

Farmers selling fresh salad greens see continuing popularity and demand for a wide variety of salad greens by consumers in CSAs, farmers markets, grocery stores, and restaurants. Following regulations for whole-leaf salad greens requires knowing the local health department requirements and understanding the details of what can be sold without special infrastructure or licensing, and what additional products are possible with a WSDA Food Processor License and a facility.

This fact sheet includes information on:

- Salad greens that do not require a license.
- Salad greens that require a WSDA Food Processor License and a facility.
- Health department requirements for selling salad greens.

Depending on the scale of the business and the type of customers, farms that grow and sell salad greens may have requirements for on-farm produce safety practices as part of the Food Safety Modernization Act (FSMA) Produce Safety Rule. Please see the “FAQ on the Food Safety Modernization Act” fact sheet for information about that regulation for produce growers, to determine if any of the requirements apply to your farm business.

Salad Greens that Do Not Require a License

In general, salad greens that are picked with a typical harvest cut, field washed to remove field dirt, and sold to the customer as a raw agricultural product that should be washed before eating, do not require a Food Processor License. There are some specific harvest, post-harvest, and marketing practices that determine whether a Food Processor License is required.

Harvesting

Harvesting is generally defined as “taking the growing product out of the field.” However, the following specifics clarify what is and is not allowed for salad greens without a WSDA Food Processor License and facility:

- One cut is allowed at ground level to harvest the product at the time of harvest. Additional cutting

or chopping of the harvested product is not allowed.

- Harvesting into one container (e.g. a bucket) and transferring the harvested product into one other container in the field (e.g. harvest bin in the field at the end of the row, or a bin for the lot harvested that day) is allowed. Product may only be contained in a maximum of two harvest containers.
- Harvest and sales records for each lot of salad greens harvested from different beds or rows within five contiguous acres of the same farm should indicate rows harvested, date harvested, and customers or sales venue (e.g., the specific restaurant sold to or farmers market where sold). This information should be kept in farmers’ records for the season and made available to WSDA upon request.

Mixing

Contamination risk is significantly increased when salad greens are mixed. Farms must meet **both** of the following mixing criteria, which are consistent with the act of **harvesting** salad greens – not processing them:

- No mixing of salad greens is allowed outside of the field where the salad greens are harvested. Salad greens can only be mixed as part of the harvesting procedure, for example harvested into buckets that are in turn emptied into a harvest bin in the field. Mixing can be accomplished by alternating layers of different salad green cultivars in the harvest bin as part of the harvesting procedure in the field.
- No hand mixing is allowed at any time – you may not stir the harvest bin with your hands to further blend the salad greens.

Marketing: labeling and signage

Salad greens may be sold to end consumers in a variety of container types and sizes, including loose bulk, bags, or clamshells without a WSDA Food Processor License. This is allowed as long as the package or prominent, visible signage includes a statement to “wash before eating” to make sure customers understand that it is not ready to eat, and the product is not otherwise processed.

Salad Greens that Require a WSDA Food Processor License and a Facility

Salad greens require a WSDA Food Processor License and a facility if they meet **any** of the following:

- Sold as pre-washed and ready-to-eat products.
- Mixed together post-harvest or after leaving the field (e.g., a case of spinach is pulled out of the storage cooler and mixed with a case of red leaf lettuce and bin of beet greens).
- Chopped, cut (post-harvest), or otherwise processed.

How to get a WSDA Food Processor License

To process salad greens in their own facility, producers need a WSDA Food Processing License. It is strongly advised to contact the WSDA Food Safety Program to discuss plans. The WSDA Food Safety Program is available for one-on-one technical assistance with the licensing process, including creating a processing facility design, and advising on construction materials, equipment, cooling procedures, water source, and food safety techniques to prevent cross-contamination of products.

To get the WSDA Food Processor License, submit an application to the WSDA Food Safety Program. The application packet is available online by searching agr.wa.gov or calling 360-902-1876 or emailing foodsafety@agr.wa.gov. It includes a sanitation schedule, intended type of process, ingredient/processing information, a floor plan of the processing area, proposed labeling, and questions about water supply and testing. Please see the WSDA Food Processor License and Facilities fact sheet for specific details about the license and facility requirements.

Processing and co-packing in existing WSDA-licensed facilities

Existing WSDA-licensed food processors may request to add “salad greens” or specific salad greens products to the list of products processed on the facility’s license. Please contact the WSDA Food Safety program before making any changes to a facility or starting to process salad greens, to help ensure full compliance with the food safety regulations for processing and labeling.

A WSDA-licensed food processing facility can also process salad greens for other producers. The food industry term for this is “co-packer.” Co-packers may carry insurance, and usually charge per unit. For additional information about the processing facility, please see the fact sheet “WSDA Food Processor License and Facilities.”

Health Department Requirements for Selling Salad Greens

Temperature requirements

Salad or other leafy greens that have only received a harvest cut, and have not been further processed are considered raw agricultural products and do not have specific temperature control requirements.

Washington State Retail Food Code and “cut leafy greens”

According to the Washington State Retail Food Code, “cut leafy greens” are defined as fresh leafy greens such as lettuces, spinach, and kale whose leaves have been processed: cut, shredded, sliced, chopped, or torn **after** harvest. In this definition, the term “cut” does not refer to the initial “harvest cut” or trimming which includes removing and discarding the exterior leaves.

Once additionally processed, the Washington State Retail Food Code categorizes “cut leafy greens” as Time/Temperature Control for Safety (TCS) foods. The general rule is that TCS foods need to be kept hot at 135° Fahrenheit or above or cold at 41° Fahrenheit or below for safety. TCS foods include meat, fish and shellfish, poultry, cooked starches (such as rice, potatoes and pasta), sliced melons, sprouts, cut tomatoes, cut leafy greens, fresh herb and garlic-in-oil mixtures, dairy products, and cooked produce.

For the most up-to-date code information, visit the Washington State Department of Health website, doh.wa.gov, and search for “Retail Food Code.”

Each local health jurisdiction (e.g., county health department) enforces the state food code in their region, and local permitting may vary.

Sampling requirements

Farms that offer samples of salad greens to the public must follow the Retail Food Code as implemented by the local health jurisdiction (usually a county health department) where the sampling is being done. Sampling foods that are not TCS (“potentially hazardous”) may be exempt from permit requirements, with approval from the local health jurisdiction. Depending on the county, farms that want to sample may be required to:

- Have a food worker’s card for the person offering and/or slicing samples.
- Obtain a retail food establishment permit from the local health department.
- Have a handwashing station at your farm stand or farmers market booth.
- Fulfill additional requirements pertaining to containers, protecting samples from contamination, washing samples, and other preparation or refrigeration.

Find the local health jurisdiction office for where you plan to sell salad greens by searching the Washington Department of Health website, doh.wa.gov.



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