



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Environmental
Conservation

DIVISION OF ENVIRONMENTAL HEALTH
Director's Office

555 Cordova Street
Anchorage, AK 99501
Phone: 907.269.7644
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www.dec.alaska.gov

March 9, 2018

The Honorable Representative Neal Foster, Co-Chair
The Honorable Representative Paul Seaton, Co-Chair
House Finance Committee
State Capitol
Juneau, AK 99801

Dear Representatives Foster and Seaton,

The Department of Environmental Conservation respectfully asks the House Finance Committee to consider the Department's concerns with House Bill 217, Raw Milk Sales; Food Exempt from Regs (HB217 or "bill"). These concerns apply only to Section 5 of the Committee Substitute version approved by the House Resources Committee on February 19, 2018.

While we appreciate the sponsor's intent to encourage and promote the growth of our local food industry, it is the Department's statutory responsibility to ensure that food sold or offered to the public is safe for human consumption. This bill essentially removes the Department's authority to regulate small-scale producers of almost every food-related activity in this state that currently requires a permit and for which the Department has established standards.

Background

The Department understands and appreciates the reality that there must be a balance between regulation and risk. Not all food produced in Alaska is regulated. In response to a rapidly expanding local food system, in 2012 the Food Safety & Sanitation (FSS) program worked with small-scale food producers and farmers markets to make changes to the Alaska Food Code that significantly reduced regulatory oversight of non-potentially hazardous foods sold directly to the consumer. These "cottage food" rules currently in effect have opened the door to hundreds of small, home-based operations that currently make foods for sale at farmer's markets and similar venues.

These exemptions at 18 AAC 31.012 were very carefully crafted to maintain an acceptable level of risk by prescribing the types of foods allowable (non-potentially hazardous), sales value limitations, labeling requirements, and face-to-face sales to make sure consumers could ask questions about allergens and also observe the health and sanitation of the food processor. Additional information about cottage foods and the Alaska Food Code are included with the enclosed April 2017 letter to the House Resources Committee Co-Chairs.

In the years following Alaska’s adoption of its cottage food exemptions, other states have adopted similar rules for “food freedom”, which contain comparable stipulations for allowable food types, labeling, face-to-face sales, and gross sales.

HB217 Concerns

Our existing permitting requirements for non-cottage food producers are intended to make sure their process produces a safe end product. The general public expects this, and has an assumption that food offered for sale is safe to eat because of the current requirements in place for all food producers. This bill would eliminate that trust, and introduce real risk to the Alaskan population including children, seniors, and those with compromised immune systems.

Specifically, the bill would exempt essentially any food product (except poultry) from Department oversight, regardless of a product’s inherent or process-related hazards that require time or temperature control for safety to limit pathogenic microorganism growth or toxin formation. Examples of food products that fall into this category include raw milk, molluscan shellfish, garlic-in-oil mixtures, smoked vacuum-packaged salmon, and canned salmon. While we recognize that producers do not intentionally introduce pathogens that may cause customers to get sick, negative health outcomes associated with these products when not properly handled include illness outbreaks related to pathogens in raw milk (*Brucella*, *Listeria*, *Salmonella*, *Campylobacter*, *E. coli*, etc.), shellfish (Paralytic Shellfish Toxin, *Vibrio parahaemolyticus*, Hepatitis A, norovirus), and other processed foods (Hepatitis A, *Salmonella*, *E. coli*, *Listeria*, *Clostridium perfringens*, *Clostridium botulinum*, etc.).

The bill would also hamper the public health authorities’ ability to determine the extent of an outbreak, trace contaminated product to its source, and mitigate subsequent illnesses. Primarily, this would be due to the inability of the Department to maintain an inventory of processors and lack of authority to access physical facilities where food products are produced, processed, packaged, and held. With an absence of sufficient labeling requirements, traceability would be near impossible. While the bill does state that the Department “may inspect or investigate food when investigating a food-borne illness”, this clause is wholly insufficient to respond and mitigate an outbreak.

For example, in the case of a botulism outbreak caused by faulty canned salmon — which could be exempt from all licensing, permitting, certification, packaging, and inspection requirements under this bill — the Department would be unable to mitigate further illness by requiring the processor to stop selling the product and issue a recall. Even if the Department was able to acquire a sample of the food for inspection, the processor would not have been required to have any record of the day it was made, who it was sold to, what process was used that may have led to the contamination, etc. Any allowable ‘investigation’ would be ineffective due to the exemptions provided for in HB217.

HB217 retains sections of the Alaska Food, Drug and Cosmetic Act dealing with the sale and labeling of frozen meat, fish, poultry (AS 17.20.044), misbranding halibut (AS 17.20.045), and labeling and advertisement of halibut, salmon, and sablefish products (AS 17.20.048). All other sections dealing with adulterated (AS 17.20.020) and misbranded products (AS 17.20.040) would not apply to producers that meet the exemption criteria outlined in the bill. This means that even if the

Department was aware of a product that could cause serious illness or even death due to adulteration or misbranding (e.g., allergens not declared, poisonous ingredients or additives in the product), or a product was labeled in a way that was false or misleading, there is no recourse because the product and operation would no longer be subject to those statutes.

In addition to the substantial concerns described above, the Department has other concerns with the bill including:

- HB217's definition of "farmers market", which is considerably different than the definition already in place in the Alaska Food Code at 18 AAC 31.990.
- The term "private facility" in Sec. 17.20.335(b) is confusing as a home is "private" but a "facility" implies a commercial operation.
- As a home-rule entity, the Municipality of Anchorage has developed its own "cottage food" rules for products produced and sold in its jurisdiction, including permit, certification, and labeling requirements, which would not be affected by this bill, despite the labelling requirements implied in the bill.
- Significant efforts and funding have been invested in the marketing and promotion of Alaska's wild seafood. Food-borne illness outbreaks related to these products could negatively impact this work, damage Alaska's reputation, and affect the value of these vital industries.
- The parity between food producers would become imbalanced, disadvantaging the producers that make more than \$25,000 per year. For example, a smoked salmon company that is making more than \$25,000 would still be required to abide by the science- and health-based standards in the Alaska Food Code in order to sell to wholesale and retail markets, but a home cook could directly compete with them without having had to invest in this process.

Conclusion

The Department remains willing to work with the bill sponsor and supporters to work on solutions that will continue to grow the local food economy while also keeping the risk of food-borne illness at an acceptable level. Some solutions we have offered recently are described in the enclosed letter to Diana Rhoades, Legislative Director to Representative Tarr. Other solutions, specific to the request from food hubs, have been discussed internally, and we hope to expand those discussions to include external stakeholders in the coming months.

As always, the Department welcomes any opportunity to provide additional information to the Committee or any interested legislator. Please do not hesitate to ask any questions or request additional information on any of the topics discussed above.

Sincerely,



Christina Carpenter
Director

Representatives Foster and Seaton
HB 217

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March 9, 2018

Cc: Dr. Jay Butler, Chief Medical Officer, Department of Health & Social Services
DeeAnn Fetko, Deputy Director, Environmental Health Services, Municipality of
Anchorage

Enclosures:

Letter to House Resources Committee Co-Chairs, April 21, 2017, with Enclosures

Letter to Ms. Diana Rhoades, Legislative Director to Representative Tarr, November 29, 2017



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April 21, 2017

The Honorable Representative Geran Tarr
The Honorable Representative Andy Josephson
Co-Chairs, House Resources Committee
State Capitol
Juneau, AK 99801

Dear Representatives Tarr and Josephson,

Safe food for all Alaskans is an important goal of the Department of Environmental Conservation. Within the Department, the Division of Environmental Health's mission is to provide clear standards and technical assistance to food processors and retail food facilities, and to ensure compliance with these scientifically-based regulations to prevent food-borne illness.

Recognizing the relatively low risk of some small-scale food producers, the Alaska Food Code (18 AAC 31) was amended in 2012 to exempt non-potentially hazardous foods from permitting, inspection, and fee requirements if certain conditions are met. Foods that falls under this exemption are commonly referred to as a "cottage foods."

With this letter, the Division is providing you materials that have been created to educate potential cottage food producers in Alaska about what is required to qualify for the exemption. These materials, along with other helpful links and resources, are also available on the Division's Food Safety and Sanitation program website at http://dec.alaska.gov/eh/fss/Food/Cottage_Food.html.

In addition to the Division's food safety program, the Municipality of Anchorage has ordinances enacting their own standards and requirements for food businesses within its boundaries. The majority of the Municipality's rules are the same as the Alaska Food Code; however, there are instances where the Municipality is more restrictive. Cottage food regulation is one of those areas, and this inconsistency has been the cause of significant frustration by some food processors that are exempt under state regulation but subject to regulations and fees when processing and selling the same foods within the Municipality. Information about the status of cottage food ordinances in the Municipality, which are currently under review, is also enclosed with this letter. Additional resources and information can be found on their website at <https://www.muni.org/Departments/health/Admin/environment/FSS/Pages/fssfood.aspx>.

Regarding the raw milk provisions in HB 217, while the Division has concerns with the proposal to allow retail sale of unpasteurized milk, we are even more concerned with the current wording of the bill that would also make raw milk exempt from all regulatory oversight (Section 3. AS 17.20.335). It is not clear if that was the intention of the bill sponsor, and we welcome a deeper discussion with you on this topic.

