jan. 4, 2006.
Amended: F. June 22, 2006; eff. July 12, 2006.

Subject 40-4-22. REPEALED 40-4-22.

Rule 40-4-22-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-22-.01
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-15.
History. Original Rule entitled "Declaration of Public Nuisance" adopted. F. Apr. 27, 1999; eff. May 17, 1999.
Amended: F. May 5, 2000; eff. May 25, 2000.
Repealed: F. Sept. 26, 2013; eff. Oct. 16, 2013.

Rule 40-4-22-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-22-.02
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-15.
History. Original Rule entitled "Regulated Articles" adopted. F. Apr. 27, 1999; eff. May 17, 1999.
Amended: F. May 5, 2000; eff. May 25, 2000.
Repealed: F. Sept. 26, 2013; eff. Oct. 16, 2013.

Rule 40-4-22-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-22-.03
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-15.
History. Original Rule entitled "Regulated Property" adopted. F. Apr. 27, 1999; eff. May 17, 1999.
Amended: F. May 5, 2000; eff. May 25, 2000.
Repealed: F. Sept. 26, 2013; eff. Oct. 16, 2013.

Rule 40-4-22-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-22-.04
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-15.
History. Original Rule entitled "Prevention of Movement; Treatments" adopted. F. Apr. 27, 1999; eff. May 17, 1999.
Amended: F. May 5, 2000; eff. May 25, 2000.
Repealed: F. Sept. 26, 2013; eff. Oct. 16, 2013.

Rule 40-4-22-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-4-22-.05
Authority: O.C.G.A. Secs. 2-7-1*et seq.*, 2-7-15.
History. Original Rule entitled "Violations and Enforcement" adopted. F. Apr. 27, 1999; eff. May 17, 1999.
Amended: F. May 5, 2000; eff. May 25, 2000.
Repealed: F. Sept. 26, 2013; eff. Oct. 16, 2013.

Subject 40-4-24. BLUEBERRY SCORCH VIRUS QUARANTINE.

Rule 40-4-24-.01. Identification of Pest.

The Commissioner of Agriculture has determined that Blueberry Scorch Virus, a plant disease not known to be established in the State of Georgia, is a plant pest and is injurious to the agricultural interests of the state.

Cite as Ga. Comp. R. & Regs. R. 40-4-24-.01
Authority: O.C.G.A. Secs. 2-7-15, 2-7-20, 2-7-23.
History. Original Rule entitled "Identification of Pest" adopted. F. Oct. 27, 2005; eff. Nov. 16, 2005.

Rule 40-4-24-.02. Commodities Covered.

Plants, buds, vegetative cuttings, root stock and/or any other propagative forms of Vaccinium species (i.e., fruit bearing and ornamental varieties of blueberry plants, huckleberry plants, etc.) are the Commodities subject to this Blueberry Scorch Virus Quarantine.

Cite as Ga. Comp. R. & Regs. R. 40-4-24-.02
Authority: O.C.G.A. Sec. 2-7-23.
History. Original Rule entitled "Commodities Covered" adopted. F. Oct. 27, 2005; eff. Nov. 16, 2005.

Rule 40-4-24-.03. Quarantine.

The commodities described in Rule 40-4-24-.02 shall be quarantined when not in compliance with Rule 40-4-24-.04 or any time the virus/pest is detected. This quarantine shall include blueberry plants in the field which have tested positive for the Blueberry Scorch Virus. Should any cultivated blueberry plant test positive for Blueberry Scorch Virus, the entire plant (including the root system) must be destroyed via incineration. Testing of nearby blueberry plants and insecticide treatments may be required at the discretion of the Commissioner of Agriculture. Any Vaccinium species originating from outside of the United States may be quarantined upon arrival in Georgia until testing for Blueberry Scorch Virus is completed. The Commissioner of Agriculture may require that shipments of plants be held separate from other Vaccinium species until testing is completed.

Cite as Ga. Comp. R. & Regs. R. 40-4-24-.03
Authority: O.C.G.A. Sec. 2-7-20.
History. Original Rule entitled "Quarantine" adopted. F. Oct. 27, 2005; eff. Nov. 16, 2005.

Rule 40-4-24-.04. Permitted Movement of Vaccinium Species into Georgia.

(1) All Commodities Covered by this Quarantine that are shipped into Georgia must be certified virus free by a virus-free certification program recognized by the Commissioner of Agriculture and must be accompanied by a Permit or State Phytosanitary Certificate issued by the State Plant Regulatory Organization.

(2) Prior notification of regulated commodity shipment is required. The shipper shall send by mail, facsimile or e-mail a copy of the Permit or State Phytosanitary Certificate to: Plant Protection Division, Georgia Department of Agriculture, 19 Martin Luther King, Jr. Drive, Atlanta, Georgia 30334; facsimile 404-656-3644; e-mail: Plantindustry@agr.state.ga.us. The Certificate must list:

(a) the type and quantity of plants,

(b) the address of shipper,

(c) the name and address of recipient,

(d) the test results, and

(e) contact number(s) of the shipper and recipient.

(3) Commodities shipped in violation of the requirements of 40-4-24-.04 may be returned to their point of origin or destroyed at the expense of the owner.

Cite as Ga. Comp. R. & Regs. R. 40-4-24-.04
Authority: Authority O.C.G.A. Sec. 2-7-23.
History. Original Rule entitled "Permitted Movement of Vaccinium Species into Georgia" adopted. F. Oct. 27, 2005; eff. Nov. 16, 2005.

Rule 40-4-24-.05. Permits.

(1) The Commissioner may, upon request by Plant Regulatory Organization of a state or commonwealth, issue a Permit to facilitate the movement of Vaccinium species into Georgia provided that:

(a) Blueberry Scorch Virus is not known to be established in that state or commonwealth, and

(b) only plants that originate from that state or commonwealth are shipped under this Permit.

(2) Requests must be mailed to the Plant Protection Division, Georgia Department of Agriculture, 19 Martin Luther King, Jr. Drive, Atlanta, Georgia 30334. Each Permit will expire December 31 of the year issued. Permits will automatically become void if the Commissioner deems that Blueberry Scorch Virus has become established in that state or as such time that the Commissioner feels appropriate.

Cite as Ga. Comp. R. & Regs. R. 40-4-24-.05
Authority: Authority O.C.G.A. Secs. 2-7-23, 2-7-26.
History. Original Rule entitled "Permits" adopted. F. Oct. 27, 2005; eff. Nov. 16, 2005.

Rule 40-4-24-.06. Penalties.

Any person, organization or business that violates the provisions of this Quarantine shall be subject to monetary penalties and/or the suspension, denial or revocation of license.

Cite as Ga. Comp. R. & Regs. R. 40-4-24-.06
Authority: O.C.G.A. Sec. 2-7-29.
History. Original Rule entitled "Penalties" adopted. F. Oct. 27, 2005; eff. Nov. 16, 2005.

Subject 40-4-25. [Repealed].

Rule 40-4-25-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.01
Authority: O.C.G.A. §§ 2-7-20, 2-7-23.
History. Original Rule entitled "Establishment and Purpose of Quarantine" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.
Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

Rule 40-4-25-.02. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.02
Authority: O.C.G.A. §§ 2-7-20, 2-7-23.
History. Original Rule entitled "Definitions" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.
Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

Rule 40-4-25-.03. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.03
Authority: O.C.G.A. §§ 2-7-20, 2-7-23.
History. Original Rule entitled "Regulated Articles" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.
Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

Rule 40-4-25-.04. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.04
Authority: O.C.G.A. §§ 2-7-20, 2-7-23.
History. Original Rule entitled "Quarantined Areas" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.
Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

Rule 40-4-25-.05. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.05
Authority: O.C.G.A. §§ 2-7-20, 2-7-23.
History. Original Rule entitled "Conditions Governing the Intrastate Movement of Regulated Articles" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.
Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

Rule 40-4-25-.06. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.06
Authority: O.C.G.A. §§ 2-7-20, 2-7-23.
History. Original Rule entitled "Conditions Governing the Movement of Regulated Articles from Quarantined Areas" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.
Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

Rule 40-4-25-.07. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.07
Authority: O.C.G.A. §§ 2-7-20, 2-7-23.
History. Original Rule entitled "Issuance and Cancellation of Certificates and Limited Permits" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.
Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

Rule 40-4-25-.08. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.08
Authority: O.C.G.A. §§ 2-7-20, 2-7-23.
History. Original Rule entitled "Compliance Agreements and Cancellation" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.
Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

Rule 40-4-25-.09. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.09
Authority: O.C.G.A. §§ 2-7-20, 2-7-23.
History. Original Rule entitled "Assembly and Inspection of Regulated Articles" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.
Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

Rule 40-4-25-.10. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.10
Authority: O.C.G.A. §§ 2-7-20, 2-7-23.
History. Original Rule entitled "Attachment and Disposition of Certificates and Limited Permits" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.

Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

Rule 40-4-25-.11. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.11
Authority: O.C.G.A. §§ 2-7-20, 2-7-23.
History. Original Rule entitled "Costs and Charges" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.
Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

Rule 40-4-25-.12. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.12
Authority: O.C.G.A. §§ 2-7-20, 2-7-23.
History. Original Rule entitled "Inspection and Disposal of Regulated Articles and Pests" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.
Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

Rule 40-4-25-.13. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.13
Authority: O.C.G.A. §§ 2-7-20, 2-7-23.
History. Original Rule entitled "Unlawful Acts" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.
Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

Rule 40-4-25-.14. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-4-25-.14
Authority: O.C.G.A. §§ 2-7-20, 2-7-23.
History. Original Rule entitled "Enforcement and Penalties" adopted. F. Mar. 7, 2014; eff. Mar. 27, 2014.
Repealed: F. Apr. 19, 2021; eff. May 9, 2021.

Subject 40-4-26. CITRUS REGULATIONS AND QUARANTINE.

Rule 40-4-26-.01. Establishment and Purpose of Regulations and Quarantine.

The purpose of these Rules is to minimize the spread of serious graft-transmissible diseases as well as certain other pathogens and nematodes of citrus by:

(1) requiring anyone propagating citrus to participate in a mandatory citrus nursery stock program; and

(2) outlining established protocols for movement of citrus into the state of Georgia. The requirements for program participation are established in these Rules.

It is intended that there shall be no propagation of citrus nursery stock except as provided in these Rules, and it shall be unlawful to plant citrus nursery stock in Georgia unless that citrus nursery stock has been propagated in compliance with the requirements of these Rules.

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.01
Authority: O.C.G.A. § 2-7-1 et. seq.
History. Original Rule entitled "Establishment and Purpose of Regulations and Quarantine" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Rule 40-4-26-.02. Definitions.

(1) "Breach" means any circumstance that would allow free access by quarantined pests into a facility, container, package, or means of conveyance.

(2) "Budwood" means a portion of a stem or branch with vegetative buds used in propagation for budding or grafting; or more generally, any citrus cell, tissue, callus or cutting intended for use in the vegetative propagation of a citrus plant.

(3) "Certified budwood" or "certified citrus budwood" means budwood produced either in a foundation block, scion block or increase block in accordance with this Rules.

(4) "Georgia Citrus nursery" means a nursery in compliance with the requirements of these Rules.

(5) "Citrus" or "citrus plant" or "citrus tree" or "citrus nursery stock" means any plant in the genus of *Citrus*, *Eremocitrus*, *Microcitrus*, *Poncirus*, or *Fortunella* including any hybrid, grafted, or other plant having parentage in any of those genera; also, *Murraya exotica* and *Murraya paniculata* (orange jasmine, orange jessamine, or limonaria) including any plants, plant parts, budwood, rootstock, seeds, and any other parts thereof.

(6) "Clone" means an asexually reproduced cultivar; a group of genetically uniform plants that have been propagated vegetatively from a single original plant.

(7) "Commissioner" means the Commissioner of Agriculture, any employee of the Georgia Department of Agriculture, or other person authorized to act on the Department's behalf.

(8) "Department" means the Georgia Department of Agriculture.

(9) "Distribute" means to supply, sell, deliver, lease, provide, or otherwise transfer possession or ownership of a regulated or quarantined article.

(10) "Exclusion structure" means a structure that conforms to or exceeds the structural requirements of the USDA-APHIS-PPQ "Interstate Movement of Citrus Nursery Stock From Areas Quarantined For Citrus Canker, Citrus Greening, and/or Asian Citrus Psyllid" last revised on March 18, 2018.

(11) "Foundation block" means a functional unit, regulated by the Department, consisting of one or more citrus trees that meet the foundation block tree requirements in these Rules.

(12) "Foundation Tree" means a citrus tree that is used to provide a source of budwood to nurserymen, primarily for establishing scion and increase trees.

(13) "Graft-Transmissible Pathogens" means disease agents spread by vegetative propagation including, but not limited to, budding, grafting, air-layering, and cuttings.

(14) "Horticulturally True-To-Type" means a plant which conforms to the description of a particular cultivar and which is from the same genetic line of descent as that cultivar.

(15) "Increase block" means a functional unit, regulated by the Department, consisting of one or more trees propagated using certified budwood from foundation block or scion block trees to rapidly multiply propagative material that is grown in accordance with these Rules.

(16) "Increase Trees" means specially designated nursery propagations made to rapidly multiply supplies of propagative material for citrus nursery tree production and meeting all the requirements of Rule 40-4-26-.06.

(17) "Master Permit" means a document issued by the Commissioner to a state plant regulatory organization for the import of citrus plants and plant parts, excluding fruit.

(18) "Micropropagated" means the use of a plant part to initiate the tissue culture process.

(19) "Moved", "movement", or "move" means shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.

(20) "Non-rebuttable presumption" means a presumption that cannot be challenged with evidence.

(21) "Nursery" means any commercial location where nursery stock is grown, propagated, stored, maintained, or sold or any location from which nursery stock is distributed.

(22) "Person" means any association, company, corporation, firm, individual, joint stock company, partnership, society, or any other legal entity.

(23) "Pest" or "plant pest" means any living stage of any non-human organism that can directly or indirectly injure, cause damage to, or cause disease in a plant.

(24) "Produce" means to propagate a plant by any sexual or asexual means including, but not limited to, by seed, rooted cutting, budding, grafting, or tissue culture.

(25) "Propagative material" means any plant or part of a plant, including seed, or plant tissue intended for use in the propagation of citrus nursery stock or other plant that is identified as quarantined in these Rules.

(26) "Regulated article" means any citrus plant grown for the purpose of sale or distribution.

(27) "Rootstock" means a plant or plant part produced for use as the recipient understock in budding or grafting.

(28) "Scion tree" means a citrus tree grown from budwood taken from a registered foundation tree, maintained in a scion tree block in a facility of a Georgia Citrus Nursery, and registered with the Department as a source of budwood. Scion trees shall meet all the requirements for foundation or source trees.

(29) "Source tree" means a citrus tree that has met all requirements in these Rules for use as a source of budwood or propagative material, i.e., a scion tree, increase tree, or foundation tree.

(30) "State" means the District of Columbia, Puerto Rico, the Northern Mariana Islands, or any State, territory, or possession of the United States.

(31) "Test" means standardized laboratory, biological greenhouse, or field plot tests for certain graft-transmissible pathogens before trees are eligible for registration as source trees.

(32) "Tested Budwood" means budwood that does not originate from a foundation block, scion block or increase block but is eligible for use if the nursery is under a compliance agreement with the Department.

(33) "USDA-APHIS-PPQ" means United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine.

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.02
Authority: O.C.G.A. § 2-7-1 et. seq.
History. Original Rule entitled "Definitions" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Rule 40-4-26-.03. Plant Pest Declaration.

The following arthropods and pathogens are declared to be plant pests and agricultural and public nuisances:

(1) Arthropods:

(a) African citrus psyllid (*Trioza erytreae*)

(b) Asian citrus psyllid (*Diaphorina citri*)

(c) Brown citrus aphid (*Toxoptera citricida*)

(2) Pathogens:

(a) Citrus greening (or huanglongbing; *Candidatus Liberibacter asiaticus*)

(b) Citrus Canker(*Xanthomonas axonopodis*)

(c) Sweet Orange Scab (*Elsinoe australis*)

(d) Citrus Black Spot (*Guignardia citricarpa*)

(3) Any other plant pest determined by the Commissioner to be a threat to the citrus industry of this state. In accordance with O.C.G.A. § 2-7-20, the Commissioner will declare such pests to be a public nuisance. The names of these pests will be conspicuously posted on the Department of Agriculture's website at: http://agr.georgia.gov/.

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.03
Authority: O.C.G.A. § 2-7-1 et. seq.
History. Original Rule entitled "Plant Pest Declaration" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Rule 40-4-26-.04. Regulated Articles.

(1) The following are regulated articles:

(a) Citrus plants; and

(b) Plant pathogens, diseases, and insects in all life stages.

(2) Any other article, product, or means of conveyance not listed above may be designated as a regulated article if the Commissioner determines that such article, product, or means of conveyance presents a risk of spreading a citrus pathogen, disease, or insect pest and notifies the person in possession of the same that it is subject to the restrictions of these Rules.

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.04
Authority: O.C.G.A. § 2-7-1 et. seq.
History. Original Rule entitled "Regulated Articles" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Rule 40-4-26-.05. Citrus Plants, Budwood, and Rootstock Entering Georgia.

(1) Importing Citrus Plants

(a) Citrus plants are prohibited from entering Georgia unless:

1. The state plant regulatory organization has been issued a Master Permit by the Georgia Department of Agriculture, Plant Protection Section;

2. The citrus plants were produced inside an exclusion structure as defined in these Rules.

3. The citrus plants are produced in a facility under a citrus certification compliance program with either the relevant state plant regulatory organization or USDA-APHIS-PPQ;

4. Scion trees or mother trees have been tested at least every three (3) years for the graph transmissible pathogens listed in these Rules and on the Department of Agriculture's website at http://agr.georgia.gov/. Rootstock seed source trees must be tested for Citrus greening (or huanglongbing; *Candidatus Liberibacter asiaticus*), Citrus Leaf Blotch Virus (CLBV), and Citrus Psorosis Virus (CPsV) at least every six (6) years;

5. The facility and citrus plants are inspected at least six (6) times per year by state plant regulatory or USDA-APHIS-PPQ personnel, or the combined number of inspections of both agencies total at least six (6), for citrus pests and diseases; and

6. The citrus plants are shipped directly from the approved exclusion structure to Georgia.

(b) The Commissioner may request additional information to determine whether a nursery is in compliance with the requirements of these Rules.

(c) The Commissioner will order an immediate Stop-Sale Notice and Hold Order for any citrus plant shipped into Georgia without proof that the plant originated from a nursery in compliance with the requirements of this Rule. Citrus plants will be released in accordance with the requirements of these Rules.

(d) The Commissioner may suspend or cancel a Master Permit if there is reason to believe that citrus plants are produced or shipped in violation of these Rules.

(2) Importing Budwood

(a) Budwood may be imported from a citrus clean stock program facility including, but not limited to, the following:

1. California Citrus Clonal Protection Program;

2. Florida Department of Agriculture and Consumer Services, Bureau of Citrus Budwood Registration;

3. Texas Citrus Budwood Certification Program; and

4. USDA-ARS National Clonal Germplasm Repository for Citrus and Dates (USDA-ARS-NCGR).

(b) Budwood may be imported from a USDA-APHIS-PPQ certified facility provided the budwood was produced inside an exclusion structure as defined in these Rules.

(c) Budwood from outside of the United States must comply with all USDA-APHIS-PPQ and Customs and Border Protection applicable regulations and requirements for entry into the country.

(2) Importing Rootstock

(a) Seeds must originate from a state certified seed source tree.

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.05
Authority: O.C.G.A. § 2-7-1 et. seq.
History. Original Rule entitled "Citrus Plants, Budwood, and Rootstock Entering Georgia" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Rule 40-4-26-.06. Growing Citrus Nursery Stock in Georgia.

(1) Georgia Citrus Nursery Stock Program Participation

(a) It shall be unlawful to propagate or plant citrus nursery stock that is not produced in accordance with these Rules. Participation in the Georgia Citrus Nursery Stock Program does not imply any warranty on the part of the nurserymen, the Department, or any employee thereof.

(b) Prior to propagating citrus nursery stock, propagators must:

1. Register with the Georgia Department of Agriculture, Plant Protection Section by completing a Georgia Citrus Nursery Application;

2. Pay of applicable fees; and

3. Comply with all conditions that apply to the Georgia Citrus Nursery Stock Program contained in these Rules.

(c) Application Process and Fees

1. Applications for a Georgia Citrus Nursery can be obtained from the Department's website at: www.agr.georgia.gov/nursery.aspx.

2. Applicants must submit completed application forms according to directions on the form.

3. An inspection of the facility will be scheduled to determine if the citrus plants and structure meet the requirements of these Rules. The cost of this inspection will be listed on the application form.

4. An annual fee of $500 will be required for facilities with a total enclosed pest exclusion area of up to 25,000 square feet, plus $500 for each additional 25,000 square feet or fraction thereof.

5. Renewal payments are late if the fee has not been received by the Department by the due date.

6. The Georgia Citrus Nursery status will be canceled if payment of the renewal fee is 60 or more days late. In such case, the facility must re-apply to be a Georgia Citrus Nursery.

(d) Georgia Citrus Nursery Program Participation Required

1. Propagators of citrus nursery stock must hold a current Live Plant License.

   (i) Citrus nursery stock is required to be grown in a pest exclusion structure facility until:

      a. Moved directly to a grove for immediate planting;

      b. Moved to a physically separate, exclusively retail area at the location; or

      c. Moved from the production location to a separate location for immediate wholesale or retail resale.

2. The current Georgia Citrus Nursery certificate shall be kept on display at the Georgia Citrus Nursery in a location where it is readily visible to the public.

(e) Facility Structural Requirements

1. All citrus plants must be produced inside an exclusion structure as defined in these Rules.

2. To qualify as an exclusion structure, a facility must include, at a minimum, each of the following:

   (i) Exterior walls and top

      a. Any combination of solid surfaces and screening may be used, as long as the structure meets or exceeds USDA-APHIS-PPQ "Interstate Movement of Citrus Nursery Stock From Areas Quarantined For Citrus Canker, Citrus Greening, and/or Asian Citrus Psyllid", including resistance to wind-blown rain.

      b. Mesh size for any screening used in walls, doors, vent covers, or other parts of a structure shall not exceed 0.3 square millimeters (e.g., 0.547 x 0.547 mm or 0.5 x 0.6 mm).

   (ii) Each approved structure must have a citrus free buffer area of at least 100 feet around the exterior of the approved structure. If a buffer area of 100 feet or more is not feasible, a minimum buffer area of 25 feet is allowed if the side of the structure facing citrus nursery plant material is constructed with a water-proof wall, or double-walled screening with a minimum of a 4-inch space, between each screen.

   (iii) Doors, doorways, and entryways must be designed and constructed to exclude wind-blown rain, and pest organisms.

      a. All doorways must have a positive pressure air curtain, double entrance with vestibule (i.e. outer door opening into a vestibule then inner door leading to the structure), or other mechanism sufficient to prevent the entrance of any insect pests, both during operation of the door and while the door is closed.

      b. All doors must fit against the floor and door frame so that no pest organisms or rain can enter the facility.

      c. At minimum, all entrance doors to the facility must have working locks. The facility must be secured (locked) when employees are not present.

      d. A footbath containing a product approved by the Department as effective against citrus canker must be located at each entrance and must be properly utilized on footwear by all persons prior to entering the structure.

e. Vehicles, equipment, and other articles used to handle or move citrus nursery stock must be treated in accordance with USDA-APHIS-PPQ requirements, immediately before entering the structure.

f. The site must incorporate an area for deliveries and shipments.

(iv) Except for doors, all exterior openings for cooling pads, fans, vents, or other parts of the structure must be covered with screening as specified above; and

(v) The structure perimeter must facilitate drainage away from the structure.

3. The owner of the facility is responsible for maintaining the integrity of the facility and ensuring it remains pest-free.

   (i) Before an exclusion structure is modified in a way that affects the walls, screening, doors, or insect-exclusionary ventilation, the nursery must enter into a compliance agreement with the Department that outlines safeguarding conditions to maintain the facility as insect free.

   (ii) The Department must be notified immediately if a breach is detected at any time during the life cycle of the citrus stock, from propagation to point of sale.

   (iii) If the integrity of the structure is compromised or breached, the citrus nursery stock will be subject to immediate Stop-Sale Notice and Hold Order and will not be released from Stop-Sale Notice and Hold Order by the Department until a risk evaluation has been completed.

4. Citrus nursery stock may be moved from one structure into another structure on the same site provided the plants in the process of being actively relocated are not subjected via open air exposure to citrus pests and diseases.

5. Structures in existence and actively used for growing citrus that do not currently meet the structural requirements of this Rule will be given, upon written request by the owner to the Department, six (6) months from the date of the adoption of this Rule to make the structural modifications necessary to fully comply with this Rule.

(f) Citrus Propagation Requirements

1. Any citrus nursery stock or budwood source tree found infected or exposed to plant pest infestation shall be subject to immediate Stop Sale Notice and Hold Order.

2. Citrus nursery stock grown or distributed in Georgia after January 1, 2020 must be produced in a Georgia Citrus Nursery under the provisions of these Rules.

3. All planting, growing, and budding of rootstock or other propagative material, including seeds, shall be in an approved pest exclusion structure.

4. In-ground production of citrus nursery stock is not approved. Citrus nursery stock may only be produced on a barrier between the soil and pot (e.g. gravel, horticulture cloth, tables, etc.).

5. Citrus nursery stock must be propagated in compliance with the following provisions:

   (i) Citrus nursery stock may be propagated directly from certified budwood taken from scion trees or increase trees; or

   (ii) Citrus nursery stock may be propagated directly from tested, non-certified citrus budwood. Nurseries producing citrus plants using tested, non-certified budwood must enter into a compliance agreement with the Department.

   (iii) After January 1, 2023, non-certified citrus budwood may no longer be used to propagate commercial citrus nursery stock and no citrus plants propagated from uncertified budwood may be sold.

   (iv) Citrus nursery stock and propagative material must remain within the approved structure at all times or if moved outside of the pest exclusion structure, protected and covered with material designed to prevent exposure to citrus pests and diseases at all times during transit.

(g) Scion Trees and Scion Block

1. Scion trees must meet the following requirements:

   (i) Budwood for propagating scion trees must be obtained from a foundation tree.

(ii) Scion trees must be propagated and grown in a Georgia Citrus Nursery.

(iii) Scion trees must be budded on nursery rootstock which has not been budded previously. If re-budding is necessary, buds from the same source as the original must be used.

(iv) Scion trees must be vigorous, productive, and horticulturally true-to-type.

2. Scion trees must be held exclusively in an approved pest exclusion structure designated for scion trees.

   (i) At no time shall any uncertified citrus nursery stock be inside the approved pest exclusion structure.

   (ii) Scion trees of different varieties and selections must be kept distinctly apart and clearly identified to avoid the mixing of scion trees originating from different source trees.

3. Labeling of Scion Trees

   (i) Each scion tree label must include the name of the selection, the source tree identification number, and the month and year of budding.

   (ii) A scion tree identification map must be maintained on-site. The map must be made available during an inspection or upon request by the Department.

4. Inspection

   (i) Scion trees must be inspected and tested at least once prior to 12 months post-budding and at intervals not to exceed 36 months for the pathogens listed in these Rules or any other pest of regulatory concern. The cost of the laboratory analysis of the samples will be borne by the owner of the nursery. The Department will inspect trees for citrus canker and other pests of regulatory concern during facility inspection.

   (ii) The scion block must be routinely inspected and treated to prevent pests and diseases.

(iii) Scion trees found infected with a pathogen must be removed from the protected greenhouse within 10 days of notification of test results by the Department.

(iv) The Department may consult with a panel of experts for additional mitigation measures necessary to ensure the integrity of scion trees.

5. Upon discontinuing use of a scion tree, the scion tree must be removed from the scion block and may be sold, planted, or destroyed.

(h) Increase Trees and Increase Blocks

1. Increase trees and increase blocks must meet the following requirements:

(i) Budwood for propagating increase trees must be obtained from a foundation or scion tree.

(ii) Increase trees must be propagated and grown in a Georgia Citrus Nursery.

(iii) Increase trees must be budded on nursery rootstock which has not been budded previously. If re-budding is necessary, buds from the same source tree as the original bud must be used.

2. Increase trees must be held exclusively in an approved structure designated for increase trees or housed with other citrus nursery stock from certified budwood being grown in the approved structure, provided the two groups of plants are kept identifiably separate.

(i) At no time shall any uncertified citrus nursery stock be inside the approved structure.

(ii) Increase trees may be grown in containers or planted in the ground.

(iii) Increase trees of different varieties and selections must be kept distinctly apart and clearly identified to avoid the mixing of increase trees originating from different source trees.

3. Labeling of Increase Trees

(i) Each lot of increase trees produced from the same lot of budwood from a specific foundation block tree must be labeled for traceability with a unique identification number. The permanent label or tag must include the variety, source tree identification number, and the month and year of budding.

(ii) An increase tree identification map must be maintained on site. The map must be made available during an inspection or upon request by the Department. The map must include the location of each group of increase trees by selection in the approved structure, the name of the selection, the number of trees in each lot, source tree identification number, and the month and year of budding.

4. Increase trees may be used as a source of certified budwood to produce citrus nursery stock for a period not to exceed 60 consecutive months. The 60-month duration begins on the first day of the month following the month in which the trees were budded.

5. At any time, during the 60-month period, the nursery owner may make a request to the Department to convert increase trees to scion trees.

   (i) The request must be accompanied by laboratory test results received within the past twelve (12) months for the graph transmissible pathogens listed in these Rules and on the Department of Agriculture's website, http://agr.georgia.gov/.

   (ii) The trees must be moved to the exclusion structure described above within five (5) days of receiving approval.

6. Citrus trees propagated from increase trees, except trees that have been converted to scion trees as described above, must not serve as a future source of certified budwood.

7. Inspection

   (i) Increase trees must be inspected and tested at least once prior to 12 months post-budding and at intervals not to exceed 36 months for the graph transmissible pathogens is these Rules and on the Department of Agriculture's website at http://agr.georgia.gov/ or any other pest of regulatory concern. The Department will collect samples for testing according to the sampling plan. The cost of the laboratory analysis of samples will be borne by the owner of the nursery. The Department will inspect trees for citrus canker and other pests of regulatory concern during facility inspection.

   (ii) The increase block must be routinely inspected and treated to prevent pests and diseases.

(iii) Increase trees found infected with a pathogen must be removed from the protected greenhouse within 10 days of notification of test results by the Department.

(iv) The Department may consult with a panel of experts for additional mitigation measures necessary to ensure the integrity of increase trees.

8. Upon discontinuing use of an increase tree, the increase tree must be removed from the increase block and may be sold, planted, or destroyed.

(i) Rootstock

1. All planting, growing, and budding of rootstock or other propagative material, including seeds, must be in an approved pest exclusion structure as defined in these Rules.

2. Seed Source trees must originate from a certified clean stock program.

3. All rootstock seed planted for propagation must have undergone thermal treatment or other treatment approved by the Department to reduce the risk of citrus infesting pathogens.

4. Rootstock produced any way other than from seed:

   (i) Must have been taken from a tree tested within the previous year, using methods approved by the Department, and found free of diseases quarantined in these Rules; and

   (ii) The source tree must have been maintained continuously in a Georgia Citrus Nursery.

5. Documentation of negative test results described in this paragraph must be maintained for at least four years following distribution of all plants propagated from the source tree and must be available for inspection during normal hours of operation.

(j) Micropropagation of Citrus Rootstocks and Plants

1. The plant material for initiation of micropropagated cultures must originate from fully tested foundation material.

2. Cultures must be re-initiated from foundation material after a maximum of 36 months.

3. The plant portion micropropagated must come from non-zygotic embryos or shoots from adult plants.

4. Material grown on contaminated media will be rejected.

5. Antibiotics that can mask the presence of microorganisms must not be added to any media.

6. Once plants leave culture vessels they must be maintained in approved enclosed structures.

7. All movement reports and shipping labels must include the word "micropropagated".

(k) Plant Identification and Labeling

1. Each citrus plant sold or distributed within Georgia must have attached to it, or to the container in which it is planted, a waterproof tag or label upon which is legibly printed in permanent lettering:

   (i) "Grown by [the Production Facility Name]";

   (ii) "Produced in [State of Origin]" (Postal abbreviation of the state is acceptable); and

   (iii) "Georgia Live Plant License # [Number]" or nursery license number in the state of origin.

2. Unless satisfactory records that readily identify the plant as having been produced in an approved facility are provided, the absence of a tag or label required by this Rule creates a non-rebuttable presumption that the plant is a quarantined article, and the quarantined article will be placed under a Stop-Sale Notice and Hold Order until the owner arranges proper disposition.

(l) Inspections

1. The Department will inspect Georgia Citrus Nursery facilities as often as it deems necessary but at a minimum of six (6) times per calendar year.

2. Department personnel may inspect the growing practices and take physical and/or documentary samples as deemed necessary of:

   (i) Compliance with facility structural requirements;

   (ii) Plants in the nursery;

(iii) Insects and plant pests that may be present;

(iv) Recordkeeping; and

(v) Any other item that is related to the Georgia Citrus Nursery Stock Program and citrus plant propagation or production.

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.06
Authority: O.C.G.A. § 2-7-1 et. seq.
History. Original Rule entitled "Growing Citrus Nursery Stock in Georgia" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Rule 40-4-26-.07. Georgia Citrus Clean Stock Program.

(1) A Georgia Citrus Clean Stock Program may be initiated with the recommendation from any of the following organizations:

(a) Fort Valley State University

(b) Georgia Crop Improvement Association

(c) Georgia Department of Agriculture

(d) Georgia Seed Development Commission

(e) University of Georgia

(2) The Georgia Citrus Clean Stock Program will provide the care, maintenance, and security for all foundation trees in Georgia.

(3) Establishment of a Foundation Block

(a) Foundation block status will be considered upon written request to the Department. The request must include:

1. A physical description of the proposed site including location, size, and a map of the land to be used. A copy of the deed or lease to the property must be made available upon request by the Department;

2. Identification of the certified laboratory available to perform tests to diagnose plant pests and diseases identified in these Rules; and

3. The name and address of the person responsible for the overall operation of the foundation block.

(b) Adequate environmental controls must be in place to prevent loss of the block due to adverse environmental conditions such as damaging heat, cold, or wind.

(c) Adequate security must be maintained to protect the budwood from contamination or theft.

(d) Plants must be kept exclusively in an approved structure at a Georgia Citrus Nursery as described in these Rules.

(e) Foundation trees must be kept in secure greenhouse facility for budwood cutting and distribution to citrus nurseries.

(f) The Foundation block site must meet the requirements described in these Rules.

(g) Foundation trees must be the source for all scion trees.

(h) The trees in a foundation block must be established using one or more of the following:

1. Parent tree clones or shoot-tip grafts that have undergone treatment for diseases in a clean stock program;

2. Budwood imported directly from one or more of the following citrus clean stock program facilities:

   (i) California Citrus Clonal Protection Program;

   (ii) Bureau of Citrus Budwood Registration of the Florida Department of Agriculture and Consumer Services;

   (iii) USDA-ARS National Clonal Germplasm Repository for Citrus; or

   (iv) Texas Citrus Budwood Certification Program.

(i) Budwood used to establish a foundation block must originate from trees that exhibit desirable horticultural true-to-type characteristics for the specified varieties using criteria established by one of the agencies listed above.

(i) Each tree planted in a foundation block must be assigned a unique source tree identification number consisting of block abbreviation, variety abbreviation, block number, row number, and tree number. A sign, stake, tag, or other permanent and waterproof marker must be used to associate each tree with its unique number.

(j) Any tree not exhibiting desirable horticultural characteristics for the specified variety must be immediately removed from use as a budwood source.

(4) Maintaining Foundation Block Status

(a) Trees in a foundation block must be tested by a certified laboratory to verify that foundation block trees continue to be free of diseases listed in these Rules.

(b) Records must be maintained as required by the Commissioner.

(c) At a minimum, the following measures must be taken to prevent disease contamination from internal or external sources.

1. If one or more foundation block trees become infected with a disease listed in these Rules, or a vector of such disease, the affected tree(s) must be removed immediately.

2. Tools and equipment used to cut or prune foundation block trees must be used only in the foundation block and must be disinfected before use on any other tree, unless:

(i) It is impractical to restrict equipment use only to the foundation block; and

(ii) Such equipment has been treated with an antimicrobial pesticide labeled to control citrus graft transmitted pathogens and/or in accordance with guidelines prescribed by the Department.

3. Irrigation of the foundation block must be performed in such a manner as to minimize the risk of transmission of diseases through the irrigation system.

4. A foundation block must be completely contained in a Georgia Citrus Nursery in accordance with the requirements described in these Rules.

(5) Labeling and Handling of Budwood Produced in Foundation Block

(a) At the time of sale, each budwood piece or bundle of certified budwood must be labeled to identify the variety of the budwood, number of buds, and source tree identification number, and safeguarded from exposure to the plant pests and diseases listed in these Rules.

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.07
Authority: O.C.G.A. § 2-7-1 et. seq.
History. Original Rule entitled "Georgia Citrus Clean Stock Program" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Rule 40-4-26-.08. Recordkeeping Requirements.

(1) Records of certified budwood purchases must be maintained by a Georgia Citrus Nursery for a minimum of four (4) years and made available for inspection by the Department upon request. These records must include:

(a) Name of the budwood producer/seller;

(b) Physical address of the budwood producer/seller;

(c) Telephone number of the budwood producer/seller;

(d) Date of each purchase; and

(e) Variety name and number of buds purchased, per source tree, including identification number of each source tree.

(2) Records of citrus nursery stock sales or distribution must be maintained by a Georgia Citrus Nursery for a minimum of four (4) years and made available for inspection by the Department upon request. These records must include:

(a) Date of sale or distribution;

(b) Name, address, and (if applicable) Live Plant License number of the receiver; and

(c) Number of trees sold or distributed, per variety name and budwood source tree identification number.

(3) Records of certified budwood sales or distribution must be maintained by a Georgia Citrus Nursery for a minimum of four (4) years and made available for inspection by the Department upon request. These records must include:

(a) Origin of budwood sold, by source tree lot number;

(b) Number of buds sold daily, summarized by month; and

(c) Records of each sale, including:

1. Name, address and Live Plant License number of the buyer, if applicable;

2. Number of buds of each variety sold to each buyer;

3. Source tree lot number for each variety; and

4. Date of sale.

(4) Records of scion block trees must be maintained by a Georgia Citrus Nursery for a minimum of four (4) years and made available for inspection by the Department upon request. These records must include:

(a) A map of trees showing block and row numbers as well as locations of each variety;

(b) Results of tests conducted by a certified laboratory verifying that all scion or increase block trees are free of the diseases listed in these Rules; and

(c) Records of budwood sources used to establish scion trees along with certificates and/or test results obtained to verify that the budwood was free of diseases listed in these Rules.

(5) Records of increase block trees must be maintained by a Georgia Citrus Nursery for a minimum of four (4) years and made available for inspection by the Department upon request. These records must include:

(a) A map of increase trees showing block and row numbers and locations of each variety;

(b) Results of tests conducted by a certified laboratory on the increase trees for citrus greening and tristeza;

(c) Records identifying the budwood and rootstock sources used to establish increase trees;

(d) The month and year of initial budding of each increase tree by tree identification number and variety;

(e) The number of buds taken per month from each lot of each variety of increase tree; and

(f) Records of disposition of increase trees.

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.08
Authority: O.C.G.A. § 2-7-1 et. seq.
History. Original Rule entitled "Recordkeeping Requirements" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Rule 40-4-26-.09. Citrus Propagation for Variety Development.

(1) All citrus breeding for variety development must be conducted and plants maintained in an exclusion structure as described in these Rules.

(2) No citrus variety may be released in Georgia that has not gone through a citrus clean stock program recognized by USDA-APHIS-PPQ.

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.09
Authority: O.C.G.A. § 2-7-1 et. seq.
History. Original Rule entitled "Citrus Propagation for Variety Development" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Rule 40-4-26-.10. Scientific Permits.

Shipment or transport of quarantined pathogens, diseases, or insects, in all lifeforms or stages, to Georgia is prohibited unless for the purpose of diagnostic testing or scientific purposes, provided:

(1) The testing facility possesses a certificate or permit issued by USDA-APHIS-PPQ for the purposes of receiving and testing for citrus pests; and

(2) The testing facility possesses a permit issued by the Commissioner for the purposes of receiving and testing for citrus pests.

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.10
Authority: O.C.G.A. § 2-7-1 et. seq.
History. Original Rule entitled "Scientific Permits" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Rule 40-4-26-.11. Stop-Sale Notice and Hold Order.

A Stop Sale Notice and Hold Order will be issued for the following reasons:

(1) Compromise or breach of structure;

(2) Knowingly propagating citrus plants that do not meet the requirements of these Rules;

(3) Any citrus plant moved into Georgia in violation of these Rules;

  (a) Shipments of citrus plants from facilities not in compliance with the requirements of this Rule will be placed under a Stop-Sale Notice and Hold Order until the owner determines final disposition.

  (b) The owner must determine final disposition and communicate intent to the Commissioner within ten (10) days of the issuance of the Stop-Sale Notice and Hold Order.

(c) Any plants held for more than ten (10) days without the owner's final disposition plans will be deemed forfeited to the Commissioner for final handling.

(4) Any citrus plant missing the labeling as required by these Rules;

(5) Misrepresenting citrus nursery stock as being progeny of registered source trees;

(6) Misrepresenting the type of source tree from which citrus nursery stock was produced as certified trees;

(7) Failing to maintain budwood, scions, or citrus nursery stock and the records thereof in a manner that allows for verification or substantiation of the correct parentage of citrus nursery stock or source trees;

(8) Any citrus nursery stock found infected with plant pests listed in these Rules or exposed to plant pests listed in these Rules to such a degree that infestation is likely even if no visible symptoms are present; and

(9) Any budwood source tree found infected with plant pests listed in these Rules to such a degree that infestation is likely even if no visible symptoms are present.

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.11
Authority: O.C.G.A. § 2-7-1 et. seq.
History. Original Rule entitled "Stop-Sale Notice and Hold Order" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Rule 40-4-26-.12. Release of Stop-Sale Notice and Hold Order.

(1) Compromise or breach of structure

(a) Citrus plants will be released from a Stop Sale and Hold Order once conditions causing the Stop-Sale Notice and Hold Order have been corrected and any pathogen threat has been found not to present a risk after evaluation by Department personnel.

(b) The Commissioner may consult with recognized experts in other agencies or states as deemed necessary.

(c) Risk evaluation will be based on:

1. Deficiencies existing prior to correction within the past two (2) years;

2. Number of actions taken by the Department within the past two (2) years;

3. Presence or absence of pathogens, vectors, and hosts in the geographic area of nursery site at such distances or levels that spread of these pathogens or vectors into the nursery is either likely or not;

4. Chemical application records supporting appropriate use of pesticides;

5. Destruction or treatment of infested material; and

6. Other information the Commissioner may deem relevant to the incident.

(2) Citrus plants at wholesale, retail, or other location in the state may be released from a Stop-Sale Notice and Hold Order if the owner:

(a) Provides documentation that the plants were propagated or moved into Georgia in compliance with these Rules;

(b) Is in compliance with all applicable federal citrus regulations, moves the plants out of Georgia; or

(c) Destroys the plants.

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.12
Authority: O.C.G.A. § 2-7-1 et. seq.
History. Original Rule entitled "Release of Stop-Sale Notice and Hold Order" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Rule 40-4-26-.13. Unlawful Acts.

The following are violations of these Rules:

(1) The movement of any organism listed in these Rules into Georgia without authorization from the Commissioner and USDA-APHIS-PPQ;

(2) Distribution of citrus plants, budwood, or rootstock into Georgia unless in compliance with a Master Permit issued by the Commissioner;

(3) Propagating citrus plants that do not meet the requirements of these Rules;

(4) Providing false information in an attempt to obtain a Certificate for a Georgia Citrus Nursery;

(5) Failure to keep records of citrus plants, budwood, and/or rootstock as required by these Rules;

(6) The obstruction of the Commissioner in the performance of his duties;

(7) Falsifying, failing to maintain, or failing to provide records, application information, or other documentation required by these Rules;

(8) Selling, offering for sale, or distributing citrus budwood that is falsely alleged to be certified, from a foundation block, or from a certified increase block;

(9) Making false claims that citrus trees originated from certified budwood, designated foundation block, or certified increase block with the intention to sell, offer for sale, or distribute the citrus trees;

(10) Moving, planting, or distributing any citrus plant under a Stop-Sale Notice and Hold Order;

(11) Using citrus budwood that is not certified to propagate citrus trees except as provided in these Rules;

(12) Failing to maintain or provide, upon request, records for inspection; and

(13) Failing to comply with any order issued or rule adopted by the Department under these Rules.

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.13
Authority: O.C.G.A. § 2-7-1 et. seq.
History. Original Rule entitled "Unlawful Acts" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Rule 40-4-26-.14. Enforcement and Penalties.

(1) Any person violating any provision of these Rules shall be guilty of a misdemeanor.

(2) Any foundation block status, citrus increase block certification, budwood certification, citrus nursery stock certification, or Live Plant License may be revoked or suspended by the Department for any violation of these Rules.

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.14
Authority: O.C.G.A. § 2-7-1 et. seq.
History. Original Rule entitled "Enforcement and Penalties" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Chapter 40-5. COMMERCIAL FEEDING STUFFS.

Subject 40-5-1. DEFINITIONS.

Rule 40-5-1-.01. Definitions and Terms.

(1) The names and definitions for commercial feeds shall be the Official Definitions of Feed Ingredients adopted by the Association of American Feed Control Officials (AAFCO), except as the Commissioner designates otherwise in specific cases.

(2) The terms used in reference to commercial feeds shall be the Official Feed Terms adopted by the AAFCO, except as the Commissioner designates otherwise in specific cases.

(3) The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of Section 2-13-1(2) of the Act: Raw meat, loose salt, hay, straw, stover, silages, cobs, and husks when unground and when not mixed or intermixed with other materials: Provided that these commodities are not adulterated within the meaning of Section 2-13-10 of the Act.

Cite as Ga. Comp. R. & Regs. R. 40-5-1-.01
Authority: Ga. L. 1972. Effective October 5, 1972; O.C.G.A. Sec. 2-13-1*et seq*.
History. Original Rule was filed on June 30, 1965.
Amended: Filed May 19, 1971; effective June 8, 1971.
Amended: Original Rule entitled "Registration" repealed and a new Rule entitled "Definitions and Terms" adopted. Filed September 15, 1972; effective October 5, 1972.
Repealed: New Rule, same title, adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.

Rule 40-5-1-.02. Adoption by Reference.

Hereinafter, the following is adopted by reference, and therefore all applicable provisions become part of this chapter:

1. Federal Food, Drug and Cosmetic Act, Title 21 United States Code Parts 321 (Only 21 USC §§ 321(f), 321(g), 321(k), 321(m), 321(s), 321(v), and 321(w)), 331 (Only 21 USC §§ 331(a) - (f) and 331(k)), 333, 334, 341, 342 (Only 21 USC §§ 342(a) - (c)), 343 (Only 21 USC §§ 343(a) - (n)), 344, 346, 346a, 348, 351, 354, 360b, 371, and 374.

2. The Code of Federal Regulations, Title 21 CFR Parts 1 (Only 21 CFR §§ 1.20-.24), 7 (Only 21 CFR §§ 7.1-7 .13 and 21 CFR §§ 7.40-7.59), 70 (Only 21 CFR §§ 70.20-70.25), 73 (Only 21 CFR §§ 73.1-73.615), 74 (Only 21 CFR §§ 74.101-706), 81, 82 (Only 21 CFR §§ 82.3-82.706), 225, 226, 500.23, 500.24, 500.29, 500.45, 500.50, 500.80-500.92, 501, 502, 507, 509, 510.301, 510.305, 558, 570 (Except 21 CFR §§ 570.6, 570.15, and 570.17), 573, 579, 582, 584, and 589.

3. The Code of Federal Regulations, Title 21 CFR Part 1 Subpart L, Subpart M, and Subpart O.

Cite as Ga. Comp. R. & Regs. R. 40-5-1-.02
Authority: O.C.G.A. § 2-13-12.

History. Original Rule entitled "Adoption by Reference" adopted. F. May 16, 2017; eff. June 5, 2017.
Amended: F. Apr. 20, 2018; eff. May 10, 2018.

Rule 40-5-1-.03. Product Sampling.

The Commissioner or his duly designated agent is authorized to collect samples of feed upon demand without charge or cost from any factory, warehouse, or establishment within this state in which commercial feeds are manufactured, processed, packed, distributed, or held for distribution and from any vehicle used to transport or hold such feeds.

Cite as Ga. Comp. R. & Regs. R. 40-5-1-.03
Authority: O.C.G.A. § 2-13-12.
History. Original Rule entitled "Product Sampling" adopted. F. May 16, 2017; eff. June 5, 2017.

Subject 40-5-2. LABELING.

Rule 40-5-2-.01. Label Format.

(1) Commercial feed, other than customer-formula feed, shall be labeled with the information prescribed in this regulation on the principal display panel of the product and in the following general format.

(a) Net Weight (may be stated in metric units in addition to the required avoirdupois units) or net content (i.e., tablets, capsules, granules, or liquids) may be stated in units of net count, volume, or weight consistent with the U.S. Fair Packaging Act.

(b) Product name and brand name if any.

(c) If a drug is used:

1. The word "medicated" shall appear directly following and below the product name in type size, no smaller than one-half the type size of the product name.

2. The purpose of medication (claim statement).

3. An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with Regulation 40-5-2-.03(5).

(d) Directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by Regulations 40-5-2-.05 appear elsewhere on the label.

(e) The guaranteed analysis of the feed as required under the provisions of Section 2-13-8(a)(3) of the Act include the following items, unless exempted in (10) of this subsection, and in the order listed:

1. Minimum percentage of crude protein.

2. Maximum or minimum percentage of equivalent protein from nonprotein nitrogen as required in Regulation 40-5-2-.03(6).

3. Minimum percentage of crude fat.

4. Maximum percentage of crude fiber.

5. Minerals, to include, in the following order:

   (i) minimum and maximum percentages of calcium (Ca),

   (ii) minimum percentage of phosphorus (P),

   (iii) minimum and maximum percentages of salt (NaCl), and

   (iv) other minerals.

6. Vitamins in such terms as specified in Regulation 40-5-2-.03(4).

7. Total sugars as invert on dried molasses products or products being sold primarily for their sugar content.

8. Viable lactic acid producing microorganisms for use in silages in terms specified in Regulation 40-5-2-.03(8).

9. Liquid feeds and liquid feed supplements shall in addition to the foregoing, be labeled to show:

   (i) The maximum percentage of moisture.

   (ii) The minimum percentage of total sugars as expressed as invert provided molasses or another source of sugar is used as the base.

10. Exemptions.

    (i) A mineral guarantee is not required when the feed or feed ingredient is not intended, or represented or does not serve as a principal source of that mineral to the animal and when the commercial feed contains less than 6½% of calcium, phosphorous, and salt (NaCl).

(ii) Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.

(iii) Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

(iv) Guarantees for microorganisms are not required when the commercial feed is intended for a purpose other than to furnish these substances or they are of minor significant relating to the primary purpose of the product, and no specific label claims are made.

(f) Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of Section 2-13-8(a)(4) of the Act.

1. The name of each ingredient as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the Association of American Feed Control Officials, common or usual name, or one approved by the Commissioner.

2. Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the Association of American Feed Control Officials in lieu of the individual ingredients; Provided that:

(i) When a collective term or a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label.

(ii) The manufacturer shall provide the feed control official, upon request, with a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing in or into the state.

(g) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state, and zip code; however the street address may be omitted if it is shown in the current city directory or telephone directory.

(h) The information required in Section 2-13-8(a)(1) - (5) of the Act must appear in its entirety on one side of the label or on one side of the container. The information required by Section 2-13-8(a)(6) - (7) of the Act shall be displayed in a prominent place on the label or container but not necessarily on the same side as the above information. When the information required by Section 2-13-8(a)(6) - (7) is placed on a different side of the label or container, it must be referenced on the front side with a statement such as "See back of label for directions for use." None of the information required by Section 2-13-8 of the Act shall be subordinated or obscured by other statements or designs.

Cite as Ga. Comp. R. & Regs. R. 40-5-2-.01
Authority: Authority O.C.G.A. Secs. 2-13-1*et seq.*, 2-13-8 *et seq.*
History. Original Rule entitled "Labeling" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Label Format" adopted. F. Sept. 15, 1972; eff. Oct. 5, 1972.
Amended: F. Nov. 12, 1982; eff. Dec. 2, 1982.
Repealed: New Rule of same title adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.
Amended: F. Dec. 27, 2007; eff. Jan. 16, 2008.

Rule 40-5-2-.02. Brand and Product Names.

(1) The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "Dairy Feed," for example, must be suitable for that purpose.

(2) Commercial, registered brand or trade names are not permitted in guarantees or ingredient listings and only in the product name of feeds produced by or for the firm holding the rights to such a name.

(3) The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture unless all components are included in the name; provided, that if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name if the ingredients or combination of ingredients is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading.

(4) The word "protein" shall not be permitted in the product name of a feed that contains added non-protein nitrogen.

(5) When the name carries a percentage value, it shall be understood to signify protein and/or equivalent protein content only, even though it may not explicitly modify the percentage

with the word "protein"; provided, that other percentage values may be permitted if they are followed by the proper description and conform to good labeling practice. Digital numbers shall not be used in such a manner as to be misleading or confusing to the customer.

(6) Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients as recognized by the Association of American Feed Control Officials unless the Commissioner designates otherwise.

(7) The word "vitamin", or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in Regulation 40-5-2-.03(4).

(8) The term "mineralized" shall not be used in the name of a feed except for "TRACE MINERALIZED SALT". When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

(9) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-product are made from cattle, swine, sheep and goats.

(10) If the commercial feed consists of raw milk, the words, "Raw (blank) Milk" shall appear conspicuously on the principal display panel. (Blank is to be completed by using the species of animal from which the raw milk is collected.)

Cite as Ga. Comp. R. & Regs. R. 40-5-2-.02
Authority: Authority O.C.G.A. Secs. 2-13-1*et seq.*, 2-13-8 *et seq.*
History. Original Rule entitled "Brand and Product Names" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Sept. 15, 1972; eff. Oct. 5, 1972.
Repealed: New Rule of same title adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.
Amended: F. Dec. 27, 2007; eff. Jan. 16, 2008.

Rule 40-5-2-.03. Expression of Guarantees.

(1) The guarantees for crude protein, equivalent protein from non-protein nitrogen, crude fat, crude fiber and mineral guarantees (when required) will be in terms of percentage, provided that for products labeled for net content (i.e., tablets, capsules, granules, or liquids), mineral guarantees in milligrams (mg) relative to units consistent with those employed for the net content may be employed.

(2) Commercial feeds containing 6.5% or more Calcium, Phosphorus, and Salt shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca), the minimum percentage of phosphorus (P), and if salt is added, the minimum and maximum percentage of salt (NaCl). Minerals, except salt (NaCl), shall be guaranteed in terms of

percentage of the element. When calcium and/or salt guarantees are given in the guaranteed analysis such shall be stated and conform to the following.

(a) When the minimum is 5.0% or less, the maximum shall not exceed the minimum by more than one percentage point.

(b) When the minimum is above 5.0%, the maximum shall not exceed the minimum by more than 20% and in no case shall the maximum exceed the minimum by more than 5 percentage points.

(3) When required, guarantees for minimum potassium, magnesium, sulfur and maximum fluoride shall be stated in terms of percentage. Other minimum mineral guarantees shall be stated in parts per million (ppm) when the concentration is less than 10,000 ppm and in percentage when the concentration is 10,000 ppm (1%) or greater.

(4) Guarantees for minimum vitamin content of commercial feeds shall be listed in the order specified and are stated in mg/lb or for those labeled by net content, in units consistent with those employed for the net content, unless otherwise specified:

(a) Vitamin A, other than precursors of vitamin A, in International Units per pound.

(b) Vitamin D-3 in products offered for poultry feeding, in International Chick Units per pound.

(c) Vitamin D for other uses, International Units per pound.

(d) Vitamin E, in International Units per pound.

(e) Concentrated oils and feed additive premixes containing vitamins A, D and/or E may at the option of the distributor be stated in units per gram instead of units per pound.

(f) Vitamin B-12, in milligrams or micrograms per pound.

(g) All other vitamin guarantees shall express the vitamin activity in milligrams per pound in terms of the following: menadione; riboflavin; d-pantothenic acid; thiamine; niacin; vitamin B-6; folic acid, choline, biotin, inositol; p-amino benzoic acid; ascorbic acid; and carotene.

(5) Guarantees for drugs shall be stated in terms of percent by weight except:

(a) Antibiotics, present at less than 2,000 grams per ton (total) of commercial feed shall be stated in grams per ton of commercial feed.

(b) Antibiotics present at 2,000 or more grams per ton (total) of commercial feed, shall be stated in grams per pound of commercial feed.

(c) The term "milligrams per pound" may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.

(6) Commercial feeds containing any added non-protein nitrogen shall be labeled as follows:

(a) For ruminants.

1. Complete feeds, supplements, and concentrates containing added non-protein nitrogen and containing more than 5% protein from natural sources shall be guaranteed as follows:

   Crude Protein, Minimum, _____%

   (This includes not more than _____% equivalent protein from non-protein nitrogen).

2. Mixed feed concentrates and supplements containing less than 5% protein from natural sources may be guaranteed as follows:

   Equivalent Crude Protein from Non-Protein Nitrogen, minimum, _____%.

3. Ingredient sources of non-protein nitrogen such as Urea, DiAmmonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls, or other basic non-protein nitrogen ingredients defined by the Association of American Feed Control Officials shall be guaranteed as follows:

   Nitrogen, minimum, _____%

   Equivalent Crude Protein from Non-Protein Nitrogen, minimum, _____%

(b) For non-ruminants.

1. Complete feeds, supplements and concentrates containing crude protein from all forms of non-protein nitrogen, added as such, shall be labeled as follows:

   Crude protein, minimum _____%

   (This includes not more than _____% equivalent crude protein which is not nutritionally available to (species of animal for which feed is intended).

2. Premixes, concentrates or supplements intended for non-ruminants containing more than 1.25% equivalent crude protein from all forms of non-

protein nitrogen, added as such, must contain adequate directions for use and a prominent statement:

WARNING: This feed must be used only in accordance with directions furnished on the label.

(7) Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.

(8) Guarantees for microorganisms shall be stated in colony forming units per gram (CFU/g) when directions are for using the product in grams, or in colony forming units per pound (CFU/lb) when directions are for using the product in pounds. A parenthetical statement following the guarantee shall list each species in order of predominance.

Cite as Ga. Comp. R. & Regs. R. 40-5-2-.03
Authority: Authority O.C.G.A. Secs. 2-13-1*et seq.*, 2-13-8 *et seq.*
History. Original Rule entitled "Definitions, Sampling and Analysis" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Expression of Guarantees" adopted. F. Sept. 15, 1972; eff. Oct. 5, 1972.
Repealed: New Rule of same title adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.
Amended: F. Dec. 27, 2007; eff. Jan. 16, 2008.

Rule 40-5-2-.04. Ingredients.

(1) The name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be the name as defined in the Official Definitions of Feed Ingredients as published in the Official Publication of the Association of American Feed Control Officials, the common or usual name, or one approved by the Commissioner.

(2) The name of each ingredient must be shown in letters or type of the same size.

(3) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(4) The term "dehydrated" may precede the name of any product that has been artificially dried.

(5) A single ingredient product defined by the Association of American Feed Control Officials is not required to have an ingredient statement.

(6) Tentative definitions for ingredients shall not be used until adopted as official, unless no official definition exists or the ingredient has a common accepted name that requires no definition, (e.g., sugar).

(7) When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine, uniformly distributed.

Cite as Ga. Comp. R. & Regs. R. 40-5-2-.04
Authority: Authority O.C.G.A. Secs. 2-13-1*et seq.*, 2-13-8 *et seq.*
History. Original Rule entitled "Ingredients" adopted. F. Sept. 15, 1972; eff. Oct. 5, 1972.
Repealed: New Rule of same title adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.
Amended: F. Dec. 27, 2007; eff. Jan. 16, 2008.

Rule 40-5-2-.05. Directions for Use and Precautionary Statements.

(1) Directions for use and precautionary statements on labeling of all commercial feeds and customer-formula feeds containing additives (including drugs, special purpose additives, or non-nutritive additives) shall:

(a) Be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and

(b) Include, but not be limited to, all information described by all applicable regulations under the Federal Food, Drug and Cosmetic Act.

(2) Adequate directions for use and precautionary statements are required for feeds containing non-protein nitrogen as specified in Regulation 40-5-3.

(3) Adequate directions for use and precautionary statements necessary for safe and effective use are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

(4) Raw milk distributed as commercial feed shall bear the following statements in letters equal to those of the largest size found on the container: NOT FOR HUMAN CONSUMPTION - THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA.

Cite as Ga. Comp. R. & Regs. R. 40-5-2-.05
Authority: Authority O.C.G.A. Secs. 2-13-1*et seq.*, 2-13-8 *et seq.*
History. Original Rule entitled "Directions for Use and Precautionary Statements" adopted. F. Sept. 15, 1972; eff. Oct. 5, 1972.
Repealed: New Rule of same title adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.
Amended: F. Dec. 27, 2007; eff. Jan. 16, 2008.

Subject 40-5-3. NON-PROTEIN NITROGEN.

Rule 40-5-3-.01. Non-Protein Nitrogen.

(1) Urea and other non-protein nitrogen products defined in the Official Publication of the Association of American Feed Control Officials are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein. If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of non-protein nitrogen, added as such, or the equivalent crude protein from all forms of non-protein nitrogen, added as such, exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement: "CAUTION: USE AS DIRECTED." The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

(2) Non-protein nitrogen defined in the Official Publication of the Association of American Feed Control Officials, when so indicated, are acceptable ingredients in commercial feeds distributed to non-ruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from non-protein nitrogen sources when used in non-ruminant rations shall not exceed 1.25% of the total daily ration.

(3) On labels such as those for medicated feeds which bear adequate feeding directions and/or warning statements, the presence of added non-protein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product due to the presence of non-protein nitrogen.

Cite as Ga. Comp. R. & Regs. R. 40-5-3-.01
Authority: Ga. L. 1972. Effective October 5, 1972; O.C.G.A. Sec. 2-13-1*et seq.*
History. Original Rule was filed on June 30, 1965.
Amended: Filed May 19, 1971; effective June 8, 1971.
Amended: Original Rule entitled "Ingredients" repealed and a new Rule entitled "Non-Protein Nitrogen" adopted. Filed September 15, 1972; effective October 5, 1972.
Repealed: New Rule, same title, adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.

Subject 40-5-4. DRUG AND FEED ADDITIVES.

Rule 40-5-4-.01. Drug and Feed Additives.

(1) Prior to approval of the label for commercial feed which contain additives (including drugs, other special purpose additives, or non-nutritive additives) the distributor may be required to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the label.

(2) Satisfactory evidence of safety and efficacy of a commercial feed may be:

(a) When the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in the most current Code of Federal

Regulations, Title 21, or which are "prior sanctioned" or "informal review sanctioned" or "generally recognized as safe" for such use, or

(b) When the commercial feed is itself a drug as defined in Section 2-13-1(6) of the Act and is generally recognize d as safe and effective for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Title 21 U.S.C. 360(b), or

(c) When one of the purposes for feeding a commercial feed is to impart immunity (that is to act through some immunological process) the constituents imparting immunity have been approved for the purpose through the Federal Virus, Serum and Toxins Act of 1913, as amended, or

(d) When the commercial feed is a direct fed microbial product and:

1. The product meets the particular fermentation product definition; and

2. The microbial content statement, as expressed in the labeling, is limited to the following: "Contains a source of live (viable) naturally occurring microorganisms." This statement shall appear on the label; and

3. The source is stated with a corresponding guarantee expressed in accordance with Regulation 40-5-2-.03(7).

Cite as Ga. Comp. R. & Regs. R. 40-5-4-.01
Authority: Ga. L. 1972. Effective October 5, 1972; O.C.G.A. Sec. 2-13-1*et seq*.
History. Original Rule was filed on June 30, 1965.
Amended: Original Rule entitled "Drugs, Etc." repealed and a new Rule entitled "Drug and Feed Activities" adopted. Filed September 15, 1972; effective October 5, 1972.
Repealed: New Rule, same title, adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.

Subject 40-5-5. LICENSING AND REGISTRATION.

Rule 40-5-5-.01. Commercial Feed License; Exemptions.

The following persons are required to obtain a Commercial Feed License before distributing commercial feed in this state:

(a) Any person who manufactures a commercial feed (including customer-formula feed) in this state;

(b) Any person whose name appears on the label of commercial feed (guarantor) in this state;

(c) Any distributor of commercial feed in this state, provided that no commercial feed license shall be required for distributors distributing only:

1. Packaged commercial feed in the original packages or containers of a licensed manufacturer, guarantor, or distributor as packaged and labeled by the manufacturer, guarantor, or distributor and whose name and address appear on the label as required under Section 2-13-8 of the Act, or

2. Bulk commercial feed in the form received from a licensee and labeled as required under Section 2-13-8 of The Act with label information furnished by such licensee, except for the net weight statement.

Cite as Ga. Comp. R. & Regs. R. 40-5-5-.01
Authority: Ga. L. 1972, O.C.G.A. Sec. 2-13-1*et seq.*
History. Original Rule entitled "Expression Guarantees" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Change of Registrations" adopted. Filed September 15, 1972; effective October 5, 1972.
Repealed: New Rule entitled "Commercial Feed License; Exemptions" adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.

Rule 40-5-5-.02. Commercial Feed License Fees.

The license fee shall be based upon the tonnage (rounded off to nearest whole ton), of commercial feed distributed by the licensee in the previous calendar year ending December 31, and a penalty if received after the due date of January 31, as prescribed in the following schedule:

Schedule of Fees and Penalty

Tonnage	Jan. 31	Feb. 29	March 31	April 1
0 - 2500	$75	$90	$105	$150
2501-5000	$200	$240	$280	$400
5001-10000	$400	$480	$560	$800
10001-15000	$600	$720	$840	$1,200
15001-20000	$800	$960	$1,120	$1,600
20001-25000	$1,000	$1,200	$1,400	$2,000
25001-30000	$1,200	$1,440	$1,680	$2,400
30001-35000	$1,500	$1,800	$2,100	$3,000
35001 or more	$2,000	$2,400	$2,800	$4,000

Cite as Ga. Comp. R. & Regs. R. 40-5-5-.02
Authority: Ga. L. 1972, House Bill 467; O.C.G.A. Sec. 2-13-1*et seq.*
History. Original Rule entitled "Minimum Standards" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. May 19, 1971; eff. June 8, 1971.
Repealed: F. Sept. 15, 1972; eff. Oct. 5, 1972.
Amended: New Rule entitled "Commercial Feed License Fees" adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.

Amended: F. June 21, 2010; eff. July 11, 2010.

Rule 40-5-5-.03. Registration Fees.

All pet food and specialty pet food in packages often pounds or less must be registered by a licensee, before they are distributed in this state. The registration fee shall be $40 per product, provided that if registration fees for renewal of registrations are received after January 31, there shall be a penalty as prescribed in the following schedule:

Registration Fees and Penalty

Date fee received	Fees
by January 31	$40
Feb. 1 - Feb. 29	$55
Mar. 1 - Mar. 31	$70
April 1 or later	$80

Cite as Ga. Comp. R. & Regs. R. 40-5-5-.03
Authority: Ga. L. 1972, House Bill 467; O.C.G.A. Sec. 2-13-1*et seq*.
History. Original Rule entitled "Statements for Uniform Interpretation and Policy" adopted. F. and eff. June 30, 1965.
Repealed: F. Sept. 15, 1972; eff. Oct. 5, 1972.
Amended: New Rule entitled "Registration Fees" adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.
Amended: F. June 21, 2010; eff. July 11, 2010.

Subject 40-5-6. ADULTERANTS.

Rule 40-5-6-.01. Adulterants.

(1) For the purpose of Section 2-13-10(1) of the Act, the terms "poisonous or deleterious substance" include but are not limited to the following:

(a) Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceeds 0.20% for breeding and dairy cattle; 0.30% for slaughter cattle; 0.30% for sheep; 0.35% for lambs; 0.45% for swine; and 0.60% for poultry.

(b) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts: 0.004% for breeding and dairy cattle; 0.009% for slaughter cattle; 0.006% for sheep; 0.01% for lambs; 0.015% for swine and 0.03% for poultry.

(c) Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain,

that results in a daily fluorine intake in excess of 50 milligrams of Fluorine per 100 pounds of body weight.

(d) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinated solvents.

(e) Sulfur dioxide, Sulfurous acid, and salts of Sulfurous acid when used in or on feeds or feed ingredients which are considered or reported to be a significant source of vitamin B1 (Thiamine).

(2) All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no viable noxious weed seeds as listed in the Noxious Weed List of the Georgia Seed Law and its Rules and Regulations.

Cite as Ga. Comp. R. & Regs. R. 40-5-6-.01
Authority: Ga. L. 1972. Effective October 5, 1972; O.C.G.A. Sec. 2-13-1*et seq.*
History. Original Rule was filed on September 15, 1972; effective October 5, 1972.
Repealed: New Rule, same title, adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.

Subject 40-5-7. GOOD MANUFACTURING PRACTICES.

Rule 40-5-7-.01. Good Manufacturing Practices.

For the purposes of enforcement of Section 2-13-10(8) of the Act the Commissioner adopts the following as current good manufacturing practices:

(a) The regulations prescribing good manufacturing practices for Type B and Type C medicated feeds as published in the most current Code of Federal Regulations, Title 21, Part 225, Sections 225.1-225.202.

(b) The regulations prescribing good manufacturing practices for Type A Medicated Articles as published in the most current Code of Federal Regulations, Title 21, Part 226, Sections 226.1-226.115.

Cite as Ga. Comp. R. & Regs. R. 40-5-7-.01
Authority: Ga. L. 1972. Effective October 5, 1972; O.C.G.A. Sec. 2-13-1*et seq.*
History. Original Rule entitled "Good Manufacturing Practices" was filed on September 15, 1972; effective October 5, 1972.
Repealed: New Rule, same title, adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.

Subject 40-5-8. PET FOOD REGULATIONS.

Rule 40-5-8-.01. Definitions and Terms.

(1) PRINCIPAL DISPLAY PANEL means the part of a label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale.

(2) INGREDIENT STATEMENT means a collective and contiguous listing on the label of the ingredients of which the pet food is composed.

(3) IMMEDIATE CONTAINER means the unit, can, box, tin, bag, or other receptacle or covering in which a pet food is displayed for sale to retail purchasers, but does not include containers used as shipping containers.

Cite as Ga. Comp. R. & Regs. R. 40-5-8-.01
Authority: O.C.G.A. Secs. 2-13-1*et seq.*, 2-13-8 *et seq.*
History. Original Rule entitled "Minimum Standards" adopted. F. Sept. 15, 1972; eff. Oct. 5, 1972.
Repealed: New Rule entitled "Definitions and Terms" adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.
Amended: F. Dec. 27, 2007; eff. Jan. 16, 2008.

Rule 40-5-8-.02. Label Format and Labeling.

(1) The statement of net content and product name must be shown on the principal display panel. All other required information may be placed elsewhere on the label but shall be sufficiently conspicuous as to render it easily read by the average purchaser under ordinary conditions of purchase and sale.

(2) The declaration of the net content shall be made in conformity with the United States "Fair Packaging and Labeling Act" and the regulations promulgated thereunder.

(3) The information which is required to appear in the "Guaranteed Analysis" shall be listed in the following order:

   (a) Crude protein (Minimum Percentage);

   (b) Crude fat (Minimum Percentage);

   (c) Crude fiber (Maximum Percentage);

   (d) Moisture (Maximum Percentage); (Additional guarantees shall follow Moisture.)

(4) The label of a pet food shall specify the name and address of the manufacturer, packer, or distributor of the pet food. The statement of the place of business should include the street address, if any, of such place unless such street address is shown in a current city directory or telephone directory.

(5) If a person manufactures, packages, or distributes a pet food in a place other than his principal place of business, the label may state the principle place of business in lieu of the actual place where each package of such pet food was manufactured or packaged or is to be distributed, if such statement is not misleading in any particular.

(6) A vignette, graphic, or pictorial representation of a product on a pet food label shall not misrepresent the contents of the package.

(7) The use of the word "proven" in connection with label claims for a pet food is improper unless scientific or other empirical evidence establishing the claim represented as "proven" is available.

(8) No statement shall appear upon the label of a pet food which makes false or misleading comparisons between that pet food and any other pet food.

(9) Personal or commercial endorsements are permitted on pet food labels where said endorsements are factual and not otherwise misleading.

(10) When a pet food is enclosed in any outer container or wrapper which is intended for retail sale, all required label information must appear on such outside container or wrapper.

(11) The words "Dog Food", "Cat Food", or similar designations must appear conspicuously upon the principal display panels of the pet food labels.

(12) The label of a pet food shall not contain an unqualified representation or claim, directly or indirectly, that the pet food therein contained or a recommended feeding thereof, is or meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats unless such product or feeding:

(a) Contains ingredients in quantities sufficient to provide the estimated nutrient requirements for all stages of the life of a dog or cat, as the case may be, which have been established by a recognized authority on animal nutrition. To the extent that the product's ingredients provide nutrients in amounts which substantially deviate from those nutrient requirements estimated by such a recognized authority on animal nutrition, or in the event that no estimation has been made by a recognized authority on animal nutrition of the requirements of animals for one or more states of said animals' lives, the product's represented capabilities in this regard must have been demonstrated by adequate testing or

(b) Contains a combination of ingredients which when fed to a normal animal as the only source of nourishment will provide satisfactorily for fertility of females, gestation and lactation, normal growth from weaning to maturity without supplemental feeding, and will maintain the normal weight of an adult animal whether working or at rest and has had its capabilities in this regard demonstrated by adequate testing.

(13) Labels for products which are compounded for or which are suitable for only a limited purpose (i.e., a product designed for the feeding of puppies) may contain representations that said pet food product or recommended feeding thereof, is or meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats only:

(a) In conjunction with a statement of a limited purpose for which the product is intended or suitable (as, for example, in the statement of a complete food for puppies). Such representations and such required qualification therefore shall be juxtaposed on the same panel and in the same size, style and color print; and

(b) Such qualified representations may appear on pet food labels only if:

1. The pet food contains ingredients in quantities sufficient to satisfy the estimated nutrient requirements established by a recognized authority on animal nutrition, for such limited or qualified purpose; or

2. The pet food product contains a combination of ingredients which when fed for such limited purpose will satisfy the nutrient requirements for such limited purpose and has had its capabilities in this regard demonstrated by adequate testing.

(14) Except as specified by Regulation 40-5-8-.03(1), the name of any ingredient which appears on the label other than in the product name shall not be given undue emphasis so as to create the impression that such an ingredient is present in the product in a larger amount than is the fact, shall constitute at least 3% of the total ingredients (exclusive of water sufficient for processing) when preceded by the designation "with" or like term, shall be in the same size, style and color print and if the names of more than one such ingredient are shown, they shall appear in the order of their respective predominance by weight in the product.

(15) The label of a dog or cat food [other than one prominently identified as a snack or treat as part of the designation required upon the principal display panel under Regulation 40-5-8-.02(11)] shall bear, on either the principal display panel or the information panel (as those terms are defined in 21 C.F.R. 501.1 and 501.2 respectively), in type of a size reasonably related to the largest type on the panel, a statement of the nutritional adequacy or purpose of the product. Such statement shall consist of one of the following:

(a) A claim that the pet food meets or exceeds the requirements of one or more of the recognized categories of nutritional adequacy: gestation, lactation, growth, maintenance, and complete for all life stages, as those categories are set forth in Regulations 40-5-8-.02(12) and (13).

(b) A nutrition or dietary claim for purposes other than those listed in Regulations 40-5-8-.02(12) and (13) if the claim is scientifically substantiated.

(c) The statement: "this product is intended for intermittent or supplemental feeding only," if a product does not meet either the requirements of Regulations 40-5-8-.02(12) and (13) or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

(d) The statement: "Use only as directed by your veterinarian", if it is a pet food product intended for use by, or under the supervision or direction of a veterinarian and shall make a statement in accordance with subparagraphs (15)(a) or (15)(c).

(16) The use of claims on pet food labels stating improvement or newness shall be sufficiently substantiated by the manufacturer and limited to six months production. The use of claims stating preference or comparative attribute claims shall be sufficiently substantiated by the manufacturer and limited to one (1) year production after which the claim must be removed or resubstantiated.

(17) Dog and cat foods labeled as complete and balanced for any or all life's stages as provided in 40-5-8-.02(15)(a) except those pet foods labeled in accordance with Section 40-5-8-.02(15)(d) shall list feeding directions on the product label. These directions shall be expressed in common terms and shall appear prominently on the label. Feeding directions shall, at a minimum state "Feed (weight/unit of product) per (weight unit) of dog (or cat)".

(18) Raw milk distributed as pet food or specialty pet food shall bear the following statements in letters equal to those of the largest size found on the container: NOT FOR HUMAN CONSUMPTION - THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA.

Cite as Ga. Comp. R. & Regs. R. 40-5-8-.02
Authority: Authority O.C.G.A. Secs. 2-13-1*et seq.*, 2-13-8 *et seq.*
History. Original Rule entitled "Label Format and Labeling" adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.
Amended: F. Dec. 27, 2007; eff. Jan. 16, 2008.

Rule 40-5-8-.03. Brand and Product Names.

(1) Any flavor designation on a pet food label must either conform to the name of its source as shown in the ingredient statement or the ingredient statement shall show the source of the flavor. The word flavor shall be printed in the same size type and with an equal degree of conspicuousness as the ingredient term(s) from which the flavor designation is derived. Distributors of pet food employing such flavor designation or claims on the labels of the product distributed by them shall, upon request, supply verification of the designated or claimed flavor to the appropriate control official.

(2) The designation "100%" or "All" or words of similar connotation shall not be used in the brand or product name of a pet food if it contains more than one ingredient. However, for the purpose of this provision, water sufficient for processing, required decharacterizing agents and trace amounts of preservatives and condiments shall not be considered ingredients.

(3) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products are derived unless the meat and meat by-products are from cattle, swine, sheep and goats. For example, "horsemeat" and "horsemeat by-products".

(4) The name of the pet food shall not be derived from one or more ingredients of a mixture of a pet food product unless all components or ingredients are included in the name except as specified by Regulations 40-5-8-.03(1), (6) or (7): provided that the name of an ingredient or combination of ingredients may be used as a part of the product name if:

(a) The ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product or its present in amounts which have a material bearing upon the price of the product or upon acceptance of the product by the purchaser thereof; or

(b) It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; or

(c) It is not otherwise false or misleading.

(5) When an ingredient or a combination of ingredients derived from animals, poultry, or fish constitutes 95% or more of the total weight of all ingredients of a pet food mixture, the name or names of such ingredient(s) may form a part of the product name of the pet food; provided that where more then one ingredient is part of such product name, then all such ingredient names shall be in the same size, style, and color print. For the purpose of this provision, water sufficient for processing shall be excluded when calculating the percentage of the named ingredient(s). However, such named ingredient(s) shall constitute at least 70% of the total product.

(6) When an ingredient or a combination of ingredients constitutes at least 25% but less than 95% of the total weight of all ingredients of a dog or cat food mixture, the name or names of such ingredient or ingredients may form a part of the product name of the pet food if each of the ingredients constitute at least 3% of the product weight excluding water used for processing and only if the product name also includes a primary descriptive term such as "dinner", "platter", or similar designation so that the product name describes the contents of the product in accordance with an established law, custom or usage or so that the product name is not misleading. If the names of more than one such ingredient are shown, they shall appear in the order of their respective predominance by weight in the product. All such ingredient names and the primary descriptive term shall be in the same size, style and color print. For the purpose of this provision, water sufficient for

processing shall be excluded when calculating the percentage of the named ingredient(s). However, such named ingredient(s) shall constitute at least 10% of the total product.

(7) Contractions or coined names referring to ingredients shall not be used in the brand name of a pet food unless it is in compliance with Regulations 40-5-8-.03(1), (4), (5), or (6).

(8) When pet food and specialty pet food consists of raw milk, the words, "Raw (blank) Milk" shall appear conspicuously on the principal display panel. (Blank is to be completed by using the species of animal from which the raw milk is collected.)

Cite as Ga. Comp. R. & Regs. R. 40-5-8-.03
Authority: Authority O.C.G.A. Sec. 2-13-1*et seq.*, 2-13-8 *et seq.*
History. Original Rule entitled "Brand and Product Names" adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.
Amended: F. Dec. 27, 2007; eff. Jan. 16, 2008.

Rule 40-5-8-.04. Expression of Guarantees.

(1) The sliding scale method of expressing a guaranteed analysis (for example, "protein 15-18%") is prohibited.

(2) Pursuant to Section 2-13-8(a)- (3) of the Act, the label of a pet food which is formulated as and represented to be a mineral supplement, shall include in the guaranteed analysis the minimum and maximum percentages of calcium, the minimum percentage of phosphorus and the minimum and maximum percentages of salt For products labeled by net content as stated in 40-5-2-.01(1)(a), guaranteed analysis may be expressed in mg per unit, consistent with those employed for the net content as provided in 40-5-2-.03(1). The minimum content of all other essential nutrient elements recognized by the AAFCO Dog or Cat Food Nutrient Profile or other recognized nutrient profile from sources declared in the ingredient statement shall be expressed as the element in units specified in the recognized nutrient profile.

(3) The label of a pet food which is formulated as and represented to be a vitamin supplement shall include a guarantee of the minimum content of each vitamin declared in the ingredient statement.

(4) Vitamins guaranteed on pet foods shall be stated in International Units per kilogram (IU/kg) for vitamins A, D, and E. All other vitamins shall be stated in milligrams per kilogram (mg/kg) except vitamin B_{12} which may be guaranteed in micrograms per kilogram (mcg/kg).

(5) The vitamin potency of pet food products distributed in containers smaller than 1 lb. may be guaranteed in International Units (IU) per kilogram of weight for vitamins A, D, and E or if labeled by net content as stated in 40-5-2-.01(1)(a) may be guaranteed in approved units per ounce or per unit consistent with those employed for the net content as stated in 40-5-2-.03(4). All other vitamins may be guaranteed in milligrams per kilogram of weight

(mg/kg) except vitamin B_{12} which may be guaranteed in micrograms per kilogram (mcg/kg).

(6) If the label of a pet food does not represent the pet food to be either a vitamin or a mineral supplement, but does include a table of comparison of a typical analysis of the vitamin, mineral, or nutrient content of the pet food with levels recommended by a recognized animal nutrition authority, such comparison may be stated in the units of measurement used by the recognized authority on animal nutrition such as the AAFCO Dog or Cat Food Nutrient Profile. The statement in a table of comparison of the vitamin, mineral, or nutrient content shall constitute a guarantee, but need not be repeated in the guaranteed analysis. Such table of comparison may appear on the label separate and apart from the guaranteed analysis.

(7) The use of percentages or words of similar import when referring to nutrient levels established by the AAFCO Dog or Cat Food Nutrient Profile or other recognized nutrient profile shall not be permitted on pet food labels, except that such direct comparisons in whole or part of the individual nutrient contents of a pet food with those recommended by the recognized nutrient profile may be made where the comparisons are expressed in the same quantitative units as those used by the cited nutrient profile, and

(a) The product in question meets the nutrient profile recommended by the authority, and

(b) The comparison is preceded by a statement to that effect.

Cite as Ga. Comp. R. & Regs. R. 40-5-8-.04
Authority: Authority O.C.G.A. Secs. 2-13-1*et seq.*, 2-13-8 *et seq.*
History. Original Rule entitled "Expression of Guarantees" adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.
Amended: F. Dec. 27, 2007; eff. Jan. 16, 2008.

Rule 40-5-8-.05. Ingredients.

(1) The maximum moisture in all pet foods shall be guaranteed and shall not exceed 78% or the natural moisture content of the constituent ingredients of the product, whichever is greater. Pet foods such as those consisting principally of stew, gravy, sauce, broth, juice or a milk replacer which are so labeled, may contain moisture in excess of 78%.

(2) Each ingredient of the pet food shall be listed in the ingredient statement, and names of all ingredients in the ingredient statement must be shown in letters or type of the same size. The failure to list the ingredients of a pet food in descending order by their predominance by weight in non-quantitative terms may be misleading. Any ingredient for which the Association of American Feed Control Officials has established a name and definition shall be identified by the name so established. Any ingredient for which no name and definition has been so established shall be identified by the common or usual

name of the ingredient. Brand or trade names shall not be used in the ingredient statement.

(3) The term "dehydrated" may precede the name of any ingredient in the ingredient list that has been artificially dried.

(4) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a pet food.

(5) A reference to the quality, nature, form, or other attribute of an ingredient shall not be made unless such designation is accurate and unless the ingredient imparts a distinctive characteristic to the pet food because it possesses that attribute.

Cite as Ga. Comp. R. & Regs. R. 40-5-8-.05
Authority: O.C.G.A. Sec. 2-13-1*et seq.*, 2-13-8 *et seq.*
History. Original Rule entitled "Ingredients" adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.
Amended: F. Dec. 27, 2007; eff. Jan. 16, 2008.

Rule 40-5-8-.06. Drugs and Pet Food Additives.

(1) An artificial color may be used in a pet food only if it has been shown to be harmless to pets. The permanent or provisional listing of an artificial color in the United States Food and Drug Regulations as safe for use, together with the conditions, limitations, and tolerances, if any, incorporated therein, shall be deemed to be satisfactory evidence that the color is, when used pursuant to such regulations, harmless to pets.

(2) Prior to approval of a registration application and/or approval of a label for pet food, which contains additives, (including drugs, other special purpose additives, or non-nutritive additives) the distributor may be required to submit evidence to prove the safety and efficacy of the pet food, when used according to directions furnished on the label. Satisfactory evidence of the safety and efficacy of a pet food may be:

(a) When the pet food contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21, or which are "prior sanctioned" or "Generally Recognized as Safe" for such use; or

(b) When the pet food itself is a drug as defined in Section 2-13-1(6) of the Act and is generally recognized as safe and effective for label use or is marketed subject to an application approved by the Food and Drug Administration under 21 U.S.C. Part 558 entitled New Animal Drugs for Use in Animal Feeds.

(3) The medicated labeling format recommended by the Association of American Feed Control Officials shall be used to assure that adequate labeling is provided.

Cite as Ga. Comp. R. & Regs. R. 40-5-8-.06
Authority: O.C.G.A. § 2-13-1 et. seq.
History. Original Rule entitled "Drugs and Pet Food Additives" adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.
Amended: F. Dec. 27, 2007; eff. Jan. 16, 2008.
Amended: F. Apr. 20, 2018; eff. May 10, 2018.

Subject 40-5-9. ANALYTICAL VARIATIONS.

Rule 40-5-9-.01. Analytical Variations.

The Analytical Variations (AV) used to determine whether the analysis of an official feed sample is out of compliance, shall be those adopted by the Association of American Feed Control Officials, Inc. (AAFCO), as published in the Official Publication.

Cite as Ga. Comp. R. & Regs. R. 40-5-9-.01
Authority: Authority O.C.G.A. Secs. 2-13-1*et seq.*, 2-13-8 *et seq.*
History. Original Rule entitled "Definitions and Terms" adopted. F. Sept. 15, 1972; eff. Oct. 5, 1972.
Repealed: New Rule entitled "Analytical Variations" adopted. F. Oct. 20, 1992; eff. Nov. 9, 1992.
Amended: F. Dec. 27, 2007; eff. Jan. 16, 2008.

Rule 40-5-9-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-5-9-.02
Authority: Authority O.C.G.A. Sec. 2-13-1*et seq.*
History. Original Rule entitled "Label Format and Labeling" adopted. F. Sept. 15, 1972; eff. Oct. 5, 1972.
Repealed: F. Oct. 20, 1992; eff. Nov. 9, 1992.

Rule 40-5-9-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-5-9-.03
Authority: Authority O.C.G.A. Sec. 2-13-1*et seq.*
History. Original Rule entitled "Brand and Product Names" adopted. F. Sept. 15, 1972; eff. Oct. 5, 1972.
Repealed: F. Oct. 20, 1992; eff. Nov. 9, 1992.

Rule 40-5-9-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-5-9-.04
Authority: Authority O.C.G.A. Sec. 2-13-1*et seq.*
History. Original Rule entitled "Expression of Guarantees" adopted. F. Sept. 15, 1972; eff. Oct. 5, 1972.
Repealed: F. Oct. 20, 1992; eff. Nov. 9, 1992.

Rule 40-5-9-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-5-9-.05
Authority: Authority O.C.G.A. Sec. 2-13-1*et seq*.
History. Original Rule entitled "Ingredients" adopted. F. Sept. 15, 1972; eff. Oct. 5, 1972.
Repealed: F. Oct. 20, 1992; eff. Nov. 9, 1992.

Rule 40-5-9-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-5-9-.06
Authority: Authority O.C.G.A. Sec. 2-13-1*et seq*.
History. Original Rule entitled "Directions for Use" adopted. F. Sept. 15, 1972; eff. Oct. 5, 1972.
Repealed: F. Oct. 20, 1992; eff. Nov. 9, 1992.

Rule 40-5-9-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-5-9-.07
Authority: Authority O.C.G.A. Sec. 2-13-1*et seq*.
History. Original Rule entitled "Drugs and Additives" adopted. F. Sept. 15, 1972; eff. Oct. 5, 1972.
Repealed: F. Oct. 20, 1992; eff. Nov. 9, 1992.

Chapter 40-6. FERTILIZER.

Subject 40-6-1. DEFINITIONS.

Rule 40-6-1-.01. Definitions.

(1) Definitions applying to fertilizers and fertilizer materials and other products containing plant nutrients shall be those defined in O.C.G.A. 2-12-1, the Georgia Fertilizer Act of 1997, those contained in Official Publication Number 50 of the Association of American Plant Food Control Officials (AAPFCO), and the following:

(a) Slowly Released Plant Nutrients - means those plant nutrients contained in a fertilizer or fertilizer material which are released slowly over a period of time. Types of such products shall include, but not be limited to:

1. Water Insoluble, such as natural organic, ureaform materials, urea formaldehyde products, isobutylidene diurea, oxamide, etc.

2. Coated slow release, such as sulfur coated urea and other encapsulated soluble fertilizers.

3. Occluded slow release, such as fertilizers or fertilizer materials mixed with waxes, resins, or other inert materials and formed into particles.

4. Products containing water insoluble nitrogen, such as ureaform materials, ureaformaldehyde products, methylenediurea (MDU), dimethylenetriurea (DMTU), dicyanodiamide (DCD), etc.

5. The above terms will be accepted provided the licensee can show a testing program substantiating the claim (testing under guidance of Experiment Station personnel or any other researcher acceptable to the Commissioner for determining the release characteristics of the product(s) must also be provided to the Commissioner by the licensee.

6. Until more appropriate methods are provided, AOAC International Method 970.04 (15th Edition) is to be used to confirm the coated slow release and occluded slow release nutrients and other nutrients for which their slow release characteristics depend on particle size. AOAC International Method 945.01 (15th Edition) shall likewise be used to determine the water insoluble nitrogen of organic materials.

Cite as Ga. Comp. R. & Regs. R. 40-6-1-.01
Authority: Ga. L. 1970, p. 609; O.C.G.A. Secs. 2-12-1*et seq.* 2-12-15.
History. Original Rule entitled "Fertilizer Scope of Regulation" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Labeling" adopted. Filed February 11, 1971; effective March 3, 1971.
Amended: Rule repealed and a new Rule of the same title adopted. Filed April 14, 1978; effective May 4, 1978.
Repealed: New Rule of same title adopted. F. Jun. 12, 1989; eff. July 2, 1989.
Repealed: New Rule entitled "Definitions" adopted. F. Jul. 1, 1997; eff. July 21, 1997.

Rule 40-6-1-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-6-1-.02
Authority: Ga. L. 1970, p. 609; O.C.G.A. 2-12-1*et seq.*
History. Original Rule entitled "Samples and Analysis Reports" was filed on February 11, 1971; effective March 3, 1971.
Amended: Rule repealed and a new Rule of the same title adopted. Filed April 14, 1978; effective May 4, 1978.
Repealed: New Rule entitled "Definitions" adopted. F. Jun. 1, 1989; eff. July 2, 1989.
Repealed: F. Jul. 1, 1997; eff. July 21, 1997.

Rule 40-6-1-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-6-1-.03
Authority: O.C.G.A. Secs. 2-12-13, 2-12-1*et seq.*
History. Original Rule entitled "Secondary and Micro Nutrients, Deficiencies and Excesses" was filed on February 11, 1971; effective March 3, 1971.
Amended: Rule repealed and a new Rule entitled "Secondary and Micro Nutrients, Deficiencies" adopted. Filed April 14, 1978; effective May 4, 1978.
Amended: Filed March 22, 1983; effective April 11, 1983.

Repealed: New Rule entitled "License Fees" adopted. F. Jun. 12, 1989; eff. July 2, 1989.
Repealed: F. Jul. 1, 1997; eff. July 21, 1997.

Rule 40-6-1-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-6-1-.04
Authority: Ga. L. 1970, p. 609; O.C.G.A. 2-12-1*et seq.*
History. Original Rule entitled "Penalty Payments" was filed on February 11, 1971; effective March 3, 1971.
Amended: Ride repealed and a new Ride of the same title adopted. Filed April 14, 1978; effective May 4, 1978.
Repealed: New Rule entitled "Sampling and Analysis; Reports" adopted. F. Jun. 12, 1989; eff. July 2, 1989.
Repealed: F. Jul. 1, 1997; eff. July 21, 1997.

Rule 40-6-1-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-6-1-.05
Authority: Ga. O.C.G.A. 2-12-1*et seq.*
History. Original Rule entitled "Tonnage Reports" adopted. F. Jun. 12, 1989; eff. July 2, 1989.
Repealed: F. Jul. 1, 1997; eff. July 21, 1997.

Subject 40-6-2. EXEMPTIONS.

Rule 40-6-2-.01. Exemption from Regulation.

Products regulated under the Georgia Horticultural Growing Media Act are exempted from regulation under the Georgia Fertilizer Act of 1997.

Cite as Ga. Comp. R. & Regs. R. 40-6-2-.01
Authority: O.C.G.A Secs. 2-12-17, 2-12-15.
History. Original Rule entitled "Fertilizer - Qualifications - Registration" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Tobacco Fertilizer (Except Shade Tobacco Fertilizer)" adopted. Filed February 11, 1971; effective March 3, 1971.
Amended: Rule repealed and a new Rule of the same title adopted. Filed April 14, 1978; effective May 4, 1978.
Amended: Filed June 30, 1993; effective July 20, 1983.
Repealed: New Rule entitled "Exemption from Regulation" adopted. F. Jul. 1, 1997; eff. July 21, 1997.

Rule 40-6-2-.02. Exemption from Inspection Fee.

In accordance with O.C.G.A. § 2-12-8(a), industrial by-products to be used for their nutrient content, which are not sold, but are given away, are exempt from payment of the $0.60 per ton inspection fee.

Cite as Ga. Comp. R. & Regs. R. 40-6-2-.02
Authority: Ga. L. 1970, p. 609, O.C.G.A. Sec. 2-12-8, 2-12-15.
History. Original Rule entitled "Non-resident Manufacturers" was filed and effective on June 3, 1965.
Amended: Rule repealed. Filed February 11, 1971; effective March 3, 1971.

Repealed: New Rule entitled "Exemption From Inspection Fee" adopted. F. Jul. 1, 1997; eff. July 21, 1997.
Amended: F. June 15, 2010; eff. July 5, 2010.

Rule 40-6-2-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-6-2-.03
Authority: Ga. L. 1970, p. 609
History. Original Rule entitled "Manufacture's and/or Contractor's License" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed February 11, 1971; effective March 3, 1971.

Subject 40-6-3. GUARANTEES.

Rule 40-6-3-.01. Guarantees. Non Tobacco Fertilizers.

In addition to total Nitrogen (N), Available Phosphate (P_2O_5), and Soluble Potash (K_2O), any other plant nutrient mentioned in any form or manner in conjunction with a fertilizer product shall be guaranteed. Guarantees for such other nutrients shall be expressed in the elemental form and shall appear in the order listed below immediately following the guarantees for primary plant nutrients guaranteed, if any. Except for ready to use foliar and ready to use liquid specialty fertilizers containing water soluble nutrients and for hydroponic or continuous liquid feed programs, and industrial by-products minimum percentage guarantees which will be accepted for registration and on labeling will be as follows:

Element	%
Calcium (Ca)	1.0000
Magnesium (Mg)	0.5000
Sulfur (S)	1.0000
Boron (B)	0.0200
Chlorine (Cl)	0.1000
Cobalt (Co)	0.0005
Copper (Cu)	0.0500
Iron (Fe)	0.1000
Manganese (Mn)	0.0500
Molybdenum (Mo)	0.0005
Sodium (Na)	0.1000
Zinc (Zn)	0.0500

Cite as Ga. Comp. R. & Regs. R. 40-6-3-.01
Authority: O.C.G.A. Secs. 2-12-15.
History. Original Rule entitled "Secondary and Trace Elements" adopted. F. June 30, 1965.
Amended: Original Rule repealed and no new rule adopted F. Feb. 11, 1971; eff. Mar. 3, 1971.

Repealed: New Rule entitled "Guarantees - No n Tobacco Fertilizers" adopted. F. Jul. 1, 1997; eff. July 21, 1997.

Rule 40-6-3-.02. Guarantees - Tobacco Fertilizers.

(1) All fertilizers labeled for use on tobacco which contain all three of the primary plant nutrients, (nitrogen, phosphate and potash) and all fertilizers labeled for tobacco in which the total nitrogen guaranteed is more than fifty (50) percent of the total primary plant nutrients guaranteed shall contain, and shall guarantee, not less than fifty (50) percent of the total nitrogen in the nitrate form.

(2) All forms of nitrogen present in fertilizers labeled for use on tobacco shall be shown on the label as the percent nitrogen and the sum of the forms shall equal the total nitrogen guaranteed.

(3) If magnesium is claimed on fertilizers labeled for use on tobacco, both total magnesium and water soluble magnesium shall be shown on the label.

(4) Maximum chlorine guarantees for fertilizers labeled for use on tobacco shall not exceed the following:

(a) Tobacco Plant Bed Fertilizers.

1. For tobacco fertilizers having total nitrogen guarantees up to and including 6% - maximum chlorine 0.5%

2. For tobacco fertilizers having total nitrogen guarantees above 6% - maximum chlorine 1.0%

(b) Field Crop Tobacco Fertilizers:

1. For field crop tobacco fertilizers having total nitrogen guarantees up to and including 4% - maximum chlorine 2.00%.

2. For field crop tobacco fertilizers having total nitrogen guarantees above 4% - maximum chlorine not more than one-half of the total nitrogen guaranteed.

(c) No tobacco fertilizer in which the total nitrogen guaranteed is more than fifty (50) percent of the total primary plant nutrients guaranteed, shall contain chlorine in excess of 2.00%.

Cite as Ga. Comp. R. & Regs. R. 40-6-3-.02
Authority: O.C.G.A. Sec. 2-12-15.
History. Original Rule entitled "Minimum Plant-Food Nutrient Contents" adopted. Filed on June 30, 1965.
Amended: Original Rule repealed and no new Rule adopted. Filed February 11, 1971; effective March 3, 1971.
Amended: New Rule entitled "Guarantees - Tobacco Fertilizers" adopted. F. Jul. 1, 1997; eff. July 21, 1997.

Rule 40-6-3-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-6-3-.03
History. Original Rule entitled "Fertilizer-Pesticide Fees" adopted. Filed on June 30, 1965.
Amended: Original Rule repealed and no new rule adopted. Filed February 11, 1971; eff. March 3, 1971.

Rule 40-6-3-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-6-3-.04
History. Original Rule entitled "Bulk Deliveries of Commercial Fertilizers" adopted. Filed on June 30, 1965.
Amended: Original Rule repealed and no new Rule adopted. Filed February 11, 1971; effective March 3, 1971.

Rule 40-6-3-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-6-3-.05
History. Original Rule entitled "Custom Mixes and/or Blends" adopted. Filed on June 30, 1965.
Amended: Original Rule repealed and no new Rule adopted. Filed February 11, 1971; effective March 3, 1971.

Rule 40-6-3-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-6-3-.06
History. Original Rule entitled "Labeling" adopted. Filed on June 30, 1965.
Amended: Original Rule repealed and no now Rule adopted. Filed February 11, 1971; effective March 3, 1971.

Subject 40-6-4. INVESTIGATIONAL ALLOWANCES.

Rule 40-6-4-.01. Investigational Allowances.

A fertilizer shall be deficient if the analysis found is below the guarantee by an amount exceeding the values listed below:

(a) Primary Plant Nutrients.

Guaranteed Percent	Total Nitrogen Percent	Available Phosphate Percent	Soluble Potash Percent
04 or less	0.49	0.67	0.41
05	0.51	0.67	0.43
06	0.52	0.67	0.47
07	0.54	0.68	0.53
08	0.55	0.68	0.60
09	0.57	0.68	0.65

10	0.58	0.69	0.70
11-12	0.61	0.69	0.79
13-14	0.63	0.70	0.87
15-16	0.67	0.70	0.94
17-18	0.70	0.71	1.01
19-20	0.73	0.72	1.08
21-22	0.75	0.72	1.15
23-24	0.78	0.73	1.21
25-26	0.81	0.73	1.27
27-28	0.83	0.74	1.33
29-30	0.86	0.75	1.39
31 or more	0.88	0.76	1.44

(b) Secondary and Micro Plant Nutrients.

Element	Investigational Allowances
Calcium	0.2 percent + 5% of guarantee
Magnesium	0.2 percent + 5% of guarantee
Sulfur	0.2 percent + 5% of guarantee
Boron	0.003 percent + 15% of guarantee
Cobalt	0.0001 percent + 30% of guarantee
Chlorine	0.005 percent + 10% of guarantee
Copper	0.005 percent + 10% of guarantee
Iron	0.005 percent + 10% of guarantee
Manganese	0.005 percent + 10% of guarantee
Molybdenum	0.0001 percent + 30% of guarantee
Sodium	0.005 percent + 10% of guarantee
Zinc	0.005 percent + 10% of guarantee.

The maximum allowance when calculated in accordance with the above shall be one (1) unit or 1.0%.

Cite as Ga. Comp. R. & Regs. R. 40-6-4-.01
Authority: O.C.G.A. Sec. 2-12-15.
History. Original Rule entitled "Tobacco Fertilizers, Except Shade Tobacco Fertilizers" adopted. Filed on June 30, 1965.
Amended: Original Rule repealed and no new Rule adopted. Filed February 11, 1971; effective March 3, 1971.
Repealed: New Rule entitled "Investigational Allowances" adopted. F. Jul. 1, 1997; eff. July 21, 1997.

Rule 40-6-4-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-6-4-.02
History. Original Rule entitled "Shade Tobacco Fertilizer" adopted. Filed on June 30, 1965.
Amended: Original Rule repealed and no new Rule adopted. Filed February 11, 1971; effective March 3, 1971.

Subject 40-6-5. LABELING.

Rule 40-6-5-.01. Labeling.

(1) All fertilizer in containers distributed in this State, including custom mixed specialty fertilizers, shall be labeled in clearly legible and conspicuous form with the following information:

(a) Net weight.

(b) Brand and grade, provided the grade shall not be required when no primary plant nutrients are claimed.

(c) Guaranteed Analysis. When forms of nutrients are claimed or required, the form should be shown as a percentage on the left side of the form per the following examples:

1. Total Nitrogen (N) ---- _____%

   _____% Ammoniacal Nitrogen

   _____% Nitrate Nitrogen

   _____% Water Insoluble Nitrogen

   _____% Urea Nitrogen

   _____% Other recognized or determinable form of Nitrogen

2. Secondary and micro nutrients

1. Magnesium (Mg) -------- _____%

   _____% Water soluble Magnesium (Mg)

1. Sulfur (S) -------- _____%

   _____% Free Sulfur (S)

   _____% Combined Sulfur (S)

Iron (Fe) -------- _____%

_____% Chelated Iron (Fe)

Manganese (Mn) -------- _____%

_____% Water soluble Manganese (Mn)

(d) Name and address of licensee or when applicable, the terms "made for" or "distributed by" followed by the name of the licensee.

(e) The source(s) of all primary, secondary and micro plant nutrients guaranteed.

(2) All shipments of bulk fertilizers shall be accompanied by the information prescribed in (1) above. Such information may be placed on the invoice, bill of lading or any other document accompanying the fertilizer at the time of delivery.

(3) Slowly released nutrients, if added or claimed, shall be listed on the label and guaranteed if any slowly released nutrient is guaranteed at fifteen (15) percent or more of the total guarantee for that nutrient. Such guarantees shall be in accordance with the definition of slowly released nutrients as stipulated in Rule 40-6-1(2).

(4) All industrial by-products containing plant nutrients shall be labeled in accordance with the above requirements to show the percentage of all nutrients claimed.

Cite as Ga. Comp. R. & Regs. R. 40-6-5-.01
Authority: O.C.G.A. See. 2-12-15.
History. Original Rule entitled "Mixtures containing Pesticides or Herbicides" adopted. Filed on June 30, 1965.
Amended: Original Rule repealed and no new Rule adopted. Filed February 11, 1971; effective March 3, 1971.
Amended: New Rule entitled "Labeling" adopted. F. Jul. 1, 1997; eff. July 21, 1997.

Rule 40-6-5-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-6-5-.02
History. Original Rule entitled "Fertilizer-Pesticide Fees" adopted. Filed on June 30, 1965.
Amended: Original Rule repealed and no new rule adopted. Filed February 11, 1971; eff. March 3, 1971.

Rule 40-6-5-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-6-5-.03
Authority: Ga. L. 1970, p. 609.
History. Original Rule entitled "Fertilizer Containing Pesticides" adopted. F. and eff. June 30, 1965.
Repealed: F. Feb. 11, 1971; eff. Mar. 3, 1971.

Subject 40-6-6. LICENSING AND REGISTRATION.

Rule 40-6-6-.01. License Application and Renewal Fees.

(1) Pursuant to O.C.G.A. § 2-12-4, all applications for a Fertilizer License shall be submitted to the Georgia Department of Agriculture, Plant Food, Feed and Grain Division, Agriculture Building, Capitol Square, Atlanta, Georgia 30334, and shall contain the following:

(a) Name, physical and mailing address and telephone number of licensee, and the type of business (individual, partnership, corporation, etc.);

(b) Name and physical address of each production location in Georgia;

(c) Telephone and facsimile number of the licensee's representative;

(d) Name, title and complete mailing address of licensee's representative;

(e) Signature of licensee's representative;

(f) Types of fertilizer to be distributed by licensee;

(g) Fertilizer Licensee Number on all license renewal applications;

(h) Licensee's Federal Employer's Identification Number or licensee's Social Security Number;

(2) All applications shall be accompanied by the required license fee of $100.00, as stipulated in O.C.G.A. § 2-12-4(a).

(3) All applications for new licenses shall be accompanied by a copy of the label for each package and sample copies of labels for bulk products to be distributed.

(4) As specified in O.C.G.A. § 2-12-4(a), the renewal of all licenses and the payment of all license renewal fees shall be due on July 1, 1998 and each July 1 thereafter, and renewals and fees received after July 1 each year shall be:

Date Fee Received	Renewal Fee Required
July 2 - July 31	$150
August 1 through August 31	$200
September 1 and after	$250

Cite as Ga. Comp. R. & Regs. R. 40-6-6-.01
Authority: O.C.G.A. Secs. 2-12-15.
History. Original Rule entitled "Official Sample" adopted. Filed on June 30, 1966.
Amended: Original Rule repealed and no new Rule adopted. Filed February 11, 1971; effective March 3, 1971.
Amended: New Rule entitled "License Application and Renewal Fees" adopted. F. Jul. 1, 1997; eff. July 21, 1997.

Amended: F. June 15, 2010; eff. July 5, 2010.

Rule 40-6-6-.02. Product Registration and Renewal Fees.

(1) Pursuant to O.C.G.A. § 2-12-4(c)(3), all specialty fertilizers are subject to product registration and applications for registration shall contain the following information:

(a) Brand, product name and grade;

(b) Guaranteed analysis;

(c) Sources of all plant nutrients guaranteed;

(d) Name and address of licensee;

(e) Net weight(s) of packages to be distributed;

(f) Telephone and facsimile numbers of licensee;

(g) Name, title, and complete address of licensee's representative;

(h) Signature of licensee's representative.

(2) All applications for specialty product registration shall be accompanied by an exact copy of the product label or an actual empty bag or package for the product, as stipulated in O.C.G.A. § 2-12-4(c)(1).

(3) The renewal of registration for all specialty fertilizers for which there has been a major change, such as change in product name or change in guaranteed analysis shall require a complete new application for registration, per O.C.G.A. § 2-12-4(c)(2).

(4) As specified in O.C.G.A. § 2-12-4(c)(2), the renewal of product registration and the payment of product registration renewal fees for products in container sizes of 10 pounds or less shall be due on July 1 each year, and renewals and fees received after July 1 each year shall be:

Date Fee Received	**Renewal Fee Required**
July 2 - July 31	$90
August 1 through August 31	$120
September 1 and after	$150

The renewal fees specified above shall apply to all product registration applications remaining incomplete on July 2 of each year.

Cite as Ga. Comp. R. & Regs. R. 40-6-6-.02
Authority: O.C.G.A. Sec. 2-12-15.

History. Original Rule entitled "Procedures" adopted. Filed on June 30, 1965.
Amended: Original Rule repealed and no new Rule adopted. Filed February 11, 1971; effective March 3, 1971.
Amended: New Rule entitled "Product Registration and Renewal Fees" adopted F. Jul. 1, 1997; eff. July 21, 1997.
Amended: F. June 15, 2010; eff. July 5, 2010.

Rule 40-6-6-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-6-6-.03
History. Original Rule entitled "Methods of Analysis of Commercial Fertilizers" adopted. Filed on June 30, 1965.
Amended: Original Rule repealed and no new Rule adopted. Filed February 11, 1971; effective March 3, 1971.

Rule 40-6-6-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-6-6-.04
History. Original Rule entitled "Reports" adopted. Filed on June 30, 1965.
Amended: Original Rule repealed and no new Rule adopted. Filed February 11, 1971; effective March 3, 1971.

Subject 40-6-7. SAMPLING, ANALYSIS AND REPORTING.

Rule 40-6-7-.01. Sampling.

(1) In accordance with O.C.G.A. § 2-12-7(b), sampling equipment and procedures used for taking official fertilizer samples shall be those specified by the Commissioner after giving due consideration to those adopted by the AOAC International.

(2) The Commissioner or his duly designated agent is authorized to collect samples of fertilizer upon demand without charge or cost from any public or private premises within this state in which fertilizer is manufactured, processed, packed, stored, distributed or held for distribution and from any vehicle used to transport or hold such fertilizers.

Cite as Ga. Comp. R. & Regs. R. 40-6-7-.01
Authority: O.C.G.A. § 2-12-15.
History. Original Rule entitled "Contractor's Equipment" adopted. F. and eff. June 30, 1965.
Repealed: F. Feb. 11, 1971; eff. Mar. 3, 1971.
Amended: New Rule entitled "Sampling" adopted. F. July 1, 1997; eff. July 21, 1997.
Amended: F. Feb. 18, 2003; eff. Mar. 10, 2003.
Amended: F. May 16, 2017; eff. June 5, 2017.

Rule 40-6-7-.02. Analysis.

In accordance with O.C.G.A. § 2-12-7(b), all methods of analysis used for assaying of fertilizer samples shall be those specified by the Commissioner after giving due consideration to those adopted by the AOAC International or published in scientific journals.

Cite as Ga. Comp. R. & Regs. R. 40-6-7-.02
Authority: O.C.G.A. Sec. 2-12-15.
History. Original Rule entitled "Analysis" adopted. F. July 1, 1997; eff. July 21, 1997.
Amended: F. Feb. 18, 2003; eff. Mar. 10, 2003.

Rule 40-6-7-.03. Reporting.

(1) When the analysis shows that an official sample meets the analytical guarantee within the established investigational allowances, the laboratory report shall show only that the lot is found in compliance with the Act.

(2) When the analysis shows that any official sample is deficient in the analytical guarantee beyond the established investigational allowances, the laboratory report shall show the analytical results and such report shall be forwarded by the Commissioner to the licensee at least fifteen (15) days before the report is submitted to the purchaser.

(3) Laboratory reports covering the assay of all unofficial samples shall show the actual analysis found by the laboratory, and such reports shall be clearly marked to indicate that the sample is unofficial.

(4) Upon the request of a licensee within ten (10) business days after the licensee's receipt of a laboratory report indicating a deficiency, the Commissioner shall submit representative portions of the official fertilizer sample analyzed to two (2) referee chemists. The licensee requesting the analysis shall pay a fee of $50.00 to cover administrative costs. The three chemical analyses obtained may be considered in determining whether a violation has occurred. If, as a result of the independent analysis, the Commissioner determines a violation has not occurred, the fee will be waived.

Cite as Ga. Comp. R. & Regs. R. 40-6-7-.03
Authority: O.C.G.A. Sec. 2-12-15.
History. Original Rule entitled "Reporting" adopted. F. July 1, 1997; eff. July 21, 1997.
Amended: F. Feb. 18, 2003; eff. Mar. 10, 2003.

Subject 40-6-8. TONNAGE REPORTS.

Rule 40-6-8-.01. Tonnage Reports.

(1) In support of O.C.G.A. § 2-12-8(a) and (b)(1), every licensee that distributes fertilizer in Georgia, except those licensees that distribute only specialty fertilizers in packages of 10 pounds or less, shall file a quarterly report to the nearest whole ton to the Commissioner covering fertilizer distributed within Georgia in containers over 10 pounds in weight, and in bulk, and shall submit the tonnage fee calculated at $0.60 per ton for the tonnage distributed to non-licensees. Such report shall include the following:

Such report shall include the following:

(a) Licensee's name and address;

(b) Licensee's number assigned by the Department;

(c) Name, title and signature of licensee's representative;

(d) Telephone and facsimile numbers of the licensee;

(e) Breakdown of tonnage distributed as follows:

1. Total tonnage of fertilizer distributed during the quarter.
2. Total tonnage of dry mixed grades.
3. Total tonnage of liquid mixed grades.
4. Total tonnage of materials.
5. Total tonnage of nitrogen containing materials as follows:
   (i) Urea;
   (ii) Ammonium nitrate;
   (iii) Ammonium sulfate;
   (iv) Anhydrous ammonia;
   (v) Nitrogen solutions;
   (vi) Any other nitrogen containing material;
   (vii) Total nitrogen containing materials.
6. Phosphate materials:
   (i) Ammonium polyphosphate (10-34-0);
   (ii) Diammonium phosphate (18-46-0);
   (iii) Triple superphosphate;
   (iv) Any other phosphate containing materials;
   (v) Total phosphate containing materials.

7. Potash materials:
   (i) Muriate of potash;
   (ii) Sulphate of potash magnesia;
   (iii) Any other potash containing materials;
   (iv) Total potash containing materials.
8. Gypsum (CaS04 2H20).
9. Secondary and micro nutrient materials.
10. Organic materials.
11. Miscellaneous nutrient containing materials not otherwise identified.

(2) All tonnage reports and tonnage fees as required by O.C.G.A. Sec. 2-12-8(b)(2), shall be provided to the Commissioner no later than the thirtieth (30th) day after the end of the quarter, as follows:
   (a) For the period July - September Due October 30
   (b) For the period October - December Due January 30
   (c) For the period January - March Due April 30
   (d) For the period April - June Due July 30

(3) Tonnage Reports filed with the Commissioner and lacking any of the required information shall be considered incomplete and the licensee which filed such report shall be considered in violation if the report is not complete or the tonnage fee has not been received by the Commissioner on or before the due date listed above.

Cite as Ga. Comp. R. & Regs. R. 40-6-8-.01
Authority: O.C.G.A. 2-12-15.
History. Original Rule entitled "Penalties for Deficiencies" adopted. F. and eff. June 30, 1965.
Repealed: F. Feb. 11, 1971; eff. Mar. 3, 1971.
Amended: New Rule entitled "Tonnage Reports" adopted. F. July 1, 1997; eff. July 21, 1997.
Amended: F. Feb. 18, 2003; eff. Mar. 10, 2003.
Amended: F. June 15, 2010; eff. July 5, 2010.

Chapter 40-7. FOOD DIVISION REGULATIONS.

Subject 40-7-1. RETAIL FOOD SALES.

Rule 40-7-1-.01. Purpose and Definitions: Title, Intent, Scope.

(1) **Retail Food Sales Regulations.** These provisions shall be known as the Retail Food Sales Regulations, hereinafter referred to as "these Regulations."

(2) **Food Safety, Illness Prevention, and Honest Presentation.** The purpose of these Regulations is to safeguard public health and provide to CONSUMERS FOOD that is safe, unADULTERATED, and honestly presented.

(3) **Statement.** These Regulations establish definitions; set standards for management and personnel, FOOD operations, and EQUIPMENT and facilities; and provide for FOOD ESTABLISHMENT plan review, LICENSE issuance, inspection, EMPLOYEE RESTRICTION, and LICENSE suspension.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.01
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Scope of Regulations" was filed and effective on June 30, 1965.
Repealed: New Rule, same title, adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: New Rule entitled "Purpose & Definitions: Title, Intent, Scope" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.02. Purpose & Definitions: Definitions.

(1) Statement of Application and Listing of Terms.

(a) The following definitions shall apply in the interpretation and application of these Regulations.

(b) Terms Defined. As used in these Regulations, each of the terms listed in 40-7-1-.02(1)(b) shall have the meaning stated below.

1. **Accredited program.**

(i) **"Accredited program"** means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals.

(ii) **"Accredited program"** refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program

scope, eligibility requirements, re-certification, discipline and grievance procedures; and test development and administration.

(iii) *"**Accredited program**"does not refer to training functions or educational programs*.

2. **Additive.**

   (i) **"Food additive"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(s) and 21 CFR 170.3(e)(1).

   (ii) **"Color additive"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.3(f).

3. **"Adulterated"** has the meaning stated in the Official Code of Georgia Annotated (O.C.G.A.) § 26-2-26, and the Federal Food, Drug, and Cosmetic Act, § 402.

4. **"Approved"** means acceptable to the DEPARTMENT based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

5. **Asymptomatic.**

   (i) **"Asymptomatic"** means without obvious symptoms; not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice.

   (ii) **"Asymptomatic"** includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

6. **"A_w"** means water activity which is a measure of the free moisture in a FOOD, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol A_W.

7. **"Balut"** means an embryo inside a fertile EGG that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

8. **"Beverage"** means a liquid for drinking, including water.

9. **"Bottled drinking water"** means water that is SEALED in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.

10. **"Casing"** means a tubular container for sausage products made of either natural or artificial, or synthetic, material.

11. **"Certification number"** means a unique combination of letters and numbers assigned by a SHELLFISH CONTROL AUTHORITY to a MOLLUSCAN SHELLFISH DEALER according to the provisions of the National Shellfish Sanitation Program.

12. **"CFR"** means CODE OF FEDERAL REGULATIONS. Citations in these Regulations to the CFR refer sequentially to the Title, Part, and Section numbers, such as 40 CFR 180.194 refers to Title 40, Part 180, Section 194.

13. **CIP.**

    (i) **"CIP"** means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and SANITIZING solution onto or over EQUIPMENT surfaces that require cleaning, such as the method used, in part, to clean and SANITIZE a frozen dessert machine.

    (ii) *"**CIP**" does not include the cleaning of EQUIPMENT such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a* CIP *system.*

14. **"Commingle"** means:

    (i) To combine SHELLSTOCK harvested on different days or from different growing areas as identified on the tag or label, or

    (ii) To combine SHUCKED SHELLFISH from containers with different container codes or different shucking dates.

15. **Comminuted.**

    (i) **"Comminuted"** means reduced in size by methods including chopping, flaking, grinding, or mincing.

    (ii) **"Comminuted"** includes FISH or MEAT products that are reduced in size and restructured or reformulated such as gefilte FISH, gyros, ground beef, and sausage; and a mixture of two (2) or

more types of MEAT that have been reduced in size and combined, such as sausages made from two (2) or more MEATS.

16. **"Conditional employee"** means a potential FOOD EMPLOYEE to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential FOOD EMPLOYEES who may be suffering from a disease that can be transmitted through FOOD and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.

17. **"Confirmed disease outbreak"** means a FOODBORNE DISEASE OUTBREAK in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the FOOD as the source of the illness.

18. **"Consumer"** means a PERSON who is a member of the public, takes possession of FOOD, is not functioning in the capacity of an operator of a FOOD ESTABLISHMENT or FOOD PROCESSING PLANT, and does not offer the FOOD for resale.

19. **Core item.**

    (i) **"Core item"** means a provision in these Regulations that is not designated as a PRIORITY ITEM or a PRIORITY FOUNDATION ITEM.

    (ii) **"Core item"** includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

20. **"Corrosion-resistant material"** means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the FOOD to be contacted, the normal use of cleaning compounds and SANITIZING solutions, and other conditions of the use environment.

21. **"Counter-mounted equipment"** means EQUIPMENT that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

22. **"Critical control point"** means a point or procedure in a specific FOOD system where loss of control may result in an unacceptable health RISK.

23. **"Critical limit"** means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a

CRITICAL CONTROL POINT to minimize the RISK that the identified FOOD safety HAZARD may occur.

24. **"Cut leafy greens"** means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term "leafy greens" includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce - i.e. immature lettuce or leafy greens, escarole, endive, spring mix, spinach, cabbage, kale, arugula, and chard. The term "leafy greens" does not include herbs such as cilantro or parsley.

25. **"Dealer"** means a PERSON who is authorized by a SHELLFISH CONTROL AUTHORITY for the activities of SHELLSTOCK shipper, shucker-packer, repacker, reshipper, or depuration processor of MOLLUSCAN SHELLFISH according to the provisions of the National Shellfish Sanitation Program.

26. **"Department"** means the Georgia Department of Agriculture.

27. **"Disclosure"** means a written statement that clearly identifies the animal-derived FOODS which are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens, or items that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens.

28. **Drinking Water.**

    (i) **"Drinking water"** means water that meets criteria as specified in 40 CFR 141 National Primary Drinking Water Regulations.

    (ii) **"Drinking water"** is traditionally known as "potable water."

    (iii) **"Drinking water"** includes the term "water" *except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.*

29. **"Dry storage area"** means a room or area designated for the storage of PACKAGED or containerized bulk FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD and dry goods such as SINGLE-SERVICE items.

30. **Easily Cleanable.**

    (i) **"Easily cleanable"** means a characteristic of a surface that:

(I) Allows effective removal of soil by normal cleaning methods;

(II) Is dependent on the material, design, construction, and installation of the surface; and

(III) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into FOOD based on the surface's APPROVED placement, purpose, and use.

(ii) **"Easily cleanable"** includes a tiered application of the criteria that qualify the surface as EASILY CLEANABLE as specified in Subparagraph (i) of this definition to different situations in which varying degrees of cleanability are required such as:

(I) The appropriateness of stainless steel for a FOOD preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for CONSUMER dining; or

(II) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the CONSUMER dining area.

31. **"Easily movable"** means:

(i) Portable; mounted on casters, gliders, or rollers; or provided with a mechanical means to safely tilt a unit of EQUIPMENT for cleaning; and

(ii) Having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the EQUIPMENT to be moved for cleaning of the EQUIPMENT and adjacent area.

32. **Egg.**

(i) **"Egg"** means the shell EGG of avian species such as chicken, duck, goose, guinea, quail, RATITES or turkey.

(ii) ***"Egg"*** *does not include:*

(I) *A BALUT;*

(II) *The egg of reptile species such as alligator; or*

(III) *An EGG PRODUCT.*

33. **Egg Product.**

(i) **"Egg Product"** means all, or a portion of, the contents found inside EGGS separated from the shell and pasteurized in a FOOD PROCESSING PLANT, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs.

(ii) ***"Egg Product"****does not include FOOD which contains EGGS only in a relatively small proportion such as cake mixes.*

34. **"Employee"** means the LICENSE HOLDER, PERSON IN CHARGE, FOOD EMPLOYEE, PERSON having supervisory or management duties, PERSON on the payroll, family member, volunteer, PERSON performing work under contractual agreement, or other PERSON working in a FOOD ESTABLISHMENT.

35. **"EPA"** means the U.S. Environmental Protection Agency.

36. **Equipment.**

(i) **"Equipment"** means an article that is used in the operation of a FOOD ESTABLISHMENT, such as a freezer, grinder, hood, ice maker, MEAT block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, TEMPERATURE MEASURING DEVICE for ambient air, VENDING MACHINE, or WAREWASHING machine.

(ii) ***"Equipment"****does not include apparatuses used for handling or storing large quantities of PACKAGED FOODS that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.*

37. **"Exclude"** means to prevent a PERSON from working as an EMPLOYEE in a FOOD ESTABLISHMENT or entering a FOOD ESTABLISHMENT as an EMPLOYEE.

38. **"Expiration Date"** is synonymous with Pull Date, Best-By Date, Best Before Date, Use-By Date, and Sell-By Date; and means the last date on which the following FOOD products can be sold at retail or wholesale:

    (i) EGGS;

    (ii) Infant formula;

    (iii) Milk;

    (iv) Shucked oysters; and

    (v) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD, or any FOOD that is labeled as "keep refrigerated."

39. **"FDA"** means the U.S. Food and Drug Administration.

40. **Fish.**

    (i) **"Fish"** means fresh or saltwater finfish, crustaceans and other forms of aquatic life - including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals - other than birds or mammals, and all mollusks, if such animal life is intended for human consumption.

    (ii) **"Fish"** includes an edible human FOOD product derived in whole or in part from FISH, including FISH that have been processed in any manner.

41. **"Food"** means a raw, cooked, or processed edible substance, ice, BEVERAGE, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

42. **"Foodborne disease outbreak"** means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common FOOD.

43. **"Food-contact surface"** means:

    (i) A surface of EQUIPMENT or a UTENSIL with which FOOD normally comes into contact; or

    (ii) A surface of EQUIPMENT or a UTENSIL from which FOOD may drain, drip, or splash:

        (I) Into a FOOD, or

(II) Onto a surface normally in contact with FOOD.

44. **"Food employee"** means an individual working with unpackaged FOOD, FOOD EQUIPMENT or UTENSILS, or FOOD-CONTACT SURFACES.

45. **Food Establishment**.

(i) **"Food establishment"** means:

(I) Retail and wholesale grocery stores; retail seafood stores and places of business; FOOD PROCESSING PLANTS, except those FOOD PROCESSING PLANTS which are currently required to obtain a LICENSE from the Commissioner under any other provision of LAW; bakeries; confectioneries; fruit, nut, and vegetable stores or roadside stands; wholesale sandwich and salad manufacturers, including VENDING MACHINES and operations connected therewith; and places of business and similar establishments, mobile or permanent, engaged in the sale of FOOD primarily for consumption off PREMISES.

I. Within a FOOD ESTABLISHMENT, there may be a FOOD service component, not separately operated, which may serve customers on site. This FOOD service component shall be considered as part of the FOOD ESTABLISHMENT.

II. Within a FOOD ESTABLISHMENT primarily operating as a retail firm with sales to the end CONSUMER, there may be a FOOD PROCESSING PLANT not separately owned and operated. In these types of blended operations, the retail sales are governed by these Regulations, and the FOOD PROCESSING PLANT shall be subject to the regulations in 40-7-18 Manufactured Food Operations.

(II) Cottage food operations. See DEPARTMENT rules Chapter 40-7-19 for regulations and requirements specific to cottage food operations.

(ii) ***"Food establishment"****does not include:*

(I) *"Food Service Establishments," as defined in the Official Code of Georgia Annotated Section 26-2-370, which are permitted by local health departments.*

(II) *This term also shall not include establishments engaged in the sale of FOOD primarily for consumption off the PREMISES if such sale is an authorized part of and occurs upon the site of a fair or festival which:*

I. *Is sponsored by a political subdivision of this state or by an organization exempt from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501(c) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2;*

II. *Lasts 120 hours or less; and*

III. *When sponsored by such an organization, is authorized to be conducted pursuant to a permit issued by the municipality or county in which it is conducted.*

(III) *Establishments engaged in the boiling, bottling, and sale of sugar cane syrup or sorghum syrup within this state, provided that such bottles contain a label listing the producer's name and street address, all added ingredients, and the net weight or volume of the product.*

46. **Food Processing Plant.**

(i) **"Food processing plant"** means a commercial operation that manufactures, packages, labels, or stores FOOD for human consumption, and provides FOOD for sale or distribution to other business entities such as FOOD PROCESSING PLANTS or FOOD ESTABLISHMENTS.

(ii) **"Food processing plants"** operate under DEPARTMENT regulations 40-7-18 Manufactured Food Operations.

47. **Game Animal.**

(i) **"Game animal"** means an animal, the products of which are FOOD, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in 9 CFR 301.2 Definitions, or as Poultry, or FISH.

(ii) **"Game animal"** includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes.

(iii) *"**Game animal**"does not include RATITES.*

48. **"General use pesticide"** means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175 Pesticides classified for restricted use.

49. **"Grade A Standards"** means the requirements of the United States Public Health Service/FDA "Grade A Pasteurized Milk Ordinance" with which certain fluid and dry milk and milk products comply.

50. **"HACCP plan"** means a written document that delineates the formal procedures for following the Hazard Analysis and Critical Control Point principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

51. **Handwashing Sink.**

(i) **"Handwashing sink"** means a lavatory, a basin or vessel for washing, a wash basin, or PHYSICAL FACILITIES especially placed for use in personal hygiene and designed for the washing of the hands.

(ii) **"Handwashing sink"** includes an automatic handwashing facility.

52. **"Hazard"** means a biological, chemical, or physical property that may cause an unacceptable CONSUMER health RISK.

53. **"Health practitioner"** means a physician licensed to practice medicine, or if allowed by LAW, a nurse practitioner, physician assistant, or similar medical professional.

54. **"Hermetically sealed container"** means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned FOODS, to maintain the commercial sterility of its contents after processing.

55. **"Highly susceptible population"** means PERSONS who are more likely than other people in the general population to experience foodborne disease because they are:

    (i) Immunocompromised; preschool age children, or older adults; and

    (ii) Obtaining FOOD at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

56. **"Imminent health hazard"** means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:

    (i) The number of potential injuries, and

    (ii) The nature, severity, and duration of the anticipated injury.

57. **"Injected"** means manipulating MEAT to which a solution has been introduced into its interior by processes that are referred to as "injecting," "pump marinating," or "stitch pumping."

58. "Intact Meat" means a cut of whole muscle(s) MEAT that has not undergone COMMINUTION, INJECTION, MECHANIAL TENDERIZATION, or reconstruction.

59. **Juice.**

    (i) **"Juice"** means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree.

    (ii) *"**Juice**"does not include, for purposes of HACCP, liquids, puree, or concentrates that are not used as BEVERAGES or ingredients of BEVERAGES.*

60. **"Kitchenware"** means FOOD preparation and storage UTENSILS.

61. **"Law"** means applicable local, state, and federal statutes, regulations, and ordinances.

62. **"License"** means the document issued by the DEPARTMENT that authorizes a PERSON to operate a FOOD ESTABLISHMENT.

63. **"License holder"** means the entity that:

    (i) Is legally responsible for the operation of the FOOD ESTABLISHMENT such as the owner, the owner's agent, or other PERSON; and

    (ii) Possesses a valid LICENSE to operate a FOOD ESTABLISHMENT.

64. **"Linens"** means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.

65. **Major Food Allergen.**

    (i) **"Major food allergen"** means:

        (I) Milk, EGG, FISH (such as bass, flounder, cod, and including crustacean shellfish such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, and soybeans; or

        (II) A FOOD ingredient that contains protein derived from a FOOD, as specified in Subparagraph (i)(I) of this definition.

    (ii) *"**Major food allergen**"does not include:*

        (I) *Any highly refined oil derived from a FOOD specified in Subparagraph (i)(I) of this definition and any ingredient derived from such highly refined oil; or*

        (II) *Any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).*

66. **"Meat"** means the flesh of animals used as FOOD including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, *except FISH, POULTRY, and wild GAME ANIMALS as specified under Subparagraphs 40-7-1-.09(7)(a)3 and 4.*

67. **Mechanically Tenderized.**

(i) **"Mechanically tenderized"** means manipulating meat with deep penetration by processes which may be referred to as "blade tenderizing," "jaccarding," "pinning," "needling," or using blades, pins, needles or any mechanical device.

(ii) *"**Mechanically tenderized**"does not include processes by which solutions are INJECTED into meat.*

68. **"mg/L"** means milligrams per liter, which is the metric equivalent of parts per million (ppm).

69. **"Molluscan shellfish"** means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, *except when the scallop product consists only of the shucked adductor muscle*.

70. **Non-Continuous Cooking.**

(i) **"Non-continuous cooking"** means the cooking of FOOD in a FOOD ESTABLISHMENT using a process in which the initial heating of the FOOD is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service.

(ii) *"**Non-continuous cooking**"does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.*

71. **Packaged.**

(i) **"Packaged"** means bottled, canned, cartoned, bagged, or wrapped, whether PACKAGED in a FOOD ESTABLISHMENT or a FOOD PROCESSING PLANT.

(ii) *"**Packaged**" does not include wrapped or placed in a carry-out container to protect the FOOD during service or delivery to the CONSUMER, by a FOOD EMPLOYEE, upon CONSUMER request.*

72. **"Person"** means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

73. **"Person in charge"** means the individual present at a FOOD ESTABLISHMENT who is responsible for the operation at the time of inspection.

74. **Personal Care Items.**

(i) **"Personal care items"** means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a PERSON'S health, hygiene, or appearance.

(ii) **"Personal care items"** include items such as medicines; first aid supplies; and other items such as cosmetics and toiletries, such as toothpaste and mouthwash.

75. **"pH"** means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.

    Values between 0 and 7 indicate acidity and values between 7 and 14 indicate alkalinity.

    The value for pure distilled water is 7, which is considered neutral.

76. **"Physical facilities"** means the structure and interior surfaces of a FOOD ESTABLISHMENT including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

77. **"Plumbing fixture"** means a receptacle or device that:

    (i) Is permanently or temporarily connected to the water distribution system of the PREMISES and demands a supply of water from the system; or

    (ii) Discharges used water, waste materials, or SEWAGE directly or indirectly to the drainage system of the PREMISES.

78. **"Plumbing system"** means the water supply and distribution pipes; PLUMBING FIXTURES and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the PREMISES; and water-treating EQUIPMENT.

79. **"Poisonous or toxic materials"** means substances that are not intended for ingestion and are included in four (4) categories:

    (i) Cleaners and SANITIZERS, which include cleaning and SANITIZING agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;

(ii) Pesticides, *except SANITIZERS*, which include substances such as insecticides and rodenticides;

(iii) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and PERSONAL CARE ITEMS that may be deleterious to health; and

(iv) Substances that are not necessary for the operation and maintenance of the establishment and are on the PREMISES for retail sale, such as petroleum products and paints.

80. **"Poultry"** means:

(i) Any domesticated bird - chickens, turkeys, ducks, geese, guineas, RATITES, or squabs; whether live or dead, as defined in 9 CFR 381.1 Poultry Products Inspection Regulations Definitions, Poultry; and

(ii) Any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in 9 CFR 362.1 Voluntary Poultry Inspection Regulations, Definitions.

81. **"Premises"** means:

(i) The PHYSICAL FACILITY, its contents, and the contiguous land or property under the control of the LICENSE HOLDER; or

(ii) The PHYSICAL FACILITY, its contents, and the land or property not described in Subparagraph (i) of this definition if its facilities and contents are under the control of the LICENSE HOLDER and may impact FOOD ESTABLISHMENT personnel, facilities, or operations, and a FOOD ESTABLISHMENT is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

82. **"Primal cut"** means a basic major cut into which carcasses and sides of MEAT are separated, such as a beef round, pork loin, lamb flank, or veal breast.

83. **Priority Item.**

(i) **"Priority item"** means a provision in these Regulations whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne

illness or injury and there is no other provision that more directly controls the hazard.

(ii) **"Priority item"** includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, handwashing; and

(iii) **"Priority item"** is an item that is denoted in these Regulations with a superscript P - [P].

84. **Priority Foundation Item.**

(i) **"Priority foundation item"** means a provision in these Regulations whose application supports, facilitates or enables one or more PRIORITY ITEMS.

(ii) **"Priority foundation item"** includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP PLANS, documentation or record keeping, and labeling; and

(iii) **"Priority foundation item"** is an item that is denoted in these Regulations with a superscript Pf - [Pf].

85. **"Public water system"** has the meaning stated in 40 CFR 141 National Primary Drinking Water Regulations.

86. **"Ratite"** means a flightless bird such as an emu, ostrich, or rhea.

87. **Ready-to-Eat Food**

(i) **"Ready-to-eat food"** means FOOD that:

(I) Is in a form that is edible without additional preparation to achieve FOOD safety, as specified under one of the following: 40-7-1-.11(1)(a) or (b), 40-7-1-.11(2), or 40-7-1-.11(5), or as specified in 40-7-1-.11(1)(c); or

(II) Is a raw or partially cooked animal FOOD and the CONSUMER is advised as specified in Subparagraphs 40-7-1-.11(1)(d)1 and 3; or

(III) Is prepared in accordance with a variance that is granted as specified in Subparagraph 40-7-1-.11(1)(d)4; and

(IV) May receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

(ii) **"Ready-to-eat food"** includes:

(I) Raw animal FOOD that is cooked as specified under 40-7-1-.11(1) or 40-7-1-.11(2) or frozen as specified under 40-7-1-.11(5);

(II) Raw fruits and vegetables that are washed as specified under 40-7-1-.10(7);

(III) Fruits and vegetables that are cooked for hot holding, as specified under 40-7-1-.11(3);

(IV) All TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is cooked to the temperature and time required for the specific FOOD under 40-7-1-.11(1) - (4) and cooled as specified under 40-7-1-.12(4);

(V) Plant FOOD for which further washing, cooking, or other processing is not required for FOOD safety, and from which rinds, peels, husks, or shells, if naturally present are removed;

(VI) Substances derived from plants such as spices, seasonings, and sugar;

(VII) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for FOOD safety;

(VIII) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured MEAT and POULTRY products, such as prosciutto ham, country cured ham, and Parma ham; and dried MEAT and POULTRY products, such as jerky or beef sticks; and

(IX) FOODS manufactured as specified in 21 CFR Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

88. **Reduced Oxygen Packaging.**

(i) **"Reduced oxygen packaging"** means:

(I) The reduction of the amount of oxygen in a PACKAGE by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere - approximately 21% at sea level; and

(II) A process as specified in Subparagraph (i)(I) of this definition that involves a FOOD for which the HAZARDS ***Clostridium botulinum*** or ***Listeria monocytogenes*** require control in the final PACKAGED form.

(ii) **"Reduced oxygen packaging"** includes:

(I) Vacuum PACKAGING, in which air is removed from a PACKAGE of FOOD and the PACKAGE is HERMETICALLY SEALED so that a vacuum remains inside the PACKAGE;

(II) Modified atmosphere PACKAGING, in which the atmosphere of a PACKAGE of FOOD is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the PACKAGING material or the respiration of the FOOD. Modified atmosphere PACKAGING includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;

(III) Controlled atmosphere PACKAGING, in which the atmosphere of a PACKAGE of FOOD is modified so that until the PACKAGE is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring FOOD, and impermeable PACKAGING material;

(IV) Cook chill PACKAGING, in which cooked FOOD is hot filled into impermeable bags which have the air expelled and are then sealed or crimped closed. The bagged FOOD is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens; or

(V) Sous vide PACKAGING, in which raw or partially cooked FOOD is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

89. **"Refuse"** means solid waste not carried by water through the SEWAGE system.

90. **"Regulatory authority"** means the local, state, or federal enforcement body or authorized representative having jurisdiction over a FOOD ESTABLISHMENT or FOOD PROCESSING PLANT.

91. **"Reminder"** means a written statement concerning the health RISK of consuming animal FOODS raw, undercooked, or without otherwise being processed to eliminate pathogens.

92. **"Re-service"** means the transfer of FOOD that is unused and returned by a CONSUMER after being served or sold and in the possession of the CONSUMER, to another PERSON.

93. **"Restrict"** means to limit the activities of a FOOD EMPLOYEE so that there is no RISK of transmitting a disease that is transmissible through FOOD and the FOOD EMPLOYEE does not work with exposed FOOD, clean EQUIPMENT, UTENSILS, LINENS, or unwrapped SINGLE-SERVICE or SINGLE-USE ARTICLES.

94. **"Restricted egg"** means any check, dirty EGG, incubator reject, inedible, leaker, or loss as defined in 9 CFR 590.

95. **"Restricted use pesticide"** means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.

96. **"Risk"** means the likelihood that an adverse health effect will occur within a population as a result of a HAZARD in a FOOD.

97. **"Safe material"** means:

(i) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any FOOD;

(ii) An additive that is used as specified in § 409 of the Federal Food, Drug, and Cosmetic Act; or

(iii) Other materials that are not ADDITIVES and that are used in conformity with applicable regulations of the Food and Drug Administration.

98. **"Sanitization"** means the application of cumulative heat or chemicals on cleaned FOOD-CONTACT SURFACES that, when evaluated for efficacy, is sufficient to yield a reduction of 5-logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

99. **"Sealed"** means free of cracks or other openings that allow the entry or passage of moisture.

100. **"Service animal"** means an animal such as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

101. **"Servicing area"** means an operating base location to which a mobile FOOD ESTABLISHMENT or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding FOOD.

102. **"Sewage"** means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

103. **"Shellfish control authority"** means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of harvesters and DEALER s for interstate commerce.

104. **"Shellstock"** means raw, in-shell MOLLUSCAN SHELLFISH.

105. **"Shiga toxin-producing Escherichia coli"** (STEC) means any ***E. coli*** capable of producing Shiga toxins - also called verocytotoxins. STEC

infections can be ASYMPTOMATIC or may result in a spectrum of illness ranging from mild non-bloody diarrhea, to hemorrhagic colitis - i.e. bloody diarrhea, to hemolytic uremic syndrome (HUS) - a type of kidney failure. Examples of serotypes of STEC include: *E. coli* O157:H7; *E. coli* O157:NM; *E. coli* O26:H11; *E. coli* O145:NM; *E. coli* O103:H2; and *E. coli* O111:NM. STEC are sometimes referred to as VTEC (verocytotoxigenic *E. coli*) or as EHEC (Enterohemorrhagic *E. coli*). EHEC are a subset of STEC which can cause hemorrhagic colitis or HUS.

106. **"Shucked shellfish"** means MOLLUSCAN SHELLFISH that have one or both shells removed.

107. **"Single-service articles"** means TABLEWARE, carry-out UTENSILS, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one PERSON use after which they are intended for discard.

108. **Single-Use Articles.**

(i) **"Single-use articles"** means UTENSILS and bulk FOOD containers designed and constructed to be used once and discarded.

(ii) **"Single-use articles"** includes items such as wax paper, butcher paper, plastic wrap, formed aluminum FOOD containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans which do not meet the materials, durability, strength, and cleanability specifications under 40-7-1-.16(1), 40-7-1-.17(1), and 40-7-1-.17(3) for multiuse UTENSILS.

109. **"Slacking"** means the process of moderating the temperature of a FOOD such as allowing a FOOD to gradually increase from a temperature of -23°C (-10°F) to -4°C (25°F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen FOOD such as shrimp.

110. **"Smooth"** means:

(i) A FOOD-CONTACT SURFACE having a surface free of pits and inclusions with a cleanability equal to or exceeding that of 100 grit or number 3 stainless steel;

(ii) A nonFOOD-CONTACT SURFACE of EQUIPMENT having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and

(iii) A floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

111. **"Tableware"** means eating, drinking, and serving UTENSILS for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

112. **"Temperature measuring device"** means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of FOOD, air, or water.

113. **Time/Temperature Control for Safety Food -** formerly "potentially hazardous food" (PHF).

(i) **"Time/temperature control for safety food"** means a FOOD that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(ii) **"Time/temperature control for safety food"** includes:

(I) An animal FOOD that is raw or heat-treated; a plant FOOD that is heat-treated or consists of raw seed sprouts, cut melons, CUT LEAFY GREENS, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and

(II) Except as specified in Subparagraph (iii)(IV) of this definition, a FOOD that because of the interaction of its A_W and pH values is designated as Product Assessment Required (PA) in Table A or B of this definition:

Table A. Interaction of pH and A_W for control of spores in FOOD heat-treated to destroy vegetative cells and subsequently PACKAGED

A_W values	**pH: 4.6 or less**	**pH: > 4.6 - 5.6**	**pH: > 5.6**
<0.92	non-TCS FOOD*	non-TCS FOOD	non-TCS FOOD

> 0.92 - 0.95	non-TCS FOOD	non-TCS FOOD	PA**
> 0.95	non-TCS FOOD	PA	PA

* TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD

** PA means Product Assessment required

Table B. Interaction of pH and A_W for control of vegetative cells and spores in FOOD not heat-treated or heat-treated but not PACKAGED

A_W values	**pH: < 4.2**	**pH: 4.2 - 4.6**	**pH: > 4.6 - 5.0**	**pH: > 5.0**
< 0.88	non-TCS food*	non-TCS food	non-TCS food	non-TCS food
0.88 - 0.90	non-TCS food	non-TCS food	non-TCS food	PA**
> 0.90 - 0.92	non-TCS food	non-TCS food	PA	PA
> 0.92	non-TCS food	PA	PA	PA

* TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD

** PA means Product Assessment required

(iii) *"**Time/temperature control for safety food**"does not include:*

(I) *An air-cooled hard-boiled EGG with shell intact, or an EGG with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable **salmonellae**;*

(II) *A FOOD in an unopened HERMETICALLY SEALED CONTAINER that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;*

(III) *A FOOD that because of its pH or A_W value, or interaction of A_W and pH values, is designated as a non-TCS FOOD in Table A or B of this definition;*

(IV) *A FOOD that is designated as Product Assessment Required (PA) in Table A or B of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that FOOD is precluded due to:*

I. *Intrinsic factors including added or natural characteristics of the FOOD such as preservatives, antimicrobials, humectants, acidulants, or nutrients,*

II. *Extrinsic factors including environmental or operational factors that affect the FOOD such as packaging, modified atmosphere such as REDUCED OXYGEN PACKAGING, shelf life and use, or temperature range of storage and use, or*

III. *A combination of intrinsic and extrinsic factors; or*

(V) *A FOOD that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the Subparagraphs (iii)(I) - (iii)(IV) of this definition even though the FOOD may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.*

114. **"USDA"** means the U.S. Department of Agriculture.

115. **"Utensil"** means a FOOD-CONTACT implement or container used in the storage, preparation, transportation, dispensing, sale, or service of FOOD, such as KITCHENWARE or TABLEWARE that is multiuse, SINGLE-SERVICE, or SINGLE-USE; gloves used in contact with FOOD; temperature sensing probes of FOOD TEMPERATURE MEASURING DEVICES; and probe-type price or identification tags used in contact with FOOD.

116. **"Variance"** means a written document issued by the DEPARTMENT that authorizes a modification or waiver of one or more requirements of these Regulations if, in the opinion of the DEPARTMENT, a health HAZARD or nuisance will not result from the modification or waiver.

117. **"Vending machine"** means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by electronic transaction or optional manual operation, dispenses unit servings of FOOD in bulk or in packages without the necessity of replenishing the device between each vending operation.

118. **"Vending machine location"** means the room, enclosure, space, or area where one or more VENDING MACHINES are installed and operated and includes the storage areas and areas on the PREMISES that are used to service and maintain the VENDING MACHINES.

119. **"Warewashing"** means the cleaning and SANITIZING of UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT.

120. **"Whole-muscle, intact beef"** means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.02
Authority: O.C.G.A. §§ 26-2-1, *et seq*.
History. Original Rule entitled "Floors" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Definitions" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by the Agency.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Amended: F. Aug. 12, 2005; eff. Sept. 1, 2005.
Amended: F. Aug. 7, 2012; eff. Aug. 27, 2012.
Repealed: New Rule entitled "Purpose & Definitions: Definitions" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.
Amended: F. Sep. 27, 2019; eff. Oct. 17, 2019.

Rule 40-7-1-.03. Management and Personnel: Supervision.

(1) **Assignment.**

(a) Except as specified in (b) of this section, the LICENSE HOLDER shall be the PERSON IN CHARGE or shall designate a PERSON IN CHARGE and shall ensure that a PERSON IN CHARGE is present at the FOOD ESTABLISHMENT during all hours of operation.[Pf]

(b) *In a FOOD ESTABLISHMENT with two or more separately LICENSED departments that are the legal responsibility of the same LICENSE HOLDER and that are located on the same PREMISES, the LICENSE HOLDER may, during specific time periods when food is not being prepared, packaged, or served, designate a single PERSON IN CHARGE who is present on the PREMISES during all hours of operation, and who is responsible for each separately LICENSED FOOD ESTABLISHMENT on the PREMISES.*[Pf]

(2) **Demonstration.** Based on the RISKS inherent to the FOOD operation, during inspections and upon request, the PERSON IN CHARGE shall demonstrate to the DEPARTMENT knowledge of foodborne disease prevention, application of the HAZARD analysis and CRITICAL CONTROL POINT principles, and the requirements of these Regulations. The PERSON IN CHARGE shall demonstrate this knowledge by:

(a) Complying with these Regulations by having no violations of PRIORITY ITEMS during the current inspection;[Pf]

(b) Being a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM;[Pf] or

(c) Responding correctly to the inspector's questions as they relate to the specific FOOD operation. The areas of knowledge include:

1. Describing the relationship between the prevention of foodborne disease and the personal hygiene of a FOOD EMPLOYEE;[Pf]

2. Explaining the responsibility of the PERSON IN CHARGE for preventing the transmission of foodborne disease by a FOOD EMPLOYEE who has a disease or medical condition that may cause foodborne disease;[Pf]

3. Describing the symptoms associated with the diseases that are transmissible through FOOD;[Pf]

4. Explaining the significance of the relationship between maintaining the time and temperature of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD and the prevention of foodborne illness;[Pf]

5. Explaining the HAZARDS involved in the consumption of raw or undercooked MEAT, POULTRY, EGGS, and FISH;[Pf]

6. Stating the required FOOD temperatures and times for safe cooking of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD including MEAT, POULTRY, EGGS, and FISH;[Pf]

7. Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;[Pf]

8. Describing the relationship between the prevention of foodborne illness and the management and control of the following:

   (i) Cross contamination,[Pf]

   (ii) Hand contact with READY-TO-EAT FOODS,[Pf]

   (iii) Handwashing,[Pf] and

   (iv) Maintaining the FOOD ESTABLISHMENT in a clean condition and in good repair;[Pf]

9. Describing FOODS identified as MAJOR FOOD ALLERGENS and the symptoms that a MAJOR FOOD ALLERGEN could cause in a sensitive individual who has an allergic reaction.[Pf]

10. Explaining the relationship between FOOD safety and providing EQUIPMENT that is:

    (i) Sufficient in number and capacity,[Pf] and

    (ii) Properly designed, constructed, located, installed, operated, maintained, and cleaned;[Pf]

11. Explaining correct procedures for cleaning and SANITIZING UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT;[Pf]

12. Identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;[Pf]

13. Identifying POISONOUS OR TOXIC MATERIALS in the FOOD ESTABLISHMENT and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to LAW;[Pf]

14. Identifying CRITICAL CONTROL POINTS in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of these Regulations.[Pf]

15. Explaining the details of how the PERSON IN CHARGE and FOOD EMPLOYEES comply with the HACCP PLAN if a plan is required by the LAW, these Regulations, or an agreement between the DEPARTMENT and the FOOD ESTABLISHMENT;[Pf]

16. Explaining the responsibilities, rights, and authorities assigned by these Regulations to the:

    (i) FOOD EMPLOYEE,[Pf]

    (ii) CONDITIONAL EMPLOYEE,[Pf]

    (iii) PERSON IN CHARGE,[Pf]

    (iv) DEPARTMENT;[Pf] and

17. Explaining how the PERSON IN CHARGE, FOOD EMPLOYEES, and CONDITIONAL EMPLOYEES comply with reporting responsibilities and EXCLUSION or RESTRICTION of FOOD EMPLOYEES.[Pf]

(3) **Certified Food Protection Manager.**

(a) At least one EMPLOYEE that has supervisory and management responsibility and the authority to direct and control FOOD preparation and service shall be a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM.

(b) *This section does not apply to certain types of FOOD ESTABLISHMENTS deemed by the DEPARTMENT to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of FOOD preparation.*

(4) **Food Protection Manager Certification.**

(a) A PERSON IN CHARGE who demonstrates knowledge by being a FOOD protection manager that is certified by a FOOD protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs is deemed to comply with 40-7-1-.03(2)(b).

(b) A FOOD ESTABLISHMENT that has an EMPLOYEE that is certified by a FOOD protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food

Protection Manager Certification Programs is deemed to comply with 40-7-1-.03(3).

(5) **Person in Charge.** The PERSON IN CHARGE shall ensure that:

(a) FOOD ESTABLISHMENT operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under 40-7-1-.31(19);[Pf]

(b) PERSONS unnecessary to the FOOD ESTABLISHMENT operation are not allowed in the FOOD preparation, FOOD storage, or WAREWASHING areas, except that brief visits and tours may be authorized by the PERSON IN CHARGE if steps are taken to ensure that exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES are protected from contamination;[Pf]

(c) EMPLOYEES and other PERSONS such as delivery and maintenance PERSONS and pesticide applicators entering the FOOD preparation, FOOD storage, and WAREWASHING areas comply with these Regulations;[Pf]

(d) EMPLOYEES are effectively cleaning their hands, by routinely monitoring the EMPLOYEES' handwashing;[Pf]

(e) EMPLOYEES are visibly observing FOODS as they are received to determine that they are from APPROVED sources, delivered at the required temperatures, protected from contamination, UNADULTERED, and accurately presented, by routinely monitoring the EMPLOYEES' observations and periodically evaluating FOODS upon their receipt;[Pf]

(f) EMPLOYEES are verifying that FOODS delivered to the FOOD ESTABLISHMENT during non-operating hours are from APPROVED sources and are placed into appropriate storage locations such that they are maintained at the required temperatures, protected from contamination, unADULTERATED, and accurately presented;[Pf]

(g) EMPLOYEES are properly cooking TIME/TEMPERATURE CONTROL FOR SAFETY FOOD, being particularly careful in cooking those FOODS known to cause severe foodborne illness and death, such as EGGS and COMMINUTED MEATS, through daily oversight of the EMPLOYEES' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated as specified under 40-7-1-.17(11) and 40-7-1-.20(17)(b);[Pf]

(h) EMPLOYEES are using proper methods to rapidly cool TIME/TEMPERATURE CONTROL FOR SAFETY FOODS that are not held hot or are not for consumption within four (4) hours, through daily oversight of the EMPLOYEES' routine monitoring of FOOD temperatures during cooling;[Pf]

(i) EMPLOYEES are properly maintaining the temperatures of TIME/TEMPERATURE CONTROL FOR SAFETY FOODS during hot and cold holding through daily oversight of the EMPLOYEES' routine monitoring of FOOD temperatures;[Pf]

(j) CONSUMERS who order raw or partially cooked READY-TO-EAT FOODS of animal origin are informed as specified under 40-7-1-.13(5) that the FOOD is not cooked sufficiently to ensure its safety;[Pf]

(k) EMPLOYEES are properly SANITIZING cleaned multiuse EQUIPMENT and UTENSILS before they are reused, through routine monitoring of solution temperature and exposure time for hot water SANITIZING, and chemical concentration, pH, temperature, and exposure time for chemical SANITIZING;[Pf]

(l) CONSUMERS are notified that clean TABLEWARE is to be used when they return to self-service areas such as salad bars and buffets as specified under 40-7-1-.10(15);[Pf]

(m) Except when APPROVAL is obtained from the DEPARTMENT as specified in 40-7-1-.10(1)(e), EMPLOYEES are preventing cross-contamination of READY-TO-EAT FOOD with bare hands by properly using suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT;[Pf]

(n) EMPLOYEES are properly trained in FOOD safety, including FOOD allergy awareness, as it relates to their assigned duties;[Pf]

(o) FOOD EMPLOYEES and CONDITIONAL EMPLOYEES are informed in a verifiable manner of their responsibility to report in accordance with LAW, to the PERSON IN CHARGE, information about their health and activities as they relate to diseases that are transmissible through FOOD, as specified under 40-7-1-.04(1)(a);[Pf] and

(p) Written procedures and plans, where specified by these Regulations and as developed by the FOOD ESTABLISHMENT, are maintained and implemented as required.[Pf]

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.03
Authority: O.C.G.A. §§ 26-2-1, *et seq*.
History. Original Rule entitled "Walls, Ceiling, Windows" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Person in Charge" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Amended: F. Aug. 7, 2012; eff. Aug. 27, 2012.
Repealed: New Rule entitled "Management & Personnel: Supervision" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.
Amended: F. Sep. 27, 2019; eff. Oct. 17, 2019.

Rule 40-7-1-.04. Management and Personnel: Employee Health.

(1) **Responsibility of License Holder, Person in Charge, and Conditional Employees.**

(a) The LICENSE HOLDER shall require FOOD EMPLOYEES and EMPLOYEES to report to the PERSON IN CHARGE information about their health and activities as they relate to diseases that are transmissible through FOOD. A FOOD EMPLOYEE or CONDITIONAL EMPLOYEE shall report the information in a manner that allows the PERSON IN CHARGE to reduce the RISK of foodborne disease transmission, including providing necessary additional information, such as the date of onset of symptoms and an illness, or of a diagnosis without symptoms, if the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE:

1. Has any of the following symptoms:

(i) Vomiting,[P]

(ii) Diarrhea,[P]

(iii) Jaundice,[P]

(iv) Sore throat with fever,[P] or

(v) A lesion containing pus such as a boil or infected wound that is open or draining and is:

(I) On the hands or wrists, *unless an impermeable cover such as a finger cot or stall protects the lesion and a SINGLE-USE glove is worn over the impermeable cover*,[P]

(II) On exposed portions of the arms, *unless the lesion is protected by an impermeable cover*,[P] or

(III) On other parts of the body, *unless the lesion is covered by a dry, durable, tight-fitting bandage*;[P]

2. Has an illness diagnosed by a HEALTH PRACTITIONER due to:

(i) Norovirus,[P]

(ii) Hepatitis A virus,[P]

(iii) *Shigella* spp.,[P]

(iv) SHIGA TOXIN-PRODUCING *ESCHERICHIACOLI*,[P]

(v) Typhoid Fever (caused by *Salmonella* Typhi);[P] or

(vi) *Salmonella* (nontyphoidal);[P]

3. Had Typhoid fever, diagnosed by a HEALTH PRACTITIONER, within the past three (3) months, without having received antibiotic therapy, as determined by a HEALTH PRACTITIONER;[P]

4. Has been exposed to, or is the suspected source of, a CONFIRMED DISEASE OUTBREAK, because the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE consumed or prepared FOOD implicated in the outbreak, or consumed FOOD at an event prepared by a PERSON who is infected or ill with:

   (i) Norovirus within the past forty-eight (48) hours of the last exposure,[P]

   (ii) SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* or *Shigella* spp. within the past three (3) days of the last exposure,[P]

   (iii) Typhoid fever within the past fourteen (14) days of the last exposure,[P] or

   (iv) Hepatitis A virus within the past thirty (30) days of the last exposure;[P] or

5. Has been exposed by attending or working in a setting where there is a CONFIRMED DISEASE OUTBREAK, or is living in the same household as, and has knowledge about, an individual who works or attends a setting where there is a CONFIRMED DISEASE OUTBREAK, or is living in the same household as, and has knowledge about, an individual diagnosed with an illness caused by:

   (i) Norovirus within the past forty-eight (48) hours of the last exposure,[P]

   (ii) SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* or *Shigella* spp. within the past three (3) days of the last exposure,[P]

   (iii) Typhoid fever (caused by *Salmonella* Typhi) within the past fourteen (14) days of the last exposure,[P] or

   (iv) Hepatitis A virus within the past thirty (30) days of the last exposure.[P]

(b) The PERSON IN CHARGE shall notify the DEPARTMENT when a FOOD EMPLOYEE is:

1. Jaundiced,[Pf] or

2. Diagnosed with an illness due to a pathogen as specified under Subparagraphs (a)2(i) - (vi) of this section.[Pf]

(c) The PERSON IN CHARGE shall ensure that a CONDITIONAL EMPLOYEE:

1. Who exhibits or reports a symptom, or who reports a diagnosed illness as specified under Subparagraphs (a)1 - 3 of this section, is prohibited from becoming a FOOD EMPLOYEE until the CONDITIONAL EMPLOYEE meets the criteria for the specific symptoms or diagnosed illness as specified under 40-7-1-.04(3);[P] and

2. Who will work as a FOOD EMPLOYEE in a FOOD ESTABLISHMENT that serves as a HIGHLY SUSCEPTIBLE POPULATION and reports a history of exposure as specified under Subparagraphs (a)4 - 5, is prohibited from becoming a FOOD EMPLOYEE until the CONDITIONAL EMPLOYEE meets the criteria as specified under 40-7-1-.04(3)(j).[P]

(d) The PERSON IN CHARGE shall ensure that a FOOD EMPLOYEE who exhibits or reports a symptom, or who reports a diagnosed illness or a history of exposure as specified under Subparagraphs (a)1 - 5 of this section is:

1. EXCLUDED as specified under 40-7-1-.04(2)(a) - (c), and Subparagraphs (d)1, (e)1, (f)1, (g) or (h)1 and in compliance with the provisions specified under 40-7-1-.04(3)(a) - (h);[P] or

2. RESTRICTED as specified under Subparagraphs 40-7-1-.04(2)(d)2, (e)2, (f)2, (h)2, or 40-7-1-.04(2)(i) or (j) and in compliance with the provisions specified under 40-7-1-.04(3)(d) - (j).[P]

(e) A FOOD EMPLOYEE or CONDITIONAL EMPLOYEE shall report to the PERSON IN CHARGE the information as specified under (a) of this section. [Pf]

(f) A FOOD EMPLOYEE shall:

1. Comply with an EXCLUSION as specified under 40-7-1-.04(2)(a) - (c) and Subparagraphs 40-7-1-.04(2)(d)1, (e)1, (f)1, (g), or (h)1 and with the provisions specified under 40-7-1-.04(3)(a) - (h);[P] or

2. Comply with a RESTRICTION as specified under Subparagraphs 40-7-1-.04(2)(d)2, (e)2, (f)2, (g), (h)2, or 40-7-1-.04(2)(h), (i), or (j) and comply with the provisions specified under 40-7-1-.04(3)(d) - (j).[P]

(2) **Exclusions and Restrictions.** The PERSON IN CHARGE shall EXCLUDE or RESTRICT a FOOD EMPLOYEE from a FOOD ESTABLISHMENT in accordance with the following:

(a) *Except when the symptom is from a noninfectious condition,* EXCLUDE a FOOD EMPLOYEE if the FOOD EMPLOYEE is:

1. Symptomatic with vomiting or diarrhea;[P] or

2. Symptomatic with vomiting or diarrhea and diagnosed with an infection from Norovirus, *Shigella* spp., *Salmonella* (nontyphoidal), or SHIGA TOXIN-PRODUCING *E. COLI*.[P]

(b) EXCLUDE a FOOD EMPLOYEE who is:

1. Jaundiced and the onset of jaundice occurred within the last seven (7) calendar days, *unless the FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection*;[P]

2. Diagnosed with an infection from hepatitis A virus within fourteen (14) calendar days from the onset of any illness symptoms, or within seven (7) calendar days of the onset of jaundice;[P] or

3. Diagnosed with an infection from hepatitis A virus without developing symptoms.[P]

(c) EXCLUDE a FOOD EMPLOYEE who is diagnosed with Typhoid fever or reports having had Typhoid fever within the past three (3) months as specified under Subparagraph 40-7-1-.04(1)(a)3.[P]

(d) If a FOOD EMPLOYEE is diagnosed with an infection from Norovirus and is ASYMPTOMATIC:

1. EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION;[P] or

2. RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.[P]

(e) If a FOOD EMPLOYEE is diagnosed with an infection from *Shigella* spp. and is ASYMPTOMATIC:

1. EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION;[P] or

2. RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.[P]

(f) If a FOOD EMPLOYEE is diagnosed with an infection from SHIGA TOXIN-PRODUCING *E. COLI*, and is ASYMPTOMATIC:

1. EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION;[P] or

2. RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.[P]

(g) If a FOOD EMPLOYEE is diagnosed with an infection from *Salmonella* (nontyphoidal) and is ASYMPTOMATIC, RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION or in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.[P]

(h) If a FOOD EMPLOYEE is ill with symptoms of acute onset of sore throat with fever:

1. EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION;[P] or

2. RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.[P]

(i) If a FOOD EMPLOYEE is infected with a skin lesion containing pus such as a boil or infected wound that is open or draining and not properly covered as specified under Subparagraph 40-7-1-.04(1)(a)1(v), RESTRICT the FOOD EMPLOYEE.[P]

(j) If a FOOD EMPLOYEE is exposed to a foodborne pathogen as specified under Subparagraphs 40-7-1-.04(1)(a)4 (i - iv) or 40-7-1-.04(1)(a)5 (i - iv), RESTRICT the EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION.[P]

(3) **Removal, Adjustment, or Retention of Exclusions and Restrictions.** The PERSON IN CHARGE shall adhere to the following conditions when removing, adjusting, or retaining the EXCLUSION or RESTRICTION of a FOOD EMPLOYEE:

(a) *Except when a FOOD EMPLOYEE is diagnosed with Typhoid fever or an infection from hepatitis A virus*:

1. Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under Subparagraph 40-7-1-.04(2)(a)1 if the FOOD EMPLOYEE:

   (i) Is ASYMPTOMATIC for at least twenty-four (24) hours;[P] or

   (ii) Provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER that states the symptom is from a noninfectious condition.[P]

2. If a FOOD EMPLOYEE was diagnosed with an infection from Norovirus and EXCLUDED as specified under Subparagraph 40-7-1-.04(2)(a)2:

   (i) RESTRICT the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least twenty-four (24) hours and works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (d)1 or 2 of this section are met;[P] or

   (ii) Retain the EXCLUSION for the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least twenty-four (24) hours and works in a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (d)1 or 2 of this section are met.[P]

3. If a FOOD EMPLOYEE was diagnosed with an infection from *Shigella* spp. and EXCLUDED as specified under Subparagraph 40-7-1-.04(2)(a)2:

   (i) RESTRICT the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least twenty-four (24) hours and works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (e)1 or 2 of this section are met;[P] or

   (ii) Retain the EXCLUSION for the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least twenty-four (24) hours and works in a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (e)1 or 2, or (e)1 and 3(i) of this section are met.[P]

4. If a FOOD EMPLOYEE was diagnosed with an infection from SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* and EXCLUDED as specified under Subparagraph 40-7-1-.04(2)(a)2:

   (i) RESTRICT the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least twenty-four (24) hours and works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (f)1 or 2 of this section are met;[P] or

   (ii) Retain the EXCLUSION for the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least twenty-four (24) hours and works in a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (f)1 or 2 are met.[P]

5. If a FOOD EMPLOYEE was diagnosed with an infection from *Salmonella* (nontyphoidal) and EXCLUDED as specified under Subparagraph 40-7-1-.04(2)(a)2:

   (i) RESTRICT the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least thirty (30) days until conditions for reinstatement as specified under Subparagraphs (g)1 or 2 of this section are met;[P] or

   (ii) Retain the EXCLUSION for the FOOD EMPLOYEE who is SYMPTOMATIC, until conditions for reinstatement as specified under Paragraphs (g)1 or (g)2 of this section are met.[P]

(b) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under 40-7-1-.04(2)(b) if the PERSON IN CHARGE obtains APPROVAL from the DEPARTMENT and one of the following conditions is met;

1. The FOOD EMPLOYEE has been jaundiced for more than seven (7) calendar days;[P]

2. The anicteric FOOD EMPLOYEE has been symptomatic with symptoms other than jaundice for more than fourteen (14) calendar days;[P] or

3. The FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of a hepatitis A virus infection.[P]

(c) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under 40-7-1-.04(2)(c) if:

1. The PERSON IN CHARGE obtains APPROVAL from the DEPARTMENT;[P] and

2. The FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER that states the FOOD EMPLOYEE is free from Typhoid fever.[**P**]

(d) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under Subparagraphs 40-7-1-.04(2)(a)2 or (d)1 who was RESTRICTED under Subparagraph 40-7-1-.04(2)(d)2 if the PERSON IN CHARGE obtains APPROVAL from the DEPARTMENT and one of the following conditions is met:

1. The EXCLUDED or RESTRICTED FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of a Norovirus infection;[P]

2. The FOOD EMPLOYEE was EXCLUDED or RESTRICTED after symptoms of vomiting or diarrhea resolved, and more than forty-eight (48) hours have passed since the FOOD EMPLOYEE became ASYMPTOMATIC;[P] or

3. The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than forty-eight (48) hours have passed since the FOOD EMPLOYEE was diagnosed.[P]

(e) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under Subparagraphs 40-7-1-.04(2)(a)2 or (e)1 or who was RESTRICTED under Subparagraph 40-7-1-.04(2)(e)2 if the PERSON IN CHARGE obtains APPROVAL from the DEPARTMENT and one of the following conditions is met:

1. The EXCLUDED or RESTRICTED FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of a *Shigella* spp. infection based on test results showing two (2) consecutive negative stool specimen cultures that are taken:

   (i) Not earlier than forty-eight (48) hours after discontinuance of antibiotics,[P] and

   (ii) At least twenty-four (24) hours apart;[P]

2. The FOOD EMPLOYEE was EXCLUDED or RESTRICTED after symptoms of vomiting or diarrhea resolved, and more than seven (7) calendar days have passed since the FOOD EMPLOYEE became ASYMPTOMATIC;[P] or

3. The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than seven (7) calendar days have passed since the FOOD EMPLOYEE was diagnosed.[P]

(f) Reinstate a FOOD EMPLOYEE who was EXCLUDED or RESTRICTED as specified under Subparagraphs 40-7-1-.04(2)(a)2 or (f)1 or who was RESTRICTED under Subparagraph 40-7-1-.04(2)(f)2 if the PERSON IN CHARGE obtains APPROVAL from the DEPARTMENT and one of the following conditions is met:

1. The EXCLUDED or RESTRICTED FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of an infection from SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* based on test results that show two (2) consecutive negative stool specimen cultures that are taken:

   (i) Not earlier than forty-eight (48) hours after discontinuance of antibiotics;[P] and

   (ii) At least twenty-four (24) hours apart;[P]

2. The FOOD EMPLOYEE was EXCLUDED or RESTRICTED after symptoms of vomiting or diarrhea resolved and more than seven (7) calendar days have passed since the FOOD EMPLOYEE became ASYMPTOMATIC;[P] or

3. The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than seven (7) days have passed since the FOOD EMPLOYEE was diagnosed.[P]

(g) Reinstate a food employee who was EXCLUDED as specified under Subparagraph 40-7-1-.04(2)(a)2 or who was RESTRICTED as specified under 40-7-1-.04(2)(g) if the PERSON IN CHARGE obtains APPROVAL from the DEPARTMENT[P] and one of the following conditions is met:

1. The EXCLUDED or RESTRICTED FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of a

Salmonella (nontyphoidal) infection based on test results showing two (2) consecutive negative stool specimen cultures that are taken;

(i) Not earlier than forty-eight (48) hours after discontinuance of antibiotics,[P] and

(ii) At least twenty-four (24) hours apart;[P]

2. The FOOD EMPLOYEE was RESTRICTED after symptoms of vomiting or diarrhea resolved and more than thirty (30) days have passed since the FOOD EMPLOYEE became ASYMPTOMATIC;[P] or

3. The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than thirty (30) days have passed since the FOOD EMPLOYEE was diagnosed.[P]

(h) Reinstate a FOOD EMPLOYEE who was EXCLUDED or RESTRICTED as specified under Subparagraphs 40-7-1-.04(2)(h)1 or 2 if the FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE meets one of the following conditions:

1. Has received antibiotic therapy for *Streptococcus pyogenes* infection for more than twenty-four (24) hours;[P]

2. Has at least one negative throat specimen culture for *Streptococcus pyogenes* infection;[P] or

3. Is otherwise determined by a HEALTH PRACTITIONER to be free of a *Streptococcus pyogenes* infection.[P]

(i) Reinstate a FOOD EMPLOYEE who was RESTRICTED as specified under 40-7-1-.04(2)(i) if the skin, infected wound, cut, or pustular boil is properly covered with one of the following:

1. An impermeable cover such as a finger cot or stall and a single-use glove over the impermeable cover if the infected wound or pustular boil is on the hand, finger, or wrist;[P]

2. An impermeable cover on the arm if the infected wound or pustular boil is on the arm;[P] or

3. A dry, durable, tight-fitting bandage if the infected wound or pustular boil is on another part of the body.[P]

(j) Reinstate a FOOD EMPLOYEE who was RESTRICTED as specified under 40-7-1-.04(2)(j) and was exposed to one of the following pathogens as specified under Subparagraph 40-7-1-.04(2)(a)4 (i - iv) or 40-7-1-.04(2)(a)5 (i - iv):

1. Norovirus and one of the following conditions is met:

   (i) More than forty-eight (48) hours have passed since the last day the FOOD EMPLOYEE was potentially exposed;[P] or

   (ii) More than forty-eight (48) hours have passed since the FOOD EMPLOYEE'S household contact became ASYMPTOMATIC.[P]

2. *Shigella* spp. or SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* and one of the following conditions is met:

   (i) More than three (3) calendar days have passed since the last day the FOOD EMPLOYEE was potentially exposed;[P] or

   (ii) More than three (3) calendar days have passed since the FOOD EMPLOYEE'S household contact became ASYMPTOMATIC.[P]

3. Typhoid fever (caused by *Salmonella Typhi)* and one of the following conditions is met:

   (i) More than fourteen (14) calendar days have passed since the last day the FOOD EMPLOYEE was potentially exposed;[P] or

   (ii) More than fourteen (14) calendar days have passed since the FOOD EMPLOYEE'S household contact became ASYMPTOMATIC.[P]

4. Hepatitis A virus and one of the following conditions is met:

   (i) The FOOD EMPLOYEE is immune to hepatitis A virus infection because of a prior illness from hepatitis A;[P]

   (ii) The FOOD EMPLOYEE is immune to hepatitis A virus infection because of vaccination against hepatitis A;[P]

   (iii) The FOOD EMPLOYEE is immune to hepatitis A virus infection because of IgG administration;[P]

   (iv) More than thirty (30) calendar days have passed since the last day the FOOD EMPLOYEE was potentially exposed;[P]

   (v) More than thirty (30) calendar days have passed since the FOOD EMPLOYEE'S household contact became jaundiced;[P] or

(vi) The FOOD EMPLOYEE does not use an alternative procedure that allows bare hand contact with READY-TO-EAT FOOD until at least thirty (30) days after the potential exposure, as specified in Subparagraphs (i)4(iv) and

(v) of this section, and the FOOD EMPLOYEE receives additional training about:

(I) Hepatitis A symptoms and preventing the transmission of infection,[P]

(II) Proper handwashing procedures,[P] and

(III) Protecting READY-TO-EAT FOOD from contamination introduced by bare hand contact.[P]

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.04
Authority: O.C.G.A. §§ 26-2-1, *et seq*.
History. Original Rule entitled "Doors and Screens" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Responsibility of Person in Charge" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Amended: F. Aug. 7, 2012; eff. Aug. 27, 2012.
Repealed: New Rule entitled "Management & Personnel: Employee Health" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.
Amended: F. Sep. 27, 2019; eff. Oct. 17, 2019.

Rule 40-7-1-.05. Personal Cleanliness.

(1) **Clean Condition.** FOOD EMPLOYEES shall keep their hands and exposed portions of their arms clean.[P]

(2) **Cleaning Procedure.**

(a) Except as specified in (d) of this section, FOOD EMPLOYEES shall clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands or arms for at least twenty (20) seconds, using a cleaning compound in a HANDWASHING SINK that is equipped as specified under 40-7-1-.26(3) and 40-7-1-.32(1) - (6).[P]

(b) FOOD EMPLOYEES shall use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms:

1. Rinse under clean, running warm water;[P]

2. Apply an amount of cleaning compound recommended by the cleaning compound manufacturer;[P]

3. Rub together vigorously for at least ten (10) to fifteen (15) seconds while:

   (i) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure,[P] and

   (ii) Creating friction on the surfaces of the hands and arms or surrogate prosthetic devices for hands and arms, finger tips, and areas between the fingers;[P]

4. Thoroughly rinse under clean, running warm water;[P] and

5. Immediately follow the cleaning procedure with thorough drying using a method as specified under 40-7-1-.32(3).[P]

(c) *To avoid recontaminating their hands or surrogate prosthetic devices, FOOD EMPLOYEES may use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a HANDWASHING SINK or the handle of a restroom door.*

(d) *If APPROVED and capable of removing the types of soils encountered in the FOOD operations involved, an automatic handwashing facility may be used by FOOD EMPLOYEES to clean their hands or surrogate prosthetic devices.*

(3) **When to Wash.** FOOD EMPLOYEES shall clean their hands and exposed portions of their arms as specified under 40-7-1-.05(2) immediately before engaging in FOOD preparation including working with exposed FOOD, clean EQUIPMENT and UTENSILS, and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES [P] and:

(a) After touching bare human body parts other than clean hands and clean, exposed portions of arms;[P]

(b) After using the toilet room;[P]

(c) After caring for or handling SERVICE ANIMALS or aquatic animals as specified in 40-7-1-.06(4)(b);[P]

(d) Except as specified in 40-7-1-.06(1)(b), after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;[P]

(e) After handling soiled EQUIPMENT or UTENSILS;[P]

(f) During FOOD preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;[P]

(g) When switching between working with raw FOOD and working with READY-TO-EAT FOOD;[P]

(h) Before donning gloves to initiate a task that involves working with FOOD;[P] and

(i) After engaging in other activities that contaminate the hands.[P]

(4) **Where to Wash.** FOOD EMPLOYEES shall clean their hands in a HANDWASHING SINK or APPROVED automatic handwashing facility and may not clean their hands in a sink used for FOOD preparation or WAREWASHING, or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.[P]

(5) **Hand Antiseptics.**

(a) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:

1. Comply with one of the following:

(i) Be an APPROVED drug that is listed in the FDA publication **Approved Drug Products with Therapeutic Equivalence Evaluations** as an APPROVED drug based on safety and effectiveness;[Pf] or

(ii) Have active antimicrobial ingredients that are listed in the FDA monograph for OTC Health-Care Antiseptic Drug Products as an antiseptic handwash,[Pf] and

2. Consist only of components which the intended use of each complies with one of the following:

(i) A threshold of regulation exemption under 21 CFR 170.39 - Threshold of regulation for substances used in food-contact articles;[Pf] or

(ii) 21 CFR 178 - Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers as regulated for use as a FOOD ADDITIVE with conditions of safe use,[Pf] or

(iii) A determination of generally recognized as safe (GRAS). Partial listings of substances with FOOD uses that are GRAS may be found in 21 CFR 182 - Substances Generally Recognized as Safe, 21 CFR 184 - Direct Food Substances Affirmed as Generally Recognized as

Safe, or 21 CFR 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe for use in contact with FOOD, and in FDA'S Inventory of GRAS Notices,[Pf] or

(iv) A prior sanction listed under 21 CFR 181 - Prior Sanctioned Food Ingredients,[Pf] or

(v) A FOOD Contact Notification that is effective,[Pf] and

3. Be applied only to hands that are cleaned as specified under 40-7-1-.05(2).[Pf]

(b) If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified under Subparagraph (a)2 of this section, use shall be:

1. Followed by thorough hand rinsing in clean water before hand contact with FOOD or by the use of gloves;[Pf] or

2. Limited to situations that involve no direct contact with FOOD by the bare hands.[Pf]

(c) A hand antiseptic solution used as a hand dip shall be maintained clean and at a strength equivalent to at least 100 MG/L chlorine.[Pf]

(6) **Maintenance.**

(a) FOOD EMPLOYEES shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.[Pf]

(b) *Unless wearing intact gloves in good repair*, a FOOD EMPLOYEE may not wear fingernail polish or artificial fingernails when working with exposed FOOD.[Pf]

(7) **Prohibition.***Except for a plain ring such as a wedding band*, while preparing FOOD, FOOD EMPLOYEES may not wear jewelry including medical information jewelry on their arms and hands.

(8) **Clean Condition.** FOOD EMPLOYEES shall wear clean outer clothing to prevent contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.05
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Light and Ventilation" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Personal Cleanliness" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: New Rule entitled "Management & Personnel: Personal Cleanliness" adopted. F. Sep. 11, 2015; eff. Oct.

1, 2015.

Rule 40-7-1-.06. Management and Personnel: Hygienic Practices.

(1) **Eating, Drinking, or Using Tobacco.**

(a) Except as specified in (b) of this section, an EMPLOYEE shall eat, drink, or use any form of tobacco only in designated areas where the contamination of exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES; or other items needing protection cannot result.

(b) *A FOOD EMPLOYEE may drink from a closed BEVERAGE container if the container is handled to prevent contamination of:*

1. *The EMPLOYEE'S hands;*
2. *The container; and*
3. *Exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.*

(2) **Discharges from the Eyes, Nose, and Mouth.** FOOD EMPLOYEES experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; or unwrapped SINGLE-SERVICE or SINGLE-USE ARTICLES.

(3) **Use of Bandages, Finger Cots, or Finger Stalls.** If used, an impermeable cover such as a bandage, finger cot, or finger stall located on the wrist, hand, or finger of a FOOD EMPLOYEE working with exposed FOOD shall be covered with a single-use glove.

(4) **Effectiveness.**

(a) Except as provided in (b) of this section, FOOD EMPLOYEES shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

(b) *This section does not apply to FOOD EMPLOYEES such as counter staff who only serve BEVERAGES and wrapped or PACKAGED FOODS, hostesses, and wait staff if they present a minimal RISK of contaminating exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.*

(5) **Handling Prohibition.**

(a) Except as specified in (b) of this section, FOOD EMPLOYEES may not care for or handle animals that may be present such as patrol dogs, SERVICE ANIMALS, or pets that are allowed as specified in Subparagraphs 40-7-1-.34(15)(b)2 - 5.[Pf]

(b) *FOOD EMPLOYEES with SERVICE ANIMALS may handle or care for their SERVICE ANIMALS and FOOD EMPLOYEES may handle or care for FISH in aquariums or MOLLUSCAN SHELLFISH or crustacea in display tanks if they wash their hands as specified under 40-7-1-.05(2) and 40-7-1-.05(3)(c).*

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.06
Authority: O.C.G.A. §§ 26-2-1, *et seq*.
History. Original Rule entitled "Storage Area" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Hygienic Practices" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: New Rule entitled "Management & Personnel: Hygienic Practices" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.
Amended: F. Sep. 27, 2019; eff. Oct. 17, 2019.

Rule 40-7-1-.07. Management and Personnel: Responding to Contamination Events.

(1) **Clean-up of Vomiting and Diarrheal Events.** A FOOD ESTABLISHMENT shall have written procedures for EMPLOYEES to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the FOOD ESTABLISHMENT. The procedures shall address the specific actions EMPLOYEES must take to minimize the spread of contamination and the exposure of EMPLOYEES, CONSUMERs, FOOD, and surfaces to vomitus or fecal matter.[Pf]

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.07
Authority: O.C.G.A. §§ 26-2-1, *et seq*.
History. Original Rule entitled "Outside Premises" was filed and effective on June 30, 1965.
Repealed: New Rule entitled "Condition of Food" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: New Rule entitled "Management & Personnel: Responding to Contamination Events" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.
Amended: F. Sep. 27, 2019; eff. Oct. 17, 2019.

Rule 40-7-1-.08. Food: Characteristics.

(1) **Safe, Unadulterated, and Honestly Presented.** FOOD shall be safe, unADULTERATED, and, as specified under 40-7-1-.13(2), honestly presented.[P]

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.08
Authority: O.C.G.A. Secs. 26-2-1 et. seq.

History. Original Rule entitled "Toilet Facilities and Washrooms" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Food from Approved Source" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by the Agency.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: New Rule entitled "Food: Characteristics" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.09. Food: Sources, Specifications, and Original Containers and Records.

(1) **Compliance with Food Law.**

(a) FOOD shall be obtained from sources that comply with LAW.[P]

(b) FOOD prepared in a private home may not be used or offered for human consumption in a FOOD ESTABLISHMENT.[P]

(c) PACKAGED FOOD shall be labeled as specified in LAW, including 21 CFR 101 Food Labeling, 9 CFR 317 Labeling, Marking Devices, and Containers, and 9 CFR 381 Subpart N Labeling and Containers, and as specified under 40-7-1-.09(14) and 40-7-1-.09(15).[Pf]

(d) FISH, *other than those specified in paragraph 40-7-1-.11(5)(b), that are intended for consumption in raw or undercooked form and allowed as specified in paragraph 40-7-1-.11(1)(d), may be offered for sale or service if they are obtained from a supplier that freezes the FISH as specified under 40-7-1-.11(5); or if they are frozen on the PREMISES as specified under 40-7-1-.11(5) and records are retained as specified under 40-7-1-.11(6).*

(e) WHOLE-MUSCLE, INTACT BEEF steaks that are intended for consumption in an undercooked form without a CONSUMER advisory as specified in 40-7-1-.11(1)(c) shall be:

1. Obtained from a FOOD PROCESSING PLANT that, upon request by the purchaser, packages the steaks and labels them to indicate that the steaks meet the definition of WHOLE-MUSCLE, INTACT BEEF,[Pf] or

2. Deemed acceptable by the DEPARTMENT based on other evidence, such as written buyer specifications or invoices, that indicates that the steaks meet the definition of WHOLE-MUSCLE, INTACT BEEF,[Pf] and

3. If individually cut in a FOOD ESTABLISHMENT:

(i) Cut from WHOLE-MUSCLE, INTACT BEEF that is labeled by a FOOD PROCESSING PLANT as specified in Subparagraph (e)1 of this section or identified as specified in Subparagraph (e)2 of this section,[Pf]

(ii) Prepared so they remain intact,[Pf] and

(iii) If PACKAGED for undercooking in a FOOD ESTABLISHMENT, labeled as specified in Subparagraph (e)1 of this section or identified as specified in (e)2 of this section.[Pf]

(f) MEAT and POULTRY that is not a READY-TO-EAT FOOD and is in a PACKAGED form when it is offered for sale or otherwise offered for consumption, shall be labeled to include safe handling instructions as specified in LAW, including 9 CFR 317.2(l) and 9 CFR 381.125(b).

(g) EGGS that have not been specifically treated to destroy all viable ***Salmonellae*** shall be labeled to include safe handling instructions as specified in LAW, including 21 CFR 101.17(h).

(2) **Food in a Hermetically Sealed Container.**FOOD in a HERMETICALLY SEALED CONTAINER shall be obtained from a FOOD PROCESSING PLANT that is regulated by the FOOD regulatory agency that has jurisdiction over the plant.[P]

(3) **Fluid Milk and Milk Products.** Fluid milk and milk products shall be obtained from sources that comply with GRADE A STANDARDS as specified in LAW.[P]

(4) **Fish.**

(a) FISH that are received for sale or service shall be:

1. Commercially and legally caught or harvested;[P] or

2. APPROVED for sale or service.[P]

(b) MOLLUSCAN SHELLFISH that are recreationally caught may not be received for sale or service.[P]

(5) **Molluscan Shellfish.**

(a) MOLLUSCAN SHELLFISH shall be obtained from sources according to LAW and the requirements specified in the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.[P]

(b) MOLLUSCAN SHELLFISH received in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List.[P]

(6) **Wild Mushrooms.**

(a) Except as specified in (b) of this section, mushroom species picked in the wild shall not be offered for sale or service by a FOOD ESTABLISHMENT unless the FOOD ESTABLISHMENT has been APPROVED to do so.[P]

(b) *This section does not apply to:*

1. *Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the FOOD regulatory agency that has jurisdiction over the operation; or*

2. *Wild mushroom species if they are in packaged form and are the product of a FOOD PROCESSING PLANT that is regulated by the FOOD regulatory agency that has jurisdiction over the plant.*

(7) **Game Animals.**

(a) If GAME ANIMALS are received for sale or service they shall be:

1. Commercially raised for FOOD [P] and:

(i) Raised, slaughtered, and processed under a voluntary inspection program that is conducted by the agency that has animal health jurisdiction,[P] or

(ii) Under a routine inspection program conducted by a regulatory agency other than the agency that has animal health jurisdiction,[P] and

(iii) Raised, slaughtered, and processed according to:

(I) LAWS governing MEAT and POULTRY as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program,[P] and

(II) Requirements which are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an APPROVED veterinarian or veterinarian's designee;[P]

2. Under a voluntary inspection program administered by the USDA for game animals such as exotic animals - reindeer, elk, deer, antelope, water buffalo, or bison - that are "inspected and APPROVED" in accordance with 9 CFR 352 Exotic animals; voluntary inspection or rabbits that are "inspected and certified" in accordance with 9 CFR 354 voluntary inspection of rabbits and edible products thereof;[P]

3. As allowed by LAW, for wild GAME ANIMALS that are live-caught:

   (i) Under a routine inspection program conducted by a regulatory agency such as the agency that has animal health jurisdiction, [P] and

   (ii) Slaughtered and processed according to:

      (I) LAWS governing MEAT and POULTRY as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program,[P] and

      (II) Requirements which are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an APPROVED veterinarian or veterinarian's designee;[P] or

4. As allowed by LAW, for field-dressed wild GAME ANIMALS under a routine inspection program that ensures the animals:

   (i) Receive a postmortem examination by an APPROVED veterinarian or veterinarian's designee,[P] or

   (ii) Are field-dressed and transported according to requirements specified by the agency that has animal health jurisdiction and the agency that conducts the inspection program,[P] and

   (iii) Are processed according to LAWS governing MEAT and POULTRY as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.[P]

(b) A GAME ANIMAL may not be received for sale or service if it is a species of wildlife that is listed in 50 CFR 17 Endangered and threatened wildlife and plants.

(c) Processing of Deer in Retail Stores. The processing of deer in retail meat markets may be permitted if:

1. The FOOD ESTABLISHMENT performing the processing submitted a VARIANCE to the DEPARTMENT, as required in 40-7-1-.12(10)(f), which was APPROVED.

2. Carcasses are skinned, eviscerated and head is removed prior to being brought into the facility.[P]

3. Carcasses shall be examined for proper dressing, cleanliness and removal of severely bruised or wounded places.[P]

4. Carcasses should be held separate from inspected MEATS with nothing stored underneath.[P]

5. Processing operations shall be kept separate by time and distance from normal store processing activities.[P]

6. Facilities, EQUIPMENT and UTENSILS used shall be subject to a thorough cleaning and SANITIZATION subsequent to processing and prior to resuming normal store processing activities.[P]

(8) **Temperature.**

(a) Except as specified in (b) of this section, refrigerated, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be at a temperature of 5°C (41°F) or below when received.[P]

(b) *If a temperature other than 5°C (41°F) for a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD is specified in LAW governing its distribution, such as LAWS governing milk and MOLLUSCAN SHELLFISH, the FOOD may be received at the specified temperature*.

(c) Raw EGGS shall be received in refrigerated equipment that maintains an ambient air temperature of 7°C (45°F) or less.[P]

(d) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is cooked to a temperature and for a time specified under 40-7-1-.11(1) - (3) and received hot shall be at a temperature of 57°C (135°F) or above.[P]

(e) A FOOD that is labeled frozen and shipped frozen by a FOOD PROCESSING PLANT shall be received frozen.[Pf]

(f) Upon receipt, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be free of evidence of previous temperature abuse.[Pf]

(9) **Additives.** FOOD may not contain unAPPROVED FOOD ADDITIVES or ADDITIVES that exceed amounts specified in 21 CFR 170- 180 relating to FOOD ADDITIVES, generally recognized as safe or prior sanctioned substances that exceed amounts specified in 21 CFR 181- 186, substances that exceed amounts specified in 9 CFR Subpart C Section 424.21(b) Food ingredients and sources of radiation, or pesticide residues that exceed provisions specified in 40 CFR 180 Tolerances for pesticides chemicals in food, and exceptions.[P]

(10) **Eggs.** EGGS shall be received clean and sound and may not exceed the RESTRICTED EGG tolerances for U.S. CONSUMER Grade B as specified in United States Standards,

Grades, and Weight Classes for Shell Eggs, AMS 56.200 *et seq.*, administered by the Agricultural Marketing Service of USDA.[P]

(11) **Eggs and Milk Products, Pasteurized.**

(a) EGG PRODUCTS shall be obtained pasteurized.[P]

(b) Fluid and dry milk and milk products shall:

1. Be obtained pasteurized;[P] and

2. Comply with GRADE A STANDARDS as specified in LAW.[P]

(c) Frozen milk products, such as ice cream, shall be obtained pasteurized as specified in 21 CFR 135 - Frozen desserts.[P]

(d) Cheese shall be obtained pasteurized *unless alternative procedures to pasteurization are specified in the CFR, such as 21 CFR 133 - Cheeses and related cheese products, for curing certain cheese varieties.*[P]

(12) **Package Integrity.** FOOD packages shall be in good condition and protect the integrity of the contents so that the FOOD is not exposed to ADULTERATION or potential contaminants.[Pf]

(13) **Ice.** Ice for use as a FOOD or a cooling medium shall be made from DRINKING WATER.[P]

(14) **Shucked Shellfish, Packaging and Identification.**

(a) Raw SHUCKED SHELLFISH shall be obtained in nonreturnable packages which bear a legible label that identifies the:[Pf]

1. Name, address, and CERTIFICATION NUMBER of the shucker, packer or repacker of the MOLLUSCAN SHELLFISH;[Pf] and

2. The "sell by" or "best if used by" date for packages with a capacity of less than 1.89 L (one-half gallon) or the date shucked for packages with a capacity of 1.89 L (one-half gallon) or more.[Pf]

(b) A package of raw SHUCKED SHELLFISH that does not bear a label or which bears a label which does not contain all the information as specified under (a) of this section shall be subject to a hold order, as allowed by LAW, or seizure and destruction in accordance with 21 CFR Subpart D - Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d) Molluscan shellfish and/or O.C.G.A. § 26-2-38.

(15) **Shellstock Identification.**

(a) SHELLSTOCK shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester or DEALER that depurates, ships, or reships the SHELLSTOCK, as specified in the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, and that list:[Pf]

1. Except as specified under (c) of this section, on the harvester's tag or label, the following information in the following order:[Pf]

   (i) The harvester's identification number that is assigned by the SHELLFISH CONTROL AUTHORITY,[Pf]

   (ii) The date of harvesting,[Pf]

   (iii) The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the SHELLFISH CONTROL AUTHORITY and including the abbreviation of the name of the state or country in which the shellfish are harvested,[Pf]

   (iv) The type and quantity of shellfish,[Pf] and

   (v) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty or retagged and thereafter kept on file for 90 days";[Pf] and

2. Except as specified in (d) of this section, on each DEALER'S tag or label, the following information in the following order:[Pf]

   (i) The DEALER'S name and address, and the CERTIFICATION NUMBER assigned by the SHELLFISH CONTROL AUTHORITY,[Pf]

   (ii) The original shipper's CERTIFICATION NUMBER including the abbreviation of the name of the state or country in which the shellfish are harvested,[Pf]

   (iii) The same information as specified for a harvester's tag under Subparagraphs (a)1(ii) - (iv) of this section,[Pf] and

   (iv) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty and thereafter kept on file for 90 days."[Pf]

(b) A container of SHELLSTOCK that does not bear a tag or label or that bears a tag or label that does not contain all the information as specified under (a) of this

section shall be subject to a hold order, as allowed by LAW, or seizure and destruction in accordance with 21 CFR Subpart D - Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d) and/or O.C.G.A. § 26-2-38.

(c) If a place is provided on the harvester's tag or label for a DEALER's name, address, and CERTIFICATION NUMBER, the DEALER's information shall be listed first.

(d) *If the harvester's tag or label is designed to accommodate each DEALER's identification as specified under Subparagraphs (a)2(i) and (ii) of this section, individual DEALER tags or labels need not be provided.*

(16) **Shellstock, Condition.** When received by a FOOD ESTABLISHMENT, SHELLSTOCK shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or SHELLSTOCK with badly broken shells shall be discarded.

(17) **Juice Treated.** Pre-PACKAGED JUICE shall:

(a) Be obtained from a processor with a HACCP system as specified in 21 CFR Part 120 Hazard Analysis and Critical Control (HACCP) Systems;[Pf] and

(b) Be obtained pasteurized or otherwise treated to attain a 5-log reduction of the most resistant microorganism of public health significance as specified in 21 CFR Part 120.24 Process Controls.[P]

(18) **Molluscan Shellfish, Original Container.**

(a) Except as specified in (b) - (d) of this section, MOLLUSCAN SHELLFISH may not be removed from the container in which they are received other than immediately before sale or preparation for service.

(b) *For display purposes, SHELLSTOCK may be removed from the container in which they are received, displayed on drained ice, or held in a display container, and a quantity specified by a CONSUMER may be removed from the display or display container and provided to the CONSUMER if:*

1. *The source of the SHELLSTOCK on display is identified as specified under 40-7-1-.09(15) and recorded as specified under 40-7-1-.09(19); and*

2. *The SHELLSTOCK are protected from contamination.*

(c) *SHUCKED SHELLFISH may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a CONSUMER'S request if:*

1. *The labeling information for the shellfish on display as specified under 40-7-1-.09(14) is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and*

2. *The shellfish are protected from contamination.*

(d) *SHUCKED SHELLFISH may be removed from the container in which they were received and repacked in CONSUMER self-service containers where allowed by LAW if:*

1. *The labeling information for the shellfish is on each CONSUMER self-service container as specified under 40-7-1-.09(14) and 40-7-1-.13(3)(a) and (b)1 - 5;*

2. *The labeling information as specified under 40-7-1-.09(14) is retained and correlated with the date when, or dates during which, the shellfish are sold or served;*

3. *The labeling information and dates specified under Subparagraph (d)2 of this section are maintained for 90 days; and*

4. *The shellfish are protected from contamination.*

(19) **Shellstock, Maintaining Identification.**

(a) Except as specified under Subparagraph (c)2 of this section, SHELLSTOCK tags or labels shall remain attached to the container in which the SHELLSTOCK are received until the container is empty.[Pf]

(b) The date when the last SHELLSTOCK from the container is sold or served shall be recorded on the tag or label.[Pf]

(c) The identity of the source of SHELLSTOCK that are sold or served shall be maintained by retaining SHELLSTOCK tags or labels for ninety (90) calendar days from the date that is recorded on the tag or label, as specified under (b) of this section, by:[Pf]

1. Using an APPROVED record keeping system that keeps the tags or labels in chronological order correlated to the date that is recorded on the tag or label, as specified under (b) of this section;[Pf] and

2. If SHELLSTOCK are removed from its tagged or labeled container:

(i) Preserving source identification by using a record keeping system as specified under Subparagraph (c)1 of this section,[Pf] and

(ii) Ensuring that SHELLSTOCK from one tagged or labeled container are not COMMINGLED with SHELLSTOCK from another container with different CERTIFICATION NUMBERS; different harvest dates; or different growing areas as identified on the tag or label before being ordered by the CONSUMER.[Pf]

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.09
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Lavatory Facilities" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Transportation of Food" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by the Agency.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Amended: F. Aug. 7, 2012; eff. Aug. 27, 2012.
Repealed: New Rule entitled "Food: Sources, Specifications, and Original Containers and Records" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.10. Food: Protection from Contamination after Receiving.

(1) **Preventing Contamination from Hands.**

(a) FOOD EMPLOYEES shall wash their hands as specified under 40-7-1-.05(2).

(b) *Except when washing fruits and vegetables as specified under 40-7-1-.10(7) or as specified in (d) and (e) of this section*, FOOD EMPLOYEES may not contact exposed, READY-TO-EAT FOOD with their bare hands and shall use suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT.[P]

(c) FOOD EMPLOYEES shall minimize bare hand and arm contact with exposed FOOD that is not in a READY-TO-EAT form.[Pf]

(d) *Paragraph (b) of this section does not apply to a FOOD EMPLOYEE that contacts exposed, READY-TO-EAT FOOD with bare hands at the time the READY-TO-EAT FOOD is being added as an ingredient to a FOOD that:*

1. *Contains a raw animal FOOD and is to be cooked in the FOOD ESTABLISHMENT to heat all parts of the FOOD to the minimum temperatures specified in 40-7-1-.11(1)(a) - (b) or 40-7-1-.11(2); or*

2. *Does not contain a raw animal FOOD but is to be cooked in the FOOD ESTABLISHMENT to heat all parts of the FOOD to a temperature of at least 63°C (145°F).*

(e) *FOOD EMPLOYEES not serving a HIGHLY SUSCEPTIBLE POPULATION may contact exposed, READY-TO-EAT FOOD with their bare hands if:*

1. *The LICENSE HOLDER obtains prior APPROVAL from the DEPARTMENT;*

2. *Written procedures are maintained in the FOOD ESTABLISHMENT and made available to the DEPARTMENT upon request that include:*

   (i) *For each bare hand contact procedure, a listing of the specific READY-TO-EAT FOODS that are touched by bare hands,*

   (ii) *Diagrams and other information showing that handwashing facilities, installed, located, equipped, and maintained as specified under 40-7-1-.26(7), 40-7-1-.26(12), 40-7-1-.26(15), 40-7-1-.32(2), 40-7-1-.32(3), and 40-7-1-.32(5), are in an easily accessible location and in close proximity to the work station where the bare hand contact procedure is conducted;*

3. *A written EMPLOYEE health policy that details how the FOOD ESTABLISHMENT complies with 40-7-1-.04(1) - (3) including:*

   (i) *Documentation that FOOD EMPLOYEES and CONDITIONAL EMPLOYEES acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases that are transmittable through FOOD as specified under 40-7-1-.04(1)(a),*

   (ii) *Documentation that FOOD EMPLOYEES and CONDITIONAL EMPLOYEES acknowledge their responsibilities as specified under 40-7-1-.04(1)(e) and (f), and*

   (iii) *Documentation that the PERSON IN CHARGE acknowledges the responsibilities as specified under 40-7-1-.04(1)(b), (c) and (d), and 40-7-1-.04(2) - (3);*

4. *Documentation that FOOD EMPLOYEES acknowledge that they have received training in:*

   (i) *The RISKS of contacting the specific READY-TO-EAT FOODS with bare hands,*

   (ii) *Proper handwashing as specified under 40-7-1-.05(2),*

   (iii) *When to wash their hands as specified under 40-7-1-.05(3),*

(iv) *Where to wash their hands as specified under 40-7-1-.05(4),*

(v) *Proper fingernail maintenance as specified under 40-7-1-.05(6),*

(vi) *Prohibition of jewelry as specified under 40-7-1-.05(7), and*

(vii) *Good hygienic practices as specified under 40-7-1-.06(1) - (2);*

5. *Documentation that hands are washed before FOOD preparation and as necessary to prevent cross contamination by FOOD EMPLOYEES as specified under 40-7-1-.05(1) - (4) during all hours of operation when the specific READY-TO-EAT FOODS are prepared;*

6. *Documentation that FOOD EMPLOYEES contacting READY-TO-EAT FOOD with bare hands use two or more of the following control measures to provide additional safeguards to HAZARDS associated with bare hand contact:*

   (i) *Double handwashing,*

   (ii) *Nail brushes,*

   (iii) *A hand antiseptic after handwashing as specified under 40-7-1-.05(5),*

   (iv) *Incentive programs such as paid sick leave that assist or encourage FOOD EMPLOYEES not to work when they are ill, or*

   (v) *Other control measures APPROVED by the DEPARTMENT; and*

7. *Documentation that corrective action is taken when Subparagraphs (e)1 - 6 of this section are not followed.*

(2) **Preventing Contamination When Tasting.** A FOOD EMPLOYEE may not use a UTENSIL more than once to taste FOOD that is to be sold or served.[P]

(3) **Packaged and Unpackaged Food - Separation, Packaging, and Segregation.**

(a) FOOD shall be protected from cross contamination by:

1. Except as specified in 1(iii) below, separating raw animal FOODS during storage, preparation, holding, and display from:

(i) Raw READY-TO-EAT FOOD including other raw animal FOOD such as FISH for sushi or MOLLUSCAN SHELLFISH, or other raw READY-TO-EAT FOOD such as fruits and vegetables;[P]

(ii) Cooked READY-TO-EAT FOOD;[P] and

(iii) Fruits and vegetables before they are washed;[P]

(iv) *Frozen, commercially processed and packaged raw animal FOOD may be stored or displayed with or above frozen, commercially processed and packaged, ready-to-eat food.*

2. *Except when combined as ingredients*, separating types of raw animal FOODS from each other such as beef, FISH, lamb, pork, and POULTRY during storage, preparation, holding, and display by:

   (i) Using separate EQUIPMENT for each type,[P] or

   (ii) Arranging each type of FOOD in EQUIPMENT so that cross contamination of one type with another is prevented,[P] and

   (iii) Preparing each type of FOOD at different times or in separate areas;[P]

3. Cleaning EQUIPMENT and UTENSILS as specified under 40-7-1-.21(2)(a) and SANITIZING as specified under 40-7-1-.22(3);

4. Except as specified under Subparagraph 40-7-1-.12(5)(b)2 and in (b) of this section, storing the FOOD in packages covered containers, or wrappings;

5. Cleaning HERMETICALLY SEALED CONTAINERS of FOOD of visible soil before opening;

6. Protecting FOOD containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;

7. Storing damaged, spoiled, or recalled FOOD being held in the FOOD ESTABLISHMENT as specified under 40-7-1-.33(4); and

8. Separating fruits and vegetables, before they are washed as specified under 40-7-1-.10(7) from READY-TO-EAT FOOD.

(b) *Subparagraph (a)4 of this section does not apply to:*

1. *Whole, uncut, raw fruits and vegetables and nuts in the shell that require peeling or hulling before consumption;*

2. *PRIMAL CUTS, quarters, or sides of raw MEAT or slab bacon that are hung on clean, SANITIZED hooks or placed on clean, SANITIZED racks;*

3. *Whole, uncut, processed MEATS such as country hams and smoked or cured sausages that are placed on clean, SANITIZED racks;*

4. *FOOD being cooled as specified under Subparagraph 40-7-1-.12(5)(b)2; or*

5. *SHELLSTOCK.*

(4) **Food Storage Containers, Identified with Common Name of Food.***Except for containers holding FOOD that can be readily and unmistakably recognized, such as dry pasta*, working containers holding FOOD or FOOD ingredients that are removed from their original packages for use in the FOOD ESTABLISHMENT, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar, shall be identified with the common name of the FOOD.

(5) **Pasteurized Eggs, Substitute for Raw Eggs for Certain Recipes.** Pasteurized EGGS or EGG PRODUCTS shall be substituted for raw EGGS in the preparation of FOODS such as Caesar salad, hollandaise or Bearnaise sauce, mayonnaise, meringue, eggnog, ice cream, and EGG-fortified BEVERAGES that are not:[P]

(a) Cooked as specified under Subparagraphs 40-7-1-.11(1)(a)1 or 2;[P] or

(b) Included in 40-7-1-.11(1)(d).[P]

(6) **Protection from Unapproved Additives.**

(a) FOOD shall be protected from contamination that may result from the addition of, as specified in 40-7-1-.09(9):

1. Unsafe or unAPPROVED FOOD or COLOR ADDITIVES;[P] and

2. Unsafe or unAPPROVED levels of APPROVED FOOD and COLOR ADDITIVES.[P]

(b) A FOOD EMPLOYEE may not:

1. Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a FOOD considered to be a good source of vitamin B_1;[P] or

2. *Except for grapes*, serve or sell FOOD specified under Subparagraph (b)1 of this section that is treated with sulfiting agents before receipt by the FOOD ESTABLISHMENT.[P]

(7) **Washing Fruits and Vegetables.**

(a) *Except as specified in (b) of this section and except for whole, raw fruits and vegetables that are intended for washing by the CONSUMER before consumption*, raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in READY-TO-EAT form.

(b) *Fruits and vegetables may be washed by using chemicals as specified under 40-7-1-.36(6)*.

(c) Devices used for on-site generation of chemicals meeting the requirements specified in 21 CFR 173.315, Chemicals used in the washing or to assist in the peeling of fruits and vegetables, for the washing of raw, whole fruits and vegetables shall be used in accordance with the manufacturer's instructions.[Pf]

(8) **Ice Used as Exterior Coolant, Prohibited as Ingredient.** After use as a medium for cooling the exterior surfaces of FOOD such as melons or FISH, PACKAGED FOODS such as canned BEVERAGES, or cooling coils and tubes of EQUIPMENT, ice may not be used as FOOD.[P]

(9) **Storage or Display of Food in Contact with Water or Ice.**

(a) PACKAGED FOOD may not be stored in direct contact with ice or water if the FOOD is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.

(b) Except as specified in (c) and (d) of this section, unPACKAGED FOOD may not be stored in direct contact with undrained ice.

(c) *Whole, raw fruits or vegetables; cut, raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water*.

(d) *Raw poultry and raw FISH that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale*.

(10) **Food Contact with Equipment and Utensils.** FOOD shall only contact surfaces of:

(a) EQUIPMENT and UTENSILS that are cleaned as specified under 40-7-1-.21(1) - (10) of these Regulations and SANITIZED as specified under 40-7-1-.22(1) - (3) of these Regulations;[P]

(b) SINGLE-SERVICE and SINGLE-USE ARTICLES;[P] or

(c) LINENS, such as cloth napkins, as specified under 40-7-1-.10(12) that are laundered as specified under 40-7-1-.23(1) - (5) of these Regulations.[P]

(11) **In-Use Utensils, Between-Use Storage.** During pauses in FOOD preparation or dispensing, FOOD preparation and dispensing UTENSILS shall be stored:

(a) Except as specified under (b) of this section, in the FOOD with their handles above the top of the FOOD and the container;

(b) In FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD, with their handles above the top of the FOOD within containers or EQUIPMENT that can be closed, such as bins of sugar, flour, or cinnamon;

(c) On a clean portion of the FOOD preparation table or cooking EQUIPMENT only if the in-use UTENSIL and the FOOD-CONTACT surface of the FOOD preparation table or cooking EQUIPMENT are cleaned and SANITIZED at a frequency specified under 40-7-1-.21(1) and 40-7-1-.22(2);

(d) In running water of sufficient velocity to flush particulates to the drain, if used with moist FOOD such as ice cream or mashed potatoes;

(e) In a clean, protected location if the UTENSILS, such as ice scoops, are used only with a FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD; or

(f) In a container of water if the water is maintained at a temperature of at least 57°C (135°F) and the container is cleaned at a frequency specified under Subparagraph 40-7-1-.21(1)(d)7.

(12) **Linens and Napkins, Use Limitation.** LINENS, such as cloth napkins, may not be used in contact with FOOD *unless they are used to line a container for the service of FOODS and the LINENS and napkins are replaced each time the container is refilled for a new CONSUMER.*

(13) **Wiping Cloths, Use Limitation.**

(a) Cloths in-use for wiping FOOD spills from TABLEWARE and carry-out containers that occur as FOOD is being served shall be:

1. Maintained dry; and

2. Used for no other purpose.

(b) Cloths in-use for wiping counters and other EQUIPMENT surfaces shall be:

1. Held between uses in a chemical sanitizer solution at a concentration specified under 40-7-1-.20(14); and

2. Laundered daily as specified under 40-7-1-.23(2)(d).

(c) Cloths in-use for wiping surfaces in contact with raw animal FOODS shall be kept separate from cloths used for other purposes.

(d) Dry wiping cloths and the chemical sanitizing solutions specified in Subparagraph (b)1 of this section in which wet wiping cloths are held between uses shall be free of FOOD debris and visible soil.

(e) Containers of chemical sanitizing solutions specified in Subparagraph (b)1 of this section in which wet wiping cloths are held between uses shall be stored off the floor and used in a manner that prevents contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, SINGLE-SERVICE, or SINGLE-USE ARTICLES.

(f) SINGLE-USE disposable sanitizer wipes shall be used in accordance with EPA-APPROVED manufacturer's label use instructions.

(14) **Gloves, Use Limitation.**

(a) If used, SINGLE-USE gloves shall be used for only one task such as working with READY-TO-EAT FOOD or with raw animal FOOD, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.[P]

(b) Except as specified in (c) of this section, slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used in direct contact only with FOOD that is subsequently cooked as specified under 40-7-1-.11(1) - (9) such as frozen FOOD or a PRIMAL CUT of MEAT.

(c) *Slash-resistant gloves may be used with READY-TO-EAT FOOD that will not be subsequently cooked if the slash-resistant gloves have a SMOOTH, durable, and nonabsorbent outer surface; or if the slash-resistant gloves are covered with a SMOOTH, durable, nonabsorbent glove, or a SINGLE-USE glove.*

(d) Cloth gloves may not be used in direct contact with FOOD *unless the FOOD is subsequently cooked as required under 40-7-1-.11(1) - (9) such as frozen FOOD or a PRIMAL CUT of MEAT.*

(15) **Using Clean Tableware for Second Portions and Refills.**

(a) Except for refilling a CONSUMER'S drinking cup or container without contact between the pouring UTENSIL and the lip-contact area of the drinking cup or container, FOOD EMPLOYEES may not use TABLEWARE, including SINGLE-SERVICE ARTICLES, soiled by the CONSUMER, to provide second portions or refills.

(b) Except as specified in (c) of this section, self-service CONSUMERS may not be allowed to use soiled TABLEWARE, including SINGLE-SERVICE ARTICLES, to obtain additional FOOD from the display and serving EQUIPMENT.

(c) Drinking cups and containers may be reused by self-service CONSUMERS if refilling is a contamination-free process as specified under 40-7-1-.17(16)(a), (b), and (d).

(16) **Refilling Returnables.**

(a) Except as specified in (b) - (e) of this section, empty containers returned to a FOOD ESTABLISHMENT for cleaning and refilling with FOOD shall be cleaned and refilled in a regulated FOOD PROCESSING PLANT.[P]

(b) *A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with FOOD if the FOOD container is:*

1. *Designed and constructed for reuse and in accordance with the requirements specified under 40-7-1-.16(1) - (10) and 40-7-1-.17(1) - (37);*[P]

2. *One that was initially provided by the FOOD ESTABLISHMENT to the CONSUMER, either empty or filled with FOOD by the FOOD ESTABLISHMENT, for the purpose of being returned for reuse;*

3. *Returned to the FOOD ESTABLISHMENT by the CONSUMER after use;*

4. *Subject to the following steps before being refilled with FOOD:*

(i) *Cleaned as specified under 40-7-1-.21(1) - (10) of these Regulations,*

(ii) *Sanitized as specified under 40-7-1-.22(1) - (3) of these Regulations;*[P] and

(iii) *Visually inspected by a FOOD EMPLOYEE to verify that the container, as returned, meets the requirements specified under 40-7-1-.16(1) - (10) and 40-7-1-.17(1) - (37).*[P]

(c) *A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with BEVERAGE if:*

1. *The BEVERAGE is not a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;*

2. *The design of the container and of the rinsing EQUIPMENT and the nature of the BEVERAGE, when considered together, allow effective cleaning at home or in the FOOD ESTABLISHMENT;*

3. *Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;*

4. *The CONSUMER-owned container returned to the FOOD ESTABLISHMENT for refilling is refilled for sale or service only to the same CONSUMER; and*

5. *The container is refilled by:*

   (i) *An EMPLOYEE of the FOOD ESTABLISHMENT, or*

   (ii) *The owner of the container if the BEVERAGE system includes a contamination-free transfer process as specified under 40-7-1-.17(16)(a), (b), and (d) that cannot be bypassed by the container owner.*

(d) *CONSUMER-owned, personal take-out BEVERAGE containers, such as thermally insulated bottles, nonspill coffee cups, and promotional BEVERAGE glasses, may be refilled by EMPLOYEES or the CONSUMER if refilling is a contamination-free process as specified under 40-7-1-.17(16)(a), (b), and (d).*

(e) *CONSUMER-owned containers that are not FOOD-specific may be filled at a water VENDING MACHINE or system.*

(17) **Food Storage.**

(a) Except as specified in (b) and (c) of this section, FOOD shall be protected from contamination by storing the FOOD:

1. In a clean, dry location;

2. Where it is not exposed to splash, dust, or other contamination; and

3. At least 15 cm (6 inches) above the floor.

(b) *FOOD in packages and working containers may be stored less than 15 cm (6 inches) above the floor on case lot handling EQUIPMENT as specified under 40-7-1-.17(35).*

(c) *Pressurized BEVERAGE containers, cased FOOD in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.*

(18) **Food Storage, Prohibited Areas.** FOOD may not be stored:

(a) In locker rooms;

(b) In toilet rooms;

(c) In dressing rooms;

(d) In garbage rooms;

(e) In mechanical rooms;

(f) Under sewer lines that are not shielded to intercept potential drips;

(g) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;

(h) Under open stairwells; or

(i) Under other sources of contamination.

(19) **Vended Time/Temperature Control for Safety Food, Original Container.** TIME/TEMPERATURE CONTROL FOR SAFETY FOOD dispensed through a VENDING MACHINE shall be in the PACKAGE in which it was placed at the FOOD ESTABLISHMENT or FOOD PROCESSING PLANT at which it was prepared.

(20) **Food Preparation.** During preparation, unPACKAGED FOOD shall be protected from environmental sources of contamination.

(21) **Food Display.***Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the CONSUMER before consumption*, FOOD on display shall be protected from contamination by the use of PACKAGING; counter, service line, or salad bar FOOD guards; display cases; or other effective means.[P]

(22) **Condiments, Protection.**

(a) Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected FOOD displays provided with

the proper UTENSILS, original containers designed for dispensing, or individual PACKAGES or portions.

(b) Condiments at a VENDING MACHINE LOCATION shall be in individual PACKAGES or provided in dispensers that are filled at an APPROVED location, such as the FOOD ESTABLISHMENT that provides FOOD to the VENDING MACHINE LOCATION, a FOOD PROCESSING PLANT that is regulated by the agency that has jurisdiction over the operation, or a properly equipped facility that is located on the site of the VENDING MACHINE LOCATION.

(23) **Consumer Self-Service Operations.**

(a) Raw, unPACKAGED animal FOOD, such as beef, lamb, pork, POULTRY, and FISH may not be offered for CONSUMER self-service.[P] *This paragraph does not apply to:*

1. *CONSUMER self-service of READY-TO-EAT FOODS at buffets or salad bars that serve FOODS such as sushi or raw shellfish;*

2. *Ready-to-cook individual portions for immediate cooking and consumption on the PREMISES such as CONSUMER-cooked MEATS or CONSUMER-selected ingredients for Mongolian barbecue; or*

3. *Raw, frozen, shell-on shrimp, or lobster.*

(b) CONSUMER self-service operations for READY-TO-EAT FOODS shall be provided with suitable UTENSILS or effective dispensing methods that protect the FOOD from contamination.[Pf]

(c) CONSUMER self-service operations such as buffets and salad bars shall be monitored by FOOD EMPLOYEES trained in safe operating procedures.[Pf]

(24) **Returned Food and Re-Service of Food.**

(a) Except as specified in (b) of this section, after being served or sold and in the possession of a CONSUMER, FOOD that is unused or returned by the CONSUMER may not be offered as FOOD for human consumption.[P]

(b) *A container of FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD may be RE-SERVED from one CONSUMER to another if:*

1. *The FOOD is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or*

2. *The FOOD, such as crackers, salt, or pepper, is in an unopened original PACKAGE and is maintained in sound condition.*

(25) **Miscellaneous Sources of Contamination.** FOOD shall be protected from contamination that may result from a factor or source not specified under Subparts 40-7-1-.10(1) - (24).

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.10
Authority: O.C.G.A. §§ 26-2-1, *et seq*.
History. Original Rule entitled "Water" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Specifications for Receiving" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by the Agency.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Amended: F. Aug. 12, 2005; eff. Sept. 1, 2005.
Amended: F. Aug. 7, 2012; eff. Aug. 27, 2012.
Repealed: New Rule entitled "Food: Protection from Contamination after Receiving" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.
Amended: F. Sep. 27, 2019; eff. Oct. 17, 2019.

Rule 40-7-1-.11. Food: Destruction of Organisms of Public Health Concern.

(1) **Raw Animal Foods.**

(a) Except as specified under (b) and in (c) and (d) of this section, raw animal FOODS such as EGGS, FISH, MEAT, POULTRY, and FOODS containing these raw animal FOODS, shall be cooked to heat all parts of the FOOD to a temperature and for a time that complies with one of the following methods based on the FOOD that is being cooked:

1. 63°C (145°F) or above for fifteen (15) seconds for:[P]

(i) Raw EGGS that are broken and prepared in response to a CONSUMER'S order and for immediate service,[P] and

(ii) Except as specified under Subparagraphs (a)2 and (a)3 and (b), and in (c) of this section, FISH and INTACT MEAT including GAME ANIMALS commercially raised for FOOD as specified under Subparagraph 40-7-1-.09(7)(a)1 and GAME ANIMALS under a voluntary inspection program as specified under Subparagraph 40-7-1-.09(7)(a)2;[P]

2. 68°C (155°F) for seventeen (17) seconds or the temperature specified in the following chart that corresponds to the holding time for RATITES, MECHANICALLY TENDERIZED, and INJECTED MEATS; the

following if they are COMMINUTED: FISH, MEAT, GAME ANIMALS commercially raised for FOOD as specified under Subparagraph 40-7-1-.09(7)(a)1, and GAME ANIMALS under a voluntary inspection program as specified under Subparagraph 40-7-1-.09(7)(a)2; and raw EGGS that are not prepared as specified under Subparagraph (a)1(i) of this section:[P]

Minimum Temperature °C (°F)	Minimum Time
63 (145)	3 minutes
66 (150)	1 minute
70 (158)	< 1 second "instantaneous"

3. 74°C (165°F) or above for < 1 second (instantaneous) for POULTRY, BALUTS, wild GAME ANIMALS as specified under Subparagraphs 40-7-1-.09(7)(a)3 and 4, stuffed FISH, stuffed MEAT, stuffed pasta, stuffed POULTRY, stuffed RATITES, or stuffing containing FISH, MEAT, POULTRY, or RATITES.[P]

(b) Whole MEAT roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham shall be cooked:

1. As specified in the following chart, to heat all parts of the FOOD to a temperature and for the holding time that corresponds to that temperature:[P]

Temperature °C (°F)	Time[1] in Minutes
54.4 (130)	112
55.0 (131)	89
56.1 (133)	56
57.2 (135)	36
57.8 (136)	28
58.9 (138)	18
60.0 (140)	12
61.1 (142)	8
62.2 (144)	5
62.8 (145)	4

Temperature °C (°F)	Time[1] in Seconds
63.9 (147)	134
65.0 (149)	85
66.1 (151)	54
67.2 (153)	34

68.3 (155)	22
69.4 (157)	14
70.0 (158)	0

[1.] *Holding time may include postoven heat rise.*

2. In an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature:[Pf]

Oven Temperature Based on Roast Weight

Oven Type	Less than 4.5 kg (10 lbs)	4.5 kg (10 lbs) or More
Still Dry	177°C (350°F) or more	121°C (250°F) or more
Convection	163°C (325°F) or more	121°C (250°F) or more
High Humidity[1]	121°C (250°F) or less	121°C (250°F) or less

[1]Relative humidity greater than 90% for at least one (1) hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100% humidity.

