

# **Retail Food Establishment Permit Application Guide**

This guidance document provides information on completing the [Permit Application for a Retail Food Establishment](#), how to prepare for a food safety inspection, and additional information related to retail food establishments. Questions may be directed to [foodsafety@vdacs.virginia.gov](mailto:foodsafety@vdacs.virginia.gov).

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## I. Jurisdiction

A **Retail Food Establishment** is an operation that sells food directly to the end-consumer for on- or off- premises consumption. In Virginia, Retail Food Establishments are permitted by the Virginia Department of Agriculture and Consumer Services (VDACS) or the Virginia Department of Health (VDH) in accordance with the [Retail Food Service Memorandum of Understanding](#) (MOU). Verifying the jurisdiction of a Retail Food Establishment is important to ensure the establishment is permitted by the appropriate agency. In some instances, such as establishments that conduct both retail and manufactured food operations, both agencies may permit establishment.

A brief overview of VDACS/VDH jurisdiction for common types of retail food establishments is provided in the table below. This table does not cover all the nuances that may apply to these establishments. Please refer to the MOU and/or contact the VDACS Food Safety Program for additional information.

| Retail Food Establishment Type                | VDACS Jurisdiction                                                                                                                                                             | VDH Jurisdiction                                                                                                                                        |
|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Alcoholic Beverage Tasting Rooms              | Prepackaged food; preparing/reheating food for same day service only; no cooking; no handling raw animal protein or foods that cannot be served raw (such as flour or oysters) | Handling of raw animal protein or other raw foods; complex preparation involving cooking, cooling, and reheating TCS foods; specialized food processing |
| Bakery Operations                             | Preparing conventional baked goods for sale to the end consumer; limited beverage service like drip coffee                                                                     | Preparing foods such as sandwiches, soups, salads, coffee, specialty drinks, in addition to conventional baked goods                                    |
| Catering Operations                           | –                                                                                                                                                                              | Primary jurisdiction                                                                                                                                    |
| Convenience Stores                            | ≤15 seats AND<br>NOT associated with a national or regional restaurant chain                                                                                                   | ≥16 seats OR<br>associated with a national or regional restaurant chain                                                                                 |
| Grocery Stores                                | Primary jurisdiction                                                                                                                                                           | Co-located with a restaurant under same ownership OR<br>associated with a national or regional restaurant brand                                         |
| Ice Cream/Frozen Dessert Shops                | Primary jurisdiction                                                                                                                                                           | –                                                                                                                                                       |
| Meal Preparation and/or Subscription Services | Packaged, labeled meals for sale directly to the end-consumer (retail) or to other businesses (wholesale)                                                                      | Packaged meals for retail sale and typical operations that are permitted by VDH (such as a restaurant or caterer)                                       |
| Meat Market/Butcher Shop                      | Primary jurisdiction                                                                                                                                                           | –                                                                                                                                                       |
| Mobile Food Establishments                    | Selling only produce and/or manufactured packaged products such as prepackaged frozen desserts                                                                                 | Primary jurisdiction, including mobile units for ice cream/frozen dessert shops                                                                         |
| Restaurants                                   | Co-located with a grocery store under same ownership AND<br>NOT associated with a national or regional restaurant brand                                                        | Primary jurisdiction                                                                                                                                    |
| Seafood Markets                               | Primary business model is selling seafood/seafood products, not onsite consumption or prepared food takeout                                                                    | Primary business model is onsite consumption or prepared food takeout                                                                                   |
| Sushi Kiosks within a Grocery Store           | Primary jurisdiction                                                                                                                                                           | –                                                                                                                                                       |

## II. Completing the Application

### 1. Application Instructions

Take care to read and follow the application instructions on Page 1 carefully, in addition to reviewing this guidance document. Failure to follow the application instructions may result in a returned application and/or a delay in the review and approval of your application.

### 2. General Information and Requirements

- [Virginia Food and Drink Law](#): you must meet the requirements of this Law.
- [Virginia Retail Food Establishment Regulations](#): you must meet the requirements of these regulations.
- [Employee Health Policy Form 1B](#): documentation that covers reportable illnesses and symptoms. This documentation is required to be kept onsite at the establishment.
- [Certified Food Protection Manager \(CFPM\)](#): most Retail Food Establishments must have a CFPM onsite during all hours of operation. See [Section II-5 Additional Information](#) of this document for additional information.
- [Vomiting and Diarrheal Cleanup Procedures](#): these procedures must be kept onsite at the establishment.
- [Basic Labeling Guidance](#): packaged food products, including those packaged onsite at the establishment, must comply with labeling requirements. See [Section VII Labeling](#) of this document for additional information.
- [Specialized Food Processing at Retail Application](#): submit this application if any special processes are applicable to your operation. See [Section VIII Specialized Food Processing at Retail](#) of this document for additional information.
- [Retail Food Establishment Exemption Certification Form](#): the exemption form may be completed if your firm meets all the criteria. This form can be submitted in lieu of a permit application. See [Section V Retail Food Establishment Exemption Certification Form](#) of this document for information on the retail food establishment exemption.
- [VDACS Food Safety Program Website](#): the VDACS Food Safety Program's website.
- [VDACS-VDH Retail Food Service MOU](#): clarifies the permitting and inspection responsibilities for retail food establishments under VDACS or VDH.

### 3. Establishment Information

- **Did you review the [Retail Food Establishment Permit Application Guide](#)?** Check Yes or No. This is referring to the document you are currently viewing. Reviewing this document in its entirety is strongly recommended.
- **This application is for a:** new firm/relocation or change of ownership. Check which applies to your establishment.
- **Establishment Name:** enter the full legal name of your business, including, if applicable, the "Doing Business As" (DBA) name.
- **Water Supply:** check whether the establishment has a public or private water supply.
  - Public water supply – provided by the locality. Your establishment's water supply is public if you receive a water bill in the mail. You may be requested to provide proof of a public water supply.