The Division of Environmental Health is eager to work with you, the entire House Resources Committee, and other stakeholders to address issues that will enable greater food security and economic opportunity in Alaska, while at the same time being protective of public health. I invite you to please reach out to Alida Bus at your convenience to set up time to discuss HB 217, or alternatively, please feel free to ask her any questions that you may have. Alida can be reached at alida.bus@alaska.gov or at (907) 465-5871.

Sincerely,



Christina Carpenter
Director

Cc: Alida Bus, Legislative Liaison, DEC
Kimberly Stryker, Food Safety and Sanitation Program Manager, DEC

Enclosures

DEC/Food Safety and Sanitation

- Cottage Food Brochure
- Cottage Food Exemptions Factsheet
- Cottage Food Placards
- Cottage Food Product Testing Factsheet
- Understanding Cottage Foods Exemptions Factsheet

UAF/Cooperative Extension Service

- Guide to Operating a Successful Home-Based Food Business

Municipality of Anchorage

- Produce and Cottage Food Vendor Guidance for the 2017 Season
- Farmer's Market Food Vendor Letter

Cottage Food Regulations

On June 25, 2012 new changes in the Alaska Food Code allow producers to make low hazard foods in their homes for sale directly to consumers if certain requirements are met.



To ensure that your product(s) have the proper pH and Aw to be considered non-potentially hazardous, have your product tested.

Product testing is available at:

ADEC

Environmental Health Lab
5251 Dr. Martin Luther King Jr. Ave
Anchorage, AK, 99507-1251
(907)375-8231

Cooperative Extension Service,

Attn: Test Kitchen
308 Tanana Loop
Fairbanks, AK 99775
(907)474-5391

Kodiak Seafood and Marine Science Center

Attn: Chuck Crapo
118 Trident Way
Kodiak, AK 99615



**Alaska Department of
Environmental Conservation**
Division of Environmental Health
Food Safety and Sanitation
Program

For more information on
Food Safety and Sanitation Program visit:
<http://dec.alaska.gov/eh/fss/index.htm>

For questions on these regulations or other food safety
topics call:
(907)269-7501 or 1-877-233-3663



NEW COTTAGE FOOD REGULATIONS

*The Food Safety and Sanitation Program
protects public health at regulated food,
seafood and public facilities. We
collaboratively work with these facilities
to prevent illness, injury and loss of life
caused by unsafe sanitary practices.*

**Alaska Department of Environmental
Conservation**
Division of Environmental Health
Food Safety and Sanitation Program
555 Cordova St, Anchorage AK 99501
Phone: (907)269-7501/Fax (907)269-7510
<http://www.dec.alaska.gov/eh/fss/index.htm>

New– Alaska Cottage Food Regulations



On June 25, 2012 new **Alaska Food Code** regulations were adopted to allow the sale of non-potentially hazardous foods directly to the consumer without a permit if certain conditions are met.

What does a food producer need to do to fall under this exemption?

- Have and provide detailed knowledge about the ingredients of the food product and how it was processed, prepared and packaged.
- Have the food product recipe or formulation available in case there is ever a concern about the safety of the product.
- For a pickled or dried the producer would need to have information available about the pH or water activity. *Producers may work with Alaska Cooperative Extension, or test their product to show that the product is safe.*
- Process, prepare, package, and sell the product *only* in **Alaska**.
- Sell **directly to the consumer** by an individual who knows what ingredients

were used to make the product and how the food was prepared and packaged. This individual must be able to answer consumers' questions about the product, including whether allergens are present in the food product.

- In order to qualify for the exemption, the processor may not distribute the product to stores or restaurants or by mail order or on consignment.
- Keep total gross receipts of sales of food items to show gross sales do not exceed \$25,000 within a calendar year.
- If the food **is not** prepared in a permitted, approved, or inspected kitchen, inform the consumer by a card, placard, sign, or label placed in a conspicuous area that states the following:

“THESE PRODUCTS ARE NOT SUBJECT TO STATE INSPECTION”

- Label packaged food with either
 - Alaska business License number **or**
 - the name, physical address, and telephone number of the individual who prepared the food to allow DEC to trace the product back to the producer if there is a problem or complaint.



What is a non-potentially hazardous food?

Foods that do not support the growth of dangerous bacteria because of their water activity values, pH values or a combination of the two.

Examples of non-potentially hazardous foods:

Jams, jellies, pickled vegetables, bread, kettle popcorn, confections, trail mix, granola, tortillas, fry bread, fermented fruit and vegetable products, pastries, and waffle cones.

A good method to determine whether a product is non-potentially hazardous is whether it requires refrigeration to keep it safe or preserve it. If it does not require refrigeration, it is most likely non-potentially hazardous.

If a producer is unsure about the safety of their product or whether it requires refrigeration for safety, they should contact their local Cooperative Extension Office or ADEC.



Alaska Department of
Environmental Conservation
Division of Environmental Health
Food Safety and Sanitation Program

For more information on
Food Safety and Sanitation Program visit:
<http://dec.alaska.gov/eh/fss/index.htm>

For questions on these regulations or other
food safety topics call:
(907)269-7501 or 1-877-233-3663



COTTAGE FOOD EXEMPTIONS

Food sold under the Alaska Food Code exemption [18 AAC 31.012\(a\)](#).

Alaska Food Code allows for the sale of non-potentially hazardous foods sold directly to the consumer without a permit as long as certain conditions are met. For food to fall under this exemption it must be sold directly to the consumer, gross sales must not exceed \$25,000, and must be properly labeled per the exemptions.

WHAT FOODS ARE EXEMPT?

There are many foods that fall under this exemption, including:

Baked Goods

- Breads (or similar baked goods)³
- Cakes (including celebration cakes)³
- Sweet breads and muffins that contain fruits or vegetables (e.g. pumpkin or zucchini bread)³
- Cooked fruit pies³
- Cookies³
- Baked goods that contain alcohol (e.g. rum cake)
- Crackers³

Bottled/Jarred Items

- Jams and jellies in glass jars that can be stored at room temperature³
- Vinegars (including flavored vinegars)³
- Mustards²
- Extracts – including vanilla and lemon extract³
- Pickles²
- BBQ Sauces²
- Salsas²
- Relishes²
- Ketchup²
- Bottled carbonated beverages³
- Juices (berry and rhubarb)²

Candies/Confections

- Fudge³
- Truffles³
- Brittles³
- Chocolate covered pretzels, marshmallows, graham crackers, or fruit.³

Fermented Products

- Kombucha^{2 or 3}
- Fermented fruit and vegetable products (e.g. sauerkraut and kimchee)²

Other Products

- Baked product mixes (e.g. pancake, cake, or cookie mix)³
- Dried soup or dip mixes³
- Dehydrated vegetables or fruit³
- Popcorn, popcorn balls³
- Dry herbs and dry herb mixtures³
- Dried pasta made with eggs¹
- Nuts: coated or uncoated³
- Roasted coffee and dried tea
- Waffle cones³
- Tortillas³
- Flat Breads (including elephant ears)³
- Fruit Leathers³

The superscript refers to the type of product testing that must be done to demonstrate that the product is not potentially hazardous. View the [Cottage Food Product Testing Factsheet](#) for more information.

1. Water activity test must be done on the product and kept on file.
2. PH test must be conducted on the product and kept on file.
3. Recipe and description of process must be kept on file.

WHAT FOODS ARE NOT EXEMPT?

Potentially hazardous foods that require time and/or temperature control for safety are not allowed to be produced under this exemption. Examples of foods that are not allowed include:

- Meat and meat products including fresh and dried meats (jerky)
- Fish and fish products (e.g. smoke salmon, canned salmon, etc.)
- Raw seed sprouts
- Garlic in oil mixtures
- Baked products that require refrigeration (e.g. cheesecake, custards, lemon meringue)
- Cheeses
- Dairy products (including ice cream)
- Non-acidic canned foods (i.e. canned vegetables that are not pickled or fermented)
- Pesto
- Fresh vegetable juices
- Food products made with cooked vegetable products that are not acidified
- Bottled Water



Alaska Department of Environmental Conservation
Division of Environmental Health -Food Safety and Sanitation Program
555 Cordova St, Anchorage AK 99501
Phone: (907)269-7501/Fax (907)269-7510
<http://www.dec.alaska.gov/eh/fss/index.htm>



COTTAGE FOODS PLACARDS

Food products that are sold directly to consumers, within the State of Alaska, must have the statement "THESE PRODUCTS ARE NOT SUBJECT TO STATE INSPECTION," if the food is not processed, prepared, or packaged in a permitted, approved, or inspected facility. The statement must be displayed on a card, placard, or sign that is conspicuously posted at the point of sale, or conspicuously displayed on each food product that is packaged. Below are some examples of postcard sized placards that can be printed off and cut out for display.

**THESE PRODUCTS ARE
NOT SUBJECT TO STATE
INSPECTION**

Alaska Food Code 18 AAC 31.012(7)

**THESE PRODUCTS ARE
NOT SUBJECT TO STATE
INSPECTION**

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**THESE PRODUCTS ARE
NOT SUBJECT TO STATE
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Alaska Food Code 18 AAC 31.012(7)

**THESE PRODUCTS ARE
NOT SUBJECT TO STATE
INSPECTION**

Alaska Food Code 18 AAC 31.012(7)



COTTAGE FOOD PRODUCT TESTING

Food sold under the Alaska Food Code exemption [18 AAC 31.012\(a\)](#).

