

# BASIC REGULATORY REQUIREMENTS FOR MANUFACTURED FOOD FIRMS



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Commissioner

This document is intended to be a “Guideline” which describes in simple terms a number of basic requirements which must be met before licensing manufactured food firms. For further assistance, contact the Food Safety Division (404) 657-4801.

## **LICENSING:**

Georgia Department of Agriculture Additional Regulations Applicable to Processing Plants (Section 40-7-18-.14) “A person may not operate a food processing plant without a valid license to operate issued by the Department.” 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 and a business plan. An annual license fee between \$100 - \$300 shall be paid upon licensing and renewed annually on July 1. The license fee is based upon the level of risk, procedural effort and inspection time necessary.

40-7-18-.02 (17) “Food Processing Plant” means a commercial operation that manufactures food for human consumption and does not provide food directly to a consumer from that location. Such term shall not include a commercial operation that produces raw agricultural commodities and whose end product remains a RAW AGRICULTURAL PRODUCT.

Retail operations will be subject to the Department’s General Rules Chapter 40-7-1 while the wholesale manufacturing operation will be subject to the Department’s Additional Regulations Applicable to Processing Plants Chapter 40-7-18.

The Georgia Department of Agriculture is required by O.C.G.A. § 50-36-1 to verify citizenship/immigration status for all public benefits issued. Public benefits are defined in the law as certifications, licenses, registrations, state grants, etc. All new and renewal licenses are required to complete a notarized affidavit and provide one form of acceptable documentation, as defined in O.C.G.A. § 50-36-1. The verifiable document and notarized affidavit will only have to be submitted once, unless there is a change of ownership or new corporate president. A corporate officer will have to submit the verifiable document and notarized affidavit. Please write your business name and contact number on each document.

View our website for additional licensing information at <http://agr.georgia.gov/licensing.aspx> and click on the “verification of lawful presence” link to view all the documents.

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. The Department does not issue temporary permits.

## **FACILITIES:**

Food processors, packers & storage facilities (does not include retail facilities) must register with FDA under Bioterrorism Act. Facilities must register whether or not food from the facility enters interstate commerce. <http://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/default.htm>.

Receive approval from proper zoning authority for land use and comply with all other governing agencies.

Contact with the Food Safety Division is strongly recommended prior to the beginning of any construction.

Due to the possibility of contamination; 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.

A facility intending to lease space from a food service facility permitted by the Environmental Health Department will be required to obtain a letter from the local Environmental Health Department allowing the dual licenses to occur.

Shared-Time/Community Kitchens are available for leasing kitchen space. The owners of the facility must obtain a license from the Department as well as each individual regulated by the Georgia Department of Agriculture that is using the kitchen.

## **FACILITY REQUIREMENTS:**

### **GROUNDS**

The grounds of a food plant shall be kept in a condition that will protect against the contamination of food including storing equipment properly, maintaining exterior, providing adequate draining, and adequate waste removal.

The premises shall be free of excessive vegetative growth and debris. The outdoor walking and driving areas shall be surfaced with materials that minimize dust, facilitate maintenance, prevent muddy conditions, and shall be graded to drain.

Exterior Walls, Doors, Floors and Roof of a manufactured food establishment shall effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

### **CONSTRUCTION AND DESIGN**

Facility shall be suitable in size, construction and design to facilitate maintenance and sanitary operations for food manufacturing purposes. Sufficient space shall be provided and proper precautions taken to reduce the potential for contamination of food, food-contact surfaces, or food-packaging materials.

Materials for floor, wall, and ceiling surfaces under conditions of normal use shall be smooth, durable and easily cleanable and in good repair for areas where food manufacturing operations are conducted. Proper protection against contamination food or food-contact surfaces with clothing or personal contact.

Adequate lighting shall be installed with safety type light bulbs or covers in areas where food is exposed along with adequate ventilation.

### **PEST CONTROL**

Adequate measures shall be in place to preclude contamination by insects, rodents, and other pests: within the physical facility and its contents; and on the contiguous land or property.

