

## **Q&A Farmers Markets**

### **OUTDOOR MARKET ORGANIZERS**

#### **Does my Market need to be registered with the Utah Department of Agriculture and Food (UDAF)?**

Yes, unless you only have vendors selling raw, uncut produce that they grew themselves. If any vendor wishes to sell packaged or processed foods, such as jams, cheese, salsa, or pre-washed, ready-to-eat, cut leafy greens, then the market no longer qualifies for the "Farmer's Market" exemption and must be registered.

#### **How do I get registered?**

Contact the UDAF, Department of Regulatory Services, at (801) 982-2250. They will help you identify the inspector for your area and how to contact him. You will need to arrange your registration with that inspector.

#### **What does it mean to be a "Person in Charge"?**

The Person in Charge is responsible for the vendors at the market, and must be available to accompany the UDAF inspector during the routine inspection. If the market manager or other regular Person in Charge is not present, a new Person in Charge must be designated. There must always be a Person in Charge present at the market.

#### **What are my responsibilities for the safety of foods being sold at my market?**

You are responsible for ensuring that any vendors at your market who are selling food, other than uncut, raw produce, are either manufacturing that food in a registered facility and under inspection, or are purchasing the food from such a facility. Any vendor who is selling such products and cannot produce proof of registration should be asked to stop selling those products or leave the market.

#### **A vendor wants to sell food at my market. What do I need to do?**

First, have the vendor submit to you a copy of the local health department permit or the Department of Agriculture and Food Certificate of Registration. After receiving this, look at it closely to be sure it is current. If you have any questions at all, call us at (801) 982-2250. You must keep this record available for inspection at the market.

**A vendor intends to sell sausages and has a certificate of registration. This is ok isn't it?**

Maybe not. The retail sale of meat and poultry comes under federal regulations. Call us immediately at (801) 982-2250.

**The local Boy Scouts want to use my market to sell cookies they baked as a fund raiser. Can I let them?**

No. Although such sales are normally allowed without regulation, the sales become regulated if done within the context of a "market". If they set up outside the boundaries of your market they will be in compliance with our regulations.

## **PROSPECTIVE VENDORS**

**I just want to sell cookies that I bake at home, do I need to be registered with the Department of Agriculture and Food or have a permit from my local health department?**

The selling of food to the public always requires an approval, with a couple of exceptions. Yes, you need a registration from the Department of Agriculture and Food.

**I only sell vegetables. Do I need to be registered with UDAF?**

The sales of uncut, raw produce are exempt from registration requirements, IF sold by the person who grew them. However, if you choose to cut prior to taking them to market or package them as ready to eat then you are no longer exempt and would need to register.

If you cut vegetables at the market to give as samples, this activity is regulated by your local health department.

**I want to sell dried herbs and spices. Do I need to be registered with UDAF?**

Yes, drying herbs is considered processing, as is the packaging of such herbs. These processes must be done in an inspected facility, and therefore you must be registered.

**What are leafy greens? Are they treated differently?**

Leafy greens include all iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive,

spring mix, spinach, cabbage, kale, arugula and chard. They are often presented in bags and may appear to be ready to eat even when they still need to be washed.

If the plant is harvested by cutting through the stalk, even if it is subsequently rinsed to remove visible soil, the greens would be considered whole, uncut, raw produce and fall under the exemption. If the leaves are removed from the plant or are otherwise further cut, they become potentially hazardous and are considered to be processed. In this case, the business must be registered.

### **How do I get registered?**

Contact the UDAF, Department of Regulatory Services, at (801) 982-2250. They will help you identify the inspector for your area and how to contact him. You will need to arrange your registration with that inspector.

### **What is a "Potentially Hazardous Food"?**

"Potentially Hazardous Foods," or PHF, are those that can support the growth of pathogenic bacteria, such as Salmonella or E. coli. They either need to be kept refrigerated (41 F or below) or kept hot (135 F or above) in order to prevent that growth and keep the food safe to eat. PHF that is allowed to stay in the dangerous temperature zone between 41 F and 135 F for more than a couple of hours can cause serious illnesses among those who consume it.

### **I sell foods that need to be kept refrigerated. Can I keep them in coolers with ice?**

Mechanical refrigeration is preferred, but under some restrictions, ice may be used. Unwrapped food cannot come into contact with ice or water. A packaged food into which water might infiltrate cannot be immersed in ice; non-waterproof lids, for example, must stay above the surface. The labeling must either be kept dry or be constructed to prevent damage by water. The food must maintain a temperature of 41 degrees F or below at all times. If any of these conditions cannot be maintained, then you will need to find a different method to keep your foods at the correct temperatures.

### **I sell my products frozen. How can I keep them cold at the market?**

Frozen foods must be kept frozen and not allowed to thaw. A mechanical freezer is the preferred option. Regular water ice may not be cold enough to maintain frozen foods in a frozen state, but dry ice, in sufficient quantity, should be able to do so.

### **Do I need to have a copy of my registration at the booth?**

Yes. If you are required to be registered with UDAF, in addition to the photocopy of your certificate which you should have provided to the market as part of your

application, you must also post a copy at the booth, within easy view of your customers. This will help alleviate any concerns customers might have about foods from unauthorized sources.

**I make pet treats and sell them at farmer's markets and other places. Do I need to be registered to do that?**

Yes, contact the Division of Plant Industry at the Utah Department of Agriculture and Food at (801) 982-2305.

**I grow barley and would like to package it and sell it at farmer's markets. Can I do that?**

Yes, no registration is required if sold as food. But grains sold as seed need to be registered by the Division of Plant Industry at the Utah Department of Agriculture and Food at (801) 982-2305.