

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Agr 1000 SEAL OF QUALITY

Statutory Authority: RSA 426:1, 426:2, 426:8

PART Agr 1001 PURPOSE AND SCOPE

Agr 1001.01 Purpose. These rules implement the procedures of the department of agriculture, markets and food pursuant to RSA 426:1 et seq., and provide standards of quality for farm products which are to be met for the use of the state of New Hampshire seal of quality design in connection with the sale of those farm products.

Source. #2123, eff 8-20-82; ss by #2824, eff 8-20-84, EXPIRED 8-20-90

New. #5196, eff 7-31-91, EXPIRED 7-31-97

New. #6734, eff 4-21-98, EXPIRED: 4-21-06

New. #10952, eff 10-21-15

Agr 1001.02 Scope. These rules shall apply to any New Hampshire agricultural producer who elects to participate in the seal of quality program, except as stated in Agr 1003.04 (a).

Source. #2123, eff 8-20-82; ss by #2824, eff 8-20-84, EXPIRED 8-20-90

New. #5196, eff 7-31-91, EXPIRED 7-31-97

New. #6734, eff 4-21-98, EXPIRED: 4-21-06

New. #10952, eff 10-21-15

PART Agr 1002 GENERAL REQUIREMENTS

Agr 1002.01 Application For Permit.

(a) A producer of New Hampshire farm products may obtain an application for a permit to use the New Hampshire seal of quality design in connection with the sale of said farm products by writing to the New Hampshire department of agriculture, markets and food, division of regulatory services, PO Box 2042, Concord, NH 03302-2042.

(b) An applicant for a permit to use the New Hampshire seal of quality on farm products under RSA 426:1, 426:2, and 426:8 shall complete and submit Form SQ-1 "Application for Permit To Use The New Hampshire Seal of Quality on Farm Products," as amended 6-1-15.

(c) Permit applications, furnished by the commissioner, shall be accompanied by an annual permit fee of \$25 for maple products, and \$10 for all other covered commodities, payable to Treasurer, State of New Hampshire.

(d) Prior to the issuance of an initial permit by the department an inspection shall be made by the department to determine compliance with the rules for the particular product or products as stated in Agr 1003.

(e) Renewal permits may be subject to an annual inspection by the department.

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(f) Within 30 days following an inspection the department shall issue a permit for the use of the seal of quality design if the application has complied with Agr 1003.

(g) The department shall notify the applicant in writing of the reason(s) for denial of a permit.

(h) For those who receive a denial of a permit, within 10 days following receipt of an official denial from the department, the applicant may implement corrective actions in order to comply with the seal of quality standards.

(i) For those who receive a denial of a permit, and implement corrective actions, a follow up inspection shall be conducted to verify compliance with the seal of quality standards.

(j) Within 10 days following receipt of an official denial from the department, the applicant may request a hearing to show reasons why the permit should not be denied.

(k) The following shall apply for permits:

(1) A permit holder shall be issued an official seal of quality permit with a number, which shall be the same for each year; and

(2) All permits shall be issued annually for the period of July 1 to June 30 of the following year; and permits shall expire on June 30 if not renewed.

Source. #2123, eff 8-20-82; ss by #2824, eff 8-20-84, EXPIRED 8-20-90

New. #5196, eff 7-31-91, EXPIRED 7-31-97

New. #6734, eff 4-21-98 (from Agr 1001.01), EXPIRED: 4-21-06

New. #10952, eff 10-21-15

Agr 1002.02 Revocation of Permit.

(a) The seal of quality permit shall be revoked by the commissioner when it has been determined through investigation that any of the rules of this chapter have been violated, provided that:

(1) The department has notified the permit holder in writing of the reasons for revocation and unless noncompliances have been corrected the permit shall be revoked after 30 days from receipt of the notice;

(2) The permit holder shall be afforded the opportunity for a hearing to demonstrate the reasons why the permit should not be revoked; and

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(3) Any request for a hearing shall be put in writing within 10 days from notification of the department's intent to revoke.

Source. #2123, eff 8-20-82; ss by #2824, eff 8-20-84, EXPIRED 8-20-90

New. #5196, eff 7-31-91, EXPIRED 7-31-97

New. #6734, eff 4-21-98 (from Agr 1001.02), EXPIRED: 4-21-06

New. #10952, eff 10-21-15

Agr 1002.03 Approval of Seal of Quality Design.

