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 Rule ID(s): 6082-6089  
 File Date: 12/23/15  
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# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).*

*Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

<b>Agency/Board/Commission:</b>	Department of Agriculture
<b>Division:</b>	Division of Consumer & Industry Services
<b>Contact Person:</b>	Jay Miller
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**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0080-04-01	Repealed
Rule Number	Rule Title

Chapter Number	Chapter Title
0080-04-03	Repealed
Rule Number	Rule Title

Chapter Number	Chapter Title
0080-04-06	Repealed
Rule Number	Rule Title

Chapter Number	Chapter Title
0080-04-07	Repealed
Rule Number	Rule Title

Chapter Number	Chapter Title
0080-04-09	Retail Food Store Sanitation
Rule Number	Rule Title
0080-04-09-.08	Compliance and Enforcement

Chapter Number	Chapter Title
0080-04-10	Repealed
Rule Number	Rule Title

<b>Chapter Number</b>	<b>Chapter Title</b>
0080-04-13	Food Manufacturer, Processor, Warehouse, and Distributor Regulations
<b>Rule Number</b>	<b>Rule Title</b>
0080-04-13-.01	Applicability
0080-04-13-.02	Definitions
0080-04-13-.03	License Application and Fees
0080-04-13-.04	Certificates of Free Sale
0080-04-13-.05	Standards for Manufacturing and Processing
0080-04-13-.06	Standards for Labeling
0080-04-13-.07	Notice of Enforcement Action Against Licensee

<b>Chapter Number</b>	<b>Chapter Title</b>
0080-04-14	Meat and Poultry Processor Regulations
<b>Rule Number</b>	<b>Rule Title</b>
0080-04-14-.01	Applicability
0080-04-14-.02	Definitions
0080-04-14-.03	License Application and Fees
0080-04-14-.04	Standards for Processing
0080-04-14-.05	Standards for Labeling
0080-04-14-.06	Notice of Enforcement Action Against Licensee

Repeal

Chapter 0080-04-01  
Regulations on Meat and Poultry Inspection

Chapter 0080-04-01 Regulations on Meat and Poultry Inspection is repealed in its entirety.

Repeal

Chapter 0080-04-03  
Regulations Relating to Soda Water and Nonalcoholic Beverages; Standard of Identity; Sanitation Plant Facilities;  
Labeling

Chapter 0080-04-03 Regulations Relating to Soda Water and Nonalcoholic Beverages; Standard of Identity;  
Sanitation Plant Facilities; Labeling is repealed in its entirety.

Repeal

Chapter 0080-04-06  
Regulation for Bread and Bakery Products

Chapter 0080-04-06 Regulation for Bread and Bakery Products is repealed in its entirety.

Repeal

Chapter 0080-04-07  
Regulations on the Operation of Frozen Food Lockers

Chapter 0080-04-07 Regulations on the Operation of Frozen Food Lockers is repealed in its entirety.

Amendments

Paragraph 0080-04-09-.08(3) is amended by deleting the paragraph in its entirety and substituting instead the

following language so that, as amended, the paragraph shall read:

Chapter 0080-04-09  
Retail Food Store Sanitation

0080-04-09-.08 Compliance and Enforcement

- (3) Permit to Operate.
- (a) Prerequisite for Operation. A person shall not operate a food establishment without a valid permit to operate issued by the commissioner.
  - (b) Submission 30 Calendar Days Before Proposed Opening. An applicant shall submit an application for a permit at least 30 calendar days before the date planned for opening a food establishment or the expiration date of the current permit for an existing facility. An applicant for licensure under this chapter shall remit its application and annual license fee to the department on or before July 1 of each year. All licenses issued under this chapter shall expire on June 30 following their issuance. If an applicant for renewal fails to remit payment of the license fee on or before July 15 of the licensure year for which renewal is sought, the applicant shall also be required to pay a late charge assessed under T.C.A. §43-1-703 prior to renewal of the applicant's license.
  - (c) Form of Submission. A person desiring to operate a food establishment shall submit to the commissioner a written application for a permit on a form provided by the commissioner, which shall be completed in full. The department may deny any application for licensure that is not completed in accordance with this rule.
  - (d) To qualify for a permit, an applicant shall:
    - 1. Be an owner of the food establishment or an officer of the legal ownership;
    - 2. Comply with the requirements of this chapter;
    - 3. As specified under 0080-04-09-.08(4)(b)1, agree to allow access to the food establishment and to provide required information; and
    - 4. Include with their application payment of an annual license fee as appropriate for the following categories of licenses. Food establishment license fees are determined in accordance with the degree of risk the establishment poses for outbreak of food borne illness. This determination is made by the department based on the nature of the establishment's operations. Fees designated under this rule shall be assessed as follows and in accordance with T.C.A. §43-1-703(f) as it may be amended from time to time:
      - (i) Food Establishment License, Risk Level 1: Tier 7 license fee;
      - (ii) Food Establishment License, Risk Level 2: Tier 4 license fee;
      - (iii) Food Establishment License, Risk Level 3: Tier 2 license fee.
  - (e) Contents of the Application. The application shall include:
    - 1. Name of the applicant;
    - 2. Proof of the applicant's registration in its state of incorporation, registration with the Tennessee Department of Revenue, or business license issued by a local governmental authority;
    - 3. Contact information for applicant, to include name of person legally responsible for applicant's operations, telephone number, email address, address of the principal place of business, and address of the establishment to be licensed;
    - 4. Name and address of applicant's registered agent for service of process, if any;
    - 5. A statement specifying whether the food establishment:

- (i) Is mobile or stationary and temporary or permanent, and
  - (ii) Is an operation that includes one or more of the following:
    - (I) Prepares, offers for sale, or serves time/temperature control for safety food:
      - I. Only to order upon a consumer's request,
      - II. In advance in quantities based on projected consumer demand and discards food that is not sold or served at an approved frequency, or
      - III. Using time as the public health control as specified under 0080-04-09-.03(5)(a)9,
    - (II) Prepares time/temperature control for safety food in advance using a food preparation method that involves two or more steps, which may include combining time/temperature control for safety food ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing,
    - (III) Prepares food as specified under item 5(ii)(II) of this subparagraph for delivery to and consumption at a location off the premises of the food establishment where it is prepared,
    - (IV) Prepares only food that is not time/temperature control for safety food, or
    - (V) Does not prepare, but offers for sale only prepackaged food that is not time/temperature control for safety food;
6. A statement signed by the applicant that attests to the accuracy of the information provided in the application;
  7. Licensees shall notify the department in writing of any changes to the information or contents of an application within 30 days after the change takes place;
  8. Other information required by the commissioner.
- (f) **New, Converted, or Remodeled Establishments.** For food establishments that are required to submit plans as specified under 0080-04-09-.08(2)(a), the commissioner shall issue a permit to the applicant after:
1. A properly completed application is submitted;
  2. The required fee is submitted;
  3. The required plans, specifications, and information are reviewed and approved; and
  4. A preoperational inspection as specified in 0080-04-09-.08(2)(e) shows that the establishment is built or remodeled in accordance with the approved plans and specifications and that the establishment is in compliance with this chapter.
- (g) **Existing Establishments and Change of Ownership.** As applicable, the commissioner may issue a permit to a new owner of an existing food establishment after an application is submitted, reviewed, and approved, and an inspection shows that the establishment is in compliance with this chapter. Persons licensed under this chapter shall be responsible for permitted facilities until: the applicable license expires, the department receives written notification from the licensee of a change in ownership for the licensed establishment, or the department receives written notification from the licensee desiring to terminate the license. The department shall not refund license fees for early termination of any license under this chapter.
- (h) **Responsibilities of the Permit Holder.** Upon acceptance of the permit issued by the commissioner, the permit holder in order to retain the permit shall:

1. Comply with the provisions of this chapter including the conditions of a granted variance as specified under 0080-04-09-.08(1)(c)3, and approved plans as specified under 0080-04-09-.08(2)(b);
2. If a food establishment is required under 0080-04-09-.08(2)(c) to operate under a HACCP plan, comply with the plan as specified under 0080-04-09-.08(1)(c)3;
3. Immediately contact the commissioner to report an illness of a food employee or conditional employee as specified under 0080-04-09-.02(2)(a)2;
4. Immediately discontinue operations and notify the commissioner if an imminent health hazard may exist as specified under 0080-04-09-.08(4)(d)1;
5. Allow representatives of the commissioner access to the food establishment as specified under 0080-04-09-.08(4)(b)1;
6. Replace existing facilities and equipment specified in 0080-04-09-.08(1)(a) with facilities and equipment that comply with this chapter if:
  - (i) The commissioner directs the replacement because the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria upon which the facilities and equipment were accepted,
  - (ii) The commissioner directs the replacement of the facilities and equipment because of a change of ownership, or
  - (iii) The facilities and equipment are replaced in the normal course of operation;
7. Comply with directives of the commissioner including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the commissioner in regard to the permit holder's food establishment or in response to community emergencies;
8. Accept notices issued and served by the commissioner according to law; and
9. Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this chapter or a directive of the commissioner, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

Authority: T.C.A. §§ 4-3-203; 53-8-204.

#### Repeal

#### Chapter 0080-04-10 Standards for Good Manufacturing Practices

Chapter 0080-04-10 Standards for Good Manufacturing Practices is repealed in its entirety.

#### New

#### Chapter 0080-04-13 Food Manufacturer, Processor, Warehouse, and Distributor Regulations

##### 0080-04-13-.01 Applicability

- (1) This chapter applies to any person who operates in the state any factory, warehouse, establishment, or vehicle in which food is manufactured, processed, packed, held, or transported for introduction into commerce. However, these rules do not apply to any person whose operation is regulated under the

Tennessee Egg Law, T.C.A. §53-2-101 et seq., the Dairy Law of the State of Tennessee, T.C.A. §53-3-101, et seq., or the Tennessee Meat and Poultry Inspection Act, T.C.A. §53-7-201 et seq.

- (2) Persons licensed under this chapter shall be responsible for permitted facilities until: the applicable license expires, the department receives written notification from the licensee of a change in ownership for the licensed establishment, or the department receives written notification from the licensee desiring to terminate the license. The department shall not refund license fees for early termination of any license under this chapter.

Authority: T.C.A. §§ 4-3-203; 53-1-207.

#### 0080-04-13-.02 Definitions

- (1) Terms in this chapter share those meanings of terms set forth in the Tennessee Food, Drug and Cosmetic Act, T.C.A. §53-1-101, et seq.
- (2) When used in this chapter, unless the context requires otherwise:
  - (a) Act means the Tennessee Food, Drug and Cosmetic Act, compiled at T.C.A. §53-1-101, et seq.;
  - (b) Dietary supplement, food supplement, or words of similar import mean a product taken by mouth that contains a dietary ingredient; is intended to supplement the diet; and is not intended for use as a drug under the Act;
  - (c) Dietary ingredient means one or more of the following components when used in a dietary supplement: vitamins, minerals, herbs or other botanicals, amino acids, enzymes, tissues from organs or glands, concentrates, metabolites, constituents, or extracts;
  - (d) Food means those articles as defined under the Act and includes dietary supplements.

Authority: T.C.A. §§ 4-3-203; 53-1-207.

#### 0080-04-13-.03 License Application and Fees

- (1) All persons to whom these rules apply shall obtain a license in accordance with the Tennessee Food, Drug and Cosmetic Act and this chapter.
- (2) Application for issuance of any license under this chapter shall be made on forms provided by the department, which shall be completed in full and shall include:
  - (a) Name of the applicant;
  - (b) Proof of the applicant's registration in its state of incorporation, registration with the Tennessee Department of Revenue, or business license issued by a local governmental authority;
  - (c) Contact information for applicant, to include name of person legally responsible for applicant's operations, telephone number, email address, address of the principal place of business, and address of the facility to be licensed;
  - (d) Name and address of applicant's registered agent for service of process, if any.
- (3) Licensees shall notify the department in writing of any changes to the information or contents of an application within 30 days after the change takes place.
- (4) Applicants for licensure shall include with their application payment of an annual license fee as appropriate for the following categories of licenses. Fees designated under this rule shall be assessed in accordance with T.C.A. §43-1-703(f) as it may be amended from time to time.
  - (a) Food Manufacturer License. A food manufacturer license is required for any factory or establishment in the state where food is manufactured, processed, or packed for introduction into

commerce. Food manufacturer license fees are determined in accordance with the size of the manufacturer's facility and the degree of risk the manufacturer poses for outbreak of food borne illness. An establishment greater than 10,000 square feet must obtain a Large Facility license. An establishment equal to or smaller than 10,000 square feet must obtain a Small Facility license. Determination of a manufacturer's risk for outbreak of food borne illness is made by the department based on the nature of the manufacturer's operations. Fees applicable for a food manufacturer license are as follows:

1. Food Manufacturer License, Large Facility – Risk Level 1: Tier 11 license fee;
  2. Food Manufacturer License, Small Facility – Risk Level 1: Tier 10 license fee;
  3. Food Manufacturer License, Large Facility – Risk Level 2: Tier 7 license fee;
  4. Food Manufacturer License, Small Facility – Risk Level 2: Tier 5 license fee;
  5. Food Manufacturer License, Large Facility – Risk Level 3: Tier 3 license fee;
  6. Food Manufacturer License, Small Facility – Risk Level 3: Tier 2 license fee.
- (b) Food Warehouse License. A food warehouse license is required for any warehouse or establishment in the state where food is held for introduction into commerce. A food warehouse license is not required for any establishment licensed as a food manufacturer under this chapter or as a food establishment under R. 0080-04-09. Food warehouse license fees are determined in accordance with the degree of risk the warehouse poses for outbreak of food borne illness. This determination is made by the department based on the nature of the warehouse's operations. Fees applicable for a food warehouse license are as follows:
1. Food Warehouse License, Risk Level 1: Tier 11 license fee;
  2. Food Warehouse License, Risk Level 2: Tier 7 license fee;
  3. Food Warehouse License, Risk Level 3: Tier 3 license fee.
- (5) An applicant for licensure under this chapter shall remit its application and annual license fee to the department on or before July 1 of each year. All licenses issued under this chapter shall expire on June 30 following their issuance. If an applicant for renewal fails to remit payment of the license fee on or before July 15 of the licensure year for which renewal is sought, the applicant shall also be required to pay a late charge assessed under T.C.A. §43-1-703 prior to renewal of the applicant's license.
- (6) The department may deny any application for licensure that is not completed in accordance with this rule.

Authority: T.C.A. §§ 4-3-203; 43-1-703; 53-1-207; 53-1-208.

#### 0080-04-13-.04 Certificates of Free Sale

The fee for a Certificate of Free Sale is a Tier 2 fee under T.C.A. §43-1-703(f). No certificate of free sale shall be issued prior to receipt of the certificate fee.

Authority: T.C.A. §§ 4-3-203; 43-1-703; 53-1-207; 53-1-208.

#### 0080-04-13-.05 Standards for Manufacturing and Processing

- (1) Acidified Foods. The department adopts by reference, as if fully stated herein, the federal standards for acidified foods, compiled at 21 C.F.R. 108.25 and 21 C.F.R. 114, as either section or part may be amended from time to time.
- (2) Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food. The department adopts by reference, as if fully stated herein, the federal standards for good manufacturing, hazard analysis, and risk-based preventive controls, compiled at 21 C.F.R. 117, subparts A and B, as either subpart may be amended from time to time.
- (3) Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements. The department adopts by reference, as if fully stated herein, the federal standards

for good practice in manufacturing, packaging, labeling, or holding dietary supplements, compiled at 21 C.F.R. 111, as the part may be amended from time to time.

- (4) Fish and Fishery Products. The department adopts by reference, as if fully stated herein, the federal standards for fish and fishery products, compiled at 21 C.F.R. 123, subparts A and C, as either subpart may be amended from time to time.
- (5) Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers. The department adopts by reference, as if fully stated herein, the federal standards for hermetically sealed low-acid foods, compiled at 21 C.F.R. 108.35 and 21 C.F.R. 113, as either section or part may be amended from time to time.

Authority: T.C.A. §§ 4-3-203; 53-1-207.

0080-04-13-.06 Standards for Labeling [RESERVED]

0080-04-13-.07 Notice of Enforcement Action Against Licensee

Notice of an enforcement action against a licensee, including but not limited to assessment of a civil penalty and conduct of an administrative hearing, shall be presumed properly served upon mailing of notice to licensee's address of record with the department.

Authority: T.C.A. §§ 4-3-203; 53-1-207.

New

Chapter 0080-04-14  
Meat and Poultry Processor Regulations

0080-04-14-.01 Applicability

- (1) This chapter applies to any person who is required to be licensed under the Tennessee Meat and Poultry Inspection Act, T.C.A. §53-7-201, et seq. These rules do not apply to any person who is subject to the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act, even if those acts otherwise exempt the person from federal requirements.
- (2) Persons licensed under this chapter shall be responsible for permitted facilities until: the applicable license expires, the department receives written notification from the licensee of a change in ownership for the licensed establishment, or the department receives written notification from the licensee desiring to terminate the license. The department shall not refund license fees for early termination of any license under this chapter.

Authority: T.C.A. §§ 4-3-203; 53-7-213.

0080-04-14-.02 Definitions

Unless the context requires otherwise, terms in this chapter share those meanings of terms set forth in the Tennessee Meat and Poultry Inspection Act, T.C.A. §53-7-201, et seq.

Authority: T.C.A. §§ 4-3-203; 53-7-213.

0080-04-14-.03 License Application and Fees

- (1) All persons to whom these rules apply shall obtain a license in accordance with the Tennessee Meat and Poultry Inspection Act and this chapter.
- (2) Application for issuance of any license under this chapter shall be made on forms provided by the department, which shall be completed in full and shall include:
  - (a) Name of the applicant;
  - (b) Proof of the applicant's registration in its state of incorporation, registration with the Tennessee

Department of Revenue, or business license issued by a local governmental authority;

- (c) Contact information for applicant, to include name of person legally responsible for applicant's operations, telephone number, email address, address of the principal place of business, and address of the facility to be licensed;
  - (d) Name and address of applicant's registered agent for service of process, if any.
- (3) Licensees shall notify the department in writing of any changes to the information or contents of an application within 30 days after the change takes place.
- (4) Applicants for licensure shall include with their application payment of an annual license fee as appropriate for the following categories of licenses.
- (a) Slaughter Establishments, Meat Processing Establishments, and Poultry Eviscerating and Processing Plants. No annual fee is required for those licenses and inspections designated under T.C.A. §53-7-219.
  - (b) Custom Slaughter Facility License. A custom slaughter facility license is required for any facility in the state engaged in the business of slaughtering or dressing animals for human consumption that are not to be sold or offered for sale. The fee for a Custom Slaughter Facility License is a Tier 3 fee under T.C.A. §43-1-703(f).
- (5) An applicant for licensure under this chapter shall remit its application and annual license fee to the department on or before July 1 of each year. All licenses issued under this chapter shall expire on June 30 following their issuance. If an applicant for renewal fails to remit payment of the license fee on or before July 15 of the licensure year for which renewal is sought, the applicant shall also be required to pay a late charge assessed under T.C.A. §43-1-703 prior to renewal of the applicant's license.
- (6) The department may deny any application for licensure that is not completed in accordance with this rule.

Authority: T.C.A. §§ 4-3-203; 43-1-703; 53-7-213; 53-7-216.

#### 0080-04-14-.04 Standards for Processing

Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food. The department adopts by reference, as if fully stated herein, the federal standards for good manufacturing, hazard analysis, and risk-based preventive controls, compiled at 21 C.F.R. 117, subparts A and B, as either subpart may be amended from time to time.

Authority: T.C.A. §§ 4-3-203; 53-1-207; 53-7-213.

#### 0080-04-14-.05 Standards for Labeling [RESERVED]

#### 0080-04-14-.06 Notice of Enforcement Action Against Licensee

Notice of an enforcement action against a licensee, including but not limited to assessment of a civil penalty and conduct of an administrative hearing, shall be presumed properly served upon mailing of notice to licensee's address of record with the department.

Authority: T.C.A. §§ 4-3-203; 53-1-213.

\* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Department of Agriculture (board/commission/ other authority) on 11/30/2015 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 06/09/2015

Rulemaking Hearing(s) Conducted on: (add more dates). 08/06/2015

Date: Nov. 30, 2015

Signature: Julius T. Johnson

Name of Officer: Julius T. Johnson

Title of Officer: Commissioner

Subscribed and sworn to before me on: Nov. 30, 2015

Notary Public Signature: Joyce M. Jackson

My commission expires on: 09/11/2017



All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III  
Herbert H. Slatery III  
Attorney General and Reporter

12/18/2015  
Date

**Department of State Use Only**

Filed with the Department of State on: 12/23/15

Effective on: 3/22/16  
Tre Hargett

Tre Hargett  
Secretary of State

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## Public Hearing Comments

The Department of Agriculture held a public hearing on August 6, 2015. David Waddell served as hearing officer for the Rulemaking Hearing concerning 0080-04-01 Regulations on Meat and Poultry Inspection; 0080-04-03 Regulations Relating to Soda Water and Nonalcoholic Beverages; Standard of Identity; Sanitation Plant Facilities; Labeling; 0080-04-06 Regulation for Bread and Bakery Products; 0080-04-07 Regulations on the Operation of Frozen Food Lockers; 0080-04-09 Retail Food Store Sanitation; 0080-04-10 Standards for Good Manufacturing Practices; 0080-04-13 Food Manufacturer, Processor, Warehouse, and Distributor Regulations; and 0080-04-14 Meat and Poultry Processor Regulations. No questions or comments from the public were presented at the hearing.

### Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

- (1) Type or types of small business subject to the proposed rule that would bear the cost of and/or directly benefit from the proposed rule:

Businesses subject to the proposed rule include: retail food stores, food service establishments located within retail food stores, food manufacturers, processors, warehouses, and distributors, and meat and poultry processors.

- (2) Identification and estimate of the number of small businesses subject to the proposed rule:

Approximately 9,330 retail food establishments, 1,306 food manufacturing firms, and 528 food warehouses are registered with the department.

- (3) Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

Reporting, recordkeeping, and other administrative costs of small businesses are unaffected by this rule inasmuch as the rule does not alter or duplicate those reporting or recordkeeping requirements otherwise applicable under existing regulation.

- (4) Statement of the probable effect on impacted small businesses and consumers:

The effect of these rules on small businesses is to require additional information from license applicants in order to verify their business and contact information, to alter the fee schedule for the programs' licenses, and to incorporate additional federal standards aligned for food safety. Some fees have been reduced, while others have been increased in an effort to better grade the department's fee schedule according to departmental expenditures in regulating the program.

- (5) Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent such alternative means might be less burdensome to small business:

No less burdensome methods for achieving this purpose are possible.

These rules are promulgated to implement Public Chapter 485 of 2015, which expanded the Agricultural Regulatory Fund to include all fee-generated revenue collected by the department. As part of the legislation, all fee amounts charged by the department were removed from the Code, and the commissioner of agriculture was authorized to set the fee amounts by regulation. The intent of the legislation is to allow the department to adjust fees and to improve the percentage of cost recovery for its programs through fee collection rather than relying as heavily on revenue from the general fund.

- (6) Comparison of the proposed rule with any federal or state counterparts:

Any federal counterparts for standards of identity and labeling would preempt state standards pursuant to the Federal Food Drug and Cosmetic Act and National Labeling and Education Act and their associated regulations. See e.g. 21 U.S.C.A. §343. Federal counterparts for meat and poultry processing are

currently implemented in Tennessee pursuant to the Federal Meat Inspection Act (21 U.S.C.A. §601) and its associated regulations and the Federal Poultry Inspection Act (21 U.S.C.A. §451) and its associated regulations.

- (7) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

Exemption of small businesses from the requirements of this rule may compromise food safety requirements and/or compromise the intent to grade fee schedules according to resources expended for oversight of regulatory programs.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

No impact is expected on local governments.

### **Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule modernizes license application and standards requirements for food manufacturers, processors, distributors, and warehouses as well as meat and poultry processors and retail food stores in Tennessee. It makes Tennessee requirements more consistent with federal requirements, and it addresses fee changes pursuant to amendment of the Ag Fund law, T.C.A. §43-1-701, et seq.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. §43-1-701, et seq. requires that the department of agriculture establish fees for its regulatory programs through promulgation of rules under the UAPA. T.C.A. §53-1-207 authorizes the department to promulgate rules under the Tennessee Food, Drug and Cosmetic Act that conform insofar as practicable with rules promulgated under the federal act.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Retail food stores, food service establishments located within retail food stores, food manufacturers, processors, warehouses, and distributors and meat and poultry processors will be most directly affected by this rule. No public comments have been received urging adoption or rejection of this rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

There are no attorney general or court decisions in this state that directly relate to this rule.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

These rules will generate an additional \$624,450 of revenue to the Agricultural Regulatory Fund. The additional revenue will cover approximately 80% of the cost of providing food inspections services by the department, up from 63% cost recovery provided by the current fee structure.

(F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

David Waddell, Administrative Director, and Shanna Lively, Food Administrator, Tennessee Department of Agriculture, Consumer and Industry Services Division

(G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

David Waddell, Administrative Director, Tennessee Department of Agriculture, Consumer and Industry Services Division

(H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

440 Hogan Road, Nashville, Tennessee 37220; (615) 837-5331; [david.waddell@tn.gov](mailto:david.waddell@tn.gov)

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

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## Redline Copy of Rule Filing

<b>Agency/Board/Commission:</b>	Department of Agriculture
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**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0080-04-01	Repealed
Rule Number	Rule Title

Chapter Number	Chapter Title
0080-04-03	Repealed
Rule Number	Rule Title

Chapter Number	Chapter Title
0080-04-06	Repealed
Rule Number	Rule Title

Chapter Number	Chapter Title
0080-04-07	Repealed
Rule Number	Rule Title

Chapter Number	Chapter Title
0080-04-09	Retail Food Store Sanitation
Rule Number	Rule Title
0080-04-09-.08	Compliance and Enforcement

Chapter Number	Chapter Title
0080-04-10	Repealed
Rule Number	Rule Title

Chapter Number	Chapter Title
0080-04-13	Food Manufacturer, Processor, Warehouse, and Distributor Regulations
Rule Number	Rule Title
0080-04-13-.01	Applicability
0080-04-13-.02	Definitions
0080-04-13-.03	License Application and Fees

0080-04-13-.04	Certificates of Free Sale
0080-04-13-.05	Standards for Manufacturing and Processing
0080-04-13-.06	Standards for Labeling
0080-04-13-.07	Notice of Enforcement Action Against Licensee

<b>Chapter Number</b>	<b>Chapter Title</b>
0080-04-14	Meat and Poultry Processor Regulations
<b>Rule Number</b>	<b>Rule Title</b>
0080-04-14-.01	Applicability
0080-04-14-.02	Definitions
0080-04-14-.03	License Application and Fees
0080-04-14-.04	Standards for Processing
0080-04-14-.05	Standards for Labeling
0080-04-14-.06	Notice of Enforcement Action Against Licensee

Repeal

Chapter 0080-04-01  
Regulations on Meat and Poultry Inspection

Chapter 0080-04-01 Regulations on Meat and Poultry Inspection is repealed in its entirety.

**RULES  
OF  
TENNESSEE DEPARTMENT OF AGRICULTURE  
FOOD AND DRUG DIVISION**

**CHAPTER 0080-4-1  
REGULATIONS ON MEAT AND POULTRY INSPECTION**

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**0080-4-1-.01 GENERAL: "BAIT" OR BAIT AND SWITCH DEFINITION.**

(1) "Bait" or "Bait and Switch" as defined in Section 52-916 (z) includes the following:

- (a) Advertising, offering for sale or selling any wholesale cut which is an unfair method of competition or follows unfair trade practices, and particularly the following:
1. Bait Selling and Bait and Switch:
    - (i) Disparage or degrade any product advertised or offered for sale by the seller in order to induce the purchase of another product, or represent that a product is for sale when such representation is used primarily to sell another product.
    - (ii) Substitute any product for that ordered by the buyer without the buyer's consent.
    - (iii) Fail to have available a sufficient quantity of any product represented as being for sale to meet reasonable anticipated demands, unless the available amount is disclosed fully and conspicuously.
    - (iv) Switching grades or parts or cuts from the kind advertised, offered for sale or purchased.
- (b) False and Misleading Advertising, Section 52-920(e) shall include but shall not be limited to the following:
1. Price and Financing

(Rule 0080-4-1-.01, continued)

- (i) ~~Misrepresent or fail to disclose fully and conspicuously the terms of any financing arrangement, interest, service charge, credit investigation fee, time-price differential or any other costs.~~
- (ii) ~~Misrepresent the total amount that the buyer will be obligated to pay.~~
- (iii) ~~Fail to disclose fully and conspicuously any extra charges for cutting, wrapping, freezing, delivery or other services.~~
- (iv) ~~Represent the price of a wholesale cut in any terms other than price per pound. Such price shall not be stated by dollar amount of any installment payment and number or period of such payments. Credit terms, if offered, shall be stated separately.~~

2. ~~Product Representations.~~

- (i) ~~Misrepresent the cut, grade, brand or trade name, or weight or measure of any food product.~~
- (ii) ~~Use the abbreviation "U.S." in describing a food product not graded by the United States Department of Agriculture, except that foods may be described as "U.S.D.A. Inspected" when true and failure to state "Ungraded".~~
- (iii) ~~Misrepresent a food product through the use of any term similar to a government grade.~~
- (iv) ~~Fail to disclose fully and conspicuously the correct government grade for any food product if such product is represented as having been graded.~~
- (v) ~~Fail to disclose fully and conspicuously that the yield of consumable meat from any wholesale cut will be less than the weight of the wholesale cut.~~
- (vi) ~~Misrepresent the amount or proportion of retail cuts that a wholesale cut of meat will yield.~~
- (vii) ~~Fail to furnish the buyer with a written statement of total weight of cut and packaged meat delivered. If weighed with immediate wrappings such fact shall be stated. Both the actual net weight of the wholesale cut, prior to cutting and trimming, and the delivered weight shall be disclosed to the buyer in writing at time of delivery.~~
- (viii) ~~Fail to disclose fully and conspicuously whether a quarter of a carcass is the front of hind quarter, or represent any meat as a quarter if it has been cut from a quarter prior to sale.~~
- (ix) ~~Represent any wholesale cut as a "half" or "side" unless it consists of a front and hind quarter. Both quarters shall be from the same side of the same animal unless the seller discloses fully and conspicuously that they are from different sides or different animals as the case may be. Each quarter shall be of the same grade or quality as the other quarters comprising the half or side and the seller shall advise the buyer of the weight of each quarter prior to sale. In selling quarters individually or as part of a half or side, if actual weights are not known or cannot be determined prior to sale, approximate weights may be used, provided; The~~

(Rule 0080-4-1-.01, continued)

buyer is informed that the weights are approximate, the weights are so identified on any purchase order or contract, and the seller agrees with the buyer, in writing, to make a cash refund or grant a credit on delivery for the difference between actual weight and the approximate weight on which the sale was made.

- (x) Use the words "bundle", "sample order", or words of similar import to describe a quantity of meat or poultry unless the seller itemizes each cut and the weight thereof which the buyer will receive.
- (xi) Advertise or offer free, bonus or extra food combined with or conditioned on the purchase of any other product or service unless such additional food is accurately described including, whenever applicable, grade, net weight or measure, and brand or trade name.
- (xii) Misrepresent the breed, origin or diet of slaughtered animals or parts thereof offered for sale. Sellers making such claims shall have written records available to substantiate such fact.

*Authority:* T.C.A. §§52-915--52-934 and 52-927. *Administrative History:* Original Rule certified June 5, 1974.

**0080-4-1-.02 GENERAL: CLARIFICATION OF EXEMPTIONS:**

- (1) It is hereby ordered that exemptions which permit the sale of uninspected meat and meat food products as found in Section 52-923 (a)(1), Tennessee Code Annotated, is terminated. The other exemptions in this paragraph are not affected. The requirements for inspection as found in Section 52-917, Tennessee Code Annotated, and official regulations must be met when meat and meat food products are sold or offered for sale.
- (2) It is hereby ordered that the exemption provided for in Section 52-923 (a)(3), Tennessee Code Annotated, shall in no way be in conflict with the requirements of Sections 52-916 through 52-922 and official regulations which have been promulgated.
- (3) Exemptions for retail establishments and for custom slaughtering, as provided for in the "Federal Meat Inspection Act" and "Federal Poultry Inspection Act" and Regulations, and for official establishments and products under United States Department of Agriculture inspection are acceptable exemptions under this regulation.

*Authority:* T.C.A. §§52-915--52-934 and 52-927. *Administrative History:* Original Rule certified June 5, 1974.

**0080-4-1-.03 THROUGH 0080-4-1-.142 REPEALED:**

*Authority:* T.C.A. §4-5-225. *Administrative History:* Original rule certified June 5, 1974. Repeal by Public Chapter 261, effective July 1, 1983.

**0080-4-1-.143 REINSPECTION AND PREPARATION OF PRODUCTS: APPROVAL OF SUBSTANCES FOR USE IN THE PREPARATION OF MEAT FOOD PRODUCTS:**

- (1) No product shall contain any substance which impairs its wholesomeness or which is not approved by the Director of Division.
- (2) Under appropriate declaration as required in these regulations, the following substances may be added to products:

(Rule 0080-4-1-.143, continued)

- (a) Common salt, approved sugars (sucrose (cane or beet sugar), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose syrup), wood smoke, vinegar, flavorings, spices, sodium nitrate, sodium nitrite, potassium nitrate, potassium nitrite, and other substances specified may be added to products under conditions, if any, specified in this part of this Section.
- (b) Other harmless synthetic flavorings may be added to products with the approval of the Director of Division.
- (3) Coloring matter and dyes other than those specified in the chart in subparagraph (a) of this paragraph, may be applied to products, mixed with rendered fat, applied to natural and artificial casings, and applied to such casings enclosing products, if approved by the Director of Division in specific cases. When any coloring matter or dye is applied to casings, there shall be no penetration of coloring into the product. When any coloring matter or dye is added to meat fat shortening containing synthetic flavoring, the product shall be packed in conventional, round shortening containers having a capacity no greater than 3 pounds.
  - (a) The substances specified in the following chart are acceptable for use in the processing of products, provided they are used for the purposes indicated, within the limits of the amounts stated and under other conditions specified in this part of this Section.

Class of Substance	Substance	Purpose	Product	Amount
Anticoagulant	Citric Acid Sodium Citrate	To Prevent Clotting	Fresh Beef Blood	0.2 percent with or Without water. When water is used to make a solution of citric acid or sodium citrate added to beef blood not more than 2 parts of water to 1 part of citric acid or sodium citrate shall be used.
Antifoaming Agent	Methyl Polysilicone	To Retard Foaming	Soups Rendered fats Curing Pickle	10 parts per million 10 parts per million 50 parts per million
Antioxidants and oxygen interceptors:	BHA (butylated hydroxyanisole): BHT (butylated hydroxytoluene): Propyl gallate	To Retard Rancidity To Retard Rancidity To Retard Rancidity	Dry Sausage Dry Sausage Dry Sausage	0.003 percent based on total wt. 0.003 percent based on total wt. 0.003 percent based on total wt. 0.006 percent in combination

(Rule 0080-4-1-.143, continued)

Class of Substance	Substance	Purpose	Product	Amount
	BHA (butylated hydroxyanisole):	To Retard Rancidity	Rendered animal fat or a combination of such fat and vegetable fat.	0.01 percent  0.02 percent in combination
	BHT (butylated hydroxytoluene):	do	do	0.01 percent
	Glycine	do	do	0.01 percent
	Nor-dihydroguaiaretic acid (NDGA):	do	do	0.01 percent
	Propyl Gallate	do	do	0.01 percent
	Resin-Guaiac	do	do	0.01 percent
	Tocopherols	To Retard Rancidity	Rendered animal fat or a combination of such fat and vegetable fat.	0.03 percent. A 30 percent concentrate of tocopherols in vegetable oils shall be used when added as an antioxidant to products designated as "lard" or "rendered pork fat."
	BHA (butylated hydroxyanisole):	To Retard Rancidity	Fresh Pork Sausage	0.01 percent based on fat content
	BHT (butylated hydroxytoluene):	do	do	0.01 percent based on fat content.
	Propyl gallate	do	do	0.01 percent based on fat content. 0.02 percent combination based on fat content
	BHA (butylated hydroxyanisole):	do	Dried Meats	0.01 percent based on total wt.
	BHT (butylated hydroxytoluene):	do	do	0.01 percent based on total wt.
	Propyl Gallate	do	do	0.01 percent based on total wt. 0.01 percent in combination

(Rule 0080-4-1-.143, continued)

Class of Substance	Substance	Purpose	Product	Amount
Binders	Algin	To extend and stabilize product.	Breading sauces.	Mix; Sufficient for purpose
	Carageenan	do	do	Do.
	Carboxymethyl cellulose (cellulose gum).	do	Baked pies	Do.
	Gums, vegetable	do	Egg roll	Do.
	Methyl cellulose	To extend and to stabilize product (also carrier).	Meat and vegetable patties.	0.15 percent
	Isolated soy protein	To bind and extend product.	Imitation sausage; nonspecific loaves; soups; stews.	Sufficient for purpose
Bleaching Agent	Sodium caseinate	do	do	Do.
	Whey (dried)	do	do	Do.
Catalysts (substances must be eliminated during process).	Hydrogen Peroxide	To remove color	Tripe (substance must be removed from product by rinsing with clear water).	Do
	Nickel	To accelerate chemical reaction.	Rendered animal fats or a combination of such fats and vegetable fats.	Do.
	Sodium amide	Rearrangement of fatty acid radicals.	Do	Do
Coloring agents (natural).	Sodium methoxide	do	do	Do.
	Alkanet, annatto, carotene, cochineal, green chlorophyll, saffron & tumeric.	To color casings or rendered fats; marking and branding product.	Sausage casings, oleomargarine, shortening, marking or branding ink on product.	Sufficient for purpose (may be mixed with approved synthetic dyes or harmless inert material such as common salt and sugar).
Coloring agents (synthetic).	Coal tar dyes approved under the Federal Food, Drug, and Cosmetic Act (operator must furnish evidence to Officer in charge that dye has been certified for use in connection with foods by the Food and Drug Administration)	do	do	Sufficient for purpose (may be mixed with approved natural coloring matters or harmless inert material such as common salt or sugar).

## REGULATIONS ON MEAT AND POULTRY INSPECTION

CHAPTER 0080-4-1

(Rule 0080-4-1-.143, continued)

Class of Substance	Substance	Purpose	Product	Amount
Cooling and retort water treatment agents:	Calcium chloride	To prevent staining on exterior of canned goods.	Any	Sufficient for purpose.
	Citric Acid	do	do	do
	Dibutyl sulfosuccinate	do	do	0.05 percent
	Disodiumacetate	do	do	do
	ethylenediaminetetraacetate:			
	Disodium ethylenediaminetetraacetate:	do	do	do
	Disodium Phosphate	do	do	do
	Ethylene Diaminetetraacetic acid:			
	Potassium Pyrophosphate:	do	do	do
	Propylene glycol	do	do	do
	Sodium bicarbonate	do	do	do
	Sodium carbonate	do	do	0.05 percent
	Sodium dodecylbenzene sulfonate:			
	Sodium gluconate	do	do	Sufficient for purpose
	Sodium hexametaphosphate	do	do	do
	Sodium laurylsulfate:			
	Sodium metasilicate	do	do	Sufficient for purpose

(Rule 0080-4-1-.143, continued)

Class of Substance	Substance	Purpose	Product	Amount
	Sodium alkylbenzene Sulfonate (alkyl group predominately C12 and C13 and not less than 95 percent C10 to C16).	To prevent staining on canned goods.	do	0.05 percent
	Sodium nitrite (The sodium nitrite must be decharacterized with 0.05 percent powdered charcoal. Bulk decharacterized sodium nitrite when in cook room shall be held in locked metal bin or container conspicuously labeled: "Decharacter ized sodium nitrite-- To be used by authorized personnel only.");	To inhibit corrosion on exterior of canned goods.	do	600 parts per million
	Sodium pyrophosphate	To prevent staining on canned goods.	do	0.05 percent
	Sodium tripolyphosphate	do	do	Do.
	Zinc oxide	do	do	0.01 percent
	Zinc sulfate	do	do	Do.
Curing Agents	Ascorbic Acid	To accelerate color fixing or preserve color during storage	Cured pork and beef cuts, eured comminuted meat food product.	75 ozs. to 100 gals. pickle at 10 percent pump level; 3/4 oz. to 100 lbs. meat or meat byproduct; 10 percent solution to surfaces of eured cuts prior to packaging (the use of such solution shall not result in the addition of a significant amount of moisture to the product).

