SHARED-USE KITCHENS: A POLICY LANDSCAPE REPORT

The Food Corridor, LLC & the Network for Incubator and Commissary Kitchens

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INTRODUCTION

Simultaneous growth in food entrepreneurship and amplified acceptance in the principles of the sharing economy are impacting regional food system development. The scaling up of local food is commonly limited by an enterprise’s access to critical infrastructure. The costs associated with outfitting a licensed commercial kitchen are estimated between $50,000-$500,000, depending on size and scope of the facility. Many facilities can cost millions of dollars to build. Likened to the trends seen in the shared office space sector, sharing commercial kitchen space is emerging to address the significant barriers to entry for food enterprises.

A shared-use kitchen, where renters or members can rent existing infrastructure for hourly or daily time blocks, provides a convenient way for food entrepreneurs to access existing infrastructure without the high startup costs. Two types of shared-use kitchens are emerging as valuable models in this sector:

1. commissary kitchens, whose business model is to rent out kitchen time, equipment, and storage; and

2. incubator kitchens, whose business model is to rent out kitchen time, equipment, and storage; with the addition of business development assistance, business counseling, and access to unique channel opportunities.

While the opportunity for sharing commercial kitchen space is growing, shared-use kitchens in the United States suffer from regulatory ambiguity that limits their potential. In 2016, The Food Corridor, LLC (TFC), with a mission to enable growth, efficiencies and innovation in local food systems, launched a software-as-a-service management platform to assist operators of shared-use kitchens. In observing the struggle of their clients in navigating the tricky waters of local departments of health, conflicting state and county policy, and inadequate licensing options, they identified an opportunity to explore the national policy landscape for shared-use kitchens to help identify best practices and policies to support the emerging industry.
RESEARCH METHODS

The Network for Incubator and Commissary Kitchens (NICK) is a community of practice for shared-use kitchens moderated by TFC. The group is comprised of over 700+ shared-use kitchen owner/operators, directors, and program and facility managers, as well as food system partners who focus on policy, education, extension, services, and economic development. The NICK supports the food industry through sharing data, best practices, and technical assistance to build and grow successful shared-use kitchen businesses.

In October 2016, TFC and a Steering Committee of 10 NICK members began the development of this report. The Steering Committee provided relevant information and local policies, helped develop and review survey questions, supported the distribution of the survey, and provided feedback during scheduled calls. The Steering Committee included:

- Linda Gilkerson, IndysKitchen, Indianapolis, IN
- Matt Mardell, Colleton Commercial Kitchen, Walterboro, SC
- Sheila Anderzunas, East End Incubator Kitchens, Santa Ana, CA
- Jenny Dorsey, Jenny Dorsey Consulting
- Cindy Sierra, Kitchen Co-Op, Amityville, NY
- Brittany Bepler, TasteLab, Washington, DC
- Lee Langerock, Innovation Center, Independence, MO
- Djenaba Johnson-Jones, The Hudson Kitchen, Jersey City, NJ
- Wendy Grahn, Lakeview Kitchen and Market, Chicago, IL
- Cindi Thompson, Crafted Kitchen, Los Angeles, CA

Survey questions were developed and tested with the help of the Steering Committee and TFC and published using Google Forms. A full transcript of the survey is provided in the Appendix.
RESPONDENTS

In November 2016, the survey opened and was distributed by email and through Facebook to all NICK members in two waves, approximately six weeks apart. The targeted community was the NICK and a TFC distribution list of shared use kitchens nationally. Over thirty kitchen operators (n=38) completed the policy survey. Most were in the Eastern United States, with one respondent from Ontario, Canada. See Appendix for the full list of respondents and their locations.

