

VDACS- Food Safety Overview

Virginia Department of Agriculture & Consumer
Services
Office of Dairy & Foods
Food Safety Program



Selling Food Products

- ▶ All foods must be made in an inspected kitchen
 - ▶ *Unless the home kitchen exemption is followed*
- ▶ Virginia Department of Agriculture and Consumer Services (VDACS) inspects homes and community kitchens
- ▶ Virginia Department of Health (VDH) permits restaurants and temporary events

Starting a New Business Resources

- ▶ Home and commercial kitchen-based food businesses:
- ▶ <https://www.vdacs.virginia.gov/dairy-farmers-market-vendors.shtml>
- ▶ Food Safety Program Phone: 804-786-3520
- ▶ ‘How To’ documents that outline the application process and what to expect during an inspection:
 - ▶ Commercial Kitchen Food Processing Operation Guidance ([pdf](#))
 - ▶ Home Food Processing Operation Guidance ([pdf](#))
- ▶ Links to applications
- ▶ Links to laws & regulations

Application Process

- ▶ Submit a home or commercial kitchen food processing business application packet to VDACS at foodsafety@vdacs.virginia.gov
 - ▶ Applications are available on the VDACS website or via email by request
 - ▶ May also submit by mail
- ▶ Packet shall include:
 - ▶ Business information and zoning approval
 - ▶ Food processing and storage area diagram
 - ▶ Product list and planned distribution
 - ▶ Ingredient list, ingredient source, and recipes
 - ▶ Labels
- ▶ After the application review is complete, a Food Safety Specialist will contact you to set up a preoperational inspection
- ▶ Approval to sell products is granted following the satisfactory completion of the inspection

Home Kitchen Exemption

- ▶ Allows only the following foods:
 - ▶ Certain home-canned foods
 - ▶ Honey
 - ▶ Low risk foods

<http://www.vdacs.virginia.gov/pdf/kitchenbillfaq.pdf>

Home Kitchen Exemption

- **Low risk foods**

- ▶ candies
- ▶ jams and jellies (some restrictions)
- ▶ baked goods that do not need refrigeration
- ▶ dried fruits
- ▶ dry herbs
- ▶ dry seasonings
- ▶ dry mixtures
- ▶ coated and uncoated nuts
- ▶ vinegars and flavored vinegars
- ▶ popcorn, popcorn balls
- ▶ cotton candy
- ▶ dried pasta
- ▶ dry baking mixes
- ▶ roasted coffee
- ▶ dried tea
- ▶ cereals
- ▶ trail mixes
- ▶ granola

Home Kitchen Exemption

- ▶ Home-canned foods
 - ▶ Pickles and other acidified vegetables
 - ▶ pH of 4.6 or lower
 - ▶ pH monitored with an electronic pH meter
- ▶ Total gross annual sales must not exceed \$3,000 for all acidified products produced
- ▶ Comply with 21 Code of Federal Regulations 114 (Acidified Food Regulations)
- ▶ This category **does not** include the following:
 - canned fermented foods
 - canned foods that require refrigeration
 - canned acid foods
 - canned fruits
 - low-acid canned foods (pH greater than 4.6)

Home Kitchen Exemption

- ▶ You must adhere to all of the following criteria:
 - ▶ Products must be made in your home AND
 - ▶ Sold directly to the end consumer either from your home or at a farmers market AND
 - ▶ Not sold to other businesses for resale AND
 - ▶ Not offered for sale over the internet or across states lines AND
 - ▶ Each product labeled with the following: your name, physical address and telephone number, the date of food production and the statement “NOT FOR RESALE -PROCESSED AND PREPARED WITHOUT STATE INSPECTION”
 - ▶ Standard food labeling information is still required

Home Kitchen Exemption

- ▶ Honey
 - ▶ Includes only pure honey
 - ▶ Sales limited to 250 gallons of honey/year
 - ▶ Each product has to be labeled with "Processed and Prepared without State Inspection. "WARNING: Do Not Feed Honey To Infants Under One Year Of Age."
 - ▶ Standard food labeling information is still required
- ▶ Honey can be sold retail or wholesale

What Rules Apply?

- ▶ Whether inspected by VDACS or exempt from VDACS inspection, the laws and regulations must be followed
 - ▶ Virginia Food Laws
 - ▶ 21 CFR 117, Current Good Manufacturing Practices
 - ▶ 21 CFR 101, Food Labeling
 - ▶ Other regulations depending on type of food (seafood, acidified food, juice, dietary supplements, etc.)

