



*The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.*

## RESPONSE TO COMMENTS ON THE PROPOSED WYOMING FOOD SAFETY RULE UPDATES September 2012

The public comments to the proposed Wyoming Food Safety Rule updates have been reviewed. There were three areas of the proposed Food Rule that received comments. Listed below are the three areas including the modifications, if any, to those areas of the Food Rule that received comments.

The few comments received on the proposed Food Rule change to include “cut leafy greens” as a potentially hazardous food appear to come from the belief that this rule includes all produce greens. The “cut leafy greens” rule only applies to the leaves of greens that are cut, shredded, sliced, chopped, or torn into small pieces. “Cut leafy greens” does not include the whole plant that is harvested from the root and sold as a raw agricultural commodity at a farmers market or to a licensed establishment.

**Cut Leafy Greens:** It was determined that “cut leafy greens” would be removed from the proposed changes to the Food Rule until more information could be gathered on the processing of “cut leafy greens.” Local producers of greens will be able to continue to sell their whole greens cut off at the root at farmers’ markets, roadside stands and from their homes. Also, they will be able to sell the whole greens to licensed food establishments as before. “Cut leafy greens” whose leaves have been cut, shredded, sliced, chopped, or torn into small pieces will still not be allowed to be sold at farmers’ markets, roadside stands, or to licensed establishments unless they are processed in a licensed and inspected establishment.

The majority of comments received on the proposed changes to the Food Rule were concerned with the new subsection in Chapter 3, Section 8 regarding to whom unpasteurized (raw) milk could be provided. All comments on unpasteurized (raw) milk wanted to have the word “solely” removed from the proposed new subsection.

**Unpasteurized (Raw) Milk:** After reviewing all the comments on the proposed subsection on unpasteurized (raw) milk, and after discussions with the Governor’s Office, the Attorney General Office and the Director of the Department of Agriculture, it was determined that the word “solely” would be removed from the proposed subsection. The proposed subsection with “solely” removed does not allow direct sales of unpasteurized (raw) milk to the consumer.

Only a few comments were received on the new proposed Chapter 15 – Egg Grading Requirements. Those commenting believed this would not allow for the sale of ungraded eggs to customers and grocery stores. The sale of ungraded eggs, however, is not affected by the new Chapter 15. This chapter allows small egg producers to sell their eggs to restaurants and similar licensed establishments.

**Chapter 15 – Egg Grading Requirements:** There will be no changes to the proposed chapter on egg grading requirements and it will be submitted as proposed.

Thank you to everyone that submitted comments on the proposed Wyoming Food Safety Rule.

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