

2010-2011 KENTUCKY FARMERS' MARKET MANUAL



Rules, regulations, guidelines, suggestions and more for farmers' market vendors and managers



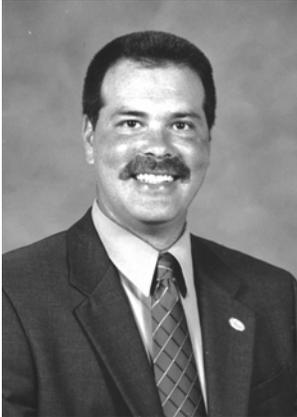
Kentucky Department of Agriculture
A Consumer Protection and Service Agency
Richie Farmer, Commissioner

KY Department of Public Health - Food Safety Branch

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FROM THE COMMISSIONER

Dear friends,

Kentucky Farmers' Markets are growing in popularity as more consumers seek locally grown products. To meet this demand, the farmers' markets program has more than 137 markets across the Commonwealth with more than 2,274 vendors participating in 2009.

The Kentucky Department of Agriculture, the Kentucky Department for Public Health and the University of Kentucky Cooperative Extension Service work together to provide our producers educational and training opportunities, technical support, cost-share funding options, effective merchandising, up-to-date guidelines and regulations for marketing their products.

Whether you are a farmers' market manager, producer or vendor, or you are seeking information regarding the KDA farmers' market program, we hope you will find the Kentucky Farmers' Market Manual a valuable resource guide to assist you with all your marketing needs and questions. This manual will also provide you with the latest changes for the Good Agricultural Practices (GAP) program, state health regulations for home processing and sampling, wine sales, meat sales, the Kentucky Organic Program and many other items supported by KDA.

Kentucky Proud continues to grow in membership and now numbers in excess of 1,800 farmers, processors, retailers, restaurants, state parks, farmers' markets and Kentucky Farm Bureau roadside markets. This program promotes its members through media campaigns at no cost to the producer and allows the members to purchase promotional items at cost. To become a member, you may contact the KDA or visit www.kyproud.com for additional information.

Our KDA staff is always available to assist you with any questions, concerns or suggestions. Please do not hesitate to contact the KDA at any time.

Best wishes for a safe, healthy and prosperous new year!

Sincerely,

A handwritten signature in cursive script that reads "Richie Farmer".

RICHIE FARMER, COMMISSIONER
Kentucky Department of Agriculture

Introduction

Kentucky farmers' markets continue to provide a local, low-overhead marketplace for Kentucky farmers. These markets are even more important as a source of reasonably priced, wholesome food for consumers. With increasing frequency the buying public is shopping smarter, eating healthier, and enjoying an abundance of fresh, locally-grown products.

Many times farmers find themselves with questions for which they are unable to find a resource that can provide an authoritative answer. This manual is designed to provide you with an easy to understand guide to rules, regulations, guidelines and helpful tips to make your market a success.

KDA hopes the manual will continue to be a relevant, accessible reference useful to seasoned farmers' market vendor as well as the beginner. While the manual cannot answer every question that develops during the season it should still be able to direct producers to the correct person or agency to resolve any unanswered questions.

This manual is available on our Web site at www.kyagr.com on the "Farmers' Market" page.

We appreciate and understand the hard work and dedication you contribute on a daily basis to make our Kentucky Farmers' Market a huge success.

Kentucky Department of Agriculture Programs

KDA's Relationship with Kentucky Farmers' Markets

Direct marketing of farm products through farmers' markets has become an increasingly important sales outlet for agricultural producers. This is mostly due to growing interest among consumers in understanding where their food comes from. Farmers' markets allow consumers to have access to locally produced, farm-fresh food and the opportunity to personally interact with the individuals that produced the food.

Farmers' markets in Kentucky are independently operated. All foods marketed at Kentucky's farmers' markets, however, are subject to pertinent federal, state, and local food safety rules and markets must follow all applicable laws regarding trade. In general, the Kentucky Department for Public Health and local health departments are primarily responsible for the regulatory oversight of food safety at Kentucky's farmers' markets. However, depending upon the food products being marketed, other agencies such as the Food and Drug Administration (FDA) or the United States Department of Agriculture (USDA) — Food Safety and Inspection Service (FSIS) may also have regulatory oversight.

With the exception of the use of scales and the sales of eggs, the Kentucky Department of Agriculture does not regulate either the use of the term farmers' markets or the operation of the markets. Markets are free to organize themselves as they see fit, and sometimes businesses with no farmers connected to them may term themselves a farmers' market. KDA will not, however, register any market that does not meet its minimum definition. For a list of these requirements, please see the section below.

The KDA Office of Agriculture Marketing and Product Promotion recognizes farmers' markets as a viable retail outlet for agricultural products and seeks to promote and strengthen markets to help Kentucky producers. KDA requires farmers' markets to register each year to receive assistance and to take advantage of technical assistance and grant opportunities. With up-to-date contact information, KDA can reach markets with the latest information. The registration is free and, as you'll see below, there are many advantages to being a KDA-registered farmers' market.

KDA Market Registration Requirements

For the purposes of KDA, a farmers' market is defined as a prescribed location(s) where two or more producers gather on set days and times to sell products that they grow or produce directly to consumers. Though the market may allow other types of sales, the sale of agriculture products grown or produced by the seller or their family should be the primary business of the market.

A market can register with KDA at any time during the year but, to be included in all listings and take full advantage of all opportunities, *the market should register each year by May 15*. Registration forms are mailed to the last known contact with each market at the beginning of the year along with other important information for the season ahead. If the market is new or there is a new contact, registration forms are available from Sharon Spencer (502) 564-4983 or sharon.spencer@ky.gov or by going to www.kyagr.com and choosing “Farmers’ Markets” from the programs list.

Only registered markets are

- Designated as Kentucky Proud™;
- Kentucky Department for Public Health-approved locations for the sale of Home-based Processed/Microprocessed value-added food items;
- Kentucky Department for Public Health-approved locations for the new “farmers’ market temporary food-service permit;”
- Eligible to participate in the Senior Farmers’ Market Nutrition Program (SR FMNP);
- Approved locations for the sale of Kentucky-produced wine if other requirements are met;
- Eligible for advertising cost share and market development cost share programs;
- Able to buy low-cost promotional items such as shopping bags, stickers, price cards, *etc.*; and,
- Contacted with all information on changing regulations and news pertaining to markets.

On an annual basis KDA provides the USDA and Kentucky agricultural agencies with data on Kentucky farmers’ markets. In order to provide accurate information and to properly represent the industry, KDA asks a few questions on the registration form to gather data. One important question is the gross sales for the market. This figure may be hard to obtain from growers but many markets collect this information by having vendors anonymously submit their sales either by the week or for the year. The data supplied on the registration forms can be valuable information for additional funding or benefits to be offered in the future.

NOTE: More than one market has accessed grants or fought detrimental changes by showing their economic impact on the community. Without knowing your gross sales, especially over time, the market does not have any way to show its importance to the economic health of their community or to gauge if a promotional campaign is working.

