

New Cottage Foods Exemptions

*“Understanding Alaska’s Cottage
Food Exemptions”*

Food Code References:

18 AAC 31.012

Definitions:

Non-potentially hazardous

Foods that do not support the growth of dangerous bacteria because of their water activity values, pH values, or a combination of both.

pH

A scientific measure of how “acidic” or “basic” a substance is.

Water Activity

A scientific measure of how tightly bound the water is in the food product. Water activity is measured on a scale from 0 (bone dry) to 1.0 (pure water).

Examples of non-potentially hazardous foods:

Jams, jellies, pickled vegetables, bread, kettle popcorn, confections, trail mix, granola, tortillas, fry bread, fermented fruit and vegetable products, pastries, cakes, cookies, and waffle cones.

Prohibited Foods under this exemption:

Meat, poultry and fish products; cheeses, custards, stuffed breads, non-acidic canned foods, pestos, garlic in oil mixtures, and other foods that require refrigeration for safety.

On June 25, 2012 new **Alaska Food Code** regulations were adopted to allow the sale of **non-potentially hazardous** foods directly to the consumer without a permit if certain conditions are met.

WHAT DOES A FOOD PRODUCER NEED TO DO TO FALL UNDER THIS EXEMPTION?

- Keep and provide detailed knowledge about the ingredients of the food product and how it was processed, prepared and packaged.
- Have the food product recipe or formulation available in case there is ever a concern about the safety of the product. For pickled or dried product the producer needs to have information available about the pH or water activity.
- Process, prepare, package, and sell the product *only* in **Alaska**.
- **Sell directly to the consumer** by an individual who knows what ingredients were used to make the product and how the food was prepared and packaged. This individual must be able to answer consumers’ questions about the product, including whether allergens are present in the food product
- **Do not** distribute or sell the product to stores, restaurants, by mail order, or on consignment.
- Keep total gross receipts of sales of food items to show gross sales *do not exceed \$25,000* within a calendar year.
- If the food **is not** prepared in a permitted, approved, or inspected kitchen, inform the consumer by a card, placard, sign, or label placed in a conspicuous area that states the following:
“THESE PRODUCTS ARE NOT SUBJECT TO STATE INSPECTION”
- Label packaged food with either: an Alaska Business License number **OR** the name, physical address, and telephone number of the individual who prepared the food. This allows DEC to trace the product back to the producer if there is a problem or complaint.

WHAT IS A NON-POTENTIALLY HAZARDOUS FOOD?

These are foods that do not support the growth of dangerous bacteria because of their water activity values, pH values or a combination of the two. A good method to determine whether a product is non-potentially hazardous is to note whether it requires refrigeration to keep it safe or preserve it. If it does not require refrigeration, it is most likely non-potentially hazardous.

If a producer is unsure about the safety of their product or whether it requires refrigeration for safety lab testing may be required. Be sure to contact the local Cooperative Extension Office or ADEC for more information.

WHAT ARE PH AND WATER ACTIVITY?

The pH is a scientific measure of how “acidic” or “basic” a substance is. Scientists measure pH on a scale of 0 to 14. A lower value on the pH scale indicates the

substance is more acidic whereas a higher value indicates the substance is more basic. Foods like water and milk are considered “neutral” with a pH value of about 7.0. Lemonade and vinegar are acidic with a pH between 2 and 4. Materials like laundry detergent and ammonia are “basic” with pH values of 11-12. Food products at a pH of 4.6 or lower will control the growth of dangerous bacteria which can cause Botulism.

**Contact the Cooperative
Extension for questions on water
activity or pH:**

308 Tanana Loop, Room 101
P.O. Box 756180
Fairbanks, Alaska 99775-6180
(907)474-5211
cesweb@alaska.edu
<http://www.uaf.edu/ces/>

Water activity is measured by how tightly bound the water is in the food product. Water activity is measured on a scale from 0 (bone dry) to 1.0 (pure water). Most food products have a water activity in the range of 0.2 for very dry foods to 0.99 for moist, fresh foods. Water activity is not the same thing as moisture content, however. While moist foods are likely to have greater water activity than dry foods, this is not always true. Water activity is important because it can be used to predict the growth of harmful bacteria, yeasts and molds. Food products with low water activity will last longer on the shelf because they do not provide a good environment for pathogens to grow.

Some foods may not require refrigeration because they have a combination of low water activity and an acidic pH. Testing product for water activity and pH allows producers to decide whether their product requires refrigeration or not.

HOW DO I GET MY PRODUCTS TESTED?

The Alaska State Environmental Health Laboratory can test your food products for pH and water activity for a small fee. The cost for pH testing is \$20 per sample, and the cost for water activity testing is \$10 per sample.

HOW DO I SEND SAMPLES TO THE LAB?

1. First download a [Sample Submission Form](#) from the laboratory [website](#). Fill out the form with your personal contact information including an email address and information about the product.
2. Carefully package and seal your product to prevent drying or leaking in shipping. The laboratory needs 8 ounces of product to test for both pH and water activity.
3. Place a form of payment, the completed [Sample Submission Form](#) in the package with the product and ship to:

Alaska State Environmental Health Laboratory
5251 Dr. Martin Luther King, Jr. Avenue
Anchorage, AK 99507-1293
(907) 375-8231
<http://dec.alaska.gov/eh/lab/index.htm>

Call (907)375-8231, or email DEC.EH-Lab-ShippingReceiving@alaska.gov to let them know you have shipped your package. You can expect results via email 5-10 business days after the package is received by the laboratory. If you need quicker results, let the lab know and they will expedite as quickly as they can!

Ship product to:

Alaska State Environmental Health
Laboratory
5251 Dr. Martin Luther King, Jr. Ave
Anchorage, AK 99507-1293
(907) 375-8231



Alaska Department of Environmental Conservation
Division of Environmental Health
Food Safety and Sanitation Program

<http://www.dec.state.gov/eh/fss/index.htm>
1-87-SAF-FOOD or (907) 269-7501