

CHAPTER 4

SELLING SPECIFIC PRODUCTS



4.1 ANIMAL PRODUCTS

4.2 NURSERY PRODUCTS & SUPPLIES

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4.4 VALUE ADDED & PROCESSED PRODUCTS





SELLING SPECIFIC PRODUCTS

ANIMAL PRODUCTS

In Idaho, there are a variety of rules and regulations that apply to the production and sale of animal products. Below, you will find a brief overview of requirements for selling specific animal products, the agency, or agencies, with regulatory oversight for each type of product, and links to agency websites where you can find more detailed information. Rules and regulations undergo continuous review and are revised from time to time. All agencies, descriptions, and links provided below were current at the time of publication. It is your responsibility to ensure the rules you are complying with are the most current. Please visit the websites provided and contact the overseeing agencies to assure you are aware of, understand and are operating within the most current regulatory framework for each product you produce and sell.

BEES, HONEY, & OTHER APIARY PRODUCTS

Beekeeping is regulated by the Idaho State Department of Agriculture (ISDA) under the Plant Industries division. Permits are required to move bees into Idaho, licensing is required for commercial beekeeping, registration of colonies is required for beekeepers with over 50 colonies, and colonies may be subject to inspection. Contact ISDA to learn more.

Related Websites:

<https://agri.idaho.gov/main/plants/bees-apiary-inspection/>
<https://agri.idaho.gov/main/licenses/>

DAIRY PRODUCTS

The ISDA Dairy Bureau oversees dairy industries in Idaho. The Dairy Bureau enforces regulations set by the Idaho Legislature. For up-to-date information

on state regulations on the production, processing, or sale of dairy products, (pasteurized or raw), contact ISDA.

Related Websites:

<https://agri.idaho.gov/main/animals/dairy-bureau/>
<https://agri.idaho.gov/main/licenses/>

EGGS

The Idaho State Department of Agriculture oversees the production and sale of eggs. Operations with more than 300 hens are subject to licensing and egg grading requirements from the Idaho State Department of Agriculture, as well as inspections and fees. For all operations, regardless of size, handling and labeling must be in accordance with the Idaho Food Code and the Idaho State Department of Agriculture's labeling requirements. It is your responsibility to know and understand the rules and regulations that apply to you. Contact your local health district and the Idaho State Department of Agriculture Animals Division, for information on how Idaho's rules and regulations apply to you!

Related Websites:

<https://healthandwelfare.idaho.gov/health-wellness/community-health/food-safety>
<https://agri.idaho.gov/main/animals/avian-species/eggs/>
<https://healthandwelfare.idaho.gov/health-wellness/community-health/public-health-districts>
<https://agri.idaho.gov/main/licenses/>

FISH FARMS

Commercial fish farms are regulated by both ISDA and the Idaho Department of Fish and Game. Commercial fish farms must receive a license and

undergo an inspection through ISDA. Contact the regulatory agencies to learn more.

Related Websites:

<https://agri.idaho.gov/main/licenses/>

<https://idfg.idaho.gov/rules/fish>

MEAT

All meat processing in the United States, including from cattle, sheep, swine, and goats, is regulated by the Federal Meat Inspection Act (FMIA). Part of this act mandates that animals are processed at plants inspected by the USDA Food Safety and Inspection Service (FSIS). Accessing these facilities can be difficult for small producers, so many choose to sell their cattle, sheep, swine, or goats as live animals. The purchaser of the live animal may then have the animals slaughtered and processed for their own consumption by a custom meat business or butcher.

There may be additional permits required by your local health district to sell meat directly to consumers, such as at a farmers market. For wild game meat regulations, including yak and bison, contact the Idaho Department of Fish and Game. Contact your local health district for more information on meat processing and sales.

Related Websites:

<https://www.fsis.usda.gov/policy/food-safety-acts/federal-meat-inspection-act>

<https://www.fsis.usda.gov/inspection/inspection-programs/inspection-meat-products>

<https://agri.idaho.gov/main/i-need-to-see-lawsrules/idaho-code-title-25-animals/>

<https://healthandwelfare.idaho.gov/health-wellness/community-health/food-safety>

<https://idfg.idaho.gov/>

POULTRY

Poultry is a classification of domestic birds including chickens, turkeys, ducks, geese, guineas, ratites, and squabs. The Poultry Product Inspection Act (PPIA) is intended to ensure poultry are processed

under sanitary conditions and that no misbranded or adulterated poultry may be sold as human food. PPIA established standard sanitary practices, labeling and container standards, and requires the USDA's Food Safety and Inspection Service (FSIS) to inspect all domesticated bird products sold for human consumption, unless the operation falls under certain exemptions. Most small direct marketing farms and ranches will qualify for an exemption from the inspections outlined in this rule. Visit the USDA's website to learn more about exemptions.

