

Handbook for Small and Direct Marketing Farms

Regulations and Strategies
for Farm and Food Businesses

2014



Washington
State Department of
Agriculture



Small Farm and Direct Marketing Handbook

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2. Resources for Spanish-speaking Farmers
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Getting Connected

Networks for Washington State Small Farms

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Washington State small farm and direct marketing businesses can take advantage of the classes, workshops, field days, and conferences that are held throughout the state. These opportunities are offered by non-profits, county agriculture programs, Washington State University (WSU) Extension and Small Farms Program, as well as the WSDA, USDA and many local partners and farmers. Typically, these training events are funded by grants and designed to be affordable to farmers. Most organizations rely heavily on email and social media to announce events and share information. If you do not have access to the Internet, please call the phone numbers below to have resources mailed to you. This fact sheet includes an overview of:

- Key listservs and online newsletters;
- Farm business resources;
- Ongoing technical, business and other farmer support; and
- Free farm listings for Washington State.

Key Listservs & Online Newsletters

The following groups manage listservs that regularly post upcoming events for small farms. The topics range widely, from technical trainings to farmer field days and harvest celebrations. Please go to the web address and follow directions to be added to a listserv. *There are also excellent groups and listservs at the local level.* Contact your county extension office, conservation district, USDA service center, farmers markets, or area non-profits for more information.

Cascade Harvest Coalition

www.cascadeharvest.org

The Cascade Harvest Coalition's listserv is a "forum for sharing information about local farms and food, events, policy and other timely ag-related news." To subscribe, please email mary@cascadeharvest.org.

"Green Times"

www.news.cahnrs.wsu.edu/category/green-times

"Green Times" is a monthly electronic newsletter about organic agriculture, small farms and a wide range of related issues from the Washington State University College of Agricultural, Human, and Natural Resource Sciences (CAHNRS), WSU Extension and the Agricultural Research Center.

Office of Farmland Preservation

<http://ofp.scc.wa.gov/preservation-news>

The Washington State Conservation Commission's Office of Farmland Preservation has a comprehensive monthly newsletter that aggregates current media stories, training opportunities, and new reports related to food, food systems and farming.

Rural Roots

www.ruralroots.org/resources/email

Rural Roots is a nonprofit organization that provides education and networking in Inland Northwest. It organizes several listservs “to foster education, discussion and community development.”

Tilth Producers of Washington

www.tilthproducers.org/list-serve

The Tilth Producers of Washington has an active listserv. They also host farm walks (in partnership with WSU Small Farms Team) and an annual conference, and publish the *Tilth Producers Quarterly* journal of organic and sustainable agriculture, a policy blog, and producer directory.

WSU Small Farms Program’s Washington Family Farm Resources E-News

www.smallfarms.wsu.edu/joinemaillist.html

Designed to serve farmers, this listserv announces key educational events and resources for Washington small farms.

Washington Sustainable Food & Farm Network

www.wsffn.org

The Washington Sustainable Food & Farming Network is nonprofit organization that uses education, organizing and advocacy to advance sustainable food and farming programs and policies in Washington State. Go to their website to sign up for their listserv.

Farm Business Resources

The following resources may help you run your farm business in Washington.

Access Washington

www.access.wa.gov/business

“Access Washington” is a portal to government agencies and services available through the State of Washington. There is a “Doing Business” section that has direct links to business-specific topics.

“Cultivate The Soil: Resources For Beginning & Small-Scale Farmers & Ranchers In Washington State”

www.wshfc.org/farmranch/CULTIVATETHESOIL.pdf

This is a comprehensive directory of resources put together by the Washington State Housing and Finance Commission in 2008. While, it is somewhat out of date, it is still helpful in mapping out the breadth of resources available in Washington.

Small Business Guide - Washington State

www.ora.wa.gov/documents/small_business/small_business_guide.pdf

The Washington State’s Governor’s Office of Regulatory Assistance has an excellent Small Business Guide available that outlines clear steps in your business development and who to contact for help.

The Capital Press Agricultural Weekly

www.capitalpress.com

The Capital Press is an excellent news source for keeping in touch with agriculture throughout the West Coast.

“Sustaining the Pacific Northwest”

www.csanr.wsu.edu/pages/pubs (search under “SPNW”)

“Sustaining the Pacific Northwest” was a monthly newsletter on organic agriculture research, education, and other resources from the WSU Center for Sustainable Agriculture and Natural Resources. Archival issues from 2003 through 2010 are available online.

WSU Center for Sustaining Ag and Natural Resources Publications Database

www.csanr.wsu.edu/pages/pubs

The CSANR database serves as a catalog of available resources on dozens of sustainable agriculture and food systems topics. You can either browse Program Areas and Topics or search for relevant publications by key words.

Ongoing Technical, Business and Other Farmer Support

The following organizations offer classes, workshops, webinars, farm walks and other educational opportunities for new and established farmers in Washington.

Ag Forestry Leadership Program

www.agforestry.org

(509) 926-9113

Cascade Harvest Coalition / Farm Link

www.cascadeharvest.org

(206) 632-0606

Commodity Commissions

www.agr.wa.gov/Portals/CommFair

Edmonds Community College, Horticulture Department

Sustainable Agriculture Education (SAGE) Collaborative, Urban Agriculture Program

www.edcc.edu/hort/sustainable-agriculture.html

(425) 640-1739

The Evergreen State College Organic Farm

www.evergreen.edu/organicfarm

(360) 867-6160

Gorge Grown Food Network

www.gorgegrown.com

(541) 490-6420

Northwest Agriculture Business Center

www.agbizcenter.org

(888) 707-2021

Organic Seed Alliance

www.seedalliance.org

(360) 385-7192

Pacific Northwest Center for Holistic Management

www.pnchm.org

(509) 869-1182

Quillisascut Farm School

www.quillisascut.com

(509) 738-2011

Rural Roots

www.ruralroots.org

(208) 883-3462

Seattle Central Community College, Earth and Environmental Sciences Department

Sustainable Agriculture Education (SAGe) Collaborative, Bioregional Food Systems Program

www.seattlecentral.edu/sustainable-agriculture

(206) 934-3800

Skagit Valley College, Environmental Conservation Department

Sustainable Agriculture Education (SAGe) Collaborative, Small Farm Agriculture Program

www.skagit.edu/directory.asp_Q_pagenumber_E_518

(360) 416-7816

Sustainable Agriculture Education (SAGe) Collaborative

www.edcc.edu/hort/sustainable-agriculture

www.seattlecentral.edu/sustainable-agriculture

www.skagit.edu/sustainable-agriculture

(206) 436-9433

Tilth Producers of Washington

www.tilthproducers.org

(206) 632-7506

Washington State Department of Agriculture

www.agr.wa.gov

(360) 902-1800

Washington State Farm Bureau

www.wsfb.com

(360) 357-9975

Washington State Farmers Market Association

www.wafarmersmarkets.com

(206) 706-5198

Washington State Grange

www.wa-grange.org

(800) 854-1635

Washington State Small Business Development Centers

www.wsfdc.org

(509) 358-7765

Wenatchee Valley College, Sustainable Agriculture and Resource Systems

www.wvc.edu/directory/departments/agriculture/default.asp

(509) 682-6600

WSU College of Agricultural, Human, and Natural Resource Sciences

www.cahnrs.wsu.edu

(509) 335-6967

WSU Center for Sustaining Agriculture and Natural Resources

www.csanr.wsu.edu

(253) 445-4626

WSU Extension

A list of County Extension Offices is available at www.ext.wsu.edu

WSU Organic Farm

www.css.wsu.edu/organicfarm

(509) 335-5893

WSU Small Farms Team

www.smallfarms.wsu.edu

(509) 663-8181 Ext 235

WSU Small Farm Program's Cultivating Success: Sustainable Small Farms Education

www.cultivatingsuccess.org

(509) 663-8181 Ext 235

Free Farm Listings for Washington State

If you are interested in promoting your farm and products online or on farm maps, the following are good places to start. There may also be specific regions and counties that provide listings.

Food Hub – EcoTrust

www.food-hub.org

(503) 467-0816

Gorge Grown Food Network

www.gorgegrown.com/columbia-river-gorge-food-resources.cfm

(541) 490-6420

Local Harvest

www.localharvest.org

(831) 515-5602

Rural Roots Local Food Guide

www.ruralroots.org

(208) 883-3462

NABC Network

www.agbizcenter.org/farm-network

(888) 707-2021

Tilth Producers Directory

www.tilthproducers.org

(206) 632-7506

Puget Sound Fresh Farm Guide / Cascade Harvest Coalition

www.pugetsoundfresh.org

(206) 632-0606

WSU Farm Finder

www.smallfarms.wsu.edu/farms/locate_search.asp

Recommended Fact Sheets

2. Resources for Spanish-speaking Farmers
3. Resources for Hmong Farmers

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Getting Connected

Resources for Spanish-speaking Farmers

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Small-scale Spanish-speaking farmers and ranchers play an important role in Washington State agriculture. This fact sheet is designed to help Spanish-speaking farm businesses find the information and resources they need in Spanish. This fact sheet includes:

- Programs for Spanish-speaking farmers in Washington State;
- Resources for apple growers;
- Resources from the Washington State Department of Agriculture (WSDA);
- Other State of Washington agencies; and
- National organizations with agricultural resources in Spanish.

Para obtener una copia de “Recursos para Productores del estado de Washington,” poniéndose en contacto por correo electrónico: smallfarms@agr.wa.gov o llame por teléfono: (360) 902-2888.

Programs for Spanish-speaking in Washington State

Center for Latino Farmers

Yakima, WA

www.centerforlatinofarmers.com

(509) 453-3157

Community to Community

Bellingham, WA

www.foodjustice.org

(360) 738-0893

Hispanic Orchardist Employee Education Program

Wenatchee Valley College

www.wvc.edu/directory/departments/agriculture/hoep.asp

(509) 682-6628

Tilth Producers of Washington conference

Includes workshops on organic agriculture in Spanish

www.tilthproducers.org

(206) 442-7620

Tilth and WSU Bilingual Farm Walks

Sponsored by WSU Small Farms Team: www.smallfarms.wsu.edu and “Tilth Producers of Washington” www.tilthproducers.org

(509) 663-8181 Ext. 263

Viva Farms

Mount Vernon, WA

www.vivafarms.org

(360) 707-3223

WSU Small Farms Program

Dr. Malaquias Flores, Latino Farm Coordinator

www.smallfarms.wsu.edu/immigrant-farmers

(509) 952-3346

WSU “Cultivating Success” Bilingual classes

“Small Scale Sustainable Agriculture” and “Farm Business Planning”

Burlington and Mount Vernon, WA

www.CultivatingSuccess.org

(206) 914-7948

WSU Latino Outreach Program

Dr. José García-Pabón

www.extension.wsu.edu/latinocommunity/Pages/default.aspx

(425) 357-6008 or Garciajl@wsu.edu

Washington State Hispanic Chambers of Commerce

www.wshcc.com

(206) 273-7519

Narrated WSU presentations in Spanish:

www.smallfarms.wsu.edu/education/presentations/index.html

- *Coop CSA en español*
- *Haciendo Negocios Profesionalmente en la Agricultura*
- *Practicas Agrícolas para Suelos Fértiles y Saludables, en español*
- *Mercadeo, en español*

“Harvesting and packing Romaine lettuce for safety and quality”

www.youtube.com/watch?feature=player_embedded&v=B7a8-t-QZVs

This video details handling practices for Romaine lettuce from the field to market to preserve safety and quality. 11 min. In Spanish with English subtitles.

Resources for Apple Growers

"Manual de Monitoreo de Plagas, Enemigos Naturales Y Enfermedades del Manzano, Peral Y Cerezo, Una guía ilustrada para el estado de Washington" Por Naná Simone

www.agcenter.org/progpest.html

WSU Tree Fruit Research and Extension Center

www.tfreq.wsu.edu

WSU Apple IPM Transition Project

<http://pmtip.wsu.edu>

WSU Crop Protection Guide for Tree Fruits

www.tfrec.wsu.edu/pages/cpg/Home

WSU Decision Aid System

<http://das.wsu.edu>

Resources from the Washington State Department of Agriculture (WSDA)

Información para Productores Latinos

www.agr.wa.gov/Marketing/SmallFarm/espanol.aspx

For assistance, please call Jorge Lobos at (509) 249-6926 or email JLobos@agr.wa.gov.

Manual de Reglamentos Para el Mercadeo Directo de Productos Agrícolas

www.agr.wa.gov/Marketing/SmallFarm/docs/056S-Greenbook-Spanish-web.pdf

Currently, the 2006 version of the WSDA Handbook for Regulations for Direct Farm Marketing (“The Green Book”) is available online in Spanish.

Manejo del Riesgo y Estrategias para Negocios Agrícolas

www.agr.wa.gov/Marketing/SmallFarm/espanol.aspx

“Risk Management Strategies for Farm Businesses” or Manejo del Riesgo y Estrategias para Negocios Agrícolas is a series of CDs that cover ten risk management themes in Spanish. Completed in March 2009, the series is designed for people who are or are seeking to become farm owners. The CDs are a resource to help producers make strategic management decisions on their farm. They are available for audio download online at www.agr.wa.gov/Marketing/SmallFarm/espanol.aspx, or in hard copy by emailing smallfarms@agr.wa.gov, or calling (360) 902-2888.

WSDA Farm Wisdom Video Series

Licencia para las Queserías Pequeñas:

www.youtube.com/watch?v=ei2gpV_9aR4&list=UUmkuSeMqIVOcUz8i3ZP8MgA

Empezando con un permiso de alimentos caseros

www.youtube.com/watch?v=VtJupna_m4&list=UUmkuSeMqIVOcUz8i3ZP8MgA

GAP, FSMA y Planificación de la Seguridad Alimenticia en la Granja

www.youtube.com/watch?v=eLXxZe6gEgI&list=UUmkuSeMqIVOcUz8i3ZP8MgA

Programas de la Agencia de Manejo de Riesgos (RMA) del Departamento de Agricultura

www.youtube.com/watch?v=LGfril0PxDw&list=UUmkuSeMqIVOcUz8i3ZP8MgA

Reduciendo las brechas Buenas Prácticas agrícolas (GPA, por sus siglas en inglés)

www.youtube.com/watch?v=yxo_VReltYE&list=UUmkuSeMqIVOcUz8i3ZP8MgA

De Productos Lácteos a Pequeña escala

www.youtube.com/watch?v=QhflikNF9SE&list=UUmkuSeMqIVOcUz8i3ZP8MgA

Direct Marketing / Mercadeo Directo, a bilingual production in English and Spanish

www.youtube.com/watch?v=OTpRwkOWg60&list=UUmkuSeMqIVOcUz8i3ZP8MgA

WSDA Farmworker Education

www.agr.wa.gov/PestFert/LicensingEd/FarmworkerEducation.aspx

Other State of Washington Agencies

Access Washington en Español (Departamento de Servicios de Información)

www.access.wa.gov/translations/spanish.aspx

“Small Business Guide” for Washington in Spanish

www.ora.wa.gov/documents/small_business/sbg_spanish.pdf

Published by the Washington State’s Governor’s Office of Regulatory Assistance.

Department of Labor and Industries - L&I (Departamento de Labor y Industrias)

www.lni.wa.gov/spanish

(800) 547-8367

Washington State Department of Revenue - DOR (Departamento de Ingresos)

www.dor.wa.gov/Content/FindTaxesAndRates/espanol

(800) 647-7706

Employment Security Department - EDS (Departamento para la Seguridad del Empleo)

www.esd.wa.gov/uibenefits/spanish

Washington State Commission on Hispanic Affairs

www.cha.wa.gov

(800) 443-0294

National Organizations with Agricultural Resources in Spanish

Complete list of programs and resources for Spanish-speaking farmers is available at:

www.smallfarms.wsu.edu/immigrant-farmers/latino-federal.html

ATTRA en Español

www.attra.ncat.org/espanol

(800) 411-3222

Extensión en Español

<http://extensionenespanol.net>

Éxito en el Norte

www.exitovideos.com

National Immigrant Farming Initiative (NIFI)

www.immigrantfarming.org

On-Farm Food Safety Project en Español

www.onfarmfoodsafety.org/proyecto-de-la-seguridad-alimentaria-en-las-fincas/?lang=es

Recommended Fact Sheets

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3. Resources for Hmong Farmers

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3

Getting Connected

Resources for Hmong Farmers

Washington State has strong Hmong farming communities, primarily in the Puget Sound and Spokane regions. Hmong farmers primarily grow vegetables and cut flowers and are known for their gorgeous flower displays at Washington farmers markets. This fact sheet is designed to help Hmong farm businesses find the information and resources to be successful. This fact sheet includes:

- Programs dedicated to Hmong farmers in Washington State;
- Washington State agencies for business, farm, and advocacy support; and
- National organizations with resources for immigrant farmers.

Programs Dedicated to Hmong Farmers in Washington State

WSU Small Farms Team Program and Resources for Hmong Farmers

www.smallfarms.wsu.edu/immigrant-farmers/hmong-resources.html

This program provides:

- Extension courses on business and farm management, followed by one-on-one counseling;
- Marketing workshops;
- “Farm walks” that promote hands-on learning and information exchange among producers and university specialists. Strategies covered include alternative pest management, soil and water management, and conservation; and
- A Hmong-language hotline; assistance accessing federal programs; sessions on completing loan applications; and support for farmer-led organizations.

For more information, please contact:

Bee Cha, Hmong Program Coordinator

WSU Small Farms Program

Based in King County, WA

Bee_Cha@wsu.edu

(425) 246-3189

Hmong Farmer Association of Washington

Fong Cha, Chairman

Carnation, WA

Fong1347@yahoo.com

(425) 333-4393

Washington State Agencies for Business, Farm and Advocacy Support

Office of Minority and Women’s Business Enterprises

www.omwbe.wa.gov

(360) 704-1187

Washington State Commission on Asian Affairs

www.capaa.wa.gov

(360) 725-5667

Washington State Department of Agriculture (WSDA)

www.agr.wa.gov

Please email smallfarms@agr.wa.gov

(360) 902-2057

Washington State Department of Labor and Industries (L&I)

www.lni.wa.gov

(800) 547-8367

Washington State Department of Licensing (DOL)

www.dol.wa.gov

(360) 664-1400

Washington State Department of Revenue (DOR)

www.dor.wa.gov

(800) 647-7706

Washington State Employment Security Department (ESD)

www.esd.wa.gov

National Organizations with Resources for Hmong Farmers

ATTRA – National Agriculture Information Center

Some publications have been translated into Hmong if you search for them.

www.attra.ncat.org

(800) 411-3222

Farmers' Legal Action Group (FLAG)

www.flaginc.org

FLAG is a nonprofit law center dedicated to providing legal services and support to family farmers and their communities in order to help keep family farmers on the land. They have a specific section dedicated to resources for Hmong farmers: www.flaginc.org/publication/resources-for-hmong-farmers

National Hmong American Farmers (NHAF)

www.nhaf.org

Based in Fresno, CA and Washington DC, the NHAF is a non-profit organization dedicated to preserving Hmong-American farm culture by promoting economic self-sufficiency for Hmong-American and other immigrant and ethnically underrepresented farmers.

National Immigrant Farming Initiative (NIFI)

www.immigrantfarming.org

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4

Running a Successful Farm Business Licensing

Washington State law requires certain licenses and permits for farm and food businesses, depending on the type of farm or food business you operate, what products you sell, where and how you sell your products, and possibly even production methods (e.g., pesticide application). The licenses and permits highlighted below are meant to help guide farmers in the requirements for running a farm business. This fact sheet is not intended to provide legal advice. Please contact specific agencies as well as other jurisdictions (i.e., County and City) to verify what you need. The information provided here covers general, Washington State licenses that may apply to your farm business including:

- Master Business License;
- Specialty Licenses;
- Pesticide Applicator License;
- Cash Buyer's, Produce Dealer's License, and Commission Merchant's License;
- US Department of Transportation Intrastate Number;
- Commercial Driver's License Exemption; and
- Food Handler Permit.

Licensing requirements by farm product are available in the "Regulations for Specific Products" section of the "Small Farm and Direct Marketing Handbook."

Master Business License

A Master Business License is required for any business that grosses more than \$12,000 annually.

A Master Business License is also required for any business that needs a specialty license to operate (even if that business grosses less than \$12,000 per year).

By getting a Master Business License, you will be sent a Washington State Unified Business Identifier (UBI) Number or Tax Registration Number. The UBI is often required for standard business practices such as opening a business bank account.

The Business Licensing Service at the Washington State Department of Revenue has an online "customized business licensing guide" that can customize the licensing information for your business. For more information, please go to: www.bls.dor.wa.gov/licensing.aspx, call (800) 451-7985 or email BLS@dor.wa.gov.

Ownership Structure

To get your business license, you will need to clarify your ownership structure. The definitions of ownership structures are available online: www.bls.dor.wa.gov/ownershipstructures.aspx. If your business will be a Limited Liability Company (LLC) or Corporation, you will need to register at the

Secretary of State's Office (SOS) before filling out the Master Business License. The cost of this registration is \$180 for a paper application and \$200 for an online application. For more information, please visit the SOS site at www.sos.wa.gov/corps.

Employees

Prior to completing the master business application, it is helpful to know if you will have employees, as this must be designated on your application in order to register for state worker's compensation. Unlike an independent contractor, an employee is generally someone for whom an employer determines their work schedule, hours, and job responsibilities. They usually receive a federal W-2 form (employee wages) from the employer and have federal income tax, social security contributions, and workers' compensation withheld from their paycheck.

Fees

The Master Business License application fee is \$19.00. However, it costs an additional \$19.00 each time you change your Master Business License in any way, including adding a specialty license, hiring employees after you've completed your license, or registering a trade name after you've completed your license. Trade names (e.g., Market Gardens doing business as Edible Gardens) are optional and it costs an additional \$5.00 to register each trade name.

Specialty Licenses

Specialty Licenses are added on to your Master Business License and also administered through the Washington State Business Licensing Service. Specialty Licenses are required by law. Here are the most frequently encountered Specialty Licenses for farm businesses:

- selling by weight and use scales;
- selling eggs off-farm;
- selling more than \$100 of nursery products per year (excluding cut flowers);
- selling taxable items (such as cut flowers);
- selling alcohol;
- selling seeds grown by farms other than your own;
- selling and distribute bulk fertilizer ; or
- selling pesticides.

Specialty Licenses are renewable annually and the fees depend up which specialty license you need. For example, if you want to sell eggs to a restaurant, you will need to apply and pay online for your Master Business License (if you don't have it already) and your specialty Egg Handler/Dealer License. Once you have these licenses, then the WSDA will come out and inspect your operation, and when approved, your licensing will become complete and you are ready to do business. A complete list of specialty licenses and fees are available online at: www.bls.dor.wa.gov/specialtylicenses.aspx.

Pesticide Applicator License

The Washington State Department of Agriculture requires an annual Pesticide Applicators License for people if they apply or supervise the application of a restricted use pesticide:

- on land that they own or rent; or
- for their employer for the purpose of producing an agricultural commodity.

The license currently ranges from \$33 to \$215 per year depending upon application type.

Classes and tests are required for each license and are available throughout the state. Many of these classes are available in Spanish. For more information, please go to:

www.agr.wa.gov/PestFert/LicensingEd, email license@agr.wa.gov, or call (877) 301-4555.

Cash Buyer's, Produce Dealer's, and Commission Merchant's License

Any person who purchases agricultural products for re-sale must be licensed each year as a commission merchant, dealer, or cash buyer by the Washington State Department of Agriculture Commission Merchants Program. For example, a person or business that purchases 20 cases of apples from a farmer, distributor or packing house to sell at a farmers market, to a grocery store, or to a distributor needs one of these licenses. Washington's Commission Merchants Program was established to protect producers, buyers, and sellers of agricultural products against illegal business practices.

Cash Buyer's License

A Cash Buyer's License is required for anyone who 1) buys produce for the purpose of reselling, and 2) pays cash at the time of taking possession. A cashier's check, certified check, or bank draft may be used in lieu of cash, but no personal or business checks may be used. A Cash Buyer may not deal in livestock, hay, grain, or straw. A Cash Buyer's License costs \$135 per year.

Produce Dealer's License

A Produce Dealer's License is similar to a Cash Buyer's License. It is required for anyone who 1) buys produce for the purpose of reselling, and 2) pays the grower by personal check or buys on credit. A Produce Dealer's License is \$605 and the licensee must be bonded for \$10,000. To view a list of licensed produce dealers go to:

www.agr.wa.gov/Inspection/CommissionMerchants/docs/rptProduce.pdf.

A Commission Merchant's License

A Commission Merchant's License is required for anyone who 1) buys produce for the purpose of reselling, and 2) is being paid a sales commission by the producer. Anyone who receives any agricultural product on consignment for sale or processing needs this license. A Commission Merchant's License costs \$605 and the licensee must be bonded for an amount based upon the annual gross dollar amount of purchases.

Licenses must be renewed prior to January 1, or penalties will be charged. For more information, please visit the WSDA Commission Merchants Program at

www.agr.wa.gov/Inspection/CommissionMerchants or contact them by emailing commerch@agr.wa.gov or calling (360) 902-1822.

US Department of Transportation Intrastate Number

In Washington State, commercial vehicles owned and operated by farmers must have a Department of Transportation intrastate number from USDOT if they are:

- more than 10,000 pounds Gross Vehicle Weight **and** one of the types of vehicles described by DOL at www.dol.wa.gov/vehicleregistration/intrastatedot.html; **and**
- used to transport your own orchard, farm, or dairy products, livestock, or plant or animal waste within Washington State.

To get a USDOT number, you must go to the United States Department of Transportation. There is an online registration and compliance assistant program that will help you register by asking questions about the size of vehicles you operate and if you will be carrying passengers at www.fmcsa.dot.gov/online-registration.

The USDOT Intrastate number is free and the vehicles are exempt from safety audits and compliance reviews. Complete information about Washington State DOT licensing requirements can be found at www.dol.wa.gov/vehicleregistration/intrastatedot.html, or call (360) 596-3810.

Commercial Driver's License Exemption

By law, farmers transporting farm equipment, supplies, or products to or from a farm, in a farm vehicle are not required to have a commercial driver's license if the vehicle is:

- operated by the farmer or a farm employee;
- not used in the operation of a common or contract motor carrier; and
- used within 150 miles of the farm (in an air-mile radius).

In this case, farm products include Christmas trees or wood products transported by vehicles weighing no more than 40,000 pounds licensed gross vehicle weight. This weight restriction applies only to Christmas trees and wood products.

If farmers meet all requirements for this commercial driver's license exemption, they may operate farm-exempt vehicles and cross into Idaho and Oregon.

Food Handler Permit

Washington State law, Chapter 246-217 WAC, requires that all food workers have food safety training before handling food served to the public. "Food" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption (Washington State Retail Food Code). Food workers who attend a food safety training class and pass the State of Washington exam on food safety basics are issued a Food Handler Permit (also called a Food Worker Card).

It is now possible to take the Food Worker Permit training and the test online at: www.foodworkercard.wa.gov.

A copy of the "Food Worker Manual" study guide is available in ten languages and Braille upon request, please go to: www.doh.wa.gov/CommunityandEnvironment/Food/FoodWorkerandIndustry/FoodWorkerManual.aspx, or call (800) 525-0127.

You can also get the Food Worker Permit training in-person and take the test at your local health jurisdiction. To find the county health department or district office near you, go to www.doh.wa.gov/CommunityandEnvironment/Food/LocalFoodSafetyContacts.aspx.

Your first Food Worker Card is valid for two years and costs \$10.00. Before the card expires, you must take the food safety training class and pass the exam again. Renewal cards are valid for three or five years.

Recommended Fact Sheets

- 8. Labor on the Farm
- 19. WSDA Food Processor License and Facilities

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888



5

Running a Successful Farm Business

Financing Your Farm

Whether you are considering starting a new venture or expanding your existing farm business, access to adequate capital can be a challenge. To address this need, there are loan and grant programs designed specifically for farm and food businesses. Farms may also be eligible for small business loan programs based on a range of criteria: minority or women-run, youth, business location in a rural area, etc. This fact sheet covers:

- Self-financing and private capital;
- Washington State Housing Finance Commission Loan;
- Northwest Farm Credit Services Loan;
- USDA Farm Service Agency Loans;
- USDA Rural Development Grants;
- Craft3 Loans;
- Small Business Administration Loans;
- HumanLinks Foundation Loans and
- Slow Money NW Loans and Grants.

Self-financing and Private Capital

Financing for start-up businesses may include personal funds; loans from private investors such as family, friends, business associates and suppliers; home equity loans; refinancing of real estate; credit card lines of credit; value on life insurance policies and co-signing possibilities.

The key step in financing is creating a business plan and/or doing a close review of all financial statements to ensure they are accurate and complete. These financial statements generally include actual or projected balance sheets, profit and loss statements, cash flow projections, break-even analysis, sources and uses of funding, tax returns, schedule of existing indebtedness and, if a privately-held company, your personal financial statements.

If you are not able to get financing from commercial banks, savings and loans or other financial institutions, other options include seeking investors, finding someone to guarantee your loan or finding an institution with more flexible lending requirements. The following information may get you started in your search.

Washington State Housing Finance Commission Loan

The Washington State Housing Finance Commission's **Beginning Farmer/Rancher Loan Program** is a public agency that offers low-interest loans that can be combined with other loans and grants, such as those from Northwest Farm Credit Services and USDA's Farm Credit Services. The total loan amount available changes annually and is linked to inflation. For 2014, loans are available up to

\$509,600 for land and improvements. The equipment costs are in state code and have not changed since the program's inception in 2008. \$125,000 is available for new depreciable agricultural property or equipment, and \$62,500 for used depreciable property or equipment.

Individuals or families who have not owned and operated a farm or ranch, or, those who have owned and operated a farm or ranch that was less than 30% of the county's median farm size are eligible. The borrower must directly manage and work the farm/ranch. Off-farm income is allowed. For more information, please see: www.wshfc.org/FarmRanch.

Northwest Farm Credit Services Loan

Northwest Farm Credit Services is a private company with offices throughout Washington. They offer a **Ag Vision: Loans for Young, Beginning, or Small Producers** program is designed to meet the needs of customers with at least one of the following characteristics:

- 35 years of age or younger;
- less than 10 years agricultural experience; or
- producer with farm production less than \$250,000 annually.

Northwest Farm Credit Services also has other programs that offer financing to farmers, ranchers, agribusinesses, commercial fishermen, timber producers. For more information, please see: www.farm-credit.com.

USDA Farm Service Agency (FSA) Loans

The USDA Farm Service Agency (FSA) is a public agency that provides loans to established as well as beginning farmers who cannot obtain commercial credit from a bank, Farm Credit System institution, or other lender. FSA has a variety of types of loans available and farmers can apply for more than one type of loan at a time. The types of loans available include:

- **Farm ownership loans.** To purchase or enlarge a farm or ranch, construct a new, or improve an existing, farm or ranch building, pay closing costs, and pay for soil and water conservation and protection. FSA has special down payment options for beginning farmers and ranchers.
- **Operating loans.** To purchase livestock and equipment and pay for minor real estate repairs and annual operating expenses.
- **Microloans.** Designed with shortened application process and reduced paperwork to meet the needs of smaller, non-traditional, and niche type operations, there is no minimum for the microloan. The maximum amount in 2014 was \$35,000.
- **Emergency loans.** Financial assistance for a qualifying loss caused by natural disasters that damaged your farming or ranching operation. Emergency loan funds may be used to restore or replace essential property, pay all or part of production costs associated with the disaster year, pay essential family living expenses, reorganize the farming operation, and refinance certain debts.
- **Conservation loans.** To finance the implementation of a conservation practice in an approved conservation plan.
- **Land contract guarantees.** To provide certain financial guarantees to the seller of a farm or ranch through a land contract sale to a beginning or socially disadvantaged farmer or rancher.

- **Farm storage facility loans.** To provide low-interest financing for producers to build or upgrade farm storage and handling facilities. These loans are available for most crops including grains, oilseeds, fruits, vegetables and hay. Check FSA for eligible crops.

Additionally, FSA makes operating loans of up to \$5,000 to eligible individual rural youth age 10 through 20 to finance income-producing, agriculture-related projects. The project must be of modest size, educational, and initiated, developed and carried out by rural youths participating in 4-H clubs, Future Farmers of America or a similar organization. For complete information on FSA loan programs, please see the Farm Service Agency website at: www.fsa.usda.gov.

USDA Rural Development Grants

USDA Rural Development is a public agency that has several grant programs. Recipients of these programs may include individuals, corporations, partnerships, cooperatives, public bodies, nonprofit corporations, Indian tribes, and private companies. Rural Development's grant programs for farmers include financing for projects from alternative energy (REAP) to value-added food processing as well as larger, regional enterprises.

- Rural Business Enterprise Grants: www.rurdev.usda.gov/wa/BUSRBE.htm
- Rural Business Opportunity Grant: www.rurdev.usda.gov/wa/BUSRBOG.htm
- Rural Economic Development Grant: www.rurdev.usda.gov/wa/BUSREDDG.htm
- Value Added Producers Grant: www.rurdev.usda.gov/wa/BUSVAPG.htm
- 2008 Farm Bill Renewable Energy Provisions:
www.usda.gov/documents/FB08_Pub_Mtg_Renew_Energy_Factsheet.pdf
- Rural Energy For America Program (REAP): www.rurdev.usda.gov/wa/BUSREAP.htm

For more information, please visit: www.rurdev.usda.gov/wa/BUSgrants.htm or call the Washington State office at (360) 704-7710.

Craft3 Loans

Craft3 is a nonprofit lender serving Washington and Oregon by providing loans to entrepreneurs, nonprofits, individuals and others who do not normally have access to financing. Business loans are tailored to your unique situation, whether you have an existing business, or a plan for a new business. Business loans can be used to finance real estate, working capital and/or financing for the acquisition of additional or replacement furniture, fixtures, equipment and related personal property. Craft3 complements their financial resources with additional expertise, networks and advocacy for their clients. Craft3 provided almost \$1 million in capital to businesses in the food systems industry in 2013. For office locations, company profiles of the businesses they have funded, for an application, or more information, please visit: www.Craft3.org, call (206) 447-9226, or email: info@craft3.org.

Small Business Administration Loan

The Small Business Administration (SBA) has a "7(a) Program" that provides loan guarantees to small businesses for working capital or fixed asset purchases. This loan guarantee is a promise by SBA to

assume a private debt obligation if the borrower defaults. Visit www.sba.gov or www.sba.gov/financialassistance/borrowers/guaranteed for more information.

HumanLinks Foundation Loans

The HumanLinks Foundation offers a micro-loan program for sustainable farmers in Washington. As of August 1, 2014, in partnership with Banner Bank, sustainable farmers may apply for loans ranging from a minimum of \$2,500 to a maximum of \$30,000. Loans to sustainable farmers are offered at a 3% interest rate for up to 5 years. For more information and a copy of the application, please contact nancy@humanlinksfoundation.org.

Slow Money NW Loans and Grants

Slow Money NW has developed loan and grant programs to support regional food systems and farm and food businesses. Many of these programs are innovative funding packages and may be offered once (not annually). Programs include:

- The Cascadia Foodshed Funding Project
- Farmer Reserve Fund
- Seeds of Success Incentive Program

For more information on these or upcoming funding programs contact www.slowmoneynw.org or contact them at info@slowmoneynw.org or (206) 300-9860.

Recommended Fact Sheet

1. Networks for Washington State Small Farms

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



6

Running a Successful Farm Business

Taxes

Like any small business, farmers are liable for paying a variety of taxes. These are determined by variables such as whether or not you own your land, have employees, sell non-food items, and where and how you sell your farm products. There are also some farm exemptions from paying taxes. This fact sheet is intended to help you navigate the world of taxes and your responsibilities and exemptions as a farmer and entrepreneur. *This information is for general educational purposes only and is not intended to take the place of professional advice from lawyers and Certified Public Accountants.* The IRS Web site is also a good resource.

This fact sheet covers the following taxes:

Federal taxes:

- IRS Schedule F: Profit or Loss From Farming;
- Self-employment tax;
- Payroll taxes; and
- Unemployment insurance taxes.

Washington State and local taxes:

- Business and Occupation Tax;
- Retail Sales Tax;
- Use Tax;
- Litter Tax;
- State Payroll Taxes;
- Workers' Compensation Insurance;
- Unemployment Insurance Tax;
- Property Tax and Open Space Designations; and
- Purchasing goods without paying tax – Reseller Permit.

Federal Taxes

IRS Schedule F: Profit or Loss from Farming

Self-employed farmers report income and expenses from their farming business on the Internal Revenue Service (IRS) Form 1040 Schedule F. Schedule F is only for farmers who have their business incorporated as a sole proprietorship. If you are the sole member of a domestic LLC engaged in the business of farming, you may also file Schedule F (Form 1040). However, you can elect to treat a domestic LLC as a corporation. Farmers who operate their farming business through a corporation or other business entity must report income and expenses on the appropriate business tax form.

The key to preparing an accurate Schedule F is to keep excellent records of your income, crops, livestock, other assets, and various expenses. Using accounting software can be very helpful.

Farmers may receive income from many sources, but the most common source is the sale of livestock, produce, grains, and other products raised or bought for resale. The entire amount a farmer receives, including money and the fair market value of any property or services, is reported on Schedule F.

Bartering is another income source for farmers. Bartering occurs when farm products are traded for other farm products, property, someone else's labor or personal items. For example, if a farmer helps another farmer build a barn and receives a cow for his work, the recipient of the cow must report its fair market value as ordinary income. If the farmer uses this cow for business purposes, he may be able to claim depreciation over its useful life as well as deduct the expenses incurred for the cow. However, if the cow is for personal use, no depreciation or expenses for the cow would be deductible.

The ordinary and necessary costs of operating a farm for profit are deductible business expenses. These include farm labor and depreciation.

If a farmer pays his child to do farm work and a true employer-employee relationship exists, reasonable wages or other compensation paid to the child is deductible. The wages are included in the child's income, and the child will have to file an income tax return. To find these limits refer to Filing Requirements for Dependents in IRS Publication 501, Exemptions, Standard Deduction and Filing Information. These wages may also be subject to social security and Medicare taxes if the child is age 18 or older.

Farmers can depreciate most types of tangible property such as buildings, machinery, equipment, vehicles, certain livestock and furniture. The big exception is land; farms cannot deduct depreciation for land. Farmers can also depreciate certain intangible property, such as copyrights, patents, and computer software.

To be depreciable, the property must meet the criteria below:

- Be property the farmer owns;
- Be used in the farmer's business or income-producing activity; and
- Have a useful life that extends substantially beyond the year placed in service as defined by the IRS.

Some expenses paid during the tax year may be partly personal and partly business. Examples include gasoline, oil, fuel, water, rent, electricity, telephone, automobile upkeep, repairs, insurance, interest and taxes. Farmers must allocate these expenses between their business and personal allocations. Generally, the personal part of these expenses is not deductible as a business expense.

For example, a farmer paid \$1,500 for electricity during the tax year. She used one-third of the electricity for personal purposes and two-thirds for farming. Under these circumstances, two-thirds of the electricity expense, or \$1,000, is deductible as a farm business expense. Records must be maintained to document the business portion of the expense.

Information about other deductible expenses and reporting requirements can be found in IRS Publication 225, Farmer's Tax Guide: www.irs.gov/uac/Publication-225,-Farmer%27s-Tax-Guide.

Self-Employment Tax

You are considered “self-employed” by the IRS if any of the following apply:

- You carry on a trade or business as a sole proprietor or an independent contractor;
- You are a member of a partnership that carries on a trade or business; and
- You are otherwise in business for yourself.

Self-employment tax (SE tax) is a Social Security and Medicare tax primarily for individuals who work for themselves. It is similar to the Social Security and Medicare taxes withheld from the pay of most wage earners.

You must pay SE tax and file Schedule SE (Form 1040) if your net earnings from self-employment were \$400 or more.

The SE tax (your contribution to Social Security and Medicare) is 15.3 % of the gross earnings. In addition, you must estimate your income taxes and make quarterly payments. Penalties apply for late and under payments.

Federal Payroll Taxes

If you have employees, you are required to pay both federal and state payroll taxes. See the section below for state payroll taxes. The federal payroll taxes are for Social Security and Medicare. Employees and employers share these taxes, with the employer deducting the employee share (one-half the total due) from wages/salaries, and the employer paying the other half.

Generally speaking, employers report payroll by calculating gross pay and various payroll deductions to arrive at net pay. While this seems simple enough to understand, calculating various payroll deductions requires that the person responsible for payroll be detail-oriented and work with extreme accuracy.

