

FOOD LAW

an overview

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**Sustainable
Economies
Law Center**

About us



Sustainable
Economies
Law Center



cooperatives

cottage industries

community currencies

locally owned businesses

nonprofit enterprises

local investing and crowdfunding

cohousing and shared housing

urban agriculture

micro enterprise

Processed versus Unprocessed Foods



California Small Farm Food Safety Guidelines - fruits, vegetables

Who must follow?

- **“Community food producers”**
 - Agricultural producers who grow food on land that is not zoned as agricultural land
- **“Certified Producers”**
 - sell at farmers’ markets
- **CSA Farms**



California Small Farm Food Safety Guidelines - fruits, vegetables

What do they require?

- Record keeping
- Water testing
- Thorough handwashing
- Keep animals out of fields
- Proper use of manure as fertilizer



California Small Farm Food Safety Guidelines - fruits, vegetables

What do they require? (Continued)

- Clean and sanitize equipment, containers, and other materials at least daily during use
- Separate storage for personal items
- Remove contaminated materials
- Use disinfectants to wash produce



California Small Farm Food Safety Guidelines - fruits, vegetables

What do they require? (Continued)

- Cover bins of produce and materials to avoid contamination
- Use properly working refrigeration
- Do not wear field clothes when packing
- Make sure to clean any vehicles used



Permits needed for selling or donating fruits, vegetables, nuts

“Community food producers”

- Agricultural producers who grow food on land that is not zoned as agricultural land
- No permit needed! Just follow SFFSG



Permits needed for selling or donating fruits, vegetables, nuts

“Certified Producers”

- Enables you to sell at farmers’ markets
- Must apply for certified producers’ certificate from California Department of Food and Agriculture
- County Agricultural Commissioner will follow up and inspect your farm



Permits needed for selling or donating fruits, vegetables, nuts

Community Supported Agriculture (CSA)

- A farmer or group of farmers who grow food for a group of consumer shareholders or subscribers who pledge or contract to buy a portion of the future production
- Must register with CDFA (\$75 fee)



Small Farm Food Safety Guidelines

- Poultry and Rabbits

Intended for CSA and other small farms using the 1,000 / 250 bird exemption from bird by bird slaughter inspection.

Exemption applies to up to 1,000 chickens or 250 turkeys per year.

Direct to consumer sales only.



Small Farm Food Safety Guidelines

- Poultry and Rabbits

- Must keep records of sales
- All slaughter, processing must be on farm.
- Can be refrigerated up to 4 days at 41°F or below
- Can be sold frozen
- Safe handling instructions



Small Farm Food Safety Guidelines

- Poultry and Rabbits

- Personal such as hand washing with hot soapy water, clean clothes, no nail polish, etc.
- Removal of feathers, blood, wastewater, etc.
- Equipment and utensil washing, sanitizing after each round of processing
- FDA food grade packaging
- Equipment checklist



Small Farm Food Safety Guidelines

- Poultry and Rabbits

- Within 4 hours of slaughter, keep birds at 33° - 40° F at all times, including during transport, at farmers' market, etc (or frozen)
- Check temperature daily - discard if improper
- Discard or freeze after 4 days
- Be organized!



Permits needed for selling or donating poultry, rabbits

No permit required for 1,000 or 250 bird exemption, however, farmer must be in compliance with other direct-to-consumer sales requirements (certified producers' certificate, CSA registration, etc).

WARNING: varying legal interpretations



Selling Eggs

- Register annually with CDFA (\$75 first time, \$50 thereafter)
- Farm and farm stand subject to inspection
- Refrigeration and other requirements apply for wholesale, however, many requirements are waived for direct-to-consumer sales

Selling Eggs - Labeling (direct-to-consumer)

- Name of the farm, including address and zip code
- Quantity of eggs
- the words “keep refrigerated,”
- California state handler code
- sell-by date
- Julian date of pack (the consecutive day of the year that the eggs were packed, in Julian date format. For example, the Julian date for January 1 is 001; the Julian date for December 31 is 365).

