



## Food program

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### Bakeries

#### **Which establishments need a bakery license type 09?**

A bakery is defined as any place, premises or establishment where any bakery product is regularly prepared, processed or manufactured for sale other than for consumption on the premises where originally prepared, processed or manufactured. Bakery products include bread, rolls, cakes, pies, doughnuts and all similar goods, but does not include cookies, biscuits or crackers. We issue bakery licenses for the bakery departments that are a part of multi-department grocery stores. If a store does not have a bakery department but they regularly purchase bakery goods that require heating and possibly icing and packaging, than the store is typically issued a bakery license. If a retail store purchases bakery goods that do not require further processing, than a retail license type 77 is sufficient. Most convenience stores, for instance, carry packaged breads and often purchase donuts that are delivered and sold bulk - these examples do not require a bakery license. Even if the store has to ice the donuts, we do not typically require a bakery license unless the donuts have to be baked prior to icing.

Bakeries are also asked to report how many vehicles are used to distribute bakery products. In addition to the bakery license fee, a fee of \$8 is charged for each additional vehicle over one.

If a bakery produces their products primarily for consumption on the premises, which is foodservice, than the bakery is licensed by the local county health department. Examples include many donut shops and any restaurants that prepare pies and other desserts to be consumed primarily at the restaurant. This does not mean that the restaurant or donut shop cannot sell their products in a package for consumers to take home, rather the key is that the products are primarily intended for immediate consumption. [Link to county health department contact information](#)

#### **Which establishments need a bakery distributor license type 10?**

A bakery distributor means any person, other than a bakery, engaged in selling, marketing or distributing at wholesale or retail any bakery products. A bakery distributor does not include a person distributing bakery products manufactured by the person in a licensed bakery or any retail food store selling or making delivery from a fixed place of business. Historically, bakery distributors operated a business that was totally independent of any bakery and they purchased packaged baked goods, such as breads and pastries, from large bakeries. Often the distributor warehoused the purchased products for a short amount of time. The distributor would run a route that mostly included small stores in rural areas that might not otherwise be serviced by a larger distributor. The bakery distributor license does cover both the delivery truck and the warehouse. If a licensee is warehousing and distributing foods other than bakery goods, a warehouse license type 78 will be issued instead of a license type 10.

Bakery distributors are also asked to report how many vehicles are used to distribute bakery products. In addition to the bakery distributor license fee, a fee of \$8 is charged for each additional vehicle over one.

### **Bakery license information**

State licenses web site describes license type, references statute and rule, lists responsible agency and links to licensing prerequisites.

Link to state licenses web site:

[Bakery license type 09](#)

[Bakery distributor type 10](#)

Licensing information on issuing a food license, preliminary inspections, multiple activities covered by one statute, transferring licenses and interagency agreements in Oregon. Inspection information on regular or routine inspections, initial inspections and other types of inspections.

[Licensing and inspections](#)

## Domestic kitchens

### Domestic kitchen license information

State licenses web site describes license type, references statute and rule, lists responsible agency and links to licensing prerequisites.

Link to state licenses web site:

Domestic bakery license type 11- [domestic bakery](#)

Domestic food processor license type 16 - [domestic processor](#)

Licensing information on issuing a food license, preliminary inspections, multiple activities covered by one statute, transferring licenses and interagency agreements in Oregon. Inspection information on regular or routine inspections, initial inspections and other types of inspections.

[Licensing and inspections](#)

### Which establishments need a domestic kitchen license?

Anyone who would like sell a food product that is made in their home kitchen, must meet special requirements and must obtain a domestic kitchen license. The home kitchen must also be used for domestic activities - an empty house or apartment cannot be rented for the purpose of processing food in the kitchen. If a person wants to process their food in the domestic kitchen in the home of a family member or friend, than the family member or friend should have some association with the business. The intent of the domestic kitchen license is that it be used for processes that can be completed in about 4 hours since all processing must be done in between meal preparation. The domestic kitchen license was designed to allow someone to try his or her business venture without a large capitol expenditure - it is for limited production only. The county health departments do not license domestic kitchens for food service activities, so a domestic kitchen cannot be licensed for catering operations. If a firm wants to use their garage, basement, an out building or any other room in the house other than the kitchen as the processing area, than a regular processing license (Type 59) must be obtained and the construction and plumbing requirements in the Code of Federal Regulations must be complied with. The business owner also needs to check their zoning to make sure the conversion is allowed.

