



Becoming a Small-Scale Food Processor Guide to Farming in New York State

#28

Revised
11/26/08

Basic Standards for Home and Commercial Kitchens, and Small Scale Food Processing Facilities

Information prepared by the NYS Food Venture Center at Cornell University (www.nysaes.cornell.edu/necfe) for educational purposes only – please contact pertinent regulatory agencies for further detail.

The Federal government, individual states, cities and municipalities govern the operation of food processing facilities whether home kitchens or commercial facilities. Regulations differ from state to state and are determined by the type of the food product being prepared and the processing methods used. When considering starting up a home or commercial kitchen, it is important to research which agencies regulate licensing of the product, inspection of the facility, foods allowed and not allowed to be produced in each facility, local zoning laws governing the use of the building, and building codes.

Foods that are regulated and require a Processing License – Article 20-C License

This regulation applies to anything that is altered by baking, canning, preserving, freezing, dehydrating, juicing, cider, pickling, brining, bottling, packaging, repackaging, pressing, waxing, heating or cooking, smoking, roasting, manufacturing. Requirements vary depending on product. A scheduled process must be developed which outlines recipe testing/formulation, critical control points (to avoid contamination), processing steps, storage requirements, distribution and selling conditions/restrictions. **Assistance for developing a scheduled process is available from the NYS Food Venture Center - see information below.** For a complete list of products that require an Article 20-C license visit the following website: www.agmkt.state.ny.us/FS/general/license.html or call 518-457-4492.

Food Safety

HACCP (Hazard Analysis Critical Control Point) is a FDA regulation that requires a controlled process be followed to minimize points of contamination when processing foods. HACCP plans are required for wholesale sales (not for retail) of seafood, dairy, juice and cider processing facilities. Other sectors of the food industry are coming into voluntary compliance. For more information check the website - www.cfsan.fda.gov/~lrd/haccp.html.

Home Processing Exemption

New York State allows non-hazardous foods such as candy, cakes not requiring refrigeration, cookies, brownies, two-crust fruit pies, breads and rolls, fruit jams and jellies, dried spices and herbs, and snack items to be produced in home kitchens. A review of processing procedures may be required for certain products before exemption is granted. **Anyone seeking a Home Processing Exemption must contact the NYS Department of Agriculture & Markets to obtain this certificate. An annual water test for bacteria is required for all home processors on private water supplies.**

Some types of foods may not be produced in a home kitchen, as mandated by Federal regulations. These foods are considered potentially hazardous:

- Low acid and acidified foods packed in hermetically sealed containers must be registered with the US Food and Drug Administration (FDA).
- Meat products with more than 3% raw or 2% cooked meat ingredients in a completed product are regulated by the US Department of Agriculture (USDA).
- Vacuum packaged and any other reduced oxygen packaged products.

(over)



Cornell University
Cooperative Extension



Zoning Regulations

Local municipal zoning and planning boards determine the scale of operations permitted in an establishment. They regulate number of employees allowed on premise and whether a second separate kitchen facility is allowed to operate on site. Check with local building inspectors to determine what operations can take place in the kitchen chosen for food production. There are local building codes that govern volume of business in a building and egress from building, drainage issues such as back flow protection and grease traps. Commercial equipment must comply with fire codes, FDA and USDA requirements as appropriate.

Minimum Food Processing Facility Requirements for New York State Procedure

	Home Kitchen	Home Annex	Commercial
Inspection	Yes Potable water required (documented)– municipal or treated well water	Yes Potable water required (documented)– municipal or treated well water	Yes Potable water required (documented)– municipal or treated well water
Licensing	Non-potentially hazardous foods for wholesale market exempt from licensing by NYS Dept of Agriculture & Markets (NYSDAM)	<ul style="list-style-type: none"> • 20-C license • NYS Dept. of Agriculture & Markets • Separate cleaning, sanitizing, and hand wash facilities. • Fee - \$200.00/2 years 	<ul style="list-style-type: none"> • 20-C license • NYSDAM • Fee - \$200.00/2 years
Inspection Agency	<ul style="list-style-type: none"> • NYSDAM -May request review of processing procedures by recognized processing authority. Only normal kitchen facilities can be used. 	<ul style="list-style-type: none"> • NYSDAM • Dept. of Health- fresh-serve foods only. Kitchen held to restaurant standards (see below). 	<ul style="list-style-type: none"> • NYSDAM • Dept. of Health- fresh-serve foods only. Kitchen held to restaurant standards (see below).
Foods allowed	<ul style="list-style-type: none"> • Candy- non-chocolate, fudge • Cakes not requiring refrigeration • Cookies • Brownies • Two-crust fruit pies • Bread, rolls • Fruit jams, jellies • Spices, herbs • Snack items • Bake goods (i.e. bread, rolls) for whole sale distribution 	<ul style="list-style-type: none"> • Any processed food • Low acid and acidified foods packed in hermetically sealed containers. Must register with FDA 	<ul style="list-style-type: none"> • Any processed foods • Low acid and acidified foods packed in hermetically sealed containers. Must register with FDA
Foods not allowed	<ul style="list-style-type: none"> • Cakes which require refrigeration • Pies containing milk, eggs or meat products • Chocolates • Low acid & acidified foods 	<ul style="list-style-type: none"> • Meat products if More than 3% raw or 2% cooked meat ingredients – USDA regulated 	<ul style="list-style-type: none"> • Meat products if More than 3% raw or 2% cooked meat ingredients – USDA regulated
Zoning	<ul style="list-style-type: none"> • Check with city/town Zoning /Planning Board • Issues: scale of operation; number of employees 	<ul style="list-style-type: none"> • Check with municipality Zoning/Planning Board • 2nd kitchen may not be allowed on premise • Issues: scale of operation; number of employees 	<ul style="list-style-type: none"> • Check with municipality Zoning/Planning Board • Issues: scale of operation; number of employees





