

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Division of Environmental Health and Sustainability

6 CCR 1010-15

**RULES AND REGULATIONS GOVERNING
COTTAGE FOOD PRODUCERS
IN THE STATE OF COLORADO**

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8 COTTAGE FOOD PRODUCERS
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10
11 **15.1 Authority**

12
13 These rules and regulations are promulgated pursuant to Section 25-4-1614(10), of the
14 Colorado Revised Statutes (C.R.S.).

15
16 **15.2 Scope and Purpose**

17
18 A. This regulation shall govern the production and sale of foods produced under the
19 Colorado Cottage Food Act, Section 25-4-1614, C.R.S.

20
21 B. This regulation does not apply to:

- 22
23 1. Retail food establishments as defined in Section 25-4-1602(14), C.R.S.;
- 24
25 2. Wholesale food manufacturer or storage facility as defined in Section 25-5-
26 426(2)(f), C.R.S.;
- 27
28 3. Cottage food producers who earn more than ten thousand dollars in net
29 revenue per year for an eligible food product produced.
- 30
31 4. Individuals or business producing food items not allowed by Section 25-4-
32 1614(2)(b)(I), C.R.S.

33
34 **15.3 Applicability**

35
36 A. These rules and regulations shall apply to cottage foods produced in home kitchens as
37 defined in Section 25-4-1614(2)(b)(I), C.R.S.

38
39 **15.4 Definitions**

40
41 A. The following definitions shall apply in the interpretations and the enforcement of
42 these regulations unless the context clearly states otherwise:

- 43
44 1. Adulterated means as stated in the *Colorado Pure Food and Drug Act*, Section
45 25-5-4, C.R.S.
- 46
47 2. Contamination means the presence of infectious microorganisms or chemicals

- 48 at levels toxic to human health in or on the body, environmental surfaces,
49 articles of clothing, and/or in food or water.
50
- 51 3. Cottage Food means food produced in a home kitchen, commercial, private or
52 public kitchen that are nonpotentially hazardous and do not require
53 refrigeration and which are sold directly to the ultimate consumer. These foods
54 are divided into tiers:
55
- 56 a. Tier 1 Cottage Food means spices, teas, dehydrated produce, nuts,
57 seeds, honey, jams, jellies, preserves, fruit butter, flour, and baked
58 goods, including candies, fruit empanadas, and tortillas. Tier 1 cottage
59 foods include whole eggs, except that a producer may not sell more
60 than 250 dozen whole eggs per month. A person selling whole eggs shall
61 meet the requirements of Section 35-21-105, C.R.S; or,
- 62 b. Tier 2 Cottage Food means pickled vegetables that have an equilibrium
63 pH value of 4.6 or lower.
64
- 65 4. Department means Colorado Department of Public Health and Environment or
66 its authorized agents or employees.
67
- 68 5. Drinking Water means water that meets criteria as specified in Section 25-1.5-
69 2, C.R.S., *Colorado Primary Drinking Water Regulations*. Drinking water is
70 traditionally known as “potable water”.
71
- 72 6. Equilibrium pH means the condition achieved when all components, liquid and
73 solid, have the same pH.
74
- 75 7. Fermented Vegetables means vegetables that are exposed to conditions that
76 allow acid-producing microorganisms to reduce the pH to 4.6 or lower and
77 includes the foods commonly referred to as kimchi and sauerkraut.
78
- 79 8. Food-Contact Surfaces means those surfaces of equipment and utensils with
80 which food normally comes in contact, and those surfaces from which food may
81 drain, drip, or splash back onto surfaces in contact with food.
82
- 83 9. Home means a primary residence occupied by the producer producing cottage
84 food.
85
- 86 10. Low-acid Vegetables means vegetables have a pH above 4.6. The acidity in
87 these vegetables is insufficient to prevent the growth of the bacterium
88 *Clostridium botulinum*.
89
- 90 11. Nonpotentially Hazardous means any food or beverage that, when stored under
91 normal conditions without refrigeration, will not support the rapid and
92 progressive growth of microorganisms that cause food infections or food
93 intoxications.
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12. pH means is a numeric scale used to specify the acidity or alkalinity of a solution or product. Solutions or products with a pH less than 7 are acidic and solutions with a pH greater than 7 are alkaline or basic.
 13. Pickled Vegetables means low acid vegetables that have been preserved in vinegar, brine, or a similar solution resulting in finished product pH of 4.6 or lower. Pickled vegetables do not include: relish or salsa.
 14. Process Authority means person(s) or organization(s) having expert knowledge of pickling processing requirements and having access to facilities for making such determinations.
 15. Process Plan means a plan for the manufacture of Tier 2 foods that includes the product(s) to be produced, the standardized recipes, equipment used in the production of these products, along with the products associated labels and lab analysis.
 16. Producer means a person who prepares nonpotentially hazardous foods in a home kitchen or similar venue-for sale directly to consumers. A producer may only be:
 - a. An individual who is a resident of Colorado; or,
 - b. A limited liability company formed in Colorado, consisting of two or fewer members, and of which all members are residents of Colorado.
 17. Production Kitchen means a home kitchen or commercial, private or public kitchen or similar venue for sale directly to consumers.
 18. Registrant means a producer of Tier 1 and Tier 2 cottage foods.
 19. Registration means the enrollment process required by the Department and completed by a producer to become eligible to produce cottage foods under the *Colorado Cottage Food Act*, Section 25-4-1614, C.R.S.
 20. Sanitization means effective bactericidal treatment by a process that provides enough concentration of chemicals, registered with the U.S. Environmental Protection Agency, for sufficient time to reduce the bacterial count, including pathogens, to a safe level.
 21. Single-Use Gloves means gloves used for only one task, discarded when damaged, or when the task is complete. Multi-use gloves are prohibited.
 22. Standardized Recipe means a recipe that has been tested for consistency of product. Standardized recipes shall include the common name of the product; the ingredients; the exact weight or volume of each ingredient; preparation instructions; cooking time and temperatures, if required, and time necessary to achieve an equilibrium pH of 4.6 or lower; and serving size or recipe yield.

