Wisconsin Food Safety Regulations

**Wisconsin’s Food Laws**
- Food offered for sale must be wholesome.
- To process most foods in Wisconsin for sale, you must be licensed by the Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP) – Division of Food Safety. This will provide assurance to you and your customers that the food that you process is safe and wholesome.
- To sell foods in Wisconsin you may be subject to state or local licensing, e.g. retail food license or a mobile retail license.
- The degree of inspection and licensing depends on type of process or food (meat, jelly/jam, low acid) that is being sold.
- ATCP 75 (Wisconsin Food Code) and ATCP 70 (Food Processing) give specific rules for processing and selling food at the retail or wholesale level.

**Before Starting Your Business**
- Contact WDATCP at 608-224-4682 to discuss your licensing needs.
- Contact your zoning board, your insurance agent, and other business-support groups.
Consider possible locations. The cost of setting up a processing facility can be expensive. Some new business owners rent approved facilities such as restaurants, church kitchens, or shared-use facilities.

**Licensing Requirements**
Businesses or individuals who sell potentially hazardous foods or process foods must be licensed as a retail food establishment or food processor. Certain exemptions exist for raw unprocessed agricultural products, honey, sorghum, and maple syrup. Other exemptions exist for naturally acid or acidified canned foods processed in the home kitchen (the Pickle Bill).

**Definition of Processing**
Processing is the manufacture or preparation of food through the process of canning, extracting, fermenting, distilling, pickling, freezing, baking, drying, smoking, grinding, cutting, mixing, coating, stuffing, packing, bottling, packaging, or through any other treatment or preservation process.

**Types of Licenses**
- Retail Food Establishment– you make and sell product from the location where it is made, you do not manufacture acidified canned food, and you sell directly to the consumer (issued by WDATCP & agent programs)
- Food Processing Plant– you sell product at a location other than where you make it, you make and sell acidified canned food, you make product for wholesale, you sell in multiple counties (issued by WDATCP)

**Licensing Exemptions**
A retail license is not required if your business:
- Is a tax-exempt charitable operation that operates less than 14 days per year.
- Does not process food or does not sell potentially hazardous foods.
- Sells only raw agricultural products, i.e. uncut fruits and vegetables (washing & trimming is OK)
- You sell maple syrup, honey, or sorghum from your farm.
- Sell only pre-packaged foods that are not potentially hazardous and are obtained from a licensed food processor.
Eggs
- No license needed if eggs are sold at the producer’s farm.
- Wash, pack and store at 41°F or below.
- A license is required to sell eggs off the farm.

On-Farm Poultry & Rabbit Sales
- Up to 1,000 birds per year may be processed and sold on the producer’s farm without a license.
- Unlimited rabbit processing and sales on the farm are permitted.
- In no case, may the birds or rabbits be sold off the farm without a license.
- Foods processed for on-farm sales must be processed under sanitary conditions. Poultry must be labeled with the producer’s name and the words “not inspected” must appear on the label.

Beef & Pork
- Cattle and swine raised on the farm must be slaughtered, processed and packaged in a state or federally inspected plant if the meat will be sold to the public.
- A license is required to sell beef and pork items and you must register as a meat distributor.
- Training (HACCP) is required to operate a licensed meat establishment.

Venison Processing
- Game venison may be processed (cut and wrapped) without a license. If ingredients such as beef, pork, or spices are added to the venison, the processing operation requires a license.
- Game venison may not be sold to the public.

Exotic Meat Rules
- Producers may raise, slaughter, process, and sell exotic meat on the farm without a license.
- If the exotic meat is slaughtered or sold any place other than the farm, the meat must be inspected and passed at a state or federally inspected facility.
- A license is required to sell inspected meat.

Retail at the Farm
- The freezer must be inspected to ensure it maintains a temperature below 0°F.
- The freezer can be used only for food that is sold to the public. Can’t use the family’s freezer.
- The freezer must be clean and located in a clean area (house or shed is ok).

General Information on Food Processing Facilities
Generally, food can not be processed in your home kitchen and then sold to the public. A separate kitchen that meets requirements is necessary.
- Walls and ceilings must be smooth, water repellant, easy to clean and finished in a light color.
- Wood floors are not acceptable.
- Lighting must be sufficient and shatter-proof or shielded.
- Plumbing must also meet state codes.
- A minimum three-compartment equipment wash sink must be provided.
- There must be a toilet facility on site. This toilet facility must have a hand sink.
- There must be a hand sink in the processing room.
- Private well water must be tested and your well must meet state well codes.
- Equipment and utensils must be separate from those used for family cooking.
- Wood and glassware equipment or utensils are generally unacceptable.
- Refrigerated foods must be held at 41°F or less.