



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. Wholesaling under a Food Processing Plant license allows you to sell your products anywhere and to anyone; this includes other retail food stores, restaurants 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:	<a href="#">Wisconsin Legislature: Chapter ATCP 70</a>
Retail Food Sales:	<a href="#">Wisconsin Legislature: Chapter ATCP 75</a>
The WI Food Code (retail sales):	<a href="#">Wisconsin Legislature: Chapter ATCP 75 Appendix</a>

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)

Some of the key requirements for obtaining a retail food or wholesale food processing plant 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, if required.
- 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, annual testing for bacterial contamination is required. You will need a certified lab safe well water result prior to licensing. 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 easily cleanable waste container are required. Common towels, those used by more than one person, cannot be used

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- 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 as required. The sink must be smooth, non-absorbent, and have rounded corners. Sink compartments shall be large enough to accommodate immersion of the largest EQUIPMENT and UTENSILS such that adequate cleaning and sanitizing can be done.
- 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.
- A food processing plant operator shall have a written plan for identifying and recalling food produced at that plant, should a food recall become necessary. The operator shall update the plan as necessary, and shall make it available to the department for inspection and copying upon request.
- If the business is a Limited Liability Company (LLC) or a Corporation, the business must be registered with the Department of Financial Institutions (DFI). This can be accomplished by going to the DFI Website: <http://www.wdfi.org/>.

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### **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.
- 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.

### **Licensing and Inspection**

The DATCP licensing process is designed work like this:

- Plan review conducted, as required (building review, equipment review, HACCP review and process review)
- Submit license application and license fee
- Schedule License inspection with Sanitarian
- Onsite inspection of facility by Sanitarian

*Note: Please make sure that your facility is ready for licensing prior to scheduling your official license inspection with the Food & Dairy Sanitarian. Your facility should be in compliance with any relevant codes and operators should have current licenses and certifications if needed. If your facility is determined to be not ready for licensing by the Sanitarian, the license fee will be forfeited and you will need to bring your facility into licensable condition and re-apply by sending in another license application and fee.*

E-mail questions to a Licensing Specialist at [datcpdfslicensing@wisconsin.gov](mailto:datcpdfslicensing@wisconsin.gov) or call (608) 224-4923. Your Licensing Specialist will be able to answer your questions more specifically and will assist you through the licensing and inspection process. Once you have completed the licensing process and have been inspected, you will then be able to make food and sell to the general public.

**FDA Facility Registration:** All food firms, exception retail, must register with FDA, and reregister every two years. You may complete (re)registration online: <http://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/default.htm>  
You may also request paper forms by phone, at 1-800-216-7331 or 301-575-0156.  
Registration was first required by the Bioterrorism Act of 2002.

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## **STOP!**

**Do not submit your application or money until you have completed the following 5 steps:**

**Before submitting your application:**

### **1) Know the requirements:**

Specific requirements for licenses may be found in the following regulations:

Wholesale Food Processing: [http://docs.legis.wi.gov/code/admin\\_code/atcp/055/70/Title](http://docs.legis.wi.gov/code/admin_code/atcp/055/70/Title)

Retail Food Sales/WI Food Code: [http://docs.legis.wi.gov/code/admin\\_code/atcp/055/75](http://docs.legis.wi.gov/code/admin_code/atcp/055/75)

Warehouse: [http://docs.legis.wi.gov/code/admin\\_code/atcp/055/71/Title](http://docs.legis.wi.gov/code/admin_code/atcp/055/71/Title)

Personal License: <http://datcp.wi.gov/Food/Cheese Butter and Egg Grading/index.aspx>

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

### **2) Register your business:**

- Corporations, Cooperatives or Limited Liability Partnerships or persons who sign the application on behalf of the corporation, cooperative or limited liability partnerships must be registered with the Wisconsin Department of Financial Institutions. You must provide a DFI number at or before the time of inspection to verify the legal entity shown on your application.  
<https://www.wdfi.org/apps/CorpSearch/Search.aspx>
- Businesses that are involved in interstate commerce must register with the FDA under the Bioterrorism Act. Add in webpage.....FEI number will be collected at time of licensing is applicable.
- Sec. 93.135, Stats., requires the department to collect the Social Security Number (SSN) of every individual applying for an original or renewal, license registration or certificate. These will be brought to and collected at the time of inspection.

### **3) Complete all areas of your application.** Print all information so that it is legible

- Legal Name (As registered with DFI) and FEI#
- Trade Name (Doing business as.)
- County and Township
- Projected first day of operation
- Include all information in the business description area that applies to you. This will help you determine amount due.
- Use the License Fee Schedule sheet to determine the amount due.  
Include the weights and measures fee if applicable in your business location

### **4) Be ready for an inspection within 30 days.**

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Submit your application and payment no more than **30 days prior** of your projected first day of operation. Once the application is received by the department and forwarded to an assigned sanitarian, you will be contacted so that the licensing inspection can be scheduled for completion within 30 business days from the date that you submitted your application. If you submit your application and you are not ready for inspection within 30 days, the **license fee will be forfeited** and the license will be denied. If you are denied, you will need to begin the process over to become licensed.

If you have any questions prior to submitting your application, please call 608-224-4923: or email [datcpdfslicensing@wisconsin.gov](mailto:datcpdfslicensing@wisconsin.gov). Once your application is submitted, a Sanitarian will contact you to assist you through the rest of the process.

**Payment Information**

Return your completed application and payment (check or money order) to: Wisconsin Department of Agriculture, Trade and Consumer Protection- Division of Food Safety PO Box 93586, Milwaukee, WI 53293-0586

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