Survey Respondent Locations
COMMON DEFINITION

Establishing common language is critical to supporting and growing the shared-use kitchen industry. Respondents were asked how their health department food code defines shared-use kitchen, if at all. For this report, we collated the responses into one unified definition:

A shared-use kitchen is a place of business for the exclusive purpose of providing commercial space and equipment to multiple individuals or business entities to commercially prepare or handle food that will be offered for wholesale, resale, or distribution. ‘Commercially prepare or handle’ includes, but is not limited to, the making, cooking, baking, mixing, processing, packaging, bottling, canning, or storing of food. Shared-use kitchens may include multiple workstations, professional-grade equipment, freezer, cold and dry storage areas, and proper sanitation equipment. The spaces may serve as a commercial production area, a packaging facility, and/or a commissary for food businesses, among other uses. Such facilities often include professional development, networking, and business consultant services provided to clients to expand local food systems and empower entrepreneurs and small business owners.

Twenty-five (66%) respondents were unable to provide a definition of shared-use kitchen, indicating that their municipal, county, or state food code has yet to define or license the emerging business model. Shared-use kitchens who reported “no definition” reported being licensed as school kitchens, food service establishments, preparation facilities, processing plants, catering kitchens, food manufacturing, commercial kitchens, and/or wholesale food processors. This variability translates to varying regulatory requirements and oversight that may or may not be conducive to the shared-use kitchen model. Likewise, many require a combination of licenses to cover all the services provided under a shared-use kitchen license. This results in redundancies, including multiple licensing fees, inspections, and sometime arduous requirements that are not directly applicable to shared-use kitchen model.

We concluded that adoption of a common definition into municipal, county, and state food codes and statutes may reduce redundancy, clarify policy requirements, and support innovative models that bolster local food systems.
REGISTRATION, LICENSES, & PERMITS

Survey results showed an even split between publicly registered shared-use kitchens (non-profit/501(c)(3), local government) and privately-owned spaces (LLC, corporation). The type of registration required varied by the state and fell into four categories:

- health department
- hotels and restaurants
- state departments of agriculture
- catering facilities

PERCENTAGE OF KITCHENS IN RURAL OR URBAN AREAS

We theorized that the type of licensing/registration and business model would vary by regional population and location. The respondents reported being located 73% in urban areas, 18.9% in rural areas, and 8.1% other (semi-urban or suburban).

The overwhelming number of shared-use kitchens in urban areas indicates more demand in these areas, likely due to population density. We also found that kitchens in urban areas reported more clearly defined policy and likely due to experience by regulators.

Chicago is one municipality with a Department of Health offering a specific Shared Kitchen License. A Shared Kitchen is defined as “any establishment used as a place of business for the exclusive or primary purpose of utilizing, leasing or renting its commercial kitchen space to individuals, or business entities, for food preparation, temporary extra production capacity, menu planning, training, taste testing, product development, food packaging, food storage or any other food-related purpose; and does not hold a valid retail food establishment license.”
To better understand the scope of food production, we asked respondents to list all the food-production related services offered at their facility. The list of options included: bakery equipment, certified allergen-free room, clean room (for microorganism control), community or shared-use kitchen, copacking (manufactures or packages food for clients), deli-preparation area, product distribution channels, fermentation, food handling and safety training, Kosher/Halal production, meat processing area, pasteurization room, retail/market, storage spaces, temperature controlled room, vegetable processing area, wastewater disposal, and other. Most of the respondents provided storage spaces (both dry and cold) for clients, a community or shared-kitchen space, and bakery equipment. More specialized food services were less common. Many respondents also reported providing food safety training. (See chart below). For the sake of this chart, the “Other” category was collapsed to include the selection other (11); allergen-free room (2); clean or white room (3); Kosher/Halal (1); meat processing (1); and pasteurization (2).

Food Production Related Services
Crafted Kitchen in Los Angeles, CA (a survey respondent) provides a variety of kitchen formats to meet the needs of their clients. These include a private-use kitchen; shared-kitchen spaces with storage, baking equipment, vegetable processing, wastewater disposal, and a test kitchen/event space. To ensure proper compliance and operating procedures, their website offers a list of required licenses and certifications for small business owners. Crafted Kitchen can accommodate cooking classes, parties, filming, corporate events, pop-up dinners, and staff training for local restaurants.
CLIENTS SERVED

The kitchens’ client base is comprised primarily of caterers/chef, bakers, food truck/mobile food vendors, food artisans, and meal preparation service operators (see chart below). These findings align with the seasonal business owner or entrepreneur who may have moved beyond the regulatory umbrella of cottage food laws, but whose revenue or production capacity don’t necessitate owning or leasing their own commercial space.