A poultry farm or poultry processing business that slaughters less than 20,000 small birds or less than 5,000 turkeys per calendar year can become licensed as a food processor by their local public health district. This license allows the farm to sell their poultry and poultry products from the farm, at farmers markets, on the Internet, to hotels, restaurants, food service institutions, grocery stores, or through wholesale food distribution within the State of Idaho. Idaho does not have a state poultry inspection program.

All food establishments, including processors, are inspected by the Idaho Department of Health and Welfare's designated regulatory authorities, which are the state's seven Public Health Districts. Each Health District is a separate, autonomous agency (not a division of Health and Welfare). Your local District Health Department can offer assistance with the licensing process, new facility design, assessing processing equipment needs, cooling procedures, water source notes, wastewater disposal, and food science techniques for preventing cross-contamination of your poultry products.

Related Websites:

<https://www.fsis.usda.gov/policy/food-safety-acts/poultry-products-inspection-act>

<https://www.fsis.usda.gov/guidelines/2010-0006>

<https://healthandwelfare.idaho.gov/health-wellness/community-health/public-health-districts>

<https://agri.idaho.gov/main/animals/avian-species/>

<https://agri.idaho.gov/main/licenses/>



SELLING SPECIFIC PRODUCTS

NURSERY PRODUCTS & SUPPLIES

In Idaho, there are a variety of rules and regulations that apply to the production and sale of nursery products and supplies. Below, you will find a brief overview of requirements for specific products and supplies, the agency, or agencies, with regulatory oversight for each type of product, and links to agency websites where you can find more detailed information. Rules and regulations undergo continuous review and are revised from time to time. All agencies, descriptions, and links provided below were current at the time of publication. It is your responsibility to ensure the rules you are complying with are the most current. Please visit the websites provided and contact the overseeing agencies to assure you are aware of, understand, and are operating within the most current regulatory framework for each product you produce and sell.

SEED, FERTILIZER, & SOIL AND PLANT AMENDMENTS

All commercial feed, seed, fertilizer, and soil and plant amendments sold in Idaho are regulated by the Idaho State Department of Agriculture (ISDA) through the Division of Plant Industries. The rules and regulations they enforce are passed by the Idaho Legislature. The rules reference publications by the Association of American Feed Control Officials (AAFCO) and Association of American Plant Food Control Officials (AAFPCO). Some of these publications have a cost barrier for full access but can be shared with you free of charge if you contact the Commercial Feed, Fertilizer, & Amendments Program of ISDA. ISDA program officers can walk you through the AAFPCO and AAFCO requirements with you, ensuring you're covering all your bases before spending time and money printing labels you can't use.

Commercial Fertilizers

Commercial Fertilizers must be registered with the ISDA Department of Plant Industries. ISDA will review labels for accuracy and require sampling of fertilizer products.

Commercial Soil & Plant Amendments

Producers must register their business and products with ISDA before distributing in Idaho. Registration applications are reviewed to ensure compliance with standards and products are periodically sampled to verify product claims.

COMPOST

Most farm and ranch compost operations are regulated by the Idaho State Department of Agriculture (ISDA). ISDA has regulations on labeling and sale of compost, including compost from food scraps or animal manure. These regulations are set by the Idaho Legislature. The Idaho Department of Environmental Quality is responsible for compost piles if they have additions that are sourced from outside the agricultural operation. Check also with your local public health district and county clerk for additional regulations in your area!

