

Food Safety, Licensing, and Labeling Regulations

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Overview

When planning to raise farm products or process foods for sale, you need to know and understand a variety of issues and meet state, local and federal requirements for licensing, labeling and safe handling of food products. State requirements that affect food marketers may include inspection of processing facilities, plan review, review of labels on packaged products, inspection of scales, and collection of food samples to be analyzed for contaminants or to determine if ingredient labels are correct. MDARD's food and dairy inspectors may also visit food businesses in response to consumer complaints.

Food safety must be considered throughout the process, from the farm to post-harvest handling, processing, packaging and distribution. Rules and regulations, including licensing and labeling standards, are designed to help you present safe food products for public consumption. They can also impact your decision on what products you choose to market, based on the planning and preparation required to start your business.

Licensing and Regulation Requirements

Food marketers must be familiar with, and comply with, local, state and federal food laws. In general, the more foods are processed, the more they are regulated. Raw, unprocessed foods, single ingredient foods, shelf-stable foods, and products sold in small volumes or directly to the end consumer face specific regulations. Foods that are processed, have multiple ingredients, are sold in large volumes, or sold at a location off the farm, to a retailer for sale to consumers, may have more regulatory requirements. The information below gives a general outline of regulations. For specific regulations by product or market, see the chart at the end of this chapter. For regulatory issues specific to your business, it is always recommended to work directly with an inspector. For compliance assistance with state food regulatory requirements, contact MDARD's Food and Dairy Division, at 800-292-3939. You will be connected with an inspector that covers your area of the state.



State and Local Regulations

MDARD is the lead state agency responsible for regulating food production, processing, and sales in Michigan, including licensing, labeling, storage, recordkeeping, weights and measures, food advertising and trade practices, inspection, and food safety. Local health departments also have regulatory responsibilities at food service facilities. Counties, townships, cities, and other local units of government may also have regulations that apply to food businesses, including zoning and building code requirements. It is important to know, understand, and comply with all applicable federal, state, and local food regulatory requirements before you market your products. It is far better to work together with regulatory agencies early to avoid problems, rather than trying to fix things that were not properly done or permitted.

Local governments divide their responsibilities among departments, and the department names can vary among local units of government. Rural townships may have their own planning and zoning guidelines. It is best to check with your county, city, and/or township officials before proceeding on any farm/food business development or expansion. To connect with the proper local official(s), check your county, city, and/or township's websites or the local government listings in your telephone directory.

Michigan Township Association has a listing of township governments and contact information at www.michigantownships.org. You can locate your county's website via the Michigan Association of Counties website at www.micounties.org. You can also access an alphabetical listing of Michigan cities, villages and townships and their website links at www.michigan.gov/mdardmarketingguide.



General Licensing and Food Safety Guidelines

Fresh, Uncut Raw Fruits and Vegetables

Farmers are considered an “approved source” for raw and uncut fruits and vegetables they raise themselves. This exemption gives farmers the ability to sell their produce to consumers without a license. Food safety starts in the field and continues through the process of harvesting, washing, packaging, storing, transporting and marketing fruits and vegetables. Even though no license is required, farmers are still required to take reasonable care to avoid contamination of their produce with disease organisms. A food safety plan will help assure that your produce is safe and wholesome and will help you meet regulatory and buyer requirements expected as the Food Safety Modernization Act of 2011 is implemented.

Eggs

Farmers with fewer than 3,000 hens can sell eggs produced by their own flock directly to consumers or a first receiver without license. Farmers are required to be licensed if they have more than 3,000 hens, or if they are selling their eggs to a grocery store, food processing facility, restaurant, or food service facility. Eggs are a perishable product and must be handled properly to ensure food safety.

Processed or Prepared Foods

You must be licensed to sell processed or prepared foods. This requires an approved facility separate from a home kitchen (unless your product and marketing situation falls under the Cottage Food Law – see Chapter Two). For some products, like sauces or pickles, the person in charge of processing may be required to take training courses in safe canning procedures and pH testing.

Meat or Poultry

Generally, beef and other common meat animals must be slaughtered and processed under federal inspection. If you raise beef and have it processed at a licensed and federally-inspected facility, you can sell the processed product as long as you have an MDARD Food Establishment License. Poultry may or may not require federal inspection, depending upon the number of birds produced, but in any case the facility and method of processing is subject to inspection by USDA and/or MDARD.

MDARD does not license slaughter facilities, but does license businesses that further process meat products for retail sale. Producers of meat and poultry should consult with their area MDARD inspector for specific details on processing and sales requirements.

Dairy Products

Dairy products can be produced, processed and sold directly from the farm with appropriate licensing and in a facility that meets state and federal standards. Training and certification may be required for making cheese and butter. Consult with area MDARD dairy inspector for specific details on processing and sales requirements.

