



COTTAGE FOOD

Brown County Guide

FOR A SUCCESSFUL BUSINESS

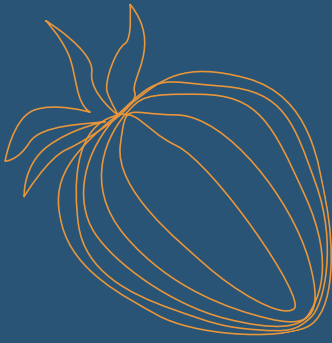
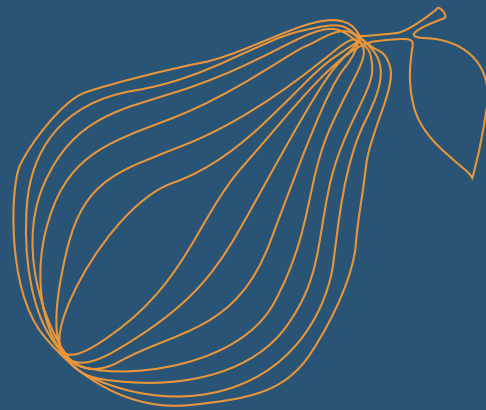


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INTRODUCTION TO COTTAGE FOODS

Cottage Food In Brown County

The Cottage Food Law is a law in the State of Illinois that allows certain food items to be produced in a home kitchen with very little regulatory oversight from the Health Department. The first Cottage Food Law went into effect in 2012 with updates in 2018 and 2022. Currently, this is the only law in existence in Brown County that allows food made in a home kitchen to be sold to the public. Cottage Food producers are required to register with the Health Department annually.



Benefits of Cottage Food

- Creates opportunities for entrepreneurs, especially women in rural areas.
- Lowers barriers that exist with traditional licensing such as license fees and use of commercial kitchen space and equipment.
- Farmers increase revenue from crops or home gardens through value-added products.
- Allows producers financial freedom and control over their own schedules and business activities.
- Offers a pathway to compliance for those operating illegally from their homes.

Where Can I get a Copy of the Law?

On the Illinois General Assembly Website (www.ilga.gov) search for "Illinois Food Handling Regulation Enforcement Act" or "Public Act 102-0633". Cottage Food is addressed in Section 4.

DEFINITIONS

Acidified: a food is considered acidified if (1) acid or acid ingredients are added to it to produce a final equilibrium of 4.6 or below; or (2) it is fermented to produce a final equilibrium pH of 4.6 or below.

Canned Food: food that has been heat processed sufficiently under United States Department of Agriculture guidelines to enable storing food at normal home temperatures.

Cottage Food Operation: an operation conducted by a person who produces or packages food or drink, other than foods and drinks listed as prohibited, in a kitchen located in that person's primary domestic residence or another appropriately designed and equipped kitchen on a farm for direct sale by the owner, a family member, or employee.

Equilibrium pH: the final potential of hydrogen measured in an acidified food after all the components of the food have achieved the same acidity.

This is a selection of definitions from the Food Handling Regulations Enforcement Act that pertain to Cottage Foods. For a full list of definitions, please see the Act.

Leafy Greens: includes iceberg lettuce; romaine lettuce; leaf lettuce; butter lettuce; baby leaf lettuce; escarole; endive; spring mix; spinach; cabbage; kale; arugula; and chard. It does not include microgreens or herbs.

Low-Acid Canned Food: any canned food with a finished equilibrium pH greater than 4 and a water activity (aw) greater than 0.85.

Potentially Hazardous Food (PHF): means a food that is potentially hazardous according to the Department's administrative rules. Potentially Hazardous Food in general means a food that requires time and temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.



WHAT FOODS CAN I PRODUCE?

The Act does not specifically state what foods can be sold under a Cottage Food Registration. Instead, it outlines which foods CAN NOT be sold or used as an ingredient. If you have any questions or concerns about the foods you plan to produce, please contact us.

Baked Goods with Cheese

Baked goods with cheese may be sold if the recipe is submitted to a commercial laboratory to verify that the end product is non-potentially hazardous.



