



Department of  
Agriculture

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## **PUBLIC NOTICE**

The Ohio Department of Agriculture will hold a public hearing for the purpose of accepting testimony on the proposed amendments made to Chapters 901:3-44, 901:3-45, and 901:3-46 of the Ohio Administrative Code.

The hearing will be held on:

**July 19, 2017 at 9:00 A.M.**

**Ohio Department of Agriculture  
Bromfield Administration Building  
Hearing Room 133 (Seminar "B")  
8995 East Main Street  
Reynoldsburg, Ohio 43068-3399.**

The hearing will be conducted in accordance with Chapter 119 of the Revised Code. Any person affected by the no change rule package may appear and be heard in person, by his attorney, or both, may present his position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the no change rule package, if adopted or effectuated, will be unreasonable or unlawful.

**More information on the rule package, including a business impact analysis and copies of the rules, can be found at <http://www.agri.ohio.gov/proposedrules/proposedrules.aspx> or by visiting the Register of Ohio at [www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us).**

Any person who wishes to present his position, arguments, or contentions in writing, other than at the public hearing, may do so by either mailing his or her written comments to the Ohio Department of Agriculture, c/o Legal Section, 8995 East Main Street, Reynoldsburg, Ohio 43068; by email at [ecomments@agri.ohio.gov](mailto:ecomments@agri.ohio.gov), or by transmitting by facsimile at (614) 995-4585. Written comments sent by mail shall be postmarked no later than the day of the hearing. Written comments transmitted by facsimile shall be received no later than 5:00 p.m. on the day of the hearing.



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## Maple Syrup, Sorghum, and Honey Rules

Generally, any food production operation is required to be licensed as a food processing establishment and inspected regularly by the Ohio Department of Agriculture or their local department of health. However, pursuant to Ohio Revised Code 3715.021, this general rule does not apply to processors of maple syrup, sorghum, and honey who meet certain criteria. Regardless, certain provisions of Chapter 3715 of the ORC do apply to maple syrup, sorghum, and honey. The rules of this package contain the regulations and standards of maple syrup, sorghum, and honey as allowed under the ORC.

**OAC 901:3-44-01** outlines the mandatory food sampling tolerance levels for maple syrup, sorghum, and honey. As stated above, maple syrup, sorghum, and honey producers are not regulated in the same manner as other food production operations. However, ORC 3715.022 states that *all food products*, including maple syrup, sorghum, and honey, shall be sampled and tested to determine if the food product is misbranded and/or adulterated. The rules establish lead tolerance levels in maple syrup and sorghum. Maple syrup and sorghum products which are found to contain lead in greater than 500 parts per billion are considered adulterated. Further, the rule is being amended to state that all honey products sampled which detect antibiotics are adulterated. Beekeepers who apply antibiotics to their hives must withhold from drawing honey until the withdrawal period of the antibiotics has lapsed.

Pursuant to ORC 3715.24, the Department shall adopt rules which establish voluntary grades, authorized optional ingredients, standards for fill of containers, and standards of weight for the sale of maple products in this state and that specify the analytical tests to be used for determining compliance with those voluntary grade requirements. The rules in Division 901:3-45 of the Administrative Code fulfill this requirement.

**OAC 901:3-45-01** replaces the existing rule, which is to be rescinded in this package. The new rule is established to mirror the grading system used to classify maple syrup utilized by the United States Department of Agriculture. The rule adopts color classifications of maple syrup which are verified by measuring light transmission of the syrup.

**OAC 901:3-45-02** sets out the optional ingredients which are allowed in maple products. These optional ingredients match those ingredients allowed in federal law (See 21 C.F.R. 168.140). There are no substantive changes to this rule, rather, the rule is being amended to comply with LSC's drafting manual.

**OAC 901:3-45-03** outlines the labeling requirements for maple syrup. The rule is being amended to modify the grading labeling requirements to reflect U.S. versus Ohio. This change will allow manufacturer's to comply with federal labeling requirements should producers wish to ship their products across state lines. Further, a code reference has been updated within the rule.

**OAC 901:3-45-04** sets forth the packing and fill requirements for maple syrup. The rule is being amended to make formatting changes which should help with comprehension. Further, the rule has added a requirement that all containers must be made of food grade materials.



**OAC 901:3-45-05** sets forth the bulk packaging requirements for maple syrup. The rule has added a requirement that all containers must be made of food grade materials.

Ohio Revised Code 3715.024 permits maple syrup, sorghum, and honey producers to be voluntarily inspected by the Department. Upon successfully passing inspection, the producers will receive a seal of conformity and inspection by the Department. The rules below identify the requirement of these processors necessary to pass inspection.

**OAC 901:3-46-01** outlines the definitions as used in the Chapter. The rule is being amended to replace “ODA” with “Department.”

**OAC 901:3-46-02** reiterates the option that maple syrup, sorghum, and honey processors may seek voluntary inspection. A stylistic change, which does not impact the substance of the rule, has been made.

**OAC 901:3-46-03** states that maple syrup, sorghum, and honey processors who elect to be voluntarily inspected must register with the Department. A stylistic change, which does not impact the substance of the rule, has been made.

**OAC 901:3-46-04** outlines the seal of conformity and inspection pursuant to ORC 3715.024. The rule is being amended for clarity and comprehension. No substantive changes to the rule have been made.

**OAC 901:3-46-05** outlines the collection equipment which may be utilized in production. The rule has been amended for clarity and comprehension. No substantive changes to the rule have been made.

**OAC 901:3-46-06** sets forth the packing and fill requirements for maple syrup, sorghum, and honey. The rule is being amended to make formatting changes which should help with comprehension. Further, the rule has added a requirement that all containers must be made of food grade materials.

**OAC 901:3-46-07** sets forth the bulk packaging requirements for maple syrup, sorghum, and honey. The rule has added a requirement that all containers must be made of food grade materials.

**OAC 901:3-46-08** outlines the good manufacturing practices which are required under the rule. The rule has been amended for clarity and comprehension. No substantive changes to the rule have been made.

**OAC 901:3-46-09** establishes water supply requirement for production. The rule is being amended to comply with the incorporation by reference standards.