(Rule 0080-4-1-.143, continued)

Class of Substance	Substance	Purpose	Product	Amount
	Erythorbic acid	do	do	Do.
	Glucosone lactone.	delta To accelerate color fixing.	Cured, comminuted meat or meat food product.	8-ozs. to each 100 lbs. of meat or meat byproduct.
	Sodium ascorbate	To accelerate color fixing or preserve color during storage	Cured pork and beef cuts, eured comminuted meat food product.	87.5-ozs. to 100 gals. pickle at 10 percent pump level; 7/8 oz. to 100 lbs. meat or meat byproduct; 10 percent solution to surfaces of cured cuts prior to packaging (the use of such solution shall not result in the addition of a significant amount of moisture to the product).
	Sodium erythorbate	do	do	Do
	Citric acid or sodium citrate	do	do	May be used in eured products or in 10 percent solution used to spray surfaces of eured cuts prior to packaging to replace up to 50 percent of the ascorbic acid, erythorbic acid, sodium ascorbate, or sodium erythorbate that is used.
<p>"The above curing agents are permitted in frozen comminuted products in the amounts specified for cured comminuted products:"</p>				
	Sodium potassium nitrate.	or Source of nitrate	Cured products	7-lbs. to 100-gals. pickle; 3 1/2-ozs. to 100-lbs. meat (dry cure); 2 3/4-ozs. to 100-lbs. chopped meat.

(Rule 0080-4-1-.143, continued)

Class of Substance	Substance	Purpose	Product	Amount
	Sodium or potassium nitrite (Supplies of sodium nitrite and potassium nitrite and mixtures containing them must be kept securely under the care of a responsible employee of the establishment. The specific nitrite content of such supplies must be known and clearly marked accordingly.)	To fix color	do	2 lbs. to 100 gals. pickle at 10 percent pump level; 1 oz. to 100 lbs. meat (dry cure); 1/4 oz. to 100 lbs. chopped meat and/or meat byproduct. The use of nitrites, nitrates or combination shall not result in more than 200 parts per million nitrite in finished product.
Denuding agents; may be used in combination. Must be removed from tripe by rinsing with potable water.	Lime (calcium oxide, calcium hydroxide).	To denude mucous membrane	Tripe	Sufficient for purpose.
	Sodium carbonate	do	do	Do.
	Sodium gluconate	do	do	Do.
	Sodium hydroxide	do	do	Do.
	Sodium metasilicate	do	do	Do.
	Sodium persulfate	do	Do	Do.
Emulsifying agents	Trisodium phosphate.	do	Do	Do.
	Acetylated monoglycerides	To emulsify product	Shortening	Sufficient for purpose.
	Diacetyl tartaric acid esters of mono and diglycerides.	do	Rendered animal fat or a combination of such fat with vegetable fat.	Do.
	Glycerol laurate, stearate, oleate, or palmitate.	do	do	Do.
	Leocithin	To emulsify product (also as antioxidant).	Oleomargarine shortening	Do.
Mono and diglycerides (glycerol palmitate, etc.);	To emulsify product.	Rendered animal fat or a combination of such fat with vegetable fat.	Sufficient for purpose in lard and shortening; 0.5 percent in oleomargarine.	

(Rule 0080-4-1-.143, continued)

Class of Substance	Substance	Purpose	Product	Amount
	Polyglycerol esters of fatty acids (Polyglycerol esters of fatty acids are restricted to those up to and including the decaglycerol esters and otherwise meeting the requirements of §121.1120(a) of the Food Additive Regulations):	do	Rendered animal fat or a combination of such fat with vegetable fat when use is not precluded by standards of identity.	Sufficient for purpose.
	Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate):	do	Shortening for use in nonstandardized baked goods, baking mixes, icings, fillings and toppings and in the frying of foods.	1 percent when used alone. If used with polysorbate 60 the combined total shall not exceed 1 percent.
	Propylene glycol mono and diesters of fats and fatty acids	do	Rendered animal fat or a combination of such fat with vegetable fat.	Sufficient for purpose.
	Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate):	do	Shortening for use in nonstandardized baked goods, baking mixes, icings, fillings, and toppings and in the frying of foods.	1 percent when used alone. If used with polysorbate 80 the combined total shall not exceed 1 percent.
	Steryl-2-lactylic acid:	do	Shortening to be used for cake icings and fillings.	3.0 percent
	Steryl monoglyceridyl citrate:	do	Shortening	Sufficient for purpose.
Flavoring protectors and developers:	Approved artificial smoke flavoring:	To flavor product.	Any	Sufficient for purpose.
	Approved smoke flavoring:	do	Do	Do.
	Autolyzed yeast extract:	do	Do	Do.

(Rule 0080-4-1-.143, continued)

Class of Substance	Substance	Purpose	Product	Amount
	Harmless bacteria starters of the acidophilus type; lactic acid starter or culture of <i>Pediococcus cerevisiae</i> .	To develop flavor.	Dry sausage, pork roll, thuringer, lebanon bolona, eervelat, and salami.	0.5 percent
	Benzoic acid; sodium benzoate.	To retard flavor reversion	Oleomargarine	0.1 percent
	Citric acid	To protect flavor.	do	Sufficient for purpose
	Corn syrup, solids; corn syrup; Corn syrup solids; corn syrup; glucose syrup.	To flavor	Chili con carne; sausage, hamburger; meat loaf, luncheon meat, chopped or pressed ham.	2.0 percent individually or collectively; calculated on a dry basis.
	Dextrose	To flavor product.	Sausage, ham and cured products.	Sufficient for purpose.
	Diacetyl	Do	Oleomargarine	Do
	Hydrolyzed plant protein.	Do	Any	Do.
	Isopropyl citrate	To protect flavor.	Oleomargarine	0.02 percent.
	Malt syrup	To flavor product.	Cured products	2.5 percent.
	Milk protein hydrolysate.	Do	Any	Sufficient for purpose.
	Monosodium glutamate.	Do	do	Do.
	Sodium sulfacetate derivative of mono and diglycerides.	Do	do	0.05 percent
	Starter distillate	Do	Oleomargarine	Sufficient for purpose.
	Stearyl citrate	To protect flavor	do	0.15 percent
	Sugars (sucrose and dextrose).	To flavor product.	Any	Sufficient for purpose.
Gases	Carbon dioxide solid (dry ice).	To cool product.	Chopping of meat, packaging of product.	Do.
	Nitrogen	To exclude oxygen	Sealed container.	Do.
Hog scald agents; must be removed by subsequent cleaning operations.	Caustic soda	To remove hair	Hog carcasses	Do.
	Diethyl sodium sulfosuccinate.	Do	do	Do.
	Lime	Do	do	Do.
	Methyl polysilicone	Do	do	Do.

(Rule 0080-4-1-.143, continued)

Class of Substance	Substance	Purpose	Product	Amount
	Sodium carbonate	Do	do	Do.
	Sodium dodecylbenzene sulfonate.	Do	do	Do.
	Sodium hexametaphosphate.	Do	do	Do.
	Sodium lauryl sulfate.	Do	do	Do.
	Sodium metasilicate.	Do	do	Do.
	Sodium alkylbenene sulfonate (alkyl group predominantly C12 and C13 and not less than 95 percent C10 to C16).	Do	do	Do.
	Sodium sulfate	Do	do	Do.
	Sodium tripolyphosphate.	Do	do	Do.
	Sucrose	Do	do	Do.
	Trisodium phosphate.	Do	do	Do.
Miscellaneous	Potassium sorbate	To retard mold growth.	Dry sausage	2.5 percent in water solution may be applied to casings after stuffing or casings may be dipped in solution prior to stuffing.
		To preserve product and to retard mold growth.	Oleomargarine or margarine.	0.1 percent by weight of the finished oleomargarine or margarine.
	Calcium disodium, EDTA (calcium disodium ethylenediaminetetraacetate).	To preserve product and to protect flavor.	do	75 parts per million by weight of the finished oleomargarine or margarine.
	Propylparaben (propyl p-hydroxybenzoate).	do	do	3.5 percent in water solution may be applied to casings after stuffing or casings may be dipped in solution prior to stuffing.

(Rule 0080-4-1-.143, continued)

Class of Substance	Substance	Purpose	Product	Amount
	Sodium bicarbonate.	To neutralize excess acidity, cleaning, vegetables.	Rendered soups, pickle.	fats, curing Sufficient for purpose.
	Calcium propionate	To retard mold growth.	Pizza crust	0.32 percent alone or in combination based on weight of the flour used.
	Sodium propionate	do	do	0.32 percent alone or in combination based on weight of the flour used.
Phosphates	Disodium phosphate	To decrease amount of cooked-out juices.	Cured hams, pork shoulder picnic, and loins, and canned hams and pork shoulders and products covered by §317.8(b) (13) (ii) and similar products; chopped ham and bacon.	5.0 percent of phosphate in pickle at 10 percent pump level; 0.5 percent of phosphate in product (only clean solution may be injected into product).
	Monosodium phosphate.	do	do	Do.
	Sodium hexametaphosphate.	do	do	Do.
	Sodium tripolyphosphate.	do	do	Do.
	Sodium pyrophosphate.	do	do	Do.
	Sodium acid pyrophosphate.	do	do	Do.
Proteolytic enzymes	Aspergillus oryzae	To soften tissues	Beef cuts	Solutions consisting of water, salt, monosodium glutamate, and approved Proteolytic enzymes applied or injected into cuts of beef shall not result in a gain of more than 3 percent above the weight of the untreated product.

(Rule 0080-4-1.143, continued)

Class of Substance	Substance	Purpose	Product	Amount
Refining agents (must be eliminated during process of manufacturing).	Aspergillus flavusoryzae group.	do	do	Do.
	Bromelin	do	do	Do.
	Ficin	do	do	Do.
	Papain	do	do	Do.
	Acetic acid	To separate fatty acids and glycerol.	Rendered fats.	Sufficient for purpose.
	Bicarbonate of soda	do	do	Do.
	Carbon (purified charcoal).	To aid in refining of animal fats.	do	Do.
Rendering agents.	Caustic soda (sodium hydroxide).	To refine fats	do	Do.
	Diatomaceous earth; Fuller's earth.	do	do	Do.
	Sodium carbonate	do	do	Do.
	Tannic acid	do	do	Do.
	Tricalcium phosphate.	To aid rendering	Animal fats.	Sufficient for purpose.
Artificial sweeteners	Trisodium phosphate.	do	do	Do.
	Saccharin	To sweeten product.	Bacon	0.01 percent.
	Calcium Cyclamate	do	Ham	0.03 percent.
Synergists (used in combination with antioxidants.)	Citric acid	To increase effectiveness of antioxidants.	Bacon	0.15 percent
			Lard and shortening.	0.01 percent alone or in combination with antioxidants in lard or shortening.
			Dry sausage	0.001 percent in dry sausage in combination with antioxidants.
			Fresh pork sausage	0.01 percent on basis of fat content in combination with antioxidants.
	Dried meats			0.01 percent on basis of total weight in combination with antioxidants

(Rule 0080-4-1.143, continued)

Class of Substance	Substance	Purpose	Product	Amount
	Monoisopropyl citrate.	To increase effectiveness of antioxidants.	Lard, shortening, oleomargarine, fresh pork sausage, dried meats	0.02 percent.
	Phosphoric Acid	do	Lard and shorteningg.	0.01 percent.
	Monoglyceride citrate.	do	Lard, shortening, fresh pork sausage, dried meats.	0.02 percent.

- (4) No substance may be used in or on any product if it conceals damage or inferiority or makes the product appear to be better or of greater value than it is. Therefore:
- (a) Paprika or oleoresin paprika may not be used in or on fresh meat, such as steaks, or comminuted fresh meat food products, such as chopped and formed steaks or patties; or in any other meat food products consisting of fresh meat (with or without seasoning), except chorizo sausage and Italian brand sausage, and except other meat food products in which paprika or oleoresin paprika is permitted as an ingredient in a standard of identity or composition in 0080-4-1.152-199 of this subchapter.
- (b) Sorbic acid, calcium sorbate, sodium sorbate, and other salts of sorbic acid may not be used in cooked sausage or any other product; sulfurous acid and salts of sulfurous acid may not be used in or on any product and niacin or nicotinamide may not be used in or on fresh product; except that potassium sorbate, propylparaben (propyl p-hydroxybenzoate), calcium propionate, sodium propionate, benzoic acid, and sodium benzoate may be used in or on any product only as provided in the chart in b (4) or as approved by the Administrator in specific cases.

*Authority:* T.C.A. §§52-915-52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

#### ~~0080-4-1.144 AND 0080-4-1.145 REPEALED~~

*Authority:* T.C.A. §4-5-225. *Administrative History:* Original rules certified June 5, 1974. Repeal by Public Chapter 261, effective July 1, 1983.

#### ~~0080-4-1.146 REINSPECTION AND PREPARATION OF PRODUCTS: PRESCRIBED TREATMENT OF PORK AND PRODUCTS CONTAINING PORK TO DESTROY TRICHINAE.~~

- (1) All forms of fresh pork, including fresh unsmoked sausage containing pork muscle tissue, and pork such as bacon and jowls, other than those covered by paragraph (2) of this section, are classed as products that are customarily well cooked in the home or elsewhere before being served to the consumer. Therefore, the treatment of such products for the destruction of trichinae is not required.
- (2) Products named in this paragraph, and products of the character thereof, containing pork muscle tissue (not including pork hearts, pork stomachs, and pork livers), or the pork muscle tissue which forms an ingredient of such products, shall be effectively heated, refrigerated, or eured to destroy any possible live trichinae, as prescribed in this section at the official establishment where such products are prepared: Bologna; frankfurters; viennas; smoked sausage; knoblauch sausage; mortadella; all forms of summer or dried sausage, including mettwurst; ground meat mixtures containing pork and beef, veal, lamb, mutton, or goat meat and prepared in such a manner that they might be eaten rare or without thorough cooking; flavored pork sausage such as those containing wine or similar flavoring

(Rule 0080-4-1-.146, continued)

materials; cured pork sausage; sausage containing cured and/or smoked pork; cooked loaves; roasted, baked, boiled, or cooked hams, pork shoulders, or pork shoulder picnicies; Italian-style hams; Westphalia-style hams; smoked boneless pork shoulder butts; cured meat rolls; capocollo (capicola, eapacola); coppa; fresh or cured boneless pork shoulder butts, hams, loins, shoulders, shoulder picnicies, and similar pork cuts in casings or other containers in which ready-to-eat delicatessen articles are customarily enclosed (excepting Scotch-style hams); breaded pork products; cured boneless pork loins; bonelessback bacon; bacon used for wrapping around patties, steaks and similar products; and smoked pork cuts such as hams, shoulders, loins, and pork shoulder picnicies. Cured boneless pork loins shall be subjected to prescribed treatment for destruction of trichinae prior to being shipped from the establishment where cured.

(3) The treatment shall consist of heating, refrigerating, or curing, as follows:

(a) Heating, 1. All parts of the pork muscle tissue shall be heated to a temperature not lower than 137° F., and the method used shall be one known to insure such a result. On account of differences in methods of heating and in weights of products undergoing treatment it is impracticable to specify details of procedures for all cases.

2. Procedures which insure the proper heating of all parts of the product shall be adopted. It is important that each piece of sausage, each ham, and other product treated by heating in water be kept entirely submerged throughout the heating period; and that the largest pieces in a lot, the innermost links of bunched sausage or other massed articles, and pieces placed in the coolest part of a heating cabinet or compartment or vat be included in the temperature tests.

(b) Refrigerating. At any stage of preparation and after preparatory chilling to a temperature of not above 40° F. or preparatory freezing, all parts of the muscle tissue of pork or product containing such tissue shall be subjected continuously to a temperature not higher than one of those specified in table 1, the duration of such refrigeration at the specified temperature being dependent on the thickness of the meat or inside dimensions of the container. Table 1—Required Period of Freezing at Temperature Indicated

Temperature °F.	Group 1 (Days)	Group 2 (Days)
5	20	30
-10	10	20
-20	6	12

1. Group 1 comprises product in separate pieces not exceeding 6 inches in thickness, or arranged on separate racks with the layers not exceeding 6 inches in depth, or stored in crates or boxes not exceeding 6 inches in depth, or stored as solidly frozen blocks not exceeding 6 inches in thickness.

2. Group 2 comprises product in pieces, layers, or within containers, the thickness of which exceeds 6 inches but not 27 inches, and product in containers including tierces, barrels, kegs, and cartons having a thickness not exceeding 27 inches.

3. The product undergoing such refrigeration or the containers thereof shall be so spaced while in the freezer as will insure a free circulation of air between the pieces of meat, layers, blocks, boxes, barrels, and tierces in order that the temperature of the meat throughout will be promptly reduced to not higher than 5° F., 10° F., or 20° F., as the case may be.

(Rule 0080-4-1-.146, continued)

4. In lieu of the methods prescribed in Table 1, the treatment may consist of refrigeration to a temperature of  $-30^{\circ}$  F. in the center of the pieces of meat or commercial freeze drying.
  5. During the period of refrigeration the product shall be kept separate from other products and in the custody of the Program in rooms or compartments equipped and made secure with all official Program lock or seal. The rooms or compartments containing products undergoing freezing shall be equipped with accurate thermometers placed at or above the highest level at which the product undergoing treatment is stored and away from refrigerating coils. After completion of the prescribed freezing of pork to be used in the preparation of product covered by paragraph (b) of this section the pork shall be kept under close supervision of an inspector until it is prepared in finished form as one of the products enumerated in paragraph (b) of this section or until it is transferred under Program control to another official establishment for preparation in such finished form.
  6. Pork which has been refrigerated as specified in this subparagraph may be transferred in sealed railroad cars, sealed motortrucks, sealed trailers, or sealed closed containers to another official establishment at the same or another location, for use in the preparation of product covered by paragraph (2) of this section. The sealing of closed containers, such as boxes and slack barrels, shall be effected by cording and affixing thereto official Program seals, and such containers as tierces and kegs shall be held in Program custody by sealing with wax impressed with an official Program metal brand. Railroad cars, motortrucks, and trailers used to transport such pork shall be sealed with official Program car seals except that sealed and marked closed containers may be shipped in unsealed railroad cars, motortrucks, and trailers. Shipping containers such as boxes, barrels, and tierces, containing pork refrigerated in accordance with this section, shall be plainly and conspicuously marked with a label or stencil furnished by the establishment, as follows: "Pork product degrees F. days' refrigeration," indicating the temperature of which the product was refrigerated and the length of time so treated. For each consignment there shall be promptly issued and forwarded by the inspector to the officer in charge at destination a report on the form entitled "Notice of Unmarked Meats Shipped in Sealed Cars," appropriately modified to show the character of the containers, and that the contents are "Pork product degrees F. days' refrigeration." A duplicate copy shall be retained in the office file.
- (e) Curing—1. Sausage. The sausage may be stuffed in animal casings, hydrocellulose casings, or cloth bags. During any stage of treating the sausage for the destruction of live trichinae, except as provided in Method 5, these coverings shall not be coated with paraffin or like substance, nor shall any sausage be washed during any prescribed period of drying. In the preparation of sausage, one of the following methods may be used:
1. (i) The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry curing mixture containing not less than  $3\frac{1}{3}$  pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, sausage having a diameter not exceeding  $3\frac{1}{2}$  inches, measured at the time of stuffing, shall be held in a drying room not less than 20 days at a temperature not less than  $45^{\circ}$  F., except that in sausage of the variety known as pepperoni, if in casings not exceeding  $1\frac{3}{8}$  inches in diameter measured at the time of stuffing, the period of drying may be reduced to 15 days. In no case, however, shall the sausage be released from the drying room in less than 25 days from the time the curing materials are added, except that sausage of the variety known as pepperoni, if in casings not exceeding the size specified, may be released at the expiration of 20 days from the time the

(Rule 0080-4-1-.146, continued)

curing materials are added. Sausage in casings exceeding 3 1/2 inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room not less than 35 days at a temperature not lower than 45° F., and in no case shall the sausage be released from the drying room in less than 40 days from the time the curing materials are added to the meat.

