



# Georgia Department of Agriculture

Capitol Square • Atlanta, Georgia 30334-4201

**Gary W. Black**  
Commissioner

**DATE:** January 11, 2016

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

**TO ALL INTERESTED PERSONS AND PARTIES:**

Pursuant to the Official Code of Georgia Annotated, O.C.G.A. § 2-14-130 et. seq., notice is hereby given that the Georgia Department of Agriculture will be accepting written comments regarding amendments to Chapter 40-7-8, relating to the Georgia Vidalia Onion Act. The Department will be accepting written comments from January 11, 2016, to close of business (4:30 p.m. EST) on February 11, 2016.

**SYNOPSIS, MAIN FEATURES, AND DIFFERENCES:**

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

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

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

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

The Department is proposing to amend Departmental Rule 40-7-8-.08 entitled “Handling Requirements” by adding the qualifier “[p]rovided that unless otherwise specified” to paragraph (b) relating to Size Requirements. Proposed Rule 40-7-8-.08 would also remove all current language under paragraph (g) relating to Facility Packing Requirements, which would be

replaced with provisions allowing for Vidalia Onions and other yellow onions to be in the same facility during a Transition Period, defining the time frames for each Transition Period, and setting requirements for facilities having both Vidalia Onions and Other Yellow Onions during a Transition Period.

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

**COMMENT PERIOD AND ADDITIONAL INFORMATION:**

The Department will be accepting written comments from January 11, 2016, to close of business (4:30 p.m. EST) on February 11, 2016. A public hearing will be held on February 12, 2016, at 1:00 p.m. at the University of Georgia Vidalia Onion and Vegetable Research Center located at 8163 Highway 178, Lyons, GA 30436. Written and oral comments will be considered on February 15, 2016. Please submit any and all written comments to:

Jack Spruill  
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19 Martin Luther King, Jr. Drive  
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Telephone Number: 404-656-3600  
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You may download a copy of the synopsis and the proposed rules from the Georgia Department of Agriculture website at [www.agr.georgia.gov](http://www.agr.georgia.gov).

This notice is given in compliance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-4.