

Farmers Markets Guidelines: Minimum requirements for food safety

This publication is a guideline for Oregon farmers' markets and their vendors outlining minimum requirements that must be met in order to assure food safety.

It is issued by the Food Safety Division of the Oregon Department of Agriculture in cooperation with the Office of Environmental Services & Consultation in the Department of Human Services.

The Food Safety Division performs inspections for compliance with these guidelines. Some market vendors are licensed by county health departments or the Field Services Unit of the Office of Environmental Services & Consultation.

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Published March, 2003
ODA Web site: <oda.state.or.us>
Hearing impaired: 503-986-4762

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Market operation requirements

Farmers' markets should 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 or a record of the number of the license. Licenses are listed on the ODA website and can be accessed using license numbers and/or other data routinely furnished by vendors. (See contacts.)

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 the appropriate licensing authorities.

What activities and products are licensed?

Many, but not all products sold at farmers' markets require licenses from the Food Safety Division of ODA. Here is a list of products and their licensing requirements:

Fresh fruits and vegetables

No food safety-related license is required, but vendors should review handling and sampling procedures in this publication. Device licenses issued by the Measurement Standards Division are required for sales by weight.

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. (See definitions for a more complete list food processing activities.) Home kitchens that meet requirements may be licensed as domestic kitchens for some food processing activities. Jams, jellies and baked goods are often allowed under a domestic kitchen license, but dairy, meats and low-acid canned goods are not allowed in domestic kitchens. Vendors should consult their ODA food safety specialist to make sure the products they plan to sell can be licensed in the facility they intend to use.

Seafood

Licenses are required for many activities involving fish and shellfish. Oysters require a shellfish shipper license. Most other types of seafood require either a processing license or a retail food establishment license, depending on whether products are processed by sellers or other licensed facilities. Live fish, shrimp and prawns are not part of ODA's jurisdiction.

Meat and poultry

All vendors selling meat and poultry must have a license from ODA, and certain activities require USDA inspection. Processing in a USDA-licensed facility is required for beef, pork, lamb and certain quantities of poultry must be slaughtered under USDA inspection. Poultry processors of 20,000 or fewer birds per year are exempt from the USDA inspection requirements if they raise, slaughter and sell their own product. USDA inspection exemptions are complex, so producers should consult with ODA before starting such operations.

Eggs

Eggs may be sold at market without an egg handler's license and without labeling, but only by the farm that produces the eggs. All other eggs — even those produced by friends or relatives on neighboring farms — must come from licensed facilities and comply with labeling requirements.

Honey

Licenses generally are required to extract honey, but an exception is made for operations with 20 or fewer hives. Honey in combs is not extracted and thus does not require a license.

Restaurant foods/food service

Foods prepared and sold at markets require a temporary restaurant license from the county health department in the county where the food is served. This requirement does not include samples and demonstrations discussed in the section below. NOTE: Vendors who cook any product at a farmers' market must either make sure it qualifies as a sample or

demonstration, or must obtain a temporary restaurant license. (In some counties the Field Services Unit of the State Office of Environmental Services & Consultation does the licensing on behalf of the county.) County health department jurisdiction applies even if vendors of such foods also sell products subject to licensing by ODA's Food Safety Division. Temporary restaurant vendors must have one person licensed as a food handler in the booth during hours of operation.

Chef/cooking demonstrations/other sampling

Small samples of cooked foods prepared at market may be offered free of charge to customers without obtaining a temporary restaurant license, for promotional and educational purposes. (Please see the definition of sampling.) All handling and sampling guidelines must be followed. Sample portions must be small, since the purpose is not to circumvent laws governing food service. Similarly, vendors may offer samples of other market products without additional licensing but must follow all applicable procedures in these guidelines.

Out of state food establishment licenses

ODA recognizes licenses from other states, but vendors should check with market managers and food safety specialists before bringing out-of-state products to Oregon farmers' markets. ODA requires proof of licensing for all processed foods.

Other ODA licenses

Other ODA divisions with duties outside the scope of these guidelines also issue licenses to farmers' market vendors. These include the Plant Division, which issues nursery licenses, and Measurement Standards Division, which regulates weighing devices.

