

**NACCHO Cottage Foods Sharing Session
Chat Transcript
April 13, 2016**

Ryan Johnson: Does Arizona allow a cottage food business to ship their product?

Dorothy David: is there a fee for registration

Ryan Johnson: Do the local county agencies have any involvement in the process, aside from enforcement of illegal vendors selling phf's?

Rebecca Nielsen: Can restaurants in Arizona use Cottage Foods in their menus?

Elizabeth Nutt: How do you get around the approved source if you allow the products to be sold at a retail food establishment?

Dorothy David: without a fee how do you run the program?

Mark Miklos: I thought Maricopa County did not allow sales to restaurants?

Jason Guzman: What type of enforcement actions are taken...penalties or fines?

Marcel Elizondo: The only problem is that state legislatures do not often consult with the professionals within the respective field

Wendy Cochran: MD does not allow Fudge as a Cottage Food Product

Renee' Nelson: How does AZ handle recalls for food adulterations or food-borne illnesses?

Rebecca Nielsen: Some salsa can be done in Utah if it tests as Formulated Acid

Courtney Mickiewicz: Virginia allows fermented products and kombucha

Abdellah Elhajjam: PA does allow fermented foods

Ryan Johnson: California doesn't allow online sales that need to be shipped.

Laura Dawson: What are the liabilities in the event of food poisoning or bacterial growth?

Dorothy David: what is your process of food borne illness investigation in this matter? How do you follow through?

Elizabeth Nutt: Do you receive complaints from operators that have licensed facilities that they are being undercut by cottage food people?

Tonia Taylor: How often are complaints coming in and what is the common complaint? What is the protocol for such complaints?

Marcel Elizondo: Tonia - In Texas, LHDs are unable to register or regulate cottage food vendors but we ARE expected to log any complaints and submit those complaints to state legislatures (if requested)

Marcel Elizondo: So, how are the turkey pot pies maintained? If it's not maintained at the proper temperatures, who can the consumer complain to?

Jim Brooks: Is there an annual income amount & are the cottage food companies liable for state taxes

Renee' Nelson: Are there any caps on how much the home baker/producer can net? Who checks if they are paying taxes? What is the incentive to grow into a licensed business?

Marcel Elizondo: Jim - Texas law states that a business' income cannot exceed \$50,000. I'm not sure who would verify that income though. I would assume taxes would be submitted on that income

India Bowman: What kind of checks are done to make sure those who sell meat are using licensed processors?

Elizabeth Nutt: How do you determine private vs public?

Marcel Elizondo: Elizabeth - I'm not sure how the state health department determines private vs public, but Austin uses the general rule of thumb that events such as weddings and birthday parties are "private"

Jim Brooks: Does the states tax commissions have any input on how taxes would be collected?

Lurdes Siberio: Has there been an increase in food safety issues (foodborne illnesses) under the Food Freedom Act when compared to when the Cottage Food Laws were in place?

Marcel Elizondo: I like Lurdes' question. It's very relevant and the biggest concern (in my opinion) across LHDs

Therese Pilonetti: What sort of training requirements does Wyoming have?

Marcel Elizondo: Consumers are basically consuming these products at their own risk

Karen Bender: Are the Food Freedom act vendors required to be Food Safety Certified?

Karen Bender: Are vendors required to have food safety certificates?

Tiffany Gaertner: Wyoming has no training requirements for food safety and vendors do not have to have food safety certificates or any type of training.

Renee' Nelson: Have any "Brick and Mortar" food businesses complained about the Cottage Food Laws?

Roy Kroeger: During the legislative process State Health had asked brick and mortars to lobby against the bill and they were hesitant to do so.

Jim Brooks: Roy does Wyoming cottage food individuals carry product liability insurance?

Roy Kroeger: Jim, I would hope so but based on knowledge I believe many are relying on their homeowners insurance.

Elizabeth Nutt: How is it an approved source if not regulated????

Rebecca Nielsen: How many states treat cottage food as fully inspected, registered establishments, and how many just register them with no other oversight?

Marcel Elizondo: Food Safety Training - Texas requires food handler certification but no one verifies that license

Roy Kroeger: Elizabeth, nothing is considered an approved product except possible the red meat cut in a licensed meat processing plant.

Marisa Bunning: In Arizona, has there been pressure to expand the list of allowed products?

Kim Burns: Is there a way to see questions or comments in the chat?

Jim Brooks: Are cottage food individuals subject to zoning restrictions?

Wendy Cochran: Maryland Cottage Food Products permitted is rather limited. All products are non-potentially hazardous. Cottage Food Businesses are not licensed, registered or regulated. Complaints would be investigated only.

Tonia Taylor: In Wyoming, is there any way to determine the volume of and type of complaints that a business receives. Do you see the Cottage Food "allowance" changing?

Lisa Laschat: Are home occupation permits required from the building departments? Are there any zoning restrictions that are impacting businesses, such as having food deliveries?

Wanda Manley: Roy, do you inspect the chuckwagons at Frontier Days?

Marcel Elizondo: Lisa - In Austin, normally businesses are not permitted to operate in a residential zone. However, Texas law prohibited local cities from incorporating zoning laws against cottage food vendors

Roy Kroeger: Wanda, we do inspect the Chuckwagons because the Cheyenne Frontier Days organization has asked us to do it. Under the Traditional Food Act a non-profit can ask us to permit these events.

Rebecca Nielsen: Would Arizona consider carrot cake potentially hazardous? Zucchini bread?

Elizabeth Nutt: How can we justify regulating restaurants? Especially if they can serve unregulated foods produced in a home

Marcel Elizondo: Elizabeth - Texas does not consider cottage food as "an approved source" and therefore not allowed in retail food establishments

Laura Dawson: Thank you for your time, information and interests. Good Day!

Elizabeth Nutt: Marcel: Texas got that part right :-)

Marcel Elizondo: Our next "fight" would be to keep raw milk sales illegal. Vendors keep trying every other year (when our legislature meets)

Renee' Nelson: Do any of these states get complaints from consumers who say they weren't informed of the home-based nature of the products?

Jim Brooks: what is the cost of acquiring a food handler's license in Arizona / Wyoming?

Marcel Elizondo: Renee' - Not yet in Austin. I keep telling the cottage food vendors that if they step one toe outside of cottage food rules, they automatically fall under regulation

Renee' Nelson: Marcel - Once again, Texas got that part right!

Marcel Elizondo can't speak for the state health department or other local health departments. I have a little latitude in Austin

Marcel Elizondo: In Texas, we have state legislature representation through professional organizations, but our concerns usually fall on deaf ears

Roy Kroeger: Wyoming only requires food handling licenses in Teton County. Jackson

Marcel Elizondo: To Roy - We get the same concerns at our local farmers markets. "Why does so and so get away with not having to have a permit?"

Trista Groth: To all- Have you had any foodborne outbreaks associated with a cottage food?

Joel Wright: No, Trista. None in San Diego County.

Marcel Elizondo: Trista - None that can be verified in Austin/Travis Co

Roy Kroeger: Marcel, we do get this question and in some cases two stands side by side may have different requirements because one is from out of state and one is local.

Marcel Elizondo: Thanks to all the participants. I feel relieved to see that all LHDs and state health departments are experiencing some level of challenges with cottage food. I hope I can reach out to LHDs in the future for experiences/advice

Renee' Nelson: If there is a health issue, can inspectors go into the home and how do they check for violations?

Rebecca Nielsen: Are animals allowed in the homes where cottage foods are made in Arizona? (I assume in Wyoming the answer is yes)