

VDACS Food Safety



What Does VDACS Inspect?

- ▶ retail grocery and convenience stores
- ▶ large and small manufacturers
- ▶ home based businesses (*considered manufacturers*)
- ▶ business that operate out of community/commercial kitchens (*considered manufacturers*)
- ▶ warehouses





Selling Food Products at the Market

- ▶ All foods must be made in an inspected kitchen
 - ▶ Unless the home kitchen exemption (Cottage Law) is followed (discussed later in presentation)
 - ▶ It is important to note, that if a business wants to make food products in a kitchen that is already under inspection by either VDACS or VDH, an application must still be filled out, reviewed, and a pre-opening inspection must take place PRIOR to the business beginning food production. Each business must have their own inspection, even if they are planning to process in a kitchen that is already under inspection.

Starting a New Business Resources

- ▶ Home and commercial kitchen-based food businesses:

<http://www.vdacs.virginia.gov/dairy-kitchen-food-services-businesses.shtml>

Food Safety Program Phone:
804-786-3520

foodsafety@vdacs.virginia.gov
(preferred)

- ▶ ‘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 laws & regulations



Starting a Home Food Processing Business in Virginia

General Information

Thank you for your inquiry regarding starting a home food manufacturing business in Virginia. The following documents are enclosed/attached, or are available at the VDACS website for you:

- VDACS Permit Application – Home Food Processing Operation
- Virginia Food and Drink Law
- 21 CFR 117 Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food
- How To document for completing this application and preparing for your inspection
- Other information pertaining to your food business

If, after reviewing the application and other materials, you have any questions, please contact the VDACS Food Safety Program at 804-786-3520 or foodsafety@vdacs.virginia.gov.

Please be advised that pursuant to section 3.2-5130 of the Virginia Food and Drink Law, it is unlawful to operate as a food manufacturer, food storage warehouse, or retail food establishment until it has been inspected and has been issued a permit for the operation of the food establishment. An inspection of your operation will not be conducted until all of the necessary information requested in the permit application has been reviewed by the VDACS Food Safety Program office. You will be notified when this has been completed.

Also, there is a \$40.00 annual fee for operating a food processing business. 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.

Sincerely,

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

-Equal Opportunity Employer-

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
- ▶ The application shall include:
 - ▶ Business information and zoning approval (you must contact your local city/county zoning office)
 - ▶ A diagram of your food processing and storage areas
 - ▶ Product list and planned product 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 your products is granted and a permit is issued following the satisfactory completion of a preoperational inspection

Who Receives Permits?



- ▶ ***Grocery and convenience stores***
- ▶ ***Large and small manufacturers***
- ▶ ***Home based businesses UNDER VDACS inspection (if operating under the Cottage Law, a permit is NOT issued)***
- ▶ ***Businesses that operate out of community/commercial kitchens***
- ▶ ***Warehouses***

Who Receives Permits?

- ▶ Permits are only issued after a business has a successful pre-opening inspection.
- ▶ In the past, VDACS issued only **Inspection Reports**. These reports were used by businesses and market managers as proof that a potential vendor was under inspection by a regulatory authority. Recently, VDACS has started issuing **permits**.
- ▶ VDACS inspected businesses should always keep a copy of their **permit** with them while they are selling/operating at the farmer's market.



A close-up photograph of fresh green herbs, including rosemary and thyme, tied with white string and resting on a rustic wooden cutting board. The background is softly blurred, showing more of the same herbs.

More About Permits

- ▶ VDACS permits do not state what food products the business can and cannot sell. The permit does state whether the business is a manufacturer, warehouse, or a retail store.
- ▶ VDACS regulated businesses are given permission to process and offer for public sale, the approved recipes that were submitted with their original application. These businesses are also aware that any new recipes must be **submitted and approved PRIOR** to those new food products being offered for public sale.
- ▶ Market Managers can contact VDACS to determine if the products that a vendor wishes to sell have been approved. Verifying that foods are coming from an approved source is extremely important.

FoodSafety@vdacs.virginia.gov



Where Can An Inspected Facility Sell Their Products?

Businesses that are under the inspection of VDACS can sell their food products direct to the consumer, at farmer's markets, to retail stores, across state lines, on the internet, to restaurants, and to manufacturers.