WHY ARE FOODS REQUIRED TO BE TESTED?

The regulation requires that documentation of demonstrating product safety be provided upon request. You must demonstrate that either pH, water activity, or both are sufficient to prevent dangerous bacteria from growing. Please see the [Cottage Food Exemption](#) factsheet for information regarding what type of testing is required for the type of product

WHAT KIND OF TESTING DO I NEED TO DO?

For products like salsas, pickled vegetables and fermented foods a pH test result of 4.6 or below is needed. For products like dehydrated foods a water activity test result of 0.88 or below is required.

I WANT TO SELL BAKED GOODS. DO I NEED TO GET A WATER ACTIVITY OR PH TEST?

If your baked goods are nonpotentially hazardous (i.e. no cream cheese frosting, custards, meringues, etc) then the only documentation that you will need to provide is recipe formulation.

WHERE CAN I GET MY PRODUCT TESTED?

Any number of Food Labs would be able to test your product. You can check around locally to see if anyone can provide that service. Otherwise [Alaska DEC Environmental Laboratory Services](#) or Cooperative Extension Services can provide pH and water activity testing at a minimal cost. You can also purchase your own water activity or pH meter to test your product.

HOW MUCH DOES IT COST TO GET MY PRODUCT TESTED?

Testing costs may vary depending on where you get your product tested. Water activity and pH testing done through the [Alaska DEC Environmental Laboratory Services](#) (a pH test is \$20 and water activity is \$10 per sample) or [Cooperative Extension Services](#) (pH test is \$15 and water activity is \$15 per sample).

DO I NEED TO PROVIDE ADEC WITH A COPY OF MY TEST RESULTS?

No – you just need to keep a copy with you so you can demonstrate that the product is safe

I WANT TO SELL MY PRODUCT AT THIS WEEK'S FARMER'S MARKET. THERE ISN'T TIME TO GET MY PRODUCT TESTED – DOES THAT MEAN I CAN'T SELL?

You need to have proof, if asked, that the product you are selling is safe. Until you have that documentation your product is not considered safe.

New Cottage Foods Exemptions

“Understanding Alaska’s Cottage Food Exemptions”

Food Code References: 18 AAC 31.012

Definitions:

Non-potentially hazardous

Foods that do not support the growth of dangerous bacteria because of their water activity values, pH values, or a combination of both.

pH

A scientific measure of how “acidic” or “basic” a substance is.

Water Activity

A scientific measure of how tightly bound the water is in the food product. Water activity is measured on a scale from 0 (bone dry) to 1.0 (pure water).

Examples of non-potentially hazardous foods:

*Jams, jellies, pickled vegetables,
bread, kettle popcorn, confections,
trail mix, granola, tortillas, fry bread,
fermented fruit and vegetable
products, pastries, cakes, cookies,
and waffle cones.*

Prohibited Foods under this exemption:

*Meat, poultry and fish products;
cheeses, custards, stuffed breads,
non-acidic canned foods, pestos,
garlic in oil mixtures, and other
foods that require refrigeration for
safety.*

On June 25, 2012 new **Alaska Food Code** regulations were adopted to allow the sale of ***non-potentially hazardous*** foods directly to the consumer without a permit if certain conditions are met.

WHAT DOES A FOOD PRODUCER NEED TO DO TO FALL UNDER THIS EXEMPTION?

- Keep and provide detailed knowledge about the ingredients of the food product and how it was processed, prepared and packaged.
- Have the food product recipe or formulation available in case there is ever a concern about the safety of the product. For pickled or dried product the producer needs to have information available about the pH or water activity.
- Process, prepare, package, and sell the product *only* in **Alaska**.
- Sell **directly to the consumer** by an individual who knows what ingredients were used to make the product and how the food was prepared and packaged. This individual must be able to answer consumers’ questions about the product, including whether allergens are present in the food product
- **Do not** distribute or sell the product to stores, restaurants, by mail order, or on consignment.
- Keep total gross receipts of sales of food items to show gross sales *do not exceed \$25,000* within a calendar year.
- If the food **is not** prepared in a permitted, approved, or inspected kitchen, inform the consumer by a card, placard, sign, or label placed in a conspicuous area that states the following:
“THESE PRODUCTS ARE NOT SUBJECT TO STATE INSPECTION”
- Label packaged food with either: an Alaska Business License number **OR** the name, physical address, and telephone number of the individual who prepared the food. This allows DEC to trace the product back to the producer if there is a problem or complaint.

WHAT IS A NON-POTENTIALLY HAZARDOUS FOOD?

These are foods that do not support the growth of dangerous bacteria because of their water activity values, pH values or a combination of the two. A good method to determine whether a product is non-potentially hazardous is to note whether it requires refrigeration to keep it safe or preserve it. If it does not require refrigeration, it is most likely non-potentially hazardous.

If a producer is unsure about the safety of their product or whether it requires refrigeration for safety lab testing may be required. Be sure to contact the local Cooperative Extension Office or ADEC for more information.

WHAT ARE PH AND WATER ACTIVITY?

The pH is a scientific measure of how “acidic” or “basic” a substance is. Scientists measure pH on a scale of 0 to 14. A lower value on the pH scale indicates the

substance is more acidic whereas a higher value indicates the substance is more basic. Foods like water and milk are considered “neutral” with a pH value of about 7.0. Lemonade and vinegar are acidic with a pH between 2 and 4. Materials like laundry detergent and ammonia are “basic” with pH values of 11-12. Food products at a pH of 4.6 or lower will control the growth of dangerous bacteria which can cause Botulism.

**Contact the Cooperative
Extension for questions on water
activity or pH:**

308 Tanana Loop, Room 101
P.O. Box 756180
Fairbanks, Alaska 99775-6180
(907)474-5211
cesweb@alaska.edu
<http://www.uaf.edu/ces/>

Water activity is measured by how tightly bound the water is in the food product. Water activity is measured on a scale from 0 (bone dry) to 1.0 (pure water). Most food products have a water activity in the range of 0.2 for very dry foods to 0.99 for moist, fresh foods. Water activity is not the same thing as moisture content, however. While moist foods are likely to have greater water activity than dry foods, this is not always true. Water activity is important because it can be used to predict the growth of harmful bacteria, yeasts and molds. Food products with low water activity will last longer on the shelf because they do not provide a good environment for pathogens to grow.

Some foods may not require refrigeration because they have a combination of low water activity and an acidic pH. Testing product for water activity and pH allows producers to decide whether their product requires refrigeration or not.

HOW DO I GET MY PRODUCTS TESTED?

The Alaska State Environmental Health Laboratory can test your food products for pH and water activity for a small fee. The cost for pH testing is \$20 per sample, and the cost for water activity testing is \$10 per sample.

HOW DO I SEND SAMPLES TO THE LAB?

1. First download a [Sample Submission Form](#) from the laboratory [website](#). Fill out the form with your personal contact information including an email address and information about the product.
2. Carefully package and seal your product to prevent drying or leaking in shipping. The laboratory needs 8 ounces of product to test for both pH and water activity.
3. Place a form of payment, the completed [Sample Submission Form](#) in the package with the product and ship to:

Ship product to:
Alaska State Environmental Health
Laboratory
5251 Dr. Martin Luther King, Jr. Ave
Anchorage, AK 99507-1293
(907) 375-8231

Alaska State Environmental Health Laboratory
5251 Dr. Martin Luther King, Jr. Avenue
Anchorage, AK 99507-1293
(907) 375-8231
<http://dec.alaska.gov/eh/lab/index.htm>

Call (907)375-8231, or email DEC.EH-Lab-ShippingReceiving@alaska.gov to let them know you have shipped your package. You can expect results via email 5-10 business days after the package is received by the laboratory. If you need quicker results, let the lab know and they will expedite as quickly as they can!



Alaska Department of Environmental Conservation
Division of Environmental Health
Food Safety and Sanitation Program

<http://www.dec.alaska.gov/eh/fss/index.htm>
1-87-SAF-FOOD or (907) 269-7501



Municipality of Anchorage

Ethan Berkowitz, Mayor

Department of Health and Human Services

March 28, 2017

Dear Food Vendor,

Farmer's markets and vendors of locally grown produce, as well as cottage foods, are an important part of our business community. This emerging industry provides an exciting opportunity for people to sell fresh and artisan products through home-based businesses. These specialty foods are incredibly appealing to Alaskans and out-of-state visitors alike and are a wonderful benefit to the community, the vendors and consumers.

