



# Food Business Regulations and Options for Value-added Processing

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[virginiafoodworks.org](http://virginiafoodworks.org)

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# What is a “value-added” food?

When any agricultural product has been changed through some process – e.g. cooking, canning, freezing, dehydrating, baking – into a new product that can be sold




# What foods need inspection?

If food is manufactured for sale to the public, it must be inspected, OR have an explicit exemption.

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## GOING TO MARKET



**A Guide to Selling Raw, Processed and Prepared Food Products from Your Home, at Farmers' Markets, Stores & Roadside Stands**

**Do I need to get inspected? By whom?**

On the following pages Farm Market & Food Service Vendors will find the answers to these questions, which vary depending on the type of food product and preparation process used. The contact information for permitting and/or inspection requirements is on the back page.

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This is a great resource for direct-to-consumer sales.

# Who Regulates What?

Federal Government:

- **U.S. Dept. of Agriculture (USDA)** - Production and distribution of meat (2% or greater), poultry (2% or greater) and whole eggs, FSMA regulations
- **U.S. Food and Drug Administration (FDA)** - Production and distribution of all other non-meat packaged food, including dairy; labeling of packaged food products

Both FDA and USDA manage compliance with federal regulations. All businesses are expected to be compliant with all federal laws.

# Who Regulates What?

States/Local Governments:

1. **Virginia Department of Agriculture (VDACS)** regulates *packaged* foods; canned, frozen or baked with the intent to eat at a later date. In Virginia, VDACS represents the FDA for certain food products.
1. **Virginia Department of Health (VDH)** regulates *Ready to Eat* foods; chopped fruit, bakery items, catered foods

This is the level at which most small food businesses will be interacting. Your inspector will be from a state agency charged with upholding federal (as well as any additional state laws).

There may ALSO be local, county or city level laws that apply.

# 1. Virginia Department of Agriculture (VDACS) Regulates:

- Food Manufacturers
  - Commercial Kitchen
  - Home Kitchen
- Food Warehouses
- Supermarkets and Convenience Stores
- Seafood Markets
- Wineries, Breweries and Distilleries
- Bakeries
- Farmer's Markets Vendors (Overseen by local and state government)



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## 2. Virginia Department of Health (VDH) Regulates:

- Restaurants
- Catering Operation
  - Trucks and mobile units
- Carts and mobile units
- Bed and Breakfasts
- Delis (Not attached to Store)
- Convenience Store Delis
  - Greater than 15 seats
  - Associated with a national chain
- Private Farmer's Markets (Usually only inspect mobile units and foods needing temperature control for safety)



# Main federal regulations around food businesses

The federal food laws can be found under Code of Federal Regulations Title 21:

Good Manufacturing Practices (GMPs): 21 CFR 110

Food Labeling: 21 CFR 101

Acidified Foods: 21 CFR 114

Recent amendments have been made to CFR 21 by the passing of FSMA, the Food Safety Modernization Act



# Recent Changes from FSMA

The largest food safety overhaul since the '70s

- New rules for safe produce handling for farmers
- Rules for safe handling of animal food
- Updated GMP's codifying formerly recommended education and training requirements
- Traceability requirements: one step forward, one step back
- Food safety and recall plans: exemptions for "Qualified Facilities."

# Additional federal regulations around food businesses

Additional, more strenuous regulations are in place for certain products:

- Raw juice products and those products containing raw juice
- Fish and Fisheries
- Low-acid canned foods
- Products containing alcohol
- Drugs and Cosmetics

# A MUST-USE RESOURCE!

<http://www.vdacs.virginia.gov/pdf/va-food-handbook.pdf>



# Why all these regulations?

There are over 48 million estimated cases of foodborne illness each year. Most of these cases could have been avoided by preventative controls and proper processing.

