

Emily Garrett

Comments are included in the attached PDF.

# Cottage Food - Public Scoping Project

*Please find my submitted comments below.*

## RECOMMENDATIONS

- 1. Sales cap:** The sales cap for cottage food producers is currently \$25,000. At a minimum, I think the sales cap should be adjusted for inflation.
- 2. Baked goods with potentially hazardous fillings or toppings:** Certain potentially hazardous baked goods that require refrigeration are allowed at bake sales as part of the bake sale exemption (18 AAC 31.012(c)9), but are not included in the cottage food exemption. I think it is worth considering including those baked goods named in the bake sale exemption as part of the cottage food exemption as well. I can easily see a baker's stall at a farmers market having a means of refrigeration to keep a lemon meringue pie or pumpkin pie at a temperature that maintains its quality and safety without any issues.
- 3. Online sales:** Online sales are not explicitly addressed in the cottage food exemption and I think it would be useful to include clear language about online sales for cottage food in 18 AAC 31.012(a).
- 4. A scaled or tiered approach:** A scale or tier system might be a good approach for increasing a cottage food business's responsibility. This would not be a permitting process, but there might be progressive responsibility for each tier, such as registering with the Department of Environmental Conservation, completing certified food protection manager training, etc.
- 5. Flagged food items:** There may be interest in allowing more foods to be included in the cottage food exemption, however, due to significant food safety risks, I will flag the following items as ones that I do not think should be included in the cottage food exemption: low acid canned foods, garlic in oil, pesto, bottled water, cold brew coffee.

## CAUTIONS

- Increasing food security and food access for Alaskans:** Changes to the cottage food exemption are important, but they do not solve the issue of food security and food access facing many Alaskans. I think it is important not to see this as a quick-fix for that problem and I also think it is important to track the impact of any cottage food updates on the Alaskan food system so we have data to reference for future regulatory updates. Cottage food businesses are a valuable part of the economy and play a role in providing

food products to consumers, however, many cottage food producers use raw ingredients that are not produced in Alaska. If those raw ingredients are not shipped here, then those cottage foods are not being produced. Even with regulatory updates to the cottage food exemption, the food system is still heavily dependent on food products from outside the state.

- **Comparison to other states:** There seems to be a lot of comparison between Alaska and other states with regard to cottage food. I think the comparison is helpful as a starting point, but it loses its usefulness when we do not factor in the differences also. For example, one major difference I see in the area of cottage food is the supportive infrastructure that exists in the lower 48 states. In the state where I was born, raised, and studied agriculture, there are food science researchers at the land-grant university churning out research and information that is specific to the state's agriculture, food industry, and consumers. Extension faculty research and publish cottage food-related material and there is a cottage food specialist assigned to every single county extension office in the state. There is statewide support for cottage food producers that contributes to the safety of their products and the success of their businesses. In comparison, the University of Alaska Fairbanks cooperative extension service has funding for just one cottage food specialist for the entire state. Alaska is a huge state for just one person to support all the cottage food businesses statewide, but the regulations seem to get more airtime than these other important resources. And while I have no problem modeling our cottage food regulations after regulations in other states, I think any comparisons should include a comprehensive analysis of all aspects of the cottage food industry in those states, such as the educational and supportive infrastructure of land-grant universities and extension faculty.
- **Infrastructure:** In addition to the academic and outreach infrastructure issues previously described (extension faculty and resources), I think it is also important to explore other areas of infrastructure that may be useful. For example, the Department of Environmental Conservation investigates every single safety and sanitation complaint that is reported, including complaints about unpermitted facilities and cottage food businesses. Complaint investigations and follow ups require the Department to use resources (staff time!), which cost money. In a scaled/tiered approach (suggested for consideration in the previous section), it might be helpful to charge a nominal registration fee at some level (\$10? \$15?). This might help offset some of those resource costs. The Department may also find it useful to invest in other areas of infrastructure for cottage food, including additional staff, upgraded databases, public outreach, etc.
- **The term "food freedom":** The term "food freedom" seems to have taken on a meaning that implies that freedom results from less regulation. I find the term misleading, even though I recognize that it is used with generally positive intent. But every person in the state of Alaska is free to eat whatever food they want. The Alaska Food Code does not regulate what Alaskans can and cannot eat. The Alaska Food Code regulates food-related

activities that affect the health of consumers, most of whom are not connected to the production and preparation of their food. The United States began regulating food over a century ago to protect consumers and the protection of public health is the purpose of the Alaska Food Code today. Regulations are intended to apply best practice so that food operators and regulators can identify and address unsafe products and processes before consumers are ever affected. Today, the United States has one of the safest and best-quality food supplies in the world and American consumers are accustomed to having that food supply available to them. And while regulations and regulatory actions are not perfect, I actually think the true “food freedom” is our access to a high-quality, safe food supply. This is not necessarily the result of more or less regulations, but rather a product of the correct regulations. So for my part, I hope the Department avoids ever officially using the term “food freedom” since I consider it a misnomer at this point and not reflective of the issue at hand.

#### **DISCLOSURE**

##### **For full transparency and honesty in these public comments:**

I am employed by the State of Alaska in the Department of Environmental Conservation, Division of Environmental Health, Food Safety and Sanitation Program.

All views expressed in these comments are my own and do not represent the State, Department, Division, or Program.

I submit these comments as a private citizen and resident of Alaska.

Emily Garrett