Montana DPHHS Cottage Food Operation Guidance and Permit Application

MONTANA DPHHS

Healthy People. Healthy Communities.

Department of Public Health & Human Services

As of October 1, 2015, Montana implemented a Cottage Food Program. This allows certain food items to be produced in a home kitchen and sold to the general public. Cottage Food Operators in Montana must specifically meet the following requirements:

1) **Implement sanitary food preparation operations**. Items need to be produced in a kitchen that is clean and has restrictions on eating, drinking, and using tobacco during packaging of cottage foods, and the access of household pets during production. Cottage food products must be sold directly to the consumer within the State of Montana.
2) **Only market cottage foods on the approved food list.** This includes:
   a) Baked good products that may be cooked in an oven including:
      i) Loaf breads, rolls, biscuits, quick breads, and muffins
      ii) Cakes
      iii) Pastries or scones
      iv) Cookies or bars;
      v) Crackers
      vi) Cereals, trail mixes or granola
      vii) Nuts and nut mixes
      viii) Snack mixes
      ix) Pies (except that custard style pies, pies with fresh fruit that is unbaked or pies that require refrigeration after baking)
   b) Dried fruits
   c) Standardized Jams, Jellies, Preserves and Fruit Butter
   d) Recombining and Packaging of Dry Herbs, Seasonings, or Mixtures (dry soup, teas, coffees, spice seasonings)
   e) Popcorn, popcorn balls, or cotton candy
   f) Fudge, candies or confections that require a cook step and do not require refrigeration after cooking
   g) Molded chocolate using commercial chocolate melts
   h) Honey
   i) Other products may be approved on a case by case basis by the department in consultation with the local health authority.
3) **Create compliant labels.** Products must be labeled with basic information on the product, common allergens, and a statement to inform the public that it is produced in a home kitchen that does not fall under the regulations of a regular retail food facility.
4) **Sell directly to consumers.** A face-to-face transaction with the consumer is required. They may be delivered to the purchaser, sold at Farmers' Markets, flea markets, craft bazaars, fairs, etc. Cottage food products cannot be sold to restaurants, distributors, wholesale or by e-mail or mail order.
5) **Register with the local Environmental Health Agency.** The application fee is a one-time registration fee of $40.00. However, if the location of the operation moves, or additional recipes and labels are submitted, the operator will be required to re-register. For those Native Americans living on Montana's reservations, contact your tribal environmental health office to determine what agency will be reviewing and registering Cottage Food Operations.

APPLICATION FOR COTTAGE FOOD OPERATION PERMIT

A cottage food operation allows for food that is not potentially hazardous such as baked goods, jam, jellies, preserves, fruit butters, or dry spice blends to be produced in the kitchen of a person's primary domestic residence in Montana and only for sale directly to the consumer, by the producer.

Cottage Food Operation products cannot be sold to restaurants, wholesale via the internet, or by mail order. Products cannot be sold out of state.

NAME OF COTTAGE FOOD OPERATION:		
OWNER NAME(S):		
ADDRESS OF DOMESTIC HOME KITCHEN: CITY:	COUNTY:	
MAILING ADDRESS: CITY:	STATE:	ZIP:
PHONE NUMBER:	EMAIL ADDRESS:	
PREVIOUSLY REGISTERED? YES ☐ NO ☐	IF YES, REGISTRATION #:_____	

Products (Please list the items you will prepare and sell)

Approved Cottage Foods Products include: foods that are not potentially hazardous and are processed or packaged in a cottage food operation, including jams, jellies, dried fruit, dry mixes, and baked goods. Other similar foods that are not potentially hazardous may be defined by the department by rule.

Please list the specific products you are registering:

Owner's Statement

The information provided in this application accurately represents my operation and I understand that I must grant the local health official access to my residence for the purpose of inspection in the event of a complaint based on an illness associated with my product(s).

Signature(s) of owner(s)	Date:

Please remit check or money order for $40.00, payable to _____ (County) Environmental Health Office with this application. No refund of fees after receipt of Cottage Food Operation Application.

********** For office use only **********

Approved by: _____ Date: _____

Conditions:_____

_____

Please send copy of this page to DPHHS-FCSS

Attachment 1- Recipes

Recipes, Processing, Packaging, Labeling and Cleaning

Submit:

Recipe List- Submit a list of all products you are applying to be permitted for (see the "Recipe List" attachment). These products, if approved, will be listed on your permit.

After listing all of your recipes in numerical order, then write out the recipe and attach your label on the "Recipes & Labels" attachment.

Jams, Jellies and Fruit Butters will be approved if they are made from the following fruits, and contain at least 67% sugar by weight. Other formulations will need to be assessed to make sure they meet the safety requirements specified in 21CFR150. They cannot contain large chunks of fruit.

- **Fruit Butters** made with apple, apricot, grape, pear, plum, prune, quince, and combinations of these fruits.
- **Fruit jellies** made with apple, apricot, blackberry, black raspberry, boysenberry, cherry, crabapple, cranberry, dewberry, fig, gooseberry, grape, grapefruit, guava, loganberry, orange, peach, pineapple, plum, pomegranate, prickly pear, quince, raspberry, currant, strawberry and youngberry and combinations of these fruits.
- **Fruit preserves and jams** made with the same fruits as fruit jellies, as well as blueberry, elderberry, huckleberry, rhubarb, tangerine, nectarine, cranberry and tomato and combinations of these fruits.

Dried Fruit:

The following fruits can be dried, packaged and sold as well as other fruits that have a pH of 4.6 or lower:

Apples, apricots, grapefruit, lemons, limes, mangos, nectarines, oranges, peaches, plums, pomegranates, tangerines, blackberries, blueberries, cherries, cranberries, currants, gooseberries, grapes, raspberries, strawberries and huckleberries.