Product labeling

All packaged foods must be labeled, and ingredient information must be available for foods sold in bulk. Unpackaged single-ingredient foods like fruits and vegetables do not need labels. Four pieces of information are required on labels: name of product, net weight, ingredients in descending order by weight, and name and address of the producer or distributor.

Bulk foods do not have the same labeling requirements as packaged foods. Ingredient information needs to be available to customers. Vendors can post ingredients on bulk bins or display a sign saying the ingredients are available upon request. Ingredient information should be maintained in writing.

Handle with care

Products at farmers' markets generally fall into three levels of handling care. At the strictest level are *potentially hazardous foods*, which require refrigeration and other special handling. In the middle are products that are not potentially hazardous but still require more care because they cannot be washed by consumers. The least restrictive level applies to fresh produce and in-shell nuts.

Potentially hazardous?

Even though market farmers consider their products to be the most wholesome foods available, some foods sold at farmers' markets are legally classified as *potentially hazardous foods* because they allow fast growth of germs that may cause food poisoning. This term includes common foods like eggs, meat, poultry, seafood, dairy products and many foods that contain those ingredients. Even foods that are not potentially hazardous can become potentially hazardous once water has been added and/or they have been cooked. Please see the definition of *potentially hazardous foods*, which includes technical details concerning pH and water activity level.

Certain baked goods are *potentially hazardous foods*.

Cheesecake is one example, but some foods may not be as obvious. Vendors should talk with their food safety specialist to determine whether the licensed foods they sell fall into this category.

Potentially hazardous foods in general must be stored, displayed and offered for sale packaged and refrigerated at or below 41 degrees F. Frozen products must stay frozen. Maintaining these foods at appropriate temperatures in an outdoor environment generally requires use of ice chests or other containers filled with ice or dry ice surrounding the product — except for eggs, which must be kept dry. Care should be taken to prevent accumulation of water from melted ice. Other products sometimes used to keep food cold, such as blue ice packs, are often not effective enough because they do not surround food products. Vendors should carry a thermometer to monitor product temperatures of refrigerated foods. Live seafood is not subject to this temperature rule. Live shellfish, for example, may be held at 45 degrees F.

Packaging safely

Seafood can be sold smoked, frozen or fresh, but vendors must make sure they are using appropriate packaging for their products. Here are some examples of handling concerns:

- Vacuum packaging is appropriate for smoked fish but not for fresh fish, which should be packed in a food grade plastic sleeve.
- Whole crab cooked in shells in a licensed facility can be sold on ice, but vendors should provide a barrier to prevent customers from touching the product.
- Food packages should be in good condition and protect contents so that food is not adulterated or contaminated.

Wrap or cover

Some products are not potentially hazardous but need extra protection because customers cannot wash them. Baked goods are the most common example. Vendors have two options: packaging these items in a licensed facility or selling 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.

Off the ground

Fresh fruits and vegetables and nuts in their shells can be displayed in open air. The only caveat is that they must be stored off the ground. Vendors can accomplish this in a number of ways. Many vendors use plastic tubs to transport and protect their produce. Empty crates or boxes underneath the ones holding produce can do the job if impervious tubs are not available. The only exception is for pumpkins or similarly large squash, which are often too bulky and irregular to display off the ground.

Vendors who sell products licensed by ODA should consult with a food safety specialist about proper handling procedures for each licensed product.

Hand washing

This section applies directly to anyone who prepares and serves samples at the market or who handles bulk-dispensed (unwrapped) products other than produce and nuts in the shell.

Hand washing is an important task that many people do — or fail to do — without thinking. To protect public health, farmers' market vendors, like workers in other food establishments, must make a special effort.

Here is what health authorities mean by hand washing: a cleaning procedure of about 20 seconds that includes vigorous friction, 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.

When does the requirement apply?

Whenever vendors 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. NOTE: A trip to the restroom or contact with bodily fluids requires two hand washings – at the toilet facilities and again at the work station.