**Cottage food laws allow small-time producers to bake, cook, can, pickle, dry or candy certain low-risk foods for sale in their homes. By contrast, state laws require all other food producers to process foods in licensed kitchens.**

Respondents reported offering their clients short-term memberships or leases on an annual, 6-month, or holiday season basis. Several also provided a commissary-specific license or commissary agreement for businesses to satisfy health department requirements for food business operation.

**Types of Shared-Use Clients Served**
CLIENT ONBOARDING PROCESS

There are several common items required for client onboarding. The most common items required by the client are:

- A completed application
- Food liability insurance (with the kitchen listed as additional insured)
- Food handler certification or safety and sanitation manager certification
- A seller’s permit/business license/retail license
- A signed copy of the organization’s standard operating or policy procedures

Other required items may include a valid state driver’s license, a criminal background check, a food production license from the local Health Department, a first aid certification, and a menu and process/plan of action for kitchen use and Hazard Analysis and Critical Control Points (HACCP) plan. Due to specific operational concerns, some kitchens also require an allergen awareness certification.
THE IMPACT OF COTTAGE FOOD LAWS

During preliminary interviews to determine the structure of the survey, Steering Committee members mentioned the impact of cottage food laws on their kitchen. In response, we included two questions in the survey: “does your state have a cottage food law?” and “if yes, how has this impacted your business?” State cottage food laws allow individuals to produce non-potentially hazardous food in their home for direct sale to consumers. Often, foods produced under cottage food laws are required to provide appropriate labeling and packaging procedures to communicate to customers that the items were not produced in a licensed commercial kitchen. Many state cottage food acts have limits on revenues and product lines, with the intention that as home business grows, the business will graduate into a commercially adequate space. Cottage food laws are a great way to test a business concept but are oftentimes inadequate in sustaining a full time business venture due to production constraints and limited scalability.

While respondents (primarily from urban areas) considered cottage food laws a good way to build potential clientele, several pointed out that the cottage food laws blur the line between home and licensed commercial kitchens in a dangerous or detrimental way. For example, some shared-use kitchens experienced a loss of tenants who moved their businesses to their home kitchens under the cottage food law. Others see the laws as a barrier to recruitment at farmers’ markets.

Many producers contract with the shared-use kitchens, pay the minimum, and produce only the food they are not allowed to produce in their home kitchen.

The Cottage Food Laws have opened the door for a multitude of non-compliant businesses who only hear ‘cottage industry’ and are producing, catering, bottling, or canning out of their home with zero oversight, improper labeling, and no testing or analysis. One customer called the Cottage Food law her avenue for ‘plausible deniability’ if she got caught in her falsehoods.

We concluded that it is critical for local and state health departments to regulate those acting under the cottage food laws to ensure compliance. Increased oversight and technical support may be warranted. Furthermore, regulators should be working closely with shared-use kitchens to ensure there is a pipeline of infrastructure for a cottage food producer to graduate into a licensed facility that meets their needs.
HEALTH DEPARTMENT PROCEDURES

Health department regulations vary by municipality, county, and state. Due to this diversity of procedure, we requested that survey respondents list all procedures required by their local health department for operation of their shared-use kitchen. The top five responses (with the number of responses in parentheses) are as follows:

- Periodic inspections (36)
- Adequate sanitation equipment (30)
- Submission/proof of food handling certification (23)
- Submission/proof of food business license/certification (22)
- Consultation (17)

Other options included:

- Health risk assessment
- Non-retail food processing establishment permit
- Service fee
- Submission/proof of food packaging/labeling for all renters
- Submission/proof of liability insurance for all renters
- Written standard sanitary operations
Shared-use kitchens are not legally obligated to have a kitchen manager on site at all times, but several have opted to include this role to supervise kitchen clients and provide support as needed.

