

Selling at Farmers Markets: Regulations and Food Safety Best Practices

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Outline

- Updated publication (Jan 2015)
- Regulations for selling at Farmers Markets
- Food Safety Best Practices



Overview: Allowed Foods, Label Requirements

Farmers markets are growing in popularity across the United States and across Kansas. These markets provide a valuable market outlet for local farmers and allow consumers to purchase healthy local produce and other foods. To protect this key market outlet, it is essential that the food sold at farmers markets is produced and processed according to the relevant governmental rules, regulations, and guidelines. Not only will this ensure products that are as safe as possible, it will also assure your customers that your business, as well as the entire farmers market, has product quality and safety in mind.

*** Retail food sales (including at farmers markets) in Kansas are*

Foods NOT allowed to be sold at Kansas farmers markets (WITHOUT proper licensing)

- Home-canned products (other than fruit jams and jellies). These excluded products include home-canned pickles, meats, vegetables, fruits, tomato products.
- Home-canned pepper jellies: peppers are naturally low in acid, so require exact amounts of an acid (such as vinegar) to be added to enable them to be safe to process in a boiling water bath.
- Home-baked potentially hazardous foods (includes cream or meringue pies, custards, cheesecakes, cream-filled cupcakes

Why food safety?

- Provide products as safe as possible
- Assure customers that product quality and safety, and their health, is important to them
- Protect markets



Why are there regulations?

- Food borne illness outbreaks have been associated with farmers markets, local ag
 - No one wants to make their customers sick
- Farmers/vendors should reduce their liability and protect their reputation as much as possible
 - Liability/ reputation of entire market also
- Create a level playing field



KSRE/KDA regulations publication

www.ksre.ksu.edu/bookstore/Item.aspx?catId=201&pubId=17219

- 1-** Overview: allowed foods, label requirements
- 5-** General food safety practices, selling fresh produce, samples, demos
- 10-** Selling prepared foods and baked goods
- 11-** Selling meat, eggs and dairy products
- 14-** Key contacts



Food Safety for Kansas Farmers Market
Vendors: *Regulations and Best Practices*



Which regulations where?

- KS Dept of Ag regulates food products sales in KS
- Publication covers all food sold direct to consumers
 - This generally includes products sold online also
 - Includes fairs, fundraisers, etc. also
- In KS, regulations are the same statewide
 - MO: regulations may vary by county, city
 - Sales in other states- check their regs, follow FDA/USDA regs
- Individual farmers markets may have stricter requirements



NOT allowed (*WITHOUT proper licensing*)

- Home canned pickles, meats, vegetables, sauerkraut
- Home baked cream or meringue pies, custards, cheesecakes, cream-filled cupcakes, cream cheese frostings, etc. (need temp. control for safety)
- Home-made dairy products (cheese, yogurt, etc.)
- Uninspected meat or poultry



Foods allowed WITHOUT licensing

- Home baked goods (cookies, breads, cakes, etc)
- Dry baking mixes
- Fresh uncut fruits and vegetables
- Intact salad greens
- Nuts (shelled or in-shell)
- Honey
- Eggs (*food safety practices recommended, even if having <50 hens*)



Foods allowed WITHOUT licensing- 2

- Home canned fruit jams and jellies
 - Includes jams and jellies flavored with pepper-flavor vinegar or pepper powder
- Canned, shelf stable naturally high acid foods (canned fruits)
- Pasteurized juice, cider
 - If not pasteurized, need warning statement, license
- Home made hard candies



Foods allowed WITHOUT licensing- 3

- *Cultivated whole* mushrooms (fresh or dried)
- Fish and seafood- sold whole on ice
- Ready to eat foods and beverages sold $\leq 6X$ /year
 - Must still follow sanitation and hygiene requirements
- Ready to eat foods and drinks sold by community groups for fundraising purposes
 - Must still follow sanitation and hygiene requirements



Foods allowed WITH proper licensing

- Dairy products; milk- license needed for plant and point of sale
- Potentially hazardous baked products (cheesecakes, cream-filled, etc)
- Raw meat and poultry
 - All meat must be *slaughtered* under inspection
 - Direct to consumer: does not need to be *processed* under inspection (required for wholesale)
 - Can be sold refrigerated or frozen



Foods allowed WITH proper licensing-2

- Ready to eat meat- KDA or USDA inspected
- Fish and seafood- cleaned
- Sprouts- license at prod. facility and point of sale
- Cut leafy greens (cut beyond normal harvesting)
- Cut produce (includes refrigerated salsa, pesto)
- Wild mushrooms – for more info, see
 - <http://agriculture.ks.gov/divisions-programs/food-safety-lodging/morel-mushroom-workshop>
- Naturally fermented canned foods (sauerkraut)



