



COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

Joseph W. Guthrie
Commissioner

PO Box 1163, Richmond, Virginia 23218
www.vdacs.virginia.gov

Starting a Home Food Processing Business in Virginia

General Information

Thank you for your inquiry regarding starting a home food manufacturing business in Virginia. The following documents are enclosed/attached, or are available at the VDACS website for you:

- VDACS Permit Application – Home Food Processing Operation
- Virginia Food and Drink Law
- 21 CFR 117 Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food
- How To document for completing this application and preparing for your inspection
- Other information pertaining to your food business

If, after reviewing the application and other materials, you have any questions, please contact the VDACS Food Safety Program at 804-786-3520 or foodsafety@vdacs.virginia.gov.

Please be advised that pursuant to section 3.2-5130 of the Virginia Food and Drink Law, it is unlawful to operate as a food manufacturer, food storage warehouse, or retail food establishment until it has been inspected and has been issued a permit for the operation of the food establishment. An inspection of your operation will not be conducted until all of the necessary information requested in the permit application has been reviewed by the VDACS Food Safety Program office. You will be notified when this has been completed.

Also, there is a \$40.00 annual fee for operating a food processing business. You will not be required to pay this fee at the time of your initial inspection; however, you will receive a bill during our next billing cycle.

Sincerely,

A handwritten signature in black ink that reads "Pamela Miles".

Pamela Miles
Program Supervisor
Food Safety Program
Office of Dairy & Foods
Virginia Department of Agriculture & Consumer Services



VDACS Food Safety Program
PO Box 1163
Richmond, VA 23218-1163
(804) 786-3520
foodsafety@vdacs.virginia.gov

DEPARTMENT USE ONLY	
DATE RECEIVED	_____
APPLICATION #	_____
FIRM ID #	_____

Permit Application for a Home Food Processing Operation

NOTE: THIS APPLICATION IS FOR FOOD MANUFACTURERS OPERATING IN A KITCHEN THAT IS WITHIN A PRIVATE RESIDENCE.

AN INCOMPLETE APPLICATION WILL BE RETURNED FOR CORRECTION

DOWNLOAD THIS APPLICATION TO YOUR COMPUTER AND OPEN IN ADOBE READER FOR FULL FUNCTIONALITY

Business Name:		
Owner Name:		
Owner Phone:	Owner Email:	
Business Address:		
Mailing Address:		
County or City (LIST THE COUNTY OR CITY WHERE THE HOME IS LOCATED):		
Pets in the Home:	No	Yes
Water Supply:	Public	Private*; Type (drilled, bored, etc.): <small>*FOR A PRIVATE WATER SUPPLY, ATTACH A CURRENT WATER TEST REPORT SHOWING ABSENCE OF COLIFORM BACTERIA</small>
Sewage Disposal:	Public	Private*; Type (septic tank, etc.): <small>*FOR A PRIVATE SEWAGE DISPOSAL SYSTEM, ATTACH DOCUMENTATION THAT YOUR SYSTEM IS APPROPRIATE FOR YOUR PLANNED FOOD OPERATIONS (SEE ITEM #7 OF THE APPLICATION INSTRUCTIONS ON PAGE 2).</small>
Number of employees, including owner: Days and Hours your business will operate:		
Percentage of ingredients received from out of state suppliers:		Percentage of products sold retail:
Percentage of products sold to out of state customers:		Percentage of products sold wholesale:

Checklist of Required Information

	Documentation of zoning approval to operate a food business on the property
	Diagram of food processing, equipment washing, and food storage areas and handwashing facility
	Copy of water test results showing Coliform bacteria are "absent" from private source water
	Documentation that the private sewage disposal system is adequate for intended use
	Documentation of employee training
	Written explanation of how contamination with personal belongings will be prevented
	Written procedures for preventing allergen cross-contact
	List of all products submitted for review with planned method and place of distribution
	List of all ingredients used in your business, with the source of each
	Product information sheet for each product
	Copy of label for each product

