

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**

This Page Left Intentionally Blank

TABLE OF CONTENTS

15.1	Authority.....	1
15.2	Scope and Purpose	1
15.3	Applicability.....	1
15.4	Definitions.....	1
15.5	General Requirements	4
15.6	Product Labeling	5
15.7	Point of Sale	5
15.8	Tier 1 Cottage Food Producer Requirements.....	6
15.8.1	Registration	6
15.8.2	Training	6
15.9	Tier 2 Cottage Food Producer Requirements.....	6
15.9.1	Registration	6
15.9.2	Training	6
15.9.3	Water Quality Testing	7
15.9.4	Sewage Disposal	7
15.9.5	Process Review	7
15.9.6	Recordkeeping	8
15.10	Enforcement	8
15.10.1	General.....	8
15.10.2	Registration and Revenue.....	8
15.10.3	Training, Process Controls, and Labeling	9
15.10.4	Penalties	9

1 COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

2
3 Division of Environmental Health and Sustainability

4
5 6 CCR 1010-15

6
7 RULES AND REGULATIONS GOVERNING
8 COTTAGE FOOD PRODUCERS
9 IN THE STATE OF COLORADO

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 5. Production of Tier 1 foods as defined in 25-4-1614(2)(a)(b)(1)(A).

35
36 **15.3 Applicability**

37
38 A. These rules and regulations shall apply to cottage foods produced as defined in Section
39 25-4-1614(2)(b)(I), C.R.S.

40
41 **15.4 Definitions**

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

- 45
46 1. Adulterated means as stated in the *Colorado Pure Food and Drug Act*, Section
47 25-5-4, C.R.S.

- 48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
2. Contamination means the presence of infectious microorganisms or chemicals at levels toxic to human health in or on the body, environmental surfaces, articles of clothing, and/or in food or water.
 3. Cottage Food means food produced in his or her home kitchen or a commercial, private or public kitchen that are nonpotentially hazardous and do not require refrigeration and which are sold directly to the ultimate consumer. These foods are divided into tiers:
 - a. Tier 1 Cottage Food means spices, teas, dehydrated produce, nuts, seeds, honey, jams, jellies, preserves, fruit butter, flour, and baked goods, including candies, fruit empanadas, and tortillas. Tier 1 cottage foods include whole eggs, except that a producer may not sell more than 250 dozen whole eggs per month. A person selling whole eggs shall meet the requirements of Section 35-21-105, C.R.S; or
 - b. Tier 2 Cottage Food means pickled vegetables that have an equilibrium pH value of 4.6 or lower.
 4. Department means Colorado Department of Public Health and Environment or its authorized agents or employees.
 5. Drinking Water means water that meets criteria as specified in Section 25-1.5-2, C.R.S., *Colorado Primary Drinking Water Regulations*. Drinking water is traditionally known as “potable water”.
 6. Equilibrium pH means the condition achieved when all components, liquid and solid, have the same pH.
 7. Fermented Vegetables means vegetables that are exposed to conditions that allow acid-producing microorganisms to reduce the pH to 4.6 or lower and includes the foods commonly referred to as kimchi and sauerkraut.
 8. Food-Contact Surfaces means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces in contact with food.
 9. Home means a primary residence occupied by the producer producing cottage food.
 10. Low-acid Vegetables means vegetables have a pH above 4.6. The acidity in these vegetables is insufficient to prevent the growth of the bacterium *Clostridium botulinum*.
 11. Nonpotentially Hazardous means, for the purpose of this regulation, any food that when stored under normal conditions without refrigeration, will not support the rapid and progressive growth of microorganisms that cause food infections or food intoxications.

- 96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
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 salsas.
 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, 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. Relish means a cooked or pickled sauce usually made with vegetables or fruits and often used as a condiment; can contain avocado, mango, etc.
 21. 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.
 22. Single-Use Gloves means gloves used for only one task, discarded when damaged, or when the task is complete. Multi-use gloves are prohibited.
 23. Standardized Recipe means a recipe that has been tested for consistency of product. Standardized recipes shall include the common name of the product;

144 the ingredients; the exact weight or volume of each ingredient; preparation
145 instructions; cooking time and temperatures, if required, time necessary to
146 achieve an equilibrium pH of 4.6 or lower; and serving size or recipe yield.

147
148 24. Venue means the location where a customer purchases and takes possession of
149 the cottage food product, which includes, but is not limited to, the producer's
150 premises, the producer's roadside stand, a farmer's market, a community
151 supported agriculture organization, , and other similar venues where the
152 product is sold directly to consumers. This does not include internet sales,
153 grocery stores, restaurants, and other licensed retail food establishments and
154 food manufacturers.

155
156 25. Wholesome means food found in sound condition, clean, free from adulteration
157 and otherwise suitable for human consumption.