Foods allowed WITH proper licensing- 3



- Acidified shelf-stable canned foods (pickles, hot sauce); low acid canned foods (canned vegetables, meats)
 - License, recipe approval, Better Process Control School
- For-profit entities selling >6 X/year: Ready to eat foods (pizza, grilled hamburgers)
- Alcoholic beverages (>0.5% alcohol- beer, wine, many kombucha drinks)- KDA and Dept of Revenue

Foods that require testing first

- Pepper jams and jellies- water activity
- Low-sugar fruit jams and jellies (shelf-stable)- pH, water activity, product formulation
- Canned, shelf-stable salsa, BBQ sauce- pH
- Chocolate candies- water activity



- *Products can be sent to Fadi Aramouni's lab or other accredited lab*

How to get the license needed?

- Visit the KDA website

<http://agriculture.ks.gov/divisions-programs/food-safety-lodging/food-safety-egg-lodging-app-forms>

- email fsl@kda.ks.gov
- call 785-296-5600

What are labeling requirements?

1. Common name of product
2. Entity responsible for product (name, address)
3. Product ingredients (if >1 ingredient)
4. Quantity (weight, volume, count)

Note: meat products have additional requirements



What else is needed?

- Sales tax certificate- KS Dept of Revenue
- Scale testing- products sold by weight must have scale tested by licensed service company once annually (KDA Weights and Measures)
- Redeeming Senior Farmers Market Nutrition Program or SNAP benefits- KDHE, KDCF



Who enforces all this?

- KDA local inspectors conduct random inspections
- Extension can provide information, education
- Farmers market managers should enforce any requirements specific to their market

General food safety practices section of publication

- Regulatory requirements listed in ***bold & italics***
- Other items listed recommended for food safety
- General food safety best practices
- Chef demonstrations
- Selling fresh produce
 - Includes method of retail sale for produce
 - Harvest calendar



General food safety practices

section-2

- Selling live plants
 - If selling >\$10,000/year live plants, license needed
- Selling unique agricultural products (live birds, worms, manure, compost, etc.)
 - Currently no state regs; check local regs
- Offering product samples
 - No license, but need handwash and sanitizing station (later slides), pre-cut samples
- Calibrating a thermometer



Selling prepared foods & baked goods section

- Selling prepared foods
 - License requirements and best practices
 - Selling at a farmers market or a CSA
- Selling baked goods
- Selling jams, jellies, canned foods
- Selling refrigerated/frozen processed foods



Selling meat, eggs, dairy products section

- Selling meat and poultry products
- Selling eggs
- Selling dairy products



Other sections

- References and other resources
- Key contacts
 - Questions on?
 - Who to contact
 - Website
 - Email
 - Phone

