

Wisconsin Food Safety Regulations

Wisconsin's Food Laws

- Food offered for sale must be wholesome.
- 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.

Licensing Requirements

- In general, businesses or individuals who sell potentially hazardous foods or process foods must be licensed as a retail food establishment or wholesale food processor.

Potentially Hazardous Food Definition

- Potentially hazardous foods are foods that may become unsafe unless processed and handled safely.
- Potentially hazardous foods are generally those that require refrigeration or freezing for preservation.

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.

Who Licenses?

- WDATCP – if retail in multiple counties or wholesale.
- County agent – if that county is an agent with us and you sell your product only within that county.

Types of Licenses

- Retail – you sell directly to consumer
- Wholesale – You sell to someone else who then sells it to the consumer
 - Example. You sell bakery to a mini mart or distribute your honey to local stores for display and selling.

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 such as uncut fruits and vegetables. Once you cut a melon you are processing and need a license.
 - 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.

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

- Food can not be processed in your home kitchen and then sold to the public. Jams/jellies, sweet rolls, pies, etc.
- A separate kitchen that meets ATCP 75 or ATCP 70 requirements can be licensed at your residence.
- As an alternative, you may be licensed to conduct food processing activities in another establishment that is already licensed or that will meet the requirements for licensing (such as a restaurant or church kitchen).

Facilities and Equipment

- Walls and ceilings must be smooth, water repellent, 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.

Low Acid Foods

- Because of the risk of botulism in canned foods such as beans and corn, the small scale production of low acid foods is discouraged.
- The typical home pressure cooker is not equipped with the necessary controls to process low acid foods.

Canned Food Processors

- If you can pickled products, herbal vinegar, dressings or any other item sold in air-tight containers, you must be licensed.
- Some processes will require special training, a written process or approved recipe.

How to Become Licensed

- Contact WDATCP and request a licensing inspection. 608-224-4700.
- The local inspector will come to your farm or home to conduct the inspection and discuss specific requirements related to your operation.
- A license can be issued immediately following the inspection, if requirements have been met.

Barron Health Department Contacts

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