

# Frequently Asked Questions for Value-Added Producers

## Introduction

This publication summarizes frequently asked questions and answers for the cottage food producers and on-farm home processors. It includes definitions of common terms as well as guidance and recommendations surrounding manufacturing, processing, packaging,

labeling, and selling of foods or food products produced by the Maryland cottage food businesses and on-farm food processors. If producers and processors have further questions regarding liability insurance based on their business model, the authors recommend visiting The University of Maryland's Agriculture Law Education Initiative (ALEI).

COMMON QUESTIONS IN MAKING YOUR PRODUCT	COTTAGE FOODS PRODUCERS	ON-FARM HOME PROCESSORS (LICENSE)
<i>Should I be <b>Good Agricultural Practices (GAP) certified</b> showing that I am using food safety practices to grow, harvest and hold produce?</i>	Optional. Customers may require Good Agricultural Practices (GAP) certification.	Optional. Producer growers may require Good Agricultural Practices certification.
<i>Do I need to comply with the <b>Food Safety Modernization Act Produce Safety Rule</b> for growing, harvesting, packing, or holding produce?</i>	Not Needed.	Likely not, unless you are only drying and packaging (e.g. herbs).
<i>Do I need to comply with the <b>Food Safety Modernization Act Preventive Controls Rule</b> for manufacturing food?</i>	Not Needed.	Your compliance depends if you are covered or exempt as defined by the Final rule.
<i>Should I have my practices, SOPs, farm/processing area layout, and records organized in a <b>Food Safety Plan</b>?</i>	Optional but recommended.	You may be required depending on the product (e.g. acidified canned goods, some type of pickles).
<i>Should I pursue <b>Liability Insurance</b>?</i>	Optional but recommended.	Maybe, depending on business model.
<i>Must I work with a <b>Processing Authority</b> to obtain a scheduled process for manufacturing my product?</i>	No, unless you need to verify your food does not contain potentially hazardous ingredients.	You may be required depending on the product (e.g. acidified canned goods, some type of pickles).
<i>Do I need to comply with <b>current Good Manufacturing Practices</b> regulations (cGMPs)?</i>	Not Needed.	Yes.
<i>Do I need a <b>Copacker</b> to package and label my product?</i>	Not Needed.	Optional, depending on product and scale.
<i>Am I required to register my facility with the <b>FDA</b> using form 3537?</i>	Not Needed.	Not Needed.
<i>Can I sell my products <b>online</b>?</i>	Yes, but you can only sell and ship within Maryland directly to consumers (e.g. farmer's market, mail delivery) or to a retail food store (includes additional requirements).	Yes, and food can be sold across state lines.

## Additional Information

For additional information, please visit the **Maryland Rural Enterprise Development Center (MREDC)** and the **Maryland Department of Health Office of Food Protection**.

### Definitions

**Cottage Foods** pertain to certain foods that can be made and/or packaged in a private home kitchen, like strawberry jam (COMAR 10.15.03).

**On-Farm home processing** is a license issued by the Maryland Department of Health that permits processing certain foods in a private home kitchen, like dried herbs (COMAR 10.15.04.18).

**Good Agricultural Practices (GAPs)** certification refers to a voluntary third party audit program that measures execution of on-farm food safety practices to reduce food borne pathogen contamination.

**The Food Safety Modernization Act Produce Safety Rule (FSMA)** is a federal regulation that sets minimum standards for growing, harvesting, packing, and holding fresh produce.

**The Food Safety Modernization Act Preventive Controls Rule (FSMA-PSR)** is a federal regulation that sets minimum standards for processing food.

A **Processing Authority** is a qualified who has expert knowledge of food processing requirements and can evaluate a food processing protocol for those making certain foods (e.g. acidified products).

**Current Good Manufacturing Practices (cGMPs)** is a federal regulation that outlines standards for manufacturing food including hygienic practices, sanitary practices, and safe operation of facilities.

## Resources

Legal Information Institute. (n.d.). Md. Code Regs. 10.15.04.18 - On-Farm Home Processing. Cornell Law School. <https://www.law.cornell.edu/regulations/maryland/COMAR-10-15-04-18>

Maryland Department of Health Office of Food Protection. (2023, July 21). Facility and Process Review. Maryland Department of Health. <https://health.maryland.gov/phpa/OEHFP/OFPCHS/Pages/plan-review.aspx>

University of Maryland Extension. (2015, November). Launching a cottage food business in Maryland. University of Maryland Extension. <https://extension.umd.edu/sites/extension.umd.edu/files/publications/FS-1005%20Launching%20a%20Cottage%20Food%20Industry.pdf>

United States Department of Agriculture. (n.d.). Crop insurance. Risk Management Agency. <https://rma.usda.gov/en>

ANGELA  
FERELLI-GRUBER  
angerfer@umd.edu

NEITH LITTLE  
nglitle@umd.edu

SHAUNA HENLEY  
shenley@umd.edu

This publication, *Frequently Asked Questions for Value-Added Producers in Maryland* (EBR-2022-0635), is a part of a collection produced by the University of Maryland Extension within the College of Agriculture and Natural Resources.

The information presented has met UME peer-review standards, including internal and external technical review. For help accessing this or any UME publication contact: [itaccessibility@umd.edu](mailto:itaccessibility@umd.edu)

For more information on this and other topics, visit the University of Maryland Extension website at [extension.umd.edu](http://extension.umd.edu)

*University programs, activities, and facilities are available to all without regard to race, color, sex, gender identity or expression, sexual orientation, marital status, age, national origin, political affiliation, physical or mental disability, religion, protected veteran status, genetic information, personal appearance, or any other legally protected class.*



*This material is based upon work supported by USDA/NIFA under Award Number 2018-70027-28588.*



**National Institute of Food and Agriculture**  
U.S. DEPARTMENT OF AGRICULTURE