

PA DEPARTMENT OF AGRICULTURE  
BUREAU OF FOOD SAFETY AND LABORATORY SERVICES  
2301 N CAMERON STREET  
HARRISBURG PA 17110  
717-787-4315

[WWW.EatSafePA.COM](http://WWW.EatSafePA.COM)

# APPLICATION PACKET FOR LIMITED FOOD ESTABLISHMENTS

Food produced or stored in home or home-style kitchens.

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**Pennsylvania Department of Agriculture  
Bureau of Food Safety and Laboratory Services  
717-787-4315  
[www.EatSafePA.com](http://www.EatSafePA.com)**

Dear Limited Food Establishment Applicant:

Enclosed are the necessary forms and application for obtaining a Registration as a "Limited Food Establishment" from the Pennsylvania Department of Agriculture. Types of operations that would be considered "limited food establishments" may include, but are not limited to:

- Warehousing (storing) food on a residential property,
- Processing/handling food from a home -residential kitchen,
- Processing/handling food in a residential-style kitchen (not meeting regulatory standards), in alternate locations, such as a church, fire hall, or remodeled garage area or out-building.

According to the Food Safety Act ([3 Pa.C.S.A. §§5721 – 5737](#)) "...it shall be the duty of every person operating a food establishment within this Commonwealth to register..."

The enclosed material must be **fully completed, returned with all necessary accompanying documentation**, and reviewed by the appropriate Food Sanitarian and/or Food Sanitarian Supervisor with the Bureau of Food Safety & Laboratory Services **prior to production and distribution or sale of your food product**. Please note: failure to provide all required information could delay your registration approval. Return all materials to your regional office (see below, as listed by county). It is recommended that you apply **60 days prior** to your 'opening' date.

The Department of Agriculture, regional Food Sanitarian and /or Supervisor will review the plans and notify you of its approval/disapproval. Once you receive your approval, notify your Food Sanitarian or regional office at least **ten (10) days prior** to production to arrange a Registration inspection. Inquiries regarding your application status should be directed to the below Regional Office.

Sincerely,  
The Bureau of Food Safety & Laboratory Services Staff

**MAILING ADDRESSES: Pa Department of Agriculture, Regional Offices**

**Region 1** (Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Venango and Warren)  
**13410 DUNHAM RD, MEADVILLE PA 16335 814-332-6890 Fax: 814-333-1431**

**Region 2** (Cameron, Clinton, Columbia, Lycoming, Northumberland, Montour, Potter, Snyder, Tioga and Union)  
**542 COUNTY FARM RD, SUITE #102, MONTOURSVILLE PA 17754 570-433-2640 Fax: 570-433-4770**

**Region 3** (Bradford, Carbon, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne and Wyoming)  
**RT 92 SOUTH, PO BOX C, TUNKHANNOCK PA 18657 570-836-2181 Fax: 570-836-6266**

**Region 4N/4S** (Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Washington and Westmoreland)  
**226 DONOHOE RD, SUITE 101, GREENSBURG PA 15601 724-832-1073 Fax: 724-832-1013**

**Region 5** (Bedford, Blair, Cambria, Centre, Clearfield, Fulton, Huntingdon, Juniata, Mifflin and Somerset)  
**Martinsburg Commons 403 E. Christiana St. Martinsburg PA 16662 814-793-1849 Fax: 814-793-1869**

**Region 6E/6W** (Adams, Cumberland, Dauphin, Franklin, Lebanon, Lancaster, Perry, Schuylkill, and York)  
**ROOM 100, 2301 NORTH CAMERON STREET, HARRISBURG PA 17110 717-346-3223 Fax: 717-346-3229**

**Region 7** (Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, Philadelphia)  
**1015 BRIDGE RD, COLLEGEVILLE PA 19426 610-489-1003 Fax: 610-489-6119**

## Requirements for Producers in “Limited Food” Establishments

The Department will allow some ‘limited’ types of food processing to occur in a “residential style kitchen,” that may not meet the full regulatory code requirements, with the intent of the producer to offer these products for sale to the public. These processors are regulated under The Food Safety Act (3 Pa.C.S.A. §§5721 – 5737). Regulations under this Act include all federal regulations related to food, and can be found in Title 21 of the Code of Federal Regulation (CFR’s). CFR’s can be accessed at [www.ecfr.gov](http://www.ecfr.gov). In some cases, businesses may additionally be regulated under PA Code Title 7, Chapter 46, Food Code (if products are retailed direct to consumers from the business).

**The term “limited food processor” or “residential-style kitchen” will be used throughout this document to refer to a home-style kitchen, residential style kitchen or a personal use kitchen, regardless of the location - on or off an actual residential property.**

Generally, the types of production that can occur in “limited food establishments” (whether an actual home-use kitchen or a kitchen designed in a residential fashion) are limited to foods that **ARE NOT** foods requiring Time/Temperature Control for Safety (TCS food) or formerly known as potentially hazardous foods (PHF).