144 23. Venue means the location where a customer purchases and takes possession of
145 the cottage food product, which includes, but is not limited to, the producer's
146 premises, a roadside stand, a farmer's market, a community supported
147 agriculture organization, community or social events, flea markets, and other
148 similar venues. This does not include grocery stores, restaurants, and other
149 licensed retail food establishments and food manufacturers.
150

151 24. Wholesome means food found in sound condition, clean, free from adulteration
152 and otherwise suitable for human consumption.
153

154 **15.5 General Requirements**
155

156 A. Cottage food producers shall be in good health and be free from communicable
157 disease while preparing food. Reportable communicable diseases and disease
158 outbreaks shall immediately be reported to the Department.
159

160 B. Producers shall not care for children and/or animals during the production, packaging,
161 or handling of any cottage food products.
162

163 C. The production kitchen and storage areas used to produce cottage food products shall
164 be maintained free of rodents and insects.
165

166 D. A producer shall wash their hands and exposed portions of their arms for 20 seconds
167 with soap and warm running water and dry with single-use towels:
168

169 1. Before and during food preparation, as necessary; and
170

171 2. After engaging in any activities that contaminate their hands and or exposed
172 portions of their arms including but not limited to before leaving the
173 restroom, after handling soiled equipment or utensils, before putting on
174 single-use gloves.
175

176 3. Hand antiseptics/sanitizers may be used in addition to but not in place of
177 proper handwashing.
178

179 E. No cottage food preparation, packaging, or labeling shall occur in the production
180 kitchen concurrent with any other domestic activities, including but not limited to
181 child care, personal cooking, laundry, and telephone use.
182

183 F. All food contact surfaces, equipment, and utensils used for the preparation,
184 packaging, or labeling of any cottage food products shall be maintained in good repair
185 and washed, rinsed, and sanitized before each use.
186

187 1. Sanitizers shall have a U.S. Environmental Protection Agency registration
188 number and designation as a food contact surface sanitizer, be registered with
189 the Colorado Department of Agriculture, and used in accordance with labeled
190 instructions and 40 CFR 180.940 including concentration, contact time,
191 method, and surfaces.

192 2. Household bleach used shall be free of compounds to enhance the scent or
193 other compounds that may adversely affect its use as a sanitizer.