New Recipes

- ▶ Businesses grow!
- ▶ Recipes not submitted with your original application should be submitted for review, along with the product label, prior to offering those new products for sale



Making Food Product Under the Kitchen Exemption (Cottage Law)

- Low Risk Foods
- Certain Home Canned Foods
- Honey

- *Standard food labeling applies to food products that are made under the kitchen exemption.*

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



Making Food Product Under the 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



Making Food Products Under the Home Kitchen Exemption


- ▶ Home-canned foods
 - ▶ Pickles and other acidified vegetables
 - ▶ pH of 4.6 or lower
 - ▶ (pH is the measurement of how acidic or basic the product is)
 - ▶ pH monitored with an electronic pH meter
(paper testing strips for pH do not yield accurate results for this process)
- ▶ 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)
- ▶ Standard food labeling requirements apply (will be discussed later in presentation)
- ▶ 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)

Making Food Products Under the Home Kitchen Exemption

- 
- ▶ **You must adhere to all of the following criteria:**
 - ▶ Products must be made in your home kitchen **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 must be labeled with the following: your name, physical address and telephone number, the date of food production and the **REQUIRED** statement “**NOT FOR RESALE – PROCESSED AND PREPARED WITHOUT STATE INSPECTION**”
 - ▶ Standard food labeling information is still required (Discussed later in the presentation)
- *If using the kitchen exemption, a business can advertise on the internet, but not offer their food products for sale.*

Making Food Products Under the 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" **AND** "WARNING: Do Not Feed Honey To Infants Under One Year Of Age."

Standard food labeling information is still required and will be discussed later in the presentation.



Honey can be sold retail or wholesale

What Rules Apply?

Whether a business is inspected by VDACS or exempt from VDACS inspection, the laws & 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.)



Mandatory Standard Labeling Requirements

- ▶ Statement of identity (common name of product)
- ▶ Ingredients statement, including sub-ingredients and allergens
- ▶ Net quantity statement (weight) in standard and metric units
- ▶ Name and address of manufacturer, packer, or distributor

Example - Label for Toll House Chocolate Chip Cookies

CHOCOLATE CHIP COOKIES

Ingredients: Bleached, enriched wheat flour (bleached wheat flour, malted barley flour, niacin, iron, thiamin mononitrate, riboflavin, folic acid), semi-sweet chocolate chips (sugar, chocolate, cocoa butter, milkfat, soy lecithin-an emulsifer, natural and artificial flavor), pecans, vegetable shortening (partially hydrogenated soybean and cottonseed oils, mono and diglycerides), sugar, brown sugar (sugar, cane molasses), eggs, sodium bicarbonate, salt, vanilla. **Contains: Wheat, Milk, Pecans, Eggs**

Grannie's Cookies, 111 Happy Lane, Anytown, VA 22554

Net wt. 10 oz (283 grams)

Name and Address of Business

- ▶ Placed together with ingredient statement and Nutrition Facts panel
- ▶ Full street address
- ▶ NO substitute!
 - ▶ PO Box, phone number, email address, website, or a fax number are not acceptable!
 - ▶ EXCEPTION: if the firm is listed by their business name in a public directory, they can use PO Box or use just City, State and Zip

Nutrition Facts
about 17 servings per container
Serving size 2 tbsps (34g)

Amount per serving **Calories 40**
% Daily Value*

Total Fat 0g	0%
Saturated Fat 0g	0%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 440mg	19%
Total Carb 10g	4%
Dietary Fiber 0g	0%
Total Sugars 10g	
Incl 10g Added Sugars	20%
Protein 0g	
Vitamin D 0mcg	0%
Iron 0.1mg	0%
Potassium 35mg	0%
Vitamin C	0%

Not a significant source of calcium.
* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

INGREDIENTS: Brown mustard (water, distilled and cider vinegar, mustard seed, salt, white wine, citric acid, tartaric acid, spices, turmeric, paprika extract), honey, apple cider vinegar, spices, hot sauce (tabasco peppers, vinegar, salt).

