

In Washington State, most dairies that do direct marketing are independent businesses. The typical dairy has a small, often multispecies herd and milks by hand or mechanically. In Washington milk is legally sold raw and pasteurized; homogenized and non-homogenized. Some dairies do both milk and cheese. Additional niche products such as yogurts and kefir are also emerging. Producers are selling cow, goat, sheep or other milk directly to consumers from the farm, at farmers markets, on the Internet, and through retail grocery stores. Navigating the regulations on milk and dairy products can be a challenge.

This fact sheet covers:

- support from WSDA Food Safety Program;
- Milk Producers License;
- Milk Processing Plant License;
- Interstate Milk Shippers Program;
- Milk Hauler's License;
- pasteurized fluid milk sales;
- retail raw fluid milk sales;
- wholesale raw fluid milk sales;
- dairy animal health requirements; and
- cheese, butter and other dairy products.

## Support from WSDA Food Safety Program

The WSDA Food Safety Program provides one-on-one technical assistance for dairy farms and milk processing plants to help you produce safe dairy products. Milk is a potentially hazardous food product because of its ability to support pathogen growth. It is important to reduce the risk of unintentionally contaminating your milk product.

The WSDA Food Safety Program helps you reduce risk by advising you about your milking parlor and milk processing plant design layout, construction materials, approval of equipment you are seeking 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.

## Milk Producers License

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. All milk producers are required to get a "Milk Producers License." This is an annual license and is free. For more information, please review the **Milk Producers Handbook** online at <http://agr.wa.gov/FoodAnimal/Dairy/docs/milkproducershandbook.pdf> or call Food Safety for a copy.

## Milk Processing Plant License

A "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, except an establishment that merely receives the processed milk products and serves them or sells them at retail.

A milk processing plant must obtain an annual **Milk Processing Plant License**. Under this license, a milk processing plant may choose to process (1) Grade A milk and milk products, or (2) other milk products that are not classified Grade A. Please note that the licenses are only valid for the physical site address noted on the Milk Processing Plant license. They cost \$55.00 per year.

The Milk Processing Plant License covers only those products, processes, and operations specified in the license application and approved for licensing by WSDA. When a licensed processor wishes to add another type of milk product that is different than the products specified on their license, the licensee must submit to the WSDA Food Safety Program, a licensing amendment stating the type of product along with the processing steps, and a copy of the label.

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. (See RCW 15.16.051 and RCW 69.07.04.)

For the complete Milk Plant Handbook, please visit

<http://agr.wa.gov/FoodAnimal/Dairy/DairyLicense/MilkPlantHandbookAppJul05.pdf>

## Interstate Milk Shippers Program

Grade A Milk and Milk Products that are to be sold 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 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.

## Milk Hauler's License

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 annual Milk Hauler's License is free and the application is available online at <http://agr.wa.gov/FoodAnimal/Dairy/DairyLicense/Form2042.pdf> or by calling the Food Safety Program.

## Pasteurized Fluid Milk Sales (retail and wholesale)

Pasteurized fluid milk processed by a licensed WSDA milk processing plant can be sold direct to consumers and through all food distribution channels in Washington State and out of state. However, if you want to sell out of state, see Interstate Milk Shippers Program (IMS) above.

## Retail Raw Fluid Milk Sales

Raw fluid milk produced by a licensed WSDA milk producer and bottled at that farm's licensed milk processing plant can be sold direct to consumers from the farm, at farmers markets, on the Intranet, or through grocery stores within Washington State. Interstate sales are prohibited.

Raw milk sold in Washington State must bear the following labeling as required by state law (RCW 69.04 and WAC 16-101-990):

- Identification of the product, including the word "Raw" in clear lettering;
- Name and place of business of the producer or packager;

- The quantity, weight, and grade of the milk;
- The words “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.”

When selling raw milk, 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)

## Wholesale Raw Fluid Milk Sales

Raw fluid milk produced by a licensed WSDA Milk Producer can be sold for further processing to a licensed WSDA milk processing plant, food processor or animal feed processor.

## Dairy Animal Health Requirements

It is illegal to sell or deliver milk or milk products produced from diseased mammalian animals. All milking mammals must meet the animal health requirements established by the state veterinarian (RCW 16.36). In particular:

- 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 and other diseases designated by the state veterinarian.

Animals must be tested yearly thereafter to assure their health. Additions to the herd must test negative for the diseases within the previous thirty days before introducing them into the herd.

## Cheese, Butter and Other Dairy products

Dairy farms wishing to process cheese products, butter, and/or other dairy products must obtain a Milk Producer License and a Milk Processing Plant License from WSDA. A Milk Producer License is only needed when animals are being milked. A food processor that is buying milk from a farm to make cheese does not need a Milk Producer License.

Cheese can be processed from pasteurized milk or raw milk. If processing cheese from raw milk, the cheese must be aged at not less than 35° F for at least 60 days.

Other value-added dairy products (e.g. chocolate milk, buttermilk, egg nog, yogurt) can only be processed from pasteurized milk.

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

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**Recommended Fact Sheets:** Food Processing, Insurance, Licensing

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