

Cottage Food Operations

Frequently Asked Questions:

These questions have been categorized with the categories being in alphabetical order. The categories are as follows:

Advertising & Sales, Children & Pets, Confidentiality, Equipment, Fees/Permit, General, Ingredients, Inspections, Internet, Labeling, Products, Requirements, Solid Waste & Wastewater and Storage

Advertising & Sales

Q: Who may I sell my products to?

A: Cottage Food products may be sold only to the end consumer through direct sales from your home, at farmers markets, craft fairs & other public venues. Internet, mail, consignment, wholesale, & retail sales outside the state are prohibited. If you wish to wholesale or sell through a third party, you will need to acquire a WSDA Food Processor's License. See Chapter 16.49.040(2) WAC

Q: 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?

A: Yes, as long as they are labeled correctly and completely, and the label includes any allergens the product may contain. However, you can't sell other people's products (e.g., consignment) nor have other people sell your products (e.g., wholesalers).

Q: Why can't I sell my Cottage Foods to my favorite restaurant or grocery store?

A: The Cottage Food Law only allows sale to the end consumer. If you wish to wholesale goods to stores, you must acquire a WSDA Food Processor's License.

Q: 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)?

A: 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.

Q: Can a nonprofit organization produce and sell Cottage Foods?

A: No. A nonprofit organization is a business and as such can 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.

Q: Can I sell my Cottage Foods to a wholesaler, broker or distributor?

A: No. The Cottage Food Law only allows sale to the end consumer. If you wish to wholesale goods to stores, you must acquire a WSDA Food Processor's License.

Q: Can I advertise my Cottage Food business in the newspaper or at trade shows?

A: Yes. Advertising is allowed, however, the actual sale must be made person-to-person between the producer and the consumer.

Q: Is it possible to place my Cottage Food products in a store or restaurant on consignment?

A: No. Cottage Food products cannot be sold on consignment. The sale must be person-to-person, from the producer to the actual consumer.

Children & Pets

Q. What is a pet management plan?

A. If pets are going to be present at the location during operation hours, a pet management plan that precludes pet entry/access to all areas of the Cottage Food Operation and exclusion from storage areas must be in place.

Q: I am the mother of two children under the age of 6. Can they help me in my Cottage Kitchen?

A: No. Chapter 69.22 RCW requires that all workers must have a valid Food Worker's Card and it restricts infants and young children from being in the Cottage Food Operation during production.

Q. What is a child management plan?

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

Confidentiality

Q: My great-great-grandmother handed down a secret family recipe for peanut butter cookies. If I submit this recipe, will it be kept secret?

A: No. **ALL** information submitted on Cottage Food applications (including all ingredients and the amount of the ingredient 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

Equipment

Q: Can I utilize commercial type equipment such as large rotary mixers in my Cottage Food Operation?

A: No. Typically a private home is not equipped with sinks required to effectively wash, rinse, and sanitize large commercial equipment.

Fees /Permit

Q: If I move to a new home, will my permit still be valid?

A: No. The Cottage Foods Permit is non-transferable. You will need to submit a new application and payment for the new location.

Q: Why do I need a permit to sell products I make in my home?

A: The Washington State Legislature passed a law in 2011 permitting & 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

Q: How much does it cost to get permitted?

A: The annual permit fee is \$230.00 which includes \$75.00 for the public health review, \$125.00 for inspection, and \$30.00 for permit processing. See Chapter 16.49.060(4) WAC

Q: Are there any other fees?

A: If the result of the on-site permitting inspection is unsatisfactory, the applicant will need to submit documentation to the department as to how they corrected the issue(s) and submit \$125.00 for the additional inspection before the department will return to again inspect for permit approval. See Chapter 16.49.060(4) WAC

General

Q: Why do I need a permit to sell products I make in my home?

A: The Washington State Legislature passed a law in 2011 permitting & 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

Q: What types of products can I produce with a Cottage Food Operation?

A: 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

Q: How much does it cost to get permitted?

A: The annual permit fee is \$230.00 which includes \$75.00 for the public health review, \$125.00 for inspection, and \$30.00 for permit processing. See Chapter 16.49.060(2) WAC

Q: Is there a dollar limit to how much product I can sell?

A: 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

Q: Why, by whom, and when does my home kitchen need to be inspected?

A: 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 the 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, (e.g., the permit expiring annually 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.

