

“Food processing” is defined in RCW 69.07 as “the handling or processing of any food in any manner of preparation for sale for human consumption.” This can be confused with “prepared foods.” The difference is that “prepared foods” are defined as foods prepared on the site where they are served for consumption.

“Food processing” includes common practices such as putting cleaned lettuce into packaged, ready to serve salad mix, or freezing blueberries in five pound plastic bags. Both of these items are prepared in advance of the sale and not eaten on site. Food processing enterprises are required to follow several WSDA regulations.

This fact sheet includes:

- products and processes requiring a food processor license;
- county regulations;
- technical assistance from WSDA Food Safety Program;
- WSDA food processing facility requirements;
- labeling processed foods;
- commercial kitchens and co-packing at WSDA licensed processors; and
- insurance.

Products and Processes Requiring a Food Processor License

All businesses selling processed foods direct to the consumer at farmers markets, on-farm, or any other location must obtain a Food Processors license from the WSDA Food Safety Program.

Businesses with a WSDA Food Processors License are able to market processed foods in and out of state, with the exception of meat. Poultry, custom meat and exotic meat products processed by a licensed WSDA Food Processors can only be marketed in state.

As mentioned above, food processing means the handling or processing of any food in any manner of preparation for sale for human consumption. Therefore, processed foods include dried fruits, jams, salsa, sauces, cheese, dried herbs, teas, breads, cookies, cider, blended salad greens, and other examples. Food products that are processed for sale or distribution, and foods that are custom processed for another business, are also defined as processed foods.

In addition, processed foods include repacking foods that are taken from one container in an unwrapped state and transferred or repackaged in another container.

Fresh fruit or vegetables merely washed or trimmed while being prepared or packaged for sale in their natural state does not count as processed foods, according to the Food Safety Program.

Please see the following lists to help clarify what types of food processing require licensing and what processes are exempt. You need a WSDA Food Processor License if your process falls into the following categories:

- You cook, bake, freeze, slice, dehydrate, smoke, roast coffee beans, bottle water or repackage any type of food;
- You process/package food for someone else;
- You make shelf-stable, low acid canned food i.e.; canned vegetables, canned fish, retorted pouches (vegetable or fish), bread or cake in a jar and chocolate sauce;
- You further process finished dairy products (i.e. cheese cutting, flavored dairy products, frozen ice cream desserts);
- You process dietary or nutritional supplements that do not make health claims;
- You process food that contains no more than 2% cooked or 3% raw USDA meat ingredients by weight;
- You process poultry or wild game;
- You are a license Food Service retail bakery inspected by a local health jurisdiction and sell more than 25% of your gross sales off-site;

- You are a license Food Service Establishment (i.e. restaurant, caterer, grocery store, bar) and sell food products off-site - **this includes Internet sales; or**
- You are a licensed Winery or Brewery that produces non-alcoholic products.

You are **exempt** from needing a WSDA Food Processor License if your process falls into the following categories:

- You merely wash and trim a raw agricultural product and prepare or package for sale in their natural state (i.e. fruits and vegetables);
- You are licensed as a Food Service Establishment and 100% of your sales are on-site;
- You process honey and are licensed under RCW 69.28 Washington State Honey Act;
- You are an egg handler/dealer licensed under RCW 69.25 Washington Wholesome Eggs and Egg Products Act;
- You are licensed under RCW 16.49 Custom Meat Slaughter Act and do NOT process wild game or poultry;
- You handle shellfish and have a Certificate of Compliance under RCW 69.30 Sanitary Control of Shellfish Act; or
- You are licensed by the Liquor Control Board as a Winery and Brewery operation.

State regulations for food processing are outlined in the Washington Food Processing Act (RCW 69.07).

County Regulations

You can sell some types of processed foods within your county and direct to consumer via on farm sales or farmers markets if the county health department has licensed your business as a Retail Food Service Establishment. Contact your local County Health Department for further retail licensing information.

Technical Assistance from WSDA Food Safety Program

The WSDA Food Safety Program offers one-on-one technical assistance with the licensing process, your processing facility design and construction materials, utensil and equipment requirements, heating and cooling procedures, water source and cross-connections, pest control strategies, product labeling, and food science techniques for preventing cross-contamination of your food products.

You can contact the WSDA Food Safety Program to talk with your Food Safety Officer about the licensing requirements before submitting your licensing application. Call (360) 902-1876, visit <http://agr.wa.gov/FoodAnimal/FoodProcessors>, or email foodsafety@agr.wa.gov.

WSDA Food Safety will inspect the processing facility, food processing procedures, and product labeling for compliance with regulations. When approved and licensed, unannounced inspections will take place every six to twelve months. The Food Processor license expires on June 30 of each year, and must be renewed annually. The annual cost is \$55 to \$825, sliding scale, based on gross sales.

WSDA Food Processing Facility Requirements

The WSDA Food Safety Program has web pages highlighting everything you need to know to be a licensed food processor. For detailed information on food processor facility requirements go to <http://agr.wa.gov/FoodAnimal/FoodProcessors> or call (360) 902-1876.

To be a licensed WSDA Food Processor facility requires:

- home processor facility;
- bathrooms and hand wash sinks in home processor facilities;
- processing equipment, food process and equipment cleaning sinks;
- worktables and counters;
- floor, wall and ceiling materials;
- lighting;
- ventilation;
- water supply; and
- refrigeration.

**Example of the Type of Information Available Online from
WSDA Food Safety Program about Facility Requirements
(worktables and counters)**

Worktables and counters must be in good repair and have surfaces that are easily cleaned and non-corrosive.

