

Cottage Food Producer Registration Training

Required for Gross Annual Food Sales of \$7,665 or Less (Tier 1)

Revised December 23, 2021



In accordance with the Americans with Disabilities Act, this information is available in alternative forms of communication upon request by calling 651-201-6000. TTY users can call the Minnesota Relay Service at 711. The MDA is an equal opportunity employer and provider.

Training Agenda

- Summary of Changes Effective August 1, 2021, and January 1, 2022
- Overview of the Cottage Foods Exemption
 - Who qualifies?
 - What makes a food non-potentially hazardous?
 - Which foods and pet treats can and cannot be sold?
 - Where can foods and pet treats be sold?
- Safe Food Handling Practices
- Packaging and Labeling
- Registration Process



What has Changed in Cottage Food Law?

- Sales limits raised:
 - Overall gross annual receipts to \$78,000 (up from \$18,000)
 - Registration fee exemption to \$7,665 (up from \$5,000)
- Pet <u>treats</u> added for cats and dogs (not pet <u>food</u>)
- An individual registrant can organize their cottage food business as a business entity recognized by state law
- Labeling must now include the name and registration number **OR** the name and address; and the statement "These products are homemade and not subject to state inspection."
- Water activity value of 0.85 specified in what makes a food nonpotentially hazardous



What is the Cottage Foods Exemption?

- Minnesota Statute 28A.152 Cottage foods exemption
- Minnesota Statue 25.391 Exemption for home-processed pet treats
- Qualifying individual does not need a license to sell food or pet treats
- Must follow ALL the restrictions in the statute

Who Qualifies as a Cottage Food Producer?

The cottage food exemption applies to individuals

- An individual who qualifies for the exemption may organize the individual's cottage food business as a business entity recognized by state law
- Business entity name (registered LLC, etc.) or assumed business name can also be on registration, but is not required

Who Qualifies as a Cottage Food Producer?

An individual who:

- Prepares non-potentially hazardous food without a license or inspection
- Manufactures food in their home that does not require time or temperature controls for safety
- Sells and delivers the food directly to the end consumer (cannot mail the food)
- Sells from the home, at farmers' markets, community events, or online
- Produces and sells home-canned pickles, fruits, and vegetables with an equilibrium pH of 4.6 or lower <u>only in Minnesota</u>

Who Qualifies as a Cottage Food Producer?

An individual who:

- Sells up to \$78,000 gross annual sales per year
- Displays a sign that states, "These products are homemade and not subject to state inspection"
- Registers annually with the Minnesota Department of Agriculture after required training
- Follows local city, county, or township business licensing, sales prohibitions, and zoning requirements

Question:

Which of the following qualifies as a cottage food producer?

- A. Groups of persons
- B. Licensed retail food handlers
- C. An individual
- D. All of the above

Answer:

C. An individual

• To qualify as a cottage food producer, you must be an individual. You can organize your business as an entity recognized in state law.

What Is A Non-Potentially Hazardous Food?

- Home-canned pickles, fruits and vegetables with an equilibrium pH of
 4.6 or lower (which means the food is acidic, making it more difficult for bacteria to grow)
- A food that has a water activity of 0.85 or below (which means the food product is relatively dry or has a high sugar or salt content that binds up the water, making it more difficult for bacteria to grow)
- If you need to refrigerate food to keep it safe, then the food does <u>not</u> qualify for the cottage food exemption

Food Product Testing

- If you use a standardized (Extension service or USDA approved and tested) canning recipe, testing your food product for pH or water activity is not required
 - Follow the recipe exactly
 - Retain recipe and source as documentation
- If using a non-standard recipe, you must have the product tested for safety by a lab
 - Test for pH (\leq 4.6), water activity (\leq 0.85) as appropriate
 - May also require a process authority evaluation
 - Alcohol content of some foods may need to be tested (E.g., flavored extracts)

Question:

What is the pH OR water activity level a food product must have to be sold under the cottage food exemption?

- A. pH of 4.1 and water activity of 0.90
- B. pH of 4.6 and water activity of 0.85
- C. pH of 5.0 and water activity of 0.80
- D. None of these are correct

Correct Answer:

B. pH of 4.6 and water activity of 0.85

 The highest pH value allowed for canned products under this exemption is 4.6 and the highest water activity allowed is 0.85.