(c) *A raw or undercooked WHOLE-MUSCLE, INTACT BEEF steak may be served or offered for sale in a READY-TO-EAT form if:*

1. *The FOOD ESTABLISHMENT serves a population that is not a HIGHLY SUSCEPTIBLE POPULATION,*

2. *The steak is labeled to indicate that it meets the definition of "WHOLE-MUSCLE, INTACT BEEF" as specified under 40-7-1-.09(1)(e), and*

3. *The steak is cooked on both the top and bottom to a surface temperature of 63°C (145°F) or above and a cooked color change is achieved on all external surfaces.*

(d) *A raw animal FOOD such as raw EGG, raw FISH, raw-marinated FISH, raw MOLLUSCAN SHELLFISH, or steak tartare; or a partially cooked FOOD such as lightly cooked FISH, soft cooked EGGS, or rare MEAT other than WHOLE-MUSCLE, INTACT BEEF steaks as specified in (c) of this section, may be served or offered for sale upon CONSUMER request or selection in a READY-TO-EAT form if:*

1. *The FOOD ESTABLISHMENT serves a population that is not a HIGHLY SUSCEPTIBLE POPULATION;*

2. *The FOOD, if served or offered for service by CONSUMER selection from a children's menu, does not contain COMMINUTEDMEAT:*[Pf] *and*

3. *The CONSUMER is informed as specified under 40-7-1-.13(5) that to ensure its safety, the FOOD should be cooked as specified under (a) or (b) of this section; or*

4. *The DEPARTMENT grants a VARIANCE from (a) or (b) of this section as specified in 40-7-1-.38(3) based on a HACCP PLAN that:*

   (i) *Is submitted by the LICENSE HOLDER and APPROVED as specified under 40-7-1-.38(4),*

   (ii) *Documents scientific data or other information showing that a lesser time and temperature regimen results in a safe FOOD, and*

   (iii) *Verifies that EQUIPMENT and procedures for FOOD preparation and training of FOOD EMPLOYEES at the FOOD ESTABLISHMENT meet the conditions of the VARIANCE.*

(2) **Microwave Cooking.** Raw animal FOODS cooked in a microwave oven shall be:

(a) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;

(b) Covered to retain surface moisture;

(c) Heated to a temperature of at least 74°C (165°F) in all parts of the FOOD;[P] and

(d) Allowed to stand covered for two (2) minutes after cooking to obtain temperature equilibrium.

(3) **Plant Food Cooking for Hot Holding.** PLANT FOOD that are cooked for hot holding shall be cooked to a temperature of 57°C (135°F).[Pf]

(4) **Non-Continuous Cooking of Raw Animal Foods.** Raw animal FOODS that are cooked using a NON-CONTINUOUS COOKING process shall be:

(a) Subject to an initial heating process that is no longer than sixty (60) minutes in duration;[P]

(b) Immediately after initial heating, cooled according to the time and temperature parameters specified for cooked TIME/TEMPERATURE CONTROL FOR SAFETY FOOD under 40-7-1-.12(4)(a);[P]

(c) After cooling, held frozen or cold, as specified for TIME/TEMPERATURE CONTROL FOR SAFETY FOOD under 40-7-1-.12(6)(a)2;[P]

(d) Prior to sale or service, cooked using a process that heats all parts of the FOOD to a temperature and for a time as specified under 40-7-1-.11(1)(a) - (c);[P]

(e) Cooled according to the time and temperature parameters specified for cooked TIME/TEMPERATURE CONTROL FOR SAFETY FOOD under 40-7-1-.12(4)(a) if not either hot held as specified under 40-7-1-.12(6)(a), served immediately, or held using time as a public health control as specified under 40-7-1-.12(9) after complete cooking;[P] and

(f) Prepared and stored according to written procedures that:

1. Have obtained prior APPROVAL from the DEPARTMENT;[Pf]

2. Are maintained in the FOOD ESTABLISHMENT and are available to the DEPARTMENT upon request;[Pf]

3. Describe how the requirements specified under (a) - (e) of this Section are to be monitored and documented by the LICENSE HOLDER and the corrective actions to be taken if the requirements are not met;[Pf]

4. Describe how the FOODS, after initial heating, but prior to complete cooking, are to be marked or otherwise identified as FOODS that must be cooked as specified under (d) of this section prior to being offered for sale or service;[Pf] and

5. Describe how the FOODS, after initial heating but prior to cooking as specified under (d) of this section, are to be separated from READY-TO-EAT FOODS as specified under 40-7-1-.10(3)(a).[Pf]

(5) **Parasite Destruction.**

(a) Except as specified in (b) of this section, before service or sale in READY-TO-EAT form, raw, raw-marinated, partially cooked, or marinated-partially cooked FISH shall be:

1. Frozen and stored at a temperature of -20°C (-4°F) or below for a minimum of 168 hours (7 days) in a freezer;[P]

2. Frozen at -35°C (-31°F) or below until solid and stored at -35°C (-31°F) or below for a minimum of 15 hours;[P] or

3. Frozen at -35°C (-31°F) or below until solid and stored at -20°C (-4°F) or below for a minimum of 24 hours.[P]

(b) *Paragraph (a) of this section does not apply to:*

1. *MOLLUSCAN SHELLFISH*;

2. *A scallop product consisting only of the shucked adductor muscle;*

3. *Tuna of the species Thunnusalalunga, Thunnusalbacares (Yellowfin tuna), Thunnusatlanticus, Thunnusmaccoyii (Bluefin tuna, Southern), Thunnusobesus (Bigeye tuna), or Thunnusthynnus (Bluefin tuna, Northern); or*

4. *Aquacultured FISH, such as salmon, that:*

   (i) *If raised in open water, are raised in net-pens, or*

   (ii) *Are raised in land-based operations such as ponds or tanks, and*

   (iii) *Are fed formulated feed, such as pellets, that contains no live parasites infective to the aquacultured FISH.*

5. *FISH eggs that have been removed from the skein and rinsed*.

(6) **Records, Creation and Retention.**

(a) Except as specified in 40-7-1-.11(5)(b) and (b) of this section, if raw, raw-marinated, partially cooked, or marinated-partially cooked FISH are served or sold in READY-TO-EAT form, the PERSON IN CHARGE shall record the freezing temperature and time to which the FISH are subjected and shall retain the records of the FOOD ESTABLISHMENT for ninety (90) calendar days beyond the time of service or sale of the FISH.[Pf]

(b) *If the FISH are frozen by a supplier, a written agreement or statement from the supplier stipulating that the FISH supplied are frozen to a temperature and for a time specified under 40-7-1-.11(5) may substitute for the records specified under (a) of this section.*

(c) If raw, raw-marinated, partially cooked, or marinated-partially cooked FISH are served or sold in READY-TO-EAT form, and the FISH are raised and fed as specified in Subparagraph 40-7-1-.11(5)(b)4, a written agreement or statement from the supplier or aquaculturist stipulating that the FISH were raised and fed as specified in Subparagraph 40-7-1-.11(5)(b)4 shall be obtained by the PERSON IN CHARGE and retained in the records of the FOOD ESTABLISHMENT for ninety (90) calendar days beyond the time of service or sale of the FISH.[Pf]

(7) **Preparation for Immediate Service.** Cooked and refrigerated FOOD that is prepared for immediate service in response to an individual CONSUMER order, such as a roast beef sandwich au jus, may be served at any temperature.

(8) **Reheating for Hot Holding.**

(a) Except as specified under (b) and (c) and in (e) of this section, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the FOOD reach a temperature of at least 74°C (165°F) for fifteen (15) seconds.[P]

(b) Except as specified under (c) of this section, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD reheated in a microwave oven for hot holding shall be reheated so that all parts of the FOOD reach a temperature of at least 74°C (165°F) and the FOOD is rotated or stirred, covered, and allowed to stand covered for two (2) minutes after reheating.[P]

(c) READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that has been commercially processed and PACKAGED in a FOOD PROCESSING PLANT that is inspected by the REGULATORY AUTHORITY that has jurisdiction over the plant, shall be heated to a temperature of at least 57°C (135°F) when being reheated for hot holding.[P]

(d) Reheating for hot holding as specified under (a) - (c) of this section shall be done rapidly and the time the FOOD is between 5°C (41°F) and the temperatures specified under (a) - (c) of this section may not exceed two (2) hours.[P]

(e) *Remaining unsliced portions of MEAT roasts that are cooked as specified under 40-7-1-.11(1)(b) may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under 40-7-1-.11(1)(b).*

(9) **Treating Juice.** JUICE PACKAGED in a FOOD ESTABLISHMENT shall be:

(a) Treated under a HACCP PLAN as specified in 40-7-1-.39(4) to attain a 5-log reduction, which is equal to a 99.999% reduction, of the most resistant microorganism of public health significance;[P] or

(b) Labeled, if not treated to yield a 5-log reduction of the most resistant microorganism of public health significance:[Pf]

1. As specified under 40-7-1-.13(3),[Pf] and

2. As specified in 21 CFR 101.17(g) Food labeling, warning, notice, and safe handling statements, JUICES that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens with the following, "WARNING: This product has not been pasteurized and, therefore, may

contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems."[Pf]

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.11
Authority: O.C.G.A. §§ 26-2-1, *et seq*.
History. Original Rule entitled "Utensils and Equipment" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Molluscan Shellfish, Original Containers and Record Keeping" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: New Rule entitled "Food: Destruction of Organisms of Public Health Concern" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.
Amended: F. Sep. 27, 2019; eff. Oct. 17, 2019.

Rule 40-7-1-.12. Food: Limitation of Grow of Organisms of Public Health Concern.

(1) **Frozen Food.** Stored frozen FOODS shall be maintained frozen.

(2) **Time/Temperature Control for Safety Food, Slacking.** Frozen TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is SLACKED to moderate the temperature shall be held:

(a) Under refrigeration that maintains the FOOD temperature at 5°C (41°F) or less; or

(b) At any temperature if the FOOD remains frozen.

(3) **Thawing.** Except as specified in (d) of this section, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be thawed:

(a) Under refrigeration that maintains the FOOD temperature at 5°C (41°F) or less; or

(b) Completely submerged under running water:

1. At a water temperature of 21°C (70°F) or below,

2. With sufficient water velocity to agitate and float off loose particles in an overflow, and

3. For a period of time that does not allow thawed portions of READY-TO-EAT FOOD to rise above 5°C (41°F), or

4. For a period of time that does not allow thawed portions of a raw animal FOOD requiring cooking as specified under 40-7-1-.11(1)(a) or (b) to be above 5°C (41°F) for more than four (4) hours including:

(i) The time the FOOD is exposed to the running water and the time needed for preparation for cooking, or

(ii) The time it takes under refrigeration to lower the FOOD temperature to 5°C (41°F);

(c) As part of a cooking process if the FOOD that is frozen is:

1. Cooked as specified under 40-7-1-.11(1)(a) or (b) or 40-7-1-.11(2), or

2. Thawed in a microwave oven and immediately transferred to conventional cooking EQUIPMENT, with no interruption in the process; or

(d) *Using any procedure if a portion of frozen READY-TO-EAT FOOD is thawed and prepared for immediate service in response to an individual CONSUMER'S order.*

(e) REDUCED OXYGEN PACKAGED FISH that bears a label indicating that it is to be kept frozen until time of use shall be removed from the reduced oxygen environment:

1. Prior to its thawing under refrigeration as specified in (a) of this section; or

2. Prior to, or immediately upon completion of, its thawing using procedures specified in (b) of this section.

(4) **Cooling.**

(a) Cooked TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be cooled:

1. Within two (2) hours from 57°C (135°F) to 21°C (70°F);[P] and

2. Within a total of six (6) hours from 57°C (135°F) to 5°C (41°F) or less.[P]

(b) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be cooled within four (4) hours to 5°C (41°F) or less if prepared from ingredients at ambient temperature, such as reconstituted FOODS and canned tuna.[P]

(c) Except as specified under (d) of this section, a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD received in compliance with LAWS allowing a temperature above 5°C (41°F) during shipment from the supplier as specified in 40-7-1-.09(8)(b), shall be cooled within four (4) hours to 5°C (41°F) or less.[P]

(d) Raw EGGS shall be received as specified under 40-7-1-.09(8)(c) and immediately placed in refrigerated EQUIPMENT that maintains an ambient air temperature of 7°C (45°F) or less.[P]

(5) **Cooling Methods.**

(a) Cooling shall be accomplished in accordance with the time and temperature criteria specified under 40-7-1-.12(4) by using one or more of the following methods based on the type of FOOD being cooled:

1. Placing the FOOD in shallow pans;[Pf]
2. Separating the FOOD into smaller or thinner portions;[Pf]
3. Using rapid cooling EQUIPMENT;[Pf]
4. Stirring the FOOD in a container placed in an ice water bath;[Pf]
5. Using containers that facilitate heat transfer;[Pf]
6. Adding ice as an ingredient;[Pf] or
7. Other effective methods.[Pf]

(b) When placed in cooling or cold holding EQUIPMENT, FOOD containers in which FOOD is being cooled shall be:

1. Arranged in the EQUIPMENT to provide maximum heat transfer through the container walls; and
2. Loosely covered, or uncovered if protected from overhead contamination as specified under Subparagraph 40-7-1-.10(17)(a)2, during the cooling period to facilitate heat transfer from the surface of the FOOD.

(6) **Time/Temperature Control for Safety Food, Hot and Cold Holding.**

(a) *Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under 40-7-1-.12(9),* and except as specified under (b) and in (c) of this section, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be maintained:

1. At 57°C (135°F) or above, *except that roasts cooked to a temperature and for a time specified in 40-7-1-.11(1)(b) or reheated as specified in 40-7-1-.11(8)(e) may be held at a temperature of 54°C (130°F) or above*;[P] or
2. At 5°C (41°F) or less.[P]

(b) EGGS that have not been treated to destroy all viable ***Salmonellae*** shall be stored in refrigerated EQUIPMENT that maintains an ambient air temperature of 7°C (45°F) or less.[P]

(c) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD in a homogenous liquid form *may be maintained outside of the temperature control requirements, as specified under (a) of this section, while contained within specially designed EQUIPMENT that complies with the design and construction requirements as specified under 40-7-1-.17(16)(e)*.

(7) **Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking.**

(a) Except when PACKAGING FOOD using a REDUCED OXYGEN PACKAGING method as specified under 40-7-1-.12(11), and except as specified in (e) and (f) of this section, refrigerated, READY-TO-EAT, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD prepared and held in a FOOD ESTABLISHMENT for more than twenty-four (24) hours shall be clearly marked to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded when held at a temperature of 5°C (41°F) or less for a maximum of seven (7) days. The day of preparation shall be counted as Day 1.[Pf]

(b) Except as specified in (e) - (g) of this section, refrigerated, READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD prepared and PACKAGED by a FOOD PROCESSING PLANT shall be clearly marked, at the time the original container is opened in a FOOD ESTABLISHMENT and if the FOOD is held for more than twenty-four (24) hours, to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded based on the temperature and time combinations specified in (a) of this section and:[Pf]

1. The day the original container is opened in the FOOD ESTABLISHMENT shall be counted as Day 1;[Pf] and

2. The day or date marked by the FOOD ESTABLISHMENT may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on FOOD safety.[Pf]

(c) A refrigerated, READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD ingredient or a portion of a refrigerated, READY-TO-EAT, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is subsequently combined with additional ingredients or portions of FOOD shall retain the date marking of the earliest-prepared or first-prepared ingredient.[Pf]

(d) *A date marking system that meets the criteria stated in (a) and (b) of this section may include:*

1. *Using a method APPROVED by the DEPARTMENT for refrigerated, READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;*

2. *Marking the date or day of preparation, with a procedure to discard the FOOD on or before the last date or day by which the FOOD must be consumed on the premises, sold, or discarded as specified under (a) of this section;*

3. *Marking the date or day the original container is opened in a FOOD ESTABLISHMENT, with a procedure to discard the FOOD on or before the last date or day by which the FOOD must be consumed on the premises, sold, or discarded as specified under (b) of this section; or*

4. *Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking system is disclosed to the DEPARTMENT upon request.*

(e) *Paragraphs (a) and (b) of this section do not apply to individual meal portions served or rePACKAGED for sale from a bulk container upon a CONSUMER'S request.*

(f) *Paragraphs (a) and (b) of this section do not apply to SHELLSTOCK.*

(g) *Paragraph (b) of this section does not apply to the following FOODS prepared and PACKAGED by a FOOD PROCESSING PLANT inspected by a REGULATORY AUTHORITY:*

1. *Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, manufactured in accordance with 21 CFR 110 Current good manufacturing practice in manufacturing, packing, or holding human food;*

2. *Hard cheeses containing not more than 39% moisture as defined in 21 CFR 133 Cheeses and related cheese products, such as cheddar, gruyere, parmesan, and reggiano, and romano;*

3. *Semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture, as defined in 21 CFR 133 Cheeses and related cheese products, such as blue, edam, gorgonzola, gouda, and monterey jack;*

4. *Cultured dairy products as defined in 21 CFR 131 Milk and cream, such as yogurt, sour cream, and buttermilk;*

5. *Preserved FISH products, such as pickled herring and dried or salted cod, and other acidified FISH products defined in 21 CFR 114 Acidified foods;*

6. *Shelf stable, dry fermented sausages, such as pepperoni and Genoa; and*

7. *Shelf stable salt-cured products such as prosciutto and Parma (ham).*

(8) **Ready-to-Eat, Time/Temperature Control for Safety Food, Disposition.**

(a) A FOOD specified in 40-7-1-.12(7)(a) or (b) shall be discarded if it:

1. Exceeds the temperature and time combination specified in 40-7-1-.12(7)(a), except time that the product is frozen;[P]

2. Is in a container or PACKAGE that does not bear a date or day;[P] or

3. Is inappropriately marked with a date or day that exceeds a temperature and time combination as specified in 40-7-1-.12(7)(a).[P]

(b) Refrigerated, READY-TO-EAT, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD prepared in a FOOD ESTABLISHMENT and dispensed through a VENDING MACHINE with an automatic shutoff control shall be discarded if it exceeds a temperature and time combination as specified in 40-7-1-.12(7)(a).[P]

(9) **Time as a Public Health Control.**

(a) Except as specified under (d) of this section, if time without temperature control is used as the public health control for a working supply of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD before cooking, or for READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is displayed or held for sale or service:

1. Written procedures shall be prepared in advance, maintained in the FOOD ESTABLISHMENT and made available to the DEPARTMENT upon request that specify:[Pf]

(i) Methods of compliance with Subparagraphs (b)1 - 4 or (c)1 - 5 of this section;[Pf] and

(ii) Methods of compliance with 40-7-1-.12(4) for FOOD that is prepared, cooked, and refrigerated before time is used as a public health control.[Pf]

(b) If time without temperature control is used as the public health control up to a maximum of four (4) hours:

1. The FOOD shall have an initial temperature of 5°C (41°F) or less when removed from cold holding temperature control, or 57°C (135°F) or greater when removed from hot holding temperature control;[P]

2. The FOOD shall be marked or otherwise identified to indicate the time that is four (4) hours past the point in time when the FOOD is removed from temperature control;[Pf]

3. The FOOD shall be cooked and served, served at any temperature if READY-TO-EAT, or discarded, within four (4) hours from the point in time when the FOOD is removed from temperature control;[P] and

4. The FOOD in unmarked containers or PACKAGES, or marked to exceed a four (4) hour limit shall be discarded.[P]

(c) If time without temperature control is used as the public health control up to maximum of six (6) hours:

1. The FOOD shall have an initial temperature of 5°C (41°F) or less when removed from temperature control and the FOOD temperature may not exceed 21°C (70°F) within a maximum time period of six (6) hours;[P]

2. The FOOD shall be monitored to ensure the warmest portion of the FOOD does not exceed 21°C (70°F) during the six (6) hour period, *unless an ambient air temperature is maintained that ensures the FOOD does not exceed 21°C (70°F) during the six (6) hour holding period*;[Pf]

3. The FOOD shall be marked or otherwise identified to indicate:[Pf]

   (i) The time when the FOOD is removed from 5°C (41°F) or less cold holding temperature control,[Pf] and

   (ii) The time that is six (6) hours past the point in time when the FOOD is removed from cold holding temperature control;[Pf]

4. The FOOD shall be:

   (i) Discarded if the temperature of the FOOD exceeds 21°C (70°F),[P] or

   (ii) Cooked and served, served at any temperature if READY-TO-EAT, or discarded within a maximum of six (6) hours from the point in time when the FOOD is removed from 5°C (41°F) or less cold holding temperature control;[P] and

5. The FOOD in unmarked containers or PACKAGES, or marked with a time that exceeds the six (6) hour limit shall be discarded.[P]

(d) A FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION may not use time as specified under (a), (b) or (c) of this section as the public health control for raw EGGS.

(10) **Variance Requirement.** A FOOD ESTABLISHMENT shall obtain a VARIANCE from the DEPARTMENT as specified in 40-7-1-.38(3) and under 40-7-1-.38(4) before:[Pf]

(a) Smoking FOOD as a method of FOOD preservation rather than as a method of flavor enhancement;[Pf]

(b) Curing FOOD;[Pf]

(c) Using FOOD ADDITIVES or adding components such as vinegar:[Pf]

1. As a method of FOOD preservation rather than as a method of flavor enhancement,[Pf] or

2. To render a FOOD so that it is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;[Pf]

(d) Packaging TIME/TEMPERATURE CONTROL FOR SAFETY FOOD using a REDUCED OXYGEN PACKAGING method *except where the growth of and toxin formation by* ***Clostridium botulinum*** *and the growth of* ***Listeria monocytogenes*** *are controlled as specified under 40-7-1-.12(11)*;[Pf]

(e) Operating a MOLLUSCAN SHELLFISH life-support system display tank used to store or display shellfish that are offered for human consumption;[Pf]

(f) Custom processing animals that are for personal use as FOOD and not for sale or service in a FOOD ESTABLISHMENT;[Pf]

(g) Preparing FOOD by another method that is determined by the DEPARTMENT to require a VARIANCE;[Pf] or

(h) Sprouting seeds or beans.[Pf]

(11) **Reduced Oxygen Packaging Without a Variance, Criteria.**

(a) Except for a FOOD ESTABLISHMENT that obtains a VARIANCE as specified under 40-7-1-.12(10), a FOOD ESTABLISHMENT that PACKAGES TIME/TEMPERATURE CONTROL FOR SAFETY FOOD using a REDUCED OXYGEN PACKAGING method shall control the growth and toxin formation of ***Clostridium botulinum*** and the growth of ***Listeria monocytogenes***.[P]

(b) Except as specified under (f) of this section, a FOOD ESTABLISHMENT that PACKAGES TIME/TEMPERATURE CONTROL FOR SAFETY FOOD using a REDUCED OXYGEN PACKAGING method shall implement a HACCP

PLAN that contains the information specified under 40-7-1-.39(4)(c) and (d) and that:[Pf]

1. Identifies the FOOD to be PACKAGED;[Pf]

2. Except as specified under (c) - (e) of this section, requires that the PACKAGED FOOD shall be maintained at 5°C (41°F) or less and meet at least one of the following criteria:[Pf]

   (i) Has an A_W of 0.91 or less,[Pf]

   (ii) Has a pH of 4.6 or less,[Pf]

   (iii) Is a MEAT or POULTRY product cured at a FOOD PROCESSING PLANT regulated by the USDA using substances specified in 9 CFR 424.21, Use of food ingredients and sources of radiation, and is received in an intact PACKAGE,[Pf] or

   (iv) Is a FOOD with a high level of competing organisms such as raw MEAT, raw POULTRY, or raw vegetables;[Pf]

3. Describes how the PACKAGE shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:[Pf]

   (i) Maintain the FOOD at 5°C (41°F) or below,[Pf] and

   (ii) Discard the FOOD if within thirty (30) calendar days of its PACKAGING if it is not served for on-PREMISES consumption, or consumed if served or sold for off-PREMISES consumption;[Pf]

4. Limits the refrigerated shelf life to no more than thirty (30) calendar days from PACKAGING to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first;[P]

5. Includes operational procedures that:

   (i) Prohibit contacting READY-TO-EAT FOOD with bare hands as specified under 40-7-1-.10(1)(b),[Pf]

   (ii) Identify a designated work area and the method by which:[Pf]

      (I) Physical barriers or methods of separation of raw FOODS and READY-TO-EAT FOODS minimize cross contamination,[Pf] and

(II) Access to the processing EQUIPMENT is limited to responsible trained personnel familiar with the potential HAZARDS of the operation,[Pf] and

(iii) Delineate cleaning and SANITIZATION procedures for FOOD-CONTACT SURFACES;[Pf] and

6. Describes the training program that ensures that the individual responsible for the REDUCED OXYGEN PACKAGING operation understands the:[Pf]

   (i) Concepts required for a safe operation,[Pf]

   (ii) EQUIPMENT and facilities,[Pf] and

   (iii) Procedures specified under Subparagraph (b)5 of this section and 40-7-1-.39(4)(c) and (d).[Pf]

7. Is provided to the DEPARTMENT prior to implementation as specified under 40-7-1-.39(3)(b).

(c) *Except for FISH that is frozen before, during, and after PACKAGING and bears a label indicating it is to be kept frozen until time of use*, a FOOD ESTABLISHMENT may not PACKAGE FISH using a REDUCED OXYGEN PACKAGING method.[P]

(d) Except as specified under (c) and (f) of this section, a FOOD ESTABLISHMENT that PACKAGES TIME/TEMPERATURE CONTROL FOR SAFETY FOOD using a cook-chill or sous vide process shall:

1. Provide to the DEPARTMENT prior to implementation, a HACCP PLAN that contains the information as specified under 40-7-1-.39(4)(c) and (d);[Pf]

2. Ensure the FOOD is:

   (i) Prepared and consumed on the PREMISES, or prepared and consumed off the PREMISES but within the same business entity with no distribution or sale of the PACKAGED product to another business entity or the CONSUMER,[Pf]

   (ii) Cooked to heat all parts of the FOOD to a temperature and for a time as specified under 40-7-1-.11(1)(a), (b), and (c),[P]

   (iii) Protected from contamination before and after cooking as specified under 40-7-1-.10(1) - (25) and 40-7-1-.11(1) - (9),[P]

(iv) Placed in a PACKAGE with an oxygen barrier and sealed before cooking, or placed in a PACKAGE and sealed immediately after cooking and before reaching a temperature below 57°C (135°F),[P]

(v) Cooled to 5°C (41°F) in the sealed PACKAGE or bag as specified under 40-7-1-.12(4) and:[P]

(I) Cooled to 1°C (34°F) within forty-eight (48) hours of reaching 5°C (41°F) and held at that temperature until consumed or discarded within thirty (30) days after the date of PACKAGING;[P]

(II) Held at 5°C (41°F) or less for no more than seven (7) days, at which time the FOOD must be consumed or discarded;[P] or

(III) Held frozen with no shelf life restriction while frozen until consumed or used.[P]

(vi) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily,[Pf]

(vii) If transported off-site to a satellite location of the same business entity, equipped with verifiable electronic monitoring devices to ensure that times and temperatures are monitored during transportation,[Pf] and

(viii) Labeled with the product name and the date PACKAGED;[Pf] and

3. Maintain the records required to confirm that cooling and cold holding refrigeration time/temperature parameters are required as part of the HACCP PLAN and:

(i) Make such records available to the DEPARTMENT upon request,[Pf] and

(ii) Hold such records for at least six (6) months;[Pf] and

4. Implement written operational procedures as specified under Subparagraph (b)5 of this section and a training program as specified under Subparagraph (b)6 of this section.[Pf]

(e) Except as specified under (f) of this section, a FOOD ESTABLISHMENT that PACKAGES cheese using a REDUCED OXYGEN PACKAGING method shall:

1. Limit the cheeses PACKAGED to those that are commercially manufactured in a FOOD PROCESSING PLANT with no ingredients added in the FOOD ESTABLISHMENT and that meet the Standards of Identity as specified in 21 CFR 133.150 Hard cheeses, 21 CFR 133.169 Pasteurized process cheese or 21 CFR 133.187 Semisoft cheeses;[P]

2. Have a HACCP PLAN that contains the information specified under 40-7-1-.39(4)(c) and (d) and as specified under (b)1, (b)3(i), (b)5 and (b)6 of this section;[Pf]

3. Labels the PACKAGE on the principal display panel with a "use by" date that does not exceed thirty (30) days from its packaging or the original manufacturer's "sell by" or "use by" date, whichever occurs first;[Pf] and

4. Discards the REDUCED OXYGEN PACKAGED cheese if it is not sold for off-PREMISES consumption or consumed within thirty (30) calendar days of its PACKAGING.[Pf]

(f) *A HACCP PLAN is not required when a FOOD ESTABLISHMENT uses a REDUCED OXYGEN PACKAGING method to PACKAGE TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is always:*

1. *Labeled with the production time and date,*

2. *Held at 5°C (41°F) or less during refrigerated storage, and*

3. *Removed from its PACKAGE in the FOOD ESTABLISHMENT within forty-eight (48) hours after PACKAGING.*

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.12
Authority: O.C.G.A. §§ 26-2-1, *et seq*.
History. Original Rule entitled "Disposal of Waste" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Preventing Food and Ingredient Contamination" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by the Agency.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: New Rule entitled "Food: Limitation of Growth of Organisms of Public Health Concern" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.
Amended: F. Sep. 27, 2019; eff. Oct. 17, 2019.

Rule 40-7-1-.13. Food: Food Identify, Presentation, and Labeling.

(1) **Standards of Identity.** PACKAGED FOOD shall comply with standard of identity requirements in 21 CFR 131-169 and 9 CFR 319 Definitions and standards of identity or

composition, and the general requirements in 21 CFR 130 - Food Standards: General and 9 CFR 319 Subpart A - General.

(2) **Honestly Presented.**

(a) FOOD shall be offered for human consumption in a way that does not mislead or misinform the CONSUMER.

(b) FOOD or COLOR ADDITIVES, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a FOOD.

(3) **Food Labels.**

(a) FOOD PACKAGED in a FOOD ESTABLISHMENT, shall be labeled as specified in LAW, including 21 CFR 101 - Food labeling, and 9 CFR 317 Labeling, marking devices, and containers.

(b) Label information shall include:

1. The common name of the FOOD, or absent a common name, an adequately descriptive identity statement;

2. If made from two (2) or more ingredients, a list of ingredients and sub-ingredients in descending order of predominance by weight, including a declaration of artificial colors, artificial flavors and chemical preservatives, if contained in the FOOD;

3. An accurate declaration of the net quantity of contents;

4. The name and place of business of the manufacturer, packer, or distributor; and

5. The name of the FOOD source for each MAJOR FOOD ALLERGEN contained in the FOOD unless the FOOD source is already part of the common or usual name of the respective ingredient.[Pf]

6. Except as exempted in the Federal Food, Drug, and Cosmetic Act § 403(q)(3) - (5), nutrition labeling as specified in 21 CFR 101 - Food Labeling and 9 CFR 317 Subpart B Nutrition Labeling.

7. For any salmonid FISH containing canthaxanthin or astaxanthin as a COLOR ADDITIVE, the labeling of the bulk FISH container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin or astaxanthin.

(c) Bulk FOOD that is available for CONSUMER self-dispensing shall be prominently labeled with the following information in plain view of the CONSUMER:

1. The manufacturer's or processor's label that was provided with the FOOD; or

2. A card, sign, or other method of notification that includes the information specified under Subparagraphs (b)1, 2, and 6 of this section.

(d) *Bulk, unPACKAGED FOODS such as bakery products and unPACKAGED FOODS that are portioned to CONSUMER specification need not be labeled if:*

1. *A health, nutrient content, or other claim is not made;*

2. *There are no state or local LAWS requiring labeling; and*

3. *The FOOD is manufactured or prepared on the PREMISES of the FOOD ESTABLISHMENT or at another FOOD ESTABLISHMENT or a FOOD PROCESSING PLANT that is owned by the same PERSON and is regulated by the FOOD regulatory agency that has jurisdiction.*

(e) Expiration Dates. It shall be unLAWful to sell or offer for sale, at retail or wholesale, the following FOOD items past the EXPIRATION DATE stated on the label:

1. EGGS cannot be offered or held for sale after the EXPIRATION DATE, according to DEPARTMENTAL Rules 40-3-1-.01(e)1.

2. Infant Formula.

(i) Each and every container of liquid or powdered infant formula made from two or more ingredients and represented as or intended as a replacement or supplement for milk, shall conspicuously show in common and express terms the calendar month and year after which the product is not to be sold or used for human consumption.

(ii) The EXPIRATION DATE, or the date after which the product is not to be sold or used for human consumption, shall be determined by the manufacturer based on empirical data or other verifiable scientific means.

(iii) If the Commissioner or his authorized agent has prohibited the sale of a product still within date, after notice, the manufacturer shall for each and every brand, variety, or formulation of infant formula intended to be sold or offered for sale in Georgia, submit scientific

data establishing the EXPIRATION DATE to comply with Section (e)1(ii) of this regulation. Such data shall include, but is not limited to, physical, nutritional, and chemical properties. In the absence of empirical data on any specific formulation, the manufacturer shall provide such scientific data to reasonably substantiate the EXPIRATION DATE. If the data submitted does not, in the opinion of the Commissioner, justify the EXPIRATION DATE, the Commissioner shall prohibit the sale of the product until a new EXPIRATION DATE consistent with data is applied to the FOOD product.

(iv) Each and every shipping carton, container and CONSUMER package shall in like manner show the calendar month and year after which the product is not to be sold or used. This section will be complied with if the information is not contained on the shipping carton, container, and CONSUMER package, but is easily legible by virtue of the transparency of the outer wrapper or container.

(v) Any manufacturer, distributor, dealer, or other PERSON who offers for sale or sells infant formula not showing an EXPIRATION DATE or who offers for sale or sells infant formula on a date after the EXPIRATION DATE shown shall be deemed to be offering for sale a product unfit for FOOD.

(vi) Knowingly filing with the Commissioner incorrect or unverifiable data or placing an EXPIRATION DATE upon a shipping carton, container or any CONSUMER package, which date is inconsistent with the data filed with the Commissioner, shall be deemed to be misbranding under part 26-2-28 of the Georgia Food Act provided, however, that it shall not be deemed misbranded if the EXPIRATION DATE shown is an earlier date than the filed data would warrant.

(vii) Special Formulation. The provisions of this regulation shall not apply to any special formulation manufactured on request of any licensed physician for the express purpose of meeting dietary needs of a specific individual.

3. Milk, covered under the Grade "A" Pasteurized Milk Ordinance (PMO), and adopted by reference in DEPARTMENTAL Chapter 40-2-15.

4. Shucked oysters, covered by the Interstate Shellfish Sanitation Conference (ISSC) National Shellfish Sanitation Program Guide For The Control of

Molluscan Shellfish (Model Ordinance) and adopted by reference in DEPARTMENTAL Rules 40-7-12-.19.

5. TIME/TEMPERATURE CONTROL FOR SAFETY FOOD, or any FOOD that is labeled "keep refrigerated," cannot be offered or held for sale past the stated EXPIRATION DATE. Nor can the EXPIRATION DATE be modified or lengthened by the use of these products as an ingredient in another FOOD product.

(4) **Other Forms of Information.**

(a) If required by LAW, CONSUMER warnings shall be provided.

(b) FOOD ESTABLISHMENT or manufacturers' dating information on FOODS may not be concealed or altered.

(5) **Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens.**

(a) Except as specified in 40-7-1-.11(1)(c) and Subparagraph 40-7-1-.11(1)(d)4, if an animal FOOD such as beef, EGGS, FISH, lamb, pork, POULTRY, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in READY-TO-EAT form or as an ingredient in another READY-TO-EAT FOOD, the LICENSE HOLDER shall inform CONSUMERS of the significantly increased RISK of consuming such FOODS by way of a DISCLOSURE and REMINDER, as specified in (b) and (c) of this section using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.[Pf]

(b) DISCLOSURE shall include:

1. A description of the animal-derived FOODS, such as "oysters on the half shell - raw oysters," "raw-EGG Caesar salad," and "hamburgers - can be cooked to order";[Pf] or

2. Identification of the animal-derived FOODS by asterisking them to a footnote that states that the items are served raw or undercooked, or contain - or may contain - raw or undercooked ingredients.[Pf]

(c) REMINDER shall include asterisking the animal-derived FOODS requiring DISCLOSURE to a footnote that states:

1. Regarding the safety of these items, written information is available upon request;[Pf]

2. Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness;[Pf] or

3. Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness, especially if you have certain medical conditions.[Pf]

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.13
Authority: O.C.G.A. §§ 26-2-1, *et seq*.
History. Original Rule entitled "Cleanliness of Employees" filed on June 30, 1965.
Repealed: New Rule entitled "Preventing Contamination from Ice Used as a Coolant" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: New Rule entitled "Food: Food Identity, Presentation, and Labeling" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.
Amended: F. Sep. 27, 2019; eff. Oct. 17, 2019.

Rule 40-7-1-.14. Food: Contaminated Food.

(1) **Discarding or Reconditioning Unsafe, Adulterated, or Contaminated Food.**

(a) A FOOD that is unsafe, ADULTERATED, or not honestly presented as specified under 40-7-1-.08(1) shall be discarded or reconditioned according to an APPROVED procedure.[P]

(b) FOOD that is not from an APPROVED source as specified under 40-7-1-.09(1) - (7) shall be discarded.[P]

(c) READY-TO-EAT FOOD that may have been contaminated by an EMPLOYEE who has been RESTRICTED or EXCLUDED as specified under 40-7-1-.04(2) shall be discarded.[P]

(d) FOOD that is contaminated by FOOD EMPLOYEES, CONSUMERS, or other PERSONS through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means shall be discarded.[P]

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.14
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Use of Tobacco" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Preventing contamination from Equipment, Utensils and Wiping Cloths" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Amended: F. Aug. 7, 2012; eff. Aug. 27, 2012.
Repealed: New Rule entitled "Food: Contaminated Food" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.15. Repealed and Reserved.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.15
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Soiled Work Garmets and Towels" filed June 30, 1965.
Repealed: New Rule entitled "Preventing Contamination from the Premises" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.16. Equipment, Utensils, and Linens: Materials for Construction and Repair.

(1) **Characteristics.** Materials that are used in the construction of UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT may not allow the migration of deleterious substances or impart colors, odors, or tastes to FOOD and under normal use conditions shall be:[P]

(a) Safe;[P]

(b) Durable, CORROSION-RESISTANT, and nonabsorbent;

(c) Sufficient in weight and thickness to withstand repeated WAREWASHING;

(d) Finished to have a SMOOTH, EASILY CLEANABLE surface; and

(e) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.

(2) **Cast Iron, Use Limitation.**

(a) Except as specified in (b) and (c) of this section, cast iron may not be used for UTENSILS or FOOD-CONTACT SURFACES of EQUIPMENT.

(b) *Cast iron may be used as a surface for cooking.*

(c) *Cast iron may be used in UTENSILS for serving FOOD if the UTENSILS are used only as part of an uninterrupted process from cooking through service.*

(3) **Lead, Use Limitation.**

(a) Ceramic, china, and crystal UTENSILS, and decorative UTENSILS such as hand painted ceramic or china that are used in contact with FOOD, shall be lead-free or contain levels of lead not exceeding the limits of the following UTENSIL categories:[P]

UTENSIL Category	Ceramic Article Description	Maximum Lead MG/L

BEVERAGE Mugs, Cups, Pitchers	Coffee Mugs	0.5
Large Hollowware *excluding pitchers*	Bowls > 1.1 Liter (1.16 Quart)	1
Small Hollowware *excluding cups & mugs*	Bowls < 1.1 Liter (1.16 Quart)	2.0
Flat TABLEWARE	Plates, Saucers	3.0

(b) Pewter alloys containing lead in excess of 0.05% may not be used as a FOOD - CONTACT SURFACE.[P]

(c) Solder and flux containing lead in excess of 0.2% may not be used as a FOOD-CONTACT SURFACE.

(4) **Copper, Use Limitation.**

(a) Except as specified in (b) of this section, copper and copper alloys such as brass may not be used in contact with a FOOD that has a pH below 6, such as vinegar, fruit JUICE, or wine, or for a fitting or tubing installed between a backflow prevention device and a carbonator.[P]

(b) *Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the prefermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery*.

(5) **Galvanized Metal, Use Limitation.** Galvanized metal may not be used for UTENSILS or FOOD-CONTACT SURFACES of EQUIPMENT that are used in contact with acidic FOOD.[P]

(6) **Sponges, Use Limitation.** Sponges may not be used in contact with cleaned and SANITIZED or in-use FOOD-CONTACT SURFACES.

(7) **Wood, Use Limitation.**

(a) Except as specified in (b), (c), and (d) of this section, wood and wood wicker may not be used as a FOOD-CONTACT SURFACE.

(b) *Hard maple or an equivalently hard, close-grained wood may be used for:*

1. *Cutting boards; cutting blocks; bakers' tables; and UTENSILS such as rolling pins, doughnut dowels, salad bowls, and chopsticks; and*

2. *Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 110°C (230°F) or above*.

(c) *Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.*

(d) *If the nature of the FOOD requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw FOOD may be kept in:*

1. *Untreated wood containers; or*

2. *Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800 Preservatives for wood.*

(8) **Nonstick Coatings, Use Limitation.** Multiuse KITCHENWARE such as frying pans, griddles, sauce pans, cookie sheets, and waffle bakers that have a perfluorocarbon resin coating shall be used with nonscoring or nonscratching UTENSILS and cleaning aids.

(9) **Nonfood-Contact Surfaces.** NonFOOD-CONTACT SURFACES of EQUIPMENT that are exposed to splash, spillage, or other FOOD soiling or that require frequent cleaning shall be constructed of a CORROSION-RESISTANT, nonabsorbent, and SMOOTH material.

(10) **Characteristics.** Materials that are used to make SINGLE-SERVICE and SINGLE-USE ARTICLES:

(a) May not:

1. Allow the migration of deleterious substances,[P] or

2. Impart colors, odors, or tastes to FOOD; and

(b) Shall be:

1. Safe,[P] and

2. Clean.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.16
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Clothing" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Preventing Contamination by Consumers" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: New Rule entitled "Equipment, Utensils, & Linens: Materials for Construction and Repair" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.17. Equipment, Utensils, and Linens: Design and Construction.

(1) **Equipment and Utensils.** EQUIPMENT and UTENSILS shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

(2) **Food Temperature Measuring Devices.** FOOD TEMPERATURE MEASURING DEVICES may not have sensors or stems constructed of glass, *except that thermometers with glass sensors or stems that are encased in a shatterproof coating such as candy thermometers may be used*.[P]

(3) **Food-Contact Surfaces.**

(a) Multiuse FOOD-CONTACT SURFACES shall be:

1. SMOOTH;[Pf]

2. Free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections;[Pf]

3. Free of sharp internal angles, corners, and crevices;[Pf]

4. Finished to have SMOOTH welds and joints;[Pf] and

5. Except as specified in (b) of this section, accessible for cleaning and inspection by one of the following methods:

(i) Without being disassembled,[Pf]

(ii) By disassembling without the use of tools,[Pf] or

(iii) By easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, open-end wrenches, and Allen wrenches.[Pf]

(b) *Subparagraph (a)5 of this section does not apply to cooking oil storage tanks, distribution lines for cooking oils, or BEVERAGE syrup lines or tubes.*

(4) **CIP Equipment.**

(a) CIP EQUIPMENT shall meet the characteristics specified under 40-7-1-.17(3) and shall be designed and constructed so that:

1. Cleaning and SANITIZING solutions circulate throughout a fixed system and contact all interior FOOD-CONTACT SURFACES, [Pf] and

2. The system is self-draining or capable of being completely drained of cleaning and SANITIZING solutions; and

(b) CIP EQUIPMENT that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior FOOD-CONTACT SURFACES throughout the fixed system are being effectively cleaned.

(5) **"V" Threads, Use Limitation.***Except for hot oil cooking or filtering EQUIPMENT*, "V" type threads may not be used on FOOD-CONTACT SURFACES.

(6) **Hot Oil Filtering Equipment.** Hot oil filtering EQUIPMENT shall meet the characteristics specified under 40-7-1-.17(3) or 40-7-1-.17(4) and shall be readily accessible for filter replacement and cleaning of the filter.

(7) **Can Openers.** Cutting or piercing parts of can openers shall be readily removable for cleaning and for replacement.

(8) **Nonfood-Contact Surfaces.** NonFOOD-CONTACT SURFACES shall be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

(9) **Kick Plates, Removable.** Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being:

(a) Removable by one of the methods specified under Subparagraph 40-7-1-.17(3)(a)5 or capable of being rotated open; and

(b) Removable or capable of being rotated open without unlocking EQUIPMENT doors.

(10) **Ventilation Hood Systems, Filters.** Filters or other grease extracting EQUIPMENT shall be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.

(11) **Temperature Measuring Devices, Food.**

(a) FOOD TEMPERATURE MEASURING DEVICES that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to ±1°C in the intended range of use.[Pf]

(b) FOOD TEMPERATURE MEASURING DEVICES that are scaled only in Fahrenheit shall be accurate to ±2°F in the intended range of use.[Pf]

(12) **Temperature Measuring Devices, Ambient Air and Water.**

(a) Ambient air and water TEMPERATURE MEASURING DEVICES that are scaled in Celsius or dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to ±1.5°C in the intended range of use.[Pf]

(b) Ambient air and water TEMPERATURE MEASURING DEVICES that are scaled only in Fahrenheit shall be accurate to ±3°F in the intended range of use.[Pf]

(13) **Pressure Measuring Devices, Mechanical Warewashing Equipment.** Pressure measuring devices that display the pressures in the water supply line for the fresh hot water SANITIZING rinse shall have increments of 7 kilopascals (1 pound per square inch) or smaller and shall be accurate to ±14 kilopascals (±2 pounds per square inch) in the range indicated on the manufacturer's data plate.

(14) **Ventilation Hood Systems, Drip Prevention.** Exhaust ventilation hood systems in FOOD preparation and WAREWASHING areas including components such as hoods, fans, guards, and ducting shall be designed to prevent grease or condensation from draining or dripping onto FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

(15) **Equipment Openings, Closures and Deflectors.**

(a) A cover or lid for EQUIPMENT shall overlap the opening and be sloped to drain.

(b) An opening located within the top of a unit of EQUIPMENT that is designed for use with a cover or lid shall be flanged upward at least 5 millimeters (two-tenths of an inch).

(c) Except as specified under (d) of this section, fixed piping, TEMPERATURE MEASURING DEVICES, rotary shafts, and other parts extending into EQUIPMENT shall be provided with a watertight joint at the point where the item enters the EQUIPMENT.

(d) If a watertight joint is not provided:

1. The piping, TEMPERATURE MEASURING DEVICES, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from openings into the FOOD; and

2. The opening shall be flanged as specified under (b) of this section.

(16) **Dispensing Equipment, Protection of Equipment and Food.** In EQUIPMENT that dispenses or vends liquid FOOD or ice in unPACKAGED form:

(a) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the FOOD shall be designed in a manner, such as with barriers, baffles,

or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the FOOD;

(b) The delivery tube, chute, and orifice shall be protected from manual contact such as by being recessed;

(c) The delivery tube or chute and orifice of EQUIPMENT used to vend liquid FOOD or ice in unPACKAGED form to self-service CONSUMERS shall be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the EQUIPMENT is:

1. Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment, or

2. Available for self-service during hours when it is not under the full-time supervision of a FOOD EMPLOYEE; and

(d) The dispensing EQUIPMENT actuating lever or mechanism and filling device of CONSUMER self-service BEVERAGE dispensing EQUIPMENT shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

(e) Dispensing EQUIPMENT in which TIME/TEMPERATURE CONTROL FOR SAFETY FOOD in a homogenous liquid form is maintained outside of the temperature control requirements as specified under 40-7-1-.12(6)(a) shall:

1. Be specifically designed and equipped to maintain the commercial sterility of aseptically PACKAGED FOOD in a homogenous liquid form for a specified duration from the time of opening the PACKAGING within the EQUIPMENT; [P] and

2. Conform to the requirements for this EQUIPMENT as specified in *NSF/ANSI 18-2006- Manual Food and Beverage Dispensing Equipment*.[P]

(17) **Vending Machine, Vending Stage Closure.** The dispensing compartment of a VENDING MACHINE including a machine that is designed to vend prePACKAGED snack FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD such as chips, party mixes, and pretzels shall be equipped with a self-closing door or cover if the machine is:

(a) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or

(b) Available for self-service during hours when it is not under the full-time supervision of a FOOD EMPLOYEE.

(18) **Bearings and Gear Boxes, Leakproof.** EQUIPMENT containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into FOOD or onto FOOD-CONTACT SURFACES.

(19) **BEVERAGE Tubing, Separation.***Except for cold plates that are constructed integrally with an ice storage bin*, BEVERAGE tubing and cold-plate BEVERAGE cooling devices may not be installed in contact with stored ice.

(20) **Ice Units, Separation of Drains.** Liquid waste drain lines may not pass through an ice machine or ice storage bin.

(21) **Condenser Unit, Separation.** If a condenser unit is an integral component of EQUIPMENT, the condenser unit shall be separated from the FOOD and FOOD storage space by a dust proof barrier.

(22) **Can Openers on Vending Machines.** Cutting or piercing parts of can openers on VENDING MACHINES shall be protected from manual contact, dust, insects, rodents, and other contamination.

(23) **Molluscan Shellfish Tanks.**

(a) Except as specified under (b) of this section, MOLLUSCAN SHELLFISH life support system display tanks may not be used to store or display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the CONSUMER that the shellfish are for display only.[P]

(b) MOLLUSCAN SHELLFISH life-support system display tanks that are used to store or display shellfish that are offered for human consumption shall be operated and maintained in accordance with a VARIANCE granted by the DEPARTMENT as specified in 40-7-1-.38(3) and a HACCP PLAN that:[Pf]

1. Is submitted by the LICENSE HOLDER and APPROVED as specified under 40-7-1-.38(4);[Pf] and

2. Ensures that:

(i) Water used with FISH other than MOLLUSCAN SHELLFISH does not flow into the molluscan tank,[Pf]

(ii) The safety and quality of the shellfish as they were received are not compromised by the use of the tank,[Pf] and

(iii) The identity of the source of the SHELLSTOCK is retained as specified under 40-7-1-.09(19).[Pf]

(24) **Vending Machines, Automatic Shutoff.**

(a) A machine vending TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall have an automatic control that prevents the machine from vending FOOD:

1. If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that cannot maintain FOOD temperatures as specified under 40-7-1-.08 through 40-7-1-.14;[P] and

2. If a condition specified under Subparagraph (a)1 of this section occurs, until the machine is serviced and restocked with FOOD that has been maintained at temperatures specified under 40-7-1-.08 through 40-7-1-.14.[P]

(b) When the automatic shutoff within a machine vending TIME/TEMPERATURE CONTROL FOR SAFETY FOOD is activated:

1. In a refrigerated vending machine, the ambient air temperature may not exceed 5°C (41°F) for more than thirty (30) minutes immediately after the machine is filled, serviced, or restocked;[P] or

2. In a hot holding vending machine, the ambient air temperature may not be less than 57°C (135°F) for more than one hundred and twenty (120) minutes immediately after the machine is filled, serviced, or restocked.[P]

(25) **Temperature Measuring Devices.**

(a) In a mechanically refrigerated or hot FOOD storage unit, the sensor of a TEMPERATURE MEASURING DEVICE shall be located to measure the air temperature or a simulated product temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot FOOD storage unit.

(b) Except as specified in (c) of this section, cold or hot holding EQUIPMENT used for TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be designed to include and shall be equipped with at least one integral or permanently affixed TEMPERATURE MEASURING DEVICE that is located to allow easy viewing of the device's temperature display.

(c) *Paragraph (b) of this section does not apply to EQUIPMENT for which the placement of a TEMPERATURE MEASURING DEVICE is not a practical means for measuring the ambient air surrounding the FOOD because of the design,*

type, and use of the EQUIPMENT, such as calrod units, heat lamps, cold plates, bainmaries, steam tables, insulated FOOD transport containers, and salad bars.

(d) TEMPERATURE MEASURING DEVICES shall be designed to be easily readable.

(e) FOOD TEMPERATURE MEASURING DEVICES and water TEMPERATURE MEASURING DEVICES on WAREWASHING machines shall have a numerical scale, printed record, or digital readout in increments no greater than 1°C or 2°F in the intended range of use.[Pf]

(26) **Warewashing Machine, Data Plate Operating Specifications.** A WAREWASHING machine shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operation specifications including the:

(a) Temperatures required for washing, rinsing, and SANITIZING;

(b) Pressure required for the fresh water SANITIZING rinse *unless the machine is designed to use only a pumped SANITIZING rinse*; and

(c) Conveyor speed for conveyor machines or cycle time for stationary rack machines.

(27) **Warewashing Machines, Internal Baffles.**WAREWASHING machine wash and rinse tanks shall be equipped with baffles, curtains, or other means to minimize internal cross contamination of the solutions in wash and rinse tanks.

(28) **Warewashing Machines, Temperature Measuring Devices.** A WAREWASHING machine shall be equipped with a TEMPERATURE MEASURING DEVICE that indicates the temperature of the water:

(a) In each wash and rinse tank;[Pf] and

(b) As the water enters the hot water SANITIZING final rinse manifold or in the chemical SANITIZING solution tank.[Pf]

(29) **Manual Warewashing Equipment, Heaters and Baskets.** If hot water is used for SANITIZATION in manual WAREWASHING operations, the SANITIZING compartment of the sink shall be:

(a) Designed with an integral heating device that is capable of maintaining water at a temperature not less than 77°C (171°F);[Pf] and

(b) Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.[Pf]

(30) **Warewashing Machines, Automatic Dispensing of Detergents and Sanitizers.** A WAREWASHING machine that is installed after adoption of these Regulations by the DEPARTMENT, shall be equipped to:

(a) Automatically dispense detergents and SANITIZERS;[Pf] and

(b) Incorporate a visual means to verify that detergents and SANITIZERS are delivered or a visual or audible alarm to signal if the detergents and SANITIZERS are not delivered to the respective washing and SANITIZING cycles.[Pf]

(31) **Warewashing Machines, Flow Pressure Device.**

(a) WAREWASHING machines that provide a fresh hot water SANITIZING rinse shall be equipped with a pressure gauge or similar device such as a transducer that measures and displays the water pressure in the supply line immediately before entering the WAREWASHING machine; and

(b) If the flow pressure measuring device is upstream of the fresh hot water SANITIZING rinse control valve, the device shall be mounted in a 6.4 millimeter or one-fourth inch Iron Pipe Size (IPS) valve.

(c) *Paragraphs (a) and (b) of this section do not apply to a machine that uses only a pumped or recirculated SANITIZING rinse*.

(32) **Warewashing Sinks and Drainboards, Self Draining.** Sinks and drainboards of WAREWASHING sinks and machines shall be self-draining.

(33) **Equipment Compartments, Drainage.**EQUIPMENT compartments that are subject to accumulation of moisture due to conditions such as condensation, FOOD or BEVERAGE drip, or water from melting ice shall be sloped to an outlet that allows complete draining.

(34) **Vending Machines, Liquid Waste Products.**

(a) VENDING MACHINES designed to store BEVERAGES that are PACKAGED in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.

(b) VENDING MACHINES that dispense liquid FOOD in bulk shall be:

1. Provided with an internally mounted waste receptacle for the collection of drip, spillage, overflow, or other internal wastes; and

2. Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.

(c) Shutoff devices specified under Subparagraph (b)2 of this section shall prevent water or liquid FOOD from continuously running if there is a failure of a flow control device in the water or liquid FOOD system or waste accumulation that could lead to overflow of the waste receptacle.

(35) **Case Lot Handling Apparatuses, Moveability.** Apparatuses, such as dollies, pallets, racks, and skids used to store and transport large quantities of PACKAGED FOODS received from a supplier in a cased or overwrapped lot, shall be designed to be moved by hand or by conveniently available apparatuses such as hand trucks and forklifts.

(36) **Vending Machine Doors and Openings.**

(a) VENDING MACHINE doors and access opening covers to FOOD and container storage spaces shall be tight-fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than 1.5 millimeters or one-sixteenth inch by:

1. Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than 1.5 millimeters or one-sixteenth inch. Screening of 12 or more mesh to 2.5 centimeters (12 mesh to 1 inch) meets this requirement;

2. Being effectively gasketed;

3. Having interface surfaces that are at least 13 millimeters or one-half inch wide; or

4. Jambs or surfaces used to form an L-shaped entry path to the interface.

(b) VENDING MACHINE service connection openings through an exterior wall of a machine shall be closed by sealants, clamps, or grommets so that the openings are no larger than 1.5 millimeters or one-sixteenth inch.

(37) **Food Equipment, Certification and Classification.** FOOD EQUIPMENT that is certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program is deemed to comply with 40-7-1-.16(1) - (10) and 40-7-1-.17(1) - (37) of these Regulations.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.17
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Contamination and Adulteration" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Cooking" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: New Rule entitled "Equipment, Utensils, & Linens: Design and Construction" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.18. Equipment, Utensils, and Linens: Numbers and Capacities.

(1) **Cooling, Heating, and Holding Capacities.** EQUIPMENT for cooling and heating FOOD, and holding cold and hot FOOD, shall be sufficient in number and capacity to provide FOOD temperatures as specified under 40-7-1-.08 through 40-7-1-.14.[Pf]

(2) **Manual Warewashing, Sink Compartment Requirements.**

(a) Except as specified in (c) of this section, a sink with at least three (3) compartments shall be provided for manually washing, rinsing, and SANITIZING EQUIPMENT and UTENSILS.[Pf]

(b) Sink compartments shall be large enough to accommodate immersion of the largest EQUIPMENT and UTENSILS. If EQUIPMENT or UTENSILS are too large for the WAREWASHING sink, a WAREWASHING machine or alternative EQUIPMENT as specified in (c) of this section shall be used.[Pf]

(c) *Alternative manual WAREWASHING EQUIPMENT may be used when there are special cleaning needs or constraints and its use is APPROVED. Alternative manual WAREWASHING EQUIPMENT may include:*

1. *High-pressure detergent sprayers;*
2. *Low- or line-pressure spray detergent foamers;*
3. *Other task-specific cleaning EQUIPMENT;*
4. *Brushes or other implements;*
5. *2-compartment sinks as specified under (d) and (e) of this section; or*
6. *Receptacles that substitute for the compartments of a multicompartment sink.*

(d) Before a 2-compartment sink is used:

1. The LICENSE HOLDER shall have its use APPROVED; and
2. The LICENSE HOLDER shall limit the number of KITCHENWARE items cleaned and SANITIZED in the 2-compartment sink, and shall limit WAREWASHING to batch operations for cleaning KITCHENWARE such as between cutting one type of raw MEAT and another or cleanup at the end of a shift, and shall:

(i) Make up the cleaning and SANITIZING solutions immediately before use and drain them immediately after use, and

(ii) Use a detergent-SANITIZER to SANITIZE and apply the detergent-SANITIZER in accordance with the manufacturer's label instructions and as specified under 40-7-1-.20(15), or

(iii) Use a hot water SANITIZATION immersion step as specified under 40-7-1-.21(10)(c).

(e) A 2-compartment sink may not be used for WAREWASHING operations where cleaning and SANITIZING solutions are used for a continuous or intermittent flow of KITCHENWARE or TABLEWARE in an ongoing WAREWASHING process.

(3) **Drainboards.** Drainboards, UTENSIL racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary UTENSIL holding before cleaning and after SANITIZING.

(4) **Ventilation Hood Systems, Adequacy.** Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

(5) **Clothes Washers and Dryers.**

(a) Except as specified in (b) of this section, if work clothes or LINENS are laundered on the PREMISES, a mechanical clothes washer and dryer shall be provided and used.

(b) *If on-PREMISES laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried as specified under 40-7-1-.24(2), a mechanical clothes washer and dryer need not be provided.*

(6) **Utensils, Consumer Self-Service.** A FOOD dispensing UTENSIL shall be available for each container displayed at a CONSUMER self-service unit such as a buffet or salad bar.[Pf]

(7) **Food Temperature Measuring Devices.**

(a) FOOD TEMPERATURE MEASURING DEVICES shall be provided and readily accessible for use in ensuring attainment and maintenance of FOOD temperatures as specified under 40-7-1-.08 through 40-7-1-.14.[Pf]

(b) A TEMPERATURE MEASURING DEVICE with a suitable small-diameter probe that is designed to measure the temperature of thin masses shall be provided and readily accessible to accurately measure the temperature in thin FOODS such as MEAT patties and FISH filets.[Pf]

(8) **Temperature Measuring Devices, Manual and Mechanical Warewashing.**

(a) In manual WAREWASHING operations, a TEMPERATURE MEASURING DEVICE shall be provided and readily accessible for frequently measuring the washing and SANITIZING temperatures.[Pf]

(b) In hot water mechanical WAREWASHING operations, an irreversible registering temperature indicator shall be provided and readily accessible for measuring the UTENSIL surface temperature.[Pf]

(9) **Sanitizing Solutions, Testing Devices.** A test kit or other device that accurately measures the concentration in MG/L of SANITIZING solutions shall be provided.[Pf]

(10) **Cleaning Agents and Sanitizers, Availability.**

(a) Cleaning agents that are used to clean EQUIPMENT and UTENSILS as specified under 40-7-1-.21 shall be provided and available for use during all hours of operation.

(b) Except for those that are generated on-site at the time of use, chemical SANITIZERS that are used to sanitize EQUIPMENT and UTENSILS as specified under 40-7-1-.22 shall be provided and available for use during all hours of operation.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.18
Authority: O.C.G.A. §§ 26-2-1, *et seq*.
History. Original Rule entitled "Transportation" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Freezing" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: New Rule entitled "Equipment, Utensils, & Linens: Numbers and Capacities" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.
Amended: F. Sep. 27, 2019; eff. Oct. 17, 2019.

Rule 40-7-1-.19. Equipment, Utensils, and Linens: Location and Installation.

(1) **Equipment, Clothes Washers and Dryers, and Storage Cabinets, Contamination Prevention.**

(a) Except as specified in (b) of this section, EQUIPMENT, a cabinet used for the storage of FOOD, or a cabinet that is used to store cleaned and SANITIZED EQUIPMENT, UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES may not be located:

1. In locker rooms;

2. In toilet rooms;

3. In garbage rooms;

4. In mechanical rooms;

5. Under sewer lines that are not shielded to intercept potential drips;

6. Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;

7. Under open stairwells; or

8. Under other sources of contamination.

(b) *A storage cabinet used for LINENS or SINGLE-SERVICE or SINGLE-USE ARTICLES may be stored in a locker room*.

(c) If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and only where there is no exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

(2) **Fixed Equipment, Spacing or Sealing.**

(a) EQUIPMENT that is fixed because it is not EASILY MOVABLE shall be installed so that it is:

1. Spaced to allow access for cleaning along the sides, behind, and above the EQUIPMENT;

2. Spaced from adjoining EQUIPMENT, walls, and ceilings a distance of not more than 1 millimeter or one thirty-second inch; or

3. SEALED to adjoining EQUIPMENT or walls, if the EQUIPMENT is exposed to spillage or seepage.

(b) COUNTER-MOUNTED EQUIPMENT that is not EASILY MOVABLE shall be installed to allow cleaning of the EQUIPMENT and areas underneath and around the EQUIPMENT by being:

1. SEALED; or

2. Elevated on legs as specified under 40-7-1-.19(3)(d).

(3) **Fixed Equipment, Elevation or Sealing.**

(a) Except as specified in (b) and (c) of this section, floor-mounted EQUIPMENT that is not EASILY MOVABLE shall be SEALED to the floor or elevated on legs that provide at least a 15 centimeter (6 inch) clearance between the floor and the EQUIPMENT.

(b) *If no part of the floor under the floor-mounted EQUIPMENT is more than 15 centimeters (6 inches) from the point of cleaning access, the clearance space may be only 10 centimeters (4 inches).*

(c) *This section does not apply to display shelving units, display refrigeration units, and display freezer units located in the CONSUMER shopping areas of a retail FOOD store, if the floor under the units is maintained clean.*

(d) Except as specified in (e) of this section, COUNTER-MOUNTED EQUIPMENT that is not EASILY MOVABLE shall be elevated on legs that provide at least a 10 centimeter (4 inch) clearance between the table and the EQUIPMENT.

(e) *The clearance space between the table and COUNTER-MOUNTED EQUIPMENT may be:*

1. *7.5 centimeters (3 inches) if the horizontal distance of the table top under the EQUIPMENT is no more than 50 centimeters (20 inches) from the point of access for cleaning; or*

2. *5 centimeters (2 inches) if the horizontal distance of the table top under the EQUIPMENT is no more than 7.5 centimeters (3 inches) from the point of access for cleaning.*

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.19
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Food Standards" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Reheating" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Amended: F. Aug. 7, 2012; eff. Aug. 27, 2012.
Repealed: New Rule entitled "Equipment, Utensils, & Linens: Location and Installation" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.20. Equipment, Utensils, and Linens: Maintenance and Operation.

(1) **Good Repair and Proper Adjustment.**

(a) EQUIPMENT shall be maintained in a state of repair and condition that meets the requirements specified under 40-7-1-.16(1) - (10) and 40-7-1-.17(1) - (37).

(b) EQUIPMENT components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications.

(c) Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate FOOD when the container is opened.

(2) **Cutting Surfaces.** Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and SANITIZED, or discarded if they are not capable of being resurfaced.

(3) **Microwave Ovens.** Microwave ovens shall meet the safety standards specified in 21 CFR 1030.10 Microwave ovens.

(4) **Warewashing Equipment, Cleaning Frequency.** A WAREWASHING machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing EQUIPMENT, UTENSILS, or raw FOODS, or laundering wiping cloths; and drainboards or other EQUIPMENT used to substitute for drainboards as specified under 40-7-1-.18(3) shall be cleaned:

(a) Before use;

(b) Throughout the day at a frequency necessary to prevent recontamination of EQUIPMENT and UTENSILS and to ensure that the EQUIPMENT performs its intended function; and

(c) If used, at least every twenty-four (24) hours.

(5) **Warewashing Machines, Manufacturers' Operating Instructions.**

(a) A WAREWASHING machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions.

(b) A WAREWASHING machine's conveyor speed or automatic cycle times shall be maintained accurately timed in accordance with manufacturer's specifications.

(6) **Warewashing Sinks, Use Limitation.**

(a) A WAREWASHING sink may not be used for handwashing as specified under 40-7-1-.05(4).

(b) If a WAREWASHING sink is used to wash wiping cloths, wash produce, or thaw FOOD, the sink shall be cleaned as specified under 40-7-1-.20(4) before and after each time it is used to wash wiping cloths or wash produce or thaw FOOD. Sinks

used to wash or thaw FOOD shall be SANITIZED as specified under 40-7-1-.22(1) - (3) before and after using the sink to wash produce or thaw FOOD.

(7) **Warewashing Equipment, Cleaning Agents.** When used for WAREWASHING, the wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual WAREWASHING EQUIPMENT, as specified in 40-7-1-.18(2)(c), shall contain a wash solution of soap, detergent, acid cleaner, alkaline cleaner, degreaser, abrasive cleaner, or other cleaning agent according to the cleaning agent manufacturer's label instructions.[Pf]

(8) **Warewashing Equipment, Clean Solutions.** The wash, rinse, and SANITIZE solutions shall be maintained clean.

(9) **Manual Warewashing Equipment, Wash Solution Temperature.** The temperature of the wash solution in manual WAREWASHING EQUIPMENT shall be maintained at not less than 43°C (110°F) or the temperature specified on the cleaning agent manufacturer's label instructions.[Pf]

(10) **Mechanical Warewashing Equipment, Wash Solution Temperature.**

(a) The temperature of the wash solution in spray type warewashers that use hot water to SANITIZE may not be less than:

1. For a stationary rack, single temperature machine, 74°C (165°F);[Pf]

2. For a stationary rack, dual temperature machine, 66°C (150°F);[Pf]

3. For a single tank, conveyor, dual temperature machine, 71°C (160°F);[Pf] or

4. For a multitank, conveyor, multitemperature machine, 66°C (150°F).[Pf]

(b) The temperature of the wash solution in spray-type warewashers that use chemicals to SANITIZE may not be less than 49°C (120°F).[Pf]

(11) **Manual Warewashing Equipment, Hot Water Sanitization Temperatures.** If immersion in hot water is used for SANITIZING in a manual operation, the temperature of the water shall be maintained at 77°C (171°F) or above.[P]

(12) **Mechanical Warewashing Equipment, Hot Water Sanitization Temperatures.**

(a) Except as specified in (b) of this section, in a mechanical operation, the temperature of the fresh hot water SANITIZING rinse as it enters the manifold may not be more than 90°C (194°F), or less than:[Pf]

1. For a stationary rack, single temperature machine, 74°C (165°F);[Pf] or

2. For all other machines, 82°C (180°F).[Pf]

(b) *The maximum temperature specified under (a) of this section, does not apply to the high pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and SANITIZING of EQUIPMENT such as meat saws.*

(13) **Mechanical Warewashing Equipment, Sanitization Pressure.** The flow pressure of the fresh hot water SANITIZING rinse in a WAREWASHING machine, as measured in the water line immediately downstream or upstream from the fresh hot water SANITIZING rinse control value, shall be within the range specified on the machine manufacturer's data plate and may not be less than 35 kilopascals (5 pounds per square inch) or more than 200 kilopascals (30 pounds per square inch).

(14) **Manual and Mechanical Warewashing Equipment, Chemical Sanitization - Temperature, pH, Concentration, and Hardness.** A chemical SANITIZER used in a SANITIZING solution for a manual or mechanical operation at contact times specified under 40-7-1-.22(3)(c) shall meet the criteria specified under 40-7-1-.36(5) Sanitizers, Criteria; shall be used in accordance with the EPA-registered label use instructions;[P] and shall be used as follows:

(a) A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart;[P]

Concentration Range MG/L	**Minimum Temperature** pH 10 or less **°C (°F)**	**Minimum Temperature** pH 8 or less **°C (°F)**
25 - 49	49 (120)	49 (120)
50 - 99	38 (100)	24 (75)
100	13 (55)	13 (55)

(b) An iodine solution shall have a:

1. Minimum temperature of 20°C (68°F),[P]

2. pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective,[P] and

3. Concentration between 12.5 MG/L and 25 MG/L;[P]

(c) A quaternary ammonium compound solution shall:

1. Have a minimum temperature of 24°C (75°F),[P]

2. Have a concentration as specified under 40-7-1-.36(5) and as indicated by the manufacturer's use directions included in the labeling,[P] and

3. Be used only in water with 500 MG/L hardness or less, or in water having a hardness no greater than specified by the EPA-registered label use instructions;[P]

(d) If another solution of a chemical specified under (a) - (c) of this section is used, the LICENSE HOLDER shall demonstrate to the DEPARTMENT that the solution achieves SANITIZATION and the use of the solution shall be APPROVED;[P]

(e) If a chemical SANITIZER other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be applied in accordance with the EPA-registered label use instructions;[P] and

(f) If a chemical SANITIZER is generated by a device located on-site at the FOOD ESTABLISHMENT it shall be used as specified in (a) - (d) of this section and shall be produced by a device that:

1. Complies with regulation as specified in 2(q)(1) and 12 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),[P]

2. Complies with 40 CFR 152.500 Requirement for Devices and 40 CFR 156.10 Labeling Requirements,[P]

3. Displays the EPA device manufacturing facility registration number on the device,[Pf] and

4. Is operated and maintained in accordance with manufacturer's instructions.[Pf]

(15) **Manual Warewashing Equipment, Chemical Sanitization Using Detergent-Sanitizers.** If a detergent-SANITIZER is used to SANITIZE in a cleaning and SANITIZING procedure where there is no distinct water rinse between the washing and SANITIZING steps, the agent applied in the SANITIZING step shall be the same detergent-SANITIZER that is used in the washing step.

(16) **Warewashing Equipment, Determining Chemical Sanitizer Concentration.**Concentration of the SANITIZING solution shall be accurately determined by using a test kit or other device.[Pf]

(17) **Good Repair and Calibration.**

(a) UTENSILS shall be maintained in a state of repair or condition that complies with the requirements specified under 40-7-1-.16(1) - (10) and 40-7-1-.17(1) - (37) or shall be discarded.

(b) FOOD TEMPERATURE MEASURING DEVICES shall be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy.[Pf]

(c) Ambient air temperature, water pressure, and water TEMPERATURE MEASURING DEVICES shall be maintained in good repair and be accurate within the intended range of use.

(18) **Single-Service and Single-Use Articles, Required Use.** A FOOD ESTABLISHMENT without facilities specified under 40-7-1-.21(1) - (10) and 40-7-1-.22(1) - (3) for cleaning and SANITIZING KITCHENWARE and TABLEWARE shall provide only SINGLE-USE KITCHENWARE, SINGLE-SERVICE ARTICLES, and SINGLE-USE ARTICLES for use by FOOD EMPLOYEES and SINGLE-SERVICE ARTICLES for use by CONSUMERS.[P]

(19) **Single-Service and Single-Use Articles, Use Limitation.**

(a) SINGLE-SERVICE and SINGLE-USE ARTICLES may not be reused.

(b) The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one (1) inch protruding from the chilled dispensing head.

(20) **Shells, Use Limitation.** Mollusk and crustacea shells may not be used more than once as serving containers.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.20
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Ice" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Temperature and Time Control" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Amended: F. Aug. 7, 2012; eff. Aug. 27, 2012.
Repealed: New Rule entitled "Equipment, Utensils, & Linens: Maintenance and Operation" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.21. Equipment, Utensils, and Linens: Cleaning of Equipment and Utensils.

(1) **Equipment Food-Contact Surfaces, Nonfood-Contact Surfaces, and Utensils.**

(a) EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be clean to sight and touch.[Pf]

(b) The FOOD-CONTACT SURFACES of cooking EQUIPMENT and pans shall be kept free of encrusted grease deposits and other soil accumulations.

(c) NonFOOD-CONTACT SURFACES of EQUIPMENT shall be kept free of an accumulation of dust, dirt, FOOD residue, and other debris.

(2) **Equipment Food-Contact Surfaces and Utensils.**

(a) EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be cleaned:

1. Except as specified in (b) of this section, before each use with a different type of raw animal FOOD such as beef, FISH, lamb, pork, or POULTRY;[P]

2. Each time there is a change from working with raw FOODS to working with READY-TO-EAT FOODS;[P]

3. Between uses with raw fruits and vegetables and with TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;[P]

4. Before using or storing a FOOD TEMPERATURE MEASURING DEVICE;[P] and

5. At any time during the operation when contamination may have occurred.[P]

(b) *Subparagraph (a)1 of this section does not apply if the FOOD-CONTACT SURFACE or UTENSIL is in contact with a succession of different types of raw MEAT and POULTRY each requiring a higher cooking temperature as specified under 40-7-1-.11(1) than the previous type.*

(c) Except as specified in (d) of this section, if used with TIME/TEMPERATURE CONTROL FOR SAFETY FOOD, EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be cleaned throughout the day at least every four (4) hours.[P]

(d) *Surfaces of UTENSILS and EQUIPMENT contacting TIME/TEMPERATURE CONTROL FOR SAFETY FOOD may be cleaned less frequently than every four (4) hours if:*

1. *In storage, containers of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD and their contents are maintained at temperatures specified under 40-7-1-.08 through 40-7-1-.14 and the containers are cleaned when they are empty;*

2. *UTENSILS and EQUIPMENT are used to prepare FOOD in a refrigerated room or area that is maintained at one of the temperatures in the following chart and:*

(i) *The UTENSILS and EQUIPMENT are cleaned at the frequency in the following chart that corresponds to the temperature; and*

Temperature	Cleaning Frequency
5.0°C (41°F) or less	24 hours
>5.0°C - 7.2°C (>41°F - 45°F)	20 hours
>7.2°C - 10.0°C (>45°F - 50°F)	16 hours
>10.0°C - 12.8°C (>50°F - 55°F)	10 hours

(ii) *The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the FOOD ESTABLISHMENT*

3. *Containers in serving situations such as salad bars, delis, and cafeteria lines hold READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is maintained at the temperatures specified under 40-7-1-.08 through 40-7-1-.14, are intermittently combined with additional supplies of the same FOOD that is at the required temperature, and the containers are cleaned at least every twenty-four (24) hours;*

4. *TEMPERATURE MEASURING DEVICES are maintained in contact with FOOD, such as when left in a container of deli FOOD or in a roast, held at temperatures specified under 40-7-1-.08 through 40-7-1-.14;*

5. *EQUIPMENT is used for storage of PACKAGED or unPACKAGED FOOD, such as a reach-in refrigerator, and the EQUIPMENT is cleaned at a frequency necessary to preclude accumulation of soil residues*;

6. *The cleaning schedule is APPROVED based on consideration of:*

   (i) *Characteristics of the EQUIPMENT and its use,*

   (ii) *The type of FOOD involved,*

   (iii) *The amount of FOOD residue accumulation, and*

   (iv) *The temperature at which the FOOD is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease; or*

7. *In-use UTENSILS are intermittently stored in a container of water in which the water is maintained at 57°C (135°F) or more, and the UTENSILS and container are cleaned at least every twenty-four (24) hours or at a frequency necessary to preclude accumulation of soil residues.*

(e) *Except when dry cleaning methods are used as specified under 40-7-1-.21(5)*, surfaces of UTENSILS and EQUIPMENT contacting FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be cleaned:

1. At any time when contamination may have occurred;

2. At least every twenty-four (24) hours for iced tea dispensers and CONSUMER self-service UTENSILS such as tongs, scoops, or ladles;

3. Before restocking CONSUMER self-service EQUIPMENT and UTENSILS such as condiment dispensers and display containers; and

4. In EQUIPMENT such as ice bins and BEVERAGE dispensing nozzles and enclosed components of EQUIPMENT such as ice makers, cooking oil storage tanks and distribution lines, BEVERAGE and syrup dispensing lines or tubes, coffee bean grinders, and water vending EQUIPMENT:

   (i) At a frequency specified by the manufacturer, or

   (ii) Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

(3) **Cooking and Baking Equipment.**

(a) The FOOD-CONTACT SURFACES of cooking and baking EQUIPMENT shall be cleaned at least every twenty-four (24) hours. *This section does not apply to hot oil cooking and filtering EQUIPMENT if it is cleaned as specified in Subparagraph 40-7-1-.21(2)(d)6*.

(b) The cavities and door seals of microwave ovens shall be cleaned at least every twenty-four (24) hours by using the manufacturer's recommended cleaning procedure.

(4) **Nonfood-Contact Surfaces.** NonFOOD-CONTACT SURFACES of EQUIPMENT shall be cleaned at a frequency necessary to preclude accumulation of soil residues.

(5) **Dry Cleaning.**

(a) If used, dry cleaning methods such as brushing, scraping, and vacuuming shall contact only SURFACES that are soiled with dry FOOD residues that are not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD.

(b) Cleaning EQUIPMENT used in dry cleaning FOOD-CONTACT SURFACES may not be used for any other purpose.

(6) **Precleaning.**

(a) FOOD debris on EQUIPMENT and UTENSILS shall be scraped over a waste disposal unit or garbage receptacle or shall be removed in a WAREWASHING machine with a prewash cycle.

(b) If necessary for effective cleaning, UTENSILS and EQUIPMENT shall be preflushed, presoaked, or scrubbed with abrasives.

(7) **Loading of Soiled Items, Warewashing Machines.** Soiled items to be cleaned in a WAREWASHING machine shall be loaded into racks, trays, or baskets or onto conveyors in a position that:

(a) Exposes the items to the unobstructed spray from all cycles; and

(b) Allows the items to drain.

(8) **Wet Cleaning.**

(a) EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.

(b) The washing procedures selected shall be based on the type and purpose of the EQUIPMENT or UTENSIL, and on the type of soil to be removed.

(9) **Washing, Procedures for Alternative Manual Warewashing Equipment.** If washing in sink compartments or a WAREWASHING machine is impractical such as when the EQUIPMENT is fixed or the UTENSILS are too large, washing shall be done by using alternative manual WAREWASHING EQUIPMENT as specified in 40-7-1-.18(2)(c) in accordance with the following procedures:

(a) EQUIPMENT shall be disassembled as necessary to allow access of the detergent solution to all parts;

(b) EQUIPMENT components and UTENSILS shall be scrapped or rough cleaned to remove FOOD particle accumulation; and

(c) EQUIPMENT and UTENSILS shall be washed as specified under 40-7-1-.21(8)(a).

(10) **Rinsing Procedures.** Washed UTENSILS and EQUIPMENT shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using one of the following procedures:

(a) Use of a distinct, separate water rinse after washing and before SANITIZING if using:

1. A 3-compartment sink,

2. Alternative manual WAREWASHING EQUIPMENT equivalent to a 3-compartment sink as specified in 40-7-1-.18(2)(c), or

3. A three (3) step washing, rinsing, and SANITIZING procedure in a WAREWASHING system for CIP EQUIPMENT;

(b) Use of a detergent-SANITIZER as specified under 40-7-1-.20(15) if using:

1. Alternative WAREWASHING EQUIPMENT as specified in 40-7-1-.18(2)(c) that is APPROVED for use with a detergent-SANITIZER, or

2. A WAREWASHING system for CIP EQUIPMENT;

(c) Use of a nondistinct water rinse that is integrated in the hot water SANITIZATION immersion step of a 2-compartment sink operation;

(d) If using a WAREWASHING machine that does not recycle the SANITIZING solution as specified under (e) of this section, or alternative manual WAREWASHING EQUIPMENT such as sprayers, use of a nondistinct water rinse that is:

1. Integrated in the application of the SANITIZING solution, and

2. Wasted immediately after each application; or

(e) If using a WAREWASHING machine that recycles the SANITIZING solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the SANITIZING solution.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.21
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Animals or Pets" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Specialized Processing Methods" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by the Agency.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Amended: F. Aug. 7, 2012; eff. Aug. 27, 2012.
Repealed: New Rule entitled "Equipment, Utensils, & Linens: Cleaning of Equipment and Utensils" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.22. Equipment, Utensils, and Linens: Sanitization of Equipment and Utensils.

(1) **Food-Contact Surfaces and Utensils.** EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be SANITIZED.

(2) **Before Use After Cleaning.** UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT shall be SANITIZED before use after cleaning.[P]

(3) **Hot Water and Chemical.** After being cleaned, EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be SANITIZED in:

(a) Hot water manual operations by immersion for at least thirty (30) seconds and as specified under 40-7-1-.20(11);[P]

(b) Hot water mechanical operations by being cycled through EQUIPMENT that is set up as specified under 40-7-1-.20(5), 40-7-1-.20(12), and 40-7-1-.20(13) and achieving a UTENSIL surface temperature of 71°C (160°F) as measured by an irreversible registering temperature indicator;[P] or

(c) Chemical manual or chemical mechanical operations, including the application of SANITIZING chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under 40-7-1-.20(14). Contact times shall be consistent with those on EPA-registered label use instructions by providing:

1. Except as specified under Subparagraph (c)2 of this section, a contact time of at least ten (10) seconds for a chlorine solution specified under 40-7-1-.20(14)(a),[P]

2. A contact time of at least seven (7) seconds for a chlorine solution of 50 MG/L that has a pH of 10 or less and a temperature of at least 38°C (100°F), or a pH of 8 or less and a temperature of at least 24°C (75°F),[P]

3. A contact time of at least thirty (30) seconds for other chemical SANITIZING solutions,[P] or

4. A contact time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields SANITIZATION as defined in 40-7-1-.02(1)(b).[P]

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.22
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Rodents/Insects" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Current Good Manufacturing Practice in Manufacturing, Processing, Packing or Holding Human Food" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by Agency.
Repealed: New Rule entitled "Equipment, Utensils, & Linens: Sanitization of Equipment and Utensils" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.23. Equipment, Utensils, and Linens: Laundering.

(1) **Clean Linens.** Clean LINENS shall be free from FOOD residues and other soiling matter.

(2) **Specifications.**

(a) LINENS that do not come in direct contact with FOOD shall be laundered between operations if they become wet, sticky, or visibly soiled.

(b) Cloth gloves used as specified in 40-7-1-.10(14)(d) shall be laundered before being used with a different type of raw animal FOOD such as beef, FISH, lamb, pork or POULTRY.

(c) LINENS that are used as specified under 40-7-1-.10(12) and cloth napkins shall be laundered between each use.

(d) Wet wiping cloths shall be laundered daily.

(e) Dry wiping cloths shall be laundered as necessary to prevent contamination of FOOD and clean serving UTENSILS.

(3) **Storage of Soiled Linens.** Soiled LINENS shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of FOOD, clean EQUIPMENT, clean UTENSILS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

(4) **Mechanical Washing.**

(a) Except as specified in (b) of this section, LINENS shall be mechanically washed.

(b) *In FOOD ESTABLISHMENTS in which only wiping cloths are laundered as specified in 40-7-1-.18(5)(b), the wiping cloths may be laundered in a mechanical washer, sink designated only for laundering wiping cloths, or a WAREWASHING or FOOD preparation sink that is cleaned as specified under 40-7-1-.20(4).*

(5) **Use of Laundry Facilities.**

(a) Except as specified in (b) of this section, laundry facilities on the PREMISES of a FOOD ESTABLISHMENT shall be used only for the washing and drying of items used in the operation of the establishment.

(b) *Separate laundry facilities located on the PREMISES for the purpose of general laundering, such as for institutions providing boarding and lodging, may also be used for laundering FOOD ESTABLISHMENT items.*

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.23
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Role entitled "Operations in Living Quarters" filed June 30, 1965.
Repealed: New Rule entitled "Thermally Processed Low-Acid Foods Packaged in hermetically Sealed Containers" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: New Rule entitled "Equipment, Utensils, & Linens: Laundering" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.24. Equipment, Utensils, and Linens: Protection of Clean Items.

(1) **Equipment and Utensils, Air-Drying Required.** After cleaning and SANITIZING, EQUIPMENT and UTENSILS:

(a) Shall be air-dried or used after adequate draining as specified in the first paragraph of 40 CFR 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface sanitizing solutions), before contact with FOOD; and

(b) May not be cloth dried *except that UTENSILS that have been air-dried may be polished with cloths that are maintained clean and dry*.

(2) **Wiping Cloths, Air-Drying Locations.** Wiping cloths laundered in a FOOD ESTABLISHMENT that does not have a mechanical clothes dryer as specified in 40-7-1-.18(5)(b) shall be air-dried in a location and in a manner that prevents contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES and the wiping cloths. *This section does not apply if wiping cloths are stored after laundering in a SANITIZING solution as specified under 40-7-1-.20(14)*.

(3) **Food-Contact Surfaces.** Lubricants as specified under 40-7-1-.36(9) shall be applied to FOOD-CONTACT SURFACES that require lubrication in a manner that does not contaminate FOOD-CONTACT SURFACES.

(4) **Equipment.** EQUIPMENT shall be reassembled so that FOOD-CONTACT SURFACES are not contaminated.

(5) **Equipment, Utensils, Linens, and Single-Service and Single-Use Articles.**

(a) Except as specified in (d) of this section, cleaned EQUIPMENT and UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES shall be stored:

1. In a clean, dry location;

2. Where they are not exposed to splash, dust, or other contamination; and

3. At least 15 cm (6 inches) above the floor.

(b) Clean EQUIPMENT and UTENSILS shall be stored as specified under (a) of this section and shall be stored:

1. In a self-draining position that allows air drying; and

2. Covered or inverted.

(c) SINGLE-SERVICE and SINGLE-USE ARTICLES shall be stored as specified under (a) of this section and shall be kept in the original protective PACKAGE or stored by using other means that afford protection from contamination until used.

(d) *Items that are kept in closed PACKAGES may be stored less than 15 cm (6 inches) above the floor on dollies, pallets, racks, and skids that are designed as specified under 40-7-1-.17(35).*

(6) **Prohibitions.**

(a) Except as specified in (b) of this section, cleaned and SANITIZED EQUIPMENT, UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES may not be stored:

1. In locker rooms;

2. In toilet rooms;

3. In garbage rooms;

4. In mechanical rooms;

5. Under sewer lines that are not shielded to intercept potential drips;

6. Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;

7. Under open stairwells; or

8. Under other sources of contamination.

(b) *Laundered LINENS and SINGLE-SERVICE and SINGLE-USE ARTICLES that are PACKAGED or in a facility such as a cabinet may be stored in a locker room*.

(7) **Kitchenware and Tableware.**

(a) SINGLE-SERVICE and SINGLE-USE ARTICLES and cleaned and SANITIZED UTENSILS shall be handled, displayed, and dispensed so that contamination of FOOD - and lip-contact surfaces is prevented.

(b) Knives, forks, and spoons that are not prewrapped shall be presented so that only the handles are touched by EMPLOYEES and by CONSUMERS if CONSUMER self-service is provided.

(c) Except as specified under (b) of this section, SINGLE-SERVICE ARTICLES that are intended for FOOD - or lip-contact shall be furnished for CONSUMER self-service with the original individual wrapper intact or from an APPROVED dispenser.

(8) **Soiled and Clean Tableware.** Soiled TABLEWARE shall be removed from CONSUMER eating and drinking areas and handled so that clean TABLEWARE is not contaminated.

(9) **Preset Tableware.**

(a) Except as specified in (b) of this section, TABLEWARE that is preset shall be protected from contamination by being wrapped, covered, or inverted.

(b) *Preset TABLEWARE may be exposed if:*

1. *Unused settings are removed when a CONSUMER is seated; or*

2. *Settings not removed when a CONSUMER is seated are cleaned and SANITIZED before further use.*

(10) **Rinsing Equipment and Utensils after Cleaning and Sanitizing.** After being cleaned and SANITIZED, EQUIPMENT and UTENSILS shall not be rinsed before air drying or use unless:

(a) The rinse is applied directly from a potable water supply by a warewashing machine that is maintained and operated as specified under 40-7-1-.17(14) - (36) and 40-7-1-.20(1) - (16); and

(b) The rinse is applied only after the EQUIPMENT and UTENSILS have been SANITIZED by the application of hot water or by the application of a chemical SANITIZER solution whose EPA -registered label use instructions call for rinsing off the SANITIZER after it is applied in a commercial WAREWASHING machine.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.24
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Damaged Food Containers" filed June 30, 1965.
Repealed: New Rule entitled "Acidified Foods" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: New Rule entitled "Equipment, Utensils, & Linens: Protection of Clean Items" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.25. Water, Plumbing, and Waste: Water.

(1) **Approved System.** DRINKING WATER shall be obtained from an APPROVED source that is:

(a) A PUBLIC WATER SYSTEM;[P] or

(b) A nonPUBLIC WATER SYSTEM that is constructed, maintained, and operated according to LAW.[P]

(2) **System Flushing and Disinfection.** A DRINKING WATER system shall be flushed and disinfected before being placed in service after construction, repair, or modification and after an emergency situation, such as a flood, that may introduce contaminants to the system.[P]

(3) **BOTTLED DRINKING WATER.** BOTTLED DRINKING WATER used or sold in a FOOD ESTABLISHMENT shall be obtained from APPROVED sources in accordance with 21 CFR 129 - Processing and Bottling of Bottled Drinking Water.[P]

(4) **Standards.** Except as specified under 40-7-1-.25(5):

(a) Water from a PUBLIC WATER SYSTEM shall meet 40 CFR 141 - National Primary Drinking Water Regulations and state DRINKING WATER quality standards;[P] and

(b) Water from a nonPUBLIC WATER SYSTEM shall meet state DRINKING WATER quality standards.[P]

(5) **Nondrinking Water.**

(a) A nonDRINKING WATER supply shall be used only if its use is APPROVED.[P]

(b) NonDRINKING WATER shall be used only for nonculinary purposes such as air conditioning, nonFOOD EQUIPMENT cooling, and fire protection.[P]

(6) **Sampling.** Except when used as specified under 40-7-1-.25(5), water from a nonPUBLIC WATER SYSTEM shall be sampled and tested at least annually and as required by state water quality regulations.[Pf]

(7) **Sample Report.** The most recent sample report for the nonPUBLIC WATER SYSTEM shall be retained on file in the FOOD ESTABLISHMENT or the report shall be maintained as specified by state water quality regulations.

(8) **Capacity.**

(a) The water source and system shall be of sufficient capacity to meet the peak water demands of the FOOD ESTABLISHMENT.[Pf]

(b) Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the FOOD ESTABLISHMENT.[Pf]

(9) **Pressure.** Water under pressure shall be provided to all fixtures, EQUIPMENT, and nonFOOD EQUIPMENT that are required to use water *except that water supplied as specified under 40-7-1-.25(11)(a) and (b) or in response to a temporary interruption of a water supply need not be under pressure*.[Pf]

(10) **System.** Water shall be received from the source through the use of:

(a) An APPROVED public water main;[Pf] or

(b) One or more of the following that shall be constructed, maintained, and operated according to LAW:[Pf]

1. Nonpublic water main, water pumps, pipes, hoses, connections, and other appurtenances,[Pf]

2. Water transport vehicles,[Pf] or

3. Water containers.[Pf]

(11) **Alternative Water Supply.** Water meeting the requirements specified under 40-7-1-.25(1) - (9) shall be made available for a mobile facility and for a FOOD ESTABLISHMENT with a temporary interruption of its water supply through:

(a) A supply of containers of commercially BOTTLED DRINKING WATER;[Pf]

(b) One or more closed portable water containers;[Pf]

(c) An enclosed vehicular water tank;[Pf]

(d) An on-PREMISES water storage tank;[Pf] or

(e) Piping, tubing, or hoses connected to an adjacent APPROVED source.[Pf]

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.25
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Distressed Merchandise" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Accurate Representation" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: New Rule entitled "Water, Plumbing, & Waste: Water" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.26. Water, Plumbing, and Waste: Plumbing System.

(1) **APPROVED.**

(a) A PLUMBING SYSTEM and hoses conveying water shall be constructed and repaired with APPROVED materials according to LAW.[P]

(b) A water filter shall be made of SAFE MATERIALS.[P]

(2) **Approved System and Cleanable Fixtures.**

(a) A PLUMBING SYSTEM shall be designed, constructed, and installed according to LAW.[P]

(b) A PLUMBING FIXTURE such as a HANDWASHING SINK, toilet, or urinal shall be EASILY CLEANABLE.

(3) **Handwashing Sink, Installation.**

(a) A HANDWASHING SINK shall be equipped to provide water at a temperature of at least 38°C (100°F) through a mixing valve or combination faucet.[Pf]

(b) A steam mixing valve may not be used at a HANDWASHING SINK.

(c) A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least fifteen (15) seconds without the need to reactivate the faucet.

(d) An automatic handwashing facility shall be installed in accordance with manufacturer's instructions.

(4) **Backflow Prevention, Air Gap.** An air gap between the water supply inlet and the flood level rim of the PHYSICAL FACILITIES, EQUIPMENT, or non FOOD EQUIPMENT shall be at least twice the diameter of the water supply inlet and may not be less than 25 mm (1 inch).[P]

(5) **Backflow Prevention Device, Design Standard.** A backflow or backsiphonage prevention device installed on a water supply system shall meet American Society of Sanitary Engineering (A.S.S.E.) standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device.[P]

(6) **Conditioning Device, Design.** A water filter, screen, and other water conditioning device installed on water lines shall be designed to facilitate disassembly for periodic servicing and cleaning. A water filter element shall be of the replaceable type.

(7) **Handwashing Sinks.**

(a) Except as specified in (b) and (c) of this section, at least one (1) HANDWASHING SINK, a number of HANDWASHING SINKS necessary for their convenient use by EMPLOYEES in areas specified under 40-7-1-.26(12),

and not fewer than the number of HANDWASHING SINKS required by LAW shall be provided.[Pf]

(b) *If APPROVED and capable of removing the types of soils encountered in the FOOD operations involved, automatic handwashing facilities may be substituted for HANDWASHING SINKS in a FOOD ESTABLISHMENT that has at least one (1) HANDWASHING SINK.*

(c) *If APPROVED, when FOOD exposure is limited and HANDWASHING SINKS are not conveniently available, such as in some mobile FOOD ESTABLISHMENTS or at some VENDING MACHINE LOCATIONS, EMPLOYEES may use chemically treated towelettes for handwashing.*

(8) **Toilets and Urinals.** At least one (1) toilet, and not fewer than the toilets required by LAW, shall be provided. If authorized by LAW and urinals are substituted for toilets, the substitution shall be done as specified in LAW.

(9) **Service Sink.**

(a) At least one (1) service sink or one (1) curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.

(b) Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.

(10) **Backflow Prevention Device, When Required.** A PLUMBING SYSTEM shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the FOOD ESTABLISHMENT, including on a hose bibb if a hose is attached or on a hose bibb if a hose is not attached and backflow prevention is required by LAW, by:

(a) Providing an air gap as specified under 40-7-1-.26(4);[P] or

(b) Installing an APPROVED backflow prevention device as specified under 40-7-1-.26(5).[P]

(11) **Backflow Prevention Device, Carbonator.**

(a) If not provided with an air gap as specified under 40-7-1-.26(4), a dual check valve with an intermediate vent preceded by a screen of not less than 100 mesh to 25.4 mm (100 mesh to 1 inch) shall be installed upstream from a carbonating device and downstream from any copper in the water supply line.[P]

(b) *A dual check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided as specified under (a) of this section*.

(12) **Handwashing Sinks.** A HANDWASHING SINK shall be located:

(a) To allow convenient use by EMPLOYEES in FOOD preparation, FOOD dispensing, and WAREWASHING areas;[Pf] and

(b) In, or immediately adjacent to, toilet rooms.[Pf]

(13) **Backflow Prevention Device, Location.** A backflow prevention device shall be located so that it may be serviced and maintained.

(14) **Conditioning Device, Location.** A water filter, screen, and other water conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning.

(15) **Using a Handwashing Sink.**

(a) A HANDWASHING SINK shall be maintained so that it is accessible at all times for EMPLOYEE use.[Pf]

(b) A HANDWASHING SINK may not be used for purposes other than handwashing.[Pf]

(c) An automatic handwashing facility shall be used in accordance with manufacturer's instructions.[Pf]

(16) **Prohibiting a Cross Connection.**

(a) A PERSON may not create a cross connection by connecting a pipe or conduit between the DRINKING WATER system and a nonDRINKING WATER system or a water system of unknown quality.[P]

(b) The piping of a nonDRINKING WATER system shall be durably identified so that it is readily distinguishable from piping that carries DRINKING WATER.[Pf]

(17) **Scheduling Inspection and Service for a Water System Device.** A device such as a water treatment device or backflow preventer shall be scheduled for inspection and service in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions. Records demonstrating inspection and service shall be maintained by the PERSON IN CHARGE.[Pf]

(18) **Water Reservoir of Fogging Devices, Cleaning.**

(a) A reservoir that is used to supply water to a device such as a produce fogger shall be:

1. Maintained in accordance with manufacturer's specifications;[P] and

2. Cleaned in accordance with manufacturer's specifications or according to the procedures specified under (b) of this section, whichever is more stringent.[P]

(b) Cleaning procedures shall include at least the following steps and shall be conducted at least once a week:

1. Draining and complete disassembly of the water and aerosol contact parts;[P]

2. Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution;[P]

3. Flushing the complete system with water to remove the detergent solution and particulate accumulation;[P] and

4. Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least 50 MG/L hypochlorite solution.[P]

(19) **System Maintained in Good Repair.** A PLUMBING SYSTEM shall be:

(a) Repaired according to LAW;[P] and

(b) Maintained in good repair.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.26
Authority: O.C.G.A. §§ 26-2-1, *et seq*.
History. Original Rule entitled "Withhold From Sale (Embargo Detained)" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Labeling" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Jan. 10, 200; eff. Jan. 31, 2001, as specified by the Agency.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Amended: F. Aug. 12, 2005; eff. Sept. 1, 2005.
Amended: F. Aug. 7, 2012; eff. Aug. 27, 2012.
Repealed: New Rule entitled "Water, Plumbing, & Waste: Plumbing System" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.
Amended: F. Sep. 27, 2019; eff. Oct. 17, 2019.

Rule 40-7-1-.27. Water, Plumbing, and Waste: Mobile Water Tank and Mobile Food Establishment Water Tank.

(1) **APPROVED.** Materials that are used in the construction of a mobile water tank, mobile FOOD ESTABLISHMENT water tank, and appurtenances shall be:

(a) Safe;[P]

(b) Durable, CORROSION-RESISTANT, and nonabsorbent; and

(c) Finished to have a SMOOTH, EASILY CLEANABLE surface.

(2) **Enclosed System, Sloped to Drain.** A mobile water tank shall be:

(a) Enclosed from the filling inlet to the discharge outlet; and

(b) Sloped to an outlet that allows complete drainage of the tank.

(3) **Inspection and Cleaning Port, Protected and Secured.** If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and:

(a) Flanged upward at least 13 mm (one-half inch); and

(b) Equipped with a port cover assembly that is:

1. Provided with a gasket and a device for securing the cover in place, and

2. Flanged to overlap the opening and sloped to drain.

(4) **"V" Type Threads, Use Limitation.** A fitting with "V" type threads on a water tank inlet or outlet shall be allowed only when a hose is permanently attached.

(5) **Tank Vent, Protected.** If provided, a water tank vent shall terminate in a downward direction and shall be covered with:

(a) 16 mesh to 25.4 mm (16 mesh to 1 inch) screen or equivalent when the vent is in a protected area; or

(b) A protective filter when the vent is in an area that is not protected from windblown dirt and debris.

(6) **Inlet and Outlet, Sloped to Drain.**

(a) A water tank and its inlet and outlet shall be sloped to drain.

(b) A water tank inlet shall be positioned so that it is protected from contaminants such as waste discharge, road dust, oil, or grease.

(7) **Hose, Construction and Identification.** A hose used for conveying DRINKING WATER from a water tank shall be:

(a) Safe;[P]

(b) Durable, CORROSION-RESISTANT, and nonabsorbent;

(c) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition;

(d) Finished with a SMOOTH interior surface; and

(e) Clearly and durably identified as to its use if not permanently attached.

(8) **Filter, Compressed Air.** A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and DRINKING WATER system when compressed air is used to pressurize the water tank system.[P]

(9) **Protective Cover or Device.** A cap and keeper chain, closed cabinet, closed storage tube, or other APPROVED protective cover or device shall be provided for a water inlet, outlet, and hose.

(10) **Mobile Food Establishment Tank Inlet.** A mobile FOOD ESTABLISHMENT'S water tank inlet shall be:

(a) 19.1 mm (three-fourths inch) in inner diameter or less; and

(b) Provided with a hose connection of a size or type that will prevent its use for any other service.

(11) **System Flushing and Sanitization.** A water tank, pump, and hoses shall be flushed and SANITIZED before being placed in service after construction, repair, modification, and periods of nonuse.[P]

(12) **Using a Pump and Hoses, Backflow Prevention.** A PERSON shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.

(13) **Protecting Inlet, Outlet, and Hose Fitting.** If not in use, a water tank and hose inlet and outlet fitting shall be protected using a cover or device as specified under 40-7-1-.27(9).

(14) **Tank, Pump, and Hoses, Dedication.**

(a) Except as specified in (b) of this section, a water tank, pump, and hoses used for conveying DRINKING WATER shall be used for no other purpose.[P]

(b) *Water tanks, pumps, and hoses APPROVED for liquid FOODS may be used for conveying DRINKING WATER if they are cleaned and SANITIZED before they are used to convey water*.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.27
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Labeling" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Consumer Advisory - Consumption of Raw or Undercooked Animal Foods" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: New Rule entitled "Water, Plumbing, & Waste: Mobile Water Tank and Mobile Food Establishment Water Tank" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.28. Water, Plumbing, and Waste: Sewage, Other Liquid Waste, and Rainwater.

(1) **Capacity and Drainage.** A SEWAGE holding tank in a mobile FOOD ESTABLISHMENT shall be:

(a) Sized fifteen percent (15%) larger in capacity than the water supply tank; and

(b) Sloped to a drain that is 25 mm (1 inch) in inner diameter or greater, equipped with a shut-off valve.

(2) **Establishment Drainage System.** FOOD ESTABLISHMENT drainage systems, including grease traps, that convey SEWAGE shall be designed and installed as specified 40-7-1-.26(2)(a).

(3) **Backflow Prevention.**

(a) Except as specified in (b), (c), and (d) of this section, a direct connection may not exist between the SEWAGE system and a drain originating from EQUIPMENT in which FOOD, portable EQUIPMENT, or UTENSILS are placed.[P]

(b) *Paragraph (a) of this section does not apply to floor drains that originate in refrigerated spaces that are constructed as an integral part of the building*.

(c) *If allowed by LAW, a WAREWASHING machine may have a direct connection between its waste outlet and a floor drain when the machine is located within 1.5 m (5 feet) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap*.

(d) *If allowed by LAW, a WAREWASHING or culinary sink may have a direct connection*.

(4) **Grease Trap.** If used, a grease trap shall be located to be easily accessible for cleaning.

(5) **Conveying Sewage.** SEWAGE shall be conveyed to the point of disposal through an APPROVED sanitary SEWAGE system or other system, including use of SEWAGE transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to LAW.[P]

(6) **Removing Mobile Food Establishment Wastes.** SEWAGE and other liquid wastes shall be removed from a mobile FOOD ESTABLISHMENT at an APPROVED waste SERVICING AREA or by a SEWAGE transport vehicle in such a way that a public health HAZARD or nuisance is not created.[Pf]

(7) **Flushing a Waste Retention Tank.** A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

(8) **Approved Sewage Disposal System.** SEWAGE shall be disposed through an APPROVED facility that is:

(a) A public SEWAGE treatment plant;[P] or

(b) An individual SEWAGE disposal system that is sized, constructed, maintained, and operated according to LAW.[P]

(9) **Other Liquid Wastes and Rainwater.** Condensate drainage and other nonSEWAGE liquids and rainwater shall be drained from point of discharge to disposal according to LAW.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.28
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Dietary Food Labeling" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Equipment and Utensils (Multiuse)" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: New Rule entitled "Water, Plumbing, & Waste: Sewage, Other Liquid Waste, and Rainwater" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.29. Water, Plumbing, and Waste: Refuse, Recyclables, and Returnables.

(1) **Indoor Storage Area.** If located within the FOOD ESTABLISHMENT, a storage area for REFUSE, recyclables, and returnables shall meet the requirements specified under 40-7-1-.30(1), 40-7-1-.31(1) - (8), 40-7-1-.31(13), and 40-7-1-.31(14).

(2) **Outdoor Storage Surface.** An outdoor storage surface for REFUSE, recyclables, and returnables shall be constructed of nonabsorbent material, such as concrete or asphalt, and shall be SMOOTH, durable, and sloped to drain.

(3) **Outdoor Enclosure.** If used, an outdoor enclosure for REFUSE, recyclables, and returnables shall be constructed of durable and cleanable materials.

(4) **Receptacles.**

(a) Except as specified in (b) of this section, receptacles and waste handling units for REFUSE, recyclables, and returnables and for use with materials containing

FOOD residue shall be durable, cleanable, insect-resistant and rodent-resistant, leakproof, and nonabsorbent.

(b) *Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the FOOD ESTABLISHMENT or within closed outside receptacles*.

(5) **Receptacles in Vending Machines.***Except for a receptacle for BEVERAGE bottle crown closures*, a REFUSE receptacle may not be located within a VENDING MACHINE.

(6) **Outside Receptacles.**

(a) Receptacles and waste handling units for REFUSE, recyclables, and returnables used with materials containing FOOD residue and used outside the FOOD ESTABLISHMENT shall be designed and constructed to have tight-fitting lids, doors, or covers.

(b) Receptacles and waste handling units for REFUSE and recyclables such as an on-site compactor shall be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized, and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

(7) **Storage Areas, Rooms, and Receptacles, Capacity and Availability.**

(a) An inside storage room and area and outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold REFUSE, recyclables, and returnables that accumulate.

(b) A receptacle shall be provided in each area of the FOOD ESTABLISHMENT or PREMISES where REFUSE is generated or commonly discarded, or where recyclables or returnables are placed.

(c) If disposable towels are used at handwashing lavatories, a waste receptacle shall be located at each lavatory or group of adjacent lavatories.

(8) **Toilet Room Receptacle, Covered.** A toilet room used by females shall be provided with a covered receptacle for sanitary napkins.

(9) **Cleaning Implements and Supplies.**

(a) Except as specified in (b) of this section, suitable cleaning implements and supplies such as high pressure pumps, hot water, steam, and detergent shall be provided as necessary for effective cleaning of receptacles and waste handling units for REFUSE, recyclables, and returnables.

(b) *If APPROVED, off-PREMISES-based cleaning services may be used if on-PREMISES cleaning implements and supplies are not provided.*

(10) **Storage Areas, Redeeming Machines, Receptacles and Waste Handling Units, Location.**

(a) An area designated for REFUSE, recyclables, returnables, and, except as specified in (b) of this section, a redeeming machine for recyclables or returnables shall be located so that it is separate from FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES and a public health HAZARD or nuisance is not created.

(b) *A redeeming machine may be located in the PACKAGED FOOD storage area or CONSUMER area of a FOOD ESTABLISHMENT if FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES are not subject to contamination from the machines and a public health HAZARD or nuisance is not created*.

(c) The location of receptacles and waste handling units for REFUSE, recyclables, and returnables may not create a public health HAZARD or nuisance or interfere with the cleaning of adjacent space.

(11) **Storing Refuse, Recyclables, and Returnables.** REFUSE, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

(12) **Areas, Enclosures, and Receptacles, Good Repair.** Storage areas, enclosures, and receptacles for REFUSE, recyclables, and returnables shall be maintained in good repair.

(13) **Outside Storage Prohibitions.**

(a) Except as specified in (b) of this section, REFUSE receptacles not meeting the requirements specified under 40-7-1-.29(4)(a), such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with FOOD residue, may not be stored outside.

(b) *Cardboard or other packaging material that does not contain FOOD residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem*.

(14) **Covering Receptacles.** Receptacles and waste handling units for REFUSE, recyclables, and returnables shall be kept covered:

(a) Inside the FOOD ESTABLISHMENT if the receptacles and units:

1. Contain FOOD residue and are not in continuous use; or

2. After they are filled; and

(b) With tight-fitting lids or doors if kept outside the FOOD ESTABLISHMENT.

(15) **Using Drain Plugs.** Drains in receptacles and waste handling units for REFUSE, recyclables, and returnables shall have drain plugs in place.

(16) **Maintaining Refuse Areas and Enclosures.** A storage area and enclosure for REFUSE, recyclables, or returnables shall be maintained free of unnecessary items, as specified under 40-7-1-.34(14), and clean.

(17) **Cleaning Receptacles.**

(a) Receptacles and waste handling units for REFUSE, recyclables, and returnables shall be thoroughly cleaned in a way that does not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, or SINGLE-SERVICE and SINGLE-USE ARTICLES, and waste water shall be disposed of as specified under 40-7-1-.26(5).

(b) Soiled receptacles and waste handling units for REFUSE, recyclables, and returnables shall be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

(18) **Frequency.** REFUSE, recyclables, and returnables shall be removed from the PREMISES at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

(19) **Receptacles or Vehicles.** REFUSE, recyclables, and returnables shall be removed from the PREMISES by way of:

(a) Portable receptacles that are constructed and maintained according to LAW; or

(b) A transport vehicle that is constructed, maintained, and operated according to LAW.

(20) **Community or Individual Facility.** Solid waste not disposed of through the SEWAGE system, such as through grinders and pulpers, shall be recycled or disposed of in an APPROVED public or private community recycling or REFUSE facility; or solid waste shall be disposed of in an individual REFUSE facility, such as a landfill or incinerator, which is sized, constructed, maintained, and operated according to LAW.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.29
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Color of Print" filed June 30, 1965.
Repealed: New Rule entitled "Single-Service and Single-Use" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: New Rule entitled "Water, Plumbing, & Waste: Refuse, Recyclables, and Returnables" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.30. Physical Facilities: Materials for Construction and Repair.

(1) **Surface Characteristics.** Materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:

(a) SMOOTH, durable, and EASILY CLEANABLE for areas where FOOD ESTABLISHMENT operations are conducted;

(b) Closely woven and EASILY CLEANABLE carpet for carpeted areas; and

(c) Nonabsorbent for areas subject to moisture such as FOOD preparation areas, walk-in refrigerators, WAREWASHING areas, toilet rooms, mobile FOOD ESTABLISHMENT SERVICING AREAS, and areas subject to flushing or spray cleaning methods.

(2) **Surface Characteristics.**

(a) The outdoor walking and driving areas shall be surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.

(b) Exterior surfaces of buildings and mobile FOOD ESTABLISHMENTS shall be of weather-resistant materials and shall comply with LAW.

(c) Outdoor storage areas for REFUSE, recyclables, or returnables shall be of materials specified under 40-7-1-.29(2) and 40-7-1-.29(3).

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.30
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "False/Misleading Advertising" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Equipment Durability and Strength" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: New Rule entitled "Physical Facilities: Materials for Construction and Repair" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.31. Physical Facilities: Design, Construction, and Installation.

(1) **Floors, Walls, and Ceilings.** Except as specified under 40-7-1-.31(4) and *except for antislip floor coverings or applications that may be used for safety reasons*, floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are SMOOTH and EASILY CLEANABLE.

(2) **Floors, Walls, and Ceilings, Utility Lines.**

(a) Utility service lines and pipes may not be unnecessarily exposed.

(b) Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.

(c) Exposed horizontal utility service lines and pipes may not be installed on the floor.

(3) **Floor and Wall Junctures, Coved, and Enclosed or Sealed.**

(a) In FOOD ESTABLISHMENTS in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than 1 mm (one thirty-second inch).

(b) The floors in FOOD ESTABLISHMENTS in which water flush cleaning methods are used shall be provided with drains and be graded to drain, and the floor and wall junctures shall be coved and SEALED.

(4) **Floor Carpeting, Restrictions and Installation.**

(a) A floor covering, such as carpeting or similar material, may not be installed as a floor covering in FOOD preparation areas, walk-in refrigerators, WARE WASHING areas, toilet room areas where hand washing lavatories, toilets, and urinals are located, REFUSE storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.

(b) If carpeting is installed as a floor covering in areas other than those specified under (a) of this section, it shall be:

1. Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another method; and

2. Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or some other means.

(5) **Floor Covering, Mats and Duck boards.** Mats and duck boards shall be designed to be removable and EASILY CLEANABLE.

(6) **Wall and Ceiling Coverings and Coatings.**

(a) Wall and ceiling covering materials shall be attached so that they are EASILY CLEANABLE.

(b) *Except in areas used only for dry storage*, concrete, porous blocks, or bricks used for indoor wall construction shall be finished and SEALED to provide a SMOOTH, nonabsorbent, EASILY CLEANABLE surface.

(7) **Walls and Ceilings, Attachments.**

(a) Except as specified in (b) of this section, attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall mounted fans, decorative items, and other attachments shall be EASILY CLEANABLE.

(b) *In a CONSUMER area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean*.

(8) **Walls and Ceilings, Studs, Joists, and Rafters.** Studs, joists, and rafters may not be exposed in areas subject to moisture.

(9) **Light Bulbs, Protective Shielding.**

(a) Except as specified in (b) of this section, light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; or unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

(b) *Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing FOOD in unopened packages, if:*

1. *The integrity of the packages cannot be affected by broken glass falling onto them; and*

2. *The packages are capable of being cleaned of debris from broken bulbs before the packages are opened*.

(c) An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

(10) **Heating, Ventilating, Air Conditioning System Vents.** Heating, ventilating, and air conditioning systems shall be designed and installed so that make-up air intake and exhaust vents do not cause contamination of FOOD, FOOD-CONTACT SURFACES, EQUIPMENT, or UTENSILS.

(11) **Insect Control Devices, Design and Installation.**

(a) Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device.

(b) Insect control devices shall be installed so that:

1. The devices are not located over a FOOD preparation area; and

2. Dead insects and insect fragments are prevented from being impelled onto or falling on exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

(12) **Toilet Rooms, Enclosed**. *Except where a toilet room is located outside a FOOD ESTABLISHMENT and does not open directly into the FOOD ESTABLISHMENT, such as a toilet room that is provided by the management of a shopping mall*, a toilet room located on the PREMISES shall be completely enclosed and provided with a tight-fitting and self-closing door.

(13) **Outer Openings, Protected.**

(a) Except as specified in (b), (c), and (e) and under (d) of this section, outer openings of a FOOD ESTABLISHMENT shall be protected against the entry of insects and rodents by:

1. Filling or closing holes and other gaps along floors, walls, and ceilings;

2. Closed, tight-fitting windows; and

3. Solid, self-closing, tight-fitting doors.

(b) *Paragraph (a) of this section does not apply if a FOOD ESTABLISHMENT opens into a larger structure, such as a mall, airport, or office building, or into an attached structure, such as a porch, and the outer openings from the larger or attached structure are protected against the entry of insects and rodents*.

(c) *Exterior doors used as exits need not be self-closing if they are:*

1. *Solid and tight-fitting;*

2. *Designated for use only when an emergency exists, by the fire protection authority that has jurisdiction over the FOOD ESTABLISHMENT; and*

3. *Limited-use so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use*.

(d) Except as specified in (b) and (e) of this section, if the windows or doors of a FOOD ESTABLISHMENT, or of a larger structure within which a FOOD ESTABLISHMENT is located, are kept open for ventilation or other purposes, the openings shall be protected against the entry of insects and rodents by:

1. 16 mesh to 25.4 mm (16 mesh to 1 inch) screens;

2. Properly designed and installed air curtains to control flying insects; or

3. Other effective means.

(e) *Paragraph (d) of this section does not apply if flying insects and other pests are absent due to the location of the ESTABLISHMENT, the weather, or other limiting condition*.

(14) **Exterior Walls and Roofs, Protective Barrier.** Perimeter walls and roofs of a FOOD ESTABLISHMENT shall effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

(15) **Outdoor Food Vending Areas, Overhead Protection.***Except for machines that vend canned BEVERAGES*, if located outside, a machine used to vend FOOD shall be provided with overhead protection.

(16) **Outdoor Servicing Areas, Overhead Protection.***Except for areas used only for the loading of water or the discharge of SEWAGE and other liquid waste through the use of a closed system of hoses*, SERVICING AREAS shall be provided with overhead protection.

(17) **Outdoor Walking and Driving Surfaces, Graded to Drain.** Exterior walking and driving surfaces shall be graded to drain.

(18) **Outdoor Refuse Areas, Curbed and Graded to Drain.** Outdoor REFUSE areas shall be constructed in accordance with LAW and shall be curbed and graded to drain in order to collect and dispose of liquid waste that results from the REFUSE and from cleaning the area and waste receptacles.

(19) **Private Homes and Living or Sleeping Quarters, Use Prohibition.** A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting FOOD ESTABLISHMENT operations.[P]

(20) **Living or Sleeping Quarters, Separation.** Living or sleeping quarters located on the PREMISES of a FOOD ESTABLISHMENT such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for FOOD ESTABLISHMENT operations by complete partitioning and solid self-closing doors.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.31
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Salvageable Foods and Single Service Utensil Items" adopted. F. Dec. 31, 1974; eff. Jan. 20, 1975.
Repealed: New Rule entitled "Equipment Cleanability" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: New Rule entitled "Physical Facilities: Design, Construction, and Installation" adopted. F. Sep. 11, 2015;

eff. Oct. 1, 2015.

Rule 40-7-1-.32. Physical Facilities: Numbers and Capacities.

(1) **Minimum Number.** HANDWASHING SINKS shall be provided as specified under 40-7-1-.26(7).

(2) **Handwashing Cleanser, Availability.** Each HANDWASHING SINK or group of two (2) adjacent HANDWASHING SINKS shall be provided with a supply of hand cleaning liquid, powder, or bar soap.[Pf]

(3) **Hand Drying Provision.** Each HANDWASHING SINK or group of adjacent HANDWASHING SINKS shall be provided with:

(a) Individual, disposable towels;[Pf]

(b) A continuous towel system that supplies the user with a clean towel;[Pf] or

(c) A heated-air hand drying device;[Pf] or

(d) A hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.[Pf]

(4) **Handwashing Aids and Devices, Use Restrictions.** A sink used for FOOD preparation or UTENSIL washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the handwashing aids and devices required for a HANDWASHING SINK as specified under 40-7-1-.32(2) and 40-7-1-.32(3) and 40-7-1-.29(7)(c).

(5) **Handwashing Signage.** A sign or poster that notifies FOOD EMPLOYEES to wash their hands shall be provided at all HANDWASHING SINKS used by FOOD EMPLOYEES and shall be clearly visible to FOOD EMPLOYEES.

(6) **Disposable Towels, Waste Receptacle.** A HANDWASHING SINK or group of adjacent HANDWASHING SINKS that is provided with disposable towels shall be provided with a waste receptacle as specified under 40-7-1-.29(7)(c).

(7) **Minimum Number.** Toilets and urinals shall be provided as specified under 40-7-1-.26(8).

(8) **Toilet Tissue, Availability.** A supply of toilet tissue shall be available at each toilet[Pf]

(9) **Intensity.** The light intensity shall be:

(a) At least 108 lux (10 foot candles) at a distance of 75 cm (30 inches) above the floor, in walk-in refrigeration units and dry FOOD storage areas and in other areas and rooms during periods of cleaning;

(b) At least 215 lux (20 foot candles):

1. At a surface where FOOD is provided for CONSUMER self-service such as buffets and salad bars or where fresh produce or PACKAGED FOODS are sold or offered for consumption,

2. Inside EQUIPMENT such as reach-in and under-counter refrigerators; and

3. At a distance of 75 cm (30 inches) above the floor in areas used for handwashing, WARE WASHING, and EQUIPMENT and UTENSIL storage, and in toilet rooms; and

(c) At least 540 lux (50 foot candles) at a surface where a FOOD EMPLOYEE is working with FOOD or working with UTENSILS or EQUIPMENT such as knives, slicers, grinders, or saws where EMPLOYEE safety is a factor.

(10) **Mechanical.** If necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes, mechanical ventilation of sufficient capacity shall be provided.

(11) **Designation.**

(a) Dressing rooms or dressing areas shall be designated if EMPLOYEES routinely change their clothes in the establishment.

(b) Lockers or other suitable facilities shall be provided for the orderly storage of EMPLOYEES' clothing and other possessions.

(12) **Availability.** A service sink or curbed cleaning facility shall be provided as specified under 40-7-1-.26(9)(a).

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.32
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Expiration Date of Infant Formula Products" adopted. F. Oct. 28, 1975; eff. Nov. 17, 1975.
Repealed: New Rule entitled "Equipment Functionality" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Amended: F. Aug. 7, 2012; eff. Aug. 27, 2012.
Repealed: New Rule entitled "Physical Facilities: Numbers and Capacities" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.33. Physical Facilities: Location and Placement.

(1) **Conveniently Located.** HANDWASHING SINKS shall be conveniently located as specified under 40-7-1-.26(12).

(2) **Convenience and Accessibility.** Toilet rooms shall be conveniently located and accessible to EMPLOYEES during all hours of operation.

(3) **Designated Areas.**

(a) Areas designated for EMPLOYEES to eat, drink, and use tobacco shall be located so that FOOD, EQUIPMENT, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES are protected from contamination.

(b) Lockers or other suitable facilities shall be located in a designated room or area where contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES cannot occur.

(4) **Segregation and Location.** Products that are held by the LICENSE HOLDER for credit, redemption, or return to the distributor, such as damaged, spoiled, or recalled products, shall be segregated and held in designated areas that are separated from FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.[Pf]

(5) **Receptacles, Waste Handling Units, and Designated Storage Areas.** Units, receptacles, and areas designated for storage of REFUSE and recyclable and returnable containers shall be located as specified under 40-7-1-.29(10).

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.33
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Open Dating on Food Products in Package Form" adopted. F. Jan. 3, 1979; eff. Apr. 1, 1979, as specified by the Agency.
Repealed: New Rule entitled "Equipment Numbers and Capacities" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by the Agency.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: New Rule entitled "Physical Facilities: Location and Placement" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.34. Physical Facilities: Maintenance and Operation.

(1) **Repairing.** PHYSICAL FACILITIES shall be maintained in good repair.

(2) **Cleaning, Frequency and Restrictions.**

(a) PHYSICAL FACILITIES shall be cleaned as often as necessary to keep them clean.

(b) *Except for cleaning that is necessary due to a spill or other accident*, cleaning shall be done during periods when the least amount of FOOD is exposed such as after closing.

(3) **Cleaning Floors, Dustless Methods.**

(a) Except as specified in (b) of this section, only dustless methods of cleaning shall be used, such as wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust-arresting compounds.

(b) *Spills or drip page on floors that occur between normal floor cleaning times may be cleaned:*

1. *Without the use of dust-arresting compounds; and*

2. *In the case of liquid spills or drip page, with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.*

(4) **Cleaning Ventilation Systems, Nuisance and Discharge Prohibition.**

(a) Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials.

(b) If vented to the outside, ventilation systems may not create a public health HAZARD or nuisance or unLAWful discharge.

(5) **Cleaning Maintenance Tools, Preventing Contamination.** FOOD preparation sinks, HANDWASHING SINKS, and WARE WASHING EQUIPMENT may not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water and similar liquid wastes.[Pf]

(6) **Drying Mops.** After use, mops shall be placed in a position that allows them to air-dry without soiling walls, EQUIPMENT, or supplies.

(7) **Absorbent Materials on Floors, Use Limitation.** Except as specified in 40-7-1-.34(3)(b), sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials may not be used on floors.

(8) **Cleaning of Plumbing Fixtures.** PLUMBING FIXTURES such as HANDWASHING SINKS, toilets, and urinals shall be cleaned as often as necessary to keep them clean.

(9) **Closing Toilet Room Doors.** *Except during cleaning and maintenance operations*, toilet room doors as specified under 40-7-1-.31(12) shall be kept closed.

(10) **Using Dressing Rooms and Lockers.**

(a) Dressing rooms shall be used by EMPLOYEES if the EMPLOYEES regularly change their clothes in the establishment.

(b) Lockers or other suitable facilities shall be used for the orderly storage of EMPLOYEE clothing and other possessions.

(11) **Controlling Pests.** The PREMISES shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the PREMISES by:

(a) Routinely inspecting incoming shipments of FOOD and supplies;

(b) Routinely inspecting the PREMISES for evidence of pests;

(c) Using methods, if pests are found, such as trapping devices or other means of pest control as specified under 40-7-1-.36(3), 40-7-1-.36(11), and 40-7-1-.36(12);[Pf] and

(d) Eliminating harborage conditions.

(12) **Removing Dead or Trapped Birds, Insects, Rodents, and Other Pests.** Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the PREMISES at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

(13) **Storing Maintenance Tools.** Maintenance tools such as brooms, mops, vacuum cleaners, and similar items shall be:

(a) Stored so they do not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES; and

(b) Stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

(14) **Maintaining Premises, Unnecessary Items and Litter.** The PREMISES shall be free of:

(a) Items that are unnecessary to the operation or maintenance of the establishment such as EQUIPMENT that is nonfunctional or no longer used; and

(b) Litter.

(15) **Prohibiting Animals.**

(a) Except as specified in (b) and (c) of this section, live animals may not be allowed on the PREMISES of a FOOD ESTABLISHMENT.[Pf]

(b) *Live animals may be allowed in the following situations if the contamination of FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES cannot result:*

1. *Edible FISH or decorative FISH in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;*

2. *Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;*

3. *In areas that are not used for FOOD preparation and that are usually open for customers, such as dining and sales areas, SERVICE ANIMALS that are controlled by the disabled EMPLOYEE or PERSON, if a health or safety HAZARD will not result from the presence or activities of the SERVICE ANIMAL; and*

4. *In areas that are not used for FOOD preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals.*

(c) *Live or dead FISH bait may be stored if contamination of FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES cannot result.*

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.34
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Pesticide Tolerances" adopted as ER. 40-7-1-0.19-.34. F. and eff. February 3, 1984, the date of adoption.
Amended: ER. 40-7-1-0.20-.34 adopted. F. and eff. March 5, 1984, the date of adoption.
Amended: ER. 40-7-1-0.21-.34 adopted. F. and eff. July 2, 1984, the date of adoption.
Amended: New Rule entitled "Utensils Temperature Measuring Devices, and Testing Devices" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Amended: F. Aug. 7, 2012; eff. Aug. 27, 2012.
Repealed: New Rule entitled "Physical Facilities: Maintenance and Operation" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.35. Poisonous or Toxic Materials: Labeling and Identification.

(1) **Identifying Information, Prominence.** Containers of POISONOUS OR TOXIC MATERIALS and PERSONAL CARE ITEMS shall bear a legible manufacturer's label.[Pf]

(2) **Common Name.** Working containers used for storing POISONOUS OR TOXIC MATERIALS such as cleaners and SANITIZERS taken from bulk supplies shall be clearly and individually identified with the common name of the material.[Pf]

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.35
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Location" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: New Rule entitled "Poisonous or Toxic Materials: Labeling and Identification" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.36. Poisonous or Toxic Materials: Operational Supplies and Applications.

(1) **Separation.** POISONOUS OR TOXIC MATERIALS shall be stored so they cannot contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES by:

(a) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning;[P] and

(b) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE -SERVICE or SINGLE-USE ARTICLES. *This paragraph does not apply to EQUIPMENT and UTENSIL cleaners and SANITIZERS that are stored in WAREWASHING areas for availability and convenience if the materials are stored to prevent contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.*[P]

(2) **Restriction.**

(a) Only those POISONOUS OR TOXIC MATERIALS that are required for the operation and maintenance of a FOOD ESTABLISHMENT, such as for the cleaning and SANITIZING of EQUIPMENT and UTENSILS and the control of insects and rodents, shall be allowed in a FOOD ESTABLISHMENT.[Pf]

(b) *Paragraph (a) of this section does not apply to PACKAGED POISONOUS OR TOXIC MATERIALS that are for retail sale.*

(3) **Conditions of Use.** POISONOUS OR TOXIC MATERIALS shall be:

(a) Used according to:

1. LAW and these Regulations,

2. Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a FOOD ESTABLISHMENT,[P]

3. The conditions of certification, if certification is required, for use of the pest control materials,[P] and

4. Additional conditions that may be established by the DEPARTMENT; and

(b) Applied so that:

1. A HAZARD to EMPLOYEES or other PERSONS is not constituted,[P] and

2. Contamination - including toxic residues due to drip, drain, fog, splash or spray - on FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES is prevented, and, for a RESTRICTED USE PESTICIDE, this is achieved by:[P]

(i) Removing the items,[P]

(ii) Covering the items with impermeable covers,[P] or

(iii) Taking other appropriate preventive actions,[P] and

(iv) Cleaning and SANITIZING EQUIPMENT and UTENSILS after the application.[P]

(c) A RESTRICTED USE PESTICIDE shall be applied only by an applicator certified as defined in 7 USC 136 Definitions, (e) Certified Applicator, of the Federal Insecticide, Fungicide, and Rodenticide Act, or a PERSON under the direct supervision of a certified applicator.[Pf]

(4) **Poisonous or Toxic Material Containers.** A container previously used to store POISONOUS OR TOXIC MATERIALS may not be used to store, transport, or dispense FOOD.[P]

(5) **Sanitizers, Criteria.** Chemical SANITIZERS, including chemical sanitizing solutions generated on-site, and other chemical antimicrobials applied to FOOD-CONTACT SURFACEs shall:

(a) Meet the requirements specified in 40 CFR 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions),[P] or

(b) Meet the requirements as specified in 40 CFR 180.2020 Pesticide Chemicals Not Requiring a Tolerance or Exemption from Tolerance-Non-food determinations.[P]

(6) **Chemicals for Washing, Treatment, Storage, and Processing Fruits and Vegetables, Criteria.** Chemicals, including those generated on-site, used to wash or peel raw, whole fruits and vegetables shall:

(a) Be an APPROVED FOOD ADDITIVE listed for this intended use in 21 CFR 173,[P] or

(b) Be generally recognized as safe (GRAS) for this intended use,[P] or

(c) Be the subject of an effective food contact notification for this intended use - only effective for the manufacturer or supplier identified in the notification,[P] and

(d) Meet the requirements in 40 CFR 156 Labeling Requirements for Pesticide and Devices.[P]

(7) **Boiler Water Additives, Criteria.** Chemicals used as boiler water ADDITIVES shall meet the requirements specified in 21 CFR 173.310 Boiler water additives.[P]

(8) **Drying Agents, Criteria.** Drying agents used in conjunction with SANITIZATION shall:

(a) Contain only components that are listed as one of the following:

1. Generally recognized as safe for use in FOOD as specified in 21 CFR 182 - Substances Generally Recognized as Safe, or 21 CFR 184 - Direct Food Substances Affirmed as Generally Recognized as Safe,[P]

2. Generally recognized as safe for the intended use as specified in 21 CFR 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe,[P]

3. Generally recognized as safe for the intended use as determined by experts qualified in scientific training and experience to evaluate the safety of substances added, directly or indirectly, to FOOD as described in 21 CFR 170.30 Eligibility for classification as generally recognized as safe (GRAS),[P]

4. Subject of an effective Food Contact Notification as described in the Federal Food Drug and Cosmetic Act (FFDCA) Section 409(h),[P]

5. APPROVED for use as a drying agent under a prior sanction as described in the Federal Food Drug and Cosmetic Act (FFDCA) § 201(s)(4);[P]

6. Specifically regulated as an indirect FOOD ADDITIVE for use as a drying agent as specified in 21 CFR Parts 174-178,[P] or

7. APPROVED for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39 Threshold of regulation for substances used in food-contact articles;[P] and

(b) When SANITIZATION is with chemicals, the approval required under Subparagraph (a)5 or (a)7 of this section or the regulation as an indirect FOOD ADDITIVE required under Subparagraph (a)6 of this section, shall be specifically for use with chemical SANITIZING solutions.[P]

(9) **Incidental Food Contact, Criteria.** Lubricants shall meet the requirements specified in 21 CFR 178.3570 Lubricants with incidental food contact, if they are used on FOOD-CONTACT SURFACES, on bearings and gears located on or within FOOD-CONTACT SURFACES, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into FOOD or onto FOOD-CONTACT SURFACES.[P]

(10) **Restricted Use Pesticides, Criteria.** RESTRICTED USE PESTICIDES specified under 40-7-1-.36(3)(c) shall meet the requirements specified in 40 CFR 152 Subpart I - Classification of Pesticides.[P]

(11) **Rodent Bait Stations.** Rodent bait shall be contained in a covered, tamper-resistant bait station.[P]

(12) **Tracking Powders, Pest Control and Monitoring.**

(a) Except as specified in (b) of this section, a tracking powder pesticide may not be used in a FOOD ESTABLISHMENT.[P]

(b) If used, a nontoxic tracking powder such as talcum or flour may not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

(13) **Restriction and Storage.**

(a) *Except for medicines that are stored or displayed for retail sale*, only those medicines that are necessary for the health of EMPLOYEES shall be allowed in a FOOD ESTABLISHMENT.[**Pf**]

(b) Medicines that are in a FOOD ESTABLISHMENT for the EMPLOYEES' use shall be labeled as specified under 40-7-1-.35(1) and located to prevent the contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.[**P**]

(14) **Refrigerated Medicines, Storage.** Medicines belonging to EMPLOYEES that require refrigeration and are stored in a FOOD refrigerator shall be stored in a package or container and kept inside a covered, leakproof container that is identified as a container for the storage of medicines.[**P**]

(15) **Storage - First Aid Supplies.** First aid supplies that are in a FOOD ESTABLISHMENT for the EMPLOYEES' use shall be:

(a) Labeled as specified under 40-7-1-.35(1);[Pf] and

(b) Stored in a kit or a container that is located to prevent the contamination of FOOD, EQUIPMENT, UTENSILS, and LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.[P]

(16) **Storage - Other Personal Care Items.** Except as specified under 40-7-1-.36(14) and 40-7-1-.36(15), EMPLOYEES shall store their PERSONAL CARE ITEMS in facilities as specified under 40-7-1-.32(11)(b).

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.36
Authority: O.C.G.A. §§ 26-2-1, *et seq*.
History. Original Rule entitled "Installation of Equipment" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: New Rule entitled "Poisonous or Toxic Materials: Operational Supplies and Applications" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.
Amended: F. Sep. 27, 2019; eff. Oct. 17, 2019.

Rule 40-7-1-.37. Poisonous or Toxic Materials: Stock and Retail Sale.

(1) **Separation.** POISONOUS OR TOXIC MATERIALS shall be stored and displayed for retail sale so they cannot contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES by:

(a) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning;[P] and

(b) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE or SINGLE-USE ARTICLES.[P]

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.37
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Equipment Maintenance" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: New Rule entitled "Poisonous or Toxic Materials: Stock and Retail Sale" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.38. Compliance & Enforcement: Regulations Applicability.

(1) **Public Health Protection.**

(a) The DEPARTMENT shall apply these Regulations to promote its underlying purpose, as specified in 40-7-1-.01(2), of safeguarding public health and ensuring that FOOD is safe, unADULTERATED, and honestly presented when offered to the CONSUMER.

(b) In enforcing the provisions of these Regulations, the DEPARTMENT shall assess existing facilities or EQUIPMENT that were in use before the effective date of these Regulations based on the following considerations:

1. Whether the facilities or EQUIPMENT are in good repair and capable of being maintained in a sanitary condition;

2. Whether FOOD-CONTACT SURFACES comply with 40-7-1-.16(1) - (9);

3. Whether the capacities of cooling, heating, and holding EQUIPMENT are sufficient to comply with 40-7-1-.18(1); and

4. The existence of a documented agreement with the LICENSE HOLDER that the facilities or EQUIPMENT will be replaced as specified under 40-7-1-.40(10)(g).

(2) **Preventing Health Hazards, Provision for Conditions Not Addressed.**

(a) If necessary to protect against public health HAZARDS or nuisances, the DEPARTMENT may impose specific requirements in addition to the requirements contained in these Regulations that are authorized by LAW.

(b) The DEPARTMENT shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the LICENSE applicant or LICENSE HOLDER and a copy shall be maintained in the DEPARTMENT'S file for the FOOD ESTABLISHMENT.

(3) **Modifications and Waivers.** The DEPARTMENT may grant a VARIANCE by modifying or waiving the requirements of these Regulations if in the opinion of the DEPARTMENT a health HAZARD or nuisance will not result from the VARIANCE. If a VARIANCE is granted, the DEPARTMENT shall retain the information specified under 40-7-1-.38(4) in its records for the FOOD ESTABLISHMENT.

(4) **Documentation of Proposed Variance and Justification.** Before a VARIANCE from a requirement of these Regulations is APPROVED, the information that shall be provided by the PERSON requesting the VARIANCE and retained in the DEPARTMENT'S file on the FOOD ESTABLISHMENT includes:

(a) A statement of the proposed VARIANCE of these Regulations requirement citing relevant Regulation section numbers;[Pf]

(b) An analysis of the rationale for how the potential public health HAZARDS and nuisances addressed by the relevant Regulation sections will be alternatively addressed by the proposal;[Pf] and

(c) A HACCP PLAN, if required as specified under 40-7-1-.39(3)(a), that includes the information specified under 40-7-1-.39(4) as it is relevant to the VARIANCE requested.[Pf]

(5) **Conformance with Approved Procedures.** If the DEPARTMENT grants a VARIANCE as specified in 40-7-1-.38(3), or a HACCP PLAN is otherwise required as specified under 40-7-1-.39(3), the LICENSE HOLDER shall:

(a) Comply with the HACCP PLANS and procedures that are submitted as specified under 40-7-1-.39(4) and APPROVED as a basis for the modification or waiver;[P] and

(b) Maintain and provide to the DEPARTMENT, upon request, records specified under 40-7-1-.39(4)(d) and (e)3 that demonstrate that the following are routinely employed;

1. Procedures for monitoring the CRITICAL CONTROL POINTS,[Pf]

2. Monitoring of the CRITICAL CONTROL POINTS,[Pf]

3. Verification of the effectiveness of the operation or process,[Pf] and

4. Necessary corrective actions if there is failure at a CRITICAL CONTROL POINT.[Pf]

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.38
Authority: O.C.G.A. §§ 26-2-1, *et seq*.
History. Original Rule entitled "Utensils and Temperature Devices" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: New Rule entitled "Compliance & Enforcement: Regulations Applicability" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.
Amended: F. Sep. 27, 2019; eff. Oct. 17, 2019.

Rule 40-7-1-.39. Compliance and Enforcement: Plan Submission and Approval.

(1) **When Plans Are Required.** A LICENSE applicant or LICENSE HOLDER shall submit to the DEPARTMENT properly prepared plans and specifications for review and approval before:

(a) The construction of a FOOD ESTABLISHMENT;[Pf]

(b) The conversion of an existing structure for use as a FOOD ESTABLISHMENT;[Pf] or

(c) The remodeling of a FOOD ESTABLISHMENT or a change of type of FOOD ESTABLISHMENT or FOOD operation as specified under 40-7-1-.40(5)(c) if the DEPARTMENT determines that plans and specifications are necessary to ensure compliance with these Regulations.[Pf]

(2) **Contents of the Plans and Specifications.** The plans and specifications for a FOOD ESTABLISHMENT, including a FOOD ESTABLISHMENT specified under 40-7-1-.39(3), shall include - as required by the DEPARTMENT based on the type of operation, type of FOOD preparation, and FOODS prepared - the following information to demonstrate conformance with Regulation provisions:

(a) Description of FOOD products to be sold, held for sale, or processed for intended consumption by the end CONSUMER;

(b) Planned FOOD service operations, including the following information:

1. If the proposed FOOD service operations are to be conducted by the LICENSE applicant, or if the FOOD service operations will separately owned and operated;

2. The approximate square footage of food preparation areas and CONSUMER seating areas utilized for the FOOD service operations;

(c) Proposed layout, mechanical schematics, construction materials, and finish schedules;

(d) Proposed EQUIPMENT types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;

(e) Evidence that standard procedures that ensure compliance with the requirements of these Regulations are developed or are being developed; and

(f) Other information that may be required by the DEPARTMENT for the proper review of the proposed construction, conversion or modification, and procedures for operating a FOOD ESTABLISHMENT.

(3) **When a HACCP Plan is Required.**

(a) Before engaging in an activity that requires a HACCP PLAN, a LICENSE applicant or LICENSE HOLDER shall submit to the DEPARTMENT for approval a properly prepared HACCP PLAN as specified under 40-7-1-.39(4) and the relevant provisions of these Regulations if:

1. Submission of a HACCP PLAN is required according to LAW;

2. A VARIANCE is required as specified under Subparagraph 40-7-1-.11(1)(d)4, 40-7-1-.12(10), or 40-7-1-.17(23)(b);

3. The DEPARTMENT determines that a FOOD preparation or processing method requires a VARIANCE based on a plan submittal specified under 40-7-1-.39(2), an inspectional finding, or a VARIANCE request.

(b) Before engaging in REDUCED OXYGEN PACKAGING without a VARIANCE as specified under 40-7-1-.12(11), a LICENSE applicant or LICENSE HOLDER shall submit a properly prepared HACCP PLAN to the DEPARTMENT.

(4) **Contents of a HACCP Plan.** For a FOOD ESTABLISHMENT that is required under 40-7-1-.39(3) to have a HACCP PLAN, the LICENSE applicant or LICENSE HOLDER shall submit to the DEPARTMENT a properly prepared HACCP PLAN that includes:

(a) General information such as the name of the LICENSE applicant or LICENSE HOLDER, the FOOD ESTABLISHMENT address, and contact information;

(b) A categorization of the types of TIME/TEMPERATURE CONTROL FOR SAFETY FOODS that are to be controlled under the HACCP Plan;[Pf]

(c) A flow diagram or chart for each specific FOOD or category type that identifies:

1. Each step in the process;[Pf]

2. The HAZARDS and controls for each step in the flow diagram or chart;[Pf]

3. The steps that are CRITICAL CONTROL POINTS;[Pf]

4. The ingredients, materials, and equipment used in the preparation of that FOOD;[Pf] and

5. Formulations or recipes that delineate methods and procedural control measures that address the FOOD safety concerns involved.[Pf]

(d) A CRITICAL CONTROL POINTS summary for each specific FOOD or category type that clearly identifies:

1. Each CRITICAL CONTROL POINT,[Pf]

2. The CRITICAL LIMITS for each CRITICAL CONTROL POINT,[Pf]

3. The method and frequency for monitoring and controlling each CRITICAL CONTROL POINT by the designated FOOD EMPLOYEE or the PERSON IN CHARGE,[Pf]

4. The method and frequency for the PERSON IN CHARGE to routinely verify that the FOOD EMPLOYEE is following standard operating procedures and monitoring CRITICAL CONTROL POINTS,[Pf]

5. Action to be taken by the designated FOOD EMPLOYEE or PERSON IN CHARGE if the CRITICAL LIMITS for each CRITICAL CONTROL POINT are not met,[Pf] and

6. Records to be maintained by the PERSON IN CHARGE to demonstrate that the HACCP PLAN is properly operated and managed;[Pf] and

(e) Supporting documents such as:

1. FOOD EMPLOYEE and supervisory training plan that addresses the FOOD safety issues of concern;[Pf]

2. Copies of blank records forms that are necessary to implement the HACCP PLAN;[Pf]

3. Additional scientific data or other information, as required by the DEPARTMENT, supporting the determination that FOOD safety is not compromised by the proposal.[Pf]

(f) Any other information required by the DEPARTMENT.

(5) **Trade Secrets.** The DEPARTMENT shall treat as confidential, in accordance with LAW, information that meets the criteria specified in LAW for a trade secret and is contained on inspection report forms and in the plans and specifications submitted as specified under 40-7-1-.39(2) and 40-7-1-.39(4).

(6) **Preoperational Inspections.** The DEPARTMENT may conduct one or more preoperational inspections to verify that the FOOD ESTABLISHMENT is constructed and equipped in accordance with the APPROVED plans and APPROVED modifications of those plans, has established standard operating procedures as specified under 40-7-1-.39(2)(e), and is in compliance with LAW and these Regulations.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.39
Authority: O.C.G.A. §§ 26-2-1, *et seq*.
History. Original Rule entitled "Cleaning of Equipment and Utensils" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: New Rule entitled "Compliance & Enforcement: Plan Submission and Approval" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Amended: F. Sep. 27, 2019; eff. Oct. 17, 2019.

Rule 40-7-1-.40. Compliance & Enforcement: License to Operate.

(1) **Prerequisite for Operation.**

(a) A PERSON may not operate a FOOD ESTABLISHMENT without a valid LICENSE to operate issued by the DEPARTMENT.[Pf]

(b) The LICENSE fee structure is as follows:

1. Tier 1 fee is $100;
2. Tier 2 fee is $150;
3. Tier 3 fee is $200;
4. Tier 4 fee is $250; and
5. Tier 5 fee is $300.

(c) There is no proration of the LICENSE fee.

(d) FOOD ESTABLISHMENTS will be assigned a LICENSE tier based on their level of risk, procedural effort, and inspection time needed for the FOOD ESTABLISHMENT.

(e) LICENSES must be renewed annually on July 1. LICENSE fees will be increased by 50% for LICENSE HOLDERS that fail to renew their LICENSES by September 1.

(2) **Submission 30 Calendar Days Before Proposed Opening.** An applicant shall submit an application for a LICENSE at least thirty (30) calendar days before the date planned for opening a FOOD ESTABLISHMENT.

(3) **Form of Submission.** A PERSON desiring to operate a FOOD ESTABLISHMENT shall submit to the DEPARTMENT an application for a LICENSE on a form provided by the DEPARTMENT.

(4) **Qualifications and Responsibilities of Applicants.** To qualify for a LICENSE, an applicant shall:

(a) Be an owner of the FOOD ESTABLISHMENT or an officer of the legal ownership;

(b) Comply with the requirements of these Regulations;

(c) As specified under 40-7-1-.41(3), agree to allow access to the FOOD ESTABLISHMENT and to provide required information; and

(d) Pay the applicable LICENSE fees at the time the application is submitted.

(5) **Contents of the Application.** The application shall include:

(a) The name, mailing address, telephone number, and signature of the PERSON applying for the LICENSE and the name, mailing address, and location of the FOOD ESTABLISHMENT;

(b) Information specifying whether the FOOD ESTABLISHMENT is owned by an association, corporation, individual, partnership, or other legal entity;

(c) A statement specifying whether the FOOD ESTABLISHMENT:

1. Is mobile or stationary, and

2. Is an operation that includes one or more of the following:

(i) Prepares, offers for sale, or serves TIME/TEMPERATURE CONTROL FOR SAFETY FOOD:

(I) Only to order upon a CONSUMER'S request,

(II) In advance in quantities based on projected CONSUMER demand and discards FOOD that is not sold or served at an APPROVED frequency, or

(III) Using time as the public health control as specified under 40-7-1-.12(9),

(ii) Prepares TIME/TEMPERATURE CONTROL FOR SAFETY FOOD in advance using a FOOD preparation method that involves two or more steps which may include combining TIME/TEMPERATURE CONTROL FOR SAFETY FOOD ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing,

(iii) Prepares only FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD, or

(iv) Does not prepare but offers for sale only prePACKAGED FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;

(d) The name, title, address, and telephone number of the PERSON directly responsible for the FOOD ESTABLISHMENT;

(e) The name, title, address, and telephone number of the PERSON who functions as the immediate supervisor of the PERSON specified under (d) of this section such as the zone, district, or regional supervisor;

(f) The names, titles, and addresses of:

1. The PERSONS comprising the legal ownership as specified under (b) of this section including the owners and officers, and

2. The local resident agent if one is required based on the type of legal ownership;

(g) A statement signed by the applicant that:

1. Attests to the accuracy of the information provided in the application, and

2. Affirms that the applicant will:

(i) Comply with these Regulations, and

(ii) Allow the DEPARTMENT access to the establishment as specified under 40-7-1-.41(3) and to the records specified under 40-7-1-.09(19) and 40-7-1-.26(17) and Subparagraph 40-7-1-.39(4)(d)6; and

(h) Other information required by the DEPARTMENT.

(6) **New, Converted, or Remodeled Establishments.** For FOOD ESTABLISHMENTS that are required to submit plans as specified under 40-7-1-.39(1) the DEPARTMENT shall issue a LICENSE to the applicant after:

(a) A properly completed application is submitted;

(b) The required fee is submitted;

(c) The required plans, specifications, and information are reviewed and APPROVED;

(d) If conducted, a preoperational inspection as specified in 40-7-1-.39(6) shows that the establishment is built or remodeled in accordance with the APPROVED plans and specifications and that the establishment is in compliance with these Regulations; and

(e) Verification of lawful presence within the United States has been completed, as required by O.C.G.A. § 50-36-1.

(7) **Existing Establishments, License Renewal, and Change of Ownership.**

(a) Applications are not required for the annual renewal of LICENSES issued as described in 40-7-1-.40(1); however, additional requirements may apply according to LAW.

(b) The DEPARTMENT may issue a LICENSE to a new owner of an existing FOOD ESTABLISHMENT after a properly completed application is submitted, reviewed, and APPROVED, the fees are paid, and an inspection shows that the establishment is in compliance with these Regulations.

(8) **Denial of Application for License, Notice.** If an application for a LICENSE to operate is denied, the DEPARTMENT shall provide the applicant with a notice that includes:

(a) The specific reasons and Regulation citations for the LICENSE denial;

(b) The actions, if any, that the applicant must take to qualify for a LICENSE; and

(c) Advisement of the applicant's right to request a hearing within the time frame provided in LAW.

(9) **Responsibilities of the Department.**

(a) At the time a LICENSE is first issued, the DEPARTMENT shall provide to the LICENSE HOLDER a copy of the conditions of retention, as specified under 40-7-1-.40(10), that are applicable to the LICENSE.

(b) *Failure to provide the information specified in (a) of this section does not prevent the DEPARTMENT from taking authorized action or seeking remedies if the LICENSE HOLDER fails to comply with these Regulations or an order, warning, or directive of the DEPARTMENT.*

(10) **Responsibilities of the License Holder.** Upon acceptance of the LICENSE issued by the DEPARTMENT, the LICENSE HOLDER, in order to retain the LICENSE, shall:

(a) Post the LICENSE in a location in the FOOD ESTABLISHMENT that is conspicuous to CONSUMERS;

(b) Comply with the provisions of these Regulations including the conditions of a granted VARIANCE as specified under 40-7-1-.38(5) and APPROVED plans as specified under 40-7-1-.39(2);

(c) If a FOOD ESTABLISHMENT is required under 40-7-1-.39(3) to operate under a HACCP PLAN, comply with the plan as specified under 40-7-1-.38(5);

(d) Immediately contact the DEPARTMENT to report an illness of a FOOD EMPLOYEE or CONDITIONAL EMPLOYEE as specified under 40-7-1-.04(1)(b);

(e) Immediately discontinue operations and notify the DEPARTMENT if an IMMINENT HEALTH HAZARD may exist as specified under 40-7-1-.41(12);

(f) Allow representatives of the DEPARTMENT access to the FOOD ESTABLISHMENT as specified under 40-7-1-.41(13);

(g) Replace existing facilities and EQUIPMENT specified in 40-7-1-.38(1) with facilities and EQUIPMENT that comply with these Regulations if:

1. The DEPARTMENT directs the replacement because the facilities and EQUIPMENT constitute a public health HAZARD or nuisance or no longer comply with the criteria upon which the facilities and EQUIPMENT were accepted,

2. The DEPARTMENT directs the replacement of the facilities and EQUIPMENT because of a change of ownership, or

3. The facilities and EQUIPMENT are replaced in the normal course of operation;

(h) Comply with directives of the DEPARTMENT including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the DEPARTMENT in regard to the LICENSE HOLDER'S FOOD ESTABLISHMENT or in response to community emergencies;

(i) Accept notices issued and served by the DEPARTMENT according to LAW; and

(j) Be subject to the remedies authorized in LAW for failure to comply with these Regulations or a directive of the DEPARTMENT, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

(11) **License Not Transferable.** A LICENSE may not be transferred from one PERSON to another PERSON, from one FOOD ESTABLISHMENT to another, or from one type of operation to another if the FOOD operation changes from the type of operation specified in the application as specified under 40-7-1-.40(5)(c) and the change in operation is not APPROVED.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.40
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Cleaning Frequency" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.

Amended: F. Aug. 7, 2012; eff. Aug. 27, 2012.
Repealed: New Rule entitled "Compliance & Enforcement: License to Operate" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.41. Compliance & Enforcement: Inspection and Correction of Violations.

(1) **Establishing Inspection Interval.** Inspections shall be conducted as often as the DEPARTMENT deems necessary to insure compliance with these Regulations and at a minimum inspection frequency as established by DEPARTMENTAL policies and directives.

(2) **Performance- and Risk-Based.** Within the parameters specified in 40-7-1-.41(1), the DEPARTMENT shall prioritize and conduct more frequent inspections based upon its assessment of a FOOD ESTABLISHMENT'S history of compliance with these Regulations and the establishment's potential as a vector of food borne illness by evaluating:

(a) Past performance, for nonconformance with these Regulations or HACCP PLAN requirements that are PRIORITY ITEMS or PRIORITY FOUNDATION ITEMS;

(b) Past performance, for numerous or repeat violations of these Regulations or HACCP PLAN requirements that are CORE ITEMS;

(c) Past performance, for complaints investigated and found to be valid;

(d) The HAZARDS associated with the particular FOODS that are prepared, stored, or served;

(e) The type of operation including the methods and extent of FOOD storage, preparation, and service;

(f) The number of people served; and

(g) Whether the population served is a HIGHLY SUSCEPTIBLE POPULATION.

(3) **Access Allowed at Reasonable Times after Due Notice.** After the DEPARTMENT presents official credentials and provides notice of the purpose of and an intent to conduct an inspection, the PERSON IN CHARGE shall allow the DEPARTMENT to determine if the FOOD ESTABLISHMENT is in compliance with these Regulations by allowing access to the establishment, allowing inspection, and providing information and records specified in these Regulations and to which the DEPARTMENT is entitled according to LAW, during the FOOD ESTABLISHMENT'S hours of operation and other reasonable times.

(4) **Refusal, Notification of Right to Access, and Final Request for Access.** If a PERSON denies access to the DEPARTMENT, the DEPARTMENT shall:

(a) Inform the PERSON that:

1. The LICENSE HOLDER is required to allow access to the DEPARTMENT as specified under LAW and 40-7-1-.41(3) of these Regulations,

2. Access is a condition of the acceptance and retention of a FOOD ESTABLISHMENT LICENSE to operate as specified under 40-7-1-.40(10)(f), and

3. If access is denied, an order issued by the appropriate authority allowing access, hereinafter referred to as an inspection order, may be obtained according to LAW; and

(b) Make a final request for access.

(5) **Refusal, Reporting.** If after the DEPARTMENT presents credentials and provides notice as specified under 40-7-1-.41(3), explains the authority upon which access is requested, and makes a final request for access as specified in 40-7-1-.41(4), the PERSON IN CHARGE continues to REFUSE access, the DEPARTMENT shall provide details of the denial of access on an inspection report form.

(6) **Inspection Order to Gain Access.** If denied access to a FOOD ESTABLISHMENT for an authorized purpose and after complying with 40-7-1-.41(4), the DEPARTMENT may issue, or apply for the issuance of, an inspection order to gain access as provided in LAW.

(7) **Documenting Information and Observations.** The DEPARTMENT shall document on an inspection report form:

(a) Administrative information about the FOOD ESTABLISHMENT'S legal identity, street address, type of establishment and operation as specified under 40-7-1-.40(5)(c), inspection date; and

(b) Specific factual observations of violative conditions or other deviations from these Regulations that require correction by the LICENSE HOLDER including:

1. Failure of the PERSON IN CHARGE to demonstrate the knowledge of food borne illness prevention, application of HACCP principles, and the requirements of these Regulations as specified under 40-7-1-.03(2),

2. Failure of FOOD EMPLOYEES, CONDITIONAL EMPLOYEES, and the PERSON IN CHARGE to report a disease or medical condition as specified under 40-7-1-.04(1)(b) and (d),

3. Nonconformance with PRIORITY ITEMS or PRIORITY FOUNDATION ITEMS of these Regulations,

4. Failure of the appropriate FOOD EMPLOYEES to demonstrate their knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the DEPARTMENT as specified under 40-7-1-.38(5),

5. Failure of the PERSON IN CHARGE to provide records required by the DEPARTMENT for determining conformance with a HACCP PLAN as specified under Subparagraph 40-7-1-.39(4)(d)6, and

6. Nonconformance with CRITICAL LIMITS of a HACCP PLAN.

(8) **Specifying Time Frame for Corrections.** The DEPARTMENT shall specify on the inspection report form the time frame for correction of the violations as specified under 40-7-1-.41(12), 40-7-1-.41(14), and 40-7-1-.41(16).

(9) **Issuing Report and Obtaining Acknowledgment of Receipt.**

(a) At the conclusion of the inspection and according to LAW, the DEPARTMENT shall provide a copy of the completed inspection report - either in hardcopy or via electronic delivery - and the notice to correct violations to the LICENSE HOLDER or to the PERSON IN CHARGE, and request a signed acknowledgment of receipt.

(b) LICENSED FOOD ESTABLISHMENTS shall post the most recent routine inspection report issued to their firm within seven (7) calendar days from the date of the inspection. Routine inspections carry the notation "Regular" under the Purpose of Inspection. The inspection shall be:

1. Prominently displayed in public view at all times, within fifteen (15) feet of the front or primary public door and between five (5) feet and seven (7) feet from the floor and in an area where it can be read at a distance of one (1) foot away; and

2. If the firm is operating at a location other than the LICENSED FOOD ESTABLISHMENT - for example, sales conducted at a farmers market or flea market - or for firms without a primary public door, such as mall kiosks under regulatory authority of the DEPARTMENT, the inspection report shall be posted at the point of sale and capable of being read at a distance of one (1) foot away.

3. It shall be considered a violation of these Regulations when:

(i) Posting an inspection report whose Purpose of Inspection is anything other than "Regular"; or

(ii) Having a "Regular" inspection report posted that is not the report generated following the completion of the most recent routine inspection, per the requirements of paragraph (b) above.

(10) **Refusal to Sign Acknowledgment.** The DEPARTMENT shall:

(a) Inform a PERSON who declines to sign an acknowledgment of receipt of inspectional findings as specified in 40-7-1-.41(9) that:

1. An acknowledgment of receipt is not an agreement with findings,

2. Refusal to sign an acknowledgment of receipt will not affect the LICENSE HOLDER'S obligation to correct the violations noted in the inspection report within the time frames specified, and

3. A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the DEPARTMENT'S historical record for the FOOD ESTABLISHMENT; and

(b) Make a final request that the PERSON IN CHARGE sign an acknowledgment receipt of inspectional findings.

(11) **Public Information.** Except as specified in 40-7-1-.39(5), the DEPARTMENT shall treat the inspection report as a public document and shall make it available for disclosure to a PERSON who requests it as provided in LAW.

(12) **Ceasing Operations and Reporting.**

(a) Except as specified in (b) of this section, a LICENSE OLDER shall immediately discontinue operations and notify the DEPARTMENT if an IMMINENT HEALTH HAZARD may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, SEWAGE backup, misuse of POISONOUS OR TOXIC MATERIALS, onset of an apparent food borne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.[P]

(b) *A LICENSE HOLDER need not discontinue operations in an area of an establishment that is unaffected by the IMMINENT HEALTH HAZARD.*

(c) *Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the DEPARTMENT may agree to continuing*

operations in the event of an extended interruption of electrical or water service if:

1. *A written emergency operating plan has been APPROVED;*

2. *Immediate corrective action is taken to eliminate, prevent, or control any FOOD safety risk and IMMINENT HEALTH HAZARD associated with the electrical or water service interruption; and*

3. *The DEPARTMENT is informed upon implementation of the written emergency operating plan.*

(13) **Resumption of Operations.** If operations are discontinued as specified under 40-7-1-.41(12) or otherwise according to LAW, the LICENSE HOLDER shall obtain approval from the DEPARTMENT before resuming operations.

(14) **Timely Correction.**

(a) Except as specified in (b) of this section, a LICENSE HOLDER shall at the time of inspection correct a violation of a PRIORITY ITEM or PRIORITY FOUNDATION ITEM of these Regulations and implement corrective actions for a HACCP PLAN provision that is not in compliance with its CRITICAL LIMIT.[Pf]

(b) *Considering the nature of the potential HAZARD involved and the complexity of the corrective action needed, the DEPARTMENT may agree to or specify a longer time frame, not to exceed:*

1. *Seventy-two (72) hours after the inspection, for the LICENSE HOLDER to correct violations of a PRIORITY ITEM; or*

2. *Ten (10) calendar days after the inspection, for the LICENSE HOLDER to correct violations of a PRIORITY FOUNDATION ITEM or HACCP PLAN deviations.*

(15) **Verification and Documentation of Correction.**

(a) After observing, at the time of inspection, a correction of a violation of a PRIORITY ITEM or PRIORITY FOUNDATION ITEM or a HACCP PLAN deviation, the DEPARTMENT shall enter the violation and information about the corrective action on the inspection report.

(b) As specified under 40-7-1-.41(14)(b), after receiving notification that the LICENSE HOLDER has corrected a violation of a PRIORITY ITEM or PRIORITY FOUNDATION ITEM or HACCP PLAN deviation, or at the end of the specified period of time, the DEPARTMENT shall verify correction of the

violation, document the information on an inspection report, and enter the report in the DEPARTMENT'S records.

(16) **Time Frame for Correction.**

(a) Except as specified in (b) of this section, the LICENSE HOLDER shall correct CORE ITEMS by a date and time agreed to or specified by the DEPARTMENT but no later than ninety (90) calendar days after the inspection.

(b) *The DEPARTMENT may approve a compliance schedule that extends beyond the time limits specified under (a) of this section if a written schedule of compliance is submitted by the LICENSE HOLDER and no health HAZARD exists or will result from allowing an extended schedule for compliance*.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.41
Authority: O.C.G.A. §§ 26-2-1, *et seq*.
History. Original Rule entitled "Wet Cleaning" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: Rule retitled "Cleaning". F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: New Rule entitled "Compliance & Enforcement: Inspection and Correction of Violations" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.
Amended: F. Sep. 27, 2019; eff. Oct. 17, 2019.

Rule 40-7-1-.42. Compliance & Enforcement: Prevention of Foodborne Disease Transmission by Employees.

(1) **Obtaining Information: Personal History of Illness, Medical Examination, and Specimen Analysis.** The DEPARTMENT shall act when it has reasonable cause to believe that a FOOD EMPLOYEE or CONDITIONAL EMPLOYEE has possibly transmitted disease; may be infected with a disease in a communicable form that is transmissible through FOOD; may be a carrier of infectious agents that cause a disease that is transmissible through FOOD; or is affected with a boil, an infected wound, or acute respiratory infection, by:

(a) Securing a confidential medical history of the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE suspected of transmitting disease or making other investigations as deemed appropriate; and

(b) Requiring appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected FOOD EMPLOYEE or CONDITIONAL EMPLOYEE.

(2) **Restriction or Exclusion of Food Employee, or Summary Suspension of License.** Based on the findings of an investigation related to a FOOD EMPLOYEE or CONDITIONAL EMPLOYEE who is suspected of being infected or diseased, the

DEPARTMENT may issue an order to the suspected FOOD EMPLOYEE, CONDITIONAL EMPLOYEE or LICENSE HOLDER instituting one or more of the following control measures:

(a) RESTRICTING the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE;

(b) EXCLUDING the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE; or

(c) Closing the FOOD ESTABLISHMENT by summarily suspending a LICENSE to operate in accordance with LAW.

(3) **Restriction or Exclusion Order: Warning or Hearing Not Required, Information Required in Order.** Based on the findings of the investigation as specified in 40-7-1-.42(1) and to control disease transmission, the DEPARTMENT may issue an order of RESTRICTION or EXCLUSION to a suspected FOOD EMPLOYEE or the LICENSE HOLDER without prior warning, notice of a hearing, or a hearing if the order:

(a) States the reasons for the RESTRICTION or EXCLUSION that is ordered;

(b) States the evidence that the FOOD EMPLOYEE or LICENSE HOLDER shall provide in order to demonstrate that the reasons for the RESTRICTION or EXCLUSION are eliminated;

(c) States that the suspected FOOD EMPLOYEE or the LICENSE HOLDER may request a hearing by submitting a timely request as provided in LAW; and

(d) Provides the name and address of the DEPARTMENT representative to whom a request for a hearing may be made.

(4) **Removal of Exclusions and Restrictions.** The DEPARTMENT shall release a FOOD EMPLOYEE, or CONDITIONAL EMPLOYEE from RESTRICTION or EXCLUSION according to LAW and the conditions specified under 40-7-1-.04(3).

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.42
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Rinsing Procedures" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: New Rule entitled "Compliance & Enforcement: Prevention of Foodborne Disease Transmission by Employees" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.43. Compliance & Enforcement: Food Code, Annex 1.

(1) **Adoption by Reference.** Annex 1, Compliance and Enforcement, of the current version of the FDA Model Food Code - and supplements thereto as applicable - is adopted by reference, except where the provisions of Annex 1 conflict with Georgia statues located

in the Official Code of Georgia Annotated. In instances of conflict, the Georgia code will maintain predominance.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.43
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Sanitization of Equipment and Utensils" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: New Rule entitled "Compliance & Enforcement: Food Code, Annex 1" adopted. F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.44. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.44
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Methods of Sanitization" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.45. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.45
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Laundering" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.46. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.46
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Laundering Frequency" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Amended: F. Aug. 12, 2005; eff. Sept. 1, 2005.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.47. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.47
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Laundering Methods" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.48. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.48
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Protection of Clean Items" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.49. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.49
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Drying of Equipment and Utensils" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.50. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.50
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Equipment Lubricating and Reassembling" adopted. P. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.51. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.51
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Storing of Cleaned Equipment" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 20, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.52. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.52
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Water - Approved Source" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.53. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.53
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Water Quality" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.54. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.54
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Water Quantity and Availability" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.55. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.55
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Distribution, Delivery and Retention" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.56. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.56
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Plumbing System Materials" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.57. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.57
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Design, Construction and Installation" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.58. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.58
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Facility Numbers and Capacities" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by the Agency.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.59. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.59
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Operation and Maintenance of Water Systems" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.60. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.60
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "System Maintained in Good Repair" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.61. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.61
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Sewage, Other Liquid Waste and Rainwater" adopted. F. Apr. 30, 1996; May 20, 1996.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.62. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.62
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Garbage, Refuse and Sewage" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.63. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.63
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Materials for Construction and Repair" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.64. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.64
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Cleanability - Physical Facilities" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.65. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.65
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Functionality - Physical Facilities" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.66. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.66
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Numbers and Capacities - Facilities" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Aug. 7, 2012; eff. Aug. 27, 2012.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.67. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.67
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Facility Operation and Maintenance" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.68. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.68
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Labeling and Identification (Poison or Toxic Materials)" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.69. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.69
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Operational Supplies and Applications" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.70. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.70
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Applicability of Regulation" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.71. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.71
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Plan Review and Approval" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.72. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.72
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "When a HACCP Plan is Required" adopted. F. Apr. 30, 1996, eff. May 20, 1996.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.73. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.73
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Trade Secrets-Confidentiality" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.74. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.74
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "Inspection Frequency" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.75. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.75
Authority: O.C.G.A. Secs. 26-2-1 et. seq.
History. Original Rule entitled "License to Operate" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. June 15, 2010; eff. July 5, 2010.
Amended: F. Aug. 7, 2012; eff. Aug. 27, 2012.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Rule 40-7-1-.76. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-1-.76
Authority: O.C.G.A. Secs. 26-2-1 et. seq.

History. Original Rule entitled "Investigation and Control" adopted. F. Oct. 29, 2003; eff. Nov. 28, 2003, as specified by the Agency.
Repealed: F. Sep. 11, 2015; eff. Oct. 1, 2015.

Subject 40-7-2. ADDITIONAL REGULATIONS APPLICABLE TO SALVAGEABLE FOODS AND SINGLE SERVICE ITEMS.

Rule 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, recoopering, 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, recoopering, 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, recoopered, 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.

Cite as Ga. Comp. R. & Regs. R. 40-7-2-.01
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 June 30, 1965.
Repealed: New Rule entitled "Salvageable Foods and Single Service Utensil Items" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-2-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-2-.02
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Refrigeration" was filed and effective June 30, 1965.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-2-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-2-.03
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Sale of Oysters" was filed and effective on June 30, 1965.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-2-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-2-.04
Authority: O.C.G.A. Sec. 26-2-34.
History. Original Rule entitled "Sandwiches" was filed and effective on June 30, 1965.
Amended. Rules repealed and a new Rule of the same title adopted. Filed January 20, 1975; effective February 9, 1975.
Amended: Rule repealed and a new Rule of the same title adopted. Filed February 14, 1985; effective March 6, 1985.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-2-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-2-.05
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Pet Foods" was filed and effective on June 30, 1965.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Subject 40-7-3. [Repealed].

Rule 40-7-3-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-7-3-.01
Authority: O.C.G.A. § 26-2-34.
History. Original Rule entitled "Refrigeration" F. on Jun. 30, 1965.
Repealed: New Rule entitled "Definitions" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Aug. 27, 2019; eff. Sept. 16, 2019.

Rule 40-7-3-.02. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-7-3-.02
Authority: O.C.G.A. § 26-2-34.
History. Original Rule entitled "Frozen Food Temperatures" F. on Jun. 30, 1965.
Repealed: New Rule entitled "Enrichment" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Aug. 27, 2019; eff. Sept. 16, 2019.

Rule 40-7-3-.03. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-7-3-.03
Authority: O.C.G.A. § 26-2-34.
History. Original Rule entitled "Labeling" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Aug. 27, 2019; eff. Sept. 16, 2019.

Rule 40-7-3-.04. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-7-3-.04
Authority: O.C.G.A. § 26-2-34.
History. Original Rule entitled "Net Contents" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Aug. 27, 2019; eff. Sept. 16, 2019.

Subject 40-7-4. ADDITIONAL REGULATIONS APPLICABLE TO CRAB MEAT PLANTS.

Rule 40-7-4-.01. Definitions.

(1) "Fresh crab" means a live, raw, or frozen raw crab which shows no decomposition.

(2) "Crab meat" means the picked meat of the blue crab, callinectes sapidus, which has been thermally processed and removed from its shell by hand picking or other mechanical means approved by the department.

(3) "Cooked crab" means the blue crab in whole or in part which has been thermally processed with the shell intact either whole or in part.

(4) "Food contact surface" means the parts of equipment, including auxiliary equipment, which may be in contact with the food being processed, or which may drain into the portion of equipment with which food is in contact.

(5) "Overage" means the crab meat that is in excess of an even number of pounds delivered by the picker to the packing table.

(6) "Sanitize" means the effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the department and is effective in destroying vegetative cells of pathogens bacteria and in substantially reducing other micro-organisms. Such treatment shall not adversely affect the product and shall be safe for the consumer.

(7) "Operating season" means the season of the year during which fresh crabs are received into the plant for further processing.

(8) "Nuisance" means any condition that exist which is annoying, unpleasant, or unwanted.

(9) "Pasteurization, Pasteurized, and similar terms" shall mean the process of heating every particle of crab meat in an approved hermetically sealed container to a temperature of at least 185 degrees F(85 degrees C) and holding it continuously at or above this temperature for at least one minute in properly operated equipment approved by the department. The term also includes any other process which has been found equally effective by the department.

(10) "Department" means Georgia Department of Agriculture, Consumer Protection Division, therefore having responsibility for enforcing these regulations.

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.01
Authority: Ga. L. 1950, p. 195 as amended; O.C.G.A. Sec. 26.2-1 *et seq.*
History. Original Rule entitled "Definitions" F. on Jun. 30, 1965.
Repealed: New Rule, same title, adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-4-.02. Requirements for Certification.

(1) No person, firm, or corporation shall process or offer for sale crab meat that has been processed or cooked crab intended for human consumption without first obtaining certification from the Commissioner of the Georgia Department of Agriculture.

(a) Requirements for the issue of such certification are as follows:

1. Application shall be submitted in writing with statement that rules and regulations pertaining to operation of facility have been read and complied with.

2. Certification shall be valid from date issued until expiration date occurring each year on December 31, unless certification is revoked before expiration.

3. Certification shall be revocable at any time for cause or suspended for noncompliance with any requirements set forth in these regulations. Certification issued is not transferable to another facility or person.

4. No certification shall be issued by the Commissioner until a comprehensive on site inspection of facility, equipment, and processes show compliance with applicable rules of this section.

5. Plans and specifications for proposed new construction expansion of operations or changes in operating processes shall be submitted to the department for review and approval prior to beginning construction or new process.

6. Recertification may be applied for by a certified facility within 60 days of expiration of certification. The facility must show compliance with an on site inspection and review of all processes. The certification number originally issued to the facility shall be the same when the facility is recertified.

(2) Plant owners holding valid certification from the Georgia Department of Agriculture shall not handle in their plant in any way, crab meat or cooked crabs that have been packed or processed in a plant that has not been certified.

(3) Plant owners holding valid certification from Georgia Department of Agriculture shall not handle or repack in any way crab meat or cooked crabs that have been packed or processed in another certified plant without prior notification to the Georgia Department of Agriculture and approval by the department.

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.02
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Enrichment" F. on Jun. 30, 1965.
Repealed: New Rule entitled "Requirements for Certification" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-4-.03. Applicability of Rules.

(1) The rules and regulations in this section shall apply to the operation of all facilities and persons certified in 40-7-4-.02 of this section.

(2) The rules and regulations in this section shall apply to retail, wholesale, and other businesses and persons engaged in preparation, buying, selling, distribution, or transporting of cooked crab and crabmeat product.

(3) The rules and regulations in this section shall not apply to food service establishments permitted by Georgia Department of Human Resources Environmental Health Division.

(4) The rules and regulations in this section shall not apply to those businesses and facilities which further process crab meat for use in other foods such as deviled crab, as long as the crabmeat used is from an approved certified plant, and the business or facility does not engage in the cooking of fresh crab or picking of cooked crab.

(5) The rules and regulations in this section shall not apply to retail seafood establishments or businesses which cook crab, conch, and other crustacea products where no further processing is done and where the product is only offered for sale at the same establishment (the product does not enter into food distribution channels).

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.03
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Labeling" F. on Jun. 30, 1965.
Repealed: Now Rule entitled "Applicability of Rules" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-4-.04. Plant Arrangement and Grounds.

(1) Plants in which crabmeat is picked and packed shall, to the extent feasible, be so located that they will not be subjected to flooding by high tides. If plant floors are flooded, processing shall be discontinued until after waters have receded and the facilities are cleaned and sanitized. A minimum plant elevation of at least two feet above mean high water shall be provided in new plant construction. Where retort operations are below the floor level of the plant, the drains and vents on such equipment shall also be located at least two feet above mean high tide.

(2) Plant design shall provide for continuous flow of the raw materials and product, to prevent contamination by exposure to areas involved in earlier processing steps, refuse disposal, clean up operations, or other objectionable areas.

(3) Separate rooms or areas approved by the department shall be provided for receiving, washing and culling, refrigeration of product and processing of product.

(4) The following processes shall be carried out in separate rooms or facilities and the interior walls separating these rooms shall extend from floor to ceiling and contain only necessary openings (such as conveyors and doorways).

(a) Cooking.

1. The cooking room or area shall be under permanent cove.

2. The cooking room or area should be located between the area for receiving fresh crabs and the cooling room. It shall be properly vented to assure the quick removal of steam.

(b) Cooling and/or Debacking.

1. A separate room shall be provided for the cooling of cooked crabs except where suitable arrangements or adequate space is provided in either the picking room, debacking room, or the cooking room for this purpose, provided that the construction and arrangement shall give adequate protection to the cooked crab from flies, insects, rodents, dust, plant traffic, and the washing down or clean up operation. This room and refrigerated room for cooked crabs shall open directly into the picking room, debacking room, or screened-in-area or passageway through which crabs are transported after cooling.

2. The cooling room shall not contain any material, product, or equipment not pertaining to the storage of cooked crabs.

3. A water hose and an easily accessible water connection with backflow prevention device shall be provided to aid in cooling of cooked crab.

4. Roll carts, hand trucks, overhead rails, etc. used for conveying retort baskets from cooking room to cooling area shall have contact surfaces of smooth corrosion resistant metal, and shall be ma intained with a smooth non-porous, easily, washable finish.

5. Overhead hoists used in the plant shall be equipped with chain bags or other approved device to minimize the potential for contamination of cooked product from overhead.

(c) Refrigerated rooms and coolers.

1. Separate refrigeration rooms shall be provided for; picked crab meat; for unpicked cooked crabs and for; uncooked items such as fresh crabs, bait, fish, and conch; provided that in an emergency cooked crabs may be temporarily stored in the same refrigeration room with packed containerized crab meat.

(d) Picking/packing.

1. If mechanization is planned that will provide for a single flow-through process the picking/packing and packing/shipping activities can be carried out in one room.

2. Where picking and packing rooms are separated by walls or partitions a delivery window shall be provided and equipped with a corrosion resistant shelf of metal or equally smooth non-porous surface, and shall drain toward the picking room.

(e) Pasteurization.

1. A separate room shall be provided except where suitable arrangements or adequate space is provided in either the cooking room or debacking room for the purpose of pasteurization provided that the construction and arrangement shall give adequate protection to product and not interfere with or interrupt the pasteurization process.

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.04
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Net Content" F. on Jun. 30, 1965.
Repealed: New Rule entitled "Plant Arrangement and Grounds" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-4-.05. Ice.

(1) Ice boxes must drain properly and have a non-porous corrosion resistant lining that does not leak.

(2) The refrigeration rooms or ice box shall be large enough and so constructed that a full day's production, with ice, can be conveniently stored and equipped with an accurate thermometer located in the room or box.

(3) Ice shall preferably be manufactured in the plant, otherwise it shall be obtained from an approved source. Packers purchasing crushed ice shall secure it from dealers who handle, crush and deliver it in a sanitary manner.

(4) Ice bins shall have smooth, impervious ice contact surfaces and shall be so constructed and located that the bottom is above the level of the adjacent floor and drains away from the unused ice.

(5) Block ice shall be properly stored to avoid contact with contaminated surfaces and shall be thoroughly washed on an elevated metal stand or grating with a hose provided for this purpose before it is placed in the crushing machine. A corrosion resistant container shall

be provided to catch the crushed ice falling from the crusher (where the crusher is located in a protected portion of the refrigeration room, this container is not required.)

(6) All facilities, equipment, and utensils employed in handling and/or preparing ice for use shall be used for no other purpose and shall be cleaned each day the plant is in operation. Shovels shall be hung or stored in a protected manner when not in use.

(7) Where it is necessary to have ice in the packing room a metallined container or compartment of sanitary construction shall be provided for the sole purpose of storing such ice manufactured in the plant, purchased crushed ice, or block ice that has been crushed in the plant; except that clean wooden barrels for shipping crab meat may be used for this purpose.

(8) All cooked crab shall be stored at a temperature between 33 degrees F(0.5 degrees C) and 40 degrees F(4.4 degrees C) ambient air temperature, if not, immediately processed and all picked crabmeat shall be maintained at a temperature no higher than 40 degrees F(4.4 degrees C).

(9) Frozen crab meat shall be maintained or stored at an air temperature of zero degrees F. or less, and shall not exceed a product temperature of 10 degrees F. increase during transit.

(10) Crab meat for freezing shall be frozen within 24 hours of the time it is picked.

(11) Where air cooling units, condensers or other cooling equipment is attached to the ceiling or wall in ice boxes or refrigeration rooms, the drain lines and drain pans from such equipment shall be plumbed to discharge in a floor drain, preferably outside of the cooler, and shall be maintained in such a manner as to prevent condensation water from leaking or dripping onto ice, cooked crab or crabmeat product being stored in the refrigerated room.

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.05
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Ice" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-4-.06. Receiving of Fresh Crabs.

(1) Only fresh crabs shall be accepted for processing. No crab plant shall pick crab meat from any interplant shipment of cooked crabs or portions thereof without special authorization from the department.

(2) Fresh crabs and conch shall be cooked as soon as possible after receipt at the processing plant.

(3) Fresh crabs or live conch shall not be accepted at crab plant in large metal drums. If crabs are received in large drums they shall be leakproof and constructed of an impervious material which is easily cleanable and non-toxic.

(4) Crabs may be washed or purged before processing.

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.06
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Receiving of Fresh Crabs" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-4-.07. Cooking.

(1) Crabs shall be cooked under steam pressure until such time that the internal temperature of the centermost crab reaches 235 degrees F(112.8 degrees C). Temperature shall be measured with an accurate registering thermometer having a range of 170 - 270 degrees F(77 - 132 degrees C).

(2) Nothing in these regulations shall prohibit any other cooking process which has been found equally effective and which has been approved by the department.

(3) The retort shall be constructed to permit a working pressure of at least 20 pounds per square inch (psi) steam inlet and venting shall provide a uniform and complete distribution of steam. Venting shall be sufficient to permit complete elimination of air from the retort. If more than one vent is needed, one vent shall remain in an open position at all times. Steam disbursement within the retort must be horizontal and upward.

(4) All retorts shall be equipped with:

(a) An accurate, indicating thermometer with a range that will include 170-270 degrees F (77-132 degrees C) and located with the sensor extending into the heat chamber.

(b) An opening pressure indicator, at least three inches in diameter, with a 0-20 psi range and located adjacent to the indicating thermometer.

(c) A safety valve operational at 18-30 psi, located in the upper portion of the retort, protected from tampering and designed to prevent injury to the operator.

(d) The boiler shall be of such capacity as to maintain 45 to 100 psi during cooking. The steam line from the boiler to the retort shall be at least one and one-fourth inch inside diameter.

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.07
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*

History. Original Rule entitled "Cooking" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-4-.08. Cooling of Cooked Crab.

(1) Cooked crabs, after removal from the retort must be moved immediately to a protected area to be air cooled to room temperature without being disturbed.

(2) Cooked crab shall be stored in original cooking basket and must be placed under refrigeration at 40 degrees F (4.4 degrees C) or less if not debacked within 6 hours following cooking.

(3) Cooked crab which is not debacked during the work shift that cooking is completed shall be brought to an internal temperature in the center most crab of 40 degrees F (4.4 degrees C) or less within 24 hours of cooking.

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.08
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Cooling of Cooked Crab" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-4-.09. Picking of Crabmeat.

(1) The process of picking crabmeat shall be conducted in a sanitary manner and in such a manner as to prevent contamination. All cooked crab placed before a picker shall be picked before a new supply is delivered.

(2) Picked crabmeat shall be delivered to the packing room at least every 90 minutes or upon the accumulation of five pounds of meat per picker whichever is sooner.

(3) Paper towels used at the picking table shall be discarded after initial use and a new supply provided.

(4) Handles of picking knives shall not be covered with any material.

(5) Where meat is picked directly into the packing container, a container of sanitary construction shall be provided for the sole purpose of bactericidal treatment of packing containers in an approved sanitizing solution maintained at not less than 150 ppm residual chlorine. This container shall be located away from any splash from hand lavatory or utensil washing sinks.

(6) If provided, bactericidal solutions at picking tables shall be maintained at 100 ppm residual chlorine solution or equivalent approved sanitizing solution. A suitable testing method or equipment shall be available and used regularly to test chemical sanitizers to insure minimum prescribed strengths.

(7) The use of reusable picking containers shall be prohibited.

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.09
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Picking of Crabmeat" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-4-.10. Packing of Crabmeat.

(1) The process of packing crabmeat shall be conducted in a sanitary manner and in such a manner as to prevent contamination.

(2) Cans, lids, or other containers for packaging crab meat shall be clean, sanitized, single service, made of an approved material, and capable of being tightly sealed.

(3) Crab meat shall be packed in a container, iced and cooled to an internal temperature of 40 degrees F.(4.4 degrees C) or below within two hours of receipt in the packing room.

(4) The return of overage to a picker shall be prohibited.

(5) Blending of fresh, and/or frozen, and/or pasteurized crab meat shall be prohibited.

(6) Only those individuals responsible for packing crab meat shall be allowed in the packing room or area.

(7) Any substance added to cooked crab or crab meat shall be approved and labeled according to federal and state rules and regulations.

(8) Only clean new shipping barrels, boxes and containers shall be used for shipping of crab meat.

(9) The certification number issued by the department preceded by state abbreviation shall be legibly impressed, embossed, or lithographed in or on the sides of the containers in which crab meat is packed, except when the lid becomes an integral part of the container during the sealing process the number preceded by state abbreviation may appear on the lid; name and address of the firm or distributor shall be similarly marked on the container lid. Plastic bags shall have the name and address of the packer or distributor and certification number of the packer preceded by state abbreviation, permanently marked on them. (Hand stamping is unacceptable).

(10) Containers bearing a certificate number other than that of the respective plant shall not be allowed in the plant.

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.10
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Packing of Crabmeat" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-4-.11. Pasteurization Process Controls (Thermometers).

(1) Both recording and indicating thermometers shall be provided on all pasteurizing equipment, and serve as time temperature controllers. The bulbs of both thermometers shall be so located as to give a true representation of the operating temperature of the water bath. The recording thermometer chart shall be at least a 24-hour chart and at least 12 inches in diameter.

(2) The recording thermometer shall be installed so that it will be protected from vibration and from striking by loading operations of plant traffic. The thermometer mechanism shall be so located as to be protected from moisture under prevailing operating conditions. The thermometer case shall not be opened during the pasteurizing cycle except for temperature check, or emergency adjustment or repair, a record of which shall be made.

(3) The recording thermometer shall have a range of at least 120-220 degrees F (48.9-104.4 degrees C). It shall be accurate within plus or minus 1 degree F between 160 degrees F (71 degrees C) and 200 degrees F (93 degrees C). The chart shall be scaled at a maximum of 2 degrees F intervals in the range of 160 degrees F (71 degrees C) and 200 degrees F (93 degrees C).

(4) The indicating thermometer shall be a thermometer with an accuracy and readability of plus or minus 1 degree F between 160 degrees F (71 degrees C) and 200 degrees F (93 degrees C). The thermometer shall be protected against damage.

(5) The recording thermometer shall be equipped with a spring-operated or electrically operated clock. The recorded elapsed time as indicated by the chart rotation shall not exceed the true elapsed time as shown by an accurate watch. The rotating chart support shall be provided with pins upon which the chart shall be affixed by puncturing the chart.

(6) The pasteurization unit shall not be operated without a recording thermometer chart in place, the pen in contact with the chart and an inked record being made of the operating time-temperature cycle. Any indication of falsification of a thermometer chart shall constitute a violation. A permanent file of the used thermometer charts shall be maintained by the pasteurizer and kept available for inspection by the department for a period of two years. A new chart shall be used for each days operations and the code number or date of each batch affixed to the chart for each pasteurizing cycle. The following information shall be recorded within the confines of the pen marking after the pasteurization cycle has been completed.

   (a) Date of pasteurization.

   (b) Quantity of each batch pasteurized (pounds of crab meat or number and size of containers).

   (c) Processor's code of each pack.

(d) If the plant receives authorization to pasteurize crabmeat from another certified plant, from the department, then the packer's name, address and certification number must be recorded.

1. A copy of the recording chart shall be provided to the owner of the crab meat.

(e) Notation of mechanical or power failure, or opening of the recording thermometer case for adjustment or repair during the pasteurizing cycle.

(f) After the optimum temperature has been reached and during the holding time, the reading of the indicating thermometer and the time of reading shall be recorded on chart.

(g) Written signature of the pasteurizer operator.

1. In some instances it will be necessary to attach a log of each batch pasteurized to the daily recording thermometer chart. The attached log sheet shall record the time that each container is placed into the pasteurizing vat, when it is removed, when it is placed into the cooling tank, and when it is removed from cooling. Each container placed in the water bath shall be appropriately identified by a number.

(7) A constant flow steam control valve is required, if steam is used as a source of heat.

Advisory:

(a) Do not overload the water bath. Overloading can often result in undercooked meat.

(b) Better distribution of heat is provided if steam is released from the side of the steam discharge spreader pipes in the base of the water bath - this results in the tangential release of steam.

(c) The containers should be immersed to a depth of six inches below the surface of water with a minimum of three (3) inches of clearance of the sides of the water bath and a minimum of two (2) inches of clearance of the bottom.

(d) The basket cover should be perforated for water circulation.

(8) The water bath shall be provided with effective agitation to maintain a uniform temperature.

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.11
Authority: Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Pasteurization Process Controls (Thermometers)" adopted. F. Apr. 30, 1996; eff.

May 20, 1996.

Rule 40-7-4-.12. Preparation of Crab Meat for Pasteurization.

(1) Crab meat for pasteurization shall be processed in compliance with existing rules and regulations for operation of a certified crab plant in Georgia.

(2) Containers of crab meat for pasteurization shall be sealed as quickly as possible after the meat is picked.

(3) The sealed container of crab meat shall be placed immediately in ice and refrigerated if the pasteurization process is to be performed at some period of time greater than sixty (60) minutes of sealing the can or container.

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.12
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Preparation of Crab Meat for Pasteurization" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-4-.13. Pasteurization of Crab Meat.

(1) Crab meat for pasteurization shall be pasteurized within 36 hours of the time it is picked. The minimum pasteurization specifications shall be the raising of the internal temperature of the container of crab meat to 185 degrees F (85 degrees C) and holding at that temperature for at least one minute at the geometric center of a container.

   (a) Each set of pasteurizing equipment shall be standardized so that the minimum pasteurization procedure in this subparagraph can be obtained.

   (b) The pasteurization procedure shall be performed in accordance with the standardization report.

   (c) The pasteurizer shall keep on file the standardization report and shall provide the department a copy of such report.

   (d) Nothing in these regulations shall be construed as prohibiting any other pasteurization process which has been found equally effective and which has been approved by the department. Advisory: This means that temperature-time requirements must be determined for each water bath and for other conditions, such as the temperature of the meat, for the size of the container and other variables. Plant operators are warned that time-temperature conditions for one water bath may not give a satisfactory pasteurization on another water bath.

(2) Alteration of the equipment or loading of containers shall require the process to be restandardized.

(3) The containers of crab meat shall be cooled to 50 degrees F (10 degrees C) or below within (3) three hours after initial entry into the chill tank.

(a) The procedure for chilling shall be standardized.

(4) Refrigerated storage shall be provided for the chilled crab meat and it shall maintain a storage temperature at or below 36 degrees F (2.2 degrees C) but above 32 degrees F (0 degrees C).

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.13
Authority: Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Pasteurization of Grab Meat" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-4-.14. Labeling of Pasteurized Crab Meat.

(1) The label used shall clearly identify the contents of the container as pasteurized crab meat. Whenever the term "crab meat" (or its equivalent) appears on the label, the word "pasteurized" shall be used in immediate conjunction, in prominent type.

(2) Each container shall be permanently and legibly-identified with a code indicating the batch and day of processing.

(3) The words "Perishable - Keep Under Refrigeration", or equivalent, shall be prominently displayed on the container.

(4) The packer's certification number issued by the department, preceded by the state abbreviation shall be legibly impessed, embossed or lithographed on each container. Each container shall also bear the name and address of the certified packer or distributor.

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.14
Authority: Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Labeling of Pasteurized Crab Meat" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-4-.15. Recall Procedure.

Each owner of a certified plant producing cooked crab or crab meat shall keep on file a written product recall procedure. A copy of this recall procedure shall be provided to the department.

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.15
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*

History. Original Rule entitled "Recall Procedure" adopted. F. Apr. 30, 1996; eff. May 26, 1996.

Rule 40-7-4-.16. Supervision in the Crab Plant.

The owner or manager shall either personally or shall designate an individual whose principal duty shall be to supervise and be responsible for the compliance these rules and regulations.

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.16
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Supervision in the Crab Plant" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-4-.17. Sampling and Testing.

(1) Samples of cooked crab or crab meat may be secured at any time or place by the department or its agent at the crab plant, after paying or offering to pay for such sample, for the purpose of laboratory analysis.

(2) The department or its agent may also secure samples of cooked crab, crab meat, other crustacea, and any product which has been processed, offered for sale, distributed or otherwise introduced into trade from any establishment or transported vehicle when deemed necessary, for the purpose of laboratory analysis.

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.17
Authority: Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Sampling and Testing" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-4-.18. Embargo or Disposal of Cooked Crab, Crabmeat, or other Products Processed at the Crab Plant.

(1) When it has been determined by the Division that cooked crab or crab meat have not been stored, transported, handled, cooked, picked, packed or offered for sale in compliance with this Section, the cooked crab or crab meat shall be deemed adulterated.

(2) Cooked crab, crab meat or other products processed for sale to the public determined to be adulterated or misbranded, shall be subject to embargo or disposal by the Department in accordance with the Georgia Food Act 26-2-26 and 26-2-28. (GA. L. 1956)

(3) The Department may embargo, condemn, destroy or otherwise dispose of all cooked crab, crab meat, or other product processed at the plant found to be adulterated or misbranded.

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.18
Authority: Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Embargo or Disposal of Cooked Crab, Crabmeat, or other Products Processed at the

Crab Plant" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-4-.19. Microbiological and Contamination Standards.

(1) Cooked crab or crab meat shall not exceed Escherichia coli Most Probable Number (MPN) of 36 per 100 grams of sample or exceed a standard plate count of 100,000 per gram.

(2) Pasteurized crab meat shall contain no Escherichia coli or fecal coliform. Samples of pasteurized crab meat taken within 24 hours of pasteurizing, shall not have a standard plate count of more than 3,000 per gram.

(3) Cooked crab or crab meat shall not contain pathogenic organisms in sufficient numbers to be hazardous to the public health.

(4) Cooked crab or crab meat shall not be contaminated by any other substance which renders it unsafe for human consumption.

(5) Cooked crab or crab meat found not complying with the standards as stated in Paragraph (a), (b), (c), or (d) of this Rule may be deemed adulterated by the Division.

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.19
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Microbiological and Contamination Standards" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-4-.20. Other Products Processed at the Crab Plant after the Operating Season.

(1) Other products which are received into the crab plant for further processing such as conch, and other crustacea shall be processed in accordance with good general manufacturing practices.

   (a) The processor shall meet all the requirements for plant design and sanitation set forth in Chapter 40-7-1 General Regulations, Georgia Department of Agriculture.

   (b) The processor shall have an approved written process schedule which includes all cooking and/or pasteurization procedures for all products which are processed at the plant.

      1. A copy of the written process schedule shall be on file with the department and any deviation or departure from this process will require a new written process schedule.

Cite as Ga. Comp. R. & Regs. R. 40-7-4-.20
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Other Products Processed at the Crab Plant after the Operating Season" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Subject 40-7-5. ADDITIONAL REGULATIONS APPLICABLE TO RETAIL SALE OF FRESH AND FROZEN SEAFOOD, MEAT, POULTRY AND OTHER FOODS FROM MOBILE VEHICLES.

Rule 40-7-5-.01. Definition.

(1) "Meat" means the carcass or any part of any carcass of any animal or any by-product thereof in any form.

(2) "Mobile vehicle" means any vehicle that is mobile and includes land vehicles, air vehicles, and water vehicles (shrimp boats and other vessels which are mobile by water).

(3) "Poultry" means domestic fowl including, but not limited to, water fowl such as geese and ducks; birds which are bred for meat or egg production; game birds such as pheasants, partridge, quail, and grouse, as well as guinea fowl, pigeons, doves, and peafowl; ratites; and all other avian species.

(4) "Regulatory authority" means the local, state, or federal enforcement body or authorized representative having jurisdiction over a food establishment or food processing plant.

(5) "Seafood" means all fresh or frozen fish and all fresh or frozen shellfish, such as shrimp, oysters, clams, scallops, lobsters, crayfish, and other similar fresh or frozen edible products; but such term will not include canned or salted seafood.

Cite as Ga. Comp. R. & Regs. R. 40-7-5-.01
Authority: O.C.G.A. §§ 26-2-1, *et seq*., 26-2-410.
History. Original Rule entitled "Scope of Regulations" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Definition" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. November 10, 2010; eff. November 30, 2010.
Amended: F. Jan. 25, 2021; eff. Feb. 14, 2021.

Rule 40-7-5-.02. Retail Sale of Fresh Seafood, Meat or Poultry from Mobile Vehicles.

(1) A license must be obtained for each vehicle in operation prior to putting each vehicle into service. The original license must be conspicuously displayed on the vehicle during sales. The vehicle must be made available for inspection prior to the licensing process and once every six months thereafter, for as long as it remains in service.

(2) The vehicle's storage and sales areas must be completely enclosed. Screens are acceptable only to make the vehicle enclosed at the time the vehicle is stopped to sell. Screens must be of a sufficient mesh size to eliminate the entry of flies and other insects. Air screens that are adequate and effective may be used in lieu of screens.

(3) The vehicle's floors and walls must be made of a smooth-surface material and must be maintained in a clean and sanitary condition.

(4) The vehicle must have adequate toilet facilities, unless such facilities; are readily accessible.

(5) The vehicle must have lavatory facilities with hot and cold running water under pressure; and cake, powder, or liquid soap must be made available with individual paper, individual cloth, or other type towels.

(6) The vehicle must be equipped with an approved sink having at least two compartments. This sink must have hot and cold running water under pressure.

(7) Water used in this operation must be potable and from an approved source. The vehicle must have an approved storage tank which is adequately sized for the vehicle's operation, unless the vehicle can be connected to a water supply at each point of operation.

(8) Liquid waste must drain into an approved holding tank for disposal later in an approved manner, unless the vehicle can be connected to an approved disposal system at each point of operation.

(9) All products stored or offered for sale must be held in leak-proof containers, unless a method is devised to drain water produced by ice melting on the product into a liquid waste disposal system as described above in Paragraph 8.

(10) All fresh seafood or poultry must be maintained at or below 41 degrees Fahrenheit by adequate ice alone or in combination with mechanical refrigeration. All meat must be maintained at or below 41 degrees Fahrenheit by mechanical refrigeration only.

(11) Oysters in the shell must be sold only from vehicles that have mechanical refrigeration sufficient to maintain this product at or below 45 degrees Fahrenheit.

(12) All food must be protected from contamination by dust, dirt, or other foreign or injurious contaminants and from cross-contamination by other types of food products.

(13) . All phases of the retail transaction must be accomplished within the enclosed vehicle. This includes obtaining the particular product requested by a customer from storage within the vehicle, weighing the product, and packaging the product.

(14) . An approved scale must be used in weighing products for sale, and the scale must be placed so the customer can easily see the weight registered.

(15) The name, address, and telephone number of the firm must be conspicuously displayed on the vehicle during sales.

(16) Advertisements must be completely in accordance with the labeling of the containers. The price per pound of each product must be included in the advertisement.

(17) The vehicle must be serviced only through approved storage facilities.

(18) In addition to the requirements established by this Rule, applicable laws and rules administered by the Georgia Department of Agriculture regarding foods also apply.

(19) Firms presently licensed for sale from vehicles must comply with these regulations within 90 days from the date of their adoption.

(20) When weighted, packaged, and labeled at a facility currently licensed and inspected by the Department, fresh shrimp may be sold from a land-based mobile vehicle to the exclusion of 40-7-5-.02(2), (4), (5), (6), (7), (8), and (13).

(a) All prepackaged fresh shrimp must comply with Rule 40-7-1-.13 and Subject 40-15-3.

(b) If the Department determines that prepackaged fresh shrimp have not been stored, handled, labeled, or offered for sale in compliance with these regulations, the Department may deem the shrimp adulterated or misbranded and subject to embargo or disposal by the Department. The Department may temporarily or permanently issue an order to embargo, condemn, destroy, or otherwise dispose of all prepackaged shrimp found to be adulterated or improperly identified.

(21) When weighted, packaged, and labeled at a facility currently licensed and inspected by a Regulatory Authority; fresh meat, poultry, and seafood may be sold from a land-based vehicle to the exclusion of 40-7-5-.02(2), (4), (5), (6), (7), (8), and (13).

(a) All prepackaged fresh meat, poultry, and seafood must comply with Rule 40-7-1-.13 and Subject 40-15-3.

(b) If the Department determines that prepackaged fresh meat, poultry, or seafood have not been stored, handled, labeled, or offered for sale in compliance with these regulations, the Department may deem the product adulterated or misbranded and subject to embargo or disposal by the Department. The Department may temporarily or permanently issue an order to embargo, condemn, destroy, or otherwise dispose of all prepackaged product found to be adulterated or improperly identified.

Cite as Ga. Comp. R. & Regs. R. 40-7-5-.02
Authority: O.C.G.A. § 26-2-411, *et seq*.
History. Original Rule entitled "Floors" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Retail Sale of Fresh Seafood, Meat or Poultry from Mobile Vehicles" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Amended: F. November 10, 2010; eff. November 30, 2010.
Amended: F. Aug. 27, 2019; eff. Sept. 16, 2019.
Amended: F. Jan. 25, 2021; eff. Feb. 14, 2021.

Rule 40-7-5-.03. Retail Sale of Frozen Seafood, Meat, Poultry and Other Food.

(1) A license must be obtained for each vehicle in operation prior to putting each vehicle into service. The original license must be conspicuously displayed on the vehicle during sales. The vehicle must be made available for inspection prior to the licensing process and once every six months thereafter, for as long as it remains in service.

(2) Advertisements must be completely in accordance with the labeling on the containers. The price per pound of random-weight products must be included in the advertisement. Standard-weight packages may show a total price only in the advertisement.

(3) An approved scale must be available and placed so the customer can easily see the weight registered.

(4) Toilet and lavatory facilities must be available and conveniently located. Lavatories must have hot and cold running water under pressure; and cake, powder, or liquid soap must be made available with individual paper, individual cloth, or other type towels. Hot water must be made available.

(5) Refrigerated vehicles must have a workable mechanical refrigeration system as the primary refrigeration source. Frozen foods must be maintained frozen, and all sales must be by unbroken box or package.

(6) The name, address, and telephone number of the firm must be conspicuously displayed on the vehicle at all times during sales.

(7) Sample boxes must not be displayed off refrigeration. Products sold to customers at locations other than the vehicle must be picked up by the customer from the vehicle.

(8) The vehicle must be serviced only through approved storage facilities.

(9) In addition to the requirements established by this Rule, applicable laws and rules administered by the Georgia Department of Agriculture regarding foods also apply.

(10) Firms presently licensed for sale from vehicles must comply with these regulations within 90 days from the date of their adoption.

Cite as Ga. Comp. R. & Regs. R. 40-7-5-.03
Authority: O.C.G.A. §§ 26-2-1, 26-2-411.
History. Original Rule entitled "Water" adopted. F. and eff. June 30. 1965.
Repealed: New Rule entitled "Retail Sale of Frozen Seafood, Meat, Poultry and Other Food" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Aug. 12, 2005; eff. Sept. 1, 2005.

Amended: F. November 10, 2010; eff. November 30, 2010.
Amended: F. Jan. 25, 2021; eff. Feb. 14, 2021.

Rule 40-7-5-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-5-.04
Authority: Authority O.C.G.A. Sec. 26-2-1*et seq*.
History. Original Rule entitled "Clean Utensils and Equipment" adopted. F. and eff. June 30, 1965.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-5-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-5-.05
Authority: Authority O.C.G.A. Sec. 26-2-1*et seq*.
History. Original Rule entitled "Refrigeration" adopted. F. and eff. June 30, 1965.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Subject 40-7-6. ADDITIONAL REGULATIONS APPLICABLE TO COMMERCIALLY BOTTLED WATER AND WATER VENDING MACHINES.

Rule 40-7-6-.01. Definitions.

(1) "Approved Laboratory" A Laboratory approved by the Georgia Department of Agriculture, or certified by the U.S. Environmental Protection Agency, (U.S. EPA).

(2) "Approved Source" When used in reference to a bottled water plant's product water or water used in the plant's operations, means the source of the water whether it be from a spring, artesian well, drilled well, public or community water system or any other source that has been inspected and the water sampled, analyzed, and found to be of a safe and sanitary quality. The presence in the plant of a current certificate or notification of approval from U.S. EPA or the Commissioner shall constitute approval of the source.

(3) "Artesian Water" means bottled water from a well tapping a confined aquifer in which the water level stands above the water table. "Artesian Water" shall meet the requirements of "Natural Water."

(4) "Bottled Water" means water that is placed in a sealed container or package and is offered for sale for human consumption or other consumer uses.

(5) "Bottled Water Plant" means any place or establishment in which bottled water is prepared for sale.

(6) "Distilled Water" means bottled water which has been produced by a process of distillation and meets the definition of purified water in the most recent edition of the United States Pharmacopoeia.

(7) "Drinking Water" means bottled water obtained from an approved source that has at minimum undergone treatment consisting of filtration activated carbon or particulate and ozonation or an equivalent disinfection process.

(8) "Fluoridated Water" means bottled water containing fluoride. The label shall specify whether the fluoride is naturally occurring or added. Any water which meets the definition of this paragraph shall contain not less than 0.8 milligrams per liter fluoride ion and otherwise comply with the Food and Drug Administration ("FDA") quality standards in Part 165.110(b)(4)(ii) of Title 21 of the Code of Federal Regulations ("C.F.R.").

(9) "Commissioner" means the Commissioner of the Georgia Department of Agriculture.

(10) "Mineral Water" means bottled water that containing not less than 250 parts per million Total Dissolved Solids (TDS) coming from a source tapped at one or more bore holes or springs, originating from a geologically and physically protected underground water source. Mineral water shall be distinguished from other types of water by its constant level and relative proportions of minerals and trace elements at the point of emergence from the source, due account being taken of the cycles of natural fluctuations. No minerals may be added to this water. "Natural Mineral Water" shall meet the requirements of "Natural Water".

(11) "Natural Water" means bottled spring, mineral, artesian, or well water which is derived from an underground formation, which is not altered, and is not derived from a municipal system or public water supply.

(12) "Plant Operator" means any entity who owns or operates a bottled water plant.

(13) "Purified Water" means bottled water produced by distillation, deionization, reverse osmosis, or other suitable process and that meets the definition of purified water in the most recent edition of the United States Pharmacopoeia. Water which meets the definition of this paragraph and is vaporized, then condensed, may be labeled "distilled water".

(14) "Spring Water" means water which is:

(1) derived from an underground formation from which water flows naturally to the surface of the earth;

(2) not derived from a municipal system or public water supply;

(3) collected only at the spring or through a borehole into the same underground water-bearing zone; provided, however, water collected with the assistance of external force to protect the water shall retain all the physical properties of and

be of the same chemical composition and quality as the water that flows naturally to the surface and

(4) pre-emptive standards prescribed by the Food and Drug Administration in the Code of Federal Regulations, Title 21 Part 165 and supplements thereto.

(15) "Water Dealer" means any person who imports bottled water or causes bulk water to be transported for bottling for human consumption or other consumer uses.

(16) "Well Water" means water from a hole bored, drilled, or otherwise constructed in the ground which taps water of an underground foundation. "Well Water" shall meet the requirements of "Natural Water".

(17) "Safe Drinking Water Act" shall mean Safe Drinking Water Act, Public Law 93-523.

(18) "Vending Machine" means any self-service device which, upon insertion of a coin, paper currency, token, card or key dispenses unit servings of food, either in bulk or in packages without the necessity of replenishing the device between each vending operation. It shall also include self-service dispensers equipped for coin, paper currency, token, card or key operation and optional manual operation. Unless otherwise stated, vending machine includes controlled location vending machines.

(19) "Water Vending Machine" means a water-connected vending machine designed to dispense drinking water, purified and/or other water based products. Such machine shall be designed to reduce or remove turbidity, off tastes and odors and to provide disinfection treatment. Processes for Total Dissolved Solids (TDS) reduction or removal may also be used.

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.01
Authority: Ga. L. 1937-38, Extra Session, p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq*.
History. Original Rule entitled "Certification of Crab Meat Plants" was f. June 30, 1965.
Repealed: New Rule entitled "Definitions" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-6-.02. Standards of Water.

(1) All bottled water shall be from an approved source and shall not contain any constituent in quantities that may be injurious to health, as established through rule making by the Commissioner. All bottled water shall meet standards prescribed by the Food and Drug Administration in the Code of Federal Regulations. Title 21, Part 165 and supplements thereto.

(2) Except as provided in subsection (1), bottled water, including mineral water, shall not exceed any Maximum Contaminant Level ("MCL") contained in the Code of Federal

Regulations, Title 21, Part 165 and supplements thereto, or any MCL established by EPA under the "Safe Drinking Water Act, Public Law 93-523 ", and all supplements and amendments thereto or by the Commissioner, for any organic or inorganic chemical. Total Plate Counts (TPC) for all cleaned, sanitized bottles ready for filling shall not exceed 20,000/ml.

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.02
Authority: Ga. L. 1937-38, Extra Session, p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq*.
History. Original Rule entitled "Crab Meat Plant Supervisor" was F. June 30, 1965.
Repealed: New Rule entitled "Standards of Water" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-6-.03. Sampling.

(1) The plant operator shall be responsible for sampling and analysis of all approved sources for the contaminants specified in Rule 40-7-6-.02 to assure that product water derived from approved sources continues to comply with said Rule. Such monitoring shall be at least annually, except that analysis for microbiological contaminants shall be weekly if the source is other than a public water system.

(2) In lieu of source monitoring required by this section, a plant operator using a public water system as its source may obtain and display a certificate from said system demonstrating that the public water system conducts the monitoring required by this section.

(3) Where a bottled water plant operator, water dealer or regulatory agency knows or has reason to believe that a contaminant not otherwise monitored is present in the source water because of a spill, release of hazardous substance or otherwise, and its presence would create a potential health hazard to consumers, the plant operator or water dealer upon receipt of such information shall monitor the source water for said contaminant as often as prescribed by the Commissioner. Such costs of monitoring shall be borne by the plant operator.

(4) Detection of contaminant(s) in source monitoring required pursuant to this section shall be followed immediately by a program of periodic monitoring to confirm the presence in the source water of said contaminant(s). If such listed contaminant(s) is confirmed to be present in the source water at a concentration that exceeds a published U.S. EPA Health Advisory, or a U.S. FDA or Georgia Department of Agriculture Action Level for drinking water, the plant operator or water dealer shall employ appropriate treatment techniques to remove or to reduce said contaminant in the product water below said concentration and shall employ a program of periodic monitoring for said contaminant in the source water until such time as said contaminant is not detectable in the source water. Such monitoring costs shall be borne by the plant operator.

(5) The required source water sampling shall be performed by qualified personnel and required analysis shall be performed by an approved laboratory. Records of the required

sampling and analyses shall be maintained on file at the plant for not less than four years and shall be available for official review upon request of the Georgia Department of Agriculture.

(6) To assure that bottled water complies with this section, the following product monitoring using representative samples derived from the bottled product shall be performed:

(a) For microbiological contaminants specified in this section, analyze monthly a representative sample from a batch or segment of a continuous production for each type of bottled water produced by the plant.

(b) For chemical, physical, and radiological contaminants specified in this section analyze annually a representative sample from a batch or segment of continuous product run for each type of bottled drinking water produced by the plant.

(7) The required product water sampling shall be performed by qualified personnel and required analysis shall be performed by an approved laboratory. Such costs of sampling shall be borne by the plant operator.

(8) Records of required sampling and analysis shall be maintained at the plant not less than four years and shall be available for official review upon request of the Georgia Department of Agriculture.

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.03
Authority: Ga. L. 1937-38, Extra Session, p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Floors in Processing and Packing Areas" was F. June 30, 1965.
Repealed: New Rule entitled "Sampling" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-6-.04. Limits.

Limits on bacteriological, radiological, turbidity and chemical quality shall be these as outlined in Rule 40-7-6-.02. Empty bottled water containers exceeding these limits on any two successive tests shall be labeled in accordance with Code of Federal Regulations, Title 21, Part 165. The Commissioner, or his designate, shall order a plant operator to discontinue operation of said bottled water plant whose condition represents a threat to the health or life of any person. If the empty bottled water containers do not meet the standards of Rule 40-7-6-.02, and of this Section, on any four (4) successive tests the bottled water plant shall be ordered to discontinue operation until testing proves that the limit being exceeded is below the limit. Successive tests referred to in this section shall be not less than 7 or more than 30 days apart.

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.04
Authority: Ga. L. 1937-38, Extra Session p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Arrangement for Processing and Packing Areas" was F. June 30, 1965.
Repealed: New Rule entitled "Limits" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-6-.05. Source of Water.

The water source shall be approved by the Georgia Department of Agriculture and shall apply to both product water and water used in plant operations. Source water shall be protected from contamination as outlined in the most current edition of the Sanitarian's Handbook, Theory and Administrative Practice, 4th Edition, 1977. Based upon a ground-water report prepared by an independent consultant using engineering and geological standard practices, the Department shall approve water derived from a well or a borehold as spring water, provided, however, the hydrogeologic or geohydrologic report demonstrates that the well or borehold water meets the definition of spring water as cited in 40-7-11-.01(14) of these Rules. If the well or borehold is within the State of Georgia, the report shall be signed and stamped by either a geologist or an engineer registered to practice in Georgia. If the well or borehold is outside the State of Georgia, the report shall be signed by either a geologist or an engineer registered in the respective state or country or by a geologist or an engineer registered to practice in Georgia.

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.05
Authority: Ga. L. 1937-38, Extra Session p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Cooling Room in Crab Meat Plants" was F. June 30, 1965.
Repealed: New Rule entitled "Source of Water" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-6-.06. Maintenance of Water Source.

The approved water source of the bottled water shall be protected from all outside sources of contamination, and the water shall be piped in a sanitary manner and with sanitary pipe lines to the filing room.

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.06
Authority: Ga. L. 1937-38, Extra Session p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Waste Disposal for Crab Meat Plants" was F. June 30, 1965.
Repealed: New Rule entitled "Maintenance of Water Source" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-6-.07. Bottling and Filling of Containers.

All bottled water, including mineral water, shall be filtered, processed and packaged in accordance with FDA Good Manufacturing Practice Regulations ("G.M.P.'s"), the Code of Federal Regulations, Title 21, Parts 110 and 129, and any other regulations as promulgated by the Commissioner of the Georgia Department of Agriculture. Approved mechanical means shall be used to fill and cap containers. Bottled water shall not be transported, stored, processed, or bottled through equipment or lines used for any nonfood product. All containers in which bottled water is placed shall be suitable and safe, and their components shall meet the requirements of the Federal Food, Drug and Cosmetic Act, as amended. Any waxes, adhesives, sealants, or inks shall meet the requirements of the Code of Federal Regulations, Title 21, Parts 175 through 178. Single service bottles and containers shall not be reused. Waxes, adhesives, sealants and inks shall not impart odor or taste to water, and shall not contaminate the product with micro-organisms or toxic or injurious substances.

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.07
Authority: Ga. L. 1937-38, Extra Session p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Refrigeration Used in Crab Meat Plants" was F. June 30, 1965.
Repealed: New Rule entitled "Bottling and Filling Containers" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-6-.08. Bottle Washing.

All multi-use bottles and containers shall be thoroughly cleaned and sanitized immediately before filling. Any method reviewed and approved by the Georgia Department of Agriculture shall be accepted. The plant operator shall employ an approved laboratory to test the effectiveness of the cleaning and sanitizing procedure on a microbiological basis at least monthly. Such testing shall include, but not be limited to, coliform and Total Plate Count (TPC), and shall be in accordance with Standard Methods for the Examination of Water and Wastewater Products, American Public Health Association, most recent edition.

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.08
Authority: Ga. L. 1937-38, Extra Session p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Shipping Containers and Packing Cans for Crab Meat" was F. June 30, 1965.
Repealed: New Rule entitled "Bottle Washing" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-6-.09. Sealing of Bottles.

Bottle mouths must be securely sealed to prevent contamination of the product during storage and transportation. All closures (sealers) must meet the composition requirements of the Federal Food, Drug and Cosmetic Act, as amended. Seals must be tamper evident.

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.09
Authority: Ga. L. 1937-38, Extra Session p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Utensils Used in Processing and Packing Crab Meat" was F. June 30, 1965.
Repealed: New Rule entitled "Sealing of Bottles" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-6-.10. Labeling Requirements.

All bottled water shall conform to applicable federal and state labeling laws and be labeled in compliance with the following standards:

(a) Mineral water may be labeled "Mineral Water". Bottled water to which minerals are added shall be labeled so as to disclose that minerals are added, and may not be labeled "Natural Mineral Water" or "Mineral Water" unqualified.

(b) Spring water may be labeled "Spring Water" or "Natural Spring Water".

(c) Water containing carbon dioxide that emerges from the source and is bottled directly with its entrapped gas or from which the gas mechanically separated and later reintroduced at a level not higher than naturally occurring in the water may bear on its label the words "Naturally Sparkling".

(d) Bottled water which contains carbon dioxide other than that naturally occurring in the source of the product shall be labeled with the words "Carbonated", "Carbonation Added", or "Sparkling" when the carbonation is obtained from a natural or manufactured source.

(e) Well water may be labeled "Well Water", or "Natural Well Water".

(f) Artesian water may be labeled "Artesian Water", or "Natural Artesian Water".

(g) Purified Water shall be labeled "Purified Water", and the method of preparation shall be stated on the label, except that purified water produced by distillation may be labeled as "Distilled Water".

(h) Drinking water may be labeled "Drinking Water".

(i) Any bottler, distributor or vendor of bottled water whose corporate name, brand name or trademark contains the words "Spring", "Well", "Artesian", "Mineral", "Natural", or any derivative of those words shall label each bottle with the type of bottled water as defined in Rule 40-7-6-.01 in typeface at least equal to the size of the typeface of the corporate name, brand name, or trademark, if the type of bottled water is different from the type of stated or implied in the corporate name, brand name or trademark.

(j) The use of the word, "Spring", or any derivative thereof, other than in a trademark, trade name, or company name to describe water that is not spring water as defined herein shall be prohibited. Any water which meets the definition of "spring water" as defined herein may be labeled, sold, advertised, and otherwise represented as "springwater", or "natural spring water", such "spring water" collected through a borehole as provided by Rule 40-7-6-.01(14) shall not require any disclaimer in connection with such labeling, sale, advertisement, or representation or require such water to be additionally identified as any other type of water. Other descriptive words or terms intended to distinguish between "spring water" which flows naturally to the surface of the earth and "spring water" collected at the spring through a borehole shall not be allowed.

(k) A product meeting more than one definition as stated in Rule 40-7-6-.01 may be identified by any of the applicable product types defined in said rule except where otherwise specifically prohibited.

(l) Supplemental printed information and graphics concerning recognized uses of the water may appear on the label, but shall not imply properties of the product or preparation methods which are not factual. Point of sale materials, promotional brochures and the like, all considered label extensions, shall comply with all applicable label requirements.

(m) No health claims are permitted.

(n) The term, "spring" or "spring water" shall not be used as brand names on labels, unless the water source meets the definition of Rule 40-7-6-.01(14). The use of the word, "spring" to describe water that is not spring water as defined herein shall be prohibited (such as, but not limited to, "Spring Fresh", "Spring Brand," and "Spring Type").

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.10
Authority: Ga. L. 1937-38, Extra Session p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Scales Used in Crab Meat Plants" was F. June 30, 1965.
Repealed: New Rule entitled "Labeling Requirements" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-6-.11. Soda Water/Soft Drink Exemptions.

Bottled soft drinks, soda or seltzer, or other products commonly recognized as soft drinks and labeled with a common or usual name other than one of those specified in Rule 40-7-6-.01, are exempt from the requirements of this regulation. Water that is not in compliance with the requirements of this regulation may not be labeled as "Artesian Water", "Bottled Water", "Distilled Water", "Drinking Water", "Fluoridated Water", "Mineral Water", "Natural Water", "Purified Water", "Spring Water", or "Well Water".

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.11
Authority: Ga. L. 1937-38, Extra Session p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Dumping Boards Used in Crab Meat Plants" was F. June 30, 1965.
Repealed: New Rule entitled "Soda Water/Soft Drink Exemption" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-6-.12. Adoption by Reference.

The following publications are adopted by reference and applicable parts become part of these rules:

(1) Federal Food, Drug and Cosmetic Act, as amended and regulations issued thereunder.

(2) The Code of Federal Regulations, Title 21, Parts 165, 110, 129, 175 through 178, and all supplements thereto dated April 01, 1989.

(3) Sanitarians Handbook, Theory and Administrative Practices 4th Edition, 1977.

(4) All water vending machines shall comply with the National Automatic Merchandising Association (NAMA) Standard for the Sanitary Design and Construction of Water Vending Machines and any future revisions to this publication.

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.12
Authority: Ga. L. 1937-38, Extra Session p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*

History. Original Rule entitled "Picking Tables Used in Crab Meat Plants" was F. June 30, 1965.
Repealed: New Rule entitled "Adoption by Reference" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-6-.13. Compliance Grace Period.

Bottled water plants existing on April 1, 1992 and marketing water in Georgia that derive water from a well or a borehole as "spring water" as provided by in Rule 40-7-6-.05 entitled "Source of Water" shall have until August 1, 1992 to furnish to the Department the required hydrogeologic or geohydrologic report and comply with all aspects of Rule 40-7-6-.10 entitled "Labeling Requirements".

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.13
Authority: Ga. L. 1937-38, Extra Session p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Stools Used in Crab Meat Plants" was F. June 30, 1965.
Repealed: New Rule entitled "Compliance Grace Period" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-6-.14. Water Vending Machines.

The following shall apply to all water vending machines placed in facilities under the inspectional jurisdiction of the Department, as granted by O.C.G.A. Sec. 26-2-1*et seq.*

(1) Machine Approval. All water vending machines shall comply with the Construction Standards of the NSF International, and/or the National Automatic Merchandising Association (NAMA), and any additional standards adopted by regulation which the Department determines are reasonably necessary to protect the public health.

(2) Registration of Machines. All water vending machines under inspectional jurisdiction of the Department shall be registered with the Department. Information shall include, but not be limited to, the name of the water vending machine manufacturer being used, its model and serial numbers and a copy of the manufacturer's official listing from NSF International, or the certification for each type machine from NAMA.

(3) Machine Placement. All water vending machines under the inspectional jurisdiction of the Department shall be placed in a Department approved area, and shall be easily accessible for inspection. No machine is to be placed on the exterior of a building.

(4) All water vending machines shall comply with NAMA Standard for the Sanitary Design and Construction of Water Vending Machines, and any future revisions to this publication.

(5) Lighting. All water vending machines shall be placed in approved areas containing not less than 20 foot candles of light.

(6) Floors. All water vending machines shall be placed on floors having adequate drainage and which have no potential for pooling water and/or wastes. Floor drains to which the machine may be connected shall be properly trapped.