- Private water supply – provided by private facilities, such as a well. **If your establishment water supply is private, you must provide a current water report from within the past year showing the results for total coliform and nitrate. Total coliforms must be absent, and the Nitrate levels must be <10mg/L (PPM).**
- **Sewage Disposal:** check whether the establishment’s wastewater is disposed of into a public or private system.
  - Public sewage disposal – connected to the locality.
  - Private sewage disposal – connected to private facilities, such as a septic tank. **If you have a private sewage disposal system, you must provide documentation that your system is appropriate for your planned food operations.** Documentation must be obtained from your [local Health Department](#) and/or from a licensed On-Site Soil Evaluator. **This is not the same as the initial sewage disposal record of inspection received when your establishment’s building was first constructed.**
- **Establishment Phone Number:** enter the phone number that can be used to contact your establishment.
- **Establishment Email Address:** enter the email address that can be used to contact your establishment.
- **Establishment Physical Address:** enter the full physical address of your establishment.
- **City/County:** enter the name of the city or county in which your establishment is located. This is the locality that assesses the real estate tax for the establishment’s physical address.
- **Establishment Mailing Address:** enter the full address that can be used to mail food safety-related correspondence, such as permits and letters, to your establishment. If the mailing address is the same as the physical address, you may choose to indicate that by entering a brief note like “same as above” or “same as physical address” in this field instead of retyping the full address.
- **Establishment Ownership Name:** enter the name of the business entity that legally owns the establishment.
- **Ownership Type:** check the applicable ownership type for the establishment’s legal ownership.
- **Virginia State Corporation Commission Business Entity ID:** enter the Business Entity identification number for the establishment’s legal ownership as provided by the [Virginia State Corporation Commission](#).
- **Ownership Billing Address:** enter the full address that can be used to mail billing-related correspondence, such as the annual inspection fee invoice, to your establishment. If the billing address is the same as the physical or mailing address, you may choose to indicate that by entering a brief note like “same as above”, “same as physical address”, or “same as mailing address” in this field instead of retyping the full address.
- **Names, Titles, and Contact Information for Persons Comprising the Ownership:** enter the name, title, phone number, and email address for the individuals involved in the establishment’s ownership. Attach a list of this information to your application if needed.
- **Zoning/Building Department Approval Obtained:** check Yes or No. You are responsible for ensuring your establishment and planned food operations are approved by the locality’s Zoning/Building Department as applicable.
- **Anticipated Date of Establishment Opening and/or Construction Completion:** enter the anticipated date your establishment will be ready to open. **The permit application must be submitted at least thirty (30) calendar days prior to this date.**

## 4. Business Information

- **Operational Hours**

- **Open Year-Round/Open Seasonally:** check whether your establishment is open year-round or open seasonally. If your establishment is open seasonally, specify which months your establishment will be open.
- **Operational Hours:** enter the days and hours of operation for your establishment.
- **Number of seats provided for customer dining:** enter the number of seats provided for customer seating. Include all indoor and outdoor seating in your seating count, but do not include seating used exclusively for gaming machines.

- **Retail Food Establishment Type**

- **Mobile Business:** check whether your establishment is a mobile food establishment. A mobile food establishment is a food establishment mounted on wheels, excluding boats in the water, that is always readily movable during operation. This includes pushcarts, trailers, trucks, or vans. The unit, all operations, and all equipment must be integral to the unit and be within or attached to the unit. The VDACS Food Safety Program only permits mobile food establishments that retail produce and/or manufactured packaged products (such as prepackaged frozen desserts). Other mobile units must contact their local Health Department for assistance.
- **Establishment Types:** this section provides common types of retail food establishments permitted by the VDACS Food Safety Program. Check all the types that apply to your establishment. If your establishment is a convenience store, grocery store/supermarket, tasting room, or vending service, you must also check the applicable sub-types for that establishment. If your establishment type and/or sub-type is not listed, use the “Other” fields to describe your establishment.
- **NOTE:** Retail food establishments that also operate as a manufactured food establishment need to be permitted for both operational aspects. A [Permit Application for a Food Manufacturer or Food Storage Warehouse](#) is required in addition to the [Permit Application for a Retail Food Establishment](#) if you are wholesaling food or beverages (i.e. selling and/or distributing food or beverages to other businesses) or operating a Brewery/Cidery/Distillery/Winery that also manufactures the alcoholic beverage.

- **Specialized Food Processing**

- Check any specialized food processing types that are applicable to your establishment. A [Specialized Food Processing at Retail Application](#) is required in addition to your permit application if you are conducting specialized food processing, as approval is required prior to processing those food products unless exemption requirements are met. See [Section VIII Specialized Food Processing at Retail](#) of this document for additional information.

## 5. Additional Information

- **Floor Plan:** Provide a simple floor plan of the retail establishment that is clearly labeled with the locations of all handwashing sinks, three-compartment sink, mop sink, food preparation areas, food storage areas, restrooms, etc. The floor plan can be drawn using computer software or drawn by hand.
- **Do you prepare food and/or beverages onsite?** Check Yes or No to indicate whether you prepare food or beverages onsite at your establishment. If the answer is yes, provide a copy of your intended menu.

