Federal and State Regulations on Selling Pickled Vegetables



Introduction^{1,2}

Pickling is an ancient method of food preservation dating back to 3rd century BC China. Unfermented pickles are typically put into an airtight jar with acid and flavorings and heated to kill any potential bacteria on the fruit or vegetable that may cause illness or spoilage. After a few days, the pickles are ready for consumption. The biggest concern about pickled foods is Clostridium botulinum. Clostridium botulinum is a microorganism that produces a fatal toxin in anaerobic environments with a pH above 4.6. The toxin causes botulism, a serious paralytic illness that can be fatal and is considered a medical emergency. Be sure to follow recipe directions and try to use recipes from reputable sources such as universities.

Recipes

Recipe 1:

extension.oregonstate.edu/fch/ sites/default/files/documents/ pnw_355_picklingvegetables.pdf **Recipe 2:** www.clemson.edu/ extension/hgic/food/ food_safety/preservation/ hgic3420.html **Recipe 3:**

extension.colostate.edu/topicareas/nutrition-food-safetyhealth/making-pickles-9-304/



North Central Region Center for FSMA Training, Extension and Technical Assistance

Standards of Identity/Definitions

Acidified foods³—low-acid foods to which acid(s) or acid food(s) are added; these foods include but are not limited to, beans, cucumbers, cabbage, artichokes, cauliflower, puddings, peppers, tropical fruits, and fish. They have a water activity greater than 0.85 and have a finished equilibrium pH of 4.6 or below. These foods may be called "pickles" or "pickled ____".

Low-acid foods⁴ - any foods, other than alcoholic beverages, with a finished equilibrium pH greater than 4.6 and a water activity (a_w) greater than 0.85. Tomatoes and tomato products having a finished equilibrium pH less than 4.7 are not classed as low-acid foods. **Pickles**³—pickles are considered an acidified foods as they have a water activity (a_w) greater than 0.85 and have a finished equilibrium pH of 4.6 or below.

The information in this document pertains to specific types of manufacturers. Manufacturers that sell their product directly to consumers through farmers' markets, roadside stands, or other similar venues should direct their attention to the "For Manufacturers Selling Directly to Consumers" portion of this document. Manufacturers that do not sell directly to consumers (those that sell to restaurants, grocery stores, or other manufacturers) should view the "For Manufacturers Not Selling Directly to Consumers" portion of this document, directly below.

For Manufacturers Not Selling Directly to Consumers Federal⁵

All pickle and relish producers are required to follow current Good Manufacturing Practices [21 CFR Part 117, Subpart B, and 21 CFR 117.4 (Qualifications of individuals who manufacture, process, pack, or hold food.)]. If the manufacturer sells less than \$500,000 in the preceding 3 years, that business is exempt from Hazard Analysis and Risk-based Preventive Controls [21 CFR Part 117, Subparts C and G]. If the manufacturer sell more than 50% of their food directly to consumers within 275 miles of the production facility, that business is exempt from Hazard Analysis and Risk-based Preventive Controls [21 CFR Part 117, Subparts C and G]. Current Good Manufacturing Practices are practices that minimize the likelihood of allergen/ chemical, microbial, and physical contamination of foods. Personnel must be trained on food safety as it relates to their job duties. The plant, grounds, equipment, utensils, and processing lines must be kept in good sanitary condition. The canning process must be adequate to create a safe pickled product. In addition to pickle and relish producers requirements to follow 21 CFR Part 117, acidified foods operations must also follow 21 CFR Part 114. These operations must have a supervisor who has attended an FDA recognized training course specifically designed for canning acidified foods (21 CFR 114.10). The most widely available approved course is the Better Process Control School. Anyone working on the processing and packaging side of an acidified foods operation must be under supervision by the trained individual during all operating hours.³⁶⁷

The food safety plan required by 21 CFR Part 117, Subpart C, must contain a written hazard analysis. This hazard analysis identifies hazards requiring preventive controls or must give a justification as to why a hazard does not require a preventive control. If a hazard requiring a preventive control is identified, written documentation of the preventive control, monitoring procedures, corrective actions, verification procedures, including validation information for process preventive controls, and a recall plan are required.

