



TOWN OF BURLINGTON

Board of Health



Public Health
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MEMORANDUM

TO: Residential/Cottage Kitchen Permit Applicant
FROM: Marlene Johnson, R.S., Health Agent
DATE: October 8, 2019
RE: Operation of a Residential/Cottage Kitchen

Please find attached the following information:

- Retail Food Code Standards for Permitted Residential/Cottage Kitchens
- Questions & Answers
- Permit Application (fee: \$100 payable to the "Town of Burlington")
- Food Labeling Requirements
- Food Allergies
- How to Sanitize with Bleach (manual cleaning & sanitizing of utensils, pots, pans)

Only non-temperature control for safety (TCS) foods that can be safely held at room temperature, such as baked goods, jams, jellies, and other such foods may be produced in a Residential/Cottage kitchen operation. Ingredients from approved sources that are TCS foods, such as milk, cream, and eggs, may be used in food preparation for the public provided that the final product is not a TCS food.

Examples of food products that may not be prepared or sold by a residential/cottage kitchen are cream-filled pastries, cheesecake, custard, cut fruit and vegetables, tomatoes and barbeque sauce, pickled products, relishes and salad dressings. Finished products that require hot or cold holding for safety, including meat or fish that is raw or heat-treated, certain cut produce including melons, leafy greens, and tomatoes are prohibited.

Draft copies of food label(s) shall be submitted to the Board of Health for approval.

Please contact this office with any questions: 781-270-1949.



BURLINGTON BOARD OF HEALTH

61 Center Street

Burlington, MA 01803

Tel: 781-270-1955 Fax: 781-273-7687



Public Health
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Residential/Cottage Kitchen Permit Application

Fee: \$ 100.00

Name of Applicant: _____

Business Name: _____

Address: _____

Residential/Cottage Kitchen is located in a: House _____ Apt./Condo _____

Phone Number: _____ Email: _____

List food(s) that will be prepared in the residential/cottage kitchen:

List market name(s) (including street & town) where ingredients will be purchased from:

Where will your product(s) be sold? (Check all that apply):

Internet customers _____ Farmer's Market _____ Craft Fairs _____

Supermarket* _____ Retail Stores* _____ Specialty Shops* _____

Other (describe) _____

* A Wholesale Residential Kitchen License is also required. Contact MA Dept. of Public Health - Food Protection Program at 617-983-6712 to apply.

Number of Employees: _____

Number and Type of Pets at Home: _____

Are laundry facilities located in the kitchen: YES _____ NO _____

Cleaning and Sanitizing: Choose either A or B below:

_____ A. Manual cleaning & sanitizing. Use of kitchen sink(s) and dishpans to wash, rinse and sanitize utensils, pots and pans. A sanitizer test kit* is required to test the chlorine (bleach) or quaternary ammonium (quats) sanitizer.

_____ B. Mechanical dishwasher. Use of kitchen dishwasher to wash, rinse and sanitize utensils, pots and pans. A waterproof maximum registering thermometer* is required to test the rinse temperature (minimum 150°F).

*The Board of Health can give you guidance where to obtain test kits and thermometers

Provide a draft copy of your food label(s) with the application. See attached label requirements

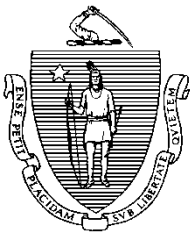
An inspection must take place before a permit is issued. Once the permit is issued the residential/cottage kitchen will be allowed to operate. The Health Agent will contact the applicant to schedule an inspection after review of the application and food label(s).

Pursuant to MGL Chapter 62C, § 49A, I certify under the penalties of perjury that to the best of my knowledge and belief have filed all State tax returns and paid all State taxes required under law.

Signature: _____ **Date:** _____

Office Use: **Approved** _____ **Date Approved** _____

Comments:



The Commonwealth of Massachusetts

Executive Office of Health and Human Services
Department of Public Health - Bureau of Environmental Health
Food Protection Program
305 South Street, Jamaica Plain, MA 02130
Phone: 617-983-6712 Fax: 617-524-8062

MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

Tel: 617-624-6000

www.mass.gov/dph

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Governor

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Lieutenant Governor

Retail Food Code Standards for Permitted Residential Kitchens

Updated April, 2019

The following information is provided to assist municipalities, food establishments and other interested parties in interpretation of the Retail Food Code. Additional information is available on our website at mass.gov/lists/retail-food or by contacting the Food Protection Program at (617) 983-6712 or fpp.dph@state.ma.us.