(7) Machine Maintenance. All water vending machines shall be subjected to a maintenance program for routine servicing. A schedule for such a program shall be present in the machine or a conspicuous service log indicating when scheduled maintenance was conducted should be present. In addition, the full maintenance schedule should be available during normal working business hours to any customer who wishes to see it at the company's place of business. The program must include written servicing instructions for the operator, technical manuals of the machine and the water treatment appurtenances involved and regularly scheduled service visits. The service log must reference clearly the required maintenance schedule; for example, if the maintenance schedule calls for a course filter change monthly, the service log must reference this so that the consumer can easily ascertain that the schedule is being met.

(8) Required Quality Tests. All water vending machine operators shall provide test results to the Department quarterly from an approved laboratory at his/her cost for the coliform group on the water the machine produces. Tests for the coliform group must be Most Probable Number of less than 1/100 ml. Additionally, water from water vending machines shall be analyzed by the operator for the Total Dissolved Solids by conductivity measurement each time the vending machine is serviced.

(9) Filling/Dispensing Mechanism. All water vending machines shall dispense water disinfected by ultraviolet light or other method approved by the Department prior to the delivery into the customer's container. In addition, the filling/dispensing mechanism shall be so designed that it is protected from contact with the rim and lid of the take home container making the filling operation a contamination free process.

(10) Water Source. Source water for all vending machines shall be from a Department approved source.

(11) Required Vending Sign. A conspicuous sign which clearly warns the consumer that they are responsible for the cleanliness of their take home container into which they vend water must be provided. A suggested format is: "Notice, as a valued customer you are reminded that your container, if not sanitary, will contaminate this water and pose a possible health hazard." Size of letters for this sign not to be less than 1/8" high and be conspicuous in layout. Additionally, a sign shall be posted with the name, address of the operator, and a local telephone number that can be called for further information, service, or complaints. Such sign shall be clearly visible to consumers.

Appendix A

Unregulated Volatile Organic

Contaminants

Group III

Chloroform

Bromodichloromethane

Chlorodibromomethane

Bromoform

Dibromomethane

m-Dichlorobenzene

1,1-Dichloropropene

1,1-Dichloroethane

1,1,2,2-Tetracholorethane

1,3-Dichloropropane

Chloromethane

Bromomethane

1,2,3,-Trichloropropane

1,1,1,2-Tetrachloroethane

Chloroethane

2,2-Dichloropropane

o-Chlorotoluene

p-Chlorotoluene

Bromobenzene

1,3-Dichloropropene

Group IV 1,2,4-Trimethylbenzene

1,2,3-Trichlorobenzene

n-Propylbenzene

n-Butylbenzene

Naphthalene

Hexachlorobutadiene

1,3,5-Trimethylbenzene

p-Isopropyltoluene

Isopropylbenzene

Tert-butylbenzene

Sec-butylbenzene

Fluorotrichloromethane

Dichlorofluoromethane

Bromochloromethane

Unregulated Organic

Contaminants

Aldrin

Butachlor

Carbaryl

Dicamba

Dieldrin

3-Hydrozycarbofuran

Methomyl

Metolachlor

Metribuzin

Propachlor

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.14
Authority: Ga. L. 1937-38, Extra Session p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Spray Nozzle in Crab Meat Plants" was F. June 30, 1965.
Repealed: New Rule entitled "Water Vending Machines" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-6-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.15
Authority: Ga. L. 1937-38, Extra Session p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Hand Washing Facilities in Crab Meat Plants" was F. June 30, 1965.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-6-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.16
Authority: Ga. L. 1937-38, Extra Session p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Utensil Washing Facilities in Crab Meat Plants" was F. June 30, 1965.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-6-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.17
Authority: Ga. L. 1937-38, Extra Session p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Can Sanitizing Facilities in Crab Meat Plants" was F. June 30, 1965.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-6-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.18
Authority: Ga. L. 1937-38, Extra Session p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Sanitizing Utensils and Equipment in Crab Meat Plants" was F. June 30, 1965.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-6-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.19
Authority: Ga. L. 1937-38, Extra Session p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Personal Cleanliness of Employees in Crab Meat Plants" was F. June 30, 1965.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-6-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-6-.20
Authority: Ga. L. 1937-38, Extra Session p. 332; Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Cleanliness in Crab Meat Processing and Packing" was F. June 30, 1965.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Subject 40-7-7. ADDITIONAL REGULATIONS APPLICABLE TO PECANS.

Rule 40-7-7-.01. Definition of Terms.

(1) As used in these regulations, the words set forth below shall have the following meanings:

(a) "Processor" - Any person, firm, partnership, or corporation engaged in the business of cracking, shelling, and grading pecan meats for sale or cleaning, grading, storing, bagging, or selling of in-shell pecans, but this term shall not include persons engaged solely in retail sales to the consumer.

(b) "Grower" - Any producer of pecans who does not engage in the business of a processor as defined above and who does not sell any pecans at wholesale other than those grown by him.

(c) "Wholesaler" - Any person, firm, partnership, or corporation other than a grower, as defined herein, who sells pecans to others for the purpose of resale. This term shall not apply to anyone selling pecans only direct to the consumer unless also engaged in the business of processing as herein defined.

(d) "Retailer" - Any person, firm, partnership, or corporation other than a grower, as defined herein, who sells pecans direct to the consumer unless also engaged in the business of processing or wholesaling as herein defined.

(e) "Pecans fit for human consumption" - Pecans fit for human consumption sold at retail shall be those shelled or in-shell pecans that meet US and Ga. standard and grades for Number 1 and Commercial; and in the case of unclassified pecans, the pecans shall not exceed the damage and seriously damage tolerances for US and Ga. standard and grades for Commercial.

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.01
Authority: Ga. L. 1956 as amended; Ga. L. 1937-38, Extra Sess. p. 332; O.C.G.A. Sec. 26-2-1*et seq.*

History. Original Rule entitled "Floors" was F. June 30, 1965.
Repealed: Now Rule entitled "Definition of Terms" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.02. License.

No person, firm, partnership or corporation shall engage in the processing of pecans or selling pecans at wholesale and/or retail, other than those grown by him, within the State of Georgia without first obtaining from the Department of Agriculture of the State of Georgia a license to do so. Application for license shall be a form prescribed by the Commissioner of Agriculture and shall remain in force unless revoked, but shall not be transferable.

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.02
Authority: Ga. L. 1956 as amended; Ga. L. 1937-38, Extra Sess. p. 332; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Cleaning Utensils and Equipment" was F. June 30, 1965.
Repealed: New Rule entitled "License" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.03. Standards and Grades.

Unless graded or classified and properly identified as to the specific grade or classification in accordance with the United States Standards for Grades of Shelled and Pecans In the Shell, all pecans sold or offered for sale in Georgia shall be graded or classified and properly identified in accordance with Georgia Standards for Grades of Shelled Pecans and Pecans In the Shell.

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.03
Authority: Ga. L. 1956 as amended; Ga. L. 1937-38, Extra Sess. p. 332; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Refrigeration" was F. June 30, 1965.
Repealed: New Rule entitled "Standards and Grade Classifications" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.04. Georgia Standards for Grades of Shelled Pecans.

(1) Georgia No. 1 Halves consist of pecan half kernels which meet the following requirements:

   (a) For quality: Well dried; fairly well developed, fairly uniform in color; not darker than "amber" skin color; free from damage or serious damage by any cause; free from pieces of shell, center wall and foreign material; and comply with tolerances for defects (see Rule 40-7-7-.08).

   (b) For size: Halves are fairly uniform in size; halves conform to size classification or count specified; and comply with tolerances for pieces, particles, and dust (see Rule 40-7-7-.06).

(2) Georgia No. 1 Halves and Pieces. The requirements for this grade are the same as those for Georgia No. 1 Halves except:

(a) For size: At least 50 percent, by weight, are half kernels; both halves and pieces will not pass through a 5/16 inch round opening; and comply with tolerances for undersize. (See Table III.)

(3) Georgia No. 1 Pieces. The requirements for this grade are the same as those for Georgia No. 1 Halves except:

(a) For quality: No requirement for uniformity of color.

(b) For size: No requirement for percentage of half kernels; conform to any size classification or other size description specified; and comply with applicable tolerances for off size. (See Table III).

(4) Georgia Commercial Halves. The requirements for this grade are the same as those for Georgia No. 1 Halves except:

(a) For quality: No requirement for uniformity of color; and increased tolerances for defects. (See Rule 40-7-7-.08).

(b) For size: No requirement for uniformity of size.

(5) Georgia Commercial Halves and Pieces. The requirements for this grade are the same as those for Georgia No. 1 Halves and Pieces except:

(a) For quality: No requirement for uniformity of color; and increased tolerances for defects. (See Rule 40-7-748.)

(6) Georgia Commercial Pieces. The requirements this grade are the same as those for Georgia. No. 1 Pieces except for:

(a) Increased tolerances for defects. (See Rule 40-7-7-.08.)

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.04
Authority: Ga. L. 1956 as amended; Ga. L. 1937-38, Extra Sess. p. 332; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Sale of Oysters" was F. June 30, 1965.
Repealed: New Rule entitled "Georgia Standards for Grades of Shelled Pecans" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.05. Color Classifications for Shelled Pecans.

(1) The skin color of pecan kernels may be described in terms of the color classifications provided in this section. When the color of kernels in a lot generally conforms to the "light" or "light amber" classification, that color classification may be used to describe the lot in connection with the grade.

(a) "Light" means that the kernel is mostly golden color or lighter, with not more than 25 percent of the surface darker than golden, and none of the surface darker than light brown.

(b) "Light Amber" means that the kernel has more than 25 percent of its surface light brown, but not more than 25 percent of the surface darker than light brown, and none of the surface darker than medium brown.

(c) "Amber" means that the kernel has more than 25 percent of the surface medium brown, but not more than 25 percent of the surface darker than medium brown, and none of the surface darker than dark brown (very dark brown or blackish-brown discoloration).

(d) "Dark Amber" means that the kernel has more than 25 percent of the surface dark brown, but not more than 25 percent of the surface darker than dark brown (very dark brown or blackish-brown discoloration).

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.05
Authority: Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Color Classifications for Shelled Pecans" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.06. Size Classifications for Shelled Halves.

(1) The size of pecan halves in a lot may be specified in accordance with one of the size classifications shown in Table I.

TABLE I

Size Classifications for Pecan Halves

Size classifications for halves	Number of halves per pound
Georgia Grands	200 or less
Mammoth	251 - 300
Junior Mammoth	251-300
Jumbo	301-350
Extra large	351-450
Large	451-550
Medium	551-650
Small (topper)	651-750
Extra Small	751 or More

(a) The number of halves per pound shall be based upon the weight of half kernels after all pieces, particles and dust, shell, center wall, and foreign material have been removed.

(b) In lieu of the size classifications in Table I, the size of pecan halves in a lot may be specified in terms of the number of halves or a range of numbers of halves per pound. For example, "400" or "600 - 700".

(c) Tolerance for count per pound: In order to allow for variations incident to proper sizing, a tolerance shall be permitted as follows:

1. When an exact number of halves per pound is specified, the actual count per pound may vary not more than 5 percent from the specified number; and

2. When any size classification shown in Table I or a range in count per pound is specified, no tolerance shall be allowed for counts outside of the specified range.

(d) Tolerances for pieces, particles, and dust. In order to allow for variations incident to proper sizing and handling, not more than 15 percent, by weight, of any lot may consist of pieces, particles, and dust: Provided, that no more than one-third of this amount, or 5 percent, shall be allowed for portions less than one-half of a complete half kernel, including not more than 1 percent for particles and dust.

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.06
Authority: Ga. L. 1956 as amended; O.C.G.A. § 26-2-1 et seq.
History. Original Rule entitled "Size Classifications for Shelled Halves" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. May 8, 2020; eff. May 28, 2020.

Rule 40-7-7-.07. Size Classifications for Shelled Pieces.

(1) The size of pecan pieces in a lot may be specified in accordance with one of the size classifications shown in Table II. Pecan pieces smaller than granules as defined below shall be considered Pecan Meal.

Table II

Tolerance for Size of Pieces

Size Classification	Maximum diameter (will pass through round opening of following diameter)	Minimum diameter (will not pass through round opening of following diameter)
Mammoth Pieces	No Limitation	8/16 Inch

Extra Large Pieces	9/16 Inch	7/16 Inch
Halves and Pieces	No Limitation	5/16 Inch
Large Pieces	8/16 Inch	5/16 Inch
Medium Pieces	6/16 Inch	3/16 Inch
Small Pieces	4/16 Inch	2/16 Inch
Midget Pieces	3/16 Inch	1/16 Inch
Granules	1/16 Inch	1/16 Inch

(a) In lieu of the size classifications in Table II, the size of pieces in a lot may be specified in terms of minimum diameter, or as a range described in terms of minimum and maximum diameters expressed in sixteenths or sixty-fourths of an inch.

(b) Tolerances for size of pieces: In order to allow for variations incident to proper sizing, tolerances are provided for pieces in a lot which fail to meet the requirements of any size specified. The tolerances, by weight, are shown in Table III.

Table III

Tolerance for Offsize Pieces

Size Classification	Total Tolerance for Offsize Pieces	Tolerance (Included in Total Tolerance) for Pieces Smaller than	
		2/16 Inch	1/16 Inch
Mammoth Pieces	15%	1%	-
Extra Large Pieces	15%	1%	-
Halves and Pieces	15%	1%	-
Large Pieces	15%	1%	-
Medium Pieces	15%	2%	-
Small Pieces	15%	2%	-
Midget Pieces	15%	-	2%
Granules	15%	-	5%
Other Specified Size	15%	1	-

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.07
Authority: Ga. L. 1956 as amended; O.C.G.A. § 26-2-1 et seq.

History. Original Rule entitled "Size Classifications for Shelled Pieces" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. May 8, 2020; eff. May 28, 2020.

Rule 40-7-7-.08. Tolerances for Defects for Shelled Pecans.

(1) In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by weight, are provided as specified:

(a) Georgia No. 1 Halves, Georgia No. 1 Halves and Pieces, and Georgia No. 1 Pieces grades: 0.05 percent for shell, center wall, and foreign material; 3 percent for portions of kernels which are "dark amber" or darker color, or darker than any specified lighter color classification but which are not otherwise defective; and 3 percent for portions of kernels which fail to meet the remaining requirements of the grade, including therein not more than 0.50 percent for defects causing serious damage-provided, that any unused portion of this tolerance may be applied to increase the tolerance for kernels which are "dark amber" or darker color, or darker than any specified light color classification.

(b) Georgia Commercial Halves, Georgia Commercial Halves and Pieces, and Georgia Commercial Pieces grades: 0.15 percent for shell, center wall and foreign material; 25 percent for portions of kernels which are "dark amber" or darker color, or darker than any specified lighter color classification, but which are not otherwise defective; and 8 percent for portions of kernels which fail to meet the remaining requirements of the grade, including therein not more than 1 percent for defects causing serious damage.

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.08
Authority: Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq*.
History. Original Rule entitled "Tolerance for Defects for Shelled Pecans Wholesaler" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.09. Application of Standards for Shelled Pecans.

The grade of a lot of Shelled pecans shall be determined on the basis of a composite sample drawn at random from containers in various locations in the lot. However, any identifiable container or number of containers in which the pecans are obviously of a quality or size materially different from that in the majority of containers, shall be considered as a separate lot, and shall be sampled and graded separate lot, and shall be sampled and graded separately.

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.09
Authority: Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq*.
History. Original Rule entitled "Application of Standards for Shelled Pecans" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.10. Terms Used in Interpreting the Standards for Grades of Shelled Pecans.

(1) "Half Kernel" means one of the separated halves of an entire pecan kernel with not more than one-eight of its original volume missing, exclusive of the portion which formerly connected the two halves of the kernel.

(2) "Piece" means a portion of a kernel which is less than seven-eighths of a half kernel, but which will not pass through a round opening two-sixteenths inch in diameter.

(3) "Particles and dust" means, for all size designations except "midget pieces" and "granules," fragments of kernels which will pass through a round opening two-sixteenths inch in diameter.

(4) "Well dried" means that the portion of kernel is firm and crisp, not pliable or leathery.

(5) "Fairly well developed" means that the kernel has at least a moderate amount of meat in proportion to its width and length. (See Figure 1.)

Figure 1

CROSS SECTION ILLUSTRATION

1. WELL DEVELOPED

   Lower limit. Kernels having less meat content than these are not considered well developed.

2. FAIRLY WELL DEVELOPED

   Lower limit for U. S. No. 1 grade. Kernels having less meat content than these are not considered fairly well developed and are classed as damaged.

3. POORLY DEVELOPED

   Lower limit, damaged but not seriously damaged. Kernels having less meat content than these are considered undeveloped and are classed as seriously damaged.

(6) "Poorly developed" means that the kernel has a small amount of meat in proportion to its width and length. (See Figure 1).

(7) "Fairly uniform in color" means that 90 percent or more of the kernels in the lot have skin color within the range of one or two color classifications.

(8) "Fairly uniform in size" means that, in a representative sample of 100 halves, the 10 smallest halves weigh not less than one-half as much as the 10 largest halves.

(9) "Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual portion of the kernel or of the lot as a whole. The following defects should be considered as damage:

(a) Adhering material from inside the shell when attached to more than one-fourth of the surface on one side of the half-kernel or piece.

(b) Dust or dirt adhering to the kernel when conspicuous.

(c) Kernel which is not well dried.

(d) Kernel which is "dark amber" or darker color.

(e) Kernel having more than one dark kernel spot, or one dark kernel spot more than one-eighth inch in greatest dimension.

(f) Shriveling when the surface of the kernel is very conspicuously wrinkled.

(g) Internal flesh discoloration of a medium shade of gray or brown extending more than one-fourth the length of the half-kernel or piece, or lesser areas of dark discoloration affecting the appearance to an equal or greater extent.

(h) "Poorly developed kernel." (See Figure 1.)

(10) "Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual portion of kernel or of the lot as a whole. The following defects shall be considered as serious damage:

(a) Any plainly visible mold.

(b) Rancidity when the kernel is distinctly rancid to the taste. Staleness of flavor shall not be classed as rancidity.

(c) Decay affecting any portion of the kernel.

(d) Insects, web, or frass or any distinct evidence of insect feeding on the kernel.

(e) Internal discoloration which is dark gray, dark brown, or black and extends more than one-third the length of the half-kernel or piece.

(f) Adhering material from inside the shell when attached to more than one-half of the surface on one side of the half-kernel or piece.

(g) Dark Kernel spots when more than three are on the kernel, or when any dark kernel spot or the aggregate of two or more spots affect an area of more than 10 percent of the surface of the half kernel or piece.

(h) Dark skin discoloration, darker than "dark brown," when covering more than one-fourth of the surface of the half kernel or piece.

(i) Undeveloped kernel. (See Figure 1.)

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.10
Authority: Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2.1*et seq.*
History. Original Rule entitled "Terms Used in Interpreting the Grades of Shelled Pecans" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.11. Metric Conversion Table.

METRIC CONVERSION TABLE

§51.1451 Metric conversion table

Inches	Millimeters (mm)
8/16	12.7
7/16	11.1
6/16	9.5
5/16	7.9
4/16	6.4
3/16	4.8
2/16	3.2
6/64	2.4
5/64	2.0
1/16	1.6

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.11
Authority: Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Metric Conversion Table" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.12. Georgia Standards for Grades of Pecans In the Shell.

(1) Georgia No. 1 consists of pecans in the shell which meet the following requirements:

(a) Free from loose extraneous or foreign material.

(b) Shells are fairly uniform in color and free from damage by any cause.

(c) Kernels are free from damage by any cause.

(d) Comply with tolerances in Paragraph 40-7-7-.15(1).

(2) Georgia Commercial. The requirements for this grade are the same as for Georgia No. 1 except for:

(a) No requirement for uniformity of color of shells.

(b) Increased tolerances for defects. (See Paragraph 40-7-7-.16(2).

(3) Unclassified consists of pecans in the shell which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.12
Authority: Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Georgia Standards for Grades of Pecans In the Shell" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.13. Size Classifications for Pecans in the Shell.

Size of pecans may be specified in connection with the grade in accordance with one of the following classifications. To meet the requirements for any one of these classifications, the lot must conform to both the specified number of nuts per pound and the weight of the 10 smallest nuts per 100-nut sample:

Size classification	Number of pound	Minimum weight of the nuts per 10 smallest nuts in a 100-nut sample
Oversize	55 or less	In each classification, the 10 smallest nuts per 100 must weigh at least 7 percent of the total weight of the 100-nut sample.
Extra large	56 to 63	
Large	64 to 77	
Medium	78 to 95	

Small	96 to 120

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.13
Authority: Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2.1*et seq*.
History. Original Rule entitled "Size Classifications for Pecans in the Shell" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.14. Kernel Color Classification for Pecans in the Shell.

(1) The skin color of pecan kernels may be described in terms of the color classifications provided in this section. When the color of kernels in a lot generally conforms to the "light" or "light amber" classification, that color classification may be used to describe the lot in connection with the grade.

(a) "Light" means that the outer surface of the kernel is mostly golden color or lighter, with not more than 25 percent of the outer surface darker than golden, none of which is darker than light brown.

(b) "Light amber" means that more than 25 percent of the outer surface of the kernel is light brown, with not more than 25 percent of the outer surface darker than light brown, none of which is darker than medium brown.

(c) "Amber" means that more than 25 percent of the outer surface of the kernel is medium brown, with not more than 26 percent of the outer surface darker than medium brown, none of which is darker than dark brown (very dark brown or blackish-brown discoloration).

(d) "Dark amber" means that more than 25 percent of the outer surface of the kernel is dark brown, with not more than 25 percent of the outer surface darker than dark brown (very dark brown or blackish-brown discoloration).

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.14
Authority: Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq*.
History. Original Rule entitled "Kernel Color for Pecans In the Shell" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.15. Tolerances for Defects for Pecans in the Shell.

(1) In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(a) Georgia No. 1:

1. For shell defects, by count, allow 5 percent for pecans with damaged shells, including therein not more than 2 percent for shells which are seriously damaged.

2. For kernel defects, by count, allow 12 percent for pecans with kernels which fail to meet the requirements for the grade or for any specified color classification, including therein not more than 5 percent for kernels which are seriously damaged by any cause. In addition, 8 percent for kernels which fail to meet the color requirements for the grade or for any specified color classification, but which are not seriously damaged by dark discoloration of the skin-provided, that these kernels meet the requirements for the grade other than skin color.

3. For loose extraneous or foreign material, by weight, allow 0.6 percent (one-half of 1 percent).

(b) Georgia Commercial:

1. For shell defects, by count, allow 10 percent for pecans with damaged shells, including therein not more than 3 percent for shells which are seriously damaged.

2. For kernel defects, by count, allow 30 percent for pecans with kernels which fail to meet the requirement of the Georgia No. 1 grade, including therein not more than 10 percent for pecans with kernels which are seriously damaged-provided, that not more than six-tenths of this amount, or 6 percent, shall be allowed for kernels which are rancid, moldy, decayed or injured by insects.

3. For loose extraneous or foreign material, by weight, allow 0.5 percent (one-half of 1 percent).

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.15
Authority: Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq*.
History. Original Rule entitled "Tolerance for Defects for Pecans in the Shell" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.16. Application of Standards for Pecans in the Shell.

The grade of a lot of pecans shall be determined on the basis of a composite sample drawn at random from containers in various locations in the lot. However, any identifiable containers in which the pecans are obviously of a quality or size materially different from that in the majority of containers, shall be considered as a separate lot, and shall be sampled and graded separately.

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.16
Authority: Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq*.
History. Original Rule entitled "Application of Standards for Pecans in the Shell" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.17. Terms Used in Interpreting the Standards for Grades of Pecans in the Shell.

(1) "Fairly uniform in color" means that the shells do not show sufficient variation in color to materially detract from the general appearance of the lot.

(2) "Loose extraneous or foreign material" means loose hulls, empty broken shells, or any substance other than pecans in the shell or pecan kernels.

(3) "Well developed" means that the kernel has a large amount of meat in proportion to its width and length. (See Figure 1).

(4) "Fairly well developed" means that the kernel has at least a moderate amount of meat in proportion to its width and length. Shriveling and hollowness shall be considered only to the extent that they have reduced the meatiness of the kernel. (See Figure 1.)

(5) "Poorly developed" means that the kernel has a small amount of meat in proportion to its width and length. (See Figure 1.)

(6) "Well cured" means that the kernel separates freely from the shell, breaks cleanly when bent, without splintering, shattering, or loosening the skin; and the kernel appears to be in good shipping or storage condition as to moisture content.

(7) "Damage" means any specific defect described in this section; or any equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual pecan or the general appearance of the pecans in the lot. The following defects shall be considered as damage:

   (a) Adhering hull material or dark stains affecting an aggregate of more than 5 percent of the surface of the individual shell.

   (b) Split or cracked shells when the shell is spread apart or will spread upon application of slight pressure.

   (c) Broken shells when any portion of the shell is missing.

   (d) Kernels which are not well cured.

   (e) Poorly developed kernels.

(f) Kernels which are dark amber in color.

(g) Kernel spots when more than one dark spot is present on either half of the kernel, or when any such spot is more than one eighth inch in greatest dimension.

(h) Adhering material from the inside of the shell when firmly attached to more than one-third of the outer surface of the kernel and contrastive in color with the skin of the kernel.

(i) Internal flesh discoloration of a medium shade of gray or brown extending more than one-fourth inch lengthwise beneath the center ridge, or an equally objectionable amount in other portions of the kernel; or lesser areas of dark discoloration affecting the appearance to an equal or greater extent.

(8) "Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual pecan. The following defects shall be considered as serious damage:

(a) Adhering hull material or dark stains affecting an aggregate of more than 20 percent of the surface of the individual shell.

(b) Broken shells when the missing portion of shell is greater in area than a circle one-fourth inch in diameter.

(c) Worm holes when penetrating the shell.

(d) Rancidity when the kernel is distinctly rancid to the taste. Staleness of flavor shall not be classed as rancidity.

(e) Mold, on the surface or inside the kernel, which is plainly visible without magnification.

(f) Decay affecting any portion of the kernel.

(g) Insect injury when the insect, web or frass is present inside the shell, or the kernel shows distinct evidence of insect feeding.

(h) Kernel spots when more than three dark spots are on either half of the kernel, or when any spot or the aggregate of two or more spots on one of the halves of the kernel affects more than 10 percent of the surface.

(i) Dark discoloration of the skin which is darker than dark amber over more than 25 percent of the outer surface of the kernel.

(j) Internal flesh discoloration of a dark shade extending more than one-third the length of the kernel beneath the ridge, or an equally objectionable amount of dark discoloration in other portions of the kernel.

(k) Undeveloped kernels having practically no food value, or which are black (complete shell containing no kernel).

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.17
Authority: Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq*.
History. Original Rule entitled "Terms Used in Interpreting the Standards for Grades of Pecans in the Shell" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.18. Identification and Labeling by Processor and Wholesaler.

All pecans sold or offered for sale in Georgia by a processor or wholesaler shall be properly identified and labeled in accordance with the appropriate United States or Georgia grade or classification. An invoice indicating the proper identification and labeling and where the particular lot of pecans can be identified by the invoice would satisfy this requirement. Additionally, each processor or wholesaler shall maintain an invoice record of each sale and purchase for a period of one year. The invoice record of each sale and purchase shall indicate the proper United States or Georgia grade or classification, and this record shall be made available to a Georgia Department of Agriculture inspector upon request.

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.18
Authority: Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq*.
History. Original Rule entitled "Identification and Labeling by Processor and Wholesaler" adopted. F. Apr. 30, 1966; eff. May 20, 1996.

Rule 40-7-7-.19. Retail Sale and Labeling of Pecans.

(1) Pecans in the Shell. Only in the shell pecans defined as fit for human consumption shall be sold or offered for sale at retail in Georgia. When in package form, the pecans shall be labeled giving the name and grade or classification of the product; accurate net contents in terms of weight; and the name and address of manufacturer, distributor or retailer. The grade or classification shall be indicated in conjunction with the product name and shall be at least 1/2 the print size of the product name. When commercial and unclassified pecans in the shell are sold at retail in package form, the following statement shall be indicated in conjunction with the grade or classification: "Product contains at least 70% Number 1 Nuts." This statement shall be the same size print as the grade or classification. When pecans are sold from bulk, there shall be attached to the container from which the sale is being made a sign which shall be clearly visible to the customer giving the grade or classification of the pecans. When commercial and unclassified pecans in the shell are sold at retail from bulk, the following statement shall be indicated in conjunction with the

grade or classification: "Product contains at least 70% Number 1 Nuts." This statement shall be same size print as the grade or classification.

(2) Shelled pecans. Only shelled pecans defined as fit for human consumption shall be sold or offered for sale at retail in Georgia. When in package form, the pecans shall be labeled giving the name and grade of classification of the product; accurate net contents in terms of weight; and the name and address of manufacturer, distributor, or retailer. The grade or classification shall be indicated in conjunction with the product name and shall be at least ½ the print size of the product name. When commercial and unclassified shelled pecans are sold at retail in package form, the following statement shall be indicated in conjunction with the grade or classification: "Product contains at least 67% Number 1 Nuts." This statement shall be the same size print as the grade or classification. When pecans are sold from bulk, there shall be attached to the container from which the sale is being made a sign which shall be clearly visible to the customer giving the grade or classification of the pecans. When commercial and unclassified shelled pecans are sold at retail from bulk, the following statement shall be indicated in conjunction with the grade or classification: "Product contains at least 67% Number 1 Nuts." This statement shall be same size print as the grade or classification.

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.19
Authority: Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Retail Sale and Labeling of Pecans" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.20. Reconditioning, Regrading, and/or Destruction of Pecans.

(1) Pecans in the shell and shelled pecans found not to meet the required and prescribed grade or classification may be permitted to be reconditioned or regraded under supervision of a Georgia Department of Agriculture Inspector. Otherwise, the pecans will have to be crushed or denatured and disposed of by a method approved by the Georgia Department of Agriculture.

(2) Pecans in the shell and shelled pecans found unacceptable for human consumption and pecans removed during the grading process (blow outs, etc.) shall be crushed or denatured and disposed of by a method approved by the Georgia Department of Agriculture.

(3) Reconditioning, regrading, and/or destruction of pecans in no way exempts the Department from initiating appropriate action and remedies as provided by Georgia law.

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.20
Authority: Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Reconditioning, Regrading, and/or Destruction of Pecans" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.21. Frotscher Color Exemption.

When grading or classifying pecans in the shell and shelled pecans as Ga. No. 1, Georgia Commercial, or Georgia Unclassified, color which is directly related to the genetic characteristic of the Frotscher pecan shall not be considered as damage.

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.21
Authority: Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq*.
History. Original Rule entitled "Frotscher Color Exemption" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.22. Grower Exemption.

Any producer of pecans who does not engage in the business of a processor and who does not sell any pecans at wholesale and retail other than those grown by him is exempt from the licensing, grading, and labeling requirements.

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.22
Authority: Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq*.
History. Original Rule entitled "Grower Exemption" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.23. Limitation of the Term "New Crop".

No person is allowed to use term "New Crop" in advertising, displaying, selling, offering for sale, or holding for the purpose of selling pecans after the month of June following the harvest.

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.23
Authority: Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq*.
History. Original Rule entitled "Limitation of the Term New Crop" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-7-.24. Effective Date.

With the exception of the labeling requirements with reference to grade or classification and per cent damaged pecan statement, the rules and regulations shall become effective July 1, 1975. That part of rules and regulations dealing with labeling requirements of grade or classification and per cent damaged pecan statement shall become effective September 1. 1976.

Cite as Ga. Comp. R. & Regs. R. 40-7-7-.24
Authority: Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1*et seq*.
History. Original Rule entitled "Effective Date" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Subject 40-7-8. ADDITIONAL REGULATIONS APPLICABLE TO VIDALIA ONIONS.

Rule 40-7-8-.01. Scope of Regulations.

The following regulations shall apply to all persons involved in the production, packaging, processing, holding, storing, distribution and sales of Vidalia onions.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.01
Authority: O.C.G.A. Secs. 2-14-133, 26-2-1*et seq.*
History. Original Rule entitled "Decomposition of Nuts" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Scope of Regulations" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Dec. 13, 1996; eff. Jan. 2, 1997.
Amended: F. Mar. 4, 2004; eff. Mar. 24, 2004.
Repealed: New Rule of same title adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.

Rule 40-7-8-.02. Definitions.

(1) The following words or terms shall have the meaning set forth herein when used in these rules and regulations:

(a) "*Handle*" or "*Ship*" means to package, load, sell, transport, or in any other way to place Vidalia onions, or cause Vidalia onions to be placed, in the current of commerce within the production area or between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery of field-run Vidalia onions to a person within the production area for the purpose of having such Vidalia onions prepared for market. Nothing contained in this definition shall authorize the repacking of Vidalia onions except as specifically authorized under Paragraph 40-7-8-.08(1)(f) 2. of these rules.

(b) "*Handler*" is synonymous with "*Shipper*" and means any person within the Vidalia onion production area (*except a common contract carrier of Vidalia onions owned by another person*) who handles Vidalia onions, or causes Vidalia onions to be handled.

(c) "*Person*" means any association, individual, partnership, corporation or any other legal entity.

(d) "*Producer*" is synonymous with "*grower*" and means any person engaged in a proprietary capacity in the production of Vidalia onions for market.

(e) "*Producer-Handler*" means a producer who handles Vidalia onions.

(f) "*Vidalia Onion Advisory Panel*" means the advisory panel established pursuant to Code Section 2-14-138.

(g) "*Vidalia Onion Variety*" means varieties of **Allium Cepa** of the hybrid granex, granex parentage or other similar varieties. The Commissioner may limit the usage of certain varieties or authorize the inclusion of new varieties based upon recommendation of the Director of the Experiment Stations of the College of Agricultural and Environmental Sciences of the University of Georgia.

(h) "*Vidalia Onion*" means any onion of the type defined in paragraph (g) of this section and produced in the "Vidalia Onion Production Area" as defined in paragraph (i) of this section.

(i) "Vidalia Onion Production Area" means a specific production area which encompasses only that part of the state particularly described as follows:

Beginning at a point in Laurens County where U. S. Highway 441 intersects Highway 16; thence continue southerly along U. S. Highway 441 to a point where it intersects the southern boundary of Laurens County; thence southwesterly along the border of Laurens County to a point where it intersects the county road known as Jay Bird Springs Road; thence southeasterly along Jay Bird Springs Road to a point where U. S. Highway 23 intersects the western border of Telfair County; thence southwesterly following the western and southern county border of Telfair County to a point where it intersects with Jeff Davis County; thence following the southern border of Jeff Davis County to a point where it intersects the western border of Bacon County; thence southerly and easterly along the border of Bacon county to a point where it intersects Georgia State Road 32; thence easterly along Georgia State Road 32 to Seaboard Coastline Railroad; thence northeasterly along the tracks of Seaboard Coastline Railroad to a point where they intersect Long County and Liberty County; thence northwesterly and northerly along the southwestern border of Liberty county to a point where the border of Liberty County intersects the southern border of Evans County; thence northeasterly along the eastern border of Evans County to the intersection of the Bulloch County border; thence northeasterly along the Bulloch County border to a point where it intersects with the Ogeechee River; thence northerly along the main channel of the Ogeechee River to a point where it intersects with the southeastern border of Screven County; thence northeasterly along the southeasterly border of Screven County to the main channel of the Savannah River; thence northerly along the main channel of the Savannah River to a point where the northwestern boundary of Hampton County, South Carolina intersects the Savannah River; thence due west to a point where State Road 24 intersects Brannen Bridge Road; thence westerly along Brannen Bridge Road to a point where it intersects with State Road 21; thence westerly along State Road 21 to the intersection of State Road 17; thence westerly along State Road 17 to the intersection of State Road 56 and southerly to the northern border of Emanuel County; thence westerly and southerly along the boundary of Emanuel County to a point where it intersects the Treutlen County border; thence southerly to a point where the Treutlen County border intersects

Interstate Highway 16; thence westerly to the point of beginning in Laurens County.

(j) "*Registration*" means a process whereby persons desiring to produce and/or pack onions for marketing as Vidalia onions are registered by the Department as Vidalia Onion Producers and/or Packers. Nothing contained in this definition shall authorize the repacking of Vidalia onions except as specifically authorized under Paragraph 40-7-8-.08(1)(f) 2. of these rules.

(k) "*Department*" means the Department of Agriculture of the State of Georgia.

(l) "*Commissioner*" means the Commissioner of Agriculture of the State of Georgia.

(m) "*Label*" means a display of written, printed or graphic matter upon the immediate container of Vidalia onions.

(n) "*Labeling*" means all labels and other written, printed or graphic matter, including advertising, upon an article or any of its containers or wrappers, or accompanying such article.

(o) "*Georgia Federal-State Shipping Point Inspection Service*" or "*Inspection Service*" is the Corporation authorized by the Department to conduct inspection, certification, and identification of the class, quantity, quality and condition of agricultural products in Georgia.

(p) "*Pack*" means the initial placement of Vidalia onions into properly labeled containers by grower/packers or packers within the Vidalia onion production area only who have been properly certified and registered by the Department.

(q) "*Repack/Repacking*" means the removing of Vidalia onions by any individual from initially-packed containers, as described in (p) above of this subparagraph, and subsequently placing those same onions into any other like or unlike containers bearing the registered U.S. Certification Mark "VIDALIA®".

(r) "*Packing Date*" means the first day on which Vidalia Onions® may be packed and shipped into commerce.

(s) "*Green onion*" means any onion which has been harvested young before the bulb has developed or enlarged, and which still has the green tubular top intact.

(t) "*Other Yellow Onion*" means any yellow onion that is not of the type defined in paragraph (g) of this section and/or is grown outside of the Vidalia Onion Production Area as defined in paragraph (i) of this section.

(u) "*Transition Period*" means a defined period of time during which other yellow onions and Vidalia Onions are permitted to be in the same facility.

(v) "*Packing Facility*" means a building, shed, or other structure in, under or around which onions intended for the fresh market will or may be graded, packed, stored, loaded, or unloaded. Separate businesses operating and/or activities taking place under a common roof or within a common structure shall be considered to function as a single packing facility for purposes of these rules regardless of whether said businesses or activities are entirely divided by walls or other structures designed to prevent the movement of people and/or products between areas contained under the common roof or within the common structure.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.02
Authority: O.C.G.A. §§ 2-14-131, 2-14-133, 26-2-1*et seq.*
History. Original Rule entitled "Rejected Nuts" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Definitions" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Dec. 13, 1996; eff. Jan. 2, 1997.
Amended: F. Sept. 3, 1999; eff. Sept. 23, 1999.
Amended: ER. 40-7-8-0.64-.02(g) adopted. F. and eff. Sept. 8, 2000; the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: F. June 5, 2001; eff. June 25, 2001.
Amended:F. Mar. 4, 2004; eff. Mar. 24, 2004.
Repealed: New Rule of same title adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.
Amended: F. Aug. 8, 2013; eff. Aug. 28, 2013.
Amended: F. Mar. 30, 2016; eff. Apr. 19, 2016.

Rule 40-7-8-.03. Registration.

(1) Each person who desires to produce and/or package onions as Vidalia onions must register with the Commissioner on or before March 1 of each year. Failure to register by March 1 may result in a monetary penalty of up to $1,000.00. No applications for registration will be accepted after the 15th day of April. Registration applications are to be filled out completely and accurately. If acreage planted should change, or any other information such as name, address, label information or packer from that indicated on the report filed by March 1, then a supplemental report shall be submitted no later than April 15. Additionally, each person who desires to produce green onions and utilize the name Vidalia in connection with the sale, advertising, distribution, or marketing of such onions, must register on or before October 1 of each year.

(2) Registration applications shall be completed and submitted online through the Department's Licensing Division at http://agr.georgia.gov.

(3) The Commissioner may deny or revoke registration of any person for failure to register by deadline, violating any of these regulations, or for any intentional misrepresentation of a material fact in the registration application.

(4) Registration is not transferable.

(5) No person shall pack Vidalia onions unless said person and the grower of such onions are both properly registered.

(6) Any person who will have or may have other yellow onions and Vidalia Onions in the same facility during a Transition Period shall acknowledge the same in the application for Registration.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.03
Authority: Ga. L. 1956 as amended; O.C.G.A. §§ 2-14-133, 26-2-1*et seq.*
History. Original Rule entitled "Labeling of Packaged Nuts" was F. June 30, 1965.
Repealed: New Rule entitled "Registration" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: F. Dec. 13, 1996; eff. Jan. 2, 1997.
Amended: F. Mar. 4, 2004; eff. Mar. 24, 2004.
Repealed: New Rule of same title adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.
Amended: F. Mar. 30, 2016; eff. Apr. 19, 2016.

Rule 40-7-8-.03.1. Vidalia Onions Varieties Allowed to Be Grown.

(a) Upon recommendation of the Director of the Experiment Stations of the College of Agricultural and Environmental Sciences of the University of Georgia, the Commissioner will authorize onion varieties to be included as a "*Vidalia onion variety*" as defined in Rule 40-7-8-.02(g) and to be planted and marketed as Vidalia onions or Vidalia green onions. The authorized onion varieties will be listed and published online at http://agr.georgia.gov, as well as on the Vidalia grower/packer application, and will be updated as necessary.

(b) Any and all onion varieties not included on the published list referenced in paragraph (a) above are specifically limited and excluded from being planted and marketed as Vidalia onions or Vidalia green onions.

(c) No onion variety shall be listed as an authorized variety until it shall have completed three years of testing by the College of Agricultural and Environmental Sciences of the University of Georgia to evaluate shape, color, pungency, sugars, and other factors characteristic of Vidalia onions and is recommended for inclusion as a Vidalia onion by the Director of the Experiment Stations of said College.

(d) In addition to the criteria established by the Director of the Experiment Stations of the College of Agricultural and Environmental Sciences of the University of Georgia for making his/her recommendation, the following guidelines will be considered by, but not limit, the Commissioner in reviewing the recommendations of the Director for the authorization of additional varieties or limitation of existing varieties:

(1) Any proposed new variety must be registered by the seed producer with the Department prior to commencement of any official test trials by a seed producer, onion grower, or the Director; such registration shall include, without limitation, the proposed name and test identification number, results of seed producer tests, and other relevant data; in the case of varieties being tested at or before the effective date of this rule, such registration shall be within sixty (60) days of the effective date of this rule.

(2) The seed producer shall furnish the Director with a representative quantity, as determined by the Director, of the new variety and of any existing approved variety for testing by an annual deadline set by the Director.

(3) The test period shall be three (*3*) consecutive years in University test trials. Test plots on individual farms (*either by the seed producer, an onion grower or the Director*) shall be limited to 0.07 acres (*approximately 3,000 square feet*) for each variety, which shall be clearly identified and segregated from plantings of approved Vidalia varieties and reported in writing by January 15th of the harvest year to the Department with appropriate lay-out maps showing the location thereof. At the completion of each test trial from an individual farm, the test plots must be completely destroyed and under no circumstances may any onions from said plots be introduced into the marketplace or sold as Vidalia onions or Vidalia green onions.

(4) Prior to planting test plots, seed producers shall furnish, in writing, to the Department the names and locations of all growers where test trials are to be conducted.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.03.1
Authority: O.C.G.A. §§ 2-13-130*et seq.*, 2-14-131, 2-14-133.
History. Original Rule entitled "Vidalia Onions Varieties Allowed to Be Grown" adopted. F. June 5, 2001; eff. June 25, 2001.
Amended: F. July 31, 2001, eff. August 20, 2001.
Amended: F. Aug. 22, 2002; eff. Sept. 11, 2002.
Amended: F. Mar. 4, 2004; eff. Mar. 24, 2004.
Repealed: New Rule of same title adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.
Amended: F. Mar. 30, 2016; eff. Apr. 19, 2016.

Rule 40-7-8-.03.2. Onion Seed Sold to Growers in Vidalia Onion Production Area.

All persons and entities selling onion seed to anyone in the Vidalia Onion Production Area shall provide a complete list of those customers to the Department no later than January 1 of each year. Required information shall include, but not be limited to, name and complete address of customer, date seed sold, variety sold and amount sold. Any such information deemed confidential shall be subject to the requirements of Paragraph 40-7-8-.18 of these rules.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.03.2
Authority: O.C.G.A. Sec. 2-14-133.
History. Original Rule entitled "Onion Seed Sold to Growers in Vidalia Production Area" adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.

Rule 40-7-8-.04. Certification Mark Agreement.

(1) Any person, entity, or business organization desiring to (a) grow; (b) pack; (c) process; (d) market; (e) sell onions as Vidalia® onions or Vidalia® green onions; and/or (f) use the "*Vidalia*®" Mark on products containing Vidalia® onions or Vidalia® green onions, must enter into an agreement with the Georgia Department of Agriculture for the use of the registered U. S. Certification Mark "*Vidalia*®".

(2) The Commissioner shall establish the terms and conditions of the agreement annually.

(3) The royalty/license fees shall be paid to and collected by the Georgia Department of Agriculture for all processed Vidalia® onions and for all products that use and incorporate Vidalia® onions in any form and shall be $0.005 for six ounces, or portion or product thereof. The royalty/license fee may be adjusted by the Commissioner upon renewal of the agreement but in no circumstance be greater that $0.005 for six ounces, or portion or product thereof. The only exceptions is in the case of frozen products or meat products that use and incorporate Vidalia® onions in any form shall be $0.001 for six ounces, or portion thereof.

(4) To calculate the royalty/license fees, the processors report to the Department the total amount of product in pounds, the poundage is then converted into weighted ounces, divide by six, and calculate the fee based on $0.005 for every six ounces.

   (a) Example 1: A processor produces 100 pounds of Vidalia® onion product. The processor sells the product in 200 eight ounce bottles.

   100 lbs x 16 (ounces) =1600 ounces.

1600 ounces ÷ 8 = 200 products (containing 8 ounces)

First six ounces (of the 8 ounce product) =

$0.005 is assessed

$0.005 x 200 products = $1.00 for first six ounces

Remaining two ounces (of the 8 ounce product) = $0.005

$0.005 x 200 products (remaining portion) = $1.00

Thus $2.00 in royalty/license fees are due and owing by the processor and to be collected by the Georgia Department of Agriculture.

(b) Example 2: A processor produces 500 pounds of Vidalia® onion product. The processor sells the product in 200 twenty-five ounce containers.

500 lbs x 16 (ounces) = 8000 ounces

8000 ounces ÷ 25 = 320 products (containing 25 ounces)

First six ounces (of the 25 ounce product) =

$0.005 is assessed

$0.005 x 320 products = $1.60 for first six ounces

Second six ounces (of the 25 ounce product) =$0.005 is assessed

$0.005 x 320 products = $1.60 for second six ounces

Third six ounces (of the 25 ounce product) =

$0.005 is assessed

$0.005 x 320 products = $1.60 for third six ounces

Fourth six ounces (of the 25 ounce product) =

$0.005 is assessed

$0.005 x 320 products = $1.60 for fourth six ounces

Remaining one ounce (of the 25 ounce product) = $0.005

$0.005 x 320 products (remaining portion) = $1.60

Thus $8.00 in royalty/license fees are due and owing by the processor and to be collected by the Georgia Department of Agriculture.

(c) Example 3: A processor produces 500 pounds of Vidalia® onion product in frozen form (e.g., frozen onion rings) or in a meat product. The processor sells the product in 500 sixteen ounce packages.

500 lbs x 16 (ounces) = 8000 ounces

8000 ounces ÷ 16 = 500 packages (containing 16 ounces)

First six ounces (of the 16 ounce package) = $0.001 is assessed

$0.001 x 500 products = $0.50 for first six ounces

Second six ounces (of the 16 ounce product) = $0.001 is assessed

$0.001 x 500 products = $0.50 for the second six ounces

Remaining four ounces (of 16 ounce product) = $0.001 is assessed

$0.001 x 500 products (remaining portion) = $0.50 for remaining four ounces

Thus $1.50 in royalty/license fees are due and owing by the processor and to be collected by the Georgia Department of Agriculture.

(5) The agreement with the Georgia Department of Agriculture must be renewed annually. The term of the agreement shall be from the date of execution through the last day of February of the next year in all cases except those for processed onions or products containing Vidalia® onions, and through the last day of the next June in the case of processed onions or products containing Vidalia® onions.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.04
Authority: O.C.G.A. Secs. 2-14-132.1, 2-14-133, 26-2-1*et seq*.
History. . Original Rule entitled "Labeling" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: Rule retitled "Certification Mark Agreement". F. Dec. 13, 1996; eff. Jan. 2, 1997.
Amended: ER. 40-7-8-0.63-.04 adopted. F. July 7, 2000; eff. July 1, 2000, as specified by the Agency.
Amended: Permanent Rule adopted. F. Sept. 8, 2000; eff. Sept. 28, 2000.
Amended: F. June 5, 2001; eff. June 25, 2001.
Amended: F. Mar. 4, 2004; eff. Mar. 24, 2004.
Repealed: New Rule of same title adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.

Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.

Rule 40-7-8-.05. Labeling.

(1) The term "*Vidalia*" may not be used in the advertising or labeling of onions or green onions sold or delivered, held, stored, or offered for sale, unless such onions are of the variety defined in paragraph (g) of Section 40-7-8-.02 of these rules, were grown in the Vidalia onion production area, and meet the other requirements of these Rules.

(2) All packaged Vidalia onions must be labeled to show:

(a) Common or usual name of the food (*onion*);

(b) An accurate statement of the quantity of the contents in terms of weight (*example: 3-pound, 5-pound, 10-pound, 25-pound, 50-pound*);

(c) The statement "*Product of Georgia*" or the official logo of "*Georgia Grown*", the use of which requires a membership with the Georgia Grown Commodity Commission, may be displayed;

(d) The name and complete address of the place of business of the producer and/or packer.

(3) All green Vidalia onions must be labeled to show:

(a) The name and complete address of the place of business of the producer and/or packer.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.05
Authority: O.C.G.A. §§ 2-14-133, 26-2-1*et seq.*
History. Original Rule entitled "Standards for Grades of Vidalia" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: Rule retitled "Labeling". F. Dec. 13, 1996; eff. Jan. 2, 1997.
Amended: F. Mar. 4, 2004; eff. Mar. 24, 2004.
Repealed: New Rule of same title adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.
Amended: F. Mar. 30, 2016; eff. Apr. 19, 2016.

Rule 40-7-8-.06. Standards for Grades of Vidalia Onions and Green Onions.

The standards and grades as adopted by the U. S. Department of Agriculture, U. S. Standards for Grades of Bermuda-Granex-Grano type onions, effective January 1, 1960, amended October 10, 1995 (*7 CFR 51.395 - 51.3209*), and U. S. Standards for Grades of Common Green Onions, effective June 20, 1947, reprinted January, 1997, and future supplements and amendments thereto, are adopted as the Standards and Grades for Vidalia onions and Vidalia green onions, except as otherwise provided in these rules.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.06
Authority: O.C.G.A. Secs. 2-14-133, 26-2-1*et seq.*
History. . Original Rule entitled "Invoices" adopted. F. May 30,1996; eff. April 20, 1996.
Amended: Rule retitled "Standards for Grades of Vidalia Onions". F. Dec. 13, 1996; eff. Jan. 2, 1997.
Amended: F. Mar. 4, 2004; eff. Mar. 24, 2004.
Repealed: New Rule of same title adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule entitled "Standards for Grades of Vidalia Onions and Vidalia Green Onions" adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.

Rule 40-7-8-.07. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.07
Authority: O.C.G.A. §§ 2-14-130*et seq.*, 2-14-133, 26-2-1 *et seq.*
History. Original Rule entitled "Right of Entry" adopted. F. May 30, 1996; eff. April 20, 1996.
Amended: Rule retitled "Handling Requirements". F. Dec. 13, 1996; eff. Jan. 2, 1997.
Amended: F. Sept. 4, 1998; eff. Sept. 24, 1998.
Amended: F. Mar. 4, 2004; eff. Mar. 24, 2004.
Repealed: New Rule entitled "Onion Pungency Analysis" adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.
Repealed: F. Mar. 30, 2016; eff. Apr. 19, 2016.

Rule 40-7-8-.08. Handling Requirements.

(1) All Vidalia onions must be graded and packed in the Vidalia onion production area. No bulk shipments of Vidalia onions to destinations outside the Vidalia onion production area for packing or storage will be allowed, except as otherwise provided in these rules. Nothing contained in this definition shall authorize the repacking of Vidalia onions except as specifically authorized under Paragraph 40-7-8-.08(1)(f)2 of these rules.

(a) Grade Requirements - No Vidalia onion may be offered for sale other than those that meet the grade standards for a U.S. No. 1, provided that the Commissioner

may establish tolerances or percentages of that Grade each marketing season upon the recommendation of the Vidalia Onion Advisory Panel.

(b) Size Requirements - Provided that unless otherwise specified, size shall be specified in connection with the grade in terms of one of the size classifications listed below:

1. "*Small*" shall be from 1 to 2 ¼ inches in diameter.

2. "*Medium*" shall be from 2 to 3 ¼ inches in diameter.

3. "*Large Medium*" shall be 2 ½ inches or larger in diameter.

4. "*Large*" or "*Jumbo*" shall be 3 inches or larger in diameter.

5. "*Colossal*" shall be 3 ¾ inches or larger in diameter.

(c) Tolerances for size: In order to allow for variations incident to proper sizing, not more than 5 percent by weight of the onions in any lot may be smaller than the minimum diameter specified. In addition, not more than 10 percent by weight, of the onions in any lot may be larger than the maximum diameter specified.

(d) Special Purpose Shipments:

1. The minimum grade, size and quality requirements set forth in previous paragraphs of this section shall not be applicable to shipments of onions for charity, relief, and processing handled in accordance with paragraph (e) of this section.

2. Gift Packages - The handling by any person of gift packages of onions shall conform to all handling, grade, size, quality and labeling requirements of this section.

3. Experimental Shipments - Upon approval of the Department, Vidalia onions may be shipped in bulk or other containers for experimental purposes, provided they are handled in accordance with paragraph (e) of this section. The shipper must furnish the Department with out-turn reports of such shipments.

4. Export Shipments - Export shipments must comply with the handling, grade, size, quality, and labeling requirements set forth in this section.

5. Onions not exempt under paragraph (d) of this section, or not handled in accordance with paragraph (d) of this section, shall be mechanically mutilated at the packing shed or physically destroyed by other means approved by the Commissioner, rendering them unsuitable for fresh market.

(e) Safeguards - Each grower or handler making shipments of onions for relief, charity, processing, or experimental purposes shall:

1. Apply to the Department for and obtain a Certificate of Privilege to make such shipments.

2. Furnish reports of each shipment made under the applicable Certificate of Privilege.

3. Such reports shall be furnished to the Department in such manner, on such forms, and at such time, as it may prescribe. Each grower or handler shall maintain records of such shipments and the records shall be subject to review and audit by the Department.

4. In addition to the provisions in the preceding paragraphs any grower or handler making shipments for processing shall:

   (i) Weigh or cause to be weighed each shipment, prior to, or upon arrival, at the processor.

   (ii) Attach a copy of the weight ticket to a completed copy of the Report of Special Purpose Shipment and return both promptly to the Department.

   (iii) Make each shipment directly to the processor or the processor's subcontractor, and attach a copy of the Report of Special Purpose Shipment.

   (iv) Each processor or processor's subcontractor who receives Vidalia onions for processing, shall weigh the onions upon receipt, complete the Report of Special Purpose Shipment which accompanies each load, and mail it immediately to the Department.

   (v) Each processor or subcontractor for any stage of processing who receives cull Vidalia onions, shall make available at its business office at any reasonable time during business hours, copies of all applicable purchase orders, sales contracts, or disposition documents for examination by the Department, to enable it to determine the disposition of the onions.

5. Cull Vidalia onions transported in bags shall be transported in 50-pound unlabeled bags.

(f) Repacking

1. Commercial repacking of Vidalia onions is prohibited.

2. Retail repackers may repack Vidalia onions for in-house sales directly to consumers provided the onions have previously met the requirements of these regulations.

(g) Facility Packing Requirements

1. Vidalia onions and other yellow onions may be in the same packing facility only during a Transition Period. Each Vidalia onion season shall have two Transition Periods, which shall be known as "Transition 1" and "Transition 2" respectively.

2. Transition 1 shall be a three (3) week period beginning twenty-one (21) days prior to the announced packing date. The following provisions apply to Transition 1:

   (i) A designated Department representative shall be notified via e-mail and telephone at least forty-eight (48) hours prior to the arrival of Vidalia onions at a packing facility where other yellow onions are being packed, stored, held, loaded and/or unloaded.

   (ii) A Department representative must be present for the arrival of Vidalia onions and must seal all areas containing Vidalia onions, to the extent possible. If it is not possible to seal an area containing Vidalia onions, a Department representative shall determine and direct the manner in which the Vidalia onions shall be and remain physically separated from other yellow onions.

   (iii) Vidalia onions and other yellow onions shall be and remain physically separated at all times during the transition period. The grower/packer shall fully cooperate with directives from Department representatives to ensure and maintain separation.

   (iv) Onion separation and room sealing/unsealing shall be exclusively within the control of the Department. Only a Department representative may make determinations as to onion separation and only a Department representative may apply and/or remove a seal.

   (v) Any producer/packer who desires to label and market Vidalia onions as "sweet onions" or otherwise without the Vidalia® mark during Transition 1 shall contact the designated Department representative, via e-mail and telephone, and request that an area be unsealed.

      a. An area may only be unsealed by a Department representative and Vidalia onions may be removed from the unsealed area only under the representative's supervision.

b. The producer/packer may choose to remove all or a portion of the Vidalia onions in the unsealed area.

c. If only a portion of the Vidalia onions in the unsealed area are removed, the area must be immediately resealed by a Department representative.

d. No onion removed from an unsealed area during Transition 1 shall thereafter bear the Vidalia® mark or otherwise be labeled or marketed as a Vidalia®.

(vi) All Vidalia® packing materials and labels shall be and remain isolated and secured, as determined and verified by a Department representative, until the pack date or until a Department representative has confirmed that all other yellow onions have been removed from the packing facility. No Vidalia® packing materials and/or labels shall be handled, moved, or removed from the packing facility during Transition 1 unless and until all other yellow onions have been removed from the packing facility and said removal has been verified by a Department representative. Upon verification of removal, Vidalia® packing materials may be staged for usage in preparation for the pack date.

(vii) Prior to the announced pack date, the designated Department representative shall be notified via e-mail and telephone that all other yellow onions have been removed from a packing facility. After said notification, the Department will verify the removal of all other yellow onion from the packing facility and unseal Vidalia onion holding areas.

3. From the packing date until the start of Transition 2, no other yellow onions, regardless of the grade or intended purpose of said other yellow onions, shall be packed, stored, shipped, or otherwise held in a packing facility with Vidalia onions.

4. Transition 2 shall be a four (4) week period beginning on the date of arrival of other yellow onions at a packing facility where Vidalia onions are being packed, stored, held, loaded and/or unloaded; provided, however, that Transition 2 shall begin no sooner than July 24th and shall end no later than September 30th of any year. The commencement date of Transition 2 shall be specific to the packing facility receiving other yellow onions. The following provisions apply to Transition 2:

(i) A designated Department representative shall be notified via e-mail and telephone at least twenty-four (24) hours prior to the arrival of other yellow onions at a packing facility where Vidalia onions are being packed, stored, or otherwise held.

(ii) A Department representative must be present for the arrival of the other yellow onions and must seal either all rooms containing the other yellow onions or all rooms containing the Vidalia onions.

(iii) All rooms containing other yellow onions must be sealed while Vidalia onions are being packed or otherwise prepared for shipment, and all rooms containing Vidalia onions must be sealed while other yellow onions are being packed or otherwise prepared for shipment.

(iv) Once all rooms containing other yellow onions or all rooms containing Vidalia onions are sealed, only a Department representative may unseal any room at any time.

(v) Whenever a room containing other yellow onions is unsealed, a Department representative must be present to document that no Vidalia onions are still being packed or shipped. Likewise, whenever a room containing Vidalia onions is opened, a Department representative must be present to document that no other yellow onions are still being packed or shipped.

(vi) After the last day of Transition 2, no Vidalia onion shall be packed or labeled as a Vidalia®. Nothing in these rules shall prohibit the storage or holding of Vidalia onions that were packed and labeled as Vidalia® on or before the last day of Transition 2 after the last day of Transition 2.

(vii) All Vidalia® packing materials and labels shall be and remain isolated and/or otherwise properly secured, as determined and verified by a Department representative, after the last day of Transition 2.

(viii) Nothing in these rules shall prohibit the storage or holding of any Vidalia onion not intended for the fresh market in any packing facility after the end of Transition 2.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.08
Authority: O.C.G.A. §§ 2-14-133, 26-2-1*et seq.*
History. Original Rule entitled "Business Records" adopted. F. May 30, 1996; eff. April 20, 1996.
Amended: Rule retitled "Invoices". F. Dec. 13, 1996; eff. Jan. 2, 1997.

Amended: F. Mar. 4, 2004; eff. Mar. 24, 2004.
Repealed: New Rule entitled "Handling Requirements" adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.
Amended: F. Mar. 30, 2016; eff. Apr. 19, 2016.
Amended: F. July 26, 2016; eff. August 15, 2016.

Rule 40-7-8-.09. Invoices.

All onions sold as Vidalia onions or Vidalia green onions must be accompanied by an invoice, bill of lading, bill of sale or other documentation issued by the seller, to show the producer of the onions by name and address, or the person making the sale if other than the producer, name and address of person or persons to whom sold and shipped, the quantity and grade, if applicable. Copies of invoices, bills of lading, bills of sale or other documentation, shall be required to be furnished to the Department upon request, provided that nothing herein shall be construed to require the maintaining of records of a retail sale to an ultimate consumer. Copies of invoices, bills of lading, bills of sale or other documentation, shall be maintained by the seller at the place of business of the firm for a minimum of four years after the issuance date.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.09
Authority: O.C.G.A. Secs. 2-14-133, 26-2-1*et seq.*
History. . Original Rule entitled "Prohibited Acts" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: Rule retitled "Right of Entry" adopted. F. Dec. 13, 1996; eff. Jan. 2, 1997.
Amended: F. Mar. 4, 2004; eff. Mar. 24, 2004.
Repealed: New Rule entitled "Invoices" adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule entitled "Invoices" adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.

Rule 40-7-8-.10. Right of Entry.

The Commissioner or his duly authorized agent shall have free access at all reasonable hours to any production area, or any packaging, processing, and storage facilities where onions are being held for introduction into commerce, and any vehicle being used to transport or hold such onions for the purpose of:

(a) Inspecting such area, facility or vehicle to determine if any of the provisions of these regulations and the Georgia Food Act are being violated;

(b) Examining business records and invoices to determine the origin of any onions; and

(c) Securing samples of onions, onion packaging or containers, labels, tags, seals, stamps, or other identification devices.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.10
Authority: O.C.G.A. Secs. 2-14-133, 26-2-1*et seq.*
History. . Original Rule entitled "Variances" adopted. F. Apr. 30,1996; eff. May 20, 1996.
Amended: Rule retitled "Business Records". F. Dec. 13, 1996; eff. Jan. 2, 1997.
Amended: F. Mar. 4, 2004; eff. Mar. 24, 2004.
Repealed: New Rule entitled "Right of Entry" adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule entitled "Right of Entry" adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.

Rule 40-7-8-.11. Business Records.

All persons producing, packaging, processing, distributing or selling onions as Vidalia onions or Vidalia green onions must retain for a period of four years those records which indicate the origin of any onions produced, packaged, processed, distributed or sold by them.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.11
Authority: O.C.G.A. Secs. 2-14-133, 26-2-1*et seq.*
History. . Original Rule entitled "Prima Facie Presumption" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: Rule retitled "Prohibited Acts". F. Dec. 13, 1996; eff. Jan. 2, 1997.
Amended: F. Mar. 4, 2004; eff. Mar. 24, 2004.
Repealed: New Rule entitled "Business Records" adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.

Rule 40-7-8-.12. Prohibited Acts.

The following acts and the causing thereof within this State are prohibited:

(a) The selling or offering for sale of any onions as Vidalia onions or Vidalia green onions unless such onions are the type defined in paragraph (g) of Section 40-7-8-.02 of these rules, and were grown in the Vidalia onion production area as defined in paragraph (i) of Section 40-7-8-.02 of these rules.

(b) The packaging or labeling of any onions as Vidalia onions or Vidalia green onions for sale, or the use of the term "*Vidalia*" in connection with the labeling or packaging of onions for sale, unless such onions are of the type defined in paragraph (g) of Section 40-

7-8-.02 of these rules, meet all standards for grades of Vidalia onions as required in Section 40-7-8-.06 and paragraph (a) of Section 40-7-8-.08(1) of these rules, were grown in the Vidalia onion production area as defined in paragraph (i) of Section 4-7-8-.02 of these rules, and unless a current Certification Mark Agreement has been entered into as provided by Section 40-7-8-.04 of these rules.

(c) The selling, holding, offering for sale, packaging or labeling of onions as Vidalia onions or Vidalia green onions in violation of the Georgia Food Act.

(d) The production and/or packaging of onions as Vidalia onions or Vidalia green onions unless the producer and/or packer is properly registered, as provided by Section 40-7-8-.03 of these rules.

(e) The handling or shipping of Vidalia onions in bulk outside the production area, or Vidalia onions which have not been graded and packed, as provided by these rules, except for charity, relief, processing or experimental shipments, as provided for in paragraph (d) of Section 40-7-8-.08(1) of these rules.

(f) The repacking of Vidalia onions except as specifically authorized under Paragraph 40-7-8-.08(1)(f)2. of these rules.

(g) The violation of any provision of Paragraph 40-7-8-.08(1)(g)1. of these rules related to Facility Packing Requirements.

(h) The failure to provide information as required in paragraph 40-7-8-.032 of these rules related to documentation of sales by persons and entities to Vidalia onion growers. Any such information deemed confidential shall be subject to the requirements of Paragraph 40-7-8-.18 of these rules.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.12
Authority: O.C.G.A. Secs. 2-14-133, 26-2-1*et seq.*
History. . Original Rule entitled "Certified Controlled Atmosphere Storage" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Amended: Rule retitled "Variances". F. Dec. 13, 1996; eff. Jan. 2, 1997.
Amended: F. Mar. 4, 2004; eff. Mar. 24, 2004.
Repealed: New Rule entitled "Prohibited Acts" adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.

Rule 40-7-8-.13. Variances.

Upon the application of any person showing:

(a) That he has produced and sold or marketed onions as Vidalia onions in this State within three years prior to the effective date of these regulations; and

(b) That continued production and sales or marketing of such onions by the applicant would be authorized under these rules but for the fact that the onions would be grown outside the Vidalia onion production area, the Commissioner may grant a variance to such person authorizing him to continue to produce, package, store and sell or market such onions in the production area specified in the application. Any such action by the Commissioner shall authorize a variance only as to the production area, and the person receiving the variance shall be subject to all other requirements contained in these rules. A variance may not be transferred. The Commissioner, under the conditions he prescribes, may require the submission of such information or documentation as he deems necessary in connection with the issuance of such variances. All applications for variances shall be on forms developed by the Commissioner. An application for a variance must be filed with the Commissioner by December 31, 1987, in order to be eligible for consideration. Variance Application Forms may be obtained from the Georgia Department of Agriculture, Markets Division, Capitol Square, Atlanta, Georgia 30334.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.13
Authority: O.C.G.A. Secs. 2-14-133, 26-2-1*et seq.*
History. . Original Rule entitled "Containers" adopted. F. Apr. 30,1996; eff. May 20, 1996.
Amended: Rule retitled "Prima Facie Presumption". F. Dec. 13, 1996; eff. Jan. 2, 1997.
Repealed: New Rule entitled "Certified Controlled Atmosphere Storage" adopted. F. Sept. 25, 2003; eff. Oct. 15, 2003.
Amended: F. Mar. 4, 2004; eff. Mar. 24, 2004.
Repealed: New Rule entitled "Variances" adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.

Rule 40-7-8-.14. Certified Controlled Atmosphere Storage.

Any person involved in the production, packaging, holding, storage, distribution and sales of Vidalia onions who desires to store by such means Vidalia onions for the purpose of introduction into commerce following September 15th of the year in which the onions were produced, must notify the Department to provide inspection and certification of the storage facilities and the onions to be stored prior to storage. The Department will place seals on the facility. The Department must be notified if the seals are broken for any reason. The storer must notify the Department to request inspection and certification prior to removal from storage. The storer must maintain records for each storage cycle for a period of two (2) years. The records must contain, but not be limited to, the following:

(a) Name of storer;

(b) Producer name and address if other than storer;

(c) Location of storage facility;

(d) Diagram of facility relating to controlled atmosphere storage units;

(e) Date of inspection by Department prior to storage;

(f) Date onions enter storage;

(g) Volume of onions stored by weight, bushel count or bin count;

(h) Date onions to be removed;

(i) Date of inspection by Department prior to removal from storage;

(j) Volume of onions removed from storage by weight or bushel count;

(k) Copies of invoices from sale of stored onions;

(l) Seal numbers used to seal storage facility.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.14
Authority: O.C.G.A. Secs. 2-14-133, 26-2-1*et seq.*
History. Original Rule entitled "Penalty" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: New rule entitled "Certified Controlled Atmosphere Storage" adopted. F. Dec. 13, 1996; eff. Jan. 2, 1997.
Repealed: New Rule entitled "Containers" adopted. F. Sept. 25, 2003; eff. Oct. 15, 2003.
Amended: F. Mar. 4, 2004; eff. Mar. 24, 2004.
Repealed: New Rule entitled "Certified Controlled Atmosphere Storage" adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.

Rule 40-7-8-.15. Containers.

Container manufacturers will be required to maintain for a period of four years, records indicating the quantity of Vidalia onion containers produced and persons to whom sold or shipped. Each person who produces or packages onions as Vidalia onions, must maintain records for a period of four years indicating the number of Vidalia onion containers purchased, and disposition or use of those containers. A manufacturer of containers shall not sell containers imprinted with the name and address of a producer or packer to anyone other than that producer or packer. A manufacturer shall not sell stock containers (*containers imprinted with the term"Vidalia" and bearing no producer or packer name*) to anyone other than a currently registered Vidalia onion producer or packer.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.15
Authority: O.C.G.A. Secs. 2-14-133, 26-2-1*et seq.*
History. . Original Rule entitled "Containers" adopted. F. Dec. 13,1996; eff. Jan. 2, 1997.
Repealed: New Rule entitled "Penalty" adopted. F. Sept. 25, 2003; eff. Oct. 15, 2003.
Amended: Rule retitled "Vidalia Onion Advisory Panel". F. Mar. 4, 2004; eff. Mar. 24, 2004.
Repealed: New Rule entitled "Containers" adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.

Rule 40-7-8-.16. Vidalia Onion Advisory Panel.

The Commissioner shall appoint a Vidalia Onion Advisory Panel, to consist of individuals involved in growing, packing, or growing and packing Vidalia onions; at least one county cooperative extension agent from the Vidalia onion production area; and any other person or persons selected by the Commissioner, for the purpose of rendering advice upon his or her request regarding the exercise of his or her authority pursuant to Code Sections 2-14-136 and 2-14-137, as well as for the purpose of recommending the commencement date for Transition 2 each year. Members of the advisory panel shall receive no compensation for their service as such members.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.16
Authority: O.C.G.A. §§ 2-14-133, 26-2-1*et seq.*
History. Original Rule entitled "Penalty" adopted. F. Dec. 13, 1996; eff. Jan. 2, 1997.
Repealed: F. Sept. 25, 2003; eff. Oct. 15, 2003.
Amended: New Rule entitled "Shipping Date" adopted. F. Mar. 4, 2004; eff. Mar. 24, 2004.
Repealed: New Rule entitled "Vidalia Onion Advisory Panel" adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.
Amended: F. Mar. 30, 2016; eff. Apr. 19, 2016.

Rule 40-7-8-.17. Packing Date.

The Commissioner is authorized to determine and announce a packing date each year for the Vidalia Onion® marketing season which shall commence no sooner than 12:01 AM on the Monday of the last full week of April, each year. Vidalia Onions® shall not be packed or put into commerce, at any time prior to the announced packing date. Once the packing date is established, Vidalia Onions may be packed in containers and shipped from that day forward. The Commissioner may, depending on crop conditions and with the recommendation of the Vidalia Onion® Advisory Panel, specify a packing date other than the Monday of the last full week in April. Drying and other forms of onion preparation may take place prior to the packing date.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.17
Authority: O.C.G.A. Sec. 2-14-133.
History. Original Rule entitled "Penalty" adopted. F. Mar. 4, 2004; eff. Mar. 24, 2004.
Repealed: New Rule entitled "Shipping Date" adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.
Repealed: New Rule entitled "Packing Date" adopted. F. Aug. 8, 2013; eff. Aug. 28, 2013.

Rule 40-7-8-.18. Confidentiality of Information.

(1) Any data, records, reports, or information obtained from any person or business entity by the Commissioner and staff under these rules shall be reasonably available to any member of the public for inspection and copying at the expense of the person or business entity requesting copies.

(2) Upon proper demonstration by any person or business entity affirmatively showing, establishing, and declaring to the Commissioner that any records, reports, or information, or any particular part thereof, to which the Commissioner has access under these rules, would, if made public, divulge information entitled to protection or confidentiality under the law, the Commissioner shall consider such information or any particular portion thereof confidential in accordance with the purposes of the law under which confidentiality, trade secret, or protection has been claimed and established conclusively that the records, reports or information are entitled to this protection.

(3) This rule shall apply to any data, records, reports, or information which has been established and declared by the person or business entity to be confidential, trade secrets, or of a privileged or confidential nature, and required by law to be submitted to Department of Agriculture where such data, records, or information has not been publicly released, published, copyrighted, or patented.

(4) Any claim of confidentiality filed pursuant to this rule must be established and declared at the time of the initial submission of the data, records, reports or information, or the claim of confidentiality is deemed waived.

(5) To establish and declare confidentiality the person or business entity must file the claim of confidentiality which must include the legal basis which establishes by a preponderance of evidence that the data, records, reports, or information is confidential and should be protected.

(6) At the time of submission of the claim of confidentiality the person or business entity must submit a copy of the data, records, reports, or information which has redacted the confidential data, records, reports, or information for the public file.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.18
Authority: O.C.G.A. Secs. 2-14-133, 50-18-70*et seq.*
History. Original Rule entitled "Penalty" adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004.
Repealed: New Rule entitled "Confidentiality of Information" adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.

Rule 40-7-8-.19. Penalty.

Any person who violates these Rules and Regulations shall be subject to penalty as set forth in O.C.G.A. § 2-2-.9.1 and O.C.G.A. § 2-14-135.

Cite as Ga. Comp. R. & Regs. R. 40-7-8-.19
Authority: O.C.G.A. Sec. 2-14-133.
History. Original Rule entitled "Penalty" adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005.
Amended: F. Aug. 11, 2006; eff. Aug. 31, 2006.
Repealed: New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007.
Repealed: New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.
Repealed: New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.

Subject 40-7-9. ADDITIONAL REGULATIONS APPLICABLE TO MANUFACTURERS, DISTRIBUTORS, AND BOTTLERS OF BOTTLED SOFT DRINKS AND SOFT DRINK SYRUPS.

Rule 40-7-9-.01. Syrup Room.

(1) Syrup rooms shall be separately enclosed.

(2) A sink of sufficient size for operations performed, with hot and cold water under pressure, shall be provided.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.01
Authority: Ga. L. 1956 p. 195 as amended; p. 611.
History. Original Rule entitled "Syrup Room" adopted. Filed and effective June 30, 1965.

Rule 40-7-9-.02. Syrup Making Equipment.

All vats, jars, mixing and storage tanks, pipe lines, filters, and other apparatus used in the preparation of syrups, shall be of sanitary construction and lined with materials resistent to the action of syrup ingredients. All mixing and storage tanks shall be provided with approved covers at all times.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.02
Authority: Ga. L. 1956, p. 195 as amended; Ga. L. 1956, p. 611.
History. Original Rule filed on June 30, 1965.

Rule 40-7-9-.03. Preparation of Syrups.

Syrups shall be prepared in a sanitary manner and every precaution shall be taken against contamination or absorption of deleterious substances during the process of preparation and subsequent storage.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.03
Authority: Ga. L. 1956, P. 195 as amended; P. 611.
History. Original Rule entitled "Preparation of Syrups" adopted. Filed and effective June 30, 1965.

Rule 40-7-9-.04. Washing, Carbonating, Filling, and Crowning Equipment.

(1) Each plant shall be equipped with:

(a) suitable mechanical bottle washing equipment;

(b) approved machines for carbonating, filling, and crowning.

(2) These operations shall be conducted in such a manner as to prevent the operator or his clothing from coming in contact with those surfaces of the bottle which comes in contact with the product.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.04
Authority: Ga. L. 1956, p. 195 as amended; p. 611.
History. Original Rule entitled "Washing, Carbonating, Filling and Crowning Equipment" adopted. Filed and effective June 30, 1965.

Rule 40-7-9-.05. Conveyors and Cases.

Conveyors and cases shall be maintained in a clean and sanitary condition at all times.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.05
Authority: Ga. L. 1956, p. 195 as amended; p. 611.
History. Original Rule entitled "Conveyors and Cases" adopted. Filed and effective June 30, 1965.

Rule 40-7-9-.06. Sterilization and Cleaning of Apparatus.

All pipe lines, apparatus, and containers used in the manufacturing process shall be thoroughly cleaned and sterilized daily. Steam, hot water, chlorine or other equally efficient agents are permissible for Sterilization.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.06
Authority: Ga. L. 1956, p. 195 as amended; p. 611.
History. Original Rule entitled "Sterilization and Cleaning of Apparatus" adopted. Filed and effective June 30, 1965.

Rule 40-7-9-.07. Miscellaneous Equipment (Temperature and Test).

Every plant manufacturing beverages shall be adequately provided with thermometers, and apparatus for ascertaining the alkalinity and/or causticity of the soaker solution used in bottle washing. The record of the A.B.C.D. Alkali Test or other approved index for ascertaining the strength of the soaker solution shall be available at all times.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.07
Authority: Ga. L. 1956, p. 195 as amended; p. 611.
History. Original Rule entitled "Miscellaneous Equipment (Temperature & Tests)" adopted. Filed and effective June 30, 1965.

Rule 40-7-9-.08. Water Clarification Equipment.

Electrical or chemical coagulation devices and filters used for clarification of water shall be of types approved by the Commissioner of Agriculture or his agent; shall not be operated beyond their rated capacity, and shall be maintained in a clean and sanitary condition at all times.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.08
Authority: Ga. L. 1956, p. 195 as amended; p. 611.
History. Original Rule entitled "Water Clarification Equipment" adopted. Filed and effective June 30, 1965.

Rule 40-7-9-.09. Water.

Water used in any phase of the manufacture or bottling of beverages shall conform to the latest standards established by the Georgia Department of Agriculture for potable water.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.09
Authority: Ga. L. 1956, p. 195 as amended; p. 611.
History. Original Rule entitled "Water" adopted. Filed and effective June 30, 1965.

Rule 40-7-9-.10. Storage of Crowns.

Crowns shall be stored in dustproof and verminproof containers.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.10
Authority: Ga. L. 1956, p. 195 as amended; p. 611.
History. Original Rule entitled "Storage of Crowns" adopted. Filed and effective June 30, 1965.

Rule 40-7-9-.11. Bottle Washing.

(1) Hand bottle washing, except as a preliminary to subsequent mechanical washing, shall be prohibited. All bottles shall be thoroughly cleaned and sterilized immediately before filling.

(2) Unclean bottles shall be exposed to a 3% alkali solution of which not less than 60% is caustic (sodium hydroxide), for a period of not less than 5 minutes at a temperature of not less than 130° F. or to an equivalent cleansing and sterilizing process.

(3) The bottles shall be rinsed free of all caustic with potable water.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.11
Authority: Ga. L. 1956, p. 195 as amended; p. 611.
History. Original Rule entitled "Bottle Washing" adopted. Filed and effective June 30, 1965.

Rule 40-7-9-.12. Filling and Crowning.

Manual filling or crowning shall be prohibited. Bottles shall be filled and capped with automatic machinery.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.12
Authority: Ga. L. 1956, p. 195 as amended; p. 611.
History. Original Rule entitled "Filling and Crowning" adopted. Filed and effective June 30, 1965.

Rule 40-7-9-.13. Refuse and Rubbish.

Broken bottles and all refuse or rubbish shall be placed in suitable container and removed from plant daily.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.13
Authority: Ga. L. 1956, p. 195 as amended; p. 611.
History. Original Rule entitled "Refuse and Rubbish" adopted. Filed and effective June 30, 1965.

Rule 40-7-9-.14. Labeling.

(1) The name or trade-mark, net contents, name of product or flavor, address of bottler or distributor and such other descriptive matter as provided by law or regulations must appear on the label (bottle or crown).

(2) No bottler shall fill bottles or distribute products in bottles bearing a trade-mark other than his own trade-mark, unless such bottler has a contract right from the owner of such trade-mark to use it.

(3) No bottler may use a stock or plain bottle unless he attaches thereto a label which meets all of the requirements of the Georgia Bottling Act.

(4) All syrups, flavors, concentrates and beverage bases must be so labeled as to show their proper classification. They must state on the labels if Artificial Flavor or Artificial Color is present. If the product is made from pure juices and has artificial color, artificial cloud, or essential oils added, the label must so state.

(5) If any of these products contain artificial flavor, they must be labeled "Imitation" directly above the name of the product imitated. The wording "Artificial Flavor and Color" (if artificial color is present), must appear directly under the name of the product imitated. A list of ingredients must appear on label. Spices, flavorings and colorings, other than those sold as such, may be designated as spices, flavorings and colorings without naming each.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.14
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Labeling" adopted. Filed and effective June 30, 1965.

Rule 40-7-9-.15. Labeling of Dispensers.

All vending machines and other devices used in dispensing bulk beverages must comply with all labeling regulations by signs or other acceptable methods.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.15
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Labeling of Dispensers" adopted. Filed and effective June 30, 1965.

Rule 40-7-9-.16. Definitions.

The following words or terms shall have the meaning set forth herein wherever used in these rules and regulations:

(a) Natural Flavor is a flavor derived from natural sources, such as fruits, vegetables, leaves, roots, barks, or berries. It may contain ethyl alcohol or other suitable vehicle or solvent.

(b) True Fruit Flavor is a natural flavor derived from and limited to essence, extract, concentrate, or oil of the fruit named.

(c) Artificial Flavor is a synthetically produced flavor which contains any sapid or aromatic constituent.

(d) Natural Color is any harmless coloring material found in nature which is derived by extraction or other methods from natural sources.

(e) Artificial Color is any harmless coloring material not found in nature which is manufactured by a process of synthesis or similar artifice.

(f) Non-nutritive Artificial Sweeteners may only be used in accordance with 21 C.F.R, 170-180 relating to food additives, GRAS or prior sanctioned substances allowed in 21 CFR, 181- 186.

(g) Nutritive Artificial Sweeteners may only be used in accordance with 21 CFR, 170- 180 relating to food additives, GRAS or prior sanctioned substances allowed in 21 CFR, 181-186.

(h) Chemical Preservative is any chemical that, when added to a beverage product, tends to prevent or retard deterioration thereof.

(i) Concentrate is the food product resulting from the extraction of substantial quantity of water from a juice in the normal processing/manufacturing practice.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.16
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Definitions" adopted. Filed and effective June 30, 1965.
Amended: F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-9-.17. Ingredients.

(1) Organic salts/Minerals, Use of.-Edible organic acids and their salts may be used. Mineral acids other than orthophosphoric acid and its salts, are prohibited.

(2) Colors.-Only caramel, U.S. Certified food colors, or harmless vegetable colors, may be used.

(3) Wholesome Ingredients.-All materials used in the manufacture of beverages must be wholesome and free from any deleterious or foreign substances. Such products must be handled in a sanitary manner.

(4) Preservatives.-If benzoate of soda, or benzoic acid is used, beverages may contain a maximum of 1/10 of 1%, as benzoate of soda. The presence and percentage must be indicated properly on the label.

(5) Saponins.-Saponins are permissible when not toxic or when not present in amounts that render beverages or other food products injurious to health. They will not be permitted when their use has the effect of concealing damage or inferiority in the finished article.

(6) Vitamin Added.-The vitamin content may not be claimed unless vitamins as such are added as an ingredient in the beverage. The fact that other ingredients in the beverage may contain vitamins will not support such a claim.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.17
Authority: Ga. L 1956, p. 195 as amended.
History. Original Rule entitled "Ingredients" adopted. Filed and effective June 30, 1965.

Rule 40-7-9-.18. Artificial Flavor and Color.

(1) When added artificial flavor (in semblance of a natural flavor), is used, all such drinks must be labeled "Imitation". The word "Imitation" must appear in the same size and type as the name of the fruit it imitates and on the same background. The statement "Artificial Flavor and Color", (if artificial color is used), must appear directly under the fruit name. When a product is made from pure juice or berries, and artificial color is added, the words, "Artificially Colored" or equivalent words must appear on the label.

(2) A flavored beverage sold under a trade-name, even though the name be non-descriptive, yet in color, appearance, or taste, it imitates a fruit or berry, it must be labeled "Imitation", and comply with all regulations pertaining to the labeling of fruit-flavored beverages.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.18
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Artificial Flavor and Color" adopted. Filed and effective June 30, 1965.

Rule 40-7-9-.19. Artificially Sweetened Non-Alcoholic Noncarbonated Beverage.

(1) Artificially Sweetened Nonalcoholic Noncarbonated Beverage is a beverage which complies in all respects except sweetener(s) with the standard provided for the similar nutritively sweetened or unsweetened nonalcoholic noncarbonated beverage. It shall be sweetened with non-nutritive artificial sweeteners. It shall not contain added nutritive sweeteners. It may contain substances safe for use in dietary foods.

(2) The name of the beverage shall show "Artificially Sweetened" followed by the name of the similar nutritively sweetened beverage.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.19
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Artificially Sweetened Non-Alcoholic Noncarbonated Beverage" was filed and effective June 30, 1965.

Rule 40-7-9-.20. Sweetening Agents.

(1) The sweetening agents used in the manufacture of beverages shall consist only of those nutritive sugars as set forth in the Georgia Food Laws.

(2) Non-nutritive sweeteners are prohibited in beverage bases and finished drinks, except when used in dietary beverages.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.20
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Sweetening Agents" was filed and effective June 30, 1965.

Rule 40-7-9-.21. Dietary Beverages.

Dietary beverages shall not contain nutritive sugars, and their label shall clearly state that they are for dietary purposes.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.21
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Dietary Beverages" was filed and effective June 30, 1965.

Rule 40-7-9-.22. Use of Concentrates.

When a juice type drink is made from a concentrate base (sweetened or unsweetened) and brought back to its original state with plain water, it shall be labeled as "Reconstituted", (Sweetened or unsweetened) on the main display panel.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.22
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Use of Concentrates" was filed and effective June 30, 1965.

Rule 40-7-9-.23. Reconstituted Fruit Juice.

Reconstituted fruit juice is the beverage composed of water and concentrated fruit juice of one or more fruits, with or without added juice of the fruit(s) named, provided an amount of water is added to the concentrated fruit juice(s) so as to restore to a reasonable average natural strength. It may contain a preservative, be heat-treated, chilled, canned, or frozen. The name of the beverage shall show that it is "reconstituted _____ juice" or "_____ juice from concentrate", the blank shall be filled with the name of the fruit(s) used. If more than one fruit is used, the name shall appear in order of descending predominance.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.23
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Reconstituted Fruit Juice" was filed and effective June 30, 1965.

Rule 40-7-9-.24. Sweetened Reconstituted Fruit Juice.

Sweetened reconstituted fruit juice is reconstituted fruit juice with a nutritive sweetener added. The name of the beverage shall show that it is "reconstituted _____ juice" or "_____ juice from concentrate" followed by sugar added or sweetened, with no intervening printed or graphic material. The blank shall be filled with the name of the fruit(s) used; if more than one fruit is used, the names shall appear in order of descending predominance.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.24
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Sweetened Reconstituted Fruit Juice" as filed and effective June 30, 1965.

Rule 40-7-9-.25. Combination Fruit Juice.

Combination fruit juice is the beverage composed of one or more fruit juices and one or more reconstituted fruit juices, provided the reconstituted portion does not exceed 50% of the total product. It may contain a preservative, be heat-treated, chilled, canned, or frozen. The name of the beverage shall conform to the names of the fruits from which the juice is derived or, if it contains three or more juices or reconstituted juices, it may be identified as combination fruit juice or mixed fruit juice immediately preceded or followed by the names of the fruits from which the juice is derived, listed in order of descending predominance.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.25
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Combination Fruit Juice" was filed and effective June 30, 1965.

Rule 40-7-9-.26. Sweetened Combination Fruit Juice.

Sweetened combination fruit juice is a combination fruit juice with a nutritive sweetener added. The name of the beverage shall be one of the names provided for combination fruit juice followed by "sugar added" or "sweetened", with no intervening printed or graphic material.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.26
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Sweetened Reconstituted Fruit Juice" was filed and effective June 30, 1965.

Rule 40-7-9-.27. Fruit Juice Drink.

Percentage juice declaration for foods purporting to be beverages that contain fruit or vegetable juice shall be in accordance with 21 CFR 101.30.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.27
Authority: Ga. L. 1956, p. 195 as amended. O.C.G.A. Sec. 26-2-1*et seq*.
History. Original Rule entitled "Fruit Juice Drink" adopted. Filed and effective June 30, 1965.
Amended: F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-9-.28. Fruit Nectar.

Beverages that contain fruit or vegetable juice shall be in accordance with 21 CFR 102.33.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.28
Authority: Ga. L. 1956, p. 195 as amended. O.C.G.A. Sec. 26-2-1*et seq*.
History. Original Rule entitled "Fruit Nectar" adopted. Filed and effective June 30, 1965.
Amended: F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-9-.29. Soda Water; Identity; Label Statement of Optional Ingredients.

(1) Soda water is the class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60 F. It may contain buffering agents as provided in paragraph 40-7-9-.29(2)(e) of this section. It either contains no alcohol or only such alcohol (not in excess of 0.5 percent by weight of the finished beverage) as is contributed by the flavoring ingredient used. Soda water designated by a name, including any proprietary name provided for in paragraph 40-7-9-.29(2)(c) of this section, which includes the word cola or a designation as a pepper beverage or any other beverage which has been well known as being made with kola nut extract and or other natural caffeine containing extracts that, for years, has become well-known as being made with kola nut extract, and thus as a caffeine containing drink, shall contain caffeine in a quantity not to exceed 0.02 percent by weight.

(2) Soda water may contain optional ingredients, but if any such ingredient is a food additive or a color additive within the meaning of section 201 (s) or (t) of the Federal Act, it is used only in conformity with a regulation established pursuant to section 409 or 706 of the act. The optional ingredients that may be used in soda water in such proportions as are reasonably required to accomplish their intended effects are:

(a) Nutritive sweeteners consisting of the dry or liquid form of sugar, invert sugar, dextrose, corn syrup, glucose syrup, sorbitol, aspartame, or any combination of two or more of these. Newly developed products of like nature approved by FDA will be accepted for use by the Department.

(b) One or more of the following flavoring ingredients may be added in a carrier consisting of ethyl alcohol, glycerin, or propylene glycol. Newly developed products of like nature approved by FDA will be accepted for use by the Department.

1. Fruit juices (including concentrated fruit juices), natural flavoring derived from fruits, vegetables, bark, buds, roots, leaves, and similar plant materials.

2. Artificial flavoring.

(c) Natural or artificial color additives.

(d) One or more of the acidifying agents; acetic acid, adipic acid, citric acid, fumeric acid, lactic acid, malic acid, phosphoric acid, tartaric acid. Newly developed products of like nature approved by FDA will be accepted for use by the Department.

(e) One or more of the buffering agents consisting of the acetate, bicarbonate, carbonate, chloride, citrate, lactate, orthophosphate, or sulfate salts of calcium, magnesium, potassium or sodium. Newly developed products of like nature approved by FDA will be accepted for use by the Department.

(f) One or more of the emulsifying, stabilizing, or viscosity-producing agents; brominated vegetable oils, carob bean gum, locust bean gum, glycerol ester of wood rosin, aguar gum, gum acacia, gum tragacanth, hydroxylated lecithin, lecithin, methylcellulose, mono and diglycerides of fat-forming fatty acids, pectin, polyglycerol esters of fatty acids, propylene glycol alginate, sodium alginate, sodium carboxymethlycellulose, sodium metaphosphate (sodium hexametaphophate). Newly developed products of like nature approved by FDA will be accepted for use by the Department.

(g) One or more of the foaming agents; ammoniated glycyrrhizin, gum ghatti, licorice or glycyrrhiza, yucca (Joshua-tree), yucca (Mohave). Newly developed products of like nature approved by FDA will be accepted for use by the Department.

(h) Caffeine, in an amount not to exceed 0.02 percent by weight of the finished beverage.

(i) Quinine, as provided in this Regulation, in an amount not to exceed 83 parts per million by weight of the finished beverage.

(j) One or more of the chemical preservatives ascorbic acid, benzoic acid, BHA, BHT, calcium disodium EDTA, erythorib acid, glucose-oxidase-catalase enzyme, methyl or propyl paraben, nordihydroguaiaretic acid, propyl gallate, potassium or sodium benzoate, potassium or sodium bisulfite, potassium or sodium metabisulfite, potassium or sodium sorbate, sorbic acid, sulfurdioxide, or tocopherols. Newly developed products of like nature approved by FDA will be accepted for use by the Department.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.29
Authority: Ga. L. 1956, p. 195 as amended. O.C.G.A. Sec. 26-2-1*et seq*.
History. Original Rule entitled "Fruit Ade" adopted. Filed and effective June 30, 1965.
Amended: New Rule entitled Soda Water; identity; Label Statement of Optional Ingredients" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-9-.30. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.30
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Fruit Punch" adopted. Filed and effective June 30, 1965.
Repealed. F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-9-.31. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.31
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Fruit Drink" adopted. Filed and effective June 30, 1965.
Repealed. F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-9-.32. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.32
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Punch" adopted. Filed and effective June 30, 1965.
Repealed. F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-9-.33. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.33
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Fruit Flavored Drink" adopted. Filed and effective June 30, 1965.
Repealed. F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-9-.34. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.34
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Imitation Fruit Ade" adopted. Filed and effective June 30, 1965.
Repealed. F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-9-.35. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.35
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Imitation Fruit Punch" adopted. Filed and effective June 30, 1965.
Repealed. F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-9-.36. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.36
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Imitation Fruit Drink." Filed and effective June 30, 1965.
Repealed: F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-9-.37. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.37
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Novelty Type Noncarbonated Beverage" adopted. Filed and effective June 30, 1965.
Repealed. F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-7-9-.38. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-9-.38
Authority: Ga. L. 1956, p. 195 as amended.
History. Original Rule entitled "Soda Water; Identity; Label Statement of Optional Ingredients" was filed May 10, 1966; effective May 29, 1966.
Repealed: F. Aug. 23, 1996; eff. Sept. 12, 1996.

Subject 40-7-10. ADDITIONAL REGULATIONS APPLICABLE TO NUTS.

Rule 40-7-10-.01. Decomposition of Nuts.

No grower, merchant, broker, or dealer shall sell any insect infested, moldy, rancid, or otherwise decomposed Almond, Brazil, Chestnut, Filbert, Pecan, Walnut or Pistachio nuts in the State of Georgia, to other than cracking plants, with a tolerance that exceeds 10 per cent.

Cite as Ga. Comp. R. & Regs. R. 40-7-10-.01
Authority: Ga. L. 1963, p. 125; Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "General" was F. June 30, 1965.
Repealed: New Rule entitled "Decomposition of Nuts" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-10-.02. Rejected Nuts.

"Blow-outs" or rejected nuts at cleaning and grading plants shall not be sold unless crushed or otherwise denatured (rendered unfit for human consumption).

Cite as Ga. Comp. R. & Regs. R. 40-7-10-.02
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Rejected Nuts" adopted. F. April 30, 1996, eff. May 20, 1996.

Rule 40-7-10-.03. Labeling of Packaged Nuts.

All nuts if sold in package form must be labeled showing an accurate statement of the quantity of the contents in terms of net weight, the name or variety, and the name and place of business of the packer or distributor.

Cite as Ga. Comp. R. & Regs. R. 40-7-10-.03
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec 26-2-1*et seq.*
History. Original Rule entitled "Labeling of Packaged Nuts" adopted. F. Apr. 30, 1996; eff. May 30, 1996.

Subject 40-7-11. ADDITIONAL REGULATIONS APPLICABLE TO THE SALE OF MEAT BY WEIGHT AND FOOD SERVICE CONTRACTS.

Rule 40-7-11-.01. Definitions.

The following words or terms shall have the meaning set forth herein when used in these rules and regulations:

(a) "Buyer" means both actual and prospective purchasers of wholesale cuts and other food service plans.

(b) "Contract" means all written agreements subscribed to by a buyer and includes promissory notes, unless otherwise specified.

(c) "Food Service Plan" means any contract under which the seller agrees to furnish the buyer with any food products whether or not a membership fee or similar charge is involved. It includes, but is not limited to, a contract to furnish a wholesale cut or primal of beef, pork, lamb sheep or goat, same to be cut into consumer size cuts, wrapped and delivered to the consumer with or without other foods.

(d) "Misrepresent" means, but is not limited to, the use of any untrue, deceptive or misleading oral or written statement, advertising, label, display, picture, illustration, sample, or fanciful product names not approved by the Industrywide Cooperative Meat Identification Standards Committee of the National Livestock and Meat Board.

(e) "Firm" means individuals, corporations, partnerships and any other form of business organizations, and all officers, directors, agents, employees and representatives thereof. Firms include, but are not limited to, meat firms selling and cutting primal cuts when the wholesale cut is purchased by the buyer and food service contracts which include meat, meat food products and other food items. "Firm" does not include retail food stores cutting wholesale meats, all of which are to be delivered on a single order to one customer; and includes those firms other than retail food stores selling precut (wrapped individually or not individually wrapped) meats and other food products when sold by the box of five pounds or more at the time of sale by the unbroken box or by hanging weight. Meat processing firms, who are under inspection by the Meat Division of the Georgia Department of Agriculture, are not required to meet the provisions of this regulation.

(f) "Product/Meat" means beef, pork, lamb, sheep or goat unless otherwise indicated.

(g) "Represent" means, but is not limited to, the use of any form of oral or written statement, advertising, label, display, picture, illustration or sample.

(h) "Wholesale cut/Primal cut" means whole carcass of beef, pork or lamb or any part thereof customarily classified as being of commercial size and usually requiring further cutting into cuts or retail size when bought by, and cut for, use by buyers.

(i) "Bulk Meat" means wholesale cuts sold by hanging weight consisting of whole carcasses, sides or primal cuts or boxed meat sold in containers five (5) pounds or larger.

(j) "Department" means the Georgia Department of Agriculture.

(k) "Advertisements" include, but are not limited to, radio, newspapers, magazines, television, store flyers sent either by mail, distributed by hand, or otherwise, to homes, automobile windshields, and any other means.

(l) "Yield Grade" means the yield grade as officially used and described by the United States Department of Agriculture. (USDA Yield amounts to be supplied by USDA.)

Cite as Ga. Comp. R. & Regs. R. 40-7-11-.01
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Definitions" filed on June 30, 1965.
Repealed: New Rule, same title, adopted. F. Apr. 19, 1991; eff. May 9, 1991.
Repealed: New Rule, same title adopted. F. May 28, 1992; eff. June 17, 1992.
Repealed: New Rule, same title, adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-11-.02. Method of Sale.

(1) Bulk meats should be sold in terms of avoirdupois weight, specified in pounds and ounces.

(2) The firm shall clearly explain to the customer before the sale is consummated:

(a) The purchase of wholesale cuts by hanging weight is subject to cutting, boning and trim loss during processing;

(b) The number of pounds of retail style cuts will be considerably less than the hanging weight upon which the price is based; and

(c) Shall give the buyer an estimate of the actual weight of retail cuts of meat expected to be delivered; same to be stated on the Customer Order Form.

Cite as Ga. Comp. R. & Regs. R. 40-7-11-.02
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Standards of Water" filed on June 30, 1965.
Repealed: New Rule, same title, adopted. F. Apr. 19, 1991; eff. May 9, 1991.
Repealed: New Rule, same title, adopted. F. May 28, 1992; eff. June 17, 1992.
Repealed: New Rule entitled "Method of Sale" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-11-.03. Customer Order Form.

At the time of delivery of the meat or other food items, there shall be rendered to the buyer a Customer Order Form and Summary Sheet(s) prepared in ink or other indelible substance on which shall be legibly stated:

(a) The name and address of the firm;

(b) The date of the order;

(c) The name and complete address of the buyer;

(d) A description of the product by carcass side, by species, amount, quality, and USDA Grade, State Grade, and/or Yield Grade (if graded) and a detailed description of other food products by brand name and common & usual names;

(e) The price per pound hanging weight in the case of hanging meat sales and price per serving of food items other than meat;

(f) The gross weight of the product prior to processing in the case of hanging meat sales;

(g) The weight of the meat hooks, freezer baskets, other containers, or other weighing devices in the case of hanging meat sales;

(h) The cutting loss weight in the case of hanging meat sales;

(i) The net weight of the delivered meat and a detailed list of all other items delivered;

(j) Statement if the bone, trimmed fat and/or waste meat are wanted by the buyer;

(k) The Yield Grade of the carcass, if graded;

(l) The name of the person cutting the order of meat, and the name of the person supervising the cutting, wrapping and marking of the meat order and assembly of orders for products other than meat;

(m) The service charge cost of the order;

(n) The interest charge cost of the order;

(o) The credit investigation charge for the order;

(p) The time price differential cost of the order;

(q) The sales tax for the order;

(r) Other charges of the order;

(s) The total cost of the buyer's order;

(t) Method of payment by the buyer of the order- if by cash, check, or credit card including the credit card name and card number;

(u) The statement printed in capital letters: "THIS INSTRUMENT PROMISSORY NOTE MAY BE TRANSFERRED OR ASSIGNED TO A FINANCIAL INSTITUTION OR OTHER THIRD PARTY AND PAYMENT ENFORCED BY THEM. IF ANY NOTE IS A COGNOVIT NOTE, THE SELLER SHALL ADVISE THE BUYER THAT IT AUTHORIZES A CONFESSION OF JUDGEMENT ON THE NOTE IF IT IS NOT PAID WHEN DUE, AND THAT A COURT JUDGEMENT MAY BE ENTERED AGAINST HIM WITHOUT PRIOR NOTICE."

(v) The Certification by Buyer statement: "I certify that I have received the above amount of meat, and the number of packages of meat (as stated on the Summary Form attached hereto); that no effort was made by the seller of this meat to induce me to buy a higher priced carcass than I have bought. I have read the above and understand same."

(w) The Buyer's signature.

(x) The Seller's signature.

(y) A statement of the variations in the order, such as "Imitation Wieners," "Beef Wieners," "Water Added Ham," etc.

(z) The total number of packages delivered.

(aa) The name of the product in each package.

(bb) If the buyer requests it, the net weight of each package. The weights in items (f), (g), (h), (i), and (z) shall be recorded to the nearest 1/4 ounce on all weights.

(cc) The name and address of the processor if other than the selling firm.

Cite as Ga. Comp. R. & Regs. R. 40-7-11-.03
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Sampling" filed on June 30, 1965.
Repealed: New Rule, same title, adopted. F. Apr. 19, 1991; eff. May 9, 1991.
Repealed: New Rule, same title, adopted. F. May 28, 1992; eff. June 17, 1992.
Repealed: New Rule entitled "Customer Order Form" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-11-.04. Prohibited Sales Practices.

No firm advertising, offering for sale or selling any Food Service Plan shall engage in any unfair methods of competition or unfair trade practices and Particularly the following:

(a) Bait Selling.

1. Disparage or degrade any product advertised or offered for sale by the firm in order to induce the purchase of other product; or represent that specified product is for sale when such representation is used primarily to sell a higher priced wholesale cut.

2. Substitution of any kind for that ordered by the buyer without the buyer's written consent.

3. Fail to have available a sufficient quantity of any product represented as being for sale to meet reasonably anticipated demands, unless the limited available amount is disclosed fully and conspicuously in all advertising.

(b) Savings Representations.

1. Use any price list other than the firm's current prices to all buyers, or fail to disclose fully and conspicuously thereon that the prices quoted are subject to change if such is the fact; or fail to furnish to the buyer, prior to his signing of any contract, a written copy of such current price list which shall contain an accurate description of the wholesale cuts and other food items including, whenever applicable for primal cuts: USDA Grade; net weight; brand or trade name. Misrepresent the amount of money that the buyer will save on purchases of any product.

2. Represent the price of wholesale cut in any terms other than price per pound. Such price shall not be stated by dollar amount of any installment payment or number of payments for a period of time. Credit terms, if offered. shall be stated separately and clearly. If the meat is pre-trimmed, this fact shall be so stated on the Customer Order Form.

(c) Guarantees.

1. Make any promise, either to exchange unsatisfactory meat or to give a refund thereof, which expires in less than 90 days from the date of delivery of such products. or fail to honor such promise where, through no fault of the buyer, the Food Service Plan's primal cut does not meet minimum standards of quality, weight, or satisfaction expected by the ordinary buyer. This does not apply to guarantees to make exchanges or refunds regardless of the condition of the food product.

(d) Product Representations.

1. Misrepresent the cut, grade, brand or trade name, type of feeding of the animal, or weight or measure of any food product.

2. Use the term "U.S.", "USDA Choice", other USDA Grade, or Georgia Department of Agriculture Grade, in describing a primal cut which is, in fact, not graded by the United States Department of Agriculture or the Georgia Department of Agriculture, except that primal cuts may be described as "U.S. Inspected" when such statement is true.

3. Misrepresent: the total amount and/or the proportion of retail cuts that a wholesale cut of meat will yield; the total sales price.

4. Fail to furnish the buyer with a written statement: Customer Order Form and Summary Sheet(s) for each individual sale. If the meat is weighted with immediate wrappings, such fact shall be stated and the tare weight stated and deducted.

5. Represent the price of any food freezer without fully and conspicuously disclosing its brand or trade name, model number and year, its size and capacity.

6. In advertisements, use of the words "bundle," "sample order," or words of similar import, must not be used unless the firm itemizes each food product the weight thereof and the price per pound for each primal cut of meat which the buyer will receive together with information regarding "imitation," "water added," and similar terms required for proper labeling of wieners, hams, etc. and other foods.

7. The terms phrases "90 Days Same as Cash," "120 Days Same as Cash," and terms of like import are not to be used in advertising unless in fact the customer actually

has 90 days in which to make payment in full. and no payment is due prior to the end of the 90 day period figured from the date of sale.

8. The term "opening an account" shall not be used unless it is made clear in the advertising that this involves a credit account and/or an installment payment account with interest to be added as stated.

Cite as Ga. Comp. R. & Regs. R. 40-7-11-.04
Authority: Ga. L 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Limits" filed on June 30, 1965.
Repealed: New Rule, same title, adopted. F. Apr. 19, 1991; eff. May 9, 1991.
Repealed: New Rule, same title, adopted. F. May 28,1992; eff. June 17, 1992.
Repealed: New Rule entitled "Prohibited Sales Practices" adopted F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-11-.05. Pricing and Financing.

(1) Misrepresent or fail to disclose fully and conspicuously on the Customer Order Form the terms and details of any financing arrangements, interest, service charge, credit investigation fee, membership fee, time-price differential and any costs or that there is a trial basis (if such is the case).

(2) Fail to advise the buyer before signing any promissory note that the note may be transferred or assigned to a financial institution or third party and payment enforced by them. If any note is a cognovit note, the firm shall advise the buyer that it authorizes a confession of judgement on the note if it is not paid when due, and that a court judgement may be entered against the buyer without prior notice.

(3) Misrepresent or fail to show the total amount that the buyer will be obligated to pay.

Cite as Ga. Comp. R. & Regs. R. 40-7-11-.05
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Physical Characteristics" filed on June 30, 1965.
Repealed: New Rule entitled "Source of Water", adopted. F. Apr. 19, 1991; eff. May 9, 1991.
Repealed: New Rule, same title, adopted. F. May 28, 1992; eff. June 17, 1992.
Repealed: New Rule entitled "Pricing and Financing" adopted. F. Apr. 30,1996; eff. May 20, 1996.

Rule 40-7-11-.06. Advertisements.

(1) Advertisements, in the case of hanging meat sales, shall clearly state the gross weight of the meat; the minimum number of pounds of retail cuts; the yield grade of the carcass cut being offered; the price per pound of the hanging weight; and the cost per pounds of the expected retail cuts of meat from the carcass. The price per pound of the expected product from the carcass shall be clearly stated on the Customer Order Form and if given in an

advertisement, it shall be stated in type size not less than 18 point, Gothic Bold or comparable type which is approved by the Department. This wording shall be in two lines. Sales derived from boxed meats, must clearly state the gross weight of the meat, the minimum number of retail cuts, an estimate of the cutting loss, the price per pound. The wording shall be enclosed in a box of solid or wavy-type lines and which box has a minimum type width of 1/16 inch.

(2) Advertised prices shall include the estimated price range including all costs of the delivered product.

(3) The price per pound of all wholesale cuts must be:

(a) On a display placard located in an area where it may be easily seen and read by the customer under usual conditions;

(b) By a sign on the carcass of the wholesale cut giving the same information or, in the case of boxed meat sales, directly on the container; and

(c) In all advertisements.

(4) The type size of such listing of the wholesale cuts and the price per pound shall be a minimum of 1/2 inch high; the type shall be placed against a contrasting background which makes the prices and names easily readable by the buyer. Color combinations shall be approved by the Department and the colors shall contrast. No other than approved color combinations shall be used. Samples of the coloring shall be submitted to the Department for acceptance.

(5) The yield grade and the meaning of each Yield Grade of the meat shall be clearly stated in advertisements and on placards in the firm.

(6) Advertise or offer "free," "bonus gift," and like-named specials, or extra food combined with or conditioned on the purchase of any other product or service or time element unless such additional food product is offered to all customers without restriction and is accurately described including, whenever applicable, grade, net weight or measure, and brand or trade name, imitation, water added or other variations or varieties.

(7) The inducement of such offers to only a few customers, such as but not limited to, such statements as "the first 20 people opening an account," "the first 20 orders phoned in," and similar types of offers must be offered to all customers. The use of free or special priced gifts to a selected number of customers or potential customers cannot be used.

(8) Fail to disclose fully and conspicuously in all advertisements that the yield of consumable meat from any wholesale cut will be less than the gross weight of the wholesale cut and the appropriate average cutting loss for the grade and yield of meat being sold.

Cite as Ga. Comp. R. & Regs. R. 40-7-11-.06
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*

History. Original Rule entitled "Chemical Characteristics" filed on June 30, 1965.
Repealed: New Rule entitled "Maintenance of Water Source", adopted. F. Apr. 19, 1991; eff. May 9, 1991.
Repealed: New Rule, same title, adopted. F. May 28, 1992; eff. June 17, 1992.
Repealed: New Rule entitled "Advertisements" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-11-.07. Meat Unfit for Human Consumption.

Wholesale meats which are not suitable for human consumption shall not be offered for sale and/or displayed and must be disposed of properly.

Cite as Ga. Comp. R. & Regs. R. 40-7-11-.07
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec 26-2-1*et seq.*
History. Original Rule entitled "Source of Water" filed on June 30, 1965.
Repealed: New Rule entitled "Bottling and Filling of Containers" adopted. F. Apr. 19, 1991; eff. May 9, 1991.
Repealed: New Rule, same title, adopted. F. May 28, 1992; eff. June 17, 1992.
Repealed: New Rule entitled "Meat Unfit for Human Consumption" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-11-.08. License.

(1) Firms beginning operation in this state after the effective date of these regulations must:

(a) Make proper application for Food Sales Establishment License with the Department;

(b) Request an inspection of their proposed operational facilities;

(c) Furnish a copy of their proposed forms, "Customer Order Form", "Summary Sheet" and Food Service Contract secure acceptance of this form from the Department;

(d) Bring their proposed building and all equipment into compliance with all laws and regulations of the Georgia Food Act, Ga. Laws 1956, p. 195, as amended;

(e) Furnish evidence of application for a proper business license and Georgia sales tax number license;

(f) And all other applicable licenses having been applied for or issued before the firm may receive a license from the Department for operation;

(g) No person, firm, corporation, association, partnership or other entity shall operate a business until he shall have been issued a license by the Department under these regulations.

(2) In the case of firms existing and operating on the effective date of these regulations, the same items shall be complied with within 30 days.

Cite as Ga. Comp. R. & Regs. R. 40-7-11-.08
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1 at seq.
History. Original Rule entitled "Maintenance of Water Source" filed on June 30, 1965.
Repealed: New Rule entitled "Bottle Washing" adopted. F. Apr. 19, 1991; eff. May 9, 1991.
Repealed: New Rule, same title, adopted. F. May 28, 1992; eff. June 17, 1992.
Repealed: New Rule entitled "License" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-11-.09. Approval of Forms and Keeping of Forms.

(1) All Customer Order Forms and Summary Sheets must be submitted to the Department for approval of information and form design before being printed and put into use by the firm.

(2) Copies of Customer Order Forms, Summary Sheets and Food Service Contract shall be maintained by the firm at the place of business of the firm for a minimum of 12 months from the issuance date and the copies are subject to review by a representative of the Department at any time during this 12 month period.

(3) The original copy of the Customer Order Form and Summary Sheet Form shall be issued to each purchaser at the time of sale of the primal cut.

Cite as Ga. Comp. R. & Regs. R. 40-7-11-.09
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Fill of Bottles" filed on June 30, 1965.
Repealed: New Rule entitled "Sealing of Bottles" adopted. F. Apr. 19, 1991; eff. May 9, 1991.
Repealed: New Rule, same title, adopted. F. May 28, 1992; eff. June 17, 1992.
Repealed: New Rule entitled "Approval of Forms and Keeping of Forms" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-11-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-11-.10
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Bottle Washing" filed on June 30, 1965.
Repealed: New Rule entitled, "Labeling Requirement" adopted. F. Apr. 19, 1991; eff. May 9, 1991.
Repealed: New Rule, same title, adopted. F. May 28, 1992; eff. June 17, 1992.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-11-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-11-.11
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Sealing of Bottles" filed on June 30, 1965.
Repealed: New Rule, entitled, "Soda Water/Soft Drink Exemptions" adopted. F. Apr. 19, 1991; eff. May 9, 1991.
Repealed: New Rule, same title, adopted. F. May 28, 1992; eff. June 17, 1992.

Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-11-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-11-.12
Authority: Ga. L. 1956, p. 195 as amended; O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Labeling" filed on June 30, 1965.
Repealed: New Rule, entitled "Adoption by Reference" adopted. F. Apr. 19, 1991; eff. May 9, 1991.
Repealed: New Rule, same title, adopted. F. May 28, 1992; eff. June 17, 1992.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-11-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-11-.13
Authority: O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Compliance Grace Period" adopted. F. Apr. 19, 1991; eff. May 9, 1991.
Repealed: New Rule, same title, adopted. F. May 28, 1992; eff. June 17, 1992.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-11-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-11-.14
Authority: O.C.G.A. Sec. 26-2-1*et seq.*
History. Original Rule entitled "Water Vending Machines" adopted. F. Apr. 19, 1991; eff. May 9, 1991.
Repealed: New Rule, same title, adopted. F. May 28, 1992; eff. June 17, 1992.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Subject 40-7-12. THE HANDLING, STORAGE, SHUCKING, PACKING, SHIPPING AND\OR SALE OF SHELLFISH.

Rule 40-7-12-.01. Scope of Regulation.

Under and by virtue of the power and authority vested in me as Commissioner of Agriculture, State of Georgia, by the Constitution and the laws of this State, more particularly by O.C.G.A. Section 26-2-310*et seq.*, I do hereby promulgate, prescribe and adopt the following rules and regulations governing the handling, storage, shucking, packing, repacking, shipping and/or sale of shellfish. These rules and regulations are based upon the requirements for interstate and intrastate shipments as outlined in the NSSP (National Shellfish Sanitation Program) Model Ordinance entitled "Guide for the Control of Molluscan Shellfish Model Ordinance" covering the sanitation of harvesting, processing, and distribution of shellfish. Therefore, the Department of Agriculture is hereby authorized to enforce any of these. These are to include all inspections and certifications and enforcement of NSSP requirements.

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.01
Authority: O.C.G.A. Secs. 26-2-20, 26-2-310*et seq.*
History. Original Rule entitled "Definitions" adopted. F. Aug 8, 1972; eff. August 28, 1972.
Repealed: New Rule, same title, adopted. F. Sept. 27, 1993, eff. Oct. 17, 1993.
Repealed: New Rule entitled "Scope of Regulation" adopted. F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by Agency.

Rule 40-7-12-.02. Certificates and Permits.

Every person who operates a plant where shellfish are handled, stored, shucked, packed, repacked, shipped, reshipped and/or sold in any manner shall possess an unrevoked certificate of satisfactory compliance with the requirements herein set forth, from the Georgia Department of Agriculture prior to operation provided, that these provisions shall not apply to the preparation and/or sale of shellfish in the kitchens and dining rooms of eating establishments for consumption on the premises. The Georgia Department of Agriculture shall issue numbered certificates to persons operating shellfish plants in conformance with these regulations. Such certificates shall be issued on August 1st of each year or as soon thereafter as the shellfish plant to be certified begins operation. Each certificate shall expire July 31st following the date of issue. The taking of shellfish in the State of Georgia is established and regulated by the Department of Natural Resources and is a necessary requirement of certification. The certificate held by any person may be revoked by the Georgia Department of Agriculture because of the violation of any section or part of these regulations, provided, that after complying with such violation, the owner or operator may appeal to the Georgia Department of Agriculture for reinstatement of such certificate.

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.02
Authority: Ga. L. 1933, p. 7, as amended by Ga. L. 1972, p. 1015. O.C.G.A. Sec. 26-2-310*et seq.*
History. Original Rule entitled "Certificates and Permits" was filed on August 8,1972; effective August 28, 1972.
Repealed: New Rule, same title, adopted. F. Sept. 27, 1993; eff. Oct. 17, 1993.

Rule 40-7-12-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.03
Authority: O.C.G.A. Secs. 26-2-20, 26-2-310*et seq.*
History. Original Rule entitled "Identification" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: New Rule, entitled "Labeling and Identification" adopted. F. Sept. 27, 1993; eff. Oct. 17, 1993.
Repealed: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by Agency.

Rule 40-7-12-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.04
Authority: O.C.G.A. Secs. 26-2-20, 26-2-310*et seq.*
History. Original Rule entitled "Dry Storage" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: New Rule, entitled "Shellfish Storage" adopted. F. Sept. 27, 1993; eff. Oct. 17, 1993.
Repealed: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by Agency.

Rule 40-7-12-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.05
Authority: Ga. L. 1933, P. 7, as amended by Ga. L. 1972, p. 1015, O.C.G.A. Sec. 26-2-310*et seq.*
History. Original Rule entitled "Shucking and Packing Plant Construction" adopted. Filed on August 8, 1972; effective August 28, 1972.
Repealed: New Rule, same title, adopted. F. Sept. 27, 1993; eff. Oct. 17, 1993.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-12-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.06
Authority: O.C.G.A. Secs. 26-2-20, 26-2-310*et seq.*
History. Original Rule entitled "Shucking Room Equipment" adopted. F. Aug 8, 1972; eff. August 28, 1972.
Repealed: New Rule, entitled "Shucking-Packing Plants, Shucking Area and Equipment Requirements" adopted. F. Sept. 27, 1993; eff. Oct. 17, 1993.
Repealed: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by Agency.

Rule 40-7-12-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.07
Authority: Ga. L. 1933 p. 7, as amended by Ga. L 1972, p. 1015; O.C.G.A. Sec. 26-2-310 at seq.
History. Original Rule entitled "Packing and Shipping Room Equipment" was filed on August 8, 1972; effective August 28, 1972.
Repealed: New Rule entitled "Equipment and Utensil Handling and Storage" adopted F. Sept. 27, 1993; eff. Oct. 17, 1993.
Repealed. F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-12-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.08
Authority: Ga. L. 1933, p. 7, as amended by Ga. L. 1972, p. 1015. O.C.G.A. Sec. 26-2-310*et seq.*
History. Original Rule entitled "Plant Operation" adopted. Filed on August 8,1972; effective August 28,1972. Repealed New Rule, entitled "General Maintenance" adopted. F. Sept. 27, 1993; eff. Oct. 17, 1993.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-12-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.09
Authority: O.C.G.A. Secs. 26-2-20, 26-2-310*et seq.*
History. Original Rule entitled "Personnel" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: New Rule, entitled "Shucking-Packing Operations" adopted. F. Sept. 27, 1993; eff. Oct. 17, 1993.
Repealed: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by Agency.

Rule 40-7-12-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.10
Authority: O.C.G.A. Secs. 26-2-20, 26-2-310*et seq*.
History. Original Rule entitled "Penalty" adopted. F. Aug 8, 1972; eff. August 28, 1972.
Repealed: New Rule, entitled "Heat Shock Process of Preparation of Shellfish for Shucking" adopted. F. Sept. 27, 1993; eff. Oct. 17, 1993.
Repealed: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by Agency.

Rule 40-7-12-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.11
Authority: O.C.G.A. Secs. 26-2-20, 26-2-310*et seq*.
History. Original Rule entitled "Repacking Plants" adopted. F. Sept. 27, 1993; eff. Oct. 17, 1993.
Repealed: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by Agency.

Rule 40-7-12-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.12
Authority: O.C.G.A. Secs. 26-2-20, 26-2-310*et seq*.
History. Original Rule entitled "Shallstock Plant Operations" adopted. F. Sept. 27, 1993; eff. Oct. 17, 1993.
Repealed: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by Agency.

Rule 40-7-12-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.13
Authority: O.C.G.A. Secs. 26-2-20, 26-2-310*et seq*.
History. Original Rule entitled "Reshipping Plant Operations" adopted. F. Sept. 27, 1993; eff. Oct. 17, 1993.
Repealed: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by Agency.

Rule 40-7-12-.14. Shellfish Sampling and Standards.

(1) Sampling and Testing. Samples of shellfish may be taken and examined for bacteriological, chemical, or any other public health reason by agents of the Department at any time or place. Operators of plants, trucks, carriers, stores, restaurants, and other places where shellfish are sold shall furnish samples of shellfish as necessary.

(2) Shellfish offered for sale or possessed that exceed an Escherichia coli Most Probable Number of 230 per 100 grams of sample or total bacteria count of more than 500,000 per gram or contain pathogenic organisms in sufficient numbers to be hazardous to the public health shall be deemed adulterated by the Department. Shellfish contaminated by any other substance, which renders it unsafe for human consumption, shall be deemed adulterated by the Department.

(3) In addition to the labeling requirements in Guide for the Control of Molluscan Shellfish, at Chapter X.06, all containers of shucked oyster meats processed or distributed in

commerce shall have permanently recorded on the principal display panel, all information required by 21 CFR 101 and the name of each such food as specified in the applicable definition and standard of identity prescribed in 21 CFR 161.130 to 161.140, inclusive. The standard of fill for containers of shucked oyster meats shall meet NCWM (National Conference of Weights and Measures) recommended standards as determined in NIST Handbook 130.

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.14
Authority: O.C.G.A. Secs. 26-2-20, 26-2-310*et seq.*
History. Original Rule entitled "Shellfish Sampling and Standards" adopted. F. Sept. 27, 1993; eff. Oct. 17, 1993.
Amended: F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by Agency.

Rule 40-7-12-.15. Laboratory Procedures, Methods.

(1) General. Laboratory analyses shall be performed by a State laboratory or a laboratory approved by the Department.

(2) Microbiological. Microbiological analyses of shellfish for microorganisms shall be in accordance with American Public Health Association Laboratory Procedures, the Food and Drug Administration Bacteriological Analytical Manual, or by other accepted methods.

(3) Physical and Chemical. Physical and chemical analyses of shellfish for determinations such as salinity, radionuclides, heavy metals, or poisonous or deleterious substances shall be in accordance with American Public Health Association Laboratory Procedures, the Official Methods of Analysis of the Association of Analytical Chemists, or by other accepted methods.

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.15
Authority: O.C.G.A. Sec. 26-2-310*et seq.*
History. Original Rule entitled "Laboratory Procedures, Methods" adopted. F. Sept. 27, 1993; eff. Oct. 17, 1993.

Rule 40-7-12-.16. Compliance and Enforcement Procedures.

(1) Suspension of Permits. Whenever the Department has reason to believe that the operator of a shellfish activity or operation has created or is responsible for conditions that may render shellfish to become adulterated or be misbranded, the permit or certificate may be suspended or revoked upon notice to the permit or certificate holder.

(2) Reinstatement of Suspended Permits. Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Following receipt of a written request, including a statement signed by the applicant that in his or her opinion the conditions causing suspension of the permit have

been corrected, the Department shall make a reinspection. If the applicant is complying with the requirements of these regulations, the permit shall be reinstated. Summaries of the finding of reinspection shall be provided to the facility at the conclusion of the inspection.

(3) Revocation of Permits. For serious or repeated violations of any of the requirements of these regulations, or for interference with the Department in the performance of its duties, the permit or certificate may be revoked. Prior to such action, the Department shall issue notice, in writing, stating the reasons for which the permit or certificate is subject to revocation and advising that the permit or certificate shall be permanently revoked at the end of 15 days following servicing of such notice, unless a request for a hearing is filed with the Department within such 15 day period. If no written request for a hearing is filed within the 15 day period, revocation becomes final. A permit or certificate may be suspended for cause pending its revocation or a hearing relative thereto.

(4) Stop Sale or Disposal of Shellfish.

(a) When it has been determined by the Department that shellfish have not been grown, harvested, stored, treated, transported, handled, shucked, packed, or offered for sale in compliance with these regulations, those shellfish shall be deemed adulterated.

(b) Shellfish or shellfish products determined to be adulterated or improperly identified shall be subject to stop sale or disposal by the Department. The Department may temporarily or permanently issue an order to stop sale, condemn, destroy, or otherwise dispose of all shellfish or shellfish containers found to be adulterated or improperly identified.

(c) All adulterated shellfish shall be disposed of at the discretion of the Department.

(d) Shellfish designated for a specific process not conducted in this state will be withheld from sale, condemned, destroyed or otherwise disposed of.

(5) Serving of Notices. A notice provided for these regulations is properly served when it is delivered to the permit holder or when it is sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of any such notice shall be filed in the records of the Department.

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.16
Authority: O.C.G.A. Secs. 26-2-20, 26-2-310*et seq*.
History. Original Rule entitled "Compliance Procedures" adopted. F. Sept. 27, 1993; eff. Oct. 17, 1993.
Amended: F. Dec. 13, 1996; eff. Jan. 2, 1997.
Amended: Rule retitled "Compliance and Enforcement Procedures". F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by Agency.

Rule 40-7-12-.17. Inspections.

(1) General. The Department shall inspect each shellfish plant periodically and shall make as many additional inspections and reinspections as are necessary for the effective enforcement of these regulations.

(2) Access to Processing Facilities, Distributors, Shippers, Reshippers, Vessels and Vehicles. Authorized representatives of the Department, after proper identification, shall be permitted to enter at any reasonable time, any facility, establishment, vessel or vehicle used to harvest, store or transport shellfish for the purpose of making inspections to determine compliance with these regulations. The Department's designated representatives shall be permitted to examine the records of a shellfish facility or establishment to obtain information pertaining to shellstock harvested and relayed; shellfish purchased, received, processed, sold, distributed, or shipped, and personnel employed.

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.17
Authority: O.C.G.A. Sec. 26-2-310*et seq.*
History. Original Rule entitled "Inspections" adopted. F. Sept. 27, 1993; eff. Oct. 17, 1993.

Rule 40-7-12-.18. Remedies and Penalties.

(1) General. In addition to the provisions herein for suspension or revocation of operating permits, the Department may, at its discretion, institute civil or criminal proceedings or seek injunctions against any person who violates any provision of these regulations and the regulations thereunder.

(2) Penalties. Violations of these regulations shall be punishable in accordance with Sections 26-2-37, 26-2-38, 26-2-39, 26-2-40, 26-2-41 of the Georgia Food Act. (Ga. L. 1956, p. 195 Sec. 1).

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.18
Authority: O.C.G.A. Sec. 26-2-310*et seq.*
History. Original Rule entitled "Remedies and Penalties" adopted. F. Sept. 27, 1993; eff. Oct. 17, 1993.

Rule 40-7-12-.19. Adoption of Reference.

The following publications are adopted by reference and applicable parts become part of the rules:

(a) Federal Food, Drug and Cosmetic Act, as amended, and regulations issued thereunder.

(b) The Code of Federal Regulations, Title 21 Parts 110 Current Good Manufacturing Practices in manufacturing, packing, or handling human food, and all supplements thereto dated April 01, 1992.

(c) National Shellfish Sanitation Program *Guide For The Control of Molluscan Shellfish Model Ordinance.*

Cite as Ga. Comp. R. & Regs. R. 40-7-12-.19
Authority: O.C.G.A. Secs. 26-2-20, 26-2-310*et seq*.
History. Original Rule entitled "Adoption by Reference" adopted. F. Sept. 27, 1993; eff. Oct. 17, 1993.
Amended: Rule retitled "Adoption of Reference." F. Jan. 10, 2001; eff. Jan. 31, 2001, as specified by Agency.

Subject 40-7-13. [Repealed].

Rule 40-7-13-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.01
Authority: O.C.G.A.§ 26-2-1 et seq.
History. Original Rule entitled "Definition of Terms" was filed on April 15, 1975; effective July 1, 1975, as specified by the Agency.
Repealed: New Rule entitled "General" adopted. F. Apr. 30, 1996; eff. May 20, 1996.
Repealed: F. Apr. 20, 2018; eff. May 10, 2018.

Rule 40-7-13-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.02
Authority: Ga. L. 1956, p. 195, as amended and Ga. L. 1974, p. 539.
History. Original Rule entitled "License" was filed on April 15, 1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-13-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.03
Authority: Ga. L. 1956, p. 195, as amended and Ga. L. 1974, p. 539.
History. Original Rule entitled "Standards and Grades" was filed on April 15, 1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30,1996; eff. May 20, 1996.

Rule 40-7-13-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.04
Authority: Ga. L. 1956, p. 195, as amended and Ga. L. 1974, p. 539.
History. Original Rule entitled "Georgia Standards for Grades of Shelled Pecans" was filed on April 15, 1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-13-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.05
Authority: Ga. L. 1956, p. 195, as amended and Ga. L. 1974, p. 539.
History. Original Rule entitled "Color Classifications for Shelled Pecans" was filed on April 15, 1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-13-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.06
Authority: Ga. L. 1956, p. 195, as amended, and Ga. L. 1974, p. 539.
History. Original Rule entitled "Size Classifications for Shelled Halves" was filed on April 15, 1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-13-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.07
Authority: Ga. L. 1956, p. 195, as amended and Ga. L. 1974, p. 539.
History. Original Rule entitled "Size Classifications for Shelled Pieces" was filed on April 15, 1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-13-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.08
Authority: Ga. L. 1956, p. 195, as amended and Ga. L. 1974, p. 539.
History. Original Rule entitled "Tolerance for Defects for Shelled Pecans" was filed on April 15, 1975; effective July 1, 1975. as specified by the Agency.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-13-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.09
Authority: Ga. L. 1956, p. 195, an amended and Ga. L. 1974, p. 539.
History. Original Rule entitled "Application of Standards for Shelled Pecans" was filed on April 15, 1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-13-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.10
Authority: Ga. L. 1956, p. 195, as amended and Ga. L. 1974, p. 539.
History. Original Rule entitled "Terms Used in Interpreting the Standards for Grades of Shelled Pecans" was filed

on April 15, 1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-13-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.11
Authority: Ga. L. 1956, p. 195, as amended and Ga. L. 1974, p. 539.
History. Original Rule entitled "Metric Conversion Table" was filed on April 15,1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30,1996; eff. May 20, 1996.

Rule 40-7-13-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.12
Authority: Ga. L. 1956, p. 195, as amended and Ga. L. 1974, p. 539.
History. Original Rule entitled "Georgia Standards for Grades of Pecans in the Shell" was filed on April 15, 1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30,1996; eff. May 20, 1996.

Rule 40-7-13-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.13
Authority: Ga. L. 1956, p. 195, as amended and Ga. L. 1974, p. 539.
History. Original Rule entitled "Size Classifications for Pecans in the Shell" was filed on April 15, 1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30,1996; eff. May 20, 1996.

Rule 40-7-13-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.14
Authority: Ga. L. 1956, p. 195, as amended, and Ga. L. 1974, p. 539.
History. Original Rule entitled "Kernel Color Classifications for Pecans in the Shell" was filed on April 15, 1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-13-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.15
Authority: Ga. L. 1956, p. 195, as amended, and Ga. L. 1974, P. 539.
History. Original Rule entitled "Tolerance for Defects for Pecans in the Shell" was filed on April 15, 1975; effective September 1, 1976, as specified by the Agency.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-13-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.16
Authority: Ga. L. 1956, P. 195, as amended, and Ga. L. 1974, p. 539.
History. Original Rule entitled "Application of Standards for Pecans in the Shell" was filed on April 15, 1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-13-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.17
Authority: Ga. L. 1956, p. 195, as amended, and Ga. L. 1974, p. 539.
History. Original Rule entitled "Terms Used in Interpreting the Standards for Grades of Pecans in the Shell" was filed on April 15, 1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-13-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.18
Authority: Ga. L. 1956 p. 195, as amended, and Ga. L. 1974, p. 539.
History. Original Rule entitled "Identification and Labeling by Processor and Wholesaler" was filed on April 15, 1975; effective July 1, 1975, as specified by the Agency, with the exception of the labeling requirements with reference to grade or classification, and percent Number 1 Nut statement, which parts will become effective September 1, 1976, as specified by the Agency.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-13-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.19
Authority: Ga. L. 1956, p. 195, as amended.
History. Original Rule entitled "Retail Sale and Labeling of Pecans" was filed on April 15, 1975; effective July 1, 1975, as specified by the Agency, with the exception of the labeling requirements with reference to grade or classification, and percent Number 1 Nut statement, which parts will become effective September 1, 1976, as specified by the Agency.
Repealed: F. Apr. 30,1996; eff. May 20, 1996.

Rule 40-7-13-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.20
Authority: Ga. L. 1956, p. 195, as amended and Ga. L. 1974, p. 539.
History. Original Rule entitled "Reconditioning, Regrading, and/or Destruction of Pecans" was filed on April 15, 1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-13-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.21
Authority: Ga. L. 1956, p. 195, as amended and Ga. L. 1974, p. 539.
History. Original Rule entitled "Frotscher Color Exemption" was filed on April 15,1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30,1996; eff. May 20, 1996.

Rule 40-7-13-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.22
Authority: Ga. L. 1974, p. 639.
History. Original Rule entitled "Grower Exemption" was filed on April 15, 1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-13-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.23
Authority: Ga. L. 1956, p. 195, as amended.
History. Original Rule entitled "Limitation of the Term `New Crop'" was filed on April 15, 1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-13-.24. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-13-.24
Authority: Ga. L. 1956, p. 195, an amended and Ga. L. 1974, p. 539.
History. Original Rule entitled "Effective Date" was filed on April 15,1975; effective July 1, 1975, as specified by the Agency.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Subject 40-7-14. REPEALED - REGULATIONS APPLICABLE TO THE SALE OF MEAT BY HANGING WEIGHT.

Rule 40-7-14-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-14-.01
Authority: Ga. L. 1974, p. 1030.
History. Original Rule entitled "Definitions" was filed on January 20, 1975; effective February 9, 1975.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-14-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-14-.02
Authority: Ga. L. 1974, p. 1030.

History. Original Rule entitled "Method of Sale" was filed on January 20, 1975; effective February 9, 1975.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-14-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-14-.03
Authority: Ga. L. 1974, p. 1030.
History. Original Rule entitled "Customer Order Form" was filed on January 20, 1975; effective February 9, 1975.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-14-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-14-.04
Authority: Ga. L. 1974, p. 1030.
History. Original Rule entitled "Prohibited Sale Practices" was filed on January 20, 1975; effective February 9, 1975.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-14-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-14-.05
Authority: Ga. L. 1974, p. 1030.
History. Original Rule entitled "Pricing and Financing" was filed on January 20, 1975; effective February 9, 1975.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-14-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-14-.06
Authority: Ga. L. 1974, p. 1030.
History. Original Rule entitled "Advertisements" was filed on January 20, 1975; effective February 9, 1975.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-14-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-14-.07
Authority: Ga. L. 1956, p. 195, as amended by Ga. L. 1971, p. 66.
History. Original Rule entitled "Meat Unfit for Human Consumption" was filed on January 20, 1975; effective February 9, 1975.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-14-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-14-.08
Authority: Ga. L. 1974, p. 1030.
History. Original Rule entitled "License" was filed on January 20, 1975; effective February 9, 1975.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-14-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-14-.09
Authority: Ga. L. 1974, p. 1030.
History. Original Rule entitled "Approval of Forms and Keeping of Forms" was filed on January 20, 1975; effective February 9, 1975.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Subject 40-7-15. REPEALED - RETAIL SALE OF FRESH AND FROZEN SEAFOOD, MEAT, POULTRY AND OTHER FOODS FROM MOBILE VEHICLES.

Rule 40-7-15-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-15-.01
Authority: Ga. L 1956, p. 195, *et seq.*, as amended.
History. Original Rule entitled "Definition" was filed on January 7, 1982; effective January 27, 1982.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-15-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-15-.02
Authority: Ga. L. 1956, p. 195, *et seq.*, as amended.
History. Original Rule entitled "Retail Sale of Fresh Seafood, Meat or Poultry from Mobile Vehicles" was filed on January 7, 1982; effective January 27, 1982.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-15-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-15-.03
Authority: Ga. L. 1956, p. 195, *et seq.*, as amended.
History. Original Rule entitled "Retail Sale of Frozen Seafood, Meat, Poultry and Other Foods" was filed on January 7, 1982; effective January 27, 1982.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Subject 40-7-16. REPEALED - VIDALIA ONIONS.

Rule 40-7-16-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-16-.01
Authority: O.C.G.A. Sec. 2-14-130.
History. Original Rule entitled "Scope of Regulations" was filed on March 11, 1986; effective March 31, 1986.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-16-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-16-.02
Authority: O.C.G.A. Sec. 2-14-130.
History. Original Rule entitled "Definitions" was filed on March 11, 1986; effective March 31, 1986.
Amended: F. Feb. 19, 1990; eff. Mar. 11, 1990.
Amended: F. Feb. 24, 1995; eff. Apr. 1, 1995, as specified by the Agency.
Amended: ER. 40-7-16-0.49-.02 was F. Apr. 20, 1995; eff. Apr. 19, 1995, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER., as specified by the Agency.
Amended: F. Aug. 18, 1995; eff. Sept. 7, 1995.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-16-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-16-.03
Authority: O.C.G.A. Sec. 2-14-130.
History. Original Rule entitled "Registration" was filed on March 11, 1986; effective March 31, 1986.
Amended: F. Feb. 19, 1990; eff. Mar. 11, 1990.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-16-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-16-.04
Authority: O.C.G.A. Sec. 2-14-130.
History. Original Rule entitled "Labeling" was filed on March 11, 1986; effective March 31, 1986.
Amended: F. Feb. 19, 1990; eff. Mar. 11, 1990.
Amended: Rule retitled "Certification Mark Agreement". F. Feb. 24, 1995; eff. Apr. 1, 1995, as specified by the Agency.
Amended: ER. 40-7-16-0.49-.04 was F. Apr. 20, 1995; eff. Apr. 19, 1995, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER., as specified by the Agency.
Amended: F. Aug 18, 1995; eff. September 7, 1995.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-16-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-16-.05
Authority: O.C.G.A. Sec. 2-14-130.
History. Original Rule entitled "Standards for Grades of Vidalia Onions" was filed on March 11, 1986; effective March 31, 1986.
Amended: F. Feb. 19, 1990; eff. Mar. 11, 1990.

Amended: Rule retitled "Labeling". F. Feb. 24, 1995; eff. Apr. 1, 1995, as specified by the Agency.
Amended: ER. 40-7-16-0.49-.05 was F. Apr. 20, 1995; eff. Apr. 19, 1995, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER., as specified by the Agency.
Amended: F. Aug. 18, 1995; eff. Sept. 7, 1995.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-16-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-16-.06
Authority: O.C.G.A. Sec. 2.14-130.
History. Original Rule entitled "Invoices" was filed on March 11, 1986; effective March 31, 1986.
Amended: Rule retitled "Standards for Grades of Vidalia Onions". F. Feb. 24, 1995; eff. Apr. 1, 1995, as specified by the Agency.
Amended. ER. 40-7-16-0.49-.06 was F. Apr. 20, 1995; eff. Apr. 19, 1995, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER., as specified by the Agency.
Amended: F. Aug. 18, 1995; eff. Sept. 7, 1995.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-16-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-16-.07
Authority: O.C.G.A. Sec. 2-14-130.
History. Original Rule entitled "Right of Entry" was filed on March 11, 1986; effective March 31, 1986.
Amended: Rule retitled "Handling Requirements" F. Feb. 24, 1995; eff. Apr. 1, 1995, as specified by the Agency.
Amended: ER. 40-7-16-0.49-.07 was F. Apr. 20, 1995; eff. Apr. 19, 1995, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER., as specified by the Agency.
Amended: F. Aug. 18, 1995; eff. Sept. 7, 1995.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-16-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-16-.08
Authority: O.C.G.A. Sec. 2-14-130.
History. Original Rule entitled "Business Records" was filed on March 11, 1986; effective March 31, 1986.
Amended: Rule retitled "Invoices". F. Feb. 24, 1995; eff. Apr. 1, 1995, as specified by the Agency.
Amended: ER. 40-7-16-0.49-.08 was F. Apr. 20, 1995; eff. Apr. 19, 1995, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER., as specified by the Agency.
Amended: F. Aug. 18, 1995; eff. Sept. 7, 1995.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-16-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-16-.09
Authority: O.C.G.A. Sec. 2-14-130.
History. Original Rule entitled "Prohibited Acts" was filed on March 11, 1986; effective March 31, 1986.
Amended: Rule retitled "Right of Entry". F. Feb. 24, 1995; eff. Apr. 1, 1995, as specified by the Agency.
Amended: ER. 40-7-16-0.49-.09 was F. Apr. 20, 1995; eff. Apr. 19, 1995, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER., as specified by the Agency.
Amended: F. Aug. 18, 1995; eff. Sept. 7, 1995.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-16-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-16-.10
Authority: O.C.G.A. Sec. 2-14,130.
History. Original Rule entitled "Variances" was filed on March 11, 1986; effective March 31, 1986.
Amended: Rule retitled "Business Records". F. Feb. 24, 1995; eff. Apr. 1, 1995, as specified by the Agency.
Amended: ER. 40-7-16-0.49 -10 was F. Apr. 20, 1996; eff. Apr. 19, 1995, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER., as specified by the Agency.
Amended: F. Aug. 18, 1995; eff. Sept. 7, 1995.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-16-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-16-.11
Authority: O.C.G.A. Sec. 2.14-130.
History. Original Rule entitled "Prima Facie Presumption" was filed on March 11, 1986; effective March 31, 1986.
Amended: Rule retitled "Prohibited Acts". F. Feb. 24, 1995; eff. Apr. 1, 1996, as specified by the Agency.
Amended: ER. 40-7-16-0.49-.11 was F. Apr. 20, 1995; eff. Apr. 19, 1995, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER., as specified by the Agency.
Amended: F. Aug. 18, 1995; eff. Sept. 7, 1995.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-16-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-16-.12
Authority: O.C.G.A. Sec. 2.14-130.
History. Original Rule entitled "Bags" was filed on March 11, 1986; effective March 31, 1986.
Repealed: New Rule entitled "Certified Controlled Atmosphere Storage" adopted. F. Feb. 19, 1990; eff. Mar. 11, 1990.
Amended: Rule retitled "Variances". F. Feb. 24, 1995, eff. Apr. 1, 1995, as specified by the Agency.
Amended: ER. 40-7-16-0.49-.12 was F. Apr. 20, 1995; eff. Apr. 19, 1995; the date of adoption, to remain in effort for period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER., as specified by the Agency.
Amended: F. Aug. 18, 1995; eff. Sept. 7, 1995.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-16-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-16-.13
Authority: O.C.G.A. Sec. 2-14-130.
History. Original Rule entitled "Penalty" was filed on March 11, 1986; effective March 31, 1986.
Repealed: New Rule entitled "Containers" adopted. F. Feb. 19, 1990; eff. Mar. 11, 1990.
Amended: Rule retitled "Prima Facie Presumption". F. Feb. 24, 1995; eff. Apr. 1, 1995, as specified by the Agency.
Amended: ER. 40-7-16-0.49-.13 was F. Apr. 20, 1995; eff. Apr. 19, 1995, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER., as specified by the Agency.
Amended: F. Aug. 18, 1995; eff. Sept. 7, 1995.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-16-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-16-.14
Authority: O.C.G.A. Sec. 2-14-130.
History. Original Rule entitled "Penalty" was renumbered from 40-7-16-.13 to 40-7-16-.14. F. Feb. 19, 1990; eff. Mar. 11, 1990.
Amended: Rule retitled "Certified Control Atmosphere Storage". F. Feb. 24, 1995; eff. Apr. 1, 1996, as specified by the Agency.
Amended: ER. 40-7-16-0.49-.14 was F. Apr. 20, 1995; eff. Apr. 19, 1995, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER., as specified by the Agency.
Amended: F. Aug. 18, 1995; eff. Sept. 7, 1996.
Repealed: F. Apr. 30, 1996; eff. May 20, 1995.

Rule 40-7-16-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-16-.15
Authority: O.C.G.A. Sec. 2-14-130.
History. Original Rule entitled "Containers" adopted. F. Feb. 24,1995; eff. Apr. 1, 1995, as specified by the Agency.
Amended: ER. 40-7-16-0.49-.15 was F. Apr. 20,1995; eff. Apr. 19, 1995, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER., as specified by the Agency.
Amended: F. Aug. 18, 1995; eff. Sept. 7, 1995.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Rule 40-7-16-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-7-16-.16
Authority: O.C.G.A. Sec. 2-14-130.
History. Original Rule entitled "Penalty" adopted. F. Feb. 24, 1995; eff. Apr. 1, 1995, as specified by the Agency.
Amended: ER. 40-7-16-0.49-.16 was F. Apr. 20, 1995; eff. Apr. 19, 1995, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER., an specified by the Agency.
Amended: F. Aug. 18, 1995; eff. Sept. 7, 1995.
Repealed: F. Apr. 30, 1996; eff. May 20, 1996.

Subject 40-7-17. REGULATIONS APPLICABLE TO ORGANIC.

Rule 40-7-17-.01. Adoption of Reference.

The following publication is adopted by reference: The United States Department of Agriculture, Agricultural Marketing Service, Part IV, 7 CFR Part 205 National Organic Program; Final Rule, and any subsequent amendments.

Cite as Ga. Comp. R. & Regs. R. 40-7-17-.01
Authority: Authority O.C.G.A. Sec. 2-14-130*et seq.*
History. Original Rule entitled "Adoption of Reference" adopted. F. Jan. 28, 2003; eff. Feb. 17, 2003.

Rule 40-7-17-.02. Registration Standards.

REGISTRATION

REGISTRATION REQUIREMENTS, PRODUCERS, LIVESTOCK PRODUCERS, HANDLERS, PROCESSORS, CERTIFICATION ORGANIZATIONS, (of raw or processed agriculture commodities, meat, fowl, dairy products, fish, seafood or other products).

(1) No person in this state without having first registered with the Commissioner of Agriculture, shall engage in the production, handling, processing, or certification of raw or processed agriculture commodities including meat, fowl, dairy products, fish, seafood, or any other products to be sold as organic, excluding retailers of food sold as organic, provided however, that retail food sales establishments licensed under Article 2 of this chapter that do not process or repackage certified organic commodities shall be exempt. The registration shall thereafter be renewed annually unless no longer engaged in the activities requiring the registration. Each registrant shall provide a complete copy of its registration to the Commissioner of Agriculture. Registration shall begin on and after January 1, 2003. Registrations shall expire on the last day of December of the year for which they are issued.

(2) Registration pursuant to this section shall be on a form provided by the Department and shall be valid for the calendar year from the date of validation by the Commissioner of Agriculture. A registration number will be assigned to a valid registrant.

(3) The information provided on the registration form shall include all of the following:

(A) The name and address of the registrant.

(B) The nature of the registrants business, including the categorical products produced, handled, or processed that are sold as organic, or certified as organic.

1. (a) For processors, handlers, and distributors, quantities processed, handled, or distributed, and annual gross sales or revenue from processing/handling or distributing of organic foods or products.

   (b) For processors and handlers a completed copy of an organic production or handling system plan that is agreed to by the producer or handler and an accredited certifying agent.

   (c) A copy of the processor or handlers current organic certificate.

2. (a) For producers and livestock producers quantities produced and annual gross sales or revenue from production of organic foods or products.

   (b) For producers and livestock producers a completed copy of the organic production or handling system plan that is agreed to by the producer or handler and an accredited certifying agent.

   (c) A copy of the producer or livestock producer's current organic certificate.

(C) For exempt producers,

1. A map showing the precise location and dimensions of the facility or farm where the products are produced. The map shall also describe the boundaries of the production area and all adjacent land uses, shall assign field numbers to distinct fields or management units, and shall describe the size of each field or management unit.

2. If the registrant has not had control of the property being registered for at least 36 months, then documentation from previous owners/ managers that show the 36 month land use history. If the registrant is not the owner, then documentation from the owner granting permission for the parcel to be registered as organic by the registrant.

(D) In the case of exempt producers, for each field or management unit list of all substances applied to the crop, soil, growing medium, growing area, irrigation or post harvest wash or rinse water, or seed, including the source of the substance, the brand name, if any, the rate of application, and the total amount applied in each calendar year.

(E) The names of all certification organizations or governmental entities, if any, providing certification pursuant to the regulations promulgated by the National

Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501*et seq.*).

(F) All certification organizations shall provide a copy of their USDA accreditation, or a letter to the Commissioner of Agriculture from the USDA stating the certifier is not required to be accredited.

(G) All certification organizations shall provide a list of all Georgia clients that the agency has granted certification.

(H) The Commissioner of Agriculture shall reject a registration submission that is incomplete or not in compliance with the Georgia Organic Certification and Labeling Act, or not in compliance with regulations promulgated by the National Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501*et seq.*).

(I) A registrant shall immediately notify the Commissioner of Agriculture of any change in the registration form.

(J) A registration is considered legal and valid until revoked, suspended or until the expiration of the registration.

(K) The Commissioner of Agriculture can initiate the revocation process of a registration for failure to comply with the Georgia Organic Certification and Labeling Act or any part of the regulations adopted pursuant to the Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501*et seq.*). Any person against whom the action is being taking shall have the opportunity to appeal the action and be afforded the opportunity to be heard in an administrative appeal.

Cite as Ga. Comp. R. & Regs. R. 40-7-17-.02
Authority: Authority O.C.G.A. Sec. 2-14-130*et seq.*
History. Original Rule entitled "Registration Standards" adopted. F. Jan. 28, 2003; eff. Feb. 17, 2003.

Rule 40-7-17-.03. Registration Fees for Certifying Entities.

A registration form shall be accompanied by a payment of a nonrefundable registration fee of $250.00 payable to the department by certification entities.

Cite as Ga. Comp. R. & Regs. R. 40-7-17-.03
Authority: O.C.G.A. Secs. 2-14-130*et seq.*
History. Original Rule entitled "Registration Fees for Certifying Entities" adopted. F. Jan. 28, 2003; eff. Feb. 17, 2003.
Amended: F. June 15, 2010; eff. July 5, 2010.

Subject 40-7-18. MANUFACTURED FOOD REGULATIONS.

Rule 40-7-18-.01. Scope of Regulations.

The following regulations shall apply to all plants where food is processed, which are not covered elsewhere in these regulations.

Cite as Ga. Comp. R. & Regs. R. 40-7-18-.01
Authority: O.C.G.A. § 26-2-1, *et seq*.
History. Original Rule entitled "Scope of Regulations" adopted. F. Apr. 14, 2010; eff. May 4, 2010.
Amended: F. Aug. 27, 2019; eff. Sept. 16, 2019.

Rule 40-7-18-.02. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Chapter.

(1) **"Acid Foods"** or **"Acidified Foods"** means foods that have a natural pH of 4.6 or below or low acid-foods to which acid(s) or acid food(s) are added: these foods include, but are not limited to, beans, cucumbers, cabbage, artichokes, cauliflower, puddings, peppers, tropical fruits, and fish, singly or in any combination. They have a water activity (aw) greater than 0.85 and have a finished equilibrium pH of 4.6 or below.

(2) **"Act"** means The Georgia Food Act.

(3) **"Adequate"** means that which is needed to accomplish the intended purpose in keeping with good public health practice.

(4) **"Adulterated"** as defined in Georgia Food Act Section 26-2-26.

(5) **"Balut"** means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

(6) **"Code of Federal Regulations"** means the compilation of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

(7) **"Commissioner"** means Commissioner of Agriculture of the State of Georgia.

(8) **"Consumer"** means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or food processing plant, and does not offer the food for resale.

(9) **"Critical Control Point"** means a point, step, or procedure in a food process at which control can be applied and is essential to prevent or eliminate a food safety hazard or reduce such hazard to an acceptable level.

(10) **"Critical limit"** means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to prevent, eliminate, or reduce to an acceptable level the occurrence of the identified food hazard.

(11) **"Department"** means the Georgia Department of Agriculture.

(12) **"Department Representative"** means any officer, inspector, agent or employee of the Georgia Department of Agriculture who is authorized by the Commissioner with the duty of enforcing these regulations.

(13) **"Egg"** means the shell egg of avian species such as chicken, duck, goose, guinea, quail, ratites or turkey. Egg does not include:

(a) Balut,

(b) the egg of reptile species such as alligator; or

(c) an egg product.

(14) **"Egg Product"** means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. Egg product does not include food which contains eggs only in a relatively small proportion such as cake mixes.

(15) **"Employee"** means the License Holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food processing plant.

(16) **"Exemption"** means a written document issued by the regulatory authority that authorizes a modification or waiver of one or more requirements of this Code if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the modification or waiver.

(17) **"Finished Product"** means:

(a) The output of manufacturing or processing operations which is suitable for human consumption, and

(b) An ingredient or other constituent of a food that will not be further treated or otherwise processed to control the most resistant microorganism of public health significance.

(18) **"Fish"** means fresh or saltwater finfish, crustaceans, other forms of aquatic animal life (including, but not limited to, alligator, frog, aquatic turtle, jellyfish, sea cucumber, and

sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, where such animal life is intended for human consumption.

(19) **"Food"** means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(20) **"Food employee"** means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

(21) **"Food Processing Plant"** means an establishment that sells food products to other business entities as its primary function; and is used synonymously in this chapter with "establishment," "firm," "facility," and "plant." The term "food processing plant" includes those facilities that manufacture, process, pack, and/or hold food. There can be a retail component on the premise providing food directly to consumers from that establishment. A food processing plant's primary function is to sell food directly to other business entities if the annual monetary value of sales of food products directly to other business entities exceeds the annual monetary value of sales of food products to consumers.

(22) **"HACCP Plan"** means a written document that delineates the formal procedures for following the Hazard Analysis and critical control point (HACCP) principals developed by the National Advisory Committee on Microbiological Criteria for foods.

(23) **"Hazard"** means a biological, chemical, or physical property that is likely to cause an unacceptable consumer health risk.

(24) **"Hermetically Sealed Container"** means a container which is designed and intended to secure against entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

(25) **"High Risk Classification"** means a facility which produces a high risk product or a lower-risk product distributed to highly susceptible populations or in such volume that a violative product poses a significant threat to public health.

(26) **"High Risk Product"** means a product that has been classified to carry a high potential for contamination or foodborne illness.

(27) **"Highly Susceptible Population"** means persons who are more likely than other people in the general population to experience foodborne disease because they are:

(a) Immunocompromised; preschool age children, or older adults; and

(b) Obtaining food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

(28) **"Imminent Health Hazard"** means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:

(a) The number of potential injuries, and

(b) The nature, severity, and duration of the anticipated injury.

(29) **"License"** means the document issued by the Department, which authorizes a person to operate a food processing plant.

(30) **"Low Risk Classification"** means a firm which produces or stores a low-risk product and whose target population or distribution does not increase the potential public health threat of a violative product.

(31) **"Low Risk Product"** means a product that has been classified as having a low potential for contamination or foodborne illness.

(32) **"Manufacturing/Processing"**

(a) Means making food from one or more ingredients, or synthesizing, preparing, treating, modifying or manipulating food, including food crops or ingredients.

(b) Manufacturing/processing includes all of the physical and/or chemical alterations applied to a food; as it is taken from its original state; or any food which has been partially or fully processed previously; and either prepared further by cooking or made into another form before being marketed.

(c) Examples of manufacturing/processing activities include: Baking, boiling, bottling, canning, cooking, cooling, cutting, distilling, drying/dehydrating raw agricultural commodities to create a distinct commodity (such as drying/dehydrating grapes to produce raisins), evaporating, eviscerating, extracting juice, formulating, freezing, grinding, homogenizing, irradiating, labeling, milling, mixing, packaging (including modified atmosphere packaging), pasteurizing, peeling, rendering, storing/holding, treating to manipulate ripening, trimming, washing, or waxing.

(33) **"Moderate Risk Classification"** means a firm which produces a moderate risk product or which produces a lower-risk product distributed to highly susceptible populations or in such volume that a violative product poses a moderate threat to public health.

(34) **"Moderate Risk Product"** means a product that has been classified as carrying a moderate potential for contamination or foodborne illness.

(35) **"Molluscan Shellfish"** means any edible species of fresh or frozen oysters, clams, mussels, or scallops, or edible portions of such species, except when the product consists entirely of the shucked adductor muscle.

(36) **"Packing"** means placing food into a container other than packaging the food and also includes re-packing and activities performed incidental to packing or re-packing a food (e.g., activities performed for the safe or effective packing or re-packing of that food (such as sorting, culling, grading, and weighing or conveying incidental to packing or re-packing)), but does not include activities that transform a raw agricultural commodity into a processed food as defined in section 201(gg) of the Federal Food, Drug, and Cosmetic Act.

(37) **"Person"** means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

(38) **"Person In Charge"** means the individual present at a food processing plant who is responsible for the operation at the time of inspection.

(39) **"pH"** means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.

(40) **"Poisonous or Deleterious Substances"** means substances that are not intended for ingestion.

(41) **"Ratite"** means a flightless bird such as an emu, ostrich, or rhea.

(42) **"Raw Agricultural Product"** or **"Raw Agricultural Commodity"** means any agricultural commodity in its raw or natural state that has undergone little or no processing. This product would require further processing before consumption.

(43) **"Ready-to-Eat Food"** means food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or consumer and that is reasonably expected to be consumed in that form.

(44) **"Regulatory Authority"** means an agency that is charged with the duty of enforcing specific regulations. The regulatory authority in this Chapter refers to the Georgia Department of Agriculture and the duly authorized agents.

(45) **"Retail Food Establishment"** means an establishment that sells food products directly to consumers as its primary function. The term "retail food establishment" includes those facilities that manufacture, process, pack, and/or hold food. There can be a wholesale/distribution component on the premise providing food to other business entities from that establishment. A retail food establishment's primary function is to sell food directly to consumers if the annual monetary value of sales of food products directly to consumers exceeds the annual monetary value of sales of food products to all other buyers. The term "consumers" does not include businesses.

(46) **"Risk"** means the likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.

(47) **"Risk Classification"** means the designation or category assigned to a food processing plant, and is based on the following criteria:

(a) the inherent risk of the food produced based on that commodity's history of foodborne illness outbreaks, pathogens of concern, and predicted mortality;

(b) the food processing plant's history of compliance with Department rules and regulations;

(c) distribution, whether intrastate, interstate, or export;

(d) population served;

(e) volume of products produced, including co-packing for another business or entity; and

(f) inspectional effort required of the Department, based on size and complexity of the food processing plant's operations.

(48) **"U.S. Federal Food, Drug, and Cosmetic Act"** (abbreviated as FFDCA, FDCA, or FD&C) gives authority to the U.S. Food and Drug Administration (FDA) to oversee the safety of food, drugs, and cosmetics.

(49) **"Water Activity"** means a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol "a_w".

Cite as Ga. Comp. R. & Regs. R. 40-7-18-.02
Authority: O.C.G.A. § 26-2-1, *et seq*.
History. Original Rule entitled "Definitions" adopted. F. Apr. 14, 2010; eff. May 4, 2010.
Amended: F. Oct. 1, 2018; eff. Oct. 21, 2018.
Amended: F. Aug. 27, 2019; eff. Sept. 16, 2019.

Rule 40-7-18-.03. Right of Entry.

(1) The Commissioner or his duly authorized agent shall have free access during all hours of operation and at all other reasonable hours to any factory, warehouse, or establishment in which food is manufactured, processed, packed, or held for introduction into commerce and any vehicle being used to transport or hold such foods to commerce for the following purposes:

(a) Of inspecting such factory, warehouse, establishment, or vehicle, any records of pathogen destruction, and any records of testing of samples or specimens of foods,

ingredients, or environmental for the presence of poisonous or deleterious substances or other contaminants and the results thereof as may be required to determine if any of the provisions of this article are being violated; and

(b) Of securing samples or specimens of any food or environmental samples, after paying or offering to pay for such samples.

(2) It shall be the duty of the Commissioner to make or cause to be made examinations of samples secured under 40-7-18-.07 to determine whether or not this article is being violated.

Cite as Ga. Comp. R. & Regs. R. 40-7-18-.03
Authority: O.C.G.A. § 26-2-1, *et seq*.
History. Original Rule entitled "Right of Entry" adopted. F. Apr. 14, 2010; eff. May 4, 2010.
Amended: F. Aug. 27, 2019; eff. Sept. 16, 2019.

Rule 40-7-18-.04. Preventing Food and Ingredient Contamination.

Food shall be protected from cross contamination by:

(a) Separating raw agricultural products requiring pathogen destruction during storage, preparation, and holding from ready-to-eat foods not requiring further processing, except when combined as ingredients.

(b) As specified under 40-7-1-.12.

Cite as Ga. Comp. R. & Regs. R. 40-7-18-.04
Authority: O.C.G.A. § 26-2-1, *et seq*.
History. Original Rule entitled "Preventing Food and Ingredient Contamination" adopted. F. Apr. 14, 2010; eff. May 4, 2010.
Amended: F. Aug. 27, 2019; eff. Sept. 16, 2019.

Rule 40-7-18-.05. Laboratory Requirements.

Any food processing plant subject to any testing requirements pursuant to this chapter shall cause such required tests to be performed consistent and in accordance with testing standards and procedures outlined in the federal Food and Drug Administration's Bacterial Analytical Manual and standards developed by the Association of Analytical Communities (AOAC) International, International Organization for Standardization, or another internationally recognized certification body.

Cite as Ga. Comp. R. & Regs. R. 40-7-18-.05
Authority: O.C.G.A. § 26-2-1, *et seq*.
History. Original Rule entitled "Laboratory Requirements" adopted. F. Apr. 14, 2010; eff. May 4, 2010

Amended: F. Aug. 27, 2019; eff. Sept. 16, 2019.

Rule 40-7-18-.06. Testing.

(1) The Commissioner shall require testing of finished products leaving the food processing plant, including ingredients going to other facilities for use in other products, for the presence of poisonous or deleterious substances or other contaminants rendering such foods or ingredients injurious to health; testing shall be conducted according to the risk category of the food processing plant.

(a) The food processing plant risk category shall be determined according to the highest risk product the plant produces. The three designated risk categories and minimum testing requirements are:

1. Low risk products - quarterly testing.

2. Moderate risk products - monthly testing.

3. High risk products - semimonthly testing.

(b) Reasonable representative samples according to the scale of the operation/processing shall be tested at regular intervals.

(c) Each firm shall determine, according to the product they are producing, which test shall be sufficient to detect the presence of poisonous or deleterious substances or other contaminants that would cause a food or ingredient to be injurious to health.

(d) Testing shall be conducted by a laboratory as prescribed in 40-7-18-.05.

(e) All positive results shall be reported to the Department in accordance with 40-7-18-.07(1).

(f) Finished product and finished product ingredient testing is Georgia law, and may not be equivalent to any testing regimen required by the Food and Drug Administration. Food processing plants are encouraged to consult with the Department to ensure their testing program is compliant with Georgia laws and regulations.

(2) In addition to any regular tests required, the Commissioner may order any food processing plant to have samples or specimens of its foods and ingredients tested for the presence of any poisonous or deleterious substances or other contaminants whenever in his or her determination there are reasonable grounds to suspect that such food or ingredients may be injurious to health.

(3) The food processing plant shall be responsible for the cost of any testing required pursuant to these regulations and may conduct such testing either internally or via a third party as prescribed in 40-7-18-.05.

Cite as Ga. Comp. R. & Regs. R. 40-7-18-.06
Authority: O.C.G.A. § 26-2-1, *et seq*.
History. Original Rule entitled "Testing" adopted. F. Apr. 14, 2010; eff. May 4, 2010.
Amended: F. Oct. 1, 2018; eff. Oct. 21, 2018.
Amended: F. Aug. 27, 2019; eff. Sept. 16, 2019.

Rule 40-7-18-.07. Reporting.

(1) Whenever any person or firm operating a food processing plant in this state obtains information from testing of samples or specimens of finished foods or finished food ingredients which, based on a confirmed positive test result, indicates 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 contaminates, such person or firm shall report such test result(s) to the Department within 24 hours after obtaining such result.

(a) The person or firm that operates a food processing plant shall be required to report the presence of poisonous or deleterious substances or other contaminates even if the product was not distributed and the problem was corrected.

(b) 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.

(2) Firms reporting positive products shall be placed on an accelerated sampling program as determined by the Department.

Cite as Ga. Comp. R. & Regs. R. 40-7-18-.07
Authority: O.C.G.A. § 26-2-1, *et seq*.
History. Original Rule entitled "Reporting" adopted. F. Apr. 14, 2010; eff. May 4, 2010.
Amended: F. Aug. 27, 2019; eff. Sept. 16, 2019.

Rule 40-7-18-.08. Records.

Records of the results of any tests required pursuant to this Code section shall be kept by a food processing plant and made available to the Department for inspection for a period of not less than two years from the date the results were reported by the laboratory.

Cite as Ga. Comp. R. & Regs. R. 40-7-18-.08
Authority: O.C.G.A. § 26-2-1, *et seq*.
History. Original Rule entitled "Records" adopted. F. Apr. 14, 2010; eff. May 4, 2010.

Amended: F. Aug. 27, 2019; eff. Sept. 16, 2019.

Rule 40-7-18-.09. Written Food Safety Plan.

(1) Each written Food Safety Plan shall be submitted to the Department for review. If an operator of a food processing plant, in its discretion, submits to the department a written food safety plan for such plant and such plan conforms to rules and regulations then such food processing plant shall comply with the requirements of such written food safety plan including, but not limited to, any test regimen provided by such plan, in lieu of complying with a test regimen as specified under 40-7-18-.06.

(2) Minimum standards and requirements for a written food safety plan, such as a hazard analysis critical control point plan, that may be submitted by an operator of a food processing plant to document and describe the procedures used at such plant to prevent the presence of hazards such as poisonous or deleterious substances or other contaminants that would render finished foods or finished ingredients as manufactured at such plant injurious to health, shall include:

(a) A hazard categorization of the types of products that are to be produced.

(b) A flow diagram by specific food or category type identifying critical control points and providing information on the following:

1. Ingredients, materials, and equipment used in the preparation of that food, and

2. Formulations or recipes that delineate methods and procedural control measures that address the food safety measures;

(c) Required sampling and testing of finished products leaving the food processing plant including ingredients going to other facilities for use in other products, for the presence of poisonous or deleterious substances or other contaminants rendering such foods or ingredients injurious to health.

1. Type of testing prescribed for each product.

2. Frequency of testing.

(d) Food employee and supervisory training that addresses food safety measures;

(e) A statement of standard operating procedures for the plan under consideration including clearly identifying:

1. Each critical control point;

2. The critical limits for each critical control point;

3. The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge;

4. The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points;

5. Action to be taken by the person in charge if the critical limits for each critical control point are not met;

6. Records to be maintained by the person in charge to demonstrate that the plan is properly followed and effective;

7. Verify proper cleaning and sanitation.

8. Validation of each critical control point.

(f) Additional scientific data or other information, as required by the Department, supporting the determination that food safety is not compromised by the proposal.

(3) Food safety plans prepared per the requirements of the Code of Federal Regulations Title 21 - Part 117 are considered equivalent to the written food safety plan described in this section, and shall be accepted by the Department prior to implementing an alternative testing regimen.

Cite as Ga. Comp. R. & Regs. R. 40-7-18-.09
Authority: O.C.G.A. § 26-2-1, *et seq*.
History. Original Rule entitled "Written Food Safety Plan" adopted. F. Apr. 14, 2010; eff. May 4, 2010.
Amended: F. Oct. 1, 2018; eff. Oct. 21, 2018.
Amended: F. Aug. 27, 2019; eff. Sept. 16, 2019.

Rule 40-7-18-.10. Exemption.

(1) Section 40-7-18-.06 of this chapter shall not apply to the following products or processes:

(a) Food products produced under a federal grant of inspection from the United States Department of Agriculture Food Safety and Inspection Service and which are not produced under regulatory jurisdiction of the U.S. Food and Drug Administration (FDA);

(b) Grade A milk products that are governed under the Pasteurized Milk Ordinance (PMO);

(c) Bottled water products regulated under Georgia Department of Agriculture Food Division Regulations Chapter 40-7-6 Additional Regulations Applicable to Commercially Bottled Water and Water Vending Machines;

(d) Shellfish products governed by the National Shellfish Sanitation Program (NSSP) Model Ordinance;

(e) Raw agricultural products requiring further processing as specified under 40-7-18-.02(43); or

(f) Classified as a small business producing low volume food products as defined by U.S. Food and Drug Administration. Businesses qualifying under this exemption must submit supporting documentation to the Department.

(2) Facilities that produce both covered and exempt food products, as described in subparagraph (1) above, must still perform the required testing on those covered products manufactured or otherwise processed in their food processing plants.

(3) The exemptions granted by the Commissioner based on criteria apply only to the testing requirements of this Chapter. However, if an exemption is granted it can be revoked.

Cite as Ga. Comp. R. & Regs. R. 40-7-18-.10
Authority: O.C.G.A. § 26-2-1, *et seq*.
History. Original Rule entitled "Exemption" adopted. F. Apr. 14, 2010; eff. May 4, 2010.
Amended: F. Oct. 1, 2018; eff. Oct. 21, 2018.
Amended: F. Aug. 27, 2019; eff. Sept. 16, 2019.

Rule 40-7-18-.11. Trade Secrets - Confidentiality.

The Department shall treat as confidential information that qualifies as a trade secret that is contained on inspection report forms and in the plans or specifications submitted as required to comply with this chapter.

Cite as Ga. Comp. R. & Regs. R. 40-7-18-.11
Authority: O.C.G.A. § 26-2-1, *et seq*.
History. Original Rule entitled "Trade Secrets - Confidentiality" adopted. F. Apr. 14, 2010; eff. May 4, 2010.
Amended: F. Aug. 27, 2019; eff. Sept. 16, 2019.

Rule 40-7-18-.12. Adoption of Reference.

Hereinafter, the following is adopted by reference and therefore all applicable provisions become part of this chapter:

(1) Federal Food, Drug and Cosmetic Act, as amended and regulations issued thereunder.

(2) The Code of Federal Regulations, Title 21 Parts 1 (ONLY § 1.20-1.24, and Subpart O § 1.900-1.934), 7 (ONLY § 7.1-7 .13 and § 7.40-7.59), 70 (ONLY § 70.20-70.25), 73 (ONLY § 73.1 - § 73.615), 74 (ONLY § 74.101-706), 81, 82 (ONLY § 82.3 - § 82.706), 100 (ONLY § 100.155 and § 101.100), 101 (EXCEPT § 101.69 and § 101.108), 102 (EXCEPT § 102.19), 104, 105, 106 (EXCEPT § 106.120), 107 (EXCEPT § 107.200 - § 107.280), 108 (ONLY § 108.25 - § 108.35), 109, 110, 113, 114, 115, 117, 118, 120, 123, 129, 130 (EXCEPT § 130.5-6 and § 130.17), 131, 133, 135, 136, 137, 139, 145, 146, 150, 152, 155, 156, 158, 160, 161, 163, 164, 165, 166, 168, 169, 170 (EXCEPT § 170.6, § 170.15, and § 170.17), 172, 173, 174, 175, 176, 177, 178, 180, 181,182, 184, 186, and 189.

(3) Department Rules 40-7-1 Retail Food Sales, only for food processing plants that perform sales to the end consumer on their same premise. These retail components shall be subject to the requirements and standards set forth in 40-7-1. All other areas of the food processing plant, whose operations do not directly involve sales to the end consumer, shall remain under the provisions of these regulations; including the federal laws and regulations adopted by reference in paragraphs (1) and (2) of this section.

Cite as Ga. Comp. R. & Regs. R. 40-7-18-.12
Authority: O.C.G.A. § 26-2-1, *et seq*.
History. Original Rule entitled "Adoption of Reference" adopted. F. Apr. 14, 2010; eff. May 4, 2010.
Amended: F. July 7, 2011; eff. July 27, 2011.
Amended: F. Oct. 1, 2018; eff. Oct. 21, 2018.
Amended: F. Aug. 27, 2019; eff. Sept. 16, 2019.

Rule 40-7-18-.13. Civil Penalties.

(1) A food processing plant that fails to comply with the testing regiment as specified under 40-7-18-.06 or Written Food Safety Plan as specified under paragraph (1) and (2) of this section;

(A) Shall be imposed a fine not to exceed $5,000.00 for each violation.

(B) An imposition of a $7,500.00 civil penalty for any food processing plant that knowingly fails to comply.

(C) In addition to such civil penalties, within 30 days of the determination by the Commissioner that such violation has occurred, such food processing plant shall submit to the Commissioner a Written Plan as specified under paragraph (2) of this section.

(2) Any person who knowingly fails to make the report required by section 40-7-18-.07 of this Chapter shall be guilty of a misdemeanor. The punishment shall be supplemental to any other applicable provisions of law.

(3) Any person who knowingly violates record keeping as required by section 40-7-18-.08 shall be guilty of a misdemeanor. The punishment shall be supplemental to any other applicable provisions of law.

(4) Any person who knowingly introduces into commerce finished foods or finished food ingredients as manufactured at a food processing plant knowing that it contains 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 contaminates shall be guilty of a felony, and, upon conviction, shall be punished by imprisonment for not less than one nor more than 20 years, a fine not to exceed $20,000.00, or both. The punishment shall be supplemental to any other applicable provisions of law.

(5) Each day a violation continues after the violation has been documented by the Department shall be considered a separate violation.

(6) Such penalties shall be subject to review in the manner prescribed by the Department's Administrative Rules of Practice and Procedure Rules 40-1-2.

Cite as Ga. Comp. R. & Regs. R. 40-7-18-.13
Authority: O.C.G.A. § 26-2-1, *et seq*.
History. Original Rule entitled "Civil Penalties" adopted. F. July 7, 2011; eff. July 27, 2011.
Amended: F. Aug. 27, 2019; eff. Sept. 16, 2019.

Rule 40-7-18-.14. License to Operate.

(1) Prerequisite for Operation. A person may not operate a food processing plant without a valid license to operate issued by the Department.

(2) Form of Submission. A person desiring to operate a food processing plant shall submit to the Department a written application for a license on a form provided by the Department.

(3) License Fees.

(a) The license fee structure is as follows:

1. Tier 1 fee is $100;

2. Tier 2 fee is $150;

3. Tier 3 fee is $200;

4. Tier 4 fee is $250; and

5. Tier 5 fee is $300.

(b) Food processing plants will be assigned a license tier based on the following factors:

1. The hazards and inherent risk hazard of the products and processes of the food processing plant, including:

(i) Pathogens of concern for a given product/commodity,

(ii) Severity of the illness or mortality associated with processing deviations,

(iii) Previous history of foodborne illness outbreaks associated with a given product/commodity, and

(iv) Population served;

2. The procedural effort required by the Department to conduct an inspection, including review of records and supporting documentation; and

3. The volume and distribution of the products manufactured by the food processing plant.

(c) A list of current Firm Type categories and their associated license tier levels shall be posted and maintained on the Department's public facing website.

(4) Qualifications and Responsibilities of Applicants. To qualify for licensing, an applicant shall:

(a) Be an owner of the establishment or an officer of the legal ownership;

(b) Comply with the requirements of these regulations;

(c) Agree to, that after the Department Representative presents official credentials and provides notice of the purpose of, and an intent to conduct, an inspection, the person in charge shall allow the Department Representative to determine if the food processing plant is in compliance with these Regulations by allowing access to the establishment, allowing inspection, and providing information and records specified in these Regulations and to which the Department is entitled according to law, during the food processing plant's hours of operation and other reasonable times.

(d) Agree to comply with directives of the Department including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the Department in regard to the license holder's food processing plant. Further, a license holder shall at the time of inspection, correct a critical violation of these regulations and/or implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.

(e) Agree to be subject to the administrative, civil, injunctive, and criminal remedies authorized under law for failure to comply with these regulations or a directive of the Department, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

(5) License Not Transferable. A license may not be transferred from one person to another person, from one processing plant to another, or from one type of operation to another.

(6) Refusal to Sign Acknowledgment. The regulatory authority shall:

(a) Inform a person who declines to sign an acknowledgment of receipt of inspectional findings that:

1. An acknowledgment of receipt is not necessarily an agreement with findings,

2. Refusal to sign an acknowledgment of receipt will not affect the license holder's obligation to correct the violations noted in the inspection report within the time frames specified, and

3. A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the Department historical record for the food processing plant; and

(b) Make a final request that the person in charge sign an acknowledgment of receipt of inspectional findings.

(7) Ceasing Operations and Reporting - Imminent Health Hazard.

(a) Except as specified in paragraph (b) of this section, a license holder shall immediately discontinue operations and notify the Department if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health;

(b) A license holder need not discontinue operations in an area of a food processing plant that is unaffected by the imminent health hazard.

(8) Resumption of Operations.

(a) If operations are discontinued as specified under 40-7-18-.14(7) or otherwise according to law, the permit holder shall obtain approval from the Department before resuming operations

(b) Embargoed Food. The removal or disposal of embargoed or detained food is prohibited without official release from the Department.

Cite as Ga. Comp. R. & Regs. R. 40-7-18-.14
Authority: O.C.G.A. § 26-2-1, *et seq*.
History. Original Rule entitled "License to Operate" adopted. F. Aug. 14, 2012; eff. Sept. 3, 2012.
Amended: F. Oct. 1, 2018; eff. Oct. 21, 2018.
Amended: F. Aug. 27, 2019; eff. Sept. 16, 2019.

Subject 40-7-19. COTTAGE FOOD REGULATIONS.

Rule 40-7-19-.01. Purpose.

The purpose of this Chapter is to allow individuals using home kitchens to prepare, manufacture, and sell non-potentially hazardous foods to the public.

Cite as Ga. Comp. R. & Regs. R. 40-7-19-.01
Authority: O.C.G.A. § 26-2-34.
History. Original Rule entitled "Purpose" adopted. F. Aug. 7, 2012; eff. Aug. 27, 2012.
Amended: F. Feb. 24, 2021; eff. Mar. 16, 2021.

Rule 40-7-19-.02. Definitions.

As used in this Chapter, the term:

(1) "Bulk food" means food in aggregate containers from which quantities desired by the consumer are withdrawn.

(2) "Consumer" means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a Food Sales Establishment or Food Processing Plant, and does not offer the food for resale.

(3) "Cottage food operator" means a person who produces cottage food products only in the home kitchen of that person's primary domestic residence and only for sale directly to the consumer.

(4) "Cottage food products" means non-potentially hazardous baked goods, jams, jellies, preserves, and other non-potentially hazardous foods produced in the home kitchen of a domestic residence.

(5) "Domestic residence" means a single-family dwelling or an area within a rental unit where a single person or family actually resides; but does not include any group or communal residential setting within any type of structure or any outbuilding, shed, barn, or other similar structure.

(6) "Easily Cleanable" means a characteristic of a surface that:

(a) Allows effective removal of soil by normal cleaning methods;

(b) Is dependent on the material, design, construction, and installation of the surface; and

(c) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use.

(7) "Equipment" means a normal household article that is used in the manufacture of cottage food products such as a freezer, grinder, hood, ice maker, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature-measuring device, or warewashing machine; but does not include industrial or commercial grade equipment that, due to their size, cannot be effectively cleaned in residential sinks or dishwashers.

(8) "Food" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(9) "Foodborne disease outbreak" means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.

(10) "Food-contact surface" means:

(a) A surface of equipment or a utensil with which food normally comes into contact; or

(b) A surface of equipment or a utensil from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.

(11) "Home kitchen" means a kitchen primarily intended for use by the residents of a home. It may contain one or more stoves or ovens, which may be a double oven, designed for residential use. It must not include commercial types of equipment.

(12) "License" means the document issued by the Department that authorizes a cottage food operator to produce cottage food products in their home kitchen. The Cottage Food

License should not be considered a loophole or alternative to the Food Establishment License, or the requirement to obtain a Food Establishment License for Food Establishments under Subject 40-7-1.

(13) "Packaged" means bottled, canned, cartoned, securely bagged, or securely wrapped in a cottage food operation. "Packaged" does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.

(14) "Permitted area" means the portion of a domestic residence housing a home kitchen where the preparation, packaging, storage, or handling of cottage food products occurs.

(15) "Personal Care Items" means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance; which include items such as medicines, first aid supplies, cosmetics, and toiletries such as toothpaste and mouthwash.

(16) "Potentially hazardous foods" means foods requiring temperature control for safety because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms, or the growth and toxin production of *Clostridium botulinum*.

(17) "Public water system" has the meaning stated in 40 CFR 141.

(18) "Read-to-Eat Food" means a bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety.

(19) "Single-Use Articles" means utensils and bulk food containers designed and constructed to be used once and discarded; including items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans which do not meet the materials, durability, strength, and cleanability specifications for multiuse utensils.

(20) "Smooth" means a food-contact surface having a surface free of pits and inclusions; or a floor, wall, or ceiling having an even or level surface with no roughness or projections that renders it difficult to clean.

(21) "Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-use articles, and gloves used in contact with food.

Cite as Ga. Comp. R. & Regs. R. 40-7-19-.02
Authority: O.C.G.A. § 26-2-34.
History. Original Rule entitled "Definitions" adopted. F. Aug. 7, 2012; eff. Aug. 27, 2012.
Amended: F. Feb. 24, 2021; eff. Mar. 16, 2021.

Rule 40-7-19-.03. Registration.

A cottage food operator must register with the Georgia Department of Agriculture's Food Safety Division before commencing operations. The application for registration must include the following:

(1) The business name and home address of the cottage food operator;

(2) A list of the cottage food products that the cottage food operator intends to produce;

(3) Indication of private or public water system. If a public water system is utilized for the manufacture of cottage food products, the cottage food operator must attach a copy of their most recent water bill to the registration form;

(4) Indication that the cottage food operator has attended and passed a Food Safety training class accredited by the American National Standards Institute (ANSI). A copy of their certificate must be attached to the registration form;

(5) Indication that the cottage food operator has checked with their municipal and county governments to ensure a home business is allowed; and

(6) An affidavit attesting that, by completing the registration form, the cottage food operator expressly grants the Georgia Department of Agriculture the right of entry to the residence during normal business hours, or at other reasonable times, for investigation of any consumer complaint, foodborne disease outbreak, or other public health emergency. Refusal to allow entry during normal business hours, or at other reasonable times, will result in revocation of their Cottage Food License.

Cite as Ga. Comp. R. & Regs. R. 40-7-19-.03
Authority: O.C.G.A. § 26-2-34.
History. Original Rule entitled "Registration" adopted. F. Aug. 7, 2012; eff. Aug. 27, 2012.
Amended: F. Feb. 24, 2021; eff. Mar. 16, 2021.

Rule 40-7-19-.04. Licenses and Fees.

(1) A person must not operate as a cottage food operator without registering with and obtaining a license from the Department.

(2) The annual fee for the Cottage Food License will be $100.00. Registration must be completed annually for permitted cottage food operators, according to calendar year. For new applicants registering after June 30th, the fee for the License will be reduced by 50%.

(3) Water analysis, for coliform bacteria and nitrates, will be required annually for cottage food operators with a private water supply; and a copy of the water analysis results must be attached to the registration form. The most recent copy of the annual water analysis results must be maintained by the cottage food operator and provided to the Department

upon request. The cottage food operator must also adhere to the requirements found in the Department's *Non-Public Water Supply Testing Guidance* document.

(4) Cottage Food Licenses are not required for individuals selling home produced non-potentially hazardous foods only at non-profit events as described in O.C.G.A. § 26-2-21(a)(5)(C).

Cite as Ga. Comp. R. & Regs. R. 40-7-19-.04
Authority: O.C.G.A. § 26-2-34.
History. Original Rule entitled "Licenses and Fees" adopted. F. Aug. 7, 2012; eff. Aug. 27, 2012.
Amended: F. Feb. 24, 2021; eff. Mar. 16, 2021.

Rule 40-7-19-.05. Cottage Food Limitations.

Cottage Food Operators:

(1) May only produce non-potentially hazardous foods. Examples of these foods include:

(a) Loaf breads, rolls, and biscuits;

(b) Cakes (except those that require refrigeration due to cream cheese icing, fillings, or high moisture content such as tres leche);

(c) Pastries and cookies;

(d) Candies and confections;

(e) Fruit pies;

(f) Jams, jellies, and preserves (Not to include Fruit Butters whose commercial sterility may be affected by reduced sugar/pectin levels);

(g) Dried fruits;

(h) Dry herbs, seasonings and mixtures;

(i) Cereals, trail mixes, and granola;

(j) Coated or uncoated nuts;

(k) Vinegar and flavored vinegars; and

(l) Popcorn, popcorn balls, and cotton candy.

(2) Sale of cottage food products must be to the end consumer. No distribution or wholesale is allowed, including to hotels, restaurants, or institutions.

(3) The cottage food operator may only produce the cottage food products listed on their registration form. To add additional products to the list, the cottage food operator must submit a new registration form, including an additional License fee for processing the registration form and re-inspection to ensure that their facilities and equipment are adequate for production of the new cottage food products.

(4) Cottage food products must not be manufactured in conjunction with any domestic activities; including, but not limited to, family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment.

(5) Home canned produce must not be used as an ingredient in cottage food products. Most home canned products are not approved for production under these Regulations, *with the exception of jams and jellies*.

Cite as Ga. Comp. R. & Regs. R. 40-7-19-.05
Authority: O.C.G.A. § 26-2-34.
History. Original Rule entitled "Cottage Food Limitations" adopted. F. Aug. 7, 2012; eff. Aug. 27, 2012.
Amended: F. Feb. 24, 2021; eff. Mar. 16, 2021.

Rule 40-7-19-.06. Cottage Food License.

(1) A Cottage Food License will be issued following a review of the registration application, and upon completion of a pre-operational inspection of the cottage food operator's home kitchen to evaluate the kitchen facilities and ensure compliance with 40-7-19.

(2) The Cottage Food License must contain the following information:

(a) The business name and home address of the cottage food operator;

(b) The cottage food operator's name;

(c) The date the license is issued;

(d) The date the license expires;

(e) The list of cottage food products that were submitted on the license application;

(f) A statement that reads, "This license allows for the retail sale of home produced food. Food sold under this license shall be to the end consumer. Food Produced in this facility is not subject to routine inspection, nor should this license be construed as a substitute for the Department's Food Sales Establishment License;" and

(g) A statement that reads, "This license must be conspicuously displayed at the point of sale."

(3) The Cottage Food License is for food sales operations only. Food service will remain under the jurisdiction of local county health departments and the Georgia Department of Public Health.

Cite as Ga. Comp. R. & Regs. R. 40-7-19-.06
Authority: O.C.G.A. § 26-2-34.
History. Original Rule entitled "Cottage Food License" adopted. F. Aug. 7, 2012; eff. Aug. 27, 2012.
Amended: F. Feb. 24, 2021; eff. Mar. 16, 2021.

Rule 40-7-19-.07. Inspections.

(1) The Department will conduct an inspection of the home kitchen of a cottage food operator:

(a) Prior to issuing the Cottage Food License;

(b) For the investigation of a consumer complaint; or

(c) For the investigation of a foodborne disease outbreak, or other public health emergency.

(2) A pre-operational inspection must be performed prior to the issuance of a Cottage Food License by a Compliance Specialist. The cottage food operator must ensure:

(a) That they understand that only cottage food products disclosed on their registration form can be produced;

(b) That only standard, residential (non-commercial) kitchen equipment is being utilized in the manufacture of cottage food products;

(c) That the home kitchen equipment is acceptable for the intended products;

(d) That food contact surfaces and utensils are smooth and easily cleanable;

(e) That the permitted area is free from the presence of rodents and insects, and that there are no points of entry visible prior to starting operations;

(f) That facilities are available to properly store ingredients and finished products according to the Regulations in 40-7-19;

(g) That they have a copy of the Food Safety Directives (40-7-19-.08) and understand them;

(h) That they are aware of the labeling requirements for cottage food products, including allergen declarations and the cottage food statement; and

(i) That they have a scale if their COTTAGE FOOD PRODUCTS are sold by weight.

(3) Inspections conducted in response to consumer complaints or foodborne disease outbreaks will be unannounced or commence within one (1) hour of receiving notice of the intent to conduct an inspection.

Cite as Ga. Comp. R. & Regs. R. 40-7-19-.07
Authority: O.C.G.A. § 26-2-34.
History. Original Rule entitled "Inspections" adopted. F. Aug. 7, 2012; eff. Aug. 27, 2012.
Amended: F. Feb. 24, 2021; eff. Mar. 16, 2021.

Rule 40-7-19-.08. Food Safety Directives.

The Food Safety Directives are public health intervention strategies designed to limit the potential for foodborne disease outbreaks. Cottage food operators should follow these directives to help ensure the safety of their products. They represent the minimum best practices required in the production of cottage food products, and cottage food operators are encouraged to contact the Department for additional guidance on food safety issues.

(1) Handwashing

(a) Employees involved with the preparation and packaging of cottage food products should clean their hands and exposed portions of their arms before starting food processing and after any activity that renders the hands unsanitary.

(b) Liquid soap, paper towels, and water warm to the touch should be used for handwashing, and these should always be available at the handwashing sink.

(2) Bare-Hand Contact with Ready-to-Eat Foods. Bare-hand contact with ready-to-eat foods should be avoided at all costs. Single-service globes, bakery papers, tongs, or other utensils should be used when handling ready-to-eat foods.

(3) Hair Restraint and Clean Outer Garments. Hair restraints and clean outer garments must be worn by all persons in the permitted area during processing, preparing, packaging, or handling of cottage food products.

(4) Eating, Drinking, or Using Tobacco. No cottage food operator or employee under the cottage food operator's direct supervision should eat, drink, or use any form of tobacco in the permitted area during processing, preparing, packaging, or handling of cottage food products.

(5) Preventing Contamination When Tasting. A cottage food operator or employees under the cottage food operator's direct supervision should not use a utensil more than once to taste cottage food products.

(6) Employee Health. Employees should not be allowed to prepare or package cottage food products if they have any of the following symptoms:

(a) Vomiting;

(b) Fever;

(c) Diarrhea;

(d) Jaundice; or

(e) Sore throat with fever.

(7) Unauthorized Persons. No person other than the cottage food operator or designated employees under the cottage food operator's direct supervision, should be engaged in food processing or handling activities, or be present in the permitted area while preparation, packaging, or handling is occurring.

(8) Food Contact Surfaces. The food contact surfaces of all equipment and utensils should be clean to the sight and touch before beginning manufacture of cottage food products, and at a minimum frequency while in use to limit the potential for food and ingredient contamination.

(9) Proper Storage of Ingredients and Finished Products. cottage food products' ingredients and finished products should be stored separate from the residential food supplies, and in a manner to prevent contamination from the premises and non-employees.

(10) Proper Use and Storage of Chemicals. Chemicals should be used according to the label instructions and stored in a manner to prevent contamination of food contact surfaces, ingredients and finished products, single-use articles, and packaging materials.

(a) Personal care items should not be stored or allowed in the permitted area unless stored in such a manner that does not allow contamination of food or food contact surfaces.

(b) Spray bottles should have their contents clearly labeled.

(c) Pest control chemicals should not be used in the permitted area.

(11) Pests. Pests should not be present in the permitted area. These areas should be kept clean to prevent harborage of pests, and the premises should allow for easy visual inspection of pest activity.

(12) Pets. Pets should not be allowed in the permitted area at any time during the preparation or packaging of cottage food products.

Cite as Ga. Comp. R. & Regs. R. 40-7-19-.08
Authority: O.C.G.A. § 26-2-34.

History. Original Rule entitled "Food Safety Directives" adopted. F. Aug. 7, 2012; eff. Aug. 27, 2012.
Amended: F. Feb. 24, 2021; eff. Mar. 16, 2021.

Rule 40-7-19-.09. Product Labels.

Labeling is required for Cottage Food Products, and the method will vary depending on the manner of sale:

(1) Direct sale. For cottage food products that are custom sold to an individual consumer (ex. wedding cakes, birthday cakes, etc.) the following information must be on the package:

(a) The business name and home address of the cottage food operator;

(b) The following statement must be conspicuously labeled on the package, "MADE IN A COTTAGE FOOD OPERATION THAT IS NOT SUBJECT TO STATE FOOD SAFETY INSPECTIONS." This statement must:

1. Appear in Times New Roman or Arial font, in at least 10-point type; and

2. In a color that contrasts to the background color of the label.

(2) Pre-Packaged foods. Cottage food products individually packaged, wrapped, or otherwise containerized for sale to the end consumer must have a product label attached to the package. The following information must be included on the label:

(a) The business name and home address of the cottage food operator;

(b) The common name of the cottage food product;

(c) The ingredients in descending order of predominance by weight;

(d) The net weight or volume of the product;

(e) Allergen labeling as specified by FDA labeling requirements;

(f) If a nutritional claim is made, appropriate nutritional information as specified by FDA labeling requirements;

(g) The cottage food statement as described in 40-7-19-.09(1)(b).

(3) Bulk Sales. Cottage food products may be offered for sale from bulk food containers. Labeling information must be made available to the consumer, and this may be accomplished by way of a card, sign, loose leaf booklet, or other method of notification at the point of sale. The following information must appear in the labeling information:

(a) The business name and home address of the cottage food operator;

(b) The common name of each of the cottage food product offered for sale in bulk food containers;

(c) The ingredients in descending order of predominance by weight for each of the cottage food products offered for sale in bulk food containers;

(d) Allergen labeling as specified by FDA labeling requirements;

(e) If a nutritional claim is made, appropriate nutritional information as specified by FDA labeling requirements;

(f) The cottage food statement as described in 40-7-19-.09(1)(b) must be affixed to the bulk food container so that it is conspicuously displayed.

Cite as Ga. Comp. R. & Regs. R. 40-7-19-.09
Authority: O.C.G.A. § 26-2-34.
History. Original Rule entitled "Food Product Labels" adopted. F. Aug. 7, 2012; eff. Aug. 27, 2012.
Amended: F. Feb. 24, 2021; eff. Mar. 16, 2021.

Rule 40-7-19-.10. Scales Required.

(1) For cottage food products that are individually packaged, wrapped, or otherwise containerized for sale, the cottage food operator should employ a food scale to ensure that the net contents of the consumer package is at least equal to the amount listed in the declaration of quantity.

(2) For cottage food products that are sold by weight, the cottage food operator must have a scale that is legal for trade.

Cite as Ga. Comp. R. & Regs. R. 40-7-19-.10
Authority: O.C.G.A. § 26-2-34.
History. Original Rule entitled "Scales Required" adopted. F. Aug. 7, 2012; eff. Aug. 27, 2012.
Amended: F. Feb. 24, 2021; eff. Mar. 16, 2021.

Subject 40-7-20. PRODUCE SAFETY REGULATIONS.

Rule 40-7-20-.01. Scope of Regulations.

The following regulations will apply to a farm or farm mixed-type facility that meets the general provisions as outlined in the Code of Federal Regulations, Title 21 Part 112.

Cite as Ga. Comp. R. & Regs. R. 40-7-20-.01
Authority: O.C.G.A. §§ 26-2-34, 26-2-441.

History. Original Rule entitled "Scope of Regulations" adopted. F. Apr. 25, 2019; eff. May 15, 2019.

Rule 40-7-20-.02. Definitions.

The following definitions will apply in the interpretation and enforcement of this Chapter:

(1) **"Adulterated"** will have the same definition as defined in O.C.G.A. § 26-2-26.

(2) **"Code of Federal Regulations"** means the compilation of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

(3) **"Commissioner"** means the Commissioner of Agriculture of the State of Georgia.

(4) **"Department"** means the Georgia Department of Agriculture.

(5) **"Egregious Condition"** means a practice, condition, or situation on a farm or in a packing house that is reasonably likely to lead to serious adverse health consequences or death from the consumption of or exposure to covered produce.

(6) **"Fresh Sprouts Processing Facility"** means a commercial operation that grows, harvests, packs, or holds sprouts, except soil- or substrate-grown sprouts harvested without their roots.

(7) **"Imminent Public Health Hazard"** means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:

(a) the number of potential injuries, and

(b) the nature, severity, and duration of the anticipated injury.

(8) **"License"**, unless otherwise provided herein, means the document issued by the Department, for a fee, which authorizes a person to operate a fresh sprouts processing facility.

(9) **"Misbranded"** will have the same definition as defined in O.C.G.A. § 26-2-28.

(10) **"Person"** means an individual, partnership, corporation, or association or any combination thereof.

Cite as Ga. Comp. R. & Regs. R. 40-7-20-.02
Authority: O.C.G.A. §§ 26-2-34, 26-2-441.
History. Original Rule entitled "Definitions" adopted. F. Apr. 25, 2019; eff. May 15, 2019.

Rule 40-7-20-.03. Right of Entry.

The Commissioner or his duly authorized agent will have free access during all hours of operation and at all other reasonable hours to any farm, mixed-type facility, warehouse, or establishment in which produce is grown, harvested, packed, or held for introduction into commerce, and any vehicle being used to transport or hold produce to commerce for the following purposes:

(1) To inspect each farm, mixed-type facility, warehouse, or establishment in which produce is grown, harvested, packed, or held for introduction into commerce and any vehicle being used to transport or hold produce to commerce for compliance with this Chapter and any other applicable law or regulation enforced by the Department;

(2) To make additional inspections and reinspections as are necessary for the effective enforcement of these regulations; and

(3) To examine applicable records of a farm, mixed-type facility, warehouse, or establishment in which produce is grown, harvested, packed, or held for introduction into commerce and any vehicle being used to transport or hold produce to commerce.

Cite as Ga. Comp. R. & Regs. R. 40-7-20-.03
Authority: O.C.G.A. §§ 26-2-34, 26-2-441.
History. Original Rule entitled "Right of Entry" adopted. F. Apr. 25, 2019; eff. May 15, 2019.

Rule 40-7-20-.04. Embargo or Condemnation.

(1) Produce determined to be adulterated or misbranded will be subject to embargo or condemnation and destruction. The Department may temporarily or permanently issue an order to embargo or condemn all produce or produce containers found to be adulterated or misbranded.

(2) It is unlawful for any person to remove or dispose of such detained or embargoed article by sale or otherwise without the express written permission of the Commissioner or his duly authorized agent.

Cite as Ga. Comp. R. & Regs. R. 40-7-20-.04
Authority: O.C.G.A. §§ 26-2-34, 26-2-441.
History. Original Rule entitled "Embargo or Condemnation" adopted. F. Apr. 25, 2019; eff. May 15, 2019.

Rule 40-7-20-.05. Remedies and Penalties.

The Department may issue civil monetary penalties and seek injunctive relief against any person who violates any provision of this Chapter or any other applicable law or regulation enforced by the Department.

Cite as Ga. Comp. R. & Regs. R. 40-7-20-.05
Authority: O.C.G.A. §§ 26-2-34, 26-2-441.
History. Original Rule entitled "Remedies and Penalties" adopted. F. Apr. 25, 2019; eff. May 15, 2019.

Rule 40-7-20-.06. Adoption of Reference.

The following is hereby adopted by reference and therefore all applicable provisions become part of this chapter:

(1) Federal Food Safety Modernization Act, Public Law 111-353; and

(2) The Code of Federal Regulations, Title 21 Part 112 Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption, as amended and regulations issued thereunder.

Cite as Ga. Comp. R. & Regs. R. 40-7-20-.06
Authority: O.C.G.A. §§ 26-2-34, 26-2-441.
History. Original Rule entitled "Adoption of Reference" adopted. F. Apr. 25, 2019; eff. May 15, 2019.

Rule 40-7-20-.07. License Required for Fresh Sprouts Processing Facility.

(1) Prerequisite for Fresh Sprout Operation. A person may not operate a Fresh Sprouts Processing Facility falling under Code of Federal Regulations, Title 21 Part 112, Subpart M without a valid food sales establishment license to operate issued by the Department.

(2) Form of Submission. A person desiring to operate a Fresh Sprouts Processing Facility must submit to the Department a written application for a license on a form provided by the Department.

(3) License.

   (a) The Commissioner will charge a license fee of $300 for the food sales establishment license issued, pursuant to O.C.G.A 26-2-25.

   (b) The license must be renewed annually on July 1. License fees will be increased by fifty percent (50%) for the renewal of a license not renewed by September 1.

(4) Qualifications and Responsibilities of Applicants. To qualify for licensing, an applicant must:

(a) Be an owner of the establishment or an officer of the legal ownership;

(b) Comply with the requirements of these regulations, and the Current Good Manufacturing Practices (CGMP) found in 21 CFR Part 117 - Subpart B, adopted by reference in Department rule 40-7-18-.12(2); and

(c) Agree to comply with directives of the Department including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the Department in regard to the license holder's Fresh Sprout Processing Facility. Further, a license holder must, at the time of inspection, correct a critical violation of these regulations and/or implement corrective actions.

(5) License Not Transferable. A license may not be transferred from one person to another person, from one processing plant to another, or from one type of operation to another.

Cite as Ga. Comp. R. & Regs. R. 40-7-20-.07
Authority: O.C.G.A. §§ 26-2-34, 26-2-441.
History. Original Rule entitled "License Required for Fresh Sprouts Processing Facility" adopted. F. Apr. 25, 2019; eff. May 15, 2019.

Rule 40-7-20-.08. Reporting Requirements for Fresh Sprouts Processing Facilities.

(1) Whenever any person or firm operating a Fresh Sprouts Processing Facility in this state obtains information of a positive test result that indicates the presence of a poisonous or deleterious substance, either from testing of environmental, in-process product, finished product, or spent sprout irrigation water; such person or firm must report such test result(s) to the Department within 24 hours after obtaining such result.

(a) The person or firm that operates a Fresh Sprouts Processing Facility will be required to report the positive findings regardless if the product was not distributed or the problem was corrected.

(b) A presumptive positive test result or test result requiring further typing or numeration must be carried out through additional testing utilizing the same sample that yielded the presumptive to obtain a final result.

(2) Firms reporting positive products will be placed on an accelerated sampling program as determined by the Department.

(3) Records of the results of any tests required pursuant to the section must be kept by a Fresh Sprout Processing Facility and made available to the Department for inspection for

a period of not less than two years from the date the results were reported by the laboratory.

Cite as Ga. Comp. R. & Regs. R. 40-7-20-.08
Authority: O.C.G.A. §§ 26-2-34, 26-2-441.
History. Original Rule entitled "Reporting Requirements for Fresh Sprouts Processing Facilities" adopted. F. Apr. 25, 2019; eff. May 15, 2019.

Rule 40-7-20-.09. Laboratory Requirements.

Any farm, mixed-type facility, warehouse, or establishment subject to any testing requirements in this Chapter must cause such required tests to be performed consistent and in accordance with testing standards and procedures outlined in Title 21 Part 112 Subpart M and the federal Food and Drug Administration's Bacterial Analytical Manual and standards developed by the Association of Analytical Communities (AOAC) International, International Organization for Standardization, or another internationally recognized certification body.

Cite as Ga. Comp. R. & Regs. R. 40-7-20-.09
Authority: O.C.G.A. §§ 26-2-34, 26-2-441.
History. Original Rule entitled "Laboratory Requirements" adopted. F. Apr. 25, 2019; eff. May 15, 2019.

Rule 40-7-20-.10. Egregious Conditions.

The Commissioner maintains the right to take necessary action, regardless of exemption status if:

(1) A practice, condition, or situation on a farm or in a packing house is reasonably likely to lead to serious adverse health consequence or death from the consumption of or exposure to covered produce; or

(2) Corrective action is not immediately taken for an imminent public health hazard.

Cite as Ga. Comp. R. & Regs. R. 40-7-20-.10
Authority: O.C.G.A. §§ 26-2-34, 26-2-441.
History. Original Rule entitled "Egregious Conditions" adopted. F. Apr. 25, 2019; eff. May 15, 2019.

Chapter 40-8. FARMERS AND CONSUMERS MARKET BULLETIN.

Subject 40-8-1. GENERAL.

Rule 40-8-1-.01. Definitions.

Except as otherwise specifically provided, when used in this chapter:

(a) The term "advertisement" when appearing alone refers to both classified notices and display advertisements unless otherwise restricted.

(b) The term "*Bulletin*" refers to the *Farmers and Consumers Market Bulletin*.

(c) The term "business" means an association, corporation, partnership, or other entity which engages in trade or commercial transactions. Under these rules, the term *business* does not apply to traditional farming operations.

(d) The term "category" means a division or class of advertisements or notices of similar import grouped together by the Editor for organizational purposes.

(e) The term "classified notice" means a *wanted* or *for sale* advertisement submitted to the *Bulletin* staff for publication by a person for his or her benefit.

(f) The term "display advertisement" means an advertisement placed alongside the *Bulletin*'s editorial and classified content in exchange for the advertiser's contribution to the *Bulletin*. Display advertisements must promote goods or services benefitting or relating to the agricultural industry. Under these rules, the term *display advertisement* does not include classified notices.

(g) The term "Commissioner" refers to the Georgia Commissioner of Agriculture.

(h) The term "Department" refers to the Georgia Department of Agriculture.

(i) The term "Editor" refers to the individual designated by the Commissioner to administer the *Bulletin*'s operation. The Editor receives, collects, edits, and arranges materials authorized for publication; maintains circulation lists; and arranges for the *Bulletin*'s printing and circulation.

(j) The term "including" means *including but not limited to*, unless the context requires otherwise.

(k) The term "livestock" means animals kept in the agricultural industry for labor assistance or commodity production. This term includes cattle; swine; equines; sheep; poultry; goats; and non-traditional livestock, e.g., alpacas, antelope, bison, elk, llamas, and water buffalo.

(l) The term "person" carries its natural and usual meaning. Under these rules, the term does not include artificial beings, such as corporations and partnerships.

(m) The term "pets" means animals kept in a domestic setting for companionship or pleasure, e.g., dogs, cats, birds, rabbits, fish, and reptiles.

Cite as Ga. Comp. R. & Regs. R. 40-8-1-.01
Authority: O.C.G.A. §§ 2-2-7, 2-2-8.1.
History. Original Rule entitled "Residence Requirement" adopted. F. Jun. 30, 1965.
Repealed: New Rule entitled "Weekly Publication" adopted. F. Jul. 9, 1993; eff. July 29, 1993.
Repealed: New Rule entitled "Definitions" adopted. F. Feb. 8, 2019; eff. Feb. 28, 2019.

Rule 40-8-1-.02. Publication of Periodical.

The *Farmers and Consumers Market Bulletin* is a periodical published by the Georgia Department of Agriculture as a service to its subscribers. Through publishing the *Bulletin*, the Department seeks to inform subscribers of Department activities and industry issues; the Department also seeks to provide a means of buying and selling items relating to the agricultural industry.

Cite as Ga. Comp. R. & Regs. R. 40-8-1-.02
Authority: O.C.G.A. § 2-2-7.
History. Original Rule entitled "Businesses" adopted. F. Jun. 30, 1965.
Repealed: New Rule entitled "Definitions" adopted. F. Jul. 9, 1993; eff. July 29, 1993.
Repealed: New Rule entitled "Publication of Periodical" adopted. F. Feb. 8, 2019; eff. Feb. 28, 2019.

Rule 40-8-1-.03. Editor's Authority.

The Commissioner designates the Editor as the final authority for all editorial decisions, including:

(a) The decision to promulgate advertising guidelines not in conflict with these rules;

(b) The decision to contract with agricultural businesses or organizations for the placement of display advertisements alongside the *Bulletin*'s editorial and classified content in exchange for contributions to the *Bulletin* by the advertisers;

(c) The decision to allocate the maximum number of words allowed in the classified notices of any particular category in each issue, and the decision to edit any notices exceeding the maximum number of words allocated;

(d) The decision to designate certain issues for emphasis on a particular category or group of categories, including the decision to add or delete certain categories or groups of categories from certain issues;

(e) The decision to include articles or announcements of interest to the agricultural industry;

(f) The decision to refuse publication of classified notices and display advertisements that fail to conform to these rules or guidelines promulgated under these rules, that violate other Departmental rules, that violate Georgia or Federal law, or that are submitted by any

person who has unresolved complaints or numerous complaints filed regarding previous notices; and

(g) The decision to set publication deadlines.

Cite as Ga. Comp. R. & Regs. R. 40-8-1-.03
Authority: O.C.G.A. § 2-2-7.
History. Original Rule entitled "Seed" adopted. F. Jun. 30, 1965.
Repealed: New Rule entitled "Scope" adopted. F. Jul. 9, 1993; eff. July 29, 1993.
Repealed: New Rule entitled "Editor's Authority" adopted. F. Feb. 8, 2019; eff. Feb. 28, 2019.

Rule 40-8-1-.04. Responsibility.

In striving to assure that advertisers are honest and fulfill their obligations, the Department may refuse to publish advertisements in the *Bulletin* from advertisers who do not, in the Editor's opinion, use fair and ethical business practices in their transactions with the public. The Department may also refuse to publish advertisements which include profanity or material deemed inappropriate by the Editor.

The Commissioner, Department, and Editor will not accept responsibility for any advertisements or errors appearing in the *Bulletin*; nor will they assure the quality or fitness for purpose of the services or goods advertised in the *Bulletin*.

All advertisers must comply with all applicable federal, state, and local laws, rules, and regulations relating to the sale or use of their advertised services or goods. The advertisers are solely responsible for ensuring this compliance.

Cite as Ga. Comp. R. & Regs. R. 40-8-1-.04
Authority: O.C.G.A. § 2-2-7.
History. Original Rule entitled "Bees; Sweet Potatoes" adopted. F. Jun. 30, 1965.
Repealed: New Rule entitled "Editor's Authority" adopted. F. Jul. 9, 1993; eff. July 29, 1993.
Repealed: New Rule entitled "Responsibility" adopted. F. Feb. 8, 2019; eff. Feb. 28, 2019.

Rule 40-8-1-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-8-1-.05
Authority: Ga. L. 1874, p. 5; O.C.G.A. Sec. 2-2-7.
History. Original Rule entitled "Handicrafts" adopted. F. Jun. 30, 1965.
Repealed: F. Jul. 9, 1993; eff. July 29, 1993.

Rule 40-8-1-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-8-1-.06
Authority: Ga. L. 1874, p. 5; O.C.G.A. Sec. 2-2-7.
History. Original Rule entitled "Flowers; Live Plants" adopted. F. Jun. 30, 1965.

Repealed: F. Jul. 9, 1993; eff. July 29, 1993.

Rule 40-8-1-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-8-1-.07
Authority: Ga. L. 1874, p. 5; O.C.G.A. Sec. 2-2-7.
History. Original Rule entitled "Farm Labor" adopted. F. Jun. 30, 1965.
Repealed: F. Jul. 9, 1993; eff. July 29, 1993.

Rule 40-8-1-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-8-1-.08
Authority: Ga. L. 1874, p. 5; O.C.G.A. Sec. 2-2-7.
History. Original Rule entitled "Farm Land" adopted. F. Jun. 30, 1965.
Repealed: F. Jul. 9, 1993; eff. July 29, 1993.

Subject 40-8-2. CLASSIFIED NOTICES.

Rule 40-8-2-.01. Requirements and Restrictions for Classified Notices.

(1) General Scope - All classified notices published in the *Bulletin* must relate directly to the agricultural industry or be a product of the industry. Any item submitted for sale through the *Bulletin* must meet at least one of the following criteria:

(a) The item must be produced or raised by the advertiser on his or her own farming operation;

(b) The item must be made by the advertiser from materials on his or her own farm; or

(c) The item must be owned and used by the advertiser on his or her own farming operation and must not be part of a commercial entity's inventory.

(2) Business and Real Estate Professional Restriction - Classified notices are not permitted for businesses or real estate professionals. A person connected with a business or real estate profession may only advertise items that he or she owns and that are not directly associated with the business or commercial operations.

(3) Submission Requirements - Each classified notice submitted for publication must meet the following requirements:

(a) The notice must be in writing or be submitted online via agr.georgia.gov;

(b) The notice must be legible;

(c) The notice must appear on a single sheet of paper separate from any other notice;

(d) The notice must be accompanied by the category name and the name, mailing address, street address, telephone number, and subscriber number of the person submitting the notice; and

(e) The notice must be followed by the below certification statement and the signature of the person submitting the notice.

"I hereby certify that the above notice meets all necessary requirements for publication in the *Farmers and Consumers Market Bulletin*"

(4) Legal Requirements - Any item for sale or service offered in a classified notice must conform to all applicable laws and regulations regarding sale and movement. The Editor may summarize any known legal requirements or requirements imposed by the Commissioner in each category's headnote; however, this summary will not be deemed exclusive should the Editor become aware of other laws or regulations.

(5) License and Permit Requirement - An advertiser must hold all required licenses and permits for any product or service advertised, and all applicable licenses and permits must remain valid throughout the advertising run.

(6) Testing Requirement - An advertiser must appropriately test any product which requires testing, and the results of this test must remain valid throughout the product's advertising run.

(7) Documentation Requirement - An advertiser must appropriately document any product which requires documentation, and the documentation must remain valid throughout the product's advertising run.

(8) Additional Restrictions - The following restrictions apply to classified notices:

(a) Handicrafts - All items advertised in the Handicrafts column must be made by the advertiser and not purchased for resale. These items must be usable in the home or on the farm.

(b) Farm Labor - Only *farm work wanted* or *farm help wanted* notices are allowed in the Farm Employment column. Commercial or domestic employment will not be published or advertised.

(c) Farm Land - Advertisements for the sale, purchase, or rental of farm land may be published in issues specifically designated by the Editor. Commercial or city properties will not be published or advertised. The Editor will determine if property to be advertised can be classified as a farm.

(d) Farm Machinery and Equipment - Only farm machinery and equipment owned by the advertiser and used in his or her own farming operation can be advertised. A person advertising for machinery and equipment wanted must seek those items for his or her own farming operation.

(e) Farm Services - Any farm service advertised must be performed by the advertiser personally on the farm of the individual desiring service.

(f) Livestock - All livestock must have been in the advertiser's possession for a minimum of 90 days before they can be advertised.

(g) Pets - Pets are not eligible for advertisement in the *Bulletin*, with the following exceptions:

1. Stock dogs - Advertisers must submit a copy of a current Rabies Vaccination Certificate signed by a licensed veterinarian for dogs 12 weeks and older.

2. Fish - Aquatic animals, including catfish and trout, which are recognized by Georgia's aquaculture industry.

(h) Timber - Timber must be individually owned and produced by the advertiser on his or her own property. Timber wanted advertisements will not be published.

Cite as Ga. Comp. R. & Regs. R. 40-8-2-.01
Authority: O.C.G.A. § 2-2-7.
History. Original Rule entitled "Amount of Space" adopted. F. Jun. 30, 1965.
Repealed: New Rule entitled "Number Allowed" adopted. F. Jul. 9, 1993; eff. July 29, 1993.
Repealed: New Rule entitled "Requirements and Restrictions for Classified Notices" adopted. F. Feb. 8, 2019; eff. Feb. 28, 2019.

Rule 40-8-2-.02. Publication of Classified Notices.

Without the Editor's advance special authorization, each subscriber may only run one classified notice in an issue of the *Bulletin*.

Following approval, classified notices will be published in only two issues per submission; however, a person may make a written request for publication of a classified notice in up to four consecutive issues. If extended publication is permitted, a new classified notice must be submitted after the four-issue publication period to continue publication of the classified notice.

Cite as Ga. Comp. R. & Regs. R. 40-8-2-.02
Authority: O.C.G.A. § 2-2-7.
History. Original Rule entitled "Number Allowed" adopted. F. Jun. 30, 1965.
Repealed: New Rule entitled "Times Published" adopted. F. Jul. 9, 1993; eff. July 29, 1993.

Repealed: New Rule entitled "Publication of Classified Notices" adopted. F. Feb. 8, 2019; eff. Feb. 28, 2019.

Rule 40-8-2-.03. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-8-2-.03
Authority: O.C.G.A. § 2-2-7.
History. Original Rule entitled "Times Published" adopted. F. Jun. 30, 1965.
Repealed: New Rule entitled "ln Writing" adopted. F. Jul. 9, 1993; eff. July 29, 1993.
Repealed: F. Feb. 8, 2019; eff. Feb. 28, 2019.

Subject 40-8-3. DISPLAY ADVERTISEMENTS.

Rule 40-8-3-.01. Display Advertisement Availability and Design.

In exchange for a specified monetary contribution to the *Bulletin*, persons and artificial beings, including commercial enterprises and nonprofits, may advertise alongside the *Bulletin*'s editorial and classified content. These advertisements must promote goods or services benefitting or relating to the agricultural industry.

The full contribution according to the uniform rate schedule set by the Editor must be received prior to a display advertisement's publication. Space is filled on a first come, first served basis; with priority given to advertisers who contribute for long-term space reservations.

The Editor will set the uniform size options correlating with the various contribution levels, e.g., eight-page and quarter-page. A combination of text and photos will be used to convey messages for display advertisements.

Cite as Ga. Comp. R. & Regs. R. 40-8-3-.01
Authority: O.C.G.A. §§ 2-2-7, 2-2-8.1.
History. Original Rule entitled "Weekly Publication" adopted. F. Jun. 30, 1965.
Repealed: New Rule entitled "Residence Requirement" adopted. F. Jul. 9, 1993; eff. July 29, 1993.
Repealed: New Rule entitled "Display Advertisement Availability and Design" adopted. F. Feb. 8, 2019; eff. Feb. 28, 2019.

Rule 40-8-3-.02. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-8-3-.02
Authority: O.C.G.A. §§ 2-2-7, 2-2-8.1.
History. Original Rule entitled "Scope" adopted. F. Jun. 30, 1965.
Repealed: New Rule entitled "Businesses" adopted. F. Jul. 9, 1993; eff. July 29, 1993.
Repealed: F. Feb. 8, 2019; eff. Feb. 28, 2019.

Rule 40-8-3-.03. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-8-3-.03
Authority: O.C.G.A. §§ 2-2-7, 2-2-8.1.
History. Original Rule entitled "Editor's Rights" adopted. F. Jun. 30, 1965.
Repealed: New Rule entitled "Notice Prerequisite" adopted. F. Jul. 9, 1993; eff. July 29, 1993.
Note: Correction of non-substantive typographical error in. In accordance with Rule title cited in filing, "**Repealed:** New Rule entitled "Businesses" adopted. F. Jul. 9, 1993; eff. Jul. 29, 1993." corrected to "**Repealed:** New Rule entitled "Notice Prerequisite" adopted. F. Jul. 9, 1993; eff. Jul. 29, 1993." Effective Feb. 28, 2019.
Repealed: F. Feb. 8, 2019; eff. Feb. 28, 2019.

Rule 40-8-3-.04. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 40-8-3-.04
Authority: O.C.G.A. §§ 2-2-7, 2-2-8.1.
History. Original Rule entitled "Responsibility" adopted. F. Jul. 9, 1993; eff. July 29, 1993.
Repealed: F. Feb. 8, 2019; eff. Feb. 28, 2019.

Chapter 40-9. STATE FARMERS' MARKET.

Subject 40-9-1. PURPOSE.

Rule 40-9-1-.01. Ownership and Operation.

(1) The Farmers' Markets of this State are State owned, State operated, and under the control and jurisdiction of the Commissioner of Agriculture. Each such Market shall only be utilized as provided by law or Rules and Regulations applicable thereto. The right is reserved to limit, restrict and prohibit the use of any Market, for any purpose or by any person, when the Commissioner of Agriculture, by himself or through his designated agent, deems such use contrary to or in conflict with the best interest of such Market or the operation thereof.

(2) No person shall use any Market facility for any purpose, including but not limited to, the making of a delivery on the Market, except as provided by these Rules and Regulations and as provided by Law. All farmers, producers, merchants, day laborers, customers and persons making deliveries on any Market shall be subject to these Rules and Regulations and to the Local Operating Rules of the Market established in accordance with these Regulations.

(3) No person has an absolute right to sell produce at the State Farmers' Markets. If a person does not possess a current license, that person is in trespass and the Market Manager or Department of Agriculture Commissioner or his agent will demand that person vacate the premises immediately upon oral or written request. If the person does not comply with the request, that person is in trespass, and the Market Manager or Department of Agriculture Commissioner or his agent may request that such person immediately vacate the premises and the Commissioner or his agent may request the Sheriff of the appropriate county or

use any other lawful means to remove that person from the Farmers' Markets area immediately.

Cite as Ga. Comp. R. & Regs. R. 40-9-1-.01
Authority: O.C.G.A. Secs. 2-10-50*et seq.*, 2-10-56.
History. Original Rule entitled "Ownership and Operation" adopted. F. and eff. June 30, 1965.
Amended: F. June 11, 1992; eff. July 1, 1992.
Repealed: New Rule of same title adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.

Subject 40-9-2. MANAGEMENT.

Rule 40-9-2-.01. Assignment of Space and Collection of Fees.

(1) All farmers, producers, merchants, day laborers and others using any Markets must contact the Market Manager of such Market or his representative, before making deliveries, engaging in business or occupying space on the Market. The Market Manager may require that all day laborers seeking independent employment on a Farmers' Market must register with the Market Manager. The Market Manager will designate a space or area for laborers to assemble while awaiting employment.

(2) The Market Manager of a Market or his representative will assign space and collect fees according to a published schedule. Each Market Manager shall have the authority to issue a "Schedule of Fees" to be charged subject to approval of the Commissioner of Agriculture, and to alter, amend, or suspend any part of all such fees, subject to approval of the Commissioner of Agriculture. The published "Schedule of Fees" will cover all vehicles entering the Market to sell or deliver its contents.

(3) **Fees** shall be collected at the gate on all loaded vehicles. Failure to purchase and obtain gate tickets when required under the Act or these Rules will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business at the Markets in the future.

(4) **Truck Sales.** This method allows for 24 hours parking on shed or until the load is sold whichever comes first. The gate ticket covers 24 hours parking. If the load is not sold at the end of this 24 hour period, the Market Manager will assign a stall for periods of 24 hours until the load is sold. Additional fees will be paid for each 24 hour period. When produce is sold, the space shall immediately revert back to the Market. One hour is given to clean and vacate the space. Failure to pay additional fees when required under the Act or these Rules will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business at the Markets in the future.

(5) **Space Sales.** This method allows an individual to locate or establish his business on a continuous day to day basis for the season in a specified place on the sheds. Payment for space per stall for 24 hours shall be published by each Market and collected daily. This fee shall be in addition to the gate fee. Failure to pay the fees when required under the Act

or these Rules will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business at the Markets in the future.

