Residential Kitchen Permit Checklist

☐ Only non-potentially hazardous food can be made for retail sale in a home-based kitchen

☐ Retail sale only. No mail order or catalog sales allowed

☐ List of items to be prepared must be submitted along with application to the Board of Health

☐ Label examples must also be submitted with the application

☐ If home is served by a well, a water test must be submitted with application. Testing parameters must include coliform bacteria and chlorine levels.

☐ Attach to application a brief written description of what steps will be taken to prevent co-mingling of storage of food for public consumption with family food storage (refrigerated food as well as dry good storage).

☐ Fee of $50.00 made payable to the Town of Belchertown.

☐ Call Quabbin Health District office (413) 967–9615 to schedule an inspection.
Residential Kitchens Questions and Answers
Massachusetts Department of Public Health
Bureau of Environmental Health Food Protection Program
617-983-6712 305 South Street Jamaica Plain, MA 02130

There are an increasing number of private citizens preparing food products in their home kitchens for sale. Massachusetts allows its residents to operate home-based businesses to produce low-risk foods, such as cakes, cookies, breads, and confectioneries. Currently, the Massachusetts Department of Public Health Food Protection Program receives more than 200 inquiries per year from citizens interested in starting home-based food businesses. Home-based food businesses are allowed within specific regulatory limitations. Retail residential kitchen operations are restricted to sales directly to the consumer, and are inspected and licensed by the local board of health. Wholesale operations may sell their products to retail stores, restaurants, etc., and are inspected and licensed by the Massachusetts Food Protection Program. At the end of this brochure there is a list of regulations pertaining to retail and wholesale residential kitchens, as well as information.

Persons preparing food products must maintain a standardized recipe of the products used in the preparation of the food: listing all ingredients in order of weight. Any change in the recipe constitutes a recipe deviation, and a new analysis may be required.

**Are there labeling requirements for foods manufactured in a residential kitchen?**
Yes. All foods prepared in a residential kitchen must be labeled with all ingredients (in order of amount by volume), name of residential kitchen, address and/or phone number, and sell-by date, if required. Are there any personnel, marketing or volume restrictions for residential kitchens? Yes. First, only household members may be employed in the operation. Second, the use of brokers, wholesalers, and warehouses by residential kitchen operators to store, sell, and distribute foods prepared in residential kitchens is prohibited. Food products manufactured in Massachusetts’s residential kitchens may not be sold out-of-state (in interstate commerce), because the U.S. Food and Drug Administration do not recognize these foods as originating from an approved source.

**What kinds of foods may be prepared in a residential kitchen?**
Residential kitchens are strictly limited to the preparation of non-potentially hazardous foods (non-PHFs), such as baked goods, confectioneries, jams and jellies. Non-PHFs, such as cakes and cookies, which have PHF ingredients, are acceptable.

**What types of processing operations are prohibited in a residential kitchen?**
Processing operations that are prohibited include: acidification, hot fill, and 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. To evaluate the non-potentially hazardous status of a food, what type of laboratory analysis may a board of health or the Massachusetts Department of Public Health request? The board of health or the Massachusetts Department of Public Health may require laboratory documentation that the food has a final pH of 4.6 or below or a water activity of 0.85 or below. When reporting results, the laboratory must reference the standardized testing procedure. Residential kitchen operators must keep records of analysis of products on file for review. The following are answers to some of the most commonly asked questions about residential kitchen operations.

**What kinds of foods may not be prepared in a residential kitchen?**
The preparation and sale of potentially hazardous foods (PHF) such as cream-filled pastries, cheesecake, custard and other foods, which can support the growth of disease-causing bacteria, are strictly prohibited. In addition, perishable foods that require refrigeration, such as cut fruit and vegetables, tomato and barbeque sauce, pickled products, relishes and salad dressings are not permitted in residential kitchens. Also, all foods that are manufactured or packaged using processes that requires state or federal control (e.g., acidification, hot fill, vacuum packaging, etc) are prohibited.
Garlic-in-oil products are not permitted.

