

To: Sen. Golden, Chair; Sen. Girod, Vice-Chair, and
Members of the Senate Natural Resources Committee

From: Leslie Foster, Owner, The Cake Room, LLC,
2375 Falcon Drive, West Linn, OR 97068
503-781-7506 Thecakaroomstudio.com
thecakeroomstudio@comcast.net

Subject: Response to SB643 hearing held 01/25/2023

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Thank you for giving me the few minutes I had yesterday to testify. I apologize for my fumbled testimony. It was the best I could do given my situation. As a small home business I hold every roll required to keep my business rolling. Because of that I have literally had 10 hours sleep since Friday trying to recover my website and the cash I have been paid on since Aug. 2022.

The reason I tell you this is because I feel this bill has enough flaws that I am willing to forgo sleep and valuable time to make sure you hear a different point of view.

I read the response letter from Jennifer McDonald. Here is my response to the points she made:

1. "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".
 1. When I started in 2008 these were required of me. The closed door policy I argue is not true. I have always been licensed and never required to have doors to my kitchen. The rule actually says that the doors to rooms adjacent to the kitchen must be closed. The DOAs main concern is bathrooms that are near a kitchen.
 2. Separate refrigerators are also not required if you can show that you can keep the foods you use for business separate from the foods you consume. Labeling each as well so the kids don't dip into the jelly with their fingers that is meant for the coming weeks orders. Additionally there is a requirement to keep ingredients like eggs at the bottom so if there is a spillage then there is no contamination to the foods below.
 3. Setting aside a space in your kitchen like a cupboard to keep your business food separate from the residential food insures that the two do not mix and the baker does not, by accident, feed the general public food items from personal stock. It is gross to think how raisins or other items from a container that a kid dipping a bare dirty hand into that raisins container could be served to the public.
 4. These are simple and extremely rules to abide by. They are ridiculously easy to follow and not difficult to do.
2. "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."
 1. Actually, the inspection process is so easy. People make assumptions about this without ever having gone through it. If you ask anyone who operates with a license they will tell you how easy it is.
 2. I work 10pm to 10 am most days and sleep in the afternoons. If a business works odd hours the DOA has always worked with me. Sometimes it means I take 30 minutes out of my day time when I am not in production mode for my inspector to come in, take a temp, check cleanliness, and whatever he needs to do. I can't tell you how NON-invasive the process is.

3. The fee is now \$179 to be licensed. These fees pay for the program that we all benefit from. It is an amount that anyone, especially a person who sells bread for \$18/loaf can pay. It is a business expense just like insurance or the electric bill.
3. "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."
 1. The bakers who initiated this bill are bread bakers and cookie makers. However, SB 643 isn't just talking about bread and cookies.
4. "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."
 1. I started my business in my first home that I paid 84k (maybe it was 86) for. I was a single mom who was recently disabled and only had my disability to live on. I was going to lose my home and possibly my car because my disability did not cover the mortgage, the car insurance, and my health insurance. I started my business with \$0 and a few tools of the trade. My first year I made \$13000 maybe. It was enough to keep my home. The three years after I made 20,000. I invested every last penny and took out a loan to buy better equipment so I could grow my business. 2 years into my business I was looking for commercial spaces. After 2 years of looking for something that I could afford I decided to buy a better home to run and grow my business. I knew that with my license I could make the same amount of money from my home, be available to my children, and have the freedom to work around my disability with little risk of not making my lease payment at a commercial location.
 2. I realize things cost more today than they did when I went through the first years of building my business. That is why I am in favor of raising the 20,000 limit to 30,000. I don't have all the answers, maybe this limit should be a little higher. The important thing is it should not be unlimited or the same as someone with a license.
5. "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."
 1. It is not simple by any means. The bill does not put a limit to where unlicensed businesses can ship. Sorry, I do not have time to verify that 100% but I am pretty sure it opens shipping, to the world.
 2. The second sentence is really the meat of why this bill has been introduced. The persons who want this to pass want all the freedoms afforded to commercial and licensed domestic kitchens without the oversight. It is why the DOA created the law in 2016, so small operations could operate with little to no regulation. It was put on the owners to do their homework to make sure they were following safe food handling practices.
6. "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."
 1. Pets is, and always will be the subject that brings out the passion for people in this debate. To be clear I DO AGREE that these rules need to be amended. However, whatever that amendment is it should be done with everyone brought to the table. I made suggestions in my first letter.
 2. I reached out to Jenifer Berg and tried to have a conversation with her when she started her FB page on this matter. I wanted to have dialogue, I wanted to include the 100's of people I know who have reservations about the subject. I was blocked and no conversation was had.

I opened a messenger chat with a 20 or so home and commercial bakers (who started at home) this morning. I included people who are on both sides of the aisle. People who have strong opinions one way or the other. It was very clear that people who have reservations or opposing opinions had no idea about the bill nor were they aware of the hearing. There was a post made to a FB page for Oregon Cookie and Cake decorators but there was no engagement. The post was deleted on 01-25-23. I am absolutely sure that there needs to be a bigger conversation regarding the home-based domestic kitchen laws (we do not have cottage laws).

I encourage this committee to extend or take further testimony from everyone, from both sides of the table and everyone in-between. There are more than 100's of people baking from home and to give these laws, the bakers and their families, and the public the respect it deserves we need to do more work to make sure that it is done properly.

I encourage this committee to reach out to the ODA and the Oregon State Extension office to get their take on this bill and what it will do, not just for bread and cookie makers, but for every other baker who utilizes it to produce public foods from their homes.

I encourage the committee to amend this bill to bring it in line with today's dollars, and make other changes that do not make the domestic unlicensed kitchen law better than the licensed domestic kitchen law.

I am happy to answer any questions the committee may have.

Regards,

Leslie Foster