- (ii) The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3 1/3 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, sausage having a diameter not exceeding 3 1/2 inches, measured at the time of stuffing, shall be smoked not less than 40 hours at a temperature not lower than 80° F., and finally held in a drying room not less than 10 days at a temperature not lower than 45° F. In no case, however, shall the sausage be released from the drying room in less than 18 days from the time the curing materials are added to the meat. Sausage exceeding 3 1/2 inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room, following smoking as above indicated, not less than 25 days at a temperature not lower than 45° F., but in no case shall the sausage be released from the drying room in less than 33 days from the time the curing materials are added to the meat.
- (iii) The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3 1/3 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped meat shall be held at a temperature not lower than 34° F. for not less than 36 hours. After being stuffed, the sausage shall be held at a temperature not lower than 34° F. for an additional period of time sufficient to make a total of not less than 144 hours from the time the curing materials are added to the meat, or the sausage shall be held for the time specified in a pickle-curing medium of not less than 50° strength (salometer reading) at a temperature not lower than 44° F. Finally, sausage having a diameter not exceeding 3 1/2 inches, measured at the time of stuffing, shall be smoked for not less than 12 hours. The temperature of the smokehouse during this period at no time shall be lower than 90° F.; and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128° F. Sausage exceeding 3 1/2 inches, but not exceeding 4 inches, in diameter at the time of stuffing shall be smoked, following the prescribed curing, for not less than 15 hours. The temperature of the smokehouse during the 15-hour period shall at no time be lower than 90° F., and for 7 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128° F. In regulating the temperature of the smokehouse for the treatment of sausage under this method, the temperature of 128° F. shall be attained gradually during a period of not less than 4 hours.
- (iv) The meat shall be ground or chopped into pieces not exceeding one-fourth of an inch in diameter. A dry-curing mixture containing not less than 2 1/2 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped sausage shall be held as a compact mass, not more than 6 inches in depth, at a temperature not lower than 36° F. for not less than 10 days. At the termination of the holding period, the sausage shall be stuffed in casings or cloth bags not exceeding 3 1/3 inches in

(Rule 0080-4-1-.146, continued)

diameter, measured at the time of stuffing. After being stuffed, the sausage shall be held in drying room at a temperature not lower than 45° F. for the remainder of a 35-day period, measured from the time the curing materials are added to the meat. At any time after stuffing, if the establishment operator deems it desirable, the product may be heated in a water bath for a period not to exceed 3 hours at a temperature not lower than 85° F., or subjected to smoking at a temperature not lower than 80° F., or the product may be both heated and smoked as specified. The time consumed in heating and smoking, however, shall be in addition to the 35-day holding period specified.

- (v) The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3 1/3 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, the sausage shall be held for not less than 65 days at a temperature not lower than 45° F. The coverings for sausage prepared according to this method may be coated at any stage of the preparation before or during the holding period with paraffin or other substance approved by the Administrator.
2. Capocollo (Capicola, capicola). Boneless pork butts for capocollo shall be cured in a dry-curing mixture containing not less than 4 1/2 pounds of salt per hundredweight of meat for a period of not less than 25 days at a temperature not lower than 36° F. If the curing materials are applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry salt if desired. The butts shall not be subjected during or after curing to any treatment designed to remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the product shall be smoked for a period of not less than 30 hours at a temperature not lower than 80° F., and shall finally be held in a drying room not less than 20 days at a temperature not lower than 45° F.
  3. Coppa. Boneless pork butts for coppa shall be cured in a dry-curing mixture containing not less than 4 1/2 pounds of salt per hundredweight of meat for a period of not less than 18 days at a temperature not lower than 36° F. If the curing mixture is applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry salt if desired. The butts shall not be subjected during or after curing to any treatment designed to remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the product shall be held in a drying room not less than 35 days at a temperature not lower than 45° F.
  4. Hams and pork shoulder pienies. In the curing of hams and pork shoulder pienies either of the following methods may be used:
    - (i) The hams and pork shoulder pienies shall be cured by a dry-salt curing process not less than 40 days at a temperature not lower than 36° F. The products shall be laid down in salt, not less than 4 pounds to each hundredweight of product, the salt being applied in a thorough manner to the lean meat of each item. When placed in cure the products may be pumped with pickle if desired. At least once during the curing process the products shall be overhauled and additional salt applied, if necessary, so that the lean meat of each item is thoroughly covered. After removal from cure the products may be soaked in water at a temperature not

(Rule 0080-4-1.146, continued)

- higher than 70° F. for not more than 15 hours, during which time the water may be changed once; but they shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The products shall finally be dried or smoked not less than 10 days at a temperature not lower than 95° F.
- (ii) ~~The products shall be cured by a dry salt curing process at a temperature not lower than 36° F. for a period of not less than 3 days for each pound of weight (green) of the individual items. The time of cure of each lot of such products placed in cure shall be calculated on a basis of the weight of the heaviest item of the lot. Products cured by this method, before they are placed in cure, shall be pumped with pickle solution of not less than 100° strength (salometer), about 4 ounces of the solution being injected into the shank and a like quantity along the flank side of the body bone (femur). The products shall be laid down in salt, not less than 4 pounds of salt to each hundredweight of product, the salt being applied in a thorough manner to the lean meat of each item. At least once during the curing process the products shall be overhauled and additional salt applied, if necessary, so that the lean meat of each item is thoroughly covered. After removal from the cure the product may be soaked in water at a temperature not higher than 70° F. for not more than 4 hours, but shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The products shall then be dried or smoked not less than 48 hours at a temperature not lower than 80° F., and finally shall be held in a drying room not less than 20 days at a temperature not lower than 45° F.~~
- 5 ~~Boneless pork loins and loin ends. In lieu of heating or refrigerating to destroy possible live trichinae in boneless loins, the loins may be cured for a period of not less than 25 days at a temperature not lower than 36° F. by the use of one of the following methods:~~
- (i) ~~Application of a dry salt curing mixture containing not less than 5 pounds of salt to each hundredweight of meats.~~
- (ii) ~~Application of a pickle solution of not less than 80° strength (salometer) on the basis of not less than 60 pounds of pickle to each hundredweight of meat.~~
- (iii) ~~Application of a pickle solution added to the dry salt cure prescribed as Method No. 1 in this subdivision (5) provided the pickle solution is not less than 80° strength (salometer).~~
- (iv) ~~After removal from cure, the loins may be soaked in water for not more than 1 hour at a temperature not higher than 70° F. or washed under a spray but shall not be subjected, during or after the curing process, to any other treatment designed to remove salt.~~
- (v) ~~Following curing, the loins shall be smoked for not less than 12 hours. The minimum temperature of the smokehouse during this period at no time shall be lower than 100° F., and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 125° F.~~
- (vi) ~~Finally, the product shall be held in a drying room for a period of not less than 121 days at a temperature not lower than 45° F.~~

(Rule 0080-4-1-.146, continued)

- (4) General instructions: When necessary to comply with the requirements of this section, the smokehouses, drying rooms, and other compartments used in the treatment of pork to destroy possible live trichinae shall be suitably equipped, by the operator of the official establishment, with accurate automatic recording thermometers. Officers in charge are authorized to approve for use in sausage smokehouses, drying rooms, and other compartments, such automatic recording thermometers as are found to give satisfactory service and to disapprove and require discontinuance of use, for purposes of the regulations in this subchapter, any thermometers (including any automatic recording thermometers) of the establishment that are found to be inaccurate or unreliable.

*Authority:* T.C.A. §§52-915-52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

**0080-4-1-.147 THROUGH 0080-4-1-.152 REPEALED.**

*Authority:* T.C.A. §4-5-225. *Administrative History:* Original rules certified June 5, 1974. Repeal by Public Chapter 261, effective July 1, 1983.

**0080-4-1-.153 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: LABELING AND PREPARATION OF STANDARDIZED PRODUCTS.** Labels for products for which standards of identity or composition are prescribed in this part shall show the appropriate product name, an ingredient statement, and other label information in accordance with the special provisions, if any, in this part, and otherwise in accordance with the general labeling provisions of this subchapter, and such products shall be prepared in accordance with the special provisions, if any, in this part and otherwise in accordance with the general provisions in this subchapter. Any product for which there is a common or usual name must consist of ingredients and be prepared by the use of procedures common or usual to such products insofar as specific ingredients or procedures are not prescribed or prohibited by the provisions of this subchapter.

*Authority:* T.C.A. §§52-915-52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

**0080-4-1-.154 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: MISCELLANEOUS BEEF PRODUCTS.**

- (1) **CHOPPED BEEF, GROUND BEEF "CHOPPED BEEF" OR "GROUND BEEF"** shall consist of chopped fresh and/or frozen beef with or without seasoning and without the addition of beef fat as such, shall not contain more than 30 percent fat, and shall not contain added water, binders, or extenders. When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped or ground beef, the amount of such cheek meat shall be limited to 25 percent, and if in excess of natural proportions, its presence shall be limited to 25 percent; and if in excess of natural proportions, its presence shall be declared on the label, in the ingredient statement required by this subchapter, if any, and otherwise contiguous to the name of the product.
- (2) **HAMBURGER. "HAMBURGER"** shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasoning, shall not contain more than 30 percent fat, and shall not contain added water, binders, or extenders. Beef cheek meat (Trimmed beef cheeks) may be used in the preparation of hamburger only in accordance with the conditions prescribed in paragraph (a) of this section.
- (3) **BEEF PATTIES. "BEEF PATTIES"** shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasonings. Binders or extenders and/or partially defatted beef fatty tissue may be used without added water or with added water only in amounts such that the product's characteristics are essentially that of a meat pattie.
- (4) **FABRICATED STEAK.** Fabricated beef steaks, veal steaks, beef and veal steaks, or veal and beef steaks, and similar products, such as those labeled "Beef Steak, Chopped, Shaped, Frozen," "Minute

(Rule 0080-4-1-158, continued)

~~Steak, Formed, Wafer Sliced, Frozen,” “Veal Steaks, Beef Added, Chopped—Molded—Cubed—Frozen, Hydrolyzed Plant Protein, and Flavoring” shall be prepared by comminuting and forming the product from fresh and/or frozen meat, with or without added fat, of the species indicated on the label. Such products shall not contain more than 30 percent fat and shall not contain added water, binders or extenders. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of fabricated beef steaks only in accordance with the conditions prescribed in paragraph (a) of this section.~~

- (5) ~~PARTIALLY DEFATTED BEEF FATTY TISSUE.~~ “Partially Defatted Beef Fatty Tissue” is a beef byproduct derived from the low temperature rendering (not exceeding 120° F.) of fresh beef fatty tissue. Such product shall have a pinkish color and a fresh odor and appearance.

~~Authority: T.C.A. §§52-915–52-934 and 52-927. Administrative History: Original Rule certified June 5, 1974.~~

**0080-4-1-155 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: MISCELLANEOUS PORK PRODUCTS.** ~~Partially defatted pork fatty tissue.~~ “Partially Defatted Pork Fatty Tissue” is a pork byproduct derived from the low temperature rendering (not exceeding 120° F.) of fresh pork fatty tissue, exclusive of skin. Such product shall have a pinkish color and a fresh odor and appearance.

~~Authority: T.C.A. §§52-915–52-934 and 52-927. Administrative History: Original Rule certified June 5, 1974.~~

**0080-4-1-156 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: BARBECUED MEATS.** ~~Barbecued meats, such as product labeled “Beef Barbecue” or “Barbecued Pork,” shall be cooked by the direct action of dry heat resulting from the burning of hard wood or the hot coals therefrom for a sufficient period to assume the usual characteristics of a barbecued article, which include the formation of a brown crust on the surface and the rendering of surface fat. The product may be basted with a sauce during the cooking process. The weight of barbecued meat shall not exceed 70 percent of the weight of the fresh uncooked meat.~~

~~Authority: T.C.A. §§52-915–52-934 and 52-927. Administrative History: Original rule certified June 5, 1974.~~

**0080-4-1-157 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: ROAST BEEF PARBOILED AND STEAM ROASTED.** ~~“Roast Beef Parboiled and Steam Roasted” shall be prepared so that the weight of the finished product, excluding salt and flavoring material, shall not exceed 70 percent of the fresh beef weight. Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat, exclusive of the heart cap may be used individually or collectively to the extent of 5 percent of the meat ingredients in the preparation of canned product labeled “Roast Beef Parboiled and Steam Roasted.” When beef cheek meat, beef head meat, or beef heart meat are used in the preparation of this product, its presence shall be reflected in the statement of ingredients.~~

~~Authority: T.C.A. §§52-915–52-934 and 52-927. Administrative History: Original rule certified June 5, 1974.~~

**0080-4-1-158 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: CORNED BEEF.** ~~“Corned Beef” shall be prepared from beef briskets, navels, clods, middle ribs, rounds, rumps, or similar cuts using one or a combination of the curing ingredients specified in 318.7. Canned product labeled “Corned Beef” shall be prepared so that the weight of the finished product, excluding cure, salt, and flavoring material, shall not exceed 70 percent of the fresh beef weight. Corned beef other than canned shall be cured in pieces weighing not less than 1 pound, and if cooked, its weight shall not exceed the weight of the fresh uncured beef. Beef cheek meat, beef head meat and beef heart meat may be used to the extent of 5 percent of the meat ingredient in preparation of this product when trimmed as specified in 0080-4-1-157. When beef cheek meat, beef head meat, or beef heart meat are used in preparation of this product, its presence shall be reflected in the statement of ingredients. The application of curing solution to beef cuts, other than briskets, which are intended for bulk corned beef shall not result in an~~

(Rule 0080-4-1-.158, continued)

increase in the weight of the finished cured product of more than 10 percent over the weight of the fresh uncured meat.

*Authority:* T.C.A. §§52-915–52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1-.159 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: CORNED BEEF BRISKET.~~ In preparing “Corned Beef Brisket”, the application of curing solution to the beef brisket shall not result in an increase in the weight of the finished cured product of more than 20 percent over the weight of the fresh uncured brisket. If the product is cooked, the weight of the finished product shall not exceed the weight of the fresh uncured brisket.

*Authority:* T.C.A. §§52-915–52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1-.160 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: CORNED BEEF ROUND AND OTHER CORNED BEEF CUTS.~~ In preparing “Corned Beef Round” and other corned beef cuts, except “Corned Beef Briskets,” the curing solution shall be applied to pieces of beef weighing, not less than one pound and such application shall not result in an increased weight of the cured beef product of more than 10 percent over the weight of the fresh uncured beef cut. If the product is cooked, the weight of the finished product shall not exceed the weight of the fresh uncured beef cut.

*Authority:* T.C.A. §§52-915–52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1-.161 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: CURED BEEF TONGUE.~~ In preparing “Cured Beef Tongue,” the application of curing solution to the fresh beef tongue shall not result in an increase in the weight of the cured beef tongue of more than 10 percent over the weight of the fresh uncured beef tongue.

*Authority:* T.C.A. §§52-915–52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1-.162 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: CURED PORK PRODUCTS, UNSMOKED AND SMOKED:~~

- (1) ~~CURED, UNSMOKED PRODUCTS.~~ Cured, unsmoked, “Boneless Pork Shoulder,” “Boneless Pork Shoulder Butts,” or pieces of pork loin in casings or similar containers of consumer size, shall not contain more than 10 percent added substances as a result of the curing process.
- (2) ~~SMOKED PRODUCTS.~~ The weight of any smoked products such as “Ham,” “Pork Shoulder,” “Pork Shoulder Picnic,” “Pork Shoulder Butt,” or similar products, except such products prepared for canning, shall not exceed the weight of the fresh uncured article.
- (3) ~~OTHER COOKED, CURED PRODUCTS.~~ The preparation of any cooked, cured products, such as “Ham,” “Pork Shoulder,” “Pork Shoulder Picnic,” “Pork Shoulder Butt,” and “Pork Loin,” or similar products, either by moist or dry heat (except such products prepared for canning), shall not result in the finished cooked product weighing more than the fresh uncured article.
- (4) ~~CURED, WATER ADDED PRODUCTS.~~ Products resembling standardized ham and other pork products of the kinds provided for in paragraph (2) or (3) of this section, which do not conform to such provisions because they contain added water not in excess of 10 percent of the weight of the fresh, uncured products, shall bear on their labels the term “Water Added,” as a part of the product name, in prominent lettering not less than three-eighths inch in height, and if not placed in a consumer size package labeled in accordance with this part and 0080-4-1-.136 of this subchapter, shall be marked with the term “Water Added” the full length of the product. However, the

(Rule 0080-4-1-.162, continued)

Administrator may approve smaller lettering for labels of small packages, such as 4-ounce packages, when he finds that the size and style of the lettering in connection with the product name are such as to insure the prominence of the required terms. The qualifying phrase "Up to 10 percent" or equivalent phrase may be used in labeling such products in connection with the term "Water Added" at the option of the operator of the establishment, provided the qualifying phrase does not detract from the prominence of the term "Water Added."

- (5) ~~CANNED PRODUCTS.~~ The preparation of any canned products such as "Ham," "Pork Shoulder Picnic," or similar products, shall not result in an increase in weight of more than 8 percent over the weight of the fresh uncured article.
- (6) ~~PRESSED HAM, SPICED HAM AND SIMILAR PRODUCTS.~~ "Pressed Ham," "Pressed Ham with Natural Juices," "Spiced Ham," and similar products may contain finely chopped ham shank meat to the extent of 25 percent over that normally present in the boneless ham. The weight of the cured chopped ham prior to processing shall not exceed the weight of the fresh uncured ham, exclusive of the bone and fat removed in the boning operation, plus the weight of the curing ingredients and 3 percent moisture.

*Authority:* T.C.A. §§52-915-52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

**0080-4-1-.163 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: CHOPPED HAM.**

- (1) "Chopped Ham" is the semisolid meat food product, in the form of a compact mass with a limited amount of cooked out juices, which is prepared with ham, curing agents, seasonings, and any of the optional ingredients listed in paragraph (2) of this section, in accordance with the provisions of subparagraphs (a), (b), and (c) of this paragraph.
  - (a) Fresh ham, cured ham, or smoked ham, or a mixture of two or more of such meat components may be used. The weight of the cured chopped ham prior to processing shall not exceed the weight of the fresh uncured ham and fresh uncured ham shank meat if any is used, exclusive of the bones and fat removed in the boning operations, plus the weight of the curing ingredients and 3 percent moisture.
  - (b) The curing agents that may be used, singly or in combination, are salt, sodium nitrate, sodium nitrite, potassium nitrate, and potassium nitrite. When sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite is used, singly or in combination, the amount thereof shall not exceed that permitted in 0080-4-1-.143.
  - (c) The seasonings that may be used, singly or in combination, are salt, sugar (sucrose or dextrose), spice, and flavoring, including essential oils, oleoresins and other spice extractives.
- (2) Chopped ham may contain one or more of the following optional ingredients:
  - (a) Finely chopped ham shank meat (fresh, cured, or smoked, or a combination thereof) to the extent of not more than 25 percent over that normally present in the boneless ham;
  - (b) Water, for the purpose of dissolving the curing agents, and not in excess of the amount permitted in paragraph (a) of this section;
  - (c) Monosodium glutamate;
  - (d) Hydrolyzed plant protein;

(Rule 0080-4-1-.163, continued)

- (e) ~~Corn syrup solids, corn syrup and glucose syrup, singly or in combination, in an amount not to exceed 2 percent (calculated on a dry basis) of all the ingredients used in preparing the chopped ham;~~
- (f) ~~Disodium phosphate, sodium hexametaphosphate, sodium tripolyphosphate, sodium pyrophosphate, and sodium acid pyrophosphate, singly or in combination, in an amount not to exceed that permitted in 0080-4-1-.143.~~
- (g) ~~Ascorbic acid, sodium ascorbate, isoascorbic acid or sodium isoascorbate in an amount not to exceed that permitted in 318.7.~~
- (h) ~~Dehydrated onions or onion powder;~~
- (i) ~~Dehydrated garlic or garlic powder.~~

*Authority:* ~~T.C.A. §§52-915-52-934 and 52-927. Administrative History: Original rule certified June 5, 1974.~~

~~**0080-4-1.164 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: SAUSAGE.** Except as otherwise provided in this section, or under the Poultry Products Inspection Act with respect to products consisting partly of poultry, sausage is the coarse or finely comminuted meat food product prepared from one or more kinds of meat or meat byproducts, containing various amounts of water as provided for elsewhere in this part, and usually seasoned with condimented proportions of condimental substances, and frequently cured. Certain sausage as provided for elsewhere in this part may contain binders and extenders: e. g., cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced skim milk or dried milk. The finished product shall contain no more than 3.5 percent of these additives individually or collectively. Two percent of isolated soy protein shall be deemed equivalent to 3 1/2 percent of any one or more of these binders. Sausage may not contain phosphates except that uncooked pork from cuts cured with phosphates listed in 0080-4-1-.143 may be used in cooked sausage.~~

*Authority:* ~~T.C.A. §§52-915-52-934 and 52-927. Administrative History: Original rule certified June 5, 1974.~~

~~**0080-4-1.165 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: FRESH PORK SAUSAGE.** "Fresh Pork Sausage" is sausage prepared with fresh pork or frozen pork, or both, not including pork byproducts, and may be seasoned with condimental substances as permitted under 0080-4-1-.137-.152 of this subchapter. It shall not be made with any lot of product which, in the aggregate, contains more than 50 percent analyzable fat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.~~

*Authority:* ~~T.C.A. §§52-915-52-934 and 52-927. Administrative History: Original rule certified June 5, 1974.~~

~~**0080-4-1.166 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: FRESH BEEF SAUSAGE.** "Fresh beef sausage" is sausage prepared with fresh beef or frozen beef, or both, not including beef byproducts, and may be seasoned with condimental substances as permitted under 0080-4-1-.137-.152 of this subchapter. The finished product shall not contain more than 30 percent fat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.~~

*Authority:* ~~T.C.A. §§52-915-52-934 and 52-927. Administrative History: Original rule certified June 5, 1974.~~

~~**0080-4-1.167 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: BREAKFAST SAUSAGE.** "Breakfast Sausage" is sausage prepared with fresh and/or frozen meat, or meat and meat byproducts and may be seasoned with condimental substances as permitted in 0080-4-1-.137-.152 of this subchapter. It shall not be made with any lot of products which, in the aggregate, contains more than 50 percent analyzable fat. To~~

(Rule 0080-4-1-.167, continued)

facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used. Extenders or binders as listed in Part 318 of this subchapter may be used to the extent of 3 1/2 percent of the finished sausage as permitted in 319.140.