Related Websites:

<https://agri.idaho.gov/main/>
<https://agri.idaho.gov/main/plants/>
[https://adminrules.idaho.gov/rules/
current/02/index.html](https://adminrules.idaho.gov/rules/current/02/index.html)
<https://www.deq.idaho.gov>
[https://healthandwelfare.idaho.gov/
health-wellness/community-health/
public-health-districts](https://healthandwelfare.idaho.gov/health-wellness/community-health/public-health-districts)
<https://agri.idaho.gov/main/licenses/>

NURSERY PRODUCTS

If you sell nursery or florist products in any capacity, you likely need a license from ISDA. This includes anyone who propagates, grows, installs, or sells nursery products in Idaho. If you are a farmer or gardener whose nursery stock sales are incidental to your overall operation and your sales do not exceed \$500 per year, you may request an exemption from the licensure requirement. Licensure helps in ISDA's fight to reduce pests and other invasives from entering Idaho or our export partners. Specific nursery plants as well as source areas are sometimes subject to quarantines to prevent disease or pest spread and protect all of Idaho's agricultural economies. (*See Fact Sheet 4.3 Plant Products for more information on quarantines*).

Related Websites:

<https://agri.idaho.gov/main/plants/nurseries-florists-and-landscaping/>
<https://agri.idaho.gov/main/licenses/>



SELLING SPECIFIC PRODUCTS PLANT PRODUCTS

In Idaho, there are a variety of rules and regulations that apply to the production and sale of plant products. Below, you will find a brief overview of requirements for selling specific plant products, the agency, or agencies, with regulatory oversight for each type of product, and links to agency websites where you can find more detailed information. Rules and regulations undergo continuous review and are revised from time to time. All agencies, descriptions, and links provided below were current at the time of publication. It is your responsibility to ensure the rules you are complying with are the most current. Please visit the websites provided and contact the overseeing agencies to assure you are aware of, understand, and are operating within the most current regulatory framework for each product you produce and sell.

QUARANTINES

A quarantine is a limitation of where or how materials can be distributed in order to prevent the spread of harmful pests or diseases. This can mean limitations on what can come into Idaho, what can be shipped elsewhere, and what can move within the state. Quarantines apply to anything that has the potential to carry a pest or disease. That includes starts, seeds, nursery stock, straw, hay, or other plant matter; animals, including bees; any area with a known occurrence of a regulated pest or disease.

The Idaho State Department of Agriculture (ISDA) oversees the management of agricultural quarantines, with regulations outlined in Idaho Legislative Statutes. You may need a license, permit, or exemption for certain activities, including selling, purchasing, or moving agricultural or horticultural commodities. You may be subject to specific labeling requirements, face limitations in where you can source certain products—such as seed potatoes

or planting garlic or be subject to a site inspection by an ISDA agent.

REMEMBER...

ISDA agents are there to help protect your business and all agriculture across Idaho. This guide is not intended to cover all regulations and requirements around quarantines. Instead, we want to make you aware of their existence and encourage you to review the ISDA's Summary of External Quarantines and to contact an ISDA agent to learn if there are quarantine requirements applicable to your business.

Related Websites:

<https://agri.idaho.gov/main/plants/quarantines/>
<https://agri.idaho.gov/main/licenses/>

COMMERCIAL FEED

All commercial feeds sold in Idaho are regulated by the Idaho State Department of Agriculture (ISDA) through the Division of Plant Industries. The rules and regulations they enforce are passed by the Idaho Legislature. The rules reference publications by the Association of American Feed Control Officials (AAFCO). Some publications have a cost barrier for full access but can be shared with you free of charge if you contact the Commercial Feed, Fertilizer, & Amendments Program of ISDA. This office can walk through AAFCO requirements with you, ensuring you're covering all your bases before spending time and money printing labels you can't use. Some requirements of commercial feed production include: product registration, labeling requirements and label reviews, and sampling of commercial feeds. Commercial feed producers must also cooperate with regulations set out by

the Food and Drug Administration or FDA.

Related Websites:

<https://agri.idaho.gov/main/plants/feeds-fertilizers-soil-and-plant-amendments-commercial/>
<https://www.aafco.org/>
<https://www.fda.gov/animal-veterinary/safety-health/safe-feed>

FRESH FRUITS & VEGETABLES

The United States Department of Agriculture (USDA) and Idaho State Department of Agriculture (ISDA) implement federal and state regulations surrounding the production of fruits and vegetables. Fruit and vegetable producers are subject to the food safety rules outlined in *Chapter 5 Food Safety* of this guide. USDA puts out Grade Standards for fruit and vegetable production. These standards are voluntary and designed to provide the fruit, vegetable, and specialty crop industry with language to describe their products. Visit their website for more information.