Processing and packaging is restricted to the conditions on the right.

Attachment 1- Recipes

Clearly explain the ingredients of your recipes and the measurements.

- Each variation of a recipe needs to be submitted. For example, "Chocolate Chip Cookies" and "Chocolate Chip Cookies with Walnuts".
- Make sure each ingredient used is mentioned in the instructions.
- If you are greasing a pan this also needs to be listed in your ingredients.

Products not allowed:

- Certain types of frosting
- Jams, jellies and butters made from fruits not allowed under the CFR
- Products with meat or cheese
- Meringue or custard pies, cheesecakes

Dried fruit:

1. Must have a minimum internal food temperature of 160ºF within 60 minutes of cutting fruit.
2. Must have a minimum internal temperature of 135ºF during the entire drying process.
3. Cannot be packaged in vacuum, reduced oxygen or modified oxygen packaging.

Recipe Attachment

(Complete one for each product)

Product Name: _____ Recipe #: _____

Clearly identify the ingredients of your recipes and the measurements.

- Each variation of a recipe needs to be submitted. For example, "Chocolate Chip Cookies" and "Chocolate Chip Cookies with Walnuts".

RECIPE	
Name of Ingredient:	**Amount of each ingredient (in units of <u>weight</u>)**

DIRECTIONS:

Attachment 2- Production Process

Recipes, Processing, Packaging, Labeling and Cleaning

Submit:

- ✓ A copy of all processing steps you take that are not listed in the recipe or packaging.
- ✓ List of equipment to be used within Registered Area (not including standard household appliances)

Examples of non-listed steps such as:

- ➢ Boiling jam jars prior to filling or
- ➢ Cooling and storing breads on a cooling rack placed on the counter for 3 hours after the bake step.

LIST OF PROCESSING STEPS AND SPECIAL EQUIPMENT (e.g. dehydrator, vacuum sealer, pressure cooker):

Attachment 2- Processing

Some processing steps will be identified in the recipes and some will be identified in the packaging. This page is to identify any non-listed steps of the processing or packaging in detail to review for hazards that may be introduced.

Several recipes may have the same process. If so, you may list all of the recipes that have the same process on one sheet.

Attachment 3- Packaging Process

Recipes, Processing, Packaging, Labeling and Cleaning

Submit:

- ✓ A description of all the types of packaging you will use and the process of how the product will be packaged.

Examples:

- ➢ "I use new plastic baggies from the grocery store, and with disposable gloves place two cookies in a baggie and seal with a twist tie.
- ➢ "I use canning jars and two piece commercial canning lids to seal the jam while it is hot."

LIST OF TYPE OF PACKAGING AND THE PROCESS (e.g. boiling glass jars; items are wrapped individually with clear food wrap):

Attachment 3- Packaging

Some packaging steps will be identified in the recipes and some will be identified in the packaging. This page is to identify any non-listed steps of the processing or packaging in detail to review for hazards that may be introduced.

Several recipes may have the same process. If so, you may list all of the recipes that have the same process on one sheet.

Attachment 4- Labeling

Recipes, Processing, Packaging, Labeling and Cleaning

Submit:

- ✓ Attach a label for each recipe below, or on a separate sheet of paper. Print or copy extra forms as needed for all recipes

Labels must contain the following information:

- Name, address, city, state and zip code of the cottage food operation
- Name of the cottage food product
- Ingredients of the cottage food product, from highest weight ingredient to lowest weight
- Net quantity, weight, count or volume
- Allergen labeling
- The following statement:

"Made in a home kitchen that is not subject to retail food establishment regulations or inspections."

NOTE: The size of the type, or "font" for this statement must be 11-point or greater.

ATTACH DRAFT OF LABEL FOR EACH PRODUCT (see rule for example):

Attachment 4- Labeling

Ingredients lists that contain an allergen need to be listed on the label. The most common allergens are:

- **Milk**

  This includes cream, butter, caseinate, curds, lactate, lactose, whey, etc.

- **Wheat**
- **Eggs**
- **Peanuts**
- **Tree Nuts**
  This includes almonds, pecans, hazelnuts and walnuts.
- **Soy**
  This includes soybeans, soy milk, soy lecithin (often found in sub ingredients)

Allergens can be listed in a "Contains" statement below the list of ingredients.

Example: "Contains tree nuts, wheat, eggs and milk", would be a statement for a typical chocolate cookie with walnuts. ("milk" is in butter)

See 50-50-116 for additional information.

Attachment 5 - Cleaning Process

Recipes, Processing, Packaging, Labeling and Cleaning

Submit:

- ✓ A list of how the equipment, utensils, and product contact surfaces will be cleaned and sanitized, and how often.
- ✓ Include a description of how you will control allergens, including how you will clean surfaces and utensils between preparation of products with allergens and products that do not contain allergens.

Attachment 5- Cleaning and Sanitation

Allergen control includes:

- Adequate cleaning to prevent cross contact between equipment used to make products that have allergen ingredients and products that have no allergen ingredients.
- Not storing allergens such as flour near ingredients used in non-wheat products.

LIST CLEANING STEPS AND PRODUCTS USED (e.g. 1 tbsp of liquid bleach will be mixed with 1 gallon of water and used to wipe down all food contact surfaces):

IDENTIFY HOW ALLERGEN INGREDIENTS WILL BE STORED TO PREVENT CROSS-CONTAMINATION (e.g. nuts will be stored in sealed container away from other products):