

State Regulations for Maple Production

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Cottage food laws allow individuals to make food in a home kitchen and legally sell it at certain venues to the public. These laws largely came into effect in the early 2000's during the Great Recession as an alternative way for people to earn income by safely selling products they make at home. Particularly as the demand for local food has become more popular, cottage food operations have increased.

Cottage food laws vary considerably from state to state, and are generally intended to be a way for small farmers and food processors to establish small businesses offering value-added food products. Some states require food producers to pay a fee, obtain a permit or license, or register with the town, county or state. Periodic health inspections of home kitchens and even product testing may also be required depending on location.

A great resource for small-scale farmers interested in starting a cottage food business is the website www.forrager.com. The site provides a map that allows users to click on any state and learn about its cottage food laws. It includes a brief summary of each state's laws and their history, and offers sections that outline selling regulations, limitations, business, labeling, and permitted foods. The resources section provides important details such as which state agency oversees cottage food laws, along with their contact and relevant legal information. Most infor-

mation is kept up to date.

Forrager has also compiled resources for those interested in starting a cottage food business. The site's podcast series interviews cottage food business owners in the U.S. about how they started their business, challenges they faced and the ins and outs of their operations. There are also online community groups and state forums for idea sharing and questions. The site is comprehensive and worth dedicating time to explore for those considering starting a cottage food business.

Maple syrup is not considered a cottage food, but rather an agricultural product, with regulations for production and sale determined at the state level, just like cottage food laws. Regulations vary widely from state to state. Maine, for example, requires that sugarcrofts be licensed and inspected, and that they follow strict regulations for everything from sanitation to labeling. Many other states have no regulations at all, beyond the labeling requirements that are standard for all food that require accurate weight or volume measurements along with source identification and contact information for the producer (see labeling requirements at <https://mapleresearch.org/pub/m0616labelingrequirements/>).

Once syrup is made into a value-added product – such as cream or candy – or used as an ingredient in another

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food item – such as dressing or granola – the applicable regulations usually change from being under the purview of the state agricultural agency, to that of the public health agency. Anyone processing maple in any way beyond fluid syrup should familiarize themselves with their state’s regulations, and determine whether the products they are making are allowed under the cottage food laws (if there are any) or must follow the stricter set of regulations for commercial food processing.

While there is no website similar to Forrager that provides a comprehensive overview of maple sales regulations, producers can research their state’s laws concerning maple production and sales through their local cooperative extension program, producers association, and the appropriate overseeing state department.

The list on the following pages offers a brief overview of maple production laws in many states. Sugarmakers should contact their appropriate state agency for further guidelines on selling maple products, or inquire with their state association about available resources. Many of the websites listed offer important and detailed information such as guidelines around sanitation, packing, grading and labeling maple syrup, as well as any further licenses and requirements needed for the making and selling of value-added maple products.

Finally, remember that the federal Food Safety Modernization Act of 2011 requires registration of food manufacturing facilities, including sugarhouses. A past article in the *Maple Syrup Digest* details those requirements: <https://mapleresearch.org/pub/m0617fsma/>.

MAPLE RESEARCH.ORG

NORTH AMERICAN MAPLE SYRUP COUNCIL

NAMSC has launched mapleresearch.org, a new online resource for the maple industry. The site is a curated collection of research papers, articles, videos, and tools, representing the most current and scientifically accurate information for maple production, to help all producers make the best products possible using the most current and most sustainable practices.

From *Maple Syrup Digest* articles, to producers’ manuals, to how-to vid-

eos, the site includes a collection of the best resources available online about all aspects of maple syrup production, at no cost. The site is searchable, and resources can be downloaded and printed.

The site was built in collaboration with the University of Vermont’s Proctor Maple Research Center, and funding was provided by the U.S. Department of Agriculture’s (USDA) Agricultural Marketing Service.



State Licensing/Inspection Regulations

The following brief summaries of state regulations is not legal advice, and regulations change often. Follow the links or check with your state association for details and current rules.

