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Iowa Food Marketing Regulations: A Guide for Small-Scale Producers

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Iowa Food Marketing Regulations: A Guide for Small-Scale Producers

Abstract

This guide offers an overview of the various licenses required for selling local foods in Iowa (fruit, vegetables, meat, poultry, honey, eggs and dairy products) and directs readers to the appropriate agency for answering specific questions and the process for obtaining each license.

Disciplines

Agribusiness | Agriculture | Agriculture Law

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Iowa Food Marketing Regulations

A Guide for Small-Scale Producers

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BACKGROUND

This guide was created by the Leopold Center for Sustainable Agriculture to clarify the different licenses required for selling local foods in Iowa. Similar resources from Minnesota ("[Overview of Minnesota Food Marketing Regulations](#)," Minnesota Institute for Sustainable Agriculture) and Wisconsin ("[Wisconsin Food Safety Regulations](#)," University of Wisconsin Extension) served as models for this guide.

Research sources on Iowa regulations included publications by Iowa State University Extension, the Iowa Department of Inspections and Appeals (IDIA), the Iowa Department of Agriculture and Land Stewardship (IDALS), NCAT Sustainable Agriculture Project (ATTRA), the United States Food and Drug Administration (FDA), the United States Department of Agriculture (USDA) and the Leopold Center for Sustainable Agriculture, and consultation with IDIA and IDALS staff. The full list of publications (and where to find them on the Internet) is available in the Resources section at the end of this document.

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DISCLAIMER

This document is ***not*** a substitute for legal advice on Iowa food regulations and food business operations. Specific questions should be directed to the appropriate departments within the Iowa Department of Inspections and Appeals and/or the Iowa Department of Agriculture and Land Stewardship.

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Iowa Food Marketing Regulations Guide

PURPOSE OF THIS GUIDE

This publication was written to provide Iowa growers and producers with an overview of Iowa food licensing requirements and regulations based on the type of food, the level of processing, the scale of the operation, and the type of customer. The guide is also designed to direct readers to the appropriate agency and official to answer specific questions, and to learn about the process for obtaining each license.

REFERENCES

Complete information about each of the references cited in this guide can be found in the Resources section at the end of the guide. If viewing this guide online, clicking on the title of the reference should take you to the information online.

REGULATIONS OVERVIEW

The state regulations for marketing farm products directly to consumers or retail establishments can be confusing and overwhelming. These regulations have been created to address food safety concerns, and are codified in the [2005 Iowa Food Code](#) (for retail-type food establishments) and the “Good Manufacturing Practice” section of the [Code of Federal Regulations Title 21 \(part 110\)](#) (for food processing facilities and food storage warehouses).

The **Iowa Department of Inspections and Appeals (IDIA)** has regulatory authority over most food manufacturers and commercially packaged retail foods sold in Iowa. The **Iowa Department of Agriculture and Land Stewardship (IDALS)** is involved in the regulation of meat, poultry, eggs, and dairy products. The level of regulation depends on the type of product, the amount of processing, where and to whom the product is sold, and how much product an individual sells. In general, the following rules apply to food products sold in Iowa:

Less Regulation	More Regulation
Raw, unprocessed agricultural commodities	Processed foods
Products sold from farm premises	Products sold at a location off the farm
Products grown & sold by the farmer	Resold products grown by someone else
Products sold to the end consumer	Products sold to a retailer for sale to the public
Small sales volume	Large sales volume

GOOD AGRICULTURAL PRACTICES and GOOD HANDLING PRACTICES

Producers selling only raw fruit and vegetables do not have to comply with Good Manufacturing Practices. However, they can ensure food safety by following [Good Agricultural Practices \(GAP\) and/or Good Handling Practices \(GHP\)](#). GAP and GHP are voluntary sets of standards established by the USDA. GAP focuses on on-farm practices; GHP is used for packing facilities, storage facilities, and wholesale distribution centers. Farms and facilities that pass a GAP or GHP audit and become GAP- or GHP-certified have proved that their practices for producing, handling, and storing crops minimize the risks of microbial food safety hazards. The audit program corresponds with the recommendations found in the FDA's [Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables](#).