Factors that create favorable conditions for pathogens: food, acidity, time, temperature, oxygen, moisture

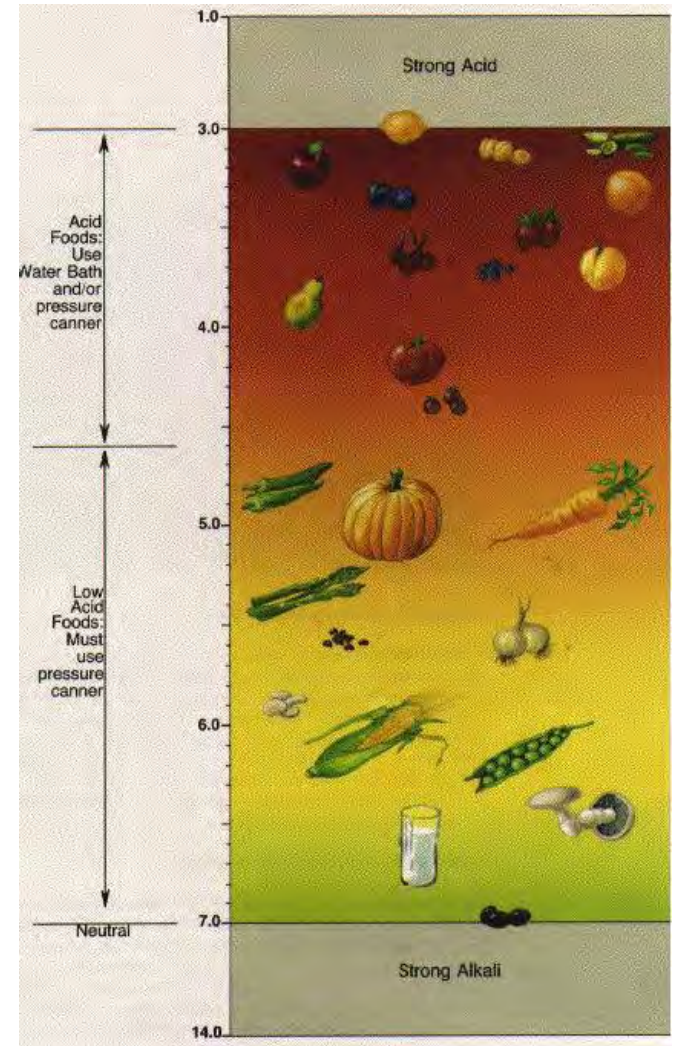
# pH and food safety

Without proper processing, there are many pathogens that can cause harm to humans. Clostridium Botulinum is among the most dangerous. The good news is, c. botulinum is controlled by a combination of heat, time, and acidity.

Acid Food < 4.6 pH

Low-acid Food > 4.6 pH

Acidified food: low acid foods to which acid or acid foods have been added for a pH < 4.6



# Where can you process?



- Your private home
- Shared-use kitchens
- Restaurants during off hours
- Local church kitchens
- Private schools during off hours
- Social service organizations' kitchens



# Home-based Kitchen vs. Commercial Kitchen?

## 1. VDACS:

- Allows home-based businesses
  - **Pets must be excluded by doors on kitchen and storage areas (Keeping pets in closed rooms during production will not satisfy requirement)**
- Does not allow home kitchens to be used for dairy product or meat products manufacturing
  - These must be processed in a separate facility from home kitchen

## 2. VDH:

- Does not allow home-based businesses
- Must be separate facility from homeowner's kitchen

# Home-based Kitchen Inspection Exemption

- Section § 3.2-5130 of Virginia Code of Law
- Also known as “Cottage Food Laws”
- Vary state to state
- This is an exemption from inspection, not an exemption from the regulations.
- Only certain low-risk products are eligible for exemption
- Products must be sold directly to the end user at a farmer’s market or from their own home. No internet sales, no wholesale.
- Product must bear label: Not for resale -- prepared without state inspection
- There are additional sales limits and other restrictions



# Home-based Kitchen Inspection Exemption

The following types of foods are allowed under the home inspection exemption:

- Jams and jellies not considered to be acidified foods (aka ARE considered to be acid foods)
- Dry fruits, herbs, spices, nuts, tea, coffee
- Candies
- Granola, trail mix
- Baking mixes
- Baked goods that do not require time and temperature control after preparation
- Certain acidified vegetables (pickles)

# Choose between Co-packing and D.I.Y. processing



# Commercial Kitchen Facilities

## Commercial Kitchens & Co-Packers

Ashburn Sauce, Va. Beach  
Ashman Manufacturing, Va. Beach  
HATCH Kitchen RVA  
Kitchen Thyme, Richmond  
Kitchen Share, Richmond  
ChiknEgg's CooknNook, Goochland  
Virginia Chutney Company, Flint Hill  
Union Kitchen, DC  
Frontier Kitchen, Lorton  
Barrett's Commissary Kitchen, Alexandria  
Highland Center Incubator Kitchen,  
Monterey  
LEAP Community Kitchen, Roanoke

+ others you can tell us about?

