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## Regulatory Considerations for Quail Processing Enterprises in Tennessee

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### Introduction

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Regulations are an important consideration for all value-added agricultural enterprises. Determining which regulations apply, identifying which agency is responsible for enforcing the regulations and interpreting how the regulations apply to each enterprise, however, can be challenging. This process is made even more challenging as the applicable regulations vary with the specific product being processed, how it is packaged, how it is stored, who it is sold to (wholesale or retail) and how it is transferred to the customer (delivery).

Producers should contact regulators early on in the planning stages and throughout the development and implementation of an enterprise to discuss their idea or situation, applicable regulations and the best methods to meet the requirements. Clear communication with regulators can save significant time and expense for producers.

Regulatory considerations for a quail processing enterprise are no different. Learning about the regulations involved is very important and encompasses all of the challenges described.

In particular, quail processing enterprises in Tennessee should consider regulatory requirements including the following:

- ◇ Local Zoning (city, county)
- ◇ Local Business Taxes and Licenses (city, county)
- ◇ Employment Regulations (various state and federal agencies)
- ◇ Registration of Food Facilities (FDA)
- ◇ Good Manufacturing Practices (FDA)
- ◇ Food Labeling Requirements (FDA)
- ◇ State Retail Licensing (TDA)

This fact sheet will provide a brief overview of these seven regulatory considerations for quail processing enterprises in Tennessee.

### Local Zoning

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Zoning ordinances regulate the use of land in a specific area. According to Tennessee law, zoning is regulated either by the city, if within city limits, or by the county, if outside city limits. Zoning ordinances may dictate the use of buildings and structures for trade, industry, residence, recreation or other purposes. Some business activities may not be allowed in particular geographic locations.<sup>1</sup>

Producers should check local zoning ordinances early on in the planning stages of

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<sup>1</sup> Ziehl, Amanda and Megan Bruch. "Regulations." *Agritourism in Focus: A Guide for Tennessee Farmers*. October 2005.

any value-added enterprise, including quail processing, to determine whether the activity is permitted. Changing the zoning ordinances for a particular location may be difficult or impossible, and a business may be fined or forced to close if operating in violation of zoning laws.

### **Local Business Taxes and Licenses**

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The state authorizes counties and cities to levy a privilege tax for operating a business in their jurisdictions. Therefore, city and county governments may collect business taxes based on a percentage of gross sales and the assigned business classification. Businesses with less than \$3,000 in annual sales may be exempt from paying business tax.

Cities and/or counties may also require enterprises to obtain business licenses. These licenses must be renewed annually.

Contact the local city and/or county clerk for specific information on local business license and tax requirements.<sup>1</sup>

### **Employment Regulations**

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If personnel are employed in the processing facility, various employment regulations will need to be followed. The necessary regulations will vary according to the size of operation, the nature of the employee's job and the number of employees.

Employee safety will likely be of special importance in a processing facility. All employers must meet federal and state OSHA regulations. OSHA requires an employer to provide a safe working environment, inform employees of safety regulation, warn employees of existing hazards, supervise employee activities and supply and maintain necessary equipment inherent in the workplace.

More information on OSHA is available from the Tennessee Department of Labor and Workforce Development on-line at <http://www.state.tn.us/labor-wfd/tosha.html> or by calling (615)741-2793.<sup>1</sup>

### **Registration of Food Facilities**

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Facilities that manufacture, process, pack or hold food for human or animal consumption in the United States must register with the Food and Drug Administration (FDA) as required by the *Public Health Security and Bioterrorism Preparedness and Response Act of 2002*. The registration process provides FDA with information on the business including names and contact information of responsible persons and products produced. Registration can be accomplished on-line at [www.fda.gov](http://www.fda.gov) or through the local FDA office. There is no fee for registration.<sup>2</sup>

### **Good Manufacturing Practices**

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Quail processing facilities, like all food processing facilities, must meet all applicable requirements of the *Federal Food, Drug and Cosmetic Act*. Of particular importance in this act is Title 21 CFR Part 110, the *Current Good Manufacturing Practices in Manufacturing, Processing, Packing or Holding Human Food* (GMPs).