(a) A person holding a current seal of quality permit may use the seal of quality design on containers, labels, signs, advertising or other informational or promotional material.

Source. #2123, eff 8-20-82; ss by #2824, eff 8-20-84, EXPIRED 8-20-90

New. #5196, eff 7-31-91, EXPIRED 7-31-97

New. #6734, eff 4-21-98 (formerly Agr 1001.03), EXPIRED: 4-21-06

New. #10952, eff 10-21-15

PART Agr 1003 PRODUCTS THAT MAY BEAR THE SEAL

Agr 1003.01 Apples.

(a) The following requirements shall apply for use of the seal of quality design on apples:

(1) A packer of New Hampshire apples may use the state of New Hampshire seal of quality design after receiving a permit from the department;

(2) Apples shall be labeled in accordance with the provisions of the New Hampshire Apple Grading Law, RSA 434:19-32;

(3) Apples shall meet the requirements of one of the following grades, as specified in Agr 901, Grades:

a. U. S. Extra Fancy;

b. U. S. Fancy; or

c. Combination U. S. Extra Fancy and U. S. Fancy;

(4) Apples shall meet the requirements of the U. S. Condition Standards as specified in the U.S. Standards for Grades of Apples as promulgated by the U.S. Department of Agriculture under 7 CFR, Section 51.300-51.322, 2002 edition, available as specified in Appendix II; and

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(5) Apples shall be packaged in accordance with the Packing Requirements as specified in the U.S. Standards for Grades of Apples as promulgated by the U.S. Department of Agriculture under 7 CFR, Section 51.300-51.322, 2002 edition, available as specified in Appendix II.

Source. #6734, eff 4-21-98 (from Agr 1002.01), EXPIRED:
4-21-06

New. #10952, eff 10-21-15

Agr 1003.02 Cider.

(a) The following requirements shall be met for use of the seal of quality design on cider:

(1) A producer of New Hampshire cider may use the state of New Hampshire seal of quality design after receiving a permit from the department;

(2) Cider shall be produced, packaged and labeled in accordance with RSA 434:40-a et seq and with Agr 907;

(3) Additional processing and packaging requirements for cider shall be as follows:

a. Cider processing shall be done in an enclosed building which shall be constructed and equipped as follows:

1. The floors shall be constructed of easily cleanable materials and shall provide drainage;

2. The walls and ceilings shall be constructed of easily cleanable materials; and

3. Hot water at a temperature of 140 degrees F or higher or steam shall be available on the premises for cleaning equipment;

b. All apples shall be washed and brushed with potable water or water that has been treated with a substance or method that renders it safe for cleaning fruit prior to processing into cider;

c. Cider shall be filtered and/or screened through stainless steel mesh, filter paper or other suitable material sufficiently to remove coarse material and to minimize the presence of sediment;

d. Storage vessels used to store cider post manufacturing and prior to bottling shall be covered; and

e. Retail containers shall be:

1. Marked with the date the containers were packed, but a date code may be used as an alternative provided the method of coding shall be filed with the department; and

2. Kept refrigerated at a temperature of 45 degrees F or set in ice.

Source. #6734, eff 4-21-98 (from Agr 1002.02), EXPIRED:
4-21-06

New. #10952, eff 10-21-15

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Agr 1003.03 Shell Eggs.

(a) The following requirements shall apply for the use of the seal of quality design on shell eggs:

(1) A packer of New Hampshire shell eggs may use the state of New Hampshire seal of quality design after receiving a permit from the department;

(2) The following labeling, grading, processing and handling requirements shall be met:

a. Eggs shall be labeled in accordance with the provisions of RSA 438:22-30;

b. Eggs shall be sized and conform to the size classifications list in the U.S. Standards, Grades and Weight Classes for shell eggs as promulgated by the U.S. Department of Agriculture under 7 CFR Part 56, Subpart C, 2008 edition, available as specified in Appendix II;

c. Eggs shall be candled and meet the standards for AA quality or for A quality as specified in the U.S. Standards, Grades and Weight Classes for shell eggs as promulgated by the U.S. Department of Agriculture under 7 CFR Part 56, Subpart C, 2008 edition, available as specified in Appendix II;

d. Eggs shall be packed in new, clean, sound cartons and containers;

e. Cartons shall be labeled with the following information in addition to that required in RSA 428:22-30:

1. The name and address of the packer/permit holder; and

2. The packing date or an expiration date code or both;

f. Eggs shall be maintained at a temperature of 45 degrees F or below subsequent to grading and packaging; and

g. The permit holder shall ensure that the seal of quality labeled eggs are offered for sale at retail at a temperature of 45 degrees F or below, whether offered for sale at the permit holder's place of business or any other location.

