



NEW YORK STATE HOME PROCESSOR REGISTRATION

Section 276.3 (3) of the New York State Agriculture and Markets regulations states that: “Home processed food within the context of this Part shall mean any food processed in a private home or residence using only the ordinary kitchen facilities of that home or residence which are also used to prepare food for the owner thereof, his family, nonpaying guests and household and farm employees who reside therein, but shall exclude potentially hazardous foods as defined in this Part or thermally processed low-acid foods packaged in hermetically sealed containers as covered by Part 277 of this Chapter and acidified foods packed in closed containers, including but not limited to pickles and relishes prepared from low-acid fruits, vegetables, poultry, meat, meat products, fish or seafood.

NOTE: Commercial equipment is not considered ordinary kitchen facilities.

NOTE: If on a private water system (well) resident must have a water test analysis performed for Coliform, and include a copy of the test results with application, before a home processor can be registered.

All items are for marketing products at wholesale and/or retail, including agricultural venues such as farms, farm stands, farmers markets, green markets, craft fairs and flea markets and community supported agriculture subscriptions in person, via home delivery or via the internet. **All items must be sold within New York State and must be properly labeled.**

NOTE: This exemption does not allow for home processors to make specialty items, such as birthday cakes, wedding cakes, graduation cakes.

Product labels are **required** to contain the following information: common/usual name of the product, ingredient list in predominance by weight, net quantity of contents, and processor name and full address. All allergens (eggs, milk, fish, shellfish, soybeans, peanuts, tree nuts) must be clearly identified in the product ingredient statement.

In order to protect public health and to minimize the potential of food product adulteration, this exemption is restricted to the following ‘approved’ **non-potentially hazardous home processed foods**.

- Breads (Breads containing fruits and/or vegetables are not allowed)
- Rolls and/or Cinnamon Rolls
- Biscuits
- Bagels
- Muffins
- Doughnuts
- Cookies
- Baklava
- Biscotti (No chocolate or candy melts allowed for topping)
- Cakes
- Cake Pops (No chocolate or candy melts allowed for topping)
- Cupcakes

- Brownies
- Double-crust fruit pies
- Scones
- Fruit jams, jellies, and marmalades made with high acid/low pH fruits (i.e. Apple, Apricot, Blackberry, Blueberry, Cherry, Clementine, Cranberry, Currents, Elderberry, Grape, Grapefruit, Lemon, Lime, Nectarine, Orange, Peach, Pear, Pineapple, Plum, Raspberry and Strawberry)
- Repacking/blending of commercially dried spices or herbs
- Repackaging dried or dehydrated vegetables.
- Repackaging dried soup mixes
- Repackaging dried fruit
- Repackaging of dried pasta. The manufacturing and drying of pasta is prohibited.
- Repackaging dry baking mixes
- Seasoning salt
- Fudge
- Popcorn/Caramel corn
- Peanut brittle
- Rice Krispies Treats
- Granola and trail mix (using commercially roasted nuts)
- Granola Bars (using commercially roasted nuts)
- Candy (excluding chocolate) –Melting of chocolate or chocolate-like candies is not allowed.
- Waffle cones and pizelles
- Toffee/caramel apples – Candy Melts are not allowed
- Confections – Includes toffees, caramels, hard candies
- Vegetable Chips – include potato chips
- Crackers
- Pretzels

Any finished food product that requires refrigeration is not allowed to be produced as a Home Processor. The Department will on an annual basis review current scientific literature and home processors registrations that were approved during the previous year to update the listing of non-potentially hazardous home processed foods approved by the Department.

Some examples of **prohibited** items include, but are not limited to:

- Custom* (Wedding/Birthday/Anniversary/Graduation) Cakes, Cupcakes, Cookies etc.
(*Custom bakery items are under the jurisdiction of the state, county or local Department of Health)
- Homemade Buttercream/Cream cheese Frosting
- Breads containing Fruits or Vegetables
- Pickles, Relishes or Sauerkraut
- Sauces, Salsas, Marinades
- Cooked or Canned Fruits or Vegetables
- Cheesecake, Cream Filled Pastries
- Cream Pies or Meringue Pies
- Chocolate Candy/Products Dipped in Chocolate/Candy Melts
- Any Products Containing Raw Nuts
- Wine Jellies, Vegetable Jellies, Flower Jellies, Chutneys
- Cheese, Yogurt, Fluid Dairy Products, Butters
- Meat, Fish, or Poultry Products
- Vegetable Oils, Blended Oils, Salad Dressings

NOTE: Homeowners should consult with local zoning officials for approval before commencing any home-based business.