Selling Eggs - Labeling (direct-to-consumer)

- Egg size determined by its weight in grams. A small egg must weight 40.16 grams or more, a jumbo egg must weigh 68.51 grams or more. The sizes are pee-wee, small, medium, large, extra large, and jumbo.
- Egg grade (i.e. AA, A, B, see below for more details)
- “California Shell Egg Food Safety Compliant,” commonly abbreviated as “CA SEFS Compliant”
- Egg size and grade and producer address not required for sales without advertising by the producer on the premise direct to consumers from flocks of 500 hens or less

Selling Eggs - Other Requirements (direct-to-consumer)

- Sell within 4 days
- Eggs must be cleaned and sanitized
- Avoid storing in direct sunlight
- Must provide 116 to 322 square inches of floor space per bird
- Keep records (date of sale, egg quality, quantity, where sold)
- See our How to Sell Eggs handout coming soon!

California Homemade Food Act a.k.a. “Cottage Food Law”



Facility Requirements





Food handling and cleaning requirements





Cottage Food Laws



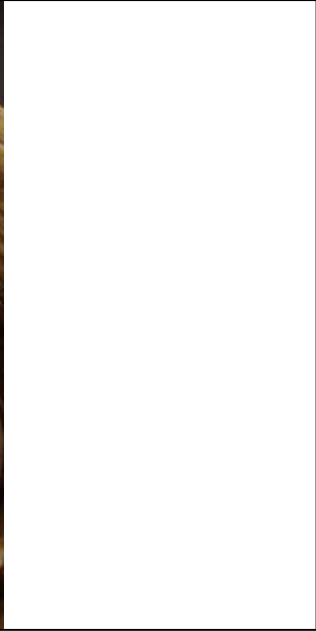
California Homemade Food Act

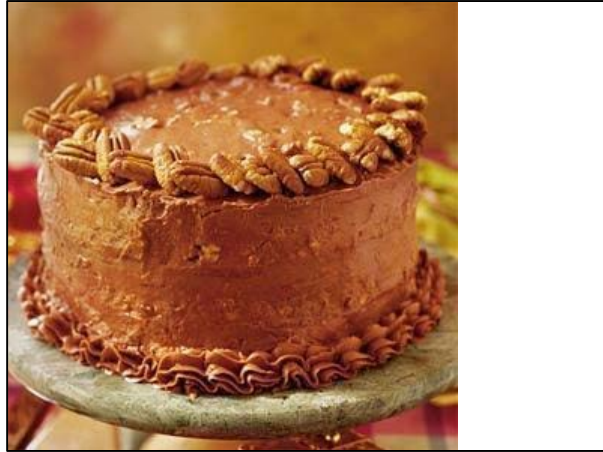
AKA California Cottage Food Law

Limited exemption to state Health
and Safety laws for making certain
food products commercially

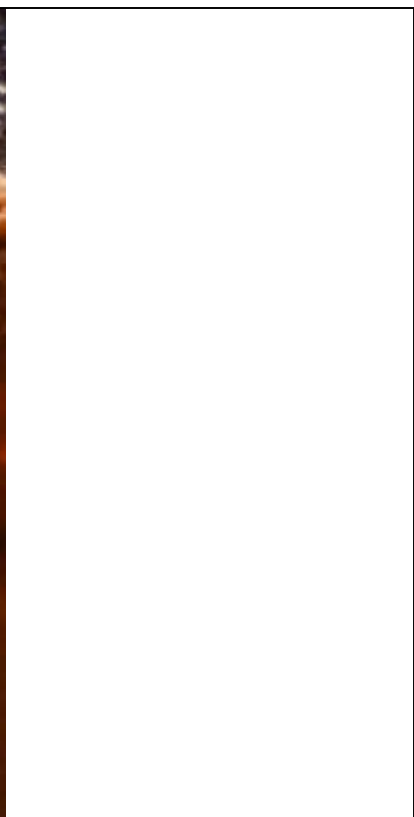




















Restrictions & Requirements

- Max \$50,000 annual gross sales
- Business owner, household/family members and 1 FTE employee can participate
- Indirect sales limited to your county (sometimes)
- Direct sales within California only
- required safe food handling class (\$15 or less online)
- Insurance not required, but recommended

Labeling Requirements

- ingredients (in order of predominance by weight)
- allergens statement (nuts, milk, wheat, eggs, soy)
- “made in a home kitchen”
- name of business (or just your name)
- permit/registration number
- Your address, if it’s not in the phone book
- If the product is sold by weight: weight
- (do not need full nutrition facts label)

Sample Label

KURTIS ARTISAN BREAD

Auburn, CA 95602

SEA SALT FOCACCIA

Ingredients: whole wheat flour, (wheat flour, barley flour, niacin, reduced iron, thiamine, mononitrate, riboflavin and folic acid), spelt, water, yeast, sea salt

Contains: wheat

Net Wt. 32 oz. (2 lbs.)

