



## Collaboration with Other Agencies

The Georgia Department of Public Health, Environmental Health Section collaborates with the Georgia Department of Agriculture (GDA) in an effort to promote food safety in Georgia's food service establishments. In carrying out this collaborative effort, the Department, at times, seeks guidance pertaining to Federal Code of Regulations and Georgia Food Safety Laws applicable to Chapter 511-6-1. Likewise, another state agency that is consulted is the Georgia Department of Natural Resources (GDNR). Two of its Divisions, Wildlife and Environmental Protection Divisions, are consulted on occasions as necessary. The Wildlife Division/Special Permit Unit is a source to ascertaining approved source for aquaculture of fish and to determine if a wild animal can be legally held as an assistant for the disabled through the Unit's Wild Animal Permit for Disabled Assistants program. In addition, the FDA (United States Food and Drug Administration) is closely consulted for interpretation of its Code, since Chapter 511-6-1 is adopted from the 2013 FDA Model Food Code. Finally and at times, the United States Department of Agriculture (USDA) is consulted to determine the approved source for meats.

The following subsections will provide guidance in regards to the inter agency collaborative efforts stated above:

### **A. Georgia Department of Agriculture:**

1. In June 2015, a Memorandum of Understanding (MOU) was signed between the Georgia Department of Agriculture (GDA) and the Georgia Department of Public Health (DPH). The purpose of the MOU is to clarify the respective responsibilities of the GDA and DPH in jurisdictional oversight of facilities as well as surveillance and investigation of foodborne illnesses and in furtherance of such purposes, to broaden cooperative efforts between the two agencies.
2. Amendments made to Chapter 2 of Title 26 of the Official Code of Georgia Annotated change the definition for food sales and food service, effective July 1, 2000. Further changes were made with the Food Safety Modernization Act in 2011 and the addition of cottage food industries in September 2012. In addition, DPH became a standalone Department in 2011. Lastly, GDA and DPH adopt their retail and food service regulations based on the FDA Model Food Code, and differences may exist based on the version of Food Code currently used by each agency. As a result, an updated MOU between the two state agencies is necessary.
3. **Establishing Jurisdiction:**
  - a) **Bakeries\*** — An establishment selling baked items, such as cakes, cookies, breads, rolls, pastries, etc., will be considered a food sales establishment if baking is actually done on premise and primary consumption of the product is off premise. If it is determined that there is both a food, sales component and a



food service component because of consumption on the premises and/or other foods prepared, and sold on the premises, agency responsibility and jurisdiction will be determined by method of operation and square footage.

\* Exception - Any bakery component that is baking on-site and wholesaling is considered to be a processor, which falls under GDA jurisdiction. If a food service component in the same building is larger when measured by square footage, the firm will be subject to dual inspection. The local Board of Health would permit and inspect the food service component, while the GDA will license and inspect the food processing and distribution operations.

b) Blended Operations — Firms with both food sales and food service operations will have regulatory responsibility determined by Georgia statutes O.C.G.A., § 26-2-21 and 26-2-370. The responsibility will be based on the following factors:

- Business plan and method of operation (consider primary method of sales; internet, for sale to cook at home, for sale to- reheat, etc.);
- On-site consumption of products;
- Square footage;
- Whether the operations are separately operated\*;

\*For blended operations with combined food service and food sales components, the components will be determined to be "separately operated" if the answer "yes" can be given to any of the following criteria:

1. Do the components have different owners?
2. Do the components each have a separate business license?
3. Do the components have separate persons legally responsible or in charge of the operation? The person in charge of a particular component of a facility is not directly supervised by one on-site responsible party for the entire facility, thus making each the legally responsible person over that particular component,
4. Do the components each have different names where one name is not solely owned and used by the other component's franchise or corporation? (An example of this could be the same owner over a convenience store and Subway franchise restaurant, or a Wal-Mart store that also has a McDonald's restaurant,
5. Is there a separate entrance for each component? An example to consider is a strip mall convenience store with a sandwich shop, both operated by the same owner/where there is no common egress between the two operations.

c) Catering — Catering operations are considered food service under contractual agreement between the permit holder and the consumer. The caterer prepares food in bulk and delivers it at a scheduled date and time to a specified event location, as per the contractual agreement. The terms "catering" or "caterer" shall not include establishments that only deliver foods (such as pizza delivery) or establishments that package and label food for resale (that are not



provided directly to the consumer), such as a sandwich manufacturer who sells his own sandwiches off premises. Catering operations may be in the same building as, but are considered separate from, food sales operations in the same building,

- d) Cottage Food - Cottage food operators are required to have a Cottage Food License issued by the GDA annually, which allows these food sales operators to produce non-potentially hazardous foods in their home kitchens for sale to the end consumer. These foods include: Loaf bread, rolls and biscuits; cakes; pastries and cookies; candies and confections; fruit pies; jams, jellies and preserves; dried, fruits; dry herbs, seasonings and mixtures; cereals, trail mix and granola; coated or uncoated nuts; vinegar and flavored vinegar; and popcorn, popcorn balls and cotton candy. A cottage food license is not the same as a food sales establishment license, nor shall a licensed cottage food establishment be viewed as an approved source for food service establishments.
- e) Food Sales Establishment - Under O.C.G.A. § 26-2-21(a)(5), "food sales establishment" is described as: 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), wholesale sandwich and salad manufacturers (including vending machines and operations connected therewith), bakeries, confectioneries, fruit, nuts, and vegetable stores or roadside stands and places of business and similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off the premises. Within a food sales 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 sales establishment. The food sales component of any food service establishment defined in Code Section 26-2-370 shall not be included in this definition. This term shall not include "food service establishments" as defined in Code Section 26-2-370.
- f) Food Service Establishment — A "food service establishment" is described as an establishment that prepares and serves meals, lunches, short orders, sandwiches, frozen desserts, or other edible products either for carry out or service within the establishment. The term includes restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places that may include retail sandwiches or salads, soda fountains, public and private institutions, food carts, itinerant restaurants, industrial cafeterias, catering establishments and similar facilities by whatever name called. Within a food service establishment, there may be a food sales component, not separately operated. This food sales component shall be considered as part of the food service establishment. This term shall not include a 'food sales establishment,' as defined in Code Section 26-2-21, except as stated in this definition. The



food service component of any food sales establishment defined in Code Section 26-2-21 shall not be included in this definition.

