

Certified Farmers’ Market Overview

LAWS AND REGULATIONS GOVERNING CERTIFIED FARMERS’ MARKETS

The following laws are excerpted from the California Health and Safety Code, Part 7, California Retail Food Code (CRFC) [<http://www.cdph.ca.gov/services/Documents/fdbRFC.pdf>]. Section numbers are included for reference at the end of each excerpt. Regulations from the California Department of Food and Agriculture are also included for reference. Section numbers designated “CCR” are excerpted from the California Code of Regulations (CCR), Title 3, Food and Agricultural Code, Article 6.5, Direct Marketing.

Certified Farmers’ Market (CFM) is defined as a location that is approved by the county agricultural commissioner of the county where agricultural products are sold by producers or certified producers directly to consumers.

Temporary food facilities (TFF) may operate as a separate community event adjacent to and in conjunction with the CFM.

APPLICATIONS AND PERMITS

An application for a permit must be submitted by the Market Manager. The Market Manager is responsible for ensuring that all producers comply with Chapter 12 of the California Retail Food Code.

Description	Fee
Certified Farmers’ Market (1-20 producers)	\$237.00
Certified Farmers’ Market (greater than 20)	\$340.00

If a Community Event is operated adjacent to and in conjunction with the Certified Farmers’ Market, the temporary food facilities are required to obtain a Temporary Food Facility permit. An organizer permit may be required if the event organizer is responsible for providing facilities that are shared by two or more temporary food facilities. Refer to the Community Event Requirements.

An application must be submitted by each TFF operator [114381.2]. The TFF permit is valid for one single TFF (i.e. food booth only). If a vendor is operating more than one booth at an event, a permit must be obtained for each booth location.

Permits issued in conjunction with a Community Event are specific to the community event and operator. It is not transferable and is only valid for the specific time period and location.

Mobile food facilities (MFF) permitted within the City of Pasadena are not required to obtain an additional permit when operating at a Community Event. MFFs may store, display and sell from a table if approved by the CFM manager.

OPERATIONAL GUIDELINES

1. A certified farmers' market is a food facility, as defined by the CRFC, and shall not be open for business without a valid health permit. The health permit shall be posted in a conspicuous place at the CFM. [113789(b)(9), 114381(e)]
2. Only agricultural products may be sold or offered for sale at a CFM. [113742; CCR 1392.4 (c)]
3. All food sold at a CFM shall be produced, packed, stored, transported, and kept for sale so as to be pure, free from contamination, adulteration, and spoilage; shall have been obtained from approved sources; shall otherwise be fully fit for human consumption; and shall conform to the applicable provisions of the Sherman Food, Drug, and Cosmetic Law (Part 5 commencing with Section 109875). [113980]
4. All food shall be stored at least 6 inches off the floor or ground or under any other conditions which are approved. [114371(a)]
5. Food preparation is prohibited at the CFM with the exception of food samples. Distribution of food samples is allowed provided that the following sanitary conditions exist:
 - Samples shall be kept in approved, clean covered containers.
 - The producer shall distribute all food samples in a sanitary manner.
 - Clean, disposable plastic gloves shall be used when cutting food samples.
 - Food intended for sampling shall be washed.
 - Potable water shall be available for handwashing and sanitizing as approved by the local enforcement agency.
 - Potentially hazardous food samples shall be maintained at or below 45°F and shall be disposed of within two hours after cutting.
 - Utensil and handwashing water shall be disposed of in a facility connected to the public sewer system or in a manner approved by the local enforcement agency.
 - Utensils and cutting surfaces shall be smooth, non-absorbent, and easily cleaned or single-use articles shall be utilized. [114371(b)]
6. Processed foods must be produced and stored in an approved facility and properly packaged and labeled. [113980, 114021(b)]
7. Dispensing methods for bulk sales of ready-to-eat, non-certifiable agricultural products, such as dried fruit and shelled nuts, shall be approved by the local enforcement agency. [113980]
8. Approved toilet and hand washing facilities shall be available within 200 feet of the premises of the CFM, or as approved by the enforcement officer. [114371(c)]
9. No live animals, birds, or fowl are kept or allowed within 20 feet of any area where food is stored or held for sale. This subdivision does not apply to guide dogs, signal dogs, or service dogs when used within the meaning specified by Section 54.1 of the Civil Code. [114371(d)]
10. All garbage and rubbish shall be stored, and disposed of, in a manner approved by the enforcement officer. [114371(e)]