MADE IN MY COZY HOME KITCHEN

Permit #PR16687

Issued in Placer County

Permit from county Department of Environmental Health

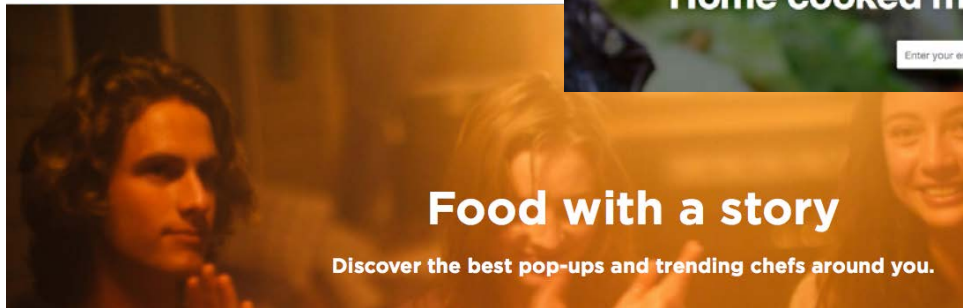
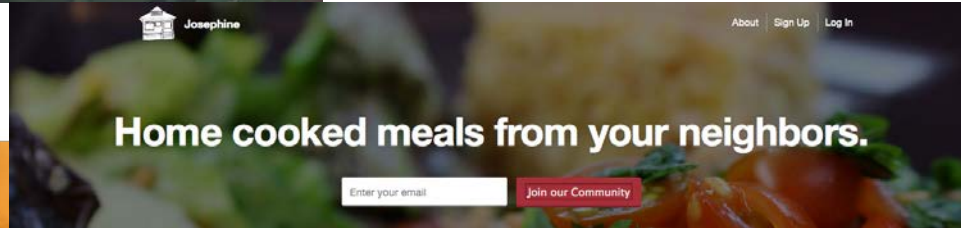
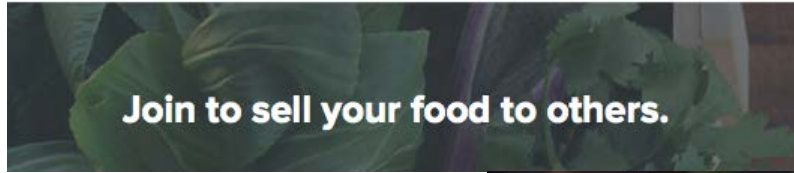
- Class A: **direct to consumer sales only** (such as at farmers' markets, from your home, at special events or anywhere where you, your household/family member or your employee sell directly to the consumer)
 - **No kitchen inspection**
- Class B: indirect (and direct sales): **can also sell wholesale to restaurants, cafes, grocers**
 - **Kitchen inspection needed**

More Information

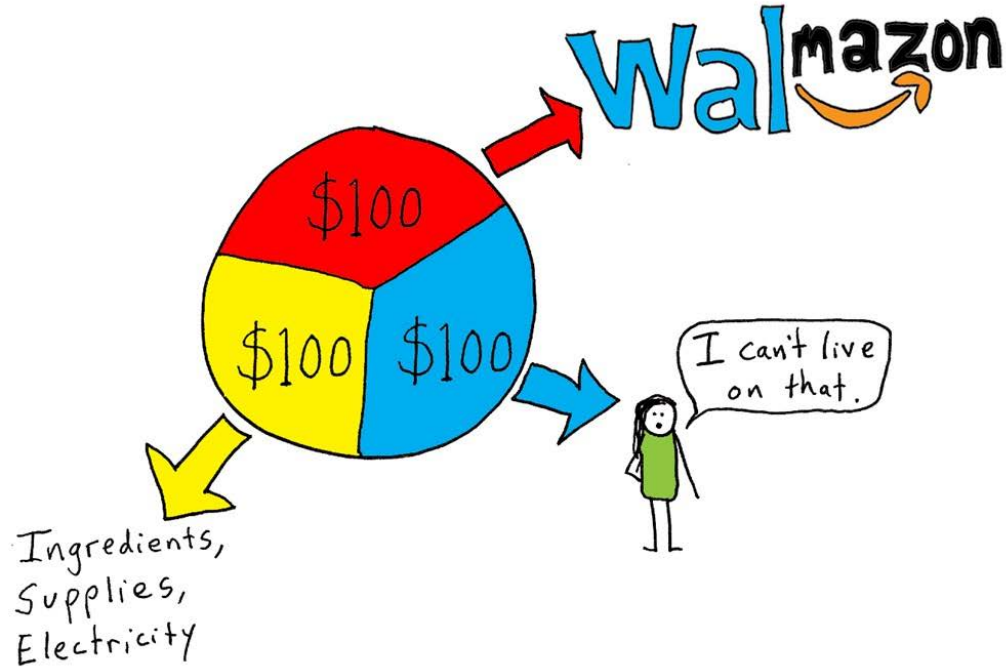
- www.theSELC.org/food
- County Departments of Environmental Health provide permits
 - CA Department of Public Health maintains the list of allowed foods



