



Regulations for Food Processing

WSDA Food Processor License and Facilities

19

Many small and direct marketing farms are adding value to their raw products by canning, freezing, drying, dehydrating, cooking, pressing, powdering, packaging, baking, heating, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, jarring, slaughtering, smoking and other forms of food processing.

Technically, “food processing” is defined as “handling or processing of any food in any manner of preparation for sale for human consumption” (RCW 69.07). Whether selling direct to consumers at farmers markets, at farm stands, through CSAs or selling to grocery stores, restaurants, or institutions, you must obtain a WSDA Food Processors license from the WSDA Food Safety Program to sell processed foods. Businesses with a WSDA Food Processors License are able to market processed foods in and out of state, with the exception of meat. Poultry processed by licensed WSDA Food Processors can only be marketed in state.

This fact sheet is designed to help clarify which products and processes require a WSDA food processor license and the use of a WSDA licensed food processing facility as well as highlight facility requirements, labeling, and resources. Contents include:

- Products and processes that require a WSDA Food Processor License;
- Technical assistance from WSDA Food Safety Program;
- WSDA food processing facility requirements;
- Labeling processed foods; and
- Food processing facility alternatives.

Products and Processes that Require a WSDA Food Processor License

Only processes approved and listed on the WSDA Food processor license may be used in the food processing facility. A license may be amended to add additional products, but requires pre-approval and an amendment form found at:

www.agr.wa.gov/FoodAnimal/FoodProcessors/licensing.aspx#AmendingLicenses.

As previously mentioned, food processing is handling or processing any food in any manner of preparation to be sold for human consumption. The regulations for food processing are outlined in the Washington Food Processing Act (RCW 69.07).

Processed foods include dried fruits, jams, salsa, sauces, dried herbs, teas, breads, cookies, cider, and post-harvest mixed salad greens as well as seafood, dairy products such as cheeses, bakeries, canned products, condiments, etc.

In addition, “repacking” foods as part of the preparation for sale is considered to be “food processing.” These are loose products taken from a larger container in an unwrapped state, transferred and repackaged into a smaller container (e.g., repacking a 50 lb. bag of flour into 5 lb. bags).

Also, packaging foods from the processed state is also “food processing.” Examples of packaging processed products include:

- Drying mushrooms and then packaging them in a plastic clamshell container;
- Washing ready-to eat salad mix and sealing it in bags or clamshells; or
- Freezing blueberries and packing them in 1-gallon plastic bags.

Fresh fruit or vegetables that are merely washed or trimmed during harvest or while being prepared or packaged for sale in their natural state do not qualify as processed foods.

More specifically, you need a WSDA Food Processor License if you:

- Cook, bake, freeze, slice, dehydrate, smoke, roast coffee beans, bottle water or repackage any type of food;
- Co-pack, meaning that you process or package food for someone else (i.e., another business);
- Make shelf-stable, low acid canned food (i.e., canned vegetables, canned fish, retorted vegetable or fish pouches [e.g., packaging of flexible metal foils and plastic commonly used for aseptic processing of tuna, juice, and ready-to-eat meals], bread or cake in a jar and chocolate sauce);
- Further process finished dairy products (i.e., cheese cutting, flavored dairy products, frozen ice cream desserts from an approved pasteurized mix);
- Process dietary or nutritional supplements that do not make health claims;
- Process a food product that contains no more than 2% cooked or 3% raw USDA meat ingredients by weight; and/or
- Process poultry, rabbit meat, or wild game.

In addition, if you are a Retail Food Service Establishment licensed and inspected by your local health jurisdiction, then you may also need a WSDA Food Processor License if:

- You have a retail bakery and sell more than 25% of your gross bakery sales off-site (however, some counties will require a WSDA license regardless of the percentage, e.g., Pierce County);
- You have a restaurant, catering business, grocery store, or bar and sell food products off-site (e.g., a restaurant may develop a frozen meal that they sell at grocery stores);
- Your food business has Internet sales; and/or
- You have a winery, cidery, brewery that produces non-alcoholic products.

