



Regulations for Specific Products

Selling Herbs

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Washington State farmers selling fresh culinary herbs directly to the end consumer, restaurants, or grocery stores are not required to have their products inspected or to get any specific licenses. However, dried or processed herbs require a WSDA Food Processor License. This fact sheet includes information on:

- Selling fresh culinary herbs;
- Drying or packaging herbs;
- How to get the WSDA Food Processor License; and
- Recreational marijuana regulations.

Selling Fresh Culinary Herbs

Fresh culinary herbs can be a popular product, especially with chefs and restaurants. No inspection or license is required to sell herbs if they are fresh. However there are established industry standards for specific bunch sizes or bulk weights that buyers may expect. If you are selling to a restaurant or grocery store, be sure to clarify what your buyer expects before you harvest and package the product for delivery.

Herb growers selling to restaurants or grocery stores may want to consider making your product stand out with voluntary certifications for food safety or environmental concerns. For more information, see the fact sheets on “Organic Certification,” “Eco-labels, Animal Welfare and Fair Trade,” and “Good Agricultural Practices.” For the regulations on culinary herbs sold as potted plants or plant starts see the fact sheet on “Selling Nursery Products.”

Drying or Packaging Culinary Herbs

To ensure a safe, quality product, all herbs that are dried for use in food or in products that will be ingested (e.g., herbal teas) require a WSDA Food Processor License and WSDA Food Processing Facility. Whether selling at a farmers market or to a grocery store, this rule applies to all dried culinary herbs.

In addition, fresh culinary herbs packaged in plastic clamshell containers or in sealed bags for individual customer purchase must be processed in a licensed WSDA Food Processing Facility. However, if the grower is selling *bulk bags* of herbs that the buyer (e.g., a produce department) will later pull out as individual fresh bunches for display, then the grower does not need to package their herbs in a licensed WSDA Food Processing Facility.

How to Get the WSDA Food Processor License

To get a WSDA Food Processor License, we recommend that one of your first steps is to discuss your plans with the WSDA Food Safety Program by contacting them at foodsafety@agr.wa.gov or (360) 902-1876. Staff is available for one-on-one technical assistance with the licensing process, including creating a processing facility design and advising on construction materials, equipment, water source, cooling procedures, and food safety techniques to prevent cross-contamination of products.

The WSDA Food Processor License application is available online and requires a sanitation schedule, intended type of process, ingredient/processing information, a floor plan of where you will be processing, proposed labeling, information about your water supply and testing. Visit www.agr.wa.gov/FoodAnimal/FoodProcessors for an application packet.

Allow plenty of time for getting 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 and the fee starts at \$55 per year for gross sales up to \$50,000. For processing facility support, please see the fact sheet “WSDA Food Processor License and Facilities.”

Recreational Marijuana Regulations

If your business deals with the production, processing or sale of recreational marijuana in Washington State, you need a marijuana license from the Washington State Liquor Control Board (WSLCB). A marijuana license is an endorsement on your Business License issued by the Washington State Department of Revenue (DOR) Business Licensing Service. You must complete the Business License Application even if you already have a Business License, along with a Liquor Control Board Marijuana Addendum.

There are three different licenses available: Producer license, Processor license, and Retailer license. Visit www.lcb.wa.gov to determine what type of marijuana license you need and if the application period is open. You may need additional local, state and federal licenses for your business that are not covered under the Business License Application. There are also local ordinances and land use restrictions. Visit www.bls.dor.wa.gov/marijuana.aspx for the Business Licensing Service marijuana web page. For more information on licensing requirements for your business, contact the DOR Business Licensing Service at BLS@dor.wa.gov or (800) 451-7985.

Recommended Fact Sheets

- 4. Licensing
- 16. Organic Certification
- 18. Good Agricultural Practices (GAPs)
- 19. WSDA Food Processor License and Facilities
- 30. Selling Herbal or Dietary Supplements
- 33. Selling Nursery Products

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.