Key Contacts

Questions on?	Who to contact	Website	Email	Phone
Food Safety Licensing and Inspection	KDA Division of Food Safety and Lodging	http://agriculture.ks.gov/divisions-programs/food-safe-by-lodging	tsje@dks.gov	785-564-6767
Value added product recipe approval, product development, Better Process Control School, HACCP, etc.	Kansas State University Value-Added/ Product Development Lab	www.ksre.ksu.edu/ksafp/020207tabid-1	kvaf@ksu.edu	785-532-1668
Sales tax information	Kansas Department of Revenue	www.ksrevenue.org/	tax@dks.gov	785-368-8222
Filing as a business entity	Kansas Secretary of State	www.ksos.org/main.html		785-296-4564
General Information on Kansas Farmers Markets	Kansas Farmers Markets website	http://fromthelandofkansas.com/discover-resources/farmers-market-resources	julie.rollery@dks.gov	785-564-6755
Registering a Farmers Market or Roadside Stand	From the Land of Kansas program	www.agriculture.ks.gov/docs/default-source/ag-marketing/control-registration-of-kansas-farmers%27-markets.pdf?sfvrsn=0		
Accepting Senior Farmers Market Nutrition Program (SFMNP) coupons	Kansas Department of Health and Environment	www.kdheks.gov/sfmp/		785-296-8060
Accepting SNAP (Vision Cards) from customers	USDA Supplemental Nutrition Assistance Program (SNAP)	www.fns.usda.gov/eb/learn-about-snap-benefits-farmers-markets		
Scale testing, method of selling produce, food labels	KDA Weights and Measures	http://agriculture.ks.gov/divisions-programs-weight-measures		785-564-6700
Selling live plants	KDA Plant Protection and Weed Control Program	http://agriculture.ks.gov/divisions-programs-plant-protection-weed-control/live-plant-dealer		785-564-6700
Meat and poultry inspection and registering of label claims	KDA Meat and Poultry program	http://agriculture.ks.gov/divisions-programs/meat-and-poultry-inspection/general-information		785-564-6776
Questions on dairy processing, licensing, and product labeling	KDA Dairy Inspection program	http://agriculture.ks.gov/divisions-programs/dairy-inspection/dairy-consumers	george.blush@kda.ks.gov	785-564-6700
Business consulting for small businesses	Kansas Small Business Development Center	http://www.kansasbdc.net/		1-877-625-7232
Information and personal assistance to start or maintain a Kansas business	Kansas Business Center	www.kansas.gov/businesscenter/		877-521-8600
Resources and information on Sustainable Agriculture and Alternative Crops	Kansas Center for Sustainable Agriculture and Alternative Crops	http://kansassustainableveg.org/	kaber@ek-state.edu	785-532-2976
General Farmers Market Food Safety Best Practices questions	Kansas State University Extension Consumer Food Safety Program	www.ksre.ksu.edu/FoodSafe-by-b.aspx?tabid=1	lmwadike@ksu.edu	913-307-7301
Information on production of fruits, vegetables, and live plants	Kansas State University Extension Horticulture Program	www.htr.k-state.edu/b.aspx?tabid=49		785-532-6173

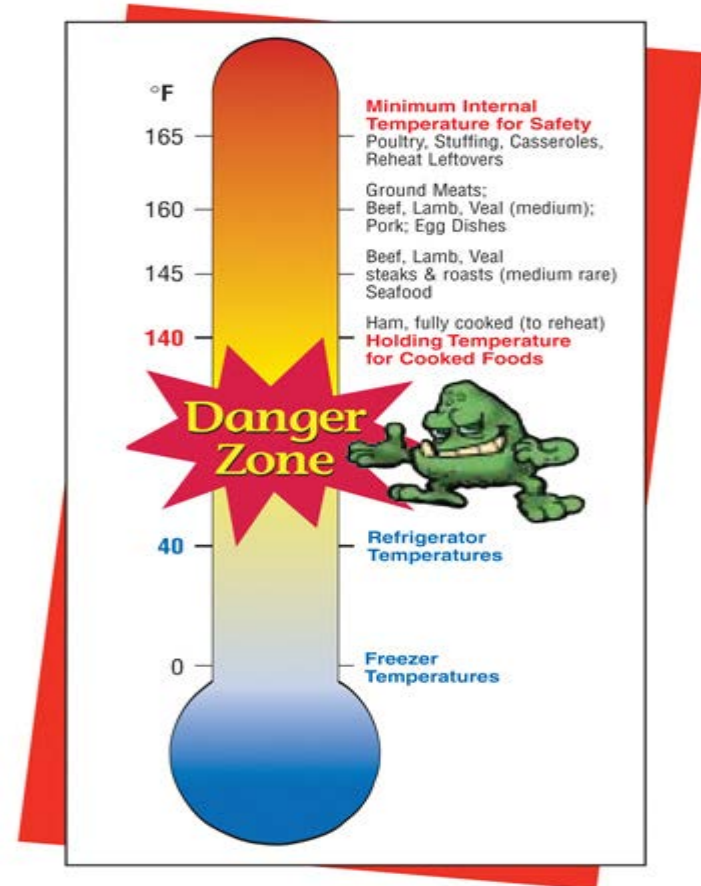
Food safety *best practices*

- Transport, store foods at proper temps to prevent rapid bacterial growth
 - Hot prepared foods: $\geq 135^{\circ}\text{F}$ (140°F better)
 - Foods sold at room temp (whole produce, canned goods, most baked goods): $< 80^{\circ}\text{F}$
 - Cold perishable foods (potato salad, most dairy products): $\leq 41^{\circ}\text{F}$
 - Frozen foods (frozen meats) $< 15^{\circ}\text{F}$
 - Coolers and ice packs or ice



Bacteria like it warm!!

