



## **Frequently Asked Questions Washington's Cottage Food Law**

**To Whom may I sell my products?** Cottage Food products may be sold only to the consumer through direct sales from your home, at farmers markets, craft fairs and other public venues. Retail sales at stores and restaurants are not allowed. Cottage Food products cannot be sold to wholesalers, brokers and distributors; sales outside the state are prohibited. While you can advertise your products on the Internet, and take orders and money over the Internet, you cannot ship products by mail or a courier service to consumers. Product delivery must be directly from the producer to the actual customer in a person-to-person transaction by the Cottage Food Permit holder within the state of Washington. If you wish to wholesale or sell through a third party, you will need to acquire a [WSDA Food Processor's License](#). See [Chapter 16.149.040\(2\) WAC](#) and <http://agr.wa.gov/foodanimal/cottagefoodoperation/> for more information.

**Can I advertise my Cottage Food business in the newspaper or at trade shows?** Yes. Advertising is allowed, however, the actual sale must be made person-to-person between the producer and the consumer.

**Can a nonprofit organization produce and sell Cottage Foods?** No. A nonprofit organization is a business and as such cannot operate out of a single family domestic residence. The definition of a Cottage Food Operation means a person who produces Cottage Food products only in the home kitchen of that person's primary domestic residence. While you may be the owner of a nonprofit business operating from your home, the nonprofit organization cannot produce and sell Cottage Food.

**Can I make and sell products from any of the following: my motor home kitchen, cottage or summer home, a rented kitchen, an outbuilding on my property (e.g., a shed or a barn)?** No. The Cottage Food Law applies only to non-potentially hazardous foods made in the kitchen of your primary residence. Second homes, vacation homes, motor homes, rented kitchens, or outbuildings such as a shed or barn do not qualify if they are not your primary residence and kitchen as stated in the Cottage food Law.

### **Permits and Fees**

**Do I need a permit to sell products I make in my home?** Yes. The Washington State Legislature passed a law in 2011 permitting and regulating the production of Cottage Food products, and conditions under which these products can be prepared, stored, and sold. See [Chapter 69.22.030 RCW](#).

**How much does it cost to get permitted?** There is an annual permit fee which covers a public health review, inspection, and permit processing. See <http://agr.wa.gov/foodanimal/cottagefoodoperation/> for more information.

**If I move to a new home, will my permit still be valid?** No. The Cottage Foods Permit is non-transferable. You will need to submit a new application and payment for the new location.

**In addition to Washington State Department of Agriculture (WSDA), are there other regulatory requirements for a Cottage Food business?** Yes. You must obtain a Master Business License through the Washington State Department of Revenue and comply with all other applicable city, county and municipal laws and zoning ordinances that apply to conducting a business from one's home residence. Obtain a Master Business license at <http://bls.dor.wa.gov/>. Additionally, you will need a Food Worker's Card. Obtain a Food Worker's Card online at: [www.foodworkercard.wa.gov/](http://www.foodworkercard.wa.gov/)

You must also demonstrate that your kitchen is connected to an approved water source. If you are on a private water supply you will need to have the supply tested at least 60 days prior to permitting to assure the water is potable. If on a municipal water system you must submit a recent water bill to WSDA.

**Are there any other fees?** If the result of the on-site permitting inspection is unsatisfactory, you will need to submit documentation to WSDA as to how you corrected the issue(s) and submit a fee for the additional inspection before WSDA will return to again inspect for permit approval. See <http://agr.wa.gov/foodanimal/cottagefoodoperation/> for or more information.

## General Questions

**Is there a dollar limit to how much product I can sell?** Yes. The current dollar limit is \$15,000.00 in gross sales annually. This figure was set by the 2011 Legislature. See [Chapter 69.22.050\(4\) RCW](#).

**Why, by whom, and when does my home kitchen need to be inspected?** In order to assure food safety standards, your kitchen and all permitted areas identified in the permit application must be inspected by a representative of WSDA. An inspection will be made during normal business hours, or at other reasonable times, prior to permitting. Your home kitchen and permitted area may be subject to additional inspections, such as when the annual permit expires or following a complaint or suspicion of violations. A WSDA representative will inspect all permitted areas including the kitchen, packaging area, restroom and both raw ingredient and finished product storage areas.

**What happens if I fail my inspection?** If the result of the on-site permitting inspection is unsatisfactory, you will need to submit documentation to the department as to how you corrected the issue(s) and submit a fee for the additional inspection before WSDA will return to again inspect for permit approval.

**Will I need to meet local zoning or other laws?** Yes. Cottage Food operators should contact their local city or county government to determine if there are local regulations that will affect their business. Note that it is possible for a local city or town government to ban home food production in areas not zoned for commerce.

