



NEW YORK STATE HOME PROCESSOR REGISTRATION

Section 276.3 of the New York State Agriculture and Markets regulations states in part that "Home processed food... shall mean any food processed in a private home or residence using only the ordinary kitchen facilities of that home... but shall exclude potentially hazardous food..."

NOTE: Commercial equipment is not considered ordinary kitchen facilities.

NOTE: If on a private water system (well) resident must have a water test analysis performed for Coliform, and include a copy of the test results with application, before a home processor can be registered.

NOTE: Direct internet sales (commercial on-line transactions) are prohibited under this exemption. Use of the internet for communication or promotional purposes is permissible. This exemption does not allow for home processors to make specialty items, such as birthday cakes, wedding cakes, etc.. Furthermore, it does not allow for direct sales of product from the home.

All items are for wholesale marketing or retail agricultural venues such as farms, farm stands, farmers markets, green markets, craft fairs and flea market within New York State and must be properly labeled. Product labels are required to contain the following information: common/usual name of the product, ingredient list in predominance by weight, net quantity of contents, and processor name and full address.

In order to protect public health and to minimize the potential of food product adulteration, this exemption is restricted to the following non-potentially hazardous home processed foods.

- Breads (**No Fruit/Vegetable breads i.e. Banana Bread, Zucchini Bread, Etc.)**)
- Rolls
- Cookies
- Cakes
- Cupcakes
- Brownies
- Fudge
- Double-crust fruit pies
- Traditional jams, jellies, and marmalades made with high acid/low pH fruits.
- Repacking/blending of commercially dried spices or herbs.
- Popcorn/Caramel corn
- Peanut brittle
- Granola (using commercially processed nuts)
- Candy (excluding chocolate) – **tempering chocolate for molding or dipping is not allowed.**

Any finished food product that requires refrigeration is **not** allowed to be produced as a Home Processor.

Some examples of prohibited items include, but are not limited to:

- Breads containing Fruits or Vegetables
- Pickled or Fermented Foods
- Cheesecake, Cream Filled Pastries
- Meat, Fish, or Poultry Products
- Vegetable Oils, Blended Oils
- Any Products Containing Raw Nuts
- Chocolate Candy/Products Dipped in Chocolate
- Wine Jellies, Vegetable Jellies, Chutneys, Fruit Butters
- Cooked or Canned Fruits or Vegetables
- Cheese, Yogurt, Fluid Dairy Products
- Sauces, Salsas, Marinades
- Custom Cakes, Cupcakes, Cookies etc.

NOTE: Pet foods and pet treats are also excluded from home processing. For more information related to manufacturing and distributing pet foods, please contact cory.skier@agriculture.ny.gov

Home processors whose residences contain separate segregated facilities for food processing, may apply for licensing under Article 20-C.

NOTE: Homeowners should consult with local zoning officials for approval before commencing any home based business.

Completed [form FSI-898c](#) and water test results when required, can be e-mailed to: agr.sm.hpregistrations@agriculture.ny.gov or mailed to:

NYS Department of Agriculture and Markets
Food Safety and Inspection
10B Airline Drive
Albany, NY 12235

FAQ's:

Q. How long does it take to receive my approval for home processing from your Department?
A. Approval generally takes two weeks.

Q. Do I need to have my kitchen inspected?
A. Kitchens are reviewed on a complaint basis only.

Q. Can I have a website?
A. Although internet sales are prohibited under this exemption, Home Processors are allowed to have websites to indicate where their products will be available, (i.e. what farmers markets). This exemption does not allow for home processors to make specialty items, such as birthday cakes, wedding cakes, etc. per order. Furthermore, it does not allow for direct sales of product from the home.

- Q.** Are interstate sales allowed?
- A.** No, all home processed foods can only be sold within New York State.
- Q.** What information needs to be on my label?
- A.** Product labels are required to contain the following information: common/usual name of the product, ingredient list in predominance by weight, net quantity of contents, and processor name and full address.
- Q.** Do I have to put my home address on the label?
- A.** The place of business shall include the street address or PO Box, city, State and ZIP code. However, the street address may be omitted if the address can be found via telephone directory or internet.
- Q.** Why are Fruit/Vegetable breads prohibited under this exemption?
- A.** Fruit/Vegetable Breads often contain a high moisture content which requires refrigeration. Refrigerated products are not allowed as a registered Home Processor.
- Q.** Why is tempering Chocolate for candy and/or dipping not allowed?
- A.** Chocolate and chocolate-like products have been implicated in food borne illnesses. Melting chocolate is not a thermal process (not a control step). Chocolate melts at very low temperatures.
- Q.** Am I required to obtain liability insurance?
- A.** The Department does not mandate you to obtain insurance. Consult an attorney or an insurance professional to discuss your product liability concerns and risks.
- Q.** Can I get a home processor license exemption in order to make products for me to sell at my store or restaurant?
- A.** No. The home processor license exemption is not available to anyone who holds a DOH permit or Ag & Markets license. When a license or permit is held, all foods offered for commercial sale must be made at the licensed or permitted facility.
- Q.** Can I make items other than those listed? Why am I limited to these items?
- A.** The home processor license exemption is limited to foods where there is not a history of food borne illness and the nature of the products makes illness unlikely.
- Q.** Why can't I make certain items, such as peanut butter or items requiring refrigeration, from my home?
- A.** Items where there are concerns for the product safety, including products where there is not a pathogen kill step, products which have been implicated in outbreaks, products considered Temperature Controlled for Safety or Potentially Hazardous Food, among others, are not allowed to be made in an unlicensed and uninspected facility.

The exemption relates only to Article 20-C licensing. The exempt firm will be subject to registration by the Department of Agriculture and Markets. For more detailed information, please contact the nearest regional office.

REGIONAL OFFICES

<u>NEW YORK</u> (718) 722-2876	<u>NEWBURGH</u> (845) 220-2047	<u>HAUPPAUGE</u> (631) 952-3079	<u>ALBANY</u> (518) 457-5459	<u>SYRACUSE</u> (315) 487-0852	<u>ROCHESTER</u> (585) 427-2273	<u>BUFFALO</u> (716) 847-3185
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