Exemptions to the WSDA Food Processor License

You are exempt and do not need a WSDA Food Processor License if you:

- Merely wash and trim a raw agricultural product and prepare or package it for sale in its natural state (i.e., whole fruits and vegetables). For example, fresh blueberries that are packaged into pint containers for sale.
- Process your own raw honey and add no additional ingredients and are licensed under the RCW 69.28 Washington State Honey Act.

- You are an egg handler/dealer licensed under RCW 69.25 Washington Wholesome Eggs and Egg Products Act.
- You are licensed under RCW 16.49 Custom Meat Slaughter Act and do NOT process wild game or poultry.
- You handle shellfish and have a Certificate of Compliance under RCW 69.30 Sanitary Control of Shellfish Act.
- You are licensed by the Liquor Control Board as a winery or brewery operation. Or,
- You are licensed as a Retail Food Service Establishment and 100% of your retail sales are on-site.

Technical Assistance from WSDA Food Safety Program

The WSDA Food Safety Program has extensive information online to help with the licensing process: www.agr.wa.gov/FoodAnimal/FoodProcessors. In addition, the Food Safety Program staff offer one-on-one technical assistance with the licensing process, which may include your processing facility design and construction materials, utensil and equipment requirements, heating and cooling procedures, water source and cross-connections, pest control strategies, product labeling, and food science techniques for preventing cross-contamination of your food products.

To get the WSDA Food Processor License, you need to submit an application to the WSDA Food Safety Program. It is available online at www.agr.wa.gov/FoodAnimal/FoodProcessors or by emailing foodsafety@agr.wa.gov or calling (360) 902-1876. The WSDA Food Processor License application includes a sanitation schedule, intended type of process, ingredient/processing information, a floor plan of where you will be processing the product(s), proposed labeling, questions about your water supply and testing. Allow plenty of time for getting your water system approved for your facility, as this can take weeks or months.

WSDA Food Safety Program inspectors will inspect the processing facility, food processing procedures, and product labeling for compliance with regulations. When approved and licensed, unannounced inspections will take place every six to 12 months. The WSDA Food Processor License expires on June 30 of each year, and must be renewed annually. 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.

WSDA Food Processing Facility Requirements

You will need a WSDA licensed Food Processing Facility as part of your WSDA Food Processor License. Specific requirements for a WSDA Food Processing Facility include:

- a. Home processor facility;
- b. Bathrooms and hand wash sinks in home processor facilities;
- c. Processing equipment;
- d. Worktables and counters;
- e. Floor materials;
- f. Drainage;
- g. Lighting;
- h. Sinks;
- i. Walls;

- j. Ventilation;
- k. Water supply; and
- l. Refrigeration.

Be sure to contact the WSDA Food Safety Program if you have any questions about your plans or equipment, especially before making new investments in your facility. A Food Safety Officer will review your equipment at the time of inspection.

Processing Equipment

Your processing equipment should be made from materials that are easily cleaned and in good repair. Stoves, refrigerators, dishwashers, and other appliances and motorized processing equipment **do not** need to be “commercial” grade as long as they are made from materials that are easily cleaned and the equipment is in good repair. If you also have, or plan to have, a retail food establishment license from a local health department, they may require commercial grade equipment and more stringent plumbing; i.e. bakery with retail in front and processing in back.

Consider your investment in your processing facility carefully. Explore your options, your budget, and possible alternatives prior to making a final decision. Consider attending the annual Northwest Food Processor Association EXPO, held each January in Portland, Oregon. If you can attend before designing or building your facility, it may provide you with some practical knowledge and options for your project. Dealers of used commercial processing equipment also attend which could save you a considerable amount of money. Visit: www.nwfpa.org for more about this event.

Worktables and Counters

Worktables and counters must be in good repair with surfaces that are easily cleaned and non-corrosive. As “time is money,” consider the ease of cleaning all of your worktables and counters, repeatedly, over a long timeframe. A solid, durable and smooth surface will take much less time and effort to keep sanitary.