**I lease space in a retail building where I operate a small antique shop. As a Cottage Food baker, can I sell my own baked goods from my shop?** Yes, as long as they are labeled correctly and completely. However, you can't sell other people's products (e.g., consignment) nor have other people sell your products (e.g., wholesalers).

## Children

**I am the mother of two children under the age of 6. Can they help me in my Cottage Kitchen?** No. [Chapter 69.22 RCW](#) requires that anyone working in the Cottage Kitchen have a valid Food Worker's Card. Infants and young children are restricted from being in the Cottage Food Operation during production.

**What is a child management plan?** If infants or children under the age of six years of age are present at the Cottage Food Operation location, a child management plan that prevents child entry/access to all areas of the cottage Food Operation during operating hours must be in place.

## Pets

**What is a pet management plan?** If pets are going to be present at the Cottage Food Operation location during operating hours, a pet management plan that prevents pet entry/access to all areas of the Cottage Food Operation and exclusion from storage areas must be in place.

## Ingredients

**My great-great-grandmother handed down a secret family recipe for peanut butter cookies. If I submit this recipe, will it be kept secret?** No. All information submitted on Cottage Food applications (including all ingredients and the amount of the ingredients in the recipe) can be requested by anyone submitting a Request for Public Records Disclosure under the Washington State Public Disclosure Act. See [Chapter 42.56 RCW](#).

**Am I required to send my products to a laboratory to obtain an official ingredient list, or is it something I can put together on my own?** You are not required to have your product analyzed by a laboratory to obtain an official ingredient list. You must, however, list all ingredients, in descending order of predominance by weight. If you use a prepared item in your recipe, you must list sub-ingredients as well. For example, if you use soy sauce as an ingredient, listing soy sauce is not acceptable; soy sauce (wheat, soybeans, salt) is acceptable. Allergen labeling, as specified in federal labeling requirements, must also be included.

**I am concerned that some of my product ingredients that are not allergens are "trade secrets" and listing all my ingredients on my label would lead to unfair competition. Do I have to list all of my ingredients on the label or can I protect my trade secrets?** You must list all ingredients and sub-ingredients on the label. Additionally, the ingredients, sub-ingredients and amounts must be listed in the licensing application under the recipe submission requirements. ALL INFORMATION INCLUDED IN THE APPLICATION (including recipes) IS SUBJECT TO PUBLIC RECORDS DISCLOSURE.

## Allowed Food Products

**What types of products can I produce with a Cottage Food Operation Permit?** Non-potentially hazardous products such as oven baked goods, standardized fruit jams, jellies, fruit butters, vinegars and dried mixes. Food products requiring refrigeration are not allowed. See [Chapter 16.49.120 WAC](#).

**Why are some products not allowed to be made and sold under the Cottage Food Law?** The Cottage Food Law allows production of low risk foods. Potentially hazardous foods and foods requiring refrigeration are not allowed. See [Chapter 16.149.120 WAC](#).

**Why are jams and jellies allowed under the Cottage Food Law but food products such as ketchup, barbeque sauces and mustard are not?** Acidified food products such as mustards, barbeque sauces and ketchup sauces are made into shelf-stable products because of the formulation or acidification process. These products are not considered to be low risk, non-potentially hazardous foods.

**Can I produce and sell home canned foods such as salsa or pickles?** No. Home canned products do not qualify under the Cottage Food Law. Manufacturers of cooked vegetable products like salsas and tomato sauces must meet significant federal and state training and licensing requirements. Cooked vegetables, whether fresh or canned, usually are made from a combination of low acid and acidified foods, and are considered a Potentially Hazardous Food. Cooked vegetables must be held either hot (above 135°F) or cold (below 41°F). They can't be stored at room temperature, which makes them ineligible for production in a Cottage Food Operation.

**Can I make and sell pies?** Yes. However, certain pies including custard style pies, pies with fresh fruit that are unbaked, or pies that require refrigeration after baking are not allowed. See [Chapter 16.149.120 WAC](#).

**Can I make and sell sweet breads, muffins or other baked goods made with fresh fruits and vegetables like zucchini, pumpkin, and strawberries?** Yes, as long as the fruits or vegetables are incorporated into the batter and oven-baked. The baked goods may not be decorated or garnished with fresh fruits or vegetables. Any finished product that requires refrigeration is not allowed under the Cottage Food Law.

**Can I use homegrown vegetables and herbs in my product?** Yes, the Cottage Food Operations Rule allows fresh picked or harvested fruits from noncommercial sources such as a home garden to be used as ingredients. See [Chapter 16.149.120\(6\) WAC](#). You should take care to thoroughly wash the homegrown produce and the fruits or vegetables must be incorporated into the batter and properly baked, labeled and packaged. The baked goods may not be decorated or garnished with fresh fruits or vegetables.