What about hand sanitizers and moist towelettes?

Vendors may use these products but not as a substitute for hand washing.

How about single-use gloves?

Gloves do not eliminate the need for hand washing, although they may be helpful in some circumstances to avoid bare handed contact with food. If used, they must be limited to a single task and discarded when damaged or soiled or when tasks are interrupted. Non-latex gloves are preferred because of allergy considerations and are required in temporary restaurant operations.

What about money handling – isn't it a problem?

Not in the way that most people would expect. Research indicates that money handling is not a danger in food establishments, but public opinion is another matter. This may be a case where it is prudent for vendors to ignore science and structure their operations to please customers.

How do vendors set up a hand washing station?

Vendors may find they already own many of the components, and the rest are available at minimal cost. One key piece is an enclosed container that holds an adequate amount of water for the duration of a market day. Water containers should have a spigot that can stay open to allow a constant flow of water for two-handed washing. Such containers are available at stores that sell camping supplies. Other required components include: water, soap, single-use paper towels and some sort of catch basin for the wastewater.

Safe sampling

Vendors who sell products licensed by ODA should consult with a food safety specialist before sampling at markets.

In addition to hand washing, there are other sampling procedures that will protect vendors and their customers.

Start with clean food

Thoroughly rinse fruits and vegetables in potable water before cutting them. Vendors should not use substances other than potable water unless they have made certain the substances are approved to be used on food. Many soaps can actually make food less safe, and bleach solutions are not recommended for this purpose.

Clean tools

Use a clean cutting board and knife. Equipment and utensils must be easily cleanable and in good condition. Materials must be impervious and free of cracks and crevices. Smooth hardwood is acceptable for cutting boards. Utensils must be stored and covered to protect from contamination during transit to market and when not in use. Utensils can be stored between uses in ice or in the product with handles above the top of the food but not in sanitizing solution. Otherwise, clean and sanitize between uses.

Food contact surfaces should be cleaned with soap and water followed by an approved sanitizer, which is allowed to air dry before use. Single-use paper towels can be used on food contact surfaces. If wiping cloths are used, they must be sanitized and monitored as follows:

- Cloths must be stored in a sanitizing solution of an approved sanitizer at an acceptable concentration.
- Sanitizer concentration for stored cloths must be checked throughout each day using paper test strips.

Sanitizers

Household bleach may be used at a concentration of one tablespoon per gallon of lukewarm water, which equals 100 parts per million. (Quaternary ammonium compounds are mixed at 200 parts per million.) Do not assume that "more is better." Bleach concentration cannot be allowed to fall below 50 parts per million. Sanitizers exposed to air lose concentration over time, while spray bottles hold concentration for extended periods.

Protection

Samples must be covered to protect them from insects, dust and other contaminants when they are not being actively sampled by customers.

Vendors should design their sampling setups to prevent customers from touching samples other than the one they take. Close supervision of customers tasting samples is critical, especially when children are sampling. Toothpicks are helpful but not error-free. Sticking one in each sample, as time permits, can help discourage reuse.

Extra care is required in sampling potentially hazardous foods. Sampling is an exception to the rule that potentially hazardous foods are packaged in an ODA licensed facility and stay packaged until they reach consumers' homes. Temporary restaurants, which follow rules on which these sampling guidelines are based, are another exception.

Vendors who portion or otherwise prepare samples in a licensed facility rather than at market should keep the samples refrigerated while in transport in the same manner as the packaged product.

If samples of potentially hazardous foods are portioned or cooked at market, remove from packaging and refrigerate only what is needed to prepare each batch of samples.

Cook all potentially hazardous foods at approved temperatures for the required duration.

Samples of potentially hazardous foods must be discarded after two hours out of refrigeration.

Cross-contamination

Vendors should strictly segregate the foods handled at market to ensure that there is no cross-contamination of foods — particularly raw meat, poultry or seafood and ready-to-eat foods. Those who sample meats, poultry or seafood and fruits or vegetables in the same stall should use separate cutting boards, knives, wiping cloths, sanitizer buckets, etc. Clean and sanitize all equipment associated with raw meats, etc., immediately after preparing these foods, to avoid inadvertent contact.

