THE VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

HANDBOOK FOR SMALL FOOD MANUFACTURERS

ACKNOWLEDGEMENTS

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In support of this goal, the Virginia Department of Agriculture and Consumer Services (VDACS) would like to thank the following institutions and individuals for their contributions to this handbook: United States Food and Drug Administration (FDA); Virginia Department of Health (VDH); Virginia Polytechnic Institute and State University; Virginia State University; Virginia Cooperative Extension Food Innovations Program; Carolyn Peterson of Peterson Dairy Consulting, L.L.C. and Dr. Natalie Robertson of 360 Virtual Assistance.

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WELCOME

CHARLES GREEN, ACTING COMMISSIONER

Dear Food Processor:

Welcome to the *Handbook for Small Food Manufacturers* from the Virginia Department of Agriculture and Consumer Services. This handbook has been designed with you, the small food processor, in mind. We have produced this guide in cooperation with our partners at other state and federal agencies to provide one-stop shopping for the important information and resources that you need to ensure that your small food business protects consumers' health and complies with Virginia's food safety regulations. Our goal is to ensure that you have all the information you need to produce a safe, wholesome and unadulterated product. I encourage you to use this handbook as your personal guide for every step and process of your food operation.

Charles Green, Acting Commissioner

CHARLES BROADDUS, DIRECTOR OF AFIS

An Important Message About Food Safety

At VDACS, food safety is a priority. Food safety means knowing how to avoid the spread of pathogens when you're buying, preparing and storing food. VDACS provides several resources and food safety tips to help you practice food safety and to prevent foodborne illness, including FoodSafety.gov, Food Recalls, the Partnership for Food Safety Education and Food Security. Additionally, the new VDACS *Handbook for Small Food Manufacturers* is a user-friendly reference to help you practice food safety in compliance with Virginia's regulations. I encourage you to read your handbook thoroughly so that you remain in compliance with the law, so that your business practices food safety and so that you protect consumers' health.

Dr. Charles Broaddus, Director of the Divsion of Animal and Food Industry Services (AFIS)

INTRODUCTION

Starting a new business in food manufacturing and processing can be a rewarding and an exciting adventure. As the owner of a new small business, there are many things to consider: what food items will you manufacture/process; how will your products be packaged, marketed and sold; how will you produce them safely; what are the requirements for product labeling and, how does your workspace need to be set up? In addition, many regulations and permits are required prior to starting your business, and after your business is in operation. The *Handbook for Small Food Businesses* is a resource tool that will help guide you through the steps required to start a small business for food manufacturing and processing in Virginia.

The Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Health (VDH) work together to administer regulatory programs to ensure that safe, wholesome, unadulterated and truthfully labeled food and agricultural products are offered for sale to consumers in Virginia. In addition, these agencies offer marketing, educational and resource materials/programs for small business owners. The Virginia Alcoholic Beverage Control (VaABC) has regulations overseeing alcohol manufacturing as well as alcohol that may be used as flavorings or ingredients in food. What follows is a brief overview of each agency and the services provided:

Virginia Department of Agriculture and Consumer Services (VDACS)

The Virginia Department of Agriculture and Consumer Services (VDACS) promotes the economic growth and development of Virginia agriculture, provides consumer protection and encourages environmental stewardship. The agency is headquartered in Richmond and has several field offices, four regional diagnostic animal health laboratories and a global network of representatives promoting Virginia products internationally.

Headquarters

Mailing Address:
P.O. Box 1163
Richmond, Virginia 23218

Physical Address:
102 Governor Street
Richmond, Virginia 23219

DIVISION OF ANIMAL AND FOOD INDUSTRY SERVICES

The Division of Animal and Food Industry Services is comprised of traditional and non-traditional agricultural offices including Animal Care and Emergency Response, Dairy and Foods, Laboratory Services, Meat and Poultry Services, and Veterinary Services. The Division of Animal and Food Industry Services has responsibility for the following:

(1) Administering regulatory programs that promote the prevention, eradication and control of infectious and contagious diseases of livestock and poultry;

(2) Promoting the proper care of livestock, poultry and companion animals and supporting local animal control activities and training;

(3) Providing regulatory and diagnostic testing services for the livestock and poultry industries, private veterinary practitioners and government agencies; and

(4) Administering regulatory programs to ensure that safe, wholesome, unadulterated and truthfully labeled food products are offered for sale to consumers.

The offices provide the following services throughout the Commonwealth:

Office of Dairy and Foods

Dairy and Foods is responsible for the enforcement of laws and regulations relating to milk and food safety to ensure a safe and wholesome supply of milk and food for Virginia consumers.

FOOD SAFETY PROGRAM: Food Safety Specialists conduct inspections of retail food establishments, food processing establishments and food warehouses. Food Safety Program activities also include the sampling of food products, investigation of consumer complaints and the examination and regulation of dietary supplements. These activities are conducted in consultation with consumers and the food industry and in cooperation with other food safety agencies such as state and local health departments, the U.S. Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA). The Food Safety Program participates in economic development activities with persons interested in selling food products in Virginia by reviewing new food business proposals and assisting in the development of safe food processes.

It is the operator or owner's responsibility to contact the Food Safety Program for information and guidance prior to the start of a food manufacturing business in the Commonwealth. An inspection must be conducted prior to operating the business.

The Food Safety Program oversees:
The inspection of retail food stores including, but not limited to, grocery stores, convenience stores and farmers' markets (Virginia Department of Health inspects food service vendors at the farmers' markets) and the inspection of all food manufacturing establishments including, but not limited to, breweries, wineries and distilleries, home-based food manufacturers, bottled water and beverage manufacturers, dietary supplement manufacturers, seafood manufacturers and bakery product manufacturers.

NOTE: The Food Safety Program inspects all food manufacturers with the exception of shellfish, dairy and meat products.

Contact Information for Food Safety Program:
Pamela Miles, Program Supervisor:
VDACS Office of Dairy and Foods
P.O. Box 1163
Richmond VA 23218
804.786.3520
Pamela.Miles@vdacs.virginia.gov

VDACS Food Safety Regional Offices Main Line: 804.786.3520		
Northern Virginia **Regional Manager:** **Nikeya Thomas**	**Southwest Virginia** **Regional Manager:** **Lisa Ramsey**	**Tidewater Virginia** **Regional Manager:** **Courtney Mickiewicz**
Phone: 804.785.3033 Fax: 804.371.7792 VDACS – Food Safety Program P.O. Box 1163 1st Floor Richmond, VA 23218	Phone: 540.562.3641 Fax: 540.562.3649 VDACS – Food Safety Program 2943-E Peters Creek Rd. Roanoke, VA 24019	Phone: 757.363.3840 Fax: 757.363.3838 VDACS – Food Safety Program 5700 Thurston Ave. Suite 104 Virginia Beach, VA 23455

▶ Click here for additional information on products regulated by the Food Safety Program.

DAIRY SERVICES: Issues permits for and manages regulatory programs relating to Grade "A" dairy farms; people who weigh, sample and test milk; and processors of ice cream, cheese or other manufactured dairy products. Dairy Services administers various regulations that govern the production, processing, labeling, handling and sale of milk and milk products in Virginia. Dairy Services performs inspections and permitting for dairy farms (cows, goats, water buffalo and sheep), cheese plants, frozen dessert plants, retail ice cream shops and milk tankers/ transports.

▶ Click here for additional information on products regulated by Dairy Services.

Contact information for Office of Dairy Services
Robert Trimmer, Program Supervisor
VDACS Office of Dairy Services
P.O. Box 1163
Richmond VA 23218
804.786.7452

Meat and Poultry Services operates a meat inspection program focused on Virginia's meat and poultry industry. The program ensures the production of safe, wholesome and truthfully labeled meat and poultry products as well as humane treatment of animals that are processed. The meat and poultry inspection program administers the Virginia Meat and Poultry Products Inspection Act and has also adopted federal regulations (9-CFR, Parts 301-391and Parts 416-500) by reference. As such, Virginia's program maintains an "equal to" status with the USDA, Food Safety and Inspection Service (FSIS). Meat and Poultry Services participates in economic development activities with persons interested in producing and selling meat and poultry products in Virginia.

Office of Meat and Poultry Services oversees:

- Slaughter of amenable species: cattle, swine, sheep, goats, poultry, ostrich, rhea, emu (ratites)
- Manufacture/processing of meat, pork and poultry products
- Manufacture of cooked meat products such as beef jerky
- Manufacture of food products containing a minimum of three percent raw or two percent cooked meat and/or poultry

Office of Meat and Poultry Services

NOTE: It is the operator's or owner's responsibility to contact the Office of Meat and Poultry Services for permitting information and guidance prior to the slaughter or processing of meat, pork or poultry products in the Commonwealth.

Contact Information for Office of Meat and Poultry:

Barry Jones, Program Manager
VDACS Office of Meat and Poultry Services
P.O. Box 1163
Richmond VA 23218
804.786.4569
Barry.Jones@vdacs.virginia.gov
http://www.vdacs.virginia.gov/animals-meat-and-poultry.shtml

▶ Click here for additional information on: products regulated by the Office of Meat and Poultry Services.

Office of Produce Safety

The Virginia Department of Agriculture and Consumer Services received federal grant funding in 2016 to establish a Produce Safety Program within the Office of Dairy and Foods. This new regulatory program will work to address the growing, packing, holding and dissemination of produce grown on farms and will encourage the safe production of fruits and vegetables and promote understanding and compliance with the FDA Produce Safety Rule and state legislation.

Erik Bungo, Program Manager
VDACS Office of Produce Safety
P.O. Box 1163
Richmond, VA 23218
804.786.4003
Erik.Bungo@vdacs.virginia.gov
www.VAProducesafety.com

Click here for additional information on: products regulated by the Office of Produce Safety.

DIVISION OF CONSUMER PROTECTION

Office of Plant Industry Services - Agricultural Commodities

The Division of Consumer Protection incorporates the Office of Plant Industry Services and the Office of Weights and Measures, as well as other offices not related to food safety.

Two programs within the Office of Plant Industry Services may be of interest to small businesses: the Agriculture Commodities Program and the Plant Protection Program.

Agriculture Commodities Program: administers and enforces the law(s) and regulation(s) to ensure the integrity of commercial animal feed; including feed for livestock, poultry, pets, specialty pets and medicated feed regulated by the Virginia Commercial Feed Law. In addition to feed, this program oversees:

- Medicated feed regulated by the Virginia commercial feed law
- Labeling of feed sold in the Commonwealth

Office of Commodity Services

Debra (Deb) Hargrave, Program Supervisor
Agricultural Commodities Program
102 Governor Street, Lower Level
Richmond, VA 23219
804.225.4558
Debra.Hargrave@vdacs.virginia.gov

It is the operator or owner's responsibility to contact the Agricultural Commodities Program for permitting information and guidance prior to the start of a business manufacturing, producing or processing food for livestock or pets.

▶ Click here for additional information on: products regulated by the Agricultural Commodities Program.

Plant Protection Program: administers and enforces the law(s) and regulations under the Virginia Bee Laws. These laws authorize apiary inspections and regulate movement of honey bees, sale of bees/queens and used bee equipment.

NOTE: The Food Safety Program has an exemption for honey processors who process 250 gallons or less each year. These firms are not inspected by VDACS Food Safety office. Please refer to the Exemption section of this manual for additional information.

It is the operator or owner's responsibility to contact the Office of Plant Industry Services and the Food Safety Program for permitting information and guidance prior to the start of a beekeeping or apiary business in the Commonwealth.

Contact Information for Beekeeping and Apiary Inspection Services:

Keith Tignor
State Apiarist
102 Governor Street, Richmond VA 23219
804.786.3515
Keith.Tignor@vdacs.virginia.gov
VABees@vdacs.virginia.gov

▶ Click here for additional information on: Beekeeping and Apiary Inspection Services.

Office of Weights and Measures

The Office of Weights and Measures (OWM) is part of the VDACS Division of Consumer Protection. This office administers and enforces law(s) and regulation(s) designed to prevent unfair competition among regulated industries and to maintain integrity of transactions between buyers and sellers. (http://www.vdacs.virginia.gov/food-weights-and-measures.shtml)

The Office of Weights and Measures oversees:

- Inspection and testing of commercially used weighing/measuring equipment
- Investigation of related complaints
- Sampling of motor fuels
- Licensing of individuals to certify accuracy of weigh tickets
- Administration of regulations that seek to ensure prompt accounting and payment for products sold by Virginia producers.

Contact Information for Office of Weights and Measures:
Joel Maddux
Program Manager, Office of Weights and Measures
102 Governor Street, Richmond VA 23219
804.786.2476
Joel.Maddux@vdacs.virginia.gov
http://www.vdacs.virginia.gov/food-weights-and-measures.shtml

DIVISION OF MARKETING AND DEVELOPMENT

The Division of Marketing and Development consists of a number of offices that provide the following services:

- Grading and inspection program for fruits, vegetables, peanuts and grain
- Assisting the agricultural community in locating markets for their products nationally and internationally
- Providing market assistance to producers, commodity boards, association, retailers and buyers
- Promoting the Virginia Grown and Virginia's Finest programs
- Assistsing Virginia's producers with domestic sales, international sales and market development
- Providing business development assistance

Division of Marketing and Development Oversees:

- Agribusiness and forestry development
- Commodity marketing
- Food distribution
- Fruit, vegetable and peanut grading and inspection
- Good agricultural and good handling practices audits
- Grain grading and inspection
- International marketing
- Livestock marketing
- Market news service
- Poultry and egg grading and inspection
- Promotions
- Sales and market development

Contact information for Division of Marketing and Development:
Stephanie Agee, Marketing Director
102 Governor Street, Richmond VA 23219
804.786.3530
Stephanie.Agee@vdacs.virginia.gov

E.L. Knicely, Deputy Director
102 Governor Street, Richmond VA 23219
804.786.0480
El.Knicely@vdacs.virginia.gov

For additional information, please visit this website.

Office of Domestic Sales and Market Development

This office assists producers in finding markets for products grown,
manufactured or produced in the Commonwealth. The services of this office are available for small food producers. In addition, this office helps to find markets for excess foods. Activities of this agency include:

- Locating buyers
- Coordinating and hosting production area tours for potential buyers
- Participating in industry trade shows
- Assisting seventeen commodity boards in conducting their programs
- Implementing retail promotions to focus on Virginia products
- Providing marketing information

Contact Information for the Office of Domestic Sales and Market Development:
Kent Lewis, Director
102 Governor Street, Richmond VA 23219
804.371.6098
Kent.Lewis@vdacs.virginia.gov

Office of Agriculture and Forestry Development

This office assists with agribusiness expansion, retention and recruitment and administers two grant programs: the Governor's Agriculture and Forestry Industries Development Fund (AFID) and the Virginia Farm Business Development Fund (VFBD). AFID is a tool for localities to support new and expanding businesses that are creating new jobs and investment and using Virginia-grown agriculture or forestry products. The Virginia Farm Business Development Program works with farms and small agribusinesses to support business planning, market research, succession planning and other related activities.

For eligibility and information about grants funds, please contact:

Cassidy Rasnick, Manager
Office of Agriculture and Forestry Development
102 Governor Street, Richmond VA 23219
804.225.4535
Cassidy.Rasnick@vdacs.virginia.gov
www.vdacs.virginia.gov/agribusiness

For eligibility and information about VFBD programs please contact:

Maggie Beal Longest, VFBD Program Coordinator
Office of Agriculture and Forestry Development
Virginia Department of Agriculture and Consumer Services
102 Governor St.
Richmond, VA 23219
804.786.1241
Margaret.Longest@vdacs.virginia.gov
http://www.vdacs.virginia.gov/agriculture-start-a-farm.shtml

Click here for additional information on: OAFD.

Office of Promotions

Office of Promotions: This office oversees a number of promotional programs within the Division of Marketing and Development including: Virginia's Finest, Virginia Grown, farmers' markets, the Farm-to-School program and specialty foods.

Contact Information for the Office of Promotions:
Olivia Wilson
Promotions & Marketing Coordinator
102 Governor Street
Richmond, VA 23219
1.800.284.9452
Olivia.Wilson@vdacs.virginia.gov

Click here for additional information on: Virignia's Finest, Virginia Grown, and farmers' markets.

Office of Commodity Services

Comodity Services has a cooperative agreement with the United States Department of Agriculture (USDA) to perform grading and inspections. Inspectors are trained and employed by the Commonwealth of Virginia and licensed by the USDA.

Thomas Smith, Administrator
Office of Commodity Services
102 Governor Street
Richmond VA
804.786.1808
Thomas.Smith@vdacs.virginia.gov

Program Areas in Office of Commodity Services: Fruit, Vegetable and Peanut Grading Inspection Services: The program oversees the grading and inspection of agricultural products, and provides certification of fresh and processed fruits, vegetables, peanuts and related products based on USDA standards. The office administers the Virginia Controlled Atmosphere Storage Law and Seed Potato Inspection Law. The grading and inspection services help both buyers and sellers ensure product quality and contract specifications.

Contact Information for Fruit and Vegetable Inspection Services:
Dennis Clary, Fruit and Vegetable Marketing Program Manager
102 Governor Street
Richmond VA 23219
804.786.3548
Dennis.Clary@vdacs.virginia.gov

Contact Information for Peanut Grading and Inspection Services:
Teresa Byrd, Agriculture Manager
308 Culloden Street
Suffolk, Virginia 23434
757.925.2286
Teresa.Byrd@vdacs.virginia.gov
http://www.vdacs.virginia.gov/inspection-and-grading-fruit-vegetable-and-peanut-marketing.shtml

Poultry and Egg Marketing: Administers the grading program for poultry and eggs. Grading and Certification are based on USDA quality standards. These standards verify that poultry and shell eggs meet specific requirements such as quality, condition, formulation, weight, packaging, storage and transportation. Grading and certification are voluntary services offered by VDACS' Office of Poultry and Egg Marketing.

Contact Information for Poultry and Egg Grading and Inspection:
Elizabeth Myers – Program Supervisor
VDACS
261 Mount Clinton Pike, Harrisonburg, VA 22802
540.209.9140
http://www.vdacs.virginia.gov/inspection-and-grading-poultry-and-egg-marketing.shtml

▶ Click here for additional information on: the inspection and marketing of eggs.

Grain Marketing: Administers and enforces the Virginia Grain Law. This office provides official grading, inspection and weighing services certifying the quality and quantity of grain and soybeans according to the U.S. Grain Standards Act for Domestic and Export markets. The program provides mycotoxin testing, oil and protein analysis,and falling numbers determination.

Contact Information for Grain Grading and Inspection Services:
Paul Caruso - Program Manager
Paul.Caruso@vdacs.virginia.gov
Chesapeake Office, Grain Marketing
757.494.2464

Randy Sanford - Virginia Grain Law Supervisor
Randy.Sanford@vdacs.virginia.gov
VDACS
102 Governor Street, Suite 355
Richmond, VA 23219
804.786.3939

Office of Food Distribution

Food Distribution: The Food Distribution office manages the USDA food programs, providing food and nutrition assistance to school children and families. Currently Virginia receives USDA foods in five separate programs. They are: the National School Lunch Program, the Emergency Food Assistance Program, the Commodity Supplemental Food Program, the Summer Food Service Program and the Child and Adult Care Food Program.

Contact Information for Food Distribution:
Seth Benton - Program Manager
Seth.Benton@vdacs.virginia.gov
VDACS
102 Governor Street
Richmond Virginia 23219
804.786.0532

Market News

Virginia Market News Service prepares and distributes publications for industry and the media to assist producers in making well-informed decisions, maximize profits and promote the availability of Virginia agricultural commodities to buyers.

Contact Information for Market News:
Brett Richardson, Program Supervisor
102 Governor Street, Suite 355
Richmond, VA 23219
804.786.3947
Hotline: 800.552.5521
804.371.7787 FAX
market.news@vdacs.virginia.gov
Brett.Richardson@vdacs.virginia.gov

Virginia Cooperative Extension Service

Virginia Cooperative Extension: Starting Your Food Business: For more information about starting your food business, please visit www.ext.vt.edu and read the information below.

Starting your Food Business 1: Before You Get Started As A Food Entrepreneur

Starting your Food Business 2: Preparing a Business Plan

Starting your Food business 3: Classifying Your Food

Starting your Food Business 4: Direct Market Food Sales in Virginia

Virginia Department of Health (VDH)

The Division of Food and General Environmental Services at VDH: works to ensure public safety for all residents and guests across Virginia. Programs include food safety, pasteurized milk safety, bedding and upholstery, childhood lead prevention, campground regulation, and hotel and pool surveillance.

The Division of Food and General Environmental Services falls within the Office of Environmental Health Services (OEHS). The mission of the OEHS is to protect public health by preventing the transmission of disease through food, milk, shellfish, water and sewage and to work in partnership with other agencies to protect the environment.

Environmental Health Specialists in 35 health districts across the Commonwealth provide restaurant and mobile unit plan review, permitting, inspection services, foodborne illness investigation and food safety education. OEHS administers and enforces the law(s) and regulation(s) pertaining to permitting and inspection of restaurants, fast food establishments, cafeterias (in hospitals, schools, nursing homes), hotels, bed and breakfast establishments, mobile food trucks, temporary food events (fairs, festivals, farmers' markets) and caterers. This office also oversees bedding and upholstery, childhood lead poisoning, and pool and spa safety. Virginia has more than 25,000 food establishments that are permitted and inspected by the OEHS to ensure food safety.

In addition, OEHS offers specific permitting and inspection in areas that may be of interest to a small business food processor, including:

- Shellfish sanitation
- Grade “A” milk processing: fluid milk and Grade “A” milk products
- Drinking water

Contact Information for VDH Headquarters:
Office of Environmental Health Services (OEHS)
109 Governor St., 5th Floor
Richmond, VA 23219
804.864.7473 www.vdh.virginia.gov/environmental-health/

It is the operator or owner’s responsibility to contact your local health district or OEHS at VDH Headquarters prior to beginning a business that is regulated by VDH (see Public Listing below).

[Health District Directors - revised September 13, 2017: Public Listing]

Click here for additional information on: shellfish sanitation; Grade "A" fluid milk and Grade "A" milk products; processing and approved sources for drinking water.

Virginia Department of Alcoholic Beverage Control (VaABC)

The Virginia Department of Alcoholic Beverage Control administers and enforces the ABC laws and regulations to ensure a safe, orderly and regulated system for convenient distribution and responsible consumption of alcohol. For additional information please refer to this website. The amount of alcohol that can be used as an ingredient or flavoring in food items is regulated by the Virginia Department of Alcoholic Beverage Control.

NOTE: The VDACS Food Safety Program inspects the sanitary manufacturing, processing and bottling of beer, wine, mead cider and distilled spirits.