*“Time/Temperature Control for Safety Food” (TCS food) means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation. TCS Foods include any raw or heat-treated animal foods (examples include fluid milk, dairy products, eggs, meat & poultry, fish, shellfish, and edible crustaceans), heat treated plant food, raw seed sprouts, cut/ prepared fresh fruits & vegetables (including melons, tomatoes and salad greens), garlic-in-oil products, tofu & soy-protein foods, and perishable baked goods (including cream pastries, cheesecakes and custard pies).*

TCS foods can only be produced in a licensed / registered ‘COMMERCIAL’ food establishment kitchen that meets the full regulatory code requirements, including separation from residential-use areas, and adequate plumbing fixtures. This does not specifically prohibit processing of TCS foods from a residential property, but the foods could only be produced in a second processing kitchen separate from the private home kitchen or any residential/personal use areas (separate entrances/exits to food processing and storage areas are required), and that meets the full regulatory standards for a food establishment.

Canned foods that are not acid or acidified foods (LACF foods) also cannot be made from a Limited Food Establishment and can only be produced in a registered “COMMERCIAL’ food establishment which has been approved for canning. These types of foods are highly regulated and require specialized equipment and filing of all canning processes with FDA (US Food & Drug Administration).

*Bakery products, jams and jellies, acidified/fermented foods, dried mixes, and candy making are the most common types of foods from ‘limited’ food processors; however, other foods may be produced if determined to be a non-TCS food. This document will further discuss the common categories of home-processed foods. If you are unsure whether your product is a TCS food, you should discuss this with your Sanitarian. The Sanitarian may require you to have “questionable” products laboratory tested for pH and water activity ( $a_w$ ).*

Limited food processors generally cannot comply with the full extent of the regulations, but they do have certain requirements and limitations to follow to meet the food safety intent of the regulations. General rules for all products are as follows:

1. No animals/pets are permitted in the home *at any time* if the personal home kitchen is used. This would apply to residential-style kitchens, in any other location as well.

*However, Limited Food Establishment registration may be allowed if a home is designed in such a way that the area where food is processed and stored is not EVER accessible by a pet. The processing and storage area (kitchen) must be physically separated from the part of the home where pets are allowed (a physical barrier, such as a door, is required), AND the area must have a separate exit/entrance so the operator can bring in ingredients and take out finished products without ever entering any areas where pets have access.*

*Caged pets (birds, snakes, etc.) that are kept away from the kitchen are allowed.*

2. Children are not permitted in the kitchen area during food processing for the business.

*There are no mandated age limits for operators and or employees in a limited food establishment. However, members involved must demonstrate basic food safety knowledge and adhere to good hygiene, processing and sanitary practices.*

3. The water supply must be from an approved source. Private sources (not regulated by DEP) must be tested as per the following PDA protocol:

- *Initial testing for Coliform (1 sample) and Nitrate/Nitrite (1sample)*
- *Continual testing for Coliform- annually*
- *Continual testing for Nitrate/Nitrite (\*using a combined MCL)*
  - *If initial test is  $\leq 5$  ppm – no additional testing needed.*
  - *If initial test is  $> 5$  ppm but  $\leq 10$  ppm – annual testing until results are  $\leq 5$  ppm.*
  - *If initial test is  $> 10$  ppm - quarterly testing*
    - *Once test results show 4 quarters in a row  $\leq 10$  ppm – reduce to annual.*
    - *If any other quarter results are  $> 10$  ppm – Further action to be determined.*

4. Department approval does not imply that the business will be in compliance with any local zoning or ordinances. All businesses should confirm and receive approval from their local authority for zoning and other code enforcement issues, such as sewage disposal.

5. Registration and fee (\$35.00) by the Department of Agriculture are required. A registration fee exemption exists for Honey Processors if the honey is produced and processed on the same farm. Honey Processors will still be required to register and be inspected if selling off site of the processing farm.

6. All ingredients must be separate from those for personal use (separate shelves, separate cupboards, etc...) and must be properly labeled, stored and protected. Proper storage includes using food-grade containers that keep pests out and maintaining temperature control to prevent spoilage.

7. There must be restricted use of the residential-style kitchen during any business related food processing. Home food preparation and commercial food processing operations cannot be conducted at the same time. A “dual-use” kitchen requires you to carefully schedule your time so that private and business activities do not conflict.
8. Processors must adhere to good personnel hygiene standards and maintain sanitary conditions and practices in the kitchen and/or any storage areas.
9. Any required laboratory testing of food products is arranged for and paid for by the producer. Although not a comprehensive list of laboratories capable of food testing, a listing of commercial laboratories is available on our web site at [www.eatsafepa.com](http://www.eatsafepa.com). Select ‘Laboratory’ in the right hand margin then find a link to “PA Approved Commercial Laboratories” at middle of webpage.
10. Products must be properly labeled as follows (*with some labeling exemptions for baked goods*):
  - *Statement of Identity – the common or usual name of the food product*
  - *Name and address of manufacturer/processor*
  - *Ingredients listed in decreasing order by weight (including sub-ingredients)*
  - *Allergen declaration if needed*
  - *Net weight or unit count.*
11. Nutritional labeling must be included on food products being shipped / sold in interstate commerce (across state lines). Most Limited Food Establishments will qualify for a small business exemption from nutritional labeling requirements but must apply with FDA. Information and the exemption application can be found at <http://www.fda.gov/food/guidanceregulation/guidancedocumentsregulatoryinformation/labelingnutrition/ucm2006867.htm>
12. Any labeling for health claims such as Low Fat, Sugar Free, Gluten Free, Dairy Free, and similar, must be accurate and be supported by manufacturer’s labeling of sub ingredients or through product testing. By adding a claim to your label, you may be required to comply with Nutritional Labeling requirements. Contact FDA as noted in #11 above.
13. Processors must comply with all applicable state and federal laws and regulations.
14. Under the Food Safety Modernization Act (FSMA), food facilities which wholesale may be required to register with FDA (section 415 of the FD&C Act (21 U.S.C. 350d). There are certain exemptions for businesses operated from a private residence, and for businesses whose primary sales are retail (direct to consumers).

