

## **FAQs for Cottage Food Operators in Macoupin County**

- **What can I sell as a Cottage Food Operator?**

-Cottage Food Operators are only allowed to sell food items that are not potentially hazardous. Some examples of these foods include baked goods, canned foods only in mason-style jars with new lids and processed in a boiling water bath (examples include fruit jams, jellies, preserves, butters, syrups, whole or cut fruit canned in syrup, condiments such as mustard, horseradish, and ketchup as long as they do not contain ingredients that is prohibited under Section 1.6 of the Cottage Food Law.

-Section 1.6: In order to sell canned goods, a cottage food operator shall either:

(A) follow exactly a recipe that has been tested by the United States Department of Agriculture or by a state cooperative extension located in this State or any other state in the United States; or

(B) submit the recipe, at the cottage food operator's expense, to a commercial laboratory to test that the product has been adequately acidified; use only the varietal or proportionate varietals of tomato included in the tested recipe for all subsequent batches of such recipe; and provide documentation of the test results of the recipe submitted under this subparagraph to an inspector upon request during any inspection authorized by subsection (d) of 410 ILCS 625 Illinois Food Handling Regulation Enforcement Act.

### **List of Potentially Hazardous Foods:**

- raw and cooked meat, or foods containing meat such as casseroles, curries and lasagna
- dairy products such as milk, custard and dairy-based desserts (Cheesecakes)
- seafood (excluding live seafood)
- processed or cut fruits and vegetables, such as salads
- cooked rice and pasta
- foods containing egg, beans, nuts or other protein-rich food such as quiche and soy products
- foods that contain any of the above foods including sandwiches and rolls

- **Do I need a license or permit to be a Cottage Food Operator in Macoupin County?**

-Yes, please contact the Macoupin County Environmental Health Division to receive an application for your license prior to starting sales. Permit fees are \$35 and must be renewed annually.

- **What certifications must I possess as a Cottage Food Operator?**

-Cottage Food Operators are required to be **Certified Food Protection Managers**. This certification must be obtained through an ANSI approved and accredited source. Please submit a copy of your certification with you application to Macoupin County Public Health Department (Environmental Division at 112 S. Macoupin St., Gillespie, IL 62033)

- **What foods are prohibited to sell under Cottage Food Law?**

- **Prohibited foods include:**

- (A) meat, poultry, fish, seafood, or shellfish;

- (B) dairy, except as an ingredient in a non-potentially hazardous baked good or candy, such as caramel, or as an ingredient in frosting for baked goods, such as buttercream (as of 1/1/2022);

- (C) eggs, except as an ingredient in a non-potentially hazardous baked good or in dry noodles, or as an ingredient in baked good frosting, such as buttercream, as long as the egg is not raw;

- (D) pumpkin pies, sweet potato pies, cheesecakes, custard pies, crème pies, and pastries with potentially hazardous fillings or toppings;

- (E) garlic in oil or oil infused with garlic, except if the garlic oil is acidified; (1.6) A food is “acidified” if: acid or acid ingredients are added to it to produce a final equilibrium pH of 4.6 or below; or it is fermented to produce a final equilibrium pH of 4.6 or below. “Equilibrium pH” means the final potential of hydrogen measured in an acidified food after all the components of the food have achieved the same acidity.

- (F) canned foods, **except for the following**, which are allowed if they are acid/acidified and canned only in Mason-style jars with new lids. “Canned food” means food preserved in airtight, vacuum-sealed containers that are heat processed (Boiling Water Bath Canner) sufficiently to enable storing the food at normal home temperatures. Low acid canned foods are prohibited.

- (G) sprouts; “Sprout” means any seedling intended for human consumption that was produced in a manner that does not meet the definition of microgreen.

- (H) cut leafy green, except for cut leafy greens that are dehydrated, acidified, or blanched and frozen; “Leafy greens” includes iceberg lettuce; romaine lettuce; leaf lettuce; butter lettuce; baby leaf lettuce, such as immature lettuce or leafy green; escarole; endive; spring mix; spinach; cabbage; kale; arugula; and chard. “Leafy greens” does not include microgreens or herbs such as cilantro or parsley. “Microgreen” means an edible plant seedling grown in soil or substrate and harvested above the soil or substrate line.

- (I) cut or pureed fresh tomato or melon;

- (J) dehydrated tomato or melon;

- (K) frozen cut melon;

- (L) wild-harvested, non-cultivated mushrooms; or

- (M) alcoholic beverages; or

- (N) kombucha (fermented tea).

**NOTE:** Although eggs, milk and dairy products are not allowed, used as ingredients for the allowed foods – is acceptable.

- **Does the food I produce need to be labeled and if so, what needs to be included in the label?**

-Yes, a label is required to be on the food products. The label should include the following statement, ***“This product was produced in a home kitchen not inspected by a health department that may also process common food allergens. If you have safety concerns, contact your local health department.”***

-Other labeling requirements are provided below:

- The name and address of the cottage food operation (not a Post Office Box) no out of state operations.
- The common or usual name of the food product.
- All ingredients of the food product, including any colors, artificial flavors, and preservatives. Ingredients must be listed in descending order by weight using common or usual names. Sub ingredients as well: example: (soy sauce: wheat, soybeans, salt).
- Allergen labeling as specified in federal labeling requirements (see below).
- The date the product was processed (prepared).
- The label may be handwritten or printed large enough to be easily read.

-Cottage Food Operators must provide labeling that also identifies any ingredient that is considered an allergen based off Federal Labeling Requirements. Allergen label must be included if any of the food items contain any of the following food groups: milk, eggs, wheat, peanuts, soybeans, fish, crustacean/shellfish, and tree nuts (almonds, etc.)

-This labeling addition can be as simple as “CONTAINS SOYBEANS” to appropriately identify the food group that is considered an allergen.

-A placard is required to be present at all times of sales, as well. This placard must state **“This product was produced in a home kitchen not inspected by a health department that may also process common food allergens. If you have safety concerns, contact your local health department.”**

- **Where can I sell the products, I produce as a Cottage Food Operator?**

-Products can be sold directly to customers at farmers’ markets, by delivery or pick-up, online, fairs, and other public events. Non-potentially hazardous foods may be shipped within the state of Illinois if they are in tamper-evident packaging.

- Cottage foods **CANNOT** be sold to a retailer for resale or to a restaurant for use or sale in the establishment. **THESE ITEMS CAN ONLY BE SOLD DIRECT-TO-CUSTOMER.**

- **As a Cottage Food Operator, am I allowed to have a brokering agreement with another facility?**

**-ABSOLUTELY NOT.** If you are a Cottage Food Operator, you or a direct family member must always be present during direct sales to the customer. All the food items you prepare, and sell must be stored in the residence or appropriately designed and equipped residential or commercial-style kitchen on the property where the food is made.

If you have any further questions regarding Cottage Food, please refer to <https://extension.illinois.edu/food/selling-food> or contact the Macoupin County Public Health Environmental Division at 217-839-4111 or 217-710-9113.