Contact Information for the Virginia Department of Alcoholic Beverage Control:
ABC Central Office
804.213.4400
Street address:
2901 Hermitage Road
Richmond, VA 23220

Mailing address:
P.O. Box 27491
Richmond, Virginia 23261-7491
https://www.abc.virginia.gov/about/contact

Click here for additional information on: distilleries, wineries and breweries and the Virginia ABC

DIVISION OF ANIMAL AND FOOD INDUSTRY SERVICES

VDACS' Division of Animal and Food Industry Services is comprised of traditional agricultural offices including Dairy and Foods, Laboratory Services, Meat and Poultry Services, and Veterinary Services, as well as non-traditional offices such as Animal Care and Emergency Response. The Division of Animal and Food Industry Services has responsibility for the following:

(1) Administering regulatory programs that promote the prevention, eradication and control of infectious and contagious diseases of livestock and poultry;

(2) Promoting the proper care of livestock, poultry and companion animals, and supporting local animal control activities and training;

(3) Providing regulatory and diagnostic testing services for the livestock and poultry industries, private veterinary practitioners and government agencies; and

(4) Administering regulatory programs to ensure that safe, wholesome, unadulterated and truthfully labeled food products are offered for sale to consumers.

The offices provide the following services throughout the Commonwealth:

Food Safety Program

Photos courtesy of Sabra

The Food Safety Program within the Office of Dairy and Foods oversees the following:

- Retail food stores that include supermarkets, grocery stores, convenience stores, bakeries and seafood markets
- Food warehouses
- Food manufacturing facilities
- Breweries, wineries and distilleries
- Bottled water and beverages
- Home-based food manufacturing

Steps to take for foods regulated by the VDACS Food Safety Program:

1. Decide what food products you would like to process, as well as the planned method and the place of distribution (method of sale) and check the chart in this handbook for the correct agency to contact. Use the information in the handbook to determine the regulations that pertain to your food item.
2. Verify if your food item can be processed in a home kitchen and what equipment is necessary by referring to the sections in this handbook related to your food item. NOTE: If you have a pet that lives in your home you will not be permitted to have a home-based business unless your kitchen is completely enclosed. Caged birds, hamsters, fish or other small caged animals will not interfere with a home operation even if the kitchen is not completely enclosed.

3. Foods that are regulated by the VDACS Food Safety Program must comply with the Virginia Food Laws (Code of Virginia, Title 3.2, Chapter 51) and the Good Manufacturing Practices regulations as outlined in the Code of Federal Regulations (CFR) (Title 21, part 110). See the CFR section on page 27 of this handbook for details.

4. Additional regulations may be applicable, depending on the type of food you are manufacturing.

5. The localities have regulations and licensing procedures for home-based businesses and all food manufacturing establishments. Check with your local county/city license and zoning agencies.

6. Contact your local Health Department for information on permitting and inspection of well water, public water, septic system or sewer to be sure that your place of business is in compliance with regulations.

7. Contact VDACS Food Safety Program to have an inspection conducted of your operation prior to manufacturing and selling food.

8. For Home Processors: Contact the VDACS Food Safety Program for the Application for a Home Food Processing Operation. The Food Safety Program will require a review of your equipment, process flow, ingredients and labels, as well as a full inspection prior to start-up of your business. Samples may be taken for laboratory analysis at the time of inspection.

Applicable Regulations

Virginia Food Laws:

The Virginia Food Laws are the base statutes used to regulate all food establishments and consist of the following requirements:

- General sanitary condition of food establishments
- Presence of adequate plumbing, washrooms and toilets
- Protection of food from foreign contamination
- Restriction of employees with a contagious or infectious disease
- General labeling requirements
- Penalties for violation of existing statutes

Code of Federal Regulations:

VDACS Food Safety Program enforces regulations within title 21 of the Code of Federal Regulations. 21 CFR 110 Current Good Manufacturing Practices is the regulation that governs all food businesses, whether the business is warehousing foods or manufacturing foods. Based on your operation, you may be subject to additional regulations. The table on the next page lists parts of the CFR that have been adopted by VDACS and are therefore enforced by the Food Safety Program.

CFR Part	Contents of Regulation
21 CFR 101 Food Labeling	Lists requirements for labeling of packaged foods.
21 CFR 110 Current Good Manufacturing Practices	Outlines employee health and practices, processing plant construction and layout-food processing equipment standards, ingredient receipt and general sanitation. *NOTE: The manufacture of all foods not specifically mentioned below are governed by this Part. If mentioned below, you must meet Part 110 in addition to the Part specific to your operation.
21 CFR 113 Thermally Processed low-acid foods packaging in hermetically sealed containers	Requirements listed for the manufacturing of shelf-stable foods that are not protected from pathogen growth by pH or water activity levels.
21 CFR 114 Acidified Foods	The processing of low-acid foods to which acid or acid food is added. The resulting products are shelf-stable.
21 CFR 120 Hazard Analysis and Critical Control Point (HACCP) Systems	Any aqueous liquid expressed from fruits or vegetables that will be used as beverages must be manufactured according to a validated HACCP plan.
21 CFR 123 Fish and Fishery Products	Any food product consisting in part, or in whole, of fish or fishery products must be manufactured under a validated HACCP plan.
21 CFR 129 Processing and Bottling of Bottled Drinking Water	Outlines testing requirements for source water and product water, processing facility layout and construction and treatment of product water to ensure its safety.

Food Businesses: Manufacturers, Warehouses and Home Based Operations

Food Manufacturers and Warehouses

All food businesses that manufacture, process, pack or hold food for wholesale distribution into commerce are subject to inspection by VDACS Food Safety Program. These inspections are unannounced and are conducted at a frequency based on the firm's risk. Inspections conducted by Food Safety Specialists will be focused on your business' compliance with applicable laws and regulations.

Additionally, establishments that are subject to periodic inspections are required to pay an annual fee of $40.
You are required to contact the Food Safety Program to obtain an inspection prior to offering food for sale to the public. This inspection determines compliance with laws and regulations.

Home-based Food Production

If food is manufactured in the home for sale to the public, an inspection is required. Prior to starting your business, you will be asked to fill out the form titled Application for a Home Food Processing Operation. If the application is submitted as incomplete, it will not be considered until all the information has been provided. This application must be reviewed by management within the Food Safety Program and you must obtain an inspection of your home kitchen prior to offering food for sale to the public. The inspector will contact you prior to arriving for inspection. There are exemptions from inspection available for certain foods. They are discussed later in this guide.

Food Safety Home-based Business Information and Application

If you are a food processor wanting to operate out of a commercial kitchen, please click here.

Food Safety FAQs

1. Can production items be stored on the floor?

A: No, all items must be stored at least 6” from the floor.

2. Can items be stored on pallets or racks against the wall?

A: Plan to have shelving installed to allow for easy cleaning between, underneath and behind. This also allows you to monitor for the presence of pests.

3. Must my firm have an employee health policy and documented training for all employees?

A: Yes, ill persons must be kept from direct contact with food and ingredients. Facilities need to be confident that personnel, processes and conditions do not introduce a food safety concern as raw materials are received, transferred, stored, transported, manipulated or processed to deliver a final product. You can have employees sign their acknowledgement of these policies.

4. May I use the same sink for equipment washing and handwashing?

A: No. This practice may contribute to cross contamination. There must be sinks dedicated for handwashing with appropriate signage, soap, warm water, single-use paper towels and covered trash receptacles. A separate facility should be provided for equipment washing.

5. Do all cleaners and sanitizers need to be approved for use in a food plant? Must cleaners and sanitizers be stored in a separate locked area?

A: Yes. They must be approved for their use, meaning if the chemical is not approved for use on food contact surfaces it should not be used in that application. Chemicals should be stored separately to prevent the potential they will contaminate foods or food contact surfaces.

6. Must I test the water used in my facility?

A: Water used throughout the entire facility must be drinking water quality from a potable source. “Potable water" means water fit for human consumption that is obtained from an approved water supply and that is (i) sanitary and normally free of minerals, organic substances and toxic agents in excess of reasonable amounts and (ii) adequate in quantity and quality for the minimum health requirements of the person served. Potable water is traditionally known as drinking water and excludes such non-potable forms as boiler water, mop water, rainwater, wastewater and nondrinking water. Well water must be tested for coliform and nitrates once every 12 months.

7. Is wood considered a cleanable surface for food manufacturing plants?

A: Wood is not considered a surface which can be effectively cleaned and sanitized. The alternative is to use a cleanable surface like stainless steel or a plastic cutting board. They must be maintained in good condition, free from cracks, pits or deep scratches.

8. What is FIFO?

A: This is an abbreviation for First In, First Out, which is a policy for using the oldest ingredients, packaging and products first to assure products are properly rotated. All ingredients and packaging should be examined and dated upon receipt to ensure proper rotation.

9. Must I have a **written** Allergen Control Program that addresses all allergens?

A: It is recommended that all allergens are identified in the facility and on all packaging. Procedures should be developed to include:

- Identification and segregation of allergens during storage and handling
- Prevention of cross contact during processing by using measures such as:
    - Production run scheduling
    - Control of rework
    - Dedicated production lines
    - Comprehensive changeover procedures
    - Equipment and utensils management
- Product label reviews and control

- Personnel awareness training and education
- Verification of cleaning procedures for food contact equipment
- Approved Supplier Program for ingredients and labels

10. Why must all light fixtures be protected from shatter?

A: Shatterproof bulbs or plastic bulb covers will contain the glass shards in the event of a broken bulb and minimize the chance of glass contamination in food products if the bulbs/fixtures are broken.

11. What is a cleanable surface?

A: Surfaces made of material that is easily cleaned, non-absorbent and in good condition. Surfaces that are absorbent can trap moisture and permit the growth of microorganisms. Surfaces that are pitted or cracked or have deep grooves can harbor micro-organisms, making them hard to clean and sanitize.

12. Do I need to hire a pest control company?

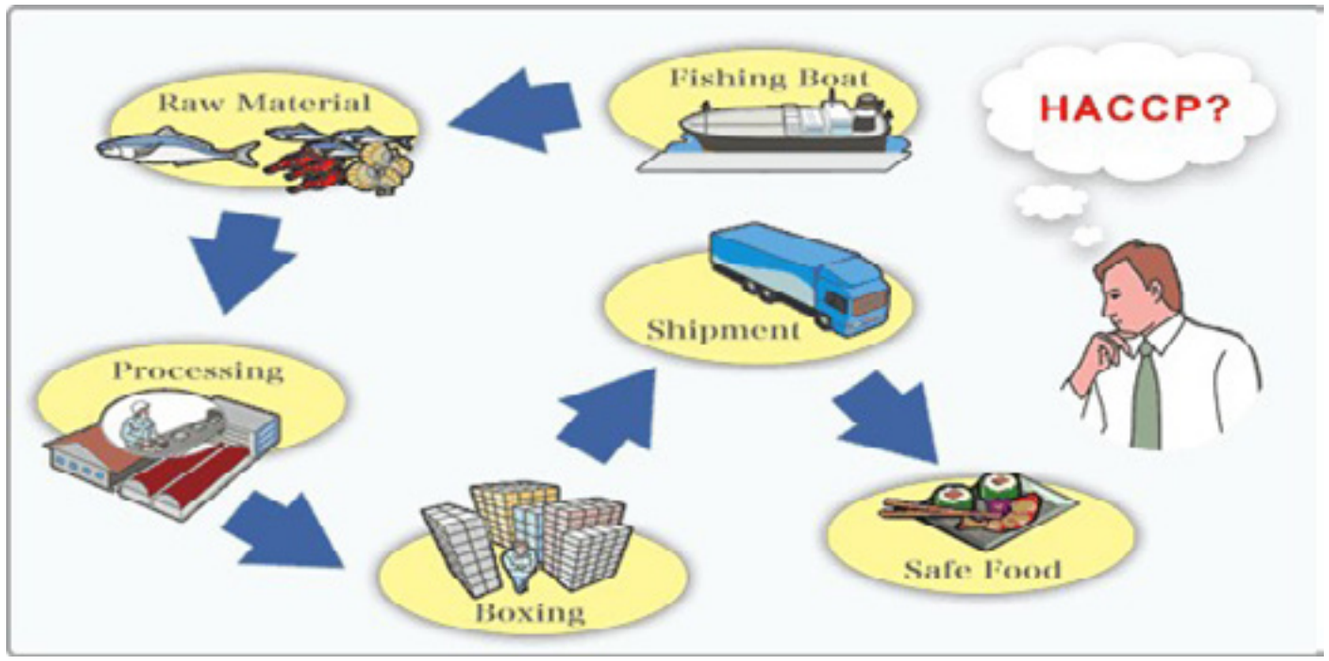
A: Although not required, hiring a reputable pest control company may help control pests by frequent monitoring and to help identify and prevent potential problems. You must assure that all pests are prevented from entering your manufacturing facility. While it is important to remove pests from a facility, it is more important to prevent pests from ever having the opportunity to thrive in a food environment. All doors, windows, floor and window joints must be secure. No daylight should be seen from around doors, windows and wall ceiling joints. Entry by pests should be prevented by proper screening and removal of unprotected and available food and water sources.

13. Can the same utensils used in production (ex. brushes) be used for cleaning and sanitizing?
A: It is best to have separate equipment for production and cleaning to prevent cross contamination. Different colors of equipment may be used for easy identification for each use. For instance, white handled brushes may be used in equipment cleaning and black handled brushes for use in floor and drain cleaning.

14. Do all of my employees need food safety training?
A: Yes, food safety training is required for all employees in a food manufacturing firm, specifically concerning cross contamination of foods, illness and employee health policy and safe food storage.

15. Must I have a Hazard Analysis and Critical Control Plan (HACCP)?

A: Currently, the only manufacturing that is required to have a HACCP plan is juice and seafood manufacturing. This requires specialized training in the HACCP concept and principles, implementation and monitoring.



16. Do all packaged foods require a label and product coding?

A: Yes, all packaged food must be correctly labeled following 21 CFR 101.
The law requires the following components on all food items:
• The statement of identity of the food• An accurate statement of the quantity of contents in terms of weight, volume or numerical count. The contents must be declared in both metric and U.S. customary units.
• All ingredients listed by common and usual name in descending order of predominance by weight, including all sub-ingredients. When one of the eight major food allergens is an ingredient or sub-ingredient, it must be identified by name, either within the ingredient statement OR in a separate statement directly below the ingredient statement. This is called a “contains statement.”
• Name of manufacturer and physical address (street address, city, state, and zip)
• Nutrition Facts panel
For further details, please see the labeling section of this handbook.

• An accurate statement of the quantity of contents in terms of weight, volume or numerical count. The contents must be declared in both metric and U.S. customary units.
• All ingredients listed by common and usual name in descending order of predominance by weight, including all sub-ingredients. When one of the eight major food allergens is an ingredient or sub-ingredient, it must be identified by name, either within the ingredient statement OR in a separate statement directly below the ingredient statement. This is called a “contains statement.”
• Name of manufacturer and physical address (street address, city, state and zip)
• Nutrition Facts panel

For further details, please see the labeling section of this handbook.

Exemptions

Farm stands, u-pick, buying clubs and CSAs are exempt from inspection if they are selling non-value added produce items. Non-value added produce items are produce items that have not been cut, washed, packaged or bagged.

Home Kitchen Food Processing Exemptions

Food establishments, including private homes, that manufacture, process, pack or hold food for introduction into commerce (sale) are subject to the Virginia Food Laws as well as all applicable regulations. These laws and regulations are administered by the Virginia Department of Agriculture and Consumer Services (VDACS) and enforcement of these requirements includes periodic unannounced inspections of food establishments (including private homes). Additionally, establishments that are subject to periodic inspections are required to pay the agency an annual fee of $40.

On July 1, 2013 an amendment to § 3.2-5130 of the Code of Virginia went into effect that expanded the types of prepared foods individuals can make and sell from their homes or at farmers' markets without VDACS inspection including certain low risk foods and acidified vegetables.

Below are some frequently asked questions and requirements relating to these exemptions. Information regarding the production of honey in the home is also included below. Please consult the Code of Virginia for specific requirements and if you have questions contact the VDACS Food Safety Program by phone at 804.786.3520.

I. Home-Canned Foods (§ 3.2-5130, item A.4)

What types of home-canned products are allowed under this exemption?

- Pickles and other acidified vegetables processed in a private home so that an equilibrium pH of 4.6 or lower is achieved
- Acidified vegetable products include pickled products, salsa, chow-chow, relishes and similar vegetables that are processed in a private home to achieve an equilibrium pH of 4.6 or lower

What types of home-canned products are not allowed under this exemption?

- Canned fermented foods
- Canned foods that require refrigeration for safety
- Canned acid foods
- Canned fruits
- Low-acid canned vegetables that are processed with an equilibrium pH of greater than 4.6
- Any acidified food that is not a vegetable
- Any product not canned in a private home

How much home-canned pickled and acidified vegetable product can I sell?

- Producers of acidified foods must not exceed $3,000 in total annual gross sales for all acidified products produced. Producers should carefully document the amount of product sales incurred on an ongoing basis so that the information will be available for examination by VDACS.

What special precautions do I need to take in making home-canned pickles and acidified vegetables under this exemption?

- To reduce the likelihood of foodborne illness, home-canned acidified food must have an equilibrium pH value of 4.6 or lower to inhibit the growth and formation of toxins from the bacteria that cause botulism. In order to ensure that your product achieves the proper pH, an electronic pH meter should be purchased so that you can test the product to make certain that it is at a pH of 4.6 or lower.

- The home food processor is responsible for determining whether the product is an acidified food. We strongly advise that you have your manufacturing process reviewed and validated by a competent process authority. Home processors are strongly encouraged to complete a recognized Better Process Control School course. Information regarding times and locations for these courses can be obtained from Virginia Tech's Food Science Department (see helpful links below).

What are the labeling requirements for home-canned pickles and acidified vegetables?

- Product containers should have a label displaying the name, physical address and telephone number of the person preparing the food product and the date the food product was processed.
- The statement "NOT FOR RESALE–PROCESSED AND PREPARED WITHOUT STATE INSPECTION" must be placed on the principal display panel.
- In addition, this exemption does not preclude the need for standard labeling information on the product label (name of product, name and address of the manufacturer, distributor or packer, net weight statement, an ingredient statement and nutritional information if applicable).

Where can I sell these products and who can I sell them to?

- Farmers' markets
- From the private home where the product is manufactured
- To an individual for his/her own consumption

Where can't I sell these products?

- To other businesses (including retail establishments such as grocery stores or supermarkets)
- For resale
- On the internet
- Across state lines (interstate commerce)

Am I required to pay the annual $40 fee to the agency?

- No. Although you are still required to comply with all applicable laws and regulations, since you are exempt from the agency's periodic inspections, you will no longer be required to pay the annual fee. If you receive a bill from VDACS requesting that you pay the annual fee, please contact our agency at 804.786.3520 so that the matter can be resolved.

Information Regarding pH

What is pH?
pH is a measurement of acidity or alkalinity using a numerical scale between 1 and 14. A pH value of 1 is most acidic, a pH value of 7 is neutral and values above 7 are referred to as basic or alkaline.

How is pH measured?
- Electronic pH meters are very accurate and pocket sized units are available for around $100.
- Paper strips are NOT accurate enough to measure acidity of home-canned and home-processed foods.

What is equilibrium pH?
- The pH of a food product after the food acid (e.g. vinegar) is distributed equally throughout the product.
- For example, the initial pH of the pickled cucumber that has been recently canned will not be the same a few weeks later. It takes time for the vinegar (which is acid) to penetrate and distribute into the cucumbers. Therefore, testing the pH of only the brine (liquid) portion of a recently canned and processed product is not accurate.

How do you determine a product's equilibrium pH?
- For foods canned and processed less than two months: Food samples need to be finely ground in a blender prior to pH testing
- For foods with a process date greater than two months: pH may be taken of the brine only since all contents of the canned product should be in equilibrium.

Who can test for pH?
- The person who processed the food may do the testing as long as the person is capable of performing an accurate pH test.
- When testing, follow the same recipe and procedures for each batch of food to be tested.
- A separate pH test is required for each different product offered for sale under this exemption.
- Private laboratories and universities may perform pH tests.

Examples of pH for different foods:

- Dill pickles (pH 2.6-3.8)
- Distilled water (pH 7)
- Tomatoes (pH 3.7-4.9)
- Garlic (pH 5.3-6.3)

II. Low Risk Foods (§ 3.2-5130, item A.3)

What types of home-processed low risk food products are allowed under this exemption?

- The original exemption included candies, jams and jellies not considered to be low-acid or acidified low-acid products and baked goods that do not require time or temperature control for safety and are produced in a private home.
- The expanded exemption includes the following additional products produced in a private home: dried fruits, dry herbs, dry seasonings, dry mixtures, coated and uncoated nuts, vinegars and flavored vinegars, popcorn, popcorn balls, cotton candy, dried pasta, dry baking mixes, roasted coffee, dried tea, cereals, trail mixes and granola.

What are the labeling requirements for food products in the low risk foods category?

- Product containers should have a label displaying the name, physical address and telephone number of the person preparing the food product and the date the food product was processed.
- The statement "NOT FOR RESALE – PROCESSED AND PREPARED WITHOUT STATE INSPECTION" must be placed on the principal display panel.
- In addition, this exemption does not preclude the need for standard labeling information on the product label (name of product, name and address of the manufacturer, distributor or packer, net weight statement, an ingredient statement and possibly nutritional information).

Where can I sell these products and to whom can I sell them?

- Farmers' markets
- From the private home where the product is manufactured
- To an individual for his/her own consumption

Where can't I sell these products?

- To other businesses (including retail establishments such as grocery stores)
- For resale
- On the internet
- Across state lines (interstate commerce)

Am I required to pay the annual $40 fee to the agency?

- No. Although you are still required to comply with all applicable laws and regulations, since you are exempt from the agency's periodic inspections, you are no longer required to pay the annual fee. If you receive a bill from VDACS requesting that you pay the annual fee, please contact our agency at 804.786.3520 so that the matter can be resolved.

III. Honey Processing (§ 3.2-5130, item A.5)

What are the criteria for the exemption?

- Private homes where the resident processes and prepares pure honey produced by his own hives.
- The resident sells less than 250 gallons of honey annually.
- The resident does not process and sell other food products in addition to the honey, except as allowed above (i.e.: low risk foods and acidified foods.)

What types of home-processed honey products are NOT allowed?

- Infused honey products would not fall under the exemption as it is considered to be value-added honey product, not pure honey.

What are the labeling requirements for home-processed honey?

- The product is labeled "PROCESSED AND PREPARED WITHOUT STATE INSPECTION. WARNING: Do Not Feed Honey to Infants under One Year Old."
- In addition, this exemption does not preclude the need for standard labeling information on the product label (name of product, name and address of the manufacturer, distributor or packer; net weight statement, an ingredient statement and possibly nutritional information).

Where can I sell these products and to whom can I sell them?

- Currently there are no restrictions regarding where the products can be sold and to whom.

Is there still a requirement to provide an annual certification to the Department regarding compliance with the requirements of § 3.2-5130, item A.5?

- No. There is no longer a requirement to provide an annual certification.

Am I required to pay the annual $40 fee to the agency?

- No. Although you are still required to comply with all applicable laws and regulations, since you are exempt from the agency's periodic inspections, you will no longer be required to pay the annual fee. If you receive a bill from VDACS requesting that you pay the annual fee, please contact our agency at 804.786.3520 so that the matter can be resolved.

