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Maple Sugaring Regulations in the Northern Forest and Quebec

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In this report, we describe how governments regulate maple sugaring in the Northern Forest and Quebec, Canada (the Northern Forest is comprised of northern New York, northern Vermont, northern New Hampshire, and the majority of Maine).¹ We document the basis of the regulation: Quebec regulates maple syrup producers through tap distribution, a practice that the states of the Northern Forest do not follow (nor do they regulate by sugar bush acreage). We begin with an overview of maple syrup grading systems, followed by a discussion of regulations in Northern Forest states excluding Vermont, Quebec regulations, and Vermont regulations.

Grading

As of March 2, 2015, the United States Department of Agriculture (USDA) redefined the maple syrup grading system used by all maple sugar producers, packagers, and sellers in the United States.² The new system was created under this law: Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Processed Food Products (7 CFR 52.1 through 52.83).³ The new system is comprised of definitions of grade and color. For syrup to be labeled “Grade A” it must meet six unique parameters:

- (1) Not more than 68.9 percent solids content by weight (Brix);
- (2) Good uniform color;
- (3) Good flavor and odor, and intensity of flavor (maple taste) normally associated with the color class;
- (4) Free from off flavors and odors considered as damage;

¹ "The Center/The Region," *Northern Forest Center: Economic & Conservation Initiatives*, accessed February 18, 2017, <https://northernforest.org/the-center-and-region/the-center-the-region>.

² "United States Standards for Grades of Maple Syrup," *United States Department of Agriculture*, March 2, 2015, accessed February 15, 2017, <https://www.ams.usda.gov/sites/default/files/media/MapleSyrupStandards.pdf>.

³ *Ibid.*

- (5) Free from cloudiness, turbidity, and sediment (and therefore clean);
- (6) No deviants for damage.⁴

Maple syrup is also categorized by color, which is determined by the following:

- (a) The percent of light transmission through the syrup as measured with a spectrophotometer using matched square optical cells having a 10mm light path at a wavelength of 560 nm. The color value is expressed as percent of light transmission as compared to analytical reagent glycerol fixed at 100 percent. Percent transmission is symbolized by “%Tc.”
- (b) Any method that provides equivalent results.⁵

The four types of Grade A color are golden, amber, dark, and very dark.⁶ Any maple syrup that does not meet Grade A requirements is labeled as “Processing Grade.”⁷ Processing Grade syrup may not be packaged for individual consumer sale, and must be sold in containers of five gallons or more.⁸ Processing Grade syrup “fails to meet the requirements of Grade A, but possesses a fairly good characteristic maple taste and may contain off-flavors, but is fairly free of damage, fairly free of turbidity or cloudiness, and is fairly clean.”⁹ All four states in the Northern Forest adhere to these grading standards.¹⁰

Between 2014 and 2015 the United States and Canada revised their grading systems to achieve uniform standards.¹¹ Canada changed its syrup grading system in 2014. The syrup is divided into two grades: Canada Grade A and Canada Processing Grade. Grade A is further classified using light transmission into the same subgrades used by the United States. The Canadian Food Inspection Agency (CIFA) and Ministry of Agriculture, Fisheries and Food of Quebec oversee the

4 Ibid.

5 Ibid.

6 Ibid.

7 Ibid.

8 Ibid.

9 Ibid.

10 Agency 20. Department of Agriculture, Food and Markets; Subagency 011.

Development Division; Chapter 002. Maple Products Regulation, Code of Vermont Rules, June 10, 2013, accessed February 20, 2017,

http://agriculture.vermont.gov/sites/ag/files/pdf/consumer_protection/Maple_Regulations_Final.pdf; Maine Revised Statutes, Title 7: Agriculture and Animals, Part 2: Marketing, Grading, and Labeling, Chapter 103: Products Controlled, Subchapter 8-B: Maple Products, §892-A. Official Grade Standards for Maple Syrup, 2013, accessed February 20, 2017, <http://legislature.maine.gov/statutes/7/title7sec892-A.html>; “Guide to Maple Grades,” *New Hampshire Department of Agriculture, Markets, and Food*, accessed on February 10, 2017,

<http://www.agriculture.nh.gov/publications-forms/documents/maple-grade-guide.pdf>; Agriculture and Markets Law, Circular 947, Manufacture, Distribution and Sale of Maple Syrup and Sugar, accessed February 10, 2017, <http://www.agriculture.ny.gov/FS/industry/04circs/maplesyrupansugarCIR947.pdf>.

