



## 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](http://www.agr.wa.gov/FoodAnimal/FoodProcessors) or by calling (360) 902-1876 or by emailing [foodsafety@agr.wa.gov](mailto: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](http://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](http://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](http://www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM359285.pdf).

### Additional Resources

The Sprout Alliance for Safety and Science: [www.sproutalliance.org](http://www.sproutalliance.org)

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## 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](mailto:smallfarms@agr.wa.gov) or call (360) 902-2888.*