## **SANITATION:**

### **SANITARY OPERATIONS**

Cleaning and sanitizing of utensils and equipment shall be constructed in a manner that protects against contamination of food, food contact surfaces, and/or food packaging materials. Sanitation of all food contact surfaces shall be cleaned as frequently as necessary to protect against contamination of food. Cleaning compounds and sanitizing agents shall be safe and adequate, labeled, and stored to protect against contamination.

### **SANITARY FACILITIES & CONTROLS**

Each plant shall be equipped with adequate sanitary facilities and accommodations. Water supply shall be from an adequate source, safe, suitable temperature and pressure. The water source and system shall be of sufficient capacity and pressure to meet the water demands of food establishment.

### **PLUMBING**

A plumbing system shall be designed, constructed and installed according to local code. Floor drains may be required under some conditions and shall be installed as regulations and local codes require.

### **SEWAGE**

Sewage shall be disposed through an approved public or individual disposal system. County or municipal sewer system evaluation may require a grease trap or other special disposal system which shall be installed as regulations and local codes require.

### **TOILET FACILITIES**

Each manufacturing food plant shall provide its employees with adequate, readily accessible toilet facilities that are maintained in good repair with self-closing doors.

## **HAND-WASHING FACILITIES**

Hand-washing facilities shall be conveniently located with running water at suitable temperature. Effective hand cleaning and sanitizing preparations shall be in place along with sanitary towels/drying device and refuse receptacles.

## **EQUIPMENT AND UTENSILS:**

All plant equipment and utensils shall be designed, installed, and of such material and workmanship as to be adequately cleanable and shall be properly maintained. The equipment shall be made of nontoxic materials and designed to withstand the environment of the intended use and cleaning compounds/sanitizing agents. The equipment shall be maintained to prevent contamination including unlawful indirect food additives.

## **FREEZER AND REFRIGERATION**

Equipment for cooling and storing cold food shall be sufficient in number and capacity to provide proper food temperatures. Each freezer and refrigerator shall have a thermometer or temperature recording device and auto control for regulating temperature or automatic alarm system initiated by a significant temperature change.

Food that can support the rapid growth of undesirable microorganisms, particularly those of public health significance, utilizing temperature as a control shall maintain refrigerated foods at 45°F (7.2°C) or below, maintaining frozen foods in a frozen state, and maintaining hot foods at 140°F (60°C) or above as appropriate for the particular food involved.

## **MEASURING DEVICES**

Instruments and controls necessary for measuring, regulating, or recording temperature, pH, acidity, water activity, or other conditions shall be accurate and adequately maintained.

## **GASES USED DURING PROCESSING**

Compressed air or other gases mechanically introduced into food or used to clean food-contact surfaces or equipment shall be treated in such a way that food is not contaminated with unlawful indirect food additives.

## **PERSONNEL:**

Any person who appears to have an illness, open lesion, or any other abnormal source of microbial contamination that has the possibility of contaminating food, food-contact surfaces, or food-packaging materials shall be excluded from any food manufacturing operations that could ultimately result in contamination until the condition has been corrected.

## **CLEANLINESS**

All persons working in direct contact with food, food-contact surfaces, and food-packaging materials shall maintain cleanliness including: wearing clean outer garments, personal cleanliness, washing hands thoroughly and adequately, removing all unsecured jewelry and other objects, maintaining gloves, wearing effective hair restraints, storing personal belongings appropriately, and taking any other necessary precautions to protect against contamination.

## **EDUCATION AND TRAINING**

Food handlers and supervisors should receive appropriate training in proper food handling techniques and food-protection principles and should be informed of the danger of poor personal hygiene and insanitary practices.

## **PRODUCTION AND PROCESS CONTROLS:**

All operations in the receiving, inspecting, transporting, segregating, preparing, manufacturing, packaging, and storing of food shall be conducted in accordance with good manufacturing practices.

## **RAW MATERIALS AND OTHER INGREDIENTS**

Raw materials and other ingredients shall be inspected and segregated or otherwise handled as necessary to ascertain that they are clean and suitable for processing into food and shall be stored under conditions that will protect against contamination and minimize deterioration.