\* Exception - Wholesale food establishments and food service operations - When an operation manufactures, packages, stores, repackages or transports food products for distribution to another entity for resale or redistribution, it is considered a wholesaler under jurisdiction of the GDA. When an establishment operates as a wholesale establishment and a food service establishment with the same permit holder, the wholesale establishment will be permitted by GDA and the food service establishment will be permitted by the focal Board of Health. An example could be a restaurant that bottles and wholesales its own barbecue sauce onsite.

\* Wholesale license exemption for food service sales to nonprofit institutions – Permitted nonprofit institutions that provide a need or service to the community may purchase food from a permitted food service establishment and re-serve or re-sell the food, and will remain solely under the jurisdiction of DPH. Examples of permitted nonprofit institutions include: Jails, public and private school cafeterias, senior centers, and nursing homes. The intent of the nonprofit institution's operation is to provide a service to the community without any expectation of making a profit, GDA Processing Specialists will be made available to assist DPH Environmental Health Specialists, if assistance is requested for the evaluation of wholesale food operations conducted by DPH firms.

- g) Franchise Operations - Certain traditional food service operations that are not solely owned and operated by a franchise or corporation, but are combined with a food sales operation will always fall under the jurisdiction of DPH. Examples of this include: Arby's, Blimpie, Bojangles, Burger King, Captain D's Seafood, Checker's, Chick-Fil-A, Church's Fried Chicken, Dairy Queen, Domino's Pizza, Hardee's, KFC, Little Caesar's Pizza, McDonald's, Papa John's, Pizza, Pizza Hut, Popeye's Chicken, Starbuck's, Steak & Shake, Subway, Taco Bell, Waffle House, Wendy's and Zaxby's. There may be other similar food service operations; please refer to the interpretive guidelines in this MOU to determine agency jurisdiction.
- h) Ice Cream - Ice cream must comply with 21 CFR sec. 135.110. Ice cream may be produced within a food service establishment when consumption is on-site or off-site, as long as the product is a single serving size. This is considered food service and shall fall under DPH jurisdiction. In both scenarios, all ingredients other than fruit and fruit flavorings must be pasteurized and from an approved source. Food service or food sales establishments that wish to produce ice cream or frozen desserts from raw milk or egg ingredients must first obtain a GDA Dairy License to manufacture ice cream. In addition, those firms that wish to package and wholesale (sale to anyone other than the end consumer) ice cream or frozen desserts are required to obtain a GDA Dairy License.



- i) Ice Cream Trucks — Mobile ice cream trucks may sell commercially wrapped pre-packaged ice cream obtained from an approved source. This type of business shall be considered a mobile store and will fall under GDA jurisdiction. If the truck also chooses to dip or pour ice cream or other frozen desserts, it will be considered food service and fall under DPH jurisdiction regardless of prepackaged ice cream sales.
- j) Special Food Service Operations —These can include permanent kiosks in malls and airports, and mobile food units. In determining appropriate jurisdictional authority, methods of operation and base of operation shall be considered, which will assist in confirming whether the operation falls under DPH or GDA jurisdiction. Consider guidelines provided under "Blended Operations" for additional information.
- k) Historical Determination for Square Footage: If an establishment is determined to have separately operated components, DPH will inspect the food service component and GDA will inspect the food sales component. If components are not separately operated, agency jurisdiction will be determined by square footage unless otherwise noted above.

1. If not separately operated, the Food Sales or Food Service component with the most square footage will determine agency jurisdiction as follow:

How to determine square footage:

Food Service sq. ft. = Floor area of food prep., dishwashing,  
 Cooking, service. .... \_\_\_\_\_  
 Dry storage for food products used in  
 Food service. .... \_\_\_\_\_  
 Storage of utensils and other dry  
 Goods Stored..... \_\_\_\_\_  
 Dining areas inside building..... \_\_\_\_\_  
 Dining areas outside building ..... \_\_\_\_\_