The Municipality of Anchorage supports farmer's markets and the growing cottage food industry and seeks to work cooperatively with vendors to provide a clear and efficient licensing process and promote safe operations. Currently, the Anchorage Food Code does not include cottage foods and, until the food code is amended to allow for cottage foods, the Municipality requires cottage food vendors to apply for a permit variance in order to sell products in Anchorage. We appreciate your patience with the planning process to revise the new food code. In the meantime, we would like you to have a very successful season. In order to support your endeavors, we have established the following plan for the 2017 season:

- Provide produce vendors and cottage food vendors with clear guidelines for selling their products while the food code is being revised (see attached guidelines for the 2017 season).
- Engage vendors and other community members in the process of amending the code related to cottage foods. Listen to stakeholder questions, concerns, and ideas throughout the process.
- Offer multiple methods to provide input and recommendations.
- Take sufficient time needed to draft code amendments that reflect participant feedback.
- Keep farmer's markets and cottage food vendors informed along the way during the process.
- Offer cottage food informational talks, website and materials including allowable activities, how to apply for a license, safe sampling, fact sheets, etc.
- Provide consistent communication and enforcement in Anchorage Department of Health and Human Services cottage food inspections.

I want to assure you that we are committed to forging positive community partnerships with vendors as we move forward with the above plan. We will be sending out details about the proposed food code revisions and opportunities to comment in the coming months. In the interim, we are offering current information for you to prepare for the upcoming season. Please reference the following guidelines for the 2017 season.

I am excited to visit many of you at farmer's markets and other venues throughout the summer and wish you a bountiful season. Please contact our Public Information Officer Shannon Kuhn with any questions you may have regarding this issue at 907.343.4622 or send an email to KuhnSK@muni.org.

Regards,

Melinda Freemon
Director



Produce and Cottage Food Vendor Guidance for the 2017 Season

Updated 4.10.17

Fresh produce sold at farmers markets and cottage food products have become increasingly popular in recent years. These businesses allow entrepreneurs a unique opportunity to create and sell their products and provide a source of local food items for consumers. In order to offer clear guidance for vendors and consumers, DHHS is providing the following information for the upcoming 2017 season:

Fresh Produce Vendors

Vendors planning to sell fresh, whole vegetables and fruit at a farmers market or seasonal event such as a fair may do so without permitting. Produce should be offered in a natural state or after rinsing and trimming unnecessary parts or separating greens from roots. Once the produce is cut or processed, a retail, temporary, or cottage food permit may be required.

Providing Fresh Produce Samples at Farmers Markets

To safely offer produce samples, follow the guidelines below:

- Sample no more than one fruit/vegetable of each type sold at a time.
- Minimize bare hand contact by using gloves, tongs, papers or other approved methods of minimizing bare hand contact.
- Either use a disposable knife for cutting and use a new disposable utensil every time a new sample is cut, or have enough utensils on hand to assure that a new sampling utensil is used for every 4 hours samples are cut.

Other Foods

Some foods sold in a produce stand require additional permits, such as a retail or temporary food permit. Examples include:

- Selling cut or processed fruits or vegetables such as shucked peas or pre-cut fruit require a Municipality of Anchorage (MOA) retail or temporary food permit.
- Eggs must be kept at 45° F or below and require a MOA retail or temporary food permit.
- Meat and seafood, even if prepackaged and frozen, requires a MOA retail or temporary food permit to sell.

Cottage Food Vendors

Cottage foods are non-potentially hazardous food products made in a home kitchen for direct sales to the consumer that do not require time/temperature control for safety (TCS). Cottage foods include

baked goods, relishes, fresh salsas, pickled or fermented vegetables, candies, dried herbs and seasonings, vinegars, trail mix, etc.

Some examples of products that are not cottage foods and thus must be made in a commercial kitchen are fresh or dried meats, garlic in oil mixtures, dairy products, fresh vegetable juices, and non-acidic canned foods.

Selling cottage food products to restaurants, wholesalers, on the internet, phone or via the mail is not permitted. Annual vendor sales cannot exceed \$25,000.

How to Become a Cottage Food Vendor

- Obtain an annual municipal cottage food permit via variance. Apply at the Anchorage Department of Health and Human Services at 825 L Street, 3rd floor, between 8:30am-4:30pm. If you plan on providing samples at farmer's markets, make sure to include this in the application.
- Obtain a food worker's card issued by the Municipality or other food worker card program approved by the Municipality prior to the permit being issued. Visit muni.org/foodcard.
- Label products with the name, physical address, and telephone number of the individual who prepared the food OR with the Alaska business license number.
- Comply with applicable municipal laws and zoning ordinances that apply to conducting a business from one's home residence.
- Display conspicuously to consumers the statement "THESE PRODUCTS MAY NOT BE SUBJECT TO MUNICIPAL INSPECTION" on a card, placard, or sign posted at the point of sale or on the label of each food product that is packaged.

*Note: A facility with a private water supply and/or on-site sewage system must assure that the water supply is potable and the on-site sewage system has been approved.

Guidelines for Safe Cottage Food Production

DHHS provides the following guidelines for home kitchen food safety production. If you have any questions about safe food preparation do not hesitate to contact our Environmental Health Services staff for assistance.

- Children or pets are not allowed in the home kitchen during the preparation of cottage food products.
- All food contact surfaces, equipment, and utensils are to be washed, rinsed, and sanitized prior to beginning operations each time cottage food products are made.
- All food preparation areas are to be free of rodents and pests.
- When cottage foods are being prepared, no one who is ill should enter the kitchen, assist with preparation or packaging.
- All food handlers must wash their hands with warm water and soap, scrubbing vigorously, prior to beginning food preparation or cookware washing.
- Avoid bare hand contact with ready-to-eat foods through the use of single-service gloves, bakery papers, tongs, or other utensils.

Cottage Food Sampling Guidelines

Sampling can be an important part of a cottage food operation. Vendors may provide free samples of cottage food products. Be sure to provide safe samples by adhering to the following:

- **Safe at home sample preparation.** Cottage food operators may prepare samples in their home kitchen and serve them at the point of sale. This should be done by providing single use items such as disposable single use utensils, toothpicks, etc. Since there is no contact with the samples, these vendors are not required to have hand washing or utensil washing stations set up on site.
- **Safe on-site sample preparation.** When samples that require food product handling are prepared onsite at the point of sale, there should be no bare hand contact with products. Hands must be properly washed and dried before sample preparation, and all samples should be prepared using tongs, single use gloves, single use papers, or other sanitary methods to maintain food safety during preparation. When preparing samples onsite, vendors need to have a temporary hand wash station available and, either enough utensils to allow for switching of utensils every four hours or as often as needed if they become soiled.

Alternatively, vendors may have a three basin setup available with wash, rinse, and sanitize steps to properly clean reusable utensils throughout the day. An approved sanitizer should be present for use in sanitizing utensils. If chlorine is used a 50ppm solution is required, or 200 ppm solution for quat solutions for sanitizing utensils.

Municipal Permitting and Variance Fees

While vendors only selling fresh produce are not required to obtain a municipal permit, other vendors may need to apply for a permit or variance. Please feel free to contact us if you would like to discuss which permit best fits your operation. Fees may be prorated and are outlined below.

\$35-\$75 - Temporary permit (varies based on length of operation)

\$130-\$330 - Seasonal temporary permit (varies based on risk type)

\$260 - Cottage food variance, plus one time variance review fee \$50

\$260-\$660 - Retail permit (varies based on risk type)*

*note: may also require a plan review fee

For more information, call the DHHS Environmental Health Services Program at 907.343.4200 or Public Information Officer at 907.343.4622. Visit our website at muni.org/food.



Guide to Operating a Successful Home-Based Food Business

by Kate Idzorek, Lorinda Lhotka, Morgan Poloni and Christina Uticone

The Alaska Department of Environmental Conservation (DEC) revised regulations 2012 to allow producers to sell non-potentially hazardous food directly to the consumer without a food processing permit if certain conditions are met. Non-potentially hazardous foods are foods that do not easily support the growth of dangerous bacteria and do not require temperature control for safety.

Exemption Requirements

Producers of food under the Alaska Food Code exemptions must meet the following conditions:

- Have and provide detailed knowledge about the ingredients of the food product and how it was processed, prepared and packaged.
- Have the food product formulation or recipe available in case there is ever a concern about the safety of the product. This information must be maintained by the producer and be available if DEC or consumers have questions regarding the product. For a product that is pickled or dried, the producer needs to have information available about the pH or water activity. Producers may work with UAF Cooperative Extension Service or test their own product to show that it is safe.
- Process, prepare, package and sell the product only in Alaska.
- Make sure the person who sells directly to the consumer knows what ingredients were used to make the product and how the food was prepared and packaged. This individual must be able to answer consumers' questions about the product, including whether allergens are present in the food product. In order to qualify for the exemption, the processor may not distribute the product to stores or restaurant or by mail order or on consignment.
- Keep total receipts of sales of all food items sold under this exemption to demonstrate that gross sales do not exceed \$25,000 within a calendar year.
- If the food is not prepared in a permitted, approved or inspected kitchen, the producer must inform the

consumer by a card, placard or sign placed in a conspicuous area that says: "THESE PRODUCTS ARE NOT SUBJECT TO STATE INSPECTION."

- Label packaged food with either
 - the Alaska business license number or
 - the name, physical address and telephone number of the individual who prepared the food to allow DEC to trace the product back to the producer if there is a problem or complaint.

Knowledge

Producers of food under the exemption are expected to be knowledgeable and able to communicate with consumers about the ingredients used in the food and how the food was processed and packaged. This is critical because many consumers with allergies or other food sensitivities will be making an important health-related decision about whether to purchase and consume the product based on this information.

