

Farmer's Market Guidelines

Minimum Requirements for Food Safety



Manchester, NH
Health Department
2013



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Market operation requirements and responsibilities

The intent of this document is to provide guidance and structure to farmers for a natural extension of the Farm to make available the whole fruits and vegetables harvested at the farm. The “Coordinator” of the Farmers’ Market thus has necessary responsibilities throughout the market season.

- The Market Coordinator or appointed representative must be on site whenever the market is open.
- The Market Coordinator is responsible for monitoring all vendors for safe food practices including: temperature control of foods, foods from approved sources, proper set up of a hand washing station and food worker use of hand washing stations. Prior to the first day of operation, the Market Coordinator shall provide the Manchester Health Department (MHD) a list of all vendors with the following information; Name, Address, Contact Person (with Phone/email), and food items (incl. foods to be sampled).
- Coordinators must assure that food vendors have the correct temporary food service permit (if applicable).
- Coordinators must assure that vendors preparing food or cutting foods for sampling have the necessary Temporary Food Service permits from the Manchester Health Department (MHD).
- Coordinators must assure that farmers sampling produce have hand washing available in the booth, wash the produce that will be sampled and have no bare hand contact with the ready-to-eat produce samples.
- Coordinators can accept new food selling vendors during any part of the season with health department’s prior approval.
- Coordinators should make reasonable efforts to ensure that all vendors selling products requiring licenses have obtained them and are maintaining those licenses. Each Farmers’ Market Coordinator — or other responsible person designated by the organization operating the market — should provide a list of vendors and a copy of all applicable licenses to the MHD (see next section).
- The coordinator must assure that all foods are produced and/or originate from an “approved source” only. For example: Meats and poultry need to come from an USDA inspected plant to be sure that proper safety measures are taken when the meat/poultry is being cut and packaged (even if they are exempt from USDA inspection).

What activities and products are licensed?

Many, but not all products sold at farmers’ markets require licenses from the Environmental Health Division of the Manchester Health Department. Here is a list of products and their licensing requirements:

Whole Fresh fruits and vegetables

No additional food safety-related license is required, but vendors should review handling and sampling procedures in this publication. Any vendor selling products across a scale must have a scale that is legal for trade and certified by the Bureau of Weights & Measure, NH Dept. of Agriculture, Markets & Food, “(603) 271-3700. Organic certification may be obtained through the NH Department of Agriculture (603) 271-3685.

Processed foods

Baked goods, dairy products, jams, jellies, preserves, salsas, fudges, vinegars, oils, salad dressings, frozen berries and cherries, dried herbs, and dehydrated fruits and vegetables are examples of common farmers’ market products that must be processed in a licensed facility. (See definitions on page 9 for a more complete list food processing activities.)

Residential kitchens that meet requirements may be licensed as residential kitchens for some food processing activities by some, but not all health jurisdictions. Jams, jellies and baked goods may be allowed under a Homestead Food Operation license, however, potentially hazardous foods (PHF’s) like; dairy, meats and acidified canned goods are not allowed to be prepared in residential kitchens. Vendors should consult their local Health Officer or the State of New Hampshire Bureau of Food Protection to make sure the products they plan to sell can be licensed in the facility they intend to use.

Bulk Foods

Foods sold in bulk, like coffee beans, dried beans, lentils, granola, whole grains, dried fruit, etc., may be sold bulk. Consult with the MHD for specifics on requirements for hand-washing as required. There can be no bare hand contact with ready-to-eat bulk foods. If the foods are self-serve, utensils must be available for the public to use.

Seafood

Licenses are required for many activities involving fish and shellfish. Oysters require a shellfish shipper license. Most other types of seafood require either a processing license or a retail food establishment license, depending on whether products are processed by sellers or other licensed facilities. Live fish, shrimp and prawns are not part of the Manchester Health Department (MHD) jurisdiction. For more information, contact the State Shellfish Sanitation program at (603) 271-4589.