<i>Recommended</i>	Stainless steel and hi-impact, scratch-resistant plastic (Formica, Teflon, and thermal plastic).
<i>Satisfactory</i>	Metal or finished wood.
<i>Not Satisfactory</i>	Unfinished wood frames, counter tops and shelves.
<i>Exception</i>	Hardwood tables used for bakery make-up tables.



Figure 1. Stainless steel table top serving as an effective surface for packaging product.

Floor Materials

The type of flooring material varies with different processing areas and the amount and type of foot traffic. Food processing areas require flooring which can be readily cleaned and kept in good repair. Materials such as well-sealed hardwood may be suitable for some areas of a bakery where dry clean-up methods are appropriate. Food processing areas that require flood-type cleaning, such as a fish plant, need well-sealed concrete floors with cove base and adequate drains. Heavy use areas with large, moveable equipment require more durable flooring. In general, vinyl linoleum or tile floor covering may be satisfactory for very small operations where vacuuming and wet mopping provide sufficient clean up. Larger operations, particularly those processes that are “wet” in nature (e.g., fish, fruit, vegetables, beverages, and tofu) require an easily drained, well-sealed concrete or tile floor.

Natural ceramic tile is another durable alternative. However, natural ceramic tile tends to break, or dent items that are dropped. Grout used between the tiles can be problematic if it is not maintained and sealed properly.

While concrete can offer a very cost effective solution, remember this is also a very hard surface, like tile, on dropped objects. There are a number of attractive choices to finish concrete including acid wash and epoxy. There are numerous options for coatings used on concrete floors in challenging environments where temperature, chemicals, oils, fats, etc. might be a consideration. These coverings come in many forms including resins, epoxies, polyesters, and other forms of coatings. While all of these treatments are initially costly, they provide exceptional durability, chemical and stain resistance, can be finished with a slip-resistant surface, are easy to clean, withstand heavy traffic, eliminate joints and seams, and many provide bactericidal properties. Another advantage with these types of floor covering treatments is the flexibility of interfacing with a wide variety of floor drain systems.

Drainage

If your processing entails the use of a lot of fluids, whether during production or cleaning, consideration of adequate drainage is essential. There are numerous types of floor drains available. Depending on anticipated volumes of water, you will want to consider slope, cleaning methods, type of floor surface, etc. before determining your best solution. There are single point source drains as well as trough drains available with grates or strainers.



Figure 2. Example of an effective trough drain installed in a food processing area.



Figure 3. Examples of the challenges of an uneven floor (i.e., seams, patches) or poor slope that make it more difficult and time consuming to maintain sanitary conditions.

Lighting

“Adequate lighting” means there is enough light to allow ease in cleaning and provide a safe, well-lit work place. All light fixtures above equipment or areas where food is exposed must be break-proof. Tuff-skin or plastic coated incandescent bulk sheets that fit around fluorescent tubes are satisfactory for this purpose.

Consider long range costs when planning your lighting. Newer LED lights are more energy efficient and can provide better illumination. Good lighting promotes safety, efficiency and comfort in the workplace.

Sinks

Each compartment must be large enough to accommodate the largest utensils (e.g., mixing bowls, sheet pans, trays, etc.) Licensed food processing facilities operations may use a three-compartment sink. Other processors may use a two-compartment sink, with an additional third sanitizing tub if necessary. A large two-compartment sink may be more suitable, depending on what your operation needs.

While many variations on one-, two-, and three-compartment sinks are available, and will probably satisfy your Food Safety inspector, sinks with a National Sanitation Foundation (NSF) designation are recommended. Sinks with the NSF certification can make your task of maintaining a sanitary working environment considerably easier. NSF certified sinks have smooth welds, coved bowl corners and drain boards that drain to the sink bowl. All of these features are designed to reduce the risk of harmful bacteria reproducing. The NSF certification on food service equipment means that everything from the product design to materials used to create the product have been tested and conform to food equipment safety and sanitization standards. Visit www.nsf.org for more information.