For more information contact FDA at 1-800-216-7331 or 301-575-0156 or visit their website at: <http://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/default.htm>

**\*\* This is not a complete list of the types of foods that may be allowed to be made in a limited food establishment. Products are evaluated individually, as to whether or not they can be produced in a limited food establishment.**

## BAKED GOODS

Baking is the most common type of food processing conducted in a limited food establishment. Traditional bakery items produced include cakes, breads, bagels, cookies, rolls, muffins, brownies, biscuits/ biscotti, tortilla and most fruit pies/ pastries, etc.

Perishable baked goods (TCS food) are NOT allowed to be prepared in the limited food establishment and may include items such as cheesecakes, pumpkin pies, cream/custard or meringue pastries/ pies and desserts, pudding prepared from a mix or scratch, or any food item that has sufficient moisture, high pH (low acidity, pH>4.6) and/or ingredients that will support the growth of pathogenic microorganisms. TCS foods may also include baked good containing meat or cheeses. Generally, any product which is not shelf-stable at room temperature, and requires refrigeration after preparation would be considered TCS food. Most baked goods do not require testing; however, **baked goods in question, shall be tested for pH and Available Water ( $a_w$ ) by the producer. Evaluation of the product will be made by the Sanitarian following the submission of the results.**

Bakery items, made and sold directly to a Commonwealth consumer, by the baker (or their employee), do not require any labeling information directly on the products or any formal display of ingredients; **however, ingredient information must be available upon request.** Any baked goods not directly produced by the limited food establishment (purchased products) would require full labeling.

Items sold at a retail facility, not owned or operated by the baker; require one of the following forms of labeling:

- (1) Packaged Bakery Product must have all required labeling information on the package.*
- (2) Loose/ Bulk-Displayed Bakery Product must have all required label information posted by the display.*
- (3) Bakery Products sold at retail facilities, for consumption on the premises, such as a restaurant, require that the label information be available to the consumer upon request.*

Any item labeled with a claim such as Gluten Free, Dairy Free, Organic, Sugar Free or similar must be able to substantiate the that claim through manufacturer's labeling of sub-ingredients or through product testing. The Code of Federal Regulations has specific guidelines regarding under what circumstances these claims may be made. Use of claims may require a nutritional facts panel.

## JAMS, JELLIES & SIMILAR PRODUCTS

Producers of jams and jellies must have written procedures / formulas. It is recommended that each product be reviewed or analyzed by a food testing laboratory for **soluble solids (Brix)** to identify if the product is correctly identified for their Standard of Identity ([21 CFR 150](#)). New lids must be used and any reused jars must be thoroughly washed and sanitized. All labeling requirements on the containers must be met. Jam, jelly and preservatives not meeting a proper Standard of Identify may need evaluated further.

The soluble-solids content of the finished jelly or jam may not be less than 65 percent (65% Brix), as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed. (1980), section 31.011, under "Solids by Means of Refractometer-- Official Final Action,"

- **Fruit jellies** have 45 parts by weight of the fruit component to each 55 parts of the sweetener solids (45:55). The finished soluble solids content of a jelly is not less than 65%.
- **Fruit preserves and jams** are divided into two groups, generally the berries and the pomes.
  - *Those made from the berry group require 47 parts by weight of the fruit component to 55 parts of the sugar (47:55).*
  - *Those made from the pomes require 45 parts by weight of the fruit component to 55 parts of the sugar (45:55).*

In both cases the finished product is not less than 65% solids.

- Fruit butters, preserves, artificially sweetened fruit jelly, each have specific standards of identity and soluble solid requirements.
- Conserves, Marmalades, and "Spreads" do not have standards of identity, and do not require soluble-solids testing.

## BEVERAGES / DRINKS / JUICES

Some beverages and drinks can possibly be made from a limited food establishment. This may include Root Beer, Lemonade, Lemon Ice Tea, Kombucha and other acidic or fermented drinks. pH must be tested on all drinks/beverages to assure the pH is 4.6 or below. Fermented drinks that are 'bottled' or 'canned' need some type of processing confirmation (in lieu of refrigeration) that impedes or stops the fermentation process.

Note: freshly brewed coffee and tea are not included due to their high pH.

\*Product testing as described below under *Canning and Acidified Foods* would be applicable to canned or vacuum sealed acid or acidified beverages or drinks.

### ***Juice – Producers of Juice who sell ONLY Retail***

Juice means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. (100% percent juice under 21 CFR 101.30, or a concentrate of that juice for subsequent beverage use).

A retail establishment is an operation that provides juice directly to consumers and does not sell or distribute juice to other businesses. The term "provides" includes storing, preparing, packaging, serving, and selling juice. If you qualify as a retail establishment, you are not required to process juice under a HACCP system. However, packaged juice produced at a retail establishment is subject to FDA's food labeling regulation in 21 CFR 101.17(g), which requires a warning statement on fruit and vegetable juice products that have not been processed in the manner to prevent, reduce, or eliminate pathogenic microorganisms. These products shall bear the following warning statement:

*WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems.*

Juice producers who produce from a limited food establishment must have their products tested for pH to determine if the product is a non-PHF/non-TCS food. Only products with a pH of 4.6 or below can be made from a limited food establishment. \*Product testing as described below under *Canning and Acidified Foods* would be applicable to canned or vacuum sealed acidified beverages or drinks.