Though GAP standards are voluntary, many institutional buyers will require GAP and/or GHP certification from their growers and distribution facilities. There are many organizations authorized to perform GAP and GHP audits, including the USDA, AIB International, NFS Davis Fresh Technologies, GlobalGAP, ISO International Standards Organization, Primus Labs, Scientific Certification Systems, and Silliker.

LICENSING

The IDIA offers four types of license for home-based food businesses:

- Home food establishment
- Food service establishment (includes catering)
- Retail food establishment
- Food processing plant

Licenses are typically used for commercial businesses, but can also be issued for an individual's private residence, providing they meet the regulatory requirements. The Home Food Establishment license is the only one that allows the use of a residential kitchen for production, and is limited to the production and sale of "baked goods" up to \$20,000 annually. The IDIA defines "baked goods" as "breads, cakes, doughnuts, pastries, buns, rolls, cookies, biscuits and pies, except meat pies." To understand the distinctions among the types of licenses, and exemptions offered for each, see "[Home Based Food Operations](#)" and "Starting a Home-Based Food Business in Iowa ([ISU Extension PM 1294](#))".

In the world of food safety, some foods are considered potentially hazardous. *Potentially hazardous foods* are not shelf-stable and require refrigeration to prevent the growth of toxins; they include meat, dairy, eggs, poultry, processed foods, and baked goods such as custard and cream pies. The items listed in the definition of baked goods above are classified as non-hazardous. This classification affects the type of license required to sell the product. There are multiple types of licenses that allow a producer to sell potentially hazardous foods:

- Farmer's Market Potentially Hazardous Food License
- Mobile Food Unit License
- Food Processing Plant License
- Food Service Establishment License
- Retail Food Service Establishment License

Sales of potentially hazardous foods with a Food Service or Retail Food Service Establishment License are limited to the physical location where the license is approved. See the Leopold Center's "[Frequently Asked Questions on Food Regulation for Small Market Food Producers](#)," and contact the [IDIA](#) for more information about each of these licenses.

LABELING

In some cases, Iowa has provided an exemption from *licensing* for certain products. Sales of these products must still comply with *federal rules and regulations*, including labeling.

Labeling for Fruits, Vegetables, and Dairy Products

- Labels do not need to be attached to each item; the label information can be presented on a sign or paper handout. For *Dairy Products*, this rule only applies to packages that are too small to accommodate a label.
 - Dairy product labels must include all the information listed in [Chapter 101.1-101.108](#) of the Code of Federal Regulations Title 21. **IDALS Dairy Products Control Bureau** must approve all dairy product labels before they are affixed to the milk or milk product.
- Raw fruits and vegetables that are sold unwrapped or in clear bags or containers do not require labels. All other foods require a label with the name of the food and the name and address of the preparer.
- The label (or a placard at the point of sale) must declare allergen information; major allergens are peanuts, soybeans (not refined soybean oil), milk, eggs, fish, crustacean (crab, lobster or shrimp), tree nuts (almonds, pecans or walnuts) and wheat.
- Food prepared in licensed food establishments or food processing plants must have a label that includes the following information:
 - Product name;
 - Ingredients listed in order of predominance (by weight); product must conform to the standard of identity in the Code of Federal Regulations, if it is defined there;
 - Name and address of the manufacturer, packer or distributor. Product must be accompanied by a phrase that states the product is: “manufactured for” or “distributed by,” unless the name given is the actual manufacturer;
 - Net weight or volume; and
 - Allergen information.