Payroll taxes must be withheld from an employee's paycheck and it is the employer's responsibility to pay these taxes to the IRS. This is required by law.

Payroll tax deductions include the following:

- Social Security tax withholding (6.2% up to the annual maximum);
- Medicare tax withholding (1.45%); and
- Federal income tax withholding (based on withholding tables in IRS Publication 15 and built into accounting software).

Unemployment Insurance Taxes

In addition, you are liable for Federal Unemployment Tax. The Federal Unemployment Tax Act (FUTA), with state unemployment systems, provides unemployment compensation to workers who have lost their jobs. Most employers pay both a federal and a state unemployment tax. FUTA is an employer only tax, meaning the employee is not responsible for any portion of this tax.

Washington State and Local Taxes

For complete information about Washington State taxes, you can refer to “New Business Tax Basics” published by the Washington State Department of Revenue (DOR) at:

www.dor.wa.gov/Docs/Pubs/ExciseTax/BusinessTaxBasics.pdf.

The DOR also produces the “Agricultural Tax Guide” highlighting all of the relevant taxes for different farm businesses at

www.dor.wa.gov/Content/DoingBusiness/BusinessTypes/Industry/Agriculture/default.aspx.

Washington State does not have a corporate, unitary, or personal income tax. However, the majority of Washington businesses are subject to one or more of the following taxes:

- Business and Occupation Tax (B&O);
- Retail Sales Tax; and
- Use Tax.

Complete information about these taxes can be found at:

www.dor.wa.gov/content/FindTaxesAndRates.

Business and Occupation (B&O) Tax

The state Business and Occupation (B&O) tax is based on your gross business income. It is measured on the value of products, gross proceeds of sale, or gross income of the business. Washington’s B&O tax is calculated on the gross income from activities. This means there are no deductions from the B&O tax for labor, materials, taxes, or other costs of doing business.

Farmers who sell wholesale products that they have grown on their farm qualify for a B&O tax exemption.

The B&O tax rate varies by classification. Once you know which classification your business fits into you can find the rate that corresponds to your classification on the list of B&O tax rates at www.dor.wa.gov/Content/FindTaxesAndRates/BAndOTax/BandOrates.aspx. The B&O tax is reported and paid on the excise tax return by electronic filing or on a paper return in some cases. If you are a new business, register with the Department of Revenue first. Once you are registered, you will receive information about filing.

Monthly returns are due on the 25th of the following month; quarterly returns are due by the end of the month following the close of the quarter; and annual returns are due January 31st.

For complete information contact the Washington Department of Revenue at

www.dor.wa.gov/content/FindTaxesAndRates/BAndOTax, or call (800) 647-7706. .

Many municipalities levy an additional B&O tax on all business conducted within their jurisdiction. If you are making sales within a designated city you may be responsible for paying a Business and Occupation tax to that city. Check with the local taxing authority such as the Finance Department or Treasurer.

Retail Sales Tax

Retail sales tax is Washington’s principal revenue source. Businesses making retail sales in Washington collect sales tax from their customer. Generally, a retail sale is the sale of tangible

personal property. It is also the sale of services such as installation, repair, cleaning, altering, improving, construction, and decorating. Other services include improving real or personal property, amusement and recreational activities, lawn maintenance, and physical fitness activities.

Retail sales tax includes both the state and local components of the tax.

Sales tax amounts collected must be remitted to the Department of Revenue. The seller is liable to the Department of Revenue for sales tax, whether or not it is collected.

For a complete list of taxable goods and services contact the Washington Department of Revenue. Visit www.dor.wa.gov/content/FindTaxesAndRates/RetailSalesTax or call (800) 647-7706.

Use Tax

Goods used in this state are subject to either sales or use tax, but not both. The use tax compensates when sales tax has not been paid.

Use tax is determined on the value of the goods when first used in Washington. Generally, this is the purchase price. However, a depreciated value may be determined if the goods are used outside the state for a lengthy time before use in Washington by the same person. For example, if a farmer buys a tractor in Oregon (where there is no sales tax), he or she must pay a use tax on the current value at the time it comes into Washington.

For complete information on tax rates and how to pay contact the Washington Department of Revenue. Visit www.dor.wa.gov/content/FindTaxesAndRates/UseTax, or call (800) 647-7706.

Litter Tax

The Litter Tax is a tax on manufacturers, wholesalers, and retailers of certain products which contribute to the litter problem in this state. There are thirteen categories of products subject to the litter tax including food for human or pet consumption, packaged groceries, and the use of glass, metal, or plastic containers and paper products.

The Litter Tax is reported on the excise tax return as a line item. The rate is 0.00015 of the taxable amount. The funds are used by Department of Ecology for a litter control program employing youth to clean up public places, and for public education and awareness programs relating to litter control and recycling.

For complete information on tax rates and how to pay contact the Washington Department of Revenue. Visit www.dor.wa.gov/content/FindTaxesAndRates/OtherTaxes/tax_litter.aspx or call (800) 647-7706.

State Payroll Taxes

If your farm has employees, you are responsible for state payroll taxes in addition to the federal payroll taxes.

When you hire an individual as an employee (not an independent contractor) to work or perform a job for you, no matter how small the job is, you need to report that individual to the Employment Security Department (ESD). There is no minimum dollar or hour threshold that needs to be met before an individual is considered reportable as an employee.

Report and pay your state payroll taxes quarterly on the tax form that comes from ESD with your established base rate. A new rate notice is sent to employers annually.

For complete information contact the Washington Employment Securities Department at www.esd.wa.gov, or call (888) 836-1900 for general tax information and forms.

Workers' Compensation Insurance

Employers are required to pay workers' compensation premiums for employees. This tax assessment is based on the number of hours worked per particular work classification. This assessment is determined by a caseworker that is assigned to the employer when a tax number called a Unified Business Identifier (UBI) is issued with a Master License. Agricultural operations paying wages to family members over the age of 18 must pay into the Workers' Compensation Fund.

L&I rates are based on established claims history in the industry. A baseline is established for your business and you can manage the experience rating by belonging to a Retrospective Rating (Retro) group. Retro is an optional financial incentive program offered by L&I to help qualifying employers reduce their industrial insurance costs. An individual employer can control costs by maintaining a safe work environment and minimizing accident claims which results in a reduced experience factor, and lower premiums.

Employers can enroll on their own or in group plans sponsored by trade associations and/or professional organizations. The Washington State Farm Bureau is the Retro Trade Association for farmers in Washington. For details on their program, visit www.wsfb.com/employers/retro.

Employers may receive premium refunds or they may be assessed additional premium based on their performance. For complete information call (866) 219-7321, or visit www.lni.wa.gov/ClaimsIns/Insurance/Reduce/Qualify/About/default.asp.

An employer's introduction to L&I can be found at: www.lni.wa.gov/Safety/TrainTools/Workshops/Available/EmpOrien.

Local workshops may be available from your local WorkSource or Economic Development office to learn more about taxes and state services, such as tax requirements for various types of businesses, how to report and pay state taxes properly, and requirements for reporting new employees.

Unemployment Insurance

Every business with employees in Washington State must register with the Employment Security Department (ESD) and file unemployment insurance taxes every quarter. To register your business, complete a Master Business Application. It establishes your account with the Departments of Labor & Industries and Revenue and with Employment Security.

For existing businesses that have expanded and you now have employees, you must register to begin paying unemployment-insurance taxes. To register, submit a new Master Business Application indicating that you have employees. Be sure to include the Unified Business Identifier (UBI) Number that you were originally assigned.

ESD has a video to help businesses plan for and pay their taxes that explains wage-reporting requirements for the departments of Employment Security, Revenue and Labor & Industries. For this video as well as an unemployment insurance online filing tool, and available payment options visit www.esd.wa.gov/uitax/taxreportsandrates/fileandpaytaxes/file-your-taxes.php.

For information about your tax rate, penalties, benefits claimed by a former employee, or to find your local tax office call the Washington Employer Help Line at (888) 836-1900 or visit www.esd.wa.gov.

Individual employers can control their costs by good record keeping and by responding to a “Notice of Claim.” When a former employee files for unemployment benefits, for up to three years after their termination of employment with you, you will receive a “Notice of Claim”. It is essential that you respond to these notices when you can document a ‘voluntary quit’ or ‘discharge for misconduct’. By responding to these notices with a “request for relief of benefits charges” your experience rating will not be charged, and thus, you will pay a lower tax rate. Additional information is available online: www.esd.wa.gov/uitax/appeal/relief-of-benefit-charges.php.

Property Tax and Open Space Designations

There are two types of property taxes that farmers may be liable for: real property tax and personal property tax. If you own your land and buildings you will be assessed for real property tax. For questions about paying your property tax or your property valuation, please contact your local county assessor.

Most farm equipment, machinery and supplies are subject to personal property tax. An exemption or partial exemption may apply to some farm machinery and equipment. Contact your local assessor for exemption information. You may find DOR’s Fact Sheet on Personal Property Tax useful: www.dor.wa.gov/docs/pubs/prop_tax/persprop.pdf.

The Open Space Taxation Act, enacted in 1970, allows property owners to have their open space, farm, agricultural, and timber lands valued at their current use rather than at their highest and best use. The Act states “it is in the best interest of the state to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens.”

Applications may be made for open space classification at any time during the calendar year. Current use valuation assessment begins on January 1 in the year following the year the application was filed.

Application forms are available from the county assessor’s office or by visiting the Department of Revenue’s web site at www.dor.wa.gov.

Farmers should submit applications to the assessor in the county where the property is located. The city or county may charge a fee that covers the processing of the application. These fees vary from one jurisdiction to another.

For an informational overview on open space taxation and what properties qualify, visit www.dor.wa.gov/docs/Pubs/Prop_Tax/OpenSpace.pdf or call the Department of Revenue Taxpayer

Assistance, Property Tax Division at (360) 570-5900. For an excellent review of the open space tax, visit the Office of Farmland Preservation's Web site: www.ofp.scc.wa.gov.

Purchasing Goods without Paying Tax – Reseller Permits

Farmers registered with the Washington State Department of Revenue can purchase certain goods without paying tax. Qualifying purchases specifically exempted by law under RCW 82.04.050 include:

- Feed, seed, seedlings, fertilizer, pesticides and spray materials;
- Items for resale; and
- Agents for enhanced pollination including insects such as bees.

Farmers who purchase goods at wholesale will need to use one of the following:

- Reseller Permit issued by the Department of Revenue
- Farmers' Certificate for Wholesale Purchases and Sales Tax Exemptions

To use this certificate, you must be a farmer who produces an agricultural product for sale on land you own or have a present right of possession. You must provide a copy of the certificate in order to purchase these eligible items without paying sales tax. For detailed information see

www.dor.wa.gov/Content/FindTaxesAndRates/RetailSalesTax/ResellerPermit/Farmers.aspx

Recommended Fact Sheets

4. Licensing
8. Labor on the Farm

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



7

Running a Successful Farm Business Insurance

When accidents or natural disasters happen, farm and food businesses need business tools such as insurance to cover physical damage and loss of income. Insurance can also help minimize your liability, legal fees, possible interruptions to your business, and even negative publicity. It can help you weather disruptions from natural disasters, accidents, and in some cases market devaluation. Insurance may be required by your lender or buyers. Knowing exactly what to insure, what types of insurance is available (or required), what level of coverage you need, and what policies cost can be especially complicated for diversified, direct marketing farm businesses and for smaller operations that blend business assets with their home and personal property. This fact sheet provides information on:

- Where to start;
- Commercial General Liability insurance;
- Product Liability insurance; and
- Crop insurance.

Where to Start

Identifying the real risks on your farm can help you figure out which insurance coverage you need. What are some worst case scenarios that could happen on your farm? Which of these are most likely to happen? One way to figure this out is to write out and evaluate the Strengths, Weaknesses, Opportunities and Threats to your business (SWOT). The U.S. Department of Agriculture provides this case study and SWOT worksheet for farms at http://farm-risk-plans.rma.usda.gov/pdf/swot_brochure_web.pdf.

Insurance coverage can be found for nearly any farm activity. Since the costs vary, it helps to shop around for the insurance that best suits your needs and matches your farm's business plan. If your farming operation is very small, you may be able to simply add coverage to your homeowner's policy. However, if you are doing any sort of direct marketing off-farm, then you need to discuss precisely what your policy will and will not cover with a qualified insurance agent.

Once you have purchased a policy, remember to inform your agent anytime you make a change in your operation. Do not assume you will be covered for a new product or activity simply because it is a part of your operation or is similar to those for which you already have coverage. If an activity or product is not spelled out specifically in your policy, you are probably not covered.

The online "The Legal Guide for Direct Farm Marketing" created by the Drake University Agricultural Law Center is a good resource for general principles and definitions. Chapter 10 is on Insurance and Liability: <http://directmarketersforum.org/chapter-ten-insurance-and-liability>.

Commercial General Liability

Commercial general liability (CGL) policies combine liability insurance with property insurance. This might meet the needs of farms that process foods, sell flowers, non-edibles, or have the public on the farm.

Event Endorsements

A CGL policy can have an “event endorsement” that will cover any injuries or mishaps that occur when you invite the public onto your farm. This is especially important if you are considering any form of farm stand, tours, U-Pick or agritourism, and may even be applicable if you are having customers pick up CSA shares at your farm. All activities and events should be well defined within your coverage.

There are exceptions to this. When landowners invite the public, free of charge, onto their land “for the purpose of outdoor recreation (specifically defined);” the landowner is not responsible for unintentional injuries incurred by the users (RCW 4.24.210). However, this law does not apply if a person is charged a fee to enter or make use of the land.

If your farm has a roadside stand, you may be able to include this in your overall farm policy whether or not it is on your property, but you must clarify this with your insurance agent.

An “endorsement,” also known as a rider, addendum, or attachment is a written document attached to an insurance policy that modifies the policy by changing the coverage of the policy. An endorsement can add coverage for acts or things that are not covered as a part of the original policy and can be added at the inception of the policy or later during the term of the policy. An endorsement is simply the specific coverage that an underwriter has agreed to cover with a specified limit of liability, usually an amount greater than the insured’s collective assets.

Product Liability Insurance

Product liability insures vendors from any claim made against them on the basis of their product. While a claim could be about a food borne illness after eating a vendor’s product, the claim could be for an alleged allergic reaction to a food product, lotion, wool scarf, or a small piece of jewelry being swallowed, or any number of scenarios. One of the main functions of this type of insurance is to cover your legal fees in contesting such claims.

Product liability insurance is sometimes included in or added to a business policy. Underwriters may exclude some of your products from the product liability insurance policy if they are not comfortable insuring them. For example, farmers may have difficulty getting product liability insurance for poultry if they both raise and process the poultry themselves.

The recommended amount of coverage for property and liability is based on the farm’s net worth and five years of earnings.

Vendor Insurance Requirement to Sell at Farmers Markets

Source: “Washington State Farmers Market Management Toolkit” Chapter 9:
www.csanr.wsu.edu/washington-state-farmers-market-management-toolkit

If a farmers market vendor or the vendor’s product is accused of injuring “person or property” at the farmers market, then the vendor will be responsible for his or her legal defense and any claim (even if the vendor is proven to be innocent). Consequently, most farmers markets in Washington require their vendors to carry commercial general liability (CGL) insurance. In many cases, the market also requires that the farmers market is listed as an “additional insured” on the vendor’s policy. Currently, most farmers markets in Washington do not require their vendors to carry product liability insurance. However, many markets are looking into this as public concern about food safety and other issues grow.

CGL insurance typically covers the vendor for any real or perceived harm done to people or property at the farmers market. This may include having his or her tent blow over on a vehicle (or another vendor), a display malfunction that lands on a shopper, “trip and fall” incidents, or any other type of general accident that can potentially damage property or injure someone at the market. The industry standard for a general liability policy typically starts at \$1 million; however, some markets allow lower minimums for certain vendor types.

If a vendor already has another form of general liability insurance, he or she should check to be sure it covers their business activities at the farmers market. Typically, a home owner’s policy will not insure off-site activities. So, once the vendor leaves the curb of his or her house, they may no longer be covered by that insurance policy. The same principle may apply to farm policies also. The key is to check the details of the general liability policy to make sure it includes business activities at the farmers market. If not, it may need to be added.

Most farmers markets also carry CGL policies. However, the market’s CGL policy probably does not cover vendors per se who are technically considered “tenants” of the farmers market.

Campbell Risk Management has worked closely with the national Farmers Market Coalition to develop a National Farmers Market Vendor Liability Insurance Program. It provides \$1,000,000 per occurrence in both general commercial and product liability coverage with no deductible and a \$2,000,000 annual aggregate limit. Premiums typically run from \$275 to \$425 per policy year, depending on gross annual farmers market sales. The policy includes coverage for all farmers markets at which a vendor sells and automatically adds the market as an additional insured (for no extra charge). For more information, please see: www.farmersmarketcoalition.org/crm_insurance.

Crop insurance

Crop insurance provides protection for a particular crop or to cover any losses due to crop failure or, in some cases, market failure. The USDA Risk Management Agency (RMA) manages a range of crop insurance programs that are offered through private insurance companies. Additional information can be found online at www.rma.usda.gov/policies, or by calling the Spokane regional office at (509) 228-6320, or email RSOWA@rma.usda.gov.

To calculate your crop insurance premium online, RMA has a cost estimator available at <https://ewebapp.rma.usda.gov/apps/costestimator>.

AGR-Lite

Probably most suited to diversified, small farms is a crop insurance program called Adjusted Gross Revenue Lite (AGR-Lite) created by RMA in 2004. This program covers revenue losses due to natural disaster or market downturns for the entire operation based on an average derived from your IRS schedule F reported income.

For information about federal crop insurance or AGR-Lite, please contact an insurance agent familiar with this program. For a list of insurance agents in the state visit the Insurance Provider Directory from the RMA at: www.rma.usda.gov/tools/agent.html.

RMA also offers help with risk management more generally. To get started, please see the: **Risk Management Checklist** available online at:

www.farm-risk-plans.rma.usda.gov/pdf/risk_management_checklist.pdf

“Building a Risk Management Plan” is also available at www.rma.usda.gov/pubs/1998/barmpp

Recommended Fact Sheets

- 4. Licensing
- 6. Taxes
- 8. Labor on the Farm

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



8

Running a Successful Farm Business

Labor on the Farm

Labor laws can be challenging to understand, especially for seasonal and family businesses. The following information and regulations are for every classification of worker you might have on your farm. As an employer, farms have legal responsibilities when hiring employees, interns, apprentices and volunteers. In this fact sheet, you will find information on:

- Managing people;
- Labor laws for employees;
 - Employer Identification Number (EIN);
 - minimum wage;
 - hiring young workers;
 - hiring family;
 - Washington State Department of Labor and Industries (L&I) requirements;
 - providing a safe workplace for your employees;
 - payroll taxes;
- Labor laws for interns;
- Labor laws for apprentices; and
- Labor laws for volunteers.

Managing People

For any size of business or farm, having a management plan for employees, volunteers, interns, and even other family members can align expectations and reduce potential conflict. Making everyone's roles and duties on the farm clear is especially useful when new people (who don't know your history) come on board.

Management plans build understanding about why and how decisions are made, and clarify exactly what each person's responsibilities will be on the farm. By sharing ownership in the outcomes, employees are better able to understand the big picture and focus on the right priorities. Formal management plans and employee manuals may also help in securing funding, abiding by legal requirements with employees, and improving on-farm safety.

There are many ways to approach how to manage everyone working on or with your farm. If you are just getting started, there are seven key processes to focus on:

1. create written job descriptions and an overall plan for how each job fits into the whole;
2. create clear hiring protocols;
3. provide an orientation to your farm and the job as well as ongoing training (informal and formal);
4. develop clear employer/employee communication, including a written grievance policy;
5. schedule times to review job goals and performance;

6. clarify compensation and check related laws; and
7. schedule times to review your management plan to keep it updated and relevant.

Managing people is a real skill and can be real work. However, having a productive team and avoiding personnel tension and even possible legal issues is a real benefit in the long run.

Labor Laws for Employees

An employee is generally someone for whom an employer determines their work schedule, hours, and job responsibilities. In order to have employees, you must follow these legal requirements:

- have an Employer Identification Number (EIN);
- pay wages;
- pay L&I premium for workers compensation insurance that covers on the job injuries;
- provide a safe workplace for your employees; and
- file payroll tax forms and make payments.

L&I has developed an Agricultural Employer Worksheet to help you know whether you are following state Agricultural Employment Standards and the Minimum Wage Act when you employ workers. It is available at www.lni.wa.gov/Forms/pdf/700125af.pdf.

For each new hire, employers need to have employees complete an Employment Eligibility Verification, Form I-9, from the Department of Homeland Security U.S. Citizenship and Immigration Services. Employees must also complete an IRS Employees Withholding Allowance Certificate, Form W-4. Employers must collect these, and keep them in each employee's file.

Washington State requires all employers to report new hires and rehires to the Department of Social and Health Services (DSHS). The New or Rehired Employees Form and methods for reporting can be found at www.dshs.wa.gov/pdf/esa/dcs/18-463.pdf.

Employer Identification Number (EIN)

Any business that hires employees must obtain a federal Employer Identification Number (EIN), also known as a Federal Tax Identification Number by filing Form SS-4 or applying online with the Internal Revenue Service (IRS). An EIN is a nine-digit number that IRS assigns in the following format: XX-XXXXXXX. It is used to identify the tax accounts of employers. Businesses that are not sole proprietorships are also required to have an EIN.

The federal identification number assigned to your business will be registered with the IRS, the Social Security Administration, and the U.S. Department of Labor. While most applications take four weeks to process, if you apply online, most businesses will receive a number immediately.

Contact the IRS for more information such as help documents and videos, to apply online or to obtain an SS-4 form by visiting www.irs.gov, or calling (800) 829-3676.

Minimum Wage

Employers are required to pay the state minimum wage to workers age 16 and older. Minimum wage is set annually by the L&I. The current minimum wage can be found online at www.lni.wa.gov/workplacerights/wages/minimum.

There are three exemptions to the state minimum wage for agricultural workers. They only apply if all three of the following requirements are met:

1. Workers are employed as hand-harvest laborers who are paid piece rate; and
2. They commute daily from their permanent residence to the farm; and
3. They were employed in agriculture less than 13 weeks during the preceding calendar year.

Hiring Young Workers

Children 12 and 13 years old are allowed to work only during non-school weeks and only for hand-harvesting berries, bulbs, cucumbers, and hand-cultivating spinach. Workers under the age of 16 must be paid at least 85% of the state minimum wage. Young workers are not allowed to do certain hazardous work. For a complete fact sheet showing employer requirements for hiring young workers ages 14 to 18 in agriculture such as the Minor Work Permit Endorsement, and defined hazardous work activities, visit www.lni.wa.gov/IPUB/700-096-909.pdf.

Hiring Family

If you have relatives, including children, who work for you, they must be treated as employees with the same rights as any other paid worker in the state of Washington. This applies to anyone you expect to show up for work at a certain time. However, these requirements do not include family members who share ownership of a business, or children under the age of 18 who work on a farm owned by their parents. At age 21, workers' compensation coverage is mandatory.

Family Farm Exemption

Children between ages 18 and 21 must be covered by workers' compensation unless an Application for Exclusion/Inclusion of Mandatory Coverage (Family Farm) is filed by the parents. To qualify for the Family Farm Exemption, the family farm may be a sole proprietorship, partnership or corporation so long as the controlling interest is with the family. The form for Application for Exclusion/Inclusion of Mandatory Coverage (Family Farm) is available at www.lni.wa.gov/Forms/pdf/213113a0.pdf.

For a complete fact sheet showing employer requirements for hiring family members visit www.lni.wa.gov/IPUB/101-077-909.pdf.

Labor and Industries Requirements

L&I requires certain workplace posters to be posted for employees. A list of workplace posters required and recommended by L&I, other Washington State and federal agencies is available at www.lni.wa.gov/IPUB/101-054-000.pdf. All posters are free and available in both English and Spanish. Be aware that private companies will try to sell these to you.

L&I requires that employers maintain records of employees for three years. Records must include: employee name and address, occupation and L&I job classification, dates of employment, amount paid each pay period, wage rate or rates of pay, and total hours worked each pay period, and termination date and cause. These records are subject to audit.

L&I conducts workshops around the state designed for new businesses or businesses that plan to hire workers for the first time. It explains an employer's rights and responsibilities and provides an overview of the services and resources available at Labor and Industries. It also covers workplace

safety and health requirements, claims management strategies, risk management, quarterly reporting requirements and wage-and-hour laws. For complete information, please visit L&I online at www.lni.wa.gov or call (800) 574-2829.

L&I also has a webpage specifically about Agriculture business requirements at: www.lni.wa.gov/WorkplaceRights/Agriculture. Small business support is available through L&I's small business liaisons at 1-800-987-0145, SmallBusiness@Lni.wa.gov, or www.lni.wa.gov/main/smallbusiness.

Providing a Safe Workplace for Your Employees

As an agricultural employer with one or more employees you are responsible for following guidelines and statutory requirements in order to maintain a safe workplace. There are specific workplace standards and reporting provisions with which an employer must comply. Details can be found on the L&I website under several different headings pertaining to safety on the job.

You may want to request a safety and health consultation from L&I. A consultant, not an inspector, will meet with you and conduct a walkthrough survey of your worksite to identify hazards and recommend remedies. You must correct in a timely manner any serious hazards found during the consultation, but the consultant will not issue a citation or fine you.

To request a free consultation, visit www.SafetyConsultants.Lni.wa.gov or call the L&I office nearest you and ask to speak to the Consultation Manager. In addition to safety and industrial hygiene consultations, specialists in ergonomics and risk management are available to assist employers as well.

To learn about the safety standards for agriculture and resources available for employee safety and health trainings visit www.lni.wa.gov/safety/topics/atoz/default.asp?KWID=353. The safety standards for agriculture are available in English or Spanish, through the L&I website at www.lni.wa.gov/safety/rules/chapter/307.

Payroll Taxes

Employers are required to withhold federal income, Social Security and Medicare taxes from employees' wages. Employers are also required to pay worker's compensation and state unemployment insurance. For more information, on your payroll responsibilities please see the Fact Sheet on Taxes.

Labor Laws for Interns

An intern must be registered in an internship program at an accredited educational institution such as a college, community college, or university where a student pays the school and receives academic credit. An internship allows an employer to be exempt from:

- paying wages; and
- paying unemployment insurance tax through state Employment Securities (ESD) and federal (FUTA).

An internship still requires that an employer:

- provide a safe workplace.

L&I premium for workers compensation insurance that covers workplace injuries can be paid by the educational institution sponsoring the internship. For more information on unpaid internships, visit: www.lni.wa.gov/WorkplaceRights/files/UnpaidInternshipsFactSheet.pdf, or call (866) 219-7321.

Small Farm Internship Pilot Project

The small farm internship pilot project started July 1, 2014 and will run through December 1, 2017. The pilot project includes the following counties: San Juan, Skagit, King, Whatcom, Kitsap, Pierce, Jefferson, Spokane, Yakima, Chelan, Grant, Island, Snohomish, Kittitas, Lincoln, and Thurston. Farms in these counties with annual sales of less than \$250,000 per year are eligible to enroll. Small farms will be required to apply, be accepted, and receive a certificate from L&I before offering internships.

Approved small farms may have up to three interns at a time. Interns must be 18 or older. A farmer can have more than three interns a year. For example, a farmer could have intern A, B, and C in January-March, and interns D, E, F in April- June, and so on for the next two quarters to total 12 interns in one year, but not to exceed three interns at any one time. Small farms will be required to fill out a one page application, attach a copy of their IRS tax return showing total farm sales, attach an education plan for the intern(s), and once accepted, purchase workers compensation insurance at a special rate for the intern. If a building project (i.e., hoop house, hen house, or processing facility) is part of the intern's education, it must be included in the education plan. For more information, visit: www.lni.wa.gov/WorkplaceRights/Agriculture/SmallFarmInternship/default.asp, or call (800) 509-8847.

Labor Laws for Apprentices

The term “apprentice” is an employment classification with a formal structure set by federal and state law. The business employing the apprentice designs a personalized program that must be proposed to and approved by the Washington State Apprenticeship Council (a division of L&I).

In order to have apprentices, you must follow these legal requirements:

- Have an Employer's Identification Number (EIN);
- Pay at least minimum wage with raises based upon demonstrated competencies;
- Pay L&I premium for workers compensation insurance that covers on the job injuries;
- Pay Unemployment insurance tax through state Employment Securities(ESD) and federal (FUTA);
- Provide a safe workplace for your employees; and
- Provide 144 hours of pre-planned instructional time per year.

While there is no cost to register an apprenticeship program, it does take time. Plan for three to six months to create, register and approve an apprenticeship program.

The employer benefits from apprentices by building long-term labor support and training someone from the beginning with their knowledge and techniques. As a Washington State registered apprentice, an apprentice will receive a 50% tuition waiver at a Washington State community or technical college.

To create an apprenticeship program you will need to be either a farm, group of farms or trade organization.

Registered apprenticeship programs start with the formation of an apprenticeship committee. Committees develop program guidelines that include:

- Criteria for becoming an apprentice
- Skill and proficiency requirements to reach journey worker/professional level
- Number of apprenticeship openings
- Wage rates and progressions based upon demonstrated competencies
- Required course curriculum to complement on-the-job training
- Supervision methods
- Equal opportunity procedures

For a fact sheet on full apprenticeship requirements visit

www.lni.wa.gov/TradesLicensing/Apprenticeship/files/pubs/RegisteredApprenticeshipemployerfactsheet.pdf. Or for a local apprenticeship consultant go to:

www.lni.wa.gov/TradesLicensing/Apprenticeship/About/AppCoordinators/default.asp, or call (360) 902-5320.

Labor Laws for Volunteers

According to L&I rules, volunteers are not allowed in a “for-profit” business. Employers must follow all state employee guidelines for people seeking to trade, barter or volunteer on their farm. Arranging for volunteer agricultural workers through established exchange programs does not exempt an employer from these requirements.

There are only two programs through L&I for volunteers that are not required to meet all other state employee guidelines. One is the Sports Teams and Youth Workers program and the other more applicable to farms is the K-12 Student Volunteers program for which information can be found at www.lni.wa.gov/IPUB/213-023-000.pdf. This can apply to 4-H projects.

For complete information about employment standards and workplace rights, contact L&I at (866) 219-7321.

Recommended Fact Sheet

6. Taxes

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



9

Direct Marketing Strategies

Direct Marketing in Washington State

Direct marketing allows farms to sell their products in a variety of ways including from the farm, at a farm stand or U-pick operation, at farmers markets, through Community Supported Agriculture (CSA), culinary agritourism, Food Hubs, online/mail-order sales and even directly to restaurants, hospitals, grocery stores, food co-ops, and schools. While well suited for smaller, diversified operations, farms of every size benefit from direct marketing as a market diversification strategy.

According to the 2007 Census of Agriculture, 14% of Washington farms do some form of direct marketing. This is over twice the rate for the United States as a whole. In 2012, Washington State had more than 150 farmers markets with estimated sales of over \$50 million. We also have over 500 farm stands and over 200 CSA farms. And research consistently supports the consumer demand for buying fresh, seasonal, local products from farms that they know. To get started, this fact sheet includes a brief introduction to key direct marketing concepts and tools:

- Challenges and benefits;
- Getting started;
- Knowing your market;
- Customer lists;
- Consumer education about farming and products;
- Farm listings and farm maps;
- Social networking as a marketing tool; and
- Additional resources.

Challenges and Benefits

Direct marketing may not be for everyone. In addition to producing high quality products, you take on the full range of marketing, distribution and sales. Typically this is very time-consuming and labor intensive. The skill and science of knowing your market is critical along with being able to create attractive signage and displays. Often, farms must invest their time in educating customers and building relationships – all of which can be socially demanding. Weather and other risks may complicate the best laid plans. And, as sales are not guaranteed, cash flow can be uncertain.

However, for many farms, direct marketing is a viable and strategic option -- either as your primary marketing channel or a means of diversifying the sales outlets you use (which can reduce your overall market risk). One of the key benefits of selling directly is that you can set your own prices. And, depending on the direct marketing strategy, farms are typically able to capture the full retail value of their product. Likewise, the constant sales with immediate payment produce a more even cash flow. Not needing to size or grade products for a contract or wholesalers along with being able to sell in any quantities – from the pound to pallet – means there is less waste and greater flexibility. For some farmers, getting immediate and read feedback from customers about your products and

generating ideas for new ones is invaluable. And for those who invest the time, building relationships with customers who become loyal to your farm can be personally rewarding as well as good business.

Getting Started

Direct marketing starts with a solid marketing plan that is driven by your farm goals. It also relies on good information about production costs, supply and demand, what prices people are paying, what sizes they want, how frequently they would buy it, how much cash flow you need, and regulations for direct marketing. Yikes! This can be a real challenge as direct marketing does not have the equivalent of a commodity commission dedicated to tracking this information. Local farmers market managers, WSU Extension, WSDA, dedicated non-profits, and your customers and other farmers can be your best sources of information.

Direct marketing also draws heavily on specific skills and interests. On the production end, farms that direct market often manage a diverse range of products throughout the season, each with its own needs and timing. Direct marketing also tends to be highly social and can require a significant amount of time talking with customers and traveling to markets. Communicating with your customers is extremely important in direct marketing, so be sure your marketing plans include the costs of business cards, market signage, newsletters, Web sites, farm map listings, and additional advertising.

WSU's Cultivating Success and Ag Entrepreneurship courses can help you develop a marketing plan. The National Sustainable Agriculture Information Service offers a wealth of marketing materials online (www.attra.ncat.org) and will send them to you free if you call (800) 346-9140.

Knowing Your Market

Market research on consumer trends in the “sustainability” or “natural” customer segments has shown that people are looking for “authenticity” and “trust” in their food. The market segment called “Lifestyles of Health and Sustainability” or LOHAS focuses on health and fitness, the environment, personal development, sustainable living, and social justice (see www.lohas.com). When doing research, looking for the LOHAS reports may be relevant. The Hartman Group, located in Bellevue, does market research on sustainability, health, natural, and green niches. Visit their website for more resources including free newsletters and webinars on market trends: www.hartman-group.com.

Customers may want to know about your growing practices, what varieties you grow, where you get your seeds or starts, when you will be at the market, when products will be ripe, if you could custom grow a product, if you have seconds or bulk discounts, what forms of payment you take, and what recipes you recommend. It can be personal: seeking the “story” of your farm, your family history, how long you have been farming, how you got started, what your animals names are, and if they can come and visit. Answering customers’ questions helps build relationships and trust. It is helpful to build this time and effort into your overall plans. And remember that relationships are two-way. These conversations can be built into your “market research” to get honest feedback on your products and ideas.

Customer Lists

Perhaps the single most important marketing tool direct marketers have is one they create themselves: their customer list. Knowing who your customers are and knowing how to reach them is a tremendous asset, especially in a field where relationships are prized. You can target your marketing efforts, create “special offers,” or send out seasonal updates. To start, collect your customers’ names, addresses, phone numbers and email addresses. You can build from there. To do this you will need some way to collect and keep track of this information. It could be as simple as a clipboard and 3x5 index cards. It could be with an Excel spreadsheet or database software. The key is to do it, do your best to keep it up to date, and then use it to communicate with the people who already like your farm and products. Electronic and online services can be useful for managing contacts and communicating with customers. Some are free and some require subscriptions.

Consumer Education about Farming and Products

Fortunately, Washington State has a network of small farm advocates and organizations that are dedicated to educating the public about our food system, the merits of local foods, nutrition education, and the community and environmental value of local farms. Through their publications several organizations put together these values as reasons for customers to buy locally grown food. Many organizations feature local farms to help highlight these points and “put a face back on food.” In addition, many communities have organized “buy local” campaigns which generate materials to educate the public and promote local products.

Farm Listings and Farm Maps

Adding your farm to local farm listings and farm maps helps customers find you. Many print and online farm maps are available in Washington. Some are free and some charge a fee. “Food Hub” (www.food-hub.org) is free at the introductory level, spans several states and is searchable by region or product. “Local Harvest” website is free and searchable by zip code. WSU has a farm finder on the Small Farms Program Web site. The “Puget Sound Fresh” farm guide is published annually online by the Cascade Harvest Coalition and is one of the largest farm directories in the state. The Tilth Producers of Washington also has an annual print and online directory. Northwest Agriculture Business Center (NABC) has a “farm network” online searchable by county and product. Many counties and regions have “farm maps” put together by local groups. Try contacting your local farmers market manager, co-op store, extension office, county agricultural program, local farm organization or Chamber of Commerce to find out how to get listed.

Social Networking as a Marketing Tool

The Internet can be an efficient marketing tool for promoting your farm and direct marketing your farm products. From “tweeting” to “You Tube,” the array of Internet communications options can be daunting even for tech-savvy businesses. With today’s technology, many of your customers will search the Web to learn more about your farm. So it makes sense to consider creating a Web site even if it is very simple. A few photos with your contact information can be enough to start your Web site. Some farms find it easier to start with a “blog.” A blog is like a Web site, but its content is

more like a journal with regular updates and entries organized by date. Foodies, farms and farmers markets all have created blogs to share what they do.

Social networking through sites like Facebook is another popular option. Facebook enables you to set up a free Web site, add photos and interests, and then invite other people (“friends”) to join or “like” your site. The effect is to connect to an endless number of people with similar interests, geography or other criteria. Every time you update your Facebook page, they are sent emails to alert them to new information. Social networking tools can be creatively applied to your farm, alerting customers about new products, promotions or daily life on the farm. The National Sustainable Agricultural Information Service (ATTRA) has an excellent publication “Social Media Tools for Farm Product Marketing” available at www.attra.ncat.org.

Additional Resources

- ATTRA – National Sustainable Agriculture Information Service: www.attra.ncat.org
- Cornell University’s Small Farm Program: www.smallfarms.cornell.edu/resources/marketing
- Drake University’s “Legal Guide to Direct Farm Marketing”: www.directmarketersforum.org
- Farm to School Toolkit from WSDA: www.wafarmentoschool.org
- Growing for Market: www.growingformarket.com
- Savor Washington: www.agr.wa.gov/marketing/smallfarm/savorwa.aspx
- UC Davis’s Small Farm Program: www.sfp.ucdavis.edu/marketing
- Washington State Farmers Market Association: www.wafarmersmarkets.com
- Washington State Tourism: www.experiencewa.com
- WSU’s Cultivating Success and Ag Entrepreneurship courses: www.cultivatingsuccess.org

Recommended Fact Sheets

1. Networks for Washington State Small Farms
7. Insurance
10. Selling to Individuals: Buying Clubs to U-Pick
11. Culinary Agritourism
12. Selling to Grocery Stores and Food Co-ops
13. Selling to Restaurants
14. Selling to Schools and Other Institutions
15. Selling and Donating to Food Banks

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Direct Marketing Strategies

Selling to Individuals: Buying Clubs to U-Pick

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Farms interested in selling directly to consumers have many options in Washington State, especially (but not exclusively) in the high population base of the Puget Sound region. This is a very dynamic and creative marketing arena and this fact sheet provides an overview to get you started. We have picked seven of the most common means of making direct sales to individuals who will eat, wear, experience, or otherwise use your farm products. Summaries include a description, benefits and challenges for:

- Buying Clubs;
- Community Supported Agriculture (CSA);
- Farm stands;
- Farmers markets;
- Internet sales and mail order; and
- U-pick.

Buying Clubs

While “buying clubs” are a new take on a progressive 1970’s concept, they are a relatively new direct marketing strategy for fresh farm products. Borrowed in part from the popularity of wine clubs and community-based distribution networks such as Azure Standard, buying clubs organize individuals so that they can easily place and receive orders in a cooperative and collective way. Like a CSA, there is a designated “drop off” location such as someone’s home or business where members go to pick up their orders.

The buying club may be neighbors, co-workers, church members, or family members that want access to high quality, fresh foods direct from the farm. They may also be seeking bulk products and special discounts. In addition, buying clubs serve an important social function building relationships among members as well as with your farm. One of the most famous buying club practitioners is Joel Salatin and the Polyface Farm in Virginia: www.polyfaceyum.com. More locally, Pride and Joy Dairy has what they call a “Drop Off Group” so that they can deliver milk throughout the state: www.prideandjoydairy.com/Drop-Off-Groups.

The structure of the buying club varies as does how often deliveries are made and how orders are placed. There are a number of good resources online to consult: www.startabuyingclub.com.