**Can homegrown produce be canned and used for making baked goods, like sweet breads, at a later date?** No, most home-canned products are not approved for production under the Cottage Food Law, with the exception of standardized jams and jellies. You can use commercially-canned products for baked goods, like canned pumpkin, cherry pie filling, etc.

**Can I freeze homegrown produce and use it for making baked goods, like sweet breads, at a later date?** Yes, as long as the frozen fruits or vegetables are incorporated into the batter and properly baked, labeled and packaged. The baked goods may not be decorated or garnished with fresh or frozen fruits or vegetables.

**Can I use eggs from my own home egg farm?** If you have a current egg handler/dealer license issued from WSDA, yes you may use your own farm eggs as an ingredient as long as the Cottage Food product has a "cook step" for harmful bacteria that may be present on the raw eggs. See [Chapter 16-149-120 WAC](#).

**Can I make and sell dry bread or “instant” bread mixes?** Yes. Dry bread mixes are an acceptable product to produce and sell under the Cottage Food guidance document.

**Can I make and sell apple butter or other fruit butters?** Yes. Certain fruit butters are allowed under the Cottage Food Law.

**I would like to make brownies in my home kitchen. Are brownies allowed?** Yes. Brownies that are baked in an oven are allowed and are included as baked goods.

**Can I roast coffee beans in my home kitchen and sell them?** No. The Cottage Food Law does not allow for coffee roasting.

**Can I press and sell apple cider?** No. Apple cider is not a food allowed to be produced. Actually, no beverages are allowed.

**Can I brew and sell homemade beers, ciders?** No. These products are not allowed under the Cottage Food Law. Please contact the Washington State Liquor Control Board for more information on home beer brewing and cider production.

**Can I make and sell hard candies or lollipops?** Not unless the candy is baked in an oven.

**Can I make and sell dehydrated meat or poultry?** No. Meat and poultry are a potentially hazardous food and are not allowed under the Cottage Food Law.

**Are pet treats covered in the Cottage Food Law?**No. The Cottage Food Law applies to human-grade food only.

**Can I process raw goat milk and raw goat cheese or aged raw milk cheese under the Cottage Food Law?** No. [Chapter 69.22 RCW](#) directed the department to consider low risk foods products. Raw milk and raw milk aged cheese products are considered high risk food products due to our experience with a number of food borne illness outbreaks that occur with the consumption of these types of products.

**Can I use raw milk, raw cream, or raw butter to make any Cottage Food products such as baked goods?** No. Raw milk and raw cream produced at licensed “Retail Raw milk” processing plants may be sold to and used by the end consumer, but these ingredients cannot be used in making any Cottage Food products. Raw butter sales are not allowed in the state of Washington.

**I would like to be able to make simple syrup for my fresh lemonade. Can syrups be processed in my home kitchen for public sale?** No. Syrups are not allowed under this new regulation.

**Can I sell fried products, such as donuts under the Cottage Food Law?** Donuts or other fried products are not allowed under this new regulation. Items must be oven baked.

**Making chocolate meets all the other requirements of approved products- high sugar content and stable at room temperature, and existing chocolate businesses store their chocolate products at**

**room temperature and sell them un-sealed. Why can't I make chocolate or other candies in my home kitchen?** Candy products, including chocolates were discussed during the rulemaking process however due to the concerns about bare hand contact and the potential of Norovirus contamination these products are not allowed under this rule.

**What if I decide to produce additional products that are not listed on my initial permit?** You may only produce for sale products pre-approved by WSDA. If you are adding new products you must submit an addendum and pay a new application processing fee and a public health review fee. An additional inspection fee may also be imposed. See [Chapter 16.149.070 WAC](#).

## Labeling

**Do I have to label my Cottage Foods?** Yes, you are required to label your Cottage Foods. The basic information that must be on the label is as follows:

Name and address of the Cottage Food Operation.

Name of the Cottage Food product (All capital letters or upper/lower case are both acceptable).

The ingredients in the Cottage Food product, in descending order of predominance by weight. If you use a prepared item in your recipe, you must list the sub ingredients as well. For example: soy sauce is not acceptable, soy sauce (wheat, soybeans, salt) would be acceptable.

The net weight or net volume of the Cottage Food product.

Allergen labeling as specified in federal labeling requirements.

The following statement: "Made In A Home Kitchen That Has Not Been Subject To Standard Inspection Criteria".

Hand-printed labels are acceptable if they are clearly legible, written with durable, permanent ink, and printed large enough to equal the 11 point type font size requirement.

If you are selling a volume of baked goods (e.g., a dozen muffins) you can supply a single ingredient sheet with the ingredients and labeling information for all of the products.