- **Do you have a Certified Food Protection Manager (CFPM)?** Check Yes or No to indicate whether you have a CFPM on staff.
  - There must be at least one person with supervisory and management responsibilities that is a CFPM onsite at your establishment during all hours of operation if your food operations require a CFPM. If the answer is Yes (you DO have a CFPM), provide a copy of the certificate. If the answer is No (you do NOT have a CFPM), use the “Explain” field to provide additional information regarding why you do not have a CFPM, including whether someone may be registered for the course but has not yet completed it. A list of accredited courses may be found on the [ANSI Accredited CFPM Program website](#).
  - Common examples of when a CFPM may/may not be required are provided in the table below. This table does not cover all the nuances that may impact whether a CFPM is required. Please contact the VDACS Food Safety Program for additional information.

| Food Process                                                       | CFPM Required | CFPM NOT Required |
|--------------------------------------------------------------------|---------------|-------------------|
| Full-service food preparation, such as cooking                     | X             |                   |
| Hand-dipped ice cream/frozen dessert                               |               | X                 |
| Hot dogs on a roller grill                                         |               | X                 |
| Making ice cream/frozen dessert using commercially processed mixes |               | X                 |
| Producing baked goods and/or other ready-to-eat foods from scratch | X             |                   |
| Slicing cheeses, deli meats, and/or vegetables                     | X             |                   |

## 6. Application Checklist

- Use the checklist provided to ensure all required information and supporting documentation is included in your application. Submitting an incomplete application may result in a returned application and/or a delay in the review and approval of your application.

## 7. Attestation

- Enter your signature, printed name, and the date of signature to attest to the accuracy of the information provided and agree to comply with the Virginia Food and Drink Law, the Retail Food Establishment Regulations, and other applicable state, local, and/or federal regulations. You also agree to allow the regulatory authority access to the establishment at any reasonable time to inspect, conduct investigations, or collect samples as required.

### III. Permit Application Review Process Overview

Submit your completed application with all required information and supporting documentation to the VDACS Food Safety Program by email at [foodsafety@vdacs.virginia.gov](mailto:foodsafety@vdacs.virginia.gov) **at least thirty (30) calendar days before the establishment's anticipated opening date.**

Your submitted application will be assigned an Application Number and forwarded to a Checklist Reviewer. The Checklist Reviewer evaluates the submitted application in accordance with the appropriate Application Checklist to ensure the required application and supporting documentation has been received. Incomplete applications will not proceed in the permitting process until all required documentation has been received. A Checklist Reviewer will contact you to confirm receipt of your application, provide your Application Number, and inform you of next steps, typically within one (1) week of receiving the application.

The Checklist Reviewer will move your application to the next step of the process after they receive all required application documentation. An Application Reviewer will conduct a full review of your application for correctness, accuracy, and compliance with regulatory requirements. The Application Reviewer will contact you if additional information and/or revisions are needed for your application, typically within four (4) weeks from when the checklist review step has been completed. Incorrect applications will not proceed in the permitting process until all requested information or revisions have been received and approved. After the Application Reviewer approves your application, an inspector will contact you to schedule a preoperational inspection of your establishment. See [Section VI Preparing for Inspection](#) of this document for additional information. You will receive a food safety permit and approval to operate following the successful completion of this inspection.

### IV. Reminders

- Permits are not transferable. A new permit application must be submitted prior to the establishment moving to a new location or changing ownership. Otherwise, permits are automatically reissued every year around the month of June, and you do not need to reapply for a permit.
- There is a \$40 annual inspection fee for operating a retail food establishment, unless the establishment is exempt. You will not be required to pay this fee at the time of your inspection; however, you will receive an invoice during the next billing cycle, which is typically in the fall of each year.
- Remodels/Renovations: contact your current inspector or your VDACS Food Safety Program Regional Office to discuss changes to your establishment and what may be needed to remain compliant with regulatory requirements.
- Private water supply: in addition to providing a current water report from within the past year showing the results for total coliform and nitrate with your application, you are required to conduct this testing on an annual basis and maintain test results onsite for five (5) years.
- Certified Food Protection Manager (CFPM): changes to your menu may impact whether you need a CFPM. Contact your current inspector or your VDACS Food Safety Program Regional Office to discuss prior to implementing any changes.
- An approved [Specialized Food Processing at Retail Application](#) is required prior to conducting specialized food processing, unless exemption requirements are met.
- A [Permit Application for a Food Manufacturer or Food Storage Warehouse](#) is required if you are manufacturing/wholesaling food or beverages.

## V. Retail Food Establishment Exemption Certification Form

Pursuant to the Code of Virginia § 3.2-5100, it is unlawful to operate as a retail food establishment until a permit has been issued by the VDACS Food Safety Program, unless EXEMPT from a permit pursuant to § 3.2-5130(C)(6). The exemption only applies to retail food establishments that meet ALL of the criteria outlined below. The exemption does not apply to manufactured food establishments.

- a) Do not prepare or serve food (including beverage service such as coffee or fountain drinks);
- b) Sell only food or beverages that are sealed in packaging by the manufacturer and have been officially inspected in the manufacturing process;
- c) Do not sell infant formulas;
- d) Do not sell salvaged foods; and
- e) Certify to the Virginia Department of Agriculture and Consumer Services that they meet the provisions of this exemption.

In accordance with the criteria outlined above, items such as unwrapped produce, store-packaged ice, and other unpackaged foods (i.e. donuts inside bakery cases, bulk nuts, boiled peanuts, pickles, etc.) are not allowed under this exemption.

If your retail food establishment meets the exemption criteria and you are interested in applying for the exemption, submit a [Retail Food Establishment Exemption Certification Form](#) to the VDACS Food Safety Program by email at [foodsafety@vdacs.virginia.gov](mailto:foodsafety@vdacs.virginia.gov) instead of the [Permit Application for a Retail Food Establishment](#). If your certification form is approved, you will be marked exempt from the retail food establishment permit and annual inspection fee requirements. You will NOT receive a retail food establishment permit or an invoice for the \$40 annual inspection fee.