For Manufacturers Selling Directly to Consumers Illinois⁸

Pickles- Pickled products are not allowed to be sold in accordance with an Illinois Cottage Food Operation.

Indiana⁹

Non-fermented, pickled vegetables – For example pickles, beets, etc. that are acidified (i.e., vinegar added) and do not require refrigeration may not be sold by a Home-Based Vendor. Note: Vegetables that require the addition of any acid (e.g., vinegar) are NOT considered fermented.

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Home canned fruits and vegetables (i.e. pickles) - are not allowed to be sold at a farmers' market unless they are produced in a licensed kitchen.

Kansas¹¹

Home canned pickles meats, vegetables, and sauerkraut- are not allowed to be sold without proper licensing.

Michigan¹²

Canned pickled products– items like corn relish, pickles or sauerkraut must be produced in a licensed kitchen.

Minnesota¹³

Pickled products – products with an equilibrium pH value of 4.6 or lower and heat treated to kill vegetative cells are exempt from licensing. Examples, including but not limited to: Pickled asparagus, Pickled beets, Pickled cantaloupe, Pickled carrots, Pickled chow chow, Pickled corn relish, Pickled cucumber, Pickled green beans (Dilly Beans), Pickled green tomatoes, Pickled okra, Pickled relish, Pickled summer yellow squash, Pickled three-bean salad, Pickled watermelon rinds, Pickled zucchini, and Pickles, sweet or dill. **General Guidance-** Cottage food producers must do the following:

- 1. Register with the Minnesota Department of Agriculture (MDA) before selling exempt food regardless of the amount of food sold.
- 2. Take an approved food safety course once every three years while actively selling cottage food.

- 3. Register with the MDA each year food is sold under the Cottage Food Exemption.
- 4. Prepare and sell only NON-potentially hazardous food (such as baked goods, certain jams and jellies) and/or home canned pickles, vegetables, or fruits with a pH of 4.6 or lower.
- 5. Label food with your name and address, the date produced, and the ingredients, including potential allergens.
- 6. Display a sign that says "These products are homemade and not subject to state inspection." If you are selling on the Internet, post this statement on your webpage.
- 7. Deliver food directly to the ultimate consumer. The person who makes the food must be the same person who sells and delivers the food.
- 8. Sell from a private home, at farmer's markets, community events, or on the Internet.
- 9. Check with your local city, county, or township regarding business licensing or sales prohibitions due to zoning requirements.
- 10. Sell less than \$18,000 in a calendar year. If you sell between \$5,000 and \$18,000 per year, a \$50 fee applies to your registration.

Missouri¹⁴

Salsa, pickles, and BBQ sauce- These foods are common examples of acidified or low acid canned foods that require a license and must be produced in an inspected facility. A producer must attend a Better Process Control School and have their process reviewed by a process authority.

Nebraska¹⁵

Meat, fruits, vegetables (green beans, tomatoes), pickles (all low acid canned foods)- You must have a permit to sell these home canned products.

General Guidelines- A clearly visible placard is required at the sale location stating the food was prepared in a kitchen that is not inspected or licensed by the regulatory authority.

North Dakota^{16,17}

The North Dakota Department of Health (NDDOH) is currently revising administrative rules after the 2017 legislature passed new laws around the cottage food industry. The new guidelines are expected to go into effect in 2018.

Pickled foods- You may sell foods, such as dill or sweet pickles, salsa, tomato products, barbecue sauces, taco sauce, ketchups, mustards, and other acidified foods, where the equilibrium pH level has been reduced to 4.6 or less and verified using a calibrated pH meter.

General Guidance- Each food container and/or food item sold must include the following statement in a front size that is prominent, conspicuous, and easy to read, "These food products were produced in an uninspected home kitchen where major food allergens may also have been handled and prepared, such as tree nuts, peanuts, eggs, soy, wheat, milk, fish, and crustacean shellfish."

