

Commercial Food Manufacturing in Kentucky— A Starter Guide



Kentucky Public Health

Prevent. Promote. Protect.

275 E Main Street, HS1C-F
Frankfort, KY 40621
<http://chfs.ky.gov/dph/info/phps/food.htm>

Syrup, Sorghum, and Honey

Sorghum and Maple Syrup:

Individuals who produce **less than** 4,500 pounds, 500 gallons, or \$6,000 per year (whichever is least), are not usually required to obtain a commercial permit. However, they must properly label their product. Product labels should be submitted to Annhall Norris for review. (See page 10.)

Honey

House Bill (HB) 400, signed into law and effective beginning on July 16, 2002 contains specific exemptions for some honey producers. Specifically, the law states that if a person sells less than one hundred fifty (150) gallons of honey in a year off the farm, the person is not required to process the honey in a certified honey house or food processing establishment. This exemption is equivalent to less than 1800 pounds of honey per year. Apiaries meeting this exemption would still need to comply with Kentucky's labeling requirements and operate in a safe and sanitary manner. They should also submit their labels to Annhall Norris. (See page 10.)

Labels

Labels for honey containers, as for all foods in Kentucky, are also regulated by the Department for Public Health, Food Safety Branch. The requirements for honey labels are detailed below.

For the most current FDA draft guidance on the labeling of honey products see this link: <http://www.fda.gov/food/guidanceregulation/guidancedocumentsregulatoryinformation/labelingnutrition/ucm389501.htm>

Identity of the product: HONEY

Net Quantity: For honey this is customarily stated in weight - ounces and grams, not volume.

- A ***one pound*** jar label should state Net Wt. 1 lb (454 g).
- A ***two pound*** jar should say Net Wt. 2 lb (908 g).
- A ***one pint*** jar should say Net Wt. 22 ounces (624 g) or Net Wt. 1.37 lb (624g).
- A ***one quart*** jar should say Net Wt. 44 ounces (1.2 kg) or Net Wt. 2.75 lb (1.2kg).

Name of manufacturer: This is your name or your company's name. If you are bottling honey purchased from another producer, the words "Bottled by", "Distributed by", or "Manufactured for" are also required with your name.

Address of Manufacturer: Your complete address including the street address, city, state, and zip code are required.

Cosmetics

Kentucky's Food, Drug & Cosmetic Act defines the term "cosmetic" as:

Articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance; and

Articles intended for use as a component of any such articles, except that such term shall not include soap

Cosmetics manufacturing operations are permitted and inspected through the KY Food Safety Branch and/or the Food and Drug Administration (FDA). All cosmetics manufacturers are subject to the same fixture/structural and permit requirements as food plants (see pages 9-12).

The KY Cosmetic Packaging and Labeling Regulation is available at <http://www.lrc.ky.gov/kar/902/045/060.htm>

These links will be useful to anyone who wants to manufacturing cosmetics:

From FDA:

Cosmetic Labeling Manual, [http://
www.fda.gov/cosmetics/labeling/
regulations/ucm126444.htm](http://www.fda.gov/cosmetics/labeling/regulations/ucm126444.htm)

Guidance for Industry: Cosmetic Processors and Transporters Cosmetic Security Preventive Measures Guidance; available at: [http://www.fda.gov/Food/
GuidanceRegulation/
GuidanceDocumentsRegulatoryInfor-
mation/FoodDefense/ucm082716.htm](http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/FoodDefense/ucm082716.htm)

Permits

You should begin by determining if your operation will be primarily wholesale or retail in nature. Generally speaking, if 75% or more of your product sales will be retail (direct-to-consumer), your manufacturing operation would be permitted and inspected through your local health department. There are exceptions to this, though. Establishments that do not have a retail store front that manufacture value-added packaged food products, or a firm that produces “high-risk” packaged items for retail sales (like pickled products) is subject to manufacturing rules. Food manufacturing operations that primarily wholesale their product (sales to another wholesale or retail outlet) or engage in internet sales are permitted and inspected through the KY Food Safety Branch. The permit fee schedule for food plants, including food processing, storage or distribution operations, is based on square footage, as follows:

0—1000 Square Feet	\$120
1001—5000 Square Feet	\$160
5001—20,000 Square Feet	\$200
20,001—40,000 Square Feet	\$300
40,001—80,000 Square Feet	\$400
80,001—150,000 Square Feet	\$500
150,001—or more Square Feet	\$600

NOTE: Permits expire annually, on December 31.