*Authority:* T.C.A. §§52-915-52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1-.168 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: WHOLE HOG SAUSAGE. "Whole Hog Sausage" is sausage prepared with fresh and/or frozen meat from swine in such proportions as are normal to a single animal and may be seasoned with condimental substances as permitted in 0080-4-1-.137-.152 of this subchapter. It shall not be made with any lot of product which, in the aggregate, contains more than 50 percent analyzable fat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.~~

*Authority:* T.C.A. §§52-915-52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1-.169 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: SMOKED PORK SAUSAGE. "Smoked Pork Sausage" is pork sausage that is smoked with hardwood or other approved nonresinous materials. It may be seasoned with condimental substances as permitted in 0080-4-1-.137-.152 of this subchapter. It shall not be made with any lot of product which, in the aggregate, contains more than 50 percent analyzable fat. To facilitate chopping or mixing, water, or ice may be used in an amount not to exceed 3 percent of the total ingredients used.~~

*Authority:* T.C.A. §§52-915-52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1-.170 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: FRANKFURTER, WEINER, VIENNA, BOLOGNA, GARLIC BOLOGNA, KNOCKWURST, AND SIMILAR PRODUCTS.~~

~~"Frankfurter," "Wiener" "Vienna," "Bologna," "Garlic Bologna," "Knockwurst", and similar sausages are comminuted semi-solid meat food products which are prepared from one or more kinds of meat or meat and meat byproducts, poultry products, and other ingredients as permitted by this section, seasoned and cured using one or more of the curing agents in accordance with 0080-4-1-.143 of this subchapter. The finished products shall not contain more than 30 percent fat. Water and/or ice may be used to facilitate chopping or mixing or to dissolve the curing ingredients, but the sausage shall contain no more than 10 percent of added water. One or more of the following binders or extenders may be used, which individually or collectively shall not exceed 3 1/2 percent of the total ingredients in the sausage, except that 2 percent of isolated soy protein shall be deemed to be the equivalent of 3 1/2 percent of any one or more of the other binders: dried milk, nonfat dry milk, calcium reduced dried skim milk, cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, and isolated soy protein. Partially defatted pork fatty tissue or partially defatted beef fatty tissue or a combination of both may be used in an amount not exceeding 15 percent of the meat and meat byproduct ingredients. These products may contain uncooked cured pork which does not contain any phosphates or contains only phosphates approved under 0080-4-1-.137-.152 of this subchapter. These sausage products also may contain poultry products which, individually or in combination, are not in excess of 15 percent of the total ingredients excluding water, in the sausage. Such poultry products must be free of kidneys and sex glands, and the amount of skin present must not exceed the natural proportion of skin present on the whole carcass of the kind of poultry used in the sausage, as specified in the regulations under the Poultry Products Inspection Act. For purposes of this subparagraph, poultry products means chicken or turkey, chicken or turkey meat, or chicken or turkey byproducts as defined in the regulations under the Poultry Products Inspection Act. They shall be designated in the ingredient statement on the label of such sausage in accordance with the provisions of said regulations. Sausage products within this section if labeled "all meat" shall contain only beef, pork, veal, mutton, lamb, or goat meat, or chicken or turkey meat (without skin but otherwise as provided in this section), or any combination thereof, and condiments, curing agents and water as permitted by this section and 0080-4-1-.143 of this subchapter. If labeled "all (species)," e.g., "All Beef Franks" or "All Pork Franks," these sausages shall contain only meat of the specified species, with condiments, curing agents, and water as permitted by this section and 0080-4-1-.143 of this subchapter.~~

(Rule 0080-4-1-.170, continued)

*Authority:* T.C.A. §§52-915 - 52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

**0080-4-1-.171 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: CHEESEFURTERS AND SIMILAR PRODUCTS.** “Cheesefurters” and similar products are products in casings which resemble frankfurters except that they contain sufficient cheese to give definite characteristics to the finished article. They may contain cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced skim milk, or dried milk. The finished product shall contain no more than 3.5 percent of these additives, individually and collectively, exclusive of the cheese constituent. In determining the maximum amount of the ingredients specified in this subparagraph which may be used, individually and collectively, in a product, 2 percent of isolated soy protein shall be considered the equivalent of 3.5 percent of any other ingredient specified in this subparagraph. When any such additive is added to these products, there shall appear on the label in a prominent manner, contiguous to the name of the product, the name of each such added ingredient, as for example, “Cereal Added,” “With Cereal,” “Potato Flour Added,” “Cereal and Potato Flour Added,” “Soy Flour Added,” “Non-fat Dry Milk Added,” “Cereal and Nonfat Dry Milk Added,” as the case may be. These products shall contain no more than 10 percent of added water and/or ice, 30 percent fat and shall comply with the other provisions for cooked sausages that are in this subchapter.

*Authority:* T.C.A. §§52-915 - 52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

**0080-4-1-.172 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: LIVER SAUSAGE AND SIMILAR PRODUCTS.** “Liver Sausage” and “Braunschweiger” are sausages made from fresh and/or frozen pork and livers of livestock and may contain cured pork, beef and veal, and pork fat. Liver sausage may also contain beef and pork byproducts and pork skins. These products shall contain not less than 30 percent of liver computed on the weight of the fresh liver.

*Authority:* T.C.A. §§52-915 - 52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

**0080-4-1-.173 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: LUNCHEON MEATS.** “Luncheon Meat” is a cured, cooked meat food product made from comminuted meat. To facilitate chopping or mixing or to dissolve the usual curing ingredients, water or ice may be used in the preparation of luncheon meat in an amount not to exceed 3 percent of the total ingredients.

*Authority:* T.C.A. §§52-915 - 52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

**0080-4-1-.174 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: MEAT LOAF.** “Meat Loaf” is a cooked meat food product in loaf form made from comminuted meat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

*Authority:* T.C.A. §§52-915 - 52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

**0080-4-1-.175 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: SCRAPPLE.** “Scrapple” shall contain not less than 40 percent meat and/or meat byproducts computed on the basis of the fresh weight, exclusive of bone. The meal or flour used may be derived from grain and/or soybeans.

*Authority:* T.C.A. §§52-915 - 52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

**0080-4-1-.176 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: CHILE CON CARNE.** “Chili con Carne” shall contain not less than 40 percent of meat computed on the weight of the fresh meat. Head meat, cheek meat, and heart meat exclusive of the heart cap may be used to the extent of 25 percent of the meat ingredients under specific declaration on the label. The mixture may contain not more than 8 percent, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk, or calcium reduced dried skim milk.

(Rule 0080-4-1-.176, continued)

*Authority:* T.C.A. §§52-915–52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1.177 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: CHILE CON CARNE WITH BEANS.~~ “Chili con Carne with Beans” shall contain not less than 25 percent of meat computed on the weight of the fresh meat. Head meat, cheek meat, or heart meat exclusive of the heart cap may be used to the extent of 25 percent of the meat ingredient, and its presence shall be reflected in the statement of ingredients required by 0080-4-1-.136 of this subchapter.

*Authority:* T.C.A. §§52-915–52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1.178 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: HASH.~~ “Hash” shall contain not less than 35 percent of meat computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the weight of the uncooked fresh meat.

*Authority:* T.C.A. §§52-915–52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1.179 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: CORNED BEEF HASH.~~

- (1) ~~“CORNED BEEF HASH” is the semisolid food product in the form of a compact mass which is prepared with beef, potatoes, curing agents, seasonings, and any of the optional ingredients listed in paragraph (2) of this section, in accordance with the provisions of subparagraphs, (a), (b), (c) and (d) of this paragraph and the provisions of paragraph (3) of this section.~~
  - (a) ~~Either fresh beef, cured beef, or canned corned beef or a mixture of two or more of these ingredients, may be used, and the finished product shall contain not less than 35 percent of beef computed on the weight of the cooked and trimmed beef. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the weight of the uncooked fresh meat.~~
  - (b) ~~“Potatoes” refers to fresh potatoes, dehydrated potatoes, cooked dehydrated potatoes, or a mixture of two or more of these ingredients.~~
  - (c) ~~The curing agents that may be used are salt, sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or a combination of two or more of these ingredients. When sodium nitrate, or sodium nitrite, potassium nitrate, or potassium nitrite is used it shall be used in amounts not exceeding those specified in 318.7.~~
  - (d) ~~The seasonings that may be used, singly or in combination, are salt, sugar (sucrose or dextrose), spice, and flavoring, including essential oils, oleoresins, and other spice extracts.~~
- (2) ~~CORNED BEEF HASH MAY CONTAIN ONE OR MORE OF THE FOLLOWING OPTIONAL INGREDIENTS:~~
  - (a) ~~Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat, exclusive of the heart cap, may be used individually or collectively to the extent of 5 percent of the meat ingredients;~~
  - (b) ~~Onions, including fresh onions, dehydrated onions, or onion powder;~~
  - (c) ~~Garlic, including fresh garlic, dehydrated garlic, or garlic powder;~~
  - (d) ~~Water;~~

(Rule 0080-4-1-.179, continued)

- (e) Beef broth or beef stock;
  - (f) Monosodium glutamate;
  - (g) Hydrolyzed plant protein;
  - (h) Beef fat.
- (3) The finished product shall not contain more than 15 percent fat nor more than 72 percent moisture.
- (4) When any ingredient specified in paragraph (a) of this section is used, the label shall bear the following applicable statement: "Beef cheek meat constitutes 5 percent of the meat ingredient, or "Beef head meat constitutes 5 percent of the meat ingredient, or "Beef heart meat constitutes 5 percent of the meat ingredient." When two or more of the ingredients are used, the words "Constitutes 5 percent of meat ingredient" need only appear once.
- (5) Whenever the words "Corned beef hash" are featured on the label so conspicuously as to identify the contents, the statements prescribed in subparagraph (4) of this paragraph shall immediately and conspicuously precede or follow such name without intervening written, printed, or other graphic matter.

*Authority:* T.C.A. §§52-915 - 52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1-.180 DEFINITIONS AND STANDARDS OF IDENTITY OF COMPOSITION: MEAT STEWS.~~ Meat stews such as "Beef Stew" or "Lamb Stew" shall contain not less than 25 percent of meat of the species named on the label, computed on the weight of the fresh meat.

*Authority:* T.C.A. §§52-915 - 52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1-.181 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: TAMALES.~~ Tamales" shall be prepared with at least 25 percent meat computed on the weight of the uncooked fresh meat in relation to all ingredients of the tamales. When tamales are packed in sauce or gravy, the name of the product shall include a prominent reference to the sauce or gravy: for example, "Tamales With Sauce" or "Tamales With Gravy." Product labeled "Tamales With Sauce" or "Tamales With Gravy" shall contain not less than 20 percent meat, computed on the weight of the uncooked fresh meat in relation to the total ingredients making up the tamales and sauce or the tamales and gravy.

*Authority:* T.C.A. §§52-915 - 52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1-.182 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: SPAGHETTI WITH MEATBALLS AND SAUCE, SPAGHETTI WITH MEAT AND SAUCE, AND SIMILAR PRODUCTS.~~ "Spaghetti with Meat Balls in Sauce" and "Spaghetti with Meat and Sauce," and similar products shall contain not less than 12 percent of meat computed on the weight of the fresh meat. The presence of the sauce or gravy constituent shall be declared prominently on the label as part of the name of the product. Meatballs may be prepared with not more than 12 percent, singly and collectively, of farinaceous material, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium-reduced dried skim milk, and similar substances.

*Authority:* T.C.A. §§52-915 - 52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1-.183 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: SPAGHETTI SAUCE WITH MEAT.~~ "Spaghetti Sauce with Meat" shall contain not less than 6 percent of meat computed on the weight of the fresh meat.

(Rule 0080-4-1.183, continued)

*Authority:* T.C.A. §§52-915-52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1.184 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: TRIPE WITH MILK.~~ “Tripe with Milk” shall be prepared so that the finished canned article, exclusive of the cooked-out juices and milk, will contain at least 65 percent tripe. The product shall be prepared with not less than 10 percent milk.

*Authority:* T.C.A. §§52-915-52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1.185 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: BEANS WITH FRANKFURTERS IN SAUCE, SAUERKRAUT WITH WEINERS AND JUICE, AND SIMILAR PRODUCTS.~~ “Beans with Frankfurters in Sauce,” “Sauerkraut with Wieners and Juice,” and similar products shall contain not less than 20 percent frankfurters or wieners computed on the weight of the smoked and cooked sausage prior to its inclusion with the beans or sauerkraut.

*Authority:* T.C.A. §§52-915-52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1.186 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: LIMA BEANS WITH HAM IN SAUCE, BEANS WITH HAM IN SAUCE, BEANS WITH BACON IN SAUCE, AND SIMILAR PRODUCTS.~~ Lima Beans with Ham in Sauce,” “Beans with Ham in Sauce,” “Beans with Bacon in Sauce,” and similar products shall contain not less than 12 percent ham or bacon computed on the weight of the smoked ham or bacon prior to its inclusion with the beans and sauce.

*Authority:* T.C.A. §§52-915-52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1.187 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: CHOW MEIN VEGETABLES WITH MEAT AND CHOP SUEY VEGETABLES WITH MEAT.~~ “Chow Mein Vegetables with Meat” and “Chop Suey Vegetables with Meat” shall contain not less than 12 percent meat computed on the weight of the uncooked fresh meat prior to its inclusion with the other ingredients.

*Authority:* T.C.A. §§52-915-52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1.188 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: PORK WITH BARBECUE SAUCE AND BEEF BARBECUE SAUCE.~~ “Pork with Barbecue Sauce” and “Beef with Barbecue Sauce” shall contain not less than 50 percent meat of the species specified on the label, computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the uncooked weight of the meat. If uncooked meat is used in formulating the products, they shall contain at least 72 percent meat computed on the weight of the fresh uncooked meat. When cereal, vegetable flour, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced dried skim milk, or similar substances are used in preparing products, there shall appear on the label in a prominent manner, the name of the product, the name of each such added ingredient, as for example “Cereal Added” or “With Cereal and Nonfat Dry Milk.”

*Authority:* T.C.A. §§52-915-52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1.189 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: BEEF WITH GRAVY AND GRAVEY WITH BEEF.~~ “Beef with Gravy” and “Gravy with Beef shall not be made with beef which, in the aggregate for each lot contains more than 30 percent trimmable fat, that is, fat which can be removed by thorough, practicable trimming and sorting.

*Authority:* T.C.A. §§52-915-52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

~~0080-4-1-190 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: MEAT PIES-- (RESERVED).~~~~0080-4-1-191 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: PIZZA.~~

- (1) ~~“Pizza with Meat” is a bread-base meat food product with tomato sauce, cheese, and meat topping. It shall contain cooked meat made from not less than 15 percent raw meat~~
- (2) ~~“Pizza with Sausage” is a bread-base meat food product with tomato sauce, cheese, and not less than 12 percent cooked sausage or 10 percent dry sausage; e.g., pepperoni.~~

~~Authority: T.C.A. §§52-915-52-934 and 52-927. Administrative History: Original rule certified June 5, 1974.~~

~~0080-4-1-192 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: OLEOMARGARINE OR MARGARINE-- (RESERVED).~~~~0080-4-1-193 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: MIXED FAT SHORTENING-- (RESERVED).~~

~~0080-4-1-194 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: LARD, LEAF LARD. “Lard” is the fat rendered from fresh, clean, sound fatty tissue from hogs with or without lard stearin or hydrogenated lard. The fatty tissues shall not include bones, detached skin, head skin, ears, tails, organs, windpipes, large blood vessels, scrap fat, skimmings, settlings, pressings, and similar materials, and the fatty tissues shall be reasonably free from muscle tissue and blood. “Leaf Lard” is lard prepared from fresh leaf fat.~~

~~Authority: T.C.A. §§52-915-52-934 and 52-927. Administrative History: Original rule certified June 5, 1974.~~

~~0080-4-1-195 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: RENDERED ANIMAL FAT OR A MIXTURE THEREOF.~~

- (1) ~~“Rendered Animal Fat,” or any mixture of fats containing edible rendered animal fat, shall contain no added water, except that “Puff Pastry Shortening” may contain not more than 10 percent of water.~~
- (2) ~~“Rendered Pork Fat” is fat, other than lard, rendered from clean, sound carcasses, parts of carcasses, or edible organs from hogs, except that stomachs, bones from the head, and bones from cured or cooked pork are not included. The tissues rendered are usually fresh, but may be cured, cooked, or otherwise prepared and may contain some meat food products. Rendered pork fat may be hardened by the use of lard stearin and/or hydrogenated lard and/or rendered pork fat stearin and/or hydrogenated rendered pork fat.~~

~~Authority: T.C.A. §§52-915-52-934 and 52-927. Administrative History: Original rule certified June 5, 1974.~~

~~0080-4-1-196 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: DEVILED HAM, DEVILED TONGUE, AND SIMILAR PRODUCTS.~~

- (1) ~~“Deviled Ham” is a semiplastic-cured meat food product made from finely comminuted ham and containing condiments. Deviled ham may contain added ham fat. Provided, that the total fat content shall not exceed 35 percent of the finished product. The moisture content of deviled ham shall not exceed that of the fresh unprocessed meat.~~
- (2) ~~The moisture content of “Deviled Tongue” and similar products shall not exceed that of the fresh, unprocessed meat.~~

~~Authority: T.C.A. §§52-915-52-934 and 52-927. Administrative History: Original rule certified June 5, 1974.~~

~~0080-4-1-197 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: POTTED MEAT FOOD PRODUCT AND DEVILED MEAT FOOD PRODUCT (RESERVED);~~

~~0080-4-1-198 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: HAM SPREAD, AND SIMILAR PRODUCTS.~~ “Ham Spread,” “Tongue Spread,” and similar products shall contain not less than 50% of the meat ingredient named, computed on the weight of the fresh meat. Other meat and fat may be used to give the desired consistency provided it does not detract from the character of the spreads names.

~~Authority: T.C.A. §§52-915 - 52-934 and 52-927. Administrative History: Original rule certified June 5, 1974.~~

~~0080-4-1-199 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: BREADED PRODUCTS.~~ The amount of batter and breading used as a coating for breaded product shall not exceed 30 percent of the weight of the finished breaded product.

~~Authority: T.C.A. §§52-915 - 52-934 and 52-927. Administrative History: Original rule certified June 5, 1974.~~

~~0080-4-1-200 DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: LIVER MEAT FOOD PRODUCTS.~~ Meat food products characterized and labeled as liver products such as liver loaf, liver cheese, liver spread, liver paste, and liver pudding, shall contain not less than 30 percent of livers of livestock computed on the fresh weight of the livers.