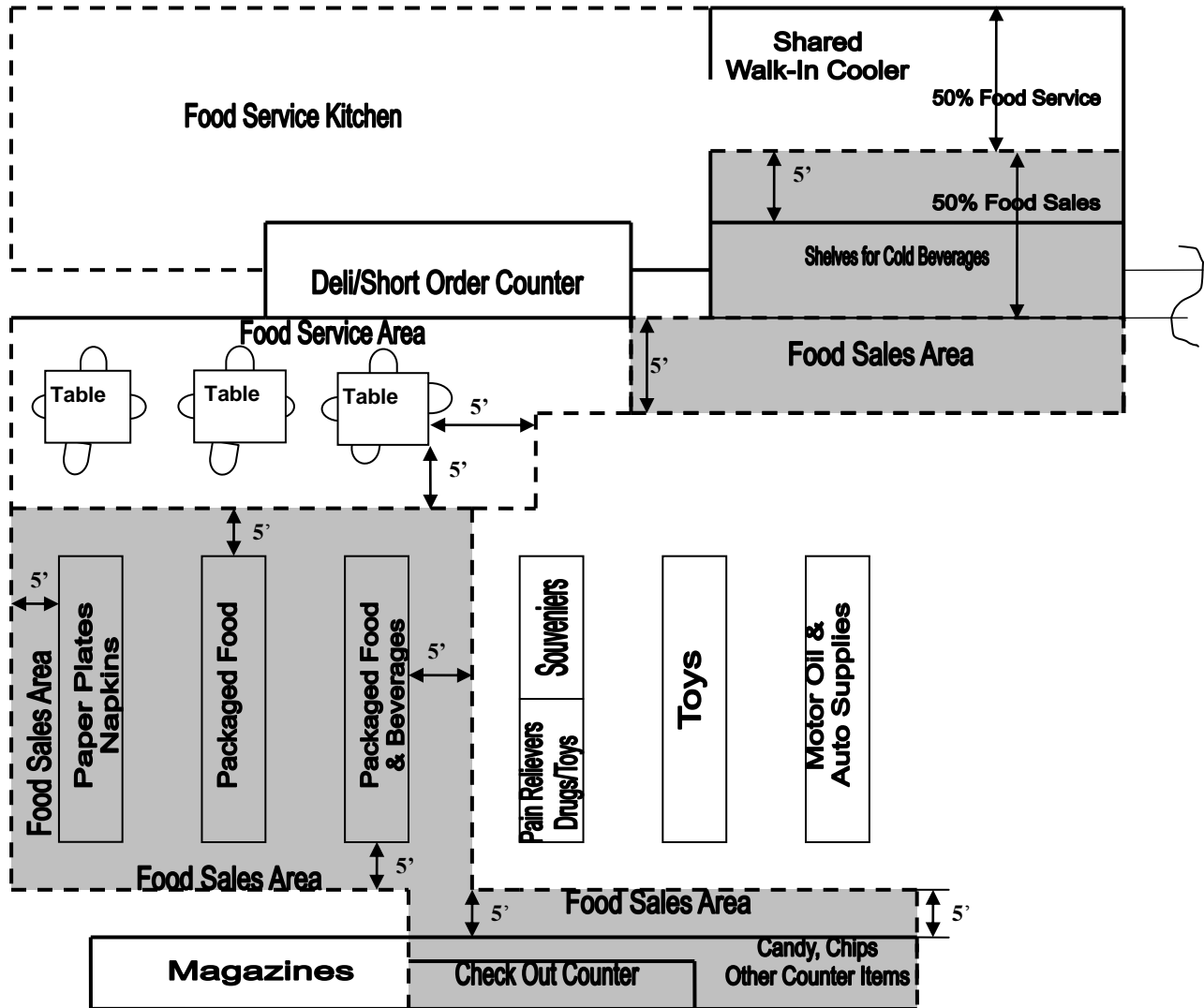
TOTAL sq. ft. .... \_\_\_\_\_

Food Sales includes retail sales areas where food, beverages and single service articles are displayed.

Food Sales sq. ft. = Floor area including and between  
 display cases ..... \_\_\_\_\_  
 Dry storage for food products and single  
 service articles ..... \_\_\_\_\_  
 Cold Storage ..... \_\_\_\_\_

TOTAL sq.ft. .... \_\_\_\_\_

EXAMPLE - Area measurements for combination food sales/food service components where the two are not separately operated.



**NOTE: NOT TO SCALE**

**NOTE:**

- For any storage area that is jointly used between Food Sales and Food Service, estimate square footage by percentage of use for each operation. If area is used equally for both, use 50% of area for each.
- For dining areas that are not enclosed or are adjacent to an open aisle adjoining food sales or other areas, measure area in these locations to a distance of five feet from the back edge of seating as placed when not being used or counter, as applicable.
- For display cases that face non-food items, measure the area in these locations to a distance of five feet from the bottom of the food display case.



Shaded areas are considered food sales. Other areas within dotted lines, labeled as food service, will be considered food service. The walk-in cooler is used by both food sales and food service, therefore it is to be measured as 50% food sales and 50% food service. The checkout counter is measured as part of food sales because there are candy items displayed underneath. The square footage is measured for each area. Note that if this establishment did not have tables and chairs, but only had the service counter at the deli/short order area, we would measure the area five feet out from the base of the counter.

If food sales has the most area, GDA will permit and inspect the entire establishment as a food sales establishment. If food service has the most area, DHR will permit and inspect the entire establishment as a food service establishment. If, however, each component is operated separately or has a separate business license then square footage will not be measured. Each component will be inspected separately by the agency having jurisdiction.

- (1) Difficulties of Determining Jurisdiction: When ever there are some uncertainties as to what agency, the Health Authority or GDA, should have jurisdiction over an establishment, the EHS is advised to meet with his local GDA sanitarian at the establishment for joint evaluation.
2. Hotel, Restaurant, Institution (HRI) Exemption:
  - (a) Background:
    1. FMIA, 21 U.S.C. 624 [Sec 24] and 661 [Sec 301] and PPIA, 21 U.S.C. 454 [Sec 5] provide for several types of retail exemptions. Inspectors are not required to be present during the preparation of meat, and meat products, at a retail store or restaurant,
    2. Since the meat and poultry exemption regulations have differences, we'll discuss them separately. Let's look now at the retail exempt criteria for retail stores, restaurants and central kitchens operating under these provisions.
  - (b) Meat - Retail and Restaurant Exemption:
    1. 21 U.S.C. 624 [Sec 24] and 661 [Sec 301] of the FMIA and 9 CFR 303.1 (d) cover the exempt provisions for retail stores, retail dealers and/or restaurants.
    2. 21 U.S.C. 661 (c)(2) [Sec. 301] and regulation 9 CFR 303.1 (d)(2)(iv) identify those operations eligible for the Retail and Restaurant Exemption.



They are traditionally and usually conducted at retail stores and restaurants, or similar retail-type establishments, which offer meat and meat products for sale or service to consumers at the retail business. The amount purchased by the customer is considered to be a normal amount for a retail purchase. The statute and regulations clearly specify meat or meat product sales and services are made directly to the consumer. As mentioned previously, a consumer is any household consumer, hotel, restaurant, or similar institution.

3. There are 8 main criteria for the *Retail and Restaurant Exemption*. These are:
  - (a.) Only federally or State inspected and passed meat product is handled or used in the preparation of any product sold at the retail store. This exemption is allowed because the retail operator is able to demonstrate that the product being sold as retail meets the criteria addressed in 9 CFR 303.1 (d). There is no slaughtering or retort processing of canned products.
  - (b.) Sales of meat products are in normal retail quantities, and at least 75 percent of the dollar value of total sales of product represents sales to household consumers. A normal retail quantity does not exceed a half carcass or weight considered equivalent to a half carcass in accordance with regulatory requirements. 9 CFR 303. 1 (d)(2)(ii) gives half carcass weights (cattle - 300 lbs, calves - 37.5 lbs, sheep - 27.5 lbs, swine - 100 lbs, and goats - 25 lbs).

Note: The sale or distribution of unopened fully labeled products is not restricted by any exemption since it does not involve opening and preparation of products. When sold at the retail level, it is commonly referred to as pass through product, which differs distinctly from product preparation conducted under the retail exemption. Therefore, **pass through product is not considered as part of the dollar value limit of total meat sales.**
  - (d.) Sales to hotels, restaurants and similar institutions do not exceed either of two maximum limits: 25 percent of the dollar value of the total meat and meat product sales, or the calendar year dollar limit for retail stores set by the FSIS Administrator. The 75/25 figure is based on calendar years, and any changes to the dollar amount are found on the FSIS web page:  
  
[http://www.fsis.usda.gov/regulations/2007\\_Notices\\_Index/](http://www.fsis.usda.gov/regulations/2007_Notices_Index/)
  - (e.) The facility is operated and maintained in a manner that prevents the creation of unsanitary conditions and ensures product is not adulterated. Retail operations are not exempt from the





adulteration and misbranding provisions.

