

Regulations for small mills, grain processing

In a nutshell, small operations milling grains need a NYS Commercial Food Processor License, and will need to comply with NYS food labeling laws. Small mills will be considered a “Qualified Facility” under the federal Food Safety Modernization Act (FSMA), and will need to follow Current Good Manufacturing Practices (CGMP).

NYS Food License Info:

NYSDAM Food Processing License (20-C), <https://agriculture.ny.gov/food-business-licensing>. There is an initial inspection (following Good Manufacturing Practices) and a well water testing requirement for: coliform (quarterly), nitrates (annually), nitrites (just once initially). You will have to discuss with the inspector the need for hand-washing and bathroom facilities. A variance can most likely be given if your house is nearby. Discuss your site plan and facility layout with the inspector and NYSDAM before your inspection.

NYSDAM Food Labelling, <https://agriculture.ny.gov/food-safety/food-labeling>

NYSDAM Food Safety Training Resources, <https://agriculture.ny.gov/food-safety/food-safety-training>

Cornell Small Farms, <https://smallfarms.cornell.edu/guide/28-becoming-a-small-scale-food-processor/>

NYSDAM presentation about food processor licensing - <http://www.pickyourown.org/cottagefood/NY-basic-standards-for-smallfoodprocessors.pdf>

Article 20-C Licensing of Food Processing Establishments, https://newyork.public.law/laws/n.y._agriculture_and_markets_law_article_20-c

NYSDAM Division of Food Safety & Inspection
Food Safety, 518-457-4492
FSIwebinquiries@agriculture.ny.gov

FSMA Info:

Determination of Status of Qualified Facilities (small facilities not subject to the entire regulation) - <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-determination-status-qualified-facility>, ***Includes a link to Qualified Facility attestation Form FDA 3942a) Human Food***

(CGMP) CURRENT GOOD MANUFACTURING PRACTICE, HAZARD ANALYSIS, AND RISK-BASED PREVENTIVE CONTROLS FOR HUMAN FOOD. Title 21 Part 117 Qualified Facilities must follow subparts B, D, and F. <https://www.govinfo.gov/content/pkg/CFR-2019-title21-vol2/xml/CFR-2019-title21-vol2-part117.xml>

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full guidance document - Determination of Status as a Qualified Facility Under Part 117: Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food - <https://www.fda.gov/media/125438/download>

NYSDAM overview of FSMA, Preventative Controls for Human Food Rule, <https://agriculture.ny.gov/food-safety/food-safety-modernization-act>

FSMA final rule website, <https://www.fda.gov/food/food-safety-modernization-act-fsma/fsma-final-rule-preventive-controls-human-food>

NYSDAM 20-C Requires well water to be tested for: coliform (quarterly), nitrates (annually), nitrites (just once initially).