



Regulations for Specific Products

Selling Salad Greens

Farmers selling fresh salad greens have seen an increase in popularity and demand by consumers in CSAs, farmers markets, grocery stores and restaurants. The regulations for whole leaf salad greens can be complicated, but many options are available without infrastructure or licensing while additional products are possible with a WSDA Food Processor License and Facility. This fact sheet covers:

- Salad greens that do not require a license;
- Salad greens that require a WSDA Food Processor License and Facility;
- Processing in existing WSDA licensed food processing facilities;
- How to get the WSDA food processor license;
- Health Department requirements for selling salad greens; and
- Sampling requirements.

Salad Greens that Do Not Require a License

The factors that determine licensing requirements for salad greens are washing, harvesting and mixing. In order to be exempt from needing a WSDA Food Processor License and Facility, growers must meet at least one of the criteria under each category: washing, harvesting, and mixing.

Washing

Overall, salad greens that need to be washed before eating do not require a food processor license. The most common example of this is when salad greens are only field washed. When selling bulk salad greens or bags of salad greens that still need to be washed before eating, signage or labeling the bags “Wash before eating” is required so that customers understand they need to wash the product.

Harvesting

Harvesting is generally defined as “taking the growing product out of the field.” However, the following specifics clarify what is and is not allowed for salad greens without a WSDA Food Processor License and Facility:

- One cut is allowed at ground level to harvest the product at the time of harvest. Additional cutting or chopping of the harvested product is not allowed.
- Harvesting into one container (e.g., a bucket) and adding the harvested product to one other container in the field (e.g., bin in the field at the end of the row, OR a bin for the lot harvested that day) is allowed. Product may only be contained in a maximum of two harvest containers.
- Salad greens harvested from different beds or rows within five contiguous acres of the same farm should indicate rows harvested, date harvested, and customers or sales venue (e.g., a specific restaurant product is sold to or farmers market where product is sold) for each lot.

This information should be kept in farmers records for the season and made available to WSDA upon request.

Mixing

Contamination risk is significantly increased when salad greens are mixed. Therefore, you must meet both of the following mixing criteria which are consistent with the act of harvesting salad greens – not “processing” them:

- No mixing of salad greens outside of the field where the salad greens are harvested is allowed. Salad greens can only be mixed as part of the harvesting procedure (e.g., harvested into buckets which are in turn emptied into a harvest bin in the field. Mixing can be accomplished by alternating layers of different salad green cultivars in the harvest bin as part of the harvesting procedure in the field.
- No hand mixing at any time is allowed (i.e., you cannot stir the harvest bin with your hands to further blend the salad greens).

Salad Greens that Require a WSDA Food Processor License and Facility

Salad greens require a WSDA Food Processor License and Facility if they meet any of the following:

- washed and sold as ready-to-eat products,
- mixed together post-harvest or after leaving the field(e.g., a case of spinach is pulled out of the storage cooler and mixed with a case of red leaf lettuce and bin of beet greens), and
- cut or chopped.

Processing in Existing WSDA Licensed Food Processing Facilities

Salad greens may be processed in existing WSDA licensed Food Processing Facilities by contacting the WSDA and adding “salad greens” or your specific 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 salad greens. This will help ensure that you are in full compliance with the food safety regulations for processing and labeling.

A WSDA licensed food processing facility can process salad greens 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 company’s relation to the product. For additional information about the processing facility, please see the fact sheet “WSDA Food Processor License and Facilities.”

How to Get the WSDA Food Processor License

To process salad greens 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 or by calling (360) 902-1876 or by emailing 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 for getting your water system approved for your facility, as this can take weeks and/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 Salad Greens

Producers direct marketing salad greens at farmers markets or farm stands need to check with the local health department to see if they have temperature requirements for holding whole leaf salad greens. To find the health department where you plan to sell salad greens, visit: www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions.aspx.

Washington State Retail Food Code and “Cut Leafy Greens”

According to the Washington State Retail Food Code adopted May 1, 2013, **“cut leafy greens”** are defined as **fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn after harvest**. The term “leafy greens” includes iceberg, romaine, leaf lettuce, butter lettuce, baby leaf, escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard. The term “cut” does not include removing and discarding the exterior leaves. The term “leafy greens” does not include herbs such as cilantro or parsley.

The Washington State Retail Food Code categorizes “cut leafy greens” as a potentially hazardous food. Cut leafy greens and cut tomatoes are now on the list of potentially hazardous foods and need to be kept at 41°F or below in all counties. County health departments adopt the state food code and may add to it.

The general rule is that Potentially Hazardous Foods need to be kept hot at 135°F or above or cold at 41°F or below for safety, depending on the product. PHFs includes meat, fish, poultry, cooked starches (such as rice, potatoes & pasta), sliced melons, sprouts, fresh herb and garlic-in-oil mixtures, dairy products, cooked produce, cut leafy greens, and cut tomatoes.

For more information, please go to WA State Department of Health at:

www.doh.wa.gov/CommunityandEnvironment/Food/FoodWorkerandIndustry/FoodSafetyRules/FoodCodeRuleRevision

Sampling Requirements

Farms that offer samples of salad greens 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 penalties and 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 sample 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.

Recommended Fact Sheets

- 16. Organic Certification
- 18. Good Agricultural Practices
- 19. WSDA Food Processor License and Facilities
- 21. Food Product Recalls
- 22. FAQ on the Food Safety Modernization Act (FSMA)
- 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.