A domestic bakery license type 11 is issued if the business primarily makes bread, rolls, cakes, pies, donuts and similar goods. A domestic food processor license type 16 is issued if the business primarily makes other types of approved foods

Only certain types of activities are permitted in a licensed domestic kitchen. Items which may be produced include products such as jams, jellies, baked goods, salsa (depending on the recipe, this might qualify as an acidified food), salad dressings and candies. Activities that cannot be done in a licensed domestic kitchen are low acid food canning, dairy processing (such as home made ice cream), and meat cutting or processing. All activities described above can be done outside the domestic kitchen in an approved facility that is licensed.

More information on [domestic kitchens](#)

More information on labeling packaged food for retail sale:

[Basic labeling information - English](#)

[Basic labeling information - Spanish](#)

[Allergens, spices & type size labeling information - English](#)

[Allergens, spices & type size labeling information - Spanish](#)

## Eggs

### **Which establishments need an egg handler license type 13 and which establishments are exempt?**

The producer is required to have an egg handler's license if:

1. They sell graded eggs to retailers, cafes, bakeries, hospitals, schools, boarding houses or institutions.

A producer does not need a license if:

1. The producer is selling and delivering eggs of the producer's own production direct to an individual consumer. Eggs may be sold at farmer's markets without an egg handler's license and without labeling, but only by the farm that produces the eggs - this exemption does not include eggs produced by friends or relatives or on neighboring farms.
2. Producer sells only ungraded eggs to a dealer.

For eggs at retail, a license is needed by:

1. Retailer who grades eggs
2. Retailer who packages graded eggs in his own cartons.

A retailer does not need a license if:

1. The retailer sells to the consumer, eggs that previously have been candled and graded by an egg handler in compliance with ORS 632.705 to 632.815.

### **Which establishments need an egg breakers license type 14 and which establishments are exempt?**

Any person engaging in the commercial breaking of eggs for the purpose of recovering there from, for human food, the whites, yolks or whole egg meats, or any part thereof.

A plant can break and store eggs that are considered "inedible" without having an egg breakers license.

If the shell eggs or egg products are not fit for human food, they must be placed in a conspicuously marked container which contains a denaturant of such character as will prevent such products from being used as human food, or in the case of shell eggs, they shall be treated in such manner as will preclude their use as human food.

### **Egg license information**

State licenses web site describes license type, references statute and rule, lists responsible agency and links to licensing prerequisites.

Link to state licenses web site:

Egg license type 13 - [egg handler](#)

Egg license type 14 - [egg breaker](#)

Licensing information on issuing a food license, preliminary inspections, multiple activities covered by one statute, transferring licenses and interagency agreements in Oregon. Inspection information on regular or routine inspections, initial inspections and other types of inspections.

[Licensing and inspections](#)

## Food processing and warehouses

### Which establishments need a food processing license type 59?

Anyone processing food, which is defined as cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, freezing or otherwise manufacturing a food or changing the physical characteristics of a food, and the packaging, canning or otherwise enclosing of such food in a container, but does not mean the sorting, cleaning or water-rinsing of food. Food that is packaged for retail sale must also be properly labeled.

Labeling and recall plan links:

[Basic labeling information - English](#)

[Basic labeling information - Spanish](#)

[Allergens, spices & type size labeling information - English](#)

[Allergens, spices & type size labeling information - Spanish](#)

[Allergen labeling - letter to industry, 11/24/08](#)

[Recall plan information](#)

If a brewery with a restaurant or a tortilla factory with a retail store has a greater amount of processing activity than retail or food service activity, we license them as a food processor, type 59. If an establishment is primarily retail but does a limited amount of processing, such as making salsa, than a 77 license will be issued. A single business cannot hold both a food processing and a retail license because both license types are covered under the same law.