Processed Food Regulations

Starting a food processing business will require state and possibly federal licensing, depending on the products involved. If you plan to sell your products directly to consumers, you will need a retail food establishment license. If you plan to sell through wholesale distribution, you will need a food processing license.

With the exception of foods covered under Michigan's Cottage Food Law (see Chapter 2), you must use an approved, commercial grade facility for processing. Using your personal home kitchen is not allowed. If you plan to start the business in your home, you will need to construct a separate kitchen dedicated to your food business. There are specific requirements for licensed kitchens, including washable floors, walls and ceilings; and lighting and ventilation requirements. Equipment, from stoves, sinks and mixers to pans, bowls and utensils must be easily cleaned and in good repair. You will need a three-compartment sink or NSF-approved dishwasher and a separate hand sink.

MDARD offers a plan review service for food establishments to help businesses meet regulatory requirements. In some cases, a plan review is mandatory. For more information, including a plan review reference manual, visit www.michigan.gov/mdardmarketingguide.

Some starting operators rent licensed kitchen space in an area restaurant, school, church or kitchen incubator to save on the need to invest in a separate kitchen facility of their own.

For more information about NSF, visit www.nsf.org/regulatory. For specific regulatory requirements for commercially processing food in Michigan, contact MDARD's Food and Dairy Division at 800-292-3939.



Pet Treats and Animal Feed

You must be licensed to make and sell your own pet treats and pet food. Over the past few years there has been an increase in the number of people starting their own businesses producing pet treats in their kitchens. For information that will assist you in understanding and following the procedure for obtaining a commercial feed license and developing an acceptable pet treat label, visit MDARD's animal feed website at www.michigan.gov/mdard/0,4610,7-125-1569_16979_21266-153217--,00.html. For additional resources on how to start a pet food business visit The Business of Pet Food at www.petfood.aafco.org.

Processed Food Labeling

Accurate information on processed food labels helps consumers make informed choices about the foods they purchase. Packaged products have specific label requirements, including the name of the product; a list of ingredients in decreasing order of predominance by weight; a net weight or volume statement; the name and address/contact information of the manufacturer, packer or distributor; and, in some cases, nutrition information.

All packaged foods regulated under the Federal Food, Drug, and Cosmetic Act (FFD&C Act) that are labeled on or after January 1, 2006, must comply with FALCPA's (Food Allergen Labeling and Consumer Protection Act of 2004) food allergen labeling requirements. Under FALCPA, a major food allergen is an ingredient that is one of the following five foods, from one of the following three food groups, or is an ingredient that contains protein derived from one of the following: milk, egg, fish, crustacean shellfish, tree nuts, wheat, peanuts, soybeans.

MDARD does not require pre-approval for food labels; however, MDARD inspectors will check labels for compliance and accuracy during inspections. MDARD labeling specialists are available to review labels upon request before they are used on products. MDARD has also developed a "Food Labeling Guide," available at www.michigan.gov/mdardmarketinguide.

For specific labeling requirements or to request a label review, contact MDARD's Food and Dairy Division at 800-292-3939 or MDA-FoodDairyInfo@michigan.gov.

The Michigan Business One Stop

In addition to food retail or processing licenses, your business may have other permit and licensing requirements. The State of Michigan has implemented an online service, Michigan Business One Stop, for businesses to apply for permits, licenses and registrations. In the past, it was necessary for businesses to contact multiple state agencies to apply for and secure the necessary permits and licenses for conducting business. Michigan Business One Stop helps businesses determine what licenses and information they need, provides links to the necessary forms, and, in some cases, allows for online application and online payment. To access the Michigan Business One Stop portal, visit www.michigan.gov/business.

One Stop also provides live, toll-free customer service from 7 a.m. through 6 p.m., Monday through Friday, at 877-766-1779.



Weights and Measures

Weights and measures laws are in place to assure consumers get what they pay for. The same weights and measures laws apply to direct marketers of farm produce as to all other retailers. Scales must meet standards for commercial scales set by the National Institute of Standards and Technology. They must be “legal for trade,” National Type Evaluation Program approved (if put into service after January 1, 1997), and be able to be calibrated. Scales do not need to be registered, but are subject to inspection by a state or local weights and measures inspector. By law, if a commodity is weighed at the time of sale, the scale’s indicator must be visible to the consumer. Liquid commodities must be sold by liquid measure, and non-liquid commodities must be sold by weight.

For information and calibration services assistance, contact MDARD’s Weights and Measures Program, E.C. Heffron Metrology Laboratory, at 517-655-8202 X 315, or www.michigan.gov/mdard.