11. Potentially hazardous food shall be stored and displayed at or below 45°F, at all times. [Sherman Law Section 110960] & [113996(c)(5)]
12. All products sold as organic must be grown, produced, processed and labeled in accordance with the Health and Safety Code beginning with Section 110810 (California Organic Foods Act of 1990.) This act is a portion of the California Sherman Food, Drug, and Cosmetic Law, which is contained in the Health and Safety Code. [113980]
13. Uninspected, processed red meat, poultry, fowl, or rabbits may not be sold. [113980, 114021(a)]
14. Raw shell eggs may be stored and displayed without refrigeration if all of the following conditions are met:
 - The eggs were produced by poultry owned by the seller and collected on the seller’s property.
 - The eggs are not placed in direct sunlight during storage or display.
 - Retail egg containers are prominently labeled “REFRIGERATE AFTER PURCHASE” or the seller posts a conspicuous sign advising consumers that the eggs are to be refrigerated as soon as practical after purchase.
 - Retail egg containers are conspicuously identified as to the date of the pack.
 - The eggs have been cleaned and sanitized.
 - The eggs are not cracked, or broken.
 - Any eggs that are stored and displayed at temperatures of 90°F or below and that are unsold after four days from the date of pack shall be stored and displayed at an ambient temperature of 45°F or below, diverted to pasteurization, or destroyed in a manner approved by the enforcement agency. [114373]
15. Vendors selling non-agricultural food products are required to have a valid permit from the local environmental health agency and are not considered part of the CFM. [114387, 114381]
16. Notwithstanding Chapter 10 (commencing with Section 114294), vendors selling food adjacent to and under the jurisdiction and management of a certified farmers’ market may store, display, and sell from a table or display fixture apart from the mobile food facility, in a manner approved by the local environmental health agency. [114371(f)]
17. TFFs may be operated as a separate community event adjacent to, and in conjunction with, certified farmers’ markets that are operated as a community event by a nonprofit organization or a local government agency. The organization in control of the event at which one or more temporary food facilities operate shall comply with Sections 114371(g) and 114381.1.

FREQUENTLY ASKED QUESTIONS

Q. Who is responsible for regulating Certified Farmers’ Markets?

A. Local environmental health agencies are responsible for regulating CFMs as defined in the California Retail Food Code, Section 113742. The County Agricultural Commissioners are responsible for enforcing the California Code of Regulations, Title 3, Article 6.5, Direct Marketing Regulations.

Q. Does a CFM need a health permit?

A. Yes, a CFM is defined in CRFC as a food facility and therefore is required to have a valid health permit, including a CFM where only certified agricultural products are sold.

Q. Do I need a separate community event organizer permit to have temporary food facilities adjacent to my CFM?

A. Yes. The CRFC requires **temporary food facilities** to be organized and controlled by an event organizer and also requires a separate health permit for the event organizer. [114371(g)]

Q. Is a permit required for each producer selling agricultural products?

A. No. Since a CFM is defined in CRFC as a food facility, all agricultural products (certified and non-certifiable) sold at a CFM are part of that facility and covered under the health permit for the CFM. The CFM manager should maintain a copy of each vendor's documentation, at the CFM location, for review by the enforcement officer. Since one health permit will cover all vendors that are part of the CFM, the CFM permit holder is responsible for ensuring that each vendor complies with all applicable health codes.