Q: In addition to WSDA, are there other regulatory requirements for a Cottage Food business?

A: Yes. You must obtain a Master Business License through the Washington State Dept. of Revenue and comply with all other applicable county and municipal laws and zoning ordinances that apply to conducting a business from one's home residence. In addition you must demonstrate that your kitchen is connected to an approved water source. Additionally, you will need to contact your local county health department and acquire a Food Worker's Card.

Q: Will I need to meet local zoning or other laws?

A: 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.

Q: I live in a quiet, residential area. I am concerned that my neighbor will open a Cottage Food Operation and I will be subjected to noise, garbage piled up, continual food odors and business activity at odd hours. What provisions are there for neighbors of these businesses?

A: Local zoning and noise ordinance regulations are still required to be followed by any permitted Cottage Food Operation.

Ingredients

Q: 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?

A: 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.

Q: 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?

A: 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.

BE ADVISED: ALL INFORMATION INCLUDED IN THE APPLICATION IS SUBJECT TO PUBLIC RECORDS DISCLOSURE.

Q: Do I need to divulge the ingredients and amounts in my recipes?

A: Yes. The recipe for each product must be submitted with the application. There will be a review process of the ingredients and processing steps to ensure that the product is processed in accordance with state law. **Please be advised: All recipes are subject to public disclosure.**

Inspections

Q: I am surprised that there will only be one inspection made each year. Is one inspection per year enough to determine that someone regularly operates using the correct food preparation, cleanliness and sanitizing techniques required?

A: Inspections of the Cottage Food Operation will include reviewing sanitary practices and hygiene. All products made by a Cottage Food Operation must also have the following statement on the label “Made in a home kitchen that has not been subject to standard inspection criteria”.

Q: What happens if I fail my inspection?

A: If the result of the on-site permitting inspection is unsatisfactory, the applicant will need to submit documentation to the department as to how they corrected the issue(s) and submit \$125.00 for the additional inspection before the department will return to again inspect for permit approval. See Chapter 16.49.060(4) WAC

Internet

Q: Can I advertise on my website and sell my Cottage Foods over the Internet?

A: No. While you can advertise your products on the Internet and take orders over the Internet, you cannot accept payment over the Internet or ship products by mail or a courier service to consumers. Product delivery and payments must be directly from the producer to the end consumer in a person to person transaction and not delivered by mail or a courier service.

Labeling

Q: Do I have to label my Cottage Foods?

A: 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. Please see the following label for further examples.
- 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" (All capital letters or upper/lower case are acceptable).

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 (i.e., a dozen muffins) you can supply a single ingredient sheet with the ingredients and labeling information for all of the products.

Q: Do I have to include my home address on my product labeling or is a post office box sufficient?

A: You must use the physical address of your home kitchen and telephone number 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.

Q: What does allergen labeling, as specified in federal labeling requirements, mean?

A: 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). So, if you have an ingredient made with a wheat-based product, you have two options:

1. Include the allergen in the ingredient list. For example, a white 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.
2. 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.

Q: Are there any special requirements for tree nuts labeling for allergens?

A: Yes. 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 would not be acceptable:

Ingredients: flour, water, nuts, salt, yeast.

Q: If I make and sell wedding cakes, how can I meet the labeling requirements, when I can't stick a label on the cake?

A: 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 deliver the sheet with the cake. Smaller cakes must be boxed, and the label must be included on the box.

Products

Q: Why are some products not allowed to be made and sold under the Cottage Food Law?

A: The Cottage Food Law allows production of low risk foods. Potentially hazardous foods and foods requiring refrigeration are not allowed. See Chapter 16.49.120 WAC

Q: Can I make and sell pies?

A: 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 16.49.120 WAC

Q: What if I decide to produce additional products that are not listed on my initial permit?

A: You may only produce for sale products pre-approved by WSDA. If you are adding new products you must submit an addendum and pay additional fees, \$30 for a new application processing fee and \$75 public health review fee. An additional \$125.00 Inspection fee may also be imposed. See Chapter 16.49.070 WAC

Q: Can I produce and sell home canned foods such as salsa or pickles?

A: 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.

Q: Can I make and sell sweet breads, muffins or other baked goods made with fresh fruits and vegetables like zucchini, pumpkin, and strawberries?

A: 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 product that requires refrigeration is not allowed under the Cottage Food Law.

