

COTTAGE FOOD REGULATIONS

(Subject to Subtitle K of Title 25 of the District of Columbia Municipal Regulations)

Frequently Asked Questions

1. **QUESTION:** What is a cottage food business?

ANSWER: A cottage food business refers to a business in which food products are prepared in the residential home kitchen of the owner's primary residence. The cottage food business may not operate as a food service business, a retail food store, or a wholesale food manufacturer.

2. **QUESTION:** Can I sell my cottage food products directly to consumers?

ANSWER: Yes, you are authorized to sell your cottage food products to consumers, including direct to consumer, at farmers markets and public events, and online sales, within the District of Columbia. You are not allowed to sell or ship any cottage food item outside of the District of Columbia.

3. **QUESTION:** Can I sell my cottage food products to restaurants or grocery stores?

ANSWER: No. The cottage food business owner can only sell directly to the consumer, at farmers markets, public events, and online sales, within the District of Columbia.

4. **QUESTION:** How much is the registration fee for a cottage food business?

ANSWER: The fee is \$50.00 for 2 years.

5. **QUESTION:** Who do I contact to start a cottage food business?

ANSWER: Contact DC Health at (202) 535-2180, email food.safety@dc.gov, or visit <https://dchealth.dc.gov/node/1350071>

6. **QUESTION:** Am I required to have my home kitchen inspected before being approved to operate a cottage food business?

ANSWER: Maybe, if DC Health determines a preoperational inspection is necessary based on your registry application.

7. **QUESTION:** Do I need a license for my cottage food operation?

ANSWER: No. However, the owner of a cottage food business must obtain a Cottage Food Business Registration Certificate by submitting a Cottage Food Business Registry Application to DC Health for review and approval in compliance with the District of Columbia's Cottage Food Regulations in Title 25-K of the District of Columbia's Municipal Regulations (DCMR).

8. **QUESTION:** Can I prepare cottage food products in an outbuilding on my property, such as a shed or garage?

ANSWER: No. Cottage food products can only be prepared and packaged in a kitchen that is located within the primary residence of the cottage food business owner as listed on the Cottage Food Business Registry Application. Cottage food products must also be stored within the kitchen in which they are approved to be made. The use of a shed or garage to store finished cottage food products is also prohibited.

9. **QUESTION:** Can I sell food prepared in a rented kitchen?

ANSWER: No. Not as a cottage food business owner. By definition you can only prepare food in the residential kitchen that is located at the address listed on the Cottage Food Business Registry Application.

10. **QUESTION:** Can I prepare products in a vacation home, other second home?

ANSWER: No. Cottage food products can only be prepared and packaged in a kitchen that is located in the primary residence of the cottage food business owner as listed on the Cottage Food Business Registry Application which needs to be in Washington, DC.

11. **QUESTION:** Must I allow a DC Health inspector into my home?

ANSWER: Yes. DC Health reserves the right to inspect the premises of your cottage food business at your primary residence to conduct:

- Preoperational inspections (if required),
- Investigate a foodborne illness outbreak, consumer complaint, or other public health emergency, and
- Whenever DC Health has reason to believe the cottage food business is operating in violation of the D.C. Cottage Food Regulations in Title 25-K of the District of Columbia Municipal Regulations or is operating in an unsanitary manner.

12. **QUESTION:** What is the definition of a potentially hazardous food or a TCS Food?

ANSWER: A “potentially hazardous food” or “Time/Temperature Control for Safety Food (TCS)” is a food that requires time/temperature for safety to limit pathogenic microorganism growth or toxin formation. It includes an animal food that is raw or heat-treated, a plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation.

13. **QUESTION:** Can I sell beer or other alcohol products?

ANSWER: No.

14. **QUESTION:** Am I allowed to make and sell pet treats?

ANSWER: No. Cottage food business owners are not allowed to prepare or sell food that is not intended for human consumption.

15. **QUESTION:** Am I allowed to produce canned fruit and vegetables?

ANSWER: No. The production of canned fruit, canned vegetables, canned vegetable butters, and canned salsas is prohibited.

16. **QUESTION:** Can I prepare and sell dehydrated meat or dehydrated poultry products?

ANSWER: No. Meat and poultry are potentially hazardous foods therefore they are prohibited from preparation or sale by a cottage food business owner.

17. **QUESTION:** Can I prepare and sell apple butter, pumpkin butter, or other fruit butters?