**KITCHEN MANAGER REGULATIONS**

Kitchen Manager duties often include monitoring:

- safe food handling procedures
- cleanliness and sanitation
- cleaning and shared-wares supplies
- standard operating procedures compliance
- refrigeration temps
- storage management
- trash management
- routine maintenance and equipment inspection
- technical assistance to members or clients (regulatory compliance, business development)

as well as deep cleaning, reporting any issues to management and/or health department, manage scheduling, and prepare facilities for special events.
INSURANCE REQUIREMENTS

Respondents listed all insurance coverage they are either required to have or feel necessary to protect their business. While the list included options such as business crime, business liability, manufacturing, liquor liability, mechanical breakdowns, and inland marine, the following four options were selected at the highest rate:

- Property coverage (20)
- Worker’s compensation (18)
- Product liability (11)
- Food/beverage processing (6)

LOCAL HEALTH DEPARTMENT POLICIES/REGULATIONS

Initial discussions with the Steering Committee focused heavily on the relationship between local health departments and shared-use kitchens. We asked respondents to rank their local health department’s policies/regulations according to how open or restrictive they are (1 being open and 10 being restrictive). After charting the results, we noted a bimodal pattern:

**Ranking of Health Department Shared-Use Kitchen Policies**

(1 = open and 10 = restrictive)
Over half the respondents rank their relationship with their local health department as fairly open (55%) and at least 21% express restrictive relations. A significant amount reported '5' (23.7%), which we consider neutral.

Those who rank their local health department’s policies/regulations as highly open (1-3) found collaboration and transparency to be key. One respondent provides the health department with open and direct access to the shared-use kitchen’s calendar. Often, the health department appreciates the shared-kitchen model because they have access to monitor small and growing businesses under one roof with the support of the kitchen administration. Some kitchens consider local policies to be almost too open, providing shared-use permits too indiscriminately.

The high number of respondents who ranked their local health department’s policies at a 5 described the policies/regulations as “still under development.” In this category, there was a lack of enforcement and ambiguity concerning the operations of shared-use kitchens.

More restrictive rankings (6-8) included commentary on the lack of knowledge of the shared-use kitchen model disseminated among inspectors.

Somerville is extremely restrictive in its processing of members for our kitchen, and we are inspected continuously, close to 100 inspections in the past year. The food code here does not accommodate shared space, which makes it difficult to work with (it is currently being re-written, and we are helping the government with that process).
Most kitchens reported great relationships with the local health department. The kitchen administrators and health department staff are oftentimes working closely together to ensure kitchen members and clients are compliant with local laws and ensuring safe production of food. Eighty-three percent of respondents ranked their relationship as highly functional with clearly defined roles and communication. Only 5.4% ranked it as dysfunctional with a lack of clear communication.

One respondent has such a collaborative relationship with their health department that they beta-test new inspection procedures for the department. There is room for improved communication between tenants and the health department, though correspondence between the kitchens themselves and inspectors seem to be running smoothly.
“The Department of Health and Agriculture has been very accommodating for the various businesses we have applying to use our kitchen. They have agreed that our site does not need to be toured each time a separate business applies to be a tenant since it has previously been approved and toured by their staff. I am able to directly email staff from both departments to ask them which licenses a potential food business may need and receive responses regularly. However, our tenants at times have difficulty determining which area of which department to contact as the staff themselves seem confused by what licenses they might need to process low-acid foods or for retail vs wholesale.”
FUTURE CONSIDERATIONS

The final two questions on the survey were, “what would you like to see included in (or eliminated from) future policies in your area?” and “are there any other notes that may be helpful?” The suggestions included:

- Standard policies for frozen and vacuum-packed
- Non-meat food operations/procedures
- Stricter enforcement of food trucks without commissary kitchens
- Lower fees for licensing/permits/inspections
- A cap on annual net sales for cottage food law beneficiaries
- Expansion of the standard definition for shared-use kitchens to include:
  - Entrepreneurial incubator
  - Marketing and communication support
  - Website design
  - Business/financial counseling
APPENDICES