## VI. Preparing for Inspection

After your application has been approved, an inspector will contact you to schedule a preoperational inspection of your establishment. You will receive a food safety permit and approval to operate following the successful completion of this inspection. Although the preoperational inspection is scheduled, routine and other inspections are unannounced and unscheduled.

The last page of the [Permit Application for a Retail Food Establishment](#) is a Preoperational Inspection Checklist. This is a reference tool and does not need to be submitted with your permit application. This section of the Permit Application Guide works in tandem with the Preoperational Inspection Checklist to highlight information on multiple common inspectional items to assist you in preparing for inspection.

### 1. Foodborne Illness Risk Factors

The U.S. Centers for Disease Control and Prevention (CDC) has identified the top five (5) risk factors contributing to foodborne illness outbreaks as:

- Poor personal hygiene
- Inadequate cooking temperatures
- Improper holding times and temperatures
- Contaminated equipment/cross-contamination

- Food from unsafe sources

Understanding these risk factors can help you reduce the risk of foodborne illness, protect your customers, and protect your business. Steps you can take to manage/minimize the prevalence of these risk factors in your establishment include:

- Proper handwashing
- Implementing an Employee Health Policy
- Avoiding bare-hand contact with ready-to-eat food
- Holding food at the proper temperature and for the appropriate amount of time
- Cooking food to the proper temperature
- Cleaning and sanitizing food contact equipment
- Obtaining food from approved sources and suppliers

## 2. Items Needed

This list highlights the most common items that a retail food establishment may need to operate in compliance with regulatory requirements. This list does not cover everything that may/may not apply to your establishment. Please contact the VDACS Food Safety Program for additional information.

- Barriers to prevent bare-hand contact with ready-to-eat foods (single-use gloves, deli tissue, utensils, etc.)
- Certified Food Protection Manager certificate
- Cleanable floors, walls, and ceilings
- Employee Health Policy
- Functional and cleanable food processing equipment
- Hair restraints
- Handwashing sinks
- Outdoor refuse facilities
- Pest control
- Potable water supply (water bill for public water supply or water test results for private water supply)
- Refrigeration equipment
- Sanitizer for food, equipment, & utensils
- Sanitizer test strips
- Service sink for the disposal of mop water
- Shielded/shatter-proof light fixtures in areas with exposed food and/or equipment
- Thermometers (ambient air thermometer, probe-type food thermometer)
- Three-compartment warewashing sink
- Toilet rooms with handwashing sink and self-closing doors
- Vomiting and diarrheal cleanup procedures

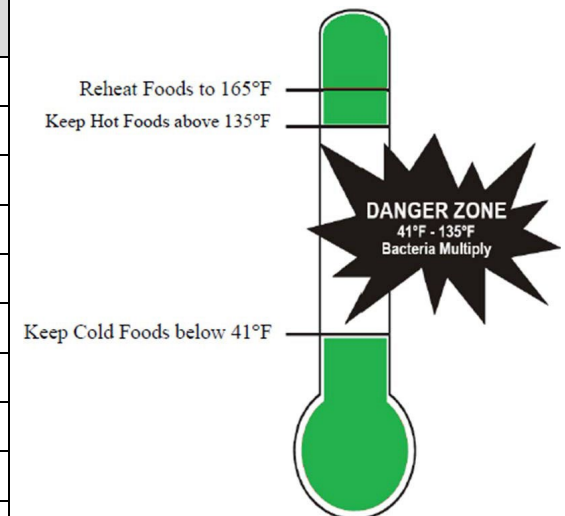
### 3. Thermometers

| Ambient Air Thermometer                                                                                                                                                                                                                                                                                               | Metal Stem Probe-Type Thermometer                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>An <u>ambient air thermometer</u> in each refrigerator/cooler is necessary to monitor the air temperature inside the units. The air temperature should be about 38°F to hold foods at 41°F or below. Example pictured below.</p>  | <p>A <u>metal stem probe-type thermometer</u> that reads from 0°F to 220°F is necessary to take the internal temperature of food products. Example pictured below.</p>  |

### 4. Food Temperatures

- Cold Holding: 41°F or below
- Hot Holding: 135°F or above
- Frozen Foods: 32°F or below
- Cooking: see table below

| Food Item                                                                          | Minimum Temperature |
|------------------------------------------------------------------------------------|---------------------|
| Fruits and vegetables cooked for hot holding                                       | 135°F               |
| Beef and pork roast, beef steaks, veal, lamb, and commercially raised game animals | 145°F               |
| Eggs cooked for immediate service                                                  | 145°F               |
| Fish and foods containing fish                                                     | 145°F               |
| Pork, including ham and bacon                                                      | 145°F               |
| Ratites and injected meats                                                         | 155°F               |
| Eggs cooked for later service                                                      | 155°F               |
| Ground or flaked meat and fish, including hamburger, ground pork, or sausage       | 155°F               |
| Poultry/poultry products, including stuffing and casseroles                        | 165°F               |
| Stuffed meat and fish                                                              | 165°F               |



## 5. Handwashing Sinks

| Handwashing sinks must be provided with:            |
|-----------------------------------------------------|
| Soap                                                |
| Paper towels                                        |
| Trash can                                           |
| Hot (85°F minimum) and cold running water on demand |
| Handwashing sign                                    |



## 6. Three-Compartment Warewashing Sink

| Three-compartment warewashing sinks must be provided with: |
|------------------------------------------------------------|
| Detergent                                                  |
| Hot (110°F minimum) and cold running water on demand       |
| Sanitizer                                                  |
| Sanitizer test strips                                      |
| Sink drain stoppers                                        |

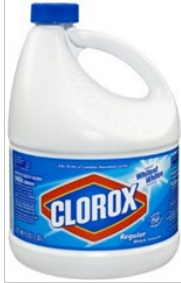


- To clean and sanitize equipment/utensils:
  - Pre-clean by scraping large food particles into trash can
  - Wash in hot soapy water
  - Rinse soap from surface in clean water
  - Submerge equipment in chemical sanitizer for the time specified on the sanitizer container
  - Air dry

## 7. Sanitizer and Sanitizer Test Strips

Sanitizers used must be approved for sanitizing food-contact surfaces and used in accordance with the manufacturer's instructions. Two of the most common chemical sanitizers are chlorine bleach and quaternary ammonium. Sanitizer test strips are used to measure the sanitizer concentration.

