



Small-Scale Commercial Food Processing

Wisconsin Department of Agriculture, Trade and Consumer Protection — Division of Food Safety

FOOD SAFETY REGULATIONS

For Small Food Processing Facilities & Farmers Market Vendors

A growing number of people in Wisconsin are interested in establishing small businesses to process foods for sale. This pamphlet discusses the steps necessary to start a small-scale business processing foods such as pickled products, herbal vinegars, dressings, jellies and jams.

To start a small-scale food processing business you need to investigate:

- Types of foods you can (and cannot) safely process on a small scale
- Licensing, facility, and equipment requirements
- Product packaging and labeling requirements
- The safety and adequacy of your recipe

This publication is intended to provide *very general information* and is directed to those food products that may be unsafe if not processed with adequate controls.

The *exact legal requirements* for commercially processing food in Wisconsin are contained in Chapter ATCP 70 (Food Processing) of the Wisconsin Administrative Code. You can get a copy of ATCP 70 by calling our office at 608-224-4700 or at <http://www.legis.state.wi.us/rsb/code/atcp/atcp070.pdf> on the internet.

To process most foods in Wisconsin for sale, you must be licensed by the Wisconsin Department of Agriculture, Trade & Consumer Protection - Division of Food Safety. This will provide assurance that your processing and food handling practices comply with regulatory requirements. If you determine that you can meet the requirements to produce safe and wholesome food for sale and want to become licensed, please contact the Division of Food Safety office (see last page for contact information). Division staff can provide you with specific requirements for the foods you want to process.

Before Starting A Business

Before starting your business, contact your local city and county zoning board, as well as your local city or county health department.

Since the cost of setting up a proper facility can be expensive, you may want to consider other alternatives. Some new business owners rent restaurant facilities during off-hour for production. Other options include renting VFW, church, or other private kitchen facilities. These facilities, if they meet sanitary standards, can be licensed for a food processing operation.

Food Safety Requirements

The Division of Food Safety (DFS) is part of

the Wisconsin Department of Agriculture, Trade and Consumer Protection. Our mission is to ensure that the food consumers buy is safe to eat. We protect and ensure the quality of the food supply through licensing, inspection, testing and enforcement activities. The Division also monitors food package labeling, which helps inform the public about what is being purchased and who processed or distributed the product. Our staff helps businesses comply with state and federal rules and laws governing food processing and the sale of food at roadside stands or farmers markets.

To be absolutely clear about labeling and processing laws that apply to your business, we suggest you call DFS for guidance. Wisconsin food-safety laws and regulations affecting direct marketers are also available through DFS.

Potentially Hazardous Foods

A "potentially hazardous food" is a phrase used to describe foods that may become unsafe if not processed and handled safely. The formal definition of a "potentially hazardous food" is a food that is natural or synthetic and is in a form capable of supporting either:

- Rapid and progressive growth of infectious or toxigenic microorganisms, *or*
- Growth and toxin production of *Clostridium botulinum*

"Potentially hazardous foods" include:

- Foods of animal origin such as milk, milk products, eggs, meat, poultry, fish, shellfish, and edible crustacea that are raw or heat-treated
- Foods of plant origin such raw seed sprouts, cut melons, and garlic-oil mixtures

"Potentially hazardous food" **do not** include:

- Air-cooled hard-boiled eggs with shells intact
- Food with water activity (aw) value of 0.85 or less
- Foods with a hydrogen ion concentration (pH) level of 4.6 or below when measured at 75°F (24°C)

Licensing

In general, producers who sell processed foods such as cheese or other dairy products, fresh eggs, bakery foods, or meat products must be licensed as retail food establishments.

A retail license is not required if your farmers market business:

- Is a tax-exempt charitable operation that operates less than 12 days per year
- Does not process food
- Sells only raw agricultural products, such as uncut fruits and vegetables
- Sells only packaged foods that are not potentially hazardous and are obtained from a licensed food processor

Foods That May Be Safely Processed On A Small Scale

Many foods may be safely processed on a small scale if sanitary methods and processing and handling are procedures closely followed. These include jellies and jams, pickled (acidified) fruits and vegetables, and herbal or flavored vinegar.

Facilities and Equipment

Your food processing area must be a room (or rooms) separate from your home kitchen – preferably, it should be in a separate building.

- ✓ It must be large enough to allow handling, preparing, packaging, and storing ingredients and finished products without danger of contamination from other food contact surfaces, unprocessed foods or ingredients, or the processing environment.
- ✓ Walls and ceiling must be smooth, impervious and finished with a light colored, easy-to-clean surface.
- ✓ The floor must be in good repair. Wood surfaced floors are not acceptable for most food processing facilities.
- ✓ Lighting must be sufficient for the intended purpose. Light bulbs or fluorescent tubes must be protected with covers to prevent contamination of food in the event of bulb breakage.
- ✓ If you have a private water supply, your well must meet state codes and must be tested annually for bacterial contamination. Plumbing must meet all state and local codes.
- ✓ Equipment and utensils must be separate from those used for family cooking. Pots, pans, knives, as well as mixers, blenders, ovens, and refrigerators must be used only for the licensed food processing business.
- ✓ Sinks must be adequate to wash, rinse, and sanitize utensils and equipment. A separate hand-washing sink that is not hand-operated is required.
- ✓ Tables, counters, and other work surfaces must be in good repair and easily cleanable.
- ✓ Wood and glassware are generally not acceptable materials for equipment or utensils.
- ✓ Other equipment -- Depending on the product you are manufacturing, it may be necessary for you to

have additional equipment such as a pH meter (to test the acidity of your product) or a salometer (to measure the percentage of salt), or perhaps other testing/monitoring equipment or devices.