Application Instructions

- 1) Review the [How To](#) document for completing this application and preparing for your inspection.
- 2) Complete page 1, providing all of the requested basic business/owner information.
 - Note about pets: If you marked "Yes", areas where food is prepared, or stored, where packaging material is stored and where equipment is cleaned and stored must be completely enclosed/separated from the rest of the home in order to be considered for home based food manufacturing. Pets must be excluded from these areas at all times. For example, food processing and storage areas must be fitted with a solid hinged door(s) that can be latched/closed shut. Placing pets in closed rooms in other areas of the home or installing "baby gates" will not satisfy this requirement.
 - Note on hours of operation: Your first inspection will be scheduled, but subsequent routine inspections will be unannounced and unscheduled. Provide a list of the weekdays and times that your business will normally operate. The inspector will visit for routine inspections during those days/hours.
- 3) Review General Information and Requirements (see page 3).
- 4) Provide written documentation that you have approval from your local zoning office to operate a home food processing business on your property. Any verifiable documentation from the zoning office is acceptable.
- 5) Provide a diagram of the food processing and storage areas (see page 4).
- 6) If you have a private water supply (e.g. well), you must provide evidence that the water is free of harmful bacteria. A copy of lab results showing that Coliform bacteria were "absent" in a sample of the well water is required. The water test results must be recent (less than six months old). The testing laboratory that you use must be certified by the Virginia Safe Drinking Water Program. A list of labs that are certified for water testing can be found at this link: [Virginia Safe Drinking Water Certified Laboratories](#)
- 7) If private sewage disposal is used, obtain documentation from an Alternative Onsite Soil Evaluator (AOSE), Professional Engineer (PE) or Virginia Department of Health that the system is adequate for the intended use of your business. Please see <https://drive.google.com/open?id=1nIVtqik9hDqAfzsaJX8J35dnknIG3Svl&usp=sharing> for additional information and to locate a service provider. NOTE: All service providers must be properly licensed through the Department of Professional and Occupational Regulation (DPOR).
- 8) Create an Employee Training Record to document your training in food safety (see page 5).
- 9) Provide a written explanation of how contamination with personal belongings will be prevented (see page 6)
- 10) Provide a list of the products you plan to make, as well as the planned distribution (see page 6).
- 11) Develop a written plan to prevent allergen cross-contact (see page 7).
- 12) Provide a list of all of the ingredients you will be using, the source of those ingredients, and determine if any of the eight major allergens are present in each ingredient (see page 8).
- 13) Complete a Product Information Sheet for each product you plan to make (page 12). Mark "Trade Secret" if your formulation is confidential. We will not share your recipe, but you must provide it. TIP: While the number of products you submit for review is not limited, the review of your application will be more efficient for both the reviewer and for you if you will submit only a few with your application (suggest five or fewer). You may submit additional products for review at any time after your initial inspection, and the review of additional products is generally completed within a few days.
- 14) Provide a copy of the label for each product (mock labels are acceptable if actual labels have not yet been made). See instructions contained within this application. More guidance on labeling is available from FDA: <https://www.fda.gov/media/81606/download>.
- 15) Submit applications to the VDACS Food Safety Program by email (preferred): foodsafety@vdacs.virginia.gov; or by mail: ATTN: Food Safety, PO Box 1163, Richmond VA 23218
- 16) Once your application is submitted, it will be reviewed, and you will be contacted by the reviewer if there are any questions. If you do not provide a response to the reviewer's comments within four months, your application will

be discarded. When the application review is complete, a Food Safety Specialist will contact you to schedule your first inspection.

As an alternative to completing this application and receiving an inspection, you may choose to instead operate a food business under the exemption in section § 3.2-5130 of the Code of Virginia. You can read more about it here: <https://www.vdacs.virginia.gov/pdf/kitchenbillfaq.pdf>

General Information and Requirements

The following documents are enclosed/attached, or are available at the VDACS website for you:

- VDACS Permit Application - [Home Food Processing Operation](#)
- [Virginia Food and Drink Law](#)
- [21 CFR 117 Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food](#)
- [How To](#) document for completing this application and preparing for your inspection
- [Allergen Control Plan - Overview and Guidance](#)
- Additional regulations if applicable (e.g. [21 CFR 111](#), [21 CFR 114](#), [21 CFR 123](#))

If, after reviewing the application and other materials, you have any questions, please contact the VDACS Food Safety Program at 804-786-3520 or foodsafety@vdacs.virginia.gov.

Please be advised that pursuant to section 3.2-5130 of the Virginia Food and Drink Law, it is unlawful to operate as a food manufacturer, food storage warehouse, or retail food establishment until it has been inspected and has been issued a permit for the operation of the food establishment. An inspection of your operation will not be conducted until all of the necessary information requested in the permit application has been reviewed by the VDACS Food Safety Program office. You will be notified when this has been completed.