Food shall be protected from cross contamination by 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.

## **MANUFACTURING OPERATIONS**

Equipment and utensils and finished food containers shall be maintained in an acceptable condition through appropriate cleaning and sanitizing.

### **Testing:**

The food processing plant is required to conduct testing of finished products leaving the food processing facility, including finished product 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, unless your facility is exclusively a retail operation or one of the exemptions applies to your facility (see 40-7-18-.10 for list of exempt products).

An optional Written Food Safety Plan may be submitted to reduce or possibly in lieu of the testing requirements stated in 40-7-18-.06 (see 40-7-18-.09 for additional information on Written Food Safety Plans). The Department will accept, deny, or request modifications to the plan. Civil penalties are imposed if testing requirements are not followed.

### **REPORTING:**

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 indicates the presence of a substance that would cause a manufactured food to be adulterated with the presence of poisonous or deleterious substances or other contaminants, such person or firm shall report such test result(s) to the Department within 24 hours after obtaining such results. This includes reporting the presence of poisonous or deleterious substances or other contaminants even if the product was not distributed and the problem was corrected.

The owner or company representative will report the results by e-mail to the Georgia Department of Agriculture [positiveresults@agr.georgia.gov](mailto:positiveresults@agr.georgia.gov). Civil penalties are imposed if reporting requirements are not followed.

### **FOOD:**

Food shall be of sound condition and safe for human consumption and shall be obtained from sources that comply with applicable laws relating to food safety.

### **LABELS:**

Product labels are subject to review by the Department as administrative procedures enjoin. Basic label requirement for food products include:

- 1) The common name of the product.
- 2) The Net Contents in definite units (Refer to 40-15-3-.08)
  - a) If liquid, in liquid measure
  - b) If solid in terms of weight

- c) If a mixture (solid and Liquid) in terms of weight
  - d) The declaration of contents of a package must be listed on the label and shall appear on the bottom 1/3 portion of the principal display panel.
- 3) Metric declaration must be listed on label of food products.  
For example: Net Wt.16 oz (454 g.); Net. 16 Fl. Oz. (473 ml.)
  - 4) A list of ingredients (with sub-ingredients), the common name of each ingredient and in order of predominance by weight.
  - 5) The name and address including the city, state, and zip code of the manufacturer, packer or distributor.
  - 6) Under certain conditions, the following are necessary:
    - a) Dietary properties, if claimed
    - b) If used, artificial ingredients must be so labeled
    - c) Preservatives identified in the Ingredient's Statement
    - d) Clearly indicated in event anything is **Imitation**
    - e) Nutrition Labeling and Education Act (NLEA) Requirements
    - f) Allergen Declaration after the Ingredient's Statement
  - 7) A product code shall be applied to all packaged foods by the food manufacturer or processor at the time of packaging, which indicates information that would be useful in tracing the product back to the production date, location, and like information.

FDA guidance document for food labeling, in multiple languages, can be viewed and downloaded at: <http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/FoodLabelingNutrition/FoodLabelingGuide/default.htm>

**INSPECTION:**

Inspections shall be conducted as often as the Department deems necessary to insure compliance with these regulations.

**ADDITIONAL REGULATIONS:**

Additional regulations may apply based on the type(s) of food operations conducted at the establishment.

**FOOD SAFETY DIVISION – RULES AND REGULATIONS:**

The following link is to the Georgia Department of Agriculture internet website. The directions that follow will lead to the current Georgia Department of Agriculture 40-7-18 regulations applicable to processing plants in Georgia. <http://www.agr.georgia.gov>

- 1) Move your pointer over the tab labeled **Divisions** in the upper right corner;
- 2) In the drop down menu that appears, move pointer over the tab labeled **Food Safety Division;**
- 3) In the additional drop down menu that appears, left-click on **Manufactured Foods;**
- 4) Left-click on **Additional Regulations Applicable to Processing Plants** in the **Regulations and Documents** block on the right-side of the page.