~~Authority: T.C.A. §§52-915 - 52-934 and 52-927. Administrative History: Original rule certified June 5, 1974.~~

~~0080-4-1-201 THROUGH 0080-4-1-206 REPEALED;~~

~~Authority: T.C.A. §4-5-225. Administrative History: Original rules certified June 5, 1974. Repeal by Public Chapter 261; effective July 1, 1983.~~

~~0080-4-1-207 RECORDS, REGISTRATION, AND REPORTS: REPORTS BY CONSIGNEES OF ALLEGEDLY ADULTERATED OR MISBRANDED PRODUCTS: SALE OR TRANSPORTATION AS VIOLATIONS.~~ Whenever the consignee of any product which bears an official inspection legend refused to accept delivery of such product on the grounds that it is adulterated or misbranded, the consignee shall notify the officer in charge. Meat and Poultry Inspection Program, Tennessee Department of Agriculture, of the kind, quantity, source, and present location of the product and the respects in which it is alleged to be adulterated or misbranded, and it will be a violation of the Act for any person to sell or transport, or offer for sale or transportation, or receive for transportation, any such product which is capable of use as human food and is adulterated or misbranded at the time of such sale, transportation, offer, or receipt. Provided, however, That any such allegedly adulterated or misbranded product may be transported to the official establishment from which it had been transported, in accordance with 0080-1-208-.234.

~~Authority: T.C.A. §§52-915 - 52-934 and 52-927. Administrative History: Original rule certified June 5, 1974.~~

~~0080-4-1-208 TRANSPORTATION: TRANSACTIONS PROHIBITED WITHOUT OFFICIAL INSPECTION LEGEND OR CERTIFICATES: EXCEPTIONS.~~

- ~~(1) No person shall sell, transport, offer for sale or transportation, or receive for transportation, any product which is capable of use as human food unless the product and its container, if any, bear the official inspection legend as required under 0080-4-1-119 -135 and 0080-4-1-136 of this subchapter or such product is exempted from the requirement of inspection.~~
- ~~(2) No carrier shall transport or receive for transportation (including transportation in the course of importation) and no person shall offer for such transportation any carcass, part thereof, meat or meat food product unless and until a certificate is made and furnished to such carrier in one of the forms prescribed in this part. Provided, That any product offered for importation into the State of Tennessee~~

(Rule 0080-4-1-.208, continued)

may be transported and offered and received for transportation without such certificate, if such product is conveyed prior to inspection, to an authorized place of inspection, in railroad cars or other means of conveyance, or packages, sealed with special official import meat seals of the USDA or with customs or consular seals or otherwise identified as provided in Parts of this subchapter. And provided, That no such certificate is required for any product exempted from inspection, on any article handled in accordance with 0080-4-1-.216(e), 5., 6. or 7.

*Authority:* T.C.A. §§52-915-52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

**0080-4-1-.209 THROUGH 0080-4-1-.214 REPEALED:**

*Authority:* T.C.A. §4-5-225. *Administrative History:* Original rules certified June 5, 1974. Repeal by Public Chapter 261, effective July 1, 1983.

**0080-4-1-.215 TRANSPORTATION: RETURNED PRODUCTS: CERTIFICATE, PERMIT, AND OTHER REQUIREMENT:**

When it is claimed that any product which has theretofore been inspected and passed and marked with the inspection legend, has become adulterated or misbranded after it has been transported away from an official establishment, then, in order to ascertain whether it is adulterated or misbranded, it may be transported to the official establishment from which it had been transported, or to any other official establishment. In case of every such shipment, both the original and the duplicate of the permit shall be surrendered to the initial carrier and the carrier shall require and the shipper shall make, in triplicate, and deliver to the carrier two copies of a certificate in the following form:

Date \_\_\_\_\_ 19 \_\_\_\_\_

Name of carrier \_\_\_\_\_

Consignor \_\_\_\_\_

Point of shipment \_\_\_\_\_

Consignee \_\_\_\_\_

Destination \_\_\_\_\_

Number of permit \_\_\_\_\_

I hereby certify that the following described product has been Tennessee inspected and passed by the Tennessee Department of Agriculture and is so marked. It is alleged that the said product is adulterated or misbranded:

Kind of product	Amount and weight
_____	_____
_____	_____
_____	_____

\_\_\_\_\_  
(Signature of shipper)

\_\_\_\_\_  
(Address of shipper)

*Authority:* T.C.A. §§52-915-52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

**0080-4-1.216 THROUGH 0080-4-1.222 REPEALED.**

*Authority:* T.C.A. §4-5-225. *Administrative History:* Original rules certified June 5, 1974. Repeal by Public Chapter 261, effective July 1, 1983.

**0080-4-1.223 TRANSPORTATION:** Diverting of Shipments, Breaking of Seals, and Reloading by Carrier in Emergency; Reporting to Administrator.

- (1) Shipments of inspected and passed product that bear the inspection legend may be diverted from the original destination without a reinspection of the articles, provided the waybills, transfer bills, running slips, conductor's card, or other papers accompanying the shipments are marked, stamped, or have attached thereto signed statements.
- (2) In case of wreck or similar extraordinary emergency, the Department seals on a railroad car or other means of conveyance containing any inspected and passed product may be broken by the carrier, and if necessary, the articles may be reloaded into another means of conveyance, or the shipment may be diverted from the original destination, without another shipper's certificate; but in all such cases the carrier shall immediately report the facts to the Commissioner.

*Authority:* T.C.A. §§52-915 - 52-934 and 52-927. *Administrative History:* Original rule certified June 5, 1974.

**0080-4-1.224 THROUGH 0080-4-1.235 REPEALED**

*Authority:* T.C.A. §4-5-225. *Administrative History:* Original rules certified June 5, 1974. Repeal by Public Chapter 261, effective July 1, 1983.

Repeal

Chapter 0080-04-03

Regulations Relating to Soda Water and Nonalcoholic Beverages; Standard of Identity; Sanitation Plant Facilities;  
Labeling

Chapter 0080-04-03 Regulations Relating to Soda Water and Nonalcoholic Beverages; Standard of Identity;  
Sanitation Plant Facilities; Labeling is repealed in its entirety.

RULES  
OF  
TENNESSEE DEPARTMENT OF AGRICULTURE, FOOD AND DRUG DIVISION  
(HAZARDOUS SUBSTANCES)

~~CHAPTER 0080-4-3~~  
~~REGULATIONS RELATING TO SODA WATER AND NONALCOHOLIC BEVERAGES; STANDARD~~  
~~OF IDENTITY; SANITATION PLANT FACILITIES; LABELING~~

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~~0080-4-3-.01 DEFINITION.~~ "Department" as used in Sections 1 through 13 means the State Department of Agriculture.

~~Authority:~~ T.C.A. §§52-109 and 52-121. ~~Administrative History:~~ Original rule certified June 5, 1974.

~~0080-4-3-.02 STANDARDS OF IDENTITY.~~

- (1) ~~Soda water is the class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60° F. It may contain buffering agents as provided in paragraph 5. of subsection (2) of this section. It either contains no alcohol or only such alcohol (not in excess of 0.5 percent by weight of the finished beverage) as is contributed by the flavoring ingredient used. Soda water designated by a name, including any proprietary name provided for in subsection (3), (4) and (5) of this section, which includes the word "cola" or a designation as a "pepper" beverage that, for years, has become well known as being made with kola nut extract and/or other natural caffeine-containing extracts, and thus as a caffeine-containing drink, shall contain caffeine in a quantity not to exceed 0.02 percent by weight.~~
- (2) ~~Soda water may contain optional ingredients, but if any such ingredient is a food additive or a color additive within the meaning of section 201 (s) or (t) of the Federal Food, Drug and Cosmetic Act, it is used only in conformity with a regulation established pursuant to section 409 or 706 of the act. The optional ingredients that may be used in soda water in such proportions as are reasonably required to accomplish their intended effects are:~~
- (a) ~~Nutritive sweeteners consisting of the dry or liquid form of sugar, invert sugar, dextrose, corn syrup, glucose syrup, sorbitol, or any combination of two or more of these.~~
- (b) ~~One or more of the following flavoring ingredients may be added, in a carrier consisting of ethyl alcohol, glycerin, or propylene glycol:~~
- ~~1. Fruit juices (including concentrated fruit juices), natural flavoring derived from fruits, vegetables, bark, buds, roots, leaves and similar plant materials.~~
  - ~~2. Artificial flavoring.~~
  - ~~3. Natural and artificial color additives.~~

(Rule 0080-4-3-.02, continued)

4. ~~One or more of the acidifying agents acetic acid, adipic acid, citric acid, fumaric acid, lactic acid, malic acid, phosphoric acid, or tartaric acid.~~
  5. ~~One or more of the buffering agents consisting of the acetate, bicarbonate, carbonate, chloride, citrate, lactate, orthophosphate, or sulfate salts of calcium, magnesium, potassium, or sodium.~~
  6. ~~One or more of the emulsifying, stabilizing, or viscosity-producing agents brominated vegetable oils, carob bean gum (locust bean gum), glycerol ester of wood rosin, guar gum, gum acacia, gum tragacanth, hydroxylated lecithin, lecithin, methylcellulose, mono and diglycerides of fat forming fatty acids, pectin, polyglycerol esters of fatty acids, propylene glycol alginate, sodium alginate, sodium carboxymethylcellulose, sodium metaphosphate (sodium hexametaphosphate). When one or more of the optional ingredients mentioned above are used, dioctyl sodium sulfosuccinate may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.~~
  7. ~~One or more of the foaming agents ammoniated glycyrrhizin, gum ghatti, licorice or glycyrrhiza, yucca (Joshua tree), Yucca (Mohave).~~
  8. ~~Caffeine, in an amount not to exceed 0.02 percent by weight of the finished beverage.~~
  9. ~~Quinine, in an amount not to exceed 83 parts per million by weight of the finished beverage.~~
  10. ~~One or more of the chemical preservatives ascorbic acid, benzoic acid, BHA, BHT, calcium disodium EDTA, erythorbic acid, glucose oxidase-catalase enzyme, methylparaben or propylparaben, nordihydroguaiaretic acid, propyl gallate, potassium or sodium benzoate, potassium or sodium bisulfite, potassium or sodium metabisulfite, potassium or sodium sorbate, sorbic acid, sulfur dioxide, or tocopherols; and in the case of canned soda water, stannous chloride in a quantity not to exceed 11 parts per million calculated as tin (Sn), with or without one or more of the other chemical preservatives listed in this subparagraph.~~
  11. ~~The defoaming agent dimethylpolysiloxane in an amount not to exceed 10 parts per million.~~
- (3) ~~The name of the beverage for which a definition and standard of identity is established by this section, which is neither flavored or sweetened, is soda water, club soda, or plain soda.~~
  - (4) ~~The name of each beverage containing flavoring and sweetening ingredients as provided for in subsection (2) of this section is ".....soda" or ".....soda water" or ".....carbonated beverage," the blank being filled in with the word or words that designate the characterizing flavor of the soda water; for example, "grape soda".~~
  - (5) ~~If the soda water is one generally designated by a particular common name, for example, ginger ale, root beer, or sparkling water, that name may be used in lieu of the name prescribed in subsections (3) and (4) of this section. For the purposes of this section, a proprietary name that is commonly used by the public as the designation of a particular kind of soda water, may likewise be used in lieu of the name prescribed in subsections (3) and (4) of this section.~~

(Rule 0080-4-3-.02, continued)

- (6) ~~Soda water that contains the optional ingredient caffeine as provided for in paragraph (h) of subsection (2) of this section, artificial flavoring, artificial coloring, or any combination of these shall be labeled to show that fact by the label statement "with ....." or ".....added," the blank being filled in with the word or words "caffeine," "artificial flavoring," "artificial coloring," or a combination of these words, as appropriate. If the soda water contains one or more of the optional ingredients set forth in paragraph 10. of subsection (2) of this section, which has or is intended to have a preservative effect in the finished beverage, it shall be labeled to show that fact by one of the following statements: ".....added as a preservative" or "preserved with....." the blank being filled in with the common name of the preservative ingredient. If soda water contains quinine salts, the label shall bear a prominent declaration either by used of the word "quinine" in the name of the article or by separate declaration.~~
- (7) ~~The label statements prescribed in subsection (6) of this section for declaring the optional ingredients present shall appear on a labeling surface of the beverage in such a manner as to render the statement likely to be read by the ordinary individual under customary conditions of purchase or use of such beverage. These statements shall immediately and conspicuously precede or follow the name of the beverage, wherever such name is prominently displayed, without intervening, written, printed, or graphic matter; Provided, that, where such name is part of a trademark or brand, then other written, printed, or graphic matter that is also a part of such trademark or brand may intervene if the label statements required by this section are so placed as to be conspicuously related to the name of the beverage.~~

~~Authority: T.C.A. §§52-109 and 52-121. Administrative History: Original Rule certified June 5, 1974.~~

~~0080-4-3-.03 SANITATION STANDARDS; FACILITIES:~~

- (1) ~~SURROUNDINGS: The outer premises of every nonalcoholic beverage plant shall be reasonably clean and well drained, free from any material or conditions that creates rodent and/or insect harborage and free from other nuisances and sources of contamination.~~
- (2) ~~BUILDING: The building or portion thereof employed for compounding flavored syrups and packaging carbonated beverages and similar beverages without carbonation shall be used for no other purposes, and shall be constructed of such material and design that it can be kept clean and maintained in a sanitary manner and condition. No domestic animals or birds shall be allowed in any portion of the building. Toilet room or living quarters shall not open directly into any room or area in which syrup or finished beverages are processed.~~
- (3) ~~ROOMS: A separate room shall be provided for compounding and mixing syrups; it shall be separated from other areas of the plant by a solid wall construction. Separate areas from the syrup room shall be provided for bottle washing; filling operation; receiving, storing and shipping; provided, however, that a separate partitioned room for filling beverage containers shall be required in all new construction on and after the effective date of this order. Syrup mixing and container filling operations may be located in the same room if approved by the Department. Variation from this requirement may be permitted where it is demonstrated to the Department of Agriculture that such separation is not necessary due to the design of the plant.~~
- (4) ~~FLOORS: The floors of rooms where ingredients are handled, compounded, mixed and processed or where containers or equipment are washed shall be constructed of concrete or other equally impervious material. They shall be smooth, easily cleaned, properly sloped, coved sealed wall joint, provided with trapped drains and kept in good repair; provided that storage rooms for storing dry ingredients, packaging materials, containers, supplies, need not be provided with drain.~~

(Rule 0080-4-3-.03, continued)

- (5) ~~WALLS & CEILING:~~ Walls and ceiling in the syrup room, filling and washing area, shall have a moisture resistant, smooth, washable, light colored surface and shall be kept clean and in good repair. Walls may be of a darker color up to not more than 60 inches from the floor. With the approval of the Department, walls in the filling and washing area above 60 inches from the floor may be constructed of sound retarding material that is not conducive to multiplication of micro-organisms. When paint is used, it should be of the mold resistant type.
- (6) ~~DOORS AND WINDOWS:~~ Effective means shall be provided to prevent access of insects and dust into syrup room or container filling area. Exterior hinged doors as well as door into syrup room shall be solid, tight, outward opening and self-closing. Windows shall be, glazed.
- (7) ~~LIGHTING:~~ Lighting in all rooms and work areas shall be sufficient and adequate for the operation that is to be performed. Lights in processing areas where breakage may cause contamination of the product or ingredients shall be of the safety type or equipped with protective shields.
- (8) ~~VENTILATION:~~ Natural or artificial ventilation shall be sufficient to prevent excessive condensation formation, mold, or objectionable odors and maintain sanitary conditions in the syrup room, container filling and washing areas or any area where necessary. Artificial ventilating systems are subject to Department approval.
- (9) ~~WATER SUPPLY:~~ Water supply shall be readily accessible, of sufficient quantity and temperature for the procedure or process intended and of a safe, sanitary quality. There shall be no cross-connections between the safe water supply and any unsafe or questionable water supply, nor with sewage disposal system. There shall be evidence that the water supply has been approved by state or local authorities within past six months.
- (10) ~~TOILET FACILITIES:~~ Toilet facilities shall be provided. The toilet room shall be kept clean, well lighted and ventilated and plumbing shall meet the State code. Toilet room doors shall be solid, tight and self-closing. Hot and cold running water, soap, single service towels or air dryer for hands shall be provided. A sign directing employees to wash their hands before returning to the plant shall be posted in all toilet rooms. Toilet soil lines shall be kept separate from industrial waste lines within plant.
- (11) ~~WASTE DISPOSAL:~~ Liquid waste from plant shall be conveyed to proper facilities in compliance with State plumbing code. Other waste shall be handled and removed at intervals of such frequency as to preclude infestations of insects or rodents and the development of odors and other nuisances. Only clean waste receptacles may be brought into food handling room. Sewage disposal must comply with local and state public health ordinances and codes.

*Authority:* T.C.A. §§52-109 and 52-121. *Administrative History:* Original Rule certified June 5, 1974.

#### ~~0080-4-3-.04 CONSTRUCTION AND REPAIR OR EQUIPMENT~~

- (1) All equipment, containers and utensils used in the handling, processing, compounding, mixing, storage or transporting of beverages or beverage ingredients shall be smooth, impervious corrosion resistant, nontoxic, and in good repair and shall be constructed to permit adequate sanitation. Effective protection from contamination shall be maintained. Product contact surfaces shall be self-draining. Equipment shall be free of sharp internal corners. Welded or soldered areas shall be smooth and similar to the parent metal. All joints shall be flush. Piping shall be of sanitary design and installation. All temperature control equipment and control devices used on bottle washers shall be

(Rule 0080-4-3-.04, continued)

~~accurate and adequately maintained. The bottle washer shall be equipped with an indicating thermometer to record the temperature of the caustic wash solution. It shall be placed so as to be conveniently visible to the operator at all times.~~

- ~~(2) If the washing, filling, and crowning devices are not integral parts of one machine, but are performed by separate units of equipment, they shall be arranged to exclude manual contact with the necks or tops of the bottles between filling and crowning.~~
- ~~(3) Mixing and storage tanks, pipelines, filters, and other apparatus employed in the preparation and distribution of syrups shall be of sanitary construction and made of stainless steel or similar materials resistant to the action of syrup ingredients. All apparatus employed in syrup making shall be free from recesses and so constructed that all parts may be easily sanitized. All permanent in place syrup lines shall be sloped to drain. All syrup tanks shall be self-draining and provided with suitable covers. Mixing shall be by mechanical means performed so as to prevent contamination of the syrup.~~
- ~~(4) Carbonated water shall not be conveyed in pipelines of galvanized iron, lead, zinc, copper or other deleterious materials.~~

~~Authority: T.C.A. §§52-109 and 52-121. Administrative History: Original Rule certified June 5, 1974.~~

#### ~~0080-4-3-.05 PROCESSING METHODS~~

- ~~(1) GENERAL SANITATION: The operations of receiving, segregating, holding, compounding, mixing, packaging and packing, storing, transporting, and handling shall be conducted in a sanitary manner. There shall be no contamination, adulteration, or deterioration of the product or its ingredients. Every plant manufacturing bottled beverages in reusable bottles or containers shall be equipped with suitable mechanical bottle washing apparatus, and with approved machines for carbonating, filling and crowning. Plant operations shall be performed in such a manner as to prevent the operator or his clothing from coming in contact with the beverages or sanitized product-contact surfaces.~~
- ~~(2) BOTTLE WASHING: Reusable glass containers used in the manufacture of soft drinks shall, before being refilled, be sanitized by being washed in an automatic washing machine. An indicating thermometer and caustic solution test equipment shall be used to ascertain the temperature and caustic strength of the washing solution. The washing solution shall consist of at least 3 percent caustic soda with a minimum contact period of 5 minutes and a temperature of 130° F. or an equivalent cleansing and sanitizing process. The bottles shall be rinsed free of washing solution with potable water. Single-service containers may be sanitized by air or water rinsing machines. One trip (single service) containers such as bottles and cans, may be washed in a mechanical bottle washer, air or water rinsed. One trip containers that are not washed, air or water rinsed must be received in the plant covered with a tight fitting plastic shroud and shall be stored in such manner as to protect such containers from airborne and manual contamination.~~
- ~~(3) PREPARATION OF SYRUPS: Syrups shall be prepared in a sanitary manner. Every precaution shall be taken against contamination, absorption, or deleterious substances during the preparation and subsequent storage. Syrup tanks and vats shall be covered and constructed of stainless steel or other suitable noncorrosive material. The tanks shall be free from defects, self-draining, free from seams, and shall be of such construction as to be readily flushed, cleaned, and sanitized. Galvanized iron, lead, zinc, copper or brass lined containers, pipelines, or apparatus of other deleterious materials shall not be used in preparation, storage or conveyance of acidified syrups or syrups of any nature~~

(Rule 0080-4-3-.05, continued)

which will react with the metal or chemical composition of the container. The syrup room shall be equipped with a wash sink and plumbed with a drain and hot and cold running water.