Benefits of Selling through a Buying Club

- Gives customers an option to “pay as you go.”
- Relatively efficient means of distributing to and cultivating customers that don’t live near your farm.
- Scalable and flexible strategy both in terms of products offered and number of clubs developed.

- Excellent means of building customer loyalty.

Challenges of Selling through a Buying Club

- Depends on finding reliable people to host/coordinate delivery sites.
- Requires good information management and technology to track customers, orders and deliveries.
- Distribution requires adequate trucks, preferably refrigerated, along with fuel expense and maintenance.
- Initial investment in developing buying clubs.

Community Supported Agriculture (CSA)

The 2011-2012 “Tilth Producers Directory” listed 87 Washington State farms that had a CSA or “Community Supported Agriculture” program. A CSA is a direct agreement between a farm and its customers. Rooted in alternative economics and a community-focus, the farm provides customers or “members” with a “share” of the harvest for a set price and defined period of time. The “share” is usually a box (or bag) of whatever has been harvested that week. Members either pick up their share on farm or at a central location (e.g. a local business, member’s house, farmers market). In theory, the members also share in the risk if the harvest is late or has other problems. Farmers can design their CSA so that customers pay up front at the beginning of the season or in installments. Since members of the CSA pay in advance, they provide working capital directly to the farm.

Many CSAs in the Northwest operate for the main growing season (late spring to early fall) usually for a total of 18 to 24 weeks. However, we also have year-round CSAs and “winter CSAs” which are especially well-positioned to serve shoppers when farmers markets close for the season. While most CSAs provide fresh vegetables and some fruit, Washington State CSAs have also expanded to either feature or include grains, farmstead cheeses, eggs (chicken and duck), meat, fiber and flowers, as well as value-added products like cider, jams, or salsa. Sourcing additional products through creative partnerships with like-minded farms can be a win-win-win. The key is transparency and letting your members know if you are a cooperative CSA or pooling product and the names of farms involved. CSA members do expect to hear directly from the farm. With each delivery, most CSAs include a newsletter of farm happenings, a description of what’s in the box, and recipes. CSAs advertise by word of mouth, brochures, farm directories, social media and websites.

WA Wellness, in partnership with WSDA, started a program to allow and encourage farms to deliver CSAs to employees at state agencies in 2011. More information about this opportunity can be found at www.hca.wa.gov/pebb/wellness/Documents/CSA_Delivery_at_Worksites_110304.pdf.

Benefits of Selling through CSAs

- Pre-sales allow you to plan production and have a secure market for your harvest.
- You set the prices and choose the varieties and quantities to put in the box.
- An excellent CSA builds a loyal customer base for all your products.
- You can educate CSA members directly about new varieties, products and agriculture.
- A CSA does not require individual packaging, grading/sizing, and minimizes transportation.

Challenges of Selling through CSAs

- Requires a complex crop mix and production plan to be able to deliver consistent, quality products every week.
- Farms must dedicate time to responding to individual customers' needs, complaints, and praises.
- It takes time to manage and write the weekly newsletter and/or recipes, and a willingness to share personal stories.
- A high turnover of CSA customers from season to season can increase marketing costs.
- Farms need to arrange and manage pick up locations.

Farm Stands

Farm stands are another well-established means of selling directly to customers, especially agricultural areas with a fresh market products and tourist traffic. Farm stands come in every shape and size, from the very casual "honor system" set ups to an open apple shed to year-round, full service storefronts with refrigerators, freezers and prepared foods. Typically, farm stand sales outperform other direct marketing options in part because they are open more hours per season. As staffing costs can hinder a farm stand's viability, consider being open only when there is regular demand. Advertise well, create an attractive atmosphere, and follow any local zoning regulations for signage. It's essential that passersby see that you are open and have time to stop safely.

Benefits of Selling at Farm Stands

- They are flexible because you set the days and times the farm stand is open; this can be especially effective on a seasonal basis.
- They can leverage existing assets if you have already have access to a great location with lots of traffic.
- You set the product mix and can create an outlet for non-standard sizes or seconds.
- Limited packaging, labeling, and transportation required.
- In many areas, you can get your farm stand on a local "farm map" to help with promotion.

Challenges of Selling at Farm Stands

- Sales can be unpredictable with traffic flow and competition from other farm stands or outlet with similar products.
- The question of staffing can be tricky during the growing season.
- There may be significant start-up costs, including capital investment, possible zoning, building permits, or other licensing requirements.
- Adequate storage or refrigeration may be needed to maintain product quality.
- There is increased exposure and possible liability anytime people come on to your property.

Farmers Markets

Farmers markets provide one of the most common and familiar means of selling directly to customers. There are now approximately 150 farmers market locations in Washington State that collectively attract millions of shopper visits each year. These shoppers are looking to buy from local farms and to eat fresh, flavorful, and nutritious foods. Some are looking for a good deal or to buy in

bulk; others want to “vote with their food dollar” and infuse the farmers market experience with their personal values.

Farms of all sizes and from every corner of the state sell at farmers markets. Vendors pay a stall fee and agree to follow market rules. The farmers market organizers then work to attract customers by recruiting other excellent vendors so there is the right overall product mix, creating a festive atmosphere, planning events, and advertising. This partnership allows vendors to concentrate their sales on market day.

At the individual vendor level, how products are presented, the booth design, and signage are critical to sales. Vendors must follow all state and county regulations for direct sales, food handling, and food safety. Fortunately, there are resources available to help new farmers market vendors learn about specific farmers markets, and navigate the application process, market day requirements and best practices, as well as licenses and permits. Start by referencing specific products in this handbook, asking the market manager for guidance, or contacting the Washington State Farmers Market Association via www.wafarmersmarkets.com.

Benefits of Selling at Farmers Markets

- Farmers markets are very popular and many shoppers come ready to buy from “their farm.”
- Farmers can set their own prices and get full retail value for their products.
- Market entry is relatively easy even with small volumes and non-standard sizes.
- The personal relationships with customers facilitate repeat sales, product education and feedback, and promoting your CSA, farm stand, or other market channels.
- There is a strong sense of community and shared purpose.

Challenges of Selling at Farmers Markets

- Requires excellent customer service and sales skills, enjoying people, an eye for presentation, and physical endurance.
- Picking a farmers market that needs your products, volume, and price points at the right time of year is critical.
- Farmers markets are labor intensive, harvesting, packing, prepping, traveling, selling and unloading for every market.
- There are no guaranteed sales; bad weather or competing events may keep customers away.
- It may be difficult to access space in well established markets.

Internet and Mail Order Sales

Internet and mail order sales are a valuable way to reach customers throughout the U.S. with unique, seasonal, and value-added products. Online customers are looking for gifts, and hard to find specialty products with a sense of place. Value-added food products that you ship are required to be processed in a licensed WSDA Food Processing Facility.

Shipping farm products directly to customers outside of the US is trickier due to different country’s custom regulations and jurisdictions. Plan ahead if this is a model, you would like to pursue. With changes in technology and delivery options, virtually any product can be shipped. Having an excellent website, information management system, and accepting online payment are especially important for Internet and mail order sales.

Blue Bird Grain Farms in Winthrop offers Internet sales of their products such as a monthly CSA of grains and gift baskets. See <http://shop.bluebirdgrainfarms.com>.

Benefits of Selling through Internet and Mail Order

- Your website will reach a large customer base, independent of where your farm is located.
- Ordering from your farm through a well-designed website can be more convenient for customers (both retail and wholesale).
- Receiving customer orders or inquiries via email or the Web allows you to respond when it is most convenient for you and reduces data entry.
- Websites are highly “sharable” via social media and links which can facilitate connections to your target market.
- You can build your customer database electronically and target your marketing through email services.

Challenges of Selling through Internet and Mail Order

- Someone on your team will need to maintain the “technology” side as well as keeping up with new web-based retail trends and social media tools. A reliable, user-friendly website is essential to online sales.
- Written and phone communication with your customers is critical, including answering questions, creating package inserts, email confirmations, or phone follow-ups.
- You must invest in quality packaging and shipping materials.
- Getting frequent return sales may be difficult. Think of ways to provide high value and make your product special.
- The Web is also highly competitive and you still need to invest in publicizing your name and products, usually through other “low tech” sales channels.

U-Pick

In Washington, U-Pick is an option primarily for berry, cut-flower, tree fruit, pumpkin, and Christmas tree growers. U-Pick farms should be aware of the liability risk of having the public come onto the farm. It is a good idea to research liability insurance and waivers before opening to the public. Be sure to offer a clean site for visitors with parking, restroom facilities, and rules, container options and prices outlined clearly to ensure the best experience. U-Pick farms can be a community meeting place and they are also a great family activity. U-Pick farms have tourism appeal, too. Consider advertising your U-Pick farm with roadside signage, farm map listings, or the Washington State Tourism website found at www.experiencewa.com.

Benefits of Selling U-Pick

- Allows for flexibility and focus because you set the days and times you are open.
- Opportunity to market a single seasonal crop.
- Keeps packaging, labeling, transportation, and harvesting costs to a minimum.
- Potential to develop a loyal customer base that returns year after year.
- Potential to market additional farm products to local and visiting U-Pick customers.

Challenges of Selling U-Pick

- Increases your risk as people come onto your farm and liability insurance may be difficult to find or costly.
- May incur damage or lose some product in fields or farm from customers.
- A location far from a population base or urban area can limit customer access.
- Advertising is crucial; your website and marketing information must be accurate and up to date so that customers get correct information, including the current status of your crop.
- Staffing for managing the operation.

The National Sustainable Agricultural Information Service (ATTRA) has an excellent “**Marketing Tip Sheet Series**” that we highly recommend. It is available online, free at

www.attra.ncat.org/marketing.html.

Recommended Fact Sheets

- 7. Insurance
- 8. Labor on the Farm
- 9. Direct Marketing in Washington State
- 11. Culinary Agritourism
- 19. WSDA Food Processor License and Facilities

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Direct Marketing Strategies

Culinary Agritourism

Family farms have a long tradition of offering a taste of farm life to travelers. From cider pressing and seasonal farm stands to harvest festivals and pumpkin patches, farms offer a range of unique experiences. In recent years a new field has emerged called “culinary agritourism.” **Culinary agritourism** is a traveler’s authentic interaction with farmers, growers, and chefs that lead to the discovery of geographically distinctive food and drink.

As with other forms of farm tourism, culinary agritourism is designed to attract customers to your farm by offering products and a range of services. Tapping into people’s interest in “farm life” and “real food,” culinary agritourism focuses on celebrating the local terroir and traditions, artisan techniques, and varieties or breeds rarely seen today. The possible activities are endless: classes on cheese-making, beverage and food pairings and tastings, cooking seasonally, guided harvesting, food preservation, artisanal butchery, seed-saving classes, wild foraging farm stays and clam digging. Farm dinners celebrating local chefs and foods are especially popular.

Such events can support other local farm and food businesses through pairings or even local musicians who can play as a feature or background to a tasting or dinner. People will leave having learned or experienced something that they will take home and talk about to friends and family. They will also have deepened their relationship with the farm and a culinary sense of place.

While “foodies” may seem like the most obvious customer base, be creative in your outreach. Children, teenagers, families, clubs or civic groups, seniors, and eco-tourists are all candidates for field trips to your farm. Regardless of your target market, advertise well. Be sure to highlight your activities on your website and notify your local chamber of commerce, tourism office, visitors’ center, economic development group, and “events calendars” in the local paper or promotional materials. Good signage to draw people to your farm is also important.

Before you begin a culinary agritourism venture, check with your appropriate local government agencies to find out what is required. There may be city and county permits (e.g., event, temporary food service establishment, camping), land use and building codes that apply to your location. Be sure to start researching this early in the planning process as it may take time and add significant expense to the business startup cost. Also, be sure to find out what insurance you have and what might be needed to protect your business. Other specific planning tips include using one of the online event or ticket services such as Brown Paper Tickets and getting non-refundable deposits for classes. Be sure to budget and, if possible, charge for your prep time as well as the time dedicated to the actual class, tour or event.

Benefits of Culinary Agritourism

- Leverages existing assets to diversify farm revenue and generate income in your slow season.
- You set the prices and choose the number of people to allow in activities.

- Creates a compelling and convenient opportunity to sell or promote other products once people are on your farm.
- You can build a loyal customer base that appreciates your uniqueness and grows your business.

Challenges of Culinary Agritourism

- It can be stressful dealing with the public on your farm, especially if there are logistical problems.
- Creating, planning, and managing an event or program requires a significant amount of time.
- Additional insurance and permits may be required.
- Once you open up your farm to the public, you have to be prepared for visitors' critiques and photos of their experience becoming public and potentially being posted online.

If having visitors on your farm is not a good fit, consider partnering with a business, restaurant, coffee shop, winery or brewery that can feature your farm products. B&B's and restaurants may feature your farm –fresh eggs, local jams, jellies, and syrups, local milk or butter and meats. Breweries may feature locally grown pub fare such as home fries and grass-fed burgers. Wineries may feature cheeses. Partnerships with chefs for classes on your farm or at their restaurant or with other businesses that have bigger marketing budgets can be really productive. For example, the Shelburne Inn hosts a Wild Mushroom Celebration Dinner in Seaview featuring wild harvested mushrooms, Pike Brewing Co. beer pairings, and locally grown cranberries and vegetables.

Additional Resources

- Drake Agricultural Law Center's "The Legal Guide for Direct Farm Marketing," Chapter Ten: Insurance and Liability at www.directmarketersforum.org/chapter-ten-insurance-and-liability.
- "Taking the First Step: Farm and Ranch Alternative Enterprise and Agritourism Resource Evaluation Guide": <ftp://ftp-fc.sc.egov.usda.gov/Economics/AltEnterprise/FirstSteps.pdf>
- The "Farm Stay Manual" www.misa.umn.edu/Publications/FarmstayManual/index.htm
- Travel Oregon: <http://industry.traveloregon.com/industry-resources/product-development/culinary-and-agri-tourism-development/>
- University of Arizona: "Direct Farm Marketing and Tourism Handbook": www.ag.arizona.edu/arec/pubs/dmkt/dmkt.html
- University of California Small Farm Program: www.sfp.ucdavis.edu/agritourism
- University of Nebraska's "Marketing AgriTourism Online" at <http://eship.unl.edu/agritourism>
- Washington State Tourism: www.experiencewa.com
- WSDA's "Savor Washington" webpage offers fifteen unique "Culinary AgriTourism Itineraries" in Washington State: www.agr.wa.gov/marketing/smallfarm/savorwa.aspx

Recommended Fact Sheets

1. Networks for Washington State Farms
7. Insurance
9. Direct Marketing in Washington State

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Direct Marketing Strategies

Selling to Grocery Stores and Food Co-ops

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Washington now has over 400 independent grocers according to the Washington Food Industry Association (www.wa-food-ind.org). In fact, Washington ranks second in the United States for the greatest number of independent grocers. These are grocery stores owned by a family, sole proprietor, or partnership. And there are now 20 food co-ops in Washington according to the National Co-op Directory (www.coopdirectory.org). We know of at least three new, food co-ops in the Tri-Cities, Yakima and Ellensburg that are not in the directory. These independent grocery stores, including specialty markets, natural food stores, and co-ops, often have more flexibility to buy directly from farms. Increasingly, working with local farms is a core value that gets integrated into independent grocers' mission and business plan.

When approaching an independent grocer, one of the first steps is to find the buyer for the department your product matches. Typically, you can call ahead or visit the store and ask for a buyer. Setting up an appointment is recommended. Be sure to share your product samples, a product list for the full season, and pricing with the grocery store. It is also good to bring your business license, and any other certifications you might have such as Organic Certification or a Good Agricultural Practices (GAP) certificate.

Independent grocery stores may buy anywhere from one case to multiple pallets of product from farmers, depending on their scale of operation and what you can supply. Having high quality products and delivering what you said you would when you said you would are imperative for a successful relationship with a grocery buyer.

Grocery stores generally require deliveries in boxes that are labeled with your farm name and a product description. The product description should include the product's quantity if bunched and sold by the each, or weight if bulk and sold by the pound. Ask the buyer what sort of packaging or labeling requirements they prefer before you deliver. Products may also need to be sized or graded to industry standards.

To set your prices, consider subtracting 35 to 45% from your retail or farmers market price to create a wholesale price for a grocery store. It is vital to be able to explain your prices to the grocer so that they are more likely to pay what you need and can explain it to the end customer. Grocers may pay more if there is a good reason such as a special flavor, variety, or something else that makes your product special. As they work with you, they may also offer feedback and support as your business evolves.

Farmers selling to grocery stores and food co-ops will need to establish good bookkeeping systems that include clear invoicing and accounts receivable. Most grocery stores will not pay on delivery and may pay monthly. They may be set up to work with distributors and often do not have time to dedicate to handling individual farmer invoices. A good, clear, or professional invoicing system could

set you apart from other vendors. It is important to keep track of deliveries and always be sure to get a signed invoice in duplicate. File one copy for yourself.

Grocery store point of sale (POS) technology at the cash register may require a PLU (product lookup number) or UPC code (Universal Product Code that is represented by a barcode) on products. UPC codes are used to identify primarily packaged products. A UPC code is a unique 8 or 12 digit number accompanied by a barcode that identifies a manufacturer and their product. A UPC code can be purchased from a UPC generating business. UPC codes can be expensive, so check with the grocery store to make sure they are required. Be sure to plan ahead that there is plenty of a supply of the sizes of packaging and flavors you want to use in order to minimize the long term costs. For example, if you were to have a UPC code for jam you produce, the product number would vary to represent each different size of the same flavor and to distinguish flavors of the same size.

Most grocers use the universal PLU numbers to identify bulk produce, herbs and nuts. Growers, packers and shippers are reminded to check before ordering PLU labels to ensure PLU information for their use is current. A complete list of Global PLUs is available on the Web at www.plucodes.com. Look under Produce Coding.

Farmers may increase sales and visibility with customers by creating point of sale signage that highlights your farm and growing practices with pictures. Be sure to talk to the grocer about what size of signage would work best in the store. Sampling by the producer has been found to significantly increase sales.

Benefits of Selling to Grocery Stores

- Great market for larger quantities of quality items.
- Opportunity to reach a larger customer base and educate consumers about your products.
- Can be a strong outlet when harvest is more abundant than planned.
- Possibility for long term relationship and feedback for new products.
- Opportunity for custom growing.

Challenges of Selling to Grocery Stores

- Communication with buyer needs to be constant, and may need to be daily.
- Must meet orders and deliver deadlines.
- May not be able to sell enough quantity for profitability.
- May need standard sizes; labeling and packaging.
- May need to get a PLU or UPC code on your product.

Some farms join together officially as marketing co-ops or use aggregation in the form of a food hub to get the volume of product needed for grocery store sales. Ensuring product traceability is very important in aggregation and may require significant coordination and labeling.

Okanogan Producers Marketing Association (OPMA) brings together 6 small family farms to sell a large variety of fresh fruit and vegetables delivered to grocery stores around the state in one truck with one invoice. More information at: www.okanoganproducers.org.

In addition, the National Sustainable Agriculture Information Service (ATTRA) has free online overviews on “Selling to Grocery Stores” www.attra.ncat.org/attra-

[pub/summaries/summary.php?pub=387](http://www.attra.ncat.org/attra-pub/summaries/summary.php?pub=387) and “Selling to Aggregators/Grower Marketing Co-ops”
www.attra.ncat.org/attra-pub/summaries/summary.php?pub=402.

Recommended Fact Sheets

- 4. Licensing
- 7. Insurance
- 19. WSDA Food Processor License and Facilities

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Direct Marketing Strategies

Selling to Restaurants

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Restaurants and caterers can be a great place to sell products that are high quality, interesting and unusual. Washington State has many innovative chefs looking for unique products that they can incorporate into outstanding meals. Products that are hard to find through mainstream food suppliers, like heirloom or heritage products tend to be in higher demand. Likewise, products that are available early or late in the season or through the winter tend to be in higher demand. Specialty caterers can also provide an excellent opportunity for farmers to sell products and form custom grower relationships. Many caterers will do forward contracting with producers for significant quantities farm products and flowers at premium prices.

There are roughly 12,500 restaurants in Washington according to the Washington Restaurant Association (www.warestaurant.org). Many of these restaurants are independently owned and operated and tend to be the best place for farmers to start. While most chain restaurants depend solely on large distributors and have standard menus that depend on regular deliveries of a limited number of fresh ingredients, the opportunity to provide for the needs of an independent restaurateur are much greater. Seek out those establishments that offer daily or weekly specials or seasonal menus to increase the likelihood of finding a good partner. A chef that values the benefits of local sourcing and is willing to take the extra steps to develop a relationship with the farmer is the best guarantee of success.

However, the producer must understand their responsibilities in this business association. Whether providing a single ingredient for a special event or supplying a vast array of produce for the menu, the grower needs to understand the interdependence of supply and expectations in the kitchen. A strong partnership is enhanced when the farmer tends toward “under promising and over delivering.” When a chef has certain expectations and a dining room filled with anxious diners, you do not want to be the cause for added stress. Quality and consistency are the keys to success.

Chefs are best approached by calling ahead and making an appointment, especially in the morning. Do not call at meal times. Take samples to your appointment for the chef to try. Your job is to

- share what variety of products you have;
- when you will have them;
- the quantities that will be available;
- minimal processing and packing options;
- any timing parameters;
- the best way to get in touch with you; and
- your price.

Developing a spreadsheet or list of the products you will have throughout a year and highlighting what you have fresh each week are also valuable planning and communication tools.

Chefs will often be interested in your growing practices and “the story of your farm.” Sharing this information helps build your relationship. It may also lead to opportunities to highlight your farm on their menu or partner in other promotions.

Farmers selling to restaurants will need to establish good bookkeeping systems that include clear invoicing and accounts receivable. Most restaurants will not pay on delivery and may pay monthly. It is important to keep track of deliveries and always be sure to get a signed invoice in duplicate. File one copy for yourself.

Benefits of Selling Directly to Restaurants

- Great market for smaller quantities of high quality items.
- Creates an opportunity to build a strong relationship between the farm and chef.
- Farm may be highlighted on the menu and in the media.
- Higher price point is often available.
- Can take non-standard sizes and products may not have to be graded.

Challenges of Selling Directly to Restaurants

- Farms need to be in constant communication with restaurants which can take a lot of time.
- It may be difficult to match delivery times with restaurant needs.
- Farm must deliver high quality product every time.
- Farm may not be able to sell enough quantity to make it work.
- Must be able to have clear invoicing and detailed accounting.

The annual Farmer Fisher-Chef Connection Conference hosted by the Seattle Chefs Collaborative brings together regional food producers and buyers for business-to-business networking, presentations and workshops. The conference is typically held in February or March in Seattle. Please see www.seattlechefs.org for more information.

In addition, the National Sustainable Agriculture Information Service (ATTRA) has an overview on “Selling to Restaurants” available free online: www.attra.ncat.org.

Recommended Fact Sheets

- 4. Licensing
- 7. Insurance
- 19. WSDA Food Processor License and Facilities

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Direct Marketing Strategies

Selling to Schools and Other Institutions

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Across the US, “farm to school” and other strategies to sell directly to institutions have grown in popularity, especially as public policy has sought to both promote healthful diets and support local farms. The precise requirements for selling to institutions vary. In general, farms need to have a volume of reliable production to sell to institutions, though several small farms are selling to institutions by finding a right-size match. They also need to have the capacity to deliver or arrange deliveries. And, finally, they will need to dedicate time for building relationships and regular communication. The good news is that as public awareness has grown more institutions are interested in buying local food. Farmers interested in selling to institutions may find a good match in institutional markets, such as:

- Schools, universities, child care and senior facilities;
- Hospitals and extended care facilities;
- State institutional facilities;
- Corporate campuses; and
- Aggregation and distribution for institutions.

Schools, Universities, Child Care and Senior Facilities

Schools, universities, child care and senior facilities are a growing market for farmers. The markets share some characteristics, but have differences that may make one a better market than the others for specific farms.

Schools

With nearly 300 school districts in Washington, there is a school near to almost every farm. Requirements for selling vary by district and most schools have very tight food purchasing budgets. However, with recent federal legislation encouraging local purchasing and increased produce variety in school nutrition standards, along with farm to school support from WSDA in recent years, a new market for raw product from farmers has been created. Some may purchase frozen or dried produce, as well.

Each individual school district makes their own menu and food purchasing decisions. So, one of the first steps for farmers is to contact the school’s food buyer or the child nutrition services director in the school district. You can build a good sales partnership with schools by offering to start small and then steadily building your purchasing relationship. Participating in the “Taste Washington Day” that is held the last Wednesday in September or providing “Harvest of the Month” snacks are opportunities to get started.

School districts purchasing directly from farms have shown that children enjoy both the food and the educational activities tied to “farm to school” programs. Teachers and principals report that

students are more focused, better behaved, and ready to learn when they participated in snack programs serving local produce.

The WSDA Farm to School Toolkit

www.wafarmtoschool.org

The WSDA Farm to School Toolkit is designed to provide farms, schools (and other institutions), families, and communities with resources to help them meet their farm to institution goals. Within the Toolkit, the “Washington-Grown Food Kit” (www.wafarmtoschool.org/ToolKit) provides recipes, menu plans and educational materials organized by Washington foods. The Food Kit is searchable by school, childcare, and senior meal to find recipes that meet appropriate nutrition standards for each type of program.

The Toolkit also provides essential food safety, procurement and other technical information to support farm to institution markets. When purchasing locally-grown food, it is critical that child nutrition programs follow federal, state and school district requirements for school food procurement. "A School's Guide to Purchasing Washington-Grown Food" (www.wafarmtoschool.org/Page/73/procurement) clarifies today’s rules about how to apply a geographic preference in school food purchases and help school districts increase their use of Washington-grown food. In order to support schools in best practices for using produce from local farms and school gardens in their kitchens, WSDA partnered with Washington State Department of Health (DOH), Washington State University School of Food Science and the Office of the Superintendent of Public Instruction (OSPI) to develop "SAFE Salad Bars in Schools - A Guide for School Food Service." (www.wafarmtoschool.org/Content/Documents/SAFE_Salad_Bars_in_Schools_-_FINAL_-_AGR_PUB_607-374_N-1-13.pdf). These publications may be useful to share with local school districts when seeking to establish a new relationship with their buyers.

If you need further help finding institutional buyers, or would like assistance in planning for this market, visit the Toolkit or www.agr.wa.gov/farmtoschool, email FarmtoSchool@agr.wa.gov, or call (206) 256-6150.

University, child care and senior facilities

Universities and child care or senior facilities are at opposite ends of the spectrum in terms of the volumes they buy. Universities will have similar standards to the large business cafeterias. Child care and senior facilities will range from very small to large volumes and operations vary from home-based childcares to larger centers to drop-in meal sites for seniors. It is important to speak with specific programs or facilities to determine whether they are a good size and scale match for your farm. Juvenile detention centers operate similarly to schools, and most are under the National School Lunch Program.

Benefits of Selling to Schools, Universities and Child Care Facilities:

- Steady year round markets (with summer feeding programs) and consistent order volumes.
- Allows for medium and high volume sales in your community and across the state.
- Opportunities to partner on educational programming for students about farming.
- Higher price point than wholesale.
- Demand for value-added products and minimally processed products.

Challenges of Selling to Schools, Universities and Child Care facilities:

- Farm may incur delivery costs or require time away from the farm to make deliveries.
- Farm may be required to carry additional liability insurance and/or third party food safety certifications like Good Agricultural Practices (GAP, available through WSDA Fruit and Vegetable Inspection Program).
- Larger schools may prefer that farms sell through regional distributors.
- Schools and other institutions may seek washed, processed foods (cut, peeled, diced, etc.) that require minimal kitchen preparation.

Hospitals and Extended Care Facilities

Hospitals and Extended Care Facilities recognize the health benefits of eating good food and are increasing their purchasing from local farms. Many health care facilities feature local food in their cafeterias where they have some flexibility in pricing.

The first step is to call and identify the food buyer at the hospital or extended care facility. Ask about seasonal items such as winter squash or berries that they may want to purchase and whether they participate in events that support local farms. Some facilities may host farmers markets or offer a CSA drop sites for employees. Be sure to provide the buyer with information about all of your products, seasonal availability, volumes, packing and processing, as well as delivery options.

Benefits of Selling to Hospitals and Extended Care Facilities:

- May offer a good price point and the opportunity to move volume quickly.
- Can advertise farm to customers with point of sale materials.
- Farm may also be able to set up a CSA pick-up site at the hospital or extended care facility.
- Steady year round markets and consistent order volumes.

Challenges of Selling to Hospitals and Extended Care Facilities:

- Farm may be required to carry additional liability insurance or third party food safety certifications like Good Agricultural Practices or GAP (available through WSDA Fruit and Vegetable Inspection Program).
- May prefer that farms sell through regional distributors.
- May be hard to get connected initially with the buyer.
- May have specific delivery requirements.

State Institutional Facilities

Washington State prisons, Department of Social and Health Services (DSHS) facilities and other state-run facilities utilize state contracted vendors through the Washington State Department of Enterprise Services which requires formalized lowest-cost bidding. The State food contracts do include “Buy Washington” clauses, so contracted vendors are expected to buy from small businesses. You can find out who holds the current state contracts by going to the “For Business” page at www.des.wa.gov, and using the Contract Search Tool to search for “Food” contracts.

Larger co-ops and very large farms tend to have the volume needed to successfully bid for contracts through the Department of Enterprise Services (DES). The Washington Electronic Business Solution System (WEBS) offers one central location where vendors can register to receive notification of government bidding opportunities and access bid documents posted to WEBS by government organizations. Register for WEBS at www.des.wa.gov. For WEBS information, call (360) 902-7400.

State facilities are allowed to buy off contract through the “Best Buy” clause if the product is not available through the vendor or they find the item at a lower cost. The Best Buy option is described by DES “goods and services that fall within the scope of a state contract shall be considered the first source of supply for state agency purchases.” To qualify for Best Buy, the following must be met:

- The non-contract supplier must be at least 5% less than the state contract price.
- The state contractor must be given the opportunity to meet or beat the alternative supplier’s offer.
- The non-contract supplier must agree to all the terms and conditions of the state contract. Some examples may include, but are not limited to: warranty, shipping, quantity, insurance, quality, trade-in, life-cycle, installation and prompt payment/volume discounts.
- The authorized purchaser must notify Enterprise Services.

Additionally, DES has a policy on “Direct Buy Procurements/Purchases” (DES-125-03), which can be viewed at www.des.wa.gov/about/pi/ProcurementReform/Pages/Policies.aspx.

Farmers can contact individual prisons and Department of Social and Human Services (DSHS) facilities for additional markets. To initiate a sales conversation with the Department of Corrections, please call the State Food Program Manager at (360) 725-9149 or the Sustainability Coordinator at (360) 725-8396. DSHS facility locations can be found at www.dshs.wa.gov/locate.shtml or call (800) 737-0617 for more information.

For additional information about selling to state institutions, call the Department of Enterprise Services State Contracting and Purchasing Contact at (360) 407-2210. Be sure to ask for the best contact for food contracts.

Benefits of Selling to State Institutional Facilities:

- Prisons do not require processed foods because they can process items on-site.
- Steady year round markets and consistent order volumes.
- Allows for medium and high volume sales in your community and across the state.

Challenges of Selling to State Institutional Facilities:

- Farm may need to deliver very high volumes.
- Farm may be required to carry additional liability insurance or third party food safety certifications like Good Agricultural Practices or GAP (available through WSDA Fruit and Vegetable Inspection Program).
- Prison or detention center may prefer that farms sell through regional distributors.

Corporate Campuses

Corporate campuses are seeing farm fresh food as an employee benefit and are offering local food options more than ever before. Businesses with in-house food service that serve 100 or more people per day are an example of this market. Whether these businesses make machinery in eastern Washington or software in western Washington, the cafeteria may offer three meals each day and ample snacks. Sometimes the cafeterias of large businesses can pay more than other institutions because the employee may pay more for featured local items. To get started, contact the buyer or food service management company that runs the cafeteria. Check for requirements and minimum volumes. Offer a list of your products, how you can offer them (fresh, frozen, dried, or canned) and possible delivery schedules.

Benefits of Selling to Corporate Campuses:

- Higher price point than other institutions and you can move volume quickly.
- Your farm may be featured with point of sale materials.
- May also be able to advertise to cafeteria customers or set up a CSA pick-up site at the business.

Challenges of Selling to Corporate Campuses:

- May be hard to get connected initially with the buyer.
- Farm may be required to carry additional liability insurance or third party food safety certifications like Good Agricultural Practices (GAP; available through WSDA Fruit and Vegetable Inspection Program).
- May prefer that farms sell through regional distributors.

Aggregation and Distribution for Institutions

Because institutions frequently need larger volumes of product, and prefer to simplify ordering and delivery, aggregation and distribution are useful considerations when planning for sales to institutions. Working with a local or regional distributor may work for some farms. Other farms join together officially as marketing co-ops or use aggregation in the form of a food hub to get the volume of product needed for institutional sales. Ensuring product traceability is very important in aggregation and may require significant coordination and labeling. Farms may also want to locate a co-packing facility to facilitate aggregation, minimal processing, packing, sales support and marketing and distribution of products.

Recommended Fact Sheets

- 7. Insurance
- 9. Direct Marketing in Washington State
- 12. Selling to Grocery Stores and Food Co-ops
- 15. Selling and Donating to Food Banks
- 18. Good Agricultural Practices (GAPs)
- 19. WSDA Food Processor License and Facilities

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Direct Marketing Strategies

Selling and Donating to Food Banks

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Washington State has an emergency food system composed of over 500 regional food banks, community food pantries, and meal programs according to the Washington State Department of Agriculture Food Assistance Programs. In 2013, the emergency food system supplied food to one in five Washington residents who experienced hunger. These organizations span every community across the state. Small and direct marketing farms can help tackle food insecurity by both donating and selling to food banks.

Historically, food banks gathered leftover or damaged boxes and cans from supermarkets, food processors and other distributors. This meant that food banks and pantries had very little fresh food to distribute. Increasingly, food banks and meal programs seek to increase the quality and quantity of fruits and vegetables they provide to clients. A growing number of emergency food system providers have dedicated funding (often supported through grants or community donations) to support the purchase of produce from local and regional farms. WSDA estimates that food banks are spending a minimum of \$7 million dollars per year on food from all sources. While this money is used to buy the items most needed for clients, these dollars may be also used to buy produce from farms.

Two markets of different scale in the emergency food system are interested in purchasing fresh farm products. Community or neighborhood pantries and meal programs (e.g., soup kitchens serving hot meals) are small and can lack sufficient cold storage for large quantities of highly perishable goods. Regional food banks have a multi-county reach, more money, greater storage, and are better suited for pallets, bins, or truckloads of produce. The emergency food system may buy anywhere from one case to multiple pallets of produce from farmers. In Skagit County, the Community Action Agency works with farmers to purchase excess produce at a very low price per pound.

Bellingham Food Bank does not just glean food from local farms; they also buy from local farms. Through their Food Bank Fresh and Winter Fresh purchasing projects, funded in part by a community foundation, the food bank and farmers build a crop list for the growing season, determine fair wholesale pricing, and forward contract for the harvest. This means that participating farmers are paid upfront for their contract. In its second year in 2014, Bellingham Food Bank has wholesale purchasing contracts with 11 farms, several of which are small and direct marketing farms, to grow and deliver \$80,000 in local produce along with \$40,000 in local dairy products. For more information, email glean@bellinghamfoodbank.org or call (360)739-5274.

Because food pantries, meal programs and food banks are primarily staffed with volunteers and may have infrequent hours, contact the purchase agent via email or phone to schedule an appointment. Be sure to share your product samples, a product list for the full season, your pricing, and delivery deadlines. To contact emergency food providers funded through WSDA, contact WSDA Food Assistance Programs at foodassistance@agr.wa.gov or (360) 725-5640.

Developing partnerships with the emergency food system can benefit farmers and Washington residents who experience hunger. Many farms selling at farmers markets donate the product that does not sell at the market to their local food bank. The Neighborhood Farmers Market Alliance runs seven farmers markets in Seattle and tracks their food bank donations, contributing over 25,066 pounds of food in 2013.

Community Supported Agriculture (CSA) farms often donate shares to food banks. Some CSA farms offer food bank shares, where members can donate money for shares which the farm matches and then delivers directly to the local food bank. Many CSAs also donate shares to food banks that members do not pick up from delivery sites within operating hours.

Farms may also be interested in donating product through gleaning programs which organize volunteers to harvest seconds or designated produce at participating farms. Some gleaning programs will report the number of pounds of produce collected from that farm. The farm, in turn, may use this information in their marketing efforts to demonstrate their commitment to reaching low income residents with fresh fruits and vegetables. Connecting with food banks may increase the farm's visibility in the community beyond direct marketing channels.

The 1994 Good Samaritan Food Donation Law protects farmers from liability when donated food already meets all "quality and labeling standards imposed by federal, state, and local laws" for retail sales.

Benefits of Selling to Food Banks, Food Pantries and Meal Programs

- Opportunity to sell #2s and large quantities such as fruit or vegetable bins.
- Opportunity for annual contracting or custom growing.
- Possibility for long term buying relationship.
- Increasing demand for fresh produce.
- Established regional transportation network.
- Can be an outlet when harvest is more abundant than planned.

Challenges of Selling to Food Banks, Food Pantries and Meal Programs

- Commodity pricing substantially lower than wholesale.
- Limited capacity for perishable products.
- May not be able to sell enough quantity for profitability.
- Limited and inconsistent financial resources.
- High turnover rate amongst staff and volunteers.
- Irregular hours with limited staff/volunteer availability.

To connect with the emergency food system's larger distributors contact:

- Feeding Washington, call (509) 252-6286.
- Northwest Harvest
 - In Eastern Washington, call (509) 575-6596.
 - In Western Washington, call (206) 923-7448.
- Rotary First Harvest, call (206) 236-0408.

Additional statewide resources include:

- Washington Food Coalition: www.wafoodcoalition.org or (206) 729-0501.

- The Washington State Department of Agriculture Food Assistance Programs:
www.agr.wa.gov/FoodProg or (360) 725-5640.
-

Recommended Fact Sheets

- 4. Licensing
- 7. Insurance
- 12. Selling to Grocery Stores and Food Co-ops
- 14. Selling to Schools and Other Institutions

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Voluntary Certifications

Organic Certification

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The WSDA Organic Food Program is accredited to certify organic producers, handlers, processors and retailers to the USDA National Organic Standards. WSDA is also accredited to certify operations in accordance with international organic standards. This fact sheet provides an overview of the requirements to market your crops and products with the organic claim, including:

- USDA’s National Organic Program and National Organic Standards;
- Organic labeling;
- Recordkeeping requirements for certified operations;
- Recordkeeping requirements for organic handler and processors;
- Approved materials for organic production;
- The WSDA Brand Name Material List (BNML);
- Organic Material Review Institute (OMRI);
- Five steps to organic certification with WSDA; and
- WSDA Organic Program fact sheets and contacts.

USDA’s National Organic Program and National Organic Standards

All products sold, labeled, or represented in the United States as “organic” must comply with the United States Department of Agriculture’s (USDA) organic regulations. Within the USDA, the National Organic Program (NOP) develops, implements, and administers national production, handling, and labeling standards for organic agricultural products. The NOP also accredits third party certifying agents (foreign and domestic) to inspect and evaluate organic production and handling operations and certify businesses that meet the National Organic Standards. Producers may become certified organic through any accredited certifier. The USDA National Organic Program’s website is www.ams.usda.gov/nop.

All organic certification is voluntary. However, operations, or portions of operations, that produce or handle agricultural products that are intended to be sold, labeled, or represented in the US as “100 percent organic,” “organic,” or “made with organic ingredients” must be certified by a USDA NOP accredited certifying agency.

The WSDA is an accredited third party certifying agent. Please contact the WSDA Organic Food Program for additional information and assistance.

How is organic production defined?

The National Organic Standards define organic production as a system that is managed in accordance with the USDA organic regulations and responds to site-specific conditions by integrating cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity.

What does transition to organic mean?

Transition describes the time period between the last prohibited material application and when the land becomes eligible for the organic status. The National Organic Standards require that all land used to produce organic crops and livestock must have had no prohibited substances applied to it for a period of three years immediately preceding harvest of the product.

Products certified as “transitional” must meet the same production and handling requirements as an organically certified product, except that the land must have no applications of prohibited materials for one year prior to harvest, rather than the three years required for organic. Producers whose land is in transition can apply for Transitional certification through the WSDA.