Cross contamination also can involve two different kinds of raw meat, poultry or seafood. Separate equipment is not necessary to sample two kinds of meat, but vendors should clean and sanitize all equipment between uses.

Additional guidelines for markets and vendors

Animals

Vendor animals must be kept a minimum of 20 feet from any food handling, display or storage. 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. Vendors should not dump waste water in stormwater drains. Reasonably clean waste water can be used to water plants.

Definitions

Food processing

Cooking, baking, heating, drying¹, mixing, grinding, churning, separating, extracting², cutting³, freezing or otherwise manufacturing a food or changing the physical characteristics of a food; and the packaging, canning or otherwise enclosing of such food in a container; but not the sorting, cleaning or water rinsing of vegetables.

- ¹ Drying includes the drying of herbs by mechanical means.
- ² Extracting includes shelling.
- ³ Cutting does not include the harvesting of leaf greens for sale as produce.

Sampling

A food product promotion, where only a sample of a food (or foods) is offered free of charge to demonstrate its characteristics, is exempt from licensing. A sample cannot be a whole meal, an individual hot dish or a whole sandwich.

Potentially hazardous food

- (a) “*Potentially hazardous food*” means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:
- (i) The rapid and progressive growth of infectious or toxigenic microorganisms;
 - (ii) The growth and toxin production of *Clostridium botulinum*; or
 - (iii) In raw shell eggs, the growth of *Salmonella Enteritidis*.
- (b) “*Potentially hazardous food*” includes an animal food (a food of animal origin) that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; unpasteurized juices; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth as specified under Subparagraph (a) of this definition.
- (c) “*Potentially hazardous food*” does not include:
- (i) An air-cooled hard-boiled egg with shell intact;
 - (ii) A food with an a_w value of 0.85 or less;
 - (iii) A food with a pH level of 4.6 or below when measured at 24 C (75 F);
 - (iv) A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;

- (v) A food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or the growth of *S. Enteritidis* in eggs or *C. botulinum* can not occur, such as a food that has an a_w and a pH that are above the levels specified under Subparagraphs (c) (ii) and (iii) of this definition and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; or
- (vi) A food that does not support the growth of microorganisms as specified under Subparagraph (a) of this definition even though the food may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness.

Contacts for further information

Meat, poultry, seafood, baked goods and other processed foods, eggs, honey

ODA Food Safety Division
635 Capitol Street NE
Salem, OR 97301
(503) 986-4720 voice
(503) 986-4729 fax
<oda.state.or.us/fsd>

Sampling and food handling

ODA Food Safety Division
Same as above

List of ODA food safety specialists

ODA Food Safety Division
<oda.state.or.us/fsd>

ODA license database

Various ODA divisions
<oda.state.or.us/dbs/search.lasso>

Restaurant foods – prepared at markets for on-premise consumption

County health departments or Field Services Unit of the Office of Environmental Services & Consultation

Counties: consult blue pages in the phonebook or go to
<www.ohd.hr.state.or.us/esc/lhd/welcome.htm>

For counties served by the Field Services Unit of the Office of Environmental Services & Consultation:

800 NE Oregon Street
Portland, OR 97232
(503) 731-4012 (Dave Martin, food program coord.)
<www.ohd.hr.state.or.us/esc/food/dstel.htm>

Weights & measures

ODA Measurement Standards Division
635 Capitol Street NE
Salem, OR 97301
(503) 986-4670 voice
(503) 986-4784 fax
<oda.state.or.us/msd/msdstaff.html>

Nursery regulation

ODA Plant Division
635 Capitol Street NE
Salem, OR 97301
(503) 986-4644 voice
(503) 986-4786 fax
<oda.state.or.us/plant>

Women, infants & children coupon program

County health departments and other agencies
<www.dhs.state.or.us/publichealth/wic/countyinfo.cfm>

Information for market customers, vendors and managers/boards

Oregon Farmers' Markets Association
<www.oregonfarmersmarkets.org>