158
159 **15.5 General Requirements**

- 160
161 A. Cottage food producers shall be in good health and be free from communicable
162 disease while preparing food. Reportable communicable diseases and disease
163 outbreaks shall immediately be reported to the Department.
164
165 B. Producers shall not care for children or animals concurrent with the production,
166 packaging, or handling of any cottage food products.
167
168 C. No cottage food preparation, packaging, or labeling shall occur in the production
169 kitchen concurrent with any other domestic activities, including but not limited to,
170 personal cooking, laundry, and telephone use.
171
172 D. The production kitchen and storage areas used to produce cottage food products shall
173 be maintained free of rodents and insects.
174
175 E. A producer shall wash their hands and exposed portions of their arms for at least 20
176 seconds with soap and warm running water and dry with single-use towels:
177
178 1. Before and during food preparation, as necessary; and
179
180 2. After engaging in any activities that contaminate their hands and or exposed
181 portions of their arms including but not limited to before leaving the
182 restroom, after handling soiled equipment or utensils, after caring for animals
183 or children, before putting on single-use gloves.
184
185 3. Hand antiseptics/sanitizers may be used in addition to but not in place of
186 proper handwashing.
187
188 F. All food contact surfaces, equipment, and utensils used for the preparation,
189 packaging, or labeling of any cottage food products shall be maintained in good repair
190 and washed, rinsed, and sanitized before each use.
191

- 192 1. Sanitizers shall have a U.S. Environmental Protection Agency registration
193 number and designation as a food contact surface sanitizer, be registered with
194 the Colorado Department of Agriculture, and used in accordance with labeled
195 instructions and 40 CFR 180.940 including concentration, contact time,
196 method, and surfaces.
197
- 198 2. Household bleach used shall be free of compounds to enhance the scent or
199 other compounds that may adversely affect its use as a sanitizer.
200

201 **15.6 Product Labeling**

- 202
- 203 A. Cottage foods shall be labeled in accordance with the requirements outlined in Section
204 25-4-1614(3)(A), C.R.S., and include an affixed label that includes:
205
- 206 1. Identification of the product;
207
- 208 2. The producer’s name and current telephone number or electronic mail address;
209
- 210 3. The address at which the food was prepared;
211
- 212 4. A complete list of ingredients; and
213
- 214 5. The following disclaimer: “This product was produced in a home kitchen that is
215 not subject to state licensure or inspection and that may also process common
216 food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk, fish, and
217 crustacean shellfish. This product is not intended for resale.”
218
- 219 B. All labels for Tier 1 and Tier 2 Cottage Foods shall include the producer’s registration
220 number as issued by the Department.
221
- 222 C. Eggs sold under Section 25-4-1614(2)(b)(II), C.R.S., shall be labeled in accordance with
223 Section 35-21-105, C.R.S.
224

225 **15.7 Point of Sale**

- 226
- 227 A. Products produced under 25-4-1614(2)(b)(1), C.R.S., must be sold from an appropriate
228 venue directly to the ultimate consumer and shall not be sold or distributed outside of
229 Colorado.
230
- 231 B. A producer shall not in any way display, convey or infer that the products produced
232 and offered for sale or distribution are endorsed, approved, or certified by the
233 Department or its authorized agents or employees.
234
- 235 C. A producer selling cottage foods shall conspicuously display a placard, sign, or card at
236 the point of sale with the following disclaimer:
237
- 238 1. “This product was produced in a home kitchen that is not subject to state
239 licensure or inspection. This product is not intended for resale.”
240

241 **15.8 Tier 1 Cottage Food Producer Requirements**
242

243 A. Cottage food producers producing Tier 1 foods as defined in Section 15.4(A)(3)(a),
244 C.R.S. shall meet the following additional requirements.
245

246 **15.8.1 Registration**
247

248 A. Tier 1 cottage food producers shall register with the Department by no later than 60
249 days after the effective date of these regulations, and on or before January 1 of each
250 year thereafter on a form supplied by the Department. Tier 1 cottage food producers
251 that begin production after January 1, shall register with the Department immediately
252 upon beginning production of cottage foods.
253

254 **15.8.2 Training**
255

256 A. Tier 1 cottage food producers shall take a food safety course that includes basic food
257 handling training and is comparable to, or is a course given by, the Colorado State
258 University extension service or a state, county, or district public health agency.
259
260 B. Proof of food handler training shall be provided at the time of registration and at least
261 once every five years thereafter.
262

263 **15.9 Tier 2 Cottage Food Producer Requirements**
264

265 A. Cottage food producers producing Tier 2 foods as defined in Section 15.4(A)(3)(b),
266 C.R.S. shall meet the following additional requirements.
267

268 **15.9.1 Registration**
269

270 A. Tier 2 cottage food producers shall register with the Department by no later than 60
271 days after the effective date of these regulations, and on or before January 1 of each
272 year thereafter on a form supplied by the Department. Tier 2 cottage food producers
273 that begin production after January 1, shall register with the Department immediately
274 upon beginning production of cottage foods.
275