*Can be used as an ingredient in a non-potentially hazardous baked good or in frosting such as buttercream

Prohibited Foods:

- 1 Meat, Poultry, Fish, or Shellfish
- 2 Dairy*
- 3 Eggs*
- 4 Pumpkin Pies, Sweet Potato Pies, Cheesecakes, Custard Pies, Creme Pies, and Pastries with Potentially Hazardous Fillings or Toppings
- 5 Garlic in Oil or oil infused with garlic unless acidified
- 6 Low-Acid Canned Foods
- 7 Sprouts
- 8 Cut Leafy Greens, except for Cut Leafy Greens that are dehydrated, acidified, or blanched and frozen
- 9 Cut or Pureed Fresh Tomato or Melon
- 10 Dehydrated Tomato or Melon
- 11 Frozen Cut Melon
- 12 Wild-Harvested, Non-Cultivated Mushrooms
- 13 Alcoholic Beverages
- 14 Kombucha

FOODS WITH SPECIAL REQUIREMENTS

Canned Tomatoes or Canned Product Containing Tomatoes

If producing canned tomatoes or a product containing canned tomatoes, you must:

Follow a recipe exactly that has been tested by the United States Department of Agriculture or by a state cooperative extension.

OR

Annually, submit the recipe to a commercial laboratory to test that the product has been adequately acidified. The variety of tomato used in the test recipe must be the same variety used in each batch of the recipe.



Fermented or Acidified Foods

If producing a fermented or acidified food, you must:

Follow a recipe exactly that has been tested by the United States Department of Agriculture or by a state cooperative extension.

OR

Submit a food safety plan (see our website for the template) for each product category each year and a pH lab test every three years.

Canning

Fermented or Acidified foods which are canned must be done in a boiling water bath in a Mason-Style or glass container with a tight-fitting lid.

If the food is not canned, it must be packaged in a new, clean container and kept at 41 degrees or below at all times.

WHERE CAN I SELL MY COTTAGE FOODS?

While once restricted to selling at Farmers Markets, a Cottage Food Producer now has many more options.

Cottage Food products may be sold anywhere in the State of Illinois, including counties other than where you are registered. You may not sell outside of Illinois.



Wholesale

Cottage Foods must be sold directly to the customer. This means that food items can not be sold to or by a third party such as a restaurant, bakery, or retail store.

Cottage Foods can be sold at or through:

- 1 Farmers' Markets
- 2 Fairs or Festivals
- 3 Vendor Shows
- 4 Public Events
- 5 Online
- 6 Pickup from your home or farm
- 7 Delivery to the customer
- 8 Pickup from a third-party property (Co-Op)
- 9 Shipped if non-potentially hazardous and does not leave the State of Illinois. All foods must also have a tamper-evident seal.



FOOD SAFETY REQUIRED TRAINING

All Cottage Food Operators and any person helping to prepare or package food products as part of the Cottage Food Operation must have completed a Certified Food Protection Manager course and passed the exam before the Cottage Food Registration can be approved.

There are currently six ANSI approved companies that offer the Certified Food Protection Manager Certification. The courses and exams are offered both online and in person depending on the company that you choose. For a list of ANSI approved companies, visit the website: <https://anabpd.ansi.org/Accreditation/credentialing/personnel-certification/food-protection-manager/>

Confused by all the trainings out there?

There are multiple food safety trainings online and it can become confusing on which one you should take. The two most common food safety trainings are the Certified Food Protection Manager and the Food Handler. The Food Handler training is **NOT** valid for Cottage Food Operators. Look for a course that is ANSI approved, at least 8 hours long, and has a proctored exam. The cost of the training varies but is usually between \$100-\$200 and the certificate is valid for five years.

PACKAGING

Packaging

Cottage Food products must be prepackaged in your home. The law does not allow for items to be prepared or served from the point of sale.

Placarding

In addition to the home kitchen statement on the package label, a placard stating "This product was produced in a home kitchen not inspected by a health department that may also process common food allergens." must be provided as a notice at your booth or stand and/or provided on your online sales interface at the point of sale.



Exemptions

If a product is too difficult to properly package, like a wedding cake, the local health department where the product is sold may grant you permission to sell your items unpackaged. If you are selling your product in other counties besides the county you are registered in, you must get permission from each county you are also selling in.