Examples of Non-Potentially Hazardous Foods You <u>CAN</u> Make and Sell

- Acidified or acidic, home-canned and home-processed:
 - Fruits
 - Pickles
 - Vegetables
 - Fermented Foods
 - Vinegar
 - Condiments
- Baked goods
- Candy and confections
- Dried, dehydrated and roasted Items (beans, herbs, nuts, seeds)
- Icings, frostings, sugar art
- Jams, jellies, preserves, fruit butters
- Hulled hemp seeds, hemp seed oil, hemp seed powder can be added as ingredients in human foods

Depending on the recipe, some of these items *could* be potentially hazardous and may need to be lab tested









Examples of Foods You CANNOT Make and Sell

 Food that originated from an animal or aquatic species (raw or cooked), such as charcuterie boards, baked salmon, dehydrated beef jerky





- Cooked plant food, such as cooked rice or steamed green beans
- Food that consists of raw seed sprouts, cut melons, cut fresh tomatoes, cut leafy greens, or garlic-, vegetable-, or herb-based oil mixtures (pesto is an example)





Examples of Foods You CANNOT Make and Sell

- Foods that contain Cannabidiol (CBD)
- Cheesecake
- Fresh cut fruit as a topping or garnish
- Fresh fruit or vegetable juice that is not heat treated
- Eggrolls or spring rolls









Question:

Which of the example product(s) listed below can be made and sold under the cottage food exemption?

- A. Roasted walnuts
- B. Pickled green beans
- C. Chocolate chip cookies
- D. All of the above

Correct Answer:

D. All of the above

• Roasted walnuts, pickled green beans, and chocolate chip cookies can all be made and sold under the cottage food exemption.

Question:

True or False?

Food products containing cannabidiol (CBD) can be made and sold under the cottage food exemption.

Correct Answer:

False

• Cannabidiol (CBD) is not an approved ingredient for use in food products, which includes food products produced under the cottage food exemption.

Question:

Which of the example product(s) listed below can be made and sold under the cottage food exemption?

- A. Cakes topped with cut fresh fruit garnish
- B. Cheesecake
- C. Charcuterie boards
- D. Canned, pickled cucumbers

Correct Answer:

D. Canned, pickled cucumbers

 Fresh cut fruits, cheesecake, and charcuterie are considered potentially hazardous foods. They may not be prepared and sold under the cottage food exemption.



Pet Treats You CAN Make and Sell

- Baked or dehydrated dog and cat treats
 - E.g., oatmeal peanut butter biscuits
- Must also be considered "human safe"
- Must be appropriate and safe for the intended pet species





Pet Treats You <u>CANNOT</u> Make and Sell

- Pet treats containing hemp, hemp extract, hemp derivative, and CBD
- Pet treats of animal origin

Examples: Frozen liver, raw ground venison, dehydrated turkey jerky





Pet Treats You CANNOT Make and Sell

- Pet treats containing common human food ingredients that are not safe for dogs and/or cats, include, but are not limited to:
 - Chocolate/cacao
 - Xylitol
 - Hops
 - Macadamia nuts
 - Onions
 - Garlic
 - Grapes and raisins



For more information about ingredients or products that are potentially toxic to dogs or cats, visit the links below.

https://www.petpoisonhelpline.com/poisons/

https://www.aspca.org/pet-care/animal-poisoncontrol

If you have questions about the safety of a specific ingredient, contact the MDA Pet Food Unit at 651-201-6221

Question:

Pet treats can be produced and sold for which animal(s)?

- A. Cats
- B. Birds, fish, and reptiles
- C. Dogs
- D. Both A and C

Correct Answer:

D. Both A and C

 Home-processed pet treats can only be made for dogs and cats under the exemption for cottage food producers.



Question:

Which of the example pet treat product(s) listed below can be made and sold under the cottage food exemption?