Meat and poultry

All meat and poultry to be sold at retail requires processing in a USDA licensed facility. An important consideration to make is that although a food product may be exempt from licensure or inspection, that status does not equate to the product being from an “approved source” as is required (e.g. poultry processing) Please reference the following link for any questions and/or applicable exemptions:

http://www.fsis.usda.gov/OPPDE/rdad/FSISNotices/Poultry_Slaughter_Exemption_0406.pdf

Eggs

Properly labeled eggs may be sold at market without an egg handler's license; however, sellers must hold eggs below 45⁰F at the farmers market and comply with all labeling requirements. These requirements may be found in the New Hampshire Department of Agriculture's "Markets and Food Guidelines for Selling Shell Eggs" under RSA 428:22-30 or by calling 603-271-3685.

Milk

All Milk and Dairy products sold must comply with the NH Department of Health & Human Services Dairy Sanitation Inspection & Licensing and CHAPTER 184: INSPECTION AND SALE OF DAIRY PRODUCTS

Additionally, all bottled raw milk offered for sale to consumers shall be:

- A. Kept cooled to a temperature of 40 degrees Fahrenheit or less until delivered to the consumer
- B. Labeled as follows:
 - (1) All containers shall be clearly labeled as "Raw Cow's Milk", "Raw Goat's Milk" or "Raw Sheep's Milk" as applicable;
 - (2) All labels shall contain the producer's name, address and zip code;
 - (3) All labels shall state the net amount of the contents;
 - (4) All containers for retail sale shall bear the following statement: "Raw milk is not pasteurized. Pasteurization destroys organisms that may be harmful to human health."
 - (5) The warning statement in (f)(4) above shall be in letters of contrasting color to the label and in type no less than one-eighth (1/8) inch in height;
 - (6) Raw milk sold only at the farm where it is bottled shall be exempt from the labeling requirement in (f)(4) above provided there is a sign with the following statement on it: "Raw milk is not pasteurized. Pasteurization destroys organisms that may be harmful to human health" posted conspicuously in the area where the milk is sold and placed in a location where it can easily be observed by anyone entering therein;
 - (7) The sign in (f)(6) above shall be no less than eight (8) inches by eleven (11) inches in size with contrasting lettering no smaller than one-half (1/2) inch in height;
 - (8) All containers shall be labeled with a "sell by" date that is no more than 5 days from the date the milk was bottled; and

- (9) Milk bottled in containers provided by the consumer shall be exempt from the labeling requirements above except that (f)(6) and (f)(7) shall still apply.

Maple and Honey Products

For all requirements to produce and sell maple or honey products, please contact the New Hampshire Department of Agriculture's Markets and Food Division and reference RSA 429:13-28 and Administrative Rules Chapter Agr 900.

Restaurant foods/food service

Any foods prepared and sold (on-site) at the Farmers' Market will require a separate (from the Farmers' Market itself) "Temporary Food Service Permit" issued by the Manchester Health Department.

Sampling, demonstrations, chef/cooking

Small samples of non-potentially hazardous foods (e.g. fudge, kettle corn) provided at the Farmers' Market may be offered free of charge to customers without obtaining a "Temporary Food Service Permit", for promotional and educational purposes (Please see the definition of sampling on page 10). Any on-site food processing including cutting, portioning, re-packaging or otherwise handling of un-packaged foods shall require prior approval and a Temporary Food Service Permit issued by the MHD. All handling and sampling guidelines must be followed. Sample portions must be small, since the purpose is not to circumvent laws governing food service. Similarly, vendors may offer samples of other market products without additional licensing but must follow all applicable procedures in these guidelines.

Due to the food safety risks associated with potentially hazardous foods (PHFs), these foods require the issuance of an additional permit. These foods (PHFs) can be sampled as long as a "Temporary Food Service Permit " is obtained from the MHD and they are kept in the correct hot or cold temperature zone, and appropriate utensils are used. All processing or advanced preparation activities including sampling, vending, preparing, cooking activities require advanced notification and approval of the Manchester Health Department.

