



State of Wisconsin  
Governor Scott Walker

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**Department of Agriculture, Trade and Consumer Protection**  
Ben Brancel, Secretary

## **Wisconsin Food Processing and Food Sales Requirements**

The objective of food inspection is to keep food wholesome and safe. Ensuring a safe food supply protects public health, minimizes your liability, and instills customer satisfaction. The responsibility of the Department of Agriculture, Trade and Consumer Protection is to ensure that all consumers who “pay” for a food product receive a safe and wholesome food product.

You are required to obtain a retail food license or food processing plant license to make and sell food items to the public. If you plan to sell your products primarily to consumers directly, you will need a retail food license. Internet sales are considered retail sales. If you plan to sell primarily through wholesale distribution, you will need a food processing plant license issued by our Department. Wholesale means that once you are licensed, you may sell your products anywhere in the USA and to anyone; this includes large retail food stores and the internet. There are certain types of foods -specifically canned items and processed fish - that can only be made in a facility licensed as a food processing plant.

Specific requirements for these licenses may be found in the following regulations at the following website links:

Wholesale Food Processing: [http://docs.legis.wi.gov/code/admin\\_code/atcp/70](http://docs.legis.wi.gov/code/admin_code/atcp/70) -  
Retail Food Sales: [http://docs.legis.wi.gov/code/admin\\_code/atcp/75](http://docs.legis.wi.gov/code/admin_code/atcp/75)  
The WI Food Code (retail sales): [http://docs.legis.wi.gov/code/admin\\_code/atcp/75](http://docs.legis.wi.gov/code/admin_code/atcp/75)

The WDATCP site has links to many useful documents: <http://datcp.wi.gov/> :

The *Wisconsin Local Food Marketing Guide* is an excellent resource for all facets of starting a food processing business. Available at: [http://datcp.wi.gov/uploads/Business/pdf/MK-DM-17\\_LFMG\\_Second\\_Edition\\_Final\\_Book\\_for\\_website.pdf](http://datcp.wi.gov/uploads/Business/pdf/MK-DM-17_LFMG_Second_Edition_Final_Book_for_website.pdf)

Specific requirements for Mobile Retail Sales:  
<http://datcp.wi.gov/uploads/Food/pdf/MobilesPlanReview-34.pdf>

Some of the key requirements for obtaining a retail or wholesale food processing license:

- Ensure that the location is acceptable to your local zoning board, and obtain a seller’s permit from your local city clerk’s office.
- The facility must be a commercial-grade kitchen. Using your personal home kitchen is not allowed. If you plan to start the business in your home, you must construct a separate kitchen room dedicated to your food business. The dedicated kitchen must have washable floors, walls, and ceilings. The lighting must be adequate for commercial purposes, and the room must be properly ventilated. Some starting operators rent time in a restaurant, school, or church kitchen to satisfy the separate commercial kitchen requirement without having to invest in a new separate kitchen of their own.
- The exterior of the premises must be drained, clean, orderly and free from garbage accumulation or harborage areas for rodents or other pests.
- If you have a private water supply, annually testing for bacterial contamination is required. Plumbing must meet all state and local codes and be in good working order. Contact your local plumbing inspector for assistance.
- Hand washing facilities must include a non-hand-operated hand-washing sink located in the processing area. This sink may not be used for food preparation. Hand soap, paper towels in a dispenser, and an

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easily cleanable waste container are required. Common towels, those used by more than one person, cannot be used.

- A three -compartment sink or a National Sanitation Foundation (NSF) approved dishwasher is required for washing your equipment and utensils daily. The three compartments are required for the “wash” “rinse” & “sanitize” steps. There may be a fourth sink for pre-rinsing and/or a food processing sink required. The sink must be smooth, non-absorbent, and have rounded corners. The sinks must be large enough to allow 50% immersion of your largest item when being cleaned.
- The equipment such as refrigerators, stoves, sinks, and mixers must be of approved design, used only for the food business, and be easily cleanable and in good repair. If the equipment bears the National Sanitation Foundation (NSF) certification you can feel certain that it will meet these design requirements.
- Tables, counters and other work surfaces must be in good repair and easily cleanable. Easily cleanable means a smooth and non-porous surface in light finishes as much as possible.
- Other utensils like pans, bowls, and spoons must be smooth, non-absorbent, in good condition and easily cleanable. Just about all utensils manufactured currently meet these requirements.
- An approved sanitizer (such as plain, unscented chlorine bleach) or an equivalent must be provided. Sanitizer test strips must be available to check the strength of the sanitizing solution: at least 100 PPM chlorine (or equivalent if an alternate sanitizer is used).
- Ventilation, natural or mechanical, must be adequate to remove excess heat, condensation, smoke or fumes. Be sure to check with a local fire inspector for specific requirements.
- Walls and ceiling must be smooth, non-absorbent and finished with a light-colored, easily cleanable surface.
- The floor must be smooth, non-absorbent and in good repair. Wood-surfaced floors are not acceptable for most food processing facilities.
- Processing areas, equipment, and utensils must be thoroughly cleaned immediately after the day’s processing or more often as required.
- Lighting must be sufficient for the intended purpose. Light bulbs or fluorescent tubes must be shielded or shatter-resistant to prevent contamination of food in the event of bulb breakage.
- Restrooms must be provided as required by the code of the Safety and Building Division of the Department of Safety and Professional Services. Toilet rooms may not open directly into processing areas and must be vented to the outside. A hand washing sink must be provided inside or immediately adjacent to restroom. A covered trash container must also be provided for ladies’ room and wash hands signage must be posted.
- Food storage must be sanitary, orderly, and protect the food from contamination at all times. Food must always be stored at safe temperatures: refrigeration must be maintained at 41°F or below.
- Effective measures to control the presence of insects, rodents, and other pests must be employed.
- Poisonous and hazardous substances must be used with caution and in strict accordance with label instructions. They must be kept in segregated storage, adequate to prevent contamination of food or utensils.
- All food ingredients, including eggs, must originate from a licensed processing facility.
- Your product’s food label must meet all food-labeling requirements, including allergen alert labeling.
- If you are selling products by “weight”, your scales shall be inspected by State Consumer Protection personnel or by local weights and measures officials.

### **Food Processing Personnel Standards**

- Employees must wear clean clothing, an effective hair restraint, and no jewelry-except plain-band wedding rings.
- Persons with a communicable disease or open sores may not work where they may contaminate the food or food-contact surfaces.

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- Direct bare-hand contact with ready to eat foods is prohibited.
- Food, beverage, and tobacco use is restricted to designated areas, away from the processing areas and dishwashing areas.

**Inspection**

Call 608-224-4682 and ask for the contact information for the Food Safety Supervisor assigned to your city or town. Your local Food Safety Supervisor will be able to answer your questions more specifically and will assist you through the licensing and inspection process. Once you have been inspected, you will then be able to make food and sell to the general public.

**Disclaimer**

This fact sheet has been prepared to help you understand the requirements for starting a food business. It was intended to be factually correct as of February 21, 2012. However, for the most up to date information, please contact the Division of Food Safety.

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