- A. Frozen beef liver
- B. Raw ground venison
- C. Dehydrated turkey jerky
- D. Oatmeal peanut butter biscuit

Correct Answer:

D. Oatmeal peanut butter biscuit

• A, B, and C are from animal origin. They may not be sold under the cottage food exemption.

Question:

True or False?

Pet treats containing hemp, hemp extract, including cannabidiol (CBD), can be made and sold under the cottage food exemption.

Correct Answer:

False

• Hemp, hemp extract, including CBD are not approved ingredients for use in pet treats.

Where Cottage Food and Pet Treats CAN be Sold

- Farmers' markets
- Community events
- Online (delivered in-person)
- From your home if approved by local ordinances





Where Cottage Food and Pet Treats <u>CANNOT</u> be Sold

Cottage foods **CANNOT** be purchased by another business for resale.

Cottage foods <u>CANNOT</u> be sold in a retail store or by a licensed food business.

Examples:

- Grocery store
- Restaurant
- Convenience Store
- Gift Shop
- Clothing Store
- Consignment Store
- Boutique





Where Cottage Food and Pet Treats CANNOT be Sold

QUESTION:

"I own my own gift shop. Can I sell cupcakes in my own shop that I make at home?"





ANSWER:

No, you CANNOT sell cottage foods in a retail store, even if you own the store.

Where Cottage Food and Pet Treats <u>CANNOT</u> be Sold

You <u>CANNOT</u> ship cottage food or pet treats through the mail or a delivery service





You <u>CANNOT</u> sell your cottage food or pet treats in another state unless that state allows it. Minnesota cottage food regulations do not apply to other states.

Question:

True or False?

You can ship cottage foods and pet treats through the mail.

Correct Answer:

False

• Cottage foods and pet treats cannot be shipped in the mail or through a delivery service. They must be provided in-person to the consumer.

Question:

Where can cottage foods be sold?

- A. In a grocery store
- B. Directly from your home, online, farmers' markets, and community events
- C. Through the mail
- D. At a restaurant

Correct Answer:

- B. Directly from your home, online, farmers' markets, and community events
- Cottage food products may be sold directly from homes, online, farmers' markets, and community events.

Safe Food Handling Practices

In this section you will learn about:

- What is a foodborne illness?
- The symptoms of a foodborne illness
- How you can prevent spreading a foodborne illness
- How to clean and sanitize equipment and work surfaces
- How to clean up vomiting and diarrheal events



What is a Foodborne Illness?

An illness caused by consuming food or beverages that contain harmful pathogens or other contaminants

- Pathogens are microscopic organisms that can cause disease or illness
- Can be viruses, bacteria, parasites





Foodborne illness is also known as "food poisoning"

Question:

True or False?

Foodborne illness, also known as food poisoning, is caused by consuming food or beverages containing harmful pathogens or other contaminants.

Correct Answer:

True

• Foodborne illness, also known as food poisoning, results from eating food or beverages containing harmful pathogens or other contaminants.

What Practices Cause Most Foodborne Illness?

- Sick food workers
 - 1 out of 3 outbreaks are linked to infected food handlers
- Touching food with dirty hands
- Time and temperature abuse
 - Food not kept sufficiently hot or cold
- Contaminated ingredients or food
- Using contaminated equipment
 - Poor cleaning and sanitizing

Question:

The most common practice(s) that cause foodborne illness are?

- A. Sick food workers
- B. Using dirty equipment
- C. Dirty hands
- D. All of the above

Correct Answer:

D. All of the above

• Sick food workers, using contaminated equipment, and touching food with dirty hands are among the most common practices that cause foodborne illness.

Symptoms of Foodborne Illness



If you suspect you have a foodborne illness, call the Minnesota Department of Health Foodborne Illness Hotline

1-877-FOOD-ILL

- Most common symptoms of foodborne illness are vomiting and/or diarrhea
- Other symptoms might include abdominal cramps, nausea, fever, joint/back aches, and fatigue.
- Symptoms can appear within 30 minutes to 6 weeks after eating unsafe food
 - Symptoms typically last 1-7 days

Symptoms of Foodborne Illness

If you or a member of your household has been sick with vomiting or diarrhea, wait 72 hours after you no longer have symptoms before you produce, package, or sell food.