(6) No person shall use any space upon the Market except as assigned and authorized by the Market Manager. Use of stalls or spaces by anyone other than the person assigned and authorized by the Market Manager is prohibited. The use of space not assigned and authorized by the Market Manager as required under the Act or these Rules will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business at the Markets in the future.

(7) Space on a Market may be designated by the Market Manager as "Producer" area and upon such designation, only producers selling produce actually grown by the producer may be offered for sale therein. A producer occupying space in a "Producer" area who shall offer for sale produce not grown by him shall forthwith lose his status as a producer and may be removed from the "Producer" area and will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business at the Markets in the future.

(8) Items cannot be displayed on steps or sidewalk, and nothing can be displayed on walkway at the end of shed on platform unless the licensee obtains written permission of the Market Manager. The use of space in this manner will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business at the Markets in the future.

Cite as Ga. Comp. R. & Regs. R. 40-9-2-.01
Authority: O.C.G.A. Secs. 2-10-50*et seq.*, 2-10-56, 50-13-4.
History. Original Rule entitled "Assignment of Space and Collection of Fees" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Jan. 10, 1967; eff. Jan. 29, 1967.
Amended: F. June 13, 1974; eff. July 3, 1974.
Amended: F. June 11, 1992, eff. July 1, 1992.
Repealed: New Rule of same title adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.
Repealed: New Rule of same title adopted. F. Apr. 8, 2008; eff. Apr. 28, 2008. This change is enacted in order to simplify the rules and also to place the markets on a comparative basis of charges and assignment of space.

Rule 40-9-2-.02. Use of Property for Expressive Activity.

(1) Persons who desire to assemble for public communication on or within farmers' markets or facilities operated by the Georgia Department of Agriculture must first give written notice to the market manager or facility manager and complete arrangements for approval from department staff at least 72 hours before such assemblage.

(2) Use of areas as a public communication shall not interfere with the normal operations of the market or facilities including safe, unhindered passageways for all persons.

(a) Passageways will be deemed hindered if persons or traffic may not proceed conveniently.

(b) Doors and gates within such areas will be hindered if it is inconvenient to proceed directly through and out onto unhindered passageways.

(c) Where space is insufficient, limitation upon size of assemblage may be ordered.

(d) Where concurrent accommodation within such areas cannot be made, priority shall be given to persons who have first given notice and completed prior arrangements with the department staff.

(3) Locations within such areas for assemblage and public communication shall be designated by oral or written instruments and may also be designated by the use of stakes, rope, fencing and the like.

(4) No one shall go upon the grass and gardens of the grounds unless designated by department staff.

(a) No one shall climb upon the fences, buildings or other facilities of the grounds of such areas except stairs intended for passageway.

(b) No one shall hang banners, posters, signs or flags, or otherwise affix or place objects upon the trees, fences, buildings, walls and other property on the grounds of such areas.

(c) No one shall throw objects onto the property or the grounds of such areas or litter or cause the grounds of such areas to be littered.

(5) No one shall assemble for public communication on or within such areas while carrying a weapon. Without limiting the foregoing, a picket handle with a pointed end and a picket handle made of metal of any size or of wood greater than lath size may be deemed weapons.

(6) Noise so loud that it interferes with the normal operations of the market or facility is prohibited.

Cite as Ga. Comp. R. & Regs. R. 40-9-2-.02
Authority: O.C.G.A. Secs. 2-10-50*et seq.*, 2-10-56, 50-13-4.
History. Original Rule entitled "Personal Conduct" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-9-2-0.44-.02 entitled "Use of Property for Expressive Activity" adopted. F. and eff. February 27, 1991, the date of adoption.
Amended: Permanent Rule of same title adopted. F. July 17, 1991; eff. August 6, 1991.
Repealed: New Rule of same title adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.
Repealed: New Rule of same title adopted. F. Apr. 8, 2008; eff. Apr. 28, 2008.

Rule 40-9-2-.03. Personal Conduct.

(1) Any person found by the Commissioner to have been charged with any crime or any violation of the Georgia Marketing Act of 1981 or any rule promulgated pursuant thereto on the Farmers' Market property, will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business at the Markets and prohibited from doing any business or being employed by any business to conduct business on the Markets on any Farmers' Markets of the State in the future.

(2) No marketer, vendor or other person shall do any act or use any language intended thereby to insult another person or customer or to intimidate a shopper into purchasing his produce; nor shall they attempt to fix the prices of produce of any other farmer, vendor or merchant; but every person shall sell his or her produce, unmolested, at whatever price such person may adopt; and no person shall circulate false reports tending to upset or destroy the operation of any other person or of the market.

(3) The sale or use of alcohol, illegal drugs and drug paraphernalia is strictly prohibited. If any licensee is found to be under the influence of alcohol or illegal drugs, this activity will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the Farmers' Markets in the future. A conviction for use of alcohol, illegal drugs and drug paraphernalia can be used as a proper ground for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the future. Notwithstanding, alcohol may be served and consumed by persons when in attendance of a party and/or fundraiser on the State Farmers' Market property which has been authorized by the Market Manager. Special events at the State Farmers' Markets for promotion and sale of Georgia products to the public, which include the sampling and sale of alcoholic products produced in Georgia by a Georgia based company, will be permitted in such areas designated by the Market Manager. Retail sales of these products are permitted for off premises consumption but there shall be no sales by the drink, only samples may be given. Requests to participate as a vendor of alcoholic products at a special event shall be submitted in writing, with a description of the product to be marketed, to the Market Manager at least thirty (30) days prior to the event and shall be subject to review by the Commissioner or his appointee. Vendors shall be responsible for obtaining any licenses or permits as may be required for such sales.

(4) The use of profane, abusive or discourteous language on any Market is prohibited and will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or be employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the future.

(5) The breaking, defacing or destruction of any part of a Market property, or interference with electric fixtures, wiring, etc., or meddling with shades, globes or other apparatus belonging to said Market property, is prohibited, and any person found to be responsible for any such act or acts, in addition to any other punishment, shall be required to have repaired any damage resulting from such action. No coolers, freezers, refrigerators, cooking equipment, sleeping facilities, or wind breaks are permitted in shed areas.

Adding machines, radios, etc., are permitted using plug-in receptacles only. Light bulbs only are to be used in light sockets. No smudge pots may be used. No nails or spikes are to be used on walls. Shelves, etc., are to be constructed independently of the building- not anchored to walls, floors or ceiling.

(6) Reselling shall not be permitted on Farmers' sheds. Reselling will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or be employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the future. Holding space by use of parked vehicles, small amount of produce, etc., will not be permitted. Gate fees will be charged on all loaded vehicles. Space-rent fees will not be altered by use of gate ticket. The inscription on yellow copy of gate ticket shall not apply where space-rent is involved.

(7) Access to electrical outlets within such areas will not be permitted unless an electrical fee is paid.

(8) The following activities may subject a person's license to be suspended or revoked:

(a) Playing or allowing one's employees or customers to play music and or movies on Cassette, CD, DVD, or other technology from stereos, boom boxes, other media players, cars, trucks, or other vehicles that disturbs other licensees in other stalls on the Market or visitors to the Market is prohibited. Such activity will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the State Markets at any of the Farmers' Markets in the future.

(b) Use of Video and Digital recorder or any other mechanical means recording for any purpose will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the future unless the person or persons recorded have given written permission from the Market Manager for such recording.

(c) Failure to dispose of trash into proper trash containers will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the Future.

(d) Parking of any type of vehicles to prohibit the movement of fire and other emergency type vehicles will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct on the Markets at any of the State Farmers' Markets in the future.

(e) Parking vehicles of any type for more than 48 hours without permission of the Market Manager will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any

business to conduct business on the Markets at any of the State Farmers' Markets in the future.

(f) Allowing any individual who has had a license issued by the Department of Agriculture revoked within two years to serve as an employee or agent at the rented stalls will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the future.

(g) The cutting of firewood anywhere in any part of the Market is not permitted and will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the future.

Cite as Ga. Comp. R. & Regs. R. 40-9-2-.03
Authority: O.C.G.A. Secs. 2-10-50, 2-10-56, 50-13-4.
History. Original Rule entitled "Quality of Merchandise" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Personal Conduct" adopted. F. July 17, 1991; eff. August 6, 1991.
Repealed: New Rule of same title adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.
Repealed: New Rule of same title adopted. F. Apr. 8, 2008; eff. Apr. 28, 2008.
Amended: F. Nov. 8, 2013; eff. Nov. 28, 2013.

Rule 40-9-2-.04. Quality of Merchandise.

(1) All fresh fruits, vegetables, tree nuts and other specialty products such as Christmas trees must be U.S. No. 2 grade or better including not more than a total of 2% decay, soft rot or wet breakdown. Commodities that have no U.S. grade standards must meet 90% free from defects that seriously affect their appearance, edible or marketing quality including not more than 2% decay, soft rot or wet breakdown. All culls graded out of produce on the Markets must be disposed of as garbage, or dumped. Unwholesome, spoiled or damaged food or products unfit for human consumption shall not be offered for sale on any Market by any person. Such selling of unwholesome, spoiled or damaged food or products unfit for human consumption will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the future.

(2) False packs are prohibited on any Market. The term "False Packs" means the topping or facing of containers with the best products exposed and poorer products concealed underneath.

Cite as Ga. Comp. R. & Regs. R. 40-9-2-.04
Authority: O.C.G.A. Secs. 2-10-50, 2-10-56, 50-13-4.
History. Original Rule entitled "Packaging" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Quality of Merchandise" adopted. F. July 17, 1991; eff. August 6, 1991.
Repealed: New Rule of same title adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.
Repealed: New Rule of same title adopted. F. Apr. 8, 2008; eff. Apr. 28, 2008.

Rule 40-9-2-.05. Packaging.

Containers shall not be altered in any manner and must hold at least the amount specified. Products not meeting the requirements of the Weights and Measures label laws of the State of Georgia shall not be sold, exposed or offered for sale on any Market by any person. This activity will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the future.

Cite as Ga. Comp. R. & Regs. R. 40-9-2-.05
Authority: O.C.G.A. Secs. 2-10-50, 2-10-56, 50-13-4.
History. Original Rule entitled "Marketing Orders" adopted. F. and eff. June 30, 1965.
Repealed: Rule entitled "Packaging" adopted. F. July 17, 1991; eff. August 6, 1991.
Repealed: New Rule of same title adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.
Repealed: New Rule of same title adopted. F. Apr. 8, 2008; eff. Apr. 28, 2008.

Rule 40-9-2-.06. Marketing Orders.

Products covered by a Marketing Order which fail to meet the provisions of the Order shall not be sold, exposed or offered for sale on any Market by any person. Sale, exposure or offering for sale products which are covered which do not meet the provisions of a Marketing Order will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the Farmers' Markets in the future.

Cite as Ga. Comp. R. & Regs. R. 40-9-2-.06
Authority: O.C.G.A. Secs. 2-10-50, 2-10-56, 50-13-4.
History. Original Rule entitled "Market Sanitation" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Marketing Orders" adopted. F. July 17, 1991; eff. August 6, 1991.
Repealed: New Rule of same title adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.
Repealed: New Rule of same title adopted. F. Apr. 8, 2008; eff. Apr. 28, 2008.

Rule 40-9-2-.07. Market Sanitation.

(1) All occupants shall cooperate in keeping the Market clean.

(2) No one may dispose of trash or spoiled produce into containers not owned or leased by licensee unless the licensee has permission from the owner or lessee of the container. Such activity will constitute proper grounds for revocation or suspension of a license and

the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the future.

(3) Failure to dispose of their trash resulting into proper trash containers by any licensee or agent of the licensee will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the future.

Cite as Ga. Comp. R. & Regs. R. 40-9-2-.07
Authority: O.C.G.A. Secs. 2-10-50, 2-10-56, 50-13-4.
History. Original Rule entitled "Utilities" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Market Sanitation" adopted. F. July 17, 1991; eff. August 6, 1991.
Repealed: New Rule of same title adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.
Repealed: New Rule of same title adopted. F. Apr. 8, 2008; eff. Apr. 28, 2008.

Rule 40-9-2-.08. Utilities.

The cost of gas, private telephones, electricity and water, including installation and use, will be the responsibility of each dealer and farmer unless the Commissioner has specifically assumed such responsibility and has made other arrangements and deems it necessary to assess individual charges for use of utilities.

Cite as Ga. Comp. R. & Regs. R. 40-9-2-.08
Authority: O.C.G.A. Secs. 2-10-50, 2-10-56, 50-13-4.
History. Original Rule entitled "Utilities" adopted. F. July 17, 1991; eff. August 6, 1991.
Repealed: New Rule of same title adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.
Repealed: New Rule of same title adopted. F. Apr. 8, 2008; eff. Apr. 28, 2008.

Subject 40-9-3. LOCAL RULES.

Rule 40-9-3-.01. Local Operating Rules.

Each Market Manager shall have authority to issue "Local Operating Rules" subject to approval by the Commissioner of Agriculture and alter, amend or suspend any part or all of such rules, subject to approval by the Commissioner of Agriculture. All such "Local Operating Rules", with the changes thereto, shall be posted on the Market and readily accessible to the public, and all users of a particular Market shall by such usage agree to abide thereby. Failure to abide by such "Local Operating Rules" will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the Farmers' Markets in the future.

Cite as Ga. Comp. R. & Regs. R. 40-9-3-.01
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Local Operating Rules" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-3-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-3-.02
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Posting of Regulations" adopted. F. and eff. June 30, 1965.
Repealed: F. Aug. 24, 2004; eff. Sept. 13, 2004.

Subject 40-9-4. REPORTS AND COMPLAINTS.

Rule 40-9-4-.01. Filing of Complaints.

(1) Any complaint shall be presented to the Market Manager in writing on the approved Department of Agriculture Form, Department of Agriculture Form #108. Such complaint shall give complete and adequate information, setting forth in detail the circumstances surrounding any alleged injuries, damages and/or the basis for the complaint. Such complaint shall be signed by the complainant.

(2) The Market Manager possesses the discretion and responsibility to investigate and resolve complaints.

(3) Any complaints found to false or frivolous will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the future.

(4) Department of Agriculture Form #108. (Attachment #1)

GEORGIA DEPARTMENT OF AGRICULTURE

SUBMITTING COMPLAINT ON STATE FARMERS' MARKET

_____ State Farmers' Market

The following information should be totally and accurately completed. (*Please print.*)

_____
(Name)

_____
(Address)

_____
(City, State, Zip

_____ Are you currently on the Market? (Yes No)
(Telephone No.)

If yes, where are you located? Building/Shed _____ Unit/Stall _____

Nature of Complaint (*Give complete and adequate information, including detailed circumstances surrounding any alleged injuries, damages and/or the basis for the complaint.*)

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____
(If more room is necessary, please use reverse side.)

_____ _____
(Signature of Complainant) (Date)

_____ _____
(Market Manager) (Date Received)

Cite as Ga. Comp. R. & Regs. R. 40-9-4-.01
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Reports" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Filing of Complaints" adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-4-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-4-.02
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Filing of Complaints" adopted. F. and eff. June 30, 1965.
Repealed: F. Aug. 24, 2004; eff. Sept. 13, 2004.

Subject 40-9-5. LAW ENFORCEMENT.

Rule 40-9-5-.01. Violations.

(1) Any person, firm, association or corporation violating the provisions of any of the foregoing Rules and Regulations, in addition to being subject to punishment as provided by law, will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the future.

(2) It shall be the duty of each person on any Market to promptly remove himself and his property from such Market upon proper request or direction of the Market Manager. If such person remains on the Market after the Department requests or at the discretion of the Market Manager, that person shall be in criminal trespass. The Market Manager shall request the assistance of the local Sheriff to remove trespassers from the Market.

(3) Failure of licensee to correct any violation within 24 hours of being informed of the violation, whether in writing or orally, will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the future.

(4) "Any rule or regulation heretofore promulgated which conflicts with these rules and regulations is hereby repealed."

Cite as Ga. Comp. R. & Regs. R. 40-9-5-.01
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Violations" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-5-.02. Compliance With State Laws.

All occupants shall comply with every law and regulation of the State.

Cite as Ga. Comp. R. & Regs. R. 40-9-5-.02
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Compliance With State Laws" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.

Subject 40-9-6. LICENSING.

Rule 40-9-6-.01. Licenses.

(1) In order to better manage the markets authorized by this Act, and to thereby facilitate the use of the markets by the citizens of this state, on or after July 1, 2004, all persons desiring to sell or to offer for sale any items on the facilities of any market which charges a gate fee must be licensed to do so by the Commissioner of Agriculture. All agents of persons desiring to sell or offer for sale produce of another at a stall must also secure a license. The Local Operating Rules may ease the license requirement for agents and employees desiring to sell or offer for sale the produce of another at a truck or stall. A license affords a licensee only the privilege to enter upon a Market with permission of the Department of Agriculture and to pay a daily fee for the use of a particular stall on the Market. The issuance of a license is not intended to convey any type of leasehold interest. All licenses shall expire on December 31 of each calendar year unless suspended and revoked before that time, except that licenses for leaseholders will continue in effect concurrently with the renewal of successive leases and shall expire only in the event the leaseholder's lease is not renewed. By applying for a license and/or holding same, the applicant or licensee, as the case may be, gives his express consent for representatives of the Commissioner of Agriculture to enter upon and inspect all property owned, leased, controlled or used in the production of crops, by said applicant or licensee.

(2) By making an application for a license, and/or holding same, the applicant or licensee agrees to abide by and comply with the laws, rules and regulations, and local operating rules pertaining to the operations of Farmers' markets in this state. Non-compliance with any law, rule or regulation, or local operating rule pertaining to the operation of any Farmers' market shall constitute cause for revocation, suspension, non-renewal or denial of any license required pursuant hereto and shall constitute cause for immediate removal from market premises.

(3) All procedures and practices relative to the issuance, denial, non-renewal, suspension or revocation of licenses required pursuant hereto shall be conducted in accordance with the Department of Agriculture, Registration, License and Permit Act (GA Laws 1966, p. 307 as amended).

(4) An agent or employee may not sell or offer to sell any produce in a stall without a current license. Such activity will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the future.

(5) If a license is properly revoked by law, the person whose license has been revoked may not reapply for a period of two years from the effective date of the revocation.

(6) If a license is properly revoked by law, the person whose license has been revoked is a trespasser under Georgia law.

(7) The Commissioner or his designee will consider the following when considering issuing a licensee:

(a) Past violations at any of the State Farmers' Markets'

(b) The likelihood of committing violations of the Act or Rules in the future;

(c) The selling of produce at any of the State Farmers' Markets without a proper license;

(d) Allowing another to sell produce at any of the State Farmers' Markets without a proper license;

(e) The selling of produce at any of the State Farmers' Markets after the license has been suspended or revoked;

(f) Relatives who have had licenses revoked in the past;

(g) Any other relevant information can be considered and properly weighed.

Cite as Ga. Comp. R. & Regs. R. 40-9-6-.01
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Licenses" adopted. F. Apr. 7, 1977; eff. Apr. 27, 1977.
Amended: F. May 17, 1995; eff. June 6, 1995.
Repealed: New Rule of same title adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-6-.02. Forms to be Completed by the Applicant for License and License Renewal.

(1) All persons using the facilities of any market which charges a gate fee for the purpose of selling or offering for sale any item on the premises of such a market in the State of Georgia shall first file with the Commissioner of Agriculture of the State of Georgia, upon forms furnished by the Commissioner, the following information as an application or annual renewal for a license to sell on Georgia State Farmers' markets (Atlanta, Augusta, Columbus, Macon, Savannah):

(a) Name of person or firm desiring a license;

(b) Mailing and street address(es) or applicant;

(c) Classification of applicant, (producer, trucker, dealer, employee, agent, other);

(d) Type of business (owned by one person, a partnership or corporation, n/a);

(e) Full name, title and home address of all owners, partners and/or officers (each must be 18 years of age or older);

(f) County or counties and street address(es) where farm or farms located, if applicable;

(g) Principal produce to be grown and offered for sale, if applicable;

(h) Truck's owner, make, year, model and tag number;

(i) For dealers, the following additional information is required:

1. Type of business to be operated.
2. Name and address of bank or banks used.
3. Do you have a P.A.C.A. license?
4. Give license number.
5. If no P.A.C.A. license, has application been made?
6. Has P.A.C.A. license ever been revoked or suspended? If yes, why?
7. Are you bonded as a dealer in agricultural products for Georgia? If yes, give name and address of company.
8. State kind or kinds of agricultural products to be handled.
9. Give name or names of your agent authorized to represent you in Georgia, if any.

(j) Date-Signature-Title.

(2) The applicant as a condition to granting or renewing license shall agree to comply with and abide by the terms of the laws, rules and regulations, and local operating rules pertaining to the operation of Farmers' markets in this state. The applicant shall further certify that the statements made in the application for license or renewal are true to the best of the knowledge and belief of the applicant. False disclosure of information on an application for a license or renewal shall be basis for denial and/or revocation of the license applied for.

Cite as Ga. Comp. R. & Regs. R. 40-9-6-.02
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Forms to be Completed by the Applicant for License" adopted. F. Apr. 7, 1977; eff. Apr. 27, 1977.
Amended: Rule retitled "Forms to be Completed by the Applicant for License and License Renewal." F. May 17, 1995; eff. June 6, 1995.
Repealed: New Rule of same title adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-6-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-6-.03
Authority: O.C.G.A. Sec. 2-10-50*et seq.*
History. Original Rule entitled "Issuance of Licenses and Vehicle Identification Decals" adopted. F. Apr. 7, 1977; eff. Apr. 27, 1977.
Repealed: F. May 17, 1995; eff. June 6, 1995.

Subject 40-9-7. LOCAL OPERATING RULES FOR ATLANTA STATE FARMERS' MARKET AUGUSTA STATE FARMERS' MARKET COLUMBUS STATE FARMERS' MARKET MACON STATE FARMERS' MARKET SAVANNAH STATE FARMERS' MARKET.

Rule 40-9-7-.01. Licenses.

(1) Any person using the State Farmers' Market for the purpose of selling or offering for sale any items on the premises must be licensed by the Commissioner of Agriculture.

(2) Employees and agents of farmers and dealers selling produce in the open shed areas must be licensed by the Commissioner of Agriculture.

Cite as Ga. Comp. R. & Regs. R. 40-9-7-.01
Authority: O.C.G.A. Secs. 2-10-50, 2-10-56, 50-13-4.
History. Original Rule entitled "Licenses" adopted. F. May 31, 1977; eff. June 20, 1977.
Repealed: New Rule of same title adopted. F. Aug. 7, 1978; eff. Aug. 27, 1978.
Repealed: New Rule of same title adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Repealed: New Rule of same title adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.
Repealed: New Rule of same title adopted. F. Apr. 8, 2008; eff. Apr. 28, 2008.

Rule 40-9-7-.02. Assignment of Space and Collection of Fees.

(1) All farmers, producers, merchants, laborers and others using any Markets must contact the Market Manager of such Market, or his representative, before making deliveries, engaging in business or occupying space on the Market. The Market Manager may require that all laborers seeking independent employment on a Farmers' Market must

register with the Market Manager. The Market Manager will designate a space or area for laborers to assemble while awaiting employment.

(2) The Market Manager of a Market, or his representative, will assign space and collect fees according to a published schedule. Each Market Manager shall have the authority to issue a "Schedule of Fees" to be charged subject to approval of the Commissioner of Agriculture, and to alter, amend or suspend any part of all such fees, subject to approval of the Commissioner of Agriculture. The published "Schedule of Fees" will cover all vehicles entering the Market to sell or deliver their contents.

(3) Fees shall be collected at the gate on all loaded vehicles. Failure to purchase and obtain gate tickets when required under the Act or these Rules will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business at the Markets in the future.

(4) Truck Sales. This method allows for 24 hours parking at a shed or until load is sold, whichever comes first. The gate ticket covers 24 hours parking. If the load is not sold at the end of this 24-hour period, the Market Manager will assign a stall for periods of 24 hours until the load is sold. Additional fees will be paid for each 24 hour period. When produce is sold, the space shall immediately revert back to the Market. One hour is given to clean and vacate the space. Failure to pay additional fees or clean and vacate space when required under the Act or these Rules will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business at the Markets in the future.

(5) Space Sales. This method allows an individual to locate or establish his business on a continuous day to day basis for the season in a specific place on the sheds. Payment for space per stall for 24 hours shall be published by each Market and collected daily. This fee shall be in addition to the gate fee. Failure to pay the fees when required under the Act or these Rules will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business at the Markets in the future.

(6) No person shall use any space upon the Market except as assigned and authorized by the Market Manager. The use of stalls or spaces by anyone other than the person assigned or authorized by the Market Manager is prohibited. The use of space not assigned and authorized by the Market Manager as required under the Act or these Rules will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business at the Markets in the future.

(7) Extenuating circumstances, safety and sanitation requirements, renovations, extremely crowded Market conditions, special promotional events, to include Annual Christmas tree sales, may require and authorize the relocation of persons in stalls by the Market Manager. The Market Manager may also issue guidelines for particular special events.

Cite as Ga. Comp. R. & Regs. R. 40-9-7-.02
Authority: O.C.G.A. Secs. 2-10-50, 2-10-56, 50-13-4.
History. Original Rule entitled "Gate Fees" adopted. F. May 31, 1977; eff. June 20, 1977.

Repealed: New Rule of same title adopted. F. Aug. 7, 1978; eff. Aug. 27, 1978.
Repealed: New Rule entitled "Assignment of Space and Collection of Fees" adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Repealed: New Rule of same title adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.
Repealed: New Rule of same title adopted. F. Apr. 8, 2008; eff. Apr. 28, 2008.

Rule 40-9-7-.03. Traffic and Sanitation.

In the interest of public safety, the following regulations for traffic and sanitation will be rigidly enforced:

(1) Traffic. The Market has been zoned for traffic and parking and is posted accordingly. All speed, traffic and parking will be rigidly enforced.

(2) Sanitation.

(a) All persons (including but not limited to truckers, wholesale dealers, small dealers, nursery stock dealers, market retailers and farmers) occupying space, shall be responsible daily for the proper disposal and removal of all refuse, garbage and trash from their space on the Market.

(b) When grading and preparing products for sale, discards will not be thrown on pavement, but shall be relocated by the person into personal vehicles to be removed from the Market, or properly disposed of through containers, or other approved methods.

(c) All refuse, garbage and trash collection, or storage containers, shall be of a design and size, and kept in a location, approved by the Market Manager in advance of use. They shall be covered and shall be emptied daily, unless otherwise approved, with the refuse, garbage and trash being taken from the Market property and disposed of in accordance with the law.

(d) Upon departure, all space for which a person is responsible as described above, must be left clean.

(e) No one may dispose of trash or spoiled produce into containers not owned or leased by licensee unless the licensee is an agent of the owner or lessee of the container. Such activity will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the future.

(f) Failure to dispose of their trash resulting into proper trash containers by any licensee or agent of the licensee will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being

employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the future.

(g) Disposal of Christmas Trees - All Christmas trees shall be removed from the Market by the person upon vacating stalls.

Cite as Ga. Comp. R. & Regs. R. 40-9-7-.03
Authority: O.C.G.A. Secs. 2-10-50, 2-10-56, 50-13-4.
History. Original Rule entitled "Traffic and Sanitation" adopted. F. May 31, 1977; eff. June 20, 1977.
Repealed: New Rule of same title adopted. F. Aug. 7, 1978; eff. Aug. 27, 1978.
Repealed: New Rule of same title adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Amended: ER. 40-9-7-0.52-.03 adopted. F. Dec. 31, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Amended: ER. 40-9-7-0.57-.03 adopted. F. Apr. 30, 1997; eff. May 1, 1997, as specified by the Agency.
Amended: Permanent Rule adopted. F. Aug. 11, 1997; eff. Aug. 31, 1997.
Repealed: New Rule of same title adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.
Repealed: New Rule of same title adopted. F. Apr. 8, 2008; eff. Apr. 28, 2008.

Rule 40-9-7-.04. Operating Rules.

(1) All fees are due in advance and will be considered delinquent 24 hours after prior paid period has expired. Delinquent stalls immediately revert back to the Market and any remaining produce, vehicles, or other items shall be considered abandoned and shall be disposed of pursuant to Rule 40-9-7-.04(20). If person has been absent from Market and fees have accrued, person must, upon his return to the Market, pay all delinquent fees before engaging in business again.

(2) Each person shall operate only those stalls assigned to him by the Market Manager or his representative and either that person or his employee or agent shall be present during normal operating hours of the Market. The Department and the Market assume no responsibility for any property belonging to that person, employee or agent.

(3) Holding space by use of parked vehicles, small amounts of produce, etc., will not be permitted. The Market Manager may allow for exceptions for good cause; i.e. Christmas trees, etc.

(4) All vehicles belonging to or used by a person which are moved on a daily basis must be parked immediately behind the person's assigned sta ll or sta lls, but may not be parked so as to extend into or block any fire lane. Any other vehicles belonging to or used by a person, except as provided by Rule 40-9-7-.04(8) below, must be parked in a designated area provided by the Market on a fee basis, said fee amount to be established by the Market Manager in the Schedule of Fees.

(5) Limitations on the maximum number of stalls per person shall be established by the Market Manager, subject to the approval of the Commissioner of Agriculture, and published in the Schedule of Fees. In the event of extenuating circumstances, safety and

sanitation requirements, special promotional events or extremely crowded Market conditions, the Market Manager may limit the number of stalls assigned to less than the maximum indicated in the Schedule of Fees.

(6) Gate tickets are not transferable.

(7) All vehicles bringing products to deliver for resale or products to offer for sale will stop at the entrance gate and pay applicable fee. If products are to be offered for sale in the shed area, driver will be directed to the inspection and assignment station. Upon approval of the load by the inspectors, driver will be assigned space in the appropriate area of the Market to be operated in accordance with the following:

(a) Areas will be designated as follows:

1. Farmers' Area

2. Truckers' and Wholesale Dealers' Area

3. Nursery Stock Area

4. Small Dealers' Area

(i) To occupy space in any of the above areas on a continual day by day basis will require submission of an application for this space to the Market Manager for approval or disapproval.

(ii) There will be no minimum sales requirements in the above-mentioned areas.

(b) Persons assigned to the Farmers' Area must either be present or have an attendant approved by the Market Manager at stall during normal operating hours of the Market. If a farmer wishes to designate some person to represent him on his stall, prior approval of the Market Manager or his representative must be secured. A written affidavit from the farmer designating his representative shall be provided prior to any such approval. No person shall serve as the designated representative of more than one farmer.

(c) No farmer or his employee or agent occupying space in the Farmers' Area shall offer for sale any product not grown by that farmer.

(d) Any person who occupies space other than that assigned to him, either by failure to occupy assigned space or by moving to another space without authorization, shall be in violation of these Rules and, in addition to any other action which may be taken pursuant to these Rules or otherwise, shall be removed immediately from the space occupied but not assigned to him.

(8) Vehicles designated for storage and/or refrigeration will be permitted to park in the rear of a person's space on a longer than daily basis only upon the written approval of the Market Manager. All requests for such approval shall be submitted in writing and shall include a description of the proposed vehicles and their purpose. No approval will be given for any vehicle that cannot be moved immediately by the person from the shed area at the request of the Market Manager or his representative; provided, however, that such a request shall be made only to verify that a vehicle can be so moved either as a part of the approval consideration or at anytime after approval but not more often than once every sixty (60) days, or at any time when the Market Manager or his representative deems such movement necessary for the safety or sanitation of the Market. After approval, all vehicles shall be maintained in at least as movable condition as at the time of approval and for the same purpose as specified in the request for approval. The failure or inability to so move any such vehicle immediately upon the request of the Market Manager or his representative as outlined above or the failure to maintain such vehicle in at least as movable condition as at the time of approval shall automatically revoke any prior approval for the parking of that vehicle in the rear of the person's space.

(9) Vehicles will not be permitted to park at the end of sheds.

(10) Except as noted below, persons in the open and closed sheds shall not place or construct anything on their assigned stalls except approved items which are for sale, containers, scales, display shelves and seating facilities. Persons in the enclosed shed area may, within the confines of the unit, stall or bay furnished by the Market, place or construct facilities for refrigeration, storage, display, office space or other market related purpose following written submission of plans to the Market Manager and receipt of written permission from the Market Manager. All items placed or constructed in the open or closed sheds shall be free standing; no nails, spikes or any other items shall be attached or driven into any Market erected structure.

(11) Persons shall not place anything, including but not limited to coolers, freezers, enclosures, cooking equipment, sleeping facilities or windbreakers, anywhere in the Market unless such placement is explicitly authorized by these Local Operating Rules.

(12) Signs and price tags will not be permitted on products displayed in the shed area, except in compliance with size, grade or other disclosure required by statute or duly promulgated regulation of the State of Georgia or any federal agency. All signs in the shed area must be reviewed and approved by the Market Manager. The criteria for approval shall include, but not be limited to, the following:

(a) All egg signs will be no larger than 12" x 12" and show size and grade.

(b) All signs displayed on nursery stock will be no larger than 2½" x 3½".

(c) All signs for business identification in the enclosed sheds will be affixed over the entrance door or to the top panel of the enclosed area. Specifications are to be approved by Manager.

(d) All persons accepting food stamps shall display the sign provided or specified by the Food and Nutrition Service of the United States Department of Agriculture and shall attach said sign to the post that divides the units.

(13) All persons on the Market shall comply with the provisions of the Georgia Agricultural Commodities Promotion Act and the regulations and marketing orders promulgated thereunder, all weights and measures statutes of this State and any regulations promulgated thereunder, the consumer protection laws of this State, including, but not limited to, the Georgia Food Act and the Fair Business Practices Act of 1975 and any regulations promulgated thereunder, the fire safety laws of this State and any regulations promulgated thereunder, including, but not limited to, any regulations promulgated by the Georgia Safety Fire Commissioner, and any other statutes or regulations of this State pertaining generally to the sale, labeling, advertising, display, quality or sanitary condition of produce or other foodstuffs.

(14) No produce or equipment will be displayed anywhere except on the dock only in areas designated by the Market Manager.

(15) Loading and unloading from the front of stalls, where possible, is permissible as long as normal traffic flow is not impeded.

(16) No smudgepots allowed on Market.

(17) No repairs on vehicles, other than emergency repairs, may be performed on Market.

(18) Housekeeping and/or homesteading on the Market is prohibited.

(19) All animals must be kept in vehicles.

(20) Abandoned produce, vehicles, containers and all other items will be disposed of as follows 24 hours after rent has expired.

(a) Produce - Inspectors will check and donate edible produce to charitable institutions, if possible. All other produce will be disposed of as garbage.

(b) Vehicles - Will be turned over to the proper authorities to be impounded at owner's expense.

(c) All Other Items - All items determined by the Market Manager or his representative to be of less than fifty dollars ($50.00) in value will be disposed of as garbage. Any remaining items will be stored for thirty (30) days by the Market following the mailing of notification to the abandoning person by certified mail to the address of the person abandoning as set forth in the person's application for the license required by rule 40-9-7-.01. If any such remaining items are not claimed by the person prior to the expiration of said thirty (30) day period, said

items will be donated to charitable institutions, if possible, or, if not so possible, disposed of as garbage.

(21) Personal Conduct - Any individual perpetrating any of the following practices shall be subject to revocation of any licenses held by that individual pursuant to the laws of Georgia relating to State Farmers' Markets and any regulations promulgated thereunder, shall be subject to removal from the Market and shall be prohibited from doing business on any State Farmers' Market.

(a) Fraudulent or dishonest practices.

(b) Abusive, obscene or insulting language.

(c) Attempting price fixing or circulating rumors in order to upset the operations of others.

(d) Use of intoxicants, drugs or narcotics.

(e) The breaking, defacing or destruction of any Market property or interfering with electrical fixtures, wiring, etc. Any person found responsible for any such acts, in addition to any other punishment, shall be required to have damages resulting from such actions repaired at his own expense.

(f) Engaging in conduct constituting a danger to persons, property or the orderly operation of the Market.

(g) Cutting of firewood on the Market.

(h) Parking tractor-trailer trucks on the Market for more than eight hours without written permission from the Market Manager.

(i) Disposing of trash in containers not owned or leased by the licensee or employee of the licensee.

(j) Using water for any purpose other than spraying fruit or washing stalls on the Market if the licensee does not pay for the use of water.

(k) Playing music that disturbs licensees and employees of licensees in other stalls on the Market, as well as the visitors to the Market.

(l) Using of digital or video recorders (and other recording devices) to record anyone or any activity on the Market at anytime without the written permission of the person recorded and the Market Manager.

(m) Parking vehicles to prohibit the movement of fire and other emergency vehicles.

(n) Allowing a person who has had a license revoked by the Department to be an employee on the Market to buy and sell produce.

(o) Violation of any provision of Chapter 40-9 of the Rules of the Georgia Department of Agriculture pertaining to State Farmers' Markets.

(22) Any complaints shall be presented to the Market Manager in writing using Department of Agriculture Form #108. Such complaints shall give complete and adequate information setting forth in detail the allegations and shall be signed by the complainant.

Cite as Ga. Comp. R. & Regs. R. 40-9-7-.04
Authority: O.C.G.A. Secs. 2-10-50, 2-10-56, 50-13-4.
History. Original Rule entitled "Assignment of Space" adopted. F. May 31, 1977; eff. June 20, 1977.
Repealed: New Rule entitled "Assignment of Space and Auction Rules" adopted. F. Aug. 7, 1978; eff. Aug. 27, 1978.
Repealed: New Rule entitled "Operating Rules" adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Repealed: New Rule of same title adopted. F. Aug. 24, 2004; eff. Sept. 13, 2004.
Repealed: New Rule of same title adopted. F. Apr. 8, 2008; eff. Apr. 28, 2008.

Rule 40-9-7-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-7-.05
Authority: Ga. L. 1935, p. 369.
History. Original Rule entitled "Sheds" adopted. F. May 31, 1977; eff. June 20, 1977.
Repealed: New Rule of same title adopted. F. Aug. 7, 1978; eff. Aug. 27, 1978.
Repealed: F. Apr. 9, 1980; eff. Apr. 29, 1980.

Subject 40-9-8. LOCAL OPERATING RULES AUGUSTA STATE FARMERS' MARKET.

Rule 40-9-8-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-8-.01
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Licenses" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: New Rule of same title adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Repealed: F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-8-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-8-.02
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Gate Fees" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: New Rule entitled "Assignment of Space and Collection of Fees" adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.

Repealed: F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-8-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-8-.03
Authority: O.C.G.A. Secs. 2-10-50*et seq.*, 2-10-56.
History. Original Rule entitled "Traffic and Sanitation" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: New Rule of same title adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Amended: ER. 40-9-8-0.53-.03 adopted. F. Dec. 31, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Amended: ER. 40-9-8-0.58-.03 adopted. F. Apr. 30, 1997; eff. May 1, 1997, as specified by the Agency.
Amended: Permanent Rule adopted. F. Aug. 11, 1997; eff. Aug. 31, 1997.
Repealed: F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-8-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-8-.04
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Assignment of Space" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: New Rule entitled "Operating Rules" adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Repealed: F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-8-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-8-.05
Authority: Ga. L. 1935, p. 369.
History. Original Rule entitled "Sheds" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: F. Apr. 9, 1980; eff. Apr. 29, 1980.

Subject 40-9-9. LOCAL OPERATING RULES COLUMBUS STATE FARMERS' MARKET.

Rule 40-9-9-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-9-.01
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Licenses" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: New Rule of same title adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Repealed: F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-9-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-9-.02
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Gate Fees" adopted. F. June 9, 1978; eff. June 29, 1978.

Repealed: New Rule entitled "Assignment of Space and Collection of Fees" adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Repealed: F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-9-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-9-.03
Authority: O.C.G.A. Secs. 2-10-50*et seq.*, 2-10-56.
History. Original Rule entitled "Traffic and Sanitation" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: New Rule of same title adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Amended: ER. 40-9-8-0.54-.03 adopted. F. Dec. 31, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Amended: ER. 40-9-8-0.59-.03 adopted. F. Apr. 30, 1997; eff. May 1, 1997, as specified by the Agency.
Amended: Permanent Rule adopted. F. Aug. 11, 1997; eff. Aug. 31, 1997.
Repealed: F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-9-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-9-.04
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Assignment of Space" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: New Rule entitled "Operating Rules" adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Repealed: F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-9-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-9-.05
Authority: Ga. L. 1935, p. 369.
History. Original Rule entitled "Sheds" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: F. Apr. 9, 1980; eff. Apr. 29, 1980.

Subject 40-9-10. LOCAL OPERATING RULES MACON STATE FARMERS' MARKET.

Rule 40-9-10-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-10-.01
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Licenses" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: New Rule of same title adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Repealed: F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-10-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-10-.02
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Gate Fees" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: New Rule entitled "Assignment of Space and Collection of Fees" adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Repealed: F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-10-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-10-.03
Authority: O.C.G.A. Secs. 2-10-50*et seq.*, 2-10-56.
History. Original Rule entitled "Traffic and Sanitation" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: New Rule of same title adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Amended: ER. 40-9-8-0.55-.03 adopted. F. Dec. 31, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Amended: ER. 40-9-8-0.60-.03 adopted. F. Apr. 30, 1997; eff. May 1, 1997, as specified by the Agency.
Amended: Permanent Rule adopted. F. Aug. 11, 1997; eff. Aug. 31, 1997.
Repealed: F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-10-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-10-.04
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Assignment of Space" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: New Rule entitled "Operating Rules" adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Repealed: F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-10-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-10-.05
Authority: Ga. L. 1935, p. 369.
History. Original Rule entitled "Sheds" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: F. Apr. 9, 1980; eff. Apr. 29, 1980.

Subject 40-9-11. LOCAL OPERATING RULES SAVANNAH STATE FARMERS' MARKET.

Rule 40-9-11-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-11-.01
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Licenses" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: New Rule of same title adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Repealed: F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-11-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-11-.02
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Gate Fees" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: New Rule entitled "Assignment of Space and Collection of Fees" adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Repealed: F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-11-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-11-.03
Authority: O.C.G.A. Secs. 2-10-50*et seq.*, 2-10-56.
History. Original Rule entitled "Traffic and Sanitation" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: New Rule of same title adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Amended: ER. 40-9-8-0.56-.03 adopted. F. Dec. 31, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Amended: ER. 40-9-8-0.61-.03 adopted. F. Apr. 30, 1997; eff. May 1, 1997, as specified by the Agency.
Amended: Permanent Rule adopted. F. Aug. 11, 1997; eff. Aug. 31, 1997.
Repealed: F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-11-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-11-.04
Authority: O.C.G.A. Sec. 2-10-56.
History. Original Rule entitled "Assignment of Space" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: New Rule entitled "Operating Rules" adopted. F. Apr. 9, 1980; eff. Apr. 29, 1980.
Repealed: F. Aug. 24, 2004; eff. Sept. 13, 2004.

Rule 40-9-11-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-9-11-.05
Authority: Ga. L. 1935, p. 369.
History. Original Rule entitled "Sheds" adopted. F. June 9, 1978; eff. June 29, 1978.
Repealed: F. Apr. 9, 1980; eff. Apr. 29, 1980.

Chapter 40-10. MEAT AND POULTRY INSPECTION.

Subject 40-10-1. MEAT INSPECTION - MEAT PROCESSING.

Rule 40-10-1-.01. Federal - State Cooperation.

(1) The requirements of the Georgia Meat Inspection program will be at least equal to those imposed under Title 1 and Title IV of the Federal Meat Inspection Act.

(2) The State of Georgia adopts U.S.D.A. Food Safety and Inspection Service (FSIS) rules and regulations for mandatory meat inspection as indicated in this chapter and in Title 9

Code of Federal Regulations, Chapter III (9 CFR 3), Parts: 307; 309; 310; 311; 313; 314; 315; 316; 317; 318; 319; 320; 325; 329; 381; 416; 417; 424; 430;431; 441; 442; & 500 for mandatory meat and poultry inspection requirements not covered specifically in this chapter.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.01
Authority: O.C.G.A. §§ 26-2-60, 26-2-61, 26-2-80.
History. Original Rule entitled "Definitions" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.01 entitled "Meaning of Terms" adopted. F. and eff. Aug. 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: F. July 23, 1984; eff. August 12, 1984.
Repealed: New Rule entitled "Federal-State Cooperation" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.
Amended: F. Nov. 10, 2010; eff. Nov. 30, 2010.
Amended: F. Nov. 5, 2018; eff. Nov. 25, 2018.

Rule 40-10-1-.02. Meaning of Terms.

(1) As used in this chapter, unless otherwise required by the context, the singular form shall also import the plural and the masculine form shall also import the feminine, and vice versa.

(2) As used in this chapter, unless otherwise required by the context, the following terms shall be construed; respectively to mean:

(a) Reserved.

(b) The Department. The Georgia Department of Agriculture.

(c) Reserved.

(d) Reserved.

(e) Commissioner. The Commissioner of the Georgia Department of Agriculture, the Administrator. When used in these Rules, the Commissioner shall also mean any person duly authorized by him to carry out the provisions of these regulations.

(f) Program. The Meat Inspection Program of the Georgia Department of Agriculture.

(g) Inspector. An inspector of the program.

(h) Program Employee. Any inspector or other individual employed by the Department who is authorized by the Commissioner to do any work or perform any duty in connection with the program.

(i) Official establishment. Any slaughtering, cutting, boning, meat canning, curing, smoking, salting, packing, rendering, or similar establishment at which inspection is maintained under the regulations in this chapter.

(j) District Supervisor. The District Supervisor of a district.

(k) District. One of the geographical areas designated as a district by the Department of Agriculture.

(l) Reserved.

(m) Firm. Any partnership, association, or other unincorporated business organization.

(n) Meat broker. Any person engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products of livestock on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

(o) Renderer. Any person engaged in the business of rendering carcasses or parts or products or the carcasses of any livestock except rendering conducted under inspection or exemption under the Act.

(p) Animal food. Any article intended for use as food for dogs, cats, or other animals derived wholly, or in part, from the carcass or parts or products of the carcass of any livestock, except that the term animal food as used herein does not include livestock and poultry feeds manufactured from processed animal byproducts (such as meatmeal tankage, meat and bonemeal, bloodmeal, and feed grade animal fat).

(q) Animal food manufacturer. Any person engaged in the business of manufacturing or processing animal food except manufacturers of livestock and poultry feeds with respect to any activity of acquiring or using processed animal byproducts (such as meatmeal tankage, meat and bonemeal, bloodmeal, and feed grade animal fat in the manufacture of such feeds.)

(r) State. Any state of the United States or Commonwealth of Puerto Rico.

(s) Reserved.

(t) Reserved.

(u) Reserved.

(v) Capable of use as human food. This term applies to any carcass, or part or product of a carcass, of any livestock, unless it is denatured or otherwise identified as required by the applicable provisions of 40-10-1-.16 of this chapter to deter its use

as a human food or it is naturally inedible by humans; e.g., hoofs or horns in their natural state.

(w) Edible. Intended for use as human food.

(x) Inedible. Adulterated, uninspected, or not intended for use as human food.

(y) Prepared. Slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

(z) Cutting up. Any division of any carcass or part thereof, except that the trimming of carcasses or parts thereof to remove surface contaminants is not considered as cutting up.

(aa) Adulterated. This term applies to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

1. If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

2. If it bears or contains any of the following:

   (i) If it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substances (other than one which is: a pesticide chemical in or on a raw agricultural commodity, a food additive, or a color additive), which may, in the judgment of the Commissioner, make such article unfit for human food;

   (ii) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

   (iii) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

   (iv) If it bears or contains any color additive which is unsafe within the meaning of Section 706 of the Federal, Food Drug, and Cosmetic Act: Provided, that an article which is not deemed adulterated under sub-division (ii), (iii), or this (iv) of this subparagraph shall nevertheless be deemed adulterated if use of the pesticide

chemical, food additive, or color additive in or on such article is prohibited by the regulations in this chapter in official establishments;

3. If it consists in whole or in part of any filthy, putrid, or decomposed substance, or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food.

4. If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

5. If it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

6. If its container is composed, in whole or in part, of any poisonous or deleterious substances which may render the contents injurious to health;

7. If it has been intentionally subject to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act;

8. If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or

9. If it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise adulterated.

(bb) "Inspected and passed" or "Georgia inspected and passed" or "Georgia inspected and passed by Department of Agriculture" (or any authorized abbreviation thereof). This term means that the product so identified has been inspected and passed under the regulations in this chapter, and at the time it was inspected, passed, and identified, it was found to be not adulterated.

(cc) Georgia passed for cooking. This term means that the meat byproduct so identified has been inspected and passed on condition that it is rendered into lard, rendered pork fat, or tallow, as prescribed by the regulations in 40-10-1-.17 of this chapter.

(dd) Georgia passed for refrigeration. This term means that the meat or meat byproduct so identified has been inspected and passed on condition that it be refrigerated or otherwise handled as prescribed by the regulations in 40-10-1-.13 of this chapter.

(ee) Georgia inspected and condemned (or any authorized abbreviation thereof). This term means that the carcass, viscera, other part of carcass, or other product so identified has been inspected, found to be adulterated, and condemned under the regulations in this chapter.

(ff) Georgia retained. This term means that the carcass, viscera, other parts of the carcass, or other product, or article so identified is held for further examination by an inspector to determine its disposal.

(gg) Georgia suspect. This term means that the livestock so identified is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by an inspector to determine its disposal.

(hh) Georgia condemned. This term means that the livestock so identified has been inspected and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of its carcass.

(ii) Misbranded. This term applies to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

1. If its labeling is false or misleading in any particular;

2. If it is offered for sale under the name of another food;

3. If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

4. If its container is so made, formed, or filled as to be misleading;

5. If in a package or other container unless it bears a label showing:

   (i) The name and place of business of the manufacturer, packer, or distributor; and

   (ii) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; except as otherwise provided in 40-10-1-.19 of this chapter with respect to the quantity of contents;

6. If any word, statement, or other information required by or under authority of the Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

7. If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by the regulations in 40-10-1-.21 of this chapter unless:

   (i) It conforms to such definition and standard, and

   (ii) Its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

8. If it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by the regulations in 40-10-1-.21 of this chapter, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify a statement that it falls below such standard:

9. If it is not subject to the provisions of subparagraph 7. of this paragraph unless its label bears:

   (i) The common or usual name of the food, if any there be, and

   (ii) In case it is fabricated from two or more ingredients the common or usual name of each such ingredient, except as otherwise provided in 40-10-1-.19 of this chapter.

10. If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as is required by the regulations in 40-10-1-.19 of this chapter.

11. If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears a label stating that fact; except as otherwise provided by the regulations in 40-10-1-.19 of this chapter; or

12. If it fails to bear, directly thereon or on its containers, when required by the regulations in 40-10-1-.18 or .19 of this chapter, the inspection legend and, unrestricted by any of the foregoing, such other information as the Commissioner may require, in such regulations to assure that it will not

have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

(jj) Label. A display of written, printed, or graphic matter, upon the immediate container (not including package liners) of any article.

(kk) Labeling. All labels and other written, printed or graphic matter:

1. Upon any article or any of its containers or wrappers, or

2. Accompany such article.

(ll) Federal Food, Drug, and Cosmetic Act. The Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

(mm) Pesticide chemical, food additive, color additive, raw agricultural commodity. These terms shall have the same meanings for purposes of the Act and the regulations in this chapter as under the Federal Food, Drug and Cosmetic Act.

(nn) Official mark. The official inspection legend or any other symbol prescribed by the regulations in this chapter to identify the status of any article or animal under the Act.

(oo) Official inspection legend. Any symbol prescribed by the regulations in this chapter showing that an article was inspected and passed in accordance with the Act.

(pp) Official certificate. Any certificate prescribed by the regulations in this chapter for issuance by an inspector or other person performing official functions under the Act.

(qq) Official device. Any device prescribed by the regulations in 40-10-1-.14 of this chapter for use in applying any official mark.

(rr) Livestock. Cattle, sheep, swine, rabbit, goat, horse, mule, or other equine.

(ss) Carcass. All parts, including viscera, of any slaughtered livestock.

(tt) Meat. The part of the muscle of any cattle, sheep, swine, or goats, which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout or ears. This term, as applied

to products of equines, shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

(uu) Meat byproduct. Any part capable of use as human food, other than meat, which has been derived from one or more cattle, sheep, swine, or goats. This term as applied to products of equines, shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

(vv) Meat food product. Any article capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine or goats, except those exempted from definition as a meat food product by the Commissioner in specific cases or by the regulations in 40-10-1-.18 or 40-10-1-.19 of this chapter, upon a determination that they contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and provided that they comply with any requirements that are imposed in such cases or regulations as conditions of such exemptions to assure that the meat or other portions of such carcasses contained in such articles are not adulterated and that such articles are not represented as meat food products. This term, as applied to food products of equines, shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

(ww) Product. Any carcass, meat, meat byproduct, or meat food product, capable of use as human food.

(xx) Immediate container. The can, pot, tin, canvas, or other receptacle or covering in which any product is directly contained or wholly or partly enclosed.

(yy) Shipping container. The outside container (box, bag, barrel, crate, or other receptacle or covering) containing or wholly or partly enclosed any product packed in one or more immediate containers.

(zz) Biological residue. Any substance, including metabolites, remaining in an animal at time of slaughter or in any of its tissues after slaughter as the result of treatment or exposure of the animal to a pesticide, organic or inorganic compound, hormone, hormone-like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other therapeutic or prophylactic agent.

(aaa) Experimental animal. Any animal used in any research investigation involving the feeding or other administration of, or subjection to, an experimental biological product, drug or chemical or any nonexperimental biological product, drug or chemical used in a manner for which it was not intended.

(bbb) Dead livestock. The body (cadaver) of livestock which has died otherwise than by slaughter.

(ccc) Dying, diseased, or disabled livestock. Livestock which has or displays symptoms of having any of the following:

1. Central nervous system disorder;
2. Abnormal temperature (high or low);
3. Difficult breathing;
4. Abnormal swellings;
5. Lack of muscular coordination;
6. Inability to walk normally or stand;
7. Any of the diseases for which livestock is required to be condemned on antemortem inspection in accordance with the regulations in part 40-10-1-.11 of this chapter.

(ddd) Supervision. The controls, as prescribed in instructions to Program employees, to be exercised by them over particular operations to insure that such operations are conducted in compliance with the Act and the regulations in this chapter.

(eee) Further processing. Smoking, cooking, canning, curing, refining, or rendering in an official establishment of product previously prepared in official establishments.

(fff) Artificial flavoring. A flavoring containing any sapid or aromatic constituent, which constituent was manufactured by a process of synthesis or other similar artifice.

(ggg) Artificial coloring. A coloring containing any dye or pigment, which dye or pigment was manufactured by a process of synthesis or other similar artifice, or a coloring which was manufactured by extracting a natural dye or natural pigment from a plant or other material in which such dye or pigment was naturally produced.

(hhh) Chemical preservative. Any chemical that, when added to a meat or meat food product, tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, or oils extracted from spices or substances added to meat and meat food products by exposure to wood smoke. Other definitions, if any, that are applicable only for purposes of a specific part of the regulations in this chapter, are set forth in such part.

(iii) Inspector in Charge. A designated program employee who is in charge of one or more official establishments within a district and is responsible to the district supervisor or his designee.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.02
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "License" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.02 entitled "Application of Requirements; Inspections" adopted. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: F. July 23, 1984; eff. August 12, 1984.
Repealed: New Rule entitled "Meaning of Terms" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.03. Application of Requirements; Inspection.

(1) Establishments requiring inspection:

(a) Inspection under the regulation in this chapter is required at:

1. Every establishment, except as provided in 40-10-1-.04(1)(a), (b), or (c) of this chapter, in which any livestock are slaughtered for transportation or sale as articles of commerce, or in which any products of, or derived from, carcasses of livestock are, wholly or in part, prepared for transportation or sale as articles of commerce which are intended for use as human food;

2. Every establishment, except as provided in 40-10-1-.04(1)(a), (b), or (d) of this chapter, within any State or organized Territory at which any livestock are slaughtered or any products of any livestock are prepared, for use as human food solely for distribution within such jurisdiction; and

3. Every establishment designated by the Commissioner pursuant to paragraph 40-10-1-.02(c) of the Act as one producing adulterated products which would clearly endanger the public health.

(2) Livestock and products entering official establishments. All livestock and all products entering any official establishment and all products prepared, in whole or in part, therein, shall be inspected, handled, stored, prepared, packaged, marked, and labeled as required by the regulations in this chapter.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.03
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "Plant Construction and Facilities" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.03 entitled "Exemptions" adopted. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.

Amended: F. July 23, 1984; eff. August 12, 1984.
Repealed: New Rule entitled "Application of Requirements; Inspection" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.04. Exemptions.

(1) Exemptions:

(a) The requirements of the Act and the regulations in this chapter for inspection of the preparation of products do not apply to:

1. The slaughtering by any individual of livestock of his own raising, and the preparation by him and transportation in commerce of the carcasses, parts thereof, meat and meat food products of such livestock exclusively for use by him and members of his household and his nonpaying guests and employees;

2. The custom slaughter by any person of cattle, sheep, swine, non-traditional livestock, rabbits, or goats delivered by the owner thereof for such slaughter, and the preparation by such slaughterer and transportation in commerce of the carcasses, parts thereof, meat and meat food products of such livestock, exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees; nor to the custom preparation by any person of carcasses, parts thereof, meat or meat food products derived from the slaughter by any individual of cattle, sheep, swine non-traditional livestock, rabbits or goats of his own raising or from game animals, delivered by the owner thereof for such custom preparation, and transportation in commerce of such custom prepared articles, exclusively for use in the household of such owner, by him and members of his household and his nonpaying guests and employees: Provided, that the following requirements are met by such custom operator:

(i) The establishment in which the custom operations are conducted is maintained and operated in accordance with the requirements of 40-10-1-.10 of this chapter;

(ii) If the custom operator prepared or handles any products for sale, they are kept separate and apart from the custom prepared products at all times while the latter are in his custody;

(iii) The custom prepared products are plainly marked "Not for Sale" as provided in 40-10-1-.18 of this chapter, immediately after being prepared and are kept so identified until delivered to the owner; and

(iv) If exempted custom slaughtering or other preparation of products is conducted in an official establishment, all facilities and equipment in the official establishment used for such custom operations shall be thoroughly cleaned and sanitized before they are used for preparing any products for sale.

3. The slaughter and processing of rabbits by any person who raises rabbits for slaughter and processing for sale at wholesale and retail in numbers not to exceed 2500 rabbits per year.

(b) Exempted custom prepared products.

1. The exempted custom prepared products shall be prepared and handled in accordance with 40-10-1-.20(5), (6), (7), (10), (11) and 40-10-1-.21 of this chapter and shall not be adulterated as defined in paragraph I.(m) of the Act.

2. The exempted custom prepared products shall comply with the requirements of 40-10-1-.18(16) and 40-10-1-.19(16) of this chapter.

3. The custom operators claiming exemption under paragraph (a)2. of this section shall keep records, in addition to records otherwise required by 40-10-1-.22 of this chapter, showing the numbers and kinds of livestock slaughtered on a custom basis, the quantities and types of products prepared on a custom basis, and the names and addresses of the owners of the livestock and products.

4. Articles capable of use as human food, resulting from the exempted custom slaughter or other preparation of products shall be promptly denatured or otherwise identified in accordance with this chapter and not removed from the establishment where the custom operations are conducted until so identified, unless they are delivered to the owner of the articles for use in accordance with paragraph (a)2. of this section.

(c) Reserved.

(d) Exempted retail prepared products.

1. The requirements of the Act and the regulations in this chapter for inspection of the preparation of products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment in Georgia for sale in normal retail quantities or service of such articles to consumers at such establishments.

2. For purposes of subparagraph 1. of this paragraph, operations of types traditionally and usually conducted at retail stores and restaurants are the following:

   (i) Cutting up, slicing, and trimming carcasses, halves, quarters, or wholesale cuts into retail cuts such as steaks, chops, and roasts, and freezing such cuts;

   (ii) Grinding and freezing products made from meat;

   (iii) Curing, cooking, smoking, or other preparations of products, except slaughtering, rendering, or refining or livestock fat or the retort-processing of canned products;

   (iv) Breaking bulk shipments of products;

   (v) Wrapping or rewrapping products.

3. Any quantity or product purchased by a consumer from a particular retail supplier shall be deemed to be a normal retail quantity if the quantity so purchased does not in the aggregate exceed one-half carcass. The following amounts of product will be accepted as representing one-half carcass of the species identified:

   One-half carcass pounds

Cattle	300
Calves	37.5
Sheep	27.5
Swine	100
Goats	25

4. A retail store is any place of business where the sales of product are made to consumers only; at least 75 percent, in terms of dollar value, of total sales of product represents sales to household consumers and the total dollar value of sales of product to consumers other than household consumers does not exceed the dollar limitation per calendar year set by the USDA Administrator; only federally or State inspected and passed product is handled or used in the preparation of any product; no sale of product is made in excess of a normal retail quantity as defined in subdivision (1)(d)3. of this subparagraph; the preparation of products for sale to household consumers is limited to traditional and usual operations as defined in subdivision (1)(d)2. of this subparagraph; and the preparation of products for sale to other than household consumers is limited to traditional and usual

operations as defined in (i), (ii), (iv), and (v) of subdivision 2. of this subparagraph.

5. A restaurant is any establishment where product is prepared only for sale or service, in meals, or as entrees, directly to individual consumers at such establishment; only federally or State inspected and passed product or such product prepared at a retail store exempted under subdivision (1)(d)2. of (i), (ii), (iv), and (v) subparagraph is handled or used in the preparation of any product; no sale of product is made in excess of a normal retail quantity as defined in subdivision 3. of this subparagraph; and the preparation of product is limited to traditional and usual operations as defined in subdivision 2. of this subparagraph. This definition includes a caterer which delivers or serves product in meals, or as entrees, only to individual consumers and otherwise meets the requirements of this paragraph.

6. For the purpose of this paragraph, operations conducted at a restaurant central kitchen facility shall be considered as being conducted at a restaurant if the restaurant central kitchen prepares meat or meat food products that are ready-to-eat when they leave such facility (i.e., no further cooking or other preparation is needed, except that they may be reheated prior to serving if chilled during transportation), transported directly to a receiving restaurant by its own employees, without intervening transfer or storage, maintained in a safe, unadulterated condition during transportation and served in meals or as entrees only to customers at restaurants or through vending machines, owned or operated by the same person that owns or operates such facility, and which otherwise meets the requirements of this paragraph; provided that the requirements of 40-10-1-.22 apply to such facility. Provided further that the exempt facility may be subject to inspection requirements under the Act (GMIA) for as long as the Commissioner determines that the sanitary conditions or practices of the facility or the processing procedure or methods at the facility are such that any of its meat or meat food products are rendered adulterated. When the Commissioner has made such determination and subjected a restaurant central kitchen facility to such inspection requirements, the operator of such facility shall be afforded an opportunity to dispute the Commissioner's determination in a hearing pursuant to the rules of practice which will be adopted for this proceeding.

7. Similar retail-type establishment: Any establishment which is a combination retail store and restaurant; any delicatessen which meets the requirements for a retail store or restaurant as prescribed in subdivisions 3. and 4. of this subparagraph; or other establishment as determined by the Commissioner in specific cases.

8. Consumer: Any household consumer, hotel, restaurant, or similar institution as determined by the Commissioner in specific cases.

(e) Whenever any complaint is received by the Commissioner from any person alleging that any retail store claiming exemption under this paragraph (d) has been operated in violation of the conditions prescribed in this section for exemption, and the Commissioner, upon investigation of the complaint, has reason to believe that any such violation has occurred he shall so notify the operator of the retail store and afford him reasonable opportunity to present his views informally with respect to the matter. Thereafter, if the Commissioner still has reason to believe that such a violation has occurred, and that a requirement that the operator keep records concerning the operations of the retail store would effectuate the purposes of the Act, the Commissioner shall order the operator to maintain complete, accurate, and legible records of total monthly purchases and of total monthly sales of meat, meat byproducts, and meat food products, in terms of dollar values of the products involved. Such records shall separately show total sales to household consumers and total sales to other consumers and shall be maintained for the period prescribed in 40-10-1-.22(3) of this chapter. If the operator maintains copies of bills of lading, receiving and shipping invoices, warehouse receipts, or similar documents which give the information required herein, additional records are not required by this subparagraph.

(f) The adulteration and misbranding provisions of the Act and the regulations in this chapter, other than the requirement of the official inspection legend, apply to articles which are exempted from inspection or not required to be inspected under this section.

(g) The Commissioner may extend the inspection requirements to any establishment in the State at which products are prepared for distribution solely within the State, if he determines in accordance with the provisions of the Act that it is producing adulterated products which would clearly endanger the public health.

(h) The Commissioner in specific cases may modify, by relieving, the inspection and related requirements of the regulations in this chapter when he determines that application of the modified requirements will be adequate to effectuate the purposes of the Act.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.04
Authority: O.C.G.A. §§ 26-2-60, 26-2-80.
History. Original Rule entitled "Premises" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.04 entitled "Application for Inspection; Tenants; Subsidiaries" adopted. F. and eff. Aug. 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: Rule retitled "Application for Inspection; Grant or Refusal of Inspection". F. July 23, 1984; eff. August 12, 1984.
Repealed: New Rule entitled "Exemptions" adopted. F. July 21, 1997; eff. August 11, 1997.

Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.
Amended: F. Nov. 5, 2018; eff. Nov. 25, 2018.

Rule 40-10-1-.05. Application for Inspection; Grant or Refusal of Inspection.

(1) Application for inspection.

(a) Before inspection is granted, the operator of each establishment required to have inspection shall make application therefor to the Commissioner as provided in this part.

(b) Every application under this section shall be made on a form furnished by the Department of Agriculture, and shall include all information called for by that form, including the name, address, and type of legal entity of any tenant and the name and principal office address of any subsidiary corporation that will prepare product or conduct any other operation at the establishment for which inspection is requested. The applicant for inspection will be held responsible for compliance by all such tenants or subsidiaries with the requirements of the regulations in this chapter at such establishment if inspection is granted. Such tenants and subsidiaries will also be held responsible for their own operations. Preparation of product and other operations at the establishment for which inspection is granted may be conducted only by the applicant and any of its tenants and subsidiary corporations named in the application.

(c) Before inspection is granted, an establishment must have developed written "Sanitation Standard Operating Procedures" as required by Rule 40-10-1-.10, a written "Hazard Analysis and Critical Control Point Procedures" as required by Rule 40-10-1-.09, and a written recall procedure as required by Rule 40-10-1-.26.

(d) In cases of change of ownership, location, tenants or subsidiaries, a new application shall be made.

(2) Drawings, information to be furnished; subsidiary establishments; grant or refusal of inspection:

(a) Each applicant for inspection shall submit to the program, four copies of:

1. Complete drawings with specifications of the floor plans of the establishment for which inspection is requested, showing the locations of principal pieces of equipment, floor drains, principal drainage lines, hand-washing basins, and hose connections for clean-up purposes;

2. A plot plan showing the limits of the establishment's premises, locations in outline of buildings on the premises, cardinal points of the compass, and roadways and railways serving the establishment; and

3. A room schedule showing the finish of walls, floors, and ceilings of all rooms in the establishment. The specifications shall include statements describing the water supply, plumbing, drainage, refrigeration, equipment, lighting, and operations of the establishment. Applicants for inspection may request information from the Commissioner concerning the requirements before submitting plans.

(b) Notice in writing shall be given to each applicant granted inspection, specifying the establishment to which the grant applies;

(c) The Commissioner is authorized to grant inspection upon his determination that the applicant and the establishment are eligible therefor and to refuse to grant inspection at any establishment if he determines that it does not meet the requirements of this part of the regulations in 40-10-1-.06, and 40-10-1-.08, and 40-10-1-.09 and 40-10-1-.10, and 40-10-1-.26 of this chapter or has not received approval of labeling and containers to be used at the establishment as required by the regulations in 40-10-1-.19 of this chapter. Before inspection is refused for any such reason, the applicant shall be informed of the proposed action and the reasons therefor and afforded an opportunity to present his views.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.05
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "Equipment, Utensils, and Containers" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.05 entitled "Official Numbers; Inauguration of Inspection; Withdrawal of Inspection; Reports of Violations" adopted. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: F. June 24, 1975; eff. July 14, 1975.
Amended: F. July 23, 1984; eff. August 12, 1984.
Repealed: New Rule entitled "Application for Inspection; Grant or Refusal of Inspection" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.
Amended: F. Oct. 18, 2012; eff. Nov. 7, 2012.

Rule 40-10-1-.06. Official Numbers; Inauguration of Inspection; Withdrawal of Inspection; Reports of Violations.

(1) Official numbers; subsidiaries and tenants:

(a) An official number shall be assigned to each establishment granted inspection. Such number shall be used to identify all inspected and passed products prepared in the establishment. More than one number shall not be assigned to an establishment;

(b) Two or more official establishments under the same ownership or control may be granted the same official number, provided a serial letter is added in each case to identify each establishment and the products thereof,

(c) When inspection has been granted to any other person at the same establishment, except that a subsidiary or tenant of the grantee, preparing any product at the establishment, may receive inspection at the same establishment.

(2) Separation of official establishments:

(a) Each official establishment shall be separate and distinct from any unofficial establishment except a poultry products processing establishment operated under Federal Inspection under the Poultry Products Inspection Act or under State Inspection;

(b) The slaughter or other preparation of products of horses, mules, or other equines required to be conducted under inspection pursuant to the regulations in this chapter shall be done in establishments separate from any establishment in which cattle, sheep, swine, or goats are slaughtered or their products are prepared;

(c) Inspection shall not be inaugurated in any building, any part of which is used as living quarters, unless the part for which inspection is requested is separated from such quarters by floors, walls, and ceilings of solid concrete, brick, or similar material, and the floors, walls, and ceilings are without opening that directly or indirectly communicates with any part of the building used as living quarters.

(3) Sanitation and adequate facilities. Inspection shall not be begun if an establishment is not in a sanitary condition or unless the establishment agrees to maintain such condition and provides adequate facilities for conducting such inspection.

(4) Inauguration of inspection. When an application for inspection is granted, the officer in charge shall, at or prior to the inauguration of inspection, inform the operator of the establishment of the requirements of the regulations in this chapter. If the establishment, at the time inspection is inaugurated, contains any product which has not theretofore been inspected, passed, and marked in compliance with the regulations in this chapter, the identity of the same shall be maintained and it shall not be distributed in commerce, or otherwise subject to the requirements of such regulation, or dealt with as inspected and passed under the regulations. The establishment shall adopt and enforce all necessary measures and shall comply with all such directions as the officer in charge may prescribe, for carrying out the purposes of this section.

(5) Withdrawal of inspection.

(a) The Commissioner is authorized to withdraw inspection from an official establishment where the sanitary conditions are such that its products are rendered

adulterated, or for failure of the operator to destroy condemned products as required by the Act and the regulations in this chapter.

(b) The assignment of inspectors may be temporarily suspended, in whole or in part, by the commissioner to the extent it is determined necessary to avoid impairment of the effective conduct of the program when the operator of any official establishment or any subsidiary therein, or any officer, employee, or agent of any such operator or any subsidiary therein, acting within the scope of his office, employment, or agency threatens to forcibly assault or forcibly assaults, intimidates, or interferes with any program employee in or on account of the performance of his official duties under the act, unless promptly upon the incident being brought by an authorized supervisor of the program employee to the attention of the operator of the establishment the operator satisfactorily justifies the incident, takes effective steps to prevent a recurrence, or provides acceptable assurance that there will not be any recurrences. Such suspension shall remain in effect until one of such actions is taken by the operator: Provided, That upon request of the operator he shall be afforded an opportunity for an expedited hearing to show cause why the suspension should be terminated.

(c) Inspection service may be temporarily suspended, in whole or in part, at an official establishment, by the Commissioner, to the extent that it is determined necessary to prevent inhumane slaughtering or handling in connection with slaughter of livestock as defined in 40-10-1-.02(2). The Commissioner shall notify the operator of an establishment orally or in writing, as promptly as circumstances permit, of such suspension and the reasons therefore. Such suspension shall remain in effect until the operator of the establishment takes effective steps to prevent a recurrence, or provides other satisfactory assurances that there will not be any recurrences. Upon request, the operator shall be afforded an opportunity for a hearing to show cause why the suspension should be terminated.

(6) Reports of Violations. Inspectors and other program employees shall report to the office in charge all violations of the Act or regulations in this chapter of which they have information and the officer in charge shall report the same to the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.06
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "Reject and Retain Tags" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.06 entitled "Assignment and Authority of Division Employees" adopted. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: F. June 24, 1975; eff. July 14, 1975.
Repealed: New Rule entitled "Official Numbers; Inauguration of Inspection; Withdrawal of Inspection; Reports of Violations" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.07. Assignment and Authorities of Division Employees.

(1) Designation of officer in charge and assistants. The Commissioner shall designate an officer in charge of the inspection in each district, and assign to said inspector such assistants as may be necessary.

(2) Program employees to have access to establishments. For the purpose of any examination or inspection necessary to prevent the use in commerce of any adulterated product. Program employees shall have access at all times, by day or night, whether the establishment is operated or not, to every part of any official establishment to which they are assigned.

(3) Badge as identification of inspectors. Each inspector will be furnished with a numbered official badge, which he shall not allow to leave his possession, and which he shall wear in such manner and at such times as the Commissioner may prescribe. This badge shall be sufficient identification to entitle him to admittance at all regular entrances and to all parts of the establishment and premises to which he is assigned.

(4) Assignment of Program Employees where members of family employed; soliciting employment.

(a) Except as specifically authorized by the Commissioner, no program employee shall be detailed for duty at an establishment where any member of his family is employed by the establishment, nor shall any officer in charge or other employee acting in a supervisory capacity be continued on duty at a circuit where any member of his family is employed by any establishment under his jurisdiction. Program employees are forbidden to solicit, for any person, employment at any official establishment, or by an officer, manager, or employee thereof.

(b) Program employees shall not procure product from any official establishment or any other establishment if its operations or products are inspected or regulated under the Meat Inspection Act of 1969 or any other law administered by the Department unless the store or outlet from which the purchase is made is open to the general public and the price paid by such employee is the same as the price paid by the general public. Program employees must pay, and obtain receipts for money paid to such establishments for all such product and keep such receipts subject to inspection by supervisory employees or other authorized Department employees.

(5) Any appeal from a decision of any program employee shall be made to his immediate supervisor having jurisdiction over the subject matter of the appeal, except as otherwise provided in the applicable rules of practice..

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.07
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80
History. Original Rule entitled "Refrigeration" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.07 entitled "Facilities for Inspection" adopted. F. and eff. August 24, 1970, the date of

adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: F. June 24, 1975; eff. July 14, 1975.
Repealed: New Rule entitled "Assignment and Authorities of Division Employees" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.08. Facilities for Inspection.

Facilities for Inspection shall be in accordance with Code of Federal Regulations, 9 CFR, Chapter 3, Part 307.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.08
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "Transportation" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.08 entitled "Sanitation" adopted. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Repealed: New Rule entitled "Facilities for Inspection" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.09. Hazard Analysis and Critical Control Point (HACCP) Systems.

Hazard Analysis and Critical Control Point Systems shall be in accordance with the Code of Federal Regulations, 9 CFR, Chapter III, Part 417.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.09
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "Delivery Vehicles" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.09 entitled "Ante Mortem Inspection" adopted. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: F. July 23, 1984; eff. August 12, 1984.
Repealed: New Rule entitled "Hazard Analysis and Critical Control Point (HACCP) Systems" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.10. Sanitation.

Sanitation shall be in accordance with Code of Federal Regulations, 9 CFR Chapter III, Part 416 and the Sanitation Performance Standard, FSIS Directive 11,000.1.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.10
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.

History. Original Rule entitled "Employees" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.10 entitled "Post Mortem Inspection" adopted. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: F. June 24, 1975; eff. July 14, 1975.
Amended: F. July 23, 1984; eff. August 12, 1984.
Repealed: New Rule entitled "Sanitation" adopted. F. July 21, 1997; eff. August 11, 1997.
Amended: F. July 31, 2001; eff. August 20, 2001.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.11. Ante-Mortem Inspection.

Ante-mortem Inspection shall be performed in accordance with the provisions of the Code of Federal Regulations, 9 CFR, Chapter III, Part 309.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.11
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "Marking, Branding, and Labeling" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.11 entitled "Disposal of Diseased or Otherwise Adulterated Carcasses and Parts" adopted. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: F. June 24, 1975; eff. July 14, 1975.
Amended: F. July 23, 1984; eff. August 12, 1984.
Repealed: New Rule entitled "Ante Mortem Inspection" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.12. Post-Mortem Inspection.

Post-mortem inspection shall be performed in accordance with the provisions of the Code of Federal Regulations, 9 CFR, Chapter III, Part 310.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.12
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "Declaration of Ingredients in Labeling" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.12 entitled "Official Marks, Devices, and Certificates" adopted. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Repealed: New Rule entitled "Post Mortem Inspection" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.13. Disposal of Diseased or Otherwise Adulterated Carcasses and Parts.

Disposal shall be in accordance with the provisions of the Code of Federal Regulations, 9 CFR, Chapter III, Part 311.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.13
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "Miscellaneous Meat Products" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.13 reserved rule. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule adopted. Rule reserved. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: New Rule entitled "Humane Slaughter of Livestock" adopted. F. July 23, 1984; eff. August 12, 1984.
Repealed: New Rule entitled "Disposal of Diseased or Otherwise Adulterated Carcasses and Parts" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.14. Official Marks, Devices, and Certificates.

(1) The marks, devices, and certificates prescribed or referenced in this part shall be official marks, devices, and certificates for purposes of the Act, and shall be used in accordance with the provisions of this part and the regulations cited therein.

(2) Official marks and devices to identify inspected and passed products of cattle, non-traditional livestock, sheep, swine or goats. The official inspection legend required by part 40-10-1-.18 of this chapter to be applied to inspected and passed carcasses and parts of carcasses of cattle, sheep, swine and goats, meat food products in animal casings, and other products by the Commissioner shall be in the appropriate form as specified.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.14
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "Spices and Seasoning or Other Additives" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.14 entitled "Handling and Disposal of Condemned or Other Inedible Products at Official Establishments" adopted. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Repealed: New Rule entitled "Official Mark, Devices and Certificates" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.15. Humane Slaughter of Livestock.

Humane slaughter of livestock shall be accomplished in accordance with the provisions of the Code of Federal Regulations, 9 CFR, Chapter III, Part 313.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.15
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "Artificial Color" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.15 entitled "Rendering or Other Disposal of Carcasses and Parts Passed for Cooking" adopted. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: F. July 23, 1984; eff. August 12, 1984.
Repealed: New Rule entitled "Humane Slaughter of Livestock" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.

Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.16. Handling and Disposal of Condemned or Other Inedible Products at Official Establishments.

Handling and disposal of condemned or other inedible products at official establishments shall be accomplished in accordance with the Code of Federal Regulations, 9 CFR, Chapter III, Part 314.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.16
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "Nitrates and Phosphates" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.16 entitled "Marking Products and Their Containers" adopted. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: F. July 23, 1984; eff. August 12, 1984.
Repealed: New Rule entitled "Handling and Disposal of Condemned or Other Inedible Products at Official Establishments" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.17. Rendering or Other Disposal of Carcasses and Parts Passed for Cooking.

Rendering or other disposal of carcasses and parts passed for cooking shall be accomplished in accordance with the provisions of the Code of Federal Regulations, 9 CFR, Chapter III, Part 315.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.17
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "Chemical Preservatives" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.17 entitled "Labeling, Marking Devices and Containers" adopted. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: F. June 24, 1975; eff. July 14, 1975.
Amended: F. July 23, 1984; eff. August 12, 1984.
Repealed: New Rule entitled "Rendering or Other Disposal of Carcasses and Parts Passed for Cooking" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.18. Marking Products and Their Containers.

(1) Authorization required to make devices bearing official marks. No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make or cause to be any

device containing any official mark or simulation thereof without prior written authority therefor from the Commissioner as provided for in 40-10-1-.18 of this chapter.

(2) Approval required for official marks. No device containing any official mark shall be made or caused to be made for use on any product until it has been approved by the Commissioner as provided for in 40-10-1-.19 of this chapter.

(3) Use of official marks prohibited except under supervision of Program employee; removal of official marks, when required:

(a) No person shall affix or place, or cause to be affixed or placed, the official inspection legend or any other official mark, or any abbreviation or simulation of any official mark, to or on any product, or container thereof, except under the supervision of a Program employee.

(b) No person shall fill, or cause to be filled, in whole or in part, with any product, any container bearing or intended to bear any official mark or any abbreviation or simulation of any official mark, except under the supervision of a Program employee.

(c) Product bearing any official mark shall not be canned, cooked, cured, smoked, salted, packed, rendered, or otherwise prepared by any person for commercial purposes unless:

1. Such preparation is performed at an official establishment; or

2. Such preparation is conducted under State or other governmental inspection and the prepared product is marked to show that fact; or

3. The official marks are removed, defaced or otherwise destroyed before or during such preparation; or

4. The preparation of the product consists solely of cutting up operations at any establishment exempted from inspection under paragraph 40-10-1-.04(1)(d)2. of the Act or equal provisions of a law of a State or organized Territory.

(4) Marking devices; to be furnished by official establishments; control of:

(a) Each official establishment shall furnish such ink brands, burning brands, and any other device for marking products with official marks as the Commissioner may determine is necessary for marking products at such establishment. The official inspection legend on such a device shall be as prescribed in this chapter.

(b) All official devices for marking products with the official inspection legend, or other official marks, including self-locking seals, shall be used only under the supervision of a Program employee, and, when not in use for marking shall be

kept locked in properly equipped lockers or compartments, the keys of which shall not leave the possession of a Program employee.

(5) Branding ink; to be furnished by official establishments; approval by Program; color:

(a) Each official establishment shall furnish all ink for marking products with the official marks at such establishment. Such ink must be made with harmless ingredients that are approved for the purpose by the Commissioner. Samples of inks shall be submitted to the Program Laboratory from time to time as may be deemed necessary by the officer in charge.

(b) Only ink approved for the purpose shall be used to apply ink brands bearing official marks to carcasses of cattle, sheep, swine, or goats and fresh meat cuts derived there from.

(c) Green ink shall not be used to apply marks to the carcasses of cattle, sheep, swine, or goats or fresh meat cuts derived there from.

(d) Except as provided in paragraphs (b) and (c) of this section, branding ink of any color, approved for the purpose by the Commissioner may be used to apply ink brands, including official marks, to processed meat cuts derived from cattle, sheep, swine or goats.

(e) Only green ink approved for the purpose shall be used to apply ink brands including official marks to carcasses and parts of carcasses and meat cuts derived from horses, mules and other equines.

(f) Ink used must assure legibility and permanence of the markings and the color of ink shall provide acceptable contrast with the color of the product to which it is applied.

(6) Products not to be removed from official establishments unless marked in accordance with the regulations. No person shall remove or cause to be removed from an official establishment any products which the regulations in this chapter require to be marked in any way unless they are clearly and legibly marked in compliance with such regulations.

(7) Marking devices not to be false or misleading; style and size of lettering; approval required. No brand or other marking device shall be false or misleading. The letters and figures thereon shall be of such style and type as will make a clear and legible impression. All markings to be applied to products in an official establishment shall be approved prior to use by the Commissioner as provided for in 40-10-1-.19(3), except that official markings prescribed by the Federal meat grading regulations (7 CFR 53.19) need not be submitted to the Commissioner for approval.

(8) Unmarked inspected products moved between official establishments; moved in commerce.

(a) Unmarked products which have been inspected and passed but do not bear the official inspection legend may be transported from one official establishment to another official establishment, for further processing, in a railroad car, truck, or other closed container, if they are sealed with the official seal of the Department (as prescribed in 40-10-1-.14 of this chapter) bearing the official inspection legend.

(b) Products which have been inspected and passed but do not bear the official inspection legend may be removed from an official establishment in closed containers bearing the official inspection legend and all other information required by this part and 40-10-1-.19 of this chapter: Provided, that upon removal from such closed container the product may not be further transported in commerce unless such removal was made under the supervision of a Program employee and such product is reinspected by a Program employee and packed under his supervision in containers bearing the official inspection legend and all other information required by this part and 40-10-1-.19 of this chapter: and provided further, that unmarked products shall not be brought into an official establishment in an open container.

(9) Products to be marked with official marks:

(a) Each carcass which has been inspected and passed in an official establishment shall be marked at the time of inspection with the official inspection legend containing the number of the official establishment.

(b) Except as provided otherwise in this part, each primal part of a carcass, the beef cod fat and beef kidney fat, and each liver, beef tongue and beef heart which has been inspected and passed shall be marked with the official inspection legend containing the number of the official establishment before it leaves the establishment in which it Is first inspected and passed, and each other inspected and passed product susceptible of marking shall be marked with the official inspection legend containing the number of the office establishment where it was last prepared: Provided, that products need not be so marked if packed in properly labeled immediate containers in accordance with the regulations in 40-10-1-.19 of this chapter. Additional official marks of inspection may be applied to such products as desired to meet local conditions. Primal parts are the wholesale cuts of carcasses as customarily distributed to retailers. The round, flank, loin, rib, plate, brisket, chuck, and shank are primal parts of beef carcasses. Veal, mutton, and goat primal parts are the leg, flank, loin, rack, breast, and shoulder. The ham, belly, loin, shoulder, and jowl are pork primal parts. Equine primal parts are the round, flank, loin, rib, plate, brisket, chuck and shank.

(c) Beef livers shall be marked with the official inspection legend containing the number of the official establishment at which the cattle involved were slaughtered, on the convex surface of the thickest portion of the organ.

(d) Inspected and passed parts of carcasses which are not marked with the official inspection legend under this section shall not enter any official establishment or be sold, transported, or offered for sale or transportation, in commerce, except as provided in 40-10-1-.18.

(10) Marking of meat food products with official inspection legend and ingredient statement:

(a) Inspected and passed sausage and other products in casings or in link form, of the ordinary "ring" variety or larger shall be marked with the official inspection legend and list of ingredients in accordance with 40-10-1-.19 of this chapter. The official marks required by this section shall be branded near each end of sausage or similar product prepared in casings when the product is of a size larger than that customarily sold at retail intact.

(b) Inspected and passed sausage and other products, in casings or link form, of the smaller varieties, shall bear one or more official inspection legends and one or more lists of ingredients on each 2 pounds of product, except where such products leave the official establishment completely enclosed in properly labeled containers having a capacity of 10 pounds or less and containing a single kind of product: Provided, That such products in properly labeled closed containers exceeding 10 pounds shipped to another official establishment for further processing or to a governmental agency, needs only have the official inspection legend and list of ingredients shown twice throughout the contents of the container. When such products are shipped to another official establishment for further processing, the officer in charge at the point of origin shall identify the shipment to the officer in charge at destination.

(c) The list of ingredients may be applied by stamping, printing, using paper bands, tags, or tissue strips, or by other means approved by the Commissioner.

(d) All cured products shall be marked with the list of ingredients in accordance with Part 40-10-1-.19 of this subchapter.

(11) Special markings for certain meat food products:

(a) Meat food products, in casings or link form, other than sausage, which possess the characteristics of, or resemble sausage, shall bear on each link or piece the word "imitation" prominently displayed: Provided, That the following need not be so marked if they bear on each link or piece the name of the product in accordance with 40-10-1-.19(2) of this chapter: Such products as coppa, capocollo, lachschinken, bacon, pork loins, pork shoulder butts, and similar cuts of meat which are prepared without added substances other than curing materials or condiments; meat rolls, bockwurst and similar products which do not contain cereal or vegetables; headcheese, souse, sulze, scrapple, blood pudding, and liver pudding; and other products such as loaves, chili con carne, and meat and cheese products when prepared with sufficient cheese to give definite characteristics to

the finished products: And provided further, that imitation sausage packed in properly labeled containers having a capacity of 3 pounds or less and of a kind usually sold at retail intact, need not bear the word "imitation" on each link or piece if no other marking or labeling is applied directly to the product.

(b) When cereal, vegetable, starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk, or calcium reduced dried skim milk is added to sausage in casing or link form within the limits prescribed in 40-10-1-.19 of this chapter, the product shall be marked with the name of each added ingredient, as for example, "cereal added," "potato flour added," "cereal and potato flour added," "soy flour added," "isolated soy protein added," "nonfat dry milk added," "calcium reduced dried skim milk added," or "cereal and nonfat dry milk added," as the case may be.

(c)

1. When product is placed in a casing to which artificial coloring is thereafter applied, as permitted in 40-10-1-.20 of this chapter, the product shall be legibly and conspicuously marked by stamping or printing on the casing the words "artificially colored."

2. If a casing is removed from product at an official establishment and there is evidence of artificial coloring on the surface of the product, the product from which the casing has been removed shall be marked by stamping directly thereon the words "artificially colored."

3. The casing containing product need not be marked to show that it is colored if it is colored prior to its use as a covering for the product, and the coloring is of a kind and so applied as not to be transferable to the product and not to be misleading or deceptive in any respect.

(d) When an approved artificial smoke flavoring or an approved smoke flavoring is added to any meat food product such as permitted in 40-10-1-.20 of this chapter, the product shall be legibly and conspicuously marked with the words "Artificial Smoke Flavoring Added," whichever may be applicable.

(e) Subject to the provisions in paragraph (a) of this section, in the case of sausage of the smaller varieties, the markings prescribed in this section may be limited to links bearing the official inspection legend, and such markings shall not be required if the sausages are packed in properly labeled containers having a capacity of 3 pounds or less and of a kind usually sold at retail intact. Further, all markings otherwise required by this section (except those required by paragraph (a) of this section) may be omitted from the casings of sausage and other meat food products when these products are to be processed in sealed metal containers properly labeled in accordance with the requirements in 40-10-1-.19 of this chapter.

(f) When an approved antioxidant is added to any meat food product as permitted in 40-10-1-.20 and .21 of this chapter, the products shall be legibly and conspicuously marked in an approved manner identifying the specific antioxidant used by its common name or approved abbreviation and the purpose for which it is added, such as "BHA, BHT, and Propylgallate" added to help protect flavor.

(g) Sausage of the dry varieties treated with potassium sorbate or propylparaben (propyl p-hydroxybenzoate) as permitted by 40-10-1-.20 of this chapter shall be marked as prescribed in 40-10-1-.19(8)(b)28. of this chapter.

(12) Reserved.

(13) Marking of outside containers:

(a) Except as provided in this chapter, when any inspected and passed product for domestic commerce is moved from an official establishment, the outside container shall bear an official inspection legend as prescribed in 40-10-1-.14 of this chapter.

(b) When any product prepared in an official establishment for domestic commerce has been inspected and passed and is enclosed in a cloth or other wrapping, such wrapping shall bear the official inspection legend and official establishment number applied by the approved 2 1/2-inch rubber brand in the form prescribed in 40-10-1-.14 of this chapter: Provided, That the rubber brand may be omitted if the official inspection legend and the official establishment number on the product itself are clearly legible through the wrapping or the wrapping is labeled in accordance with 40-10-1-.19 of this chapter: Provided further, that plain unprinted wrappings, such as stockinettes, cheese cloth, paper and crinkled paper bags, for properly marked products, which are used solely to protect the product against soiling or excessive drying during transportation or storage need not bear the official inspection legend.

(c) Reserved.

(d) Slack barrels used as outside containers of products shall have a cloth or paper top covering branded with the official inspection legend containing the official establishment number which shall be applied in such a manner that removal of the covering results in defacing such official inspection legend.

(e) The outside containers of any product which has been inspected and passed for cooking, pork which has been refrigerated as provided in 40-10-1-.20(10)(c) of this chapter, and beef which has been inspected and passed for refrigeration shall bear the markings and tag prescribed elsewhere in this chapter.

(f) The outside container of glands and organs which are not used for human food purposes shall be plainly marked with the phrase "For pharmaceutical purposes,"

"For organotherapeutic purposes" or "For technical purposes", as appropriate, with no reference to inspection, and need not bear other markings otherwise required under the regulations in this chapter.

(g) Approval in accordance with 40-10-1-.19(3) of this chapter is not required by labeling information which is not false or misleading and is in accordance with 40-10-1-.19(2) of this chapter if it is applied by stencils, box dies, other marking devices or labels on outside containers such as tierces, crates, barrels, drums, boxes and fiberboard containers, and if the information is approved by the officer in charge and does not contain any official inspection legends and if the containers on which it is to be used will bear all labels and markings required by 40-10-1-.19(2) of this chapter and other provisions of this part and 40-10-1.19 of this chapter.

(h) The outside containers of condemned livers shall be marked as prescribed in 40-10-1-.16(10) of this chapter.

(i) The outside containers of any equine product shall be marked to show the kinds of animals from which derived, when the products are sold, transported, offered for sale or transported or received for transportation in commerce.

(14) Marking tank cars and tank trucks used in transportation of edible products:

(a) Each tank car and each tank truck carrying inspected and passed product from an official establishment shall bear a label containing the name of the product in accordance 40-10-1-.19(2) of this chapter, the official inspection legend containing the number of the official establishment and the words "date of loading," followed by a suitable space in which the inspector shall insert the date when the tank car or truck is loaded. The label shall be conspicuously located and shall be printed on material of such character and so affixed as to preclude detachment or effacement upon exposure to the weather. Before the car or truck is removed from the place where it is unloaded, the carrier shall remove or obliterate such label.

(b) Tank cars and tank trucks carrying inspected and passed product from an official establishment to another official establishment shall be equipped for sealing and securely sealed by a Program employee with an official seal of the Department bearing the official inspection legend as prescribed by 40-10-1-.14 of this chapter.

(15) Marking outside containers of inedible grease, etc.:

(a) Outside containers of inedible grease, inedible tallow, or other inedible animal fat, or mixture of any such articles, resulting from operations at any official establishment shall be marked conspicuously with the word "inedible" prior to removal from the point of filling. Containers, such as tierces, barrels, and half

barrels shall have both ends painted white with durable paint, if necessary, to provide a contrasting background, and the word "inedible" shall be marked thereon in letters not less than 2 inches high, while on tank cars and tank trucks the letters shall be not less than 4 inches high.

(b) Inspected rendered animal fat which is intended not to be used for human food may also be marked "inedible" if handled as provided in paragraph (a) of this section and 40-10-1-.16 of this chapter.

(16) Custom prepared products to be marked "Not for Sale." Carcasses and parts therefrom that are prepared on a custom basis under 40-10-1-.04(1)(a)2. of this chapter shall be marked at the time of preparation with the term "Not for Sale" in letters at least three eighths inch in height, except that such products need not be so marked if in immediate containers properly labeled in accordance with the regulations in 40-10-1-.19(16) of this chapter. Ink used for marking such products must comply with the requirements of 40-10-1-.18(5).

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.18
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "Liver Products" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.18 entitled "Entry Into Official Establishments: Reinspection and Preparation of Products" adopted. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: F. June 24, 1975; eff. July 14, 1975.
Amended: F. July 23, 1984; eff. August 12, 1984.
Repealed: New Rule entitled "Marking Products and Their Containers" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.19. Labeling, Marking Devices, and Containers.

(1) Labels required; supervision by Program Employee.

(a) When, in an official establishment, any inspected and passed product is placed in any receptacle or covering constituting an immediate container, there shall be affixed to such container a label as described in 40-10-1-.19(2) except that the following do not have to bear such a label.

1. Wrappings of dressed carcasses and primal parts in an unprocessed state, bearing the official inspection legend, if such wrappings are intended solely to protect the product against soiling or excessive drying during transportation or storage, and the wrappings bear no information except company brand names, trade marks, or code numbers which do not include any information required by 40-10-1-.19(2).

2. Uncolored transparent coverings, such as cellophane, which bear no written, printed or graphic matter and which enclose any unpackaged or packaged product bearing all markings required by 40-10-1-.18 of this chapter which are clearly legible through such coverings;

3. Animal and transparent artificial casings bearing only the markings required by 40-10-1-.18 of this chapter.

4. Stockinettes used as "operating devices", such as those applied to cured meats in preparation for smoking, whether or not such stockinettes are removed following completion of the operations for which they are applied;

5. Containers such as boil-in bags, trays of frozen dinners, and pie pans which bear no information except company brand names, trademarks, code numbers, directions for preparation and serving suggestions, and which are enclosed in a consumer size container that bears a label as described in 40-10-1-.19(2).

6. Containers of products passed for cooking or refrigeration and moved from an official establishment under 40-10-1-.13(1) of this chapter.

(b) Folders and similar coverings made of paper or similar materials which do not completely enclose the product and which bear any written, printed, or graphic matter shall bear all features required on a label for an immediate container.

(c) No covering or other container which bears or is to bear a label shall be filled, in whole or part, except with product which has been inspected and passed in compliance with the regulations in this chapter, which is not adulterated and which is strictly in accordance with the statements on the label. No such container shall be filled, in whole or part, and no label shall be affixed thereto, except under the supervision of a Program employee.

(2) Labels: definitions; required features.

(a) A label within the meaning of this part shall mean a display of any printing, lithographing, embossing, stickers, seals, or other written printed or graphic matter upon the immediate container (not including package liners) of any product.

(b) Any word, statement, or other information required by this part to appear on the label must be prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. In order to meet this requirement such information must appear on the principal display panel except as otherwise permitted in this part.

(c) Labels of all products shall show the following information on the principal display panel (except as otherwise permitted in this part), in accordance with the requirements of this part or, if applicable, 40-10-1-.21 of this chapter:

1. The name of the product, which in the case of a product for which a definition and standard of identity or composition is prescribed in 40-10-1-.21 of this chapter, shall be the name, if any, of the food specified in the standard, and otherwise shall be the common or usual name of the food, if any there be, and if there is none a truthful descriptive designation;

2. The word "ingredients" followed by a list of the ingredients if the product is fabricated from two or more ingredients;

3. The name and place of business of the manufacturer, packer or distributor for whom the product is prepared;

4. An accurate statement of the net quantity of the contents;

5. An official inspection legend and, except as otherwise permitted in paragraph (i) of this section, the number of the official establishment, in the form as required by 40-10-1-.14 of this chapter.

6. Any other information required by the regulations in this part or part 40-10-1-.21 of this chapter.

(d) The principal display panel shall be the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for sale. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part and 40-10-1-.21 of this chapter with clarity and conspicuousness and without obscuring of such information by designs or vignettes or crowding. In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars. The principal display panel will be:

1. In the case of a rectangular package, one entire side, the area of which is at least the product of the height times the width of that side;

2. In the case of a cylindrical or nearly cylindrical container:

   (i) An area that is 40 percent of the product of the height of the container times the circumference of the container; or

(ii) an area at least one-third of the product of the height times the circumference of the container; if immediately to the right or left of, such area, there is an area reserved for information prescribed in paragraphs (c)2., 3., and 5. of this section, equal to not more than 20 percent of the circumference.

3. In the case of a container of any other shape, 40 percent of the total surface of the container.

(e) Any descriptive designation used as a product name for a product which has no common or usual name shall clearly and completely identify the product. Product which has been prepared by salting, smoking, drying, cooking, chopping, or otherwise shall be so described on the label unless the name of the product implies, or the manner of packaging shows that the product was subjected to such preparation. The unqualified terms "meat," "meat byproduct," "meat food product," and terms common to the meat industry but not common to consumers such as "picnic butt," "cala," "square loaf," "spread," "delight," "roll," "plate luncheon," and "daisy" shall not be used as names of a product unless accompanied with terms descriptive of the product or with a list of ingredients, as deemed necessary in any specific case by the Commissioner in order to assure that the label will not be false or misleading.

(f)

1. On containers of frozen dinners, entrees, pizzas and similarly packaged products in cartons, the ingredient statement may be placed on the front riser panel; Provided, That the words "see ingredients" followed immediately by an arrow is placed on the principal display immediately above the location of such statement: Provided further, That such front riser panel is used solely to show the ingredient statement.

2. The list of ingredients shall show the common or usual names of the ingredients arranged in the descending order of predominance, except as otherwise provided in this paragraph.

(i) The term "flavorings" may be used to designate natural spices, essential oils, oleoresins, and other natural spice extractives, and the term "spices" may be used to designate natural spices, without naming each.

(ii) The term "corn syrup" may be used to designate either corn syrup or corn syrup solids.

(iii) The term "animal and vegetable fats" or "vegetable and animal fats" may be used to designate the ingredients of mixtures of such edible

fats in product designated "compound" or "Shortening". "Animal fats" as used herein means fat derived from inspected and passed cattle, sheep, swine or goats.

(iv) When a product is coated with pork fat, gelatin, or other approved substance and a specific declaration of such coating appears contiguous to the name of the product, the ingredient statement need not make reference to the ingredients of such coating.

(v) When two meat ingredients comprise at least 70 percent of the meat and meat byproduct ingredients of a formula and when neither of the two meat ingredients is less than 30 percent by weight of the total meat and meat byproducts used, such meat ingredients may be interchanged in the formula without a change being made in the ingredients statement on labeling materials, provided that the word "and" in lieu of a comma shall be shown between the declaration of such meat ingredients in the statement of ingredients.

(g) Name and Address required.

1. The name of the person that prepared the product or the name of the operator of the official establishment where the product is prepared by a subsidiary or tenant of the operator may appear as the name of the manufacturer or packer without qualification on the label. Otherwise the name of the distributor of the product shall be shown with a phrase such as "Prepared for" or "Distributed by _____" The place of business of the manufacturer, packer, or distributor shall be shown on the label by city, State, and postal zip code when such business is listed in a telephone or city directory and if not listed in such directory the place of business shall be shown by street address, city, State, and postal zip code.

2. The name and place of business of the manufacturer, packer, or distributor may be shown:

   (i) On the principal display panel, or

   (ii) On the 20 percent panel adjacent to the principal display panel reserved for required information, or

   (iii) On the front riser panel of frozen food cartons.

(h) Statement of net quantity

1. The statement of net quantity of contents shall appear on the principal display panel in easily legible and conspicuous bold-face print or type in distinct contrast to other matter on the package and shall be declared in accordance with the provisions of subparagraphs 1. through 9. of this paragraph (h).

2. The statement as it is shown on a label shall not be false or misleading and shall accurately reveal the quantity of food in the package exclusive of wrappers and packing substances. For example, when any product is enclosed in a container along with a packing substance such as brine, vinegar, or agar jelly, the statement of the quantity of contents shall represent the weight of the drained product when removed from the container, to the exclusion of the packing substance. Unless the statement of net quantity of contents is so qualified as to show that it expresses the minimum quantity, it shall be taken to express the actual quantity. When the statement expresses the minimum quantity, no variation below the stated minimum shall be permitted, and variations above the stated minimum shall be no greater than consistent with filling the container to the stated minimum in accordance with good commercial practice. When the statement purports to express actual quantity, variations incident to packaging in accordance with good commercial practice as set forth in the Manual of Meat Inspection procedures shall be allowed but the average net weight of the packages in each lot, determined on the basis of representative samples, shall not be less than the quantity stated.

3. The statement shall be placed on the principal display panel within the bottom 30 percent of the area of the panel in lines generally parallel to the base: Provided: That on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the statement meets the other requirements of this paragraph (h). The declaration may appear in more than one line. The terms "net weight" or "Net Wt." shall be used when stating the net quantity of contents in terms of weight, and the term "net contents" when stating the net quantity of contents in terms of fluid measure.

4. The statement shall be expressed in terms of avoirdupois weight or liquid measure. Where no general consumer usage to the contrary exists, the statement shall be in terms of liquid measure, if the product is liquid; or in terms of weight, if the product is solid, semisolid, viscous, or a mixture of solid and liquid. For example a declaration of 3/4 pound avoirdupois weight shall be expressed as "Net Wt. 12 oz." except as provided for in subparagraph 5. of this paragraph for random weight packages; a declaration of 1 1/2 pounds avoirdupois weight shall be expressed as "Net

Wt. 24 oz. (1 lb. 8 oz.)," "Net Wt. 24 oz. (1 1/2 lb.)," or "Net Wt. 24 oz. (1.5 lbs.)."

5. On packages containing 1 pound or 1 pint and not more than 4 pounds or 1 gallon, the statement shall be expressed as a dual declaration both in ounces and (immediately thereafter in parenthesis) in pound, with any remainder in terms of ounces or common or decimal fraction of the pound, or in the case of liquid measure, in the largest whole units with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart, except that on random weight packages the statement shall be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places, for packages over 1 pound, and for packages which do not exceed 1 pound, the statement may be in decimal fractions of the pound in lieu of ounces.

6. The statement shall be in letters and numerals in type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type size specifications:

   (i) Not less than one-sixteenth inch in height on packages, the principal display panel of which has an area of 5 square inches or less;

   (ii) Not less than one-eighth inch in height on packages, the principal display panel of which has an area of more than 5 but not more than 25 square inches;

   (iii) Not less than three-sixteenths inch in height on packages, the principal display panel of which has an area of more than 25 but not more than 100 square inches;

   (iv) Not less than one-quarter inch in height on packages, the principal display panel of which has area of more than 100 but not more than 400 square inches;

   (v) Not less than one-half inch in height on packages, the principal display panel of which has an area of more than 400 square inches.

7. The ratio of height to width of letters and numerals shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide). Heights pertain to upper case or capital letters. When upper case and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards. When fractions are used, each component numeral shall meet one-half the height standards.

8. The statement shall appear as a distinct item on the principal display panel and shall be separated by a space at least equal to the height of the lettering used in the statement from other printed label information appearing above or below the statement and by a space at least equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement from other printed label information appearing to the left or right of the statement. It shall not include any term qualifying a unit of weight, measure, or count such as "jumbo quart," "full gallon," "giant quart," "when packed," "Minimum" or words of similar import.

9. The following exemptions from the requirements contained in this paragraph (h) are hereby established:

   (i) Individually wrapped and labeled packages of less than 1/2 ounce net weight shall be exempt from the required statement of net quantity of contents specified in this paragraph (h) when the statement of net quantity of contents on the shipping container meets the requirements of this paragraph (h);

   (ii) Random weight packages bearing labels declaring net price, price per pound, and total price, shall be exempt from the type size, dual declaration and placement requirements of this paragraph (h), if an accurate statement of net weight is shown conspicuously on the principal display panel of the package;

   (iii) Reserved.

   (iv) Sliced shingle packed bacon in rectangular packages containing 8 ounces, 1 pound, or 2 pounds are exempt from the requirements of paragraphs (3) and (5) of this paragraph regarding the placement of the statement of the net quantity of contents within the bottom 30 percent of the principal display panel and that the statement be expressed both in ounces and in pounds if the statement appears as "8 oz.," "1/2 pound," "1 pound," "one pound," "2 pounds," or "two pounds," as the case may be, in a conspicuous manner on the principal display panel.

10. Labels for containers which bear any representation as to the number of servings contained therein shall bear, contiguous to such representation, and in the same size type as is used for such representation, a statement of the net quantity of each serving.

11. As used in this section a "random weight package" is one which is one of a lot, shipment, or delivery of packages of the same product with varying weights and with no fixed weight pattern.

12. On a multi unit retail package, a statement of the net quantity of contents shall appear on the outside of the package and shall include the number of individual units, the quantity of each individual unit and, in parentheses, the total net quantity of contents of the multiunit package in terms of avoirdupois or fluid ounces, except that such declaration of total quantity need not be followed by an additional parenthetical declaration in terms of the largest whole units and subdivisions thereof, as required by subparagraph 5. of this paragraph. For the purposes of this section, "multiunit retail package" means a package containing two or more individually packaged units of the identical commodity and in the same quantity, with the individual packages intended to be sold as part of the multiunit retail package but capable of being individually sold in full compliance with all requirements of the regulations in this part. Open multiunit retail packages that do not obscure the number of units and the labeling thereon are not subject to this paragraph if the labeling of each individual unit complies with the requirements of subparagraphs 2., 3., 6. and 8. of this paragraph.

13. Shingle packed sliced bacon cartons containing product weighing other than 8 ounces, 1 pound, or 2 pounds shall have the statement of the quantity of contents shown with the same prominence as the most conspicuous feature on the label and printed in a color of ink contrasting sharply with the background.

(i) Establishment number:

1. The establishment number shall be either embossed or lithographed on all hermetically sealed containers of inspected and passed product filled in an official establishment, except that such containers which bear labels lithographed directly on the container and in which the establishment number is incorporated need not have the establishment number separately embossed or lithographed thereon. Labels shall not be affixed to containers so as to obscure the embossed or lithographed establishment number.

2. When any product is placed in a carton or wrapper of paper or cloth or in any other type of container approved by the Commissioner, which is labeled in accordance with this part, the official inspection legend and the establishment number as specified in paragraph (c) of this section, may be applied by means of a sticker to be securely and prominently affixed, along with the name of product, at a place on the label reserved and designated for the purpose. In case there are two or more display panels featuring the name of product, the inspection sticker shall be affixed to the principal panel.

3. The official establishment number may be omitted from the official inspection legend on cartons used as outer containers of edible fats, such as

lard and oleomargarine, when such products are enclosed in wrappers which bear an official inspection legend containing the official establishment number.

4. The official establishment number may be omitted from the official inspection legend on the immediate containers of sliced bacon, frozen dinners and pies, and similarly packaged products when the official establishment number is placed on an end panel at the time of packaging and when it is presented on a single colored background in a prominent and legible manner in a size sufficient to insure easy recognition.

5. The official establishment number may be omitted from the official inspection legend on consumer size packages of sliced meat food products when the official establishment number is printed on the label at the time of packaging and when it is presented on a single colored background in a prominent and legible manner in a size sufficient to insure easy recognition.

6. The official establishment number may be omitted from the official inspection legend on consumer size containers of meat food products in aluminum pans or trays when the official establishment number is embossed in such pans or trays and when a statement such as "Est. No. on Pan" is placed contiguous to the official inspection legend on the container.

7. The official establishment number may be omitted from the official inspection legend printed on artificial casings or bags enclosing meat food products when the official establishment number is etched in ink on a flat surface of a metal clip used to close the container in a prominent and legible manner in a size sufficient to insure easy recognition and when a statement, such as, "Est. No. on Metal Clip" is placed contiguous to the official inspection legend on the casing or bag.

8. The official establishment number may be omitted from the official inspection legend printed on paper labels of canned products when the official establishment number is printed on the principal display panel at the time of labeling the container, or the official establishment number may be printed on the back of the paper label when the statement "Est. No. on Back of Label" is printed contiguous to the official legend, in a prominent and legible manner in a size sufficient to insure easy recognition.

(j) Labels of any product within any of the following paragraphs shall show the information required by such paragraph for such product:

1. A label for product which is in imitation of another food shall bear the word "imitation" immediately preceding the name of the food imitated and in the same size and style of lettering as in that name and immediately thereafter

the word "ingredients" and the names of the ingredients arranged in the order of their predominance. This subparagraph 1. shall not apply to any part of a carcass, however prepared.

2. If a product purports to be or is represented for any special dietary use by man, its label shall bear a statement concerning its vitamin, mineral, and other dietary properties upon which the claim for such use is based in whole or in part and shall be in conformity with regulations (21 CFR Part 125) established pursuant to sections 201, 403, and 701 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321, 343, 371).

3. When an approved artificial smoke flavoring or an approved smoke flavoring is added to meat food products, as permitted in 40-10-1-.20 of this chapter, there shall appear on the label, in prominent letters and contiguous to the name of the product, a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added," as may be applicable, and the ingredient statement shall identify any artificial smoke flavoring as such.

4. When any other artificial flavoring is added to product as permitted under 40-10-1-.20 of this chapter, there shall appear on the label in prominent letters and contiguous to the name of the product, the words "Artificially flavored" or "Artificial flavoring added" or "With added artificial flavoring." The ingredient statement shall identify it as an artificial flavoring.

5. Artificial coloring of edible fats shall be declared on the label in a prominent manner and contiguous to the name of the product by the words "Artificially colored" or "Artificial coloring added" or "With added artificial coloring."

6. When product is placed in a casing to which artificial coloring is applied, as permitted under 40-10-1-.20 of this chapter, there shall appear on the label, in a prominent manner and contiguous to the name of the product the words "Artificially colored."

7. If a casing is removed from product at an official establishment and there is evidence of artificial coloring on the surface of the product, there shall appear on the label, in a prominent manner and contiguous to the name of the product, the words, "Artificially colored."

8. When a casing is colored prior to its use as a covering for product and the color is not transferred to the product enclosed in the casing, no reference to color need appear on the label but no such casing may be used if it is misleading or deceptive with respect to color, quality, or kind of product, or otherwise.

9. Product which bears or contains any other artificial coloring, as permitted under 40-10-1-.19 of this chapter, shall bear a label stating that fact on the immediate container or if there is none on the product.

10. When an antioxidant is added to product as permitted under 40-10-1-.20 of this chapter, there shall appear on the label in prominent letters and contiguous to the name of the product, a statement showing that fact and the purpose for which it is added, such as "oxygen interceptor added to improve stability."

11. Reserved.

12. Containers of other product packed in or bearing or containing any chemical preservative shall bear a label stating that fact.

(k) Packaged products which require special handling to maintain their wholesome condition shall have prominently displayed on the principal display panel of the label, the statement "Keep refrigerated" or "Perishable keep under refrigeration..... Keep frozen," or such similar statement as the Commissioner may approve. For such canned products the statement shall be shown in upper case letters one-fourth inch in height for containers having a net weight of 3 pounds or less, and for containers having a net weight over 3 pounds the statement shall be shown in letters one half inch in height.

(3) Approval of abbreviations of marks of inspection; preparation of marking devices bearing inspection legend without advance approval prohibited; exception.

(a) The Commissioner may approve and authorize the use of abbreviations of marks of inspection under the regulations of this chapter. Such abbreviations shall have the same force and effect as the respective marks for which they are authorized abbreviations.

(b) Except for the purpose of submitting a sample or samples of the same to the Commissioner for approval, no person shall procure, make, or prepare, or cause to be procured, made, or prepared, labels, brands, or other marketing devices bearing the inspection legend or any abbreviations, copy or representation thereof, for use on any product without the written authority therefor of the Commissioner. However, when any sample label, brand, or other marking device is approved by the Commissioner, new supplies of such labels and new brands and other marking devices of a character exactly similar to such approved sample may be procured, made, or prepared, for use in accordance with the regulations in this chapter, without further approval by the Commissioner.

(4) Labels to be approved by Commissioner.

(a) Except as provided in paragraph (d) of this section no label shall be used on any product until it has been approved in its final form by the Commissioner. For the convenience of the establishment sketches or proofs of new labels may be submitted in triplicate through the officer in charge to the Program for approval and the preparation of finished labels deferred until such approval is obtained: All finished labels shall be submitted in triplicate through the officer in charge to the Program for approval.

(b) In case of lithographed labels, paper takeoffs in lieu of sections of the metal containers shall be submitted for approval. Such paper takeoffs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved. In case of fiber containers, printed layers, such as the kraft paper sheet, shall be submitted for approval in lieu of the complete container.

(c) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter and for use on, or to be placed within, containers and coverings of product shall be submitted for approval in the same manner as provided for labels in paragraph (a) of this section, except that officers in charge may permit use of such devices which contain no reference to product and bear no misleading feature.

(d) Stencils, labels, box dies, and brands may be used on shipping containers and on such immediate containers as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers provided the markings are applicable to the product, are not false or deceptive, and are used with the approval of the officer in charge. The inspection legend for use in combination with such markings shall be approved by the Commissioner.

(5) Officer in charge to permit certain modifications of approved labels. The officer in charge may permit modification of approved labels or markings, under the following circumstances, provided the labeling or markings as modified is so used as not to be false or misleading:

(a) When all features of the label or marking are proportionately enlarged and the color scheme remains the same.

(b) When changes are made in the figures denoting the quantity of contents or when there is substitution of such abbreviations as "lb." for pound, or "oz." for ounce, or the word "pound" or "ounce" is substituted for the abbreviation;

(c) When a master or stock label is approved, from which the name and address of the distributor are omitted and such name and address are applied before being used, the words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when such labels are offered for approval;

(d) When, during Christmas and other holiday seasons, wrappers or other covers bearing floral or foliage designs or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs are used with approved labels or markings. The use of such designs will not make necessary the application of labeling not otherwise required;

(e) When there is a slight change in arrangement pertaining to the opening of cans or the serving of the product;

(f) When there is a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label: Provided, that the change in quantity of ingredients complies with any minimum or maximum limits for the use of such ingredients prescribed in 40-10-1-.20 and 40-10-1-.21 of this chapter.

(6) Approved labels to be used only on products to which they are applicable. Labels shall be used only on products for which they are approved, and only if they have been approved for such products in accordance with 40-10-1-.18(3): Provided, That existing stocks of labels approved prior to the effective date of this section and which bear the official inspection legend and all other information required by subparagraph (3) and subparagraphs (5) through (11) of paragraph 1.(K) of the Act and comply with subparagraphs (1) and (2) of paragraph 1.(K) of the Act, and the quantity of which has been identified to the officer in charge as being in storage on said date at the official establishment or other identified warehouse for the account of the operator of the official establishment, may be used until such stocks are exhausted, but not later than 6 months after the effective date of this section unless such labels conform to all the requirements of this part and 40-10-1-.20 of this chapter. The Commissioner may upon the show of good cause grant individual extension of time as he deems necessary.

(7) Reserved.

(8) Misleading or false labeling or practices generally; specific prohibitions and requirements for labels and containers:

(a) No product or any of its wrappers, packaging or other containers shall bear any false or misleading marking, label or other labeling and no statement, word, picture, design, or device which conveys any false impression or gives any false indication of origin or quality or is otherwise false or misleading shall appear in any marking or other labeling. No product shall be wholly or partly enclosed in any wrapper, packaging or other container that is so made, formed, or filled as to be misleading.

(b) The labels and container of products shall comply with the following provisions, as applicable.

1. Terms having geographical significance with reference to a locality other than that in which the product is prepared may appear on the label only when qualified by the word "style," "type" or "brand," as the case may be, in the same size and style of lettering as in the geographical term, and accompanied with a prominent qualifying statement identifying the country, State, Territory, or locality in which the product is prepared, using terms appropriate to effect the qualification. When the word "style" or "type" is used, there must be a recognizable style or type of product identified with and peculiar to the area represented by the geographical term and the product must possess the characteristics of such style or type, and the word "brand" shall not be used in such a way as to be misleading: Provided, That a geographical term which has come into general usage as a trade name and which has been approved by the Commissioner as being a generic term may be used without the qualifications provided for in this paragraph. The terms "frankfurter," "vienna," "bologna," "lebanon bologna," "braunschweiger," "thuringer," "genoa," "leona," "Berliner," "Holstein," "goteborg," "milan," "polish," and their modifications, as applied to sausages, the terms "brunswick" and "irish" as applied to stews, and the term "Boston" as applied to pork shoulder butts need not be accompanied with the word "style," "type," or "brand," or a statement identifying the locality in which the product is prepared.

2. Such terms as "farm" or "country" shall not be used on labels in connection with products unless such products are actually prepared on the farm or in the country: Provided: That if the product is prepared in the same way as on the farm or in the country, these terms, if qualified by the word "style" in the same size and style of lettering, may be used: Provided further, That the term "farm" may be used as part of a brand designation when qualified by the word "brand" in the same size and style of lettering, and followed with a statement identifying the locality in which the product is prepared. Sausage containing cereal shall not be labeled "farm style" or "country style", and lard not rendered in an open kettle shall not be designated as "farm style" or "country style."

3. The requirement that the label shall contain the name and place of business of the manufacturer, packer, or distributor shall not relieve any establishment from the requirement that its label shall not be misleading in any particular.

4. The term "spring lamb" or "genuine spring lamb" is applicable only to carcasses of new-crop lambs slaughtered during the period beginning March and terminating not beyond the close of the week containing the first Monday in October.

5. Coverings:

   (i) Coverings shall not be of such color, design, or kind as to be misleading with respect to color, quantity, or kind of product to which they are applied. For example, transparent or semitransparent coverings for such articles as sliced bacon or pork sausage shall not bear lines or other designs of red or other color which give a false impression of leanness of the product. Transparent or semitransparent wrappers or coverings for use in packaging cured, cured and smoked, or cured and cooked sausage products, and sliced ready-to-eat meat food products may be color tinted or bear red designs on 50 percent of such wrapping or covering: Provided, that the principal display panel is free of color tinting and red designs; Provided further, that the principal display panel provides at least 20 percent unobstructed clear space, consolidated in one area so that the true nature and color of the product is visible to the consumer.

   (ii) Packages for sliced bacon that have a transparent opening shall be designed to expose, for viewing, the cut surface of a representative slice. Packages for sliced bacon which meet the following specifications will be accepted as meeting the requirements of this subparagraph provided the enclosed bacon is positioned so that the cut surface of the representative slice can be visually examined:

      (I) For shingled-packed sliced bacon, the transparent window shall be designed to reveal at least 70 percent of the length (longest dimension) of the representative slice, and this window shall be at least ½ inches wide. The transparent window shall be located not more than five-eighths inch from the top or bottom edge of a 1-pound or smaller package and not more than three-fourths inch from either the top of bottom edge of a package larger than 1 pound.

      (II) For stack-packed sliced bacon, the transparent window shall be designed to reveal at least 70 percent of the length (longest dimension) of the representative slice and be at least 1 1/2 inches wide.

6. The word "fresh" shall not be used on labels to designate product which contains any sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or which has been salted for preservation.

7. No ingredient shall be designated on the label as a spice, flavoring, or coloring unless it is a spice, flavoring, or coloring, as the case may be, within the meaning of such term as commonly understood by consumers.

The term "spice" shall be shown for all natural spices. An ingredient which is both a spice and a coloring, or both a flavoring and a coloring, shall be designated as "spice and coloring," or "flavoring and coloring", as the case may be unless such ingredient is designated by its specific name.

8. As used on labels of product, the term "gelatin" shall mean the jelly prepared in official establishments by cooking pork skins, tendons, or connective tissue from inspected and passed product, and dry commercial gelatin or the jelly resulting from its use.

9. Product (other than canned product) labeled with the term "loaf" as part of its name:

   (i) If distributed from the official establishment in consumer size containers may be in any shape;

   (ii) If distributed in a container of a size larger than that sold intact at retail the product shall be prepared in rectangular form, or as in subdivision (iii) of this subparagraph;

   (iii) If labeled as an "Old Fashioned Loaf" shall be prepared in a traditional form, such as rectangular with rounded top or circular with flat bottom and rounded top.

10. The term "baked" shall apply only to product which has been cooked by the direct action of dry heat and for a sufficient time to permit the product to assume the characteristics of a baked article, such as the formation of a brown crust on the surface, rendering out of surface fat, and the carmelization of the sugar if applied. Baked loaves shall be heated to a temperature of at least 160 degrees Fahrenheit, and baked pork cuts shall be heated to an internal temperature of at least 170 degrees Fahrenheit.

11. When products such as loaves are browned by dipping in hot edible oil or by a flame, the label shall state such fact, e.g., by the words, "Browned in Hot Cottonseed Oil" or "Browned by a Flame," as the case may be, appearing as part of the name of the products.

12. The term "meat" and the names of particular kinds of meat, such as beef, veal, mutton, lamb, and pork, shall not be used in such manner as to be false or misleading.

13. The word "ham," without any prefix indicating the species of animal from which derived, shall be used in labeling only in connection with pork hams. Ham shanks as such or ham shank meat as such or the trimmings accruing in the trimming and shaping of hams shall not be labeled ham or

ham meat without qualification. When used in connection with a chopped product the term "ham" or "ham meat" shall not include the skin.

14. The terms "shankless" and "hockless" shall apply only to hams and pork shoulders from which the shank or hock has been completely removed, thus eliminating the entire tibia and fibula, or radius and ulna, respectively, together with the overlying muscle, skin, and other tissue.

15. Such terms as "meat extract" or "extract of beef" without qualification shall not be used on labels in connection with products prepared from organs or other parts of the carcass, other than fresh meat than fresh meat. Extracts prepared from any parts of the carcass shall not be labeled "meat extract" but may be properly labeled with the true name of the parts from which prepared. In the case of extract in fluid form, the word "fluid" shall also appear on the label, as, for example, "fluid extract of beef."

16. When cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, non-fat dry milk, or calcium reduced skim milk is added to sausage within the limits prescribed in 40-10-1-.20 of this chapter, there shall appear on the label in a prominent manner, contiguous to the name of the product, the name of each such added ingredient, as, for example, "Cereal Added," "With Cereal," "Potato Flour Added," "Cereal and Potato Flour Added," "Soy Flour Added," "Soy Protein Concentrate Added," "Isolated Soy Protein Added," "Nonfat Dry Milk Added," "Calcium Reduced Skim Milk Added," or "Cereal and Nonfat dry Milk Added," as the case may be.

17. When any product is enclosed in a container along with a packing substance such as brine, vinegar, or agar jelly, a declaration of the packing substance shall be printed prominently on the label in connection with the name of the product, as for example, "frankfurters packed in brine," "lamb tongue packed in vinegar," or "beef tongue packed in agar jelly," as the case may be. The packing substance shall not be used in such a manner as will result in the container being so filled as to be misleading.

18. Leaf Lard is lard prepared from fresh leaf fat.

19. When lard or hardened lard is mixed with rendered pork fat or hardened rendered pork fat, the mixture shall be designated as "rendered pork fat" or "hardened rendered pork fat," as the case may be.

20. Oil, stearin, or stock obtained from beef or mutton fats rendered at a temperature above 170 degrees Fahrenheit shall not be designated as "oleo oil," "oleo stearin," or "oleo stock," respectively.

21. When not more than 20 percent of beef fat, mutton fat, oleo stearin, vegetable stearin, or hardened vegetable fat is mixed with lard or with rendered pork fat, there shall appear on the label, contiguous to and in the same size and style of lettering as the name, of the product, the words "beef fat added," "mutton fat added," "oleo stearin added," "vegetable stearin," whereas the designations "vegetable fat added," as the case may be. If more than 20 percent is added, the product name shall refer to the particular animal fat or fats added. For example, "lard and beef fat." The designation "vegetable fat" is applicable to vegetable oil, vegetable stearin, or a combination of such oils and stearin, whereas the designations "vegetable oil" and "vegetable stearin" shall be applicable only to the oil and stearin, respectively, when used in meat food products.

22. Cooked, cured or pickled pigs feet, pig knuckles, and similar products, shall be labeled to show that the bones remain in the product, if such is the case. The designation "semi-boneless" shall not be used if less than 50 percent of the total weight of bones has been removed.

23. When mono glycerides, diglycerides, and/or polyglycerol esters of fatty acids are added to rendered animal fat or a combination of such fat and vegetable fat, there shall appear on the label in a prominent manner and contiguous to the, name of the product a statement such as "With Monoglycerides and Diglycerides Added," or "With Diglycerides and Monoglycerides," or "With Polyglycerol Esters of Fatty Acids" as the case may be.

24. Colored oleomargarine or colored margarine packed for retail sale shall be in containers not exceeding one pound capacity, labeled as follows:

    (i) The word "oleomargarine" or "margarine" shall appear on each principal display panel of the container in type of lettering at least as large and in at least the same prominence as any other type of lettering appearing on such container;

    (ii) A full and accurate statement of all the ingredients contained in such oleomargarine or margarine shall be prominently and informatively displayed contiguous to the word "oleomargarine" or "margarine" wherever such word is featured on the container. The ingredients shall be shown by their common or usual name and be arranged in the order of their predominance. Collective terms such as "animal fat" and "vegetable fat" shall not be used but the specific fat, oil, or stearin shall be shown;

(iii) Each part of the contents of the container shall be enclosed in a wrapper bearing the word "oleomargarine" or "margarine" in type or lettering not smaller than 20 point type;

(iv) Wrapped quarter pound sticks or similar units of such oleomargarine or margarine packed together in a container may constitute units for retail sale and they shall be individually wrapped and labeled in accordance with subdivisions (i), (ii), and (iii) of this subparagraph.

25. When approved proteolytic enzymes are used on steaks or other meat cuts which are frozen or cooked within the official establishment where they are produced, there shall appear on the labels of the frozen or cooked cuts, contiguous to the name of the products, a prominent descriptive statement such as "Dipped in Solution of Papain," to indicate the use of such enzymes.

26. When dimethylpolysiloxane is added as an antifoaming agent to rendered fats, its presence shall be declared on the label contiguous to the name of the product. Such declaration shall read "Dimethylpolysiloxane Added."

27. When pizzas are formulated with crust containing calcium propionate or sodium propionate, there shall appear on the label contiguous to the name of the product the statement "_____ added to retard spoilage of the crust" preceded by the name of the preservative.

28. Sausage of the dry varieties treated with potassium sorbate or propylparaben (propyl p-hydroxybenzoate) as permitted by 40-10-1-.20 of this chapter, shall be marked or labeled with a statement disclosing such treatment and the purpose thereof, such as "dipped in a potassium sorbate solution to retard mold growth."

29. Meat of goats shall be identified as goat meat or chevon.

30. The term "Chitterlings" shall apply to the large intestines of swine, or young bovine animals when preceded with the word "Calf" or "Veal". Meat food products that contain chitterlings or calf or veal chitterlings, in accordance with .19(6)(b)8. of this subchapter shall be identified with product names that refer to such ingredients, as for instance, "Chitterling Loaf," "Chitterling Pie," or "Calf Chitterlings and Gravy," and shall be packed in containers having a capacity of 3 pounds or less and of a kind usually sold at retail intact and bearing such other information as is required by this part.

31. Products that contain blood from livestock as permitted by .21 of this subchapter shall be labeled with a name that includes the term "blood," and the specific kind of blood shall be declared in the ingredient statement, e.g., "Swine blood," in the manner required by this part.

32. A calendar date may be shown on labeling when declared in accordance with the provisions of this subparagraph:

    (i) The calendar date shall express the month of the year and the day of the month for all products and also the year in the case of products hermetically sealed in metal or glass containers, dried or frozen products, or any other products that the Commissioner finds should be labeled with the year because the distribution and marketing practices with respect to such products may cause a label without a year identification to be misleading.

    (ii) Immediately adjacent to the calendar date shall be a phrase explaining the meaning of such date, in terms of "packing" date, "sell by" date, or "use before" date, with or without a further qualifying phrase, e.g., "For Maximum Freshness" or "For Best Quality", and such phrases shall be approved by the Commissioner as prescribed in (4).

33. When bread, cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, or isolated soy protein is added in brotwurst as permitted in part .21 of this subchapter, there shall appear on the label in a prominent manner and contiguous to the product name, the name of such added ingredient, e.g., "Bread Added," "Cereal Added," or "Soy Protein Concentrate Added," as the case may be.

34. The terms "All," "Pure," "100%," and terms of similar connotation shall not be used on labels for products to identify ingredient content, unless the product is prepared solely from a single ingredient.

(9) Labeling of equine products. The immediate containers of any equine products shall be labeled to show the kinds of animals from which derived, when the products are sold, transported, offered for sale or transportation or received for transportation in commerce.

(10) Reuse of official inspection marks; reuse of containers bearing official marks, labels, etc.:

    (a) No official inspection legend or other official mark which has been previously used shall be used again for the identification of any product, except as provided for in paragraph (b) of this section;

(b) All stencils, marks, labels, or other labeling on previously used containers, whether relating to any product or otherwise, shall be obliterated or removed before such containers are used for any product, unless such labeling correctly indicates the product to be packed therein and such containers are refilled under the supervision of a Program employee.

(11) Labeling, filling of containers, handling of labeled products, to be only in compliance with regulations:

(a) No person shall apply or affix, or cause to be applied or affixed, any label to any product prepared or received in an official establishment, except in compliance with the regulations of this chapter;

(b) No covering or other container shall be filled, in whole or in part, at any official establishment, with any product unless it has been inspected and passed in compliance with the regulations in this chapter, is not adulterated, and is strictly in accordance with the statements on the label, and such filling is done under the supervision of a Program employee;

(c) No person shall remove, or cause to be removed, from an official establishment any product bearing a label unless such label is in compliance with the regulations in this chapter, or any product not bearing a label required by such regulations.

(12) Relabeling products; requirements: When it is claimed by an official establishment that some of its products which bore labels bearing official marks has been transported to a location other than an official establishment, and it is desired to relabel the product because the labels have become mutilated or otherwise damaged, a request for Relabeling the product shall be sent to the Commissioner accompanied with a statement of the reasons therefor. Labeling material intended for relabeling inspected and passed product shall not be transported from an official establishment unless permission has been received from the Commissioner. The relabeling of inspected and passed product with labels bearing any official marks shall be done under the supervision of an inspector of the Program. The official establishment shall reimburse the Program, in accordance with the regulations of the Department, for any cost involved in supervising the relabeling of such product.

(13) Labels, wrappers, and containers bearing any official marks, with or without the establishment number, may be transported from one official establishment to any other official establishment provided such shipments are made with prior authorization of the officer in charge at point of origin, who will notify the officer in charge at destination concerning the date of shipment, quantity, and type of labeling material involved. No such material shall be used at the establishment to which it is shipped unless such use conforms with the requirements of this chapter.

(14) Reporting of obsolete labels. Once a year, or more often if it is necessary, each official establishment shall submit to the Commissioner, in quadruplicate, a list of approved labels no longer in use, accompanied with a statement identifying the labels for which approval is no longer desired. The approved labels shall be identified by the date of approval, and the name of the product or other designation showing the class of labeling material.

(15) Reserved.

(16) Labeling and containers of custom prepared product. Products that are custom prepared under 40-10-1-.04(1)(a)2. of this subchapter must be packaged immediately after preparation and must be labeled (in lieu of information otherwise required by this Part .17) with the words "Not for Sale" in lettering not less than three eighths inch in height. Such exempted custom prepared products or their containers may bear additional labeling provided such labeling is not false or misleading.

(17) Interpretation and statement of labeling policy for cured products; special labeling concerning nitrate and nitrite

(a) With respect to sections of the Act and 40-10-1-.19(2), any substance mixed with another substance to cure a product must be identified in the ingredients statement on the label of such product. For example, curing mixtures composed of such ingredients as water, salt, sugar, sodium phosphate, sodium nitrate, and sodium nitrite or other permitted substances which are added to any product, must be identified on the label of the product by listing each such ingredient in accordance with the provisions of 40-10-1-.19(2).

(b) Any product, such as bacon or pepperoni, which is required to be labeled by a common or usual name or descriptive name in accordance with .19(2)(c)1. of this Part and to which nitrate or nitrite is permitted or required to be added may be prepared without nitrate or nitrite and labeled with such common or usual name or descriptive name when immediately preceded with the term "Uncured" as part of the product name in the same size and style of lettering as the product name, provided that the product is found by the Commissioner to be similar in size, flavor, consistency, and general appearance to such product as commonly prepared with nitrate or nitrite or both.

(c) Special labeling requirement:

1. Products described in paragraph (b) of this section or part .21(2) of this subchapter, which contain no nitrate or nitrite shall bear the statement "No Nitrate" or "Nitrite Added." This statement shall be adjacent to the product name in lettering of easily readable style and at lease one-half the size of the product name.

2. Products described in paragraph (b) of this section and part .21(2) of this subchapter shall bear, adjacent to the product name in lettering of easily

readable style and at least one-half the size of the product name; the statement "Not Preserved--Keep Refrigerated Below 40 degrees Fahrenheit at all times" unless they have been thermally processed to INFo/INF 3 or more (log reduction); they have been fermented or pickled to pH of 4.6 or less; or they have been dried to a water activity of 0.92 or less.

3. Products described in paragraph (b) of this section and part .19(2) of this subchapter shall not be subject to the labeling requirements of paragraphs (b) and (c) of this section if they contain an amount of salt sufficient to achieve a brine concentration of 10 percent or more.

(18) Reserved.

(19) Jar closures requirements. Vacuum packed containers sealed with quick-twist, screw-on, or snap-on lids (or closures) shall not have an annular space between the inner edge of the lid's rim (lip or skirt) and the container itself or shall have such space sealed in a manner that will make it inaccessible to filth and insects.

(20) Nutritional labeling of meat products shall comply with the requirements of Code of Federal Regulations, 9 CFR, Chapter 3, Part 317.300 through 317.400, inclusive.

(21) Safe Handling Instructions shall comply with the requirements of Code of Federal Regulations, 9 CFR, Chapter, Part 317.2(1).

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.19
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "Smoking" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.19 entitled "Definitions and Standards of Identity or Composition and Standards of Fill of Containers" adopted. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: F. June 24, 1975; eff. July 14, 1975.
Amended: F. July 23, 1984; eff. August 12, 1984.
Repealed: New Rule entitled "Labeling, Marking Devices and Containers" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.20. Entry Into Official Establishments, Reinspection and Preparation of Products.

(1) Products and other articles entering official establishment:

(a) Except as otherwise provided in paragraphs (g) and (h) of this section, no product be brought into an official establishment unless it has been prepared only in an

official establishment and previously inspected and passed by a Program employee, and is identified by an official inspection legend as so inspected and passed. Product entering any official establishment shall not be used or prepared thereat until it has been reinspected in accordance with 40-10-1-.20(2).

(b) No slaughtered poultry or poultry product shall be brought into an official establishment unless it has been previously inspected and passed and is identified as such in accordance with the requirements of the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) and the regulations thereunder, and has not been prepared other than in an establishment inspected under said Act or has been inspected and passed and is identified as such in accordance with the requirements of a state law;

(c) Every article for use as an ingredient in the preparation of meat food products, when entering any official establishment and at all times while it is in such establishment, shall bear a label showing the name of the article, the amount or percentage therein of any substances restricted by this part of 40-10-1-.19 of this chapter, and a list of ingredients in the article if composed of two or more ingredients. In addition, the label must show the name and address of the manufacturer or distributor.

(d) Containers of preparations which enter any official establishment for use in cooling or retort water, in hog scalding water, or in denuding of tripe shall at all times while they are in such establishment bear labels, showing the chemical names of the chemicals in such preparations. In the case of any preparation containing any chemicals which are specifically limited by 40-10-1-.21(7)(b)4. as to amount permitted to be used, the labels on the containers shall also show the percentage of each such chemical in the preparation;

(e) No prohibited dye, chemical, preservative, or other substance shall be brought into or kept in an official establishment for use as an ingredient of human food or animal feed;

(f) All isolated soy protein when entering and while in any official establishment, must be labeled in accordance with, and otherwise meet the requirements of 40-10-1-.20(6)(b)11;

(g) Glands and organs, such as cotyledons, ovaries, prostate glands, tonsils, spinal cords, and detached lymphatic, pineal, pituitary, parathyroid, suprarenal, pancreatic, and thyroid glands, used in preparing pharmaceutical, organotherapeutic, or technical products and which are not used as human food (whether or not they may be prepared at any official establishments) may be brought into and stored in edible product departments of inspected establishments if packaged in suitable containers so that the presence of such glands and organs will in no way interfere with the maintenance of sanitary conditions or constitute an interference with inspection. Glands or organs which are regarded as human

food products, such as livers, testicles, and thymus glands, may be brought into official establishments for pharmaceutical, organic, therapeutic, or technical purposes, only if Georgia inspected and passed and so identified;

(h) Carcasses of game animals, and carcasses derived from the slaughter by any person of livestock of his own raising, and parts of such carcasses, may be brought into an official establishment for preparation, packaging, and storing provided that they do not result in any insanitary condition and are segregated from inspected product while in the official establishment, and, in the case of livestock products they are adequately marked or otherwise identified, in lieu of other marking or labeling required by the regulations of this chapter, as being not for sale and with the name and address of the owner of the products, and provided further, that the owner of any such carcasses or parts thereof of livestock certifies that the products thereof are intended exclusively for use by him and members of his household and his nonpaying guests and employees;

(i) The official establishment shall furnish such information as the inspector may deem necessary to determine the origin of any product or other article entering the official establishment. Such information may include, but is not limited to, the name and address, of the seller or supplier, transportation company, agent, or broker involved in the sale or delivery of the product or article in question;

(j) Any product or any poultry or poultry product or other article that is brought into an official establishment contrary to any provision of this section may be required by the Commissioner to be removed immediately from such establishment by the operator thereof, and failure to comply with such requirement shall be deemed a violation of this regulation. If any slaughtered poultry or poultry products or other articles are received at an official establishment and are suspected of being adulterated or misbranded under the Poultry Products Inspection Act or the Federal Food, Drug, and Cosmetic Act, the appropriate governmental authorities will be notified. Products received in an official establishment during the inspector's absence shall be held separate and apart in the establishment, pending inspection by the inspector.

(2) Reinspection, retention, and disposal of products at official establishments:

(a) All products and all slaughtered poultry and poultry products brought into any official establishment shall be identified and reinspected at the time of receipt, and shall be further subject to reinspection at any official establishment in such manner and at such times as may be deemed necessary by the officer in charge to assure compliance with the regulations in this chapter;

(b) All products, whether fresh, cured, or otherwise prepared, even though previously inspected and passed, shall be reinspected by Program employees as often as may be necessary in order to ascertain that they are not adulterated or misbranded at the time they enter or leave official establishments;

(c) Reinspection may be accomplished through use of statistically sound sampling plans that assure a high level of confidence. The officer in charge shall designate the type of plan and the program employee shall select the specific plan to be used in accordance with instructions issued by the Commissioner;

(d) A Ga. Retained Tag shall be placed by a Program employee at the time of reinspection at any official establishment on all products which are suspected on such reinspection of being adulterated or misbranded, and such products shall be held for further inspection. Such tags shall be removed only by authorized Program employees. When further inspection is made, if the product is found to be adulterated, all official inspection legends or other official marks for which the product is found to be eligible under the regulations in this chapter, shall be removed or defaced and the product shall be condemned and disposed of in accordance with this chapter, except that a determination regarding adulteration may be deferred if a product has become soiled or unclean by falling on the floor or in any other accidental way or if the product is affected with any other condition which the inspector deems capable of correction, in which case the product shall be cleaned (including trimming if necessary) or otherwise handled in a manner approved by the inspector to assure that it will not be adulterated and shall then be presented for reinspection and disposal in accordance with this section. If upon final inspection the product is found to be neither adulterated nor misbranded, the inspector shall remove the Georgia Retained tag. If a product is found upon reinspection to be misbranded, but not adulterated, it shall be held under a Georgia Retained tag, or a Georgia. Detention tag, as provided in 40-10-1-.24 of this chapter, pending correction of the misbranding or issuance of an order to withhold from use the labeling or container of the product, or the institution of a judicial seizure action. The inspector shall make a complete record of each transaction under this paragraph and shall report his action to the officer in charge.

(3) Designation of places of receipt of products and other articles for reinspection. Every official establishment shall designate, with the approval of the officer in charge, a dock or place at which products and other articles subject to reinspection shall be received, and such products and articles shall be received only at such dock or place.

(4) Preparation of products to be officially supervised; responsibilities of official establishments:

(a) All processes used in curing, pickling, rendering, canning, or otherwise preparing any product in official establishments shall be supervised by Program employees. No fixtures or appliances, such as tables, trucks, trays, tanks, vats, machines, implements, cans, or containers of any kind, shall be used unless they are of such material and construction as will not contaminate or otherwise adulterate the product and are clean and sanitary. All steps in the process of manufacture shall be conducted carefully and with strict cleanliness in rooms or compartments separate from those used for inedible products;

(b) It shall be the responsibility of the operator of every official-establishment to comply with the Act and the regulations in this chapter. In order to effectively carry out this responsibility, the operator of the establishment shall institute appropriate control programs, approved by the Georgia Meat Inspection Division and commensurate with the type of activities conducted at the establishment and the preparation, marking, labeling, and packaging of its products strictly in accordance with the sanitary and other requirements of this chapter. When such control programs involve the maintenance of records, such records shall be made available for review by inspectors.

(5) Requirements concerning procedures:

(a) Frozen product.

1. Care shall be taken to insure that product is not adulterated when placed in freezers. If there is doubt as to the soundness of any frozen product, the inspector will require the defrosting and reinspection of a sufficient quantity thereof to determine its actual condition.

2. Frozen product may be defrosted in water or pickle in a manner and with the use of facilities which are acceptable to the inspector. Before such product is defrosted, a careful examination shall be made to determine its condition. If necessary, this examination shall include defrosting of representative samples by means other than in water or pickle.

(b) Product, such as pork tenderloins, brains, sweetbreads, stew, or chop suey, shall not be packed in hermetically sealed metal or glass containers, unless subsequently heat processed or otherwise treated to preserve the product in a manner approved by the Commissioner in specific cases.

(c) Care shall be taken to remove bones and parts of bones from product which is intended for chopping;

(d) Heads for use in the preparation of meat food products shall be split and the bodies of the teeth, the turbinated and ethmoid bones, ear tubes, and horn butts removed, and the heads then thoroughly cleaned;

(e) Kidneys for use in the preparation of meat food products shall be first freely sectioned and then thoroughly soaked and washed. All detached kidneys, including beef kidneys with detached kidney fat, shall be inspected before being used in or shipped from the establishment;

(f) Cattle paunches and hog stomachs for use in the preparation of meat food products shall be thoroughly cleaned on all surfaces and parts immediately after being emptied of their contents, which shall follow promptly their removal from the carcass;

(g) Clotted blood shall be removed from hog hearts before they are shipped from the establishment or used in the preparation of meat food products;

(h) Beef rounds, beef bungs, beef middles, beef bladders, calf rounds, hog bungs, hog middles, and hog stomachs which are to be used as containers of any meat food product shall be presented for inspection turned with the fat surface exposed;

(i) Portions of casings which show infection with Oseophagostomum or other noduleproducing, parasite, and weasands infected with the larvae of Hypodermalineatum, shall be rejected, except that when the infestation is slight and the nodules and larvae are removed, the casing or weasand may be passed.

(6) Requirements concerning ingredients and other articles used in preparation of products:

(a) All ingredients and other articles used in the preparation of any product shall be clean, sound, healthful, wholesome, and otherwise such as will not result in the product being adulterated. Official establishments shall furnish inspectors accurate information on all processing procedures, including product composition and any changes in such procedures essential for the inspectional control of the product;

(b) Casings.

1. The only animal casings that may be used as containers of product are those from cattle, sheep, swine or goats.

2. Casings for product shall be carefully inspected by Program employees. Only those casings which have been carefully washed and thoroughly flushed with clean water immediately before stuffing and are suitable for containers, are clean, and are passed on such inspection shall be used, except that preflushed animal casings packed in salt or salt and glycerine solution or other approved medium may be used without additional flushing provided they are found to be clean and otherwise acceptable and are thoroughly rinsed before use.

3. Hog and sheep casings intended for use as containers of product may be treated by soaking in or applying thereto sound, fresh pineapple juice or papain or bromelin or pancreatic extract to permit the enzymes contained in these substances to act on the casings to make them less resistant. The casings shall be handled in a clean and sanitary manner throughout and the treatment shall be followed by washing and flushing the casings with water sufficiently to effectively remove the substance used and to terminate the enzymatic action.

4. On account of the invariable presence of bone splinters, detached spinal cords may not be used in the preparation of edible product other than by rendering where they constitute a suitable raw material.

5. Testicles if handled as an edible product may be shipped from the establishment as such, but they may not be used as an ingredient of a meat food product.

6. Tonsils shall be removed and shall not be used as ingredients of meat food products.

7. Blood from livestock may be used as an ingredient of a meat food product for which a standard is prescribed in .21 of this subchapter, if permitted by such standard, and may be used in any meat food product for this no such standard is prescribed in .21 of this subchapter if it is a common and usual ingredient of such product.

8. Intestines shall not be used as ingredients in any meat food product for which a standard is prescribed in .21 of this subchapter and shall not be used in other products unless the products are labeled in accordance with .19(8)(b)30. of this subchapter.

9. Poultry products and egg products (other than shell eggs) which are intended for use as ingredients of meat food products shall be considered acceptable for use only when identified as having been inspected and passed for wholesomeness by the Department when found to be sound and otherwise acceptable when presented for use. Poultry products and egg products (other than shell eggs) which have not been so inspected and passed for wholesomeness shall not be used in the preparation of such meat food products.

10. Dry milk products which are intended for use as ingredients of meat food products shall be considered acceptable for such use only when produced in a plant approved by the Department and when found to be sound and otherwise acceptable for use. Dry milk products prepared in a plant not so approved shall not be used in the preparation of such meat food products.

11. All isolated soy protein used in products processed in any official establishment shall contain not more than and not less than 0.1 percent titanium incorporated as food grade titanium dioxide, and the presence of such substance must be shown on the label of the container of the isolated soy protein at all times that the article is in the official establishment.

12. Ingredients for use in any product may not bear or contain any pesticide chemical or other residues in excess of levels permitted in 40-10-1-.20(16).

(7) Approval of substances for use in the preparation of products:

(a) No product shall contain any substance which would render it adulterated or which is not approved by the Commissioner;

(b) Under appropriate declaration as required in 40-10-1-.18 and 40-10-1-.19 of this chapter, the following substances may be added to product:

1. Common salt, approved sugars (sucrose (cane or beet sugar), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup, and glucose syrup), wood smoke, vinegar, flavorings, spices, sodium nitrate, sodium nitrite, potassium nitrate, potassium nitrite, and other substances specified in the chart in subparagraph 4. of this paragraph may be added to products under conditions, if any, specified in this part or part 40-10-1-.19 of this chapter.

2. Other harmless synthetic flavorings may be added to products with the approval of the Commissioner in specific cases.

3. Coloring matter and dyes other than those specified in the chart in subparagraph 4. Of this paragraph, may be applied to products, mixed with rendered fat, applied to natural and artificial casings, and applied to such casings enclosing products, if approved by the Commissioner in specific cases. When any coloring matter or dye is applied to casings, there shall be no penetration of coloring into the product. When any coloring matter is added to meat fat shortening containing synthetic flavoring, the product shall be packed in conventional round shortening containers having a capacity no greater than 3 pounds.

4. The substances specified in Code of Federal Regulations, 9 CFR, Chapter 3, Part 424.21(c) are acceptable for use in the processing of products, provided they are used for the purposes indicated, within the limits of the amounts stated and under other conditions specified in this part and 40-10-1-.18 of this chapter.

(c) Requirements for the use of nitrite and sodium ascorbate or sodium erythorbate (isoascorbate) in bacon.

1. With respect to bacon: Sodium nitrite shall be used at 120 parts per million (ppm) ingoing or an equivalent amount of potassium nitrite shall be used (148 ppm ingoing); and 550 ppm of sodium ascorbate or sodium erythorbate (isoascorbate) shall be used. Sodium ascorbate or sodium erythorbate have a molecular weight of approximately 198. Hydrated forms of these substances shall be adjusted to attain the equivalent of 550 ppm of sodium ascorbate or sodium erythorbate.

2. The Department shall collect samples of bacon from producing plants and analyze them for the level of nitrosamines by the thermal energy analyzer

(TEA). In the event that a TEA analysis indicates that a confirmable level of nitrosamines might be present, additional samples shall be collected and analyzed by gas chromatography. Presumptive positive results must be confirmed by mass spectrometry before being considered positive. If, during the interval required for the Department to analyze the confirmatory samples by gas chromatography and mass spectrometry, changes are made in processing procedures which are expected to result in no confirmable levels of nitrosamines in bacon produced by these new procedures, an establishment may submit samples to USDA for analysis upon prior notification and arrangements with USDA. If, however, an establishment furnishes USDA with laboratory results from testing five consecutive lots of bacon produced under the new procedures and the testing is performed by the USDA methodology and procedures, those results will be utilized in making the determination concerning the product produced under the new procedures. Should the results of these tests reveal that confirmable levels of nitrosamine are not indicated in any of the five consecutive lots, the confirmation analysis by USDA shall be terminated and the establishment shall revert to normal monitoring status. In the event the test results continue to indicate nitrosamines, however, USDA shall proceed in its confirmation analysis on the original samples taken for confirmation. If any one of the original samples collected by USDA for confirmation is found to contain confirmable levels of nitrosamines, all bacon in the producing establishment and all future production will be retained. The Department shall sample and analyze such retained bacon for nitrosamines on a lot by lot basis. A production lot shall be that bacon produced by the establishment in any single shift. Samples from any lot of bacon under retention found to contain nitrosamines at a confirmable level shall cause the lot of bacon to be disposed of in a manner to assure it will not form nitrosamines when cooked. Such disposal may include incorporation of the uncooked bacon as an ingredient of another meat food product provided it is processed for eating without further preparation in a manner to preclude the formation of nitrosamines. Bacon subsequently produced shall not be retained because of nitrosamines if the operator of the establishment makes adjustments in the processing of the product and laboratory results obtained by TEA analysis of samples from five consecutive normal sized lots of bacon indicates that the product being produced contains no confirmable levels of nitrosamines. These tests from five consecutive normal sized lots of bacon shall be conducted by the Department: Provided, however, that if the establishment furnishes the Department with the results of tests conducted under the methodology and procedures used by the Department, such test results will be utilized in making the determination concerning the nitrosamine content of the product. All tests of bacon for nitrosamines under this subparagraph shall be made on bacon cooked 340 degrees Fahrenheit for 3 minutes on each side. In order to determine that no confirmable levels of nitrosamines

are present in the sample tested, the testing must be performed by methodology and procedures that would detect the presence of any nitrosamines at 10 ppb.

(d) No substance may be used in or on any product if it conceals damage or inferiority or makes the product appear to be better or of greater value than it is. Therefore:

1. Paprika or oleoresin paprika may not be used in or on fresh meat, such as steaks, or comminuted fresh meat food product, such as chopped and formed steaks or patties; or in any other meat food products consisting of fresh meat (with or without seasoning), except chorizo sausage and except other meat food products in which paprika or oleoresin paprika is permitted as an ingredient in a standard of identity or composition in Part .21 of this subchapter.

2. Sorbic acid, calcium sorbate, sodium sorbate, and other salts of sorbic acid may not be used in cooked sausage or any other product; sulfurous acid and salts or sulfurous acid may not be used in or on any product and niacin or nicotinamide may not be used in or on fresh product; except that potassium sorbate, propylparaben (propyl phydroxybenzoate), and calcium propionate may be used in or on any product only as provided in Code of Federal Regulations, 9 CFR, Chapter 3, Part 424.21(c) or as approved by the Commissioner in specific cases.

(8) Preservatives and other substances permitted in product for export only; handling; such product not to be used for domestic food purposes.

(a) Preservatives and other substances not permitted in domestic product under the regulations in this subchapter in this chapter may be used in the preparation and packing of product intended for export provided the product (1) accords to the specifications or directions of the foreign purchaser; (2) is not in conflict with the laws of the country to which it is intended for export; and (3) is labeled on the outside container to show that it is intended for export, and is otherwise labeled as required by this subchapter for such export product.

(b) The preparation and packing of export product as provided for in paragraph (a) of this section shall be done in a manner acceptable to the inspector in charge so that the identity of the export product is maintained conclusively and the preparation of domestic product is adequately protected. The preservatives and other substances not permitted in domestic product shall be stored in a room or compartment separate from areas used to store other supplies and shall be held under program lock. Use of the preservatives or other substances shall be under the direct supervision of a Program employee.

(c) The packing of all articles under paragraph (a) of this section shall be conducted under the direct supervision of a Program employee.

(d) No article prepared or packed for export under paragraph (a) of this section shall be sold or offered for sale for domestic use or consumption, unless exported shall be destroyed for food purposes under the direct supervision of a Program employee.

(e) The contents of the container of any article prepared or packed for export under paragraph (a) of this section shall not be removed, in whole or in part, from such container prior to exportation, except under the supervision of a Program employee. If such contents are moved prior to exportation, then the article shall be either repacked, in accordance with the provision of paragraphs (b) and (c) of this section, or destroyed for food purposes under the direct supervision of a Program employee.

(f) Permission must be obtained from the Commissioner before meat packed in borax are shipped from one official establishment to another or to an unofficial establishment for storage, except such meat prepared for the account of Federal agencies.

(g) At all times, the identity of meat to which borax has been added shall be effectively maintained. In no case shall such meat, nor any trimmings or fat derived from such meat, whether unwashed or washed, or otherwise treated, be diverted to domestic use.

(h) Salt used for bulking meat previously packed in borax may not again be used in an edible products department other than in connection with the packing of meat in borax. Only metal equipment shall be used for handling such meat. Particularly effective cleansing will be required if wooden equipment such as trucks, washing vats, etc., is used. Boxes from which boraxed meat has been removed may be used for repacking meat in borax, but their use as containers for other meat will be dependent upon the effective removal of all traces of borax.

(i) The following instructions pertain to export cured pork packed in borax for the account of Federal agencies. The meat may be packed in borax in a room in which there is borax-free meat, provided proper care is taken to see that the borax-free meat is not affected by the borax. Under the same condition, meat packed in borax may be received unpacked, defrosted, soaked, washed, smoked, and repacked in a room where there is other meat. However, meat originally packed in borax shall at all times be subject to the restrictions of meat so packed, even though repacked without borax. After packing or repacking, borax packed meat may be stored in a room with meat not packed in borax, provided a reasonable degree of separation is maintained between the two classes of product.

(9) Samples of products, water, dyes, chemicals, etc., to be taken for examination. Samples of products, water, dyes, chemicals, preservatives, spices, or other articles in any official establishment shall be taken, without cost to the Program, for examination, as often as may be necessary for the efficient conduct of the inspection.

(10) **Reserved.**

(11) Canning with heat processing and hermetically sealed containers; cleaning containers; closure; code marking; heat processing; incubation:

(a) Containers which are intended to be hermetically sealed shall be cleaned thoroughly immediately before filling, and precaution must be taken to avoid soiling the inner surfaces subsequently. However, cans in which lard is to be hermetically sealed may be examined immediately before filling and if found to be acceptably clean by a Program employee need not be washed;

(b) Containers of metal, glass, or other material shall be washed in an inverted position with running water at a temperature of at least 180 degrees Fahrenheit. The container washing equipment shall be provided with a thermometer to register the temperature of the water used for cleaning the containers. In lieu of cleaning with hot water the use of efficient jet-vacuum type equipment for cleaning cans and jars is permitted before filling;

(c) Nothing less than perfect closure is acceptable for hermetically sealed containers.

Heat processing shall follow promptly after closing;

(d) Careful inspection shall be made of the containers by competent establishment employees immediately after closing and containers which are defectively closed or show inadequate vacuum shall not be processed until the defect has been corrected. The containers shall again be inspected by the establishment employees when they have cooled sufficiently for handling after processing by heating. The contents of defective containers shall be condemned unless correction of the defect is accomplished within 6 hours following the sealing of containers or completion of the heat processing, as the case may be, except that if the defective condition is discovered during an afternoon run the cans of product may be held in coolers at a temperature not exceeding 38 degrees Fahrenheit under conditions that will promptly and effectively chill them until the defect has been corrected the following day, short vacuum or overstuffed cans of product which have not been handled in accordance with this paragraph may be incubated under Program supervision, after which the cans shall be opened and the sound product passed for food, and short vacuum or overstuffed cans of product of a class permitted to be labeled "Perishable, Keep Under Refrigeration" and which have been kept under adequate refrigeration since processing may be opened and the sound product passed for food;

(e) Canned products shall not be passed unless after cooling to atmospheric temperature they show the external characteristics of sound cans; that is, the cans shall not be overfilled; they shall have concave sides, excepting the seam side; there shall be no bulging, and all ends shall be concave; the sides and ends shall conform to the product; and there shall be no slack or loose tin;

(f) All canned products shall be plainly and permanently marked on the containers by code or otherwise with the identity of the contents, and date of canning. The code used and its meaning shall be on record in the office of the officer in charge;

(g) Canned product must be processed at such temperature and for such period of time as will assure keeping without refrigeration under usual conditions of storage and transportation when heating is relied on for preservation, with the exception of those canned products which are processed without steam pressure cooking by permission of the Commissioner in specific cases and labeled "Perishable, Keep Under Refrigeration;"

(h) Lots of canned product shall be identified during their handling preparatory to heat processing by tagging the baskets, cages, or cans with a tag which will change color on going through the heat processing or by other effective means so as to positively preclude failure to heat process after closing.

(i) Facilities shall be provided by the operator of the official establishment for incubation of representative samples of fully processed canned product. The incubation shall consist of holding the canned product for the periods of time and at the temperatures prescribed in subparagraph 4 of this paragraph.

1. The extent to which incubation tests shall be required depends on conditions such as the record of the official establishment in conducting canning operations, the extent to which the establishment furnishes competent supervision and inspection in connection with the canning operations, the character of the equipment used, and the degree to which such equipment is maintained at maximum efficiency. Such factors shall be considered by the officer in charge in determining the extent of incubation testing at a particular establishment.

2. In the event of failure by an official establishment to provide suitable facilities for incubation of test samples, the officer in charge may require holding of the entire lot under such conditions and for such period of time as may, in his discretion, be necessary to establish the stability of the product.

3. The officer in charge may permit lots of canned product to be shipped from the official establishment prior to completion of sample incubation when he has no reason to suspect unsoundness in the particular lots, and under circumstances which will assure the return of the product to the

establishment for reinspection should such action be indicated by the incubation results.

4. Incubation shall consist of holding the samples at 95 degrees Fahrenheit for no less than 10 days; except:

   (i) Samples of firmly packed luncheon meat products, and products with high fat content such as chorizos packed in lard, and products weighing 3 pounds or more shall be held at 95 degrees Fahrenheit for not less than 20 days;

   (ii) Samples of products composed of chunks or patties of meat in a medium or sauce wherein the pH of the meat component and the medium or sauce are significantly different shall be incubated at 95 degrees Fahrenheit for no less than 30 days.

(12) Preparation of dog food or similar uninspected article at official establishments:

(a) When dog food, or similar uninspected article is prepared in an edible product department, there shall be sufficient space allotted and adequate equipment provided so that the preparation of the uninspected article in no way interferes with the handling or preparation of edible products. Where necessary to avoid adulteration of edible products, separate equipment shall be provided for the uninspected article. To assure the maintenance of sanitary conditions in the edible products departments, the operations incident to the preparation of the uninspected article will be subject to the same sanitary requirements that apply to all operations in edible product departments. The materials used in the preparation of the uninspected article shall not be used so as to interfere with the inspection of edible product or the maintenance of sanitary conditions in the department or render any edible product adulterated. The meat, meat byproducts, and meat food product ingredients of the uninspected article may be admitted into any edible products department of an official establishment only if they are Georgia Inspected and Passed. Products within 40-10-1-.16(11) of this chapter or parts of carcasses of kinds not permitted under the regulations in food (e.g., hog lungs or intestines), which are produced at any official establishment, may be brought into the inedible products department of any official establishment for use in uninspected articles under this section. The uninspected article may be stored in, and distributed from, edible product departments: Provided, that adequate facilities are furnished, there is no interference with the maintenance of sanitary conditions, and such article is properly identified;

(b) When dog food or similar uninspected article is prepared in part of an official establishment other than an edible product department the area in which the dog food is prepared shall be separated from edible product departments in the manner required for separation between edible product departments and inedible

product departments. Sufficient space must be allotted and adequate equipment provided so that the preparation of the uninspected article does not interfere with the proper functioning of other operations at the establishment. Nothing in this paragraph shall be construed as permitting any deviation from the requirement that dead animals, condemned products, and similar materials of whatever origin, must be placed in the inedible product rendering equipment, and without undue delay. The preparation of the uninspected product must be such as not to interfere with the maintenance of general sanitary conditions on the premises, and it shall be subject to inspectional supervision similar to that exercised over other inedible product departments. Trucks, barrels, and other equipment shall be cleaned before being returned to edible product departments from inedible product departments. Unoffensive material prepared in outside edible product departments may be stored in, and distributed from, edible product departments only if packaged in clean, properly identified, sealed containers;

(c) Animal food shall be distinguished from articles of human food, so as to avoid the distribution of such animal food as human food. To accomplish this, labeling of hermetically sealed, retort processed, conventional retail size containers, as for example, "dog food" will be considered sufficient. If not in such containers the product must not only be properly identified as animal food but it must be of such character or so denatured or decharacterized as to deter its use for human food. Animal food shall not be represented as being a human food.

(13) Mixtures containing product but not amenable to the Act. Mixtures containing product but not classed as a meat food product under the Act shall not bear the inspection legend or any abbreviation or representation thereof. When such mixtures are prepared in any part of an official establishment, the sanitation of that part of the establishment shall be supervised by Program employees, and the preparation of such mixtures shall not cause any deviation from the requirement that no uninspected products shall be brought into the establishment.

(14) Adulteration of products by flood water, etc.; procedure for handling:

(a) Any product at any official establishment which has been adulterated by contamination with flood water, harbor water, or other polluted water, shall be condemned. This would not apply to a product in sound, hermetically sealed containers;

(b) After flood water has receded at an official establishment, the operator shall cause its employees to thoroughly cleanse all walls, ceilings, posts and floors of the rooms and compartments; involved, including the equipment therein, under the supervision of a Program employee. An adequate supply of hot water, under pressure, is essential for effective cleaning of the rooms and equipment. After cleansing, a solution of sodium hypochlorite containing approximately one-half of one percent available chlorine (5000 parts per million), or other disinfectant

approved by the Commissioner shall be applied to the surface of the rooms. Where the solution has been applied to equipment which will afterwards contact meat, the equipment shall be rinsed with clean water before being used. All metal should be rinsed with clean water to prevent corrosion;

(c) Hermetically sealed containers of product which have been submerged or otherwise contaminated by flood water, harbor water, or other polluted water shall be rehandled promptly under supervision of a Program employee at official establishments as follows:

1. Separate and condemn all product the containers of which show extensive rusting or corrosion, such as might materially weaken the container, as well as any swollen, leaky, or otherwise suspicious container.

2. Remove paper labels and wash the container in warm soapy water, using a brush where necessary to remove rust or other foreign material, immerse in solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine or other disinfectant approved for purposes of this chapter and rinse in clean fresh water and dry thoroughly. An alternative method of rehandling such products would be to immerse the containers in 212 degrees Fahrenheit water, bring temperature back to 212 degrees Fahrenheit and maintain for 5 minutes, then remove containers from the water and cool to 95 degrees Fahrenheit and dry thoroughly.

3. After handling as described in subparagraph 2. of this paragraph, the containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the product therein.

4. The identity of the canned product shall be maintained throughout all stages of the rehandling operations, to insure correct labeling of all containers.

(15) Tagging chemicals, preservatives, cereals, spices, etc., "Ga. Retained." When any chemical, preservative, cereal, spices, or other substance is intended for use in an official establishment, it shall be examined by a Program employee and if found to be unfit or otherwise unacceptable for use intended, or if final decision regarding acceptance is deferred pending laboratory or other examination, the employee shall attach a "Ga. Retained" tag to the substance or container thereof. The substance so tagged shall be kept separate from other substances as the officer in charge may require and shall not be used until the tag is removed, and such removal shall be made only by a Program employee after a finding that the substance can be accepted, or, in the case of an unacceptable substance, when it is removed from the establishment.

(16) Pesticide chemicals and other residues in products:

(a) Nonmeat ingredients. Residues of pesticide chemicals, food additives and color additives or other substances in or on ingredients (other than meat, meat byproducts and meat food products) used in the formulation of products shall not exceed the levels permitted under the Federal Food, Drug and Cosmetic Act, and such nonmeat ingredients must be in compliance with the requirements under that Act;

(b) Products, and meat, meat byproducts or meat food product ingredients. Products, and products used as ingredients of products, shall not bear or contain any pesticide chemical, food additive or color residue in excess of the level permitted under the Federal Food, Drug and Cosmetic Act and the regulations in this chapter, or any other substance that is prohibited by such regulations or that otherwise make the product adulterated;

(c) Standards and procedures. Instructions specifying the standards and procedures for determining when ingredients or finished products are in compliance with this section shall be issued to the inspectors by the Commissioner. Copies of such instructions will be made available to interested persons upon request made to the Commissioner.

(17) Requirements for the production of cooked beef, and cooked corned beef.

(a) Cooked beef and roast beef, including sectioned and formed roasts and chunked and formed roasts, and cooked corned beef shall be prepared by one of the time and temperature combinations in the following table. The stated temperature is the minimum which shall be produced and maintained in all parts of each piece of meat for at least the stated time:

Table for Time/Temperature Combination for Cooked Beef, Roast Beef, and Cooked Corned Beef

Minimum Internal Temperature Degrees Fahrenheit	Degrees Centigrade	Minimum Processing Time (minutes) after Degrees minimum temperature is reached
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47
135	57.2	37
136	57.8	32
137	58.4	24
138	58.9	19

139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8
143	61.7	6
144	62.2	5
145	62.8	Instantly

(b) Cooked beef, including sectioned and formed roasts and chunked and formed roasts, and cooked corned beef shall be moist cooked throughout the process or, in the case of roast beef or corned beef to be roasted, cooked as provided in paragraph (c) of this section. The moist cooking may be accomplished by (1) placing the meat in a sealed moisture impermeable bag, removing the excess air, and cooking, (2) completely immersing the meat, unbagged, in water throughout the entire cooking processing, or (3) using a sealed oven or steam injection to raise the relative humidity above 90 percent throughout the cooking process.

(c) Roast beef or corned beef to be roasted shall be cooked by one of the following methods:

1. Heating roasts of 10 pounds or more in an oven maintained at 250 degrees Fahrenheit (120 degrees Centigrade) or higher throughout the process;

2. Heating roasts of any size to a minimum internal temperature of 145 degrees Fahrenheit (62.8 degrees Centigrade) in an oven maintained at any temperature if the relative humidity of the oven is maintained either by continuously introducing steam for 50 percent of the cooking time or by use of a sealed oven for over 50 percent of the cooking time, or if the relative humidity of the oven is maintained at 90 percent or above for at least 25 percent of the total cooking time, but in no case less than 1 hour; or

3. Heating roasts of any size in an oven maintained at any temperature that will satisfy the internal temperature and time requirements of paragraph (a) of this section if the relative humidity of the oven is maintained at 90 percent or above for at least 25 percent of the total cooking time, but in no case less than 1 hour. The relative humidity may be achieved by use of steam injection or by sealed ovens capable of producing and maintaining the required relative humidity.

(d) Monitoring equipment.

1. Except as provided in paragraph (d)2 of this section, establishments producing cooked beef, roast beef, and cooked corned beef shall have

sufficient monitoring equipment, including recording devices, to assure that the time (within one minute), the temperature (within 11 degrees Fahrenheit) and relative humidity (within 5 percent) limits required by these processes are being met. Data from the recording devices shall be made available to a program employee upon request.

2. In lieu of recording devices, establishments may propose in the written procedures prescribed in paragraph (f) of this section, and alternative means of providing inspection personnel with evidence that finished product has been prepared in compliance with the humidity requirements of paragraphs (b) and (c) of this section, and the 145° F (62.80 degrees Centigrade) temperature requirement of paragraph (a) of this section.

(e) Each package of finished product shall be plainly and permanently marked on the immediate container with the date of production either in code or with the calendar date.

(f) In order to assure that cooked beef, roast beef, and cooked corned beef are handled, processed, and stored under sanitary conditions, the establishment shall submit a set of written procedures through the inspector in charge for approval by the Program Director.

The written procedures shall contain the following information:

1. The temperature to which raw frozen product is thawed and the time required.

2. The lot identification procedure for lots of product during processing.

3. The storage time and temperature combinations which the establishment intends to use before cooking, the cooking time and temperature the establishment intends to use, and the time, if any, the establishment intends to wait after cooking and before cooling.

4. If a code, instead of a calendar date, is used on the immediate container of the finished product, its meaning shall also be included.

5. Any other critical control points in the procedures which could affect the safety of the product.

6. In lieu of recording devices, the alternate means permitted by .20(17)(d)2 of providing evidence to inspection personnel that the finished product will be prepared in compliance with temperature or humidity requirements.

7. Any other alternate procedure used that is permitted in this section.

(g) The establishment shall maintain records and reports which document the time, temperature, and humidity at which any cooked beef, roast beef, or cooked corned beef is cooked and cooled at the establishment. Such records shall be kept by the establishment for 6 months or for such further period as the Commissioner may require for purposes of any investigation or litigation under the Act, by written notice to the person required to keep such records. Such records shall be made available to the inspector and any duly authorized representative of the Secretary upon request.

(h) The handling and processing of cooked beef, roast beef, and cooked corned beef before, during and after cooking shall be such as to prevent the finished product from being adulterated. As a minimum, they shall be controlled as follows:

1. The establishment shall notify the inspector in charge which processing procedure will be used on each lot, including time and temperature.

2. In order to assure uniform heat penetration and consequent adequate cooking of each piece of beef, individual pieces of raw product in any one lot shall either not vary in weight by more than 2 pounds or not vary in thickness by more than 2 inches at the thickest part. Alternate methods of assuring uniform heat penetration may be submitted in writing for approval to the Regional Director.

3. A water-based solution that is used for injecting or immersing the meat shall be refrigerated to 50 degrees Fahrenheit (10 degrees Centigrade) or lower from the time it contacts the meat, and shall be filtered each time it is recirculated or reused.

4. A nonmeat ingredient, including the water-based solution in (h)3 above, which has contacted meat shall be discarded at the end of that day's production unless it is in continuous contact with one batch of product.

5. Product prepared for cooking shall be entered into the cooking cycle within 2 hours of completion of precooking preparation or be placed immediately in a cooler at a temperature of 40 degrees Fahrenheit (4.4 degrees Centigrade) or lower.

6. The time and temperature requirements shall be met before any product in the lot is removed from the cooking units. Unless otherwise specified in the written procedures approved in accordance with paragraph (f) of this section, the heat source shall not be shut off until these requirements are met.

7. Other than incidental contact caused by water currents during immersion cooking or cooling, product shall be placed so that it does not touch or overlap other products. This provision does not apply to product that is stirred or agitated to assure uniform heat transfer.

8. Temperature sensing devices shall be so placed that they monitor product in the coldest part of the cooking unit; and when oven temperature is required by paragraph (c) of this section, the oven temperature shall also be monitored in the coldest part of the cooking unit.

9. If a humidity sensing device is required in an oven, it shall be placed so that it measures humidity in either the oven chamber or at the exit vent.

10. Chilling shall begin within 90 minutes after the cooking cycle is completed.

    (i) All product shall be chilled from 120 degrees Fahrenheit (48.80 degrees Centigrade) to 55 degrees Fahrenheit (12.70 degrees Centigrade) in no more than 6 hours.

    (ii) Chilling shall continue and the product shall not be packed for shipment until it has reached 40 degrees Fahrenheit (4.4 degrees Centigrade).

11. Any establishment that has experienced a cooking process deviation during preparation of product may either reprocess the product completely, continue the heating to 145 degrees Fahrenheit (62.8 degrees Centigrade), or contact the Regional Director for a review of the process schedule for adequacy and, if needed, for a cooking schedule to finish that one batch of product.

12. An establishment that has experienced a cooking deviation after the product has been cooked shall contact the Regional Director to determine the disposition of that retained product.

(i) Cooked beef, roast beef, and cooked corned beef shall be so handled to assure that the product is not recontaminated by direct contact with raw product. To prevent direct contamination of the cooked product, establishments shall:

1. Physically separated areas where raw product is handled from areas where exposed cooked product is handled, used a solid impervious floor to ceiling wall; or

2. Handle raw and exposed cooked product at different times, with a cleaning of the entire area after the raw material handling is completed and prior to the handling of cooked product in that area; or

3. Submit a written procedure for approval through the inspector in charge to the District Supervisor detailing the steps to be taken which would avoid recontamination of cooked product by raw product during processing.

(j) To prevent indirect contamination of cooked product:

1. Any work surface, machine, or tool which contacts raw product shall be thoroughly cleaned and sanitized with a solution germicidally equivalent to 50 ppm chlorine before it contacts cooked product;

2. Employees shall wash their hands and sanitize them with a solution germicidally equivalent to 50 ppm chlorine whenever they enter the heat processed product area or before preparing to handle cooked product, and as frequently as necessary during operations to avoid product contamination; and

3. Outer garments, including aprons, smocks, and gloves shall be especially identified as restricted for use in cooked product areas only, changed at least daily, and hung in a designated location when the employee leaves the area.

(k) Cooked product shall not be stored in the same room as raw product unless it is first packaged in a sealed, water-tight container or is otherwise protected by a covering that has been approved, upon written request, by the District Supervisor.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.20
Authority: O.C.G.A. §§ 26-2-60, 26-2-80.
History. Original Rule entitled "Cooperative Agreements" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.20 entitled "Records, Registration, and Reports" adopted. F. and eff. Aug. 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Repealed: New Rule entitled "Entry Into Official Establishments, Reinspection and Preparation of Products" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.
Amended: F. May 7, 2014; eff. May 27, 2014.
Amended: F. Nov. 5, 2018; eff. Nov. 25, 2018.
Amended: F. Jan. 31, 2020; eff. Feb. 20, 2020.

Rule 40-10-1-.21. Definitions and Standards of Identity or Composition and Standards of Fill of Containers.

Definitions and standards of identity or composition and standards of fill of containers shall be in accordance with Code of Federal Regulations, 9 CFR, Chapter 3, Part 319.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.21
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "Uninspected Products" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.21 entitled "License and Hearing Provisions" adopted. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Repealed: New Rule entitled "Definitions and Standards of Identity or Composition and Standards of Fill of Containers" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.22. Records, Registration, and Reports.

(1) Records required to be kept:

(a) Every person (including every firm or corporation) within any of the classes specified in subparagraph 1., 2., or 3. of this paragraph is required by the Act to keep records which will fully and correctly disclose all transactions involved in his or its business subject to the Act:

1. Any person that engages, for commerce, in the business of slaughtering any cattle, sheep, swine, goats, horses, mules, or other equines, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food;

2. Any person that engages in the business of buying or selling (as a meat broker, wholesaler or otherwise), or transporting in commerce, or storing in, or for commerce, or importing, any carcasses, or parts or products of carcasses, of any such animals:

3. Any person that engages in business, or for commerce, as a renderer, or engages in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules, or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter.

(b) The required records are:

1. Records, such as bills of sale, invoices, bills of lading, and receiving and shipping papers, giving the following information with respect to each

transaction in which any livestock or carcass, part thereof, meat or meat food product is purchased, sold, shipped, received, transported, or otherwise handled by said person in connection with any business subject to the Act:

(i) The name or description of the livestock or article;

(ii) The net weight of the livestock or article;

(iii) The number of shipping containers (if any);

(iv) The name and address of the buyer of livestock or articles sold by such person; and the name and address of the seller of livestock or articles purchased by such person:

(v) The name and address of the consignee or receiver (if other than the buyer);

(vi) The method of shipment;

(vii) The date of shipment; and

(viii) The name and address of the carrier.

2. Reserved.

3. All information relating to consumer complaints received by the person required to keep the records, concerning article prepared under Federal or state inspection handled by him.

(2) Place of maintenance of records. Every person engaged in any business described in 40-10-1-.21(1) and required by this part to keep records shall maintain such records at the place where such business is conducted except that if such person conducts such business at multiple locations, he may maintain such records at his headquarters' office. When not in actual use, all such records shall be kept in a safe place at the prescribed location in accordance with good commercial practices.

(3) Record retention period. Every record required to be maintained under this part shall be retained for a period of 2 years after December 31 of the year in which the transaction to which the record relates has occurred and for such further period as the Commissioner may require for purposes of any investigation or litigation under the Act, by written notice to the person required to keep such records under this part.

(4) Access to and inspection of records, facilities, and inventory; copying and sampling. Every person (including every firm or corporation) within any of the classes specified shall upon proper identification and request by any authorized representative of the Commissioner during ordinary business hours, permit such representative to enter his or

its place of business and examine the records required to be kept and the facilities and inventory pertaining to the business of such person subject to the Act, and to copy all such records, and to take reasonable samples of the inventory upon payment of the fair market value therefor. Any necessary facilities (other than reproduction equipment) for such examination and copying of records and for such examination and sampling of inventory shall be afforded to authorized representatives of the Commissioner by such person.

(5) Registration:

(a) Except as provided in paragraph (c) of this section, every person that engages in business, in or for commerce as a meat broker, renderer, or animal food manufacturer or engages in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any livestock, whether intended for human food or other purposes, or engages in business as a public warehouseman storing any such articles in or for commerce or engages in the business of buying, selling, or transporting in commerce, or importing any dead, dying, disabled, or diseased livestock or parts of the carcasses of any such livestock that died otherwise than by slaughter, shall furnish the Commissioner such information as required including his name, and the address of each place of business at which, and all trade names under which he conducts such business, by filing with the Commissioner a form containing such information within 90 days after the effective date hereof or after such later date as he begins to engage in such business if not engaged therein upon said effective date. All information submitted shall be current and correct. The registration form shall be obtained from the Georgia Meat Inspection Section, Georgia Department of Agriculture, 19 Martin Luther King Blvd., Atlanta, Georgia 30334;

(b) Whenever any change is made in the name of, or address of any place of business at which, or any trade name under which a registrant conducts his business, he shall report such change in writing to the Commissioner within 15 days after making the change;

(c) The registration requirements prescribed in this section shall not apply to persons conducting any of the businesses specified in this section only at an official establishment.

(6) Information and reports required from official establishment operators:

(a) The operator of each official establishment shall furnish to Program employees accurate information as to all matters needed by them for making their daily reports of the amount of products prepared or handled in the departments of the establishment to which they are assigned and such reports concerning sanitation and other aspects of the operations of the establishment and the conduct of inspection thereat as the officer in charge may require of such Program employees for the purposes of the Act and the regulations in this chapter;

(b) The operator of each official establishment shall also make such other reports as the Commissioner may from time to time require under the Act.

(7) Reports by consignees of allegedly adulterated or misbranded products; sale or transportation as violations. Whenever the consignee of any product which bears an official inspection legend refuses to accept delivery of such product on the grounds that it is adulterated or misbranded, the consignee shall notify the Commissioner of the kind, quantity, source, and present location of the product and the respects in which it is alleged to be adulterated or misbranded, and it will be a violation of the Act for any person to sell or transport, or offer for sale or transportation, or receive for transportation, in commerce, any such product which is capable of use as human food and is proved to be adulterated or misbranded at the time of such sale, transportation, offer, or receipt; Provided, however, that any such allegedly adulterated or misbranded product may be transported to the official establishment from which it had been transported in accordance with this chapter.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.22
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "Illegal Products" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.22 reserved rule. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule adopted. Rule reserved. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: New Rule entitled "Records, Registrations and Reports" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.23. License and Hearing Provisions.

(1) License and hearing provisions:

(a) Section 5 of Act No. 453, Georgia Laws 1956, page 748, provides that no person shall operate an abattoir or a meat processing plant in the State of Georgia without first obtaining a license from the Commissioner of Agriculture. The license fee is $10.00 per year with renewal each January 1st at the rate of $10.00. The license is valid from January 1st to December 31st of each year;

(b) No license will be issued to any person, corporation, agent, packer**,** or meat processor, to engage in the business of slaughtering animals and processing meat for use as human food unless he conforms strictly to all regulations set forth herein and promulgated by the Commissioner of Agriculture;

(c) When sufficient evidence exists that any rule in this chapter has been violated, the party incriminated shall be subject to citation for hearing before the Commissioner of Agriculture. Procedure for such hearing shall be conducted as provided by law.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.23
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "Inspection Procedures" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.23 reserved rule. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule adopted. Rule reserved. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: New Rule entitled "License and Hearing Provisions" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.24. Seizure and Condemnation, Criminal Offenses.

(1) Article or livestock subject to administrative detention. Any carcass, part of a carcass, meat or meat food product of livestock or article exempted from the definition of meat food product, or any dead, dying, disabled, or diseased livestock is subject to detention for a period not to exceed 20 days when found by any authorized representative of the Commissioner upon any premises where it is held for the purposes of, or during or after distribution in, commerce or it is otherwise subject to the provisions of the Act, and there is reason to believe that:

(a) Any such article is adulterated or misbranded, and is capable of use as human food; or

(b) Any such article has not been inspected, in violation of the provisions of the Act, any other Federal law, or the laws of any State or Territory, or the District of Columbia; or

(c) Any such article or livestock has been or is intended to be, distributed in violation of the provisions of the Act, any other Federal law, or the laws of any State or Territory, or the District of Columbia.

(2) Method of detention; form of detention tag. An authorized representative of the Commissioner shall detain any article or livestock subject to detention under this part, by affixing an official "Georgia Detained Tag" to such article or livestock.

(3) Notification of detention to the owner of the article or livestock detained or has agent or person in possession thereof. Within 48 hours after the detention of any article or livestock pursuant to this part, an authorized representative of the Commissioner or other employee of the State of Georgia shall give oral or written notification of such detention to the owner of the article or livestock detained, or if such owner cannot be ascertained and notified within such period of time, to his agent or the carrier or other person in possession of the article or livestock detained. The notification, if in writing, shall be served by either delivering the notification to such owner, or his agent, or to such other person, or by certifying and mailing the notification, addressed to such owner, agent, or other person, at his last known residence or principal office or place of business. In the

event that notification is given orally, it shall be confirmed in writing, as promptly as circumstances permit.

(4) Notification of governmental authorities having jurisdiction over article or livestock detained; form of written notification. Within 48 hours after the detention of any livestock or article pursuant to this part, an authorized representative of the Commissioner shall give oral or written notification of such detention to any Federal authorities not connected with the Program, and any State or other governmental authorities, having jurisdiction over such livestock or article. In the event notification is given orally, it shall be confirmed in writing, as promptly as circumstances permit.

(5) Movement of article or livestock detained; removal of official marks. No article or livestock detained in accordance with the provisions in this part shall be moved by any person from the place at which it is located when so detained, until released by an authorized representative of the Commissioner. Provided, that any such article or livestock may be moved from the place at which it is located when so detained, for refrigeration, freezing, or storage purposes if such movement has been approved by an authorized representative of the Commissioner. And provided further, that the article or livestock so moved will be detained by an authorized representative of the Commissioner after such movement until such time as the detention is terminated. When the detention of such article or livestock is terminated, the owner, or his agent or the carrier or other person in possession of the article or livestock who was notified when the article or livestock was detained, will receive notification of the termination. Such notification shall be served by either delivering the notice to such person, or by certifying and mailing the notification, addressed to such at his last known residence or principal office or place of business. All official marks may be required by such representative to be removed from such article or livestock before it is released unless it appears to the satisfaction of the representative that the article or livestock is eligible to retain such marks.

(6) Articles or livestock subject to judicial seizure and condemnation. Any carcass, part of carcass, meat or meat food product or any dead, dying, disabled, or diseased livestock, that is being transported in commerce or is otherwise subject to the Act, or is held for sale in the United States after such transportation, is subject to seizure and condemnation, in a judicial proceeding if such product or livestock:

(a) Is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of the Act; or

(b) Is capable of use as human food and is adulterated or misbranded; or

(c) In any other way is in violation of the Act.

(7) Procedure for seizure, condemnation, and disposition. Any article or livestock subject to seizure and condemnation under this part shall be liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any proper court within the jurisdiction of which the article or livestock is found.

(8) Authority for condemnation or seizure under other provisions of the law. The provisions of this part relating to seizure, condemnation and disposition of articles or livestock do not derogate from authority for condemnation or seizure conferred by other provisions of the Act, or other laws.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.24
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80.
History. Original Rule entitled "Antemortem Inspection" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.24 reserved rule. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule adopted. Rule reserved. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: New Rule entitled "Seizure and Condemnation, Criminal Offenses" adopted. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.25. Transportation.

Transportation of all inspected meat and meat products shall be in accordance with code of Federal Regulations, 9 CFR, Chapter III, Part 325, 416, 417, and the following:

(1) No person shall sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any meat or meat product which is capable of use as human food unless the product and its container, if any, bear the official inspection legend as required under 9 CFR, Chapter III, Parts 316 and 317 or such product is exempted from the requirement of inspection under part 9 CFR Chapter III, Part 303.

(2) All inspected meat and meat products shall be protected from contamination from any source such as dust, dirt, insects and the rapid and progressive growth of infectious or toxigenic microorganisms during storage, loading, unloading at and transportation from official establishments.

(a) No person, engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, meat or meat food products capable of use as human food shall transport, offer for transportation, or receive for transportation in commerce any such meat or meat food product which is capable of use as human food and is not wrapped, packaged, or otherwise enclosed to prevent adulteration by airborne contaminants; unless the truck or other means of conveyance in which the product is contained or transported is completely enclosed with tight fitting doors or other covers for all openings.

(b) In all cases, the means of conveyance shall be reasonably free of foreign matter (such as dust, dirt, rust, or other articles or residues), and free of chemical residues, and maintained at a temperature such that product placed therein will not become adulterated through rapid and progressive growth of infectious or toxigenic microorganisms.

1. Any cleaning compound, lye, soda solution, or other chemical used in cleaning the means of conveyance must be thoroughly removed from the means of conveyance prior to its use.

(3) Such means of conveyance onto which product is loaded, being loaded, or intended to be loaded, shall be subject to inspection by an inspector at any official establishment. The decision whether or not to inspect a means of conveyance in a specific case, and the type and extent of such inspection shall be at the Program's discretion and shall be adequate to determine if product in such conveyance is, or when moved could become, adulterated. Circumstances of transport that can be reasonably anticipated shall be considered in making said determination. These include, but are not limited to, weather conditions, duration and distance of trip, nature of product covering, and effect of restowage at stops en route. Any means of conveyance found upon such inspection to be in such condition that product placed therein could become adulterated shall not be used until such condition which could cause adulteration is corrected. Product placed in any means of conveyance that is found by the inspector to be in such condition that the product may have become adulterated shall be removed from the means of conveyance and handled in accordance with 9 CFR Chapter 3Part 318.2.

(a) To avoid contamination of product with wood splinters or similar contaminants; slack barrels, similar containers and the cargo space of trucks or other means of conveyance shall be lined with suitable material of good quality before packing. Slack barrels, similar containers, trucks and other means of conveyance in which any product is transported shall be kept in a clean and sanitary condition. Paper used for covering or lining slack barrels, similar containers and the cargo space of trucks or other means of conveyance shall be of a kind which does not tear during use but remains intact when moistened by the product and does not disintegrate.

1. All inspected meat and meat products shall be transported in a manner such as to avoid contamination of the product through progressive growth of infectious or toxigenic microorganisms. Appropriate transportation temperature must be maintained throughout transport.

2. If refrigeration is necessary to avoid product contamination, refrigerated vehicles or containers shall be of such construction as to maintain an ambient temperature or internal product temperature of 40 degrees Fahrenheit (5 degrees Centigrade) or less throughout shipment of such products.

(4) Any alternative transportation method for inspected meat or meat products requires written approval from the Director of Meat Inspection.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.25
Authority: O.C.G.A. Secs. 26-2-60, 26-2-80, 26-2-106 to 26-2-108.
History. Original Rule entitled "Postmortem Inspection" adopted. F. and eff. June 30, 1965.

Amended: ER. 40-10-1-0.3-.25 reserved rule. F. and eff. August 24, 1970, the date of adoption.
Amended: Permanent Rule adopted. Rule reserved. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: New Rule entitled "Transportation" adopted. F. Dec. 29, 2000; eff. Jan. 20, 2001, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.
Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Rule 40-10-1-.26. Recalls.

(1) Each official establishment must promptly notify the Georgia Meat Inspection Section Administrative Office within 24 hours of learning or determining that an adulterated or misbranded meat or meat food product received by or originating from the official establishment has entered commerce, if the official establishment believes or has reason to believe that this has happened. The official establishment must inform the Georgia Meat Inspection Administrative Office of the type, amount, origin, and destination of the adulterated or misbranded product.

(2) Each official establishment must prepare and maintain written procedures for the recall of any meat or meat food product produced and shipped by the official establishment. These written procedures must specify how the official establishment will decide whether to conduct a product recall, and how the establishment will affect the recall, should it decide that one is necessary.

(3) All records, including records documenting procedures required by this part, must be available for official review and copying.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.26
Authority: Ga. L. 1969, p. 1028 *et seq.*
History. Original Rule entitled "Disposal of Diseased Carcasses and Parts" adopted. F. and eff. June 30, 1965.
Amended: ER. 40-10-1-0.3-.26 reserved Rule. F. and eff. August 24, 1970, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. Rule reserved. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Amended: New Rule entitled Recalls adopted. F. Oct. 18, 2012; eff. Nov. 7, 2012.

Rule 40-10-1-.27. Reserved.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.27
History. Original Rule entitled "Tank Rooms, Offal and Inedible Products Department and Tanks" was filed and effective on June 30, 1965.
Amended: Rule repealed by Emergency Rule 40-10-1-0.3. Filed and effective on August 24, 1970 to remain in effect for 120 days. (Said Emergency Rule expired December 21, 1970.)
Amended: By filing of December 17, 1970, Rule number was reserved; effective January 6, 1971.

Rule 40-10-1-.28. Reserved.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.28

Rule 40-10-1-.29. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.29
Authority: O.C.G.A. Sec. 26-2-60.
History. Original Rule entitled "Seizure and Condemnation, Criminal Offenses" adopted as ER. 40-10-1-0.3-.29. F. and eff. August 24, 1970.
Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.
Repealed: F. July 21, 1997; eff. August 11, 1997.

Subject 40-10-2. POULTRY INSPECTION - POULTRY PROCESSING.

Rule 40-10-2-.01. Federal - State Cooperation.

(1) The U.S. Secretary of Agriculture will provide to the State advisory assistance, technical, and laboratory assistance, financial aid and training necessary to planning and operating of the State program.

(2) The requirements of the Georgia Poultry Inspection Program will be at least equal to those imposed under Sections 6 through 11 (21 U.S.C. 455 to 460) of the Federal Poultry Products Inspection Act.

(3) The State of Georgia adopts U.S.D.A., Food Safety Inspection Service (FSIS) rules and regulations for mandatory poultry inspection as indicated in this chapter.

(4) The Commissioner o f Agriculture is authorized to spend public funds of Georgia appropriated for the administration of the Georgia Meat Inspection Act in furtherance of the cooperative program.

Cite as Ga. Comp. R. & Regs. R. 40-10-2-.01
Authority: O.C.G.A. Secs. 26-2-63, 26-2-202.
History. Original Rule entitled "Poultry Definitions" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Federal-State Cooperation" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-2-.02. Incorporation by Reference: Code of Federal Regulations, 9 CFR Part 381 - Federal Poultry Inspection Regulations.

(1) The current mandatory Poultry Products Inspection Regulations (Code of Federal Regulations, 9 CFR, Part 381) and Regulatory Requirements under the Poultry Products Inspection Act (Code of Federal Regulations, 9 CFR, Parts 416 and 417) of the United States Department of Agriculture, are hereby adopted in their entirety with the exception of the deleted regulations specified in 40-10-2-.03 of this chapter and amended regulations as specified in 40-10-2-.04 of this chapter.

(2) Definitions in the incorporated parts of the Federal regulations on mandatory poultry products inspection (Code of Federal Regulations, 9 CFR, Parts 381, 416, and 417) of the United States Department of Agriculture are amended to read as follows when used in this chapter. Unless otherwise required by the context, the following terms shall be construed, respectively to mean:

(a) "The Act" means the Georgia Code Annotated 26-2-200 through 26-2-214.

(b) "The Administrator", "Regional Director", "Area Supervisor", "District Manager", or "District Office" means the Director of Meat Inspection, Georgia Department of Agriculture.

(c) "Circuit Supervisor" or "Inspection Service Supervisor" means the Assistant District Supervisor of the Poultry Inspection Program of the Georgia Department of Agriculture, Meat Inspection Section.

(d) "The Compliance Program, Regulatory Programs, FSIS" means the Georgia Department of Agriculture, Meat Inspection Compliance Program.

(e) "The Department", "United States Department of Agriculture", "USDA", or the "U.S. Department of Agriculture" means the Georgia Department of Agriculture. For brevity the acronym GDA is also used in this rule.

(i) "U.S. Condemned" means GDA Condemned.

(ii) "U.S. Detained" means GDA Detained.

(iii) "U.S. Inspected and Condemned" means GDA Inspected and Condemned.

(iv) "U.S. Inspected and Passed" means GDA Inspected and Passed.

(v) "U.S. Passed for Cooking" means GDA Passed for Cooking.

(vi) "U.S. Passed for Refrigeration" means GDA Passed for Refrigeration.

(vii) "U.S. Retained" means GDA Retained.

(viii) "U.S. Rejected" means GDA Rejected.

(ix) "U.S. Suspect" means GDA Suspect. "U.S. Government Seals" means GDA Seals.

(f) "Federal" means State.

(g) "Federally Inspected and Passed", "U.S. Inspected and Passed", "U.S. Inspected for Wholesomeness", and "Federally Inspected for Wholesomeness", means GDA Inspected and Passed.

(h) "Food Inspector", "Inspector", "Inspection Service Employee", "USDA Inspector", "USDA Program Official", or "Program Inspector" means an inspector of the Poultry Inspection Program of the Georgia Department of Agriculture, Meat Inspection Section.

(i) "Food Labeling Division, Regulatory Programs, FSIS" means the office of the Director, Georgia Department of Agriculture, Meat Inspection Section.

(j) "The Program", "Federal Inspection", "Federal Poultry Inspection", "Meat and Poultry Inspection", "Meat and Poultry Inspection Program", "Inspection Service", "Food Safety and Inspection Service", "Food Safety and Quality Service", "Technical Services", "Technical Service Center", "Standards and Labeling Division", and "Agency" mean the Poultry Inspection Program of the Georgia Department of Agriculture, Meat Inspection Section.

(k) "The Secretary" means the Commissioner of the Georgia Department of Agriculture.

(l) "Veterinary Supervisor" means Statewide Veterinary Supervisor, District Supervisor, or the Director of the Poultry Inspection Program of the Georgia Department of Agriculture, Meat Inspection Section.

(m) "Veterinary Inspector" means Public Health Veterinarians of the Poultry Inspection Program of the Georgia Department of Agriculture, Meat Inspection Section.

(n) "USDA Inspection Legend" and "Official Inspection Legend" mean the Inspection Legend of the Poultry Inspection Program of the Georgia Department of Agriculture, Meat Inspection Section as outlined in this chapter of the regulations.

(3) Nothing in this Subject 40-10-2 shall be construed as authorizing the slaughter, other than for humane euthanasia or disease control, of poultry by a dealer, broker, poultry market operator, or employee or contractor thereof or any person acquiring live poultry from any of them on the premises of the dealer or broker or on the premises of a sales establishment in violation of Official Code of Georgia Annotated Section 4-4-82.1.

Cite as Ga. Comp. R. & Regs. R. 40-10-2-.02
Authority: O.C.G.A. § 26-2-202.
History. Original Rule entitled "License" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Incorporation by Reference: Code of Federal Regulations, 9 CFR Part 381 - Federal Poultry Inspection Regulations" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. July 8, 2021; eff. July 28, 2021.

Rule 40-10-2-.03. Deletion of Incorporated Sections: Code of Federal Regulations, 9 CFR 381 - Federal Poultry Inspection Regulations.

(1) The following sections of the Code of Federal Regulations governing the mandatory poultry products inspection (9 CFR, Part 381) of the United States Department of Agriculture incorporated by reference under Section 40-10-2-.02 of this rule are deleted and are not rules of the Georgia Department of Agriculture: 381.6; 381.10(a)(2), (4), (6), and (7); 381.16; 381.17; 381.30; 381.31; 381.38; 381.39; 381.96; 381.97; 381.98; 381.104 through 381.112; 381.123(b)(3) and (4); 381.133(a)(1); 381.145(f); 381.185; 381.186; 381.195 through 381.236.

(2) In 9 CFR 381.10(a)(3), the words "and the statement 'Exempt- P.L. 90-492 ' " are deleted.

(3) In 9 CFR 381.123(b)(2) and (4) the words "and accompanied by the prefix 'P' " are deleted.

Cite as Ga. Comp. R. & Regs. R. 40-10-2-.03
Authority: O.C.G.A. § 26-2-202.
History. Original Rule entitled "Plans for Construction or Remodeling" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Deletion of Incorporated Sections: Code of Federal Regulations, 9 CFR Part 381 - Federal Poultry Inspection Regulations" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. July 8, 2021; eff. July 28, 2021.

Rule 40-10-2-.04. Incorporation as Amended; Federal Poultry Inspection Regulations Sections.

The following sections of the Code of Federal Regulations governing the mandatory poultry products inspection (9 CFR, Part 381) of the United States Department of Agriculture incorporated by reference under Section 40-10-2-.02 of this rule are amended as specified to allow incorporation as rules of the Georgia Department of Agriculture.

(1) Code of Federal Regulations 9 CFR 381.10(b) shall be amended to read "[n]o person qualifies for any exemption specified in paragraph (a)(5) of this section if, in the current calendar year, such person (1) Slaughters or processes the products of more than 20,000 poultry, or (2) Slaughters or processes poultry products at a facility used for slaughtering or processing poultry products by any other person, except when the Commissioner grants such exemption after determining, upon review of a person's application, that such an exemption will not impair effectuating the purposes of the Act."

(2) Code of Federal Regulations 9 CFR 381.35 shall be amended to read "a rate as determined by the Commissioner" instead of "a rate of $9.28 per hour".

(3) Code of Federal Regulations 9 CFR 381.17 shall be amended to include:

   (a) The applicant for inspection will be responsible for furnishing acceptable drawings and specifications:

   (b) Each applicant for inspection shall submit to the program four copies of:

1. Complete drawings with specifications of the floor plans of the establishment for which inspection is requested, showing the locations of principal pieces of equipment, floor drains, principal drainage lines, hand-washing basins, and hose connections for clean-up purposes;

2. A plot plan showing the limits of the establishment's premises, locations in outline of buildings on the premises, cardinal points of the compass, and roadways and railways serving the establishment; and

3. A room schedule showing the finish of walls, floors, and ceilings of all rooms in the establishment. The specifications shall include statements describing the water supply, plumbing, drainage, refrigeration, equipment, lighting, and operations of the establishment. Applicants for inspection may request information from the Commissioner concerning the requirements before submitting plans.

(4) Code of Federal Regulations 9 CFR 381.145(a) shall be amended to include: "Poultry Product from an official establishment includes product from a state facility overseen by the Program."

Cite as Ga. Comp. R. & Regs. R. 40-10-2-.04
Authority: O.C.G.A. §§ 26-2-202, 26-2-206.
History. Original Rule entitled "Building and Plant Facilities" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Incorporation as Amended: Federal Poultry Inspection Regulations Sections" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. July 8, 2021; eff. July 28, 2021.

Rule 40-10-2-.05. Supplemental Definitions.

(1) As used in this chapter, unless otherwise required by the context, the singular form shall also import the plural and the masculine form shall also import the feminine, and vice versa.

(2) The definitions of terms in Meat Inspection Rule 40-10-1-.02 are incorporated into Chapter 40-10-2 unless not otherwise defined in this chapter. In addition, the following definitions will be applicable to the regulations in this chapter.

(a) Cutting up. Any division of any poultry carcass or part thereof, except that the trimming of carcasses or parts thereof to remove surface contaminants is not considered as cutting up.

(b) Dead poultry. The body (cadaver) of livestock that has died other than by slaughter.

(c) Domesticated poultry. Any domesticated bird, chickens, turkeys, ducks, geese, guineas, squabs or ratites, whether live or dead.

(d) Experimental poultry. Any poultry used in any research investigation involving the feeding or other administration of, or subjection to, an experimental biological product, drug or chemical or any non-experimental biological product, drug or chemical used in a manner for which it was not intended.

(e) Georgia inspected and condemned (or any authorized abbreviation thereof). This term means that the poultry carcass, viscera, other part of carcass, or other poultry product so identified has been inspected, found to be adulterated, and condemned under the regulations in this chapter.

(f) Georgia retained. This term means that the poultry carcass, viscera, other parts of the carcass, or other product, or article so identified is held for further examination by an inspector to determine its disposal.

(g) Georgia suspect. This term means that the poultry so identified is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by an inspector to determine its disposal.

(h) Georgia condemned. This term means that the poultry so identified has been inspected and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of its carcass.

(i) "Inspected and passed" or "Georgia inspected and passed" or "Georgia inspected and passed by Department of Agriculture" (or any authorized abbreviation thereof). This term means that the poultry product so identified has been inspected and passed under the regulations in this chapter, and at the time it was inspected, passed, and identified, it was found to be not adulterated.

(j) Official certificate. Any certificate prescribed by the regulations in this chapter for issuance by an inspector or other person performing official functions under the Act.

(k) Official device. Any device prescribed by the regulations in 40-10-1-.14 of this chapter for use in applying any official mark.

(l) Official establishment. Any USDA or GDA inspected establishment.

(m) Official inspection legend. Any symbol prescribed by the regulations in this chapter showing that an article was inspected and passed in accordance with the Act.

(n) Official mark. The official inspection legend or any other symbol prescribed by the regulations in this chapter to identify the status of any poultry or poultry product covered under this chapter.

(o) Poultry broker. Any "Poultry Products Broker".

(p) The Program. The Poultry Inspection Program of the Georgia Department of Agriculture Meat Inspection Section.

(q) Program employee. Any inspector or other individual employed by the Department who is authorized by the Commissioner to do any work or perform any duty in connection with the program.

Cite as Ga. Comp. R. & Regs. R. 40-10-2-.05
Authority: O.C.G.A. Sec. 26-2-202.
History. Original Rule entitled "Equipment and Utensils" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Supplemental Definitions" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-2-.06. Facilities Requiring Inspection.

(1) Establishments requiring inspection:

(a) Inspection under the regulation in this chapter is required at:

1. Every establishment, except as provided in 9 CFR Chapter 381.10(a)(1)and (5), in which any domesticated poultry are slaughtered for transportation or sale as articles of commerce, or in which any products of, or derived from, carcasses of poultry are, wholly or in part, prepared for transportation of sale as articles of commerce which are intended for use as human food; and

2. Every establishment designated by the Commissioner pursuant to paragraph 40-10-2-.06(b) and/or (c) of this Chapter as one producing adulterated products, which would clearly endanger the public health.

(b) The Commissioner may extend the inspection requirements to any establishment in the State at which products are prepared for distribution solely within the State, if he determines in accordance with the provisions of the Act that it is producing adulterated products, which would clearly endanger the public health.

(c) Whenever any complaint is received by the Commissioner from any person alleging that any retail store claiming exemption under this paragraph (a) has been operated in violation of the conditions prescribed in this section for retail exemption, and the Commissioner, upon investigation of the complaint, has reason to believe that any such violation has occurred he shall so notify the operator of

the retail store and afford him reasonable opportunity to present his views informally with respect to the matter. Thereafter, if the Commissioner still has reason to believe that such a violation has occurred, and that a requirement that the operator keep records concerning the operations of the retail store would effectuate the purposes of the Act, the Commissioner shall order the operator to maintain complete, accurate, and legible records of total monthly purchases and of total monthly sales of poultry, poultry byproducts, and poultry food products, in terms of dollar values of the products involved. Such records shall separately show total sales to household consumers and total sales to other consumers and shall be maintained for the period prescribed in 40-10-1-.22(3) of the Georgia Meat Inspection Rules. If the operator maintains copies of bills of lading, receiving and shipping invoices, warehouse receipts, or similar documents, which give the information required herein, additional records are not required by this paragraph.

(2) Poultry and products entering official establishments. All poultry and all products entering any official establishment and all products prepared, in whole or in part, therein, shall be inspected, handled, stored, prepared, packaged, marked, and labeled as required by the regulations in this chapter.

(3) Establishments that qualify for a low volume exemption from inspection as prescribed in Rule 40-10-02-.04(1) must register with the Department as a Small Poultry Processor and pay any applicable registration fees.

(4) Establishments that qualify for a low volume exemption from inspection as prescribed in Rule 40-10-02-.04(1) must comply with all other applicable statutory and regulatory requirements including, but not limited to, the following:

(a) requirements relating to the prevention and control of diseases in livestock;

(b) requirements relating to the disposal of dead animals;

(c) requirements contained in Subject 40-13-10 entitled "Poultry";

(d) requirements contained in Rule 40-13-2-.15 relating to interstate movement health requirements for poultry; and

(f) requirements contained in the Department's "Small Poultry/Pasture Poultry Guidelines".

Cite as Ga. Comp. R. & Regs. R. 40-10-2-.06
Authority: O.C.G.A. §§ 26-2-208, 26-2-214.
History. Original Rule entitled "Maintenance of Sanitary Conditions and Precautions Against Contamination of Products" F. and eff. June 30, 1965.
Repealed: New Rule entitled "Facilities Requiring Inspection" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. July 8, 2021; eff. July 28, 2021.

Rule 40-10-2-.07. Application for Inspection; Grant or Refusal of Inspection.

(1) Application will be as per the Federal Code of Regulations, 9 CFR Part 381, Subpart D: Application for Inspection; Grant or Refusal of Inspection with the following added stipulations:

(a) The Commissioner is authorized to grant inspection upon his determination that the applicant and the establishment are eligible therefore and to refuse to grant inspection at any establishment if he determines that it does not meet the requirements of this part of the regulations or has not received approval labeling and containers to be used at the establishment as required by the regulations in 40-10-2-.15 of this chapter. Before inspection is refused for any such reason, the applicant shall be informed of the proposed action and the reasons therefore and afforded an opportunity to present his views.

(b) Before inspection is granted, an establishment must have developed written Sanitation Standard Operating Procedures as required by Rule 40-10-2-.12, a written Hazard Analysis and Critical Control Point procedures as required by Rule 40-10-2-.11, and written recall procedures as required by Rule 40-10-2-.18.

Cite as Ga. Comp. R. & Regs. R. 40-10-2-.07
Authority: O.C.G.A. Sec. 26-2-210.
History. Original Rule entitled "Temperatures and Cooling and Freezing Procedures" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Application for Inspection; Grant or Refusal of Inspection" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. Oct. 18, 2012; eff. Nov. 7, 2012.

Rule 40-10-2-.08. Official Numbers; Inauguration of Inspection; Withdrawal of Inspection; Reports of Violations.

(1) Inspection shall not be inaugurated in any building, any part of which is used as living quarters, unless the part for which inspection is requested is separated from such quarters by floors, walls, and ceilings of solid concrete, brick, or similar material, and the floors, walls, and ceilings are without opening that directly or indirectly communicates with any part of the building used as living quarters.

(2) Sanitation and adequate facilities. Inspection shall not be begun if an establishment is not in a sanitary condition or unless the establishment agrees to maintain such condition and provides adequate facilities for conducting such inspection.

(3) Withdrawal of inspection.

(a) The Commissioner is authorized to withdraw inspection from an official establishment under the stipulations of Chapter 9 CFR, Chapter 3, Part 500, or for

failure of the operator to destroy condemned products as required by the Act and the regulations in this chapter.

Cite as Ga. Comp. R. & Regs. R. 40-10-2-.08
Authority: O.C.G.A. Secs. 26-2-201, 26-2-202, 26-2-204, 26-2-208.
History. Original Rule entitled "Miscellaneous (Sanitary Measures)" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Official Numbers; Inauguration of Inspection; Withdrawal of Inspection; Reports of Violations" adopted F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-2-.09. Assignment and Authorities of Division Employees.

(1) Designation of officer in charge and assistants. The Commissioner shall designate an officer in charge of the inspection in each district, and assign to said inspector such assistants as may be necessary.

(2) Assignment of Program Employees where members of family employed; soliciting employment.

(a) Except as specifically authorized by the Commissioner, no program employee shall be detailed for duty at an establishment where any member of his family is employed by the establishment, nor shall any officer in charge or other employee acting in a supervisory capacity be continued on duty at a circuit where any member of his family is employed by an establishment under his jurisdiction. Program employees are forbidden to solicit, for any person, employment at any official establishment, or by an officer, manager, or employee thereof.

(b) Program employees shall not procure product from any official establishment or any other establishment if its operations or products are inspected or regulated under the Meat Inspection Act of 1969 or any other law administered by the Department unless the store or outlet from which the purchase is made is open to the general public and the price paid by such employee is the same as the price paid by the general public. Program employees must pay, and obtain receipts for money paid to such establishments for all such product and keep such receipts subject to inspection by supervisory employees or other authorized Department employees.

Cite as Ga. Comp. R. & Regs. R. 40-10-2-.09
Authority: O.C.G.A. Sec. 26-2-203.
History. Original Rule entitled "Full-Time Inspection" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Assignment and Authorities of Division Employees" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-2-.10. Facilities for Inspection.

Facilities for Inspection shall be in accordance with Code of Federal Regulations, 9 CFR, Chapter 3, Part 381 and Agriculture Handbook 570 US Inspected Meat and Poultry Plants - A Guide to Construction and Layout (revised April 1984).

Cite as Ga. Comp. R. & Regs. R. 40-10-2-.10
Authority: O.C.G.A. Sec. 26-2-203.
History. Original Rule entitled "Regulations Governing Wholesomeness; Inspection of Poultry and Poultry Processing Plants" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Facilities for Inspection" adopted F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-2-.11. Hazard Analysis and Critical Control Point (HACCP) Systems.

Hazard Analysis and Critical Control Point Systems shall be in accordance with the Code of Federal Regulations, 9 CFR, Chapter 3, Part 417.

Cite as Ga. Comp. R. & Regs. R. 40-10-2-.11
Authority: O.C.G.A. Sec. 26-2-205.
History. Original Rule entitled "Hazard Analysis and Critical Control Point (HACCP) Systems" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-2-.12. Sanitation.

Sanitation shall be in accordance with Code of Federal Regulations, 9 CFR, Chapter 3, Part 416.

Cite as Ga. Comp. R. & Regs. R. 40-10-2-.12
Authority: O.C.G.A. Secs. 26-2-201, 26-2-204, 26-2-208.
History. Original Rule entitled "Sanitation" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-2-.13. Official Marks, Devices, and Certificates.

(1) The marks, devices, and certificates prescribed or referenced in this part shall be official marks, devices, and certificates for purposes of the Act, and shall be used in accordance with the provisions of this part and the Code of Federal Regulations, 9 CFR, Chapter 3, Part 381

(2) Official marks and devices to identify inspected and passed products of poultry. The official inspection legend, or abbreviation thereof, shall be in the appropriate form as specified and approved by the Commissioner. The official inspection legend, or abbreviation thereof, is required to be applied to containers of inspected and passed carcasses and parts of carcasses of domestic poultry as deemed necessary by the Commissioner.

(3) The official inspection legend required to be used with respect to inspected and passed poultry products shall include wording as follows: "Inspected for wholesomeness by Georgia Department of Agriculture." This wording shall be contained within an outline of the state of Georgia. The form and arrangement of such wording shall be exactly as approved by the Commissioner. The appropriate official establishment number shall be shown, unless the establishment number appears elsewhere on the labeling material in the manner prescribed in this section and the Code of Federal Regulations, 9 CFR, Chapter 3, Part 381.123(b), it may be omitted from the inspection mark. The Commissioner may approve the use of abbreviations of such inspection mark; and such approved abbreviations shall have the same force and effect as the inspection mark. The official inspection legend, or the approved abbreviation thereof, shall be printed on consumer packages and other immediate containers of inspected and passed poultry products, or on labels to be securely affixed to such containers. Further, such legend or approved abbreviation thereof, shall be applied to shipping containers of such products and may be printed or stenciled thereon, but shall not be applied by rubber stamping. When applied by a stencil, the legend shall be not less than 4 inches in diameter.

Cite as Ga. Comp. R. & Regs. R. 40-10-2-.13
Authority: O.C.G.A. Sec. 26-2-205.
History. Original Rule entitled "Official Marks, Devices, and Certificates" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-2-.14. Marking Products and Their Containers.

(1) Authorization required to make devices bearing official marks. No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make or cause to be made any device containing any official mark or simulation thereof without prior written authority therefore from the Commissioner.

(2) Approval required for official marks. No device containing any official mark shall be made or caused to be made for use on any product until it has been approved by the Commissioner as provided for in 40-10-1-.19 of this chapter.

(3) Use of official marks prohibited except under supervision of Program employee; removal of official marks, when required:

(a) No person shall affix or place, or cause to be affixed or placed, the official inspection legend or any other official mark, or any abbreviation or simulation of any official mark, to or on any product, or container thereof, except under the supervision of a Program employee.

(b) No person shall fill, or cause to be filled, in whole or in part, with any product, any container bearing or intended to bear any official mark or any abbreviation or simulation of any official mark, except under the supervision of a Program employee.

(c) Product bearing any official mark shall not be canned, cooked, cured, smoked, salted, packed, rendered, or otherwise prepared by any person for commercial purposes unless:

(i) Such preparation is performed at an official establishment; or

(ii) Such preparation is conducted under State or other governmental inspection and the prepared product is marked to show that fact; or

(iii) The official marks are removed, defaced or otherwise destroyed before or during such preparation.

(iv) The preparation of the product consists of cutting up operations at any establishment exempted from inspection under Section 40-10-2-.06 of this chapter or equal provisions of a law of a State or organized Territory.

(4) Unmarked inspected products moved between official establishments; moved in commerce.

(a) Unmarked products which have been inspected and passed but do not bear the official inspection legend may be transported from one official establishment to another official establishment, for further processing, in a railroad car, truck, or other closed container, if they are sealed with the official seal of the Department (as prescribed in 40-10-1-.14 of the Georgia Department of Agriculture Meat Inspection Rules) bearing the official inspection legend.

(b) Products which have been inspected and passed but do not bear the official inspection legend may be removed from an official establishment in closed containers bearing the official inspection legend and all other information required by this part and 40-10-2-.15 of this chapter: Provided, that upon removal from such closed container the product may not be further transported in commerce unless such removal was made under the supervision of a Program employee and such product is re-inspected by a Program employee and packed under his supervision in containers bearing the official inspection legend and all other information required by this part and 40-1-1-.19 of this chapter: and provided further, that unmarked products shall not be brought into an official establishment in an open container.

Cite as Ga. Comp. R. & Regs. R. 40-10-2-.14
Authority: O.C.G.A. Secs. 26-2-202, 26-2-205.
History. Original Rule entitled "Marking Products and Their Containers" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-2-.15. Labeling, Marking Devices, and Containers.

(1) Labels required; supervision by Program Employee.

(a) When, in an official establishment, any inspected and passed product is placed in any receptacle or covering constituting an immediate container, there shall be affixed to such container a label as described in the Code of Federal Regulations, 9 CFR, Chapter 3, Part 381, Subpart N.

(2) Labels Approval Required. All labels will have appropriate approval as required by the Commissioner.

(3) Reporting of obsolete labels. Once a year, or more if it is necessary, each official establishment shall submit to the Commissioner, in quadruplicate, a list of approved labels no longer in use, accompanied with a statement identifying the labels for which approval is no longer desired. The approved labels shall be identified by the date of approval, and the name of the product or other designation showing the class of labeling material.

Cite as Ga. Comp. R. & Regs. R. 40-10-2-.15
Authority: O.C.G.A. Secs. 26-2-202, 26-2-205.
History. Original Rule entitled "Labeling, Marking Devices, and Containers" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-2-.16. Entry Into Official Establishments: Reinspection and Preparation of Products.

(1) Products and other articles entering official establishments.

(a) Except as otherwise provided in paragraphs (g) and (h) of this section, no product shall be brought into an official establishment unless it has been prepared only in an official establishment and previously inspected and passed by a Program employee, and is identified by an official establishment and previously inspected and passed by a Program employee, and is identified by an official inspection legend as so inspected and passed. Product entering any official establishment shall not be used or prepared thereat until it has been reinspected.

(b) No slaughtered poultry or poultry product shall be brought into an official establishment unless it has been previously inspected and passed and is identified as such in accordance with the requirements of the Poultry Products Inspection Act (21 U.S.C. 451*et seq.*) and the regulations thereunder, and has not been prepared other than in an establishment inspected under said Act or has been inspected and passed and is identified as such in accordance with the requirements of a state law;

(c) Every article for use as an ingredient in the preparation of meat food products, when entering any official establishment and at all times while it is in such

establishment, shall bear a label showing the name of the article, the amount or percentage therein of any substances restricted by this chapter or the Code of Federal Regulations 9 CFR, Chapter 3, Part 381, and a list of ingredients in the article if composed of two or more ingredients. In addition, the label must show the name and address of the manufacturer or distributor.

(d) Containers of preparations which enter any official establishment for use in cooling or retort water shall at all times while they are in such establishment bear labels, showing the chemical names of the chemicals in such preparations. In the case of any preparation containing chemicals which are specifically limited as to amount permitted to be used, the labels on the containers shall also show the percentage of each such chemical in the preparation;

(e) No prohibited dye, chemical, preservative, or other substance shall be brought into or kept in an official establishment for use as an ingredient of human food or animal feed;

(f) All isolated soy protein when entering and while in any official establishment, must be labeled in accordance with, and otherwise meet the requirements of Georgia Meat Inspection Rule 40-10-1 - .20 (6)(b) 11;

(g) The official establishment shall furnish such information, as the inspector may deem necessary to determine the origin of any product or other article entering the official establishment. Such information may include, but is not limited to, the name and address, of the seller or supplier, transportation company, agent, or broker involved in the sale or delivery of the product or article in question;

(h) Any product or any poultry or poultry product or other article that is brought into an official establishment contrary to any provision of this section may be required by the Commissioner to be removed immediately from such establishment by the operator thereof, and failure to comply with such requirement shall be deemed a violation of this regulation. If any slaughtered poultry or poultry products or other articles are received at an official establishment and are suspected of being adulterated or misbranded under the Poultry Products Inspection act or the Federal Food, Drug, and Cosmetic Act, the appropriate governmental authorities will be notified. Products received in an official establishment during the inspector's absence shall be held separate and apart in the establishment, pending inspection by the inspector.

(2) Reinspection, retention, and disposal of products at official establishments.

(a) All products and all slaughtered poultry and poultry products brought into any official establishment shall be identified and reinspected at the time of receipt, and shall be further subject to reinspection at any official establishment in such manner and at such times as may be deemed necessary by the officer in charge to assure compliance with the regulations in this chapter;

(b) All products, whether fresh, cured, or otherwise prepared, even though previously inspected and passed, shall be reinspected by Program employees as often as may be necessary in order to ascertain that they are not adulterated or misbranded at the time they enter or leave official establishments;

(c) Reinspection may be accomplished through use of statistically sound sampling plans that assure a high level of confidence. The officer in charge shall designate the type of plan and the program employee shall select the specific plan to be used in accordance with instructions issued by the Commissioner;

(d) A Georgia Retained Tag shall be placed by a Program employee at the time of reinspection at any official establishment on all products which are suspected on such reinspection of being adulterated or misbranded, and such products shall be held for further inspection. Such tags shall be removed only by authorized Program employees. When further inspection is made, if the product is found to be adulterated, all official inspection legends or other official marks for which the product is found to be eligible under the regulations in this chapter, shall be removed or defaced and the product shall be condemned and disposed of in accordance with this chapter, except that a determination regarding adulteration may be deferred if a product has become soiled or unclean by falling on the floor or in any other accidental way or if the product is affected with any other condition which the inspector deems capable of correction, in which case the product shall be cleaned (including trimming if necessary) or otherwise handled in a manner approved by the inspector to assure that it will not be adulterated and shall then be presented for reinspection and disposal in accordance with this section. If upon final inspection the product is found to be neither adulterated or misbranded, the inspector shall remove the Ga. Retained tag. If a product is found upon reinspection to be misbranded, but not adulterated, it shall be held under a Ga. Retained tag, or a Ga. Detention tag, pending correction of the misbranding or issuance of an order to withold from use the labeling or container of the product, or the institution of a judicial seizure action. The inspector shall make a complete record of each transaction under this paragraph and shall report his action to the officer in charge.

(3) Designation of places of receipt of product and other articles for reinspection. Every official establishment shall designate, with the approval of the officer in charge, a dock or place at which products and other articles subject to reinspection shall be received, and such products and articles shall be received only at such dock or place.

(4) Preparation of products to be officially supervised; responsibilities of official establishments:

(a) All processes used in curing, pickling, rendering, canning, or otherwise preparing any product in official establishments shall be supervised by Program employees. No fixtures or appliances, such as tables, trucks, trays, tanks, vats, machines,

implements, cans, or containers of any kind, shall be used unless they are of such material and construction as will not contaminate or otherwise adulterate the product and are clean and sanitary. All steps in the process of manufacture shall be conducted carefully and with strict cleanliness in rooms or compartments separate from those used for inedible products;

(b) It shall be the responsibility of the operator of every official establishment to comply with the Act and the regulations in this chapter. In order to effectively carry out this responsibility, the operator of the establishment shall institute appropriate control programs, approved by the Georgia Meat Inspection Division and commensurate with the type of activities conducted at the establishment and the preparation, marking, labeling, and packaging of its products strictly in accordance with the sanitary and other requirements of this chapter. When such control programs involve the maintenance of records, such records shall be made available for review by inspectors.