- 40-140°F: danger zone
- 60-110°F: very fast growth
- Reduce time in danger zone
 - Stop bacterial growth
- Note cooking temperatures



Best practices-2

- Reduce possible cross-contamination: can transfer bacteria from one food to another
 - Ensure that raw meat does not contact ready-to-eat food or fresh produce.
 - If re-using bags, ensure they are clean
 - Wash, rinse, sanitize food contact surfaces, equipment, utensils between uses



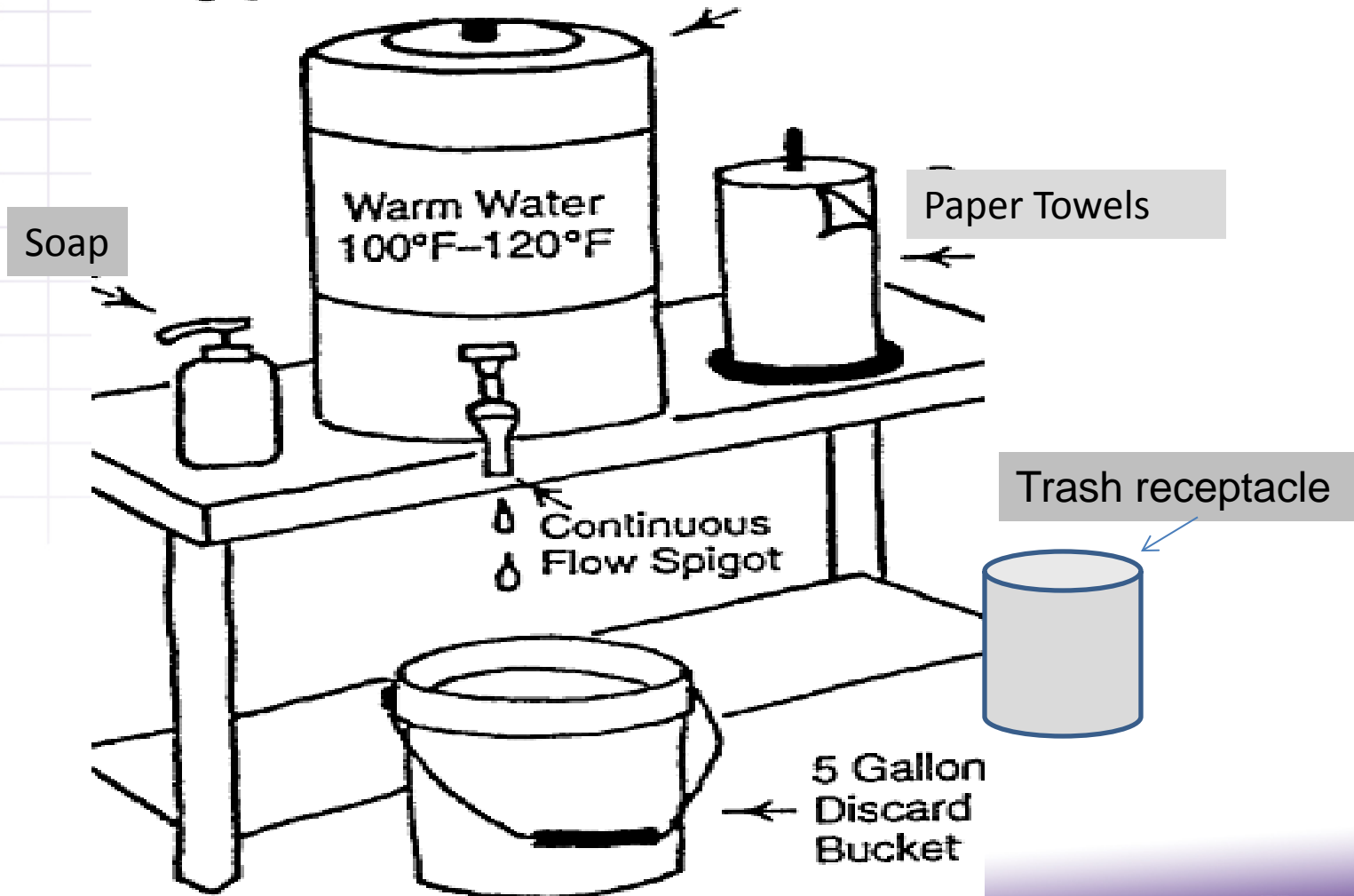
Best practices-3

- Practice good personal hygiene (clean clothes, clean hands) to prevent transferring bacteria to your food
 - Shaking hands, touching money, animals, soiled vegetables, utensils
 - Wash hands often
 - Bare hand contact?
 - No eating in booth



