



CERTIFIED FARMERS' MARKET REQUIREMENTS

The following California Health and Safety Code requirements relate to the operation of a Certified Farmers' Market. The Market Managers are responsible for implementing the laws, regulations, policies, and guidelines applicable to Certified Farmers' Markets. Specific code sections are included in parentheses for reference.

1. "Certified Farmers' Market" (CFM) means a location that is certified by the State of California through Enforcement Officers of the County Agricultural Commissioners and operated pursuant to Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and regulations adopted pursuant to that chapter (Health & Safety Code, Section 113742).
2. "Permit" means the document issued by the enforcement agency (EHD) that authorizes a person to operate a food facility (which includes a CFM). A permit is required for the CFM, is held by the manager for the CFM, and must be posted at the CFM (Health and Safety Code Sections 113789(b)(9), 113851, and 114381).
3. "Produce" means any whole edible portion of a plant in its raw or natural state (Health and Safety Code, Section 113877).
4. "Food preparation" means packaging, processing, assembling, portioning, or any operation that changes the form, flavor, or consistency of food, but does not include trimming of produce (Health and Safety Code, Section 113791).
5. Only agricultural products may be sold or offered for sale at a CFM (Health and Safety Code, Section 113742; Food and Agricultural Code, Division 17, Chapter 10.5 commencing with Section 47000).
6. All food provided at a CFM shall be produced, prepared, packed, stored, transported, kept for sale, and served 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)] (Health and Safety Code, Section 113980).
7. All food shall be stored at least 6 inches off the floor or ground [Health & Safety Code, Section 114371(a)].
8. Food preparation is prohibited at a CFM with the exception of food samples. Distribution of food samples is allowed provided that the following sanitary conditions exist:
 - a. Samples shall be kept in clean, nonabsorbent, and covered containers intended by the manufacturer for use with foods. Any cutting or distribution of samples shall only occur under a tent, canopy, or other overhead covering.
 - b. All food samples shall be distributed by the producer in a manner that is sanitary and in which each sample is distributed without the possibility of a consumer touching the remaining samples.

- c. Clean, disposable plastic gloves shall be used when cutting food samples.
- d. Fresh, whole produce intended for sampling shall be washed or cleaned in another manner of any soil or other material by potable water in order that it is wholesome and safe for consumption.
- e. Potable water must be available for handwashing and sanitizing as follows:
 - Hand wash set-up with a minimum 5-gallon gravity flow water containers, equipped with a hands-free spigot; pump style liquid hand soap; single-use paper towels; and a basin to catch the wastewater.
 - Sanitizer solution of approved concentration (such as 100 ppm chlorine) for sanitizing surfaces and utensils.
- f. Potentially hazardous food samples shall be maintained at or below 45 degrees Fahrenheit and shall be disposed of within two hours after cutting.
- g. Wastewater shall be disposed of in a facility connected to the public sewer system or in a manner approved by EHD but shall never be disposed of onto the ground.
- h. Utensils and cutting surfaces shall be smooth, nonabsorbent, and easily cleanable, or single-use articles shall be utilized. If the producer uses only single-use articles or maintains an adequate supply of clean replacement articles readily available at the site at the time of use, warewashing facilities will not be required. If multi-use utensils are to be used, and clean replacement articles are not available, a 3-compartment warewashing sink will be required.

[Health & Safety Code, Section 114371(b)].

- 9. Shelling nuts, drying fruit, or producing juice is considered food preparation, and must be done in an approved facility [Health & Safety Code, Sections 113791 and 114371(b)].
- 10. No food prepared, processed, packaged and/or stored in a private home may be offered for sale or given away at the CFM unless that food is prepared in a registered or permitted Cottage Food Operation pursuant to Section 114365 [Health & Safety Code, Section 114021(b)].
- 11. Labels of packaged foods must include the following:
 - a. The common name of the food;
 - b. A list of ingredients in descending order of predominance by weight, if made from two or more ingredients (e.g. peanuts, salt);
 - c. An accurate declaration of the quantity of contents (e.g. net weight, count, or volume);
 - d. The name and place of business of the manufacturer, packer, or distributor.
 (Health and Safety Code, Section 114089; Sherman Food, Drug, and Cosmetic Law, Part 5, commencing with Section 109875).
- 12. All harvested, cut, wrapped, or otherwise processed meat, poultry, and fish products shall be from approved sources and shall be properly labeled or have documentation present at the point of sale. [Health & Safety Code, Section 114371(i)].
- 13. All harvested, cut, wrapped, or otherwise processed meat, poultry, and fish products offered for sale shall be transported, stored, displayed, and maintained at a temperature of 41 degrees Fahrenheit or colder. The temperature-holding capabilities of the storage containers used shall be sufficient to maintain safe product temperatures. Storage containers for meat, poultry, and fish products shall be insulated and have interior surfaces that are smooth, nonabsorbent, and easily cleanable. All meat, poultry, and fish products shall be stored in a manner that reduces the risk of cross-contamination [Health & Safety Code, Section 114371(i)].