194
195 **15.6 Product Labeling**

196
197 A. Cottage foods shall be labeled in accordance with the requirements outlined in Section
198 25-4-1614(3)(A), C.R.S., and include an affixed label that includes:

- 199
200 1. Identification of the product;
201
202 2. The producer’s name and current telephone number or electronic mail address;
203
204 3. The address at which the food was prepared;
205
206 4. A complete list of ingredients; and,
207
208 5. The following disclaimer: “This product was produced in a home kitchen that is
209 not subject to state licensure or inspection and that may also process common
210 food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk, fish, and
211 crustacean shellfish. This product is not intended for resale.”

212
213 B. All labels for Tier 1 and Tier 2 Cottage Foods shall include the producer’s registration
214 number as issued by the Department.

215
216 C. Eggs sold under Section 25-4-1614(2)(b)(II), C.R.S., shall be labeled in accordance with
217 Section 35-21-105, C.R.S.

218
219 **15.7 Point of Sale**

220
221 A. Products produced under 25-4-1614(2)(b)(1), C.R.S., shall not be sold or distributed
222 outside of Colorado or via the internet.

223
224 B. A producer shall not in any way display, convey or infer that the products produced
225 and offered for sale or distribution are endorsed, approved, or certified by the
226 Department or its authorized agents or employees.

227
228 C. A producer selling cottage foods shall conspicuously display a placard, sign, or card at
229 the point of sale with the following disclaimer:

- 230
231 1. “This product was produced in a home kitchen that is not subject to state
232 licensure or inspection. This product is not intended for resale.”

233
234 **15.8 Tier 1 Cottage Food Producer Requirements**

235
236 A. Cottage food producers producing Tier 1 foods as defined in Section 15.4(A)(3)(a),
237 C.R.S. shall meet the following additional requirements.

238
239

240 **15.8.1 Registration**

- 241
- 242 A. Tier 1 cottage food producers shall register with the Department by no later than 60
- 243 days after the effective date of these regulations, and on or before January 1 of each
- 244 year thereafter on a form supplied by the Department. Tier 1 cottage food producers
- 245 that begin production after January 1, shall register with the Department immediately
- 246 upon beginning production of cottage foods.

247

248 **15.8.2 Training**

- 249
- 250 A. Tier 1 cottage food producers shall take a food safety course that includes basic food
- 251 handling training and is comparable to, or is a course given by, the Colorado State
- 252 University extension service or a state, county, or district public health agency.
- 253
- 254 B. Proof of food handler training shall be provided at the time of registration and at least
- 255 once every five years thereafter.
- 256

257 **15.9 Tier 2 Cottage Food Producer Requirements**

- 258
- 259 A. Cottage food producers producing Tier 2 foods as defined in Section 15.4(A)(3)(b),
- 260 C.R.S. shall meet the following additional requirements.
- 261

262 **15.9.1 Registration**

- 263
- 264 A. Tier 2 cottage food producers shall register with the Department by no later than 60
- 265 days after the effective date of these regulations, and on or before January 1 of each
- 266 year thereafter on a form supplied by the Department. Tier 2 cottage food producers
- 267 that begin production after January 1, shall register with the Department immediately
- 268 upon beginning production of cottage foods.

269

270 **15.9.2 Training**

- 271
- 272 A. Tier 2 cottage food producers shall take a food safety course that includes basic food
- 273 handling training and comparable to, or is a course given by, the Colorado State
- 274 University extension service or a state, county, or district public health agency.
- 275
- 276 B. Tier 2 cottage food producers shall complete additional course work that concentrates
- 277 on the pickling and fermentation of vegetables.
- 278
- 279 C. Proof of food handler training shall be provided at the time of registration and
- 280 annually for registration renewal.
- 281

282 **15.9.3 Water Quality Testing**

- 283
- 284 A. Tier 2 cottage food producers shall provide proof of available safe drinking water in
- 285 the production kitchen used to produce the Tier 2 Cottage Food. Proof may consist of:
- 286
- 287 1. Municipal/city water bill from a Colorado public water system; or,