- ✓ Storage of your ingredients and finished product must be appropriate for the type of product being processed and must protect the food from contamination. Refrigerated foods must be held at 41°F or less.

Product Labeling

Your packaged products must be properly labeled with the name of the product, a listing of the ingredients in decreasing order of predominance by weight, a net weight or volume statement, and the name and address of the manufacturer, packer or distributor. In addition, food labels may need to bear nutrition information.

The Wisconsin Department of Agriculture, Trade and Consumer Protection does not require label approval prior to a food's manufacture or distribution. *The Department's Division of Food Safety does not "approve" labels. Division of Food Safety staff will answer labeling questions and provide assistance, but responsibility to comply with current food labeling requirements rests solely upon the manufacturer or distributor of the food.*

The Division of Food Safety staff recommends that manufacturers, packers and distributors become fully informed about the applicable labeling laws before offering food for distribution in Wisconsin. A free informational brochure is available from the Division of Food Safety (DFS), *Frequent Food Label Questions*. To order call: (608) 224-4700. The Food and Drug Administration (FDA) publishes *A Food Labeling Guide* available online for free: <http://www.fda.gov/Food/default.htm>. When selecting a label manufacturer, a food processor should select a firm that is familiar with federal food label requirements because improperly labeled food items can be banned from sale. If you need additional information, contact the Division of Food Safety.

Foods That Are Not Safe For Small-Scale Processing

Home or farm-based processing is not generally feasible for meats or low acid canned foods such as beans, corn, peas, etc. Inadequate processing during the canning of low-acid foods may cause these foods to become unsafe. Small-scale processing is generally impractical because the equipment needed to produce consistently safe food is highly technical and expensive.

Your Recipe ("Scheduled Process")

Wisconsin food processing laws and FDA regulations require that "thermally processed," "low acid," and "acidified" processed foods offered for sale be manufactured using a process (recipe) approved by a "competent process authority."

Large companies employ qualified food technologists to develop and put into use scheduled processes, and they have laboratories to routinely test foods to assure their safety and quality prior to and during commercial production. Though these resources are often not available to the small-scale food processor, you are required to use an approved process.

The Department of Agriculture, Trade and Consumer Protection does not approve processes, but will review and evaluate the process based on available scientific data resources. Small-scale commercial manufacture of "acid" and "acidified" foods may be allowed if the process review and laboratory analysis of finished product provides reasonable assurance that safe food can be produced consistently if the submitted process is followed. You will be required to submit your "scheduled process" (recipe) to the department prior to licensing.

If you intend to sell your product outside of Wisconsin or use ingredients originating from outside Wisconsin, you will need to file your process with the FDA. Since almost all processes use an ingredient from an out-of-state source, this filing requirement will apply to almost all processors of acidified foods.

The Department of Agriculture, Trade and Consumer Protection will review and evaluate scheduled processes from the following sources:

- A food science department of a college or university
- A process previously filed and approved by the FDA
- The food processor--but only if the scheduled process is accompanied by supporting scientific data outlining the complete process and process controls
- Recognized suppliers of home food-processing equipment

Sources of approved scheduled processes include:

- University of Wisconsin: www.foodsafety.wisc.edu
- National Center for Home Food Preservation: www.uga.edu/nchfp
- Alltrista Corporation (Ball Blue Book): www.freshpreserving.com

Caution regarding low acid foods: While there are approved recipes for home-processing of low-acid foods for personal use, the information is not suitable for commercial processing of low-acid foods, even on a small scale. The typical home pressure cooker is not adequately equipped with the necessary controls to commercially process these foods. *Because of the real risk of botulism with unprocessed low-acid canned foods, small scale commercial processing is discouraged.*

On-Farm Sales of Poultry and Rabbits

If the only point of sale is from the producer's farm, farm raised rabbits and poultry may be produced, processed and sold directly to

consumers without a retail or processing license. Total poultry sales cannot exceed 1,000 birds per year.

Although no license is required, food processed for on-farm sales must be processed under sanitary conditions and handled according to food-safety guidelines. Poultry must be labeled with the producer's name and address. The words "Not Inspected" must also appear on the label.

Food Sources

All processed foods sold at farmers markets must come from licensed food processing establishments. Meat products, including poultry, exotics (bison, emus, ostrich and rhea) and farm raised venison must be processed in licensed meat plants. For exceptions, please contact your local regional DFS office.

Pesticide Residue

The proper use of pesticides on and around agricultural food products is the responsibility of the direct marketer. DFS monitors food products for the presence of pesticide residue, whether offered for sale through traditional distribution channels or a direct market such as farmers markets. Raw agricultural commodities produced and sold by direct marketers are sampled on a random basis.

Additional Information

If you need more information, please contact the Division of Food Safety.

People considering the commercial processing of food should consider attending the University of Wisconsin-Extension's *Better Processing School* or the *Wisconsin Acidified Canned Foods Workshop* for small businesses.

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2811 Agriculture Drive
P.O. Box 8911
Madison, WI 53708-8911
Phone (608) 224-4700