## Canneries:

\*Hillsville Cannery, Carroll County  
CAA Cannery, Halifax County  
New London Cannery, Bedford County  
Callaway & Glade Hill Canneries,  
Franklin County  
Keezletown Cannery, Rockingham  
County  
\*Prince Edward County Cannery  
\*Hanover County Cannery  
Bowling Green Cannery, Caroline  
County  
Castlewood & Honaker Canneries,  
Russell County

\* = processing allowed for resale

# Apply to manufacture your food product: VDACS Application Basics

## **Process:**

- \$40 Fee (annually)
- Submit packet
- Obtain feedback
- Inspector will visit processing facility

## **Application requires:**

- Detailed recipe and process
- Floor plan of establishment
- Well water test
- Zoning documentation
- Process Approvals
- Product label



COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services  
Division of Animal and Food Industry Services

Office of Dairy & Foods

PO Box 1163, Richmond, Virginia 23218

Phone: 800/552-9963 or 804/786-8899 • Fax: 804/371-7792 • Hearing Impaired: 800/828-1120  
www.vdacs.virginia.gov

Mr or Madam:

Thank you for your inquiry regarding starting a food business.

The following materials are enclosed: a step by step guide to starting your food business, the Virginia Food Laws, Sanitation Practices, and other appropriate information pertaining to your food business.

If you have any questions, please contact Pam Miles at (804) 786-3520. If you wish to send the required information from Step 1 in the *Starting Your Food Business* guide, please include the following information:

Send to: Office of Food Safety  
Pam Miles  
PO Box 1163, Room 510  
Richmond, VA 23219

You are advised that section 398.1 of the Virginia Food Laws **requires** that your firm be **inspected prior to start of food operation**. Be sure to include the **Information Request Sheet** with your packet so that your assigned Inspection Specialist will know how to contact you for a follow up inspection. **An inspection of your operation will not be scheduled until all of the necessary information requested in the packet has been received.**

It is important to mention that there is a **\$40.00 "inspection fee"** required for all of our firms. You will not be required to pay this fee at the time of your initial inspection; however, you will receive a bill during our next billing cycle. If you have questions about this inspection fee, you may visit our website at [www.vdacs.state.va.us/fdsafety/index.html](http://www.vdacs.state.va.us/fdsafety/index.html) and click on *Food Safety Inspection Fees—Frequently Asked Questions* to contact our office at (804) 786-3520.

If your proposal involves **acidified foods** (pickled products, salsa, barbecue sauces, hot pepper jelly, salsas, pumpkin butter, etc.), your process must be approved by a competent processing authority, as described in the *Starting Your Food Business* guide. **Please be sure to include a copy of your process approval letter when you submit your packet of information.**

We appreciate your interest and remember that we are here to assist you in any way.

Sincerely,

Davis  
Inspection Supervisor  
Food Safety & Security Program

Enclosures

Submit completed  
paperwork to regional office:

1. Southwest:

Lisa Ramsey

540-562-3641

2. Northern Virginia:

Nikeya Thomas

804-785-3033

3. Tidewater:

Courtney Michiewicz

757-363-3840

# Good Manufacturing Practices (GMP) Basics

- Hand washing sinks
- 3 compartment sink
- Ventilation
- Adequate plumbing
- Dish machines (optional: must be commercial grade)
- Smooth & Cleanable Surfaces
- Cleaning and sanitizing of food contact surfaces
- Employee hygiene and health
- Proper ingredient and product handling (inspection of raw product, cold or hot holding)
- Process control
- Employee training and knowledge of foodborne pathogens

# Virginia Department of Agriculture and Consumer Services (VDACS) :

## Contact:

**Office of Dairy and Foods  
Food Safety and Security Program**

[www.vdacs.virginia.gov](http://www.vdacs.virginia.gov)

(804)786-3520

[foodsafety@vdacs.virginia.gov](mailto:foodsafety@vdacs.virginia.gov)