Minimum Food Processing Facility Requirements for New York State (cont'd)

Procedure	Home Kitchen	Home Annex	Commercial
Building Codes	<ul style="list-style-type: none"> • Check with local Building Inspector • Small volume business only • 25% of home devoted to business • Egress from building may be an issue 	<ul style="list-style-type: none"> • Check with local Building Inspector • Commercial equipment must comply with Fire & Building Code (see Official Compilation of the NY Building Codes Rules and Regulations, Title 9, Exec. vol. B)) • Catch basin • Structural permit for building • Back flow protection & grease trap (referred to Sewer Department). 	<ul style="list-style-type: none"> • Check with local Building Inspector • Commercial equipment must comply with Fire & Building Code (see Official Compilation of the NY Building Codes) • Catch basin • Back flow protection & grease trap (referred to Sewer Department).

Basic Requirements for a Small-Scale Food Processing Establishment

State of NY Department of Health (DOH) - Restaurants	NYS Department of Agriculture and Markets – Food preparation and processing
<ul style="list-style-type: none"> • Submit kitchen drawings before construction • Three-bay sink with stainless steel drain boards or two-bay sink with a commercial dishwasher • Separate hand washing/mop sink • Washable materials on walls and work surfaces • Restaurant grade, commercial tile floors-painted concrete not allowed • Commercial coolers/refrigeration • Water from non-municipal water supply must be tested quarterly. • Review DOH “Checklist for New or Remodeled Establishments” • Some locales require food worker certification. 	<ul style="list-style-type: none"> • Kitchen requirements based on food item(s) being produced- Determined upon inspection • Easily cleanable, smooth work surfaces. • Non-absorbent, smooth and easily cleanable floors, walls and ceilings. • Review of processing procedures including hand washing, sanitizing, equipment sinks, water potability and food preparation. • Review NYSDAM Circular 951 -Pursuant to the Licensing of Food Processing Establishments.* • Circular 938 - Rules and Regulations Relating to Food Processing Establishments.* • Circular 933-Good Manufacturing Practices <p><i>*Circulars are available through local Dept. of Agriculture and Markets or NYSDAM, 1 Winners Circle, Capital Plaza, Albany, NY 12235, Phone 518-457-5459</i></p>

(over)



Helpful Resources for Small Scale Food Processors

For assistance in developing a scheduled process for your recipe, developing a processed food product, and labeling, contact: **NY Food Venture Center** at the NYS Agricultural Experiment Station in Geneva, 315-787-2259.

Request the publication: *Small Scale Food Entrepreneurship: A Technical Guide for Food Ventures.*

Product development, processing and distribution assistance is also available from **Nelson Farms at SUNY Morrisville** – 315-655-8831 or www.nelsonfarms.org

The USDA Sustainable Agriculture Research and Education (SARE) agency has published a plain-language guide to Value-Added Food Processing that is available online in PDF format at <http://www.smallfarms.cornell.edu/pdfs/ValueAddedFoodGuide.pdf>

To learn about small scale food processing activities in NYS, join the NYS Small Scale Food Processors Association: www.nyssfpa.com and become a member of Pride of NY – 800-554-4501 or email: prideofny@agmkt.state.ny.us; www.prideofny.com

Regional Offices of the NYS Department of Agriculture and Markets

NYS Department of Agriculture and Markets

NYS Department of Agriculture and Markets

Division of Food and Inspection Services

Division of Food and Inspection Services

55 Hanson Place

900 Jefferson Road

Brooklyn, NY 11217-1583

Rochester, NY 14623

212-488-4820

716-424-1720

NYS Department of Agriculture and Markets

Division of Food and Inspection Services

NYS Department of Agriculture and Markets

Donovan State Office Building

Division of Food and Inspection Services

125 Main Street

NYS Fairgrounds – Art and Home Center

Buffalo, NY 14203

Syracuse, NY 13209

716-847-3185

315-487-0852

United States Food and Drug Administration

300 Pearl Street, Suite 100

New York District Office

Buffalo, NY 14202

158-15 Liberty Avenue

716-551-4478

Jamaica, NY 11433

718-662-5447

United States Department of Agriculture - Food Safety Inspection Service (USDA FSIS)

5 Washington Square

Albany, NY 12205

518-457-4492



Cornell University
Cooperative Extension