Produced By: Virginia Food Works
at the Prince Edward Cannery for
THE FISHIN' PIG
5169 Farmville Road, Farmville, VA

Refrigerate After Opening • Shake it, Baby

Ingredient List

- ▶ Not required for single-ingredient food like honey
- ▶ Ordered by weight from heaviest to least heavy
- ▶ Subingredients included in parenthesis



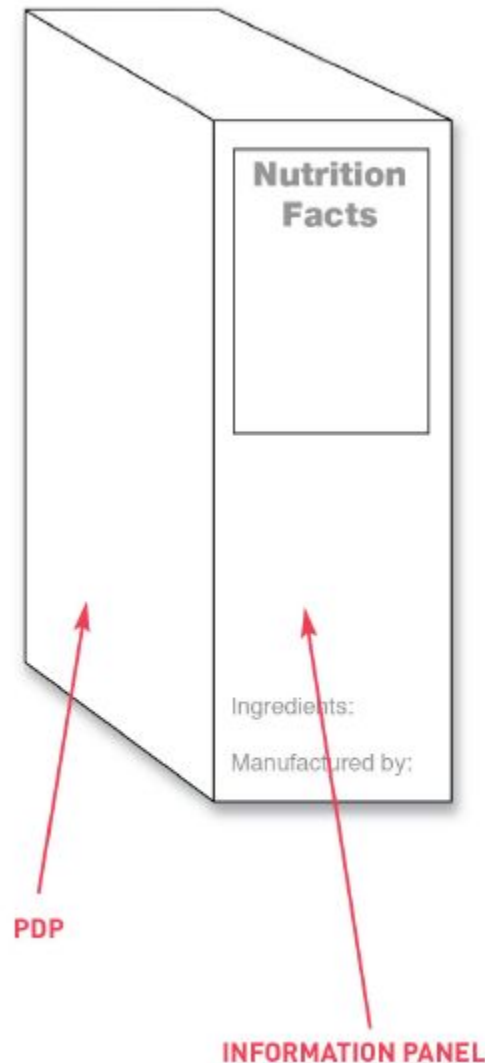
Scones

A delicious gluten-free version of the traditional scone. Enjoy with a dab of fruit preserves.

INGREDIENTS: GLUTEN-FREE FLOUR MIX (RICE FLOUR*, POTATO STARCH*, TAPIOCA FLOUR*), VANILLA NON-DAIRY YOGURT (ORGANIC COCONUT MILK(FILTERED WATER, ORGANIC COCONUT CREAM),ORGANIC CANE SUGAR, RICE STARCH, NATURAL FLAVOR, CALCIUM CITRATE, PECTIN, LOCUST BEAN GUM, CITRIC ACID, LIVE AND ACTIVE CULTURES, VITAMIN D2, VITAMIN B12), RICE MILK* (FILTERED WATER, ORGANIC BROWN RICE, ORGANIC EXPELLER PRESSED CANOLA OIL AND/OR ORGANIC SAFFLOWER OIL AND/OR ORGANIC SUNFLOWER OIL, TRICALCIUM PHOSPHATE, SEA SALT, VITAMIN A PALMITATE, VITAMIN D12, VITAMIN B12), SUGAR*, CANOLA OIL*, BAKING POWDER*, LEMON JUICE, XANTHAN GUM, SALT. *NON-GMO INGREDIENTS

The Breakfast Baker - 11501 Baldy Ewell Way, Spotsylvania VA 22551
www.TheBreakfastBaker.com

Net wt - 15.5 oz (439.42 g) - 6 Scones



Nutritional Labeling Requirements

- ▶ Packaged foods and dietary supplements must bear nutrition labeling unless they qualify for an exemption
- ▶ One of two exemptions may apply to your business:
 - ▶ Less than 10 employees and less than 10,000 units sold (per item) - you are considered exempt and no need to file for an exemption
 - ▶ Less than 100 employees and less than 100,000 units sold (per item) - you are considered exempt, **but you must file** an annual exemption notice with the FDA and nutrition labeling is not required
- ▶ If any nutrient content or health claims are made (ex. fat free, low fat, sugar free, etc.), the nutritional labeling small business exemption is not applicable.
- ▶ The nutritional labeling exemption has no effect on the mandatory labeling information discussed on the previous slides -i.e. you must still have standard labeling information for your food products.

MAJOR FOOD ALLERGENS: THE BIG 8

- ▶ MILK
- ▶ EGGS
- ▶ FISH (e.g., COD, FLOUNDER or BASS)
- ▶ CRUSTACEAN SHELLFISH (e.g., CRAB, LOBSTER or SHRIMP)
- ▶ TREE NUTS (e.g., ALMONDS, PECANS or WALNUTS)
- ▶ PEANUTS
- ▶ WHEAT
- ▶ SOYBEAN

Note: The FDA has now named:

- ▶ SESAME (THE NINTH MAJOR FOOD ALLERGEN, EFFECTIVE JAN 1, 2023)



The background features a grid of glass jars filled with various colored liquids, likely honey or jam, arranged on white shelves. The image is overlaid with large, semi-transparent green geometric shapes, including triangles and polygons, which create a modern, abstract design. The text is centered within a white, semi-transparent rectangular area.

send your label in for review!

