# WSDA FOOD PROCESSOR LICENSE AND FACILITIES

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, 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" (Chapter 69.07 RCW). Whether selling direct to consumers at farmers markets, at farm stands, through CSAs or selling to grocery stores, restaurants, or institutions, producers must obtain a WSDA Food Processor 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 certain meats. For instance, poultry and rabbit processed by WSDA-licensed 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, as well as facility requirements.

This fact sheet includes information on:

- Products and processes that require a WSDA Food Processor License.
- Applying for the license with technical assistance from WSDA.
- WSDA food processing facility requirements.
- Labeling processed foods.
- Food processing alternatives.

# Products and Processes that Require a WSDA Food Processor License

Food processing is handling or processing of any food in any manner of preparation for sale for human consumption. The regulations for food processing are outlined in the Washington Food Processing Act (Chapter 69.07 RCW). Only the products, or product categories, approved and listed on a business's WSDA Food Processor License may be produced in the food processing facility. A license may be amended to add additional product categories, but requires pre-approval by submitting the "Request for Amendment to Food Processor License" form. Search for it by name on the WSDA website, agr.wa.gov.

Processed foods include dried fruits, jams, salsa, sauces, dried herbs and teas (other than just airdried), breads, cookies, cider, and post-harvest mixed salad greens, as well as seafood, dairy products, baked goods, canned products, and condiments.

More specifically, a WSDA Food Processor License is needed to:

- 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 (another business).
- Make shelf-stable, low-acid canned food (LACF), such as canned vegetables, canned seafood, retorted fish or vegetables in plastic or metal foils, and bread or cake in a jar.
- Make shelf-stable acidified (acid preserved) foods, such as vinegar pickles, salsa, and may include certain jams, jellies, salad dressings, and sauces.
- Make refrigerated or shelf-stable fermented products, such as kimchi or sauerkraut
- Further process finished dairy products, for example cut cheeses, flavored dairy products, or 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 percent cooked or 3 percent raw USDA meat ingredients by weight.
- Process poultry, rabbit meat, or wild game.

Processors of organic food products need to meet specific requirements for processing and labeling practices set by the USDA organic regulations. Please see the "Organic Certification" fact sheet.

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

Raw agricultural products, such as fresh fruit or vegetables that are merely rinsed or trimmed during harvest, or while being prepared or packed for sale in their natural state, do not qualify as processed foods as long as they are not sold as ready-to-eat products.

Preparing and packaging raw agricultural products for sale as a ready-to-eat product is considered food processing. Examples include:

- Air-drying mushrooms and then packaging them as ready to eat in a sealed bag, box, clamshell or similar container.
- Washing salad mix and sealing it as pre-washed and ready to eat in sealed bags or clamshells.
- Freezing blueberries and packing them in 1-gallon plastic bags.

If your business is licensed and inspected by the local health jurisdiction as a Retail Food Establishment, you may *also* need a WSDA Food Processor License if your food business is:

- A retail bakery that sells more than 25 percent of your gross sales off site. (Note: some counties will required a WSDA license regardless of the percentage, e.g., Pierce County.).
- A restaurant, catering business, grocery store, or bar that sells food products off site. For example, a restaurant may develop a frozen meal that they sell at grocery stores, or a farmer who makes value-added food products to sell at a farmers market.
- Selling through the internet and the product is delivered or shipped to the customer.

- Selling direct to customers in multiple counties, for example at multiple farmers markets.
- A winery, cidery, and/or brewery that also produces non-alcoholic products.

Contact both WSDA and your local health jurisdiction to confirm the requirements for your specific activity.

## Exemptions to the WSDA Food Processor License

Producers are exempt and do not need a WSDA Food Processor License if they:

- Merely wash and trim a raw agricultural product and prepare or pack it for sale in its natural state (i.e., fresh whole fruits and vegetables), such as fresh blueberries that are packed into pint containers for sale.
- Produce and sell raw honey (Chapter 69.28 RCW).
- Are a licensed egg handler/dealer (Chapter 69.25 RCW).
- Are licensed by WSDA to do custom meat slaughter and processing and do NOT process wild game or poultry (Chapter 16.49 RCW).
- Harvest and do minimal preparation of shellfish and have a Certificate of Compliance under Chapter 69.30 RCW, the Sanitary Control of Shellfish Act.
- Are licensed by the Liquor and Cannabis Board as a winery or brewery operation.
- Are licensed as a Retail Food Establishment, and 100 percent of sales are on-site retail sales to the end customer.