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# Virginia Department of Health (VDH)

- Contact [www.vdh.virginia.gov](http://www.vdh.virginia.gov) or local county VDH office
- VDH issues permits to operate food businesses serving READY TO EAT foods
- Permit application available from county VDH office- “Application for a Department of Health Foodservice Establishment Permit”
- Permits require regular evaluations
- \$40 application fee





# Where can you get help in creating your Value-Added Food?

Your regulatory agency

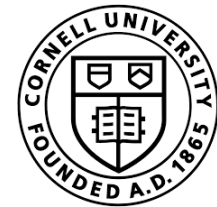
A Process Authority

- Virginia Tech's Food Innovation Lab
- Cornell's Food Venture Center
- NC State's Entrepreneurial Program

USDA Office of Rural Development

Local Extension Office

Virginia Food Works



# What is Virginia Food Works?



**Virginia Food Works** is a non-profit organization that works with existing and prospective producers of value-added foods, providing expertise and guidance on the steps involved from product development to final production. We offer contract packing (“co-packing”) services, specializing in the creation of value-added foods from locally grown ingredients.

# Where does Virginia Food Works operate?

- We operate out of the Prince Edward County Cannery, located near Farmville, VA
- Cannery is a “shared-use” facility that is geared toward processing fresh, local produce.
- Cannery is also available for processing “home use only” foods in metal cans (not for resale)



# What equipment is available?

- Produce washer
- Various choppers and dicers
- Commercial dishwasher
- Produce blancher
- 7 steam-jacketed kettles
- Food pump and metered filler
- Large-scale water bath
- Label applicator
- Walk-in fridge and freezer



# What products can be made?

- Shelf stable foods that are acidic, including sauces, salsas, fruit products, dressings, condiments
- Refrigerated or frozen foods of varying acidity, including dips and spreads
- Dry blends such as herb and tea mixes

Note: The facility is a VDACS Inspected, commercial kitchen. We are open to new products, ideas and uses for the kitchen!





# What services are provided?

- Providing guidance on processing regulations
- Co-packing
- Providing pre-approved recipes for local farmers
- Identifying suppliers (containers, labels, LOCAL ingredients)
- Providing use of kitchen facility and processing equipment
- Providing BPCS certified staff
- Testing of product samples for pH
- Explaining batch coding and record keeping
- Navigating FDA label requirements
- Providing jars and lids for purchase



# Pre-approved Recipes

These recipes have been reviewed by a Process Authority to be safe for production. We provide these recipes free of charge to clients of the cannery. This is a great option for farmers who aren't interested in launching a full proprietary value-added business.

Applesauce (plus Strawberry or Blackberry Applesauce)

Marinara Sauce

Pizza Sauce

Fruit Preserves or Jam (low or high sugar)

Peaches in light syrup

Pepper Jelly

Mushroom Vinaigrette

Peach Salsa

Tomato Salsa

Cooked Fruit Syrups



## How much does it cost?

Co-packing rates are between \$65 to \$125 per hour, depending on staff members needed for production. Clients can choose their level of participation (this can be a great way to lower costs!)

We do offer lower kitchen rental rates, but we expect those clients to be well-versed in the ins and outs of government regulations and food safety requirements.



# Cannery Considerations



- Often, produce can be delivered and processed same day
- Don't let the Cannery's location deter you
- Not all products need a hot water bath- ask us about hot fill/hold processing
- Try a test batch if you are unsure!

# Home Canning at Prince Edward Cannery

- June - December
- Monday-Wednesday-Saturday
- 7am-noon
- Produce must arrive by 10am
- Residents of Prince Edward, Cumberland, Charlotte, and Amelia Counties pay **\$1.00** per day to use the Cannery plus the cost of the cans. Residents of all other counties that use the cannery pay an additional 30% surcharge on their costs of cans. There is a flat \$10.00 fee to prepare food in the cannery that is not being heat processed
- [http://www.co.prince-edward.va.us/cannery\\_home\\_users.shtml](http://www.co.prince-edward.va.us/cannery_home_users.shtml)



# Contact Information

Michelle McKenzie

[michelle@virginiafoodworks.org](mailto:michelle@virginiafoodworks.org)

[virginiafoodworks.org](http://virginiafoodworks.org)