

The Commissary

If you are a producer of packaged food goods or shelf stable food products, you must submit the following permits and documents to operate as a legal business in Monroe County and within The Commissary. This type of food operation will be regulated by the Department of Agriculture & Markets.

A digital version with hyperlinks and additional resources can be found on our website www.rochestercommissary.org.

1. [Apply for an EIN Notice or Articles of Organization](#)

Decide your legal structure, or what kind of business you will be: a [sole proprietorship](#), partnership, LLC, or [corporation](#).

2. [Apply for your Sales Tax Certificate/Certificate of Authority](#)

Wholesale businesses that do not collect sales tax are still required to register for a Certificate of Authority in order to issue and accept most exemption certificates.

3. File your business name with Monroe County.

The County Clerk accepts and files certificates of persons conducting business under an assumed business name, commonly referred to as [DBA \(Doing Business As\)](#) filings. Cost is \$34.

4. Provide a Certificate of Insurance (General Liability + Product Liability)

All businesses producing in The Commissary must provide a certificate of insurance covering themselves and their business for 1 million per occurrence and 2 million in aggregate for both general and product. Check out the [Food Liability Insurance Program \(FLIP\)](#). Annual policies start at \$299.

5. Employer Obligations

- a. Any individual that is not an owner of the business and that is participating in production is viewed as an employee of the business.
- b. If you have employees, you are required to provide [workers' compensation](#) insurance to protect injured workers. [Check out the New York State Insurance Fund](#). Annual policies start at \$600.
- c. You are also required to provide employees with [unemployment insurance coverage](#) and disability insurance.
- d. If you do not have employees, [this certificate](#) attests that a business is not required to carry these permits.

6. [Form 3537](#)

Food manufacturers must keep records that identify the immediate previous source of all food and ingredients received by their facility and the immediate recipient of the products produced

by the manufacturer and sold to a retailer or distributor. There is no cost for registering and it must be updated every 2 years.

7. [Develop your scheduled process with Cornell.](#)

A scheduled process is a detailed procedure for a single product that includes formulation, critical control points, processing steps, and storage, distribution, selling conditions/restrictions. [Required Analyses of Various Types of Products](#) will be necessary for both the Dept. of Health and Ag & Markets depending on individual member needs. Cost varies.

8. Apply for a [Department of Agriculture & Markets 20C food processing license.](#)

-\$400 fee

-Expires every 2 years

Please contact the department issuing the relevant permit with any questions.