Out of state food establishment licenses

The Manchester Health Department recognizes licenses from other states, but vendors should check with the Farmers' Market coordinator and the Manchester Health Department before bringing out-of-state products to the Manchester Farmer's Market. To determine the safety and source of these foods, the MHD requires proof of licensing/inspection for all processed foods. Vendors should check with the NH Department of Agriculture for any other applicable licenses.

Product labeling

All packaged foods must be labeled, and ingredient information must be available for foods sold in bulk. Unpackaged single ingredient foods like fruits and vegetables do not need labels. Depending on where pre-packaged foods originate dictates the food labeling requirements:

- A. Foods produced and packaged in licensed commercial facilities in New Hampshire are required to provide the following: Five pieces of information are required on labels: 1) name of product, 2) date of preparation or expiration, 3) net weight, 4) ingredients in descending order by weight, and 5) name and address of the producer or distributor.
- B. Bulk foods do not have the same labeling requirements as packaged foods. Ingredient information needs to be available to customers. Vendors can post ingredients on bulk bins or display a sign saying the ingredients are available upon request. Ingredient information should be maintained in writing.
- C. Foods that originate from both State of NH Exempt *and* Non-Exempt Homestead operations are required to provide the following information on product labels:
 - 1) Name of the homestead food operation;
 - (2) Address of the homestead food operation;
 - (3) Phone number of the homestead food operation;
 - (4) Name of the homestead food product;
 - (5) All ingredients of the homestead food product in descending order of predominance by weight;
 - (6) The name of each major food allergen contained in the homestead food product unless it is already part of the common or usual name of the respective ingredient already disclosed in the ingredient statement in (5) above; and

Exempt homestead operations must also provide the following statement:

“This product is exempt from New Hampshire licensing and inspection” in at least the equivalent of 10 point font and a color that provides a clear contrast to the background.

Non-Exempt Homestead operations must also provide the following statement:

“This product is made in a residential kitchen licensed by NH DHHS” in at least the equivalent of 10 point font and a color that provides a clear contrast to the background.

Handle with care

Products at farmers’ markets generally fall into three levels of handling care. At the strictest level are *potentially hazardous foods*, which require refrigeration and other special handling. In the middle are products that are not potentially hazardous but still require more care because they cannot be washed by consumers. The least restrictive level applies to fresh produce and in-shell nuts.

Potentially hazardous

Even though market farmers consider their products to be the most wholesome foods available, some foods sold at farmers' markets are legally classified as *potentially hazardous foods* because they allow fast growth of germs that may cause foodborne illness. This term includes common foods like eggs, meat, poultry, seafood, cut leafy greens and cut fruits and vegetables, dairy products and many foods that contain those ingredients. Even foods that are not potentially hazardous can become potentially hazardous once water has been added and/or they have been cooked. Please see the definition of *potentially hazardous foods*, which includes technical details concerning pH and water activity level, on page 13.

Certain baked goods are *potentially hazardous foods*. Cheesecake is one example, but some foods may not be as obvious. Vendors should talk with their Environmental Health Specialist to determine whether the licensed foods they sell fall into this category.

Potentially hazardous foods in general must be stored, displayed and offered for sale packaged and refrigerated at or below 41 degrees F. Frozen products must stay frozen. Maintaining these foods at appropriate temperatures in an outdoor environment generally requires use of ice chests or other containers filled with ice or dry ice surrounding the product — except for eggs, which must be kept dry. Ice may be used for food products that are in watertight packaging or are hermetically sealed. Care should be taken to prevent accumulation of water from melted ice. Other products sometimes used to keep food cold, such as blue ice packs, are often not effective enough because they do not surround food products. Vendors should carry a thermometer to monitor product temperatures of refrigerated foods. Live seafood is not subject to this temperature rule. Live shellfish, for example, may be held at 45 degrees F.