Handwashing station

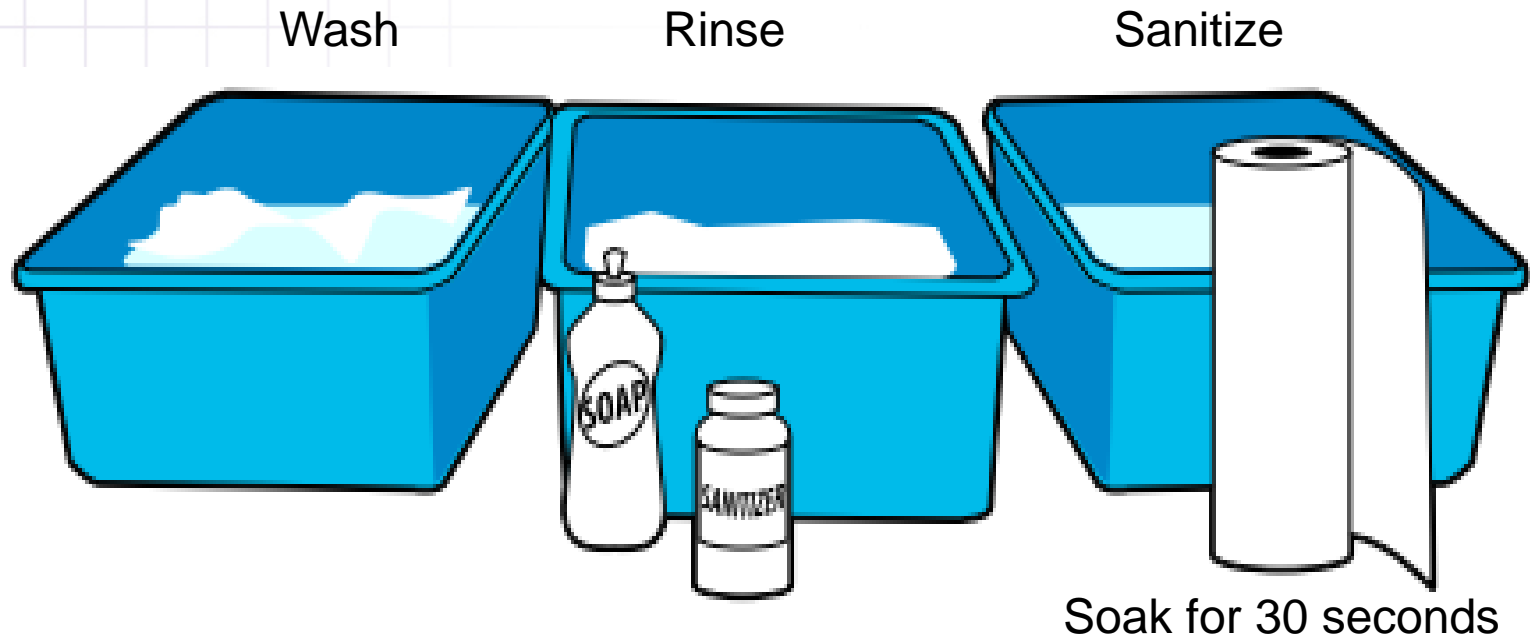
5 Gallon Thermal Container



Hand wash station estimated costs

Item	Options	Where to buy	Cost
Water dispenser	1: Insulated 10 gallon water dispenser (<i>hands free spout</i>)	Discount store	\$46
	2: Insulated 5 gallon water dispenser	Discount store	\$22
Bucket to catch water	5 gallon- can be used	Second hand store	\$5
Paper towel holder		Discount store	\$2 .50
Paper towels		Any grocery/store	\$1
Liquid hand soap		Any grocery/store	\$1
Bin to collect trash	Any trash container	Discount store	\$5

Washing and sanitizing station



- Use potable hot water (>110 F)
- Check sanitizer concentration with test kit (~50 ppm)
- Allow to air dry on clean paper towels or racks

Washing and sanitizing station

Item	Options	Where to buy	Cost
Dishpans-3	Buckets also OK	Discount or other	\$2 each
Dish soap	Any	Any store	\$2
Dishrags	Must be clean	Any store	\$1
bleach	Any brand	Any store	\$1
	*Chlorine wipes	Any store	\$5/75 ct.
Chlorine test strips		Ag, pool, or restaurant supply	\$11/200
Food handling	Disposable gloves	Discount or other	\$4
	Tongs	Discount or other	\$2

Contact Details

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<http://www.ksre.ksu.edu/foodsafety/>