The producer and sales person must be able to answer the following questions:

- What ingredients were used to make the product?
- Do any of those ingredients contain sub-ingredients? (For example, margarine contains soy, a major food allergen.)
- Do any of those ingredients contain allergens?
- What types of foods do you prepare in your kitchen? Are any of them allergens?

The Eight Major Food Allergens

eggs	peanuts
dairy	tree nuts
fish	wheat
soybeans	crustacean shellfish

This publication is a collaborative effort between the University of Alaska Fairbanks Cooperative Extension Service and the Alaska Department of Environmental Conservation.



Non-potentially Hazardous Foods

Baked goods	<p>Most baked goods are considered non-potentially hazardous foods because they are cooked to high enough temperatures to kill any bacteria that may be harmful. This, combined with their low water activity, makes them fairly shelf-stable.</p> <p>Exceptions include baked goods with cream-based fillings, custards, whipped cream or meringue, and toppings with vegetables or cheese, which require refrigeration to maintain the safety of the products. These items are not included under these exemptions and an DEC permit may be required.</p>
Pickled vegetables and fruits	<p>Pickled or acidified foods are products that are shelf-stable because their pH is below 4.6 and they have been processed in a hot-water bath to ensure that the can is properly sealed and sterilized.</p> <p>To safely produce pickled foods, see Extension publications <i>Bullwhip Kelp</i>, FNH-00131; <i>Zucchini from A-Z</i>, FNH-00260; <i>Beets</i>, FNH-00561A; <i>Pickles and Relishes Lesson 6</i>, FNH-00562F; <i>Pickling DVD</i>, FNH-1284 (\$5); <i>So Easy to Preserve</i>, MGA-00989 (\$18).</p>
Fermented foods*	<p>Fermented foods such as sauerkraut, some kinds of pickles and green olives are low-acid foods that are exposed to conditions that allow acid-producing microorganisms to reduce the pH of the food to 4.6 or below.</p> <p>To safely produce fermented foods, see Extension publications <i>Sauerkraut</i>, FNH-00170; <i>Alaska Grown Cabbage</i>, FNH-00169 (\$4).</p>
Canned acidic foods: salsas and sauces**	<p>Canned acidic foods are products that are shelf-stable because their pH is below 4.6 and have been processed in a hot-water bath to ensure that the can is properly sealed and sterilized. The pH of tomatoes varies from 4.0 to 4.7, depending on the variety and the ripeness of the fruit. This is why it is important to test the final pH of these products to determine if additional vinegar or another acid is necessary. To safely produce acidic foods, see Extension publications <i>Canning Tomatoes and Tomato Products</i>, FNH-00171; <i>Canning Acidic Foods</i>, FNH-00562C; <i>Salsa Recipes for Canning</i>, PNW-00395</p>
Dehydrated foods	<p>Foods that have the majority of their water removed do not support the growth of dangerous bacteria or molds. A water activity value of less than 0.88 is considered safe.</p> <p>To safely produce dehydrated foods, see Extension publications <i>Fruit Leather</i>, FNH-00228; <i>Drying Fruits and Vegetables</i>, FNH-00562H; <i>Drying Foods DVD</i>, FNH-001285 (\$5)</p>
Jams and jellies	<p>Jams and jellies have very little water available for bacteria to grow because of the combination of high sugar content and the acidity of the fruits used to produce the product.</p> <p>To safely produce jams and jellies, see Extension publications <i>Jams and Jellies</i>, FNH-00562E</p>

* See Fermented Foods, page 3.

** See Sauces and Salsas, page 3.

Recipe Formulation of Non-Potentially Hazardous Foods

Recipe formulation is important because a producer must be able to assure that the product being sold is a non-potentially hazardous food. A good method to determine whether a product is non-potentially hazardous is to determine if it requires refrigeration to keep it safe or to preserve it. If it does not require refrigeration at any time, it is most likely non-potentially hazardous. If producers are unsure about the safety of their product or whether it requires refrigeration for safety, they should contact their local Cooperative Extension Service office or the DEC.

There are several considerations in determining whether a food is non-potentially hazardous, including pH, water activity, the interaction between the water activity and pH, heat treatment (cooking) and packaging. The pH and water activity values that define a non-potentially hazardous food are included in **Appendix A**.

Foods that are heat-treated (cooked) to eliminate the vegetative cells of bacteria need to be addressed differently than a raw product with no, or inadequate, heat treatment.

Examples of non-potentially hazardous foods include jams, jellies, pickled vegetables, bread, kettle popcorn, confections, trail mix, granola, tortillas, fry bread, fermented fruit and vegetable products, pastries, and waffle cones. For a more extensive list see **Appendix B**.

Low-Acid Food

Because the risk to the public health is too great, DEC does not allow the sale of home canned low-acid vegetables (e.g., canned green beans not pickled or fermented), meat, poultry or seafood products of any kind.

Acidified Food

Acidified foods are low-acid foods to which acid(s) or acid food(s) are added. They have a finished equilibrium pH of 4.6 or below. (18 AAC 31.990).

*Fermented Foods

(FDA Draft Guidance for Industry: Acidified Foods, September 2010). Once the fermentation process is completed, the fermented food will have a pH that is well below 4.6, which will prevent the growth of pathogenic bacteria such as *Clostridium botulinum* or *Salmonella*. Fermented foods are susceptible to molds. Mold growth can be prevented by keeping the product refrigerated after fermentation or by processing the product in a hot-water bath.

If you have any questions on the safety of the processing methods you are using, refer to Extension publications and at www.uaf.edu/ces/pubs/catalog or go to www.uaf.edu/ces/preservingalaskasbounty for online training materials.

In addition, Extension agents and food technicians or DEC food safety and sanitation personnel will be glad to consult with you on proper procedures for food preservation.

**Sauces and Salsas

Salsas that qualify under this exemption contain tomatoes, other vegetables and some type of acidic ingredient such as vinegar or lemon juice. Most sauces like barbecue or hot sauce are acidic (pH below 4.6) and therefore pose little health risk. Any salsa or sauce that a producer wants to make under this exemption must have a pH test performed on it to ensure that the pH is low enough (has enough acid) so that no potentially harmful organisms may grow in it. Fresh salsas require pH testing to qualify under this exemption.

The equilibrium pH of tomatoes varies from approximately 4.0 to 4.7, depending on the variety and the ripeness of the fruit. This is why it is important to test the final pH of these products to determine if additional vinegar or another acid is necessary.

Hot-Water Bath or Hot Fill

In a hot-water bath, food is heated sufficiently to destroy most bacteria and molds. Acidifying controls the growth of bacteria, such as *Clostridium botulinum* (botulism), that are not killed during the hot water bath or hot fill process.

Product Testing

To ensure that your product(s) have the proper pH and water activity (Aw) to be non-potentially hazardous, have your product tested.

Product testing is available locally at these three locations, or contact a private testing company:

Cooperative Extension Service

Attn: Test Kitchen
P.O. Box 756180
Fairbanks, AK 99775
907-474-5391

Alaska DEC Laboratory Services

5251 Dr. Martin Luther King Jr. Ave.
Anchorage, AK, 99507
907-375-8200

[Kodiak Seafood and Marine Science Center](#)

Attn: Chris Sannito
118 Trident Way
Kodiak, AK 99615
907-486-1500

The cost is \$20 per sample for pH testing and \$10 per sample for water activity at any of these locations.

Procedure for testing

1. Call the test location first to determine what shipping and handling procedures must be followed.
2. Ship your samples.
3. Expect a turnaround time of approximately four weeks.
4. For questions regarding test results, contact Cooperative Extension Service or your local DEC Environmental Health Officer.

Documentation: Recipe or Product Formulation

A producer's recipe is proprietary information; however, a detailed list of ingredients must be on hand at the point of sale to answer questions from consumers.

Your complete recipe formulation must be made available for the regulatory authority (i.e., DEC or the Municipality of Anchorage) for review if there are any questions on whether your product is a potentially hazardous food and safe to be sold under the exemptions. A producer should also have documentation on any product testing that has been completed. Examples of documentation could include:

- Laboratory results for pH or water activity
- Records of pH testing with a pH meter by the producer
- A letter from a process authority

A *process authority* is a qualified person who has expert knowledge acquired through appropriate training and experience in the processing of foods.

See **Appendix D** for example documentation of pH or water activity from a lab.

See **Appendix E** for an example of how to properly formulate a recipe.

Where may you sell your product

You may sell your product in the state of Alaska as long as you are not within the Municipality of Anchorage. If you intend to sell within the [Municipality of Anchorage](#), contact them to determine their regulatory requirements.

All sales must be face to face. Advertising and marketing may be done online or through social media, but sales transactions must be in person with the consumer who is purchasing the food.

Who may sell your product

The intention of this regulation is to ensure that the producer sells his or her own product directly to the consumer. However, there are some cases in which someone else may be able to sell your product for you. An individual such as a family member or friend who directly assists with production and is fully knowledgeable about the production method and ingredients may also sell your food products to consumers. This allows the consumer to speak directly with the person(s) who prepared the food to discuss any pertinent questions in regard to that product. If someone else were allowed to sell your food, she or he may not be able to fully answer questions or discuss potential concerns.