Wrap or cover

Some products are not potentially hazardous but need extra protection because customers cannot wash them. Baked goods are the most common example. Vendors have two options: packaging these items in a licensed facility or selling from enclosed bulk containers. Those who choose to sell from covered bulk containers must set up and use a hand washing station and must follow procedures in these guidelines to avoid contamination. Acceptable methods to remove food from covered bulk containers include clean tongs or other utensils, single-use gloves, and wax paper sheets.

Off the ground

Fresh fruits and vegetables and nuts in their shells can be displayed in open air. The only caveat is that they must be stored a minimum of 18 inches off the ground. Vendors can accomplish this in a number of ways. Many vendors use plastic tubs to transport and protect their produce. Empty crates or boxes underneath the ones holding produce can do the job if impervious tubs are not available. The only exception is for pumpkins or similarly large squash, which are often too bulky and irregular to display off the ground. Vendors who sell products licensed by the MHD should consult with an Environmental Health Specialist about proper handling procedures for each licensed product.

Overhead Protection

Overhead protection (a canopy or tent) is required for anyone serving prepared foods and/or sampling foods.

Hand washing

This section applies directly to anyone who prepares and serves samples at the market or who handles bulk-dispensed (unwrapped) products other than produce and nuts in the shell. Hand washing is an important task that many people do — or fail to do — without thinking. To protect public health, farmers' market vendors, like workers in other food establishments, must make a special effort.

When does the requirement apply?

Hand washing stations are required when handling or preparing any unwrapped food items. Whenever vendors use the restroom, contact bodily fluids (sneezing or coughing into hands, nose-blowing etc.), touch animals, handle or touch trash, have soiled hands, handle money, smoke or return to their work stations after leaving for any reason; proper and adequate hand washing must take place.

Adequate hand washing: a cleaning procedure of about 20 seconds that includes vigorous friction, for at least 10 to 15 seconds, on the surfaces of lathered fingers, finger tips, areas between fingers, hands and portions of arms exposed to direct food contact, followed by thorough rinsing under clean, hot, running water.

What about hand sanitizers and moist towelettes?

These products do not remove debris and do not eliminate all pathogens * vendors may use these products after appropriately washing hands, but not as a substitute for hand washing. *

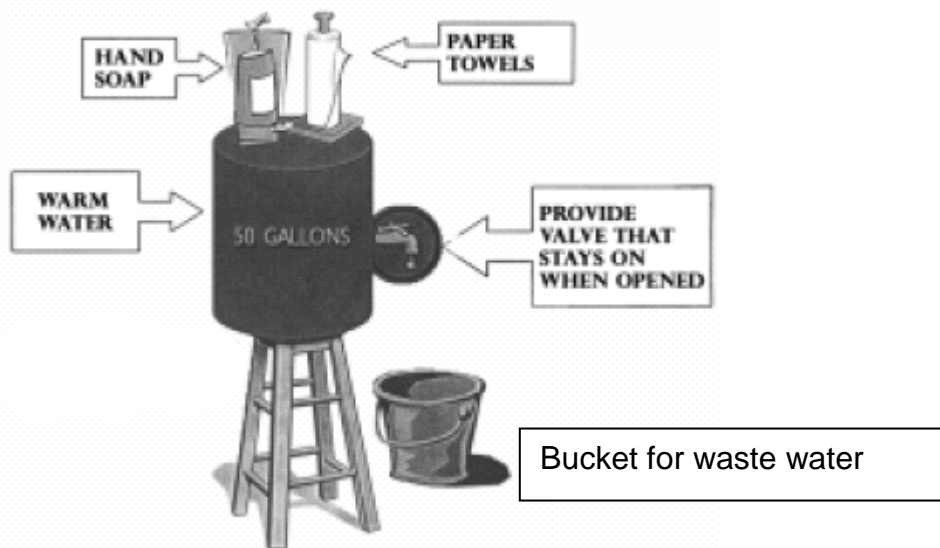
How about single-use gloves?

Gloves do not eliminate the need for hand washing, although they may be helpful in some circumstances to avoid bare hand contact with ready-to-eat food. If used, they must be limited to a single task and discarded when damaged or soiled or when tasks are interrupted.