**We'd be happy to look it over
before you print it.**

foodsafety@vdacs.virginia.gov

Other Types of Food Products

- ▶ 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 41 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
- ▶ The term "fresh eggs" can only be used if the eggs are graded
- ▶ Eggs can be graded by the producer - the link below is from the USDA website (Egg-Grading Manual)
- ▶ <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.”

Other Types of Food Products

The Use of Hemp in Food Products

- ▶ There are regulations that must be followed with making food products that contain hemp and there are **NO** inspection exemptions in place for food products that contain hemp extracts.
- ▶ This topic will be covered in a separate presentation today.



Unapproved Food Sources and Foodborne Illness

- ▶ Food products that come from unapproved food sources are most commonly associated with foodborne illnesses.

The Five Risk Factors for foodborne illness are:

- ▶ Food from an unapproved source
- ▶ Improper cooking temperatures
- ▶ Inadequate hot/cold holding temperatures
- ▶ Poor personal hygiene, and
- ▶ Contaminated equipment and utensils



Guidelines for Providing Safe Food Samples

□ Barrier between hand and food

Keep it Untouched

**Bare hands may have germs that can spread to food.
Ready-to-eat foods may not be handled with bare hands.**



Copyright © International Association for Food Protection

Use utensils or other barriers to keep from handling ready-to-eat foods.

Barriers include:

- Tongs
- Spoons
- Forks
- Gloves
- Paper squares
- Napkins

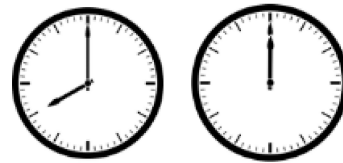
□ Protection from the environment

You must protect the samples from the environment and dirty fingers. Display samples under coverings 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. Try and make all samples in your inspected kitchen prior to arriving at the market.

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.



□ Protect allergic customers

Have signs or other materials that alert customers of the 8 major allergens that might be present in your products: milk, eggs, crustacean shellfish, finfish, tree nuts, wheat, peanuts, soybeans, and sesame.



Milk



Egg



Shellfish



Fish



Tree Nuts



Wheat



Peanut



Soybean

A close-up photograph of a stack of several slices of whole-grain bread, showing the texture of the grains and the golden-brown crust. The bread is stacked in a slightly overlapping manner, creating a sense of depth and texture.

Frequently Asked Questions

Can all bread products be made under the exemption (cottage law)?

No. For example, some bread products with added meats and cheese could actually be TCS (needs refrigeration). Focaccia bread is an example of this. If this is a product that you wish to make, you will need to have a product assessment conducted by a process authority. Many universities have process authorities who can look at your recipe and even test your bread to determine if it is shelf stable or needs refrigeration for safety. Remember, if your bread requires refrigeration, it cannot be made in the home kitchen under the exemption (Cottage Law).



Frequently Asked Questions

Does fresh pasta need to be held under refrigeration?

Maybe. But until a validation study is conducted by a process authority, the pasta **must** be treated as a TCS (requires refrigeration) food.

Can dry pasta be sold at the farmer's market?

Yes. It must also be packaged, sealed and labeled in your home kitchen or inspected facility prior to bringing it to the market.

Does baked bread need to be bagged?

Yes. Bread must be packaged or otherwise protected from contamination at the market. Packaging is best done in the inspected facility.

Frequently Asked Questions

Can I make Elderberry Syrup?

Yes, but this product cannot be made under the exemption as it not one of the low risk food products that the Cottage Laws allows to be made in the home kitchen.

Can I have pets and still have a home based business?

Yes, however, you must enclose any area that will be used for preparing food, storing food and washing and storing equipment, packaging, or other non-food materials. **OR** Your kitchen may not need to be completely closed off if the pet stays in an area of the home and never travels through the living space where the kitchen is located (an area that has a separate entrance).



Questions?

Please Contact VDACS at

foodsafety@vdacs.virginia.gov

Jessica.Swearingen@vdacs.virginia.gov

