

**PROCESSED FOOD REGULATIONS**

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UC Small Farm Program  
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**Safety Issues - Hazards**

- Biological
  - microorganisms (bacteria, viruses, parasites), plants, animals
- Chemical
  - allergens: especially dairy, egg, nutmeats
  - heavy metals, toxins, unapproved chemicals
- Physical
  - rocks, wood, plastic, metal, glass

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**From Kitchen to Market**

- In California you cannot manufacture or hold food in your home for sale
  - exception: charity bake sales
- Issues of inspection
- Ability to manufacture under Good Manufacturing Practices
  - sanitation particularly difficult at home

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## Commercial Food Facilities



- Commercial Kitchen
  - Meets Food Code (California Retail Food Code – 10/09) requirements
  - Can register as a processing facility
- Food Processing Plant
  - Meets Good Manufacturing Practices Regulations
- Co-packer

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## Where will you sell?



- Make your own, sell your own to ultimate consumer (e.g., farm gate, farmer's market)
  - Some exceptions
  - County Environmental Health (each county sold)
- Others sell your product but only in California
  - State
- You or others sell your product within AND outside California
  - State AND Federal
- Exceptions (always)

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## Food Regulations



- US Food and Drug Administration
- US Department of Agriculture
- CA Department of Health Services
- CA Department of Food and Agriculture
- County Departments of Environmental Health
- Various Others

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 **CA DPH –  
Food and Drug Branch** 

- Regulates the manufacture, storage, labeling and advertising of many foods
  - All foods and bottled water except: meats (most) and dairy
- Laws are in the California Health and Safety Code
- Enforcement of CA and Federal food regulations

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 **Processed  
Food Registration** 

- Application
  - Department of Public Health
- MUST register annually with the state as a food processor
- A separate registration is required for each place of **manufacture, packing, or holding**
- Inspection will occur PRIOR to opening business
- (Pet Foods Regulated as human food)

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 **Fees** 

- Processed Food Registration Fee (\$348+)
- Food Safety Fee (\$100)
  - Exemption in certain cases (requires annual application)
    - Gross wholesale income <\$20,000
      - Requires financial records
    - Exclusively involved in:
      - Wholesale flour milling, dry bean processing, drying or milling of rice

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### Included products

- *Processing*, repackaging and warehousing
  - Drying and Dried fruits
  - Milling and Milled flours
  - Shelled nuts
  - Flavored nuts
- Repackaging and warehousing
  - Dried beans

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### No Registration Required w/Food & Drug Branch

- Food processing facilities **already** licensed, registered, or certified by FDB that perform **“only”** those licensed activities  
(i.e., bottled water, shellfish)
- Fresh fruits and vegetables (not chopped or otherwise prepared)
- In-shell nuts
  - (Raw Agricultural Commodity)
    - CDFA or USDA
- Dried bean processing (specifically exempt)

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### Not Registered with FDB

- Retail facilities under County/City Department of Environmental Health
- Meat and poultry “only” facilities under CDFA OR USDA inspection
- Milk and dairy products “only” facilities licensed by CDFA (farm to store)
- Alcoholic beverage “only” facilities licensed by ABC




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 **Meat or Meat-Containing Products** 

- Fresh and processed meat and poultry
- Raw products containing 3% or more by weight of meat or poultry
- Cooked products containing 2% or more of meat or poultry
- Fall under CDFA meat division or USDA

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 **Additional Requirements** 

- Olive oil license (California)
  - One time registration, no fee
  - Must also register as food processor
- Organic processed product registration (Food and Drug Branch, California)
  - Will be coordinated with food processing registration (start/expiry)
- Raw agricultural commodities
  - Organic registration handled by CDFA

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 **Additional Requirements** 

- Foods that are “**low acid canned**” or “**acidified and canned**” to prevent the formation of Botulism Toxin must be done in a **California-licensed cannery** regardless of whether they are direct marketed
  - Acidified food - 21 CFR Part 114
  - Thermally processed canned foods - 21 CFR 113
  - Requires training in Better Process Control School
  - Separate registration, product and process submission and evaluation, batch and record inspection

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**Cannery Regulations Exercise**

- Is your product shelf stable (canned or bottled)?
  - YES
- Is the water activity >0.85?
  - YES
- Is the pH >4.6?
  - YES - low acid canned food
  - NO - possible acidified low acid canned food
    - E.g., pickled vegetables, salsa, relishes, pesto
- Exemptions: naturally acidic (e.g., peaches), microbially fermented (e.g., dill pickles), jams and jellies, some dressings/sauces

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**Acidified Low Acid Canned Foods**

- Fall under cannery regulations, food service not exempt
- Low acid foods are combined with acids or acid foods to reduce the pH to <4.6
- Risk of botulism if pH is not controlled
- Process/product evaluated by the state to determine if it is under "pH control" program
- If yes, then the following applies:
  - Processor must have cannery license
  - Person who has taken BPCS must be on site during processing
  - pH must be measured for each batch
  - Records required, recall program required
  - Batch to batch release by inspectors - fee for service

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**Other Requirements**

- Juices must be processed under Hazard Analysis Critical Control Points (HACCP)
  - 21 CFR 120
  - Additional \$250 fee
- Seafood must be processed under HACCP Requirements in 21 CFR Part 123
  - Additional \$250 fee
- Molluscan shellfish must be handled in a California "certified facility"

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**Special Requirements**

- USDA FSIS - meats
  - Safe food handling label
- FDA - eggs
  - Safe handling
- CDFA - Milk and Dairy Foods
- Unpasteurized juices
  - Warning labels (only applies in food service settings - not in glass or cup and no product from processing facility)




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**Other requirements:  
In-shell eggs**

- Sold at Retail: Mandatory
  - Label on carton
    - "To prevent illness from bacteria: keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly"
  - Refrigeration
    - <45°F
- Sold at Certified Farmer's Markets
  - Holding eggs at higher than 45°F is permitted if a series of conditions are met

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**Wrap-Up**

- Know your product
- Know your process
- Understand the risks
- Understand the regulations

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