How do vendors set up a hand washing station?

Vendors may find they already own many of the components, and the rest are available at minimal cost. One key piece is an enclosed container that holds an adequate amount of water for the duration of a market day. Water containers should have a spigot that can stay open to allow a constant flow of water for two-handed washing. Such containers are available at stores that sell camping supplies. Other required components include: hot water, dispensed soap, single-use paper towels and some sort of catch basin for the wastewater. Disposal of waste water must be in a sanitary sewer only! (i.e.: a toilet or mopsink – NOT in the storm drain!)

EXAMPLE OF HAND WASH STATION



Safe sampling

Vendors who sell products that are prepared offsite in a licensed facility should consult with the MHD or their Environmental Health Specialist before sampling at markets to obtain prior approval and a Temporary Food Service Permit if necessary. In addition to hand washing, there are other sampling procedures that will protect vendors and their customers.

Homestead food operations wishing to sample their products may do so without a Temporary Food Service Permit from the MHD provided that the food item complies with the Homestead Food Operation Rules and is a non-potentially hazardous food. However, these samples must be pre-packaged in your home kitchen (e.g., if you sample bread, you can't cut it at the market, but can cut it in your home kitchen and individually wrap or package the bread samples into sample cups with lids). Although you do not need an individual label for each sample, you must have properly labeled packages of your product on display with the samples so your customer can review the ingredient list. Your product cannot be cooked or prepared in a way that makes it a potentially hazardous food/temperature control for safety food (e.g., you can't add a dried dip mix to sour cream or serve anything that can't be kept safely at room temperature - these examples would require a Temporary Food Service Permit).

Start with clean food

Thoroughly rinse fruits and vegetables in potable water before cutting them. Vendors should not use substances other than potable water unless they have made certain the substances are approved to be used on food. Many soaps can actually make food less safe, and bleach solutions are not recommended for this purpose.

Clean tools

Use a clean cutting board and knife. Equipment and utensils must be easily cleanable and in good condition. Materials must be impervious and free of cracks and crevices. Smooth hardwood (e.g. Oak and Maple) is acceptable for cutting boards. Utensils must be stored and covered to protect from contamination during transit to market and when not in use. Utensils can be stored between uses in the product with handles above the top of the food but not in sanitizing solution. Otherwise, clean and sanitize between uses. Food contact surfaces should be cleaned with soap and water followed by an approved sanitizer, which is allowed to air dry before use. Single-use paper towels can be used on food contact surfaces. If wiping cloths are used, they must be sanitized and monitored as follows:

- Cloths must be stored in a sanitizing solution of an approved sanitizer at an acceptable concentration.
- Sanitizer concentration for stored cloths must be checked throughout each day using paper test strips.

Sanitizers

Household bleach (unscented) may be used at a concentration of one tablespoon per gallon of lukewarm water, which equals 200 parts per million. (Quaternary ammonium compounds are generally mixed at 200 parts per million, but individuals should check the manufacturer's guidelines.) Do not assume that "more is better." Bleach concentration cannot be allowed to fall below 50 parts per million. Sanitizers exposed to air lose concentration over time, while spray bottles hold concentration for extended periods. Vendors should use chemical test strips to check the concentration of the sanitizer they are using.

Protection

Samples must be covered to protect them from insects, dust and other contaminants when customers are not actively sampling them. Vendors should design their sampling setups to prevent customers from touching samples other than the one they take. Close supervision of customers tasting samples is critical, especially when children are sampling. Toothpicks are helpful but not error-free. Sticking one in each sample, as time permits, can help discourage reuse.