The seller must display a sign or placard at the point of sale which states "These canned goods/baked goods are homemade and not subject to state inspection."

Ohio¹⁸

Pickles and pickled products- must be produced in a licensed facility.

South Dakota¹⁹

Home-canned foods- having an equilibrium pH value below 4.6 and meeting standards that destroy bacteria, yeast, and molds to a required level. All products must have official verification from a third-party processing authority in writing. All products must be properly labeled.

Wisconsin^{20,21}

A person is not required to obtain a license to sell at retail food products that the person prepares and cans at home in Wisconsin if all of the following apply:

- The food products are pickles or other processed vegetables or fruits with an equilibrium pH of 4.6 or lower
- The person sells the food products at a community or social event or a farmers' market in Wisconsin
- The person receives less than \$5,000 per year from the sale of the food products
- The person displays a sign at the place of sale stating: "These canned goods are homemade and not subject to state inspection"
- Each container of food product that is sold is labeled with the name and address of the person who prepared and canned the food product, the date on which the food product was canned, the statement "This product was made in a private home not subject to state licensing or inspection.", and a list of ingredients in descending order of prominence. If any ingredient originates from milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts, or soybeans, the list of ingredients shall include the common name of the ingredient.

¹⁰https://dia.iowa.gov/sites/default/files/

Resources

 ¹extension.oregonstate.edu/fch/sites/default/files/ documents/pnw_355_pickling vegetables.pdf ²https://www.fda.gov/Food/NewsEvents/ ConstituentUpdates/ucm228244.htm ³21 CFR 114 https://www.ecfr.gov/cgi-bin/text-idx? SID=5adb4042d1b92be50b44b5e3653cd3c8&node=pt21.2. 114&rgn=div5 ⁴21 CFR 113 https://www.ecfr.gov/cgi-bin/text-idx? SID=3d037581cdbeef69950d3a18e049bf94&mc=true&nod e=se21.2.113_13&rgn=div8 ⁵21 CFR 117 https://www.ecfr.gov/cgi-bin/text-idx? SID=01afb009a9de6f6797d02757e59ef157&mc=true&nod e=pt21.2.117&rgn=div5#sp21.2.117.b ⁶http://ucfoodsafety.ucdavis.edu/ Better_Process_Control_Schools/ ⁷https://foodsafety.ncsu.edu/acidified-foods- manufacturing-school/ ⁸http://web.extension.illinois.edu/cottage/foods.cfm ⁹https://ag.purdue.edu/foodsci/pages/in-hea-1309- info.aspx 	documents/2017/08/approved_sales_at_ temporary_events_and_farmers_markets.pdf ¹¹ https://www.bookstore.ksre.ksu.edu/pubs/MF3138.pdf ¹² http://www.michigan.gov/mdard/0,4610,7-125- 50772_45851-240577,00.html ¹³ https://www.mda.state.mn.us/licensing/licensetypes/ cottagefood.aspx ¹⁴ http://health.mo.gov/safety/foodsafety/pdf/ FarmersMarketsBrochure.pdf ¹⁵ http://www.nda.nebraska.gov/publications/foods/ food_safety_farmers_markets_craft_shows.pdf ¹⁶ https://www.ndhealth.gov/FoodLodging/CottageFood.asp ¹⁷ www.ndhealth.gov/FoodLodging/PDF/Cottage%20Food/ cottage_Foods_Frequently_Asked_Questions_ 9.01.17_Final.pdf ¹⁸ http://www.agri.ohio.gov/foodsafety/food- cottageindex.htm ¹⁹ https://doh.sd.gov/food/farmers-markets.aspx? ²⁰ https://datcp.wi.gov/Pages/Licenses_Permits/ FoodLicenses.aspx ²¹ docs.legis.wisconsin.gov/statutes/statutes/97.pdf
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