



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

DATE: December 2, 2020

TO: Office of the Code Reviser

FROM:


Derek I. Sandison, Director

SUBJECT: Policy Statement FS-20-0001 – Delivery of Cottage Foods Products During the State of Emergency, Issued Pursuant to Governor's Proclamation 20-05

On December 2, 2020, a policy statement regarding the Washington State Department of Agriculture (WSDA) exercising enforcement discretion with regard to no-contact, direct-to-the-consumer delivery of low risk cottage food product was signed. The direct-to-the-consumer sales required of cottage food operations presents risks during the COVID-19 pandemic and the opportunities for such sales has diminished. Therefore, in order to reduce risk and allow market access, WSDA will allow, subject to certain conditions, cottage food operations to implement no-contact, direct-to-the-consumer delivery of product until the state of emergency is rescinded.

A copy of the policy statement may be obtained by accessing our website or by contacting:

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1111 Washington Street SE
PO Box 42560
Olympia, WA 98504-2560
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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
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POLICY STATEMENT

Number: FS-20-0001

Subject: Delivery of Cottage Foods Products During the State of Emergency,
Issued Pursuant to Governor's Proclamation 20-05

Supersedes: Not Applicable

Contact: David Smith, Food Safety Program Manager
Email: dsmith@agr.wa.gov Phone: (360) 902-1876

Approved By: 
Derek I. Sandison, Director

Date Approved: December 2, 2020

The Washington State Dept. of Agriculture (WSDA) will allow cottage food operations to implement measures for no-contact, direct-to-the-consumer delivery of cottage food products until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded. No-contact delivery may include shipping product provided the operations meets certain conditions specified in this policy.

Under chapter 69.22 RCW and chapter 16-149 WAC, WSDA regulates cottage food operations, which are persons with a permit issued by WSDA to produce cottage food products in the home kitchen only for sale directly to the consumer. Cottage food operations are permitted to sell product directly to the consumer at venues such as farmers markets, craft fairs, and charitable organization functions. Cottage food operators may maintain an internet website displaying available products provided the sales are completed as in-person transactions. WAC 16-149-040(4) prohibits operations from shipping product.

On February 29, 2020, the Washington State Governor issued Proclamation 20-05 proclaiming that a State of Emergency exists in all counties as a result of the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission. This risk of transmission is present in direct sales even with the adoption of social distancing and other measures such as facemasks. Further, some venues appropriate for the sale of cottage food products have closed, been cancelled, or reduced vendor/consumer capacity.

Accordingly, WSDA will exercise enforcement discretion to allow cottage food operations to implement measures for no-contact, direct-to-the-consumer delivery. Specifically, WSDA will not take enforcement action against permittees for failing to comply with the prohibition on shipping product under WAC 16-149-040(4) provided:

- (1) The product is shipped directly to the end consumer at an in-state address;

- (2) The product is packaged consistent with food industry standards to prevent contamination while it transit; and
- (3) The permittee meets recordkeeping requirements outlined in WAC 16-149-100.

This policy statement expires on the date that the Governor of Washington rescinds the state of emergency issued on February 29, 2020, pursuant to Proclamation 20-05.