Under 105 CMR 590 (the Retail Food Code), Cottage Food and non-exempted Bed and Breakfast Operations (Permitted Retail Residential Kitchens) must comply with all applicable municipal laws and zoning ordinances and sections of the Retail Food Code for conducting a business from one's home residence. The following minimum provisions for Residential Kitchens apply to both Cottage Food Operations and Bed and Breakfast Operations. Additional notes are provided for alternate standards or provisions which apply to only one type of Permitted Retail Residential Kitchen. These guidelines are being issued under 105 CMR 590.009(E) to promote uniform application of the Retail Food Code.

Water Supply and Sources

- **Water Supply:** Only potable water from a properly constructed on-site well or municipal water system can be used. Any Permitted Retail Residential Kitchen which has a private water supply must have the supply tested prior to permitting and at least annually thereafter and demonstrate through a written record of testing that the water supply is potable. The regulatory authority may require more frequent testing as deemed necessary. **(590.005; FC 5-1)**
- **Wastewater:** Sewage shall be disposed of through a system approved by the LBOH. **(590.005; FC 5-403.11)**
- **Handwashing Sinks:** The kitchen sink to be used for handwashing must be provided with a soap dispenser and disposable towels. However, the kitchen sink cannot be used for handwashing after toilet use; therefore, there must also be a sink in the toilet room. **(590.002; FC 2-301.15 / 590.005; FC 5-203.11)**
- **Manual Warewashing:** The kitchen sink can also be used for food preparation and warewashing provided it is cleaned and sanitized prior to and between use. For manual warewashing, a two compartment sink can be used if it is approved by the LBOH and the washing is done in limited batches within the requirements of 4-301.12(D)(2)(a)-(c). **(590.004; FC 4-301.12, FC 4-501.114)**

- **Mechanical Warewashing:** A domestic or home-style dishwasher may be used for Permitted Retail Residential Kitchens, provided that it is operated in accordance with the manufacturer's specifications and the dishwasher's internal temperature is a minimum of 150°F after the final rinse and drying cycle. **(590.004; FC 4-501.15)**

Sanitation and Preventing Contamination

- **Food Contact Surfaces:** All food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of food products must be washed, rinsed, and sanitized before each use **(590.004; FC 4-6, FC 4-7)**
- **Rodents and Pests:** All food preparation and food and equipment storage areas must be maintained free of rodents and insects **(590.006; FC 6-501.111)**
- **Handwashing:** All persons involved in the preparation, packaging, or handling of food must wash their hands before any food preparation and food packaging activities **(590.002; FC 2-301.14)**
- **Bare Hand Contact:** All persons involved in the preparation, packaging, or handling of food must avoid bare hand contact with ready-to-eat foods through the use of single-service gloves, bakery papers, tongs, or other utensils **(590.003; FC 3-301)**
- **Illness:** All persons involved in the preparation, packaging, or handling of food must not work in the home kitchen when ill **(590.002; FC 2-201.11)**

Kitchen Policies

- **Food Preparation:** Only the permittee, and individuals under the supervision of the permittee, may be engaged in the processing, preparing, packaging, or handling of food **(590.002; FC 2-103.11(B),(C))**
- **Living or Sleeping Quarters:** Rooms used as living or sleeping quarters in a private home may not be used for conducting cottage food operations. **(590.006; FC 6-202.111)**
- **Children:** No infants or small children are in the Permitted Retail Residential Kitchens during the preparation, packaging, or handling of food **(590.002; FC 2-103.11(B))**
- **Pets:** Pets must be excluded from the kitchen area during food preparation **(590.006; 6-501.115)**
- **Other Activities:** No preparation, packaging, or handling of food may occur in the kitchen area concurrent with other domestic activities such as family meal preparation, clothes washing or ironing, or guest entertainment **(590.002; FC 2-103.11(B) / 590.004; FC 4-803.13)**

Standards Specific to Cottage Food Operations

Cottage Food Products

- **Non-TCS Foods:** Only non-time/temperature control for safety (TCS) baked goods, jams, jellies, and other such foods may be produced at a Cottage Food Operation. **(590.001(C) “Cottage Food Product”)**
- **TCS Ingredients:** Ingredients from approved sources that are TCS foods, such as milk, cream, and eggs, may be used in food preparation for the public provided that the final product is not a TCS food. **(590.003; FC 3-201.11(A), FC 3-201.13, FC 3-202.13, FC 3-202.14(A)&(B))**