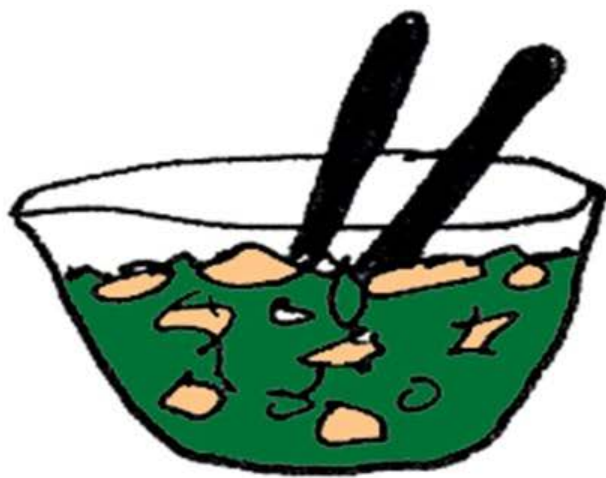
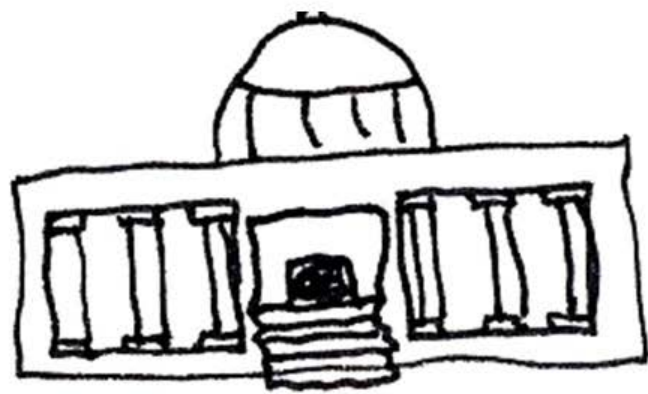
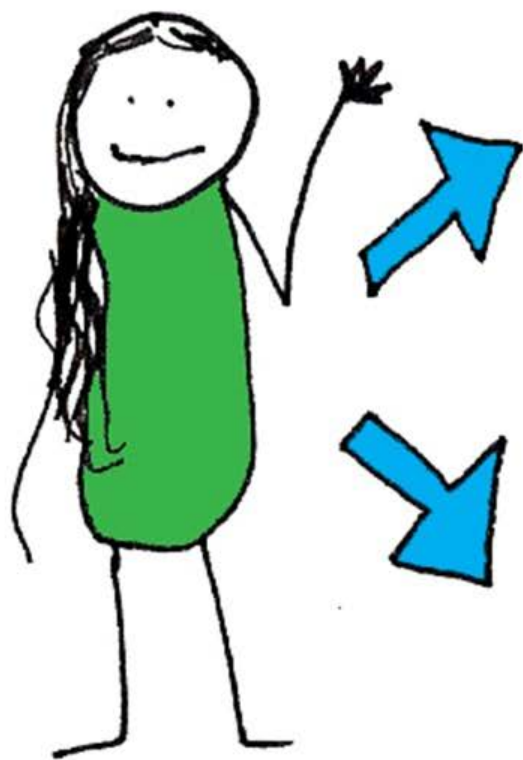
Homemade meals advertised online is a big thing now...