11 Mitch Wertlieb and Melody Bodette, “Bye-Bye Grade B: USDA Adopts International Maple Grading System,” *Vermont Public Radio*, January 29, 2015, accessed February 20, 2017,

<http://digital.vpr.net/post/bye-bye-grade-b-usda-adopts-international-maple-grading-system#stream/0>.

grading of maple products in Canada.¹² Maple graders are CFIA inspectors or managers of CFIA-approved facilities and are responsible for determining the grade of each producer's maple syrup.¹³

States of the Northern Forest (excluding Vermont)

Maine

In Maine, maple syrup producers and processors must register annually with the Maine Department of Agriculture, Conservation & Forestry by completing a Food and Fuel License application.¹⁴ Maple producers are required to pay a \$2.00 fee if they produce less than 15 gallons of syrup per year and a \$25.00 fee if they produce more than 15 gallons of syrup per year.¹⁵

Maine law requires that all maple products be labeled with "the grade, volume, name and address of the producer or packer" and the "producer's or packer's seal . . . on the cap of the container."¹⁶ The term "Maine Maple" may only be used if the product is pure and produced solely within the state of Maine.¹⁷ Any maple product that is "combined, interfused or diluted with cane or other sugars or any substance" must have proper labeling indicating that it is not pure maple syrup.¹⁸

New Hampshire

New Hampshire law defines a commercial sugarmaker as "a person who collects or purchases maple sap for maple production and sale" and a maple packer as "a person who purchases and packs or further processes maple syrup for sale."¹⁹ Commercial sugarmakers and maple packers can voluntarily register for a six-year period with the New Hampshire Department of

¹² "Grading System," *Fédération des producteurs acéricoles du Québec*, accessed February 20, 2017, <http://fpaq.ca/en/federation/quality/grading-system/>.

¹³ "Labeling Requirements for Maple Products," *Canadian Food Inspection Agency*, February 24, 2017, accessed February 20, 2017, <http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/maple-products/eng/1392414400422/1392414462687?chap=0>.

¹⁴ "Applications and Forms," *Maine Department of Agriculture, Conservation and Forestry*, 2013, accessed February 20, 2017, http://www.maine.gov/dacf/qar/permits_and_licenses/application_forms.shtml.

¹⁵ Ibid.

¹⁶ "Labeling of Maple Syrup," Me. Rev. Stat. Tit. 7, §893, 1979, accessed February 20, 2017, <http://legislature.maine.gov/statutes/7/title7sec893.html>.

¹⁷ Ibid.

¹⁸ "Labeling Containers," Me. Rev. Stat. Tit. 7 §894, 1967, accessed February 20, 2017, <http://legislature.maine.gov/statutes/7/title7sec894.html>.

¹⁹ Title XL Agriculture, Horticulture and Animal Husbandry, Chapter 429 Beekeeping and Maple and Honey Products, Section 429:13, 2001, accessed February 20, 2017, <http://www.gencourt.state.nh.us/rsa/html/XL/429/429-mrg.htm>.

