



# The Commonwealth of Massachusetts

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## Retail Food Code Standards for Permitted Residential Kitchens Updated April, 2019

The following information is provided to assist municipalities, food establishments and other interested parties in interpretation of the Retail Food Code. Additional information is available on our website at [mass.gov/lists/retail-food](http://mass.gov/lists/retail-food) or by contacting the Food Protection Program at (617) 983-6712 or [fpp.dph@state.ma.us](mailto:fpp.dph@state.ma.us).

Under 105 CMR 590 (the Retail Food Code), Cottage Food and non-exempted Bed and Breakfast Operations (Permitted Retail Residential Kitchens) must comply with all applicable municipal laws and zoning ordinances and sections of the Retail Food Code for conducting a business from one's home residence. The following minimum provisions for Residential Kitchens apply to both Cottage Food Operations and Bed and Breakfast Operations. Additional notes are provided for alternate standards or provisions which apply to only one type of Permitted Retail Residential Kitchen. These guidelines are being issued under 105 CMR 590.009(E) to promote uniform application of the Retail Food Code.

### **Water Supply and Sources**

- **Water Supply:** Only potable water from a properly constructed on-site well or municipal water system can be used. Any Permitted Retail Residential Kitchen which has a private water supply must have the supply tested prior to permitting and at least annually thereafter and demonstrate through a written record of testing that the water supply is potable. The regulatory authority may require more frequent testing as deemed necessary. **(590.005; FC 5-1)**
- **Wastewater:** Sewage shall be disposed of through a system approved by the LBOH. **(590.005; FC 5-403.11)**
- **Handwashing Sinks:** The kitchen sink to be used for handwashing must be provided with a soap dispenser and disposable towels. However, the kitchen sink cannot be used for handwashing after toilet use; therefore, there must also be a sink in the toilet room. **(590.002; FC 2-301.15 / 590.005; FC 5-203.11)**
- **Manual Warewashing:** The kitchen sink can also be used for food preparation and warewashing provided it is cleaned and sanitized prior to and between use. For manual warewashing, a two compartment sink can be used if it is approved by the LBOH and the washing is done in limited batches within the requirements of 4-301.12(D)(2)(a)-(c). **(590.004; FC 4-301.12, FC 4-501.114)**

- **Mechanical Warewashing:** A domestic or home-style dishwasher may be used for Permitted Retail Residential Kitchens, provided that it is operated in accordance with the manufacturer's specifications and the dishwasher's internal temperature is a minimum of 150°F after the final rinse and drying cycle. (590.004; FC 4-501.15)

### **Sanitation and Preventing Contamination**

- **Food Contact Surfaces:** All food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of food products must be washed, rinsed, and sanitized before each use (590.004; FC 4-6, FC 4-7)
- **Rodents and Pests:** All food preparation and food and equipment storage areas must be maintained free of rodents and insects (590.006; FC 6-501.111)
- **Handwashing:** All persons involved in the preparation, packaging, or handling of food must wash their hands before any food preparation and food packaging activities (590.002; FC 2-301.14)
- **Bare Hand Contact:** All persons involved in the preparation, packaging, or handling of food must avoid bare hand contact with ready-to-eat foods through the use of single-service gloves, bakery papers, tongs, or other utensils (590.003; FC 3-301)
- **Illness:** All persons involved in the preparation, packaging, or handling of food must not work in the home kitchen when ill (590.002; FC 2-201.11)

### **Kitchen Policies**

- **Food Preparation:** Only the permittee, and individuals under the supervision of the permittee, may be engaged in the processing, preparing, packaging, or handling of food (590.002; FC 2-103.11(B),(C))
- **Living or Sleeping Quarters:** Rooms used as living or sleeping quarters in a private home may not be used for conducting cottage food operations. (590.006; FC 6-202.111)
- **Children:** No infants or small children are in the Permitted Retail Residential Kitchens during the preparation, packaging, or handling of food (590.002; FC 2-103.11(B))
- **Pets:** Pets must be excluded from the kitchen area during food preparation (590.006; 6-501.115)
- **Other Activities:** No preparation, packaging, or handling of food may occur in the kitchen area concurrent with other domestic activities such as family meal preparation, clothes washing or ironing, or guest entertainment (590.002; FC 2-103.11(B) / 590.004; FC 4-803.13)

## Standards Specific to Cottage Food Operations

### **Cottage Food Products**

- **Non-TCS Foods:** Only non-time/temperature control for safety (TCS) baked goods, jams, jellies, and other such foods may be produced at a Cottage Food Operation. **(590.001(C) "Cottage Food Product")**
- **TCS Ingredients:** Ingredients from approved sources that are TCS foods, such as milk, cream, and eggs, may be used in food preparation for the public provided that the final product is not a TCS food. **(590.003; FC 3-201.11(A), FC 3-201.13, FC 3-202.13, FC 3-202.14(A)&(B))**

### **Labeling**

A Cottage Food Operation may only sell cottage food products which are prepackaged with an ingredient label. The product does not need to be analyzed by a laboratory to obtain an official ingredient list, but all ingredients must be listed in descending order of predominance by weight. If a prepared item is used in the recipe, sub-ingredients must also be listed. For example, if you use soy sauce as an ingredient, listing soy sauce is not acceptable; soy sauce (wheat, soybeans, salt) is acceptable. **(590.003; FC 3-602).**

The label affixed or provided to the direct consumer must contain the following information (printed in English):

- a. The name and address of the Cottage Food Operation;
- b. The name of the Cottage Food Product;
- c. The ingredients of the Cottage Food Product, in descending order of predominance by weight;
- d. The net weight or net volume of the Cottage Food Product;
- e. Allergen information as specified by federal labeling requirements. This includes identifying if any of the ingredients are made from one of the following food groups: milk, eggs, wheat, peanuts, soybeans, fish (including shellfish, crab, lobster or shrimp) and tree nuts (such as almonds, pecans or walnuts); AND
- f. Nutritional labeling as specified by federal labeling requirements is required if any nutrient content claim, health claim, or other nutritional information is provided.

## **Standards Specific to Bed and Breakfast Operations**

### **Applicable Regulations**

Permitted Retail Residential Kitchens for Bed-and-Breakfast Operations must comply with all minimum requirements of the Food Code except for FC 8-2 "Plan Submission and Approval". However, an intended menu must be submitted to the board of health with the application for permit **(590.010(E)(2)(b))**

### **Food Temperatures**

All food temperature requirements shall be met as contained in 105 CMR 590.000. Bed and Breakfast Operations permitted to prepare TCS foods must have sufficient hot and cold holding equipment to maintain food at temperatures specified under 105 CMR 590.000. **(590.010(E)(2)(d)(4))**

- Specifications for Receiving - see **590.003; FC 3 -202.11(A)**
- Cooking – see **590.003; FC 3-401**
- Reheating – see **590.003; FC 3-403**
- Temperature and Time Control – see **590.003; FC 3-501**
- Cooling, Heating, and Holding Capacities – see **590.004; FC 4 -301.11**