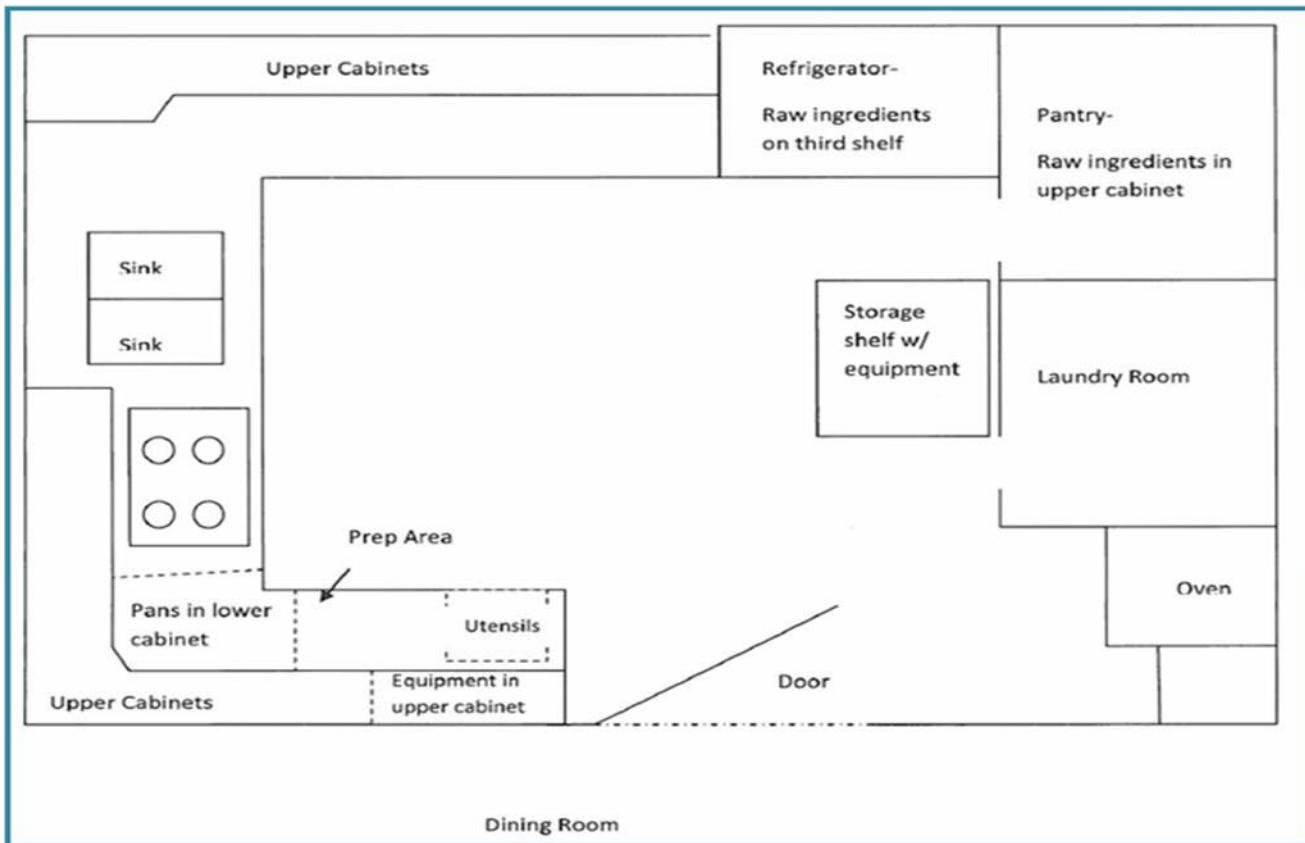
Also, there is a \$40.00 annual fee for operating a food processing business. You will not be required to pay this fee at the time of your initial inspection; however, you will receive a bill during our next billing cycle.

Zoning Approval

Include your zoning approval here or on a separate sheet.

Example: diagram of food processing and storage areas

The diagram may be drawn using computer software or drawn by hand.



Food Processing and Storage Area Diagram for the Kitchen Space

Include your diagram here or on a separate sheet. Clearly indicate or label each area used for storage of raw ingredients, packaging materials, finished products, processing areas, warewashing facilities, handwashing sinks, restrooms, etc.

Employee Training and Records

As a food manufacturer, you and any employees of your business must be trained, and you must provide documentation of said training, in addition to keeping a record of this training. An adequate and complete training course would include topics on employee health and hygiene, proper food storage and cooking temperatures, cleaning food contact surfaces, allergen awareness/control and any other topics specifically applicable to your particular food processing operation.

