



Food Safety

Food Safety Requirements for Vermont Food Processors

UVM Extension Fact Sheet- November 2011

Starting a specialty food business can be very rewarding, but it also requires a great deal of planning and attention to details, including meeting food safety regulations.

The regulations you need to meet depend on the type of food and processing method and where you are selling it. Generally, if you are selling food products within Vermont, you need to meet state regulations as listed below. If you are selling products outside of Vermont, you must meet state and federal requirements. In addition, selling to the following venues entails specific requirements:

Restaurants, grocery stores/coops, distributors: Check with your buyer on their requirements, as they may be stricter than state or federal requirements.

Farmers Markets: Detailed information on the food safety requirements, as well as recommended best food safety practices for selling at Vermont Farmers Markets are included in recent UVM fact sheets on this subject¹

Restaurants and caterers must also meet specific food safety requirements of the Department of Health to sell their food products².

Note that products such as fresh fruits and vegetables do not currently have specific state or federal regulations for their sale. However, they must meet the regulations of the buyer, so check with your buyer.

More information on the details of many of the various listed licenses and regulations referred to in the table is available in the text after the table.



¹ Fact sheets available from: http://www.uvm.edu/extension/food/?Page=food_safety.html

² Application for licenses and required regulations for restaurants and various types of caterers (Food Service Establishments) is available from: http://www.healthvermont.gov/enviro/food_lodge/food_lodge_guide.aspx

Food Safety requirements by food product type (*continued on next page*):

Food product type	Examples	Minimum size exemption ³	Selling in Vermont (Vermont state regulations)	Selling out of state (Federal regulations)- all size operations
Acidified foods ⁴ (formulated to have pH <4.6)	Pickles, relishes	<\$10,000	VT Dept of Health food processor license ⁵ . Scheduled process required for canned, shelf-stable acidified product ⁶	Scheduled process required for canned, shelf-stable, acidified ⁶ 21 CFR 114 for FDA products ⁷
Low acid foods (pH > 4.6) ⁸	Most canned vegetables, many soups	<\$10,000	VT Health Dept food processor license ⁵ Scheduled process required for canned, shelf-stable low-acid ⁶	Scheduled process required for canned, shelf-stable, low-acid ⁶ 21 CFR 113 for FDA products ⁹
High acid food ¹⁰ (pH < 4.6)	Vinegars, preserves	<\$10,000	VT Dept of Health food processor license ⁵	NO scheduled process needed. Subject to FDA inspection ¹¹
Baked goods (containing flour)	Breads, cookies	<\$6,500 if at home	VT Dept of Health Bakery license required ¹²	NO scheduled process needed. Subject to FDA inspection ¹¹
Dairy products	Milk, cheese, frozen desserts	<u>ALL</u> operations must meet requirements	VT Agency of Ag Dairy section inspection and licensing required ¹³	Subject to FDA licensing and inspection ¹¹ . Must follow Pasteurized Milk Ordinance ¹⁴
Maple syrup products	Maple syrup, maple sugar	<u>ALL</u> must meet	VT Agency of Agriculture maple laws and regulations ¹⁵	Subject to FDA licensing and inspection ¹¹
Pet food	Treats, foods	<u>ALL</u> must	VT Agency of Ag regulates ¹⁶ . Analyze	FDA Pet Food Regulations and

³ Producers selling LESS THAN the indicated amount (gross sales) of that product within a one year period are exempt from state licensing and inspection requirements if selling in-state. However, other buyers may have stricter requirements: contact your buyer to confirm their requirements. All processors selling out of state, regardless of their size, must meet the listed FDA regulations.

⁴ Product that has less than 90% naturally acid (less than pH 4.6) ingredients, and the product pH is brought down to less than 4.6 by vinegar, lemon juice, or other acid. Note that the FDA typically requires a pH of ≤ 4.2 for FDA-regulated products to ensure safety.

⁵ More information on VT Dept of Health Food Processing licensing is available below the table.

⁶ Contact UVM Extension Food Safety for more details. You will need to go through a process authority such as at Cornell University.

⁷ Acidified Foods regulations available at: <http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/CFRSearch.cfm?CFRPart=114>

⁸ Note that the necessary equipment for commercial canning of low acid foods IN Vermont is currently not available. Therefore, to meet state or federal requirements, low acid products must either be canned out of state, or frozen, refrigerated or dehydrated.

⁹ Low Acid Food regulations available at: <http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/CFRSearch.cfm?CFRPart=113>

¹⁰ Product must be made of >90% naturally acid (less than pH 4.6) ingredients (such as applesauce, tomatoes, etc.)

