



Cottage Foods Stakeholder Meeting #1 - Meeting Notes

Date: 10/13/2015 **Time:** 9:00am - 3:00 pm **Location:** Montrose County Dept. of Health and Human Services
South Campus Training Rm.

In Attendance:

CDPHE DEHS - Jeff Lawrence
CDPHE DEHS - Cary Ruble
CDPHE DEHS - Brianna Ratajczak
CDPHE DEHS - Erika Atherly
CDPHE DEHS - Jon Strauss
CO Dept. of Agriculture - Wendy White
CSU Extension - Wendy Rice
CSU Extension - Ann Duncan
Delta County Health Dept. - Ken Nordstrom
Western Colorado Congress - Rachel Zatterstrom
Western Colorado Congress - Marian May
Western Colorado Congress - Monica Wiitanen

Teleconference Attendees:

CSU Extension Service - Marisa Bunning
CSU Extension Service - Anne Zander
CSU Extension Service - Sheila Gains
Garfield County Public Health - Joshua Williams

9:30 AM **Commence Meeting.**

Sec. 15.2 *Concern:* The language in section (B)(3) and whether the word “an,” “each,” or “any” should be used. This item was added to the parking lot (PL).

Concern: The application of these regulations to Tier 1 cottage foods producers, when statute allows regulations to be promulgated for Tier 2 producers only. The regulations list requirements for registration and training for Tier 1, which will be discussed in section 15.8. *Group consensus:* include a statement under (B)(5) stating that these regulations do not apply to the production of Tier 1 foods. Registration and training will be addressed separately.

Sec. 15.3 Deleted “in home kitchens,” since the regulation applies to all production kitchens.

Sec. 15.4 Cottage Food - The definition is not copied directly from statute.

Home - Definition obtained from statute. *Concern:* Some producers may be using another person’s residential kitchen for production and not the kitchen in their primary residence. *Group Consensus:* Other person’s residential kitchens should not be used for production, because there is no control over what is occurring in the kitchen. There may be times when a different residential kitchen may be deemed a private kitchen.

Nonpotentially Hazardous - Definition obtained from statute. *Concern:* “Beverages” is used in this definition but are not allowed under the Cottage Foods Act. *Group*

consensus: delete the word “beverage” and add “for the purpose of this regulation” to the start of the definition.

Pickled Vegetables - *Concern*: Relish and salsa are excluded from the definition. Salsas are not allowed because they are not pickled and are made with tomatoes, which is a fruit. Also, salsas are not made with a single primary ingredient. Relishes, although they may or may not be pickled, also require many ingredients to make them, which may include the use of fruits. Consensus was not reached. PL

Process Authority - *Concern*: The requirements for someone to be considered a process authority. The definition needs to be expanded and a determination needs to be made regarding CDPHE certifying process authorities for cottage food producers. PL

Venue - *Concern*: Internet sales are not addressed in this definition. Group agrees that sales of cottage food products via the internet should not be allowed and would like to see this in the definition. *Group consensus*: Add “internet sales” to the list of venues that are not allowed.

Concern: Selling of cottage foods through a community supported agriculture organization (CSA). At CSAs, the food may not be sold from the producer’s hands directly to the customer (i.e., customers place orders, producers deliver food to CSA, and CSA is paid by the customer for the box and then pays the producer). There is concern about this not meeting the definition of sales but CSAs are listed as a venue in statute. PL

- Sec. 15.5(A)** *Concern*: Need a list of reportable communicable diseases and recommend the addition of ceasing cottage food production while any family members living in the home are ill (i.e., not just the producer)? *Group consensus*: A definition for “reportable communicable diseases” would be appropriate. PL
The requirement for ceasing production when a family member is ill is good guidance but not a requirement.
- Sec. 15.5(B)** *Concern*: Care of children and animals is prohibited during production. Recommend changing the section to require segregation of activities in time, function, and space and proper handwashing when returning to production activities.
Group consensus: Changed language. Producers are not allowed to care for children or animals concurrent with cottage food activities. Producers may cease operation, if needed, conduct other activities, and return to production at a later time.
- Sec. 15.5(D)** “At least” was added to the first statement, setting a minimum time frame for handwashing. After the discussion on children and animals, the following statement was added to section (2): “after caring for animals or children.”
Concern: Are producers allowed to use bar soap and/or aerated foam soap? PL
- Sec. 15.5(E)** This section is closely related to (B). Delete “child care,” since this has already been addressed, and relocate. This section is now section (C).
- Sec. 15.5(F)** *Concern*: Bleach as an approved sanitizer and if other are available. Bleach is readily available and the cheapest option, but there are others that can be used. No green sanitizers have been approved at this time. PL
Concern: It seems like there’s always a new bleach product on the market. How will this be addressed for producers? Why use the term “other compounds” in (2)? This term covers any additional surfactants, chemicals, etc. that may be added to bleach

that could make it an unapproved sanitizer. Changes to bleach formulation will be addressed through guidance.

- Sec. 15.6** *Concern:* Required disclaimer on the product label says “This product was produced in a home kitchen...” but not all producers are using their homes. PL
Concern: Producers are using the terms “gluten-free” and “organic” to describe their products. Is this allowed or are there rules that need to be followed? PL
Concern: By what date will Tier 1 producers be required to comply with the labeling changes, if registration becomes a requirement? PL
- Sec. 15.7** Internet sales have already been addressed in the definition of venue and are covered under the phrasing “distributed outside of Colorado”. Section (A) was rephrased to address sale at an appropriate venue directly to the consumer and to remove “via the internet.”
Concern: Size requirement for point-of-sale placards. PL
- Sec. 15.8** *Concern:* The registration requirement for Tier 1 producers was discussed throughout the meeting. There is a difference of opinion regarding whether the department may voluntarily create an electronic registry or if created, registration for producers would be voluntary. *Pros:* Producers may have the option of using the Colorado Proud logo, being listed in the Colorado Farm Fresh Directory, and using registration as a marketing tool. There would be a list of producers with contact information in the event of a foodborne illness outbreak or complaint regarding a producer in violation of the law. *Cons:* Producers have been operating for years without registration. Why would this be enforced now? Why does the government need this information? Is this government overreaching? PL
- Sec. 15.9.6** *Concern:* pH testing may be required by producers. A determination needs to be made on how testing should be completed and what type of equipment they should be using. PL

3:00 PM Adjourn.

Parking Lot Items for CDPHE

- Sec. 15.2** Need attorney opinion on language used in section 15.2(B)(3).
- Sec. 15.4** Determine if the term “relish” needs to be defined and how to do so. Get feedback and/or interpretation from a laboratory that completes testing on these products.
- Sec. 15.5** Determine if use of bar soap differs from that of foam soap. Research other approved sanitizers and consider developing a list for producers.
- Sec. 15.6** Need attorney opinion on changing the label disclaimer to address foods made in a kitchen other than a home kitchen. Research whether the terms “gluten-free” and “organic” can be used on product labels.
- Sec. 15.7** Determine how large the point-of-sale placard or text on placard should be.
- Sec. 15.8** Need attorney opinion on whether 25-4-1614(8) means that the department may choose to create an electronic registry or that, if created Tier 1 cottage food producers may voluntarily register with the department.
- Sec. 15.9.6** Determine what type of pH testing will be required and what equipment producers must have. Determine if a definition is needed for pH meter.

Parking Lot Items for Western Colorado Congress

- Sec. 15.6** Get feedback from producers regarding compliance with labeling requirements. How long could this take or when should this be completed by?