



# Navigating Food Cottage Laws

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# Pre – Home Processed Foods Law

Issue – adding value to food product for small food producers.

- **Previously** – Follow the SD Food Code.

Licensed Kitchen

1. Baked foods
2. Heat Processed – shelf stable, hermetically sealed container
3. Complete Better Processing School
4. Approved process – third party processing authority
5. Gray area

# Creation of HB 1222

- Dakota Rural Action lobbied for HB 1222:
  - 1<sup>st</sup> reading - February 1, 2010
  - Amended – February 17, 2010
  - Passed through legislative bodies – March 2 & 3, 2010
  - Governor signed – March 11, 2010
- Discussion
  - SD Department of Health
  - SDSU Cooperative Extension Service, Food Safety Specialist
  - Dakota Rural Action
  - Legislatures (?)

# SDCL 34-18-34-37

**Exempts** persons selling certain foods at farmers' markets from licensure requirements and.....

Established requirements for sale of certain foods at farmers markets, roadside stands, similar venues:

1. non-temperature-controlled baked goods
2. non-temperature-controlled home-processed canned goods

# SDCL 34-18-34-37

## **Home processed foods:**

1. pH level is 4.6 or less, or
2. Water activity is 0.85 or less
3. Process verified by Third Party Processing Authority

## **Label Requirements:**

1. Date Processed
2. Ingredients
3. Identification of processor and contact information.
4. Disclaimer statement: processed in a home kitchen. Allergen statement.

# Guidance Document & FAQ

- Jointly written by SD DOH, DRA, SDSU Extension
- Agreement needed:
  1. Qualifies as a third party processing authority
  2. Requirements for acidified foods – met and monitored
  3. Terminology
  4. Label Requirements
- Several meetings to draft the documents.
- DRA – set up three meetings across the state to read through the documents.
- One year to start the implementation process

[Food Preservation & Garden to Market SDSU Extension Website](#)

# Third Party Processing Authority

- Acid Food 3<sup>rd</sup> PPA
  - Primarily Jams, jellies
  - Trained by Extension – 23 trained.
    - Several identified not for them.
    - Eight completed the assessment
    - Three are actively conducting process verification
- Acidified Food 3<sup>rd</sup> PPA
  - Home Food Processing Recommendations – USDA
  - Within SD for the purposes of this law (not interstate)
  - pH and microbial analysis (some instances  $a_w$ )
- Funded in part by SD Department of Agriculture
  - 13 pH meters placed in Extension Offices Across the State.

# Two years later

- 1<sup>st</sup> year – experimental
- 2<sup>nd</sup> year – implementation
- 62 acidified foods have been tested for pH
  - 40% had pH > 4.0
  - 9.6% of products tested pH above 4.2 (not approved)
- Microbial Analysis Results:
  - 50 tested products
  - 57% passed with required changes –processing time, excessive headspace, dirty containers, ingredients, simmering food too long.
  - 26% not approved – aerobic plate counts <10 CFU/g; coliforms <10 CFU g, and yeasts and mold < 10 CFU/g

(Fee Based – pH and verification forms, microbial analysis)

# Education and Relationship

## Need to go beyond food safety

- Processor works with food processing authority, Extension Educator and Specialist
- **Food to Market Possibilities** – Workshop for growers, and producers, processors.
- Food Preservation Website
- Future – acidified foods workshops, Master Food Preserver program, Expanded Food Entrepreneur Website
- GAP certification