**Product may only be sold direct to the consumer from the production site or from a satellite of the production site, such as a farmers market or roadside stand owned by the producer.** In most cases, if product is sold from the production site in packaged form, only a Food Registration is needed. However, any retail location would need evaluated to determine if a Retail Food License would additionally be needed.

### ***Producers of Juice who Sell Wholesale***

With the exception of juice produced for retail sale only, all juice (as defined in 21 CFR 120.1(a)) sold as juice (or for use as an ingredient in other beverages) is subject to the requirements of the juice HACCP regulation. Any juice of this type must be pasteurized or have an approved and verified 5–log reduction of pertinent microorganism and be operating under a HACCP plan. Juice of this nature can typically **NOT** be produced in a limited food establishment. Residential-Style Kitchens would not typically have the required equipment to obtain a pathogen reduction.

## CANNED / ACIDIFIED FOODS

Limited Food Establishment Producers may only “can” food products that reach a pH of 4.6 or less upon completion of the recipe (a combination of pH (acid level) and Available Water ( $a_w$ ) may also be tested). Examples of Types of food products that might be approved include:

- ✓ Naturally acidic foods (e.g. most fruits like apples, peaches, lemons, etc.),
- ✓ Fermented foods (e.g. Korean kimchi, sauerkraut, pickles, green olives, etc.) or,
- ✓ Acidified foods (e.g. salsa, chow-chow, pickled beets/ vegetables, hot sauces, and BBQ sauce).

Producers of Acidified Foods must have written recipes / formulas and procedures. You will need to provide a Process Flow for your products and have it approved by your Sanitarian prior to registration and sale of your product. This does not apply to Acid or Fermented Foods. If you are unsure if your product is considered an Acidified Food, please discuss with your Sanitarian.

### Product Testing for Acidified Foods or Drinks

Initially, the producer shall have each unique recipe/product tested by an independent commercial laboratory. The product must be tested for pH within 24 hours. This pH **must be 4.6 or below**. Additionally, the product must be checked for the final equilibrium pH 3 – 5 days after production to assure a final product pH of 4.6 or below.

Notes:

- *Water Activity test ( $a_w$ ) may be additionally tested to accommodate for the hurdle effect of pH and  $A_w$  interaction, if the initial resulting pH is at or above the 4.6 level.*
- *Procedures for testing the low acid components within an acidified food should comply with 21CFR Part 114 (see Reference section).*

### Ongoing product testing and record keeping for Acidified Foods or Drinks:

- ✓ *If your final equilibrium pH is 4.0 or above*, you must have a properly calibrated **pH meter** and check the pH of every batch produced. Log sheets must be kept showing production date, batch number, pH and any corrective action taken if the pH was 4.6 or above. Producers may require a blender for some products, to effectively check pH, as the final equilibrium pH is tested using an evenly mixed product, and not by simply testing the acidifying solutions.
- ✓ *If your final equilibrium pH is 4.0 or below*, you are not required to test every batch, but must have either a properly calibrated pH meter or pH test paper to verify your pH on an ongoing basis, at a minimum of 4x/year. Your initial test, however, must be done by a commercial laboratory. Ongoing testing may be done with pH paper as long as the pH is below 4.0. Producers may require a blender for some products, to effectively check pH, as the final equilibrium pH is tested using an evenly mixed product, and not by simply testing the acidifying solutions.
- ✓ *If your final equilibrium pH is above 4.40*, you must have your product flow, recipe and process evaluated and approved by a Process Authority (A qualified person who has expert knowledge

acquired through appropriate training and experience in the acidification and processing of acidified foods.)

- ✓ Anytime a recipe is altered or a new recipe is developed, the final product must be tested as described above.
- ✓ ***All recipes must incorporate a Thermal Process (cooking) or lethal kill step. This thermal process does not apply to Acid or Fermented Foods. It also does not apply to acidified foods that are at or below pH 3.3. Products at or below 3.3: The product must be held at 77°F or higher for 48 hours prior to distribution.***

***FDA (US Food & Drug Administration) may require Acidified Food recipes to be reviewed by a Process Authority, to file processes with FDA, and batch test all products under their jurisdiction, regardless of pH. These requirements should be discussed with FDA, especially if you intend to sell products in interstate commerce. For more information contact FDA at 1-800-216-7331 or 301-575-0156.***

Other requirements for canning:

- Anytime a recipe is altered or a new recipe is developed, the final product must be tested as described above.
- New lids must be used and any reused jars must be thoroughly washed and sanitized.
- All labeling requirements on the containers must be met.
- **Processors wishing to sell their products interstate (which include internet sales), or using ingredients obtained from interstate may be required to register with FDA (US Food & Drug Administration). If you are unsure of federal regulations that apply to your situation, contact your local FDA Small Business Representative.**

### **Product Testing for Acid or Fermented Foods/ Drinks**

Acid and fermented foods must have a final equilibrium pH of 4.6 or below. *If your final equilibrium pH is 4.0 or below*, you are not required to test every batch, but must have either a properly calibrated pH meter or pH test paper to verify your pH on an ongoing basis. Your initial test, however, must be done by a commercial laboratory. Producers may require a blender for some products (e.g. mixture of solid particles in a brine solution), to effectively check pH, as the final equilibrium pH is tested using an evenly mixed product, and not by simply testing the acidifying solutions.

