Before You Get Started

- Make a business plan and marketing plan
- Understand your market and food you want to produce for that market
- Understand your liability
- Get familiar with the correct regulations and exemptions
- Get inspected if required

Who Regulates What?

- U.S. Dept. of Agriculture (USDA) - Production and distribution of meat (2% or greater), poultry (2% or greater) and whole eggs
- U.S. Food and Drug Administration (FDA) - Production and distribution of all other non-meat packaged food
- States/local governments
  - Virginia Department of Agriculture (VDACS)
    - Inspection program considered "at least equal to" USDA (meat) and FDA (non-meat) inspection programs
  - Virginia Department of Health (VDH)
    - Operates under FDA Food Code (Currently 2009 version)
    - Local jurisdictions may have more stringent codes

Who Regulates What: VA Department of Agriculture and Consumer Services (VDACS)

- Food Manufacturers
- Commercial
- Home
- Food Warehouses
- Supermarkets and Convenience Stores
- Seafood markets
- Bakeries
- Farmer’s Markets Vendors (Overseen by local and state government)

Who Regulates What: VA Department of Health (VDH)

- 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)
Home-based Kitchens or Separate Commercial Kitchen?

- **VDACS**
  - Allows home-based businesses
  - Pets must be excluded by doors on kitchen and storage areas (Keeping pets in closed rooms will not satisfy requirement)
  - Does not allow home kitchens to be used for dairy product or meat products manufacturing
  - Facility must be separate facility from home kitchen
- **VDH**
  - Does not allow home-based businesses
  - Must be separate facility from homeowner’s kitchen

VDACS Resources

- **Virginia Department of Agriculture and Consumer Services (VDACS)**
  www.vdacs.virginia.gov
  - Office of Food Safety and Inspection
    - Assists in facility planning and layout
    - Authorizes facility for food processing
    - Enforces food regulations
    - Divisions include:
      - Office of Dairy and Foods (FDA-regulated products)
      - Office of Meat and Poultry (USDA-regulated products)
      - Consumer Affairs
      - Office of Plant Industry Services-Agricultural Commodity Inspection – Animal Feeds and Treats

Office of Dairy and Foods Inspection Exemption

- **Exempt from State Inspection**
- **Private home where resident is processing specific food products (no meat, poultry or dairy)**
  - Sold to directly to consumers for their own consumption and not for resale
  - Sold at the private home or at farmer’s markets
  - Labeled “NOT FOR RESALE – PROCESSED AND PREPARED WITHOUT STATE INSPECTION”
  - Cannot be sold to other establishments (wholesale or retail) or on internet
Office of Meat and Poultry Exemptions

• **Custom Exemption**
  - Owner of the livestock or poultry slaughter for own use or for use by members of his household or nonpaying guests
  - Cannot be sold
  - Must be marked “NOT FOR SALE”
  - Custom Permit – custom slaughtering animals owned by others
  - Cannot cross state lines
• No meat (other than poultry) can be sold without inspection!

Office of Meat and Poultry Exemptions

• **Poultry Exemption**
  - Poultry can be sold
    - FDA Food Code requires poultry sold at retail stores and prepared in restaurants to come from an approved source
  - Basic sanitary requirements must be met
  - Selling direct to consumer:
    - 1,000 birds up to 20,000 birds/year must apply for Poultry Permit of Exemption
    - Less than 1,000 birds permit may not be needed
    - Must maintain records
  - Selling to restaurants, hotels, or boarding houses
    - Must apply for Poultry Permit of Exemption
    - No more than 20,000 birds/year
    - Must maintain records
  - Cannot cross state lines

**Current Good Manufacturing Practices (cGMP’s)**

- Code of Federal Regulations (CFR - Title 21; Part 110)
- Fundamental to food safety
  - Topics
    - Personnel
    - Plant and Grounds
    - Sanitary operations
    - Equipment and Utensils
    - Processes and Controls
    - Warehousing and Distribution
Regulations for Retail Food Products

- Low Acid Canned Foods
  - 21 CFR Part 113
- Acidified Canned Foods
  - 21 CFR Part 114
  - Emergency Permit Control (21 CFR 108.25)
- Meat and Poultry
  - 9 CFR Parts 300-592

Considerations for Marketing Food

- Low-risk foods
  - Baked goods without fillings, custards, creams, etc.
  - Candies
  - Jams and jellies made without low-acid ingredients
  - Dry mixes
  - Naturally acidic foods