(5) Requirements concerning procedures:

(a) Care shall be taken to insure that product is not adulterated when placed in freezers. If there is doubt as to the soundness of any frozen product, the inspector will require the defrosting and reinspection of a sufficient quantity thereof to determine its actual condition.

(b) Frozen product may be defrosted in water or pickle in a manner and with the use of facilities, which are acceptable to the inspector. Before such product is defrosted, a careful examination shall be made to determine its condition. If necessary, this examination shall include defrosting of representative samples by means other than in water or pickle.

(c) Cooked poultry or poultry shall be so handled to assure that the product is not contaminated by direct contact with raw product. To prevent direct contamination of the cooked product, establishments shall:

1. Physically separated areas where raw product is handled from areas where exposed cooked product is handled, used a solid impervious floor to ceiling wall; or

2. Handle raw and exposed cooked product at different times, with a cleaning of the entire area after the raw material handling is completed and prior to the handling of cooked product in that area; or prior to the handling of cooked product in that area; or

3. Submit a written procedure for approval through the inspector in charge to the District Supervisor detailing the steps to be taken which would avoid recontamination of cooked product by raw product during processing.

(d) Cooked poultry or poultry shall be so handled to assure that the product is not recontaminated by indirect contact with raw product. To prevent indirect contamination of the cooked product, establishments shall:

1. Any work surface, machine, or tool which contacts raw product shall be thoroughly cleaned and sanitized with a solution germicidally equivalent to 55 ppm chlorine before it contacts cooked product;

2. Employees shall wash their hands and sanitize them with a solution germicidally equivalent to 50 ppm chlorine whenever they enter the heat processed product area or before preparing to handle cooked product, and as frequently as necessary during operations to avoid product contamination; and

3. Outer garments, including aprons, smocks, and gloves shall be especially identified as restricted for use in cooked product areas only, changed at least daily, and hung in a designated location when the employee leaves the area.

(e) Cooked product shall not be stored in the same room as raw product unless it is first packaged in a sealed, watertight container or is otherwise protected by a covering that has been approved, upon written request, by the District Supervisor.

Cite as Ga. Comp. R. & Regs. R. 40-10-2-.16
Authority: O.C.G.A. Secs. 26-2-203, 26-2-208.
History. Original Rule entitled "Entry Into Official Establishments: Reinspection and Preparation of Products" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-2-.17. License and Hearing Provisions.

(1) License and hearing provisions:

(a) Section 5 of Act No. 453, Georgia Laws 1956, Page 748, provides that no person shall operate an abattoir or meat or poultry processing plant in the State of Georgia without first obtaining a license from the Commissioner of Agriculture. The license fee is $10.00 per year with renewal each January 1 at the rate of $10.00. The license fee is valid from January 1st to December 31st of each year;

(b) No license will be issued to any person, corporation, agent, packer, or meat processor, to engage in the business of slaughtering animals and processing meat for use as human food unless he conforms strictly to all regulations set forth herein and promulgated by the Commissioner of Agriculture;

(c) When sufficient evidence exists that any rule in this chapter has been violated, the party incriminated shall be subject to citation for hearing before the Commissioner of Agriculture. Procedure for such hearing shall be conducted as provided by law.

Cite as Ga. Comp. R. & Regs. R. 40-10-2-.17
Authority: O.C.G.A. Sec. 26-2-210.
History. Original Rule entitled "License and Hearing Provisions" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-2-.18. Recalls.

(1) Each official establishment must promptly notify the Georgia Meat Inspection Section Administrative Office within 24 hours of learning or determining that an adulterated or misbranded poultry or poultry food product received by or originating from the official establishment has entered commerce, if the official establishment believes or has reason to believe that this has happened. The official establishment must inform the Georgia Meat Inspection Administrative Office of the type, amount, origin, and destination of the adulterated or misbranded product.

(2) Each official establishment must prepare and maintain written procedures for the recall of any poultry or poultry food product produced and shipped by the official establishment. These written procedures must specify how the official establishment will decide whether to conduct a product recall, and how the establishment will affect the recall, should it decide that one is necessary.

(3) All records, including records documenting procedures required by this part, must be available for official review and copying.

Cite as Ga. Comp. R. & Regs. R. 40-10-2-.18
History. New Rule entitled Recalls adopted. F. Oct. 18, 2012; eff. Nov. 7, 2012.

Subject 40-10-3. RABBIT PROCESSING.

Rule 40-10-3-.01. Sanitation Regulations Applicable to Rabbits Only.

(1) Processing, Chilling, and Freezing:

Rabbits may be killed, skinned, eviscerated, cooled and packaged in one room, providing that the room is of such size that the killing, skinning, and eviscerating can be done on hooks so spaced that sanitary processing is possible; the cooling tanks so placed that their contents are not contaminated by other processes, and the packing is done in a part of the

room well away from inedible products so that no contamination of the ready-to-cook product is possible.

(2) Temperatures and Procedures for Cooling and Freezing Rabbits:

(a) Cooling. Immediately after eviscerating and washing of rabbit carcasses, they shall be placed in a cooling tank containing running cold tap water to remove the animal heat from the carcasses. Carcasses shall not be allowed to remain in the cooling tank for longer than one hour.

(b) Air Chilling. Immediately after the initial water chilling, the carcasses shall be placed in cooling racks and thereupon placed in a refrigerated cooler with moderate air movements and a temperature which will reduce the internal temperature of the carcass to from 36°F. to 40°F. or less within 24 hours.

(c) Freezing.

1. When ready-to-cook domestic rabbits are packaged in bulk or shipping containers, the carcasses shall be individually wrapped or packaged in water-vapor resistant cartons or the containers shall be lined with heavy water-vapor resistant paper so as to assure adequate overlapping of the lining to completely surround the carcasses and to permit unsealed closure or sealing in such manner that water-vapor loss from the product is considerably retarded or prevented. The rabbit carcasses shall receive an initial rapid freezing under such packaging, temperature, air circulation, and stacking conditions which will result in freezing the carcasses solid in 48 hours.

2. Frozen ready-to-cook rabbits shall be stored at 0°F or below, with temperatures maintained as constant as possible.

(d) Immediately after packing, all ready-to-cook domestic rabbits, other than those which are shipped from the plant in a refrigerated carrier, should be moved into the freezer, except that a period not exceeding 72 hours will be permitted for transportation and temporary holding before placing in the freezer providing such rabbits are held at 36°F. or below.

(e) Antemortem examination of domestic rabbits is required as a prerequisite to any inspection; and such antemortem examination shall be carried out under such conditions and in accordance with such methods as may be prescribed or approved by the Commissioner of Agriculture.

Cite as Ga. Comp. R. & Regs. R. 40-10-3-.01
Authority: Ga. L. 1956, p. 195 as amended, and p. 748 as amended, Ga. L. 1959, p. 168.
History. Original Rule filed on June 30, 1965.

Subject 40-10-4. VOLUNTARY INSPECTION OF NON-TRADITIONAL LIVESTOCK AND NON-TRADITIONAL POULTRY.

Rule 40-10-4-.01. Definitions.

(1) The definitions in Rule 40-10-1-.02, not otherwise defined in this Chapter are incorporated into Chapter 40-10-4. In addition to those definitions, the following definitions will be applicable to the regulations in this Chapter.

(a) "Antelope" means any animal belonging to the antelope family.

(b) "Applicant" means any interested party who requests any inspection service.

(c) "Bison" means any American bison or catalo or cattalo.

(d) "Buffalo" means any animal belonging to the buffalo family.

(e) "Catalo" or "Cattalo" means any hybrid animal with American bison appearance resulting from direct crossbreeding of American bison and cattle.

(f) "Commissioner" means Commissioner of Agriculture, State of Georgia.

(g) "Condition" means any condition, including but not limited to, the state of preservation, cleanliness, or soundness of any product or the processing, handling, or packaging which may affect such product.

(h) "Condition and wholesomeness" means the condition of any product, its healthfulness and fitness for human food.

(i) "Deer" means any member of the deer family other than the white-tailed deer.

(j) "Director" means the Director of the Meat Inspection Program of the Georgia Department of Agriculture.

(k) "Elk" means any American elk.

(l) "Inspection" means any inspection of a Non-Traditional Livestock and Non-Traditional Poultry by an inspector to determine, in accordance with Chapter 40-10-1-.02,(1) the condition and wholesomeness, or (2) the condition and wholesomeness of edible product at any state of the preparation or packaging in the official plant where inspected, or (3) the condition and wholesomeness of any previously inspected product if such product has lost its identity as an inspected and certified product.

(m) "Non-Traditional Livestock" means the species of artiodactyls (even-toed ungulates) listed as antelope, bison, buffalo, catalo, elk, deer other than white-tailed deer, and water buffalo; as well as members of the Camelidae family listed

as camels, llamas and alpacas that are held and possessed legally under the wild animal provisions of Chapter 5 of Title 27.

(n) "Non-Traditional Poultry" means avian species which are grown commercially for slaughter and preparation as human food, but are not amenable to the Federal Poultry Products Inspection Act.

(o) "Program" means the Non-Traditional Livestock Inspection Program of the State of Georgia.

(p) "Reindeer" means any reindeer commonly referred to as caribou.

(q) "Veterinarian" means any authorized veterinarian of the Program employed by the Georgia Department of Agriculture who is authorized by the Director to do any work or perform any duty in connection with the Program.

(r) "Water buffalo" means any Asiatic water buffalo, commonly referred to as carabao; and the water buffalo of India, commonly referred to as the Indian buffalo.

Cite as Ga. Comp. R. & Regs. R. 40-10-4-.01
Authority: O.C.G.A. Sec. 26-2-80.
History. Original Rule entitled "Definitions" adopted. F. Dec. 12, 1995; eff. Jan. 1, 1996.
Amended: F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-4-.02. Type of Service Available.

Upon application, in accordance with the Official Code of Georgia Annotated, the following type of service may be furnished under the regulations in this Part:

(a) Voluntary Inspection Service. An inspection service for wholesomeness relating to the slaughter and processing of Non-Traditional Livestock and Non-Traditional Poultry and the processing of such products. All provisions of this Chapter shall apply to the slaughter, the preparation, and labeling of the meat, meat products, poultry and poultry products processed under this inspection service.

(b) Only Non-Traditional Livestock and Non-Traditional Poultry that have had antemortem inspection as described under this Chapter and which are processed in official establishments in accordance with this Chapter may be marked inspected and passed.

(c) To prevent commingling with other species, all Non-Traditional Livestock meat and meat food products and Non-Traditional Poultry and Poultry products shall be handled in an

official establishment so as to ensure separation and identity of all products until they are shipped from the official establishment.

Cite as Ga. Comp. R. & Regs. R. 40-10-4-.02
Authority: O.C.G.A. Sec. 26-2-100.1.
History. Original Rule entitled "Type of Service Available" adopted. F. Dec. 12, 1995; eff. Jan. 1, 1996.
Amended: F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. June 6, 2011; eff. June 26, 2011.

Rule 40-10-4-.03. Application for Inspection.

(1) Any person desiring to process Non-Traditional Livestock, Non-Traditional Poultry and their related meat food products in an establishment under voluntary inspection service must receive approval for such establishment and facilities to slaughter and/or process prior to the rendering of such service. An application for inspection service to be rendered in an official establishment shall be submitted in writing. An initial survey of the establishment and signing of the application by the Director will denote approval.

(2) Initial survey. When an application has been filed for inspection service, the State Director or designee shall examine the establishment, premises, and facilities.

(3) For new establishments, the requirements in Rule 40-10-1-.05 must be complied with.

Cite as Ga. Comp. R. & Regs. R. 40-10-4-.03
Authority: O.C.G.A. Sec. 26-2-60.
History. Original Rule entitled "Application by Official Establishment for Inspection of Ratites" adopted. F. Dec. 12, 1995; eff. Jan. 1, 1996.
Amended: Rule retitled "Application by Official Establishment for Inspection of Ratites and Non-Traditional Livestock" F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule entitled "Application for Inspection" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-4-.04. Fees and Charges.

(1) Fees and charges for service under the regulations in this Chapter shall be paid by the applicant for the service in accordance with this section.

(2) The fees and charges provided for in this section shall be paid by check, draft or money order payable to the Georgia Department of Agriculture and shall be remitted promptly to the Director upon furnishing to the applicant a statement as to the amount due.

(3) The fees to be charged and collected for service under the regulations in this Chapter shall be set by the Commissioner. Charges for Saturdays, Sundays, and official holidays shall be one and one half times the above stated rate. Such fees shall cover the costs of the

service and shall be charged for the time required to render such service, including, but not limited to:

(a) The time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek, and

(b) Charges to cover other expenses incurred by the Program in connection with the furnishings of the service.

(4) Each recipient of voluntary inspection service shall be billed in increments of quarter hours. For billing purposes, eight or more minutes shall be considered a full quarter hour. Billing will be for each quarter hour of service rendered by each Program inspector.

(5) Official establishments requesting and receiving the services of a Program inspector after he has completed his day's assignment and left the premises, or called back to duty during any Saturday, Sunday, or holiday period, shall be billed for a minimum of 2 hours at the rate as provided for in 40-10-4-.04.

(6) Bills are payable upon receipt and become delinquent 30 days from the posting date of the bill. Voluntary inspection service will not be performed for anyone having a delinquent account.

Cite as Ga. Comp. R. & Regs. R. 40-10-4-.04
Authority: O.C.G.A. Sec. 26-2-100.1.
History. Original Rule entitled "Fees and Charges" adopted. F. Dec. 12, 1995; eff. Jan. 1, 1996.
Amended: F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-4-.05. Withdrawal of Inspection; Reports of Violations.

Withdrawal of inspection and reports shall be performed in accordance with the provisions contained within Rule 40-10-5.

Cite as Ga. Comp. R. & Regs. R. 40-10-4-.05
Authority: O.C.G.A. Secs. 26-2-60, 26-2-100.1.
History. Original Rule entitled "Withdrawal of Inspection; Reports of Violations" adopted. F. Dec. 12, 1995; eff. Jan. 1, 1996.
Amended: F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-4-.06. Time of Inspection in an Official Establishment.

The official establishment on behalf of the applicant shall notify the Director or designee, in advance, of the hours when such inspection is desired. If one is available at such time, the Director shall assign an inspector to perform the services available, and shall notify the establishment thereof. If no inspector is available, the Director shall arrange with the

establishment an alternate time and date. Inspection personnel shall have access at all times to every part of an official establishment to which they are assigned.

Cite as Ga. Comp. R. & Regs. R. 40-10-4-.06
Authority: O.C.G.A. Sec. 26-2-105.
History. Original Rule entitled "Time of Inspection in an Official Establishment" adopted. F. Dec. 12, 1995; eff. Jan. 1, 1996.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-4-.07. Report of Inspection Work.

Reports of the work of inspection carried on within an official establishment shall be forwarded to the Director by the inspector. The applicant for such inspection shall furnish to the Director such information as may be required on forms provided by the Director.

Cite as Ga. Comp. R. & Regs. R. 40-10-4-.07
Authority: O.C.G.A. Sec. 26-2-60.
History. Original Rule entitled "Report of Inspection Work" adopted. F. Dec. 12, 1995; eff. Jan. 1, 1996.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-4-.08. Sanitation.

Sanitation shall be in accordance with the provisions contained in Rule 40-10-1-.10.

Cite as Ga. Comp. R. & Regs. R. 40-10-4-.08
Authority: O.C.G.A. Sec. 26-2-108.
History. Original Rule entitled "Sanitation" adopted. F. Dec. 12, 1995; eff. Jan. 1, 1996.
Amended: F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-4-.09. Ante-Mortem Inspection.

(1) An ante-mortem inspection of Non-Traditional Livestock and/ or Non-Traditional Poultry shall be made to the extent considered necessary by the Director and under such instructions as may be issued from time to time by the Director. Ante-mortem inspection will be performed on the day of slaughter.

(a) Humane handling of Non-Traditional Livestock and Non- Traditional Poultry during ante-mortem inspection shall be in accordance with the provisions contained in Rule 40-10-1-.15.

1. Non-Traditional Livestock and Non-Traditional Poultry that in the ante-mortem inspector's opinion do not pass ante-mortem inspection must be withheld from slaughter.

2. Stunning to render the Non-Traditional Livestock unconscious shall be in accordance with Rule 40-10-1-.15.

3. Ante-mortem cards (Form MID SL 104) shall be filled out for Non-Traditional Livestock by the ante-mortem inspector. One copy shall be retained by the ante-mortem inspector.

4. Ante-mortem inspection shall be performed in pens for Non- Traditional Livestock and as per the provisions of the Code of Federal Regulations 9 CFR, Chapter 3, Part 381 for Non-Traditional Poultry at official establishments.

Cite as Ga. Comp. R. & Regs. R. 40-10-4-.09
Authority: O.C.G.A. Sec. 26-2-102.
History. Original Rule entitled "Ante-Mortem Inspection" adopted. F. Dec. 12, 1995; eff. Jan. 1, 1996.
Amended: F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-4-.10. Post-Mortem Inspection.

(1) Post-mortem inspection of the Non-Traditional Livestock shall be conducted in accordance with the provisions as determined by the Director.

(2) Post-mortem inspection of the Non-Traditional Poultry shall be conducted in accordance with the provisions of the Code of Federal Regulations, 9 CFR, Part 381, as determined by the Director.

(3) The post-mortem examination must occur on the day of slaughter.

(4) A veterinarian shall inspect and make the disposition of all animals identified as "Georgia Suspect."

Cite as Ga. Comp. R. & Regs. R. 40-10-4-.10
Authority: O.C.G.A. Sec. 26-2-103.
History. Original Rule entitled "Post-Mortem Inspection" adopted. F. Dec. 12, 1995; eff. Jan. 1, 1996.
Amended: F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-4-.11. Handling and Disposal of Condemned or Other Inedible Products at Official Establishments.

Handling and disposal of condemned or other inedible products at official establishments shall be conducted in accordance with the provisions contained in Rule 40-10-1-.16.

Cite as Ga. Comp. R. & Regs. R. 40-10-4-.11
Authority: O.C.G.A. Sec. 26-2-60.
History. Original Rule entitled "Handling and Disposal of Condemned or Other Inedible Products at Official Establishments" adopted. F. Dec. 12, 1995; eff. Jan. 1, 1996.
Amended. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-4-.12. Labeling, Marking Devices, Containers, and Official Legends.

Labeling, marking devices, containers, and official legends use shall be conducted in accordance with Rules 40-10-1-.14, 40-10-1-.18, and 40-10-1-.19. Uniform terminology recognized nationally for fresh cuts, fresh products, and heat-processed products will be used on approved labels.

Wording and form of inspection mark applied to inspected and passed Non-Traditional Livestock carcasses, meat or meat food products under this part shall be approved by the Director. Except as otherwise authorized by the Director, the inspection mark will include the following wording: ``Inspected and Passed by the Georgia Department of Agriculture" contained within an equiangular triangle along with the establishment number of the official establishment. The Director may approve the use of abbreviations or other exceptions of the inspection mark. Ordering and manufacture of the triangle brand shall be with approval by the Director. The approved inspection mark shall be applied under the supervision of the inspector to the inspected and passed edible product, packaging material, immediate container or shipping container.

Cite as Ga. Comp. R. & Regs. R. 40-10-4-.12
Authority: Authority O.C.G.A. Sec. 26-2-20.
History. Original Rule entitled "Labeling, Marking Devices, Containers, and Official Legends" adopted. F. Dec. 12, 1995; eff. Jan. 1, 1996.
Amended: F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. June 6, 2011; eff. June 26, 2011.

Rule 40-10-4-.13. Entry into Official Establishments; Reinspection and Preparation of Products.

Entry into official establishments, reinspection and preparation of products shall be conducted in accordance with the provisions contained in Rule 40-10-1-.20.

Cite as Ga. Comp. R. & Regs. R. 40-10-4-.13
Authority: O.C.G.A. Secs. 26-2-105, 26-2-60.
History. Original Rule entitled "Entry into Official Establishments; Reinspection and Preparation of Products" adopted. F. Dec. 12, 1995; eff. Jan. 1, 1996.
Amended: F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-4-.14. Records, Registration and Reports.

Records, registration, and reports shall be conducted or maintained in accordance with the provisions contained in Rule 40-10-1-.22.

Cite as Ga. Comp. R. & Regs. R. 40-10-4-.14
Authority: O.C.G.A. Sec. 26-2-60.
History. Original Rule entitled "Records, Registration and Reports" adopted. F. Dec. 12, 1995; eff. Jan. 1, 1996.
Amended. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-4-.15. License and Hearing Provisions.

License and hearing provisions shall be conducted in accordance with the provisions contained in Rule 40-10-1-.23.

Cite as Ga. Comp. R. & Regs. R. 40-10-4-.15
Authority: O.C.G.A. Sec. 26-2-82.
History. Original Rule entitled "License and Hearing Provisions" adopted. F. Dec. 12, 1995; eff. Jan. 1, 1996.
Amended: F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-4-.16. Seizure and Condemnations; Criminal Offenses.

Seizure, condemnation and criminal offenses, shall be in accordance with the provisions contained in Rule 40-10-1-.31.

Cite as Ga. Comp. R. & Regs. R. 40-10-4-.16
Authority: O.C.G.A. Sec. 26-2-60.
History. Original Rule entitled "Seizure and Condemnations; Criminal Offenses" adopted. F. Dec. 12, 1995; eff. Jan. 1, 1996.
Amended. F. July 21, 1997; eff. August 11, 1997.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Subject 40-10-5. MEAT AND POULTRY INSPECTION RULES OF PRACTICE.

Rule 40-10-5-.01. Definitions.

(1) A "regulatory control action" is the retention of product, rejection of equipment or facilities, slowing or stopping of lines, or refusal to allow the processing of specifically identified product.

(2) A "withholding action" is the refusal to allow the marks of inspection to be applied to products. A withholding action may affect all product in the establishment or product produced by a particular process.

(3) A "suspension" is an interruption in the assignment of program employees to all or part of an establishment.

Cite as Ga. Comp. R. & Regs. R. 40-10-5-.01
Authority: O.C.G.A. Secs. 26-2-201, 26-2-202, 26-2-204, 26-2-208, 26-2-210, 26-2-214.
History. Original Rule entitled "Definitions" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-5-.02. Regulatory Control Action.

(1) Georgia Department of Agriculture, Meat Inspection Section may take a regulatory control action because of:

(a) Unsanitary conditions or practices;

(b) Product adulteration or misbranding;

(c) Conditions that preclude the Georgia Department of Agriculture, Meat Inspection Section from determining that product is not adulterated or misbranded; or

(d) Inhumane handling or slaughtering of livestock.

(2) If a regulatory control action is taken, the program employee will immediately notify the establishment orally or in writing of the action and the basis for the action.

(3) An establishment may appeal a regulatory control action, as provided in 9 CFR 306.5 and 381.35 as modified by this part.

Cite as Ga. Comp. R. & Regs. R. 40-10-5-.02
Authority: O.C.G.A. Secs. 26-2-201, 26-2-202, 26-2-204, 26-2-208, 26-2-210, 26-2-214.
History. Original Rule entitled "Regulatory Control Action" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-5-.03. Withholding Action or Suspension Without Prior Notification.

Georgia Department of Agriculture, Meat Inspection Section may take a withholding action or impose a suspension without providing the establishment prior notification because:

(1) The establishment produced and shipped adulterated or misbranded product as defined in 21 U.S.C. 453 or 21 U.S.C. 602;

(2) The establishment does not have a Hazard Analysis and Critical Control Point (HACCP) plan as specified in 9 CFR 417.2;

(3) The establishment does not have Sanitation Standard Operating Procedures as specified in 9 CFR 416;

(4) Sanitary conditions are such that products in the establishment are or would be rendered adulterated;

(5) The establishment violated the terms of a regulatory control action;

(6) An establishment operator, officer, employee, or agent assaulted, threatened to assault, intimidated, or interfered with a Georgia Department of Agriculture employee; or

(7) The establishment did not destroy a condemned meat or poultry carcass, or part or product thereof, in accordance with 9 CFR, Part 314 or Part 381, Subpart L within three days of notification.

(8) Georgia Department of Agriculture, Meat Inspection Section also may impose a suspension without providing the establishment prior notification if the establishment is handling or slaughtering animals inhumanely.

Cite as Ga. Comp. R. & Regs. R. 40-10-5-.03
Authority: O.C.G.A. Secs. 26-2-201, 26-2-202, 26-2-204, 26-2-208, 26-2-210, 26-2-214.
History. Original Rule entitled "Withholding Action or Suspension Without Prior Notification" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-5-.04. Withholding Action or Suspension With Prior Notification.

Georgia Department of Agriculture, Meat Inspection Section may take a withholding action or impose a suspension after an establishment is provided prior notification and the opportunity to demonstrate or achieve compliance because:

(1) The HACCP system is inadequate, as specified in 9 CFR 417.6, due to multiple or recurring noncompliance;

(2) The Sanitation Standard Operating Procedures have not been properly implemented or maintained as specified in 9 CFR 416;

(3) The establishment has not maintained sanitary conditions as prescribed in 9 CFR 416 due to multiple or recurring noncompliances;

(4) The establishment did not collect and analyze samples for *Escherichia coli* Biotype 1 and record results in accordance with 9 CFR 310.25 or 9 CFR 381.94;

(5) The establishment did not meet the *Salmonella* performance standard requirements prescribed in 9 CFR 310.25 or 9 CFR 381.94.

Cite as Ga. Comp. R. & Regs. R. 40-10-5-.04
Authority: Authority O.C.G.A. Secs. 26-2-201, 26-2-202, 26-2-204, 26-2-208, 26-2-210, 26-2-214.
History. Original Rule entitled "Withholding Action or Suspension With Prior Notification" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-5-.05. Notification, Appeals, and Actions Held in Abeyance.

(1) If Georgia Department of Agriculture, Meat Inspection Section takes a withholding action or imposes a suspension, the establishment will be notified orally and, as promptly as circumstances permit, in writing. The written notification will:

(a) State the effective date of the action(s);

(b) Describe the reasons for the action(s);

(c) Identify the products or processes affected by the action(s);

(d) Provide the establishment an opportunity to present immediate corrective action and further planned preventive action; and

(e) Advise the establishment that it may appeal the action as provided in 9 CFR 306.5 and 381.35 as amended by this chapter.

(2) The prior notification provided for in 40-10-5-.05 of this part will:

(a) State the type of action that Georgia Department of Agriculture, Meat Inspection Section may take;

(b) Describe the reason for the proposed action;

(c) Identify the products or processes affected by the proposed action;

(d) Advise the establishment of its right to contact the Georgia Department of Agriculture, Meat Inspection Section to contest the basis for the proposed action or to explain how compliance has been or will be achieved; and

(e) Advise the establishment that it will have three business days from receipt of the written notification to respond to Georgia Department of Agriculture, Meat Inspection Section unless the time period is extended by Georgia Department of Agriculture, Meat Inspection Section.

(3) An establishment may appeal the withholding action or suspension, as provided in 9 CFR 306.5 and 9 CFR 318.35 as modified by this chapter.

(4) If the Georgia Department of Agriculture, Meat Inspection Section suspends inspection and does not hold the suspension action in abeyance as provided in paragraph (5) of this section, the establishment may request a hearing with the Commissioner.

(5) The Georgia Department of Agriculture, Meat Inspection Section may hold a suspension in abeyance and allow the establishment to operate under the conditions agreed to by Georgia Department of Agriculture, Meat Inspection Section and the establishment.

Cite as Ga. Comp. R. & Regs. R. 40-10-5-.05
Authority: O.C.G.A. Secs. 26-2-201, 26-2-202, 26-2-204, 26-2-208, 26-2-210, 26-2-214.
History. Original Rule entitled "Notification, Appeals, and Actions Held in Abeyance" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-5-.06. Withdrawal of Inspection.

The Commissioner may withdraw a license for State Inspection because:

(1) An establishment produced and shipped adulterated product;

(2) An establishment did not have or maintain a HACCP plan in accordance with 9 CFR Part 417;

(3) An establishment did not have or maintain Sanitation Standard Operating Procedures in accordance with 9 CFR Part 416;

(4) An establishment did not maintain sanitary conditions;

(5) An establishment did not collect and analyze samples for *Escherichia coli* Biotype 1 and record results as prescribed in 9 CFR 310.25 or 9 CFR 381.94;

(6) An establishment did not comply with the *Salmonella* performance standard requirements as prescribed in 9 CFR 310.25 and 381.94;

(7) An establishment did not slaughter or handle livestock humanely;

(8) An establishment operator, officer, employee, or agent assaulted, threatened to assault, intimidated, or interfered with a Georgia Department of Agriculture, Meat Inspection Section program employee; or

(9) A recipient of inspection or anyone responsibly connected to the recipient is unfit to engage in any business requiring inspection as specified in Section 401 of the Federal Meat Inspection Act (MIA) or Section 18(a) of the Federal Poultry Products Inspection Act (PPIA).

Cite as Ga. Comp. R. & Regs. R. 40-10-5-.06
Authority: O.C.G.A. Secs. 26-2-201, 26-2-202, 26-2-204, 26-2-208, 26-2-210, 26-2-214.

History. Original Rule entitled "Withdrawal of Inspection" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-5-.07. Refusal to Grant Inspection.

The Georgia Department of Agriculture, Meat Inspection Section may refuse to grant State inspection because an applicant:

(1) Does not have a HACCP plan as required by 9 CFR Part 417;

(2) Does not have Sanitation Standard Operating Procedures as required by 9 CFR Part 416;

(3) Has not demonstrated that adequate sanitary conditions exist in the establishment as required by 9 CFR Part 308 or Part 381, Subpart H, and 9 CFR Part 416;

(4) Has not demonstrated that livestock will be handled and slaughtered humanely; or

(5) Is unfit to engage in any business requiring inspection as specified in Section 401 of the Federal Meat Inspection Act (FMIA) or Section 18(a) of the Federal Poultry Products Inspection Act (PPIA).

(6) If the Commissioner refuses to grant inspection, the applicant will be provided the opportunity for a hearing.

Cite as Ga. Comp. R. & Regs. R. 40-10-5-.07
Authority: O.C.G.A. Secs. 26-2-201, 26-2-202, 26-2-204, 26-2-208, 26-2-210, 26-2-214.
History. Original Rule entitled "Refusal to Grant Inspection" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-10-5-.08. Procedures for Rescinding or Refusing Approval of Marks, Labels, and Containers.

The Georgia Department of Agriculture, Meat Inspection Section may rescind or refuse approval of false or misleading marks, labels, or sizes or forms of any container for use with any meat or poultry product under Section 7 of the Federal Meat Inspection Act (FMIA) or under Section 8 of the Federal Poultry Products Inspection Act (PPIA).

(1) The Georgia Department of Agriculture, Meat Inspection Section will provide written notification that:

   (a) Explains the reason for rescinding or refusing the approval;

   (b) Provides an opportunity for the establishment to modify the marking, labeling, or container so that it will no longer be false or misleading; and

(c) Advises the establishment of its opportunity to submit a written statement to respond to the notification and to request a hearing.

(2) If Georgia Department of Agriculture, Meat Inspection Section rescinds or refuses approval of false or misleading marks, labels, or sizes or forms of any container for use with any meat or poultry product, an opportunity for a hearing will be provided in accordance with 40-10-1-.05, 40-10-1-.06 and 40-10-2-.08 of this chapter.

Cite as Ga. Comp. R. & Regs. R. 40-10-5-.08
Authority: O.C.G.A. Secs. 26-2-201, 26-2-202, 26-2-204, 26-2-208, 26-2-210, 26-2-214.
History. Original Rule entitled "Procedures for Rescinding or Refusing Approval of Marks, Labels, and Containers" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Chapter 40-11. ECONOMIC POISONS.

Subject 40-11-1. ADMINISTRATION.

Rule 40-11-1-.01. Administration.

The Commissioner is authorized to take such action as, in his discretion, may be necessary in the administration and enforcement of the Act and regulations promulgated thereunder.

Cite as Ga. Comp. R. & Regs. R. 40-11-1-.01
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Administration" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. July 14, 2004; eff. August 3, 2004.

Subject 40-11-2. DEFINITIONS.

Rule 40-11-2-.01. Words in Singular Form.

Words used in the singular form in these regulations shall include the plural and vice versa, as the case may require.

Cite as Ga. Comp. R. & Regs. R. 40-11-2-.01
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Words in Singular Form" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. July 14, 2004; eff. August 3, 2004.

Rule 40-11-2-.02. Terms Defined.

Terms used in these regulations shall have the meanings set forth for such terms in the Act. In addition, as used in these Regulations, the following terms shall have the meaning stated below:

(1) Act - means the Georgia Pesticide Control Act of 1976.

(2) Active Ingredient - means:

(a) In the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel or mitigate any pest;

(b) In the case of a plant regulator, an ingredient which through physiological or biochemical action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or products thereof;

(c) In the case of defoliant, an ingredient which will cause the leaves of foliage to drop from a plant;

(d) In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue;

(e) Any other ingredient, which the Commissioner may designate, if, in his opinion, it sufficiently increases the effectiveness of a pesticide to warrant such action.

(3) Acute Dermal LD50 - means a statistically derived estimate of the single dermal dose of a substance that would cause 50% mortality to the test population under specific conditions.

(4) Acute LC50 - means a statistically derived estimate of the concentration of a substance that would cause 50% mortality to the population under specific conditions.

(5) Acute Oral LD50 - means a statistically derived estimate of the single oral does of a substance that would cause 50% mortality to the test population under specific conditions.

(6) Biological Control Agent - means any living organism applied to or introduced into the environment that is intended to function as a pesticide against another organism declared to be a pest by the Administrator.

(7) Changed Use Pattern - means a significant change from a use pattern approved in connection with the registration of a pesticide product. Examples of significant changes include, but are not limited to, changes from nonfood to food use, outdoor to indoor use, ground to aerial application, terrestrial to aquatic use, and non-domestic to domestic use.

(8) Commissioner - means the Commissioner of Agriculture of the State of Georgia or any employee of the Department to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

(9) Degradation product - means a substance resulting from the transformation of a pesticide by physical, chemical or biochemical means.

(10) Department - means the Georgia Department of Agriculture.

(11) Domestic Application - means application of a pesticide directly to humans or pets, or application of a pesticide in, on or around all structures, vehicles or areas associated with the household or home life, patient care areas of health related institutions, or areas where children spend time including but not limited to:

(a) Gardens, non-commercial greenhouses, yards, patios, houses, pleasure marine craft, mobile homes, campers and recreational vehicles, noncommercial campsites, home swimming pools and kennel;

(b) Articles, objects, devices or surfaces handled or contacted by humans or pets in all structures, vehicles or areas listed above;

(c) Patient care areas of nursing homes, mental institutions, hospitals, and convalescent homes;

(d) Educations, lounging and recreational areas of preschools, nurseries and day camps.

(12) Drift - means movement of a pesticide during or immediately after application or use, through air, to a site other than the intended site of application or use.

(13) Efficacy - means the capacity of a pesticide product when used according to label directions to control, kill, or induce the desired action in the target pest.

(14) Final printed labeling - means the printed label and the labeling which will appear on or will accompany the pesticide product, but does not include the packaging unless the labeling is an integral part of the package.

(15) Front panel - means that portion of the label of a pesticide product that is ordinarily visible to the purchaser under the usual conditions of display for sale.

(16) Hazard - means the likelihood that use of a pesticide would result in an adverse effect on man or the environment in a given situation.

(17) Immediate container - means that container which is directly in contact with the pesticide.

(18) Inert ingredients - means all ingredients which are not active ingredients as defined above and includes, but is not limited to the following types of ingredients (except when they have pesticidal efficacy of their own): Solvents such as water, baits such as sugar; starches and meat scraps; dust carriers such as talc and clay; fillers; wetting and

spreading agents; propellants in aerosol dispensers; emulsifiers, and any other substance listed as an inert ingredient.

(19) Inhalation LC50 - means a concentration of a statistically derived estimate of the concentration of a substance that would cause 50% mortality to the test population under specific conditions.

(20) Institutional Use - means any application of a pesticide in or around any property or facility that functions to provide a service to the general public or to public or private organizations, including but not limited to:

(a) hospitals and nursing homes;

(b) Schools other than preschools and daycare facilities;

(c) Museums and libraries;

(d) Sports facilities; and

(e) Office buildings.

(21) Leach - means to undergo the process by which pesticides in the soil are moved into a lower layer of soil or are dissolved and carried through soil by water.

(22) Manufacturing - means any pesticide product which is not an industrial use product.

(23) Metabolite - means any substance biologically or chemically derived from a pesticide.

(24) Move laterally in soils - means to undergo transfer through soil generally in a horizontal plane from the original site of application or use by physical, chemical, or biological means.

(25) Mutagenic - means the property of a substance or mixture of substances to induce changes in the genetic complement of either somatic or germinal tissue in subsequent generations.

(26) New Use - when used with respect to a product containing a particular active ingredient means:

(a) Any proposed use pattern that would require the establishment of, the increase in, or the exemption from the requirement of, a tolerance or food additive regulation under section 408 or 409 of the Federal Food, Drug and Cosmetic Act;

(b) Any aquatic, terrestrial, outdoor, or forestry use pattern, if no product containing the active ingredient is currently registered for that use pattern; or

(c) Any additional use pattern that would result in a significant increase in the level of exposure, or a change in the route of exposure of man or other organisms to the active ingredient.

(27) Nontarget Organisms - means those flora and fauna (including man) that are not intended to be controlled, injured, killed or detrimentally affected in any way by a pesticide.

(28) Oncogenic - means the property of a substance or a mixture of substances to produce or induce benign or malignant tumor formations in living animals.

(29) Outdoor application - means any pesticide application or use that occurs outside enclosed man-made structures or the consequences of which extend beyond enclosed man-made structures including, but not limited to, pulp and paper mill water treatments and industrial cooling water treatments.

(30) Operated by the same producer - means another registered establishment owned or under control of the registrant of the pesticide product but does not include establishments owned or operated by different persons regardless of contractual agreements between the persons.

(31) Pest - means any insect, rodent, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism (except viruses, bacteria or other microorganisms on or in living man or other living animals), which the EPA Administrator declares to be a pest under Section 25(c)(1) of FIFRA or which the Commissioner declares to be a pest under Section 10(1)(a) of this Act.

(32) Pesticide - means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest, or intended for use as a plant regulator, defoliant or desiccant other than any article which:

(a) is a new animal drug under FFDCA sec. 201(w);

(b) is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug; or

(c) is an animal feed under FFDCA sec. 201(x) that bears or contains any substances described by paragraph s(1) or (2) of this section.

(33) Pesticide Product - means a pesticide in the particular form (including container, packaging and labeling) in which the pesticide is or is intended to be distributed or sold.

(34) Propellant - means a gas or volatile liquid used in a pressurized pesticide product for the purpose of expelling the contents of the container.

(35) Reentry - means the action of entering an area or site at, in, or on which a pesticide has been applied.

(36) Residential Use - means use of a pesticide directly:

(a) on humans or pets;

(b) In, on, or around any structure, vehicle, article, surface, or area associated with the household, including but not limited to areas such as nonagricultural outbuildings, non-commercial greenhouses, pleasure boats and recreational vehicles; or

(c) In any preschool or daycare facility.

(37) Residue - means the active ingredient(s), metabolite(s), or degradation product(s) that can be detected in the crops, soil, water or other component of the environment, including man, following the use of the pesticide.

(38) Subacute dietary LC50 - means a concentration of a substance that would cause a 50% mortality in the test population under a specific condition.

(39) Teratogenic - means the property of a substance or mixture of substances to produce or induce functional deviations or developmental anomalies, not heritable, in or on an animal embryo or fetus.

(40) Toxicity - means the property of a substance or mixture of substances to cause any adverse effect.

(a) Acute toxicity - means toxicity based or resulting from a single short term exposure.

(b) Subacute toxicity - means toxicity based on repeated or continuous exposure within less than ½ the lifespan of that organism.

(c) Chronic toxicity - means toxicity based on repeated on continuous exposure over a period of at least ½ the life span of that organism.

(41) Use - means any act of handling or releasing of a pesticide, or exposure of man or the environment to a pesticide through acts, including but not limited to:

(a) Application including mixing and loading and any required supervisory action in or near the area of application.

(b) Storage actions for pesticides and pesticide containers.

(c) Disposal action for pesticides and pesticide containers.

(42) Use Dilution - means a dilution specified on the label or labeling which produces the concentration of the pesticide for a particular purpose or effect.

(43) Use inconsistent with the labeling - means to use a pesticide in a manner not permitted on its labeling but shall not include:

1. Applying the pesticide at any dosage, concentration or frequency less than that specified on the labeling when the labeling specifies otherwise.

2. Applying the pesticide against any target pest not specified on the labeling if the application is to the crop, animal or site specified on the labeling unless the Commissioner has determined that use of the pesticide against other pests would cause unreasonable adverse effects on the environment and has required that the labeling state that the pesticide may be used only for the pests specified on the labeling.

3. Employing any method of application not prohibited by the labeling.

4. Mixing a pesticide(s) with a fertilizer when such mixture is not prohibited by the labeling.

5. Use of a pesticide in conformance with an Experimental Use Permit or an Emergency Exemption under Section 18, FIFRA, or

6. Any use of a pesticide which the Commissioner determines to be in conformance with the Act.

(44) Use Pattern - means the manner in which a pesticide is applied and includes the following parameters of pesticide application.

(a) Target pest;

(b) Crop or animals treated;

(c) Application site;

(d) Application technique, rate and frequency.

(45) Volatility - means the property of a substance(s) to convert into vapor or gas without chemical change.

Cite as Ga. Comp. R. & Regs. R. 40-11-2-.02
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Terms Defined" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. July 14, 2004; eff. August 3, 2004.

Subject 40-11-3. STATUS OF PRODUCTS AS PESTICIDES.

Rule 40-11-3-.01. Determination of Intent of Use.

Any product whose intended purpose, either expressed or implied, is used as a pesticide or any product whose representation results in its being used as a pesticide shall be deemed to be a pesticide for the purposes of the Act and these regulations.

Cite as Ga. Comp. R. & Regs. R. 40-11-3-.01
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Labeling Required" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Status of Products as Pesticides" adopted. F. July 14, 2004; eff. August 3, 2004.

Rule 40-11-3-.02. Products Considered to Be Pesticides.

Products will be considered to be pesticides if:

(1) Claims or recommendations for use as a pesticide are made on the label or labeling or otherwise in any other written or verbal medium of communication employed by the manufacturer, shipper, or distributor of the product.

(2) The product is intended for use as a pesticide after reformulation or repackaging.

(3) The product is intended for use both as a pesticide and for other purposes.

Cite as Ga. Comp. R. & Regs. R. 40-11-3-.02
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Language Required" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Products Considered to Be Pesticides" adopted. F. July 14, 2004; eff. August 3, 2004.

Rule 40-11-3-.03. Products Considered Not to Be Pesticides.

Examples of products not considered to be pesticides are:

(1) Products or commodities, such as paints, fabrics and building materials which have been treated with a pesticide for their own protection and for which no pesticidal claims are made for protection of other surfaces or objects in the manufacture, sale or distribution of the product.

(2) Intermediate substances intended for use in production of a pesticide product, if the intermediate is subjected to a chemical change in the production process.

(3) Fertilizers or soil amendments not containing a pesticide.

Cite as Ga. Comp. R. & Regs. R. 40-11-3-.03
Authority: O.C.G.A. Sec. 2-2-9*et seq.*

History. Original Rule entitled "Labeling" adopted. F. and eff. June 30, 1965; except for R. 40-11-3-.03(6) which was f. June 30, 1965; eff. October 1, 1965, as specified by the Agency.
Repealed: New Rule entitled "Products Considered Not to Be Pesticides" adopted. F. July 14, 2004; eff. August 3, 2004.

Subject 40-11-4. REGISTRATION.

Rule 40-11-4-.01. Products Requiring Registration.

(1) No person may distribute in this State, any pesticide which is not registered with the Commissioner, except as provided in subsection 2 below.

(2) The following pesticides are exempt from the registration requirements:

(a) Pesticides transferred between registered establishments operated by the same producer for packaging or for use in another pesticide, provided such pesticides are labeled to clearly show their identity and the purposes for which they are being transferred.

(b) Pesticides distributed under an experimental use permit issued by the Commissioner.

(c) Pesticides transferred for purposes of disposal when marked to show "For Disposal Only" and accompanied by sufficient information to identify product and to insure that product can be handled with minimum hazard to man or the environment.

(d) Pesticides intended solely for export when prepared or packed according to specifications of foreign purchases.

(e) Pesticides being distributed under an emergency exemption under Section 18.

(f) Pesticides exempt under Section 25b of FIFRA.

(g) Any other pesticide which the Commissioner designates by regulation as being of such nature or character that registration is not required to carry out the purposes of the Act.

Cite as Ga. Comp. R. & Regs. R. 40-11-4-.01
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Ingredient Statement" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Products Requiring Registration" adopted. F. July 14, 2004; eff. August 3, 2004.

Rule 40-11-4-.02. Registration Procedures and Fee.

(1) Who may apply. Any manufacturer or distributor of a pesticide may apply for the registration of such pesticide. Application may be filed by applicant or by an agent whom the applicant has designated by a notarized letter.

(2) Nonresident applicants. Any applicant not residing in Georgia or not having a business address in Georgia shall appoint an Attorney-In-Fact for the purpose of receiving the service of legal process. Designation shall be on forms furnished by the Department.

(3) The applicant desiring to register a pesticide shall pay an annual registration fee of $200.00 for each pesticide registered for such applicant. If such registration is not renewed prior to January 1, the registration fee shall be increased to $400.00 and must be paid by the applicant before a registration is issued.

(4) Application for Registration. Application shall be made on forms provided by the Department and shall contain the following information:

(a) Federally Registered Pesticides

1. Name and address of the person whose name will appear on the label and name and address of the applicant.

2. The name of the pesticide as it appears on the label.

3. The EPA Registration Number.

4. The EPA Establishment Number.

5. Signature of the applicant.

6. Application shall be accompanied by one copy of the labeling accompanying the pesticide, including all claims, directions for use and use classification.

7. If requested by the Commissioner, the complete formula including active and inert ingredients.

8. In the case of products or product uses not registered pursuant to Section 3, FIFRA, a description of tests and the results thereof on which claims are based, including efficacy data, residue data, human safety data and data supporting that product will perform its intended function without unreasonable adverse effects on the environment.

Cite as Ga. Comp. R. & Regs. R. 40-11-4-.02
Authority: O.C.G.A. Secs. 2-2-9*et seq*.
History. Original Rule entitled "Warning or Caution Statement" adopted. F. June 30, 1965; eff. October 1, 1965, as specified by the Agency.
Repealed: New Rule entitled "Registration Procedures and Fee" adopted. F. July 14, 2004; eff. August 3, 2004.

Amended: F. June 16, 2010; eff. July 6, 2010.

Rule 40-11-4-.03. Duration of Registration.

(1) Registration shall become effective on the date issued and shall continue in effect through December 31, or in the case of multi year registrations, two years following December 31 of the year in which issued.

(2) Any pesticide registered under the Act shall not require any further registration under the Act by any other persons, provided:

   (a) The pesticide is in the manufacturer's or registrant's original unbroken container;

   (b) The claims made, its directions for use, and its use classification do not differ from those made in conjunction with its registration.

   (c) The product bears labeling accepted in its registration and otherwise in compliance with the Act.

(3) Changes in the labeling or formulas.

   (a) Changes in labeling or formula of a registered pesticide shall be submitted in advance to the Commissioner. The registrant shall describe the exact changes and upon request, shall submit test results to justify such changes.

   (b) After the effective date of any change in labeling or formulas, the pesticide shall be marketed by the registrant only under the new claims or formula: Provided, the Commissioner may permit a reasonable time for disposition of stocks, if in his opinion, such disposition would not result in any unreasonable adverse effects on man or the environment.

Cite as Ga. Comp. R. & Regs. R. 40-11-4-.03
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Coloration and Discoloration" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Duration of Registration" adopted. F. July 14, 2004; eff. August 3, 2004.

Rule 40-11-4-.04. Reregistration.

Forms for renewal shall be mailed to all registrants at least 30 days prior to the expiration date. If an application for reregistration is not filed and the renewal fee not paid 30 days after the expiration date, the fee shall be doubled before renewal will be issued.

Cite as Ga. Comp. R. & Regs. R. 40-11-4-.04
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Adulteration" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Reregistration" adopted. F. July 14, 2004; eff. August 3, 2004.

Rule 40-11-4-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-11-4-.05
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Misbranding" adopted. F. and eff. June 30, 1965; except for R. 40-11-4-.05(1)(e) which was f. June 30, 1965; eff. October 1, 1965, as specified by the Agency.
Repealed: F. July 14, 2004; eff. August 3, 2004.

Rule 40-11-4-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-11-4-.06
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Enforcement" adopted. F. and eff. June 30, 1965.
Repealed: F. July 14, 2004; eff. August 3, 2004.

Subject 40-11-5. REFUSAL TO REGISTER, CANCELLATION, CHANGE IN CLASSIFICATION, SUSPENSION.

Rule 40-11-5-.01. Refusal to Register, Cancel, Change in Classification, Suspension.

(1) If, at any time, it does not appear to the Commissioner that any pesticide is such as to warrant the proposed claims for it, or if the pesticide and its labeling or other material required to be submitted to not comply with the Act or these regulations, or when necessary to prevent unreasonable adverse effects on the environment, the Commissioner shall notify the registrant of any necessary changes to be made. If the registrant fails to respond within thirty (30) days of receipt of the notice to the effect that appropriate action will be taken, the Commissioner may:

(a) Refuse to register the pesticide. The applicant may request a hearing as provided for in the Georgia Administrative Procedure Act;

(b) Cancel the pesticide registration after having given the registrant opportunity for a hearing.

(c) Change the classification of the pesticide after having given the registrant an opportunity for a hearing.

(2) When the Commissioner determines that an imminent hazard exists, he may, on his own motion, immediately suspend the registration of any use(s) of a pesticide. Registrant shall be notified within twenty-four (24) hours of such suspension, of the reasons for such action, and shall be given opportunity for a hearing within five (5) days.

(3) In any case where the Commissioner finds that a pesticide or its labeling fails to comply with FIFRA or its regulations, he shall so notify EPA, and suggest corrections which would bring it into compliance.

Cite as Ga. Comp. R. & Regs. R. 40-11-5-.01
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Limited Shipments for Experimental Purposes" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Refusal to Register, Cancel, Change in Classification, Suspension" adopted. F. July 14, 2004; eff. August 3, 2004.

Subject 40-11-6. LABELING.

Rule 40-11-6-.01. Contents of the Label.

(1) Every pesticide shall bear a label showing clearly and prominently:

(a) The name brand or trademark under which the product is sold, on the front panel of the label. Such designation shall not be false or misleading.

(b) The name and address of the producer, registrant or person for whom produced. An unqualified name and address shall be considered to be that of the producer. If the registrant's name appears on the label and the registrant is not the producer, or if the name of the person for whom the pesticide was produced appears on the label, it must be qualified by appropriate wording, such as "Packed for _____", Distributed by "_____" to show that the name is not that of the producer.

(c) Net weight or measure of contents.

1. Net weight or measure of content shall be exclusive of wrappers or other materials and shall be the average content unless explicitly stated as a minimum.

2. If the pesticide is a liquid, the net content shall be expressed in terms of liquid measure at 68 degrees F (20 degrees C), i. e., fluid ounces, pints, quarts or gallons.

3. If the pesticide is solid, semi-solid, or pressurized, the net content shall be in terms of avoirdupois pounds and ounces.

4. In all cases, net content shall be in terms of largest appropriate units, i.e., "1 pound 3 ounces", rather than "19 ounces".

5. In addition to the required units specified, net content may be expressed in metric units.

6. Variations above minimum content or around an average are permissible only to the extent that they represent deviations unavoidable in good manufacturing practice. Variation below a stated minimum is not permitted. In no case shall the average content of the packages in a shipment fall below the stated average.

(d) The "EPA Registration Number" or EPA SLN Number. Such information shall not appear in any manner suggesting or implying recommendation or endorsement of the product by the State or Federal Agency.

(e) The "EPA Establishment Number" of the final establishment in which the product was produced. Provided, it may appear on the immediate container of the product, and must be placed so that it can be read upon normal viewing of the outside of the package.

(f) Ingredient Statement.

1. Contents. The ingredient statement of every pesticide label shall contain:

   (i) The name and percentage by weight of each active ingredient.

   (ii) The total percentage by weight of the inert ingredients.

   (iii) If the product contains arsenic, the percentages of total and water-soluble arsenic as elemental arsenic.

2. Form. Active ingredients must be designated "Active Ingredients" and inert ingredients by "Inert Ingredients". Both terms shall be in same type size, equally prominent and aligned to the same margin. "Inert Ingredients" is not required, if all ingredients are active.

3. Position. The ingredient statement must appear on the front panel, except where size or form of the package makes it impractical and it may be permitted by the Commissioner to appear elsewhere. Ingredient statement must be capable of being read upon normal viewing of the outside of the package. Text of ingredient statement must be set apart from and run parallel to other label text.

4. Names of ingredients. Ingredients shall be designated by the accepted common name, if they have one, followed by chemical name. The common name may be used alone only if well known. If there is no common name, the chemical name may be used alone.

5. Percentages of ingredients. Percentages shall be stated on a weight to weight basis and the sum of active and inert ingredients shall be 100%. Ranges of

percentage values will not be permitted. If label dosage is expressed as weight of active ingredient per unit area, the weight of active ingredient per unit volume must also appear in the ingredient statement.

6. Stability Statement. Labels of pesticides which have been determined to change chemical composition significantly, shall bear the following: "Not for sale or use after "date", and product must meet label claims up to date indicated.

7. Inert Ingredients. The Commissioner may require the listing in the ingredient statement of any inert ingredient which he determines to pose a hazard to man or the environment or may require the listing of all inert ingredients and their percentages.

8. Warning and Precautionary Statements.

   (i) The label of every pesticide shall bear in the final panel such required warning and precautionary statements as are necessary to protect man and the environment. The nature and extent of such required statements shall be determined by the Toxicity Category to which the pesticide is assigned as follows:

   Toxicity categories

   (ii) Human hazard signal words, child hazard warnings, and statements of practical treatment (first aid and other), their placement, type size and prominence shall be as prescribed in Code of Federal Regulations, Title 40, Chapter I, Part 156, Section 156.10, which were in effect as of January 1, 2001.

   (iii) Statements of hazard to humans and domestic animals, environmental hazards, and

Hazard indicators	I	II	III	IV
Oral LD50	Up to and including 50 mg/kg	From 50 thru 500 mg/kg	From 500 thru 5000mg/kg	Greater than 5000 mg/kg
Inhalation LC50	Up to and including .2 mg/liter	From .2 thru 2 mg/liter	From 2 thru 20 mg/liter	Greater than 20 mg/kg
Dermal LD50	Up to and including 200mg/liter	From 200 thru 2000.	From 2,000 thru 20,000	Greater than 20,000

Eye effects	Corrosive; corneal opacity not reversible within 7 days	Corneal opacity reversible within 7 days; irritation persisting for 7 days	No corneal opacity; irritation reversible within 7days.	No irritation
Skin effects	Corrosive	Severe irritation at 72 hours	Moderate irritation at 72 hours	Mild or slight irritation at 72 hours

physical or chemical hazards shall be required as prescribed in the Code of Federal Regulations, Title 40, Chapter 1, Part 156, Section 156.10, which were in effect as of January 1, 2001. Such statements shall reflect specific hazards, however, the following table depicts typical precautionary statements:

Precautionary statements by toxicity category

Toxicity category	Oral, inhalation, or dermal toxicity	Skin and eye local effects
I	Fatal (poisonous) if swallowed (inhaled or absorbed through skin). Do Not breathe vapor [dust or spray mist]. Do not get in eyes, on skin, or on clothing [Front panel statement of practical treatment required.].	Corrosive, causes eye and skin damage [or skin irritation]. Do not get in eyes, on skin, or on clothing. Wear goggles or face shield and rubber gloves when handling. Harmful or fatal if swallowed. [Appropriate first aid statement required.]
II	May be fatal if swallowed [inhaled or absorbed through the skin]. Do not breathe vapors [dust or spray mist]. Do not get in eyes, on skin, or on clothing. [Appropriate first aid statement required.]	Causes eye [and skin] irritation. Do not get in eyes, on skin, or on clothing. Harmful if swallowed. [Appropriate first aid statement required.]
III	Harmful if swallowed [inhaled or absorbed	Avoid contact with skin, eyes or clothing. In case of contact

	through the skin]. Avoid breathing vapors [dust or spray mist]. Avoid contact with skin [eyes or clothing]. [Appropriate first aid statement required.]	immediately flush eyes or skin with plenty of water. Get medical attention if irritation persists.
IV	[No precautionary statements required.]	[No precautionary statements required.]

9. Directions for Use: The label of every pesticide shall bear Directions for Use necessary for protection of man and the environment as prescribed in the Code of Federal Regulations, Title 40, Chapter I, Part 156, Section 156.10, which were in effect as of January 1, 2001.

10. Federal Use Classification.

Cite as Ga. Comp. R. & Regs. R. 40-11-6-.01
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Economic Poisons Highly Toxic to Man" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Contents of the Label" adopted. F. July 14, 2004; eff. August 3, 2004.

Rule 40-11-6-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-11-6-.02
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Forms of Plants and Animal Life and Viruses Declared to Be Pests" adopted. F. and eff. June 30, 1965.
Repealed: F. July 14, 2004; eff. August 3, 2004.

Subject 40-11-7. FORMS OF PLANT AND ANIMAL LIFE AND VIRUSES DECLARED TO BE PESTS.

Rule 40-11-7-.01. Forms of Plant and Animal Life and Viruses Declared to Be Pests.

1. Each of the following forms of plant and animal life and viruses is declared to be a pest when it exists under circumstances that make it injurious to man or the environment:
   (a) Vertebrate animals (other than man) including but not limited to mammals, birds, fish, amphibians and reptiles.

(b) Invertebrate animals (other than internal parasites of living man or other living animals), including but not limited to insects, other arthropods, nematodes, and mollusks, such as snails and slugs.

(c) Plants and plant parts growing where not wanted.

(d) Microorganisms (other than those on or in living man or other living animals and those on or in processed food, beverages, pharmaceuticals including cosmetics), including but not limited to algae, fungi and bacteria.

(e) Viruses (other than those on or in living man or other animals and those on or in food, beverages, and pharmaceuticals including cosmetics).

Cite as Ga. Comp. R. & Regs. R. 40-11-7-.01
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Registration" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Forms of Plant and Animal Life and Viruses Declared to Be Pests" adopted. F. July 14, 2004; eff. August 3, 2004.

Subject 40-11-8. ENFORCEMENT.

Rule 40-11-8-.01. Collection of Samples.

(1) Samples of labeled pesticides packaged for distribution may be collected at any reasonable time by such employees of the Georgia Department of Agriculture as may be designated by the Commissioner. Methods of sampling shall be those prescribed by the Commissioner.

(2) The Commissioner or his duly designated agent is authorized to collect samples of pesticide upon demand without charge or cost from any public or private premises within this state in which pesticide is manufactured, processed, packed, stored, distributed or held for distribution and from any vehicle used to transport or hold such pesticide.

Cite as Ga. Comp. R. & Regs. R. 40-11-8-.01
Authority: O.C.G.A. § 2-2-9 *et seq.*
History. Original Rule entitled "Collection of Samples" adopted. F. July 14, 2004; eff. August 3, 2004.
Amended: F. May 16, 2017; eff. June 5, 2017.

Rule 40-11-8-.02. Examination of Samples.

Methods for examination of samples shall be those prescribed by the Commissioner. Content of active ingredients on all pesticides should be at a level of guarantee. However, determination of compliance based on assay of a single sample shall be made as follows:

(a) A single sample whose assay deviates below the stated guarantee shall be considered in compliance except as noted in (b) below if its active ingredients are found to be within the following ranges:

Active Ingredient	Allowable Deviation
Up to 1.00%	15% of Guarantee
1.01% - 19.99%	0.1 plus 5% of Guarantee
20.00% - 49.99%	0.5 plus 3% of Guarantee
50.00% - 100.00%	1.0 plus 2% of Guarantee

(b) A single sample whose assay deviates below the stated guarantee beyond the above limits may not be considered "deficient" if special sampling problems such as those associated with fertilizer-pesticide mixtures and granular formulations or if problems associated with accuracy, specificity or reproducibility of the method of analysis can reasonably be expected to have contributed to the lower assay.

(c) A single sample whose assay ranges above the stated guarantee shall be judged individually. However, an assay ranging above the stated guarantee shall not be considered violative if:

1. No illegal residue can be expected to result when product is used according to label directions.

2. No significant increase in hazard to man or the environment can be expected to result when product is used according to label directions.

3. Stability of the formulation or ingredients thereof require overformulation to insure that assay over a period stated on the label shall not fall below the minimum provided in (a) above.

Cite as Ga. Comp. R. & Regs. R. 40-11-8-.02
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Examination of Samples" adopted. F. July 14, 2004; eff. August 3, 2004.

Rule 40-11-8-.03. Notice of Violations on Pesticides.

If examination or analysis shows a pesticide to be in violation of this Act or these regulations, a notice shall be sent to the person against whom proceedings are contemplated, stating the manner in which the pesticide fails to comply. The person so notified shall have 20 days within which to offer an explanation or to request a hearing. Failure to respond within the 20-day period will be grounds for institution of legal proceedings for the violation, provided: No notice or hearing is required prior to seizure, stop sale or stop use of any pesticide.

Cite as Ga. Comp. R. & Regs. R. 40-11-8-.03
Authority: O.C.G.A. Sec. 2-2-9*et seq.*

History. Original Rule entitled "Notice of Violations on Pesticides" adopted. F. July 14, 2004; eff. August 3, 2004.

Rule 40-11-8-.04. Inspection of Records.

Any employee of the Georgia Department of Agriculture duly authorized by the Commissioner shall upon request, be provided access during any reasonable working hours to inspect, or copy any records required to be kept by any licensee, permittee or registrant under the provisions of the Act and these regulations.

Cite as Ga. Comp. R. & Regs. R. 40-11-8-.04
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Inspection of Records" adopted. F. July 14, 2004; eff. August 3, 2004.

Rule 40-11-8-.05. Notice of Apparent Violation in Record Keeping.

If, upon inspection, it appears that there has been any failure to maintain records required by the Act or these regulations, or if it appears that any records have been falsified, the Commissioner may issue a notice, to the licensee or registrant, stating the manner in which the maintenance of required records fails to comply. The licensee or registrant shall have 20 days in which to make an explanation or request a hearing. The Commissioner may subpoena witnesses and require production of all books, records, and documents pertaining to operations of the licensee or registrant.

Cite as Ga. Comp. R. & Regs. R. 40-11-8-.05
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Notice of Apparent Violation in Record Keeping" adopted. F. July 14, 2004; eff. August 3, 2004.

Rule 40-11-8-.06. Stop Sale Use or Removal Orders.

If the examination of any pesticide indicates that the pesticide does not comply with the provisions of the Act and these regulations, he may issue a Stop Sale, Use or Removal Order to the Custodian or registrant of such pesticide. Any pesticide under such an order shall not be sold, used or removed until the provisions of the Act have been complied with and the pesticide has been released by the Commissioner, in writing. The registrant shall have thirty (30) days from receipt of such notice in which to bring the pesticide into compliance or to otherwise dispose of the pesticide consistent with the requirements of the Act or these regulations.

Cite as Ga. Comp. R. & Regs. R. 40-11-8-.06
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Stop Sale Use or Removal Orders" adopted. F. July 14, 2004; eff. August 3, 2004.

Subject 40-11-9. MISBRANDING.

Rule 40-11-9-.01. Misbranding.

The term "misbranded" shall apply to:

(1) Any pesticide subject to this Act if:

(a) Its labeling does not comply with requirements prescribed in Section 40-11-6 of these regulations.

(b) Its label bears any information or design which is false or misleading in any way.

(c) It is distributed under the name of or as an imitation of another pesticide.

(2) Any pesticide subject to this Act, if it does not bear a registered label or a label for "experimental use only" or a label specifying use under an Emergency Exemption pursuant to Section 18, FIFRA.

Cite as Ga. Comp. R. & Regs. R. 40-11-9-.01
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Misbranding" adopted. F. July 14, 2004; eff. August 3, 2004.

Subject 40-11-10. PROHIBITED ACTS.

Rule 40-11-10-.01. Prohibited Acts.

(1) It shall be unlawful for any person to distribute in this State:

(a) Any pesticide which has not been registered pursuant to the Act and these regulations.

(b) Any pesticide whose composition differs from that represented in its registration.

(c) Any pesticide which is misbranded as defined in Section 40-11-10 of these regulations.

(d) Any pesticide unless it is in the registrant's or manufacturer's unbroken container and bears a label meeting the requirements of the Act and these regulations.

(e) Any pesticide or device which has been rendered unsafe due to damage to its contents, container or label.

(f) Any pesticide labeled for restricted uses to any person who has not been certified or permitted to purchase and use such restricted use pesticide.

(2) It shall be unlawful for any person to:

(a) Modify or destroy any label or labeling provided for in the Act and these regulations.

(b) Modify any pesticide in a manner that would defeat the purpose of the Act or these regulations.

(c) Use or cause to be used any pesticide in a manner inconsistent with its labeling or other restrictions imposed by the Commissioner.

(d) Use for his own advantage or reveal any information relative to formulas of products, or any information relative to trade secrets or commercial or financial information obtained under the authority of this Act, other than as provided in Section 6(2)(d) of the Act.

(e) Handle, transport, store, display or distribute any pesticide in a manner that would endanger man or his environment or endanger food, feed, or any other product.

(f) Dispose of, discard or store any pesticide or pesticide container in such manner to cause injury to humans, vegetation, crops, livestock, wildlife, beneficial insects, or to pollute any water supply or waterway.

(g) Refuse or fail to comply with any other provision of the Act or these regulations.

Cite as Ga. Comp. R. & Regs. R. 40-11-10-.01
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Prohibited Acts" adopted. F. July 14, 2004; eff. August 3, 2004.

Rule 40-11-10-.02. Exemptions.

Penalties provided for violation of Sections 6(1)(a), (b), (c), (d), and (e) of the Act shall not apply to:

1. Any carrier while lawfully engaged in transporting a pesticide within this State, if such carrier permits the Commissioner to copy all records relating to the transactions in and movement of pesticides and devices.

2. Public officials of this State and the Federal Government while engaged in the performances of their official duties.

3. The manufacturer, shipper, or distributor of pesticide for which an experimental use permit has been issued by the Commissioner.

4. Any person who ships a substance or mixture of substances for the purpose of determining its pesticidal or other properties and from which the user does not expect to receive any benefit in pest control.

5. Any pesticide intended solely for export to a foreign country when prepared or packed to specifications of purchaser.

Cite as Ga. Comp. R. & Regs. R. 40-11-10-.02
Authority: O.C.G.A. Sec. 2-2-9*et seq.*
History. Original Rule entitled "Exemptions" adopted. F. July 14, 2004; eff. August 3, 2004.

Subject 40-11-11. RESERVED.

Subject 40-11-12. RESTRICTED USE PESTICIDE DEALERS.

Rule 40-11-12-.01. Requirement for Licensing.

A Restricted Use Pesticide Dealer License shall be required for:

(a) Each outlet located within the State from which restricted use pesticides or pesticides with State restricted uses are distributed;

(b) The principal out-of-state outlet of any manufacturer, registrant or distributor who has no outlet within the State and who distributes any restricted use pesticide or pesticides with State restricted uses directly to a user within the State. Such principal out-of-state outlet shall be responsible for maintaining all required records pertaining to shipments of such restricted use pesticides into the State from all out-of-state outlets operated by such manufacturer, registrant or distributor;

(c) A Restricted Use Pesticide Dealer's License shall not be required of any contractor whose sale of pesticides consists only of that included as an integral part of his application service, or of any governmental agency which distributes restricted use pesticides or pesticides with State restricted uses for its own program.

Cite as Ga. Comp. R. & Regs. R. 40-11-12-.01
Authority: Ga. L. 1976, p. 282.
History. Original Rule entitled "Requirement for Licensing" was filed on July 10, 1978; effective July 30, 1978.

Rule 40-11-12-.02. Records.

(1) Every Restricted Use Pesticide Dealer shall maintain records of sales of all restricted use pesticides or pesticides with State restricted uses. Such records shall include:

(a) Name of certified private or commercial applicator by whom purchased.

(b) Certified applicator's State Certification or license number.

(c) Date of purchase.

(d) Brandname or tradename of restricted use pesticide or pesticide with State restricted use purchased.

(e) Quantity purchased.

(2) Records may be maintained in the form of a register, invoices, billing tickets, or delivery tickets and must be kept for a period of two (2) years. The Commissioner or his designated agent shall be permitted to inspect records during normal business hours at the place where they are maintained and upon request in writing, shall be furnished a copy of such records.

Cite as Ga. Comp. R. & Regs. R. 40-11-12-.02
Authority: Ga. L. 1976, p. 282.
History. Original Rule entitled "Records" was filed on July 10, 1978; effective July 30, 1978.

Rule 40-11-12-.03. Responsibility of Restricted Use Pesticide Dealer.

Every Restricted Use Pesticide Dealer shall be responsible for the acts of his employees in the solicitation and sale of all pesticides and all claims and recommendations for use of pesticides.

Cite as Ga. Comp. R. & Regs. R. 40-11-12-.03
Authority: Ga. L. 1976, p. 282.
History. Original Rule entitled "Responsibility of Restricted Use Pesticide Dealer" was filed on July 10, 1978; effective July 30, 1978.

Rule 40-11-12-.04. Duration of License and Fee.

All Restricted Use Pesticide Dealer Licenses shall expire December 31 and shall be subject to a $55.00 annual renewal fee. If such license is not renewed prior to January 1, a double fee of $110.00 must be paid by the applicant before a renewal is issued.

Cite as Ga. Comp. R. & Regs. R. 40-11-12-.04
Authority: Ga. L. 1976, p. 282.
History. Original Rule entitled "Duration of License and Fee" adopted. F. July 10, 1978; eff. July 30, 1978.
Amended: F. June 21, 2010; eff. July 11, 2010.

Chapter 40-12. SEED DIVISION.

Subject 40-12-1. DEFINITIONS.

Rule 40-12-1-.01. Definitions.

Terms used in these Rules are defined as follows:

(a) 'Commissioner' means the Commissioner of Agriculture or the designated section or employee employed by the Department of Agriculture of this state.

(b) 'Seed Dealer' means any person who sells seed, including persons who label seed, transfer and market seed within the trade or sell seed to purchasers, except for farmers or other persons that sell seed they produced and sell it as such at their own farm and they do not advertise or transfer it by any public carrier.

(c) 'Non-Commercial Seed Sharing' means that no monetary consideration or compensation may be transferred in return for receiving seeds. Additionally, anyone distributing seeds under the rules of this definition may not expect, or create the expectation, that seeds must be returned in exchange for receiving seeds. If distribution of seeds is found to be in anticipation or connection to money paid for work or services rendered by the same person distributing seeds, such distribution shall not be considered non-commercial within these rules.

Cite as Ga. Comp. R. & Regs. R. 40-12-1-.01
Authority: Ga. L. 1956, p. 217, O.C.G.A. § 2-11-28.
History. Original Rule entitled "Sampling of Seed" adopted. F. and eff. Jun. 30, 1965.
Repealed: New Rule entitled "Definitions" adopted. F. Jun. 4, 1997; eff. July 1, 1997, as specified by the Agency.
Amended: F. May 16, 2017; eff. June 5, 2017.

Rule 40-12-1-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-12-1-.02
Authority: Ga. L. 1956, p. 217.
History. Original Rule entitled "Tolerances of Seed" adopted. F. and eff. June 30, 1965.
Repealed: F. Jun. 4, 1997; eff. July 1, 1997, as specified by the Agency.

Subject 40-12-2. SEED TESTING PROTOCOL AND STATISTICAL TOLERANCES.

Rule 40-12-2-.01. Seed Testing Protocol.

The terms used in seed testing and the methods of sampling, inspecting, testing, analyzing and examining agricultural, vegetable, flower, tree and shrub seeds shall be prescribed by the Commissioner of the Georgia Department of Agriculture after giving due consideration to those adopted by the Association of Official Seed Analysts effective October 1, 1996.

Cite as Ga. Comp. R. & Regs. R. 40-12-2-.01
Authority: Ga. L. 1958, p. 220; Ga. L. 1956, p. 217, as amended; O.C.G.A. Sec. 2-11-28.
History. Original Rule entitled "Agriculture Plants" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Seed Testing Protocol" adopted. F. Jun. 4, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 40-12-2-.02. Statistical Tolerances.

The statistical tolerances applicable to seed labeling of purity analysis, noxious weed seeds, germination percentage and other required factors to be followed in the administration of the Georgia Seed Law shall be prescribed by the Commissioner of the Georgia Department of Agriculture after giving due consideration to those adopted by the Association of Official Seed Analysts effective October 1, 1996.

Cite as Ga. Comp. R. & Regs. R. 40-12-2-.02
Authority: Authority O.C.G.A. Sec. 2-11-28.
History. Original Rule entitled "Statistical Tolerances" adopted. F. Jun. 4, 1997; eff. July 1, 1997, as specified by the Agency.

Subject 40-12-3. STANDARDS.

Rule 40-12-3-.01. Agricultural Seed Quality Standards.

(1) Agricultural seed purity standards are as follows:

(a) The percent inert matter shall not exceed 3 percent for hybrid field corn, nor 4 percent inert matter for other agricultural crop seed, with the following exceptions:

1. Exotic, native and range grasses normally marketed at high inert matter levels shall have no maximum inert matter limitation and shall be labeled to show the percent inert matter present.

2. The following agricultural crop kinds shall have inert matter limitations as indicated:

Kind	Maximum Inert Matter
(i) Bahiagrass, Argentine	20%
(ii) Bahiagrass, Pensacola	10%
(iii) Cowpea (Southernpea)	5%
(iv) Peanut	5%
(v) Orchardgrass	8%
(vi) Soybean.....	2%
(vii) Triticale	10%

(b) The percent weed seed labeled shall comply with the following requirements:

1. The labeled percent weed seed shall not exceed the following limitations for major crop seed as indicated:

Kind	Maximum Percent Weed Seed
(i) Corn	None
(ii) Cotton.....	0.05%
(iii) Peanut	0.2 %
(iv) Soybean.....	0.2 %

2. The percent weed seed labeled for crops not listed shall not exceed 1.0%, except for a maximum weed seed limitation of 2.0% for lawn, turf and forage grasses.

(2) Agricultural seed shall have a minimum germination of 70%, including hard seed or dormant seed, except for the following crop kinds:

(a) Cowpeas, crotalaria, and millet, including hard seed or dormant seed, shall have a minimum germination of 60%.

(b) Peanuts seed lots germinating below 70%, but not less than 60%, may be sold by stating "below standard" in not less than 8- point type on the seed label and all invoices.

(c) Field corn shall have a minimum germination of 90%.

(d) Kobe Striate Lespedeza seed lots, or mixtures containing such kind and variety, germinating below 70%, but not less than 50%, may be sold by stating "below standard" in not less than 8-point type on the seed label and all invoices.

Cite as Ga. Comp. R. & Regs. R. 40-12-3-.01
Authority: O.C.G.A. Secs. 2-11-28, 2-22-28.
History. Original Rule entitled "Limitations on Noxious Weed Seeds" adopted. F. and eff. June 30, 1965.
Amended: F. Apr. 9, 1980; eff. Apr. 29, 1980.
Amended: F. Sept. 27, 1996; eff. Oct. 17, 1996.
Repealed: New Rule entitled "Agricultural Seed Quality Standards" adopted. F. June 4, 1997; eff. July 1, 1997, as specified by the Agency.
Amended: F. June 5, 2001; eff. June 25, 2001.

Rule 40-12-3-.02. Vegetable and Herb Seed Germination Quality Standards.

(1) The following standards for the germination of vegetable seed are hereby adopted:

Kind	Germination %
(a) Anise	50
(b) Artichoke	60
(c) Asparagus.....	70
(d) Asparagusbean	75
(e) Basil, sweet	70
(f) Bean, garden	70
(g) Bean, lima	70
(h) Bean, runner	75
(i) Beet	65
(j) Broadbean	75
(k) Broccoli	75
(l) Brussels sprouts	70
(m) Burdock, great	60
(n) Cabbage	75
(o) Cabbage, tronchuda ..	70
(p) Caraway	55
(q) Cardoon	60
(r) Carrot.....	55
(s) Cauliflower	75
(t) Celeriac	55
(u) Celery	55
(v) Chard, Swiss	65
(w) Chervil, salad	65
(x) Chicory	65
(y) Chinese cabbage	75
(z) Chives	50
(aa) Citron	65
(bb) Collards	80
(cc) Coriander	70
(dd) Corn, Pop	75
(ee) Corn, sweet	75
(ff) Cornsalad	70
(gg) Cowpea	75
(hh) Cress, garden.....	75
(ii) Cress, upland.....	60
(jj) Cress, water	80

(kk) Cucumber 60
(ll) Dandelion 60
(mm) Dill 60
(nn) Eggplant..... 70
(oo) Endive 70
(pp) Fennel, Florence 60
(qq) Fennel, sweet..... 50
(rr) Kale 75
(ss) Kale, Chinese 75
(tt) Kale, Siberian 75
(uu) Kohlrabi 75
(vv) Leek 60
(ww) Lettuce 80
(xx) Melon 75
(yy) Mustard, India 75
(zz) Mustard, spinach 75
(aaa) Okra 50
(bbb) Onion 70
(ccc) Onion, Welsh 70
(ddd) Marjoram, sweet 50
(eee) Oregano 60
(fff) Pak-choi 75
(ggg) Parsley..... 60
(hhh) Parsnip 60
(iii) Pea 80
(jjj) Peanut 70
(kkk) Pepper 75
(lll) Pumpkin 75
(mmm) Radish 75
(nnn) Rhubarb 60
(ooo) Rutabaga 75
(ppp) Roquette..... 60
(qqq) Rosemary..... 30
(rrr) Sage 75
(sss) Salsify 75
(ttt) Savory, Summer 55
(uuu) Sorrel 65

(vvv) Spinach	60
(www) Spinach, New Zealand	40
(xxx) Squash.....	75
(yyy) Thyme	50
(zzz) Tomato.....	75
(aaaa) Tomato, husk	50
(bbbb) Turnip	80
(cccc) Watermelon	70

(2) The minimum germination standard for all other vegetable and herb seed, for which a standard has not been established, shall be 50%.

(3) Pursuant to Code section 2-11-22(f)(4), seeds that germinate less than the standard last established by the Commissioner shall have "below standard" printed or written with permanence on the face of the label, in addition to the other information required, provided that no seed marked "below standard" shall be sold if it falls more than 20 percent below the established standard for such seed. No vegetable or herb seed may be labeled "below standard" that has a germination standard of 50 percent or less.

(4) For cowpeas and peanuts in containers of five (5) pounds or more, agricultural seed labeling requirements and germination standards shall apply as specified in Code section 2-11-22 and Rules section 40-12-3-.01, respectively.

Cite as Ga. Comp. R. & Regs. R. 40-12-3-.02
Authority: Authority O.C.G.A. Secs. 2-11-28, 2-22-22.
History. Original Rule entitled "Vegetable and Herb Seed Germination Standards" adopted. F. June 4, 1997; eff. July 1, 1997, as specified by the Agency.
Amended: Rule retitled "Vegetable and Herb Seed Germination Quality Standards". F. June 5, 2001; eff. June 25, 2001.

Rule 40-12-3-.03. Minimum Sample Size for Seed Analysis.

The following minimum sample sizes are required when submitting seed for laboratory analysis.

KIND	PURITY ONLY OR PURITY & GERMINATION*	GERMINATION ONLY*
AESCHYNOMENE	1/4 lb.	1/8 lb.
ALFALFA	1/4 lb.	1/8 lb.
ALYCECLOVER	1/4 lb.	1/8 lb.
BAHIA, PENSACOLA	1/4 lb.	1/8 lb.
BAHIA, OTHER	1/4 lb.	1/8 lb.
BARLEY	1 lb.	1/2 lb.
BENTGRASS	1 oz.	1/2 oz.
BERMUDAGRASS	1 oz.	1/2 oz.
BLUEGRASS	1 oz.	1/2 oz.
BUCKWHEAT	1 lb.	1/2 lb.
CANE	1 lb.	1/4 lb.
CANOLA (RAPE)	1/4 lb.	1/8 lb.
CARPETGRASS	1 oz.	1/2 oz.
CENTIPEDE	1 oz.	1/2 oz.
CHUFA	1 lb.	1/2 lb.
CLOVER	1/4 lb.	1/8 lb.
CORN	2 lbs.	1 lb.
CORN, POP	1 lb.	1/2 lb.
COTTON	1 lb.	1/2 lb.
COWPEA	1 lb.	1/2 lb.
CROWNVETCH	1/4 lb.	1/8 lb.

KIND	PURITY ONLY OR PURITY & GERMINATION*	GERMINATION ONLY*
FESCUE (ALL)	1/4 lb.	1/8 lb.
FLOWER SEED	2500 seeds	400 seeds
HERB SEED	2500 seeds	400 seeds
JOHNSONGRASS	1/4 lb.	1/8 lb.
LAWN MIXTURES	1/4 lb.	1/8 lb.
LESPEDEZA (ALL)	1/4 lb.	1/8 lb.
LOVEGRASS, WEEPING	1 oz.	1/2 oz.
LUPINE	1 lb.	1/2 lb.
MILLET	1/4 lb.	1/8 lb.
OAT	1 lb.	1/2 lb.
ORCHARDGRASS	1/4 lb.	1/8 lb.
PARTRIDGE PEA	1/4 lb.	1/8 lb.
PASPALUM NICORAE	1/4 lb.	1/8 lb.
PEANUT	2 lbs.	1 lb.
RED TOP	1 oz.	1/2 oz.
RICE	1 lb.	1/2 lb.
RYE	1 lb.	1/2 lb.
RYEGRASS	1/4 lb.	1/8 lb.
SESAME	1/4 lb.	1/8 lb.
SESBANIA	1/4 lb.	1/8 lb.
SORGHUM	1 lb.	1/2 lb.
SOYBEAN	1 lb.	1/2 lb.
ST. AUGUSTINE GRASS	1 oz.	1/2 oz.

KIND	PURITY ONLY OR PURITY & GERMINATION*	GERMINATION ONLY*
SUDANGRASS	1 lb.	1/2 lb.
SUNFLOWER	1 lb.	1/2 lb.
TIMOTHY	1 oz.	1/2 oz.
TOBACCO	1 oz.	1/4 oz.
TREFOIL	1/4 lb.	1/8 lb.
TRITICALE	1 lb.	1/2 lb.
VEGETABLE (V1)	2500 seeds	1/4 lb.
VEGETABLE (V2)	2500 seeds	1/2 lb.
VEGETABLE (V3)	2500 seeds	1 lb.
VELVET BEAN	2 lbs.	1 lb.
VETCH	1 lb.	1/2 lb.
WHEAT	1 lb.	1/2 lb.
WINTERPEA, AUSTRIAN	1 lb.	1/2 lb.
ZOYSIA	1 oz.	1/2 oz.

VEGETABLES

V1 ASPARAGUS, BROCCOLI, BRUSSEL SPROUTS, CABBAGE, CAULIFLOWER, CELERY, COLLARDS, EGGPLANT, KALE, LETTUCE, MUSTARD, ONION, PARSNIP, PEPPER, RADISH, RAPE, RHUBARB, TOMATO, TURNIP.

V2 ARTICHOKE, BEETS, CANTALOUPE, CUCUMBER, OKRA, SPINACH, SWISS CHARD AND HYBRID SEED OF PUMPKIN, SQUASH AND WATERMELON.**

V3 BEANS, GOURDS, PEAS, PUMPKIN, NEW ZEALAND SPINACH, SQUASH, WATERMELON.**

(Continued on next page):

(Continued from previous page):

NOTE: * THESE ARE MINIMUM AMOUNTS OF SEED REQUIRED FOR TESTING. ADDITIONAL TESTS MAY REQUIRE MORE SEED.

NOTE: ** IF THE AMOUNT OF SEED IS LIMITED PLEASE SUBMIT 400 SEEDS FOR GERMINATION TEST ONLY OR CALL THE GEORGIA STATE SEED LABORATORY IN ATLANTA OR TIFTON FOR MORE INFORMATION.

Cite as Ga. Comp. R. & Regs. R. 40-12-3-.03
Authority: Authority O.C.G.A. Sec. 2-11-28.
History. Original Rule entitled "Minimum Sample Size for Seed Analysis" adopted. F. June 4, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 40-12-3-.04. Flower Seed Germination Standards.

(1) The following standards for the germination of flower seeds are hereby adopted. For the kinds marked with an asterisk (*), the standard shown includes the total of germination and hard seed percentages.

Kind	% Germination
(a) Achillea (The Pearl)—*Achillea ptarmica*	50
(b) African Daisy or Cape Marigold—*Castalis tragus* (syn. *Dimorphotheca aurantiaca*)	55
(c) African Violet—*Saintpaulia* spp.	30
(d) Ageratum—*Ageratum mexicanum*	60
(e) Agrostemma (Rose Campion)—*Lychnis coronaria* (syn. *Agrostemma coronaria*)	65
(f) Alyssum—*Alyssum compactum, A. maritimum, A. procumbens, A. saxatile*	60
(g) Amaranthus—*Amaranthus* spp.	65
(h) Anagallis (Pimpernel)—*Anagallis arvensis, A. Coerulia, A. grandiflora*	60
(i) Anemone—*Anemone coronaria, Pulsatilla vulgaris* (syn. *A. pulsatilla*)	55
(j) Angel's Trumpet—*Datura arborea*	60
(k) Arabis—*Arabis alpina*	60
(l) Arctotis (African Daisy Lilac)—*Arctotis stoechadifolia* var. *grandis*	45
(m) Armeria—*Armeria formosa*	55
(n) Asparagus, Fern—*Asparagus plumosus*	50

Kind	% Germination
(o) Asparagus, Sprenger—*Asparagus densiflorus cv. sprengeri*	55
(p) Aster, China—*Callistephus chinensis*; except Pompon, Powderpuff, and Princess types	55
(q) Aster, China—*Callistephus chinensis*; Pompon, Powderpuff and Princess types	50
(r) Aubrieta—*Aubrieta deltoidea*	45
(s) Baby Smilax—*Asparagus asparagoides*	25
(t) Balsam—*Impatiens balsamina*	70
(u) Begonia—*Begonia* spp. (fibrous rooted)	60
(v) Begonia—*Begonia* spp. (tuberous rooted)	50
(w) Bells of Ireland—*Moluccella laevis*	60
(x) Brachycome (Swan River Daisy)—Brachycome iberidifolia	60
(y) Browallia—*Browallia elata* and *B. speciosa*	65
(z) Buphthalmum (Sunwheel)—*Buphthalmum salicifolium*	60
(aa) Calceolaria—*Calceolaria* spp.	60
(bb) Calendula—*Calendula officinalis*	65
(cc) California Poppy—*Eschscholzia californica*	60
(dd) Calliopsis—*Coreopsis bicolor, C. drummondi, C. elegans*	65
Campanula:	
(ee) Canterbury Bells—*Campanula medium*	60
(ff) Cup and Saucer Bellflower—*Campanula medium* cv. *calycanthema*	60
(gg) Carpathian Bellflower—*Campanula carpatica*	50
(hh) Peach Bellflower—*Campanula persicifolia*	50
(ii) Candytuft, Annual—*Iberis amara, I. umbellata*	65
(jj) Candytuft, Perennial—*Iberis gibraltarica, I. sempervirens*	55
(kk) Castorbean—*Ricinus communis*	60
(ll) Cathedral Bells—*Cobaea scandens*	65
(mm) Celosia—*Celosia argentea*	65
Centaurea:	
(nn) Basket Flower—*Centaurea americana*; Corn Flower—*C. cyanus*; Dusty Miller—*C. cineraria*; Royal Centaurea—*C. imperialis*; Sweet Sultan—*C. moschata*; Velvet Centaurea—*C. gymnocarpa*	60
(oo) Cerastium (Snow-in-Summer)—*Cerastium biebersteinii* and *C. tomentosum*	65
(pp) Chinese Forget-me-not—*Cynoglossum amabile*	55
(qq) Chrysanthemum, Annual—*Chrysanthemum carinatum, C. coronarium, C. segetum*	40

Kind	% Germination
(rr) Cineraria—*Senecio cruentus*	60
(ss) Clarkia—*Clarkia elegans*	65
(tt) Cleome—*Cleome gigantea*	65
(uu) Coleus—*Coleus blumei*	65
(vv) Columbine—*Aquilegia* spp.	50
(ww) Coral Bells—*Heuchera sanguinea*	55
(xx) Coreopsis, Perennial—*Coreopsis lanceolata*	40
(yy) Corn, Ornamental—*Zea mays*	75
Cosmos:	
(zz) Sensation, Mammoth and Crested types—*Cosmos bipinnatus*; Klondyke type—*C. sulphureaus*	65
(aaa) Crossandra—*Crossandra infundibuliformis*	50
(bbb) Dahlia—*Dahlia* spp.	55
(ccc) Daylily—*Hemerocallis* spp.	45
Delphinium:	
(ddd) Perennial—Belladonna and Bellamosum types; Cardinal Larkspur—*Delphinium cardinale*; Chinensis types—Pacific Giant, Gold Medal and other hybrids of *D. elatum*	55
Dianthus:	
(eee) Carnation—*Dianthus caryophyllus*	60
(fff) China Pinks—*Dianthus chinensis, D. heddewigi, D. heddensis*	70
(ggg) Grass Pinks—*Dianthus plumarius*	60
(hhh) Maiden Pinks—*Cianthus deltoides*	60
(iii) Sweet William—*Dianthus barbatus*	70
(jjj) Sweet Wivelsfield—*Dianthus X allwoodi*	60
(kkk) Didiscus—(Blue Lace Flower)—*Didiscus coeruleus*	65
(lll) Doronicum (Caucasian Leopardbane)—*Doronicum orientale*	60
(mmm) Dracaena—*Dracaena indivisa*	55
(nnn) Dragon Tree—*Dracaena draco*	40
(ooo) English Daisy—*Bellis perennis*	55
Flax:	
(ppp) Golden Flax—*Linum flavum*; Flowering Flax—*L. gradiflorum*; Perennial Flax—*L. perenne*	60
(qqq) Flowering Maple—*Abutilon* spp.	35
(rrr) Foxglove—*Digitalis* spp.	60
Gaillardia:	
(sss) Annual—*Gaillardia pulchella, G. picta*; Perennial—*G. grandiflora*	45

Kind	% Germination
(ttt) Gerbera (Transvaal Daisy)—*Gerbera jamesoni*	60
(uuu) Geum—*Geum* spp.	55
(vvv) Gilia—*Gilia* spp.	65
(www) Gloriosa Daisy (Rudbeckia)—*Echinacea purpurea* and *Rudbeckia hirta*	60
(xxx) Gloxinia—*Sinningia speciosa*	40
(yyy) Godetia—*Clarkia amoena, C. concinna* (syn. *Godetia* spp.)	65
Gourds:	
(zzz) Yellow Flowered—*Cucurbita pepo*; White Flowered—*Lagenaria sisceraria*; Dishcloth—*Luffa aegyptiaca*	70
Gypsophila:	
(aaaa) Annual Baby's Breath—*Gypsophila elegans*; Perennial Baby's Breath—*G. paniculata, G. pacifica, G. repens*	70
(bbbb) Helichrysum—*Helichrysum monstrosum*	60
(cccc) Heliopsis—*Heliopsis scabra*	55
(dddd) Heliotrope—*Heliotropium* spp.	35
(eeee) Helipterum (Acroclinium)—*Helipterum roseum*	60
(ffff) Hesperis (Sweet Rocket)—*Hesperis matronalis*	65
(gggg) *Hollyhock—*Alcea rosea* (syn. *Althea rosea*)	65
(hhhh) Hunnemannia (Mexican Tulip Poppy)—*Hunnemannia fumariifolia*	60
(iiii) Hyacinth Bean—*Lablab purpureus* (syn. *Dolichos lablab*)	70
(jjjj) Impatiens—*Impatiens hostii, I. sultani*	55
*Ipomoea:	
(kkkk) Cypress Vine—*Ipomoea quamoclit*; Moonflower—*I. turbinata*; Morning Glories, Cardinal Climber, Hearts and Honey Vine—*Ipomoea* spp.	75
(llll) Jerusalem Cross (Maltese Cross)—*Lychnis chalcedonica*	70
(mmmm) Job's Tears—*Coix lacryma-jobi*	70
(nnnn) Kochia—*Kochia childsi*	55
(oooo) Larkspur, Annual—*Consolida ajacis* (syn. *Delphinium ajacis*)	60
(pppp) Lantana—*Lantana camara, L. hybrida*	35
(qqqq) Lilium (Regal Lily)—*Lilium regale*	50
(rrrr) Linaria—*Linaria* spp.	65
(ssss) Lobelia, Edging—*Lobelia erinus*	65
(tttt) Lunaria, Annual—*Lunaria annua*	65
(uuuu) *Lupine—*Lupinus* spp.	65

Kind	% Germination
(vvvv) Marigold—*Tagetes* spp.	65
(wwww) Marvel of Peru—*Mirabilis jalapa*	60
(xxxx) Matricaria (Feverfew)—*Matricaria* spp.	60
(yyyy) Mignonette—*Reseda odorata*	55
(zzzz) Myosotis—*Myosotis alpestris, M. oblongata, M. palustris*	50
(aaaaa) Nasturtium—*Tropaeolum* spp.	60
(bbbbb) Nemesia—*Nemesia* spp.	65
(ccccc) Nemophila—*Nemophila insignis*	70
(ddddd) Nemophila, Spotted—*Nemophila maculata*	60
(eeeee) Nicotiana—*Nicotiana affinis, N. X sanderae, N. sylvestris*	65
(fffff) Nierembergia—*Nierembergia* spp.	55
(ggggg) Nigella—*Nigella damascena*	55
(hhhhh) Pansy—*Viola tricolor*	60
(iiiii) Penstemon—*Penstemon barbatus, P. grandiflorus, P. laevigatus, P. pubescens*	60
(jjjjj) Petunia—*Petunia* spp.	45
(kkkkk) Phacelia—*Phacelia campanularia, P. minor, P. tanacetifolia*	65
(lllll) Phlox, Annual—*Phlox drummondi* (all types and varieties)	55
(mmmmm) Physalis—*Physalis* spp.	60
(nnnnn) Platycodon (Balloon Flower)—*Platycodon grandiflorus*	60
(ooooo) Plumbago, Cape—*Plumbago capensis*	50
(ppppp) Ponytail—*Beaucarnea recurvata*	40
Poppy:	
(qqqqq) Shirley Poppy—*Papaver rhoeas*; Iceland Poppy—*P. nudicaule*; Oriental Poppy—*P. orientale*; Tulip Poppy—*P. glaucum*	60
(rrrrr) Portulace—*Portulaca grandiflora*	55
(sssss) Primula (Primrose)—*Primula* spp.	50
(ttttt) Pyrethrum (Painted Daisy)—*Tanacetum coccineum*; (syn. *Pyrethrum coccineum*)	60
(uuuuu) Salpiglossis—*Salpiglossis gloxinaeflora, S. sinuata*	60
Salvia:	
(vvvvv) Scarlet Sage—*Salvia splendens*; Mealycup Sage (Blue Bedder)—*Salvia farinacea*	50
(wwwww) Saponaria—*Saponaria ocymoides, S. vaccaria*	60
(xxxxx) Scabiosa, Annual—*Scabiosa atropurpurea*	50
(yyyyy) Scabiosa, Perennial—*Scabiosa caucasica*	40
(zzzzz) Schizanthus—*Schizanthus* spp.	60

Kind	% Germination
(aaaaaa) *Sensitive Plant (Mimosa)—*Mimosa pudica*	65
(bbbbbb) Shasta Daisy—*Leucanthemum X superbum*; (syn. *Chrysanthemum maximum*)	65
(cccccc) Silk Oak—*Grevillea robusta*	25
(dddddd) Snapdragon—*Antirrhinum* spp.	55
(eeeeee) Sneezeweed—*Helenium autumnale*	40
(ffffff) Solanum—*Solanum* spp.	60
(gggggg) Statice—*Limonium sinuata* (Flower Heads)	50
Stocks:	
(hhhhhh) Common—Matthiola incana; Evening Scented—*Matthiola bicornis*	65
(iiiiii) Sunflower—*Helianthus* spp.	70
(jjjjjj) Sunrose—*Helianthemum* spp.	30
*Sweet Pea:	
(kkkkkk) Annual and Perennial other than Dwarf Bush—*Lathyrus odoratus, L. latifolius*	75
(llllll) *Sweet Pea, Dwarf Bush—*Lathyrus odoratus*	65
(mmmmmm) Tahoka Daisy—*Machaeanthera tanacetifolia*	60
(nnnnnn) Thunbergia—*Thunbergia alata*	60
(oooooo) Torch Flower—*Tithonia speciosa*	70
(pppppp) Torenia (Wishbone Flower)—*Torenia fournieri*	70
(qqqqqq) Tritoma—*Kniphofia* spp.	65
(rrrrrr) Verbena, Annual—*Verbena X hybrida*	35
(ssssss) Vinca—*Catharanthus roseus*	60
(tttttt) Viola—*Viola cornuta*	55
(uuuuuu) Virginian Stocks—*Malcolmia maritima*	65
(vvvvvv) Wallflower—*Erysimum hieraciifolium* (syn. *Cheiranthus allioni*)	65
(wwwwww) Yucca (Adam's Needle)—*Yucca filamentosa*	50
Zinnia:	
(xxxxxx) (except Linearis and Creeping)—*Zinnia angustifolia, Z. elegans, Z. grandiflora, Z. gracillima, Z. haegeana, Z. multiflora, Z. pumila*	65
(yyyyyy) Linearis and Creeping—*Zinnia linearis, Sanvitalia procumbens*	50

(2) Flower seed kinds not listed shall have a germination standard of 50%.

(3) Flower seeds that germinate less than the standard may be sold, offered for sale, exposed for sale, or transported within this State if labeled with the words 'below standard' in not less than 8- point type, provided that no seed marked 'below standard' shall be sold if it falls below 30% germination.

(4) A mixture of flower seed kinds will be considered to be below the standard if the germination of any kind or combination of kinds constituting 25% or more of the mixture is below standard for the kind or kinds involved.

Cite as Ga. Comp. R. & Regs. R. 40-12-3-.04
Authority: Authority O.C.G.A. Sec. 2-11-22.
History. Original Rule entitled "Flower Seed Germination Standards" adopted. F. June 4, 1997; eff. July 1, 1997, as specified by the Agency.

Subject 40-12-4. LIMITATIONS ON NOXIOUS WEED SEEDS.

Rule 40-12-4-.01. Limitations on Noxious Weed Seeds.

It is unlawful to sell, offer for sale, or expose for sale any agricultural or vegetable seed for planting purposes in this State if the noxious weed seeds per pound of pure seed is in excess of the following limitations:

(a) Prohibited Noxious Weed Seed

Name	Limitations
Ballonvine *(Cardiospermum halicacabum)*	Prohibited
Bindweed, Field *(Convolvulus arvensis)*	Prohibited
Bindweed, Hedge (*Calystegia sepium)*	Prohibited
Cocklebur *(Xanthium spp.)*	Prohibited
Cogongrass *(Imperata cylindrica)*	Prohibited
Crotalaria *(Crotalaria* spp.)	Prohibited
Morningglory, Giant or Moonflower *(Ipomoea alba)*	Prohibited
Nutsedge, Purple *(Cyperus rotundus)* (Tuber)	Prohibited
Nutsedge, Yellow *(Cyperus esculentus)* (Tuber)	Prohibited
Tropical Soda Apple *(Solanum viarum)*	Prohibited
Tussock, Serrated *(Nassella trichotoma)*	Prohibited

(b) Restricted Noxious Weed Seed

Name	Limitations Per Pound
Bermudagrass *(Cynodon dactylon)*	300
Blueweed *(Helianthus ciliaris)*	200
Brunswickgrass *(Paspalum lepton)*	270
Cheat or Chess *(Bromus commutatus and/or Bromus secalinus)*	300
Corncockle *(Agrostemma githago)*	100
Darnel *(Lolium temulentum)*	200
Dock *(Rumex spp.)*	100
Dodder *(Cuscuta spp.)*	100
Foxtail, Giant *(Setaria faberi)*	100
Horsenettle *(Solanum carolinense)*	200
Johnsongrass *(Sorghum halepense)*	100
Knapweed, Russian *(Rhaponticum repens)*	100
Mustard, Wild and Turnips *(Brassica spp. and/or Sinapisarvensis L. subsp. Arvensis)* except for Winter Rape, *Brassica napus* var. *biennis*, and Rape, B. *rapa* var. *ropa*	27
Nightshade, Silverleaf or Purple *(Solanum elaeagnifolium)*	200
Nutsedge, Purple *(Cyperus rotundus)*	100
Nutsedge, Yellow *(Cyperus esculentus)*	100
Onion, Wild or Wild Garlic *(Allium spp.)*	27
Panicum, Texas or Texas Millet *(Urochloa texana)*	27
Pigweed *(Amaranthus spp.)*	270
Plantain, Bracted*(Plantago aristate)*	200
Plantain, Buckhorn *(Plantago lanceolate)*	200
Quackgrass *(Elymus repens)*	100
Radish, Wild *(Raphamus raphanistrum)*	27
Rice, Red *(Oryza ruftpogon)*	300
Sandbur, Field *(Cenchrus spinifex)*	27
Sorghum almum *(Sorghum Xaimum)*	100
Sorrel, Red or Sheep *(Rumex acetosella)*	200
Thistle, Blessed*(Centaura benedicta)*	9
Thistle, Canada*(Cirsium arvense)*	100

(c) Sum total of Restricted Noxious Weed Seed. 300 per pound

(d) 7 C.F.R. 360 Noxious Weed Regulations is hereby incorporated by reference including all subsequent amendments and editions. All seed and vegetative propagules of weeds listed in 7 C.F.R. 360 including all subsequent amendments and editions are hereby prohibited to be intermixed or commingled with any seed covered under O.C.G.A. 2-11-22.

Cite as Ga. Comp. R. & Regs. R. 40-12-4-.01
Authority: O.C.G.A. § 2-11-21.
History. Original Rule entitled "Standards for Vegetable Seed" was filed and effective on June 30, 1965.
Repealed: New Rule entitled "Limitations on Noxious Weed Seeds" adopted. F. Jun. 4, 1997; eff. July 1, 1997, as specified by the Agency.
Amended: F. Apr. 20, 2018; eff. May 10, 2018.
Amended: F. Jan. 15, 2020; eff. Feb. 4, 2020.
Amended: F. May 8, 2020; eff. May 28, 2020.

Rule 40-12-4-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-12-4-.02
Authority: Ga. L. 1956, p. 217.
History. Original Rule entitled "Minimum Standard of Germination and Purity" was filed and effective on June 30, 1965.
Repealed: F. Jun. 4, 1997; eff. July 1, 1997, as specified by the Agency.

Subject 40-12-5. LABELING REQUIREMENTS.

Rule 40-12-5-.01. Label Format.

Analysis tags or labels shall substantially comply with the following formats, according to the kind being marketed.

(a) **Agricultural Seed Label Format.**

Kind & Variety _____
Where Grown _____ Net Wt. _____ Lot No. _____
Pure Seed _____% Germination _____%
Inert Matter _____% Hard or Dormant Seed _____%
Other Crop Seed _____% Total Germ. &
Hard or Dormant Seed _____%
Weed Seed _____% Date of Test _____, 19 __
Name and Number of Noxious Weed Seed
Per Pound _____
Name _____
Address _____

(b) **Mixed Agricultural Seed Label Format.**

Seed Mixture _____ Lot No. _____
Where Grown _____ Net Wt. _____

Kind & Variety	Pure Seed Percent	Germination Percent	Hard or Dormant Seed Percent	Date of Test

Inert _____% Other Crop Seed _____% Weed Seed _____%
Name and Number of Noxious Weed Seed
Per Pound _____
Name _____
Address _____

(c) **Vegetable Seed Label Format** for containers of more than one pound.

Kind & Variety _____
_____
Lot No. _____ Date of Test _____, 19__
Germination _____% Hard or Dormant Seed _____%
Name _____
Address _____

(d) **Flower Seed Label Format** for containers other than packets and other than preplanted containers, mats, tapes, or other planting devices and not prepared for use in home flower gardens or household plantings.

Kind & Variety or Type & Performance Characteristics _____
_____
Net Wt. or Seed Count _____
Lot No. _____ Date of Test _____, 19__
Germination _____% Hard or Dormant Seed _____%
Name & Address _____

Cite as Ga. Comp. R. & Regs. R. 40-12-5-.01
Authority: Ga. L. 1956, p. 217; O.C.G.A. Sec. 2-11-28.
History. Original Rule entitled "Label and Tag Requirements" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Label Format" adopted. F. Jun. 4, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 40-12-5-.02. Label Specifications.

(1) **Requirements for Labeling Tags and Records.**

(a) Abbreviations in labeling are not permitted.

(b) All information required on the analysis tag shall be placed on one side of the label and no other information shall be placed on the tag with the analysis.

(c) All information required on the analysis tag shall be truthful and not misleading or illegible.

(d) A complete analysis shall be given on labeling tags and the purity component percentages must total one hundred (100) percent. Blank spaces or incomplete analyses are not permitted. Either numerals or the word "none" shall be used to express a percentage or number per pound.

(e) All invoices and records pertaining to the shipment or sale of seed shall show each lot number.

(2) **Descriptive Information.**

(a) Descriptive information that may be misleading when associated with the variety and kind names on the label shall be separated from the latter by placing in parentheses. Terms descriptive as to color, shape, size, habit of growth, disease-resistance, or other characteristics of the kind or variety may be associated with the name of the kind or variety provided it is done in a manner which clearly indicates the descriptive term is not a part of the name of the kind or variety; for example, Oshkosh pepper (yellow), Copenhagen Market (round head) cabbage, and Kentucky Wonder (pole) garden bean.

(b) Terms descriptive of the manner or method of production or processing the seed (for example, certified, registered, delinted, scarified, treated, and hulled), may be associated with the name of the kind or variety of seed, providing such terms are not misleading.

(c) The place of origin shall not be used in connection with the variety or kind names, unless it is a part of the generally recognized name of variety or kind.

(3) **Hybrid Seed.** Seed shall not be designated in labeling as "hybrid" seed unless it comes within the definition of "hybrid" in Code section 2-11-21.

(4) **Brand Names.**

(a) Brand names and terms taken from trademarks may be associated with the name of the kind or variety of seed as an indication of source: *Provided*, that the terms are clearly identified as being other than a part of the name of the kind or variety; for example, Ox Brand Golden Cross sweet corn.

(b) Seed shall not be advertised under a trademark or brand name in any manner that may create the impression that the trademark or brand name is a variety name.

(c) If seed advertised under a trademark or brand name is a mixture of varieties and if the variety names are not stated in the advertising, a description similar to a varietal description or a comparison with a named variety shall not be used if it creates the impression that the seed is of a single variety.

(5) **Origin.**

(a) 'Origin' or 'where grown' shall be shown on the label for agricultural seed. Whenever such seed originates in more than one state, the name of each state shall be shown on the label.

(b) In the case of an agricultural seed mixture, a single origin may be shown on the label if it applies to all pure seed components in the mixture, but if the pure seed components of the mixture originate from different states, origin shall be stated separately for each such component.

(6) **Lawn and Turf Seed Mixtures.**

(a) Pursuant to Code section 2-11-22, seed mixtures intended for lawn and turf purposes shall be designated as 'mixed' or 'mixture' on the label.

(b) Seed mixture components as illustrated in Rule section 40-12-5-.01(b) must be labeled in columnar form and in order of predominance to show the commonly accepted name of kind, variety, origin and percentage by weight of each in excess of 5 percent of the whole.

(7) **Open Containers of Seed.**

(a) Open containers of agricultural seed or of more than one pound of vegetable seed shall be deemed to have met labeling requirements if the seed is weighed from a properly labeled container in the presence of the purchaser.

(b) If the seed is treated with a pesticide, an appropriate treatment label pursuant to Code section 2-11-22 shall be displayed on the open container and a copy of the treatment labeling shall be provided with all seed sold from that container.

(8) **Colorant Dyeing of Treated Seed.** All seed bearing a seed treatment in excess of a recognized tolerance or for which no tolerance or exemption from tolerance is recognized by the Federal Food, Drug and Cosmetic Act shall be denatured by a suitable colorant dye to impart an unnatural color to the seed to prevent their subsequent use as food for man or animal.

(9) **Use of Disclaimers.** A disclaimer, nonwarranty, or limited warranty used in any invoice or other labeling, or advertisement shall not directly or indirectly deny or modify any information required by the Georgia Seed Law, Rules and Regulations.

(10) **Mixed Cowpeas.** Cowpeas (a.k.a. southernpeas) consisting of mixed varieties may be sold by labeling them as "mixed cowpeas" or "mixed southernpeas." The percentage of pure seed shall represent all cowpeas and a germination test shall be based on a uniform sample of all varieties in the seed lot. Cowpeas shall be labeled "mixed" when they contain more than one other variety or a combination of other varieties in excess of five (5) percent by weight.

(11) **Soybean Lots Containing Cowpeas.** Soybean seed lots containing cowpeas or southernpeas are prohibited from being sold, offered for sale, exposed for sale or transported within this state.

(12) **Labeling Hard Seed or Dormant Seed.** Pursuant to Code section 2-11-22, when hard seed or dormant seed occurs in a seed lot, the label shall show the percentage of such in addition to the percent germination. Following this information, the 'total germination and hard seed' or 'total germination and dormant seed' may be stated as such, if desired.

(13) **Relabeling Expired Tags.** Relabeling expired tags by obtaining a new germination test and subsequently updating or replacing the old tag is the responsibility of the dealer on whose premises the seed are located. The following information shall appear on a label for relabeling seeds in their original containers:

(a) The calendar month and year the germination test was completed to determine such percentage.

(b) For those seed kinds requiring percent germination to be shown, the percent germination plus hard or dormant seed, as reported for the new germination test.

(c) The same lot designation as on the original labels.

(d) The identity of the labeling person if different from the original labeler.

Cite as Ga. Comp. R. & Regs. R. 40-12-5-.02
Authority: Ga. L. 1956, p. 217; O.C.G.A. Sec. 2-11-28.
History. Original Rule entitled "Requirements As to Tags" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Label Specifications." F. Jun. 4, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 40-12-5-.03. Seed in Hermetically Sealed Containers.

(1) Agricultural or vegetable seeds packaged in hermetically sealed containers may be sold, exposed for sale, or offered for sale or transportation for a period of 24 months after the last day of the month that the seeds were tested for germination prior to packaging. If seeds in hermetically sealed containers are sold, exposed for sale, or offered for sale or transportation more than 24 months after the last day of the month in which they were tested prior to packaging, they must have been retested within a nine (9) month period, exclusive of the calendar month in which the retest was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation.

(2) The following standards, requirements and conditions must be met before seed is considered to be hermetically sealed under the provisions of this Act.

(a) The seed was packaged within 9 months after harvest.

(b) The container used does not allow water vapor penetration through any wall, including the seals, greater than 0.05 grams of water per 24 hours per 100 square inches of surface at 100° F. with a relative humidity on one side of 90 percent and on the other side 0 percent. Water vapor penetration or WVP is measured by the

standards of the U.S. Bureau of Standards as: gm.H20/24 hr./100 sq. in./100°F./90% RH v.0% RH.

(c) The seed in the container shall not exceed the percent moisture, on a wet weight basis, as listed below:

1. Agricultural Seeds	Maximum Percent Seed Moisture
(i) Beet, Field	7.5
(ii) Beet, Sugar	7.5
(iii) Bluegrass, Kentucky	6.0
(iv) Clover, Crimson	8.0
(v) Fescue, Red	8.0
(vi) Ryegrass, Annual	8.0
(vii) Ryegrass, Perennial	8.0
(viii) All others	6.0
(ix) Mixture of above kinds	8.0

2. Vegetable Seeds	Maximum Percent Seed Moisture
(i) Bean, Garden	7.0
(ii) Bean, Lima	7.0
(iii) Beet	7.5
(iv) Broccoli	5.0
(v) Brussels Sprouts	5.0
(vi) Cabbage	5.0
(vii) Carrot	7.0
(viii) Cauliflower	5.0
(ix) Celeriac	7.0
(x) Celery	7.0
(xi) Chard, Swiss	7.5
(xii) Chinese Cabbage	5.0
(xiii) Chives	6.5
(xiv) Collards	5.0
(xv) Corn, Sweet	8.0
(xvi) Cucumber	6.0
(xvii) Eggplant	6.0
(xviii) Kale	5.0
(xix) Kohlrabi	5.0
(xx) Leek	6.5
(xxi) Lettuce	5.5
(xxii) Muskmelon	6.0
(xxiii) Mustard, India	5.0
(xxiv) Onion	6.5
(xxv) Onion, Welsh	6.5
(xxvi) Parsley	6.5
(xxvii) Parsnip	6.0
(xxviii) Pea	7.0
(xxix) Pepper	4.5
(xxx) Pumpkin	6.0
(xxxi) Radish	5.0
(xxxii) Rutabaga	5.0
(xxxiii) Spinach	8.0
(xxxiv) Squash	6.0
(xxxv) Tomato	5.5
(xxxvi) Turnip	5.0
(xxxvii) Watermelon	6.5
(xxxviii) All others	6.0

(d) The container is conspicuously labeled in not less than 8-point type to indicate:

1. That the container is hermetically sealed;

2. That the seed has been preconditioned as to moisture content; and

3. The calendar month and year in which the germination test was completed.

(e) The percentage of seed germination at the time of packaging was equal to or above the standards specified elsewhere in this Act.

Cite as Ga. Comp. R. & Regs. R. 40-12-5-.03
Authority: Ga. L. 1956, p. 217; O.C.G.A. Sec. 2-11-28.
History. Original Rule entitled "Variety Labeling" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Seed in Hermetically Sealed Containers" adopted. F. Jun. 4, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 40-12-5-.04. Labeling Kind and Variety or Type and Performance Characteristics of Flower Seeds.

The requirements of Code section 2-11-22(i) of the Georgia Seed Law stating that flower seeds shall be labeled with, "the name of the kind and variety or a statement of type and performance characteristics as prescribed in the rules and regulations promulgated under the provisions of this Act," shall be met as follows:

(a) For seeds of plants grown primarily for their blooms:

1. If the seeds are of a single named variety, the kind and variety shall be stated, for example, "Marigold, Butterball."

2. If the seeds are of a single type and color for which there is no specific variety name, the type of plant (if significant), and the type and color of bloom shall be indicated, for example, "Scabiosa, Tall, Large Flowered, Double, Pink."

3. If the seeds consist of an assortment or mixture of colors or varieties of a single kind, the kind name, the type of plant (if significant) and the type or types of bloom shall be indicated. In addition, it shall be clearly indicated that the seed is mixed or assorted. An example of labeling such a mixture or assortment is "Marigold, Dwarf Double French, Mixed Colors."

4. If the seeds consist of an assortment or mixture of kinds or kinds and varieties, it shall be clearly indicated that the seed is assorted or mixed and the specific use of the assortment or mixture shall be indicated, for example "Cut Flower Mixture," or "Rock Garden Mixture." Such statements as "General Purpose Mixture," "Wonder Mixture," or any other statement which fails to indicate the specific use of the seed shall not be considered as meeting the requirements of this provision unless the specific use of the mixture is also stated. Containers with over 3 grams of seed shall list the kind or kind and variety names of each component present in excess of 5.0% of the whole in the order of their predominance giving the percentage by weight of each. Components of 5.0% or less shall be listed but need not be in order of predominance. A single percentage by weight shall be given for these components. If no component of a mixture exceeds 5% of the whole, the statement "No component in excess of 5%" may be used. Containers with 3 grams of seed or less shall list the components without giving percentage by weight and need not be in order of predominance.

(b) For seeds of plants grown for ornamental purposes other than their blooms, the kind and variety shall be stated, or the kind shall be stated together with a descriptive statement concerning the ornamental part of the plant, for example, "Ornamental Gourds, Small Fruited, Mixed."

Cite as Ga. Comp. R. & Regs. R. 40-12-5-.04
Authority: Ga. L. 1956, p. 217; O.C.G.A. Sec. 2-11-22.
History. Original Rule entitled "Label Requirements for Tree and Shrub Seed" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Labeling Kind and Variety or Type and Performance Characteristics of Flower Seeds" adopted. F. Jun. 4, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 40-12-5-.05. Requirements for Non-Commercial Seed Sharing.

(a) Each container of agricultural, vegetable, and flower seeds distributed for sowing purposes in a non-commercial setting shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, conveying the following information:

(1) The name of the species or commonly accepted name of kind or kind and variety of each agricultural seed component present. Hybrids shall be labeled as hybrids;

(2) A word or statement indicating if the seed has been treated. And, if treated, must be labeled in accordance with applicable state and federal laws;

(3) Some form of reference identification that provides traceability. Retention of posterity file samples is not required;

(4) Name and city or address of the non-commercial seed sharing entity; and

(5) The calendar month and year the seed was donated.

(b) The seed shall be free of foreign material, other than coatings or treatments, including germination medium, mulch, fertilizer, pre-planted containers, mats, tapes, or other planting devices.

(c) No distributed container shall hold more than eight (8) ounces of agricultural seed or four (4) ounces of vegetable or flower seed.

(d) Germination and purity analysis is not required, however if a germination or purity percentage is noted on the label, it must be noted whether or not the analysis was performed according to the AOSA rules for testing seed.

(e) At each location involved with non-commercial seed sharing a legible and visible sign shall state that the seeds being distributed may not meet germination or varietal purity standards prescribed by the state seed law. The sign must also state that patented seed or

varieties protected by the Plant Variety Protection Act will not be accepted or distributed without permission of the certificate holder.

Cite as Ga. Comp. R. & Regs. R. 40-12-5-.05
Authority: O.C.G.A. § 2-11-28.
History. Original Rule entitled "Requirements for Non-Commercial Seed Sharing" adopted. F. May 16, 2017; eff. June 5, 2017.

Subject 40-12-6. SEED ARBITRATION.

Rule 40-12-6-.01. Scope of Arbitration.

(1) Pursuant to Code section 2-11-70, arbitration of complaints of seed and commercial fruit and nut tree purchasers against seed and commercial fruit and nut tree sellers relating to the quality and performance of the seed and the identity of the variety of fruit and nut trees is mandatory as a prerequisite to the purchaser's right to maintain a legal action against the seller. The Seed Arbitration Council, as established in Code section 2-11-74, shall investigate, hold informal hearings, make findings and render recommendations in the nature of arbitration proceedings where damages suffered by seed and commercial fruit and nut tree purchasers are caused by the alleged failure of the seed to perform as represented or to conform to the description of the labeling thereof as required by law or to be the variety of fruit or nut tree represented by the seller. Pursuant to Code section 2-11-76, findings and recommendations of the Council are not required to be accepted by either the purchaser or seller of seed or commercial fruit or nut trees and are not admissible as evidence in litigation. However, in any litigation involving a complaint which has been the subject of arbitration, any party may introduce Arbitration Council investigations and proceedings as the court may see fit.

(2) For the purpose of Seed Arbitration, "seed" is defined as stated in the Georgia Seed Law, Code section 2-11-21.

(3) For the purposes of Chapter 40-12-6 concerning commercial fruit and nut tree arbitration, the application of the term "seed" shall also apply to commercial fruit and nut trees.

(4) The use of a disclaimer or denial of warranty clause on any invoice, advertisement, label or labeling, or any other written, printed or graphic matter used in conjunction with the distribution of any seed shall not relieve or exempt any person from any provisions of seed arbitration according to the Georgia Seed Law.

Cite as Ga. Comp. R. & Regs. R. 40-12-6-.01
Authority: O.C.G.A. Sec. 2-11-77.
History. Original Rule entitled "Scope of Arbitration" adopted. F. Dec. 9, 1994; eff. Dec. 29, 1994.
Repealed: New Rule, same title, adopted. F. Jun. 4, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 40-12-6-.02. Label Notice.

(1) The label or invoice language setting forth the requirement for filing an arbitration complaint under the Georgia Seed Law shall substantially comply with the format of the Recommended Uniform State Seed Law (RUSSL) of the Association of American Seed Control Officials (AASCO). A label or invoice notice in the following language or its equivalent shall be considered to be in compliance with O.C.G.A. 2-11-72(a).

NOTICE OF REQUIRED ARBITRATION Under the seed laws of several states arbitration is required as a prerequisite to maintaining a legal action against the seller of the seed in any dispute relating to the quality or performance of the seed sold. The purchaser shall file a complaint along with the required filing fee (where applicable) with the Commissioner or Chief Agricultural Officer within such time as to permit inspection of the crops, plant or trees by the designated agency and the seedsman from whom the seed was purchased. A copy of the complaint shall be sent to the seller by certified or registered mail or as otherwise provided by state statute.

(2) Additional information may be included for the purpose of providing more uniform labeling among the various states.

Cite as Ga. Comp. R. & Regs. R. 40-12-6-.02
Authority: O.C.G.A. Sec. 2-11-77.
History. Original Rule entitled "Label Notice" adopted. F. Dec. 9, 1994; eff. Dec. 29, 1994.
Repealed: New Rule, same title, adopted. F. Jun. 4, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 40-12-6-.03. Council Members' Tenure.

(1) In order to provide continuity of experience within the Seed Arbitration Council, members and alternates appointed in 1994 by the Georgia Cooperative Extension Service, the University of Georgia Experiment Stations and the Georgia Department of Agriculture shall have four (4) year terms expiring December 31, 1997. Members and alternates appointed in 1994 by the Georgia Farm Bureau Federation and the Georgia Seedsmen's Association shall have two (2) year terms expiring December 31, 1995. Thereafter, terms of all members and alternates shall be four (4) years. Notwithstanding the above, each member and alternate shall serve at the pleasure of and until their replacement is recommended by their appointing official.

(2) Each alternate may attend any council meeting or hearing but shall serve only in the absence of the member for which he or she is the designated alternate.

(3) Unexpired terms of members or alternates shall be refilled as soon as possible through appointment by their appointing official.

(4) Members and alternates may be reappointed after completion of any specified term.

Cite as Ga. Comp. R. & Regs. R. 40-12-6-.03
Authority: O.C.G.A. Sec. 2-11-77.
History. Original Rule entitled "Council Members' Tenure" adopted. F. Dec. 9, 1994; eff. Dec. 29, 1994.
Repealed: New Rule, same title, adopted. F. Jun. 4, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 40-12-6-.04. Investigative Procedures.

(1) Investigations of seed complaints officially filed shall be conducted only by Seed Arbitration Council members, alternates or persons designated by the Council.

(2) The Seed Arbitration Council shall assemble and record all available facts pertinent to a seed complaint officially filed and shall obtain an official seed sample(s) for reference when available.

(3) Investigations of seed complaints officially filed shall include:

(a) Examination and evaluation of complainant's farming operation, including inspection of the affected crop in the field, the recording of crop field conditions, the taking of plant counts and photographs as appropriate and the completion of a written report thereon.

(b) Examination of seed seller's records pertaining to the seed lot in question, including seed conditioning, seed packaging and labeling and completion of a written report thereon.

(c) If a seed sample is available, varietal grow-out, pathological assay, or other evaluation as appropriate.

Cite as Ga. Comp. R. & Regs. R. 40-12-6-.04
Authority: O.C.G.A. Sec. 2-11-77.
History. Original Rule entitled "Investigative Procedures" adopted. F. Dec. 9, 1994; eff. Dec. 29, 1994.
Repealed: New Rule, same title, adopted. F. Jun. 4, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 40-12-6-.05. Hearing Procedures.

(1) The Secretary of the Council shall be responsible for setting the tentative hearing date pursuant to Code section 2-11-75.

(2) Prior to scheduled hearings, the Secretary shall provide Council members and alternates with all seed complaint correspondence and investigation records.

(3) The informal hearing process shall provide a setting where each party involved in a seed dispute will be afforded the opportunity to present its side directly to the Council.

(4) Within ten (10) days of receipt of a response from the seller, the Council shall schedule an informal hearing. Notice shall be sent by certified or registered mail to all parties at least two (2) weeks prior to the scheduled hearing date.

(5) Four (4) members and/or alternates shall constitute a quorum and such quorum shall be present for the conducting of all Council business.

(6) All hearings shall be recorded and may be transcribed at the discretion of and upon vote of the Council.

(7) Attorneys may be present at hearings, but shall not participate directly in the hearing.

(8) The following guidelines are recommended for hearing agendas but are not required:

(a) Call to Order by Chairperson or Acting Chairperson.

(b) Introductory remarks and reading of written complaint by Chairperson or other designated member.

(c) Complainant is provided opportunity to describe complaint, present relevant facts and present written estimate of loss.

(d) Seed seller(s) is provided opportunity to present response to seed complaint including presentation of relevant facts.

(e) Council members and/or alternates are provided opportunity to report field observations and present written report.

(f) Agricultural specialists assigned to investigate seed quality and crop are provided opportunity to present their report.

(g) Council members or serving alternates are provided opportunity to examine complainant or seller and obtain any other pertinent information relating to the complaint.

(h) Council receives and reviews any varietal grow-out test, pathological assays, or other evaluations, as required.

(i) Opportunity given for Council members and/or alternates and other participants to ask questions for clarification.

(j) All participants other than Council members and alternates are dismissed and Council deliberates on complaint and formulates recommendation in closed session.

(k) Council transmits findings and recommendations to the Commissioner within thirty (30) days of the hearing date. In such report, the council may make any recommendations it deems fair and equitable under the circumstances presented. These recommendations are up to the discretion of the council and may include, but are not limited to, the following:

1. That no action be taken;

2. That money damages be paid to the purchaser as a result of the alleged failure of the seed to conform to or perform as represented by the seed label, container, or invoice; or that money damages be paid to the purchaser of a commercial fruit or nut tree(s) as a result of the alleged failure of the tree(s) to be the variety represented to the purchaser. Such damages shall not be less than three times the purchase price in the case of fruit trees or six times the purchase price in the case of nut trees;

3. That the seller reimburse the purchaser for the amount of the filing fee paid to enter the arbitration process; or

4. Such other recommendation found by the council to be fair and equitable to the parties.

(l) The Commissioner transmits the Council's findings and recommendations to the affected parties by certified or registered mail.

(m) Within thirty (30) days of the date the Commissioner mails the Council's decision to the purchaser and seller, the purchaser and seller shall give written notice to the Commissioner of their acceptance or rejection of the Council's recommendations.

(n) The Commissioner shall notify each party to the complaint of the acceptance or rejection by the purchaser and seller. If the Council's recommendations are rejected, the complainants are to be notified of their right to pursue legal action.

Cite as Ga. Comp. R. & Regs. R. 40-12-6-.05
Authority: O.C.G.A. Sec. 2-11-77.
History. Original Rule entitled "Hearing Procedures" adopted. F. Dec. 9, 1994; eff. Dec. 29, 1994.
Repealed: New Rule, same title, adopted. F. Jun. 4, 1997; eff. July 1, 1997, as specified by the Agency.

Subject 40-12-7. CHARGES FOR SEED SAMPLE ASSAY.

Rule 40-12-7-.01. Charges for Seed Sample Assay.

Pursuant to the Georgia Seed Law, Code section 2-11-25, seed samples shall be tested without charge for farmers who do not have a seed dealer's license. Other service samples shall be categorized and charges made according to the following:

(a) **Service Samples.** Charges for sample submitted from out-of-state sources or by Georgia seed dealers for service testing shall be made in accordance with a schedule established by the Commissioner. The schedule of charges shall be established immediately after the effective date of this rule in 1995 and in January of each third year thereafter.

(b) **Southern Region Plant Introduction Station Samples.** These USDA samples will be tested for germination and viability without priority in timing and as the sample load in the seed laboratories will permit. Sample testing and charges will be established periodically by contract.

(c) **Certification Seed Samples.** These samples shall be tested according to Georgia Crop Improvement Association standards and shall include samples submitted for the state certification program and the state foundation seed agency. No charge will be made for certification seed samples.

(d) **Research Samples.** No charges will be made for samples submitted by the seed trade or government agencies for research toward improving agriculture.

(e) **Referee and Standardization Samples.** No charges will be made for samples submitted for comparative referee tests and methods' standardization to promote uniformity in seed testing.

Cite as Ga. Comp. R. & Regs. R. 40-12-7-.01
Authority: O.C.G.A. Sec. 2-11-25.
History. Original Rule entitled "Charges for Seed Sample Assay" adopted. F. May 19, 1995; eff. June 8, 1995.
Repealed: New Rule, same title, adopted. F. Jun. 4, 1997; eff. July 1, 1997, as specified by the Agency.

Subject 40-12-8. SEED DEALER LICENSE FEES.

Rule 40-12-8-.01. Seed Dealer License Fees.

Pursuant to Code section 2-11-26, during August 1997, each retail and wholesale seed dealer shall apply for a separate license for each point of sale from which seed are sold, offered for sale, or exposed for sale. Out-of-state wholesale and retail seed dealers who sell or ship seed into this state shall obtain a single license for their headquarters' location in the same manner. Application for license is made on forms supplied through the Seed Division of the Georgia Department of Agriculture. License applicants shall be assessed a fee of $100 for each three (3) year license period or any portion thereof. All licenses shall expire on July 31, 2000, and every third year thereafter.

Cite as Ga. Comp. R. & Regs. R. 40-12-8-.01
Authority: O.C.G.A. Secs. 2-11-2, 2-11-26.
History. Original Rule entitled "Seed Dealer License Fees" adopted. F. Jun. 4, 1997; eff. July 1, 1997, as specified by the Agency.
Amended: F. June 15, 2010; eff. July 5, 2010.

Chapter 40-13. ANIMAL HEALTH DIVISION.

Subject 40-13-1. TRANSPORTATION.

Rule 40-13-1-.01. Definitions.

(1) "Livestock" including, without limitations, cattle, swine, sheep, goats, poultry, ratites, equine and alternative livestock.

(2) "Person" means any individual, partnership, corporation, association, or agency, department, or other political subdivision of the state or any other entity.

(3) "Poultry" means domestic fowl including, but not limited to, water fowl such as geese and ducks; birds which are bred for meat and egg production, exhibition, or competition; game birds such as pheasants, partridge, quail, and grouse, as well as guinea fowl, pigeons, doves, peafowl; and all other avian species. Such terms shall not include ratites.

Cite as Ga. Comp. R. & Regs. R. 40-13-1-.01
Authority: O.C.G.A. Sec. 4-4-1.
History. Original Rule entitled "Definitions" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: F. May 2, 1984; eff. May 22, 1984.
Amended: F. Oct. 3, 1985; eff. Oct. 23, 1985.
Amended: Feb. 20, 1989; eff. Mar. 12, 1989.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-1-.02. Duties of Carriers.

(1) Owners and operators of common carriers, trucks, and other conveyances moving livestock or poultry into, through, or within Georgia must comply with provisions set forth in these regulations.

(2) All common carriers, trucks, and other conveyances used for the transportation of livestock or poultry shall be maintained in a sanitary condition.

(3) Owners and operators of common carriers, trucks, and other conveyances that have been used to move any livestock or poultry infected with or exposed to any infectious, contagious, or communicable disease shall be required to have said vehicles, trucks, or other conveyances thoroughly cleaned and disinfected under United States Department of Agriculture or Georgia Department of Agriculture supervision before further use for the transportation of livestock or poultry is permitted.

Cite as Ga. Comp. R. & Regs. R. 40-13-1-.02
Authority: O.C.G.A. Secs. 4-4-1, 4-4-64, 4-4-65, 4-4-70, 4-4-82, 4-6-6.

History. Original Rule entitled "Duties of Carriers" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-1-.03. General Livestock and Poultry.

(1) The Commissioner of Agriculture shall have the authority to make reciprocal agreements with other states concerning health requirements for interstate movement of livestock and poultry. Such authority shall be applicable to additions, deletions, or changes in health requirements controlling the movement of livestock and poultry in disease control programs.

(2) All livestock and poultry entering Georgia shall be accompanied by a Certificate of Veterinary Inspection or N.P.I.P. Form 9-3 (and/or permit, when required), which must be attached to the waybill or be in the possession of the driver of the vehicle or person in charge of the shipment. Authorized persons only may possess or use official state or federal livestock identification tags.

(3) Livestock and poultry that originate from a farm in a state that borders Georgia and is consigned to a livestock or poultry market in Georgia are exempt form all test and Certificate of Veterinary Inspection requirements. All animals must have been part of the farm of origin for ninety (90) days prior to entry into Georgia.

(4) All non diseased or exposed livestock and poultry, except ratites, entering Georgia for immediate slaughter do not require a Certificate of Veterinary Inspection provided they are accompanied by a waybill or proof of ownership. They must be consigned to a state or federally approved slaughter establishment, or a licensed sales establishment specifically approved by the State Veterinarian for sale to immediate slaughter only.

(5) Ratites entering Georgia for slaughter must be accompanied by a Certificate of Veterinary Inspection, a prior permit number, individual and visible identification, and be tested negative for Avian influenza and Pullorum-Typhoid by an approved serological test within thirty (30) days prior to entry.

(6) Cattle from a quarantined herd or quarantined area shall not be transported into or transported within the state of Georgia unless accompanied by a VS 1-27 permit. No person shall allow such quarantined cattle to come in contact with any other cattle in Georgia.

(7) Cattle moved directly to a state or federally approved slaughtering establishment must be individually identified on a Certificate of Veterinary Inspection or waybill and are not allowed to come in contact with any other cattle in Georgia until arrival at such slaughter establishment.

(8) All livestock and poultry holding pens in state or federally approved slaughtering establishments are considered quarantined areas. All livestock or poultry in these pens shall be considered quarantined until slaughtered. No livestock or poultry may be

removed from such pens except for immediate slaughter without a special permit from the State Veterinarian.

(9) Livestock or poultry entering Georgia without an approved Certificate of Veterinary Inspection or N.P.I.P. Form 9-3 shall be held in quarantine at the risk and expense of the owner until released by the State Veterinarian.

(10) Any animal represented by an altered or forged official document will be considered as a potential disease carrier or suspect. The final disposition of the animal will be determined upon the recommendation of the State Veterinarian. The person(s) responsible for the altering or forging of an official document will be subject to prosecution.

(11) All livestock and poultry entering Georgia for exhibition purposes shall meet all requirements as outlined in these regulations.

(12) All required tests of animals that are intended for interstate movement shall be made in State or federal laboratories or commercial laboratories approved by the United States Department of Agriculture and the state of origin. The Georgia Department of Agriculture reserves the right to refuse tests from any laboratory that is disapproved by the Georgia State Veterinarian's Office.

(13) Tests for tuberculosis must be conducted by an accredited and licensed veterinarian in the state of origin.

Cite as Ga. Comp. R. & Regs. R. 40-13-1-.03
Authority: O.C.G.A. Secs. 4-4-1, 4-4-64, 4-4-65, 4-4-67, 4-4-70, 4-4-71, 4-4-95, 4-4-95.1, 4-4-119, 16-10-20.
History. Original Rule entitled "General Livestock and Poultry" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-1-.04. Certificate of Veterinary Inspection.

(1) Accredited and licensed veterinarians who are approved by the state veterinarian of the state of origin and veterinarians in the employ of the State or United States Department of Agriculture Veterinary Services may issue a Certificate of Veterinary Inspection.

(2) A copy of the Certificate of Veterinary Inspection shall be sent immediately by the issuing veterinarian for approval by the chief regulatory official of the state of origin and forwarded by that official to the State Veterinarian of Georgia, Agriculture Building, Capital Square, Atlanta, Georgia 30334.

(3) Each Certificate of Veterinary Inspection shall contain:

(a) The consignor's name and complete address;

(b) The consignee's name and complete address;

(c) The origin of shipment;

(d) The final destination if other than that of consignee;

(e) An accurate description and identification of each animal;

(f) The health status of the animals involved and the farm of origin including, but not limited to, results of required tests, test dates, dates of required vaccination, and certification statements; and

(g) Prior permit number, if required.

(4) Certificate of Veterinary Inspection shall be void thirty (30) days after the date of inspection.

(5) No Certificate of Veterinary Inspection shall be issued unless it complies in all respects with requirements as outlined herein.

(6) All Georgia Certificates of Veterinary Inspection must be issued by Georgia licensed accredited veterinarians and completed proper copies mailed to the State Veterinarian within five (5) business days of issuance.

Cite as Ga. Comp. R. & Regs. R. 40-13-1-.04
Authority: O.C.G.A. Secs. 4-4-1, 4-4-64, 4-4-65, 4-4-70.
History. Original Rule entitled "Certificate of Veterinary Inspection" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-1-.05. Permits.

(1) A prior permit is needed on cattle, bison, cervidae, antelope, swine, birds (excluding poultry), and ratites imported into the State of Georgia. Cattle and bison from states designated for at least two (2) years by the USDA to be Brucellosis Class Free are exempt from the permit requirement. The permit number should be recorded on the Certificate of Veterinary Inspection.

(2) All permit numbers can be obtained by calling the Animal Health Section in Atlanta, Georgia at (404) 656-3667 during normal business hours.

(3) No livestock or poultry that is infected with or recently exposed to any infectious or contagious disease or which originates from a quarantined herd/flock or area shall be transported into or within the State of Georgia without a prior written permit from the State Veterinarian of Georgia. Animals infected with such diseases that are approved for entry by the Georgia Department of Agriculture for immediate slaughter are exempted from this permit requirement.

(4) A special written permit obtained from the State Veterinarian is required in order to import animals into Georgia that do not meet state health requirements. This type of permit should be requested in writing to the State Veterinarian, Agriculture Building, Capital Square, Atlanta, Georgia 30334 and should include the following:

(a) Name, complete address and phone number of consignor and consignee;

(b) Number and kind of animals;

(c) Origin of shipment;

(d) Destination of shipment;

(e) Proposed date of shipment.

(5) All permits shall be void thirty (30) days after the date issued unless otherwise specified.

Cite as Ga. Comp. R. & Regs. R. 40-13-1-.05
Authority: O.C.G.A. Secs. 4-4-64 to 4-4-67.
History. Original Rule entitled "Permits" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-1-.06. Penalty for Violation.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor.

Cite as Ga. Comp. R. & Regs. R. 40-13-1-.06
Authority: O.C.G.A. Secs. 4-4-74, 4-4-76, 16-10-20.
History. Original Rule entitled "Penalty for Violation" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Subject 40-13-2. INTERSTATE MOVEMENT HEALTH REQUIREMENTS.

Rule 40-13-2-.01. Definitions.

(1) "Cattle" mean bovine animals and bison.

(2) "Cervid" means farmed deer and any species of deer, elk, moose, or other Artiodactyla maintained in confinement.

(3) "Domestic swine" mean swine of breeds commonly raised for meat production and housed in confinement.

(4) "Equine" means horses, mules, asses, and any other member of the Equidae species.

(5) "Exotic and pet birds" mean birds that are customarily kept as pets and exclude poultry and ratites.

(6) "Farmed Deer" means fallow deer (Dama dama), axis deer (Axis asix), sika deer (Cervus Nippon), red deer and elk (Cervus elaphus), reindeer and caribou (Rangifer tarandus), and hybrids between these farmed species raised for the commercial sale of meat and other parts or for the sale of live animals.

(7) "Feral swine" mean swine that have lived any part of their lives as free-roaming animals.

(8) "Miniature swine" mean swine of breeds commonly kept as pets such as the Vietnamese pot-bellied pig.

(9) "Pet" for the purposes of this chapter means any animal that is customarily obtained as a pet and includes, but is not limited to, the following: dog, cat, bird, fish, reptile, rodent, chinchilla, rabbit or miniature pig. Any animal described in O.C.G.A. Sections 27-1-2 General Provisions and 27-5-5 Wild Animals is not considered a pet for the purposes of this chapter, except where specifically mentioned herein.

(10) "Poultry" means domestic fowl including, but not limited to, waterfowl such as geese and ducks; game birds such as pheasants, quail, and grouse, as well as guinea fowl, pigeons, doves, and pea fowl.

(11) "Wild animals" mean animals regulated by the Georgia Department of Natural Resources, Wildlife Resources Division.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.01
Authority: O.C.G.A. Secs. 4-4-1, 4-4-4, 4-4-11, 4-4-117, 4-4-119, 4-4-127, 4-6-10, 16-10-20, 16-14-1*et seq.*
History. Original Rule entitled "General" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: F. May 2, 1984; eff. May 22, 1984.
Amended: F. Mar. 25, 1987; eff. Apr. 14, 1987.
Amended: F. Jan. 24, 1991; eff. Feb. 13, 1991.
Repealed: New Rule entitled "Definitions" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.02. Vesicular Stomatitis.

(1) Livestock including cattle, equine, swine, sheep, goats, and cervids are prohibited entry into Georgia if they have been exposed to vesicular Stomatitis within the past thirty (30) days or originate from premises where vesicular Stomatitis has been diagnosed within the past thirty (30) days.

(2) Livestock originating from a State or area where vesicular Stomatitis has been diagnosed must have the following statement recorded on the Certificate of Veterinary Inspection by the issuing accredited veterinarian. "All animals identified on this certificate have been

examined by me and found to be free of vesicular Stomatitis. These animals have not been exposed to vesicular Stomatitis nor located on premises where vesicular Stomatitis has been diagnosed within the past thirty (30) days."

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.02
Authority: Authority O.C.G.A. Secs. 4-4-1*et seq.*, 4-4-64 to 4-4-66.
History. Original Rule entitled "Health Certificate" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: F. May 2, 1984; eff. May 22, 1984.
Amended: F. Oct. 3, 1985; eff. Oct. 23, 1985.
Repealed: New Rule entitled "Vesicular Stomatitis" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.03. Screwworms.

Any animal originating from a state or area where screwworms have become established shall not be transported into Georgia unless the State Veterinarian has issued a prior permit.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.03
Authority: Authority O.C.G.A. Secs. 4-4-1, 4-4-64 to 4-4-66.
History. Original Rule entitled "Screwworms" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.04. Bovine General Health.

(1) Cattle entering Georgia must be accompanied by an official Certificate of Veterinary Inspection identifying each animal with a USDA approved metal eartag, registry brand, or registry tattoo. Required test results, test dates, and permit number must be recorded on the Certificate of Veterinary Inspection. Such animals shall originate from herds free of any contagious or infectious disease and shall not have been exposed to any contagious or infectious disease before or during shipment.

(2) Cattle originating from states designated by the USDA as Brucellosis Class Free for at least two (2) years may enter Georgia without a brucellosis test or prior permit.

(3) Cattle moved directly to a state or federally approved slaughter establishment must be individually identified on a Certificate of Veterinary Inspection or waybill and are not allowed to come in contact with any other cattle in Georgia until arrival at such slaughtering establishment.

(4) Cattle intended to be imported into Georgia from areas where babesiosis is endemic must be isolated from all other cattle for a period of thirty (30) days and then tested negative to an official test for babesiosis by a test approved by the State Veterinarian's Office. If positives are disclosed, the positive cattle must be removed and the remainder of the group must be retested negative at least thirty (30) days after removal of all positive

cattle. All cattle must be dipped for ticks and tested within thirty (30) days prior to shipment. Once imported into Georgia, these cattle will be quarantined and retested for babesiosis forty-five (45) to sixty (60) days following importation. The owner is responsible for any laboratory user fees incurred.

(5) All cattle semen imported into Georgia must originate from bulls that have been sufficiently tested to meet Georgia import requirements. All bulls from which semen is collected must be tested for and found free of vibriosis and trichomoniasis. An official Certificate of Veterinary Inspection must accompany the semen shipment.

(6) All cattle embryos imported into Georgia must originate from cows that have been sufficiently tested to meet Georgia import requirements. An official Certificate of Veterinary Inspection must accompany the embryo shipment.

(7) Cattle suffering from the disease known as "cancer eye" (epithelioma) may be shipped into Georgia provided they are accompanied by a USDA Form VS 1-27 permit. Such animals must be consigned directly to a state or federally approved slaughter establishment.

(8) All out-of-state rodeo cattle require a Certificate of Veterinary Inspection issued within thirty (30) days of exhibition. All rodeo bulls must test negative for brucellosis and tuberculosis within twelve (12) months prior to exhibition.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.04
Authority: O.C.G.A. Secs. 4-4-1, 4-4-64 to 4-4-66, 4-4-70, 4-4-95.01, 26-2-61.
History. Original Rule entitled "Bovine General Health" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.05. Bovine Brucellosis.

(1) Cattle imported into Georgia for exhibition purposes must comply with all interstate requirements. Rodeo bulls entering Georgia for exhibition must test negative for brucellosis within twelve (12) months prior to exhibition.

(2) All cattle eighteen (18) months of age or older regardless of brucellosis vaccination status shipped into Georgia must test negative to an official brucellosis test within thirty (30) days prior to entry. The standard plate agglutination test is not acceptable.

(3) All female cattle of dairy breeds four (4) months of age or older entering Georgia must have been calfhood vaccinated for brucellosis and so indicated on the Certificate of Veterinary Inspection. Female cattle of dairy breeds originating from a certified brucellosis free herd or native to and maintained in a brucellosis free state are exempt from calfhood vaccination requirements. This information must be recorded on the Certificate of Veterinary Inspection.

(4) The State Veterinarian may exempt certain cattle from brucellosis test requirements when it is determined that such cattle do not pose a risk for introduction of brucellosis into Georgia.

(5) The following are exempt from a Brucellosis test prior to entering Georgia:

(a) Steers and spayed heifers;

(b) Cattle younger than eighteen (18) months of age;

(c) Cattle consigned to a state or federally approved slaughter establishment;

(d) Cattle from Certified Brucellosis Free Herds provided the date of the last herd test and the certified herd number are recorded on the Certificate of Veterinary Inspection.

(6) Cattle quarantined for brucellosis shall not be transported into or within Georgia unless transported directly to a state or federally approved slaughter establishment. Such cattle shall not be allowed to come in contact with any other cattle in Georgia until their arrival at such state or federally approved slaughter establishment. Such cattle shall be accompanied by a USDA form VS 1-27 permit. It shall be the responsibility of the consignor or the person transporting such cattle to comply with all conditions of the VS 1-27.

(7) Cattle imported into Georgia may be quarantined for a period not less than forty-five (45) days or more than one hundred twenty (120) days. All cattle must be retested negative for brucellosis in order to release the quarantine.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.05
Authority: Authority O.C.G.A. Secs. 4-4-1, 4-4-64, 4-4-65, 4-4-70, 4-4-95.01.
History. Original Rule entitled "Bovine Brucellosis" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.06. Bovine Tuberculosis.

(1) Cattle imported into Georgia for exhibition purposes must comply with all interstate requirements. Rodeo bulls entering Georgia for exhibition must test negative for tuberculosis within twelve (12) months prior to exhibition.

(2) Cattle six (6) months of age or older must test negative to the tuberculin test within sixty (60) days prior to entry into Georgia.

(3) The State Veterinarian may exempt certain cattle from tuberculosis test requirements when it is determined that such cattle do not pose a risk for the introduction of tuberculosis into Georgia.

(4) The following are exempt from a tuberculosis test prior to entering Georgia:

(a) Steers and spayed heifers;

(b) Cattle younger than six (6) months of age;

(c) Cattle consigned to a state or federally approved slaughter Establishment;

(d) Cattle from Accredited Tuberculosis Free Herds provided the date of the last herd test and the accredited herd number is recorded on the Certificate of Veterinary Inspection;

(e) Cattle of beef breeds except rodeo bulls, originating from and maintained in a tuberculosis free state provided this is certified in writing on the Certificate of Veterinary Inspection.

(5) Cattle quarantined for tuberculosis shall not be transported into or within Georgia unless transported directly to a state or federally approved slaughter establishment. Such cattle shall not be allowed to come in contact with any other cattle in Georgia until their arrival at such state or federally approved slaughter establishment. A USDA form VS 1-27 permit shall accompany such cattle. It shall be the responsibility of the consignor or the person transporting such cattle to comply with all conditions of the VS 1-27.

(6) Cattle, including steers, imported from Mexico must test negative for tuberculosis within sixty (60) days prior to entry into Georgia. Steers must be "M" branded in compliance with USDA regulations. Mexican cattle will be quarantined upon arrival and retested not less than 120 days nor more than 180 days after arrival.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.06
Authority: O.C.G.A. Secs. 4-4-1, 4-4-64, 4-4-65, 4-4-90, 4-4-92, 4-4-93.
History. Original Rule entitled "Bovine Tuberculosis" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.07. Bovine Trichomoniasis.

(1) All virgin and non-virgin bulls 18 months of age and older entering the state must be tested negative for Trichomoniasis within 30 days prior to entry into Georgia. Bulls may be tested by 3 negative official cultures collected at least 7 days apart or one official Polymerase Chain Reaction (PCR) test. Bulls must not have contact with female cattle between the test and importation into Georgia. Bulls comingled with cows after testing are required to be retested as outlined above. All bulls must be identified with a U.S.D.A. approved ear tag, registry brand, or registry tattoo. The collection of samples must be conducted by an accredited veterinarian and animals must be identified on an official test chart.

(2) The State Veterinarian may exempt certain bulls from Trichomoniasis test requirements when it is determined that such animals do not pose a risk for introduction of Trichomoniasis into Georgia.

(3) The following bulls are exempt from Trichomoniasis testing prior to entering Georgia:

(a) Exhibition and rodeo bulls that are temporally in the state for an event with no comingling of female cattle and will be leaving immediately after the event;

(b) Bulls going directly to slaughter or being sold to go directly to slaughter;

(c) Bulls being transported through Georgia in interstate commerce and not offloaded and comingled with female cattle.

(d) Virgin bulls under 18 months of age, as determined by breed registry records or the absence of permanent central incisor teeth in wear, which must be accompanied by a breeder's certificate signed by the owner, owner's representative, or an accredited veterinarian. The breeder's certificate must include the animal's age, official identification, and a statement that the bull(s) has not commingled with female cattle.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.07
Authority: Authority O.C.G.A. Secs. 4-4-1, 4-4-22, 4-4-64, 4-4-65.
History. Original Rule entitled "Domestic Swine" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Bovine Trichomaniasis" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.08. Domestic Swine.

(1) Swine that have been fed garbage may not enter Georgia under any conditions.

(2) No swine vaccinated against Pseudorabies are allowed entry into Georgia.

(3) Swine entering Georgia must be accompanied by an official Certificate of Veterinary Inspection identifying each animal with a USDA approved metal ear tag, registry tattoo or registry ear notches. Feeder pigs may be identified with a premises tattoo issued by the State of origin. Required test results, test dates, and prior permit number must be recorded on the Certificate of Veterinary Inspection. Such animals shall originate from herds free of any contagious or infectious disease and shall not have been exposed to any contagious or infectious disease prior to or during shipment.

(4) Swine entering Georgia for immediate slaughter must be accompanied by a Certificate of Veterinary Inspection, waybill, or proof of ownership and must be consigned to a state or federally approved slaughter establishment.

(5) Castrated males are exempt from brucellosis test requirements but must meet the same pseudorabies requirements as breeding swine.

(6) Feeder pigs originating from an all-class swine market are prohibited entry into Georgia.

(7) All swine semen imported into Georgia must originate from boars that have been sufficiently tested to meet Georgia import requirements for breeding swine. An official Certificate of Veterinary Inspection must accompany the semen shipment.

(8) All breeding swine four (4) months of age and older entering Georgia must meet the following requirements:

(a) Brucellosis:

1. Must be negative to an official brucellosis test within thirty (30) days prior to entry, or;

2. Originate from a validated brucellosis free herd with the date of the last test and the validated herd number recorded on the Certificate of Veterinary Inspection, or;

3. Originate from a validated brucellosis free state.

(b) Pseudorabies:

1. Must be negative to an official non-gene deleted test for pseudorabies within thirty (30) days prior to entry and originate in a herd that has been free of symptoms of pseudorabies for the preceding twelve (12) months, or;

2. Originate from a qualified pseudorabies free herd with the date of the last test and the qualified herd number recorded on the Certificate of Veterinary Inspection, or;

3. Originate from a state with a Stage IV or Stage V classification under the Pseudorabies Eradication State-Federal-Industry Program Standards.

(9) All breeding swine entering Georgia must be isolated for a period of at least thirty (30) days following entry. A quarantine may be issued and the swine must test negative for pseudorabies and brucellosis between thirty (30) and sixty (60) days of entry in order to release the quarantine.

(10) All feeding swine entering Georgia must meet the following requirements:

(a) Brucellosis:

1. Originate from a herd not known to be, or suspected of being infected with brucellosis.

(b) Pseudorabies:

1. Must be negative to an official non-gene deleted test for pseudorabies within thirty (30) days prior to entry and originate in a herd that has been free of symptoms of pseudorabies for the preceding twelve (12) months, or;

2. Originate from a qualified pseudorabies free herd with the date of the last test and the qualified herd number recorded on the Certificate of Veterinary Inspection, or;

3. Originate from a pseudorabies monitored herd in a Stage III state as defined in the Pseudorabies Eradication State-Federal-Industry Program Standards. The date of the last test and the monitored herd number must be recorded on the Certificate of Veterinary Inspection, or;

4. Originate from a herd in a Stage IV or Stage V state as defined in the Pseudorabies Eradication State-Federal-Industry Program Standards.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.08
Authority: Authority O.C.G.A. Secs. 4-4-1, 4-4-22, 4-4-64, 4-4-65.
History. Original Rule entitled "Feral Swine" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Domestic Swine" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.09. Feral Swine.

(1) Feral Swine that have been fed garbage may not enter Georgia under any conditions.

(2) Feral swine entering Georgia must be accompanied by an official Certificate of Veterinary Inspection identifying each animal with a USDA approved metal eartag. Required test results, test dates, and prior permit number must be recorded on the Certificate of Veterinary Inspection. Such animals shall not have been exposed to any contagious or infectious disease prior to or during shipment.

(3) Feral swine entering Georgia must meet the following requirements:

(a) Originate from a validated brucellosis free herd and a qualified pseudorabies free herd with the dates of the last tests and the validated and qualified herd numbers recorded on the Certificate of Veterinary Inspection, or;

(b) Be permitted on a Form VS 1-27 to a state or federally approved slaughter establishment, or;

(c) They are permitted on a Form VS 1-27 to an approved hunting preserve.

(4) Feral swine entering Georgia must be isolated for a period of at least thirty (30) days following entry. A quarantine may be issued and the swine must test negative for pseudorabies and brucellosis between thirty (30) and sixty (60) days of entry in order to release the quarantine.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.09
Authority: Authority O.C.G.A. Secs. 4-4-1, 4-4-22, 4-4-64, 4-4-65.
History. Original Rule entitled "Miniature Swine" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Feral Swine" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.10. Miniature Swine.

(1) Miniature Swine which have been fed garbage may not enter Georgia under any conditions.

(2) Miniature Swine (pot-bellied pigs) entering Georgia must be accompanied by an official Certificate of Veterinary Inspection identifying each animal with a USDA approved metal eartag or unique and individual tattoo. Required test results, test dates, and prior permit number must be recorded on the Certificate of Veterinary Inspection. Such animals shall not have been exposed to any contagious or infectious disease prior to or during shipment.

(3) All miniature swine four (4) months of age or older, entering Georgia must meet the following requirements:

(a) Brucellosis:

1. Must be negative to an official brucellosis test within thirty (30) days prior to entry, or;

2. Originate from a validated brucellosis free herd with the date of the last test and the validated herd number recorded on the Certificate of Veterinary Inspection;

3. Castrated males are exempt from brucellosis test requirements.

(b) Pseudorabies:

(1) Must be negative to an official non-gene deleted test for pseudorabies within thirty (30) days prior to entry and originate in a herd that has been free of symptoms of pseudorabies for the preceding twelve (12) months, or

(2) Originate from a qualified pseudorabies free herd with the date of the last test and the qualified herd number recorded on the Certificate of Veterinary Inspection.

(3) All miniature swine entering Georgia must be isolated for a period of at least thirty (30) days following entry. A quarantine may be issued and the swine must test negative for pseudorabies and brucellosis between thirty (30) and sixty (60) days of entry into order to release the quarantine.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.10
Authority: Authority O.C.G.A. Secs. 4-4-1, 4-4-64, 4-4-65.
History. Original Rule entitled "Sheep and Goats" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Miniature Swine" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.11. Sheep and Goats.

(1) Sheep and goats entering Georgia must be accompanied by an official Certificate of Veterinary Inspection and must comply with the official USDA identification methods. The Certificate of Veterinary Inspection must include a statement from the issuing accredited veterinarian that there is no evidence of foot rot, scabies, contagious ecthyma, cutaneous fungal lesions, or scrapie in the animals being moved or in the flock/herd of origin. Such animals shall not have been exposed to any contagious or infectious disease prior to or during shipment.

(2) All sheep and goats entering Georgia for immediate slaughter must be individually identified by a method approved by USDA and be accompanied by a Certificate of Veterinary Inspection, waybill, or proof of ownership and must be consigned to a state or federally approved slaughter establishment.

(3) Sheep and goats do not require a brucellosis or tuberculosis test prior to entering Georgia.

(4) Should foot rot, scabies, contagious ecthyma, cutaneous fungal lesions or scrapie be disclosed in any shipment of sheep or goats into Georgia, those animals in the shipment and any exposed flocks/herds shall be placed under quarantine. All animals infected shall be sold for slaughter, except those affected with scrapie or shall be isolated and treated until recovered. The quarantine shall be released when all visible lesions are resolved or program standards are met.

(5) Sheep and goats from quarantined flocks or herds entering Georgia must be individually identified and permitted on a USDA form VS 1-27 to a state or federally approved slaughtering establishment.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.11
Authority: Authority O.C.G.A. Secs. 4-4-1, 4-4-64, 4-4-65, 4-4-119, 4-4-121.
History. Original Rule entitled "Equine" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Sheep and Goat" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.12. Equine.

(1) Equine entering Georgia must be accompanied by an official Certificate of Veterinary Inspection and shall originate from premises free of any contagious or infectious disease and shall not have been exposed to any contagious or infectious disease prior to or during shipment.

(2) All equine must be negative to an official test for equine infectious anemia within twelve (12) months prior to entry with test results, test dates, accession numbers, and name and address of the approved testing laboratories recorded on the Certificate of Veterinary Inspection. Nursing foals under six (6) months of age will be exempt from the test requirement when accompanied by their dam which has a current negative test for equine infectious anemia.

(3) All equine must be negative to a test approved by the State Veterinarian for equine piroplasmosis if they originate from an area determined by the State veterinarian to pose a risk for introduction of piroplasmosis. The test results and test dates must be recorded on the Certificate of Veterinary Inspection. Once imported into Georgia, these equine will be quarantined and retested at the owners expense for equine piroplasmosis between thirty (30) and sixty (60) days after importation.

(4) All equine positive to an official equine infectious anemia test, or to an official equine piroplasmosis test, or to an official brucellosis test, or which show evidence of poll evil or fistulous withers whether draining or not, may not enter Georgia except by special permit issued by the State Veterinarian.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.12
Authority: Authority O.C.G.A. Secs. 4-4-64, 4-4-65, 4-4-170, 4-4-173, 4-4-177.
History. Original Rule entitled "Cervids" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Equine" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.13. Cervids.

(1) No farmed deer may be imported into the State of Georgia without written approval by the Georgia Department of Agriculture.

(2) All cervids entering Georgia must be accompanied by an official Certificate of Veterinary Inspection identifying each animal with a USDA approved metal ear tag. Required test results, test dates, and prior permit number must be recorded on the Certificate of Veterinary Inspection. Such animals shall originate from herds free of any contagious or infectious disease and shall not have been exposed to any contagious or infectious disease prior to or during shipment.

(3) The Brucellosis Eradication in Cervidae Uniform Methods and Rules in effect by the United States Department of Agriculture are adopted by the Georgia Department of

Agriculture. Said Uniform Methods and Rules are on file in the State Veterinarian's office and are available upon request. The State Veterinarian reserves the option of applying Rules which may exceed the minimum set forth in the Uniform Methods and Rules. All cervids entering Georgia must comply with the following brucellosis requirements:

(a) Originate from herds not under quarantine for brucellosis, herds not known to be affected with brucellosis, are not vaccinated with a brucellosis vaccine, and;

(b) Originate from a certified brucellosis free cervid herd with the date of the last herd test and the certification number recorded on the Certificate of Veterinary Inspection, or;

(c) Originate from a brucellosis monitored cervid herd and all sexually intact animals twelve (12) months of age or older be negative to an official brucellosis test within ninety (90) days prior to entry, or;

(d) All sexually intact animals twelve (12) months of age or older be negative to an official brucellosis test within thirty (30) days prior to entry. A quarantine may be issued and the cervids must test negative for brucellosis after ninety (90) days of entry in order to release the quarantine;

(e) Cervids consigned directly to a state or federally approved slaughter establishments are exempt from the brucellosis test requirements. Such cervids must be individually identified on a Certificate of Veterinary Inspection or a waybill and are prohibited contact with any other cervids in Georgia until arrived at such slaughter establishment.

(4) The Tuberculosis Eradication in Cervidae Uniform Methods and Rules in effect by the United States Department of Agriculture are adopted by the Georgia Department of Agriculture. Said Uniform Methods and Rules are on file in the State Veterinarian's office and are available upon request. The State Veterinarian reserves the option of applying Rules which may exceed the minimum set forth in the Uniform Methods and Rules. All cervids entering Georgia must comply with the following tuberculosis requirements:

(a) Originate from an accredited tuberculosis free cervid herd with the date of the last herd test and the accredited herd number recorded on the Certificate of Veterinary Inspection, or;

(b) Originate from a qualified cervid herd and be negative to an official tuberculosis test conducted within the ninety-(90) days prior to entry. If the qualifying test was administered within ninety (90) days of entry, the animals to be moved do not require an additional test. The date of the last herd test and the qualified herd number must be recorded on the Certificate of Veterinary Inspection. Cervids less than twelve (12) months of age that originate from and were born in a qualified herd may move without further tuberculosis testing. The Certificate of Veterinary Inspection must state that these cervids originate from a qualified herd and that these cervids have not been exposed to other cervids in a lower status, or;

(c) Originate from a monitored cervid herd and be negative to an official tuberculosis test conducted within ninety (90) days prior to entry. Cervids less than twelve (12) months of age that originate from and were born in a monitored herd may move without further tuberculosis testing. The Certificate of Veterinary Inspection must state that these cervids originate from a monitored herd that these cervids have not been exposed to other cervids in a lower status, or;

(d) Originate from a cervid herd of unknown status and regardless of age be negative to two (2) official tuberculosis tests conducted no less than ninety (90) days apart with the second test being conducted within ninety (90) days prior to entry, or;

(e) Originate from an institution that is accredited by the American Association of Zoological Parks and Aquariums (AAZPA) and be consigned to an accredited member facility in Georgia. All other movements from AAZPA accredited members must comply with one of the above requirements;

(f) Cervids consigned directly to a state or federally approved slaughter establishments are exempt from the tuberculosis test requirements. Such cervids must be individually identified on a Certificate of Veterinary Inspection or a waybill and are prohibited contact with any other cervids in Georgia until arrival at such slaughter establishment.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.13
Authority: Authority O.C.G.A. Secs. 4-4-1, 4-4-64, 4-4-65, 4-4-170, 4-4-173, 4-4-177.
History. Original Rule entitled "Ratites" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Cervids" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.14. Ratites.

(1) Ratites entering Georgia for any purpose must be accompanied by an official Certificate of Veterinary Inspection identifying each animal with unique and visible individual identification or an electronic identification device (microchip). The consignee is responsible for providing the appropriate reading device for verification of the electronic identification. Required test results, test dates, prior permit number, and a statement from the issuing accredited veterinarian that the ratites being moved have not originated from flocks with seropositives to avian influenza within the previous six (6) months or from flocks in which seropositives are maintained. Such animals shall originate from flocks free of any contagious or infectious disease and shall not have been exposed to any contagious or infectious disease prior to or during shipment.

(2) Each Ratite must be tested negative for Avian Influenza and pullorum-typhoid by an approved serological test within thirty (30) days prior to entry. Ratites from flocks with seropositives to Avian Influenza within the previous six (6) months or from flocks in which seropositives are maintained are prohibited entry into Georgia.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.14
Authority: Authority O.C.G.A. Secs. 4-4-1, 4-4-64, 4-4-65, 4-4-80, 4-4-83, 4-7-6.
History. Original Rule entitled "Poultry" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Ratites" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.15. Poultry.

(1) All poultry including but not limited to hatching eggs, chicks, poults, and poultry breeding stock entering Georgia must be accompanied by an official Certificate of Veterinary Inspection or an official National Poultry Improvement Plan (N.P.I.P.) Form 9-3 and N.P.I.P Form 9-2, if applicable. A copy of the Certificate of Veterinary Inspection shall be sent to the State Veterinarian of Georgia, Agriculture Building, 19 Martin Luther King, Jr. Drive, SW, Atlanta, Georgia 30334. A copy of the N.P.I.P. Form 9-3 and N.P.I.P. Form 9-2, if applicable, shall be sent to the Georgia Poultry Laboratory, 3235 Abit Massey Way, Gainesville, Georgia 30507. If a company operates across the state line between Georgia and an adjacent state, the requirement for the Certificate of Veterinary Inspection, the Form 9-3, and the Form 9-2, if applicable, may be waived as long as both official state agencies are in agreement and a memorandum of understanding about the company between the two official state agencies is reached and updated yearly.

(2) Poultry not participating in the PT Clean and AI Clean programs of the N.P.I.P. must be tested negative for pullorum-typhoid disease as well as avian influenza, using an approved serology test for pullorum-typhoid and an approved antigen detection test for avian influenza, within twenty-one (21) days prior to entering Georgia. Hatching eggs or unfed and unwatered poultry may enter Georgia provided the breeder flock from which they originated was tested negative for pullorum-typhoid disease, using an approved serology test, and avian influenza, using an approved antigen detection test, within twenty-one (21) days prior to entering Georgia.

(3) All domestic quail, pheasants, and other gallinaceous birds not participating in the PT Clean and AI Clean programs of the N.P.I.P. must be tested negative for pullorum-typhoid disease, using an approved serology test, as well as avian influenza, using an approved antigen detection test, within twenty-one (21) days prior to entering Georgia.

(4) The order Anseriforme, which includes waterfowl, is exempt from pullorum-typhoid requirements but must be tested negative for avian influenza, using an approved antigen detection test, within twenty-one (21) days prior to entering Georgia.

(5) When testing for pullorum-typhoid, all birds coming into Georgia must be tested individually. When testing for avian influenza, for birds coming into Georgia in shipments of under thirty (30) birds, all birds must be tested; for shipments of over thirty (30) birds, at least thirty (30) birds from the flock must be tested.

(6) Poultry vaccinated with live *Mycoplasma gallisepticum* may not be imported into the state of Georgia without prior written permission of the State Veterinarian. Permit requests must be submitted in writing.

(7) H5 and H7 Avian Influenza Controls.

(a) For the purpose of this avian influenza control, the following definitions will apply:

1. "Poultry" means chickens, turkeys, quail, pheasants, peafowl, guineas, chukars and other partridge, grouse, ratites and waterfowl.

2. "Poultry products" means hatching eggs, chicks, poults, table eggs, litter, and offal but does not include processed poultry meat for human consumption.

3. "Flock affected with avian influenza" means the subtype H5 or H7 avian influenza virus has been diagnosed in that flock. A flock represents all birds on a premise.

4. "Avian Influenza" means the detection of subtype H5 or H7 avian influenza virus as confirmed by the U. S. Department of Agriculture.

5. "State Control Zone (SCZ)" means a control zone within a state in which avian influenza virus has been diagnosed in commercial poultry or non-commercial poultry and immediate containment has taken place within an area that is at a minimum of ten (10) kilometers in radius around the case or as defined by the affected State Initial Response and Control Plan. A SCZ will be considered to remain infected with avian influenza until the affected state has depopulated infected flocks, has had no new infections, and the Control Zone has been officially released from quarantine by State authorities.

6. "Cleaned and disinfected" means the item is free of visible organic matter and is disinfected with a disinfectant effective against Influenza virus.

7. "Contiguous State Business Continuity Control Zone (CSBCCZ)" means a control zone within a state sharing a border with Georgia that encompasses poultry companies doing daily business across state lines including transportation of feed and poultry products.

(b) No live poultry, including unfed baby chicks and hatching eggs, or poultry products originating from a SCZ may enter Georgia for any purpose until the state of origin has depopulated infected flocks, has had no new infections, and the Control Zone has been officially released from quarantine by State authorities, except under permit from the State Veterinarian. Live poultry, including baby chicks and hatching eggs, or poultry products originating from a CSBCCZ will follow procedures outlined in the Georgia Initial State Response and Containment Plan or a contiguous state's avian influenza response plan.

(c) Poultry originating from Georgia that have been transported to a SCZ that is affected with avian influenza shall not return to Georgia until such time as they have met the requirements outlined in Section 7(b) of this Rule.

(d) All vehicles associated with transporting poultry or poultry products from SCZs affected with avian influenza must be cleaned and disinfected prior to loading of poultry or poultry products. In addition, loaded vehicles shall also have tires, wheels, and undercarriage cleaned and disinfected a second time after leaving the premise and prior to entering Georgia. Vehicles used to transport poultry or poultry products that are empty must be completely cleaned and disinfected inside and outside prior to entering Georgia. A statement from the owner, manager, or agent verifying compliance with this requirement must be included on or attached to the USDA form 9-3, N.P.I.P. Form 9-2, or CVI, if such documents are applicable.

(e) If the Georgia Department of Agriculture determines that a state affected with avian influenza poses a risk to Georgia poultry, then the Department may restrict the entry of poultry into Georgia for the purpose of being offered for sale, barter, exchange, or exhibition in any auction market, marketplace, fair, show, or other event where live poultry are customarily assembled in Georgia from multiple sources.

(f) Live poultry and poultry products imported into the State of Georgia shall meet all other import requirements required by the Georgia Department of Agriculture.

(g) This rule shall not be construed as limiting the Georgia Department of Agriculture's authority to establish additional quarantine or testing requirements on imported poultry or poultry products.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.15
Authority: O.C.G.A. Secs. 4-4-1, 4-4-2, 4-4-64, 4-4-65, 4-4-80, 4-4-83, 4-7-6.
History. Original Rule entitled "Exotic and Pet Birds" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Poultry" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.
Amended: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rule 40-13-2-.16. Exotic Animals and Pet Birds.

(1) All exotic or pet birds entering Georgia for any purpose require a prior permit number from the Animal Health Section in Atlanta, Georgia at (404) 656-3667.

(2) All exotic and pet bird exhibitions and sales are required to have a permit. The exhibition or sale management is responsible for obtaining the permit by contacting the State Veterinarian at least twenty-one (21) days prior to the opening of the exhibition or sale. For additional information, call the State Veterinarian's office at 404-656-3671.

(3) The following birds are restricted from entry into Georgia except by special permit from the State Veterinarian:

(a) Java Rice Bird;

(b) Quaker or Monk Parakeet.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.16
Authority: Authority O.C.G.A. Secs. 4-4-1, 4-4-64, 4-4-65, 4-4-80, 4-4-83, 4-7-6, 4-10-7.1.
History. Original Rule entitled "Exotic Animals and Non-Traditional Livestock" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Exotic and Pet Birds" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.17. Exotic Animals and Non-Traditional Livestock.

(1) All exotic animals and all non-traditional livestock entering Georgia must be accompanied by an official Certificate of Veterinary Inspection identifying each animal with unique permanent individual identification.

(2) All llamas and alpacas entering Georgia must be identified by a USDA approved metal ear tag, unique and individual tattoo, notarized photograph, or an electronic identification device (microchip). If electronic identification is used the consignee is responsible for providing the appropriate reading device for verification. Castrated males are exempt from the individual identification requirements.

(3) All elephants and monkeys entering Georgia must be identified by a unique and individual tattoo or electronic identification device (microchip). If electronic identification is used the consignee is responsible for providing the appropriate reading device for verification. All elephants and monkeys entering Georgia must test negative to a USDA recommended tuberculosis test within twelve (12) months prior to entry. The Georgia Department of Natural Resources, Wildlife Resources Division should be contacted prior to entry.

(4) All antelope entering Georgia must be identified by a USDA approved metal ear tag and an entry permit number must be obtained by contacting the Animal Health Section in Atlanta, Georgia at 404-656-3667. All antelope six (6) months of age and older must test negative to an official brucellosis test within thirty (30) days and test negative to a single cervical tuberculosis test within ninety (90) days prior to entry.

(5) All other cloven hoofed bovidae including bison, water buffalo, and exotic cattle breeds must meet the same interstate movement health requirements as domestic cattle to enter Georgia.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.17
Authority: Authority O.C.G.A. Secs. 4-4-1, 4-4-62, 4-4-64, 4-4-65.
History. Original Rule entitled "Wild Animals" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Repealed: New Rule entitled "Exotic Animals and Non-Traditional Livestock" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.18. Wild Animals.

(1) Wild Animals imported into Georgia must comply with current requirements of the Wildlife Resources Division, Georgia Department of Natural Resources, 2070 US Highway 278 SE, Social Circle, Georgia, 30279, (770) 918-6400 and USDA.

(2) The Department of Agriculture has the authority to enter a premises for immediate examination and necessary testing of imported wild animals when a disease vector is suspected of endangering livestock and/or the public health.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.18
Authority: Authority O.C.G.A. Secs. 4-4-1, 4-4-62, 4-4-64, 4-10-1*et seq.*, 4-10-7.1, 4-10-7.2, 4-11-1 *et seq.*, 4-11-11, 27-5-5, 31-19-5.
History. Original Rule entitled "Pets" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Wild Animals" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.19. Pets.

(1) All pets entering Georgia must comply with the applicable health requirements of the U. S. Department of Agriculture, the U. S. Department of Health and Human Services, the Georgia Department of Agriculture, the Georgia Department of Human Resources, and/or the Georgia Department of Natural Resources.

(2) All dogs and cats twelve (12) weeks of age or older entering Georgia must have proof of a current and approved rabies vaccination in accordance with the most recent Compendium of Animal Rabies Control published by the National Association of State Public Health Veterinarians, Inc.

(3) All ferrets twelve (12) weeks of age or older entering Georgia must have proof of a current and approved rabies vaccination in accordance with the most recent Compendium of Animal Rabies Control published by the National Association of State Public Health Veterinarians, Inc. Ferrets seven (7) months of age or older entering Georgia must be sexually altered prior to entry, except those exempted by a license/permit issued by USDA, APHIS, Animal Care and/or the Georgia Department of Natural Resources.

(4) All pets, except fish and rodents, entering Georgia for sale, trade, or exchange for a fee or other type of compensation must be accompanied by a Certificate of Veterinary Inspection issued within the previous 30 days and which records proof of the health requirements for each species.

(5) All pet birds entering Georgia are required to have a permit number issued by the Department prior to entry. Permit numbers may be obtained by calling the Animal Health Section at 404-656-3667.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.19
Authority: Authority O.C.G.A. Secs. 4-4-1, 4-4-64, 4-4-65, 4-10-1*et seq.*, 4-10-7.1, 4-10-7.2, 4-11-1 *et seq.*, 4-11-11, 27-5-5(b)(1)(k), 31-19-5.
History. Original Rule entitled "Exhibition and Petting Zoos" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Pets" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.20. Exhibition and Petting Zoos.

All animals entering Georgia for exhibition or consigned to a petting zoo must meet the same interstate movement health requirements as such animals entering Georgia for breeding purposes. Any such animals which develop symptoms of infectious or contagious diseases will be quarantined and permitted directly back to the farm of origin.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.20
Authority: Authority O.C.G.A. Secs. 4-4-64, 4-4-65, 4-4-74, 4-4-76, 4-4-97, 16-10-20.
History. Original Rule entitled "Penalty for Violation" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Exhibition and Petting Zoo" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-2-.21. Penalty for Violation.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor.

Cite as Ga. Comp. R. & Regs. R. 40-13-2-.21
Authority: Authority O.C.G.A. Secs. 4-4-74, 4-4-76, 4-4-97, 16-10-20.
History. Original Rule entitled "Penalty for Violation" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Subject 40-13-3. INTRASTATE HEALTH REQUIREMENTS.

Rule 40-13-3-.01. Definitions.

(1) "Cattle" means bovine animals and bison.

(2) "Certificate of Veterinary Inspection" means an official and legible record complying with the requirements of the Georgia Department of Agriculture issued by an accredited veterinarian on an official form adopted by the state of origin or the equivalent official form of the United States Department of Agriculture.

(3) "Cervid" means farmed deer and any species of deer, elk, moose or other Artiodactyla maintained in confinement.

(4) "Equine" means horses, mules, asses, and any other members of the Equidae species.

(5) "Petting Zoo" means a collection of animals for the purpose of allowing physical contact with the public.

Cite as Ga. Comp. R. & Regs. R. 40-13-3-.01
Authority: O.C.G.A. Secs. 4-4-1, 4-4-64 to 4-4-67.
History. Original Rule entitled "Permits" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Repealed: New Rule of same title adopted. F. May 2, 1984; eff. May 22, 1984.
Amended: F. Oct. 3, 1985; eff. Oct. 23, 1985.
Repealed: New Rule entitled "Definitions" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-3-.02. Bovine.

There are no brucellosis or tuberculosis test requirements for intrastate movement of Georgia cattle.

Cite as Ga. Comp. R. & Regs. R. 40-13-3-.02
Authority: O.C.G.A. Secs. 4-4-1, 4-4-64 to 4-4-67, 4-4-70, 4-4-90*et seq.*
History. Original Rule entitled "Duties of Carriers" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: New Rule entitled "Bovine" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-3-.03. Swine.

(1) Georgia breeding swine, four months of age or older, being sold, offered for sale, traded, given away, loaned or leased, must test negative to an official brucellosis test and an official pseudorabies test within 30 days prior to sale or movement. The following are exempt from the brucellosis and/or pseudorabies test requirements:

(a) Swine originating directly from a validated brucellosis free herd are exempt from the brucellosis test requirements;

(b) Swine originating directly from a qualified pseudorabies free herd are exempt from the pseudorabies test requirement;

(c) Barrows are exempt from the brucellosis test requirements;

(d) Swine moving directly to a state or federally approved slaughter establishment; and

(e) Swine moving directly to an approved auction market or buying station.

(2) Georgia feral swine of any age moving within Georgia must test negative to an official brucellosis test and an official pseudorabies test within 30 days prior to movement, originate from a validated brucellosis free herd and a qualified pseudorabies free herd, or be moved directly to a state or federally approved slaughter establishment, to an approved hunting preserve, or to an approved swine slaughter sale.

(3) Georgia miniature swine, four months of age or older, being sold, offered for sale, traded, given away, loaned or leased, must test negative to an official brucellosis test and an official pseudorabies test within 30 days prior to movement or originate from a validated brucellosis free herd and a qualified pseudorabies free herd. Barrows are exempt from the brucellosis and pseudorabies test requirements.

(4) The burden of satisfying all of the above brucellosis and pseudorabies test requirements shall be upon the person who sells, offers for sale, trades, gives away, loans or leases any test eligible swine.

Cite as Ga. Comp. R. & Regs. R. 40-13-3-.03
Authority: O.C.G.A. Secs. 4-4-1*et seq.*, 4-4-64, 4-4-65, 4-4-67, 4-4-70.
History. Original Rule entitled "Health Requirements" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: F. July 15, 1971; eff. August 4, 1971.
Amended: ER. 40-13-3-0.5-.03 adopted. F. Aug. 29, 1972; eff. Sept. 1, 1972, as specified by the Agency.
Amended: F. Feb. 26, 1973; eff. Mar. 18, 1973.
Amended: F. Mar. 16, 1976; eff. Apr. 5, 1976.
Amended: F. Sept. 8, 1977; eff. Sept. 28, 1977.
Repealed: New Rule of same title adopted. F. May 2, 1984; eff. May 22, 1984.
Amended: F. Oct. 3, 1985; eff. Oct. 23, 1985.
Amended: F. July 18, 1988; eff. August 7, 1988.
Amended: F. Feb. 20, 1989; eff. Mar. 12, 1989.
Amended: F. Jan. 24, 1991; eff. Feb. 13, 1991.
Amended: F. June 11, 1992; eff. July 1, 1992.
Amended: F. Jan. 19, 1996; eff. Feb. 8, 1996.
Repealed: New Rule entitled "Swine" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-3-.04. Equine.

(1) Official Equine Infectious Anemia Tests: Only tests which have been conducted in a State, Federal, or commercial laboratory approved by the Georgia State Veterinarian and the United States Department of Agriculture will be considered official tests.

(2) Official Equine Infectious Anemia Test Record: Only the original laboratory issued test record will be considered an official test record. The State Veterinarian will make the final determination as to the acceptability of any equine infectious anemia test record.

(3) Nursing foals less than six months of age when accompanied by their dam which has a current negative test for equine infectious anemia are exempt from the equine infectious anemia test requirements.

(4) Change of Ownership: Georgia equine being sold, offered for sale, traded, given away, loaned, or leased must test negative to an official test for equine infectious anemia within the previous 12 months and be accompanied by the original test record issued by the laboratory. Untested equine may move directly to an approved sale where a sample will be collected prior to the sale. The seller will be responsible for the cost of the test and must reimburse the buyer the full price of the animal if such test is positive.

(5) Assembly: Equine assembled for exhibitions, rodeos, horse shows, trail rides, or other gatherings with horses of different ownership must have a record of an official negative test for equine infectious anemia within the previous 12 months. The original laboratory test record or a legible copy will be acceptable for the purpose of assembly.

(6) Breeding: Any stallion or mare offered for reproductive services must have record of an official negative test for equine infectious anemia within the previous 12 months. The original laboratory test record or a legible copy will be acceptable for the purpose of breeding.

(7) Stables: Equine located at premises that provide boarding, holding, training, breeding, riding, pulling vehicles or similar purposes must have a record of an official test for equine infectious anemia within the previous 12 months. The original laboratory test record or a legible copy will be acceptable.

(8) Quarantine: Any equine not meeting the above requirements may be quarantined and returned to the farm of origin or a premises approved by the State Veterinarian until the requirements have been met.

(9) The burden of satisfying the above equine infectious anemia test requirements shall be upon the person who sells, offers for sale, trades, gives away, loans, leases or commingles any test-eligible equine.

Cite as Ga. Comp. R. & Regs. R. 40-13-3-.04
Authority: O.C.G.A. Secs. 4-4-1, 4-4-70, 4-4-121, 4-11-2, 4-11-9.1, 26-2-3 to 26-2-6.
History. Original Rule entitled "Sheep and Goats" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: F. May 2, 1984; eff. May 22, 1984.
Amended: F. July 13, 1988; eff. August 7, 1988.
Amended; F. Jan. 24, 1991; eff. Feb. 13, 1991.
Amended: F. June 11, 1992; eff. July 1, 1992.
Repealed: New Rule entitled "Equine" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-3-.05. Ovine.

(1) All sheep, except wethers, moving intrastate for the purpose of change of ownership, including loan, lease or given away, must be identified with official USDA identification.

(2) Any person applying official identification must keep the following records for a period of five (5) years:

(a) Name and address of the flock of origin;

(b) Name and address of the recipient flock;

(c) Age, breed and sex of the sheep identified; and

(d) The identification number applied.

Cite as Ga. Comp. R. & Regs. R. 40-13-3-.05
Authority: O.C.G.A. Sec. 4-4-1*et seq.*
History. Original Rule entitled "Dogs" adopted. F. and eff. June 30, 1965.
Amended: F. Apr. 1, 1970; eff. Apr. 20, 1970.
Repealed: Rule reserved. F. Oct. 31, 1972; eff. Nov. 20, 1972.
Repealed: New Rule entitled "Ovine" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-3-.06. Caprine.

(1) All goats, except wethers, commingled with sheep and moved intrastate for the purpose of change of ownership, including loan, lease or given away, must be identified with official USDA identification.

(2) Any person applying official identification must keep the following records for a period of five (5) years:

(a) Name and address of the flock/herd of origin;

(b) Name and address of the recipient flock/herd;

(c) Age, breed and sex of the goat identified; and

(d) The identification number applied.

Cite as Ga. Comp. R. & Regs. R. 40-13-3-.06
Authority: O.C.G.A. Secs. 4-4-3, 4-4-119, 26-2-3 to 26-2-6.
History. Original Rule entitled "Horses, Mules and Asses" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: F. July 15, 1971; eff. August 4, 1971.
Repealed: New Rule of same title adopted. F. May 2, 1984; eff. May 22, 1984.
Amended: F. Mar. 25, 1987; eff. Apr. 14, 1987.
Repealed: New Rule entitled "Caprine" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-3-.07. Cervids.

(1) Georgia cervids 12 months of age or older being sold, offered for sale, traded, given away, loaned or leased, must test negative to an official brucellosis test within 30 days prior to sale or movement. The following are exempt from the brucellosis test requirements:

(a) Cervids originating from a certified brucellosis free herd; or

(b) Cervids consigned directly to a state or federally approved slaughter establishment; or

(c) Cervids originating from an institution that is accredited by the American Association of Zoological Parks and Aquariums (AAZPA) and consigned to another accredited member facility in Georgia; or

(d) White-tailed deer indigenous to Georgia.

(2) Georgia cervids of any age being sold, offered for sale, traded, given away, loaned or leased, must test negative to an official tuberculosis test within ninety (90) days prior to sale or movement. The following are exempt from the tuberculosis test requirements:

(a) Cervids originating from an accredited tuberculosis free herd; or

(b) Cervids less than 12 months of age originating from and born into a qualified or monitored herd and not exposed to other cervids of a lower status; or

(c) Cervids originating from an institution that is accredited by the American Association of Zoological Parks and Aquariums (AAZPA) and consigned to another accredited member facility in Georgia; or

(d) Cervids consigned directly to a state or federally approved slaughter establishment; or

(e) White-tailed deer indigenous to Georgia.

(3) The burden of satisfying the above brucellosis and tuberculosis test requirements shall be upon the person who sells, offers for sale, trades, gives away, loans or leases any test eligible cervid.

Cite as Ga. Comp. R. & Regs. R. 40-13-3-.07
Authority: O.C.G.A. Secs. 4-4-1*et seq.*, 4-4-67, 4-4-70, 4-4-173.
History. Original Rule entitled "Poultry, Hatching Eggs, Chicks, Poults, Poultry Breeding Stock and Exotic Birds" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: ER. 40-13-3-0.5-.07 adopted. F. Aug. 29, 1972; eff. Sept. 1, 1972, as specified by the Agency.
Amended: Permanent Rule adopted. F. Feb. 26, 1973; eff. Mar. 18, 1973.
Repealed: New Rule of same title adopted. F. May 2, 1984; eff. May 22, 1984.
Amended: F. Oct. 3, 1985; eff. Oct. 23, 1985.
Amended: F. Jan. 24, 1991; eff. Feb. 13, 1991.
Amended: F. June 11, 1992; eff. July 1, 1992.

Repealed: New Rule entitled "Cervids" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-3-.07.1. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-13-3-.07.1
Authority: O.C.G.A. Secs. 4-4-80 to 4-4-84.
History. Original Rule entitled "Avian Influenza Controls" adopted as ER. 40-13-3-0.66-.07.1. F. and eff. May 3, 2002.
Amended: Permanent Rule entitled "Low Pathogenic H5 and H7 Avian Influenza Controls" adopted. F. Aug. 19, 2002; eff. Sept. 8, 2002.
Repealed: F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-3-.08. Livestock Exhibition.

(1) All exhibitions of livestock except equine exhibitions are required to have a permit. The management is responsible for obtaining the exhibition permit from the State Veterinarian at least twenty-one (21) days prior to the opening of the exhibition. For additional information, call the State Veterinarian's office at: 404-656-3671.

(2) All livestock entering Georgia for exhibition must meet Georgia's interstate movement health requirements.

(3) No livestock will be allowed entry into the exhibition facility without the proper health records and required tests. A Georgia Department of Agriculture representative may be present to examine all livestock.

(4) Certificate of Veterinary Inspection (CVI).

(a) All animals being exhibited in any type of livestock show must be individually identified and accompanied by a Certificate of Veterinary Inspection. The Certificate of Veterinary Inspection must show proof of the requirements outlined in these regulations for the appropriate species. The Certificate of Veterinary Inspection must be issued within 30 days prior to exhibition with the following exceptions:

1. For Georgia cattle, swine, goats, and exotic animals exhibiting in Georgia 4-H and FFA shows, the Certificate of Veterinary Inspection and required tests shall be valid for four months.

2. For Georgia sheep exhibiting in Georgia 4-H and FFA shows, a Certificate of Veterinary Inspection must be issued by an accredited veterinarian and must be updated and signed every 30 days during the show season by an accredited veterinarian, county extension agent, or vocational agriculture teacher. The examiner must sign and record the following statement on the certificate: "To the best of my knowledge, the animals being exhibited are

free from any clinical signs consistent with those of footrot, scabies, soremouth, cutaneous fungal lesions, or any other infectious or communicable disease."

(b) The following are exempt from the Certificate of Veterinary Inspection requirements as specified in this chapter:

1. Market cattle and market swine will not require a Certificate of Veterinary Inspection or any testing provided no breeding livestock are on the exhibition premises. All market animals must either be consigned directly to slaughter with no animals from the exhibition returning to a farm, or be consigned to a terminal market show with confinement at the original show facility until movement. If any market animals will be returning to a farm or if show management requires such, all animals on the show grounds must have proper Certificates of Veterinary Inspection and must satisfy the appropriate test requirements described in this chapter.

2. Georgia equine participating in Georgia equine events will not require a Certificate of Veterinary Inspection. (See complete equine requirements referenced later in this section.)

(5) Cattle.

(a) Brucellosis Requirements:

1. Georgia cattle have no brucellosis test requirement for exhibition. However, the cattle must originate from herds that are not under quarantine for brucellosis. Steers may move unrestricted from brucellosis quarantined herds.

(b) Tuberculosis Requirements:

1. Georgia cattle have no tuberculosis test requirement for exhibition. However, the cattle must originate from herds that are not under quarantine for tuberculosis.

(c) All rodeo cattle from Georgia require a Certificate of Veterinary Inspection issued within 30 days of exhibition. All rodeo bulls must have a negative brucellosis and a negative tuberculosis test within 12 months prior to exhibition.

(6) Swine.

(a) Breeding swine:

1. Georgia breeding swine four months of age and older must have a negative brucellosis and a negative pseudorabies test within 30 days prior to exhibition with the following exception:

2. Swine originating from a validated brucellosis free herd and a qualified pseudorabies free herd. Validation and qualification numbers and the date of the most recent herd test must be recorded on the Certificate of Veterinary Inspection.

(b) Market Swine:

1. Gilts must have a negative brucellosis and a negative pseudorabies test within 30 days prior to exhibition unless originating from a validated brucellosis free herd and a qualified pseudorabies free herd. Validation and qualification numbers and the date of the most recent herd test must be recorded on the Certificate of Veterinary Inspection.

2. Barrows must have a negative pseudorabies test within 30 days prior to exhibition unless originating from a qualified pseudorabies free herd. Qualification number and the date of the most recent herd test must be recorded on the Certificate of Veterinary Inspection.

3. Market swine may be exempt from the Certificate of Veterinary Inspection and the test requirements if they qualify under Section 40-13-3-.06(4), "Certificate of Veterinary Inspection".

(7) Sheep.

(a) Georgia sheep must have a Certificate of Veterinary Inspection issued within 30 days prior to the exhibition with official USDA identification and the following statement recorded: "The flock of origin is free from footrot, scabies, contagious ecthyma and any cutaneous fungal disease." Wethers do not require official USDA identification.

(b) For Georgia 4-H and FFA sheep exhibition requirements, see the above "Certificate of Veterinary Inspection" part of this section.

(c) All sheep may be inspected at the show premises for footrot, scabies, contagious ecthyma (soremouth) and cutaneous fungal diseases. Those with lesions must be removed from the show facility.

(8) Goats.

(a) Georgia goats must have a Certificate of Veterinary Inspection issued within 30 days prior to exhibition and be in compliance with USDA identification rules. The

following statement must be recorded on the Certificate of Veterinary Inspection: "The herd of origin is free from footrot, scabies, contagious ecthyma and any cutaneous fungal disease."

(9) Equine.

(a) Georgia equine does not require a Certificate of Veterinary Inspection for exhibition.

(b) All Georgia equine exhibited must have a negative equine infectious anemia test within the previous 12 months. The original laboratory issued test record or a legible copy must accompany the animal. Nursing foals less than six (6) months of age are exempt from this test requirement when accompanied by their dam which has a current negative test for equine infectious anemia.

(10) Cervids.

(a) Brucellosis Requirements:

1. Georgia cervids 12 months of age or older must have a negative brucellosis test within thirty (30) days prior to the exhibition with the following exceptions:

(i) Cervids originating from a certified brucellosis free herd. Certification number and the date of the most recent herd test must be recorded on the Certificate of Veterinary Inspection;

(ii) Cervids 12 months of age or older originating from monitored herds may be exhibited following a negative brucellosis test within ninety (90) days prior to exhibition;

(iii) Castrated cervids.

(b) Tuberculosis Requirements:

1. All Georgia cervids must have a negative tuberculosis test within ninety (90) days of exhibition with the following exceptions:

(i) Cervids originating from an accredited herd. Accreditation number and date of the most recent herd test must be recorded on the Certificate of Veterinary Inspection.

(ii) Cervids less than 12 months of age originating from and born into a qualified or monitored herd and not exposed to other cervids of a lower status.

(11) Llamas and Alpacas.

(a) Georgia llamas and alpacas must be accompanied by a Certificate of Veterinary Inspection and be identified by a USDA approved metal ear tag, unique and individual tattoo, notarized photograph, or an electronic identification device (microchip). If electronic identification is used the consignee is responsible for providing the appropriate reading device for verification.

Cite as Ga. Comp. R. & Regs. R. 40-13-3-.08
Authority: O.C.G.A. Secs. 4-4-64, 4-4-65, 4-4-70, 4-4-173, 26-2-3 to 26-2-6.
History. Original Rule entitled "Screwworms" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: ER. 40-13-3-0.5-.08 adopted. F. Aug. 29, 1972; eff. Sept. 1, 1972, as specified by the Agency.
Amended: Permanent Rule adopted. F. Feb. 26, 1973; eff. Mar. 18, 1973.
Amended: F. May 2, 1984; eff. May 22, 1984.
Amended: F. Oct. 3, 1985; eff. Oct. 23, 1985.
Repealed: New Rule entitled "Livestock Exhibition" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-3-.09. Petting Zoos.

(1) Cattle, goats, and cervids six (6) months of age or older must test negative for brucellosis and tuberculosis within ninety (90) days following the initial establishment of a petting zoo. These animals must have a negative test for brucellosis and tuberculosis before allowing initial contact with the public. Castrated males are exempt from the brucellosis test requirement.

(2) Swine four months of age or older must test negative for brucellosis and pseudorabies after thirty (30) days following the initial establishment of a petting zoo. These animals must have a negative test for brucellosis and pseudorabies before allowing initial contact with the public. Castrated males are exempt from the brucellosis test requirement.

(3) Equine from a petting zoo that are located on or moved to premises where equine of different ownership are present must have a record of an official negative test for equine infectious anemia within the previous 12 months. The original laboratory test record or a legible copy will be acceptable.

(4) Elephants and monkeys must test negative to a United States Department of Agriculture recommended tuberculosis test annually.

(5) Any of the above species of animals added to a petting zoo after the initial establishment of the petting zoo will be required to be isolated and tested for the species appropriate diseases as outlined above.

(6) Annual testing for the diseases listed in this section is recommended for petting zoos.

Cite as Ga. Comp. R. & Regs. R. 40-13-3-.09
Authority: O.C.G.A. Secs. 4-4-1*et seq.*, 4-4-64, 4-4-65, 4-4-70, 4-4-173, 4-10-7.1, 4-10-7.2.

History. Original Rule entitled "Prohibited Birds" adopted. F. Oct. 3, 1985; eff. Oct. 23, 1985.
Repealed: New Rule entitled "Exotic Birds" adopted. F. Jan. 24, 1991; eff. Feb. 13, 1991.
Amended: F. June 11, 1992; eff. July 1, 1992.
Repealed: New Rule entitled "Petting Zoos" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-3-.10. Exotic and Pet Birds Exhibitions and Sales.

(1) All exotic and pet bird exhibitions and sales are required to have a permit. The exhibition or sale management is responsible for obtaining the permit by contacting the State Veterinarian at least twenty-one (21) days prior to the opening of the exhibition of sale. For additional information, call the State Veterinarian's ofice at 404-656-3671.

(2) All exotic and pet birds entering Georgia for exhibition or sale are required to have a permit number issued by the Georgia Department of Agriculture and must meet Georgia's interstate movement health requirements. Permit numbers may be obtained by calling the Animal Health Section at 404-656-3667.

Cite as Ga. Comp. R. & Regs. R. 40-13-3-.10
Authority: O.C.G.A. Secs. 4-4-1*et seq.*, 4-4-80, 4-4-83, 4-7-6.
History. Original Rule entitled "Enforcement" adopted. F. Oct. 3, 1985; eff. Oct. 23, 1985.
Repealed: New Rule entitled "Dogs and Cats" adopted. F. Jan. 24, 1991; eff. Feb. 13, 1991.
Repealed: New Rule entitled "Exotic and Pet Bird Exhibitions and Sales" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-3-.11. Penalty for Violation.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor.

Cite as Ga. Comp. R. & Regs. R. 40-13-3-.11
Authority: O.C.G.A. Secs. 4-4-74, 4-4-84, 4-10-7.1, 4-10-7.2, 16-10-20.
History. Original Rule entitled "Prohibited Birds" adopted. F. Jan. 24, 1991; eff. Feb. 13, 1991.
Repealed: New Rule entitled "Penalty for Violation" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-3-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-13-3-.12
Authority: O.C.G.A. Sec. 4-4-1*et seq.*
History. Original Rule entitled "Enforcement" adopted. F. Jan. 24, 1991; eff. Feb. 13, 1991.
Repealed: F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-3-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-13-3-.13
Authority: O.C.G.A. Sec. 4-4-110*et seq.*

History. Original Rule entitled "Contagious Equine Metritis (CEM)" adopted. F. Nov. 29, 1999; eff. Dec. 19, 1999.
Repealed: F. Jan. 17, 2003; eff. Feb. 6, 2003.

Subject 40-13-4. INFECTIOUS AND CONTAGIOUS DISEASES.

Rule 40-13-4-.01. Definitions.

(1) "Cattle" means bovine animals and bison.

(2) "Cervidae" means farmed deer and any species of deer, elk, moose, or other Artiodactyla maintained in confinement.

(3) "Chronic Wasting Disease" means the transmissible spongiform encephalopathy that affects members of the Cervidae family.

(4) "Equine" includes horses, mules, asses, and any other members of the Equidae species.

(5) "Farmed deer" means fallow deer (Dama dama), axis deer (Axis axis), sika deer (Cervus nippon), red deer and elk (Cervus elaphus), reindeer and caribou (Rangifer tarandus), and hybrids between these farmed deer species raised for the commercial sale of meat and other parts or for the sale of live animals.

(6) "Garbage" means any refuse matter or by-product which contains animal tissue or which has been mixed with any animal tissue, whether liquid or otherwise.

(7) "Livestock" means cattle, including bison, swine, equine, poultry, sheep, goats, ratites, and ruminants.

(8) "Person" means any individual, partnership, corporation, association, or agency, department, or other political subdivision of the state or any other entity.

Cite as Ga. Comp. R. & Regs. R. 40-13-4-.01
Authority: O.C.G.A. Secs. 4-4-1, 4-4-1.1, 4-4-22, 4-4-95.1, 4-4-111, 4-6-1.
History. Original Rule entitled "Livestock Auction Markets" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Amended: F. June 11, 1992; eff. July 1, 1992.
Repealed: New Rule entitled "Definitions" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-4-.02. Reportable Diseases.

(1) Any person, including, but not limited to, veterinarians, veterinary practice personnel, veterinary diagnostic laboratory personnel, persons associated with any livestock or poultry farm, ranch, sales establishment, transportation, or slaughter facility, as well as

any person associated with a facility licensed under the Animal Protection Act or Bird Dealers Act shall report the following diseases. Departmental action on a reported disease will be dependent upon the potential for rapid spread, severe negative economic or public health consequences. Departmental actions may include, but may not be limited to, recording information, issuing a quarantine, conducting an animal disease investigation, collection of samples, requiring cleaning and disinfecting, and distributing animal disease alerts.

(2) Clinical diagnosis, laboratory confirmation or suspicion of any of the following diseases, syndromes, or conditions shall be reported immediately by telephone to the State Veterinarian (404) 656-3671 or (404) 656-3667 or the United States Department of Agriculture Area Veterinarian in Charge (770) 922-7860.

African Horse Sickness

African Swine Fever

Avian Influenza

Classical Swine Fever (Hog Cholera)

Contagious Bovine Pleuropneumonia (*Mycoplasma mycoides mycoides)*

Contagious Ecthyma (Soremouth)

Foot & Mouth Disease (FMD, any type)

Heartwater (*Cowdria ruminantium*)

Lumpy Skin Disease

Newcastle Disease (Exotic)

Nipah Virus

Peste des Petits Ruminants

Plague (*Yersinia pestis*)

Rift Valley Fever

Rinderpest

Screwworm (*Cochliomyia (Callitroga) hominivorax, C. bezziana*)

Sheep Pox and Goat Pox

Swine Vesicular Disease

Vesicular or Ulcerative Conditions

Vesicular Exanthema

Vesicular Stomatitis (VS, any type)

Suspicious disease conditions to be reported immediately include, but are not limited to, vesicular diseases, mucosal diseases, abortion storms in livestock of unknown etiology, undiagnosed bovine central nervous system conditions, unusual number of acute deaths in livestock, unusual myiasis or acariasis (flies, mites, ticks, etc.), and any apparently highly infectious or contagious condition of unknown etiology.

(3) Laboratory confirmation of any of the following diseases, syndromes, or conditions shall be reported by the laboratory within 24 hours or by the close of the next business day to the State Veterinarian or the United States Department of Agriculture Area Veterinarian in Charge.

Aflatoxins

Akabane Virus Disease

Anthrax (*Bacillus anthracis*)

Aujeszky's Disease (Pseudorabies)

Avian Chlamydiosis (Psittacosis and Ornithosis, *Chlamydia psittaci*)

Avian Infectious Encephalomyelitis

Avian Paramyxovirus Infection

Babesiosis (in livestock, any species)

Bluetongue

Bonamiosis (*Bonamia ostrea* and *Bonamia* sp.)

Borna Disease

Bovine Spongiform Encephalopathy

Bovine Trichomoniasis

Brucellosis (*Brucella. abortus, B. ovis, B. suis B. mellitensis*)

Camel Pox Virus

Caseous Lymphadenitis (*Corynebacterium pseudotuberculosis*)

Chronic Wasting Disease

Clostridium perfringens Epsilon Toxin

Coccidioidomycosis (*Coccidioides immitis*)

Contagious Agalactia (*Mycoplasma agalactiae, M. capricolum capricolum, M. putrefaciens, M. mycoides mycoides, M. mycoides mycoides LC*)

Contagious Caprine Pleuropneumonia (*Mycoplasma capricolum capripneumoniae*)

Contagious Equine Metritis (*Taylorella equigenitalis*)

Dourine (*Trypanosoma equiperdum*)

Enterovirus Encephalomyelitis (porcine)

Ephemeral Fever

Epizootic Hematopoietic Necrosis

Epizootic Lymphangitis (*Histoplasma farciminosum*)

Equine Encephalomyelitis (Eastern, Western, Venezuelan, West Nile Virus)

Equine Infectious Anemia (EIA)

Equine Morbillivirus (Hendra virus)

Equine Piroplasmosis (Babesiosis, *Babesia (Piroplasma) equi, B. caballi*)

Equine Rhinopneumonitis (Type 1 and 4)

Equine Viral Arteritis

Feline Spongiform Encephalopathy

Glanders (*Burkholderia [Pseudomonas] mallei*)

Haplosporidiosis (*Haplosporidium nelsoni* and *H. costale*)

Hemorrhagic Septicemia (*Pasteurella multocida*)

Japanese Encephalitis Virus

Ibaraki

Infectious Hematopoietic Necrosis

Infectious Laryngotracheitis (other than vaccine induced)

Infectious Petechial Fever (*Ehrlichia ondiri*)

Louping Ill (Ovine encephalomyelitis)

Maedi-Visna/Ovine Progressive Pneumonia

Malignant Catarrhal Fever (Bovine Malignant Catarrh) (AHV-1, OHV-2)

Mange (in livestock)(*Sarcoptes scabiei* var *bovis* and *ovis*, *Psoroptes ovis*, *Chorioptes bovis*, *Psorergates bos* and *ovis*)

Marteiliosis (*Marteilia refringens* and *M. sydneyi*)

Menangle virus

Melioidosis *(Burkholderia [Pseudomonas] pseudomallei)*

Mikrocytosis (*Mikrocytos mackini* and *M. roughleyi*)

Nairobi Sheep Disease

Oncorhynchus Masou Virus Disease (salmon herpesvirus type 2)

Paratuberculosis (*Mycobacterium avium paratuberculosis*)

Perkinsosis (*Perkinsus marinus* and *P. olseni*)

Pullorum Disease (*Salmonella pullorum*)

Q Fever (*Coxiella burnetti*)

Rabbit Hemorrhagic Disease (Calicivirus disease)

Rabies

Ricin Toxicosis (toxin from *Ricinis communis*)

Salmonella enteritidis

Salmonellosis in equine (*Salmonella typhimurium, S. agona, S. anatum, etc.*)

Scrapie

Shigatoxin

Spring Viremia of Carp

Staphylococcal Enterotoxins

Sweating Sickness

T-2 Toxin

Taura Syndrome

Transmissible Mink Encephalopathy

Transmissible Spongiform Encephalopathies (all types)

Theileriosis (*Theileria annulata, T. parva*)

Trypanosomiasis (*Trypanosoma congolense, T. vivax, T.brucei brucei, T. evansi*)

Tuberculosis (*Mycobacterium. bovis, M. tuberculosis*)

Tularemia (*Francisella tularensis*)

Ulcerative Lymphangitis (*Corynebacterium pseudotuberculosis*)

Viral Hemorrhagic Septicemia (Egtved disease)

Wesselsbron Disease

White Spot Disease

Yellowhead Disease

Clinical diagnosis or laboratory confirmation of Botulism (*Clostridium botulinum* toxin) and Equine Strangles (*Streptococcus equi*) shall be reported.

(4) Clinical diagnosis or laboratory confirmation of any of the following diseases in an animal residing in or recently purchased from an animal shelter, kennel, or pet dealer licensed under the Animal Protection Act or a bird dealer licensed under the Bird Dealers Act shall be reported within 24 hours or by the close of the next business day to the State Veterinarian.

Avian Polyoma Virus

Beak and Feather Disease

Brucellosis (canine)

Canine Parvovirus

Corona Viral Enteritis

Distemper

Feline Immunodeficiency Virus (FIV)

Feline Infectious Peritonitis (FIP)

Feline Leukemia

Feline Panleukopenia (Cat Distemper)

Generalized Demodectic Mange (Red Mange)

Pox Disease

Toxoplasmosis (*Toxoplasma gondi*)

(5) Clinical illness due to any of the following diseases in an animal residing in or recently purchased from an animal shelter, kennel, or pet dealer licensed under the Animal Protection Act shall be reported within 24 hours or by close of the next business day to the State Veterinarian.

Ancylostomiasis (Hook Worms)

Coccidiosis

Giardiasis

Microsporidiosis/Tricophytosis (Generalized Ringworm)

Salmonellosis

Toxocariasis (Round Worms)

(6) Any evidence or reasonable suspicion of bioterrorism, including the intentional use of any microorganism, virus, infectious substance, or any component thereof, whether naturally occurring or bioengineered, to cause the death, illness, disease, or other biological malfunction in an animal, shall be reported immediately by telephone to local law enforcement (and/or the Federal Bureau of Investigation?) and the State Veterinarian (404) 656-3671 or (404) 656-3667 or the United States Department of Agriculture Area Veterinarian in Charge (770) 922-7860.

Cite as Ga. Comp. R. & Regs. R. 40-13-4-.02
Authority: O.C.G.A. Secs. 4-1-3, 4-4-1, 4-4-64, 4-4-67.
History. Original Rule entitled "Out of State Cattle" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Test Requirements" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: F. July 15, 1971; eff. August 4, 1971.
Amended: ER. 40-13-4-0.5-.02 adopted. F. and eff. August 29, 1972.
Amended: Permanent Rule adopted. F. Feb. 26, 1973; eff. Mar. 18, 1973.
Amended: ER. 40-13-4-0.9-.02 adopted. F. and eff. March 4, 1974.
Amended: Permanent Rule adopted. F. Mar. 29, 1974; eff. Apr. 18, 1974.
Amended: F. Mar. 16, 1976; eff. Apr. 5, 1976.
Repealed: New Rule entitled "Test Requirements and Special Handling Procedures" adopted. F. May 2, 1984; eff. May 22, 1984.
Amended: F. Oct. 3, 1985; eff. Oct. 23, 1985.
Amended: F. Jan. 24, 1991; eff. Feb. 13, 1991.
Repealed: New Rule entitled "Reportable Diseases" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-4-.03. Bovine Brucellosis Eradication Requirements.

(1) The State of Georgia is designated as a Certified Brucellosis- Free State by the United States Department of Agriculture.

(2) The Georgia Department of Agriculture adopts the Brucellosis Eradication Uniform Methods and Rules in effect by the United States Department of Agriculture. The Uniform Methods and Rules are on file in the State Veterinarian's office and are available on request. The State Veterinarian reserves the option of applying rules that may exceed the minimum set forth in the Uniform Methods and Rules.

(3) Movement of cattle into Georgia shall be in accordance with the recommendation of the USDA Brucellosis Eradication Uniform Methods and Rules and the rules established by the Georgia Department of Agriculture.

(4) Official Tests: Only tests which have been conducted in the State/Federal Brucellosis Laboratory or a laboratory approved by the State Veterinarian will be considered official tests. All blood and milk samples and completed test records must be submitted to the appropriate laboratory within five (5) business days following collection. No person shall remove, deface, alter or otherwise change any official permanent mark, brand, tattoo, tag or other official identification on any cattle.

(5) Brucellosis Milk Surveillance Test (BMST): Milk samples will be obtained from dairy herds at such intervals as deemed necessary by the State Veterinarian for the purpose of determining the brucellosis status of such herds and must be submitted to the State/Federal Brucellosis Laboratory for testing. An epidemiological investigation of all herds with suspicious BMST results will be conducted and an action plan implemented as approved by the State Veterinarian.

(6) Individual Herd Certification: Individual herds may be designated as Certified Brucellosis-Free by complying with the requirements of the Brucellosis Eradication Uniform Methods and Rules.

(7) Calfhood Vaccination: Female cattle between four (4) and twelve (12) months of age may be vaccinated with a brucella vaccine approved by the USDA and the State Veterinarian. A licensed and accredited veterinarian must administer the vaccine. Vaccinates must be permanently identified by an official vaccination ear tag, registration brand or registration tattoo and be properly tattooed as vaccinates at the time of vaccination. The vaccination records must be forwarded to the State Veterinarian within five (5) business days.

(8) Depopulation: Complete herd depopulation is the preferred method to control and eradicate brucellosis in an affected herd. The owner of a brucellosis-affected herd will be offered indemnity for complete herd depopulation provided state or federal funds are available.

(9) Affected Herds: All herds affected with brucellosis will be quarantined. Any person who owns or has custody or control of any cattle affected with brucellosis or known reactor animals to an official brucellosis test must isolate such animals from all other livestock in Georgia. All herds and premises related by common ownership or management will be quarantined when reactors are disclosed in a herd. All female cattle four (4) months of age and older will be required to be vaccinated with an approved brucella vaccine if depopulation cannot be accomplished. The affected herd quarantine will be released no sooner than sixty days following depopulation or upon completion of four (4) consecutive and complete negative herd tests. The first three (3) tests will occur at thirty (30), ninety (90), and one hundred and eighty (180) days after the last reactor was removed from the premise. The fourth test will occur no sooner than three hundred and sixty-five (365) days after the last reactor left the premise. A complete herd test may be required six (6) to

twelve (12) months following release of the quarantine if determined necessary by the State Veterinarian and the USDA. Quarantined cattle from affected herds must be consigned on a Form VS 1-27 and transported directly from the farm of origin to a state or federally approved slaughter establishment or quarantined feedlot. Quarantined cattle shall not be consigned to a livestock market. Herds quarantined because of an association with an affected herd by common ownership or management in which no reactors have been disclosed may qualify for a conditional quarantine release after one negative complete herd test with the approval of the State Veterinarian and the USDA.

(10) At-Risk Herds: Livestock disclosed in an epidemiological investigation to be at-risk of brucellosis infection will be quarantined. The State Veterinarian and the USDA will develop a herd plan to eliminate the risk of brucellosis in these livestock. A complete herd test of the at-risk herds will be required within thirty (30) days following disclosure of the affected herd and every one hundred and eighty (180) days thereafter while the affected herd remains quarantined. The at-risk herds will qualify for quarantine release with the approval of the State Veterinarian and the USDA following a negative complete herd test conducted no sooner than one (1) year after the last reactor was removed from the affected herd. All at-risk female cattle will be vaccinated with an approved brucella vaccine. Calves twelve months of age and younger from adult vaccinated atrisk cattle herds, except calves in fence contact herds and herds that have commingled with affected herds, may be sold unrestricted within the one hundred and eighty (180) days following a negative complete herd test. Quarantined livestock from at-risk herds must be consigned on a Form VS 1-27 and transported directly from the farm of origin to a state or federally approved slaughter establishment or a quarantined feedlot. Quarantined livestock shall not be consigned to a livestock market. Any livestock moved into a designated area adjacent to an affected herd will be considered as an atrisk herd.

(11) Post-Quarantine Releasing Test: All livestock released from quarantine and all livestock on a premise previously quarantined for brucellosis will be retested as determined necessary by the State Veterinarian and the USDA.

(12) Owner's Responsibility: It shall be the responsibility of the herd owner to provide the necessary facilities and labor to pen all eligible animals for testing. If a herd owner fails to implement or comply with an approved herd plan, the State Veterinarian may require the herd to be depopulated. Dairy herds not in compliance with the rules of this chapter are subject to revocation of their Grand A milk-shipping permit.

(13) Cleaning and Disinfecting: Affected premises shall be cleaned and disinfected in accordance with instruction of the State Veterinarian and the USDA.

Cite as Ga. Comp. R. & Regs. R. 40-13-4-.03
Authority: O.C.G.A. Secs. 4-4-1*et seq.*, 4-4-64, 4-4-67, 4-4-70, 4-4-95.1, 4-4-96.
History. Original Rule entitled "Movement of Swine Into and From Livestock Auction Markets" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Back Tagging Requirements" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Repealed: New Rule of same title adopted. F. May 2, 1984; eff. May 22, 1984.
Amended: F. Oct. 3, 1985; eff. Oct. 23, 1985.

Repealed: New Rule entitled "Bovine Brucellosis Eradication Requirements" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-4-.04. Bovine Tuberculosis Eradication Requirements.

(1) The State of Georgia is designated as an Accredited Tuberculosis- Free State by the United States Department of Agriculture.

(2) The Georgia Department of Agriculture adopts the Bovine Tuberculosis Eradication Uniform Methods and Rules in effect by the United States Department of Agriculture. Said Uniform Methods and Rules are on file in the State Veterinarian's office and are available on request. The State Veterinarian reserves the option of applying rules that may exceed the minimum set forth in the Uniform Methods and Rules.

(3) Movement of cattle into Georgia shall be in accordance with the recommendation of the USDA Bovine Tuberculosis Eradication Uniform Methods and Rules and the rules of the Georgia Department of Agriculture.

(4) Official Tests: An accredited veterinarian must conduct all tuberculosis tests. The results must be reported on the official Tuberculosis Test Record and forwarded to the State Veterinarian's office within five (5) business days after the tests are completed. The testing veterinarian will report immediately by telephone all responding animals to the State Veterinarian and procedures will be carried out in accordance with the Bovine Tuberculosis Eradication Uniform Methods and Rules.

(5) Milk Ordinance Tests: The Georgia Department of Agriculture shall conduct tuberculosis tests on any dairy herd suspected of being infected with or exposed to Mycobacterium bovis at such times as deemed necessary by state and/or federal animal health officials. Georgia Department of Agriculture animal health officials reserve the right to supervise and monitor any tuberculosis testing and the associated control and eradication activities.

(6) Quarantine: All herds containing any cattle responding to the caudal fold test will be placed under quarantine. These herds will be retested in accordance with the provisions of the Bovine Tuberculosis Eradication Uniform Methods and Rules and as required by the Georgia Department of Agriculture to qualify for quarantine release.

(7) Individual Herd Accreditation: Individual herds may be designated as Accredited Tuberculosis-Free by complying with the requirements of the Bovine Tuberculosis Eradication Uniform Methods and Rules.

(8) Owner's Responsibility: It shall be the responsibility of the herd owner to provide the necessary facilities and labor to pen all eligible animals for testing.

(9) Cleaning and Disinfecting: Affected premises shall be cleaned and disinfected in accordance with instruction of the State Veterinarian and the USDA.

Cite as Ga. Comp. R. & Regs. R. 40-13-4-.04
Authority: O.C.G.A. Secs. 4-4-1, 4-4-2, 4-4-64 to 4-4-67, 4-4-70, 4-4-92, 4-4-93, 4-4-95, 4-4-96.
History. Original Rule entitled "Veterinary Services" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Out-of-State Cattle" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: F. July 15, 1971; eff. August 4, 1971.
Amended: ER. 40-13-4-0.5-.04 adopted. F. Aug. 29, 1972; eff. Sept. 1, 1972, as specified by the Agency.
Amended: Permanent Rule adopted. F. Feb. 26, 1973; eff. Mar. 18, 1973.
Repealed: New Rule of same title adopted. F. May 2, 1984; eff. May 22, 1984.
Repealed: New Rule entitled "Bovine Tuberculosis Eradication Requirements" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. Sep. 17, 2013; eff. Oct. 7, 2013.

Rule 40-13-4-.05. Bovine Trichomoniasis.

Animals testing for Trichomoniasis must be isolated from all other bovine animals. Positive animals must be permitted to slaughter on a Form VS 1-27.

Cite as Ga. Comp. R. & Regs. R. 40-13-4-.05
Authority: Authority O.C.G.A. Secs. 4-4-1*et seq.*, 4-4-2, 4-4-64, 4-4-67, 4-4-70, 4-4-95, 4-4-173, 4-4-177, 4-6-1.
History. Original Rule entitled "Livestock Inspector" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Movement of Swine Into and From Livestock Action Markets" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Repealed: New Rule entitled "Swine Movements Through Livestock Auction Markets" adopted. F. May 2, 1984; eff. May 22, 1984.
Amended: F. Jan. 24, 1991; eff. Feb. 13, 1991.
Amended: F. June 11, 1992; eff. July 1, 1992.
Amended: F. Jan. 19, 1996; eff. Feb. 8, 1996.
Repealed: New Rule entitled "Cervidae Brucellosis Eradication Requirements" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Bovine Trichomoniasis" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-4-.06. Cervidae Brucellosis Eradication Requirements.

(1) The Georgia Department of Agriculture adopts the Brucellosis in Cervidae: Uniform Methods and Rules in effect by the United States Department of Agriculture. Said Uniform Methods and Rules are on file in the State Veterinarian's office and are available on request. The State Veterinarian reserves the option of applying rules that may exceed the minimum set forth in the Uniform Methods and Rules.

(2) Movement of cervids into Georgia shall be in accordance with the recommendation of the USDA Brucellosis in Cervidae: Uniform Methods and Rules and the rules established by the Georgia Department of Agriculture.

(3) Official Tests: Only tests which have been conducted in the State/Federal Brucellosis Laboratory or a laboratory approved by the State Veterinarian will be considered official tests. All blood samples and completed test records must be submitted to the appropriate laboratory within five (5) business days following collection. No person shall remove,

deface, alter or otherwise change any official permanent mark, brand, tattoo, tag or other official identification on any cervid.

(4) Individual Herd Designations: Individual herds may be designated as Certified Brucellosis-Free or Brucellosis Monitored by complying with the requirements of the Brucellosis in Cervidae: Uniform Methods and Rules.

(5) Depopulation: Complete herd depopulation is the preferred method to control and eradicate brucellosis in an affected herd. The owner of a brucellosis affected herd should consider depopulation whenever possible.

(6) Affected Herds: All herds affected with brucellosis will be quarantined. Any person who owns or has custody or control of any cervids affected with brucellosis or known reactor animals to an official brucellosis test must isolate such animals from all other livestock in Georgia. All herds and premises related by common ownership or management will be quarantined when reactors are disclosed in a herd. The affected herd quarantine will be released no sooner than sixty days following depopulation or upon completion of four (4) consecutive and complete negative herd tests. The first three (3) tests will occur at thirty (30), ninety (90), and one hundred and eighty (180) days after the last reactor was removed from the premise. The fourth test will occur no sooner than three hundred and sixty-five (365) days after the last reactor left the premise. A complete herd test may be required six (6) to twelve (12) months following release of the quarantine if determined necessary by the State Veterinarian and the USDA. Quarantined cervids from affected herds must be consigned on a Form VS 1-27 and transported directly from the farm of origin to a state or federally approved slaughter establishment or quarantined feedlot. Quarantined cervids shall not be consigned to a livestock market. Herds quarantined because of an association with an affected herd by common ownership or management in which no reactors have been disclosed may qualify for a conditional quarantine release after one negative complete herd test with the approval of the State Veterinarian and the USDA.

(7) At-Risk Herds: Livestock disclosed in an epidemiological investigation to be at-risk of brucellosis infection will be quarantined. The State Veterinarian and the USDA will develop a herd plan to eliminate the risk of brucellosis in these livestock.

(8) Post-Quarantine Releasing Test: All livestock released from quarantine and all livestock on a premise previously quarantined for brucellosis will be retested as determined necessary by the State Veterinarian and the USDA.

(9) Owner's Responsibility: It shall be the responsibility of the herd owner to provide the necessary facilities and labor to pen all eligible animals for testing. If a herd owner fails to implement or comply with an approved herd plan, the State Veterinarian may require the herd to be depopulated.

(10) Cleaning and Disinfecting: Affected premises shall be cleaned and disinfected in accordance with instruction of the State Veterinarian and the USDA.

Cite as Ga. Comp. R. & Regs. R. 40-13-4-.06
Authority: Authority O.C.G.A. Secs. 4-4-1, 4-4-64, 4-4-67, 4-4-70, 4-4-95.1, 4-4-173, 4-4-177.
History. Original Rule entitled "Handling of Livestock" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Veterinary Services" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: New Rule entitled "Cervidae Tuberculosis Eradication Requirements" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Cervidae Brucellosis Eradication Requirements" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-4-.07. Cervidae Tuberculosis Eradication Requirements.

(1) The Georgia Department of Agriculture adopts the Bovine Tuberculosis Eradication Uniform Methods and Rules in effect by the United States Department of Agriculture. Said Uniform Methods and Rules are on file in the State Veterinarian's office and are available on request. The State Veterinarian reserves the option of applying rules that may exceed the minimum set forth in the Uniform Methods and Rules.

(2) Movement of cervids into Georgia shall be in accordance with the recommendation of the USDA Bovine Tuberculosis Eradication Uniform Methods and Rules and the rules of the Georgia Department of Agriculture.

(3) Official Tests: Only accredited veterinarians specifically approved by the State Veterinarian are allowed to perform official tuberculosis tests on cervids. A list of official tests is found in the Bovine Tuberculosis Eradication Uniform Methods and Rules. The caudal fold test is not approved for use on cervids. The results must be reported on the official Tuberculosis Test Record and forwarded to the State Veterinarian's office within five (5) business days after the tests are completed. The testing veterinarian will report immediately by telephone all responding animals to the State Veterinarian and procedures will be carried out in accordance with the Bovine Tuberculosis Eradication Uniform Methods and Rules.