Extra care is required in sampling potentially hazardous foods. Sampling is an exception to the rule that potentially hazardous foods are packaged in a MHD licensed facility and stay packaged until they reach consumers' homes. Vendors who portion or otherwise prepare samples in a licensed facility rather than at the market should keep the samples refrigerated while in transport in the same manner as the packaged product. If samples of potentially hazardous foods are portioned or cooked at market, remove only what is needed to prepare each batch of samples from the packaging and refrigerate the rest of the product. Cook all potentially hazardous foods at approved temperatures for the required duration. Samples of potentially hazardous foods must be discarded after two

hours out of refrigeration and within one hour if the temperature of the PHF food is greater than 90°F.

Cross-contamination

Vendors should strictly segregate the foods handled at market to ensure that there is no cross-contamination of foods — particularly raw meat, poultry or seafood and ready-to eat foods. Those who sample meats, poultry or seafood and fruits or vegetables in the same booth should use separate cutting boards, knives, wiping cloths, sanitizer buckets, and a 3bay set up for washing, rinsing and sanitizing of equipment. Clean and sanitize all equipment associated with raw meats, etc., immediately after preparing these foods, to avoid inadvertent contact. Cross contamination also can involve two different kinds of raw meat, poultry or seafood. Separate equipment is not necessary to sample two kinds of meat, but vendors should clean and sanitize all equipment between uses.

Additional guidelines for markets and vendors

Animals

Vendor animals must be kept a minimum of 20 feet from any food handling, display or storage. Hand sanitizer gel must be provided to customers and if the vendor responsible for the animals is handling food, a hand washing set-up is required at their booth.

Waste water

Wastewater must be disposed of in an approved manner, which includes approved plumbing. Vendors shall not dump wastewater onto the ground or in storm-water drains.

Definitions

Food processing

The act of preparing foods including: Cooking, baking, heating, drying¹, mixing, grinding, churning, separating, extracting², cutting³, freezing or otherwise manufacturing a food or changing the physical characteristics of a food; and the packaging, canning or otherwise enclosing of such food in a container; but not the sorting, cleaning or water rinsing of vegetables and fruits.

¹Drying includes the drying of herbs by mechanical means.

²Extracting includes shelling.

³Cutting does not include the harvesting of leaf greens for sale as produce.

Sampling

A food product promotion, where only a sample of a food (or foods) is offered free of charge to demonstrate its characteristics, is subject to **prior** approval by the MHD. A sample cannot be a whole meal, an individual hot dish or a whole sandwich.

Potentially hazardous food (from He-P 2300)

(a) “*Potentially hazardous food*” means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:

- (i) The rapid and progressive growth of infectious or toxigenic microorganisms;
- (ii) The growth and toxin production of *Clostridium botulinum*; or
- (iii) In raw shell eggs, the growth of *Salmonella enteritidis*.

(b) “*Potentially hazardous food*” includes an animal food (a food of animal origin) that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; unpasteurized juices; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth as specified under Subparagraph (a) of this definition.

(c) “*Potentially hazardous food*” does not include:

- (i) An air-cooled hard-boiled egg with shell intact;
- (ii) A food with an a_w value of 0.85 or less;
- (iii) A food with a pH level of 4.6 or below when measured at 24°C (75°F);
- (iv) a food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;
- (v) A food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or the growth of *S. enteritidis* in eggs or *C. botulinum* can not occur, such as a food that has an a_w and a pH that are above the levels specified under Subparagraphs (c) (ii) and (iii) of this definition and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms;
- (vi) A food that does not support the growth of microorganisms as specified under Subparagraph (a) of this definition even though the food may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness.

Contacts for Further Information:

- **Manchester Health Department**
Environmental Health Division
1528 Elm St.
Manchester NH, 03101
(603) 624-6466
www.manchesternh.gov

- **NH State Department of Agriculture**
25 Capitol St. 2nd floor
PO Box 2042
Concord, NH 03302

Bureau of Markets: (603) 271-3685
www.agriculturenh.gov

Bureau of Weights and Measures:
(603) 271-3700 FAX: (603) 271-3692

- **NH Shellfish Sanitation**
Department of Health and Human Services
Food Protection Section
29 Hazen Dr.
Concord, NH 03301
(603) 271-4589

Permitting Guidelines