Markets that change contact people or add or delete locations, market days or times need to notify KDA so the market will not miss out on any

information or opportunities as well as maintaining their registration status. A simple phone call or e-mail passing along the details will be sufficient. Yearly registrations, however, must be done in writing using the form provided or can be obtained from the KDA website: www.kyagr.com and select Farmers' Market from the program listing.

Kentucky Proud™ Logo Program

In 2004 Agriculture Commissioner Richie Farmer unveiled a new logo to identify Kentucky-produced products. The Kentucky Proud™ logo is available to all Kentucky producers of agriculture products for use on their products. Becoming a program participant is free. Markets that register are automatically enrolled in the program for the year. Individual producers have to sign up separately.



Throughout the year KDA will promote recognition of the logo through both targeted and general media campaigns. Consumers will be encouraged to look for and ask for Kentucky Proud™ products. By placing the logo on your product and displaying it at your market you take advantage of this advertising and promotion.

Kentucky Proud™ At-Cost Promotional Items Program

KDA buys several Kentucky Proud™ promotional items in bulk with the logo already printed that producers may purchase at a greatly reduced price to promote their product or to add the logo to their product label. The plastic shopping bags are a big hit with markets as well as the price cards and blackboard product signs. Kentucky Proud™ logo participants are kept up to date on products and prices as they become available. The order form is always available on the farmers' market page of the KDA Web site www.kyagr.com.

Kentucky Department for Public Health (DPH) Expectation regarding the operation of farmers' markets

Market Managers and Boards - Farmers' market boards should make reasonable efforts to ensure that all vendors are in compliance with state/local health department food safety requirements. This includes ensuring that all vendors have the required permits and/or certifications/registrations and these documents are prominently displayed each market day. Additionally, each market manager — or other responsible person designated by the organization operating the market — should maintain a copy (or a record of the number) of vendor permits and/or certifications/registrations. Market managers and other responsible persons are not expected to be food safety

experts, but they are expected to help educate vendors about topics related to food safety and to ensure that all vendors comply with all pertinent food safety rules and regulations. Much of what is expected is included in this manual. Where market managers are unable to resolve issues, they are expected to notify the appropriate state/local health department food safety authorities of noncompliant vendors.

Kentucky's Food Safety Branch can be contacted at (502) 564-7181. An address and telephone listing of all district and single-county health departments in the state can be found at the following Web address: <http://chfs.ky.gov>.

Farmers' Markets Vendors — Vendors at farmers markets are expected to comply with all applicable state and local health department food safety requirements. This will generally require that food vendors contact the local health department in each county where food products are offered to secure all pertinent registrations/certifications, permits, and, where required, inspections. Vendors are also expected to familiarize themselves with the principles of Good Agricultural Practices (GAP) and implement pertinent safe food handling procedures to ensure that farmers' market customers are provided with a safe, wholesome and unadulterated product.

FARMERS' MARKET RESOURCES

KENTUCKY RESOURCES

KENTUCKY DEPARTMENT OF AGRICULTURE

The Kentucky Department of Agriculture does not regulate farmers' markets or the products sold at the markets. KDA provides assistance to markets to govern themselves and to reach their goals.

Sharon Spencer Farmers' Market Marketing Specialist

Sharon provides the following services that support farmers' market development and sustainability:

- Maintains a directory of Kentucky farmers' markets and collects data;
- Provides technical assistance to both new and established markets;
- Provides retail marketing and merchandising education;
- Provides free market assessments to help markets direct energies toward growing and improving the market;
- Maintains an e-mail distribution list to immediately contact growers to know the latest news and marketing opportunities.
- Serves as liaison with the Kentucky Farmers' Market Association.

Sharon can be contacted at 502-564-4983 or by e-mail at sharon.spencer@ky.gov

Adam Watson
Produce Marketing Specialist

Adam is the principal contact for those wanting more information concerning Good Agriculture Practices (GAP). Adam may also assist you with any general farmers' market concerns regarding the farmers' market program.

Adam can be contacted at (502) 564-4983 or by e-mail at adam.watson@ky.gov

Jessica P. Hinkle
Senior Farmers' Market Nutrition Program (SR FMNP)

This program provides qualified seniors with vouchers for fresh fruits, vegetables and herbs that are redeemable only at approved Kentucky farmers' markets with designated vendors. In 2009, SR FMNP provided Kentucky farmers' markets \$327,368.00. Jessica can be contacted at (502) 573-0282 or jessicap.hinkle@ky.gov

Bobbie J. Butler
Division of Regulation and Inspection – Eggs

The KDA regulates the sale of eggs within the Commonwealth. Bobbie can be reached at (502) 573-0409 or bobbie.butler@ky.gov.

Tom Bloemer
Division of Regulation and Inspection – Scales

The KDA regulates weights and measures across the state. All scales used for commercial sales, including farmers' markets, must be legal for trade and accurate. Tom can be reached at (502) 573-0282 or tom.bloemer@ky.gov.

Phil Craft
Kentucky State Apiarist

Phil provides help and assistance to beekeepers. He is knowledgeable about all applicable regulations and requirements as well as marketing information. He produces a periodic newsletter full of the latest information from around the state. Phil can be reached at (502) 564-3956 or by e-mail at phil.craft@ky.gov.

Michael Fitzgerald
Kentucky Organic Program

Michael provides assistance to producers who wish to offer all types of certified organic products. He may be contacted by phone at (502) 564-0290 ext 230 or by e-mail at michael.fitzgerald@ky.gov.

Whitney Meadows, Director
Division of Agritourism

Agritourism has been defined by Kentucky's General Assembly as the act of visiting a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation. Let an Agritourism Adventure be your experience while traveling Kentucky's diverse landscape and learn why our farm families are Kentucky Proud! Whitney may be reached at (502) 564-4983 or whitney.meadows@ky.gov.

KENTUCKY DEPARTMENT FOR PUBLIC HEALTH- FOOD SAFETY BRANCH
Shadrick Adams - (502) 564-7181 or e-mail shadrick.adams@ky.gov

The Kentucky Department for Public Health — Food Safety Branch is a major partner with KDA in Kentucky's farmers' market program. The Food Safety Branch is charged with ensuring the safety and wholesomeness of all food products marketed in Kentucky.

Shadrick Adams works with the Home-based processing/farmers' market program. Contact him if you have any questions regarding Home-based Processing registration or Home-based Microprocessing certification. Shadrick also reviews each application for compliance with pertinent mandates.

LOCAL COUNTY HEALTH DEPARTMENT

Environmentalist/Food Safety Professional

On-site food preparation questions should be directed to the local health department in each county. The local health departments can address inquiries regarding permit/inspection requirements for temporary food vendors. The local health department food safety professional knows your community best and should be your first point of contact when you are considering marketing value-added foods or engaging in a temporary food

service operation. A telephone/address listing of Kentucky's county health departments can be found at the following Department for Public Health Web page: <http://chfs.ky.gov/>.

