**01-001 DEPARTMENT OF AGRICUL TURE, CONSERVATION AND FORESTRY**

 **DIVISION OF QUALITY ASSURANCE AND REGULATIONS**

**Chapter 347: BIRCH AND MAPLE SYRUP PROCESSING**

**SUMMARY**: The purpose of this chapter is to set forth standards for licensing and regulations for birch and maple syrup processing.

**1. Definitions**

For purposes of this chapter and unless the context otherwise indicates, the following words shall have the following meanings.

A. "Adequate" means that which is needed to accomplish the intended purpose in keeping with good public health practice.

B. “Birch Syrup” means the liquid food derived by concentration and heat treatment of the sap of the Black Birch (Betula Lenta), White Birch (Betula Papyrifera), Mountain Paper Birch (Betula Cordifolia), Gray Birch (Betula Populifolia) and Yellow Birch (Betula Alleghaniensis) tree. Alternatively, the word "syrup" may be spelled "sirup".

C. "Maple Syrup" means the liquid food derived by concentration and heat treatment of the sap of the maple trees (Acer) or by solution in water of maple sugar (maple concentrate) made from such sap. The solids content of the finished maple syrup shall not be less than 66% (sixty six percent) by weight (brix) at 68° Fahrenheit. Alternatively, the word "syrup" may be spelled "sirup".

D. "Department" means the Maine Department of Agriculture, Conservation & Forestry.

E. "Food contact surfaces" means those surfaces of equipment and utensils with which maple syrup comes in contact.

F. "Plant" means the building or buildings or parts thereof, used for the manufacturing, processing, packaging, labeling or holding of birch and maple syrup within the State of Maine.

**2. Premises**

A. The grounds of the outer premises of a birch and/or maple syrup plant shall be reasonably clean and free of unnecessary clutter or equipment that will create a rodent harborage.

B. Sewage and wastewater shall be disposed of in an approved septic system or other approved waste water disposal system consistent with Maine's *Subsurface Wastewater Disposal Rule*.

**3. Plant Construction and Design**

A. The plant shall have a roof to protect evaporator from the elements and condensation.

B. The fire shall be vented so as to prevent smoke and ashes from contaminating the syrup.

C. The plant shall be equipped with sufficient light so that thermometers, hydrometers, refractometers and other equipment are easy to read.

**4. Equipment and Utensils**

A. Equipment and utensils shall be adequate for their intended use.

B. Equipment shall be designed to prevent food contamination and shall be made of durable, non-porous and easily cleanable material. Evaporator pans, buckets, tanks and other food processing equipment shall not be made with solder consisting of lead in any quantity.

C. Light bulbs, fixtures, or other glass suspended over exposed food, food areas utilized in any step of preparation and in storage areas for food packaging containers, shall be of the shatter proof type, shielded or otherwise protected to prevent food contamination in case of breakage.

D. Equipment shall be kept in a clean, sanitary condition at all times and free from rust so as not to pose a risk of product contamination.

E. Only new containers shall be used for bottling finished product. Caps shall be of the tamper evident type.

**5. Sanitary Facilities and Controls**

A. The water supply shall be ample for all operations and shall be obtained from a potable public or private supply. Private water supplies shall be tested yearly. Small operations that bottle syrup only, directly from the evaporator, and utilize hot water drawn from the evaporator for equipment sanitizing are exempt from water testing.

B. All utensils and food contact surfaces of equipment used in the plant shall be cleaned prior to use and following any interruption during which such utensils and contact surfaces may have become contaminated.

C. Hand washing facilities shall be located in or conveniently available near the processing area.

D. Toilet facilities shall be provided to comply with United States Department of Labor standards in 29 CFR, section 1910.141. Birch and maple syrup processors are exempted from the requirements of this section if the processing plant is operated by the owner and immediate family members only and utilizes no outside employees, provided a toilet is available for immediate family in a family household conveniently located near the processing facility.

E. Sale of birch and maple syrup and birch and maple products made from permanent structures located at agricultural fairs on fair grounds may, with prior approval from the Department, utilize temporary hand washing and temporary ware washing facilities to comply with sanitary requirements and practices to assure safe food products are sold. Equipment used at these facilities that require disassembly for cleaning and sanitizing shall be disassembled at the end of each day and cleaned and sanitized, using a previously-approved method, before the start of the next day's activities. These temporary activities shall be limited to a period of not more than two weeks.

F. Birch and maple syrup shall be bottled hot at a temperature not less than 1850 F.

G. The pipeline tube shall be cleaned with an approved food grade sanitizer solution and rinsed prior to use and following any interruption during which the tube may have become contaminated.

