



Food Protection Program Policies, Procedures and Guidelines

Issue: Farmer's Markets

No: RF-08

While there is no regulatory definition for *farmer's markets*, the Massachusetts Department of Agricultural Resources defines them as: "festive outdoor markets where farmers sell their locally grown farm products directly to the consumer." The Massachusetts Department of Public Health's interpretation of farm products currently includes:

- Fresh Produce (fresh uncut fruits and vegetables)
- Unprocessed honey
- Maple syrup
- Farm fresh eggs (must be stored and maintained at 45°F (7.2°C)).

Farmer's Market Vendors that Require a Retail Food Permit

Farmer's markets, which traditionally offered locally- grown produce and farm products, have expanded into retail food operations offering processed foods. Farmer's market vendors that sell food products and processed foods other than those farm products listed above, shall be licensed as a retail food operation and inspected by the local health department in accordance with Massachusetts Regulation 105 CMR 590.000 - Minimum Sanitation Standards for Food Establishments - Chapter X. Examples of processed foods commonly sold at farmer's markets include pies, cakes, breads, jams and jellies, candy, and baked goods.

While some farmer's markets are organized by a market manager (someone who assists vendors in coordinating permitting and other issues for the market), the Massachusetts Food Protection Program recommends that local health departments issue retail establishment licenses to individual vendors, for enforcement purposes. License fees may be established as either a percentage of the annual fee charged for a regular food establishment permit based on the number of weeks the farmer's market is operating, or the local health department may set a specific permit fee for a farmer's market operation. Whichever fee system and fee the board selects, the fee should not be higher for the seasonal operation than the regular food establishment fee is on an annual basis.

The local health department must assess the facilities available to the farmer's market, and prohibit any food-handling operation that cannot be safely performed. In addition, the local health department may prohibit the sale of certain food items if the items cannot be handled and maintained in accordance with 105 CMR 590.000 requirements.

Finfish and crustaceans may be sold at a farmer's market provided they are sold only from a state-licensed retail truck.

Safe Food Handling Practices

Physical and Sanitary Facilities

Farmers markets are most often held in an open-air setting, such as a town common or field. In some cases, there may be restrooms and handwashing facilities nearby that vendors may use. If restrooms and handwashing facilities are not available, the market must provide portable restrooms and handwashing facilities for use by vendors.

If only agricultural products and packaged food items are offered for sale, there is no requirement for handwashing stations at each individual vendor area.

Approved Source

Processed foods sold at a farmer's market must be manufactured in a licensed food processing facility, a licensed food establishment, or a licensed residential kitchen. Copies of residential kitchen permits, retail food establishment permits or food manufacturing licenses at which the food was prepared should be submitted to the local health department along with the vendor's application.

There is no approved source requirement for fresh fruits and vegetables.

The sale of shellfish is prohibited.

Food Samples

If a vendor offers food sampling, the local health department may impose additional handwashing requirements for that vendor. Ready-to-eat food samples should be cut, wrapped and secured in the licensed facility in which they are manufactured, and must be protected from environmental and consumer contamination during transportation and display. Any food handling process involving exposed ready-to-eat foods must be closely evaluated for proper controls and restricted if there is any potential for contamination or growth of pathogenic organisms.

Temperature Control

Any food requiring temperature control for safety must be held at proper temperatures in accordance with 105 CMR 590.000 and federal laws governing those foods during transportation and display for sale.

For additional information

- on opening and operating a farmer's market, contact the Massachusetts Department of Agricultural Resources at 617-626-1754.
- on food safety and sanitation, licensure and city/town requirements, contact the local health department,
- on state regulations, contact the Massachusetts Food Protection Program at 617-983-6712.