Do I need to be certified if I sell less than \$5,000 a year?

Producers, processors, and handlers that sell less than \$5,000 a year in organic agricultural products do not need to be certified to make an organic claim. While exempt from certification, these producers and handlers must still abide by the USDA organic regulations and are subject to surveillance inspections. Additionally, retail operations and some handlers (brokers, grocers, and distributors) are not required to be certified. Exempt or excluded handlers and processors may choose to obtain certification due to market demands or to increase consumer confidence of their products and practices.

How long does it take to get certified as an organic food producer or handler?

The certification process through WSDA takes an average of 3½ months. Incomplete application packets will delay the certification process. Application packets should be submitted early in the season to allow time for the inspection and review process. Organic crops may not be certified after they have been harvested, and organic processed products may not be certified after they have been processed and released.

What is the cost of organic certification?

The fees associated with organic certification are based on the operation’s gross annual income of organic crops or products and the type of certification services requested. The WSDA Organic Food Program fee schedules are outlined in the WSDA Organic Rules and Regulations Book (WAC 16-157) and in the application packets. Certification fees must be paid annually.

While previous Farm Bill legislation included cost share funding for organic certification, at the time of publication, organic certification cost share was no longer available. Please check with the Organic Food Program for an update on availability of funding to help with the application fees.

How often do I have to renew my application for certification?

Organic certification is an annual process. To remain compliant your operation must submit an application, organic system plan update, and fee every year. WSDA’s renewal application packets are mailed in December for producers and in January for handlers and processors. To avoid late fees of \$100 per month, renewal applications must be received in the office by February 1st for producers and March 1st for handlers and processors.

What is a Producer?

A “producer” is someone who grows or produces crops or livestock products. There is a distinction made between crop producers and livestock producers, and livestock producers are further defined as

ruminant livestock producers (beef, dairy, lamb) and non-ruminant livestock producers (poultry, eggs, pork). Organic crops and livestock must be produced in accordance with the USDA organic regulations to be sold or labeled as an organic product.

What are the requirements for producers of organic crops and livestock?

Organic crop production must occur on sites that have been free from prohibited materials for at least 3 years and must be managed without the use of prohibited materials. Organic livestock production requires that animals be fed 100% organic feed, have access to pasture for ruminants and access to the outdoors for non-ruminants, and prohibits the use of antibiotics and hormones. All producers must complete an Organic System Plan relevant to their type of operation and maintain detailed records of their production practices. An annual on-site inspection verifies that the Organic System Plan is accurate and that the operation's production practices are compliant with USDA organic regulations.

Can I be a certified organic producer if I also grow conventional crops?

Yes, an adequate buffer zone must be in place to prevent the unintended application (i.e., spray drift) of a prohibited substance on an organic crop and procedures must be in place to prevent organic crops from being contaminated. Recordkeeping must clearly differentiate the organic and conventional aspects of an operation.

What is a Handler?

A "handler" is someone who sells, brokers, distributes, packs, or labels organic products. Handlers of organic products must maintain the identity of organic food and prevent contamination with prohibited substances. Organic products can be identical in appearance to nonorganic products, therefore all labels and documents must clearly identify the product as organic. Handlers of organic products must demonstrate that they have procedures in place to maintain the identity and segregation of organic products at all times.

What is a Processor?

A "processor" is someone who engages in canning, freezing, drying, dehydrating, cooking, pressing, powdering, packaging, baking, heating, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, jarring, slaughtering, or otherwise processing of organic food products. Processed organic products contain organically grown ingredients and do not contain artificially derived preservatives, colorings, flavorings or other artificial additives. Processed organic products comprised of both organic and nonorganic ingredients are subject to specific labeling restrictions on the use of the term "organic."

What are the requirements for handlers and processors of organic food?

There are seven key requirements for organic handlers and processors:

1. Processors and handlers must complete and submit an application packet including an Organic System Plan.
2. Procedures must be in place to ensure that no commingling or misidentification occurs between organic products and non-organic products.
3. Prohibited substances used within the processing or handling facility must not come in contact with or contaminate the organic products.
4. A list of all ingredients used in organic products must be provided.
5. All organic ingredients must be certified according to USDA organic regulations, and by USDA-accredited certification agencies.

6. Labels for all organic products must be submitted and approved prior to obtaining organic certification.
7. All organic products must be processed with only approved minor ingredients and processing aids.

Organic Labeling

What Kind of Claims Can I Make?

Labeling organic products is strictly defined and regulated both for retail packaging and non-retail containers only used for shipping or storage. All product labels and marketing information that make an organic claim must comply with Subpart D of the USDA organic regulations (Sections 205.300 - 205.311). These sections outline product composition requirements, along with labeling requirements for the different composition categories.

Retail Packages

There are four distinct types of organic claims that may be made on retail packaging.

100% Organic Claims. These apply to products made entirely of 100% organic ingredients and processing aids. The product label identifies all organic ingredients as “organic” on the ingredient statement and includes the statement “Certified Organic by Washington State Department of Agriculture,” or other USDA-accredited certifier. The use of the USDA and WSDA organic seals are optional.

Organic Claims. This claim applies when the product is made with at least 95% organic ingredients, only approved non-organic minor ingredients and processing aids are used, all organic ingredients are identified as “organic” on the ingredient statement, and the label includes the statement “Certified Organic by Washington State Department of Agriculture,” or other USDA-accredited certifier. The use of the USDA and WSDA organic seals are optional.

Made with Organic (Specified Ingredients) Claims. This claim applies when the product is made with at least 70% organic ingredients, all organic ingredients are identified as organic on the ingredient panel, and the label includes the statement “Certified by Washington State Department of Agriculture.” Non-organic ingredients must not be produced using prohibited practices (e.g., Genetically Modified, Sewage Sludge, Ionizing Radiation). The use of the WSDA organic seal is optional. The use of the USDA seal is not permitted.

Organic Claims in Information Panel Only. This claim is used when the product is made with less than 70% organic ingredients. If the percentage of organic ingredients is displayed in the information panel, the organic ingredients must be identified as “organic” in the ingredient statement. **If organic claims are limited to the information panel, the product is exempt from certification under the National Organic Standards (Section 205.101).**

Organic Labeling for Non-retail Containers

There are regulations for labeling any container used only for shipping or storage of an organic agricultural product. The container must be traceable back to an organic product and must display the production lot number of the product, if applicable. In addition, non-retail containers may also be labeled with the term “organic”; special handling instructions to preserve the product’s organic integrity; the USDA and WSDA organic seals; and the statement “Certified by Washington State Department of Agriculture.”

Other Organic Labeling Requirements

The USDA organic regulations also outline requirements for the labeling of non-packaged products sold at retail stores (such as bulk containers), as well as the labeling of products that are produced at operations that are exempt or excluded from certification. Refer to Sections 205.308-310 within the USDA organic regulations or contact your certifier for details on these types of label claims.

Recordkeeping Requirements for Certified Operations

A major requirement of the USDA organic regulations is the maintenance of all records related to organic production and handling. These records must be available during an inspection and must be easily understood. An audit of your records will be conducted during an organic inspection to verify certification requirements have been followed. Complete and accurate records must be kept that track the organic products from seed to harvest, or from receiving through final sale and shipping. Examples of records maintained by organic producers are listed as follows. Please note this is not a comprehensive listing.

Records for Organic Crop Producers

- Invoices, organic certificates, verification of attempts to find organic sources for seeds, annual seedlings and perennial planting stock.
- Invoices and shipment documents for material inputs purchased and records for when all material inputs were applied.
- Production records such as planting, cultivation, weeding, farm equipment cleaning, farm consultant recommendations, soil analysis results.
- Harvest records including production yields, shipping documents, delivery tickets.
- Sales records including daily market records, CSA sales receipts (if applicable), bank deposits, warehouse sales summaries, invoices for buyers, purchase orders from buyers.

Records for Organic Livestock Operations

- Organic verification (i.e., organic certificates and invoices) for all feed, including pasture, grain, hay or silage.
- Grain invoices with weights from your grain company.
- Somatic cell counts for the last 6 months (dairy only).
- Animal medical treatment records (including vaccinations).
- Animal sale or purchase records, if applicable.
- Sales records including daily market records, CSA sales receipts (if applicable), bank deposits, and customer invoices.

Records for Production Sites

- Material application records to verify that the land has been under organic management for at least 36 months prior to harvest.
- Cropping history or land use for at least 3 years.
- If the land was previously certified organic, have the Organic Certificate available.
- Lease Agreements for any leased ground.
- Documents and maps from other agricultural agencies (NRCS, Farm Service, etc.)

Recordkeeping Requirements for Organic Handler and Processors

Receiving Records and Ingredient or Product Compliance Records

As an organic handler or processor, you need to have information detailing the amount of product received by your operation and information detailing the organic status or compliance of an incoming product. More specifically, this includes:

- A current organic certificate for each supplier of organic products or ingredients must be on hand. All organic products sold in the United States must have documentation that verifies the product was certified by a USDA-accredited certification agency and that the product was specifically certified according to USDA organic regulations.
- Compliance affidavits.
- Field or bin tickets.
- Clean truck/equipment affidavits.
- Invoices, purchase orders, bill of lading, scale tickets.
- Contracts.
- Certificates of analyses or Product Specification Sheets.

Production and Storage Records

You also need information detailing the handling or processing of organic products at your operation. This includes:

- Equipment clean-out logs.
- Product specification sheets and ingredient inspection forms.
- Batch recipes and product formulations.
- Ingredient usage reports and production logs.
- Quality control reports.
- Waste and shrinkage logs.
- Inventory reports for ingredients and finished products.
- Packaging reports.
- Pest management records.

Sales and Shipping Records

In terms of sales and shipping records, you will need information detailing the sale of finished product from your operation, such as:

- Pallet/tote tickets and scale tickets.
- Certificates of analyses.
- Purchase orders and sales journals.
- Shipping logs and bills of lading.
- Export records and transaction certificates.

Approved Materials for Organic Production

In order to comply with USDA organic regulations, producers, processors, and handlers must use input materials and substances that are in compliance with the regulation. Both the active ingredients in a substance, as well as any inert or minor ingredients, must fully comply with USDA organic regulations to be used in or on organic crops, products, or sites. The “National List,” Sections 205.601-205.606 of the USDA organic regulations, outlines the substances that are allowed and prohibited for use in organic

production and handling. The National List can be found in the WSDA Organic Rules and Regulations Book and at the National Organic Program website: www.ams.usda.gov/nop.

Crop Production

The USDA organic regulations allow the use of all natural substances unless they are specifically prohibited. (For example, strychnine and nicotine are prohibited.) Synthetic substances are prohibited unless they are specifically allowed according to the USDA organic regulations. Sections 205.601 and 205.602 contain the list of allowed and prohibited substances for use in organic crop production.

Soil fertility may be maintained or improved through the application of natural or approved synthetic fertilizers. Many approved synthetic fertilizers have restrictions or annotations regarding their use and should be considered carefully prior to their application. Natural and approved synthetic substances are also used for insect, weed and disease control in organic farming systems when a preventative plan is not adequate to avert pest pressure.

Compost and Manure

Compost and manure are natural soil amendments that are approved for organic production, but they must meet certain requirements to avoid restrictions. Raw, aged, and liquid manure must be applied at least 90 days prior to the harvest of crops whose edible portion does not come into contact with the soil (e.g., apples) and 120 days prior to the harvest of crops whose edible portion does come into contact with the soil (e.g., potatoes). Additionally, any compost that contains animal materials or manures is subject to these same preharvest intervals unless the compost has been produced in accordance with the USDA organic regulations Section 205.203. Compost that contains only plant material can be applied without restrictions.

Livestock

Materials approved and prohibited for use in organic livestock production can be found in the USDA organic regulations, Section 205.603 and 205.604. These material lists include the requirements around feed additives, vaccines and biologics, medications, and any other production aid used in an organic livestock system. Natural substances are approved for use in organic livestock systems, such as herbal remedies or naturally derived enzymes. All synthetic medications are prohibited, unless specifically allowed in Section 205.603. Prior to using a material in livestock production, evaluate the substance carefully and verify there are no synthetic binders, colors or artificial flavors in the product.

Processing Aids and Post-Harvest Materials

Certain materials are approved for use as “processing aids” and “post-harvest materials.”

A processing aid is a substance used during processing that is either removed in some manner or is present at insignificant levels in the finished food product. Examples of processing aids include defoamers, fruit waxes, enzymes, or substances used as filters. Non-organic ingredients in processing aids must appear on the National List of Allowed and Prohibited Substances, Section 205.605 or Section 205.606.

Post-harvest materials include any substance, material, structure, or device that is used in the post-harvest handling of agricultural products. Post-harvest materials are used on crops that are not processed. Post-harvest products include floating agents, ethylene removal products, and

sanitizers. Ingredients used for post-harvest handling must be allowed under Section 205.601 and Section 205.602 of the National List.

Some materials are allowed for both post-harvest and processing use (e.g., citric acid). However, many materials are only allowed for a particular application. Any restriction on the use of a Brand Name Material List of registered product is listed in its annotation.

The WSDA Brand Name Material List (BNML)



Through our Material Registration Program, WSDA Organic Food Program has evaluated the formulations of the products on the Brand Name Material List and determined that they comply with USDA organic regulations. Producers and handlers may use the products on this list and have confidence that their use will not negatively affect the status of their certification. The most up to date WSDA BNML can always be found at the Organic Food Program website: www.agr.wa.gov/foodanimal/organic.

The WSDA does not endorse or guarantee any of the products listed on the BNML.

Manufacturers are not required to register their products; therefore it is not a comprehensive list of materials that meet organic standards. Please refer to the National List of Allowed and Prohibited Substances for the complete list of generic substances that may be used in organic production. You are also encouraged to contact the WSDA Organic Food Program with questions regarding compliance with the USDA organic regulations.

Updates to the BNML

The Brand Name Material List is updated regularly. As products are added as well as removed, it is important to always check the most up to date list on our website:

www.agr.wa.gov/foodanimal/organic/materialslists.aspx.

WARNING!! The National Organic Program does not regulate the use of the term Organic on fertilizer and pesticide labels. Products prohibited for use in organic production may contain the word “Organic” on their labels. Prior to using any substance in an organic operation, carefully evaluate the status of the material according to the USDA organic regulations and the current WSDA Brand Name Material List. Substances change periodically due to withdrawal from registration, reformulation, or company change. Use of an unapproved substance may result in a loss of organic certification for 36 months. Keeping your certifier informed of all materials that you plan on using *before you use them* will help to ensure compliance and help you avoid accidental application of a prohibited material.

Organic Materials Review Institute (OMRI)



The Organic Materials Review Institute is another material review organization that offers an additional resource for materials that are approved for use in organic food production and handling. The OMRI Organic Products List is available at www.omri.org. OMRI also publishes a Generic Materials List that gives more information on a specific generic material and whether it can be used in an organic operation. Brand name products approved for organic production by OMRI may contain the “OMRI Listed” logo.

Environmental Protection Agency (EPA)

The Environmental Protection Agency reviews pesticides for use in organic production. These products are labeled with the phrase “For Organic Production” and may include the logo to the right.



Five Steps to Organic Certification with WSDA

Step 1: Develop an organic system plan

Contact the WSDA Organic Food Program to request an application packet specific to your type of operation. The packet walks you through the process of completing the organic system plan. The organic system plan is the foundation of the organic certification process. Created by the operation seeking certification, it details how an operation will comply with the regulations based on its unique characteristics.

While plans differ based on operation type and needs, they address all practices of the operation’s systems such as tilling, grazing, harvesting, storing and transporting. They also specify approved substances used during the growing or handling process, monitoring practices for organic systems, recordkeeping systems, and barriers that prevent commingling with nonorganic products or contact with prohibited substances.

Complete the application packet, and submit fees that pertain to your business. Refer to the section titled “Tips for Completing your Application Packet,” and the instructions on the different forms to complete your application packet. If you have questions regarding the forms, or the fees associated with organic certification, please contact the WSDA Organic Food Program by calling (360) 902-1805 or emailing organic@agr.wa.gov.

Step 2: Application review and approval

Once you have developed and put into place the organic system plan, your plan and application packet will be evaluated for completeness and compliance with USDA organic regulations. You will be notified if additional information is necessary to complete the review of your application packet. If no additional information is needed, you will be notified that a complete packet has been received and your inspector will contact you to schedule an inspection.

Step 3: Organic inspection

Every operation that applies for organic certification receives an on-site inspection. These comprehensive top-to-bottom inspections differ in scope depending on the farm or facility. For example, for crops they include inspection of fields, soil conditions, crop health, approaches to management of weeds and other crop pests, water systems, storage areas and equipment. For livestock, they include an inspection of feed production and purchase records, feed rations, animal living conditions, preventative health management practices (e.g., vaccinations), health records, and the number and condition of animals present on the farm. At a handling or processing facility, an inspector evaluates the receiving, processing, and storage areas used for organic ingredients and finished products.

An Organic Field Inspector will contact you to schedule an inspection of your business. Inspections are scheduled when the inspector can observe the practices used to produce or handle organic products and talk to someone knowledgeable about the operation. The inspector will evaluate your management

practices for organic crops and products, as well as your practices to protect organic crops and products from contamination. You will need to have all related records available for review at the inspection. Inspections vary in length, depending on the size and nature of your business.

Step 4: Inspection report review

After the inspection of your business has occurred, the inspector submits a report to the Olympia office and it is evaluated for compliance with the USDA organic regulations. The inspection report records whether you are following the Organic System Plan that was approved by the Olympia office, and if there are any areas of noncompliance with your practices and the production or handling of organic crops and products.

Step 5: Certification status notification

If the inspection verifies that your system is compliant with the USDA organic regulations, and any outstanding issues from the application review have been resolved, you will be issued an Organic Certificate. If areas of noncompliance were identified, the violation must be resolved prior to receiving organic certification. USDA organic regulations require that you update your plan as you modify practices that may affect organic integrity. An inspection will then be conducted at least once a year to maintain certification.

The certification process takes an average of 3.5 months for new applicants.
Submit your application packet early in the season to accommodate the certification process.

WSDA Organic Program Fact Sheets and Contacts

To learn more about organic requirements, visit the WSDA Organic Food Program website at www.agr.wa.gov/FoodAnimal/Organic or call (360) 902-1805. Additional resources can be found on the National Organic Program website at www.ams.usda.gov/nop

Recommended Fact Sheets

- 9. Direct Marketing in Washington State
- 17. Eco-labels, Animal Welfare and Fair Trade Certifications
- 19. WSDA Food Processor License and Facilities

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Voluntary Certifications

Eco-labels, Animal Welfare, and Fair Trade Certifications

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Farmers today have a wide range of voluntary labels and third-party certifications they can use to communicate their ecological farm practices or social justice practices to customers: Grass-fed to Salmon-Safe, Certified Vegan, Non-GMO, Fair Trade, and beyond. In some cases, products with a particular certification can garner a price premium. And, in other cases, the certification primarily serves to differentiate your product from the competition. With each label or certification, the costs to the farmer vary considerably. Meanwhile, only the most diligent customers can keep track of what practices the labels mean. At its worst, the mosaic of food labels and certifications available today have the potential to confuse and discourage customers from caring. At its best, a visual label stands out to consumers and helps them find your product. Consequently, farmers using certain labels or certifications should be prepared to educate their customers and champion their significance. To help you navigate the various labeling and certification options for your farm, this fact sheet includes an overview of:

- Eco-labels;
- Animal welfare labels;
- Fair trade and social justice labels; and
- Additional resources.

Eco-labels

Eco-labels serve to communicate a variety of farm values and agricultural practices that protect soil, water, biodiversity, wildlife, and other natural resources while reducing the use of petroleum-based energy and inputs, pollution, and other toxins. The eco-labels also resonate with customers who believe certain practices are more beneficial to farm worker health and protection, as well as their own health and that of their families.

Organic Certification is probably the most common “eco-label,” especially for whole fruits, vegetables, dairy, and processed foods. Please see the “Organic Certification” fact sheet for more information on how to become certified organic. For customer perceptions of “organic” and current trends please see the Hartman Group’s research: www.hartman-group.com.

The Consumer Union maintains a comprehensive on-line resource to almost 60 eco-label certifiers at www.greenerchoices.org/eco-labels. The site has a variety of “buying guides” that may be helpful in educating your customers; it also allows you to search for information by specific label, product, or certifier.

What makes a good eco-label?

According to the Consumers Union, there are five key criteria used to evaluate label claims and certifying groups:

- 1. Meaningful, verifiable standards:** Eco-labels should have a set of environmentally meaningful standards. These standards should be verifiable by the certifying group or another independent inspection organization.
- 2. Consistency:** An eco-label used on one product should have the same meaning if used on other products. Standards should be verifiable in a consistent manner for different products.
- 3. Transparency:** The organization behind an eco-label should make information about organizational structure, funding, board of directors, and certification standards available to the public.
- 4. Independence:** Certifying organizations and their employees should not have any ties to, and should not receive any funding, sales fees, or contributions, from logo users except fees for certification. Employees of companies whose products are certified, or who are applying for certification, should not be affiliated in any way with the certifier.
- 5. Public comment:** All certification standards should be developed with input from multiple stakeholders including consumers, industry, environmentalists and social representatives in a way that doesn't compromise the independence of the certifier. Industry representatives, for example, can play an important advisory role without having direct financial, decision making or management ties to the certifier.

Source: Excerpted from www.greenerchoices.org/eco-labels/eco-good.cfm (12/2013)

Animal Welfare Labels

A related category of labeling concerns the welfare of farm animals, specifically how they were raised and processed. The USDA has a list of animal audits and welfare programs on its Web site found through the Animal Welfare Certification Program at awic.nal.usda.gov (click on “Farm Animals”, and then “Animal Welfare Audits and Certification Programs”). Some organizations focus on farm animals and some advocate for all domestic and wildlife as well. Usually there is a protocol or list of standard practices that the agency has deemed to constitute “humane” practices. There may be an on-site audit and fee involved. If approved, you can use the certifier’s logo on your product.

Grassfed meat and dairy products have established protocols and the American Grassfed Association does offer a certification (www.americangrassfed.org). However, “grass finished” has no legal or regulated definition. Meat producers may also be interested in becoming certified as following certain religious dietary laws, the most common being Kosher or Halal. Each certifier has its own requirements.

Fair Trade and Social Justice Labels

Fair Trade and other labels that highlight social justice values distinguish themselves by including or focusing on the rights of people, especially farm workers or in the case of coffee and cacao, marginalized farmers. Fair Trade labeling is overseen by the Fairtrade Labeling Organization (FLO) in

Europe. Each country has members of FLO that work with producers, processors and retailers. The member in the United States is Oakland-based TransFair USA (www.transfairusa.org). A wide range of products can be Fair Trade Certified. However, fair trade certifications for domestically produced fruits and vegetables are far less common. For more information, please contact the Seattle-based Domestic Fair Trade Association at www.thedfta.org.

There are emerging efforts to introduce labels that reflect social justice values, often linking to Living Wage Campaigns and interfaith communities. Harvest for Humanity (www.harvestforhumanity.com) is one effort in Florida. In the past, United Farm Workers (UFW) produced certified fair trade apples from Washington State.

Additional Resources

Note: Listing of these sites does not constitute an endorsement by WSDA of any views expressed by the organizations. It is intended as a resource for information on specific labels only.

Animal Welfare Approved

www.animalwelfareapproved.org

Animal Welfare Approved is a voluntary food label for meat and dairy products that come from farm animals raised to certain animal welfare and environmental standards. The program is accredited to ISO guideline 65. Their website has extensive information for farmers. They also offer a grant program for farmers wishing to change their practices to meet the organization's standards.

Certified Naturally Grown

www.naturallygrown.org

Certified Naturally Grown is similar to organic certification in not allowing synthetic fertilizers, pesticides, herbicides, fungicides or GMO seeds. However, it is an independent program not affiliated with the USDA National Organic Program. Certified Naturally Grown's goal is to "minimize paperwork and certification fees and employ a peer-inspection process built on local networks."

Food Alliance

www.foodalliance.org

Based in Portland, Oregon, the Food Alliance is an independent third party that endorses farm and ranch producers as well as food handlers (food processing businesses) to meet program standards in eight areas such as worker conditions, humane treatment of animals, and environmental standards. Handlers and farmers become certified through an audit and inspection process which allows the products of these farms and facilities to carry a seal of approval.

Salmon Safe

www.salmonsafe.org and www.stewardshippartners.org

The Salmon-Safe Farm Management Certification Program is a third party certification. In Washington State, the program is coordinated by Stewardship Partners. Salmon-Safe works to restore water quality and salmon habitat in Pacific Northwest salmon watersheds. They do this by evaluating farm operations using conservation practices benefiting native salmon. Operations endorsed by its independent certifiers are promoted with the Salmon-Safe label.

Verified Non-GMO

www.nongmoproject.org

Based in Bellingham, the “Verified Non-GMO” project was initiated by the retail industry to provide independent, third party verification and labeling for non-GMO (genetically modified organism) food and products. They also do consumer education and advocacy.

Consumer Research

www.hartman-group.com

The Bellevue-based Hartman Group offers a variety of cutting-edge research reports, white papers, a blog, and a free newsletter on “sustainable” food trends.

“Farmers Market Glossary of Terms”

www.farmersmarketcoalition.org

The Farmers Market Coalition has a glossary of farming terms, food processing, animal husbandry and farmers market terms written to help customers, market managers and farmers speak the same language.

“Food Labeling for Dummies: A Definitive Guide to Common Food Terms and Claims”

www.animalwelfareapproved.org/wp-content/uploads/2013/04/Food-Labeling-for-Dummies-screen-v9-041013.pdf

To help make sense of the bewildering range of food claims and terms, Animal Welfare Approved has produced a comprehensive guide that provides definitions for the most commonly used claims and terms for the production, marketing and labeling of meat, dairy, eggs and other farmed products.

“Glossary of Meat Production Methods”

www.sustainabletable.org/spread/handouts/Glossary_of_Meat_Production.pdf

The Sustainable Table has produced a consumer-friendly “Glossary of Meat Production Methods” that highlights the different claims, labels and certifications being used in marketing meat.

Recommended Fact Sheets

9. Direct Marketing in Washington State

16. Organic Certification

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Voluntary Certifications

Good Agricultural Practices (GAPs)

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In recent years a voluntary USDA food safety audit program called “Good Agricultural Practices” or GAPs has received increased attention within the agricultural sector. In many cases, this attention is driven by buyers from grocery chains or produce distribution companies who are requiring that their suppliers be “GAP certified.” In addition, the passage of the 2010 Food Safety Modernization Act (FSMA) has highlighted the GAP program (and its parallel for packers and processors, the Good Handling Practices) both as informing FSMA’s future rules and highlighting producers’ and processors’ current food safety practices. Fortunately, WSDA has been able to support farms with their food safety goals through a project called “Bridging the GAPs.” To help clarify what GAP is, how it relates to direct marketing, this fact sheet includes:

- Benefits of becoming GAP certified;
- The USDA Good Agricultural Practices (GAP) and Good Handling Practices (GHP) Audit Program;
- Resources and additional information for farmers.

Benefits of Becoming GAP Certified

Becoming GAP certified is not required by state or federal regulations. It is a voluntary food safety audit that says your farm or business is following agricultural production and handling practices intended to minimize food safety risks in fruits and vegetables. While there are ample challenges to becoming GAP certified, especially among smaller-scale and diversified farms, there are also may be compelling reasons to consider it.

One clear motivation to become GAP certified (meaning that your farm passed the audit) is that certain buyers are requiring it. This is especially true for institutional markets (e.g., schools, hospitals), produce distributors, and retail grocery outlets motivated to manage the risk of food-borne illness and recalls. In addition to the USDA certification, there are a number of private food safety audit programs available. Farms and food businesses should check with buyers to confirm their specific requirements. In other cases, farms may do food safety audits such as GAP in order to document their production and handling practices even when buyers don’t require it. This extra step may be a production and marketing risk management strategy for the farm.

While GAP is not widely known in the general public, some farms consider third party food safety certifications as an effective way to communicate to direct market customers that they are following best practices to provide safe products.

The USDA Good Agricultural Practices (GAP) and Good Handling Practices (GHP) Audit Program

The USDA Good Agricultural Practices (GAP) and Good Handling Practices (GHP) Audit Program is a **voluntary** program for businesses growing, packing or processing fruits and vegetables. These programs are designed to demonstrate that the farm or business is following a set of food safety agricultural production and handling practices based on Food and Drug Administration's "Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables." The GAP and GHP audits show commitment by management and employees to follow and maintain guidelines to help minimize the potential risk for microbial contamination of the product.

For Washington State fruit and vegetable producers, the GAP audit is offered by the WSDA. *Because the program is voluntary, an audit is performed only at the request of the applicant.* The audit covers manure management, harvest, worker sanitation, packing house operation, storage, transportation, trace back, and other food safety topics. Farms and food businesses may request to be audited on some or all of these areas, depending on their specific business model and what their buyers require.

How long does it take?

It takes approximately 2 to 7 hours to complete an audit. The time necessary to complete an audit is dependent on many factors including the size of the operation, the number of crops covered by the audit, and the audit type. A small family farm growing one crop might only take a couple of hours, but a large diversified operation would take significantly longer.

What does it cost?

The federal rate for audit services is \$92 per hour per auditor, including travel time to and from the audit site and any preparation time needed to perform the audit. Currently WSDA is charging \$75 per hour but will change to the USDA rate in the near future. WSDA also charges mileage to and from the audit site.

Who does the audit?

A USDA-trained and certified GAP/GHP staff from WSDA's Fruit and Vegetable Inspection Program performs audits for WSDA.

For more information about GAP or GHP audits, contact the WSDA Fruit and Vegetable Inspection program by calling (360) 902-1833, emailing ccrump@agr.wa.gov, or visiting www.agr.wa.gov/Inspection/FVInspection/GAPGHP.aspx.

Resources and Additional Information for Farmers

WSDA supports farms in achieving food safety goals through a project called "Bridging the Gaps": www.agr.wa.gov/Inspection/GAPGHP. The goal is to improve food safety and develop education and outreach services to support Good Agricultural Practices (GAP) and Good Handling Practices (GHP). The project identifies and shares best practices relating to on-farm food safety for small, mid-sized and diversified fruit and vegetable farms. Bridging the Gaps also provides training to help WSDA auditors better serve small and diversified farming operations, and coordinates workshops and tools

for the farming community to share examples of safe growing practices that meet the GAP certification standards.

The “Bridging the Gaps” project includes:

- a series of on-farm workshops on small, diversified farms around the state;
- a video to introduce GAP/GHP at www.agr.wa.gov/Inspection/GAPGHP/Videos.aspx; and
- online resources such as a Q and A from farmers at www.agr.wa.gov/Inspection/GAPGHP/GAPGHPQA.aspx.

Many organizations and universities provide templates, information, and resources for farms seeking to develop food safety plans, improve food safety practices and successfully complete GAP/GHP audits. Among those linked from the WSDA Bridging the Gaps website are:

Cornell University Online Gaps Produce Safety Course: www.gaps.cornell.edu

Create a Customized Food Safety Plan: www.onfarmfoodsafety.org

On-Farm Food Safety Project website: www.onfarmfoodsafety.org

University of Minnesota Standard Operating Procedures Templates:

<http://safety.cfans.umn.edu/fsp4u>

Recommended Fact Sheets

19. WSDA Food Processor License and Facilities

22. FAQ on the Food Safety Modernization Act (FSMA)

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Food Processing

WSDA Food Processor License and Facilities

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Many small and direct marketing farms are adding value to their raw products by canning, freezing, drying, dehydrating, cooking, pressing, powdering, packaging, baking, heating, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, jarring, slaughtering, smoking and other forms of food processing.

Technically, “food processing” is defined as “handling or processing of any food in any manner of preparation for sale for human consumption” (RCW 69.07). Whether selling direct to consumers at farmers markets, at farm stands, through CSAs or selling to grocery stores, restaurants, or institutions, you must obtain a WSDA Food Processors license from the WSDA Food Safety Program to sell processed foods. Businesses with a WSDA Food Processors License are able to market processed foods in and out of state, with the exception of meat. Poultry processed by licensed WSDA Food Processors can only be marketed in state.

This fact sheet is designed to help clarify which products and processes require a WSDA food processor license and the use of a WSDA licensed food processing facility as well as highlight facility requirements, labeling, and resources. Contents include:

- Products and processes that require a WSDA Food Processor License;
- Technical assistance from WSDA Food Safety Program;
- WSDA food processing facility requirements;
- Labeling processed foods; and
- Food processing facility alternatives.

Products and Processes that Require a WSDA Food Processor License

Only processes approved and listed on the WSDA Food processor license may be used in the food processing facility. A license may be amended to add additional products, but requires pre-approval and an amendment form found at:

www.agr.wa.gov/FoodAnimal/FoodProcessors/licensing.aspx#AmendingLicenses.

As previously mentioned, food processing is handling or processing any food in any manner of preparation to be sold for human consumption. The regulations for food processing are outlined in the Washington Food Processing Act (RCW 69.07).

Processed foods include dried fruits, jams, salsa, sauces, dried herbs, teas, breads, cookies, cider, and post-harvest mixed salad greens as well as seafood, dairy products such as cheeses, bakeries, canned products, condiments, etc.

In addition, “repacking” foods as part of the preparation for sale is considered to be “food processing.” These are loose products taken from a larger container in an unwrapped state, transferred and repackaged into a smaller container (e.g., repacking a 50 lb. bag of flour into 5 lb. bags).

Also, packaging foods from the processed state is also “food processing.” Examples of packaging processed products include:

- Drying mushrooms and then packaging them in a plastic clamshell container;
- Washing ready-to eat salad mix and sealing it in bags or clamshells; or
- Freezing blueberries and packing them in 1-gallon plastic bags.

Fresh fruit or vegetables that are merely washed or trimmed during harvest or while being prepared or packaged for sale in their natural state do not qualify as processed foods.

More specifically, you need a WSDA Food Processor License if you:

- Cook, bake, freeze, slice, dehydrate, smoke, roast coffee beans, bottle water or repackage any type of food;
- Co-pack, meaning that you process or package food for someone else (i.e., another business);
- Make shelf-stable, low acid canned food (i.e., canned vegetables, canned fish, retorted vegetable or fish pouches [e.g., packaging of flexible metal foils and plastic commonly used for aseptic processing of tuna, juice, and ready-to-eat meals], bread or cake in a jar and chocolate sauce);
- Further process finished dairy products (i.e., cheese cutting, flavored dairy products, frozen ice cream desserts from an approved pasteurized mix);
- Process dietary or nutritional supplements that do not make health claims;
- Process a food product that contains no more than 2% cooked or 3% raw USDA meat ingredients by weight; and/or
- Process poultry, rabbit meat, or wild game.

In addition, if you are a Retail Food Service Establishment licensed and inspected by your local health jurisdiction, then you may also need a WSDA Food Processor License if:

- You have a retail bakery and sell more than 25% of your gross bakery sales off-site (however, some counties will require a WSDA license regardless of the percentage, e.g., Pierce County);
- You have a restaurant, catering business, grocery store, or bar and sell food products off-site (e.g., a restaurant may develop a frozen meal that they sell at grocery stores);
- Your food business has Internet sales; and/or
- You have a winery, cidery, brewery that produces non-alcoholic products.

Exemptions to the WSDA Food Processor License

You are exempt and do not need a WSDA Food Processor License if you:

- Merely wash and trim a raw agricultural product and prepare or package it for sale in its natural state (i.e., whole fruits and vegetables). For example, fresh blueberries that are packaged into pint containers for sale.
- Process your own raw honey and add no additional ingredients and are licensed under the 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.
- You are licensed by the Liquor Control Board as a winery or brewery operation. Or,
- You are licensed as a Retail Food Service Establishment and 100% of your retail sales are on-site.

Technical Assistance from WSDA Food Safety Program

The WSDA Food Safety Program has extensive information online to help with the licensing process: www.agr.wa.gov/FoodAnimal/FoodProcessors. In addition, the Food Safety Program staff offer one-on-one technical assistance with the licensing process, which may include 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.

To get the WSDA Food Processor License, you need to submit an application to the WSDA Food Safety Program. It is available online at www.agr.wa.gov/FoodAnimal/FoodProcessors or by emailing foodsafety@agr.wa.gov or calling (360) 902-1876. The WSDA Food Processor License application includes a sanitation schedule, intended type of process, ingredient/processing information, a floor plan of where you will be processing the product(s), proposed labeling, questions about your water supply and testing. Allow plenty of time for getting your water system approved for your facility, as this can take weeks or months.

WSDA Food Safety Program inspectors 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 12 months. The WSDA Food Processor License expires on June 30 of each year, and must be renewed annually. The WSDA Food Processor License fee is based on your projected sales volume. It starts at \$55 per year for gross sales up to \$50,000.

WSDA Food Processing Facility Requirements

You will need a WSDA licensed Food Processing Facility as part of your WSDA Food Processor License. Specific requirements for a WSDA Food Processing Facility include:

- a. Home processor facility;
- b. Bathrooms and hand wash sinks in home processor facilities;
- c. Processing equipment;
- d. Worktables and counters;
- e. Floor materials;
- f. Drainage;
- g. Lighting;
- h. Sinks;
- i. Walls;

- j. Ventilation;
- k. Water supply; and
- l. Refrigeration.

Be sure to contact the WSDA Food Safety Program if you have any questions about your plans or equipment, especially before making new investments in your facility. A Food Safety Officer will review your equipment at the time of inspection.

Processing Equipment

Your processing equipment should be made from materials that are easily cleaned and in good repair. Stoves, refrigerators, dishwashers, and other appliances and motorized processing equipment **do not** need to be “commercial” grade as long as they are made from materials that are easily cleaned and the equipment is in good repair. If you also have, or plan to have, a retail food establishment license from a local health department, they may require commercial grade equipment and more stringent plumbing; i.e. bakery with retail in front and processing in back.

Consider your investment in your processing facility carefully. Explore your options, your budget, and possible alternatives prior to making a final decision. Consider attending the annual Northwest Food Processor Association EXPO, held each January in Portland, Oregon. If you can attend before designing or building your facility, it may provide you with some practical knowledge and options for your project. Dealers of used commercial processing equipment also attend which could save you a considerable amount of money. Visit: www.nwfpa.org for more about this event.

Worktables and Counters

Worktables and counters must be in good repair with surfaces that are easily cleaned and non-corrosive. As “time is money,” consider the ease of cleaning all of your worktables and counters, repeatedly, over a long timeframe. A solid, durable and smooth surface will take much less time and effort to keep sanitary.

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|-------------------------|--|
| <i>Recommended</i> | Stainless steel and hi-impact, scratch-resistant plastic (Formica, Teflon, and thermal plastic). |
| <i>Satisfactory</i> | Metal or finished wood. |
| <i>Not Satisfactory</i> | Unfinished wood frames, counter tops and shelves. |
| <i>Exception</i> | Hardwood tables used for bakery make-up tables. |



Figure 1. Stainless steel table top serving as an effective surface for packaging product.

Floor Materials

The type of flooring material varies with different processing areas and the amount and type of foot traffic. Food processing areas require flooring which can be readily cleaned and kept in good repair. Materials such as well-sealed hardwood may be suitable for some areas of a bakery where dry clean-up methods are appropriate. Food processing areas that require flood-type cleaning, such as a fish plant, need well-sealed concrete floors with cove base and adequate drains. Heavy use areas with large, moveable equipment require more durable flooring. In general, vinyl linoleum or tile floor covering may be satisfactory for very small operations where vacuuming and wet mopping provide sufficient clean up. Larger operations, particularly those processes that are “wet” in nature (e.g., fish, fruit, vegetables, beverages, and tofu) require an easily drained, well-sealed concrete or tile floor.

Natural ceramic tile is another durable alternative. However, natural ceramic tile tends to break, or dent items that are dropped. Grout used between the tiles can be problematic if it is not maintained and sealed properly.

While concrete can offer a very cost effective solution, remember this is also a very hard surface, like tile, on dropped objects. There are a number of attractive choices to finish concrete including acid wash and epoxy. There are numerous options for coatings used on concrete floors in challenging environments where temperature, chemicals, oils, fats, etc. might be a consideration. These coverings come in many forms including resins, epoxies, polyesters, and other forms of coatings. While all of these treatments are initially costly, they provide exceptional durability, chemical and stain resistance, can be finished with a slip-resistant surface, are easy to clean, withstand heavy traffic, eliminate joints and seams, and many provide bactericidal properties. Another advantage with these types of floor covering treatments is the flexibility of interfacing with a wide variety of floor drain systems.