Special Requirements for Products that are Shipped

Some Cottage Food products which are non-potentially hazardous are allowed to be shipped (only within the State of Illinois). Products that are shipped must be packaged to be tamper evident. This could include using seals, stickers, pop tops, or other means.

Illinois Grown

If you are using locally grown products, you are encouraged to use the designation "Illinois-grown", "Illinois-sourced", or "Illinois farm product" on your packaging.

LABELING



All foods produced under Cottage Food must be labeled.
The Label must contain the following information:

- 1 Common or usual name of the food product.
- 2 List of ingredients in descending order by weight.
- 3 Allergen labeling for any major food allergens. Major food allergens are: milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, and soybean.
- 4 The date the product was produced.
- 5 The statement: "This product was produced in a home kitchen not inspected by a health department that may also process common food allergens. If you have safety concerns, contact your local health department.
- 6 Name of your Cottage Food operation.
- 7 The name of the Health Department where you registered and your registration number.

Exemptions

If a product is too difficult to properly label, the local health department where the product is sold may grant you permission to use an alternative form of labeling.

If you are selling your product in other counties besides the county you are registered in, you must get permission from each county you are also selling in.

COTTAGE FOOD REGISTRATION AND CHECKLIST

Think Cottage Food is for you? Register now!

Anyone wishing to become a Cottage Food producer must first register with the Health Department. Even though you register in Brown County, your registration allows you to sell anywhere in the State of Illinois. The approval process after you submit your application may take several weeks and you will be contacted with any questions. After you are approved, you will be issued a certificate of registration and registration number. Your registration is valid for one year and you must re-apply every year.

Are you ready to open your Cottage Food business? Use this checklist to help you keep track of what you need to submit for approval.

- 1 Brown County Application
- 2 Copy of your Certified Food Protection Manager Certification
- 3 Product labels for an item in each product category
- 4 Home self-certification checklist
- 5 Water testing (if applicable)
- 6 If producing acidified or fermented foods – a food safety plan with pH testing results or an approved recipe
- 7 If producing canned tomatoes or a canned tomato product – pH testing results or an approved recipe
- 8 Note: Registration Fee may be required in the future.

FOOD SAFETY GUIDANCE FOR HOME KITCHENS

It's important to maintain a high standard of food safety while preparing food for your business to prevent customers from becoming sick.

Home Requirements

- Water from a safe water supply must be used. *Water from unsafe sources can cause contamination like E.coli on your hands, equipment, and food.*
- Sinks must have both hot and cold water. *Running water which can be mixed to any temperature is important for proper cleaning and sanitation. Hot water makes washing of hands and equipment more effective.*
- All bathrooms must have a sink for handwashing. *Washing hands in a kitchen sink after using the restroom can allow microorganisms which are transmitted via the fecal-oral route to contaminate food and surfaces.*
- Preparation and storage can not take place in a sleeping area. *There is a higher risk of potential contamination from areas of the home not designed for food preparation.*
- Pets are not allowed in the kitchen during preparation. *Animals, including pets, can carry diseases which can contaminate food and equipment.*
- The home must be free from rodents and insects. *Pests harbor diseases that can contaminate food and equipment.*
- Chemicals must be used according to label instructions and stored away from food and packaging materials. *Chemicals can leave toxic residues on surfaces and equipment if not used properly. Chemicals can also spill onto food or packaging which may cause poisoning if not stored away from food activities.*



FOOD SAFETY GUIDANCE FOR HOME KITCHENS

Home Requirements Continued

- Domestic activities such as family meal preparation, guest entertainment, and household chores should not be conducted in the same space at the same time as Cottage Food activities. *Doing other activities at the same time as preparing foods for your business may lead to contamination of food or equipment.*

