

# REGULATIONS FOR FOOD PROCESSING COTTAGE FOOD PERMIT



In 2011, the Washington State Legislature passed a Cottage Food Law (RCW 69.22.030) that makes it possible for farmers and food businesses to sell products made in an inspected home kitchen instead of in a commercial kitchen. The Cottage Food Permit offers a way for small-scale, home-based food entrepreneurs to make and sell certain processed and prepared foods. To qualify, foods must be considered “low risk” and can only be sold directly to the end consumer at places such as farmers markets, farm stands, seasonal events (such as harvest festivals), and through CSAs.

## **This fact sheet includes information on:**

- Key terms.
- Cottage Food Operation Permit sales limits
- Products allowed with the Cottage Food Operation Permit.
- Cottage Food Operation Permit application requirements, timing, and fees.
- Labeling requirements for cottage food products.
- Additional information and resources.

## **Key Terms**

### **Cottage food operations**

The term “cottage food operation” (CFO) comes out of a national cottage food movement that is advocating for low cost, home-based opportunities for food businesses. In Washington State law, a cottage food operation is defined as “a person who produces cottage food products only in the home kitchen of that person’s primary domestic residence in Washington and only for sale directly to the consumer.”

### **Cottage Food Operation Permit**

This permit is issued to cottage food operations by WSDA Food Safety and Consumer Services and is needed in order to legally sell cottage food products.

### **Cottage food products**

The specific list of products allowed to be produced and sold with the Cottage Food Operation Permit is included in this fact sheet. In Washington, “cottage

food products” are “non-potentially hazardous baked goods, jams, jellies, preserves, and fruit butters as well as other identified non-potentially hazardous products.” In general, non-potentially hazardous foods do not need to be refrigerated to prevent bacterial growth that can make people sick.

### **Home kitchen**

As defined by Washington’s cottage food law, a “home kitchen” is a “kitchen primarily intended for use by the residents of a home. It may contain one or more stoves or ovens, which may be a double oven, designed for residential use.”

### **Domestic residence**

In the cottage foods law, a “domestic residence” is defined as a “single-family dwelling or an area within a rental unit where a single person or family actually resides. A domestic residence does not include: (a) A group or communal residential setting within any type of structure; or (b) An outbuilding, shed, barn, or other similar structure.”

### **Potentially hazardous Foods**

In this context, potentially hazardous foods are those “requiring temperature control for safety because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms, or the growth and toxin production of *Clostridium botulinum*.”

The source of the above definitions is Chapter 16-149 of the Washington Administrative Code (WAC). Laws that are relevant to Cottage Food Operations can be found on the WSDA website, [agr.wa.gov](http://agr.wa.gov), by searching for “cottage food.”

### **Cottage Food Operation Permit Sales Limits**

#### **Sales limit of \$25,000**

A Cottage Food Operations Permit allows a cottage food operation to sell up to \$25,000 in sales of its approved cottage food products each year.

## REGULATIONS FOR FOOD PROCESSING

### Only sales to the end consumer are allowed

All cottage food products sold with the Cottage Food Operations Permit must be sold directly to the end consumer by the permitted Cottage Food Operator. Cottage food products cannot be sold to restaurants, grocery stores, coffee shops, bakeries, or wholesale to any other business.

To sell cottage foods through a CSA, the cottage food business must be the operator of the CSA; a cottage food operator may not distribute products through a CSA owned/operated by another person or business.

### Additional limitations

Products made with a Cottage Food Permit cannot be sold outside of Washington State.

Sales can be made online, but all products must be picked up or delivered in person within Washington State. Cottage food products may not be shipped. For example, a cottage food operator can sell their products online and accept payment online, but pick-up must occur at either the cottage food operator's home or the cottage food operator may deliver to the end consumer.

### Products Allowed with the Cottage Food Operations Permit

Only the cottage food products approved and listed on a Cottage Food Operations Permit are allowed to be sold. Farms and food businesses should make sure that the product(s) they want to make and sell are allowed before submitting a permit application and non-refundable fee. At time of publication, the fee was \$230.