You may sell your food directly to the consumer only. This means the person that is purchasing the food product from you is using it for personal use only and will not be reselling it to the best of your knowledge. Retail entities are responsible for ensuring that their food products come from an approved source. If they purchase your food for retail sale knowing that it does not come from an approved source, you will not be held liable. The visible placard with the statement "This Product is Not Subject to State Inspection" will ensure that this message is conveyed and a wholesaler does not accidentally purchase your product for resale.

Limits on sales volume

To operate within the Alaska DEC Cottage Food Exemption, gross receipts from sales of your exempt products may not exceed \$25,000.

What counts as gross receipts? What doesn't count? What part of business counts as gross receipts?

Gross Receipts

[Gross receipts](#) are the total amounts the organization or business received from all sources during its annual accounting period, without subtracting any costs or expenses. (Source: [U.S. IRS: www.irs.gov/Charities-&-Non-Profits/Gross-Receipts-Defined](https://www.irs.gov/Charities-&-Non-Profits/Gross-Receipts-Defined))

Labeling and placards

The labeling and placards requirements are important so customers can understand that they are purchasing a product that has not been regulated by any agency.

It allows customers to make informed decisions about purchasing your product and also allows wholesalers or other food businesses to know that your product cannot be purchased for resale in their retail location(s).

If the product that you are selling is sold in a packaged form, it must comply with some basic label requirements. Your booth and/or your labels must conspicuously display the following statement:

“THESE PRODUCTS ARE NOT SUBJECT TO STATE INSPECTIONS.”

In addition, packaged food must include the following on its label(s):

- Alaska business license number **or**
- Name of producer (you or your business name), physical address and telephone number

Though not required, you may wish to include the following items:

- Ingredient list (in descending order from most to least abundant ingredient)
- Allergen statement
- Net weight or net volume of product
- Nutrition Facts Label

Assistance with labeling is available through the DEC guidance document [Labeling Packaged Foods](#) or the [UAF Cooperative Extension Service](#).

We recommend that you take advantage of some great free publicity by registering your products with the Made In Alaska Program. For more details, visit <http://commerce.alaska.gov/web/ded/DEV/MadeInAlaska.aspx>.

If you are selling an agricultural product, take advantage of the Alaska Grown Program as well. For more details, visit http://dnr.alaska.gov/ag/ag_AKGrown.htm.

Safe Preparation

Ensuring that your home-prepared food is safe to the consumer is paramount to the success of your small business. To further your knowledge of safe food handling, consider obtaining your Alaska [Food Worker Card](#) from Alaska DEC. This costs \$10 and gives you a basic food safety certification. For a more in-depth food safety course, consider the [certified food protection manager certification training](#).

Take these following precautions to provide the safest product to your consumers:

Food should be processed at times when there are no oth-

er activities in the kitchen. Small children or pets should not be allowed into the kitchen while you are preparing or packaging products for sale. Only individuals doing food preparation should be allowed in the kitchen during food processing.

Preparing products for sale while making a meal, doing laundry or washing dishes increases the likelihood for cross-contamination.

Before you begin

- Wash your hands thoroughly with soap and warm water for at least 20 seconds. If you do anything that will contaminate your hands, such as coughing, blowing your nose, eating, handling garbage, using the toilet or handling raw animal foods such as eggs, wash your hands again.
- Clean and sanitize all surfaces by washing with hot, soapy water, rinsing and then wiping or spraying surfaces with a 50–100 parts per million (ppm) bleach solution. Allow the bleach solution to air dry so it has adequate time to sanitize the surface.

To make a proper bleach solution in a spray bottle:

- Use ¼ to ½ teaspoon of nonscented bleach per quart of water. In this case, more is not better; a too-high concentration of bleach may leave a toxic residue.
- Use cool water — not hot — to make up your sanitizer solution. If you use water that is too hot, the bleach will rapidly disappear from the solution.
- The bleach water should not be used to clean up a spill. You should first clean the surface with hot, soapy water and then apply the bleach solution.
- Be sure to check the concentration of your bleach frequently with chlorine test strips. They are a reliable way to ensure your bleach cleaning solutions are properly mixed. Chlorine test strips can be purchased from restaurant supply companies. These test strips will last a long time if kept away from moisture.
- Change your bleach solution frequently. If it gets contaminated with foods, detergents or fats and oils, it will not be an effective sanitizer.

When cleaning, pay special attention to cutting boards as they are a common source of cross contamination.

All chemicals and cleaning compounds should be stored away from your food preparation area or safely stored in a cupboard.

Protect your perishables

- Keep all perishable ingredients such as milk and eggs refrigerated until use. Bacteria grow quickly in these foods at room temperature. Ideal refrigerator temperature is 41°F or lower. Keep a thermometer in your refrigerator so you can make sure that your refrigerator is holding food at safe temperatures.

Packaging and transport

Now that you have prepared a safe product in your home, it is important to ensure that your product continues to be protected from hazards until it is consumed.

- Make sure to wrap or cover all products to protect them from possible contamination during transportation, storage or display.
- Use tongs or disposable gloves to keep from handling your products while packaging them or dispensing them to the customer.
- Package individually wrapped items at home ahead of time.

Community Kitchens

Consider using a [community kitchen](#) or a kitchen approved by DEC instead of your home kitchen.

Get creative with your packaging. Most people want the products that they purchase from farm stands or farmers markets to have that country or homemade feel to them. Also consider gift packaging. Bundling your items into a gift basket is a great way to increase the amount of money you make per transaction.

Getting your business off on the right foot

Make sure that your business has all of the legal requirements in place so that you do not run into any problems while starting out.

Obtain a business license from the State of Alaska

This costs \$50 per year. Anyone doing business in Alaska must purchase a [business license](#) no matter how small the enterprise may be.

Look into product liability insurance.

Product liability insurance for cottage foods producers is available through a few different avenues. If you are selling at a farmers market that requires liability insurance for vendors, you may be able to be added as additionally insured directly through your market's plan. Contact your market manager to learn if this is an option. There are also policies online that can be found through an Internet search for "cottage foods liability insurance"; or contact an

Alaska insurance company to learn if it supports cottage foods liability insurance plans."

Consider your maximum gross receipt of sales

Ensure that your business will be operating within the legal profit margins discussed in the DEC exemptions (18 AAC 31.012).

Obtain pH and water activity tests when applicable

Do this before you begin commercial production.

Wild-Harvested or Foraged Foods Gathered from State Lands

If you are interested in using non-timber forest products obtained from state lands as part of your product for commercial sale, please follow the regulations for commercial harvesting. Make sure to read and fully comprehend the [Alaska Non-Timber Forest Products Harvest Manual: For Commercial Harvest on State-Owned Lands](#) prior to harvesting.

Alaska Non-timber Forest Products are regulated through Alaska DNR's Division of Mining, Land and Water. For more information on the program and who to contact, please visit <http://dnr.alaska.gov/mlw/ntfp/>.

Permits for commercial harvest cost \$100 plus applicable per unit fees. Permits are valid for 12 months from date of issue.

At the Market

Booth Design

Be creative with your displays and signage. Simple things like bright, colored signs and cloth can draw people's attention and help them remember where your booth is located.

Product Display

Consumers want clean food. Be sure that your products, table and display are clean and that your food products look fresh throughout the day. Use baskets or trays in your display to offset your products. Put some items up higher than others to make your booth look both more attractive and more bountiful.

You as a vendor

Vendors should have a nice clean appearance. If you are dirty, consumers may think your food is dirty too. If there are multiple sellers at your booth, consider a uniform of sorts, such as matching shirts, hats or aprons.

Vendors should stand at their booths, look alert and be amendable to the customer's needs. Engage your customers in conversation about your products. This is a great way to help them remember who you are and what you sell, increasing the likelihood they will return to your booth in the future.

Finally, smart phones have applications available that allow you to take credit cards. This may help increase the number of clients who can purchase your product.

Samples

Samples can be a very important part of your stand. They are a great way to introduce customers to new products and increase their purchases. They also draw customers to your booth, making you look busier. However, be sure to SAFELY provide samples. The sample should be no bigger than one small bite. You want people to buy the product, not fill up on the sample! Cover your sample plate with either a mesh or plastic cover to keep any bugs or other debris off of your sample. Have toothpicks available for the consumer to use to take a sample. Make sure to have clearly labeled containers for “new” toothpicks and “used” toothpicks. To minimize your work and possible contamination at the booth, portion samples in your home kitchen. If you must portion your samples on site, make sure to have clean utensils, cutting boards, gloves and a temporary hand-washing station.

Using Technology

Use social media platforms to promote your business and inform the public about your company events and promotions. A presence on Facebook, Instagram and Twitter will help you connect with clients and potential clients; create a blog to tell stories and release news about your business.

Facebook: Create a Facebook page to share news and information about your product — post photos, videos, and news articles to engage your audience and attract new audience members. Aim for one to three Facebook posts per day, and include a mix of company updates, industry news and local news that relates to your product. An endless stream of self-promotion does not add value to your clients’ Facebook timelines, so share a variety of posts to keep users interested in your page.