List of available trainings (this list is not all-inclusive):

NC State Food Safety Education & Training

- Good Manufacturing Practices in Food Safety
- <https://units.cals.ncsu.edu/foodsafety/good-manufacturing-practices-in-food-safety/>
- (919) 513-2065

Institute for Food Safety at Cornell University

- Good Manufacturing Practices Part 117 Online Course
- <https://instituteforfoodsafety.cornell.edu/trainings/good-manufacturing-practices-registration/>
- (315) 787-2288

360training.com, Inc.

- Learn2Serve Food Protection Manager Certification Program:
- <https://www.360training.com/>
- (877) 881-2235

AboveTraining/StateFoodSafety.com

- Certified Food Protection Manager (CFPM) Exam:
- <https://www.statefoodsafety.com/>
- (801) 494-1416

National Registry of Food Safety Professionals

- Food Manager Certification
- <https://www.nrfsp.com/>
- (800) 446-0257

National Restaurant Association

- ServSafe Food Protection Manager Certification Program
- <https://www.servsafe.com/>
- (800) 765-2122

The Always Food Safe Company, LLC

- Food Protection Manager Certification
- <https://alwaysfoodsafecompany.com/en/>
- (844) 312-2011

Example template - Create a training record similar to this template and include a copy of it with your application:

Employee Training Record				
Grannie's Cookies 111 Happy Ln Anytown, VA 22554				
Employee Name	Course Name	Location	Date Completed	Trainer Signature

Preventing Contamination from Personal Belongings

The regulation states that clothing or other personal belongings cannot be stored in areas where food is exposed or where equipment or utensils are washed. You need to ensure that you can meet this requirement in your home kitchen. Personal belongings are any items that are not used in the manufacturing of your foods that will be offered for sale to the public. In addition, the regulation also states that eating food, chewing gum, drinking beverages or using tobacco cannot occur in areas where food is exposed or where equipment or utensils are washed. This means that during the hours that your home is used as a food manufacturing facility, all areas must have first been cleaned and sanitized and that all personal belongings must be removed from the countertop, tables, etc. where food will be manufactured. Compliance with these requirements will be verified by the inspector.

Provide your written explanation describing how you will comply here or on a separate sheet.

Product List and Planned Distribution

Product Submitted for Review	Planned Distribution
<i>Example: Chocolate Chip Cookies</i>	<i>Example: Farmer's Market, local grocery stores, internet</i>

Preventing Allergen Cross Contact

The eight major allergens in the U.S. are: milk, wheat, eggs, peanuts, tree nuts, soybeans, fish, and crustacean shellfish. Preventing products that do not contain an allergen from exposure to an allergen is critical to the safety of your food product. Cross contact occurs when an allergen from one food (walnuts, for example) is transferred to another food that does not contain the allergen (strawberry jam, for instance). You should conduct a food allergen ingredient analysis. If your analysis identifies food allergens that will (or may be) in your products, you must have controls in place that prevent allergen cross contact that includes all the products you manufacture for sale. When you operate in a space that is also used for personal use, you must also consider foods that you store, prepare and consume for personal use. Including a statement on your product label such as “may contain [peanuts], [tree nuts], [fish]...” is not an adequate control for preventing cross contact.

The following resources may help you in developing a plan:

- [Allergen Control Plan - Overview and Guidance](#)
- [Putting Together an Effective Allergen Control Plan, Food Safety Magazine October/November 2017](#)
- [Components of an Effective Allergen Control Plan](#)
- [FDA - What You Need to Know about Food Allergies](#)
- [FDA - Allergen Cross-Contact Prevention](#)

Preventing Allergen Cross-Contact

Provide your written plan for preventing allergen cross-contact here or on a separate sheet.

Complete the allergen ingredient analysis on the following page.

Allergen Control Plan - Master List of Ingredients

Business Name and Address: _____ Date: _____

Food Allergen Ingredient Analysis Worksheet.

How to Use the Chart

List all ingredients received in the facility. Identify allergens contained in each ingredient by reviewing ingredient labels or contacting the manufacturer. Any allergens listed in "May contain" or other precautionary labeling on ingredients should be listed in the last column and reviewed to determine if allergen labeling is needed on the finished product.