Source. #6734, eff 4-21-98 (from Agr 1002.03), EXPIRED:
4-21-06

New. #10952, eff 10-21-15

Agr 1003.04 Maple Products.

(a) By July 1, 2017, producers and packers shall comply with the following requirements for use of the seal of quality design on New Hampshire maple products:

(1) A producer or packer of New Hampshire maple products may use the state of New Hampshire seal of quality design after receiving a permit from the department;

(2) A packer of New Hampshire maple products may use the state of New Hampshire seal of quality design on products sourced only from seal of quality permit holders;

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- (3) Maple products shall be in compliance with all applicable provisions of RSA 429:13-28, and with all applicable provisions of Agr 904;
- (4) Maple syrup shall meet one of the following grades:
- a. Grade A Golden, Delicate Taste;
 - b. Grade A Amber, Rich Taste;
 - c. Grade A Dark, Robust Taste; or
 - d. Grade A Very Dark, Strong Taste;
- (5) The following filter requirements for maple syrup shall be met:
- a. Sap filters shall be clean at the time of use with no evidence of mold or odors that may cause an off flavor;
 - b. Filtering materials, including but not limited to, a filter press, filter papers, wool or synthetic cone filters, shall be clean with no evidence of mold or odors that may cause an off flavor;
 - c. Only food grade lubricant shall be used in the filter press pump; and
 - d. Diatomaceous earth used shall be food grade, and shall be placed in a clean dry container with a lid;
- (6) The following container requirements for maple syrup shall be met:
- a. Drums and other bulk containers shall be stored and treated in a manner to prevent contamination;
 - b. Drums and other bulk containers not actively being filled shall be protected from debris and pests via sealed bungs or other means;
 - c. Drums that have been labeled “not for reuse” shall not be used;
 - d. Only new containers for packaged maple syrup shall be used;
 - e. Packaged maple syrup shall be filled to provide adequate space to make certain that the inner seal is properly sealed, then capped; and
 - f. All containers used for packaged maple syrup shall be stored in a manner that will prevent contamination from debris, animals, or other sources, prior to filling;
- (7) The following requirements shall apply to buildings where maple sap and maple syrup is stored, produced, further processed or packaged:
- a. All light bulbs over sap or syrup, including over tanks, releasers, boiling pans, filters, and canning equipment, shall be protected by shields or slip on tubes to prevent broken glass from falling into food contact equipment, sap or syrup;
 - b. The interior and exterior of buildings shall be clean and free of debris;

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- c. There shall be protection to prevent contamination from falling into a tank, pan, or other container that will contact sap or syrup;
 - d. All surfaces in the buildings which could contact sap or syrup shall be clean and free from dirt, mold, debris or evidence of pests at the time of use;
 - e. The producer shall document the startup cleaning procedures used for tank, pans, and all food-contact equipment; and
 - f. Floors shall be of concrete or some other material capable of being easily cleaned;
- (8) The following requirements shall be met for materials that will come into contact with sap or syrup:
- a. The materials shall not:
 - 1. Have previously held non-food grade products;
 - 2. Have previously held food considered an allergen; and
 - 3. Be rusty or have painted interiors; and
 - b. Tubing and pipes used for sap and syrup transfer shall be food-grade;
- (9) The following sanitation requirements for maple syrup shall be met:
- a. Clean water, liquid soap, and disposable towels shall be present for hand washing;
 - b. Domestic animals shall not be in the rooms where sap and syrup are being boiled, packed, or otherwise processed; and
 - c. A supply of clean, hot water shall be readily available for cleaning equipment. Pond or brook water shall not be used for cleaning equipment;
- (10) Chemicals used in a maple operation shall meet the following requirements:
- a. Pesticides shall not be kept in any room where sap or syrup is present;
 - b. Equipment cleaners and petroleum products shall be stored in such a way as to prevent contamination of sap and syrup; and
 - c. A response plan shall be in place in the event of a chemical spill; and
- (11) Maple operations that use any lead-containing equipment which contacts sap or syrup, such as but not limited to, lead soldered pans, galvanized buckets or storage tanks, shall meet the following requirements:
- a. Maple syrup shall be analyzed for lead by a private or state lab;
 - b. The cost of the lead test shall be paid by the maple producer;
 - c. Results shall not exceed New Hampshire's State level of concern of 250 ppb for lead in maple syrup; and

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d. The seal of quality permit shall not be issued or renewed to producers whose syrup exceeds the 250 ppb level of lead.