Labeling

A Cottage Food Operation may only sell cottage food products which are prepackaged with an ingredient label. The product does not need to be analyzed by a laboratory to obtain an official ingredient list, but all ingredients must be listed in descending order of predominance by weight. If a prepared item is used in the recipe, sub-ingredients must also be listed. For example, if you use soy sauce as an ingredient, listing soy sauce is not acceptable; soy sauce (wheat, soybeans, salt) is acceptable. **(590.003; FC 3-602).**

The label affixed or provided to the direct consumer must contain the following information (printed in English):

- a. The name and address of the Cottage Food Operation;
- b. The name of the Cottage Food Product;
- c. The ingredients of the Cottage Food Product, in descending order of predominance by weight;
- d. The net weight or net volume of the Cottage Food Product;
- e. Allergen information as specified by federal labeling requirements. This includes identifying if any of the ingredients are made from one of the following food groups: milk, eggs, wheat, peanuts, soybeans, fish (including shellfish, crab, lobster or shrimp) and tree nuts (such as almonds, pecans or walnuts); AND
- f. Nutritional labeling as specified by federal labeling requirements is required if any nutrient content claim, health claim, or other nutritional information is provided.

Food Protection Program:

Residential Kitchen Questions and Answers

The MA Department of Public Health's Food Protection Program works in conjunction with Local Boards of Health to ensure a safe and wholesome food supply in Massachusetts by promulgating and enforcing regulations related to food safety, conducting foodborne illness complaint investigations, and responding to other food emergency incidents.

Individuals who produce food in their home kitchen for sale to others may have to get a state or local permit and comply with certain rules and limitations. The following is provided to assist individuals in complying with state regulations related to the production and sale of food made in a kitchen in a residence. Depending on what foods are produced in the Residential Kitchen, and how those foods will be sold or distributed, a Residential Kitchen may require a Wholesale License or Permit, a Retail Permit, or both.

What is a Residential Kitchen?

A Residential Kitchen is a kitchen in a private home. Most Residential Kitchens, including those in a private home where individuals are cooking for their family or for charitable purposes, like a bake sale, do not require a permit. Certain food-based activities in Residential Kitchens require a license or permit either as a Retail Residential Kitchen or as a Wholesale Residential Kitchen. If a Retail permit is required, the Residential Kitchen must comply with certain requirements in the Retail Food Code (105 CMR 590). If a wholesale license is required, the Residential Kitchen must comply with certain requirements in the regulations for Good Manufacturing Practices (105 CMR 500).

What Activities in a Residential Kitchen Require a Permit?

- Anyone producing food for sale "direct to the consumer" is considered a **Retail Residential Kitchen** and is required to have a permit under 105 CMR 590.
 - "Direct to the consumer" includes events like farmers markets, craft fairs, and sales by internet or mail.
 - Anyone that makes food in a Residential Kitchen in Massachusetts that wants to sell in another state should confirm that they are in compliance with both Federal law and the state laws where they are doing business.
- Anyone producing food for sale at wholesale, for example, to a supermarket or restaurant that will re-sell to the ultimate consumer, is considered a **Wholesale Residential Kitchen** and is required to have a License or Permit under 105 CMR 500.

Who Issues the Required Permits?

- **Retail Residential Kitchen** operations are inspected and permitted by the local board of health in the city or town where the Residential Kitchen is located. 105 CMR 590.010 (F) (2) (a). They are permitted as "Cottage Food Operations."
- **Wholesale Residential Kitchen** operations may sell their products to retail stores, grocery stores, restaurants, etc., and are inspected and licensed by the Massachusetts Department of Public Health, Food Protection Program. 105 CMR 500.015 (B)

What Foods May Be Produced in A Residential Kitchen?

- **Retail Residential Kitchen** may only make “Cottage Food Products.” These are foods that can be safely held at room temperature, including baked goods, jams, and jellies. 105 CMR 590.001(C); FC 1-201.10 (B)
- **Wholesale Residential Kitchen** operations selling wholesale may only produce foods that can be safely held at room temperature and foods that do not require refrigeration. 105 CMR 500.015 (D) (1)
- **Retail or Wholesale Residential Kitchens** may not prepare finished products that require hot or cold holding for safety, including meat or fish that is raw or heat-treated, certain cut produce including melons, leafy greens, and tomatoes.

Examples of food products that may not be prepared or sold by a Residential Kitchen: cream-filled pastries, cheesecake, custard, cut fruit and vegetables, tomato and barbeque sauce, pickled products, relishes and salad dressings [105 CMR 590.001(C); FC 1-201.10(B)], 105 CMR 500.015(D)(1) and (3).

What types of processing operations are prohibited in a Residential Kitchen?