¹¹ Information on FDA registration and inspection requirements available below this table.

¹² Information on VT bakery licensing and inspection requirements available below this table.

¹³ Information on VT dairy product licensing and inspection requirements available below this table.

¹⁴ Text of Pasteurized Milk Ordinance (PMO) available from: <http://www.vermontagriculture.com/fscp/dairy/documents/PMO.pdf>

¹⁵ Laws and regulations available from: <http://www.vermontagriculture.com/fscp/pidconsumer.htm#laws>

¹⁶ Regulations available from: <http://www.vermontagriculture.com/documents/Pet%20Food%20Regulations.pdf>

	for pets	meet	product nutritional content ¹⁷	Labeling ¹⁸
Products containing more than 3% meat or poultry (by raw weight) ¹⁹	Sausages, whole meat cuts, meat pies	<u>ALL</u> those selling product must meet	VT Agency of Ag inspection and licensing required for all sizes of operations ²⁰ . HACCP plan required.	USDA FSIS requirements must be met, including having a HACCP plan ²¹ .
Seafood	Selling or re-selling	<u>ALL</u> must meet	VT Dept of Health Seafood license ²² , HACCP plan required.	Subject to FDA requirements, including having a HACCP plan ²³ .
Fruit juice or cider	Apple juice or cider, citrus juices.	<\$10,000	VT Dept of Health food processor requirements. HACCP plan requested.	FDA inspection and requirements, including having a HACCP plan ²⁴ . Follow 21 CFR Part 120 ²⁵ .
Other processed food products ²⁶	Candies, popcorn, etc	<\$10,000	VT Dept of Health food processor license ⁵	Subject to FDA inspection ¹¹

Vermont Department of Health Food Processing Licensing Q&A

Q. Why should I get a Vermont food processing license?

A. There are several reasons:

- 1) As indicated in the table above, depending on what and how much you are processing, you may be required by law to have a license.
- 2) The inspection accompanying this license is useful to help to ensure that you are producing as safe a product as possible to reduce the likelihood of food borne illnesses in your consumers, which will help to protect your business in the long term.
- 3) Improving the safety of your product should also increase your product shelf life.
- 4) The license itself can be a good marketing tool for your products to assure your customers that you are committed to producing the safest, highest quality product possible.
- 5) Having the license may help you sell your product to some grocery stores and distributors that require it.

Q. How much does a food processing license cost?

A. If your yearly gross receipts are between \$10,001 and \$50,000: \$100
 Yearly gross receipts over \$50,000: \$135

Q. How do I get a food processor license?

A. The application to be filled out and submitted for the license is found here:

http://www.healthvermont.gov/forms/documents/Food_Lodging_license_application.pdf. If you are planning to construct a new facility or remodel, you should contact the sanitarian in your area before construction to review your plans (map available here: http://www.healthvermont.gov/enviro/food_lodge/documents/Sanitarianmap.pdf). The local sanitarian is also available to answer questions and will conduct inspections of your establishment.

¹⁷ Information on nutrient content analysis requirements is available from:

<http://www.vermontagriculture.com/documents/PetFoodGuarantee.pdf>

¹⁸ Regulations available from: <http://www.fda.gov/AnimalVeterinary/Products/AnimalFoodFeeds/PetFood/ucm2006475.htm>

¹⁹ Products that contain more than 2% meat by cooked weight must follow the same regulations.

²⁰ More specific information on meat inspection and licensing requirements is available in the following UVM fact sheet:

http://www.uvm.edu/extension/food/pdfs/meat_inspection_factsheet_april2011.pdf

²¹ Regulations, policies, and more information available from: http://www.fsis.usda.gov/Regulations_&Policies/index.asp

²² Shellfish Sanitation Program Rules available from: <http://healthvermont.gov/reg/shellfishrules.pdf>. For special processes such as smoking fish, a third party review to ensure the safety of the product is required.

²³ Regulations available from: <http://www.fda.gov/Food/FoodSafety/Product-SpecificInformation/Seafood/FederalStatePrograms/NationalShellfishSanitationProgram/ucm061616.htm>

²⁴ More information on juice HACCP available from: <http://www.cfsan.fda.gov/~comm/haccpju.html>

²⁵ Juice regulations available from: <http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=120>

²⁶ Check with UVM Extension Food Safety with questions on specific food products, as specific requirements may apply to other products.

