

REGULATIONS FOR SPECIFIC PRODUCTS
**SELLING FORAGED WILD PLANTS
AND MUSHROOMS**



Washington lands and waters are abundant with edible, wild-growing mushrooms, berries, greens, herbs, medicinal plants, sea plants and edible algae, and more. Foraged foods are considered delicacies for their unique varieties, locality, and ephemeral seasons. Wild harvested foods are direct marketed to chefs, restaurants, grocery stores, and to customers at farmers markets. A few wild crafted plants have specific regulations for harvest. Many wild foraged foods that can be harvested for recreation and personal use are prohibited from commercial sale.

This fact sheet includes information on:

- Regulations for harvesting wild plants and mushrooms.
- Types of public land and commercial use permits.
- Plant identification.
- Regulations for seaweed.
- Regulations for selling fresh wild mushrooms.
- Requirements for processing and packaging.

For information about selling wild harvested shellfish, see the Selling Fish and Shellfish fact sheet.

Regulations for Harvesting Wild Plants and Mushrooms

Regulations for harvesting wild plants, including berries, fiddlehead ferns, nettles, other forest greenery, and mushrooms, are part of Washington State law (RCW 76.48). In general, harvesting wild plants and mushrooms is to be done only with written permission and the proper permits in-hand *prior* to harvesting. This includes harvesting on both private and public lands, such as those managed by various public agencies including Washington State Department of Natural Resources (DNR), United States Forest Service (USFS), and Bureau of Land Management (BLM).

If you plan to harvest and sell edible plants or mushrooms from the wild, you must have prior approval or permits.

Types of Public Land and Commercial Use Permits

It can be difficult to determine who owns private land and which agency manages public land. The following information will help you research land ownership in order to get written permission and/or appropriate commercial use permits to harvest.

The Washington Public Lands Interpretive Association's online map identifies many types of public land. Search by state on the left-hand toolbar at publiclands.org/Get-Books-and-Maps. Click where you want to harvest on the map and expand the listing to read the specific geospatial location, descriptions of present species, and contact information for the closest ranger or land management permit office.

U.S. Forest Service

For all U.S. Forest Service lands, a Commercial Use Permit is required for harvesting wild mushrooms and any non-timber "special forest product" intended for sale. Some U.S. Forest Service lands allow commercial use and some do not. Permits may require a fee and must be obtained from Forest Service offices. Find permit information, maps, harvest season, and harvest limits for the Pacific Northwest "Region 6" at a Forest Service district office and online at fs.usda.gov/r6. Look for the menu link to "Passes & Permits" to find details about Forest Products Permits.

The webpage for Okanogan-Wenatchee National Forest Service has mushroom harvesting information available in English, Spanish, Lao, Khmer, Vietnamese and Hmong.


Washington State Department of Natural Resources (DNR)

The state lands DNR manages include beaches and forests. Commercial harvest permits for brush, mushroom or forest greenery are managed by DNR regional offices. Some regions permit commercial mushroom harvesting, and some do not. In some cases, mushrooms are included with "brush" and other products. Visit dnr.wa.gov and search for "brush, salal and forest products," or call 360-902-1600.

Washington Department of Fish and Wildlife Lands

Commercial use of Washington Department of Fish and Wildlife (WDFW) public land requires a permit from the department. Permits are acquired from the WDFW lands agent in the appropriate region. Information and a list of regional contacts for permits is available on the WDFW licenses webpage under "Commercial Permits for Use of WDFW Lands," wdfw.wa.gov/licenses

Please note that there are WDFW lands where some or all uses may be prohibited due to natural or cultural resource impacts, safety, or other concerns.



Do not forage for edible products from stagnant waters, around industrial areas, heavily populated areas, or from restricted beaches, because they may be contaminated with sewage or naturally occurring bacteria or viruses, or toxic chemicals may present health risks. Find restricted beaches at fortress.wa.gov/doh/biotoxin.

Private Land

In the case of harvesting products from private land, foragers should have written permission from the land owner before doing any harvesting. In some cases, a landowner may contract with the county sheriff to issue commercial harvesting permits of "specialized forest products" from private land. To apply for the permit to sell, submit the request to harvest from a specific location, including a copy of your Washington State business license, identification from the person who is going to sell the foraged food, and the location where the foraged items will be bought. The harvester keeps the documentation on record, and supplies documentation for their buyer. For the complete rules on selling specialized forest products, see "Specialized Forest Products", RCW 76.48.091 at leg.wa.gov

Private Shore

Over 60 percent of Washington's intertidal lands are owned privately. Confirm shore ownership and obtain written permission before harvesting from private tidelands.

wdfw.wa.gov/places-to-go/shellfish-beaches.

Tribal Lands

In general, all harvesting on tribal lands requires permission from the tribe. Wild mushrooms harvested *and* sold on Native American tribal lands do not require a permit. However, any wild mushrooms harvested on tribal land and *sold on non-tribal lands do require a permit*. Information about Washington tribes is online at washingtontribes.org.