For both **Retail and Wholesale Residential Kitchen** operations, processing operations that are prohibited include: acidification, hot fill, thermal processing in hermetically-sealed containers, vacuum packaging, and curing/smoking. The only exception is jams and jellies that are thermal-processed in hermetically-sealed containers. [105 CMR 590.001(C); FC 1-201.10(B)], 105 CMR 500.015(D)(1) and (3)

Could there be a circumstance where laboratory testing of a food product may be required?

Yes. For both **Retail and Wholesale Residential Kitchen** operations, the Licensee or Permit Holder or applicant may be required to provide laboratory evidence to the regulator in order to determine whether the food poses a food safety risk if not held or stored at a certain temperature.

The laboratory testing may include analysis of pH, water activity (A_w), toxin formation or other tests as appropriate. [105 CMR 590.001(C); FC 1-201.10(B)], (105 CMR 500.003). If required to provide laboratory testing, the Residential Kitchen operator should reach out to a private food laboratory and determine which testing may be appropriate to establish that a product does not require hot or cold holding to maintain food safety.

Must a Residential Kitchen operator use a standard recipe for each batch of product?

Since each recipe has a different set of risks, preparing multiple products in a Residential Kitchen may require multiple laboratory evaluations to show that the products do not pose a food safety risk. Using a single standardized recipe that has been evaluated by a food laboratory helps the person in charge of the Residential Kitchen to meet food safety requirements while maintaining consistent food quality.

If I need a License or Permit, what standards must my Residential Kitchen comply with?

- **Retail Residential Kitchens:** For a list of provisions that all Residential Kitchens permitted under the Food Code must adhere to, please see guidance issued by the Department titled *Retail Food Code Standards for Permitted Residential Kitchen* available at www.mass.gov/lists/retail-food.
- **Wholesale Residential Kitchens:** Please see section 105 CMR 500.015: *Supplemental Regulations for Residential Kitchens: Wholesale Sale*, for specific requirements related to Wholesale Residential Kitchen operations, available here: <https://www.mass.gov/files/documents/2017/09/11/105cmr500.pdf>

Do I need a License or Permit for making food in my Residential Kitchen to sell at a bake sale?

If the Residential Kitchen is preparing food for sale or service at a function such as a religious or charitable organization's bake sale, no permit is required as long as:

- The food that is not time/temperature control for safety; and
- The consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority.

Additionally, the school, church or other location that distributes or sells the food that is made in the Residential Kitchen for a charitable purpose, such as the site of the school bake sale, does not require a permit. M.G.L. c. 94 §328; [105 CMR 590.001(C); FC 1-201.10(B)], 105 CMR 500.015(A)(2).

Do I Need a Permit to Donate Food that I make in my Residential Kitchen to a Charity?

A Residential Kitchen preparing food for distribution to a charitable facility does not require a permit, as long as that facility is a non-profit corporation that distributes the food for free or only charges an amount sufficient to cover the cost of handling the food. M.G.L. c. 94, §328. (Note: No permit is required even if the Residential Kitchen is preparing foods that pose a food safety risk.) [105 CMR 590.001 (C); FC 1-201.10 (B)], 105 CMR 500.015 (A)(2).



For Any Questions, please contact your Local Board of Health or the Massachusetts Department of Public Health, Bureau for Environmental Health's Food Protection Program at 617-983-6712 | Fax: 617-983-6770 | TTY: 617-624-5286 | Email: FPPDPH@state.ma.us

If you would like a copy of the state regulations or additional information concerning the retail food code, please visit: mass.gov/lists/retail-food

April, 2019

Food Code 3-602.11 Labeling Requirements

All residential/cottage kitchen food products shall have the following information on every label affixed to the food wrapped product, box or container:

- ☐ Name of the Residential/Cottage Kitchen operation (business name),
- ☐ Address of the Residential/Cottage Kitchen operation,
- ☐ Ingredients of food product, in descending order of predominance by weight,
- ☐ The net weight or net volume of the food product, and
- ☐ Allergen information (if applicable).

Please note: Nutritional labeling as specified by federal labeling requirements is required if any nutrient content claim, health claim, or other nutritional information is provided.

EXAMPLES

WHEAT BREAD

Ingredients: Flour (bleached wheat flour, malt barley, flour, niacin, iron, potassium thiamine, thiamine mononitrate, riboflavin, folic acid), Sugar, Eggs, Water, Milk, Margarine (liquid soybean oil, partially hydrogenated soybean oil, water, salt, whey, soybean lecithin, vegetable mono & diglycerides, sodium benzoate as a preservative, potassium caseinate [a milk protein], artificially colored, FD&C Red #3, artificially flavored, vitamin A, dalmite added), Yeast, Salt,
Contains: Wheat, Eggs, Milk, Soy

Net Weight: 1 pound (16 oz.)