Figure 4. Note the covered bowl corners and rounded edges allowing for quick clean-up and eliminating crevices that might harbor pathogens.

Walls

The kind of wall finish you use depends on wall location in the food processing facility, the proximity to work counters, sinks, and equipment and the amount of splash and cleaning exposed to the wall. Painted drywall may be suitable in warehouse areas, but it is **not** suitable in fish plants and produce processing operations (i.e., potato or apple processors) and other plants where wet clean up is necessary. In general, wall areas in “wet” operations must be covered with a washable, non-porous, non-corrosive, smooth material that will not deteriorate when it gets wet.

<i>Recommended</i>	Stainless steel, fiberglass paneling (called glass board or Chemlite in the trade)
<i>Satisfactory</i>	Galvanized aluminum and Formica. Vinyl covered fiberboard panels (also called Marlite in the trade), commonly used to panel bathrooms, may be used, but are easily scratched and worn from scouring and cleaning.

While fiber reinforced plastic (FRP) has been the standard for many years there are newer materials on the market which are equally effective, easier to install, and more cost effective.



Figure 5. Note that a painted wall surface, particularly in a damp or high exposure environment, will begin to deteriorate quickly.

Refrigeration

In any food processing facility, the refrigeration requirements of the product and the need to refrigerate those products must be considered. All “potentially hazardous foods” must be refrigerated, unless they are properly stored as a low acid canned food or acidified food, or are held at temperatures above 145°F. You will also need to determine your ability to adequately refrigerate your products while in storage and in transit. WSDA regulations require foods to be cooled to 45°F in 4 hours. For the Food Processing Facility license, you need to demonstrate the availability of facilities or provisions for refrigeration of such products (i.e., refrigerators, freezers, coolers, ice chests, insulated boxes with gel ice, etc.) and the efficiency of the equipment prior to approval.

A popular new technology, called Coolbot, is widely used for qualifying cooling situations is a product that turns almost any brand of off-the-shelf, window-type air conditioning unit into a high volume cooling machine. It can transform an insulated room into a walk-in cooler to keep your vegetables, meat, flowers and other products fresh and thermostatically controlled cool down to 35°F.

Labeling Processed Foods

The State of Washington food labeling requirements are based upon the Federal Fair Package and Labeling Act of 1966. As a rule, all processed foods packaged for retail sales and sold to wholesale or retail businesses must have labels on their packaging. Bulk products, that are not individually packaged for sale, such as a box of cookies delivered to a coffee stand, where the cookies are sold individually, must include the product name and the ingredients with each delivery. The product name and ingredients must be made available to consumers by request or signage. This includes processed foods sold at farmers markets, on the Internet, to restaurants, or grocery stores.

Creating labels for processed foods can be one of the most expensive costs for new processed products. Please contact the WSDA Food Safety Program if you would like technical assistance with your food labels before printing.

Labels for processed food must meet all of the below requirements:

1. Language

All information must be legible and in English. Other languages may also be present, but English is required.

2. Product identity

The common or usual name of the food product must be prominent on the principal display panel of the packaging (i.e., “pumpkin bread” on the front (also described as the top) of the bread bag).

3. Ingredient Statement

The font size of the ingredient statement must be at least 1/16 of an inch as measured for the lower case “o.”

Ingredients must be listed by their common or usual names in descending order of their prevalence by weight.

All ingredients must be listed in the ingredient statement and multicomponent ingredients must break out subcomponent ingredients. Subcomponents may be listed in parenthesis. For example: Butter (cream [milk], salt, annatto) or Chocolate (sugar, cocoa butter, skim milk, chocolate, lactose, milk fat, soy lecithin, PGPR, artificial flavors) or soy sauce (soybean, wheat, salt). Subcomponent ingredients must also be listed in descending order.