Labeling for Meat and Poultry Products

- All meat and poultry products must have an official label that has been approved by IDALS Meat & Poultry Bureau. The producer must be able to prove any claims included on the label, and the information provided must not be false or misleading. This standard also applies to signs and handouts at the point of sale.
- The label must include:
 - Name, address, and zip code of manufacturer;
 - For private labels, the phrase “distributed by” or “prepared for” and the name and contact information of the responsible party
 - Mark of inspection (including processing plant’s establishment number);
 - The product’s true name and net weight;
 - Warning statement to “Keep Frozen” or “Keep Refrigerated” as necessary;
 - “Safe Handling” label for all raw products; and
 - Ingredient statement if the product is comprised of two or more ingredients (required information for state-inspected products will be determined during the label approval process).
- There are two labeling exemptions for poultry producers that parallel poultry inspection exemptions.
 - No product label is required for producers who slaughter no more than 1,000 birds per year and sell to household consumers only.
 - Producers who slaughter up to 20,000 birds of their own raising in their own plant must label all birds as “Exempt Poultry P.L. 90-492.”

PROCESSING

Processing can be a confusing term. In general, it refers to any alteration made to a product from its harvest or slaughter to its purchase by an individual or institutional customer. For **fruits and vegetables**, processing specifically refers to any change made to the **edible** product beyond washing and cleaning. For example, if a farmer harvests carrots, washes them, trims the **inedible** greens, and then sells them as whole carrots, they are considered unprocessed. If the edible flesh of the carrots are cut, or altered in any way, they are considered processed.

Similarly, on its own, **freezing** a product does not qualify it for 'processed' status. However, there are very few instances in which a product would be frozen without also undergoing some other alteration. Thus, most frozen products will be considered processed. For clarification on this distinction, and to confirm the requirements of your specific products, please contact the IDIA.

LICENSE REQUIREMENTS

The following tables present an overview of what type of license is required to sell different products, depending on the level of processing, whether the sale is to an individual or to an institution, and the location and volume of sales. These requirements are stipulated by the Iowa Food Code, and administered and enforced by the Department of Inspections and Appeals and/or the Iowa Department of Agriculture and Land Stewardship.

Fruits and Vegetables

Type of processing	Direct sale to individuals for use by them, their family, or non-paying guests	Sale to restaurants, grocery stores, food service, or other retailers
Fresh, raw, no processing	No licensing required; GAP compliance recommended.	No licensing required; GAP compliance recommended
Any processing (cutting, mixing, etc.)	Retail Food Establishment License (IDIA) or Food Service Establishment License (IDIA) required. A Farmer's Market License (IDIA) will cover sales at a Farmer's Market if the processing occurs on-site.	Food Processing Plant License (IDIA) required.
Canned goods (other than jams & jellies)	Food Processing Plant License (IDIA) required.	Food Processing Plant License (IDIA) required.
Jams and jellies	No licensing required. Products must meet the Standards of Identity as specified in 21 CFR, Part 150 .	Food Processing Plant License (IDIA) required. Products must meet the Standards of Identity as specified in 21 CFR, Part 150 .

Honey

For all sales of honey as a single-ingredient product (to individuals, at farmer's markets, to institutions), honey production and processing must comply with federal regulations. No IDIA license is required.

For all sales of honey processed into a multi-ingredient product, a **Food Processing Plant License (IDIA)** is required.

NEXT STEPS

The [Food and Consumer Safety Bureau](#) of the Department of Inspections and Appeals regulates the products listed above. Contact them with questions, to confirm the requirements for your operation, and to begin the application process for the appropriate licenses.

Eggs

Type of Sale	Regulations
Direct sale from the farm premises or a farmer's market to individuals for use by their family or non-paying guests.	No license required.
Sale to restaurants, grocery stores, food service companies, or other institutions.	Egg Handler's License (IDALS) required.

As of July 1, 2012, the egg inspection program falls under the jurisdiction of the [Commercial Feed & Fertilizer Bureau](#) of the Iowa Department of Agriculture and Land Stewardship. Please contact them with questions, to confirm the requirements for your operation, and to begin the application process for the appropriate licenses.