Special requirements must be met before processing low acid canned foods (LACF), acidified foods, products under seafood HACCP and products under juice HACCP. If a firm wishes to process an LACF or an acidified food, they must attend Better Processing School and have their process reviewed and approved by a process authority. Foods that would be considered LACF include thermally processed low acid foods packaged in hermetically sealed containers (like canned green beans or canned corn). Canned seafood, such as tuna, is also considered a low acid canned food that additionally would be regulated by seafood HACCP. Foods that would be considered acidified include low acid foods to which an acid or acid food is added (pumpkin butter, salsa, mustard, pickled eggs, pickles and other pickled vegetables). Occasionally, pickles are produced by natural fermentation only and since vinegar is not being added they are not covered by the acidified food regulations. A processor is not required to operate under the acidified food laws if they refrigerate their acidified product at all times and label the product "keep refrigerated". Firms must operate under HACCP to process seafood. As of January 2004, juice HACCP is required for all sizes of juice processors.

For more information on Better Processing School or to find a process authority for your LACF or acidified food product, contact:

[Oregon State University](#) food sciences extension program or

[Washington State University](#) food science

[Chapman University -Orange, CA](#) courses in English and Spanish

[New Mexico State University - Las Cruces, NM](#) courses in English and Spanish

Oregon State University extension program also provides information on [Value-Added Food Products Development](#) and [Dairy Processing](#). Information specific for dairy processing can also be found in the [dairy program](#) section of this web site.

Visit the FDA web site for more information on:

[Acidified and Low Acid Canned Foods](#)

[Approximate pH of Foods](#)

[The Bad Bug Book](#)

[Seafood HACCP](#)

[Juice HACCP](#)

[Registration of Food Facilities](#)

[Booklets Available on New Bioterrorism Legislation](#)

[Food Producers, Processors, and Transporter: Food Security Preventive Measures Guidance](#)

[Food Allergen Labeling and Consumer Protection Act of 2004](#)

[Trans Fat Labeling](#)

[Food Labeling Guide](#)

[Small Business Food Labeling Exemption](#)

[Starting a Food Business](#)

There is also more information on seafood and seafood HACCP in the [seafood program](#) area of this web

site.

### **Which establishments need a food warehouse license type 78?**

If the primary function of the facility is to warehouse foods, a food warehouse license is issued. A food processor that warehouses finished product at the same location does not require a warehouse license. A food warehouse may do a minor amount of processing or re-packing and still carry a warehouse license if warehousing is the predominant activity.

### **Food processing and warehouse license information**

State licenses web site describes license type, references statute and rule, lists responsible agency and links to licensing prerequisites.

Link to state licenses web site:

[Food processing license type 59](#)

[Food warehouse license type 78](#)

Licensing information on issuing a food license, preliminary inspections, multiple activities covered by one statute, transferring licenses and interagency agreements in Oregon. Inspection information on regular or routine inspections, initial inspections and other types of inspections.

[Licensing and inspections](#)

## **Meat**

### **Which establishments need a meat license?**

Any establishment that is dealing with raw meat needs some type of meat license. It is helpful to understand the definitions associated with meat, game animals and poultry:

Meat animal means any vertebrate animal, except fish and aquatic mammals, not otherwise prohibited by law for sale for human consumption. The meats that are considered "ameanable" and are therefore recognized under the Federal Meat Inspection Act include cattle, sheep, swine, goats, horses, mules and other equines. If the species is ameanable, than the slaughter and processing of the animal must be inspected (by USDA) and inspectors are appointed for that purpose -the plant does not pay for the inspector other than through licensing fees. [Link to USDA web site](#)

Game Animal means an animal, the products of which are food, that is not classified as cattle, sheep, swine, goat, horse, mule, or other equine, as poultry or as fish. So, game animal includes mammals such as reindeer, elk, deer, antelope, buffalo, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and non-aquatic reptiles such as land snakes.

Game animal does not include ratites such as ostrich, emu, and rhea.

In January 2003, a new definition was adopted into our meat rules for domesticated elk, which means North American wapiti, Manitoban elk, Rocky Mountain elk, Roosevelt elk and Tule elk that are born and raised in captivity. The new rule requires a license from OSDA and inspection by USDA for the slaughter and processing of elk in the state of Oregon. Since elk is not considered an amenable species by USDA, the processor has to pay an extra fee to obtain the USDA stamp which is required for wholesaling the meat.

