

From: [Jennifer McDonald](mailto:Jennifer.McDonald@oregonlegislature.gov)
To: Sen.JeffGolden@oregonlegislature.gov; Sen.FredGirod@oregonlegislature.gov;
Sen.FloydProzanski@OregonLegislature.gov; Sen.DavidBrockSmith@oregonlegislature.gov;
sen.kathleentaylor@oregonlegislature.gov
Cc: [Jenny Berg](mailto:Jenny.Berg@oregonlegislature.gov); [Sen Knopp](mailto:Sen.Knopp@oregonlegislature.gov); [Barrie Conner](mailto:Barrie.Conner@oregonlegislature.gov)
Subject: In response to today's hearing on SB 643
Date: Wednesday, January 25, 2023 1:05:00 PM

Dear Chairman Golden and Members of the Senate Natural Resources Committee,

Thank you for the opportunity to testify in favor of SB 643 today. I wanted to respond to Leslie Foster's arguments in opposition to the bill as currently drafted.

Ms. Foster argued that by removing the pet restriction from Oregon's Domestic Kitchen License, SB's 643 removal of the sales cap and permission of mail delivery would be moot because cottage food producers could simply obtain a Domestic Kitchen License rather than operate as a cottage food operation. We respectfully disagree.

In order to become a licensed Domestic Kitchen, producers' kitchens must meet certain [requirements](#) such as having closed doors to the kitchen, a separate refrigerator and other storage areas just for the commercial products and supplies, and others. They must also undergo an annual inspection of their home kitchen, be available Monday-Friday from 8am to 5pm for unannounced inspections, and pay annual license fees in excess of \$150. These requirements are in place so that Domestic Kitchen Licensees can sell potentially hazardous foods that require refrigeration, and are not necessary for health and safety if people who only want to sell shelf-stable goods like cookies and breads. By requiring cottage food producers to become licensed Domestic Kitchens in order to ship and sell beyond \$20,000 worth of products per year, you would be placing unduly burdensome regulations on them that many people are unable to meet without spending thousands of dollars on kitchen renovations.

SB 643 would simply allow cottage food producers to sell more than \$20,000 annually and to ship products within the state, without requiring producers to navigate the red tape required to become a licensed Domestic Kitchen. It would also specify that licensed Domestic Kitchens are allowed to have pets in their homes as long as pets stay out of their closed-door kitchens, which is something producers tell us is very important to them. It makes sense to maintain both tiers of regulation in order to allow the safe and licensed sale of potentially hazardous foods by those who are willing to submit to more strict regulation, as well as the unlicensed sale of inherently safe shelf-stable foods under different rules. SB 643 would thread that needle and make sure that the regulations on the books are tailored to the types of activities in which producers desire to engage.

On a separate note, I promised Sen. Taylor that I would look in to the labeling requirements for cottage foods and whether there is an expiration date requirement. The law does not require an expiration date to be put on cottage foods, likely because they are shelf-stable and therefore simply go stale rather than "go bad" as would something that requires refrigeration. These types of goods do not provide the same conditions for bacteria growth that other foods do. We would be happy to talk with you further about this issue though, so please just let me know if you'd like to schedule a time to discuss.

I'd be happy to speak with all of you further about this or any other issues contained in the legislation, and encourage you to approve SB 643 as currently written. I will submit the contents of this email as written testimony as well so that it is preserved for the record.

Thank you,

Jennifer McDonald

Assistant Director of Activism Special Projects

Institute for Justice

www.ij.org

(703) 682-9320, ext. 216