Helpful Links

For assistance with acidified vegetable processing from Virginia Tech, click here.

For information regarding Better Process Control School, click here.

I WOULD LIKE TO PROCESS . . . .

FOOD ITEM	REGULATORY AGENCY/ DEPARTMENT	REGULATION	NOTES	Handbook Page
Acidified Foods	Food Safety Program	21 CFR 108 21 CFR 110 21 CFR 114	Exemption available - refer to exemption section Need scheduled process by Process Authority and Better Process Control School	27, 34, 37, 44,5 9, 63-67
Alcoholic Beverages and Foods	Food Safety Program Dairy Services VaABC	21 CFR 110		53, 80
Butter	Dairy Services	2 VAC 5-531		71-72
Catering – prepared meals	VDH	12VAC5-421		21
Cheese: hard or soft	Dairy Services	2 VAC 5-531		71, 73-74, 77
Cottage Cheese	VDH	2 VAC 5-490 PMO		69, 72, 128

FOOD ITEM	REGULATORY AGENCY/ DEPARTMENT	REGULATION	NOTES	Handbook Page
Crab Picking	VDH DSS	21 CFR 110 21 CFR 123 12VAC5-160 12VAC5-165 4VAC20-1230		124
Cream Cheese	VDH	2 VAC 5-490 PMO		69, 128
Custard: frozen	Dairy Services	2 VAC 5-510		79, 128
Dietary Supplements	Food Safety Program	21 CFR 110 21 CFR 111		24
Eggs	Food Safety Program	2 VAC 5-570		58, 118-122
Finfish	Food Safety Program	21 CFR 110 21 CFR 123	Must be processed under a HACCP plan	56
Frozen Ice Pops	Dairy Services	2 VAC 5-510		79
Frozen Yogurt (from mix)	Dairy Services	2 VAC 5-510		79
Fruit and vegetables: fresh	Office of Agricultural Commodities	FSMA Produce Safety Rule		47-49, 93, 99-115, 132
Gelato	Dairy Services	2 VAC 5-510		80
Honey	Food Safety Program	21 CFR 110	Exemption available - refer to exemption section	38-39, 53, 97
Ice Cream/milk from mix	Dairy Services	2 VAC 5-510		79

FOOD ITEM	REGULATORY AGENCY/ DEPARTMENT	REGULATION	NOTES	Handbook Page
Ice Cream/milk: fresh ingredients	Dairy Services	2 VAC 5-510		46, 78
Ice Cream/pre-packaged	Dairy Services	2VAC5-585		78, 81
Italian ice	Dairy Services	2 VAC 5-510		80
Juice	Food Safety Program	21 CFR 110 21 CFR 120	Must be processed under a HACCP plan	52-55
Kefir	VDH	2 VAC 5-490 PMO		128
Kulfi (Indian Ice Cream)	Dairy Services	2 VAC 5-510		78-79, 80-81
Low Acid Canned Foods	Food Safety Program	21 CFR 108 21 CRF 110 21 CFR 113	Cannot use home kitchen for processing	53, 63
Meat: Amenable species	OMPS Food Safety Program	2VAC5-210-10–80. 21 CFR 110	Products containing less than 3 percent raw meat or less than 2 percent cooked meat will be inspected by the Food Safety Program	10, 86-88
Meat: NON-Amenable species:	OMPS	2VAC5-210-10 – 80.	Non amenable species intended for sale to grocery or restaurants are required to have voluntary inspection by OMPS or USDA.	10, 86-88
Milk: Grade “A” (farm)	Dairy Services	2 VAC 5-490 PMO		68-71, 128
Milk: Manufactured Grade (farm)	Dairy Services	2 VAC 5-531		46, 71
Milk: Pasteurized Fluid	VDH	2 VAC 5-490 PMO		47, 69-70, 128-129
Pet Food, Pet Treats	Office of Plant Industry Services	Virginia’s Commercial Animal Feed Law		89-91

FOOD ITEM	REGULATORY AGENCY/ department	REGULATION	NOTES	Handbook Page
Poultry: Amenable species	OMPS	2VAC5-210-10–80	Products containing less than 3% raw meat or less than 2% cooked meat will be inspected by the Food Safety Program	86-88
Shellfish	VDH DSS	21 CFR 110 21 CFR 123 12VAC5-150 4VAC20-1230		53, 56-58, 114, 123-125
Sherbet	Dairy Services	2 VAC 5-510		79
Sour Cream	VDH	2 VAC 5-490 PMO		69
Water: bottled	Food Safety Program	21 CFR 110 21 CFR 129	Cannot use home kitchen for processing	27, 53
Wild Game Animals	Department of Game & Inland Fisheries		Unlawful to buy or sell wild game for human consumption in Virginia	87
Yogurt: Fresh	VDH	2 VAC 5-490 PMO		69

All foods and beverages not specifically mentioned in the charts are inspected by VDACS Food Safety Program under 21 CFR 110. Some foods can be made in a home kitchen under an exemption. See the exemption section of this e-book.

Acronyms:

PMO: Pasteurized Milk Ordinance
VDH: Virginia Department of Health
VDH DSS: Virginia Department of Health, Division of Shellfish Sanitation
OMPS: Office of Meat and Poultry Services
VaABC: Virginia Alcoholic Beverage Control

Big Five - VDACS	Acidified Foods Definitions and Regulations
Wash Hands	Regulatory Classification of Food Products
Glove Use Safety Poster	Understanding the pH of Your Food
Backflow Prevention	Food Defense 101 brochure
Understanding Food Micro-organisms	English untouched_VDACS
Keeping Food Safe in the Market	3 Compartment Sink
Two-compartment Sink - Dishwashing	Test Strip Flier
Guidelines during a Temporary Power Outage	Understanding the Water Activity of Your Food
Temperature Danger Zone	
Using a Food Thermometer Fact Sheet VDACS	
Cooling Fact Sheet	

- If you have questions or concerns please contact the **VDACS Food Safety Program**:
  Phone: 804.786.3520.

FOOD PRODUCT RECALLS

A recall is a process that food manufactures use to remove negatively affected products from the marketplace or consumer's possession. This is not an event that a food manufacturer ever wants to be a part of, but in the case that it does happen, it is important to have a plan. A recall can be triggered by the presence of hazards such as metal fragments, bacterial pathogens known to cause severe illness or allergens that were mistakenly undeclared on the product packaging.

In the event that you become aware that your product may be harmful to the public's safety, you should initiate a recall according to your plan. You should also contact Virginia Department of Agriculture and Consumer Services' Rapid Response Team at 804.786.1585.

The Food and Drug Administration has defined three classes of recalls:

- Class I: there is a reasonable probability that eating the product will cause serious adverse health consequences or death.
- Class II: there is a remote probability of adverse health consequences if the product is eaten .
- Class III: eating the product will not cause adverse health consequences.

A recall plan is a manufacturer's or processor's written strategy for retrieving food from the distribution chain which extends to food purchased by consumers. The recall plan is prepared in advance. A recall plan involves communication between processors, distributors and the general public for action to return food products to the manufacturing or processing facility.

Components of a Recall Plan

The plan must be in writing and specify the following:

1. Record keeping system describing, in detail, all actions taken during the recall.
2. List of persons or regulatory agencies to notify of the recall. This would include customers, company officials, VDACS, etc.
3. Record keeping system showing code dates or lot codes. This will help you identify where ingredients were sourced for the affected product, when affected products were made, how much was made during that time period and where the affected product was distributed. This will help to determine if affected product is yet in the hands of the consumer.

4. Procedures for identifying the type of recall required (Class I, Class II or Class III).
5. Method of communication with the public. This can be in the form of a written letter, press release or electronic means.
6. What the recall notice will contain to include at least the following: a description of the product, the reason for the recall, instructions on how to report quantities (for distributors and retailers only) and instructions on what to do with the product: return or destroy. The recall communication should be brief and to the point and should not contain irrelevant qualifications, promotional materials or any other statement that may detract from the message.
7. Procedures for effectiveness checks. These checks are for the purpose of verifying that the recalling firm's customers have received notification about the recall and have taken the appropriate action.
8. How adulterated or misbranded products will be transported back to the establishment and how returned product will be handled once received.
9. After the recall has been completed, re-evaluate the strategies for prevention of future adulteration or misbranding of products to avoid additional recalls. Review how the recall was handled and make adjustments to written plan.

Food and Drug Administration's Guidance for Industry: Product Recalls, Including Removals and Corrections can be found here.

Office of Laboratory Services

Laboratory Services works to diagnose livestock and poultry diseases and consequently aids in the prevention and control of diseases; offers a wide range of diverse testing services in bacteriology, serology, virology, parasitology, pathology and molecular diagnostics and provides sample testing services to veterinarians, livestock producers, poultry growers and the public as well as other regulatory programs within the state. Laboratory Services also participates in the surveillance and control of infectious and contagious domestic and foreign animal diseases by interacting with farmers, veterinarians, and state and federal agencies; controls the spread of disease among states and internationally by testing animals before they are exported and protects consumers by testing milk products, ice cream, meat and poultry, and water for pathogens such as E.coli, Salmonella and others.

FOOD SAFETY MODERNIZATION ACT (FSMA)

Food Safety Modernization Act (FSMA) is a food safety system enacted into federal law January 2011 to ensure a safe and wholesome supply of food by preventing food contamination. FSMA is a preventive program, requiring food producers, processors and manufacturers to write food safety preventive controls and to put these controls in place prior to and during the processing step(s). Food safety problems are thus controlled before they occur. FSMA requires strict documentation and control of all food safety
hazards throughout the manufacturing process. Inspectors use this documentation to determine if a food safety hazard was properly controlled.

FSMA is required for all food manufacturing facilities that produce, process or manufacture food or food ingredients meant for human and animal consumption as well as food distributors. See below for the timeline to comply. To prevent food safety issues, food distributors will need to control hazards found during transportation and have an efficient traceability program.

Each food manuafacturing facility is required to write and implement a food safety plan that defines all the food safety hazards in their operation and the ways in which these hazards will be prevented or controlled. Science-based controls can be used as a means to prevent or control a hazard. An example of a science-based control would be pasteurization of milk. There are times and temperatures required for correct pasteurization of milk that are scientifically determined to kill pathogenic bacteria that are harmful to humans or animals.

Basic Requirements of FSMA:

1. The food safety preventive control plans will need to be written by a food safety professional, trained employee or a consultant.
2. Environmental monitoring and product testing may be required as means to prevent or control a hazard.
3. FDA will have the authority to approve or disapprove a food safety plan.

The major components of a Food Safety Plan are:

1. Written hazard analysis: evaluation of the biological, chemical and physical hazards in the process that could affect food safety.

2. Written and validated preventive controls: what controls or steps will be implemented, how will these controls minimize the hazard, how will the controls be monitored to show their effectiveness and how will the results be recorded? The preventive control must ensure that hazards will be minimized or prevented. Preventive controls include process, food allergen and sanitation controls. HACCP principles for hazard analysis and preventive controls are often used as part of this step.

3. Monitoring of the control: Monitoring provides assurance that preventive controls are consistently performed. The frequency of monitoring a control is determined by the nature of the control step. Records are required to document that proper monitoring has occurred.

4. Written corrective action taken when a control fails. This step details what a company will do with product that did not meet a specific control specification. Corrective actions include actions to identify a problem with preventive control implementation, to reduce the likelihood the problem will recur, to evaluate affected food for safety and to prevent it from en tering commerce. Corrective actions must be documented.

5. Supply Chain: Ingredients must be obtained from a supplier that is also under the FSMA control program and can provide proper documentation.

6. Verification: procedures proving that the hazard is being controlled, including on-site audits if required. These activities are required to ensure that preventive controls are consistently implemented and effective. They include validating with scientific evidence that a preventive control is capable of effectively controlling an identified hazard, calibration (or accuracy checks) of process monitoring and verification instruments such as thermometers and reviewing records to verify that monitoring and corrective actions (if necessary) are being conducted. Product testing and environmental monitoring are possible verification activities but are only required as appropriate to the food, facility or nature of the preventive control, and the role of that control in the facility's food safety system. Environmental monitoring generally would be required if contamination of a ready-to-eat food with an environmental pathogen is a hazard requiring a preventive control.

7. Written recall plan which includes steps taken to notify recipients of the food in question and to verify that the recall was effective in removing the hazardous food from the market as well as from the homes of the purchasers.

What hazards must be controlled using a food safety plan:
Hazards known or reasonably foreseeable such as biological, chemical, physical or radiological that may enter the food during manufacture or processing. This includes: metal or glass fragments, natural toxins, pesticides, drug residues, parasites, allergens and unapproved food additives. These hazards could be present because they occur naturally, are part of the working environment or are unintentionally introduced:

1. Improper processing of food (improper pasteurization, drying time, temperature control, acidifying, etc.)
2. Food allergens
3. Labeling

Compliance Dates for the Preventive Controls Rule for Human Food
Compliance dates for businesses were staggered over several years after publication of the final rule on August 30, 2015.

Business Type	Description	Compliance Date
Very Small Business AND Business subject to PMO*	Averaging less than $1 million per year (adjusted for inflation) in both annual sales of human food plus the market value of human food manufactured, processed, packed or held without sale	August 30, 2018
Small Business	A business with fewer than 500 full-time equivalent employees	August 30, 2017
All Other Businesses	Any business not meeting the thresholds for small or very small business	August 30, 2016
*Pasteurized Milk Ordinance		

Additional information on FSMA can be obtained on this website.

FSMA Facts - Final Rule on Preventive Controls
FSMA User Fee

GENERALLY RECOGNIZED AS SAFE (GRAS)

GRAS is an acronym for the phrase Generally Recognized As Safe. Under sections 201(s) and 409 of the Federal Food, Drug and Cosmetic Act (the Act), any substance that is intentionally added to food is a food additive that is subject to premarket review and approval by FDA, unless the substance is generally recognized among qualified experts as having been adequately shown to be safe under the conditions of its intended use, or unless the use of the substance is otherwise excluded from the definition of a food additive.

Under sections 201(s) and 409 of the Act, and FDA's implementing regulations in 21 CFR 170.3 and 21 CFR 170.30, the use of a food substance may be GRAS either through scientific procedures for a substance used in food before 1958, or through experience based on common use in food.

- Under 21 CFR 170.30(b), general recognition of safety through scientific procedures requires the same quantity and quality of scientific evidence as is required to obtain approval of the substance as a food additive and ordinarily is based upon published studies, which may be corroborated by unpublished studies and other data and information.

- Under 21 CFR 170.30(c) and 170.3(f), general recognition of safety through experience based on common use in foods requires a substantial history of consumption for food use by a significant number of consumers.

Does FDA have a list of substances that are used in food on the basis of the GRAS provision?

FDA has several lists of GRAS substances. Importantly, these lists are not all-inclusive. Because the use of a GRAS substance is not subject to premarket review and approval by FDA, it is impractical to list all substances that are used in food on the basis of the GRAS provision.

- 21 CFR Part 182 contains the remnants of a list which FDA established in its regulations shortly after passage of the 1958 Food Additives Amendment. The list is organized according to the intended use of these substances. As part of the agency's comprehensive review of GRAS substances in the 1970s, FDA affirmed that the use of some of the ingredients on this original GRAS list is GRAS, and moved the affirmed uses of the substance to 21 CFR Part 184

- 21 CFR Part 184 contains a list of substances that FDA affirmed as GRAS as direct food ingredients for general or specific uses. This list derives from the agency's 1970s comprehensive review of GRAS substances and from petitions that FDA received to affirm the GRAS status of particular uses of some food ingredients

- 21 CFR Part 186 contains a list of substances that FDA affirmed as GRAS for certain indirect food uses

- FDA's internet site also contains a list of substances that have been the subject of a notice to FDA - i.e., when a firm has notified FDA about its view that a particular use of a substance is GRAS. You can access this summary of GRAS notices, along with FDA's response, by visiting this website.

For additional information, please click here.

GRAS Notification Program
240.402.1192
premarkt@fda.hhs.gov

Office of Food Additive Safety
5100 Paint Branch Parkway
College Park, MD 20740

HAZARD ANALYSIS CRITICAL CONTROL POINT (HACCP)

HACCP and HACCP Definitions

HACCP or Hazard Analysis Critical Control Point is a management system in which food safety is addressed through the analysis and control of biological, chemical and physical hazards from raw material production, procurement and handling to manufacturing, distribution and consumption of the finished product.

The 7 Principles of HACCP:

1. Conduct a hazard analysis of the food process (to include biological, physical and chemical hazards).
2. Identify Critical Control Points (CCP).
3. Establish critical limits.
4. Establish CCP monitoring procedures.
5. Establish corrective actions.
6. Establish validation procedures.
7. Establish record keeping procedures.

REQUIRED HACCP:

Juice: A HACCP program must be in place for the safe and sanitary processing of juice as well as the importing of juice and juice products. The operation of HACCP must be overseen by a juice HACCP-trained individual. Juice manufacturers in Virginia are inspected by the VDACS Food Safety Program under 21 CFR 120 and 21 CFR 110. An inspector with this program will evaluate and audit a firm's HACCP plan as well as all documents pertaining to the plan. In addition, the inspectors will inspect the premises for general sanitation. Juice HACCP manufacturers are required to have a written hazard analysis, a written HACCP plan, monitoring records supporting each CCP, verification records and sanitation standard operating procedure records. There are additional requirements for firms importing juice. All of these documents must be available at the firm for review by the regulatory authority at the time of their inspection.

Additional information on Juice HACCP can be found on the FDA website.

Food Safety - Application for Variance Request and HACCP Plan Submission

Seafood: All seafood products produced must be made under a HACCP plan that is operated by an individual trained in Seafood HACCP. VDACS Food Safety Program and VDH Division of Shellfish Sanitation share jurisdiction over seafood operations in Virginia. This industry is regulated under 21 CFR 123 and 21 CFR 110. Under 21 CFR 123, each processor is required to conduct a hazard analysis and have a written HACCP plan whenever the hazard analysis reveals one or more food safety hazards are reasonably likely to occur. In addition, processors are required to keep monitoring and verification records for the CCPs and have written sanitation standard operating procedure records. There are additional requirements for firms importing seafood. To become seafood HACCP trained, there is an online training course available through the National Seafood HACCP Alliance for Training and Education and a classroom based training offered by Virginia Tech.

- **For more information** concerning developing and implementing HACCP plans specific to your product and processing methods, you may contact:

1. VDH Division of Shellfish Sanitation;
2. VDACS Food Safety Program; or
3. Virginia Seafood Agricultural Research and Extension Center: 102 S. King Street, Hampton, Virginia 23669, 757.727.4861.

Additional information on Seafood HACCP can be found on the FDA website.

(Information for this section taken directly from: http://www.vdh.virginia.gov/environmental-health/environmental-health-services/shellfish-sanitation/)

Guidance for Seafood (HACCP)

Meat and Poultry: HACCP is also required for the slaughter and manufacture of meat and poultry products. The VDACS Office of Meat and Poultry Services in conjunction with USDA through FSIS (Food Safety and Inspection Services) regulates HACCP programs for interstate sale of meat and poultry products.

Information on HACCP for small and very small plants can be obtained on the USDA FSIS website or by contacting VDACS Office of Meat and Poultry.

HACCP Definitions

Cleaned means washed with water of adequate sanitary quality.

Control means to prevent, eliminate or reduce.

Control measure means any action or activity to prevent, reduce to acceptable levels or eliminate a hazard.

Critical control point means a point, step or procedure in a food process at which a control measure can be applied and at which control is essential to reduce an identified food hazard to an acceptable level.

Critical limit means the maximum or minimum value to which a physical, biological or chemical parameter must be controlled at a critical control point to prevent, eliminate or reduce to an acceptable level the occurrence of the identified food hazard.

Culled means separation of damaged fruit from undamaged fruit. For processors of citrus juices using treatments to fruit surfaces to comply with § 120.24, culled means undamaged, tree-picked fruit that is U.S. Department of Agriculture choice or higher quality.

Food hazard means any biological, chemical or physical agent that is reasonably likely to cause illness or injury in the absence of its control.

Importer means either the U.S. owner or consignee at the time of entry of a food product into the United States, or the U.S. agent or representative of the foreign owner or consignee at the time of entry into the United States. The importer is responsible for ensuring that goods being offered for entry into the United States are in compliance with all applicable laws. For the purposes of this definition, the importer is ordinarily not the custom house broker, the freight forwarder, the carrier or the steamship representative.

Juice means the aqueous liquid expressed or extracted from one or more fruits or vegetables, or any concentrates of such liquid or puree.

Monitor means to conduct a planned sequence of observations or measurements to assess whether a process, point or procedure is under control and to produce an accurate record for use in verification.

Processing means, with respect to juice, activities that are directly related to the production of juice products. For purposes of this part, processing does not include: harvesting, picking or transporting raw agricultural ingredients of juice products without otherwise engaging in processing and the operation of a retail establishment.

Processor means any person engaged in commercial, custom or institutional processing of juice products, either in the United States or in a foreign country, including any person engaged in the processing of juice products that are intended for use in market or consumer tests.

Retail establishment is an operation that provides juice directly to the consumers and does not include an establishment that sells or distributes juice to other business entities as well as directly to consumers. Provides' includes storing, preparing, packaging, serving and vending.

Shall is used to state mandatory requirements.

Shelf-stable product means a product that is hermetically sealed and, when stored at room temperature, should not demonstrate any microbial growth.

Should is used to state recommended or advisory procedures or to identify recommended equipment.

Validation means that element of verification focused on collecting and evaluating scientific and technical information to determine whether the HACCP plan, when properly implemented, will effectively control the identified food hazards.

Verification means those activities, other than monitoring, that establish the validity of the HACCP plan and that the system is operating according to the plan.

Seafood HACCP Definitions

Certification number means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish processor.

Critical control point means a point, step or procedure in a food process at which control can be applied and a food safety hazard can as a result be prevented, eliminated or reduced to acceptable levels.

Critical limit means the maximum or minimum value to which a physical, biological or chemical parameter must be controlled at a critical control point to prevent, eliminate or reduce to an acceptable level the occurrence of the identified food safety hazard.

Fish means fresh or saltwater finfish, crustaceans, other forms of aquatic animal life (including, but not limited to, alligator, frog, aquatic turtle, jellyfish, sea cucumber and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, where such animal life is intended for human consumption.

Fishery product means any human food product in which fish is a characterizing ingredient.

Food safety hazard means any biological, chemical or physical property that may cause a food to be unsafe for human consumption.

Importer means either the U.S. owner or consignee at the time of entry into the United States, or the U.S. agent or representative of the foreign owner or consignee at the time of entry into the United States who is responsible for ensuring that goods being offered for entry into the United States are in compliance with all laws affecting the importation. For the purposes of this definition, ordinarily the importer is not the custom house broker, the freight forwarder, the carrier or the steamship representative.

Molluscan shellfish means any edible species of fresh or frozen oysters, clams, mussels or scallops, or edible portions of such species, except when the product consists entirely of the shucked adductor muscle.