- (f.) Retail operations can prepare meat and meat products for sale to consumers using various processing methods, except slaughtering and retort processing of canned products as previously mentioned. In addition, retail stores can sell from mobile trucks that they own (not stationary). Such trucks are considered extensions of the retail business.
- (g.) Retail stores can prepare product for sale to other than household consumers including restaurants, hotels and other similar institutions (HRI) within the sales limits set out in 9 CFR 303.1 (d) in terms of quantity and percentage of total sales. Retail prepared products eligible for sales to other than household consumers may include within the limits set out in 9 CFR 303.1 (d): raw or ready-to-eat meat products which are ground, sliced, or chopped, with or without added ingredients (e.g., seasoned ground pork, ground beef and pork, sliced cold cuts, ham salad, bacon wrapped filets) provided these products are not cured, cooked, smoked or rendered by the retail establishment.
- (h.) The regulations in 9 CFR 303.1 (5)(f) require retail exempt operations to comply with the adulteration and misbranding provisions of the Act. Federal code 9 CFR 317.2 (k)(1)(i) requires that all meat and meat products that have not undergone other processing that would render them ready-to-eat, must bear safe handling instructions. **This includes product destined for household consumers, hotels, restaurants or similar institutions.** CFR 317.400 exempts nutrition labeling requirements for meat products prepared and served or sold at retail, provided the labels or the labeling of these products bear no nutrition claims or nutrition information. **There are no other mandatory labeling requirements for meat products at the retail level.**
- (c) Restaurant Central Kitchen Exemption: In addition to the previously mention requirements, product can be prepared at a restaurant central kitchen, provided certain conditions are met. A restaurant central kitchen operation must meet 5 conditions under this exemption:
  - 1. Meat products used in the preparation of meals at a retail store and restaurant must be derived from federally or state inspected and passed meat products. Restaurants, combination retail stores and restaurants, caterers and central kitchens can process inspected and passed meat for sale or service either as a meal or an entree, which is sold directly to individual consumers. Caterers cannot sell to a company, which in turn would resell the product. Federal or State Inspection is required if products are prepared and sold to someone who is going to resell the product.
  - 2. Products prepared at the central kitchen must be ready-to-eat when



they leave the facility. They can be chilled, or frozen, and then reheated at the destination restaurant.

3. Transported directly to a receiving restaurant by its own employees without intervening transfer or storage. Interstate shipments are permitted if the firm is exempt. **The regulations exempt firms who operate a restaurant central kitchen and ship product to restaurants they own\***. In this case, to qualify for the Central kitchen, the product can never leave their control and ownership until delivered to the consumer. Transportation must be by the owner, or it's employees, in it's own vehicles. Central kitchens that prepare and transport fresh, uncooked product, which is then cooked at the restaurant, are required to be under federal inspection. If a firm prepares both uncooked and cooked products, all items are required to be covered under federal inspection.

*\*There are times when a firm supplies many restaurants, some of which may be under a different corporate name. As long as the corporate officials are the same, it is considered the same ownership.*

4. Maintained in a safe, unadulterated condition during transportation.
  5. Served in meals or as entrees only to customers at restaurants, or through vending machines owned and operated by the same person that owns and operates such facility. These end locations can be receiving restaurants, vending machines, kiosks at a mall, leased exhibit booths at a county fair, etc. The product must not leave the owner's control from preparation through transportation, and then to direct sale to the consumer.
- (d) Poultry Products Inspection Act, Public Law 90- 492: USDA allows various exemptions to retailers and companies in states that do not have consumer protections laws. Georgia consumer and food service laws require all meat sold or used for food service to be inspected by the agency that has animal health jurisdiction. For poultry in Georgia that agency would be the USDA.
- (e) Approved Source and Game Animals - Georgia Food Regulations - Georgia Department of Agriculture:

**“40-7-1-.08. Food from Approved Source.**

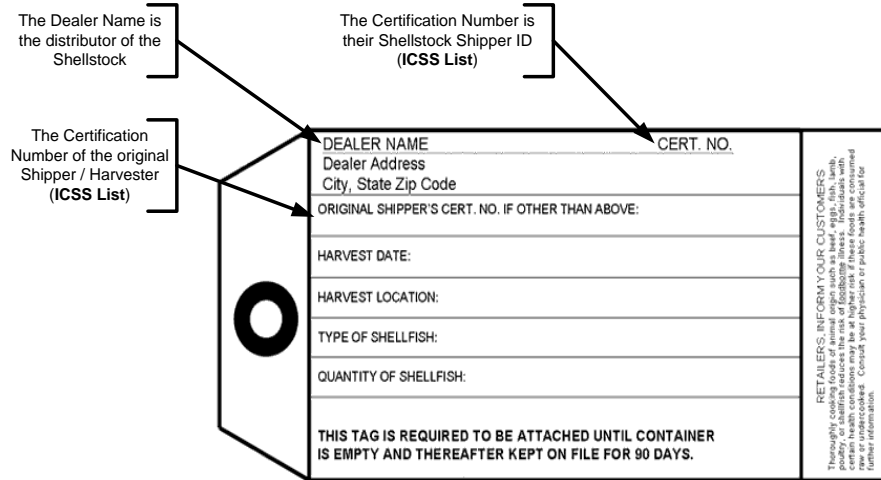
- (1) Compliance with applicable law.\* Food shall be of sound condition and safe for human consumption and shall be obtained from sources that comply with applicable laws relating to food safety.
- (2) Food prepared in a private home may not be used or offered for human consumption in a food sales establishment, neither shall rooms used to store food or offer food for sale, be used as living quarters.