Additional restrictions may apply if you are diagnosed with:

- Norovirus
- Salmonella
- Shigella
- Hepatitis A virus
- Shiga toxin-producing E. coli (STEC)
- Infection with another bacterial, viral or parasitic pathogen





Dangers of Preparing Food When Sick

- You can transfer your illness to others through the food you prepare
- Most foodborne illness outbreaks have been caused by people who prepared food when they were sick
- Norovirus is a virus easily transmitted, and the most common cause of short-term diarrhea and vomiting
 - Has been spread through frosting on cakes and cookies and handling food with bare hands



Keeping It Clean

To prevent food contamination:

- Use clean clothes, aprons
- Maintain short, clean fingernails
- Cover cuts
- Limit jewelry on hands
- Restrain loose hair (cover or tie back)
- Do not touch ready-to-eat foods like baked goods with bare hands use gloves, tongs, spatula, etc.
- Change gloves when soiled or switching tasks

Most importantly, wash hands often!

Gloves do not replace handwashing!





When to Wash Your Hands?

Before:

- Preparing food
- Beginning a new task



After:

- Using the restroom
- Handling raw meat/poultry, eggs, produce
- Handling animals and pets
- Eating, smoking, coughing, blowing nose
- Touching hair, face, body
- Handling garbage
- Cleaning
- Shaking hands, using phone

Handwashing Steps

- 1. Wet hands and forearms with hot water
- 2. Apply soap
- 3. Scrub hands, fingernails, and forearms for at least 20 seconds
- 4. Rinse off soap, turn off faucet with paper towel
- 5. Dry with single use paper towel











Do Not Touch Food With Bare Hands



Do not touch ready-to-eat foods like baked goods with bare hands.

Use gloves, tongs, spatula, etc.



Glove Use

- Disposable gloves can spread germs like unwashed hands
- Not a substitute for handwashing
- Use for a single task Do not reuse
- Wash hands before putting on a new pair of gloves
- Change gloves when:
 - Damaged
 - Soiled
 - Task is interrupted





Question:

What is the MOST important step you can take to prevent foodborne illness?

- A. Wash your hands often
- B. Use a hair restraint
- C. Keep your fingernails covered
- D. Reuse single use plastic gloves

Correct Answer:

A. Wash your hands often

• Good handwashing removes pathogens and is the most important step you can take to prevent the spread of foodborne illness.

Protect your Food from Contamination

During storage and transport:

- Keep food wrapped or in a covered container
- Set food in a clean, dry container for transport
- Store food off the floor or ground
- Keep away from potential sources of contamination such as plumbing and chemicals

During display:

- Keep food covered, wrapped or sealed in packaging
- Do not handle with bare hands; use utensils or disposable gloves
- Store food off the floor or ground

Question:

Select the BEST answer. Cottage food products not displayed for sale should be stored _____.

- A. Under the handwashing station
- B. Directly on the grass or ground under the table
- C. Off the ground in clean, dry containers
- D. Wherever there is space available

Correct Answer:

C. Off the ground in clean, dry containers

• Cottage food products must be protected from contamination during preparation, storage, and sale.

Cleaning and Sanitizing

Clean and sanitize sinks, equipment, utensils, tables, and counter tops before, during and after food preparation

- 1. Wash with hot, soapy water
- 2. Rinse with clean water
- 3. Apply a sanitizer safe for food contact surfaces
- 4. Air dry equipment and surfaces





Cleanup of Vomit or Diarrhea

You can make others sick if vomit or diarrhea in your home is not cleaned up properly

- Protect yourself and others
- Clean surfaces to remove liquid and debris
- Sanitize surfaces using a bleach water mixture
- Wash clothing, rugs, bedding
- Wash hands after clean up



Specific instructions can be found at https://extension.umn.edu/sanitation-and-illness/norovirus-step-step-clean-vomit-and-diarrhea

Your Pets Cannot Help Make the Treats

- Keep pets out of the food preparation area while preparing foods under the cottage food exemption
- If pets come into the area, clean and sanitize food preparation surfaces





Question:

True or False?

Food preparation surfaces need to be washed, rinsed, and sanitized before food is prepared, and at any point during preparation that the surfaces become dirty.