Preventive measure means physical, chemical or other factors that can be used to control an identified food safety hazard. Process-monitoring instrument means an instrument or device used to indicate conditions during processing at a critical control point.

Processor means any person engaged in commercial, custom or institutional processing of fish or fishery products, either in the United States or in a foreign country. A processor includes any person engaged in the production of foods that are to be used in market or consumer tests.

Scombroid toxin-forming species means tuna, bluefish, mahi mahi and other species, whether or not in the family Scombridae, in which significant levels of histamine may be produced in the fish flesh by decarboxylation of free histidine as a result of exposure of the fish after capture to temperatures that permit the growth of Mesophilic bacteria.

Shall is used to state mandatory requirements.

Shellfish control authority means a federal, state or foreign agency, or sovereign tribal government, legally responsible for the administration of a program that includes activities such as classification of molluscan shellfish growing areas, enforcement of molluscan shellfish harvesting controls and certification of molluscan shellfish processors.

Shellstock means raw, in-shell molluscan shellfish.

Should is used to state recommended or advisory procedures or to identify recommended equipment.

Shucked shellfish means molluscan shellfish that have one or both shells removed.

Smoked or smoke-flavored fishery products means the finished food prepared by:

(1) Treating fish with salt (sodium chloride), and

(2) Subjecting it to the direct action of smoke from burning wood, sawdust or similar material and/or imparting to it the flavor of smoke by a means such as immersing it in a solution of wood smoke.

Tag means a record of harvesting information attached to a container of shellstock by the harvester or processor.

LABELING GUIDELINES

All foods that are packaged for retail sale must follow the requirements in 21 CFR 101 Food Labeling.

The package label must contain the following information:

- **Identity statement:** this is the common or usual name of the product. This statement must be prominent on the label and appear on the front of the package or the principal display panel (PDP). Some products like fruit jelly and cocoa products have a standard of identity, as listed in the CFR. These can be found in 21 CFR 131-169. When a standard of identity is defined in the regulation, a product using that identity must meet the definition.

- **Net quantity of contents:** this declaration must also appear on the PDP, and be located in the lower 30 percent of the label, be parallel to the bottom of the package and be prominent. Contents must be declared in both U.S. customary units and metric units. Products are declared either by weight (ounces, pounds, grams) or by volume (fluid ounces, gallons, milliliters). Using count to declare the contents of a package is only allowed for eggs.

- **Declaration of ingredients:** all ingredients contained in a product must be declared on a label in descending order of predominance by weight. Ingredients that contain multiple ingredients in themselves must be declared in parentheses following. It is also important to identify all major allergens if they are present in your product. The eight major allergens are as follows: tree nuts, peanuts, soy, wheat, fish, crustacean shellfish, eggs and milk. The ingredients can be listed on the information panel of the label, but must be listed with the name/address of business.

- **Name and address of place of business:** the label must specify the name and full address of the manufacturer, packer or distributor of the product. The address must include street number, street name, city, state and zip code. If the company is listed in a public telephone or online directory, the full address does not need to be listed. The name/address of business can be listed on the information panel of the label, but must be listed with the ingredients. For milk and dairy products a plant permit number may be used instead of the full address. For meat and poultry products, specific requirements and USDA seals are required. See the section on Office of Meat and Poultry in this handbook for additional label requirements.

Nutrition labelng: many small businesses will be exempt from this requirement. Visit this website for more information for using a Nutrition Facts Panel. If you make any claims about your product (low fat, high in potassium, immune support), a nutrition facts panel may be required.

***Optional* product codes:** Each package or container of food produced in your establishment should have a legible product code. The product code allows record keeping and tracking of products in case of a recall. The only products that require coding are those manufactured under the acidified food regulations, 21 CFR 114. For all dairy products, refer to Dairy Guidelines on coding below. Best practices are for the product code to identify the product, production facility, date and year packed, and batch number. Any method of coding that is recognizable by the processor is acceptable.

Nutrition Labeling Exemptions:

- If you make specific claims on your label regarding the composition of your product, you may have to include additional nutritional information regarding your product, even if you are exempt from the nutritional panel requirement.
- For exemptions on nutrition facts panels refer to FDA Small Business Nutrition Labeling Exemption.

Nutritional Labeling Exemptions for Small Businesses

This exemption deals only with the necessity of having the Nutrition Facts panel, and has no effect on the mandatory labeling information that is listed above. There are two types of exemptions; one for retailers and one for manufacturers:

For retailers: 21 CFR 101.9(j)(1) states that if the retailer has gross annual sales under $500,000 of all types of products (food and non-food) they are exempt. It also says that if the retailer has gross annual sales under $50,000 of food, they are exempt. This is provided that the food makes no claims on the label.

For manufacturers: 21 CFR 101.9(j)(18) states that if the manufacturer has fewer than 100 full-time employees and fewer than 100,000 units were sold, they are exempt from providing a nutrition facts panel IF they file their exempt status with FDA. Further, if the manufacturer has fewer than 10 full time employees, and sells fewer than 10,000 units, they do not need to file with FDA at all. **Again, this is provided that the food makes no claims on the label.**

The firm claiming the exemption must file a notice with the Food and Drug Administration's Center for Food Safety and Applied Nutrition annually. A suggested form to use to claim the exemption may be obtained from the following sources:

- Online submission or hard copy application at the center's website
- Email your request for an application to Sbusiness@cfsan.fda.gov or Small.Business.Notification@cfsan.fda.gov
- Call or fax in your request for an application at 301.436.2375 or fax at 301.436.2639.

You can also submit your firm's small business exemption notification by fax, email or postal mail. The address to mail your notification:

Center for Food Safety and Applied Nutrition
Food and Drug Administration
HFS--810
5100 Paint Branch Parkway
College Park, Maryland 20740-3835

Firms are encouraged to use the web-based submission process to file for a small business exemption. If eligible for the exemption, firms will receive an electronic reminder when it is time to resubmit their nutrition labeling small business exemption notice.

If FDA does not hear from you, they will no longer list your firm as a small business with products that are exempt from mandatory nutrition labeling.

Food Labeling for Alcoholic Beverages:

- Addressed in Title 21 of the Code of Federal Regulations, Part 101 and applies as follows:
    - In cases where an alcoholic beverage is not covered by the labeling provisions of the Federal Alcohol Administration Act, or similar requirements occurring at the state level, the product is subject to the labeling requirements set forth in Title 21 Part 101 of the Code of Federal Regulations

Labeling Guidelines for Fluid Milk and Dairy Products

Left Side of Panel: Top 70 percent
Brand name and/or logo
Common name of product

Left side of label: Bottom 30 percent
Net Weight: English (Metric): minimum letter height 1/16 inch
Sell by date: month – day (for fluid milk)

* Required by law for infant formula and fluid milk. All other products: it is suggested that a date be used to enforce quality standards, help with tracking/recall plans and to aid in stock rotation.

Right Side of Label:
Manufacturer name and physical address to include street, city, state, zip
Ingredients: listed in order of predominance. Minimum letter height 1/16 inch
Declaration of allergen
Nutrition panel (if exempt from this requirement a phone number or web site where panel can be obtained must be provided).

Basic Labeling Requirements
Making a Nutrient or Health Claim
Required Food Labeling

VIRGINIA COOPERATIVE EXTENSION: FOOD INNOVATIONS PROGRAM
VIRGINIA TECH AND VIRGINIA STATE UNIVERSITY

The Food Innovations Program goal is to provide the assistance needed for Virginia's food processing industry to produce high quality, safe and innovative food products. We strive to increase the awareness of Virginia's food producers to matters of food safety, pertinent food regulations and general concerns associated with starting a food business.

The Food Innovations Program offers food testing services to help ensure food safety and regulatory compliance for new food products entering the market. In addition, we can provide nutrition facts panels for your product's label. The program also offers information on Processing Authority.

Contact information:
Joell Eifert
Director
Joell.Eifert@vt.edu
540.231.2483

PROCESSING AUTHORITIES

NOTE: Prior to manufacturing and applying for inspection with the Virginia Department of Agriculture and Consumer Services, Food Safety Program, processors of Low Acid Canned Foods or Acidified Food must have their product evaluated by a process authority and their scheduled process established and approved.

The regulation pertaining to processing authority can be found in the Federal Register: 21CFR113.83 and 113.89:
A processing authority is a person who has expert knowledge of thermal processing requirements for low-acid foods packaged in hermetically sealed containers, or has expert knowledge in the acidification and processing of acidified foods. Knowledge can be obtained by education or experience or both. Expert implies experience, knowledge and achievement as well as recognition as an authority on a subject, usually by one's peers. Anyone who is establishing scheduled processes must have adequate facilities for making the appropriate determinations (21 CFR 113.83). Anyone who is evaluating processes which are less than the scheduled process must utilize procedures recognized by competent processing authorities as being adequate to detect any potential hazard to public health (21 CFR 113.89).

What are the responsibilities of the processing authority?

1. A processing authority must establish thermal processes (21 CFR 113.83).
2. A processing authority is responsible for establishing the adequacy of temperature distribution in retorts, including the estab lishment of venting schedules for retorts using pure steam unless venting schedules referenced in 21CFR Part 113.40(a)(12)(i) or (ii) are used, provided that the retorts are equipped according to specifications.
3. A processing authority should be able to recognize the inadequacies or inexperience of a processor in order to provide the pro cessor with sufficient information to ensure understanding of what factors are critical, how to measure them and how to control them.
4. A processing authority is responsible for the evaluation of processing deviations (21 CFR 113.89) to determine whether a specific lot is, or is not, a potential danger to health.

For additional information on process authority, please refer to this website.

A nationwide listing of food processing authorities can be found by visiting http://servicesdirectory.ift.org/cms// or http://www.afdo.org/foodprocessing

List of Laboratories that are Processing Authorities for Low Acid and Acidified Foods

The following is a list of laboratories that act as processing authorities for Low Acid Canned Foods (LACF) and Acidified Foods (AF). These laboratories also offer a range of other food analysis services. Please contact the laboratory or visit their website in order to obtain a complete listing of services offered. A nationwide listing of laboratories can also be found by visiting the IFT Services Directory.

Laboratory	Specialty	Location	Contact
North Carolina State University	Process approval for acidified and low acid foods.	Raleigh, NC 27695	Phone: 919.515.2951 http://www.ncsu.edu/foodscience/extensionprogram/food_product_testing.html
Virginia Polytechnic Institute and State University Joell Eifert, Director	Food Innovations Program	Department of Food Science and Technology (0924) 402-C HABB1, Virginia Tech 1230 Washington Street, SW Blacksburg, VA 24061	Office Phone: 540.231.2483 joell.eifert@vt.edu http://www.ext.vt.edu/topics/food-health/food-innovations/index.html
ABC Research Corporation	Product development, analytical/research microbiology, and process approval for acidified and low acid foods.	3437 SW 24th Avenue Gainesville, FL 32607	Phone: 352.372.0436 https://www.foodmaster.com

Cornell University Food Science and Technology NY State Agricultural Extension	Product development and process approval for acidified and low acid foods.	430 West North Street Geneva, NY 14456	Phone: 315.787.2273 Dr. Olga Padilla-Zakour
FMC Corporation	Process approval for acidified and low acid foods.	2300 Industrial Avenue Modera, CA 93639	Terry L Heyliger, Manager Phone: 559.661.3162 www.fmc.com
The National Food Lab	Process approval for acidified and low acid foods.	365 N. Canyons Pkwy, Suite 201 Livermore, CA 94551	925.828.1440 www.theNFL.com
PHF Specialists	Process approval for acidified and low acid foods.	P.O. Box 7697 San Jose, CA 95052	Phone: 408.275.0161 www.phfspec.com
Sani-Pure Food Laboratories	Low acid canned foods, acidified foods, shelf life testing and general lab testing. Process approval, depends on item.	178-182 Saddle River Road Saddle Brook, NJ 07663-4619	Phone: 201.843.2525 www.sanipure.com
Winston Laboratories, Inc.	Process approval of low acid and acidified food development, HACCP plans, nutritional labeling and general lab testing.	25 Mount Vernon Street Ridgefield Park, NJ 07660-9201	Phone: 201.842.9800 www.winstonlabs.com
Center for Food Safety and Applied Nutrition (CFSAN)	Process approval for acidified and low acid foods.	200 C Street SW Washington, D.C. 20204	http://www.fda.gov/AboutFDA/CentersOffices/OfficeofFoods/CFSAN/

Information obtained from: www.fda.gov (select FOODS). All processors of Low Acid Canned Food (LACF) and Acidified Foods (AF) participating in interstate commerce are required to register their establishments and file processing information for all products with the FDA using the appropriate forms. Forms are available by phone at 301.436.2411, electronically at this website or by sending a request to LACF@fda.hhs.gov.

If you have questions, please contact the Food and Drug Administration at 301.436.2411 Monday through Friday between the hours of 8 a.m. to noon and 1 to 4:30 p.m. Eastern Time.

Q & A

A scheduled process is an important component of your food production, especially if you are producing acidified food items. Each acidified food item that you make must have a scheduled process that has been compiled with the assistance of a process authority, and the scheduled process shall be followed each and every time you have a production run. It is illegal to sell a canned acidified food product without obtaining a scheduled process and filing with the FDA before sell.

What is a scheduled process?

According to the FDA, a scheduled process means the process selected by a processor as adequate for use under the conditions of manufacture for a food in achieving and maintaining a food that will not permit the growth of microorganisms having public health significance. It includes control of pH and other critical factors equivalent to the process established by a competent processing authority.

A scheduled process is a detailed procedure developed for a specific product which includes information about product ingredients and formulation, processing specifics (times, temperatures, process flow), critical control points (pH, water activity, etc.), primary packaging, storage and/or distribution. All specifics of the scheduled process must be met each time a batch of product is made, and the processor is responsible for documenting their actions to prove they adhered to their scheduled process. A scheduled process must be developed by a process authority that has expert knowledge in the processing of the particular food item in question.

What is the purpose of a scheduled process?

Scheduled processes are necessary in order to establish a method of food production that has been scientifically verified to produce safe food. If you are making a canned, acidified food product, there is potential that you could create an environment that is favorable for the growth of the pathogenic organism *Clostridium botulinum. C. botulinum* is the microorganism that causes the disease botulism. Botulism can be deadly, but it is preventable through proper acidification and heat processing of food. In order to be sure that all canned foods that have the potential to support the growth of *C. botulinum* are produced safely, a scheduled process is necessary and must be followed each and every time the food is produced.

What is a process authority and where can I find one?

A food processing authority for acidified foods is a person who has expert knowledge acquired through appropriate training and experience in the acidification and processing of acidified foods. This person understands the details of food safety as it applies to an acidified food product and can give you specific requirements for processing your food in a safe manner. Many land-grant universities offer services to food processors in the states they serve to do food testing and provide scheduled process letters. They generally charge a fee for these services. There are also a number of private labs across the country that are qualified acidified food process authorities.

What do I do once a scheduled process has been developed for my product?

Once you have a scheduled process for your food products, there are a number of things you need to do in order to begin selling your item. First of all, if you are making an acidified canned food, you will need to register your facility with the FDA (form 2541) in addition to filing your scheduled process for each food you are planning on selling using FDA form 2541a. Acidified food processors are required by the FDA to take a Better Process Controls School course. You will also need to contact the Virginia Department of Agriculture and Consumer Services to get your process inspected. With VDACS approval, you will be permitted to sell your food products.

What do I have to do now that I have filed my scheduled process?

A scheduled process is not a free ride to make food for sale with no reservation. There are things you must keep in mind when making your food. Your scheduled process dictates the important critical control points that must be met each and every time you make a batch of food. If you do not meet the critical control points as listed in your scheduled process, then your food is considered adulterated and not legal for sale. In order to prove that you have met the critical control points necessary for your food products to be safe, you have to keep records. Keeping records of your critical controls points each time you process food is a requirement. Any time you deviated from your scheduled process, you must note the deviation that occurred and what you did to correct that action. You must maintain these records in a separate file and you must keep these records for three years before you may discard them.

Taken directly from website: https://pubs.ext.vt.edu/FST/FST-95/FST-95_PDF.pdf

OFFICE OF DAIRY SERVICES

Photo courtesy of Molly Korviz

Photo courtesy of Curtin's Dairy

Photos courtesy of Homestead Creamery

Dairy Services is responsible for the enforcement of laws and regulations relating to milk to ensure a safe and wholesome supply of milk for Virginia consumers. These laws and regulations can be found here.

- **You can request a hard copy of the regulations by contacting:**
  Office of Dairy Services
  102 Governor Street
  PO Box 1163 Richmond, VA 23218
  Robert.Trimmer@vdacs.virginia.gov 804.786.7452 Fax: 804.371.7792

Dairy Services: Issues permits for and manages regulatory programs relating to Grade "A" dairy farmers; people who weigh, sample and test milk; and processors of ice cream, cheese or other manufactured dairy products. Dairy Services administers various regulations that govern the production, processing, labeling, handling and sale of milk and milk products in Virginia. Dairy Services performs inspections and permitting for dairy farms (cows, goats, water buffalo and sheep), cheese plants, frozen dessert plants, retail ice cream shops and milk tankers/ transports.

Grade "A" Dairy Farms (cow, goat, sheep, camel, buffalo)

Grade “A” milk is also referred to as fluid milk and is produced under stringent sanitary conditions on the dairy farm. Grade “A” milk is the only milk that can be sold to processing plants for pasteurization, bottling and sale as fluid milk. This milk is permitted and regulated under the Virginia Regulations Governing Grade “A” Milk, and Virginia Rules and Regulations Governing the Cooling, Storing, Sampling and Transporting of Milk. These regulations are enforced in conjunction with the U.S. Food and Drug Administration Pasteurized Milk Ordinance (PMO). The Office of Dairy Services regulates the production of Grade “A” milk on the dairy farm, and transportation of this milk to the processing plant. The Virginia Department of Health (VDH) enforces the same regulations in the processing plant. In Virginia, it is against the law to sell raw (unpasteurized) milk from a dairy farm directly for human consumption (see information below). The milk from a dairy farm must be transported to a processing facility for pasteurization prior to packaging. Grade “A” milk is also used to make Grade “A” products: yogurt, sour cream, cream cheese and cottage cheese which are products regulated by VDH (see VDH section for additional information).

The Regulations for Grade "A" Milk Are:

- Regulations Governing Grade “A” Milk, 2 VAC 5-490-10 through 2 VAC 5-490-140; effective date January 21, 2015 (promulgated pursuant to section 3.2-5206 of the Code of Virginia), and;
- Regulations Governing the Cooling, Storing, Sampling and Transporting of Milk, 2 VAC 5-501-10 through 2 VAC 5-501-110. Promulgated pursuant to 3.2-5201, 3.2-5206, 3.2-5223 and 3.2-5224 of the Code of Virginia, and;
- Pasteurized Milk Ordinance (PMO) Edition 2015: A copy of the PMO can be downloaded from this website

NOTE: If you are interested in starting a dairy farm to produce Grade “A” milk for sale to a Milk Marketing Cooperative or a Grade “A” Processing plant, the staff at the Office of Dairy Services will advise you. Please contact the office prior to starting plans for a dairy farm.

Sale of Unpasteurized Milk and Herd Shares: 2 VAC 5-490-73: Regulations Governing Grade "A" Milk

Regulations Governing Grade "A" Milk, 2 VAC 5-490-73 states: "Mandatory pasteurization for all milk, milk products, condensed milk, condensed milk products, aseptically processed and packaged milk and milk products retort processed after packaged milk and milk products, dry milk and dry milk products in final package form intended for direct human consumption:

No person shall sell or hold with intent to sell or offer to sell in intrastate commerce any milk, milk products, condensed milk, condensed milk products, aseptically processed and packaged milk, and milk products retort processed after packaged milk and milk products, dry milk and dry milk products in final package form intended for direct human consumption unless the product has been pasteurized or is made from milk, milk products, condensed milk, condensed milk products, aseptically processed and packaged milk and milk products, retort processed after packaged milk and milk products, dry milk and dry milk products that have been pasteurized, except where alternative procedures to pasteurization are provided under 21 CFR Part 133 for curing of certain cheese varieties."

The Virginia Department of Agriculture and Consumer Services has taken the following position on the practice of herd shares:

The sale of unpasteurized milk and non-aged unpasteurized milk products is in violation of existing Virginia statutes. The consumption of unpasteurized milk products, also known as raw milk or raw milk products can result in serious illness or death because they may contain disease-causing bacteria. Currently, there are a number of farmers throughout the Commonwealth who are distributing raw milk to individuals through animal or herd share plans or agreements. These agreements are constructed with the intention of conferring ownership to participating individuals in an attempt to avoid having the distribution of the raw milk classified as a sale. Although it may be possible to construct an animal or herd share agreement that confers true ownership to participating individuals, both the animal or herd share provider as well as those individuals who obtain raw milk products from them should be aware that not all animal or herd share ownership agreements are legal. Participants are encouraged to seek legal guidance to ensure any agreement represents true ownership of that animal. As noted previously, raw milk may contain disease-causing bacteria and its consumption has been the cause of multiple foodborne illness outbreaks over the last several years.

"Manufactured" Grade Dairy Farms (cow, goat, sheep, camel, buffalo)

Manufactured Grade milk, formally referred to as Grade “B” milk, is not required to meet the same strict sanitary standards of Grade “A” milk and is not regulated under the U.S. Food and Drug Administration Pasteurized Milk Ordinance. Manufactured milk is permitted and regulated by the Virginia Regulations Governing Milk for Manufacturing Purposes, and is used to produce butter, soft and hard cheeses, and other manufactured grade products. Manufactured Grade milk cannot be sold to a Grade “A” processing plant for pasteurization and bottling for fluid milk. Small scale manufactured grade dairy farms are required to meet minimum sanitary requirements which are outlined in the Virginia Guide to Small Scale Dairy Operations below.

The Virginia Regulations Governing Manufactured Grade Milk Are:

Regulations Governing Milk for Manufacturing Purposes, 2 VAC 5-531-10 through 2 VAC 5-531-160; effective date January 26, 2005 (promulgated pursuant to section 3.1-530.1 and 3.1-530.2 of the Code of Virginia) and;
Regulations Governing the Cooling, Storing, Sampling and Transporting of Milk, 2 VAC 5-501-10 through 2 VAC 5-501-110. Promulgated pursuant to 3.2-5201, 3.2-5206, 3.2-5223 and 3.2-5224 of the Code of Virginia.

NOTE: If you are interested in starting a dairy farm to produce Manufactured Grade milk for sale to a Milk Marketing Cooperative or Manufactured Grade Processing plant, or for use in your own manufactured grade facility to produce butter, or hard/soft cheese, the staff at the Office of Dairy Services will advise you. Please contact the office prior to starting plans for a dairy farm.

A Guide to Small Scale Dairy Operations

Butter, Hard and Soft Cheese and other Manufactured Grade Dairy Products





Photos courtesy of Oak Spring Dairy


Photo courtesy of Ziegenwald

Manufactured grade products such as butter and hard and soft cheese are processed using Manufactured Grade milk. VDACS Dairy Services permits and inspects the processing plants for manufactured grade products. Pasteurization of manufactured grade milk prior to processing into a product is required unless the non-pasteurized milk is processed into hard cheese that is aged according to strict requirements. It is illegal to use non-pasteurized cream to process butter in Virginia. Cream used for butter must be pasteurized and packaged in the same facility.