Q. What requirements do I need to meet under this food processing license?

A. The requirements can be found here: http://www.healthvermont.gov/enviro/food_lodge/food_reg.aspx.

Q. Can I get a food processing license if I am using my home kitchen?

Yes, other home kitchens have also been certified by the VT Dept of Health for a food processing license.

Vermont Department of Health Bakery Licensing Q&A

Q. Why should I get a Vermont bakery license?

A. There are several reasons, which are similar to the reasons for a food processing license listed above. If you are selling more than \$6500/year of baked goods (containing flour), you are required by law to have a bakery license.

Q. How much does a bakery license cost?

Home license	\$50
Small commercial ²⁷	\$110
Large commercial	\$220

Q. How do I get a bakery license?

A. The application is available at: www.healthvermont.gov/forms/documents/Food_Lodging_license_application.pdf.

Q. What requirements do I need to meet under this bakery license?

A. The regulations can be found here: http://www.healthvermont.gov/enviro/food_lodge/Bakeries.aspx.

Statutory guidelines: http://www.healthvermont.gov/enviro/food_lodge/documents/2008_Bakerystatue_fees.pdf

Vermont Agency of Agriculture Dairy Product Licensing Information

All dairy products (milk, cheese, butter, goat's milk cheese, etc.) must meet VT Agency of licensing and labeling requirements²⁸. The following licenses are required:

- Milk Handler's License²⁹: for anyone selling dairy products they produce
- Frozen desserts:
 - o If a dairy-based frozen dessert is made from scratch, a Milk Handler's License is required and the person making the dessert must pasteurize the mix.
 - o If dairy-based frozen dessert is made from a pasteurized mix and pasteurized at a licensed plant, only a Frozen Dessert License³⁰ is needed
 - o If frozen dessert contains no dairy product (such as sorbet), a Frozen Dessert License is needed

FDA Registration and Inspection Q&A

Q. What steps do I need to take for my product to meet FDA requirements?

- A.
- 1) Obtain the proper licensing from the VT Dept of Health as described above.
 - 2) Register your processing facility with the FDA under the Bioterrorism Act of 2002 online (free) at: <http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/RegistrationofFoodFacilities/OnlineRegistration/default.htm>
 - 3) If required (see table above), you may need to file a scheduled process for your food product with the FDA. Contact UVM Extension Food Safety for information on obtaining a scheduled process.

²⁷ Commercial license is required if you are using commercial equipment in your home kitchen or operating out of a facility other than your home.

²⁸ Contact the Dairy Section of the Agency of Agriculture at (802) 828-2433 for more information. It is recommended that producers submit draft labels to the Dairy Section of the Agency of Agriculture for review before printing.

²⁹ License application is available from: http://www.vermontagriculture.com/fscp/dairy/documents/milk_Handler_license.pdf

³⁰ Contact the Dairy Section of the Agency of Ag at (802) 828-2433 to request a copy of the Frozen Desert License application.

4) FDA may come to inspect your facility once you are registered with them. Currently, they are trying to inspect all facilities once every seven years, but they may have increased inspections for higher-risk products.

Q. What requirements do I need to meet in FDA inspections?

A. All food products under FDA jurisdiction should be produced and/or processed using the FDA's current Good Manufacturing Practices (Code of Federal Regulations (CFR) Title 21 Part 110:

<http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=110>

Q: How will the FDA Food Safety Modernization Act (FSMA) affect my operation?

A: FSMA, which was signed into law in January 2011, will impact federal food safety requirements and will place a greater emphasis on prevention of food safety issues. However, the exact details of this legislation will not be known until the FDA publishes the Final Rules of this legislation. Some food businesses in Vermont will be exempted from this legislation due to their small size. Further information will be provided when more details have been finalized.

Other frequently asked food safety regulation questions

Q. Who else do I need to contact to start a food processing business?

A. 1) Contact the town or city clerk's office in the municipality in which you will locate your establishment for any local zoning restrictions, licensing or permit requirements.
2) More information on other state agencies that should be contacted (Agency of Natural Resources, Environmental Conservation, Labor and Industry, Taxes): www.healthvermont.gov/enviro/food_lodge/food_lodge_guide.aspx

Q. What other resources are available if I want to start a food processing business?

A. - For food safety information, contact londa.nwadike@uvm.edu at the Berlin UVM Extension Office
- For business planning information, contact the Berlin UVM Extension Office at 802 223 2389 or the Vermont Small Business Development Center (<http://www.vtsbdc.org/>)

Other useful resources:

- UVM Extension Food Business Development information: www.uvm.edu/extension/community/?Page=development.html
- Online support for New England Food Entrepreneurs: <http://extension.unh.edu/nefe/index.html>

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