



Cottage Food Public Meeting Transcript

H = Division of Public Health Employee

A = Meeting Attendee

H1, H2, etc = Health District Employee

May 11th – Idaho Falls

A: People start businesses in hopes of eventually to have their own storefront, restaurant and stuff like that. I just wanted to make sure in that interim process that they are not bogged down by all these rules where they essentially cannot get started. You can make the best jam in the world and it still is not enough to open up a storefront.

H: It's not. Now I think there is a little bit of confusion. None of the bills that were presented or our current practice precludes a Farmers Market from making their own policies and rules specific to that market. And when we are aware of those, we try to honor that for you. So it is certainly possible right now that someone calls up Central District Health in Boise and says, 'I've got the best jam in the world that I want to sell at the Farmers Market.' Well, both Capital City Market and the Boise Farmers Market have a rule that they require all vendors and booths to operate through an approved kitchen for those selling food. So in an effort to honor that policy, it is certainly possible that that the staff at Central District Health says to the caller, 'you have to have an approved kitchen to do that.' If that same caller calls Nampa, where there is not that rule, the Southwest District Health says, 'you don't have to do anything, you can sell tomorrow.' And that certainly could happen. But that is not reflective of the State policy that is reflective of those Farmers Market policies.

A: Is there a difference between a certified kitchen and an approved kitchen?

H: No.

A: It has to be certified with my District 7. But not at the State level?

H: No. For these non-TCS foods, right now, there is nothing that requires that. If the Farmers Market were to say, 'we want an approved kitchen,' then it would need to be approved by District 7 first.

A: Well, for what I am doing at the Farmers Market, I would like to say maybe define the terms, so we will have something to go on that say, technically, you are okay. Then I've lost some vendors because they can't do a certified kitchen so we lost some food vendors because it's too much of a hassle. So I would love to keep it simple.

H: Thank you. I really appreciate that. And predominately, that is what I am hearing, by the way. I have heard that same message pretty consistently throughout Northern Idaho. Maybe define the term in the Food Code, but don't regulate it, just define the term then maintain the current practices of not regulating these items.

A: Thank you for saying that. I'm not, especially in your histories of food safety and it might be in a different department or what have you, but is there something like an equal opportunity approved kitchen? Where people can go if they don't have anything?

H: Yeah, there are groups who are looking into ways to either rent facilities or build a facility that they could use kitchens like that. On this side of the State you are right, there is not much. On the Western side of the State, the University of Idaho does operate; it is called the Food Technology Center in Caldwell. You can rent the space by the hour or day or whatever. They help you market the product, they help you label the product, they help with nutritional analysis they do all of that. There is some need on this side of the state. At one time I know there were some groups that were looking into it. I don't know where they stand and I don't know ultimately how they get that done. But I'm sure there is a need.

A: Are churches kitchens certified?

H: They can be. Right now, let me talk about a couple of things here. The primary reason we don't approve home kitchens is because of the law that dictates unannounced inspections of food establishments. We don't think it is fair to expect homeowners to sit around waiting for us to show up. Or we show up and they are on vacation and we don't know if they are closed, or what do we do? That is the primary reason we don't approve homes for that kind of use. Then we were talking about churches. Currently, there is another law that says, fraternal, benevolent, non-profit organizations are exempted from the food rules. So churches fall into that category. But, many churches do have kitchens. They could be an approved kitchen. It just comes down to, in this case, the Health District would need to see a written agreement between that vendor and the church as far as who is responsible for what in terms of food safety. So if Eastern Idaho Public Health were to come in and do an inspection, and they were to find some food safety concerns, ultimately who would be responsible for correcting those issues? So we would need to see some kind of agreement. There are some churches that might not want to do that for liability purposes. But if there is a church that says it would...

A: Between the Farmers Market at a church they had a kitchen. Is there a reason why that would be?

H: It might be, without seeing the church; all I can say is that it might be approvable. I wouldn't know without being in the church. Can I just ask which church?

A: Crown of Life Lutheran. They have a little building. I haven't looked at the kitchen closely, so I really don't know. But what does it take to be a certified Kitchen?