In order to create a business page, Facebook requires you to also have a personal profile; use the Facebook Pages App for your mobile devices to easily keep your personal and professional content separate. In addition to sharing content from your Facebook page, make sure you dedicate time each week to liking, commenting and sharing content from other people and/or pages from your Facebook page profile. This will help you increase your reach on Facebook and put your page in front of new eyes.

Facebook has many useful functions to help you create an efficient, effective social media strategy, including analytics with insights about your audience, a scheduler that allows you to automatically publish status updates, and photo/video tools to help you create eye-catching media content.

Twitter: Brevity is the key when it comes to communicating on Twitter — you’re limited to just 140 characters per message, or “Tweet,” including spaces, punctuation, URLs and photos. Developing a daily Twitter habit is a good idea; just a few Tweets a day will keep you visible to your audience. Again, consider sharing a variety of information about not just your business but also your fellow small business owners and the greater community around you.



Hashtags are as important as ever and are now used on Facebook as well as on Instagram. To create a hashtag simply place a pound sign (#) in front of a word or phrase without any spaces (for example, #Fairbanks, #Alaska, #FoodieFriday). A hashtag creates a searchable link where you can view Tweets and profiles of other people and businesses also employing that hashtag; this is a great way to connect with other people who share your interests and track trends relevant to your business.

Facebook, Twitter, Instagram and other social media platforms have tools that allow you to share content between them, so you can share something once but have it published on multiple platforms — this is an efficient time-saver, especially when you are sharing “on-the-go” from your mobile device.

If you enjoy writing and sharing photos, you may want to create and maintain a blog for your business. Tell stories about your company and employees and the companies and individuals with whom you work in your community, and share industry news. A blog allows you to tell your own story, in your own words.

When dealing with a negative comment or unhappy customer online, be courteous and professional and reply in as timely a manner as possible. Acknowledge their complaint, offer to make it right and ask them to contact you offline to continue the process of rectifying their issue. Anytime you update your blog, share the link with followers on Facebook and Twitter.

Be Professional

Whether you choose to use Facebook, Twitter or both, make sure to be professional, but also remember that people want to feel like they are following a real person. Be authentic, use your own voice and try to connect with people at a real level.

Appendix A

Refer to this table for food products that are heat treated and then immediately packaged.

Interaction of pH and Water Activity for Control of Spores in Food Heat-treated to Destroy Vegetative Cells and Subsequently Packaged			
Water Activity Values	pH Values		
	4.6 or less	greater than 4.6 and no greater than 5.6	greater than 5.6
0.92 or less	non-PHF*	non-PHF*	non-PHF*
greater than 0.92 and no greater than 0.95	non-PHF*	non-PHF*	PA**
greater than 0.95	non-PHF*	PA**	PA**
<p>* non-PHF means non-potentially hazardous food</p> <p>** PA means a variance granted under 18 AAC 31.930 is required to consider the food non-PHF</p> <p><i>This table is from the Alaska Food Code 18 AAC 31.985 Definition of potentially hazardous foods (PHF).</i></p>			

Appendix B

Refer to this table for food products that are not packaged or jarred but could also include fermented foods that are dispensed on site.

Interaction of pH and Water Activity for Control of Vegetative Cells and Spores in Food Not Heat-treated or Heat-treated but Not Packaged				
Water Activity Values	pH Values			
	less than 4.2	no less than 4.2 and no greater than 4.6	greater than 4.6 and no greater than 5.0	greater than 5.0
less than 0.88	non-PHF*	non-PHF*	non-PHF*	non-PHF*
go less than 0.88 and greater than 0.90	non-PHF*	non-PHF*	non-PHF*	PA**
greater than 0.90 and no greater than 0.92	non-PHF*	non-PHF*	PA**	PA**
greater than 0.92	non-PHF*	PA**	PA**	PA**
<p>* non-PHF means non-potentially hazardous food</p> <p>** PA means a variance granted under 18 AAC 31.930 is required to consider the food non-PHF</p> <p><i>This table is from the Alaska Food Code 18 AAC 31.985 Definition of potentially hazardous foods (PHF).</i></p>				

Appendix C

Example of a Recipe/Product Formulation

Description of food being produced:

Pickled beets, 1-pint glass jars

Recipe makes about 8 pints

Product formulation:

beets, red	7 pounds
vinegar	1 quart
salt	1½ teaspoon
sugar	1½ cup
water	2 cups
onions, yellow	1 pound

Equipment:

cutting board
knife
stock pot
4-quart saucepan
water bath canner
spoons
chopstick
pint glass jars
lids and rings
jar lifter
1-quart saucepan
paper towel
cloth towels

Process of preparation:

1. Trim beet tops, leaving 1 inch of stem and root on each.
2. Wash beets thoroughly with cool water.
3. Sort beets to three size groups.
4. Cook each batch until tender (25–30 minutes)
5. Drain and discard liquid from sauce pan.
6. Cool beets.
7. Trim stems and roots off beets.
8. Slice beets into ¼-inch-thick slices. Set aside.
9. Peel and slice onion in ⅛-inch to ¼-inch slices. Set aside.

10. Combine vinegar, salt, sugar and water in 4-quart saucepan.
11. Bring vinegar mixture to a boil.
12. Add beets and onions to vinegar mixture.
13. Simmer for 5 minutes.
14. Add 2 inches of water to water bath canner.
15. Place empty glass jars face-down in water bath canner.
16. Heat water bath canner with jars on stove top until boiling. Hold for 5 minutes to sterilize the jars.
17. Add 2 inches of water to 1-quart saucepan on stove top. Place jar lids in water and place on low heat.
18. Remove pint jars from water bath canner and place right side up on cloth towel.
19. Fill pint jars with beets and onions leaving ½ inch headspace in each jar.
20. Add hot vinegar mixture to each jar, leaving ¼ inch headspace.
21. Use the chopstick to poke down into each jar to remove excess air.
22. Wipe jar lids with damp paper towel.
23. Place one warm lid on top of each jar. Screw on closure ring to hand-tight.
24. Add 8-10 inches of water (enough water that all jars will be fully submerged) to water-bath canner.
25. Gently place filled and closed pint jars into water.
26. Bring filled water-bath canner to a boil.
27. Once water is boiling, process for 30 minutes.
28. Remove water-bath canner from heat.
29. Remove jars from water-bath canner using the jar lifter and place on a cloth towel to cool.
30. Rinse jars and check seals once jars are cooled.
31. Pack into cases of 12.

COTTAGE FOOD EXEMPTIONS

Food sold under the Alaska Food Code exemption 18 AAC 31.012(a).

Alaska Food Code allows for the sale of non-potentially hazardous foods to be sold directly to the consumer without a permit as long as certain conditions are met. For food to fall under this exemption, it must be sold directly to the consumer, gross sales must not exceed \$25,000, and it must be properly labeled per the exemptions.

What Foods Are Exempt?

There are many foods that fall under this exemption, including:

Baked Goods

- Breads (or similar baked goods)³
- Cakes (including celebration cakes)³
- Sweet breads and muffins that contain fruits or vegetables (e.g., pumpkin or zucchini bread)³
- Cooked fruit pies³
- Cookies³
- Baked goods that contain alcohol (e.g., rum cake)
- Crackers³

Bottled/Jarred Items

- Jams and jellies in glass jars that can be stored at room temperature³
- Vinegars (including flavored vinegars)³
- Mustards²
- Extracts, including vanilla and lemon extract³
- Pickles²
- BBQ sauces²
- Salsas²
- Relishes²
- Ketchup²
- Bottled carbonated beverages³
- Juices (berry and rhubarb)²

Candies/Confections

- Fudge³
- Truffles³
- Brittles³
- Chocolate covered pretzels, marshmallows, graham crackers or fruit.³

Fermented Products

- Kombucha^{2, 3}
- Fermented fruit and vegetable products (e.g., sauerkraut and kimchee)²

Other Products

- Baked product mixes (e.g., pancake, cake or cookie mix)³
- Dried soup or dip mixes³
- Dehydrated vegetables or fruit³
- Popcorn, popcorn balls³
- Dry herbs and dry herb mixtures³
- Dried pasta made with eggs¹
- Nuts, coated or uncoated³
- Roasted coffee and dried tea
- Waffle cones³
- Tortillas³
- Flat breads (including elephant ears)³
- Fruit leathers³

The superscript refers to the type of product testing that must be done to demonstrate that the product is not potentially hazardous. See Cottage Food Product Testing on next page for more information.

¹ Water activity test must be done on the product and kept on file.

² PH test must be conducted on the product and kept on file.

³ Recipe and description of process must be kept on file.

What Foods Are Not Exempt?

Potentially hazardous foods that require time and/or temperature control for safety are not allowed to be produced under this exemption. Examples of foods that are not allowed include:

- Meat and meat products including fresh and dried meats (jerky)
- Fish and fish products (e.g., smoke salmon, canned salmon, etc.)
- Raw seed sprouts
- Garlic in oil mixtures
- Baked products that require refrigeration (e.g., cheesecake, custards, lemon meringue)
- Cheeses
- Dairy products (including ice cream)
- Non-acidic canned foods (i.e., canned vegetables that are not pickled or fermented)
- Pesto
- Fresh vegetable juices
- Food products made with cooked vegetables that are not acidified
- Bottled water

COTTAGE FOOD PRODUCT TESTING Q & A

Food sold under the Alaska Food Code exemption 18 AAC 31.012(a).