Sanitizer test strips are specific to the type of sanitizer that you choose. In other words, sanitizer test strips for chlorine will not work with the quaternary ammonium sanitizer and vice versa. An overview of these sanitizers and test strips is provided in the table below.

| Chemical Sanitizer         | Pros                                                      | Cons                                                                   | Example Sanitizer                                                                  | Example Test Strips                                                                 | Typical Concentration | Notes                                                    |
|----------------------------|-----------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------|----------------------------------------------------------|
| <b>Chlorine Bleach</b>     | Easy to find,<br>Inexpensive                              | Strong odor,<br>Can bleach clothes                                     |  |  | 50-100 ppm            | Do not use scented or splash-less bleach                 |
| <b>Quaternary Ammonium</b> | Mild odor,<br>Available in tablet form for easy measuring | Not as easily obtained as bleach,<br>May be more expensive than bleach |  |  | 200-400 ppm           | Typically found at restaurant supply companies or online |

## 8. Food, Equipment, and Utensil Storage

Store food, equipment, and utensils in a clean and dry location where it is not exposed to splash, dust, or other contaminants.

- Store these items covered, inverted, and by maintaining your establishment in a condition that ensures insect/rodent entry points such as doors, windows, floors, walls, ceiling, and the roof are in proper working order/condition.
- Store all food products (packaged and non-packaged) at least 4-6 inches above the floor level.
- You may store food products and equipment/utensils in cabinets, on shelving, pallets, tables, etc. if they are clean and won't contaminate the food or equipment/utensils.
- If you use raw foods (eggs, meat, etc.) in your food products, store them in the refrigerator BELOW any other ready-to-eat food products. This will help prevent any potential leakage onto other items stored in the refrigerator.

## 9. Chemical Labeling and Storage

Ensure chemicals are properly labeled with the common name of the chemical and stored away from food, equipment, and utensils. Find an area to segregate your chemicals (including sanitizer, medicines, first aid supplies, etc.) to help you prevent potential contamination.

## 10. Lighting

| Lighting                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lighting above and around food preparation/processing areas and areas where there is exposed food, equipment, or utensils MUST be shatterproof or have protective shields such as plastic tubing with endcaps (for fluorescent ceiling lighting) or another form of a cover. This prevents glass from falling into your food, equipment, or utensils. |



## 11. Floors, Walls, and Ceilings

All floors, walls, and ceilings in the food preparation area(s) must be made of materials that are smooth, easily cleanable, non-absorbent, and free from open cracks, holes, exposed insulation, and flaking/peeling paint. Carpeting and unsealed wood is not allowed in these areas. Walls must be painted in a glossy paint or another smooth cleanable surface. Surfaces that cannot be easily cleaned and sanitized may lead to contamination in your establishment and products.

## 12. Toilet Rooms

At least one toilet must be provided that is conveniently located and accessible to employees during all hours of operation. Toilet rooms must be provided with a fully stocked handwashing sink either inside or immediately adjacent to the room. A covered waste receptacle must be provided for disposal of sanitary napkins. A supply of toilet tissue must be available at each toilet. The plumbing fixtures (sink, toilet, etc.) must be easily cleanable. Toilet rooms cannot be used for storing food, equipment, or utensils. Toilets may not be used as service/mop sinks. A toilet room located on the premises shall be completely enclosed and provided with a tight-fitting and self-closing door, except where a toilet room is located outside a food establishment and does not open directly into the food establishment.

## 13. Pest Control

The premises must be free of insects, rodents, and other pests. Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests. A restricted use pesticide shall be applied only by a certified applicator. Tracking pesticide powders may not be used in a food establishment.

## 14. Refuse Storage

An outdoor storage surface for refuse, recyclables, and returnables shall be constructed of nonabsorbent material such as concrete or asphalt and shall be smooth, durable, and sloped to drain. An outdoor enclosure for refuse, recyclables, and returnables shall be constructed of durable and cleanable materials. Receptacles and waste handling units for refuse, recyclables, and returnables used with materials containing food residue and used outside the food establishment shall be designed and constructed to have tight-fitting lids, doors, or covers. Receptacles and waste handling units for refuse and recyclables such as an on-site compactor shall be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit. An inside storage room and area and outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold refuse, recyclables, and returnables that accumulate. Refuse, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents. Drains in receptacles and waste handling units for refuse, recyclables, and returnables shall have drain plugs in place.

## 15. Service/Mop Sink

### Service/Mop Sink

At least one service sink or one curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste. Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.



## 16. Plumbing

A plumbing system shall be installed to prevent backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the food establishment, including on a hose bibb if a hose is attached or on a hose bibb if a hose is not attached and backflow prevention is required by law by providing an air gap as specified or installing an approved backflow prevention device. An air gap between the water supply outlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment shall be at least twice the diameter of the water supply outlet and may not be less than one inch.

## 17. Approval from Other Regulatory Authorities

It is your responsibility to ensure your establishment is operating in accordance with applicable regulatory authorities such as the VDACS Food Safety Program, the Virginia Department of Health, the Zoning/Building Department, Fire Department, the Virginia Alcoholic Beverage Control Authority, etc.

