



Regulations for Food Processing Cottage Food Permit

20

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. In 2016, changes were made to the Cottage Food Operation Rules that included expanding the type of products allowed, increasing the sales limit, and allowing for rolling permit expirations among other changes that are reflected in this updated fact sheet.

Products sold with the “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) or through CSAs. 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:

http://agr.wa.gov/foodanimal/docs/wac16_149.pdf

Cottage Food Operation Permit Sales Limits

Sales limit of \$25,000

Cottage food operations may sell up to \$25,000 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

Any non-potentially hazardous products (as determined by WSDA) that are baked, fried, or cooked on a stovetop or other electronic device designed for cooking food are allowed, such as:

- Fresh or dried meat or meat products including jerky;
- Loaf breads, rolls, biscuits, quick breads, muffins;
- Cereals, trail mixes, or granola;
- Cakes;

- Pastries;
 - Pies (except custard style, pies with fresh unbaked fruit, and pies requiring refrigeration after baking);
 - Cookies or bars;
 - Stove top candies such as fudge, peanut brittle, caramels, taffy, marshmallows, etc.;
 - Molded chocolates and products dipped or coated in chocolate;
 - Fried donuts;
 - Tortillas;
 - Potato chips, kale chips, etc;
 - Nuts or nut mixes;
 - Crackers;
 - Snack mixes;
 - Some frostings;
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- 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:
<http://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, 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;
- 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. To apply for a Master Business License, go to: <http://bls.dor.wa.gov>.

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 see “Things to keep in mind when completing your application” at <http://agr.wa.gov/CottageFood>.

Master Recipes

It is possible to submit a single Master Recipe with variations if the base of the recipe (for example batter or dough) does not change but different add-in ingredients (like nuts, fruit, or chocolate chips) can be noted on the recipe. A separate label for each variation must be submitted.

Applications are limited to 50 master recipes. Add-in variations do not add to the recipe count.

Timing

The Cottage Food Operation Permit is good for one calendar year. It will expire one year after it was issued on the last day of the month it was issued.

How long it takes 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 months.

Additional recipes and labels can be submitted throughout the year for a cost of \$15 (\$30 application and \$75 public health review). New products or product changes can be submitted each year with your renewal for no additional fee.

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., 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/cottagefoodoperation/docs/WSDA_CFRevised_Application_FinalWeb.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) 902-1925, cottagefoods@agr.wa.gov, or visit <http://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 <http://www.youtube.com/user/WSDAgov>.

Recommended Fact Sheets

- 9. Direct Marketing in Washington State
- 18. WSDA Food Processor License and Facilities
- 36. 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 (206) 256-6157.