### **Low Acid Canned Foods or Beverages**

Low acid canned foods or beverages (with a pH above 4.6) may **NOT** be made from a limited food establishment or in any residential-style kitchen. This would include, for example, most soups, gravies, un-pickled vegetables, and fruits in syrups.

## **CANDY**

Most types of candy can be made in a limited food establishment. These would include; fudge, lollipops, chocolates, tortes, hard candy, rock candy and others. All labeling requirements on the containers must be met. Chocolate covered fruits may not be made from a limited food establishment unless the fruit utilized has a pH of 4.6 or below, such as most apples and strawberries (*fruit must be in its whole intact state, with no cutting or chopping occurring*). Any fruit in question may be required to have a pH test performed to determine pH levels. No product testing is required for most candy.

## **OTHER FOODS**

Other types of foods may potentially be approved for processing, handling, re-packing or storage in a limited food establishment; however, only those foods considered non-TCS foods are permitted to be produced/ held in this type of setting. Product testing may be required on a case by case basis for foods to determine if they are, or are a TCS food. If you have an unusual food product, discuss this product with your Sanitarian.

## Getting Started With Your “Limited Food” Establishment Business

1. Contact your local municipality (city office, township office, city or borough office, etc.) to ensure that local ordinances and zoning requirements allow operation of a food business from a residential property, from a home, or from any other location you have selected.
2. If the production site has a non-public water supply (well or similar), you must initially have the water tested for **Coliform and Nitrate/Nitrite** (see testing protocol above). Choose an approved DEP (Department of Environmental Protection) water testing laboratory in your area. Water test results should be submitted with your Plan Review Application. If the processing site is on a municipal or public water supply, you need not do any water testing. For a complete list of PD-DEP approved Laboratories, [click here](#).
3. If the food product you are making requires any laboratory testing, as listed herein, this testing should be submitted with your Plan Review Application or prior to the first inspection. Choose any local laboratory conducting food testing. If you are unsure if your product should be tested contact your local regional food sanitarian to discuss. A listing of some PA approved commercial laboratories is available on our web site at [www.eatsafepa.com](http://www.eatsafepa.com). Select ‘Laboratory’ in the right hand margin then find a link to “PA Approved Commercial Laboratories” at middle of webpage.
4. **Fill out the required “Application for Limited Food Establishment Registration” and return it with all necessary accompanying documentation to your food safety regional office (see cover letter for addresses). It may take 30 – 60 days to obtain your Registration, so start early!**

If you are going to sell your product at a retail satellite location (farmers market, roadside stand, fair, etc...) or create a retail store at the processing site, this retail site may additionally need a Retail Food License with the Department (*or a Local Health Jurisdiction\*\**), but potentially may be exempt from fees. A *Retail or Farmer Market Vendor Plan Review Packet* (available on request or on our web site) will need to be filled out for those retail locations.

To find a copy of the Retail Food Establishment application packet, [click here](#).

To find a copy of the Farmer Market Vendor application packet, [click here](#).

*If using a shared commercial kitchen (incubator), you still need your own registration even though the same kitchen is used by other food business owners at different times of operation. A completed Agreement must also be submitted to your regional office along with the application. The agreement sheet is available on request or on our [website](#).*

\*\* Retail Food Facilities located in Local Health jurisdictions would need to obtain their Licenses/ permits from these Local Health Departments directly. To determine whether your retail location is under a local jurisdiction, [click here](#) and find the “Local Health Department” list attached at the bottom of the webpage.

***If approved, you will be contacted by the regional Food Sanitarian and/or Supervisor with follow up instructions. If disapproved, you will receive a written letter explaining why your plans have been disapproved, and you may re-submit at any time thereafter.***

5. When all prior items are complete and approved, contact the Pennsylvania Department of Agriculture Food Safety Regional Office in your area (*see cover letter for contact information*) to make arrangements for inspection. At the time of inspection, your sanitarian will discuss with you the standards and good manufacturing practices expected of your business, labeling and testing requirements, if applicable, and any other necessary food safety information. At the conclusion of your inspection, if satisfactory, your Sanitarian will collect your \$35.00 registration fee and you will be ready to begin your business.