Appendix A: Survey Questions

General

- What is the name of your kitchen?
- City where main business/organization operates? (example: St. Paul)
- County where business/organization operates? (example: Colleton County)
- State where main business/organization operates? (example: TX)
- Are you in a rural or urban area?
  - Rural
  - Urban
  - Other
- Please check all food-related services offered at your facility:
  - Bakery
  - Certified allergen free room or area
  - Clean room (separate room to control humidity, dust, air pressure, temperature, and microorganisms)
  - Community use kitchen (open to community members and groups)
  - Co-packing
  - Deli preparation area
  - Distribution
  - Fermentation
  - Food handling and safety training
  - Kosher/Halal
  - Meat processing area
  - Pasteurization
  - Retail or market
  - Storage spaces (dry, cold, frozen, etc.)
  - Temperature controlled room
  - Vegetable processing area
  - Wastewater disposal
  - Other
- How is your kitchen registered? (example: LLC, partnership, corporation, etc.)
- How is your kitchen licensed? (example: shared-use kitchen, health department, state department of agriculture, etc.)
- If your kitchen is registered or licensed specifically as a “shared-use kitchen” (or similar term) how is the term defined? (If you have access to the actual definition, please cut and paste it here.)
- If your kitchen is not defined as a “shared-use kitchen,” what is your kitchen registered or licensed as? Please describe.
**Clients**

- On average, how many clients do you serve?
  - 0-10
  - 11-30
  - 31-50
  - 51+

- What types of clients do you service? Check all that apply.
  - Bakers
  - Beverages
  - Caterers/chefs
  - Community groups
  - Consumer packaged goods (CPGs)
  - Farmers
  - Food artisan or value-added producer (not a baker)
  - Food truck, cart, or mobile food vendor
  - Meal-prep
  - Pet food maker
  - Restauranteur
  - Other

- How are shared-use licenses offered to clients in your area? Check all that apply.
  - N/A
  - Commissary
  - Holiday season
  - 75 days
  - 6 months
  - Annual
  - 2-year
  - Other

- What more can you tell us about the process clients must go through to legally use and produce food for sale from your shared kitchen?

- Does your state have a Cottage Foods Law?
  - Yes
  - No
  - I’m not sure

- If yes, how has this regulation impacted your business?

- A shared-use kitchen is “a food facility that is used as a place of business for the exclusive purpose of providing commercial space and equipment to multiple individuals or business entities which commercially prepare or handle food that will be offered for sale.” Please read the definition of a shared-use kitchen provided. How can this definition be improved (parts to be included, omitted, changes in vocabulary, etc.) for use in legal policy documents?
Kitchen Requirements

- Please check all procedures required by your local Department of Health for operation of your kitchen. Check all that apply.
  - Consultation
  - Health risk assessment
  - Non-retail food processing establishment permit
  - Periodic inspections
  - Provide adequate sanitation equipment
  - Service fee
  - Submission/proof of food packaging/labeling for all renters
  - Submission/proof of food handling certifications for all renters
  - Submission/proof of liability insurance for all renters
  - Submission/proof of food business license/certifications for all renters
  - Written standard sanitary operations
  - Other

- Are you required to have a shared-use kitchen manager on site? What are the duties of this manager?

- Please check any individual insurance plans/policies your kitchen has. Check all that apply.
  - Business crime
  - Business liability
  - Business property
  - Food/beverage manufacturing
  - Food/beverage processing
  - General liability
  - Inland marine
  - Liquor liability
  - Mechanical breakdown
  - Property coverage
  - Products liability
  - Workers comp
  - Other
Impact and Follow-Up

- Would you consider policies/regulations in your area to be open or restrictive towards incubator and commissary kitchens? Mark only one oval.

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<th>Very Open</th>
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- What can you tell us about why you chose your ranking?

- How would you rank your relationship with your local department of health? Mark only one oval.

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<th>Highly functional/ clear lines of communication and clearly-defined roles</th>
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- What can you tell us about why you chose your ranking?

- What would you like to see included (or eliminated from) future policies in your area to support shared-use kitchen success?

- If you have any links to policy documents or websites in your area that could support the NICK policy project, please list them below.

- Is there anything else we should know that will support our efforts in developing a policy framework to better support shared-use kitchens?

- Can we follow up for an interview?
## Appendix B: Respondents

<table>
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<th>Kitchen</th>
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<th>State</th>
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