University of Kentucky Extension Service

The Extension Service maintains an office in each county in Kentucky where you can obtain useful information on marketing and production. Your local agents can put you in contact with specialists at the University of Kentucky and connect you to the latest research. In some counties the market is either supported or assisted by the local Extension Service.

Some statewide specialists who frequently interact with farmers' markets are:

- Sharon Bale** – Cut flower production, especially woody stems (859) 257-8605
- Sandra Bastin** – HB 391 and processing information (859) 257-1812
- Tim Coolong** – Vegetable production (859) 257-3374
- John Strang** – Fruit production, marketing trends (859) 257-5685
- John Wilhoit** – Specialty crop mechanization (859) 257-3000, ext. 208
- Tim Woods** – Marketing–market trends, pricing, market structure (859) 257-7270

Kentucky State University Small Farm Program

Kentucky State University offers excellent services to small farms through educational opportunities and research. In selected counties, the staff provides one-on-one education through agents and small farm or horticulture assistants. A well-received effort is "The Third Thursday Thing" educational workshops. Held on the third Thursday of every month – January through November – these free workshops cover topics as diverse as goats, aquaculture, horticulture, and organics. Another well-received effort is the annual Small, Limited-Resource/Minority Farmers Conference which is held the week prior to Thanksgiving. To find out more about "The Third Thursday Thing" or other opportunities at KSU, call (502) 597-6437 or check these websites: <http://organic.kysu.edu/index.shtml> or <http://www.kysu.edu/landgrant/>

Governor's Office of Agriculture Policy

The Governor's Office of Agricultural Policy (GOAP) provides a direct link between the Governor and one of the state's most important industries, agriculture. The office administers the Kentucky Agricultural Development Board (KADB) and the Kentucky Agricultural Finance Corporation (KAFC), as well as the Kentucky Agricultural Resource Development Authority (KARDA). Additionally, this office represents Kentucky's interests as national agricultural policy is developed.

Over \$2 million in state and county Kentucky Agricultural Development Funds (KADF) have been invested in farmers' markets across the Commonwealth. Funding opportunities are available to markets and to individual farmers through the KADF.

For information on grant and loan opportunities through the KADF and KAFC, contact the Governor's Office of Agricultural Policy at (502) 564-4627 or visit the Web site at www.agpolicy.ky.gov.

Kentucky Farmers' Market Association, Inc.

The Kentucky Farmers' Market Association (KFMA) was formed in 2006 by a group of farmers' market vendors and managers who wanted to give a voice to Kentucky's farmers' markets. Though the association has received funds from the Kentucky Department of Agriculture, the association is an independent non-profit organization.

The KFMA organizes committees to work on issues relating to farmers' markets including legislation, insurance and market development and promotion. To find out more about the KFMA, visit its Web site at www.kentuckyfarmersmarket.org.

Kentucky Market Maker (marketmakerky.com)

The Kentucky Market Maker provides an agricultural link for Kentucky producers to advertise their products for sell or even provide an opportunity for buyers to list items they are interesting in purchasing. This service is provided **free**.

Once connected on line you have several options to search for a business type or target area or even view by the whole state.

Farmers' markets are listed with all the details on days and times as well as products offered. An exciting feature is the mapping feature that allows consumers who want to visit your market to click a map that directs them to the exact location of your market. To list your market on this service, you must submit the exact 911 address of the market. Visit the Kentucky Market Maker at their website: www.marketmakerky.com

Good Agricultural Practices (GAP) Program

The voluntary Kentucky GAP program helps producers avoid possible contamination of their produce during production, harvest and marketing. A partnership among KDA, the Department for Public Health and the University of Kentucky Cooperative Extension Service researched science-based

methods and critical points in the chain from farm to fork and developed a three-part program for Kentucky producers. The KDA believes compliance with voluntary GAP practices will provide a marketing edge for participating farmers.

The first part of Kentucky's program is education. A curriculum has been developed that has been given to county Extension agents to present to local producers. During this class producers learn the best practices that will reduce the risk of their product becoming contaminated. Upon completion of this class the farmer receives a certificate issued by the KDA. This certificate is required for those farmers' wishing to participate in the WIC Farmers Market Nutrition Program. Additionally, the certificate is a component of the requirements to allow raw product samples at Kentucky farmers markets and Kentucky Farm Bureau Certified Roadside Markets.

The second step is the completion of a self-audit process utilizing workbooks received during the GAP training class. This step allows the producer to go over his or her operation step-by-step to identify possible deficiencies in their production practices and make the necessary adjustments to ensure best GAPS are being followed. Using the self-audit materials allows for a record of the steps taken which better allows the farmer to address future concerns.

The third part involves third-party or buyer-specific verification. Much like the process of organic certification, an inspector visits a farm and walks through the production, harvest and transport system with the producer and verifies that GAPS are being used. This level is usually only required for producers selling to large buyers.

Farmers' markets in states where consumers have expressed a high interest in food safety have moved toward requiring vendors to verify GAP compliance. Kentucky hopes to avoid compulsory programs by offering a voluntary program with good farmer participation.

For more information on Kentucky's GAP program, visit www.kyagr.com and click on (GAP) Good Agricultural Practices from the programs list. Also see this manual's chapter on GAP, page 40.

NATIONAL RESOURCES

North American Farmers Direct Marketing Association

NAFDMA is a 501(c)6 trade association dedicated to nurturing the farm direct marketing industry. Members are farmers, farmers' market managers, extension agents, industry suppliers, government officials and others who are part of the thriving farm direct marketing industry in North America. Members are involved with agritourism, on-farm retail, farmers' markets, pick-your-own, consumer-supported agriculture, and direct delivery. NAFDMA holds a conference each year where attendees can learn about national trends, helpful tips and more. <http://www.nafdma.com/>

Farmers' Market Coalition

The Farmers' Market Coalition is a national 501(c)(3) organization dedicated to serving the farmers' market community. Though the organization is a membership organization, information and assistance are provided to all. Visit their Web site at www.farmersmarketcoalition.org.

United States Department of Agriculture — Agricultural Marketing Service

The USDA offers many great programs for farmers' markets through its Agricultural Marketing Service. Visit its Web site at www.ams.usda.gov for details on grants, technical assistance and educational materials.

USDA's Agricultural Marketing Service has taken the lead in forming the **Farmers' Market Consortium**, a public/private sector partnership dedicated to helping farmers' markets by sharing information about funding and resources available to them. Besides several USDA agencies and the U.S. Department of Health & Human Services, the Consortium includes the Ford Foundation, the Kellogg Foundation, the Project for Public Spaces, and several farmers' market non-profit groups.

The Consortium created the **Farmers' Market Resource Guide**. The Resource Guide promotes a free flow of information between the programs that support farmers' markets. It is divided into four types of projects: market development, producer training and support, consumer education and access, and market promotion. The Farmers Market Resource Guide is available at www.ams.usda.gov/farmersmarkets/Consortium/ResourceGuide.htm.

NOTE: They have a great interactive site for kids to learn about farmers' markets.