(4) Quarantine: All herds containing any cervid responding to an official tuberculin test will be placed under quarantine. These herds will be retested in accordance with the provisions of the Bovine Tuberculosis Eradication Uniform Methods and Rules and as required by the Georgia Department of Agriculture to qualify for quarantine release.

(5) Individual Herd Designations: Individual herds may be designated as Accredited, Qualified or Monitored by complying with the requirements of the Bovine Tuberculosis Eradication Uniform Methods and Rules.

(6) Owner's Responsibility: It shall be the responsibility of the herd owner to provide the necessary facilities and labor to pen all eligible animals for testing.

(7) Cleaning and Disinfecting: Affected premises shall be cleaned and disinfected in accordance with instruction of the State Veterinarian and the USDA.

Cite as Ga. Comp. R. & Regs. R. 40-13-4-.07
Authority: Authority O.C.G.A. Secs. 4-4-1, 4-4-64 to 4-4-67, 4-4-70, 4-4-173, 4-4-177.
History. Original Rule entitled "Isolation of Personnel" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Livestock Inspector" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: F. May 2, 1984; eff. May 22, 1984.
Repealed: New Rule entitled "Swine Brucellosis Eradication Requirements" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Cervidae Tuberculosis Eradication Requirements" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-4-.08. Swine Brucellosis Eradication Requirements.

(1) The State of Georgia is designated a Validated Brucellosis-Free State by the United States Department of Agriculture.

(2) The Georgia Department of Agriculture adopts the Swine Brucellosis Control/Eradication State-Federal-Industry Uniform Methods and Rules in effect by the United States Department of Agriculture. Said Uniform Methods and Rules are on file in the State Veterinarian's office and are available upon request. The State Veterinarian reserves the option of applying rules that may exceed the minimum set forth in the Uniform Methods and Rules.

(3) Movement of swine into Georgia shall be in accordance with the recommendation of the USDA Swine Brucellosis Control/Eradication State-Federal-Industry Uniform Methods and Rules and the rules established by the Georgia Department of Agriculture.

(4) Official Tests: Only tests which have been conducted in the State/Federal Brucellosis Laboratory or a laboratory approved by the State Veterinarian will be considered official tests. All blood samples and completed test records must be submitted to the appropriate laboratory within five (5) business days following collection. No person shall remove, deface, alter or otherwise change any official permanent mark, tattoo, tag or other official identification on any swine.

(5) Individual Herd Validation: Individual herds may be designated as Validated Brucellosis-Free by complying with the requirements of the State-Federal-Industry Uniform Methods and Rules.

(6) Depopulation: Swine herds affected with brucellosis are required to depopulate unless an exemption is given by the State Veterinarian.

(7) Affected Herds: All herds affected with brucellosis will be quarantined. Any person who owns or has custody or control of any swine affected with brucellosis or known reactor animals to an official brucellosis test must isolate such animals from all other livestock in Georgia. All herds and premises related by common ownership or management will be quarantined when reactors are disclosed in a herd. The affected herd quarantine will be released no sooner than thirty (30) days following depopulation. If an exemption from the depopulation requirement is granted, the affected herd quarantine will be released upon

completion of four (4) consecutive and complete negative herd tests. The first three (3) tests will occur at thirty (30), ninety (90), and one hundred and eighty (180) days after the last reactor was removed from the premise. The fourth test will occur no sooner than three hundred and sixty-five (365) days after the last reactor left the premise. A complete herd test may be required six (6) to twelve (12) months following release of the quarantine if determined necessary by the State Veterinarian and the USDA. All swine in an affected herd must be identified by an official eartag. A Form VS 1-27 must accompany quarantined swine moved from affected herds. Herds quarantined because of an association with an affected herd by common ownership or management in which no reactors have been disclosed may qualify for a conditional quarantine release after one negative complete herd test with the approval of the State Veterinarian and the USDA.

(8) At-Risk Herds: Swine disclosed in an epidemiological investigation to be at-risk of brucellosis infection will be quarantined. The State Veterinarian and the USDA will develop a herd plan to eliminate the risk of brucellosis in these animals.

(9) Post-Quarantine Releasing Test: All swine released from quarantine and all swine on a premise previously quarantined for brucellosis may be retested as determined necessary by the State Veterinarian and the USDA.

(10) Owner's Responsibility: It shall be the responsibility of the herd owner to provide the necessary facilities and labor to facilitate the testing of all eligible swine. If the owner of a quarantined herd fails to implement or comply with an approved herd plan, the State Veterinarian may require the herd to be depopulated.

(11) Cleaning and Disinfecting: Affected premises shall be cleaned and disinfected in accordance with instruction of the State Veterinarian and the USDA.

Cite as Ga. Comp. R. & Regs. R. 40-13-4-.08
Authority: Authority O.C.G.A. Secs. 4-4-64, 4-4-67, 4-4-70, 4-6-54.
History. Original Rule entitled "Records" adopted. F. and eff. June 30, 1965.
Repealed: New Rule entitled "Handling of Livestock" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Repealed: New Rule of same title adopted. F. May 2, 1984; eff. May 22, 1984.
Repealed: New Rule entitled "Swine Pseudorabies Eradication Requirements" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Swine Brucellosis Eradication Requirements" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-4-.09. Swine Pseudorabies Eradication Requirements.

(1) The Georgia Department of Agriculture adopts the Pseudorabies Eradication State-Federal-Industry Programs Standards in effect by the United States Department of Agriculture. Said Program Standards are on file in the office of the State Veterinarian and are available upon request. The State Veterinarian reserves the option of applying rules that may exceed the minimum set forth in the Program Standards.

(2) Movement of swine into Georgia shall be in accordance with the recommendation of the USDA Pseudorabies Eradication State-Federal-Industry Program Standards and the rules established by the Georgia Department of Agriculture.

(3) Official Tests: Only tests which have been conducted in the State/Federal Brucellosis Laboratory or a laboratory approved by the State Veterinarian will be considered official tests. All blood samples and completed test records must be submitted to the appropriate laboratory within five (5) business days following collection. No person shall remove, deface, alter or otherwise change any official permanent mark, tattoo, tag or other official identification on any swine.

(4) Individual Herd Qualification: Individual herds may be designated as Qualified Pseudorabies-Negative by complying with the Program Standards.

(5) Pseudorabies Vaccine: The State Veterinarian controls the use and distribution of pseudorabies vaccine in Georgia. The use of vaccine and each shipment of vaccine into Georgia must be approved in writing by the State Veterinarian.

(6) Depopulation: Swine herds affected with pseudorabies are required to depopulate unless an exemption is given by the State Veterinarian.

(7) Affected Herds: All herds affected with pseudorabies will be quarantined. Any person who owns or has custody or control of any swine affected with pseudorabies or known positive animals to an official pseudorabies test shall isolate such animals from all other livestock in Georgia. All herds and premises related by common ownership or management will be quarantined when positives are disclosed in a herd. The affected herd quarantine will be released no sooner than thirty (30) days following depopulation or upon completion of a negative complete herd test performed no sooner than thirty (30) days after the last positive animal was removed from the premise. A complete herd test may be required following release of the quarantine if determined necessary by the State Veterinarian and the USDA. All swine in an affected herd must be identified by an official eartag. A permit from the USDA or the Georgia Department of Agriculture must accompany animals moved from a quarantined herd. Herds quarantined because of an association with an affected herd by common ownership or management in which no positives have been disclosed may qualify for a conditional quarantine release after one negative complete herd test with the approval of the State Veterinarian and the USDA.

(8) At-Risk Herds: Swine disclosed in an epidemiological investigation to be at-risk of pseudorabies infection will be quarantined. At-risk herds, including feeding operations, within a two-mile radius of an affected herd must be tested within sixty (60) days following disclosure of the affected herd. The State Veterinarian and the USDA will develop a herd plan to eliminate the risk of pseudorabies in these animals.

(9) Post-Quarantine Releasing Test: All swine released from quarantine and all swine on a premise previously quarantined for pseudorabies may be retested as determined necessary by the State Veterinarian and the USDA.

(10) Owner's Responsibility: It shall be the responsibility of the herd owner to provide the necessary facilities and labor to facilitate the testing of all eligible swine. If a herd owner fails to implement or comply with an approved herd plan, the State Veterinarian may require the herd to be depopulated.

(11) Cleaning and Disinfecting: Affected premises shall be cleaned and disinfected in accordance with instruction of the State Veterinarian and the USDA.

Cite as Ga. Comp. R. & Regs. R. 40-13-4-.09
Authority: Authority O.C.G.A. Secs. 4-4-20 to 4-4-26, 4-4-64, 4-4-67, 4-4-70, 4-6-3.
History. Original Rule entitled "Isolation of Personnel" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: New Rule entitled "Garbage Feeding to Swine" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Swine Pseudorabies Eradication Requirements" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-4-.10. Garbage Feeding to Swine.

(1) Definitions.

(a) Garbage means any refuse matter or by-product which contains animal tissue or which has been mixed or in contact with any animal tissue, whether liquid or otherwise.

(b) Person means any individual, firm, partnership, cooperation, association, agency, department, or other subdivision of the state or any other entity.

(2) No garbage shall be fed to swine or placed in such a location as to permit its consumption by swine, except that a person may feed garbage from his or her own household provided such swine are slaughtered and consumed on the property on which said swine are raised.

(3) Quarantine, Testing, Slaughter.

(a) All swine determined to be fed garbage shall be quarantined to the premise by the Department and shall not be removed from said premises until the quarantine is released. Quarantines issued for this violation may be considered for release when the swine have been fed grain or commercial swine feed for a minimum or thirty days and then tested negative for trichinosis, brucellosis, and pseudorabies.

(b) Swine testing positive for brucellosis and/or pseudorabies shall be disposed in accordance with the Department brucellosis and pseudorabies eradication programs.

(c) Swine testing positive for trichinosis shall be disposed by one of the following methods:

1. Permitted on a USDA VS 1-27 form and transported to a United States Department of Agriculture or a Georgia Department of Agriculture approved slaughter establishment that is capable of treating the carcass for trichinosis by a United States Department of Agriculture approved method to destroy the parasite; or

2. Humanely euthanized and disposed by an approved method according to the Georgia Department of Agriculture; or

3. Permitted on a USDA VS 1-27 form and transported to an approved research facility.

(4) Any person who provides garbage to be fed to swine, whether by intent or neglect shall be considered to be in violation of this rule.

(5) Enforcement. Any person who violates the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished as provided by law. Each day that such violation occurs shall constitute a separate offense.

Cite as Ga. Comp. R. & Regs. R. 40-13-4-.10
Authority: Authority O.C.G.A. Secs. 4-4-1, 4-4-20 through 4-4-26, 4-4-64, 4-4-67, 4-4-70, 4-4-120, 4-4-121.
History. Original Rule entitled "Truck License Tags" adopted. F. July 15, 1971; eff. August 4, 1971.
Repealed: New Rule of same title adopted. F. May 2, 1984; eff. May 22, 1984.
Repealed: New Rule entitled "Equine Infectious Anemia" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Garbage Feeding to Swine" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-4-.11. Equine Infectious Anemia.

(1) Official Tests: Only tests which have been conducted in a State, Federal or commercial laboratory approved by the Georgia State Veterinarian and operated under the supervision of the United States Department of Agriculture will be considered official tests.

(2) Affected Equine: All equine that are positive to an official test for equine infectious anemia will be euthanized or consigned on a Form VS 1-27 and transported to a state or federally approved slaughter establishment, or quarantined for life. All equine positive to an official test for equine infectious anemia will be branded by a method approved by the State Veterinarian. Equine quarantined for life must be isolated a minimum of 200 yards from any other equine or public road and comply with an action plan approved by the State Veterinarian.

(3) At-Risk Equine: Equine disclosed by an epidemiological investigation to be at-risk of equine infectious anemia will be quarantined. The quarantine will be released after two negative tests are conducted at least 45 days apart. The second negative test may occur no

sooner than forty-five (45) days following the last possible exposure to equine infectious anemia.

(4) Owner's Responsibility: It shall be the responsibility of the equine owner to provide the necessary facilities and labor to test all eligible equine. If an equine owner fails to implement or comply with an approved action plan, the State Veterinarian may require the humane destruction of affected or at-risk equine.

Cite as Ga. Comp. R. & Regs. R. 40-13-4-.11
Authority: O.C.G.A. Secs. 4-4-1*et seq.*, 4-4-64, 4-4-67, 4-4-70, 4-4-120, 4-4-121.
History. Original Rule entitled "Enforcement" adopted. F. Oct. 3, 1985; eff. Oct. 23, 1985.
Repealed: New Rule entitled "Equine Brucellosis" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Equine Infectious Anemia" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-4-.12. Equine Brucellosis.

(1) Official Test: Only tests which have been conducted in the State/Federal Brucellosis Laboratory or a laboratory approved by the State Veterinarian will be considered official tests.

(2) Affected Equine: Any equine classified as a brucellosis reactor will be euthanized, or consigned on a Form VS 1-27 to a state or federally approved slaughter establishment, or quarantined for life to a premise approved by the State Veterinarian. However, equine brucellosis reactors with evidence of a draining fistulous withers or poll evil must be euthanized or consigned on a Form VS 1-27 and transported to a state or federally approved slaughter establishment. All Equine brucellosis reactors shall be permanently identified by a method approved by the State Veterinarian.

(3) At-Risk Livestock: Livestock disclosed by an epidemiological investigation to be at-risk of brucellosis infection will be quarantined. The State Veterinarian will develop an action plan to eliminate the risk of brucellosis infection.

(4) Owner's Responsibility: It shall be the responsibility of the livestock owner to provide the necessary facilities and labor to test all eligible animals. If a livestock owner fails to implement or comply with an approved herd plan, the State Veterinarian may require the livestock to be depopulated.

Cite as Ga. Comp. R. & Regs. R. 40-13-4-.12
Authority: Authority O.C.G.A. Secs. 4-4-64, 4-4-67, 4-4-70, 4-4-120, 4-4-121.
History. Original Rule entitled "Equine Piroplasmosis" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Equine Brucellosis" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-4-.13. Equine Piroplasmosis.

(1) Official Tests: Only tests which have been conducted by the National Veterinary Services Laboratory or a laboratory approved by the Georgia State Veterinarian will be considered official tests.

(2) Affected Equine: All equine that are positive to an official test for equine piroplasmosis will be euthanized, or consigned on a Form VS 1-27 to a state or federally approved slaughter establishment, or quarantined for life and comply with an action plan approved by the State Veterinarian. All equine positive to an official test for equine Piroplasmosis shall be identified by a method approved by the State Veterinarian.

(3) At-Risk Equine: Equine disclosed by an epidemiological investigation to be at-risk of equine piroplasmosis will be quarantined. Owners of quarantined equine must comply with an action plan approved by the State Veterinarian. The quarantine will be released after two negative tests are conducted at least thirty (30) days apart. The second negative test may occur no sooner than thirty (30) days following the last possible exposure to equine piroplasmosis.

(4) Owner's Responsibility: It shall be the responsibility of the equine owner to provide the necessary facilities and labor to test all eligible equine. If an equine owner fails to implement or comply with an approved action plan, the State Veterinarian may require the humane destruction of affected or at-risk equine.

Cite as Ga. Comp. R. & Regs. R. 40-13-4-.13
Authority: Authority O.C.G.A. Secs. 4-4-1, 4-4-20 through 4-4-26, 4-4-64, 4-4-67, 4-4-70, 4-4-120, 4-4-121.
History. Original Rule entitled "Contagious Equine Metritis (CEM)" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule of same title adopted. F. Nov. 14, 2006; eff. Dec. 4, 2006.
Repealed: New Rule entitled "Garbage Feeding to Swine" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.
Repealed: New Rule entitled "Equine Piroplasmosis" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-4-.14. Contagious Equine Metritis (CEM).

(1) Owners of equine determined to be affected with or at-risk of Contagious Equine Metritis (CEM) must comply with an action plan approved by the State Veterinarian.

(2) Mares and stallions from countries where CEM is known to exist (hereinafter "CEM country") shall be allowed entry into Georgia only by special permit issued by the State Veterinarian. All equine granted a special permit will be quarantined upon entry into the state.

(3) Application

(a) Application for approval by the owner or agent shall be on a form provided by the State Veterinarian and shall contain:

1. Name of owner and any authorized agent and mailing address of each;

2. Country of origin;

3. Name and location of USDA quarantine station where equine were received from a CEM country;

4. Name, breed, age, sex, color, markings, and any additional identification of equine to be quarantined; and

5. Name and address of the Georgia licensed and USDA accredited veterinarian (hereinafter "approved veterinarian") employed to perform testing.

(b) The applicant shall comply with all provisions as listed in the Code of Federal Regulations in 9 C.F.R. §§ 93.300- 93.326 (Sub-Part C of Part 93, "Importation of Certain Animals, Birds, and Poultry, and Certain Animal, Bird and Poultry Products; Requirements for Means of Conveyance and Shipping Containers," Revised January 1, 1999), hereinafter referred to as "CFR provisions", which are incorporated herein by reference thereto.

(4) Premises

(a) All CEM permitted equine entering Georgia shall be quarantined to a facility approved by the State Veterinarian. Entrance to the facility shall be granted to personnel authorized by the State Veterinarian or USDA at any time necessary to inspect the premises or to conduct required testing.

(b) The facility owner and operator shall each certify that he/she and his/her personnel have read the CFR provisions.

(c) The facility shall include a separate enclosed building or separate area of building capable of being effectively cleaned, washed, disinfected, and of being secured by a lock or padlock.

(d) A disinfectant approved by the State Veterinarian shall be applied to all fixed and movable surfaces and equipment prior to use.

(e) Facilities shall provide for the following:

1. disposal of manure, bedding, waste, and any related shipping materials in a manner that will prevent the dissemination of disease and approved by the State Veterinarian;

2. adequate drainage;

3. adequate food, water, and shelter to all equine; and

4. protective clothing for facility personnel.

(f) Bio-security measures must be followed for equipment and refuse.

(g) Equine in quarantine shall have no direct contact with other equine during the quarantine period except as specified in this Rule or upon approval by the State Veterinarian.

(h) Facilities shall comply with additional requirements as determined to be necessary by the State Veterinarian to control infectious diseases.

(i) Facilities shall comply with all local, state, and federal requirements for animal welfare and humane care.

(5) Testing and treatment of stallions and mares

(a) All specimens tested for CEM must be conducted in a laboratory approved by USDA.

(b) Stallions

1. One specimen each shall be taken by an accredited and licensed veterinarian from the prepuce, the urethral sinus, and the fossa glandis, including the diverticulum of the fossa glandis of the stallion and be cultured for CEM.

2. After negative results have been obtained, the stallion must be test bred to two test mares that meet the requirements as listed in this paragraph.

3. Upon completion of the test breeding:

(i) The stallion must be treated for five consecutive days by thoroughly cleaning (scrubbing) the prepuce, penis, including the fossa glandis, and urethral sinus with a solution of not less than two percent (2%) chlorhexidine in a detergent base and then coating the cleansed areas with an ointment approved by the State Veterinarian. The treatment shall be performed by an approved veterinarian and monitored by state or federal personnel.

(ii) Each mare to which the stallion has been test bred shall be cultured negative for CEM from sets of specimens that are collected from the mucosal surfaces of the clitoral fossa and clitoral sinuses on the 3rd, 6th, and 9th days after the breeding. Each mare must test negative for a complement fixation test for CEM on the 15th day after the breeding.

4. If any culture or test required in this Rule is positive for CEM the stallion must be treated as described in sub-paragraph (i) of the immediately preceding sub-paragraph and retested by being test bred to two mares no less than 21 days after the last day of treatment.

5. A stallion may be released from quarantine only when approved by the State Veterinarian and if all tests of specimens from the test mares and from the stallion are negative for CEM.

(c) Test Mares

1. Mares used to test stallions for CEM shall be permanently identified before the mares are used for such testing with the letter "T." The marking shall be permanently applied by state or federal personnel, or an approved veterinarian. The marking shall be applied by hot iron, freezemarking, or lip tattoo. If a hot iron or freezemarking is used, the marking shall not be less than two inches high and shall be applied to the left shoulder or left side of the neck. If a lip tattoo is used, the marking shall not be less than 1 inch high and 0.75 inch wide and shall be applied to the inside of the upper lip.

2. Each mare shall be tested with negative results by a complement fixation test for CEM, and specimens taken from each mare shall be cultured negative for CEM in order to qualify as a test mare. For culture, sets of specimens shall be collected by an approved veterinarian on the 1st, 4th, and 7th days of a 7-day period from the mucosal surfaces of the clitoral fossa and clitoral sinuses.

3. A test mare that has been used to test stallions for CEM may be released from quarantine only if approved by the State Veterinarian and:

   (i) found negative for CEM on all cultures and tests required; or

   (ii) subjected to an ovariectomy by an approved veterinarian under the direct supervision of a state or federal veterinarian; or

   (iii) treated as described in sub-paragraphs 2 and 3 of the paragraph (d) below; or

   (iv) moved in a sealed conveyance directly to a state or federally approved slaughter establishment and accompanied by a VS 1-27 permit; or

   (v) euthanized under the direct supervision of state or federal personnel.

(d) Mares

1. Sets of specimens shall be collected on the 1st, 4th, and 7th days by an approved veterinarian from the mucosal surfaces of the clitoral fossa and clitoral sinuses.

2. After the three sets of specimens have been collected, an approved veterinarian shall manually remove organic debris from the sinuses of each mare and then flush the sinuses with a cerumalytic agent approved by the State Veterinarian.

3. For five consecutive days after the sinuses have been cleaned, an approved veterinarian shall aseptically clean and wash (scrub) the external genitalia and vaginal vestibules, including the clitoral fossa, with a solution of not less than two percent (2%) chlorhexidine in a detergent base and then fill the clitoral fossa and sinuses, and coat the external genitalia and vaginal vestibule with an agent effective against CEM approved by the State Veterinarian.

4. If any culture required by this paragraph is positive for CEM, the mare shall be treated as described in sub-paragraphs 2 and 3 of this paragraph. No less than 21 days after the last treatment, the mare shall be tested again in accordance with sub-paragraph 1 of this paragraph. If all specimens are negative for CEM, the mare may qualify for quarantine release.

(6) At-Risk Equine: Equine disclosed by an epidemiological investigation to be at-risk of CEM will be quarantined. The quarantine will be released after the at-risk equine meet the requirements outlined in 40-13-4-.13(5) "Testing and treatment of stallions and mares".

(7) Owner's Responsibility: It shall be the responsibility of the equine owner to provide the necessary facilities, resources and labor to determine the CEM status of all eligible equine. If an equine owner fails to implement or comply with an approved action plan, the State Veterinarian may require the humane destruction of all affected and at-risk equine.

Cite as Ga. Comp. R. & Regs. R. 40-13-4-.14
Authority: Authority O.C.G.A. Secs. 4-4-64, 4-4-67, 4-4-70, 4-4-120, 4-4-121.
History. Original Rule entitled "Scrapie" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Contagious Equine Metritis (CEM)" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-4-.15. Scrapie.

(1) This section will use the term "flock" in reference to a group of animals. The term "herd" has equal meaning and may be substituted for the term "flock".

(2) The Georgia Department of Agriculture adopts the Voluntary Scrapie Flock Certification Program Standards in effect by the United States Department of Agriculture. The Program Standards are on file in the State Veterinarian's office and are available on request. The State Veterinarian reserves the option of applying rules that may exceed the minimum set forth in the Program Standards.

(3) Infected Flocks: All flocks infected with scrapie will be quarantined. Any person who owns or has custody or control of any animals infected with scrapie must isolate such animals from all other sheep, goats, and cattle. All flocks and premises related by common ownership or management will be quarantined when scrapie is disclosed in a flock. The quarantine will be released when scrapie has been eliminated in the flock in accordance with Title 9, Code of Federal Regulations, Parts 54 and 79.

(4) At-Risk Flocks: Sheep and goats identified by an epidemiological investigation to be a source or trace flock to a scrapie-infected flock will be quarantined. The State Veterinarian and the USDA will develop a plan to eliminate the risk of scrapie infection in these animals. The quarantine will be released when the conditions to eliminate the risk of scrapie infection outlined in Title 9, Code of Federal Regulations, Parts 54 and 79 have been met.

(5) Cleaning and Disinfecting: Infected premises shall be cleaned and disinfected in accordance with instruction from the State Veterinarian and the USDA.

Cite as Ga. Comp. R. & Regs. R. 40-13-4-.15
Authority: Authority O.C.G.A. Secs. 4-4-1*et seq.*, 4-4-64, 4-4-67, 4-4-70.
History. Original Rule entitled "Chronic Wasting Disease Controls" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Scrapie" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-4-.16. Chronic Wasting Disease Controls.

(1) All farmed deer over six months of age that die other than by slaughter must have samples submitted to an approved veterinary diagnostic laboratory for Chronic Wasting Disease testing. This surveillance may be at the expense of the owner or agent unless supplementary funds are made available.

(2) Farmed deer slaughtered in licensed meat establishments must be made available for sample collection and submission to an approved veterinary diagnostic laboratory for chronic Wasting Disease testing. This surveillance may be at the expense of the owner or agent unless supplementary funds are made available.

(3) Farmed deer may not be offered for sale or trade in interstate or intrastate commerce unless the herd participates in a Chronic Wasting Disease surveillance program approved by the Georgia Department of Agriculture.

(4) Penalties for any violations of this Rule shall be in accordance with the laws of the State of Georgia as expressed in Georgia Department of Agriculture Rule 40-13-8-.06.

Cite as Ga. Comp. R. & Regs. R. 40-13-4-.16
Authority: Authority O.C.G.A. Secs. 4-4-2, 4-4-70, 4-4-72, 4-4-122.
History. Original Rule entitled "Contagious and Infectious Disease Programs" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Chronic Wasting Disease Controls" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-4-.17. Contagious and Infectious Disease Programs.

(1) In the eradication of infectious and contagious diseases the Commissioner is authorized to seize and require destruction of affected animals and materials. The cost of such destruction of animals and materials shall be borne by the owner.

(2) The Commissioner is authorized to pay indemnity for livestock destroyed in an eradication program provided that funds are available.

Cite as Ga. Comp. R. & Regs. R. 40-13-4-.17
Authority: Authority O.C.G.A. Secs. 4-4-22, 4-4-70, 4-4-72, 4-4-74, 4-4-95.1, 4-4-122.
History. Original Rule entitled "Violations" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Contagious and Infectious Disease Programs" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Rule 40-13-4-.18. Penalty for Violation.

(1) Any person violating the provisions of this chapter shall be guilty of a misdemeanor.

(2) Any individual, firm, partnership, corporation, association, agency, department, or other political subdivision of the State or any other entity that feeds or provides garbage to swine will be guilty of a misdemeanor and, upon conviction thereof, will be punished as provided by the law. Each day that such violations occur will constitute a separate offense.

Cite as Ga. Comp. R. & Regs. R. 40-13-4-.18
Authority: Authority O.C.G.A. Secs. 4-4-22, 4-4-74, 4-4-95.1.
History. Original Rule entitled "Penalty for Violations" adopted. F. Sept. 2, 2011; eff. Sept. 22, 2011.

Subject 40-13-5. DEAD ANIMAL DISPOSAL.

Rule 40-13-5-.01. Definitions.

(1) Dead animals means the carcasses, parts of carcasses, fetuses, embryos, effluent, or blood of the following:

(a) Livestock, including, without limitations, cattle, swine, sheep, goats, poultry, ratites, equine, and alternative livestock.

(b) Animals associated with animal shelters, pet dealers, kennels, stables, and bird dealers licensed by the Department.

(c) Animals processed by commercial facilities which process animals for human consumption, and

(d) Animals associated with wildlife exhibitions.

Cite as Ga. Comp. R. & Regs. R. 40-13-5-.01
Authority: O.C.G.A. Secs. 4-5-2, 4-6-3, 4-6-52.
History. Original Rule entitled "Special Livestock Sales" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Repealed: New Rule of same title adopted. F. May 2, 1984; eff. May 22, 1984.
Amended: F. Mar. 25, 1987; eff. Apr. 14, 1987.
Repealed: New Rule entitled "Definitions" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-5-.02. Disposition of Dead Animals.

(1) No person shall abandon on any property any animals which have died or have been killed.

(2) No person shall dispose of any dead animals on another person's property without having the land owner's permission.

(3) No person shall dispose of any dead animal in a city, county, or duly licensed landfill without permission of the landfill manager.

(4) Under no conditions shall dead animals be abandoned in wells, open pits, or surface waters of any kind either on private or public land.

Cite as Ga. Comp. R. & Regs. R. 40-13-5-.02
Authority: O.C.G.A. Sec. 4-5-3.
History. Original Rule entitled "Disposition of Dead Animals" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-5-.03. Facilities Requiring Written Approval or Certificate by the Department.

(1) Livestock sales markets, livestock slaughter establishments, concentrated animal feeding operations, and Georgia Department of Agriculture licensed animal shelters, kennels, pet dealers, stables, and bird dealers shall have a written and approved method and place for disposal of dead animals and all accessory waste material involved in handling dead animals which die on or within the premises of each licensed establishment. A Certificate of Compliance may be issued from the Department.

(2) Poultry growers, poultry dealers or brokers, and poultry sales establishments may be issued a Certificate of Compliance from the Department when the methods and places of dead animal disposal are approved.

(3) Any person found to be in violation of dead animal disposal rules may be required to have written approval from the State Veterinarian for future dead animal disposal.

(4) The Commissioner shall approve the methods and places for disposal of dead animals.

Cite as Ga. Comp. R. & Regs. R. 40-13-5-.03
Authority: O.C.G.A. Secs. 4-4-82, 4-5-7.
History. Original Rule entitled "Facilities Requiring Written Approval or Certificate by the Department" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-5-.04. Methods of Disposal of Dead Animals.

Methods which may be used for the disposal of dead animals are burning to ash, incineration, burial, rendering, or any method using appropriate disposal technology which has been approved by the Commissioner, provided disposal of dead animals is carried out within 24 hours after death or discovery of the dead animal.

(1) Burial. Dead animals that are buried must be located more than 100 horizontal feet away from any existing or proposed wells and water supply lines, 15 horizontal feet away from the edge of any embankment, and 100 horizontal feet away from the seasonal high water level of any pond, lake, tributary, stream, or other body of water including wetlands. Burial sites must be in soil with moderate or slow permeability and must be at least one foot above the seasonal high groundwater elevation. Burial sites must not be located in areas with gullies, ravines, dry stream beds, natural and/or man made drainage ways, sink holes, and/or similar conditions, including the 100-year flood plain as determined by the United States Army Corps of Engineers.

(a) Dead animals that are buried must be at least three feet below the ground level but no more than eight feet and have not less than three feet of earth over the carcass.

(b) Dead animals may be disposed in pits which are designed, constructed, maintained and used in a manner to prevent the spread of diseases. Pits must also meet the following requirements:

1. Georgia Department of Agriculture personnel must approve the site prior to pit construction. Soils must be evaluated for suitability prior to pit construction by a certified Georgia Department of Agriculture employee or a certified soil classifier.

2. The bottom of the pit must be a soil with moderate or slow permeability or other material approved by the Georgia Department of Agriculture that prevents leaching.

3. Pits must have adequate support along the sides to prevent cave-ins and must not exceed four feet in width. For top-soils having 18 inches or more of sand, pit walls must be adequately supported and maintained by concrete, treated lumber, corrosive-resistant metal or other material approved by the Georgia Department of Agriculture.

4. Pits must not be located where the ground slope exceeds a moderate grade.

5. The pit cover must be of solid construction and must allow surface water to drain away from the pit and water supplies. The pit must be sealed to prevent the entry of rodents, insects, and the exit of odors.

6. Pits will be considered closed when covered with more than three feet of loamy or clayey textured soil with a slight dome (at least six inches higher in the middle than at the edge).

7. Any pit that deviates from the above criteria must have the approval of the State Veterinarian prior to the issuance of a permit and use.

(2) Landfill. Dead animals may be disposed in landfills approved to dispose of animal carcasses by the Georgia Department of Natural Resources Environmental Protection Division. Dead animals must be covered by three feet of dirt at the landfill on the same day as delivery.

(3) Composting. Composters and their use must be consistent with the U.S. Department of Agriculture Natural Resources Conservation Service technical guidance standards. Temperatures must be monitored using a compost thermometer at least every other day, with daily checks being preferred. Composters must reach a temperature between 130 and 160 degrees F in order to properly decompose carcasses and neutralize pathogens.

(4) Incineration. Incinerators and their use must meet all requirements of the U.S. Environmental Protection Agency and Georgia Department of Natural Resources Environmental Protection Division. The entire carcass must be reduced to ashes.

(5) Burning. Burning dead animals must comply with federal, state, and local requirements. The entire carcass must be reduced to ashes.

(6) Rendering. Carcass disposed by rendering must be delivered to the rendering facility within twenty-four (24) hours of death unless carcasses are refrigerated or frozen.

(7) Other dead animal disposal methods must be approved by the State Veterinarian on a case by case basis.

Cite as Ga. Comp. R. & Regs. R. 40-13-5-.04
Authority: O.C.G.A. Sec. 4-5-5.
History. Original Rule entitled "Methods of Disposal of Dead Animals" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-5-.05. Transportation of Dead Animals.

(1) The Commissioner of Agriculture may prohibit or restrict the hauling or transportation of the body, effluent and/or parts of any dead animal.

(2) Dead animals must be transported in covered or leak-proof containers.

(3) The Commissioner of Agriculture may determine the route for transportation of dead animals so as to prevent the spread of infectious or contagious diseases.

(4) Persons engaged in the commercial transportation of dead animals must have a written permit issued by the Georgia Department of Agriculture.

Cite as Ga. Comp. R. & Regs. R. 40-13-5-.05
Authority: O.C.G.A. Sec. 4-5-9.
History. Original Rule entitled "Transportation of Dead Animals" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-5-.06. Interstate Transportation of Dead Animals.

(1) Dead animals, except for green salted hides, are not allowed to enter Georgia except by a written permit issued by the Georgia Department of Agriculture.

(2) Written permits are not required for licensed research institutions, accredited or state colleges and Universities, and municipal governments transporting or receiving dead animals for research or investigational purposes only.

Cite as Ga. Comp. R. & Regs. R. 40-13-5-.06
Authority: O.C.G.A. Sec. 4-5-8.
History. Original Rule entitled "Interstate Transportation of Dead Animals" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-13-5-.07. Enforcement.

Any person, firm, partnership or corporation violating the provisions of this act, or any rule or regulations made pursuant thereto, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law.

Cite as Ga. Comp. R. & Regs. R. 40-13-5-.07
Authority: O.C.G.A. Sec. 4-5-11.
History. Original Rule entitled "Enforcement" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Subject 40-13-6. AUCTION MARKETS.

Rule 40-13-6-.01. General.

(1) Definitions

(a) "Animal disease traceability" (ADT) means a program that is administered by USDA Animal and Plant Health Inspection Service, Veterinary Services (APHIS VS), with cooperation of the Georgia Department of Agriculture, that specifies animal identification and record keeping requirements for livestock moving interstate.

(b) "Approved livestock auction market" means a livestock auction market or livestock sales establishment that must comply with all federal and state laws and requirements set forth by the Georgia Department of Agriculture. For purposes of the following rules and regulations, buying stations and livestock concentration points are treated as livestock sales establishments. An auction market may operate as both a market and a dealer, which would require a separate license and surety.

(c) "Association" means a formal business association where a group of persons have united for the attainment of a specific purpose or common object.

(d) "Authorized livestock auction market veterinarian" means an individual who is licensed to practice veterinary medicine in Georgia; accredited by the USDA APHIS VS; and authorized by the Georgia Department of Agriculture to perform prescribed and required duties at and for the livestock auction market. This individual is hired and compensated by the livestock auction market with the approval of the Georgia State Veterinarian.

(e) "Biosecurity" means preventive measures designed to prevent the introduction or reduce the spread of harmful organisms.

(f) "Electronic livestock sales" means sales of livestock, poultry, equines, and non-traditional livestock conducted on a commission or other fee basis by any person through the use of online, video, or other electronic methods without the physical

presence of buyer or seller and without a physical examination of the livestock performed by the buyer.

(g) "Farmer" means a person who raises livestock, poultry, equines, or non-traditional livestock; or a person who raises animals for agricultural purposes.

(h) "Livestock" means cattle, swine, equines, sheep, and goats of all kinds and species.

(i) "Livestock dealer" means any livestock auction market, person, or agent of such person or livestock auction market which engages in or facilitates, including by electronic means, the business of buying, selling, exchanging, or otherwise transferring ownership of livestock or non-traditional livestock within the state for his or her own account or for that of another. For purposes of the following rules and regulations, brokers and packer buyers are treated as livestock dealers. The term "dealer" does not include:

1. Farmers acquiring livestock solely for the purpose of grazing and feeding as part of their farm operations;

2. Packers whose total annual purchases of livestock are less than $50,000.00, and who buy only from licensed dealers and licensed sales establishments;

3. Persons selling only livestock of their own production or buying only for their own production; and

4. Persons auctioning livestock on behalf of a third party.

(j) "Livestock auction market operator" means any person or entity engaged in the business of operating a livestock sales establishment or a public auction or sale of livestock; or who houses livestock with the intended purpose of auction or sale.

(k) "Non-traditional livestock" means the species of the Order Artiodactyla listed as antelope, bison, buffalo, catalo, elk, deer other than white-tailed deer, and water buffalo; as well as members of the Camelidae family listed as camels, llamas, and alpacas that are held and possessed legally under the wild animal provisions of O.C.G.A. Title 27.

(l) "Official identification" means methods of species identification approved by the State Veterinarian. Backtags may be used as official identification only in circumstances outlined by the USDA ADT program or rules and regulations of the Georgia Department of Agriculture.

(m) "Person" means any person, firm, corporation, association, cooperative, or combination thereof.

(n) "Special livestock sale" means any livestock sale other than a regular sale at an establishment and any sale by a farmer of livestock owned by the farmer where direct payment is made to the farmer.

(o) "Surety" means a letter of credit, certificate of deposit, or other written instrument issued or executed by a lending institution or bonding, surety, or insurance company licensed to do business in this state, guaranteeing the faithful performance of the terms of the contract of purchase, including the payment of the purchase price of all livestock purchased by the holder of such instrument, made payable to the Commissioner for the benefit of persons sustaining loss resulting from the nonpayment of the purchase price or the failure to fulfill the terms of the contract of purchase.

(p) "Swine" means members of the species Susscrofa.

1. "Domestic Swine" means swine breeds of the subspecies *Sus scrofa domesticus* commonly raised for meat production and housed in inside confinement.

2. "Transitional Swine" means domestic swine held in confinement in outside enclosures with increased risk of contact to feral swine.

3. "Non-traditional domestic swine" means swine, other than domestic swine, of recognized heritage breeds that are held in confinement.

4. "Feral Swine" means any hog which has lived any part of its life in a wild, free-ranging state and is currently in such state or has been taken.

(2) Livestock Auction Market Operation and Facility Requirements

(a) Any new livestock, poultry, equine, or non-traditional livestock auction market desiring to commence operation and any existing livestock auction market desiring to change sale day or days must write to the Commissioner of Agriculture for approval. Approval is contingent upon available Department personnel.

(b) All livestock, poultry, equine, or non-traditional livestock auction markets, buying stations, and concentration points must be kept in a good state of repair, in a clean and sanitary condition, and must be disinfected as needed. Cleaning and disinfecting equipment, including disinfectants, must be maintained on the premises at all times.

(c) If animals have entered the market and are showing signs of an illness classified as a reportable animal disease under Georgia Department of Agriculture regulations, the Department Livestock Inspector must be notified. The Department Livestock Inspector will determine the disposition of the affected animal and all animals penned or closely associated with the diseased animals in a manner consistent with

Department policy. Such animals may be held separate and may be released for slaughter as permitted by the State Veterinarian

(d) All livestock auction markets must maintain isolation pens to ensure separation of diseased animals from other animals in the market and maintain biosecurity.

(e) All livestock auction markets must establish a biosecurity plan created in partnership with the Georgia Department of Agriculture covering all applicable species.

(f) Market toilet facilities must be provided and maintained in a clean and sanitary condition.

(g) Adequate lighting must be provided throughout all livestock auction market facilities.

(h) Adequate pens and chutes must be provided by the livestock auction market for carrying out livestock disease control measures and maintaining biosecurity. Adequate space and facilities must be provided for veterinary services, Department inspection activities, and any required laboratory tests. Facilities must be kept in a clean and sanitary condition. The laboratory must be equipped with hot running water, and the room temperature of the laboratory must be maintained within a temperature range of 50-80 degrees Fahrenheit.

(i) Each livestock auction market must make adequate provisions to isolate, insofar as practical, the auctioneer, weigher, clerk, and any other employee who has any duty in regard to making any record of the sale; and an individual must not interfere with any such employee while he is performing any duty in connection with the sale.

(j) Each livestock auction market must be responsible for entering on a receiving ticket the license of all trucks which unload livestock at the market as determined by the State Veterinarian.

(k) Livestock auction markets must maintain adequate records of all transactions including the complete name and address of the seller, purchaser, and livestock dealer that buy or sell at the establishment. These records must be made available within 48-72 hours of request to authorized personnel of the Georgia Department of Agriculture. All records must be retained for five years except the records of swine transactions, which must be retained for two years.

(l) All electronic sales of livestock must meet the same requirements as an approved livestock auction market.

(m) For purposes of this Chapter, buying stations must meet the same requirements as livestock auction markets or sales establishments.

Cite as Ga. Comp. R. & Regs. R. 40-13-6-.01
Authority: O.C.G.A. §§ 4-4-2, 4-4-82, 4-4-112, 4-5-7, 4-6-5, 4-6-6. 4-6-7, 4-6-51.
History. Original Rule entitled "Livestock and/or Poultry for Slaughter" adopted. F. and eff. June 30, 1965.
Amended: F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: F. July 15, 1971; eff. August 4, 1971.
Repealed: New Rule entitled "General" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. Aug. 10, 2018; eff. Aug. 30, 2018.
Amended: F. Nov. 5, 2018; eff. Nov. 25, 2018.

Rule 40-13-6-.02. Special Livestock Sales.

(1) Any person desiring to hold a special sale must apply in writing to the State Veterinarian for a Special Sale Permit at least 21 days prior to the sale date. The permit will be granted without charge upon submission of proof satisfactory to the Commissioner that the applicant applying for the Special Sale Permit has sufficient surety in an amount established in a memorandum of understanding with the Department.

   (a) Associations holding sales of animals consigned by its members will not be required to procure surety provided the directors of the association accept full responsibility for financial obligations of the sale and release the Commissioner of Agriculture from any financial responsibility. A resolution supplied by the Department must be completed by the directors of the association and received by the Department prior to the Special Sale Permit being issued.

(2) A farmer holding a sale, either production or dispersal, of his or her livestock for direct payment to the seller of such livestock is not considered a special sale, even when the sale is organized and advertised to the public or an auctioneer is utilized. The producer holding such sale must apply in writing to the State Veterinarian for a Notice of Sale Permit at least 21 days prior to the sale date. No surety is required for this type of producer sale.

(3) A private sale of livestock between two individuals does not require a permit or surety.

(4) Georgia 4-H clubs and Georgia Future Farmers of America chapters are not required to procure surety.

Cite as Ga. Comp. R. & Regs. R. 40-13-6-.02
Authority: O.C.G.A. §§ 4-6-7, 4-6-52.
History. Original Rule entitled "Test Requirements" adopted. F. and eff. June 30, 1965.
Repealed: F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: New Rule entitled "Special Livestock Sales" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. Aug. 10, 2018; eff. Aug. 30, 2018.

Rule 40-13-6-.03. General Identification Requirements for Animals Moving Through Georgia Livestock Auction Markets.

(1) All back tags and other forms of official identification must be applied in accordance with instructions issued by the Department. The livestock auction market must provide necessary facilities for carrying out this requirement.

(2) Animals received directly at slaughter establishments must also be back tagged in accordance with provisions of this section and blood samples may be obtained and forwarded to the Georgia Department of Agriculture along with the name and address of the seller of such animals.

Cite as Ga. Comp. R. & Regs. R. 40-13-6-.03
Authority: O.C.G.A. § 4-4-2.
History. Original Rule entitled "Back Tagging Requirements" adopted. F. and eff. June 30, 1965.
Repealed: F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: New Rule entitled "Livestock Identification Requirements" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: New title "General Identification Requirements for Animals Moving Through Georgia Livestock Auction Markets." F. Aug. 10, 2018; eff. Aug. 30, 2018.

Rule 40-13-6-.04. Cattle Movements Through Livestock Auction Markets.

(1) All cattle offered for sale at livestock auction markets must originate from herds apparently free of any contagious, infectious, or communicable disease.

(2) Cattle showing visible symptoms of disease must be isolated from apparently healthy cattle and consigned to slaughter, euthanized with proper disposal, or returned to the farm of origin under quarantine. Such cattle must be accompanied by a Georgia 29 permit or VS Form 1-27.

(3) All cattle moving through livestock auction markets must be individually identified with official USDA back tags furnished by the Georgia Department of Agriculture or the United States Department of Agriculture or other identification method approved by the State Veterinarian.

(a) Beef cattle 18 months of age or older must be officially identified using a National Uniform Eartagging System (NUES) ear tag or official USDA 840 Radio Frequency Identification Device (RFID) ear tag or other identification method approved by the State Veterinarian.

(b) All dairy cattle must be officially identified using a NUES ear tag or official USDA 840 RFID ear tag or other identification method approved by the State Veterinarian.

(c) Cattle moving directly to slaughter may move on a back tag alone.

(d) Cattle identified with an out-of-state USDA back tag must have the out-of-state back tag removed and replaced with a Georgia back tag. Both tag numbers must be recorded on the consignor's ticket.

(e) Feeder cattle may move in groups with group lot identification instead of individual identification.

(4) Cattle from out-of-state moved through Georgia livestock auction markets must meet interstate movement health requirements with the following exceptions:

(a) If the state of Georgia enters into a reciprocal agreement with other states, cattle may be moved in accordance with the provisions contained in such agreement.

(b) Cattle from a Designated Disease Surveillance Area or any area of high risk as determined by the State Veterinarian are subject to special import requirements. The Georgia State Veterinarian's Office may be contacted regarding such requirements.

Cite as Ga. Comp. R. & Regs. R. 40-13-6-.04
Authority: O.C.G.A. §§ 4-4-64, 4-4-67.
History. Original Rule entitled "Out-of-State Cattle" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: New title "Cattle Movements Through Livestock Auction Markets." F. Aug. 10, 2018; eff. Aug. 30, 2018.
Amended: F. Nov. 5, 2018; eff. Nov. 25, 2018.

Rule 40-13-6-.05. Swine Movements Through Livestock Auction Markets.

(1) All swine offered for sale at livestock auction markets must originate from herds apparently free of any contagious, infectious, or communicable disease.

(2) All swine must be individually, officially identified using a method approved by the State Veterinarian.

(3) Feral swine must not enter licensed livestock auction markets unless by special permission of the State Veterinarian.

(4) Non-traditional domestic swine breeds may enter livestock auction markets, provided they are accompanied by breed registration documentation.

(5) Slaughter sales: All sales through such markets must be for slaughter purposes only and must not be diverted.

(a) Light sows and boars and odd lot swine under 300 pounds sold through markets must be moved on a Georgia 29 permit or Form VS 1-27.

(b) All slaughter swine must be officially identified using an official USDA National Uniform Eartagging System (NUES) ear tag or an official USDA 840 Radio Frequency Identification Device (RFID) ear tag, and USDA official back tag or a method approved by the State Veterinarian. The livestock auction market must

furnish the Department the complete name and address of the persons selling such animals.

(6) Feeder/breeder sales: All swine offered for sale at these markets must be separate from slaughter swine and must originate from herds that are apparently free of any contagious, infectious, or communicable disease. All breeder swine six months of age or older must be officially tested negative for brucellosis and pseudorabies to move from the sale to the buyer's farm. Swine purchased at these sales will automatically be quarantined to the premises of destination until official negative test results are obtained, and the swine are released by the State Veterinarian. All breeder swine and feeder swine must be identified by a USDA back tag and an official USDA NUES ear tag or an official USDA 840 RFID ear tag.

(7) Swine showing visible symptoms of disease must be isolated from apparently healthy swine and consigned to slaughter, euthanized with proper disposal, or returned to the farm of origin under quarantine. Such swine must be accompanied by a Georgia 29 permit or VS Form 1-27.

(8) Out-of-state swine moving to approved livestock establishments in Georgia must meet all interstate requirements, except where reciprocal agreements exist with other states.

(9) The State Veterinarian may require or prohibit the treatment of swine with any biological as required by the Georgia Department of Agriculture.

Cite as Ga. Comp. R. & Regs. R. 40-13-6-.05
Authority: O.C.G.A. §§ 4-4-64, 4-4-67.
History. Original Rule entitled "Swine Movement Through Livestock Auction Markets" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. Aug. 10, 2018; eff. Aug. 30, 2018.

Rule 40-13-6-.06. Goats and Sheep Movement Through Auction Markets.

(1) All goats and sheep offered for sale at livestock auction markets must originate from herds apparently free of any contagious, infectious, or communicable disease. Any of these animals offered for sale at livestock auction markets showing visible symptoms of disease must be isolated from apparently healthy goats or sheep and consigned to slaughter, euthanized with proper disposal, or returned to the farm of origin under quarantine. Such goats or sheep must be accompanied by a Georgia 29 permit or VS Form 1-27. Quarantine will remain in effect until released by the State Veterinarian.

(2) Out-of-state goats and sheep moving through approved livestock facilities in Georgia must meet all interstate requirements except where a reciprocal agreement exists with other states.

(3) All goats and sheep must be individually identified with tags or approved methods in compliance with the Official USDA Scrapie Program. One official back tag must be applied to the head of the goats or sheep within three inches on either side of the poll. Sheep and goats younger than 12 months may have the back tag placed on the shoulder instead of the head.

Cite as Ga. Comp. R. & Regs. R. 40-13-6-.06
Authority: O.C.G.A. §§ 4-4-64, 4-4-67.
History. Original Rule entitled "Goats, Sheep, and Non-Traditional Livestock Movement Through Auction Markets" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: New title "Goats and Sheep Movement Through Auction Markets." F. Aug. 10, 2018; eff. Aug. 30, 2018.

Rule 40-13-6-.07. Poultry Movement Through Auction Markets.

(1) All poultry offered for sale through Georgia markets must originate from flocks apparently free of any contagious, infectious, or communicable disease. Any poultry that shows signs of illness must not be allowed entry to the sale and may be returned to the farm of origin under quarantine. Quarantine will remain in effect until released by the State Veterinarian.

(2) Out-of-state poultry may move freely through Georgia poultry markets provided they meet all interstate requirements except where a reciprocal agreement exists with other states.

(3) Each poultry sales market must have a written biosecurity plan and a poultry disposal method or facility approved by the Georgia Department of Agriculture.

Cite as Ga. Comp. R. & Regs. R. 40-13-6-.07
Authority: O.C.G.A. §§ 4-4-81, 4-4-82, 4-4-83.
History. Original Rule entitled "Poultry Moving Through Auction Markets" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: New title "Poultry Movement Through Auction Markets." F. Aug. 10, 2018; eff. Aug. 30, 2018.

Rule 40-13-6-.08. Equine Movement Through Auction Markets.

(1) All equine offered for sale at Georgia auction markets must originate from herds that are apparently free of any contagious, infectious, or communicable disease. Any of these animals showing signs of illness will not be allowed entry to the sale and may be quarantined to the farm of origin. Quarantine will remain in effect until released by the State Veterinarian.

(2) All equine offered for sale through Georgia auction markets must be accompanied by the original negative equine infectious anemia (EIA) laboratory test record issued within the

past 12 months. Untested equine may move directly to an approved sale where a sample will be collected prior to the sale. The seller will be liable for the cost of the test and must reimburse the buyer of the animal if the test is positive.

(3) Out-of-state equine must be accompanied by the original negative equine infectious anemia (EIA) laboratory test record issued within the past 12 months and a Certificate of Veterinary Inspection issued within 30 days of arrival.

(4) Abused or starving equine that are offered for sale at Georgia auction markets that exhibit clear signs of abuse or starvation shall be impounded in accordance with the Georgia Humane Care for Equines Act upon approval of the State Veterinarian.

(5) A person must not use drugs, tranquilizers, or medication which may conceal defects, falsely enhance the appearance of quality or otherwise result in misrepresentation in sale of an equine animal.

(6) All equines must be individually identified with a USDA or Georgia Department of Agriculture approved tag, painted identification or other identification method approved by the State Veterinarian.

Cite as Ga. Comp. R. & Regs. R. 40-13-6-.08
Authority: O.C.G.A. § 4-6-2.
History. Original Rule entitled "Equine Movement Through Auction Markets" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Amended: F. Aug. 10, 2018; eff. Aug. 30, 2018.

Rule 40-13-6-.09. Non-traditional Livestock Movement Through Auction Markets.

(1) All non-traditional livestock offered for sale at livestock auction markets must originate from herds apparently free of any contagious, infectious, or communicable disease. Any of these animals offered for sale at auction markets showing signs of illness must not be allowed entry to the sale and may be quarantined to the farm of origin. Quarantine will remain in effect until released by the State Veterinarian.

(2) Out-of-state non-traditional livestock moving through approved livestock facilities in Georgia must meet all interstate requirements except where a reciprocal agreement exists with other states.

(3) All non-traditional livestock must be individually identified by an approved official USDA back tag and a USDA National Uniform Eartagging System (NUES) ear tag, official USDA 840 Radio Frequency Identification Device (RFID) ear tag, ISO compliant microchip, or method approved by the State Veterinarian.

Cite as Ga. Comp. R. & Regs. R. 40-13-6-.09
Authority: O.C.G.A. §§ 4-4-64, 4-4-67.
History. Original Rule entitled "Veterinary Services" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Non-traditional Livestock Movement Through Auction Markets" adopted. F. Aug. 10, 2018; eff. Aug. 30, 2018.

Rule 40-13-6-.10. Veterinary Services.

A veterinarian licensed in Georgia and USDA Category II accredited in the state of Georgia must be selected by the auction market as required by the State Veterinarian to provide the required veterinary services at the market. Such veterinarians must be approved by the Georgia Department of Agriculture in writing. It will be the responsibility of the approved veterinarian to personally perform all veterinary services required by the Department at the market and such inspection services as may be necessary regarding sanitation and final inspection and disposition of abnormal animals. Veterinary services must be at the market's expense.

Cite as Ga. Comp. R. & Regs. R. 40-13-6-.10
Authority: O.C.G.A. §§ 4-6-2, 4-6-7.
History. Original Rule entitled "Livestock Inspector" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Veterinary Services" adopted. F. Aug. 10, 2018; eff. Aug. 30, 2018.

Rule 40-13-6-.11. Livestock Inspector.

(1) The Georgia Department of Agriculture will provide a livestock inspector to each sale, whose duty will be to enforce rules and regulations outlined in this chapter.

(2) The inspector will determine normal and abnormal animals. Abnormal animals must be held for examination by the authorized market veterinarian. Abnormal animals must be returned to the farm of origin or sent to slaughter as determined by the State Veterinarian.

(3) Any person who assaults or threatens to assault any livestock inspector or other employee of the Georgia Department of Agriculture, in addition to being subject to punishment as provided by law, will also be subject to having such license and/or permit held by the individual revoked, canceled, or suspended by the Commissioner of Agriculture of the state of Georgia.

Cite as Ga. Comp. R. & Regs. R. 40-13-6-.11
Authority: §§ 4-4-2, 4-4-61, 4-6-7, 4-4-75.
History. Original Rule entitled "Handling of Livestock" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Livestock Inspector" adopted. F. Aug. 10, 2018; eff. Aug. 30, 2018.

Rule 40-13-6-.12. Handling of Livestock.

(1) All livestock in a livestock auction sales establishment must be handled, graded, sorted, and sold, including loading and unloading, in a humane manner and method as to prevent damage to the livestock by bruising or other injury.

(2) Any livestock that die on sale premises must be disposed of in accordance to the rules of Georgia's Dead Animal Disposal Act.

Cite as Ga. Comp. R. & Regs. R. 40-13-6-.12
Authority: O.C.G.A. §§ 4-5-3, 4-6-7, 4-6-54.
History. Original Rule entitled "Enforcement" adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.
Repealed: New Rule entitled "Handling of Livestock" adopted. F. Aug. 10, 2018; eff. Aug. 30, 2018.

Rule 40-13-6-.13. Enforcement.

Any person violating the provisions of this chapter will be guilty of a misdemeanor.

Cite as Ga. Comp. R. & Regs. R. 40-13-6-.13
Authority: O.C.G.A. §§ 4-4-75, 4-4-84, 4-6-10, 16-10-20.
History. Original Rule entitled "Enforcement" adopted. F. Aug. 10, 2018; eff. Aug. 30, 2018.

Subject 40-13-7. LICENSING.

Rule 40-13-7-.01. Licensing and Surety Requirements.

(1) Definitions:

(a) "Approved livestock auction market" means a livestock auction market or livestock sales establishment that must comply with all federal and state laws and requirements set forth by the Georgia Department of Agriculture. For purposes of the following rules and regulations, buying stations and livestock concentration points are treated as livestock sales establishments. An auction market may operate as both a market and a dealer, which would require a separate license and surety.

(b) "Electronic livestock sales" means sales of livestock, poultry, equines, and non-traditional livestock conducted on a commission or other fee basis by any person through the use of online, video, or other electronic methods without the physical presence of buyer or seller and without a physical examination of the livestock performed by the buyer.

(c) "Farmer" means a person who raises livestock, poultry, equines, or non-traditional livestock; or a person who raises animals for agricultural purposes.

(d) "Livestock" means cattle, swine, equines, sheep, and goats of all kinds and species.

(e) "Livestock dealer" means any livestock auction market, person, or agent of such person or livestock auction market which engages in or facilitates, including by electronic means, the business of buying, selling, exchanging, or otherwise transferring ownership of livestock or non-traditional livestock within the state for his or her own account or for that of another. For purposes of the following rules and regulations, brokers and packer buyers are treated as livestock dealers. The term "dealer" does not include:

1. Farmers acquiring livestock solely for the purpose of grazing and feeding as part of their farm operations;

2. Packers whose total annual purchases of livestock are less than $50,000.00, and who buy only from licensed dealers and licensed sales establishments;

3. Persons selling only livestock of their own production or buying only for their own production; and

4. Persons auctioning livestock on behalf of a third party.

(f) "Livestock auction market operator" means any person or entity engaged in the business of operating a livestock sales establishment or a public auction or sale of livestock; or who houses livestock with the intended purpose of auction or sale.

(g) "Non-traditional livestock" means the species of the Order Artiodactyla listed as antelope, bison, buffalo, catalo, elk, deer other than white-tailed deer, and water buffalo; as well as members of the Camelidae family listed as camels, llamas, and alpacas that are held and possessed legally under the wild animal provisions of O.C.G.A. Title 27.

(h) "Official identification" means methods of species identification approved by the State Veterinarian. Backtags may be used as official identification only in circumstances outlined by the USDA Animal Disease Traceability program or rules and regulations of the Georgia Department of Agriculture.

(i) "Person" means any person, firm, corporation, association, cooperative, or combination thereof.

(j) "Surety" means a letter of credit, certificate of deposit, or other written instrument issued or executed by a lending institution or bonding, surety, or insurance company licensed to do business in this state, guaranteeing the faithful performance of the terms of the contract of purchase, including the payment of the purchase price of all livestock purchased by the holder of such instrument, made payable to the Commissioner for the benefit of persons sustaining loss resulting

from the nonpayment of the purchase price or the failure to fulfill the terms of the contract of purchase.

(2) Auction Markets:

(a) A livestock auction market must not operate in Georgia unless it has a surety in force which sufficiently secures the performance of the holder's obligations. The amount of this surety must be established in a memorandum of understanding with the Department.

(b) The Department may license a livestock auction market upon receiving an application by the livestock auction market and proof of surety coverage. The Department will conduct all livestock auction market licensing operations in accordance with licensing provisions of state law.

(c) A license issued to a livestock auction market will be valid for three years unless suspended, revoked, or cancelled by the Commissioner of Agriculture. All licenses will expire on December 31 on the third year of licensure.

(d) If the surety is cancelled for any reason, then the license will be revoked immediately by operation of law without notice or hearing.

(e) The Department has the authority to notify the public if a license is revoked for any reason.

(f) Neither the surety nor the license is transferable. Any change in ownership renders the previous license null and void.

(3) Livestock Dealers:

(a) A dealer must not buy or sell livestock through a sales establishment, dealer, or directly through farmers in Georgia unless he or she has a surety in force which sufficiently secures the performance of the holder's obligations. The amount of this surety must be established in a memorandum of understanding with the Department.

(b) The Department may license a livestock dealer upon receiving an application by the dealer and proof of surety coverage. The Department will conduct all dealer licensing operations in accordance with licensing provisions of state law.

(c) A license issued to a livestock dealer will be valid for three years unless suspended, revoked, or cancelled by the Commissioner of Agriculture. All licenses will expire on December 31 on the third year of licensure.

(d) If the surety is cancelled for any reason, then the license will be revoked immediately by operation of law without notice or hearing.

(e) The Department has the authority to notify the public if a license is revoked for any reason.

(f) Neither the surety nor the license is transferable. Any change in ownership renders the previous license null and void.

(g) This surety requirement does not apply when purchases are made for cash only. "Cash" includes only currency, cashier's checks, and money orders. A statement is required for "Cash Only" purchases. This statement, which is provided by the Department, must be completed and signed prior to the purchase.

(h) A livestock auction market operator must not permit a dealer, broker, or packer buyer to purchase livestock other than for cash if the dealer, broker, or packer buyer lacks a proper license or sufficient surety.

(i) Farmers purchasing livestock solely for the purpose of grazing and feeding as part of their farm operation are exempt from licensing and surety requirements.

(4) Buying stations and livestock concentration points must maintain sufficient surety and licensure with the Department. Buying stations and livestock concentration points must meet the same sanitation standards as livestock auction markets, utilize proper identification methods, and comply with federal and state laws.

(5) A person, firm, or corporation must not sell or offer for sale any livestock in a name other than the legal owner of such livestock at the time of sale.

(6) All applicants for licensure must submit a current financial statement to the Georgia Department of Agriculture, and all licensees must submit a current financial statement annually to the Department.

(7) All livestock auction markets, dealers, and buying stations must maintain adequate records on sales and purchases. These records must include, but not be limited to, the following information:

(a) Complete name and address of purchaser with date of purchase;

(b) Complete name and address of seller with date of sale;

(c) Complete name and address of herd of origin, if different from name of seller;

(d) Identification of cattle by official ID, tattoo, breed, sex, and weight.

These records must be maintained for a period of five years and must be made available to authorized personnel of the Georgia Department of Agriculture. Any livestock auction market which has undergone a management change should

maintain records created during this required period under the previous management.

Cite as Ga. Comp. R. & Regs. R. 40-13-7-.01
Authority: O.C.G.A. §§ 4-6-2, 4-6-3, 4-6-4, 4-6-5, 4-6-6, 4-6-7, 4-6-42, 4-6-43, 4-6-46, 4-6-49.1.
History. Original Rule entitled "Licensing and Bonding Requirements" was filed on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 2, 1984; effective May 22, 1984.
Amended: Filed March 25, 1987; effective April 14, 1987.
Amended: New title "Licensing and Surety Requirements." F. Aug. 10, 2018; eff. Aug. 30, 2018.

Rule 40-13-7-.02. Enforcement.

(1) Any person violating the provisions of this chapter shall be guilty of a misdemeanor except as set forth in this subsection.

(2) Any dealer, broker or livestock market operator who violates 40-13-7-.01(7) for a third or subsequent time shall be guilty of a felony and upon conviction shall be punished by a fine not to exceed $10,000 or by imprisonment for not less than one year nor more than three years, or both.

(3) Any person convicted of felony for violation of 40-13-7-.01(7) shall have any dealer broker or livestock market operator license issued by the Georgia Department of Agriculture permanently revoked. Any person whose license has been revoked for such conviction shall be ineligible to apply for a subsequent license.

Cite as Ga. Comp. R. & Regs. R. 40-13-7-.02
Authority: O.C.G.A. 4-6-55.
History. Original Rule entitled "Enforcement" was filed on October 3, 1985; effective October 23, 1985.

Subject 40-13-8. ANIMAL MANURE HANDLERS.

Rule 40-13-8-.01. Definitions.

(1) "Animal Manure" means manure, litter, process manure water from animal production areas, and extraneous materials, i.e. bedding, feed, soil, urine, etc.

(2) "Animal Manure Handler" means any person, firm, corporation, partnership, association, or other legal entity engaged in removing animal manure from livestock/poultry production areas, transporting animal manure on public roadways, or depositing animal manure to a premise other than its point of origin.

(a) Exemptions:

1. Persons who handle less than five tons or 5,000 gallons of animal manure per year.

2. Persons who solely handle animal manure that originates from their own livestock/poultry operation and that is deposited on property under their ownership, lease agreement or otherwise control or is deposited on other property included in such producer's nutrient management plan.

3. Persons who solely transport, store and land apply animal manure on their own property that has originated from another person's livestock/poultry operation provided, however, that such activities are in compliance with the transportation, storage and land application requirements of this rule.

4. Persons who handle animal manure for other purposes than listed above may request in writing to the Department to be exempted from obtaining an animal manure handlers permit. Any such exemption will be considered on a case-by-case basis.

Cite as Ga. Comp. R. & Regs. R. 40-13-8-.01
Authority: O.C.G.A. Secs. 4-4-1*et seq.* 4-4-2.
History. Original Rule entitled "Brucellosis Eradication Requirements" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: F. July 15, 1971; eff. August 4, 1971.
Amended: ER. 40-13-8-0.5-.01(1)(f) adopted. F. Aug. 29, 1972; eff. Sept. 1, 1972, as specified by the Agency.
Amended: Permanent Rule adopted. F. Feb. 26, 1973; eff. Mar. 18, 1973.
Repealed: New Rule of same title adopted. F. May 2, 1984; eff. May 22, 1984.
Amended: F. Oct. 3, 1985; eff. Oct. 23, 1985.
Amended: F. July 18, 1988; eff. August 7, 1988.
Amended: F. Feb. 20, 1989; eff. Mar. 12, 1989.
Amended: F. Jan. 24, 1991; eff. Feb. 13, 1991.
Amended: F. June 11, 1992; eff. July 1, 1992.
Amended: F. Jan. 19, 1996; eff. Feb. 8, 1996.
Repealed: New Rule entitled "Definitions" adopted. F. Nov. 19, 2003; eff. Dec. 19, 2003, as specified by the Agency.

Rule 40-13-8-.02. Animal Disease Control.

The Commissioner of Agriculture has the authority to control the movement of animal manure in order to prevent the spread of an infectious or contagious animal disease.

Cite as Ga. Comp. R. & Regs. R. 40-13-8-.02
Authority: O.C.G.A. Secs. 4-4-1, 4-4-2.
History. Original Rule entitled "Tuberculosis Eradication Requirements (Intrastate)" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Repealed: New Rule of same title adopted. F. May 2, 1984; eff. May 22, 1984.
Repealed: New Rule entitled "Animal Disease Control" adopted. F. Nov. 19, 2003; eff. Dec. 19, 2003, as specified

by the Agency.

Rule 40-13-8-.03. Animal Manure Handlers Permit.

(1) Animal Manure Handlers must first receive a permit from the Department of Agriculture before engaging in the handling of animal manure.

(2) Application for an Animal Manure Handler permit shall be made to the Department of Agriculture on a form approved by the Department.

(3) Animal Manure Handlers must notify the Department of Agriculture of any change in their contact information or if they are no longer handling animal manure.

Cite as Ga. Comp. R. & Regs. R. 40-13-8-.03
Authority: O.C.G.A. Secs. 4-4-1, 4-4-2.
History. Original Rule entitled "Hog Cholera Eradication Requirements" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: ER. 40-13-8-0.5-.03 adopted. F. Aug. 29, 1972; eff. Sept. 1, 1972, as specified by the Agency.
Amended: Permanent Rule adopted. F. Feb. 26, 1973; eff. Mar. 18, 1973.
Repealed: New Rule of same title adopted. F. May 2, 1984; eff. May 22, 1984.
Repealed: New Rule entitled "Animal Manure Handlers Permit" adopted. F. Nov. 19, 2003; eff. Dec. 19, 2003, as specified by the Agency.

Rule 40-13-8-.04. Transportation and Equipment.

(1) Biosecurity precaution should be exercised in the collection, storage, transportation and depositing or spreading of animal manure.

(2) The truck bed of all vehicles transporting animal manure shall be designed, maintained and in good state of repair in order to prevent leaks or spillage. Such vehicles shall at all times during transit be kept adequately covered to prevent blowing or spillage of loose material or liquids. The Animal Manure Handler is responsible for the cleanup of any spillage or leakage during transportation.

(3) Animal manure spreaders or other land application equipment shall be calibrated by an approved method prior to use and at least once annually to ensure that proper application rates are being attained.

Cite as Ga. Comp. R. & Regs. R. 40-13-8-.04
Authority: O.C.G.A. Secs. 4-4-1, 4-4-2.
History. Original Rule entitled "Wild Animals" adopted. F. Dec. 21, 1982; eff. Jan. 10, 1983.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: New Rule entitled "Transportation and Equipment" adopted. F. Nov. 19, 2003; eff. Dec. 19, 2003, as specified by the Agency.

Rule 40-13-8-.05. Storage of Animal Manure by Animal Manure Handlers.

(1) Animal manure in solid or semi-solid form must be stored at a site or facility designed, constructed, maintained and operated to prevent discharge of animal manure. The covering must be such that it prevents runoff and limits breeding of insects. The elevation and surface slope shall be such that water is diverted away from the storage site or facility.

(2) Animal manure in liquid form must be stored in sealed, leak-proof containers or by another method approved by the Georgia Department of Agriculture.

(3) The site or facility must be a minimum of 200 feet from the property line unless otherwise approved by the Department.

Cite as Ga. Comp. R. & Regs. R. 40-13-8-.05
Authority: O.C.G.A. Secs. 4-4-1*et seq.*, 4-4-2, 4-4-95.1.
History. Original Rule entitled "Enforcement" adopted. F. Oct. 3, 1985; eff. Oct. 23, 1985.
Amended: F. Mar. 25, 1987; eff. Apr. 14, 1987.
Repealed: New Rule entitled "Pseudorabies Control and Eradication Requirements" adopted. F. July 18, 1988; eff. August 7, 1988.
Amended: F. Feb. 20, 1989; eff. Mar. 12, 1989.
Repealed: New Rule entitled "Storage of Animal Manure by Animal Manure Handlers" adopted. F. Nov. 19, 2003; eff. Dec. 19, 2003, as specified by the Agency.

Rule 40-13-8-.06. Land Application.

(1) Animal manure shall not be allowed to come in contact with ground water or be exposed to excessive runoff from rainfall.

(2) A representative analysis of the animal manure shall be provided by the livestock/poultry producer before transfer of animal manure to an Animal Manure Handler. Animal manure samples should be collected and analyzed in accordance with the producer's nutrient management plan or University of Georgia Cooperative Extension Service guidelines.

(3) Mortality should be removed from animal manure.

(4) Animal manure land application shall be as follows:

   (a) At least 100 feet of non-vegetated distance or 35 feet of perennial vegetated buffer from any down-gradient surface water, including but not limited to, streams, ponds, springs, sinkholes or wetlands, and

   (b) At least 100 feet from any well, and

   (c) Applied in a manner in which the manure does not leave the property on which it was intended to be applied.

(d) Any exceptions or deviations to land application requirements must have prior Georgia Department of Agriculture approval.

Cite as Ga. Comp. R. & Regs. R. 40-13-8-.06
Authority: O.C.G.A. Secs. 4-4-1*et seq.*, 4-4-2, 4-4-95.1.
History. Original Rule entitled "Enforcement" adopted. F. July 18, 1988; eff. August 7, 1988.
Amended: F. Jan. 24, 1991; eff. Feb. 13, 1991.
Repealed: New Rule entitled "Land Application" adopted. F. Nov. 19, 2003; eff. Dec. 19, 2003, as specified by the Agency.

Rule 40-13-8-.07. Record Keeping.

Animal Manure Handlers shall maintain the following records for two years:

(1) Name and address of each person where animal manure originates and is delivered.

(2) Animal manure analysis as provided by the livestock/poultry producer.

(3) Date and total amount of animal manure delivered or land applied.

(4) Land application rate of animal manure.

(5) Date and method of equipment calibration.

(6) Records must be recorded and made available to the Department upon request.

Cite as Ga. Comp. R. & Regs. R. 40-13-8-.07
Authority: O.C.G.A. Sec. 4-4-2.
History. Original Rule entitled "Record Keeping" adopted. F. Nov. 19, 2003; eff. Dec. 19, 2003, as specified by the Agency.

Rule 40-13-8-.08. Penalties.

(1) The Department of Agriculture may deny, suspend or revoke the Animal Manure Broker permit for failure to comply with the rules set forth in this chapter.

(2) The Department of Agriculture may impose a civil penalty not to exceed $1,000 for each violation.

Cite as Ga. Comp. R. & Regs. R. 40-13-8-.08
Authority: O.C.G.A. Sec. 4-4-2.
History. Original Rule entitled "Penalties" adopted. F. Nov. 19, 2003; eff. Dec. 19, 2003, as specified by the Agency.

Subject 40-13-9. GARBAGE FEEDING.

Rule 40-13-9-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-13-9-.01
Authority: O.C.G.A. Secs. 4-4-1, 4-4-2.
History. Original Rule entitled "Garbage Feeding Regulations" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Repealed: F. Nov. 1, 1974; eff. Nov. 21, 1974.
Amended: New Rule entitled "Garbage Feeding Regulations" adopted. F. May 2, 1984; eff. May 22, 1984.
Amended: F. Dec. 2, 1992; eff. Dec. 22, 1992.
Repealed: F. Nov. 21, 2003; eff. Dec. 11, 2003.

Subject 40-13-10. POULTRY.

Rule 40-13-10-.01. Definitions.

As used in this Chapter, the term:

(a) "Dealer" or "broker" means any person, firm, or corporation engaged in the business of buying live poultry of any kind for resale or in selling live poultry of any kind bought for the purpose of resale. Every agent acting for or on behalf of any dealer, broker, or poultry market operator is a dealer or broker, provided that any farmer acquiring poultry solely for the purpose of rearing and feeding such poultry as a part of his or her farm operations is not a "dealer" or "broker."

(b) "Person" means any person, firm, corporation, association, cooperative, or combination thereof.

(c) "Poultry" means any bird included in the orders Galliforme, Anseriforme, Columbiforme, and Ratitae. Galliforme includes birds such as chickens, pheasants, chuckers, quail and turkeys. Anseriforme includes water fowl such as geese and ducks. Columbiforme includes birds such as pigeons and doves. Ratitae includes birds such as ostrich, emu, and rhea.

(d) "Poultry market operator" means any person engaged in the business of operating public auctions or sales of live poultry or of operating barns and yards for the containment of live poultry held for the purpose of auction or sale.

(e) "Sales establishment" means any yard, barn, or other premises where live poultry is offered for sale, auction, or exchange.

Cite as Ga. Comp. R. & Regs. R. 40-13-10-.01
Authority: O.C.G.A., Sec. 4-4-80*et seq.*
History. Original Rule entitled "Poultry Carcasses" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.

Repealed: New Rule entitled "Definitions" adopted. F. Sept. 1, 1987; eff. Sept. 21, 1987.
Repealed: New Rule of same title adopted. F. Oct. 6, 2009; eff. Oct. 26, 2009.

Rule 40-13-10-.02. Poultry Carcasses.

(1) The premises of each person growing poultry for himself or others including turkeys, commercial eggs, hatching eggs and broilers for commercial purposes is hereby quarantined upon the placing of any dead poultry carcass (when death results from other than in connection with the slaughter thereof) in other than a disposal pit or incinerator approved by the Commissioner of Agriculture. Such quarantine shall not be applicable to any person growing poultry who provides and maintains a method of disposal of dead poultry carcasses that has been approved by the Commissioner of Agriculture as satisfactory to him to prevent the spread of disease.

(2) To aid in the enforcement of the laws of this State, and these regulations, the Commissioner of Agriculture shall issue to each person growing poultry for himself or others, a certificate of compliance with the provisions of the laws relating to disease prevention and these regulations, when the grower:

   (a) provides and maintains a disposal pit of a size and design adequate to dispose of dead poultry carcasses wherein all dead poultry carcasses are disposed of in a manner approved by the Commissioner of Agriculture to prevent the spread of disease; or

   (b) provides and maintains method of disposal of dead poultry carcasses that has been approved by the Commissioner of Agriculture as satisfactory to him to prevent the spread of disease.

(3) The Commissioner of Agriculture shall determine the form and contents of the certificate issued to the grower. The certificate shall be numbered and shall be valid until cancelled or revoked by the Commissioner. The violation of any of these regulations shall be sufficient grounds for the revocation, cancellation or suspension of the certificate provided herein or the license of the poultry processing plant, after notice and hearing.

(4) Disposal pits or incinerators shall be constructed in a manner and be of a design capable of providing a method of disposal of dead poultry carcasses in a manner to prevent the spread of disease. Each such pit shall be utilized in such manner as to dispose of the contents thereof effectively. Disposal pits shall be of a design and constructed in a manner approved by the Commissioner.

(5) No poultry processing plant shall purchase poultry from any poultry grower unless the grower shall submit proof, prior to purchase or delivery, of compliance with the provisions of these regulations. Receipt by the purchaser of the Number of the Certificate shall be sufficient compliance with this regulation. The invoice or other writing executed

by the processing plant in connection with each purchase of poultry shall have the Certificate number of the grower written or otherwise indicated thereon.

Cite as Ga. Comp. R. & Regs. R. 40-13-10-.02
Authority: O.C.G.A. Sec. 4-4-82*et seq.*
History. Original Rule entitled "Poultry Flock, Hatchery and Dealer Regulations" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same titled adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: F. Aug. 31, 1976; eff. Sept. 20, 1976.
Repealed: New Rule entitled "Poultry Carcasses" adopted. F. Sept. 1, 1987; eff. Sept. 21, 1987.
Repealed: New Rule of same title adopted. F. Oct. 6, 2009; eff. Oct. 26, 2009.

Rule 40-13-10-.03. Poultry Flock, Hatchery and Dealer Regulations.

(1) The specification, rules and regulations, and requirements of the Georgia Poultry Improvement Association, Inc., the designated Official State Agency, are hereby adopted as the regulations of the Georgia Department of Agriculture. By authority of the Secretary of State, in accordance with the Administrative Procedures Act, copies of the above rules and regulations are on file with the State Veterinarian and are available on request.

(a) Full authority for the control, suppression and eradication of pullorum and typhoid in poultry in this State is hereby vested in the Georgia Department of Agriculture: and, without limiting the generality of the foregoing provision, it shall be a cooperative venture between the Georgia Poultry Improvement Association and the Georgia Department of Agriculture to administer the applicable provisions.

(b) All poultry hatcheries and hatchery supply flocks within the State must qualify as U.S. Pullorum-Typhoid Clean or meet equivalent requirements for pullorum-typhoid control under official supervision.

(c) All shipments of products other than U.S. Pullorum-Typhoid clean, or equivalent, into the State are prohibited.

(d) Whenever a veterinarian or other person performing disease diagnostic services has knowledge or reason to suspect that pullorum or typhoid exists in a poultry flock or hatchery, he shall, within 48 hours, give notice of such fact to the Georgia Department of Agriculture and the Georgia Poultry Improvement Association.

(e) Upon receipt of a report of pullorum or typhoid in poultry, an immediate investigation by an authorized representative to determine the origin and avenue of transmission of the infection shall be instituted. Authorized representatives of the Georgia Department of Agriculture and the Georgia Poultry Improvement Association may enter any place or premises for such inspection or investigation as may be reasonably necessary for these determinations.

(f) Flocks deemed to be infected with pullorum or typhoid shall be quarantined by the Georgia Department of Agriculture. Quarantined flocks or any portion thereof shall not be removed from the premises where the infection was detected except with the written permission of the Georgia Department of Agriculture on the recommendation of the Georgia Poultry Improvement Association.

(g) All poultry shown in public exhibition in this State shall have originated from U.S. Pullorum-Typhoid Clean or equivalent flocks or have had a negative pullorum-typhoid test within 90 days of the movement to the public exhibition.

(2) In addition to the requirement of compliance with the rules and regulations of the Official State Agency adopted herein, the following rules and regulations shall be complied with:

(a) Flock Requirements.

1. All flocks from which hatching eggs are set in any Georgia hatchery must be in compliance with the current pullorum-typhoid provisions of the National Poultry Improvement Plan.

2. Testing must be done by persons duly authorized and appointed by the Georgia Department of Agriculture upon the recommendation of the Georgia Poultry Improvement Association. Such persons shall have demonstrated their ability to perform the duties of pullorum-typhoid testing to the satisfaction of the Georgia Department of Agriculture in concurrence with the Georgia Poultry Improvement Association under actual working conditions before receiving their appointment.

3. No dealer, broker or poultry market operator may be authorized and appointed by the Georgia Department of Agriculture to perform pullorum-typhoid testing.

4. Each bird tested in flock for the production of hatching eggs must be leg banded at time of testing with sealed and numbered band and reported within ten (10) days following test to the Official State Agency on forms provided for this purpose. All adult domesticated fowl on premises where breeder flocks are located must be tested to meet the same testing requirements of such breeder flocks. They shall be housed separate to breeding birds and reported to the Official State Agency on separate forms furnished by the Official State Agency.

5. The Georgia Department of Agriculture adopts the USDA-APHIS 9 code of Federal Regulations Parts 71 and 82 with reference to Salmonella enteritidis serotype enteritidis. The requirements and restrictions which apply to interstate shipment will also apply to intrastate shipments. Future changes in the 9 Code of Federal Regulations Parts 71 and 82 with reference to

Salmonella enteritidis serotype enteritidis will be included in these regulations.

(b) Hatcheries and Dealers:

1. Georgia hatcheries shall set eggs only from flocks that meet the requirements as stipulated in Section (a) of these rules and regulations except eggs may be set from out-of-state sources, provided the producer or shipper has a valid and current Georgia approval number, issued by the Official State Agency, in effect and such number appears on each case or container of eggs purchased.

2. No hatchery or hatchery egg dealer shall purchase for resale hatching eggs, baby chicks, poults or poultry breeding stock from out-of-state sources unless the producer or shipper has a Georgia approval number to ship into this State and this number appears on each container of the product purchased.

3. Reserved.

4. All eggs in incubator and hatching trays must be identified as to source.

5. Hatcheries and dealer shall keep records of purchases and sales of poultry products handled in a manner satisfactory to the State Department of Agriculture and the Official State Agency. These records shall be subject to inspection at any reasonable time.

6. Hatchery sanitation shall be maintained in a manner satisfactory to the Department of Agriculture and the Official State Agency at all times.

7. Whenever any condition is revealed to exist which is not in strict accord with these Rules and Regulations, the license may be revoked, cancelled or suspended by the Commissioner of Agriculture following notice and hearing.

8. The Georgia Department of Agriculture adopts the USDA-APHIS 9 code of Federal Regulations Parts 71 and 82 with reference to Salmonella enteritidis serotype enteritidis. The requirements and restrictions which apply to interstate shipment will also apply to intrastate shipments. Future changes in the 9 Code of Federal Regulations Parts 71 and 82 with reference to Salmonella enteritidis serotype enteritidis will be included in these regulations.

Cite as Ga. Comp. R. & Regs. R. 40-13-10-.03
Authority: O.C.G.A. Sec. 4-7-1*et seq.*
History. Original Rule entitled "Poultry Flock, Hatchery and Dealer Regulations" adopted. F. Sept. 1, 1987; eff.

Sept. 21, 1987.
Amended: F. Jan. 24, 1991; eff. Feb. 13, 1991.
Repealed: New Rule of same title adopted. F. Oct. 6, 2009; eff. Oct. 26, 2009.

Rule 40-13-10-.04. Licensing.

(1) No dealer, broker or poultry market operator shall engage in or carry on such business without first applying for and obtaining a license from the Commissioner.

(2) The term of said license shall be for one year from the date of issue.

(3) The fee for said license shall be $35.00 per annum.

Cite as Ga. Comp. R. & Regs. R. 40-13-10-.04
Authority: O.C.G.A. Secs. 4-4-82*et seq.*
History. Original Rule entitled "Licensing" adopted. F. Sept. 1, 1987; eff. Sept. 21, 1987.
Repealed: New Rule of same title adopted. F. Oct. 6, 2009; eff. Oct. 26, 2009.
Amended: F. June 21, 2010; eff. July 11, 2010.

Rule 40-13-10-.05. Records.

(1) No dealer, broker or poultry market operator shall buy, store or otherwise receive any poultry without first recording:

   (a) the name and address of person or persons from whom poultry is received;

   (b) the number and type of such poultry;

   (c) the license tag number of the vehicle used to transport such poultry.

(2) No dealer, broker or poultry market operator shall sell any poultry to any person without first recording the name and address of the person buying such poultry.

(3) All records must be maintained for a period of two (2) years.

(4) Such records shall be made available for review by the Commissioner or his duly authorized agent.

Cite as Ga. Comp. R. & Regs. R. 40-13-10-.05
Authority: O.C.G.A. Sec. 4-4-82*et seq.*
History. Original Rule entitled "Records" adopted. F. Sept. 1, 1987; eff. Sept. 21, 1987.
Repealed: New Rule of same title adopted. F. Oct. 6, 2009; eff. Oct. 26, 2009.

Rule 40-13-10-.06. Sanitation.

(1) All dealers, brokers or poultry market operators who transport live poultry shall keep all cages, coops, trucks and trailers clean and sanitary. All equipment used to transport live poultry shall be cleaned and disinfected after each use.

(2) All dealers, brokers and poultry market operators shall have a poultry disposal pit or incinerator which has been approved by the Commissioner or his duly authorized agent. Such pit or incinerator shall be used to dispose of dead poultry.

Cite as Ga. Comp. R. & Regs. R. 40-13-10-.06
Authority: O.C.G.A. Sec. 4-4-82*et seq.*
History. Original Rule entitled "Sanitation" adopted. F. Sept. 1, 1987; eff. Sept. 21, 1987.
Repealed: New Rule of same title adopted. F. Oct. 6, 2009; eff. Oct. 26, 2009.

Rule 40-13-10-.07. Control and Eradication of Infectious or Contagious Diseases.

(1) No dealer, broker or poultry market operator, or other person shall sell, auction, transfer or move any poultry which is infected or exposed to a highly infectious or contagious disease or which has been placed under quarantine by the authority of the Commissioner until such poultry has been inspected by a veterinarian accredited by the United States Department of Agriculture.

(2) All dealers, brokers and poultry market operators or any other person must have infected or exposed poultry or poultry which is likely to have been exposed to infection inspected by a USDA accredited veterinarian.

   (a) Any such poultry shall be reported to the Department of Agriculture.

   (b) A representative sample of such poultry shall be submitted to a State diagnostic laboratory.

(3) When an infectious or contagious disease has been diagnosed, any poultry movement must be approved by the Commissioner or his duly authorized agent.

   (a) Any poultry moved from an infected, exposed or quarantined premise, shall be moved by a method approved by the Department of Agriculture.

   (b) Any litter from an infected, exposed or quarantined premise shall be moved by a method approved by the Department of Agriculture.

   (c) Any equipment moved from an infected, exposed or quarantined premise shall be cleaned and disinfected prior to movement.

(d) All equipment, including but not limited to trucks, tractors, coops and cages, used to move poultry, litter or equipment from infected, exposed or quarantined premise shall be cleaned and disinfected after such use.

(4) All poultry shall be housed or maintained in a sanitary condition as to prevent the spread of an infectious or contagious disease.

Cite as Ga. Comp. R. & Regs. R. 40-13-10-.07
Authority: O.C.G.A. Secs. 4-4-81*et seq.*, 4-4-83 *et seq.*
History. Original Rule entitled "Control and Eradication of Infectious or Contagious Diseases" adopted. F. Sept. 1, 1987; eff. Sept. 21, 1987.
Repealed: New Rule of same title adopted. F. Oct. 6, 2009; eff. Oct. 26, 2009.

Rule 40-13-10-.08. Quarantine and Seizure.

(1) The Commissioner or his duly authorized agent is authorized to quarantine:

(a) a premise when an infectious or contagious disease is diagnosed;

(b) poultry which have been exposed to an infectious or contagious disease;

(c) a premise in which unsanitary conditions may contribute to the cause or spread of an infectious or contagious disease.

(2) The Commissioner or his duly authorized agent may inspect any poultry and/or premise in which an infectious or contagious disease or unsanitary conditions are present or likely to be present.

(3) The Commissioner is authorized, at his discretion, to confiscate and destroy any poultry, hatching eggs, chicks or breeding stock which is infected with any contagious or infectious disease. Indemnity may be paid provided funds are available.

Cite as Ga. Comp. R. & Regs. R. 40-13-10-.08
Authority: O.C.G.A. Sec. 4-4-83.
History. Original Rule entitled "Quarantine and Seizure" adopted. F. Sept. 1, 1987; eff. Sept. 21, 1987.
Repealed: New Rule of same title adopted. F. Oct. 6, 2009; eff. Oct. 26, 2009.

Rule 40-13-10-.09. Violation.

(1) Any dealer, broker, poultry market operator or any other person who violates any provisions of this Chapter or any quarantine order shall be guilty of a misdemeanor.

(2) Any licensed dealer, broker or poultry market operator violating any rule or regulation of this Chapter shall be subject to revocation or suspension of such license following notice and hearing.

Cite as Ga. Comp. R. & Regs. R. 40-13-10-.09
Authority: O.C.G.A. Secs. 4-4-82*et seq.*, 4-4-84 *et seq.*
History. Original Rule entitled "Violation" adopted. F. Sept. 1, 1987; eff. Sept. 21, 1987.
Repealed: New Rule of same title adopted. F. Oct. 6, 2009; eff. Oct. 26, 2009.

Subject 40-13-11. PAYMENT FOR LIVESTOCK PURCHASED AT AUCTION.

Rule 40-13-11-.01. Payment for Livestock Purchased at Auction.

(1) Payment for livestock purchased at auctions shall be made on the same date of the purchase of the livestock, except that persons regulated by the provisions of the Federal "Packers and Stockyards Act of 1921" may make payment by placing in the mail a check on the day following the date of purchase. If payment is not received from dealer or packer within six calendar days following purchase of livestock, the livestock sales establishment shall within 24 hours notify by personal contact, telephone or wire, the Commissioner of Agriculture that payment has not been received. It shall be the duty of the Commissioner of Agriculture, after having received such notification, and determination of nonpayment has been made, to notify all licensed sales establishments of the fact of such nonpayment. No dealer or packer will be allowed to purchase on a regular sale any livestock unless the payment has been received by the sales establishment from the prior sale date.

(2) In the event that a check or draft issued in payment for livestock is dishonored, the livestock sales establishment shall notify personally, by telephone or wire, the Commissioner of Agriculture of this fact as soon as possible, but in no event later than 24 hours after having knowledge of such dishonor. It shall be the duty of the Commissioner of Agriculture, after having received such notification, to notify all licensed sales establishments of the fact of such dishonor.

(3) No livestock sales establishment shall extend credit to any dealer or packer unless such dealer or packer has on file with the sales establishment, prior to any such transaction, a letter of credit or guarantee from a commercial bank or other financial institution doing business in the State of Georgia in an amount sufficient to cover the actual credit extended; Provided, however, that for the purpose of this paragraph, the use of a draft as a manner of payment shall not constitute an extension of credit.

(4) Any violation of this chapter shall be grounds for the revocation or suspension of any license issued by the Commissioner of Agriculture: Provided, however, that no license shall be revoked without opportunity for a hearing in accordance with the provisions of the Georgia Administrative Procedure Act. In lieu of such license revocation or

suspension, the Commissioner may with the written consent of the affected party or parties impose a reasonable penalty, not to exceed $1000 for each such violation.

Cite as Ga. Comp. R. & Regs. R. 40-13-11-.01
Authority: Ga. L. 1971, p. 71; Ga. L. 1960, p. 245.
History. Original Rule entitled "Payment for Livestock Purchased at Auction" was filed on May 30, 1980; effective June 19, 1980.

Subject 40-13-12. BIRD DEALERS LICENSING.

Rule 40-13-12-.01. Definitions. Amended.

(1) "Act" means the "Bird Dealers Licensing Act" (Ga. Laws 1981, p. 510).

(2) "Bird Dealer" means any person engaged in the business of dealing in, purchasing, breeding, or offering for sale (whether at wholesale or retail) any exotic or pet birds customarily kept as pets.

(3) "Commissioner" means the Commissioner of Agriculture.

(4) "Department" means the Department of Agriculture.

(5) "Person" means any individual, firm, partnership, corporation, estate, trust, fiduciary, or other group or combination acting as a unit.

(6) "Exotic disease" means a disease not native to the United States.

(7) "Untreatable disease" means a disease that does not respond to accepted medical chemotherapy or one whose treatment is uneconomical.

(8) "Pet Bird" means a bird kept or intended for sale as a companion animal.

(9) "Premise" means the land and all buildings thereon.

(10) "Exotic Bird" means bird not native or indigenous to the United States.

(11) "Exhibition Event" means a Reptile or Exotic/Pet Bird show or event that has been issued a special written permit by the State Veterinarian's office.

Cite as Ga. Comp. R. & Regs. R. 40-13-12-.01
Authority: O.C.G.A. Sec. 4-10-1, et. seq.
History. Original Rule entitled "Definitions" adopted. F. Dec. 21, 1982; eff. Jan. 10, 1983.
Amended: F. Oct. 3, 1985; eff. Oct. 23, 1985.
Amended: F. July 21, 2010; eff. August 10, 2010.
Amended: F. Oct. 19, 2015; eff. Nov. 8, 2015.

Rule 40-13-12-.02. Licenses. Amended.

(1) Any person desiring to operate as a bird dealer must first apply for and obtain a license. License application forms may be obtained from the Department.

(2) All licenses shall be issued for a period of one (1) year and shall expire twelve months from the date of issue. The annual license fee shall be based on the gross volume or a set fee as follows:

(a) Bird Dealers not having a permanent fixed facility in Georgia that are only selling birds at "Exhibition Events"- $200.00 fee

(b) For $101.00 to $5,000.00 in gross pet sales - $100.00 fee

(c) For $5,001.00 to 10,000.00 in gross pet sales - $200.00 fee

(d) For $10,001.00 to $15,000.00 in gross pet sales - $300.00 fee

(e) For $15,001.00 and up in gross pet sales - $400.00 fee

(f) Bird dealer not having a permanent fixed facility in Georgia - $400.00 fee

(3) The license shall be issued in the name used for all business transactions involving exotic and pet birds. Any change in the name of the license shall be promptly reported to the Department in writing. Only one license shall be issued to a premise.

(4) A separate license is required for each business location and must be displayed in a conspicuous location.

(5) Any corporation, partnership, or estate must declare this at the time of license application and list such officers or owners on the application.

(6) Whenever a license is revoked the operator will be allowed to dispense of birds on hand only by a special permit from the Commissioner of Agriculture. The Department will have the authority to enter the premise and inventory birds as long as birds remain on the premise.

Cite as Ga. Comp. R. & Regs. R. 40-13-12-.02
Authority: O.C.G.A. Secs. 4-10-4, 4-10-5.
History. Original Rule entitled "Licenses" adopted. F. Dec. 21, 1982; eff. Jan. 10, 1983.
Amended: F. Oct. 3, 1985; eff. Oct. 23, 1985.
Amended: F. Jan. 24, 1991; eff. Feb. 13, 1991.
Amended: F. Dec. 2, 1992; eff. Dec. 22, 1992.
Amended: F. Sept. 14, 2001; eff. Oct. 4, 2001.
Amended: F. July 21, 2010; eff. August 10, 2010.
Amended: F. Oct. 19, 2015; eff. Nov. 8, 2015.

Rule 40-13-12-.03. Records.

(1) Each bird dealer is required to keep records which adequately:

(a) Identify each exotic or pet bird in his possession or sold by him by species, description, or by leg band number.

(b) Verify the name, address, and telephone number of the person from whom each is acquired. If that person is a licensed bird dealer, then the dealer's number shall also be recorded. If that person is not a licensed bird dealer, then their driver's license number, social security number or federal tax identification number shall be recorded.

(c) Verify the name, address, and telephone number of the person to whom each bird is transferred. If that person is a licensed bird dealer, then the dealer's license number shall also be recorded. If that person is not a licensed bird dealer, then their driver's license number, social security number, or federal tax identification number shall be recorded.

(d) Identify any bird which the bird dealer knows to be or to have been sick, diseased, or to have died.

(2) Periodic reports may be required of any or all of the required records. All required records shall be made available for inspection by Department employees during business operating hours. Additional records may be required if deemed necessary by the Department.

(3) All records required to be kept by the Act or these regulations shall be kept for at least one year from the time of receipt or sale of exotic and pet birds.

(4) Failure to keep required records or to make such records available to Department employees shall be grounds for quarantining and/or revocation of license.

(5) Birds unaccounted for by records will result in quarantine of all birds on premise until proper records are presented or birds are swabbed for VVDN twice at 10-day intervals and declared negative. Swabbing is to be done at owner's expense under the supervision of a Department of Agriculture employee.

Cite as Ga. Comp. R. & Regs. R. 40-13-12-.03
Authority: Ga. Laws 1981, p. 510, *et seq.*, O.C.G.A. Sec. 4-10-6.
History. Original Rule entitled "Records" adopted. F. Dec. 21, 1982; eff. Jan. 10, 1983.
Amended: F. Oct. 3, 1985; eff. Oct. 23, 1985.
Amended: F. July 21, 2010; eff. August 10, 2010.

Rule 40-13-12-.04. Quarantine, Seizure and Destruction of Birds.

(1) The Commissioner or his designees may issue quarantine and may seize and destroy any birds which, in the opinion of the Commissioner, present a hazard of carrying exotic or untreatable disease.

(2) Birds quarantined by the Department will be maintained at the bird dealer's or the owner's expense.

(3) An indemnity may be paid to the owner of a destroyed bird if federal or state funds are available for that purpose. Indemnity may be paid under such terms and conditions attached to indemnity funds. Indemnity may not be paid if the dealer or owner has failed to comply with the Act, theses Regulations, or any quarantine or order issued by the Commissioner.

(4) The quarantine shall include, but is not limited to, all birds on the premise.

Cite as Ga. Comp. R. & Regs. R. 40-13-12-.04
Authority: Ga. Laws 1981, p. 510, *et seq.*, O.C.G.A. Sec. 4-10-8.
History. Original Rule entitled "Quarantine, Seizure and Destruction of Birds" adopted. F. Dec. 21, 1982; eff. Jan. 10, 1983.
Amended: F. Oct. 3, 1985; eff. Oct. 23, 1985.
Amended: F. July 21, 2010; eff. August 10, 2010.

Rule 40-13-12-.05. Interstate Shipment of Birds. Amended.

(1) Each shipment of exotic and pet birds shipped into Georgia requires a prior permit number obtained from the State Veterinarian's Office.

(2) All exotic or pet birds entering Georgia for sale, trade, or exchange for a fee or other type of compensation must be accompanied by a Certificate of Veterinary Inspection which has been issued within the previous 30 days and which records proof of the health requirements for each species.

(3) All pet or exotic birds entering Georgia for exhibition purposes must meet the requirements for interstate shipment.

(4) All exotic or pet bird shows and/or sales should obtain a special permit in writing from the State Veterinarian's Office.

(5) Any person convicted of violating these regulations shall be guilty of a misdemeanor.

Cite as Ga. Comp. R. & Regs. R. 40-13-12-.05
Authority: O.C.G.A. Sec. 4-7-1
History. Original Rule entitled "Enforcement Procedures" adopted. F. Dec. 21, 1982; eff. Jan. 10, 1983.
Repealed: New Rule entitled "Interstate Shipment of Birds" adopted. F. Oct. 3, 1985; eff. Oct. 23, 1985.
Amended: F. July 21, 2010; eff. August 10, 2010.

Amended: F. Oct. 19, 2015; eff. Nov. 8, 2015.

Rule 40-13-12-.06. Prohibited Birds.

(1) The following listed birds are prohibited from entry into the State of Georgia due to being capable of breeding in the wild and, if established in the wild, presenting a threat of being detrimental to the agriculture industry of this State:

(a) Java Rice Bird;

(b) Quaker or Monk Parakeet;

(2) Importation into Georgia of the above-listed birds will be a violation of Georgia law, except by special permit from the State Veterinarian's Office.

(3) Any person convicted of violating these regulations shall be guilty of a misdemeanor.

Cite as Ga. Comp. R. & Regs. R. 40-13-12-.06
Authority: O.C.G.A. Sec. 4-10-7.1.
History. Emergency Rule 40-13-12-0.22-.06 entitled "Assembly or Movement of Birds" adopted. F. July 5, 1984; eff. July 5, 1984, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Permanent Rule entitled "Prohibited Birds" adopted. F. Oct. 3, 1985; eff. Oct. 23, 1985.
Amended: F. July 21, 2010; eff. August 10, 2010.

Rule 40-13-12-.07. Illegal Importation.

(1) Any psittacine or exotic bird imported into Georgia coming directly or indirectly from outside the United States shall be imported illegally unless the bird was brought into the United States in conformity with the quarantine regulations of the United Stated Department of Agriculture.

(2) The Department may quarantine, seize, and destroy any birds imported illegally into this State and any bird exposed to the illegal bird.

(3) Any person convicted of violating these regulations shall be guilty of a misdemeanor.

Cite as Ga. Comp. R. & Regs. R. 40-13-12-.07
Authority: O.C.G.A. Sec. 4-10-7.2.
History. Original Rule entitled "Illegal Importation" adopted. F. Oct. 3, 1985; eff. Oct. 23, 1985.
Amended: F. July 21, 2010; eff. August 10, 2010.

Rule 40-13-12-.08. Enforcement Procedures.

(1) When a license, registration, or permit is suspended or revoked by the Department, all licenses, registrations or permits held by that person shall be suspended or revoked.

(2) Any person found guilty of violations of these regulations shall be guilty of a misdemeanor in addition to having this license revoked.

Cite as Ga. Comp. R. & Regs. R. 40-13-12-.08
Authority: O.C.G.A. Secs. 4-10-7.2 and 4-10-9.
History. Original Rule entitled "Enforcement Procedures" adopted. F. Oct. 3, 1985; eff. Oct. 23, 1985.
Amended: F. July 21, 2010; eff. August 10, 2010.

Subject 40-13-13. ANIMAL PROTECTION.

Rule 40-13-13-.01. Definitions.

In addition to the definitions set forth in the "Georgia Animal Protection Act", the following definitions shall apply to this chapter:

(1) "Adequate food and water" means food and water which is sufficient in amount and appropriate for the particular type of animal to prevent starvation, dehydration, or a significant risk to the animal's health from a lack of food or water.

   (a) Adequate food means palatable, non-contaminated, and nutritionally adequate food that is fed according to the species requirements or is fed as directed by a veterinarian. Adequate food does not include garbage.

   (b) Adequate water means clean, fresh, potable water offered to pets at suitable intervals according to the species requirements, or as dictated by naturally occurring states of hibernation normal for the species, or as directed by a veterinarian.

(2) "Adequate temperature control" means indoor housing facilities for pets are sufficiently heated and/or cooled when necessary to protect the animals from excessive heat or from chilling, freezing or from any physical damage. Except for equines, the ambient temperatures should not be allowed to fall below 45F degrees or rise above 85F degrees, for animals that are not acclimated.

(3) "Adequate ventilation" means indoor housing facilities for pets are adequately ventilated to provide for the health of the animals at all times. Such facilities must be provided with fresh air either by means of windows, doors, vents, fans, or air conditioning and should be ventilated so as to minimize drafts, odors, and moisture condensation. All facilities housing pet animals shall be adequately ventilated with fresh or filtered air to minimize drafts, odors and moisture condensation and to provide for the health and comfort of the animals at all times. Ventilation shall be provided by either natural or mechanical means.

The necessary equipment or comparable means shall be provided to exhaust the air from the animal area to outside of the building.

(4) "Adult" as it applies to dogs and cats in this chapter means a domestic canine over 12 months of age and a domestic feline over eight months of age.

(5) "Animal shelter" means any facility operated by or under contract for the state, county, municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. Only government agencies or organizations that are contracted with a government agency to perform animal control services have the authority to impound animals.

(6) "Association" means an unincorporated society, or body or persons united and acting together with a common purpose, operating without a corporate charter. It is not a legal entity separate from the persons who comprise it.

(7) "Aviary" means any place where birds are kept confined for breeding, boarding, or similar purposes.

(8) "Dead animal" means any carcass or parts of a carcass of any animal.

(9) "Equine" means any member of the equidae species, including horses, mules, and asses.

(10) "Establishment" means an established fixed or mobile unit, such as a pet shop, pasture, barn, kennel, cattery, warehouse, building, vehicle, residence or parts thereof to carry out a business or to conduct any activity for which a license is required.

(11) "Facility" means the physical aspects of a building or premise that is maintained, installed, or established to carry out a particular purpose.

(12) "Foster Home" means any place routinely or in the practice of providing temporary care for animals, except equine. A Foster Home must be under a written contract with a licensed animal shelter. A Foster Home will be considered an agent for the animal shelter, and not an animal shelter itself.

(13) "Garbage" means all refuse matter, animal or vegetable; by-products of a restaurant, kitchen, or meat/poultry processing establishment; and every refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise, that is normally discarded. For the purposes of this chapter, garbage shall not include home prepared food given to an animal living on the property of the person caring for the animal.

(14) "Humane care" of animals means, but is not limited to, the provision of adequate heat, ventilation, sanitary shelter, and wholesome and adequate food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed. Inhumane care includes any act, omission, or neglect, which causes unjustifiable physical pain, suffering, or death to any living animal.

(15) "Incubate" means to sit upon and hatch eggs, or to maintain eggs as embryos in a favorable environment for development and hatching.

(16) "Indoor housing facility" for the purposes of this chapter, means an establishment within the interior of a building wherein all activity is conducted for which the license is issued.

(17) "Kennel" means any establishment, other than an animal shelter, where dogs or cats are maintained for boarding, holding, training, or similar purposes for a fee or compensation. Similar purposes include, but are not limited to, activities of a breeding establishment, cattery, or grooming shop.

(a) "Breeding Establishment" means any establishment where pets are bred and a fee or compensation is received for the breeding and maintenance of such pets, such as stud service.

(b) "Cattery" means any establishment where a cat is maintained for breeding, boarding, training, holding, or similar purposes for a fee or compensation.

(c) "Grooming Shop" means any establishment, other than an animal shelter, where a person maintains a dog or cat for bathing, dipping, clipping, trimming, brushing, or similar care of the appearance for a fee or compensation.

(18) "Litter" means the young born to a pet animal at one time or a clutch of nesting eggs produced and incubated by a female bird at a single sitting, or a brood of chicks incubated by mechanical means.

(19) "Maintain" means to keep or keep up, or to keep in a certain condition.

(20) "Minimum age to sell" means at an age that no longer requires parental nurturing for survival, or at an age that can be sustained from appropriate and nutritional food given by persons who are knowledgeable in the feeding needs and eating habits common to the breed, size and age of the species.

(21) "Outdoor housing establishment" for the purposes of this chapter, means an establishment outside a building and in the open air.

(22) "Person" means any person, firm, corporation, partnership, association, or other legal entity, any other entity, or private institution, the State of Georgia, or any county, municipal corporation or political subdivision of the state.

(23) "Pet" for the purposes of this chapter means any animal that is customarily obtained as a pet and includes, but is not limited to, the following: dog, cat, bird, equine, fish, reptile, rodent, chinchilla, rabbit, hamster, guinea pig, or miniature pig. Any animal described in O.C.G.A. Sections 27-1-2 General Provisions and 27-5-5 Wild Animals are not considered a pet for the purposes of this chapter, except where specifically mentioned herein.

(24) "Pet breeder" means a pet dealer who sells, offers to sell, exchanges, or offers for adoption only pets they have produced, except equine. This includes those produced for hobby, show purposes, breed improvement, or stock replacement.

(25) "Pet dealer" means a person who sells, offers to sell, exchanges, or offers for adoption pets they have produced, bought, or otherwise obtained, except equine. Equine dealers require a livestock dealer license from the Georgia Department of Agriculture.

(26) "Premise" means any establishment, facility, land, or parts thereof.

(27) "Primary enclosure" means any structure or device used to restrict an animal or animals to a limited amount of space, such as a building, room, pen, run, cage, aquarium, hutch, stall, paddock, pasture, or animal transfer vehicle.

(28) "Produced" means to have propagated or generated the progeny of a female.

(29) "Proper animal health care" means a program of disease control and prevention, veterinary care, and humane euthanasia. The animal health care should be sufficient to prevent unnecessary physical pain or suffering.

(30) "Rescue Group" means any association or corporation operated as a non-profit organization and for the purpose of providing care and shelter to animals. Except rescue groups for equine, a rescue group that takes possession of animals and provides care and shelter must be licensed as an animal shelter or under written contract with a licensed animal shelter, in which case it will be considered an agent for the animal shelter and not an animal shelter itself. An equine rescue group operating for that purpose and maintaining any facility (including, without limitation, providing temporary care at a person's private property) must meet all the requirements of a licensed stable. Rescue groups are not authorized to impound animals unless they are contracted by a government agency in Georgia to provide Animal Control Services.

(31) "Sanitation" means the maintenance of conditions conducive to health and involves bedding changes (as appropriate), cleaning, and disinfection. Cleaning removes excessive amounts of dirt and debris, and disinfection reduces or eliminates unacceptable concentration of microorganisms. To sanitize, therefore, means to make physically clean, and, to the maximum degree practical, remove and destroy agents injurious to health.

(32) "Stable" means any establishment, or other enclosure where equines are maintained for boarding, holding, training, breeding, riding, pulling vehicles, or other similar purposes and a fee is charged for maintaining such equines or for the use of such equines.

(33) "Permanent location" means any premise that has a permanent facility or the location is used to conduct any activity for which a license is required for any more than 3 days consecutive.

(34) "Exhibition Event" means a Reptile or Exotic/Pet Bird show or event that has been issued a special written permit by the State Veterinarian's office.

Cite as Ga. Comp. R. & Regs. R. 40-13-13-.01
Authority: O.C.G.A. §§ 4-10-1*et seq.*, 4-11-1 *et seq.*
History. Original Rule entitled "Definitions" adopted. F. Mar. 5, 1987; eff. Mar. 25, 1987.
Amended: F. Jan. 24, 1991; eff. Feb. 13, 1991.
Amended: F. Dec. 2, 1992; eff. Dec. 22, 1992.
Amended: F. Dec. 2, 1993; eff. Dec. 22, 1993.
Repealed: New Rule of same title adopted. F. Jan. 6, 1999; eff. Jan. 26, 1999.
Amended: F. July 31, 2001; eff. August 20, 2001.
Amended: F. Sept. 14, 2001; eff. Oct. 4, 2001.
Amended: F. July 21, 2010; eff. August 10, 2010.
Amended: F. Jul. 8, 2013; eff. July 28, 2013.
Amended: F. Oct. 19, 2015; eff. Nov. 8, 2015.

Rule 40-13-13-.02. Licenses.

(1) The Commissioner shall license animal shelter, pet dealer, kennel, and stable operators under the applicable provision of Chapter 5 of Title 2, "Department of Agriculture Registration, License, and Permit Act" on a form obtained from the Georgia Department of Agriculture. Forms may be obtained via the Department of Agriculture website or by requesting the application by email. An application for renewal will only be mailed to the licensee when specifically requested by the licensee at the time of each renewal period.

(2) The license shall be issued for a period of one (1) year and shall expire twelve months from the date of issue. The license is issued for the person and premise stated on the license and is not transferable to another person or permanent location. Each license type will be required to obtain a separate license for each activity, i.e. there will be no combination licenses. The annual fee will be determined by the gross dollar of animal sales, the capacity of the facility or the number of animals present. The annual fees shall be as follows:

(a) Animal Shelter license fee - based upon the holding capacity (to include animal shelter foster homes) at the time of license application or renewal;

1. Capacity for up to and including 20 pets: - $100.00 fee

2. Capacity for 21 to 40 pets: - $200.00 fee

3. Capacity for 41 to 80 pets: - $300.00 fee

4. Capacity for 80 + pets: - $400.00 fee

5. Animal Shelters not having a permanent fixed facility in Georgia - $400.00 fee

(b) Kennel license fee - based upon the holding capacity at the time of license application or renewal;

1. Capacity for up to and including 20 pets: - $100.00 fee

2. Capacity for 21 to 40 pets: - $200.00 fee

3. Capacity for 41 to 80 pets: - $300.00 fee

4. Capacity for 80 + pets: - $400.00 fee

(c) Pet Dealer license fee - fee based upon gross volume of pet sales or set fee.

1. Pet dealers not having a permanent fixed facility in Georgia that are only selling pets at "Exhibition Events" - $200.00 fee

2. For $101.00 to $5,000.00 in gross pet sales: - $100.00 fee

3. For $5,001.00 to $10,000.00 in gross pet sales: - $200.00 fee

4. For $10,001.00 to $15,000.00 in gross pet sales: - $300.00 fee

5. For $15,001.00 and up in gross pet sales: - $400.00 license fee

6. Pet dealers not having a permanent fixed facility in Georgia: - $400.00 fee

(d) Stable license fee - based on number of equine present at the time of license application or renewal; provided that if the number of equine present at any time during the license period exceeds the minimum for the next class of fees, the stable operator must file an amendment to the application and pay the higher fee.

1. Capacity for up to and including 10 equine: - $100.00 license fee

2. Capacity for 11 to 20 equine: - $200.00 fee

3. Capacity for 21 to 30 equine: - $300.00 fee

4. Capacity for 30 + equine: - $400.00 fee

5. For Equine Rescue Groups operating for that sole purpose and maintaining a facility must meet all the requirements of a licensed stable - $200.00 fee.

(3) Applications for licenses shall be on a form furnished by the Commissioner and shall state:

(a) The name of the applicant;

(b) The business address of the applicant;

(c) The complete telephone number of the applicant;

(d) The location of the licensable premise;

(e) The type of ownership of the pet dealership, kennel, stable, or animal shelter;

(f) The name and address of the owner or, if a partnership, firm, corporation, association, or other entity, the names and addresses of the officers, registered agents, partners, stockholders, and/or members.

(g) The email address of the applicant

(4) The signature(s) of the owner(s), partners, or officers of a corporation or association, attesting to the fact that the information documented on the application is correct, the regulations have been read and the premise that is subject to be licensed meets all the requirements of this chapter.

(5) The license must be prominently displayed at each licensed place of business. It shall be the responsibility of the licensee to renew their license prior to the expiration date.

(6) Animal shelters may contract with off-site foster homes and individual members of rescue groups to serve as agents of the animal shelter. The animal shelter is considered the license holder and is responsible for assuring that foster homes and rescue group members are under written contract to comply with the provisions in this chapter and submit to inspection by the animal shelter. Two inspections must be performed annually, Animal shelters must keep a copy of all current foster home and rescue group member contracts. The Commissioner or his authorized agent may set a number limit on animals at foster homes based on space available for animals and/or the caretaker's ability to provide necessary accommodations for the animals.

(7) Any person licensed by the Department as a bird dealer shall not be required to obtain a license under this chapter if such person does not deal in pets other than birds. If however, a licensed bird dealer sells, offers to sell, exchanges, or offers for adoption pets, other than birds, then such dealer shall be subject to licensing under this chapter.

(8) Any person who is not a resident of this state but who engages in this state in any activities for which a license is required by this chapter or Chapter 40-13-12 pertaining to bird dealer licensing shall be subject to this chapter for such activities. As a condition of licensure, each non-resident must execute consent to the jurisdiction of the courts of this state for any action filed under this chapter; and service of process in any such action shall be by certified mail by the Commissioner.

(9) The Commissioner may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:

(a) material misstatement in the application for the original license or in the application for the renewal license under this chapter;

(b) willful disregard or violation of any rule or regulation of this chapter;

(c) willful aiding or abetting another in any violation of this chapter;

(d) allowing a license issued under this chapter to be used by an unlicensed person;

(e) violation of any law of this state or any rule of the Commissioner related to the disposition of, dealing in, or handling of dogs, cats, equine, and other pets;

(f) making substantial misrepresentations or false promises in connection with the business or activity of a licensee under this chapter;

(g) pursuing a continued course of making misrepresentations or false promises through advertising, salesmen, agents, or otherwise in connection with the business or activity of a licensee;

(h) failure to possess the necessary qualifications or meet the requirements for the issuance or holding of a license;

(i) failure to provide proper facilities.

(10) License fees shall be increased by 100 percent for the renewal of any license that is not renewed within ten (10) days following the expiration date of the license. License fees shall be increased by 100 percent for the issuance of a new license to any person who has failed to apply for a license within ten (10) days following notice of the need to obtain such a license has been given to such person in writing by the Commissioner or his authorized representative.

(11) The Commissioner or his duly authorized representative is authorized to issue and enforce written or printed stop sale, stop use, or stop movement orders to the owners or custodians of any pets, ordering them to hold such animals at a designated place, when the Commissioner or his duly authorized representative finds such animals:

(a) to be held by a person who is required to be licensed under this chapter and whose license has expired;

(b) to be held by a person who is required to be licensed under this chapter and who has failed to obtain a license within ten (10) days of the date on which notice of the need to obtain a license was given in writing to such person by the Commissioner or his authorized representative.

(12) A separate license is required of each person and is not transferable, except for foster homes and rescue group members operating under an animal shelter's primary license.

Cite as Ga. Comp. R. & Regs. R. 40-13-13-.02
Authority: O.C.G.A. §§ 4-10-1*et seq*., 4-11-1 *et seq*.
History. Original Rule entitled "Licenses" adopted. F. Mar. 5, 1987; eff. Mar. 25, 1987.
Amended: F. Jan. 24, 1991; eff. Feb. 13, 1991.
Amended: F. Dec. 2, 1992; eff. Dec. 22, 1992.
Repealed: New Rule of same title adopted. F. Jan. 6, 1999; eff. Jan. 26, 1999.
Amended: F. July 31, 2001; eff. August 20, 2001.
Amended: F. Sept. 14, 2001; eff. Oct. 4, 2001.
Amended: F. July 21, 2010; eff. August 10, 2010.
Amended: F. Jul. 8, 2013; eff. July 28, 2013.
Amended: F. Oct. 19, 2015; eff. Nov. 8, 2015.

Rule 40-13-13-.03. Inspection of Premises.

The Commissioner or his designated agents are authorized to enter upon any public or private property at any time for the purpose of inspecting the business premises of any animal shelter, kennel, pet dealer, or stable and the pets housed at such facility and to determine if such facility is licensed and for the purpose of enforcing the Georgia Animal Protection Act and rules of this chapter. Inspections may be unannounced and performed at such frequency as deemed necessary and appropriate by the Commissioner or his designated agents.

Cite as Ga. Comp. R. & Regs. R. 40-13-13-.03
Authority: O.C.G.A. §§ 4-10-1*et seq*., 4-11-9 *et seq*.
History. Original Rule entitled "Inspection of Premises" adopted. F. Mar. 5, 1987; eff. Mar. 25, 1987.
Repealed: New Rule of same title adopted. F. Jan. 6, 1999; eff. Jan. 26, 1999.
Amended: F. July 21, 2010; eff. August 10, 2010.
Amended: F. May 10, 2019; eff. June 1, 2019, as specified by the Agency.

Rule 40-13-13-.04. Premise Requirements and Performance Standards for Owner and/or Operator.

(1) General Requirements and Standards:

(a) Classification and separation: Animals exhibiting a vicious disposition must be housed individually. Animals suspected of having a communicable or infectious disease must be separated from other animals and other susceptible species of animals in such a manner as to minimize dissemination of such disease. Rescue Animals must be housed separately from all "boarding animals" on the premise. Pets housed in the same primary enclosure should be maintained in compatible groups. Females who are sexually receptive must not be housed in the same primary enclosure with males, except for breeding purposes.

(b) Drainage: A suitable method must be provided to rapidly eliminate excess water and avoid foul odors therefrom. If closed drainage systems are used, they must be equipped with traps and so installed as to prevent any backup of sewage onto the surface of the primary enclosure. Suitable drain covers must be in place.

(c) Housekeeping: Premises (buildings and grounds) must be kept clean and in a state of repair in order to prevent injury or disease. Premises must remain free of accumulations of trash, weeds, debris, and other vermin harborage areas.

(d) Humane care: Humane care must be provided in all facilities anytime an animal is present.

(e) Interior surface: The interior surfaces of housing facilities must be constructed and maintained so they are substantially impervious to moisture and may be readily cleaned and sanitized.

(f) Lighting: General lighting in indoor housing facilities should be diffused throughout the animal holding area and provide sufficient illumination to protect animal health, allow adequate housekeeping practices, and adequate inspection.

(g) Pest control: An effective program for the prevention, control, and elimination, of vermin, insects, ectoparasites, and avian and mammalian pests must be established and maintained. Vegetation must be manicured to prevent vermin harborage.

(h) Record keeping: Complete and accurate records must be maintained reflecting all acquisitions, purchases, sales, releases, natural additions, exchanges, adoptions, custodial care, and health records of all animals. Retail sale records for fish, rodents, and invertebrates are exempt from record keeping requirement. These records must be maintained for a period of twelve months and must be made available to the Commissioner or his authorized representative upon request. Updated records must be kept on the premise. In addition, records for dogs, cats, birds, and equine must include, but are not limited to, name, address, and phone number of individual(s) involved in the transaction, date of transaction or activity, type and number of animals, and Georgia Department of Agriculture animal protection/ stable license number, if applicable. Animal shelters operated by the state, a county, a municipal corporation, or any other political subdivision of the

state must also maintain and submit the following information to the Department on a monthly basis utilizing an electronic system approved by the Department:

1. Live Intake Records for Canines and Felines

   (i) Number of animals that were owner relinquished to the shelter;

   (ii) Number of the animals that were taken into the shelter as strays;

   (iii) Number of animals that were transferred into the shelter by other organizations (examples: public health, law enforcement agencies, licensed animal rescues or other animal shelters);

   (iv) Number of animals that were brought to the shelter for owner intended euthanasia; and

   (v) Number of other live intakes.

2. Outgoing Records for Canines and Felines

   (i) Number of animals placed for adoption;

   (ii) Number of animals that were returned to the owner;

   (iii) Number of animals transferred to other licensed rescue organizations or animal shelters;

   (iv) Number of animals escaped;

   (v) Number of other live outcomes;

   (vi) Number of animals deceased while in care;

   (vii) Number of animals euthanized at request of owner;

   (viii) Number of animals euthanized; and

   (ix) Number of other outcomes.

(i) Sanitation of primary enclosures: Primary enclosures for pets must be cleaned at a frequency and intensity to provide a healthy and hygienic environment in order to prevent disease hazards. Excreta must be removed to prevent contamination of the animals contained therein and to reduce the spread of disease. Soiled bedding should be removed and replaced with fresh materials as often as is necessary to keep the animals clean and dry. For hard surfaces that are conducive to cleaning with water, frequent flushing with water and periodic use of detergents or disinfectants should be used to maintain sufficiently clean surfaces. When a hosing

or flushing method is used for cleaning, animals contained in the enclosure must be removed unless the enclosure is large enough to ensure the animals would not be harmed, wetted, or distressed during the process. Animals in nearby enclosures must be protected from being contaminated with water and other wastes during the cleaning. Enclosures may be disinfected by using appropriate chemicals, hot water, or a combination of both. If hot water is used as a means of disinfection, the temperature of the water must be at least 145 degrees F. Aquariums as a closed ecosystem have special needs and they must be maintained in a balance necessary for the health of its inhabitants by means of PH control, filtration, biodegradation and the like.

(j) Releasing of injured, diseased, or abnormal animals: Reasonable care must be taken to avoid releasing for sale, trade, or adoption any pet that has an apparent disease, injury, or has a health-related malady. Any pet that has an apparent injury, disease, or health related malady can only be released for sale, trade, or adoption provided the person receiving the animal is made aware of the condition in writing at the time of transfer.

(k) Shelter from rain, snow or cold: Pets maintained in outdoor housing establishments must be provided with access to suitable shelter to remain dry during rain or snow and protect them from wind and excessive heat or cold. Sufficient and clean bedding material or other reasonable means of protection from the weather elements must be provided.

(l) Shelter from sunlight: When sunlight is likely to cause overheating or suffering, sufficient shade must be provided to allow all pets protection from the direct effects of the sun.

(m) Space requirements: Primary enclosures must provide sufficient space to allow each animal to turn about freely and to easily stand, sit, lie, perch, swim, etc. in a comfortable and normal position. Primary enclosures for dogs and cats must also provide each animal with sufficient space to lie down without the head, face, tail, legs or feet of the animal touching the sides of the enclosure or touching any other animal in the enclosure. The interior height of primary enclosures for dogs and cats must be at least six inches higher than the head of the tallest animal in the enclosure when it is in a normal standing position.

(n) Storage: Supplies, food, and bedding should be stored in an adequate manner to protect against infestation, contamination, or spoilage. Refrigeration should be provided for perishable items.

(o) Structural strength: Indoor and outdoor housing for pets must be maintained in good repair. The primary enclosure should be of sufficient strength to contain the animals securely and restrict the entrance of unwanted animals. The walls and/or sides, roof and/or ceiling, and floors and/or bottoms of the primary enclosures must be constructed, so as to, protect the animals from injury or suffering. Primary

enclosures for dogs and cats must not have grated or mesh bottoms. Portable or collapsible enclosures including, but not limited to, wire type crates and kennels, mesh bottom crates and kennels, and plastic crates and kennels may only be used for temporary purposes, must not be vertically or otherwise stacked, and must not be used as a means of permanent housing. For purposes of this paragraph, "temporary purposes" means holding for a period of 24 hours or less and may include, but is not limited to, holding while boarding, grooming, cleaning, or conducting offsite adoptions as well as for shows or sales lasting 12 hours or less.

(p) Tethering of animals: It is presumed that tethering of animals for more than 24 hours is considered permanent tethering and such permanent tethering as a means of a primary enclosure is prohibited. For temporary tethering of animals, such chains or other tethering devices must be of adequate length to satisfy the space requirements of a primary enclosure. Tethering devices must be of a type commonly used for the size animal involved and should be attached to the animal by means of a well fitted and appropriate device (i.e., collar, halter, or harness).

(q) Waste disposal: Provisions must be made for the regular and safe removal and disposal of animal and food wastes, bedding, dead animals, and debris, so as to minimize vermin infestation, contamination, odors, and disease hazards. Disposal of dead animals must be by burial or incineration. Legal permission from the appropriate authorities or landowner must be obtained, prior to, burial on any public or private land. Disposal of dead animals in wells, waterways, or wetlands of any kind is strictly prohibited.

(r) Plan of Action: All licensed facilities must develop and maintain a plan of action accounting for the evacuation of animals in the event that said facility determines that evacuation is necessary for any reason, including, but not limited to, emergencies, natural disasters, or manmade disasters. Such plan must also include provisions for the distribution and homing of animals in the event the licensee becomes unable to tend to the needs of the animals or the license is revoked, surrendered, or otherwise canceled. The plan must be kept at the licensed premise and made available for inspection by the Department upon request.

(2) Pets that are sold, offered for sale, exchanged, or offered for adoption must be at the minimum age to sell. Puppies must be a minimum age of 8 weeks prior to sale. Written recommendations for the appropriate feeding and care must be provided at the time of the transaction for those animals that are not independent of parental nurturing.

(3) A licensed stable must maintain proof of a negative test for Equine Infectious Anemia within the past twelve months on all equine on the premise.

(4) Functional fire extinguishing devices must be present in each facility of all license holders under this chapter. Operational smoke detectors are recommended.

(5) Licensed rescue organizations are strictly prohibited from performing animal control services unless said rescue has an active contract to perform such services on behalf of a county, a municipal corporation, or any other political subdivision of the state.

(6) All animals held or maintained at a licensed premise will be subject to the requirements of the Animal Protection Act as well as this Chapter.

(7) Licensees will be accountable for all outstanding violations of the Act and this Chapter regardless of whether the license is subsequently voluntarily surrendered, relinquished, or cancelled. Likewise, all pending stop orders or quarantines issued against a facility will remain unless and until released by the Department, regardless of licensing status.

Cite as Ga. Comp. R. & Regs. R. 40-13-13-.04
Authority: O.C.G.A. §§ 4-10-1 et seq., 4-11-9 et seq.
History. Original Rule entitled "Requirements of Premises and Owner and/or Operator" adopted. F. Mar. 5, 1987; eff. Mar. 25, 1987.
Repealed: New Rule entitled "Premise Requirements and Performance Standards for Owner and/or Operator" adopted. F. Jan. 6, 1999; eff. Jan. 26, 1999.
Amended: F. July 31, 2001; eff. August 20, 2001.
Amended: F. Sept. 14, 2001; eff. Oct. 4, 2001.
Amended: F. July 21, 2010; eff. August 10, 2010.
Amended: F. July 8, 2013; eff. July 28, 2013.
Amended: F. May 10, 2019; eff. June 1, 2019, as specified by the Agency.
Amended: F. May 8, 2020; eff. May 28, 2020.

Rule 40-13-13-.05. Control of Disease.

(1) In the control, suppression, prevention, and eradication of animal disease, the Commissioner or any duly authorized representative acting under his authority is authorized and may quarantine any animal or animals, premises, or any area when he shall determine:

   (a) that the animal or animals in such place or places are infected with a contagious or infectious disease;

   (b) that the animal (s) has been exposed to any contagious or infectious disease;

   (c) that the unsanitary condition of such place or places might cause the spread of such disease;

   (d) or that the owner or occupant of such place is not observing sanitary practices prescribed under the authority of this chapter or any other law of this state.

(2) The Commissioner or his duly authorized representative is authorized to issue and enforce written or printed stop sale, stop use, or stop movement orders to the owners or

custodians of any animals, ordering them to hold such animals at a designated place, when the Commissioner or his duly authorized representative finds such animals:

(a) to be infected with or to have been exposed to any contagious or infectious disease; or

(b) to have been held by persons in violation of this chapter, until such time as the violation has been corrected, and the Commissioner, in writing, has released such animals.

Cite as Ga. Comp. R. & Regs. R. 40-13-13-.05
Authority: O.C.G.A. Secs. 4-11-1*et seq.*, 4-11-9.1.
History. Original Rule entitled "Interstate Shipment" adopted. F. Mar. 5, 1987; eff. Mar. 25, 1987.
Repealed: New Rule entitled "Control of Disease" adopted. F. Jan. 24, 1991; eff. Feb. 13, 1991.
Repealed: New Rule of same title adopted. F. Jan. 6, 1999; eff. Jan. 26, 1999.
Amended: F. July 21, 2010; eff. August 10, 2010.

Rule 40-13-13-.06. Interstate Shipment.

(1) All animals entering Georgia must comply with the applicable health requirements of the U.S. Department of Agriculture, the U.S. Department of Health and Human Services, the Georgia Department of Agriculture, the Georgia Department of Human Resources, and/or the Georgia Department of Natural Resources.

(2) All dogs and cats entering Georgia must have proof of a current and approved Rabies vaccination in accordance with the most recent Compendium of Animal Rabies Control published by the National Association of State Public Health Veterinarians, Inc.

(3) All ferrets entering Georgia must have proof of a current and approved Rabies vaccination, in accordance with the most recent Compendium of Animal Rabies Control published by the National Association of State Public Health Veterinarians, Inc. Ferrets seven months of age or older entering Georgia must be sexually altered, prior to entry, except those exempted by a license/permit issued by USDA, APHIS, Animal Care, and/or the Georgia Department of Natural Resources.

(4) Except for fish, rodents and invertebrates, all animals entering Georgia for sale, trade, adoption, or exchange for a fee or other type of compensation must be accompanied by a Certificate of Veterinary Inspection issued within the previous 30 days and which records proof of the health requirements for each species.

(5) All pet birds entering Georgia are required to have a permit number issued by the Department prior to entry. Permit numbers may be obtained by calling the Georgia Department of Agriculture, Animal Health Section, during normal business hours.

(6) Equine entering Georgia must be accompanied by an official Certificate of Veterinary Inspection, shall originate from a premise free of any contagious or infectious disease, and shall not have been exposed to any contagious or infectious disease prior to or during shipment.

(7) All equine must be negative to an official test for equine infectious anemia within twelve (12) months prior to entry with test results, test dates, accession numbers, and name and address of the approved testing laboratories recorded on the Certificate of Veterinary Inspection. Nursing foals under six (6) months of age will be exempt from the test requirement when accompanied by their dam which has a current negative test for equine infectious anemia.

Cite as Ga. Comp. R. & Regs. R. 40-13-13-.06
Authority: Authority O.C.G.A. Secs. 4-4-1, 4-10-1*et seq.*, 4-10-7.1, 4-10-7.2, 4-11-1 *et seq.*, 4-11-11.
History. . Original Rule entitled "Cooperation with the Secretary of Agriculture of the United States Department of Agriculture" adopted. F. Mar. 5, 1987; eff. Mar. 25, 1987.
Repealed: New Rule entitled "Interstate Shipment" adopted. F. Jan. 24, 1991; eff. Feb. 13, 1991.
Repealed: New Rule of same title adopted. F. Jan. 6, 1999; eff. Jan. 26, 1999.
Amended: F. July 31, 2001; eff. August 20, 2001.
Amended: F. Sept. 14, 2001; eff. Oct. 4, 2001.
Amended: F. July 21, 2010; eff. August 10, 2010.

Rule 40-13-13-.07. Exemptions.

(1) Any person who raises, keeps, sells, or maintains animals solely for the purpose of human consumption are be exempt from this chapter.

(2) Any person who sells, offers to sell, exchanges, or offers for adoption only animals they have produced will not be considered a pet dealer under this chapter unless such person:

(a) is licensed for an animal related business by a local government,

(b) is subject to a Georgia sales tax number for an animal related business,

(c) is subject to the "Bird Dealers' Licensing Act",

(d) sells, offers to sell, exchanges, or offers for adoption more than one litter in any twelve (12) month period,

(e) sells, offers to sell, exchanges, or offers for adoption more than 30 adult animals in any twelve (12) month period,

(f) produces animals that pose a public health risk or exhibit illness or disease-causing chronic pain and suffering, or

(g) has been determined by the Department not to treat animals humanely or has been convicted of cruelty to animals.

(3) Operation of a veterinary hospital or clinic by a licensed veterinarian or veterinarians for its customary purposes is not be considered a kennel, pet dealer, or stable under this chapter.

Cite as Ga. Comp. R. & Regs. R. 40-13-13-.07
Authority: O.C.G.A. §§ 4-10-1*et seq*., 4-11-9 *et seq*.
History. Original Rule entitled "Exemptions" adopted. F. Mar. 5, 1987; eff. Mar. 25, 1987.
Repealed: New Rule entitled "Cooperation with the Secretary of Agriculture of the United States Department of Agriculture" adopted. F. Jan. 24, 1991; eff. Feb. 13, 1991.
Repealed: New Rule entitled "Exemptions" adopted. F. Jan. 6, 1999; eff. Jan. 26, 1999.
Amended: F. July 31, 2001; eff. August 20, 2001.
Amended: F. July 21, 2010; eff. August 10, 2010.
Amended: F. Nov. 10, 2011; eff. Nov. 30, 2011.
Amended: F. May 10, 2019; eff. June 1, 2019, as specified by the Agency.

Rule 40-13-13-.08. Euthanasia.

(1) The use of sodium pentobarbital or a derivative of it shall be the exclusive method for euthanasia of dogs and cats by animal shelters or other facilities which are operated for the collection and care of stray, neglected, abandoned, or unwanted animals. A lethal solution shall be used in the following order of preference:

(a) Intravenous injection by hypodermic needle: Venipuncture of a superficial vein, preferably the cephalic or lateral saphenous is the method to be used on all dogs and cats except for the following:

1. Animals too small to effectively perform a venipunture,

2. Intractable or dangerous animals, or

3. Animals in which superficial venous pressure is insufficient for effective venipuncture.

If venipuncture cannot be performed for one of the above reasons, then the following method may be used.

(b) Intraperitoneal injection by hypodermic needle: Two to three times the recommended intravenous dosage should be injected into the abdominal cavity through the midabdominal region. Intraperitoneal injection may be the alternative method used for animals described in (a)(1), (2), and (3) above. The time between injection and death is not immediate as with intravenous injection, therefore, a

proper amount of time should be allowed for chemical absorption and action prior to an alternative method being used.

(c) If the dog or cat is unconscious, intracardial injection by hypodermic needle; intracardial injection by thoracic cavity penetration is to be used on comatose animals only.

(2) Under no circumstance shall a chamber using commercially bottled carbon monoxide gas or other lethal gas or a chamber which causes a change in body oxygen by means of altering atmospheric pressure or which is connected to an internal combustion engine and uses the engine exhaust for euthanasia purposes be permitted.

(3) Notwithstanding subsection (1) of this rule, any substance which is clinically proven to be as humane as sodium pentobarbital and which has been officially recognized as such by the American Veterinary Medical Association, may be used in lieu of sodium pentobarbital to perform euthanasia on dogs and cats. Succinylcholine chloride, curare, curariform mixtures, or any substance that acts as a neuromuscular blocking agent may not be used on a dog or cat in lieu of sodium pentobarbital for euthanasia purposes. The State Veterinarian will maintain a list of approved inhalants and injectable solutions that may be used for humane euthanasia.

(4) In cases of extraordinary circumstance where the dog or cat poses an extreme risk or danger to the veterinarian, physician, or lay person performing euthanasia, such person shall be allowed the use of any other substance or procedure that is humane to perform euthanasia on such dangerous dog or cat.

(5) A dog or cat may be tranquilized with an approved and humane substance before euthanasia is performed.

(6) Euthanasia shall be performed by a licensed veterinarian or physician or lay person who is properly trained in the proper and humane use of a method of euthanasia. Euthanasia, which is performed by a layperson, shall be observed by at least one other employee.

(7) A layperson performing euthanasia by injection must be under the supervision of a licensed veterinarian or physician. This shall not be construed, so as to require, that a veterinarian or physician be present at the time euthanasia is performed.

(8) A letter, stating which layperson(s) is properly trained for a method of euthanasia shall be on file at the animal shelter and with the Georgia Department of Agriculture.

(9) No dog or cat may be left unattended between the times euthanasia procedures are first begun and the time death occurs, nor may its body be disposed of until death is confirmed by a qualified person.

(10) The supervising veterinarian shall be subject to all record-keeping requirements and inspection requirements of the State Board of Pharmacy pertaining to sodium

pentobarbital and other drugs authorized under paragraph (3) of this rule section and may limit the quantity of possession of sodium pentobarbital and other authorized drugs to ensure compliance with the provision of this Code section.

(11) Euthanasia records shall be kept on forms approved by the Georgia Department of Agriculture and the State Board of Pharmacy and shall be signed by the person performing euthanasia and the witness.

(12) Euthanasia records shall be maintained for a period of one (1) year and shall be made available to the Commissioner of Agriculture or his duly authorized representative for inspection upon request.

(13) The Animal Shelter must be registered with the Drug Enforcement Administration prior to the storage of any controlled substance.

(14) The storage of any controlled substance must be in an approved, secure safe or if a lockable storage container is used it must be approved by the Georgia Department of Agriculture and be strictly maintained under double lock and key.

(15) The Commissioner or his authorized agent shall have the right to obtain a sample of the euthanasia agents for analysis.

(16) Species other than dogs and cats should be humanely euthanized by a method recommended by the American Veterinary Medical Association, when such recommendation exists.

Cite as Ga. Comp. R. & Regs. R. 40-13-13-.08
Authority: Authority O.C.G.A. Secs. 4-10-1, 4-11-1*et seq.*
History. Original Rule entitled "Violations" adopted. F. Mar. 5, 1987; eff. Mar. 25, 1987.
Repealed: New Rule entitled "Exemptions" adopted. F. Jan. 24, 1991; eff. Feb. 13, 1991.
Repealed: New Rule entitled "Euthanasia" adopted. F. Jan. 6, 1999; eff. Jan. 26, 1999.
Amended: F. July 21, 2010; eff. August 10, 2010.
Amended: F. Mar. 23, 2011; eff. Apr. 12, 2011.

Rule 40-13-13-.09. Violations.

(1) It is unlawful for any person to act as a pet dealer or operate an animal shelter, kennel, or stable unless such person has a valid license issued by the Commissioner of Agriculture. Any person acting without a license in violation of this subsection shall be guilty of a misdemeanor.

(2) It is unlawful for any person to sell, use, or move any animals in violation of any quarantine, stop sale, stop use, or stop movement order issued under this chapter.

(3) Any person, partnership, firm, corporation, or other entity violating any provision of this chapter shall be guilty of a misdemeanor.

(4) The Commissioner may deny, suspend, or revoke any license required by this chapter, subject to notice and hearing, in any case in which he finds there has been a violation of this chapter. All proceedings for denial, suspension, or revocation of a license shall be conducted in conformance with Chapter 13 of title 50, the Georgia Administrative Procedure Act.

(5) Not withstanding the existence of an adequate remedy at law and in addition to other remedies, the Commissioner may apply to the Superior Court for an injunction or restraining order.

Cite as Ga. Comp. R. & Regs. R. 40-13-13-.09
Authority: O.C.G.A. Sec. 4-11-1*et seq.*
History. Original Rule entitled "Euthanasia" adopted. F. Jan. 24, 1991; eff. Feb. 13, 1991.
Repealed: New Rule entitled "Violations" adopted. F. Jan. 6, 1999; eff. Jan. 26, 1999.
Amended: F. July 21, 2010; eff. August 10, 2010.

Rule 40-13-13-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-13-13-.10
Authority: O.C.G.A. Sec. 4-11-1*et seq.*
History. Original Rule entitled "Violations" adopted. F. Jan. 24, 1991; eff. Feb. 13, 1991.
Repealed: F. Jan. 6, 1999; eff. Jan. 26, 1999.

Subject 40-13-14. DOG AND CAT STERILIZATION PROGRAM.

Rule 40-13-14-.01. Eligibility.

(1) The Georgia Department of Agriculture may decide, in its discretion, to collaborate with veterinarians to host events providing sterilization procedures in chosen geographic areas.

(2) A veterinarian that performs a sterilization procedure utilizing funds from the Dog and Cat Sterilization Program must be licensed by the Georgia State Board of Veterinary Medicine.

(3) If a veterinarian intends to seek financial assistance from the Dog and Cat Sterilization Program to perform a sterilization procedure, the veterinarian must request financial assistance in writing or electronic mail from the Georgia Department of Agriculture prior to performing the procedure. If funds are available, the veterinarian will receive written approval from the Department prior to performing each procedure.

(4) The veterinarian must perform all surgical procedures for which they receive financial assistance from the Dog and Cat Sterilization Program using acceptable standards of care as prescribed by the American Veterinary Medical Association guidelines.

(5) Both the animal and owner must reside in Georgia in order for the veterinarian to qualify to perform a sterilization procedure utilizing financial assistance from the Dog and Cat Sterilization Program.

Cite as Ga. Comp. R. & Regs. R. 40-13-14-.01
Authority: O.C.G.A. § 4-15-1.
History. Original Rule entitled "Eligibility" adopted. F. Sept. 26, 2003; eff. Oct. 17, 2003, as specified by the Agency.
Amended: F. Aug. 31, 2006; eff. Sept. 20, 2006.
Amended: F. Apr. 4, 2022; eff. Apr. 24, 2022.

Rule 40-13-14-.02. Distribution of Dog and Cat Sterilization Funds to Veterinarian.

(1) The number of sterilization procedures for which veterinarians may apply for financial assistance from the Dog and Cat Sterilization Program will not be limited, provided that the Georgia Department of Agriculture will not be obligated to provide financial assistance for any sterilization procedure for which funding under the Dog and Cat Sterilization Program is not available.

(2) The Georgia Department of Agriculture may, in its discretion, collaborate with veterinarians to host events providing sterilization procedures in chosen geographic areas, for which eligible veterinarians may receive financial assistance for performance of sterilization procedures otherwise approved in accordance with this Rule. Veterinarian participation in, and performance of sterilization procedures at, these events shall be at the discretion of and on the terms proscribed by the Department.

(3) The veterinarian must inform the owner or agent in writing of any additional procedures with additional charges, including but not limited to vaccinations, laboratory services, or pain medication, prior to performing additional services. The veterinarian performing a sterilization procedure for which they will receive financial assistance pursuant to the Dog and Cat Sterilization Program must inform the owner or agent of the animal in writing of the non-subsidized part of the sterilization fee for which the owner or agent shall be responsible.

(4) The following forms must be received by the Georgia Department of Agriculture prior to any disbursement of financial assistance for approved sterilization procedures.

(a) Veterinarian Collaboration Letter

(b) Veterinary Claim for Payment Owner/Client Verification of Surgical Procedure

1. The Veterinary Claim for Payment Owner/Client Verification of Surgical Procedure Form must be received by the Georgia Department of Agriculture within 60 days of the date of the sterilization procedure.

(c) Vendor Management Form

(d) W-9 Form

(5) Financial assistance for specific sterilization procedures shall be set by the Georgia Department of Agriculture annually and will reflect the average cost of such procedures as determined by the Georgia Department of Agriculture on an annual basis. The Georgia Department of Agriculture will make this determination on July 1st of each year.

Cite as Ga. Comp. R. & Regs. R. 40-13-14-.02
Authority: O.C.G.A. § 4-15-1.
History. Original Rule entitled "Distribution of Dog and Cat Sterilization Funds" adopted. F. Sept. 26, 2003; eff. Oct. 17, 2003.
Amended: F. Aug. 31, 2006; eff. Sept. 20, 2006.
Amended: Rule amended and retitled "Distribution of Dog and Cat Sterilization Funds to Veterinarian". F. Mar. 7, 2012; eff. Mar. 27, 2012.
Amended: F. Apr. 4, 2022; eff. Apr. 24, 2022.

Rule 40-13-14-.03. Dog and Cat Sterilization Grant Program.

(1) When funds are available, licensed municipal animal shelters located in Georgia, licensed nonprofit animal rescue organizations with 501(c)(3) status located in Georgia, and veterinary medical foundations with 501(c)(3) status located in Georgia may apply to the Department for a grant to assist with sterilization procedures on dogs and cats.

(2) A completed application must be timely received by the Department in order for an applicant to be eligible for financial assistance through the grant program. Incomplete and/or untimely applications will not be considered.

(3) Along with the completed grant application, the grant applicant must provide a letter of collaboration from the Georgia licensed veterinarian(s) that will be performing the sterilization procedure(s).

(4) Grant applications will be assessed by a grant review committee. Funding will be awarded based on the highest priority grant proposals. The grant review committee will consider factors, including, but not limited to, the following: targeting of important animal populations, ability to increase surgery numbers, cost-benefit ratio, record of grant applicant, and sustainability.

(5) All procedures shall be completed within twelve (12) months of receipt of Grant funds.

(6) A Final Progress Report shall be provided to the Department showing all sterilization procedures performed within 30 days of the completion of the last sterilization procedure utilizing Grant funds. Failure to submit the required Final Progress Report in a timely manner will result in ineligibility for future Grants.

(7) Grant funds shall only be used for sterilization surgery. Grant funds shall not be used for capital or administrative expenses or for procedures not directly related to sterilization surgery, such as promotions, vaccinations, testing, licensing, food, medicine, and/or other medical procedures, etc.

(8) The veterinarian that performs a sterilization procedure utilizing the Dog and Cat Sterilization Grant Program funds must be licensed by the Georgia State Board of Veterinary Medicine.

(9) The veterinarian must perform all surgical sterilization procedures using acceptable standards of care as prescribed by the American Veterinary Medical Association (AVMA) guidelines.

(10) The Dog and Cat Sterilization Grant Program funds shall not be used to assist with sterilization procedures on dogs and/or cats residing outside of Georgia, animals to be transferred out of the State of Georgia by the grant recipient, or for trap, neuter and release programs.

(11) Grant announcements and application directions will be made available by the Department one week prior to the commencement of the Grant application period. Applications will be due as designated by the Department.

Cite as Ga. Comp. R. & Regs. R. 40-13-14-.03
Authority: O.C.G.A. § 4-15-1.
History. Original Rule entitled "Dog and Cat Sterilization Grant Program" adopted. F. Mar. 7, 2012; eff. Mar. 27, 2012.
Amended: F. Sep. 10, 2012; eff. Sept. 30, 2012.
Amended: F. June 10, 2016; eff. June 30, 2016.
Amended: F. Nov. 19, 2019; eff. Dec. 9, 2019.
Amended: F. Apr. 4, 2022; eff. Apr. 24, 2022.

Subject 40-13-15. TRANSPORTATION AND HOLDING OF LIVE FERAL HOGS.

Rule 40-13-15-.01. Definitions.

(1) "Approved slaughter facility" means any slaughter facility licensed by the Georgia Department of Agriculture or the United States Department of Agriculture.

(2) "Commissioner" means the Commissioner of the Georgia Department of Agriculture.

(3) "Department" means the Georgia Department of Agriculture.

(4) "Feral hog" means any hog which has lived any part of its life in a wild, free-ranging state and is currently in such state or has been taken, as provided in O.C.G.A. § 27-1-2.

(5) "Official Identification", for purposes of these rules, means a National Uniform Ear-tagging System ("NUES") tag affixed to the ear, a USDA approved 840 series Radio Frequency Identification Device ("RFID") tag affixed to the ear, or any other identification method approved by the State Veterinarian.

(6) "Taking" means killing, capturing, destroying, catching, or seizing, as provided in O.C.G.A. § 27-1-2.

(7) "Test eligible" means a feral hog that is not less than four (4) months of age.

Cite as Ga. Comp. R. & Regs. R. 40-13-15-.01
Authority: O.C.G.A. § 2-7-200*et. seq.*
History. Original Rule entitled "Definitions" adopted. F. Sep. 17, 2018; eff. Jan. 1, 2019, as specified by the Agency.

Rule 40-13-15-.02. Applicability of Rules.

These rules shall apply to the transportation and holding of live feral hogs within the State of Georgia.

Cite as Ga. Comp. R. & Regs. R. 40-13-15-.02
Authority: O.C.G.A. § 2-7-200*et. seq.*
History. Original Rule entitled "Applicability of Rules" adopted. F. Sep. 17, 2018; eff. Jan. 1, 2019, as specified by the Agency.

Rule 40-13-15-.03. General Provisions.

(1) Live feral hogs transported or held in violation of these rules may be quarantined, disposed of, and/or destroyed in accordance with Georgia law.

(2) The Commissioner may deny and/or revoke any Feral Hog Transport Permit and/or Feral Hog Facility License for any violation of these rules.

(3) All carcasses, parts of carcasses, fetuses, embryos, effluent, or blood of taken feral hogs shall be disposed of in accordance with the Georgia Dead Animal Disposal Act, O.C.G.A. § 4-5-1 et. seq.

(4) Official Identification shall not be removed from any live feral hog.

(5) Any person who takes a live feral hog to which Official Identification is already affixed shall notify the Department within forty-eight (48) hours of such taking.

(6) Complete and legible records documenting the transportation and/or holding of all live feral hogs shall be maintained as required by these rules.

Cite as Ga. Comp. R. & Regs. R. 40-13-15-.03
Authority: O.C.G.A. § 2-7-200*et. seq.*
History. Original Rule entitled "General Provisions" adopted. F. Sep. 17, 2018; eff. Jan. 1, 2019, as specified by the Agency.

Rule 40-13-15-.04. Transportation of Live Feral Hogs.

(1) No person shall transport live feral hogs anywhere in this State unless authorized to do so pursuant to a valid Feral Hog Transport Permit, which shall be carried on the person of the permit holder at all times during transportation of live feral hogs.

(2) Live feral hogs shall only be transported to an approved slaughter facility, licensed Feral Hog Facility, or other premises for immediate personal consumption unless a special written exemption is obtained from the Georgia State Veterinarian prior to transport. Live feral hogs transported for immediate personal consumption shall be slaughtered within 24 hours from being taken and shall not leave the transport conveyance except for immediate slaughter.

(3) All feral hogs not being transported to an approved slaughter facility, licensed Feral Hog Facility, or premises for immediate personal consumption shall be destroyed prior to transport.

(4) Live feral hogs shall not be moved to, or offered for sale in, any Georgia Department of Agriculture approved auction market or collection point.

(5) All common carriers, trucks, and other conveyances used for the transportation of live feral hogs shall be maintained in a sanitary condition, be thoroughly cleaned and disinfected after each transport and/or use, and meet the cleaning and disinfecting requirements of the Georgia Department of Agriculture before further transportation of live feral hogs or livestock is permitted.

(6) Prior to transport, all live feral hogs shall be individually identified by a method acceptable to the State Veterinarian. Acceptable options include the following:

   a. Option 1: Prior to transport, Official Identification shall be affixed to each individual live feral hog; or

   b. Option 2: Prior to transport, a temporary transport authorization shall be requested via the Georgia Department of Natural Resources Wildlife Resources Division "Go Outdoors Georgia" smartphone application.

      i. Any person who requests a temporary transport authorization via the "Go Outdoors Georgia" application shall confirm delivery of all live feral hogs via the application immediately upon arrival at the destination that was identified at the time of the request.

ii. Official Identification shall be affixed to each live feral hog transported under the temporary transport authorization within 48 hours of arrival at an approved destination, unless such feral hog is slaughtered.

(7) Information relating to Official Identification can be obtained by contacting the Department's Livestock/Poultry Program in Atlanta, Georgia during normal business hours, or visiting the Georgia Department of Agriculture's website at agr.georgia.gov.

Cite as Ga. Comp. R. & Regs. R. 40-13-15-.04
Authority: O.C.G.A. § 2-7-200*et. seq.*
History. Original Rule entitled "Transportation of Live Feral Hogs" adopted. F. Sep. 17, 2018; eff. Jan. 1, 2019, as specified by the Agency.

Rule 40-13-15-.05. Feral Hog Transport Permit.

(1) Upon receipt of the fee and completed application or renewal application, the Department may issue a Feral Hog Transport Permit authorizing the applicant to transport live feral hogs to approved slaughter facilities, licensed Feral Hog Facilities, and/or other premises for immediate personal consumption.

(2) Application for a Feral Hog Transport Permit shall be made online at the Georgia Department of Agriculture's website at agr.georgia.gov.

(3) The Feral Hog Transport Permit shall be valid upon date of issuance and shall expire annually on December 31. It is the responsibility of the permit holder to apply for renewal of such permit prior to the expiration date.

(4) An annual permit fee of $15.00 shall be remitted before a Feral Hog Transport Permit is issued or renewed.

(5) The Feral Hog Transport Permit is valid only for the applicant stated on the permit and is not transferable.

(6) The Feral Hog Transport Permit shall be carried on the person of the permit holder at all times during transportation of live feral hogs.

(7) The holder of a Feral Hog Transport Permit shall maintain complete and legible records on all feral hogs transported by said permit holder. All feral hog transport records shall include:

a. The physical address of the transport permit holder;

b. The vehicle and trailer license plate number used for the transport;

c. The county from which each live feral hog is acquired;

d. The date each live feral hog is transported;

e. The gender of each live feral hog transported;

f. A photograph that clearly displays the entirety of each live feral hog transported;

g. The Official Identification number assigned to each live feral hog transported; and

h. The Premise Identification number, license number, name, and physical address of the approved destination to which each live feral hog is transported.

(8) The holder of a Feral Hog Transport Permit may use the "Go Outdoors Georgia" smartphone application to comply with the record-keeping requirements of this Rule.

(9) All feral hog transport records shall be maintained for two (2) consecutive years, of which the previous one (1) year of records shall be carried on the permit holder at all times during transportation of live feral hogs. Said records shall be made available to the Georgia Department of Agriculture and/or the Georgia Department of Natural Resources for inspection immediately upon request.

Cite as Ga. Comp. R. & Regs. R. 40-13-15-.05
Authority: O.C.G.A. § 2-7-200*et. seq.*
History. Original Rule entitled "Feral Hog Transport Permit" adopted. F. Sep. 17, 2018; eff. Jan. 1, 2019, as specified by the Agency.

Rule 40-13-15-.06. Feral Hog Facility Requirements.

(1) A license is required for the operation of a Feral Hog Facility which holds live feral hogs.

(2) Premises registration is required for all physical locations where live feral hogs are held. A Premises Identification number evidencing said registration may be obtained by contacting the Department's Livestock/Poultry Program in Atlanta, Georgia during normal business hours, or visiting the Georgia Department of Agriculture's website at agr.georgia.gov.

(3) Any operator of a licensed Feral Hog Facility who intends to personally transport live feral hogs is required to obtain and maintain a Feral Hog Transport Permit.

(4) Live feral hogs may only be transported by individuals holding a valid Feral Hog Transport Permit.

(5) Live feral hogs held at a licensed Feral Hog Facility may only be transported to approved slaughter facilities, other licensed Feral Hog Facilities, or for immediate personal

consumption unless a special written exemption is obtained from the State Veterinarian prior to transport.

(6) All feral hogs not being transported to an approved slaughter facility, licensed Feral Hog Facility, or for immediate personal consumption shall be destroyed prior to leaving the licensed Feral Hog Facility.

(7) All live feral hogs shall have Official Identification applied within 48 hours of arrival at an approved destination unless such live feral hog is slaughtered within 48 hours of arrival.

(8) All test eligible live feral hogs held in a Feral Hog Facility must test negative to an official brucellosis test and an official pseudorabies test within 14 days of arrival at the facility and be retested in 30 days. Following the second test, all live feral hogs at the facility must be tested every 180 days thereafter.

a. Upon notification of positive test results for Brucellosis or Pseudorabies, feral hogs shall be depopulated within twenty-four (24) hours or officially permitted by the Department to be transported directly to an approved slaughter facility within 48 hours.

b. Following depopulation, all remaining live feral hogs shall be quarantined and retested no sooner than thirty (30) days following the initial positive test. Testing shall be repeated at 30-day intervals until two (2) negative consecutive complete herd tests are obtained.

c. Each new live feral hog added to a licensed Feral Hog Facility, whether intentionally or accidentally, must be held separately, have Official Identification applied, and be tested for Brucellosis and Pseudorabies, in accordance with these rules, prior to introduction into the existing facility population.

d. Brucellosis and Pseudorabies testing records shall be maintained for two (2) years from the testing date. Testing records shall be made available to the Georgia Department of Agriculture and/or the Georgia Department of Natural Resources upon request.

e. All such testing shall be performed by a veterinarian licensed under the Georgia Veterinary Practice Act and at the owner's expense.

(9) The Commissioner shall require a Licensed Feral Hog Facility to observe and maintain any and all health and/or sanitization practices deemed necessary and appropriate to prevent and/or control the spread of contagious or infectious livestock diseases.

(10) Licensed Feral Hog Facilities shall be fenced with heavy duty woven wire at not less than forty-seven inches (47") minimum height from ground level, with a high tensile electric wire at the top and bottom of the fence, inside of the woven wire, on six-inch

(6") stand-offs. A separate charger must be used for each electric wire. Said fence shall be clear of obstructions at all times in order to allow inspection on a regular basis.

(11) All live feral hogs shall be maintained in secure escape-proof and entry-proof pens. Feral hog holding pens shall be designed to ensure complete segregation of the existing population and new additions undergoing testing requirements.

(12) It shall be unlawful for any person to release or cause to be released from captivity any live feral hog, or possess a live feral hog in such manner so as to cause, accidentally or intentionally, its release or escape from captivity.

(13) Feral hogs held at a licensed Feral Hog Facility shall not be permitted to breed. All boars shall be castrated or maintained in separate confinement from female hogs until castration.

(14) All progeny of female swine bred prior to introduction to the facility shall be held and treated in accordance with these rules.

(15) Information relating to Official Identification can be obtained by contacting the Department's Livestock/Poultry Program in Atlanta, Georgia during normal business hours, or visiting the Georgia Department of Agriculture's website at agr.georgia.gov.

Cite as Ga. Comp. R. & Regs. R. 40-13-15-.06
Authority: O.C.G.A. § 2-7-200*et. seq.*
History. Original Rule entitled "Feral Hog Facility Requirements" adopted. F. Sep. 17, 2018; eff. Jan. 1, 2019, as specified by the Agency.

Rule 40-13-15-.07. Feral Hog Facility License.

(1) Application for a Feral Hog Facility license shall be made online at the Georgia Department of Agriculture's website at agr.georgia.gov.

(2) Prior to issuance of a Feral Hog Facility license, the facility to be licensed must pass a pre-license compliance inspection administered by the Department. The applicant for a license shall contact the Department to schedule the pre-license compliance inspection. A licensed facility will thereafter be subjected to random compliance inspections by the Department and the Georgia Department of Natural Resources.

(3) The Feral Hog Facility license shall be valid upon date of issuance and shall expire annually on December 31. It is the responsibility of the license holder to apply for renewal of such license prior to the expiration date.

(4) An annual license fee of $100.00 shall be remitted before a Feral Hog Facility license is issued or renewed.

(5) The Feral Hog Facility license is valid only for the applicant and location stated on the license and is not transferable.

(6) The Feral Hog Facility license shall be prominently displayed in a visible location at the facility at all times.

(7) The holder of a Feral Hog Facility license shall maintain complete and legible records on all feral hogs held at such facility. Said records shall include:

a. Inventory of all live feral hogs, including a list of each natural addition;

b. Transport Permit number of the person who transported live feral hogs to the facility;

c. Dates of all deliveries of live feral hogs;

d. The gender of each live feral hog;

e. A photograph that clearly displays the entirety of each live feral hog;

f. The official identification number assigned to each live feral hog;

g. Official Brucellosis and Pseudorabies testing records correlating test results with official Identification number; The date each feral hog is removed from the facility;

h. Information sufficient to document all losses and removals from the facility, including but not limited to the cause of each loss/removal, date of each loss/removal, and Official Identification number assigned to each loss/removal; and

i. The license number, name, and location of the approved slaughter facility, licensed Feral Hog Facility, or premises for immediate personal consumption to which any live feral hog is transported and/or removed.

(8) All records shall be maintained for two (2) consecutive years and shall be made available to the Georgia Department of Agriculture and/or the Georgia Department of Natural Resources for inspection immediately upon request.

Cite as Ga. Comp. R. & Regs. R. 40-13-15-.07
Authority: O.C.G.A. § 2-7-200*et. seq.*
History. Original Rule entitled "Feral Hog Facility License" adopted. F. Sep. 17, 2018; eff. Jan. 1, 2019, as specified by the Agency.

Subject 40-13-16. LOCAL GOVERNMENT COMPANION ANIMAL TRUST FUND.

Rule 40-13-16-.01. Definitions.

(1) "Department" means the Georgia Department of Agriculture.

(2) "Fund" means the Local Government Companion Animal Trust Fund.

(3) "Qualified Expenses" means direct costs, including but not limited to the cost of transportation, veterinary care, and temporary boarding, reasonably and appropriately incurred by a Qualified Local Government due to:

(a) A Qualified Impoundment; or

(b) Qualified Provision of Care.

No expense related to the impoundment of or provision of care to livestock, as defined in O.C.G.A. § 4-3-2(1), will constitute a Qualified Expense.

(4) "Qualified Impoundment" means the physical seizure, by an animal control officer who is an employee of state or local government or any law enforcement officer, due to an investigation into a violation of O.C.G.A. §§ 4-11-9.2, 16-12-4, or 16-12-37, of either:

(a) More than 29 dogs or cats; or

(b) More than 9 equines.

(5) "Qualified Local Government" means as defined in O.C.G.A. § 50-8-2(18).

(6) "Qualified Provision of Care" means provision of care for more than 29 dogs or cats, or more than 9 equines, impounded pursuant to the Georgia Animal Protection Act, O.C.G.A. § 4-11-1, et seq., or a local ordinance, and subsequently cared for by a Qualified Local Government.

(7) "Statutory Period" means the period beginning on July 1, 2021, and ending on June 30, 2031, or as otherwise provided in O.C.G.A. § 4-11-3(c.1)(1)(A).

Cite as Ga. Comp. R. & Regs. R. 40-13-16-.01
Authority: O.C.G.A. § 4-11-3.
History. Original Rule entitled "Definitions" adopted. F. Apr. 25, 2022; eff. May 15, 2022.

Rule 40-13-16-.02. Establishment and Contribution to Fund.

(1) During each year of the Statutory Period, the Department may contribute up to $50,000 of fees collected pursuant to O.C.G.A. § 4-11-3(c) to the Fund, provided that at no point may the Fund exceed $200,000.

(a) The Department may make such yearly contributions to the Fund either in a lump sum or on a rolling basis.

(2) By February 1 of each year in the Statutory Period, the Department shall prepare a report detailing the money received and expended by the Fund.

Cite as Ga. Comp. R. & Regs. R. 40-13-16-.02
Authority: O.C.G.A. § 4-11-3.
History. Original Rule entitled "Establishment and Contribution to Fund" adopted. F. Apr. 25, 2022; eff. May 15, 2022.

Rule 40-13-16-.03. Disbursement Process.

(1) A Qualified Local Government may apply for reimbursement from the Fund by submitting an accounting of proposed Qualified Expenses incurred during that year of the Statutory Period.

(a) Submitted expenses must be:

1. Itemized; and

2. Include a description of each individual expense's relation to a Qualified Impoundment or Qualified Provision of Care.

(b) Applications for reimbursement must be submitted through the Department's website and provide all information required therein.

(2) The Department will distribute funds for Qualified Expenses after considering and approving proposed Qualified Expenses.

(a) The Department will not reimburse proposed Qualified Expenses it deems not to have been reasonably and appropriately accrued. The Department's determination of the reasonableness and appropriateness of Qualified Expenses shall be final and not subject to appeal.

(b) In assessing the reasonableness and appropriateness of proposed Qualified Expenses, the Department may consider such factors as matching funds or other resources available to Qualified Local Governments, the severity of conditions at care facilities, and the duration of provision of care.

(3) If the total amount of Qualified Expenses submitted by Qualified Local Governments and deemed reasonable and appropriate by the Department exceeds the total amount of the Fund, the Department may divide the existing Funds for reimbursement between the Qualified Local Governments applying for reimbursement.

(a) The Department may divide funds for reimbursement on a pro rata basis or on any other reasonable basis. Department decisions on allocation of funds for reimbursement shall be final and not subject to appeal.

(b) No individual disbursement may exceed $50,000.

Cite as Ga. Comp. R. & Regs. R. 40-13-16-.03
Authority: O.C.G.A. § 4-11-3.
History. Original Rule entitled "Disbursement Process" adopted. F. Apr. 25, 2022; eff. May 15, 2022.

Chapter 40-14. STATE WAREHOUSE DIVISION.

Subject 40-14-1. DEFINITIONS.

Rule 40-14-1-.01. Short Title.

These regulations shall be cited as the "Georgia State Warehouse Regulations."

Cite as Ga. Comp. R. & Regs. R. 40-14-1-.01
Authority: O.C.G.A. 10-4-1,
History. Original Rule entitled "Short Title" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed February 28, 1986; effective March 20, 1986.

Rule 40-14-1-.02. Definitions.

The following words or terms shall have the meaning set forth herein when used in these rules and regulations.

(a) "Act" means the Georgia State Warehouse Act.

(b) "Agricultural product" means individually and collectively all grains, cotton, meat, fruit, vegetables, and other farm products offered or accepted for storage in their raw or natural state; provided, however, that products which have been processed only to the extent of shelling, cleaning, and grading shall be included; and, provided, further, that any warehouseman storing refrigerated or processed agricultural products may, at his option, come under the operation of this article.

(c) "Commissioner" means the Commissioner of Agriculture.

(d) "Director" means the officer who has been lawfully commissioned, appointed, and delegated to supervise the section of the Marketing Division of the Department of Agriculture which is responsible for administering this Act.

(e) "Examiner" means an employee charged with the duty of making and reporting warehouse examinations.

(f) "Field Supervisor" means an employee charged with the duty of supervising warehouse examinations and examiners.

(g) "Grain" means all products commonly classified as grain, such as wheat, corn, oats, barley, rye, rice, field peas, soybeans, clover, grain sorghum, and other products ordinarily stored in grain warehouses.

(h) "Person" means any individual, partnership, firm, corporation, association, or other organized group having a joint or common interest.

(i) "Producer" means a farmer or grower of agricultural products.

(j) "Public warehouse" or "warehouse" means any building, structure, or other enclosure other than a refrigerated building or structure in this state at which any agricultural product is received from the public for storage for hire.

(k) "Receipt" means a warehouse receipt issued under this article.

(l) "Storer" means the depositor of agricultural products stored under a non-negotiable receipt or the holder of a negotiable receipt for such products issued by a warehouseman licensed under this article.

(m) "Temporary Grain Storage Unit" means a structure or device used for temporary storage purposes.

(n) "Temporary Storage" means space used for a year or less for storage of grain on a temporary basis due to a need for additional storage in excess of permanent storage capacity.

(o) "Warehouseman" means a person engaged in the business of operating a warehouse or any person who uses or undertakes to use a warehouse for the purpose of storing agricultural products for compensation for more than one person; provided, however, any person operating a warehouse not covered by this article may elect to come under this article.

Cite as Ga. Comp. R. & Regs. R. 40-14-1-.02
Authority: O.C.G.A. § 10-4-2.
History. Original Rule entitled "Definitions" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed February 28, 1986; effective March 20, 1986.
Amended: F. Nov. 12, 2019; eff. Dec. 2, 2019.

Subject 40-14-2. LICENSE REQUIREMENTS.

Rule 40-14-2-.01. License.

(1) Eligibility. Any person may, at his option, come under the provisions of the Act by complying with the provisions of the Act and the rules and regulations there under. Upon such compliance, any person may be issued a license to operate a State Bonded Warehouse, as provided in such license, except that no State Warehouse Director, employee, or examiner shall be interested financially, directly or indirectly in any warehouse licensed by the State of Georgia.

(2) Requirement.

(a) To qualify for license under the Georgia State Warehouse Act, each applicant must submit or provide: a completed application, an appropriate and sufficient financial statement if required, proof of stock insurance, a warehousemen's bond, the certified public weigher's fees for licenses and seals, a schedule of charges, and the appropriate annual warehouse license fee.

1. Annual warehouse license fees for grain warehouses will be based upon the highest certified capacity during the preceding license year and prescribed by the following formulas:

   Warehouses with under 200,000 bushels = $2,000.00

   Warehouses with equal to or over 200,000 bushels = $2,500.00

2. Annual warehouse license fees for cotton warehouses will be based upon the highest certified capacity during the preceding license year and prescribed by the following formulas:

   Warehouses with less than 7,500 bales = $2,000.00

   Warehouses with equal to or more than 7,500 bales = $2,500.00

3. Warehouses certified for the storage of other agricultural products shall pay an annual license fee of $2,500.

(b) Applications for renewal of licenses will be submitted to the Director at least thirty days prior to July 1st of each year.

(c) Bond requirements will be as provided in O.C.G.A. 10-4-12, except that:

1. The requirement for bond, if for cotton, will be $5.00 per bale for licensed storage capacity.

2. In lieu of a surety bond, the Commissioner may accept a cash bond which shall be, in all respects, subject to the same claims as would exist against a surety bond.

(d) For a license renewal, financial statements shall be submitted annually, no later than 60 days following the applicant's fiscal year close.

1. The net worth of the financial statement must equal or exceed the minimum bond requirement or an additional bond equal to twice the difference must be provided within 60 days following notification.

2. For license renewal, financial statements shall be submitted annually, no later than 60 days following the applicant's fiscal year close. Applicants who cannot meet this requirement may apply to the Commissioner for a temporary waiver of this provision. Any such waiver granted shall not exceed 180 days following the applicant's fiscal year close.

Cite as Ga. Comp. R. & Regs. R. 40-14-2-.01
Authority: O.C.G.A. Sec. 10-4-1*et seq.*
History. Original Rule entitled "License" adopted. F. and eff. June 30, 1965.
Repealed: New Rule of same title adopted. F. Feb. 28, 1986; eff. Mar. 20, 1986.
Repealed: New Rule of same title adopted. F. May 5, 1992; eff. May 25, 1992.
Amended: F. July 5, 2001; eff. July 25, 2001.
Amended: F. June 21, 2010; eff. July 11, 2010.

Subject 40-14-3. OPERATIONAL REQUIREMENTS.

Rule 40-14-3-.01. Warehouse Notice.

Each warehouse coming under the provisions of the Act and storing commodities for the public is hereby required to have notice posted on the outside warehouse door showing the telephone number and address of the warehouseman when he is not in the warehouse. If the warehouseman should leave town, the key to the warehouse shall be left with a responsible person whose name and address shall be posted on the outside of the warehouse door.

Cite as Ga. Comp. R. & Regs. R. 40-14-3-.01
Authority: Ga. L. 1953, p. 412.
History. Original Rule entitled "Warehouse Notice" was filed and effective on June 30, 1965.

Rule 40-14-3-.02. Records.

(1) Effective July 1, 1965, all warehousemen must maintain receiving and shipping records which will reflect, at least, the following:

(a) receipt number;

(b) date issued;

(c) to whom issued;

(d) identifying mark, if any;

(e) type commodity (except where only one type commodity is stored or covered by receipts, the type commodity may be listed at the top of each page);

(f) weight or quantity;

(g) date released or shipped;

(h) to whom released or shipped; and

(1) shipper's identifying mark, if any.

(2) In the event of suspension, revocation, or other termination of a license issued under the Act, the former licensee or his successor in interest, if any, shall preserve for a period of six years or until released in writing by the Commissioner or Director, all books, papers, accounts, and other records relating to the operation of the warehouse during the effective period of the license.

Cite as Ga. Comp. R. & Regs. R. 40-14-3-.02
Authority: O.C.G.A. Secs. 10-4-23 and 10-4-29.
History. Original Rule entitled "Records" was filed and effective on June 30, 1965.
Amended: Filed February 28, 1986; effective March 20, 1986.

Rule 40-14-3-.03. Schedule of Charges.

By or before June 1 each year each warehouseman will file with the Director a proposed schedule of charges for the ensuing year. The proposed schedule of charges will be reviewed by the Director and returned to the warehouseman with suggested changes or approval for publication and use.

Cite as Ga. Comp. R. & Regs. R. 40-14-3-.03
Authority: Ga. L. 1953, p. 412.
History. Original Rule entitled "Schedule of Charges" was filed and effective on June 30, 1965.

Rule 40-14-3-.04. Receipts and Tags.

(1) All receipts shall be obtained from printers who have been bonded and approved by the Commissioner. Said bond shall be in the amount of Twenty-Five Hundred Dollars ($2,500.00) for printing receipt for 1 to 25 warehouses; Five Thousand ($5,000.00) for

printing receipts up to 50 warehouses; and Ten Thousand ($10,000) for printing receipts for more than 50 warehouses; and, provided that all receipts shall be printed upon an approved safety paper and in the form approved by the Commissioner; provided, further, all receipts shall be serially numbered from the last receipt number used until such time as a new series is authorized by the Commissioner or Director. Provided, further, that the printer shall mail to the State Warehouse Division, Department of Agriculture, a copy of all invoices covering receipts printed for such warehouse.

(2) Receipts covering like commodities will be issued in sequence starting with the lowest numbered series and the lowest number of a series except that receipts covering cotton linters and/or other mill wastes and/or any other commodity baled in a manner similar to cotton will NOT be issued in sequence with receipts covering cotton.

(3) Receipt and tag number must be the same, and there shall be no prefix or suffix on receipts or tags.

(4) Tags used in warehouses licensed under the Act must meet the following minimum requirements: Stock 20 point; main tag 3 1/8" × 3 ¼ manila or pastel colored background; numbered in consecutive series both sides; black numerals 1" in height; 1" square reinforced patch affixed with eyelet with tag number imprinted in 3/16" numerals; 5" lead wire, copper, 19-gauge, single strand, or 21-gauge, double strand. Tags for use in cotton warehouses will have minimum of two 1" coupons with 5/8" numerals with cotton classification memorandum attached if desired.

(5) The warehouse tag will be affixed securely to the commodity or lot covered by the corresponding receipt and attached separately from any other tag, label or attachment.

(6) Any commodity stored, upon surrender of the receipt of the warehouseman, shall be delivered within a reasonable length of time. Provided, that upon date of surrender of receipt, together with shipping instructions, all warehouse storage charges shall cease; provided, further, however, that it shall be unlawful for any warehouseman to deliver any commodity except after the receipt issued for same is surrendered to the warehouseman, who will then cancel said receipt and retain the same in numerical sequence, in a separate file until checked by an Examiner.

(7) In the event of lost receipts, a Superior Court, City Court, County Court (within the limitations of its official jurisdictional amount, a Justice of Peace Court) in term or vacation, may order the delivery of the goods or issuance of a substitute document in accordance with the provisions of Section 109A-7-601 of the Georgia Uniform Commercial Code (Ga. L. 1962, pp. 156, 353). If the document is a negotiable instrument then the claimant must post security approved by the above described Court to indemnify any person who may suffer loss as a result of non-surrender of the document. If the document was non-negotiable, such security may be required at the discretion of the Court.

"Any warehouseman who without Court Order delivers goods to a person claiming under a missing negotiable document is liable to any person injured thereby, and if the delivery is not in good faith he becomes liable for conversion. Delivery in good faith will not be deemed to be conversion if made in accordance with a filed classification or, where no classification is filed, if the claimant posts security with the warehouseman in an amount at least double the value of the goods at the time of posting to indemnity any person injured by the delivery who filed a notice of claim within the statutory period of one (1) year after delivery."

Cite as Ga. Comp. R. & Regs. R. 40-14-3-.04
Authority: Ga. L. 1962, pp. 156, 353.
History. Original Rule entitled "Receipts and Tags" was filed and effective June 30, 1965.

Rule 40-14-3-.05. Cotton Warehouses. Electronic Warehouse Receipts.

(1) Terms Defined. The following definitions shall apply with respect to this rule unless the context with which they are used dictates otherwise.

(a) Access. The ability when authorized, to read, change, and/or transfer warehouse receipt information retained in the central filing system (CFS).

(b) Central Filing System (CFS). An electronic computer system operated and maintained by an approved Provider where the information relating to warehouse receipts is recorded.

(c) Electronic Warehouse Receipt (EWR). An electronic file in the CFS that contains at the least information required to be included in a warehouse receipt by Rule 40-14-3-.02 (O.C.G.A. 10-4-20) regarding a bale of cotton and a holder.

(d) Holder. An individual or entity in possession, in fact or by a operation of law, of a receipt and, by extension, of the cotton represented thereby.

(e) Issue. EWRs are considered issued when a licensed warehouseman has transmitted all necessary information to an approved Provider, and when such information is entered into the Provider's CFS.

(f) Provider. An individual or entity that maintains EWRs in a CFS, meets the requirements of this part, and has a Provider Agreement with the Commissioner.

(g) Provider Agreement. An agreement entered into between the Commissioner and a Provider that delineates the Provider's responsibilities and defines the relationship between the Provider and the Georgia Department of Agriculture regarding the Provider's maintenance and security of EWRs in the CFS and other requirements of these Rules.

(h) User. An individual or entity that uses the Provider's CFS, not including the Georgia Department of Agriculture in its regulatory capacity.

(i) Consolidated Farm Service Agency (CFSA). A unit, formerly known as the Agricultural Stabilization and Conservation Service, administered by the Secretary of Agriculture of the U.S. Department of Agriculture, or any successor so administered.

(2) Electronic Warehouse Receipts.

(a) These Rules give a Georgia State licensed cotton warehouseman issuing warehouse receipts the option of issuing EWRs instead of paper warehouse receipts for the cotton stored in its facility. Any holder, upon demand, shall be given a paper receipt in lieu of an EWR. Warehousemen must initially issue EWRs in compliance with Rule (o) of this chapter, whereupon any depositor may accept EWRs or decline such acceptance and demand a paper receipt in lieu thereof. EWRs may only be created through a Provider who is approved by the Commissioner.

1. Electronic warehouse receipts (EWRs) for producer owned cotton shall initially be issued in the name and/or Holder identification (Holder ID) or personal identification number (PIN number) of the producer. O.C.G.A. 10-4-19(a) applies only to cotton producers as the initial depositor to the warehouse.

2. Clear and irrevocable title to cotton shall pass upon the transfer of the EWR. Prior to EWR title transfer the warehouseman shall obtain manual signature or electronic entry authorization from the producer for the transfer of his or her bale(s). Such transfer may be authorized by written agreement wherein the producer accepts the use of electronic signatures and has assigned the warehouseman and/or their ginner/agent power of attorney to conduct title transfer of cotton EWRs on his or her behalf. The required warehouse and provider records of EWR title transfers shall constitute compliance with respect to O.C.G.A. 10-4-19(a). A producer may terminate such EWR signature contract at any time by submitting to the warehouseman a written notice of termination provided that a previously authorized EWR title transfer of the cotton has not been negotiated by the producer's authorized agent.

3. A state licensed cotton warehouseman who transfers title or markets a producer's cotton without an authorized endorsement of that producer shall be liable to any party damaged by such transfer or sale.

(b) EWRs issued pursuant to this part establish the same rights and obligations with respect to a bale of cotton as a paper receipt. With the exception of the requirement that warehouse receipts be issued on paper, all other requirements

applicable to paper warehouse receipts shall apply to EWRs unless otherwise specified. The person identified as the "holder" of an EWR shall be entitled to the same rights and privileges as the holder of a paper receipt.

(c) EWRs must be issued as single bale receipts.

(d) EWRs may only be issued through a Provider.

(e) Warehousemen must notify all holders of EWR's, at least 30 calendar days before changing Providers, unless otherwise required or allowed by the Commissioner.

(f) A non-negotiable paper receipt (confirmation) shall be promptly transmitted by Providers to storers (initial holders) containing the receipt numbers and other identifying data held by the Provider as EWRs.

(g) Licensed warehousemen may cancel EWRs only when they are the holder of such receipts.

(h) Licensed warehousemen, only as holder, may correct information on the EWR.

(i) Only the holder of the receipt may transfer the receipt to a new holder or place a lien thereon.

(j) A warehouse receipt may contain additional information; provided that such information does not interfere with the information required by Rule 40-14-3-.02 (O.C.G.A. 10-4-20).

(k) The identity of the holder must be included as additional information for every EWR.

(l) An EWR shall only designate one entity as a holder at any one time.

(m) An EWR shall not be issued for a bale of cotton if another receipt, paper or electronic, on such bale is outstanding. No two warehouse receipts may have the same receipt number.

(n) Prior to issuing EWRs, each warehouseman shall request and receive from the Georgia Department of Agriculture a range of consecutive warehouse receipt numbers which the warehouseman shall use for the EWRs it issues.

(o) If a warehouseman has a contract with a Provider, all warehouse receipts issued by the warehouseman shall initially be issued as EWRs.

(p) An EWR may only be issued to replace a paper receipt if the current holder of the warehouse receipt agrees.

(q) EWRs shall not be issued for defective cotton.

(r) Licensed warehousemen must inform the Commissioner of the identity of their approved Provider 60 calendar days in advance of issuing warehouse receipts through that Provider. The Commissioner may waive or modify this 60 day requirement for cause in individual cases.

(s) Rule 40-14-3-.04(7) shall be applicable to lost or destroyed EWRs.

(3) Provider requirements and standards for application.

(a) Financial requirements. All Providers to be approved under this part must meet the following requirements:

1. Have a net worth of at least $25,000;

2. Maintain two insurance policies; one for "errors and omissions" and another for "fraud and dishonesty". Each policy must have a minimum coverage of $2 million; and

3. At cost to the Provider, provide the Georgia Department of Agriculture with computer hardware, modems, software and training as required by the Commissioner suitable to read-only access and download EWR information and data from the Provider; and

4. Execute and file, as required by the Commissioner, a bond for the faithful performance of obligations under the Provider Agreement and for the proper handling of EWR records together with other requirements which will enable the Commissioner to enforce the provisions of the Uniform Commercial Code, Georgia law and these Rules.

(b) The Provider Agreement shall contain, but not be limited to, the following basic elements:

1. Records. The retention period for records.

2. Liability. The liability of the Provider.

3. Transfer of records. The requirements for transferring EWRs to another Provider.

4. Suspension and termination.

(i) The Commissioner may suspend or terminate a Provider's Agreement for cause at any time.

(ii) Hearings and appeals will be conducted in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."

(iii) Without specific written authority by the Commissioner, suspended or terminated Providers may not accept, transfer, or execute any other function pertaining to EWRs during the pendency of any appeal or subsequent to such appeal if the appeal is denied.

(iv) The Provider or the Commissioner may terminate the Provider Agreement without cause solely by giving the other party written notice 60 calendar days prior to the termination.

(v) Prior to termination of a Provider Agreement, the Provider must make arrangements for the transfer of the custody of the EWRs to another authorized Provider at no cost to holders or warehousemen. Should there be no assumption of the EWRs and CFS data maintained by the terminated Provider by another Provider with a valid Provider Agreement, the EWRs must be replaced by the warehousemen with paper receipts at the expense of the Provider.

5. Renewal. Each Provider Agreement will be automatically renewed annually on April 30th as long as the Provider complies with the terms contained in the Provider Agreement, the Rules of the Georgia Department of Agriculture and the State Warehouse Act (O.C.G.A. 10-4-1, *et seq.*).

6. Application form. Application for a Provider Agreement shall be made to the Commissioner upon forms prescribed and furnished by the Georgia Department of Agriculture.

(4) Audits.

(a) The Provider Agreement is governed by provisions of Georgia law. All disputes concerning the Provider Agreement, electronic warehouse receipts or rights thereto shall be within the jurisdiction of the State of Georgia.

(b) The Provider must submit to the Commissioner an annual audit level financial statement that meets the requirements of O.C.G.A. 10-4-10; and an electronic data processing audit. These audits shall encompass the Provider's fiscal year. The completed audits shall be submitted to the Commissioner no later than four calendar months following the end of the Provider's fiscal year. The electronic data processing audit shall result in an evaluation as to current computer operations, security, disaster recovery capabilities of the system, and other systems.

(c) The Provider will grant the Commissioner or his designees unlimited, free access at any time to all records under the Provider's control relating to activities conducted under these Rules and as specified in the Provider Agreement.

Requested information and data shall be provided in a timely manner in a format or formats acceptable to the Commissioner.

(5) Provider-user relationship.

(a) Terminology in Provider contracts with users shall be the same as defined terminology contained in the Georgia State Warehouse Act.

(b) The Provider shall not discriminate among its users regarding use of and access to its CFS and must charge fees on an equal basis to all users for its services.

(c) The Provider must furnish the Commissioner with copies of its current schedule of fees and charges as they become effective. Such fees and charges shall be on an equal basis to all users for its services.

(d) Fees charged any user by the Provider must be in effect for a minimum period of one year.

(e) Providers must furnish the Commissioner and all users a 60 calendar day advance notice of their intent to change any fee.

(6) Security.

(a) Security must be in accordance with the standards set out in the Provider Agreement.

(b) Security copies of the system are to be maintained off-site. Both on-site and off site record security must be maintained.

(7) Powers of the Commissioner.

(a) In addition to all other authority and powers granted the Commissioner in the execution of the duties of the Department, as the same shall pertain to the regulation of EWRs for nonfederally licensed warehousemen in the State of Georgia, the Commissioner's authority and power herein shall in all respects correspond to that of the CFSA under the provisions of 7 C.F.R. part 735.

Cite as Ga. Comp. R. & Regs. R. 40-14-3-.05
Authority: O.C.G.A. Sec. 10-4-1, 10-4-19 et al.
History. Original Rule entitled "Cotton Warehouses. Electronic Warehouse Receipts" adopted. F. Oct. 19, 1995; eff. Nov. 8, 1995.
Amended: F. Aug. 18, 1998; eff. Sept. 5, 1998.

Subject 40-14-4. STORAGE.

Rule 40-14-4-.01. General Storage.

(1) All agricultural commodities except bulk grain and peanuts stored in a licensed warehouse shall be stored in an orderly manner with all tags visible and readily accessible for examination. All passage ways shall be of a sufficient width to allow space for moving commodities in or out, and stored or stacked in compliance with prescribed regulations or other written instructions of the Commissioner or Director.

(2) All warehouses shall be maintained in a manner which will provide a safe and adequate means of ingress and egress to the various storage bins and compartments by those persons authorized to make examinations, and adequate facilities (i.e. lights, ladders, and office space) to complete such inspections shall also be provided.

(3) The storage of agricultural products on dirt or porous concrete floors is prohibited, provided, however, that the storage of agricultural products over dirt or porous concrete floors shall be permitted where not less than four inches of airspace is provided between the stored product and the dirt or porous concrete floor by the use of laid poles, lumber, or other materials.

(4) All warehouse roofs shall be kept in good repair and free from leaks.

(5) Commingling or unlike commodities is prohibited. Buildings or units used for the storage of receipted agricultural products shall not be used for the storage of any other commodities nor for any other purpose. This shall not preclude the storage of ordinary commercial fertilizers, insecticides, seeds, mixed feeds and similar materials of a non-hazardous nature, except that non-receipted commodities shall be kept separate from receipted commodities by not less than six feet of clear space or suitable partition; further, unlike receipted commodities, shall be separated by not less than three feet of clear space or suitable partition. Nitrates and similar oxidizing materials, flammable liquids or gasses, explosives, materials subject to spontaneous heating and materials of a highly combustible nature, such as hay and ixtle shall not be permitted.

(6) All agricultural products stored in a licensed warehouse shall be under the control and supervision of the licensed warehouseman and material handling by unauthorized personnel is hereby prohibited.

(7) All warehouses licensed under the provisions of this Act shall comply with all applicable fire and insurance regulations.

Cite as Ga. Comp. R. & Regs. R. 40-14-4-.01
Authority: Ga. L. 1953, p. 412.
History. Original Rule, entitled "General Storage" was filed and effective on June 30, 1965.

Rule 40-14-4-.02. Cotton Storage.

(1) There will be a minimum of two cotton examinations per year. All cotton stored in a licensed warehouse must be aligned both vertically and horizontally so as to facilitate ready tag check and bale count.

(a) The first examination will be a bale count, which will be performed after the ginning season is complete.

(i) The height of stacks must not exceed three high when stacked end on end or eight high when stacked flat.

(ii) All bales must be visible and readily accessible for counting during the first examination.

(b) The second examination will be a tag check, which will be performed after notice of said examination has been provided to the licensed warehouse.

(i) The height of stacks must not exceed two high when stacked end on end or four high when stacked flat.

(ii) All tags must be visible and readily accessible for scanning during the second examination.

(iii) The licensed warehouse must ensure that all tags are visible and readily accessible for scanning prior to the scheduled second examination.

(2) Tag aisles (walk aisles, fire aisles or work aisles) must be provided as follows:

(a) When stacked one high on end, at least one aisle for each four rows of cotton except no aisle is required when head space of six feet or more, in the clear, is available above the cotton.

(b) At least one aisle for each two rows when stacked flat or more than one high on end.

(c) A minimum aisle width of 24 inches regardless of stacking pattern or height of stack.

(d) A minimum aisle width of 30 inches when stacked two bales high on end or four or five bales high flat (9 to 12 feet high).

(e) A minimum aisle width of 36 inches when stacked more than two bales high on end or more than five bales high flat (over 12 feet high).

(3) When stacked on end, two or more high, additional bales may be stacked on end, single height, within the above mentioned tag aisles, provided they do not preclude ready access to all bale tags and/or provided ample head room of six feet or more, in the clear, remains above the bales stacked in the tag aisles.

(4) The height of stacks must not exceed three high when stacked end on end or eight high when stacked flat.

(5) A fire aisle of at least five feet must be provided for or between each 12,000 cubic foot block of cotton. Twelve thousand (12,000) cubic feet will accommodate approximately the following number of bales:

Flat cotton	300
Gin Std. Cotton	550
Std. Density cotton	600
Hi Density cotton	800

(6) Work aisles across or through buildings or from main entrances to each block of 300 bales must be provided in each warehouse or compartment as follows:

(a) A minimum width of six feet when capacity is from 600 to 1200 bales.

(b) A minimum width of eight feet when capacity exceeds 1200 bales.

(7) Upon request, the Commissioner may grant exemptions to this rule when such request is deemed justified, based on acceptable industry practices, and when such request would not violate safety standards or compromise the integrity of regulatory inspection.

Cite as Ga. Comp. R. & Regs. R. 40-14-4-.02
Authority: Ga. 1953, p. 412. O.C.G.A. § 10-4-1*et. seq.*
History. Original Rule entitled "Cotton Storage" was filed and effective on June 30, 1965.
Amended: F. Aug. 2, 1995; eff. Aug. 22, 1995.
Amended: F. Jan. 4, 2021; eff. Jan. 24, 2021.

Rule 40-14-4-.03. Grain Storage.

(1) In the event the storer desires to store grain with identity preserved, the warehouseman shall mark the receipt for grain clearly so as to indicate to all persons that the grain is stored "identity preserved". The report of the warehouseman and the report of the warehouse examiner shall indicate the receipt numbers, together with the quantity of grain that is stored "identity preserved." Warehousemen storing grain with identity preserved shall take such steps as are necessary to keep the grain so stored separated and segregated from any and all other grain so that the identity of the grain so stored will be preserved. The storage by the warehouseman of grain with other grain shall be prima facie evidence that the grain is not stored "identity preserved."

(2) All grain storage bins, tanks and elevators must be equipped with sufficient man-lifts, ladders, catwalks and other safety devices as to permit ready and safe egress and/or examination. Bins, tanks and elevators not exceeding 25 feet in height may be served by a safe portable ladder. Bins, tanks, and elevators exceeding 25 feet in height must be

equipped with metal, safety-cage ladders or man-lifts. Where more than one bin, tank or elevator in excess of 25 feet is served by one ladder or man-lift, adequate metal catwalks with sufficient guard rails will be provided to assure safe travel from one bin, tank or elevator to another.

Cite as Ga. Comp. R. & Regs. R. 40-14-4-.03
Authority: O.C.G.A. Sec. 10-4-5.
History. Original Rule entitled "Grain Storage" was filed and effective on June 30, 1965.
Amended: Filed February 28, 1986; effective March 20, 1986.

Rule 40-14-4-.04. Pine Cone Storage.

(1) All licensed warehouses storing pine cones will be subject to inspection at all times.

(2) Sufficient floor space must be provided to allow spreading of the cones not to exceed two cones deep.

(3) Floor space must be separated into lots by the use of physical barriers which will prevent the seed of one lot from commingling with seed from any other lot in storage, during the tuning process.

(4) Each warehouse must have on hand at all times sufficient labor and tools to turn the cones in all lots as often as is necessary to allow the expansion of all pine cones as they go through their natural ripening process.

(5) The maximum number of bushels of pine cones that may be stored in any lot shall be determined by the Commissioner of Agriculture or his duly authorized representatives.

(6) All receipts representing pine cones stored in any warehouse shall be so worded as to put the holder on notice of the change of the physical structure and color in the ripening process, and when the seed thereof is separated from the physical structure of the stored commodity.

(7) Each receipt shall represent only the number of bushels of pine cones stored in one lot.

(8) Not more than one receipt shall be issued for pine cones stored in any lot.

Cite as Ga. Comp. R. & Regs. R. 40-14-4-.04
Authority: Ga. L. 1953, p. 412.
History. Original Rule entitled "Pine Cone Storage" was filed and effective on June 30, 1965.

Rule 40-14-4-.05. Refrigerated Storage.

All licensed refrigerated warehouses:

(a) Will be subject to inspection of commodities at all times.

(b) Must have a refrigeration engineer available for duty at all times.

(c) Must have controlled (automatic) temperature.

(d) Must have controlled (automatic) humidity.

(e) Must have sufficient refrigeration capacity and "stand by" equipment.

(f) Must be properly insulated.

(g) If warehouse is ammonia refrigerated, must have controls, masks, etc.

(h) Unless receipt is overstamped NOT INSURED, all receipted products must be insured at full market value.

Cite as Ga. Comp. R. & Regs. R. 40-14-4-.05
Authority: Ga. L. 1953, p. 142.
History. Original Rule, entitled "Refrigerated Storage" was filed and effective June 30, 1965.

Rule 40-14-4-.06. Temporary Grain Storage.

The Department may approve and authorize a temporary grain storage unit under the requirements set forth by this rule. All temporary grain storage units must be under control of a licensed warehouse operator, whose obligation to maintain the quality and quantity of grain stored at the operator's licensed facility applies to all grain stored within the operator's authorized temporary grain storage unit. The authorization of a temporary storage unit will not relieve a warehouse operator of any other obligations set forth for warehouse operators by Georgia law and regulations.

(1) Authorization - Authorization for a temporary grain storage unit may be issued at any time; however, it will expire one year following the date of first fill, absent an official extension. A warehouse operator who desires to store grain in temporary storage must apply to the Department in writing for approval following completion or acquisition of the temporary storage unit but prior to placing any grain in the unit. In submitting an application, the warehouse operator must advise the Department of the operator's intent to use temporary storage and indicate the location, construction, quantity of grain to be stored, and estimated duration of storage.

(2) Extensions - The authorization period for a temporary grain storage unit may be extended beyond the one-year limitation; however, the extension of an authorization period for a temporary storage unit will never result in the granting of a new full authorization period. The Department may grant an extension where an authorized licensee demonstrates good cause for an extension and requests the extension no later than 30 days prior to the

expiration of the authorization period or extension then in effect. The Department must inspect the licensee's temporary storage unit and commodities for quantity and quality before granting any requested extension. If an extension is granted, the temporary storage unit must continue to meet all requirements set forth by this rule. Every approved extension must be in writing signed by the warehouse operator and provide the extension's expiration date.

(3) Expiration - The warehouse operator must either purchase the grain stored in the temporary storage unit or remove the grain from the temporary storage unit prior to the expiration of the initial authorization period or granted extension. If the warehouse operator elects to continue using the temporary storage unit for company-owned grain after the expiration of the initial authorization or granted extension, the warehouse operator must remove the grain's quantity from the warehouse's official records, not use the grain to cover the warehouse's storage or warehouse receipted obligations, and agree the quantity will not be included in any warehouse examination conducted by the Department. If the warehouse operator elects to move grain held in temporary storage into licensed space, the warehouse operator must notify the Department in writing upon the move's completion.

(4) Specifications for temporary grain storage units - Every temporary grain storage unit must be approved by the Georgia Department of Agriculture. The design of each storage unit must assure the quality of stored grain is maintained. To receive Departmental approval, each grain storage unit must meet the following qualifications:

(a) Each storage unit must prevent exposure to the elements;

(b) Each storage unit must be immobile;

(c) Each storage unit must resist tearing under normal expected conditions;

(d) Each storage unit must allow for sufficient drainage; and

(e) Each storage unit must allow for sufficient ventilation.

(5) Periodic maintenance - The warehouse operator must make observations at regular intervals of grain temperature, aeration outlet temperature and odor, and condition of the cover and drainage as necessary to ensure the grain's safe storage. If a bagging system is utilized, the warehouse operator's observation requirement will be limited to condition of the cover and drainage.

(6) Records - Warehouse operators must maintain a separate record of all grain stored in temporary storage space as well as accounting for such grain on the daily position record. Separate records must be maintained for each individual storage unit.

(7) Inspection Access - Each storage unit must be accessible for the Department's examination and sampling. If ready access for inspection purposes is not available at the temporary unit, the warehouse operator must remove the covering to the degree required

by the examiner to determine the stored grain's quality, condition, and quantity. If the Department cannot visibility verify the contents of a storage unit due to the unit's design, then the storage unit must be marked with the following information regarding the stored grain: type of commodity, date of first fill, date of final fill, and amount held in the storage unit.

(8) Revocation of authorization - The Department will issue written notice to the warehouse operator for any temporary storage unit which no longer meets the requirements set forth by this rule. Failure of the warehouse operator to place the unit in a suitable condition within a reasonable length of time will result in the elimination of the unit from coverage under the warehouse operator license.

Cite as Ga. Comp. R. & Regs. R. 40-14-4-.06
Authority: O.C.G.A. § 10-4-5.
History. Original Rule entitled "Temporary Grain Storage" adopted. F. Nov. 12, 2019; eff. Dec. 2, 2019.

Subject 40-14-5. LEAF TOBACCO WAREHOUSES.

Rule 40-14-5-.01. Physical Standards in Auction Warehouses.

(1) All buildings or enclosures used as warehouses in this State for the storage and sale of leaf tobacco shall comply with the following physical standards:

(a) Lighting in such premises shall be adequate for the proper and efficient inspection and examination of tobacco by graders and purchasers, and such lighting shall be equally and evenly distributed throughout the building.

(b) Adequate sanitary facilities and toilets shall be provided on such premises, and shall be kept in a clean and sanitary condition. Separate facilities shall be ma intained for each sex.

(c) Reasonable ingress and egress to warehouse premises shall be provided for purchasers and producers alike

(d) The roof, floor, walls, and doors of such premises shall be maintained in good repair for the protection of tobacco and to provide for the safety of persons upon the warehouse premises.

(e) Any condition of the warehouse building or enclosure which presents a hazard to tobacco stored or held, or which jeopardizes the safety or welfare of persons upon the premises shall be immediately abated and corrected, and such correction shall be subject to approval of an authorized representative of the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 40-14-5-.01
Authority: Ga. L. 1960, p. 214, as amended by H.B. 1177, Act No. 892, approved March 23, 1972. Effective

May 25, 1972.
History. Original Rule was filed on May 5, 1972; effective May 25, 1972.

Chapter 40-15. WEIGHTS AND MEASURES.

Subject 40-15-1. DEFINITIONS.

Rule 40-15-1-.01. Short Title.

These Regulations shall be cited as the "Georgia State Weights and Measures Regulations."

Cite as Ga. Comp. R. & Regs. R. 40-15-1-.01
Authority: O.C.G.A. Sec. 10-2-6 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Short Title" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed November 30, 1973; effective December 20, 1973.
Amended: Authority changed. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-1-.02. Definitions.

The terms used herein shall have the meaning set forth for such terms in the Act, Georgia Law, 1972, page 654. In addition, the following words or terms shall have the meaning set forth herein when used in these Rules and Regulations:

(a) "Department" means the Georgia Department of Agriculture.

(b) "Commissioner" means the Commissioner of Agriculture or any designated employee of the Georgia Department of Agriculture.

(c) "Net contents" means the weight or measure of a commodity, minus any packaging materials, at the time of sale or transaction.

(d) "Square" means the quantity of roofing or roofing material which when applied according to directions or instructions of the manufacturer, will cover an area of 100 square feet, exclusive of the side laps or side joints.

(e) "Square foot" means the quantity of a commodity or material which will cover one square foot (144 square inches), exclusive of side laps or side joints.

Cite as Ga. Comp. R. & Regs. R. 40-15-1-.02
Authority: O.C.G.A. Sec. 10-2-1 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Definitions" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed November 30, 1973; effective December 20, 1973.

Amended: Filed March 1, 1984; effective March 21, 1984.

Subject 40-15-2. WEIGHTS AND MEASURES.

Rule 40-15-2-.01. Application.

(1) All weights and measures or weighing and measuring devices used commercially to fix rates or charges for services, buying or selling, together with the products bought, sold, bartered, or traded over, measured therewith, or contained therein shall come within the scope of these regulations.

(2) These regulations shall apply equally to all weighing and measuring devices used or employed in institutions of the State of Georgia, for which public funds have been appropriated, in checking the receipt or disbursement of supplies.

(3) These regulations shall not apply except to exclude those weighing and measuring devices advertised or declared to be "not suitable for commercial uses;" and for which it shall be illegal to use in any commercial situations or conditions.

Cite as Ga. Comp. R. & Regs. R. 40-15-2-.01
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Weights and Measures Devices" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Application" adopted. Filed November 30, 1973; effective December 20, 1973.
Amended: Authority Changed. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-2-.02. Legal Weights Declared.

(1) The legal weight of the following articles or commodities per bushel, box, crate, lug, bag, or barrel shall be the legal weight or volume as indicated in the following table, or as determined by a federal licensed inspector whenever applicable:

(a) TABLE I

WEIGHTS PER BUSHEL, BOX, CRATE, LUG, BAG, OR BARREL

ITEM	WEIGHT
Alfalfa Seed	60 lb per Bushel
Apples	140 lb per Barrel
Apples, Eastern	54 lb per Box
Apples, N.W.	44 lb per Box
Apples, Dried	24 lb per Bushel

Apples	48 lb per Bushel
Apricots	24 lb per Lug
Artichokes, Globe	40 lb per Box
Artichokes, Jerusalem	50 lb per Bushel
Asparagus	24 lb per Bushel
Asparagus	30 lb per Crate
Avocados	12 lb to 15 lb per Lug
Barley	47 lb per Bushel
Beans, Lima (Unshelled)	30 lb per Bushel
Beans, Pole	28 lb per Bushel
Beans, Snap	30 lb per Bushel
Beans, Velvet	60 lb per Bushel
Beans, White	60 lb per Bushel
Beets, (without tops)	52 lb per Bushel
Beets, (Mangel Stock)	30 lb per Bushel
Beets, (Nailed Crate) (Bunched)	40 lb per Crate
Bermuda Grass Seed	40 lb per Bushel
Bermuda Grass Seed (Hulled)	60 lb per Bushel
Blackberries, 24-Quart Crate	36 lb per Crate
Blue Grass Seed	14 lb per Bushel
Broom Corn, (6 Bales per Ton)	333 lb per Bale
Broom Corn Seed, Clean	48 lb per Bushel
Broom Corn Seed, Rough	44 lb to 50 lb per Bushel
Buckwheat	52 lb per Bushel
Cabbage (Open Mesh Bags)	50 lb per Bag
Cabbage (Wirebound Crate)	50 lb per Crate
Cabbage (Western)	80 lb per Crate
Cantaloupes	60 lb per Crate
Carrots	50 lb per Bushel
Carrots (Bunched Western)	75 lb per Crate
Celery	60 lb per Crate
Clover Seed	60 lb per Bushel
Castor Beans	46 lb per Bushel
Cauliflower (1½ Bu Crate)	37 lb per Crate
Cherries, Unstemmed	56 lb per Bushel
Cherries, Stemmed	64 lb per Bushel
Cherries, Western	15 lb per Lug (Box)

Clover Seed	60 lb per Bushel
Coal Stone	80 lb per Bushel
Corn, Shelled	56 lb per Bushel
Corn in Ear	70 lb per Bushel
Corn Oil	7.7 lb per Gallon
Corn Syrup	11.72 lb. per Gallon
Corn Meal, Bolted or Unbolted	48 lb per Bushel
Cotton	500 lb Gross Bale
Cotton	480 lb Net Bale
Cotton Seed	30 lb per Bushel
Cotton Seed Oil	7.7 lb per Gallon
Cowpeas	60 lb per Bushel
Cranberries	100 lb per Bushel
Cranberries (Box)	25 lb per Box
Crotalaria	40 lb per Box
Cucumbers	48 lb per Bushel
Dallis Grass	10 lb per Bushel
Dewberries (24 qts)	36 lb per Crate
Dried Apples	24 lb per Bushel
Dried Peaches (Unpeeled)	33 lb per Bushel
Dried Peaches (Peeled)	38 lb per Bushel
Eggplant	33 lb per Bushel
Escarole	25 lb per Bushel
English Peas (In Hull)	30 lb per Bushel
Fescue, Ky. 31	24 lb per Bushel
Figs (Box Single Layer)	6 lb per Box
Flaxseed	56 lb per Bushel
Granite, Lexington	166 lb per Cubic Foot
Granite, Lithonia	167 lb per Cubic Foot
Granite, Stone Mountain	167 lb per Cubic Foot
Grapefruit, Florida & Texas ½ Box or Mesh Bag	40 lb per Bag
Grapefruit, California	65 lb per Box
Grapes	48 lb per Bushel
Grapes, Western	28 lb per Lug
Grapes, Eastern (12 qt.)	18 lb per Basket
Grapes, Eastern (4 qt.)	6 lb per Basket

Hemp Seed	44 lb per Bushel
Hickory Nuts	50 lb per Bushel
Honey	11.78 lb per Gallon
Hop	200 lb per Bale
Horseradish Roots	35 lb per Bushel
Kafir	56 lb per Bushel
Kale	18 lb per Bushel
Kapok Seed, Rough	35 lb to 40 lb per Bushel
Lemons, California	79 lb per Box
Lentils	60 lb per Bushel
Lettuce, Western	70 lb per Crate
Limes, Florida	80 lb per Crate
Lespedeza, Korean	40 lb per Bushel
Lespedeza, Sericea (Hulled)	60 lb per Bushel
Lespedeza, Kobe	25 lb per Bushel
Linseed Oil	7½ lb per Gallon
Malt	34 lb per Bushel
Maple Syrup	11.03 lb per Gallon
Meadow Fescue Seed	24 lb per Bushel
Marble Averages	170 lb per Cubic Foot

Milk Weight: Weight of various types and blends of milk shall be established per standard volume designation, based on 231 cubic inches per gallon or standard fraction thereof at 40° Fahrenheit (4° Celsius).

Millet	48 lb to 50 lb per Bushel
Molasses	11.72 lb per Gallon
Muscadines, Scuppernons	50 lb per Bushel
Mustard Greens	18 lb per Bushel
Mustard Seed, Clean	60 lb per Bushel
Mustard Seed, Rough	58 lb per Bushel
Oats (Common) 3½ bu in 100 lb	32 lb per Bushel
Oats, Hulless	45 lb per Bushel
Okra	30 lb per Bushel
Onions	57 lb per Bushel
Onions, Dry	50 lb per Bag
Onions, Green (Crate)	50 lb per Toss
Oranges	80 lb per Crate
Oranges	40 lb per bag

*Oysters, in Shell	U.S. Standard Bushel (2150.4 cubic inches)
Peaches-Approx.	50 lb per Bushel
Peaches, Dried, Peeled	38 lb per Bushel
Peaches, Dried, Unpeeled	33 lb per Bushel
Peanuts, Runners, SE	28 lb per Bushel
Peanuts, Unshelled, Virginia Type	22 lb per Bushel
Peanuts, Spanish	30 lb per Bushel
Pears, Western	46 lb per Box
Pears, Western	22 lb per Crate
Peas, Field	25 lb per Bushel
Peas, Field, Seed	60 lb per Bushel
Peas, Ground	25 lb per Bushel
Peppers, Ground	25 lb per Bushel
Peppers	50 lb per Crate
Perilla Seed	28 lb per Bushel
Pineapples	70 lb per Crate
Plastering Hair	8 lb per Bushel
Plums	70 lb per Crate
Plums, N.W. Suitcase	16 lb per Box
Popcorn, on Ear	70 lb per Bushel
Popcorn, Shelled	56 lb per Bushel
Poppy Seed	46 lb per Bushel
Irish Potatoes	60 lb per Bushel
Sweet Potatoes (Green)	55 lb per Bushel
Sweet Potatoes (Dry)	50 lb per Bushel
Prunes, Fresh	56 lb per Bushel
Prunes, Western	20 lb per Box
Prunes, N.W. Suitcase	16 lb per Box
Quince	48 lb per Bushel
Rape Seed	60 lb to 50 lb per Bushel
Raspberries, 24 qt	36 lb per Crate
Red Top Seed	50 lb to 60 lb per Bushel
Rice, Rough	43 lb per Bushel
Rice, Rough	162 lb per Barrel
Rice, Rough	100 lb per Bag
Rice, Seed	45 lb per Bushel

Rice, Milled	100 lb per Pocket or Bag
Rosin	580 lb per Barrel
Rutabagas	56 lb per Bushel
Rye	56 lb per Bushel
Rye Grass	24 lb per Bushel
Sesame Seed	46 lb per Bushel
Sorgo Seed	50 lb per Bushel
Sorghum Syrup Seed	50 lb per Bushel
Sorghum Syrup	11.4 lb per Gallon
Soybeans	60 lb per Bushel
Spelt	40 lb per Bushel
Spinach	20 lb per Bushel
Strawberries, 24 qt Crate	36 lb per Bushel
Sudan Grass Seed	40 lb per Bushel
Sunflower Seed	24 lb to 32 lb per Bushel
Squash	40 lb per Bushel
Timothy Seed	45 lb per Bushel
Turnips (without tops)	54 lb per Bushel
Turnips (bunched)	60 lb to 80 lb per Crate
Turnips	55 lb per Bushel
Turnip Greens (Dry)	16 lb per Bushel
Turnip Greens (Wet)	18 lb per Bushel
Tan Bark	2250 lb per Cord
Tomatoes	53 lb per Bushel
Tomatoes (Ga.)	60 lb per Crate
Tomatoes (Lug)	32 lb per Lug
Turpentine	7.23 lb per Gallon
Unslaked Lime	80 lb per Bushel
Vetch	60 lb per Bushel
Walnuts	50 lb per Bushel
Water (60 Degrees F.)	8.33 lb per Gallon
Wheat	60 lb per Bushel
Wheat, Winter (Ga.)	60 lb per Bushel
Wheat, Egyptian, Shallau (Ga.)	50 lb per Bushel
Wheat Bran	20 lb per Bushel

*The establishment of this standard shall not preclude the sale of this commodity by the pound or by the hundredweight in the shell, nor purport to regulate method of sale subsequent to in-plant processing.

(2) Any grains may be sold, exchanged, bartered or traded in hundred weight unit when such unit facilitates sale or transfer.

(3) Other commodities, whenever the Commissioner of Agriculture determines in the case of existing practices that the declaration of the quantity by weight, or unit of measure, numerical count, or combination thereof does not facilitate value comparisons by the consumer or offers an opportunity for consumer confusion, he may issue, advertise and establish such table or tables of values to become official and legal weights and measures of commodities as is deemed necessary. These tables of values shall then become a part of these regulations.

Cite as Ga. Comp. R. & Regs. R. 40-15-2-.02
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Certified Scale Mechanics" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Legal Weights Declared" adopted. Filed November 30, 1973; effective December 20, 1973.
Amended: Filed June 21, 1976; effective July 11, 1976.
Amended: Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-2-.03. Weighing and Measuring Devices.

Persons selling or servicing weighing and measuring devices shall conform to these minimum requirements of regulation:

(a) The specifications, tolerances, and regulations for commercial weighing and measuring devices, together with the amendments thereto, as recommended by the National Conference on Weights and Measures and published in the National Bureau of Standards HANDBOOK 44, as supplemented, shall be the specifications, tolerances and regulations for commercial weighing and measuring devices in the State of Georgia; provided, however, that no provision of the referenced handbook shall take precedence over the laws of the State of Georgia, or any regulation promulgated thereunder.

(b) No new weighing or measuring device, nor any accessory for such device, shall be manufactured for sale, offered for sale, held for sale, or sold for commercial service in the State of Georgia without the prototype of such device or accessory having first been examined and approved by the National Bureau of Standards-National Type Approval Program as in compliance with NBS HANDBOOK 44 and current supplements thereto as adopted, except in the case of in-motion railroad track scales, in which case, must comply with American Railway Engineering Association Standards.

(c) All sales or transfers or relocations of new, used, repaired, reconditioned, or relocated scales used to weigh commercial commodities shall be reported within three (3) working days of the date of sale and installation or relocation, which ever comes later, to the Weights and Measures Division, Georgia Department of Agriculture, Capitol Square, Atlanta, Georgia 30334-2001.

1. If the new or used scale is installed by the buyer, or if the scale is relocated by the owner, the scale shall not be put into service prior to inspection by an inspector of the Weights and Measures Division. The division office should be notified within the required time, on forms provided by the seller of the new scale, or provided, on request, by the division office.

2. If the scale is new, and is installed by the seller, his agents, salesmen, scale servicemen, or other representative, that person making the installation shall notify the division office of the installation and putting into service within the required time.

Cite as Ga. Comp. R. & Regs. R. 40-15-2-.03
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Stop-Use, Stop-Removal, and Removal Orders" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Weighing and Measuring Devices" adopted. Filed November 30, 1973; effective December 20, 1973.
Amended: Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-2-.04. Accessibility to Use of Scales for Package Check-weighing.

When a vendor offers for sale the major portion of his meats and meat products and fresh produce as pre-packaged items as the basis from which the customer's selection for purchases is made:

(a) The vendor shall provide a readily accessible and operable scale on which the customer may check-weigh his purchase selection, or

(b) Upon the request of the customer, the vendor shall weigh the purchase item in the presence of the buyer,

(c) The vendor shall post a legible conversion chart over, or near, the scale to enable the customer to compare weight values if the fractional part of the pound values are in different systems.

Cite as Ga. Comp. R. & Regs. R. 40-15-2-.04
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Accessibility to Use of Scales for Package Check-weighing" was filed on November 30, 1973; effective December 20, 1973.

Amended: Authority Changed. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-2-.05. Registration of Servicemen and Service Agencies for Commercial Weight and Measuring Devices.

(1) Policy. Registration of either an individual or an agency that shall install, repair, recondition, or test commercial weighing and measuring devices shall be required; and in requiring that registration, the Commissioner of Agriculture does establish, publish and declare that the standards established in Paragraph 40-15-2-.05(5) of this regulation to be the requirements for all registered individuals and agencies engaged in the business of installing, repairing, reconditioning of weighing and measuring devices in the State of Georgia.

(2) Definitions.

(a) Registered Serviceman. The term "Registered Serviceman" shall be construed to mean any individual who for hire, award, commission, or any other payment of any kind, installs, services, repairs, or reconditions a commercial weighing or measuring device, and who meets the requirements of Paragraph 40-15-2-.05(5) of this regulation.

(b) Registered Service Agency. The term "Registered Service Agency" shall be construed to mean any agency, firm, company, or corporation which, for hire, award, commission, or any other payment of any kind, installs, services, repairs or reconditions a commercial weighing or measuring device, and which meets the requirements of Paragraph 40-15-2-.05(5) of these regulations. Under the agency registration, identification of individual servicemen shall not be required, except as hereinafter provided.

(c) Commercial Weighing and Measuring Device. The term "Commercial Weighing and Measuring Device" shall be construed to include any weight or measure or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure, and shall also include any accessory attached to or used in connection with a commercial weighing or measuring device where such accessory is so designed or installed that its operation affects, or may affect, the accuracy of the device.

(3) Reciprocity. The Commissioner may enter into an informal reciprocal agreement with any other state or states that has (or have) similar registration policies. Under such agreement, the registered servicemen and the registered service agencies of the state, party to reciprocal agreement, are granted full reciprocal authority, including reciprocal

recognition of certification of standards and testing equipment, in all states party to such agreement.

(4) Registration Renewal. Effective with the next weights and measures field standards inspection and recalibration due, registration renewals for the serviceman and/or service agency shall be completed at the time weights and measures field standards are submitted to the Georgia Weights and Measures Laboratory for inspection and recalibration. Registration for service persons entering the occupation for the first time shall coincide with the serviceman meeting initially all other requirements of this Regulation.

(5) General Requirements for Registered Servicemen and/or Service Agencies. The Commissioner of Agriculture establishes these requirements to be met initially by the applicant for "Servicemen's Registration." It shall be the prerogative of the Commissioner to change these requirements, after due notice and hearing, to maintain good order in the fulfilling of the duties of his office.

(a) Character and work reference requirements established by the Commissioner of Agriculture shall be met initially by the applicant for his probationary certification of six months.

(b) Evidence of proper equipment, including all weights and/or measurement standards having been inspected and tolerance tested biennially, is a requirement to be met by the applicant for registration.

(c) Compliance with weights and/or measurement standards for the type of certification requested or applied for is mandatory.

(d) An interview of the applicant for registration as a part of the probationary application procedure may be arranged with the Commissioner as a part of, or in lieu of formal examinations for certification.

(e) Each registered serviceman or registered service agency engaged in the repair, service, installation, or reconditioning of or testing of weighing or measuring devices must furnish a surety bond in the amount of One Thousand Dollars ($1,000), except that all repairmen, operating from the headquarters in which the service agency is located, employed by a service agency may be covered by a single bond.

(f) In subsequent years of certification, the serviceman or service agency must submit all weights and measures to a weights and measures laboratory biennially for inspection and testing. Failure to comply with this requirement will be considered just cause for revocation of the serviceman's or service agency's registration status, after a public hearing.

(g) When a serviceman's or service agency's weights and measures are carried to an out-of-state weights and measures laboratory for inspection, the serviceman or service agency shall be responsible for providing the Director of the Weights and

Measures Laboratory a copy of the current certification of all weights and measures used in the repair, service, or testing of weighing and measuring devices within the State of Georgia.

(h) In the event an out-of-state scale serviceman is installing a commercial weighing or measuring device and does not have either (1) a Certificate of Registration, or (2) currently state-calibrated test weights in sufficient amount to perform final adjustments of the device to meet NBS HANDBOOK 44 requirements, he or the company he represents, must engage or employ an in-state registered scale serviceman to perform final adjustments and tests for device conformity with NBS HANDBOOK 44.

(i) Any serviceman or service agency residing or situated at a distance greater than fifty (50) miles from the parent service agency, and servicing the area in which he is situated, shall be considered to be separate, apart, and independent from his home agency, and must meet all the requirements required of individual or agency registrants, including the inspection of weights and measures and individual or agency registration.

(j) All registered servicemen or service agencies, or companies holding their bond, must, upon the request of the Commissioner, show proof, or provide evidence that he, or his service agency, has sufficient tools and other equipment necessary to render satisfactory service.

(k) Each service agency shall provide twice yearly (January 1 and July 1) a listing of servicemen covered under the agency's registration.

(l) Each registered serviceman must show his registration-identification card, upon request, before installing, adjusting, repairing, or rebuilding any weighing or measuring device.

(m) The installing salesman, serviceman, or scale mechanic, must report, on forms provided by the Commissioner, every commercial weighing or measuring device installed, or adjusted and repaired, and returned to service after rejection or condemnation, within twenty-four hours after such installation, repair, adjustment or rebuilding.

(n) In the installation of new commercial weighing and measuring devices within the jurisdiction of the Georgia Department of Agriculture and the Commissioner, the vendor or the jobber and the installer (who is bonded) shall be held, equally and together, responsible for the performance of the newly-installed weighing device prior to the approval by inspectors of the Weights and Measures Division.

(o) To perform the duties required of a "Registered Serviceman" he may break a seal and/or remove a REJECTION/CONDEMNATION tag placed on a weighing or measuring device by an inspector of the Division of Weights and Measures, only

to repair the defective device. When the repairing and/or rebuilding is completed, the serviceman must mail the REJECTION/CONDEMNATION tag, together with his report of putting into service, within the prescribed time, to the Commissioner. Out-of-state servicemen shall not remove a REJECTION/CONDEMNATION tag unless he or his agency is registered with Georgia Commissioner of Agriculture.

(p) Classes of individual Scale Servicemen and Scale Service Agency Registration. A scale serviceman or service agency shall register for and service only those commercial scales and other commercial weighing and measuring devices within the class(es) he is registered to install, service, repair, or recondition. His classification shall be based on:

1. evidence of competence;

2. working knowledge of weighing and measuring devices;

3. knowledge of applicable Georgia Weights and Measures Laws, Rules, and Regulations, and NBS HANDBOOK 44, and

4. proper and sufficient on-site test weights and other equipment to provide and perform required tests to determine that the device is being properly installed, adjusted, serviced or repaired, and is weighing correctly at the completion of servicing or repair, based on the following classification criteria:

   (i) Class 1. An individual or agency registered to install, repair, service, test counter and price-computing scales shall have for each registered serviceman a minimum of (1) thirty-pound weight kit, or the equivalent in assorted and sufficient denominations of weights to test to the capacity of the scale.

   (ii) Class II. An individual or agency registered to install, repair, service, test small scales, portable and monorails, of capacities of up to 1,500 pounds, must have a minimum of 500 pounds of inspected test weights for beam scales, or 1,000 pounds for dial scales.

   (iii) Class III. Individuals and agencies registered to install, repair, service, test livestock and medium-range scales, up to a capacity of 10,000 pounds, must have a minimum of 5,000 pounds of inspected test weights for scale repair, servicing, or testing purposes.

   (iv) Class IV. Individuals and agencies registered to install, repair, service or recondition heavy-capacity scales, beyond the capacity of 10,000 pounds, must have a minimum of 12,000 pounds of inspected test weights, or one-tenth (1/10) the load capacity of the scales, or sufficient gross weight to test the scale through the first

drop-weight range (if the device is equipped with a dial), whichever is the greater amount.