Source. #6734, eff 4-21-98 (formerly Agr 1002.04),
EXPIRED: 4-21-06

New. #10952, eff 10-21-15

Agr 1003.05 Honey.

(a) The following requirements shall apply for use of the seal of quality design on honey:

- (1) A producer or packer of New Hampshire honey may use the state of New Hampshire seal of quality design after receiving a permit from the department;
- (2) Honey shall be in compliance with all applicable provisions of RSA 429:13-28;
- (3) Honey shall meet one of the following grades:
 - a. U.S. Grade A; or
 - b. U.S. Grade B;
- (4) Honey packages shall be labeled to state the predominant floral source and possess the color and flavor specific to that type except that when a single floral source is not predominant or the floral source is not known, then the label shall state "wildflower"; and
- (5) Honey shall not have a moisture greater than 18.6 percent by volume.

Source. #6734, eff 4-21-98 (formerly Agr 1002.05),
EXPIRED: 4-21-06

New. #10952, eff 10-21-15

Agr 1003.06 Raspberries.

(a) The following definitions for seal of quality raspberries shall apply:

- (1) "Anthracnose" means a fungal plant disease characterized by necrotic lesions.
- (2) "Damage" means any defect, or any combination of defects, which materially detracts from the appearance, edibility or marketing of the raspberries;
- (3) "Overripe" means beyond peak maturity or soft, necessitating immediate consumption;
- (4) "Serious damage" means any defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the berry and includes berries which are badly deformed, crushed, leaky, moldy, decayed or which have poor color characteristics of immature berries, or berries from which the core has not been removed;
- (5) "Well colored" means that the whole surface of the berry shows a color characteristic of a mature berry; and
- (6) "Well developed" means that the berries are not misshapen owing to anthracnose injury, frost injury, lack of pollination, insect injury or other causes.

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- (b) The following requirements shall apply for the use of the seal of quality design on raspberries:
- (1) A producer of New Hampshire raspberries may use the state of New Hampshire seal of quality design after receiving a permit from the department;
 - (2) Raspberries shall be of one variety and meet the requirements of the New Hampshire No. 1 grade as follows:
 - a. Well colored and well developed;
 - b. Not soft, overripe or broken;
 - c. Free from cores, sunscald, mold and decay; and
 - d. Free from damage caused by dirt or other foreign matter, shriveling, moisture, disease, insect, or mechanical or other means;
 - (3) In order to allow for variations incident to proper grading and handling not more than 10 percent by volume of the berries in any lot shall fail to meet the requirements of this grade, including therein not more than 5 percent for defects causing serious damage, and including in this latter amount not more than one percent for berries which are affected by mold or decay;
 - (4) Individual packages shall contain not more than 1 ½ times the tolerance specified, provided that the average for the entire lot is within the tolerance specified; and
 - (5) The following labeling and packaging requirements shall apply:
 - a. Raspberries shall be packaged in new, clean, sound containers, and
 - b. Containers shall be labeled to show the net contents and the name and address of the producer.

Source. #6734, eff 4-21-98 (formerly Agr 1002.06),
EXPIRED: 4-21-06

New. #10952, eff 10-21-15

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Appendix I

Rule	Specific State Statute the Rule Implements
Agr 1001.01-Agr 1001.02	RSA 426:1
Agr 1002.01-Agr 1002.02	RSA 426:8
Agr 1002.03	RSA 426:2
Agr 1003.01-Agr 1003.06	RSA 426:1

Appendix II

Rule	Material Incorporated	How Materials May Be Obtained
Agr 1003.01(4) and (5)	U.S. Standards for Grades of Apples; 7 CFR, Section 51.300-51.322, 2002 edition	Electronic Code of Federal Regulations www.ecfr.gov
Agr 1003.03 (b) and (c)	U.S. Standards, Grades and Weight Class for shell eggs; 7 CFR Part 56, Subpart C, 2008 edition	Electronic Code of Federal Regulations www.ecfr.gov