Senior Farmers' Market Nutrition Program (SR FMNP)

**By Jessica P. Anderson-Hinkle, Program Coordinator
Kentucky Department of Agriculture**

What is the Senior Farmers' Market Nutrition Program?

The Senior Farmers' Market Nutrition Program (SRFMNP) provides fresh, locally grown fruits and vegetables from Kentucky farmers' markets to the dinner tables of low-income seniors who are nutritionally at-risk. The

obesity epidemic in the United States has caused increases in heart disease, cancer, diabetes, and high blood pressure. The SR FMNP was constructed to help fight against those diseases and help targeted groups to achieve a diet that is nutritionally sound. The program also provides farmers with additional revenue at Kentucky farmers' markets.

How is it structured in Kentucky?

More than 60 farmers' markets participate in the Farmers' Market Nutrition Program. There is more of a demand for the program than a supply of funding. Each year, the Kentucky Department of Agriculture completes a grant application for SR FMNP and sends it to the USDA for approval. Once the grant is approved, USDA grants Kentucky a particular amount of funding.

Criteria for a Market to Accept Farmers' Market Nutrition Program Vouchers

- The market must be an organized market. To be considered "organized" the market must have an established contact person/decision maker and meet at a named location on specified days and times.
- The market must be registered with the Kentucky Department of Agriculture and approved as a Kentucky Proud™ member for a minimum of one growing season before application.
- The market must have fresh Kentucky-grown produce.

How do markets apply?

Farmers' markets that are interested in applying for the Farmers' Market Nutrition Program can call the Division of Food Distribution at (502)573-0282 or find the application on the Kentucky Department of Agriculture's Web site, www.kyagr.com. The applications are competitive and must be received no later than September 30 for the next year's season. Participating markets do not need to apply. The amount of federal dollars that are received for the Senior Farmers' Market Nutrition Program determines the number of new farmers' markets that are included in the program. Counties with the highest poverty levels will be placed in the program first.

WIC Farmers' Market Nutrition Program

Contact Persons: Beverly Salchli 502-564-3827 ext. 3833
Beverly.Salchli@ky.gov

The Nutrition Services Branch administers the WIC Farmers' Market Nutrition Program (FMNP) in collaboration with the Kentucky Department of Agriculture (KDA). WIC FMNP is funded through a grant from the United States Department of Agriculture (USDA), Food and Nutrition Services (FNS).

1. The WIC Farmers' Market Nutrition Program (FMNP) began as a pilot program in 1992. The intent of the program is to bring locally grown fresh fruits and vegetables into the homes of the WIC participant and to help promote the local farmers' market.
2. WIC FMNP assists with meeting the goals of the Healthy People 2010 objectives which are to increase to at least 40% the proportion of people age 2 and older who meet the Dietary Guideline minimum average daily goal of at least five (5) servings of fruits and vegetables.
3. In Kentucky, each WIC recipient in the household receives food instruments (fis) worth \$20 each summer to purchase locally grown fruits, vegetables or fresh cut herbs. The local WIC agencies issue the FMNP fis and provide nutrition education on the importance of using fruits and vegetables in the diet daily.
4. WIC FMNP serves WIC eligible women and children at 46 local health department Sites. Participation for 2010 will be approximately 14,456 based upon preliminary data.
5. Local health departments and the health department's service sites issue the Farmers' Market Automated Food Instruments and provide nutrition education for the recipients.
6. Farmers' Markets and farmers who have contracts with the Program to provide the fresh fruits and vegetables. KDA provides monitoring for the farmers.
7. The University of Kentucky Cooperative Extension Services cooperates with some agencies for nutrition education and market promotion.

The WIC FMNP Program provides food instruments for locally grown fresh fruits and vegetables and nutrition education on fresh fruits and vegetables to pregnant, breastfeeding and post delivery women and children up to the age of five (5) who meet income and health risk guidelines for the WIC Program. The food instruments (fis) are redeemed by the participant and cashed by a contracted Farmer at a Farmers' Market.

Don't forget special outreach for the Farmers' Market Nutrition Program Senior and WIC recipients (if your market is in the program) to increase your redemption rate.

Market Rules

Introduction

The market members or the sponsoring entity should establish rules for the day-to-day operation of the market. Market rules contribute to the experience for the customer, the success of the farmers and keep conflicts to a minimum if they are enforced consistently.

Rules should reflect the purpose for the market and protect the credibility of the market in the eyes of the customer. Many markets operate successfully with a single page of 10 rules. Some choose to be more extensive and cover every detail of their market. Either way, you should make sure each member gets a copy of the rules and reads and understands them. Many markets require members to sign a copy of the rules as part of their membership agreement to ensure they are understood.

How to get started

Sample rules from other Kentucky farmers' markets can be viewed on the KDA Web site – www.kyagr.com, choose "Farmers' Markets" from the program list and click on the link to the farmers' market directory. Under each market there is a link to its rules, if available.

Decide basic information about how you want the market to work and make rules that ensure those basic items. Democracy is great, but getting everyone to agree on every rule will be difficult. It is best to appoint a committee and have the committee develop some working rules for the season and your area. What works for one market may not for every market. Ask everyone to direct any comments, questions, or complaints to the committee so they can revisit the rules after a couple of months. Don't be hesitant to make needed changes; but don't do it on the basis of one person's complaint. For every complaint, someone may be very happy with the way the rule reads now.

One of the first rules that should be established is how to make and change rules. This process needs to be fair and open and allow for producer input but should limit endless discussion or arbitrary changes at the whim of one or two members.

Hints for making rules

- Rules should be clear and easily understood.
- Rules should be in writing and made available to all members and sponsors.
- Rules need to be fairly and consistently enforced. Rules that can't be enforced should be removed.
- The rule committee or individual market should determine at the time the rules are being established who will be enforcing the rules and steps for filling a complaint.
- Rules should work to the advantage of the producers selling at the market.
- Rules should protect the credibility of the market by requiring producers to properly label and represent product at the market.
- Most importantly, the rules should protect and direct the market rather than settle conflicts between vendors.

- Rules should help define who, what, when, and how of your market.
- Remember, at no time shall a market entity create rules that allow practices which violate standing Kentucky statutes or regulations.

Neither the Kentucky Department of Agriculture nor any other entity sets requirements or standards for these rules. There are, however, several areas that markets are encouraged to cover in their rules to help each market operate efficiently and to serve the producers who sell at the market.

Areas to cover

- **Membership, including fees**

The rules should specifically state how a producer applies for and maintains his or her membership. Fees should be outlined in detail. Any restrictions on space usage or required number of days at market should be defined.

Markets do not have to take all applicants and should set criteria for producers to meet in order to be members. How many market days are they planning on being at the market? Will the product they offer add to the diversity of the market? Competition between vendors is good and should not be discouraged by severely limiting tomato producers, for instance, because your president happens to grow tomatoes. But if space is tight, then a judicious look at applicants who offer something different may be in order.