**6. Labeling**

1. Each container shall bear:
2. The common name of the product;
3. Any marking that indicates pure Maine birch and maple syrup must be used exclusively for pure birch and maple syrup produced in this State that has not been bleached or lightened in color by artificial means.
4. The words "Maine Birch" and “Maine Maple” may not be used alone or in combination with other words on a label or container to designate the flavor of the contents unless all of the birch and maple flavoring of the contents is a pure birch and maple produced in this State.

2. Contents by volume;

3. Name and address of manufacturer or distributor and zip code; and

4. The grade of the maple syrup product, as determined in accordance with 01-001 *Code of Maine Regulations*, chapter 117 (*Official Standards for Maple Syrup Grades*).

**7. Personnel**

A. Any person who works in a birch and maple manufacturing establishment, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination by which there is a reasonable possibility of food, food-contact surfaces, or food-packaging materials becoming contaminated, must be excluded from any operations which may be expected to result in such contamination until the condition is corrected, unless conditions such as open lesions, boils, and infected wounds are adequately covered (e.g., by an impermeable cover). Personnel must be instructed to report such health conditions to their supervisors.

B. Personnel shall wear clean outer garments when working in the processing areas.

C. No tobacco shall be used in any form in the plant.

1. **Labeling of Further Processed Birch and Maple Products**
2. A person may not sell or offer for sale in any place or serve in any hotel, restaurant or other public eating place any birch or maple sugar, confection or candy or maple and birch syrup or any product labeled or represented as such that is in any way combined, interfused or diluted with cane or other sugars or other substance without distinctly marking, stamping or labeling the article or the package containing cane or other sugars or other substance or the advertisement of or menu statement with an accurate and descriptive name of the article
3. Birch and maple sugar or syrup, that is not a 100% maple or birch product shall state the percentage of birch or maple sugar and syrup that enters into its composition.
4. In the case of birch and maple confection or candy, the ingredients must be listed in the order of their predominance by the weight of each ingredient with the ingredient of greatest weight listed first.
5. The words “birch” or “maple”, “birched" or “mapled” and "birching" or “mapleing” and words of similar import, except as printed in the percentage statement, may not appear in any manner on the article in which a product of birch or maple syrup is combined, interfused or diluted, unless the word "blend" appears immediately before, after, above or below and in equal prominence with the words "birch" or “maple” words of similar import, or unless the term "birch” or “Maple” flavored appears in similar fashion on the label.

**9. Licensing**

A. **Application and Fee**. Application for approval for Birch and Maple Syrup Processing Plants shall be filed annually with the Department of Agriculture, Conservation & Forestry. Applications shall be accompanied by the appropriate fee as enumerated in Chapter 330, *License Fees to Manufacture and Sell Food & Beverages*.

B. **Additional License for Off Premises Further Processing of Birch and Maple Syrup Products.** The license for a birch and maple syrup processing plant allows the license holder to sell birch and maple syrup retail from the maple processing property and to distribute wholesale without additional license. Birch and maple syrup manufacturers who finish, bottle, blend and manufacture sugar, candy and other products shall obtain additional licensing for the location which birch, and maple products are further processed. Labeling of maple and birch products shall meet the labeling requirement of sections 6 and 8 of this rule.

C. **Additional License for Off Premises Sales**. The license for a birch and maple syrup processing plant allows the license holder to sell maple syrup retail from the maple processing property and to distribute wholesale without additional license. Retailing products beyond the processing property requires the seller to obtain a mobile vendor license from the Department to sell packaged products, except for packaged products offered for retail sale in a permanent structure at an agricultural fair that holds a valid license as described in (C.) below.

D. **Maple Product Sales at Agricultural Fairs**. Permanent structures erected on fair grounds shall be licensed by the Department of Agriculture, Conservation & Forestry for the retail sale of maple syrup and products. All portable vending carts, trailers or vehicles engaged in birch or maple product food service sales shall be licensed by the Department of Health & Human Services, Health Inspection Program.

E. **Inspection and Issuance**. Before a license is issued or renewed the Department shall inspect the premises of the applicant.

The Commissioner shall, within 30 days following receipt of application, issue a license to operate any Birch or Maple Syrup Processing Plant which is found to comply with 22 M.R.S.A., Chapter 551, Subchapter I and the provisions of this chapter. When any such applicant, upon inspection by the Commissioner, is found not to meet such requirements, the Commissioner is authorized to issue either a temporary license for a specified period not to exceed 90 days, during which time corrections specified by the Commissioner shall be made by the applicant for compliance or a conditional license setting forth conditions which shall be met by the applicant to the satisfaction of the Commissioner.

STATUTORY AUTHORITY:

 10 MRSA §2625; 21 MRSA §2154; 22 MRSA §§ 2153, 2154, 2167, 2168 and 2169

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