Poultry means any domesticated bird (chickens, turkeys, ducks, geese, or guineas), whether live or dead and any migratory waterfowl, game bird, or squab such as pheasant, partridge, quail, grouse, or guineas, whether live or dead. Poultry does not include ratites as defined in the retail food code. However, in 2002/2003, the USDA did adopt ratites such as ostrich, emu and rhea.

Although seafood is not defined as meat in the law, due to the fact that most large grocery chains combine seafood sales in the same department as meat, you will often see the seafood inspection covered under the meat license in these stores, but technically seafood is not defined by the meat law. If a store only sales retail seafood and other retail foods, a 77 retail food license is all that is required.

### **Meat license information**

State licenses web site describes license type, references statute and rule, lists responsible agency and links to licensing prerequisites.

Link to state licenses web site:

Meat license type 37 - [animal food processing](#)

Meat license type 38 - [meat sellers license](#)

Meat license type 39 - [poultry and rabbit processing](#)

Meat license type 40 - [slaughterhouse](#)

Meat license type 41 - [nonslaughterhouse processing](#)

Meat license type 42 - [custom stationary slaughter](#)

Meat license type 43 - [custom mobile slaughter](#)

Meat license type 44 - [custom processor](#)

Licensing information on issuing a food license, preliminary inspections, multiple activities covered by one statute, transferring licenses and interagency agreements in Oregon. Inspection information on regular or routine inspections, initial inspections and other types of inspections.

[Licensing and inspections](#)

### Nonalcoholic beverages

#### **Which establishments need a non alcoholic beverage license type 12?**

Nonalcoholic beverage manufacturing business means the operations and business of and the owner or operator thereof, who manufactures, makes, bottles, handles, distributes, holds for sale, or sells soda or soda waters, mineral waters, carbonated beverages and other nonalcoholic drinks or beverages otherwise known as soft drinks.

#### **Which establishments are exempt from a non alcoholic beverage license?**

- Person who sells nonalcoholic drink or beverage products in or from their original containers at wholesale or retail.
- Person who mixes or sells nonalcoholic products in the usual course of business at a soda fountain.
- Person who engages in the nonalcoholic beverage manufacturing business in a building and using machinery, equipment and all facilities which have been approved and licensed by the department for use in the processing of fluid milk to be labeled with grade A pursuant to ORS chapter 621.

#### **License information for non-alcoholic beverages**

State licenses web site describes license type, references statute and rule, lists responsible agency and links to licensing prerequisites.

Link to state licenses web site:

Non-alcoholic beverage license type 12 - [beverage plant non-alcoholic](#)

Licensing information on issuing a food license, preliminary inspections, multiple activities covered by one statute, transferring licenses and interagency agreements in Oregon. Inspection information on regular or routine inspections, initial inspections and other types of inspections.

[Licensing and inspections](#)

### Pet Food

#### **Which establishments need an animal food processing license type 37?**

If a treat or food made in Oregon uses raw or cooked meat you need to obtain a Pet Food Manufacturing License from ODA/ Food Safety.

[What you need to know about manufacturing and labeling pet food and treats.](#)

#### **Which establishments are exempt from an animal food processing license type 37?**

If the product does not contain meat than a license from ODA Food Safety Division is not required.

However, if the product is distributed across state lines it is subject to FDA labeling rules and rules made by other states.

### **License information for pet food and pet treat processors**

State licenses web site describes license type, references statute and rule, lists responsible agency and links to licensing prerequisites.

Link to state licenses web site:

Animal Food Processing license type 37 - [Animal Food Processing](#)

Licensing information on issuing a food license, preliminary inspections, multiple activities covered by one statute, transferring licenses and interagency agreements in Oregon. Inspection information on regular or routine inspections, initial inspections and other types of inspections.

[Licensing and inspections](#)

### **Refrigerated locker plants**

#### **Which establishments need a refrigerated locker plant license type 8?**

A refrigerated locker plant is any place, premises or establishment where separate and individual compartments for frozen food storage and preservation of food for human consumption are offered to the public upon a rental or other basis providing compensation to the person offering such services.