Understanding Your Food

Water Activity (Aw)

- Food
- Acidity
- Time
- Temperature
- Oxygen
- Moisture

Common ways to lower water activity:
- Salt
- Sugar
- Dehydration
- Boiling off water

Considerations for Food Product and Regulation Implication

- Canned foods
  - Acid foods
    - Ingredients are high-acid foods with pH less than 4.6
    - Not as many regulations as acidified foods
    - Considered low risk foods
    - If not processed correctly, product will spoil but will not be a safety issue

Considerations for Food Product and Regulation Implication

- Acidified foods
  - Low acid foods + acid foods = pH ≤ 4.6
  - pH is decreased to ≤ 4.6 through the addition of acidity
Considerations for Food Product and Regulation Implication

- I want to sell low-acid foods!
  - Cannot sell low-acid canned foods.
  - Can sell frozen or refrigerated low-acid foods.
  - Can sell acidified foods

NO!

Acidified Foods - Wholesale
- Food Tested by Process Authority, Obtain Scheduled Process
- Better Process Control School
- Register Business with FDA (Form 2541)
- Register Scheduled Process with FDA (Form 2541a)
- Must Pass State Inspection Before Selling Product Wholesale
- Must Keep Written Records

Safety Considerations

- Food
  - Acidity
    - pH = amount of acid
    - Low acid foods = pH > 4.6
  - Time
  - Temperature
  - Oxygen
  - Moisture

Why Acidity is the most important factor when it comes to canning?

- *Clostridium botulinum*
  - Spore-former: spores in the environment
  - Can’t make you sick
  - Infant botulism
  - ONLY under anaerobic conditions (commonly created during preservation), spores germinate (grow) into vegetative cells
  - Vegetative cells produce toxin that cause illness
  - Spores will not germinate in acid environment with pH below 4.6

Understanding Your Food

- How are you supposed to know? Get your food tested
  - pH
  - Water activity
  - Classification and regulations
  - Scheduled process
Who needs to apply for a permit to operate?

- Any person who owns, establishes, conducts, maintains, manages, or operates any food establishment being regulated by VDH in this commonwealth.
- Permits are not transferable from one person or location to another (exception possible for mobile units attached to fixed location)

VDH Responsibilities

- Issue Permit to Operate at State/Local Level
- As condition of holding permit:
  - Must submit to regular evaluations by issuer
  - Must comply with local/state regulations
  - Report to health dept. if suspect outbreak
- Provide education or direct to resources
- Notify if conditions arise that could affect operation
- Initiate enforcement

How to Apply for a Foodservice Permit and Ready for Inspection

- Fill out an application form
- Pay a $40 permit application
  - $40 plan review fee
  - $425 for septic review
  - $300 for well inspection
- Learn about food safety
- Plan Review: At least 2 weeks prior to construction start up-submit to scale drawings, equipment specification sheets and menu
Food Sources

Food Code States:
• Food shall be obtained from sources that comply with law.
• Food prepared in a private home may not be used or offered for human consumption in a food establishment.
• Packaged food shall be labeled as specified in law.

• Learn about foodborne illness and how to prevent it through best food safety practices
• Offered throughout commonwealth by Virginia Cooperative Extension Agents
• Offered on-line

Food Innovations Program
www.fst.vt.edu
www.ext.vt.edu/topics/food-health/food-innovations

• Provide testing of food products for safety and quality
• Act as process authority for acidified foods (accepted by FDA, USDA, VDH and VDACS)
• Conduct Better Process Control School workshops required for acidified food producers
• Provide guidance on reformulation and product design
• Provide technical guidance on safety and regulatory issues governing food products
• Assist with compliance with regulatory agencies
• Nutritional Label Services

Process Authority

• Based on regulations, a person or institution with expert knowledge and experience to make determinations about the safety of a food process and formulation.
• Required to maintain product confidentiality
• Determines safety of processing parameters based on food product characteristics

Food Innovations Program Service We Do Not Provide

• Process Authority Evaluation for low-acid foods
• Nutritional Testing
• Allergen Testing (including Gluten)
• Complete Product Development – cannot develop recipes or complete processes
  • Must go through Department of Food Science and Technology as field trial
  • Must have faculty sign-off
  • Must go through university intellectual property agreement
Questions?

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