Agriculture, Markets, and Food.²⁰ The registration form requires the name of the applicant, the farm or business name, an address and phone number, and the designation of “commercial sugarmaker” or “maple packer.”²¹ Registrants’ names can be used for “disseminating information relative to the maple industry, conducting surveys on topics that are timely and important to the maple industry, and emergency notification to commercial sugarmakers and maple packers of conditions or practices found to adversely impact the quality of maple products.”²²

Labels on New Hampshire maple products must include the name and address of the maple producer, name of the product, volume, and grade.²³ The phrase “NH Maple Syrup” can only be added to the label if the product is produced exclusively within the state of New Hampshire.²⁴ Consumer sized containers must be “hot packed at 180° F or higher,” damage free, “of food grade material,” and have proper seals.²⁵ Maple syrup containers, caps, and closures must be sanitary, properly stored prior to use, and be free of substances that “could damage the color, flavor, marketability, purity or safety of the syrup.”²⁶

New York

Commercial maple producers in New York must complete a food processing establishment license and pay a \$400 fee in order to manufacture and sell maple products.²⁷

New York law requires that all maple products must be labeled as either “Grade A Maple Syrup” (followed by the subgrade) or “Processing Grade Maple Syrup” (accompanied by the phrases “For Food Processing Only” and “Not for Retail Sale”).²⁸ No one may sell any “compound or mixture as syrup which shall be made up of maple syrup mixed with any other syrup or ingredient without branding or labeling said syrup with a statement giving the ingredients of which it is made up.”²⁹

²⁰ Title XL Agriculture, Horticulture and Animal Husbandry, Chapter 429 Beekeeping and Maple and Honey Products, Section 429:13-a, 2000, accessed February 20, 2017, <http://www.gencourt.state.nh.us/rsa/html/XL/429/429-mrg.htm>.

²¹ Ibid.

²² Ibid.

²³ “Guidelines for Selling Maple Syrup,” *New Hampshire Department of Agriculture, Markets and Food*, accessed February 10, 2017, <http://www.agriculture.nh.gov/publications-forms/documents/maple-syrup-labeling-guidelines.pdf>.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ “Food Establishment Licenses,” *New York State Department of Agriculture and Markets*, accessed February 10, 2017, <https://www.agriculture.ny.gov/FS/license/pdfs/FSI-303.PDF>.

²⁸ Agriculture and Markets Law, Circular 947, Manufacture, Distribution and Sale of Maple Syrup and Sugar, accessed February 10, 2017, <http://www.agriculture.ny.gov/FS/industry/04circs/maplesyrupansugarCIR947.pdf>.

²⁹ Ibid.

Quebec

The regulatory system for maple products in Canada was created under the Agricultural Products Marketing Act, R.S.C. 1985, c. A-6.³⁰ The two regulations within this statute pertaining to the maple industry in Quebec are the Quebec Maple Sap and Maple Syrup Order, SOR/93-154, and the Quebec Maple Syrup Producers' Levy (Interprovincial and Export Trade) Order, SOR/93-195.

The Quebec Maple Sap and Maple Syrup Order authorizes the Federation of Quebec Maple Syrup Producers (FPAQ) to regulate the sale of maple sap and maple syrup for trade between Canadian provinces and for exports. The order also authorizes the federation to impose and collect levies on actors involved in the production or bulk sale of maple products in Quebec, to classify these people into groups, and to levy different charges based on the groupings. Levies may be used for "the creation of reserves, the payment of expenses and losses resulting from the sale or disposal of maple sap and maple syrup and the equalization or adjustment among the producers of maple sap and maple syrup of moneys realized from the sale thereof during such period or periods as the Commodity Board may determine."³¹

The Quebec Maple Syrup Producers' Levy (Interprovincial and Export Trade) Order creates a \$0.12 tax on each gallon of maple syrup that is sold in bulk through either interprovincial or export trade. The tax is paid to the FPAQ.³²

The FPAQ is a government-sanctioned group that oversees Quebec's 13,500 maple syrup producers through syrup production quotas, collective bulk sales, quality control, promotion, and research.³³ The quotas determine how many taps are distributed per year and are applied to any maple syrup or maple sap produced in Quebec. Producers' quotas can be increased if they produce more syrup without increasing the number of taps they use. The FPAQ Board of Directors decides whether to increase or decrease quotas.³⁴ In 2016, the Board of Food and Agricultural Markets in Quebec authorized new production quotas, allowing the FPAQ to issue five million new taps in 2017. These new taps will be distributed to applicants including young entrepreneurs, startups, and producers looking to expand their production operation.³⁵

³⁰ Agricultural Products Marketing Act, R.S.C., c. A-6. (1985)(Can.), accessed February 20, 2017, <http://www.laws-lois.justice.gc.ca/eng/acts/A-6/>.