Hand Hygiene

- A sink must be available in the kitchen for handwashing. *An easily accessible sink makes hand washing easier and more likely to occur.*
- Soap and paper towels must also be available at the sink. *Soap must be used to help reduce germs and particulate matter on the hands. Common cloth kitchen towels should not be used for hand drying as they can recontaminate hands.*
- Hands must be washed often, before food preparation and handling, and any time contamination may have occurred. *Proper handwashing prevents the spread of foodborne illness causing germs. The use of hand sanitizer instead of handwashing is not allowed as hand sanitizer is not effective when used while handling food.*
- Bare hand contact with ready-to-eat food products must be avoided during preparation and packaging by using single use gloves, deli tissue, tongs, or other utensils. *Handwashing does not eliminate all germs from hands. It's also important not to touch the ready-to-eat product with your bare hands to prevent contamination from occurring.*
- Cuts or wounds on the wrists or hands must be bandaged and a disposable glove must be worn at all times. *Bandaging cuts and protecting the area with a glove helps prevent contamination.*

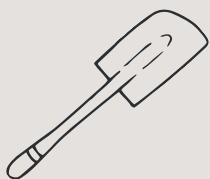
FOOD SAFETY GUIDANCE FOR HOME KITCHENS

Personal Hygiene

- If you or a household member is ill, especially with diarrhea or vomiting, do not prepare food for your business. *Many foodborne illnesses are fecal-oral transmitted. The germs are shed in your stool, transferred to your hands, and then can contaminate food. Additionally, some germs can spread up to 30 feet from where a diarrhea or vomiting "event" occurs.*
- Clean clothes and/or aprons must be worn. *Soiled clothing may harbor germs which can contaminate food.*
- Hair should be restrained with a hair tie, hat, scarf, hair net, or other means. *Finding hair in your food can be particularly unappetizing and can also cause contamination.*
- Smoking, vaping, and tobacco can not be used while preparing or packaging food. Eating, drinking, and gum chewing is also not allowed. *These activities can cause contamination of the hands and surfaces.*
- If tasting your food, do not use the same utensil more than once before washing. *Reusing the same utensil after touching it to your mouth can cause contamination of the food you are preparing.*

Equipment

- Equipment and utensils should be clean and in good condition. *Equipment that is not in good condition can harbor disease causing bacteria.*
- Surfaces, equipment, and utensils must be washed, rinsed, and sanitized before each use. *Proper washing and sanitizing of equipment reduces the number of germs on equipment.*



FOOD SAFETY GUIDANCE FOR HOME KITCHENS

Sanitizer

- Sanitizer must be used on equipment and surfaces to reduce the number of foodborne illness causing germs.
- The most common types of sanitizer are Quaternary Ammonia or Chlorine (bleach).
- Disinfecting wipes and pre-mixed disinfecting sprays should not be used. *Chemicals in these can be too strong and are often not used correctly to the manufacturers' instructions.*
- If using bleach, make sure that it is EPA registered and has wording such as "Kills Germs" or "Sanitizes". *Not all bleaches will kill germs- stay away from those that are scented or splashless or only advertise cleaning, brightening, and whitening.*
- Test strips for the specific sanitizer should be used. *Test strips help make sure sanitizer is being mixed correctly.*

Refrigeration

- Refrigerators must maintain a temperature of 41 °F or less at all times. *Bacteria can grow at temperatures above 41 °F.*
- Freezers must be able to maintain foods frozen.
- Thermometers should be available in the refrigerator to check the temperature. *Thermometers are important tools to use to ensure bacteria will not survive and grow on your products.*

Transportation and Set-Up

- The vehicle and containers used to transport your food should be clean and able to keep dirt, bugs, and other contaminants away from the food. *Food must be protected from physical contamination.*
- Your booth or stand should be clean and clutter free.



INSPECTIONS AND FEES

Home Inspections:

Unlike a restaurant, your home kitchen will not receive routine inspections. However, under certain conditions, a fee charged inspection may become necessary. Additionally, enforcement of the law including penalties, stop sale orders, and registration revocation may occur until violations are addressed and corrected. It is required that every Cottage Food Operator submit a Home Self-Certification Checklist (available on our website) with their annual registration and it is recommended that it be completed periodically throughout the year. Reasons for a home inspection include:

- A consumer complaint is received.
- There is a suspected Foodborne Illness Outbreak
- The Health Department suspects there may be an imminent health hazard
- Food products are found to be misbranded, adulterated, or not in compliance with the law.