## REFERENCES

- PA Department of Agriculture’s Bureau of Food Safety Website: [www.EatSafePa.com](http://www.EatSafePa.com)  
In the right hand margin, you will find links to all the bureau’s food safety programs. You can learn more about this program and find more related documents by selecting “[Limited Food Establishment](#)”. The Retail License applications for [farmers markets](#) or other retail food facilities are available under “[RETAIL FOOD](#)” section tab.
- [Pennsylvania Food Safety Act \(3 Pa. C.S.A. §§5721 - 5737\)](#).
- Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food  
<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=110>
- FDA Food Facility Registration:  
<http://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/default.htm>
- FDA Food Labeling Regulations (21 CFR Part 101)  
<http://www.gpo.gov/fdsys/pkg/CFR-2008-title21-vol2/xml/CFR-2008-title21-vol2-part101.xml>
- Penn State University Extension Offices listed by county: <http://extension.psu.edu/counties>
- PSU Corporative Extension website for Food Entrepreneurs (persons looking to start a new food business):  
<http://extension.psu.edu/food/entrepreneurs>
- Code of Federal Regulations in electronic format: [www.ecfr.gov](http://www.ecfr.gov)  
Select Title 21 for Food and Drug regulations.
- Acidified Foods (21 CFR Part 114)  
<http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=114>  
**PSU Resource:** <http://extension.psu.edu/food/entrepreneurs/technology/acidified-foods>
- **Trademarks** - How to register a trademark with the United States Patent and Trademark Office  
<http://www.uspto.gov/trademarks/basics/index.jsp>
- Fruit butter, Jellies, Preserves and related products (21 CFR Part 150)  
<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=150>
- For information about scheduled Processes and a list of Process Authorities:  
<http://extension.psu.edu/food/entrepreneurs/process-authorities>
- For a list of co-packers in PA and more: <http://extension.psu.edu/food/entrepreneurs/co-packers>
- FDA Food Labeling Guide:  
<http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm2006828.htm>

- Nutritional Labeling Regulations (PSU Resource):  
<http://extension.psu.edu/food/safety/entrepreneurs/regulations/nutritional-labeling-regulations>
- Guidance for Industry, Food Labeling Guide:  
<http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm2006828.htm>

- **FDA FSMA Preventive Controls (PC) for Human Food**

The Pennsylvania Department of Agriculture (PDA) will adopt the new federal regulations as dictated by the Food Safety Act (3 Pa. C.S.A. §5733(f)) and will enforce all applicable provisions as of the effective compliance date. As Pennsylvania regulation, all PDA registered firms will be expected to comply with the applicable portions of the PC Rules regardless of FDA registration status, unless specifically exempted in the Rule. During inspections, PDA will evaluate whether a limited food establishment is affected by any portion of the rule to enforce the applicable required provisions.

Most PDA limited food establishments may be subject to the modified PC requirements which apply to any food establishment that has less than \$500,000 in gross annual sales (3 years average) AND the majority of the food is sold directly to a “qualified end-user\*\*”. The establishment is then subject to PC modified requirements including record-keeping and labeling.

*\*\* Qualified end-user is defined as a Consumer (who cannot be a business), or a Restaurant or Retail Food Facility (whose main function is to sell food directly to consumers) AND that is located in the same state or within 275 miles of your establishment.*

- To find the Code of Federal Regulations related to FSMA’s new Preventive Controls for Human Food Final Rule (21 CFR 117-- cGMPs, Hazards Analysis, and Risk-Based Preventive Controls for Human Food):  
<http://www.ecfr.gov/cgi-bin/searchECFR?idno=21&q1=117&rgn1=PARTNBR&op2=and&q2=&rgn2=Par>
- Click [here](#) and find attached the PDA Fact Sheet about FSMA Preventive Controls for Human Food.
- Click [here](#) for FDA Small Business Contacts.
- Click [here](#) for all Manufacturing Reference Sheet. The document is attached in the right hand margin.

**Pennsylvania Department of Agriculture  
Bureau of Food Safety and Laboratory Services**

**APPLICATION FOR LIMITED FOOD ESTABLISHMENT REGISTRATION**

PLEASE COMPLETE ALL INFORMATION AND SUBMIT TO THE DEPARTMENT

**SECTION 1**

**BUSINESS INFORMATION**

NAME OF BUSINESS \_\_\_\_\_

ADDRESS OF BUSINESS (LOCATION OF THE FOOD ESTABLISHMENT):

Facility Street Number and Name	City	State	Zip Code
County	Township/Borough		
(     ) _____ Phone Number	(     ) _____ Fax Number		
Email Address	(     ) _____ Cell Number or Alternate Phone Number		

MAILING ADDRESS (If Different Than Above):

Name	Street Address	City/State	Zip Code
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PROPRIETOR/OWNER TYPE:  SOLE PROPRIETOR  PARTNERSHIP

NON-PROFIT OR ASSOCIATION

LIMITED LIABILITY CO (LLC) OR PARTNERSHIP (LLP)

CORPORATION

LEGAL OWNER'S NAME BASED ON OWNER TYPE: \_\_\_\_\_  
(Examples: Mary Smith, Smith Inc., Mary's Little League Soccer or Smith LLC)

IF A "COMPANY", A COMPANY OFFICIAL NAME & TITLE: \_\_\_\_\_

OWNER MAILING ADDRESS (If Different Than Above Facility Address):

Owner Name	Street Address	City/State	Zip Code
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**SECTION 2****ZONING APPROVALS**

You must contact your local municipality (township office, borough office, town hall) to verify zoning approval to have a food business at this property.

Name of Municipality: \_\_\_\_\_

**I contacted my municipality on \_\_\_\_\_ (date) and confirmed that I can use this property or my residential home kitchen as the location for my limited food processing business.**

**Applicant Signature/Date** \_\_\_\_\_

**SECTION 3****WATER, SEWER, WASTE INFORMATION****WATER: The property is on, or will use: (Check which ONE applies)**

A public / municipal water supply.