- (9) Game Animals.\* Game animals may be received for sale if:
- (a) Game animals commercially raised for food are:
    - 1. Raised, slaughtered, and processed under a voluntary inspection program that is conducted by the agency that has animal health jurisdiction, or
    - 2. Under a routine inspection program conducted by a regulatory agency other than the Agency that has animal health jurisdiction and are raised, slaughtered, and 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. The agencies shall consider factors such as the need for ante mortem and postmortem examination by a veterinarian or a veterinarian's designee, approved by the regulatory authority.
  - (b) Exotic species of animals including animals raised for exhibition purposes in a zoo or circus:
    - 1. Meet Subparagraph (a) 1 of this section, or
    - 2. Receive ante-mortem and postmortem examination by a veterinarian or a veterinarian's designee, approved by the regulatory authority, and
    - 3. Are slaughtered and 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.
  - (c) As allowed by law, wild game animals that are live-caught are:
    - 1. Under a routine inspection program conducted by a regulatory agency other than the agency that has animal health jurisdiction.
    - 2. Are slaughtered and 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, and
    - 3. The agencies consider factors such as the need for ante-mortem and postmortem examination by a veterinarian or a veterinarian's designee, approved by the regulatory authority; or
  - (d) As allowed by law, field dressed wild game animals that are under a routine inspection program under which the animals:



1. Receive a postmortem examination by a veterinarian or a veterinarian's designee, approved by the regulatory authority,
  2. 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, and
  3. 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.
- (11) Uninspected Meats.\* Except as provided for in paragraph 10 (*Processing of Deer in Retail Stores*), un-inspected meat and/or poultry or products of such, may not be received for holding and/or processing or sale.”
- (f) Program Assistance:
1. For questions concerning distribution of meat and poultry products to HRI, please contact the Georgia Department of Agriculture:
    - (a.) Food Safety Division, Atlanta, GA at 404-656-3627
  2. If Environmental Health Specialists need technical assistance involving meat and poultry exemptions, please contact this number and speak with someone that can assist you with your investigation.
3. Shellfish Guidelines:
- (a) Receiving: All raw molluscan shellfish on entering a food establishment must have a Shellstock Tag attached to the container. Shellstock shall only be obtained from Certified Harvesters or Dealers – consult the Interstate Certified Shellfish Shippers (ICSS) List for a list of approved sources (verify by checking the dynamic list which is updated more often). Shellstock shall be reasonably free of mud, dead shellfish or shellfish with badly broken shells. Dead Shellstock should be discarded.
  - (b) Shellfish Tags: The National Shellfish Sanitation Program (NSSP) recognizes two types of Shellstock Tags: Harvester Tags and Dealer Tags. Many of the requirements are the same for both tag types. See the following key features of a shellstock tag:



DEALER NAME	CERT. NO.
Dealer Address	
City, State Zip Code	
ORIGINAL SHIPPER'S CERT. NO. IF OTHER THAN ABOVE:	
HARVEST DATE:	
HARVEST LOCATION:	
TYPE OF SHELLFISH:	
QUANTITY OF SHELLFISH:	
THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS.	
<small>RETAILERS: INFORM YOUR CUSTOMERS. Thoroughly cook shellfish of animal origin such as beef, eggs, fish, lamb, poultry or substitute reduces the risk of foodborne illness. Individuals with shellfish allergies should avoid raw or undercooked. Consult your physician or public health official for further information.</small>	

**DEALER TAG\*\*\***

\*\*\* When both the dealer and harvester tags appear on the container, the dealer tag is not required to list the date of harvesting, and the harvest location.

1. Other Tags of Concern:

- (a.) White or Gold Banded Oysters: These Oysters have undergone a high pressure or pasteurization process to destroy potential pathogens. In addition to the other required information, their shellstock tag which is usually blue in color will also display a Lot Number. They will have a yellow heat shrink band or white rubber band around the oyster to keep the oyster shell closed. They may be consumed raw like a regular oyster.
- (b.) Neon-Green Tag Oysters: These oysters were harvested in a manner that will not allow them to be consumed raw. They should only be found at a Certified Dealer facility licensed to further process them (see ICSS List). If these are found offered or held for sale, they should be discarded immediately. Alert the Atlanta Office or Seafood Safety Officer immediately and obtain shipping documents / invoices to further support your investigation.
- (c) Storage: The Shellstock Tag should remain attached to the shipping container while the product is being stored in the firm. The dates that the product is offered for sale, Beginning and End-Sale dates, should be recorded on the tag; and the tag should be kept on file at the firm for 90 days from the End-Sale date. Freezing shellstock kills it and defeats the purpose of obtaining it live.



(d) Handling:

1. Shellstock must be treated as a ready-to-eat food since it may be consumed raw. Product should be stored or displayed in a manner that prevents cross-contamination from other raw foods. For oysters on the half-shell, Rule 290-5-14-.05 subsection (6) (s) states, “Mollusk and crustacean shells shall not be used more than once as serving containers.”
2. Shellstock must never be commingled, in either storage or display. Rule 290-5-14-.01 (q) states that “commingle” means, “to combine shellstock harvested on different days or from different growing areas as identified on the tag or label, or to combine shucked shellfish from containers with different container codes or different shucking dates.”

(e) Consumer Advisory: A Consumer Advisory statement must be conspicuously displayed at locations that sell Shellstock intended for raw consumption. Rule 511-6-1-.04 subsection (7) (e) explicitly requires “Disclosure” and “Reminder” statements to be at the point of customer ordering raw or undercooked animal derived ready-to-eat foods.

(f) Program Assistance:

1. For questions concerning shellfish within food service operations, please contact:
  - (a.) Seafood Safety Office, Savannah, GA at 912-963-2500; or
  - (b.) Department of Agriculture, Atlanta, GA at 404-656-3621
2. If technical assistance is needed by Environmental Health Specialists investigating shellfish / seafood from an unapproved source, please contact either of these numbers and speak with someone that can assist you with your investigation.

(g) Approved Sources for Shellfish: The ICSS List is available on-line at: <http://vm.cfsan.fda.gov/~ear/shellfis.html>.

4 Seafood Substitution:

- (a) Economic Deception or Fraud in the sale of seafood occurs when a less expensive species is substituted for a more expensive species and, in interstate commerce, constitutes fraud and is prohibited under the Misbranding Section of the Federal Food Drug and Cosmetic Act Section 403: MISBRANDED FOOD. (See also, United States Code, Title 21, Chapter 9, Subchapter IV, Section 343.)



**Section 403(b) - Misbranded food:** *A food shall be deemed to be misbranded if it is offered for sale under the name of another food.*

**FDA's Examples of Substituted Seafood**

Products in **Column A** have been known to be substituted for those in **Column B**, which in most cases are more expensive.