Sample labels can be found here, [www.wsdawa.gov](http://www.wsdawa.gov)

**What does allergen labeling, as specified in federal labeling requirements, mean?** It means you must identify if any of your ingredients are made from one of the following food groups: milk, eggs, wheat, peanuts, soybeans, fish (including shellfish, crab, lobster or shrimp) and tree nuts (such as almonds, pecans or walnuts).

If you have an ingredient made with a wheat-based product, you have two options:

Include the allergen in the ingredient list. For example, a wheat bread with the following ingredient listing: whole wheat flour, water, salt and yeast. In this example, the statement "whole wheat flour", meets the requirements of federal law

Or

Include an allergen statement ("Contains:") after the ingredient list. For example a white bread, with the following ingredients: whole wheat flour, water, sodium caseinate, salt and yeast. Contains wheat and milk. The "Contains" statement must reflect all the allergens found in the product. In this example, the sodium caseinate comes from milk.

If your Cottage Food has tree nuts as an ingredient, you must identify which tree nut you are using. For example, if you made nut bread, *an acceptable ingredient list would be*: Ingredients: wheat flour, water, almonds, salt, yeast.

The following ingredient list *would not be acceptable*: Ingredients: flour, water, nuts, salt, yeast.

**If I make and sell wedding cakes, how can I meet the labeling requirements, when I can't stick a label on the cake?** For wedding cakes, birthday cakes and other specialty cakes that are not easily packaged, you must include all labeling requirements on an ingredient sheet and include the sheet with the cake. Smaller cakes must be boxed, and the label must be included on the box.

**Do I have to include my home address on my product labeling or is a post office box sufficient?** You must use the physical address of your home kitchen on your product label, not a post office box. The purpose of including an address on product labels is to be able to locate the business in case of a recall or trace back associated with a foodborne illness complaint or outbreak. The name and address of the business of the Cottage Food Operation must be included on the label.

## Requirements

**Do I need a Food Worker's Card?** Yes. The Cottage Food Law requires that the permitted and authorized persons working in the Cottage Food business obtain a food worker card. A food worker card can be obtained through Clark County Public Health or online at [www.foodworkercard.wa.gov/](http://www.foodworkercard.wa.gov/).

**What are the requirements for my home kitchen?** A domestic home kitchen may contain one or more stoves or ovens, which may be a double oven, designed for residential use. All food contact surfaces must be smooth and easily cleanable. Carpeting and rugs are not approved flooring material in the Cottage Food Operation home kitchen preparation area. Cleanable fatigue mats are allowed. A three-compartment sink is not required for washing, rinsing, and sanitizing, but an appropriate tub must be provided as a third compartment. A domestic dishwasher may be used in lieu of a three-compartment sink. See [Chapter 16.49.080 WAC](#).

**Does my equipment, stove and/or refrigerator need to be professional grade?** No. As a Cottage Food operator, you may use your home domestic kitchen appliances.

**Can I utilize commercial type equipment such as large rotary mixers in my Cottage Food Operation?** No. Typically a private home is not equipped with required sinks to effectively wash, rinse, and sanitize large commercial equipment.

**Do I need a separate refrigerator for my Cottage Food ingredients?** A separate refrigerator is not required. Separation of domestic home products from Cottage Food products is the requirement. This could be as simple as storing Cottage Food products on a separate shelf.

**Where can I store ingredients and finished products for my Cottage Food business?** Ingredients and finished Cottage Food products may be stored in your domestic residence where the Cottage Food products are made. This includes your kitchen, a spare room or a basement that is free of dampness/water, pests or other insanitary conditions. You will be required to submit a floor plan in your Cottage Food application to WSDA; you will need to indicate if food is stored somewhere other than where Cottage Foods are prepared.

**Are there any special requirements regarding my home on-site well?** Yes. Only potable water from a properly constructed on-site well or municipal water system can be used. If a well is used, the well water should be tested annually to assure it is potable. Clark County Public Health can provide consultation on drinking water quality and well construction. No testing is required if the home is on a city or municipal water system, however you will be required to submit a recent water bill to show that you have access to potable water for your Cottage Food operation.

**Are there any concerns related to my home on-site wastewater (septic) system?** Depending on the nature and volume of the food products which will be manufactured for sale, there can be adverse effects to the existing system serving the home. For instance, adding significant bakery wastewater cannot only increase the total volume discharged, but may also result in the increase in the organic strength of the wastewater discharged to the drain field, leading to the possibility of accelerated system failure. The adequacy of the home system to handle additional wastewater loading should be evaluated by a Washington licensed On-Site Sewage System Designer. A list of these professionals can be found [here](#) (link to PDF from CCPH web page)