(v) Class V. Shall be limited to those servicemen and service agencies who have 30,000 pounds or more of approved test weights, transported as a single test unit for installing, repairing, servicing, or reconditioning heavy capacity commercial and industrial scales above fifty tons.

(vi) Class VI. Individuals and agencies registered to install, repair, service, or recondition railroad track scales shall have for each test crew, available on site, suitable test equipment of not less than 30,000 pounds, or an amount recommended (proposed) in the National Bureau of Standards HANDBOOK 44, as supplemented, whichever is the greater amount. ADDITIONALLY, the test equipment must have with it, or on the person of the individual assigned to use the test equipment, the most recent sealing certificate showing that the test equipment has been sealed on a master scale within the last twelve calendar months.

(vii) Class VII. Individuals and agencies registered to install, repair, service, or recondition other types of weighing devices not covered by the above six classes shall provide suitable test equipment, or follow acceptable procedures for testing as outlined in NBS HANDBOOK 44, as supplemented.

(6) Each serviceman or service agency shall have a current copy of National Bureau of Standards HANDBOOK 44.

(7) Revocation of Registration. The Commissioner of Agriculture may for good cause, after careful investigation and hearing, suspend or revoke a scale serviceman's (or service agency) Certificate of Registration and/or forfeit his bond for any of the following infractions or violations:

(a) falsifying applications for registration;

(b) failure to comply with NBS HANDBOOK 44 Scale Code, Georgia Weights and Measures Law, or Georgia Weights and Measures Regulations; or,

(c) falsifying Report of Test subsequent to installation, servicing or repair.

Cite as Ga. Comp. R. & Regs. R. 40-15-2-.05
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Registration of Servicemen and Service Agencies for Commercial Weight and Measuring Devices" was filed on November 30, 1973; effective December 20, 1973.

Amended: Filed February 22, 1979; effective March 14, 1979.
Amended: Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-2-.06. Liquefied Petroleum Gas Liquid Measuring Devices.

(1) Application. These regulations, including NBS HANDBOOK 44, entitled "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices" and more particularly LPG Liquid Measuring Devices Code, shall apply to devices used for the measurement of liquid petroleum gas in the liquid state, whether such devices are installed in a permanent location or mounted on a vehicle. Insofar as they are clearly appropriate, the requirements and provisions of the Regulations including the NBS Code on Cryogenic Liquid Measuring Devices shall apply to the measurement of other liquids that do not remain in a liquid state at atmospheric pressures and temperatures. Other requirements follow which also apply in commercial operations of this equipment.

(2) Automatic Temperature Compensated Equipment Operations. All wholesale commercial LP gas metering equipment in use in the State of Georgia shall be temperature compensated to 60° Fahrenheit (15° Celsius).

(a) On a device equipped with an automatic temperature compensating mechanism that will indicate or record only in terms of gallons compensated to 60° F, provision shall be made to facilitate the deactivation of the automatic-temperature compensating mechanism for testing purposes so that the meter may indicate, and record, if it is equipped to record, in terms of uncompensated volume.

(b) Provision shall be made for applying security seals in such a manner that an automatic temperature-compensating system cannot be disconnected and that no adjustment may be made externally to the system.

(c) Automatic temperature-compensated equipment shall not be deactivated, nor rendered inoperable except for test purposes.

(d) All written invoices shall be based on temperature-compensated measurements.

(e) The sale and/or delivery of liquefied petroleum gas in tanks with capacities of up to and including 100 pound units, when accompanied with a sales ticket giving the net weight of the LP gas in the tank shall be considered as complying with Rule 40-1 5-3-.07 as to labeling of the container.

(3) Repair of In-plant Scales. The owner of an LP gas business, or a full-time employee of that business, shall be permitted to install and/or adjust the portable beam scale or the counter-beam scale which is used to establish the fill weight of any LP gas tank having a capacity of up to 100 pounds net weight. Such individual shall not be required to register under provisions of Rule 40-15-2-.05, Registration of Servicemen and Service Agencies for Commercial Weighing and Measuring Devices. Such devices installed or adjusted under the conditions must fully comply with all performance requirements of NBS

HANDBOOK 44, as supplemented, and all Georgia Department of Agriculture Rules and Regulations as are applicable.

(4) Special Piping Requirements. When a commercial LP gas metering device is mounted on a vehicle, all new or replacement piping shall have as a part of its LP gas circulating system a separate and workable by-pass designed to return to the unit's supply tank any and all LP gas circulated within the system's pipes when its pump is operating and the system's outlet valve is closed. This bypass shall be in addition to the pump's safety by-pass. The system by-pass must be located on the up-steam side of the metering device.

(5) Definitions. The terms defined herein have a special and technical meaning when used in the Rules and Regulations for Liquid Petroleum Gas Liquid Measuring Devices:

(a) "Liquefied Petroleum Gas" means a product composed predominantly of any of the following hydrocarbons, or mixtures thereof: propane, propylene, butanes (normal butane or isobutane), and butylenes.

(b) "Liquefied Petroleum Gas Liquid-Measuring Device" means a mechanical-measuring system of the meter-type designed to measure and deliver liquefied petroleum gas in the liquid state by a definite volume, whether installed in a permanent location or mounted on a vehicle.

(c) "Motor Fuel Device" means a stationary metering device primarily used for retail deliveries of liquefied petroleum gas as a motor fuel to the fuel tanks of individual highway vehicle.

(d) "Retail Device" means a metering device used for single deliveries of liquefied petroleum gas for domestic or non-resale.

(e) "Wholesale Device" means LP gas metering devices other than those used for retail sales.

Cite as Ga. Comp. R. & Regs. R. 40-15-2-.06
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Liquefied Petroleum Gas Liquid Measuring Devices" was filed on November 30, 1973; effective December 20, 1973.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-2-.07. Liquid Measuring Devices.

Liquid measuring devices used commercially in the State of Georgia shall conform to the requirements of the current Code for these devices found in the National Bureau of Standards HANDBOOK 44, entitled "Specifications, Tolerances, and Other Requirements for Commercial Weighing and Measuring Devices," and supplements thereto.

Cite as Ga. Comp. R. & Regs. R. 40-15-2-.07
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Liquid Measuring Devices" was filed on May 13, 1975; effective June 2, 1975.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-2-.08. Vehicle Tank Measures.

Vehicle tank measures used commercially in the State of Georgia shall conform to the requirements of the current Code for these devices found in the National Bureau of Standards HANDBOOK 44, entitled "Specifications, Tolerances, and Other Requirements for Weighing and Measuring Devices," and supplements thereto.

Cite as Ga. Comp. R. & Regs. R. 40-15-2-.08
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Vehicle Tank Measures" was filed on May 13, 1975; effective June 2, 1975.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-2-.09. Vehicle Tank Meters.

Vehicle tank meters used commercially in the State of Georgia shall conform to the requirements of the current Code for these devices in the National Institute of Standards and Technology HANDBOOK 44, entitled "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," and supplements thereto; however, provision UR 2.2 Ticket Printer; Customer Ticket, of Section 3.31 Vehicle-Tank Meters, User Requirements, shall not be adopted or required.

Cite as Ga. Comp. R. & Regs. R. 40-15-2-.09
Authority: O.C.G.A. Sec. 10-2-4, *et seq.* 10-2-5.
History. Original Rule entitled "Vehicle Tank Meters" was filed on May 13, 1975; effective June 2, 1975.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 1, 1984; effective March 21, 1984.
Amended: F. Sept. 4, 1998; eff. Sept. 24, 1998.

Rule 40-15-2-.10. Weights and Measures Laboratory Calibration Fees.

Authority and Application. This schedule of fees for calibrations and certifications of standards (a device, item or equipment used to determine mass, volume or length) is pursuant to O.C.G.A. 10-2-5(15) and shall be assessed for metrology services performed by the Weights and Measures Laboratory of the Georgia Department of Agriculture. The fees are based at $55.00 per hour for tolerance calibrations and $65.00 per hour for precision calibrations.

(2) Schedule of Fees:

(a) Mass (Echelon I and II) Precision Calibrations:

1. NBS 547 Classes M, S, S-1 and ASTM E617 Classes 1, 2, 3. All mass standards of the above classes ..... $30.00 each

2. NBS 547 Class P and ASTM E617 Class 4. All mass standards of the above classes ..... $20.00 each

   The above calibrations are required for the manufacturer classified weights. Standards are not adjusted or classified by the laboratory. The above calibrations include a Certificate of Traceability, "As Found" values/corrections and the associated uncertainty.

(b) Mass (Echelon III) Tolerance Calibrations:

1. NIST 105-1 Class F, ASTM E617 Classes 5, 6, 7 or NBS Classes C, Q, T: 2 kg (5 lb.) and less ..... $5.50 each greater than 2 kg (5 lb.) up to 20 kg (50 lb.)..... $7.50 each

   20 kg (50 lb.) .....$12.50 each greater than 20 kg (50 lb.) up to and including 500 kg (1000 lb.).....$16.50 each greater than 500 kg (1000 lb.) but not exceeding 1000 kg (2000 lb.)..... By Quote

   The above calibrations include a Certificate of Traceability. Standards are adjusted (when possible) if out of tolerance and classified. The "As Found/As Left" values/corrections, and the associated uncertainty will be reported upon request.

(c) Volume (based on $55.00 per hour)

LP Gas Provers .....$135.00 each

All other volume tests ..... By Quote

Note: LP Gas provers must be presented cleaned and purged. All valves, reflex gauges, lines, hoses and fittings must be in safe condition and properly installed.

(d) Rigid/Flex Rules

6 inches (150 mm) ..... $55.00 each

12 inches (300 mm) ..... $65.00 each

18 inches (450 mm) ..... $85.00 each

24 inches (600 mm) .....$105.00 each

36 inches (900 mm) .....$125.00 each

48 inches (1000 mm) .....$145.00 each

60 inches (1500 mm) .....$165.00 each

72 inches (1800 mm) .....$185.00 each

(e) Tapes

0 - 10 feet (3 meters) ..... $55.00 each

11 - 50 feet (15 meters) ..... $75.00 each

51 - 100 feet (30 meters) .....$100.00 each

Over 100 feet ..... By Quote

(f) Cleaning stainless steel, steel, aluminum, brass, chrome, and cast iron. Painting cast iron weights and removing decals ..... Based on $55.00 standards per hour.

(g) Serializing weights ..... $1.00 per digit or letter

(h) Minimum charge (Any calibration, service or test) $55.00

(i) Special tests ..... based on $55.00 per hour

(j) Adjustments to price quote. Any price quoted is subject to change due to unforeseen lab preparations, device adjustments, special handling and/or abnormal costs for lab service or materials.

(k) Quality Manual (uncontrolled copy) ..... $15.00 per copy

(3) General Considerations.

(a) All calibrations, service and special certifications (i.e.: ISO 9000, MIL-STDS) requests must be approved by appointment prior to presenting standards to the Weights and Measures Laboratory.

(b) Customers are responsible for any related shipping arrangements and costs.

(c) Payment must be received prior to release of standards.

(d) The Weights and Measures Lab may decline or refuse to service standards submitted in a hazardous, disrepair or unstable condition.

(e) Out-of-State Customer Charges. Individuals, industries or business located outside of Georgia shall be charged double the calibration/ service rates; **Provided** that the customer has, located within their own state, a governmental metrology lab available to conduct comparable calibrations.

Cite as Ga. Comp. R. & Regs. R. 40-15-2-.10
Authority: O.C.G.A. Sec. 10-2-5(15).
History. Original Rule entitled "Weights and Measures Laboratory Calibration Fees" adopted. F. June 6, 2000; eff. June 26, 2000.

Subject 40-15-3. PACKAGING AND LABELING, ADVERTISING AND REPRESENTATIONS IN GENERAL.

Rule 40-15-3-.01. Application.

This regulation shall apply to packages and to commodities in package form, but shall not apply to:

(a) inner wrappings not intended to be individually sold to the customer;

(b) shipping containers or wrapping used solely for the transportation of any commodities in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors, but in no event shall this exclusion apply to packages of consumer or non-consumer commodities, as defined herein;

(c) auxiliary containers or outer wrappings used to deliver packages of such commodities to retail customers if such containers or wrappings bear no printed matter pertaining to any particular commodity;

(d) containers used for retail tray pack displays when the container itself is not intended to be sold (e.g., the tray that is used to display individual envelopes of seasonings, gravies, etc., and the tray itself is not intended to be sold); or

(e) open carriers and transparent wrappers or carriers for containers when the wrappers or carriers do not bear any written, printed or graphic matter obscuring the label information required by this regulation.

Cite as Ga. Comp. R. & Regs. R. 40-15-3-.01
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Labeling, Advertising and Representations in General" was filed and effective on June 30, 1965.

Amended: Rule repealed and a new Rule entitled "Application" adopted. Filed November 30, 1973; effective December 20, 1973.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-3-.02. Definitions.

(1) Commodity in Package Form. The term "commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be a commodity in package form. Where the term "package" is used in this regulation, it shall mean "commodity in package form" as herein defined.

(2) Consumer Package: Package of Consumer Commodity. A "consumer package" or "package of consumer commodity" means a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals or used by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.

(3) Non-consumer Package: Package of Non-consumer Commodity. A "non-consumer package" or "package of non-consumer commodity" means any commodity in package form other than a consumer package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution.

(4) Random Package. The term "random package" means a package that is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight.

(5) Label. The term "label" means any written, printed, or graphic matter affixed to, applied to, attached to, blown into, molded into, embossed on, or appearing upon or adjacent to a consumer commodity or a package containing any consumer commodity, for the purposes of branding, identifying, or giving any information with respect to the contents of the package, except that an inspector's tag or other nonpromotional matter affixed to or appearing upon a consumer commodity shall not be deemed to be a label requiring the repetition of label information required by this regulation.

(6) Person. The term "person" means both singular and plural, and shall include any individual, partnership, company, corporation, association and society.

(7) Principal Display Panel or Panels. The term "principal display panel or panels" means that part, or those parts, of a label that is, or are, so designed as to most likely be displayed, presented, shown or examined under normal customary conditions of display and purchase. Whenever a principal display appears more than once on a package, all

requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."

(8) Multi-Unit Package. The term "multi-unit package" means a package containing two or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multi-unit package but capable of being individually sold in full compliance with all of the requirements of this regulation.

Cite as Ga. Comp. R. & Regs. R. 40-15-3-.02
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Quality Statements of Packing Labels" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Advertisement" adopted. Filed November 30, 1973; effective December 20, 1973.
Amended: Rule repealed and a new Rule entitled "Definitions" adopted. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-3-.03. Declaration of Identity: Consumer Package.

(1) Declaration of Identity. Consumer Package. A declaration of identity on a consumer package shall appear on the principal display panel, and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

(2) Parallel Identity Declaration: Consumer Package. A declaration of the identity on a consumer package shall appear generally parallel to the base on which the package rests as it is designed to be displayed.

Cite as Ga. Comp. R. & Regs. R. 40-15-3-.03
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Packages" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Definitions" adopted. Filed November 30, 1973; effective December 20, 1973.
Amended: Rule repealed and a new Rule entitled "Declaration of Identity: Consumer Package" adopted. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-3-.04. Declaration of Identity: Non-consumer Package.

A declaration of identity on a non-consumer package shall appear on the outside of a package and shall positively identify the commodity in the package by its common or usual name, description, generic term or the like.

Cite as Ga. Comp. R. & Regs. R. 40-15-3-.04
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Repacked Products" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Identity" adopted. Filed November 30, 1973; effective December 20, 1973.

Amended: Rule repealed and a new Rule entitled "Declaration of Identity: Non-consumer Package" adopted. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-3-.05. Declaration of Responsibility: Consumer and Non-consumer Packages.

(1) Any package kept, offered, or exposed for sale, or sold, at any place other than on the premises where packed shall specify conspicuously on the label of the package the name and address of the manufacturer, packer, or distributor. The name shall be the actual corporate name, or when not incorporated, the name under which the business is conducted. The address shall include street address, city, state and ZIP Code; however, the street address may be omitted if this is shown in a current city directory or telephone directory.

(2) If a person manufactures, packs, or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading. Where the commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity, such as "Manufactured for and packed by _____," "Distributed by_____," or any other wording of similar import that expresses the facts.

Cite as Ga. Comp. R. & Regs. R. 40-15-3-.05
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Declaration of Responsibility: Consumer and Non-consumer Packages" was filed on November 30, 1973; effective December 20, 1973.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-3-.06. Declaration of Quantity: Consumer Packages.

(1) General. The metric and inch pound systems of weights and measures are recognized as proper systems to be used in the declaration of quantity. Units of both systems may be presented in a dual declaration of quantity. Except where additional exemption is otherwise provided herein, all metric labeling requirements affected by this shall apply to labels after the effective date of this regulation.

(2) Largest Whole Unit. Where this regulation requires that the quantity declaration be in terms of the largest whole unit, the declaration shall, with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed.

(a) Inch-Pound Units:

1. in common or decimal fractions of such largest whole unit or in:

2. the next smaller whole unit, or units with any further remainder of terms of common or decimal fractions of the smallest unit present in the quantity declaration.

(b) Metric Units:

1. in decimal fractions of such largest whole unit.

(3) Net Quantity. A declaration of net quantity of the commodity in the package, exclusive of wrappers and any other material packed with such commodity (except as noted in Section 40-15-3-.10(3)), shall appear on the principal display panel of a consumer package, and unless specified in this regulation (see 40-15-3-.06(3) through 40-15-3-.06(17)(c)), shall be in terms of the largest whole unit.

(a) Use of "Net Weight." The term "net weight" shall be used in conjunction with the declaration of quantity in units of weight. The term may either precede or follow the declaration of weight.

(b) Line of Print or Type. A declaration of quantity may appear on one or more lines of print or type.

(4) Terms: Weight, Liquid Measure, Dry Measure, or Count. The declaration of quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or dry measure if the commodity is dry, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

(a) Combination Declaration:

1. Declaration of quantity in terms of weight shall be combined with appropriate declarations of the measure, count and size of the individual units unless a declaration of weight alone is fully informative.

2. A declaration of quantity in terms of measure shall be combined with appropriate declarations of the weight, count, and size of the individual units unless a declaration of measure alone is fully informative.

3. A declaration of quantity in terms of count shall be combined with appropriate declaration of weight, measure, and size of the individual units unless a declaration of count alone is fully informative.

(5) Inch-Pound System: Weight, Measure. A declaration of quantity:

(a) in units of weight shall be in terms of the avoirdupois pound or ounce;

(b) in units of liquid measure, shall be in terms of the United States gallon of 231 cubic inches of liquid-quart, liquid pint, or fluid ounce subdivisions of the gallon, and shall express the volume at 68° F (20° Celsius), except in the case of petroleum products, for which the declaration shall express the volume at 60° F (15° Celsius), and except also in the case of commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40° F (4° Celsius);

(c) in units of linear measure, shall be in terms of the yard, foot, or inch;

(d) in units of area measure, shall be in terms of the square yard, square foot, or square inch;

(e) in units of volume measure, shall be in terms of the cubic yard, cubic foot, cubic inch; and,

(f) in units of dry measure, shall be in terms of the United States bushel of 2150.42 cubic inches, or peck, dry-quart and dry-pint subdivisions of the bushel.

(6) Symbols and Abbreviations. Any of the following symbols and abbreviations, and none other, shall be employed in the quantity statement on a package of commodity:

avoirdupois	avdp		ounce	oz
cubic	cu		pint	pt
feet or foot	ft		pound	lb
fluid	fl		quart	qt
gallon	gal		square	sq
inch	in		weight	wt
liquid	liq		yard	yd

(There normally are no periods following, nor plural forms of symbols. For example, "oz" is the symbol for both "ounce" and "ounces." Both upper and lower case letters are acceptable.)

(7) Units of Two or More Meanings. When the term "ounce" is employed in a declaration of liquid quantity, the declaration shall identify the particular meaning of the term by the use of the term "fluid;" however, such distinction may be omitted when by association of terms (for example, as in "20 fluid ounces, 1 pint four ounces"), the proper meaning is

obvious. Whenever the declaration of quantity is in terms of the dry-pint or dry-quart, the declaration shall include the word "dry."

(8) Metric Units: Weight, Measure. A declaration of quantity:

(a) in units of weight shall be in terms of the kilogram, gram, or milligram;

(b) in units of liquid measure shall be in terms of the liter or milliliter, and shall express the volume at 20° C, except in the case of petroleum products, for which the declaration shall express the volume at 15° C, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express volume at 4° Celsius;

(c) in units of linear measure shall be in terms of the meter, centimeter, or millimeter;

(d) in units of area measure, shall be in terms of the square meter or square centimeter; and,

(e) in units of volume other than liquid measure, shall be in terms of the liter and milliliter, except that the terms cubic meter and cubic centimeter will be used only when specifically designated as a method of sale.

(9) Symbols. Any of the following symbols for metric units and none other, may be employed in the quantity statement on a package of commodity:

kilogram	kg		centimeter	cm
gram	g		millimeter	mm
milligram	mg		square meter	m_2
liter	L or l		square centimeter	cm^2
milliliter	mL or ml		cubic meter	m^3
meter	m		cubic centimeter	cm^3

(a) Symbols, except for liter, are not capitalized unless the unit is derived from a proper name. Periods should not be used after a symbol. Symbols are always written in the singular form. Do not add "s" to express the plural when the symbol is used.

(b) The "l" symbol for liter and "ml" symbol for milliliter are permitted; however, the "L" symbol and "mL" symbol are preferred.

(10) Prescribed Units, Inch-Pound System.

(a) Less than 1 Foot, 1 Pound, or 1 Pint. The declaration of quantity shall be expressed in terms of:

1. in the case of length measure of less than 1 foot, inch and fractions of inches;

2. in the case of area measure of less than 1 square foot, square inches and fractions of square inches;

3. in the case of weight of less than 1 pound, ounces and fractions of ounces; and,

4. in the case of liquid measure of less than 1 pint, fluid ounces and fractions of fluid ounces.

   Provided, that the quantity declaration appearing on a random package may be expressed in terms of decimal fraction of the largest appropriate unit, the fraction being carried out to not more than two decimal places.

(11) Weight: Dual Quantity Declaration. On packages 1 pound or more but less than 4 pounds, the declaration shall be expressed in ounces, and in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit: **Provided** that the quantity declaration appearing on a random package may be expressed in terms of pound and decimal fraction of the pound carried out to not more than two decimal places.

(12) Liquid Measure: Dual Quantity Declaration. On packages containing one pint or more, but less than 1 gallon, the declaration shall be expressed in fluid ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

(13) Length Measure: Dual Quantity Declaration. On packages containing 1 foot or more, but less than 4 feet, the declaration shall be expressed in inches, and in addition shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

(14) Area Measure: Dual Quantity Declaration. On packages containing I square foot or more but less than 4 square feet, the declaration shall be expressed in square inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

(15) Four feet, 4 Square Feet, 4 Pounds, 1 Gallon, or More.

   (a) In the case of: length measure of 4 feet or more the declaration of quantity shall be expressed in terms of feet, followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches.

(b) In the case of:

1. area measure of 4 square feet or more;

2. weight of 4 pounds or more; and,

3. liquid measure of 1 gallon or more; the declaration of quantity shall be expressed in terms of the largest whole unit.

(16) Bi-Dimensional Commodities. For bi-dimensional commodities (including roll-type commodities) the quantity declaration shall be expressed.

(a) if less than 1 square foot, in terms of linear inches and fractions of linear inches;

(b) if at least 1 square foot but less than 4 square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit; **Provided**, that

1. if less than 1 square foot, in terms of linear inches and fractions of linear inches;

2. if at least 1 square foot but less than 4 square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit; **Provided**, that

(i) no square inch declaration is required for bi-dimensional commodity of 4 inches width or less,

(ii) a dimension of less than 2 feet may be stated in inches within the parenthetical declaration, and

(iii) commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforation, for which see sub-chapter 40-15-3-.16(18)**Count: Ply**.) require a declaration of unit area but not a declaration of total area of all such units;

3. if 4 square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in terms of the largest whole unit; **Provided**, that

(i) no declaration in square feet is required for a bi-dimensional commodity with a width of 4 inches or less,

(ii) bi-dimensional commodities with a width of 4 inches or less, shall have the length expressed in inches followed by a statement in

parentheses of the length in the largest whole unit. (Example: 2 inches by 360 inches (10 yards).)

(iii) a dimension of less than 2 feet may be stated in inches within the parenthetical declaration, and

(iv) no declaration in square units is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

(17) Prescribed Units, Metric System.

(a) Less than 1 Meter, 1 Square Meter, I Kilogram, or 1 Liter. The declaration of quantity shall be expressed in terms of:

1. in the case of length measure of less than 1 meter, centimeters or millimeters;

2. in the case of area measure of less than 1 square meter, square centimeter and decimal fractions of square centimeter;

3. in the case of weight of less than 1 kilogram, gram and decimal fractions of a gram, but less than 1 gram then in milligrams;

4. in the case of liquid or dry measure of less than one liter, milliliters; **Provided**, that the quantity declaration appearing on a random weight package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than three decimal places.

(b) One Meter, 1 Square Meter, 1 Liter or More. In the case of:

1. length measure of 1 meter or more: in meters and decimal fractions to not more than two places;

2. area measure of 1 square meter or more: in square meters and decimal fractions to not more than two places;

3. weight of 1 kilogram or more: in kilograms and decimal fractions to not more than two places; and,

4. liquid or dry measure of 1 liter or more: in liters and decimal fractions to not more than two places.

(c) Bi-Dimensional Commodities. For bi-dimensional commodities (including roll-type commodities) the quantity declaration shall be expressed:

1. if less than 1 square meter, in terms of length and width;

2. if 1 square meter or more, in terms of square measure followed in parentheses by a declaration of length and width: **Provided,** that:

   (i) quantity declarations of bi-dimensional commodities with a width of 100 millimeters or less may be expressed in terms of width and length, only;

   (ii) commodities consisting of usable individual units except roll-type commodities with individual usable units created by perforations, for which (see Chapter 40-15-3-.16(18)**Count: Ply**) require a declaration of unit area but not a declaration of total area of all such units; and, that

   (iii) no declarations in square units is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths and bedsheets) if such commodities clearly present the length and width measurements on the label.

(18) Count: Ply. If the commodity is in individually-usable units of one or more components or ply, the quantity declaration shall, in addition to complying with other applicable quantity declaration requirements of this regulation, include the number of ply and total number of usable units.

(a) Roll-type commodities, when perforated so as to identify individual usable units, shall not be deemed to be made up of usable units; however, such roll-type commodities shall be labeled in terms of:

1. total area measurement;

2. number of ply;

3. count of usable units; and,

4. dimensions of single usable unit.

(19) Fractions.

(a) Metric: A metric statement in a declaration of net quantity of contents of any consumer commodity may contain only decimal fractions.

(b) Inch-Pound: An inch-pound statement of net quantity of contents of any consumer commodity may contain common or decimal fractions. A common

fraction shall be terms of halves, quarters, eighths, sixteenth or thirty-seconds, except that:

1. if there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed; and,

2. if linear measurements are required in terms of yards or feet, common fractions may be in terms of thirds.

(c) Common Fractions: A common fraction shall be reduced to its lowest term (Example: 2/4 becomes 1/2).

(d) Decimal Fractions. A decimal fraction shall not be carried out to more than two places.

(20) Supplementary Declarations.

(a) Supplementary Quantity Declarations. The required quantity declaration may be supplemented by one or more declarations of weight, measure, or count, such declaration appearing other than on a principal display panel. Such supplemental statement of quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e.g., "giant" quart, "larger" liter, "full" gallon, "when packed," "minimum," or words of similar import).

(b) Combined Metric and Inch-Pound Declarations. An equivalent statement of the net quantity of contents in terms of either the inch-pound or metric system is not regarded as a supplemental statement and such statement may also appear on the principal display panel; **Provided,** that it conforms to both Paragraphs 40-15-3-.06(5) and 40-15-3-.06(8).

(c) Rounding. In all conversions for the purpose of showing an equivalent metric or inch-pound quantity to a rounded inch-pound or metric quantity, the number of significant digits retained should be such that accuracy is neither sacrificed nor exaggerated. As a general rule, converted values should be rounded down by dropping any digit beyond the first three. (Example: 196.4 grams becomes 196 grams or 1.759 feet becomes 1.75 feet).

(21) Qualification of Declaration Prohibited. In no case shall any declaration of quantity be qualified by the addition of the words "when packed," "minimum," or "not less than," or any words of similar import, nor shall any unit of weight, measure, or count be qualified by any term (such as "jumbo," "giant," "full," or the like) that tends to exaggerate the amount of commodity.

(22) Character of Declaration: Average. The average quantity of contents in the package of a particular lot, shipment, or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for shortage.

Cite as Ga. Comp. R. & Regs. R. 40-15-3-.06
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Declaration of Quantity: Consumer Packages" was filed on November 30, 1973; effective December 20, 1973.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-3-.07. Declaration of Quantity: Non-Consumer Packages.

(1) General. The metric and inch-pound systems of weights and measures are recognized as proper systems to be used in the declaration of quantity. Units of both systems might be combined in a dual declaration of quantity.

(2) Location. A non-consumer package shall bear on the outside a declaration of the net quantity of contents. Such declaration shall be in terms of the largest whole unit (see paragraph 40-15-3-.06(2) Largest Whole Unit).

(3) Terms: Weight, Liquid Measure, Dry Measure, or Count. The declaration of quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or in terms of dry measure if the commodity is dry, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

(4) Inch-Pound Units: Weight, Measure. A declaration of Quantity:

(a) in units of weight, shall be in terms of the avoirdupois pound or ounce;

(b) in units of liquid measure, shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid ounce subdivisions of the gallon, and shall express the volume at 68° F except in the case of petroleum products, for which the declaration shall express the volume at 60° F, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40° F;

(c) in units of linear measure, shall be in terms of the yard, foot, or inch;

(d) in units of area measure, shall be in terms of the square yard, square foot, or square inch;

(e) in units of volume measure, shall be in terms of cubic yard, cubic foot, or cubic inch;

(f) in units of dry measure, shall be in terms of the United States bushel of 2150.42 cubic inches, or peck, dry-quart and dry-pint subdivisions of the bushel.

(5) Symbols and Abbreviations. Any generally accepted symbol and abbreviation of a unit name may be employed in the quantity statement on a package of commodity. (For commonly accepted symbols and abbreviations, see subparagraph 40-15-3-.06(6) Symbols and Abbreviations.)

(6) Metric Units: Weight, Measure. A declaration of quantity:

(a) in units of weight, shall be in terms of the kilogram, gram, or milligram;

(b) in units of liquid measure, shall be in terms of the liter or milliliter, and shall express the volume of 20° C, except in the case of petroleum products, for which the declaration shall express the volume at 15° C, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 4° C;

(c) in units of linear measure, shall be in terms of the meter, centimeter, or millimeter;

(d) in units of area measure, shall be in terms of the square meter or square centimeter; and,

(e) in units of volume other than liquid measure, shall be in terms of the liter and milliliter, except that the terms cubic meter and cubic centimeter will be used only when specifically designated as a method of sale.

(7) Symbols. Only those symbols as detailed in subsection 40-15-3-.06(9) Symbols, and none other, may be employed in the quantity statement on a package of commodity.

(8) Character of Declaration: Average. The average quantity of contents in the packages of a particular lot, shipment, or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package shall be permitted, even though averages in other packages in the same shipment, delivery, or lot compensate for such shortage.

Cite as Ga. Comp. R. & Regs. R. 40-15-3-.07
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Declaration of Quantity: Non-consumer Packages" was filed on November 30, 1973; effective December 20, 1973.

Amended: Rule repealed and a new Rule of the same title adopted. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-3-.08. Prominence and Placement: Consumer Packages.

(1) General. All information required to appear on a consumer package shall appear thereon in the English language and shall be prominent, definite, and plain, and shall be conspicuous as to size and style of letters and numbers and as to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

(a) Location. The declaration or declarations of quantity of the contents of a package shall appear on the bottom 30 percent of the principal display panel or panels. For cylindrical containers, see also paragraph 40-15-3-.10(6) for additional requirements.

(b) Style of Type or Lettering. The declarations of quantity shall be in such style of type or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or graphic material on the package, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface is permissible when all label information is blown, or molded on the surface.

(c) Color Contrast. The declaration or declarations of quantity shall be in a color that contrasts conspicuously with its background, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface shall not be required to be presented in a contrasting color if no required label information is on the surface in a contrasting color.

(2) Free Area. The area surrounding the quantity declaration shall be free of printed information:

(a) above and below, by a space equal to at least the height of the lettering in the declaration; and,

(b) to the left and right, by a space equal to twice the width of the letter "N" of the style and size of type used in the declaration.

(3) Parallel Quantity Declaration. The quantity declaration shall be presented in such a manner as to be generally parallel to the declaration of identity and to the base on which the package rests as it is designed to be displayed.

(4) Calculation of Area of Principal Display Panel for Purposes of Type Size. The area of the principal display panel shall be:

(a) in the case of a rectangular container, one entire side which properly can be considered to be the principal display panel, the product of the height times the width of that side; or,

(b) in the case of a cylindrical or nearly cylindrical container, forty percent of the product of the height of the container times the circumference; or,

(c) in the case of any other shaped container, 40 percent of the total surface of the container, unless such container presents an obvious principal display panel (e.g., the top of a triangular or circular package of cheese, or the top of a can of shoe polish), in which event, the area shall consist of the entire such surface.

(Determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.)

(5) Minimum Height of Numbers and Letters. The height of any letter or number in the required quantity declaration shall be not less than that shown in Table II with respect to the area of the panel, and the height of each number of a common fraction shall meet one-half the minimum height standards. In the case of the symbol for milliliter, the "m" shall meet the minimum height standard.

(6) Numbers and Letters: Proportion. No number or letter shall be more than three times as high as it is wide.

TABLE II MINIMUM HEIGHT OF NUMBERS AND LETTERS

Area of principal display panel	Minimum height of numbers and letters	Minimum height: label information blown, formed, or molded on surface of container
5 Square inches (in^2) and less	1/16 inch	1/8 inch
Greater than 5 square inches and not greater than 25 in^2	1/8 inch	3/16 inch
Greater than 25 in^2 and not greater than 100 in^2	3/16 inch	1/4 inch
Greater than 100 in^2 and not greater than 400 in^2	1/4 inch	5/16 inch
Greater than 400 in^2	1/2 inch	9/16 inch

Cite as Ga. Comp. R. & Regs. R. 40-15-3-.08
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Prominence and Placement of Labels: Consumer Packages" was filed on November 30, 1973; effective December 20, 1973.
Amended: Rule repealed and a new Rule entitled "Prominence and Placement: Consumer Packages" adopted. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-3-.09. Prominence and Placement: Non-consumer Packages.

All information required to appear on a non-consumer package shall be definitely and clearly stated thereon in the English language. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

Cite as Ga. Comp. R. & Regs. R. 40-15-3-.09
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Prominence and Placement of Labels: Non-consumer Packages" was filed on November 30, 1973; effective December 20, 1973.
Amended: Rule repealed and a new Rule entitled "Prominence and Placement: Non-consumer Packages" adopted. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-3-.10. Requirements: Specific Consumer Commodities, Non-consumer Commodities, Packages, Containers.

(1) Display Card Package. For an individual package affixed to a display card, or for a commodity and display card together comprising a package, the type size of the quantity declaration is governed by the dimensions of the display card.

(2) Aerosols and Similar Pressurized Containers. The declaration of quantity on an aerosol package, and on a similar pressurized package, shall disclose the net quantity of the commodity (including propellant), in terms of weight that will be expelled when the instructions for use as shown on the container are followed.

(3) Multi-Unit Packages. Any package containing more than one individual "commodity in package form" (see paragraph 40-15-3-.02(1)) of the same commodity shall bear on the outside of the package a declaration of:

   (a) the number of individual units;

   (b) the quantity of each individual unit; and

   (c) the total quantity of the contents of the multi-unit package: **Provided,** that any such declaration of total quantity shall not be required to include the parenthetical quantity statement of a dual quantity representation. (Example: soap bars, 6 bars, Net Weight 75 grams each; Total Net Weight 450 grams.)

(4) Combination Packages. Any package containing individual units of dissimilar commodities (such as an antiquing or a house cleaning kit, for example) shall bear on the label of the package a quantity declaration for each unit. (Example: sponges and cleaner: 2 sponges, each 10 centimeters × 2 centimeters; 1 box cleaner, Net Weight 150 grams.)

(5) Variety Package. Any package containing individual units of reasonably similar commodities (such as seasonal gift packages, variety packages of cereal) shall bear on the label of the package a declaration of the total quantity of commodity in the package. (Example: plastic tableware: 4 spoons, 4 forks, 4 knives, 12 pieces total.)

(6) Cylindrical Containers. In the case of cylindrical or nearly cylindrical containers, information required to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown or examined under customary conditions of display for retail sale.

(7) Measurement of Container-Type Commodities, How Expressed, Generally:

(a) Commodities designated and sold at retail to be used as containers for other materials or objects, such as bags, cups, boxes, and pans, shall be labeled with the declaration of net quantity as follows:

1. For bag-type commodities, in terms of count followed by linear dimensions of the bag (whether packaged in a perforated roll or otherwise.)

(i) When the unit bag is characterized by two dimensions because of the absence of a gusset, the width and length will be expressed:

(I) Inch-pound units - in inches, except that a dimension of 2 feet with any remainder in terms of inches or common or decimal fractions of the foot. (Example: "25 BAGS, 17 inches × 20 inches" or 100 BAGS, 20 inches × 2 feet six inches" or "50 BAGS, 20 inches × 2-½ feet")

(II) Metric Units - in millimeters except a dimension of one meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter (Examples: "25 BAGS, 500 millimeters x 600 millimeters" or "50 BAGS, 750 millimeters × 1.2 meters")

(ii) When the unit bag is gusseted, the dimensions will be expressed as width, depth, and length.

(I) Inch-Pound Units - expressed in feet with any remainder in terms of inches or common or decimal fractions of the foot. (Example: "25 BAGS, 17 inches × 4 inches × 20 inches" or "100 BAGS, 20 inches × 12 inches × 2-½ feet")

(II) Metric Units - in millimeters except a dimension of one meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter. (Examples: "25 BAGS, 430 millimeters x 100 millimeters × 500 millimeters" or "50 BAGS, 500 millimeters x 300 millimeters × 1.2 meters")

2. For other square, oblong, rectangular, or similarly shaped containers, in terms of count followed by length, width, and depth, except depth need not be listed when less than 50 millimeters or 2 inches. (Examples: "2 PANS, 8 inches × 8 inches" or "2 PANS, 203 millimeters × 203 millimeters")

3. For circular or other generally round-shaped containers, except cups, and the like, in terms of count followed by diameter and depth, except depth need not be listed when less than 50 millimeters or two inches. (Examples: "4 PANS, 8 inches diameter × 4 inches" or "4 PANS, 200 millimeters diameter × 100 millimeters")

4. Not withstanding the above requirements, the net quantity statement for container such as cups will be listed in terms of count and liquid capacity per unit. (Examples: "24 CUPS, 250 milliliter capacity" or "24 CUPS, 6 fluid ounces capacity")

(8) Capacity. When the functional use of the container is related by label references in standard terms of measure to the capability of holding a specific quantity of substance or class of substances, such references shall be a part of the net quantity statement and shall specify capacity as follows:

(a) Liquid measure for containers which are intended to be used for liquids, semisolids, viscous materials, or mixtures of solids and liquids. The expressed capacity will be stated in terms of the largest whole unit (gallon, quart, pint, ounce, with any remainder in terms of the common decimal fraction of that unit.) (Examples: Freezer Box - "4 BOXES, 1 quart capacity, 5 inches × 4 inches × 3 inches").

(b) Dry measure for containers which are intended to be used for solids. The expressed capacity will be stated in terms of the largest whole unit (bushel, peck), with a remainder in terms of the common or decimal fraction of that unit. (Example: Leaf Bags - "8 BAGS, 6 bushel capacity, 3 feet × 5 feet").

(c) Where containers are used as liners for other more permanent containers, in the same terms as are normally used to express the capacity of the more permanent

containers: (Example: Garbage Can Liners - "10 LINERS, 2 feet 6 inches × 3 feet 9 inches. FITS UP TO 30-GALLON CANS").

(d) Metric units for volume measure of all containers and liners. (Examples: "4 BOXES, 1 liter capacity. 150 millimeters × 120 millimeters × 90 millimeters," "8 BAGS, 200 liter capacity, 85 millimeters × 1.5 meters," or "10 LINERS, 750 millimeters × 1 meter, fits up to 120 liter CANS").

(9) Terms. For purposes of this section, the use of the terms "CAPACITY," "DIAMETER," and "FLUID" is optional.

(10) Textile Products, Threads and Yarn.

(a) Wearing Apparel. Wearing apparel (including non-textile apparel and accessories such as leather goods and footwear) sold as single-unit items, or if normally sold in pairs (such as hosiery, gloves and shoes) sold as single-unit pairs, shall be exempt from the requirements for net quantity statement by count, as required by paragraph 40-15-3-.06(3) of this regulation.

(b) Textiles. Bedsheets, blankets, pillowcases, comforters, quilts, bedspreads, mattress covers and pads, afghans, throws, dresser and other furniture scarfs, tablecloths and napkins, flags, curtains, drapes, dishtowels, dish cloths, towels, face cloths, utility cloths, bath mats, carpets and rugs, pot holders, fixture and appliance covers, non-rectangular diapers, slip covers, etc., shall be exempt from the requirements of paragraph 40-15-3-.06(10) and subparagraph 40-15-3-.06(17)(c) of this regulation: **Provided,** that:

1. The quantity statement for fitted sheets and mattress covers shall state, in centimeters or inches, the length and width of the mattress for which the item is designed, such as "twin," "double," "king," etc. (Examples: "Double Sheet for 135 centimeters × 190 centimeter mattress.")

2. The quantity statement for flat sheets shall state the size designation of the mattress for which the sheet is designed, such as "twin," "double," "king," etc. The quantity statement also shall state, in centimeters or inches, the length and width of the mattress for which the sheet is designed, followed in parentheses by a statement, in inches, of the length and width of the finished sheet. (Example: "Twin Flat Sheet for 100 centimeter × 190 centimeter mattress (170 centimeter × 240 centimeter finished size").)

3. The quantity statement for pillowcases shall state the size designation of the pillow for which the pillowcase is designed, such as "youth," "standard," and "queen," etc. The quantity statement also shall state, in centimeters or inches, the length and width of the pillow for which the pillowcase is designed, followed in parentheses by a statement, in centimeters or inches, of the length and width of the finished pillowcase.

(Example: "Standard Pillowcase for 50 centimeter × 65 centimeter pillow (53 centimeter × 75 centimeter finished size").)

4. The quantity statement for blankets, comforters, quilts, bedspreads, mattress pads, afghans, throws shall state, in inches, the length and width of the finished item. The quantity statement also may state the length of any ornamentation and the size designation of the mattress for which the item is designed such as "twin," "double," "king," etc.

5. The quantity statement for tablecloths and napkins shall state, in centimeters or inches, the length and width of the finished item. The quantity statement also may state parenthetically, in centimeters or inches, the length and width of the item before hemming and properly identified as such.

6. The quantity statement for curtains, drapes, flags, furniture scarfs, etc., shall state, in centimeters or inches, the length and width of the finished item. The quantity statement may also state parenthetically, in centimeters or inches, the length of any ornamentation.

7. The quantity statement for carpets and rugs shall state, in meters or feet, with any remainder in decimal fractions of the meter for metric sizes or common or decimal fractions of the foot or in inches for customary sizes, the length and width of the item. The quantity statement also may state parenthetically, in centimeters or inches, the length of any ornamentation.

8. The quantity statement for woven dish towels, dish cloths, towels, face cloths, utility cloths, bath mats, etc., shall state, in centimeters or inches, the length and width of the item. The quantity statement for such items, when knitted, need not state the dimensions.

9. The quantity statement for textile products such as pot holders, fixture and appliance covers, non-rectangular diapers, slip covers, etc., shall be stated in terms of count and may include size designations and dimensions.

10. The quantity statement for other than rectangular textile products identified in sub-paragraphs 1. through 8. shall state the geometric shape of the product and the dimensions which are customarily used in describing such geometric shape. (Example: "Oval Tablecloth 140 centimeters × 110 centimeters" representing the maximum length and width in this case.)

11. The quantity statement for packages of remnants of textile products of assorted sizes, when sold by count, shall be accompanied by the term "irregular dimensions" and the minimum size of such remnants.

(c) Textiles: Variations from Declared Dimensions.

1. For an item with no declared dimension less than 60 centimeters or 24 inches, a minus variation greater than 3% of a declared dimension and a plus variation greater than 6% of a declared dimension should be considered unreasonable.

2. For an item with a declared dimension less than 60 centimeters or 24 inches, a minus variation greater than 6% of that declared dimension and a plus variation greater than 12% of that declared dimension should be considered unreasonable.

(d) Exemption: Variety Textile Packages. Variety packages of textiles which are required by reason of paragraph 40-15-3-.06(4)(a) to provide a combination declaration stating the quantity of each individual unit, shall be exempt from the requirements in this regulation for:

1. Location (see paragraph 40-15-3-.08(1)(a)),

2. Free area (see paragraph 40-15-3-.08(2)), and

3. Minimum height of number and letters (see Chapter 40-15-3-.08(5).)

(e) Sewing threads, Handicraft Thread, and Yarns. Sewing and handicraft threads shall be exempt from the requirements of paragraph 40-15-3-.06(11) and subparagraph 40-15-3-.06(17)(b) of these regulations: **Provided,** that:

1. the net quantity statement for customary sizes of sewing and handicraft threads shall be expressed in terms of yards;

2. the net quantity for yarns shall be expressed in terms of weight;

3. thread products may, in lieu of name and address, bear a trademark, symbol, brand, or other mark that positively identifies the manufacturer, packer, or distributor, provided that such mark, employed to identify the vendor, shall be filed with the director; and that

4. each unit of industrial thread shall be marked to show its net measure in terms of meters or yards or its net weight in terms of kilograms or grams or avoirdupois pounds or ounces, except that ready-wound bobbins which are not sold separately, shall not be required to be individually marked to show the number of bobbins contained therein and the net meters of yarn or thread on each bobbin.

(11) Packaged Seed. Packages of seed intended for planting shall be labeled in full accord with this regulation except as follows:

(a) the quantity statement shall appear in the upper thirty percent of the principal display panel;

(b) the quantity statements shall be in terms of the largest whole unit of the metric system for all weights up to seven grams, and in grams or in ounces for all other weights less than 225 grams or eight ounces; packaged seeds weighing 225 grams or eight ounces or more shall not be subject to paragraph 40-15-3-.10(12); and

(c) the quantity statement for coated seed, pelletized seed, pre-planters, seed tapes, etc., shall be in terms of count.

Cite as Ga. Comp. R. & Regs. R. 40-15-3-.10
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Requirements: Specific Consumer Commodities, Packages, Containers" was filed on November 30, 1973; effective December 20, 1973.
Amended: Rule repealed and a new Rule entitled "Requirements: Specific Consumer Commodities, Non-consumer Commodities, Packages, Containers" adopted. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-3-.11. Exemptions.

(1) General. Whenever any consumer commodity or package of consumer commodity is exempted from the requirements for dual quantity declaration, the net quantity required to appear on the package shall be in terms of the largest whole unit (except see subparagraph 40-15-3-.10(3)(c)).

(2) Random Packages. A random package bearing a label conspicuously declaring

(a) the net weight,

(b) the price per kilogram or pound, and

(c) the total price shall be exempt from the type size, dual declaration, placement, and free area requirements of the regulation. In the case of a random package at one place for subsequent sale at another, neither the price per unit of weight nor the total selling price need appear on the package provided the package label includes both such prices at the time it is offered or exposed for sale at retail.

(This exemption shall apply to uniform weight packages of cheese and cheese products labeled in the same manner and by the same type of equipment as random packages exempted by this section.)

(3) Small Confections. Individually-wrapped pieces of "penny candy" and other confectionery of less than 15 grams or one-half ounce net weight per individual piece

shall be exempt from the labeling requirements of this regulation when the container in which such confectionery is shipped is in conformance with the labeling requirements of this regulation. Similarly, when such confectionery items are sold in bags or boxes, such items shall be exempt from the labeling requirements of this regulation, including the required declaration of net quantity of contents, when the declaration of the bag or box meets the requirements of this regulation.

(4) Individual Servings. Individual-serving-size packages of foods containing less than 15 grams or 1/2 ounce or less than 15 milliliters or 1/2 fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, shall be exempt from the required declaration of net quantity of contents specified in this regulation.

(5) Cuts, Plugs, and Twists of Tobacco and Cigars. When individual cuts, plugs, and twists of tobacco and individual cigars are shipped or delivered in containers that conform to the labeling requirements of this regulation, such individual cuts, plugs, and twists of tobacco and cigars shall be exempt from such labeling requirements.

(6) Reusable (Returnable) Glass Containers. Nothing in this regulation shall be deemed to preclude the continued use of reusable (returnable) glass containers: **Provided,** that such glass containers ordered after the effective date of this regulation shall conform to all requirements of this regulation.

(7) Cigarettes and Small Cigars. Carton of cigarettes and small cigars, containing ten individual packages of twenty, labeled in accordance with the requirements of this regulation, shall be exempt from the requirements set forth in paragraph 40-15-3-.08(1) Location, paragraph 40-15-3-.08(5) Minimum Height of Numbers and Letters, and paragraph 40-15-3-.10(3) Multi-Unit Packages; **Provided,** that such cartons bear a declaration of the net quantity of commodity in package.

(8) Packaged Commodities with Labeling Requirements Specified in Federal Law. Packages of meat and meat products, poultry products, tobacco and tobacco products, insecticides, fungicides, rodenticides and alcoholic beverages shall be exempt from those portions of these regulations requiring dual declarations in customary units and specifying locations and minimum type size of the net quantity declaration: **Provided,** that quantity labeling requirements for such products are specified in Federal Law, so as to follow reasonably sound principles of providing consumer information.

(9) Fluid Dairy Products, Ice Cream, and Similar Frozen Desserts.

(a) When packaged in 1/2-liquid-pint and 1/2-gallon containers, are exempt from the requirements for stating net contents of 8 fluid ounces and 64 fluid ounces, which may be expressed as 1/2 pint and 1/2 gallon, respectively.

(b) When packaged in 1-liquid-pint, 1-liquid-quart, and 1/2-gallon containers, are exempt from the dual net contents declaration requirements of paragraph 40-15-3-.06(12).

(c) When measured by and packaged in measure containers as defined in "Measure Container Code of National Bureau of Standards HANDBOOK 44," are exempt from the requirements of subparagraph 40-15-3-.08(1)(a) that the declaration of net contents be located within the bottom 30 percent of the principal display panel.

(d) Milk and milk products when measured by and packaged in glass or plastic containers of 1/2-pint, 1-pint, 1-quart, 1/2-gallon, and 1-gallon capacities are exempt from the placement requirements of subparagraph 40-15-3-.08(1)(a) that the declaration of net contents be located within the bottom 30 percent of the principal display panel; **Provided,** that other required label information is conspicuously displayed on the cap or outside closure, and the required net quantity of contents declaration is conspicuously blown, formed, or molded on, or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

(10) Single Strength and Less than Single Strength Fruit Juice Beverages, Imitations Thereof, and Drinking Water.

(a) When packaged in glass, plastic, or fluid milk type paper containers of 8 and 64-fluid-ounce capacity, are exempt from the requirements of subparagraph 40-15-3-.06(5)(b), to the extent that net content of 8 fluid ounces and 64 fluid ounces (or 2 quarts) may be expressed as 1/2 pint (or half pint) and 1/2 gallon (or half gallon), respectively.

(b) When packaged in glass, plastic, or fluid milk type paper containers of 1-pint, 1-quart, and 1/2-gallon capacities, are exempt from the dual net contents declaration requirements of paragraph 40-15-3-.06(11).

(c) When packaged in glass or plastic containers of 1/2-pint, 1-pint, 1-quart, 1/2-gallon, and 1-gallon capacities, are exempt from the placement requirements of subparagraph 40-15-3-.08(1)(a) that the declaration of net content be located within the bottom 30 percent of the principal display panel; **Provided,** that other label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed, or molded into or permanently applied to that part of the glass or plastic container that is above the shoulder of the container.

(11) Soft-Drink Bottles. Bottles of soft drinks shall be exempt from the placement requirements for the declaration of:

(a) identity, when such declaration appears on the bottle closure; and,

(b) quantity, when such declaration is blown, formed, or molded on or above the shoulder of the container and when all other information required by this regulation appears only on the bottle closure.

(12) Multi-Unit Soft Drink Packages. Multi-unit packages of soft drinks are exempt from the requirement for a declaration of:

(a) responsibility, when such declaration appears on the individual units and is not obscured by the multi-unit packaging, or when the outside container bears a statement to the effect that such declaration will be found on the individual units inside; and,

(b) identity, when such declaration appears on the individual units and is not obscured by the multi-unit packaging.

(13) Butter. When packaged in 4-ounce, 8-ounce, and 1-pound packages with continuous label copy wrapping, butter is exempt from the requirements that the statement of identity (paragraph 40-1 5-3-.03(1)(a)) and the net quantity declaration (paragraph 40-15-3-.08(3)) be generally parallel to the base of the package. When packaged in 8-ounce and 1-pound units, butter is exempt from the requirement for location (40-15-3-.08(1)(a)) of the net quantity declaration and, when in 1-pound units, is exempt from the requirement for dual quantity declaration (paragraph 40-15-3-.06(11)).

(14) Eggs. Cartons containing 12 eggs shall be exempt from the requirement for location (subparagraph 40-15-3-.08(1)(a)) of net quantity declaration.

(15) Flour. Packages of wheat flour in conventional 2-, 5-, 10-, 25-, 50- and 100- pound packages shall be exempt from the requirement in this regulation for location (subparagraph 40-15-3-.08(1)(a)) of the net quantity declaration and, when packaged in units of 2 pounds, shall be exempt also from the requirements for a dual quantity declaration (40-15-3-.06(11)).

(16) Small Packages. On a principal display panel of 5 square inches or less, the declaration of quantity need not appear in the bottom 30% of the principal display panel if that declaration satisfies the other requirements of this regulation.

(17) Decorative Containers. The principal display panel of a cosmetic marketed in a boudoir-type container including decorative cosmetic containers of the "cartridge," "pill box," "compact," or "pencil" variety, and those with a capacity of ¼ ounce or less, may be a tear-away tag or tape affixed to the decorative container and bearing the mandatory label information as required in this regulation.

(18) Combination Packages. Combination packages are exempt from the requirements in this regulation for

(a) Location (40-15-3-.08(1)(a)),

(b) Free Area (paragraph 40-15-3-.08(2)), and

(c) Minimum Weight of Numbers and Letters (subparagraph 40-15-3-.08(5)).

(19) Margarine. Margarine in 1 pound rectangular packages, except for packages containing whipped or soft margarine or packages containing more than four sticks, shall be exempt from the requirement in this regulation for location (subparagraph 40-15-3-.08(1)(a)) of the net quantity declaration, and shall be exempt from the requirement for a dual quantity declaration (paragraph 40-15-3-.06(11)).

(20) Corn Flour and Corn Meal. Corn flour and corn meal packages in conventional 5-, 10-, 25-, 50-, 100-pound bags shall be exempt from the requirement in this regulation for location of net quantity declaration (subparagraph 40-15-3-.08(1)(a)).

(21) Paints and Kindred Products.

(a) Paints, varnishes, lacquers, thinners, removers, oils, resins, and solvents, when packed in 1-liquid-pint and 1-liquid-quart units shall be exempt from the dual declaration requirements of paragraph 40-15-3-.06(12).

(b) Tint base paint may be labeled on the principal display panel, as required by this regulation, in terms of a quart or a gallon including the addition of a colorant selected by the purchaser, provided that the system employed ensures that the purchaser always obtains a quart or a gallon; and further provided that in conjunction with the required quantity statement on the principal display panel, a statement indicating that the tint base paint is not to be sold without the addition of colorant is present; and further provided that the contents of the container, before the addition of the colorant, is stated in fluid ounces elsewhere on the label.

(Whenever the above conditions cannot be met, containers of tint base paint must be labeled with a statement of the actual net contents prior to the addition of colorant in full accord with all the requirements of this regulation.)

(22) Automotive Cooling System Antifreeze. Antifreeze, when packed in 1-liquid-quart units, in metal or plastic containers, shall be exempt from the dual quantity declaration requirements of paragraph 40-15-3-.06(12).

(23) Motor Oils. Motor oils, when packed in 1-liquid-quart units, shall be exempt from the dual quantity declaration requirements of paragraph 40-15-3-.06(12). Additionally, motor oil in 1-liquid-quart, 1-gallon, 1-1/4 gallon, 2-gallon, 2-1/2; gallon units, bearing the principal display panel on the body of the container, is exempt from the requirements of 40-15-3-.03 Declaration of Identity: Consumer Package, to the extent that the Society of Automotive Engineers (SAE) viscosity number is required to appear on the principal display panel, provided the SAE viscosity number appears on the can lid and is expressed in letters and numerals in type size of at least 6 millimeters or 1/4 inch.

(24) Pillows, Cushions, Comforters, Mattress Pads, Sleeping Bags, and Similar Products. Those products, including pillows, cushions, comforters, mattress pads, and sleeping bags, that bear a permanent label as designated by the Association of Bedding and

Furniture Law Officials or by the California Bureau of Home Furnishings shall be exempt from the requirements for location (subparagraph 40-15-3-.08(1)(a)), Size of Letter or Numbers (paragraph 40-15-3-.08(5) and 40-15-3-.08(6)), Free Area (paragraph 40-15-3-.08(2)) and the declaration of identity and responsibility (paragraph 40-15-3-.03(1) and 40-15-3-.05); **Provided,** that declarations of identity, quantity and responsibility are presented on a permanently attached label and satisfy the other requirements of this regulation and further provided that the information on such permanently attached label be fully observable to the purchaser.

(25) Commodities, Variable Weights and Sizes. Individual-packaged commodities put up in variable weights and sizes for sale intact, and intended to be weighed and marked with the correct quantity statement prior to or at the point of retail sale, are exempt from the requirements of Rule 40-15-3-.06, Declaration of Quantity: Consumer Packages, while moving in commerce and while held for sale prior to weighing and marking; **Provided,** that the outside container bears a label declaration of the total net weight.

(26) Packaged Commodities Sold by Count. When a packaged consumer commodity is properly measured in terms of count only, or in terms of count and some other appropriate unit, and the individual units are fully visible to the purchaser, such packages shall be labeled in full accord with this regulation except that those containing 6 or less items need not include a statement of count.

(27) Fishing Lines and Reels. Packaged fishing lines and reels are exempt from the dual quantity declaration requirements of subparagraph 40-15-3-.06(15)(a); **Provided,** that quantity or capacity, as appropriate is presented in terms of meters or yards in full accord with all other requirements of these regulations.

Cite as Ga. Comp. R. & Regs. R. 40-15-3-.11
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Exemptions" was filed on November 30, 1973; effective December 20, 1973.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-3-.12. Variation to be Allowed.

(1) Packaging Variations.

(a) Variations from Declared Net Quantity. Variations from the declared net weight, measure, or count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practices, but such variations shall not be permitted to such extent that the average of the quantities in the package of a particular commodity, or a lot of the commodity that is kept, offered or exposed for sale, or sold is below the stated quantity, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same lot, shipment, delivery

compensate for such shortage. Variations above the declared quantity shall not be unreasonably large.

(b) Variations Resulting from Exposure. Variations from the declared weight or measure shall be permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce; **Provided** that the phrase "introduced into intrastate commerce" as used in this paragraph shall be construed to define the time and the place at which the first sale and delivery of a package is made within the State, the delivery being either

1. directly to the purchaser or to his agent, or

2. to a common carrier for shipment to the purchaser, and this paragraph shall be construed as requiring that, so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or person who introduces the package into intrastate commerce, exposure variations shall not be permitted.

(2) Magnitude of Permitted Variations. The magnitude of variations permitted under Rule 40-15-3-.12, paragraph 40-15-3-.12(1), and subparagraphs 40-15-3-.12(1)(a) and 40-15-3-.12(1)(b) of this regulation shall be those expressly set forth in this regulation and those contained in the procedures and tables of the National Bureau of Standards HANDBOOK 67, "Checking Prepackaged Commodities," or National Bureau of Standards HANDBOOK 133, "Checking the Net Content of Packaged Goods," as may be subsequently adopted.

Cite as Ga. Comp. R. & Regs. R. 40-15-3-.12
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Variations to be Allowed" was filed on November 30, 1973; effective December 20, 1973.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-3-.13. Retail Price Representations.

Any person, firm or corporation advertising for sale at retail an article or commodity not available during any day of the advertised period, shall, on demand of the customer, issue a "Rain Check" which will permit the customer to purchase the advertised article or commodity at the advertised price within thirty days of the last offering date.

Cite as Ga. Comp. R. & Regs. R. 40-15-3-.13
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Repacked Products" was filed on November 30, 1973; effective December 20, 1973.
Amended: Rule repealed and a new Rule entitled "Retail Price Representations" adopted. Filed March 1, 1984;

effective March 21, 1984.

Rule 40-15-3-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-15-3-.14
Authority: Ga. L. 1972, p. 654.
History. Original Rule entitled "Sale of Irregular or Imperfect Goods, Materials and Products" was filed on November 30, 1973; effective December 20, 1973.
Amended: Rule repealed. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-3-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-15-3-.15
Authority: Ga. L. 1972, p. 654.
History. Original Rule entitled "Sale of Bagged Coal" was filed on April 22, 1977; effective May 12, 1977.
Amended: Rule repealed. Filed March 1, 1984; effective March 21, 1984.

Subject 40-15-4. METHOD OF SALE OF COMMODITIES.

Rule 40-15-4-.01. Food Products.

(1) Berries and Small Fruits. The fruits shall be offered and exposed for sale by weight, or by measure in open-measure containers having capacities per subparagraph 40-15-4-.01(1)(a) or subparagraph 40-15-4-.01(1)(b), and when sold by measure, the containers shall be deemed not to be packages for labeling purposes.

(a) Inch-Pound Capacities - 1/2 dry pint, 1 dry pint, or 1 dry quart.

(b) Metric Capacities - 250 milliliters, 500 milliliters, or 1 liter.

(2) Bread. Each prepackaged loaf and each prepackaged unit of a twin or multiple loaf procured for sale, kept, offered, exposed for sale, or sold shall have a weight per subparagraph 40-15-4-.01(2)(a) or subparagraph 40-15-4-.01(2)(b); **Provided,** that the provisions of this section shall not apply to biscuits, buns, or rolls of inch-pound sizes 4 ounces or less or of metric sizes 100 grams or less or to "stale bread" sold and expressly represented at the time of sale as such, and, when so sold, the wrappers shall be deemed not to be packages for labeling purposes.

(a) Inch-Pound Weights - 1/2 pound, 1 pound, 1 1/2 pound, or a multiple of 1 pound.

(b) Metric Weights - 250 grams, 500 grams, 750 grams, or a multiple of 500 grams.

(3) Butter, Oleomargarine, and Margarine. These commodities shall be offered and exposed for sale and sold by weight per subparagraph 40-15-4-.03(3)(a) or 40-15-4-.03(3)(b).

(a) Inch-Pound Weights - 1/4 pound, 1/2 pound, 1 pound, or multiples of 1 pound.

(b) Metric Weights - 125 grams, 250 grams, 500 grams, or multiples of 500 grams.

(4) Flour, Corn Meal and Hominy Grits. Wheat flour, whole wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, corn flour, corn meal, and hominy grits, whether enriched or not, shall be packaged, kept, offered, or exposed for sale, or sold only in weights per subparagraph 40-15-4-.01(a) or subparagraph 40-15-4-.01(b); **Provided,** that inch-pound sizes less than 2 pounds or more than 100 pounds and that metric sizes less than 1 kilogram or more than 50 kilograms shall be permitted.

(a) Inch-Pound Weights - 2, 5, 10, 25, 50, 100 pounds.

(b) Metric Weights - 1, 2.5, 5, 10, 25, or 50 kilograms.

(5) Meat, Poultry, and Seafood. These commodities shall be sold by weight, except the following, which may be sold by weight, measure, or count:

(a) shellfish;

(b) items sold for consumption on the premises;

(c) items sold as one of several elements comprising a ready-to-eat meal sold as a unit for consumption elsewhere than on the premises where sold; and,

(d) items sold as part of a sandwich.

(When meat, poultry, or seafood is combined with some other food element to form a distinctive food product, the quantity representation may be in terms of the total weight of the product or combination, and a quantity representation need not be made for each element.)

(In the case of ready-to-cook, stuffed poultry or meat products, the label must show the total net weight of the stuffed poultry or meat product and the minimum net weight of the poultry or meat in the product excluding the meat or poultry that may be part of the stuffing.)

(6) Fluid Milk Products. All fluid milk products, including, but not limited to, milk, lowfat milk, skim milk, cultured milks and cream shall be packaged for retail sale only in volumes per subparagraphs 40-15-4-.01(6)(a), (b), or (c) below: **Provided,** that inch-pound sizes less than 1 gill and metric sizes less than 100 milliliters shall be permitted.

(a) Inch-Pound Volumes - 1 gill, 1/2 liquid pint, 10 fluid ounces, 1 liquid pint, 1 liquid quart, 1/2 gallon, 1 gallon, 1 1/2 gallons, 2 gallons, 2 1/2 gallons, or multiples of 1 gallon.

(b) Metric Volumes - 125 milliliters, 250 milliliters, 500 milliliters, 1 liter, or multiples of 1 liter.

(7) Other Milk Products. Cottage cheese, cottage cheese products, and other milk products which are solid, semi-solid, viscous, or a mixture of solid and liquid, as defined in the Pasteurized Milk Ordinance of the U.S. Public Health Service, as amended in 1965, shall be sold in terms of weight: **Provided,** that cottage cheese, cottage cheese products, sour cream and yogurt shall be packaged for retail sale only in weights per subparagraph 40-15-4-.01(7)(a), (b), or (c) below: and **Provided** further, that multipack or single serving inch-pound sizes of 6 ounces or less shall be sold only in whole-ounce increments, and that metric sizes of 200 grams or less shall be sold in 25 gram increments.

(a) Inch-Pound Weights - 8, 12, 16, 24, 32, 64, and 128 ounces avoirdupois.

(b) Metric Weights - 250, 375, 500, 750 grams; 1, 2, and 4 kilograms.

(Standard package sizes shall apply to low fat and dry curd cottage cheese products as of July 1, 1984.)

(8) Prepackaged Ice Cream and Similar Frozen Products. Ice cream, ice milk, frozen yogurt, and similar products shall be packaged for sale in terms of fluid measure.

(9) Pickles. The declaration of net quantity of contents on pickles and pickle products, including relishes but excluding one or two whole pickles in a transparent wrapping which may be declared by count, shall be expressed in terms of liquid measure. Sales of pickles from bulk may be by count.

(10) Pricing of Bulk Food Commodities. Bulk food commodities or food commodities not in package form and sold by weight shall be priced in terms of whole units of weight and not in common or decimal fractions.

(11) Generic Terms for Meat Cuts. A declaration of identity for meat cuts shall be limited to generic terms, such as those listed in the Uniform Retail Meat Identity Standards. The following abbreviations may be used:

BAR B Q	Barbecue		POT-RST	Pot Roast
BI	Bone In		RND	Round
BNLS	Boneless		RST	Roast
DBLE	Double		SHLDR	Shoulder
LGE	Large		SQ	Square
N.Y. (NY)	New York		STK	Steak
PK	Pork		TRMD	Trimmed

(12) Sale of Meats by Carcass, Side or Primal Cut. At the time of delivery of bulk meat to the purchaser, the seller shall provide a written statement giving the following information:

(a) the name and address of the seller (firm);

(b) the date of the sale;

(c) the name and address of the purchaser;

(d) the identity in the most descriptive terms commercially practicable;

(e) the quality grade and the yield grade, if so represented;

(f) the price per pound before cutting and wrapping and the total price of the sale;

(g) the total net weight (hanging weight) of the carcass, side, or primal cut prior to cutting or processing;

(h) the total net weight of the cut and processed meat delivered to the purchaser;

(i) a list by name of all cuts delivered;

(j) an itemized list of any and all charges over and above the original sale price of the carcass, side or primal cut; and,

(k) a separate indication of the quantity of any meat or other commodity(ies) received by the purchaser as an inducement in connection with the purchase of the carcass, side, or primal cut.

Cite as Ga. Comp. R. & Regs. R. 40-15-4-.01
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Paper Products" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Sale from Bulk" adopted. Filed November 30, 1973; effective December 20, 1973.
Amended: Rule repealed and a new Rule entitled "Food Products" adopted. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-4-.02. Nonfood Products.

(1) Fence Wire Products. Rolls of fence wire products shall be sold by:

(a) gauge of wire;

(b) height in terms of inches or centimeters, if applicable; and,

(c) length in terms of rods, meters, or feet.

(2) Coatings. Asphalt paints, coatings, and plastics shall be sold in terms of liquid measure.

(3) Fireplace and Stove Wood. For the purpose of this regulation, this section shall apply to the sale of all wood, natural and processed, for use as fuel. When the cost of the amount of wood sold exceeds $25.00, Rule 40-15-4-.06 shall be applicable as a bulk commodity.

(a) Definitions.

1. Fireplace and Stove Wood. Any kindling logs, boards, timbers or other wood, split, or not split, advertised, offered for sale, or sold as fuel.

2. Cord. The amount of wood which is contained in a space of 128 cubic feet, when the wood is ranked and well-stowed. For the purpose of this regulation, "ranked and wellstowed" shall mean that pieces of wood are placed in a line or row with the individual pieces touching and parallel to each other, and stacked in a compact manner.

3. Representation. A "representation" shall mean any advertisement, offering, invoice, or the like that pertains to the sale of fireplace or stove wood.

(b) Identity. A representation may include a declaration of identity that indicates the species group (Example: 50% hickory, 50% miscellaneous softwood). Such a representation shall indicate, within ten percent accuracy, the percentages of each group.

(c) Quantity. Wood, of any type, for use as fuel, shall be advertised, offered for sale and sold only by measure, using the term "cord" and fractional parts of a cord, or the cubic meter; except that wood, natural or processed, offered for sale in packaged form, shall display the quantity in terms of cubic feet, to include fractions of cubic feet or cubic meters, to include decimal fractions of cubic meters. A single log shall be sold by weight, and packages of such individual logs containing less than 4 cubic feet (1/32 cord), or sold by inch-pound volume, or less than one-tenth cubic meter, if sold by metric volume, may be sold by net weight plus count.

(d) Prohibition of Terms. The terms "face cord," "rack," "pile," "truckload," or terms of similar import shall not be used when advertising, offering for sale, or selling wood for use as fuel.

(4) Peat and Peat Moss. The terms apply only with respect to organic matter of geological origin, excluding coal and lignite, originating principally from dead vegetative remains through the agency of water in the absence of air and occurring in a bog, swampland, or marsh, and containing an ash content not to exceed 25 percent on a dry-weight basis (dried in an oven at 105° Celsius (221°F) until no further weight loss can be determined).

(a) Declaration of Quantity. The declaration of quantity of peat and peat moss shall be expressed in weight units or in cubic-measure units.

(b) Units.

1. Weight. Peat and peat moss sold in terms of weight shall be offered and exposed for sale only in weight per subparagraphs 40-15-4-.02(4)(b)1.(i) and 40-15-4-.02(4)(b)1.(ii) which follow:

   (i) Inch-Pound Weights - 50, 40, 20, 10 or 3 pounds.

   (ii) Metric Weights - 20, 10, 5, 2, 1 kilogram.

2. Cubic Measure. Peat and peat moss sold in terms of cubic measure shall be offered and exposed for sale only in volumes per subparagraphs 40-15-4-.02(4)(b)2.(i) and 40-15-4-.02(4)(b)2.(ii) which follow. If the commodity is labeled in terms of compressed cubic measurement, the quantity declaration from which the final product was compressed (the latter declaration not exceeding the actual amount of materials that can be recovered).

   (i) Inch-Pound Volumes - 6, 5.5, 4, 2, 1, 0.7, 0.5, 0.3, or 0.2 cubic feet.

   (ii) Metric Volumes - 200, 100, 50, 20, 10, or 5 liters.

(5) Prefabricated Utility Buildings. These buildings shall be offered for retail sale on the basis of usable inside space as follows:

(a) Length, measured from inside surface of wall panels at the base;

(b) Width, measured from inside surface of wall panels at the base;

(c) Height, measured from the base to the top of the shortest wall panel.

(If total usable inside space is declared in a supplemental declaration, it shall be to the nearest cubic foot or cubic decimeter.)

(6) Roofing and Roofing Material. These commodities shall be sold either by the square, or by the square foot only, if sold in inch-pound units or by the square meter only if sold in metric units.

(a) Definitions.

1. Square Meter. The term "square meter" shall mean the quantity of roofing or roofing material that, when applied according to directions or instructions of the manufacturer, will cover one square meter exclusive of side laps or side joints.

(b) Declaration of Quantity. When the declaration of quantity on a package of roofing or roofing material contains the term "square," it shall include, plainly and

conspicuously, a numerical definition of the term "square"; for example, "One square covers 100 square feet of roof area.

1. Common Fractions. The use of the common fraction one-third (1/3) is specifically authorized in the quantity statement of a package of roofing or roofing material when, and only when, used as the common fraction of the "square."

2. Quantity Statement. The primary declaration, if in inch-pound units, shall only be in terms of squares or square feet; and, if in metric units, shall only be in terms of square meters. There is no prohibition against the use of supplemental quantity declarations, such as shingle dimensions; but, in no case shall the weight of the material be stated or implied. However, the use of numerical descriptions for rolls of felt-roofing material may continue to be used.

(7) Sealants. Calking compounds, glazing compounds, and putty shall be sold in terms of liquid measure, except that rope calk shall be sold by weight.

(8) Sod and Turf.

(a) Application. For the purpose of this regulation, this section shall apply to all sod, including turf sod, turf plugs and turf sprigs.

(b) Definitions.

1. Sod. Sod shall mean "turf sod," "turf plugs," or "turf sprigs" of a single kind or variety or a mixture of kinds and varieties.

2. Turf. Turf shall mean a live population of one or more kinds of grasses, legumes, or other plant species used for lawns, recreational use, soil erosion control or other such purposes.

3. Turf Plug. Turf plug shall mean a small section cut from live turf of those kinds of turf normally vegetatively propagated (such as zoysia grass) which, when severed, contains sufficient plant material to remain intact.

4. Turf Sod. Turf sod shall mean a strip or section of live turf which, when severed, contains sufficient plant material to remain alive and intact.

5. Turf Sprig. Turf Sprig shall mean a live plant, stolon, crown or section cut from stolonifera plants used as turf.

(c) Quantity. Sod shall be advertised, offered for sale and sold by measure or by a combination of count and measure as prescribed by this subsection.

1. Turf Sod - Turf sod shall be advertised for sale and sold in terms of the square foot, square yard or square meter, as appropriate.

2. Turf Plugs - Turf plugs shall be advertised for sale and sold in terms of count, combined with a statement of the plug diameter.

3. Turf Sprigs - Turf sprigs shall be advertised for sale and sold in terms of the liter or the bushel.

(9) Softwood Lumber.

(a) Application. The term "Softwood Lumber" shall apply to softwood boards, timbers, and dimension lumber that have been dressed on four sides, but shall not apply to rough lumber, to lumber that has been matched, patterned, or shiplapped, or to lumber remanufactured or joined so as to have changed the form or identify, such as individual, assembled, or packaged millwork items.

(b) Definitions:

1. Dressed (surfaced) Lumber: Lumber that has been dressed (or surfaced) for the purpose of attaining smoothness of surface and uniformity of size.

2. Boards: Lumber 1-1/4 inches or less in actual thickness and 1-1/2 inches in actual width may be classified as strips.

3. Timbers: Lumber 4-1/2 or more inches in least actual dimension. Timber may be classified as beams, stringers, posts, caps, sills, girders, purlins, etc.

4. Dimension Lumber: Lumber from 1-1/2 inches to, but not exceeding, 4-1/2 inches in actual thickness, and 1-1/2 or more inches in actual width. Dimension lumber may be classified as framing, joists, plants, rafters, studs, small timbers, etc.

5. Rough Lumber: Lumber that has not been dressed, but which has been sawed, edged, and trimmed at least to the extent of showing saw marks in the wood on the four longitudinal surfaces of each piece for its overall length.

6. Matched Lumber: Lumber that has been worked with a tongue on one edge of each piece and a groove on the opposite edge to provide a close tongue-and-groove joint by fitting two pieces together; when end matched, the tongue and groove are worked in the ends also.

7. Patterned Lumber: Lumber that is shaped to a pattern or to a molded form, in addition to being dressed matched, or shiplapped, or any combination of these workings.

8. Shiplapped Lumber: Lumber that has been worked or rabbeted on both edges of a piece to provide a close-lapped joint by fitting two pieces together.

9. Grade: The commercial designation assigned to lumber meeting specifications established by a nationally recognized grade rule writing organization.

10. Species: The commercial name assigned to a species of trees.

11. Species Group: The commercial name assigned to two or more individual species having similar characteristics.

12. Representation: A "representation" shall mean any advertisement, offering, invoice, or the like that pertain to the sale of lumber.

13. Minimum Dressed Sizes (Width and Thickness): The standardized width and thickness at which lumber is dressed when manufactured in accordance with the U.S. Department of Commerce Voluntary Product Standard 20-70, "American Softwood Lumber Standard," and regional grading rules conforming to VPS 20-70 follow:

(c) Softwood Lumber Sizes. Minimum standard dressed sizes at the time of manufacture for both unseasoned (green) and dry lumber as published by the U.S. Department of Commerce in Product Standard 20-70 shall be as follows in Table III.

TABLE III

Product Classification (Nominal Size)	Unseasoned	Minimum Dressed Sizes (See Notes i and ii) Dry
Inches	Inches	Inches
Dimension Lumber		
2 × 4	1-9/16 × 3-9/16	1-1/2 × 3-1/2
2 × 6	1-9/16 × 5-5/8	1-1/2 × 5-1/2
2 × 8	1-9/16 × 7-1/2	1-1/2 × 7-1/4

2 × 10	1-9/16 × 9-1/2	1-1/2 × 9-1/4
2 × 12	1-9/16 × 11-1/2	1-1/2 × 11-1/4
(See Note i)		
Board Lumber		
1 × 4	25/32 × 3-9/16	3/4 × 3-1/2
1 × 6	25/32 × 5-5/8	3/4 × 5-1/2
1 × 8	25/32 × 7-1/2	3/4 × 7-1/4
1 × 10	25/32 × 9-1/2	3/4 × 9-1/4
1 × 12	25/32 × 11-1/2	3/4 × 11-1/4

Note: The dry thickness of nominal 3-inch and 4-inch lumber is 2-½ inches and 3-1/2 inches; unseasoned thickness are 2-9/16 inches and 3-9/16 inches. Widths for these thicknesses are the same as shown above.

Additional Notes: Product Standard 20-70 defines dry lumber as being 19 percent or less in moisture content and unseasoned lumber as being over 19 percent moisture content. The size of lumber changes approximately 1 percent for each 4 percent change in moisture content. Lumber stabilizes at approximately 15 percent moisture content under normal use conditions.

(10) Hardwood Lumber. Sales of hardwood lumber measured after kiln drying shall be quoted, invoiced and delivered on the basis of net board footage, with no addition of footage for kiln drying shrinkage. Sales of hardwood lumber measured prior to kiln drying shall be quoted, invoiced and delivered on the basis of net board footage before kiln drying. If the lumber is to be kiln dried at the request of the purchaser, the kilndrying charge shall be clearly shown and identified on the quotation and invoice.

(11) Carpeting. Anyone who sells carpeting shall provide the purchaser with written statements at the time of sale giving the following information:

(a) the name and address of the manufacturer;

(b) the style name and roll number of the carpet;

(c) the generic name of the fiber and the type of backing material;

(d) the amount delivered (exact size shipped), and;

(e) the price per square yard if sold in inch-pound units, or the price per square meter if sold in metric units, and the total price.

(12) Polyethylene Products. Consumer products offered and exposed for sale at retail shall be sold in terms of:

(a) Sheeting and Film:

1. length and width;
2. area in square feet or square meters;
3. thickness; and,
4. weight.

(b) Food Wrap:

1. length and width; and,
2. area in square feet or square meters.

(c) Lawn and Trash Bags:

1. count;
2. dimensions; and,
3. thickness.

(d) Food and Sandwich Bags:

1. count; and,
2. dimensions.

(e) Products not intended for the retail consumer shall be offered and exposed for sale in terms of:

1. Table IV Net Weight of Various Polyethylene Rolls (Based on 100 foot roll)

   Thickness-Weight (1 mil = 0.001 inches)

Width in Feet	2 Mils Thick	4 Mils Thick	6 Mils Thick
3	2.88	5.73	8.61
6	5.76	10.74	17.22
8	7.68	15.28	22.96
10	9.60	19.10	28.70

12	11.52	22.92	34.44
16	15.36	30.56	45.92
20	19.20	38.20	57.40
24	23.04	45.84	68.88
28	26.88	53.48	80.36
30	28.80	57.30	86.10
32	30.72	61.12	91.84
36	33.12	68.76	94.71

Notes: Weight for the various thicknesses per given 100 feet of length, with the width of the sheeting as the variable, are based on "industry-wide" standards appearing in Voluntary Product Standard 17-69, approved by the National Bureau of Standards on December 31, 1969.

The weight values are given as fractional parts of 1,000 square feet weights based on a sheet of polyethylene being 10 feet wide and 100 feet long, equalling 1,000 square feet. The basis of violation is a deficiency in weight, caused principally by insufficient thickness, or by deficiencies in length of width.

Tolerances: Thickness variance of ± 20 percent, but must average the specified thickness.

Length variance +3 percent (103 feet) to minus 1 percent (not less than 99 feet for the labeled 100 feet).

Width variance of 1/8 inch under one foot; 1/8 inch per number of feet wide (8 feet wide ± 1 inch).

2. Sheeting and Film:

   (i) Length.

   (ii) Width.

   (iii) Thickness.

   (iv) Weight.

3. Bags:

   (i) Count.

(ii) Dimensions.

(iii) Thickness.

(iv) Weight.

(f) Declaration of Weight. The labeled statement of weight for polyethylene products under subparagraphs 40-15-4-.02(12)(a), 40-15-4-.02(12)(e)1., and 40-15-4-.02(12)(e)2, shall be not less than the weight calculated by using the following formula, where

$W = T \times A \times 0.03613D$, where

W = Net Weight in pounds

T = Nominal thickness in inches

A = Nominal length in inches times nominal width in inches

D = Density in grams per cubic centimeter as determined by ASTM Standard D1505-68 "Standard Method of Test for Density of Plastics by the Density Gradient Technique" (or latest issue). 0.03613 is a factor for converting g/cm^3 to lb/in^3.

(13) Insulation.

(a) Packaged Loose-Fill Insulation. Packaged loose-fill insulation shall be sold on the basis of coverage in square feet or square meters, the recommended installed thickness, the insulation resistance "R" value obtained, and net weight.

(Example: Contents will cover 26 square feet when installed at a thickness equal to 6-½ inches with a resistance value of R-19. Net Weight 30 lb.)

(b) Batt or Roll-Type Insulation. These commodities shall be sold on the basis of coverage in square feet or square meters, the designated "R" value and the width and length of the batt or roll.

(Example: Covers 26 square feet and provides a value of R-19. Roll is 12 inches wide by 26 feet long.)

(c) Installed Insulation. Installed insulation shall be sold on the basis of coverage in square feet or square meters, and the insulation resistance obtained; the seller or applicator shall provide the purchaser with an application statement.

(Example of application statement: Insulation covering 120 square meters of area has been installed in conformance with manufacturer's recommendations to provide a value of R-19.)

(14) Bagged Coal.

(a) This regulation shall apply to chunk-type bituminous coal offered for sale or sold in retail units or packages of 100 pounds or less, or in metric units of 50 kilograms or less.

(b) Coal packaged in bags or boxes shall have printed thereon, or written in script, the net weight using letters or numbers being not less than two (2) inches (5 centimeters) in height, with lines forming the letters and numbers having a width of 1/8 inch (0.3 cm). In the use of burlap bags as containers, a tag attached to the bags shall give the net weight information.

(15) Precious Metals.

(a) Precious metals covered in this regulation shall be composed of gold, silver, platinum, or any item composed partly or completely of these metals or their alloys and in which the market value of the metal in the item is principally the gold, silver, or platinum component.

(b) Quantity. The unit of measure and the method of sale of precious metals, if the price is based in part or wholly on a weight determination, shall be either troy weight or metric weight. When the measurement or method of sale is expressed in metric units, a conversion chart to troy units shall be prominently displayed so as to facilitate price comparison. The conversion chart shall also display a table of troy weights indicating grains, pennyweights, and troy ounces.

(16) Bark and Hull Mulches.

(a) Definition. For agricultural and landscaping purposes, the term "mulches" shall apply to chip and shredded particles of tree bark and other organic vegetable mulches.

(b) When bark chips are sold as mulching materials, the particle size may vary in shape and dimensions: However, if it has not been shredded, its packing label must properly distinguish it from shredded materials.

(c) Mulching materials, including bark chips, when offered for sale or sold in the State of Georgia shall be as:

1. Bulk, loose, by weight or volume as the customer may require.

2. In bags:

   (i) in inch-pound system, 3 cubic feet or other appropriate sizes; and,

   (ii) in metric sizes as appropriate in liters.

(d) Variances in excess of 5% shall be considered excessive, and the average of the lot must equal the advertised quantity. If the commodity is packaged to be sold by weight, variances shall be considered excessive if they exceed 3%.

(e) When sold as a shredded commodity by weight, moisture content shall be considered excessive if the mulching material tends to ball when squeezed by the handful.

(17) Natural Gas sold as a vehicle fuel

(a) Definitions

1. Compressed Natural Gas (CNG) is a gaseous fuel composed primarily of methane that is suitable for compression and dispensing into a fuel storage container(s) for use as an engine fuel.

2. Liquefied Natural Gas (LNG) is a natural gas which is predominately methane that has been liquefied at -260 degrees F (-162 degrees C) at 14.696 PSIA and stored in insulated cryogenic fuel storage tanks for use as an engine fuel.

3. Gasoline Gallon Equivalent (GGE) means 5.660 pounds of Compressed Natural Gas (CNG).

4. Diesel Gallon Equivalent (DGE) means 6.384 pounds of Compressed Natural Gas (CNG) or 6.059 pounds of Liquefied Natural Gas (LNG).

(b) Method of Sale

1. All Compressed Natural Gas (CNG) kept, offered, or exposed for sale and sold at retail to the public as a vehicle fuel shall be indicated in Gasoline Gallon Equivalent (GGE) units or Diesel Gallon Equivalent (DGE) units.

2. All Liquefied Natural Gas (LNG) kept, offered, or exposed for sale and sold at retail to the public as a vehicle fuel shall be indicated in Diesel Gallon Equivalent (DGE) units.

Cite as Ga. Comp. R. & Regs. R. 40-15-4-.02
Authority: O.C.G.A. Sec. 10-2-5.
History. Original Rule entitled "Nonfood Products" was filed on March 1, 1984; effective March 21, 1984.

Amended: F. Mar. 25, 2015; eff. Apr. 14, 2015.

Rule 40-15-4-.03. Repacked Products and Commodities.

Except where otherwise provided by statute, when products of the same kind as the original contents are packed in used containers by other than the original packers and sold or offered for sale or transported for sale, any markings pertaining to the original contents shall be erased or obliterated and such container shall be conspicuously marked or labeled "Not Original Contents," in letters at least one inch high. This regulation shall apply in the case of bags or sacks tagged on the outside. This regulation shall not be construed to supersede labeling requirements as prescribed by other regulations in any manner whatsoever.

Cite as Ga. Comp. R. & Regs. R. 40-15-4-.03
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972. p. 654).
History. Original Rule entitled "Repacked Products and Commodities" was filed on March 1, 1984; effective March 21, 1984.

Rule 40-15-4-.04. Sale of Irregular or Imperfect Goods, Materials and Products.

(1) When irregular or imperfect goods, materials and products are offered for sale, sold, bartered, or exchanged, whether they be of consumer or nonconsumer classifications, the same must be advertised and identified by labeling as irregular or imperfect (not a first-line product).

(2) The type or irregularity or imperfection must be identified so that customer shall be aware of, and understand, what the goods, material or product's imperfection is.

Cite as Ga. Comp. R. & Regs. R. 40-15-4-.04
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Sale of Irregular or Imperfect Goods, Materials and Products" was filed on March 1, 1984; effective March 21, 1984.

Rule 40-15-4-.05. General Considerations.

(1) Presentation of Price. Whenever an advertised, posted or labeled price per unit of weight, measure, or count for any commodity includes a fraction of a cent, all elements of the fraction shall be prominently displayed, and the numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and width of, the numerals representing the whole cent.

(2) Allowable Differences: Combination Quantity Declarations. Whenever the method of sale for a bulk or packaged commodity requires the use of a statement that includes count

in addition to weight, measure, or size, the following shall apply to the particular commodity:

(a) Beverageware: Pressed and Blown Tumblers and Stemware. The allowable difference between actual and declared capacity shall be:

1. For inch-pound:

(i) plus or minus 1/4 fluid ounce for items of 5 fluid ounce capacity or less; and,

(ii) plus or minus 5 percent of the stated capacity for items over 5 fluid ounce capacity.

2. For metric:

(i) plus or minus 10 milliliters for items of 200 ml capacity or less; and,

(ii) plus or minus 5 percent of the stated capacity for items over 200 ml capacity.

(3) Machine-Vended Commodities. All vending machines dispensing packaged commodities shall indicate:

(a) product identity;

(b) net quantity, except in the case of sandwiches which shall be required to show none; and,

(c) Name, address and telephone of responsible party or operator.

(The requirements for product identity, net quantity and name, address, etc., can be met either by display of the package or by required information being posted on the outside of the vending machine.)

Cite as Ga. Comp. R. & Regs. R. 40-15-4-.05
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "General Considerations" was filed on March 1, 1984; effective March 21, 1984.

Rule 40-15-4-.06. Sale from Bulk.

(1) Sale of goods from bulk shall be deemed to take place when:

(a) the seller determines the quantity and the sale of goods are in excess of twenty dollars ($20), and;

(b) Any consumer or non-consumer commodity such as bulk fertilizer, heating oil, cord of wood, sold to a consumer-user, must be accompanied by a delivery ticket containing the following information:

1. name and address of the vendor and the purchaser;

2. the date weighed or measured if different from the date the commodity is delivered; otherwise, only the date delivered shall be shown;

3. the quantity delivered, and the net quantity upon which the price is based, if this differs from the quantity delivered. If the quantity of the commodity is represented in avoirdupois pounds, the net weight of the delivery and the gross weight and the tare weight from which the net weight was computed must be shown with the weight to the nearest 10 pounds, if in excess of 10,000 pounds;

4. the identity of the goods or commodities in the most descriptive terms commercially practicable, including quantity representation made in connection with the sale;

5. the tag number of the truck when a truck number is not identifiable with the vehicle;

6. the tare weight, the gross weight of the vehicle transporting the commodity, and the net weight of the delivery;

7. the net weight must be determined by the same weighmaster who determined the tare weight and the gross weight on the same scale of the same day, and;

8. the count of individually-wrapped packages, if more than one.

(2) Whenever a weights and measures official of the State of Georgia finds any bulk commodity ready for, or in the process of, delivery, he may direct the person in charge of delivery of the commodity to convey the commodity to the nearest state inspected and approved stationary scale within twenty-five miles for weighing the vehicle transporting the commodity. The weights and measures official shall thereupon determine the gross weight of the commodity and the transporting vehicle, and shall direct such person in charge to return to the same scale to determine the tare weight of the vehicle.

(a) No seller, driver, or person in charge of the vehicle containing such commodity, or from which such commodity has been unloaded, shall fail to take the vehicle, upon the direction of the weights and measures official to scales aforesaid or refuse to permit the commodity or the vehicle to be weighed by the weights and measures official.

Cite as Ga. Comp. R. & Regs. R. 40-15-4-.06
Authority: O.C.G.A. Sec. 10-2-10 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Sale from Bulk" was filed on March 1, 1984; effective March 21, 1984.

Subject 40-15-5. AGRICULTURE PRODUCTS.

Rule 40-15-5-.01. Weighing Tobacco in Auction Warehouses.

(1) All tobacco received at tobacco auction warehouses, for the purpose of sale, must be weighed and sold on a net weight basis and must be weighed on approved scales with graduated intervals not greater than one pound.

(2) Scales shall be back-balanced an amount equal to the average weight of the sheets on which the tobacco is laid before the sheet unit is weighed.

(3) All sheets of tobacco weighed prior to sale shall be accompanied by an identification ticket which shall include there on the name of the seller and the net weight of the tobacco on the sheet.

(4) All tobacco weighed for the purpose of sale, offering for sale, or sold, including but not limited to "House" and/or "Speculators" tobacco, shall be weighed and recorded accurately.

(5) All "reworked" or "resale" tobacco must be re-weighed before it is again offered or exposed for sale.

(6) It shall be the duty of each tobacco auction market manager to retain a copy of all records, including sales tags, weight tickets, account of sales, and other records covering each transaction for a period of three years. These records shall at all times be available for, and open to, the confidential inspection of the Commissioner or his authorized agents.

(7) All scales, buggies, conveyors and sheets to be used in processing the tobacco for sale shall be installed or available for inspection not later than July 5, or three weeks prior to the opening date of the tobacco markets whichever is earlier.

Cite as Ga. Comp. R. & Regs. R. 40-15-5-.01
Authority: O.C.G.A. Sec. 10-2-49 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Roofing and Roofing Materials" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Weighing Tobacco in Auction Warehouses" adopted. Filed November 30, 1973; effective December 20, 1973.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 1, 1984: effective March 21, 1984.

Rule 40-15-5-.02. Milk Tanks.

All farm milk tanks used, or to be used, under an express contract between the producer and the purchaser, and on the premises of the producer, for the commercial measurement of milk or other fluid dairy products, must meet the specifications and tolerances set forth in National Bureau of Standards HANDBOOK 44 and supplements there to, filed in the offices of the Commissioner of Agriculture.

(a) Installation: It shall be the responsibility of the manufacturer or his agent or dealer or the producer to install the farm milk tank in accordance with the aforementioned specifications and to notify the Commissioner of Agriculture of such installation.

(b) Calibration: It shall be the responsibility of the milk tank manufacturer to calibrate all farm milk tanks. The calibration must be made at the factory or after installation, and must meet the aforementioned specifications. The gauge rod shall be numbered or otherwise identified as a part of the specific tank, and it shall be illegal to swap or interchange gauge rod between tanks.

(c) Testing: It shall be the responsibility of the Commissioner of Agriculture to test the calibration and the installation of all farm milk tanks and to apply the standard weights and measures seal of approval to all tanks, gauges, and charts as approved.

Cite as Ga. Comp. R. & Regs. R. 40-15-5-.02
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Milk Tanks" was filed on November 30, 1973; effective December 20, 1973.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-5-.03. Grain Moisture Meters.

(1) Definitions.

(a) "Grain Moisture Meter." Any device indicating either directly or through conversion tables and/or correction tables the moisture content of cereal grains and oil seeds.

(b) "Grain Sample." That portion of grain or seed taken from a bulk of grain or seed to be bought or sold and used to determine the moisture content of the bulk.

(c) "Grain sample weighing equipment." A scale adapted to weighing grain samples used in determining moisture content, dockage, weight per unit volume, etc.

(d) "Moisture content." The mass of water in a grain or seed sample (determined by the reference method) divided by the mass of the grain or seed sample expressed as a percentage (%).

(e) "Moisture meter charts." Conversion and correction tables used to determine the moisture content from the value indicated by the moisture meter based on parameters of grain type, temperature or test weight.

(2) Approval and commercial use of the following associated equipment shall be subject to inspection, testing and technical requirements contained in the Grain Moisture Meters code section of the current edition of NIST Handbook 44:

(a) grain, moisture meter;

(b) operational charts, tables and directions;

(c) scales, balances and weights or measurement standards;

(d) temperature measuring equipment.

(3) Commercial moisture-testing equipment not performing within established standards and technical requirements, shall be subject to rejection and to revocation of its registration if the device is not repaired or replaced.

(4) The commercial use of a rejected device will be prohibited until the device is repaired or adjusted to perform within established tolerance.

(5) The meter owner/operator must report, on forms provided by the Commissioner, every commercial moisture meter originally installed or repaired and returned to service following rejection. Such meters may be used for moisture determination prior to testing certification by the Department.

(6) Each commercial grain moisture meter shall require a separate Department registration.

(7) Each operator of commercial moisture-testing equipment shall obtain a Certified Moisture Meter Operator license by making proper application to the Commissioner. Such license shall be permanent until surrendered or revoked.

(8) The licensed operator shall be proficient in the operation of moisture-testing equipment and utilize current editions of tables, charts and directions when making moisture determinations.

(9) Responsibility for the enforcement of these regulations is vested in the Commissioner of Agriculture who may designate other employees of the Georgia Department of Agriculture to perform necessary duties or to represent him in carrying out the enforcement of these regulations.

Cite as Ga. Comp. R. & Regs. R. 40-15-5-.03
Authority: O.C.G.A. Sec. 10-2-15 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Moisture Testers (Grain)" was filed on November 30, 1973; effective December 20, 1973.

Amended: Filed April 8, 1977; effective April 28, 1977.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 1, 1984; effective March 21, 1984.
Repealed: New Rule entitled "Grain Moisture Meter," adopted. F. May 22, 1995; eff. June 11, 1995.

Rule 40-15-5-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-15-5-.04
Authority: Ga. L. 1972, p. 654.
History. Original Rule entitled "Peat and Peat Moss" was filed on November 30, 1973; effective December 20, 1973.
Amended: Rule repealed. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-5-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-15-5-.05
Authority: Ga. L. 1972, p. 654.
History. Original Rule entitled "Bark and Hull Mulches" was filed on November 30, 1973; effective December 20, 1973.
Amended: Rule repealed. Filed March 1, 1984; effective March 21, 1984.

Subject 40-15-6. SPECIAL INVESTIGATIVE POWERS.

Rule 40-15-6-.01. Special Investigative Powers.

When necessary for the enforcement of the provisions of the Weights and Measures Laws of this State, or rules or regulations promulgated pursuant thereto, the Commissioner or any designated employee of the Georgia Department of Agriculture is hereby:

(a) Authorized to enter any commercial premises when open for business, except that, in the event such premises are not open to the public, he shall first present his credentials and obtain consent before making entry thereto, unless a search warrant has previously been obtained.

(b) Empowered to issue stop-use, hold, and removal orders with respect to any commercially-used weights and measures and stop-sale, hold, and removal orders with respect to any packaged commodities or bulk commodities kept, offered, or exposed for sale.

(c) Empowered to seize, for use as evidence, without formal warrant, any incorrect or unapproved weight, measure, package or commodity found to be used, retained, offered, or exposed for sale or sold in violation of the provisions of the Weights and Measures Laws of State of Georgia, or rules or regulations promulgated pursuant thereto.

(d) Empowered to stop any commercial vehicle, and after presentment of his credentials, inspect the contents; require that the person in charge of said vehicle produce any documents in his possession concerning the contents of the vehicle; and require him to proceed with the vehicle to some specified place which shall not be more than 25 miles distant from the location where the vehicle was stopped for further inspections.

(e) Authorized to investigate and prosecute any person violating the provisions of the Weights and Measures Laws, or rules or regulations promulgated pursuant thereto.

Cite as Ga. Comp. R. & Regs. R. 40-15-6-.01
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Meat and Meat Products" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Coatings" adopted. Filed November 30, 1973; effective December 20, 1973.
Amended: Rule repealed and a new Rule entitled "Special Investigative Powers" adopted. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-6-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-15-6-.02
Authority: Ga. L. 1941, p. 510; Ga. L. 1956, p. 195; Ga. L. 1972, p. 654.
History. Original Rule entitled "Butter, Oleomargarine, and Margarine" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Softwood Lumber" adopted. Filed November 30, 1973; effective December 20, 1973.
Amended: Rule repealed. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-6-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-15-6-.03
Authority: Ga. L. 1941, p. 510; Ga. L. 1956, p. 195; Ga. L. 1972, p. 654.
History. Original Rule entitled "Flour, Corn Meal, and Hominy Grits" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Roofing and Roofing Materials" adopted. Filed November 30, 1973; effective December 20, 1973.
Amended: Rule repealed. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-6-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-15-6-.04
Authority: Ga. L. 1941, p. 510; Ga. L. 1956, p. 195; Ga. L. 1972, p. 654.
History. Original Rule entitled "Berries and Small Fruits" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Polyethylene and Polyolefin Sheeting" adopted. Filed November 30, 1973; effective December 20, 1973.
Amended: Rule repealed. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-6-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-15-6-.05
Authority: Ga. L. 1972, p. 654.
History. Original Rule entitled "Sealants" was filed on November 30, 1973; effective December 20, 1973.
Amended: Rule repealed. Filed March 1, 1984; effective March 21, 1984.

Rule 40-15-6-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-15-6-.06
Authority: Ga. L. 1972, p. 654; Ga. L. 1956, p. 195.
History. Original Rule entitled "All Commodities" was filed on November 30, 1973; effective December 20, 1973.
Amended: Rule repealed. Filed March 1, 1984; effective March 21, 1984.

Subject 40-15-7. REVOCATION OF CONFLICTING REGULATIONS.

Rule 40-15-7-.01. Revocation of Prior and Conflicting Regulations.

All provisions of all orders and all regulations heretofore issued on this same subject, and specifically "Rules and Regulations Governing Weights and Measures Division," effective December 20, 1973, as amended, are hereby revoked, and these regulations are adopted and substituted in lieu thereof.

Cite as Ga. Comp. R. & Regs. R. 40-15-7-.01
Authority: O.C.G.A. Sec. 10-2-5 (Ga. L. 1972, p. 654).
History. Original Rule entitled "Weighing Tobacco in Auction Warehouses" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Special Investigative Powers" adopted. Filed November 30, 1973; effective December 20, 1973.
Amended: Rule repealed and a new Rule entitled "Revocation of Prior and Conflicting Regulations" adopted. Filed March 1, 1984; effective March 21, 1984.

Subject 40-15-8. REPEALED.

Rule 40-15-8-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-15-8-.01
Authority: Ga. L. 1941, p. 510; Ga. L. 1972, p. 654.
History. Original Rule entitled "Bulk Deliveries" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Revocation of Prior and Conflicting Regulations" adopted. Filed November 30, 1973; effective December 20, 1973.
Amended: Rule repealed. Filed March 1, 1984; effective March 21, 1984.

Chapter 40-16. ANIMAL INDUSTRY DIVISION.

Subject 40-16-1. BIOLOGICALS.

Rule 40-16-1-.01. Definitions.

The following words or terms shall have the meaning set forth herein when used in these rules and regulations:

(a) The term "Department" shall mean the Department of Agriculture.

(b) The term "Commissioner" shall mean the Commissioner of Agriculture.

(c) The term "Biologicals" shall be defined as medical preparations made from living organisms and their products, including serums, vaccines, antigens and antitoxins which are for use on poultry and animals, excluding humans.

(d) The term "Adulterant" shall mean a substance use as an addition to another substance for sophistication or adulteration.

(e) The term "Adulteration" shall mean an addition of an impure, cheap, or unnecessary ingredient to cheat, cheapen, or falsify a preparation.

(f) The term "Contaminant" shall mean something that causes contamination, such as a foreign organism developing accidentally in a pure culture.

(g) The term "Contamination" shall mean the soiling or making inferior by contact or mixing.

(h) "Dealer in Biologicals" shall include every producer, manufacturer, distributor, or sales outlet selling, offering for sale, exposing for sale, distributing, or storing biologicals as herein defined, and every such dealer shall register with and obtain a permit from the Department of Agriculture prior to engaging in such activities. Provided, however, that the provisions of this Act shall not apply to any department of Federal or State Government or any County Board of Health, or any joint City-County Board of Health, or any licensed graduate veterinarian, whose primary use of biologicals is in his practice, or any retail establishment which purchases pre-packaged biologicals not under its private label from a producer, manufacturer, distributor, or sales outlet registered under this Act for sale to the general public only. Retail establishments selling biologicals, the producer, manufacturer, and distributor neither of which are registered under this Act must obtain a separate permit for biologicals obtained from each nonregistered source.

Cite as Ga. Comp. R. & Regs. R. 40-16-1-.01
Authority: O.C.G.A. Secs. 4-7 and 4-9.
History. Original Rule entitled "Definitions" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 18, 1966; effective June 6, 1966.
Amended: Authority changed. Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-1-.02. Rules Regarding Permits.

Each dealer in biologicals shall apply to the Commissioner for a permit to do business in Georgia prior to any storing of biologicals, or soliciting business from any class of trade in the State of Georgia. Such permit shall be made on a form prescribed and furnished by the Commissioner of Agriculture which when properly executed shall indicate the name of the owner, manager, trustee, leasee, receiver or other person or persons desiring such permit, as well as location of such business, and the names and addresses of companies in the State of Georgia who act as wholesale distributors. Those producers who, with headquarters outside of the State of Georgia, sell directly to retail establishments within the State of Georgia shall provide the Department of Agriculture with a list of these retail accounts and their addresses. No person, firm, or partnership shall engage in any storing or selling activities without a permit or while its permit is suspended or revoked. A previous violation of the law or any regulation of the Department of Agriculture by the applicant shall constitute just cause for refusal of a permit. Effective July 1, 1992, the permit must be renewed annually. The permit will be valid from July 1 to June 30 of the following year. The fee for the permit shall be based on the gross revenue derived from biologicals. The fee for the permit shall be:

up to $25,000 revenue	$25.00
$25,001 to $50,000	$50.00
$50,001 to $75,000	$75.00
$75,001 and over	$100.00

Cite as Ga. Comp. R. & Regs. R. 40-16-1-.02
Authority: O.C.G.A. Secs. 4-7 and 4-9.
History. Original Rule entitled "Permits" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Rules Regarding Permits" adopted. Filed May 18, 1966; effective June 6, 1966.
Amended: Authority changed. Filed May 2, 1984; effective May 22, 1984.
Amended: F. Jun. 11, 1992; eff. July 1, 1992.

Rule 40-16-1-.03. Registration of Poultry Biologicals.

Each poultry biological to be sold or used in Georgia shall be registered with the Georgia Department of Agriculture on or before July 1, 1965, including new products for experimental purposes, not yet licensed by the United States Department of Agriculture. Each biological shall be listed on the application for registration. There shall be a registration fee of one dollar ($1.00) for each product registered. Such registration shall include:

(a) name and address of manufacturer;

(b) veterinary license number;

(c) name of product;

(d) hazards or limitations of use of product;

(e) printed literature and other data which will improve understanding of value of product; and

(f) such additional information as shall be necessary to satisfy the Commissioner as to the efficiency, potency, hazards and limitations of any such product shall be furnished upon request. The Commissioner of Agriculture shall be the sole determining authority as to what shall constitute sufficient information hereunder.

Cite as Ga. Comp. R. & Regs. R. 40-16-1-.03
Authority: O.C.G.A. Secs. 4-7 and 4-9.
History. Original Rule entitled "Registration" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Registration of Poultry Biologicals" adopted. Filed May 18, 1966; effective June 6, 1966.
Amended: Authority changed. Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-1-.04. Sale of Unregistered Biologicals.

The sale or use of any unregistered biologicals except such biologicals as may be exempted herein, is hereby prohibited.

Cite as Ga. Comp. R. & Regs. R. 40-16-1-.04
Authority: O.C.G.A. Sec. 4-7.
History. Original Rule entitled "Sale of Unregistered Biologicals" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of same title adopted. Filed May 18, 1966; effective June 6, 1966.
Amended: Authority changed. Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-1-.05. Access to Records of Sales.

All records pertaining to biologicals shall be made available to the Commissioner or his representative upon request.

Cite as Ga. Comp. R. & Regs. R. 40-16-1-.05
Authority: O.C.G.A. Sec. 4-7.
History. Original Rule entitled "Records of Sales" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Access to Records of Sales" adopted. Filed May 18, 1966; effective June 6, 1966.
Amended: Authority changed. Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-1-.06. Biologicals Holding Facilities.

(1) Each dealer in biologicals herein referred to shall have and maintain sufficient mechanically refrigerated storage facilities to handle inventories. Such storage facilities shall be capable of adjustment to maintain a temperature of 45 degrees Fahrenheit, or lower. Such facilities shall be subject to be inspected periodically.

(2) Biologicals shall be held or stored at temperatures of not over 45 degrees or less than 32 degrees Fahrenheit.

Cite as Ga. Comp. R. & Regs. R. 40-16-1-.06
Authority: O.C.G.A. Secs. 4-7.
History. Original Rule entitled "Biologicals Holding Facilities" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 18, 1966; effective June 6, 1966.
Amended: Authority changed. Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-1-.07. Transportation of Biologicals.

Biologicals referred to in these regulations shall be transported under such temperature conditions as not to adversely effect the potency thereof. Insulated containers or cooling agents shall be used, where necessary, to avoid temperatures above 45 degrees or below 32 degrees Fahrenheit.

Cite as Ga. Comp. R. & Regs. R. 40-16-1-.07
Authority: O.C.G.A. Sec. 4-7.
History. Original Rule entitled "Transportation of Biologicals" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 18, 1966; effective June 6, 1966.
Amended: Authority changed. Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-1-.08. Specific Limited Provisions.

Biologicals produced under special licensing procedures of the United States Department of Agriculture shall not be sold, shipped, stored or used until such products are registered and a permit obtained from the Georgia Department of Agriculture.

Cite as Ga. Comp. R. & Regs. R. 40-16-1-.08
Authority: O.C.G.A. Secs. 4-7.
History. Original Rule entitled "Specific Limiting Provisions" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 18, 1966; effective June 6, 1966.
Amended: Title changed to "Specific Limited Provisions" and Authority changed. Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-1-.09. Hazardous Biologicals, Authority to Impound.

Biologicals which are determined to be hazardous, and those biologicals not meeting the requirements as set out in these and any other rules and regulations or orders as may be promulgated by the Commissioner of Agriculture of this state and any laws as may pertain thereto, shall be subject to impoundment, confiscation, seizure, and any other action that may be deemed necessary to assure the proper control thereof. Biologicals and test antigens such as Brucella vaccine, Pseudorabies vaccine, Brucella antigen, and tuberculin are restricted for sale to and use by or under direction of a veterinarian accredited by the USDA and licensed under the

Georgia Veterinary Practice Act, and employees of the state and federal government approved by the State Veterinarian; provided, however, that rabies vaccine may be sold to and used by any veterinarian licensed under the Georgia Veterinary Practice Act.

Cite as Ga. Comp. R. & Regs. R. 40-16-1-.09
Authority: O.C.G.A. § 4-9-5 et seq.
History. Original Rule entitled "Hazardous Biologicals, Authority to Impound" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 18, 1966; effective June 6, 1966.
Amended: Rule amended and Authority changed. Filed May 2, 1984; effective May 22, 1984.
Amended: F. Jun. 11, 1992; eff. July 1, 1992.
Amended: F. Mar. 15, 2018; eff. Apr. 4, 2018.
Amended: F. July 25, 2018; eff. August 14, 2018.

Rule 40-16-1-.10. Purity and Potency Testing.

Such testing as may be deemed necessary by the Commissioner of Agriculture of this state shall be done at his direction and by such testing authority as he shall designate. The findings of such testing authority shall be admissible in any proceeding under these rules and regulations.

Cite as Ga. Comp. R. & Regs. R. 40-16-1-.10
Authority: O.C.G.A. Secs. 4-7.
History. Original Rule entitled "Testing" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Purity and Potency Testing" adopted. Filed May 18, 1966; effective June 6, 1966.
Amended: Authority changed. Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-1-.11. Interstate Commerce.

No provisions within these rules and regulations shall be construed to effect any herein referred to biological product that shall be subject to the laws of the United States Governing Interstate Commerce, so long as such biological shall remain in Interstate Commerce. However, these rules and regulations shall apply to the producer, manufacturer, distributor, or sales outlet at the source of shipment if such biologic products are destined for distribution, sales, and/or use in the State of Georgia.

Cite as Ga. Comp. R. & Regs. R. 40-16-1-.11
Authority: O.C.G.A. Secs. 4-7.
History. Original Rule entitled "Interstate Commerce" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 18, 1966; effective June 6, 1966.
Amended: Authority changed. Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-1-.12. Protection of Confidential Information.

Information submitted by handlers, dealers, distributors, vendors, manufacturers or users of biologicals herein referred to shall be treated as confidential information to the extent that the release thereof will divulge the contents or formulation of such product.

Cite as Ga. Comp. R. & Regs. R. 40-16-1-.12
Authority: O.C.G.A. Secs. 4-7.
History. Original Rule entitled "Protection of Confidential Information" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 18, 1966; effective June 6, 1966.
Amended: Authority changed. Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-1-.13. Violation: Penalty Therefor.

Any violation of these rules and regulations or any laws pertaining to such products shall be deemed sufficient cause for the revocation of any permit or registration issued hereunder or pursuant to law.

Cite as Ga. Comp. R. & Regs. R. 40-16-1-.13
Authority: O.C.G.A. Secs. 4-7.
History. Original Rule entitled "Violation Penalty Therefore" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 18, 1966; effective June 6, 1966.
Amended: Title changed to "Violation: Penalty Therefor" and Authority changed. Filed May 2, 1984; effective May 22, 1984.

Rule 40-16-1-.14. Potency Standards.* Amended.

The standards set forth by the United States Department of Agriculture, pertaining to the manufacture, sale and use of biologicals, are hereby adopted by reference and shall constitute the minimum requirement for the manufacture, sale and use of these biologicals within this State. Any exception thereto shall be made by the Commissioner of Agriculture of this State, on an individual basis, upon application and proper showing by the manufacturer of unusual circumstances and conditions warranting such exception.

* Standard Requirements for Biologicals obtainable from Commissioner's office.

Cite as Ga. Comp. R. & Regs. R. 40-16-1-.14
Authority: O.C.G.A. Secs. 4-7.
History. Original Rule entitled "Potency Standards" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 18, 1966; effective June 6, 1966.
Amended: Authority changed. Filed May 2, 1984; effective May 22, 1984.

Subject 40-16-2. DEAD ANIMALS.

Rule 40-16-2-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-16-2-.01
Authority: O.C.G.A. Secs. 4-4-2, 4-5-1*et seq.*

History. Original Rule entitled "Purposes of the Regulations" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: New Rule of same title adopted. F. Oct. 3, 1985; eff. Oct. 23, 1985.
Repealed: F. Nov. 21, 2003; eff. Dec. 11, 2003.

Rule 40-16-2-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-16-2-.02
Authority: O.C.G.A. Secs. 4-4-2, 4-5-1*et seq.*
History. Original Rule entitled "Definitions" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: F. Nov. 21, 2003; eff. Dec. 11, 2003.

Rule 40-16-2-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-16-2-.03
Authority: O.C.G.A. Secs. 4-4-2, 4-5-1*et seq.*
History. Original Rule entitled "Disposition of Dead Animals" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Amended: F. Oct. 3, 1985; eff. Oct. 23, 1985.
Repealed: F. Nov. 21, 2003; eff. Dec. 11, 2003.

Rule 40-16-2-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-16-2-.04
Authority: O.C.G.A. Secs. 4-4-1, 4-4-2, 4-5-1*et seq.*
History. Original Rule entitled "Livestock Markets, Slaughter Plants, Garbage Feeders" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Rule retitled "Livestock Markets and Slaughter Plants". F. May 2, 1984; eff. May 22, 1984.
Repealed: F. Nov. 21, 2003; eff. Dec. 11, 2003.

Rule 40-16-2-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-16-2-.05
Authority: O.C.G.A. Secs. 4-4-2, 4-5-1*et seq.*
History. Original Rule entitled "Methods of Disposal of Dead Animals" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: F. May 2, 1984; eff. May 22, 1984.
Repealed: New Rule of same title adopted. F. Dec. 2, 1992; eff. Dec. 22, 1992.
Repealed: F. Nov. 21, 2003; eff. Dec. 11, 2003.

Rule 40-16-2-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-16-2-.06
Authority: O.C.G.A. Secs. 4-4-2, 4-5-1*et seq.*, 26-2-2, 26-2-6.

History. Original Rule entitled "Poultry Carcass Disposal" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: F. May 2, 1984; eff. May 22, 1984.
Amended: F. Dec. 2, 1992; eff. Dec. 22, 1992.
Repealed: F. Nov. 21, 2003; eff. Dec. 11, 2003.

Rule 40-16-2-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-16-2-.07
Authority: O.C.G.A. Secs. 4-4-2, 4-5-1*et seq.*
History. Original Rule entitled "Transportation of Diseased Animals" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: F. May 2, 1984; eff. May 22, 1984.
Repealed: F. Nov. 21, 2003; eff. Dec. 11, 2003.

Rule 40-16-2-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-16-2-.08
Authority: O.C.G.A. Secs. 4-4-2, 4-5-1*et seq.*
History. Original Rule entitled "Interstate Transportation of Dead Animals" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: F. May 2, 1984; eff. May 22, 1984.
Repealed: F. Nov. 21, 2003; eff. Dec. 11, 2003.

Rule 40-16-2-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-16-2-.09
Authority: O.C.G.A. Secs. 4-4-2, 4-5-1*et seq.*
History. Original Rule entitled "Penalty for Violation" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: F. Nov. 21, 2003; eff. Dec. 11, 2003.

Rule 40-16-2-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-16-2-.10
Authority: O.C.G.A. Secs. 4-4-2, 4-5-1*et seq.*
History. Original Rule entitled "Effective Date" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: F. Nov. 21, 2003; eff. Dec. 11, 2003.

Rule 40-16-2-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-16-2-.11
Authority: O.C.G.A. Secs. 4-4-2, 4-5-1*et seq.*
History. Original Rule entitled "Conflicting Rules and Regulations Repealed" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.

Repealed: F. Nov. 21, 2003; eff. Dec. 11, 2003.

Rule 40-16-2-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-16-2-.12
Authority: O.C.G.A. Secs. 4-4-2, 4-5-1*et seq.*
History. Original Rule entitled "Severability" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: F. Nov. 21, 2003; eff. Dec. 11, 2003.

Subject 40-16-3. EQUINE.

Rule 40-16-3-.01. Definitions.

The following words or terms shall have the meaning set forth herein when used in these rules and regulations:

(a) Equine shall include horses, mules, asses and any other member of the Equidae species.

(b) Dealer or Broker. The words "dealer" or "broker" as used in these regulations shall mean any person, firm or corporation engaged in the business of buying equines of any kind for resale or in selling equines of any kind bought for the purpose of resale or in buying equines of any kind for slaughter; and every agent acting for or on behalf of any dealer or broker or auction operator is for the purpose of this Act a dealer or broker; provided, however, that any person acquiring equines for the purpose of using as a part of their operations or for pleasure only are exempt from the definition herein applicable to dealer or broker.

(c) Barn, Auction or Sales Operator. The words "barn, auction or sales operator" as used in these regulations shall mean any person, firm or corporation engaged in the business of operating public auctions or sales of equines, or of operating barns and yards for the concentration of equine held for the purpose of auction or sale.

(d) Special Sales. A special sale shall be any sale by a dealer or broker, barn, auction or sales operator held at a time other than a regularly scheduled time, except that any sale by an individual of his own entire stock of equines or part thereof, on his own premises, shall not be considered a special sale.

(d) Bond. "Bond" shall mean a written instrument issued or executed by a bonding, surety or insurance company licensed to do business in Georgia guaranteeing that the person bonded shall faithfully fulfill the terms of the contract of purchase and guarantee the payment of the purchase price of all equines purchased by him, made payable to the Commissioner for the benefit of persons sustaining loss resulting from the non-payment of the purchase price or the failure to fulfill the terms of the contract of purchase.

Cite as Ga. Comp. R. & Regs. R. 40-16-3-.01
Authority: O.C.G.A. Secs. 4-4-3, 4-4-111.
History. Original Rule entitled "Definitions" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-16-3-.02. Reserved.

Cite as Ga. Comp. R. & Regs. R. 40-16-3-.02
Authority: O.C.G.A. Sec. 4-4-110.
History. Original Rule entitled "General" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: F. May 2, 1984; eff. May 22, 1984.
Amended: F. Mar. 25, 1987; eff. Apr. 14, 1987.
Amended: F. Feb. 20, 1989; eff. Mar. 12, 1989.
Amended: F. June 11, 1992; eff. July 1, 1992.
Repealed: Rule reserved. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-16-3-.03. Reserved.

Cite as Ga. Comp. R. & Regs. R. 40-16-3-.03
Authority: O.C.G.A. Sec. 4-4-3.
History. Original Rule entitled "Health Certificates" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: Rule reserved. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-16-3-.04. Reserved.

Cite as Ga. Comp. R. & Regs. R. 40-16-3-.04
Authority: O.C.G.A. Sec. 4-4-3.
History. Original Rule entitled "Permits" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: Rule reserved. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-16-3-.05. Reserved.

Cite as Ga. Comp. R. & Regs. R. 40-16-3-.05
Authority: O.C.G.A. Sec. 4-4-3.
History. Original Rule entitled "Health Requirements" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: ER. 40-16-3-0.6-.05 adopted. F. Oct. 19, 1972; eff. Oct. 23, 1972, as specified by the Agency.
Amended: Permanent Rule adopted. F. Mar. 22, 1973; eff. Apr. 11, 1973.
Amended: ER. 40-16-3-0.10-.05 adopted. F. and eff. May 7, 1974, the date of adoption.
Amended: Permanent Rule adopted. F. July 18, 1974; eff. August 7, 1974.
Amended: F. May 2, 1984; eff. May 22, 1984.
Repealed: Rule reserved. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-16-3-.06. Reserved.

Cite as Ga. Comp. R. & Regs. R. 40-16-3-.06
Authority: O.C.G.A. Sec. 4-4-3.
History. Original Rule entitled "Inhumane Treatment" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: Rule reserved. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-16-3-.07. Reserved.

Cite as Ga. Comp. R. & Regs. R. 40-16-3-.07
Authority: O.C.G.A. Sec. 4-4-3.
History. Original Rule entitled "Equine Sales Markets Facilities" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Amended: F. Mar. 25, 1987; eff. Apr. 14, 1987.
Repealed: Rule reserved. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-16-3-.08. Reserved.

Cite as Ga. Comp. R. & Regs. R. 40-16-3-.08
Authority: O.C.G.A. Sec. 4-4-3.
History. Original Rule entitled "Veterinary Services" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: Rule reserved. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-16-3-.09. Reserved.

Cite as Ga. Comp. R. & Regs. R. 40-16-3-.09
Authority: O.C.G.A. Sec. 4-4-3.
History. Original Rule entitled "Livestock Inspector" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: Rule reserved. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-16-3-.10. Reserved.

Cite as Ga. Comp. R. & Regs. R. 40-16-3-.10
Authority: O.C.G.A. Sec. 4-4-3.
History. Original Rule entitled "Handling of Equine" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: Rule reserved. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-16-3-.11. Reserved.

Cite as Ga. Comp. R. & Regs. R. 40-16-3-.11
Authority: O.C.G.A. Sec. 4-4-3.
History. Original Rule entitled "Isolation of Personnel" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.

Repealed: Rule reserved. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-16-3-.12. Reserved.

Cite as Ga. Comp. R. & Regs. R. 40-16-3-.12
Authority: O.C.G.A. Sec. 4-4-3.
History. Original Rule entitled "Records" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: Rule reserved. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-16-3-.13. Reserved.

Cite as Ga. Comp. R. & Regs. R. 40-16-3-.13
Authority: O.C.G.A. Sec. 4-4-113.
History. Original Rule entitled "Special Livestock Sale" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: New Rule of same title adopted. F. Mar. 25, 1987; eff. Apr. 14, 1987.
Repealed: Rule reserved. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-16-3-.14. Licensing and Bonding Requirements.

(1) No barn, auction or sales operator engaged in the sale of equine shall engage in or carry on such business without first having applied for and obtained a license from the Commissioner. No equine dealer or broker who buys or sells through a barn, auction or sale operator shall engage in or carry on such business without first having applied for and obtained a license from the Commissioner; provided that said license shall be permanent until cancelled, suspended, revoked, or surrendered. Said license shall be nontransferable and free of charge. Any person, firm or corporation commencing operation of a new sales establishment for the sale of equine at auction, and any dealer or broker commencing such a business, shall, prior to obtaining a license, post a bond as required by this section. The provisions of this section requiring the posting of a bond shall not apply to any authorized agent of a person, firm, or corporation having posted the bond required by this Code section, which such agent is acting for and on behalf of such principal.

(2) No person shall operate a sales establishment for the sale of equine at auction unless he has then in force a bond in an amount calculated as follows:

   (a) If the annual sales of the establishment are $2,600,000.00 or less, the amount of the bond shall be one fifty-second of the amount of annual sales but not less than $10,000.00.

(b) If the annual sales of the establishment are more than $2,600,000.00 the amount of the bond shall be $50,000.00 plus one fifty-second of the amount of annual sales in excess of $2,600,000.00 times a factor of 0.20; or

(c) An amount calculated under paragraph (a) or (b) of this subsection, if not a multiple of $5,000.00, shall be rounded to the nearest higher multiple of $5,000.00.

(3) No dealer or broker shall purchase equine at any sales establishment or directly from producers unless he has then in force a bond in the amount calculated as follows:

(a) Determine a number which is the number of days during the preceding year on which the dealer or broker did business;

(b) Divide the total dollar value of livestock purchased by the dealer or broker during the preceding year by the lesser of:

1. One-half of the number determined under paragraph (a) of this subsection; or

2. One hundred thirty.

(c) Adjust the amount obtained under paragraph (b) of this subsection as follows:

1. If the amount obtained under paragraph (b) of this subsection is more than $10,000.00 or less, then the amount of the bond shall be $10,000.00;

2. If the amount obtained under paragraph (b) of this subsection is more than $10,000.00 but not more than $75,000.00 then that amount shall be the amount of the bond; or

(d) If the amount obtained under paragraph (b) of this subsection is more than $75,000.00 then the amount of the bond shall be the sum of $75,000.00 plus 10 percent of the amount by which the amount obtained under paragraph (b) of this subsection exceeds $75,000.00; and

(e) An amount calculated under paragraph (d) of this subsection, if not a multiple of $5,000.00 shall be rounded up to the nearest multiple of $5,000.00.

(4) Any equine dealer, broker, or sales establishment operator who would otherwise be required by this section to post a bond who has posted a current livestock dealer's, or sales establishment's bond under Chapter 6 of this title shall not be required to post any bond under this section if livestock dealer's, broker's, or sales establishment's bond, in addition to meeting all requirements of Chapter 6 of this title, meets the requirements of paragraph (1) of Code Section 4-4-111.

(5) In calculating amount of bonds under this Code section, the total amount of annual sales or annual purchases for the preceding calendar year shall be used; but, if an applicant for a license does not have an annual sales history, the Commissioner shall estimate the amount of annual sales or annual purchases which will occur.

Cite as Ga. Comp. R. & Regs. R. 40-16-3-.14
Authority: O.C.G.A. Sec. 4-4-113.
History. Original Rule entitled "Licensing and Bonding Requirements" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: New Rule of same title adopted. F. Mar. 25, 1987; eff. Apr. 14, 1987.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-16-3-.15. Reserved.

Cite as Ga. Comp. R. & Regs. R. 40-16-3-.15
Authority: O.C.G.A. Sec. 4-4-3.
History. Original Rule entitled "Indemnity" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: Rule reserved. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-16-3-.16. Reserved.

Cite as Ga. Comp. R. & Regs. R. 40-16-3-.16
Authority: O.C.G.A. Sec. 26-2-156.
History. Original Rule entitled "Violations" adopted. F. Apr. 1, 1970; eff. Apr. 20, 1970.
Amended: Authority changed. F. May 2, 1984; eff. May 22, 1984.
Repealed: New Rule entitled "Equine Slaughter Establishment" adopted. F. Mar. 25, 1987; eff. Apr. 14, 1987.
Repealed: Rule reserved. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Rule 40-16-3-.17. Violations.

(1) Every licensed dealer or broker and every licensed barn, auction or sales operator or other person subject to this Act, who shall violate this Act or the Rules and Regulations established by the Commissioner pursuant to this Act upon a notice and hearing, shall have his license revoked, cancelled or suspended.

(2) Injunctions. The Commissioner is authorized to seek an injunction against any person, firm or corporation to whom this Act is applicable for violation of any provisions of this Act or any rules and regulations promulgated hereunder. The Superior Court of the county in which venue is proper shall upon hearing and for cause shown, grant a temporary or permanent injunction restraining any person, firm, or corporation from committing such violation, notwithstanding, whether or not there exists an adequate remedy at law.

(3) Any person violating the provisions of these regulations shall be guilty of a misdemeanor.

Cite as Ga. Comp. R. & Regs. R. 40-16-3-.17
Authority: O.C.G.A. Sec. 4-4-127.
History. Original Rule entitled "Violations" adopted. F. Mar. 25, 1987; eff. Apr. 14, 1987.
Repealed: New Rule of same title adopted. F. Jan. 17, 2003; eff. Feb. 6, 2003.

Subject 40-16-4. RENDERING PLANT ODOR CONTROL.

Rule 40-16-4-.01. Definitions.

(1) All definitions in Section 4-4-40 of the Official Code of Georgia Annotated are hereby incorporated into this Rule by reference thereto.

(2) "Malodor" with regard to this chapter means a bad smell, stench or odor offensive to the senses.

(3) "Malodor Control and Assessment Program (MalodorCAP)" means a site-specific plan that addresses malodors and corresponds to the plant's layout and equipment, location, production, complexity, personnel and corporate philosophy. It is a preventive system of controls that outline measures for evaluation and control of odors involving raw material transporation and handling, processing, wastewater treatment and air emission control systems.

(4) "Odor" with regard to this chapter means the property or quality of a thing that affects, stimulates, or is perceived by the sense of smell, as opposed to odorless.

(5) "Refuse" with regard to this chapter means byproducts of the food processing industry and is not to be construed as solid waste.

Cite as Ga. Comp. R. & Regs. R. 40-16-4-.01
Authority: O.C.G.A. Secs. 4-4-40 to 4-4-48.
History. Original Rule entitled "Definitions" adopted as ER. 40-16-4-0.62 -01. F. Mar. 24, 1999; eff. Mar. 23, 1999, the date of adoption, to remain in effect for 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER. is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jul. 22, 1999; eff. Aug. 11, 1999.

Rule 40-16-4-.02. Inspection of Premises.

The Commissioner or his designated agents are authorized to enter rendering plants at anytime for the purpose of inspection and determining compliance with the Georgia Rendering and Disposal Plant Law and rules of this chapter, including without limitation the presence of a malodor.

Cite as Ga. Comp. R. & Regs. R. 40-16-4-.02
Authority: O.C.G.A. Secs. 4-4-40 to 4-4-48.
History. Original Rule entitled "Inspection of Premises" adopted as ER. 40-16-4-0.62 -02. F. Mar. 24, 1999; eff. Mar. 23, 1999, the date of adoption, to remain in effect for 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER. is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jul. 22, 1999; eff. Aug. 11, 1999.

Rule 40-16-4-.03. Premise Requirements and Performance Standards for Owner and/or Operator.

(1) Rendering plants must be cleaned and sanitized daily to prevent odor and the accumulation of refuse.

(2) Malodor Complaints.

(a) Records must be maintained for all malodor complaints that are registered directly with designated plant personnel. These records must be maintained for a period of one year and will be made available for inspection at the facility by the Commissioner or his authorized representative upon request.

(b) Malodor complaints shall be recorded on a form approved by the Department of Agriculture and the following information requested from the complainant:

1. Name, mailing and physical address, and telephone number of the complainant;

2. Date and time of the complaint;

3. Date and time of the alleged malodor;

4. Description of alleged malodor; and

5. Additional pertinent information (weather conditions, visual observations, etc.).

(c) Each rendering plant shall develop a complaint response plan and such plan shall be implemented for each malodor complaint received by the plant.

(3) Each rendering plant shall develop, implement and maintain a Malodor Control and Assessment Program (MalodorCAP). The MalodorCAP will be subject to review and inspection by the Department of Agriculture.

(a) The MalodorCAP shall:

1. Include a process diagram of the facility showing the major processes; truck holding, unloading, and loading operations; malodor control systems; and

wastewater treatment and disposal systems. The diagram shall identify the buildings in which these processes and systems are located and identify all malodor control systems;

2. Identify the critical control points on the process diagram where equipment or operational procedures are necessary to control malodors;

3. Identify the critical limits that must be met at each critical control point and establish a monitoring system for each. Parameters monitored shall include, but not be limited to, those required by the rules for air quality control Chapter 391-3-1 by the Georgia Department of Natural Resources, Environmental Protection Division, Air Protection Branch;

4. Establish corrective action procedures that will be taken when a deviation from the critical limit is identified during critical control point monitoring;

5. Establish effective record keeping systems that document adherence to the MalodorCAP, including the monitoring of critical limits and corrective actions taken when the critical limits are exceeded. Such records are to be maintained at the plant for a period of one year from the date of completion and shall be available for inspection at the facility by Department of Agriculture personnel; and

6. Establish a procedure to periodically review the MalodorCAP operation, verify its effectiveness, and determine necessary improvements.

(b) The MalodorCAP should be a systematic approach that evaluates and validates the production sequences and controls any area or point in the production sequence that contribute to a malodorous situation.

Cite as Ga. Comp. R. & Regs. R. 40-16-4-.03
Authority: O.C.G.A. Secs. 4-4-40 to 4-4-48.
History. Original Rule entitled "Premise Requirements and Performance Standards for Owner and/or Operator" adopted as ER. 40-16-4-0.62 -03. F. Mar. 24, 1999; eff. Mar. 23, 1999, the date of adoption, to remain in effect for 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER. is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jul. 22, 1999; eff. Aug. 11, 1999.

Rule 40-16-4-.04. Penalty for Violation.

Any person, firm, partnership, or corporation that violates any provision of this chapter shall be guilty of a misdemeanor.

Cite as Ga. Comp. R. & Regs. R. 40-16-4-.04
Authority: O.C.G.A. Secs. 4-4-40 to 4-4-48.

History. Original Rule entitled "Penalty for Violation" adopted as ER. 40-16-4-0.62 -04. F. Mar. 24, 1999; eff. Mar. 23, 1999, the date of adoption, to remain in effect for 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER. is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jul. 22, 1999; eff. Aug. 11, 1999.

Subject 40-16-5. TRAINING AND CERTIFICATION.

Rule 40-16-5-.01. Definitions.

(1) A Swine Feeding Operator means a person who is designated as such by the owner of a swine feeding operation which is permitted by the Georgia Department of Natural Resources Environmental Protection Division.

(2) An Animal (Non-Swine) Feeding Operator means a person who is designated as such by the owner of a non-swine (dairy layer) feeding operation which handles liquid manure and is permitted by the Georgia Department of Natural Resources Environmental Protection Division.

(3) Animal Feeding Operators will include Swine Feeding Operators and Animal (Non-Swine) Feeding Operators as herein defined.

Cite as Ga. Comp. R. & Regs. R. 40-16-5-.01
Authority: O.C.G.A. Sec. 12-5-20*et seq.*
History. Original Rule entitled "Definitions" adopted. F. June 6, 2000; eff. June 26, 2000.
Amended: F. June 5, 2001; eff. June 25, 2001.

Rule 40-16-5-.02. Application for Animal Feeding Operator Training and Certification.

Application for Animal Feeding Operator Training and Certification shall be made to the Georgia Department of Agriculture on a form approved by the Department.

Cite as Ga. Comp. R. & Regs. R. 40-16-5-.02
Authority: O.C.G.A. Sec. 12-5-20*et seq.*
History. Original Rule entitled "Application for Operator Training and Certification" adopted. F. June 6, 2000; eff. June 26, 2000.
Amended: Rule retitled "Application for Animal Feeding Operator Training and Certification". F. June 5, 2001; eff. June 25, 2001.

Rule 40-16-5-.03. Animal Feeding Operator Training.

(1) An Animal Feeding Operator shall be considered trained when the applicant successfully completes a minimum of 2 days instruction on the following:

(a) Understanding state regulations and water quality laws,

(b) Comprehensive nutrient management planning,

(c) Best management practices for manure storage, treatment and land application,

(d) Monitoring and record keeping,

(e) Pollution prevention and alternative treatment systems, and

(f) Odor and atmospheric emissions.

(2) Training will be developed and delivered by the Georgia Cooperative Extension Service or other subject matter experts as deemed appropriate by the Georgia Department of Agriculture. Training will be structured to address the needs of operators of differing sizes and various waste management technologies. The Georgia Department of Agriculture shall approve the use of all such training materials and methods.

Cite as Ga. Comp. R. & Regs. R. 40-16-5-.03
Authority: O.C.G.A. Sec. 12-5-20*et seq.*
History. Original Rule entitled "Operator Training" adopted. F. June 6, 2000; eff. June 26, 2000.
Amended: Rule retitled "Animal Feeding Operator Training". F. June 5, 2001; eff. June 25, 2001.

Rule 40-16-5-.04. Animal Feeding Operator Certification.

(1) An Animal Feeding Operator shall be considered certified when the applicant demonstrates competency in all of the above listed modules including passing a written examination with a minimum score of 70%. Examinations will be structured to address the needs of operators of various production sizes and waste management technologies. The Georgia Department of Agriculture will administer and grade the examinations and shall issue a certificate to the operator upon the successful completion of training and certification.

(a) An Animal Feeding Operator who fails to make a minimum score of 70% on the initial examination may retake an exam up to three (3) times within a twelve (12) month period, after which he or she must complete an instructional course approved by the Georgia Department of Agriculture before taking another exam.

(2) Animal Feeding Operators must receive a minimum of 4 hours continuing education every two years from the date of the original certification. The Georgia Department of Agriculture shall approve all continuing education instruction and materials and will issue certificates of completion indicating the course topic and hours of instruction.

(3) Failure of an Animal Feeding Operator to receive continued education will result in suspension of certification and require recertification.

(4) The Georgia Department of Agriculture has final authority over all training, certification, and continuing education.

(5) The Georgia Department of Agriculture shall provide the Georgia Department of Natural Resources, Environmental Protection Division with a current list of Certified Animal Feeding Operators upon request.

Cite as Ga. Comp. R. & Regs. R. 40-16-5-.04
Authority: O.C.G.A. Sec. 12-5-20*et seq.*
History. Original Rule entitled "Operator Certification" adopted. F. June 6, 2000; eff. June 26, 2000.
Amended: Rule retitled "Animal Feeding Operator Certification". F. June 5, 2001; eff. June 25, 2001.

Subject 40-16-6. NUTRIENT MANAGEMENT PLAN SPECIALIST CERTIFICATION.

Rule 40-16-6-.01. Definitions.

(1) A Certified Nutrient Management Plan (NMP) Specialist is an individual certified by the Georgia Department of Agriculture to develop and modify NMPs for animal feeding operations in accordance with the Georgia Environmental Protection Division Rules for Water Quality Control, Chapter 391-3-6.

(2) A Certified Conservation Planner is an individual identified by USDA NRCS as being trained according to criteria set forth in section 40-16-6-.03(2) and competent to develop NMPs.

Cite as Ga. Comp. R. & Regs. R. 40-16-6-.01
Authority: O.C.G.A. Sec. 12-5-20*et seq.*
History. Original Rule entitled "Definitions" adopted. F. July 23, 2001; eff. August 12, 2001.

Rule 40-16-6-.02. Application for Nutrient Management Plan Specialist Certification.

Application for NMP Specialist Certification shall be made to the Georgia Department of Agriculture (hereafter in this Chapter referred to as "Department") on a form approved by the Department.

Cite as Ga. Comp. R. & Regs. R. 40-16-6-.02
Authority: O.C.G.A. Sec. 12-5-20*et seq.*
History. Original Rule entitled "Application for Nutrient Management Plan Specialist Certification" adopted. F.

July 23, 2001; eff. August 12, 2001.

Rule 40-16-6-.03. Nutrient Management Plan Training.

(1) An individual may apply to the Department for certification provided one of the following training criteria has been met:

(a) Complete a minimum of two days of NMP training and testing approved by the Department and demonstrate competency by developing an acceptable plan, or

(b) Be a current employee of the USDA, Natural Resources Conservation Service (NRCS) or currently receiving technical supervision from a NRCS employee and be identified by such agency as being a "Certified Conservation Planner," or

(c) Be certified as a Certified Conservation Planner through a NRCS recognized program and curriculum by private organization and professional groups.

(2) Training programs must include, but are not limited to the following:

(a) state water quality laws and rules,

(b) manure and waste water handling and storage,

(c) land application of manure and waste water,

(d) site management,

(e) best management practices,

(f) record keeping,

(g) mortality management,

(h) emergency response, and

(i) closure plans for waste storage systems.

Cite as Ga. Comp. R. & Regs. R. 40-16-6-.03
Authority: O.C.G.A. Sec. 12-5-20*et seq.*
History. Original Rule entitled "Nutrient Management Plan Training" adopted. F. July 23, 2001; eff. August 12, 2001.

Rule 40-16-6-.04. Nutrient Management Plan Certification.

(1) A NMP Specialist shall be considered certified when the applicant demonstrates competency in all of the above listed areas of training. The Department shall issue a certificate to the NMP Specialist upon the successful completion of training and certification.

(2) A NMP Specialist must receive a minimum of 4 hours continuing education every two years from the date of the original certification. The NMP Specialist should assure that education subject matter is pertinent to nutrient management planning and should maintain documenting records. The Department may request the NMP Specialist to provide proof of such continuing education.

(a) Failure of a NMP Specialist to receive continuing education will result in suspension of certification and may require recertification.

(b) Each Certified Nutrient Management Plan Specialist certification may be reviewed at least once every three years by the Department. The Department will review NMPs prepared by the specialist. If an individual fails to meet the criteria for the NMP Specialist, the status will be revoked and the individual must be recertified.

(3) The Department has final authority over training, certification and continuing education.

(4) The Department shall provide the Georgia Department of Natural Resources Environmental Protection Division with a current list of Certified Nutrient Management Plan Specialists upon request.

Cite as Ga. Comp. R. & Regs. R. 40-16-6-.04
Authority: O.C.G.A. Sec. 12-5-20*et seq.*
History. Original Rule entitled "Nutrient Management Plan Certification" adopted. F. July 23, 2001; eff. August 12, 2001.

Chapter 40-17. REPEALED.

Subject 40-17-1. REPEALED.

Rule 40-17-1-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-1-.01
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule entitled "Scope of Program" was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rule 40-17-1-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-1-.02
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule entitled "Administration of Program" was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Subject 40-17-2. REPEALED.

Rule 40-17-2-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-2-.01
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule filed February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Subject 40-17-3. REPEALED.

Rule 40-17-3-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-3-.01
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule filed February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rule 40-17-3-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-3-.02
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule filed February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rule 40-17-3-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-3-.03
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule filed February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rule 40-17-3-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-3-.04
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule filed February 7, 1968; effective February 26, 1968.

Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rule 40-17-3-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-3-.05
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule filed February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Subject 40-17-4. REPEALED.

Rule 40-17-4-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-4-.01
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule entitled "Display of Sign" was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015

Rule 40-17-4-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-4-.02
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule entitled "Misuse or Wrongful Display of Sign" was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Subject 40-17-5. REPEALED.

Rule 40-17-5-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-5-.01
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule filed February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Subject 40-17-6. REPEALED.

Rule 40-17-6-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-6-.01
Authority: Authority O.C.G.A. § 2-10-130 et. seq.
History. Original Rule was filed on February 7, 1968; effective February 26, 1968.
Amended: Original Rule entitled "Driveway Permits" has been repealed and a new Rule entitled "Site Certificates" adopted. Filed September 6, 1973; effective September 26, 1973.

Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rule 40-17-6-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-6-.02
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rule 40-17-6-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-6-.03
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rule 40-17-6-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-6-.04
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rule 40-17-6-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-6-.05
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Subject 40-17-7. REPEALED.

Rule 40-17-7-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-7-.01
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Subject 40-17-8. REPEALED.

Rule 40-17-8-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-8-.01
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rule 40-17-8-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-8-.02
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rule 40-17-8-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-8-.03
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015

Rule 40-17-8-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-8-.04
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Subject 40-17-9. REPEALED.

Rule 40-17-9-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-9-.01
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rule 40-17-9-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-9-.02
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rule 40-17-9-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-9-.03
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rule 40-17-9-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-9-.04
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rule 40-17-9-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-9-.05
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rule 40-17-9-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-9-.06
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Rule 40-17-9-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-9-.07
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Subject 40-17-10. REPEALED.

Rule 40-17-10-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-17-10-.01
Authority: O.C.G.A. § 2-10-130 et. seq.
History. Original Rule was filed on February 7, 1968; effective February 26, 1968.
Repealed: F. Oct. 29, 2015; eff. Nov. 18, 2015.

Chapter 40-18. LEAF TOBACCO SALES.

Subject 40-18-1. LEAF TOBACCO SALES.

Rule 40-18-1-.01. Sales Opportunity.

All holders of tobacco warehouse licenses issued by the Georgia Department of Agriculture shall operate relative to sales opportunity under the following formula:

(a) The formula for determining sales opportunity for all warehouses operating under license by this State shall be as follows: The initial sales opportunity shall be the number of hours of sale per day multiplied by the number of pounds per hour allocated by the United States Flue-Cured Tobacco Marketing Committee; this allocation shall be broken down from markets to individual warehouse firms by rules and regulations of the local tobacco boards of trade; upon the determination of an individual warehouse's daily sales allocation, sixty percent of that warehouse's last five year average of out-of-belt sales shall be divided by the number of sale days scheduled in the first four weeks by the Marketing Committee and that one-fifteenth portion shall be deemed to be that warehouse's daily allocation of out-of-belt sales opportunity; further, that any warehouse may substitute in-belt sales opportunity for any unused out-of-belt opportunity. Provided further that any warehouse without a minimum adjusted sales history of five percent of out-of-belt sales shall be allocated five percent of his daily local market allocation for out-of-belt sales opportunity.

(b) A warehouseman may exceed his daily allocation of out-of-belt tobacco by a maximum of 100 percent; provided further that the warehouseman shall adjust on the next sales day after the oversell of his daily allocation; provided further that the warehouseman shall not oversell on a following day in order to make up an undersell on a preceding day; the two day average is based only upon an oversell on a preceding day with a compensatory undersell on a following day.

Cite as Ga. Comp. R. & Regs. R. 40-18-1-.01
Authority: Ga. L. 1960, p. 214. Effective August 12, 1971.
History. Emergency Rule entitled "Sales Opportunity" filed July 23, 1971; effective July 22, 1971, as specified by the Agency, to expire 60 days from that date or upon the prior adoption of a permanent Rule covering the same subject matter.
Amended: Permanent Rule 40-18-1-.01, entitled "Sales Opportunity," adopted. Filed July 23, 1971; effective August 12, 1971. * See Editor's Note, p. 774.

Rule 40-18-1-.02. Penalties.

Any holder of a tobacco warehouse license issued by the Georgia Department of Agriculture that fails to comply with the formula set out in Section 40-18-1-.01 of these regulations shall subject said license to immediate suspension or revocation by the Commissioner of Agriculture of the State of Georgia.

Cite as Ga. Comp. R. & Regs. R. 40-18-1-.02
Authority: Ga. L. 1960, p. 214. Effective August 12, 1971.

History. Emergency Rule, entitled "Penalties," filed July 23, 1971; effective July 22, 1971, as specified by the Agency, to expire 60 days from that date or upon the prior adoption of a permanent Rule covering the same subject matter.
Amended: Permanent Rule 40-19-1-.02 entitled "Penalties," adopted. Filed July 23, 1971; effective August 12, 1971. * See Editor's Note, p. 774.
Editor's Note:

The constitutionality of Chapter 40-18-1 and the two regulations thereunder, 40-18-1-.01 and 40-18-1-.02, is at the very least questionable in view of a decision of the United States District Court for the Northern District of Georgia in Civil Action No. 15451. In an unreported decision by that court on the second day of August, 1971, the court issued a temporary restraining order against the enforcement of these regulations. The order did not definitely declare the regulations unconstitutional, leaving open that question for submission to a three judge court should the Department of Agriculture desire it to be submitted to such court.

The above Editor's Note was provided by the Georgia Department of Agriculture.

Subject 40-18-2. LICENSING LEAF TOBACCO DEALERS.

Rule 40-18-2-.01. Definitions.

The following words or terms shall have the meaning set forth herein when used in these rules and regulations:

(a) Tobacco Dealer: Any person, firm or corporation purchasing tobacco at auction at any flue-cured leaf tobacco auction sales establishment licensed herein-under shall be deemed to be a tobacco dealer. Any person, firm or corporation purchasing tobacco from producers other than at auction sales shall be deemed to be a non-auction tobacco dealer.

Cite as Ga. Comp. R. & Regs. R. 40-18-2-.01
Authority: Ga. L. 1960, p. 214, Ga. L. 1968, p. 1242, Ga. L. 1970, pp. 4, 6, 222, Ga. L. 1972, p. 351, Ga. L. 1974, p. 518, Ga. L. 1977, Act No. 43, H.B. 185.
History. Original Rule entitled "Definitions" adopted. F. May 6, 1974; eff. May 26, 1974.
Repealed: New Rule of same title adopted. F. Nov. 3, 1977 eff. Nov. 23, 1977.

Rule 40-18-2-.02. Licensing.

(1) It shall be unlawful for any person, firm or corporation to engage in the business of a tobacco dealer or a non-auction tobacco dealer without first having secured a license therefore from the Commission of Agriculture of the State of Georgia. The license shall be applied for on a form furnished by the Commissioner. The form shall require the following information:

(a) Name in which business is conducted;

(b) Business mailing address;

(c) Is business owned by one person, a partnership or corporation?;

(d) Full names, titles and address of owner, partners and officers.

(e) Is application for a renewal or new license? If application is for a renewal of a non-auction tobacco dealer's license or if the applicant purchased tobacco from producers other than at auction during the previous marketing year, the amount purchased at non-auction sales from producers during such period;

(f) If a renewal, give year and license number for year your last license was issued;

(g) Give name of your legal agent for service authorized to represent you in Georgia. In the event no agent is designated for service, the Secretary of State by virtue of your application for license is designated as your agent for service of process;

(h) List of names and addresses of all persons to be certified with the Georgia Department of Agriculture to purchase tobacco on the Georgia flue-cured tobacco auction markets as your representative or agent. Additional persons may be certified upon the written request of the licensee to the Commissioner. In the event any person issued a certificate by the Commissioner becomes disassociated with the licensee during the license period, their certificate shall be returned to the Commissioner.

(2) There shall be no charge for Auction Tobacco Dealer's licenses, which shall be issued on an annual basis. (2.1) License fees for Non-Auction Tobacco Dealer licenses shall be $150.00 on an annual basis. Bond requirements for such dealers shall be as provided for in O.C.G.A. Section 10-4-115(b).

(3) All authorized representatives or agents of a licensed tobacco dealer acting in the capacity of a tobacco dealer must be properly identified by a certificate issued by the Commissioner giving the names and identity of the licensed tobacco dealer they represent. Such authorized representative or agent shall be required to meet the standards as set forth in this rule and regulation as if he were the licensed tobacco dealer. The actions of any authorized representative or agent of a licensed tobacco dealer shall be deemed the actions of the licensed tobacco dealer, and the dealer shall be responsible and accountable for the actions of said authorized representative or agent.

(4) Persons licensed as non-auction tobacco dealer can act only for themselves and are not authorized to name representatives or agents to act in their behalf in the purchase of non-auction tobacco from producers.

Cite as Ga. Comp. R. & Regs. R. 40-18-2-.02
Authority: O.C.G.A. Sec. 10-4-6*et seq.*
History. Original Rule entitled "Licensing" adopted. F. May 6, 1974; eff. May 26, 1974.
Repealed: New Rule of same title adopted. F. Nov. 3, 1977; eff. Nov. 23, 1977.

Amended: F. July 5, 2001; eff. July 25, 2001.
Amended: F. June 21, 2010; eff. July 11, 2010.

Rule 40-18-2-.03. Records and Reports.

Licensed tobacco dealers shall be required to keep records containing the following information:

(a) The weekly total of tobacco purchased at flue-cured leaf tobacco auction sales establishments licensed hereunder;

(b) The weekly total of tobacco purchased at non-auction sales:

1. From other dealers giving name, address, dealer number assigned by USDA-ASCS, and pounds purchased from each dealer;

2. From producer giving name, address, county, pounds purchased, and Farm Serial Number for each producer;

3. On non-auction tobacco purchases from producers, did you collect Georgia Agricultural Commodity Commission for tobacco assessment as required by Ga. Laws 1969, p. 763, as amended.

(c) The weekly total of sales of tobacco purchased at non-auction by the licensee listed by name, address and amount sold to each person, firm or corporation. At the end of each marketing year, licensed non-auction tobacco dealers shall submit a final report to the Commissioner showing the sales record of all tobacco purchased at non-auction sales by the licensee including the name and address of each person, firm or corporation purchasing such tobacco for that marketing year. Any such tobacco remaining unsold and still in the possession of the licensee shall be included in this report;

(d) The information contained in subsections (a), (b) and (c) above shall be submitted in a weekly report to the Commissioner on a form furnished by the Department. On or before Friday of each week, the licensee shall make a statement under oath that the information contained in the report is correct and covers all leaf tobacco purchased by him during the preceding week. Information furnished relative to subsection (a) above shall be for the use of the Georgia Department of Agriculture only and shall not be considered subject to inspection by the public.

Cite as Ga. Comp. R. & Regs. R. 40-18-2-.03
Authority: Ga. L. 1960, p. 214; Ga. L. 1968, p. 1242; Ga. L. 1970, pp. 4, 6, 222; Ga. L. 1972, p. 351; Ga L. 1974, p. 518; Ga. L. 1977, Act No. 43 (H. B. 185).
History. Original Rule was filed on May 6, 1974; effective May 26, 1974.
Amended: Filed November 3, 1977; effective November 23, 1977.

Rule 40-18-2-.04. Penalties.

The Commissioner may refuse, suspend or revoke any license issued to a tobacco dealer upon a showing of violation of any provision of this act or any rule or regulation promulgated and adopted pursuant to this act.

Cite as Ga. Comp. R. & Regs. R. 40-18-2-.04
Authority: Ga. L., 1960, p. 214; Ga. L. 1968, p. 1242; Ga. L. 1970, pp. 4, 6, 222; Ga. L. 1972, p. 351; Ga. L. 1974, p. 518; Ga. L. 1977, Act No. 43 (H. B. 185).
History. Original Rule was filed on May 6, 1974; effective May 26, 1974.

Rule 40-18-2-.05. Duties of Flue-Cured Leaf Tobacco Auction Warehouse Operators.

It shall be the duty of each duly licensed operator of a flue-cured leaf tobacco auction sales establishment to ascertain that all purchasers of leaf tobacco in his auction warehouses are duly licensed with the Commissioner as provided for in this act.

Cite as Ga. Comp. R. & Regs. R. 40-18-2-.05
Authority: Ga. L., 1960, p. 214; Ga. L. 1968, p. 1242; Ga. L. 1970, pp. 4, 6, 222; Ga. L. 1972, p. 351; Ga. L. 1974, p. 518; Ga. L. 1977, Act No. 43 (H. B. 185).
History. Original Rule was filed on May 6, 1974; effective May 26, 1974.

Rule 40-18-2-.06. Penalties for Flue-Cured Leaf Tobacco Auction Warehouse Operators.

The Commissioner may refuse, suspend or revoke any license issued to such leaf tobacco auction sales establishment operator who permits an unlicensed tobacco dealer to purchase tobacco in his sales establishment.

Cite as Ga. Comp. R. & Regs. R. 40-18-2-.06
Authority: Ga. L., 1960, p. 214; Ga. L. 1968, p. 1242; Ga. L. 1970, pp. 4, 6, 222; Ga. L. 1972, p. 351; Ga. L. 1974, p. 518; Ga. L. 1977, Act No. 43 (H. B. 185).
History. Original Rule was filed on May 6, 1974; effective May 26, 1974.

Rule 40-18-2-.07. Grading of Tobacco.

(1) In auction sales of flue-cured tobacco, warehouse operators shall collect or pay applicable grading fees and remit directly to the United States Department of Agriculture (USDA) for service, or to whom the USDA directs. In non-auction sales of flue-cured tobacco, receiving station operators shall collect or pay applicable grading fees and remit to the Georgia Department of Agriculture (Department) or to whom the Department directs. In the event that the USDA certifies in writing to the Georgia Commissioner of Agriculture that its graders are not available, the Georgia Federal-State Shipping Point Inspection Service, Inc. is authorized to provide such service.

(2) Grading must occur at the point of delivery and/or sale and follow established USDA guidelines for the grading of flue-cured tobacco. Warehouse and receiving station operators must provide accurate information regarding dates and hours of operation and locations of sales or delivery points to grading personnel before any sales, purchasing, or delivery takes place.

Cite as Ga. Comp. R. & Regs. R. 40-18-2-.07
Authority: O.C.G.A. Sec. 10-4-6*et seq.*
History. Original Rule entitled "Grading of Tobacco" adopted. F. July 5, 2001; eff. July 25, 2001.

Subject 40-18-3. LICENSING LEAF TOBACCO STORAGE OPERATORS.

Rule 40-18-3-.01. Definitions.

The following words or terms shall have the meaning set forth herein when used in these rules and regulations.

(a) Operator: Any person, firm, partnership, or corporation engaged in the receipt for storage and/or storage of tobacco unsold in the year of production until the subsequent selling season for sale in that season.

(b) Producer: Any flue-cured tobacco grower who has tobacco in excess of his current marketing quota which will be eligible for sale during the subsequent selling season.

(c) Carry-over tobacco: Any tobacco unsold in the year of its production and held, for whatever reason, in storage until the subsequent selling season for sale in that season.

Cite as Ga. Comp. R. & Regs. R. 40-18-3-.01
Authority: Ga. L. 1975 Act No. 683 (H. B. 890), p. 1263.
History. Original Rule was filed on September 10, 1975; effective September 30, 1975.

Rule 40-18-3-.02. Licensing.

No person real or corporate shall operate a service for receiving within this State flue-cured tobacco for the purpose of weighing, redrying and storing said tobacco from the year of production until the subsequent selling season for sale at that time without first having obtained a license from the Commissioner of Agriculture. The license shall be applied for on a form furnished by the Commissioner. The form shall require the following information:

(a) Name in which business is conducted.

(b) Business mailing address.

(c) Is business owned by one person, a partnership or corporation?

(d) Full names, titles and addresses of owner, partners and officers.

(e) Is application for a renewal or new license?

(f) Give name of your legal agent for service authorized to represent you in Georgia. In the event no agent is designated for service, the Secretary of State, by virtue of your application for license is designated for service.

Cite as Ga. Comp. R. & Regs. R. 40-18-3-.02
Authority: Ga. L. 1975, Act No. 683 (H. B. 890), p. 1263.
History. Original Rule was filed on September 10, 1975; effective September 30, 1975.

Rule 40-18-3-.03. Insurance.

As a prerequisite to the issuance of a license under this Act, each applicant shall furnish evidence to the Commissioner that there is in force an insurance policy against loss or damage by fire and such other perils as are commonly insured against under extended coverage provisions, for its full market value, upon the best terms obtainable by individual or reporting form blanket policies on the carry-over tobacco to be received for storage and/or stored by him in the year for which license is sought, either provided by the applicant or the actual storer of the tobacco. The insurance policy shall be written by an insurance company, of the applicants choice, authorized to transact business in this State or in the state where the tobacco is stored. Such insurance policy shall be effective for the entire storage period and shall be approved in form by the State Insurance Commissioner. A copy of the insurance policy shall be filed with the Director of Warehouse Division of the State Department of Agriculture.

Cite as Ga. Comp. R. & Regs. R. 40-18-3-.03
Authority: Ga. L. 1975, Act No. 683 (H. B. 890), p. 1263.
History. Original Rule was filed on September 10, 1975; effective September 30, 1975.

Rule 40-18-3-.04. Bonding.

As a prerequisite to the issuance of a license under this Act, each applicant shall furnish evidence to the Commissioner that he has in force for the year for which the license is sought a bond issued by a corporate entity authorized to do business in this State in the penal sum of $10,000.00. The bond shall be conditioned upon the licensee performing all the duties imposed upon him by law and the accounting for the proceeds of all carryover flue-cured tobacco received by him for storage and sale.

Cite as Ga. Comp. R. & Regs. R. 40-18-3-.04
Authority: Ga. L. 1975, Act No. 683 (H. B. 890), p. 1263.
History. Original Rule was filed on September 10, 1975; effective September 30, 1975.

Rule 40-18-3-.05. Maximum Charges.

The maximum charges and expenses to be maintained by operators under this Act receiving tobacco to be stored until sold in the subsequent selling season shall not exceed five cents ($.05) per pound for services rendered, if sold on a green weight basis. If sold on a dry weight basis, the charges may also include the actual cost of redrying as leaves or strips and shipping charges. If the contract between the operator and the producer contains a minimum price below which the tobacco may not be sold including five cents ($.05) per pound service charge and the actual sale price is in excess of this minimum amount then the operator shall return to the producer not less than 50% of the additional amount received less any additional cost for processing and shipping.

Cite as Ga. Comp. R. & Regs. R. 40-18-3-.05
Authority: Ga. L. 1975, Act No. 683 (H. B. 890), p. 1263.
History. Original Rule entitled "Maximum Charges" was filed on September 10, 1975; effective September 30, 1975.

Rule 40-18-3-.06. Records and Reports.

The operators licensed pursuant to this Act shall be required to keep records containing the following information:

(a) The number of pounds of carry-over tobacco received by him for storage until the next selling season, identifying the amount from each producer.

(b) The final disposition of the tobacco, whether redeemed by the producer or sold by the operator for the producer at the subsequent selling season.

(c) To accurately show the origin and disposition of the carryover tobacco. Each operator shall transmit this information to the Commissioner, in such reports as may be prescribed by him.

(d) The operator shall submit to the Commissioner a copy of all reports he is required by law or regulation to submit to the United States Department of Agriculture/Agricultural Stabilization Conservation Service.

(e) Each operator shall render to each producer submitting carry-over tobacco for storage at the time of receipt of the tobacco, a statement of the amount of tobacco tendered giving the United States Department of Agriculture/Agricultural Marketing Service grade for each individual sheet of tobacco and the amount to be charged for servicing that tobacco other than actual cost of redrying as leaves or strips and shipping charges. The cost of such grading services shall be borne by the producers.

(f) The tendering of carry-over tobacco by producers to operators to be stored until next selling season shall not be deemed a sale as of the time of such tender. The operator shall have sixty (60) days after the first day of the marketing year in which the tobacco

becomes eligible for sale to sell the carry-over tobacco. It shall be the duty of the operator to immediately transmit to the producer a final settlement for the carry-over tobacco sold for him.

Cite as Ga. Comp. R. & Regs. R. 40-18-3-.06
Authority: Ga. L. 1975, Act No. 683 (H. B. 890). p. 1263.
History. Original Rule entitled "Records and Reports" was filed on September 10, 1975; effective September 30, 1975.
Amended: Emergency Rule 40-18-3-0.13-.06(g), relating to licensing leaf tobacco storage operators, was filed and effective on September 30, 1977, to remain in effect for a period of 120 days, as specified by the Agency. (Emergency Rule 40-18-3-0.13-.06(g) expired on January 27, 1978.)

Rule 40-18-3-.07. Certified Public Weighers.

It shall be the duty of each licensee to provide a certified public weigher for the weighing of carry-over tobacco at the time and place of receipt of such tobacco by operators for storage until the subsequent selling season, and it shall be unlawful for any person to weigh such tobacco who is not a certified public weigher.

Cite as Ga. Comp. R. & Regs. R. 40-18-3-.07
Authority: Ga. L. 1975, Act No. 683 (H. B. 890). p. 1263.
History. Original Rule entitled "Certified Public Weighers" was filed on September 10, 1975; effective September 30, 1975.

Rule 40-18-3-.08. Physical Standards for Buildings and Premises.

The Commissioner is authorized to prescribe physical standards for buildings and premises used for the receipt and/or storage of Carry-over tobacco. Such standards shall be reasonably designed to insure the protection of producers and others from loss or damage to carry-over tobacco when received and/or held for storage until the subsequent selling season. The standards shall be such that in order to carry out the provisions of this Act to the end that any producer of carry-over tobacco being held for storage may be assured that the carry-over tobacco stored by him is maintained in as nearly the same status as practicable according to the grade, standard and condition as when stored. The Commissioner or his agent, is authorized to inspect the premises where the carry over tobacco is being stored as often as he shall deem necessary. Any condition of the storage building which presents a hazard to tobacco being stored shall be immediately abated and corrected, and such correction shall be subject to approval of an authorized representative of the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 40-18-3-.08
Authority: Ga. L. 1975, Act No. 683 (H. B. 890), p. 1263.
History. Original Rule entitled "Physical Standards for Buildings and Premises" was filed on September 10, 1975; effective September 30, 1975.

Rule 40-18-3-.09. Penalties.

The Commissioner is authorized to revoke or suspend, for violation of any provision of this Act, any license issued hereunder after notice and hearing before the Commissioner. In addition to the remedies provided herein and notwithstanding the existence of any other remedy at law and notwithstanding the pendency of any criminal prosecution, the Commissioner is authorized to apply to the Superior Court and such court shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction or an ex-partee restraining order restraining or enjoining any person from violating or continuing to violate any of the provisions of this Act or for the failure or refusal to comply with the provisions of this Act or any rule or regulation promulgated hereunder. Such injunction shall be issued without bond. Violation of any provision of this Act or any rule or regulations issued hereunder shall constitute a misdemeanor and shall be punishable as such.

Cite as Ga. Comp. R. & Regs. R. 40-18-3-.09
Authority: Ga. L. 1975, Act No. 683 (H. B. 890), p. 1263.
History. Original Rule entitled "Penalties" was filed on September 10, 1975; effective September 30, 1975.

Chapter 40-19. BEDDING.

Subject 40-19-1. Repealed.

Rule 40-19-1-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-19-1-.01
Authority: O.C.G.A. Sec. 31-25-1*et seq.*
History. . Original Rule entitled "Definitions" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: F. Mar. 8, 2001; eff. Mar. 28, 2001.

Rule 40-19-1-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-19-1-.02
Authority: O.C.G.A. Sec. 31-25-1*et seq.*
History. . Original Rule entitled "Provisions" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: F. Mar. 8, 2001; eff. Mar. 28, 2001.

Rule 40-19-1-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-19-1-.03
Authority: O.C.G.A Sec. 31-25-1*et seq.*
History. Original Rule entitled "Tagging" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: F. Mar. 8, 2001; eff. Mar. 28, 2001.

Rule 40-19-1-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-19-1-.04
Authority: O.C.G.A. Sec. 31-25-1*et seq.*
History. Original Rule entitled "Secondhand Articles of Bedding" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: F. Mar. 8, 2001; eff. Mar. 28, 2001.

Rule 40-19-1-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-19-1-.05
Authority: O.C.G.A. Sec. 31-25-1*et seq.*
History. Original Rule entitled "Identification of Articles of Bedding" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: F. Mar. 8, 2001; eff. Mar. 28, 2001.

Rule 40-19-1-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-19-1-.06
Authority: O.C.G.A. Sec. 31-25-1*et seq.*
History. Original Rule entitled "Sterilization" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: F. Mar. 8, 2001; eff. Mar. 28, 2001.

Rule 40-19-1-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-19-1-.07
Authority: O.C.G.A. Sec. 31-25-1*et seq.*
History. Original Rule entitled "Enforcement" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: New Rule entitled "Inspection of Premises" adopted. F. July 25, 1989; eff. August 14, 1989.
Repealed: F. Mar. 8, 2001; eff. Mar. 28, 2001.

Chapter 40-20. FUEL OIL INSPECTION UNIT.

Subject 40-20-1. SUBSTANTIVE REGULATIONS; PETROLEUM PRODUCTS.

Rule 40-20-1-.01. Standards for Petroleum Products.

Pursuant to the provisions and requirements of O.C.G.A. Section 10-1-155, the following rules and regulations are hereby promulgated and the standards and specifications for petroleum products used for heating, cooking, illuminating, and power purposes are hereby defined. The following specifications, unless noted, will be determined in accordance with the test methods presented in the latest edition of the American Society for Testing and Materials Standards (ASTM). The State Oil Laboratory may utilize test methods other than those referenced when deemed technically or analytically suitable. The Department of Agriculture may write and

publish guidelines related to performance standards and specifications of specialty fuels and other petroleum products that are not otherwise addressed by regulation. The latest version of the Annual Book of ASTM Standards Section Five and the latest version of the NIST Handbook 130 were used in part for this rule. There may be additional preemptive state or federal requirements other than those identified.

(a) Spark Ignition Engine Fuel Non Oxygenated. The specification for spark ignition engine fuel without oxygenates (gasoline) will be as follows:

1. Sulfur, 95 parts per million (ppm) max
2. Corrosion, Copper Strip No. 1 max
3. Gum, Existent 5 mg/100 ml max
4. Volatility Requirements for Classes:

(i) Distillation Temperatures. °C (°F) at Percent Evaporated*

* At 101.3 kPa pressure (760 mm Hg)

Volatility Class	10% max	50% min	50% max	90% max	Endpoint Max
A-2	70 (158)	77 (170)	121 (250)	190 (374)	225 (437)
A-3	70 (158)	77 (170)	121 (250)	190 (374)	225 (437)
C-3	60 (140)	77 (170)	116 (240)	185 (365)	225 (437)
D-4	55 (131)	77 (170)**	113 (235)	185 (365)	225 (437)

** Gasoline known from the origin to retail that will not be blended with ethanol may meet a minimum 50% evaporated distillation temperature of 66 (150) for volatility class D-4 only. Gasoline meeting these limits is not suitable for blending with ethanol.

(ii) Distillation Residue 2 Vo1% max for all classes.

(iii) Vapor/Liquid Ratio***, vapor pressure and Driveability Index (DI)

Volatility Class	V/L (20 max) Test Temp °C (°F)	Vapor Pressure kPa (psi)	DI max °C (°F)
A-2	56 (133)	62 (9.0)	597 (1250)
A-3	51 (124)	62 (9.0)	597 (1250)
C-3	51 (124)	79 (11.5)	586 (1230)
D-4	47 (116)	93 (13.5)	580 (1220)

*** DI is a derived value and applicable at the refinery and import facility level. The DI values above are for conventional gasoline and may not be applicable to oxygenated gasoline.

(iv) Permissible Volatility classes may be sold during the month of:

A-2 August, September 1-30

A-3 April, May, June, July

C-3 March, April, May****, September 16-30, October, November

D-4 January, February, March, November, December

**** End user shipments only

5. Oxidation Stability 240 min

6. The octane rating (Antiknock Index) of samples drawn from retail points must not be less than 0.5 of that found in samples of the same brand or grade submitted by the manufacturer, refiner, or wholesaler under provisions of O.C.G.A. 10-1-153, and that specified in product registration, and that posted in accordance with FTC Octane Posting and Certification Rule.

   (i) The minimum (R+M)/2 octane rating of gasoline grades must be no less than 0.5 of the following:

   Regular, Unleaded 87

   Premium, Unleaded 91

   Midgrade, Unleaded 89

   (ii) The motor octane number must not be less than 82 for unleaded gasoline with a minimum (R+M)/2 octane rating 87.

7. The sale of any gasoline under any trade name which indicates to the purchaser that it is a certain grade will be in violation of this regulation unless the Antiknock Index therein is at least equal to that required above for that certain grade.

8. The finished gasoline must be a single homogeneous mixture composed essentially of hydrocarbons with or without additives, visually free of water, sediment, suspended, or undissolved matter.

9. Corrosion, Silver Strip No. 1 max

   The test method must be a modified D130 method consisting of a glass test tube sealed inside a stainless steel pressure vessel run for 3 hrs at 122°F (50°C) and using the standard silver strip and rating scale found in IP 227.

10. Reference ASTM D4814 for additional information.

(b) Spark Ignition Engine Fuel Oxygenated. The specification for spark ignition engine fuels with oxygenates (reformulated gasoline, gasohol.) will be as follows:

1. Oxygenated motor fuels must meet all applicable requirements for automotive gasoline established in the preceding sections. However, an oxygenate blend consisting of 90% gasoline and 10% denatured ethanol, where the ethanol (only) content is 9-10% by volume (3.1 - 3.7 mass % oxygen as ethanol), may have the following volatility requirements for the T50 minimum distillation temperature, vapor/liquid ratio and vapor pressure:

   (i) T50 minimum distillation temperature of 150°F for all volatility classes in (a)4.

   (ii) V/L 20 minimum temperature of 120°F for volatility class A-2, 113°F for volatility classes A-3 and C-3, and 107°F for volatility class D-4 in (a)4.

   (iii) Vapor pressure 1.0 psi higher than the values in (a)4.

   Oxygenated fuel is a fuel containing substantial amounts of oxygenated components typically alcohols (such as ethanol) or ethers (such as methyl tert-butyl ether). A substantial amount of oxygenate is defined as a fuel containing more than 0.35 mass % oxygen (0.15 Methanol only).

2. Ethanol to be used for blending must be nominally anhydrous ethanol (198 proof minimum) denatured in accordance with applicable Federal regulations and must meet specifications in ASTM D4806. It can be a blend with gasoline or RBOB (reformulated blendstock for oxygenate blending) or CBOB (conventional blendstock for oxygenate blending).

3. CBOB/RBOB are a hydrocarbon mixture similar to gasoline that may not meet specifications until blended with a specific amount of intended oxygenate. For this reason CBOB/RBOB must not be shipped from a terminal prior to blending and becoming finished product. Shipments between terminals and shipments between terminals and Sanctioned Oxygenate Blending Facilities are excluded from this prohibition. Sanctioned Oxygenate Blenders are considered to be manufacturers of oxygenated gasoline and are responsible for insuring that such products are in compliance with specifications established by the state oil chemist and approved by the Commissioner of Agriculture.

Prospective Oxygenate Blenders must file with the Commissioner of Agriculture a declaration or statement that they desire to sell such products in the state. The declaration or statement must furnish the name, brand, or a trademark of the product which they desire to sell, together with the name and address of the Oxygenate Blender. Owners and operators of Prospective Oxygenate Facilities must also file with the Commissioner of Agriculture a declaration or statement identifying by name and address of each Oxygenate Blending Facility owned or operated by such person.

4. The finished product must meet all specifications for spark ignition engine fuels, except for enforcement purpose, the vapor pressure may be 1 psi higher than the values in (a)4 if the ethanol (only) content is 9-10% by volume (3.1 - 3.7 mass % oxygen as ethanol). It is recommended that 10 volume % ethanol blends with RBOB meet vapor pressure requirements.

5. The water tolerance of oxygenated fuel must meet the following maximum temperatures (°C) for phase separation:

   10 May, June, July August, September

   6 April, October

   1 March

   0 November

   -2 February

   -3 December

   -5 January

6. At room temperature (20-25°C), product must be able to contain the minimum volume % water without phase separation:

   0.15 June, July, August

   0.20 April, May, September, October

   0.25 January, February, March, November, December

7. The subsequent regulations concerning gasoline are applicable to gasoline-oxygenate blends.

8. Manufacturers of oxygenates, blendstock, and oxygenated gasoline motor fuels must declare with the State the type and quantity of hydrocarbon and nonhydrocarbon (oxygenate) components used or to be used in the fuel.

9. Reference: ASTM D4814 for additional information and ASTM D4806 and D5983 for additional information, specifications, and requirements which are incorporated by reference.

(c) Kerosene. The specifications for No. 1-K kerosene and No. 2-K kerosene will be as follows:

1. No. 1-K and No. 2-K Kerosene:

ASTM Method

(i) Flash Point 38°C (100°F) min D56

(ii) Sulfur* D1266, D4294

No. 1-K 0.04% mass max

No. 2-K 0.30% mass max

(iii) Distillation Temperature D86

10% recovered 205°C (401°F) max

Final Boiling Point 300°C (572°F) max

(iv) The oil must be free from water, trash, and suspended matter.

(v) Color, Saybolt** + 16 min D156

(vi) Viscosity D445

at 40°C (104°F) 1.0 min - 1.9 max cSt (mm^2/s)

(vii) Freezing point -30°C (-22°F) max D2386

(viii) Burning quality Pass D187

(ix) Corrosion, Copper Strip D130

3 hr at 100°C (212°F) No. 3 max rating

(x) Mercaptan Sulfur*** 0.003% mass max D3227

* For non flue-connected kerosene burner appliances and wick fed illuminating lamps, clear, undyed 1-K is suitable.

** Kerosene may contain red dye. If dyed for federal motor fuel excise tax exemption or sulfur content, the dye concentration must be spectrally equivalent to 3.9 ptb of Solvent Red 26 and the color by D156 can not be determined.

*** Mercaptan Sulfur determination may be waived if sweet by D4952.

2. Reference ASTM D3699 for additional information.

(d) Fuel Oils. The specifications for Fuel Oils will be as follows:

1. No.1 Fuel Oil ASTM Method

(i) Flash Point 38°C (100°F) min D93

(ii) Sulfur* D1266, D129,

No. 1 0.50 mass% max D2622, D1552,

No. 1 Low Sulfur 0.05 mass % max D4294, D5453

(iii) Distillation, Temperatures D86

10% recovered 215°C (420°F) max

90% recovered 288°C (550°F) max

(iv) Kinematic Viscosity D445

@ 40°C (104°F) 1.3 to 2.4 cSt (mm^2/s)

(v) Pour Point -18°C (0°F) D97

(vi) Water and Sediment 0.05 vol % max D2709

(vii) Gravity, min 35° API @ 60°F D287

Density, max 850 kg/m^3; @ 15°C D1298

(viii) Carbon residue D524

on 10% Bottoms 0.15 max %

(ix) Copper Strip Corrosion D130

3 hr test @ 50°C (122°F) No. 3 max

2. No. 2 Fuel Oil ASTM Method

(i) Flash Point 38°C (100°F) min D93

(ii) Sulfur* D1266, D129,

No. 2 0.50 mass % max D2622, D1552,

No. 2 Low Sulfur 0.05 mass % max D4294, D5453

(iii) Distillation Temperature D86

90% recovered 282°C (540°F) min

338°C (640°F) max

(iv) Kinematic Viscosity D445

@ 40°C (104°F) 1.9 to 4.1 cSt (mm^2/s)

(v) Pour Point -6°C (21°F) D97

(vi) Water and Sediment 0.05 vol % max D95, D1796

(vii) Gravity, min 30° API @ 60°F D287

Density, max 876 kg/m^3; @ 15°C D1298

(viii) Carbon residue 0.35 max % D524

on 10% Bottoms

(ix) Copper Strip Corrosion D130

3 hr test @ 50°C (122°F) No. 3 max

3. No. 4 (Light) Fuel Oil

(i) Flash Point 38°C (100°F) min D93

(ii) Kinematic Viscosity D445

@ 40°C (104°F) 1.9 to 5.5 cSt (mm^2/s)

(iii) Gravity, max 30° API @ 60°F D287

Density, min 876 kg/m^3 @ 15°C D1298

(iv) Pour Point -6°C (21°F) max D97

(v) Water and Sediment 0.50 vol % max D95 + D473

(vi) Ash 0.05 mass % max D482

* All Fuel Oil Grades above are required by federal regulations to contain the dye Solvent Red 164 in amounts to make its presence visually apparent and at or beyond terminal storage tanks the amount of the dye should be spectrally equivalent to 3.9 ptb of Solvent Red 26.

4. No. 4 Fuel Oil

(i) Flash Point 55°C (130°F) min D93

(ii) Kinematic Viscosity D445

@ 40°C (104°F) 5.5 to 24.0 cSt (mm^2/s)

(iii) Pour Point -6°C (21°F) max D97

(iv) Ash 0.10 mass % max D482

(v) Water and Sediment 0.50 mass % max D95 + D473

5. Reference ASTM D396 for additional information.

(e) Diesel Fuel Oils. The specification for Diesel Fuel Oils will be as follows:

1. No. 1-D Diesel Fuel Oil ASTM Method

(i) Flash Point 38°C (100°F) min D93

(ii) Sulfur* 0.50 mass % max D1266, D129, D4294, D5453

(iii) Distillation Temperature D86

90% recovered 288°C (550°F) max

(iv) Kinematic Viscosity D445

@ 40°C (104°F) 1.3 to 2.4 cSt (mm^2/s)

(v) Operability requirements:

Cloud Point D2500, D3117

or LTFT/CFPP for D4539/D6371

Jan. -7°C (19°F) max

Dec. and Feb. -6°C (21°F) max

Mar. and Nov. -2°C (28°F) max

Oct. 3°C (37°F) max

(vi) Water and Sediment 0.05 vol % max D2709

(vii) Calculated Cetane Index 40 min D976

(viii) Carbon Residue 0.15% mass max D524 on 10% Residuum

(ix) Ash, mass 0.01% max D482

(x) Copper Strip Corrosion D130

3 hr test @ 50°C No. 3 max

(xi) Cetane number 40 min D613

(xii) Sulfur*, Low Sulfur, D1266, D4294,

No. 1D 0.05% mass max D2622, D5453

(xiii) Aromaticity, Low Sulfur, D130

No. 1D 35 % vol, max

Note: Can be waived if Cetane index is met.

2. No. 2 Diesel Fuel Oil ASTM Method

(i) Flash Point 52°C (125°F) min D93

(ii) Sulfur* 0.50% mass max D1266, D4294, D129, D5453

(iii) Distillation Temperature D86

90% Recovered 282°C (540°F) min

338°C (640°F) max

(iv) Kinematic Viscosity D445

@ 40°C (104°F) 1.9 to 4.1 cSt (mm^2/s)

(v) Operability requirements:

Cloud Point D2500, D3117

or LTFT/CFPP for: D4539/D6371

Jan. -7°C (19°F) max

Dec. and Feb. -6°C (21°F) max

Mar. and Nov. -2°C (28°F) max

Oct. 3°C (37°F) max

(vi) Water and Sediment 0.05 vol % max D2709

(vii) Calculated Cetane Index 40 min D976

(viii) Carbon Residue D524 on 10% Residuum 0.35% mass max

(ix) Ash 0.01% mass max D482

(x) Copper Strip Corrosion D130

3 hr test @ 50°C No. 3 max

(xi) Cetane number 40 min D613

(xii) Sulfur*, Low Sulfur, D1266, D4294,

No. 2-D 0.05% mass max D2622, D5453

(xiii) Aromaticity, Low Sulfur, D130 No. 1D 35 % vol, max

Note: Can be waived if Cetane index is met.

3. No. 4 Diesel Fuel Oil

(i) Flash Point 55°C (130°F) min D93

(ii) Sulfur* 2.0% mass max D1266, D4294, D129

(iii) Kinematic Viscosity D445

@ 40°C (104°F) 5.5 to 24.0 cSt (mm^2/s)

(iv) Cloud Point D2500, D3117

Jan. -7°C (19°F) max

Dec. and Feb. -6°C (21°F) max

Mar. and Nov. -2°C (28°F) max

Oct. 3°C (37°F) max

(v) Water and Sediment 0.50 vol % max D1796

(vi) Cetane number 30 min D613

(vii) Carbon Residue D524

on 10% residuum 0.35% mass max

(viii) Ash 0.10% Mass max D482

* EPA requires low sulfur, limited aromatic content, 40 cetane index diesel fuels be used by on-highway vehicles and high sulfur diesel fuels to be dyed red with Solvent Red 164 in amounts to make its presence visually apparent. The IRS specifies the amount of red dye (Solvent Red 164) required to be spectrally equivalent to 3.9 lbs per thousand barrels solvent red dye 26 at or beyond terminals. This is also applicable to low sulfur fuels sold tax exempt from terminals.

4. Premium diesel fuel must meet the proceeding specifications and the following in order to be sold as premium or similar identification. ASTM Method

5. Ultra-Low Sulfur (ULS) Diesel Fuel for grades #1 and #2 must meet a maximum sulfur content limit of 15 ppm and may be identified as S15.

   (i) Cetane number 47.0 min. D613

   (ii) Low Temperature meet or exceed limits D4539, D2500 Operability (e)1.(v) or (e)2.(v)

   (iii) Thermal Stability 80% min reflectance D6468 (180 min, 150°C)

   (iv) Lubricity, 520 µm max D6079 wear scar diameter

6. The sale of any diesel fuel under any trade name which indicates to the purchaser that it is a certain grade will be in violation of this regulation unless the required specifications for that grade are met.

7. Reference ASTM D975 for additional information.

(f) Biodiesel. The specification for Biodiesel will be as follows:

1. D6751 Standard Specification for Biodiesel (B100) Blend Stock for Distillate Fuels.

2. Blends of Biodiesel (B100) and grades of diesel fuel are typically acceptable for use in equipment using diesel fuel. Check with OEM or owner's manual for fuel requirements.

3. Biodiesel Blends more than 5 volume % must be identified and labeled according to the requirements established by the United States Federal Trade Commission, 16 CFR Part 306 for Automobile Fuel Ratings, Certification and Posting.

(g) Product registration, product identification, shipping papers, delivery tickets, labeling tanks and dispensers, records retention.

1. All petroleum products and all grades of each are registered or declared by the manufacturer(s) and marketers (non retail) to be in compliance with regulations and approved prior to marketing. The product identification must be consistent with the approved product registration except as noted for oxygenated fuel dispenser and street advertising labeling requirements. This also includes the oxygenates and the other blending components. Blenders of components to make a finished fuel are considered to be manufacturers and are responsible for insuring that the product is in compliance with specifications.

2. For products containing more than 0.35 mass % oxygen (0.15, if methanol) the volume % and identity of oxygenate(s) must be included on any invoice, bill of

lading, shipping paper, or other documentation used for the purpose of marketing any such product.

3. For products containing 1.5 or more mass % oxygen (0.15, if methanol) the volume % or maximum volume % ("up to" amount) and identity of oxygenate(s) must be included as part of dispenser labeling and will not be required for any street advertising of the products. The words "contains", "with", "contains up to", "with up to" or similar wording may be used. An appropriately sized and conspicuously located single label on each side or face of a dispenser is acceptable. This will satisfy dispenser labeling in Rule 40-20-1-.04 and advertising in Rule 40-20-1-.12.

4. Tank fills must identify the products contained. If a color code is used, it must be conspicuously displayed.

5. Information regarding tank capacities and amount of products on hand must be maintained and made available for inspection.

6. Retail establishments must retain the records of product deliveries at the location. Retention of at least the 4 most recent deliveries of each product will satisfy this requirement.

(h) Definitions and requirements. The following are definitions of products referenced in this rule and requirements not identified in the preceding sections:

1. "Alcohol" means a class of organic compounds containing the hydroxyl group (OH).

2. "Aviation Gasoline" means a gasoline possessing specific properties suitable for fueling aircraft powered by reciprocating spark-ignition engines. Reference D910 and D6227 for information, specifications, and requirements which are incorporated by reference. There may be additional preemptive federal requirements.

3. "Aviation Turbine Fuel" or "Jet Fuel" means a refined middle distillate fuel suitable for use as a fuel in an aviation gas turbine internal combustion engine. Reference D1655 and D6615 for information, specifications, and requirements which are incorporated by reference. There may be preemptive federal requirements.

4. "Biodiesel" means a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100.

5. "Biodiesel Blend" abbreviated "BXX" means a blend of biodiesel fuel with petroleum based diesel fuel. "XX" represents the volume percentage of B100 in the blend.

6. "Diesel Fuel" means a refined middle petroleum distillate suitable for use as a fuel in a compression-ignition (diesel) internal combustion engine.

7. "E85" means a blend of ethanol and hydrocarbons of which the ethanol portion is nominally 85-75 volume percent denatured fuel ethanol. Reference ASTM D5798 for information, specifications, and requirements which are incorporated by reference.

8. "Ether" means a class of organic compounds characterized by the structural feature of an oxygen linking two hydrocarbon groups.

9. "Fuel Oil" means a refined oil, middle distillate, heavy distillate, or residues of refining, or blends of these suitable for use as a fuel for heating or power generation.

10. "Gasohol" means a blend of 90 volume % unleaded gasoline without oxygenates and 10 volume % ethanol.

11. "Gasoline" means a type of fuel suitable for use in spark-ignition automobile engines and in marine and non-automotive applications.

12. "Gasoline Oxygenate Blend" means a type of fuel suitable for use in spark-ignition automobile engines and in marine and non-automotive applications.

13. "Kerosene" or "Kerosine" means a refined middle distillate suitable for use as a fuel for heating or illumination.

14. "Low-Sulfur Diesel Fuel" means a #1 or #2 diesel fuel containing a maximum sulfur content of 500 ppm. Low-Sulfur Diesel Fuel may be designated S500 and referred to as on-road diesel.

15. "M85" means a blend of methanol and hydrocarbons of which the methanol portion is nominally 85-75 volume percent fuel methanol. Reference ASTM D5797 for information, specifications, and requirements which are incorporated by reference.

16. "Oxygenate" means an oxygen-containing, ashless, organic compound, such as an alcohol or an ether, which can be used as a fuel or a fuel supplement.

17. "Oxygenate Blender" means any person operating an Oxygenate Blending Facility at which oxygenate gasoline is produced solely through the addition of oxygenate to gasoline or CBOB/RBOB and at which the quality and quantity of gasoline or CBOB/RBOB is not altered in any other manner.

18. "Sanctioned Oxygenate Blender" means any Oxygenate Blender who has filed with the Georgia Department of Agriculture a declaration or a statement that he or

she desires to sell oxygenate blends in the state, and the declaration has been approved by Commissioner of Agriculture.

19. "Oxygenate Blending Facility" means any facility (excluding a truck) at which oxygenate is added to gasoline or CBOB/RBOB.

20. "Sanctioned Oxygenate Blending Facility" means any facility whose owner and operator who has filed with the Georgia Department of Agriculture a declaration or a statement that he or she desires to add oxygenate to gasoline or CBOB/RBOB, and the declaration has been approved by Commissioner of Agriculture.

21. "Racing Gasoline" means a fuel for special off-road use. When sold at retail motor fuel establishments through dispensers, this product must be registered and meet the requirements of issued guidelines.

22. "Reformulated Blendstock for Oxygenate Blending" abbreviated "RBOB" means a petroleum product which, when blended with an oxygenate, meets the definition of reformulated gasoline, and to which the oxygenate is added other than by a refiner or importer such as a terminal. The properties may be adjusted for seasonal volatility, blend amounts, octane, and other applicable parameters.

23. "Reformulated Gasoline" abbreviated as "RFG" means a gasoline oxygenate blend certified to meet the specifications and emission reduction requirements established by the Clean Air Act Amendments of 1990. Reformulated gasoline must be used in automotive vehicles in extreme and severe ozone nonattainment areas and those areas which opt to require it.

24. "Ultra-Low Sulfur Diesel Fuel" means a #1 or #2 diesel fuel containing a maximum sulfur content of 15 ppm. Ultra-low sulfur diesel fuel may be designated S15.

25. "Volatile Organic Compounds" abbreviated as "VOC" means volatile organic compounds consisting of non-methane, non-ethane hydrocarbons and oxygenated hydrocarbons emitted by automotive vehicles.

Cite as Ga. Comp. R. & Regs. R. 40-20-1-.01
Authority: O.C.G.A. § 10-1-155.
History. Original Rule entitled "Standards for Petroleum Products" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: New Rule of same title adopted. F. Oct. 31, 1980; eff. Nov. 20, 1980.
Repealed: New Rule of same title adopted. F. Sept. 13, 1983; eff. Oct. 3, 1983.
Amended: F. Mar. 2, 1992; eff. Mar. 22, 1992.
Repealed: New Rule of same title adopted. F. Jan. 13, 1993; eff. Feb. 2, 1993.
Amended: ER. 40-20-1-0.65-.01 adopted. F. Sept. 18, 2001; eff. Sept. 14, 2001, the date of adoption, to be in effect for three days only, as specified by the Agency.
Amended: F. Apr. 18, 2005; eff. May 8, 2005.
Amended: ER. 40-20-1-0.67-.01(a)5.(iv) adopted. F. Aug. 31, 2005; eff. Sept. 1, 2005 to Sept. 15, 2005, as specified by the Agency.

Amended: ER. 40-20-1-0.68-.01(d) and (e) adopted. F. Sept. 1, 2005; eff. Sept. 1, 2005 to Sept. 30, 2005, as specified by the Agency.
Amended: ER. 40-20-1-0.69-.01(d) and (e) adopted. F. Oct. 5, 2005; eff. Oct. 1, 2005 to Nov. 30, 2005, as specified by the Agency.
Amended: ER. 40-10-1-0.70-.01(a)5.(iv) adopted. F. Sept. 30, 2005; eff. Sept. 30, 2005 to Oct. 31, 2005, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Feb. 13, 2008; eff. Mar. 4, 2008.
Repealed: New Rule of same title adopted. F. Dec. 3, 2009; eff. Dec. 23, 2009.
Amended: F. June 1, 2011; eff. June 21, 2011.
Amended: F. Sep. 20, 2011; eff. Oct. 10, 2011.
Amended: F. Mar. 2, 2020; eff. Mar. 22, 2020.

Rule 40-20-1-.02. Brake Fluid: Definitions; Standards.

(1) The term "Brake Fluid" as used or referred to in this Chapter shall mean the liquid medium through which force is transmitted in the hydraulic brake system of any motor vehicle operated in this State.

(2) Minimum Standard. All break fluid must conform to Federal Motor Vehicle Safety Standard No. 116 and must meet or exceed those specifications.

Cite as Ga. Comp. R. & Regs. R. 40-20-1-.02
Authority: O.C.G.A. Secs. 10-1-180*et seq.*, 10-1-184, 10-1-187.
History. Original Rule entitled "Gasoline" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Amended: ER. 40-20-1-0.7-.02 adopted. F. May 18, 1973; eff. June 1, 1973, as specified by the Agency.
Amended: ER. 40-20-1-0.8-.02 adopted. F. and eff. February 5, 1974, the date of adoption.
Amended: Permanent Rule adopted. F. May 6, 1974; eff. May 26, 1974.
Repealed: New Rule of same title adopted. F. Oct. 31, 1980; eff. Nov. 20, 1980.
Repealed: New Rule entitled "Brake Fluid: Definition; Standards" adopted. Sept. 13, 1983; eff. Oct. 3, 1983.
Repealed: New Rule of same title adopted. F. Jan. 13, 1993; eff. Feb. 2, 1993.

Rule 40-20-1-.03. Regulations and Standards for Antifreeze.

(1) Ethylene Glycol Type Engine Coolants:

(a) Composition Essentially concentrated, virgin ethlylene glycol with suitable corrosion inhibitors and foam suppressors. One type is intended for automobile and light duty (LD) service. Another is a low silicate type for heavy duty (HD) engine cooling systems. It typically requires an initial supplement coolant additive (SCA) and subsequent doses. This coolant additive can also be present in the finished engine coolant. Other compounds such as propylene glycol and diethylene glycol may be present up to a maximum of 15% if the required chemical and physical properties are met. The coolant concentrate when used in accordance with the product label and vehicle manufacturer's recommendation shall function effectively during the summer and winter in automotive vehicle cooling systems to provide protection against freezing, boiling and corrosion. The

use of sugars, salts, and petroleum distillates or other substances harmful to the cooling system is prohibited. [see paragraph (7)]

(b) Chemical and Physical Properties			ASTM Method
1.	Ash, mass	5% max	D1119
2.	Specific Gravity	60/60°F(15.5/15.5°C) 1.110 to 1.145	D1122
3.	Reserve Alkalinity	HD 10 min	
		LD report	
4.	pH, 50 vol% in	Distilled H_20	D1287 7.5 to 11.0
5.	Boiling Point, undiluted	325°F(163°C) min	D1120
	50 vol % in Distilled H_20	226°F (108°C) min	
6.	Corrosion Test (wt loss per specimen)		D1384
	Copper, Brass, Steel & Cast Iron	10 mg max	
	Aluminum	30 mg max	
	Solder	30 mg max	
7.	Freezing Point		D1177
	33 1/3% by Vol in Distilled H_2O	0°F (-18°C) max	
	50% by vol in Distilled H_2O	-34°F (-37°C) max	
8.	Foaming Test		D1881
	Break Time	5 sec max	
	Volume Increase	150 ml max	
9.	Water mass	5% max	D1123
10.	Chloride ion, ppm	25 max	D3634
11.	Silicon, ppm (HD)	250 max	
12.	Reference ASTM D3306 and D4958 for additional information, specifications and requirements.		

(2) Alcohol Type Engine Coolants. Since alcohol type engine coolants are not suitable for use in automotive engines to provide protection against freezing, boiling, and corrosion, this type of antifreeze is illegal for sale.

(3) Methoxy Propanol Type Engine Coolant.

(a) This type engine coolant utilized as a full-fill without dilution is for industrial use only and must meet the following standards:

1.	Ash, mass	5% max	D1119
2.	Reserve Alkalinity	2.5 min	D1121
3.	pH	7.5 - 9.0	D1287
4.	Corrosion Test (wt loss per specimen)		D1384
	Copper, brass, steel & cast iron	10 mg max	
	solder	30 mg max	
	aluminum	30 mg max	
5.	Freezing Point 33 1/3% methoxy propanol by volume	10°F(-12°C) max	D1177
6.	Foaming Test Breaktime	5 sec max	D1881
	Volume Increase	150 ml max	
7.	Equilibrium Boiling Point	207°F(97°C)	D1120
8.	Water, mass %	48 max	D1123

(4) Propylene glycol type engine collants:

(a) Composition essentially concentrated, virgin propylene glycol with suitable corrosion inhibitors and foam suppressors. Other glycols are not permitted except dipropylene glycol may be present up to 1% maximum. The coolant shall meet the required chemical and physical properties and when used in accordance with the product label and vehicle manufacturers recommendations, shall be suitable for automobile and other light duty service cooling systems for a minimum of 1 year. [See paragraph (7)]

(b) Propylene glycol type engine coolants shall meet the preceding requirements for light duty ethylene glycol base engine coolants except as identified below:

1.	Specific Gravity	60/60°F(15.5/ 15.5°C) 1.303 to 1.065	D1122
2.	Boiling Point, undiluted 50 vol % in distilled H20	305°F(152°C) min 219°F(104°C) min	D1120
3.	Corrosion test requirements and limits the same as for ethylene glycol; the method will be D1384 with a 33% glycol test concentration.		

4.	Freeze Point 33 1/3% by volume in distilled H20 50% by volume in distilled H20	5°F(-15°C) max -26°F(-32°C) max	D1177

(c) Reference ASTM D5216 for additional information, specifications and requirements.

(5) Each antifreeze package offered for sale must bear a use statement or protection chart which informs the user the degree of protection offered when used in accordance with the manufacturer's instructions. Containers of five gallons or more may be accompanied by a use statement or a freeze protection chart in lieu of the label on the container. In addition, the type of glycol or other base must be indicated. Propylene glycol base coolant containers will be labeled with an appropriate cautionary statement to alert the user to the differences of density and freeze protection between it and ethylene glycol base coolants.

(6) Each manufacturer, distributor, or jobber shall submit a "current" certified test report and container label(s) for each brand name product when applying for a license authorizing the sale of such antifreeze.

(a) The certified test report shall be prepared using ASTM engine coolant test methodology by a chemical laboratory independent of the product under application.

(b) The certified test report shall be accompanied by a signed application (furnished by the Department), attesting that the certified test report represents an analysis of product formulation identical to the brand under application.

(c) An original or actual size color copy of all container labels shall accompany each brand name under application.

(d) "Current" as used in this Rule, shall mean an independent laboratory test of identical product formulation.

(7) Antifreeze, composed essentially of reclaimed or reprocessed concentrated glycol may be licensed, subject to the following conditions:

(a) The product must meet chemical and physical standards for virgin glycol based coolant.

(b) The container label must contain a written disclosure that the product has been produced from reprocessed glycol.

(8) Premix or prediluted ethylene glycol engine coolant:

(a) Composition essentially a mixture of 50 volume % minimum base virgin glycol and deionized water with applicable additives. Product shall be formulated and

intended for direct introduction, without further dilution, to vehicle cooling systems.

(b) The container label of premix glycol coolant shall display a prominent, definite, plain statement of conspicuous size and location to advise consumers that the product is a premix, diluted, ready to use, 50-50 mixture or similar such wording.

(c) Suitability, performance, intended use and prohibitions applicable to concentrated ethylene glycol type engine coolants shall also apply to premix product.

(d) Premixed or prediluted ethylene glycol base antifreeze shall meet all applicable requirements for concentrated except as identified below:

		ASTM METHOD
1. Ash, mash	2.5 % max	D1119
2. Specific gravity 60/60 F (15.5/15.5 C)	1.0650 min	D1122
3. Reserve Alkalinity HD LD	5 min Report	D1121
4. Water by weight	50% max	
5. Silicon, ppm (HD)	125 max	

6. Reference ASTM D4656 and D5345 for additional information, specifications and requirements.

(9) Recycled or reprocessed type engine coolants:

(a) Composition shall be essentially a mixture of 50 volume percent minimum base of used engine coolant glycol, which is typically system formulated by distillation or filtration and chemical treatment and vendor tested for product suitability before direct introduction to a vehicle cooling system.

(b) Each recycled antifreeze system manufacturer or distributor shall, prior to installing or operating such system, comply with the annual registration, fee and product approval provisions of O.C.G.A. Section 10-1-203. Upon request of the Commissioner, each recycled antifreeze system manufacturer or distributor shall provide the Commissioner with a comprehensive listing of all automotive service facilities, mechanics, garages and other businesses known to be utilizing their recycled product or systems within this state.

(c) Retail sales of packaged or containerized recycled antifreeze are expressly prohibited.

(d) The product shall not contain solids and must meet the suitability, chemical and performance standards for premix or prediluted ethylene glycol engine coolants prescribed in Rule 40-20-1-.03(8).

Cite as Ga. Comp. R. & Regs. R. 40-20-1-.03
Authority: O.C.G.A. Secs. 10-1-200*et seq.*, 10-1-201, 10-1-202, 10-1-203, 10-1-207, 10-1-209.
History. Original Rule entitled "Kerosene" was filed on August 8, 1972; effective August 28, 1972.
Amended: Rule repealed and a new Rule of the same title adopted. Filed October 31, 1980; effective November 20, 1980.
Amended: Emergency Rule 40-20-1-0.18-.03, entitled "No. 1 Kerosene and No. 2 Kerosene" was filed on November 12, 1982; effective November 8, 1982, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. (Said Emergency Rule expired March 7, 1983).
Amended: Rule repealed and a new Rule entitled "Regulations and Standards for Antifreeze" adopted. Filed September 13, 1983; effective October 3, 1983.
Repealed: New Rule of same title adopted. F. Jan. 13, 1993; eff. Feb. 2, 1993.
Amended: F. Aug. 3, 1993; eff. Aug. 23, 1993.
Amended: F. Feb. 26, 1996; eff. Mar. 17, 1996.
Amended: F. Aug. 23, 1996; eff. Sept. 12, 1996.
Amended: F. Jul. 21, 1997; eff. Aug. 11, 1997.
Amended: F. Dec. 10, 1999; eff. Dec. 30, 1999.

Rule 40-20-1-.04. Substandard Products: Disposition.

Gasoline, kerosene, fuel oil or other related petroleum products and subjects found below the prescribed standards shall be disposed of as directed by the Commissioner of Agriculture. Where such product can be reconditioned or successfully blended with or used as another product, the same may be disposed of upon the order of the Agriculture Commissioner. When any product regulated by Georgia Code cannot be successfully disposed of in the above manner or when the owner refuses to comply with the order of the Agriculture Commissioner, this product is subject to confiscation and destruction.

Cite as Ga. Comp. R. & Regs. R. 40-20-1-.04
Authority: O.C.G.A. Secs. 10-1-151, 10-1-155.
History. Original Rule entitled "No. 1 Fuel Oil" was filed on August 8, 1972; effective August 28, 1972.
Amended: Rule repealed and a new Rule of the same title adopted. Filed October 31, 1980; effective November 20, 1980.
Amended: Rule repealed and a new Rule entitled "Substandard Product: Disposition" adopted. Filed September 13, 1983; effective October 3, 1983.

Rule 40-20-1-.05. Registration of Petroleum Products.

(1) Petroleum products sold in this State and covered in Section 40-20-1-.01 shall have a name and/or brand name and such name shall be registered in compliance with O.C.G.A. 10-1-149. The octane rating or antiknock index of applicable motor fuels, covered by FTC Octane Posting and Certification Rule, will be included in the registration.

(2) The Commissioner of Agriculture will refuse the registration of any product under a name that would be misleading to the purchaser of such a product, regarding nature or quality.

(3) Every pump dispensing motor fuel at retail shall conspicuously display the name and/or brand name being sold therefrom exactly as said name and/or brand name is registered with the Commissioner of Agriculture. Each kerosene pump or fuel oil pump dispensing those products at retail shall display the words "1-K Kerosene" or "2-K Kerosene" or indicate the proper grade of fuel oil depending on the product dispensed. The display of grades also includes all containers utilized in the wholesale or retail of such fuels in compliance with O.C.G.A. 10-1-152.

Cite as Ga. Comp. R. & Regs. R. 40-20-1-.05
Authority: O.C.G.A. Secs. 10-1-149, 10-1-152, 10-1-155.
History. Original Rule entitled "No. 2 Fuel Oil" was filed on August 8, 1972; effective August 28, 1972.
Amended: Rule repealed and a new Rule of the same title adopted. Filed October 31, 1980; effective November 20, 1980.
Amended: Rule repealed and a new Rule entitled "Registration of Petroleum Products" adopted. Filed September 13, 1983; effective October 3, 1983.

Rule 40-20-1-.06. Sample Size.

Samples submitted in compliance with O.C.G.A. 10-1-153, for petroleum products regulated by this Chapter shall not be less than 16 ounces in size.

Cite as Ga. Comp. R. & Regs. R. 40-20-1-.06
Authority: O.C.G.A. Sec. 10-1-153.
History. Original Rule entitled "No. 4 Fuel Oil" was filed on August 8, 1972; effective August 28, 1972.
Amended: Rule repealed and a new Rule of the same title adopted. Filed October 31, 1980; effective November 20, 1980.
Amended: Rule repealed and a new Rule entitled "Sample Size" adopted. Filed September 13, 1983; effective October 3, 1983.

Rule 40-20-1-.07. Test Measures: Fill Pipe.

(1) In testing measuring devices, it is necessary for the Inspector to draw from each pump sufficient product to determine the accuracy of the dispensing device.

(2) For this purpose, official and approved one-gallon, five-gallon, and metric measuring cans are used. In order that the Inspector may dispose of the product in the test measure, it is hereby made an obligation of the owner or operator of the station to provide containers of sufficient quantity into which the Inspector may empty the product from his test measure in the event that ground level storage tank fill pipes are not present.

(3) If the design, construction, or location of any device is such as to require a testing procedure involving special equipment, or accessories or an abnormal amount of labor, such equipment, accessories and labor shall be supplied by the owner or operator of the device as required by the weights and measures official.

Cite as Ga. Comp. R. & Regs. R. 40-20-1-.07
Authority: O.C.G.A. Secs. 10-1-148, 10-1-151, 10-1-155, 10-1-161.
History. Original Rule entitled "No. 1 Diesel Fuel Oil" was filed on August 8, 1972; effective August 28, 1972.
Amended: Rule repealed and a new Rule of the same title adopted. Filed October 31, 1980; effective November 20, 1980.
Amended: Rule repealed and a new Rule entitled "Test Measures: Fill Pipe" adopted. Filed September 13, 1983; effective October 3, 1983.

Rule 40-20-1-.08. Contamination of Fuel.

All meters, pumps, lines, and devices which have been used in measuring and pumping gasoline must be thoroughly cleaned before being used in measuring and pumping high flash petroleum products, such as kerosene, heating oil and diesel fuel.

Cite as Ga. Comp. R. & Regs. R. 40-20-1-.08
Authority: O.C.G.A. Secs. 10-1-151, 10-1-155.
History. Original Rule entitled "No. 2 Diesel Fuel Oil" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: New Rule of same title adopted. F. Oct. 31, 1980; eff. Nov. 20, 1980.
Repealed: New Rule entitled "Contamination of Fuel" adopted. F. Sept. 13, 1983; eff. Oct. 3, 1983.

Rule 40-20-1-.09. Petroleum Products to be Inspected.

All petroleum products regulated by Chapter 40-20-1, in accordance with O.C.G.A. Section 10-1-155, shall be subject to inspection and analysis. The Department of Agriculture shall have free access to and adequate samples of such products for the purpose of inspection and analysis.

All facilities which engage in the selling of any petroleum products shall register with the Department annually. A registration fee based on $20.00 per measuring device for devices less than 20 gallons per minute and $40.00 per measuring device for devices 20 gallons per minute and over shall be paid to the Department annually. After reasonable notice and opportunity for a hearing before the Commissioner in accordance with the Georgia Administrative Procedure Act any facility registration can be revoked by the Commissioner for violation of any rule or regulation of the State of Georgia.

Cite as Ga. Comp. R. & Regs. R. 40-20-1-.09
Authority: O.C.G.A. Secs. 10-1-148, 10-1-155.
History. Original Rule entitled "Brake Fluid: Definition" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: New Rule of same title adopted. F. Oct. 31, 1980; eff. Nov. 20, 1980.
Repealed: New Rule entitled "Petroleum Products to Be Inspected" adopted. F. Sept. 13, 1983; eff. Oct. 3, 1983.
Amended: F. June 15, 2010; eff. July 5, 2010.

Rule 40-20-1-.10. Water in Retail Tanks; Dispenser Filters.

(a) It shall be a violation for water and or water phase to be detected, when measured from the bottom through the fill pipe, supply line or detection system of any tank utilized in the

storage of oxygenated fuels, aviation gasoline and aviation fuel sold at retail. A stop sale shall be issued when water or water phase exceeds one fourth (1/4) of an inch. It shall be a violation for water to exceed one inch in depth, when measured from the bottom through the fill pipe, supply line or detection system of any tank utilized in the storage of the other regulated products sold at retail. A stop sale shall be issued when water exceeds two inches. For violations the water must be removed from the tank prior to the delivery and subsequent selling of additional product from such storage tank. For stop sales the removal must be done prior to resumption of sales.

(b) Prior to the sale of oxygenated fuels, the storage tanks must be clean and free of water and sedimentation (particulate material). Subsequently, the system must be monitored and kept free of any accumulation of water, water phase and sedimentation.

(c) Retail dispensing equipment shall use a 10 micron or less fuel filter for all products. It is recommended that water sensitive filters or phase separation filters, compatible with the product being dispensed, be used.

Cite as Ga. Comp. R. & Regs. R. 40-20-1-.10
Authority: O.C.G.A. Secs. 10-1-151, 10-1-155.
History. Original Rule entitled "Minimum Standards" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: New Rule of same title adopted. F. Oct. 31, 1980; eff. Nov. 20, 1980.
Repealed: New Rule entitled "Water in Retail Tanks" adopted. F. Sept. 13, 1983; eff. Oct. 3, 1983.
Amended: Rule retitled "Water in Retail Tanks; Dispenser Filters". F. Apr. 18, 2005; eff. May 8, 2005.

Rule 40-20-1-.11. Specifications, Tolerances, and Other Technical Requirements for Liquid Measuring Devices.

The tolerances for devices used for retail sales of petroleum products regulated shall be as follows:

(a) The maintenance tolerance shall be one cubic inch plus one cubic inch per indicated gallon.

(b) The acceptance tolerance shall be ½ of the maintenance tolerances.

(c) Applicable testing and technical requirements shall be in accordance with the latest Edition of the National Bureau of Standards Handbook 44, except when in conflict with existing or modified rules and regulations or when rejected by the same.

(d) Retail devices for motor fuels shall be condemned for repair when the device exceeds a tolerance of plus or minus 14.5 cubic inches (8 fluid ounces). Owners or owner's agent of devices and/or petroleum products dispensed having a tolerance exceeding plus 14.5 cubic inches may request a waiver of condemnation of such device from the Commissioner of Agriculture, or from a duly appointed agent.

(e) It is recommended that each retail dispensing device from which diesel fuel is sold shall be equipped with a nozzle spout having a terminal end with an outside diameter of not less than 23.63 mm (0.930 in).

Cite as Ga. Comp. R. & Regs. R. 40-20-1-.11
Authority: O.C.G.A. Secs. 10-1-155, 10-1-159, 10-1-160, 10-2-4, 10-2-5.
History. Original Rule entitled "Substandard Products: Disposition" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: New Rule of same title adopted. F. Oct. 31, 1980; eff. Nov. 20, 1980.
Repealed: New Rule entitled "Specifications, Tolerances, and Other Technical Requirements for Liquid Measuring Devices" adopted. F. Sept. 13, 1983; eff. Oct. 3, 1983.
Amended: F. Apr. 18, 2005; eff. May 8, 2005.

Rule 40-20-1-.12. Advertised Price for Petroleum Products.

The advertising of petroleum products regulated under Section 40-20-1-.01 of this Chapter shall conform to the following:

(a) All advertising for the sale of petroleum products must meet the requirements of O.C.G.A. Section 10-1-164.

(b) Petroleum products cannot be sold in a manner which may deceive, or have the effect of deceiving, the purchaser of such products as to nature, price, quality, or quantity of those products.

(c) The advertising of prices on a highway, street or curb sign is not required. However, if prices are advertised and there are different prices available for the same product, then the higher price must be posted. The lower price may also be posted, but the qualifier for both prices must be clearly identified and clearly visible from the street.

(d) If lowest advertised price is not immediately available to all consumers at the time of fuel purchase, a notice of explanation must be posted in a manner which is clearly visible and easily readable to consumers from either side of the dispenser at the point of sale.

(e) Compliance with this regulation shall be attained within 90 days after the date that this rule becomes effective.

(f) Failure to comply with this regulation may result in a civil penalty asprovided by O.C.G.A. Section 10-1-165.

Cite as Ga. Comp. R. & Regs. R. 40-20-1-.12
Authority: O.C.G.A. Secs. 10-1-155, 10-1-164.
History. Original Rule entitled "Registration of Brand Names" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: New Rule of same title adopted. F. Oct. 31, 1980; eff. Nov. 20, 1980.
Amended: ER. 40-20-1-0.18-.12 adopted. F. Nov. 12, 1982; eff. Nov. 8, 1982, the date of adoption.
Amended: Permanent Rule entitled "Advertised Price for Petroleum Products" adopted. F. Sept. 13, 1983; eff. Oct. 3, 1983.
Amended: F. Sept. 20, 2011; eff. Oct. 10, 2011.

Amended: F. April 26, 2012; eff. May 26, 2012.

Rule 40-20-1-.13. Notice of Violations; Illegal Withold from Sale; Condemned for Repair; Definitions; Compliance. Amen.

The definitions and compliance requirements of petroleum products regulated under Section 40-20-1-.01 shall be as follows:

(a) Notice of Violations. Issued for defects in equipment having minor impact on quality, quantity, nature, price, display of products sold. Corrective action must be performed within time specified. Illegal Withhold from Sale or Condemnation for repair may result when corrections are not made and/or deficiencie still occur. The Department of Agriculture, upon notification of correction, may permit the resale of said petroleum product prior to subsequent inspection, testing, and/or analysis.

(b) Illegal Withhold from Sale. Issued normally for violations of product quality. Corrections must be made prior to resumption of sales. The Department of Agriculture upon notification of correction, may permit the resale of material prior to subsequent inspection, testing, and/or analysis.

(c) Condemned for Repair. lssued for equipment or devices that cannot be used in conjunction with the commercial sale of petroleum product due to failure to meet requirements of Section 40-20-1-.11. The equipment or device must be repaired prior to resale of petroleum product material. The Department of Agriculture upon notification, may permit the device being reintroduced into commercial use prior to the inspection and testing of the device.

(d) Compliance. Failure to comply with the above notifications may result in the condemnation of product or devices and subsequent confiscation or other action as provided by the Georgia Administrative Procedure Act and O.C.G.A. Section 10-1-64.

Cite as Ga. Comp. R. & Regs. R. 40-20-1-.13
Authority: O.C.G.A. Secs. 10-1-151, 10-1-155, 10-1-159, 10-1-160, 10-1-164.
History. Original Rule entitled "Sample Size" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: New Rule of same title adopted. F. Oct. 31, 1980; eff. Nov. 20, 1980.
Repealed: New Rule entitled "Notice of Violations; Illegal Withold from Sale; Condemned for Repair; Definitions; Compliance" adopted. F. Sept. 13, 1983; eff. Oct. 3, 1983.

Rule 40-20-1-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-20-1-.14
Authority: O.C.G.A. Sec. 10-1-155.
History. Original Rule entitled "Test Measures: Fill Pipe" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: New Rule of same title adopted. F. Oct. 31, 1980; eff. Nov. 20, 1980.

Repealed: F. Sept. 13, 1983; eff. Oct. 3, 1983.

Rule 40-20-1-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-20-1-.15
Authority: O.C.G.A. Sec. 10-1-155.
History. Original Rule entitled "Contamination of Fuel" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.
Repealed: New Rule of same title adopted. F. Oct. 31, 1980; eff. Nov. 20, 1980.
Repealed: F. Sept. 13, 1983; eff. Oct. 3, 1983.

Rule 40-20-1-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-20-1-.16
Authority: O.C.G.A. Sec. 10-1-155.
History. Original Rule entitled "Regulation and Standards for Antifreeze" adopted. F. Nov. 26, 1975; eff. Dec. 16, 1975.
Repealed: New Rule of same title adopted. F. Oct. 31, 1980; eff. Nov. 20, 1980.
Repealed: F. Sept. 13, 1983; eff. Oct. 3, 1983.

Chapter 40-21. PESTICIDE USE AND APPLICATION.

Subject 40-21-1. Renumbered as 40-21-8.

Rule 40-21-1-.01. Renumbered as 40-21-8-.01.

Cite as Ga. Comp. R. & Regs. R. 40-21-1-.01
Authority: Ga. L. 1976, p. 369, Act No. 880 (H. B. 1393).
History. Original Rule entitled "Persons Subject to Regulations" was filed on June 24, 1974; effective July 14, 1974.
Amended: Rule repealed and a new Rule of the same title adopted. Filed July 5, 1977; effective July 25, 1977.
Amended: Rule renumbered as 40-21-8-.01. Filed July 10, 1978; effective July 30, 1978.

Rule 40-21-1-.02. Renumbered as 40-21-8-.02.

Cite as Ga. Comp. R. & Regs. R. 40-21-1-.02
Authority: Ga. L. 1976, p. 369, Act No. 880 (H. B. 1393).
History. Original Rule entitled "Certification of Financial Responsibility" was filed on June 24, 1974; effective July 14, 1974.
Amended: Rule repealed and a new Rule of the same title adopted. Filed July 5, 1977; effective July 25, 1977.
Amended: Rule renumbered as 40-21-8-.02. Filed July 10, 1978; effective July 30, 1978.

Rule 40-21-1-.03. Renumbered as 40-21-8-.03.

Cite as Ga. Comp. R. & Regs. R. 40-21-1-.03
Authority: Ga. L. 1976, p. 369, Act No. 880 (H. B. 1393).
History. Original Rule entitled "Insurance Policy" was filed on June 24, 1974; effective July 14, 1974.
Amended: Rule repealed and a new Rule entitled "Insurance" adopted. Filed July 5, 1977; effective July 25, 1977.
Amended: Rule renumbered as 40-21-8-.03. Filed July 10, 1978; effective July 30, 1978.

Rule 40-21-1-.04. Renumbered as 40-21-8-.04.

Cite as Ga. Comp. R. & Regs. R. 40-21-1-.04
Authority: Ga. L. 1976, p. 369, Act No. 880 (H. B. 1393).
History. Original Rule entitled "Surety Bonds" was filed on June 24, 1974; effective July 14, 1974.
Amended: Rule repealed and a new Rule entitled "Surety Bond" adopted. Filed July 5, 1977; effective July 25, 1977.
Amended: Rule renumbered as 40-21-8-.04. Filed July 10, 1978; effective July 30, 1978.

Rule 40-21-1-.05. Renumbered as 40-21-8-.05.

Cite as Ga. Comp. R. & Regs. R. 40-21-1-.05
Authority: Ga. L. 1976, p. 369, Act No. 880 (H. B. 1393).
History. Original Rule entitled "Cash Deposits" was filed on June 24, 1974; effective July 14, 1974.
Amended: Rule repealed and a new Rule entitled "Cash Deposit" adopted. Filed July 5, 1977; effective July 25, 1977.
Amended: Rule renumbered as 40-21-8-.05. Filed July 10, 1978; effective July 30, 1978.

Rule 40-21-1-.06. Renumbered as 40-21-8-.06.

Cite as Ga. Comp. R. & Regs. R. 40-21-1-.06
Authority: Ga. L. 1976, p. 369, Act No. 880 (H. B. 1393).
History. Original Rule entitled "Expiration of Insurance and Bonds" was filed on June 24, 1974; effective July 14, 1974.
Amended: Rule repealed and a new Rule entitled "Exclusion of Coverage" adopted. Filed July 5, 1977; effective July 25, 1977.
Amended: Rule renumbered as 40-21-8-.06. Filed July 10, 1978; effective July 30, 1978.

Subject 40-21-2. CATEGORIES AND SUBCATEGORIES FOR CERTIFIED APPLICATORS.

Rule 40-21-2-.01. Commerical Applicators.

Commercial applicators may be certified in one or more of the following categories:

(a) Agricultural Plant Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides or State restricted pesticide uses in production of agricultural crops, including, without limiting the foregoing, tobacco,

peanuts, cotton, feed grains, soybeans, and forage, vegetables, small fruits, tree fruits and nuts, as well as on grasslands and noncrop agricultural lands.

(b) Agricultural Animal Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, on animals, including, without limiting the foregoing, beef cattle, dairy cattle, swine, sheep, horses, goats, poultry and livestock, and to places on or in which animals are confined; and also includes Doctors of Veterinary Medicine engaged in the business of applying pesticides for hire, publicly holding themselves out as pesticide applicators, or engaged in large-scale use of pesticides.

(c) Forest Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, in forests, forest nurseries, and forest seed producing areas.

(d) Ornamental and Turf Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, to control pests in the maintenance and production of ornamental trees, shrubs, flowers, and turf.

(e) Seed Treatment. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, on seeds.

(f) Aquatic Pest Control. This category includes commercial applicators using or supervising the use of any restricted use pesticide, or State restricted pesticide uses, purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in category (i) below.

(g) Right-of-Way Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, in the maintenance of public roads, electric powerlines, pipelines, railway rights-of-way or other similar areas.

(h) Industrial, Institutional, Structural and Health Related Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, in, on, or around food handling establishments, human dwellings, institutions, such as schools and hospitals, industrial establishments, including warehouses and grain elevators, and any other structures and adjacent area, public or private; and for the protection of stored, processed, or manufactured products.

(i) Public Health Pest Control. This category includes State, Federal or other governmental employees using or supervising the use of restricted use pesticides, or State restricted pesticide uses, in public health programs for the management arid control of pests having medical and public health importance.

(j) Regulatory Pest Control. This category includes State, Federal or other governmental employees who use or supervise the use of restricted use pesticides, or State restricted pesticide uses, in the control of regulated pests.

(k) Demonstration and Research Pest Control. This category includes:

1. individuals who demonstrate to the public the proper use and techniques of application of restricted use pesticides, or State restricted pesticide uses, or supervise such demonstration, and includes such persons as extension specialists and county agents, commercial representatives demonstrating pesticide products, and those individuals demonstrating methods used in public programs.

2. persons conducting field research with pesticides, and in doing so, use or supervise the use of restricted use pesticides; and also includes State, Federal, commercial and other persons conducting field research on or utilizing restricted use pesticides.

3. to be certified in Demonstration and Research would require prior certification in one or more of categories (a) through (j), above.

(l) Aerial Methods. This category includes individuals who have been licensed by the FAA for Agricultural Aircraft Operations, and who are certified in one or more of the categories (a) through (j), and (o).