Example: Product Information Sheet

Product Information Sheet

Business Name: Grannie's Cookies

Date: 1-1-2021

Product Name: Chocolate Chip Cookies

Trade Secret: ✓

Recipe

Ingredients (Include Quantity of Each, preferably by weight in ounces or grams*):

3 ½ cup all-purpose flour (438 grams)
2 cup semi-sweet chocolate chips (336 grams)
¾ cup brown sugar (165 grams)
¾ cup granulated sugar (150 grams)
1 cup chopped walnuts (117 grams)
8 tablespoons butter (114 grams)
2 whole eggs (114 grams)
½ teaspoon salt (3 grams)
½ teaspoon baking soda (2.3 grams)
½ teaspoon vanilla (2.2 grams)

Step-By-Step Instructions:

1. Wash and sanitize utensils and preparation area.
2. Assemble ingredients and equipment.
3. Preheat oven to 375°F.
4. Combine flour, baking soda, and salt in small bowl.
5. Beat butter, granulated sugar, brown sugar, and vanilla in large mixer bowl.
6. Add eggs one at a time to butter/sugar mixture, beating well after each addition.
7. Gradually beat in flour mixture.
8. Stir in chocolate morsels and nuts.
9. Drop by rounded tablespoons onto greased baking sheet.
10. Bake at 375°F for 9-11 minutes or until golden brown.
11. Let cool for 2 minutes, then remove to wire racks to cool completely.
12. After cookies have cooled, place in packages.
13. Label packages.
14. Store at room temperature until distributed.

* Weights can be determined by using a Food Weight Scale. Alternatively, a useful tool for calculating weights of food per volume can be found here: <https://www.aqua-calc.com/calculate/food-volume-to-weight>

Basic Labeling Requirements

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY. These labeling components are required for all packaged foods. Failure to provide labels in the format described below will cause your application to be returned.

Product Name:

- Must be on the front panel
- Must be an accurate description of the product
- Must be in bold print
- Must be the largest type on the panel

Net Weight:

- Must be on the front panel
- Must be stated in both standard and metric units
- Must be in bold print
- Must be located on the bottom of the panel

Ingredients Statement: Must appear on the same panel as the name and address of your business. It must be on the front panel or the panel directly to the right of the front panel. Ingredients must be listed in order of heaviest to least heavy. Some ingredients, like chocolate chips for example, consist of multiple ingredients, and these sub-ingredients must be listed in parentheses next to the main ingredient. When one of the 8 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” and must follow the format shown below. The only words that may be used to identify the allergens are the following: Milk, Wheat, Eggs, Peanuts, Tree Nuts (name the specific type of nut), Soybeans, Fish (name the specific species of fish), and Crustacean Shellfish (name the specific species of crustacean).

Allergens* listed within the ingredients list:

Ingredients: all-purpose flour (bleached **wheat** flour, malted barley flour, niacin, iron, thiamin mononitrate, riboflavin, folic acid), semi-sweet chocolate chips (sugar, chocolate, cocoa butter, **soy** lecithin, vanillin, natural flavor), butter (cream (**milk**), salt), **walnuts**, granulated sugar, brown sugar (molasses), **eggs**, sodium bicarbonate, vanilla extract (vanilla bean extractives in water, alcohol), salt.

OR

Allergens* listed in a Contains Statement:

Ingredients: all-purpose flour (bleached wheat flour, malted barley flour, niacin, iron, thiamin mononitrate, riboflavin, folic acid), semi-sweet chocolate chips (sugar, chocolate, cocoa butter, soy lecithin, vanillin, natural flavor), butter (cream (milk), salt), walnuts, granulated sugar, brown sugar (molasses), eggs, sodium bicarbonate, vanilla extract (vanilla bean extractives in water, alcohol), salt. **Contains: wheat, soy, milk, walnuts, eggs**

*Text does not need to appear in red.

Name and Address of Manufacturer, Distributor, or Packer: Must appear on the same panel as the ingredient statement. It must be on the front panel or the panel directly to the right of the front panel. The address of the business must be listed in full—street name, city, state and zip. A Post Office Box number, telephone number, email address, website address or other cannot substitute.

EXAMPLE LABEL

CHOCOLATE CHIP COOKIES

Ingredients: All Purpose Flour (bleached wheat flour, malted barley flour, niacin, iron, thiamin mononitrate, riboflavin, folic acid), Semi-Sweet Chocolate Chips (sugar, chocolate, cocoa butter, soy lecithin, vanillin, natural flavor), Brown Sugar (molasses), Sugar, Walnuts, Butter (cream, salt), Eggs, Salt, Baking Soda, Vanilla Extract (vanilla bean extractives in water, alcohol). Contains: wheat, soy, milk, walnuts, eggs.