Drainage

If your processing entails the use of a lot of fluids, whether during production or cleaning, consideration of adequate drainage is essential. There are numerous types of floor drains available. Depending on anticipated volumes of water, you will want to consider slope, cleaning methods, type of floor surface, etc. before determining your best solution. There are single point source drains as well as trough drains available with grates or strainers.



Figure 2. Example of an effective trough drain installed in a food processing area.



Figure 3. Examples of the challenges of an uneven floor (i.e., seams, patches) or poor slope that make it more difficult and time consuming to maintain sanitary conditions.

Lighting

“Adequate lighting” means there is enough light to allow ease in cleaning and provide a safe, well-lit work place. All light fixtures above equipment or areas where food is exposed must be break-proof. Tuff-skin or plastic coated incandescent bulk sheets that fit around fluorescent tubes are satisfactory for this purpose.

Consider long range costs when planning your lighting. Newer LED lights are more energy efficient and can provide better illumination. Good lighting promotes safety, efficiency and comfort in the workplace.

Sinks

Each compartment must be large enough to accommodate the largest utensils (e.g., mixing bowls, sheet pans, trays, etc.) Licensed food processing facilities operations may use a three-compartment sink. Other processors may use a two-compartment sink, with an additional third sanitizing tub if necessary. A large two-compartment sink may be more suitable, depending on what your operation needs.

While many variations on one-, two-, and three-compartment sinks are available, and will probably satisfy your Food Safety inspector, sinks with a National Sanitation Foundation (NSF) designation are recommended. Sinks with the NSF certification can make your task of maintaining a sanitary working environment considerably easier. NSF certified sinks have smooth welds, coved bowl corners and drain boards that drain to the sink bowl. All of these features are designed to reduce the risk of harmful bacteria reproducing. The NSF certification on food service equipment means that everything from the product design to materials used to create the product have been tested and conform to food equipment safety and sanitization standards. Visit www.nsf.org for more information.



Figure 4. Note the covered bowl corners and rounded edges allowing for quick clean-up and eliminating crevices that might harbor pathogens.

Walls

The kind of wall finish you use depends on wall location in the food processing facility, the proximity to work counters, sinks, and equipment and the amount of splash and cleaning exposed to the wall. Painted drywall may be suitable in warehouse areas, but it is **not** suitable in fish plants and produce processing operations (i.e., potato or apple processors) and other plants where wet clean up is necessary. In general, wall areas in “wet” operations must be covered with a washable, non-porous, non-corrosive, smooth material that will not deteriorate when it gets wet.

| | |
|---------------------|---|
| <i>Recommended</i> | Stainless steel, fiberglass paneling (called glass board or Chemlite in the trade) |
| <i>Satisfactory</i> | Galvanized aluminum and Formica. Vinyl covered fiberboard panels (also called Marlite in the trade), commonly used to panel bathrooms, may be used, but are easily scratched and worn from scouring and cleaning. |

While fiber reinforced plastic (FRP) has been the standard for many years there are newer materials on the market which are equally effective, easier to install, and more cost effective.



Figure 5. Note that a painted wall surface, particularly in a damp or high exposure environment, will begin to deteriorate quickly.

Refrigeration

In any food processing facility, the refrigeration requirements of the product and the need to refrigerate those products must be considered. All “potentially hazardous foods” must be refrigerated, unless they are properly stored as a low acid canned food or acidified food, or are held at temperatures above 145°F. You will also need to determine your ability to adequately refrigerate your products while in storage and in transit. WSDA regulations require foods to be cooled to 45°F in 4 hours. For the Food Processing Facility license, you need to demonstrate the availability of facilities or provisions for refrigeration of such products (i.e., refrigerators, freezers, coolers, ice chests, insulated boxes with gel ice, etc.) and the efficiency of the equipment prior to approval.

A popular new technology, called Coolbot, is widely used for qualifying cooling situations is a product that turns almost any brand of off-the-shelf, window-type air conditioning unit into a high volume cooling machine. It can transform an insulated room into a walk-in cooler to keep your vegetables, meat, flowers and other products fresh and thermostatically controlled cool down to 35°F.

Labeling Processed Foods

The State of Washington food labeling requirements are based upon the Federal Fair Package and Labeling Act of 1966. As a rule, all processed foods packaged for retail sales and sold to wholesale or retail businesses must have labels on their packaging. Bulk products, that are not individually packaged for sale, such as a box of cookies delivered to a coffee stand, where the cookies are sold individually, must include the product name and the ingredients with each delivery. The product name and ingredients must be made available to consumers by request or signage. This includes processed foods sold at farmers markets, on the Internet, to restaurants, or grocery stores.

Creating labels for processed foods can be one of the most expensive costs for new processed products. Please contact the WSDA Food Safety Program if you would like technical assistance with your 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 (also described as the top) of the bread bag).

3. Ingredient Statement

The font size of the ingredient statement must be at least 1/16 of an inch as measured for the lower case “o.”

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 and multicomponent ingredients must break out subcomponent ingredients. Subcomponents may be listed in parenthesis. For example: Butter (cream [milk], salt, annatto) or Chocolate (sugar, cocoa butter, skim milk, chocolate, lactose, milk fat, soy lecithin, PGPR, artificial flavors) or soy sauce (soybean, wheat, salt). Subcomponent ingredients must also be listed in descending order.

Food products with undeclared colors may be considered a health risk and be subject to recall.

Certified Food Drug & Cosmetic (FD&C) color additives are classified as colors or lakes. Straight colors are color additives that have not been mixed or combined with any other substance (e.g., FD&C Blue No. 1 or Blue 1). These colors are usually used in products with high moisture (i.e. beverages). For low moisture products (i.e. candies and coatings), lakes are more suitable colorants. Lakes for food color are made by combining a certified color with an inorganic salt. Therefore, the label on a food product needs to specify the lake type (e.g., FD&C Blue No. 1 Lake or Blue 1 Lake).

Other ingredients used for coloring purposes must also be declared on a label. For example, caramel coloring, beet juice (color), carmine (color), cochineal extracts (color).

Spices, such as paprika, turmeric and others that are also colorings must be declared either by the term “spices and coloring” or be the actual name, such as “paprika.”

Sulfites may initiate adverse reactions in some people. Sulfites must be disclosed in ingredients statement when they are present at 10 parts per million (ppm) or more. And they must be disclosed at less than 10 ppm when they have a technical effect in the finished product. Food products with undeclared sulfites may be considered a health risk and be subject to recall. Ingredients that can be a source of sulfites include: dried fruit and vegetables, lime juice concentrate, caramel color, tea and molasses.

4. Food Allergen Labeling

A food product is subject to recall if it contains a major food allergen as an ingredient and it is not declared on the food label in accordance with the Food Allergen Labeling Consumer Protection Act (FALCPA) of 2004. The danger of developing a food allergy is currently about 2% in adults and about 6% in children in the U.S. Approximately 30,000 individuals require emergency medical care and 150 individuals die annually because of food allergies. There is no cure for allergies and the sensitive individual must avoid the food allergen. As such, consumers with food allergies depend on accurate product labeling to choose their food products.

Identify Major Allergens

These eight major food allergens must be clearly identified on food labels:

- Milk
- Eggs
- Fish (e.g., bass, flounder, cod)
- Crustacean shellfish (e.g., crab, lobster, shrimp)
- Tree nuts (e.g., almonds, walnuts, pecans, coconut)
- Peanuts
- Wheat (any species in the genus *Triticum*)
- Soybeans

Include Common Name

When the name of a major allergen does not appear in the ingredient statement, then you must include the common name of the allergen in parenthesis. For example, cream (milk), whey (milk), albumin (egg), semolina (wheat).

Nuts and Seafood

In the case of nuts and seafood, the law requires that the specific type of nut (e.g., walnut, almond, cashew) or species of fish (e.g., cod, tuna) or shellfish (e.g., shrimp, lobster) be specified.

Additives

Any allergens found in flavorings, colorings or processing aids, must also be included. For example, natural butter flavor (milk).

Two Ways to Label Allergens on Labels

The FALCPA requires allergen labeling in one of the two following ways:

1. **Using parentheses:** Place the common or usual name of the allergen in the list of ingredients (see peanuts below), or using parenthesis by the name of the food source from which the allergen is derived (see whey and milk). For example:
Ingredients: Whole grain brown rice, sugar, corn, maltodextrin, high fructose corn syrup, saltpeanuts, whey (milk), natural and artificial flavor (walnut), soy lecithin, caramel color, sucralose.
2. **Using the word “Contains”:** Include the word “contains” immediately after or adjacent to the list of ingredients, followed by the name of the food source for each of the major food allergens present in the food’s ingredients. When a “contains statement” is used, all major food allergens that are found in the product must be listed in the “contains statement” even if they are listed in the ingredients statement. For example:
Ingredients: Whole grain brown rice, sugar, corn, maltodextrin, high fructose corn syrup, salt, peanuts, whey, natural and artificial flavor, soy lecithin, caramel color, sucralose. Contains: peanuts, milk, walnut, and soy.

5. 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).*”

The street address may be omitted from the label if the street address 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.

6. Net Weight

The label also must have an accurate statement of quantity of the contents by weight or volume 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.

7. 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.

8. Nutritional Value Information

Nutritional information is required on the label for most processed foods packaged for retail sales. 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 the WSDA Food Safety Program for specifics on this exemption.

Businesses selling a product that make a health or nutritional *claim* (e.g., “Lowers blood pressure” or “Supplies 100% of daily recommended amount of Vitamin C”) are not exempt.

For more information on labeling contact the FDA district office by calling (425) 302-0340 or the WSDA Food Safety Program by calling (360) 902-1876, emailing foodsafety@agr.wa.gov or visiting www.agr.wa.gov/FoodAnimal/FoodProcessors/packaginglabeling.aspx.

Food Processing Facility Alternatives

There are three possible alternatives to process your product in Washington State, depending on what the product is and where you plan to sell it.

Co-packing at a licensed WSDA Food Processor

Small producers may have their products processed by a licensed WSDA Food Processor. The food industry term for this is “co-packer.” The co-packer may carry insurance and usually charges per unit (e.g., pint, quart). Labeling on these products must include the words: “*Manufactured for...*” or “*Distributed by...*” to designate the firm’s relation to the product. To find a licensed WSDA Food Processor, please call (360) 902-1876.

WSDA’s Cottage Food Operator Permit

Washington’s new Cottage Food Permit allows a limited number of “low risk” products to be processed in a permitted Cottage Food Operator’s home kitchen. These products can only be sold by the operator directly to the end consumer. Selling to restaurants, grocery stores or coffee shops is not allowed. For more information see the “Cottage Food Operator Permit” fact sheet.

Commercial or Certified Kitchens

If you wish to process your farm produce but do not have the facilities or 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 only within your county, your county health department may permit the commercial kitchen. However, some counties (e.g., King County), do not permit commercial kitchens for food processing and require a WSDA Food Processor License. Call your local county health department or look online for a list 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 certain foods such as a cheese product, low-acid canned, or acidified 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. Contact WSDA for products that will require WSDA licensing.

Recommended Fact Sheets

- 7. Insurance
- 20. Cottage Food Permit
- 21. Food Product Recalls
- 22. FAQ on the Food Safety Modernization Act
- 35. Selling and Processing Poultry
- 36. Selling Rabbit Meat
- 37. Selling Ready-to-Eat Foods

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Food Processing

Cottage Food Permit

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In 2011 the Washington State Legislature passed a Cottage Food Law that makes it possible for farmers and food businesses to sell products made in an inspected home kitchen instead of in a commercial kitchen. Products sold with the new “Cottage Food Permit” must be considered “low risk” and can only be sold directly to the end consumer at places such as farmers markets, farm stands and seasonal events (e.g., harvest festivals). This fact sheet covers the key terms, regulations, and how to get a Cottage Food Permit:

- Key definitions;
- Cottage Food Operation permit sales limits;
- Products allowed with the Cottage Food Operation Permit;
- Permit application requirements, timing and fees;
- Labeling requirements for Cottage Food Products; and
- Additional information and resources.

Key Definitions

Cottage Food Operations

The term “cottage food operation” or CFO comes out of the national cottage food movement that is seeking to provide low cost, home-based opportunities for food businesses. In Washington State law, a cottage food operation is defined as *“a person who produces cottage food products only in the home kitchen of that person's primary domestic residence in Washington and only for sale directly to the consumer.”*

Cottage Food Products

In Washington, “cottage food products” are *“non-potentially hazardous baked goods, jams, jellies, preserves, and fruit butters as well as other identified non-potentially hazardous products.”* In general, non-potentially hazardous foods do not need to be refrigerated to prevent bacterial growth that can make people sick. See “Products allowed to be produced and sold with the Cottage Food Operation Permit” in this fact sheet for a list of specific cottage food products.

Home Kitchen

As defined by the Cottage Food law, a “home kitchen” is a *“kitchen primarily intended for use by the residents of a home. It may contain one or more stoves or ovens, which may be a double oven, designed for residential use.”*

Domestic Residence

For Cottage Foods, a “domestic residence” is a *“single-family dwelling or an area within a rental unit where a single person or family actually resides. A domestic residence does not include: (a) A group*

or communal residential setting within any type of structure; or (b) An outbuilding, shed, barn, or other similar structure.”

Potentially Hazardous Foods

In this context, potentially hazardous foods are those *“requiring temperature control for safety because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms, or the growth and toxin production of Clostridium botulinum.”*

The source of the preceding definitions is available online in Chapter 16-149 WAC at www.agr.wa.gov/cottagefood.

Cottage Food Operation Permit Sales Limits

Sales limit of \$15,000

Cottage food operations may sell up to \$15,000 of their cottage food products each year with the Cottage Food Operations Permit.

Only Sales to the End Consumer are Allowed

All cottage food products sold with the Cottage Food Operations Permit must be sold directly to the end consumer by the permitted Cottage Food Operator. Cottage food products cannot be sold to restaurants, grocery stores, coffee shops, bakeries, or wholesale to any other business.

Additional Limitations

Your cottage food products cannot be sold outside of Washington.

Internet sales must be picked up or delivered in person within Washington State. Cottage food products may not be shipped. For example, a cottage food operator can sell their cottage food products online and accept payment online, but pick-up must occur at either the cottage food operator’s home OR the cottage food operator may deliver to the end consumer.

Products Allowed with the Cottage Food Operations Permit

Only the cottage food products approved and listed on your Cottage Food Operations Permit are allowed to be sold. Make sure the product(s) you want to make and sell are allowed before you submit your permit application and non-refundable fee of \$230.

Allowed Cottage Food Products

Baked Goods (that are cooked in an oven) such as:

- Loaf breads, rolls, biscuits, quick breads, muffins;
- Cereals, trail mixes, or granola;
- Cakes;
- Candies and confections (that are cooked in an oven only);
- Pastries or scones;
- Pies (except custard style, pies with fresh unbaked fruit, and pies requiring refrigeration after baking);
- Cookies or bars;
- Nuts or nut mixes;

- Crackers;
- Snack mixes;
- Some frostings;

Standardized jams, jellies, preserves, and fruit butters are allowed. However, the Cottage Food Operation Permit specifies that they must be made with low risk recipes, with sugar and only certain types of fruit. Please see “Requirements for Specific Standardized Fruit Butters, Jellies, Preserves, and Related Products” by going to the following link and typing in “150” in the “Title21 Part. Section” search box: www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm.

Recombining and packaging of dry herbs, seasonings, and mixtures (e.g., dry soup, teas, coffees, spices, and seasonings) is allowed.

Vinegar and flavored vinegars are allowed.

Products not allowed under the Cottage Food Permit:

- Fresh or dried meat or meat products including jerky;
- Fresh or dried poultry or poultry products;
- Canned fruits, vegetables, vegetable butters, salsas, etc.;
- Fish or shellfish products;
- Canned pickled products such as corn relish, pickles, sauerkraut;
- Raw seed sprouts;
- Baked goods which require any type of refrigeration such as cream, custard or meringue pies and cakes or pastries with cream or cream cheese fillings, fresh fruit fillings or garnishes, glazes or frostings with low sugar content, cream, or uncooked eggs;
- Tempered or molded chocolate or chocolate type products;
- Milk and dairy products including hard, soft and cottage cheeses and yogurt;
- Cut fresh fruits or vegetables;
- Food products made from cut fresh fruits or vegetables;
- Food products made with cooked vegetable products;
- Garlic in oil mixtures;
- Juices made from fresh fruits or vegetables;
- Ice or ice products;
- Barbeque sauces, ketchups, or mustards; and
- Focaccia-style breads with vegetables or cheeses.

Permit Application Requirements, Timing and Fees

There are three specific requirements that must be met before you can get your Cottage Food Operation Permit. Copies or documentation of these tests or licenses is required to be submitted with your application.

1. Water Testing

If you are on City, Community or other Municipal Water Systems you do not need to have your water tested, but you do need to submit a copy of a recent water bill at the cottage food address.

If you are on a private water supply you will need to have the supply tested at least 60 days prior to permitting and at least annually thereafter. You must submit a copy of the test and written report that demonstrate the water supply is potable. Check with your local county planning or health department for more information.

2. Food Worker Card

Any person who will be working in your Cottage Food Operation must apply and receive their Food Worker Card (also known through as a Food Handlers Permit). This is available through your local county health jurisdiction or online at www.foodworkercard.wa.gov. For more information, please see the Washington State Department of Health “Food Worker Card” FAQ site:

www.doh.wa.gov/CommunityandEnvironment/Food/FoodWorkerandIndustry/FoodWorkerCard.aspx. You must provide signed copies of a Food Worker Card for each person named on your application.

3. Master Business License

In order to apply for the Cottage Food Operation Permit, you must have a Master Business License to do business in Washington. The name of the person(s) applying for the Cottage Food Operations Permit must be on the Master Business License. Your business license is also used to identify your business name and the address of your cottage food location for the permit and for your product labels. Visit www.bls.dor.wa.gov to apply for a Master Business License.

Additional Application Requirements

In addition to the preceding requirements, the Cottage Food Operation Permit application asks for technical details, including a floor plan, production process, equipment and utensil list, cleaning and sanitation plan, processing dates and sales plan, child and pet management plan.

Documenting the production process is typically the most time-consuming step for both the applicant and the Cottage Food permit review team. This step includes submitting each of your recipes in a specific format, documenting the prescribed processing and packaging steps, as well as submitting an example of each product label per the specific labeling requirements. Each recipe and label is thoroughly reviewed for compliance. For additional information, please visit www.agr.wa.gov/CottageFood and read “Things to keep in mind when completing your application.”

Timing

The Cottage Food Operation Permit is good from the permit date until January 31 (e.g., Permit date: 4/16/2014, Expires: 1/31/2015).

How long it will take to review and approve your application depends on how many recipes were submitted, how thoroughly the application has been completed, and how timely the applicant responds to notices and questions from WSDA. The application can be approved as quickly as two weeks, but could take up to six weeks or longer.

Fees

The annual application fee totals \$230 and includes \$75 for a public health review of the application, \$125 for a WSDA on-site inspection of your kitchen, and a \$30 processing fee for the application. The application fee is non-refundable and no refunds will be made after receipt of the Cottage Food Operation Application.

Permit Process

After your application has been approved by the public health review, WSDA will contact you to setup an on-site inspection of your kitchen and all identified areas of your submitted floor plan. The inspection typically occurs within 1 to 4 weeks after your application has been approved. When you pass the inspection, your Cottage Food Operation Permit will be emailed to you within 1 to 3 days. Once you have the permit in hand, you may begin producing your approved products for sale.

Labeling Requirements for Cottage Food Products

Products that are produced and sold with the Cottage Food Operation Permit must include the following information on their labels:

- Name of Cottage Food Operation.
- Physical address of Cottage Food Operation.
- Product name.
- Ingredient list, including a break down to the smallest sub-ingredients.
- Identification of any allergens (e.g., milk, wheat, eggs, peanuts, soybeans, tree nuts, fish, and crustacean shellfish).
- Weight or volume in U.S. measures.
- The statement: “Made in a home kitchen that has not been subject to standard inspection criteria.”

The application packet includes additional label details information and sample labels (Appendix 5): <http://agr.wa.gov/FoodAnimal/docs/2093FormApplicationCompleteFinalPacket.pdf>.

Additional Information and Resources

For complete requirements, technical assistance, or to apply for the Cottage Food Operation Permit, please contact the WSDA Food Safety Program at (360) 902-1876, cottagefoods@agr.wa.gov, or visit www.agr.wa.gov/CottageFood. The website includes a list of Frequently Asked Questions for applicants.

WSDA also has a “Cottage Foods Video” showing allowable foods, labeling requirements, permitted cottage food operators’ kitchens, tips from cottage food operators, and the permitting and inspection process. It can be viewed at www.youtube.com/user/WSDAgov.

Recommended Fact Sheets

- 9. Direct Marketing in Washington State
- 19. WSDA Food Processor License and Facilities
- 37. Selling Ready-to-Eat Foods

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Food Processing

Food Product Recalls

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No farm or food processor ever wants to have a recall of one of their products. However, when an unsafe food product has left the control of the producer, it must be removed from the marketplace. The process of removing the product is called a *recall*. Therefore, it's helpful to know what you can do to avoid a recall altogether. And, in the unfortunate event that it does happen, it helps to have a "recall plan" in place and know what to do. The idea of a recall plan is to be able to identify the product(s) affected, how much is involved, how to locate it, and how to let your customers know quickly. It can be designed in a way that will work for you and your customers. Preparing for a food recall is part of effective crisis management and can protect your business. This fact sheet covers:

- Problems that lead to recalls;
- Recall planning for your business;
- Your responsibilities during the first 24 hours of a recall;
- WSDA and FDA Recall Coordinator Contacts.

Problems that Lead to Recalls

Despite careful production and processing, there is a chance that someday one of your food products may need to be recalled. A faulty piece of equipment may prevent your food product from being processed safely. An ingredient you used in a food product might contain an undeclared allergen or pathogen. Unfortunately, there are many reasons that things go wrong. Many of these problems are found in routine inspections and in sampling from retail stores by WSDA's Food Safety Program or the Food and Drug Administration (FDA). However, problems are also found when a consumer gets sick.

Recall Planning for Your Business

Your recall plan needs to be specific to the product in question and can be designed in a way that will work for you and your customers to remove a food product from the market quickly and effectively. Here are some general tips:

- Your recall plan should include contacting the WSDA Recall Coordinator who will assist you with protocol, standards and wording ensuring you have an efficient and effective recall.
- A good record-keeping system is important to help identify products, codes, lots and quantities. Lot coding or date coding is very important. Without it, you may not have a way to differentiate between problem product and good product. Without lot coding or date coding, much more product might have to be recalled leading to added expense.

- Choose a recall contact. This person can be the owner, a manager or someone who knows the operation well.
- Be able to organize a list of customers, distributors, and accounts quickly. This list can be based on invoices, phone orders, retail store receipts, etc.
- Be sure to test your recall plan and practice this plan regularly. These are sometimes referred to as “mock recalls.”

Your Responsibilities during the First 24 Hours of a Recall

- 1) Notify the WSDA Food Safety Program (360) 902-1876 and/or FDA recall coordinator immediately upon the decision to recall.
- 2) Identify, isolate and stop selling the affected product(s).
 - Consider all products that could be involved in the problem. If a problem is found in a single lot of product, are you sure other lots are not affected?
- 3) Notify your customers.
 - Work with a WSDA or FDA Recall Coordinator to develop clear and accurate messaging.
 - Alert customers of the recall, the reason for the recall, and the specific product(s) affected.
 - Include instructions to isolate and stop selling the product.
 - Include instructions that your customers should contact the WSDA or FDA recall coordinator if they further manufacture, re-pack or re-label the recalled product.
 - Include a method for your accounts to contact you to confirm that the recall notice was received and that appropriate action was taken (effectiveness checks).
- 4) Prepare a Customer Distribution List.
 - Compile a list of customers who you shipped the recalled product to.
 - The list should identify the type of customer (CSA, distributor, manufacturer, wholesaler, retailer, retail distribution center, etc.).
 - Include name of customer, address, city, state, zip code, and customer contact telephone number and email address.
- 5) Press Release and Food Safety Notice (FSN).
 - For situations where the recalled product may pose a significant health hazard work with WSDA and/or FDA recall coordinator to develop messaging for the public and press.
- 6) Reportable Food Registry (RFR)
 - For situations where the recalled product may pose a significant health hazard, visit www.fda.gov/Food/ComplianceEnforcement/RFR/default.htm and file a report.

Important: Destruction or reconditioning of any recalled product (mixing recalled product into non-recalled product) may require FDA or WSDA approval and supervision.

WSDA and FDA Recall Coordinator Contacts

To initiate a recall:

WSDA Food Safety Program
Olympia, WA
Phone: 360-902-1876
foodsafety@agr.wa.gov

To create a recall plan:

WSDA Recall Coordinator
Olympia, WA
Phone: 360-902-1876
foodsafety@agr.wa.gov

To contact FDA:

FDA's Seattle District covers Alaska, Idaho, Montana, Oregon and Washington.
FDA Recall Coordinator
Bothell, WA
Phone: 425-302-0467
Fax: 425-302-0403
orasearecalls@fda.hhs.gov

Recommended Fact Sheet

19. WSDA Food Processor License and Facilities

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Food Processing FAQ on the Food Safety Modernization Act

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The Food Safety Modernization Act of 2010 passed the U.S. Congress and was signed into law by President Barack Obama on January 4, 2011. FSMA, as the legislation is known, is the first comprehensive update to federal food safety laws since 1938. Naturally, this has captured the attention of farmers, food processors, and food system advocates throughout the country.

What is the intent of FSMA?

The purpose of the law is to ensure a safe U.S. food supply by shifting the focus of Food and Drug Administration (FDA) regulators to preventing contaminated food from reaching the public rather than responding to instances of food borne illness and contaminated products. The intent is to prevent, detect and respond to food safety problems, and increase the safety of imported foods.

What are the key areas of FSMA?

FSMA authorized new regulations for farm production in a Produce Rule and in food processing in a Preventive Controls Rule. At the time of printing this fact sheet, these rules were still in draft form and the public comment period had ended.

When it will be implemented?

After the 2013 collected comments are considered, the rules will be revised and portions of the rules opened again for public comment in summer 2014. Then they will be adopted and implemented in 2015. Small farms may have two to three years to meet the new regulations.

What is the Tester Amendment?

The Tester Amendment is the part of FSMA that allows for possible exemptions or partial exemptions as a “small business” or “very small business.”

Where can I find the Proposed Rules?

Visit www.fda.gov/FSMA where the FDA has posted the rules, guidance documents, videos and webinars.

Where can I find key information for farmers?

The FDA's *Resource for Produce Farmers* is a good source of information and is available at www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM360295.pdf.

Where can I find key information for food processors?

The FDA Overview of the FSMA Proposed for Preventive Controls for Human Food is an excellent resource at: www.fda.gov/Food/GuidanceRegulation/FSMA/ucm334115.htm.

If I farm and have a food processing facility on my farm, do I fall into both rule categories?

The short answer is you might. For more details read the FDAs *I Have a Farm- Does the Proposed Preventive Controls Rule Affect Me?* Available at:

www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM365377.pdf

What is the difference between FSMA and GAPs?

Both FSMA and USDA Good Agricultural Practices and Good Handling Practices program focus on food safety practices and standards. However, FSMA will be a legal requirement for growers and processors, while GAP/GHP certification is voluntary. The rules are still being written for FSMA, while GAP/GHP audits are currently in practice. Please also see: “*FSMA, 3rd Party Certification, and GAPs... What’s the Difference*” written by Colleen Burrows of Whatcom County Extension:

<http://whatcom.wsu.edu/ag/documents/foodsafety/articledifference.pdf>.

Where do I get more information and technical help?

National Sustainable Agriculture Coalition: <http://sustainableagriculture.net/fsma>.

WSU School of Food Science: Contact Karen Killinger at (509) 335-2970, karen_killinger@wsu.edu, or <http://www.foodsafety.wsu.edu/fsma/index.html>.

WSDA Office of Compliance and Outreach: Contact (360) 902-1905, oco@agr.wa.gov, or www.agr.wa.gov/FoodAnimal/OCO.

Recommended Fact Sheets

- 18. Good Agricultural Practices (GAPs)
- 19. WSDA Food Processor License and Facilities

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling Beef, Pork, Lamb, Goat and Other Meat

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Growing consumer demand for local, natural, grass-fed, and organic meat creates new opportunities for producers. However, selling USDA inspected meat is a significant challenge due to our state's limited local processing infrastructure. Selling beef, pork, lamb, and goat as "custom exempt" is a common option. To help producers navigate their options, this fact sheet includes:

- Meat processing overview;
- WSDA custom meat processing;
- USDA inspected meat sales;
- USDA inspected Mobile Slaughter Units;
- Exotic and game animals;
- Health Department Requirements for selling meat;
- USDA FSIS Retail Exemption;
- Food Storage Warehouse License; and
- Helpful resources on processing livestock.

Meat Processing Overview

Meat processing in the United States is regulated by the Federal Meat Inspection Act. This Act includes processing cattle, sheep, swine, and goats. In some situations, it also includes exotic animals, game animals and ostrich, emu, and rhea raised for meat. In order to meet the federal requirements, animals must be processed at plants inspected by the USDA Food Safety and Inspection Service (FSIS). However, it is difficult for many small producers to access these federally inspected plants. The other option for producers is to have your animals processed as "custom exempt" through the WSDA Custom Exempt Program, or through a WSDA Food Processor License for wild game and exotics (e.g. buffalo, beefalo, ostrich, emu, and rhea). Table 1 summarizes the key differences between what is allowed for custom exempt and USDA inspected meat. Table 2 summarizes the key differences between what is allowed for a WSDA Food Processor and USDA inspected meat.

TABLE 1. WSDA CUSTOM EXEMPT AND USDA INSPECTED MEAT

| Species: cattle, sheep, swine, and goats | WSDA Custom Exempt | USDA Inspected Facility |
|--|--------------------------------------|--|
| What can be sold? | 1/8, quarter, half, or whole animal* | whole, primal, or meat processed into cuts |
| Marketing options? | direct to end consumer only | direct, retail and wholesale |
| Are out-of-state sales allowed? | No | Yes |

*Can go lower than 1/8 as long as paperwork supports it being owned by each of the owner's before slaughter.

TABLE 2. WSDA FOOD PROCESSOR AND USDA INSPECTED MEAT

| Including: buffalo, beefalo, ostrich, emu, and rhea | WSDA Food Processor | USDA Inspected Facility |
|---|--|--|
| What can be sold? | whole, primal, or meat processed into cuts | whole, primal, or meat processed into cuts |
| Marketing options? | direct, retail and wholesale | direct, retail and wholesale |
| Are out-of-state sales allowed? | No | Yes |

WSDA Custom Exempt Meat Processing

The “custom exempt” meat processing allows producers to sell animals by live weight directly to the end consumer prior to slaughter (i.e., when they are still alive). Under custom exempt processing, cattle, swine, sheep and goat are sold as a whole, half, quarter, eighth or smaller (as long as paperwork supports it being owned by each of the owners before slaughter) for the sole consumption of the owner. Meat is “uninspected” and cannot be resold. Selling meat by the piece is not allowed under custom exempt. All sales, slaughter, and cut and wrap must occur in Washington State.

Custom meat animals are required to be slaughtered by people licensed by the WSDA Custom Meat Program. The slaughter may occur on the farm where the animal was raised, if the licensed “custom farm slaughterer” has a WSDA licensed custom meat truck. Animals may also be processed at a fixed slaughter facility licensed by WSDA to slaughter meat food animals for the owner (also known as a “Custom Slaughter Establishment”). Carcasses are tagged and delivered to a WSDA licensed Custom Meat Facility for cutting and wrapping, aging, and freezing. Individual customers wanting specific cuts must call this facility with directions on how to cut the carcass. Customers also make arrangements to pick up their meat at the Custom Meat Facility.

Custom slaughtered meat is “uninspected” because it is not processed in a USDA inspected facility. All packaged meat must be labeled “not for sale.” Only the owner of the animal (i.e., the meat customer), their immediate family and/or non-paying guests can consume it. Custom exempt meat cannot be sold at farmers markets, to restaurants, or to grocery stores. Likewise, it cannot be donated to food banks.

Producers are advised to schedule butcher dates well in advance with their custom farm slaughterer, especially during the busy season (August through November). In addition, producers need to ensure that space will be available for their animals at the cut and wrap facility on the day of slaughter.

For a list of WSDA licensed custom slaughter and custom meat processing facilities, contact Food Safety by calling (360) 902-1876 or email at foodsafety@agr.wa.gov. Additional information is also available at www.agr.wa.gov/FoodAnimal/CustomMeats. At the time of printing, WSDA licensees included:

- 72 Custom Farm Slaughterers;
- 17 Custom Slaughter Establishments (fixed facility); and

- 103 Custom Meat Facilities (cut and wrap).

USDA Inspected Meat Sales

USDA inspection is required to sell meat from livestock and animal products (as opposed to live animals) through retail outlets, by the cut, or across state lines. Producers must have the animals slaughtered and processed in USDA inspected facilities. Some facilities require a minimum head number or work only on contract, and many process only beef. The major benefit of meat processed at USDA inspected facilities is that it may be sold at farmers markets, to restaurants and to other wholesale and retail outlets. Only USDA inspected red meat can be sold in retail or wholesale markets.

For information regarding USDA Inspected facilities in the Pacific Northwest, contact the USDA Food Safety and Inspection Service District Office (for Washington State) in Denver, Colorado at (303) 236-9800 or visit www.fsis.usda.gov/wps/portal/fsis/topics/inspection/mpi-directory.

USDA Inspected Mobile Slaughter Units

Given the limited USDA inspected meat processing facilities available, USDA Inspected Mobile Slaughter Units¹ (MSUs) provide a processing alternative, especially for small and/or independent producers. Carcasses processed in a MSU are required to taken to a USDA inspected cut and wrap facility for cutting, aging, and packaging. As the USDA Inspected MSUs meets all of the requirements of a USDA fixed plant, meat processed in a MSU may be sold through retail outlets, by the cut, or across state lines. One of the key differences with a MSU is that animals are slaughtered on farm, eliminating the need to transport them to a fixed USDA slaughter facility.

USDA Inspected MSUs in Washington

Island Grown Farmers Co-op (IGFC) provides USDA inspected mobile animal slaughter services to co-op members in San Juan, Whatcom, Skagit, Island and Snohomish counties. Cut and wrap, storage and some retail sales services are provided at IGFC's USDA inspected facility in Bow. For more information visit www.igfcmcats.com, call (360) 766-4273, or email info@igfcmcats.com.

The **Puget Sound Meat Producers Cooperative** is a non-profit cooperative of local ranchers, farmers, butchers, restaurant owners and others that operate a USDA inspected Mobile Meat Processing Unit (MMPU) serving Pierce, King, Kitsap, Thurston, Lewis, Mason, Clallam, Jefferson, and Grays Harbor counties. They offer slaughter at four locations: Puyallup, Port Orchard, McKenna, and Bothell. It is also certified organic and can process organic beef, pork, and sheep. For more information, visit www.pugetsoundmeat.com, call (253) 278-3609 or email psmpc@pugetsoundmeat.com.

The Community Agriculture Development Center contracts with **S & K Processing** in Chewelah to run their USDA inspected meat processor. Their mobile processing unit is parked onsite at **Smokey Ridge Meats**. Together, these two businesses provide USDA inspected animal slaughter and a

¹ MSUs are also referred to as Mobile Processing Units (MPUs) or Mobile Meat Processing Units (MMPUs).

convenient USDA inspected cut and wrap facility. Call Shane Nelson (509) 675-6071 for more information or visit <http://communityagcenter.org/processing/livestock-unit>.

The national Niche Meat Processor Assistance Network (NMPAN) is an excellent resource for learning more about MSUs: <http://www.nichemeatprocessing.org/mobile-unit-overview>.

Exotic and Game Animals

Exotic animal meat (e.g., buffalo, beefalo, ostrich, emu, and rhea) can be sold within Washington State when slaughtered and processed at a WSDA Food Processing facility or at a USDA inspected plant. To sell exotic animal meat outside Washington State, animals must be processed at a facility that has a USDA grant of inspection for that particular species.

A licensed WSDA Food Processing facility can process hunters' game animals for the sole use of the hunter's family or guests. This meat cannot be sold. A licensed WSDA custom meat facility can also be licensed as a WSDA food processor.

Elk and deer farms are not allowed in the state of Washington. The Washington Department of Fish & Wildlife prohibits the transport of elk and deer into Washington for processing.

Health Department Requirements for Selling Meat

Livestock producers who are direct marketing will need to find out what permits are required by the local health jurisdiction where they will be selling meat. If you are selling in Seattle, you will need to check with Seattle-King County Public Health; in Tacoma, it is Tacoma-Pierce County Public Health. In Spokane, it is the Spokane Regional Health District. In most areas, the local jurisdiction will be the county health department. In all, there are 37 local health jurisdictions in Washington: <http://www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions.aspx>.

While all local health jurisdictions adopt the same "Washington State Retail Food Code," how the permitting structure, fees and inspections are set up vary from jurisdiction to jurisdiction. In addition, the local health jurisdiction may add requirements beyond the Retail Food Code. Typically, the food permits are in the environmental health division of the health department.

Farmers Markets and Farm Stands

The local health jurisdiction permits and inspects farmers markets and farm stands. Only USDA inspected beef, pork, lamb and goat OR exotic meat (see Table 2 above) slaughtered and processed at a WSDA Food Processing facility or at a USDA inspected plant can be sold at farmers markets, farm stands, and other retail outlets.

Producers should check with the farmers market manager and/or health department early on to find out what is required. Questions to ask your local health jurisdiction include:

- What permit(s) are required for producers to sell meat at farmers market. In Seattle-King County, a "Limited Farmers Market Temporary Permit" is required.
- Are fresh meat sales allowed? Or does all meat need to be frozen?
- What temperature needs to be maintained?

- Can producers use coolers or is mechanical refrigeration required? If refrigeration or a freezer is needed, be sure to ask the market manager about the electricity and voltage available at the market site.
- Is a separate permit required for each market site or each day?
- How much does the permit cost? They may range significantly, anywhere from \$25.00 to \$600 per season.
- When are permits due or required to be renewed?

USDA FSIS Retail Exemption

This exemption allows for a meat processing facility in your own retail store. A Retail Food Establishment Permit must be obtained from your local health jurisdiction. You will still need to have USDA inspected slaughter for all of the meat, but once the carcass is stamped, you can cut and wrap the meat and sell it directly to consumers by the cut in your store and at two other retail locations such as a farmers market or farm stand. There are many parameters for what meets or does not meet this exemption. In order to meet the USDA FSIS Retail Exemption, you will need to:

1. Own the facility or pay for the facility's usage.
2. Not have more than two markets open at the same time.
3. Have USDA inspected slaughter for all of the meat.
4. Be permitted as a Retail Food Establishment.

In addition, there are limits to how many pounds of each meat animal species you can sell to a customer in one day. Please see Table 3 for the limit by species.

TABLE 3. LIMITS ON POUNDS PER SPECIES PER CUSTOMER PER DAY

| Species | Pounds |
|---------------|--------|
| Cattle | 300 |
| Calves | 37.5 |
| Sheep | 27.5 |
| Swine | 100 |
| Goats | 25 |

Where and How You Can Sell

A retail-exempt processor can have a permanent retail store and also sell at a *daily* farmers market or at a roadside stand or truck.

In addition, a retail-exempt processor can have a permanent retail store and also sell to food service at schools, hospitals, restaurants, caterers, and hotels (food service sales may not exceed 25% of your total sales). However, there are three additional conditions:

1. The retail-exempt processor's total sales to food service do not exceed FSIS's annual dollar limitations for retail sales found within the federal register at www.fsis.usda.gov/OPPDE/rdad/FRPubs/2007-0009.pdf.
2. The retail-exempt processor's total sales to food service do not exceed 25% of their total annual sale; and
3. The retail-exempt processor only sells fresh (not frozen or dried) products.

Food Storage Warehouse License

To commercially store foods, including meat, a Food Storage Warehouse License is required. The warehouse can be an acceptable building, with a freezer or refrigerator. Freezers or refrigerators storing your household products are not allowed. However, household and commercial units used solely for your business are allowed. The warehouse must not be located in a domestic kitchen. However, it may be located in an area used only for food storage warehouse activities such as an out building or specific areas in an outbuilding. The warehouse is subject to inspection.