Related Websites:

<https://agri.idaho.gov/main/plants/plant-services-section-contact-information/>
<https://www.usda.gov/topics/farming/crop-production>

Potatoes

In an effort to protect Idaho's potato producers and prevent the spread of diseases, Idaho Administrative Code 22-501 requires that all potatoes planted in Idaho are certified by ISDA and accompanied by a certificate of inspection. Potatoes imported from any other state, country, or territory must also comply with the applicable rules of the department pertaining to potatoes.

Related Websites:

<https://agri.idaho.gov/main/plants/potatoes/>
<https://legislature.idaho.gov/wp-content/uploads/statutesrules/idstat/Title22/T22CH5.pdf>

HEMP

The Idaho State Department of Agriculture oversees the Hemp industry in Idaho. Rules regarding the production, processing, transportation, and research of industrial hemp are put out through the Idaho Legislature. An ISDA issued license is required to produce Hemp in Idaho.

Related Websites:

<https://agri.idaho.gov/main/hemp/>

WILD MUSHROOMS & OTHER FORAGED PLANTS

Wild or cultivated mushrooms may be sold at some farmers markets, grocery stores, restaurants or other direct sales venues depending on local regulations. To sell processed mushrooms (e.g. dried, sliced or canned), an ISDA Food Processing License is required. It is important to be able to identify wild mushrooms and other plants correctly—some varieties can be fatal or cause the person consuming them to be very ill.

Wild foods commercially harvested on private and public lands in the state of Idaho must be harvested with proper permission and permits. This includes either written permission from the owner of a private property, or applicable permits from the appropriate land management agency. Rules and fees for these permits vary for each forest district or management agency, contact the managing agency for more information.

Related Websites:

<https://agri.idaho.gov/main/licenses/>
<https://www.fs.usda.gov/about-agency/contact-us/regional-offices>



SELLING SPECIFIC PRODUCTS

VALUE ADDED & PROCESSED PRODUCTS

In Idaho, there are a variety of rules and regulations that apply to the production and sale of value added products. Below, you will find a brief overview of requirements for selling specific valued added products, the agency, or agencies, with regulatory oversight for each type of product and links to agency websites where you can find more detailed information. Rules and regulations undergo continuous review and are revised from time to time. All agencies, descriptions, and links provided below were current at the time of publication. It is your responsibility to ensure the rules you are complying with are the most current. Please visit the websites provided and contact the overseeing agencies to assure you are aware of, understand, and are operating within the most current regulatory framework for each product you produce and sell.

COSMETICS & BODY CARE PRODUCTS

Many farmers and ranchers create body care products with the animal or plant ingredients they've grown. These value added products can include lotions, soaps, essential oils, body scrubs, and more. The Food and Drug Administration (FDA) oversees the production of most body care products. The specific rules and regulations on their production depends on the product type, which is defined by the intended use of the product and the product's advertising. The FDA classifies body care products into three potential categories: cosmetics, drugs, and soaps. The labeling requirements and other regulations vary depending on the product category. Contact the FDA for more information!

Related Websites:

<https://www.fda.gov/cosmetics>
[https://www.fda.gov/cosmetics/cosmetics-labeling](https://www.fda.gov/cosmetics/cosmetics-guidance-documents/good-manufacturing-practice-gmp-guidelinesinspection-checklist-cosmetics)

practice-gmp-guidelinesinspection-checklist-cosmetics
<https://www.fda.gov/cosmetics/cosmetics-labeling>

SOAPS

Soaps are a classification that needs special explanation. The FDA's definition of soap is as follows:

- ✓ the bulk of the nonvolatile matter in the product consists of an alkali salt of fatty acids and the product's detergent properties are due to the alkali-fatty acid compounds, and
- ✓ the product is labeled, sold, and represented solely as soap [21 CFR 701.20].

If the product's ingredients differ from the above requirement, or the product offers other benefits in line with the intended uses of cosmetics or drugs, (i.e., imparting fragrance to the user or being antibacterial) it would be classified as a cosmetic or drug, or both.

True soaps, according to the above definition, are regulated by the Consumer Product Safety Commission, not the FDA.