Q: Can I use homegrown fruits and vegetables in baked goods?

A: Yes. 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.

Q: Can homegrown produce be canned and used for making baked goods, like sweet breads, at a later date?

A: No, but you can use commercially-canned products for baked goods, like canned pumpkin, cherry pie filling, etc. Most home-canned products are not approved for production under the Cottage Food Law, with the exception of standardized jams and jellies.

Q: Can I freeze homegrown produce and use it for making baked goods, like sweet breads, at a later date?

A: 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.

Q: Can I use homegrown vegetables and herbs in my product?

A: 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

Q. Can I use eggs from my own home egg farm?

A. 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 WAC 16-149-120

Q: Can I make and sell dry bread or “instant” bread mixes?

A: Yes. Dry bread mixes are an acceptable product to produce and sell under the Cottage Food guidance document, as long as you meet all requirements of the law.

Q: Can I roast coffee beans in my home kitchen and sell them?

A: No. The Cottage Food Law does not allow for coffee roasting.

Q: Can I make and sell apple butter or other fruit butters?

A: Yes. Certain fruit butters are allowed under the Cottage Food Law.

Q: Can I press and sell apple cider?

A: No. Apple cider is not a food allowed to be produced. Actually, no beverages are allowed.

Q: Can I make and sell hard candies or lollipops?

A: Not unless the candy is baked in an oven.

Q: Can I make and sell dehydrated meat or poultry?

A: No. Meat and poultry are a potentially hazardous food and are not allowed under the Cottage Food Law.

Q: Are pet treats covered in the Cottage Food Law?

A: No. The Cottage Food Law applies to human-grade food only.

Q: Can I process raw goat milk and raw goat cheese or aged raw milk cheese under the Cottage Food Law?

A: 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.

Q: Can I brew and sell homemade beers, ciders?

A: 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.

Q: 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?

A: Syrups are not allowed under this new regulation.

Q: Can I sell fried products such as donuts under the Cottage Food Law?

A: Donuts or other fried products are not allowed under this new regulation. Items must be oven baked.

Q: 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?

A: 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.

Q: Why are jams and jellies allowed under the Cottage Food Law but food products such as ketchup, barbeque sauces and mustard are not?

A: Acidified food products such as mustards, barbeque sauces and ketchup sauces are made into shelf-stable products because of the formulation or acidification process. This requires pH control and in many cases a process authority review, as outlined by Federal law 21 CFR part 114. These products are not considered to be low risk, non-potentially hazardous foods. See 21 CFR part 114

Q: I would like to make brownies in my home kitchen. Are brownies allowed?

A: Brownies that are baked in an oven are allowed and are included as baked goods.

Q. Can I use raw milk, raw cream, or raw butter from my own cow or cows to make any Cottage Food products such as baked goods?

A. 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.

Requirements

Q: Do I need a Food Worker’s Card?

A: Yes. The Cottage Food Law requires that the permitted and authorized persons working in the Cottage Food business obtain a food worker card. Food worker cards are available through your local county health department.

Q: What are the requirements for my home kitchen?

A: 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

Q: Does my equipment, stove and/or refrigerator need to be professional grade?

A: No. As a Cottage Food operator, you may use your home domestic kitchen appliances.

Q: Do I need a separate refrigerator for my Cottage Food ingredients?

A: 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.

Q: Are there any special requirements regarding my home on-site well?

A: 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 for coliform bacteria. Local health departments 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.

Solid Waste/Wastewater

Q: Doesn't requiring disposable paper towels contribute to more solid waste and a throw-away culture?

A: Disposable paper towels are used to reduce the spread of disease and germs through cross contamination.

Q: Are there any concerns related to my home on-site wastewater (septic) system?

A: 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 the local health department prior to initiating manufacturing. The health department can advise you if modifications to the existing system may be necessary.

Q: I am concerned that a Cottage Food business in my neighborhood will place undue stress on our water and sewage systems. Has this been taken into account?

A: With the \$15,000 gross sale limitation and the restricted types of products that a Cottage Food Operation can make, we are not anticipating any major impacts to properly operating septic systems. Private water systems require a bacteriological water test at least on an annual basis.

Storage

Q: Where can I store ingredients and finished products for my Cottage Food business?

A: 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 may not use an unattached garage, shed, barn or other outbuilding as a storage facility for your Cottage Food business.