Food products with undeclared colors may be considered a health risk and be subject to recall.

Certified Food Drug & Cosmetic (FD&C) color additives are classified as colors or lakes. Straight colors are color additives that have not been mixed or combined with any other substance (e.g., FD&C Blue No. 1 or Blue 1). These colors are usually used in products with high moisture (i.e. beverages). For low moisture products (i.e. candies and coatings), lakes are more suitable colorants. Lakes for food color are made by combining a certified color with an inorganic salt. Therefore, the label on a food product needs to specify the lake type (e.g., FD&C Blue No. 1 Lake or Blue 1 Lake).

Other ingredients used for coloring purposes must also be declared on a label. For example, caramel coloring, beet juice (color), carmine (color), cochineal extracts (color).

Spices, such as paprika, turmeric and others that are also colorings must be declared either by the term “spices and coloring” or be the actual name, such as “paprika.”

Sulfites may initiate adverse reactions in some people. Sulfites must be disclosed in ingredients statement when they are present at 10 parts per million (ppm) or more. And they must be disclosed at less than 10 ppm when they have a technical effect in the finished product. Food products with undeclared sulfites may be considered a health risk and be subject to recall. Ingredients that can be a source of sulfites include: dried fruit and vegetables, lime juice concentrate, caramel color, tea and molasses.

4. Food Allergen Labeling

A food product is subject to recall if it contains a major food allergen as an ingredient and it is not declared on the food label in accordance with the Food Allergen Labeling Consumer Protection Act (FALCPA) of 2004. The danger of developing a food allergy is currently about 2% in adults and about 6% in children in the U.S. Approximately 30,000 individuals require emergency medical care and 150 individuals die annually because of food allergies. There is no cure for allergies and the sensitive individual must avoid the food allergen. As such, consumers with food allergies depend on accurate product labeling to choose their food products.

Identify Major Allergens

These eight major food allergens must be clearly identified on food labels:

- Milk
- Eggs
- Fish (e.g., bass, flounder, cod)
- Crustacean shellfish (e.g., crab, lobster, shrimp)
- Tree nuts (e.g., almonds, walnuts, pecans, coconut)
- Peanuts
- Wheat (any species in the genus *Triticum*)
- Soybeans

Include Common Name

When the name of a major allergen does not appear in the ingredient statement, then you must include the common name of the allergen in parenthesis. For example, cream (milk), whey (milk), albumin (egg), semolina (wheat).

Nuts and Seafood

In the case of nuts and seafood, the law requires that the specific type of nut (e.g., walnut, almond, cashew) or species of fish (e.g., cod, tuna) or shellfish (e.g., shrimp, lobster) be specified.

Additives

Any allergens found in flavorings, colorings or processing aids, must also be included. For example, natural butter flavor (milk).

Two Ways to Label Allergens on Labels

The FALCPA requires allergen labeling in one of the two following ways:

1. **Using parentheses:** Place the common or usual name of the allergen in the list of ingredients (see peanuts below), or using parenthesis by the name of the food source from which the allergen is derived (see whey and milk). For example:
Ingredients: Whole grain brown rice, sugar, corn, maltodextrin, high fructose corn syrup, saltpeanuts, whey (milk), natural and artificial flavor (walnut), soy lecithin, caramel color, sucralose.
2. **Using the word “Contains”:** Include the word “contains” immediately after or adjacent to the list of ingredients, followed by the name of the food source for each of the major food allergens present in the food’s ingredients. When a “contains statement” is used, all major food allergens that are found in the product must be listed in the “contains statement” even if they are listed in the ingredients statement. For example:
Ingredients: Whole grain brown rice, sugar, corn, maltodextrin, high fructose corn syrup, salt, peanuts, whey, natural and artificial flavor, soy lecithin, caramel color, sucralose. Contains: peanuts, milk, walnut, and soy.

