



Cottage Foods Stakeholder Meeting #2 - Meeting Notes

Date: 11/20/2015 **Time:** 9:00am - 12:00 pm **Location:** Colorado Department of Public Health and Environment
 Room C1C/C1D

In Attendance:

- CDPHE DEHS - Jeff Lawrence
- CDPHE DEHS - Cary Ruble
- CDPHE DEHS - Brianna Ratajczak
- CDPHE DEHS - Erika Atherly
- CDPHE DEHS - Laura VanWagenen-Birdsill
- CDPHE DEHS - Clark Wilson
- CF Producer - David Kaminer
- CF Producer - Evelyn Evers
- CF Producer - Joanne Littau
- CF Producer - Marilyn Kakudo
- CF Producer - Pat Crowe
- CF Producer - Steve Bass
- CF Provider Group - Richard Gould
- CSU Extension Service - Anne Zander
- CSU Extension Service - Sheila Gains
- Garden at Park Hill - Aleece Raw
- Preserving Community - Luther Green
- Western Colorado Congress - Rachel Zatterstrom

Teleconference Attendees:

- CF Producer - Cece Crimholt
- CF Producer - Cheryl Hartter
- CF Producer - Marybeth Harwood
- CSU Extension Service - Ann Duncan
- CSU Extension Service - Marisa Bunning
- CSU Extension Service - Wendy Rice
- Tri-County Health Dept. - Meredith Hatterman

9:10 AM **Commence Meeting.**

9:20 AM **Review and discuss stakeholder revisions submitted prior to the meeting.**

Sec. 15.5 *Concern:* The group feels that the language in section (C) is restrictive and does not allow producers to take care of other responsibilities or familial situations that require an immediate resolution during cottage food production. This section states that domestic activities cannot be conducted concurrently with cottage food production (i.e., at the same time). If a situation arises, this section would allow producers to cease operation for the time being, handle the situation, and then wash hands and continue operating.

Additionally, there is concern with this section being necessary if proper hand washing is addressed in section (E). If the section will be retained, group recommends being specific with the types of activities that cannot be completed concurrently with production (i.e., include drinking, chewing gum, etc.), and don't leave it open for interpretation. Language will be edited. **PL**

9:55 AM

Discussion on the rulemaking process.

DEHS is responsible to handling the regulation proposal/revision process for all regulations under their authority, including cottage foods. A stakeholder group is convened and meetings are conducted until a final version of the regulations is created. DEHS makes a request for rulemaking to the board of health (BOH). The rulemaking hearing is typically set for two months after the request. During the rulemaking hearing, stakeholders are able to provide a statement, whether written or verbal, regarding the proposed regulation. New regulations take effect approximately 45 days after BOH approval.

10:00 AM

Break.

Sec. 15.9.5

Concern: Group feels that section (A) places an unnecessary burden on both producers and the health department. For example, coming up with a list of venues in advance is excessive and unnecessary in their opinion. Producers could possibly sell at hundreds of different venues throughout a calendar year, but they typically won't know which events will actually be attended more than a few weeks in advance. Additionally, this section lists a lot of requirements for these uninspected food products. Labeling on each product addresses food safety concerns. Consumers can read this verbiage and make a decision on whether or not to purchase the product. Lastly, this regulation takes away the ability of producers to be spontaneous with the produce they might receive.

Many producers are using standardized recipes, such as those listed in the Ball canning recipe books and those provided through the University of Georgia Extension Service. If using these recipes, all the items for the process plan shouldn't be required. If a producer does not want to use standardized recipes, then there should be another option to verify the safety of the product.

Edits were made to this section. Edits included producer's ability to use standardized/verified recipes without food product testing. For those producers wanting to use their own recipes or make changes to standardized recipes, food product testing will be required.

10:45 AM

Discussion on registration for cottage food producers.

Per comments from stakeholders during the first meeting, DEHS requested an opinion from the attorney general (AG) regarding registration, which is that we (DEHS) have the authority to require cottage food producers to register with the department. The registration requirement will be included in the regulation that is presented to the BOH. Western Colorado Congress (WCC) also did some research on this topic. Their staff concluded that should any confusion exist with the law, legally the final decision is based on legislative intent. Early versions of the original bill were reviewed and did have requirements for registration of the producers. The draft registration form was shared during the meeting. The group asked that some registration information be available online for the general public. No fees will be charged for registration. That authority is not given in the statute.

Concern: The primary concern posed by the group is that this is just registration; it doesn't add value to the food product or the producer. There is no inspection process. Registration will not provide a benefit to producers or consumers in regards to the safety of the food products. DEHS countered that the registration provides them and

our local public health partners' knowledge of the industry for oversight and response to any complaints or outbreaks.

Sec. 15.9.6 *Concern:* The language lists testing pH of each batch for tier 2 foods. Group feels testing each batch is too often and costly. A recommendation was made to add the term "periodic" and allow producers to self-test pH at home. The problem with self-testing is that producers may be using different devices, may not know how to calibrate that device, and may not possess the knowledge of how to complete pH testing. Additionally, the term "periodically" means something different to everyone. Group agrees to change testing frequency to once for every 500 jars or at least annually. Language will be edited. **PL**

Sec. 15.10.1 *Concern:* The language in section (A) lists "food product," indicating that this section is not just for tier 2 foods. The statute cites the Pure Food and Drug Law (25-5-406, C.R.S.), which covers all food products, including tier 1 and tier 2 cottage foods. This section is specific to product inspection not home inspection. The language in section (B) does not address how and when a producer can resume production if a cease and desist order is issued. An additional statement regarding resuming production was added to (B).

Next meeting is set for 01/05/2016 from 9 am - 2 pm at CDPHE. Additional information will be provided prior to the meeting date.

12:00 pm Meeting Adjourned.

Parking Lot (PL) Items

Sec. 15.5 Joanne Littau and Rachel Zatterstrom will work together to draft new language for 15.5(C). This may include editing section (C) and/or combining (C) and (E). Stakeholders should send any specific language they would like included to Rachel.

Sec. 15.9.5 DEHS staff will edit language throughout the section and any relevant definitions.

Sec. 15.9.6 Luther Green will edit language in this section to address periodic testing.

Registration Sheila Gains and Brianne Ratajczak will work together to develop a list of benefits for producers if registration is required.