

*****DRAFT - NOT FOR FILING*****

901:3-44-01 Mandatory food sampling tolerance level standards and action steps for maple syrup, sorghum, and honey.

(A) The following tolerance levels and action steps are adopted by the Ohio department of agriculture for evaluating the level of lead to determine whether maple syrup or sorghum produced, processed, or offered for sale in the state of Ohio is adulterated as per section 3715.59 ~~(A)~~ of the Revised Code:

Tolerance level standards and action steps

Lead tolerance level for maple syrup and sorghum	Action step
0 - 499 Parts per billion	Acceptable. A warning letter shall be issued by the director to any producer or processor whose maple syrup or sorghum lead levels are greater than two hundred fifty parts per billion but less than five hundred parts per billion.
500 Parts per billion and greater	Maple syrup and sorghum is considered adulterated in accordance with section 3715.59 of the Revised Code.

(B) The following tolerance levels and action steps are adopted by the Ohio department of agriculture for evaluating the levels of coumaphos and antibiotics to determine whether or not honey or the components thereof produced, processed, or offered for sale in the state of Ohio is considered to be adulterated as per section 3715.59 of the Revised Code:

- (1) There shall be no ~~streptomycin, tetracycline, or chloramphenicol~~ antibiotics detected in any sample of honey or the beeswax of honey. The detection of ~~these~~ antibiotics in any amount shall render the honey or the beeswax of honey as adulterated as per section 3715.59 of the Revised Code. ~~The detection of any other antibiotics in any sample of honey or the beeswax of honey that exceed established tolerance levels shall render the honey or the beeswax of honey as adulterated as per section 3715.59 of the Revised Code.~~
- (2) Coumaphos shall not exceed one hundred parts per billion in any sample of honey and shall not exceed one hundred parts per million in any sample of the beeswax of honey, otherwise, the honey or beeswax will be considered adulterated as per section 3715.59 of the Revised Code.

*****DRAFT - NOT FOR FILING*****

901:3-45-01 **Grades and Color Classes.**

(A) Grades.

The following grades shall be used in classifying maple syrup:

(1) U.S. Grade A is the quality of maple syrup that:

(a) Not more than 68.9 percent solids content by weight (Brix);

(b) Has good uniform color;

(c) Has good flavor and odor, and intensity of flavor (maple taste) normally associated with the color class;

(d) Is free from off flavors and odors considered as damage;

(e) Is free from cloudiness, turbidity, sediment, and is clean; and

(f) No deviants for damage shall be allowed in Grade A.

(2) Maple syrup for processing (Processing Grade) means any maple syrup that fails to meet the requirements of U.S. Grade A, but possess good characteristic maple taste and may contain off-flavors, but is fairly free of damage, turbidity, cloudiness, and is fairly clean.

(3) Substandard is the quality of maple syrup that fails to meet the requirements of Processing Grade maple syrup.

(B) Color Classes.

(1) The color class of maple syrup is determined by:

(a) The percent of light transmission through the syrup as measured with a spectrophotometer using matched square optical cells having a 10mm light path at a wavelength of 560 nm. The color value is expressed as percent of light transmission as compared to analytical reagent glycerol fixed at 100 percent. Percent transmission is symbolized by "% Tc."

(b) Any method that provides equivalent results. When certifying the color of a sample that has been officially drawn and which represents a specific lot of maple syrup, if the number of color deviants exceeds the acceptance number in the appropriate sampling plan, the lot should be designated as mixed color.

(c) Any commercial color determining kit that provides an analysis of clarity and color comparable to that obtained by a spectrophotometer may be used to determine the grade listed on a label; however, in any dispute over the accuracy of a grade claim, a spectrophotometer shall be used to determine grade.

(2) Color Classes are associated with specific %Tc values as follows:

<u>Grade A Color Classes</u>	<u>Taste</u>	<u>Light Transmittance (% Tc)</u>
------------------------------	--------------	-----------------------------------

*****DRAFT - NOT FOR FILING*****

U.S. Grade A Golden	Delicate	> 75.0
U.S. Grade A Amber	Rich	50.0 - 74.9
U.S. Grade A Dark	Robust	25.0 - 49.9
U.S. Grade A Very Dark	Strong	< 25.0

901:3-45-02 Optional ingredients.

The following ingredients may be added to maple products:

~~(1) Salt;~~

~~(2) Chemical preservatives; and,~~

~~(3) Defoaming agents.~~

[\(A\) Salt;](#)

[\(B\) Chemical Preservatives; and](#)

[\(C\) Defoaming agents, so long as it is used as a processing aid.](#)

901:3-45-03 Labeling.

- (A) Any producer or processor whose maple syrup conforms to a standard for ~~an Ohio a~~ grade other than commercial or substandard may place the grade name on the package label. The legend shall be stylized: "~~Ohio~~ [U.S.](#) Grade _____," and include the full grade name listed in rule 901:3-45-01 of the Administrative Code.
- (B) No grade may be placed on a package label unless the maple syrup has first been tested by one of the methods in paragraph (B)~~(1)~~ of rule 901:3-45-01 of the Administrative Code.
- (C) Any optional ingredients permitted under rule 901:3-45-02 of the Administrative Code, when used, shall be listed on the package label, [except for those not required by 21 CFR 101.100 \(2017\).](#)

901:3-45-04 Packaging and fill.