### Allowed cottage food products

Any non-potentially hazardous products (as determined by WSDA) that are baked, fried, or cooked on a stovetop or other electronic device designed for cooking food are allowed, including:

- Loaf breads, rolls, biscuits, quick breads, muffins.
- Cereals, trail mixes, or granola.
- Cakes.
- Pastries.
- Fried doughnuts.
- Cookies or bars.

- Pies (except custard style pies, pies with fresh unbaked fruit, and pies requiring refrigeration after baking).
- Crackers.
- Tortillas.
- Stove top candies such as fudge, peanut brittle, caramels, taffy, marshmallows, etc.
- Molded chocolates and products dipped or coated in chocolate.
- Potato chips, kale chips, etc.
- Nuts or nut mixes.
- Snack mixes.
- Some frostings.
- Vinegar and flavored vinegars.
- Recombining and packaging of dry herbs, seasonings, and mixtures (e.g., dry soup, teas, coffees, spices, seasonings).
- Standardized jams, jellies, preserves, and fruit butters are allowed with some specific requirements.

---

The Cottage Food Operation Permit specifies that allowed standardized jams, jellies, preserves and fruit butters must be made with low-risk recipes, with sugar, and only with certain types of fruit. For more details about "Requirements for Specific Standardized Fruit Butters, Jellies, Preserves, and Related Products." Browse through the e-CFR site, [ecfr.gov](https://www.ecfr.gov) to find Title 21, Part 150.

---

### Products **not** allowed under the Cottage Food Permit

- Fresh or dried meat or meat products, including jerky.
- Fresh or dried poultry or poultry products.
- Fish or shellfish products.
- Cut, fresh fruits or vegetables.
- Food products made from cut fresh fruits or vegetables.
- Food products made with cooked vegetable products.
- Juices made from fresh fruits or vegetables.
- Canned fruits, vegetables, vegetable butters, salsas, etc.

## REGULATIONS FOR FOOD PROCESSING

- Canned pickled products such as pickles, sauerkraut, pickled vegetables, and corn relish.
- Barbecue sauces, ketchups, or mustards.
- Raw seed sprouts.
- Baked goods which require any type of refrigeration such as, cream, custard, or meringue pies; cakes or pastries with cream or cream cheese fillings; cakes or pastries with fresh fruit fillings or garnishes; glazes or frostings with low sugar content, cream, or uncooked eggs.
- Focaccia-style breads with vegetables or cheeses.
- Milk and dairy products including hard, soft, and cottage cheeses and yogurt.
- Garlic in oil mixtures.
- Ice or ice products.
- Fermented foods such as sauerkraut, kimchi, kombucha, and kefir.

### Cottage Food Operation Permit Application Requirements, Timing, and Fees

There are three primary requirements to meet as part of the application for a Cottage Food Operation Permit. Copies or documentation of each requirement must be submitted with the Cottage Food Operation Permit application.

#### 1. Water Testing

If the home kitchen is on a city, community, or other municipal water systems, then water does not need to be tested. In such cases, applicants must submit a copy of a recent water bill that shows the Cottage Food Operation address.

If the home kitchen is on a private water supply, then the applicant must have their water tested at least 60 days prior to permitting and at least annually thereafter. A copy of the test and written report that demonstrate the water supply is potable must be submitted to WSDA. Check with the local county planning or health department for information about testing well water.

#### 2. Food Worker Card

Any person who will be working in a Cottage Food Operation must apply for and receive their Food Worker Card (also known as a Food Handlers Permit). This is available through local county health jurisdictions or online at [foodworkercard.wa.gov](http://foodworkercard.wa.gov). For more information, please see the Washington

State Department of Health Food Worker Card FAQ site, [doh.wa.gov/FoodWorkerCard](http://doh.wa.gov/FoodWorkerCard). Applicants must provide signed copies of a Food Worker Card for each person named on the Cottage Food Operation Permit application.

#### 3. Washington State Business License

In order to apply for the Cottage Food Operation Permit, applicants must have a Business License to do business in Washington. The name of the person(s) applying for the Cottage Food Operations Permit must be listed as an owner on the Business License. The Business License is also used to identify the business name and the address of the cottage food location for the permit and for all product labels. To apply for a Business License, go to the Washington Department of Revenue website, [bls.dor.wa.gov](http://bls.dor.wa.gov).