The Virginia Regulations Governing Manufactured Grade Products Are:

Regulations Governing Milk for Manufacturing Purposes, 2VAC 5-531-10 through 2 VAC 5-5431-160, effective date January 26, 2005, promulgated pursuant to section 3.1-530.1 and 3.1-530.2 of the Code of Virginia (this regulation does not cover Grade "A" products: processed fluid milk, yogurt, cream cheese or cottage cheese. These items are regulated and inspected by the Virginia Department of Health under the Regulations Governing Grade "A" Milk). *2 VAC 5-531-80 of the Regulations Governing Milk for Manufacturing Purposes* outlines the requirements for small scale cheese plants. The Dairy Services staff will help determine if an operation qualifies as small scale, and which regulations apply to the
operation.

NOTE: If you are interested in producing butter, cheese or other manufactured dairy foods, the staff at the Office of Dairy Services will advise you. Please contact the office prior to starting plans for your business.

Definition of Small-Scale Cheese Plant

2 VAC 5-531: A small scale cheese plant means any cheese plant that (1) pasteurizes milk for cheese production in one or more vat pasteurizers with a combined total processing capacity of not more than 50 gallons of milk at one time; or (2) processes cheese from unpasteurized milk in lots not to exceed 200 gallons if the milk is from cows, buffalo or water buffalo; or (3) processes cheese from unpasteurized milk in lots not to exceed 50 gallons if the milk is from goats, sheep or other mammals (except cows, buffalo, water buffalo and humans).

Your Dairy Services inspector will determine if your plans for a cheese plant comply with the existing definition of a small scale cheese plant. If the plant does not comply, the inspector will evaluate the operation to determine if the plant will qualify for an exemption. Factors for this exemption may include, but are not limited to, the size of the plant, amount of production, type and size of processing equipment, expected gross sales in dollars, whether or not there is a receiving room for bulk milk deliveries and number of employees.

Guidelines for Development for Small Scale Cow Farmstead Cheese Operations

Cheese Maker's Guide to Time/Temperature Control of Cheese at Retail

The information presented in this section is based on the requirements contained in 2 VAC 5-585, *Retail Food Establishment Regulations* for the Enforcement of the Virginia Food Laws and the U.S. Public Health Service 2013 Food Code. This guide is intended to educate cheese makers in the procedures necessary for time/temperature control for food (TCS) they need to follow to hold, transport, cut, wrap and display cheeses for sale at farmers' markets and other retail outlets. *This guide does not govern the cutting, wrapping, labeling, code dating and storage requirements for cheese when performed in their cheese plant.*

Milk and dairy products including cheese are TCS because of their ability to support the growth of infectious or toxigenic microorganisms or the growth and toxin production of *Clostridium botulinum* if not handled, packaged and stored properly. To ensure food safety, a TCS food requires both time and temperature control. Foods cooled and stored at temperatures of 41 degrees

Fahrenheit or less slow the growth of pathogens that may be present and extend the amount of time the food may be safely held for sale or consumption. Because pathogen growth is not stopped by refrigerated storage, TCS foods cannot be stored indefinitely. If TCS foods are mixed, prepared, handled, cut, wrapped or packaged at the market or other retail setting they may be stored a maximum of seven days at 41 degrees Fahrenheit, after which time they may not be offered for sale or consumed (this does not apply to prepackaged and labeled cheese products brought to a retail market and offered for sale). To facilitate time control of TCS foods that will not be consumed or discarded within twenty-four hours, the regulations require that they be date marked with a date after which they cannot be sold; however, certain hard and semi-soft cheeses are exempt from date marking.

Holding and display of whole cheeses at room temperature:

Storage and display of wheels, rolls or wedges of hard or semi-soft cheese which still retain the original, undisturbed wax or cloth packaging has been an accepted practice in retail food establishments provided no breaks, cracks, punctures, etc. of the protective covering have occurred. Aged cheeses with hard rinds may also be displayed at room temperature provided there are no breaks, cracks, punctures, etc. of the rind covering the cheese. Room temperature storage is considered to be about 70° F.

Once cut, wheels, rolls or wedges of all cheeses (except for hard grating varieties such as Parmesan and Reggiano) require storage at 41° F or less unless the cheese can be shown not to be a TCS food.

Definition of time/temperature control for safety food:

(1) "Time/temperature control for safety food" means a FOOD that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(2) "Time/temperature control for safety food" includes:

(a) An animal FOOD that is raw or heat-treated; a plant FOOD that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation and

(b) Except as specified in Subparagraph (3)(d) of this definition, a FOOD that because of the interaction of its A_W and pH values is designated as Product Assessment Required (PA) in Table A or B of this definition

Table A. Interaction of pH and A_W for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged.

A_W values	pH values		
	4.6 or less	**> 4.6-5.6**	**> 5.6**
<0.92	non-TCS food*	non-TCS food	non-TCS food
>0.92-0.95	non-TCS food	non-TCS food	PA**
>0.95	non-TCS food	PA	PA

* TCS means time/temperature control for safety food
** PA means product assessment required

Table B. Interaction of pH and A_W for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged

A_W values	pH values			
	< 4.2	**4.2-4.6**	**> 4.6-5.0**	**> 5.0**
<0.88	non-TCS food**	non-TCS food	non-TCS food	non-TCS food
0.88-0.90	non-TCS food	non-TCS food	non-TCS food	PA**
>0.90-0.92	non-TCS food	non-TCS food	PA	PA
>0.92	non-TCS food	PA	PA	PA

* TCS means time/temperature control for safety food
** PA means product assessment required

(3) "Time/temperature control for safety food" does not include:

(a) An air-cooled hard-boiled EGG with shell intact, or an EGG with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable salmonellae

(b) A FOOD in an unopened HERMETICALLY SEALED CONTAINER that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution

(c) A FOOD that because of its pH or A_W value, or interaction of A_W and pH values, is designated as a non-TCS FOOD in Table A or B of this definition

(d) A FOOD that is designated as Product Assessment Required (PA) in Table A or B of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that FOOD Is precluded due to:

(i) Intrinsic factors including added or natural characteristics of the FOOD such as preservatives, antimicrobials, humectants, acidulants or nutrients

(ii) Extrinsic factors including environmental or operational factors that affect the FOOD such as packaging, modified atmosphere such as REDUCED OXYGEN PACKAGING, shelf life and use, or temperature range of storage and use or

(iii) A combination of intrinsic and extrinsic factors or

(e) A FOOD that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the Subparagraphs (3)(a) - (3)(d) of this definition even though the FOOD may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury

How to determine if a cheese is a TCS food:

In order to use the tables included in the definition of a TCS food you have to know the water activity (A_W) and pH of the cheese. The Food Innovations Program at Virginia Tech can make this determination for you if you send them a sample of your cheese for testing.

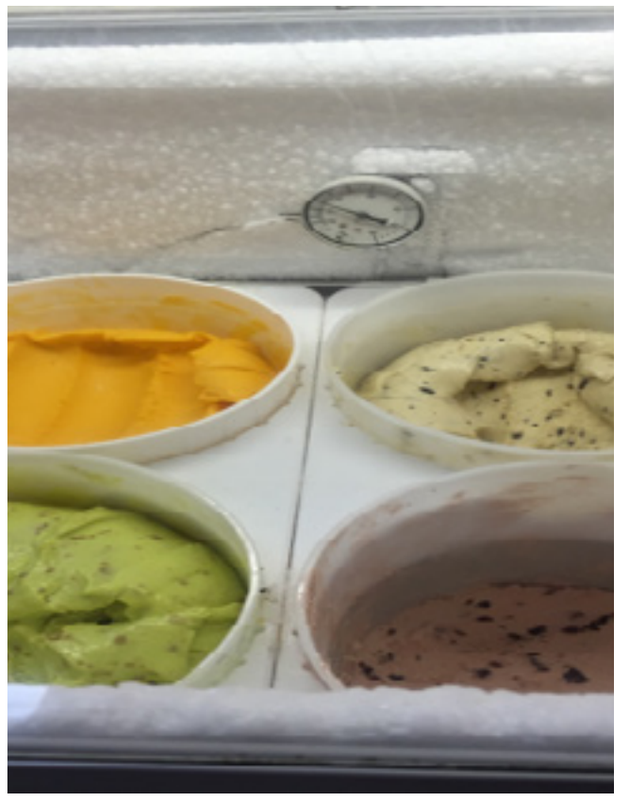
For more information or to arrange for this testing service please contact:
Joell A. Eifert, Director, Food Innovations Program
Department of Food Science and Technology (0924)
402-C HABB1, Virginia Tech
1230 Washington Street, SW
Blacksburg, VA 24061
Joell.Eifert@vt.edu 540.231.8697

Holding, transporting and display of Cheese at 41 degrees Fahrenheit or less:
After cutting, wrapping and labeling your cheese to take to market it must be kept at a temperature of 41° F or less. This can be accomplished by packing the cheese in coolers with sufficient ice to maintain the required temperature. In lieu of ice you may find that reusable ice packs that can be frozen in the freezer and placed above the cheese in the cooler keep the cooler dryer than ice does.

How to determine the internal temperature of the cheese:
To determine if the cheese is properly stored at 41 degrees Fahrenheit or less you will need to take a temperature reading using a probe thermometer inserted into a piece of cheese. You cannot rely on taking the temperature by placing a thermometer between two packages of cheese as you will be getting the surface temperature of the packages and not the internal temperature of the cheese. You should select one piece of cheese to use a temperature sample. This could be a piece you will be cutting samples from for tasting at the market where the hole made by the thermometer will not matter or it could be a piece of cheese you will not sell but use over as the temperature sample.

How to handle samples of cheese for tasting:
You can leave cheese samples out of temperature control for tasting purposes at any air temperature for a period **not to exceed four hours,** after which time, any remaining samples must be thrown away. To facilitate this, you must record the time of day on the cheese sample container that is four hours after the cheese was removed from temperature control. If you remove the cheese samples from the cooler at 10 a.m. to display for tasting, then you would record on the container the time 2 p.m. If by 2 p.m. all of the samples were not eaten, you would need to throw them away. *Returning them to the cooler to be chilled and stored for later use is not an option.* Do not display more samples than will be consumed during a four-hour time period and do not add cheese samples to ones that are already on display. If you add samples to ones that are already on display, the four-hour time period does not start again; however, if you set out an entirely new group of cheese samples from the cooler, the time recorded needs to be four hours after they were removed from the cooler. You should mark the temperature on the container using a pen than can be erased. Non-permanent felt tip markers and wax pencils work well for recording the time on containers.

ICE CREAM, FROZEN DESSERTS AND SIMILAR PRODUCTS


Photos courtesy of Homestead Creamery

The production of ice cream, frozen desserts or similar products is permitted and regulated by the Office of Dairy Services. Products are produced for two different markets: wholesale and retail.

Wholesale: The frozen dessert is packaged, labeled and sold to another person or firm (grocery store, convenience store or restaurant) who then sells it to the end consumer. The product and package are no longer under the direct control of the processor. If the product is wholesaled, the processing requirement is to pasteurize the entire mix after formulation prior to adding the flavorings, fruit, nuts, etc. Pasteurization of the entire mix after formulation is required even if the original ingredients were pasteurized. In some instances, the mechanics of processing a frozen dessert require extreme cooking temperatures. In these cases, the Supervisor of Dairy Services will evaluate your equipment and process to determine if the cooking temperatures and holding time are comparable to pasteurization.

Retail Sales: The product is sold directly to the end consumer such as at farmers' markets, retail frozen dessert shops, retail

mobile units, temporary food events (fairs, festivals). The product stays under the control of the processor until it is sold and handed directly to the end consumer. Product produced for retail sales may be made from the following mixes without re-pasteurization of the entire formulation:

1. Powdered ice cream mix re-constituted with water or pasteurized milk/cream and then frozen into a finished product.
2. Liquid pasteurized mix that has additional pasteurized milk or cream added to it and then frozen into a finished product.
3. Liquid pasteurized mix that does not have additional ingredients added to it and then frozen into a finished product.

▶ If you are interested in producing ice cream, frozen desserts or similar dairy products, the staff at the Office of Dairy Services will advise you. Please contact the office prior to starting plans for your business.

Regulations Governing the Production, Processing and Sale of Ice Cream, Frozen Desserts and Similar Products:

Rules and Regulations Governing the Production, Processing and Sale of Ice Cream, Frozen Desserts and Similar Products, 2 VAC 5-510-10 thru 2 VAC 5-510-660. Promulgated pursuant to Section 3.1-562.1 through Section 3.1-562.10 of the Code of Virginia.

<u>The regulations cover the following products:</u>

Frozen desserts; identity: Frozen desserts mean any or all of the following: ice cream, frozen custard, French ice cream, French custard ice cream, ice mlk, fruit sherbets, water ices, non-fruit sherbets, non-fruit water ices, artificially sweetened ice cream or fozen dietary dairy dessert, artificially sweetened ice milk, frozen yogurt, quiescently frozen confection, quiescently frozen dairy confection, mellorine, Parevine, lowfat parevine, freezer-made milk shakes and freezer-made shakes. Frozen desserts shall also mean the mix used in the freezing of the preceding list of frozen desserts.

2 VAC 5-510-390. Imitation frozen desserts; identity: Imitation frozen dessert is any frozen substance, mixture or compound regardless of the name under which it is represented, which is made in imitation or semblance of ice cream, or is prepared or frozen as ice cream is customarily prepared or frozen, and which is not Iice cream, frozen custard, French ice cream, French custard ice cream, ice mlk, fruit sherbets, water ices, non-fruit sherbets, non-fruit water ices, artificially sweetened ice cream or fozen dietary dairy dessert, artificially sweetened ice milk, frozen yogurt, quiescently frozen confection, quiescently frozen dairy confection, mellorine, parevine, lowfat parevine, freezer-made milk shakes and freezer-made shakes; and freezer-made shakes, as established by definitions and standards of identity in Part III (2 VAC 5-510-30 et seq.) of this chapter.

<u>Frozen desserts include the following:</u>

Italian ices or **water ices** are flavored and sweetened mixes that are poured into cups and frozen without stirring.

Italian Gelato or **gelato** is a powdered mix reconstituted with pasteurized milk or water and is stirred while freezing. Gelato is normally hand dipped from bulk containers.

Use of Alcohol Beverages in Frozen Desserts or Manufactured Dairy Products

A VaABC license is required for all products that have an alcoholic content of more than one-half of one percent alcohol by volume. With a VaABC license the licensee can only sell the frozen dessert or manufactured dairy product containing alcohol to people who hold a retail license to sell alcoholic products. The processor of alcoholic products is also required to obtain a Federal Basic Permit called a "Wine Producer's and Blender's Permit" from VaABC. For additional information on the use of alcohol in frozen desserts or manufactured dairy products please call VDACS Dairy Services.

Frozen Desserts Retail Shops or Mobile Units

Frozen Dessert Retail Shops sell ice cream, frozen yogurt and other frozen desserts directly to the public from a retail establishment. These retail shops are permitted and inspected by the staff at the VDACS Office of Dairy Services using the regulations as outlined in the *Retail Food Establishment Regulations for the Enforcement of the Virginia Food Laws, 2016 Edition, 2 VAC 5-585-10 through 2 VAC 5-585-4070.* Frozen Dessert Retail Shops do not pasteurize or process the ice cream or yogurt mix on site. The liquid or powder mix is purchased from a regulated vendor.

Retail Dessert Shops: are stationary units and must meet all requirements as set forth in the Retail Food Establishment Regulations. See the Food Safety section of this handbook for more information on retail dessert shop requirements.

Requirements for Retail Frozen Dessert Mobile Units and Push Carts: must comply with all the same requirements for food storage, handling, labeling and safety as do fixed-location frozen dessert businesses. There are no exemptions to food safety requirements for a mobile unit or push cart.

Frozen dessert mobile units and push carts must operate from a central depot or commissary where they return for storage, resupply, cleaning and waste disposal. The commissary provides a place for the physical facilities needed to maintain a mobile unit or push cart (water supply, equipment sinks, drainage and storage racks, dry storage, freezer storage, etc.). The extent of the facilities needed depends on the complexity of the operation being conducted. Complexity ranges from offering only prepackaged food products for sale to hand dipping ice cream into cones or cups to preparing mix and soft serve on the mobile unit.

If you are Selling Pre-packaged Ice Cream and Frozen Desserts Only: Persons selling only pre-packaged ice cream and frozen desserts are exempt from inspection but not from registration. Please contact the VDACS Office of Dairy Services for registration forms.

If you are Hand Dipping Cones or Cups: Frozen dessert mobile units and push carts selling hand-dipped ice cream must operate from a commissary. Minimum facilities needed on the mobile unit or push cart include a means to keep the ice cream frozen and access to hand washing facilities at all times. Facilities to wash and sanitize your equipment, store additional product and single service articles can be accessible at your commissary.

If you are Freezing and Serving Soft Serve: Mobile units freezing soft serve ice cream usually have all the equipment and facilities present on the mobile unit for washing and sanitizing equipment and storage of cones, cups, containers, etc.; however, these facilities could be provided at your commissary. For locations of commissaries in your area, please contact your local health department for additional information. In either case the mobile unit needs to return to the commissary each day.

2 VAC 5-585, Retail Food Establishment Regulations prohibit bare hand contact with ready-to-eat food. This means you will have to use a tissue paper to handle cones or wear gloves to prevent the cone from touching your hand. The regulations are necessary to stop the spread of viral diseases which are principally spread by infected persons handling ready-to-eat foods like bread, rolls, salad, sandwiches, cookies and ice cream cones. Servers should handle these ready-to-eat foods using serving implements or wear disposable gloves. The prohibition on bare hand contact does not apply to food ingredients and preparations that will be cooked before serving.

Equipment Requirements for Frozen Dessert Mobile Units and Push Carts

Handwashing:
Each mobile unit and push cart shall be supplied with handwashing facilities, including hot (minimum 100 degrees Fahrenheit) and cold running water under pressure supplied through a mix valve, soap and individual disposable towels.

Freezer/Dipper Case:
If used, freezer/dipper cases must be capable of keeping the product frozen. Each case needs to be equipped with an ambient air and water thermometer that indicates the internal air temperature and is accurate within 3 degrees Fahrenheit.

Refrigerated Storage:
If used, refrigerators need to be of sufficient size to store food and thaw mix at 41 degrees Fahrenheit or less. Each case needs to be equipped with a thermometer that indicates the internal air temperature and is accurate within 3 degrees Fahrenheit.

Counter Tops and Food Contact Surfaces:
Must be smooth, in good repair, easily cleanable and free of sharp internal angles, corners or crevices that can trap food particles and are hard to clean.

Food thermometer:
At least one food thermometer must be supplied or available that is scaled in 2 degrees Fahrenheit increments and accurate within ± 2 degrees Fahrenheit.

Wash, Rinse and Sanitize Sinks:
A minimum of one three-compartment sink for washing, rinsing and sanitizing must be available.

Test Kit for Sanitizer:
A test kit for testing the strength of sanitizing solutions must be provided suitable for the sanitizer used. This is normally chlorine sanitizer test strips for chlorine sanitizers.

Mobile Water Tank Requirements

Approved materials: Materials that are used in the construction of a mobile water tank, mobile food establishment water tank and appurtenances shall be: safe, durable, corrosion resistant and nonabsorbent and finished to have a smooth, easily cleanable surface.

Enclosed system, sloped to drain: A mobile water tank shall be: 1) enclosed from the filling inlet to the discharge outlet; and 2) sloped to an outlet that allows complete drainage of the tank.

Inspection and cleaning port protected and secured:
If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and:
1. Flanged upward at least one-half inch (13 mm) and
2. Equipped with a port cover assembly that is:
    a. Provided with a gasket and a device for securing the cover in place and
    b. Flanged to overlap the opening and sloped to drain

"V" type threads use limitation: A fitting with "V" type threads on a water tank inlet or outlet shall be allowed only when a hose is permanently attached.

Tank vent, protected:
If provided, a water tank vent shall terminate in a downward direction and shall be covered with:
1. 16 mesh to 1 inch (16 mesh to 25.4-mm) screen or equivalent when the vent is in a protected area or
2. A protective filter when the vent is in an area that is not protected from windblown dirt and debris

Inlet and outlet, sloped to drain: A water tank and its inlet and outlet shall be sloped to drain. A water tank inlet shall be positioned so that it is protected from contaminants such as waste discharge, road dust, oil or grease.

Hose, construction and identification:
A hose used for conveying drinking water from a water tank shall be:
1. Safe
2. Durable, corrosion resistant and nonabsorbent

3. Resistant to pitting, chipping, crazing, scratching, scoring, distortion and decomposition
4. Finished with a smooth interior surface and
5. Clearly and durably identified as to its use if not permanently attached

Filter, compressed air: A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and drinking water system when compressed air is used to pressurize the water tank system.

Protective cover or device: A cap and keeper chain, closed cabinet, closed storage tube or other approved protective cover or device shall be provided for a water inlet, outlet and hose.

Mobile food establishment tank inlet:
A mobile food establishment's water tank inlet shall be:
1. Three-fourths inch (19.1 mm) in inner diameter or less and
2. Provided with a hose connection of a size or type that will prevent its use for any other service

System flushing and disinfection: A water tank, pump and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification and periods of non-use.

Using a pump and hoses, backflow prevention: A person shall operate a water tank, pump and hoses so that backflow and other contamination of the water supply are prevented.

Protecting inlet, outlet and hose fitting: If not in use, a water tank and hose inlet and outlet fitting shall be protected by use of a cap and keeper chain, closed cabinet, closed storage tube or other approved protective cover or device.

Tank, pump and hoses, dedication:
A. Except as specified in subsection B (below), a water tank, pump and hoses used for conveying drinking water shall be used for no other purpose
B. Water tanks, pumps and hoses approved for liquid foods may be used for conveying drinking water if they are cleaned and sanitized before they are used to convey water

Mobile holding tank capacity and drainage:
A sewage holding tank in a mobile food establishment shall be:

1. Sized 15 percent larger in capacity than the water supply tank and
2. Sloped to a drain that is one inch (25 mm) in inner diameter or greater, equipped with a shut-off valve

Conveying sewage: Sewage shall be conveyed to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses and connections that are constructed, maintained and operated according to law.

Removing mobile food establishment wastes: Sewage and other liquid wastes shall be removed from a mobile food establishment at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created.

Flushing a waste retention tank: A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

Indoor areas, surface characteristics: Materials for indoor floor, wall and ceiling surfaces under conditions of normal use shall be smooth, durable and easily cleanable for areas where food establishment operations are conducted and nonabsorbent for areas subject to moisture such as food preparation areas.

Floors, walls and ceilings: The floors, floor coverings, walls, wall coverings and ceilings shall be designed, constructed and installed so they are smooth and easily cleanable, except that anti-slip floor coverings or applications may be used for safety reasons.