5. Name and address

Labels must include the street address of the manufacturer, packer or distributor’s principle place of business. In the case of farms, the manufacturer, packer and distributor could be an on-farm licensed WSDA food processor. If the name given is not the actual manufacturer, it must be accompanied by a qualifying phrase that states the firm’s relation to the product, e.g., “*Manufactured for (company name and address)*” or “*Distributed by (company name and address).*”

The street address may be omitted from the label if the street address is listed in a current city or telephone directory. Company name, city or town, state, and zip code are still required. Phone numbers and Internet addresses can be added, but cannot be used instead of the name and address.

6. Net Weight

The label also must have an accurate statement of quantity of the contents by weight or volume in both U.S. customary and metric values. This statement must appear within the lower 30 percent of

the label panel, in lines generally parallel to the base of the package. The net weight must appear in conspicuous and easily legible boldface print or type in direct contrast to other matter on the package.

7. Perishable Foods

Products with a projected shelf life of 30 days or less must state the pull date on the package label. The pull date must be stated in day and month, in a style and format that is easily understood by the consumer. If products require refrigeration before or after opening, such information must be on the label.

8. Nutritional Value Information

Nutritional information is required on the label for most processed foods packaged for retail sales. Private businesses and universities provide this service for a fee. USDA has a free online nutritional information program at www.ars.usda.gov/ba/bhnrc/ndl. Food produced by small businesses may be exempt from nutritional value labeling requirements. Contact the WSDA Food Safety Program for specifics on this exemption.

Businesses selling a product that make a health or nutritional *claim* (e.g., “Lowers blood pressure” or “Supplies 100% of daily recommended amount of Vitamin C”) are not exempt.

For more information on labeling contact the FDA district office by calling (425) 302-0340 or the WSDA Food Safety Program by calling (360) 902-1876, emailing foodsafety@agr.wa.gov or visiting www.agr.wa.gov/FoodAnimal/FoodProcessors/packaginglabeling.aspx.

Food Processing Facility Alternatives

There are three possible alternatives to process your product in Washington State, depending on what the product is and where you plan to sell it.

Co-packing at a licensed WSDA Food Processor

Small producers may have their products processed by a licensed WSDA Food Processor. The food industry term for this is “co-packer.” The co-packer may carry insurance and usually charges per unit (e.g., pint, quart). Labeling on these products must include the words: “*Manufactured for...*” or “*Distributed by...*” to designate the firm’s relation to the product. To find a licensed WSDA Food Processor, please call (360) 902-1876.

WSDA’s Cottage Food Operator Permit

Washington’s new Cottage Food Permit allows a limited number of “low risk” products to be processed in a permitted Cottage Food Operator’s home kitchen. These products can only be sold by the operator directly to the end consumer. Selling to restaurants, grocery stores or coffee shops is not allowed. For more information see the “Cottage Food Operator Permit” fact sheet.

Commercial or Certified Kitchens

If you wish to process your farm produce but do not have the facilities or infrastructure, you may find a commercial kitchen that you can use. Some restaurants, community centers, and Grange halls, for instance, allow their facilities to be used for food processing.

Whether the commercial kitchen needs to be licensed by the county or WSDA depends on where you are selling your products. If you are selling your products only within your county, your county health department may permit the commercial kitchen. However, some counties (e.g., King County), do not permit commercial kitchens for food processing and require a WSDA Food Processor License. Call your local county health department or look online for a list of existing commercial kitchens.

If you are selling your processed food products outside the county via any commerce channels such as farmers markets, Internet, hotels, restaurants, or are processing certain foods such as a cheese product, low-acid canned, or acidified foods, the commercial kitchen must meet WSDA requirements for food processing. Each business that processes food in a commercial kitchen must have a WSDA Food Processor License. Contact WSDA for products that will require WSDA licensing.

Recommended Fact Sheets

- 7. Insurance
- 20. Cottage Food Permit
- 21. Food Product Recalls
- 22. FAQ on the Food Safety Modernization Act
- 35. Selling and Processing Poultry
- 36. Selling Rabbit Meat
- 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.