**License Applications**
A residential kitchen that *wholesales* its product is required to obtain a *License for Food Processing and/or Distribution at Wholesale* from the Massachusetts Department of Public Health. An application for a License to Manufacture and/or Distribute Food at Wholesale is available at [http://mass.gov/dph/fpp/pdf/foodapplication.pdf](http://mass.gov/dph/fpp/pdf/foodapplication.pdf) a guidance document, "Notice for Applicants"

<table>
<thead>
<tr>
<th>Massachusetts Residential Kitchens Regulations</th>
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<tbody>
<tr>
<td><strong>Retail Sale:</strong></td>
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<tr>
<td>• 105 CMR 590.000 <em>Minimum Sanitation Standards for Food Establishments, Chapter X</em></td>
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<tr>
<td>• 105 CMR 520.000 <em>Massachusetts Labeling Regulations</em></td>
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<td><strong>Wholesale:</strong></td>
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<tr>
<td>• 105 CMR 500.000 <em>Good Manufacturing Practices</em></td>
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<tr>
<td>• 105 CMR 520.000 <em>Massachusetts Labeling Regulations</em></td>
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Unofficial copies of all these regulations are available at: [http://mass.gov/dph/fpp/regs.htm](http://mass.gov/dph/fpp/regs.htm)
Plan Submittal Requirements for Residential Kitchen Applications

Only non-potential hazardous foods can be made for retail sale in a home-based kitchen. Retail sale only. No wholesale, mail order or catalog sales allowed.

List items to be prepared for sale

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☐ Attach copy of labels for each product to be prepared

☐ Attach copy of water test results- if home is served by a well. Testing parameters must include coliform bacteria and chlorine levels.

Provide a brief description of what steps will be taken to prevent co-mingling of storage of food for public consumption with family food storage. (refrigerated foods as well as dry goods storage.

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Provide a brief description of existing sinks and additional equipment to be used for wash-rinse-sanitize procedure. (Examples- use kitchen two bay sink to wash and rinse, use large basin for sanitizing step. Use dishwasher to wash and rinse, use existing sink for final sanitizing step.)

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General Application for Permit

Name of Establishment ___________________________ Date ________________

Business Address ______________________________ Telephone ___________________

Mailing Address (if different) ____________________

Name & Title of Applicant _________________________ Telephone ___________________

Address of Applicant ____________________________ Home Phone ____________________

Name of Owner (if different from applicant) ________ Telephone ___________________

If corporation or partnership, give name, title & home address of officers or partners.

Name ____________________ Title ________________ Home Address ___________________

Name & Address of Local Agent _____________________

Emergency Response Person: Name ____________________

<table>
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<tr>
<th>Type of Establishment</th>
<th>Fee</th>
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<tbody>
<tr>
<td>Food Establishment</td>
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<td>Bakery</td>
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<td>Frozen Dessert</td>
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<td>$75.00/200.00</td>
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<td>LTD/ Type II Food</td>
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<tr>
<td>Milk &amp; Cream</td>
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<tr>
<td>Mobile Food Unit</td>
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<tr>
<td>Residential Kitchen</td>
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<tr>
<td>Catering</td>
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<td>Tobacco License</td>
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Duration of Permit

Annual ( )

Other ( )

If not annual please list dates of operation: _______________________________
Pursuant to M.G.L., Ch. 62C, Sec 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

Social Security Number or Federal Identification Number

Signature of Individual or Corporate Name

By

Corporate Officer (if applicable)

FOR BOARD OF HEALTH USE ONLY

<table>
<thead>
<tr>
<th>Date Received</th>
<th>Latest Date</th>
<th>Approved By</th>
<th>Permit #</th>
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Food Handling in a Residential Kitchen

❯ Start with a clean kitchen. Make sure counter tops, baking utensils, pans, etc., are washed, rinsed and sanitized using a mixture of 1 teaspoon of bleach to 1 quart of water that is allowed to remain on the surface for 1 minute. You may let them air dry or wipe them with a paper towel. No odor will remain, and it will not affect the taste of any product.