The Uberization of Food?

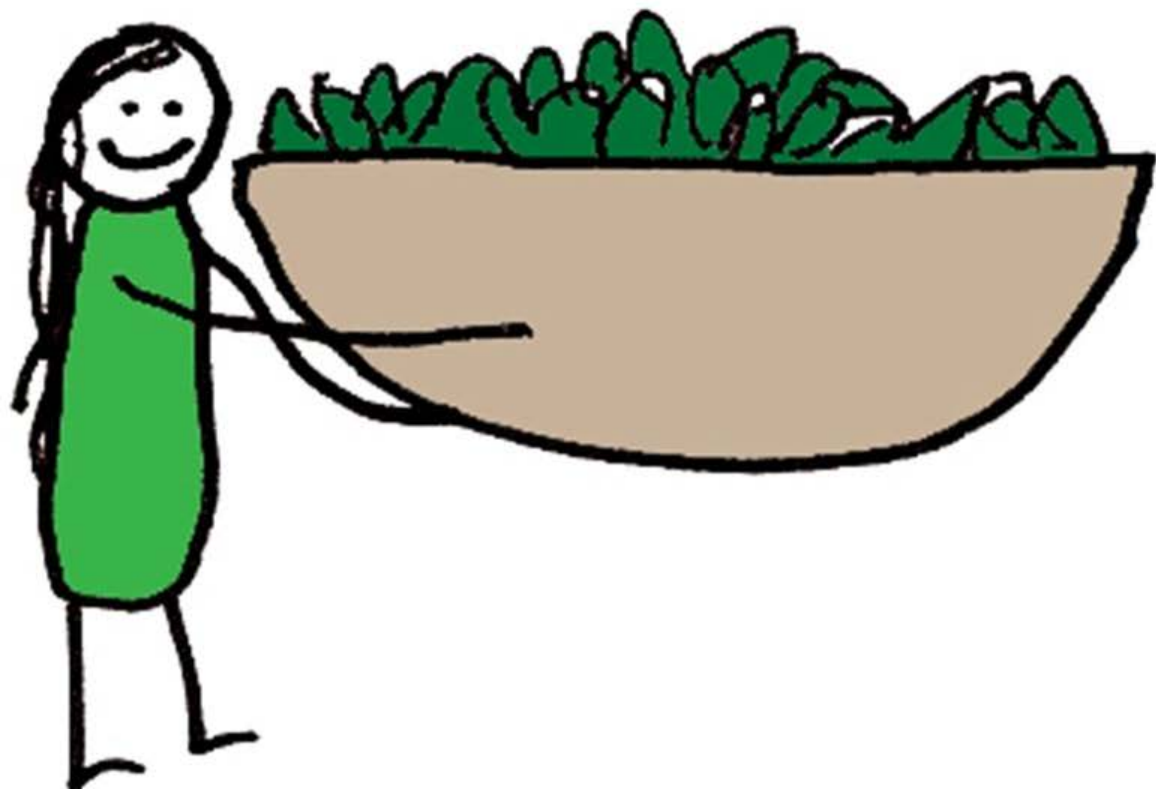