Supplier: \_\_\_\_\_ (ex: PA American Water Company)

A non-public / non-municipal / private water supply (example: well water). **A current water test must be provided. Your water must be tested at a Department of Environmental Protection (DEP) approved water testing laboratory of your choosing. Total Coliform and Nitrate/Nitrite must be tested.**

**A current water test for my well is attached to this application.**

**Applicant Signature/Date** \_\_\_\_\_

**SEWER: The food establishment is on: (Check which ONE applies)**

A municipal/public sewage disposal system.

Name of Sewage Authority: \_\_\_\_\_

A non-public sewage disposal system (examples; Sand mounds, holding tanks). For on-lot sewage disposal systems, please contact the certified Sewage Enforcement Officer for your municipality and discuss if the current sewage disposal system is appropriate for your food establishment. This would not apply if the establishment is connected to an approved municipal supply, as listed above.

**I contacted my municipality regarding my on-lot sewage disposal system on \_\_\_\_\_ (date). To the best of my knowledge my on-lot system is adequate for my Food Establishment and functioning properly.**

**Applicant Signature** \_\_\_\_\_

**REFUSE:**

The food establishment refuse (trash) collector will be: \_\_\_\_\_ (company name)

## SECTION 4

### OTHER CODES

***\*Signature is required to affirm compliance with the appropriate requirements.***

A license to collect sales tax has been obtained or applied for. For information on applying for a sales tax license, contact the Pennsylvania Department of Revenue - (717) 787-8201. *A copy of the sales tax license or proof of application is attached to this application.*

OR

According to the PA Department of Revenue rules and regulations, I have determined that my business is exempt from collection of sales tax.

AND

I do not have any animals on the premise of this food establishment.

**I certify that the establishment is compliant with the above checked requirements and any required supporting documentation is attached.**

**\*Applicant Signature** \_\_\_\_\_

## SECTION 5

### BUSINESS PLAN SUBMISSION

Please provide, **in writing** as an attachment to this application, your business plan. At minimum address the following, if applicable:

1. Ingredient suppliers
2. Storage areas for equipment, food products and packaging
3. Types of equipment used in the production of the food
4. Production methods, including packaging methods (canning, overwrap, boxed)
5. Transportation methods to other locations or for delivery of products
6. How do you plan to sell the products? i.e., wholesale in state, wholesale out of state, internet, at a local farmers market, retail from the home, etc...
7. List the addresses of all locations from which you plan to sell your products--if you are retailing your product direct to the consumer. (ex: your home, a market, a roadside stand, local fire company, local fair)

## SECTION 6

### PRODUCT LABEL SUBMISSION

Packaged products must have appropriate product labeling. Labeling must at minimum include:

1. Name of the product
2. Ingredients, listed from most to least by weight
3. Allergen declaration, if needed
4. Name and address of the manufacturer or distributor
5. Net Wt. or count; placement on the bottom 1/3 of the primary panel and no less than 8 pt. font

A bakery item **made and sold** directly to a Commonwealth consumer **by the baker, or their employee**, (at the processing site or a satellite of the processing site such as a farmers market) does not require any labeling information

on the products or any form of display, but ingredient listing must be **available upon request**. All other baked good such as bake-off items or purchase baked goods must have full labeling. All other food products must have the required labeling.

Any food products being sold interstate must meet requirements for Nutritional Labeling and will additionally be under the jurisdiction of the US Food and Drug Administration. You should contact them directly to discuss requirements or exemptions to nutritional labels. Information can be found at [www.fda.gov](http://www.fda.gov) and searching on "Small Business Nutritional Labeling Exemption."

**I have submitted a sample or draft copy of my intended label(s) for review.**

**Applicant Signature** \_\_\_\_\_

## SECTION 7

### LABORATORY TESTING

The following products will need to have product testing. This testing is to assure the safety of the product and that it is a non-PHF food. Additionally, some testing is used to confirm branding (ex, jam vs. jelly). See "Limited Food" Establishment Requirements for details.

NOTE: Additional testing may be required by the Department at any time to determine the safety and branding of the product. If you are unsure of what testing, if any, you must do, please contact your Regional Office for guidance. Testing must be done by you at any food laboratory of your choosing.

1. Acidified or Acid Foods or Beverages: pH (acidity level)
2. Acid Food or Fermented food: pH
3. Dressings/Sauces/Salsa: pH and Available Water ( $a_w$ )
4. "Moist" breads/cakes, and some pies: Aw and pH
5. Jams and Jellies: Potentially 'Soluble Solid' for product identity if requested.
6. Any questionable product: pH and/or Aw

All laboratory test results must be submitted with this Plan Review Application. All products and product recipes must be tested. At any time a recipe changes or a new product is produced, additional product testing must occur. Producers should keep a copy of their product test results at their food establishments for review by the Sanitarian.

- Not applicable, I do not believe my products require testing.**
- I have submitted a copy of my product testing results, if applicable.**

**Applicant Signature** \_\_\_\_\_

## SECTION 8

### PRODUCTION INFORMATION

**ANTICIPATED DAYS & TIMES OF PRODUCTION / OPERATION (check any that might apply)**

Please list '**generally**' when you plan on processing / operating at this location.