- 288 2. Annual well water testing results for total coliforms and nitrates.
289
290 B. Proof of water quality shall be provided at the time of registration and with each
291 annual registration renewal.
292
- 293 **15.9.4 Sewage Disposal**
294
- 295 A. Tier 2 cottage food producers shall provide proof of appropriate sewage disposal in the
296 production kitchen used to produce the Tier 2 cottage food. Proof may consist of:
297
- 298 1. Municipal/city wastewater disposal bill from a Colorado public wastewater
299 system; or,
300
- 301 2. Annual septic inspection results.
302
- 303 B. Proof of sewage disposal shall be provided at the time of registration and with each
304 annual registration renewal.
305
- 306 **15.9.5 Process Review**
307
- 308 A. At the time of registration, Tier 2 cottage food producers shall provide a process plan
309 to the Department for review prior to the production of any Tier 2 foods. Process plans
310 may include, but are not limited to:
311
- 312 1. Source of ingredients;
313
- 314 2. Standardized recipes;
315
- 316 3. Equipment utilized;
317
- 318 4. Food production methods and process flow;
319
- 320 5. Product testing results from a laboratory product testing to assure an
321 equilibrium pH of 4.6 or lower;
322
- 323 6. Packaging methods and finished product storage and transportation
324 description; and
325
- 326 7. List of sales venues.
327
- 328 B. Tier 2 cottage food producers may provide their process plan to a process authority for
329 review, evaluation and recommendation for the production of a product that conforms
330 to known food safety standards.
331
- 332 1. If a Tier 2 cottage food producer as had their product(s) reviewed by a process
333 authority those results shall be forwarded to the Department.
334
335

336 **15.9.6 Recordkeeping**

- 337
338 A. Finished pH values and equilibrium pH values shall be recorded for each batch of Tier
339 2 cottage food produced. Copies of all records shall be maintained and available to the
340 Department for three years from the date of the batch.
341

342 **15.10 Enforcement**

343
344 **15.10.1 General**

- 345
346 A. The Department can issue a cease and desist order to any food produced under this
347 regulation under the authority of or 25-4-1614(10) C.R.S., if there is probable cause to
348 believe the product is not wholesome or can be injurious to health.
349
350 B. The Department can retain any food produced under this regulation under the
351 authority of or 25-4-1614(10) C.R.S., if there is probable cause to believe the product
352 is not wholesome or can be injurious to health.
353
354 C. The Department can condemn product under the authority of 25-4-1614(10), 25-4-410
355 *et. seq.*, C.R.S., and under the requirements of section 15.10.1(A) and (B) if the
356 products is deemed adulterated.
357

358 **15.10.2 Registration and Revenue**

- 359
360 A. Cottage food products produced and entered into commerce without registration may
361 be confiscated and destroyed by the Department. In such cases, subsequent
362 production of the cottage food is not allowed until the producer registers with the
363 Department.
364
365 B. Cottage food producers earning net revenues in excess of those allowed under Section
366 25-4-1614(2)(e), C.R.S. will have their cottage food registration revoked. Such
367 producers shall immediately cease cottage food production activities and contact the
368 Department for further instructions on registering as a wholesale food manufacturer or
369 retail food establishment operator in accordance with Section 25-5-426(4)(a) and 25-4-
370 1606 C.R.S.
371
372 C. The Department may maintain a list of registered and unregistered cottage food
373 producers and publish these lists on the Department's website.
374

375 **15.10.3 Training, Process Controls, and Labeling**

- 376
377 A. Cottage food producers which fail to secure and maintain current training as required
378 in Sections 15.9.2 and 15.10.2 and 25-4-1614(2)(C), C.R.S. are not eligible for
379 registration and/or annual registration renewal.
380
381 B. Tier 2 cottage foods produced and entered into commerce without following process
382 controls detailed in their registration application may be confiscated and destroyed by
383 the Department. In such cases, subsequent production of the cottage food is not

384 allowed until the amended registration is reviewed by the Department.

385

386 C. Cottage food products entered into commerce without proper labeling may be
387 confiscated and destroyed by the Department. In such cases, subsequent production of
388 the cottage food is not allowed until all required labeling is affixed to the cottage
389 food products and reviewed by the Department.

390

391 **15.10.4 Penalties**

392

393 A. If the Department finds that a person is not in conformance with these rules and
394 regulations or the provisions of 25-4-1614 *et. seq*, C.R.S., the Department may asses a
395 civil penalty of five hundred dollars.