- **Enforcement, including the who and how**

Rules are only as good as enforcement of the rules. This one gets hard for markets without paid market managers but is vital to keeping the market from dissolving into numerous petty arguments. Each member should be aware of how the rules are enforced and agree to submit to the process before joining the market.

Some markets have instituted levels of violations; for example, being late for the market opening is a small violation whereas selling misrepresented product would be a big violation. Some develop “three strikes and you’re out” provisions. Fair, consistent enforcement and an established way for vendors to lodge a complaint is the key.

- **Market days and times**

The days, times and location of your market should be outlined in the rules. Opening date and closing date should also be covered. Opening and closing dates help producers who want to offer early or late product. Established times will help customers find you and know when to shop.

If your market closes a market day or location late in the season, or has a location and day that is only open part of the year, the criteria for that decision should be spelled out. Along with establishing and keeping market hours, this is important if your market hopes to accept vouchers for the Farmers’ Market

Nutrition Program - WIC or Senior. If an inspector comes to an approved market during the week on a published market day and there are no vendors, this will constitute a program violation and will be considered in the decision to keep your market in the program.

- **Source of all products**

The source of all products needs to be clearly labeled, especially if your market allows vendors to sell product that is not grown by the vendor or accepts vendors from out of state. Signage should be required that identifies product bought from other producers or from a USDA terminal or produce auction. This maintains your market's integrity and avoids misunderstandings and hard feeling from customers and other vendors.

- **Hold-harmless**

Vendors should agree not to hold the market responsible or liable for any damage or loss incurred by them while at the market. This protects the market itself from being responsible for many types of loss producers can incur while at the market including personal injury or property damage.

- **Licensing and necessary permits**

Vendors are required by the health department to obtain different types of permits or licenses for different products. Additionally, some municipalities require business licenses or taxes. To eliminate market liability for each vendor complying with all regulations, markets may include a catch-all rule that states that each vendor shall be responsible for complying with all applicable state and local laws, regulations and requirements.

- **Products allowed**

Each market can determine what products will be allowed for sale at their market. Beyond the issue of value-added agriculture products is whether the market will allow crafts, livestock and other products. When discussing these rules, it is good to revisit why the market was started in the first place. Products besides agriculture products can give a market a flea market feel that does little to lead to the success of the local farmer.

On the other hand, restricting products to only fresh fruits and vegetables can limit some farmers from branching out into value-added products as well as preventing the market from attracting all the customers it could. Meats, flowers, jams, gourd art, eggs, and more will help the market grow.

- **Quality**

Restricting vendors to selling only top-quality, fresh product has become necessary for some markets. If a market decides to pass a rule in this area, some objective criteria need to be spelled out along with who makes the decision. This can be a very subjective area and can lead to some real battles. Be careful in this area and revisit these rules often to make required revisions.

- **Geographic restrictions to market membership**

Some markets restrict their membership to producers from their county. Though there are good and bad sides to this, each market should consider accepting members outside the county to increase the diversity of product at the market. For instance, if no one in the county is offering small fruit or pumpkins, the market may want to let in a producer close by who can offer these products. Be aware that a producer of tree fruit may not want to join the market if he or she is restricted only to bringing apples and not allowed to bring other products they grow that may be offered by present market members.

- **Pricing**

Setting market prices is a difficult area. Customers do not like to know that the market is involved in “price fixing” but, at the same time, markets need to protect their vendors from vendors who dump low-cost product on their market. Sometimes these vendors are hobbyists who are not trying to make a profit or might be someone who has overbought or over-produced a product and wants to sell it quickly.

Some markets set a minimum price for a product and allow any higher prices that the vendor may want to charge. Organics, heirloom varieties, specialty crops, and others may bring higher prices. Farmers’ market prices are reported as well as prices from the produce auctions around the state to the University of Kentucky’s New Crops Opportunity Center. You can find a link to these prices by visiting the farmers’ market page at www.kyagr.com.

- **Spaces**

Theoretically, if a market is set up efficiently, all spaces should be equal at the market. But reality tells us that this isn’t so. How spaces are assigned should be included in the rules. Some markets choose to assign spaces based on seniority. Others, in order to encourage and reward producers who come the entire market season, allow producers to choose their space on the basis of number of days they were at the market the previous year. To those starting a new market this issue becomes critical and should be given sufficient attention as it causes many disagreements at markets.

Some agreement needs to be reached on when vendors can move into another vendor’s reserved spot if the vendor doesn’t come to market that day. A specific time for any moves needs to be set so those who wish to move can do so without upsetting a vendor who is running late.

- **Wine sales**

Wine can be sold at farmers’ markets. (See chapter on Wine Sales.) Each market in wet territory should enact a rule that defines what it wants to do before it is approached by a winery. It is always easier to discuss this issue and enact a rule BEFORE a local producer shows up. Rules enacted at the last minute can be taken personally and may result in lawsuits.

In Kentucky, farmers' markets retain the authority to limit sales at the market to any products that meet the marketing vision of the market. If they are allowed to sell, the winery must meet all general market membership requirements, such as county of production, etc.

In order to help markets with this issue, the following three (3) sample rules are offered by KDA to cover the three possible scenarios. These are only suggestions, and markets are free to write any rule that best deals with their situation.

- **SCENARIO 1: Market wants NO wine sales at the market.**
 "No wine sales are allowed at the _____ Farmers' Market."
- **SCENARIO 2: Market wants package wine sales but no by-the-glass sales.**
 "Packaged wine produced by the vendor may be offered at the _____ Farmers' Market during regular market hours if the vendor holds a valid small winery license issued by ABC. The license will be visible at all times. No by-the-drink sales will be allowed."
- **SCENARIO 3: Market wants to allow both package and by-the-drink sales.**
 "Packaged wine produced by the vendor may be offered at the _____ Farmers' Market during regular market hours if the vendor holds a valid small winery license issued by ABC. The license will be visible at all times. Wine may also be sold by the drink."

- **Right of refusal**

In your rules and on your application, state that the market reserves the right to refuse membership to anyone. This might be done for numerous reasons so the reason should not be stated; only the market's right to refuse membership.

- **Fees**

Every market that is not completely supported by a sponsor needs to charge fees to members to cover expenses. A good way to determine what fees to charge is to add up your expenses and divide them among market members. The following worksheet may be of some help to markets trying to determine fees.

How Much Should We Charge for Fees?

Item	Cost	Need or want
Lot rental		
Port-o-let		
Utilities		
Market Manager		
Insurance		
Advertising		

Bags		
Bank Fees		
Promotional events		
TOTAL		

Number of members _____ **Total divided by number of members** _____

The fee you determine can be either a membership fee or a gate fee that is collected each market day. Remember that not all members will sell every day, so adjust your gate fee accordingly.

Do not underestimate the amount of advertising and promotion your market will require. This is always money well spent. Studies tell us that for every dollar the market spends on advertising the market makes two.

Market Safety

Farmers' markets need to concern themselves with the safety of both their vendors and their customers. By taking a few simple steps the market can ensure the market remains a great place to visit.

