

DCP Requirements for the Production of Acidified Foods

- Wholesale production of an acid food or an acidified food requires a Food Manufacturing Establishment License (FME) from The Department of Consumer Protection (DCP).
- Zoning Approval or equivalent town approval (Not local health department approval) is required for non-commercial facilities only.
- Shelf stable regulated product has to be produced under the operating supervision of a Process Authority, typically someone who has attended and successfully completed an approved Better Process Control School (Acidified Foods) (21 CFR 114.10).
- Maintenance of records for the appropriate timeframes (21 CFR 114.100) (21 CFR 108(3)(ii)(e)(f)(g)).
- Establish production and process controls that meet the requirements of 21 CFR 114 such as proper methodology for product testing and obtaining a pH meter for batch testing of product.
- Proper testing methodology involves obtaining a Process Authority and Process Schedule from an accredited laboratory.
- Proper labeling and batch coding shall be used in accordance with 21 CFR 114.
- If utilizing a private well a water analysis test will be required to be maintained in your files and presented upon request on a yearly basis.
- Local health department approval may be required depending on the location of the manufacturing firm and any local approval is separate from DCP approval. Please contact the local health department or health district for town specific regulations.

FDA- Acidified Foods Requirements (in addition to DCP requirements manufacturers must do the following)

- Register with the FDA within 10 days after first engaging in the production of an acidified food using Form FDA 2541 (21 CFR 108.25(c)(1)).
- File a schedule process with the FDA using Form FDA 2541(a) within 60 days of registering with the FDA (21 CFR 108.25(c)(1)).
- Registration with the FDA in accordance with the Food Safety Modernization Act (FSMA) if applicable.
- Meet all of the above requirements.

Exemptions (the following foods are exempt from the acidified food regulations detailed above but still require a FME or NAB license with DCP)

- Refrigerated foods kept under refrigeration at all steps of production and storage. Must be prominently marked "Keep Refrigerated at all Times"
- Jams and jellies that meet the Standard of Identity (21 CFR 150).
- Carbonated beverages that meet the Standard of Identity (21 CFR 165). **Note: Manufacturers of non-alcoholic beverages shall obtain an NAB license from the Department of Consumer Protection prior to beginning production.**
- Fermented Foods
- Acid foods that contain a small amount of low-acid food(s) and have a finished equilibrium pH

that does not significantly differ from that of the predominant acid or acid food (21 CFR 114.3(b)) (Ex. Some Salad Dressings)

NOTE: All product exemptions for acidified foods are determined by Department of Consumer Protection and are not at the manufacturer's discretion. If a firm believes their product falls under an exemption product approval shall still be granted by the Department of Consumer Protection and a Food Manufacturing License obtained.

Requirements for Farm Exemption regarding the production of Acidified Foods (CGS21a-24a):

- Retail production only (certified farmers markets only).
- Includes: Food items with a pH value of 4.6 or less upon completion of the recipe.
- Manufactured on a Residential Farm from product grown primarily on the farm. The exemption specifically requires that "...such acidified food products, jams, jellies or preserves are prepared with fruit or vegetables **grown on such farm.**"
- The property has to be utilized as a farm and the primary residence of the owner has to be on the farm.

Requires:

- Approved water source
- pH test of finished product
- restricted use of kitchen
- completion of a safe handling food course
- Proper Labeling **"Not prepared in a government inspected kitchen." (≥10 pt type)**

This document is meant for general guidance purposes only and may not include all requirements necessary to obtain a license with the Department of Consumer Protection and/or the FDA. The Department of Consumer Protection reserves the right to alter or change the requirements set forth within this document.*

Bakery Licensing Requirements:

- Apply for a Bakery License on the Department of Consumer Protections website.
- Zoning Approval or equivalent town approval (Not local health department approval) for non-commercial properties.
- If using a shared facility the operator must provide documentation granting permission to use that facility from the owner of the shared kitchen, including days and times facility will be used, such as a lease agreement.
- Water source – If utilizing a private well a water analysis will be required to be completed on an annual basis, maintained in your files and presented upon request.
- Food safety training certification.
- Local health department approval may be required depending on if the bakery is a retail or wholesale bakery. Please contact the local health department or health district for town specific regulations.
- Wholesale Bakeries shall also register with the FDA in accordance with the Food Safety Modernization Act (FSMA). Please see <http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/ucm331959.htm> for FSMA registration requirements.
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Food Manufacturing Establishment License (FME):

REQUIREMENTS FOR MANUFACTURING RETAIL AND WHOLESALE FOOD PRODUCTS:

- Zoning Approval or equivalent town approval (Not local health department approval).
- If using a shared facility the operator must provide documentation granting permission to use that facility from the owner of the shared kitchen, including days and times facility will be used, such as a lease agreement.
- Water source – If utilizing a private well a water analysis will be required to be completed on an annual basis, maintained in your files and presented upon request.
- Food safety training certification.
- Local health department approval may be required depending on if the food manufacturer is a retail or wholesale firm. Please contact the local health department or health district for town specific regulations.
- Wholesale Food Manufacturers shall also register with the FDA in accordance with the Food Safety Modernization Act (FSMA). Please see <http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/ucm331959.htm> for FSMA registration requirements.

ADDITIONAL REQUIREMENTS TO MANUFACTURE WHOLESALE FOOD PRODUCTS:

- An FME license is required for the production of prepared wholesale food products. “Prepared” means a process of canning, cooking, freezing, dehydrating, milling, repacking or cutting.
- Registration with the FDA in accordance with the Food Safety Modernization Act (FSMA), if

applicable. Please see

<http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/ucm331959.htm> for FSMA registration requirements.