

Operational Guidelines



FOR VENDORS AT THE FARMERS' MARKET

The Minnesota Department of Agriculture, www.mda.state.mn.us

WHO NEEDS A LICENSE?

Any vendor who buys and sells produce.

Any vendor who sells a processed food product unless exempted under 28A.15. Such items would include: meat, poultry, fish, dairy products, flavored honey, snack foods, baked goods, and desserts, etc.

I have a food firm licensed by the Minnesota Department of Agriculture (or the Minnesota Department of Health). Do I need another license to sell at the farmers' market?

If you do no further processing of the food at the Farmers' Market, a separate license would not be required. However, if you do further processing of food at the Market you must have a separate license. It is recommended that you have a copy of your license with you at the market.

HOW DO I OBTAIN A LICENSE?

Before starting a food business, you must notify the Minnesota Department of Agriculture's main office at **651/201-6027**, prior to beginning operation. The area inspector will then contact you to discuss operation procedures and licensing.

You should also contact the city where the Market is located regarding any additional licensing or permit requirements.

WHO IS EXEMPT FROM LICENSING AT A FARMERS' MARKET?

There are two categories of people/vendors exempt from licensing.

1. GROWERS

The first exempt category is found in M. S. section 28A.15 subd. 2 which states, "persons selling the products of the farm or garden occupied and cultivated by them" (are exempt). This includes fruits, vegetables, and herbs grown by the seller. If you buy from another source and resell these products, you need a license.

There are some processed products including meat products that may be exempted from licensing. These products still need to be processed in approved facilities and must be made completely from ingredients raised on a farm that you occupy and cultivate. We also request you register with the department to claim this exemption.

Do I need a license to sell my eggs at a Farmers' Market?

If you sell only eggs produced on your farm, you do not need a license. If, however, you purchase eggs for resale, you must obtain a license.

Are eggs sold at Farmers' Markets exempt from labeling, candling, grading, etc.?

No. *All eggs sold at retail, including Farmers' Markets, must be candled and graded. In addition, all eggs must be labeled with the following information:*

- *grade and size;*
- *the statement "Perishable, Keep Refrigerated";*
- *Safe Handling Instructions: "To prevent illness from bacteria: Keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly."*
- *code dated with a pack date, which is the Julian date (day of the year) and a freshness date, and an explanation of the date, such as expiration., use by or sell by;*
- *name, address and zip code of packer or distributor; and producers should be registered with the MDA.*

At what temperature must eggs be held?

All eggs must be held in storage and display at a temperature not to exceed 45°F. Mechanical refrigeration is required to maintain this temperature.

Can poultry be sold at a Farmers' Market?

The Federal and State laws have varied requirements relating to poultry processing and sales at a farmers' market, depending on four things: 1) the number of birds you are selling; 2) whether or not you raised the birds; 3) where they were processed; and 4) the type of processing that was conducted. In most cases the poultry must have been processed under continuous State or USDA inspection. It is best to discuss this with someone from the Dairy and Food Inspection Division.

Can I sell my custom processed beef or pork at the Farmers' Market?

No. *It must be processed under USDA or the Minnesota Meat Inspection program. If you are selling meat that was processed in another state, it must be USDA inspected. A Minnesota Retail Food Handlers License would also be required.*

Can I sell wild mushrooms at the Farmers' Market?

Only those persons approved by the regulatory authority through the successful completion of an accredited wild mushroom identification course may sell wild mushrooms. Contact the Minnesota Department of Agriculture for information on available courses.

2. PERSONS AT A COMMUNITY EVENT OR A FARMERS' MARKET

The second exemption to licensing is found in M.S. 28A.15 subd. 9 and M.S. 28A.15, subd.10, namely:

A. M.S. 28A subd. 9 allows an individual who prepares and sells food that is not potentially hazardous, as defined in rules adopted under section 31.11 , at a community event or farmers' market to sell up to a maximum annual gross sales volume of \$5000.00. This exemption requires the seller to post a visible sign or placard stating "These products are homemade and not subject to state inspection."

What foods could be sold under this exemption?

Non-potentially hazardous foods that could be sold under this exemption could include, but are not limited to jams, jellies, fruit syrups, cakes, cookies, fruit pies, breads, lefse, and maple syrup.

The Minnesota Department of Agriculture will maintain a data base of those persons who are exempt under 28A.15 subd 9 and subd 10 who process food in their homes for sale at farmers' markets and community events. It is recommended that you contact the Dairy & Food Inspection Division at 651-201-6027 for additional information.

What foods could not be sold under this exemption?

