



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.