❯ Provide an anti-bacterial, pump-type soap and paper towels for hand washing at the kitchen sink.

❯ All Refrigerators and Freezers must have thermometers. Choose a plastic bulb-type one, which has a red liquid indicator. Refrigerators should stay at or below 40° F and freezers should be at 10°F.

❯ Pick a time for food preparation when you won’t be disturbed or distracted. Pets are not allowed, and small children should not be in the kitchen while you are cooking. Plan to cook, cool and store items before or after regular family cooking.

❯ Use all fresh ingredients, which have not been previously used for family food preparation. This includes but is not limited to, milk and/or juice from an unopened container, un-cracked eggs, and previously unwrapped butter.

❯ In addition to washing your hands before food preparation, remember to wash them again after coughing, sneezing, or taking a break.

❯ If you must leave during food preparation, cover all batter/dough in bowls, etc. to guard them against contamination.

❯ Whenever possible, bake and sell baked goods in the same disposable pan.

❯ Pick a cooling area protected from family and pets to prevent “sampling”.

❯ Make baked goods as close to the event as possible and store, when necessary, tightly wrapped in a cool dry area segregated from the family’s food.

❯ Items maybe baked, cooled, wrapped and frozen a few weeks ahead. Thaw unwrapped a few hours before use.
CORRECT LABEL

SWEET BREAD MASSA

Ingredients: Flour (bleached wheat flour, malt barley, flour, niacin, iron, potassium thiamine, thiamine mononitrate, riboflavin), Sugar, Eggs, Water, Milk (milk, dipotassium phosphate, carrageenin, vitamin D3), Margarine (liquid soybean oil, partially hydrogenated soybean oil, water, salt, whey, soybean lecithin, vegetable mono & diglycerides, sodium benzoate as a preservative, potassium caseinate (a protein), artificially colored, artificially flavored, vitamin A, dalmitate added), Yeast, Salt (salt, yellow paussiate of soda)

Sell By: 6/22/96

Net Weight: 16 Ozs. 1 pound (462 grams)

John's Bakery
412 Main Street
Taunton, MA 02780

KEY TO CORRECT LABEL

1. Common or usual name of product. (21 CFR 101. & 105 CMR 520.101)

2. List of ingredients includes a break-down of ingredients which have sub ingredients. (21 CFR 101.4 & 105 CMR 520.104)
3. There is a minimum type size for any item on the label and that is 1/16 inch, however this varies by size of label, and regardless of the type size all labeling and type size must be clear, legible and not misleading. (21 CFR 101.2 (c) & 105 CMR 520.102 (c))

4. Net weight: must include ounces and pounds up to a certain size and then metric weight. This must be in the lower third of label. (21 CFR 101.105 & 105 CMR 520.205)

5. Open dating: all perishable or semi-perishable products (less than 90 day shelf life) must be open dated. In addition the open date must be preceded by the words: Sell By: or Best if used by:. There is an exception for fresh bread to use a color code twist tie, different color for each day of week. (105 CMR 520.119)

6. Name and address of manufacturer: (Must include a street address if the firm is not listed in the local phone book under that name) Can not be a Post Office Box. If the name and address at the bottom is not that of the manufacturer there must be a statement describing the relationship such as manufactured for, distributed by, packed for. (21 CMR 101.5 & 105 CMR 520.105)

RESOURCE INFORMATION ON LABELING

- Principal display panel: (21 CFR 101.1 & 105 CMR 520.101)

- Information panel: (21 CFR 101.2 & 105 CMR 520.102)

- Identity labeling of food: (21 CFR 101.3 & 105 CMR 520.103)

- Misbranding of food: (21 CFR 101.18 & 105 CMR 520.118 & M.G.L. C. 94 sec. 187)

- Mandatory labeling information: (105 CMR 520.020)

- Misleading containers: (21 CFR 100.100)

- Nutrition labeling: (21 CFR 101.9 & 105 CMR 520.109)

- Natural and Organic labeling: (105 CMR 520.116)