Protection from insects and rodents: Outer openings shall be protected from the entrance of insects and rodents by filling or closing holes and gaps along floors, walls and ceiling, closed tight-fitting windows and solid self-closing tight fitting doors.

Outdoor servicing areas, overhead protection: Servicing areas shall be provided with overhead protection except that areas used only for the loading of water or discharge of sewage and other liquid waste through the use of a closed system of hoses need not be provided with overhead protection.

Use of an Approved Dump Station Required: The retail mobile unit waste storage tanks must be emptied into an approved waste dump facility. Dumping waste water into public storm water drains is not approved. You should contact your local Health Department for the location of an approved dump station in your area.

OFFICE OF MEAT AND POULTRY SERVICES (OMPS)

The goal of the Office of Meat and Poultry Services (OMPS) is to ensure the production of safe, wholesome and truthfully labeled meat and poultry products as well as humane treatment of the livestock that are processed. OMPS provides inspection service to individuals or companies that slaughter and/or process meat and poultry products that are intended for sale at both the retail and wholesale levels.

OMPS administers and enforces the following law(s) and regulations(s):

- Virginia Meat and Poultry Inspection Act: Code of Virginia Chapter 54: slaughterhouses, meat and dressed poultry
- Virginia meat and poultry inspection regulations: Administrative Code of Virginia Chapter 210: rules and regulations pertaining to meat and poultry inspection under The Virginia Meat and Poultry Products Inspection Act: 2VAC5-210-10-80
- 9CFR 300-500 (Code of Federal Regulations)
- Federal Meat Inspection Act
- Federal Poultry Products Inspection Act

The law(s) and regulations(s) can be found on this website.

A hard copy of the Virginia Regulation 2VAC5-210-10-80 can be requested by contacting:
Barry Jones
VDACS Office of Meat and Poultry Services
102 Governor Street
Richmond, VA 23219
Barry.Jones@vdacs.virginia.gov 804.786.4569

A Guide to Virginia's Meat and Poultry Inspection Program

Please check with OMPS to determine if a Meat Handlers Permit is required.

OMPS offers an "Establishment Design and Construction Guide" to provide basic guidance for construction of processing and slaughter plants. This document is only a guide. Please contact your local city or county office for zoning and building requirements.

Check with your local department of health for septic and well requirements if applicable. Visit this website or contact Barry Jones at VDACS OMPS for additional information.

- **Processing Catfish in Virginia: please contact:**
  USDA/FSIS District Manager
  6020 Six Forks Road
  Raleigh, NC 27609
  800.662.7608

What meat products can be sold and where?

Products processed at a United States Department of Agriculture/Food Safety and Inspection Services (USDA/FSIS) inspected facility can be sold at farmer's markets, restaurants, retail stores, wholesale, on the internet and across state lines.

Products processed at an OMPS inspected facility can be sold only in Virginia, either wholesale or retail. When sold at the retail level, the VDACS Food Safety Program regulations apply.

Wild harvest game birds and animals cannot be sold for food. Only USDA/FSIS or VDACS/OMPS permitted/inspected meat from farm raised game birds and animals may be sold.

Custom Exempt Facility: Products from cattle, goats, sheep, swine, poultry (including ratites) processed at a custom exempt facility cannot be sold. Custom exempt processing does not require continuous inspection from OMPS because the meat is for the owner of the animal, the owner's immediate family or non-paying guests. Meat slaughtered at a custom exempt facility must be labeled as "Not for Sale". **NOTE:** Custom Exempt facilities are required by regulation to apply to OMPS for a Custom Permit.

Labeling:
Meat products must be properly labeled. The product label is the responsibility of the inspected establishment that produced the product and should include the following: product name, ingredients (if any), net weight, the name/address of the responsible party, inspection legend (i.e. number of the plant that did the work for you), a safe handling statement on raw/partially cooked products and handling instructions if applicable (i.e. Keep Refrigerated or Keep Frozen). No further information can be added to the label after the product leaves the inspected establishment. The only exception would be product sold to retail stores for further processing, net weights or stickers related to pricing. Some products require a complete nutritional facts panel.

The following publications can be found here:

- A guide to Virginia's meat and poultry inspection program
- Directory of establishments
- How to obtain state meat and poultry inspection
- Establishment design and construction guidebook
- Requirements for a custom permit
- Guidance for determining whether a poultry operation is exempt from inspection.

Application for OMPS Inspection
How to Obtain Meat and Poultry Inspection
Poultry Permit of Exemption
A Guide to Virginia's Meat and Poultry Inspection Program
Requirements for a Custom Permit
2VACS-210-10-80.OMPS

OFFICE OF PRODUCE SAFETY

Virginia Department of Agriculture and Consumer Services received federal grant funding in 2016 to establish a Produce Safety Program within the Office of Dairy and Foods. This new regulatory program will work to address the growing, packing, holding and dissemination of produce grown on farms and will encourage the safe production of fruits and vegetables and promote understanding and compliance with the FDA Produce Safety Rule and state legislation.

The Produce Safety Rule sets forth procedures, processes, and practices that minimize the risk of serious adverse health consequences or death. These include those procedures, processes, and practices reasonably necessary to prevent the introduction of known or reasonably foreseeable biological hazards into or onto produce, and to provide reasonable assurances that the produce is not adulterated on account of such hazards. The expectation is that the Produce Safety Rule will reduce foodborne illness associated with the consumption of contaminated produce.

Produce is defined as any fruit or vegetable (including mixes of intact fruits and vegetables) to include mushrooms, sprouts (irrespective of seed source), legumes, tree nuts, and herbs. A list of produce that is covered under the Produce Safety Rule can be found in 21CFR §112.1 (b)(1)(2) and is not exhaustive or all-inclusive. Other commodities not specified on the list may be covered. The list of commodities not covered (rarely consumed raw) under the Produce Safety Rule is also provided in 21CFR §112.2 (a) (1) and this is an exhaustive list. The types of produce not covered, specifically the following are:
Commodities that are rarely consumed raw, such as potatoes, cranberries, and peanuts. These commodities are specifically identified in an exhaustive list.

The Produce Safety Rule also does not apply to produce that is used for personal or on-farm consumption, or produce that is not a Raw Agricultural Commodity (RAC) and provides an exemption for produce that receives commercial processing or a kill step that adequately reduces the presence of microorganisms of public health significance as long as certain disclosures are made and written assurances are received with appropriate documentation.

Farms that have an average annual value of produce sold during the previous 3-year period of more than $25,000 are covered under the Produce Safety Rule and must comply with all applicable requirements when conducting a covered activity on covered produce. Farms that fall below the monetary threshold for coverage are not subject to the Produce Safety Rule. Farms that average less than $500,000 in food sales per year during the previous three years and have a majority of food sales to qualified end-user may be eligible for a qualified exemption and modified requirements. This exemption is commonly called the Tester-Hagan Amendment and provides for a lesser regulatory burden to smaller farms that sell directly to a local market.

A farm may be eligible for a qualified exemption and modified requirements in a calendar year if:

-**During the previous 3-year period preceding the applicable calendar year, the average annual monetary value of the food the farm sold directly to qualified end-users during such period exceeded the average annual monetary value of the food the farm sold to all other buyers during that period.**

-**The average annual monetary value of all food the farm sold during the 3-year period preceding the applicable calendar year was less than $500,000, adjusted for inflation.**

A qualified end-user is the consumer of the food (where the term consumer does not include a business) or a restaurant or retail food establishment (as those terms are defined in 21 CFR 1.227) that is located: **(1) in the same state or the same Indian reservation as the farm that produced the food;** or **(2) not more than 275 miles from such farm.** The qualified exemption is based on sales of all food, not just produce.

It is important to note that the qualified exemption can be withdrawn under certain circumstances. These circumstances include:

-**In the event of an active investigation of a foodborne illness outbreak that is directly linked to the farm.**

If the FDA determines that it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak based on conduct or conditions associated with the farm that are material to the safety of the covered produce grown, harvested, packed or held at the farm.

There are some exemptions and limitations to this Produce Safety Rule and those RACs and farms will continue to be regulated under the adulteration provision of the FD&C Act (Section 402). Regardless of the Produce Safety Rule requirements or exemptions, the FD&C Act prohibits the introduction or delivery for introduction into interstate commerce of any food, drug, device, tobacco product, or cosmetic that is adulterated or misbranded. A farm, even if they are exempted or excluded from all or parts of the Produce Safety Rule, cannot distribute an adulterated product.

For more information, please visit www.VAProduceSafety.com

- **Selling Produce in Virginia: Please contact:**
  VDACS Produce Safety Program
  P.O. Box 1163
  Richmond, VA 23218
  804.786.4003

DIVISION OF CONSUMER PROTECTION

Office of Plant Industry Services

Agricultural Commodities

The Agricultural Commodities Program is part of VDACS Division of Consumer Protection, Office of Plant Industry Services. The Agricultural Commodities Program administers and enforces the Virginia Commercial Feed Law and Regulations to ensure truth in labeling and the safety of commercial animal feed sold in the Commonwealth through investigations, inspections and product sampling and analysis. Regulated products include feed for livestock, poultry, pets and specialty pets. This program oversees:

- Commercial feed for livestock, poultry, pets, specialty pets
- Current good manufacturing processes
- Product labeling
- Product storage
- Manufacturer licensing
- Small package, specialty pet foods and medicated feed registration
- Custom-mix and customer formula feeds
- Minerals and vitamin mixes
- Bulk feeds
- Consumer complaint investigations

To ensure products are truthfully labeled, VDACS inspects establishments that manufacture or distribute regulated products. The inspection involves reviewing product labels for compliance accuracy, as well as collecting and analyzing representative samples of the products. A regulated product having false or misleading labeling or containing a substance that has been identified as harmful to humans, plants, animals or the environment is prohibited from further distribution in Virginia.

Under Virginia's Commercial Animal Feed Law, the Office of Plant Industry Services is responsible for ensuring the integrity of commercial animal feed by verifying that feed sold in Virginia is properly labeled.

Samples of animal feed are collected by inspectors and analyzed by the Virginia Department of General Services, Division of Consolidated Laboratory Services. If the laboratory analysis finds the product is misbranded or adulterated because it fails to meet its label guarantees or contains a substance that is harmful to animals or might endanger human food derived from the animals, the product is prohibited from further distribution in Virginia until it is brought into compliance with the law.

Under Virginia's Animal Remedies Law, the Office of Plant Industry Services is responsible for verifying that all animal remedies sold in Virginia are labeled properly. Animal remedies are over-the-counter medications including wound ointments, wormers, antibiotics and drugs intended for animals. Prescription medications and vaccines handled by veterinarians are not included. A license is not required to manufacture or sell animal remedies, however all animal remedies distributed in Virginia must be registered with the Virginia Department of Agriculture and Consumer Services prior to being sold.

All medicated feed, small package commercial feed, specialty pet feed and canned animal food products are required to be registered before being distributed in Virginia. Most homemade pet foods and treats are considered small package or canned feed products.

The registration year is January 1–December 31. A label for each product must be submitted for review and approval prior to registration. Refer to the chart below for product registration fees.

Any person or firm who fails to comply with the registration renewal requirements shall pay a $50 per product late fee in addition to the registration fee. If an unregistered commercial feed product is found in commerce in Virginia, the person or firm required to register the product is given a grace period of 15 working days after being notified that the product is not registered within which to register the product. Any person or firm who fails to register the product within the grace period shall pay a $50 per product late fee in addition to the registration fee.

Medicated Feed (bulk and/or packaged)	Commercial feed mixed with a drug	Fees
Small Package Commercial Feeds (packaged 10 lbs. and under)	Commercial feed includes any material which are intended for use as feed for animals, including cats, dogs, horses, rabbits and wild birds.	$50 per product.

Canned Pet Food (all can sizes)	Canned food intended for use as food for animals, including cats and dogs.	$50 per product.
Specialty Pet Food (packaged 1 lb. and under)	Commercial feed prepared and distributed for consumption by specialty pets. Specialty pets are defined as any domesticated animals normally maintained in a cage or tank (exempted are rabbits and wild birds).	$35 per product ($700 maximum registration fee/20 products).
Specialty Pet Food (packaged over 1 lb.)	Commercial feed prepared and distributed for consumption by specialty pets. Specialty pets are defined as any domesticated animals normally maintained in a cage or tank (exempted are rabbits and wild birds).	$50 per product.
http://www.vdacs.virginia.gov/plant-industry-services-agricultural-commodity-inspection.shtml		

Pet Food:
Small businesses that are interested in manufacturing and selling pet food in Virginia will need to follow the rules and regulations enforced by the Agricultural Commodities Program. The following PDFs will give you detailed instructions on how to apply for licenses and manufacture/label your pet food products.

Pet Foods and Treats – What you need to know
Pet Food Safety Brochure
Salmonella and Pets

GOOD AGRICULTURAL PRACTICES (GAP)

The Committee of Agriculture met in Rome, Italy March 31- April 4, 2003 to develop guidelines for Good Agricultural Practices or GAP. The document published by the committee can be found in its entirely at this website.

A brief summary of GAP:

Good Agricultural Practices are practices designed to meet food security, food quality and production efficiency. The practices address both on-farm production and post-production processing with the goal of producing safe and healthy food. Methods such as sustainable agriculture and integrated pest management, integrated nutrient management, organic production and conservation agriculture are all based on GAP principles. GAP is recognized for reducing risks associated with pesticides and other environmental concerns. GAP can be applied to both small and large agricultural ventures and food processing systems and covers a wide range of food products. GAP can be used as a means to minimize microbial hazards in fresh produce.

Four Principles of GAP apply to all types of farming:

- economically and efficiently produce sufficient, safe and nutritious food
- sustain and enhance the natural resource base
- maintain viable farming enterprises and contribute to sustainable livelihoods
- meet the cultural and social demands of society

GAP Applications

Soil fertility: management of productivity, erosion, runoff and leaching.

Water: management of irrigation, prevention of contamination, minimization of waste and protection.

Crop: Management of fodder, crop protection including rotation of crops, management of soil fertility, management of pest/weeds and crop health to manage diseases and productivity.

Animal production: management of animal housing, feed, possible contaminants, manure and land.

Animal Health and Welfare: management of animal housing, vaccinations, treatment. Good animal welfare is recognized as freedom from hunger and thirst; freedom from discomfort; freedom from pain, injury or disease; freedom to express normal behavior; and freedom from fear and distress.

Harvest and On-Farm Processing and Storage: practices for proper storage of crops and other products to include proper temperatures, humidity and space requirements.

Energy and Waste Management: use of fuel and alternative energy sources, manure and nutrient management, recycling.

Human Welfare, Health and Safety: balancing work life goals; providing adequate income, housing and a safe working environment.

Wildlife and Landscape: manage and maintain wildlife habitats, encourage riparian buffers near streams, create diverse cropping patterns, manage till and no till crop lands properly, manage wetlands and monitor wild plants and animals. (Information for section above taken directly from: http://www.fao.org/docrep/meeting/006/y8704e.htm.) Additional information on GAP can be found at this website.

Virginia GAP Program

In Virginia the GAP program is not FSMA (Food Safety Modernization Act), although in the future GAP may be incorporated as meeting requirements of FSMA. More information is available at http://www.hort.vt.edu/producesafety/.

GAP certification is strictly a volunteer program, but most industry members (chain stores, wholesalers and restaurants) are requiring producers to obtain certification in order to purchase their products.

Steps for GAP certification:

1. Request a GAP Audit for your farm or facility from the Fruit and Vegetable Marketing Program Manager Dennis Clary (see introduction section for contact information)
2. You will be required to develop a Standard Operating Procedure (SOP) manual that follows the FDA “Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables."(see attached PDF for this guide)
3. Once you have developed your SOP manual, Fruit and Vegetable will schedule an audit. There is a fee of $92 for the audit and a USDA fee of $50 for certificate issuance.

For additional information on GAP, please contact:
VDACS Office of Commodity Services
Dennis Clary, Administrator
Office of Commodity Services
102 Governor Street
Richmond VA
804.786.3548
Dennis.Clary@vdacs.virginia.gov

A Guide to GAP - Virginia Cooperative Extension
FDA Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits
GAPS

Office of Weights and Measures

The Office of Weights and Measures (OWM) is an office within the VDACS Division of Consumer Protection. The office administers consumer and environmental protection laws and regulations designed to maintain the integrity of transactions between buyers and sellers and prevent unfair competition among regulated industries. OWM activities include inspection and testing of all commercially used weighing and measuring equipment and the investigation of related complaints; sampling of motor fuels; licensing of individuals to certify the accuracy of weight tickets; and the administration of several laws that seek to ensure the prompt accounting and payment for products sold by Virginia producers. Another activity of OWM includes the inspection and verification of packaged consumer products. To meet the labeling requirements for all foods manufactured, processed or packaged in Virginia the package label must contain an accurate net weight of the packaged product. “OWM provides technical information and advice related to the proper labeling of packaged consumer goods as required by the Federal Fair Packaging and Labeling Act. See information on the Federal Fair Packaging Act below. Compliance to these standards is necessary to assure acceptance of commodities introduced to interstate trade.

- Please contact the Office of Weights and Measures to obtain information on how to obtain the proper weight for your product(s) and how this weight should be declared on the label. The Weights and Measures Law can be found on the Code of Virginia LIS website.

Information on the Federal Fair Packaging and Labeling Act:

The Fair Packaging and Labeling Act (FPLA or Act), enacted in 1967, directs the Federal Trade Commission and the Food and Drug Administration to issue regulations requiring that all consumer commodities be labeled to disclose net contents, identity of commodity and name and place of business of the product's manufacturer, packer or distributor. The Act authorizes additional regulations where necessary to prevent consumer deception (or to facilitate value comparisons) with respect to descriptions of ingredients, slack fill of packages, use of "cents-off" or lower price labeling or characterization of package sizes. The Office of Weights and Measures of the National Institute of Standards and Technology, U.S. Department of Commerce, is authorized to promote to the greatest practicable extent uniformity in state and federal regulation of the labeling of consumer commodities.

Basic Requirements: The FPLA requires each package of household consumer commodities that is included in the coverage of the FPLA to bear a label on which there is:

- a statement identifying the commodity (e.g., detergent, sponges, etc.)
- the name and place of business of the manufacturer, packer or distributor
- and the net quantity of contents in terms of weight, measure or numerical count (measurement must be in both metric and inch/pound units)

Purpose of the Act: The FPLA is designed to facilitate value comparisons and to prevent unfair or deceptive packaging and labeling of many household consumer commodities. FDA: The Food and Drug Administration (FDA) administers the FPLA with respect to foods, drugs, cosmetics and medical devices. The FTC administers the FPLA with respect to other consumer commodities that are consumed or expended in the household. Many products that are exempt from the FPLA nevertheless fall within the purview of the Weights and Measures laws of the individual states.

OWM Contact: Joel Maddux, Program Manager
Office of Weights and Measures
804.786.2476
Joel.Maddux@vdacs.virginia.gov
http://www.vdacs.virginia.gov/food-weights-and-measures.html

Plant Protection Program

NOTE: *The Food Safety Program has an exemption for honey processors who process 250 gallons or less each year. The honey from these operations is not inspected by VDACS Food Safety Program. Please refer to the Exemption section of this manual for additional information. Bees and Beehives are regulated under the Plant Protection Program under the Office of Plant Industry Services.*

The Plant Protection Program is based in the VDACS Division of Consumer Protection, Office of Plant Industry Services. The Plant Protection Program is responsible for administering the law(s) and regulations governed by the Virginia Bee Laws. Since their introduction in the early 1600s, honey bees have been an essential part of agriculture in North America. Production of honey is the most widely viewed benefit of honey bees. However, their value as pollinators far exceeds honey production. Office of Plant Industry Services staff members frequently give presentations, participate in demonstrations and conduct programs to educate the public about the importance of honey bees, beekeeping practices and pollination.

Virginia Bee Laws

The Virginia Bee Laws authorize an Apiary Inspection Program which promotes the science of beekeeping, as well as regulates the movement of honey bees into the state and the sale of bees, queens and used bee equipment. The Virginia Bee Law requires that honey bees on combs, hives and equipment with combs must be accompanied by a certificate of health issued by the Office of Plant Industry Services prior to being sold in Virginia. In addition, any person who brings honey bees on combs or used equipment with comb into the Commonwealth must first obtain an Entry Permit from Virginia's State Apiarist. Queens and packaged honey bees brought into the Commonwealth must be accompanied by a certificate of health issued by the state of origin. For interstate movement of colonies, Virginia uses a uniform inspection certificate. Virginia also participates in the Mid-Atlantic States Agreement, which specifies inspection requirements for bee diseases and pests. Additional information on the Virginia Bee Laws can be found on the VDACS website.

▶ If you would like a hard copy of the Virginia Bee Laws, please contact the Plant Protection office at 804.786.3515.

DIVISION OF MARKETING AND DEVELOPMENT

Agriculture and Forestry Development Services (AFDS)

The Agriculture and Forestry Development Services (AFDS) unit represents the Virginia Department of Agriculture and Consumer Services (VDACS) in promoting economic development within Virginia's agriculture and forestry sectors, while contributing to the development and expansion of income opportunities in rural Virginia.

AFDS can assist your project at every step of the way. Contact us when you:

- Have a business idea, but don't know where to start
- Have a complete business plan, but need financing
- Have financing and are wondering where in Virginia is best for your investment
- Have selected a location and need help with permitting and approvals
- Are ready to invest and are looking for business incentives and technical assistance
- Are ready to hire and need help finding and training your workforce
- Are beginning production and need help sourcing agricultural or forestry products
- Are ready to sell and want help finding markets for you products
- Are operating successfully and looking to expand your operation
- Have any questions about how your business, the public sector, and Virginia's agricultural and forestry industries can be more successful by working together

AFDS is often the first point of contact for agriculture and forestry related businesses considering locating to Virginia or expanding within the state. Depending on the specific needs of the business, specialists in this unit:

- Link businesses with appropriate resources elsewhere in VDACS
- Coordinate assistance with state and local economic development organizations
- Serve as ombudsmen for businesses with federal, state and local regulatory authorities to resolve development issues
- Assist businesses in making contacts with other state agencies whose regulations may affect their industry
- Serve as ombudsmen to localities where business development or expansion is planned
- Assist businesses with site selection and infrastructure requirements
- Provide information on the development of business plans and on sources of public and private sector financing, including grants and low-interest loans
- Serve as a source of information on community infrastructure, labor resources, environmental requirements and zoning regulations
- Assist with planning and executing grand opening events

For additional information and assistance, please visit our website or contact:

VDACS Office of Agriculture and Forestry Development Services Unit
Cass Rasnick, Manager
102 Governor St.
Richmond, VA 23219
Cassidy.Rasnick@vdacs.virginia.gov
www.vdacs.virginia.gov/agribusiness
804.786.6911

VIRGINIA'S FINEST® and VIRGINIA GROWN® Trademark Programs

Virginia's Finest®

The Virginia Department of Agriculture and Consumer Services (VDACS) introduced the Virginia's Finest® Trademark Program in 1989 to enhance the economic opportunities and success of Virginia's specialty food companies, processors and agriculture producers. The classic Virginia's Finest® trademark identifies, differentiates and promotes top-quality Virginia agriculture and specialty food and beverage products. Only Virginia products that meet or exceed quality standards are eligible for the Virginia's Finest® Trademark. Consumers can be confident in their purchases of products carrying this trademark. Buyers and consumers have grown to recognize the blue and red "VA check mark" logo and know they are purchasing top quality Virginia-produced and processed products, including:

- Processed foods (soups, seafood, peanuts, pasta, baked goods, snacks, chocolates/confections, condiments/dressings, sauces)
- Meats and seafood
- Beverages
- Dairy products (cheese, butter, ice cream, fluid milk) and Grade "A" dairy farms
- Gourmet pet food

Only Virginia value-added products that meet or exceed quality standards are part of the Virginia's Finest® Trademark Program. All Virginia's Finest® Trademark products must be approved by the Virginia's Finest® Trademark Review Committee. This committee reviews product packaging and labels to ensure products meet state and federal regulations and verifies that products meet or exceed the standards established by the industry.