Recommended: Stainless steel and hi-impact, scratch-resistant plastic (Formica, Teflon, and thermal plastic) are recommended for most contact surfaces.

Satisfactory: Metal or finished wood is satisfactory.

Not Satisfactory: Unfinished wood frames, counter tops and shelves.

Exception: Hardwood tables used for bakery make-up tables.

Labeling Processed Foods

All processed foods sold direct to wholesale or retail must have labels on their packaging. This includes processed foods sold at farmers markets, on the Internet, to restaurants, or grocery stores.

The State of Washington food labeling requirements are based upon the Federal Fair Package and Labeling Act of 1966.

Creating labels for processed foods can be one of the most expensive start-up costs for new processed products. Contact the WSDA Food Safety program for technical assistance with food labels before printing.

Labels for processed food must meet all of the below requirements:

1. Language

All information must be legible and in English; other languages may also be present, but English is required.

2. Product identity

The common or usual name of the food product must be prominent on the principal display panel of the packaging (i.e. "pumpkin bread" on the front of the bread bag).

3. Ingredient statement

Ingredients must be listed by their common or usual names in descending order of their prevalence by weight.

All ingredients must be listed in the ingredient statement with all subcomponents listed in parenthesis. For example: Butter (cream, salt, annatto). Subcomponent ingredients must also be listed in descending order.

Flour must be listed as type of flour, (e.g., wheat flour or spelt flour).

Font size of ingredient statement must be at least 1/16 of an inch as measured for the lower case "o".

Food products that include spices, flavorings and colorings as ingredients may designate these products as spices, flavorings and coloring (with the exception of certified colors such as FD&C Red No. 40 or Yellow #5, 6, etc.).

Food Allergens: The following common ("Big 8") food allergens must be declared as ingredients: peanuts, tree nuts, eggs, fish, crustaceans, milk, soy, wheat.

Other ingredients that can cause a reaction by certain sensitive individuals must also be declared on the ingredient statement, including FD&C Yellow No. 5, FD&C Yellow No. 6, sulfites and carmine/cochineal extract.

Consumers with food allergies depend on accurate product labeling to choose their food products. Companies may have to recall product if foods contain allergens that are not listed in the ingredient statement.

4. Name and address

Labels must include the street address of the manufacturer, packer or distributor's principle place of business. In the case of farms, the manufacturer, packer and distributor could be an on farm licensed WSDA food processor.

If the name given is not the actual manufacturer, it must be accompanied by a qualifying phrase that states the firm's relation to the product, e.g., "manufactured for" (company name and address) or "distributed by" (company name and address).

Street address may be omitted if the business is listed in a current city or telephone directory. Company name, city or town, state, and zip code are still required.

Phone numbers and Internet addresses can be added, but cannot be used instead of the name and address.

5. Net Weight

The label also must have an accurate statement of quantity of the contents by weight in both U.S. Customary and metric values. This statement must appear within the lower 30 percent of the label panel, in lines generally parallel to the base of the package.

The net weight must appear in conspicuous and easily legible boldface print or type in direct contrast to other matter on the package.

6. Perishable Foods

Products with a projected shelf life of 30 days or less must state the pull date on the package label. The pull date must be stated in day and month, in a style and format that is easily understood by the consumer. If products require refrigeration before or after opening, such information must be on the label.

7. Nutritional Value Information

Nutritional information is required on the label for most packaged and processed foods. Private businesses and universities provide this service for a fee. USDA has a free online nutritional information program at www.ars.usda.gov/ba/bhnrc/ndl.

Food produced by small businesses may be exempt from nutritional value labeling requirements. Contact Food Safety for exemption specifics.

Businesses selling a product that makes a nutrition claim (e.g. “Supplies 100% of daily recommended amount of Vitamin C!”) are not exempt.

Contact the WSDA Food Safety Program for more information on labeling by visiting <http://agr.wa.gov/FoodAnimal/FoodProcessors/packaginglabeling.aspx>, emailing foodsafety@agr.wa.gov or calling (360) 902-1876.

Commercial Kitchens and Co-Packing at WSDA Licensed Processors

If you wish to process your farm produce but do not have the facilities or capital to invest in infrastructure, you may find a commercial kitchen that you can use. Some restaurants, community centers, and Grange halls, for instance, allow their facilities to be used for food processing.

Whether the commercial kitchen needs to be licensed by the county or WSDA depends on where you are selling your products.

If you are selling your products **within your county**, your county health department can license the commercial kitchen. Call your local county health department for locations of existing commercial kitchens.

If you are selling your processed food products **outside the county** via any commerce channels such as farmers markets, Internet, hotels, restaurants, or are processing a cheese product or low-acid canned foods, the commercial kitchen must meet WSDA requirements for food processing. Each business that processes food in a commercial kitchen must have a WSDA Food Processor License.

Another option for small producers is to have your products processed for you by a licensed WSDA Food Processor. The food industry term for this is “co-packer”. This co-packer carries insurance, and usually charges per unit (pint/quart/etc.).

Labeling on these products must include the words: “Manufactured for...” or “Distributed by...” to designate the firm’s relation to the product.

Insurance

Businesses selling processed foods should have adequate product liability insurance before selling the product. It can take time to find product liability insurance, so start early and talk to fellow farmers who produce something similar to find an insurance company that covers your product.

Recommended Fact Sheets: Insurance, Prepared Foods

For further assistance or to make suggestions on how to improve this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2057 or (360) 676-2059.