

Food Inspection Regulations for the Southeastern States

Farmers Markets have become increasingly more popular across Georgia. These they give consumers and farmers opportunities to interact, providing an environment that connects a local community.

A variety of products can be found at today's farmers markets. At a market, one would most likely find fresh produce, homemade crafts, and even live musical entertainment. In some markets, farmers may also market products that are considered to have a high risk for food borne illnesses. These regulations include measures for low-acid/acidified foods, baked goods, meat & egg products, and dairy products.

Federal Regulations

Low-Acid/Acidified Foods

The current Good Manufacturing Practice Regulations (GMP's) for low-acid canned foods (21 CFR 113) became effective in March 1973. The GMP's for acidified foods (21 CFR 114) became effective in May 1979. These GMP's outline the equipment, controls, manufacturing, processing, and packing procedures which are required to ensure the production of a safe product.

The purpose of regulations for low acid/acidified foods is to protect consumers from microorganisms of public health significance, especially *Clostridium botulinum*. The spores of *Clostridium botulinum* must be destroyed or effectively inhibited to avoid germination and subsequent production of the deadly toxin which causes botulism. This is accomplished with good manufacturing practices which must include:

- The use of thermal processes and/or other means of preservation that are properly designed **by a competent processing authority** to destroy or inhibit *Clostridium botulinum* spores
- Proper delivery of these thermal processes and/or adequate control of other methods of preservation being used.
- Sufficient documentation that the scheduled processes are delivered through the keeping of appropriate records.

Products exempt from 21 CFR 113 & 114 include baked goods, jams and jellies. However, these products must meet the standards of identity set for in 21 CFR 150.

All baked goods filled with or topped by items that require refrigeration as a stand-alone item (such as eggs, fresh dairy products, cooked seafood, cooked vegetables, high moisture cheese etc) must be placed under refrigeration (41F or below) within 30 minutes of production or removal from the oven for storage. Storage containers for these products must be cleaned with hot soapy water, rinsed with hot water, and finally sanitized with mild bleach: water solution made from 2 oz bleach to 1 gallon of water. They should not be stored directly on the floor of the refrigerator, but on racks to allow for proper cool air circulation.

Meat Products

All raw meat sold in the United States must be inspected by the USDA. Different exemptions exist in different states for the sale of poultry meat.

Milk Products

All milk and fresh dairy products in the U.S. must be pasteurized. They must be bottled or packaged at the point of pasteurization. All fresh dairy products must be stored under refrigeration (40F or below). Approved forms of refrigerated storage for fresh dairy products are battery operated coolers or refrigerator trucks. The unit of sale will be by volume, and the label must follow state labeling guidelines.

Raw milk is only sold in states that allow it.

Eggs

Eggs must be inspected by the USDA. If a farmer sells less than 30 dozen eggs at a time and they produce less than 3,000 hens, the eggs are exempt from federal inspect. These “restricted” eggs cannot have more loss and/or leakers than allowed in the official standards for U.S. Consumer Grade B shell eggs. State regulations also operate within this window.

Comparisons for Georgia

- Georgia shares the same regulations as many other states in the southeast by providing some exemption for foods processed at home. While in Georgia, only low-risk foods can be sold at civic or non-profit events, some states have stricter guidelines in place where a small business can commercially produce goods at a home.
- Baked goods (unless they have a filling) normally fall under the same category as low-risk foods (jams, jellies, etc.). Georgia producers of baked goods are exempt from inspection if they sell directly to consumers at farmers markets sponsored by civic (including city governments) and/or non-profit organizations.
- All meat sold commercially must be approved by the USDA. Some states provide exemptions for meat sold within a state’s borders
- States in the southeast have a mixed approach to milk regulations. In the Southeast, only South Carolina and Mississippi allow some form of raw milk to be sold.

State	Low-Acid/Acidified	Baked Goods	Meat/Egg Products	Dairy Products
Alabama	<p>Foods that do not have to be time or temperature controlled for safety can be prepared in a kitchen in a private home for sale at state sanctioned farmers markets. Examples include baked goods, jams, jellies, and pickles.</p> <p>Low acid foods such as canned vegetables, slaws, stews, soups, sauces, and any foods containing meat or other potentially hazardous ingredients that would need to be refrigerated or otherwise be held under temperature control cannot be offered for sale unless prepared in a permitted establishment.</p> <p>Consumers purchasing products made in a home kitchen must be informed by a clearly visible label, tag, or placard that the food is prepared in kitchen that is not inspected by a regulatory agency.</p>	Same rules apply for low-acid foods.	Only raw meats, including fish and seafood, that are processed, packaged, and labeled at an inspected facility or are otherwise exempted from inspection may be sold at a farmers market.	<p>Sale of raw milk for human consumption is not legal.</p> <p>All dairy products, including cheese, must be processed, packaged, and labeled at a facility permitted and inspected by the Alabama Department of Public Health's Milk and Food Processing Branch.</p> <p>If a producer wishes to take the eggs to a farmers market to sale, they must follow guidelines in the Alabama Shell Egg Law. They must clearly print the name and the address of the packer, the grade, weight class, and date graded. Producers are fully exempt from inspection if sell eggs at the farm.</p>
Florida	<p>All Low Acid foods are regulated according to specific CFR requirements</p> <p>No exemptions for home processing of goods.</p>	All Baked goods are regulated according to specific CFR requirements	<p>All meat products are regulated according to specific CFR requirements</p> <p>Eggs are regulated according to restricted/non-restricted categories. See notes attached.</p>	<p>Sale of raw milk for human consumption is not legal.</p> <p>Other dairy products are regulated according to specific CFR requirements.</p>

