

Chester County Health Department
Food, Institution and Vector Division
Policy
Effective date of Policy, March 12, 2008

Farmers' Markets

The Chester County Health Department (CCHD) is responsible for the inspection of food facilities in Chester County. The purpose is to assure a safe and wholesome food supply. Farmers' markets have taken off in popularity in recent years due in part to the increased interest in healthier foods and lifestyles coupled with an increased understanding of the importance of maintaining small, sustainable farms on the fringe of urban environments. This policy sets the minimum requirements for farmers' market operators and vendors that must be met in order to assure food safety.

Market operator's requirements

Farmers' market operators must make reasonable efforts to ensure that all vendors selling products requiring licenses have obtained them and are maintaining those licenses. Each market manager — or other responsible person designated by the organization operating the market — should maintain a copy of vendor licenses.

Market managers and other responsible persons are not expected to be food safety experts, but they can help educate vendors about topics related to food safety and encourage vendors to communicate with CCHD.

Licensing

Many, but not all, products sold at farmers' markets require the vendor to obtain a license from the CCHD.

Vendors may obtain an annual license to operate or a temporary license to operate. Vendors are eligible for a temporary license if they operate for no more than fourteen consecutive days and operate at no more than three event locations per year.

When foods prepared at another location are part of a vendor's food operation, that other location also must be licensed as a food facility by the food licensing agency having jurisdiction at that location. Proof of licensing is required for facilities outside of Chester County.

A farmers' market operator may elect to obtain one license under their name that covers all vendors at their market. The operator in this case would be responsible for the food operations and safety of all foods processed, served or sold at that market.

Here is a list of products and their licensing requirements:

- **Whole, uncut fresh fruits and vegetables**
No license is required
- **Processed foods**
Baked goods, dairy products, jams, jellies, preserves, salsas, vinegars, oils, salad dressings, frozen berries and cherries, dried herbs, and dehydrated fruits and vegetables are examples of common farmers' market products that must be processed in a licensed facility. Many non-potentially hazardous foods are made in a home setting. This can be done as long as the home is registered and under inspection by the Pennsylvania Department of Agriculture (PDA). (See below for PDA contact info.) Products that are considered potentially

hazardous (usually need temperature control to maintain product) may NOT be made in a personal home kitchen.

Vendors should consult their CCHD inspector to make sure the products they plan to sell can be licensed in the facility they intend to use.

- **Seafood**

Licenses are required for vendors selling fish and shellfish. Molluscan shellfish (oysters, clams, scallops, etc) vendors must follow strict rules for product identification and dating. Molluscan shellfish that are recreationally caught may not be sold or served to the public.

- **Meat and poultry**

All vendors selling meat and poultry must obtain a license from CCHD. Proof that the meat was processed in a United States Department of Agriculture (USDA) – licensed facility is required for beef, pork, lamb and certain quantities of poultry. Smaller operations may be exempt from the USDA inspection requirements. New meat producers should consult with USDA before starting such operations (see below for USDA contact info).

- **Eggs**

Eggs must be sold from licensed facilities and comply with PDA and CCHD labeling requirements. The CCHD exemption from licensing of farm products applies only when the commodities are sold from an establishment located on the actual farm.

- **Honey**

Licenses are not required for the sale of honey.

- **Restaurant foods/food service**

All vendors preparing foods on-site for immediate consumption or selling foods prepared at another location for immediate consumption at markets in Chester County are required to obtain a Public Eating or Drinking License from CCHD. This requirement includes foods prepared where only a sample of a food (or foods) is offered free of charge to demonstrate its characteristics.

This requirement does not include samples and demonstrations discussed in the section below.

- **Chef/cooking demonstrations**

A popular trend at farmers' markets is hiring a chef to come to the market to cook seasonal produce, meats and other products and offer samples to the customers of the market. Small, taste-sized samples of cooked foods prepared at a farmers' market for promotional and educational purposes may be offered free of charge to consumers without the vendor having to obtain a license under the following conditions:

- ♦ The vendor complies with all applicable procedures in this policy (limited menu, approved source, food protection, insect control, hand and utensil wash, product temperature maintenance, etc.)
- ♦ Portion sizes are small and taste-sized (a sample cannot be a whole meal, an individual hot dish or a whole sandwich.)
- ♦ The amount of food prepared during each demonstration is proportional to the audience so that all the food prepared is consumed only by that audience.
- ♦ Each sample is pre-cut, adequately protected from insects and other forms of contamination, and served individually (i.e. placed in an individual cup or plate or served with individual toothpicks).
- ♦ There is no fee charged for the samples

Vendors who offer both free samples in combination with meal-sized portions, whether free or for sale, are not eligible for this exemption.