H: We generally look at a facility – the floors, walls, ceilings have to be smooth, non-porous, easily cleanable. We generally are going to require a separate hand washing sink, a separate three-compartment sink for washing the dishes with wash, rinse and sanitizer. Depending on the amount of food preparation that takes place we might require a separate food preparation sink. Hypothetically, you are looking at five separate sinks, approved water source and in this case it is in the city so probably on an approved water source. Approved sewage, and same thing it is probably in the city's sewage system. So that's what we are going to be looking for.

A: I'm looking at the sinks and the floors and the ceiling.

H: Usually tile, but not bare concrete.

A: Are these kinds of ceilings okay?

H: You know this kind of ceiling probably is not okay in a kitchen. But if we needed to make this an approved kitchen we could replace them with other tiles that could become non-porous.

A: It seems like I have seen this kind of stuff in some kitchens.

H: There are some things that look like this but they are actually more of a fiberglass material and they are not porous.

A: Are the city laws different from the county laws?

H: They can be. And it is possible for a local ordinance of a city to say, 'we have this residential area and we don't want anything like operation of a Farmers Market in the residential area.' We have to honor that. We cannot come in and say no, we're going to supersede. We can't do that. We have to honor the city possibly because of their zoning purposes.

A: In Jefferson County and Rigby they have ordinances that take care of that.

H: I'm not surprised.

A: Yeah, they were just like, 'what? Of course we're going to have a Farmers Market!'

H: The City of Pocatello has an ordinance that requires all food firms, permanently structured food businesses, have what is called a grease trap. Doesn't matter if the only thing you are making might be salads, they are still going to say, 'you have to have a grease trap.' So, city ordinances, it's like alright, we will honor that.

Just for you guys' information, I am continuing to accept comments on this until July 24th. There are several different ways to submit comments to me. This is my email address right here. This is a general email address that we try to monitor daily. Sometimes we don't get to it every single day but we try to track it regularly. 5938 phone number goes right to Barb's desk. 5936 goes right to my desk. And people can mail in stuff to us. If you want to mail in that is the full address you have to mail to and you do have to include that 4th floor. Anyway, I just really appreciate you taking the time to be here today. I can't do this without folks willing to sit down and engage in the conversation. So I really do appreciate your time.

A: So I am here representing baked goods. I have a friend who wasn't able to be here. She would be representing honey. She has her own beehives and everything like that. I just want to acknowledge in case the law comes to change.

H: The only concern about honey is she (pointing to a baby) can't have it. If I were a consultant and charged whatever consultants charge, I would love to write a food safety plan for a honey farm. Because I could write it in 10 minutes!

But people do engage in wholesale transactions with these foods. And we do require them to write up for us a HACCP plan or quality assurance plan. HACCP stands for Hazardous Analysis and Critical Control Points. A quality assurance plan is some kind of internal plan that they write up for us addressing the specific items like who is responsible for employee health and hygiene and stuff like that.

A: So, July 24th, is that what you said? What type of emails would you be expecting from us?

H: Anything, any comments. I had someone submit a comment earlier today via an email just saying, 'I understand you are having these meeting, I'm sorry I can't attend but I would like you to do x, y, z.' Anything you want to submit will be considered.

A: Even though we were here telling you? Is that good enough or would your like it in writing also?

H: If you want to, that would be great. If you don't want to, I understand. If you do want to submit comments personally, I appreciate all the written comments I can get. Primarily because I am aware that there is a web campaign right now that are asking for petitions that still want something like 187 passed.

A: Who is doing that?

H: I don't know much about the organization. But they do have a web campaign right now. It is called 'unchain the cupcake.' And they do come out on their website they say, 'Idaho does not allow these kinds of foods to be sold and they are illegal in Idaho.' And it's not illegal, you guys have to remember and you know. It's not illegal at all!

A: What about her goat cheese? I just want to get this clear; I wasn't quite able to get it clear. She is not slicing it and it is packaged, and she is selling it to somebody without giving samples away, she doesn't need a certified kitchen, is that correct?

H: I don't know what the Department of Ag rules have to say about that. I think that as long as you are registered with the Department of Ag, that you are good to go. But I don't know what their facility requirements are like.

A: Right. That's why it wasn't clear; I couldn't remember what you said about that.

A: Now, at the Farmers Market we are going to ask you to put that on ice or some other kind of temperature control.

A: 41 degrees.

H: Again, the Department of Ag will say you can sell it directly to a consumer and you can sell it to a market without having any other kind of license from the Health District. You can't sell to a restaurant though.

A: Cool! Thank you.