(m) Wood Treatment. This category includes Commercial Applicators engaged in the business of pressure treating lumber and timber with preservatives classified as restricted use pesticides, to protect such products from attack by such pests as termites, powder post beetles, other wood destroying insects, as well as, surface molds and wood destroying fungi.

(n) Antimicrobial Pest Control. This category includes Commercial Applicators who apply pesticides (Disinfectants, Sanitizers, Algeacides, Fungicides, etc.) to control undesirable or harmful algae, bacterial, fungi and viruses in homes, institutions, medical facilities, industrial and other sites.

(o) Agricultural Commodity Fumigation. This category includes Commercial Applicators applying or supervising the application of fumigants to control insect pests in raw or processed agricultural commodities.

(p) Antifoulant Paints. This category includes Commercial Applicators who are applying antifouling paints that have been classified for restricted use to watergoing vessels to inhibit the growth of aquatic organisms such as barnacles and algae.

(q) Worker Protection Standard. This subcategory is for those engaged in training workers and handlers as required by EPA's Worker Protection Standard.

(r) Mosquito Control. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, in the control of mosquitoes on residential, commercial and public grounds.

Cite as Ga. Comp. R. & Regs. R. 40-21-2-.01
Authority: O.C.G.A. Sec. 2-7-90, *et seq.*
History. Original Rule entitled "Commercial Applicators" was filed on July 10, 1978; effective July 30, 1978.
Amended: F. Apr. 19, 1999; eff. May 9, 1999.
Amended: F.Jul. 23, 2013; eff. Aug. 12, 2013.

Rule 40-21-2-.02. Private Applicators.

This category includes any certified applicator who uses or supervises the use of any restricted use pesticide or State restricted pesticide use in the production of an agricultural or forestry commodity on property owned, rented or otherwise under the control of him or his employer or (if applied without compensation other than trading of personal services between producers of such commodities) on the property of another person.

EXAMPLES ARE: farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floraculturists, orchardists, foresters and other comparable persons.

Cite as Ga. Comp. R. & Regs. R. 40-21-2-.02
Authority: Ga. L. 1976, p. 369.
History. Original Rule entitled "Private Applicators" was filed on July 10, 1978; effective July 30, 1978.

Subject 40-21-3. STANDARDS OF COMPETENCY.

Rule 40-21-3-.01. Commerical Applicators.

Every applicant for commercial applicator certification shall demonstrate a practical knowledge of the principles and practices of pest control and the safe use of pesticides based upon satisfactory passing of a written examination with a score of seventy (70) percent, and, as appropriate, performance testing. Such examination shall include the general standards of competency applicable to all categories and additional standards specific for each category or subcategory in which the applicant requests certification. Any particular examination may not be taken more than once in any month or more than twice in any six (6) month period. Records of examination scores on the General Standards and Category Standards shall be maintained by the Department of Agriculture for one (1) year from the date of first examination. If an applicant fails to pass both the General Standards Examination and at least one (1) Category Standards Examination within a one (1) year period, all test scores will be destroyed and applicant will be required to retake and pass both the General Standards Examination and the Category Standards Examination. To the extent that they are relevant to a given category, standards of competency may include:

(a) General Standards for all Categories.

1. Label and Labeling Comprehension:

   (i) The general format and terminology of pesticide labels and labeling;

   (ii) The understanding of instructions, warning, terms, symbols and other information commonly appearing on pesticide labels;

   (iii) Classification of the product, general or restricted; and

   (iv) Necessity for use consistent with the label.

2. Safety-Factors including:

   (i) Pesticide toxicity and hazard to man and common exposure routes;

   (ii) Common types and causes of pesticide accidents;

   (iii) Precautions necessary to guard against injury to applicators and other individuals in or near treated areas;

   (iv) Need for and use of protective clothing and equipment;

   (v) Symptoms of pesticide poisoning;

   (vi) First aid and other procedures to be followed in case of a pesticide accident; and

   (vii) Proper identification, storage, transport, handling, mixing procedures and disposal methods for pesticides and used pesticide containers, including precautions to be taken to prevent children from having access to pesticides and pesticide containers.

3. Environment-The potential environmental consequences of the use and misuse of pesticides as may be influenced by such factors as;

   (i) Weather and other climatic conditions;

   (ii) Types of terrain, soil or other substrate;

   (iii) Presence of fish, wildlife and other nontarget organisms; and

   (iv) Drainage patterns.

4. Pests-Factors such as:

(i) Common features of pest organisms and characteristics of damage needed for pest recognition;

(ii) Recognition of relevant pests; and

(iii) Pest development and biology as it may be relevant to problem identification and control.

5. Pesticides-Factors such as:

(i) Types of pesticides;

(ii) types of formulations;

(iii) Compatibility, synergism, persistence and animal and plant toxicity of the formulations;

(iv) Hazards and residues associated with use;

(v) Factors which influence effectiveness or lead to such problems as resistance to pesticides; and

(vi) Dilution procedures.

6. Equipment-Factors including:

(i) Types of equipment and advantages and limitations of each type; and

(ii) Uses, maintenance and calibration.

7. Application Techniques-Factors including:

(i) Methods of procedure used to apply various formulations of pesticides, solutions, and gases, together with a knowledge of which technique of application to use in a given situation;

(ii) Relationship of discharge and placement of pesticides to proper use, unnecessary use, and misuse; and

(iii) Prevention of drift and pesticide loss into the environment.

8. Laws and Regulations-Applicable State and Federal laws and regulations, including the legal responsibility for supervision of uncertified persons.

(b) Category Specific Standards.

1. Agricultural Plant Pest Control:
   (i) Practical knowledge of:
      (I) crops grown in operational area;
      (II) specific pests to be controlled;
      (III) soil and water problems;
      (IV) pre-harvest intervals;
      (V) reentry intervals;
      (VI) phytotoxicity;
      (VII) potential for environmental contamination, non-target injury and community problems arising from use of pesticides in agricultural areas.

2. Agricultural Animal Pest Control:
   (i) Practical knowledge of:
      (I) animals to be treated;
      (II) specific pests to be controlled;
      (III) specific pesticide toxicity and residue potential;
      (IV) relative hazards associated with formulation, application techniques, age of animals, stress and extent of treatment.

3. Forest Pest Control:
   (i) Practical knowledge of:
      (I) forests, forest nurseries and forest seed production;
      (II) pests to be controlled;
      (III) cyclic occurrence of certain pests;
      (IV) specific population dynamics as a basis for programming pesticides applications;
      (V) relative biotic agents and their vulnerability to pesticides applied;

(VI) control methods which will minimize unintended effects on wildlife;

(VII) proper use of specialized equipment as it may relate to meteorological factors and adjacent land use.

4. Ornamental and Turf Pest Control:

(i) Practical knowledge of:

(I) pesticide problems associated with production and maintenance of ornamental trees, shrubs, plantings, and turf;

(II) potential phytotoxicity to a wide range of plant material;

(III) pesticide drift;

(IV) pesticide persistance beyond period of pest control;

(V) application methods which will minimize or prevent hazards to humans, pets and other domestic animals.

5. Seed Treatment:

(i) Practical knowledge of:

(I) types of seeds commonly requiring protection from pests in operational area;

(II) requirements for seed coloration and special labeling;

(III) carriers and surface active agents which influence pesticide binding and may affect germination;

(IV) hazards associated with handling, sorting and mixing;

(V) potential misuse of treated seed such as introduction into food and feed channels;

(VI) proper methods for disposal of unused treated seed.

6. Aquatic Pest Control:

(i) Practical knowledge of:

(I) various water use situations and potential for downstream effects;

(II) secondary effects from improper application rates, incorrect formulations and faulty application of pesticides;

(III) potential effects of pesticides on plants, fish, birds, beneficial insects and other organisms present in aquatic environments;

(IV) principles of limited area application.

7. Right-of-Way Pest Control:

(i) Practical knowledge of:

(I) a wide variety of environments including waterways;

(II) problems arising from runoff, drift, and excessive foliage destruction;

(III) target pests to be controlled;

(IV) nature of herbicides and need for their containment in area to which applied;

(V) impact of application on adjacent areas and communities.

8. Industrial, Institutional, Structural and Health Related Pest Control:

(i) Practical knowledge of:

(I) wide variety of pests and their life cycles;

(II) types of formulations appropriate for their control;

(III) methods of application which will avoid contamination of food, damage and contamination of habitat and exposure of people, pets and other animals;

(IV) other factors such as continuous exposure, which may lead to a hazardous condition for babies, children, pregnant women and the elderly;

(V) environmental conditions related to activities within this category.

9. Public Health Pest Control:

(i) Practical knowledge of:

(I) vector-disease transmission as it relates to and influences pesticide application:

(II) life cycles and habitats as a basis for strategy in control of a wide variety of pests;

(III) wide variety of environments ranging from enclosed structures to streams;

(IV) importance and use of non-chemical methods such as sanitation, drainage and waste disposal.

10. Regulatory Pest Control:

(i) Practical knowledge of:

(I) applicable laws relating to quarantine and regulations of pests;

(II) regulated pests;

(III) potential environmental impact of pesticides used in suppression and eradication programs;

(IV) factors influencing introduction, spread and population dynamics of relevant pests;

(V) variations among different geographic areas which would permit valid individual judgments to be made in new situations where emergency measures may be invoked to control regulated pests.

11. Demonstration and Research:

(i) This category is considered to be an add-on and would require prior certification in one or more of categories 1. through 10. of this section (b). Since this category covers demonstration of the safe and effective use of pesticides to other applicators and the public it would also require:

(I) knowledge of broad spectrum of pesticide uses;

(II) pesticide-organism interactions;

(III) knowledge of importance of integrating non-chemical methods of pest control with pesticide use.

12. Aerial Methods:

    (i) This category is considered to be an add-on and would require prior certification in one or more of categories 1. through 10. of this section (b). To be certified in this category, applicant would be required to show proof of compliance with the requirements of Title 14, CFR, Part 137 (Agriculture Aircraft Operations). Applicant would also demonstrate by passing of a written examination a practical knowledge of:

        (I) aerial application equipment including pesticide dispersal accessories, their operation and calibration;

        (II) flight safety requirements for protection of the public including flight patterns, swath marking, turnaround and obstructions;

        (III) personal safety precautions necessary for protection of pilot and ground personnel including flagmen and loading personnel.

13. Mosquito Control:

    (i) Practical Knowledge of:

        (I) vector-disease transmission as it relates to and influences pesticide application.

        (II) life cycles and habitats as a basis for strategy in control of mosquitoes.

        (III) wide variety of breeding and habitat environments ranging from outdoors to permanent and temporary bodies of water.

        (IV) importance and use of non-chemical methods such as sanitation, drainage and waste disposal.

Cite as Ga. Comp. R. & Regs. R. 40-21-3-.01
Authority: O.C.G.A. Sec. 2-7-90, *et seq.*
History. Original Rule entitled "Commercial Applicators" was filed on July 10, 1978; effective July 30, 1978.
Amended: F. Nov. 26, 1996; eff. Dec. 17, 1996.
Amended: F.Jul. 23, 2013; eff. Aug. 12, 2013

Rule 40-21-3-.02. Private Applicators.

(1) A private applicator must demonstrate a practical knowledge of pest problems and pest control practices associated with his agricultural operations, the proper storage, use, handling and disposal of pesticides and containers and his legal responsibility to prevent

unreasonable adverse effects on the environment. This practical knowledge shall include an ability to:

(a) Recognize common pests to be controlled and the damage caused by them;

(b) Read and understand the label and labeling information;

(c) Apply pesticides in accordance with label instructions and warnings;

(d) Recognize local environmental situations which must be considered during application to avoid adverse effects from contamination.

(e) Recognize common symptoms of pesticide poisoning and procedures to follow in case of accident;

(f) Understand the legal responsibilities under State and Federal Law, including, supervision of uncertified persons.

(2) Competence of private applicators shall be verified by a written or oral test administered by the Commissioner or by attendance at and evidence of participation in a training program approved by the Commissioner, including, but not limited to formal classroom presentation, auto-tutorial presentation or programmed learning methods.

(3) In any case where an applicant is unable to read a label, the Commissioner may administer an oral examination as a basis for limited certification. Such certification shall be limited to purchase and use of specific pesticides and the examination must be based on the specific pesticides to be authorized. Applicant must demonstrate:

(a) an understanding of the label and labeling information including the common name of the pesticide, pests to be controlled, timing and methods of application, safety precautions, preharvest or reentry restrictions, and any specific disposal requirements.

(b) that he is aware of sources of advice and guidance necessary for the safe and proper use of each pesticide for whose use he is to be certified.

Cite as Ga. Comp. R. & Regs. R. 40-21-3-.02
Authority: Ga. L. 1976, p. 369.
History. Original Rule entitled "Private Applicators" was filed on July 10, 1978; effective July 30, 1978.

Subject 40-21-4. RECERTIFICATION AND APPLICATOR LICENSE RENEWALS.

Rule 40-21-4-.01. Recertification Requirements and Commercial Applicator License Renewals.

In order to insure that certified commercial pesticide applicators continue to meet the needs of changing technology necessary for the safe and effective use of pesticides, they shall be subject to recertification and licensing requirements as follows:

(a) Commercial Pesticide Applicators. All commercial pesticide applicators shall be licensed for a period of five years. All licenses shall be subject to renewal on the day following their expiration date, subject to licensee's completion of either option 1 or 2 below, and the payment of the twenty five (25) dollar renewal fee, when applicable. Those electing to be relicensed on the basis of earned training must have accumulated the required hours at least ninety (90) days prior to their license expiration date; otherwise, they will be required to pass a new written examination. No written examinations as a basis for relicensing may be taken more than ninety (90) days prior to the expiration date. The license of any person who has not completed the required training or passed a new written examination and paid any required fee prior to the expiration date, will be subject to a penalty of 50% and the renewal fee for such license shall be thirty seven (37) dollars and fifty (50) cents. Any license for which the renewal requirements have not been met within sixty (60) days after expiration shall be cancelled. The Commissioner may, as he deems necessary, provide commercial pesticide applicators with information on changes in pesticides and pesticide application technology and may require such applicators to acknowledge in writing that they have become familiar with such new information. The Commissioner may require such acknowledgements as a condition for renewal of their commercial pesticide applicator's license. In no event will a commercial certified applicator's license be renewed unless the applicator has been recertified through one of the following procedures:

1. Completion of training in each of the pest control categories in which he is currently certified and desires to retain certification as follows:

(i) Agricultural Plant	10 hours
(ii) Agricultural Animal	6 hours
(iii) Forest	6 hours
(iv) Ornamental and Turf	10 hours
(v) Seed Treatment	6 hours
(vi) Aquatic	6 hours
(vii) Right of Way	6 hours
(viii) Industrial, Institutional, Structural and Health Related (Excluding Pest Control operators regulated under the Georgia Structural Pest Control Act)	6 hours
(ix) Public Health	10 hours
(x) Mosquito Control	10 Hours

(xi) Regulatory 6 hours

(xii) For those applicators also certified in Demonstration and Research, and Aerial methods, the hours of training required for the primary categories (i) through (xi) above, may consist of any combination of hours divided between training in the primary category and training in Demonstration and Research and/or Aerial Methods. Any training credited toward recertification must be approved by and assigned a value for credit hours by the Commissioner of Agriculture prior to presentation. Such training may consist of grower meetings, seminars, short courses and other private or publicly sponsored training programs.

2. Satisfactory passing of a written examination administered by the Commissioner of Agriculture.

Cite as Ga. Comp. R. & Regs. R. 40-21-4-.01
Authority: O.C.G.A. Sec. 2-7-90, *et seq.*
History. Original Rule entitled "Recertification Requirements and Commercial Applicator License Renewals" was filed on July 10, 1978; effective July 30, 1978.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 3, 1982; effective March 23, 1982.
Amended: F. Apr. 19, 1999; eff. May 9, 1999.
Amended: F. June 21, 2010; eff. July 11, 2010.
Amended: F.Jul. 23, 2013; eff. Aug. 12, 2013.

Rule 40-21-4-.02. Exemption of Fees for Commercial Applicators.

Commercial Certified Applicators employed by State, Municipal, or other governmental agencies shall be exempt from the annual license fee for pesticide application activities conducted in the normal course of their employment. They shall, however, be subject to the same requirements for acknowledging that they have become familiar with any new information on pesticides and pesticide technology, furnished to them by the Commissioner and shall be subject, at the end of five years to the recertification requirements set forth above.

Cite as Ga. Comp. R. & Regs. R. 40-21-4-.02
Authority: Ga. L. 1976, p. 369.
History. Original Rule entitled "Exemption of Fees for Commercial Applicators" was filed on July 10, 1978; effective July 30, 1978.

Rule 40-21-4-.03. Recertification of Private Applicators.

In order to insure that certified private pesticide applicators continue to meet the needs of changing technology necessary for the safe and effective use of pesticides, they shall be subject to continuing certification and recertification as follows:

(a) All private pesticide applicators shall be certified and licensed for a period of five years. During such period the Commissioner may, when he deems necessary, provide private certified applicators with information on changes in pesticides and pesticide application technology and may require such applicators to acknowledge in writing that they have become familiar with such new information. Failure to provide such acknowledgements may be considered by the Commissioner to be grounds for cancellation of a private applicator's certification and license. In no event will a private applicator be recertified and licensed for more than five (5) years unless he has been recertified through one of the following procedures:

1. Completion of at least three (3) hours of training approved by the Commissioner and to which he has assigned a credit value prior to presentation. Such training may consist of grower meetings or other presentations by personnel of the Cooperative Extension Service or Seminars, short courses or other private or publicly sponsored training programs.

2. Satisfactory passing of a written examination or its equivalent including current information on pesticides and pesticide application technology and any other information which the Commissioner finds necessary for the safe and effective use of pesticides by private applicators.

Cite as Ga. Comp. R. & Regs. R. 40-21-4-.03
Authority: Ga. L. 1976, p. 369.
History. Original Rule entitled "Recertification of Private Applicators" was filed on July 10, 1978; effective July 30, 1978.

Rule 40-21-4-.04. Exemption of Fees for Private Applicators.

There shall be no fee required for a certified private applicator's license.

Cite as Ga. Comp. R. & Regs. R. 40-21-4-.04
Authority: Ga. L. 1976, p. 369.
History. Original Rule entitled "Exemption of Fees for Private Applicators" was filed on July 10, 1978; effective July 30, 1978.

Subject 40-21-5. RECORD KEEPING REQUIREMENTS.

Rule 40-21-5-.01. Persons Required to Keep Records.

Every licensed pesticide contractor shall maintain true and accurate records of all pesticide applications performed as a part of his business operations. Every licensed commercial pesticide applicator not employed by or otherwise acting for a licensed pesticide contractor shall maintain true and accurate records of all applications of restricted use pesticides and pesticides with State restricted uses, whether applied by him or persons under his supervision. Licensed private pesticide applicators shall not be required to maintain records of pesticide application.

Cite as Ga. Comp. R. & Regs. R. 40-21-5-.01
Authority: Ga. L. 1976, p. 369.
History. Original Rule entitled "Persons Required to Keep Records" was filed on July 10, 1978; effective July 30, 1978.

Rule 40-21-5-.02. Content of Records.

All records of pesticide application required by these regulations shall include the following information:

(a) Date and time of application;

(b) Name of person for whom applied;

(c) Location of application site;

(d) Crop or target to which applied;

(e) Acreage, size of area treated, or total amount of pesticide applied;

(f) Target pest for which applied;

(g) Pesticide used and application rate;

(h) Type of equipment used;

(i) Name of applicator;

(j) Notation of any unexpected occurrence at or during application, such as spillage, exposure of humans or non-target animals, or drift, and any corrective or emergency action taken;

(k) Names, concentrations and quantities of all pesticides disposed of and the manner of disposition.

Cite as Ga. Comp. R. & Regs. R. 40-21-5-.02
Authority: Ga. L. 1976, p. 369.
History. Original Rule entitled "Content of Records" was filed on July 10, 1978; effective July 30, 1978.

Rule 40-21-5-.03. Duration of Records.

All records required for pesticide application shall be maintained for a period of two (2) years.

Cite as Ga. Comp. R. & Regs. R. 40-21-5-.03
Authority: Ga. L. 1976, p. 369.
History. Original Rule entitled "Duration of Records" was filed on July 10, 1978; effective July 30, 1978.

Rule 40-21-5-.04. Inspection of Records.

The Commissioner or his designated agent shall be permitted to inspect records during normal business hours at the place where they are maintained and upon request in writing, shall be furnished a copy of such records.

Cite as Ga. Comp. R. & Regs. R. 40-21-5-.04
Authority: Ga. L. 1976, p. 369.
History. Original Rule entitled "Inspection of Records" was filed on July 10, 1978; effective July 30, 1978.

Subject 40-21-6. APPLICATION BY UNCERTIFIED PERSONS.

Rule 40-21-6-.01. Supervision of Uncertified Persons.

Uncertified persons may apply restricted use pesticides or pesticides with State restricted uses only if they are under the direct supervision of a certified applicator. Such direct supervision shall require that the uncertified person carry out all applications under specific instructions, written or oral, from the certified applicator, who shall be responsible for the actions of all persons under his supervision. Unless otherwise required by the label or labeling, the certified applicator is not required to be present at time of application but must be available, if needed by the uncertified person, within a reasonable time through conventional means of communication.

Cite as Ga. Comp. R. & Regs. R. 40-21-6-.01
Authority: Ga. L. 1976, p. 369.
History. Original Rule entitled "Supervision of Uncertified Persons" was filed on July 10, 1978; effective July 30, 1978.

Rule 40-21-6-.02. Limitations on Uncertified Persons.

No uncertified person may lawfully apply, under any circumstances, any restricted use pesticide or any State restricted pesticide uses when the label for such pesticide or pesticide use or other restrictions imposed by the Commissioner require application only by a certified applicator.

Cite as Ga. Comp. R. & Regs. R. 40-21-6-.02
Authority: Ga. L. 1976, p. 369.
History. Original Rule entitled "Limitations on Uncertified Persons" was filed on July 10, 1978; effective July 30, 1978.

Rule 40-21-6-.03. Supervisory Restrictions on Certified Applicators.

Certified private applicators may supervise uncertified persons in the application of restricted use pesticides or State restricted pesticide uses only as a "private applicator" as defined in the Act and its regulations. Certified commercial applicators may supervise uncertified persons in the application of any pesticide only in the category (ies) in which they are certified.

Cite as Ga. Comp. R. & Regs. R. 40-21-6-.03
Authority: Ga. L. 1976, p. 369.
History. Original Rule entitled "Supervisory Restrictions on Certified Applicators" was filed on July 10, 1978; effective July 30, 1978.

Subject 40-21-7. RECIPROCITY.

Rule 40-21-7-.01. Reciprocity.

(1) The Commissioner may waive all or any part of the examination requirements for certification for any person who is currently certified under another State Plan approved under Section 4, FIFRA, provided; that such certification shall be limited to such application activities covered by the applicant's initial certification. Any person requesting such reciprocal certification shall:

(a) Furnish proof of his current certification from the other State providing initial testing and certification.

(b) Demonstrate his knowledge of and agree to comply with the requirements of the Georgia Pesticide Use and Application Act and the regulations adopted thereunder. Such demonstration may be evidenced by an affidavit executed by the applicant to the effect that he has read and is familiar with such legal requirements.

(c) Submit an application, properly executed, and pay all required license fees.

(d) Designate a resident agent or Attorney-in-Fact for the purpose of receiving the service of legal process.

(2) The Commissioner may revoke the license of any certified applicator whose certification or license has been revoked by the State whose certification or licensing was used as a basis for reciprocal licensing in Georgia.

Cite as Ga. Comp. R. & Regs. R. 40-21-7-.01
Authority: Ga. L. 1976, p. 369.
History. Original Rule entitled "Reciprocity" was filed on July 10, 1978; effective July 30, 1978.

Subject 40-21-8. FINANCIAL RESPONSIBILITY.

Rule 40-21-8-.01. Persons Subject to Regulations.

Any individual, company, corporation or other business entity desiring to engage in the business of applying pesticides to the lands of another within this State shall secure a Pesticide Contractor's License. Granting of such license shall be conditioned on satisfactory proof of financial responsibility by all applicants other than those who are applying crop protection

products to agricultural crops and who are requesting a Pesticide Contractor's License in only the Agricultural Plant Pest Category, with or without licensing in Aerial Methods.

Cite as Ga. Comp. R. & Regs. R. 40-21-8-.01
Authority: Ga. L. 1976, p. 369; O.C.G.A. Sec. 2-7-99.
History. Original Rule entitled "Persons Subject to Regulations" was filed on June 24, 1974 as 40-21-1-.01; effective July 14, 1974.
Amended: Rule repealed and a new Rule of same title adopted. Filed July 5, 1977; effective July 25, 1977.
Amended: Rule renumbered as 40-21-8-.01. Filed July 10, 1978; effective July 30, 1978.
Repealed: New Rule of same title adopted. F. Aug. 27, 1990; eff. Sept. 16, 1990.

Rule 40-21-8-.02. Certification of Financial Responsibility.

Proof of financial responsibility by the applicant for a Pesticide Contractor's license must be evidenced and furnished to the Commissioner of Agriculture by certification of liability insurance, by copy of an appropriate surety bond, or by certificate of deposit for a cash deposit. Forms for certification of liability insurance and for surety bonds shall be specified and furnished by the Commissioner of Agriculture.

Cite as Ga. Comp. R. & Regs. R. 40-21-8-.02
Authority: Ga. L. 1976, p. 369.
History. Original Rule entitled "Certification of Financial Responsibility" was filed on June 24, 1974 as 40-21-1-.02; effective July 14, 1974.
Amended: Rule repealed and a new Rule of same title adopted. Filed July 5, 1977; effective July 25, 1977.
Amended: Rule renumbered as 40-21-8-.02. Filed July 10, 1978; effective July 30, 1978.

Rule 40-21-8-.03. Insurance.

Liability Insurance policies may include pollution exclusions or other exclusions only to the extent that they are not inconsistent with O.C.G.A. 2-7-103, and shall be in the following minimum limits, including coverage for legal damages arising from the use of chemicals, dusting powders and the like, employed by the insured in his regular business operations:

(a) Aerial Contractors

Bodily Injury	$50,000 Any One Occurrence
Property Damage	$25,000 Any One Occurrence $100,000 Aggregate
Maximum Deductible	$1,000 Per Occurrence

(b) Ground Contractors

Bodily Injury	$25,000 Any One Occurrence

Property Damage $10,000 Any One Occurrence
$25,000 Aggregate

Maximum Deductible $500 Per Occurrence

Cite as Ga. Comp. R. & Regs. R. 40-21-8-.03
Authority: Ga. L. 1976, p. 369. O.C.G.A. Secs. 2-7-90, *et seq.* 2-7-103.
History. Original Rule entitled "Insurance" was filed on June 24, 1974 as 40-21-1-.03; effective July 14, 1974.
Amended: Rule repealed and a new Rule entitled "Insurance Policy" adopted. Filed July 5, 1977; effective July 25, 1977.
Amended: Rule renumbered as 40-21-8-.03. Filed July 10, 1978; effective July 30, 1978.
Amended: Filed May 17, 1984; effective June 6, 1984.
Repealed: New Rule of same title adopted. F. Aug. 27, 1990; eff. Sept. 16, 1990.

Rule 40-21-8-.04. Surety Bond.

Surety Bonds shall be in the following minimum amounts, to cover legal damages arising from the use of chemicals, dusting powders and the like, employed by the principal in his regular business operations:

(a) Aerial Contractors
Minimum Bond $50,000
Maximum Deductible $1,000

(b) Ground Contractors
Minimum Bond $20,000
Maximum Deductible $500

Cite as Ga. Comp. R. & Regs. R. 40-21-8-.04
Authority: Ga. L. 1976, p. 369. O.C.G.A. Sec. 2-7-90, *et seq.*
History. Original Rule entitled "Surety Bonds" was filed on June 24, 1974 as 40-21-1-.04; effective June 14, 1974.
Amended: Rule repealed and a new Rule entitled "Surety Bond" adopted. Filed July 5, 1977; effective July 25, 1977.
Amended: Rule renumbered as 40-21-8-.04. Filed July 10, 1978; effective July 30, 1978.
Amended: Filed May 17, 1984; effective June 6, 1984.

Rule 40-21-8-.05. Cash Deposit.

(1) Cash deposits may be made in any bank of applicant's choice. Certificate of Deposit shall be made payable jointly to the depositor and the Georgia Commissioner of Agriculture; shall be endorsed by depositor and shall be maintained in the custody of the Commissioner of Agriculture during the period licensed and for 90 days thereafter.

Deposits shall be in the following minimum amounts to cover legal damages arising from the use of chemicals, dusting powders and the like, employed by the depositor in his regular business operations:

(a) Aerial Contractors $50,000

(b) Ground Contractors $20,000

(2) Cash deposits shall be subject to the same deductible amounts as the liability insurance and surety bonds, namely:

(a) Aerial Contractors $1,000

(b) Ground Contractors $500

Cite as Ga. Comp. R. & Regs. R. 40-21-8-.05
Authority: Ga. L. 1976, p. 369, O.C.G.A. Sec. 2-7-90, et. seq.
History. Original Rule entitled "Cash Deposits" was filed on June 24, 1974, as 40-21-1-.05; effective July 14, 1974.
Amended: Rule repealed and a new Rule entitled "Cash Deposit" adopted. Filed July 5, 1977; effective July 25, 1977.
Amended: Rule renumbered as 40-21-8-.05. Filed July 10, 1978; effective July 30, 1978.
Amended: Filed May 17, 1984; effective June 6, 1984.

Rule 40-21-8-.06. Exclusion of Coverage.

Surety Bonds, liability insurance, and cash deposits shall not apply to damages or injury to agricultural crops, plants, or land being worked upon by the pesticide contractor.

Cite as Ga. Comp. R. & Regs. R. 40-21-8-.06
Authority: Ga. L. 1976, p. 369.
History. Original Rule entitled "Expiration of Insurance and Bonds" was filed on June 24, 1974 as 40-21-1-.06; effective July 14, 1974.
Amended: Rule repealed and a new Rule entitled "Exclusions of Coverage" adopted. Filed July 5, 1977; effective July 25, 1977.
Amended: Rule renumbered as 40-21-8-.06. Filed July 10, 1978; effective July 30, 1978.

Subject 40-21-9. APPLICATION POSTING.

Rule 40-21-9-.01. Definitions.

(1) Commercial Application - Means application of a pesticide by a Pesticide Contractor or his employee.

(2) Landscape - Means any maintained areas of turf, trees, shrubs or other ornamental plants, indoors or outdoors. This term does not include:

(a) rights-of-way, either public or private or;

(b) land areas used for agricultural production or research.

(3) Public Non-Residential Properties - Means any public or privately owned property operated for public benefit and to which members of the public normally have access, including, but not limited to, parks, golf courses, cemeteries, sports fields, landscapes associated with public buildings, and interiorscapes.

(4) Non Commercial Application - Means application of a pesticide by anyone other than a Pesticide Contractor or his employee.

Cite as Ga. Comp. R. & Regs. R. 40-21-9-.01
Authority: O.C.G.A. Sec. 2-7-97.
History. Original Rule entitled "Definitions" was F. Jan. 6, 1993; eff. July 1, 1993, as specified by the Agency.

Rule 40-21-9-.02. Posting and Information.

All applications of pesticides to landscapes, whether commercial or noncommercial, and whether to residential or nonresidential properties, with the exception of applications made by the homeowner to the landscape at his own single-family residence, shall be subject to the following requirements:

(a) At the time of application, the Pesticide Contractor or other person responsible for the pesticide application shall post a sign, not to be removed until the day after the application, at the primary point(s) of entry to the treated area.

(b) Sign specifications for all sites except golf courses shall include but need not be limited to the following requirements:

1. The sign must be at least 4" × 5" in size and made of sturdy, weather resistant material.

2. The printing shall be in contrasting colors to the background of the sign.

3. The bottom edge of the sign shall be eight (8) to twelve (12) inches above the ground.

4. The wording and format must include but need not be limited to the following:

(c) In lieu of the requirements for posting as specified in (a) and (b), golf courses treated with pesticides shall be posted as follows:

1. The sign must be at least 8" × 10" in size.

2. The printing shall be in contrasting colors to the background.

3. The sign must be posted at a conspicuous place in the golf shop, in the clubhouse, or at the first tee.

4. The wording and format must include but not be limited to the following:

   PESTICIDE APPLICATION NOTICE

   PESTICIDES ARE PERIODICALLY APPLIED

   TO THIS GOLF COURSE

   FOR ADDITIONAL INFORMATION, CONTACT

   (name and telephone number)

(d) Upon completion of each application of pesticides, the Pesticide Contractor or other person responsible for the application shall leave a statement containing the following information at the residence, or in the case of a multi-unit residence with the property manager, or in the case of a public non-residential property with the owner, manager or custodian:

1. Address and specific area(s) treated.

2. Name and telephone number of company.

3. Name of person making the application.
4. Complete brand name of pesticide as it appears on the label.
5. Application date.

Cite as Ga. Comp. R. & Regs. R. 40-21-9-.02
Authority: O.C.G.A. Sec. 2-7-97.
History. Original Rule entitled "Posting and Information" adopted. F. Jan. 6, 1993; eff. July 1, 1993, as specified by the Agency.

Rule 40-21-9-.03. Exemptions.

(1) No provision of this rule shall apply to applications involving injections of pesticides directly into plants, nor to applications made by the homeowner to the landscape at his single-family residence.

(2) No posting shall be required of any plants in interior landscapes which are treated with pesticides two (2) hours or more before the public has normal access to the area in which the plants are treated.

Cite as Ga. Comp. R. & Regs. R. 40-21-9-.03
Authority: O.C.G A. Sec. 2-7-97.
History. Original Rule entitled "Exemptions" adopted. F. Jan. 6, 1993; eff. July 1, 1993, as specified by the Agency.

Chapter 40-22. TREATED TIMBER AND TREATED TIMBER PRODUCTS.

Subject 40-22-1. REPEALED.

Rule 40-22-1-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-22-1-.01
Authority: O.C.G.A. Secs. 2-14-104, 2-14-130*et seq.*
History. Original Rule entitled "Definitions" adopted. F. Sept. 5, 1975; eff. Sept. 25, 1975.
Amended: F. June 5, 2003; eff. July 1, 2003, as specified by the Agency.
Amended: F. July 9, 2008; eff. July 29, 2008.
Repealed: F. Oct. 29, 2012; eff. Nov. 18, 2012.

Subject 40-22-2. REPEALED.

Rule 40-22-2-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-22-2-.01
Authority: O.C.G.A. Sec. 2-14-104.
History. Original Rule entitled "Licensing Requirements" adopted. F. Sept. 5, 1975; eff. Sept. 25, 1975.
Amended: F. July 9, 2008; eff. July 29, 2008.
Amended: F. June 15, 2010; eff. July 5, 2010.
Repealed: F. Oct. 29, 2012; eff. Nov. 18, 2012.

Subject 40-22-3. REPEALED.

Rule 40-22-3-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-22-3-.01
Authority: O.C.G.A. Secs. 2-14-104, 2-14-130*et seq.*
History. Original Rule entitled "Standards for Preservatives" adopted. F. Sept. 5, 1975; eff. Sept. 25, 1975.
Repealed: New Rule of same title adopted. F. Apr. 18, 1977; eff. May 8, 1977.
Repealed: New Rule of same title adopted. F. Apr. 15, 1982; eff. May 5, 1982.
Repealed: New Rule of same title adopted. F. May 11, 1993; eff. May 31, 1993.
Amended: F. June 5, 2003; eff. July 1, 2003, as specified by the Agency.
Amended: F. July 9, 2008; eff. July 29, 2008.
Repealed: F. Oct. 29, 2012; eff. Nov. 18, 2012.

Rule 40-22-3-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-22-3-.02
Authority: Ga. L. 1973, p. 1418. O.C.G.A. Sec. 2-14-104.
History. Original Rule entitled "Prohibited Preservatives" was filed on September 5, 1975; effective September 25, 1975.
Amended: Rule repealed and a new Rule of the same title adopted. Filed April 18, 1977; effective May 8, 1977.
Repealed: New Rule, same title, adopted. F. May 11, 1993; eff. May 31, 1993.
Amended: F. July 9, 2008; eff. July 29, 2008.
Repealed: F. Oct. 29, 2012; eff. Nov. 18, 2012.

Subject 40-22-4. REPEALED.

Rule 40-22-4-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-22-4-.01
Authority: O.C.G.A. Secs. 2-14-104, 2-14-130*et seq.*
History. Original Rule entitled "Standards for Treatment" adopted. F. Sept. 5, 1975, eff. Sept. 25, 1975.
Repealed: New Rule of same title adopted. F. Apr. 18, 1977; eff. May 8, 1977.
Repealed: New Rule of same title adopted. F. Apr. 15, 1982; eff. May 5, 1982.
Repealed: New Rule of same title adopted. F. May 11, 1993; eff. May 31, 1993.
Amended: F. June 5, 2003; eff. July 1, 2003, as specified by the Agency.
Amended: F. July 9, 2008; eff. July 29, 2008.
Repealed: F. Oct. 29, 2012; eff. Nov. 18, 2012.

Rule 40-22-4-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-22-4-.02
Authority: O.C.G.A. Secs. 2-14-104, 2-14-130*et seq.*
History. Original Rule entitled "Resolution of Conflicts" adopted. F. Sept. 5, 1975; eff. Sept. 25, 1975.
Repealed: New Rule of same title adopted. F. Apr. 18, 1977; eff. May 8, 1977.
Repealed: New Rule of same title adopted. F. Apr. 15, 1982; eff. May 5, 1982.
Repealed: New Rule of same title adopted. F. May 11, 1993; eff. May 31, 1993.
Repealed: F. June 5, 2003; eff. July 1, 2003, as specified by the Agency.

Subject 40-22-5. REPEALED.

Rule 40-22-5-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-22-5-.01
Authority: O.C.G.A. Secs. 2-14-104, 2-14-130*et seq.*
History. Original Rule entitled "Standards for Results" adopted. F. Sept. 5, 1975; eff. Sept. 25, 1975.
Repealed: New Rule of same title adopted. F. Apr. 18, 1977; eff. May 8, 1977.
Repealed: New Rule of same title adopted. F. Apr. 15, 1982; eff. May 5, 1982.
Repealed: New Rule of same title adopted. F. May 11, 1993; eff. May 31, 1993.
Amended: F. June 5, 2003; eff. July 1, 2003, as specified by the Agency.
Amended: F. July 9, 2008; eff. July 29, 2008.
Repealed: F. Oct. 29, 2012; eff. Nov. 18, 2012.

Rule 40-22-5-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-22-5-.02
Authority: Ga. L. 1973, p. 1418.
History. Original Rule entitled "Certain Products Exempted" was filed on September 5, 1975; effective September 25, 1975.
Amended: Rule repealed and a new Rule of the same title adopted. Filed April 18, 1977; effective May 8, 1977.
Repealed: F. Oct. 29, 2012; eff. Nov. 18, 2012.

Subject 40-22-6. REPEALED.

Rule 40-22-6-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-22-6-.01
Authority: O.C.G.A. Secs. 2-14-104, 2-14-130*et seq.*
History. Original Rule entitled "Branding of Treated Timber and Products" adopted. F. Sept. 5, 1975; eff. Sept. 25, 1975.
Repealed: New Rule of same title adopted. F. Apr. 18, 1977; eff. May 8, 1977.
Repealed: New Rule entitled "Identification of Treated Timber Products" adopted. F. May 11, 1993; eff. May 31, 1993.
Amended: F. June 5, 2003; eff. July 1, 2003, as specified by the Agency.
Amended: F. July 9, 2008; eff. July 29, 2008.
Repealed: F. Oct. 29, 2012; eff. Nov. 18, 2012.

Subject 40-22-7. REPEALED.

Rule 40-22-7-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-22-7-.01
Authority: O.C.G.A. Secs. 2-14-104, 2-14-130*et seq.*
History. Original Rule entitled "Shipping Documents" adopted. F. Sept. 5, 1975; eff. Sept. 25, 1975.
Repealed: New Rule of same title adopted. F. May 11, 1993; eff. May 31, 1993.
Amended: F. June 5, 2003; eff. July 1, 2003, as specified by the Agency.
Amended: F. July 9, 2008; eff. July 29, 2008.
Repealed: F. Oct. 29, 2012; eff. Nov. 18, 2012.

Subject 40-22-8. REPEALED.

Rule 40-22-8-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-22-8-.01
Authority: O.C.G.A. Secs. 2-14-104, 2-14-130*et seq.*
History. Original Rule entitled "Inspection and Sampling" adopted. F. Sept. 5, 1975; eff. Sept. 25, 1975.
Repealed: New Rule of same title adopted. F. Apr. 18, 1977; eff. May 8, 1977.
Repealed: New Rule of same title adopted. F. Apr. 15, 1982; eff. May 5, 1982.
Repealed: New Rule of same title adopted. F. May 11, 1993; eff. May 31, 1993.
Amended: F. June 5, 2003; eff. July 1, 2003, as specified by the Agency.
Amended: F. July 9, 2008; eff. July 29, 2008.
Repealed: F. Oct. 29, 2012; eff. Nov. 18, 2012.

Rule 40-22-8-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-22-8-.02
Authority: O.C.G.A. Secs. 2-14-104, 2-14-130*et seq.*
History. Original Rule entitled "Analysis and Examination of Samples" adopted. F. Sept. 5, 1975; eff. Sept. 25, 1975.
Repealed: New Rule of same title adopted. F. Apr. 18, 1977; eff. May 8, 1977.
Repealed: New Rule of same title adopted. F. Apr. 15, 1982; eff. May 5, 1982.
Repealed: New Rule of same title adopted. F. May 11, 1993; eff. May 31, 1993.
Amended: F. June 5, 2003; eff. July 1, 2003, as specified by the Agency.
Amended: F. July 9, 2008; eff. July 29, 2008.
Repealed: F. Oct. 29, 2012; eff. Nov. 18, 2012.

Subject 40-22-9. GRADING STANDARDS.

Rule 40-22-9-.01. Definitions.

"Dimension Lumber" means lumber that is at least two inches in nominal thickness and up to but not including five inches in nominal thickness and two inches or more in width. This includes any:

2 × (2, 3, 4, 5, 6, 8, etc.)

3 × (3, 4, 5, 6, 8 etc.)

4 × (4, 5, 6, 8, etc.)

It does not include any lumber five inches or more in nominal thickness.

Cite as Ga. Comp. R. & Regs. R. 40-22-9-.01
Authority: O.C.G.A. Sec. 2-14-120.
History. Original Rule entitled "Definitions" adopted. F. Jan. 24, 1991; eff. Feb. 13, 1991.
Amended: F. July 9, 2008; eff. July 29, 2008.

Rule 40-22-9-.02. Grading Standards.

All dimension lumber stamped to designate its grade must be inspected and grade stamped only by an agency currently accredited by the American Lumber Standard Committee, or by an organization participating in a bonafide grade stamping supervisory program administered by any such agency. No grade stamp shall be applied to such dimension lumber other than one approved for the Agency by the American Lumber Standard Committee.

Cite as Ga. Comp. R. & Regs. R. 40-22-9-.02
Authority: O.C.G.A. Sec. 2-14-121.
History. Original Rule entitled "Grading Standards" adopted. F. Jan. 24, 1991; eff. Feb. 13, 1991.
Amended: F. July 9, 2008; eff. July 29, 2008.

Rule 40-22-9-.03. Enforcement.

Any dimension lumber which the Commissioner finds being offered for sale in Georgia which bears any grade stamp, other than one which at the time it was affixed was assigned to an inspection agency accredited by the American Lumber Standard Committee, shall be placed under Stop Sale Order by the Commissioner or his agent until such dimension lumber is grade stamped in compliance with Georgia Law. In order for any dimension lumber to be brought into compliance with O.C.G.A. 2-14-121, any non-approved grade stamp affixed thereto must be obliterated or otherwise rendered illegible. Such dimension lumber may then be sold as ungraded lumber or may be inspected, graded, and stamped by an inspection agency currently accredited by the American Lumber Standard Committee. No dimension lumber subject to a Stop Sale Order shall be moved or otherwise disposed of without the written consent of the Commissioner of Agriculture.

Cite as Ga. Comp. R. & Regs. R. 40-22-9-.03
Authority: O.C.G.A. Sec. 2-14-122.
History. Original Rule entitled "Enforcement" adopted. F. Jan. 24, 1991; eff. Feb. 13, 1991.
Amended: F. July 9, 2008; eff. July 29, 2008.

Chapter 40-23. PREVENTION OF GROUND AND SURFACE WATER CONTAMINATION.

Subject 40-23-1. DEFINITIONS.

Rule 40-23-1-.01. Definitions.

(1) "Chemical" means any substance, natural or synthetic, soluble or insoluble, organic or inorganic, solid or liquid, which is intentionally added to water for agricultural purposes.

(2) "Fertilizer" means any plant nutrient as defined in and subject to regulation under the Georgia Plant Food Act of 1970.

(3) "Irrigation System" means any device or combination of devices having a hose, pipe or other conduit which connects directly to any source of ground or surface water, through which water is withdrawn and applied for agricultural purposes. It does not include any handheld hose sprayer or other similar device whose construction is such that an interruption in water flow automatically prevents any back flow to the water source.

(4) "Pesticide" means any insecticide, fungicide, rodenticide, herbicide, desiccant, plant regulator or other substance subject to regulation under the Georgia Pesticide Control Act of 1976.

Cite as Ga. Comp. R. & Regs. R. 40-23-1-.01
Authority: Ga. L. 1981, p. 1256; Ga. L. 1982 H.B. 1780 (O.C.G.A., Sec. 2-1-4).
History. Original Rule entitled "Definitions" was filed on October 20, 1982; effective November 9, 1982.

Subject 40-23-2. ANTI-SYPHON DEVICE.

Rule 40-23-2-.01. Anti-Syphon Device.

Any irrigation system designed or used for the application of fertilizers, pesticides, or chemicals, shall be equipped with an anti-syphon device consisting of the following components:

(a) Functional Check Valve. Such valve shall be equipped with replaceable disc and shall be serviceable with conventional tools. This valve shall be located in the irrigation supply line between the irrigation pump and the point of injection of fertilizer, pesticide or chemical. This valve, when installed, shall be on a horizontal plane and level.

(b) Low Pressure Drain. Such drain shall be at least three-fourths inch in diameter. It shall be located on the bottom of the horizontal pipe between the functional check valve and the irrigation pump. It must be level and must not extend beyond the inside surface of the

bottom of the pipe. The outside opening of the drain shall be at least two (2) inches above grade.

(c) Vacuum Relief Valve. The low pressure drain shall include a vacuum relief valve as a component part, or shall be complemented with a separate vacuum relief valve. The separate vacuum relief valve shall be at least three fourths inch in diameter and shall be located at the top of the same horizontal pipe section in which the low-pressure drain is located.

(d) Neither the low-pressure drain nor the vacuum relief valve shall be altered in any manner, including the installation of a gate valve or other device, which would render the anti-syphon system inoperative or ineffective or permit it to be made inoperative or ineffective.

Cite as Ga. Comp. R. & Regs. R. 40-23-2-.01
Authority: Ga. L. 1981, p. 1256; Ga. L. 1982, H.B. 1780 (O.C.G.A., Sec. 2-1-4).
History. Original Rule entitled "Anti-Syphon Device" was filed on October 20, 1982; effective November 9, 1982.

Rule 40-23-2-.02. Maintenance.

All check valves, low pressure drains and vacuum relief valves shall be maintained free of corrosion or other build-up and operative at all times during operation of the system.

Cite as Ga. Comp. R. & Regs. R. 40-23-2-.02
Authority: Ga. L. 1981, p. 1256; Ga. L. 1982, H.B. 1780 (O.C.G.A., Sec. 2-1-4).
History. Original Rule entitled "Maintenance" was filed on October 20, 1982; effective November 9, 1982.

Rule 40-23-2-.03. Placement of Components.

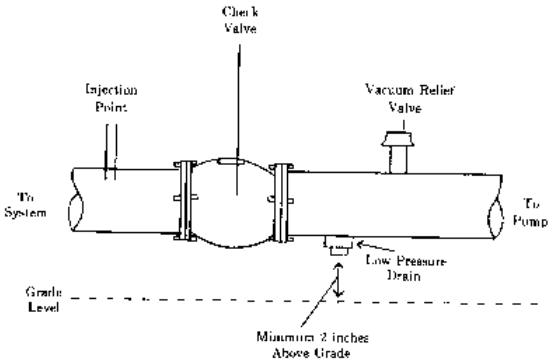
All required functional check valves, low pressure drains and vacuum relief valves shall be placed within the irrigation system consistent with Diagram 1*, which is attached hereto and made a part of this rule.

*Diagram 1 appears on page 821.

DIAGRAM 1 INSTALLATION OF ANTI-SYPHON

DEVICE IN IRRIGATION SYSTEM

DIAGRAM 1
INSTALLATION OF ANTI-SYPHON
DEVICE IN IRRIGATION SYSTEM



INSTALLATION OF LOW PRESSURE DRAIN

Cite as Ga. Comp. R. & Regs. R. 40-23-2-.03
Authority: Ga. L. 1981, p. 1256; Ga. L. 1982, H.B. 1780 (O.C.G.A., Sec. 2-1-4).
History. Original Rule entitled "Placement of Components" was filed on October 20, 1982; effective November 9, 1982.

Subject 40-23-3. PENALTY.

Rule 40-23-3-.01. Penalty.

Any person who shall use any irrigation system for the application of fertilizer, pesticide or chemicals, without the required anti-syphon device installed or without the anti-syphon device in operating condition, shall be subject to a maximum penalty of $1,000.00, when the Commissioner, after hearing, determines that such person has violated any provision of the Act, any order, or these regulations.

Cite as Ga. Comp. R. & Regs. R. 40-23-3-.01
Authority: Ga. L. 1981, p. 1256; Ga. L. 1982 H.B. 1780 (O.C.G.A., Sec. 2-1-4).
History. Original Rule entitled "Penalty" was filed on October 20, 1982; effective November 9, 1982.

Chapter 40-24. BOLL WEEVIL ERADICATION.

Subject 40-24-1. BOLL WEEVIL QUARANTINE.

Rule 40-24-1-.01. Purpose and Identification of Pest.

This rule is designed to help prevent the reintroduction into Georgia of the boll weevil (*Anthonomus grandis* Boheman). The boll weevil is a destructive pest that nearly destroyed Georgia's cotton industry and cost in excess of $100 million to eradicate from the state. The Commissioner of Agriculture has determined that the boll weevil is not established in the State of Georgia, is a serious plant pest, and is injurious to the agricultural interests of the state.

Cite as Ga. Comp. R. & Regs. R. 40-24-1-.01
Authority: O.C.G.A. 2-7-150*et seq.*
History. Original Rule entitled "Administration" was filed on November 21, 1985; effective December 11, 1985.
Repealed: New rule entitled "Purpose and Identification of Pest" adopted. F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-1-.02. Administration.

The Commissioner is authorized to enter into agreements with any person, including the Boll Weevil Eradication Foundation of Georgia, Incorporated; or any State or Federal Agency for the purpose of implementing boll weevil detection and eradication activities or administering and enforcing the provisions of this Act and these regulations.

Cite as Ga. Comp. R. & Regs. R. 40-24-1-.02
Authority: O.C.G.A. Sec. 2-7-150*et seq.*
History. Original Rule entitled "Administration" adopted. F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-1-.03. Definitions.

(1) "Boll Weevil" means *Anthonomus grandis* Boheman in any stage of development.

(2) "Boll Weevil Eradication Foundation of Georgia, Incorporated" means a cotton growers' organization certified by the Commissioner for the purpose of entering into agreements with agencies of the State of Georgia, agencies of other States, Federal Agencies, or any other person to carry out the purposes of this Act.

(3) "Commissioner" means the Commissioner of Agriculture of the State of Georgia or any person designated by him to act on his behalf.

(4) "Cotton Grower" means the person(s) responsible for production and sale of a cotton crop on any individual farm. Generally, the owner of the crop.

(5) "Department" means the Georgia Department of Agriculture.

(6) "Gin Trash" means all material produced during the cleaning and ginning of seed cotton; bolls or snapped cotton. It does not include the lint, cottonseed, or gin waste.

(7) "Infested Area" means any other State or portion thereof which produces commercial cotton and in which the boll weevil is not eradicated, as determined by that state's department of agriculture or plant regulatory agency. Infested Area may also mean any area where reproducing boll weevils are believed or known to occur.

(8) "Inspector" means any employee of the Georgia Department of Agriculture or any other person authorized by the Commissioner to enforce the provisions of these rules.

(9) "Move" means to ship, offer for shipment, receive for transportation, carry, or otherwise transport, move, or allow to be moved.

(10) "Non-Commercial Cotton" means cotton of any color planted on any premise for purposes other than commercial production for lint and includes seeds, bolls, potted plants or any portions of the plant being distributed or offered for sale. This term encompasses cotton planted for educational purposes, as a tourist attraction, for retail or wholesale sale as a growing or dried plant, for individual use or for personal satisfaction. Non-Commercial Cotton also includes cotton plants that result from spilled seed, animal feed or other non-commercial plantings or cotton that has sprouted from inadequate herbicide application, mowing, discing, other mechanical means of destruction.

(11) "Permit" means a document issued or authorized by the Commissioner providing for the movement of noncertified regulated articles to restricted destinations for limited handling, use, or processing.

(12) "Program" means the Boll Weevil Eradication Program.

(13) "Regulated Article" means any article whatsoever carrying or capable of carrying the boll weevil, including but not limited to, cotton plants, seed cotton, hosts, gin trash, and equipment which may be designated by the Commissioner.

(14) "Seed Cotton" means cotton as it comes from the field prior to ginning.

(15) "Used Cotton Equipment" means any equipment used previously to harvest, strip, transport, or process cotton.

(16) "Waiver" means a written authorization which exempts an individual from compliance with one or more specific requirements of this Chapter.

Cite as Ga. Comp. R. & Regs. R. 40-24-1-.03
Authority: O.C.G.A. Sec. 2-7-150*et seq.*
History. Original Rule entitled "Definitions" adopted. F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-1-.04. Regulated Articles.

(1) The following articles are regulated under the provisions of this Section:

(a) the boll weevil (*Anthonomus grandis* Boheman) in all living stages;

(b) gin trash;

(c) seed cotton;

(d) used cotton equipment;

(e) cotton plants, including cotton bolls

(f) any other products, articles, or means of conveyance, when it is determined by an inspector that they present a hazard of spread of the boll weevil and the person in possession thereof has been so notified.

(2) The following articles are prohibited from sale or distribution within the state unless a permit has been issued:

(a) cottonseed, when used for non-commercial purposes; and

(b) individual potted specimens of cotton plants.

Cite as Ga. Comp. R. & Regs. R. 40-24-1-.04
Authority: O.C.G.A. Sec. 2-7-150*et seq.*
History. Original Rule entitled "Regulated Articles" adopted. F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-1-.05. Program Participation Required.

(1) It is the responsibility of each cotton grower and non-commercial cotton grower to participate in the boll weevil eradication program. Participation shall include:

(a) timely reporting of acreage and field locations when required;

(b) maintenance of access to the fields for program employees;

(c) compliance with regulations;

(d) payment of required fees; and

(e) ensure that all used cotton harvesting equipment has been thoroughly cleaned and certified in accordance with the requirements of 40-24-1.08 before it is brought into the state.

Any cotton grower or non-commercial cotton grower who fails to follow the requirements above is in violation of this Chapter.

Cite as Ga. Comp. R. & Regs. R. 40-24-1-.05
Authority: O.C.G.A. Sec. 2-7-150*et seq.*
History. Original Rule entitled "Program Participation Required" adopted. F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-1-.06. Responsibilities of Gins.

(1) It is the responsibility of each gin operator to:

(a) collect the assessment when imposed on a per bale basis;

(b) file reports prescribed by the Commissioner listing sales and the name of the grower;

(c) remit assessments collected to the Commissioner within 30 days of the date of purchase of the cotton; and

(d) When contracting for picking cotton, ensure that all used cotton harvesting equipment has been thoroughly cleaned and certified in accordance with the requirements of 40-24-1.08 before it is brought into the state.

(2) Any gin operator who fails to follow the requirements above is in violation of this Chapter.

Cite as Ga. Comp. R. & Regs. R. 40-24-1-.06
Authority: O.C.G.A. Sec. 2-7-150*et seq.*
History. Original Rule entitled "Responsibilities of Gins" adopted. F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-1-.07. Assessments and Penalties.

(1) The Commissioner or his agent shall publish the per bale or acre assessment on or before July 1 of each growing year, as set by the Board of Directors of the Boll Weevil Eradication Foundation of Georgia, Inc. (BWEF of GA, Inc.)

(2) The Commissioner may assess penalties as set by the Board of Directors of the BWEF of GA, Inc., for failure to make full and/or timely payment.

Cite as Ga. Comp. R. & Regs. R. 40-24-1-.07
Authority: O.C.G.A. Sec. 2-7-150*et seq.*
History. Original Rule entitled "Assessments and Penalties" adopted. F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-1-.08. Movement of Regulated Articles into Georgia.

(1) Regulated Articles from Non-Infested Areas may be moved into Georgia unrestricted as long as the Commissioner believes the state of origin's department of agriculture, plant regulatory agency, or certified growers' organization is actively monitoring for live boll weevils and will adequately respond to any discovered infestation.

(2) Regulated Articles from Infested Areas

(a) Seed cotton, gin trash, cotton plants, bolls, and other products or articles are prohibited from entering Georgia unless accompanied by a permit issued by the Commissioner.

(b) Used cotton harvesting equipment

1. Used cotton harvesting equipment is prohibited from entering the state unless the equipment has been thoroughly cleaned so as to remove all life stages of boll weevils, seed cotton, gin trash, cotton plants, bolls, and other products or articles capable of carrying live boll weevils.

2. A copy of the certificate must be faxed to the Boll Weevil Eradication Foundation of Georgia, Inc. at 229-263-5629 at least two (2) days prior to the equipment entering the state.

3. The Commissioner or his agent may inspect used cotton harvesting equipment to verify compliance with this Chapter.

(3) For experimental or scientific purposes live boll weevils, in any living stage of development, may be brought into the state only when accompanied by a permit issued by the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 40-24-1-.08
Authority: O.C.G.A. Sec. 2-7-150*et seq.*
History. Original Rule entitled "Movement of Regulated Articles into Georgia" adopted. F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-1-.09. Exemptions.

(1) The following articles and commodities are exempt from the certificate or permit requirements:

(a) Compressed baled cotton lint, linters, and lint cleaner waste when such products have been given standard compression and if free from surface contaminants capable of harboring boll weevils.

(b) Samples of cotton lint and cotton linters of the usual trade size, if free from cotton seed and cotton trash.

Cite as Ga. Comp. R. & Regs. R. 40-24-1-.09
Authority: O.C.G.A. Sec. 2-7-150*et seq.*
History. Original Rule entitled "Exemptions" adopted. F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-1-.10. Cotton Stalk Destruction.

(1) Upon notification in writing by the Commissioner, any cotton may be ordered to destroy standing cotton stalks in his fields when it is deemed that such cotton stalks constitute a potential for harboring overwintering population of boll weevils. Such cotton stalk destruction shall consist of mowing, shredding, discing, or other means approved by the Commissioner as necessary to eliminate standing stalks. Such notification will designate which field(s) are subject to stalk destruction. Stalks must be destroyed by February 1.

(2) Any grower who cannot destroy cotton stalks within the required period due to emergency or hardship may apply for a waiver. The application must be made within 30 days after notice by the Commissioner and must state the conditions which may justify the waiver. The Commissioner shall notify the grower of his decision within two weeks after receipt of the waiver request. Waivers shall be approved only if justified by emergency or hardship due to meteorological conditions, serious illness as stated in a doctor's certification, or other causes beyond the control of the grower.

Cite as Ga. Comp. R. & Regs. R. 40-24-1-.10
Authority: O.C.G.A. Sec. 2-7-150*et seq.*
History. Original Rule entitled "Cotton Stalk Destruction" adopted. F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-1-.11. Movement for Scientific Purposes.

(1) Regulated Articles may be moved for experimental or scientific purposes in accordance with specified conditions provided a scientific permit is obtained from the Commissioner. The applicant must provide in writing the following:

(a) the specific article(s) to be imported;

(b) safety measures to ensure that boll weevils are not accidentally released;

(c) location where the Regulated Articles will be held or used;

(d) length of experiment; and

(e) any additional information the Commissioner or Board of Directors of the Boll Weevil Eradication Foundation of Georgia, Inc. may request.

Cite as Ga. Comp. R. & Regs. R. 40-24-1-.11
Authority: O.C.G.A. Sec. 2-7-150*et seq.*

History. Original Rule entitled "Movement for Scientific Purpose" adopted. F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-1-.12. Inspection and Enforcement.

(1) The Commissioner or his agent is authorized to stop and inspect any cotton harvesting equipment or other means of conveyance moving into or within the State of Georgia upon reasonable grounds to believe that such means of conveyance or articles are infested with the boll weevil

(2) Such inspector is authorized to seize, treat, destroy, or otherwise dispose of articles found to be moving in violation of these Regulations.

Cite as Ga. Comp. R. & Regs. R. 40-24-1-.12
Authority: O.C.G.A. Sec. 2-7-150*et seq*.
History. Original Rule entitled "Inspection and Enforcement" adopted. F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-1-.13. Non-Commercial Cotton.

(1) Non-commercial cotton shall not be planted without a permit approved by Board of Directors of the Boll Weevil Eradication Foundation of Georgia, Inc. and issued by the Commissioner.

(2) A permit request will include a brief description of the plot size, the purpose for such planting, and its value to cotton growers of the state. The Board of Directors of the BWEF of GA, Inc. will base their decision on:

(a) benefit to the state's agriculture and cotton growers;

(b) location of growing area;

(c) size of intended planting area;

(d) pest conditions in the growing area;

(e) costs incurred to the BWEF of GA, Inc.; and

(f) the applicant's willingness to follow any stipulations or requirements as may be set forth in the permit.

(3) The Commissioner may require the monitoring or destruction of Non-Commercial Cotton resulting from spilled seed, animal feed or other non-commercial actions or cotton that has sprouted from inadequate herbicide application, mowing, discing, other mechanical means of destruction.

(a) Upon notification in writing by the Commissioner, any property owner may be ordered to destroy non-commercial cotton when it is deemed that such cotton constitute a potential for harboring boll weevils. Destruction shall consist of mowing, shredding, discing, or other means approved by the Commissioner as necessary to eliminate standing plants.

(b) Non-commercial cotton must be destroyed within 30 days of receipt of notification.

(4) Any person, business or entity planting and growing non-commercial cotton without a permit issued by the Commissioner is in violation of this Chapter. The commissioner or his agent may destroy or require the destruction of non-commercial cotton plants at cost to grower or landowner.

Cite as Ga. Comp. R. & Regs. R. 40-24-1-.13
Authority: O.C.G.A. Sec. 2-7-150*et seq.*
History. Original Rule entitled "Non-Commercial Cotton" adopted. F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-1-.14. Georgia Interior Quarantine Requirements.

(1) The Commissioner shall have discretion to establish quarantine boundaries and regulate the movement of Regulated Articles as is necessary to eradicate the boll weevil should any re-infestations occur.

(2) The Boll Weevil Eradication Foundation of Georgia, Inc. is authorized to act upon the Commissioner's behalf for boll weevil eradication activities within the state.

(3) Landowners or tenants must allow access to properties and maintain the property in a condition which will allow Department or Boll Weevil Eradication Foundation of Georgia, Inc. employees to conduct adequate surveys and/or other necessary and appropriate actions to eradicate the boll weevil in quarantined areas.

(4) The Commissioner may declare the boll weevil to be eradicated and remove the quarantine from the area when no boll weevil has been detected for a minimum of two (2) consecutive years.

Cite as Ga. Comp. R. & Regs. R. 40-24-1-.14
Authority: O.C.G.A. Sec. 2-7-150*et seq.*
History. Original Rule entitled "Georgia Interior Quarantine Requirements" adopted. F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-1-.15. Organic Treatments to Control Weevil Infestations.

(1) Should a weevil infestation be detected on property controlled by an organic farm operator, the farm operator may treat his own cotton for boll weevils provided:

(a) the insecticide and method of application are approved by the Boll Weevil Eradication Foundation of Georgia, Inc.;

(b) treatment records are be maintained by the grower and available for inspection by the Commissioner or Boll Weevil Eradication Foundation of Georgia, Inc. employees upon request; and

(c) the treatment costs will be born solely by the farm operator.

(2) The Commissioner may, when he has reason to believe the organic treatments are not sufficiently effective to control the infestation and there is danger the infestation will spread to other farms, require the Boll Weevil Eradication Foundation of Georgia, Inc. to treat the property/properties for boll weevils using any pesticides registered by the U.S. Environmental Protection Agency and Georgia Department of Agriculture that is deemed necessary and effective against the boll weevil. The Boll Weevil Eradication Foundation of Georgia, Inc. will not be required to use pesticides that are approved by the U.S. Department of Agriculture National Organic Program or any other organic certification program.

Cite as Ga. Comp. R. & Regs. R. 40-24-1-.15
Authority: O.C.G.A. Sec. 2-7-150*et seq.*
History. Original Rule entitled "Organic Treatments to Cotton Weevil Infestations" adopted. F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-1-.16. Prohibited Action.

Any of the following acts will constitute a violation of this Chapter:

(1) Bringing boll weevils, in any living stage, into the state without a permit issued by the Commissioner.

(2) Failure of any cotton grower to participate in the boll weevil eradication program.

(3) Failure of any gin to collect assessments when required, file prescribed reports, remit assessments collected as described, or use, contract or hire any out-of-state used cotton harvesting equipment unless it has been thoroughly cleaned and certified free of boll weevils.

(4) Failure to destroy cotton stalks or non-commercial cotton when notified by the Commissioner.

(5) Bringing used cotton harvesting equipment into the state that has not been thoroughly cleaned, inspected and certified free of regulated articles.

(6) Planting or growing non-commercial cotton without a permit approved by Board of Directors of the Boll Weevil Eradication Foundation of Georgia, Inc. and issued by the Commissioner.

(7) Obstructing the Commissioner or his inspector in the performance of his duties.

Cite as Ga. Comp. R. & Regs. R. 40-24-1-.16
Authority: O.C.G.A. Sec. 2-7-150*et seq.*
History. Original Rule entitled "Prohibited Actions" adopted. F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-1-.17. Penalties.

(1) Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than $50.00 nor more than $1,000.00 or by imprisonment not exceeding 12 months, or both, as determined by the court.

(2) Any cotton grower or the first handler of cotton from a cotton grower who fails to pay any assessment levied under this article when due and upon reasonable notice shall be subject to a penalty of not more than $25.00 per acre or $12.50 per bale, such amount to be established by the Commissioner upon recommendation of the Boll Weevil Eradication Foundation of Georgia, Inc., Board of Directors.

(3) Any cotton grower who fails to pay all assessments, including penalties, within 30 days from the date of notice shall be required to destroy all cotton plants growing on his or her property which are subject to assessment. Any plants not destroyed shall be deemed to be a public nuisance. In such case, the Commissioner is authorized to apply to any court of competent jurisdiction and such court shall issue judgment and order condemnation and destruction of such nuisance. The grower shall be liable for all court costs, fees, and other expenses incurred in such action.

(4) Any cotton grower who fails to comply with the rules adopted by the Commissioner shall be subject to a civil monetary penalty of $1,000.00 per violation. Each violation shall constitute a separate offense.

Cite as Ga. Comp. R. & Regs. R. 40-24-1-.17
Authority: O.C.G.A. Sec. 2-7-150*et seq.*
History. Original Rule entitled "Penalties" adopted. F. Sept. 23, 2010; eff. Oct. 13, 2010.

Subject 40-24-2. DEFINITIONS (Repealed).

Rule 40-24-2-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-24-2-.01
Authority: O.C.G.A. Sec. 2-7-150*et seq.*
History. Original rule entitled "Definitions" was filed on November 21, 1985; effective December 11, 1985.
Amended: F. Mar. 18, 1992; eff. Apr. 7, 1992.
Amended: F. Jun. 11, 1992; eff. July 1, 1992.
Repealed: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Subject 40-24-3. REGULATED ARTICLES (Repealed).

Rule 40-24-3-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-24-3-.01
Authority: O.C.G.A. 2-7-150*et seq.*
History. Original Rule entitled "Regulated Articles" was filed on November 21, 1985; effective December 11, 1985.
Repealed: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-3-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-24-3-.02
Authority: O.C.G.A. 2-7-150*et seq.*
History. Original Rule entitled "Conditions Governing Movement of Regulated Articles" was filed on November 21, 1985; effective December 11, 1985.
Repealed: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Subject 40-24-4. COMPLIANCE AGREEMENTS (Repealed).

Rule 40-24-4-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-24-4-.01
Authority: O.C.G.A. 2-7-150*et seq.*
History. Original Rule entitled "Compliance Agreements" was filed on November 21, 1985; effective December 11, 1985.
Repealed: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Subject 40-24-5. INSPECTION AND ENFORCEMENT (Repealed).

Rule 40-24-5-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-24-5-.01
Authority: O.C.G.A. 2-7-150*et seq.*
History. Original Rule entitled "Inspection and Enforcement" was filed on November 21, 1985; effective December 11, 1985.

Repealed: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Subject 40-24-6. NON-COMMERCIAL COTTON (Repealed).

Rule 40-24-6-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-24-6-.01
Authority: O.C.G.A. 2-7-150*et seq.*
History. Original Rule entitled "Non-Commercial Cotton" was filed on November 21, 1985; effective December 11, 1985.
Repealed: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Subject 40-24-7. PROGRAM PARTICIPATION (Repealed).

Rule 40-24-7-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-24-7-.01
Authority: O.C.G.A. Secs. 2-7-150*et seq.*; 2-14-41, 2-14-46.
History. Original Rule entitled "Program Participation" was filed on November 21, 1985; effective December 11, 1985.
Amended: Rule repealed and a new Rule of same title adopted. Filed November 5, 1986; effective November 25, 1986.
Amended: Filed September 1, 1987; effective September 21, 1987.
Amended: Filed March 7, 1988; effective March 27, 1988.
Amended: Rule repealed and a new Rule of same title adopted. Filed December 27, 1988; effective January 17, 1989.
Repealed: ER 40-24-7-0.46-.01 adopted. F. Apr. 11, 1991; eff. Apr. 9, 1991, the date of adoption, as specified by the Agency, for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER.
Repealed: Permanent Rule adopted. F. May 21, 1991; eff. June 10, 1991.
Repealed: New Rule entitled "Program Participation, Original Eradication Zone" adopted. F. Mar. 18, 1992; eff. Apr. 7, 1992.
Amended: F. Jun. 11, 1992; eff. July 1, 1992.
Amended: F. Jun. 21, 1993; eff. July 11, 1993.
Repealed: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-7-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-24-7-.02
Authority: O.C.G.A. Sec. 2-7-150*et seq.*
History. Original Rule entitled "Program Participation, Northwest Eradication Zone" adopted. F. Mar. 18, 1992; eff. Apr. 7, 1992.
Amended: F. Jun. 21, 1993; eff. July 11, 1993.
Repealed: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-7-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-24-7-.03
Authority: O.C.G.A. Sec. 2-7-150*et seq.*
History. Original Rule entitled "Program Participation, Original Eradication Zone and Northwest Eradication Zone" adopted. F. Mar. 18, 1992; eff. Apr. 7, 1992.
Repealed: New Rule entitled "Program participation, Northeast Eradication Zone" adopted. F. Jun. 11, 1992; eff. July 1, 1992.
Amended: F. Jun. 21, 1993; eff. July 11, 1993.
Repealed: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-7-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-24-7-.04
Authority: O.C.G.A. Sec. 2-7-150*et seq.*
History. Original Rule entitled "Program Participation, Original Eradication Zone and Northwest Eradication Zone" adopted. F. Jun. 11, 1992; eff. July 1, 1992.
Amended: F. Apr. 6, 1994; eff. Apr. 26, 1994.
Repealed: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Subject 40-24-8. BOLL WEEVIL TREATMENTS (Repealed).

Rule 40-24-8-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-24-8-.01
Authority: O.C.G.A. 2-7-150*et seq.*
History. Original Rule entitled "Approved Pesticides" was filed on November 21, 1985; effective December 11, 1985.
Repealed: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-8-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-24-8-.02
Authority: O.C.G.A. 2-7-150*et seq.*
History. Original Rule entitled "Methods of Application" was filed on November 21, 1985; effective December 11, 1985.
Repealed: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Rule 40-24-8-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-24-8-.03
Authority: O.C.G.A. 2-7-150*et seq.*
History. Original Rule entitled "Grower Application" was filed on November 21, 1985; effective December 11, 1985.
Repealed: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Subject 40-24-9. SOLICITATION FOR BIDS (Repealed).

Rule 40-24-9-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-24-9-.01
Authority: O.C.G.A. 2-7-150*et seq.*
History. Original Rule entitled "Solicitation for Bids" was filed on November 21, 1985; effective December 11, 1985.
Repealed: F. Sept. 23, 2010; eff. Oct. 13, 2010.

Chapter 40-25. GRAIN DEALERS.

Subject 40-25-1. DEFINITIONS.

Rule 40-25-1-.01. Short Title.

These regulations shall be cited as the "Georgia State Grain Dealer Regulations."

Cite as Ga. Comp. R. & Regs. R. 40-25-1-.01
Authority: O.C.G.A. 2-9-30, et. seq.
History. Original Rule entitled "Short Title" was filed on February 28, 1986; effective March 20, 1986.

Rule 40-25-1-.02. Definitions.

The following words or terms shall have the meaning set forth herein when used in these rules and regulations.

(a) "Act" means the laws relating to Dealers in Agricultural Products-Grain Dealers, Article II of O.C.G.A. 2-9.

(b) The term "Commissioner" as used in these regulations means the Georgia Commissioner of Agriculture.

(c) "Deferred pricing" means grain sales where payment is deferred and includes, but not limited to, transactions commonly referred to as deferred-payment, deferred-pricing and price-later contracts.

(d) The term "Director" shall mean the officer who has been lawfully commissioned, appointed and delegated the authority by the Commissioner to administer the Act.

(e) The term "Examiner" means an employee of the Commissioner charged with the duty of making and reporting grain dealer examinations.

(f) "Grain Dealer" means any person, association, itinerant dealer, partnership or corporation engaged in the business of buying, receiving, selling, exchanging, negotiating or soliciting

the sale, resale, exchange or transfer of any grain purchased from the producer or his agent or representative, or received to be handled on a net return basis from the producer.

(g) The term "Grain" means all products commonly classified as grain, including wheat, corn, oats, barley, rye, field peas, soybeans, clover and grain sorghum. The term does not include grain which had been produced or packaged for purchase or distribution as seed.

(h) "Producer" means any producer of grain.

(i) "On consignment" means any receipt or sale of grain for the account of a person other than the seller in which the seller acts as the agent for the owner.

Cite as Ga. Comp. R. & Regs. R. 40-25-1-.02
Authority: O.C.G.A. 2-9-30*et seq.*
History. Original Rule entitled "Definitions" was filed on February 28, 1986; effective March 20, 1986.

Subject 40-25-2. LICENSE REQUIREMENTS.

Rule 40-25-2-.01. License.

(1) Eligibility. Every grain dealer, prior to transacting business within the State of Georgia, shall come under the provisions of the Act by complying with the provisions of the Act and the rules and regulations thereunder. Upon such compliance, any person may be issued a license to operate as a Grain Dealer, as provided in such license, except that no State Warehouse Director, employee or examiner shall be interested financially, directly or indirectly in any Grain Dealer licensed by the State of Georgia.

(2) Requirements:

(a) To qualify for license under the Georgia State Grain Dealer Act, each applicant must submit or provide: complete application, financial statement and a grain dealer bond. Certified Public Weigher's bond, fees for licenses and seals, are required if the dealer is equipped with suitable scales.

(b) Applications for the annual renewal of license will be submitted to the Director at least thirty days prior to July 1st of each year.

(c) Bond requirements will be provided in O.C.G.A. 2-9-34.

(d) Financial statement requirements will be as provided in O.C.G.A. 2-9-32(b). In the event the net worth of the financial statement is not as much as the minimum bond requirement of the Act, additional bond equal to twice the difference must be provided within 60 days following notification.

(e) For license renewal, financial statements shall be submitted annually, no latter than 60 days following the applicant's financial year close. Applicants who cannot meet this requirement may apply to the Commissioner for a temporary waiver of this provision. Any such waiver granted shall not exceed 180 days following the applicant's fiscal year close.

Cite as Ga. Comp. R. & Regs. R. 40-25-2-.01
Authority: O.C.G.A. 2-9-30, et. seq.
History. Original Rule entitled "License" was filed on February 28, 1986; effective March 20, 1986.

Subject 40-25-3. OPERATIONAL REQUIREMENTS.

Rule 40-25-3-.01. Records.

(1) All grain dealers must maintain complete purchase and payable records of producer grain transactions which will reflect, at least, the following: (1) producers name; (2) type of transaction and date; (3) type commodity; (4) weight or quantity; (5) selling price; (6) scale ticket or invoice document number.

(2) In the event of suspension, revocation, or other termination of a license issued under the Act, the former licensee or his successor in interest, if any, shall preserve for a period of six years or until released in writing by the Commissioner or Director, all books, papers, accounts, and other records relating to the operation of the grain dealership during the effective period of the license.

Cite as Ga. Comp. R. & Regs. R. 40-25-3-.01
Authority: O.C.G.A. 2-9-30*et seq.*
History. Original Rule entitled "Records" was filed on February 28, 1986; effective March 20, 1986.

Chapter 40-26. AGRICULTURAL COMMODITY COMMISSIONS.

Subject 40-26-1. GEORGIA AGRICULTURAL COMMODITY COMMISSIONS ADMINISTRATIVE RULES.

Rule 40-26-1-.01. Definitions.

The following words and terms, as used in these rules, shall have the meaning hereinafter ascribed to them:

(a) "Department" shall mean the Department of Agriculture of the State of Georgia.

(b) "Commissioner" shall mean the Commissioner of Agriculture of the State of Georgia; or his designated agent.

(c) "Commission" shall mean each and every Agricultural Commodity Commission created under the Georgia Agricultural Commodities Promotion Act, O.C.G.A. 2-8-1, *et seq.*

(d) "Fiscal Period" shall be July 1 each year through June 30 of the following year.

(e) "Producer Members" shall mean the producer members of the Commission.

(f) "Commission Members" shall mean producer members or ex-officio members.

(g) "Ex-Officio Members" shall mean the Commissioner of Agriculture, the President of the Georgia Farm Bureau Federation, one member elected by the Agriculture and Consumer Affairs Committee of the House of Representatives, and one member elected by the Agriculture Committee of the Senate.

(h) "Executive Director, Coordinator, Executive Secretary, Manager and other titles" shall mean the managing employee of a Commission.

(i) "Employee" shall mean employee of a Commission.

(j) "Expenses" shall mean meals, lodging, mileage, and other expenses as described in the State travel policy.

(k) "Advisory Board, Subcommittee, Special Committee" shall mean a duly established or appointed subordinate committee of the Commission with duties and functions established by the Commission.

(l) "Marketing Order" shall mean an order issued pursuant to O.C.G.A. 2-8-1, *et seq.*, prescribing rules and regulations governing the processing, distribution, or handling in any manner of any agricultural commodity within this state or establishing an assessment for financing the programs established.

(m) "Person" shall mean any association, individual, partnership, corporation or any other legal entity.

(n) "Chairman" shall mean a Commission member duly named, appointed or elected by the Commission.

(o) "Advisory Board Member" shall mean an individual duly appointed by the Commission Board to advise the Commission in the performance of its duties.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.01
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Definitions" was filed on April 30, 1986; effective May 20, 1986.

Amended: F. Aug. 2, 2013; eff. Aug. 22, 2013.

Rule 40-26-1-.02. Commission Policy.

Nothing herein contained shall be construed to prohibit any Commission from adopting rules governing its own operation, provided such rules do not conflict with these rules and regulations.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.02
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Commission Policy" was filed on April 30, 1986; effective May 20, 1986.

Rule 40-26-1-.03. Meeting Minutes.

A copy of the minutes of the Commission, Advisory Board, Subcommittee or Special Committee meetings, containing a listing of those in attendance and approved expenditures not approved in budget, shall be submitted to the Department.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.03
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Meeting Minutes" was filed on April 30, 1986; effective May 20, 1986.
Amended: F. Aug. 2, 2013; eff. Aug. 22, 2013.

Rule 40-26-1-.04. Budgets.

An annual budget will be adopted by each Commission at the beginning of each fiscal period and amended thereafter as necessary. Such budget must show the estimated income as well as estimated expenditures by category for the period.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.04
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Budgets" was filed on April 30, 1986; effective May 20, 1986.
Amended: F. Aug. 2, 2013; eff. Aug. 22, 2013.

Rule 40-26-1-.05. Inventories.

In order to maintain proper accountability for non-expendable property and equipment, each Commission must maintain an accurate and up-to-date inventory on all property owned by the Commission. A copy of the inventory should be kept in the Commission office and a copy sent to the Department for inclusion in their files.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.05
Authority: O.C.G.A. 2.8-1, *et seq.*
History. Original Rule entitled "Inventories" was filed on April 30, 1986; effective May 20, 1986.

Amended: F. Aug. 2, 2013; eff. Aug. 22, 2013.

Rule 40-26-1-.06. Contracts.

Written contracts (agreements, leases) are generally required for services set forth in the Commission Marketing Order. All contracts must be submitted to the Commissioner prior to execution for approval. Any person contracting with the Commission shall furnish annually a schedule indicating any expenses paid for or reimbursed to any Commission member, employee or Advisory Board member.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.06
Authority: O.C.G.A. 2.8-1, *et seq.*
History. Original Rule entitled "Contracts" was filed on April 30, 1986; effective May 20, 1986.

Rule 40-26-1-.07. Funds.

Any monies collected by the Commission for any purpose pursuant to the operation of the Commission shall be forwarded to the Commissioner for deposit into the Commission account. Funds so collected shall be deposited and disbursed in conformity with these rules and regulations prescribed by the Commissioner. Any funds received by the Commission, currency or checks, will be recorded by a cash receipt indicating amount received, from whom received, and for what purpose. Funds are to be deposited or forwarded to the Commissioner no less frequently than once per month. No bank account shall be established without approval of the Commission and authorization of the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.07
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Contracts" was filed on April 30, 1986; effective May 20, 1986.
Amended: F. Aug. 2, 2013; eff. Aug. 22, 2013.

Rule 40-26-1-.08. Surety Bonds.

Any person who handles funds under this Chapter shall be bonded with good and sufficient surety in an amount determined by the Commissioner for the accounting of any and all funds coming into his hands, O.C.G.A. 2-8-10.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.08
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Surety Bonds" was filed on April 30, 1986; effective May 20, 1986.

Rule 40-26-1-.09. Rent.

Leases for office space, other property, and related services must include provisions for termination of such lease within a reasonable period of time in the event of disapproval of the Marketing Order by producers or failure to collect sufficient funds.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.09
Authority: O.C.G.A. 2-8-1*, et seq.*
History. Original Rule entitled "Rent" was filed on April 30, 1986; effective May 20, 1986.

Rule 40-26-1-.10. Insurance.

The Department will include the Commission under the Department's blanket performance bond and personal liability policy. However, the Commission is responsible for securing necessary coverage on all property (building, contents, equipment, vehicles, etc.) as deemed necessary by the Commission.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.10
Authority: O.C.G.A. 2-8-1*, et seq.*
History. Original Rule entitled "Insurance" was filed on April 30, 1986; effective May 20, 1986.

Rule 40-26-1-.11. Administrative Expenses.

The Commissioner is authorized to expend funds, as approved by the Commission, for necessary administrative expenses incurred by the Commissioner in the administration and enforcement of the Commission's Marketing Order.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.11
Authority: O.C.G.A. 2-8-1*, et seq.*
History. Original Rule entitled "Administrative Expenses was filed on April 30, 1986; effective May 20, 1986.

Rule 40-26-1-.12. Exceptions.

In exceptional cases, if expenditures which are in conflict with or not specifically authorized by these rules and regulations are found necessary, they may be allowed if approved by the Commission and the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.12
Authority: O.C.G.A. 2-8-1*, et seq.*
History. Original Rule entitled "Exceptions" was filed on April 30, 1986; effective May 20, 1986.

Rule 40-26-1-.13. Procedure.

The Commissioner may require evidence of propriety with respect to items for payment.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.13
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Procedure" was filed on April 30, 1986; effective May 20, 1986.

Rule 40-26-1-.14. Bids.

Whenever possible, the Commission shall be responsible for obtaining at least three bids for a service or product. The Commission shall endeavor to compare products with respect to quality, cost, performance, etc. There shall be no qualifications in the specifications for any contract which will work to the advantage of any particular bidder or any class of bidders. The Commission may utilize state purchase contracts when available for the purchase of equipment, automobiles, etc.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.14
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Bids" was filed on April 20, 1986; effective May 20, 1986.
Amended: F. Aug. 2, 2013; eff. Aug. 22, 2013.

Rule 40-26-1-.15. Invoices.

(1) Invoices should be rendered in the name of the Commission.

(2) Each invoice must have budget category to which the item shall be charged and the amount.

(3) Invoices with handwritten or typewritten billheads must be signed by the vendor or person furnishing the supplies or services.

(4) Each invoice must be dated and properly itemized before payment.

(5) Original invoices will be obtained whenever possible, or if an invoice should appear to be other than an original, the following statement shall be written on the invoice and signed by the Chairman or authorized employee: "This bill has been checked against our records and found to be the original one presented for payment and has not been previously paid."

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.15
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Invoices" was filed on April 30, 1986; effective May 20, 1986.

Rule 40-26-1-.16. Payment of Claims.

(1) In addition to the other controlling features set forth in these rules and regulations, limitations on payment of claims are made by:

(a) available funds for expenditures;

(b) budget authorization or authorization in minutes;

(c) reasonableness of expenditure.

(2) Proper documentation for each expenditure is required and should include the following information:

(a) a valid invoice or billing;

(b) fiscal period to which the invoice applies;

(c) name of Commission;

(d) month and day that expenses were incurred;

(e) name of person or company in whose favor the check is drawn;

(f) amount of check drawn.

(3) Each payment for an invoice, payroll and expense claim shall be personally approved by the Chairman or other person authorized in writing by the Chairman to approve an invoice.

(4) Invoices for items which do not conform to these rules and regulations or are not considered by the Commissioner as proper or necessary expenditures will not be paid. If there is any question on an invoice, the Commissioner should be contacted as to what action should be taken.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.16
Authority: O.C.G.A. 2-8-1*, et seq.*
History. Original Rule entitled "Payment of Claims" was filed on April 30, 1986; effective May 20, 1986.
Amended: F. Aug. 2, 2013; eff. Aug. 22, 2013

Rule 40-26-1-.17. Payrolls.

(1) Payrolls for permanent employees shall be on a semi-monthly basis.

(2) Payrolls for other than permanent employees shall be for periods satisfactory to the Commission. Compensation for work performed on an hourly or daily basis shall be supported by detail of hours and days worked.

(3) For the purpose of computing payments for less than a full month, each employee shall be considered to work eight hours per day, five days each week and holidays shall be

considered working days. Employees employed at a monthly rate, when paid semi-monthly, shall be paid one-half the monthly salary as of the fifteenth of each month and one-half the monthly salary at the end of each month. Salaries of employees appointed or separated during any calendar month shall be computed for the number of days actually worked in that particular month. However, the number of days actually worked shall not include either (1) a holiday which immediately precedes the first day worked, or (2) a holiday which immediately follows the last day worked.

(4) The Department is responsible for making the following payroll deductions: federal and state taxes, social security taxes, group insurance premiums when applicable and retirement contributions. Amounts deducted will be paid to the proper agencies by the Department. Employees will be supplied with reports, or forms, as required by law.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.17
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Payrolls" was filed on April 30, 1986; effective May 20, 1986.

Rule 40-26-1-.18. Commission Personnel.

(1) Unless the Commission has established a rule or policy to the contrary, the Chairman with the Commission's approval shall have the authority to hire employees, recommend salary and increases for employees and terminate employees.

(a) When employees are hired, the Commission must submit to the Department in writing:

1. effective date of employment;
2. starting salary;
3. social security number and copy of social security card;
4. address;
5. appropriate insurance, tax and retirement information.

(b) When an employee is to be terminated, the Commission must submit to the Department in writing:

1. effective date of termination;
2. balance of leave, both annual and sick, not taken.

(2) The permanent employment of any relative by blood or marriage (including wife, husband, mother, father, child, grandchild, grandparent, aunt, uncle, cousin, whether by blood, adoption or in-law) of Commission members or present employees is prohibited.

(3) The appointment, performance and salary of employees shall be reviewed by the members of the Commission annually.

(4) The use of temporary help is a permissible expense and the cost should be charged to the proper budget category.

(a) Invoices from individuals for services rendered must include:

1. name of Commission;
2. description of work performed;
3. hours worked and rate of compensation;
4. signature of claimant;
5. address of claimant;
6. social security number.

(5) The payment of fees to personnel agencies for recruitment is prohibited.

(6) The Commission shall set policy for annual and sick leave that shall conform to the guidelines set forth by the State Personnel Board for state employees.

(7) The applicable provisions of the Fair Labor Standards Act will apply to Commission employees.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.18
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Commission Personnel" was filed on April 30, 1986; effective May 20, 1986.
Amended: F. Aug. 2, 2013; eff. Aug. 22, 2013.

Rule 40-26-1-.19. Relocation Expenses.

Upon approval of the Commission, an employee may be reimbursed for certain relocation expense as set forth in current Office of Planning and Budget guidelines.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.19
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Relocation Expenses" was filed on April 30, 1986; effective May 20, 1986.
Amended: F. Aug. 2, 2013; eff. Aug. 22, 2013.

Rule 40-26-1-.20. Applicant Travel Expenses.

Reimbursement will be allowed for travel expenses of applicants for Commission employment who are called for interviews if the Commission has determined that such expenditure is necessary to recruit qualified persons needed by the Commission. Reimbursement of interview expenses will not exceed those travel expenses set forth for Board members and employees.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.20
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Applicant Travel Expenses" was filed on April 30, 1986; effective May 20, 1986.

Rule 40-26-1-.21. Conflicts of Interest.

Commission employees are expected to devote their entire working hours to the job and to the business of the Commission. While there is no absolute prohibition of outside employment, any outside job must not interfere with complete attention to their responsibilities as a Commission employee. There are some outside employment situations which could result in a conflict of interest between two jobs. Example: If an employee is in a position where he determines what supplier will be engaged to furnish goods or services to a Commission and the employee has a substantial interest in the supplier's company which is selected, the employee is in an obvious conflict of interest situation.

(a) Commission employees are prohibited from engaging in other work during working hours or during periods of sick leave.

(b) It shall be unlawful for any employee to contract to buy or sell to the Commission any real or personal property, goods, services or a combination thereof when such purchase or sale would benefit or be likely to benefit such employee.

(c) No person who is a Commission member or employee shall engage in any transaction with any such Commission or other state agency or any such authority of which such person is a member or employee for personal gain.

(d) A Commission member or employee must not use their official position for personal gain.

(e) Commission property such as vehicles, equipment, materials and employee services, shall be used only for official Commission business.

(f) No gifts, gratuities, favors or social invitations should be accepted where they may be intended to compromise the integrity of the member, employee or Commission.

(g) In addition to the prohibitions set forth in O.C.G.A. 45-10-22(a)(2), whenever any Commission considers the transaction of business with any business entity and, at the time of such consideration, a member(s) of such Commission is also a fiduciary of the business entity in question, such Commission member-fiduciary shall not take part in any

discussions, formally or informally, with any other member(s) of the Commission regarding the proposed business transaction; seek to influence in any manner the vote of the Commission with regard to the proposed business transaction; vote as a member of the Commission on the proposed business transaction; or thereafter play any role whatsoever as a member of the Commission with regard to the business transaction between the Commission and the business entity of which the member is a fiduciary.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.21
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Conflicts of Interest" was filed on April 30, 1986; effective May 20, 1986.
Amended: Filed October 22, 1986; effective November 11, 1986.
Amended: F. Aug. 2, 2013; eff. Aug. 22, 2013.

Rule 40-26-1-.22. Travel Authorization.

(1) The Chairman shall determine a maximum reasonable representation for meetings and events and appoint board members and/or employees to attend.

(2) Employees and Commission members required to travel in the performance of official duties and entitled to reimbursement for actual expenses incurred shall receive authorization from the Commission Chairman or designated employee prior to performing the travel.

(3) Blanket in-state routine travel authorization may be granted for employees.

(4) All out-of-state travel shall be specifically authorized by the Chairman prior to each trip. All requests for out-of-state travel will be made in writing on forms provided for that purpose by the Department. Travel requests should be submitted well in advance. (5) Information to be provided for travel authorization should include:

(a) destination;

(b) date and duration of trip;

(c) documentation of most economical mode of travel;

(d) estimated cost;

(e) general purpose of the travel.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.22
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Travel Authorization" was filed on April 30, 1986; effective May 20, 1986.
Amended: F. Aug. 2, 2013; eff. Aug. 22, 2013.

Rule 40-26-1-.23. Travel Advances.

Reasonable amounts may be advanced for travel expenses upon approval of the Chairman in accordance with current state travel policy. Appropriate forms will be supplied for this purpose by the Department.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.23
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Travel Advances" was filed on April 30, 1986; effective May 20, 1986.
Amended: F. Aug. 2, 2013; eff. Aug. 22, 2013.

Rule 40-26-1-.24. Meals for Meetings and Guests.

(1) Board members and designated employees, when necessary and justification exists, may be reimbursed for group meals for themselves and business clients and employees to breakfast, lunch or dinner for the purpose of transacting business in accordance with current state travel policy.

(2) Incidental expenses in conjunction with meetings are permissible. Examples of permissible incidental expenses include, but are not limited to:

  (a) projection equipment and screen rental;

  (b) room rental;

  (c) room use charge.

(3) Any Commission sponsored meals, reception, coffee breaks, etc. must be approved by the Commission.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.24
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Meals for Meetings and Guests" was filed on April 30, 1986; effective May 20, 1986.
Amended: F. Aug. 2, 2013; eff. Aug. 22, 2013.

Rule 40-26-1-.25. Registration Fees.

Registration for conventions, meetings, classes, dues for professional organizations, etc.:

(a) Shall be approved by the Commission on an individual basis;

(b) If paid by claimant who is claiming reimbursement for a registration fee, etc. on a travel expense voucher, a receipt or check substantiating payment must be attached:

(c) Cost of meals which are indicated on registration form are acceptable if within reason.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.25
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Registration Fees" was filed on April 30, 1986; effective May 20, 1986.

Rule 40-26-1-.26. Expense Claim Form.

(1) All expense claims shall be submitted and reimbursed in accordance with the current state travel policy. Expenses claimed must be incurred for Commission business and shall not contain expenses submitted to or paid in total or in part by another person.

(2) Headquarters for Commission employees will be the official business address of the Commission, unless otherwise specified Official headquarters for producer members will be their home address. Each member and employee, when making a claim for travel expenses, must show his/her headquarters on the expense claim.

(3) No more than actual fare on any transportation service shall be allowed. All Commission members and employees should make efforts to obtain lowest fares available on all modes of transportation.

(4) The approved travel request form and a copy of the flight coupon should be attached to the travel expense claim.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.26
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Expense Claim Form" was filed on April 30, 1986; effective May 20, 1986.
Amended: F. Aug. 2, 2013; eff. Aug. 22, 2013.

Rule 40-26-1-.27. Commission Owned Vehicles.

Commission vehicles are to be used for official Commission business. Commission vehicles provided to an employee for commuting as well as any other personal use are considered a fringe benefit by the Internal Revenue Service. The employee is required to maintain records to indicate personal use and business use of the automobile. Employee is requested to provide the total business miles driven and total personal miles driven (all commuting between home and place of business as well as other personal use is considered personal use mileage). The fair market value of a Commission vehicle will be determined by using IRS provided lease values based on the year, make and model of the vehicle. This information will be submitted monthly on a reporting form supplied by the Department.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.27
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "In-State Subsistence" was filed on April 30, 1986; effective May 20, 1986.

Repealed: New Rule entitled "Commission Owned Vehicles" adopted. F. Aug. 2, 2013; eff. Aug. 22, 2013.

Rule 40-26-1-.28. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.28
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Out-of-State Subsistence" was filed on April 30, 1986; effective May 20, 1986.
Repealed: F. Aug. 2, 2013; eff. Aug. 22, 2013.

Rule 40-26-1-.29. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.29
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Transportation" was filed on April 30, 1986; effective May 20, 1986.
Repealed: F. Aug. 2, 2013; eff. Aug. 22, 2013.

Rule 40-26-1-.30. Repealed.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.30
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Foreign Travel" was filed on April 30, 1986; effective May 20, 1986.
Repealed: F. Aug. 2, 2013; eff. Aug. 22, 2013.

Rule 40-26-1-.31. Per Diem and Expenses.

Commission and Advisory Board Member Per Diem and Expenses should be handled the same and should follow IRS guidelines:

(a) The daily per diem rate shall be set by each Commission not to exceed the per diem allowed members of the Georgia General Assembly.

(b) Commission and Advisory Board members shall be entitled to a daily per diem and expenses when engaged in official Commission business as a designated representative appointed by the Commission Chairman.

Cite as Ga. Comp. R. & Regs. R. 40-26-1-.31
Authority: O.C.G.A. 2-8-1, *et seq.*
History. Original Rule entitled "Per Diem and Expenses" was filed on April 30, 1986; effective May 20, 1986.
Amended: F. Aug. 2, 2013; eff. Aug. 22, 2013.

Chapter 40-27. LIMING MATERIALS.

Subject 40-27-1. LIMING MATERIALS.

Rule 40-27-1-.01. Definitions.

(1) "Act" means the Georgia Liming Materials Act of 1996.

(2) "Fineness or Particle Size" means the percentage by weight of the liming material which will pass a U. S. Standard sieve and the following minimums shall apply:

(a) Solid liming materials:

90% through a 10 mesh sieve

50% through a 50 mesh sieve

25% through a 100 mesh sieve

(b) Liquid or suspension liming materials:

100% through a 20 mesh sieve

60% through a 200 mesh sieve

(c) Finely ground limestone:

98% through a 20 mesh sieve

70% through a 100 mesh sieve

(d) Industrial by-products - while no minimums are required, product labels must state the following:

Percentage (%) passing a 10 mesh sieve

Percentage (%) passing a 50 mesh sieve

Percentage (%) passing a 100 mesh sieve

Cite as Ga. Comp. R. & Regs. R. 40-27-1-.01
Authority: O.C.G.A. Sec. 2-12-49.
History. Original Rule entitled "Definitions" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-27-1-.02. License Fees.

A new licensee shall pay a license fee of $70.00. The renewal fee for a Lime License shall be due annually on July 1 of each year. Fees and renewals received after July 1 each year shall be:

Date Fee Received	**Tonnage Previous Year**	License Renewal Fee
July 2 through July 31	Less than 10,000 tons	$105
	10,000 tons or more	$210
Aug. 1 through Aug. 31	Less than 10,000 tons	$140
	10,000 tons or more	$280
Sept. 1 and Later	Less than 10,000 tons	$175
	10,000 tons or more	$350

Cite as Ga. Comp. R. & Regs. R. 40-27-1-.02
Authority: O.C.G.A. Secs. 2-12-43, 2-12-49.
History. Original Rule entitled "License Fees" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.
Amended: F. June 16, 2010; eff. July 6, 2010.

Rule 40-27-1-.03. Product Registration Renewal and Renewal Fees.

The registration fee shall be $70.00 per product. Such fee shall be submitted with the registration, and a renewal fee of $70.00. The renewal of product registration and payment of the renewal fee shall be due on July 1 of each year. Fees and renewals received after July 1, each year shall be:

Date Fee Received	Registration Renewal Fee
July 2 through July 31	$105 per product
Aug. 1 through Aug. 31	$140 per product
Sept. 1 and Later	$175 per product

Cite as Ga. Comp. R. & Regs. R. 40-27-1-.03
Authority: O.C.G.A. Sec. 2-12-43.
History. Original Rule entitled "Product Registration Renewal Fees" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.
Repealed: New Rule entitled "Product Registration Renewal and Renewal Fees" adopted. F. June 16, 2010; eff. July 6, 2010.

Rule 40-27-1-.04. Tonnage Reporting.

Every licensee shall file a tonnage report twice annually, no later than July 30, covering tonnage shipped January 1 through June 30 and no later than January 31 covering tonnage shipped July 1 through December 31. All tonnage shall be reported to two (2) decimal places when less than one (1) ton is reported and to the nearest ton when more than one (1) ton is reported. Each report shall include the following information:

(a) Total tonnage of all liming materials distributed.

(b) Total tonnage of solid liming materials distributed.

(c) Total tonnage of liquid or suspension liming materials distributed.

(d) Total tonnage of Dolomitic liming materials distributed.

(e) Total tonnage of Calcitic liming materials distributed.

Cite as Ga. Comp. R. & Regs. R. 40-27-1-.04
Authority: O.C.G.A. Secs. 2-12-44, 2-12-49.
History. Original Rule entitled "Tonnage Reporting" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-27-1-.05. Calcium Carbonate Equivalents.

(1) Certain liming materials shall be labeled to show their calcium carbonate equivalent (CCE) as follows:

   (a) Burnt Lime - not less than 40 percent.

   (b) Hydrated Lime - not less than 110 percent.

   (c) Other Solid Liming Materials - not less than 85 percent.

   (d) Liquid or Suspension Materials - not less than 45 percent.

(2) Marl and industrial by-products when used for neutralizing value may vary in their composition and shall not be subject to a minimum calcium carbonate equivalent (CCE) but must be labeled to show the minimum calcium carbonate contained in the product.

Cite as Ga. Comp. R. & Regs. R. 40-27-1-.05
Authority: O.C.G.A. Secs. 2-12-45, 2-12-49.
History. Original Rule entitled "Calcium Carbonate Equivalents" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-27-1-.06. Magnesium Content.

Solid dolomitic liming materials shall contain a minimum of six (6) percent magnesium and liquid or suspension dolomitic liming materials must contain at least three (3) percent magnesium.

Cite as Ga. Comp. R. & Regs. R. 40-27-1-.06
Authority: O.C.G.A. Secs. 2-12-45, 2-12-49.
History. Original Rule entitled "Magnesium Content" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-27-1-.07. Moisture Content.

(1) Solid liming materials shall contain no more than fifteen (15) percent moisture and liquid or suspension liming materials shall contain no more than 50% moisture.

(2) Industrial by-products shall not be subject to a maximum moisture content but must be labeled to show the maximum moisture contained.

Cite as Ga. Comp. R. & Regs. R. 40-27-1-.07
Authority: O.C.G.A. Secs. 2-12-45, 2-12-49.
History. Original Rule entitled "Moisture Content" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-27-1-.08. Investigational Allowances.

Liming materials shall be considered deficient when:

(a) The calcium carbonate equivalent (CCE) is found to be more than two (2) percent below the guaranteed CCE.

(b) The elemental calcium (Ca) content is found to be more than ten (10) percent below the guaranteed calcium content.

(c) The elemental magnesium (mg) content is found to be more than ten (10) percent below the guaranteed magnesium content.

(d) The particle size is found to be more than five (5) percent below the percentage guaranteed.

(e) The moisture content is found to be more than twelve (12) percent above the guaranteed maximum moisture content.

Cite as Ga. Comp. R. & Regs. R. 40-27-1-.08
Authority: O.C.G.A. Secs. 2-12-48, 2-12-49.
History. Original Rule entitled "Investigational Allowances" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-27-1-.09. Reports of Analysis and Requests for Portions of Official Samples.

(1) Reports on all liming materials whose analysis shows the sample to be within the investigational allowances established above shall show that the sample is found to be in compliance and shall not be required to show the actual analyses.

(2) Upon request of a licensee within ten (10) days after receipt of a liming materials analysis report, the Commissioner shall make available a portion of the official sample of any liming material reported to be deficient.

Cite as Ga. Comp. R. & Regs. R. 40-27-1-.09
Authority: O.C.G.A. Secs. 2-12-46, 2-12-49.
History. Original Rule entitled "Reports of Analysis and Requests for Portions of Official Samples" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-27-1-.10. Determining Injurious Toxic Materials.

In determining if a liming material contains quantities of toxic materials which could be injurious to plants or animals, the Commissioner shall rely upon guidelines or other data developed by the University of Georgia.

Cite as Ga. Comp. R. & Regs. R. 40-27-1-.10
Authority: O.C.G.A. Secs. 2-12-47, 2-12-49.
History. Original Rule entitled "Determining Injurious Toxic Materials" adopted. F. Aug. 23, 1996; eff. Sept. 12, 1996.

Rule 40-27-1-.11. Liming Material Sampling.

The Commissioner or his duly designated agent is authorized to collect samples of a liming material upon demand without charge or cost from any public or private premises within this state in which a liming material is manufactured, processed, packed, stored, distributed or held for distribution and from any vehicle used to transport or hold such a liming material. Methods of sampling shall be those prescribed by the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 40-27-1-.11
Authority: O.C.G.A. § 2-12-49.
History. Original Rule entitled "Liming Material Sampling" adopted. F. May 16, 2017; eff. June 5, 2017.

Chapter 40-28. AGRICULTURAL TOURIST ATTRACTION.

Subject 40-28-1. AGRICULTURAL TOURIST ATTRACTION.

Rule 40-28-1-.01. Definitions.

(1) "Department" means the Georgia Department of Agriculture.

(2) "Agricultural tourist attraction" means any agricultural based business providing onsite attractions to tourists that meet the criteria set out in departmental Rule 40-28-1-.03.

(3) "Registered agricultural tourist attraction" means a specific location registered with the Georgia Department of Agriculture.

(4) "Facility" includes, but is not limited to, real property structures, farms, businesses, and places providing recreational activities, places providing lodging, that make it usable for a designated or assigned purpose.

(5) "Tour" means an activity that is directed by a knowledgeable employee (tour guide) of the business; educational, informative, and entertaining in nature, of sufficient length to clearly describe the materials, equipment, and processes used in the production of agricultural products by the facility and conducted during open business hours, or, in the absence of regular tour times, upon availability.

Cite as Ga. Comp. R. & Regs. R. 40-28-1-.01
Authority: O.C.G.A. Sec. 26-2-80.
History. Original Rule entitled "Definitions" adopted. F. Dec. 22, 2008; eff. Jan. 12, 2009, as specified by the Agency.

Rule 40-28-1-.02. Duty of the Georgia Department of Agriculture.

Once a facility is designated an "agricultural tourist attraction" the Department shall, in conjunction with the Georgia Department of Transportation, take the appropriate steps to assist in the placement of directional signs along roads in the direct proximity of the agricultural tourist attraction to direct passing traffic to the agricultural tourist attraction. The Georgia Department of Transportation shall create guidelines relating to size, placement, location and number of signs on Federal and State highways. The Department will approve the design of the signs and logo designating an agricultural tourist attraction.

Cite as Ga. Comp. R. & Regs. R. 40-28-1-.02
Authority: O.C.G.A. Sec. 26-2-80.
History. Original Rule entitled "Duty of the Georgia Department of Agriculture" adopted. F. Dec. 22, 2008; eff. Jan. 12, 2009, as specified by the Agency.

Rule 40-28-1-.03. Criteria to Determine What Constitutes an "Agricultural Tourist Attraction".

(1) Facilities wishing to be recognized by the Department as an "agricultural tourist attraction" shall:

   (a) Submit an application to the Department;

(b) Submit payment of a one-time application fee of not less than $300.00, depending on the type of agricultural tourist attraction. Directional signage is an additional charge determined by the Georgia Department of Transportation.

(2) The owner of a business applying for an "Agricultural Tourist Attraction" shall certify in writing:

(a) That the activity allows members of the general public, for recreational, entertainment and/or educational purposes, to view or enjoy agriculturally related activities.

(b) That the business is in full compliance with all applicable Federal, State, and local laws, rules and ordinances, including, but not limited to, all applicable license and permitting requirements required by law.

Cite as Ga. Comp. R. & Regs. R. 40-28-1-.03
Authority: O.C.G.A. Sec. 26-2-80.
History. Original Rule entitled "Criteria to Determine What Constitutes an Agricultural Tourist Attraction" adopted. F. Dec. 22, 2008; eff. Jan. 12, 2009, as specified by the Agency.
Amended: F. June 15, 2010; eff. July 5, 2010.

Rule 40-28-1-.04. Registration of "Agricultural Tourist Attraction".

(1) The Department shall maintain a registry of approved agricultural tourist attractions.

(2) Agricultural tourist attractions shall be registered in the following categories:

(a) Temporary registration: attractions operating 14 days or less per year.

(b) Seasonal registration: attractions operating between 15 days to six months.

(c) Year-round registration: attractions operating more than 6 months per year.

(3) Said registry shall include:

(a) Name of the agricultural tourist attraction.

(b) Information describing the activity which the participant conducts or intends to conduct.

(c) Information describing the location where the person conducts or intends to conduct such activity and appropriate contact information.

Cite as Ga. Comp. R. & Regs. R. 40-28-1-.04
Authority: O.C.G.A. Sec. 26-2-80.

History. Original Rule entitled "Registration of Agricultural Tourist Attraction" adopted. F. Dec. 22, 2008; eff. Jan. 12, 2009, as specified by the Agency.

Rule 40-28-1-.05. Once Designated an "Agricultural Tourist Attraction" the Facility Shall.

(a) Have a point-of-business sign on-site posted in a prominent and visible location stating the name of the business, the days and hours of operation, and the time tours will be conducted if applicable.

(b) Maintain a website with the hours of operation and directions to the facility.

(c) Provide onsite public restroom facilities, drinking water suitable for public consumption and an onsite telephone available for emergency purposes.

(d) Provide an all-weather structure and adequate onsite parking.

(e) If the facility designated as an "agricultural tourist attraction" shall cease to operate, the Department shall be notified, in writing, within ten (10) days thereof. Once notified, said attraction shall be removed from the registry.

Cite as Ga. Comp. R. & Regs. R. 40-28-1-.05
Authority: O.C.G.A. Sec. 26-2-80.
History. Original Rule entitled "Once Designated an Agricultural Tourist Attraction the Facility Shall" adopted. F. Dec. 22, 2008; eff. Jan. 12, 2009, as specified by the Agency.

Rule 40-28-1-.06. Removal of Designation.

Once a facility ceases to fulfill the criteria required as an agricultural tourist attraction, the facility shall be given thirty (30) days to come into compliance with all applicable rules. If the facility is not in compliance at the end of said period, it shall lose the designation as an agricultural tourist attraction and be removed from the Department's website. The Department of Transportation shall then be notified and all agricultural signage shall be removed. If the facility applies for reinstatement, the request shall be handled as if it were a new applicant.

Cite as Ga. Comp. R. & Regs. R. 40-28-1-.06
Authority: O.C.G.A. Sec. 26-2-80.
History. Original Rule entitled "Removal of Designation" adopted. F. Dec. 22, 2008; eff. Jan. 12, 2009, as specified by the Agency.

Chapter 40-29. GEORGIA AGRICULTURE TAX EXEMPTION.

Rule 40-29-.01. Definitions.

(1) "Agricultural product" - Items produced by agricultural operations.

(2) "Agricultural operations" - Used synonymously with 'agricultural purposes' and means the following activities: raising, growing, harvesting, or storing of crops, including, but not limited to, soil preparation and crop production services such as plowing, fertilizing, seed bed preparation, planting, cultivating, and crop protecting services; feeding, breeding, or managing livestock, equine, or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, equine, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, equine, or other animals; producing aquacultural, horticultural, viticultural, silvicultural, grass sod, dairy, livestock, poultry, egg, and apiarian products; processing poultry; post-harvest services on crops with the intent of preparing them for market or further processing, including but not limited to crop cleaning, drying, shelling, fumigating, curing, sorting, grading, packing, ginning, canning, pickling, and cooling; slaughtering poultry and other animals; and manufacturing dairy products. Agricultural operations does NOT include constructing, installing, altering, repairing, dismantling, or demolishing real property structures or fixtures, including, but not limited to, grain bins, irrigation equipment, and fencing.

(3) "Animal" - Synonymous with "livestock" and means living organisms that are commonly regarded as farm animals, organisms that produce tangible personal property for sale, or organisms that are processed, manufactured, or converted into articles of tangible personal property for sale. The term does not include living organisms that are commonly regarded as domestic pets or companion animals.

(4) "Georgia Agriculture Tax Exemption **(GATE)** Certificate" - An agricultural sales and use tax exemption certificate issued by the Georgia Department of Agriculture that identifies its user as a qualified agriculture producer.

(5) "Georgia Tax Exemption Advisory Board" - A board appointed by the Commissioner in accordance with the Official Code of Georgia, Title 48, Chapter 8, Section 3.3.

(6) "Commissioner" - The Commissioner of the Georgia Department of Agriculture, or his designee.

(7) "Department" - The Georgia Department of Agriculture.

(8) "On Farm" - Where an agricultural product is produced or harvested.

Cite as Ga. Comp. R. & Regs. R. 40-29-.01
Authority: O.C.G.A. § 48-8-3.3.
History. New Rule entitled "Definitions" adopted. F. Oct. 30, 2012; eff. Nov. 19, 2012.
Amended: F. Sep. 4, 2013; eff. Sept. 24, 2013.

Amended: F. Oct. 8, 2014; eff. Oct. 28, 2014.

Rule 40-29-.02. Application for Authorization to Attain a Georgia Agriculture Tax Exemption (GATE) Certificate.

(1) No person or entity shall utilize a GATE Certificate unless prior application for certification or licensing has been made to the Department and permission to make such use has been granted by the Commissioner.

(2) Only Qualified Agriculture Producers are authorized to use the GATE Certificate.

(3) 'Qualified Agriculture Producer' includes producers of agricultural products or services who meet one of the following criteria:

(a) The person or entity is the owner or lessee of agricultural land or other real property from which $5,000.00 or more of agricultural products in aggregate were produced and sold during the year, including payments from government sources;

(b) The person or entity is in the business of performing agricultural operations and has provided $5,000.00 of such services during the year;

(c) The person or entity is in the business of producing long-term agricultural products from which there might not be annual income, including, but not limited to, timber, pulpwood, orchard crops, pecans, livestock, and horticultural or other multiyear agricultural or farm products. Applicants must demonstrate that sufficient volumes of such long-term agricultural products will be produced which have the capacity to generate in aggregate at least $5,000.00 in annualized sales in the future; or

(d) The person or entity must establish, to the satisfaction of the Commissioner of Agriculture, the person or entity is actively engaged in the production of agricultural products and has or will have created sufficient volumes to generate in aggregate at least $5,000.00 in annualized sales.

(4) The person or entity seeking a GATE Certificate may be regarded as an agriculture producer under one or more of following NAICS codes. North American Industry Classification System (NAICS) Codes can be found online at www.census.gov and shall be used by applicant to determine which code the person or entity may fall under for purposes of eligibility when applying for a GATE Certificate:

2017 NAICS US Code	2017 NAICS US Title
11111	Soybean Farming
11112	Oilseed (except Soybean) Farming
11113	Dry Pea and Bean Farming
11114	Wheat Farming

11115	Corn Farming
11116	Rice Farming
11119	Other Grain Farming
1112	Vegetable and Melon Farming
111219	Other Vegetable (except Potato) and Melon
1113	Fruit and Tree Nut Farming
111334	Berry (except Strawberry) Farming
1114	Greenhouse, Nursery, and Floriculture Production
111421	Nursery and Tree Production
11191	Tobacco Farming
11192	Cotton Farming
11193	Sugarcane Farming
11194	Hay Farming
111991	Sugar Beet Farming
111992	Peanut Farming
111998	All Other Miscellaneous Crop Farming
11211	Beef Cattle Ranching and Farming, including Feedlots
11212	Dairy Cattle and Milk Production
11213	Dual-Purpose Cattle Ranching and Farming
1122	Hog and Pig Farming
11231	Chicken Egg Production
11232	Broilers and Other Meat Type Chicken Production
11233	Turkey Production
11234	Poultry Hatcheries
11239	Other Poultry Production
112390	Quail, Ostrich
1124	Sheep and Goat Farming
1125	Aquaculture
112519	Alligator
11291	Apiculture
11292	Horses and Other Equine Production
11293	Fur-Bearing Animal and Rabbit Production
11299	All Other Animal Production
112990	All Other Animal Production
1131	Timber Tract Operations
1132	Forest Nurseries and Gathering of Forest Products
1133	Logging

11511	Support Activities for Crop Production
115111	Cotton Ginning
115112	Soil Preparation, Planting, and Cultivating
115113	Crop Harvesting, Primarily by Machine
115114	Postharvest Crop Activities (except Cotton Ginning)
115116	Farm Management Services
1152	Support Activities for Animal Production
1153	Support Activities for Forestry
31111	Animal Food Manufacturing
31142	Fruit and Vegetable Canning, Pickling, and Drying*
3115	Dairy Product Manufacturing*
311611	Animal (except Poultry) Slaughtering*
311615	Poultry Processing
31213	Wineries*
49313	Farm Product Warehousing and Storage

IF ON FARM*

(5) Applications for the GATE Certificate shall be made online at www.agr.georgia.gov. For application assistance, applicants may contact the GATE Service Center at 855-327-6829 or 855-Farm Tax.

(6) The applicant must disclose the following information in order to be deemed eligible by the Department:

(a) The name and address of the farm, ranch, timber operation, or other business owned or operated by the applicant in relation to the production of agricultural products or the custom agricultural service; and

(b) An authentic and active e-mail address.

(c) Applicant must provide the name of the primary certificate holder and the names of no more than (2) authorized users. Commissioner has the authority to increase the number of authorized users, at his discretion.

(7) Applicant must check boxes on the application which apply and attest that the information provided is true and accurate. The information provided by the applicant will be shared with the Georgia Department of Revenue.

(8) The Commissioner shall not issue or renew an agricultural sales and use tax exemption until the agricultural producer requesting such certificate has provided the Commissioner with a valid state taxpayer identification number obtained through, or recognized by, the Department of Revenue's Georgia Tax Center (https://gtc.dor.ga.gov).

(9) The Commissioner shall require applicants to acknowledge and produce, upon request, at least one of the following forms to determine eligibility:

(a) IRS schedule F (Profit or Loss from Farming)

(b) IRS form 4835 (Farm Rental Income and Expenses)

(c) IRS schedule E (Supplemental Income and Loss)

(d) IRS form 4797 (Sales of Business Property)

(e) IRS form 1065 (U.S. Return of Partnership Income)

(f) IRS form 1120 (U.S. Corporation Income Tax Return)

(g) IRS form 1120S (U.S. Income Tax Return for an S Corporation)

(10) If an applicant does not file any of the forms provided for in paragraph (9) but claims eligibility for the exemption certificate pursuant to the criteria specified in paragraph (3) of this Rule, the applicant shall provide to the Commissioner any documentation, tax returns, forms, or sales receipts required by the Commissioner, and the Commissioner of Revenue, in his or her discretion, shall determine if the applicant has met such eligibility requirements in determining whether to issue or deny the issuance of the certificate.

(11) Any agricultural sales and use tax exemption certificate issued or renewed on or after January 1, 2019, shall be valid for three years except as provided in the schedule set forth below. A certification fee of $150 will be required to obtain a GATE certificate. All fees shall be paid online at www.agr.georgia.gov.

(a) In order to have staggered renewal dates for such three-year certificates, the Commissioner of Agriculture will establish a renewal schedule of existing certificates and prorate said renewals. The following schedule has been created for the 2019 Active GATE Certificate year.

(i) The first 1/3 of active GATE certificate holders, determined alphabetically according to the last name of the primary account holder, will renew for three years and will be assessed the full fee of $150.

(ii) The next 1/3 of active GATE certificate holders, determined alphabetically according to the last name of the primary account holder, will renew for two years and will be assessed the prorated fee of $100.

(iii) The final 1/3 of active GATE certificate holders, determined alphabetically according to the last name of the primary account holder, will renew for one year and will be assessed a renewal fee of $50.

(12) Upon completion of the application and receipt of the certification fee online, a certificate, including a unique certification number and a wallet sized certification card, will be mailed to the mailing address provided by the applicant as confirmation of certification. The Department may also issue a key-chain sized certification card, which shall also be acceptable confirmation of certification. Replacement cards may be requested online. A fee of $30 will be assessed for each replacement card. All certification information will be forwarded to the Department of Revenue.

(13) Certificate holders shall maintain records of purchases of qualified agricultural products exempt from sales and use tax and shall, upon request, furnish such records the Commissioner and/or Commissioner of Revenue.

(14) The GATE Certificate is non-transferable.

(15) Certificate holders shall comply with all applicable laws and regulations and obtain all appropriate governmental approval pertaining to the selling, advertising, marketing, packaging, manufacturing, or other commercial handling of agriculture products.

(16) Any unauthorized use of the GATE Certificate may result in criminal prosecution.

Cite as Ga. Comp. R. & Regs. R. 40-29-.02
Authority: O.C.G.A. § 48-8-3.3.
History. New Rule entitled "Application for Authorization to Attain a Georgia Agriculture Tax Exemption (GATE) Certificate" adopted. F. Oct. 30, 2012; eff. Nov. 19, 2012.
Amended: F. Sep. 4, 2013; eff. Sept. 24, 2013.
Amended: F. Oct. 8, 2014; eff. Oct. 28, 2014.
Amended: F. Oct. 12, 2016; eff. Nov. 1, 2016.
Amended: F. Sep. 11, 2018; eff. Oct. 1, 2018.

Rule 40-29-.03. Renewal Process.

(1) The GATE Certificate must be renewed every three years, except as provided in the renewal schedule identified in Rule 40-29-.02(11)(a). The procedure for renewal by certificate holders previously authorized to use the GATE Certificate is as follows:

(a) Certificates expire December 31. The Department will begin accepting renewal applications on November 1, prior to the new calendar year.

(b) Renewals shall be made online at www.agr.georgia.gov. For renewal assistance, applicants may contact the GATE Service Center at 855-327-6829 or 855-FarmTax.

(c) The renewal fee is $150. The renewal fee shall be paid online at www.agr.georgia.gov.

(d) Failure to remit the renewal fee and application by the expiration date shall result in the Certificate being designated as inactive and therefore ineligible for GATE benefits.

(e) All information required in the application process will be reviewed, updated where needed, and attested to by applicant.

Cite as Ga. Comp. R. & Regs. R. 40-29-.03
Authority: O.C.G.A. § 48-8-3.3.
History. New Rule entitled "Renewal Process" adopted. F. Oct. 30, 2012; eff. Nov. 19, 2012.
Amended: F. Oct. 8, 2014; eff. Oct. 28, 2014.
Amended: F. Oct. 12, 2016; eff. Nov. 1, 2016.
Amended: F. Sep. 11, 2018; eff. Oct. 1, 2018.

Rule 40-29-.04. Denial of Certification for the Georgia Agriculture Exemption (GATE) Certificate.

(1) The Commissioner may make an initial determination of whether a person or entity is eligible for the GATE Certificate. If the applicant is denied certification, then the applicant shall be provided a reason for such denial and the licensing fee will be returned to the applicant.

(2) An application for the GATE Certificate may be denied if not made in compliance with O.C.G.A. § 48-8-3.3 or the Rules promulgated by the Georgia Department of Agriculture, including, but not limited to, the following:

(a) Submitted application has not been properly completed or is missing required information;

(b) Annual application fee is not paid;

(c) Applicant falsified information on application or any previous application.

(3) An application for the GATE certificate may be denied if the applicant previously held a GATE certificate which was revoked pursuant to Department Rule 40-29-.05.

(4) Any denial may be appealed to the Georgia Agriculture Tax Exemption Advisory Board in writing within 30 days of denial. Appeals should be sent to the Georgia Agriculture Tax Exemption Program at 19 Martin Luther King Jr. Drive, Suite 324, Atlanta, Georgia 30334.

Cite as Ga. Comp. R. & Regs. R. 40-29-.04
Authority: O.C.G.A. § 48-8-3.3.
History. New Rule entitled "Denial of Certification for the Georgia Agriculture Tax Exemption (GATE) Certificate" adopted. F. Oct. 30, 2012; eff. Nov. 19, 2012.

Amended: F. Oct. 8, 2014; eff. Oct. 28, 2014.

Rule 40-29-.05. Revocation of Certification.

(1) Authorization to use the GATE Certificate may be suspended or revoked at any time if the certificate is misused or if the owner fails to operate as a Qualified Agriculture Producer.

(2) Misuse of the GATE Certificate includes, but is not limited to, the following:

(a) The use of the Agriculture Tax Exemption Certificate for purchasing taxable items that will be used in a manner that does not qualify for the exemptions found in O.C.G.A. § 48-8-3.3 or the Rules and Regulations promulgated by the Georgia Department of Revenue.

(b) The use of the Agriculture Tax Exemption Certificate by individuals or entities that fail to meet the standards of a Qualified Agricultural Producer.

(c) Use of the Agriculture Tax Exemption Certificate by a person or entity other than the specified certificate holder.

(3) Any evidence of misuse of the GATE Certificate or use of the Certificate by an ineligible person or entity may be referred to the Georgia Agriculture Tax Exemption Advisory Board or to the Department of Revenue for investigation and/or prosecution regarding misuse of the certificate.

(4) The Department of Revenue shall be forwarded all information obtained by the Department of Agriculture for the purposes of review, audit, and possible prosecution of violations.

(5) Authorization to use the GATE Certificate may be suspended or revoked pursuant to a finding of misuse and/or a recommendation of revocation from the Department of Revenue. Revocation pursuant to a finding of misuse and/or recommendation from the Department of Revenue will be conducted through the Department of Agriculture.

(a) If an agricultural producer knowingly uses a tax exemption certificate unlawfully, the Commissioner, after verifying the unlawful use of the tax exemption certificate, and subject to notice and a hearing in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act', shall suspend the certificate for up to one year.

(b) If a subsequent unlawful use is knowingly made within five years following the end of the suspension, the Commissioner, after notice and hearing, shall determine if the certificate should be revoked. Any agricultural producer who has had his or her certificate revoked pursuant to this paragraph shall not be eligible for the

issuance of a new tax exemption certificate until three years from the date of such revocation.

Cite as Ga. Comp. R. & Regs. R. 40-29-.05
Authority: O.C.G.A. § 48-8-3.3.
History. New Rule entitled "Revocation of Certification" adopted. F. Oct. 30, 2012; eff. Nov. 19, 2012.
Amended: F. Oct. 8, 2014; eff. Oct. 28, 2014.
Amended: F. Sep. 11, 2018; eff. Oct. 1, 2018.

Chapter 40-30. DEALERS IN AGRICULTURAL PRODUCTS.

Subject 40-30-1. GENERAL PROVISIONS.

Rule 40-30-1-.01. Definitions.

The following words or terms shall have the meaning set forth herein when used in these rules and regulations.

(1) "Act" means the laws relating to Dealers in Agricultural Products, Article I of O.C.G.A. 2-9.

(2) The term "Commissioner" as used in these regulations means the Georgia Commissioner of Agriculture or his designated agent.

(3) The term "Director" shall mean the officer who has been lawfully commissioned, appointed and delegated the authority by the Commissioner to administer the Act.

(4) "Agricultural products" includes fruits, vegetables, pecans, and cotton but does not include dairy products, tobacco, grains, eggs, and other basic farm crops.

(5) "Dealer in agricultural products" means any person, association, itinerant dealer, partnership, or corporation engaged in the business of buying, receiving, selling, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer of any agricultural products purchased from the producer or his or her agent or representative or received on consignment from the producer or his or her agent or representative or received to be handled on a net return basis from the producer. The term "dealer in agricultural products" also includes any person buying, selling, processing, or shelling pecan nuts, including any and every kind and variety of pecan nuts.

(6) "Producer" means any producer of agricultural products.

Cite as Ga. Comp. R. & Regs. R. 40-30-1-.01
Authority: O.C.G.A. 2-9-1, et. seq.
History. Original Rule entitled "Definitions" adopted. F. Nov. 6, 2013; eff. Nov. 26, 2013.

Rule 40-30-1-.02. Applicability of Rules.

(1) These rules shall apply to any dealer in agricultural products who comes within the terms of the Act to engage in such business in the State of Georgia.

(2) These rules shall not apply to:

(a) Farmers or groups of farmers in the sale of agricultural products grown by themselves

(b) Persons who buy for cash, paying at the time of purchases in United States currency, certified check, cashier's check, electronic transfer of funds, wire transfer of fund, or the equivalent; or

(c) Holders of food sales establishment licenses issues pursuant to Article 2 of Chapter 2 of Title 26 of the Official Code of Georgia, "Georgia Food Act," who conduct no business at the wholesale level and who have fewer than ten (10) employees.

Cite as Ga. Comp. R. & Regs. R. 40-30-1-.02
Authority: O.C.G.A. 2-9-1, et. seq.
History. Original Rule entitled "Applicability of Rules" adopted. F. Nov. 6, 2013; eff. Nov. 26, 2013.

Rule 40-30-1-.03. Record Keeping.

Any and all ledgers, books of accounts, memoranda, and other documents which relate to dealer in agricultural products transactions shall be kept and made available for examination by the Commissioner at the place or places of business of the dealer in agricultural products applicant or licensee.

Cite as Ga. Comp. R. & Regs. R. 40-30-1-.03
Authority: O.C.G.A. 2-9-1, et. seq.
History. Original Rule entitled "Record Keeping" adopted. F. Nov. 6, 2013; eff. Nov. 26, 2013.

Subject 40-30-2. LICENSING.

Rule 40-30-2-.01. Eligibility.

Every dealer in agricultural products as defined herein, prior to transacting business within the State of Georgia, shall come under the provisions of the Act by complying with the provisions of

the Act and the rules and regulations thereunder. Upon such compliance, any person may be issued a license to operate as Dealer in Agricultural Products, as provided in such license, unless such license is refused by the Commissioner as provided in O.C.G.A. § 2-9-7.

Cite as Ga. Comp. R. & Regs. R. 40-30-2-.01
Authority: O.C.G.A. 2-9-1, et. seq.
History. Original Rule entitled "Eligibility" adopted. F. Nov. 6, 2013; eff. Nov. 26, 2013.

Rule 40-30-2-.02. Requirements.

(1) To qualify for a Dealer in Agricultural Products license, each applicant must submit or provide:

(a) the complete application for a Dealer in Agricultural Products license on a form furnished by the Commissioner which shall state:

(i) The kind or kinds of agricultural products the applicant proposes to handle;

(ii) The full name or title of the applicant or, if the applicant is an association or partnership, the name of each member of such association or partnership or, if the applicant is a corporation, the name of each officer of the corporation;

(iii) The names of the local agent or agents of the applicant, if any; and

(iv) The municipalities within which places of business of the applicant will be located, together with the street or mailing address of each such place of business.

(b) a dealer in agricultural products bond, the requirements of which are provided in the Act and rules and regulations thereunder;

(c) an affidavit executed by the licensee, proposed licensee, or chief executive officer if the licensee or proposed licensee is a business, certifying under penalties of perjury that the dealer in agricultural products bond accurately reflects the amount equal to the maximum amount of products purchased from or sold for Georgia producers or estimated to be purchased or sold in any month by the applicant or licensee; and

(d) an annual licensing fee.

(2) All Dealer in Agricultural Products licenses must be renewed annually. Applications for the annual renewal of license and annual licensing fees must be submitted to the Director at least thirty (30) days prior to the license's expiration each year.

(3) For license renewal, proof of existence and amount of the surety bond held by the licensee must be submitted annually to the Director at least thirty (30) days prior to the license's expiration each year.

Cite as Ga. Comp. R. & Regs. R. 40-30-2-.02
Authority: O.C.G.A. 2-9-1, et. seq.
History. Original Rule entitled "Requirements" adopted. F. Nov. 6, 2013; eff. Nov. 26, 2013.

Rule 40-30-2-.03. Fees.

(1) An annual licensing fee shall be required before a Dealer in Agricultural Products license is issued or renewed.

(2) The license fee for a dealer in agricultural products shall be based upon the amount of the agricultural dealer's surety bond furnished by each dealer pursuant to the requirements of the Act and rules and regulations thereunder as follows:

(a) For bonds in the amount of $10,000.00 to $90,000.00, the license fee is $50;

(b) For bonds in the amount of $90,000.01 to $230,000.00, the license fee is $75; and

(c) For bonds in the amount of $230,000.01 to $500,000.00, the license fee is $100.

Cite as Ga. Comp. R. & Regs. R. 40-30-2-.03
Authority: O.C.G.A. 2-9-1, et. seq.
History. Original Rule entitled "Fees" adopted. F. Nov. 6, 2013; eff. Nov. 26, 2013.

Subject 40-30-3. BONDING.

Rule 40-30-3-.01. Dealer Bond.

(1) Before any Dealer in Agricultural Products license is issued, the applicant shall make and deliver to the Commissioner a surety bond executed by a surety corporation authorized to transact business in this state and approved by the Commissioner.

(2) The surety bond shall be upon a form prescribed or approved by the Commissioner and shall be conditioned to secure the faithful accounting for and payment to producers or their agents or representatives of the proceeds of all agricultural products handled or sold by such dealer.

(4) Whenever the Commissioner shall determine that a previously approved bond has for any cause become insufficient, the Commissioner may require an additional bond or bonds to be given.

(5) Unless the additional bond or bonds are given within the time fixed by written demand therefor, or if the bond of a dealer is canceled, the license of such person shall be immediately revoked by operation of law without notice or hearing and such person shall be ineligible to reapply for such license for a period of four years after such revocation.

(6) In lieu of a surety bond, the Commissioner may accept a cash bond, which shall in all respects be subject to the same claims and actions as would exist against a surety bond.

Cite as Ga. Comp. R. & Regs. R. 40-30-3-.01
Authority: O.C.G.A. 2-9-1, et. seq.
History. Original Rule entitled "Dealer Bond" adopted. F. Nov. 6, 2013; eff. Nov. 26, 2013.

Rule 40-30-3-.02. Amount of Bond.

(1) The surety bond required pursuant to the Act and the rules and regulations therein shall be in an amount equal to the maximum amount of products purchased from or sold for Georgia producers or estimated to be purchased or sold in any month by the dealer in agricultural products.

(2) The minimum amount of such bond shall be $10,000.00 and the maximum amount of such bond shall be $230,000.00, except in the case of pecans for which the maximum amount of such bond shall be $500,000.00.

(3) In the event the maximum amount of products purchased from or sold for Georgia producers or estimated to be purchased or sold in any month by the dealer in agricultural products is less than $10,000.00, the required bond shall be in the amount of $10,000.00.

(4) In the event the maximum amount of products purchased from or sold for Georgia producers or estimated to be purchased or sold in any month by the dealer in agricultural products is greater than $230,000.00, the required bond shall be in the amount of $230,000.00.

(5) In the case of pecans only, in the event the maximum amount of products purchased from or sold for Georgia producers or estimated to be purchased or sold in any month by the dealer in agricultural products is greater than $500,000.00, said dealer shall provide a bond in the amount of $500,000.00.

Cite as Ga. Comp. R. & Regs. R. 40-30-3-.02
Authority: O.C.G.A. 2-9-1, et. seq.
History. Original Rule entitled "Amount of Bond" adopted. F. Nov. 6, 2013; eff. Nov. 26, 2013.

Chapter 40-31. SOIL AMENDMENTS.

Subject 40-31-1. GENERAL PROVISIONS.

Rule 40-31-1-.01. Definitions.

As used in this Chapter, the term:

(1) "Adulterated" means any soil amendment:

(a) Which contains any deleterious or harmful agent in sufficient quantity to be injurious to beneficial plants, animals, or aquatic life when applied in accordance with the directions for use shown on the label;

(b) Whose composition differs substantially from that offered in support of registration or shown on the label;

(c) Which contains noxious weed seed.

(2) "Applicant" means the owner or operator of a site who either applies or contracts for the applying of a soil amendment;

(3) "Bulk" means in non-packaged form;

(4) "Commissioner" means the Georgia Commissioner of Agriculture;

(5) "Compost" means a biologically stable material derived from the composting process;

(6) "Composting" means the controlled biological decomposition of organic matter accomplished by mixing and piling in a way to promote aerobic decay and inhibit pathogens, viable weed seeds, and odors;

(7) "Distribute" means to import, consign, offer for sale, sell, barter, or otherwise supply a soil amendment to any person in Georgia;

(8) "Distributor" means any person who imports, consigns, offers for sale, sells, barters, or otherwise supplies a soil amendment to any person in Georgia;

(9) "Domestic septage" will have the same meaning defined in Ga. Comp. R. and Regs. 391-3-6-.23;

(10) "Industrial by-product" means any industrial waste which is capable of beneficial use, reuse, or recycling as a soil-amendment;

(11) "Industrial waste" means any discarded material generated through industrial, commercial, mining, manufacturing, or agricultural operations. Industrial waste includes solid, liquid, semisolid, contained gaseous material, or a combination thereof. Industrial waste does not include un-manipulated manure or sewage sludge;

(12) "Label" means the display of written, printed, or graphic matter upon the immediate container of the soil amendment;

(13) "Labeling" means all written, printed, or graphic matter accompanying any soil amendment and all advertisements, brochures, posters, and television, radio, and oral claims used in promoting its sale;

(14) "Mulch" means any organic or inorganic soil surface cover used to help retain moisture longer in the soil by impeding evaporation, to act as a physical barrier to discourage weed growth, to help maintain a constant temperature by insulating the soil, to discourage runoff and soil erosion by shielding the soil surface from water abrasion, to promote water absorption and retention, or some other similar purpose. Mulch is a soil amendment only when its product labeling claims to be a soil amendment or provides directions for incorporation into the soil;

(15) "Other ingredients" means non-soil-amending ingredients present in a soil amendment;

(16) "Owner" means any person owning land where a soil amendment will be or is applied;

(17) "Percent" or "Percentage" means the parts per 100 by weight;

(18) "Person" means an individual, partnership, association, corporation, or other organized body;

(19) "Processed" means deliberately treated or manipulated to modify or transform physical, chemical, or biological characteristics of the natural state of the substance;

(20) "Product name" means the designation under which a soil amendment is offered for distribution;

(21) "Registrant" means any person who registers a soil amendment under these rules;

(22) "Sewage sludge" will have the same meaning defined in Ga. Comp. R. and Regs. 391-3-6-.17;

(23) "Soil-amending ingredient" means a substance which will improve the soil's physical, chemical, biochemical, biological, or other characteristics;

(24) "Soil amendment" means any substance intended for changing the characteristics of soil or other growth medium for the purposes of: increasing penetrability of water or air; increasing water-holding capacity; alleviating or decreasing soil compaction; or otherwise altering the soil or other medium in such manner that the physical properties are materially enhanced. The term "soil amendment" does not include any substance for which nutritional claims are made, such as, but not limited to, commercial fertilizers, liming materials, or un-manipulated vegetable, or animal manures. With respect to sewage sludge, the term "soil amendment" will only include "exceptional quality

sludge" and "Class A Sewage Sludge", as those terms are defined and used in Ga. Comp. R. and Regs. 391-3-6-.17;

(25) "Un-manipulated manure" means the excreta of animals when not artificially mixed with any material other than that which has been used for bedding, sanitary, or feeding purposes for the manure-producing animals or for the preservation of the manure, or when the excreta has not been subjected to processing other than composting, and provided such composted products are distributed in bulk only;

(26) "Value" means a product's marketability.

Cite as Ga. Comp. R. & Regs. R. 40-31-1-.01
Authority: O.C.G.A. § 2-12-70, *et seq*.
History. Original Rule entitled "Soil Amendment Sampling" adopted. F. May 16, 2017; eff. June 5, 2017.
Repealed: New Rule entitled "Definitions" adopted. F. Nov. 12, 2019; eff. Dec. 2, 2019.

Rule 40-31-1-.02. Prohibitions.

(1) Prohibition regarding registration - In addition to all other requirements set forth by O.C.G.A. § 2-12-70, *et seq*., and this subject, a person must not register domestic septage as a soil amendment or register an industrial by-product mixed with any amount of domestic septage as a soil amendment.

(2) Prohibitions regarding distribution - In addition to all other requirements set forth by O.C.G.A. § 2-12-70, *et seq*., and this subject, a person must not:

(a) distribute an unregistered soil amendment;

(b) distribute an unlabeled or improperly labeled soil amendment;

(c) distribute a misbranded soil amendment; or

(d) distribute an adulterated soil amendment.

(3) Prohibitions regarding application - In addition to all other requirements set forth by O.C.G.A. § 2-12-70, *et seq*., and this subject, a person must not:

(a) apply an adulterated soil amendment derived from an industrial by-product;

(b) apply a soil amendment derived from an industrial by-product produced by a restaurant, kitchen, slaughterhouse, or food processing facility or from an industrial by-product which contains animal, fruit, or vegetable matter, liquid or otherwise, in any manner other than subsurface injection at a rate which leaves no significant amount of soil amendment on the soil's surface within one hour following injection; or

(c) apply a soil amendment derived from an industrial by-product in a manner which harms beneficial plants, animals, or aquatic life.

(4) Additional prohibitions - In addition to all other requirements set forth by O.C.G.A. § 2-12-70, *et seq*., and this subject, a person must not:

(a) utilize a pit or lagoon for storage of a soil amendment derived from sewage sludge or an industrial by-product produced by a restaurant, kitchen, slaughterhouse, or food processing facility or from an industrial by-product which contains animal, fruit, or vegetable matter, liquid or otherwise, which does not meet the design and construction criteria prescribed by Natural Resources Conservation Service standard practices acceptable to the Commissioner;

(b) transport or store a soil amendment derived from an industrial by-product or sewage sludge in a manner which fails to prevent the falling, leaking, spilling, or leaching of the soil amendment;

(c) fail to produce complete and accurate records as required under this subject;

(d) fail to comply with a stop sale, use, or removal order; or

(e) store a soil amendment derived from an industrial by-product or sewage sludge on an application site for longer than 180 days, unless prior written approval has been received from the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 40-31-1-.02
Authority: O.C.G.A. §§ 2-12-73, 2-12-76, 2-12-77, 2-12-80, 2-12-81.
History. Original Rule entitled "Prohibitions" adopted. F. Nov. 12, 2019; eff. Dec. 2, 2019.

Rule 40-31-1-.03. Sampling and Analysis.

(1) The Commissioner or his duly designated agent is authorized to collect samples of a soil amendment upon demand without charge or cost from any public or private premises within this state in which a soil amendment is manufactured, processed, packed, stored, distributed, held for distribution, applied, or held for application and from any vehicle used to transport, hold, or apply such a soil amendment. Methods of sampling will be those prescribed by the Commissioner.

(2) The methods of analysis and sampling must be those prescribed by the Commissioner from sources such as the AOAC International or other sources acceptable to the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 40-31-1-.03
Authority: O.C.G.A. §§ 2-12-78, 2-12-80.

History. Original Rule entitled "Sampling and Analysis" adopted. F. Nov. 12, 2019; eff. Dec. 2, 2019.

Rule 40-31-1-.04. Registration and Renewal.

(1) Each registrant of a soil amendment must submit a copy of each soil amendment's label to the Commissioner alongside the registration request.

(2) The Commissioner may rely on outside sources, such as but not limited to, research agronomists, crop and soil scientists, the Georgia Cooperative Extension Service, and the Georgia Experiment Station of the University of Georgia for assistance and advice in evaluating data submitted.

(3) The registrant must identify a soil amendment as "derived from an industrial by-product" in the registration application if the soil amendment contains any amount of industrial by-product. In addition to the requirements identified in (1) above, the registrant of a soil amendment derived from an industrial by-product must also submit the following as part of the registration request:

   (a) The SIC Code or NAICS Code of every industry producing industrial by-product which has been incorporated into the soil amendment;

   (b) A description of the soil amendment and the industry process or processes producing industrial by-product which has been incorporated into the soil amendment;

   (c) The intended use of the soil amendment and the suitable rates and frequency of application to a site; and

   (d) A current representative analysis of the soil amendment.

(4) The registrant must identify a soil amendment as "derived from sewage sludge" in the registration application if the soil amendment contains any amount of sewage sludge. In addition to the requirements identified in (1) above, the registrant of a soil amendment derived from sewage sludge must also submit the following as part of the registration request:

   (a) The classification of all sewage sludge which has been incorporated into the soil amendment, as set forth in Ga. Comp. R. and Regs. 391-3-6-.17;

   (b) The identification of each facility generating sewage sludge which has been incorporated into the soil amendment;

   (c) The intended use of the soil amendment and the suitable rates and frequency of application to a site; and

   (d) A current representative analysis of the soil amendment.

(5) A registrant seeking renewal of a soil amendment derived from an industrial by-product or a soil amendment derived from sewage sludge must include a current representative analysis with the renewal request only if the soil amendment or the process or processes generating the soil amendment have changed since registration.

(6) The Commissioner will review every new registration request and renewal request for soil amendments derived from industrial by-products for value. A determination of no value will result in the denial of registration.

(7) To be considered a "current representative analysis", such analysis must have been conducted within six months of submission. Each analysis must be performed on a dry weight basis and conducted by an accredited laboratory exercising good laboratory practices. Results from each laboratory analysis must appear on the laboratory's letterhead and indicate the specific analytical method utilized. Based upon the uniqueness of the waste and the extent to which the relevant properties and characteristics of the waste have been previously studied, additional tests and analysis may be required to fully characterize the waste product and its suitability for distribution and application to agricultural lands and homeowners' properties.

(8) Registration of a soil amendment with the Commissioner does not entitle a person using the product to violate laws or regulations administered by another authority holding jurisdiction, including but not limited to solid waste handling regulations and water quality control regulations administered by the Environmental Protection Division of the Department of Natural Resources.

Cite as Ga. Comp. R. & Regs. R. 40-31-1-.04
Authority: O.C.G.A. §§ 2-12-73, 2-12-80.
History. Original Rule entitled "Registration and Renewal" adopted. F. Nov. 12, 2019; eff. Dec. 2, 2019.

Rule 40-31-1-.05. Labeling.

(1) Each soil amendment label must include the following:

(a) The product name;

(b) A statement of product benefit;

(c) The concentration of active and inert ingredients;

(d) Recommended directions for use;

(e) The net weight or volume; and

(f) The name and address of the registrant.

(2) Any soil amendment distributed in a bulk shipment must be accompanied by a label which must accompany the delivery and be available to the person supplied with the soil amendment at the time of delivery.

(3) Information or a statement must not appear on any package, label, delivery slip, or advertising matter which is false or misleading to the purchaser as to the use, value, quality, analysis, type, or composition of the soil amendment.

Cite as Ga. Comp. R. & Regs. R. 40-31-1-.05
Authority: O.C.G.A. §§ 2-12-76, 2-12-80.
History. Original Rule entitled "Labeling" adopted. F. Nov. 12, 2019; eff. Dec. 2, 2019.

Rule 40-31-1-.06. Records.

(1) Each person who distributes a soil amendment derived from an industrial by-product or sewage sludge in Georgia must maintain records of each distribution. Each distribution record must be maintained for one year and must be made available to the Commissioner or the Commissioner's designated agent immediately upon demand. Each distribution record must include the following:

(a) Product name of each distributed soil amendment;

(b) Quantity in English or metric units of each distributed soil amendment;

(c) Date and time of distribution;

(d) Name and contact information, including phone number and email address, of person supplying the soil amendment, if different from the distributor; and

(e) Name and contact information of each person receiving the soil amendment.

Cite as Ga. Comp. R. & Regs. R. 40-31-1-.06
Authority: O.C.G.A. §§ 2-12-75, 2-12-80.
History. Original Rule entitled "Records" adopted. F. Nov. 12, 2019; eff. Dec. 2, 2019.

Rule 40-31-1-.07. Tonnage Reports.

(1) Any registrant who distributes a soil amendment in Georgia must file a semiannual report to the nearest whole ton to the Commissioner covering soil amendments distributed within Georgia in containers over 10 pounds in weight, and in bulk, and must submit the tonnage fee calculated at $0.30 per ton for the tonnage distributed to non-registrants. This report must include the following:

(a) Registrant's name, address, telephone number, and email address;

(b) Name, title, and signature of registrant's representative;

(c) Total tonnage of each registered soil amendment distributed by the registrant during the semiannual period; and

(d) Total combined tonnage of all registered soil amendments distributed by the registrant during the semiannual period.

(2) All tonnage reports and tonnage fees must be provided to the Commissioner no later than the thirtieth (30th) day after the end of the semiannual period, as follows:

(a) For the period January 1 through June 30 due July 30

(b) For the period July 1 through December 31 due January 30

(3) Tonnage reports filed with the Commissioner and lacking any of the required information will be considered incomplete and the registrant which filed the report will be considered in violation if the report is not complete or the tonnage fee is not received by the Commissioner on or before the due date listed above.

Cite as Ga. Comp. R. & Regs. R. 40-31-1-.07
Authority: O.C.G.A. §§ 2-12-75, 2-12-80.
History. Original Rule entitled "Tonnage Reports" adopted. F. Feb. 24, 2021; eff. Mar. 16, 2021.

Chapter 40-32. HEMP GROWERS AND PROCESSORS.

Subject 40-32-1. GENERAL PROVISIONS.

Rule 40-32-1-.01. Authority and Purpose of Rules.

Pursuant to the authority vested in the Georgia Department of Agriculture under the Georgia Hemp Farming Act, O.C.G.A. § 2-23-1 et. seq., the purpose of these Rules is to establish the standards, practices, procedures, and requirements for growing and processing hemp in Georgia.

Cite as Ga. Comp. R. & Regs. R. 40-32-1-.01
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Authority and Purpose of Rules" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Rule 40-32-1-.02. Definitions.

Words used in these Rules in the singular form will be deemed to impart the plural, and vice versa, as the case may demand. For the purposes of these Rules, unless the context otherwise requires, the following terms will be construed, respectively, to mean:

(1) "Acceptable hemp THC level" - when a laboratory tests a sample, it must report the total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis and the measurement of uncertainty. The acceptable hemp THC level is when the application of the measurement of uncertainty to the reported total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis produces a distribution or range that includes 0.3% or less. For example, if the reported total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis is 0.35% and the measurement of uncertainty is +/- 0.06%, the measured total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis for this sample ranges from 0.29% to 0.41%. Because 0.3% is within the distribution or range, the sample is within the acceptable hemp THC level for the purpose of compliance.

(2) "Agricultural Marketing Service" or "AMS" - the Agricultural Marketing Service of the United States Department of Agriculture.

(3) "Applicant" - a person or entity that submits an application for a Hemp Grower License or a Hemp Processor Permit. An application for an entity may be submitted by a person serving in an official capacity for the entity or by an agent who is authorized to sign for the entity.

(4) "Application" - the necessary and required written request which must be submitted to the Department by an applicant, as required by the Department, and which includes, but may not be limited to, all requirements of O.C.G.A. §§ 2-5-1 through 2-5-4.1 as stated therein.

(5) "Cannabis" - A genus of flowering plants in the family Cannabaceae of which Cannabis sativa is a species, and Cannabis indica and Cannabis ruderalis are subspecies thereof. Cannabis refers to any form of the plant in which the total delta-9 tetrahydrocannabinol concentration on a dry weight basis has not yet been determined.

(6) "Commercial sale" - the sale of a product in the stream of commerce at retail, at wholesale, and online.

(7) "Commissioner" - the Georgia Commissioner of Agriculture.

(8) "Controlled Substances Act" or "CSA" - the federal Controlled Substances Act as codified in 21 U.S.C. 801 et seq.

(9) "Conviction" - a final judgment of conviction entered upon a verdict or finding of guilty of a crime or upon a plea of guilty.

(10) "Corrective Action Plan" - a plan established by the Department for a Licensee or Permittee to correct negligent violations of or non-compliance with the Georgia Hemp Farming Act or these Rules.

(11) "Covered growing facility" - a greenhouse, building or other structure identified by a licensee as a grow site and not used for residential purposes.

(12) "Culpable mental state greater than negligence" - to act intentionally, knowingly, willfully, or recklessly.

(13) "Cultivate" - means to plant, water, grow, and harvest a plant or crop for commercial use.

(14) "Decarboxylated" - the completion of the chemical reaction that converts THC-acid (THC-A) into delta-9-THC, the intoxicating component of cannabis. The decarboxylated value is also calculated using a molecular mass conversion ratio that sums delta-9 THC and eighty-seven and seven tenths (87.7) percent of THC-acid ((delta-9 THC) + (0.877 * THCA)).

(15) "Decarboxylation" - the removal or elimination of carboxyl group from a molecule or organic compound.

(16) "Delta-9 tetrahydrocannabinol" or "Delta-9 THC" - the primary psychoactive component of cannabis. For the purposes of this part, delta-9 THC and THC are interchangeable.

(17) "Department" - the Georgia Department of Agriculture, its agent(s), or its designee(s).

(18) "Dispose" or "Disposal" - an activity that transitions the non-compliant cannabis or cannabis product into a non-retrievable or non-ingestible form. Such activities include plowing, tilling, or disking plant material into the soil; mulching, composting, chopping, or bush mowing plant material into green manure; burning plant material; and burying plant material into the earth and covering with soil.

(19) "Drug Enforcement Administration" or "DEA" - the United States Drug Enforcement Administration.

(20) "Dry weight basis" - the ratio of the amount of moisture in a sample to the amount of dry solid in a sample. A basis for expressing the percentage of a chemical in a substance after removing the moisture from the substance. Percentage of THC on a dry weight basis means the percentage of THC, by weight, in a cannabis item (plant, extract, or other derivative), after excluding moisture from the item.

(21) "Entity" - a corporation, joint stock company, association, limited partnership, limited liability partnership, limited liability company, irrevocable trust, estate, charitable organization, or other similar organization, including any such organization participating in the hemp production as a partner in a general partnership, a participant in a joint venture, or a participant in a similar organization.

(22) "Farm Service Agency" or "FSA" - the Farm Service Agency of the United States Department of Agriculture.

(23) "Federal Criminal History Report" - the Federal Bureau of Investigation's Identity History Summary.

(24) "Federally defined THC level for hemp" - a delta-9-THC concentration of not more than 0.3 percent on a dry weight basis, or as defined in 7 U.S.C. Section 1639o, whichever is greater.

(25) "Gas chromatography" or "GC" - a type of chromatography in analytical chemistry used to separate, identify, and quantify each component in a mixture. GC relies on heat for separating and analyzing compounds that can be vaporized without decomposition.

(26) "Georgia Hemp Farming Act" - the Georgia law authorizing the Department to regulate hemp growers and processors, as provided in O.C.G.A. § 2-23-1 et. seq.

(27) "Geospatial location" or "GPS coordinates" - a location designated through a global system of navigational satellites used to determine the precise ground position of a place or object.

(28) "Grow site" - a contiguous lot, parcel, or tract of land identified in an approved Hemp Grower License on which a Licensee cultivates or intends to cultivate hemp. A Grow Site may include fields or covered growing facilities, as well as land and buildings that are not used to cultivate hemp. Each lot, parcel, or tract of land separated by a barrier or buffer of at least twelve feet (12') in width will be considered a separate Grow Site.

(29) "Handle" - to possess, dry, or store hemp plants for any period of time on premises owned, operated, or controlled by a person licensed to cultivate or permitted to process hemp, or to possess or store hemp plants in a vehicle for any period of time other than during the actual transport of such plants from the premises of a person licensed to cultivate or permitted to process hemp or a college or university authorized to conduct research pursuant to Code Section 2-23-4 to the premises of another licensed or permitted person or to a college or university authorized to conduct research pursuant to Code Section 2-23-4; provided, however, that this term does not include possessing or storing finished hemp products.

(30) "Harvest" - means the process of cutting, collecting, or otherwise removing, by hand or machinery, all or part of a live hemp plant, including but not limited to cuttings, flowers, foliage, or seeds, from their habitat in a field or covered growing facility.

(31) "Hemp" - the Cannabis sativa L. plant and any part of such plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with the federally defined THC level for hemp or a lower level.

(32) "Hemp Crop" - one (1) or more unprocessed hemp plant(s) or plant parts.

(33) "Hemp Grower License" or "Grower License" - a license issued by the Department under the authority of the Georgia Hemp Farming Act authorizing a person to handle and cultivate hemp in the State of Georgia

(34) "Hemp Processor Permit" or "Processor Permit" - a permit issued by the Department under the authority of the Georgia Hemp Farming Act authorizing a person to handle and process hemp in the State of Georgia.

(35) "Hemp Product" - all products with the federally defined THC level for hemp derived from, or made by, processing hemp plants or plant parts that are prepared in a form available for commercial sale, but not including food products infused with THC unless approved by the United States Food and Drug Administration.

(36) "Information sharing system" - the database that allows USDA to share information collected under State, Tribal, and USDA plans with Federal, State, Tribal, and local law enforcement.

(37) "Key participant" - a sole proprietor, a partner in partnership, a person with executive managerial control in any entity, or persons who have a direct financial interest in the entity producing hemp. A person with executive managerial control includes, but is not limited to, persons such as a chief executive officer, chief operating officer, and chief financial officer. This definition does not include non-executive managers such as farm, field, or shift managers.

(38) "Law enforcement" or "Law enforcement agency"- any Federal, State, or local law enforcement agency.

(39) "Licensee" - an individual or business entity possessing a Hemp Grower License issued by the Department under the authority of the Georgia Hemp Farming Act to handle and cultivate hemp for commercial purposes in the State of Georgia.

(40) "Live Hemp Plant" - for purposes of these Rules, any whole or propagative part of the cannabis plant capable or intended for propagation or growth, including living cannabis flowers and plants, immature plants, and vegetative stage plants, but excluding cannabis seeds.

(41) "Lot" - a contiguous area in a field or covered growing facility containing the same variety or strain of cannabis throughout the area.

(42) "Measurement of Uncertainty" or "MU" - the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.

(43) "Negligence" - failure to exercise the level of care that a reasonably prudent person would exercise in complying with the Georgia Hemp Farming Act and these Rules.

(44) "Permittee" - an individual or business entity possessing a Hemp Processor Permit issued by the Department under the authority of the Georgia Hemp Farming Act to handle and process hemp in the State of Georgia.

(45) "Person" - a natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association, or other form of legal business entity, as well as a state or local government entity.

(46) "Phytocannabinoid" - cannabinoid chemical compounds found in the cannabis plant, two of which are Delta-9 tetrahydrocannabinol (delta-9 THC) and cannabidiol (CBD).

(47) "Postdecarboxylation" - in the context of testing methodologies for THC concentration levels in hemp, means a value determined after the process of decarboxylation that determines the total potential delta-9 tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis. The postdecarboxylation value of THC can be calculated by using a chromatograph technique using heat, gas chromatography, through which THCA is converted from its acid form to its neutral form, THC. Thus, this test calculates the total potential THC in a given sample. The postdecarboxylation value of THC can also be calculated by using a liquid chromatograph technique, which keeps the THCA intact. This technique requires the use of the following conversion: [Total THC = (0.877 x THCA) + THC] which calculates the potential total THC in a given sample. See the definition for decarboxylation.

(48) "Process" or "processing" - converting an agricultural commodity, including hemp, into a legally marketable form. This definition does not include:

1. Merely placing raw or dried material into another container or packaging raw or dried material for resale; or

2. Traditional farming practices such as those commonly known as drying, shucking and bucking, storing, trimming, and curing.

(49) "Produce" - to grow hemp plants for market, or for cultivation for market, in the United States.

(50) "Product lot" - a specific quantity of finished hemp products having uniform character and quality within specified limits.

(51) "Remediate" or "Remediation" - the process of rendering non-compliant cannabis, compliant. Remediation can occur by removing and destroying flower material, while retaining stalk, stems, leaf material, and seeds. Remediation can also occur by shredding the entire plant into a biomass like material, then re-testing the shredded biomass material for compliance.

(52) "Residential Purposes" - use or intended use of a building or portion thereof, including but not limited to apartments, townhomes, and other multi-family structures, for occupancy by one or more persons for living, sleeping, cooking, or eating.

(53) "Reverse distributor" - a person who is registered with the DEA in accordance with 21 CFR 1317.15 to dispose of marijuana under the Controlled Substances Act.

(54) "Secretary" - the United States Secretary of Agriculture.

(55) "THC" - tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid.

(56) "Total THC" - the value determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation, that expresses the potential total delta-9 tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis. This post-decarboxylation value of THC can be calculated by using a chromatograph technique using heat, such as gas chromatography, through which THCA is converted from its acid form to its neutral form, THC. Thus, this test calculates the total potential THC in a given sample. The total THC can also be calculated by using a liquid chromatograph technique, which keeps the THCA intact. This technique requires the use of the following conversion: [Total THC = (0.877 x THCA) + THC] which calculates the potential total THC in a given sample.

(57) "USDA" - the United States Department of Agriculture.

(58) "Variety" - a group of plants or an individual plant that exhibits distinctive observable physical characteristic(s) or has a distinct genetic composition. For purposes of these Rules, "variety" is synonymous and interchangeable with "strain".

(59) "Volunteer cannabis plant" - any cannabis plant that: (a) Grows of its own accord from seeds or roots in the years following an intentionally planted cannabis crop; and (b) Is not intentionally planted.

Cite as Ga. Comp. R. & Regs. R. 40-32-1-.02
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Definitions" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022

Rule 40-32-1-.03. Compliance with Federal Law.

Nothing in these Rules will be construed as authorizing any person to violate any Federal law or regulation.

Cite as Ga. Comp. R. & Regs. R. 40-32-1-.03
Authority: O.C.G.A. § 2-23-12.

History. Original Rule entitled "Compliance with Federal Law" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Rule 40-32-1-.04. Georgia Hemp Plan - Incorporation by Reference.

Pursuant to the requirements of O.C.G.A. § 2-23-11, the Georgia Department of Agriculture, in consultation with the Governor and Attorney General, has submitted to the Secretary of Agriculture of the United States a plan under which the Department intends to regulate hemp production in Georgia. Upon approval of the Georgia Hemp Plan, or an amended plan, by the Secretary of Agriculture, such plan will be deemed incorporated into these Rules by reference. The approved plan will be posted on the Department's website at agr.georgia.gov.

Cite as Ga. Comp. R. & Regs. R. 40-32-1-.04
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Georgia Hemp Plan - Incorporation by Reference" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Rule 40-32-1-.05. Consultation with the Georgia Bureau of Investigation.

Pursuant to the requirements of O.C.G.A. § 2-23-12, these Rules, which are necessary to implement the provisions of the Georgia Hemp Farming Act, have been developed in consultation with the Georgia Bureau of Investigation.

Cite as Ga. Comp. R. & Regs. R. 40-32-1-.05
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Consultation with the Georgia Bureau of Investigation" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Rule 40-32-1-.06. Severability.

If any provision of these Rules or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of these Rules which can be given effect without the invalid provisions or application. To this end all provisions of these sections are declared to be severable.

Cite as Ga. Comp. R. & Regs. R. 40-32-1-.06
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Severability" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Subject 40-32-2. HEMP GROWERS.

Rule 40-32-2-.01. Application for Hemp Grower License.

(1) Any person desiring to cultivate and handle hemp in Georgia must submit a complete and accurate Hemp Grower License Application online at the Department's website, agr.georgia.gov.

(2) Any person producing or intending to produce hemp must have a valid Hemp Grower License prior to receiving, producing, cultivating, handling, or storing hemp. A valid license means that the license has been issued and is unexpired, unsuspended, and unrevoked.

(3) As part of the Hemp Grower License Application, each applicant must submit to the Department the following:

(a) An annual Hemp Grower License fee of $50.00 per acre cultivated up to a maximum application fee of $5,000.00;

1. The applicant must provide the maximum total acres of hemp intended to be cultivated in fields during the relevant licensing period.

2. Applicants cultivating hemp in covered growing facilities must identify the maximum number and size, in square footage, of covered growing facilities intended to be used for cultivation during the relevant licensing period.

3. The license fee will not be prorated for fractions of acres. Fractional acreage will be rounded up to the next whole number for fee calculation purposes.

4. Each covered growing facility in which hemp is cultivated will be considered a separate acre for fee calculation purposes. Acreage calculations for each covered growing facility will be determined on a 43,560 square-foot basis.

5. Any Licensee who cultivates more acreage than is listed on the Hemp Grower License Application will be deemed to have violated their Hemp Grower License and will be subject to enforcement under the Georgia Hemp Farming Act and these Rules.

(b) Contact information including, but not limited to:

1. Name;

2. Street Address;

3. Mailing Address;

4. Telephone Number; and

5. Email Address.

(c) If the applicant is a business entity, information including, but not limited to:

1. Legal business name or trade name;

2. Business structure type;

3. Address of the principal business location;

4. Primary contact information;

5. Current Certificate of Existence obtained through the Georgia Secretary of State's Office;

    i. If an applicant is an entity formed in a foreign jurisdiction, including a different State, it must submit an equivalent certificate of existence from its home jurisdiction, as well as a Georgia Certificate of Authority to conduct business.

6. Employer Identification Number (EIN); and

7. Name, title, and current primary contact information, including telephone number and email address, for each owner, key participant, and person holding a beneficial interest in the Hemp Grower License for which an application is being made.

(d) Information sufficient for locating fields and covered growing facilities to be used to cultivate and harvest hemp, specifically;

1. If hemp is cultivated or is intended to be cultivated in a field:

    i. A legal description, obtained from the relevant county courthouse property records, of land on which hemp will be cultivated or handled;

    ii. GPS coordinates provided in decimal of degrees and taken at the approximate center of each Grow Site; and

    iii. An aerial map or photograph that clearly shows the boundaries and dimensions of each Grow Site in acres or square feet.

2. If hemp is cultivated or is intended to be cultivated in a covered growing facility:

    i. A legal description, obtained from the relevant county courthouse property records, of land on which hemp will be cultivated or handled;

    ii. GPS coordinates provided in decimal of degrees and taken at the approximate entrance of the covered growing facility composing the Grow Site;

iii. The approximate dimension or square feet of the covered growing facility composing the Grow Site; and

iv. An aerial map or photograph that clearly shows the boundaries and dimensions of each Grow Site in acres or square feet.

(e) Information sufficient for locating hemp storage facilities including, but not limited to:

1. A legal description, obtained from the relevant county courthouse property records, of land on which hemp will be stored;

   i. A licensee need not identify a field as a storage facility to the extent that a licensee leaves harvested hemp to ret in a field. However, a licensee must identify a field as a storage facility if the licensee intends to bail or otherwise prepare the hemp for long term storage in the field.

2. GPS coordinates provided in decimal of degrees and taken at the approximate entrance of each storage facility;

3. The approximate dimension or square feet of each storage facility; and

4. An aerial map or photograph that clearly shows the boundaries and dimensions of each storage facility.

(f) An attestation that property to be used for the cultivation, handling, or storage of hemp is not used for residential purposes.

(g) Written consent allowing representatives of the Department, the Georgia Bureau of Investigation, and other federal, state, and local law enforcement agencies to enter all premises where hemp is being cultivated, harvested, or handled for the purpose of conducting physical inspections and ensuring compliance with the requirements of the Georgia Hemp Farming Act and these Rules;

(h) An acknowledgement of the Grower License Terms and Conditions;

(i) An attestation that the applicant owns or has legal permission to cultivate, handle, or store hemp on property listed on the application; and

1. For purposes of satisfying this requirement, sufficient ownership of property or legal permission to cultivate, handle, or store hemp on property includes property specifically deeded or leased to the respective applicant, whether an individual or entity, use of which will not be in violation of local zoning or other real estate ordinances.

(j) Any other information, disclosure, or documents required to be submitted by Georgia or Federal law or regulation.

(4) Upon receipt of an otherwise complete application for a Hemp Grower License, the Department will conduct a criminal background check and obtain a federal criminal history report for the applicant or, if the applicant is a business entity, all key participants, as outlined below:

(a) At least one set of classifiable electronically recorded fingerprints of the individual applicant or, if the applicant is a business entity, one set of classifiable electronically recorded fingerprints of each key participant must be submitted to the Department in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation.

(b) The Department will transmit the fingerprints to the Georgia Crime Information Center, which will submit the fingerprints to the Federal Bureau of Investigation for a search of bureau records and generation of an appropriate report, and the Georgia Crime Information Center will promptly conduct a search of state records based upon the fingerprints and generate an appropriate report.

(c) After receiving reports from the Georgia Crime Information Center and the Federal Bureau of Investigation, the Department will review the record for all individuals or key participants, as applicable.

(5) Hemp Grower Licenses will be issued on January 1 of each year, or otherwise when approved by the Department.

(6) Hemp Grower Licenses will expire on December 31 of each year unless suspended, cancelled, or revoked at an earlier date.

(7) A current and valid Hemp Grower License may be renewed by submitting a renewal application, annual license fee, annual criminal background checks dated within 60 days prior to the renewal application submission date, and all other required information online at the Department's website, agr.georgia.gov, by December 1 of each year.

(a) A Licensee may not renew their Hemp Grower License until they have submitted all required Disposal or Remediation Reports and their Annual Report.

(b) A Licensee that begins, but does not finalize, a renewal application of its Hemp Grower License within 60 days of January 1 of a given year, must subsequently complete a full application as if applying for the first time.

(8) A Licensee may request select changes to a Hemp Grower License. To request a change to a Hemp Grower License, the Licensee must, at least ten (10) calendar days prior to making the change, provide written notice of the proposed change to the Department via e-mail to hemp@agr.georgia.gov, or submit the proposed changes on the Department's

website used to administer Hemp Grower Licenses. Changes to a Grower License in accordance with such written notice and updated information will be valid only upon the Department's approval. No such change will exempt a Licensee from compliance with all requirements of a Grower License, including acceptable background checks for all key participants.

Licensees may request changes to the following:

(a) The information originally submitted in Licensee's Grower License application in satisfaction of Rules 40-32-2-.01(3)(b), (c), (d), and (e).

1. If a Licensee provides written notice and updated information regarding additional acreage, different Grow Sites locations, or different storage locations where Licensee intends to cultivate, handle, or store hemp, Licensee must submit payment for any additional acreage within ten (10) days of the Department's approval of the requested change.

2. Changes reflecting a reduction in cultivated field or covered growing facility acreage will not entitle a Licensee to a refund of previously paid fees.

3. Licensees will be limited to a maximum of three (3) changes per calendar year made in accordance with this Rule 40-32-2-.01(8)(a).

(b) Prior to any change in a Licensee's key participants, the Licensee must submit a proposed change to the Grower License reflecting the change of key participant. The Department will conduct a background check on new key participants in accordance with Rule 40-32-2-.01(4).

(9) Any person who materially falsifies any information contained in an application for a Hemp Grower License will be ineligible to receive a Hemp Grower License or otherwise participate in the Georgia Hemp Program.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.01
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Application for Hemp Grower License" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-2-.02. Grower License Terms and Conditions.

Each Licensee must acknowledge and agree to the terms and conditions governing the Hemp Grower License which include, but are not limited to, the following:

(1) Except as explicitly provided for in these Rules or corrections of typographical errors approved by the Department, no alterations will be allowed to any Hemp Grower License or to any Grow Site once approved.

(2) The Licensee must notify the Department, via e-mail to hemp@agr.georgia.gov, of any theft or loss of hemp or hemp materials, whether growing or not, within forty-eight (48) hours of the discovery of such theft or loss.

(3) The Licensee must report any felony convictions or misdemeanor convictions, of itself or any of its key participants, relating to controlled substances under Georgia law or under Federal law to the Department, via e-mail to hemp@agr.georgia.gov, within five (5) calendar days of receiving notice of such conviction.

(4) The Licensee must notify the Department, via e-mail to hemp@agr.georgia.gov, within ten (10) calendar days of the following:

   (a) A disciplinary proceeding or enforcement action by another government entity that may affect the Licensee's business; and

   (a) Temporary closures of more than thirty (30) calendar days or permanent closure of any Grow Site or storage facility.

(5) Any information provided to the Department may be publicly disclosed in accordance with the Georgia Open Records Act (O.C.G.A. § 50-18-70 et. seq.) and may be provided to law enforcement agencies without further notice to the applicant.

(6) No Hemp Grower License shall be issued to any applicant who has been convicted of a misdemeanor involving the sale of or trafficking in a controlled substance or a felony or who materially falsifies any information contained in a license application. Each owner, key participant, and person holding a beneficial interest in the Licensee will be subject to this restriction for purposes herein.

(7) No person will be issued more than one Hemp Grower License, nor will any person be permitted to have a beneficial interest in more than one Hemp Grower License, regardless of the degree of such interest, as provided in O.C.G.A. § 2-23-5.

(8) Hemp Grower Licenses cannot be sold, assigned, transferred, pledged, or otherwise disposed of, alienated, or encumbered to or by another person, business, individual, or entity.

(9) The Licensee must have the legal right to cultivate hemp on the Grow Site(s) listed on the Hemp Grower License and must have the legal authority to grant the Department physical access to all land and buildings for inspection and sampling purposes. Legal authority includes, but is not limited to, clear title, necessary easements, necessary licenses, and/or current leases.

(10) The Licensee must allow and fully cooperate with all required sampling, testing, audits, and inspections.

(11) The Licensee must provide for a right of way or other access point allowing the Department and law enforcement agencies to access the licensed Grow Site(s).

(12) The Licensee must maintain all records, documents, or information and make all reports within the applicable time frames as required in these Rules.

(13) Hemp must not be cultivated, handled, harvested, or stored in any location that is not listed in the Hemp Grower License.

(14) The Licensee must scout and monitor unlicensed fields for volunteer cannabis plants and dispose of those volunteer cannabis plants for three (3) years past the last date of planting reported to the Department. In fulfilling Licensee's obligation under this Rule, Licensee is not required to enter property for which it does not have a legal right to enter.

(15) The Department will require disposal, without compensation, of plants located in an area that is not licensed by the Department as well as plants not accounted for in records required to be maintained by the Licensee.

(16) In the event that a tested official sample for a lot exceeds the acceptable hemp THC level upon its final retest, the Licensee's entire lot with the same GPS coordinates must either be disposed of or remediated in accordance with these Rules.

(17) The Licensee must not handle, dry, process, store, sell, transfer, ship, transport, deliver, distribute, or otherwise provide any cannabis that exceeds the acceptable hemp THC level. The Licensee must ensure that cannabis exceeding the acceptable hemp THC level does not enter the stream of commerce.

(18) The Licensee must ensure that hemp and hemp plant material from one lot is not commingled with hemp or hemp plant material from other lots. Licensees must label or otherwise reasonably identify lots sufficiently to enable Department inspectors or law enforcement to distinguish different lots.

(19) The Licensee must not ship, transport, deliver, or allow Live Hemp Plants and materials produced by the Licensee to be shipped, transported, or otherwise delivered to unlicensed areas including, but not limited to, trade shows, county fairs, educational events, or other events.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.02
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Grower License Terms and Conditions" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-2-.03. Grower Sampling Requirements.

(1) Within 30 days prior to the anticipated harvest of any lot of cannabis plants, the Licensee must have a Department-approved sampling agent collect samples from cannabis plants in the lot for total delta-9 tetrahydrocannabinol concentration level testing.

(a) Notwithstanding any other requirement in these Rules, the following sampling procedures apply to a lot of hemp that is never allowed to flower and that is grown solely to produce cuttings for sale to other licensed growers for propagation:

1. If an official sample taken from such a lot yields an acceptable hemp THC level, the official sample will be deemed sufficient and representative of all additional harvests of cuttings from the same lot within 30 days of the original sample.

2. Cuttings harvested from such a lot more than 30 days after the original sample will require an additional sample, which if yielding an acceptable THC level, will be deemed sufficient and representative of all additional harvests of cuttings from the same lot within 30 days of that subsequent sample.

(2) Sampling will be conducted in accordance with the USDA's most current *Sampling Guidelines for Hemp, U.S. Domestic Hemp Production Program*, which will be made available on the Department's website at agr.georgia.gov.

(3) The method used for sampling must be sufficient at a confidence level of 95 percent that no more than one percent (1%) of the plants in the sampled lot would exceed the acceptable hemp THC level. The method used for sampling must ensure that a representative sample is collected that represents a homogeneous composition of the lot.

(4) During a scheduled sample collection, the Licensee or an authorized representative of the Licensee must be present at the grow site.

(5) The cannabis material to be collected for sampling will be determined by the Department-approved sampling agent, in accordance with the USDA's most current *Sampling Guidelines for Hemp, U.S. Domestic Hemp Production Program*.

(6) The Licensee will be responsible for paying all sampling fees. No compensation will be owed by the Department to the Licensee for any such sampling or for any samples collected by the Department-approved sampling agent.

(7) Only samples taken by a Department-approved sampling agent will be considered official samples.

(8) The Department-approved sampling agent(s) must be provided with complete and unrestricted access during business hours to all hemp and other cannabis plants and material, whether growing or harvested, and all land, buildings, and other structures used

for the cultivation, handling, or storage of all hemp and other cannabis plants, and all locations listed in the Hemp Grower License.

(9) A Licensee must not harvest any cannabis prior to samples being taken.

(10) Only post-harvest samples may be used for remediated biomass.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.03
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Grower Sampling Requirements" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-2-.04. Grower Laboratory Testing Requirements.

(1) Standard testing procedures are specified for samples taken in accordance with the sampling procedures for the Georgia Hemp Program to measure the total delta-9 tetrahydrocannabinol (THC) concentration levels of those samples on a dry weight basis.

(2) Analytical testing for purposes of detecting the concentration levels of total delta-9 tetrahydrocannabinol (THC) must be conducted and reported by a laboratory registered with DEA to handle controlled substances under the Controlled Substances Act (CSA), 21 CFR part 1301.13.

(3) Analytical testing for purposes of detecting the concentration levels of total delta-9 tetrahydrocannabinol (THC) must be conducted in accordance with the USDA's most current *Laboratory Testing Guidelines, U.S. Domestic Hemp Production Program*, which will be made available on the Department's website at agr.georgia.gov. Such testing must meet the following standards:

(a) Laboratory quality assurance must ensure the validity and reliability of test results;

(b) Analytical method selection, validation, and verification must ensure that the testing method used is appropriate (fit for purpose) and that the laboratory can successfully perform the testing;

(c) The demonstration of testing validity must ensure consistent, accurate analytical performance;

(d) Method performance specifications must ensure analytical tests are sufficiently sensitive for the purposes of the detectability requirements of this Rule;

(e) Implement effective disposal procedures for non-compliant samples that do not meet the acceptable hemp THC level; and

(f) Sample preparation of pre- or post-harvest samples shall require grinding of the sample to ensure homogeneity prior to testing.

(4) At a minimum, analytical testing of samples for delta-9 tetrahydrocannabinol concentration levels must use post-decarboxylation or other similarly reliable methods approved by the Secretary or Commissioner. The testing methodology must consider the potential conversion of delta-9 tetrahydrocannabinolic acid (THCA) in hemp into delta-9 tetrahydrocannabinol (THC) and the test result reflect the total available THC derived from the sum of the THC and THC-A content. Testing methodologies meeting the requirements of this Rule include, but are not limited to, gas or liquid chromatography with detection.

(5) The total delta-9 tetrahydrocannabinol concentration level must be determined and reported on a dry weight basis.

(6) Measurement of uncertainty (MU) must be estimated and reported with test results. Laboratories must use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty.

(7) Any final sample test result exceeding the acceptable hemp THC level will be conclusive evidence that the lot represented by the sample is not in compliance with these Rules.

(8) Each Licensee must ensure that the DEA-registered laboratory conducting the analytical testing of the sample(s) from the Licensee's lots submits results for all tested samples to the Department via e-mail to hemp@agr.georgia.gov. Laboratories are only required to submit test results performed to comply with Rule 40-32-2-.03. Laboratories are not required to report test results from informal testing conducted throughout the growing season. The test results must be reported using the Department's "Grower Laboratory Test Results Report" form and must contain the following information for each sample tested:

(a) Producer's license or authorization identifier;

(b) Name of producer;

(c) Business address of producer;

(d) Lot identification number for the sample;

(e) GPS coordinates of the lots sampled;

(f) Name and DEA registration number of the laboratory;

(g) Date of test and report;

(h) Identification of a pre-harvest retest;

(i) Measurement of uncertainty (MU); and

(j) Test result.

(9) The Licensee will be responsible for paying all testing fees. No compensation will be owed by the Department to the Licensee for any such testing.

(10) A Licensee must not transfer, transport, or otherwise distribute any lot of cannabis prior to receiving analytical testing results verifying that the lot does not exceed the acceptable hemp THC level.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.04
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Grower Laboratory Testing Requirements" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-2-.05. Grower Responsibilities and Restrictions.

(1) The Licensee must harvest the lot not more than thirty (30) days following the date of sample collection. The day the Department-approved sampling agent collects a sample serves as the first of the 30 days allowable to complete harvest of the sampled lot. If an additional sample is collected by the Department-approved sampling agent in connection with a demand for additional pre-harvest testing by a Grower, the day such additional sample is collected will serve as the first of the 30 days allowable to complete harvest of the sampled lot.

(2) If the Licensee fails to complete harvest within thirty (30) days of sample collection, a new pre-harvest sample of the lot will be required to be submitted for testing.

(3) Harvested lots of hemp plants must not be commingled with other harvested lots or other material without prior written permission from the Department.

(4) Only lots that meet the acceptable hemp THC level may enter the stream of commerce.

(5) A Licensee may demand one additional pre-harvest test of a lot if it is believed that the original total delta-9 tetrahydrocannabinol concentration level test results were in error. Additional pre-harvest testing must be conducted at the same laboratory that originally tested the lot sample.

(a) Additional pre-harvest testing may use the original sample, provided sufficient sample material remains, or an additional sample from the lot collected by a Department-approved sampling agent.

(6) Any lot yielding an official sample test result, or additional pre-harvest official sample test result, as applicable, exceeding the acceptable hemp THC level, must not enter the

stream of commerce and the Licensee must either dispose of or remediate the lot in accordance with these Rules.

(7) A Licensee must not:

(a) Cultivate or handle hemp on any Grow Site not listed on the Hemp Grower License and must take immediate steps to prevent the inadvertent growth of hemp outside of the authorized Grow Site(s);

(b) Cultivate or handle any cannabis that is not hemp;

(c) Cultivate or handle hemp in any structure that is used for residential purposes;

(d) Cultivate any other crop within a lot of hemp;

(e) Allow unsupervised public access to hemp or hemp Grow Sites; or

(f) Cultivate or handle hemp on property owned by, leased from, or previously submitted in a Hemp Grower License Application by any person who is ineligible for, was terminated from, or was denied admission to the program for failure to obtain an acceptable criminal history report or for violations of the Georgia Hemp Farming Act or these Rules.

(8) The Licensee must post weatherproof signage at the entrance to each Grow Site. The signage must be at least three feet (3') in length and two feet (2') in height or the maximum allowable size for signage pursuant to applicable local ordinances, whichever is smaller, and must include at least the following information:

(a) The statement, "Georgia Department of Agriculture Licensed Hemp Grower";

(b) The name of the Licensee;

(c) The Georgia Department of Agriculture Hemp Grower License number; and

(d) The Department's telephone number, (404) 656-3600.

(9) The Licensee must comply with all applicable local, state, and federal laws, rules, regulations, and ordinances at all times.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.05
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Grower Responsibilities and Restrictions" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-2-.06. Disposal or Remediation of Non-Compliant Cannabis.

(1) Cannabis exceeding the acceptable hemp THC level constitutes marijuana, a schedule I controlled substance under Georgia law and federal law.

(2) Licensees must either arrange for a Reverse Distributor to dispose of non-compliant cannabis or ensure the disposal of non-compliant cannabis at the Grow Site using one of the methods identified in these Rules.

(3) Prior to disposal, Licensees may attempt to remediate non-compliant cannabis using one of the methods identified in these Rules. After attempted remediation, an additional sample of the lot must be taken by a Department-approved sampling agent and tested in accordance with these Rules to confirm the lot contains an acceptable THC level.

   (a) A lot that has undergone attempted remediation and yields an official sample test result that exceeds the acceptable THC level must not enter the stream of commerce and must be disposed of in accordance with these Rules.

(4) Upon notice and confirmation that a lot has exceeded the acceptable hemp THC level, the Department will issue an Order of Disposal or Remediation requiring the entire lot to be disposed of or remediated within a reasonable time to be determined by the Department. Within five days of receipt of an Order of Disposal or Remediation, a Licensee must notify the Department by email to hemp@agr.georgia.gov of its intent to either dispose of or attempt remediation of the non-compliant cannabis.

(5) The Licensee will be responsible for arranging disposal through a reverse distributor, disposal at the Grow Site using one of the methods identified in these Rules, or remediation.

(6) The Licensee will be responsible for all costs and fees associated with the disposal or remediation of cannabis exceeding the acceptable hemp THC level. No compensation will be owed by the Department to the Licensee for any such disposal or remediation.

(7) Cannabis subject to disposal or remediation must not be removed from the Grow Site or from any other area where such cannabis is being handled or stored.

(8) Within 14 days of the date of completion of disposal or remediation, the Licensee must submit a "Disposal or Remediation Report" form to the Department, which must contain the following information:

   (a) Name and address of the Licensee;

   (b) Hemp Grower License number;

   (c) Geospatial location, including location type, or other valid land descriptor, for the production area subject to disposal or remediation;

   (d) Descriptive information related to the disposal or remediation, including, as applicable:

1. Information on the reverse distributor agent handling the disposal and reverse distributor certification of completion of the disposal;

2. Evidence sufficient, in the Department's sole discretion, to document disposal of the non-compliant cannabis at the Grow Site by Licensee; or

    i. Video or time-stamped photographic evidence of disposal will constitute sufficient evidence of disposal in most cases.

3. A written description of the remediation performed and post-remediation official sample test results.

(e) Total acreage or square footage disposed or remediated;

(f) Date of completion of disposal or remediation; and

(g) Signature of the Licensee.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.06
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Disposal of Non-Compliant Cannabis" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: New title, "Disposal or Remediation of Non-Compliant Cannabis." F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-2-.07. Sale of Hemp Seed and Live Hemp Plants.

(1) Each person or entity, including any Licensee, that sells hemp seed to a Licensee must comply with the Georgia Seed Law, O.C.G.A. § 2-11-20, et seq. and Seed Division Regulations, GA. Comp. R. & Regs. Rules 40-12-1, et seq., including obtaining any required license thereunder.

(2) Each person or entity, including any Licensee, that sells Live Hemp Plants to a Licensee must comply with the Entomology Act, O.C.G.A. § 2-7-1, et seq. and Live Plant Regulations, GA. Comp. R. & Regs. Rules 40-4-9, et seq., including obtaining any required license thereunder.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.07
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Transportation Requirements" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: New title, "Sale of Hemp Seed and Live Hemp Plants." F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-2-.08. Storage of Hemp.

(1) A Licensee may store hemp cultivated by said Licensee provided:

(a) The Licensee identifies each storage facility on the Hemp Grower License;

(b) The Licensee maintains complete and accurate records detailing the harvest lot(s), including the amount being stored at each storage facility. Harvest lots in storage must be separated in such a manner that maintains the unique identity of each harvest lot stored at the storage facility;

1. In the event that a tested official sample of a harvested lot held at a storage facility exceeds the acceptable hemp THC level, the harvested lot and all comingled hemp held at the storage facility will be promptly disposed of or remediated in accordance with these Rules.

(c) The storage facility is owned or leased by the Licensee; and

(d) The storage facility is secured with physical containment and reasonable security measures.

(2) No Licensee may warehouse or otherwise store hemp that is not owned by the Licensee.

(3) All storage area(s) will be subject to inspection by Department officials.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.08
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Storage of Hemp" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-2-.09. Pesticide Use.

(1) Any Licensee who uses a pesticide on hemp must comply with all Georgia laws and regulations pertaining to applications of pesticides including, but not limited to, licensing requirements.

(2) Licensees must not apply pesticides to hemp in violation of the product label.

(3) A Licensee who uses a pesticide on a site where hemp will be planted must comply with the longest of any planting restriction interval on the product label prior to planting the hemp.

(4) The Department may perform random pesticide testing or may perform for-cause testing if the Department has reason to believe that a pesticide may have been applied to hemp in violation of the product label.

(5) Hemp seeds, plants, and materials bearing pesticide residue in violation of the pesticide label may be subject to forfeiture or destruction without compensation.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.09
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Pesticide Use" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Rule 40-32-2-.10. Recordkeeping and Reporting Requirements.

(1) Licensee Recordkeeping and Reporting

(a) Licensees must maintain records of all hemp plants acquired, produced, handled, or disposed of or remediated as will substantiate any and all reports required by the Department.

(b) All records must be made available for inspection by the Department during reasonable business hours. Such records must include, but are not limited to, the following:

1. Records regarding acquisition of hemp;

2. Records regarding all written agreements with Licensees and Permittees, or out of state processors, governing their business relationship;

3. Records regarding production and handling of hemp;

4. Records regarding hemp sampling and testing analyses;

5. Records regarding storage of hemp;

6. Records regarding the transfer, remediation, and disposal of hemp; and

7. Records regarding remediation or disposal of all cannabis plants exceeding the acceptable hemp THC level.

(c) Planting Report

1. Each Licensee must submit a planting report to the Department within 30 days of planting a lot of hemp. The planting report must be submitted through the Department's website used for administering licenses, and will include the following information for each lot of hemp planted:

(i) Street address and geospatial location of each lot, covered growing facility, or site where hemp will be produced;

(ii) Total acreage or square footage of hemp planted;

(iii) Varietal or cultivar of hemp planted;

(iv) Planting date;

(v) Intended end use of the hemp planted (i.e. - seed, fiber, floral, or cannabinoids);

(vi) Expected harvest date; and

(vii) Source of propagative material (i.e. - from where the Licensee obtained its seeds, cuttings, clones, or seedlings).

2. The Department may, but is not required to, aggregate Planting Report data and prepare a report of plantings on an anonymized basis. No Licensee may receive a copy of the Department's report unless that Licensee submitted a Planting Report for each of its lots planted.

(d) Annual Report

1. Each Licensee must submit an annual report to the Department. The report form must be submitted by November 30 of each year and contain the following information:

(i) Licensee's name;

(ii) Licensee's address;

(iii) Georgia Hemp Grower License Number;

(iv) Street address and geospatial location of each lot, covered growing facility, or site where hemp will be produced;

(v) Acreage dedicated to the production of hemp, or covered growing facility square footage dedicated to the production of hemp; and

(vi) Total acreage of hemp planted, harvested, remediated and disposed.

2. The Department will report all information collected in the Annual Report to AMS as required by USDA.

(e) Reporting to FSA Required

1. All Licensees must report hemp crop acreage with FSA and must provide, at minimum, the following information to FSA:

(i) Hemp crop acreage;

(ii) Total acreage of hemp planted, harvested, remediated and disposed;

(iii) Georgia Hemp Grower License Number;

(iv) Street address;

(v) Geospatial location of each lot, covered growing facility, or site where hemp will be produced. All locations where hemp is produced must be reported to FSA; and

(vi) Acreage of covered growing facility square footage dedicated to the production of hemp.

(f) All records and reports must be kept and maintained by the Licensee for not less than three calendar years and in a manner such that they can be readily provided to the Department upon request.

(2) Department Recordkeeping and Reporting

(a) The Department will maintain all relevant records and information regarding Licensees and land on which hemp is produced in Georgia, including a legal description of the land, for a period of not less than three calendar years.

(b) The Department will collect, maintain, and report to USDA via fax, certified mail, email, or other method deemed acceptable by USDA the following contact and real-time information for each Licensee in Georgia:

1. The contact information of each Licensee collected pursuant to Rule 40-32-2-.01.

2. A legal description of the land on which hemp is grown including its geospatial location; and

3. The status of licensed growers (and any changes) and Hemp Grower License number of each hemp grower.

(c) By the first of each month, and not more than thirty (30) days after receipt, the Department will provide the following information to the United States Secretary of Agriculture or the Secretary's designee in a format that is compatible with USDA's Information Sharing System whenever possible. If the first of the month falls on a weekend or holiday, the report will be submitted by the first business day following the due date:

1. Hemp Grower Report, which will contain the following:

(i) For each new Licensee who is an individual and is licensed under the Georgia Hemp Plan, the report will include the full name of the

individual; Georgia Hemp Grower License number; business address; telephone number; email address (if available); the legal description of the land on which the Licensee will produce hemp including, to the extent practicable, its geospatial location; and the scope of activity authorized;

(ii) For each new Licensee that is an entity and is licensed under the Georgia Hemp Plan, the report will include the full name of the entity; the principal business location address; EIN number; Georgia Hemp Grower License number; the full name, title, and email address (if available) of each person for whom the entity is required to submit a criminal history record report; the legal description of the land on which the Licensee will produce hemp including, to the extent practicable, its geospatial location; and the scope of activity authorized;

(iii) For each Licensee that was included in a previous report and whose reported information has changed, the report will include the previously reported information and the new information;

(iv) The status of each hemp grower's license;

(v) The period covered by the report; and

(vi) Indication that there were no changes during the current reporting cycle, if applicable.

2. Hemp Disposal or Remediation Report, which will contain the following:

(i) Name and contact information of the Licensee;

(ii) Hemp Grower License number;

(iii) Location information, such as lot number, location type, and geospatial location or other location descriptor for the production area subject to disposal;

(iv) A copy of the respective test results;

(v) Information on the agent handling the disposal, as applicable;

(vi) Disposal or remediation completion date; and

(vii) Total acreage disposed or remediated.

(d) Annual Report

1. The Department will submit an annual report to USDA. The report form will be submitted by December 15 of each year and contain the following information:

   (i) Total planted acreage;

   (ii) Total harvested acreage; and

   (iii) Total acreage disposed and remediated.

(e) Test Results Report

1. The Department will promptly notify USDA by certified mail or electronically of any occurrence of cannabis plants or plant material that do not meet the definition of hemp and will attach copies of analytical test results as well as records demonstrating appropriate disposal of all of those plants and materials in the lot from which the representative samples were taken.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.10
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Recordkeeping and Reporting Requirements" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-2-.11. Hemp Grower Compliance Inspections.

(1) Licensees may be subject to annual compliance inspections.

(2) The Licensee's operational procedures, documentation, recordkeeping, and other practices may be verified during the compliance inspection.

(3) The Department may assess whether required reports, records, and documentation are being properly maintained and may assess accuracy and completeness.

(4) If during a compliance inspection the Department determines that the Licensee is not in compliance with the Georgia Hemp Farming Act or these Rules, the Department will require a Corrective Action Plan. The Licensee's implementation of a Corrective Action Plan will be reviewed by the Department during future compliance inspections.

(5) Compliance inspections may be unannounced and conducted at any time during regular business hours. The Department will have complete and unrestricted access to all hemp plants, material, and seeds, whether growing or harvested, as well as to all land,

buildings, and other structures used for the cultivation, handling, or storage of hemp. The Department will also have full access to any and all records, documents, and information required to be kept and maintained in accordance with these Rules.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.11
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Hemp Grower Compliance Inspections" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Rule 40-32-2-.12. Violations and Enforcement.

(1) Violations include, but are not limited to, the following:

(a) Cultivating or handling hemp without a Hemp Grower License from the Department;

(b) Cultivating or handling any cannabis that is not hemp;

(c) Cultivating hemp that exceeds the acceptable hemp THC level;

(d) Selling, transferring, shipping, transporting, delivering, distributing, or otherwise providing hemp that exceeds the acceptable hemp THC level;

(e) Cultivating or handling hemp on a site not approved by the Department as part of the Hemp Grower License;

(f) Allowing unsupervised public access to hemp growing or handling areas, including storage areas;

(g) Denying any Department or law enforcement official access for compliance, sampling, or inspection purposes;

(h) Failure to keep and maintain any records, documents, or information required by these Rules;

(i) Failure to make any timely report required by these Rules;

(j) Failure to comply with any of the Grower Responsibilities and Restrictions;

(k) Failure to comply with any of the Grower License Term and Conditions; and

(l) Failure to comply with, or any violation of, any other provision of the Georgia Hemp Farming Act or these Rules.

(2) A violation of the Georgia Hemp Farming Act or these Rules will be subject to enforcement in accordance with O.C.G.A. § 2-23-10.

(a) In the event the Department determines that a Licensee has negligently violated the Georgia Hemp Farming Act or these Rules, then the Department will issue a Corrective Action Plan to said Licensee.

1. The Corrective Action Plan will include, but may not be limited to:

   (i) A reasonable date by which the Licensee must correct the negligent violation, which may include disposal or remediation of hemp in accordance with these Rules;

   (ii) A requirement that the Licensee must periodically report to the Commissioner on the compliance status of the Licensee with the Corrective Action Plan for a period of not less than two (2) years after the violation; and

   (iii) Any and all reasonable steps the Department deems necessary and proper to address the negligent violation(s).

2. Licensees do not commit a negligent violation if they make reasonable efforts to grow hemp and the cannabis (marijuana) does not have a total delta-9 tetrahydrocannabinol concentration of more than 1.0 percent on a dry weight basis.

3. The Department will monitor and conduct any and all inspections necessary to determine if the Corrective Action Plan has been implemented as required.

(b) If the Commissioner determines that a Licensee has violated the Georgia Hemp Farming Act or these Rules with a culpable mental state greater than negligence, the Commissioner will immediately report the Licensee to the United States Attorney General and the Georgia Attorney General, and such violations will be subject to enforcement in accordance with applicable law.

(c) Persons who violate the Georgia Hemp Farming Act or these Rules are subject to enforcement in accordance with the Georgia Hemp Farming Act, these Rules, and other applicable state law.

(d) Violations of the Georgia Hemp Farming Act or these Rules may constitute a public nuisance under Georgia law, and civil enforcement may result.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.12
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Violations and Enforcement" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Subject 40-32-3. HEMP PROCESSORS.

Rule 40-32-3-.01. Application for Hemp Processor Permit.

(1) Any person desiring to process and handle hemp in Georgia must submit a complete and accurate Hemp Processor Permit Application online at the Department's website, agr.georgia.gov.

(2) Any person processing or intending to process hemp must have a valid Hemp Processor Permit prior to receiving, processing, handling, or storing hemp. A valid permit means the permit has been issued and is unexpired, unsuspended, and unrevoked.

(3) As part of the Hemp Processor Permit Application, each applicant must submit to the Department the following:

(a) An annual Hemp Processor Permit fee of $25,000.00;

(b) A surety bond in compliance with the requirements for Permittee surety bonds set forth herein;

(c) Information regarding the applicant's business including, but not limited to:

1. Legal business name or trade name;

2. Business structure type;

3. Address of the principal business location;

4. Primary contact information;

5. Current Certificate of Existence obtained through the Georgia Secretary of State's Office;

(i) If applicant is an entity formed in a foreign jurisdiction, including a different State, it must submit an equivalent certificate of existence from its home jurisdiction, as well as a Georgia Certificate of Authority to conduct business.

6. Employer Identification Number (EIN); and

7. Name, title, and current primary contact information, including telephone number and email address, for each owner, key participant, and person holding a beneficial interest in the Hemp Processor Permit for which an application is being made.

(d) A legal description, obtained from the relevant county courthouse property records, for property on which each processing or handling facility is located;

(e) An attestation that the applicant owns or has legal permission to process, handle, or store hemp on property listed on the application.

1. For purposes of satisfying this requirement, sufficient ownership of property or legal permission to process, handle, or store hemp on property includes property specifically deeded or leased to the respective applicant, whether an individual or entity, use of which will not be in violation of local zoning or other real estate ordinances.

(f) An attestation that property to be used for the processing, handling, or storage of hemp is not used for residential purposes.

(g) GPS coordinates provided in decimal of degrees and taken at the approximate entrance of each facility;

(h) The approximate dimension or square feet of each facility;

(i) An aerial map or photograph of the processing facilities showing clear boundaries of each facility;

(j) Information sufficient for locating hemp storage facilities including, but not limited to:

1. A legal description, obtained from the relevant county courthouse property records, for property on which each storage facility is located;

2. GPS coordinates provided in decimal of degrees and taken at the approximate entrance of each storage facility;

3. The approximate dimension or square feet of each storage facility; and

4. An aerial map or photograph that clearly shows the boundaries and dimensions of each storage facility.

(k) A description of all hemp products to be produced as well as an estimate of the volume of each such product projected to be produced;

(l) A statement of the intended end use and/or disposal plan for all parts of hemp plants and hemp material received for processing;

(m) Written consent, allowing representatives of the Department, the Georgia Bureau of Investigation, and other affected state and local law enforcement agencies to enter all premises where hemp is being processed or handled for the purpose of conducting physical inspections and ensuring compliance with the requirements of the Georgia Hemp Farming Act and these Rules;

(n) An acknowledgment of the Processor Permit Terms and Conditions; and

(o) Any other information, disclosure, or documents required to be submitted by Georgia or Federal law or regulation.

(4) Hemp Processor Permits will be issued on January 1 of each year, or otherwise when approved by the Department.

(5) After the first full calendar year of holding a Hemp Processor Permit, a Permittee will be entitled to an automatic permit renewal annually upon timely submission of a permit fee of $25,000.00 per year as well as annual criminal background checks, so long as no administrative action has been taken by the Department against the Permittee and provided the information in the Permit application is unchanged.

(a) Renewal fees and annual criminal background checks dated within 60 days prior to the submission date must be submitted by December 1 of each year. Permits will expire on December 31 of each year if renewal fees are not timely submitted as required hereunder.

(b) A Permittee that begins, but does not finalize, the renewal of its Hemp Processor Permit within 60 days of January 1 of a given year, must subsequently complete a full application as if applying for the first time.

(6) Upon receipt of an otherwise complete application for a Processor Permit, the Department will conduct a criminal background check and obtain a federal criminal history report for the applicant or, if the applicant is a business entity, all key participants, as outlined below:

(a) At least one set of classifiable electronically recorded fingerprints of the individual applicant or, if the applicant is a business entity, one set of classifiable electronically recorded fingerprints of each key participant must be submitted to the Department in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation.

(b) The Department will transmit the applicant's fingerprints to the Georgia Crime Information Center, which will submit the fingerprints to the Federal Bureau of Investigation for a search of Bureau records and generation of an appropriate report, and the Georgia Crime Information Center will promptly conduct a search of state records based upon the fingerprints.

(c) After receiving the reports from the Georgia Crime Information Center and the Federal Bureau of Investigation, the Department will review the record for all individuals or key participants, as applicable.

(7) A Permittee may request select changes to a Hemp Processor Permit. To request a change to a Hemp Processor Permit, the Permittee must, at least ten (10) calendar days prior to making the change, provide written notice of the proposed change to the Department via e-mail to hemp@agr.georgia.gov, or submit the proposed changes on the Department's

website used to administer Hemp Processor Permits. Changes to a Hemp Processor Permit in accordance with such written notice and updated information will be valid only upon the Department's approval. No such change will exempt a Permittee from compliance with all requirements of a Hemp Processor Permit, including acceptable background checks for all key participants.

Licensees may request changes to the following:

(a) The information originally submitted in Permittee's Hemp Processor Permit application in satisfaction of Rules 40-32-3-.01(3)(c), (d), (g), (h), (j) and (k).

1. Permittees will be limited to a maximum of three (3) changes per permit year made in accordance with this Rule 40-32-3-.01(8)(a).

(b) Prior to any change in a Permittee's key participants, the Permittee must submit a proposed change to the Hemp Processor Permit reflecting the change of key participant. The Department will conduct a background check on new key participants in accordance with Rule 40-32-3-.01(7).

(8) Any person who materially falsifies any information contained in an application for a Hemp Processor Permit will be ineligible to receive a Hemp Processor Permit or otherwise participate in the Georgia Hemp Program.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.01
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Application for Hemp Processor Permit" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-3-.02. Processor Permit Terms and Conditions.

Each Permittee must acknowledge and agree to the terms and conditions governing the Hemp Processor Permit which include, but are not limited to, the following:

(1) Except as explicitly provided for in these Rules or corrections of typographical errors approved by the Department, no alterations will be allowed to any Hemp Processor Permit once approved.

(2) The Permittee must notify the Department, via e-mail to hemp@agr.georgia.gov, of any theft or loss of hemp or hemp products within forty-eight (48) hours of discovery of such theft or loss.

(3) The Permittee must report any felony convictions or misdemeanor convictions, of itself or any of its key participants, relating to controlled substances under Georgia law or under

Federal law to the Department, via e-mail to hemp@agr.georgia.gov, within five (5) calendar days of receiving notice of such conviction.

(4) The applicant or Permittee must notify the Department in writing within ten (10) calendar days of the following:

(a) A disciplinary proceeding or enforcement action by another government entity that may affect the Permittee's business; and

(b) Temporary closures of more than thirty (30) days or permanent closure of any processing or storage facility.

(5) Any information provided to the Department may be publicly disclosed in accordance with the Georgia Open Records Act (O.C.G.A. § 50-18-70 et. seq.) and may be provided to law enforcement agencies without further notice to the applicant.

(6) Issuance of a Hemp Processor Permit will be conditioned upon the applicant's compliance with O.C.G.A. § 2-23-7 prior to initiating hemp processing activities.

(7) A Permittee may also apply for and be issued no more than one Hemp Grower License. Any person holding both a Hemp Processor Permit and a Hemp Grower License must comply with Georgia Rules governing both Licensees and Permittees.

(8) No person will be issued more than one Hemp Processor Permit, nor will any person be permitted to have a beneficial interest in more than one Hemp Processor Permit, regardless of the degree of such interest, as provided in O.C.G.A. § 2-23-5.

(9) Hemp Processor Permits cannot be sold, assigned, transferred, pledged, or otherwise disposed of, alienated, or encumbered to or by another person, business, individual, or entity.

(10) The Permittee must only process hemp at facilities identified in the Hemp Processor Permit and must have the legal authority to grant the Department access to any and all such facilities for inspection and sampling.

(11) The Permittee must allow and fully cooperate with all required inspections and sampling.

(12) The Permittee must maintain all records and information and make all reports within the applicable time frames as required in these Rules.

(13) The Permittee must only accept for processing hemp that was lawfully produced under a State or Tribal hemp plan approved by the USDA, under a hemp license issued by USDA, or under 7 U.S.C. 5940 through the State or territory of the Indian Tribe, as applicable.

(14) The Permittee must not handle, process, store, sell, transfer, ship, transport, deliver, distribute, or otherwise provide any cannabis or cannabis product that exceeds the acceptable hemp THC level. The Permittee must ensure that cannabis or cannabis products exceeding the acceptable hemp THC level do not enter the stream of commerce.

(15) The Department will require forfeiture and disposal, without compensation, of hemp discovered at a processing facility for which records are not available to prove that said hemp was received from a Licensee or from a state or tribe with a plan to regulate hemp production that is approved by the USDA Secretary of Agriculture or otherwise in accordance with regulations promulgated by the USDA. Any hemp comingled with such hemp for which records are not available will also be subject to disposal.

(16) In the event that a tested official sample exceeds the acceptable hemp THC level, the Department will require all related hemp products be disposed by a reverse distributor without compensation to the Permittee and under the supervision of local law enforcement.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.02
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Processor Permit Terms and Conditions" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-3-.03. Processor Sampling.

(1) Hemp products are subject to sampling by a Department-approved sampling agent for total delta-9 tetrahydrocannabinol concentration level testing. The frequency of sampling and number of hemp products sampled for such testing will be determined by the Department.

(2) Sampling will be conducted in accordance with the Department's most current *Sampling and Testing Guidelines for Hemp Processing Facilities*, which will be made available on the Department's website at agr.georgia.gov.

(3) The method used for sampling must ensure that a representative sample is collected that represents a homogeneous composition of the product lot.

(4) During a scheduled sample collection, the Permittee or an authorized representative of the Permittee must be present at the facility.

(5) The Permittee will be responsible for paying all sampling fees. No compensation will be owed by the Department to the Permittee for any such sampling or for any samples collected by the Department-approved sampling agent.

(6) Only samples taken by a Department-approved sampling agent will be considered official samples.

(7) The Department-approved sampling agent(s) must be provided with complete and unrestricted access during business hours to all hemp, hemp products, land, buildings and other structures used for the processing, handling, and storing of hemp and hemp products. The Department must also be provided with complete and unrestricted access to any and all records, documents, and information required to be kept and maintained in accordance with these Rules.

(8) A Permittee must not transfer, transport, or otherwise distribute hemp products from a sampled product lot prior to receiving analytical testing results verifying that the product lot sampled does not exceed the acceptable hemp THC level.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.03
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Processor Sampling" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-3-.04. Processor Laboratory Testing.

(1) Standard testing procedures are specified for samples taken to measure the total delta-9 tetrahydrocannabinol (THC) concentration levels of those samples.

(2) Analytical testing for purposes of detecting the concentration levels of total delta-9 tetrahydrocannabinol (THC) must be conducted and reported by a laboratory registered with DEA to handle controlled substances under the Controlled Substances Act (CSA), 21 CFR part 1301.13.

(3) Analytical testing for purposes of detecting the concentration levels of total delta-9 tetrahydrocannabinol (THC) must be conducted in accordance with the Department's *Sampling and Testing Guidelines for Hemp Processing Facilities*, which will be made available on the Department's website at agr.georgia.gov. Such testing must meet the following standards:

(a) Laboratory quality assurance must ensure the validity and reliability of test results;

(b) Analytical method selection, validation, and verification must ensure that the testing method used is appropriate (fit for purpose) and that the laboratory can successfully perform the testing;

(c) The demonstration of testing validity must ensure consistent, accurate analytical performance;

(d) Method performance specifications must ensure analytical tests are sufficiently sensitive for the purposes of the detectability requirements of this Rule; and

(e) Implement effective disposal procedures for non-compliant samples that do not meet the acceptable hemp THC level.

(4) At a minimum, analytical testing of samples for total delta-9 tetrahydrocannabinol concentration levels must use post-decarboxylation or other similarly reliable methods approved by the Secretary or Commissioner. The testing methodology must consider the potential conversion of delta-9 tetrahydrocannabinolic acid (THCA) in hemp into delta-9 tetrahydrocannabinol (THC) and the test result reflect the total available THC derived from the sum of the THC and THC-A content. Testing methodologies meeting the requirements of this paragraph include, but are not limited to, gas or liquid chromatography with detection.

(5) The total delta-9 tetrahydrocannabinol concentration level must be determined and reported. Additionally, measurement of uncertainty (MU) must be estimated and reported with test results. Laboratories must use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty.

(6) Any hemp products yielding an official sample test result exceeding the acceptable hemp THC level, must not enter the stream of commerce and the Permittee must dispose of the hemp products in accordance with these Rules.

(7) Measurement of uncertainty (MU) must be estimated and reported with test results. Laboratories must use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty.

(8) Each Processor must ensure that the DEA-registered laboratory conducting the analytical testing of the sample(s) from the Processor's product lots submits results for all tested samples to the Department via e-mail to hemp@agr.georgia.gov. Laboratories are only required to submit the results of tests performed to comply with Rule 40-32-3-.04(3). Laboratories are not required to report test results from informal testing conducted by Permittees. The test results must be reported using the Department's "Processor Laboratory Test Results Report" form and must contain the following information for each sample tested:

(a) Georgia Processor Permit number;

(b) Name of Processor;

(c) Business address of Processor;

(d) Lot identification number for the sample;

(e) Name and DEA registration number of the laboratory;

(f) Date of test and report;

(g) Identification of a retest;

(h) Measurement of uncertainty (MU); and

(i) Test result.

(9) The Permittee will be responsible for paying all testing fees. No compensation will be owed by the Department to the Permittee for any such testing.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.04
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Processor Laboratory Testing" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-3-.05. Permittee Restrictions.

(1) A Permittee must not:

(a) Process or handle hemp on any site not listed on the Hemp Processor Permit;

(b) Process or handle any cannabis that is not hemp;

(c) Sell, transfer, ship, transport, deliver, distribute, or otherwise provide hemp products that exceed the acceptable hemp THC level;

(d) Process or handle hemp or hemp products in any structure that is used for residential purposes;

(e) Process hemp with other products. Hemp must be processed separately from other products unless otherwise authorized in writing by the Department;

(f) Store hemp products with other products. Hemp products must be physically stored separately from other products at a processing or storage facility unless otherwise authorized in writing by the Department;

(g) Allow unsupervised public access to hemp or hemp processing and storage facilities; or

(h) Process or handle hemp on property owned by, leased from, or previously submitted in a permit application by any person who is ineligible for, was terminated from, or was denied admission to the program for failure to obtain an acceptable criminal background check or for violations of the Georgia Hemp Farming Act or these Rules.

(1) The Permittee must comply with all applicable local, state, and federal laws, rules, regulations, and ordinances at all times including, but not limited to, the federal Food Drug and Cosmetic Act, 21 U.S.C. Chapter 9, and all laws, rules, regulations, and ordinances relating to product development, product manufacturing, consumer safety, and public health.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.05
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Permittee Restrictions" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-3-.06. Disposal of Non-Compliant Cannabis Products.

(1) Cannabis products exceeding the acceptable hemp THC level constitute marijuana, a schedule I controlled substance under Georgia law and federal law.

(2) Cannabis products exceeding the acceptable hemp THC level must be disposed of in accordance with the CSA and DEA regulations found at 21 CFR 1317.15 by a reverse distributor or as otherwise approved in writing by the Department.

(3) The Permittee must immediately notify the Department via email to hemp@agr.georgia.gov any time analytical testing determines that cannabis products exceed the acceptable hemp THC level.

(4) Upon notice and confirmation that a cannabis product has exceeded the acceptable hemp THC level, the Department will issue an Order of Disposal requiring all related cannabis products to be disposed within a reasonable time to be determined by the Department.

(5) The Permittee will be responsible for arranging disposal through a reverse distributor.

(6) The Permittee will be responsible for all costs and fees associated with the disposal of cannabis exceeding the acceptable hemp THC level. No compensation will be owed by the Department to the Permittee for any such disposal.

(7) Cannabis products subject to disposal must not be removed from the permitted facility or from any other area where such cannabis is being processed, handled, or stored.

(8) Within 14 days of the date of completion of disposal, the Processor must submit a "Disposal Report" form to the Department, which must contain the following information:

   (a) Name and address of the Permittee;

   (b) Georgia Processor Permit number;

(c) Information on the reverse distributor agent handling the disposal.

(d) Date of completion of disposal;

(e) Signature of the Permittee; and

(f) Reverse distributor certification of completion of the disposal.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.06
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Disposal of Non-Compliant Cannabis Products" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-3-.07. Permittee Surety Bonds.

(1) Each applicant for a Hemp Processor Permit must make and deliver to the Commissioner a surety bond, the form and substance of which must be approved by the Commissioner. Such surety bond shall be conditioned to secure the faithful accounting for and payment to hemp growers licensed under a State or Tribal hemp plan approved by the USDA, the USDA Hemp Production Plan, or under 7 U.S.C. 5940 through the State or territory of the Indian Tribe, as applicable, for hemp purchased by such Permittee, as well as to secure the Permittee's compliance with the requirements of the Georgia Hemp Farming Act and these Rules.

(a) For purposes of this Rule, a Permittee's surety bond may be executed by any surety corporation authorized to transact business in Georgia.

(b) Applicants must include a certificate of good standing issued by the Commissioner of Insurance with all submitted surety bonds.

(c) If the company issuing a Permittee's surety bond becomes disqualified from conducting business in Georgia, Permittee must obtain a replacement bond for at least an equivalent amount within 30 days, subject to the Commissioner's approval. The effective term of a replacement bond must begin on the day the previous bond became ineffective.

(2) The Commissioner shall determine the amount of a Permittee's surety bond in accordance with the Georgia Hemp Farming Act.

(a) The Department may require a Permittee to complete the Georgia Permitted Processor Report of Hemp Purchased to better determine Permittee's requisite bond amount.

1. A Permittee with no history of hemp purchases will provide the Department with a good faith estimate of the dollar value of hemp it plans to purchase during the applied for Permit year.

(b) If at any time the Commissioner determines that a Permittee's previously approved surety bond is insufficient to satisfy the purpose set forth in these Rules, the Commissioner may require the Permittee to obtain an additional bond or bonds. Permittee shall submit such additional bond or bonds to the Commissioner in an amount and within the time fixed in a written demand therefor.

(3) Permittee's Processor Permit shall be immediately revoked by operation of law and without notice or hearing, and Permittee shall be ineligible to reapply for a Processor Permit for a period of four years after such revocation, if:

(a) Permittee's surety bond is cancelled;

(b) Permittee fails to provide a replacement bond within 30 days after its surety is disqualified from conducting business in Georgia; or

(c) Permittee fails to provide an additional bond or bonds in the amount and timeframe specified by the Commissioner in accordance with these Rules.

(4) Any person claiming to be damaged by a Permittee's breach of its surety bond conditions may file a complaint with the Commissioner.

(5) Upon receipt of a valid complaint, the Commissioner will determine if the complaint constitutes a prima facie breach of the Permittee's bond. If so, and the matter has not been resolved between the complainant and the Permittee within 15 days of the Department's receipt of the complaint, the Commissioner will publish a solicitation for additional complaints regarding breach of Permittee's bond for at least five consecutive issues of the Farmers and Consumers Market Bulletin and any additional publication the Commissioner chooses.

(a) To be valid, a complaint must:

1. Provide a written statement of facts constituting the alleged breach; and

2. Be received by the Department within the permitted timeframe, as follows:

i. Within 180 days of Permittee's alleged breach of the conditions of its surety bond for original complaints; and

ii. Within 60 days of the Commissioner's initial public notification of the breach of bond for additional complaints.

(6) The Commissioner shall investigate the charges made in valid complaints, and may order a hearing, the time and place of which the Commissioner will give the complainant and Permittee reasonable notice. Hearings will be conducted under the Department Administrative Rules of Practice and Procedure, GA. Comp. R. & Regs. Rules 40-1-2, *et seq.*

(a) At the conclusion of a hearing, the Commissioner shall report their findings and conclusions to the complainant and Permittee in each case. The complainant and Permittee will have 15 days to implement the Commissioner's conclusions.

(b) Should the complainant and Permittee not affect a settlement within 15 days of the Commissioner's findings, the Commissioner or complainant may bring an action to enforce the claim.

(c) If the complainant is not satisfied with the ruling of the Commissioner, they may commence an action against the principal and surety on the bond as in any civil action.

1. No civil action claiming a breach of a Permittee security bond may be commenced less than 120 days nor more than 547 days from the initial date of the Commissioner's public notification of the complaint on the bond.

(d) If a Permittee's security bond is insufficient to pay all valid claims in full, then the Commissioner will direct the pro rata distribution of bond proceeds between licensees with valid claims.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.07
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Transportation Requirements" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: New title, "Permittee Surety Bonds." F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-3-.08. Storage of Hemp.

(1) A Permittee may store hemp obtained from licensed growers and/or processed by said Permittee provided:

(a) The Permittee identifies each storage facility on the Hemp Processor Permit;

(b) The Permittee maintains complete and accurate records detailing the licensed growers from whom hemp at each storage facility was received, varieties stored at each storage facility, and amount of each hemp variety stored at each storage facility. Product lots in storage must be separated in such a manner that maintains the unique identity of each product lot stored at the storage facility;

1. In the event analytical testing determines that an official sample of hemp or hemp products held at a storage facility exceeds the acceptable hemp THC level, all comingled hemp or hemp products held at the storage facility must be promptly disposed of in accordance with the CSA and DEA regulations found at 21 CFR 1317.15 by a reverse distributor.

(c) The storage facility is owned or leased by the Permittee; and

(d) The storage facility is secured with physical containment and reasonable security measures.

(2) No Permittee may warehouse or otherwise store hemp that is not owned by the Permittee.

(3) All storage area(s) will be subject to inspection by the Department.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.08
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Storage of Hemp" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-3-.09. Recordkeeping Requirements.

(1) Permittees must keep and maintain copies of all written agreements with licensed growers, including growers holding a Georgia Hemp Grower License as well as growers licensed by the USDA or authorized to produce hemp under other USDA approved state or tribal hemp plans, governing their business relationship.

(2) Permittees must keep and maintain the following records:

(a) Hemp intake records, which include:

1. Name, location, and license number (Georgia Hemp Grower License number or other valid hemp grower identification number) for each grower from whom the Permittee accepts hemp for processing;

2. The date(s) on which hemp is received from each licensed grower;

3. Copies of analytical testing results confirming that each lot of hemp received for processing does not exceed the acceptable hemp THC level;

4. The amount of each variety received from each licensed grower; and

5. The hemp products for which each variety of hemp received from each licensed grower will be used.

(b) Inventory records for hemp products being processed and stored, which include:

1. Date of inventory;
2. Location of stored inventory;
3. Total amount of each hemp product on hand;
4. Total amount of hemp and hemp seed of each variety on hand;
5. Total amount of unusable hemp and hemp seed of each variety on hand; and
6. Name, signature, and title of the employee performing inventory.

(c) Disposal records for all unusable hemp, which include:

1. Date of disposal;
2. Amount of each hemp variety disposed;
3. Method of disposal;
4. Location of disposal; and
5. Name, signature, and title of employee responsible for disposal.

(d) Processing records, which include:

1. List of products produced from hemp; and
2. List of buyers or recipients of hemp products including:
   (i) Name, address, and phone number of each buyer or recipient;
   (ii) Description of each product purchased or otherwise distributed;
   (iii) Quantity of each product purchased or otherwise distributed; and
   (iv) Date of distribution.

(3) Permittees must keep and maintain copies of all records, documents, and information required by this Rule for at least three (3) years and in a manner such that they can be readily provided to the Department upon request.

(4) The Department will maintain all relevant records and information regarding Permittees and facilities at which hemp is processed or handled in Georgia, including a legal

description for property on which each processing or handling facility is located, for a period of not less than three (3) calendar years.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.09
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Recordkeeping Requirements" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-3-.10. Hemp Processor Compliance Inspections.

(1) Processors may be subject to compliance inspections.

(2) The Processor's operational procedures, documentation, recordkeeping, and other practices may be verified during the compliance inspection.

(3) The Department may assess whether required reports, records, and documentation are being properly maintained and may assess accuracy and completeness.

(4) If during a compliance inspection the Department determines that the Processor is not in compliance with the Georgia Hemp Farming Act or these Rules, the Department will require a Corrective Action Plan. The Processor's implementation of a Corrective Action Plan will be reviewed by the Department during future compliance inspections.

(5) Compliance inspections may be unannounced and conducted at any time during regular business hours. The Department will have complete and unrestricted access during business hours to all hemp, hemp products, land, buildings and other structures used for the processing and handling of hemp. The Department will also have complete and unrestricted access to any and all records, documents, and information required to be kept and maintained in accordance with these Rules.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.10
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Hemp Processor Compliance Inspections" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.
Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Rule 40-32-3-.11. Violations and Enforcement.

(1) Violations include, but are not limited to, the following:

(a) Processing or handling hemp or hemp products without a Hemp Processor Permit from the Department;

(b) Processing or handling any cannabis that is not hemp;

(c) Processing or handling hemp or hemp products that exceeds the acceptable hemp THC level;

(d) Processing hemp that was not lawfully produced under a State or Tribal hemp plan approved by the USDA, under a hemp license issued by USDA, or under 7 U.S.C. 5940 through the State or territory of the Indian Tribe, as applicable;

(e) Selling, transferring, shipping, transporting, delivering, distributing, or otherwise providing hemp or hemp products that exceeds the acceptable hemp THC level;

(f) Processing or handling hemp or hemp products at a facility not approved by the Department as part of the Hemp Processor Permit;

(g) Allowing unsupervised public access to hemp processing or handling areas, including storage areas;

(h) Denying any Department or law enforcement official access for compliance, sampling, or inspection purposes;

(i) Failure to keep and maintain any records, documents, or information required by these Rules;

(j) Failure to make any timely report required by these Rules;

(k) Failure to comply with any transportation requirement established by these Rules;

(l) Failure to comply with any Permittee Restriction;

(m) Failure to comply with any Processor Permit Term or Condition; and

(n) Failure to comply with, or any violation of, any other provision of the Georgia Hemp Farming Act or these Rules.

(2) A violation of the Georgia Hemp Farming Act or these Rules will be subject to enforcement in accordance with the Georgia Hemp Farming Act, these Rules, and other applicable state law.

(3) If the Commissioner determines that a Permittee has violated the Georgia Hemp Farming Act or these Rules with a culpable mental state greater than negligence, the Commissioner will immediately report the Permittee to the United States Attorney General and the Georgia Attorney General.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.11
Authority: O.C.G.A. § 2-23-12.
History. Original Rule entitled "Violations and Enforcement" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.