Resources for Licensing and Regulation Requirements

State Regulations

Food and Dairy Division

Michigan Department of Agriculture & Rural Development
www.michigan.gov/mdard

How to Start an Ag Related Business

Michigan Department of Agriculture & Rural Development,
800-292-3939; www.michigan.gov/mdardmarketinguide

Weights and Measures Program

Michigan Department of Agriculture & Rural Development,
E.C. Heffron Metrology Laboratory. 517-655-8202 X 315;
www.michigan.gov/mdard

Federal Regulations

A Food Labeling Guide

U.S. Food and Drug Administration. www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/FoodLabelingNutrition/FoodLabelingGuide/default.htm

Standards, Product Certification, Education and Risk Management

NSF. www.nsf.org/regulatory

Local Regulations

Michigan Township Association

Listing of township governments and contact information.
www.michigantownships.org

Michigan Association of Counties

Michigan county websites and information. www.micounties.org

Michigan Cities, Villages and Townships

Alphabetical listing of Michigan cities, villages and townships and their websites. www.michigan.gov/mdardmarketingguide

Food Safety

Food safety is extremely important for all food and agriculture businesses, regardless of size. Foodborne illness can cause serious health issues, some even fatal, and an outbreak linked to your business with affect your reputation, your financial security, and can even effect the entire industry. From farm to end consumer, there are numerous variables and many players at each link in the chain that can affect the safety of food. New farming practices, bacterial contamination, food additives, preservatives, freshness concerns, poor food handling, and animal diseases have become a worldwide problem. In an ever-growing industry looking for innovative ways to be economically viable and productive, concern for food safety is at an all-time high. To minimize risk of foodborne illness, the best defense is a proactive approach by having a food safety plan for your business. By managing your business proactively the question becomes not if but when an illness occurs you have the proper steps in place. Planning can prevent serious health issues, protect your reputation, and secure financial risk an outbreak can cause.

Food Safety Guidelines and Standards

Learning about safe food handling is good business for anyone who wants to market a food product. When you sell a product to the public, you need to follow safe handling practices. It is illegal to manufacture, prepare for sale, store or sell food unless the food is protected from dust, insects, and any other unclean, unhealthy, or unsanitary condition. To prevent contamination, equipment must be suitable for the type of product being sold.



Handling food safely protects your customers from illness and helps protect your business from liability. Some of the best practices for handling food are common sense, but some practices are not that obvious. If you are delivering food products to a buyer, the buyer may refuse shipment if you do not handle the products correctly.

Many food businesses incorporate Hazard Analysis and Critical Control Points (HACCP) guidelines, an internationally accepted protocol for ensuring food safety. It is helpful for food marketers to learn these guidelines. They are also helpful for anyone who is selling, processing, or preparing food for sale to the public. For more information on SOPs to help build a HACCP plan, visit: <http://sop.nfsmi.org/HACCPBasedSOPs.php>.

Planning for Food Safety

A food safety incident can erase all the hard work you have put into establishing a reputation for your business. If you own a food business, it is a matter of when, not if, your business will be affected by an environmental or food safety issue. It is very important to have the proper protocols in place and to follow these protocols to minimize the effect of a food safety issue on your business. It costs less to do it right the first time and assure food is safe than to respond to a food safety incident after the fact.

There is no one size fits all when it comes to a food safety plan. Due to the diversity of crops and products, growing or processing conditions, farming practices, size of operations, etc., it is very important to develop an integrated food safety plan that fits your specific business. Your plan needs to be comprehensive and well thought out, and needs to reflect the practices you use to produce your products.

Federal Food Safety Initiatives

Food Safety Inspection Service

The U.S. Department of Agriculture's Food Safety Inspection Service (FSIS) is responsible for the inspection of meat and poultry products offered for sale in the U.S. If you are processing meat and/or poultry, you will need to work with FSIS to build, construct, and operate your meat and poultry processing facility. For more information, visit www.fsis.usda.gov.

Food Safety Modernization Act

The U.S. Food and Drug Administration (FDA) Food Safety Modernization Act (FSMA) was signed into law in 2011. Since then, FDA has been developing rules for implementation of the food safety measures outlined under this new, comprehensive legislation. To assist companies in complying with new food safety measures, FDA has posted information and resources on its website at www.fda.gov.

GAP/GHP

There is an increasing focus in the marketplace on good agricultural practices to verify that farms are producing fruits and vegetables in the safest manner possible. Some restaurants, institutional buyers, retailers and processors have their own sets of food safety requirements that you must meet to sell your products to them. Third-party audits are increasingly being used by the retail and food services industry to verify their suppliers' conformation to specific agricultural practices. Good Agricultural Practices (GAP) include on-farm production and post-production processes, which help to produce safe and quality food products. Good Handling Practices (GHP) include those used in handling, packing and processing operations that minimize microbial contamination of fruits, vegetables and tree nuts.