Georgia	<p>Exemptions for inspection exist for low-risk goods (jams, jellies, etc) produced at home. See notes attached</p> <p>High risk products (acidified, canned) must be produced according to CFR.</p>	Exemptions for inspection exist for baked goods produced at home. See notes attached	<p>All meat products are regulated according to specific CFR requirements</p> <p>Eggs are regulated according to restricted/non-restricted categories. See notes attached.</p>	<p>Sale of raw milk for human consumption is not legal.</p> <p>Other dairy products are regulated according to specific CFR requirements.</p>
Louisiana	<p>Exemptions for inspection exist for jams, jellies, and honey produced at home. See notes attached.</p> <p>High risk products (acidified, canned) must be produced according to CFR.</p>	All Baked goods are regulated according to specific CFR requirements	<p>All meat products are regulated according to specific CFR requirements</p> <p>Eggs are regulated according to restricted/non-restricted categories. See notes attached.</p>	<p>Sale of raw milk for human consumption is not legal.</p> <p>Other dairy products are regulated according to specific CFR requirements.</p>
Mississippi	All Low Acid foods are regulated according to specific CFR requirements	All Baked goods are regulated according to specific CFR requirements	All meat products are regulated according to specific CFR requirements	<p>On-farm sales of raw goat milk are legal if the selling farm has no more than nine milk producing goats lactating on it. The farmer cannot advertise and must sell directly to the consumer</p> <p>State Department of Health regulates all dairy products according to specific CFR requirements</p>

<p>North Carolina</p>	<p>Exemptions for inspection exist for low-risk goods (jams, jellies, etc) produced at home. See notes attached.</p> <p>High risk products (acidified, canned) must be produced in an approved facility.</p>	<p>Exemptions for inspection exist for baked goods produced at home. See notes attached.</p> <p>Any food individually packaged for self-service sale must be labeled and adequately packaged to protect them from contamination.</p>	<p>All meat products are regulated according to specific CFR requirements</p> <p>Eggs are regulated according to restricted/non-restricted categories. See notes attached.</p>	<p>Sale of raw milk for human consumption is not legal.</p> <p>Other dairy products are regulated according to specific CFR requirements.</p>
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<p>South Carolina</p>	<p>All products (including "low-risk" jams/jellies) must be sent for analysis.</p> <p>No exemptions for home processing of goods.</p>	<p>All Baked goods are regulated according to specific CFR requirements</p> <p>Vendors who are owner operators of a Dept. of Health approved bakery or restaurant can sell at the farmers market under their catering license or retail food license issued by SC Dept of Health. Must post or provide retail Grade "A" permit at point of sale.</p>	<p>All meat products are regulated according to specific CFR requirements</p> <p>Eggs are regulated according to restricted/non-restricted categories.</p>	<p>Raw milk sales are legal on the farm and to a limited extent, in retail stores.</p> <p>Farmers must obtain a permit and can only sell raw milk, not raw milk products.</p> <p>The state Department of Health prohibits the sale of any processed raw dairy product. Advertising is legal.</p> <p>A retail store can only sell raw milk if the store does not fall under the regulatory definition of a "food service establishment."</p> <p>Under current law, only convenience stores "which offer for sale prepackaged food" and "engage in limited preparation of non-potentially hazardous food" are outside this definition.</p>
<p>Tennessee</p>	<p>Exemptions for inspection exist for low-risk goods (jams, jellies, etc) produced at home. See notes attached.</p> <p>All high risk (acidified/canned) foods are regulated according to specific CFR requirements</p>	<p>Exemptions for inspection exist for baked goods produced at home. See notes attached.</p>	<p>All meat products are regulated according to specific CFR requirements</p> <p>Eggs are regulated according to volume sold & size of operation. See notes attached.</p>	<p>Sale of raw milk for human consumption is not legal.</p> <p>Other dairy products are regulated according to specific CFR requirements.</p>