Connecticut

Agency: Department of Agriculture

License/Permit required: No, though regulations are currently being revised.

Inspections: Voluntary Inspections by State Department of Consumer Protection for sugarhouses that sell directly to the public.

Link: <https://bit.ly/34Rv6mG>

Indiana

Agency: Department of Health

License/Permit required: No.

Inspections: Inspections by local authorities recommended, but not required.

Link: <https://bit.ly/31S3gVq>

Maine

Agency: Department of Agriculture, Conservation and Forestry

License/Permit required: Yes, a range of licenses are required depending upon how products are sold.

Inspections: Yes.

Link: <https://bit.ly/2EAJUeN>

Massachusetts

Agency: Department of Agricultural Resources

License/Permit required: No.

Inspections: No.

Link: <https://bit.ly/31JZnlN>

Michigan

Agency: Department of Agriculture and Rural Development

License/Permit required: Exempt from licensing if gross sales are \$15,001 or less. Producers must follow same labeling requirements as cottage food products and must meet all requirements of Michigan Food Law.

Inspections: Not required if gross sales are \$15,001 or less.

Link: <https://bit.ly/2QCIZN4>

Minnesota

Agency: Department of Agriculture

License/Permit required: Yes, unless all sap is obtained from trees on your own land and no other “off farm” inputs are used in your operation.

Inspections: All maple operations in Minnesota are subject to inspection by the MN Dept. of Agriculture.

Link: <https://bit.ly/2DeDb9q>

New Hampshire

Agency: Department of Agriculture, Markets & Food

License/Permit required: No. Voluntary registration program.

Inspections: No.

Link: <https://bit.ly/32KvJeO>

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New York

Agency: Dept. of Ag. and Markets

License/Permit required: No, if you do not purchase from others for repackaging and if appropriate guidelines are followed.

Inspections: No.

Link: <https://bit.ly/3lDhLEc>; <https://on.ny.gov/2EVRfFd>

Ohio

Agency: Department of Agriculture

License/Permit required: Not required if boiling sap when a minimum of 75% of sap used to produce syrup is collected directly from trees by same processor.

Inspections: Not required if boiling sap when a minimum of 75% of sap used to produce syrup is collected directly from trees by same processor. Voluntary inspection available.

Link: <https://bit.ly/3begdvV>

Pennsylvania

Agency: Department of Agriculture

License/Permit required: Yes. \$35. Inspections: Yes. Inspection required for any item entering commerce.

Link: <https://bit.ly/3gLG92M>

Rhode Island

Agency: Department of Health

License/Permit required: Permit and registration required. This permit allows farmers earning over \$2,500 in agriculture products throughout the year to produce food from home. They need to meet all requirements outlined in the Food Farm Home

Manufacturer law.

Inspections: Unclear, but appears so during permitting process.

Link: <https://bit.ly/31UqIRZ>; <https://bit.ly/3lL36qO>

Vermont

Agency: Ag., Food & Markets

License/Permit required: Yes. A dealer interested in selling maple must obtain a license for a fee of \$30 through the Secretary

Inspections: Yes. VT maple dealers are subject to inspections.

Link: <https://bit.ly/34QKcIQ>

West Virginia

Agency: Department of Agriculture

License/Permit required: No. Producers are asked to register with the WV Department of Agriculture, but maple syrup is listed as an allowed food under WV cottage food law.

Inspections: Not required.

Link: <https://bit.ly/3gPONGj>

Wisconsin

Agency: Department of Agriculture, Trade and Consumer Protection

License/Permit required: Maple syrup processors are required to register their business at no cost. There are licensing exemptions for wholesale and selling directly to a consumer. Backyard producers selling directly to consumers do not need a retail food establishment license.

Inspections: Refer to Dept. of Ag., Trade and Consumer Protection's Rules for Maple Syrup Processors.

Link: <https://bit.ly/3bhTcrJ>