



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.