#### **License information for refrigerated locker plants**

State licenses web site describes license type, references statute and rule, lists responsible agency and links to licensing prerequisites.

Link to state licenses web site:

Refrigerated Locker Plant license type 8 - [food refrigerated locker plant](#)

Licensing information on issuing a food license, preliminary inspections, multiple activities covered by one statute, transferring licenses and interagency agreements in Oregon. Inspection information on regular or routine inspections, initial inspections and other types of inspections.

[Licensing and inspections](#)

### **Retail food**

#### **Which establishments need a retail license type 77?**

- Grocery stores with packaged foods, bulk foods, produce, and/or food service. If the grocery store also has a bakery and a meat department, the license type 77 applies to all sections in the store except these two areas. So, the back store room, the produce department, the deli, the milk case and cooler, the restrooms, coffee bar, sushi making (list not all inclusive) all fall under the 77 license. See the bakery section and license type 09 for information on establishments that require a bakery license. If the store sells only pre-packaged bakery goods purchased from a licensed bakery or if a store purchases donuts from another licensed facility or they purchase donuts that only need to be iced, only a retail license type 77 is required. Stores can also sell processed meats under a retail license. Examples of stores with retail type 77 licenses include full service grocery stores, convenience stores, stores selling only bottled wine, vitamin and supplement stores.
- Seafood vendors with frozen or fresh seafood that is sold from a truck or van with a freezer unit or even a chest freezer in the back of a pick up. These vehicles receive a 77 license since seafood is not defined as meat in the law. However, due to the fact that most large grocery chains combine seafood sales in the same department as meat, the seafood inspection is often covered under the meat license in these stores. If a store only sales retail seafood and other

retail foods, a 77 license is all that is required. Seafood, such as smoked fish, cooked crab, pickled fish and sushi can also be processed at retail for retail sale as described in the [food processing at retail guidelines](#).

- Produce stands that are not on the property where the produce is grown or stands that sell their own home-grown produce as well as produce purchased from outside sources.
- Vans or trucks that sell produce, packaged bread, packaged spices, packaged cheese or any other packaged food that is from a licensed source and held at refrigeration temperatures.

### Who do we exempt from the 77 retail license?

- Farmer ´s markets are currently listed as unlicensed establishments. [Farmer ´s market guidelines](#)
- Temporary produce stands that are set up seasonally to sell strawberries, cherries, etc. The produce does not remain at the stand overnight and the stands are not permanent structures - they are removed when the season is over.
- Fruit and vegetable stands located on a farmer ´s own property, wherein only fruits and vegetables grown by the owner are sold.
- Stores or businesses that maintain \$2000 or less in inventory (retail value) of non-potentially hazardous foods. For example, video stores and gas stations that sell only packaged candy or a gift basket business where a few non-potentially hazardous food items are used in the baskets.
- Bazaars: Our **policy** is that we do not license non-profit charitable organizations that make and sell items such as jams, bread, cookies, and candy. A church bake sale, a little league sale of candy, or the packaging and selling of dry bean soup mix to raise funds for a non profit organization are a few examples. [More on bazaars](#)

### Retail food license information

State licenses web site describes license type, references statute and rule, lists responsible agency and links to licensing prerequisites.

Link to state license web site:

Food license type 77 - [retail food establishment](#):

Licensing information on issuing a food license, preliminary inspections, multiple activities covered by one statute, transferring licenses and interagency agreements in Oregon. Inspection information on regular or routine inspections, initial inspections and other types of inspections.

[Licensing and inspections](#)

### Licensing and inspections

Licensing information on issuing a food license, preliminary inspections, multiple activities covered by one statute, transferring licenses and interagency agreements in Oregon.

Inspection information on regular or routine inspections, initial inspections and other types of inspections.

[Licensing and inspections](#)

State licenses web site describes license type, references statute and rule, lists responsible agency and links to licensing prerequisites.

[Link to state licenses web site for all state licenses](#)

### Laws and regulations

[Link to laws and regulations index](#)