Tents, umbrellas, and other things that fly in the wind

It is reported that the number one injury cause at farmers' markets is toppling tents. A gusty wind coming from just the right direction will cause a tent to become a very heavy, damaging projectile. Any market vendor who has sold at an open air market for any length of time can attest to this.

Because some traditional ways of securing a tent can add a tripping obstacle to the sales area, smart market vendors devise ways to secure tents and umbrellas without adding to the safety problem. Some suggested ways to secure tents include: hanging water filled gallon jugs from each corner high in the tent, filling a PVC pipe with sand and hanging it from each corner and securing it to the bottom of the leg as well.

Anything placed lower than waist high can actually create another safety problem. The often-seen concrete block on each leg or a coffee can filled with cement and attached to the tent with bungee cords can pose a trip hazard if some strategy to alert customers to the trip hazard is not employed. Sand bags at each tent leg require the same strategy of drawing the customers' eye down to see the trip hazard.

CREATIVE IDEAS: Hanging baskets filled with colorful flowers at each corner make great ballast and are very visible. Tying the tent to your truck or market vehicle can also serve to stabilize it in the wind. The Boone County

Farmers' Market designed their new facility with embedded brackets in the concrete that the tents can be anchored to.

Traffic

Markets try to locate themselves in high traffic areas for visibility to draw in the most customers. But anytime you mix pedestrians and vehicles, accidents can occur. Both customers and the passing motorists will be looking at the market offerings and not for each other. A little planning is required to make things safer.

The location of parking in relation to the market can raise several issues. Do the customers park across the street from the market and have to cross a busy street? Perhaps the market should contact local authorities to allow the placement of a sign in the roadway to alert motorists to pedestrian traffic in the area.

The market should post signs to direct the flow of traffic into and out of the parking area allowing for a clear line of sight for exit. These signs can advertise the market as well as serving to ease confusion.

AT NO TIME SHOULD A MARKET ALLOW CUSTOMER CARS TO PASS BETWEEN THE VENDORS OR IN FRONT OF VENDOR'S STANDS. Cars in the market shopping area are not a safe situation for either the vendors or the customers and it is very risky for families with small children. Designing the placement of booths and adding traffic barriers should be done to protect the walking area of the market shopping space.

We all know older customers who want to drive up to their favorite booth and have their purchases delivered to their car. If the market wants to cater to these customers then a space behind some of the booths can be set aside.

Surfaces

Parking lots and the market area should be free of holes, short poles out of the line of sight of drivers, drop off areas and any other obstacle that could cause injury or damage. Any possible problem area should be cordoned off and clearly marked.

Vendors should be cautioned to avoid placing items on the ground around their booth; **keep in mind that edible items should be elevated at least 6" of the ground.** Empty boxes or containers should be stored in their vehicle and not thrown around the truck. Loose wires, twine, or ropes will present a trip hazard if not covered.

The market area should be kept clean and all produce/garbage picked up or swept away. A piece of cantaloupe or a broken jar of jelly can make a

slippery surface out of an asphalt parking lot. Any dropped items should be cleaned up immediately and each market should have supplies on hand to clean these things up.

If dogs are allowed in the market, customers should be gently reminded to pick up after their dogs and a receptacle for them to use should be made available. If customers do not pick up after their pets, vendors should have baggies on hand to pick up (one more reason to have a good handwashing station) or something to cover it should be available.

Displays

All tables should be stable and setups outside your primary table should be sturdy and able to hold weight. All glass jars and containers should be displayed so that customers can pick up and replace a jar as they shop. The same thing applies to elaborate produce displays. The choice of one tomato should not cause the entire stack to collapse.

Be prepared

If someone falls or is otherwise injured at your market and needs first aid are you prepared? A market may keep a first aid kit on location to handle basic injuries. If market vendors are reluctant to provide first aid, the supplies can be given to the injured person and/or persons there with the injured person to use.

Document all injuries, making certain to include the location and cause of the incident, the nature and extent of the injury, whether or not emergency medical attention was requested and the contact information of anyone who may have witnessed the event.

Having this information does not create or increase liability.

Food Sampling Guidelines and Procedures

Farmers' markets sell primarily on taste. Allowing a customer to try a new or different product prior to buying it, can be a tremendous marketing tool for producers. Care should always be taken to ensure each sample offered is of the highest quality and will be a positive experience for the consumer.

Adherence to foods safety principles is of great importance when offering samples. Food borne illness resulting from improper sampling methods could create a negative image of the producer or farmers' market.

It's important to note that the vendor offering samples assumes all liability and should look carefully at every step to make sure their samples are as safe as possible.

A sample is defined by the Department for Public Health as *a food product promotion where only a bite-sized portion of a food or foods is offered free of charge to demonstrate its characteristics. A whole meal, individual hot dish or whole sandwich is not recognized as a sample.* If you want to offer ready to eat food service at a farmers' market you must obtain a Farmers' Market Temporary Food Service permit. The details on obtaining the permit are outlined in another chapter in this manual.

There are two broad categories of samples that are allowed: those that are cooked or processed and those that are raw or unprocessed. In Kentucky farmers are allowed to process grown commodities into value added products for sale at farmers' markets listed with the KDA, Kentucky Farm Bureau Certified Roadside Stands, and on their own farm. The specifics for these value added products and the requirements are laid out in the Farmers' Market Manual.

Cooked or Processed Sampling Certificate

In order for these processed and cooked products to be sampled at the farmers market a producer must read through the sampling chapters in the Farmer's Market Manual and complete an Affidavit of Sampling Education which they submit to the KDA. No formal classroom training is required. We then print and send the producer a sampling certificate which they must display when sampling.

All Samples Certificate

If the producer wishes to offer samples of raw or uncooked products they must complete the Affidavit of Sampling Education, and additionally complete a Good Agricultural Practices Training class. The curriculum for the class was again a cooperation of KDA, UK Cooperative Extension, and Department for Public Health and draws from sources such as Cornell and the GAP materials they have produced. County Extension Agents are utilized as the instructors for the GAP Training classes. The trainers send in a list of class participants and these persons are issued a GAP Training Certificate. Once we have a record of the GAP Training Certificate, and the Affidavit of sampling Education, we then print and send them a sampling certificate which must be displayed when sampling.

Here are a few points about both types of sampling certificates:

- To allow for changes in the requirements for sampling the Sampling Certificates are valid for a two year period; this coincides with updating of the Farmers' Market Manual.
- The sampling certificates themselves are for an individual. Meaning the person listed on it is the only person covered by the certificate.

Employees, family members, etc. must complete their own Affidavit of Sampling Education and receive their own certificate if they intend to offer samples at the market.

- Gap Training Certificates, however, are not required of employees, family members etc. so long as the farm operation has at least GAP certificate. When sending in the Affidavit of Sampling Education you must write on it under whose GAP Training Certificate you will be sampling.
- If a producer moves or expands to another market they are to contact KDA so we can update our records and their certificate.

