



# Starting a Small Food Business?



**FLOYD**  
VIRGINIA



# Starting a small food manufacturing business in Floyd?

Have you decided to start a small food manufacturing business in the Floyd area? Being a small food business entrepreneur can be a rewarding experience. There are luckily many resources available to you as a Floyd resident to help you make your vision into a reality.

Legal compliance is rarely anyone's favorite topic, and it can seem daunting to have to navigate the complexity of it all. This booklet is meant to introduce some of the legal issues you may face as a small food entrepreneur, and provide contacts and resources for more information. We would also like to suggest you visit our handy online questionnaire that will point you to which laws may apply to your small food business. Through these materials, Floyd County aims to support and promote small food processors by helping you understand the special legal compliance issues that you may face in your unique business.

The information in this guide may apply to you if you are:

- An individual interested in creating products like popcorn, baked goods, or other room temperature baked goods in their home kitchen for sale directly to individuals.
- A commercial food business owner who is interested in direct marketing to local populations.
- A farmer who is interested in making value-added products like jams, jellies, pickles, or other low-risk items.
- Interested in making other foods for direct sale around the Floyd area.

## Examples of Small Food Businesses:

- Making and selling canned foods like jams, jellies, and pickled items for sale directly out of your home
- Making and selling baked goods or other low-risk food items at home
- Small operation raising meat and poultry for sale
- Hobby beekeeping, selling the surplus honey
- Producing other foods in a commercial kitchen for retail sale
- Selling raw milk

## Top Reasons to Start a Small Food Business

- ◆ **Generate additional income**
- ◆ **Be recognized for making great food**
- ◆ **Help feed your community healthy foods**



## Starting a Small Food Manufacturing Business

The [Small Business Administration](#) (SBA), the [Virginia Department of Agriculture and Consumer Sciences](#) (VDACS), and the [Virginia Cooperative Extension](#) provide information on starting a small food manufacturing business. The following are a few brief items that you should consider at the outset, to avoid hurdles down the road.

### What is your business location?

Your business location determines the taxes, zoning laws (if applicable), and regulations your business will be subject to. Speaking to your local government agencies should be one of the first items on your list, to ensure that you are able to do the type of business that you are interested in starting. The local contacts are:

Town of Floyd	Floyd County	Commissioner of the Revenue
Andrew Morris	Lydeana Martin	Lisa Baker
138 Wilson St. Floyd, VA 24091	120 W. Oxford St. Floyd, VA 24091	100 E. Main St. Floyd, VA 24091
(540) 745-2565	(540) 745-9300	(540) 745-9345

### Contact VDOT early in the process

Once you have decided where to operate your business, contact VDOT to discuss the requirements for a commercial entrance, especially if operating within the Town of Floyd. It is suggested that you do this as early as possible in order to avoid potential delays in opening your business due to not having the VDOT Land Use Permit approved.

### Learn about food safety laws and writing a food safety plan.

More than half of the states in the United States have agritourism laws. The Virginia Department of Agriculture and Consumer Sciences has a guide to starting a small food business you may access [here](#). Some of these laws provide an added level of protection to your operation – but they do not negate the need for insurance. You can also visit the [Code of Virginia](#) to learn more.

Please visit the online tool for a handy questionnaire to point you towards which laws and regulations apply to you.

Visit:

<https://goo.gl/forms/daxgjoNVIO9E1EPg1>

### **WARNING**

This guide is meant for informational purposes only, and is not meant to substitute legal counsel. This guide does not establish a lawyer-client relationship. Please consult a lawyer for detailed guidance.





## For instance...

**The below are three possible scenarios for small food manufacturing businesses in Floyd, with an explanation.**

I want to sell shelf stable baked goods (or other low-risk foods) from my home or at the farmers market

- ◆ Package must include, at minimum, name, ingredients, contents
- ◆ There are exemptions for baked goods stable at room temperature
- ◆ Considered a low-risk food, therefore no scheduled process needs to be registered and home kitchen does not need to be inspected.
- ◆ Write a Food Safety Plan
- ◆ Consider Virginia's Finest label

I have a smaller poultry operation to sell directly to a restaurant

- ◆ I sell between 1,000 and 20,000 birds annually
- ◆ The restaurant I sell to is a licensed, inspected facility
- ◆ I may be eligible for a Poultry Inspection Exemption, but must apply for this exemption through VDACS
- ◆ Write a Food Safety Plan
- ◆ Consider Virginia Grown label

I plan to use a pre-existing commercial kitchen to produce canned foods for retail sale

- ◆ I have perused the Floyd County list of processors and located a pre-existing commercial kitchen
- ◆ I will obtain a written statement of the commercial kitchen's passed inspection
- ◆ I will examine my requirements labeling, including if I need a nutrition facts label
- ◆ Write a Food Safety Plan

For more information:

Email:

Lydeana Martin ([lmartin@floydcova.org](mailto:lmartin@floydcova.org))

Tabitha Hodge ([thodge@floydcova.org](mailto:thodge@floydcova.org))

Call: (540) 745-9300

Visit: [www.yesfloydva.org](http://www.yesfloydva.org)



***Please note:***

All businesses located in Virginia must register with the Virginia State Corporation Commission ([www.scc.virginia.gov](http://www.scc.virginia.gov))

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Nonprofit corporations that want to file for tax-exempt status, should do so with the Internal Revenue Service ([www.irs.gov](http://www.irs.gov))

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Please visit the Internal Revenue Service website for information forming a S Corporation ([www.irs.gov](http://www.irs.gov))

**Information for all Floyd small businesses:**

**Calculate your start-up costs**

Calculate the startup costs for your small business so you can request funding, attract investors, and estimate when you'll turn a profit. An example worksheet can be found [here](#). Use [Lender Match](#) to find lenders who offer SBA-guaranteed loans.