Correct Answer:

True

 Food contact surfaces need to be washed, rinsed, and sanitized before starting food preparation, and at any point during preparation that the surfaces become dirty.

Packaging and Labeling

- Package your food in a clean, dry place to protect it from contamination
- Remember not to touch food with bare hands
- Do not misrepresent your products, for example, by using materials that make the product look different than it is, like colored plastic wrap





Label Your Food Products

Label must include:

- 1. Producer name
- 2. Producer address **OR** registration number
- 3. The date the food was prepared
- 4. List of ingredients, including any allergens
 - Major allergens: Eggs, Milk, Wheat, Tree Nuts, Peanuts, Soy, Fish, Crustacean Shellfish
- 5. The statement "These products are homemade and not subject to state inspection"





Signage Requirements at the Point of Sale

"THESE PRODUCTS ARE HOMEMADE AND NOT SUBJECT TO STATE INSPECTION."

Example of sign required where you sell cottage foods, and wording required on cottage food labels.

Question:

True or False?

Prepared food offered for sale must be labeled with:

- Producer name,
- Producer address OR registration number,
- Date on which the food was prepared,
- Ingredients and any major allergens,
- Statement "These products are homemade and not subject to state inspection."

Correct Answer:

True

All cottage food product labels must list the producer name, registration number OR the name and address of the producer, the date the food was prepared, the ingredients and any major allergens, and the statement "These products are homemade and not subject to state inspection."

Product Label Example for Human Food

Chocolate Chip Cookies with Walnuts

Made on: 7/10/2021

Sally Baker

Cottage Food Registration # 12345678

Ingredients: Enriched flour (wheat flour, niacin, reduced iron, thiamine, mononitrate, riboflavin and folic acid), butter (milk, salt), chocolate chips [sugar, chocolate liquor, cocoa butter, butterfat (milk)], walnuts, sugar, eggs, salt, artificial vanilla extract, baking soda.

CONTAINS: Wheat, eggs, milk, walnuts

THESE PRODUCTS ARE HOMEMADE AND NOT SUBJECT TO STATE INSPECTION

Health and Nutrition Claims

Nutrition facts panels are NOT needed for cottage food products in Minnesota unless you make a claim on your label:

- Nutrition claim such as 'fat-free' or 'low sodium'
- Health claim such as 'prevents heart disease'

Claims are regulated under Title 21, Part 101 of the Code of Federal Regulations and require nutritional analysis.

Serving Si	rition ze 3 oz. (85g	a)	ULS	
Serving Pe	er Container	2		
Amount Per	Serving			
Calories	200 (Calories fron	1 Fat 12	
		% Dail	y Value	
Total Fat 15g		-11	20 9	
Saturate	d Fat 5g		28 9	
Trans Fa				
Choleste			10 9	
Sodium 6		28		
Total Carbohydrate 30g			10 9	
Dietary Fiber 0g			0 9	
Same and the same	-		U	
Sugars 5				
Protein 5	g			
Vitamin A 59	,	184	:- C 00	
	-		Vitamin C 2%	
Calcium 15%	6 •	Iron 5	%	
	100000000000000000000000000000000000000	er or lower dep	ending or	
	Calories	2,000	2,500	
Total Fat Sat Fat	Less than Less than		80g	
Cholesterol	Less than	20g 300mg	25g 300mg	
Sodium	Less than	2,400mg	2,400m	
Total Carbonhydrate		300mg	375mg	
Dietary Fiber		25g	30g	

Pet Treat Labeling

Pet treat labels must include:

- 1. Producer Name
- 2. Producer address **OR** registration number
- 3. Date on which the pet treat was prepared
- 4. Ingredients
- 5. The statement "These products are homemade and not subject to state inspection"

*Major allergens are NOT required on pet treat labels

Pet Treat Labeling

Peanut Butter & Pumpkin Dog Biscuits

Date Prepared: 8/1/2021

Sally Baker

Cottage Food Registration #12345678

Ingredients: Whole Wheat Flour, Peanut Butter, Pumpkin, Vegetable Oil, Cinnamon

THESE PRODUCTS ARE HOMEMADE AND NOT SUBJECT TO STATE INSPECTION

Question:

True or False?