GAP/GHP Audits

USDA's Agricultural Marketing Service, in partnership with state departments of agriculture, offers a voluntary, audit-based program to verify the implementation of a basic food safety program on the farm. This includes examining the farm practices and handling/packing procedures, focusing on packing facilities, storage facilities and wholesale distributors. These audits are based on the U.S. Food and Drug Administration's Guidelines to Minimize Microbial Contamination for Fresh Fruits and Vegetables and are fee-based.

As part of the GAP/GHP audit process, every operation must compile a food safety manual that outlines the standard operating procedures and policies that are in practice for their operation. To view the full USDA Audit Verification Checklist, go to www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5051184.

For more information or to schedule an audit, contact MDARD's Pesticide & Plant Pest Management Division, Fruit and Vegetable Program, at 517-241-2978.

Food Safety Resources

Guidelines to Minimize Microbial Contamination for Fresh Fruits and Vegetables

U.S. Food and Drug Administration
www.fda.gov/downloads/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/ProduceandPlanProducts/UCM169112.pdf

GAP/GHP Program Brochure

U.S. Department of Agriculture
agriculture.sc.gov/UserFiles/file/GAPGHP%20Brochure.pdf

2011 Good Agricultural Practices (GAP) Assistance Manual

Michigan State University Extension and Michigan Agricultural Cooperative Marketing Association Inc.
www.gaps.msue.msu.edu/USDA_GAP_2011.pdf

Agrifood Safety Work Group

Michigan State University Extension
www.gaps.msue.msu.edu/afsm.htm

Michigan Food Law

Michigan Department of Agriculture & Rural Development, Food and Dairy Division, 517-373-1060;
www.michigan.gov/mdardmarketingguide

Good Agricultural Practices Network for Education and Training National GAPs Educational Materials

Cornell University, Department of Food Science.
www.gaps.cornell.edu

Farm Food Safety

Penn State College of Agricultural Sciences, Cooperative Extension. www.extension.psu.edu/food-safety/farm

Key Points of Control and Management of Microbial Food Safety for Growers, Packers and Handlers of Fresh-Consumed Horticultural Products

University of California, Vegetable Research and Information Center.
www.ucfoodsafety.ucdavis.edu/files/26427.pdf



On-farm Food Safety: Guide to Good Agricultural Practices (GAP)

Iowa State University Extension.
www.extension.iastate.edu/Publications/PM1974a.pdf

On-farm Food Safety Project

A tool for small- to mid-scale fruit and vegetable farmers to help them create a personalized on-farm food safety plan.
www.onfarmfoodsafety.org

Food Liability and Farm Insurances

Most farms and farm businesses have a complex mixture of personal and business liabilities. Insurers across the nation are gaining expertise with agribusiness liability insurance needs, including the needs of alternative farm enterprises. Because farm insurance needs are complex and each business is different, you need to work directly with a knowledgeable insurance agent to identify the particular needs of your business and purchase the coverage you need to protect your business and personal assets. Once you have your insurance policy in place, be sure to regularly review your policy with your insurance agent and attorney.

Liability questions are more challenging than those raised by simple physical property coverage. Insurance companies offer a wide range of coverage, including individual policies for physical loss of property, liability and workers' compensation, as well as other policies that cover specific needs. A package policy that combines all types of coverage in one policy may save you money. Some industry member organizations offer group rates to members. Check with the industry organizations of which you are a member (or consider joining) to get the best rates possible.

The main areas of insurance needed typically include liability for products sold (product liability), for visitors to the farm (premises liability), and for farm workers (workers' compensation and employers' liability insurance coverage); and coverage for the value of your crops or other products, property, buildings, vehicles, equipment and inventory (property insurance). Some markets may require additional liability insurance, especially direct markets like farmers markets.

Food Liability and Farm Insurance Resources

Risk, Liability and Insurance for Direct Marketers

University of Wisconsin Cooperative Extension. www.uwex.edu/ces/agmarkets/publications/documents/A3811-7.pdf



Because farm insurance needs are complex and each business is different, you need to work directly with a knowledgeable insurance agent.

Online Publications and Crop Fact Sheets

USDA Risk Management Agency.
www.rma.usda.gov/pubs/rme/fctsht.html

RMA Online Agent Locator

USDA Risk Management Agency.
www.rma.usda.gov/tools/agents/companies/RMA

State Regulatory Requirements by Product and Market

The following chart provides a general outline of state regulatory requirements for marketing products in Michigan. Regulations for proper handling, storage, holding temperatures, hygiene, sanitation, labeling, and other food safety requirements must be followed in all cases. The chart separates requirements by product and by market. Remember, these are only the state regulatory requirements. There may be additional local ordinances and federal requirements for some types of markets and/or products. Please contact the MDARD's Food and Dairy Division for more information about regulatory requirements for marketing food in Michigan.