(A) [Except as specified in paragraph \(B\) of this rule, All](#) all packaging shall be:

[\(1\) Made of food grade materials;](#)

~~(1)-(2)~~ [Clean](#) prior to filling, ~~and~~ and free of water at the time of filling;

~~(2)-(3)~~ [Free from rust on food contact surfaces and not contain any substances or be constructed from any material which could damage either the color or flavor of maple syrup;](#)

~~(3)-(4)~~ [Constructed with an air tight closing mechanism;](#)

*****DRAFT - NOT FOR FILING*****

~~(4)~~(5) Filled with not less than ninety per cent of their capacity.

(B) Canning containers designed for reuse shall be washed and sanitized prior to refilling. Closures shall not be reused.

901:3-45-05 Bulk containers.

Barrels, drums, and other similar bulk containers used to store or ship maple syrup shall:

(A) Be made of food grade materials;

~~(A)~~(B) Be in good condition and constructed to provide an easily cleanable surface;

~~(B)~~(C) Be cleaned and sanitized prior to filling, and free of water at the time of filling; and

~~(C)~~(D) Not be used if it has:

- (1) Previously contained a chemical or other hazardous material including lead or lead-based paint_;
- (2) A food-contact surface that is rusted_; or
- (3) Lead solder on the food-contact surface.

*****DRAFT - NOT FOR FILING*****

901:3-46-01 Definitions.

As used in rules 901:3-46-02 to 901:3-46-09 of the Administrative Code:

(A) "Department" means the Ohio department of agriculture.

~~(A)~~(B) "Director" means the director of the Ohio department of agriculture.

~~(B)~~(C) "Food grade material" means a material that when in contact with food will remain safe, durable, free of rust, non-absorbent; and, will not allow the migration of deleterious substances, impart color, odor, or taste to food under normal use.

~~(C)~~(D) "Honey" means the nectar and saccharine exudation of plants that has been gathered, modified, and stored in a honeycomb by honeybees.

~~(D)~~(E) "Maple syrup" means the unadulterated liquid food derived by concentration and heat treatment of pure maple sap or by reconstituting maple sugar or maple concrete with water to a density of not less than sixty-six degrees on the brix scale at sixty-eight degrees Fahrenheit.

~~(E)~~(E) ~~"ODA" means the Ohio department of agriculture.~~

(F) "Seal of conformity and inspection" means the Ohio department of agriculture certification logo illustrated in paragraph (D) of rule 901:3-46-04 of the Administrative Code.

(G) "Sorghum" means the unadulterated liquid food derived by concentration and heat treatment of the juice of pure sorghum cane.

901:3-46-02 Voluntary sanitation and inspection standards for exempt honey, maple syrup, and sorghum producers.

A maple syrup processor, sorghum processor, and beekeeper exempt from mandatory inspection under division (A) of section 3715.021 of the Revised Code may voluntarily request that the ~~director of agriculture~~department conduct an inspection of the processor's or beekeeper's processing facilities.

901:3-46-03 Registration.

A maple syrup processor, sorghum processor, and beekeeper exempt from mandatory inspection under division (A) of section 3715.021 of the Revised Code who requests voluntary inspection shall register with the ~~director of agriculture~~department. This registration shall expire annually on May first and may be renewed.

901:3-46-04 ODA seal of conformity and inspection.

(A) Each maple syrup processor, sorghum processor, and beekeeper exempt from mandatory inspection under division (A) of section 3715.021 of the Revised Code that has registered for voluntary inspection shall be inspected annually by the ~~director~~department.

*****DRAFT - NOT FOR FILING*****

~~(B) Maple syrup processor, sorghum, or honey processors, exempt from mandatory inspection under division (A) of section 3715.021 of the Revised Code, that are inspected by the director and in compliance with the provisions of this chapter, may place the ODA seals of conformity and inspection logos on the label of the maple syrup, sorghum, or honey that they process.~~

(B) Maple syrup processors, sorghum processors, or honey processors may place the ODA seal of conformity and inspection on the label of the product that they process if either:

(1) They are a food processing establishment pursuant to division (A) of section 3715.021 of the Revised Code which is not currently placed on notice by the department; or

~~(a)~~(2) They are exempt under division (A) of section 3715.021 of the Revised Code and are in compliance with the rules of this Chapter.

(C) The ODA seals of conformity and inspection logos shall only be used on labels and in advertising and promotion of maple syrup, honey, and sorghum products that are produced and processed in compliance with the provisions of this chapter by persons ~~who are registered with the Ohio department of agriculture in accordance with rule 901:3-46-03 of the Administrative Code, passed inspection by the Ohio department of agriculture, and met the sampling standards set forth in rule 901:3-44-01 of the Administrative Code~~listed in paragraph (B) of this rule.