276 **15.9.2 Training**
277

278 A. Tier 2 cottage food producers shall take a food safety course that includes basic food
279 handling training and comparable to, or is a course given by, the Colorado State
280 University extension service or a state, county, or district public health agency.
281
282 B. Tier 2 cottage food producers shall complete additional course work that concentrates
283 on the pickling and fermentation of vegetables.
284
285 C. Proof of food handler training shall be provided at the time of registration and
286 annually for registration renewal.
287
288

289 **15.9.3 Water Quality Testing**

290

291 A. Tier 2 cottage food producers shall provide proof of available safe drinking water in
292 the production kitchen used to produce the Tier 2 Cottage Food. Proof may consist of:

293

294 1. Municipal/city water bill from a Colorado public water system; or

295

296 2. Annual well water testing results for total coliforms and nitrates from a
297 certified water testing laboratory.

298

299 B. Proof of water quality shall be provided at the time of registration and with each
300 annual registration renewal.

301

302 **15.9.4 Sewage Disposal**

303

304 A. Tier 2 cottage food producers shall provide proof of appropriate sewage disposal in the
305 production kitchen used to produce the Tier 2 cottage food. Proof may consist of:

306

307 1. Municipal/city wastewater disposal bill from a Colorado public wastewater
308 system; or

309

310 2. Current septic permit or septic inspection results.

311

312 B. Proof of sewage disposal shall be provided at the time of registration and with each
313 annual registration renewal.

314

315 **15.9.5 Process Review**

316

317 A. At the time of registration, Tier 2 cottage food producers shall provide a process plan
318 to the Department for review prior to the production of any Tier 2 foods. Process plans
319 may include, but are not limited to:

320

321 1. Source of ingredients;

322

323 2. Standardized recipes;

324

325 3. Equipment utilized;

326

327 4. Food production methods and process flow;

328

329 5. Product testing results from a laboratory product testing to assure an
330 equilibrium pH of 4.6 or lower;

331

332 6. Packaging methods and finished product storage and transportation
333 description; and

334

335 7. List of sales venues.

336

337 B. Tier 2 cottage food producers may provide their process plan to a process authority for
338 review, evaluation and recommendation for the production of a product that conforms
339 to known food safety standards.

340
341 1. If a Tier 2 cottage food producer as had their product(s) reviewed by a process
342 authority those results shall be forwarded to the Department.

343
344 **15.9.6 Recordkeeping**

345
346 A. Finished pH values and equilibrium pH values shall be recorded for each batch of Tier
347 2 cottage food produced. Copies of all records shall be maintained and available to the
348 Department for three years from the date of the batch.

349
350 **15.10 Enforcement**

351
352 **15.10.1 General**

353
354 A. The Department can issue a cease and desist order to any food produced under this
355 regulation under the authority of or 25-4-1614(10) C.R.S., if there is probable cause to
356 believe the product is not wholesome or can be injurious to health.

357
358 B. The Department can retain any food produced under this regulation under the
359 authority of or 25-4-1614(10) C.R.S., if there is probable cause to believe the product
360 is not wholesome or can be injurious to health.

361
362 C. The Department can condemn product under the authority of 25-4-1614(10), 25-4-410
363 *et. seq.*, C.R.S., and under the requirements of section 15.10.1(A) and (B) if the
364 products is deemed adulterated.

365
366 **15.10.2 Registration and Revenue**

367
368 A. Cottage food products produced and entered into commerce without registration may
369 be confiscated and destroyed by the Department. In such cases, subsequent
370 production of the cottage food is not allowed until the producer registers with the
371 Department.

372
373 B. Cottage food producers earning net revenues in excess of those allowed under Section
374 25-4-1614(2)(e), C.R.S. will have their cottage food registration revoked. Such
375 producers shall immediately cease cottage food production activities and contact the
376 Department for further instructions on registering as a wholesale food manufacturer or
377 retail food establishment operator in accordance with Section 25-5-426(4)(a) and 25-4-
378 1606 C.R.S.

379
380 C. The Department may maintain a list of registered and unregistered cottage food
381 producers and publish these lists on the Department’s website.

382
383

384 **15.10.3 Training, Process Controls, and Labeling**
385

- 386 A. Cottage food producers which fail to secure and maintain current training as required
387 in Sections 15.9.2 and 15.10.2 and 25-4-1614(2)(C), C.R.S. are not eligible for
388 registration and/or annual registration renewal.
389
- 390 B. Tier 2 cottage foods produced and entered into commerce without following process
391 controls detailed in their registration application may be confiscated and destroyed by
392 the Department. In such cases, subsequent production of the cottage food is not
393 allowed until the amended registration is reviewed by the Department.
394
- 395 C. Cottage food products entered into commerce without proper labeling may be
396 confiscated and destroyed by the Department. In such cases, subsequent production of
397 the cottage food is not allowed until all required labeling is affixed to the cottage
398 food products and reviewed by the Department.
399

400 **15.10.4 Penalties**
401

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