

Virginia's New 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 regular periodic 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 \$40.00.

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. This fact sheet addresses some frequently asked questions and requirements relating to the new legislation. Information regarding the production of honey in the home is also included. Please consult the Code of Virginia for specific requirements and if you have any questions contact the VDACS Food Safety and Security Program by phone at 804-786-3520 or via email at foodsafety@vdacs.virginia.gov.

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?

- Farmers markets
- From the private home where the product is manufactured

Who can I sell them to?

- 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 \$40.00 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 or foodsafety@vdacs.virginia.gov so that the matter can be resolved.

Additional 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 2 months: Food sample need to be finely ground in a blender prior to pH testing.
- For foods with a process date greater than 2 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 that processed the food as long as they are 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
- Universities

Examples of pH for different foods

- Dill pickles (pH 2.6-3.8)
- Tomatoes (pH 3.7-4.9)
- Distilled water (pH 7)
- 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 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)
- For resale
- On the internet
- Across state lines (interstate commerce)

Am I required to pay the annual \$40.00 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 or foodsafety@vdacs.virginia.gov so that the matter can be resolved.

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

What is 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 (ie: 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 who can I sell them to?

- Currently there are not restrictions regarding where the products can be sold and who they may be sold to.

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 \$40.00 fee to the agency?

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Helpful Links

Assistance with acidified vegetable processing from Virginia Tech:

- <http://www.fcs.ext.vt.edu/fnh/food-innovations/sample/index.html>

Virginia Tech link for information regarding Better Process School:

- <http://www.fcs.ext.vt.edu/fnh/food-innovations/business/index.html>

Home Canning information:

- <http://extension.usu.edu/htm/publications/by=category/category=319>
- USDA Complete Guide to Home Canning ([PDF: 275 KB / 23 pages](#))

If you have questions or concerns please contact the VDACS Food Safety and Security Program at:

Phone: 804-786-3520

Email: FoodSafety@vdacs.virginia.gov