The Bakery, 123 Main Street, Anytown, MA 01234

Sugar Cookies

Ingredients: Flour (wheat flour, malted barley flour, niacin [A, B vitamins], iron, thiamin mononitrate [vitamin B1, riboflavin, vitamin B3], folic acid, butter (cream, milk, salt), sugar, shortening (beef tallow, palm oil, vegetable mono and diglycerides, BHA, propyl gallate and citric acid, dimethylpolysiloxane), egg, vanilla extract, baking soda, cream of tartar, salt.

Contains: wheat, egg and milk

Net Weight: 5 oz.

Jane's Cookies, 1111 North Main St, Anytown, MA 01234

Food Allergies

What you need to know



Millions of people have food allergies that can range from mild to life-threatening.

Most Common Food Allergens



Peanuts



Tree nuts



Fish



Shellfish



Eggs



Milk



Wheat



Soy

*** Always let the guest make their own informed decision.**

When a guest informs you that someone in their party has a food allergy, follow the four R's below:

- **Refer** the food allergy concern to the department manager, or person in charge.
- **Review** the food allergy with the customer and check ingredient labels.
- **Remember** to check the preparation procedure for potential cross-contact.
- **Respond** to the customer and inform them of your findings.

*** Sources of Cross-Contact:**

- Cooking oils, splatter, and steam from cooking foods.
- Allergen-containing foods touching or coming into contact with allergy-free foods (i.e. a nut-containing muffin touching a nut-free muffin).

Any food equipment used for the processing of allergy-free foods must be thoroughly cleaned and sanitized prior to use.

- All utensils (i.e., spoons, knives, spatulas, tongs), cutting boards, bowls, pots, food pans, sheet pans, preparation surfaces.
- Fryers and grills.
- Wash hands and change gloves after handling potential food allergens.

*** If a guest has an allergic reaction, call 911 and notify management.**



How to Sanitize with Bleach

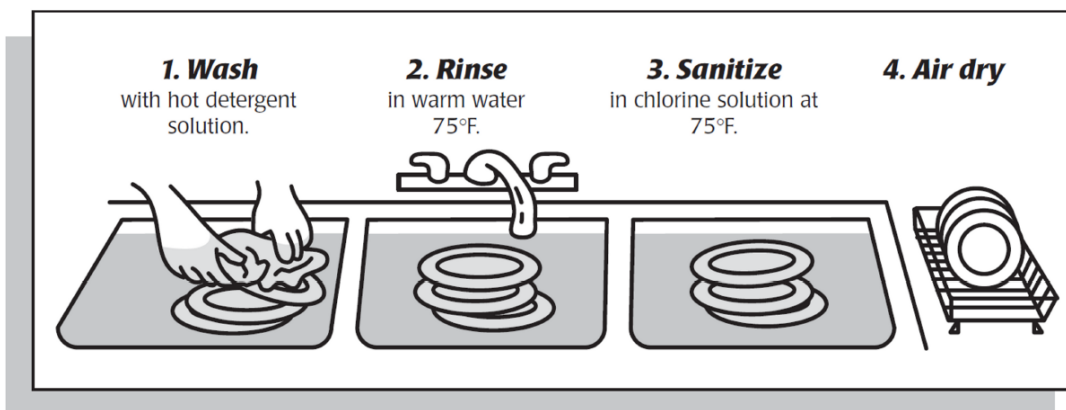
BLEACH IS AN EFFECTIVE CHLORINE SANITIZER. WHEN IT IS USED CORRECTLY IT REDUCES THE NUMBER OF GERMS TO A SAFE LEVEL.

TO MAKE:

- **Read the bleach label, look for percent (%) of sodium hypochlorite bleach on the ingredient list (bleach strength).**
This means that 50-100 parts per million (PPM) of chlorine is available when mixed according to the amounts below. Mixing too little or too much bleach will lower the effectiveness of the solution.
- **For bleach strength 5.25%-6.25%, mix 2 teaspoons of bleach with 1 gallon of water.**
For bleach strength 8.25%, mix 1 teaspoon of bleach with 1 gallon of water.
- **Use only plain unscented bleach.**

TO USE:

- **Sanitize food contact surfaces including:** pots, pans, dishes, countertops, cutting boards and utensils.
- **Use a test kit to check the concentration frequently.** Bleach solution loses its strength quickly. It must be clean and at proper strength (50PPM-100PPM).



Information Provided by:

Burlington Board of Health

781-270-1955

burlington.org



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