The Food Storage Warehouse License enables farmers to store USDA inspected meat for later sale. It also allows farmers to rent refrigerator or freezer space to consumers for products that require substantial freezer space or cold storage. The Food Storage Warehouse License costs \$50 per year, expiring on March 31 of each year. Applications are available online at:

www.agr.wa.gov/FoodAnimal/FoodStorage/docs/ApplicationForFoodStorageWarehouseLicense.pdf

For more information, please call (360) 902-2095 or email foodsafety@agr.wa.gov.

Helpful Resources on Processing Livestock

- Beef and Pork Whole Animal Buying Guide (Iowa State University): <https://store.extension.iastate.edu/ItemDetail.aspx?ProductID=13056>
- Niche Meat Processors Assistance Network: www.nichemeatprocessing.org
- Resource Guide to Direct Marketing Livestock and Poultry (Cornell University): <http://smallfarms.cornell.edu/resource-guide-to-direct-marketing-livestock-and-poultry>
- Washington State University Small Farms: www.smallfarms.wsu.edu/animals
- WSDA Farm Wisdom Video Series on “Small-scale USDA Inspected Meat Processing”: <http://agr.wa.gov/marketing/smallfarm/managerisk.aspx>

Recommended Fact Sheets

- 21. Food Product Recalls
- 35. Selling and Processing Poultry
- 36. Selling Rabbit Meat

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling Body Care Products

Body care products, also called “cosmetics” in state and federal law, are sought by consumers interested in better health especially if made from natural, local ingredients. From lip balm to lotion, skin creams to shampoos, these are great products to market directly to consumers at farmers markets, farm stands and independent grocery stores. All cosmetics are subject to state and federal regulations to ensure that they are safe and list all potential allergens. This fact sheet includes the:

- Definition of cosmetics;
- State and federal regulations for cosmetics; and
- Making claims about cosmetics.

Definition of Cosmetics

Body care products include lotions, salves, lip balm, skin creams, and shampoos, as well as other cosmetic items. According to Washington law, body care products are referred to as “cosmetics” which are defined as:

- *articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and*
- *articles intended for use as a component of any such article; except that such term shall not include soap.*

According to this definition, soap products are not considered cosmetics if they meet two conditions: 1) they consist primarily of an alkali salt of fatty acid; and 2) they make no claims on their label other than “cleansing of the human body.”

State and Federal Regulations for Selling Cosmetics

If you want to sell cosmetics such as lotion at a farmers market or other venue, you must comply with the following federal regulations:

- the Federal Food, Drug, and Cosmetic Act (FD&C Act) www.fda.gov/RegulatoryInformation/Legislation/FederalFoodDrugandCosmeticActFDCAct/FDCActChapterVICosmetics/default.htm,
- the Fair Packaging and Labeling Act (FPLA) www.ftc.gov/os/statutes/fpla/fplact.shtm; and
- and follow rules set by the FDA (21 CFR 700-740, 21 CFR 73, 74 and 82) www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/cfrsearch.cfm.

Producers are not required to register manufacturing establishments or formulations with the FDA or make safety data or other information available before marketing their product.

Cosmetics Label Claims

Washington State law abides by the federal food, drug, and cosmetic act and with the federal trade commission act that expressly outlaws the false advertisement of food, drugs, devices, and cosmetics. For more information, please see the Washington State Food, Drug, and Cosmetic Act (RCW 69.04) which outlines the regulations governing the sale of cosmetics at <http://apps.leg.wa.gov/RCW/default.aspx?cite=69.04>.

In particular, cosmetics may not carry a claim that the product treats or prevents a disease, or that they otherwise affect the structure or function of the body. If products carry this claim, then they are considered to be “drugs” and require FDA approval.

In addition, certain cosmetics (such as shampoos and detergent bubble bath) are also required to bear specific warnings on their label. For detailed information, your best bet is to contact the U.S. Food and Drug Administration Cosmetics Division directly at (888) 723-3366, email industry@fda.gov or visit www.cfsan.fda.gov/%7Edms/cos-toc.html.

Recommended Fact Sheet

19. WSDA Food Processor License and Facilities

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling Dairy Products

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There are a growing number of independent dairies that are direct marketing their goat, sheep and/or cow milk, cheese, yogurt, butter and even kefir. The Pacific Northwest Cheese Project now lists 42 artisan cheese makers in Washington State alone (www.pnwcheese.com). Milk and most other dairy are considered to be potentially hazardous food products due to the high potential of pathogen growth if products are not handled properly. Navigating the regulations designed to reduce the risk of unintentional contamination can be a challenge. To help clarify the current requirements and licenses, this fact sheet covers:

- Support from WSDA's Food Safety Program;
- Dairy animal health requirements;
- Milk Processing Plant License;
- Milk Producers License;
- Pasteurized fluid milk sales
- Retail raw fluid milk sales;
- Cheese, butter and other dairy products;
- Ice cream and frozen desserts;
- Interstate Milk Shippers Program; and
- Milk Hauler's License.

Support from WSDA's Food Safety Program

The WSDA Food Safety Program can provide one-on-one technical assistance for dairy farms and milk processing plants to help you produce safe dairy products. Local Food Safety inspectors can advise producers about a wide range of technical considerations, including milking parlor and milk processing plant designs, layout, construction materials, equipment prior to purchase, heating and cooling procedures, evaluation of your water source and cross-connections, and food science techniques for preventing cross-contamination from the farm to your milk processing plant, labeling of dairy products, as well as the application process for your license.

The WSDA Food Safety Program can be reached by emailing foodsafety@agr.wa.gov or calling (360) 902-1876. You can also visit www.agr.wa.gov/FoodAnimal/Dairy for additional information.

Dairy Animal Health Requirements

All milking mammals must meet the animal health requirements established by the State Veterinarian who operates out of the WSDA's Animal Services Division (RCW 16.36). It is illegal to sell or deliver milk or milk products produced from diseased mammalian animals. In particular, this means that:

- Mammalian animals showing chronic mastitis are not allowed to be part of the milking herd.
- Raw milk intended to be consumed in the raw state must come from a herd that has tested negative within the previous 12 months for brucellosis, tuberculosis, Q fever and any other diseases designated by the State Veterinarian. However, milk from a herd having these diseases can be pasteurized for legal sale as the pasteurization process eliminates the disease from the milk.
- Animals new to the herd must test negative for State Veterinarian designated diseases 30 days before introduction to the herd.
- Animals must be tested yearly to assure their health.

Milk Processing Plant License

The primary license for most independent dairies is the “Milk Processing Plant License.” The requirement is the same for cow, goat and sheep dairies. In this context, “milk processing plant” is defined as a place, premises, or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, aseptically processed, or prepared for distribution. All milk processing plants must obtain a Milk Processing Plant License. There is one exception: if an establishment merely receives processed milk products and serves them or sells them at retail, then it does not need the Milk Processing Plant License.

This Milk Processing Plant License is annual, costs \$55 per year, and is issued by the WSDA Food Safety Program. A complete description of the Milk Processing Plant License and application are available at <http://agr.wa.gov/FoodAnimal/Dairy/DairyLicense/MilkPlantHandbookAppJul05.pdf>.

The Milk Processing Plant License covers only those products, processes, and operations specified in the license application and approved for licensing by WSDA. A milk processing plant may choose to process Grade A milk and milk products other milk products that are not classified Grade A. When a licensed processor wishes to add a milk product that is not specified on his or her license, the licensee must submit a licensing amendment to the WSDA Food Safety Program. The amendment should include the type of product, all processing steps, and a copy of the label. Please note that the license is only valid for the physical site address noted on the Milk Processing Plant License application.

All milk-processing plants must obtain the necessary endorsements which verify approval from WSDA in order to process products as defined for each type of milk or milk product processing. This may include the need for on-site approval of new equipment and facility design by the local Food Safety Officer.

Licensed Milk Processors are not required to obtain a “Food Processing License” unless they also manufacture non-milk products such as non-dairy creamers, bottled water, juice drinks, etc. Only one licensing fee will be charged when a Milk Processing Plant also manufactures food products. However, if a separate food processing facility is onsite in addition to the milk plant, a food processing license and fee is required as well as a milk processing license and fee.

Licensing application packets and help are available from the WSDA Food Safety Program at <http://agr.wa.gov/FoodAnimal/Dairy>, or by calling (360) 902-1876 or emailing foodsafety@agr.wa.gov.

Milk Producers License

A second key license required for dairy producers who sell milk is the “Milk Producers License.” The requirement is the same for cow, goat and sheep dairies. A “milk producer” is defined as a person or organization that operates a dairy farm and provides, sells, or offers milk for sale to a milk processing plant, receiving station, or transfer station. This is an annual license and is free. For more information, please review the WSDA’s “Milk Producers Licensing Handbook.” This resource is over 50 pages and includes information on applying for a Milk Producers License, potable water requirements, inspections, compliance and enforcement, biosecurity procedures, and other resources. Please call the Food Safety for a copy or access it via online at <http://agr.wa.gov/FoodAnimal/Dairy/docs/milkproducershandbook.pdf>.

Licensing application packets and help are available from the WSDA Food Safety Program at www.wa.gov/FoodAnimal/Dairy, or by emailing foodsafety@agr.wa.gov or by calling (360) 902-1876.

Pasteurized Fluid Milk Sales

Pasteurized fluid milk that is processed by a WSDA licensed milk processing plant can be sold directly to consumers and through all food distribution channels in Washington State and out of state. However, if you want to sell out of state, then there are additional requirements. Please see the Interstate Milk Shippers Program section of this fact sheet.

Retail Raw Fluid Milk Sales

Retail raw fluid milk produced by a licensed WSDA milk producer and bottled at that producer’s licensed milk processing plant can be sold direct to consumers (e.g., farmers markets, farm stores, a buying club via the Internet, etc.) or through third party retailers such as grocery stores, and co-ops within Washington State. Interstate sales are prohibited. Raw milk can only be served in a consumer’s home and cannot be served to drink or to add to coffee in a retail store, restaurant, coffee stand or as a baking ingredient.

Labeling Requirements for Retail Raw Milk

Retail raw milk sold in Washington State is required by state law to have the following information on its label (RCW 69.04 and WAC 16-101-990):

- Identification of the product, including the word “Raw” in clear lettering.
- The name and place of business of the producer or packager.
- The weight, volume and grade of the milk.
- The statement: “WARNING: This product has not been pasteurized and may contain harmful bacteria. Pregnant women, children, the elderly and persons with lowered resistance to disease have the highest risk of harm from use of this product.” This statement must be on the primary display panel in a contrasting color.

Signage Requirements for Retail Raw Milk

When selling retail raw milk in a retail outlet such as a grocery store, a sign must be posted near the product that states: “Warning: Raw milk or foods prepared from raw milk may be contaminated with dangerous bacteria capable of causing severe illness. Contact your local health agency for

advice or to report a suspected illness” (WAC 246-215-051). Often stores will post the sign on the glass cooler door in front of or beside the raw milk.

Selling Raw Fluid Milk for Further Processing

Raw fluid milk produced by a licensed WSDA Milk Producer can be sold for further processing at a licensed WSDA milk processing plant or for animal feed. However, raw milk that is licensed, bottled and labeled for retail sale to consumers may not be used for any type of further processing. For more information, visit: <http://agr.wa.gov/FoodAnimal/Dairy/docs/RetailRawMilkGuide042111.pdf>

Cheese, Butter and Other Dairy products

Producers wishing to process milk into cheese, butter, buttermilk, kefir, yogurt or other dairy products must obtain a Milk Processing Plant License from WSDA. If these producers are processing milk from their own animals, then a Milk Producer License is also required. A WSDA licensed food processor does not need a Milk Producer License, if he/she is buying milk from a farm to make cheese. However, the farm he/she buys the milk from does need a Milk Producer License. Cheese can be processed from pasteurized milk or raw milk. If processing cheese from raw milk, then the cheese must be aged at not less than 35F for at least 60 days. Other value-added dairy products (e.g., chocolate milk, buttermilk, egg nog, yogurt, and kefir) must be processed from pasteurized milk.

Ice Cream and Frozen Desserts

There are two options for making frozen desserts such as ice cream, frozen custard, ice milk, nonfat frozen dairy dessert, dietetic frozen desserts, fruit sherbets, and water ices. You can either:

- As a licensed WSDA Food Processor, purchase a frozen dessert ice cream mix that has been legally pasteurized, in approved pasteurizing equipment; or
- As a licensed WSDA Milk Processor Plant, you can make your own pasteurized frozen dessert ice cream mix approved by WSDA and listed on your license.

All frozen desserts and ice cream must meet the state’s Processing Frozen Desserts regulations ([WAC Chapter 16-144](#)) which includes allowed handling, storage, transportation and ingredients pre and post pasteurization. For complete requirements for ice cream and other frozen desserts, contact the WSDA Food Safety Program by calling (360)902-1876.

Interstate Milk Shippers Program

Producers selling Grade A Milk and Milk Products in interstate commerce (out of state) must be participants of the Interstate Milk Shippers Program (IMS). Participants must meet all applicable federal requirements such as the Code of Federal Regulations (CFR) chapter 21. Producer’s milk that is shipped to an IMS listed facility must meet all IMS requirements even if they also ship milk to a milk processor NOT directly involved in the IMS program. Contact the WSDA Food Safety Program for more information regarding the IMS program and requirements.

Bulk Milk Hauler Transport License

The Bulk Milk Hauler’s License is required for all milk haulers. A "Milk Hauler" is defined as a person who transports milk or milk products in bulk to or from a milk processing plant, receiving station, or transfer station. The Bulk Milk Hauler’s License is annual and free. The application for this license is

available online at <http://agr.wa.gov/FoodAnimal/Dairy/DairyLicense/Form2042.pdf> or by calling the WSDA Food Safety Program at (360) 902-1876.

Recommended Fact Sheets

- 4. Licensing
- 7. Insurance
- 19. WSDA Food Processor License and Facilities
- 21. Food Product Recalls

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling Eggs

Eggs are a popular item to direct market and selling eggs is a relatively easy enterprise to begin. Technically, an “egg” refers to the shell egg of chickens, turkeys, ducks, geese, guinea fowl and any other species of poultry. If you have a flock that is under 3,000 hens, then they are exempt from USDA grade requirements and fall under state law RCW 69.25. This fact sheet covers:

- On-farm sales and Community Supported Agriculture regulations;
- Egg Handler/Dealer License;
- Facility requirements for eggs;
- Egg handling: cleaning and refrigeration;
- Packaging eggs and labeling cartons;
- Distribution; and
- Retail sales and health department jurisdiction.

On-Farm Sales and Community Supported Agriculture (CSA) Pick-up Regulations

People who sell eggs from their own flocks directly to consumers at the place of production (i.e. their home, farm, or CSA on-farm pick-up location) do not need an “Egg Handler/Dealer License.” Therefore, these “on-farm” sales do not require Egg Seals, labels or new cartons. However, clean containers must be used and eggs must be stored at 45 F or less. CSA farms with pick-up sites off-farm are required to have an Egg Handler/Dealer License.

Egg Handler/Dealer License

An Egg Handler/Dealer License is required for any person or business intending to:

- produce, handle, contract for, or obtain possession or control of eggs for sale or barter to wholesalers, dealers or retailers within or into Washington; OR
- process eggs and sell them to wholesalers, dealers, retailers or consumers within or into Washington; OR
- warehouse and distribute eggs.

Licensed egg handler/dealers are required to meet standards for egg handling facilities, cleaning, refrigeration, packaging and labeling, distribution and sales. An Egg Handler/Dealer License must be posted at each location where the licensee operates.

Egg Handler/Dealer License is a specialty license obtained through the State of Washington Business Licensing Service. In 2013, it cost \$30 for the first location and \$15 for each additional location. You will need a Master Business License in order to get the Egg Handler/Dealer License. For more

information, please call (800) 451-7985, email BLS@dor.wa.gov or visit <http://bls.dor.wa.gov/eggdealer.aspx>.

The WSDA Food Safety Program visits Egg Handler/Dealer License holders to inspect facilities and egg handling practices. During these visits the inspector may offer technical assistance regarding the egg regulations, egg packaging and labeling and egg temperature requirements. The Food Safety Program works with egg producers, food storage warehouses, transportation activities, and with the wholesale and retail sale of eggs.

Please do not hesitate to contact the WSDA Food Safety Program if you have questions or concerns about egg handling and labeling, email foodsafety@agr.wa.gov or call (360) 902-1876.

Facilities Requirements for Eggs

A licensed egg handling facility must include a work area, designated storage, potable water, a hand-washing station, and a refrigerator.

The work area for egg handling requires a sanitary work surface that is smooth, durable, and easily cleanable. This work surface must be cleaned and sanitized before each use. Any sinks, drain boards, or other equipment used for the egg handling operation must be cleaned and sanitized before each use.

A designated work area must be separate from domestic living areas. Acceptable work areas may be an area in the basement, garage or outbuilding. Unacceptable work areas are domestic living areas, kitchens, laundry rooms and bathrooms.

Designated storage areas are required for new packaging materials, utensils and equipment that may be used for the egg handling practices. These items must be protected from contamination (e.g., moisture, strong odors, dust or insects).

If water is used for cleaning eggs, it must be potable. Individual water wells require an annual bacteriological test (i.e., coliform bacteria). Commercial bottled water may be used.

Hand washing stations must be conveniently located in the egg handling work area and near your toilet facilities. Hand washing at the work area may be provided by a hot and cold plumbed hand sink or a portable hand wash “system” (such as a five-gallon insulated container with a continuous flow spigot, filled with warm water between 100 F and 120 F, a five-gallon pail to catch wash and rinse water; a pump-type liquid soap dispenser and paper towels). Hand wash water must be potable.

A designated refrigerator for the eggs is required. The refrigerator does not need to be new or commercial and may be placed outside the egg handling area such as in the garage. The refrigerator needs a thermometer that enables you to verify that egg storage is maintained at 40 F to 45 F.

Egg Handling: Cleaning and Refrigeration

The following steps and procedures are the guidelines from the WSDA Shell Egg Producer Guidelines for Off-Farm Sales.

Hands must be thoroughly washed before starting egg handling and during egg handling to minimize cross-contamination of “finished” eggs.

Maintain clean and dry nest boxes, change nest material as needed to reduce dirty eggs. Gather eggs at least once daily.

Soon after collecting, clean eggs as needed. (Cleaning eggs refrigerated below 55 F may cause shells to crack or check.) Using only minimal cleaning protects the natural protective covering on the shell.

Acceptable egg cleaning methods include:

- dry cleaning by lightly “sanding” the stains or minimal dirty areas with sand paper;
- using potable water in a hand spray bottle and immediately wiping dry with a single service paper towel; and/or
- briefly rinsing with running water spray and immediately wiping dry with a single service paper towel.

The “wash” water should be a minimum of 90 F, which is warm “to the touch,” and shall be at least 20 F warmer than the temperature of the eggs to be washed.

Unacceptable cleaning methods include submerging shell eggs in water or any other solution or using cleaners that are not food grade and approved for shell egg cleaning.

Note that the porous eggshell is not impervious to odors, chemicals and “off” flavors.

Since eggs are a perishable food, “cleaned” eggs must be held under sanitary conditions with refrigeration temperatures at 45 F or less. The “cleaned” eggs can be packaged later.

Packaging Eggs and Labeling Cartons

Shell egg producers are required to sell eggs in any type of new packaging or container, provided that the eggs are protected from damage and/or adulteration. By adulteration we mean contact with leaking or damaged eggs or any other poisonous or deleterious substance that may render the contents injurious to health. Please note that it is unlawful to reuse old egg containers to package eggs. It is also unlawful to package eggs in containers labeled with another firm’s name and/or identification number.

There are very specific requirements for what needs to be on an egg container. Each new carton must include:

- Common name of the food: “Eggs”
- If other than a chicken egg, then the type of egg: “Duck”
- Quantity, the number of eggs: “One Dozen”
- Name and address of the egg producer
- The statement: “Keep Refrigerated”

- ❑ The statement: “SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria: Keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly.”
- ❑ If the eggs are not graded and not weighed, do not label with a grade or size. Indicate “Ungraded,” “Not graded” (see following information)
- ❑ A “Pull Date” or “Best By” date (see following information); and
- ❑ An Egg Seal (also see following).

To meet the above egg carton requirements, you can use labels designed on a home computer and printed on stock, self-adhesive labels.

Shell eggs are subject to grading and sizing. Quality designations and sizing weight ranges are determined by candling and weighing (WAC 16-104 and the USDA Egg Grading Manual). If the eggs are ungraded and not weighed, the packages/cartons shall not be labeled with a grade or size.

Cartons must include a “Pull Date” or “Best By” date. It may be hand written on the end of the carton or in a conspicuous location that is clearly discernible. The “Pull Date” must first show the month then the day of the month (e.g., Jun 14 or 06 14). Recommended dates are 30 days after production and should not exceed 45 days after production.

In addition, every egg carton is required to have an “Egg Seal” for each dozen eggs if they are sold as “intrastate commerce” which includes farmers markets and retail outlets. (As previously mentioned, eggs sold directly off the farm are not required to have an Egg Seal on the carton.) One thousand Egg Seal stickers can be purchased directly from the WSDA Food Safety Program by completing the form found online at www.agr.wa.gov/foodanimal/eggs/docs/EggSealsOrderForm2505.pdf and mailing it with a check for \$2.68 to the Washington State Department of Agriculture at the address on the form.

Eggs that are sold in bulk are required to have the same information listed above for egg containers, with two exceptions. The container for eggs sold in bulk would have a “Bulk Egg Seal” instead of the regular dozen egg seal and the container is not required to include the quantity. Bulk Egg Seals for 5 or 15 dozen are available from WSDA on the Egg Seal Order Form.

Distribution

Egg packages and cartons should be transported in an easily cleanable, portable cooler with frozen gel packs to maintain a temperature of 45 F or less until eggs are distributed to retail outlets or sold to consumers.

Retail Sales and Local Health Department Jurisdiction

Local health departments have jurisdiction over farmers markets and retail stores that sell eggs. They may require additional permits and conduct inspections to ensure farm compliance with local rules and regulations such as labeling and storage.

Recommended Fact Sheets

- 4. Licensing
- 35. Selling and Processing Poultry

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling Fish and Shellfish

This fact sheet reviews the state regulations for fish and shellfish sold to the end consumer or sold to restaurants and grocery stores including:

- Washington State fish and shellfish licenses;
- Required shellfish licenses;
- Selling shellfish at farmers markets and farm stands;
- Fish and shellfish processing and HACCP; and
- Aquatic farm registration.

Please note: The local health jurisdiction where you sell fish or shellfish will also have requirements, including licensing, food worker permits, and inspections. Please contact them directly for specific information.

Washington State Fish and Shellfish Licenses

A license is required for any commercial enterprise to catch and sell fresh, raw fish and shellfish. Fish licenses are administered by the Washington State Department of Fish and Wildlife (WDFW). For applications or more information on these licenses, please contact the WDFW License Division by visiting www.wdfw.wa.gov/licensing/commercial, emailing commercialsales@dfw.wa.gov, or by calling (360) 902-2464.

Anadromous Fish Buyer/Dealer License

This license authorizes the purchasing or selling of steelhead, trout and other anadromous game fish harvested by treaty fishermen lawfully exercising fishing rights. Cost: \$285 per year.

Direct Retail Endorsement License

This license allows a fisherman to land and sell his or her catch or harvest in Washington State to anyone *other than a licensed wholesale dealer*. The fisher must have a salmon, crab or sturgeon license to be eligible for this endorsement. Cost: \$155 per year.

Fish Buyer License

This license authorizes a representative of a wholesale dealer to buy and sell food fish (classified species listed in WAC 220-12-010) and shellfish at wholesale markets. Cost: \$200 per year.

Wholesale Fish Dealer License

This license is required for any Washington State business engaging in commercially buying or processing food fish or shellfish, including:

- custom canning and/or processing of personal use food fish or shellfish;

- wholesale buying and/or brokering of food fish or shellfish;
 - commercial manufacturing or preparation of fertilizer, oil, meal, caviar, fish bait or other by-products from food fish or shellfish; and
 - a business employing a fish buyer.
- Cost: \$355.00/year.

Required Shellfish Licenses

A variety of shellfish are harvested in Washington's Puget Sound and coastal regions, including oysters, clams, mussels, geoduck, and scallops. These are filter feeders capable of concentrating chemicals, bacteria, viruses, or marine biotoxins. To protect consumers, commercial shellfish growing areas, certified harvest sites, and licensed processing facilities are monitored by the Washington State Department of Health (DOH).

Fishers and Shellfish farmers that harvest or sell molluscan shellfish (clams, oysters, mussels, and/or scallops) for human consumption are required to obtain all three of the following:

- Washington State Master Business License;
- Washington State Department of Health (DOH) Commercial Shellfish License; *and*
- Washington Department of Fish & Wildlife (WDFW) Aquatic Farmer Registration.

There are three major types of commercial shellfish operations licensed by DOH:

1. Harvesters who harvest shellstock (live, unshucked product) and sell only to other licensed Washington State shellfish dealers;
2. Shellstock shippers who grow and harvest shellstock, and buy and sell in or outside Washington; and
3. Shucker-packers whose activities may include those of harvesters and shellstock shippers, plus shucking product for packing in jars or similar containers.

Commercial shellfish operations are licensed for a period of one year, and licenses must be renewed annually. All operations must meet stringent state and federal sanitation standards, and are regularly inspected by the DOH. To obtain a commercial shellfish license, please contact DOH Office of Shellfish and Water Protection at (360) 236-3330. For a list of Washington licensed shellfish companies go to: www.doh.wa.gov/ehp/sf/Pubs/sf-co-alpha.pdf

For more information and licensing and permit applications, please contact the DOH Office of Shellfish and Water Protection Program by visiting www.doh.wa.gov/ehp/sf/commercial.htm or calling (360) 236-3330. You may visit www.wdfw.wa.gov/licensing/commercial or contact the WDFW License Division by emailing commercialsales@dfw.wa.gov or by calling (360) 902-2464.

Selling Shellfish at Farmers Markets and Farm Stands

Selling shellfish at farmers markets and farm stands requires a **Retail Food Establishment License** from the local county health department. Please see the "Licensing" fact sheet.

If shellfish are processed in any way (e.g., shucked, smoked, cooked, cut, frozen), then a WSDA Food Processor License is also required. See the WSDA Food Processor License and Facilities fact sheet.

Any fish or shellfish that is displayed on ice must have fresh ice that is made from potable (drinkable) water.

Fish and Shellfish Processing and HACCP

If you cut, clean, freeze, smoke, cook or otherwise prepare your fish or fishery products (including shellfish) for sale, then you are considered a “fish processor” and will need to obtain a WSDA Food Processor License. In addition, a WDFW Wholesale Fish Dealer’s License (described above) is required for commercial fish processors.

Food safety hazards must be controlled when handling raw fish and shellfish or processing fish or shellfish. State and federal laws require that all handlers and processors assess their operations to identify any critical food safety hazards that are not addressed by Standard Sanitation Operating Procedures (SSOPs). If after conducting a hazard analysis, one or more critical food safety hazards are present, then you are required to develop and implement a Hazard Analysis Critical Control Point (HACCP) Plan that is species and process specific for your operation. Two different agencies regulate fish and shellfish HACCP requirements.

- For **fresh, raw fish and processed fish and shellfish product**, contact WSDA Food Safety Program at (360) 902-1876 or visit www.agr.wa.gov/FoodAnimal/FoodProcessors/HACCP.aspx.
- For **fresh, molluscan shellfish**, visit www.doh.wa.gov/ehp/sf or contact DOH Office of Shellfish and Water Protection Program at (360) 236-3330.

Aquatic Farm Registration

An aquatic farm is defined as “any facility or tract of land used for private, commercial culture of aquatic products.” This includes commercial culture of salmon, trout, oysters, clams, and aquatic plants, as well as U-catch trout ponds, ornamental fish growers, fish and shellfish hatcheries, etc. Anyone who raises aquatic products for eventual sale must register the aquatic farm with the Washington State Department of Fish and Wildlife. Operations where wild-caught finfish or shellfish are held temporarily, prior to sale, are excluded. Before an Aquatic Farm Registration card will be issued, a Department of Health beach certification number must be submitted for beaches used for the commercial harvest of bivalve shellfish. This application is not annual but serves as a lifetime registration. The one-time application cost is \$105. For more information, please visit www.wdfw.wa.gov/licensing/commercial or contact the Washington State Department of Fish and Wildlife License Division at commercialsales@dfw.wa.gov or by calling (360) 902-2464.

Recommended Fact Sheets

- 4. Licensing
- 19. WSDA Food Processor License and Facilities

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling Fresh Fruits and Vegetables

Washington State farmers selling directly to the end consumer, restaurants, or grocery stores, may sell most produce without product inspection or licenses. However, inspection requirements apply for selling fresh apricots, Italian prunes, peaches, cherries, apples, pears and asparagus in Washington State. This fact sheet includes information on:

- Inspection requirements for certain fruits and vegetables;
- Standards for grades and packs; and
- Sampling requirements.

Inspection Requirements for Certain Fruits and Vegetables

To ensure standard quality, an inspection from the WSDA Fruit and Vegetable Inspection Program is required for certain fresh fruits and vegetables that are signature and high volume crops sold in Washington State (WAC 16-461). Unless “exempted,” only

- fresh apricots,
- Italian prunes,
- peaches,
- cherries,
- apples,
- pears,
- potatoes and;
- asparagus

must be inspected by WSDA prior to sale. Inspection is available for other fruit and vegetable crops to assure quality, but it is not required.

Growers selling any amount of the items above for resale (e.g., to wholesalers, grocery stores, co-ops, etc.) must have their product inspected, regardless of the volume sold. There are no exemptions if you are selling to a wholesale market or other form of resell.

Growers selling these same products directly to restaurants and institutional food buyers need to check with the buyers for inspection requirements. They may or may not require inspection.

Contact the WSDA Fruit and Vegetable Field Inspection Office to locate field offices or for detailed information on inspection. Fees for inspection vary for each commodity. For more information, visit www.agr.wa.gov/Inspection/FVInspection or call (360) 902-1833.

Exemptions from Inspections

Whether or not the product is exempted from inspection depends on the product, where it is sold, and the amount sold. Fresh apricots, Italian prunes, peaches, cherries, apples, pears and asparagus

that are sold *directly to the end consumer* are exempt from inspection if they meet both of the following two criteria.

1) They are sold at Farmers Markets and Fruit/Produce Stands

Fresh apricots, Italian prunes, peaches, cherries, apples, pears and asparagus sold at farmers markets in Washington State, fruit/produce or roadside stands (not fixed retail stores) within the same “zone of production” are also exempt from inspections.

Washington State is divided into two “zones of production.” **Zone 1** includes all the counties west of the Cascade Mountain Range. **Zone 2** includes all the counties east of the Cascade Mountain Range and Skamania County: (Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima).

For example, apples grown in Grant County can be sold at a fruit stand in any Eastern Washington county or sold in a farmers market anywhere in the state without inspection.

2) The Volume Sold to the End Consumer does not exceed certain limits

An inspection is not required if a grower sells less than 2,000 pounds per day of each fresh fruit or vegetable OR less than 6,000 pounds per day of the total of any combination of fresh apricots, Italian prunes, peaches, apples, pears, potatoes and asparagus.

In addition, an inspection is not required if a grower sells less than a certain number of pounds of a product, per day, to the end consumer. The limits (by product, per consumer, per day) are:

- Pears, peaches, apples and apricots: 500 pounds
- Asparagus: 250 pounds
- Italian prunes: 350 pounds
- Sweet cherries: 100 pounds

Containers of apricots, Italian prunes and sweet cherries sold to consumers must be marked “not for resale.”

Note: Any sales of fresh fruits and vegetables that are exempted from inspections are still required to meet grade standards.

Standards for Grades and Packs

If you are supplying a grocery store or restaurant, the buyer may desire standard packs, sizes and quality. Growers may be able to negotiate this directly with the buyer. For example, the purchase agreement may state that a case of green leaf lettuce has 24 heads with heads no smaller than “x” and no larger than “x” and will be priced or purchased at \$1.50 per head or \$36.00 per case. Larger buyers such as chain grocery stores may require a third party audit to ensure quality, a standard pack, and sizing.

Packing warehouses contract with WSDA’s Fruit and Vegetable Inspection Program as a third party auditor to ensure product grade and packs at the warehouse meet the grade and pack size on the product label that the buyer requested. Fruits and vegetables in packing warehouses are inspected

to ensure uniformity and compliance for each type of commodity with standards for grades and packs that are set by the federal or state government. Grading standards include attention to maturity, soundness, shape, size, color, and freedom from pest or mechanical injury. Packaging standards include attention to size, dimension, and labeling of containers used.

Sampling Requirements

Farms that offer samples of sliced fruits and vegetables to the public must follow food safety rules established by the local health jurisdiction, (usually a county health department) where the sampling is being done. In some counties, a permit is needed and there are fines for non-compliance. The sampling requirements are typically determined on whether or not the product is considered to be “potentially hazardous.” Depending on the county, farms that want to offer samples may be required to:

- have a *Food Worker’s Card* for the person offering and/or slicing samples;
- obtain a *Retail Food Service Establishment* license from the county health department;
- have a hand washing station at your farm stand or farmers market booth; and/or
- fulfill additional requirements pertaining to containers, protecting samples from contamination, washing samples and other preparation, refrigeration, etc.

Contact the county health department(s) for further information. Visit www.doh.wa.gov/ehp/food/localcontacts.html for a statewide list of local health departments.

Recommended Fact Sheets

4. Licensing

19. Food Processor License and Facilities

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling Herbs

Washington State farmers selling fresh culinary herbs directly to the end consumer, restaurants, or grocery stores are not required to have their products inspected or to get any specific licenses. However, dried or processed herbs require a WSDA Food Processor License. This fact sheet includes information on:

- Selling fresh culinary herbs;
- Drying or packaging herbs;
- How to get the WSDA Food Processor License; and
- Recreational marijuana regulations.

Selling Fresh Culinary Herbs

Fresh culinary herbs can be a popular product, especially with chefs and restaurants. No inspection or license is required to sell herbs if they are fresh. However there are established industry standards for specific bunch sizes or bulk weights that buyers may expect. If you are selling to a restaurant or grocery store, be sure to clarify what your buyer expects before you harvest and package the product for delivery.

Herb growers selling to restaurants or grocery stores may want to consider making your product stand out with voluntary certifications for food safety or environmental concerns. For more information, see the fact sheets on “Organic Certification,” “Eco-labels, Animal Welfare and Fair Trade,” and “Good Agricultural Practices.” For the regulations on culinary herbs sold as potted plants or plant starts see the fact sheet on “Selling Nursery Products.”

Drying or Packaging Culinary Herbs

To ensure a safe, quality product, all herbs that are dried for use in food or in products that will be ingested (e.g., herbal teas) require a WSDA Food Processor License and WSDA Food Processing Facility. Whether selling at a farmers market or to a grocery store, this rule applies to all dried culinary herbs.

In addition, fresh culinary herbs packaged in plastic clamshell containers or in sealed bags for individual customer purchase must be processed in a licensed WSDA Food Processing Facility. However, if the grower is selling *bulk bags* of herbs that the buyer (e.g., a produce department) will later pull out as individual fresh bunches for display, then the grower does not need to package their herbs in a licensed WSDA Food Processing Facility.

How to Get the WSDA Food Processor License

To get a WSDA Food Processor License, we recommend that one of your first steps is to discuss your plans with the WSDA Food Safety Program by contacting them at foodsafety@agr.wa.gov or (360) 902-1876. Staff is available for one-on-one technical assistance with the licensing process, including creating a processing facility design and advising on construction materials, equipment, water source, cooling procedures, and food safety techniques to prevent cross-contamination of products.

The WSDA Food Processor License application is available online and requires a sanitation schedule, intended type of process, ingredient/processing information, a floor plan of where you will be processing, proposed labeling, information about your water supply and testing. Visit www.agr.wa.gov/FoodAnimal/FoodProcessors for an application packet.

Allow plenty of time for getting your water system approved for your facility, as this can take weeks or months. The WSDA Food Processor License fee is based on your projected sales volume and the fee starts at \$55 per year for gross sales up to \$50,000. For processing facility support, please see the fact sheet “WSDA Food Processor License and Facilities.”

Recreational Marijuana Regulations

If your business deals with the production, processing or sale of recreational marijuana in Washington State, you need a marijuana license from the Washington State Liquor Control Board (WSLCB). A marijuana license is an endorsement on your Business License issued by the Washington State Department of Revenue (DOR) Business Licensing Service. You must complete the Business License Application even if you already have a Business License, along with a Liquor Control Board Marijuana Addendum.

There are three different licenses available: Producer license, Processor license, and Retailer license. Visit www.lcb.wa.gov to determine what type of marijuana license you need and if the application period is open. You may need additional local, state and federal licenses for your business that are not covered under the Business License Application. There are also local ordinances and land use restrictions. Visit www.bls.dor.wa.gov/marijuana.aspx for the Business Licensing Service marijuana web page. For more information on licensing requirements for your business, contact the DOR Business Licensing Service at BLS@dor.wa.gov or (800) 451-7985.

Recommended Fact Sheets

- 4. Licensing
- 16. Organic Certification
- 18. Good Agricultural Practices (GAPs)
- 19. WSDA Food Processor License and Facilities
- 30. Selling Herbal or Dietary Supplements
- 33. Selling Nursery Products

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling Herbal and Dietary Supplements

Herbal and dietary supplements are products that are ingested and include dried herbs, teas, tinctures, capsules, and tablets. These supplements have a specific federal and state definition and must meet the same regulatory requirements for any processed food as well as additional requirements listed below.

This fact sheet includes:

- Dietary supplements definition;
- Food safety regulations for dietary supplements;
- Making dietary supplement health claims; and
- Labeling requirements for dietary supplements.

Fresh culinary herbs are exempt from the regulations for selling herbal and dietary supplements. Information on selling fresh herbs can be found in the “Selling Herbs” fact sheet.

Definition of Dietary Supplements

The State of Washington follows the Food and Drug Administration (FDA) definition of “dietary supplements.” This means that in Washington State, dietary supplements are considered products (other than tobacco) that are:

1. *Intended to supplement the diet that bears or contains one or more of the following dietary ingredients: a vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance used by humans to supplement the diet by increasing the total daily intake, or a concentrate, metabolite, constituent, extract, or combination of these ingredients; and is*
2. *Intended for ingestion in pill, capsule, tablet, or liquid form.*

Food Safety Regulations for Dietary Supplements

To manufacture a dietary supplement you are required to be licensed as a WSDA Food Processor. As the “manufacturer,” you are responsible for ensuring that the supplement is safe before it is marketed. This is required by the Federal Dietary Supplement Health and Education Act of 1994. Private businesses offer testing services as do some public universities.

Making Dietary Supplements Health Claims

Washington State law abides by the federal legislation, *The Food, Drug, and Cosmetic Act* and *Trade Commission Act*, that expressly outlaws the false advertisement of food, drugs, devices, and cosmetics. For more information, please see the Washington State Food, Drug, and Cosmetic Act

(RCW 69.04) which outlines the regulations governing the sale of dietary supplements at <http://apps.leg.wa.gov/RCW/default.aspx?cite=69.04>.

This means that producers need to be very careful about making any health claims. Specifically, Washington State does not allow any claims to be made about the use of herbal and dietary supplements to diagnose, prevent, mitigate, treat, or cure a specific disease. For instance, statements such as "cures cancer" or "treats arthritis" may not be used.

However, appropriate health claims that are authorized by the FDA may be used if the supplement qualifies to bear that claim. For example, "calcium reduces the risk of osteoporosis." The manufacturer may also describe a supplement's effects on the structure or function of the body or the "well-being" achieved by consuming the dietary supplement. Visit www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm064919.htm for a table of FDA's model health claims statements. For additional support, contact the Center for Food Safety and Applied Nutrition (CFSAN) at 240-402-2371.

Labeling Requirements for Dietary Supplements

Dietary supplements must meet the same labeling requirements as processed foods. See the "WSDA Food Processor License and Facilities" fact sheet. In addition, dietary supplements need to be identified as a "dietary supplement" on the product label as well as identifying "serving size," "calories," "dietary ingredients," and "supplement facts." The FDA's specific labeling requirements, guidelines, and examples are available online at:

www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=101&showFR=1&subpartNode=21:2.0.1.1.2.3

Dietary supplements regulations are found under *FDA Title 21 CFR Part 111* Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements at:

www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=111&showFR=1

For more information, please call (360) 902-1876, email foodsafety@agr.wa.gov or visit www.agr.wa.gov/FoodAnimal/FoodProcessors to reach the WSDA Food Safety Program.

