SENATE BILL REPORT
SB 5778

As of March 20, 2025

Title: An act relating to maple syrup processing operations.

Brief Description: Addressing maple syrup processing operations.

Sponsors: Senators Shewmake, Short, Chapman, Lovick, Krishnadasan, Wellman, Saldaña, Schoesler, Muzzall, Warnick, Wagoner, Liias, Robinson and Slatter.

Brief History:
Committee Activity: Agriculture & Natural Resources: 3/24/25.

Brief Summary of Bill

- Establishes regulations, permitting standards, and enforcement mechanisms for maple syrup processing operations.

SENATE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Staff: Elena Becker (786-7493)

Background: Food Processing Regulations. In Washington, any person operating a food processing plant or processing foods for retail sale must obtain a food processor license from the Department of Agriculture (WSDA). The application for this license requires documentation of the processing facility's floor plan and water supply, the production process for each product category, information to be printed on the labels, and the processor's cleaning and sanitizing procedures. License fees are set in statute and based on gross annual sales.

Certain establishments licensed under other WSDA programs are exempt from the food processor license requirement. This includes the Cottage Foods Program, in which a person may produce certain nonhazardous food products in a home kitchen for direct sale to a consumer.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Maple Syrup Processing. Maple syrup is made by concentrating sap collected from mature maple trees. The availability of maple sap depends on the weather, and sap typically flows for a period of several weeks between the winter and spring. During this period, the processor gathers sap directly from the tree and transports the sap to a sugarhouse, or sugar shack where an evaporator is used to boil the sap into syrup. Maple syrup is bottled at temperatures between 180 and 200 degrees.

The FDA considers maple syrup a low-risk food and state maple syrup processing regulations vary widely. Some states do not require sugar shacks to be licensed and inspected, while others exempt producers using only their own sap or condition licensing and inspection on gross sales. Certain other states require all commercial syrup processors and sugar shacks to be licensed and inspected.

Bigleaf Maple Syrup. The bigleaf maple tree is native to the Pacific Northwest and grows throughout Western Washington. Syrup made from bigleaf maple trees has a unique flavor that is distinct from that of the more widely available syrup made from the sugar maple tree. It takes between 60 and 90 gallons of bigleaf maple sap to make one gallon of bigleaf maple syrup.

Summary of Bill: Establishment of Maple Syrup Processing Operations. A maple syrup processing operation (MSPO) is defined as a person or business that produces maple syrup for sale, and includes the collection of maple sap, the processing of maple sap into maple syrup, and all related facilities, equipment, and employees. An MSPO does not include the production of value-added products such as flavored syrup, maple candies, or bottling other businesses' syrup. An MSPO must:

- use food-grade materials for transport and storage of sap, water, and syrup, and for processing equipment;
- use only new single-use containers and lids to bottle the finished product;
- maintain adequate drainage and preserve the grounds outside the sugar shack free of clutter that could harbor rodents;
- design and maintain the sugar shack to facilitate proper maintenance, sanitary operations, and production of safe food; and
- test water that is obtained from a private source no less than annually, except that certain operations that only use hot water drawn from the evaporator are exempt from testing.

The Washington State Department of Agriculture (WSDA) is authorized to adopt rules for MSPOs, including rules for labeling, hygiene and sanitary procedures, permits and inspections, and condensation removal during the evaporation requirements. WSDA may adopt rules for facilities, water sources, and wastewater but may not require an MSPO to use a permanent structure as a sugar shack, install plumbing in the sugar shack, or have running water accessible on-site.

A sugar shack is defined as a structure used in whole or part for the collection, storage, or processing of maple sap into maple syrup, and does not include a domestic residence. A sugar shack need not be a permanent structure, but the permittee must be able to ensure sanitary conditions in the processing area.

Permitting of Maple Syrup Processing Operations. MSPOs must be permitted by the WSDA every two years. This process must include documentation that all individuals involved in the preparation of maple syrup have secured a food and beverage service worker's permit or its equivalent. All permits and permit renewals must be accompanied by a fee of $250, which is to be deposited into the food processing inspection account.

Inspection of Maple Syrup Processing Operations. MSPOs must meet sanitation controls determined by the WSDA both before initial permitting and thereafter at a frequency designated for low-risk food products by the WSDA. At minimum, the sanitary inspection must confirm that all equipment and surfaces are appropriately sanitized; that all food preparation and storage are free of contamination; and that all persons involved in preparing maple syrup have obtained the proper food safety certification, wash their hands, and are not processing maple syrup while ill.

Inspections must be made at reasonable times and during reasonable business hours when possible. If an additional sanitation inspection is required due to a failing initial inspection, WSDA must charge an inspection fee of $150. The sugar shack may be inspected at any time in response to a complaint, foodborne outbreak, or public health emergency.

WSDA may contract with local health jurisdictions to conduct these inspections.

Violations and Penalties. After conducting a hearing, the WSDA may deny, suspend, or revoke any maple syrup processing permit if the permittee is out of compliance with the relevant requirements or has refused the WSDA access to records or premises for inspection purposes. WSDA may summarily suspend a permit if it finds that an MSPO is operating under conditions that constitute an immediate danger to public health or if WSDA was denied access to the permitted area of the MSPO.

Any person engaging in an MSPO without a valid permit, or otherwise violating any provision of this act, is guilty of a misdemeanor. A subsequent violation is a gross misdemeanor. If WSDA finds that a violation has not resulted in criminal punishment, WSDA may impose upon and collect from the violator a civil penalty not exceeding $1,000 per violation per day.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.