Major allergens are not required on pet treat labels

Correct Answer:

True

• Major food allergens are not required to be listed on pet treat labels.

Question:

Each individual pet treat package offered for sale must be labeled with:

- A. Producer Name
- B. Producer address or registration number
- C. Ingredients AND Date on which the pet treat was prepared
- D. The statement "These products are homemade and not subject to state inspection"
- E. All of the above

Correct Answer:

E. All of the above

 All pet treat packages must be labeled with the producer name, address or registration number or the producer, the date on which the pet treat was prepared, ingredients, and the statement, "These products are homemade and not subject to state inspection."

How to Become Registered

- Step 1: Determine if you are eligible to register for this license exemption. This includes verifying the food you plan to make is non-potentially hazardous and that your local city, county, or township does not have home sales prohibitions based on zoning requirements. Reviewing this training is helpful to verify eligibility.
- Step 2: If you are eligible, complete the training and exam for the Cottage Food Producer Registration. Your training and exam requirements will depend on your expected gross annual sales.
 - If your sales are expected to be less than \$7,665 per year, complete this Tier 1 training and exam.
 - If your sales are expected to be more than \$7,665 per year, you will need to take an inperson or online training through the University of Minnesota Extension program before registering with the MDA. Find training information here: <u>University of Minnesota</u>
 <u>Extension cottage food course information</u>

How to Become Registered

- Step 3: Complete the online registration application and exam:
- Online Licensing and Payment System
 - Choose "Cottage Foods Producer Registration" from the dropdown menu
- If you do not have access to a computer, you may request a paper application, training and exam by calling 651-201-6062. Leave a detailed message, including your first and last name and mailing address.



How to Become Registered

- Step 4: MDA will send you a registration card in the mail with a unique registration number. Post the registration card in a location visible to customers where you are selling your food or have it with you and make it available upon request.
 - You may check the status of your registration at <u>Licensing Information</u> Search.
 - It may take up to 2 weeks for your registration to display in the online system and 3-4 weeks for registrations to be mailed.
 - You can sell your cottage food items after you have submitted your registration and do not receive any further notifications from MDA.

Registration Renewal

- Cottage food registrations received by the MDA before December 16th of each year expire at the end of that <u>same</u> calendar year (December 31st)
- Cottage food registrations received after December 16th of each year will expire the <u>following</u> year on December 31st
- Cottage food registrants will receive a renewal form in the mail approximately 6 weeks prior to the end of the year.
- You must renew your registration each year to continue producing and selling your food.

Registration Renewal Requirements

Tier	Gross Annual Sales	Registration Renewal Due	Annual MDA Registration Fee	Training and Exam Frequency
Tier 1	\$0 - \$7,665*	Yearly	None	 Yearly Online - MDA website Paper version available for those without a computer
Tier 2	\$7,666 – \$78,000	Yearly	\$50	 Every 3 years In-person or online cottage food course through University of MN Extension (\$50 course fee)
*increase from \$5,000 to \$7650 effective January 1, 2022				

Question:

True or False?

Registration and training for Tier 1 cottage food producers (up to \$7,665 in gross annual food sales) is required every 5 years.

Correct Answer:

False

• Registration and training for Tier 1 cottage food producers is required yearly.

Question:

Fill in the blank with the BEST answer.

Before registering with the Minnesota Department of Agriculture as a cottage food producer, I need to confirm that ______ allow home-based food businesses.

- A. Food and retail businesses
- B. Food and safety inspectors
- C. Neighborhood groups and city councils
- D. Local units of government such as city, county, or township licensing and zoning agencies

Correct Answer:

- D. Local units of government such as city, county, or township licensing and zoning agencies.
- Local units of government, such as a city/county/township/zoning agency, may have business licensing requirements or sanitation, public health, or zoning ordinances that you are required to follow, in addition to the cottage food exemption requirements.



Thank you!

Your training is complete!

The next step is to apply and become registered as a cottage food producer at our <u>Online Licensing and Payment System</u>. With a completed application and passing score, your registration application will be processed.