NOTE: Michigan's Cottage Food Law and Honey and Maple Syrup Hobbyist exemptions are not covered in this chart. Please see Chapter Two for more information about the Cottage Food Law exemptions, or visit www.michigan.gov/cottagefood.

Fruits or Vegetables – fresh, raw, unprocessed

Selling on farm	No license required
Selling at a farmers market	MDARD food establishment license is not required. Finished product must come from a producer's licensed retail food establishment or food processing plant.
Distributing from farm to processor, grocery store, restaurant, school, or other institution	Please check with your MDARD inspector to determine if a license is required for your specific operation.

In all cases, these requirements apply to farmers and/or processors.

Fruits or Vegetables – cut (basic processing – no freezing, canning or cooking)

Specific requirements	All cut vegetables must be held at 41° F or less at all times.
Selling on farm	MDARD food establishment license required. Cut product must be prepared in a commercial kitchen.
Selling at a farmers market	MDARD food establishment license required. Cut product must be prepared in a commercial kitchen.
Distributing from farm to processor, grocery store, restaurant, school, or other institution	Finished product must come from producer's licensed retail food establishment or food processing plant.

Fruits or Vegetables – Frozen

Selling on farm	MDARD retail food establishment license required. Must be processed in a commercial kitchen. Frozen products must remain frozen at all times.
Selling at a farmers market	Finished product must come from producer's licensed food establishment or food processing plant, and must remain frozen at all times.

Fruits or Vegetables – Pickled (acidified and canned)

Selling on farm	Food processing must be conducted in licensed facility. (Food processor license prerequisites include following FDA Acidified Foods Regulation 21CFR114, and completing an approved training course such as the Better Process Control School, www.fruitandvegetable.ucdavis.edu)
Selling at a farmers market	MDARD food establishment license is not required. Finished product must come from a producer's licensed retail food establishment or food processing plant.
Distributing from farm to processor, grocery store, restaurant, school, or other institution	Finished product must come from a licensed food processing plant.

In all cases, these requirements apply to farmers and/or processors.

Canned Food Products (low acid) – Small Scale Processing

Selling on farm	Food processing must be conducted in licensed facility. (Food processor license prerequisites include following FDA Low Acid Foods Regulation 21CFR113, and completing an approved training course such as the Better Process Control School, www.fruitandvegetable.usdavis.edu)
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Selling at a farmers market	MDARD food establishment license is not required. Finished products must come from a producer's licensed retail food establishment for food processing plant
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Distributing from farm to processor, grocery store, restaurant, school, or other institution	Finished product must come from a licensed food processing plant.
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Herbal and Flavored Vinegars

Selling on farm	MDARD food establishment license required. Food processing must be conducted in licensed facility.
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Selling at a farmers market	MDARD food establishment license is not required. Finished products must come from a producer's licensed retail food establishment for food processing plant.
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Distributing from farm to processor, grocery store, restaurant, school, or other institution	Finished product must come from a licensed food processing plant.
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In all cases, these requirements apply to farmers and/or processors.

Bakery Items

Selling on farm	MDARD food establishment license is required. Must be prepared in a commercial kitchen.
Selling at a farmers market	Finished product must come from a licensed food establishment or food processing plant.
Distributing from farm to processor, grocery store, restaurant, school, or other institution	Finished product must come from a licensed food establishment or food processing plant.

Dry Food Mixes and Blends

Selling on farm	MDARD food establishment license required. Must be processed in a commercial kitchen.
Selling at a farmers market	MDARD food establishment license is not required. Finished products must come from a producer's licensed retail food establishment for food processing plant.
Distributing from farm to processor, grocery store, restaurant, school, or other institution	Finished product must come from licensed food establishment or food processing plant.

Jams and Jellies

Selling on farm	Food establishment license required. Must be processed in a commercial kitchen.
Selling at a farmers market	MDARD food establishment license is not required. Finished products must come from a producer's licensed retail food establishment for food processing plant.
Distributing from farm to processor, grocery store, restaurant, school, or other institution	Finished product must come from licensed food establishment or food processing plant.

In all cases, these requirements apply to farmers and/or processors.

Maple Syrup

Selling on farm

Food processing plant license is required. Must be processed in a commercial facility. An additional retail license is not required. \$15,0001 or less no license required, product can be wholesaled.