(D) The ODA seals of conformity and inspection logos are configured as follows:



(E) Prior to incorporating the ODA seals of conformity and inspection logos as a part of their label, each registered and approved maple syrup, sorghum, and honey processor shall submit a sample of their proposed label to the director for approval. A sticker meeting the configuration of the ODA seals of conformity and inspection logos in paragraph (D) of this rule may be used in lieu of incorporating an ODA seal of conformity and inspection as a part of a label.

(F) Maple syrup, sorghum, and honey products bearing the ODA seals of conformity and inspection logos on a package that has been produced by a person who is not in compliance with the provisions of this chapter, and has not registered or renewed their registration, shall be considered misbranded as per section 3715.60 of the Revised Code.

*****DRAFT - NOT FOR FILING*****

901:3-46-05 Collection equipment.

- (A) Buckets, plastic transport tubing, reusable plastic bags, extractors, bottling tanks, and other similar equipment used for the collection of maple sap, sorghum juice, or honey shall be clean, constructed of food grade materials, and shall not be used for any other purpose~~only be used for holding these products~~. Any container that has contained a chemical or other hazardous material including lead or lead based paint, or has lead solder shall not be used.
- (B) Prior to use, buckets, plastic transport tubing, reusable plastic bags, extractors, bottling tanks, and other similar equipment shall be thoroughly washed with potable water, sanitized with a chemical sanitizer used in accordance with the United States environmental protection agency approved manufacturer's label, and thoroughly rinsed with potable water.
- (C) At the end of the collection season, buckets, reusable plastic bags, extractors, bottling tanks, and other similar equipment shall be thoroughly washed with potable water. After rinsing, buckets, bags, and other similar equipment shall be drained, air-dried, and stacked for storage.

901:3-46-06 Packaging and fill.

- (A) Except as specified in paragraph (B) of this rule, ~~All~~ packaging shall be:
- (1) Made of food grade materials;
 - ~~(1)-(2)~~ Clean prior to filling, and free of water at the time of filling;
 - ~~(2)-(3)~~ Free from rust on food-contact surfaces and not contain any substances or be constructed from any material which could damage either the color or flavor of the contents;
 - ~~(3)-(4)~~ Constructed with an air tight closing mechanism;
 - ~~(4)-(5)~~ Filled with not less than ninety per cent of their capacity.
- (B) Canning containers designed for reuse shall be washed and sanitized prior to refilling. Closures shall not be reused.

901:3-46-07 Bulk containers.

Barrels, drums, and other similar bulk containers used to store or ship maple syrup, honey, or sorghum shall:

- (A) Be made of food grade materials;
- ~~(A)-(B)~~ Be in good condition and constructed to provide an easily cleanable surface;
- ~~(B)-(C)~~ Be cleaned and sanitized prior to filling, and free of water at the time of filling; and
- ~~(C)-(D)~~ Not be used if it has:
- (1) Previously contained a chemical or other hazardous material including lead or lead based paint;

DRAFT - NOT FOR FILING

- (2) A food-contact surface that is rusted; or
- (3) Lead solder on the food-contact surface.

901:3-46-08 Production/processing areas.

- (A) Perimeter walls and roofs shall effectively protect the premises of the production and processing areas from the weather and the entry of rodents, birds, insects, other vermin and animals, ~~(except those involved in the production of the product), and other vermin and animals.~~
- (B) Floors in the production and processing areas, shall be constructed of concrete, wood, or well maintained gravel. A dirt floor shall not be used except in those areas where insects are maintained for the production of the product.
- (C) Light bulbs shall be shielded, coated, or otherwise shatter-resistant when over processing and bottling equipment.
- (D) Soap, disposable paper towels, and a method to adequately wash hands shall be provided and used.
- (E) All food-contact equipment, including hoses, shall be stored off the ground.
- (F) Food-contact surfaces of equipment used for processing shall be maintained in good repair, be easily cleanable, and shall not contain any chemicals or other hazardous materials including lead, lead based paint, or lead solder.
- (G) Food-contact surfaces shall be cleaned and sanitized prior to use and after any interruption during which food contact surfaces may have become contaminated.
- (H) Non food-contact surfaces of equipment used in operation shall be cleaned as frequently as necessary to protect against the contamination of food.
- (I) There shall be no storage or handling of gasoline, oil, pesticides, and other hazardous materials with food, food grade equipment, or in the area used to process food.

901:3-46-09 Water supply.

Water used for handwashing and the cleaning and sanitizing of food equipment and utensils shall be potable. A non-municipal water supply shall be sampled annually and a copy of the sample results shall be made available to the department ~~of agriculture~~ for verification during inspection. Alternative water supplies, such as on an enclosed vehicular water tank, an on premises water storage tank, or the use of piping, tubing, or hoses composed of materials that meet national sanitation foundation ~~(N.S.F.)~~ standard 61 which can be found at www.nsf.org or an equivalent [standard](#) connected to an adjacent approved water source, may be used.