Related Websites:

<https://www.cpsc.gov/>

DIETARY SUPPLEMENTS

The FDA defines dietary supplements as a product (other than tobacco) that is:

- ✓ Intended to supplement the diet that bears or contains one or more of the following dietary ingredients: a vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance used by humans to supplement the diet by increasing the total daily intake, or a concentrate,

metabolite, constituent, extract, or combination of all of these ingredients.

- ✓ Intended for ingestion in pill, capsule, tablet, or liquid form.

You as the producer are legally responsible for ensuring your product is safe for consumption. The Food and Drug Administration (FDA) has regulations on what claims can be made to supplements, especially claims to cure or treat diseases. Contact the FDA or your local health district to ensure your compliance with applicable laws before printing product labels. To manufacture a dietary supplement you are required to be registered with FDA.

The responsibility for licensing, inspecting, and enforcement of regulations is delegated to the state of Idaho's seven health districts. For specific information about food permits, contact your local health department.

Related Websites:

<https://www.fda.gov/food/dietary-supplements>
<https://healthandwelfare.idaho.gov/health-wellness/community-health/food-safety>

PROCESSED FOODS

A processed food is one that has been cooked, preserved, or otherwise altered from its raw state to prepare for human consumption. Processed foods do not include produce that has been washed or trimmed for sale. All businesses selling processed foods directly to the consumer at farmers markets, on-farm, or any other location must obtain a Food Establishment license from the local District Health Department.

The Idaho State Department of Agriculture's (ISDA) Idaho Preferred program has published a guide on starting a specialty food business that provides more information on processed food production, *Starting a Craft Food Business in Idaho: A Comprehensive Guide for Idaho Craft Food Producers*.

Related Websites:

<https://healthandwelfare.idaho.gov/health-wellness/community-health/food-safety>

COTTAGE FOODS

Cottage foods are a subset of processed foods in Idaho Food Code that can be prepared in a person's home or other location with minimal regulatory oversight. To qualify as a cottage food, the product must not require time and/or temperature control for safety. Examples of cottage foods include any baked goods that do not require refrigeration such as jams and jellies, honey, dried fruits, dry herbs, seasonings and mixtures, cereals, vinegar and flavored vinegars, popcorn and popcorn balls, or tinctures that do not make medicinal claims. Cottage food operations must first secure a Food Establishment Permit from the local Public Health district before selling their products to any third party.

Related Websites:

<https://healthandwelfare.idaho.gov/health-wellness/community-health/food-safety>

CHEESE, BUTTER, & OTHER DAIRY PRODUCTS

Dairy farmers who produce value-added dairy products, including butter and cheese must obtain a Milk Producer License and Milk Processing Plant License from the Idaho State Department of Agriculture (ISDA).

Related Website:

<https://agri.idaho.gov/main/licenses/>

WINE, BEER, & HARD CIDER

Every winery, brewery, or cidery must have a Federal Basic Permit and undergo inspection from the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau (TTB). Idaho State Liquor Dispensary (ISLD) enforces state liquor laws. If you produce only alcoholic beverages, you must li-

cense your facility through the ISLD. If you also produce food or non-alcoholic drinks, you must also receive a Food Processor License from the Idaho State Department of Agriculture (ISDA).

Related Websites:

<https://www.ttb.gov/about-ttb/contact-us>

<https://liquor.idaho.gov/>

<https://agri.idaho.gov/main/licenses/>



IDAHO SPECIFIC RESOURCES

University of Idaho Extension <https://www.uidaho.edu/extension>

Idaho State Department of Agriculture (ISDA) <https://agri.idaho.gov/main/>
Idaho Preferred

<https://idahopreferred.com/>

Idaho Department of Environmental Quality

<https://www.deq.idaho.gov/>

Idaho Fish and Game

<https://idfg.idaho.gov/rules/fish>

HELPFUL ORGANIZATIONS

United States Department of Agriculture (USDA) <https://www.usda.gov/>

Food Safety Inspection Service

<https://www.fsis.usda.gov/>

Alcohol and Tobacco Tax and Trade Bureau (TTB)

<https://www.ttb.gov/>

Association of American Feed Control Officials (AAFCO)

<https://www.aafco.org/>

US Food and Drug Administration (FDA)

<https://www.fda.gov/>

United States Consumer Product Safety Commission (CPSC)

<https://www.cpsc.gov/>

Idaho Public Health Districts

<https://healthandwelfare.idaho.gov/health-wellness/community-health/public-health-districts>