Completed form [FSI-898c](#) and water test results when required, can be e-mailed to: agr.sm.hpregistrations@agriculture.ny.gov or mailed to:
NYS Department of Agriculture and Markets
Food Safety and Inspection
10B Airline Drive
Albany, NY 12235

NOTE: Pet foods and pet treats can be made from the home, but require a separate registration. For more information related to manufacturing and distributing of PET FOODS, please contact cory.skier@agriculture.ny.gov

FAQ's:

Q. How long does it take to **receive** my approval for home processing from your Department?

A. Approval generally takes two weeks.

Q. Do I need to have my kitchen **inspected**?

A. Kitchens are reviewed on a complaint basis only.

Q. Can I have a **website**?

A. Yes. Internet sales are allowed within New York State only. Shipping products out of state is not permitted.

Q. Are **interstate** sales allowed?

A. No, all home processed foods must be sold within New York State.

Q. What information needs to be on my **label**?

A. Product labels are required to contain the following information: common/usual name of the product, ingredient list in order of predominance by weight, net quantity of contents, and processor name and full address.

Q. Do I have to put my **home address** on the label?

A. Yes. The place of business shall include the street address or PO Box, city, State and ZIP code.

Q. How do I **add products** to my approval?

A. To add products to your approval, you will need to submit form [FSI-898c](#) (Home Processor Registration Request). On the form, please make a note that this is a supplemental registration and include a list of products you wish to add.

Q. Does my Home Processor Registration **expire**?

A. No. The Home Processor Registration does not currently have an expiration date. If you move, you will need to reapply for the exemption, as it is location specific.

Q. Can my Home Processor Registration **be rescinded**?

A. Yes, the Home Processor Registration will become Null & Void if you make or sell foods that are not allowed under the exemption or if you open a food business which is inspected and permitted/licensed by either the Department of Agriculture & Market or the Department of Health. In this case, all food must be manufactured in the commercial facility.

- Q. Why are **fruit/vegetable breads** prohibited under this exemption?
- A. Fruit/vegetable breads generally demonstrate a higher moisture content which requires refrigeration. Refrigerated products are not allowed as a registered Home Processor.
- Q. Why is **tempering/melting chocolate** for candy and/or dipping not allowed?
- A. Chocolate and chocolate-like products have been implicated in food borne illnesses. Melting chocolate is not a thermal process (no control step). Chocolate melts at very low temperatures.
- Q. Why are **raw nuts** prohibited under this exemption?
- A. The use of raw nuts is not allowed because there is no control step with raw products. Raw nuts have been linked to Foodborne Illness (i.e. salmonella). Processors who wish to use nuts in their products must use commercially processed (roasted, or otherwise heat treated) nuts.
- Q. Am I required to obtain **liability insurance**?
- A. The Department does not mandate you to obtain insurance. Consult an attorney or an insurance professional to discuss your product liability concerns and risks.
- Q. Can I get a home processor license exemption to make products for me to **sell at my store or my restaurant**?
- A. No. The home processor license exemption is not available to anyone who holds a DOH permit or Ag & Markets license. When a license or permit is held, all foods offered for commercial sale must be made at the licensed or permitted facility.
- Q. Can I make items other than those listed? Why am I **limited** to these items?
- A. The home processor license exemption is limited to foods where there is not a history of food borne illness and the nature of the product makes the possibility of illness less likely.
- Q. **Why can't I make certain items**, such as peanut butter or items requiring refrigeration, from my home?
- A. Items where there are legitimate food safety concerns, including products where there is no pathogen kill step, products which have been implicated in outbreaks, products considered Temperature Controlled for Safety (TCS) or Potentially Hazardous Food, among others, are not allowed to be made in an unlicensed and uninspected facility.

The exemption relates only to Article 20-C licensing. The exempt firm will be subject to registration by the Department of Agriculture and Markets. For more detailed information, please contact the nearest regional office.

REGIONAL OFFICES

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