Maryland
DEPARTMENT OF HEALTH

Product Testing FAQ

Under the Code of Maryland Regulations (COMAR) 10.15.03.02B(17-2), all cottage food products must be non-potentially hazardous. Non-potentially hazardous foods do not support the growth of harmful microorganisms that cause foodborne illness when stored at ambient temperatures, while potentially hazardous foods require temperature control (e.g., refrigeration) to restrict the growth of harmful microorganisms. While some cottage food products will almost always be non-potentially hazardous (e.g., chocolate chip cookies), other products, such as baked goods containing low-acid fruits and/or vegetables, or icings/frostings made with potentially hazardous ingredients, and are required to be undergo laboratory testing to confirm that they are non-potentially hazardous. In addition, when alcohol is added to cottage food products after baking, or to an icing or glaze, the residual alcohol content in these products must also be tested to ensure compliance with cottage food labeling requirements and Health General Article §21-214, Annotated Code of Maryland. All testing must be conducted by a third-party, independent, unbiased analytical testing laboratory to ensure accuracy of results.

Foods that May Be Allowable with Food Laboratory Testing

The following items may be considered potentially hazardous and require refrigeration depending upon your recipe. Note: These items will need to have product testing to assure they can safely be considered a non-potentially hazardous food.

- Icings, frosting and glazes with added water or containing potentially hazardous ingredients (such as cream cheese, milk, butter, etc.).
- Moist quick fruit breads, muffins, cakes/cupcakes, cookies and bars with a natural pH above 4.6 such as banana, pumpkin, and zucchini .
- Products that contain alcohol that does not go through the baking process need to be tested for the percentage of alcohol content in the finished product. If the alcohol is fully baked into the product, no alcohol testing is required.

Note: Follow the recipe you had tested exactly, and remember that if your recipe changes you must have your new recipe tested.

Testing

Acidity and water activity (a_w) provide information about the potential for bacteria to grow in food. The more acidic the food (low pH) and the less water available in the food (low water activity), the less likely the food will promote bacterial growth that could cause illness if consumed. Federal and state food regulations specify that a shelf-stable product that does not require refrigeration has a water activity ≤ 0.85 and/or a pH ≤ 4.6. **If your lab results are not within these non-potentially hazardous parameters, your product is potentially hazardous and therefore <u>not allowable</u> under cottage foods.**

Note: The third-party analytical food testing laboratory is **<u>not required</u>** to be located within the State of Maryland.

Follow-Up

Once you have received your lab results and if they are satisfactory (water activity ≤ 0.85 and/or pH ≤ 4.6), your food item is considered non-potentially hazardous. Ensure you keep a copy of your results with you anytime you are selling your product in-person. You are not required to send your results to us, however if you need assistance in interpreting the results, please email a PDF copy of your results to: mdh.foodplanreview@maryland.gov.