- **Out of state food establishment licenses**

CCHD recognizes licenses from other states for facilities where the food was prepared elsewhere and brought into and sold in markets in Chester County. CCHD requires proof of licensing for all processed foods.

Food Product Source

All food sold in farmers' markets must be from approved and inspected sources. Records of food sources must be maintained on the premises and made available for review upon request by the Department. Any foods not from approved sources shall not be sold in farmers' markets.

Food Product Labeling

Packaged foods must be labeled. Four pieces of information are required on labels: the common name of the product, its net weight/contents, the ingredients in descending order by weight, and name and address of the manufacturer or distributor.

Bakery products are exempt from labeling provided that they are sold to the consumer directly and provided that the product was prepared at a food facility owned by the person selling it.

Unpackaged single-ingredient foods like fruits and vegetables do not need labels.

Shell eggs must be labeled in accordance with the PDA Egg Refrigeration Law and include safe handling instructions.

Any food product that makes a health claim (low fat, low salt, reduced cholesterol) is subject to nutritional labeling under Food and Drug Administration (FDA) laws (see below for FDA contact info).

Ingredient information for bulk foods must be available to customers. Vendors can post ingredients on bulk bins or provide a label as the bulk food is given to customer.

Food Safety and Handling Requirements

Vendors who become licensed by CCHD should consult with their inspector about specific handling procedures for each proposed product.

Potentially hazardous foods must be maintained at 41°F or below or at 135°F or above at all times. Potentially hazardous foods are those required to be maintained under refrigeration. These are foods like eggs, meat, poultry, seafood, dairy products and many foods that contain those ingredients. Cut melons, cut tomatoes, garlic-in-oil mixtures, plant foods that are heat treated, and sprouts of any kind are also considered potentially hazardous foods.

Frozen products must stay frozen.

Maintaining potentially hazardous foods at appropriate temperatures in an outdoor environment generally requires use of a mechanically refrigerated truck, ice chests or other containers filled with ice or dry ice surrounding the product.

Vendors should carry a thermometer to monitor product temperatures of refrigerated foods.

Some products are not potentially hazardous but need extra protection because customers cannot wash them. Baked goods, loose candy, and trail mix are the most common example. Vendors have two options: (1.) packaging these items in single-service-sized packages at a licensed facility or (2.) selling the items from enclosed bulk containers. Those who choose to sell from covered bulk containers must set up and use a hand washing station and must follow procedures in these guidelines to avoid contamination. Acceptable methods to remove food from covered bulk containers include clean tongs or other utensils, single-use gloves, and wax paper sheets.

Fresh fruits and vegetables and nuts in their shells can be displayed in open air. The only requirement is that they be stored off the ground. This can be accomplished with display tables or racks, plastic tubs, or empty crates or boxes underneath the ones holding produce. Pumpkins or similarly large squash, which are often too bulky and irregular to display off the ground, may be stored on the ground.

No bare hand contact is permitted on any foods considered ready-to-eat (RTE). RTE foods are those that will receive no further preparation (ex. heat treatment as in cooking) to achieve food safety before they are consumed, this includes raw washed fruits and vegetables, cold salads, luncheon meats and cheeses, and rolls. Gloves, tongs, spoons, waxed deli sheets, hand papers or other means shall be utilized when handling RTE foods. If used, gloves must be limited to a single task and discarded when damaged or soiled or when tasks are interrupted.

Floor, Walls and Ceilings

Each stand in a market must be provided with:

- Floor protection such as duckboard, concrete, asphalt, wood sheeting, or other similar materials
- Overhead protection such as a building structure, canopy, tarp-type set up
- A secure, screened or otherwise fully protected area for food processing and packaging (fruit cutting, food-packing, food assembly, etc). Where tight-fitting doors and windows are not provided, screens, air curtains, or other effective means must be employed to prevent the entry of insects and rodents into the food processing/packaging areas.

In situations where limiting conditions exist that prevent the entrance of insects or rodents, such as excessive smoke production, weather, etc., outer openings need not be protected.

It is recommended that drop-down walls (tarps, screens, etc.), constructed walls, or air curtains be used whenever possible.

Only packaged foods and raw, un-washed, non-ready-to-eat fruits and vegetables may be displayed in an open-air setting with no outer opening protections.

Equipment

Each stand in a market must be equipped with all necessary equipment to perform the needed tasks. Equipment shall be designed, constructed, installed, and maintained according to the Chester County Health Department's Food Code.

Those facilities handling potentially hazardous food must have a three-compartment wash station in which to wash, rinse and sanitize food equipment. A three-compartment sanitizing wash station can be easily constructed with three tubs, potable water, soap, and an approved sanitizer.

Equipment and utensils must be protected from insects, dust and other forms of contamination.