Here are a few points about the GAP Training Certificate:

- You must have the GAP Training Certificate in order to accept WIC Farmers Market Nutrition coupons
- The GAP Training can be completed at your county Cooperative Extension Office or at the KY Fruit and Vegetable Growers Conference in Lexington

The Basics

There are two parts to sampling at a Kentucky farmers' market – **preparation and delivery.**

Preparation of Samples

Some farmers choose to prepare their samples at home where the quality of water, cleanliness of surfaces and equipment and cleanliness of vegetables can be easily controlled. The samples may be washed, cut up and placed in disposable, individual cups with lids. These cups are available at any restaurant supply store or at large outlets such as Sam's Club.

Whether you prepare your samples at the market or at home you must provide equipment and maintain practices that ensure the following during sample preparation:

Potable water

All water that touches your product or your utensils MUST be potable. If the water is from a well, cistern, or other non-municipal source it must then be tested and the records retained. Documented test results prove the water is potable, not previous use as drinking water.

All raw produce must be clean

All raw produce **MUST** be washed thoroughly with running potable water. The water has to be running to carry away any dirt or contaminants that may be on the outside of the product. For example, you cannot wash your tomatoes in a bucket of clean water.

Produce with rinds pose a special problem. Cantaloupes and muskmelons with netting need a good scrubbing to remove all dirt and

contaminants from deep in the netting. This can be done at home to all the produce you plan to use for samples. Make sure the washed produce is then packed in clean bags or containers to keep them clean; and then store them separately from unwashed items until you arrive at the market.

All ingredients must come from an approved source

All products used in your samples must come from an approved source. This means all agricultural products that will be served without cooking must have been raised according to Good Agricultural Practices (GAP) and any value-added product must be commercially produced or produced under the HB 391 program requirements. Information on the GAP principles, commercial production, and HB391 are available in separate chapters of this manual.

Clean hands

You must wash your hands properly before touching any part of your samples. Hand sanitizers do not substitute for proper hand washing though they can be a good addition to hand washing. Gloves do not substitute for proper hand washing. Always wash your hands before putting on gloves and after taking them off. If gloves become torn, ripped or contaminated they should be changed. Never reuse gloves.

Though we have all washed our hands since childhood, the proper way for sanitation purposes includes the following:

- Wetting your hands
- Applying liquid soap
- Briskly rubbing your hands together – including fingernails and backs of hands for a minimum of 20 seconds (a long time!)
- Rinsing your hands under free flowing water
- Drying your hands with a disposable paper towel

Clean utensils

All utensils that touch a sample in **any way** must be washed in a detergent, rinsed in clean potable water and **soaked for 60 seconds in a sanitizing solution**.

- If more than one or two different utensils are used, a cleaning, rinsing and sanitizing station is required. Sanitizing solution must be approx. 50 ppm of household bleach/water solution. This is about one capful of bleach to one gallon of water. The sanitizing container should be of sufficient size to completely immerse the largest utensil in use.

If you are preparing your samples at the market

- If you are only using a few utensils, you may choose to bring a number of the utensils in a zip lock bag marked as “CLEAN” and bring with you another zip lock bag marked “DIRTY”. That way if you drop or soil a

utensil a clean one is available and the dirty one can be easily distinguished and isolated. THESE UTENSILS MUST BE SANITIZED AS WELL.

- If one of the utensils you use is a knife then, you must have a proper cutting board. It must be handled like any other utensil – washed, rinsed, sanitized.
- Use only plastic (nonabsorbent) or approved hardwood cutting boards or disposable paper plates for cutting produce for sampling.
- If samples of both meat and vegetables are going to be cooked and offered, there should be 3 separate sets of utensils. The first is for raw meat, the second for cooked meat and the third for vegetables and fruits.
- Allow all cleaned and sanitized utensils to air dry on a clean non-porous surface or dish rack. Do not dry with a towel.
- The “washing, rinsing and sanitizing station” and the “hand washing station” must be separated from each other and completely set up before preparing any samples.

Delivery of Samples

Maintaining proper temperature

- If you bring cold product to the market for sampling you must maintain them at 41°F or below. That means you probably must ice it above and below. If using ice, you need to make provisions for melted ice to drain away from the product. Samples in cups prepared at home can be easily managed. A small cooler can provide a great way to keep samples cool.
- Any product you warm at the market must be warmed to 140°F or above. You must have a way to maintain this temperature.
- A high/low thermometer is a good investment. Note the temperature readings in your records in case there is ever any doubt.
- For both safety and quality, samples should be monitored to ensure that none remain out for more than 30 minutes. Remember you want your samples to be perfect little bites of your product at its best!

Sample delivery

- You must deliver the samples to the customers in such a manner to prevent anyone from touching any sample other than the one they will consume. If you have prepared the samples at home you can place the individual cups on a tray a few at a time. With the individual cups there is no need to worry about any customer touching any samples other than their own.
- You must protect the samples from the elements and insects. Cover your samples with insect proof netting or plastic wrap (or lids if you use the individual cups).

- You must use disposable single use utensils for distribution of samples to customers- toothpicks, cups, etc. Or you can use tongs, *if* you control them. Customers should never reach in a plate or bowl of samples.
- You should make available a waste basket lined with a plastic bag for sampling preparation waste and sampling distribution waste disposal. It works best to have two cans – one behind the table for your waste and one out in front for the customers.
- **Protection from the environment**
 - You must protect the samples from the elements (dust,etc.) and insects. This can be accomplished in several methods. The simplest is using containers with a lid or covers to dispense the samples. Inexpensive containers such as deli trays work well. You may also cover your samples with insect proof netting or plastic wrap. If using individual cups placing lids on those will suffice.
 - Keep in mind that all food must be stored at least 6 inches off the ground, and in some municipal areas this restriction may be increased.

HAND WASHING

When should you wash your hands?

- After using the bathroom
- After handling money, unwashed produce, baskets, and anything not clean and sanitized
- Any time you leave your stand and return

The basic items required for a proper hand washing station are:

- A container of potable water large enough to supply water for the entire sampling time. This container must have a free-flowing dispensing valve. This is the type of spigot that does not require you to hold open the valve to keep the water flowing.
- The container should be raised off the ground to allow a catch basin under the spigot.
- Paper towels
- Liquid hand washing soap in a pump or squeeze bottle.
- A waste basket for paper towels.

Depending on the market setup, providing for hand washing may mean each vendor must have their own station. If vendors feel they can share a station, it must be easily accessible with no physical impediments between the vendor and the station.

For the complete Kentucky Department for Public Health policy regarding product sampling at KDA Farmers' Markets or Kentucky Farm Bureau Certified Roadside Stands go to <http://chfs.ky.gov/dph/info/phps/food.htm>

Insurance

There are two types of insurance purchased by farmers' markets and/or farmers' market vendors – overall liability (slip and fall) and product liability. Insurance is frequently a large expense. Markets are encouraged to fully understand the policy they are purchasing and shop around for the best coverage and rates.

The market's insurance needs will depend on a variety of factors. You should consult an insurance specialist to determine what type of insurance your market will need. Here is a basic description of the two types.

