



Regulations for Specific Products

Selling Fresh Fruits and Vegetables

Washington State farmers selling directly to the end consumer, restaurants, or grocery stores, may sell most produce without product inspection or licenses. However, inspection requirements apply for selling fresh apricots, Italian prunes, peaches, cherries, apples, pears and asparagus in Washington State. This fact sheet includes information on:

- Inspection requirements for certain fruits and vegetables;
- Standards for grades and packs; and
- Sampling requirements.

Inspection Requirements for Certain Fruits and Vegetables

To ensure standard quality, an inspection from the WSDA Fruit and Vegetable Inspection Program is required for certain fresh fruits and vegetables that are signature and high volume crops sold in Washington State (WAC 16-461). Unless “exempted,” only

- fresh apricots,
- Italian prunes,
- peaches,
- cherries,
- apples,
- pears,
- potatoes and;
- asparagus

must be inspected by WSDA prior to sale. Inspection is available for other fruit and vegetable crops to assure quality, but it is not required.

Growers selling any amount of the items above for resale (e.g., to wholesalers, grocery stores, co-ops, etc.) must have their product inspected, regardless of the volume sold. There are no exemptions if you are selling to a wholesale market or other form of resell.

Growers selling these same products directly to restaurants and institutional food buyers need to check with the buyers for inspection requirements. They may or may not require inspection.

Contact the WSDA Fruit and Vegetable Field Inspection Office to locate field offices or for detailed information on inspection. Fees for inspection vary for each commodity. For more information, visit www.agr.wa.gov/Inspection/FVInspection or call (360) 902-1833.

Exemptions from Inspections

Whether or not the product is exempted from inspection depends on the product, where it is sold, and the amount sold. Fresh apricots, Italian prunes, peaches, cherries, apples, pears and asparagus

that are sold *directly to the end consumer* are exempt from inspection if they meet both of the following two criteria.

1) They are sold at Farmers Markets and Fruit/Produce Stands

Fresh apricots, Italian prunes, peaches, cherries, apples, pears and asparagus sold at farmers markets in Washington State, fruit/produce or roadside stands (not fixed retail stores) within the same “zone of production” are also exempt from inspections.

Washington State is divided into two “zones of production.” **Zone 1** includes all the counties west of the Cascade Mountain Range. **Zone 2** includes all the counties east of the Cascade Mountain Range and Skamania County: (Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima).

For example, apples grown in Grant County can be sold at a fruit stand in any Eastern Washington county or sold in a farmers market anywhere in the state without inspection.

2) The Volume Sold to the End Consumer does not exceed certain limits

An inspection is not required if a grower sells less than 2,000 pounds per day of each fresh fruit or vegetable OR less than 6,000 pounds per day of the total of any combination of fresh apricots, Italian prunes, peaches, apples, pears, potatoes and asparagus.

In addition, an inspection is not required if a grower sells less than a certain number of pounds of a product, per day, to the end consumer. The limits (by product, per consumer, per day) are:

- Pears, peaches, apples and apricots: 500 pounds
- Asparagus: 250 pounds
- Italian prunes: 350 pounds
- Sweet cherries: 100 pounds

Containers of apricots, Italian prunes and sweet cherries sold to consumers must be marked “not for resale.”

Note: Any sales of fresh fruits and vegetables that are exempted from inspections are still required to meet grade standards.

Standards for Grades and Packs

If you are supplying a grocery store or restaurant, the buyer may desire standard packs, sizes and quality. Growers may be able to negotiate this directly with the buyer. For example, the purchase agreement may state that a case of green leaf lettuce has 24 heads with heads no smaller than “x” and no larger than “x” and will be priced or purchased at \$1.50 per head or \$36.00 per case. Larger buyers such as chain grocery stores may require a third party audit to ensure quality, a standard pack, and sizing.

Packing warehouses contract with WSDA’s Fruit and Vegetable Inspection Program as a third party auditor to ensure product grade and packs at the warehouse meet the grade and pack size on the product label that the buyer requested. Fruits and vegetables in packing warehouses are inspected

to ensure uniformity and compliance for each type of commodity with standards for grades and packs that are set by the federal or state government. Grading standards include attention to maturity, soundness, shape, size, color, and freedom from pest or mechanical injury. Packaging standards include attention to size, dimension, and labeling of containers used.

Sampling Requirements

Farms that offer samples of sliced fruits and vegetables to the public must follow food safety rules established by the local health jurisdiction, (usually a county health department) where the sampling is being done. In some counties, a permit is needed and there are fines for non-compliance. The sampling requirements are typically determined on whether or not the product is considered to be “potentially hazardous.” Depending on the county, farms that want to offer samples may be required to:

- have a *Food Worker’s Card* for the person offering and/or slicing samples;
- obtain a *Retail Food Service Establishment* license from the county health department;
- 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.

Contact the county health department(s) for further information. Visit www.doh.wa.gov/ehp/food/localcontacts.html for a statewide list of local health departments.

Recommended Fact Sheets

4. Licensing

19. Food Processor License and Facilities

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.