Other Types of Food Products

▶ Eggs

- ▶ Virginia Egg Law: sell up to 150 dozen eggs/week of your own eggs and up to 60 dozen eggs/week of another producer's eggs without inspection
- ▶ Eggs must be clean, unbroken, and free of dirt and manure
- ▶ Properly refrigerated at 45 degrees F or below at all times
- ▶ Labeled with: name and address of producer/packer, the word “eggs,” safe handling instructions, and the term ‘ungraded’ or the appropriate grade
- ▶ “fresh eggs” can only be used if the eggs are graded
 - ▶ Eggs can be graded by the producer

<https://www.ams.usda.gov/sites/default/files/media/Egg%20Grading%20Manual.pdf>

“Safe Handling Instructions: To prevent illness from bacteria, keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly.”

Virginia Industrial Hemp Law

- ▶ The Virginia Industrial Hemp Law (“the Law”) only allows for the possession of the industrial hemp plant/plant material by persons registered pursuant to the Law

<http://www.vdacs.virginia.gov/plant-industry-services-hemp.shtml>

- ▶ Industrial Hemp: Any part of the plant *Cannabis sativa*, whether growing or not, with a concentration of tetrahydrocannabinol (THC) that is no greater than 0.3%
- ▶ The sale of hemp flowers, leaves, or micro greens to an individual who is not registered as a hemp grower, dealer, or processor is not permissible under the Law, and is ultimately a question for law enforcement

Industrial Hemp

- ▶ VDACS Food Safety Program inspects processors of industrial hemp-derived extracts intended for human consumption
- ▶ Specific application for hemp processors:
<http://www.vdacs.virginia.gov/dairy-industrial-hemp-derived-extract.shtml>
- ▶ ‘How To’ document that outlines the application process and what to expect during an inspection ([pdf](#))

Industrial Hemp

- ▶ Industrial hemp-derived extract **may be**:
 - ▶ Sold as a standalone product (e.g. CBD oil)
 - ▶ Added to manufactured foods under VDACS inspection
 - ▶ Submit home or commercial kitchen application
 - ▶ Provide documentation to ensure hemp extract comes from an approved source
- ▶ Industrial hemp-derived extract **may not be added to**:
 - ▶ Foods inspected by VDH
 - ▶ Includes any food prepared on-site at a farmer's market
 - ▶ Alcohol products
 - ▶ Animal feed
 - ▶ Includes pet treats
 - ▶ Spent hemp biomass may not be sold for animal feed

****GRAS: hulled hemp seed, hemp seed oil, and hemp seed protein**

Guidelines for Providing Safe Food Samples

- ▶ Safe preparation
- ▶ Use clean surfaces and utensils, good personal hygiene, and proper storage for prepared samples. Do as much prep at your inspected facility as possible where you have access to handwashing and utensil washing. Work on a clean surface, with clean utensils and make sure to wear gloves on clean hands. Wash fruits and vegetables in clean water prior to cutting, and once washed, store them so they do not become soiled.

Guidelines for Providing Safe Food Samples

Barrier between hand and food

Tongs, spoons, single-use deli paper, plastic cups, toothpicks or disposable gloves are a few examples of good tools. Bring extra with you so you do not run out. Remember: gloves must be placed on clean hands and changed often, and they do not substitute for proper hand washing.

Keep equipment clean

It is important that any knives, tongs, bowls, etc. that you use for your food samples is kept clean. You can make sure they stay clean if you follow a three step process of: wash in hot soapy water, rinse in clean water, and a 2 minute soak in a mild bleach-water solution, afterwards, letting the utensil air-dry. Bleach should be added at a ratio of about 1 teaspoon per gallon of water, which equates to about 50 ppm. This can be measured using chlorine test strips. Set this washing station up in three small plastic tubs.

Guidelines for Providing Safe Food Samples

Limitation of exposure time

If your sample requires refrigeration, limit its exposure to outside temperatures to 4 hours or less. After the 4 hours is up, discard any uneaten food samples. Keep extra samples cold in a cooler with ice packs.

Protection from the environment

You must protect the samples from the environment and dirty fingers. Display samples under covering like a dome or plastic wrap. To prevent customers from touching samples other than their own, place individual samples in single-serving containers or provide toothpicks.

General Assembly Update

HB837 Food and drink law permitting requirements

The Commissioner shall issue a permit to any food manufacturer, food storage warehouse, or retail food establishment.

It passed the House and Senate

- the effective date is July 1 for most of the state
- in localities that adopted a local food inspection or permitting ordinance prior to January 1, 2022 the effective date will be January 1, 2023.

Questions?

VDACS Food Safety

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