Selling at a farmers market

Food processing plant license is required. Must be processed in a commercial facility. An additional retail license is not required. \$15,0001 or less no license required, product can be wholesaled.

Distributing from farm to processor, grocery store, restaurant, school, or other institution

Food processing plant license is required. \$15,0001 or less no license required, product can be wholesaled.

Apple Cider

Selling on farm

MDARD processing license required. Cider establishments must have at least one active employee currently certified by passing an approved food manager certification examination or having completed a current approved safe cider production course. If you are not treating cider for pathogen reduction, it must include the following warning statement on the label: “WARNING: THIS PRODUCT HAS NOT BEEN PASTEURIZED AND THEREFORE, MAY CONTAIN HARMFUL BACTERIA THAT CAN CAUSE SERIOUS ILLNESS IN CHILDREN, THE ELDERLY, AND PERSONS WITH WEAKENED IMMUNE SYSTEMS”.

Selling at a farmers market

MDARD processing license required. Cider establishments must have at least one active employee currently certified by passing an approved food manager certification examination or having completed a current approved safe cider production course. If you are not treating cider for pathogen reduction, it must include the following warning statement on the label: “WARNING: THIS PRODUCT HAS NOT BEEN PASTEURIZED AND THEREFORE, MAY CONTAIN HARMFUL BACTERIA THAT CAN CAUSE SERIOUS ILLNESS IN CHILDREN, THE ELDERLY, AND PERSONS WITH WEAKENED IMMUNE SYSTEMS”.

Distributing from farm to processor, grocery store, restaurant, school, or other institution

Finished product must come from a licensed food processing plant. Must comply with FDA 21CFR120, Juice HACCP requirements and achieve a 5-log reduction of the pathogen of concern.

In all cases, these requirements apply to farmers and/or processors.

Honey

Selling on farm	Food processing plant license is required. Must be processed in a commercial facility. An additional retail license is not required. \$15,0001 or less no license required, product can be wholesaled.
Selling at a farmers market	Food processing plant license is required. Must be processed in a commercial facility. An additional retail license is not required. \$15,0001 or less no license required, product can be wholesaled.
Distributing from farm to processor, grocery store, restaurant, school, or other institution	Food processing plant license is required. \$15,0001 or less no license required, product can be wholesaled.

Wine, Beer, Hard Cider, Mead, Vodka, and Other Distilled Spirits

Selling from winery/tasting room/brewery	Regulations for manufacturing, labeling and selling alcoholic beverages are complex. Please contact MDARD's Food and Dairy Division, 517-373-1060; and Michigan Liquor Control Commission, Licensing Division, at 517-322-1408, for regulations specific to your operation. Federal licensing by the Taxation and Trade Bureau may also be required.
Selling at a farmers market	See above.
Distributing from farm to processor, grocery store, restaurant, school, or other institution	See above.

In all cases, these requirements apply to farmers and/or processors.

Meat Products from Livestock (cattle, swine, sheep, goats, ratites), Privately Owned, Captive Game Animals/Exotics (pheasants, deer, bison, elk), Rabbits, Poultry (farm-raised chickens, ducks, geese, guinea hens, squab, turkeys)

Meat and poultry products need to meet the requirements of both state and federal laws. The chart below provides general information. For information specific to your operation, please contact your regional MDARD inspector at 800-292-3939. You may be referred to USDA FSIS for additional information.

Selling processed meat products on farm

MDARD food establishment license required. Livestock must be slaughtered and processed at a USDA-inspected facility. Product storage must be clean and located in a clean, neat area (house or shed allowed). Product storage must be used exclusively to store meat sold to customers. Frozen meat must be maintained frozen. Unfrozen meat products must be maintained at an internal temperature of 41° F or below. Product must be properly labeled.

Selling live animals and consumer arranges for processing

Regulations for selling live animals and meat products vary by species, product, size of production and market type. For regulations specific to your operation, please contact the USDA FSIS Office of Field Operations District Office in Chicago, IL, at 630-620-7474 or visit www.fsis.usda.gov/Contact_Us/Office_Locations_&Phone_Numbers/index.asp

Michigan also has official animal identification requirements and movement restrictions and requirements for most types of livestock and privately owned cervidae/exotics because of the state's bovine Tuberculosis status. For more information, contact MDARD's Animal Industry Division, Bovine TB Project Coordinator at 517-373-1077 or visit www.michigan.gov/emergingdiseases.

Selling at a farmers market

MDARD food establishment license required. Livestock must be slaughtered and processed at a USDA-inspected facility. Product storage must be clean and located in a clean, neat area (house or shed allowed). Product storage must be used exclusively to store meat sold to customers. Frozen meat must be maintained frozen. Unfrozen meat products must be maintained at an internal temperature of 41° F or below. Product must be properly labeled. For door-to-door sales, a MDARD mobile food establishment license is required and truck must return to the commissary/warehouse every 24 hours.