**Choose a business structure, Choosing your business name, and Registering your business**

The business structure you choose influences everything from day-to-day operations, to taxes, to how much of your personal assets are at risk. You may wish to seek legal assistance to determine the best business structure for you. More information regarding business structure can be found on the Internal Revenue Service [here](#).

Once you've picked your name, you should protect it by registering it with the right agencies. Registering your business will make it a distinct legal entity. Virginia makes it easy to register your business by visiting [www.tax.virginia.gov](http://www.tax.virginia.gov).

**Get federal and state tax ID numbers**

Your state tax ID and federal tax ID numbers — also known as an Employer Identification Number (EIN) — work like a personal social security number, but for your business. They let your small business pay state and federal taxes.

**Apply for Federal EIN  
Internal Revenue Service  
[Click here](#)**

**Apply for Virginia EIN  
Internal Revenue Service  
[Click here](#)**

**Apply for licenses and permits**

Most small businesses need a combination of licenses and permits from both federal and state agencies. The requirements — and fees — vary based on your business activities, location, and government rules. Examples include:

Virginia does not have one single license that applies to all businesses, but the following resources can help you determine your licensing requirements:

**Guide to Business Licenses and Permits:** These tools and resources can help you figure out your licensing requirements.

**Virginia Business Portal:** This is a gateway to all government-to-business services, as well as legal requirements including taxes, licenses and much more.

When you've determined what requirements apply to you, Virginia's [Business One Stop](#) provides online registration for a multitude of licenses.

Information in this document provided by the following sources:

**Virginia Department of Agriculture and Consumer Services**

<https://www.vdacs.virginia.gov/>

**Small Business Administration**

[\*10 Steps to Start Your Own Business\*](#)

**The National Agricultural Law Center**

[\*State Law Clearinghouse\*](#)

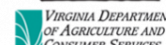
**Agricultural Legal Code of Virginia**

<https://law.lis.virginia.gov/vacode/title3.2/>



This brochure is a product of The Floyd Grown Project, a partnership between Floyd County, Virginia Department of Housing and Community Development, and Virginia Department of Agricultural and Consumer Services. Floyd Grown aimed to help small businesses in agriculture, food and forestry-related ventures grow. This multi-faceted project inventoried local assets, provided technical assistance and grant support to small business owners, and research ways to support them for greater sales, income.

Funding & Assistance provided by:



**CONTACT INFORMATION:**

**County of Floyd &  
Floyd County Economic  
Development Authority**  
Lydeana Martin

120 W. Oxford Street  
Floyd, VA 24091  
(540) 745-9300

[lmartin@floydcova.org](mailto:lmartin@floydcova.org)  
[www.YesFloydVA.org](http://www.YesFloydVA.org)

**Floyd County Health Dept.  
Environmental Health**

123 Parkview Rd. NE  
Floyd, VA 24091  
(540) 585-3383

[www.vdh.virginia.org](http://www.vdh.virginia.org)

**Floyd County  
Chamber of Commerce**

Interim Director Melissa Branks

109 E. Main Street  
Floyd, VA 24091  
(540) 745-4407

[info@floydchamber.org](mailto:info@floydchamber.org)  
[www.floydchamber.org](http://www.floydchamber.org)

**Floyd County Tourism**

Kathleen Legg

109 E. Main Street  
Floyd, VA 24091  
(540) 239-8509

[tourismdirector@visitfloydva.com](mailto:tourismdirector@visitfloydva.com)  
[www.visitfloydva.org](http://www.visitfloydva.org)

**Town of Floyd**

Andrew Morris

138 Wilson Street  
Floyd, VA 24091  
(540) 745-2565

[andrew@townoffloyd.org](mailto:andrew@townoffloyd.org)  
[www.townoffloyd.org](http://www.townoffloyd.org)

**Virginia Dept. of Transportation**

Jesse Miller

105 Cambria St. NW  
Christiansburg, VA 24073  
(540) 526-6062

[Jesse.miller@vdot.virginia.gov](mailto:Jesse.miller@vdot.virginia.gov)  
[www.virginiadot.org](http://www.virginiadot.org)

**USDA Natural Resource  
Conservation Service**

Matt Roberts

75 Hampton Blvd.  
Floyd, VA 24091  
(540) 585-3611

[matthew.roberts@usda.gov](mailto:matthew.roberts@usda.gov)  
[www.nrcs.usda.gov](http://www.nrcs.usda.gov)

**Virginia Tech**

Food Innovations Program

Joell Eifert

(540) 231-2483

[joell.eifert@vt.edu](mailto:joell.eifert@vt.edu)

**Virginia Cooperative Extension**

Jon Vest

209 Fox Street  
Floyd, VA 24091

(540) 745-9307

[jinvest@vt.edu](mailto:jinvest@vt.edu)  
[floyd.ext.vt.edu](http://floyd.ext.vt.edu)

**Virginia Department of Agriculture  
& Consumer Services**

[www.vdacs.virginia.gov](http://www.vdacs.virginia.gov)