

R-39 Rev. 03/2012
(Title page)

IMPORTANT: Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

6116

State of Connecticut
REGULATION
of

NAME OF AGENCY

DEPARTMENT OF CONSUMER PROTECTION

Concerning

SUBJECT MATTER OF REGULATION

Standards for Foods

Section 1. The Regulations of Connecticut State Agencies are hereby amended by specifically reserving for future use Sections 21a-115-33 to 21a-115-39, inclusive.

Section 2. The Regulations of Connecticut State Agencies are hereby amended by adding Sections 21a-115-40 to 21a-115-77 inclusive, as follows:

21a-115-40. General labeling requirements regulations

(NEW) General labeling requirements regulations for food that is subject to the Connecticut Food, Drug and Cosmetic Act shall be identical to 21 CFR 1.20 to 1.24, inclusive.

21a-115-41. Enforcement Policy

(NEW) Enforcement policy for food that is subject to the Connecticut Food, Drug and Cosmetic Act shall be identical to 21 CFR 7, Subpart A and Subpart C.

21a-115-42. Color additives

(NEW) Packaging and labeling requirements for color additives for food shall be identical to 21 CFR 70.20 and 70.25.

21a-115-43. Listing of color additives for foods that are exempt from certification

(NEW) Listing of colors that are exempt from certification for food shall be identical to 21 CFR 73.1 to 73.615, inclusive.

21a-115-44. Listing of color additives subject to certification

(NEW) Listing of color additives subject to certification for food shall be identical to 21 CFR 74.101 to 74.706, inclusive.

21a-115-45. General specifications and general restrictions for provisional color additives for use in foods

(NEW) General specifications and general restrictions for provisional color additives for use in foods shall be identical to 21 CFR 81.1 to 81.32, inclusive.

21a-115-46. Listing of certified provisionally listed colors and specifications

(NEW) Listing of certified provisionally listed colors and specifications shall be identical to 21 CFR 82.3 to 82.706, inclusive.

21a-115-47. Table salt and iodized table salt package labeling

(NEW) Package labeling for salt and iodized salt, designated as the name of salt for human food use or table salt shall be identical to 21 CFR 100.155.

21a-115-48. Food labeling

(NEW) Food labeling shall be identical to 21 CFR 101, Subpart A to Subpart G, inclusive, except for 21 CFR 101.69 and 21 CFR 101.108.

21a-115-49. Common or usual name for nonstandardized foods, labeling

(NEW) Common or usual names for nonstandardized foods, those foods for which a standard of identity has not been established pursuant to section 21a-100 of the Connecticut General Statutes, shall be identical to 21 CFR 102, Subpart A to Subpart B, inclusive, except for 21 CFR 102.19.

21a-115-50. Nutritional quality guidelines for foods

(NEW) Nutritional quality guidelines for foods shall be identical to 21 CFR 104.

21a-115-51. Foods for special dietary use

(NEW) Foods for special dietary use shall be identical to 21 CFR 105.

21a-115-52. Infant formula quality control procedures

(NEW) Infant formula quality control procedures shall be identical to 21 CFR 106, Subpart A to Subpart C, inclusive.

21a-115-53. Infant formula

(NEW) Infant formula shall be identical to 21 CFR 107, Subpart A to Subpart D, inclusive.

21a-115-54. Emergency permit control

(NEW) Emergency permit control shall be identical to 21 CFR 108, Subpart B.

21a-115-55. Unavoidable contaminants in food for human consumption and food-packaging material

(NEW) Unavoidable contaminants in food for human consumption and food-packaging material shall be identical to 21 CFR 109.

21a-115-56. Current good manufacturing practice in manufacturing, packing, or holding human food

(NEW) Current good manufacturing practice in manufacturing, packing, or holding human food shall be identical to 21 CFR 110.

21a-115-57. Current good manufacturing practice for dietary supplements

(NEW) Current good manufacturing practice for dietary supplements shall be identical to 21 CFR 111.

21a-115-58. Thermally processed low-acid foods packaged in hermetically sealed containers

(NEW) Thermally processed low-acid foods packaged in hermetically sealed containers shall be identical to 21 CFR 113.

