



# WISCONSIN FOOD PROCESSING AND FOOD SALES REQUIREMENTS FOOD SAFETY & LICENSING GUIDE



**Wisconsin Department of  
Agriculture, Trade and  
Consumer Protection**  
*Division of Food and  
Recreational Safety*

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# WHY IS A LICENSE REQUIRED?

The objective of food licensing and 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 one that is safe and wholesome. Our role is to ensure that foods made and sold in Wisconsin meet applicable state and federal food safety regulatory standards.

This booklet is a resource to guide you through the licensing process, explain the requirements and ensure you have done your research before pursuing your application.



or *48 million* people  
get sick each year from  
contaminated food.

# DO I NEED A LICENSE?

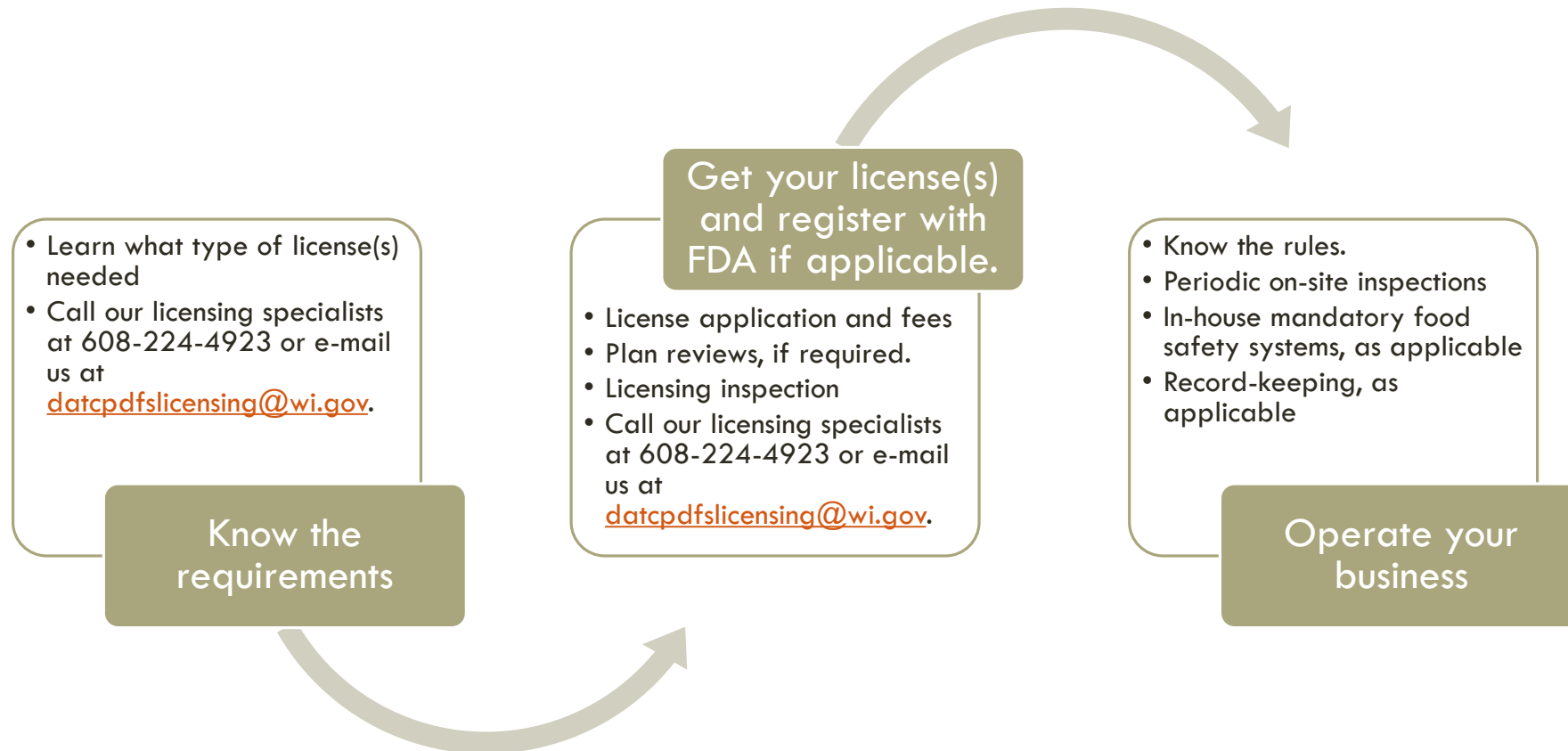
A retail food license or food processing plant license is required to make and sell food items to the public.

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.

# WHAT IS THE APPLICATION PROCESS?



# KEY REQUIREMENTS FOR LICENSING: PHYSICAL FACILITY, TOXIC MATERIALS, & TOILETS

- 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.
- Ventilation, natural or mechanical, must be adequate to remove excess heat, condensation, smoke or fumes, and odors. 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 floors 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.
- 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.

# KEY REQUIREMENTS FOR LICENSING: EQUIPMENT, UTENSILS & LINENS

- 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.
- 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, and 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 must be large enough to accommodate immersion of the largest equipment and utensils such that adequate cleaning and sanitizing can be done.
- 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, or another approved method, must be available to check the strength of the sanitizing solution.

# KEY REQUIREMENTS FOR LICENSING: WATER, PLUMBING & WASTE

- 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.
- 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 the restroom.
- A covered trash container must also be provided for ladies' room and wash hands signage must be posted.



# KEY REQUIREMENTS FOR LICENSING: FOOD

- 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.
- All food ingredients, including eggs, must originate from a licensed processing facility.
- Your product's food label must meet all food-labeling requirements, including an allergen alert.
- If you are selling products by weight, your scales must be inspected by State Consumer Protection personnel or by local weights and measures officials.
- A food processing plant operator must have a written plan for identifying and recalling food produced at that plant, should a food recall become necessary. The operator must update the plan as necessary, and make it available to the department for inspection and copying upon request.

# KEY REQUIREMENTS FOR LICENSING: PERSONNEL

- Employees must wear clean clothing, an effective hair restraint, and no jewelry. The only exception is a plain band wedding ring.
- Persons with a communicable disease or open sores may not work where they could potentially 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.

# RESOURCES

Wholesale Food Processing: [Wisconsin Legislature: Chapter ATCP 70](#)

UW Extension Small Scale Production of Acidified Foods:  
[http://www.foodsafety.wisc.edu/ssp\\_acidified\\_canned\\_food.html](http://www.foodsafety.wisc.edu/ssp_acidified_canned_food.html)

Retail Food Sales: [Wisconsin Legislature: Chapter ATCP 75](#)

The WI Food Code (retail sales): [Wisconsin Legislature: Chapter ATCP 75 Appendix](#)

Food Code Fact Sheets: [https://datcp.wi.gov/Pages/Programs\\_Services/FoodCode.aspx](https://datcp.wi.gov/Pages/Programs_Services/FoodCode.aspx)

**FDA Facility Registration:** All food facilities, except for retail food establishments, must register with FDA, and re-register every two years. You can complete this 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.

# CONTACT US

For additional information or to submit your application, contact:

***Licensing Assistance***

608-224-4923

[datcpdfslicensing@wisconsin.gov](mailto:datcpdfslicensing@wisconsin.gov)

***Application/Payment***

Wisconsin DATCP

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