Additional Notes

FLORIDA

I. Rules for Selling Eggs

1. Facility must have an annual food permit
2. Facility must have an approved water and sewage system that meets requirement for a food processor. A residential system is not acceptable.
3. Facility must be separate from living quarters.
4. Facility must have hot and cold water of sufficient quantity to meet processing requirements.
5. Processor must use a USDA approved shell egg sanitizer and have the appropriate test kit.
6. Facility must be equipped with equipment to properly wash and air dry the eggs. The temperature of the wash water must always be 10 degrees F or greater than the temperature of the eggs. The temperature of the wash water must be a minimum of 90 degrees F. The temperature of the approved sanitizer must be at least 10 degrees F greater than the wash water temperature. Appropriate records must be maintained for this procedure.
7. Facility must meet all requirements of the Food Code.
8. Facility must have a three compartment sink to wash, rinse, and sanitize equipment.
9. Eggs cannot be sold in cartons. They can only be sold in bulk or in flats.
10. Facility must have cooling capability to store the eggs at 41 degrees F or less.
11. A placard must be displayed at the point of sale stating the following: "These eggs have not been graded as to quality and weight". The placard must be not smaller than 7 inches by 7 inches in size.
12. The unclassified eggs (washed eggs which have not been graded for size and quality) may have no more checks, dirties, leakers, or loss than those allowed for Florida Grade B eggs.
13. Nest eggs (eggs that have not been washed, sized, or graded for quality) may not be sold to retail outlets, consumers, or public eating places.

GEORGIA

I. Low Acid/Acidified Food Rules

a. Producers of these foods must have

Acid Food Processing

- pH Meter
- Record log

- Have process reviewed by Processing Authority

Acidified Food Processing:

- pH Meter
- Certified Thermometer
- Record Log
- Processed under the authority of an individual who has successfully completed the “Better Process Control School”
- Have schedule process for all products reviewed and approved by processing authority
- All schedule processes must be filed with FDA for interstate and GDA for intrastate commerce

Low-acid Food Processing

- Retorts properly equipped as required by CFR
- Record Logs
- Processed under the authority of an individual who has successfully completed the “Better Process Control School”
- Calibrated thermometers
- Have a schedule process for all products established by a process authority, including heat transfer test for specific products, containers, retorts and sizes, and submitted to FDA.

b. Exemptions

Low-risk foods (jams, jellies, baked goods, etc) are exempt from the Georgia Food Act when they are sold directly to consumers at small farmers markets or festivals sponsored by city, county, or non-profit organizations

All products must be labeled with:

1. The Common Name of the product
2. The Name and Contact information of producer
3. A list of ingredients in the product.

II. Rules for Selling Eggs

A person must receive an egg grader’s certificate (Candling License) to sell both restricted and non-restricted eggs.

Restricted Eggs:

Restricted eggs include the sale of eggs from a producers own flock at the site of production, on a door-to-door retail route, or at an established place of business owned and managed by the producer and sold directly to a household consumer as the end user. Provided that each such sale of restricted eggs shall be limited to no more than 30 dozen eggs and from a flock of 3,000 hens or less. The eggs shall contain no more loss and/or leakers than allowed in the official standards for U.S. Consumer Grade B shell eggs. The producers of these restricted eggs will be regulated by the Georgia Department of Agriculture but not required to obtain a Food Sales Establishment License. The eggs must be candled by a licensed candler and follow labeling, transporting, and storing/displaying requirements.

Non-Restricted Eggs:

Non-restricted eggs include the sale of eggs from a producer who intends to sell eggs to retail store (not owned and operated by producer), to a restaurant and/or institution, or to a facility/individual for further sale. This type of egg producer will be required to obtain a Food Sales Establishment License with the Georgia Department of Agriculture and must follow all guidelines in this document including the facility restrictions.

LOUISIANA

I. State exemptions

Producers of honey, honeycomb products, jams, and jellies whose gross revenues do not meet or exceed \$5,000/year are exempt from any state regulatory requirements.

NORTH CAROLINA

I. Steps for Home Processing:

Need to follow guidelines in 21 CFR 110 (Good Manufacturing Practices (GMP))

Additional regulations are required for pickled (acidified) foods

- Code of Federal Regulations (21 CFR 114) for Acidified Foods
- Code of Federal Regulations (21 CFR 108) for Emergency Permit Control

Key Requirements:

- Food contact surfaces must be smooth and easily cleanable.
- No pets in the home at any time.