21a-115-59. Acidified foods

(NEW) Acidified foods shall be identical to 21 CFR 114.

21a-115-60. Refrigeration of shell eggs held for retail distribution

(NEW) Refrigeration requirements of shell eggs held for retail distribution shall be identical to 21 CFR 115.

21a-115-61. Hazard Analysis and Critical Control Point (HACCP) systems

(NEW) Hazard Analysis and Critical Control Point (HACCP) systems shall be identical to 21 CFR 120.

21a-115-62. Fish and fishery products

(NEW) Fish and fishery products shall be identical to 21 CFR 123.

21a-115-63. Food additives

(NEW) Food additives allowed in food shall be identical to 21 CFR 170, except for Sections 21 CFR 170.6, 170.15, and 170.17.

21a-115-64. Food additives permitted for direct addition to food for human consumption

(NEW) Food additives permitted for direct addition to food for human consumption shall be identical to 21 CFR 172.

21a-115-65. Secondary direct food additives permitted in food for human consumption

(NEW) Secondary direct food additives permitted in food for human consumption shall be identical to 21 CFR 173.

21a-115-66. Indirect food additives, general requirements

(NEW) Indirect food additives shall be identical to 21 CFR 174.

21a-115-67. Indirect food additives, specific requirements for adhesives and components of coatings

(NEW) Indirect food additives adhesives and components of coatings shall be identical to 21 CFR 175.

21a-115-68. Indirect food additives specific requirements for paper and paperboard components

(NEW) Indirect food additives: paper and paperboard components shall be identical to 21 CFR 176.

21a-115-69. Indirect food additives specific requirements for polymers

(NEW) Indirect food additives specific requirements for polymers shall be identical to 21 CFR 177.

21a-115-70. Indirect food additives specific requirements for adjuvants, production aids, and sanitizers

(NEW) Indirect food additives specific requirements for adjuvants, production aids, and sanitizers shall be identical to 21 CFR 178.

21a-115-71. Food additives permitted in food or in contact with food on an interim basis pending additional study

(NEW) Food additives permitted in food or in contact with food on an interim basis pending additional study shall be identical to 21 CFR 180.

21a-115-72. Prior-sanctioned food ingredients

(NEW) Prior-sanctioned food ingredients shall be identical to 21 CFR 181.

21a-115-73. Substances generally recognized as safe

(NEW) Substances generally recognized as safe shall be identical to 21 CFR 182.

21a-115-74. Direct food substances affirmed as generally recognized as safe

(NEW) Direct food substances affirmed as generally recognized as safe shall be identical to 21 CFR 184.

21a-115-75. Indirect food substances affirmed as generally recognized as safe

(NEW) Indirect food substances affirmed as generally recognized as safe shall be identical to 21 CFR 186.

21a-115-76. Substances prohibited from use in human food

(NEW) Substances prohibited from use in human food shall be identical to 21 CFR 189.

21a-115-77. Dietary supplements

(NEW) Dietary supplements shall be identical to 21 CFR 190.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation."

PURPOSE

The purpose of these regulations is to unify Federal and State regulation of food products. The new standards are in conformance with national standards set forth in the Code of Federal Regulations ("CFR"). The Connecticut Agricultural Experiment Station is working jointly with the Department in proposing these regulations.

SUMMARY

These changes arise from the Department's participation in the "Manufactured Foods Regulatory Program Standards" ("MFRPS"), a continuous improvement effort led by Federal Food and Drug Administration ("FDA") to improve local programs that regulate food manufacturers.

LEGAL EFFECTS

The legal effect of this proposal would be to adopt new regulation Sections that incorporate definitions and rules set forth in the Code of Federal Regulations.

CERTIFICATION

This certification statement must be completed in full, including items 3 and 4, if they are applicable.