Every stand shall have a handwashing sink for use by employees, unless all food is prepackaged.

Any farmers market that allows consumption of food on premise shall provide an equipped handwashing sink for customers to utilize.

Hand washing

This section applies directly to anyone who prepares or serves foods for immediate consumption at the market or who handles bulk-dispensed, unwrapped products.

To protect public health, farmers' market vendors, like workers in other food establishments, must wash their hands as often as necessary to protect the food from contamination.

Proper hand washing consists of vigorous scrubbing for at least 10 to 15 seconds, on the surfaces of lathered fingers, finger tips, areas between fingers, hands and portions of arms exposed to direct food contact, followed by thorough rinsing under clean, running water.

The minimum requirements for a handwashing station set-up for a temporary food facility consist of an elevated 5-gallon container of potable water that is equipped with a turn-spout dispenser or drain, a catch bucket placed below the container, liquid soap, and disposable towels.

If a food facility operates for more than 14 consecutive days or operates at more than three event locations per year, the food facility is not considered Temporary. Regularly operating, non-Temporary facilities must provide tempered running water under pressure for handwashing. This requirement is met by using a sink set-up similar to those found in a Recreational Vehicle, some of which are now available at larger building supply stores in the gas grill section.

Food employees must wash their hands when they begin working, and whenever they use the restroom, contact bodily fluids (sneezing or coughing into hands, nose-blowing, etc.), touch animals, have soiled hands, or return to their work stations after leaving for any reason. A trip to the restroom actually requires two hand washings – at the toilet facilities and again at the work station.

Vendors may use hand sanitizers and moist towelettes but not as a substitute for hand washing.

Equipment Cleaning

Food-contact equipment must be washed, rinsed and sanitized as described above. Household bleach may be used as a sanitizer, at a concentration of one tablespoon per gallon of lukewarm water, which equals 100 parts per million. Quaternary ammonium compounds can also be used at 200 parts per million.

Additional guidelines for markets and vendors

- **Certified Food Manager**

All vendors who are required to obtain a license must employ at least one person who is certified as a Chester County Certified Food Manager. An individual wishing to become certified must attend a CCHD-approved course in food safety and apply for the certificate provided by the Department. The Certified Food Manager's responsibilities include:

- ♦ The supervision and instruction of food service workers in the techniques of sanitary food handling and the proper maintenance of the food facilities, and
- ♦ The monitoring and removal of any food service worker with signs of active illness from the food facilities.

- **Animals**

The presence of live animals at a farmers' market provides opportunities for entertainment and education. However, infectious diseases and injuries associated with human-animal contact are possible. Petting zoos must meet the minimum standards of the CCHD Rules and Regulations, Chapter 200 Subsection 202. The primary mode of transmission for infectious bacteria and parasites is fecal-oral. Because animal fur, hair, skin, and saliva can become contaminated with fecal organisms, transmission can occur when persons pet, touch, feed, or are licked by animals. Farmers' market operators must take steps to minimize the risks for disease transmission. The CDC's *Compendium of Measures to Prevent Disease Associated*

with Animals in Public Settings, 2007 lists the following recommendations for reducing risks from human-animal contact:

- ◆ Design the viewing areas with designated animal areas and non-animal areas. Do not allow animals, other than service animals, in non-animal areas.
- ◆ Provide handwashing facilities for patrons to use after leaving the animal areas.
- ◆ Post signs regarding proper handwashing practices at exits from animal areas.
- ◆ Promptly remove manure and soiled animal bedding from animal areas.
- ◆ Exclude food and beverages from the animal areas.
- ◆ Supervise children closely to discourage hand-to-mouth activities and contact with manure or soiled bedding.

Customer animals are allowed, but it is recommended that markets require that animals be kept on leashes.

- **Toilet facilities**

Farmers' markets must have toilet facilities conveniently located to the market. Appropriate hand washing facilities (hand wash stations like those used in market stalls or permanent facilities that meet or exceed standards for temporary washing facilities) must be located in or near toilet facilities.

- **Waste water**

Waste water must be disposed of in an approved manner, which includes approved plumbing. Waste water cannot be dumped or discharged directly or indirectly onto the ground or into the Waters of the Commonwealth so as to create an unsanitary condition or nuisance. Vendors should not dump waste water in stormwater drains. Reasonably clean waste water can be used to water plants.

- **Trash storage and disposal**

Easily-cleanable and leak-proof refuse containers with tight fitting lids must be available at farmers' markets. The lid must be in place when not in continuous use. The premises of the farmers market must be maintained clean and free of litter.

Contacts for further information

Chester County Health Department

For a copy of the CCHD Rule and Regulations Chapter 300, The Food Code:

<http://dsf.chesco.org/food>

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