Dairy Products

	Direct sale to individuals for use by them, their family, or non-paying guests	Sale to restaurants, grocery stores, food service, other retailers
Raw milk	The sale of raw milk is not permitted in Iowa.	
Bottled milk, yogurt, cottage cheese	All Grade A facilities (farms, plants, distributors, receiving/transfer stations, etc.) must be state-inspected permitted facilities. On-farm sales do not require a license from IDIA, but a Retail Food Establishment License (IDIA) is required if sales occur anywhere other than the manufacturing facility. A Farmer’s Market License (IDIA) is required for sales to individuals at farmer’s markets.	Grade A Dairy Plant License (IDALS) and Food Processing Plant License (IDIA) required. Products must meet FDA Grade A standards and be processed in a state-inspected permitted facility.
Cheese, cheese products, butter, ice cream	All Grade B facilities (farms, plants, receiving/transfer stations, etc.) must be state-inspected permitted facilities. On-farm sales do not require a license from IDIA, but a Retail Food Establishment License (IDIA) is required if sales occur anywhere other than the manufacturing facility. A Farmer’s Market License (IDIA) is required for sales to individuals at farmer’s markets. Manufactured products must meet the Standard of Identity requirements listed in 21 CFR 131 , 133 , and 135 .	Grade B Manufacturing Plant License (IDALS) and Food Processing Plant License (IDIA) required. Products must meet USDA Milk for Manufacturing Products standards, be processed in a state-inspected permitted facility, and meet the Standard of Identity requirements listed in 21 CFR 133 .

Iowa has adopted federal regulations for dairy products; see the FDA’s [“2009 Grade A Pasteurized Milk Ordinance,”](#) the USDA’s [“Milk for Manufacturing Purposes and its Production and Processing Grade B,”](#) and [Title 21 Code of Federal Regulations](#) for details. The Standard of Identity (ingredients, aging, processing, etc.) for specific types of cheeses and cheese products are found in [Title 21, Chapter 133](#) of the Code of Federal Regulations.

All Iowa dairy facilities are regulated by Iowa Code Chapters [192 \(Grade A\)](#) and [194 \(Grade B Manufacturing\)](#) and [Chapter 68](#) of the Iowa Administrative Rules. For more information, contact the IDALS Dairy Products Control Bureau. The IDIA regulates commercial sales of milk, cheese, and other dairy products; Retail Food Establishment, Farmer’s Market, and/or Food Processing Plant Licenses may be required depending on the type of customer and the location of the sale.

NEXT STEPS

The [Dairy Products Control Bureau](#) of the Department of Agriculture and Land Stewardship regulates the facilities and products listed above. The [Food and Consumer Safety Bureau](#) of the Department of Inspections and Appeals regulates the commercial sale of dairy products. Contact them with questions, to confirm the requirements for your operation, and to begin the application process for the appropriate licenses.

Poultry

Type of sale	Scale of operation (processing)	Regulations and Requirements	
		IDALS	IDIA
Sales to household consumer only from the farm premises -----	<1,000 birds per calendar year	Producers utilizing the less than 1,000 birds per year exemption can market direct to household consumers only. Slaughter facilities must be sanitary, poultry products must be wholesome and records of slaughter, processing, and sales must be kept. The farmer may not buy or sell any other poultry.	No IDALS or IDIA license required
Sales to consumers including hotels, restaurants, institutions (HRI), retail stores, and farmers markets. -----	1,000 to 20,000 birds per calendar year	Producers utilizing the less than 20,000 birds per year Producer/Grower exemption can market direct to consumers including HRI and retail stores. Birds can be slaughtered and processed at a farmer-owned licensed exempt poultry slaughter establishment; products must be labeled Exempted-P.L.-90-492 , include Exempt Safe Handling Instructions , and the producer’s name and address . Multiple users of the licensed facility are not allowed. Only in-state sales are allowed.	Retail Food Establishment License required if selling through a farmer’s own retail outlet; or Farmer’s Market License/Mobile Food License
Unlimited sales to consumers, HRI, retail stores and farmers markets	More than 20,000 birds per calendar year	Birds must be slaughtered at a licensed official inspected establishment and bear a state or federal mark of inspection; approved labeling must be applied at the establishment. Federal inspection is required for out-of-state sales.	

