

Food Safety in Texas...

Cottage Foods, Farmer's Markets & More



Texas Pecan Growers Conference and Trade Show
San Marcos, Texas
July 15-18



Cottage Food Production Operations



Objectives



- ❧ State regulations concerning retail food and other food establishments in Texas:
 - Cottage Food
 - Farmers' Market

- ❧ Commodity specific examples

- ❧ Resources

Food Agencies in Texas



☞ **Directly Impact Food Safety Regulation**

- ☞ Local Health Departments
- ☞ Texas Department of State Health Services
- ☞ Texas Department of Agriculture
- ☞ U.S. Food and Drug Administration
- ☞ U.S. Department of Agriculture

☞ **May Impact Food Safety Regulation**

- ☞ Texas Alcoholic Beverage Commission
- ☞ Office of the Texas State Chemist
- ☞ Animal Health Commission
- ☞ Indian Health Service (far west Texas only)

Retail Businesses



❧ Retail businesses include

❧ restaurants

❧ grocery stores

❧ convenient stores

❧ bed and breakfasts

❧ mobile food units

❧ roadside vendors; and

❧ temporary food establishments

Retail Businesses cont.



Fall under the jurisdiction of the local health department and/or Texas Department of State Health Services:

- ❧ Location
- ❧ Type of products produced
- ❧ Applicable Regulations may be:
 - ❧ Local Ordinances (food inspection program)
 - ❧ Texas Food Establishment Rules
 - ❧ Good Manufacturing Practices (package food for customer self serve)

Authority and Regulation References



- ❧ Texas Health and Safety Code Chapters 437 & 438
 - ❧ DSHS rule making authority
 - ❧ DSHS inspection and permitting authorities
 - ❧ County and Public Health District inspection and permitting authority
 - ❧ Exemptions and conflicts
- ❧ Texas Administrative Code Title 25 Chapter 228



Cottage Food Production Operation



- ❧ A cottage food production operation is defined as an individual, operating out of the individual's home, who:
 - ❧ Produces **certain foods**;
 - ❧ Has an **annual gross income of \$50,000** or less from the sale of the described foods; and
 - ❧ Sells the foods produced directly to consumers at the *individual's home, a farmer's market, a farm stand, or a municipal, county, or nonprofit fair, festival or event.*
 - ❧ Delivers products to the consumer at the point of sale or another location designated by the consumer.
 - ❧ No sells allowed via Internet, mail order or at wholesale.



CFPO: Approved Foods



- ❧ Non-potentially hazardous baked goods (cookies, cakes, breads, etc.)
- ❧ Candy (pralines, fudge, etc.)
- ❧ Coated and uncoated nuts
- ❧ Unroasted nut butters (Almond, peanut, walnut, etc.)
- ❧ Fruit butters
- ❧ Canned jams or jelly
- ❧ A fruit pie
- ❧ Dehydrated fruit or vegetables - dried beans
- ❧ Popcorn and popcorn snacks
- ❧ Cereal including granola
- ❧ Dry mix
- ❧ Vinegar
- ❧ Pickles
- ❧ Mustard
- ❧ Roasted coffee or dry tea
- ❧ Dried herb or dried herb mix

House Bill 970 in 2013

Cottage Food Production Operations



Examples of Unapproved Cottage Foods



- Bakery goods - *cream, custard or meringue pies; cakes or pastries with cream cheese icings or fillings*
- Milk & dairy products – *raw milk, hard, soft and cottage cheeses and yogurt*
- Cut fresh fruits and vegetables. *Juices made from fresh fruits or vegetables*
- Ice and ice products
- Focaccia-style breads with vegetables or cheeses
- Dried pasta
- Sauerkraut, relishes, sorghum
- Lemonade, juices, hot chocolate or similar liquid beverages
- Raw Seed Sprouts
- Salsa, barbeque sauces and ketchups

CFPO: Packaging & Labeling



- ❧ Food produced must be packaged and labeled, except for large/bulky food (ex. wedding cakes)
 - ❧ labeling included on invoice or receipt

- ❧ Label must include:
 - Name and address of CFPO
 - The common or usual name of the product.
 - Major food allergens, such as: *eggs, nuts, soy, peanuts, milk or wheat.*
 - Statement: “This food is made in a home kitchen and is not inspected by the Department of State Health Services or a local health department.”

- ❧ Labels must be legible.

Major Food Allergens



**TOP 8 FOOD ALLERGENS
UNITED STATES**

crustacean (shellfish)
crab, shrimp, prawn

wheat

egg

milk

tree nuts

peanuts

fish

soy

Smart.Green.Delicious™ www.thrivemeetings.com **thrive!**

For more information on how these foods can impact meeting and event menus,
contact meetingmenus@thrivemeetings.com



Cottage Food ~ Selling Locations



∞ Cottage food can be sold directly to consumers:

- The producer's home
- A Farmer's Market
- A farm stand
- A municipal, county, or non-profit fair, festival, or event
- A negotiated point of sale or designated location by the consumer
- No sales allowed by internet, mail order, or wholesale



FARMERS' MARKETS



Farm to Fork



Farmer → Processor → Distributor →

Wholesaler → Retailer → Consumer



FARMERS' MARKETS



- ❧ *Farmers market* – A designated location used primarily for the distribution and sale directly to the consumers of food by farmers or other producers.
- ❧ Exempt from Texas Food Establishment Rules:
 - ❧ Intact unprocessed fruits and vegetables;
 - ❧ Prepackaged non-potentially hazardous foods (Time/Temperature Control for Safety Foods)
- ❧ DSHS or the local health department may require a permit for certain foods.

Farmers' Markets

Permit Requirements

∞ Health permit not required:

✓ *Sample food*

- Only samples size, not whole meals may be given out.

✓ *Cooking Demonstrations*

- Must be for bona fide education to avoid requiring permitting.

∞ Temporary Food Establishment permit required:

➤ *Anyone selling (PHF/TCS) foods*

➤ *Non-farmers who are selling PHF/TCS foods*

Note: Raw milk cannot be sold at a farmer's market.



Farmers' Markets



☞ Farm /Yard Eggs

- Production of the individual's own flock directly to the consumer;
- Label must include the producer's name and address;
- Carton/container must be labeled "ungraded" and include **SAFE HANDLING INSTRUCTIONS:**
 - ✓ *To prevent illness from bacteria: keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly.*
- Cold storage at 45° Fahrenheit or less.



Multiple Event Permit Requirements



FOOD PREPARATION

- Approved sources and be in sound condition
- Food prepared in a private home is not allowed

EQUIPMENT

- Cleaned and sanitized
- Single-service articles must be provided

PERSONAL HYGIENE

WATER

TOILET FACILITIES & WASTE DISPOSAL

BOOTH CONSTRUCTION

Food Safety Regulations



- ❧ Texas Health and Safety Code Chapter 437 and 438
- ❧ Cottage Food Rule ~ 25 TAC, Section 229.661
- ❧ Farmer Market Rules ~ 25 TAC, Sections 229.701 - 704
- ❧ Texas Food Establishment Rules ~ 25 TAC, Chapter 228

For additional information food establishments:

<http://www.dshs.state.Texas.gov/foodestablishments/>

Questions regarding licensing contact:

DSHS Food Licensing Group (512) 834-6626

<http://www.dshs.texas.gov/foodestablishments/permitting>



QUESTIONS

THANK YOU!!!



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