Why are foods required to be tested?

The regulation requires that documentation of demonstrating product safety be provided upon request. You must demonstrate that either pH, water activity or both are sufficient to prevent dangerous bacteria from growing. Please see the Cottage Food Exemptions fact sheet on previous page for information regarding what type of testing is required for the type of product.

What kind of testing do I need to do?

For products like salsas, pickled vegetables and fermented foods, a pH test result of 4.6 or below is needed. For products like dehydrated foods, a water activity test result of 0.88 or below is required.

I want to sell baked goods. Do I need to get a water activity or pH test?

If your baked goods are non-potentially hazardous (i.e., no cream cheese frosting, custards, meringues, etc.), then the only documentation that you will need to provide is recipe formulation.

Where can I get my product tested?

Any number of food labs would be able to test your product. You can check around locally to see if anyone can provide that service. Otherwise, the Alaska DEC Environmental Laboratory Services, Kodiak Seafood and

Marine Science Center or Cooperative Extension Services can provide pH and water activity testing at a minimal cost. You can also purchase your own water activity or pH meter to test your product.

How much does it cost to get my product tested?

Testing costs may vary depending on where you get your product tested. Water activity and pH testing can be done through the Alaska DEC Environmental Laboratory Services, Kodiak Seafood and Marine Science Center or Cooperative Extension Services. All locations charge the same: a pH test is \$20 and water activity is \$10 per sample.

Do I need to provide DEC with a copy of my test results?

No, you just need to keep a copy with you so you can demonstrate that the product is safe.

I want to sell my product at this week's farmers market. There isn't time to get my product tested. Does that mean I can't sell?

You need to have proof, if asked, that the product you are selling is safe. Until you have that documentation your product is not considered safe.

COTTAGE FOOD SALES Q & A

Food sold under the Alaska Food Code exemption 18 AAC 31.012(a).

Where can I sell my finished product?

The intention of the cottage food regulation is for the producer (the person making the product) to sell his or her product directly to the ultimate consumer. This means that the person who is purchasing the food from you is using that food for personal use and does not intend to resell it (to the best of your knowledge).

Products produced under the Cottage Food Exemption may be sold at farmers markets, fairs, bazaars and other venues where the product is sold directly to the consumer.

Is there a limit to the amount I can sell?

The maximum gross sales from your exempt products cannot exceed \$25,000 in a calendar year.

Can I sell my product over the Internet?

No. You can advertise over the Internet but the sales of your product must be direct in person to the consumer.

Do I have to label my product?

There are specific labeling requirements associated with cottage foods. Foods sold under this exemption must have the statement "THESE PRODUCTS ARE NOT SUBJECT TO STATE INSPECTION." The statement must be displayed on a card, placard or sign that is conspicuously displayed on each food product that is packaged. An example of a placard can be found here (cottage food placards).

Can I sell my product in a retail food store (such as a convenience store), espresso stand or temporary food booth?

No. All food that is in a permitted food establishment (like an espresso stand or retail food facility) must come from an approved source. Because products that are produced under this exemption are not produced in a licensed and inspected facility, they are not considered an approved source and may not be sold in permitted food establishments.

I have a temporary food permit and will be selling at a local event. Can I use my cottage food in the products that I am selling in my temporary food booth?

No. All products that are sold in permitted food establishments (including temporary food booths) must use ingredients and products that come from an approved source. Because products that are produced under this exemption are not produced in a licensed and inspected facility, they are not considered an approved source. If you would like to sell items under the Cottage Food Exemptions at the same booth that has temporary food permit, the product must be clearly separated and properly labeled.



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www.uaf.edu/ces or 1-877-520-5211

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THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Environmental
Conservation**

DIVISION OF ENVIRONMENTAL HEALTH
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November 29, 2017

Ms. Diana Rhoades
Legislative Director for
Representative Geran Tarr
diana.rhoades@akleg.gov

Dear Ms. Rhoades,

Thank you for taking the time to tour the DEC's Environmental Health Lab and discuss how our programs work to ensure safe food for Alaskans. The programs within the Division of Environmental Health work very closely together, as I hope was demonstrated by our tour with staff from the Office of the State Veterinarian (OSV), Environmental Health Laboratory (EHL), and the Food Safety and Sanitation (FSS) program.

I hope I was able to answer your questions relating to food businesses and the work the FSS program does in preventing and responding to food borne illness events, and I welcome any follow up questions that you may have now or in the future.

Regarding the questions you brought up about the Kenai Peninsula Food Hub and the cottage food exemptions, as we outlined in our May 2016 letter to Robbi Mixon (enclosed), coordinator of the Kenai Peninsula Food Hub, the lack of direct sales (i.e., face-to-face) is the reason why cottage foods are not able to be sold through the food hub as it was proposed to DEC by Cook Inletkeeper.

Direct sales are an important part of reducing risk to the public from foods made in an uninspected kitchen. This is because when a food is sold directly to a consumer in a face-to-face sale, the consumer has the ability to communicate with the person who processed and packaged that food. They may ask specific questions about allergens, the kitchen and equipment used, or if there are pets in the home. Another important part of the transaction is the ability for the consumer to observe the person who is selling the food for hygiene and health. These measures are in place in order to help protect public health in the absence of the inspection component for cottage foods.

It should also be noted that the cottage food exemptions at 18 AAC 31.012 applies to food processors outside of the Municipality of Anchorage only. Cottage food processors within the Muni, and cottage food processors that bring foods into the Muni for sale, must comply with the ordinances of their Food Safety and Sanitation program. Sales of cottage foods in the Muni, regardless of where they are produced, are also required to be "directly to consumers".

<http://www.muni.org/Departments/health/Admin/environment/FSS/Pages/fssfood.aspx>

There are several options currently available for small food processors to be able to sell through food hubs, and we at DEC are happy to provide technical assistance to the Kenai Peninsula Food Hub and individual producers that may want to pursue these options. I've provided a summary of those options below.

1. Cottage Food Producer Present At Drop-off/Pickup Location. Cottage foods are currently able to be sold through the food hub if the producer is simply on site when the customer picks up their food, since that would meet the face-to-face criteria for the cottage food exemption.

For example, in Homer, the producer would be able to drop off their products at 2:30 pm, and remain on site from 3:30 to 6:30 pm as customers came to pick up. The producer would not require a permit and would be able to benefit from the advantages of the food hub such as extensive marketing, matching production quantities with demand, and regular payments.

2. Food Producer Makes Food in a Permitted Facility. At a certain point during the growth of a small food enterprise, the producer becomes a bona fide business and the cottage food exemption is no longer applicable. Small producers can more easily enter into the wholesale and retail food market by entering into a commissary agreement with a permitted kitchen. In this situation, the small food producer would still be required to go through the plan review and permitting process, but would not have to incur the extensive costs of building or acquiring their own kitchen. In addition to being able to sell products through food hubs, once a food producer is permitted they may also engage in online sales, interstate commerce, and wholesale, and may expand their product line beyond those allowed by the exemption.

While any DEC permitted kitchen is a potential kitchen for rent, several in Alaska are specifically targeted towards helping small food processors, including:

UAF Cooperative Extension Service Test Kitchen – Fairbanks
<http://www.uaf.edu/ces/small-food-business/test-kitchen/>

Anchorage re:MADE Commissary Kitchen
<http://www.anchorageremade.com/rentals.html>

East Anchorage Commercial Kitchen
<https://wooden-spoons-alaska.myshopify.com/pages/shared-use-commercial-kitchen>

Additional information for how to find a permitted kitchen, particularly in smaller communities, can be found in this factsheet: <http://dnr.alaska.gov/ag/Marketing/FindaDECkitchen.pdf>

Non-profit food hubs and other business incubator programs may be able to help with the costs, including commercial kitchen rental fees and plan review fees, to make this a cost neutral option for food businesses just starting out.

3. Food Hub Coordinators Procure Permitted Facility. As part of their mission, non-profit organizations that manage food hubs could use their funding sources to create their own kitchen facility and become permitted through DEC. This could significantly assist small food producers by

providing access to free kitchen facilities. Similar to the option above, the small food producer would still be required to go through the plan review and permitting process, and would have a commissary agreement with the kitchen to be able to produce food there.

One thing to note regarding making processed food available through food hubs and other retail and wholesale markets is that the food hub organizers and retail store buyers may have additional requirements beyond what is required by DEC. For example, the Kenai Peninsula Food Hub requires liability insurance for any prepared foods, sprouts, fish, shellfish, and meat, which is not required by DEC. The Kenai Peninsula Food Hub also prohibits the sale of wild mushrooms, which would be allowed by DEC. Other retail facilities, including farmers markets, retail stores, and co-ops, may have additional food safety rules that are more stringent than the DEC requirements.

Please feel free to contact me if you would like additional information on any of the food hub options above. Providing technical assistance throughout the plan review and permitting process is a primary task of our FSS program staff, and we are located in nine communities throughout the state ready to assist.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ytamar Rodriguez', with a stylized flourish at the end.

Ytamar Rodriguez
Environmental Health Officer IV

Enclosures

May 9, 2016 Denial of Variance Request for Kenai Peninsula Food Hub