Distributing from farm to processor, grocery store, restaurant, school, or other institution

MDARD food establishment license required. Livestock must be slaughtered and processed at a USDA-inspected facility. Product storage must be clean and located in a clean, neat area (house or shed allowed). Product storage must be used exclusively to store meat sold to customers. Frozen meat must be maintained frozen. Unfrozen meat products must be maintained at an internal temperature of 41° F or below. Product must be properly labeled.

In all cases, these requirements apply to farmers and/or processors.

Aquaculture

Selling on farm	MDARD food establishment or food processing plant license required. If raising and selling catfish, catfish must be inspected by USDA. Fish must be properly labeled.
Fee fishing	Fish eviscerated and filleted as a service to fee-fishing customers is not licensed by MDARD.
Selling at a farmers market	Food processing plant license is required. Must be processed in a commercial facility. An additional retail license is not required. Frozen fish must be maintained frozen. Unfrozen fish products must be maintained and delivered at an internal temperature of 41° F or below using any effective method (freezer, dry ice, cooler, etc.).
Distributing from farm to processor, grocery store, restaurant, school, or other institution	License required depends on license type at farm. Frozen fish must be maintained frozen. Unfrozen fish products must be maintained and delivered at an internal temperature of 41° F or below using any effective method (freezer, dry ice, cooler, etc.).

Eggs, Shell

Selling on farm	No license required. Eggs must be sold directly to consumer.
Selling at a farmers market	No license required if: a) is directly responsible for producing eggs from fewer than 3,000 hens; b) only sells directly to consumer; and, c) only sells eggs in containers labeled, "PACKAGED IN A FACILITY THAT HAS NOT BEEN INSPECTED BY THE DEPARTMENT". Over 3,000 hens, license required and must follow USDA standards for shell eggs. Eggs can't be sold through the Internet, or by mail order or consignments, regardless of flock size. Shell egg processing guidelines available at www.michigan.gov/mdardmarketingguide .
Selling to first receiver (e.g., egg washing, grading, sorting facility)	No license required if 3,000 hens or less, if requirements a – c above are met. License required for over 3,000 hens.
Distributing from farm to grocery store, restaurant, school, or other institution	MDARD food processing plant license required, regardless of flock size. Follow shell egg processing guidelines found at www.michigan.gov/mdardmarketingguide

In all cases, these requirements apply to farmers and/or processors.

Dairy – Fluid Milk, Cream, Butter

Selling on farm (Farmstead Dairy Plant)

Dairy farm license required for persons or businesses to operate a dairy farm. Dairy plant license required to process all dairy products. License required for persons to be in charge of, or supervise in the making of, butter that will be sold. Dairy products must be maintained at an internal temperature of 45° F or below.

Selling door-to-door or at a farmers market

Dairy plant license required. Must be processed in a commercial facility. An additional retail license is not required. Dairy products must be maintained at an internal temperature of 45° F or below using any effective method (freezer, dry ice, cooler, etc.).

Distributing from farm to processor, grocery store, restaurant, school, or other institution

No additional license required when dairy product comes from producer's licensed dairy plant. Dairy products must be maintained at an internal temperature of 45° F or below using any effective method (freezer, dry ice, cooler, etc.).

Dairy – Yogurt, Kefir, Ice Cream, Flavored Milk, Sour Cream

Selling on farm (Farmstead Dairy Plant)

Dairy farm license required for persons or businesses to operate a dairy farm. Dairy plant license required to process all dairy products. Dairy products must be maintained at an internal temperature of 45° F or below.

Selling door-to-door or at a farmers market

Dairy plant license required. Must be processed in a commercial facility. An additional retail license is not required. Dairy products must be maintained at an internal temperature of 45° F or below using any effective method (freezer, dry ice, cooler, etc.).

Distributing from farm to processor, grocery store, restaurant, school, or other institution

No additional license required when dairy product comes from producer's licensed dairy plant. Dairy products must be maintained at an internal temperature of 45° F or below using any effective method (freezer, dry ice, cooler, etc.).

In all cases, these requirements apply to farmers and/or processors.

Dairy – Raw Milk Cheese

Selling on farm (Farmstead Dairy Plant)

Dairy farm license required for persons or businesses to operate a dairy farm. Dairy plant license required to process all dairy products. License required for persons to be in charge of, or supervise in the making of, cheese that will be sold. Dairy products must be maintained at an internal temperature of 45° F or below.