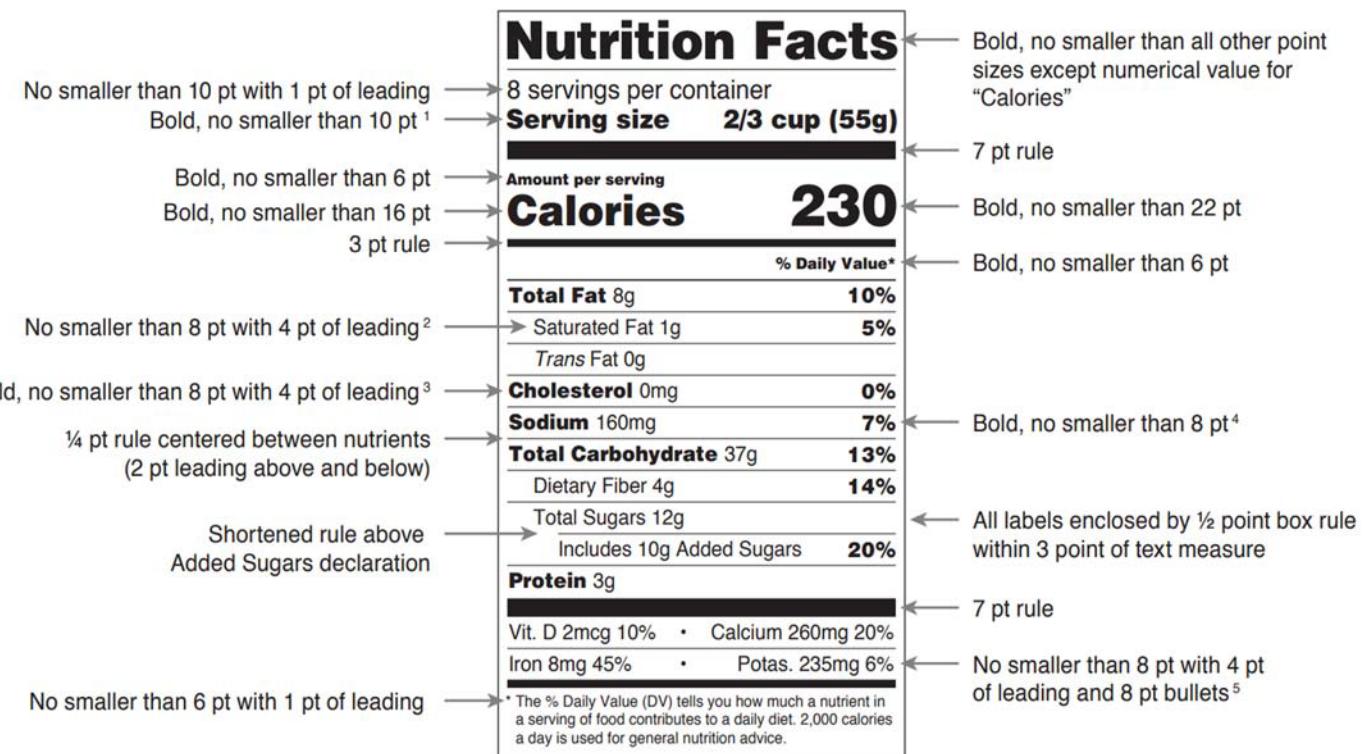
Grannie's Cookies, 111 Happy Lane, Anytown, VA 22554

Net Wt. 10 oz (283 g)

Nutrition Labeling Exemption for Small Businesses

Some businesses are exempt from the requirement that a nutrition facts panel be included on the product label. In order to qualify as a small business that is exempt from including a nutrition facts panel, you must have less than 10 full-time employees and sell less than 10,000 units of product in one year. Also, you may not have claims on the label if a nutrition facts panel is not present. Examples of claims can include: "low fat", "no added sugar", "healthy", "high in fiber" etc. In addition, your product would have to meet the definition of these claims.

If you voluntarily include a nutrition facts panel, even though you are not required to have one, it must be correct and include all the required formatting and components. Below is a graphic showing what the Standard Format looks like. All components are required. If you are interested in including a nutrition facts panel, [Virginia Tech](#) can create a panel, although you may choose to look elsewhere for this service.



This image was taken from FDA guidance. For more information on nutrition labeling visit their website here:

<https://www.fda.gov/media/81606/download>

Product Information Sheet

Business Name:

Date:

Product Name:

Trade Secret:

Recipe

Ingredients (Include Quantity of Each, preferably by weight in ALL ounces or ALL grams):

Step-by-Step Instructions:

Product Label

Include a copy of your label here or on a separate sheet.