## VII. Labeling

### 1. Packaged Food Product Labeling

- Food packaged in a food establishment, including food removed from bulk packaging received from the supplier and repackaged at the establishment, shall be labeled to include:
  - The common name of the food
  - If made from two or more ingredients, a list of ingredients and sub ingredients in descending order of predominance by weight
  - An accurate declaration of the net quantity of contents
  - The name and place of business of the manufacturer, packer, or distributor
  - The name of the food source for each major food allergen contained in the food
  - Nutrition labeling, if not considered exempt:
    - \*From the Federal Food, Drug and Cosmetic Act: One exemption, for low-volume products, applies if the person claiming the exemption employs fewer than an average of 100 full-time equivalent employees and fewer than 100,000 units of that product are sold in the United States in a 12-month period. To qualify for this exemption the person must file a notice annually with FDA. Note that low volume products that bear nutrition claims do not qualify for an exemption of this type. Another type of exemption applies to retailers with annual gross sales of not more than \$500,000, or with annual gross sales of foods or dietary supplements to consumers of not more than \$50,000. For these exemptions, a notice does not need to be filed with the Food and Drug Administration (FDA).
- Packaged Food Product Labeling Example



### 2. Bulk Food Product Labeling

- Food offered in bulk that is available for customer self-service:
  - Bulk food that is available for consumer self-dispensing shall be prominently labeled with the following information in plain view of the consumer:

- The manufacturer's or processor's label that was provided with the food; or
- A card, sign, or other method of notification that includes the common name of food, ingredient statement, major food allergens, and nutrition labeling.
- Food offered in bulk that is portioned to consumer specification:
  - Bulk, unpackaged foods such as bakery products and unpackaged foods that are portioned to consumer specification need not be labeled if the food is manufactured or prepared on the premises of the food establishment or at another food establishment or a food processing plant that is owned by the same person and is regulated by the food regulatory agency that has jurisdiction.

### 3. Consumer Advisory

If an animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in ready-to-eat form or as an ingredient in another ready-to-eat food, the permit holder shall inform consumers of the significantly increased risk of consuming such foods by way of a disclosure and reminder using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.

- Disclosure shall include:
  - A description of the animal-derived foods, such as "oysters on the half shell (raw oysters)," "raw-egg Caesar salad," and "hamburgers (can be cooked to order)"; or
  - Identification of the animal-derived foods by asterisking them to a footnote that states that the items are served raw or undercooked or contain (or may contain) raw or undercooked ingredients.
- Reminder shall include asterisking the animal-derived foods requiring disclosure to a footnote that states:
  - Regarding the safety of these items, written information is available upon request;
  - Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness; or
  - Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

## VIII. Specialized Food Processing at Retail

A [Specialized Food Processing at Retail Application](#) is required in addition to your permit application if you are conducting specialized food processing, as approval is required prior to processing those food products unless exemption requirements are met. Specialized food processing must comply with the requirements in under [2VAC5-585-860](#), [-870](#), [-3541](#), [-3542](#), [-3620](#), and [-3630](#).

| Specialized Food Process                                                                            | HACCP Plan Required? | Variance Required?                                                                                | Virginia Regulations                     |
|-----------------------------------------------------------------------------------------------------|----------------------|---------------------------------------------------------------------------------------------------|------------------------------------------|
| Curing food for preservation                                                                        | Yes                  | Yes                                                                                               | 2VAC5-585-700(D)(4)<br>2VAC5-585-3620(A) |
| Preparing food by another method that is determined by the department to require a variance         | Yes                  | Yes                                                                                               | 2VAC5-585-3620(A)(3)                     |
| Reduced Oxygen Packaging (ROP)                                                                      | Yes                  | Yes (except for certain cook-chill, sous vide, or vacuum packaging operations allowed under §870) | 2VAC5-585-3620(B)<br>2VAC5-585-870       |
| Smoking food for preservation                                                                       | Yes                  | Yes                                                                                               | 2VAC5-585-700(D)(4)<br>2VAC5-585-3620(A) |
| Sprouting seeds or beans                                                                            | Yes                  | Yes                                                                                               | 2VAC5-585-3620(B)                        |
| Using food additives or components to render food non-Time/Temperature Control for Safety (non-TCS) | Yes                  | Yes                                                                                               | 2VAC5-585-820(A)<br>2VAC5-585-3620(A)    |

## 1. HACCP Plan and Variance Request Requirements

| Requirement       | What is it?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | When is it required?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | When is it NOT required for Specialized Food Processes?                                                                                                                                                                                                                                                                                                 | Why is it required?                                                                                                                                                                                                                                                                                         |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>HACCP Plan</b> | <p>A HACCP Plan is a written document that outlines the formal procedures for following the Hazard Analysis and Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.</p> <p>Before engaging in an activity that requires a HACCP plan, a permit applicant or permit holder shall prepare and submit a HACCP plan as specified under 2VAC5-585-3630 and the relevant provisions of the Virginia Retail Food Establishment Regulations.</p> <p><b>HACCP Plan</b> = Instructions for safely performing that process every time.</p> | A HACCP plan is required before conducting any operation that requires one by law, when a variance is required, when the regulatory authority determines a process requires one, or before conducting certain reduced oxygen packaging operations that do not require a variance.                                                                                                                                                                                                                                                                                                                                                                                                     | A HACCP plan is not required when a food establishment uses a reduced oxygen packaging method to package time/temperature control for safety food that is always labeled with the production time and date, held at 41°F or less during refrigerated storage, AND removed from its packaging in the food establishment within 48 hours after packaging. | The HACCP plan identifies food safety hazards, establishes critical control points, monitoring procedures, corrective actions, verification activities, and recordkeeping to ensure food is produced safely and consistently. It provides scientific documentation that hazards are effectively controlled. |
| <b>Variance</b>   | <p>A variance is a written approval from VDACS that allows a food operation to deviate from a standard food regulation requirement when performing a specialized process. This authorization is granted only if the operation provides scientific evidence demonstrating that their unique process will not create a significant health hazard.</p> <p><b>Variance</b> = Permission to use an alternative food process.</p>                                                                                                                                                                       | <ol style="list-style-type: none"> <li>1. Smoking, curing, or drying meat or poultry</li> <li>2. Smoking, curing, or drying fish</li> <li>3. Fermentation of sausage</li> <li>4. Food additives for food preservation rather than flavor enhancement; or to render the food non-time/temperature control for safety food (non-TCS)</li> <li>5. Reduced oxygen packaging (ROP), EXCEPT where otherwise specifically allowed per the regulations</li> <li>6. Sprouting seeds or beans</li> <li>7. Operating a molluscan shellfish life-support display tank</li> <li>8. Preparing food by any other method determined by the Department to require a Variance and HACCP Plan</li> </ol> | Reduced Oxygen Packaging can be conducted at Retail without a Variance if all requirements under 2VAC5-585-870 are met.                                                                                                                                                                                                                                 | The purpose of a variance is to allow an alternative method only when the operator can demonstrate that it provides the same level of public health protection as the regulation it replaces.                                                                                                               |