Selling door-to-door or at a farmers market

Dairy plant license required. Must be processed in a commercial facility. An additional retail license is not required. Dairy products must be maintained at an internal temperature of 45° F or below using any effective method (freezer, dry ice, cooler, etc.).

Distributing from farm to processor, grocery store, restaurant, school, or other institution

No additional license required when dairy product comes from producer's licensed dairy plant. Dairy products must be maintained at an internal temperature of 45° F or below using any effective method (freezer, dry ice, cooler, etc.).

Dairy – Pasteurized Milk Cheese

Selling on farm (Farmstead Dairy Plant)

Dairy farm license required for persons or businesses to operate a dairy farm. Dairy plant license required to process all dairy products. License required for persons to be in charge of, or supervise in the making of, cheese that will be sold. Dairy products must be maintained at an internal temperature of 45° F or below (some hard cheese does not require refrigeration – check with your inspector).

Selling door-to-door or at a farmers market

Dairy plant license required. Must be processed in a commercial facility. An additional retail license is not required. Dairy products must be maintained at an internal temperature of 45° F or below using any effective method (freezer, dry ice, cooler, etc.).

Distributing from farm to processor, grocery store, restaurant, school, or other institution

Dairy farm license required for persons or businesses to operate a dairy farm. Dairy plant license required to process all dairy products. Dairy products must be maintained at an internal temperature of 45° F or below.

In all cases, these requirements apply to farmers and/or processors.

Licensing Requirements for Nursery Stock, Christmas Trees, and Floriculture Products



According to state law, any person, firm, partnership, association or corporation engaged in the business of growing, selling or re-shipping nursery stock or herbaceous perennials must be licensed in the state of Michigan. Growers must have their stock inspected by the Michigan Department of Agriculture & Rural Development and the stock must be found to be free from serious pests before it may be sold or moved from one location to another. Those who only sell annual flower or vegetable plants are not required to obtain a license to sell within the state. There are several different licenses, depending on what you grow, how much you grow and how the stock is sold. In addition to a license fee, there may also be an inspection fee. The fee is based on acres inspected for grower inspections and an hourly fee for dealer inspections.

Growers must arrange for an inspection of their nursery stock or herbaceous perennials by contacting the MDARD Nursery Program Specialist at 517-241-2977. Dealers do not need to arrange for an inspection; however, the stock they buy and sell must have been inspected and certified free of pests and diseases.

If you plan to sell stock out of state, there may be federal licensing and inspection requirements and restrictions, as well as requirements from the states where sales will occur. Growers and dealers that intend to ship to other states should familiarize themselves with the requirements of the receiving state.

There are also requirements and restrictions for international sales. All shipments of nursery stock, bulbs, corms and florist plants must be inspected prior to shipment to foreign countries. Companies who wish to sell plant materials internationally must apply for inspection and certification through the U.S. Department of Agriculture, Animal and Plant Health Inspection Service. For more information about federal requirements and restrictions, visit www.aphis.usda.gov/import_export/index.shtml.

Nursery sales licenses are all handled by Michigan Business One Stop at www.michigan.gov/business. All licenses expire on October 31 and must be renewed on a yearly basis. For more information about the nursery inspection program and the various licensing requirements, visit www.michigan.gov/mdard and click on licensing.

Christmas Tree Inspection and Certification

There is no license required to grow and sell Christmas trees within Michigan. There are some federal regulations for selling interstate. There are also some voluntary industry certification programs like the Michigan Snowfresh Christmas Tree Program. Trees sold as potted trees or as balled and burlapped trees are considered nursery stock and must undergo an inspection regardless of their intended destination.

For more information about interstate Christmas tree sales, contact MDARD's Nursery Program Specialist at 517-241-2977. For more information about marketing opportunities and the Michigan Snowfresh Christmas Tree Program, contact the Michigan Christmas Tree Association at 800-589-8733 or visit www.mcta.org.

Gypsy Moth and Pine Shoot Beetle Quarantines

Cut Christmas trees are considered regulated commodities under the federal Gypsy Moth Quarantine and/or the Pine Shoot Beetle Quarantine. Christmas trees shipped outside the regulated area must be inspected and accompanied by proper certification. If cut Christmas trees are intended for use within the regulated area, it is not necessary to have them inspected for gypsy moth and pine shoot beetle. The entire state of Michigan lies within the area regulated under the two federal quarantines. Growers and shippers should consult USDA-generated maps and county lists to determine if their market destinations are in a regulated area. In addition to the two federal quarantines, states may have their own quarantines for other pests that may apply to Christmas trees imported from Michigan, especially to trees going to West Coast states. Growers must arrange for inspection and certification of their trees by contacting MDARD's Nursery Program Specialist at 517-241-2977.