All products that carry the Virginia's Finest® Trademark must be processed with ingredients from approved sources. In addition, the final products always require inspection from a regulatory authority.

When applying for a Virginia's Finest® trademark, each product must be submitted for review. To keep records current, it is the responsibility of the processor to tell VDACS Food Safety, OMPS or Dairy Services and the Virginia's Finest® Trademark staff if your business name or address changes.

To apply for Virginia's Finest® Trademark:

1. Your processing facility must have a current and valid food safety inspection report. If you need to schedule a VDACS food safety inspection visit this website.
2. Verify that your product meets or exceeds industry established quality standards. These standards can be found here.
3. Download Virginia's Finest Trademark Product Sheet and Memorandum of Understanding (MOU) and complete forms at this website.
4. Meet all required applicable food and federal labeling requirements for food products in inter and intrastate commerce.
5. Obtain a grant of inspection as required by OMPS or USDA for applicable meat and poultry products

Food Labeling Requirements for VA Finest
VA Finest Application

Virginia's Finest® Trademark Standards for Milk Producer - Grade "A" Dairy Farm Program

Within program evaluation time frame (Oct. 1 – Sept. 30), the Grade "A" dairy farm must comply with the following standards:

1. All official milk sample Standard Plate Counts (SPC) must be 20,000 cfu/ml or less
2. All official milk sample Somatic Cell Counts (SCC) must be 400,00/ml or less
3. Average of all official milk sample SPC counts must be under 10,000 cfu/ml
4. Average of all official milk sample SCC must be 250,00/ml or less
5. No animal drug residue violations
6. No non-voluntary permit suspensions
7. Farms must be located in Virginia
8. Farm must be permitted by VDACS Dairy Services as Grade "A"

Information pertaining to Virginia's Finest® Trademark program can be found using one of the following points of contact:

- **Contact information:**
  Olivia Wilson | Promotions and Marketing Coordinator
  Division of Marketing
  102 Governor Street
  Richmond, VA 23219
  1.800.284.9452
  Olivia.Wilson@vdacs.virginia.gov
  http://www.vdacs.virginia.gov/vafinest.com/

Virginia Grown® Trademark Program

The Virginia Grown Program trademarks are available for Virginia-based businesses, producers, farmers and markets to display and use on all marketing materials including fliers, websites, advertising and menus. In addition, there are a number of point-of-sale marketing materials and resources available to help promote Virginia grown products. After a Memorandum of Understanding (MOU) is acknowledged by the entity doing business in the Commonwealth, the Virginia Grown Program trademarks are available for the business to display and use on all marketing materials.

In addition there are a number of marketing materials and resources available to help promote Virginia Grown products.

The Virginia Grown Trademark allows a business to show support for Virginia Agriculture, the Commonwealth's No. 1 private industry, by proudly displaying the Virginia Grown logo and directing customers to the freshest and highest quality products around.

Information pertaining to the Virginia Grown Trademark Program can be found at this website.

Contact Information:
Olivia Wilson
Office of Promotions
102 Governor Street
Richmond, VA 23219
804.786.2112
Olivia.Wilson@vdacs.virginia.gov
www.virginiagrown.com

Trademark Memorandum of Understanding (MOU)

ORGANIC CERTIFICATION IN VIRGINIA

Organic agriculture is one of the fastest-growing segments of agriculture in the country. According to the Organic Trade Association, the organic industry is growing at a rate of more than 20 percent annually. Virginia producers are contributing to that growth and many are adopting organic farming methods. If you would like to sell your processed food with the organic label, there are regulations that govern this claim on the label. Handling and processing of foods must meet national organic standards, and these processes must be approved by a USDA certified agent who will check to see that your firm is following the standards as written in the Final Rule for Organic Standards December 2000 by the National Organic Program of the USDA.

Additional information on organic certification and labeling can be found on the USDA's National Organic Program webpage, on the VDACS webpage or by contacting: Director, Domestic Sales and Market Development, 804.371.6098.

Q & A

What is the National Organic Program?
In 1990, Congress passed the Organic Foods Production Act (OFPA). The OFPA required the USDA to develop national standards for organically produced agricultural products to assure consumers that products marketed as organic meet consistent, uniform standards. The OFPA and the NOP regulations require that agricultural products labeled as organic originate from farms or handling operations certified by a USDA-accredited certification agency.

What are the National Organic Program regulations?
Production and handling standards address organic crop production, wild crop harvesting, organic livestock management and the processing and handling of organic agricultural products. Organic crops are raised without using conventional pesticides and herbicides, or petroleum-based or sewage sludge based fertilizers. Animals raised on an organic operation must be fed certified organic feed and given access to the outdoors. They are given no antibiotics or growth hormones.

What do I need to do to sell certified organic products?
Farmers and processors/handlers who want to sell their products as certified organic must complete the organic certification process through the U.S. Department of Agriculture's (USDA) National Organic Program (NOP). For additional information visit this website.

Who needs to be certified? Who does not need to be certified?
Operations that produce or handle agricultural products that are intended to be sold, labeled or represented as "100 percent organic," "organic" or "made with organic ingredients."

Although producers and processing operations that sell less than $5,000 a year in organic agricultural products are exempt from certification, these producers and processors must abide by the national standards for organic products and may label their products as organic.

How do farmers and processors/handlers become certified in Virginia?
To get started, choose a certification agency from the list at the NOP site. Request an application from the certification agent.

You will need to submit an application containing the following information to a certification agency:

- The type of operation to be certified (farm or crop, livestock, processing or a combination thereof)
- A field history of substances applied to the land for the previous three years
- The organic products being grown, raised or processed
- The Organic System Plan (OSP) — a plan describing practices and substances used in production. The OSP also must describe monitoring practices to be performed to verify that the plan is effectively implemented, including a recordkeeping system and practices to prevent commingling of organic and non-organic products. Send the application with your farm plan and field history to the certification agency and wait to receive feedback. After they have what they need, the agency will assign you an inspector who will contact you, set up an inspection time, inspect your operation and write a report with recommendations. The certifier will then review the report and respond with a decision

Can I say I am "organic" or I "grow organically," or "use organic practices" and not be certified?
The USDA oversees the use of the term organic so unless you are certified organic, you may not represent or advertise your product using that word or displaying the USDA organic seal. The only exception is that if you are making a food product that

contains organic ingredients, you may declare the specific ingredient as organic. The term organic must only appear within the ingredient statement and nowhere else on the label. For example: Ingredients - sugar, flour, butter, organic strawberries, vanilla, salt.

What if I have sales of less than $5,000 per year?
Producers or handling (processing) operations that sell less than $5,000 a year in organic agricultural products may be exempt from certification. They may label their products organic if they abide by the standards, *but they cannot display the USDA organic seal.* Although they are not certified, they must maintain all of the same records that a certified entity would have to maintain, and the USDA still retains the right to inspect the operation. There can be up to a $10,000 fine for violations.

How long will the certification process take?
The certification process takes as little as a couple of months—but possibly more. It depends on the certification company, how fast they get necessary documents from you, how long the inspection takes, etc.

Can an inspector help us with the process?
An inspector/consultant can work for a farmer/producer either on a consultant basis or as an inspector, but not both within a two-year time period (conflict of interest). The inspector is allowed to clarify the meaning and interpretation of the organic standards.

Can you recommend a certifier?
We prefer to recommend the NOP Web site's certification agencies page for the most up-to-date list of certifiers. The information can be found here. Or you can review the VDACS Organic Resource Guide to see the list of certifiers servicing Virginia as well as organic supplier, processors and other information. The guide is available here.

Are there any financial resources to assist me in transitioning my operation to organic?
VDACS administers a cost-share program for organic certification which reimburses 75 percent of the cost of the organic certification up to $750. These grants are awarded on a first-come, first-served basis and available for a limited time period. Information and application forms for this program are available here.

Tell me about the recordkeeping.
Recordkeeping systems vary from farm to farm. Some operations use simple, straightforward systems and some opt for more complex approaches. Whatever system is used, the producer simply needs to make sure he keeps records sufficient to verify his organic practices. Applicants for certification must keep accurate post-certification records for five (5) years concerning the production, harvesting and handling of agricultural products that are to be sold as organic.

Organic Labeling and Use of Organic Seal

Q & A

How can I label my organic product?

Your product may be labeled in four different ways to address its organic contents:

- **100% Organic**
  Your product must contain 100 percent organically produced ingredients, not counting added water and salt. Your label must show an ingredient statement when the product consists of more than one ingredient. Your label must show BELOW the name and address of the handler of the finished product, the statement: “Certified organic by—" or a similar phrase, followed by the name of the certifying agent. Your product name may be modified to include “100 percent organic." The term organic may be used to identify the organic ingredients in your ingredient list

- **Organic**
  Your product must contain at least 95 percent organic ingredients, not counting water or salt. Your product must not contain added sulfites. Your product may contain up to 5 percent non-organically produced agricultural ingredients which are not commercially available in non-organic form, or 5 other substances allowed by 7 CFR 205.605. Your label must show an ingredient statement, and list the organic ingredients as organic. Your label must show below the name of the address of the handler of the finished product, the statement: “Certified organic by—" or similar phrase, followed by the name of the certifying agent. Your label may show the term “Organic” to modify the product name. Your label may also state “X percent organic” or “X percent organic ingredients”

- **“Made with Organic Ingredients”**
  Your product must contain at least 70 percent organic ingredients, not counting water or salt. Your product must not contain added sulfite (exception for wine that contains added sulfur dioxide in accordance to 21 CFR 205.605). Your product may contain up to 30 percent non-organically produced agricultural ingredients or other substances (including yeast) allowed by 21 CFR 205.605. Your label must show an ingredient statement which lists the organic ingredients as organic. Your label must show below the name and address of the handler of the finished product, the statement: “Certified organic by —” or similar phrase, followed by the name of the certifying agent. Your label may show the term

"Made with organic— (specified ingredients or food groups)". Your label may state "X percent organic" or "X percent organic ingredients." Your label MUST NOT show the USDA Organic seal

- **Some organic ingredients**
  Your product may contain less than 70 percent organic ingredients, not counting water or salt. Your label must show an ingredient statement when the word organic is used, and the organic ingredients used must be labeled organic in the ingredient statement. Your label may show "X percent organic ingredients" when organically produced ingredients are identified in the ingredient statement. Your label SHALL NOT show any other reference to organic status, the USDA Organic seal or any certifying agent seal

Can I use the USDA Organic Seal if I produce food in an exempt operation?

No, you cannot. The USDA Organic seal may only be used in certified operations. If you choose to be exempt from certification, you may not use the seal, nor may you call your product certified organic

Can I call my processed food organic if I use organic products from non-certified (exempt) grower?

No, you cannot. A processor cannot buy exempt organic ingredients, process them and label the product organic. The organic ingredients used must be CERTIFIED organic for the processor to be able to claim the ingredient in their processed product is organic.

If I organically grow the ingredients myself on an exempt farm and use the ingredients to make a processed food, can I call it organic?

Yes, if you grow the ingredients yourself according to NOP guidelines and qualify for certification exemption, you may call your product organic.

FARMERS' MARKETS

Virginia has nearly 250 seasonally operated farmers' markets. VDACS Food Safety Program has food safety authority over these markets. The Food Safety Program inspects market vendors who sell pre-processed or packaged foods to assure: (1) products are from an approved source; (2) products are stored or kept at proper temperatures (temperature controlled for safety or TCS products); (3) products are protected from contamination (stored off of the ground, covered properly, etc.); (4) products are properly labeled. If you would like to start up a farmers' market or become a vendor selling packaged food at a farmers market, please contact VDACS Food Safety Program at 804.786.3520 or see the food safety section in this book.

The Virginia Department of Health, Office of Environmental Health Services (OEHS), inspects all food service vendors at the farmers' markets. This includes vendors who prepare food that is served at the market site for sale directly to customers—such as food trucks, and food and ice cream stands. Contact your local health department for additional information on obtaining a permit if you are a food service vendor.

Guidelines for Providing Safe Food Samples

General Requirements for Preparation and Handling of Samples

All food handlers/growers offering food samples to the general public at farmers' markets must meet the following minimum requirements:

All ingredients must come from an approved source. Value-added products must be produced under inspection by the appropriate regulatory authority (please see Exempt section for foods produced under exempt status).

Water Source: Water must come from an approved potable water source.

Handwashing: Vendors must always wash their hands thoroughly with soap and water before preparing food samples. Waterless hand sanitizing products are not an approved substitute. These products do not clean your hands and they are not effective on dirty hands.

The proper way to wash hands includes the following:

- Wetting your hands
- Applying liquid soap
- Briskly rubbing your hands together, including fingernails and backs of hands, for a minimum of 20 seconds
- Rinsing your hands under free flowing water
- Drying your hands with a disposable paper towel

Wash your hands properly before touching any part of your samples and regularly throughout the day—particularly after using the restroom. Proper hand washing is extremely important to prevent the spread of pathogenic organisms such as Salmonella and Hepatitis A.

The use of tongs and/or plastic gloves, where appropriate, is recommended. Gloves must be placed over clean hands and must be replaced often (after touching un-clean surfaces, such as garbage cans, the ground or when the gloves become dirty or torn.) Gloves do not substitute for proper hand washing.

Cleaning Utensils for Preparation of Samples at the Market

If you are only using a few utensils, you may choose to bring a number of the utensils in a zip lock bag marked as “CLEAN” and bring with you another zip lock bag marked “DIRTY." That way if you drop or soil a utensil, a clean one is available and the dirty one can be easily distinguished and isolated.

- Food utensils and food contact surfaces must be properly cleaned and sanitized immediately prior to use and every 4 hours during food preparation activities.
- Clean utensils must be protected from contamination when in storage, not in use or when being transported. Utensils must be stored and covered with materials intended for use with food. Use of garbage bags for storing or covering food and food related items is prohibited.
- Use only smooth and easily cleanable equipment when preparing food for sampling.
- Use only plastic (nonabsorbent) or approved hardwood cutting boards or disposable paper plates for cutting produce for sampling.
- If one of the utensils you use is a knife then you must have a proper cutting board. The board must be handled like any other utensil – washed, rinsed, sanitized.
- If samples of both meat and vegetables are going to be cooked and offered, there should be three separate sets of utensils. The first is for raw meat, the second for cooked meat and the third for vegetables and fruits. Always use separate utensils for raw and ready-to-eat food samples.
- Allow all cleaned and sanitized utensils to air dry on a clean non-porous surface or dish rack. Do not dry with a towel.
- The washing, rinsing and sanitizing station and the hand washing station must be separated from each other and completely set up before preparing any samples.

Manual Equipment and Utensil Washing: If your samples require equipment that needs to be manually washed and sanitized the following guidelines apply:

Three containers that are large enough to allow the proper cleaning and sanitizing of food equipment must be provided as follows:
Container #1: **WASH**—Completely clean all utensils in hot, soapy water.
Container #2: **RINSE**—Rinse off all soap residue from utensils with clear, clean water.
Container #3: **SANITIZE**—Dip rinsed utensils into sanitizing solution so that it is completely submerged, allowing approximately 60 seconds of contact time, then remove and air-dry on a clean surface.

All utensils that touch a sample in **any way** must be washed in a detergent, rinsed in clean potable water and **soaked for 60 seconds in a sanitizing solution.** Many types of cleaners and sanitizers are available; remember to store all cleaner and sanitizers away from food. Sanitizers are only effective when items have been cleaned first; they are ineffective on dirty surfaces. A typical method for sanitizing is using un-scented chlorine bleach diluted in clean water. This is approximately one tablespoon of chlorine bleach per gallon of water to equal 50 ppm. Assure the correct strength of the solution by using chlorine test strips.

Protection from the environment: You must protect the samples from the elements and from pests. This can be accomplished by several methods. The simplest is using containers with a lid or covers to dispense the samples. Inexpensive containers such as deli trays work well. You may also cover your samples with insect proof netting or plastic wrap. If using individual cups, placing lids on those will suffice. Keep in mind that all food must be stored at least 6 inches off the ground to prevent contamination.

No Bare-hand Contact: When preparing or handling samples, you may not contact the food directly with your hands. Instead, use gloves, tongs or other barrier. Remember that use of gloves is not a substitute for proper hand washing. Gloves must be placed over clean hands and must be replaced often after touching un-clean surfaces such as garbage cans, the ground or when the gloves become dirty or torn. Never reuse gloves.

Personal Hygiene: Wear clean clothing. Smoking or eating is not allowed in food preparation areas. Personal items (purses or coats) are not to be stored with food or food service articles. Effective hair restraints should be worn by all persons handling food samples. Persons who are ill are not to work in booths, especially with symptoms of vomiting or diarrhea, or with infected cuts, sores or burns on the hands.

Delivery or Samples: Maintaining Proper Temperatures

If you bring cold product to the market for sampling, you must maintain them at 41degrees Fahrenheit or below. If using ice, make provisions for melted ice to drain away from the product. A small cooler can pro videa great way to keep samples cold. Any product you warm at the market must be re-heated to 165 °de grees Fahrenheit Hot foods should be held at 135 degrees Fahrenheit or above. You must have a way to maintain this temperature.

An accurate thermometer is a good investment and essential to accurately demonstrate temperatures of food products. Note the temperature readings in your daily record logs. For both safety and quality, samples should be monitored to ensure that none remain out for more than 4 hours.

Sample Display: You must display the samples to the customers in such a manner to prevent customers from touching samples they don't intend to consume. For instance, if you are offering pretzels as a sample, display them in individual portions rather than in a large bowl where people may use their fingers and contaminate the entire container.

You should use disposable, single-use utensils for distribution of samples to customers—toothpicks, cups, etc. You should make available a waste basket lined with a plastic bag for sampling preparation waste and sampling distribution waste disposal. It works best to have two cans—one behind the table for your waste and one available for customers' use.

Product labeling: labeling is not necessary for samples. Have recipes or a listing of all ingredients and sub-ingredients available if requested by consumers. Declare allergens on a sign in plain view of customers: milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat and soy.

Raw produce:

1. When feasible, prepare samples at an approved site where there is an approved water source prior to transport to the market The samples may be washed, cut up and placed in disposable, individual cups with lids.
2. Whether you prepare your samples at the market or at home you must provide equipment and maintain practices that ensure the following during sample preparation:

    a. All water that touches your product or your utensils MUST be potable. If the water is from a well, cistern or other non-municipal source it must then be tested and the records retained. Documented test results prove the water is potable and can be used as drinking water.
    b. All raw produce must be clean and washed thoroughly with running potable water. The water has to be running to carry away any dirt or contaminants that may be on the outside of the product. For example, tomatoes should not be washed in a bucket of clean water. After a thorough washing, rinsing melons in a 200 parts per million chlorine solution prior to slicing is recommended.

4. A special note about produce with rinds: Produce with rinds pose a special problem as they may have netting. Remove all dirt and contaminants from deep in the netting. Scrub all rind fruits thoroughly. If a thorough scrubbing cannot be accomplished at the vendor's booth, then the melons intended for slicing should be washed at home and brought to the market in suitable containers. If slicing is to occur at the vendor's booth, the vendor should furnish some means of washing his utensils. As a practical matter, since melons do not have a high fat content, a supply of hot water is not essential to do a good job. A vendor who desires to slice their melons at their booth need only provide three containers for washing, rinsing and sanitizing their utensils. Water can be brought from home in a suitable container. When utilizing the three containers, one would contain water and a detergent, the second would contain rinse water and should be changed fairly frequently and the third would contain a sanitizer. Sanitizing solution must be at least 50-100 parts per million (50 ppm) of sanitizer/water solution. This is about one tablespoon of un-scented household bleach to one gallon of water. The sanitizing container should be of sufficient size to completely immerse the largest utensil in use. The sanitizer should be checked at appropriate intervals and changed as needed.
5. Pack prepared samples in clean bags or containers to keep them clean and then store them separately from unwashed items until you arrive at the market.
6. Protect fruits and vegetables from contamination at all times.
7. Use disposable gloves, single-service utensils, wax paper, napkins, toothpicks or other single service items to avoid handling samples and provide these for customers as well.
8. Store melons and tomatoes at 41 degrees Fahrenheit or below once cut. Ice used must be continually drained to avoid wrapped samples from soaking in melted ice water. Reusable ice packs must be clean and sanitized prior to use. If refrigeration is not possible, then melons and tomatoes should not sit out at ambient temperatures any longer than two hours before they are dis carded and replaced with fresh samples.

Processed Food Samples

Samples of items such as bakery items, jams and jellies, salsa must be prepared at a permitted facility prior to arriving at the market.

1. When feasible cut baked goods into pieces at an approved facility prior to arrival at the market.
2. Packaged goods such as jams, jellies, salsa may be opened and set out for display.
3. Protect samples from contamination at all times by using lids, or wrap samples.

4. Provide single service items if possible such as toothpicks, wax paper, sampling cups or disposable utensils for customers to use as a way to handle the samples.
5. Maintain proper temperatures for all samples that require refrigeration after opening until the food is consumed or discarded. Food and bakery products that use time and temperature control for safety (TCS) require special handling. Examples of these products include: cheese, custard and cream filled or meringue topped pies and pastries, and pies, breads and butter type products made from vegetables (pumpkin, sweet potato) and some fruits (bananas).
6. Use clean equipment at all times for handling of samples. Replace spoiled items as necessary throughout the day.

VDACS Statement on Raw Milk

The Virginia Department of Agriculture and Consumer Service's reminds vendors and market managers that the sale of raw milk in Virginia is illegal.

[Going to Market: Farmers Market Guide]

EGGS

Shell Eggs

Large Processors: The Shell Egg Surveillance Program monitored by the USDA Agricultural Marketing Service (AMS) oversees shell and restricted eggs. Shell eggs are eggs that are still in the shell. Restricted eggs are shell eggs that are not desirable for human consumption. There are mandatory procedures in place for disposing of or distributing restricted eggs. The Egg Products Inspection Act (EPIA) sets requirements and regulations to ensure that egg and egg products are wholesome, fit for human consumption, properly labeled and packaged. The EPIA monitors the sale of both shell eggs and restricted eggs.