# Applying for the License with Technical Assistance from WSDA

The WSDA Food Safety Program has extensive information online to help with the licensing process. Look for "Food Processors" in the Food Safety section of the website, **agr.wa.gov**. In addition, Food Safety Program staff offer one-on-one technical assistance with the licensing process, which may include guidance with 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 a WSDA Food Processor License, producers need to submit an application to the WSDA Food

Safety Program. It is available on the WSDA website under the Food Processors heading at agr.wa.gov or by calling 360-902-1876, or emailing foodsafety@ agr.wa.gov. Reading through the application itself is a good first step to understanding the licensing process and any requirements specific to products. The WSDA Food Processor License application includes sections on:

- Sanitation schedule.
- Intended products and type of processing.
- Ingredients and processing steps.
- Floor plan of where of the product will be processed.
- Proposed labeling.
- Water supply and testing. Allow plenty of time for getting your facility's water system approved, because 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 your operation is approved and licensed, unannounced inspections will take place every 6 to 36 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 projected sales volume. It starts at \$92 per year for gross sales up to \$50,000.

The WSDA Food Processor License requirements are being updated to align with rules in the Food Safety Modernization Act (FSMA). Please see the "FAQ on the Food Safety Modernization Act" fact sheet for more details.

Processors need to provide written hazard control documentation for each product and process prior to WSDA licensing. Some very small firms may be exempt from some of the documentation, but must still show how they are controlling any significant food safety hazards. Products with concerns for shelf stability, such as low-acid canned and retorted products, pickles, and other acidified products, vinegars and oils with added ingredients, and certain mustards, condiments, and sauces may need to be reviewed by a Process Authority to assure they will be made in a shelf-stable manner.

In addition to new FSMA requirements, low-acid canned foods, acidified foods, seafood, and juice have their own specific regulations and requirements that must be met to reduce food safety risks of those products.

The WSDA Food Safety Program provides technical assistance to help businesses with the WSDA Food Processor License application and the FSMA requirements.

# WSDA Food Processing Facility Requirements

A WSDA-licensed food processing facility is required as part of the WSDA Food Processor License. Specific requirements for a WSDA-licensed food processing facility include:

- Home processor facility.
- Bathrooms and hand-wash sinks in home processor facilities.
- Processing equipment.
- Worktables and counters.
- Floor materials.
- Drainage.
- Sinks.
- Walls.
- Ventilation.
- Water supply.
- Refrigeration.

Be sure to contact the WSDA Food Safety Program with any questions about processing plans or equipment, especially before making new investments in a facility. A food safety officer will review your specific equipment at the time of inspection.

## **Processing Equipment**

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 for a WSDA license, as long as they are made from materials that are easily cleaned and the equipment is in good repair. Businesses that also have, or plan to have, a Retail Food Establishment license from a local health department, may be required to have commercial-grade equipment and more stringent plumbing (for example, a bakery with retail sales in front and a processing area for wholesale sales in back).

Investment in a processing facility and equipment should be carefully considered. Explore all options, consider your budget, and explore all possible alternatives prior to making a final decision. Food Northwest (previously named the Northwest Food Processors Association) holds an annual NW Food and Beverage World exposition every winter. Attending this event prior to designing or building a facility may provide practical knowledge and great options for your project. Used commercial processing equipment dealers are also represented, which could save a considerable amount of money. For more information about this event, visit the Food Northwest website, foodnorthwest.org

# Worktables and Counters

Worktables and counters must be in good repair and have surfaces that are easily cleaned and noncorrosive. 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.

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



A stainless steel table top serves as an effective surface for packaging product.