Recommended Fact Sheets

- 19. WSDA Food Processor License and Facilities
- 29. Selling Herbs

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling Honey

Honey is an excellent product for direct marketing because it provides an opportunity for customers to experience each unique flavor and aroma before purchasing. Beekeepers who extract their own honey can sell it in the raw form both to the end consumer and wholesale markets. They do not need a WSDA Food Processor's License. However, honey must be free from all contaminants, all Washington honey must be labeled and graded prior to sale, and hives must also be registered.

This fact sheet includes information on:

- Selling processed honey;
- Labeling honey;
- Grading honey; and
- Registering hives.

Selling Processed Honey

If honey is processed in some way (e.g., heated, pasteurized, blended, spun, or has added ingredients or flavors), then the producer will need to be licensed with WSDA as a food processor. This requires a sanitary, licensed facility and documented steps on how you process honey. For more information, please visit the WSDA Food Safety Program online at www.agr.wa.gov/FoodAnimal/FoodProcessors or email foodsafety@agr.wa.gov or call (360) 902-1876.

Labeling Honey

Washington State law requires that honey be labeled with the following information:

- Identification of the product: "Honey";
- Name and address of the producer or distributor;
- The net weight; and
- The grade of the honey.

Grading Honey

For retail sale, honey must be graded based on the USDA standards. Please see the "United States Standards for Grades of Extracted Honey" available at <http://www.ams.usda.gov/grades-standards/extracted-honey-grades-and-standards>.

Registering Hives

In Washington State, all hives - whether for home or commercial use - must be registered with the WSDA Plant Protection Division before April 1 of each year. The registration requirement includes all of the following:

- a person owning one or more hives;
- brokers renting hives; and
- apiarists that reside in other states who operate hives in Washington.

Registration of hives provides official documentation that can be useful in the event of colony loss through poisoning or natural disaster. Fees are used to fund apiary research, as determined by the Apiary Advisory Board. While currently inactive, the advisory board is directly by law to inform the WSDA Director of any funding and research needs that are important to the apiary industry.

Visit www.agr.wa.gov/PlantsInsects/Apiary/docs/ApiaryRegistrationForm.pdf to find the hive registration form. Annual registration fees are based on a sliding scale, from \$5 for one to five colonies to \$300 for 1,001 colonies or more. Beekeepers with questions regarding registration of beehives, or that have interest in participating in advisory board activities should visit www.agr.wa.gov/PlantsInsects/Apiary or contact WSDA Plant Protection Division at PestProgram@agr.wa.gov or (360) 902-2070.

Recommended Fact Sheet

19. WSDA Food Processor License and Facilities

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling Mushrooms

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Wild or cultivated mushrooms can be sold at farmers markets, grocery stores, restaurants or other direct sales venues. Savvy consumers and chefs look for high quality and unique mushrooms. While white button, crimini, and portabella mushrooms are the most popular varieties in grocery stores, chanterelles, morels and lobster mushrooms shine at farmers markets. There are Washington State regulations for harvesting and selling wild mushrooms and licensing requirements for packaging and processing (drying, slicing, freezing, etc.) all mushrooms. This fact sheet includes information on:

- Cultivated mushrooms;
- Regulations for harvesting wild mushrooms;
- Selling wild harvested mushrooms; and
- Selling processed and/or packaged mushrooms.

Cultivated Mushrooms

There are no regulations for growing “cultivated” mushrooms if you use conventional practices. Likewise, there are no regulations for selling whole, fresh, cultivated mushrooms. However, if you package the mushrooms in containers *and/or* process them in any way (e.g., drying, slicing, canning, or freezing), then they are considered a processed food and all facility, licensing, and labeling requirements for processed foods must be met. Please see the “Selling Processed and/or Packaged Mushrooms” section of this factsheet.

If you would like to grow and market certified organic mushrooms, please contact the WSDA Organic Food Program to get the organic regulations for cultivated mushrooms.

For information on cultivated mushroom production and markets, please see:

- University of Idaho Extension’s “Growing Mushrooms Commercially – Risks and Opportunities” available at www.cals.uidaho.edu/edComm/pdf/cis/cis1077.pdf .
- National Sustainable Agriculture Information Service (ATTRA) has a “Mushroom Cultivation and Marketing” publication available at www.attra.ncat.org and search for “Mushrooms” or by calling (800) 346-9140.

Regulations for Harvesting Wild Mushrooms

Regulations for harvesting wild mushrooms are part of Washington state law (RCW 76.48) along with the rules and regulations of federally managed land. In general, wild mushrooms that you plan to sell can only be harvested if you have written permission and the proper permits *prior* to harvesting. This includes mushrooms harvested from private landowners as well as land managed by

the Washington State Department of Natural Resources (DNR), United States Forest Service (USFS), Bureau of Land Management (BLM) or any other public lands.

The one exception is that wild mushrooms harvested **and** sold on Native American tribal lands do not require a permit. However, any wild mushrooms harvested on tribal land and sold on non-tribal lands do require a permit or required identification information. Visit www.washingtontribes.org to view a map of tribal lands.

It can be difficult to ascertain who owns private land and which agency manages public land. Therefore, it may be necessary to research land ownership in order to get written permission to harvest mushrooms. The county assessor or the closest U.S. Forest Service office, USDA service center, or DNR office should be able to help determine who owns and/or manages land.

Technically, wild mushrooms are classified as “forest products” by DNR and the USFS. However, the DNR and USFS have different requirements and permits for harvesting wild mushrooms.

Washington State Department of Natural Resources

The DNR has commercial and non-commercial policies for harvesting wild mushrooms on land that they manage. Visit www.dnr.wa.gov/recreation to find out where you will need a Discover Pass to park on DNR-managed state trust lands.

Harvest of wild mushrooms and other forest products for commercial use is handled through DNR’s permits and leases by region. Some regions permit commercial mushroom harvesting and some do not. Visit

www.dnr.wa.gov/BusinessPermits/HowTo/TimberSales/Pages/psl_ts_firewood_permit.aspx#map to find the regional permitting office you need.

If you are harvesting wild mushrooms for non-commercial, or personal use, then you are allowed to harvest up to five gallons of wild edible mushrooms, per person, per year. These wild mushrooms (or any personal use forest product) may not be sold or bartered. For more information, please go to http://www.dnr.wa.gov/RecreationEducation/Topics/HarvestingCollecting/Pages/psl_recreational_harvest_of_special_forest_products_for_personal_use.aspx.

U.S. Forest Service

In general, the USFS does not require a permit for harvesting mushrooms for personal use. However, there is a daily limit of one (1) gallon for a single species; and, for multiple species, the daily limit is three (3) species, (1) gallon each. Each forest may have additional requirements depending on the size or species of mushroom. Please check with the closest USFS district office for additional information and any local restrictions. You will need a NW Forest Pass to park at most trailheads. *Buying, selling or drying mushrooms is not allowed anywhere on National Forest lands.*

If you are harvesting wild mushrooms (or any non-timber, special forest product) to sell or harvesting more than the personal use limit on national forest land, then you must have a “Commercial Use Permit.” In 2013, the prices were: \$50 for 14 days, \$80 for 30 days, or \$120 for a calendar year permit. The permit, harvest limits, maps, harvest season, and camping information are available at the USFS district offices. Visit: www.fs.usda.gov/r6 under Permits and Passes.

For example, the Colville National Forest website posts a wild mushroom harvesting season chart with permits and fees for that forest. It also highlights specific forest information, such as the fact that the harvesting of any Matsutake (Pine) mushrooms requires a commercial use permit. It also contains mushroom harvesting etiquette and resources for identification. See the Colville National Forest website for Forest Product Permits at www.fs.usda.gov/detail/colville/passes-permits/forestproducts/?cid=fsbdev3_035280 or call (509) 684-7000.

Visit www.fs.usda.gov/main/okawen/passes-permits/forestproducts for mushroom harvesting information available in Spanish, Lao, Khmer, Vietnamese and Hmong for the Okanogan-Wenatchee Forest Service district.

Selling Wild Harvested Mushrooms

There are new regulations for wild harvested mushrooms from the Washington State Department of Health through the Washington State Retail Food Code that became effective May 1, 2013.

In general:

- only certain species harvested in the Pacific Northwest may be sold;
- they are required to be cooked when served in food service establishments;
- the seller and buyer must keep records of sold or purchased species and quantities; and
- some counties are requiring 3rd party certification, so please check with the local health department where you are planning to sell.

Only the following wild harvested mushroom species may be offered for sale or service in a food establishment:

Hedgehog (*Hydnum repandum*, *H. umbilicatum*);
Porcini/King Bolete (*Boletus edulis*);
Lobster (*Hypomyces lactifluorum* growing on *Russula brevipes*);
Pacific Golden Chanterelle (*Cantharellus formosus*, *C. cascadensis*, *C. cibarius* var *roseocanus*);
White Chanterelle (*Cantharellus subalbidus*);
Yellow Foot/Winter Chanterelle (*Craterellus tubaeformis*);
Black Trumpet (*Craterellus cornucopeioides*);
Saffron milk cap (*Lactarius deliciosus*);
Coral Hydnum/Bears Tooth (*Hericium coralloides*, *H. abietis*, *H. americanum*);
Oyster (*Pleurotus populinus*, *P. pulmonarius*, *P. ostreus*);
Cauliflower mushroom (*Sparassis crispa*);
Oregon Black Truffle (*Leucangium carthusianum*);
Oregon White Truffle (*Tuber gibbosum*, *T. oregonense*);
Blue Chanterelle (*Polyozellus multiplex*);
Morchella species including, but not limited to, Black Morels (*Morchella elata*) and Blonde Morels (*Morchella esculenta*);
Matsutake/Japanese Pine Mushroom (*Tricholoma magnivelare*).

Wild harvested mushrooms prepared for immediate service by a food establishment must be cooked to 135 F except for those sold for home use from grocery or farmers markets.

The permit holder shall keep written documentation supplied by the mushroom identifier for any wild harvested mushrooms offered for sale or service on file for 90 days after receipt. The documentation must include:

- The common name and Latin binomial name of the mushroom;
- The name, original signature, business name, mailing address, e-mail and telephone number of the mushroom identifier;
- The province, state, and county or counties where harvested;
- The date or dates of harvest;
- The date of sale to the food establishment; and
- The amount of product by weight.

For complete details, please refer to the section of the Washington State Retail Food Code on wild mushrooms (pages 26-27):

www.doh.wa.gov/CommunityandEnvironment/Food/FoodWorkerandIndustry/FoodSafetyRules.aspx

Mushroom buyers and produce companies that buy wild mushrooms from wild harvesters and resell them are not required to obtain any permits but are recommended to obtain the records above at time of purchase for both intrastate and interstate sale.

Selling Packaged and/or Processed Mushrooms (Cultivated or Wild)

If you package cultivated or wild harvested mushrooms in containers such as plastic clam shells and do not sell them loose in bulk by weight, and/or process these mushrooms by drying, slicing, canning or freezing them, then you must meet all WSDA food processing facility and labeling requirements for processed foods. This means you must use a licensed WSDA Food Processing Facility to package and process cultivated or wild harvested mushrooms. Packaging and processing requires proper product labeling. Some processing facilities may be willing to process for you as a co-packer. Contact the WSDA Food Safety Program to find licensed food processing facilities near you. You may also get your own facility licensed through the Food Safety Program. Please see the Food Processing fact sheet for complete details or contact the program by emailing foodsafety@agr.wa.gov or calling (360) 902-1876.

Recommended Fact Sheets

- 16. Organic Certification
- 19. WSDA Food Processor License and Facilities

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling Nursery Products

Washington State has an over \$300 million nursery industry that continues to grow. To limit the introduction of invasive species and agriculturally significant pest and disease that can be brought in from nursery stock coming from out-of-state, the state requires any person who handles or sells horticulture plants to have a license. This includes grocery stores, farm stands, retail nurseries, growers and garden centers among others. This fact sheet includes information on:

- Selling nursery products;
- Products that require a nursery license;
- Businesses required to get a nursery license;
- Which nursery license do you need?; and
- How to get the nursery license.

Selling Nursery Products

Nursery products can be popular products at farmers markets, grocery stores and nurseries, especially in early spring. Many store buyers will have limited shelf space or size constraints for nursery products. If you are selling to a nursery or grocery store, be sure to clarify what your buyer expects before you pot the product for delivery.

Growers selling to nurseries or grocery stores may want to consider making your product stand out with voluntary certifications for food safety or environmental concerns. For more information, see the fact sheets on “Organic Certification,” “Eco-labels, Animal Welfare and Fair Trade,” and “Good Agricultural Practices.”

If you are planning on shipping product outside of Washington State, first contact WSDA Plant Services Nursery Program to ensure your product meets the regulations for the state of destination: (360) 902-1874, nursery@agr.wa.gov, or go to www.agr.wa.gov/PlantsInsects/NurseryInspection/NurseryInspection.aspx

Inspections help protect the nursery industry, as well as the consumer, by ensuring horticultural plants offered for sale are free from infestation by pests and diseases, are properly labeled and are not otherwise damaged or dying.

Products that Require a Nursery License

You will need a nursery license to sell “horticulture plants,” including all “rooted plants” such as vegetable starts (e.g., tomato or pepper plants, lettuce, broccoli, or cabbage starts), berry plants/starts (e.g., strawberry, lingonberry, cranberry), and herb plant starts (e.g., basil, lavender,

rosemary), fruit trees (e.g., apple, plum, cherry), fruit vines (e.g., grapes, kiwis), cane berries (e.g., raspberries, blackberries), fruit bushes or shrub fruits (e.g., blueberries, currants, gooseberries), flower bulbs (e.g., tulips, daffodils), flowering annuals and perennials (e.g., black eyed-susans, bleeding heart, hostas), and all other ornamental plants.

Prohibited Plants

No plant or any part of the plant may be sold that is listed in the “**Prohibited Plant List**” found at www.agr.wa.gov/FP/Pubs/docs/PlantServices/BrochureProhibitedPlants.pdf

Exceptions to the Nursery License

A nursery license is not required if you are:

1. Producing only marijuana (Cannabis) and are licensed as a marijuana producer. (See Selling Herbs fact sheet for marijuana licensing information.)
2. Selling less than \$100 per year.
3. Selling only cut flowers or cut plant material (e.g., bouquets, wreaths).

Businesses Required to Get a Nursery License

Any person who handles or sells horticultural plants is considered a “nursery dealer” and is required by law to have a nursery license. This includes wholesalers, retailers, growers, shippers and landscapers who sell or install plants as a part of their business.

Examples of businesses that are required to be licensed include:

- Wholesale and retail nurseries, growers and garden centers;
- Landscapers who buy plants to install;
- Landscapers who hold or grow plants for later sale or installation;
- Maintenance companies who install plants for customers;
- Brokers located in Washington who buy and sell, but do not hold plants;
- Grocery and warehouse stores that offer plants for sale; and
- Pet and aquarium stores that sell aquatic plants.

Exemptions to the Nursery License

Exemptions exist for garden clubs, charitable non-profit associations, educational organizations and conservation districts, under certain conditions, are exempted from the licensing requirements (RCW 15.13.270). However, even if exempted from the nursery license, they are still required to have a plant sale permit. Plant Sale permit applications are available by logging into the PISCES online system at: www.agr.wa.gov/PlantsInsects/PlantSalePermits/PlantSalePermits.aspx

WSDA offers assistance to new nursery businesses in meeting regulatory requirements. If you are still unsure if your business needs a nursery license, or to confirm you are eligible for an exemption, please contact WSDA Nursery Inspection Program at (360) 902-1874, nursery@agr.wa.gov, or go to www.agr.wa.gov/PlantsInsects/NurseryInspection/NurseryInspection.aspx.

Which Nursery License Do You Need?

Two nursery licenses are available based on whether you have a retail or wholesale business. If you sell retail, then a retail nursery license is required. If you sell wholesale, then a wholesale nursery license is required. If you **sell both retail and wholesale**, then you are required to obtain only the license for which you do more than 50% of your sales. A separate license is required for each location where you sell. The retailer licenses start at \$50.40 per location for gross annual sales of \$100 to \$2,500. Wholesaler licenses start at \$109.20 per location for \$2,501 to \$15,000 in gross annual sales. For any updated fee information, contact (360) 902-1874, nursery@agr.wa.gov, or go to: www.agr.wa.gov/FP/Pubs/docs/PlantServices/BrochureLicensePlantMaterials.pdf

Wholesale Nursery Dealer License for Farmers Markets

Farmers markets can hold one Nursery Dealer License to cover all vendors selling nursery products at that market location. However, many farmers markets choose to require farms selling nursery products to have their own individual nursery dealer license. The license holder is responsible for ensuring that the plants are healthy, disease-free, and pest-free. To find out if your farmers market has a blanket license that covers you while selling at the market, check with your farmers market manager or search the Retail License Nursery Dealers list at www.agr.wa.gov/plantsinsects/NurseryInspection/docs/RetailLicensedNurseryDealers.pdf or type the market name into Business Licensing Services at <http://bls.dor.wa.gov/LicenseSearch>.

How to Get a Nursery License

To obtain a nursery license, you must add an agriculture addendum to your business license. Business registration and/or adding the nursery license to your business license can be done online at www.bls.dor.wa.gov/nursery.aspx. You may also call the Business Licensing Service at the Department of Revenue at (800) 451-7985 for assistance.

Recommended Fact Sheets

- 4. Licensing
- 16. Organic Certification
- 17. Eco-labels, Animal Welfare and Fair Trade Certifications
- 18. Good Agricultural Practices (GAPs)
- 29. Selling Herbs

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling Nuts

From hazelnuts to walnuts, chestnuts to peanuts, Washington producers sell nuts and nut products at farmers markets, farm stands and direct to grocery stores. Selling whole nuts in the shell is a relatively easy enterprise to begin and does not require licensing. However, selling shelled nuts, making nut butters, nut flour, or nut milk requires a WSDA Food Processor License and Facility. This fact sheet covers:

- Selling whole nuts in the shell;
- Processing in WSDA licensed food processing facilities; and
- Local health jurisdiction requirements.

Selling Whole Nuts in the Shell

Any nut that is completely covered in the whole shell can be sold without a license. Whole, in the shell chestnuts, walnuts and hazelnuts are often seen on produce displays and make a good winter seasonal display at farmers markets, too. Whole nuts sold with nut crackers, and other accessories or roasting instructions and recipes may increase your sales. If the shell is cracked or broken in any way, the nut may not be sold unless it has been processed in a WSDA licensed Food Processing Facility.

Processing in a WSDA licensed Food Processing Facilities

While raw almonds require pasteurization due to USDA and FDA rules, the varieties of nuts grown in Washington (hazelnuts, walnuts, chestnuts, and peanuts) do not require pasteurization to sell raw, shelled nuts.

Nuts and nut products may be processed in existing WSDA licensed Food Processing Facilities by contacting the WSDA and adding “nuts” or your specific nut product to the list of products processed on the facility’s license. Please contact your food safety inspector before making any changes to your facility or starting to process nuts. This will help ensure that you are in full compliance with the food safety regulations for processing and labeling, **particularly allergen labeling**. Please see the “WSDA Food Processor License and Facilities” fact sheet for specific details.

Co-packing Nuts

Businesses with a WSDA licensed Food Processing Facility can process nuts for other producers. The food industry term for this is “co-packer.” This co-packer may carry insurance, and usually charges per unit. Labeling on these products must include the words: “*Manufactured for...*” or “*Distributed by...*” to designate the firm’s relation to the product. For additional information about the processing facility, please see the fact sheet “WSDA Food Processor License and Facilities.”

To process nuts and nut products in your own facility

Producers need a WSDA Food Processing License. Contact the WSDA Food Safety Program to discuss your plans. The WSDA Food Safety Program is available for one-on-one technical assistance with the licensing process, including creating a processing facility design and advising on construction materials, equipment, cooling procedures, water source, and food safety techniques to prevent cross-contamination of products. The application is available online at www.agr.wa.gov/FoodAnimal/FoodProcessors or by calling (360) 902-1876 or by emailing foodsafety@agr.wa.gov.

Local Health Jurisdiction Requirements

Farms that sell nuts or nut products to the public must also follow food safety rules established by the local health jurisdiction (usually a county health department or health district) where they plan to sell. In the State Retail Food Code, tree nuts are categorized as a “major food allergen.” Please contact the appropriate agency for additional information. A statewide list of local health jurisdictions is available at www.doh.wa.gov/ehp/food/localcontacts.html.

Roasting nuts on-site for “ready-to-eat” sales

Producers selling nuts that are roasted on-site at farmers markets, farm stands, or other events and sold “ready-to-eat” are exempt from the Retail Food Service Establishment License. However, you must apply for the exemption through the local health jurisdiction where the sales will take place.

Sampling Requirements

In some counties a permit is needed to give customers nut samples and there are penalties and fines for non-compliance. Depending on the county, farms that want to offer samples of their products may be required to:

- have a *Food Worker’s Card* for the person offering and/or slicing samples;
- have a hand washing station at your farm stand or farmers market booth; and/or
- fulfill additional requirements pertaining to containers, protecting samples from contamination, washing samples and other preparation, refrigeration, etc.

Recommended Fact Sheets

- 19. WSDA Food Processor License and Facilities
- 21. Food Product Recalls
- 37. Selling Ready-to-Eat Foods

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling and Processing Poultry

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Growing consumer demand for locally grown, humanely-raised, organic and/or pastured meat creates new opportunities for small-scale chicken, turkey and other poultry producers. Careful planning and a good understanding of the regulations surrounding the processing, handling, and marketing of poultry meat is essential. With the proper license or permit, a producer can sell his or her poultry meat to retail outlets such as restaurants, grocery stores, and farmers markets, wholesale, or straight from the farm. This fact sheet is designed to help poultry producers understand Washington State regulations and provide resources for a successful poultry enterprise².

This fact sheet includes:

- Overview of poultry processing permits and licenses;
- WSDA Special Poultry Permit;
- WSDA Food Processor License;
- WSDA poultry processing facility and water requirements;
- Poultry processing equipment lending programs;
- Mobile poultry processing units;
- USDA inspected poultry processing plants in Washington;
- Ratites and Squab;
- Selling and labeling certified organic poultry;
- Health department requirements for selling poultry; and
- Helpful resources on poultry processing.

Going through the process of getting the proper permit or license to process poultry may feel like a daunting task. For producers who persevere, the following benefits may make the investment of their time, talent and treasure worthwhile.

Opening up new marketing alternatives

With the proper permit or license, your poultry may be legally sold to customers from your farm, to restaurants, to grocery stores, at farmers markets, via the Internet and other direct and wholesale marketing channels.

Capturing more value for your poultry meat

By selling through direct markets, producers can capture the full retail value of their poultry,

² This fact sheet was first developed in 2009 as part of the “Realizing the Potential of Pastured Poultry in our Local Food System” project by Kirsten Workman of the WSU Mason County Extension and Mason Conservation District; Fred Berman and Patrice Barrentine of the Washington State Department of Agriculture Small Farm and Direct Marketing Program; Nate Lewis of WSDA Organic Food Program and Homegrown Pastures, Melissa Barker of The Evergreen State College Organic Farm and Homegrown Pastures, and Colleen Donovan of Heifer International. We gratefully acknowledge everyone who reviewed and improved this fact sheet including Claudia Coles, Al Kowitz, Norman Suverly, Carey Hunter and Andy Bary.

Please note: Information in this fact sheet is our best understanding of the current state laws and regulations at the time of publication. If there is a conflict between what is written and what is contained in law, the applicable law prevails. Laws and regulations also are subject to change. Please refer to the contacts listed for the most up-to-date information.

increasing profits. For example, as of November 2013, direct marketed whole chickens are typically selling for \$3.50 to \$6.50 per pound.

Building customer trust and loyalty

By acquiring the appropriate licenses, you can demonstrate to your customers that you are following all state regulations and food safety practices that promote a safe, quality product.

Reducing business risk

In order for your product liability insurance to be valid, your carrier will require you to be properly licensed. Being licensed also enables you to advertise without worrying about regulatory repercussions.

Influencing agricultural policies in Washington State

Being licensed creates an opportunity for direct feedback to state agencies, so that they can improve rules to better serve farmers and consumers alike. The more producers that are licensed, the greater their voice becomes in the policy arena. In addition, as a producer you have a responsibility to your fellow producers to maintain a legal and safe infrastructure to protect both the public and your rights to continue processing.

Overview of Poultry Processing Permits and Licenses

Poultry processing in the United States, including chicken, geese, duck, turkey and other domesticated birds raised for meat, is regulated by the Federal Poultry Products Inspection Act. This Act requires producers to process poultry in a USDA inspected facility. However, under the Act state exemptions are allowed. In Washington State, there are currently two ways that small-scale poultry producers may be exempted. One is by getting a **WSDA Special Poultry Permit** and the other is by becoming a licensed **WSDA Food Processor**.

TABLE 2. POULTRY PROCESSING OPTIONS

| | WSDA Special Poultry Permit | WSDA Food Processor License | USDA FSIS Inspected Facility |
|--|------------------------------------|------------------------------------|-------------------------------------|
| 1. Maximum number of birds processed per year that is allowed | Up to 1,000 | Up to 20,000 | Unlimited |
| 2. Whether poultry must be sold whole or may be processed (i.e., into cuts, frozen, etc.) | Whole only | Whole or processed | Whole or processed |
| 3. Marketing channels allowed | On-farm sales only | Direct, retail or wholesale | Direct, retail or wholesale |
| 4. Whether sales outside of Washington State are allowed | No | No | Yes |

Which Permit or License do I need?

The following four questions can help you figure out if you need a WSDA Specialty Poultry Permit or Food Processor License:

1. How many birds will you process in a calendar year?
2. Do you want to sell whole birds only?
3. Do you want to sell to retail markets such as restaurants, grocery stores, at farmers markets or

wholesale?

4. Do you want to sell outside of Washington State?

Please note that the Special Poultry Permit is for poultry only. To process other products, you need a WSDA Food Processing License which allows you to process poultry. But if you formally amend your license, and are approved by WSDA, you may also process rabbits, emu, rhea, ostrich, buffalo and beefalo for in-state sales.

WSDA Special Poultry Permit

Farms selling less than 1,000 processed poultry of any species in a calendar year may operate with a WSDA Special Poultry Permit,³ as long as they meet all three key conditions.

1. The poultry must be sold directly to the end consumer. Selling processed poultry at farmers markets, direct to restaurants or grocery stores, or via the mail or other delivery service is not allowed.
2. Customers must pick up the birds within 48 hours of slaughter from the property of the Washington farm where the poultry was raised and processed.
3. The farm business must sell only whole birds. This permit does not allow further processing (i.e., parting out, vacuum sealing, or freezing).

The WSDA's online "Handbook for Special Poultry Permit to Slaughter, Prepare and Sell Whole Raw Poultry" is a useful resource that includes over 20 Frequently Asked Questions covering everything from record keeping to composting offal:

www.agr.wa.gov/FoodAnimal/TempChickenSlaughter/Handbook.aspx.

How to Get the WSDA Special Poultry Permit

Contact WSDA's Food Safety Program and discuss your plans with an inspector. Food safety inspectors can help ensure that the processing set up and practices meet state standards. You must then submit an application to the WSDA Food Safety Program. Applying early will give inspectors time to work with you. To avoid a backlog, we recommend applying at least 12 weeks before your first slaughter date and obtaining the permit at least 6 weeks before your first slaughter date.

Applications and additional information is available online at

www.agr.wa.gov/FoodAnimal/TempChickenSlaughter/ or you can email foodsafety@agr.wa.gov or call (360) 902-1876.

For many, the most challenging aspect of the application is the "Slaughter/Preparation Site Diagram" and "Detailed Processing Steps or Flow Diagram." To avoid potential confusion on your food safety application, be sure to include as much detail in these diagrams as possible. The major steps involved (e.g., kill, scald, pluck, eviscerate, rinse, and chill) **must** be included in the flow charts, and any additional details will help to ensure a smooth licensing process.

Once the Food Safety Program has received your Special Poultry Permit application, a trained WSDA food safety inspector will come to the farm prior to first slaughter to verify that the setup, slaughter and processing will be done in compliance with state food safety requirements. Inspections include an evaluation of personnel, grounds, butcher setup construction and design, sanitary operations,

³ The Special Poultry Permit was formerly known as the "Temporary Permit to Slaughter Pastured Chickens." The Special Poultry Permit came into effect in July 2009. This permit now includes **all** poultry (not just pastured chickens).

pest control, sanitary facilities and controls, equipment and utensils, processes and controls, labeling and licensing. Preventing overhead contamination, having food grade surfaces, and chilling tend to be the key areas of concern.

We recommend scheduling your food safety inspection on a day when you can do a dry run and you do not need all equipment to be present, for example, if you're renting a plucker or scalding. Not having customers on farm the same day of your inspection gives you time to address any issues. Once approved, your permit will be mailed to you.

The inspector returns on the first slaughter date during processing to confirm all food safety requirements are met.

Please note that: the permit application asks for your projected slaughter dates. Changes are allowed, however, you must provide prior written communication of any changes, including date additions and deletions, to the Food Safety Program at least one week before the change. The fee for the Special Poultry Permit is \$75 for one calendar year (January 1 to December 31) or \$125 for two years.

WSDA Food Processor License

There are three main reasons a farm would need a WSDA Food Processor License instead of a Special Poultry Permit to process poultry. If the farm's plans meet **any one of these criteria**, then a WSDA Food Processor License is required.

1. The farm is planning to process between 1,001 and 19,999 birds a year.
2. The farm wants to sell directly off-farm at a farmers market or farm stand, or sell through a third party to retail markets.
3. The farm wants to sell poultry that is not a whole bird or has been processed further in any way (i.e., frozen, cut into pieces, used in a value-added product such as sausage, etc.).

The WSDA Food Processor License allows farms to process **up to** 19,999 poultry of any combination of species per calendar year. If you choose, you are allowed to process less than 1,000 with the Food Processor License (or the Special Poultry Permit is required).

One key benefit of the Food Processor License is it allows farms to sell processed poultry directly at farmers markets, on the Internet, to hotels, restaurants, food service institutions, grocery stores, or through wholesale food distribution in Washington State.

The Food Processor License allows poultry to be further processed, for example breaking down the whole bird into individual cuts (or "parted out") or freezing. The license also allows vacuum sealing if the product will be frozen.

The WSDA Food Processor License does not allow out of state sales. It does, however, allow for processing rabbits with a WSDA approved amendment.

How to Get the WSDA Food Processor License

Like the Specialty Poultry Permit, producers should start by contacting the WSDA Food Safety Program to discuss your plans. You must submit an application to the WSDA Food Safety Program. It is available online at www.agr.wa.gov/FoodAnimal/FoodProcessors or by calling (360) 902-1876 or emailing foodsafety@agr.wa.gov. The Food Processor License application includes a sanitation schedule, intended type of process (#12 is poultry butchering), ingredient/processing information, a floor plan of where you will be processing poultry, proposed labeling, questions about your water supply and testing. Allow plenty of time for getting your water system approved for your facility, as this can take weeks or months.

The WSDA Food Safety Program is available for one-on-one technical assistance with the licensing process, including creating a processing facility design and advising on construction materials, equipment, cooling procedures, water source, and food safety techniques to prevent cross-contamination of poultry products.

The WSDA Food Processor License annual fee is based on your projected sales volume. It starts at \$55 per year for gross sales up to \$50,000.

TABLE 3. WSDA FOOD PROCESSOR LICENSE FEE SCHEDULE

| If gross annual sales* from products processed in facility are: | The license fee is: |
|---|---------------------|
| \$0 to \$50,000 | \$ 55 |
| \$50,001 to \$500,000 | 110 |
| \$500,001 to \$1,000,000 | 220 |
| \$1,000,001 to \$5,000,000 | 385 |
| \$5,000,001 to \$10,000,000 | 550 |
| Greater than \$10,000,000 | 825 |

* In year 1 of an operation, gross annual sales are the processor's projected sales. Thereafter, fees are based on the processor's prior year's sales.

Once the Food Safety Program reviews your application, a local food safety inspector will contact you within 4 to 6 weeks to inspect your processing site, ensure it meets all state requirements and answer any questions.

WSDA Poultry Processing Facility and Water Requirements

The Special Poultry Permit and Food Processor License have the same sanitation and cooling and refrigeration requirements, however, the requirements for the processing facilities, lighting, bathrooms and water (from private wells) are different.

TABLE 4. FACILITY, LIGHTING, BATHROOM AND WATER REQUIREMENTS FOR THE SPECIAL POULTRY PERMIT

| WSDA Special Poultry Permit | |
|-----------------------------|---|
| Facilities | No permanent building is required. Protection from overhead, side and ground contamination is required. When insects, dust, mud, pests, or other contamination is likely to occur, a temporary set up including tarps, |

| | |
|-----------------|--|
| | <p>canopies, floor mats, etc., may be used. A grassy, clean and pesticide-free pasture could qualify. If there is no potential for overhead/ground contamination, the entire slaughter, processing, and bagging operation could occur outside.</p> <p>At least one hand washing station must be accessible on site. Standard temporary hand washing stations are acceptable.</p> |
| Lighting | Lighting only needs to be provided if processing is done at night or in low light conditions. |
| Bathroom | At least one toilet must be available and conveniently located at the poultry slaughter site. A bathroom in a home or a portable chemical toilet may qualify. |
| Water | <p>Public or municipal water supplies must meet requirements for potable water.</p> <p>If you are on a private well, then your local or county health department or Washington State Department of Health (DOH) must approve the water source. Water source approval means the conveyance used to deliver the water must meet the State DOH requirements for potable water.</p> <p>Potable water may be hauled into the processing site as long as the water is safe and sanitary. The transport vessel that is used must be capable of maintaining the sanitary quality of the water.</p> <p>In addition to being potable, water must pass bacterial test within the 60 day window prior to applying for the permit.</p> <p>Please see Attachment C “Water Supply Requirements” of the Special Poultry Permit application for detailed information.</p> |

TABLE 5. FACILITY, LIGHTING, BATHROOM AND WATER REQUIREMENTS FOR THE FOOD PROCESSOR LICENSE

| WSDA Food Processor License | |
|-----------------------------|---|
| Facilities | <p>Licensed Food Processors must have a separate facility dedicated to the commercial processing operation only. Your home kitchen cannot serve as this facility; however, your separate processing facility may be located in your home in a room separate from your domestic kitchen, (i.e. a converted bedroom, or basement).</p> <p>Slaughtering and plucking may occur outdoors in a covered area. All other steps in the processing must occur indoors. Specific requirements include:</p> <ul style="list-style-type: none"> • Equipment, worktables and counters must be in good repair and have surfaces that are easily cleaned and non-corrosive. • Floors must be made of material that can be cleaned and must be in good repair. Typically vinyl linoleum or tile floor coverings are sufficient for small operations where vacuuming and wet mopping provide sufficient clean up. <i>Unfinished wood floors are NOT suitable in any areas.</i> • Walls must be covered with a washable, non-porous, non-corrosive, smooth material that will not deteriorate when it gets wet. <p>Sinks may be 3-compartment or 2-compartment; please check with your inspector. Food handlers must have access to one or more hand washing facilities with hot and cold running water, soap, single service towels, and hand wash signs.</p> |
| Lighting | Adequate lighting must be provided. Shatter-protection must be used above equipment or |

| | |
|-----------------|--|
| | areas where food is exposed. |
| Bathroom | An adequate home bathroom is sufficient if only family members work in the processing facility. When a processor hires anyone outside of the immediate family to process poultry, then a separate bathroom is required. |
| Water | Public or municipal water supplies meet requirements for potable water. If you are on a private well, you will need to meet Washington State Department of Health's requirements for a Group A or B water system. The system required will depend on the number of employees and the number of days you operate. Please see Attachment E "Water Supply Testing Requirements" of the Food Processor License application for detailed information. |

Sanitary practices for both Specialty Poultry Permit and Food Processor License

Hand washing is critical to food safety, regardless of your permit or license. Wash hands thoroughly before starting *and* between each preparation step as well as after every break. At least one hand washing station must be accessible on site.

Cooling and refrigeration requirements for both Special Poultry Permit and Food Processor License

When poultry is processed, a temperature control must be used to monitor slaughter cool down temperatures to ensure proper chilling. A calibrated thermometer inserted into the first bird slaughtered, and then monitored thereafter will work. You must record this cooling time. Processed poultry must be cooled to 40° F within four hours of slaughter (unless they are sold within four hours).

Producers will need to demonstrate the availability and efficiency of their equipment -- coolers, boxes, refrigerators, etc. -- for storage and transport prior to permit or license approval. In addition, the Food Processor Licensees' freezers will be checked.

Co-packing under the WSDA Food Processor License

The Poultry Products Inspection Act's (PPIA) "exemption to the exemption" can be requested by a WSDA licensed facility to process birds from multiple producers (also known as co-packing). It states: "The facility used to slaughter or process the poultry is not used to slaughter or process another person's poultry unless the Administrator of FSIS grants an exemption [PPIA Section 464(c)(3); Title 9 CFR 381.10(b)(2)]."

The term "exempt" means that certain types of poultry slaughter and processing facilities may qualify to operate without daily federal inspection or a grant of federal inspection. Such facilities are exempt from continuous bird-by-bird inspection and the presence of inspectors during the slaughter of poultry and processing of poultry products.

However, a facility operating under such an exemption must still comply with all other requirements of the PPIA and all facilities slaughtering or processing poultry for human use, including exempt operations, must produce products that are unadulterated or misbranded.

All poultry processed under any exemption of the PPIA and offered for sale must have a label with the producer's name, producer's address, and the statement, "Exempt P.L. 90-492." If the poultry is processed by another facility operating under this exemption, the label must state that the bird was processed by that facility and distributed by the producer of the bird.

To request an exemption to the PPIA, contact the regional **USDA Food Safety & Inspection Service District Office** in Denver at (303) 236-9800 or www.fsis.usda.gov.

Poultry Processing Equipment Lending Programs

In recent years, several new programs have emerged in Washington to lend poultry processing equipment to producers for a small fee. Most of these programs provide a large, thermostatically-controlled scalding tank, a drum picker or plucker and kill cones. In most cases, the producer is required to provide propane, water, electricity, and all other required equipment. Contact information for current Poultry Processing Equipment Lending Programs can be found below.

Island, San Juan, Skagit, Snohomish, and Whatcom counties

Northwest Agriculture Business Center
www.agbizcenter.org/business-services/processing-equipment-rental
419 South 1st St., Ste. 200
Mt. Vernon, WA 98273-2924
(360) 336-3727 or (888) 707-2021
info@agbizcenter.org
Contact: Sera Hartman

Kitsap County

Kitsap Poultry Growers Cooperative
www.kitsappoultry.com/equipment-rental/
Silverdale, WA
rental@kitsappoultry.com

Mason County and surrounding counties

Mason Conservation District (in partnership with WSU Mason County Extension)
www.masoncd.org
450 W. Business Park Rd.
Shelton, WA 98584
(360) 427-9436
ron@masoncd.org or ehagan@masoncd.org
Contacts: Ron Cummings or Erik Hagan

Pierce County and surrounding counties

Pierce Conservation District
www.pierced.org/poultryprocess.html
5430 66th Ave East
Puyallup, WA 98371
(253) 845-9770 x104 or x 112
Contact: Mike or Chris

Thurston County and surrounding counties

Thurston Conservation District
www.thurstoncd.com/equipment-rental
2918 Ferguson St. SW, Building 1, Ste. A
Tumwater, WA 98512
(360) 754-3588
tcd@thurstoncd.com
Contact: Reception

Whatcom County

Whatcom Pastured Poultry Group
<https://sites.google.com/site/whatcompasturedpoultry/>
5050 Graveline Rd.
Bellingham, WA 98226
(360) 384-4821
whatcompoultry@gmail.com
Contact: Terry Maczuga



Mobile Poultry Processing Units

Mobile Poultry Processing Units (MPPUs) are allowed to operate in the state of Washington. They enable small producers to process poultry through a facility shared with other producers. The mobile unit must meet regulatory requirements for a WSDA licensed Food Processing facility. It

must be fully enclosed, however, killing and plucking can occur, under cover, outside of the unit. Each producer using the MPPU must be a licensed WSDA Food Processor which means they can process up to 19,999 birds, each, per year.