Potentially hazardous foods that could NOT be sold under this exemption could include, but are not limited to, apple juice or cider, pumpkin pies, meringue or custard pies, cream puffs, or any product containing meat, egg, dairy, or any product that requires refrigeration.

B. M.S. 28A subd. 10 now allows the sale of ***pickles, vegetables, or fruits*** home-processed and home-canned in Minnesota and having an equilibrium pH value of 4.6 or lower, under the following conditions: gross food sales receipts do not exceed \$5,000.00, the seller must post a sign stating, "These canned goods are homemade and not subject to state inspection", and each container must be labeled with the name and address of the person who processed and canned the goods and the date on which the goods were processed and canned.

What home-processed and home-canned foods could be sold under this exemption?

Only Minnesota home-processed and home-canned foods that have an equilibrium pH of 4.6 or lower can be sold. Examples might include canned pickle varieties, tomatoes, salsa, apples, pickled beets, horseradish, sauerkraut and various fruits. The final pH will be dependent on the product and the formulation used. An individual selling home-processed or home-canned acid foods under this exemption should have available, upon request of the regulatory authority, documentation of the formulation (recipe) and the equilibrium pH results for these products.

What foods cannot be sold under either exemption?

Home-processed and home-canned food items with an equilibrium pH of 4.6 or greater can not be sold under either exemption. Examples of low acid foods that could not be sold include asparagus, beans, beets, broccoli, brussel sprouts, cabbage, carrots, cauliflower, sweet corn, eggplant, mushrooms, peas, most peppers, potatoes, squash, spinach, vegetable soups, etc. These foods have a pH of 4.6 or greater and would be classified as low acid canned foods. Other examples of foods not allowed are home-canned fish, pickled eggs and meat. Home canned low acid foods have resulted in outbreaks involving serious illness and deaths.

An excellent reference that lists the pH of various foods titled "Approximate pH of Foods and Food Products" can be found on the FDA's website address at <http://vm.cfsan.fda.gov/~comm/lacf-phs.ptml>

What other information is available on home canning that I should know?

A person claiming an exemption to licensing under M.S. 28A.15 Subd. 10 for the sale of home-processed and home-canned food products is urged to attend and successfully complete a better process school recognized by the Commissioner of Agriculture and have the recipe and manufacturing process reviewed by a person knowledgeable in the food canning industry who is recognized by the Commissioner as a process authority. Contact the University of Minnesota Extension Service or the Minnesota Dept. of Agriculture for information on available courses.

What kinds of foods are considered to be "potentially hazardous"?

Any foods which would support the rapid growth of bacteria, such as foods needing refrigeration, including dairy, meat, poultry, fish and egg products, and foods that are heat processed but not shelf stable.

WHAT SPECIAL EQUIPMENT IS REQUIRED?

Proper hand washing facilities are required if you are selling any food other than produce or eggs, that is not packaged. See Food Sampling Guidelines handout.

If you are preparing foods, dispensing from bulk, or sampling your product, you must follow the handwashing and utensil washing requirements given in the Food Sampling Guidelines on pages 7 & 8.

All food service equipment must be manufactured to International Sanitation Foundation (NSF) standards if you are serving food such as brats, hotdogs, soups, etc.

Mechanical refrigeration is required for all potentially hazardous foods which must be held cold (41°F or lower). This also applies to foods which must be frozen solid during transport, storage, and display.

What is the definition of “mechanical refrigeration”.

It is a mechanical device that requires a power source, and is capable of maintaining food at 41°F or less, or in a frozen state. Ice, dry ice, or cold packs cannot be used as a substitute for mechanical refrigeration of potentially hazardous foods held for four hours or more.

HOW DO I STORE AND DISPLAY FOOD?

- All foods and food-related product must be kept at least six inches above the ground, and stored and displayed in a manner which prevents contamination. When displayed for sale or sampling, foods must be in properly sealed or covered containers intended for food, or in prepackaged form.
- A food stand must provide protection during adverse weather by its construction or location. Food activities must cease in adverse weather if the interior of the stand is not adequately protected from the weather, windblown dust and debris.
- A canopy or other form of overhead protection must be provided.
- Food containers may not be reused unless they have been properly cleaned and sanitized in a licensed food processing facility.



What are the temperature requirements for food?

Cook all potentially hazardous foods to required temperature.

145°F	eggs, fish, meat and farm raised game
155°F	pork, ratites (<i>ostrich, emu, rhea</i>), injected or cured meats, ground or chopped meat
165°F	poultry, wild game, stuffed meat, pasta, fish or stuffing
<i>Reheat all potentially hazardous foods to 165°F. Hold all potentially hazardous foods at 140°F or above, or 41°F or below.</i>	

Food temperatures must be checked with a thermometer.