The following handlers are required to complete and submit the Shell Egg Handlers Registration Form (LPS-155) which can be found on the USDA website:

- Handlers that grade and pack their own eggs from 3,000 layers or more.
- Handlers that grade and pack eggs from sources other than their own flock (grading stations). Example: purchase eggs to sell and segregate (separate out cracked eggs), then resell.
- Hatcheries.

Under the Shell Egg Surveillance program, a state or federal inspector will inspect your packing plant 4 times per year.

For additional information on firms that are in these categories please contact:

National Supervisor, Shell Eggs
USDA-AMS
Livestock, Poultry and Seed Program
1400 Independence Avenue, SW
Washington, D.C. 20250
Telephone: 202.720.3271 Fax: 202.690.3165

Grading of Eggs

VDACS Office of Commodity Services offers a voluntary egg grading program as part of Poultry and Egg Marketing. Grading and certification are voluntary services. Grading is the evaluation of poultry and shell eggs based on the official USDA quality standards. Certification is the process of verifying that poultry and shell egg purchases meet specific requirements such as quality, condition, formulation, weight, packaging, storage and transportation. Certification services are tailored to meet the specific product needs of food manufacturers, the food service industry and food retailers. For more information, visit this website.

Eggs may be labeled using consumer grades and sizes as long as the eggs in the carton meet the requirements set forth in The United States Standards, Grades, and Weight Classes for Shell Eggs, AMS 56.200. Producers who wish to use terms such as “US Grade "A”, or use the USDA Grade Mark must have their eggs graded by a licensed USDA/AMS grader. VDACS charges a fee for grading services and those fees are established by USFA/AMS.

If you would like to label your eggs as FRESH then it is a requirement that your eggs be graded and that the eggs meet all “Grade A” standards. If you do not want to grade your eggs than your label must state that egg is not graded (“Ungraded”) and you are not allowed to use the word FRESH on your label. VDACS charges a fee for grading services and for the “Grade Shield” or marking that is used on the egg carton.

For information on grading standards for eggs please refer to The United States Standards, Grades, and Weight Classes for Shell Eggs, AMS 56.200 et seq., administered by the Agricultural Marketing Service of USDA or find information at this website.

If you would like to have your eggs graded on a fee basis (fees established by USDA/AMS) please contact:

VDACS Office of Commodity Services
Poultry and Egg Grading and Inspection:
Elizabeth Myers – Program Managers
261 Mount Clinton Pike, Harrisonburg, VA 22802
540.209.9140
elizabeth.myers@vdacs.virginia.gov

Virginia Egg Law

The Virginia Egg law is under Section 3.2 of the Code of Virginia. The law consists of a number of subdivisions covering the standards, grades of eggs, requirements for eggs that are labeled as fresh, duties of the egg board, funding for the egg board and enforcement of the laws and regulations. The Virginia Egg Law can be found in its entirety on this website. The Virginia Egg Law is also available in hard copy by contacting the VDACS Food Safety Program at 804.786.3520.

Exemption from the Virginia Egg Law

VDACS Food Safety administers and enforces law(s) and regulations(s) pertaining to the sale of eggs that are exempt from the Virginia Egg law.

Individuals selling fewer than 150 dozen eggs per week, or purchasing fewer than 60 dozen per week from another producer to sell, may sell and market eggs directly to consumers either from a home location or at a farmers' market. Eggs produced under the exemption, including the production quantity limits, good sanitation, labeling and grade standards, are to be considered as coming from an approved source and can be sold in retail stores and restaurants.

All Shell Eggs sold in Virginia are subject to the following requirements:

- Eggs must be clean and unbroken, free of any adhering dirt or manure.
- Eggs must be refrigerated at a temperature of 45 degrees Fahrenheit or lower.
- The carton (new or used) to store the eggs shall be clean and sanitary. If cartons showing a USDA seal are used, then that seal must be marked out.
- Each carton must be properly labeled to include the following:
    - Name and address of the producer or packer.
    - The net contents of the package (one dozen or half dozen) .
    - The statement of identity: Eggs.
    - Appropriate consumer grade: AA, A, B or Ungraded. Eggs labeled with a consumer grade should meet the corresponding standards for that grade.

    - Statement instructing consumer to keep the eggs refrigerated.
    - The following statement verbatim: “Safe Handling Instructions: to prevent illness from bacteria, keep eggs refrigerated, cook eggs until yolks are firm and cook food containing eggs thoroughly.”
- Labeling eggs as Fresh: The Code of Virginia states: The term fresh eggs or any legend, symbol, picture, representation or device declaring or tending to convey the impression that the eggs are fresh may be applied only to eggs meeting the requirements of grade “A” quality or better as established by the Board for Fresh Eggs. The only way it can be determined if the eggs are Grade “A” quality is by hand candling to check the interior; the exterior needs to be clean as well. The U.S. Standards and Grades should be used for the guide. Egg producers may candle their own eggs to determine the grade.

Retail Egg Inspection

Eggs are inspected in retail establishments (grocery stores, retail outlets) by the VDACS Food Safety Program. Inspection consists of temperature checks and visual examination of the eggs for cracks, visible soil or leakage. Eggs must be stored in refrigeration equipment that is maintained at a temperature of 45 degrees Fahrenheit or less at all times.

Recommended Egg Production and Handling Practices: Developed by the National Egg Regulatory Official

1. **Use chicks from a certified source (NPIP *Salmonella enteritidis* monitored, *Salmonella pullorum* free). If in doubt, contact the State Veterinarian's office.**
    - Raise chickens isolated from all other poultry.
    - Use feed from a reliable source; crumbles or pellets are heat treated and less likely to be contaminated.
    - Use good sanitation practices:
        - Keep litter and nest boxes dry, change nest litter weekly
        - Use potable water and keep water and drinkers clean
        - Keep feed dry and feeders clean, control rodents, flies and beetles
        - Keep wild birds, pets and predators away from the chicken pen
        - Don’t use unsanitized equipment from other farms

    - Clean and sanitize all equipment and the coop between flocks.
- Use pest control compounds and sanitizers in compliance with label instructions, and only if approved for use in poultry houses and around laying flocks.
- Use only approved flock medications under veterinary supervision. Do not use eggs during the withdrawal period.
- Maintain flock health and consult veterinarian on good health management practices.
- Collect eggs at least twice daily.

2. Use only clean eggs.

- Lightly soiled eggs may be used for sale only if eggs are either lightly sanded to remove small areas of dirt or eggs are carefully washed in potable water 20 degrees Fahrenheit warmer than the egg temperature and at least 90 degrees Fahrenheit using only sanitizers approved for egg washing. Place eggs in suspended colander and rinse with out submersing them in the wash solution. Eggs must be dried immediately afterwards. Sanded eggs must not be washed. A bleach solution made of ½ oz. of household bleach (5 percent sodium hypochlorite) in 1 gallon of water may be used.
- Place eggs in clean, new cardboard boxes and store eggs in refrigerator that maintains 45 degrees Fahrenheit or below.
- Sell only eggs of Grade "A" quality or better.
- Shelf life of eggs is 30-45 days from lay if handled this way and stored under refrigeration.
- Keep eggs refrigerated at all times; use a cooler that plugs into a cigarette lighter or use re-freezable cool packs for farmers' markets, fairs, etc. Don’t use ice. Keep eggs dry.

VDACS Safe Egg Handling for Small Egg Flocks

VIRGINIA DEPARTMENT OF HEALTH (VDH)

Division of Shellfish Sanitation (DSS)

The mission of the Division of Shellfish Sanitation is to protect shellfish consumers through water quality monitoring, growing area assessment, education and regulatory programs. For more information, visit this website.

If you would like to harvest and sell seafood, there are different agencies that you will need to contact depending on the type of product you are processing and the manner in which you are harvesting this product:

Products	Agency
Shellfish (oysters, clam, mussels), whelk, scallop and crab meat intended for wholesale distribution	VDH Division of Shellfish Sanitation - refer to information below
Finfish operations; value-added seafood products	VDACS Food Safety Program
Harvesting of fresh and saltwater fish, and shellfish from Virginia's waters	Virginia Marine Resources Commission. Information on this resource is not covered in this *Handbook*. For additional information please contact: Virginia Marine Resources Commission Main Office 2600 Washington Avenue, 3rd Floor Newport News, VA 23607 757.247.2292

Processing of Shellfish, Whelk, Scallop and Crab:
Persons who process shellfish, whelk, scallop or crab must apply for and receive a Certificate of Inspection by the Division of Shellfish Sanitation (DSS). Certifications are issued for a period of no more than one year and are required to be applied for and renewed annually. Shellfish, whelk and scallop Certificates of Inspection are issued from October 1 to September 30, while crab meat processing Certificates of Inspection are issued from April 1 to March 31.

Harvesting oysters, hard clams, soft clams, mussels, ark clams, whole scallops and scallops with roe:
Shellfish harvesters in Virginia who harvest bivalve molluscan shellfish (oysters, hard clams, soft clams, mussels, ark clams, whole scallops and scallops with roe) and sell their catch to anyone other than a certified shellfish dealer must apply for and receive a Certificate of Inspection from DSS. Persons in Virginia who buy shellfish from harvesters, certified Virginia dealers or certified dealers in other states, and then process the shellfish by any means (including but not limited to shucking, repacking, retagging or labeling), and/or reshipping and selling wholesale must apply for and receive a Certificate of Inspection from DSS. Periodic inspections are conducted throughout the certification period by Shellfish Specialists. Certified shellfish dealers must comply with the Code of Virginia rules and regulations pertaining to shellfish, the U.S. Food and Drug Administration's "Fish and Fishery Products Hazards and Controls Guidance" (see HACCP section), as well as the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish Model Ordinance.

Persons who process whelk by cooking, cracking, freezing or selling fresh meat for human consumption wholesale must apply for and receive a Certificate of Inspection from DSS. Certified dealers must comply with the Code of Virginia rules and regulations pertaining to the processing of whelk, as well as the U.S. Food and Drug Administration's (FDA) Code of Federal Regulation 21 CFR 110.

Persons who receive adductor muscle of scallops and process by washing, grading and packing must apply for and receive a Certificate of Inspection from DSS. Certified dealers must comply with the Code of Virginia rules and regulations, as well as the U.S. Food and Drug Administration's (FDA) Code of Federal Regulation 21 CFR 110.

Persons in Virginia who purchase whole blue crabs and then further process them by picking and packing the crab meat for human consumption wholesale, and/or persons who purchase picked crab meat and then process by repacking or relabeling, must apply for and receive a Certificate of Inspection from DSS. Persons who steam whole crabs and offer them for sale without picking the meat are not required to have a Certificate of Inspection with DSS but should ,however, contact their local city or county health department as the may be required to obtain a local permit.

Restaurants that shuck shellfish or cook and pick crabs for consumption on-site must have a current Virginia Department of Health, Division of Food and Environmental Services permit issued by the local Health Department in the area the facility is located.

How do I become certified?

The Division has three field offices that certify and inspect shellfish, whelk, scallop and crab plants. The contact information by county can be found on this website.

Contact the field director and/or shellfish specialist in your area:

Accomac Field Office	Norfolk Field Office	White Stone Field Office
P.O. Box 88 23177 Front Street Accomac, VA 23301 **757.787.5864 x221** 757.787.5865 (fax)	830 Southhampton Avenue Suite 3100 Norfolk, VA 23510 **757.683.8461** 757.683.8482 (fax)	P.O. Box 241 482 Chesapeake Drive White Stone, VA 22578 **804.435.1095** 804.435.6948 (fax)

Construction:

Prior to the development of plans for construction of a processing facility or modification of an existing building, contact the appropriate DSS Field Office which represents the area where your proposed facility will be located. After gathering some general information regarding your proposal, a Shellfish Specialist will be assigned to assist you. He or she will schedule a meeting and work with you to develop of a set of plans for your proposed facility if you are interested in starting from the ground up, or will conduct a preliminary inspection of an existing facility if you plan to modify an existing building. Your Shellfish Specialist will provide you with an application to process scallop, whelk, shellfish or crab meat. This application does not in itself allow a person or company to sell shellfish or crab meat, a current Certificate of Inspection signed by the State Health Commissioner is required.

Remember that processing facilities often require approval from localities and other state agencies to comply with building codes, zoning, waste disposal, etc., depending on the type and complexity of the proposed operation. If you are unsure what may apply to your proposed operation, the Shellfish Specialist will provide guidance regarding the necessary agencies and/or localities to contact. Once you have met the necessary requirements for certification you will be issued a Certificate of Inspection for your specific location and for a period of no longer than one year.

HACCP Plan Information For additional information on Seafood HACCP please refer to the HACCP section of this handbook.

The U.S. Food and Drug Administration (FDA) Code of Federal Regulation 21CFR Sec. 123.6 requires every seafood processor to conduct a hazard analysis and have and implement a written Hazard Analysis Critical Control Point (HACCP) plan whenever the analysis reveals one or more food safety hazards are reasonably likely to occur. This means that all certified shellfish and crab meat dealers in Virginia must have and implement a HACCP plan for each kind of product processed. The hazard analysis must be conducted and the HACCP plan developed by someone trained in Seafood HACCP. There is an online training course available through the National Seafood HACCP Alliance for Training and Education and a training class offered by Virginia Tech.

For more information concerning developing and implementing HACCP plans specific to your product and process methods, please contact the appropriate Division of Shellfish Sanitation (DSS) office. Please refer to the section entitled HACCP in this handbook for additional information on seafood HACCP and a seafood HACCP guide.

- **Main contact information for the Division of Shellfish Sanitation:**
  Keith Skiles
  804.864.7477
  Keith.Skiles@vdh.virginia.gov
  http://www.vdh.virginia.gov/environmental-health/shellfish-sanitation/shellfish-division-staff/

Sanitation Monitoring for Seafood Processors
Fresh and Frozen Seafood

VDH: Office of Environmental Services

Grade "A" Fluid Milk and Grade "A" Milk Product Processing

Photo courtesy of Carolyn Peterson

The Office of Environmental Health Services (OEHS) within the Virginia Department of Health administers and enforces the law(s) and regulations(s) pertaining to the pasteurization and processing of Grade “A” fluid milk and Grade “A” milk products. (Grade “A” fluid milk and Grade “A” milk products are defined below.) The regulations include: The Regulations Governing Grade “A” Milk (2 VAC 5-490, January 21, 2015) and the Pasteurized Milk Ordinance (PMO) Edition 2015.

A copy of the Regulations Governing Grade “A” Milk 2 VAC 5-490 can be found at this website or you can request a hard copy of the regulations by contacting:

Virginia Department of Agriculture and Consumer Services
Dairy Services
102 Governor Street
PO Box 1163
Richmond, VA 23218
804.786.7452
Robert.Trimmer@vdacs.virginia.gov

A PDF copy of the PMO can be downloaded from this website or you can request a hard copy of the regulations by contacting Dairy Services as listed above or the VDH contact listed at the end of this section.

Grade “A” Milk* Activity	Agency
On farm production and transportation of Grade “A” fluid milk for further processing	Virginia Department of Agriculture and Consumer Services Office of Dairy Services
Processing (refrigeration, pasteurization, bottling), handling, sampling, examination and labeling of Grade "A" fluid milk and Grade “A” milk products	Virginia Department of Health Office of Environmental Health Services Milk Safety Specialists
Storage and Sale of Grade “A” fluid milk and Grade “A” milk products (warehouse or retail)	Virginia Department of Agriculture and Consumer Services Food Safety Program

* Grade “A” products are defined as: All types and fat percentages of the following: fluid milk, yogurt, Kefir, cream cheese, cottage cheese, sour cream, custard, buttermilk and eggnog that are produced from cow’s, goat’s, sheep’s, camel’s or water buffalo’s milk manufactured on a Grade “A” inspected and permitted dairy farm. **NOTE:** this is a partial list. For a full listing please refer to: 2VAC5-490-15.G

Permitting and Inspection of all Grade “A” processing facilities is **required** in order to sell Grade “A” fluid milk or milk products: intrastate (within the borders of Virginia), interstate (outside the borders of Virginia), on the internet (for retail or wholesale) or at farmers' markets. ***There are no exemptions to the regulations for the processing or selling of Grade “A” fluid milk or Grade “A” milk products at the farm or plant level.***

ALL Grade "A" fluid milk or Grade "A" milk products must be:

- Processed in a permitted and inspected Grade “A” facility under the regulations as set forth in the PMO and Virginia Regulation 2 VAC 5-490.
- Made from Grade “A” milk produced on a permitted and inspected Grade “A” dairy farm.
- Made with other ingredients, including flavoring or cultures, that are from: an approved source; Grade “A” or made under Good Manufacturing Practices (for functional or technical effect) which have been approved by FDA, Generally Recognized as Safe (GRAS) or are on an approved food additive list from the Code of Federal Regulation (CFR). See information on GRAS in the GRAS section of this handbook.
- Pasteurized per the requirements in the Pasteurized Milk Ordinance (PMO). See definition of pasteurization below.
- Tested for animal drug residues in an approved laboratory as per the PMO Appendix N.

<u>Pasteurization:</u> (2015 PMO): "the process of heating every particle of milk or milk product in properly designed and operated equipment to a given temperature and for a corresponding specified time." Pasteurization is a required step in the Grade "A" process to eliminate the pathogenic organisms found in raw (non-pasteurized) milk such as *Brucella, Campylobacter, Listeria, Mycobacterium bovis, Salmonella, Shiga toxin-producing E. coli, Shigella, Streptococcus pyogenes and Yersinia enterocolitica.* These pathogens are known to cause human illness.

Pasteurization of Grade "A" fluid milk and Grade "A" milk products intended for direct human consumption is mandatory in Virginia.

Regulations Governing Grade "A" Milk, 2 VAC 5-490-73 states: Mandatory pasteurization for all milk, milk products, condensed milk, condensed milk products, aseptically processed and packaged milk and milk products, retort processed after packaged milk and milk products, dry milk and dry milk products in final package form intended for direct human consumption:
No person shall sell or hold with intent to sell or offer to sell in intrastate commerce any milk, milk products, condensed milk, condensed milk products, aseptically processed and packaged milk and milk products, retort processed after packaged milk and milk products, dry milk and dry milk products in final package form intended for direct human consumption unless the product has been pasteurized or is made from milk, milk products, condensed milk, condensed milk products, aseptically processed and packaged milk and milk products, retort processed after packaged milk and milk products, dry milk and dry milk products that have been pasteurized, except where alternative procedures to pasteurization are provided under 21 CFR Part 133 for curing of certain cheese varieties.

Homogenization:
Homogenization of Grade "A" fluid milk and milk products is not required under the VDACS regulation or the Pasteurized Milk Ordinance. Homogenization is the mechanical process of breaking up the fat globules in milk so that the fat remains evenly suspended in milk. Homogenization produces a uniform or homogeneous consistency and prevents the fat from rising to the top of the milk once bottled. Homogenization is a completely separate process from pasteurization. Milk that is not homogenized is generally referred to as "creamline" or "non-homogenized".

<u>Services offered by OEHS:</u>

- Issuance of plant permits and continual regulatory oversight
- Inspections for plant sanitation
- Testing of pasteurization equipment
- Taking samples of milk and providing evaluation of results on:

    - Bacterial counts – spoilage organisms
    - Coliform
    - Phosphatase (indicator of adequate pasteurization)
    - Animal drug residues
- Evaluating milk plant water supplies
- Completing plan reviews to protect against unsafe processes
- Conducting complaint investigations
- Inspecting milk container or single service plants
- Reviewing milk product labels for ingredient listings and for expiration date accuracy
- Completing vitamin analysis on all Grade "A" milk or milk products

Contact information for the Processing of Grade "A" milk products and Grade "A" milk products:

Fred Nates – Milk Safety Specialist
VDH – Office of Environmental Services
109 Governor Street, 5th floor
Richmond VA 23219
804.840.7886 or 540.535.1804
Fred.Nates@vdh.virginia.gov

Permission given for use of pictures and information from website by Julie Henderson, Director of Food and General Environmental Services, VDH, 804.864.7455.

GRADE "A" MILK: Important Facts about the Safety of Raw Milk

VDH: Office of Drinking Water

Picture courtesy of American Water Works Association

The mission of the Office of Drinking Water is to protect public health by ensuring that all people in Virginia have access to an adequate supply of affordable, safe drinking water that meets federal and state drinking water standards. It accomplishes this mission by:

1. Serving as Virginia's advocate for safe drinking water
2. Monitoring drinking water quality
3. Applying engineering judgment
4. Providing technical assistance and training with respect to all drinking water issues.
5. Financing improvements to drinking water systems, seeking funding sources for drinking water projects
6. Enforcing drinking water regulations and standards of the Virginia Public Water Supply Law and the federal Safe Drinking Water Act

All businesses that manufacture, process, or package food for animal or human consumption must use water from an approved source; this includes home-based businesses, animal and fruit/vegetable farms, processors/packagers of any food, food that is sold at farmers' markets, retail or wholesale. An approved water source must be obtained for the water that is used as an ingredient in a product and water that is used as part of the cleaning and disinfecting process. The inspector who regulates your business will require a certificate for approved drinking water, whether this water is obtained from a public source or a private well. A private well for a home business will need to be inspected and permitted prior to the start of plan approval for a food business.

It is VERY IMPORTANT to apply for an approved water source from the Office of Drinking Water FIRST, as the application process is lengthy. Do not begin plan design or construction until the proper approval of drinking water has been obtained. Contacting the Office of Drinking Water is your FIRST STEP.

Rules and regulations concerning an approved water source are best explained by the Office of Drinking water personnel.

Please contact:
Office of Drinking Water
Virginia Department of Health
Dwayne Roadcap, Director, **Dwayne.Roadcap@vdh.virginia.gov**
804.864.7500
109 Governor Street, 6th Floor
Richmond VA 23219

Additional information can be obtained by accessing this website.

Virginia Department of Alcoholic Beverage Control (Va ABC)

Wineries, Breweries and Distilleries

Alcoholic beverages include alcohol, spirits, wine and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being. Contact the ABC Compliance Senior Special Agent in your area if you wish to open a winery, brewery or distillery. Prior to calling the ABC Special Agent, please refer to this website.

Title 3.2 Chapter 51 of the Code of Virginia (Virginia Food Laws) gives VDACS the authority to inspect food and drinks that are manufactured, sold, exposed or offered for sale in the Commonwealth. This law provides statutory requirements relative to the sanitation and operation of food establishments which include wineries, breweries and distilleries.

The Virginia Food Laws mandate that wineries, breweries and distilleries must be inspected by an authorized representative (Food Safety Specialist) from the Virginia Department of Agriculture and Consumer Services (VDACS) before they can open for business. These premises and the manufacturing process are regulated under the Title 21 of the Code of Federal Regulations, Part 110 – Current Good Manufacturing Practice in Manufacturing, Packing or Holding Human Food.

- Establishments must contact VDACS Food Safety if they intend to operate a winery, distillery or brewery and obtain an inspection prior to the beginning of operations.

  For more information regarding wineries, breweries and distilleries, please visit the Virginia Department of Alcoholic Beverage Control website.