14. If nonagricultural food products are sold at a CFM, they must be sold from a Mobile Food Facility (MFF) or Temporary Food Facility (TFF) having a valid Permit to Operate from EHD (Health and Safety Code, Section 114381).
15. MFF vendors selling food adjacent to and under the jurisdiction and management of a CFM may store, display, and sell food from only one table or display fixture apart from the MFF, in a manner approved by EHD. The MFF (cart or vehicle) must be directly adjacent to the one approved table or display fixture. [Health and Safety Code, Section 114371(g)].
16. All products sold as organic must be grown, produced, or processed in accordance with the Health and Safety Code beginning with Section 110810 (California Organic Products Act of 2003). Products must be prominently labeled with terminology as set forth by regulations promulgated by the National Organic Program established pursuant to the Federal Organic Foods Production Act of 1990.
17. Raw shell eggs may be stored and displayed without refrigeration if all of the following conditions are met:
 - a. The eggs were produced by poultry owned by the seller and collected on the seller's property.
 - b. The eggs are not placed in direct sunlight during storage or display.
 - c. Retail egg containers are labeled "refrigerate after purchase" or the seller posts a sign advising consumers that the eggs are to be refrigerated as soon as practical after purchase.
 - d. Retail egg containers are conspicuously identified as to the date of the pack.
 - e. The eggs have been cleaned and sanitized.
 - f. The eggs are not checked, cracked, or broken.
 - g. Any eggs that are stored and displayed at temperatures of 90 degrees Fahrenheit 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 degrees Fahrenheit or below, diverted to pasteurization, or destroyed in a manner approved by the enforcement agency.
 - h. Any eggs that are stored and displayed at temperatures above 90 degrees Fahrenheit that are unsold after four days from the date of pack shall be diverted to pasteurization or destroyed in a manner approved by EHD.
(Health and Safety Code, Section 114373)
18. Approved toilet and handwashing facilities shall be available within 200 feet of the premises of the Certified Farmers' Market or as approved by EHD [Health & Safety Code, Section 114371(c)].
19. 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 requirement does not apply to guide dogs, signal dogs, or service dogs when used in accordance with Section 54/1 and subdivision (b) of Section 54/2 of the Civil Code, and Section 30850, 30851, and 30852 of the Food and Agricultural Code [Health & Safety Code, Section 114371(d)].
20. Smoking of cigarettes, cigars, pipe tobacco, and other nicotine products shall not be permitted within 25 feet of the common commerce area comprised of sales personnel and shopping customers of the Certified Farmers' Market. [Health & Safety Code, Section 114371(f)].

21. All garbage and rubbish shall be stored, and disposed of, in a manner approved by EHD [Health & Safety Code, Section 114371(e)].
22. The California Health and Safety Code requires that all food at a Certified Farmers' Market be obtained from approved sources. Possession of a valid Certified Producer's Certificate by the Seller will be accepted as evidence of the produce having been obtained from an approved source. The following agencies regulate the growing or processing of the indicated food products. Acceptance of an approved source is up to EHD.

PRODUCT		AGENCY			
		AGRICULTURE DEPARTMENT	ENVIRONMENTAL HEALTH	STATE FOOD & DRUG	OTHER
Nuts	Whole	X			
	Shelled		X	or X	
Dried Fruits	Whole	X			
	Processed		X	If Stemmed, Cut Or Chemicals Added	
Juices			X	or X	
Jellies & Jams			X	or X	
Low Acid Canned Foods				X	
Sprouts		X			
Honey		X		If Blended & Bottled.	
Eggs		X			
Poultry					State Food & Ag or USDA
Whole Fish & Shellfish		X			State Fish & Game
Red Meat (Fresh)					USDA
Red Meat (Processed)					State Food & Ag or USDA