- |                                    |            |                                   |            |
|------------------------------------|------------|-----------------------------------|------------|
| <input type="checkbox"/> Monday    | Time _____ | <input type="checkbox"/> Friday   | Time _____ |
| <input type="checkbox"/> Tuesday   | Time _____ | <input type="checkbox"/> Saturday | Time _____ |
| <input type="checkbox"/> Wednesday | Time _____ | <input type="checkbox"/> Sunday   | Time _____ |
| <input type="checkbox"/> Thursday  | Time _____ |                                   |            |

**TYPE OF ESTABLISHMENT (check which one applies)**

- This kitchen is a personal use kitchen at a home
- This kitchen is a home-style kitchen on a residential property, but not a personal use kitchen
- This kitchen is a home-style kitchen not located on a residential property but another location (Fire company, church, American Legion, VFW, or other)
- This storage / warehouse establishment is on a residential property (and not a separate structure from personal use areas).

**METHOD OF SALE (Check all that apply)**

- Retail only     Wholesale only     Both Retail and Wholesale     Internet Sales

**TYPE OF FOOD PRODUCTION/HANDLING (Check all that Apply)**

**\*\*ONLY NON-POTENTIALLY HAZARDOUS FOODS CAN BE MADE/ HANDLED BY A LIMITED FOOD ESTABLISHMENT.**

- |   |  |  |  |  |
|---|--|--|--|--|
| <input type="checkbox"/> Baked Goods              | <input type="checkbox"/> Dry goods       | <input type="checkbox"/> Dressings, Sauces | <input type="checkbox"/> Honey           | <input type="checkbox"/> Beef/Meat Jerky     |
| <input type="checkbox"/> Breads                   | <input type="checkbox"/> Cookies         | <input type="checkbox"/> Acidified Foods   | <input type="checkbox"/> Jams or Jelly   | <input type="checkbox"/> Maple Syrup/product |
| <input type="checkbox"/> Cakes                    | <input type="checkbox"/> Pies            | <input type="checkbox"/> Butters, Spreads  | <input type="checkbox"/> Candy           | <input type="checkbox"/> Beverage/Drink      |
| <input type="checkbox"/> Vinegars                 | <input type="checkbox"/> Dried Herb      | <input type="checkbox"/> Nut mixes         | <input type="checkbox"/> Dehydrated food |  |
| <input type="checkbox"/> Storage only/no handling | <input type="checkbox"/> Chocolate/fudge | <input type="checkbox"/> Other, list _____ |  |  |

Describe your product(s): (specific types, styles, packaging methods)

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**EMPLOYEE INFORMATION**

\_\_\_\_\_ # of anticipated employees (include yourself in this number)

Do you have an employee health policy?  YES or  NO

*An employee health policy establishes how to handle ill employees, including you, should they get ill or exposed to a potential foodborne pathogen. What will you do for an alternative production plan should you get sick? Do you understand what illness symptoms you may NOT work with? If you do not have a health policy prior to opening an employee health policy must be established, either written or verbal.*

**SECTION 9**

**PRODUCTION OPENING**

Anticipated date to begin production: \_\_\_\_\_

Date

### SECTION 10

This application, along with any other requested materials, as listed above, should be **submitted to you local Regional Office**, as listed on the cover letter.

The Applicant understands and agrees that this document is an application for registration of a "limited food" establishment. The applicant understands and agrees that only a "proprietor" may obtain a Limited Food Establishment Registration; and that a "proprietor" may be a person, partnership, association, or corporation operating a food establishment within the Commonwealth of Pennsylvania. The applicant verifies that it is a/an (circle one): **person, partnership, association, corporation, LLC or LLP**; and that it is the "proprietor" of the Limited Food Establishment that is the subject of this application. The applicant verifies that all statements and information in this application is true and correct to the best of the applicant's knowledge, information and belief; and makes these statements subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

**Please allow three- five weeks for processing of your plan review from the date of post marking.**

**You will be contacted by your Regional Food Sanitarian or Supervisor with your approval of this plan. Once your plans are approved your Sanitarian will schedule and conduct an on-site inspection.**

If your application and plan are disapproved, you will receive a written letter detailing why the application was disapproved. Applications can be re-submitted at any time.

Following a compliant inspection and payment of the registration fee you will be permitted to produce, and/or store, and sell your product. Your registration fee will be collected at the time of inspection. Your formal registration will be mailed to you within 60 days. Your inspection report will serve as your official approval until the registration card is received.

	
Business Official / Owner Signature	PRINT Name
	
Date of Birth	Date

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***There are NO fees associated with this Application.***  
**Registration fees will be collected at the time of the inspection and are as follows:**  
**(Payable to: Commonwealth of PA)**  
 New Registrations are \$35.00, at time of the first inspection  
 Annual Renewal is \$35.00 via USPS

**OFFICIAL USE ONLY**

**REGISTRATION:**  LIMITED FOOD PROCESSING  LIMITED FOOD STORAGE

**STANDARDS FOR REVIEW:** Chapter 57/CFR'S

**APPROVAL**  
PLANS APPROVED, DATE \_\_\_\_\_ APPLICANT CONTACTED, DATE \_\_\_\_\_ METHOD \_\_\_\_\_

**DISAPPROVAL**  
PLANS DISAPPROVED, DATE \_\_\_\_\_ LETTER MAILED TO APPLICANT, DATE \_\_\_\_\_

Reasons for denial: \_\_\_\_\_

**REVIEWING SANITARIAN:** \_\_\_\_\_

**\*\*REMINDER: IN ALL CASES, A FACILITY RECORD MUST BE CREATED IN PAFOODSAFETY AND THE APPLICATION SCANNED AND ATTACHED TO THE FACILITY RECORD.**