## 2. Obtaining HACCP Plan Approval

For a food establishment that is required to have a HACCP plan, the applicant shall submit a plan that includes all requirements specified under [2VAC5-585-3630](#) and provide that information along with the [Specialized Food Processing at Retail Application](#). You will receive a signed approval letter after the application has been reviewed and approved.

- Cook-chill and sous vide processes have certain requirements specified under [2VAC5-585-870](#).
- Fish cannot be packaged using a reduced oxygen packaging method, except for fish that is frozen before, during, and after packaging that bears a label indicating that it is to be kept frozen until time of use.
  - “Fish” means fresh or saltwater finfish, crustaceans, other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption; and includes an edible human food product derived in whole or in part from fish, including fish that has been processed in any manner.

## 3. HACCP Plan Resources

Several resources to assist in creating and implementing a HACCP Plan are provided below. This is not an all-inclusive list.

- [AFDO HACCP Resources](#)
- [FDA HACCP Principles & Application Guidelines](#)
- [FDA Retail & Food Service HACCP](#)
- [Food Producer Technical Assistance Network](#)
- [NEHA Special Processes at Retail Courses](#)

## 4. Obtaining a Variance

An applicant interested in obtaining a variance from a requirement of the [Virginia Retail Food Establishment Regulations](#) shall submit a request that includes the following information and provide that information along with the [Specialized Food Processing at Retail Application](#). You will receive a signed approval letter after the application has been reviewed and approved.

- A statement of the proposed variance of the chapter requirement citing relevant chapter section numbers;
- An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant chapter sections will be alternatively addressed by the proposal; and
- A HACCP plan if required as specified under [2VAC5-585-3620\(A\)](#) that includes the information specified under [2VAC5-585-3630](#) as relevant to the variance requested.

## 5. Variance Maintenance

If the department grants a variance as specified in [2VAC5-585-3540](#), or a HACCP plan is otherwise required as specified under [2VAC5-585-3620](#), the permit holder shall:

- Maintain the approved variance at the food establishment;
- Comply with the HACCP plans and procedures that are submitted as specified under [2VAC5-585-3630](#) and approved as a basis for the modification or waiver; and
- Maintain and provide to the department, upon request, records specified under subdivisions 5 and 6 of [2VAC5-585-3630](#) that demonstrate that the following are routinely employed:
  - Procedures for monitoring critical control points
  - Monitoring of the critical control points
  - Verification of the effectiveness of the operation or process, and
  - Necessary corrective actions if there is failure at a critical control point

## IX. Edible Hemp Products

An Edible Hemp Product (EHP) is a food for human consumption that contains ingredients from the hemp plant (hemp extract), such as THC, CBD, and many other compounds. EHPs include products that are consumed by mouth, such as gummies, other candies, tinctures, beverages, and baked goods. These products contain a Total THC concentration of no greater than 0.3% and contain no more than two (2) milligrams (mg) of Total THC per package.

Effective August 15, 2026, a product with more than 2mg of total THC per package cannot be manufactured or sold as a hemp product in Virginia. If you offer Edible Hemp Products for retail sale, submit the [Regulated Hemp Retail Facility Registration](#) and [Edible Hemp Product Disclosure Form](#) to the [Office of Hemp Enforcement](#) through July 17, 2026. After July 17, 2026, please refer to the [Virginia Cannabis Control Authority](#) website for additional information such as requirements, registration/form submissions, and a [Compliance Guidance Handout](#).

- Virginia Cannabis Control Authority Contact Information
  - Email Address: [hemp@cca.virginia.gov](mailto:hemp@cca.virginia.gov)
  - [Virginia Cannabis Control Authority Website](#)

## X. Wild Mushrooms

An [Application for a Wild Mushroom Harvester or Retailer](#) is required if you are planning to harvest or sell wild mushrooms for retail sale. Submit your completed application with all required information and supporting documentation to the VDACS Food Safety Program by email at [foodsafety@vdacs.virginia.gov](mailto:foodsafety@vdacs.virginia.gov) **prior to harvesting or selling wild mushrooms for retail sale.**

In Virginia, there are over 200,000 wild mushroom species. Of these, about 200 are edible and 25 of culinary value that are normally sold. It is important to note that mushrooms picked in the wild and sold to a consumer that haven't been verified as safe by an individual with adequate training could result in serious illness and/or death. Wild Mushroom Harvesters/Retailers must abide by [2VAC5-585-320](#) of the Retail Food Establishment Regulations for the Enforcement of the Virginia Food and Drink Law:

- 2VAC5-585-320. Wild mushrooms.
  - A. Except as specified in subsection B of this section, mushroom species picked in the wild shall not be offered for sale or service by a food establishment unless the food establishment has been approved to do so.
  - B. This section does not apply to:
    - 1. Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the food regulatory agency that has jurisdiction over the operation; or
    - 2. Wild mushroom species if they are in packaged form and are the product of a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

## 1. Where to Harvest

Edible wild mushrooms for retail sale shall not be harvested from federal, state, and local parks, forests and natural area preserves. The removal of edible wild mushrooms with the intent of retail sale from federal/state and/or local lands is prohibited. Individuals should contact the appropriate local or state authority responsible for management of the public lands to determine if mushroom harvesting is permissible and the permits those authorities may require. According to the Virginia Department of Conservation and Recreation (DCR), the picking of mushrooms for commercial use/profit is prohibited within Virginia State Parks, Natural Area Preserves and all other DCR lands.

- 2VAC5-30-50. Flowers, Plants, Minerals, Etc.

No person shall remove, destroy, cut down, scar, mutilate, injure, take or gather in any manner any tree, flower, fern, shrub, rock or plant, historical artifact, or mineral in any park unless a special permit has been obtained for scientific collecting.

Individuals intending to forage/harvest from someone else's property should obtain permission in writing from the landowner before removing any edible wild mushrooms with the intent of retail sale.

## 2. Requirements for Harvesters

Foragers/harvests must meet the following requirements:

- The harvester shall describe their qualifications and training in writing or otherwise be able to demonstrate knowledge of wild mushroom harvesting to VDACS for approval.

- Record template that captures all of the following:
  - List of food establishments where mushrooms are sold
  - Common name and scientific name of mushroom
  - Location/county of harvest
  - Date of harvest
  - Date sold
  - Quantity sold
- Product label that states the following:
  - Common name and scientific name of mushroom species
  - Name and address (city, state, zip code) of the harvester
  - Location/county of harvest
  - Dates of harvest
  - An accurate net weight

### 3. Requirements for Retailers

Retail food establishments that sell, use, or serve wild harvested mushrooms must meet the following requirements:

- Request approval in writing by submitting the [Application for a Wild Mushroom Harvester or Retailer](#) prior to selling, using, or serving wild harvested mushrooms.
- Ensure the mushrooms remain in the container in which they were received and are accompanied by the label provided by the mushroom harvester.
- Keep records or invoices that include the following:
  - Name and contact information of the mushroom harvester
  - Common name and scientific name of mushroom species
  - Location/county of harvest
  - Dates of harvest
  - Date of purchase from harvester
  - An accurate net weight

Records shall be retained for at least 90 days from the date the container is emptied. This retention period accounts for potentially long asymptomatic latent periods (that can be up to 14 days from consumption), diagnosis and investigation timeframes that can be up to 3 weeks, and already existing record retention timeframes specified in the FDA Model Food Code for other foods. Commingling of wild harvested mushroom lots is not recommended, as it may impact traceback or foodborne illness investigations and could hinder efforts to remove implicated product from the food chain.

#### 4. Approved Wild Mushroom Species

The wild harvest mushroom types listed below are considered approved by the VDACS Food Safety Program because they have clear identification marks that are easily identifiable in the field/their fresh state and do not have potentially poisonous look-a-likes. These are mushrooms with tubes, spines and ridges and other mavericks.

- Beefsteak (*Fistulina hepatica*)
- Black Trumpet or Horn of Plenty (*Craterellus fallax*)
- Blewit (*Lepista nuda*)
- Blue Milky (*Lactarius indigo*)
- Bolete species: Queen Bolete (*Boletus aereus*), King Bolete or Cep or Porcini (*Boletus edulis*)
- Cauliflower Mushroom (*Sparassis crispa*)
- Chaga (*Inonotus obliquus*)
- Chanterelle species (*Cantharellus* spp.)
- Chicken of the Woods (*Laetiporus sulphureus*, *L. cincinnatus*, *L. persicinus*)
- Common Puffball (*Lycoperdon perlatum*)
- Golden Milky (*Lactarius corrugis*, *L. volemus*)
- Hedgehog (*Hydnum repandum*)
- Hen of the Woods or Maitake (*Grifola frondosa*)
- Honey (*Armillaria ostoyae*, *A. mellea*, *A. tabescens*)
- Lion's Mane or Bear's Head or Bearded Tooth (*Hericium erinaceus*, *H. ramosum*, *H. americana*)
- Lobster (*Hypomyces lactifluorum*)
- Morels (*Morchella* spp.)
- Oyster Mushroom (*Pleurotus ostreatus*)
- Pecan Truffle (*Tuber lyonii*)
- Reishi mushrooms (*Ganoderma lucidum*, *G. applanatum*, *G. curtisii*)
- Turkey Tail (*Trametes versicolor*)
- Woods Ear (*Auricula auricularia*, *A. fuscusuccinea*)

#### 5. Additional Points of Emphasis

- Wild harvested mushrooms should not show any signs of spoilage (rotten, soggy, mushy, slimy, moldy) and/or insect infestation.
- Mushrooms need to breathe, and the packaging should have air holes or be made of a breathable material.
- Wild harvested mushrooms should be thoroughly cooked and never consumed raw.
- Mushrooms harvested from different locations or on different days should not be mixed.

## XI. VDACS Food Safety Program Contact Information

- Email Address: [foodsafety@vdacs.virginia.gov](mailto:foodsafety@vdacs.virginia.gov)
- Phone Number: (804) 786-3520
- Mailing Address: PO Box 1163, Richmond, VA 23218-1163
- [VDACS Food Safety Program Regional Contact Map](#)
- [VDACS Food Safety Program Website](#)