Building and Fixture Requirements

As a rule, every manufacturing facility must meet the following requirements :

- Be constructed of smooth, non-absorbent and easily cleanable materials and be designed to be insect/rodent-proof.
- Be connected to a municipal water source or have a water supply approved by the Division of Water (details follow).
- Be connected to a municipal sewer or an approved onsite septic system.
- Feature a hand wash sink in the food prep area, utensil wash area, and each restroom .
- Include a three-compartment sink with drainboards for washing utensils .
- Have a utility/mop sink.
- Have restroom facilities approved by the KY Division of Plumbing, 502-573-0397, or <http://dhbc.ky.gov/PIb/Pages/default.aspx>.

Please note that construction plans for new or renovated facilities, regardless of retail or wholesale operations, shall be submitted for review through the local health department.

You can find your Local Health Department here:

[http://chfs.ky.gov/dph/
LinkstoLocalHealthDepartments.htm.](http://chfs.ky.gov/dph/LinkstoLocalHealthDepartments.htm)

Commercial food preparation operations shall not be conducted in a residential kitchen. This *does not* necessarily mean that commercial food preparation cannot be conducted in a private residence, but it *does* mean that a separate, dedicated commercial kitchen is required.

If a commercial kitchen is to be installed in a private residence, it must be completely separated from the domestic kitchen and living quarters of the home. Any food products to be sold as part of the business must be stored separate and apart from personal items at all times. The plans for such a kitchen must be submitted to the local health department to be approved by the local plumbing inspector *before* you begin any construction. Also, remember to check with local zoning authorities to be certain your plans allow for commercial construction in your area.

Besides building a new commercial kitchen from scratch, there are several other options for meeting the requirements above. You may wish to use an already-permitted kitchen or a kitchen that would comply with the requirements outlined above. A restaurant kitchen before/after its normal business hours, a church kitchen outfitted with commercial fixtures, and many county extension office kitchens are all possibilities.

The KY Food Safety Branch will need a copy of a written agreement between you and the permitted establishment, certifying that you have access to the facility and that all of your product will be manufactured there during times when the kitchen is not in use.

You may wish to have your food product manufactured for you by a permitted food processing facility. These contract manufacturers are known as “co-packers.” A co-packer prepares food based on your recipe, packages it, and labels it with your custom label. Should you choose to contract with a co-packer, you would not require a permit to operate a food manufacturing plant (although its possible you could be required to obtain a warehousing permit).

Contact the Food Safety Branch for a current list of known, permitted co-packers here in Kentucky.

Water Supply

Wells, cisterns, springs and all other private water supplies must be approved by the Division of Water before they can be used in a food processing plant. Contact them at (502) 564-3410 or find them on the web at <http://water.ky.gov/DrinkingWater>.

