

**INSPECTIONS AND APPEALS DEPARTMENT[481]**

**Adopted and Filed**

**Rule making related to food processing plant inspections**

The Inspections and Appeals Department hereby amends Chapter 30, “Food and Consumer Safety,” and Chapter 31, “Food Establishment and Food Processing Plant Inspections,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 10A.104 and 137F.2(1).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 10A.104 and 137F.2(1).

*Purpose and Summary*

These amendments revise the definition of “food processing plant” to exclude premises or operations that are exclusively engaged in the production of Siluriformes, including catfish, and are inspected by the United States Department of Agriculture under a Federal Grant of Inspection from the list of premises that are not considered to be a food processing plant under the definition. These amendments also update the reference to the adopted parts of the Code of Federal Regulations. Subrule 31.2(9) currently adopts the 2019 Code of Federal Regulations, and this rule making adopts the same sections of the 2021 Code of Federal Regulations. No substantive changes were made to the pertinent parts of the 2021 Code of Federal Regulations.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 16, 2021, as **ARC 5703C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Department on July 21, 2021.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or

group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on September 15, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend rule **481—30.2(10A,137C,137D,137F)**, definition of “Food processing plant,” as follows:

“*Food processing plant*” means a commercial operation that manufactures, packages, labels or stores food for human consumption and does not provide food directly to a consumer. “Food processing plant” does not include any of the following:

1. to 5. No change.

6. Premises or operations that are exclusively engaged in the preparation or processing of Siluriformes, including catfish, and are regulated and inspected by the United States Department of Agriculture under a federal grant of inspection.

ITEM 2. Amend subrule 31.2(9), introductory paragraph, as follows:

**31.2(9)** *Adoption of Code of Federal Regulations*. The following parts of the Code of Federal Regulations (April 1, ~~2019~~ 2021) are adopted:

[Filed 7/21/21, effective 9/15/21]

[Published 8/11/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/11/21.