³¹ Quebec Maple Sap and Maple Syrup Order, SOR/93-154, (1993) (Can.), accessed February 20, 2017, <http://www.laws-lois.justice.gc.ca/eng/regulations/SOR-93-154/page-1.html>. Commodity Board refers to the FPAQ.

³² Quebec Maple Syrup Producers' Levy (International and Export Trade) Order, SOR 93-195, accessed February 20, 2017, <http://laws-lois.justice.gc.ca/eng/regulations/SOR-93-195/page-1.html>.

³³ "Organization," *Fédération des producteurs acéricoles du Québec*, accessed February 20, 2017, <http://fpaq.ca/en/federation/fpaq/organization/>.

³⁴ "Quotas," *Fédération des producteurs acéricoles du Québec*, accessed February 20, 2017, <http://fpaq.ca/en/producer/useful-information/quotas/>.

³⁵ "New Quotas," *Fédération des producteurs acéricoles du Québec*, accessed February 20, 2017, <http://fpaq.ca/en/producer/useful-information/new-quota/>.

Vermont

According to Matthew Gordon, the Executive Director of the Vermont Maple Sugar Makers' Association, Vermont does not regulate by acreage or number of taps that sugar bush owners have or operate.³⁶ Many of Vermont regulations pertain to land registration, marketing, packaging, labeling, and adherence to the USDA grading system. Vermont's Use Value Appraisal (UVA) Program allows private lands to be appraised based on production value instead of residential or commercial value.³⁷ Sugarmakers enroll in the UVA program through the Vermont Department of Taxes and are required to uphold certain standards set by and regulated by the County Foresters.³⁸

Regulations regarding the marketing, packaging, and labeling of maple syrup are focused on the use of words and images related to Vermont. Producers and packers must keep detailed records of maple product sales with the word "Vermont" or the abbreviation "Vt." on the label or container.³⁹ Concise records of all maple products that are produced in Vermont or with Vermont maple products must be kept for the Vermont Department of Agriculture, Food and Markets.⁴⁰ Dealers and processors must maintain records containing the amount of syrup purchased and the name and address of the seller for three years. Failure to maintain these records could result in license loss or refusal.⁴¹ The Secretary of the Department of Agriculture, Food and Markets also sets packaging standards for maple products. All packages must be clean and free of rust with airtight tops and tamper proof seals.⁴²

Conclusion

All four Northern Forest states (Maine, New Hampshire, New York, and Vermont) adhere to the USDA maple grade regulations, but systems of business and land registration for maple producers vary by state. Minor differences exist between the states' labeling and marketing requirements. All of the states are protective of the authenticity of their unique state brand. Quebec has a more complex and in-depth regulatory system involving maple production quotas. Rather than being regulated by the government, maple products are regulated by The

³⁶ Matthew Gordon, email to Sarah Holmes, February 13, 2017.

³⁷ "Use Value Appraisal (Current Use)." *Vermont Department of Forests, Parks, and Recreation*, accessed February 20, 2017, http://fpr.vermont.gov/forest/your_woods/use_value_appraisal.

³⁸ Ibid.

³⁹ Agency 20. Department of Agriculture, Food and Markets; Subagency 011. Development Division; Chapter 002. Maple Products Regulation, Code of Vermont Rules. June 10, 2013, accessed February 20, 2017, http://agriculture.vermont.gov/sites/ag/files/pdf/consumer_protection/Maple_Regulations_Final.pdf.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid.

Federation of Quebec Maple Syrup Producers. There are less stringent regulations on maple syrup production in the states in the Northern Forest than in Quebec's highly regulated system.

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Disclaimer: This report has been compiled by undergraduate students at the University of Vermont under the supervision of Professor Anthony Jack Gierzynski, Professor Alec Ewald and Professor Eileen Burgin. The material contained in the report does not reflect the official policy of the University of Vermont.