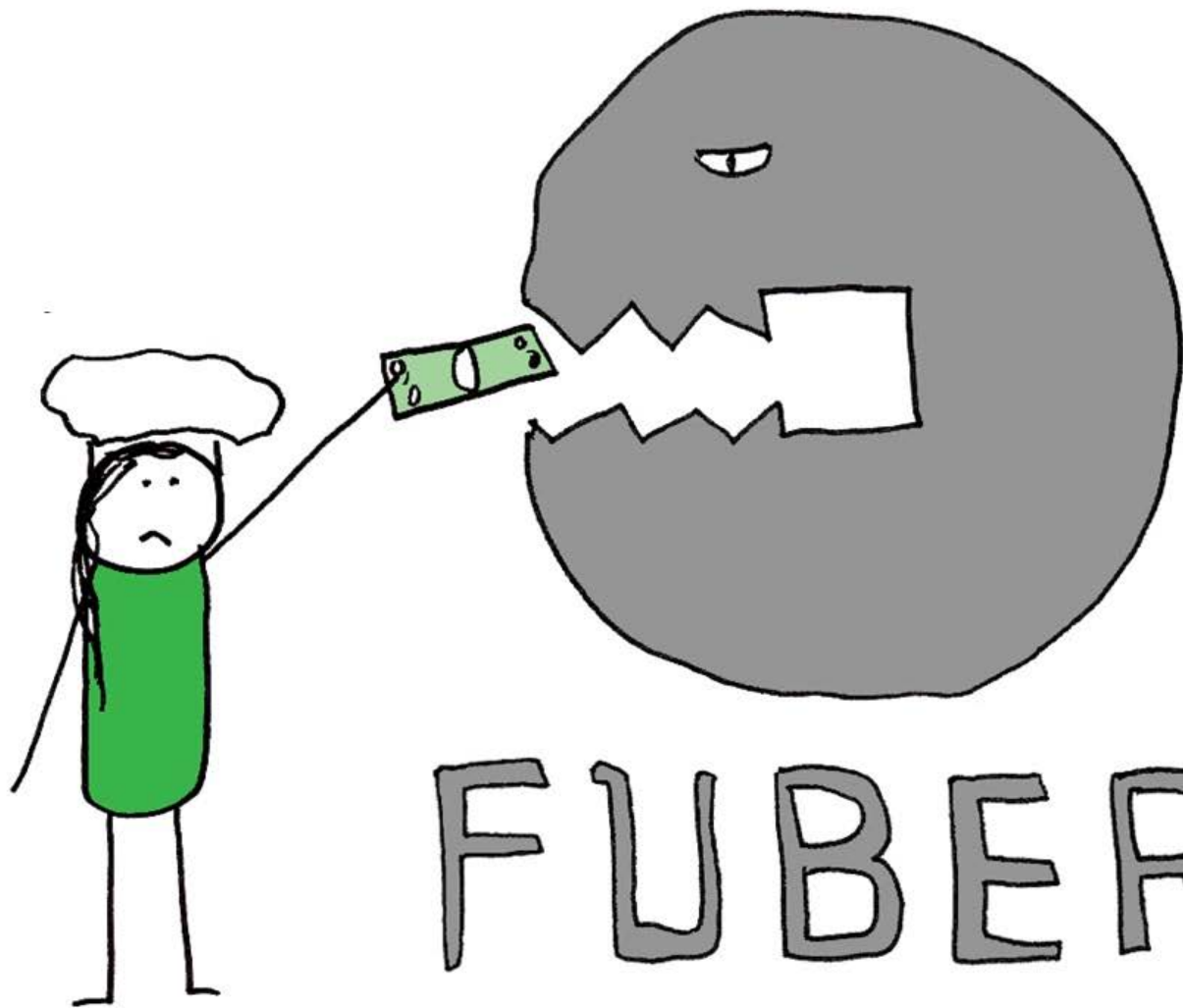






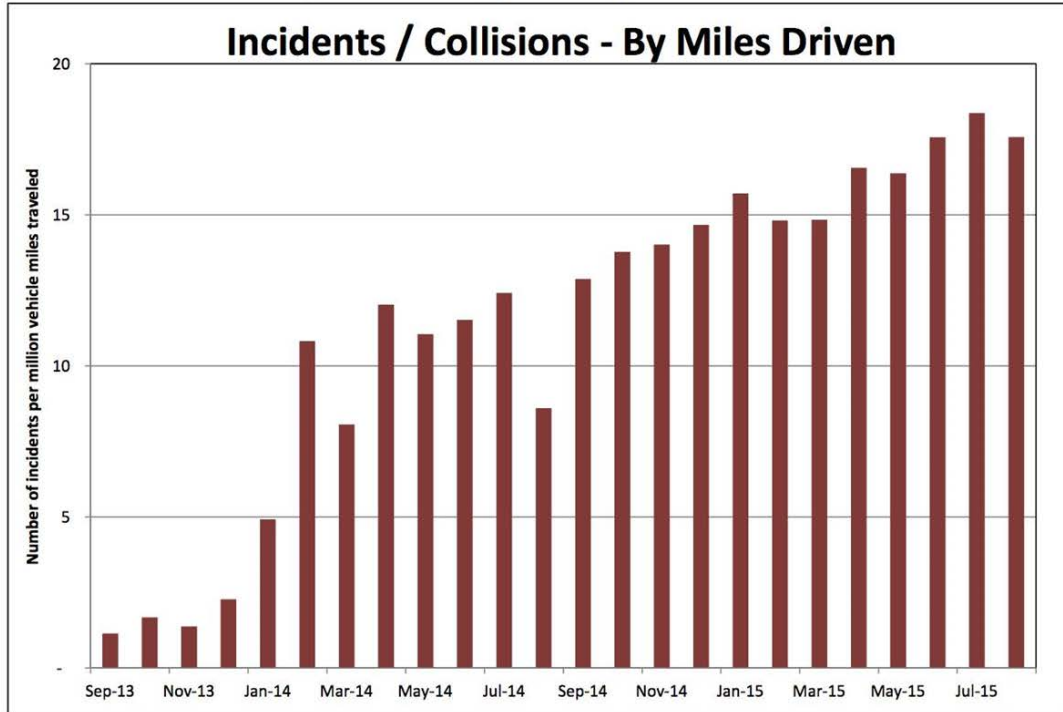
Daily Kale:







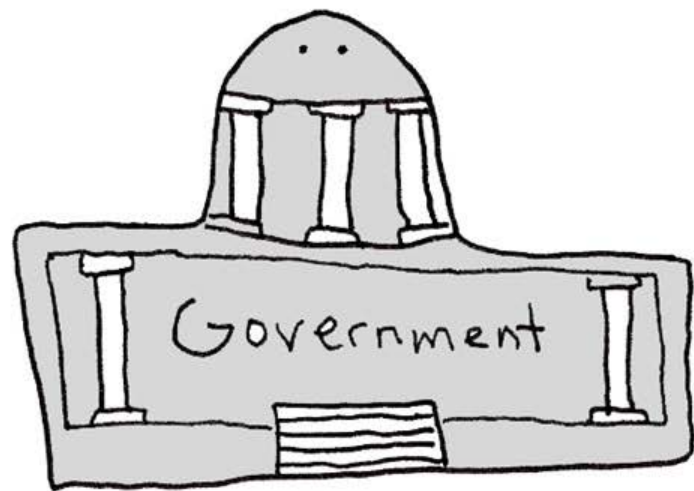
Regulatory Requirement k



NOTE: The CPUC does not collect comparable data for passenger stage corporations or non-TNC charter-party carriers

From CA Public Utilities Commission's compilation of 2014 and 2015 Transportation Network reports.







Worker Cooperatives

- Owned by the workers!
- Workers share profits in proportion to each worker's contribution to the cooperative
- One member; one vote
- Sometimes all workers are on the board of directors
- Sometimes workers elect the board

For our
collective!



Examples of Worker Cooperatives in the Food Industry in the Bay Area



A WORKER-OWNED COOPERATIVE
1268 VALENCIA ★ SAN FRANCISCO

ARIZMENDI/CHEESE BOARD

BAKERY AND PIZZERIA



To learn more about the Arizmendi Association of Cooperatives [click here](#) ›

Arizmendi



Worker Owned and Operated

Learn more

RAINBOW GROCERY

OPEN





OTHER AVENUES

A worker-owned cooperative
Serving the community since 1974



Other Avenues

3930 Judah Street
San Francisco, CA 94122
(415) 661-7475

Open 363 days, 8am-9pm.
CLOSED MLK, Jr. Day and MAY 1st.

New Hope Farms



Simple Business Entities

- If you do nothing, you have a: **Sole Proprietorship**
- If you and your business partner do nothing, you have a: **Partnership**

These have no liability “shields”

**Corporations and LLCs protect
owners, shareholders,
employees from liability...most
of the time.**

Formal Business Entities

Limited Liability Companies (LLCs)
(just one type)

Corporations

“C” Corporations

“S” Corporations

Benefit

Corporations

Social Purpose Corp.

Cooperatives

Worker-owned

Consumer-owned

Producer-owned

Hybrid or multi-stakeholder

Nonprofit Corporations

Nonprofit Public Benefit

Nonprofit Mutual Benefit

Running a Corporation

- Must have officers, and a board of directors, which is responsible for complying with laws, taking care of the corporation
- Must have Articles and Bylaws
- Must file corporate taxes
- Must have at least one annual meeting
- Must keep records, provide notice of meetings, etc.
- Honor shareholder rights - corporations are designed to have shareholders (but they do not have to)

Resilient Communities Legal Cafe

<http://theselc.org/cafe>



FOOD LAW

Resources: Check out
theselc.org/food_resources

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