# Floor Materials

The type of flooring material that is appropriate may vary with different areas in a facility and the amount and type of foot traffic. Food processing areas require flooring that can be readily cleaned and is 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 cleanup. 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 dropped items. 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 for dropped items. There are many options for coating concrete floors in challenging environments where factors such as temperature, chemicals, oils, or fats 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, are chemical and stain resistant, 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.

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# Drainage

If your processing involves a lot of fluids, whether during production or cleaning, consideration of adequate drainage is essential. There are many 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.



This is an effective trough drain installed in a food processing area.





Water and debris can accumulate on an uneven (i.e., seams, patches) or poorly sloping floor 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 workplace. All light fixtures above equipment or areas where food is exposed must be break-proof. Plastic coated incandescent bulk sheets (e.g., "Tuff-skin") 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. The Lighting Design Lab, **lightingdesignlab.org**, has helpful information about lighting options for businesses.

## Sinks

Licensed food processing operations are generally required to use a three-compartment sink. In some cases a processor may use a two-compartment sink, with a third sanitizing tub. A large two-compartment sink may be suitable, depending on what an operation needs for food safety as approved and inspected by WSDA. Each compartment must be large enough to accommodate washing the largest utensils (e.g. mixing bowls, sheet pans, trays) used in the production process.

While many variations on one-, two-, and threecompartment 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

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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 the materials used to create the product have been tested and conform to food equipment safety and sanitization standards. Find more information on the NSF website, **nsf.org**.



Coved basin corners and rounded edges allow for quick clean-up and eliminate 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 (e.g., potato or apple processors), and other plants where wet cleanup 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. Wall areas within three feet of work counters, tables, and equipment must be covered with a similar material.

Recommended	Stainless steel, fiberglass paneling (called "glass board" or "Chemlite" in the trade)
Satisfactory	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.



Fiber-reinforced plastic (FRP) has been the standard wall surface for many years. There also are newer materials on the market which are equally effective, easier to install, and may be more cost effective.

# Refrigeration

In any food processing facility, the refrigeration requirements of the product must be considered. All "potentially hazardous foods" must be refrigerated, unless they have been properly processed to be shelf-stable and are stored appropriately, or are held hot at temperatures above 145°Fahrenheit. WSDA regulations require perishable foods be properly cooled and refrigerated. For the WSDA Food Processor License, if your product requires refrigeration, you will need to demonstrate you have refrigeration facilities or provisions (e.g. refrigerators, freezers, coolers, ice chests, insulated boxes with gel ice) for those products and that equipment is effective before approval. You will also need to determine how to adequately refrigerate products while in storage and in transit.

Products are available on the market such as "CoolBot" that convert off-the-shelf, window-type air conditioning units into high volume cooling machines. Farms and food processors widely use this technology to turn an insulated room into a homemade walk-in cooler with ability to provide a thermostatically controlled cool-down to 35° Fahrenheit. This can be an acceptable solution for many cooling situations.

# **Labeling Processed Foods**

The state of Washington food-labeling requirements are based on 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. This includes processed foods sold at farmers markets, on the internet, or 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 for technical assistance with food labels before printing.

Labels for processed food must include the information outlined below. General food labeling requirements mandate what, where, and how prominently specific information must appear on the label. All of this mandatory information must be legible and in English. Other languages may also be present, but English is required. The "Guidance for Industry: Food Labeling Guide" available on the FDA website provides detailed information and examples.

## 1. Product Identity

The common or usual name of the food product must be prominent on the principal display panel of the packaging (e.g., "pumpkin bread" on the front of the bread bag).

## 2. Net Weight

The label also must have an accurate statement of the quantity of the contents by weight 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.

## 3. Ingredient Statement

The font size of ingredient statement must be at least one-sixteenth 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.

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, such as beverages. For low moisture products like candies or coatings, lakes are more suitable colorants. Lakes for food color are made by combined 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)

Products that include spices, flavorings and non-FD&C colorings as ingredients may designate these ingredients by specific name, such as "paprika," or ingeneral as "spices," "flavorings," and "coloring" on the ingredient list except when they contain an allergen or when the colorings are FD&C listed colors.