- (4) ~~FILLING AND CROWNING:~~ Bottles shall be filled and capped by means of automatic machinery, and neither the operator nor his clothes shall come in contact with any part of the bottle or machinery that might result in contamination of the product. Removal of the crown of imperfectly crowned bottles and recrowning shall not be permitted. Crowns which have been touched on the inner side by the operator, as may occur while adjusting the crowner, shall be discarded. Returnable bottles shall be inspected for any abnormal condition immediately before or after being filled.

*Authority:* T.C.A. §§52-109 and 52-121. *Administrative History:* Original Rule certified June 5, 1974.

~~0080-4-3-.06 CLEANING AND BACTERICIDAL TREATMENT.~~ Multiple service containers, equipment and utensils used in the handling, processing, storing, or transporting of beverages or beverage ingredients shall be thoroughly cleaned after use. They shall be subjected effectively to an approved bactericidal process prior to each usage. The methods used shall be such that soft drinks and their ingredients shall not be contaminated or adulterated. Chemicals used for cleaning and bactericidal treatments shall have labels which identify the contents and stored in an approved manner. All pipelines, apparatus, and containers used in the manufacturing processes shall be thoroughly sanitized at adequate intervals, but never less frequently than once weekly. Apparatus and containers shall be washed and rinsed before sanitization. Fillers shall be cleaned and sanitized at the end of each day's operation and flushed with potable water before beginning operations. Since accepted industry practice permits syrup to remain in the syrup tanks and lines between periods of processing operations, the syrup tanks and lines will be cleaned and sanitized when emptied, as scheduled by the plant. After scheduled cleaning and sanitation, the syrup tanks and lines shall be flushed with potable water before beginning processing operations. Hot water, chlorine, or equally effective bactericidal agents are permissible for sanitization.

*Authority:* T.C.A. §§52-109 and 52-121. *Administrative History:* Original Rule certified June 5, 1974.

~~0080-4-3-.07 SANITARY CONTROLS.~~ To assure adequate sanitary control every plant manufacturing bottled carbonated beverages shall be adequately provided with apparatus for ascertaining the sanitizing strength of the soaker solution used in bottle washing. An indicating thermometer shall be used at the bottle washing machine. If pipelines and other equipment are sanitized by hot water, additional thermometers shall be available at convenient locations. Caustic solution test equipment or some other suitable index for determining the causticity of the soaker solution shall be available at all times.

*Authority:* T.C.A. §§52-109 and 52-121. *Administrative History:* Original Rule certified June 5, 1974.

~~0080-4-3-.08 CONTROL OF INSECTS AND ANIMALS.~~ The soft drink plant shall be free of rodents, rodent harborages, insects, and insect-breeding places. Effective measures shall be used to control and eliminate insects, vermin, rodents and domesticated animals. Insecticides and rodenticides shall be properly identified, used and stored in a safe and acceptable manner. Restricted pesticides, as 1080, must be placed and removed only by a licensed exterminator.

*Authority:* T.C.A. §§52-109 and 52-121. *Administrative History:* Original Rule certified June 5, 1974.

~~0080-4-3-.09 STORAGE FACILITIES.~~ These facilities shall be clean, in good repair, and shall be provided with ample space for the storage of food substances, container closures, gaskets, cleaned utensils, and equipment, so as to prevent contamination and deterioration. Conveyers and cases shall be maintained in a clean condition. It is recommended that an 18-inch space between the stored products and the wall be provided.

(Rule 0080-4-3-.09, continued)

*Authority:* T.C.A. §§52-109 and 52-121. *Administrative History:* Original Rule certified June 5, 1974.

~~0080-4-3-.10 VEHICLES AND TRANSPORTATION.~~ Vehicles used to transport all products and materials shall be maintained in a clean condition to aid in protecting the product from contamination.

*Authority:* T.C.A. §§52-109 and 52-121. *Administrative History:* Original Rule certified June 5, 1974.

~~0080-4-3-.11 PERSONAL HYGIENE.~~ All personnel in processing rooms and areas shall have a current health certificate, wear clean outer clothing, and head coverings; be free of communicable disease, and infected cuts, open sores or other lesions on hands, arms or head; and wash hands before starting or returning to work. All personnel in processing room or areas of the plant shall practice good sanitation and shall not smoke, chew tobacco, expectorate, or eat in processing areas.

*Authority:* T.C.A. §§52-109 and 52-121. *Administrative History:* Original Rule certified June 5, 1974.

~~0080-4-3-.12 LABELING.~~

- (1) ~~All carbonated beverages, still drinks and mineral waters sold or offered for sale shall be plainly marked or labeled, capped, branded or tagged with:~~
  - (a) ~~The name of the beverage as set forth in Section 2 of these regulations.~~
  - (b) ~~The words "artificially colored," "artificially flavored" or "artificially colored and flavored" or with words equivalent thereto and acceptable to the department, if the product is artificially colored or artificially flavored, or both.~~
  - (c) ~~An accurate statement of the net contents of each bottle, can or other container in terms of fluid measure.~~
  - (d) ~~The common name of each ingredient used in its manufacture. Flavorings and coloring may be designated as such without specifically naming them. The requirements of this paragraph do not apply to a carbonated beverage the ingredients of which have been fully and correctly disclosed to the department on a form which the department shall furnish on request.~~
  - (e) ~~The name and principal place of business of the bottler or distributor responsible for placing the beverage on the market. This paragraph does not apply to carbonated beverages or still drinks, the container or crown of which is permanently and distinctly branded with the trade-mark or brand of the distributor or bottler thereof, if the trade-mark or brand is registered with the Secretary of State or the United States Government and a declaration is filed with the department, affirming the name, trade-mark or brand under which the beverage is to be sold and giving a full description of the area of the state in which such beverage is to be distributed and the name and address of the person responsible in such area for compliance with the Tennessee Food, Drug and Cosmetic Act as amended.~~

*Authority:* T.C.A. §§52-109 and 52-121. *Administrative History:* Original Rule certified June 5, 1974.

Repeal

Chapter 0080-04-06  
Regulation for Bread and Bakery Products

Chapter 0080-04-06 Regulation for Bread and Bakery Products is repealed in its entirety.

**RULES  
OF  
TENNESSEE DEPARTMENT OF AGRICULTURE  
FOOD AND DRUG DIVISION  
(HAZARDOUS SUBSTANCES)**

**CHAPTER 0080-4-6  
REGULATION FOR BREAD AND BAKERY PRODUCTS**

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0080-4-6-.01 Bakery Products: Definitions and Standards of Identity                      0080-4-6-.02 Uniform Standard Bread Pan Sizes

**0080-4-6-.01 BAKERY PRODUCTS: DEFINITIONS AND STANDARDS OF IDENTITY**

- (1) ~~Enriched bread, enriched rolls and enriched buns or other bakery products to which vitamins and minerals have been added shall conform to the definitions and standards promulgated by the Food and Drug Administration as they appear in the Congressional Federal Register 21, Sections 17.1 through 17.5 as amended. (Section 401 of the "Federal Food, Drug and Cosmetic Act"; Section 52-109 of the "Tennessee Food, Drug and Cosmetic Act".)~~
- (2) ~~No bread, rolls, or buns shall be manufactured or offered for sale, which are artificially colored except as authorized by C.F.R. 21, 17.1 through 17.5.~~

*Authority:* ~~T.C.A. §52-109, and 52-121. Administrative History: Original Rule certified June 5, 1974.~~

**0080-4-6-.02 UNIFORM STANDARD BREAD PAN SIZES**

- (1) ~~Each loaf of bread or each unit of a twin or multiple loaf of bread made or offered for sale whether or not the bread is wrapped or sliced shall conform to the following weights and maximum pan sizes. All measurements are bottom outside pan sizes in inches.~~

(a)	1 lb. (16 oz.) Open Top:	4" x 9 1/2" x 3 1/4" Depth
(b)	1 lb. (16 oz.) Sandwich:	3 7/8" x 10 3/4" x 4" Depth
(c)	1 1/4 lb. (20 oz.) Open Top:	4 1/8" x 11 3/4" x 3 1/4" Depth
(d)	1 1/4 lb. (20 oz.) Sandwich:	3 7/8" x 12 3/4" x 4" Depth
(e)	1 1/2 lb. (24 oz.) Open Top:	4 1/4" x 13.0" x 3 1/2" Depth
(f)	1 1/2 lb. (24 oz.) Sandwich:	4" x 13 1/2" x 4 3/8" Depth
(g)	2 lb. (32 oz.) Sandwich:	4 1/2" x 15 7/8" x 4 1/2" Depth

- (2) ~~An additional pan size shall be authorized as follows:~~

~~1 3/4 (28 oz.) Sandwich:                      4" x 14 3/4" x 4 3/8" Depth~~

~~Permitted tolerances until January 1, 1975 are:~~

~~1/8 inch in width and 1/8 inch in depth and 3/8 inch in length.~~

- (3) ~~There shall be stated on the top panel of the bread label in at least one horizontal position the words "BALLOON LOAF" in lettering, the height of which shall be at least 3/4 inch.~~
- (4) ~~The present 1 1/2 lb., 16 inch sandwich loaf is permitted until January 1, 1975, under the following conditions: There shall be stated on each side of the label the words, BALLOON LOAF, in lettering of at least 1 1/2 inch in height and on the square end the same statement in 3/4 inch height.~~

(Rule 0080-4-6-.02, continued)

- (5) ~~The term loaf as used in this regulation shall mean a loaf which is baked in a pan of rectangular shape with either straight up or flair sides and either with or without a cover.~~
- (6) ~~The standard sizes do not apply to loaves of rye, french, or vienna style bread unless they are baked in a loaf which simulates a standard size. The standard weights and pan sizes do not apply to loaves baked and consumed on the premises. (Examples: The restaurant or grocery store baked loaf of eight ounces or less.)~~
- (7) ~~Variations in weight in excess of the declared weight are permitted.~~
- (8) ~~This regulation is to take effect as follows:~~
  - (a) ~~All loaf weights and labeling shall be brought into compliance with this regulation on or before July 1, 1972.~~
  - (b) ~~All requirements of the regulation become effective January 1, 1973.~~

*Authority: T.C.A. §52-109 and 52-121. Administrative History: Original Rule certified June 5, 1974.*

Repeal

Chapter 0080-04-07  
Regulations on the Operation of Frozen Food Lockers

Chapter 0080-04-07 Regulations on the Operation of Frozen Food Lockers is repealed in its entirety.

**RULES  
OF  
TENNESSEE DEPARTMENT OF AGRICULTURE  
FOOD AND DRUG DIVISION  
(HAZARDOUS SUBSTANCES)**

**CHAPTER 0080-4-7  
REGULATIONS ON THE OPERATION OF FROZEN FOOD LOCKERS**

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0080-4-7-.01 Grading System

**0080-4-7-.01 GRADING SYSTEM.**

(1) ~~THE RATING AND GRADING WILL BE AS FOLLOWS:~~

(a)	890-1000		Grade A
(b)	790-890		Grade B
(c)	650-790		Grade C
(d)	Below 650		Peer

(2) ~~If total score is less than 500 points, operator will be asked to close plant until regulations are complied with or penalty sections of Locker Law will be invoked.~~

- (a) ~~70 points~~ — Chill room shall be kept clean at all times and all food must be at least four (4) inches off the floor. No food product shall be allowed to remain in chill room until it becomes molded, tainted or otherwise inedible. Any inedible food (bones, beef suet, etc.) must be kept in covered containers.
- (b) ~~50 points~~ — Locker room or rooms shall be kept clean at all times and all food must be kept in lockers or other suitable protected containers. No food shall be stored on top of lockers or on floors of locker rooms. Food belonging to owner or operator may be stored in locker room provided that area is separated from, or closed off from remainder of locker room.
- (c) ~~30 points~~ — Curing room shall be maintained in sanitary condition and no molded, tainted or otherwise inedible food allowed to accumulate.
- (d) ~~40 points~~ — Each locker room must have permanent lights. This light shall be kept burning during the business hours and this light switch must not be available to the general public.
- (e) ~~40 points~~ — Each locker room must have a buzzer or bell inside the main entrance door so it can be plainly seen by the patrons.
- (f) ~~100 points~~ — Recording thermometers must be provided for each locker room and each chill room. The records shall be changed at regular intervals and kept on file in plant for at least a six months period. Temperatures must be maintained as provided for in Section 4, Chapter 143, Public Acts of 1947, which are as follows: Chill Room: 36° Fahrenheit with 10° variance for short periods of time. Locker Room: Zero Fahrenheit or lower with 5° variance for short periods only. Sharp Freeze: 10° below Zero Fahrenheit or lower, except where forced air is used, a temperature of Zero Fahrenheit is permitted if diffusion type evaporator or evaporators are used in the installation of the plant, with 5° variance in temperature for short time only.

(Rule 0080-4-7-.01, continued)

- (g) ~~30 points~~—Where toxic gas is used as refrigerant there shall be one gas mask readily available for use.
  - (h) ~~50 points~~—All food must be sharp frozen before being placed in refrigerated locker.
  - (i) ~~50 points~~—Locker plants shall have available suitable quantities of hot water to clean daily all tools and equipment that are used in processing food products.
  - (j) ~~50 points~~—Toilet facilities shall be kept clean and must be properly ventilated. Hand washing facilities shall be adjacent to toilet and kept well supplied with soap and towels.
  - (k) ~~60 points~~—Entire plant must be kept free of all types of rodents.
  - (l) ~~40 points~~—Plant must have adequate screening or other suitable means of excluding flies and plant must be kept free of roaches, water bugs and other insects.
  - (m) ~~40 points~~—All employees must have health cards and they must be readily available for inspection.
  - (n) ~~60 points~~—All tools and equipment used in processing must be properly cleaned after each operation.
  - (o) ~~50 points~~—Walls and ceilings must be kept in good repair and well painted.
  - (p) ~~40 points~~—Floors must be kept in good repair and kept clean.
  - (q) ~~30 points~~—All personnel handling food must wear clean clothes and hats, caps or hair nets.
  - (r) ~~50 points~~—Garbage must not be allowed to accumulate on outside of plants but food shall be kept in well covered containers and frequently removed from premises.
  - (s) ~~30 points~~—All employees must refrain from the use of tobacco while processing.
  - (t) ~~40 points~~—Grade and license must be framed and conspicuously displayed.
  - (u) ~~50 points~~—Where grocery and slaughterhouse (animal or chicken) or other sales establishments are operated in conjunction with the locker plant, they must be maintained in sanitary conditions at all times.
- (3) Nothing in these grading classifications will exempt the owner and/or the operator from complying with the specifications of the Refrigerator Locker Plant Law and the Tennessee Sanitary Food Handling Act.

*Authority: T.C.A. §52-1114. Administrative History: Original Rule certified June 5, 1974.*

## Amendments

Paragraph 0080-04-09-.08(3) is amended by deleting the paragraph in its entirety and substituting instead the following language so that, as amended, the paragraph shall read:

### Chapter 0080-04-09 Retail Food Store Sanitation

#### 0080-04-09-.08 Compliance and Enforcement

- (3) Permit to Operate.
- (a) Prerequisite for Operation. A person shall not operate a food establishment without a valid permit to operate issued by the commissioner.
- (b) Submission 30 Calendar Days Before Proposed Opening. An applicant shall submit an application for a permit at least 30 calendar days before the date planned for opening a food establishment or the expiration date of the current permit for an existing facility. An applicant for licensure under this chapter shall remit its application and annual license fee to the department on or before July 1 of each year. All licenses issued under this chapter shall expire on June 30 following their issuance. If an applicant for renewal fails to remit payment of the license fee on or before July 15 of the licensure year for which renewal is sought, the applicant shall also be required to pay a late charge assessed under T.C.A. §43-1-703 prior to renewal of the applicant's license.
- (c) Form of Submission. A person desiring to operate a food establishment shall submit to the commissioner a written application for a permit on a form provided by the commissioner, which shall be completed in full. The department may deny any application for licensure that is not completed in accordance with this rule.
- (d) To qualify for a permit, an applicant shall:
1. Be an owner of the food establishment or an officer of the legal ownership;
  2. Comply with the requirements of this chapter;
  3. As specified under 0080-04-09-.08(4)(b)1, agree to allow access to the food establishment and to provide required information; and
  4. Pay the applicable permit fees at the time the application is submitted. Include with their application payment of an annual license fee as appropriate for the following categories of licenses. Food establishment license fees are determined in accordance with the degree of risk the establishment poses for outbreak of food borne illness. This determination is made by the department based on the nature of the establishment's operations. Fees designated under this rule shall be assessed as follows and in accordance with T.C.A. §43-1-703(f) as it may be amended from time to time:
    - (i) Food Establishment License, Risk Level 1: Tier 7 license fee;
    - (ii) Food Establishment License, Risk Level 2: Tier 4 license fee;
    - (iii) Food Establishment License, Risk Level 3: Tier 2 license fee.
- (e) Contents of the Application. The application shall include:
1. The name, birth date, mailing address, telephone number, and signature of the person applying for the permit and the name, mailing address, and location of the food establishment; Name of the applicant;
  2. Information specifying whether the food establishment is owned by an association, corporation, individual, partnership, or other legal entity; Proof of the applicant's registration in its state of incorporation, registration with the Tennessee Department of Revenue, or business license issued by a local governmental authority;

3. Contact information for applicant, to include name of person legally responsible for applicant's operations, telephone number, email address, address of the principal place of business, and address of the establishment to be licensed;

4. Name and address of applicant's registered agent for service of process, if any;

35. A statement specifying whether the food establishment:

- (i) Is mobile or stationary and temporary or permanent, and
- (ii) Is an operation that includes one or more of the following:
  - (I) Prepares, offers for sale, or serves time/temperature control for safety food:
    - I. Only to order upon a consumer's request,
    - II. In advance in quantities based on projected consumer demand and discards food that is not sold or served at an approved frequency, or
    - III. Using time as the public health control as specified under 0080-04-09-.03(5)(a)9,
  - (II) Prepares time/temperature control for safety food in advance using a food preparation method that involves two or more steps, which may include combining time/temperature control for safety food ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing,
  - (III) Prepares food as specified under item 35(ii)(II) of this subparagraph for delivery to and consumption at a location off the premises of the food establishment where it is prepared,
  - (IV) ~~Prepares food as specified under item 3(ii)(II) of this subparagraph for service to a highly susceptible population,~~ Prepares only food that is not time/temperature control for safety food, or
  - (V) Does not prepare, but offers for sale only prepackaged food that is not time/temperature control for safety food;

4. ~~The name, title, address, and telephone number of the person directly responsible for the food establishment;~~

5. ~~The names, titles, and addresses of:~~

~~(i) The persons comprising the legal ownership as specified under part 2 of this subparagraph including the owners and officers, and~~

~~(ii) The local resident agent if one is required based on the type of legal ownership;~~

6. A statement signed by the applicant that attests to the accuracy of the information provided in the application;

7. Licensees shall notify the department in writing of any changes to the information or contents of an application within 30 days after the change takes place;

8. Other information required by the commissioner.

(f) **New, Converted, or Remodeled Establishments.** For food establishments that are required to submit plans as specified under 0080-04-09-.08(2)(a), the commissioner shall issue a permit to the applicant after:

1. A properly completed application is submitted;

2. The required fee is submitted;
  3. The required plans, specifications, and information are reviewed and approved; and
  4. A preoperational inspection as specified in 0080-04-09-.08(2)(e) shows that the establishment is built or remodeled in accordance with the approved plans and specifications and that the establishment is in compliance with this chapter.
- (g) Existing Establishments and Change of Ownership. As applicable, the commissioner may issue a permit to a new owner of an existing food establishment after an application is submitted, reviewed, and approved, and an inspection shows that the establishment is in compliance with this chapter. Persons licensed under this chapter shall be responsible for permitted facilities until: the applicable license expires, the department receives written notification from the licensee of a change in ownership for the licensed establishment, or the department receives written notification from the licensee desiring to terminate the license. The department shall not refund license fees for early termination of any license under this chapter.
- (h) ~~Denial of Application for Permit, Notice.~~ If an application for a permit to operate is denied, the commissioner shall provide the applicant with a notice that includes:
- ~~1. The specific reasons and chapter citations for the permit denial;~~
  - ~~2. The actions, if any, that the applicant must take to qualify for a permit; and~~
  - ~~3. Advisement of the applicant's right of appeal and the process and time frames for appeal that are provided in law.~~
- (i) ~~Responsibilities of the Permit Holder.~~ Upon acceptance of the permit issued by the commissioner, the permit holder in order to retain the permit shall:
1. Comply with the provisions of this chapter including the conditions of a granted variance as specified under 0080-04-09-.08(1)(c)3, and approved plans as specified under 0080-04-09-.08(2)(b);
  2. If a food establishment is required under 0080-04-09-.08(2)(c) to operate under a HACCP plan, comply with the plan as specified under 0080-04-09-.08(1)(c)3;
  3. Immediately contact the commissioner to report an illness of a food employee or conditional employee as specified under 0080-04-09-.02(2)(a)2;
  4. Immediately discontinue operations and notify the commissioner if an imminent health hazard may exist as specified under 0080-04-09-.08(4)(d)1;
  5. Allow representatives of the commissioner access to the food establishment as specified under 0080-04-09-.08(4)(b)1;
  6. Replace existing facilities and equipment specified in 0080-04-09-.08(1)(a) with facilities and equipment that comply with this chapter if:
    - (i) The commissioner directs the replacement because the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria upon which the facilities and equipment were accepted,
    - (ii) The commissioner directs the replacement of the facilities and equipment because of a change of ownership, or
    - (iii) The facilities and equipment are replaced in the normal course of operation;
  7. Comply with directives of the commissioner including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the commissioner in regard to the permit holder's food establishment or in response to community emergencies;
  8. Accept notices issued and served by the commissioner according to law; and

9. Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this chapter or a directive of the commissioner, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

~~(j) — A permit shall not be transferred from one person to another person, from one food establishment to another, or from one type of operation to another if the food operation changes from the type of operation specified in the application as specified under 0080-04-09-.08(3)(e)3 and the change in operation is not approved.~~

Authority: T.C.A. §§ 4-3-203; 53-8-204.