ANSWER: No. Fruit butters have significantly less sugar than traditional jam or jelly. In fruit butters, the combination of sugar and pectin is not large enough to assure that the butter is safe. With lower sugar and pectin levels, spoilage organisms are more likely to survive cooking process, which would allow for a micro-environment to develop and allow for the growth of Clostridium botulinum.

18. **QUESTION:** Can I use home grown fruits and vegetables to make my food products?

ANSWER: Yes. You should take care to thoroughly wash the homegrown product and the fruits and vegetables must be incorporated into the batter and properly baked, labeled and packaged. The baked goods may not be decorated or garnished with fresh fruits or vegetables.

19. **QUESTION:** Can I sell pressed juices?

ANSWER: No. The sale of pressed juices is prohibited.

20. **QUESTION:** Can I sell my cottage food products directly to consumers?

ANSWER: Yes, you are authorized to sell your cottage food products to consumers, including through direct, retail, and online sales, within the District of Columbia. You are not allowed to sell or ship any cottage food item outside of the District of Columbia.

21. **QUESTION:** What types of containers may I use to package a cottage food product?

ANSWER: Cottage food products may be sold in food grade packaging; food grade containers are those that do not transfer toxic substances to the food which is contained in the package. Packages should be used for their intended purpose. You can check with the manufacturer of the packaging you would like to use to see if it has been approved for use as a food contact by the Food and Drug Administration (FDA) or NSF (NSF International, formerly the National Sanitation Foundation).

Cottage food products may be sold in food grade packaging that is suitable for the product, with the following exceptions:

- Hermetically sealed food jars **may not be used**
- Reduced oxygen packaging methods **may not be used**
- Acidified or as low acid canned foods packaging **may not be used**
- Styrofoam™ (polystyrene) containers are not allowed for use as disposable food service ware in the District of Columbia.

22. **QUESTION:** Must I label the cottage food products I sell?

ANSWER: Yes. All packaged cottage food products are required to have the following label information on the packaging in accordance with 25-K DCMR 104.3:

- Cottage food business identification number
- Name of the cottage food product
- Ingredients of the cottage food product in descending order or amount of each ingredient by weight
- Net weight or net volume of the cottage food product

- Allergen information as specified by federal labeling requirements in **21 CFR Section 101, Food Labeling**, if the cottage food product is made from foods including but not limited to: eggs, milk, wheat, peanuts, tree nuts (such as pecans, almonds, cashews, pistachios, and walnuts), soybeans, fish (such as bass, flounder, cod), and crustacean shellfish (such as crabs, shrimp, and lobsters)
- If any nutritional claim is made, nutritional information as specified by federal labeling requirements in **21 CFR Part 101, Food Labeling and 9 CFR Part 317, Subpart B, Nutrition Labeling**
- A statement printed in 10-point font or larger type with a color that provides clear contrast to the background of the label that reads:

Made by a cottage food business that is not subject to the District of Columbia's food safety regulations.

23. **QUESTION:** Are there special requirements for tree nuts labeling for allergens?

ANSWER: Yes. If your Cottage Food product has tree nuts as an ingredient, you must identify which tree nut you are using. For example, if you made Nut Bread, an acceptable ingredient list would be:

Ingredients: wheat flour, water, almonds, salt, yeast.

The following would **not** be acceptable:

Ingredients: flour, water, nuts, salt, yeast.

24. **QUESTION:** Can I sell foods not listed on the Cottage Food Business Registry Application?

ANSWER: No. Only the cottage foods that have been approved by DC Health can be sold. However, section **103.3 and 103.4 of the D.C. Cottage Food Regulations in Title 25-K of the District of Columbia Municipal Regulations states:**

If an owner of a cottage food business requests to produce, package or sell a recipe or food product that is not on the approved list in Subsection 103.5, the owner of a cottage food business shall submit confirmation of the food product's pH value and water activity from any state accredited laboratory to DC Health for review and approval.

25. **QUESTION:** What if an ingredient I use is subject to a recall because it may make people sick or has been determined as the cause of a foodborne illness outbreak?

ANSWER: You should notify DC Health at food.safety@dc.gov and you must cease distribution of the product immediately.

26. **QUESTION:** How do I file a complaint about a cottage food business or cottage food product?

ANSWER: You may file a complaint with DC Health at food.safety@dc.gov.