



National Environmental Health Association

303-756-9090
720 S. Colorado Blvd., Suite 1000-N, Denver, CO 80246-1926
staff@neha.org

The National Environmental Health Association (NEHA) represents more than 6,700 governmental, private, academic, and uniformed services sector environmental health professionals in the U.S. and its territories and internationally. NEHA is the profession's strongest advocate for excellence in the practice of environmental health as it delivers on its mission to build, sustain, and empower an effective environmental health workforce.

Policy Statement on Food Safety for Cottage Foods and Home Based Restaurants

November 2018
Policy Sunset: November 2021

Cottage foods are prepared and packaged in the home kitchen of a domestic residence of a person with the intention of being sold directly to consumers (Association of Food and Drug Officials, 2016). A growing segment of this market

an individual purchases food, prepares, and serves a restaurant style meal in their home to paying customers. Cottage foods and home based restaurants pose a risk to health due to the lack of standardized regulatory oversight, and this will likely increase as states expand cottage food and home based restaurant laws to allow time/temperature control for safety (TCS) foods to be sold.

Although cottage foods and home based restaurants would not likely result in multistate foodborne illness outbreaks, they have significant negative impact smaller communities. A 2014 case study from California demonstrates this risk. An unlicensed farm stand sold pesto that was produced in a home kitchen, which was not licensed by the California Department of Public Health (CDPH) in one case of

Guillain Barre Syndrome. Although this product would not have qualified under a Cottage Food Operators permit in California, it demonstrates the dangers TCS foods pose when produced in a home kitchen (Needham & Franciso, 2015). This policy

NEHA supports the following policies and actions:

- The existence of the cottage foods industry to the extent that it does not include time/temperature control for safety (TCS) foods or foods that are non TCS solely due to processing (e.g., acidification).
- Cautions against the unregulated expansion of home based restaurants. NEHA supports holding home based restaurants to the same standards as food establishments as defined by the most recent version of the FDA *Food Code* regardless of size or annual income, including the presence of domestic animals in food preparation area.
- Require registration with the appropriate state, local, or tribal regulatory food safety or public health agencies for all cottage food and home based restaurant entities.
- Include a requirement for prominent labeling and signage in English (and the prominent language of the local area, if applicable) and disclosure to the consumer that the product has NOT been produced or prepared in accordance with federal, state, or local public health requirements or oversight.
- All ingredients used in the production of cottage foods or in home based restaurants should be procured from licensed and inspected facilities and the use or sale of foods including raw milk, home canned foods, and meats from uninspected sources should be prohibited.
- Require that the water used in homes that produce cottage foods and home based restaurants meet potable drinking water standards. If the water supply is from a municipal source, a potability certificate or report from a state or local health

A a g e n c i e s

- State legislation and regulations for cottage foods and home based restaurants should be easy to locate on health department websites, as well as easy to understand for individuals interested in starting a cottage foods or home based restaurant business (Condra,

garage sale advertising sites. Home based restaurants differ from cottage foods as the industry almost exclusively includes the preparation and sales of restaurant style TCS foods out of the home kitchen.

Justification

With increased popularity of cottage foods and home based restaurants, the potential for negative health impacts exist. Data from the National Outbreak Reporting System of the Centers for Disease Control and Prevention show that there were 2,416 foodborne illness outbreaks, 40,848 illnesses, 3,579 hospitalizations, and 100 deaths attributed to food prepared in private homes and residences from 1998–2016 (Centers for Disease Control and Prevention, 2017). These statistics demonstrate the need for state, local, and tribal public and environmental health officials to out



U.S. Department of Agriculture, Food Safety and Inspection Service. (2018). *Food safety consumer research project: Meal preparation experiment related to thermometer use*. Retrieved from https://www.fsis.usda.gov/wps/wcm/connect/cb222383_1e02_471a_8657_c205eda92acf/Observational_Study.pdf?MOD=AJPERES

U.S. Department of Health and Human Services, Public Health Services, Food and Drug Administration. (2017). *Recommendations of the United States Public Health Service*