


District of Columbia Department of Health  <h2 style="text-align: center;">Cottage Food Registration and Inspection</h2>		<b>PROCEDURE 1420.000</b> Implementing Office: Health Regulation and Licensing Administration/Division of Food Training Required: Yes Originally Issued: JUN 0 2018 Revised/Reviewed: OCT 10 2021 <b>(First Revision)</b>
Approved by:  LaQuandra S. Nesbitt MD, MPH; Agency Director	Review by Legal Counsel:  Phillip Husband, Esq.; General Counsel	Effective Date: OCT 10 2021 Valid Through Date: OCT 10 2024

<b>I. Authority</b>	Reorganization Plan No. 4 of 1996; Mayor’s Order 1997-42; Title 25-K of the DCMR
<b>II. Reason for the Policy</b>	The 2017 publication of rules permitting Cottage Food Businesses in the District of Columbia, wherein food products are prepared in a residential kitchen for sale at a farmer’s market or public event, created an additional portfolio category for the Division of Food within the Health Regulation and Licensing Administration (HRLA).
<b>III. Applicability</b>	This SOP shall apply to all employees, contract employees, interns, and summer youth employees working within Division of Food (collectively referred to herein as “employees” or “Division of Food employees”).
<b>IV. Policy Statement</b>	<p>Registration and inspection of Cottage Food Businesses is within the portfolio of Division of Food. The Program Manager of Division of Food is accountable for implementation of, and adherence to, this SOP.</p> <p>To lawfully operate a Cottage Food Business in the District of Columbia, an applicant is required to complete a registry application in its entirety, provide all additional documentation required under the newest version of the regulations governing Cottage Food Businesses, and pay the posted registration fee. Division of Food may reject registry applications that do not include all required information, additional documents, or those where the registration fee was not paid.</p>

The Division of Food Staff Assistant, or other employee designated by the Program Manager is responsible for verifying the completeness of a registry application and creating an electronic record for all applicants seeking to operate as a Cottage Food Business in the Division of Food database. He/she is accountable for ensuring electronic records for Cottage Food Businesses, and applicants pending registration, are accurate, current, and properly organized.

The Division of Food Program Manager, or designee, is responsible for evaluating an applicant's adherence to applicable regulations. The evaluation shall be complete, and the applicant notified of the outcome within thirty (30) calendar days of receipt. The list of requirements in this evaluation includes, but is not limited to:

1. Ensuring all items to be served appear in the list of acceptable non-potentially hazardous products per the most recent version of the applicable regulations;
2. Ensuring items are not being prepared using a process restricted in the applicable regulations.

If an applicant requests to produce, package, or sell a recipe or food product that is not on the approved list of foods, the owner of the business must submit confirmation of the food product's pH value and water activity from any state accredited laboratory to the Department for review. Division of Food will review this documentation and make a case-by-case decision on whether or not the business will be permitted to make and sell the product.

Applicants seeking to sell honey and/or honeycomb shall provide proof they are in compliance with the "Sustainable Urban Agriculture Apiculture Act of 2012" and provide proof they are registered with the District's Department of Energy and Environment (DOEE) in accordance with Subtitle B of the Act – "Promoting Urban Agriculture through Beekeeping", and submit the documentation to the Department for review. Division of Food will verify this documentation and make a case-by-case decision on whether or not the business will be permitted to make and sell the product.

If the review reveals any instances of non-compliance with the applicable regulations, Division of Food may contact the applicant to schedule an in-person consultation to review the findings, provide technical assistance to the applicant, and amend the application such that the proposed Cottage Food Business aligns with all applicable regulations.

For registry applications approved by the reviewer, either initially, or after being amended during an in-person consultation, Division of Food inspectors may conduct a scheduled pre-operational inspection within fourteen (14) calendar days of approving a registry application.

All Division of Food employees must complete Cottage Food Business Inspection Training to be eligible to inspect a Cottage Food Business. The Program Manager of Division of Food has the authority to make this training mandatory for any Division of Food employee.

All inspections of Cottage Food Businesses shall be conducted by two (2) eligible Division of Food inspectors. A pre-operational inspection may be conducted if the Division deems it necessary. The decision to conduct a pre-operational inspection shall be made based on the information collected in the application process.

Cottage Food Businesses are subject to Division of Food inspections in response to foodborne illness outbreaks, consumer complaints, or other public health emergencies, including but not limited to operating in an unsanitary manner, non-compliance with an Order to Cease and Desist or a Department Directive, or non-compliance with the Cottage Food Regulations. If a Cottage Food Business fails to comply with the Cottage Food Regulations, or refuses to comply with an Order to Cease and Desist, Summary Suspension Order, or any Department Directive, Division of Food shall remove the Cottage Food Business from the Cottage Food Business Registry and the owner of the cottage food business shall be required to file a new application to the Registry.