Eastern Washington

The first Mobile Processing Poultry Unit built in Washington was a joint project of the Community Agricultural Development Center (CADC) and Washington State University Stevens County Extension. It currently serves Stevens, Ferry, Pend Oreille and Spokane counties. For more information, please contact Al Kowitz with CADC at (509) 499-1360 or akowitz@communityagcenter.org. Additional information, including a slide show and floor plans, is also available at <http://communityagcenter.org/processing/poultry-unit>.

In 2013, Slow Food Okanogan partnered with Pine Stumps Farms to obtain and renovate a Mobile Poultry Processing Unit. More information is available at www.slowfoodokanogan.com or www.pinestumpfarms.com/meat.php or by calling Carey Hunter and Albert Roberts at (509) 826-9492.

Western Washington

The Kitsap Poultry Growers Cooperative has their new Mobile Processing Poultry Unit available in summer of 2014. Please check their website at www.kitsappoultry.com for updates or email questions@kitsappoultry.com.

The Northwest Agriculture Business Center's Mobile Processing Poultry Unit started operating in summer 2014 to serve Whatcom, Skagit, Snohomish and Island counties. Please contact Fred Berman for more details: (360) 336-3727 or fred@agbizcenter.org.

The national Niche Meat Processor Assistance Network (NMPAN) is an excellent resource for learning more about MPPUs: www.nichemeatprocessing.org/mobile-unit-overview.

USDA Inspected Poultry Processing Facilities in Washington

USDA inspection is required for businesses that slaughter and process 20,000 or more birds per year and/or sell their birds outside of Washington State. Please contact the USDA Food Safety and Inspection Service for more information.

USDA Food Safety & Inspection Service District Office (for Washington)

Denver Federal Center, PO Box 25387, Building 45, Denver, CO 80225
(303) 236-9800 or www.fsis.usda.gov

The FSIS has a listing of USDA inspected plants online that is updated monthly. You can search for "poultry inspection directory" from the FSIS home page. You should find a "Meat, Poultry and Egg Product Inspection Directory." However, finding plants that serve independent producers is extremely challenging.

[www.fsis.usda.gov/regulations & policies/Meat Poultry Egg Inspection Directory/index.asp](http://www.fsis.usda.gov/regulations%20&%20policies/Meat%20Poultry%20Egg%20Inspection%20Directory/index.asp)

Ratites and Squab

Large birds such as ostrich, emu, and rhea (collectively known as “ratites”) and squab (pigeon) can be processed in USDA inspected facilities or facilities that are licensed by WSDA as a Food Processor. Processors licensed by WSDA as a Food Processor may slaughter 19,999 or less large birds or squab per year. These processors must apply to the USDA Food Safety and Inspection Service for exemption from inspection. In addition to standard product labeling requirements, each bird or package for sale must be marked or tagged, “Exempted under PL 90-492” and include the name and address of the processor. For more information on exemption requirements, please contact USDA FSIS, (303) 236-9800 or www.fsis.usda.gov.

Selling and Labeling Certified Organic Poultry

If any operation is planning to make organic claims (i.e., on a label, display signage, farm name, etc.) and it grosses over \$5,000 annually on these products, it must become certified by an accredited certifying agency. In the Northwest most producers either certify with the WSDA Organic Food Program or Oregon Tilth. In addition, Oregon’s Department of Agriculture is now accredited to do organic certification.

For poultry producers who process their own birds and want to sell chicken labeled “Organic Chicken” (or turkey or duck, etc.), they need to become both a certified organic producer and a certified organic processor. For poultry producers who have an organic certification and process their birds at a certified organic licensed slaughter facility, then they are also allowed to label their product “Organic Chicken” (or turkey or duck, etc.).

Another option is to label the poultry “organically raised.” In this situation, the grower must be a certified organic producer, but he or she does not need to be a certified organic processor. They cannot make organic claims on the processing of their products, but they can make claims to reflect the organic production methods employed when raising the animals.

| Organic Label | Organic Certifications Required |
|----------------------|---|
| “organic chicken” | Must be raised by a certified organic producer AND processed by a certified organic processor |
| “organically raised” | Must be raised by a certified organic producer |

Please contact the WSDA Organic Food Program to discuss your plans before you start advertising or labeling anything as “organic.” They can be reached at (360) 902-1805, organic@agr.wa.gov or via www.agr.wa.gov/FoodAnimal/Organic.

Health Department Requirements for Selling Poultry

All producers who are direct marketing poultry will need to find out what permits are required by the local health jurisdiction where they will be selling poultry. So, if you are selling in Seattle, you will need to check with Seattle-King County Public Health; in Tacoma, it is Tacoma-Pierce County Public Health. In most other areas, the local jurisdiction will be the county health department. In Spokane, it is the Spokane Regional Health District. In all, there are 37 local health jurisdictions in Washington: www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions.aspx

While all local health jurisdictions adopt the same “Washington State Retail Food Code,” how the permitting structure, fees and inspections are set up vary. In addition, the local health jurisdiction may add requirements beyond the Retail Food Code. Typically, the food permits are in the environmental health division of the health department.

Farmers Markets

In general, the Retail Food Code considers farmers markets to be a “Temporary Food Establishment.” The local health jurisdiction permits and inspects all retail operations including farmers markets. In turn, farmers markets require that poultry vendors have the WSDA Food Processor License and all local permits needed in that county.

Producers should check with the farmers market manager and health department early on to find out what is required. Questions to ask your local health jurisdiction include:

- What permit(s) are required for producers to sell poultry at farmers market. In Seattle-King County, a “Limited Farmers Market Temporary Permit” is required to sell poultry.
- Are fresh poultry sales allowed? Or does all poultry need to be frozen?
- What temperature needs to be maintained?
- Can producers use coolers or is mechanical refrigeration required? If refrigeration or a freezer is needed, be sure to ask the market manager about the electricity and voltage available at the market site.
- Is a separate permit required for each market site or each day?
- How much does the permit cost? Prices range from \$25.00 to \$500 per season.
- When are permits due?

Helpful Resources on Poultry Processing

- American Pastured Poultry Producers Association: www.appppa.org
- Featherman Video Demos: www.featherman.net/videodemos.html
- National Sustainable Agriculture Information Service: www.attra.ncat.org
- Niche Meat Processors Assistance Network: www.nichemeatprocessing.org
- On-Farm Poultry Slaughter Guidelines (Cornell University):
<http://nebeginningfarmers.org/publications/on-farm-poultry-slaughter-guidelines/>
- Resource Guide to Direct Marketing Livestock and Poultry (Cornell University):
<http://smallfarms.cornell.edu/resource-guide-to-direct-marketing-livestock-and-poultry/>
- Sustainable Poultry Network: www.sustainablepoultrynetwork.com
- Sustainable Poultry: www.sustainablepoultry.ncat.org
- Washington State University Organic Farming Systems & Nutrient Management - Pastured Poultry: www.puyallup.wsu.edu/soilmgmt/SusAg_PasturedPoultry.html
Photos and designs for movable poultry cages (chicken tractors)
- WSU Small Farms: www.smallfarms.wsu.edu/animals/poultry.html
- WSDA Farm Wisdom Video Series: www.agr.wa.gov/marketing/smallfarm/managerisk.aspx
Poultry Processing Rental Equipment
WSDA Licensed Poultry Processing Facilities
- WSDA Food Safety Program: www.agr.wa.gov/FoodAnimal/FSP
- WSDA Organic Food Program: www.agr.wa.gov/FoodAnimal/Organic

Recommended Fact Sheets

- 4. Licensing
- 19. WSDA Food Processor License and Facilities
- 23. Selling Beef, Pork, Sheep, Goat, and Other Meat
- 26. Selling Eggs
- 36. Selling Rabbit Meat

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling Rabbit Meat

36

There is a small but growing interest in raising and selling meat rabbits in Washington. With the proper license or permit, a producer can sell his or her rabbit meat in Washington State to retail outlets such as restaurants, grocery stores, and farmers markets, wholesale, or straight from the farm. Currently, restaurants featuring locally sourced foods or French or European fare are potential markets for rabbit meat. To sell and process rabbit, producers must have a WSDA Food Processor license. In 2013, there were nine licensed rabbit processing facilities in Washington. This fact sheet includes:

- Processing in existing WSDA licensed food processing facilities;
- How to get the WSDA food processor license;
- Health Department requirements for selling rabbit meat; and
- Helpful resources on rabbit processing.

Processing in Existing WSDA licensed Food Processing Facilities

Rabbit may be processed in existing WSDA licensed Food Processing Facilities if adequate time and separation is demonstrated. Contact the WSDA and add “rabbit” to the list of products processed on the facility’s license. Please contact your food safety inspector before making any changes to your facility or starting to process rabbit. This will help ensure that you are in full compliance with the food safety regulations for processing and labeling.

A WSDA licensed food processing facility can process rabbits for other producers. The food industry term for this is “co-packer”. This co-packer may carry insurance, and usually charges per unit. Labeling on these products must include the words: “Manufactured for...” or “Distributed by...” to designate the firm’s relation to the product.

A “pass-through” window is used in many WSDA poultry processing facilities. This is where the slaughter occurs outside the processing facility and the carcass is passed through a window into the facility for processing. The “pass-through” window may not be required for rabbit if a sanitary means of getting the slaughtered rabbit into the facility can be demonstrated. For example, there could be a scenario in which slaughtered rabbits are plunged into an ice bath and then transported into the facility all at once. As always, we strongly advise you to contact your food safety inspector before you finalize the design of your food processing facility and start investing in equipment and materials.

For additional information about the processing facility, please see the fact sheet “Selling and Processing Poultry” and “WSDA Food Processor License and Facilities.”

How to Get the WSDA Food Processor License

To process rabbits in your own facility, producers need a WSDA Food Processing License. We strongly advise you to contact the WSDA Food Safety Program to discuss your plans. The WSDA Food Safety Program is available for one-on-one technical assistance with the licensing process, including creating a processing facility design and advising on construction materials, equipment, cooling procedures, water source, and food safety techniques to prevent cross-contamination of meat products.

To get the WSDA Food Processor License, you will need to submit an application to the WSDA Food Safety Program. It is available online at www.agr.wa.gov/FoodAnimal/FoodProcessors or by calling (360) 902-1876 or by emailing foodsafety@agr.wa.gov. The Food Processor License application includes a sanitation schedule, intended type of process (#12 is rabbit butchering), ingredient/processing information, a floor plan of where you will be processing rabbit, proposed labeling, questions about your water supply and testing. Allow plenty of time for getting your water system approved for your facility, as this can take weeks and/or months. The WSDA Food Processor License fee is based on your projected sales volume. It starts at \$55 per year for gross sales up to \$50,000.

Health Department Requirements for Selling Rabbit Meat

All producers who are direct marketing rabbit meat will need to find out what permits are required by the local health jurisdiction where they will be selling rabbit meat. So, if you are selling in Seattle, you will need to check with Seattle-King County Public Health; in Tacoma, it is Tacoma-Pierce County Public Health. In most other areas, the local jurisdiction will be the County Health Department. In Spokane, it is the Spokane Regional Health District. In all, there are 37 local health jurisdictions in Washington: www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions.aspx

While all local health jurisdictions adopt the same “Washington State Retail Food Code,” how the permitting structure, fees and inspections are set up vary from jurisdiction to jurisdiction. In addition, the local health jurisdiction may add requirements beyond the Retail Food Code. Typically, the food permits are in the Environmental Health division of the Health Department.

Farmers Markets

In general, the Retail Food Code considers farmers markets to be a “Temporary Food Establishment.” The local health jurisdiction permits and inspects farmers markets. In turn, farmers markets require that rabbit meat vendors have the WSDA Food Processor License and all local permits needed in that county.

Producers should check with the farmers market manager and health department early on to find out what is required. Questions to ask your local health jurisdiction include:

- What permit(s) are required for producers to sell rabbit meat at farmers market. Are fresh rabbit meat sales allowed? Or does all rabbit meat need to be frozen?
- What temperature needs to be maintained?
- Can producers use coolers or is mechanical refrigeration required? If refrigeration or a freezer is needed, be sure to ask the market manager about the electricity and voltage available at the market site.

- Is a separate permit required for each market site or each day?
- How much does the permit cost?
- When are permits due?

Helpful Resources on Rabbit Processing

The National Sustainable Agricultural Information Service (www.attra.ncat.org) and Niche Meat Processor Assistance Network (www.nichemeatprocessing.org) are excellent resources for learning more about raising, processing and selling rabbit meat.

Recommended Fact Sheets

- 19. WSDA Food Processor License and Facilities
- 35. Selling and Processing Poultry

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling Ready-to-Eat Foods

In general, “ready-to-eat” foods are those foods that are considered safe and edible without any additional preparation. Also referred to as “prepared foods,” they are popular products at farmers markets, farm stands, festivals, events and county fairs. Some ready-to-eat food vendors have connected with farmers to feature local vegetables on pizza, in seasonal soups, and soft fruit and berry smoothies. Businesses serving foods and beverages that are ready-to-eat are regulated by the Washington State Retail Food Code, not the WSDA. These businesses are classified as “retail food service establishments” and, with some exemptions, require permits from the local health jurisdiction. A list of local health jurisdiction offices is available at:

www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions.aspx. This fact sheet covers the regulations for selling ready-to-eat foods, including:

- Examples of ready-to-eat foods;
- Retail Food Service Establishments and Food Handlers Permit; and
- The new Cottage Food Permit.

Examples of Ready-To-Eat Foods

A range of foods from salads to soups, pies to fruit smoothies are classified as “ready-to-eat.” More specifically, ready-to-eat foods include qualified cooked meat, fruits and vegetables that are held hot; bakery items such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety. See also the following Cottage Food Permit information.

In addition, ready-to-eat meat products include those produced in accordance with USDA guidelines and that have received a “lethality treatment for pathogens.” This includes dry, fermented sausages, such as dry salami or pepperoni; salt cured meat and poultry products (i.e., prosciutto ham, country cured ham, and Parma ham; and dried meat and poultry products, such as jerky or beef sticks.

Retail Food Service Establishments and Food Handler Permit

Ready-to-eat food at a farmers market, on-farm, at a food truck, at a restaurant, or at any event, espresso stand, or grocery store must be prepared by a “Retail Food Service Establishment” permitted by the local county health jurisdiction where the product is made and sold. Retail Food Service Establishments must prepare food in a commercial kitchen that is inspected by the health department.

In addition, workers in a retail food establishment must have their Food Handlers Permit and it must be available at the workplace. The food handler's course and test is now available online at www.foodworkercard.wa.gov. A food handlers permit study guide is available through the Washington State Department of Health.

Exemptions to the Retail Food Service Establishment Permit

Businesses that only serve the following products may be exempt from licensing from the Retail Food Service Establishment Permit.

- individual samples of sliced fruits and vegetables;
- popcorn and flavored popcorn;
- corn on the cob;
- roasted nuts and roasted candy-coated nuts;
- deep-fried, commercially rendered pork skins prepared for immediate service;
- caramel apples;
- cotton candy;
- machine crushed ice drinks; and
- chocolate dipped ice cream bars and bananas processed in an approved facility.

You must apply for the exemption through the local Health Department where you will be selling your product. Contact your local Health Department for a complete and updated list of exempt items.

Cottage Food Permit

In 2011, Washington State passed a Cottage Food Law that allows permitted farmers and food businesses to sell specific ready-to-eat, low risk items that have been prepared in their home kitchen. These products can only be sold directly to the end consumer. For a complete list of products and permitting information see the fact sheet “Cottage Food Permit.”

Recommended Fact Sheets

- 4. Licensing
- 19. WSDA Food Processor License and Facilities
- 20. Cottage Food Permit

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling Salad Greens

Farmers selling fresh salad greens have seen an increase in popularity and demand by consumers in CSAs, farmers markets, grocery stores and restaurants. The regulations for whole leaf salad greens can be complicated, but many options are available without infrastructure or licensing while additional products are possible with a WSDA Food Processor License and Facility. This fact sheet covers:

- Salad greens that do not require a license;
- Salad greens that require a WSDA Food Processor License and Facility;
- Processing in existing WSDA licensed food processing facilities;
- How to get the WSDA food processor license;
- Health Department requirements for selling salad greens; and
- Sampling requirements.

Salad Greens that Do Not Require a License

The factors that determine licensing requirements for salad greens are washing, harvesting and mixing. In order to be exempt from needing a WSDA Food Processor License and Facility, growers must meet at least one of the criteria under each category: washing, harvesting, and mixing.

Washing

Overall, salad greens that need to be washed before eating do not require a food processor license. The most common example of this is when salad greens are only field washed. When selling bulk salad greens or bags of salad greens that still need to be washed before eating, signage or labeling the bags “Wash before eating” is required so that customers understand they need to wash the product.

Harvesting

Harvesting is generally defined as “taking the growing product out of the field.” However, the following specifics clarify what is and is not allowed for salad greens without a WSDA Food Processor License and Facility:

- One cut is allowed at ground level to harvest the product at the time of harvest. Additional cutting or chopping of the harvested product is not allowed.
- Harvesting into one container (e.g., a bucket) and adding the harvested product to one other container in the field (e.g., bin in the field at the end of the row, OR a bin for the lot harvested that day) is allowed. Product may only be contained in a maximum of two harvest containers.
- Salad greens harvested from different beds or rows within five contiguous acres of the same farm should indicate rows harvested, date harvested, and customers or sales venue (e.g., a specific restaurant product is sold to or farmers market where product is sold) for each lot.

This information should be kept in farmers records for the season and made available to WSDA upon request.

Mixing

Contamination risk is significantly increased when salad greens are mixed. Therefore, you must meet both of the following mixing criteria which are consistent with the act of harvesting salad greens – not “processing” them:

- No mixing of salad greens outside of the field where the salad greens are harvested is allowed. Salad greens can only be mixed as part of the harvesting procedure (e.g., harvested into buckets which are in turn emptied into a harvest bin in the field. Mixing can be accomplished by alternating layers of different salad green cultivars in the harvest bin as part of the harvesting procedure in the field.
- No hand mixing at any time is allowed (i.e., you cannot stir the harvest bin with your hands to further blend the salad greens).

Salad Greens that Require a WSDA Food Processor License and Facility

Salad greens require a WSDA Food Processor License and Facility if they meet any of the following:

- washed and sold as ready-to-eat products,
- mixed together post-harvest or after leaving the field(e.g., a case of spinach is pulled out of the storage cooler and mixed with a case of red leaf lettuce and bin of beet greens), and
- cut or chopped.

Processing in Existing WSDA Licensed Food Processing Facilities

Salad greens may be processed in existing WSDA licensed Food Processing Facilities by contacting the WSDA and adding “salad greens” or your specific product to the list of products processed on the facility’s license. Please contact your food safety inspector before making any changes to your facility or starting to process salad greens. This will help ensure that you are in full compliance with the food safety regulations for processing and labeling.

A WSDA licensed food processing facility can process salad greens for other producers. The food industry term for this is “co-packer.” This co-packer may carry insurance, and usually charges per unit. Labeling on these products must include the words: “*Manufactured for...*” or “*Distributed by...*” to designate the company’s relation to the product. For additional information about the processing facility, please see the fact sheet “WSDA Food Processor License and Facilities.”

How to Get the WSDA Food Processor License

To process salad greens in your own facility, producers need a WSDA Food Processing License. We strongly advise you to contact the WSDA Food Safety Program to discuss your plans. The WSDA Food Safety Program is available for one-on-one technical assistance with the licensing process, including creating a processing facility design and advising on construction materials, equipment, cooling procedures, water source, and food safety techniques to prevent cross-contamination of products.

To get the WSDA Food Processor License, you will need to submit an application to the WSDA Food Safety Program. It is available online at www.agr.wa.gov/FoodAnimal/FoodProcessors or by calling (360) 902-1876 or by emailing foodsafety@agr.wa.gov. The Food Processor License application includes a sanitation schedule, intended type of process, ingredient/processing information, a floor plan of where you will be processing product, proposed labeling, questions about your water supply and testing. Allow plenty of time for getting your water system approved for your facility, as this can take weeks and/or months. The WSDA Food Processor License fee is based on your projected sales volume. It starts at \$55 per year for gross sales up to \$50,000.

Health Department Requirements for Salad Greens

Producers direct marketing salad greens at farmers markets or farm stands need to check with the local health department to see if they have temperature requirements for holding whole leaf salad greens. To find the health department where you plan to sell salad greens, visit: www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions.aspx.

Washington State Retail Food Code and “Cut Leafy Greens”

According to the Washington State Retail Food Code adopted May 1, 2013, **“cut leafy greens”** are defined as **fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn after harvest**. The term “leafy greens” includes iceberg, romaine, leaf lettuce, butter lettuce, baby leaf, escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard. The term “cut” does not include removing and discarding the exterior leaves. The term “leafy greens” does not include herbs such as cilantro or parsley.

The Washington State Retail Food Code categorizes “cut leafy greens” as a potentially hazardous food. Cut leafy greens and cut tomatoes are now on the list of potentially hazardous foods and need to be kept at 41°F or below in all counties. County health departments adopt the state food code and may add to it.

The general rule is that Potentially Hazardous Foods need to be kept hot at 135°F or above or cold at 41°F or below for safety, depending on the product. PHFs includes meat, fish, poultry, cooked starches (such as rice, potatoes & pasta), sliced melons, sprouts, fresh herb and garlic-in-oil mixtures, dairy products, cooked produce, cut leafy greens, and cut tomatoes.

For more information, please go to WA State Department of Health at:

www.doh.wa.gov/CommunityandEnvironment/Food/FoodWorkerandIndustry/FoodSafetyRules/FoodCodeRuleRevision

Sampling Requirements

Farms that offer samples of salad greens to the public must follow food safety rules established by the local health jurisdiction (usually a County Health Department) where the sampling is being done. In some counties a permit is needed and there are penalties and fines for non-compliance. The sampling requirements are typically determined on whether or not the product is considered to be “potentially hazardous.” Depending on the county, farms that want to sample may be required to:

- have a Food Worker’s Card for the person offering and/or slicing samples;
- obtain a Retail Food Service Establishment license from the County Health Department;

- have a hand washing station at your farm stand or farmers market booth; and/or
- fulfill additional requirements pertaining to containers, protecting samples from contamination, washing samples and other preparation, refrigeration, etc.

Recommended Fact Sheets

- 16. Organic Certification
- 18. Good Agricultural Practices
- 19. WSDA Food Processor License and Facilities
- 21. Food Product Recalls
- 22. FAQ on the Food Safety Modernization Act (FSMA)
- 37. Selling Ready-to-Eat Foods

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling Seeds

According to the WSDA Seed Program, Washington State now has over 70,000 acres in seed production, an increase of 30% since 2012. While mostly alfalfa, corn, and grass seed dominate this acreage, other farms are cultivating vegetable and flower seed both for on-farm use and to sell directly to consumers or contractually to seed companies. WSDA's Seed Program can help guide producers through the regulations that govern seed sales to ensure high quality seed reaches the marketplace and complies with state and federal law. The WSDA Seed Program is located in Yakima and can be reached by calling (866) 865-6137 or online at www.agr.wa.gov/inspection/seedinspection. This fact sheet includes information on the:

- Requirements for selling seeds;
- Seed Labeling Permit;
- Seed label requirements;
- Seed assessment;
- Seed testing requirements; and
- Seed Dealer License.

Requirements for Selling Seeds

There are three possible requirements for selling seeds in Washington State: a Seed Labeling Permit, seed testing, and/or a Seed Dealers License. The simplest scenario is if your farm is growing seed for on-farm use and not selling it. In this case, there are no permits, testing or licenses required. If your farm has been contracted to grow seed for a seed company, then the requirements are also simple: there are no permits, testing or licenses required for you.

However, if your farm is selling seed that you grew directly to consumers (e.g., at a farmers markets, via the Internet, or a farm stand); to another farm, or to retail businesses such as grocery stores or nurseries, then your farm is required to have a Seed Labeling Permit and to test the seeds. If your farm is selling seed obtained from another farm, then the farm selling the seed at retail is required to have a Seed Dealer License, Seed Labeling Permit, and seed tests. A seed company is also required to have a Seed Dealer License, Seed Labeling Permit, and seed tests. The primary seed tests that are required are for germination rates and for noxious weeds. Please see Table 6 for an overview.

Official seed sampling is only required for export, certified beans, and under certain contractual situations. Please call the WSDA Seed Program at (866) 865-6137 for more information.

TABLE 6. REQUIREMENTS FOR SELLING SEEDS

| Scenarios | Seed Labeling Permit | Seed Germination and Noxious Weed Tests | Seed Dealers License |
|--|----------------------|---|----------------------|
| Farm growing seed for on farm use only (not selling it) | No | No | No |
| Farm contracted to grow seed for a seed company | No | No | No |
| Farm selling seed they grew directly to consumers, other farms, or retail businesses such as nurseries, grocery stores | Yes | Yes | No |
| Farm that buys seed from another farm and resells it by re-labeling it | Yes | Yes | Yes |
| Farm that buys labeled and tested seed from another farm and resells it without re-labeling it | No | No | Yes |
| Seed company purchasing from multiple farms | Yes | Yes | Yes |

Seed Labeling Permit

The Seed Labeling Permit allows WSDA to conduct an annual review of all seed labels to ensure compliance with state seed law. Farms need a Seed Labeling Permit if they are selling seed under a specific company name directly to consumers, farms or retail businesses. This applies to seed that you grow and label as well as to seed that you obtained and re-label. If you are reselling seed and not relabeling it, then a labeling permit is not required. Applications for the Seed Labeling Permit are available from WSDA by contacting the Seed Program at (866) 865-6137. To apply for the Seed Labeling Permit, you will be asked to provide:

- A list of the places where your seed will be sold (i.e., grocery stores, nurseries, online, etc.);
- A list of the addresses of other locations that may appear on company labels; and
- A copy or example of the label you plan to use on your seeds.

The Seed Labeling Permit application is an annual fee of \$20.00 and is due before February 1 of each year or it will be subject to late fees. In addition, if a farm with a Seed Labeling Permit has sales exceeding \$10,000 per fiscal year (July 1 to June 30) then it must also pay an annual seed assessment. Additional information on the seed assessment is included in this factsheet.

Seed Label Requirements

Washington State has specific regulations on how seed is labeled (see WAC 16-301-015 and WAC 16-301-025). All seed labels must be written in English and “placed in a conspicuous manner on the seed container.” Information may be plainly written by hand or printed on tags or labels. For flowers or vegetable seed in standard packets (8 ounces or less) labels must include all of the following information:

- The year in which the seed was packed for sale. There are two ways to do this.
 1. You can have "*packed for planting in [and insert the year]*" written on the label.
 2. Or, alternatively, if you have tested the seed for germination, your label can include the percentage germination and the calendar month and the year the test was completed to determine that percentage. For example, "*Germination 90% 6/13.*"

- The lot number established by your farm as a batch or specific group of seed packed of the same variety or packed on the same day. For example, “*Lot ABC-123.*”
- The kind and/or specific variety of seed.
- Information about noxious weeds. Your label needs to have the name of any restricted noxious weeds and the rate of occurrence in your seeds (to be sold) per pound. This is required for each kind of restricted noxious weed seed present in the seeds you are selling. Note: the seeds you are selling must also be free of prohibited noxious weeds⁴.
- Your company contact information, including company name and address.
- The minimum rate of germination. These percentages must be above the minimum standards set in RCW 16-301-090.
- Arbitration Statement: “*Requirement for arbitration - The Washington State Seed Act, chapter 15.49 RCW, requires mandatory arbitration of disputes involving allegedly defective seed.*”

Seed Assessment

If you have a Seed Labeling Permit and your farm has sales of agricultural and/or vegetable seed distributed in Washington State that exceed \$10,000 during the preceding fiscal year (July 1 to June 30), then your farm must also pay an annual seed assessment. The assessment is calculated at a rate of 11 cents per \$100 of gross annual dollar sales during the period of July 1 to June 30. This seed assessment is due by February 1 of the following year. The seed assessment may be paid at the same time farms submit their annual application for the Seed Labeling Permit. A penalty of 15% of the assessment fee or a minimum of \$20.00, whichever is greater, is added to all assessments not paid by February 1. The annual Seed Labeling Permit may not be issued until all seed assessments and any penalties are satisfied.

Exemptions to the seed assessment may apply for agricultural or vegetable seed sold and distributed out-of-state, and seed sold in containers of 4 ounces or less. Please contact the WSDA Seed Program at (866) 865-6137 for a full list of exemptions.

Seed Testing Requirements

In some cases, you will need to test your seeds in order to sell them. See Table 1 for an overview. **All seeds requiring testing will need both a germination test and a noxious weed test on every lot.** The germination test is required to ensure the purity of the seed and that germination standards are met. The noxious weed test is to determine presence or absence of noxious weed seed content.

Any seed lab testing by Association of Official Seed Analysts (AOSA) rules may provide analysis for your seed labels. WSDA's Seed Program operates the only seed testing lab with legal authority in the state of Washington. It is managed under the auspices of the AOSA and the International Seed Testing Association. The lab is in Yakima and offers purity, germination, tetrazolium or TZ, and

⁴ A list of prohibited noxious weed seeds is available at <http://apps.leg.wa.gov/wac/default.aspx?cite=16-301&full=true#16-301-045>. A list of restricted noxious weed seeds is available at <http://apps.leg.wa.gov/wac/default.aspx?cite=16-301&full=true#16-301-050>. For interstate shipments, use www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5090172

special tests for a wide variety of agricultural, vegetable and flower seeds. The tests are used by growers and seed companies to comply with certification and labeling requirements for seed.

WSDA’s germination tests cost between \$25 and \$123 per lot, depending on the crop. Vegetable seed germination testing costs \$27. Germination tests are listed as “germ/1” in the WSDA fee schedule, available at: <http://apps.leg.wa.gov/wac/default.aspx?cite=16-303&full=true#16-303-200>. For germination standards, please see the chart below:

| Percent * | | | | | | | |
|---------------------|----|---------------|----|-----------|----|------------------------------|----|
| Artichoke | 60 | Citron | 65 | Leek | 60 | Rhubarb | 60 |
| Asparagus | 70 | Collards | 80 | Lettuce | 80 | Rutabaga | 75 |
| Beans (except Lima) | 75 | Corn | 75 | Muskmelon | 75 | Salsify | 75 |
| Beans (Lima) | 70 | Corn salad | 70 | Mustard | 75 | Sorrel | 60 |
| Beets | 65 | Cress, garden | 40 | Okra | 50 | Spinach (except New Zealand) | 60 |
| Broccoli | 75 | Cress, water | 25 | Onion | 70 | Spinach (New Zealand) | 40 |
| Brussels Sprouts | 70 | Cucumber | 80 | Parsley | 60 | Squash | 75 |
| Cabbage | 75 | Dandelion | 45 | Parsnip | 60 | Swiss Chard | 65 |
| Carrot | 55 | Eggplant | 60 | Pea | 80 | Tomato | 75 |
| Cauliflower | 75 | Endive | 70 | Pepper | 55 | Tomato, husk | 50 |
| Celery and Celeraic | 55 | Kale | 75 | Pumpkin | 75 | Turnip | 80 |
| Chicory | 65 | Kohlrabi | 75 | Radish | 75 | Watermelon | 70 |

*Including hard seeds when present.

Seed Dealer License

A “Seed Dealer License” is required if you obtain seed from another grower and resell it. If you are exclusively selling seed that you have grown, then a Seed Dealer License is not required. See Table 1. If you buy seed from another grower or company to re-sell, then a Seed Dealer License is required for selling seeds. There is an exception: you do not need a Seed Dealer License if the seeds are packaged in containers of 8 ounces or less by a registered seed labeler.

The Seed Dealer License is annual and costs \$125. This license is required for each location where the licensee operates and must be posted onsite. It is a specialty license that is available from the Washington State Business Licensing Service and requires a Master Business License as well as a scale or weighing device registration. You may not begin this business activity until your Business License lists the Seed Dealer License. For more information, please call (800) 451-7985, email BLS@dor.wa.gov, or visit www.bls.dor.wa.gov/specialtylicenses.aspx.

Recommended Fact Sheet

4. Licensing

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling Sprouts

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Sprouts are known for their nutritional value and as a healthy food. However, sprouts have also been associated with multiple outbreaks of foodborne illnesses and recalls in recent years. Harmful microorganisms tend to grow quickly in the warm and humid conditions that are needed to help the raw seeds sprout. Technically, sprouts are classified as a “potentially hazardous food” in the Washington State Retail Food Code, meaning time/temperature controls are required “to limit pathogenic microorganism growth or toxin formation.” In addition, WSDA requires growers producing and selling sprouts to have a WSDA Food Processor License and Facility. In this fact sheet you will find:

- What is classified as a sprout?
- How to get the WSDA Food Processor License;
- Health department requirements for selling sprouts; and
- FDA’s Current Retail Sprouting Industry Best Practices and FSMA.

What is classified as a sprout?

Sprouts are the germinated or partially germinated seeds of a wide variety of plants consisting of the underdeveloped leaves, seed, stem, and root. Sprouts include alfalfa, clover, sunflower, broccoli, mustard, radish, garlic, dill and pumpkin seeds as well as mung, kidney, pinto, navy, soy beans and wheat berries (wheat grass).

Microgreens are not classified as a sprout, but as a salad green, in part because they are cut when harvested leaving the seed and root in the growing medium. They have a stem, two cotyledon, and two young true leaves.

How to Get the WSDA Food Processor License

To process sprouts in your own facility, producers need a WSDA Food Processing License. We strongly advise you to contact the WSDA Food Safety Program to discuss your plans. The WSDA Food Safety Program is available for one-on-one technical assistance with the licensing process, including creating a processing facility design and advising on construction materials, equipment, cooling procedures, water source, and food safety techniques to prevent cross-contamination of products.

To get the WSDA Food Processor License, you will need to submit an application to the WSDA Food Safety Program. It is available online at www.agr.wa.gov/FoodAnimal/FoodProcessors or by calling (360) 902-1876 or by emailing foodsafety@agr.wa.gov. The Food Processor License application includes a sanitation schedule, intended type of process, ingredient/processing information, a floor plan of where you will be processing product, proposed labeling, questions about your water supply

and testing. Allow plenty of time to get your water system approved for your facility, as this can take weeks or months. The WSDA Food Processor License fee is based on your projected sales volume. It starts at \$55 per year for gross sales up to \$50,000.

Health Department Requirements for Selling Sprouts

Since sprouts are classified as a “potentially hazardous food,” you will need to contact the local health department in counties where you plan to sell your sprouts directly to customers (e.g., a farmers market or farm stand). Specific permits and the ability to demonstrate that you are holding your sprouts at 41 F or less may be required. Visit:

www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions.aspx to find the health department jurisdiction where you plan to sell sprouts.

FDA’s Current Retail Sprouting Industry Best Practices and FSMA

Food and Drug Administration (FDA) research has found that the leading cause of contaminants in sprouts has been the mishandling of seeds for full-grown agricultural crops (e.g., alfalfa seed produced to be sown in the field that is then used for alfalfa sprouts). In other words, the contamination was not necessarily coming from seeds known to be used for growing sprouts. Regardless, increasing good agricultural and handling practices, such as careful sanitation in the germination, harvesting, packaging and retailing stages, helps to reduce or eliminate problems. Visit www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/ucm078758.htm for a chart showing best practices to reduce sprout microbiological contaminations from seed to germination to retail storage and display.

As of December 2013, the Food Safety Modernization Act (FSMA) includes a draft rule in Produce Safety Standards for Sprouts. Please see the attached FDA fact sheet sprouts: Subpart M: www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM359285.pdf.

Additional Resources

The Sprout Alliance for Safety and Science: www.sproutalliance.org

Recommended Fact Sheets

- 16. Organic Certification
- 18. Good Agricultural Practices
- 19. WSDA Food Processor License and Facilities
- 21. Food Product Recalls
- 37. Selling Ready-to-Eat Foods
- 38. Selling Salad Greens

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.



Regulations for Specific Products

Selling Wine, Beer, Hard Cider and Distilled Spirits

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One of the most regulated types of food businesses are those that produce and/or sell alcoholic beverages. Federal, state and local laws apply. This fact sheet includes:

- Federal Basic Permit;
- State and local regulations; and
- Requirements for selling at farmers markets.

Federal Basic Permit

According to federal law, every brewery, winery (legally including cideries), and distilled spirits plant must have a Federal Basic Permit from the U.S. Department of the Treasury's Alcohol and Tobacco Tax and Trade Bureau (TTB). The TTB website displays requirements for beer, wine, and distilled spirits production in addition to labeling, and tax regulations. Visit www.ttb.gov for complete information and applications for the Federal Basic Permit.

Once an application has been completed and approved, the TTB will inspect the facility. When the facility passes inspection, an appropriate permit (i.e., license to manufacture or wine seller's license) will be issued.

State and Local Regulations

Washington State licensing regulations for wineries, breweries and distilleries fall under "Alcoholic Beverage Control," RCW Title 66. Hard cider is classified as a wine in Washington.

The Manufacturers, Importers, and Distributors section of the Washington State Liquor Control Board (WSLCB) enforces state liquor laws and administrative rules applicable to breweries, wineries, and spirituous liquor manufacturers. If you want to produce only alcohol-containing beverages, licensing for your facility is through the WSLCB. The WSLCB requires that WSDA Food Processor License standards be maintained. If you process or manufacture a non-alcoholic beverage or other food products in addition to alcoholic beverages, then a WSDA Food Processor License is required as well as the WSLCB license. Also, the building structure and license(s) are subject to approval by the local municipality or county executive in addition to approval of the WSLCB.

To learn more about the licenses available and particularly the Domestic Winery, Craft Distillery or Microbrewery License, go to the WSLCB Web site at www.lcb.wa.gov/licensing/apply-liquor-license%20 and click on the "Non-Retail Liquor License descriptions and fees" section.

A Master Business License is required before obtaining a liquor license. And liquor licenses are addendums to a master business license. To apply, visit www.bls.dor.wa.gov/liquor.aspx the Business Licensing Service and go to the liquor licenses section. Licenses range from \$75 to \$2,000 depending on the size and nature of the operation.

Requirements for Selling at Farmers Markets

Washington State wineries and breweries are able to sell and sample bottled wine, hard cider and beer at authorized farmers markets. Wine sold at these farmers markets must be made entirely from grapes grown in a recognized Washington appellation or from other agricultural products grown in the state. Beer must be produced in Washington.

Sampling Rules

In 2012, Senate Bill 5674 was signed making it legal to offer wine or beer samples at farmers markets in Washington State. Samples may be offered only under the following conditions:

- No more than three wineries or microbreweries combined may offer samples at a qualifying farmers market per day.
- Samples must be two ounces or less.
- A winery or microbrewery may provide a maximum of two ounces of wine or beer to a customer per day.
- A winery or microbrewery may advertise that it offers samples only at its designated booth, stall, or other designated location at the farmers market.
- Customers must remain at the designated booth, stall, or other designated location while sampling beer or wine.
- Winery and microbrewery licensees and employees who are involved in sampling activities under this section must hold a class 12 or class 13 alcohol server permit.
- A winery or microbrewery must have food available for customers to consume while sampling beer or wine, or must be adjacent to a vendor offering prepared food.

Both the qualifying farmers market and the winery or brewery must apply for approval through the WSLCB. The winery or brewery must submit an “Application for Added Endorsement” and the farmers market must submit an “Application for Farmers Market Authorization to Allow the Sale and Sampling of Bottled Wine and/or Beer.”

The WSLCB requires that the farmers markets, wineries and microbreweries must be located in Washington State. The winery or brewery must have a valid domestic winery or brewery license, and must obtain a WSLCB “Application for Added Endorsement” for \$75 per year available at: <http://lcb.wa.gov/licensing/farmers-markets>.

This added endorsement requires that the business provide WSLCB a list of the markets where their products will be sold for the following month with the dates and times product will be sold. This endorsement allows sampling and selling bottled beer or wine for off-premises consumption.

Farmers Markets can apply to sell bottled wine and beer meeting the legal requirements by completing the new “Application for Farmers Market to Allow the Sale and Sampling of Bottled Wine and/or Beer” available at www.lcb.wa.gov/licensing/farmers-markets.

Alcoholic beverages sold at farmers markets that are members of the Washington State Farmers Market Association (WSFMA) must be produced from 95% Washington grown ingredients. For more information on WSFMA's rule visit their website at www.wafarmersmarkets.com and search for "Roots Guidelines."

For more information on selling wine or beer at farmers markets, and requirements for qualifying farmers markets, www.lcb.wa.gov/licensing/farmers-markets, or call the Liquor Control Board's Licensing Division at (360) 664-1600.

Recommended Fact Sheets

4. Licensing

19. WSDA Food Processor License and Facilities

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.