<b>Column A</b>	<b>Column B</b>
Rockfish	Red Snapper
Yellowtail	Mahi Mahi
Shark	Swordfish
Oreo Dory or John Dory	Orange Roughy
Alaska Pollock	Cod
Column A	Column B
Sea Bass	Halibut
Arrowtooth Flounder	Dover Sole
Black Drum	Red Drum (Red Fish; Southern or Gulf)
White Perch	Lake or Yellow Perch (Great Lakes)
Zander	Lake or Yellow Perch (Great Lakes)
Paddlefish and other Fish Roe	Caviar (Sturgeon species)
Farm raised shrimp	Wild caught shrimp
Pacific Salmon	Atlantic Salmon
Pink Salmon	Chum Salmon
Skate Wings	Scallops
Alaskan Pollock	Walleye
Steelhead Trout	Salmon
Imported Crabmeat	Blue Crabmeat
Farm Raised Salmon	Wild Caught Salmon



(b) Program Assistance (Georgia):

1. Food Sales and Food Service establishments in Georgia are required to obtain their seafood from approved sources. This occurs by direct sales from licensed commercial fishermen or from licensed wholesale fish dealers. These dealers must comply with state and federal regulations requiring proper labeling and representation. To report this type of economic fraud, to relay consumer complaints of fish substitution, or to arrange a joint-inspection with the Georgia Department of Agriculture when substitution is suspected; contact:
  - (a.) Seafood Safety Office, Savannah, GA at 912-963-2500; or
  - (b.) Department of Agriculture, Atlanta, GA at 404-656-3621
2. If technical assistance is needed by local county environmental health jurisdictions investigating fish substitution, misbranding, or seafood from an approved source please contact either of these numbers and speak with someone that can assist you with your investigation.

(c) Program Assistance (Federal):

1. To guide consumers and industry with species identification, FDA maintains a *Seafood Names List*, which includes shellfish. The list is used mostly by industry so it can uniformly label its products using FDA acceptable market names. Developed in cooperation with the National Marine Fisheries Service, the list includes over 1,000 species currently sold in the United States or that have a strong potential for sale here. It does not list endangered species nor those prohibited for sale. These can be accessed at: <http://www.cfsan.fda.gov/~frf/seaintro.html>.
  2. The seafood list shows the Acceptable Market Name, the Scientific Name, the Common Name, and any Vernacular Names. It is advisable to use either the Acceptable Market Name or the Common Name in labeling seafood products, which will help assure that identity labeling of the seafood will comply with FDA and NMFS regulations. **Use of the vernacular name is not encouraged, and may cause the seafood to be misbranded.** The listing of Vernacular Names has been included for information purposes, and to help reference the Acceptable Market Name.
5. Dairy Processing License:
- (a) Guidelines For Requiring A Dairy Processing License:





1. All dairy products that are manufactured in Georgia are required to hold a valid Georgia license to be sold or stored in this state.
2. Manufacturing is defined as any combination of: collecting, processing, pasteurizing, aseptic processing, freezing, packaging, bottling, wrapping and labeling. This would include taking an already prepared dairy product and changing its physical property by heating, blending, reconstituting, recombining, etc. and repackaging such products for sale.
3. Soft serve freezing of a (approved) soft serve mix for sale in cones, cups or other serving containers is not considered manufacturing. This includes adding flavoring ingredients. Cutting a cheese from an approved source, and rewrapping into smaller containers is allowed with proper labeling.
4. Dairy products are extremely susceptible to cross contamination of pathogenic organisms that grow well even at cold temperatures (such as listeria). Therefore, even though a license may not be, careful consideration should be given to keeping the equipment that may come in contact with dairy products segregated (used only for dairy). This includes counter tops, ladles, scoops, containers, spatulas, freezer compartments, grinders, etc. Completely separate areas (rooms) should be required where raw meat - poultry, vegetables etc. are handled.

If someone makes a dairy product or takes an already prepared dairy product and change its nature - physical composition and/or package it, they will be required to get a dairy license.

**Using finished dairy products, as ingredients in other non-dairy foods, would not require a dairy license.**

(b) Examples of Products NOT REQUIRING a Dairy License:

1. A soft serve mix soft frozen and offered to a consumer in a serving container on the premises.
2. This includes certain products that are non-dairy, such as water ices (sometimes referred to as Italian Ices), sorbets, popsicles, etc.
3. Mixing water, sugar and flavoring, soft freezing and serving on the premises in a serving cup-container, etc. (snow cone, slurpee, etc.).
4. Mixing water ice (sugar, water & flavoring), hard freezing it and packaging it for retail sale.



5. Cutting and rewrapping a cheese into smaller sizes. Must have appropriate labeling if displayed for retail sale. Cutting and wrapping in customer's presence O.K. without labeling.
6. Making Cocoa drink from a powdered mix and serving to customer from individual packages, even though Cocoa is mostly nonfat dry milk, the Cocoa drink is not a regulated dairy product. Nonfat dry milk is an ingredient in another food production in this example.

(c) Examples of Products REQUIRING Dairy Licensing:

1. Reconstituting a soft serve dry dairy mix.
2. Blending cheese(s) - grinding and melting, etc.
3. Hard freezing and packaging for sale a soft serve mix.
4. Preparing an ice cream cake by hard freezing mix and packaging for sale.  
*\*Note Item 3 and 4 could be conducted in certain situations with a food service permit from a county health department. (Title 26-2-373, Article 13).*
5. Reconstituting any nonfat or dry milk product for drinking purposes except by the consumer himself.
6. “Homemade” Yogurt: Yogurt made within food service establishments is a Grade A milk product and shall be produced under the regulations of the Grade A Pasteurized Milk Ordinance which is Georgia Law. It does not matter if such yogurt is produced for food service or wholesale, it has to meet all the pasteurization, production, packaging, etc. requirements of the law.

A link to the Grade A Pasteurized Milk Ordinance is:

<http://www.cfsan.fda.gov/~ear/pmo03toc.html>.

- (d) All dairy products are required to be fully pasteurized in their final form when offered to the consumer. Flavoring ingredients can be added after pasteurization to dairy products.
- (e) These examples do not exclude individuals from obtaining proper permits from the County Health Department or the Consumer Protection Division of the Georgia Department of Agriculture.



(f) Program Assistance: For assistance with dairy processing license, please contact the Dairy Division of Georgia Department of Agriculture, Atlanta, GA at 404-656-3621.

(g) Ice Manufacturing: The Georgia Department of Agriculture license and regulates ice manufacturing in Georgia. For assistance, contact Georgia Department of Agriculture Consumer Protection Division at 404-656-3621.

