

To: Representative Trevor Squirrell, Chair of the Legislative Committee on Administrative Rules

From: Natalie Weill, Public Health Policy Advisor for Vermont Department of Health

Re: Manufactured Food Rule

Date: January 14, 2024

Following the filing of the rule for LCAR, the Health Department is proposing the following changes to the final proposed rule based on feedback from Legislative Counsel:

1. Section 3.0: ~~Requirements do~~ This rule does not pertain to food service establishments as defined by 18 V.S.A. § 4301(a)(8), or establishments that process food solely under the regulatory oversight of the Vermont Agency of Agriculture, Food, & Markets, or the Vermont Cannabis Control Board.
2. Section 4.1.10: “License exemption” and “license exempt” means a food manufacturing establishment that is exempt from the licensing fee. ~~An establishment is exempt from licensure only after the Department has acknowledged, in writing, the receipt of the Self-Certification of Licensing Exemption form.~~
3. Section 5.1.3.2: When a food manufacturing establishment changes proprietors, the new proprietor of that establishment must apply for and receive a new license before operating the business.
4. Section 5.2.1.2: A payment for the applicable fees ~~determined in~~ pursuant to 18 V.S.A. § 4353.
5. Sections 5.2.2: Additional documentation shall be submitted, when applicable and upon requested by the Department, including the following ~~but not limited to:~~
6. Section 7.4: All licensees and permit holders shall comply with all federal regulations that are applicable to the type of food processing that they conduct. Such regulations include ~~but are not necessarily limited to~~ the following:
7. Sections 7.1: ~~These regulations hereby adopt and incorporate~~ This rule incorporates by reference the FDA Food Safety Modernization Act (FSMA) Final Rule on Preventive Controls for Human Food 21 C.F.R. § 117 (2015) ~~by reference~~, not including any further editions or amendments thereof and only to the extent that the provisions therein are not



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inconsistent with ~~these regulations~~ this rule.

8. Section 7.2: ~~These regulations hereby adopt and incorporate~~ This rule incorporates by reference the FDA FSMA Final Rule on Sanitary Transportation of Human and Animal Food 21 C.F.R. § 1 (2016) ~~by reference~~, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with ~~these regulations~~ this rule.

9. Section 7.3: ~~These regulations hereby adopt and incorporate~~ This rule incorporates by reference the FDA FSMA Final Rule for Mitigation Strategies to Protect Food Against Intentional Adulteration rule 21 C.F.R. § 121 (2016) ~~by reference~~, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with ~~these regulations~~ this rule.

No further proposed changes were made.