



## **NEW YORK STATE HOME PROCESSOR REGISTRATION**

Section 276.3 of the New York State Agriculture and Markets regulations states in part that "Home processed food... shall mean any food processed in a private home or residence using only the ordinary kitchen facilities of that home... but shall exclude potentially hazardous food..."

**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.**

**NOTE: Direct internet sales (commercial on-line transactions) are prohibited under this exemption. Use of the internet for communication or promotional purposes is permissible. This exemption does not allow for home processors to make specialty items, such as birthday cakes, wedding cakes, graduation cakes etc. Furthermore, it does not allow for direct sales of product from the home.**

All items are for wholesale marketing or retail agricultural venues such as farms, farm stands, farmers markets, green markets, craft fairs and flea markets within New York State and must be properly labeled. 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.

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

- Breads (**no fruit/vegetable breads - i.e. banana bread, zucchini bread, etc.**)
- Rolls
- Cookies
- Cakes
- Cupcakes
- Brownies
- Fudge
- Double-crust fruit pies (**pies must have both a top and bottom crust**)
- 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, Mango, Nectarine, Orange, Peach, Pear, Pineapple, Plum, Raspberry and Strawberry)
- Repacking/blending of commercially dried spices or herbs
- Popcorn/Caramel corn
- Peanut brittle
- Granola (using commercially processed nuts)
- Candy (excluding chocolate) – **tempering/melting chocolate for molding or dipping is not allowed.**

Any finished food product that requires refrigeration is **not** allowed to be produced as a Home Processor.

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

- Breads containing Fruits or Vegetables
- Pickled or Fermented Foods
- Cheesecake, Cream Filled Pastries
- Chocolate Candy/Products Dipped in Chocolate
- Wine Jellies, Vegetable Jellies, Chutneys, Butters
- Cooked or Canned Fruits or Vegetables
- Cheese, Yogurt, Fluid Dairy Products
- Meat, Fish, or Poultry Products
- Vegetable Oils, Blended Oils
- Sauces, Salsas, Marinades, Relishes, Pickles
- Custom (Wedding/Birthday/Anniversary/Graduation) Cakes, Cupcakes, Cookies etc.
- Any Products Containing Raw Nuts

Home processors whose residences contain separate segregated facilities for food processing, may apply for licensing under Article 20-C.

**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](mailto: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](mailto: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.** Although internet sales are prohibited under this exemption, Home Processors are allowed to have websites to indicate where their products will be available, (i.e. farmers market locations, etc.). This exemption does not allow for home processors to make specialty items, such as birthday cakes, wedding cakes, etc. per order. Furthermore, this does not allow for direct sales of any products from the home.
- 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 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.** The place of business shall include the street address or PO Box, city, State and ZIP code. However, the street address may be omitted if the address can be found via telephone directory or internet.
- 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 may use commercially processed (roasted, blanched, baked) 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**

<b><u>NEW YORK</u></b> 718) 722-2876	<b><u>NEWBURGH</u></b> (845) 220-2047	<b><u>HAUPPAUGE</u></b> (631) 952-3079	<b><u>ALBANY</u></b> (518) 457-5459	<b><u>SYRACUSE</u></b> (315) 487-0852	<b><u>ROCHESTER</u></b> (585) 427-2273	<b><u>BUFFALO</u></b> (716) 847-3185
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