Residential Kitchens
Questions and Answers

Massachusetts Department of Public Health
Bureau of Environmental Health
Food Protection Program
617-983-6712
305 South Street
Jamaica Plain, MA 02130

There are an increasing number of private citizens preparing food products in their home kitchens for sale. Massachusetts allows its residents to operate home-based businesses to produce low-risk foods, such as cakes, cookies, breads, and confectioneries. Currently, the Massachusetts Department of Public Health Food Protection Program receives more than 200 inquiries per year from citizens interested in starting home-based food businesses.

Home-based food businesses are allowed within specific regulatory limitations. **Retail Residential kitchen operations are restricted to sale directly to the consumer and are inspected and licensed by the local board of health. Wholesale operations may sell their products to retail stores, restaurants, etc., and are inspected and licensed by the Massachusetts Food Protection Program.**

At the end of this brochure there is a listing of regulations pertaining to retail and wholesale residential kitchens, as well as information as to where to obtain copies.

The following are answers to some of the most commonly asked questions about residential kitchen operations.

What kinds of foods may be prepared in a residential kitchen?
Residential kitchens are strictly limited to the preparation of non-potentially hazardous foods (non-PHFs), such as baked goods, confectioneries, jams and jellies. Non-PHFs, such as cakes and cookies, which have PHF ingredients are acceptable.

What kinds of foods *may not be prepared* in a residential kitchen?
The preparation and sale of potentially hazardous foods (PHF) such as cream-filled pastries, cheesecake, custard and other foods which can support the growth of disease-causing bacteria are strictly prohibited.

In addition, perishable foods that require refrigeration, such as cut fruit and vegetables, tomato and barbeque sauce, pickled products, relishes and salad dressings are not permitted in residential kitchens.

In addition, all foods that are manufactured or packaged using processes that require state or federal control (e.g., acidification, hot fill, vacuum-packaging, etc) are prohibited. Garlic-in-oil products are not permitted.

What types of processing operations are prohibited in a residential kitchen?
Processing operations that are prohibited include: acidification, hot fill, thermal processing in hermetically-sealed containers, vacuum packaging, and curing/smoking. The only exception is jams and jellies that are thermal-processed in hermetically-sealed containers.

To evaluate the non-potentially hazardous status of a food, what type of laboratory analysis may a board of health or the Massachusetts Department of Public Health request?
For any food product, the board of health or the Massachusetts Department of Public Health may require laboratory documentation that the food has a final pH of 4.6 or below or a water activity of 0.85 or below.

When reporting results, the laboratory must reference the standardized testing procedure.

Residential kitchen operators must keep records of analysis of products on file for review.

Must a residential kitchen operator use a standard recipe for each batch of product?
Yes. Persons preparing food products must maintain a standardized recipe of the products used in the preparation of the food: listing all ingredients in order of weight. Any change in the recipe constitutes a recipe deviation, and new analysis may be required.

Are there any personnel, marketing or volume restrictions for residential kitchens?
Yes. First, only household members may be employed in the operation.
Second, the use of brokers, wholesalers, and warehouses by residential kitchen operators to store, sell, and distribute foods prepared in residential kitchens is prohibited.

Food products manufactured in Massachusetts residential kitchens may not be sold out-of-state (in interstate commerce), because the U.S. Food and Drug Administration does not recognize these foods as originating from an approved source.

Massachusetts Residential Kitchens

Regulations

Retail Sale:

- **105 CMR 590.000** *Minimum Sanitation Standards for Food Establishments, Chapter X*
- **105 CMR 520.000** *Massachusetts Labeling Regulations*

Wholesale:

105 CMR 500.000 *Good Manufacturing Practices*
105 CMR 520.000 *Massachusetts Labeling Regulations*

Unofficial copies of all regulations are available at: http://mass.gov/dph/fpp/regs.htm

License Applications

A residential kitchen that wholesales its product is required to obtain a *License for Food Processing and/or Distribution at Wholesale* from the Massachusetts Department of Public Health

An application for a License to Manufacture and/or Distribute Food at Wholesale is available at http://mass.gov/dph/fpp/pdf/foodapplication.pdf

A Guidance document, "Notice for Applicants for a License to Manufacture/Distribute Food at Wholesale from a Residential Kitchen is available at http://www.state.ma.us/dph/fpp/wfoapp.pdf.

To obtain copies, contact a State Bookstore:
Massachusetts State House
Beacon Street, Room 116
Boston, MA 022133

or telephone:
Boston: 617-727-2834
Springfield: 413-784-1376
Fall River: 508-646-1374

If you have questions about retail residential kitchen operations and licensing, please contact your local board of health.

If you have questions about wholesale residential kitchen operations and licensing, contact the: **Massachusetts Department of Public Health**
Center for Environmental Health
Food Protection Program
305 South Street
Jamaica Plain, MA 02130
617-983-6712.

February 2005

Notice to Applicants for a License to Manufacture and/or Distribute Food at Wholesale from a Residential Kitchen

It is important that applicants for a license to manufacture and/or distribute food at wholesale from a Residential Kitchen remember the following:

You Must:

- Meet the relevant requirements of 105 CMR 500.000: Good Manufacturing Practices
- Meet the requirements of 105 CMR 520.000: Labeling
- Manufacture and/or distribute *only* non-potentially hazardous foods, e.g., cakes, breads, brownies, etc., and foods that do not require refrigeration
- Manufacture all products in your home kitchen
- Employ only family members
- You **may not** manufacture:
  - Low-acid foods packaged in hermetically-sealed containers
  - Modified-atmosphere-packaged foods
  - Acidified foods
  - Dairy, seafood, meat or poultry products
  - Any potentially hazardous foods (phfs)

    Remember:

    - A potentially hazardous food is defined as:

    Any food or ingredient, natural or synthetic, in a form capable of supporting

    (1) rapid and progressive growth of infectious or toxigenic microorganisms or

    (2) slower growth of *C. botulism*. (Included are any foods of animal origin, either raw or heat treated, and any foods of plant origin which have been heat treated and raw seed sprouts.)

    (3) excluded are the following:

    (a) air dried hard boiled eggs with shells intact;

    (b) foods with a water activity (aw) value of 0.85 or less;

    (c) foods with a hydrogen concentration (pH) level of 4.6 or below;

    (d) foods in unopened hermetically sealed containers, which have been commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution; and,

    (e) foods for which laboratory evidence (acceptable to the Department) demonstrates that rapid and progressive growth of infectious and toxigenic microorganisms or the slower growth of *C. botulism* cannot occur.