The GMPs "assure that food for human consumption is safe and has been prepared, packed and held under sanitary conditions." Requirements are given for personnel, buildings and facilities, equipment, and production and process controls.

Food facilities must be inspected to ensure GMPs are being following. Inspection for processing of quail and other types of

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<sup>2</sup> Morris, William C. *Getting Started in a Food Manufacturing Business in Tennessee*. University of Tennessee Extension Publication PB1399. Revised June 2005.

alternative or undomesticated livestock or animals such as bison, rabbits, deer, elk, wild turkey, wild ducks, wild geese and emus fall under the jurisdiction of the Food and Drug Administration (FDA). Other more traditional livestock and poultry processing is inspected through the United States Department of Agriculture (USDA).<sup>3</sup>

Unlike USDA who is required by law to be present during harvesting of the animals to inspect the meat products, FDA inspects facilities periodically throughout the year to ensure good manufacturing practices are being met but is not required to be present and inspect during all harvesting and processing operations.<sup>4</sup>

The GMPs are listed in University of Tennessee Extension publication PB1399 called *Getting Started in a Food Manufacturing Business in Tennessee* (pages 18-30), and is available on-line at <http://www.utextension.utk.edu/publications/pbfiles/pb1399.pdf>.

### **Food Labeling**

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In addition to processing inspection regulations, a quail processing enterprise will likely need to consider food labeling regulations, included in the *Federal Food, Drug and Cosmetic Act* Title 21 CFR Part 101. Food labeling is under the jurisdiction of the FDA.

The regulations specify the information that must be listed on the label, label size, location and other details. Labeling regulations are summarized in *Getting Started in a Food Manufacturing Business in Tennessee* (pages 30-35).

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<sup>3</sup> USDA has jurisdiction for regulation and inspection of most traditional meat and poultry through the Meat Inspection Act and Poultry Products Inspection Act.

<sup>4</sup> Hultman, Robert. FDA. Personal correspondence. October 19, 2005.

### **State Retail Licensing**

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While FDA would provide inspection for the processing facility and storage for a wholesale business, value-added enterprises often include a retail component. If a quail-processing facility included a retail storefront or was retailing products directly to end-users, the facility may require a retail permit from the Tennessee Department of Agriculture (TDA).<sup>5</sup> To receive a retail permit, the facility would have to pass inspection by TDA (at least two inspections per year) and pay the required permit fee.<sup>6</sup> *Getting Started in a Food Manufacturing Business in Tennessee* includes a copy of TDA's food establishment inspection form (pages 36-37).

#### **Summary**

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Regulations are an important and challenging component of analyzing any value-added agriculture venture, including quail processing. It is important to begin exploring regulatory issues early in the planning stages of an enterprise. Oversights in this process can be costly in both time and finances.

Regulations of special interest to quail processing enterprises will likely include:

- ◇ Local Zoning (city, county)
- ◇ Local Business Taxes and Licenses (city, county)
- ◇ Employment Regulations (various state and federal agencies)
- ◇ Registration of Food Facilities (FDA)
- ◇ Good Manufacturing Practices (FDA)
- ◇ Food Labeling Requirements (FDA)
- ◇ State Retail Licensing (TDA)

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<sup>5</sup> Sandford, John and Buddy Woodson. TDA. Personal correspondence. October 19, 2005.

<sup>6</sup> As of October 2005, the permit fee varies from \$50 and up depending upon the type of retail operation.

## **Contacts**

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Contact information for local offices of regulatory agencies is listed as follows:

Tennessee Department of Agriculture  
Regulatory Services, Food and Dairy  
Ellington Agricultural Center  
P.O. Box 40627  
Melrose Station  
Nashville, TN 37204  
(615)837-5193  
<http://www.state.tn.us/agriculture/>

Tennessee Department of Labor and  
Workforce Development  
Andrew Johnson Tower, 8<sup>th</sup> Floor  
Nashville, TN 37243-0655  
(615)741-6642  
<http://www.state.tn.us/labor-wfd/index.html>

United States Food and Drug Administration  
New Orleans District – Nashville Branch  
297 Plus Park Boulevard  
Nashville, TN 37217  
(615)781-5380  
<http://www.fda.gov/>

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