Q. What is a "non-certifiable agricultural product" and what are some of these products that may be found in a CFM?

A. These products are part of the definition of agricultural products, but are not certified by the agricultural commissioner. Products that are considered non-certifiable include processed products from certified agricultural products such as fruit and vegetable juices, shelled nuts, jams and jellies, and wine. Other examples include catfish, trout, and oysters from controlled aquaculture operations, livestock and livestock products, and poultry and poultry products. Though these products are not "certified," they must have been produced or derived from plants or animals raised or produced by the producer. These non-certifiable processed agricultural products may include, or have added to them, a limited number of ingredients or additives which act only as preservatives or are essential in the preparation of the product. Examples include pickles and cucumbers in a brine or vinegar solution for curing or pickling, natural smoking of meat or poultry for drying and preserving, flavorings such as smokehouse, hickory, or jalapeno added to shelled nuts which do not change the visual identity of the product, sulfites added to dried fruits and vegetables, and sugar, fruit juices, and pectin added to fruits to make jams and jellies. Non-certifiable agricultural food products must be from an "approved source."

Q. What is considered an "approved source"?

A. Facilities that possess a valid Certified Producer's Certificate by the seller are considered an approved source for certified agricultural products. For non-certifiable agricultural food products, the processing and storage location must be under regulation by an authority acceptable to the California Department of Public Health or local environmental health agency. Examples of approved sources include facilities that possess:

- A Food Registration from the California Food and Drug Branch (FDB). Hermetically sealed (canned) products must be produced at a facility registered by the FDB.
- A local environmental health permit from the jurisdiction where production takes place.
- A federal inspection certificate.

Q. Can nonagricultural products be sold at a CFM?

A. No. Only certified and non-certifiable agricultural products may be sold in the "designated area" of the CFM. The exclusion of nonagricultural products is intended to maintain the intent and integrity of a

CFM, which is the direct sale of products produced solely by the producer. Enforcement of the separation rule is the responsibility of the local agricultural commissioner.

Q. What are acceptable ways of displaying agricultural products at a CFM?

A. In most cases, certified and non-certifiable agricultural products are displayed on tables. Section 114371(a) requires that food shall be stored at least 6 inches off the floor or ground or under any other conditions which are approved.

Bulk ready-to-eat foods, such as shelled nuts and dried fruit, shall be protected from contamination. Acceptable methods include prepackaging food at an approved facility, or displaying food in approved containers with lids. Dispensing methods shall avoid direct hand contact with ready-to-eat food, and be approved by the local environmental health agency.

Q. What is required on a label for packaged food?

A. Labeling of packaged foods must include: name and address of the manufacturer, producer, or distributor; accurate statement of quantity of the contents in terms of weight, measure or numerical count; common name of product; ingredients, if two or more ingredients are present, listed by order of their predominance by weight, e.g. peanuts, salt, and declaration on the label if it contains the following allergens (milk, wheat, eggs, fish, shellfish, soybeans, tree nuts, peanuts). For the complete list of requirements for food labels, contact the Food and Drug Branch, California Department of Public Health.

Foods packaged by a Cottage Food Operator must also include the following on the label: "Made in a Home Kitchen"; the Permit or Registration #; and the name of the jurisdiction that issued the permit/registration.

Q. Is sampling permitted at a CFM?

A. Yes. Preparation and distribution of food samples from agricultural products is allowed.

Q. Is sampling permitted by vendors operating adjacent to a CFM?

A. Vendors operating mobile food facilities or mobile food preparation units may provide samples if they are in compliance with CRFC Chapter 10 and 11. These requirements may be more restrictive than the sampling requirements for vendors of agricultural products at the CFM.

Q. Can food facilities such as restaurants purchase agricultural products at a CFM?

A. Yes. However, fresh fruits, nuts, and vegetables may only be sold to "food facilities" when complying with all applicable regulations, including standard pack, standard containers, and labeling requirements. The local agricultural commissioner enforces these requirements.