- Restroom and hand washing facilities- must have hot and cold running water easily accessible from processing area. Kitchen sink is for food preparation only, hand washing must be done in a separate sink.
- Thermometer must be kept in refrigerator to monitor temperature.
- Waste must be carried away from the house in an acceptable fashion (sewer or septic system)
- All light bulbs in the kitchen must have protective shields or be shatter-proof.
- Must have water inspected if from well
- Must sell with approved label
 - Product name
 - Manufacturers name and address
 - Net weight of the product in ounces/pounds and the gram weight equivalent
 - Complete list of ingredients in order of predominance by weight
- Must have product tested through N.C. State University or other commercial lab

II. Rules for Selling Eggs

If a farmer sells over 30 dozen eggs per week, then **all** of the North Carolina Egg Law applies. Farmers who sell **fewer than 30 dozen eggs per week** (total, through all markets) are not required to wash and grade the eggs. Farmers who fall under the 30 dozen or fewer per week exemption must include their name and address on the carton and the words "ungraded eggs". These eggs are legal to be sold just like graded eggs - to restaurants, retail grocery stores, farmers' markets, etc.

III. Poultry Meat Exemptions:

Producer/Grower 1,000 bird limit exemption from NCDA or USDA Inspection.

1. The producer or grower slaughters no more than 1,000 healthy birds of his/her own raising in a calendar year.
2. The producer or grower sells/distributes only poultry product produced from poultry raised on his/her own farm.
3. Slaughter and processing are conducted under sanitary standards, practices, and procedures that produce products that are sound, clean, fit for human food and not adulterated.
4. The producer or grower keeps records necessary for the effective enforcement of the Act. Records include slaughter records and records covering the sales of poultry products to customers. These records are subject to review by FSIS, or state employees, to determine compliance with the requirement for sales not to exceed 1,000 poultry in a calendar year.

5. The poultry products may not move in interstate commerce, where the exchange of transportation of poultry products is between states and/or U.S. territories as specified in 9 CFR 381.10(c)(3).

Slaughter and /or process greater than 1,000 but no more than 20,000 poultry per calendar year.

Intrastate commerce only. Adulteration provisions of the act apply. Special labeling requirements apply depending on the exemption.

TENNESSEE

I. Rules for Processing in a Domestic Kitchen:

- Only “non-potentially hazardous foods” can be produced in a domestic kitchen. This includes jam, jellies, candy and baked goods
- Have successfully completed the Tennessee Food Safety Certification Course presented by the University of Tennessee Department of Food Science and Technology or equivalent as determined by the Tennessee Department of Agriculture
- Cannot exceed 100 units of sale per week
- Need to follow guidelines in 21 CFR 110 (Good Manufacturing Practices (GMP)). Key Requirements for GMP’s:
 - Food contact surfaces must be smooth and easily cleanable.
 - No pets in the home at any time.
 - Restroom and hand washing facilities- must have hot and cold running water easily accessible from processing area. Kitchen sink is for food preparation only, hand washing must be done in a separate sink.
 - Thermometer must be kept in refrigerator to monitor temperature.
 - Waste must be carried away from the house in an acceptable fashion (sewer or septic system)
 - All light bulbs in the kitchen must have protective shields or be shatter-proof.
 - Must have water inspected if from well
 - Hair restraints and clean outer garments which must be worn by all persons in the domestic kitchen during processing, preparing, packaging, or handling of commercial foods
- Must sell with approved label
 - Product name
 - Manufacturers name and address
 - Net weight of the product in ounces/pounds and the gram weight equivalent

- Complete list of ingredients in order of predominance by weight

II. Rules for Selling Eggs

Above 3,000 birds: All eggs are inspected according to USDA regulations

Below 3,000 birds but more than 50 cases a year:

- Separate facility (cannot utilize household kitchen) meeting current Good Manufacturing Practices (GMP's) must be utilized. Emphasis should be placed on easy cleanable floors with floor drains in the areas where eggs will be handled.
- Facility would also require tight fitting self closing outer doors, easy cleanable walls, shielded lights in processing area, sufficient hot and cold water, sufficient sinks to clean and sanitize the eggs, separate hand washing sink
- Negative water test for coliform required annually if water source is from non public system. Restroom would be required at facility if employees are non family members.
- Waste disposal system, including waste water from floor drains, to be approved by the Health Department.
- Eggs must be cleaned and then sanitized in a solution of 50 - 200 ppm of unscented chlorine (test strips required), and then rinsed with potable water.
- Eggs must be stored below 45 degrees F. with an accurate thermometer visible in the storage area.
- Generic cartons must be provided with the producers name and address on each carton. "Code dates" or "sell by dates", which may be used as lot numbers, are recommended to be placed on the outside of each egg carton.
- Eggs must be candled & graded and each case or portion thereof must contain a candling certificate at least 2 inches by 4 inches indicating the producers name, address, date of grading, TDA permit number, and the name of the person doing the candling & grading.
- Facility must be inspected and permitted by TDA. Permit as 615 type 015 (Eggs and egg products). Fee relative to size of area used to clean, grade, candle, and store eggs. Inspection will include random candling and grading. TDA will assist and/or coordinate training on candling & grading.

Below 50 cases a year:

- Same rules as Below 3000 birds/less than 50 cases except for requirements of separate facilities and candling