The Division of Food Program Manager is responsible for overseeing the development of a written inspection protocol specific to Cottage Food Businesses for use during an inspection.

	<p>Inspectors are required to complete the protocol in its entirety during every inspection. The Division of Food Program Manager may order the written inspection protocol to be revised to ensure it is current and fully aligned with the applicable regulations.</p> <p>Any employee in violation of any part of this SOP may be subject to commensurate disciplinary action.</p>
<p><b>IV. Definitions &amp; Acronyms</b></p>	<p><b>Cottage Food Business-</b> A business that:</p> <ul style="list-style-type: none"> <li>a) Produces or packages cottage food products in a residential kitchen;</li> <li>b) Sells the cottage food products in accordance with Section 4932 of Section 2 of the Cottage Food Expansion Amendment Act of 2019, effective March 10, 2020 (D.C. Law 23-61; D.C. Official Code §§ 7-742.01 <i>et seq.</i> (2018 Repl.)), and the Cottage Food Regulations in Title 25-K of the DCMR; and</li> <li>c) Has obtained a home occupancy permit from the Department of Consumer and Regulatory Affairs pursuant to Section 203 of Title 11 (Zoning Regulations of 2016), Subtitle U (Use Permissions), of the District of Columbia Municipal Regulations (11-U DCMR § 203).</li> </ul> <p><b>Cottage food product-</b> A non-potentially hazardous food, as specified in regulations adopted by the Department of Health, that is sold to consumers, including through direct, retail, and online sales, within the District of Columbia in accordance with Section 4932 of Section 2 of the Cottage Food Expansion Amendment Act of 2019, effective March 10, 2020 (D.C. Law 23-61; D.C. Official Code §§ 7-742.01 <i>et seq.</i> (2018 Repl.)), and the Cottage Food Regulations in Title 25-K of the DCMR.</p> <p><b>DOEE-</b> District of Columbia Department of Energy and Environment</p> <p><b>HRLA-</b> Health Regulation and Licensing Administration</p>
<p><b>VI. Procedures</b></p>	<p><b>Procedure A: Cottage Food Business Registration</b></p> <ol style="list-style-type: none"> <li>1. The applicant submits a complete registry application.</li> </ol>

2. The applicant pays the listed registration fee.
3. The Division of Food Staff Assistant shall review the application for completeness, verifying that all fields are complete, all required attachments are present, and that the registration fee has been paid.
4. Upon verification of completeness, the Division of Food Staff Assistant shall create an entry for the applicant in the electronic database.
5. Within thirty (30) days of the entry being created in the electronic database, the Division of Food Program Manager, or designee, shall review the application, and evaluate whether the registry application reflects compliance with all applicable regulations.
6. An employee designated by the program manager, shall notify the applicant of the outcome of the review.
7. If the application was not approved, see Procedure B: In-Person Consultation. If the application was approved, see Procedure C: Pre-Operational Inspection

#### **Procedure B: In-Person Consultation**

Apply this procedure if the registry application was not approved after initial review.

1. The Supervisory Sanitarian, may contact the applicant to schedule an in-person consultation.
2. During the in-person consultation, the Supervisory Sanitarian shall discuss the issues that caused the application not to be approved, and provide any necessary technical assistance to the applicant.
3. The Supervisory Sanitarian, may coordinate with the applicant to amend the application to bring it into compliance with all applicable regulations.
4. Proceed to Procedure C: Pre-Operational Inspection.

	<p><b>Procedure C: Pre-Operational Inspection</b></p> <ol style="list-style-type: none"> <li>1. Division of Food Supervisory Sanitarian, or designee, shall contact the applicant to schedule a pre-operational inspection.</li> <li>2. At the prescribed date and time, two inspectors shall report to the address on the application.</li> <li>3. The inspectors shall complete the written inspection protocol in its entirety.</li> <li>4. The inspectors shall draft a report, indicating whether the applicant passed or failed the inspection, as well as any violations observed.</li> <li>5. The Supervisory Sanitarian may coordinate with the applicant to conduct a second inspection to verify all violations have been abated.</li> <li>6. Upon receiving a passing inspection (either initial or follow-up), Division of Food Supervisory Sanitarian, or designee, shall assign a Cottage Food Business Registration (CFBR) Number in the applicant’s electronic record.</li> <li>7. The applicant shall report to DC Health to receive the CFBR number and verification of registration.</li> </ol>
<p><b>VII. Contacts</b></p>	<p>Division of Food Program Manager</p>
<p><b>VIII. Related Documents, Forms and Tools</b></p>	<p>None</p>