- 1) I hereby certify that the above (check one) Regulations Emergency Regulations
- 2) are (check all that apply) adopted amended repealed by this agency pursuant to the following authority(ies): (complete all that apply)
- a. Connecticut General Statutes section(s) 4-168 and 21a-115.
- b. Public Act Number(s) _____.
 (Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)
- 3) And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the **Connecticut Law Journal** on October 16, 2012;
 (Insert date of notice publication if publication was required by CGS Section 4-168.)
- 4) And that a public hearing regarding the proposed regulations was held on November 19, 2012;
 (Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)
- 5) And that said regulations are EFFECTIVE (check one, and complete as applicable)
- When filed with the Secretary of the State
- OR on (insert date) _____

SECRETARY OF THE STATE
 LEGISLATION & ELECTIONS ADMINISTRATION
 MAY - 3 P 2:41

DATE <u>1/28/13</u>	SIGNED (Head of Board, Agency or Commission) 	OFFICIAL TITLE, DULY AUTHORIZED <u>Commissioner</u>
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APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended

DATE <u>2/7/13</u>	SIGNED (Attorney General or AG's designated representative) Joseph Rubin	OFFICIAL TITLE, DULY AUTHORIZED <u>Attorney General</u>
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Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.

(For Regulation Review Committee Use ONLY)

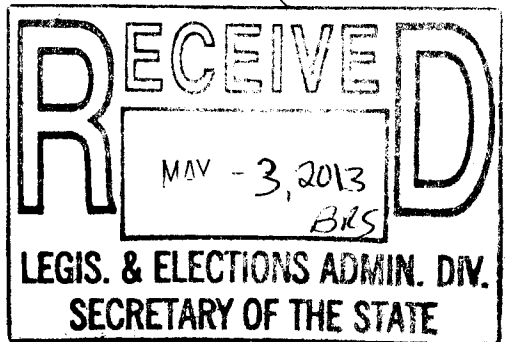
- Approved Rejected without prejudice
- Approved with technical corrections + Deletions Disapproved in part, (Indicate Section Numbers disapproved only)
- Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE <u>4/23/2013</u>	SIGNED (Administrator, Legislative Regulation Review Committee) Pamela B. Booth
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Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

DATE <u>5-3-2013</u>	SIGNED (Secretary of the State) 	BY
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(For Secretary of the State Use ONLY)



GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Sections 4-168 and 4-170 as amended by Public Act 11-150, Sections 18 and 19.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in brackets []. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The Certification Statement portion of the form must be completed, including all applicable information regarding *Connecticut Law Journal* notice publication date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the statement)

1. Indicate whether the regulation is a regular or an emergency regulation adopted under the provisions of CGS Section 4-168(f).
2.
 - a) Indicate whether the regulations contains newly adopted sections, amendments to existing sections, and/or repeals existing sections. Check all cases that apply.
 - b) Indicate the specific legal authority that authorizes or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
3. Except for emergency regulations adopted under CGS 4-168(f), and technical amendments to an existing regulation adopted under CGS 4-168(g), an agency must publish notice of its intent to adopt a regulation in the *Connecticut Law Journal*. Enter the date of notice publication.
4. CGS Section 4-168(a)(7) prescribes requirements for the holding of an agency public hearing regarding proposed regulations. Enter the date(s) of the hearing(s) held under that section, if any; also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law.
5. As applicable, enter the effective date of the regulation here, or indicate that it is effective upon filing with the Secretary of the State. Please note the information below.

Regulations are effective upon filing with the Secretary of the State or at a later specified date. See CGS Section 4-172(b) which provides that each regulation is effective upon filing, or, if a later date is required by statute or specified in the regulation, the later date is the effective date. An effective date may not precede the effective date of the public act requiring or permitting the regulation. Emergency regulations are effective immediately upon filing with the Secretary of the State, or at a stated date less than twenty days thereafter.

<p>Regulation of the Department of Consumer Protection</p>
<p>CONCERNING</p>
<p>Standards for Foods</p>
<p>Approved by the Attorney General February 7, 2013</p>
<p>Approved by the Legislative Regulation Review Committee on April 23, 2013</p>
<p>Received and filed in the Office of the Secretary of the State May 3, 2013 Effective Date: May 3, 2013</p>
<p>Published in the Connecticut Law Journal</p>