#### Additional application requirements

In addition to the three requirements listed above, the Cottage Food Operation Permit application asks for technical details, including a floor plan, production process, equipment and utensil list, cleaning and sanitation plan, processing dates and sales plan, and child and pet management plan.

Documenting the production process is typically the most time-consuming step for both the applicant and the Cottage Food permit review team. This step includes submitting each recipe in a specific format, documenting the prescribed processing and packaging steps, as well as submitting an example of each product label per the specific labeling requirements. Each recipe and label is thoroughly reviewed for compliance. For additional information and tips on preparing an application, please see the list of "Things to keep in mind when completing your application." Search the WSDA website, [agr.wa.gov](http://agr.wa.gov), for "Cottage Food application information."

#### Master recipes

It is possible to submit a single master recipe with variations if the base of the recipe (e.g., batter or dough) does not change and different add-in ingredients (e.g., nuts, fruits, or chocolate chips) are noted on the recipe. A separate label for each variation must be submitted. Applications are limited to 50 master recipes. Add-in variations do not add to the recipe count.

## REGULATIONS FOR FOOD PROCESSING

### Timing

The Cottage Food Operation Permit is good for one calendar year. It expires one year after it was issued, on the last day of the month it was issued. For example, if the permit was issued on July 15, 2019, it would expire on July 31, 2020.

The amount of time it takes to review and approve an application depends on how many recipes are submitted, how thoroughly the application has been completed, and how timely the applicant responds to notices and questions from WSDA. The application can be approved as quickly as two weeks, but could take up to six months.

### Fees

In 2019, the annual application fee totals \$230. This includes \$125 for a WSDA on-site inspection of your kitchen, \$75 for a public health review of the application, and a \$30 processing fee for the application. The application fee is non-refundable. If an applicant moves, then they must submit a new application with fees.

Additional recipes and labels can be submitted throughout the year for a cost of \$105 (\$75 public health review and \$30 processing fee in 2019). New products or product changes can be submitted each year with your renewal for no additional fee.

### Permit process

After an application has been approved by the public health review, WSDA will contact the applicant to set up an on-site inspection of the kitchen and all identified areas of the submitted floor plan. The inspection typically occurs within 1 to 4 weeks after an application has been approved. After passing the inspection, the Cottage Food Operation Permit will be emailed to the applicant business within 1 to 3 days. Once a business has their permit in hand, they may begin producing the approved products for sale.

### Labeling Requirements for Cottage Food Products

Products that are produced and sold with the Cottage Food Operation Permit must include the following information on their labels:

- Name of Cottage Food Operation.
- Physical address of Cottage Food Operation.
- Product name.
- Ingredient list, including a break down to the smallest sub-ingredients.
- Identification of any allergens (e.g., wheat, milk, eggs, peanuts, soy, tree nuts, fish, and shellfish).
- Weight or volume in U.S. measures.
- The statement: "Made in a home kitchen that has not been subject to standard inspection criteria."

The application packet includes additional information about label details and sample labels (Appendix 5). The application packet is available on the WSDA website, [agr.wa.gov](http://agr.wa.gov), by searching for "cottage food operation application."

### Additional Information and Resources

For complete application requirements, technical assistance, or to apply for the Cottage Food Operation Permit, please contact the WSDA Food Safety Program by calling 360-902-1876, emailing [cottagefoods@agr.wa.gov](mailto:cottagefoods@agr.wa.gov), or by going to the cottage food operation page on the WSDA website, [agr.wa.gov](http://agr.wa.gov). The website includes a list of Frequently Asked Questions.

WSDA also has an introductory "Getting Started on Cottage Foods" video. Specific details of the permit in the video are out of date since the list of allowable products and sales limit have changed since the video was made. However, the video helpfully shows permitted cottage food operators' kitchens, tips from cottage food operators, and the permitting and inspection process. To view the video, go to [youtube.com/user/WSDAgov](https://www.youtube.com/user/WSDAgov) and search for "cottage food."



- 5. Licensing
- 23. WSDA Food Processor License and Facilities
- 25. Food Product Recalls
- 48. Selling Ready-to-Eat Foods