What are the requirements for vehicles transporting food?

Vehicles used to store and transport foods and food related items must be kept clean and in good repair. To prevent the possibility of contamination, non-food related items and chemicals must not be stored or transported together in the same vehicle. Foods must be protected at all times.

What kind of labeling is required?

All food in a package form sold at farmers' markets and community events must be labeled to include the following information: identity of the food product, net weight of contents, a list of ingredients in descending order of predominance by weight, and the name, address, and zip code of the manufacturer or distributor. The only exemption to these label requirements is for a person exempted under 28A.15 subd 9 and subd 10 which have these specific requirements.

The products must include the name and address of the person preparing and selling the food and a sign or placard stating that: "These products are homemade and not subject to state inspection." Additional requirements apply to home-canned pickles, vegetables, or fruits with an equilibrium pH of 4.6 or lower. The labeling for these products must also include the date they were processed and canned and must display a clearly legible sign or placard stating: "These canned foods are homemade and not subject to state inspection."

In order to provide needed information to customers with food sensitivities or allergies, it is recommended that all prepared food containing the most common allergens (eggs, peanuts or other nuts, soy, milk and dairy products) be labeled with an ingredient statement.

WHAT KIND OF PERSONAL HYGIENE PRACTICES MUST BE FOLLOWED?

Persons who are ill are not to work in the food stands, especially with symptoms of vomiting or diarrhea, or with infected cuts or burns on the hands.

- Anyone who provides food samples to the public, and all those who engage in food handling or preparation must keep their hands clean.
- Hand wash facilities are required. See Food Sampling Guidelines on pages 7 & 8 for required equipment.
- Wash your hands often, and especially after using the toilet, before starting work, coughing, sneezing, smoking, eating or drinking, or other activities that contaminate hands.
- Do not use a cloth towel for handwiping.
- Wear clean clothing. Clean aprons or similar protective clothing is encouraged.
- Wear effective hair restraints, such as clean caps or hairnets, during food preparation. Hairspray or very short haircuts are not a substitute for proper hair restraints.
- Smoking or eating is not allowed in the retail sales or food preparation areas.
- Personal items (purses or coats) are not to be stored with food or food service articles.

ARE PETS ALLOWED IN FOOD STANDS?

No pets or other live animals are allowed in food stands. Only police dogs and service animals, such as patrol or handicap assistance dogs, are allowed in the area of operation.

WHAT ARE THE FOOD SAMPLING GUIDELINES?

All licensed or license-exempted retail food handlers/growers offering food samples to the general public at farmers' markets must meet the following minimum requirements:

Water Supply: Water must come from an approved water source. Water may not come from a residential well.

Waste Water: All waste water must be disposed of in an approved sanitary sewer system. Disposing of waste water on the ground is prohibited.

Handwashing: Always wash your hands thoroughly with soap and warm water before preparing food. "Waterless" hand sanitizing products are not an approved substitute.

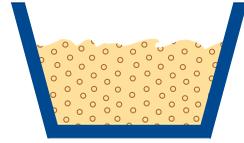
Cleaning Equipment and Facilities: Food utensils and food contact surfaces must be properly cleaned and sanitized immediately prior to and during food preparation activities. Clean utensils must be covered when in storage, not in use, or when being transported. Utensils must be stored and covered with materials intended for use with food. Use of garbage bags for storing or covering food and food related items is prohibited.



Completely clean all utensils in hot, soapy water.



Rinse off all soap residue from utensils with clear, clean water.



Dip rinsed utensil into sanitizing solution so that it is completely covered; then remove and air dry on a clean surface. Follow instructions on level of sanitizer for proper concentration.

Manual Equipment and Utensil Washing:

Three food-grade containers (with lids) which are large enough to allow the proper cleaning and sanitizing of the food equipment in use must be provided and labeled as follows:

Dispensing: *Only single service, disposable eating and drinking utensils* may be used. Some examples of these are: single use food papers, napkins, toothpicks, and spoons. These items are for single use only and may not be reused.

Food sampling promotions are not to be set up as "self service" displays for consumers to help themselves. Dispensing of product must be done in a safe and sanitary manner under the control of the vendor only.

Containers with covers must be used to protect food products during storage and display. These containers must be constructed from food grade materials, and must be smooth and easily cleanable.

WHERE CAN I FIND MORE INFORMATION?

Minnesota Department of Agriculture Home Page at <http://www.mda.state.mn.us>

Subscribe to the List Serve program at:
MDA_Food_Safety_Line@mda.state.mn.us

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