Poultry regulations are very complex. The regulations outlined here do not pertain to selling live birds. How the slaughter and processing plant is inspected and licensed determines where the products can be sold. For any situation not exactly covered in the table, contact the IDIA and the IDALS Meat and Poultry Inspection Bureau for more information. **To be sold for human consumption, all poultry products must bear the federal or state mark of inspection, or be appropriately exempt from inspection.** If a farmer sells birds in multiple locations (on-farm, at farmer’s markets, to institutions), the IDIA licensing requirements will be based on predominant form of sales.

NEXT STEPS

For more information about possible exemptions for your poultry slaughter or processing operation, see the following publications:

- “Iowa Poultry Slaughter, Processing, and Sales Guidelines for Small-scale Producers (PM 2068)” (ISU Extension)
- “Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act” (Food Safety and Inspection Service, USDA)

The [Meat and Poultry Bureau](#) of the Department of Agriculture and Land Stewardship is in charge of the slaughter facilities and labeling and inspection requirements listed above. The [Food and Consumer Safety Bureau](#) of the Department of Inspections and Appeals oversees the approval process for the Farmer’s Market, Mobile Food Unit, Retail Food Establishment, and Warehouse Licenses. Contact them with questions, to confirm the requirements for your operation, and to begin the application process for the appropriate licenses.

Meat

Type of Sale	Regulations
The farmer's own animals sold before slaughter to individuals for use by themselves, their family, or non-paying guests	No IDIA license required ; the new owner can have the animal slaughtered and processed with or without inspection. The products are labeled NOT FOR SALE and are for the exclusive use of the owner and his/her family or non-paying guests.
Meat from the farmer's own animals, sold as packaged cuts, or processed or multi-ingredient products, to individuals or to retailers	Warehouse license (IDIA) required to store meats between slaughter and sales. Animals must be slaughtered and processed at an official inspected establishment and bear a state or federal mark of inspection; approved labeling must be applied at the establishment.

Animal species requiring inspection and proper labeling include cattle, sheep, swine, and goats, equine, and ratites (ostrich, emu, etc). In Iowa, farm-raised deer are also required to be inspected. Voluntary inspection is offered for buffalo at the owner's expense. Questions pertaining to the slaughter and processing requirements for these animals can be directed to the Iowa Meat and Poultry Inspection Bureau. For all other species, including rabbits, check with the IDIA to determine what licensing requirements and regulations apply.

Meat products sold across state lines must be processed at a federally inspected facility, and must bear the federal mark of inspection. If a farmer sells meat in multiple locations (on-farm, at farmer's markets, to institutions), the IDIA license requirements will be based on predominance of sales.

NEXT STEPS

The [Meat and Poultry Bureau](#) of the Department of Agriculture and Land Stewardship is in charge of the slaughter facilities and labeling and inspection requirements listed above. The [Food and Consumer Safety Bureau](#) of the Department of Inspections and Appeals oversees the approval process for the Warehouse License. Contact them with questions, to confirm the requirements for your operation, and to begin the application process for the appropriate licenses.

RESOURCES and REFERENCES

General

Legislation & Rules

Current Good Manufacturing Practices, 21 CFR, Part 110 <http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm?CFRPart=110>
2005 Iowa Food Code <http://dia.iowa.gov/food/Documents/2005%20Iowa%20Food%20Code.pdf>
“Food and Consumer Safety,” Administrative Rules (481 IAC 30) <http://dia.iowa.gov/food/Documents/481%20IAC%2030.pdf>