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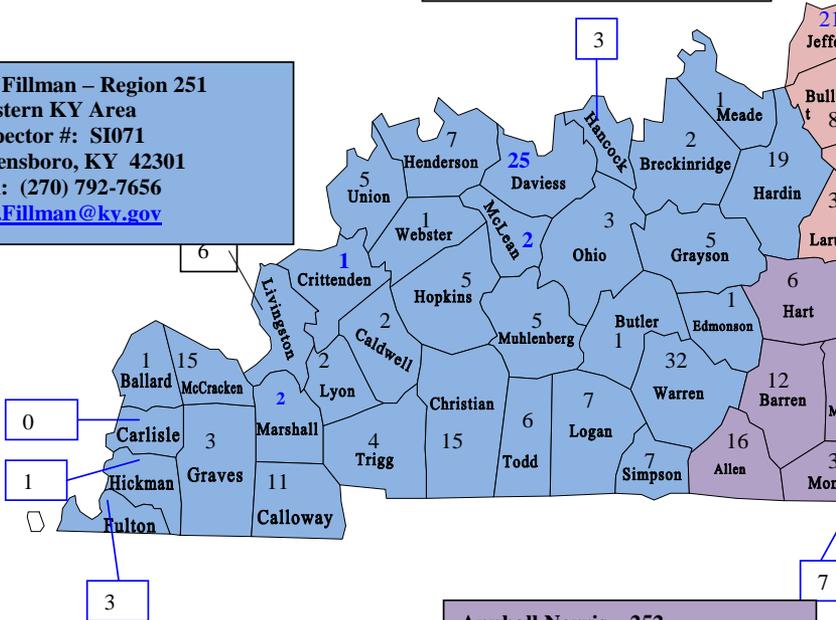
Inspector Jurisdictions— Food Manufacturing Program

Effective April 1, 2015

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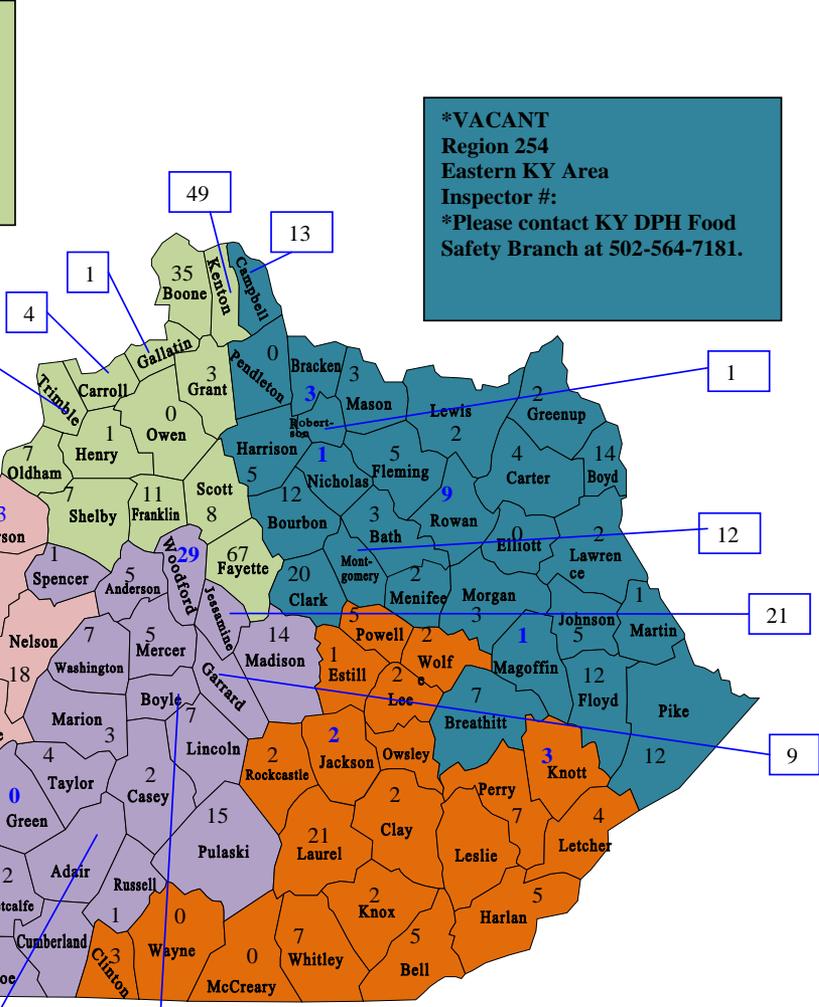
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