6. Georgia Department of Agriculture Contact Information:

(a) Website address: [www.agr.state.ga.us](http://www.agr.state.ga.us)

(b) Georgia Department of Agriculture Districts by Counties:

<b>District 1</b>	<b>District 2</b>	<b>District 3</b>	<b>District 4</b>	<b>District 5</b>
Banks	Carroll	Baldwin	Baker	Appling
Bartow	Clayton	Barrow	Brooks	Atkinson
Catoosa	DeKalb	Bibb	Calhoun	Bacon
Chattoga	Douglas	Burke	Chatahoochee	Ben Hill
Cherokee	Fayette	Butts	Clay	Berrien
Cobb	Fulton	Clarke	Colquitt	Bleckley
Dade	Haralson	Columbia	Coweta	Brantley
Dawson	Henry	Crawford	Crisp	Bryan
Fannin	Spalding	Elbert	Decatur	Bulloch
Floyd		Franklin	Dooly	Camden
Forsyth		Glascok	Dougherty	Candler
Gilmer		Greene	Early	Chatham
Gordon		Gwinnett	Grady	Charlton
Habersham		Hancock	Harris	Clinch
Hall		Hart	Heard	Coffee
Jackson		Jasper	Houston	Cook
Lumpkin		Jefferson	Lee	Dodge
Murray		Jones	Macon	Echols
Paulding		Jenkins	Meriwether	Effingham
Pickens		Lamar	Miller	Emanuel



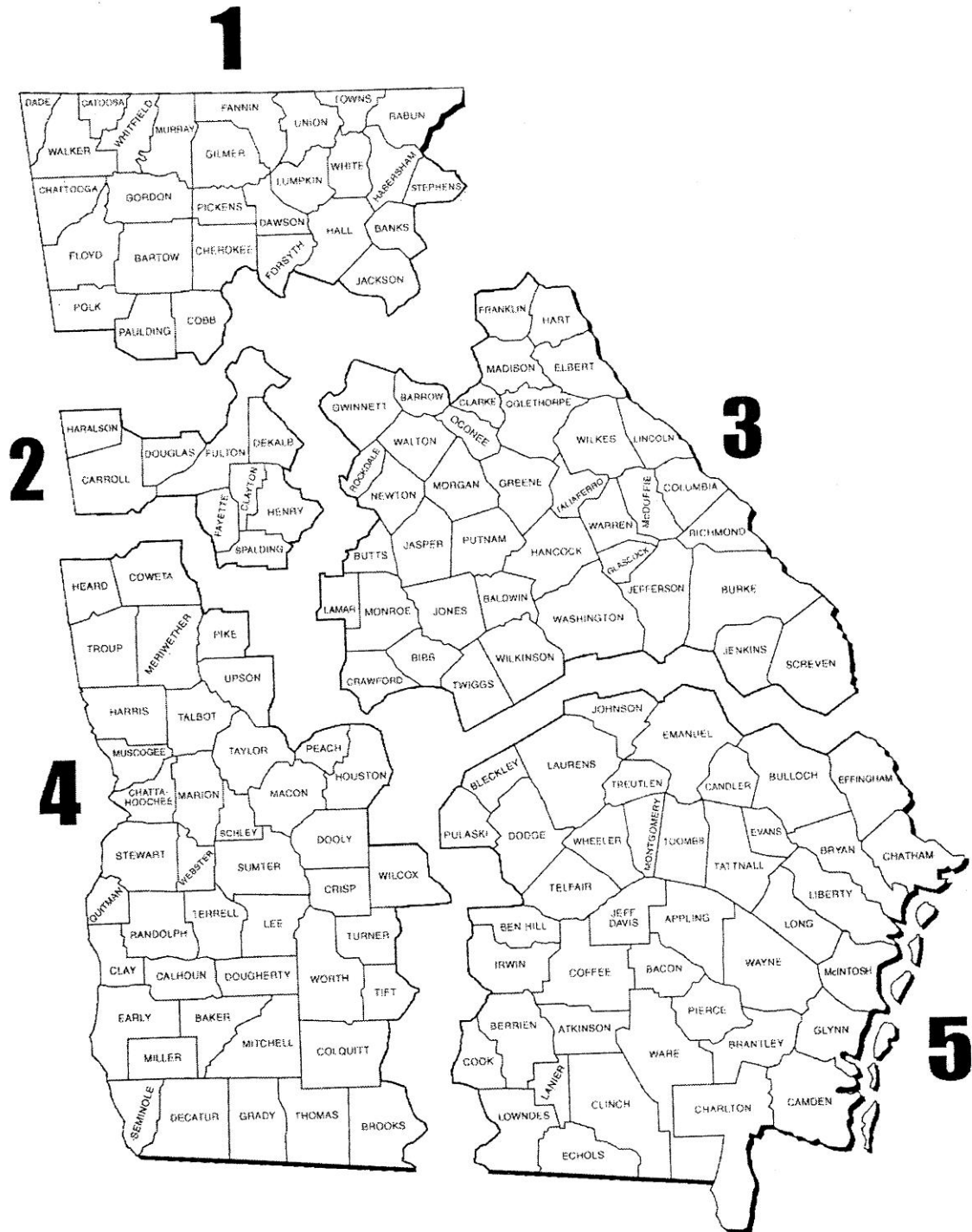
Georgia Department of Agriculture Districts by Counties: (continued)

District 1	District 2	District 3	District 4	District 5
Polk		Lincoln	Mitchell	Evans
Rabun		Madison	Muscogee	Glynn
Stephens		McDuffie	Peach	Irwin
Towns		Monroe	Pike	Jeff Davis
Union		Morgan	Quitman	Johnson
Walker		Newton	Randolph	Lanier
White		Oconee	Schley	Laurens
Whitefield		Ogelthorpe	Seminole	Liberty
		Putnam	Stewart	Long
		Richmond	Sumter	Lowndes
		Rockdale	Talbot	McIntosh
		Screven	Taylor	Montgomery
		Taliaferro	Terrell	Pierce
		Twiggs	Tift	Pulaski
		Walton	Troup	Tattnall
		Warren	Thomas	Telfair
		Washington	Turner	Toombs
		Wilkes	Upson	Treutlen
		Wilkinson	Webster	Ware
			Wilcox	Wayne
			Worth	Wheeler

(c) Georgia Department of Agriculture District Office Listings:

District #1	P.O. box 7638 (1195 Jesse Jewel Parkway, Gainesville, GA 30504)	Phone: 770-535-5955 Fax: 770-531-6483 Toll Free: 1-800-473-0119
District #2	Administration Building #2 16 Forest Parkway Forest Park, GA 30297	Phone: 404-363-7646 Fax: 404-362-2604 Toll Free: 1-800-359-3287
District #3	224 Main Street Thomson, GA 30824	Phone: 706-595-3408 Fax: 706-595-5478 Toll Free: 1-800-786-0175
District #4	P.O.Box 3566 (Albany State Farmers Market, 701 Gaines Avenue, Albany, GA 31706)	Phone: 229-430-4245 Fax: 229-430-2999 Toll Free: 1-800-927-0112
District #5	P.O. Box 631 (533 N. First Street, Jesup, GA 31598)	Phone: 912-427-5773 Fax: 912-427-5812 Toll Free: 1-800-874-0258

(d) Georgia Agriculture Districts Map:





B. FDA (Federal Food and Drug Administration):

1. Consultations and Interpretation: The Environmental Health Section of the Department of Public Health may seek consultation and guidance in its interpretation of Chapter 511-6-1. Such interpretations are at the sole discretion of the Environmental Health Section, representing the Department, and/or the Department's legal officer. In addition, the Department of Public Health/Environmental Health Section may seek other programmatic collaboration concerning the Chapter such as revisions of the Chapter as the FDA Model Food Code is revised, foodborne illness investigations, and EHS standardization.
2. Interstate Food Service Operations: FDA District Offices have jurisdiction over food service operations that are conducted across state boundary lines. It is the District Office where the food service commissary is located that has the responsibility to permit and regulate the operation. For example, the FDA Atlanta District Office would regulate the Jackson-Hartsfield International Airport in Atlanta, Georgia. They would also regulate food service aboard trains and boats/ships that went out into international waters and returned to the United States without traveling to another country.

C. US Health and Human Services (HHS): The Health and Human Services have jurisdiction over food service operations aboard ships that travel international waterways.

C. Georgia Department of Natural Resources:

1. For assistance in determining if whole fish from an aquaculture farm (fish pond) is an approved source, contact the Special Permit Unit of the Georgia Wildlife Resources Division at 770-761-3044.
2. For assistance with wildlife used as assistants for the disabled, contact the Special Permit Unit of the Georgia Wildlife Resources Division at 770-761-3044. The Special Permit Unit is responsible for the issuance of a "Wild Animal Permit for Disabled Assistants".
  - (a.) For assistance and to report possible illegal wildlife being used as disability assistants, contact the Special Permit Unit of the Georgia Wildlife Resources Division at 770-761-3044.
3. Non-Community Well Water Supply: ***See Section 5 of the "Food Service Establishment Manual for Design, Installation and Construction".***



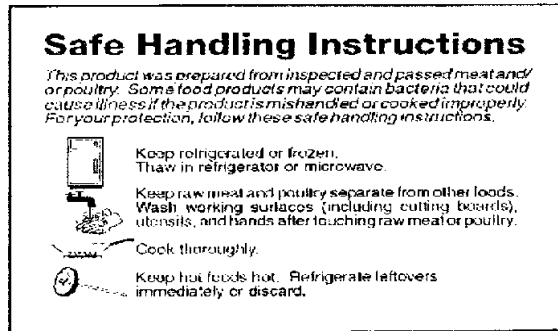
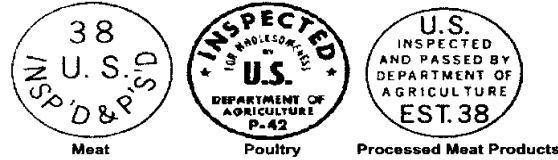
D. United States Department of Agriculture (USDA):

The following is information that will guide the Environmental Health Specialist in determining whether goat, oxtails, brains, tripe and other meat and poultry products are USDA approved.

1. Inspection & Grading \* What are the differences? The inspection and grading of meat and poultry are two separate programs within the U.S. Department of Agriculture (USDA). Inspection for wholesomeness is mandatory and is paid for out of tax dollars. Grading for quality is voluntary, and the service is requested and paid for by meat and poultry producers/processors.
2. Inspection:
  - (a) Under the Federal Meat Inspection Act and the Poultry Products Inspection Act, FSIS inspects all raw meat and poultry sold in interstate and foreign commerce, including imported products. The agency monitors meat and poultry products after they leave federally inspected plants, so you may find FSIS compliance officers in retail establishments, or be asked questions about them by retail managers.
  - (b) In addition, FSIS monitors state inspection programs, which inspect meat and poultry products sold only within the state in which they were produced. The 1967 Wholesome Meat Act and the 1968 Wholesome Poultry Products Act require state inspection programs to be "at least equal to" the Federal inspection program. If states choose to end their inspection program or cannot maintain this standard, FSIS must assume responsibility for inspection within that state. There are currently 25 states and territories that allow USDA to conduct all meat and poultry inspections. They are: Alaska, Arkansas, California, Colorado, Connecticut, Florida, Guam, Hawaii, Idaho, Kentucky, Maryland, Massachusetts, Michigan, Nebraska, New Hampshire, New Jersey, New York, Northern Mariana Islands, Oregon, Pennsylvania, Puerto Rico, Rhode Island, Tennessee, U.S. Virgin Islands and Washington.
3. Identifying USDA Inspected Meats and Poultry:
  - (a) Meat that has been federally inspected and passed for wholesomeness is stamped with a round purple mark. The firm is also allowed to use the USDA state inspection mark on labels of inspected meat or poultry in bulk containers or individual consumer-sized packages. The dye used to stamp the grade and inspection marks onto a meat carcass is made from a food-grade vegetable dye and is not harmful.

(b) The mark is put on carcasses and major cuts. After trimming it might not appear on retail cuts such as roasts and steaks. A retail food store cannot use the USDA or state inspection marks on its labels because USDA does not inspect them. However, meat that is packaged in an inspected facility will have an inspection mark that identifies the plant on the label. (See graphic images below.)

3. Safe Handling Instructions: The requirements in the new final rule on Pathogen Reduction and Hazard Analysis and Critical Control Points (HACCP) are designed to minimize the likelihood of harmful bacteria being present in raw meat and poultry products. However, some bacteria could be present and might become a problem if meat and poultry are not handled properly and kept refrigerated. To assist food handlers, USDA requires that safe handling instructions be put on all consumer-sized packages of raw and not fully cooked meat and poultry.



E. References: June 8, 2015 Memorandum of Interpretation between Georgia Department of Public Health and Georgia Department of Agriculture, “Implementation of New Definitions for Food Sales and Food Service” .