#### Repeal

#### Chapter 0080-04-10 Standards for Good Manufacturing Practices

Chapter 0080-04-10 Standards for Good Manufacturing Practices is repealed in its entirety.

RULES  
OF  
THE TENNESSEE DEPARTMENT OF AGRICULTURE  
DIVISION OF QUALITY AND STANDARDS

~~CHAPTER 0080-04-10~~  
~~STANDARDS FOR GOOD MANUFACTURING PRACTICES~~

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~~0080-04-10-01 Current Good Manufacturing Practices~~                      ~~0080-1-10-02 Shellfish Sanitation Standards~~

~~0080-04-10-01 CURRENT GOOD MANUFACTURING PRACTICES.~~

- ~~(1) The Commissioner of Agriculture adopts the federal standards titled "Current good manufacturing practice in manufacturing, packing, or holding human food" codified as 21 C.F.R. 110 and Published in the Federal Register at 51 FR 24475 and the following subsections codified and published as indicated:~~
- ~~(a) 29 C.F.R. 110 (A) at 51 FR 24475 as amended at 54 FR 24892.~~
  - ~~(b) 29 C.F.R. 110 (B) at 51 FR 24475 as amended at 54 FR 24892.~~
  - ~~(c) 29 C.F.R. 110 (C) at 51 FR 24475.~~
  - ~~(d) 29 C.F.R. 110 (E) at 51 FR 24475.~~

~~**Authority:** T.C.A. § 53-1-207. **Administrative History:** Original rule filed May 27, 1994; effective September 28, 1994~~

~~0080-04-10-02 SHELLFISH SANITATION STANDARDS.~~

- ~~(1) The Commissioner of Agriculture adopts the current version of the National Shellfish Sanitation Program Model Ordinance, as set forth in the Guide for the Control of Molluscan Shellfish, and published by the United States Department of Health and Human Services; Public Health Service; Food and Drug Administration, or the most current successor document.~~

~~**Authority:** T.C.A. § 4-3-203, 53-1-104 and 53-1-207. **Administrative History:** Original rule filed May 27, 1994; effective September 28, 1994. Amendment filed May 17, 2011; effective October 29, 2011.~~

New

Chapter 0080-04-13  
Food Manufacturer, Processor, Warehouse, and Distributor Regulations

0080-04-13-.01 Applicability

- (1) This chapter applies to any person who operates in the state any factory, warehouse, establishment, or vehicle in which food is manufactured, processed, packed, held, or transported for introduction into commerce. However, these rules do not apply to any person whose operation is regulated under the Tennessee Egg Law, T.C.A. §53-2-101 et seq., the Dairy Law of the State of Tennessee, T.C.A. §53-3-101, et seq., or the Tennessee Meat and Poultry Inspection Act, T.C.A. §53-7-201 et seq.
- (2) Persons licensed under this chapter shall be responsible for permitted facilities until: the applicable license expires, the department receives written notification from the licensee of a change in ownership for the licensed establishment, or the department receives written notification from the licensee desiring to terminate the license. The department shall not refund license fees for early termination of any license under this chapter.

Authority: T.C.A. §§ 4-3-203; 53-1-207.

0080-04-13-.02 Definitions

- (1) Terms in this chapter share those meanings of terms set forth in the Tennessee Food, Drug and Cosmetic Act, T.C.A. §53-1-101, et seq.
- (2) When used in this chapter, unless the context requires otherwise:
  - (a) Act means the Tennessee Food, Drug and Cosmetic Act, compiled at T.C.A. §53-1-101, et seq.;
  - (b) Dietary supplement, food supplement, or words of similar import mean a product taken by mouth that contains a dietary ingredient; is intended to supplement the diet; and is not intended for use as a drug under the Act;
  - (c) Dietary ingredient means one or more of the following components when used in a dietary supplement: vitamins, minerals, herbs or other botanicals, amino acids, enzymes, tissues from organs or glands, concentrates, metabolites, constituents, or extracts;
  - (d) Food means those articles as defined under the Act and includes dietary supplements.

Authority: T.C.A. §§ 4-3-203; 53-1-207.

0080-04-13-.03 License Application and Fees

- (1) All persons to whom these rules apply shall obtain a license in accordance with the Tennessee Food, Drug and Cosmetic Act and this chapter.
- (2) Application for issuance of any license under this chapter shall be made on forms provided by the department, which shall be completed in full and shall include:
  - (a) Name of the applicant;
  - (b) Proof of the applicant's registration in its state of incorporation, registration with the Tennessee Department of Revenue, or business license issued by a local governmental authority;
  - (c) Contact information for applicant, to include name of person legally responsible for applicant's operations, telephone number, email address, address of the principal place of business, and address of the facility to be licensed;
  - (d) Name and address of applicant's registered agent for service of process, if any.

- (3) Licensees shall notify the department in writing of any changes to the information or contents of an application within 30 days after the change takes place.
- (4) Applicants for licensure shall include with their application payment of an annual license fee as appropriate for the following categories of licenses. Fees designated under this rule shall be assessed in accordance with T.C.A. §43-1-703(f) as it may be amended from time to time.
- (a) Food Manufacturer License. A food manufacturer license is required for any factory or establishment in the state where food is manufactured, processed, or packed for introduction into commerce. Food manufacturer license fees are determined in accordance with the size of the manufacturer's facility and the degree of risk the manufacturer poses for outbreak of food borne illness. An establishment greater than 10,000 square feet must obtain a Large Facility license. An establishment equal to or smaller than 10,000 square feet must obtain a Small Facility license. Determination of a manufacturer's risk for outbreak of food borne illness is made by the department based on the nature of the manufacturer's operations. Fees applicable for a food manufacturer license are as follows:
1. Food Manufacturer License, Large Facility – Risk Level 1: Tier 11 license fee;
  2. Food Manufacturer License, Small Facility – Risk Level 1: Tier 10 license fee;
  3. Food Manufacturer License, Large Facility – Risk Level 2: Tier 7 license fee;
  4. Food Manufacturer License, Small Facility – Risk Level 2: Tier 5 license fee;
  5. Food Manufacturer License, Large Facility – Risk Level 3: Tier 3 license fee;
  6. Food Manufacturer License, Small Facility – Risk Level 3: Tier 2 license fee.
- (b) Food Warehouse License. A food warehouse license is required for any warehouse or establishment in the state where food is held for introduction into commerce. A food warehouse license is not required for any establishment licensed as a food manufacturer under this chapter or as a food establishment under R. 0080-04-09. Food warehouse license fees are determined in accordance with the degree of risk the warehouse poses for outbreak of food borne illness. This determination is made by the department based on the nature of the warehouse's operations. Fees applicable for a food warehouse license are as follows:
1. Food Warehouse License, Risk Level 1: Tier 11 license fee;
  2. Food Warehouse License, Risk Level 2: Tier 7 license fee;
  3. Food Warehouse License, Risk Level 3: Tier 3 license fee.
- (5) An applicant for licensure under this chapter shall remit its application and annual license fee to the department on or before July 1 of each year. All licenses issued under this chapter shall expire on June 30 following their issuance. If an applicant for renewal fails to remit payment of the license fee on or before July 15 of the licensure year for which renewal is sought, the applicant shall also be required to pay a late charge assessed under T.C.A. §43-1-703 prior to renewal of the applicant's license.
- (6) The department may deny any application for licensure that is not completed in accordance with this rule.

Authority: T.C.A. §§ 4-3-203; 43-1-703; 53-1-207; 53-1-208.

#### 0080-04-13-.04 Certificates of Free Sale

The fee for a Certificate of Free Sale is a Tier 2 fee under T.C.A. §43-1-703(f). No certificate of free sale shall be issued prior to receipt of the certificate fee.

Authority: T.C.A. §§ 4-3-203; 43-1-703; 53-1-207; 53-1-208.

#### 0080-04-13-.05 Standards for Manufacturing and Processing

(1) Acidified Foods. The department adopts by reference, as if fully stated herein, the federal standards for

acidified foods, compiled at 21 C.F.R. 108.25 and 21 C.F.R. 114, as either section or part may be amended from time to time.

- (2) Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food. The department adopts by reference, as if fully stated herein, the federal standards for good manufacturing, hazard analysis, and risk-based preventive controls, compiled at 21 C.F.R. 117, subparts A and B, as either subpart may be amended from time to time.
- (3) Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements. The department adopts by reference, as if fully stated herein, the federal standards for good practice in manufacturing, packaging, labeling, or holding dietary supplements, compiled at 21 C.F.R. 111, as the part may be amended from time to time.
- (4) Fish and Fishery Products. The department adopts by reference, as if fully stated herein, the federal standards for fish and fishery products, compiled at 21 C.F.R. 123, subparts A and C, as either subpart may be amended from time to time.
- (5) Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers. The department adopts by reference, as if fully stated herein, the federal standards for hermetically sealed low-acid foods, compiled at 21 C.F.R. 108.35 and 21 C.F.R. 113, as either section or part may be amended from time to time.

Authority: T.C.A. §§ 4-3-203; 53-1-207.

0080-04-13-.06 Standards for Labeling [RESERVED]

0080-04-13-.07 Notice of Enforcement Action Against Licensee

Notice of an enforcement action against a licensee, including but not limited to assessment of a civil penalty and conduct of an administrative hearing, shall be presumed properly served upon mailing of notice to licensee's address of record with the department.

Authority: T.C.A. §§ 4-3-203; 53-1-207.

New

Chapter 0080-04-14  
Meat and Poultry Processor Regulations

0080-04-14-.01 Applicability

- (1) This chapter applies to any person who is required to be licensed under the Tennessee Meat and Poultry Inspection Act, T.C.A. §53-7-201, et seq. These rules do not apply to any person who is subject to the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act, even if those acts otherwise exempt the person from federal requirements.
- (2) Persons licensed under this chapter shall be responsible for permitted facilities until: the applicable license expires, the department receives written notification from the licensee of a change in ownership for the licensed establishment, or the department receives written notification from the licensee desiring to terminate the license. The department shall not refund license fees for early termination of any license under this chapter.

Authority: T.C.A. §§ 4-3-203; 53-7-213.

0080-04-14-.02 Definitions

Unless the context requires otherwise, terms in this chapter share those meanings of terms set forth in the Tennessee Meat and Poultry Inspection Act, T.C.A. §53-7-201, et seq.

Authority: T.C.A. §§ 4-3-203; 53-7-213.

0080-04-14-.03 License Application and Fees

- (1) All persons to whom these rules apply shall obtain a license in accordance with the Tennessee Meat and Poultry Inspection Act and this chapter.
- (2) Application for issuance of any license under this chapter shall be made on forms provided by the department, which shall be completed in full and shall include:
  - (a) Name of the applicant;
  - (b) Proof of the applicant's registration in its state of incorporation, registration with the Tennessee Department of Revenue, or business license issued by a local governmental authority;
  - (c) Contact information for applicant, to include name of person legally responsible for applicant's operations, telephone number, email address, address of the principal place of business, and address of the facility to be licensed;
  - (d) Name and address of applicant's registered agent for service of process, if any.
- (3) Licensees shall notify the department in writing of any changes to the information or contents of an application within 30 days after the change takes place.
- (4) Applicants for licensure shall include with their application payment of an annual license fee as appropriate for the following categories of licenses.
  - (a) Slaughter Establishments, Meat Processing Establishments, and Poultry Eviscerating and Processing Plants. No annual fee is required for those licenses and inspections designated under T.C.A. §53-7-219.
  - (b) Custom Slaughter Facility License. A custom slaughter facility license is required for any facility in the state engaged in the business of slaughtering or dressing animals for human consumption that are not to be sold or offered for sale. The fee for a Custom Slaughter Facility License is a Tier 3 fee under T.C.A. §43-1-703(f).
- (5) An applicant for licensure under this chapter shall remit its application and annual license fee to the department on or before July 1 of each year. All licenses issued under this chapter shall expire on June 30 following their issuance. If an applicant for renewal fails to remit payment of the license fee on or before July 15 of the licensure year for which renewal is sought, the applicant shall also be required to pay a late charge assessed under T.C.A. §43-1-703 prior to renewal of the applicant's license.
- (6) The department may deny any application for licensure that is not completed in accordance with this rule.

Authority: T.C.A. §§ 4-3-203; 43-1-703; 53-7-213; 53-7-216.

#### 0080-04-14-.04 Standards for Processing

Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food. The department adopts by reference, as if fully stated herein, the federal standards for good manufacturing, hazard analysis, and risk-based preventive controls, compiled at 21 C.F.R. 117, subparts A and B, as either subpart may be amended from time to time.

Authority: T.C.A. §§ 4-3-203; 53-1-207; 53-7-213.

#### 0080-04-14-.05 Standards for Labeling [RESERVED]

#### 0080-04-14-.06 Notice of Enforcement Action Against Licensee

Notice of an enforcement action against a licensee, including but not limited to assessment of a civil penalty and conduct of an administrative hearing, shall be presumed properly served upon mailing of notice to licensee's address of record with the department.

Authority: T.C.A. §§ 4-3-203; 53-1-213.

\* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Department of Agriculture (board/commission/ other authority) on \_\_\_\_\_ (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 06/09/2015

Rulemaking Hearing(s) Conducted on: (add more dates). 08/06/2015

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: \_\_\_\_\_

Title of Officer: \_\_\_\_\_

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: \_\_\_\_\_

My commission expires on: \_\_\_\_\_

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

\_\_\_\_\_  
Herbert H. Slatery III  
Attorney General and Reporter

\_\_\_\_\_  
Date

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

Effective on: \_\_\_\_\_

\_\_\_\_\_  
Tre Hargett  
Secretary of State

## Public Hearing Comments

The Department of Agriculture held a public hearing on August 6, 2015. David Waddell served as hearing officer for the Rulemaking Hearing concerning 0080-04-01 Regulations on Meat and Poultry Inspection; 0080-04-03 Regulations Relating to Soda Water and Nonalcoholic Beverages; Standard of Identity; Sanitation Plant Facilities; Labeling; 0080-04-06 Regulation for Bread and Bakery Products; 0080-04-07 Regulations on the Operation of Frozen Food Lockers; 0080-04-09 Retail Food Store Sanitation; 0080-04-10 Standards for Good Manufacturing Practices; 0080-04-13 Food Manufacturer, Processor, Warehouse, and Distributor Regulations; and 0080-04-14 Meat and Poultry Processor Regulations. No questions or comments from the public were presented at the hearing.

### Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

- (1) Type or types of small business subject to the proposed rule that would bear the cost of and/or directly benefit from the proposed rule:

Businesses subject to the proposed rule include: retail food stores, food service establishments located within retail food stores, food manufacturers, processors, warehouses, and distributors, and meat and poultry processors.

- (2) Identification and estimate of the number of small businesses subject to the proposed rule:

Approximately 9,330 retail food establishments, 1,306 food manufacturing firms, and 528 food warehouses are registered with the department.

- (3) Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

Reporting, recordkeeping, and other administrative costs of small businesses are unaffected by this rule inasmuch as the rule does not alter or duplicate those reporting or recordkeeping requirements otherwise applicable under existing regulation.

- (4) Statement of the probable effect on impacted small businesses and consumers:

The effect of these rules on small businesses is to require additional information from license applicants in order to verify their business and contact information, to alter the fee schedule for the programs' licenses, and to incorporate additional federal standards aligned for food safety. Some fees have been reduced, while others have been increased in an effort to better grade the department's fee schedule according to departmental expenditures in regulating the program.

- (5) Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent such alternative means might be less burdensome to small business:

No less burdensome methods for achieving this purpose are possible.

These rules are promulgated to implement Public Chapter 485 of 2015, which expanded the Agricultural Regulatory Fund to include all fee-generated revenue collected by the department. As part of the legislation, all fee amounts charged by the department were removed from the Code, and the commissioner of agriculture was authorized to set the fee amounts by regulation. The intent of the legislation is to allow the department to adjust fees and to improve the percentage of cost recovery for its programs through fee collection rather than relying as heavily on revenue from the general fund.

- (6) Comparison of the proposed rule with any federal or state counterparts:

Any federal counterparts for standards of identity and labeling would preempt state standards pursuant to the Federal Food Drug and Cosmetic Act and National Labeling and Education Act and their associated regulations. See e.g. 21 U.S.C.A. §343. Federal counterparts for meat and poultry processing are

currently implemented in Tennessee pursuant to the Federal Meat Inspection Act (21 U.S.C.A. §601) and its associated regulations and the Federal Poultry Inspection Act (21 U.S.C.A. §451) and its associated regulations.

- (7) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

Exemption of small businesses from the requirements of this rule may compromise food safety requirements and/or compromise the intent to grade fee schedules according to resources expended for oversight of regulatory programs.

### Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

No impact is expected on local governments.

### Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule modernizes license application and standards requirements for food manufacturers, processors, distributors, and warehouses as well as meat and poultry processors and retail food stores in Tennessee. It makes Tennessee requirements more consistent with federal requirements, and it addresses fee changes pursuant to amendment of the Ag Fund law, T.C.A. §43-1-701, et seq.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. §43-1-701, et seq. requires that the department of agriculture establish fees for its regulatory programs through promulgation of rules under the UAPA. T.C.A. §53-1-207 authorizes the department to promulgate rules under the Tennessee Food, Drug and Cosmetic Act that conform insofar as practicable with rules promulgated under the federal act.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Retail food stores, food service establishments located within retail food stores, food manufacturers, processors, warehouses, and distributors and meat and poultry processors will be most directly affected by this rule. No public comments have been received urging adoption or rejection of this rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

There are no attorney general or court decisions in this state that directly relate to this rule.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

These rules will generate an additional \$624,450 of revenue to the Agricultural Regulatory Fund. The additional revenue will cover approximately 80% of the cost of providing food inspections services by the department, up from 63% cost recovery provided by the current fee structure.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

David Waddell, Administrative Director, and Shanna Lively, Food Administrator, Tennessee Department of Agriculture, Consumer and Industry Services Division

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

David Waddell, Administrative Director, Tennessee Department of Agriculture, Consumer and Industry Services Division

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

440 Hogan Road, Nashville, Tennessee 37220; (615) 837-5331; [david.waddell@tn.gov](mailto:david.waddell@tn.gov)

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.