

# REGULATIONS FOR SPECIFIC PRODUCTS

## SELLING SPROUTS AND MICROGREENS



Sprouts are known for their nutritional value and as a healthy food. However, sprouts have also been associated with multiple outbreaks of foodborne illnesses and recalls. Because of this, producers need to meet many food safety regulations and requirements to sell sprouts.

### **This fact sheet includes information on:**

- What is classified as sprouts.
- Food safety regulations for sprouts.
- Additional resources.

### **What is Classified as Sprouts?**

Sprouts are the germinated or partially germinated seeds of a wide variety of plants, consisting of the underdeveloped leaves, seed, stem, and root. Sprouts include alfalfa, clover, sunflower, broccoli, mustard, radish, garlic, dill, and pumpkin seeds, as well as mung, kidney, pinto, navy, soybeans, and wheat berries.

### **Food Safety Regulations for Sprouts**

Though sprouts are highly nutritious, the way they are grown and consumed presents food safety risks. Harmful microorganisms can be present on seeds and can grow quickly and spread easily in the warm, dark, and wet growing conditions. Sprouts are classified as a “potentially hazardous food” in the Washington State Retail Food Code, meaning time/temperature controls are required “to limit pathogenic microorganism growth or toxin formation.” Sprouts are covered by the FDA Food Safety Modernization Act (FSMA) with special considerations.

### **WSDA Food Processor License**

At the time of publication (2019), growers selling sprouts must have a WSDA Food Processor License. Contact the WSDA Food Safety Program directly for current requirements, [foodsafety@agr.wa.gov](mailto:foodsafety@agr.wa.gov) or 360-902-1876. Please also see the WSDA Food Processor License and Facilities fact sheet.

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### **What about microgreens?**

Microgreens have become a popular crop for direct marketing farms. With their unique colors, flavors, and textures, they are in demand among chefs and health and culinarily oriented shoppers. They are a specialty product that can be grown quickly and year-round. Microgreens have some similarities with sprouts but are a different product with different regulations for selling.

Microgreens are not classified as a sprout, in part because they are grown in soil or similar substrate, with light, and are cut when harvested, leaving the seed and root behind. They are considered a salad green.

Microgreens are harvested very young when they have just a stem, two cotyledon, and not more than two true leaves. They may be grown from a wide variety of seeds such as broccoli, daikon, chard, mustard, cabbage, kohlrabi, fennel, amaranth, and more.

Producers selling microgreens (including wheatgrass) still growing in trays or pots for customers to cut for immediate consumption with no potential for plant propagation do not need a nursery license. The Food Safety Modernization Act (FSMA) Produce Rule Subpart M guidance for microgreen growers is to annually collect written assurances from restaurant (or other retail food establishment) customers that they will cut the microgreens above the soil or substrate line before use. Growers should maintain those records.

Please see the “Selling Salad Greens” fact sheet for additional requirements that apply to microgreens.

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### FSMA Produce Safety Rule and Sprouts

The Food Safety Modernization Act (FSMA) Produce Safety Rule sets requirements for farms growing and selling produce, including sprouts. For information about FSMA and the general requirements and exemptions of the Produce Safety Rule, please see the FAQ on the Food Safety Modernization Act fact sheet.

Subpart M of the FSMA Produce Safety Rule relates specifically to sprouts and outlines the FDA requirements for growing sprouts for sale. Requirements include testing for specific harmful microbes throughout the growing, harvesting, packing, and holding stages of production and sale. The rule also requires an environmental monitoring plan and a preventive and responsive approach to reducing food safety hazards throughout the process. Specific records are required.

The FDA has published draft guidance for sprouts growers on how to comply with the FSMA Produce Safety Rule. Search for “Industry Guidance, Sprouts” on the FDA website, [fda.gov](http://fda.gov).

### Health Department Requirements

Since sprouts are classified as a “potentially hazardous food,” producers need to contact the local health department in counties where they plan to sell sprouts directly to customers (e.g., at a farmers market or farm stand). Specific permits and the ability to demonstrate that sprouts are held at 41° Fahrenheit or below may be required. The Washington State Department of Health maintains a listing of all local health departments and districts in the state at [doh.wa.gov](http://doh.wa.gov).

### Additional Resources

The Sprout Safety Alliance at the Illinois Institute of Technology, [ifsh.iit.edu/ssa](http://ifsh.iit.edu/ssa), is a resource for sprout producers to improve best practices for sprout safety and to understand the FSMA Produce Safety Rule requirements.



- 22. Good Agricultural Practices
- 23. WSDA Food Processor License and Facilities
- 25. Food Product Recalls
- 26. FAQ on the Food Safety Modernization Act
- 37. Selling Fresh Fruits and Vegetables
- 48. Selling Ready-to-Eat Foods
- 49. Selling Salad Greens