Verification Checks:

If you are operating at an event, a Health Department employee may conduct a verification check to ensure that you are meeting the requirements of the law. There is no fee for this check and it may include:

- Verifying that you are registered with the county in which you reside AND that you have your certificate of registration with you.
- You are producing items allowed under the law.
- All food items are properly packaged and labeled.

WATER TESTING

Homes served by a private water well require annual testing.

If your home is served by a private water well, you will need to test it every year for Coliform and *E. coli* bacteria. Results of the test must be provided with your registration.

This test is easy to perform and you can do it yourself. Test kits are available through private labs or visit our office to pick one up for \$30 (includes overnight shipping to the lab). You can expect results in 1-2 weeks.

What if my well is positive?

Water that tests positive for *E. coli* can be dangerous for your family and cause illness. If your well tests positive, you will need to treat the water and receive negative test results before operating your Cottage Food business.

After receiving a positive test result, immediately stop using the water except to flush toilets. We will send you instructions on how to chlorinate or "shock" your well. After you can no longer detect the chlorine you can re-test the water. If shocking the well does not work or if the well does not meet current construction standards, you may want to consider contacting a water well contractor for assessment or further treatment like a UV light.

It's Simple!

It's simple to test your own water with one of our test kits!

- 1 Pick up a test kit.
- 2 Take the water sample on a Monday, Tuesday, or Wednesday.
- 3 Immediately take the sample to a UPS location to be overnight shipped to the lab.
- 4 Wait 1-2 weeks.
- 5 Results are sent to us and we forward them to you!



FREQUENTLY ASKED QUESTIONS

- 1 Where can I sell my food?**

Cottage Foods can be sold at public events such as festivals and farmers markets. They can also be sold from the home or shipped within the State of Illinois. They can not be sold at a store or food establishment.
- 2 Is there a limit to how much I can sell?**

Older versions of the law did have limits on the amount of money that could be made as a Cottage Food Producer. However, the current law does not have these limits and there is no cap on the amount of money you can make as a producer.
- 3 Can I sell my product in a store?**

No. Cottage Food products must be sold directly to the end consumer.
- 4 Can I sell my product outside the State of Illinois?**

Since the law is specific to Illinois, Cottage Food products can only be sold in the State of Illinois and may not cross state lines.
- 5 I am using dairy as an ingredient in a product other than a baked good. Is this allowed?**

No, dairy products can only be used in a non-potentially hazardous baked good or frosting.
- 6 Where can I get a Certified Food Protection Manager (CFPM) Certificate?**

There are many options for CFPM including in person and online training classes. The important thing is that you take one of the 6 ANSI approved exams at the end of the training.
- 7 If I make my food in a shared kitchen, do I still fall under the Cottage Food Law?**

No. Cottage foods may only be made out of your home. Producing foods at a shared kitchen require licensure. Please contact us to discuss your options.
- 8 Do I need to register with every County that I sell my product in?**

No. You only need to register with the county you live in. You are allowed to sell in any county in Illinois.

LABS

Some food items require lab testing to ensure food safety.

The health department can require lab testing on food items to help determine the safety of those items. The most common lab tests to determine if a food has the potential to grow bacteria are:

- pH
- Water Activity

A list of labs in Illinois is provided, however, this list is not all encompassing. The Health Department does not endorse one laboratory over another. Always check with the laboratory for their processing methods and fees.

Illinois Labs

- 1 Accugen Labs
Addison, IL
<http://www.accugenlabs.com/>
- 2 Certified Laboratories
Aurora, IL
<https://certified-laboratories.com/>
- 3 Daily Laboratories
Peoria, IL
<https://dailylaboratories.com/>
- 4 Deibel Laboratories
Niles, IL
<http://www.deibellabs.com/>
- 5 EMSL Analytical, Inc.
Chicago, IL
<https://foodtestinglab.com/>
- 6 Key Laboratory Services, Inc.
Decatur, IL
<http://www.keylaboratory.com/>
- 7 Merieux Nutrisciences
Chicago, IL
<https://www.merieuxnutrisciences.com/us/services/food-safety-and-quality>



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