Food products with undeclared sulfites, major food allergens, or FD&C Yellow 5 colors may be considered a health risk and subject to recall; peanuts, tree nuts, eggs, fish, crustacean shellfish, milk, soybeans, wheat, sulfites, and FD&C Yellow 5.

Sulfites may initiate adverse reactions in some people. Sulfites must be disclosed in the ingredients statement when they are present at 10 parts per million (ppm) or more. They must also be disclosed at less that 10ppm when they have a technical effect in the finished product. Ingredients that can be a source of sulfites include: dried fruit and vegetables, lime juice concentrate, caramel color, tea and molasses. Food products with undeclared sulfites may be considered a health risk and be subject to recall. Please work with the WSDA Food Safety inspector on sulfite disclosure. The information here is summary only.

# 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. In the U.S. each year, approximately 30,000 individuals require emergency medical care and 150 individuals die because of food allergies. There is no cure for allergies and the sensitive individual must avoid the food allergen. Consumers with food allergies depend on accurate product labeling to choose their food products safely.

## 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). "Soybean," "soy," and "soya" may be used as reasonable synonyms for allergen labelling.

### 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

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 followed in parenthesis by the name of the food source from which the allergen is derived.

#### For example:

Ingredients: Whole grain brown rice, sugar, corn, maltodextrin, high fructose corn syrup, salt, 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.

#### For example:

Ingredients: Whole grain brown rice, sugar, corn, maltodextrin, high fructose corn syrup, salt, whey, natural and artificial flavor, soy lecithin, caramel color, sucralose. Contains: 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 WSDA-licensed food processor. If the name given is not the actual manufacturer, it must be accompanied by a qualifying phrase that states the firm's relationship to the product, e.g., "Manufactured for (company name and address)" or "Distributed by (company name and address)."

Phone numbers and internet addresses can be added, but cannot be used instead of the name and address.

# 6. Net Weight

The label must also 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. The net weight must appear in conspicuous and easily legible boldface print or type in direct contrast to the 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 Agricultural Research Service (ARS) has a free online nutritional information program. Search for "Nutrient Data Laboratory" at ars.usda.gov.

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 of any size selling a product that makes a nutrition claim (e.g., "Lowers blood pressure" or "Supplies 100% of daily recommended amount of Vitamin C") are not exempt.

Contact the WSDA Food Safety Program for more information on labeling by calling 360-902-1876, emailing foodsafety@agr.wa.gov or searching for "Food Processors Packing and Labeling" on the WSDA website.

# **Food Processing Alternatives**

There are three possible alternatives for making and selling a processed food product in Washington State, depending on what the product is and where you plan to sell it.

# Co-packing at a WSDA Licensed Food Processor

Small producers may have their products processed by a WSDA-licensed 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 may include the words: "*Manufactured for*..." or "*Distributed by*..." to designate the firm's relationship to the product. To find a WSDA licensed Food Processor, please search the WSDA website or call the WSDA Food Safety Program, 360 902-1876.

# WSDA's Cottage Food Operation Permit

Washington's Cottage Food Permit allows certain lowrisk products to be processed in a permitted cottage food operator's inspected 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 Permit" fact sheet.

# **Commercial or Certified Kitchens**

If you wish to process your farm produce, but do not have the facilities or infrastructure yourself, you may find an appropriate commercial kitchen to use. Some restaurants, community centers, and Grange halls, for instance, allow their facilities to be used for food processing. Contact the local county health department or look online for a list of existing commercial kitchens.

Whether the commercial kitchen is required to be licensed by the local health department or WSDA may depend on the products and where they will be sold. In some cases, a producer selling their products direct to the end customer only in a retail setting within the county where they are processed, may be able to work with the county health department to permit the commercial kitchen.

However, some counties (e.g., King County), do not permit commercial kitchens for food processing, and they require producers to have a WSDA Food Processor License. Additionally, producers selling processed food products outside the county via any commerce channels, such as farmers markets, internet, hotels, and restaurants, and producers making a cheese product or low-acid canned foods must have a WSDA Food Processor License. Contact the WSDA Food Safety Program to determine if your product will require WSDA licensing.



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