Publications

“Starting a Home-Based Food Business in Iowa,” ISU Extension PM 1294 <http://www.extension.iastate.edu/Publications/pm1294.pdf>
“Home Based Food Operations,” Iowa Department of Inspection and Appeals <http://www.dia.iowa.gov/page28.html>
Frequently Asked Questions on Food Regulation for Small Market Food Producers, Leopold Center for Sustainable Agriculture
<http://www.leopold.iastate.edu/pubs-and-papers/2009-08-food-regulations-small-market-producers>

Fruits and Vegetables

Jams & Jellies, CFR 21, Part 150 <http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm?CFRPart=150>

Meat & Poultry

“Slaughter, Processing, Labeling, Marketing,” IDALS Meat and Poultry Bureau:
http://www.iowaagriculture.gov/meatAndPoultry/slaughter_Processing.asp
“Iowa Poultry Slaughter, Processing, and Sales Guidelines for Small-scale Producers,” ISU Extension PM 2068
<http://www.extension.iastate.edu/Publications/PM2068.pdf>
“Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act,” Food Safety and Inspection Service, USDA
http://www.fsis.usda.gov/oppde/rdad/fsisnotices/poultry_slaughter_exemption_0406.pdf

Eggs

“Chapter 196: Egg Handlers,” Iowa Food Code: <http://dia.iowa.gov/food/Documents/CHAPTER%20196.pdf>
“Egg Handlers,” Administrative Rules (481 IAC 36): <http://dia.iowa.gov/food/Documents/481%20IAC%2036.pdf>
“Small-Scale Egg Handling,” NCAT Sustainable Agriculture Project (ATTRA): <https://attra.ncat.org/attra-pub/summaries/summary.php?pub=325>

Dairy

Part 133: Cheeses and related cheese products; Code of Federal Regulations Title 21:

<http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=133>

2009 Grade A Pasteurized Milk Ordinance, Food and Drug Administration: <http://www.fda.gov/downloads/Food/FoodSafety/Product-SpecificInformation/MilkSafety/NationalConferenceonInterstateMilkShipmentsNCIMSMModelDocuments/UCM209789.pdf>

“Milk for Manufacturing Purposes and its Production and Processing,” USDA:

<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELDEV3004791>

Chapter 192: "Iowa Grade 'A' Milk Inspection Law," Iowa Code:

<http://coolice.legis.state.ia.us/cool-ice/default.asp?category=billinfo&service=iowacode&ga=83&input=192>

Chapter 194: "Iowa Grading Law for Milk Used for Manufacturing Purposes," Iowa Code:

<http://coolice.legis.state.ia.us/cool-ice/default.asp?category=billinfo&service=iowacode&ga=83&input=194>

Dairy Administrative Rules, Chapter 68: <http://www.legis.state.ia.us/asp/ACODOCS/DOCS/21.68.pdf>

Other State Regulations

“Overview of Minnesota Food Marketing Regulations,” *However You Market, Know This Stuff*. Minnesota Institute for Sustainable Agriculture:

http://www.misa.umn.edu/prod/groups/cfans/@pub/@cfans/@misa/documents/asset/cfans_asset_299654.pdf

“Rules, Regulations, Licensing, and Liability,” *Wisconsin Local Food Marketing Guide, 2nd edition*. Wisconsin Department of Agriculture, Trade and Consumer Protection http://datcp.wi.gov/uploads/Business/pdf/MK-DM-17_LFMG_Second_Edition_Final_Book_for_website.pdf

Food Labeling

A Food Labeling Guide, U. S. Food and Drug Administration

<http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/FoodLabelingNutrition/FoodLabelingGuide/default.htm>

Good Agricultural Practices and Good Handling Practices

Good Agricultural Practices (GAP) and/or Good Handling Practices (GHP), U.S. Department of Agriculture Agricultural Marketing Service website

<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateN&page=GAPGHPAuditVerificationProgram>

Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables, U.S. Department of Agriculture Agricultural Marketing Service

<http://www.fda.gov/downloads/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/ProduceandPlanProducts/UCM169112.pdf>

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