

VDACS Food Safety Program Permitting Process–Frequently Asked Questions

July 2022

During the 2022 General Assembly session, Chapter 204 of the 2022 Acts of Assembly was passed and then signed into law by Governor Youngkin. This new law provides the authority for the issuance of permits by the Virginia Department of Agriculture and Services (VDACS) to any Virginia food manufacturer, food storage warehouse, or retail food establishment. It also requires that all food establishments regulated by VDACS be issued and have a valid permit from the agency’s Commissioner in order to operate in the Commonwealth.

Beginning July 1, 2022, the Commissioner of Agriculture and Consumer Services (the Commissioner) shall issue a permit to any food manufacturer, food storage warehouse, or retail food establishment legally operating on that date that satisfactorily completed its most recent food safety inspection by the Commissioner.

A permit will not be issued until January 1, 2023, to any food manufacturer, food storage warehouse, or retail food establishment located in a locality that adopted a local food inspection or permitting ordinance prior to January 1, 2022. This applies to the following 10 localities: City of Alexandria, Arlington County, City of Danville, Fairfax County, City of Hampton, City of Hopewell, City of Norfolk, City of Petersburg, City of Portsmouth, and City of Roanoke.

- 1) Do I need to apply for a permit if I am an existing food establishment that is currently in operation?

No, other than those establishments located in one of the localities listed in number 2 below, your permit will be mailed to you the first week of July. If you have not received your permit by July 25, 2022, please email foodsafety@vdacs.virginia.gov.

- 2) If my food establishment is located in the City of Alexandria, Arlington County, City of Danville, Fairfax County, City of Hampton, City of Hopewell, City of Norfolk, City of Petersburg, City of Portsmouth, or City of Roanoke, when will I receive my permit?

Your permit will be mailed to you the first week of January, 2023. If you have not received your permit by January 25, 2023, please email foodsafety@vdacs.virginia.gov.

- 3) I have a VDACS Certificate of Inspection. Does the permit replace that Certificate?

Yes. Your permit will replace your Certificate of Inspection.

4) I am getting ready to open a new firm, how do I apply for a permit?

Please submit the applicable application for your business type. To locate the application form, select the link for your business type on this [website](#) .

5) Once I submit my application, how soon will I receive my permit?

When your application is submitted, it will be reviewed by the VDACS Food Safety Program. After your application is reviewed, you will receive a call from your Food Safety Specialist to schedule your pre-opening inspection. The pre-opening inspection must be completed prior to manufacturing or selling food products. You will receive your permit after the successful completion of the pre-opening inspection. We make every effort to perform pre-opening inspections as soon as possible.

6) If I am a new owner of a food establishment, can the permit from the previous owner transfer to me?

No. If you are a new owner, you need to submit a new application and apply for a new permit. To locate the application form, on this [website](#) select the link for your business type.

7) If I move my existing business to a new physical location within Virginia, can the permit transfer?

No. If you move your business to a new location, you need to submit a new application and apply for a new permit. To locate the application form, on this [website](#) select the link for your business type.

8) I am the manager/operator of a farmers' market. Do I need to obtain a permit for the market?

No. Individual farmers' market vendors who are under inspection with the VDACS Food Safety Program will be issued a permit. A permit will not be issued for the overall market.

9) Is there a fee associated with the permit?

No, there is no fee associated with the permit. There is an annual \$40.00 annual inspection fee for establishments inspected by the VDACS Food Safety Program that will not change. You will receive an invoice during our next billing cycle which is usually in the fall of each year.

10) Does my permit expire?

Yes. Your permit will expire on July 1, 2023. At that time, VDACS will provide a replacement permit.

11) Will I need to renew my permit?

No. Your permit will be renewed automatically as long as your food establishment remains in substantial compliance with all applicable laws and regulations. You will receive a new permit each July. The renewal of a permit does not coincide with the frequency of your routine inspections from the VDACS Food Safety Program.

12) If I have additional questions, who should I contact?

Please email foodsafety@vdacs.virginia.gov or call 806-786-3520

Dear Food Establishment Owner:

During the 2022 General Assembly session, Chapter 204 of the 2022 Acts of Assembly was passed and then signed into law by Governor Youngkin. This new law provides the authority for the issuance of permits by the Virginia Department of Agriculture and Services (VDACS) to any Virginia food manufacturer, food storage warehouse, or retail food establishment. It also requires that all food establishments regulated by VDACS be issued and have a valid permit from the agency's Commissioner in order to operate in the Commonwealth.

Enclosed you will find your physical permit issued by VDACS. This permit should be retained and will allow you to continue to operate your business in compliance with the new permit requirement. We encourage you to display the permit in a prominent location so that customers, employees, and regulatory personnel are aware that you are a properly permitted food establishment.

The permit will remain valid for a period of 12 months after the date of issuance. When that time period has elapsed, VDACS will provide a replacement permit. While food establishments will continue to pay the existing annual food safety fee, there will be no additional cost associated with this permit.

Please be advised that in order to retain your permit, you will need to ensure that your food establishment remains in substantial compliance with all applicable laws and regulations. Food establishments permitted by VDACS will continue to receive regular, ongoing inspections by VDACS's Food Safety Program to ensure that the establishments are maintained in a clean, healthy, and sanitary condition.

Additional information is located on our website at www.vdacs.virginia.gov. If you have questions or need to discuss this matter further we encourage you to contact the VDACS Food Safety Program at foodsafety@vdacs.virginia.gov or (804) 786-8899.

We look forward to continuing to partner with you to ensure a safe and healthy food supply for the citizens of Virginia. Safe food is good for Virginia consumers and for your business, and we are glad to be a part of supporting you in this area.