Wild foraging, harvesting, and fishing by tribal members on all types of land is regulated differently and is not addressed in this fact sheet.

Plant Identification

Proper identification of each plant harvested is critical for following foraging rules and regulations, and to ensure you are not harvesting poisonous varieties.

- Be aware of the list of plant species prohibited from sale or distribution in Washington. Some are food plants. Even cut or dried parts of these plants are prohibited from being moved or sold. Find the list in the Washington Administrative Code (WAC) 16-752-610 by searching on the Legislature's website, apps.leg.wa.gov.
- The "USDA PLANTS Database" at plants.usda.gov with standardized information about plants is a helpful resource for identifying plants.
- The list of threatened and endangered plants in Washington can be found at plants.usda.gov/threat. Go to the "Threatened and Endangered" menu and filter by geography, "Washington."

Regulations for Seaweed



Harvesting wild seaweed for commercial purposes from public and private lands is prohibited in Washington State. This includes *Salicornia virginica*, commonly known as sea beans.

Permits for recreational harvesting of some species may be available, but seaweeds harvested with these permits are for personal use only and may not be sold, bartered or traded.

Regulations for Selling Wild Mushrooms

Washington State Department of Health (DOH) regulates the sale of wild mushrooms through retail food establishments, including farmers markets, restaurants, and grocery stores, under the Washington State Retail Food Code, doh.wa.gov/FoodSafetyRules.

In general:

- Only certain species harvested in the Pacific Northwest may be sold.
- There are recordkeeping requirements for sellers and buyers.

Mushrooms harvested for sale must come from the Pacific Northwest and California. Only the following species may be offered for sale or service in a food establishment:

- Hedgehog (*Hydnum repandum*, *H. umbilicatum*)
- Porcini/King Bolete (*Boletus edulis*)
- Lobster (*Hypomyces lactifluorum* growing on *Russula brevipes*)
- Pacific Golden Chanterelle (*Cantharellus formosus*, *C. cascadenis*, *C. cibarius* var *roseocanus*)
- White Chanterelle (*Cantharellus subalbidus*)
- Yellow Foot/Winter Chanterelle (*Craterellus tubaeformis*)
- Black Trumpet (*Craterellus cornucopioides*)
- Saffron milk cap (*Lactarius deliciosus*)
- Coral Hydnum/Bears Tooth (*Hericium coralloides*, *H. abietis*, *H. americanum*)
- Oyster (*Pleurotus populinus*, *P. pulmonarius*, *P. ostreus*)
- Cauliflower mushroom (*Sparassis crispa*)
- Oregon Black Truffle (*Leucangium carthusianum*)
- Oregon White Truffle (*Tuber gibbosum*, *T. oregonense*)
- Blue Chanterelle (*Polyozellus multiplex*)
- *Morchella* species including, but not limited to, Black Morels (*Morchella elata*) and Blonde Morels (*Morchella esculenta*)
- Matsutake/Japanese Pine Mushroom (*Tricholoma magnivelare*)

The Puget Sound Mycological Society, psms.org provides resources and offers drop-in workshops to bring foraged mushrooms for identification.

Note that some counties may require third-party certification of mushroom varieties. Check with the local health jurisdiction in the county where the mushrooms will be sold to learn of any specific county requirements.

When selling wild mushrooms to restaurants, grocery stores, or food establishments, you must provide written documentation for the seller to keep on hand for 90 days. This is good information to include on your invoice. Documentation must include:

- Common and Latin binomial names of the mushroom.
- Name, signature, business name, mailing address, email and telephone number of the mushroom identifier.
- Province, state, and county where the mushrooms were harvested.
- Date of harvest.
- Date of sale.
- Amount of product by weight.

Some counties require third-party certification, so you must check with the local health department in the county where you are planning to sell.

Fresh, wild mushrooms served in a retail food establishment for example in a restaurant or a grocery store deli, must be cooked to 135°Fahrenheit.

Requirements for Processing and Packaging

A WSDA Food Processor License is required to make and sell processed (e.g., cut, mechanically dried, preserved, canned, mixed) wild foraged edible plants and mushrooms, or products made with processed wild plants or mushrooms as ingredients. Please see the WSDA Food Processor License and Facilities fact sheet, or contact the WSDA Food Safety Program at foodsafety@agr.wa.gov, or 360-902-1876.

Using foraged foods as ingredients in prepared ready-to-eat foods for sale directly to consumers (retail sales) may require a retail food establishment permit. For retail sales, contact the local county health department. A list of local health jurisdiction offices is found by searching the Washington Department of Health website, doh.wa.gov.

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Wild-harvested edible plants and mushrooms that are sold fresh and not processed may be sold to end consumers in a variety of container types and sizes, including in bulk in bags or clamshells, without a WSDA Food Processor License. Prominent, visible signage and/or a statement on the container to “wash before eating” are ways to communicate this to consumers. Mushroom packaging should have ventilation to reduce the risk that harmful microorganisms like *Clostridium botulinum* do not develop. Contact the WSDA Food Safety Program and your local county health department to discuss your products and processes and confirm the requirements.



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