Liability

Liability insurance covers the market for accidents that may occur at the market during business hours, such as customer falls and injuries. Some folks call these “slip and fall” policies. Because vendors themselves could get injured while at the market, markets may wish to include a “hold harmless” clause as part of the market rules in which the vendors agree not to hold the market liable for injuries and damage that they might incur. This type of policy does not cover illness that may result from spoiled products.

A market located on property that it does not own should discuss liability with the person or entity owning the property. The property owner might require the market to maintain a separate liability policy to protect the owner from liability while the market is open or offer the possibility of putting a rider on his present insurance to cover the market during the season.

The Kentucky Farmers Market Association is currently working with an independent agent who has located good rates for market members. You may contact KFMA for details on this insurance opportunity. The secret to being able to obtain good rates is identifying and controlling the risk for you and the insurance companies. See the section on “Market Safety” for more information and steps your market can take to make your market more “insurable.”

Product liability

Product liability policies cover the individual vendors from liability from the products they have sold. Producers who sell value-added products may want to purchase this type of insurance. Policy cost is usually based on your gross sales. Most companies have a minimum policy that reflects higher gross sales than most farmers' market vendors enjoy.

Your farm policy may or may not cover you so check with your insurance professional.

To help protect themselves from liability claims, value-added product producers should carefully follow the correct procedures and keep meticulous

records on the steps and safety best practices used in every batch of product they make.

Farm Inspections

As more markets designate themselves as producer-only markets or limit the amount of reselling taking place at the market, the matter of fair, objective enforcement of those rules becomes an issue. Some markets have instituted farm inspections to enforce these rules, protect their market and to maintain quality standards. An on-farm visit is conducted and recorded to determine the crops a person is growing, the apparent amount they are growing, and any other evidence of production that can be objectively recorded.

Before a market decides to utilize farm inspections it should be aware that inspections are not easy and take a great deal of time. The person(s) doing the inspections should be above reproach and knowledgeable. Before the inspection call at least a day in advance to schedule, let the producer know the amount of time that might be needed and be respectful of the producer's time. Make sure to dress appropriately and review the crop plan before you arrive with questions or highlight areas that you will need to see.

With season extension efforts on both ends of the traditional growing season, determining a producer's crops, varieties, and capacity may be difficult with one visit. In June there will be little evidence of the fall pumpkin crop, for instance. Other methods such as a sketch of the farm with crop plan for each field or evidence of seed orders may be utilized. You may want to consider the season during your inspection, visit when crops are in the field, fruit is on the trees, cuttings/transplants/seeds are in the greenhouse, labor is planting/harvesting/packing/processing and animals are in the field.

Whether the market requires farm visits or allows for visits as the result of a complaint, this requirement needs to be spelled out in the rules. Every producer needs to sign off on this requirement and give permission for his or her farm to be inspected as part of the membership signup. To avoid hard feelings it is suggested that all farms get inspected over the season so one individual doesn't feel singled out.

A reporting form should be developed that specifies:

- The name of the producer and contact information
- The location of the farm
- The date and time of the inspection
- The weather on the inspection day
- Who was present during the inspection

- Space to note where pictures were taken (make sure to ask permission before taking pictures)
- Each crop and how many plants, acres, rows, etc. existed (specifying varieties here can be very beneficial)
- Planting intentions for the remainder of the season
- The name of the inspector(s)

As in organic inspections, the market may require the producer provide farm maps with crops specified on them including the entire season's crops. Then the inspector can simply visually verify what the producer has submitted, reducing the time the inspector is on the farm. Seed and plant invoices may also be useful.

The inspector should bring the information back to a governing body that actually makes the decision rather than it being an in-field decision. Allow the producer the opportunity to clear up any issues or problems that was documented in the inspection within a set period. Keep the information confidential.

Evaluating Your Market

There are several possible ways to do a formal assessment of your market. You may, of course, hire a consultant. By the time you explain your community and your market to him/her, you might be able to do a pretty thorough job yourself. Using market members and a couple of folks from a nearby market, your market can use a method called Rapid Market Assessment. There are three parts to this method.

Attendance counts

It is hard to plan events, obtain grant monies, measure the need for more vendors, and more when you have no idea how many customers your market draws each market day. Designating someone to count every person can be difficult. The rapid market assessment method suggests placing spotters at each entrance way to the market and having them count customers for 10 minutes each hour and then multiply this number by six. The numbers will be nearly as accurate as a full count and certainly be easier. Accuracy depends on both planning and personnel.

Here are some tips for doing this part of the assessment:

- Count everyone entering the market in a 10-minute period each hour and multiply by six to give hourly estimates.
- Record each hour's attendance separately so the market can know its busiest time.
- Establish clear communication between counters.

- Count only adults entering the market.
- Do counts on at least two days before decisions are based on the numbers.

Dot surveys

An easy way to get information from customers is to ask a few questions with dot surveys. Set up 2-4 posters with questions and give shoppers stick-on dots to indicate their answer.

Example: **How often do you visit this market?**

First Visit	Rarely	Once a Month	Once a Week
○	○ ●	○ ○ ●	● ○ ● ○ ○

Tips for this part of the assessment:

- Make the question clear and simple.
- Give customers only as many dots as there are questions.
- Color code the dots according to either a demographic (woman vs. man) or the hour the customer came to the market.
- Affix the posters to something strong and sturdy
- Set up a table nearby for customers to set their bags, purses, etc. down so they can use their stickers.
- Have someone invite customers to participate, hand out stickers, and answer questions.

Constructive comments and observations

This last part is the hardest. If your market is serious about making changes and has an open mind about what might need to be done, this one can be the most helpful. You invite members of another market, business people, or another group familiar with farmers' markets to come to your market and critique what they see.

You ask them to comment on:

- Physical characteristics of the market
- Vendor diversity and product selection
- Market atmosphere
- Safety considerations
- Anything else the market is interested in

After the team visit, the team gets together to decide the most important message to the market. One person then prepares a report and talks with the market board. If you find yourself giving excuses or being defensive, then you

won't get much from this exercise. If you can take the opportunity to "see" the market like others see it, this exercise will prove to be the most powerful.

Cooking Demonstrations

One of the most successful events at farmers' markets is having a chef to come to the market to cook seasonal produce, meats and other products and offer samples to the customers of the market. Your local Extension office may also offer to do these demonstrations at the market. Not only do these events lend a festive air to the market day, but they give customers ideas on how to select and prepare the products. Research has shown that featured products do enjoy increased sales.

As a means to accommodate this unique form of product marketing and promotion, ensure market accountability, and provide a means for ensuring a safe, wholesome product, Kentucky's Food Safety Branch developed a uniform set of guidelines and requirements for farmers' markets cooking demonstrations. The guidelines have been distributed to local health departments across the state. In order to promote uniformity and farmers' market food safety across the state, all farmers' markets that intend to conduct cooking demonstrations are required to operate in accordance with these guidelines and requirements.

Hosting a cooking demonstration requires specific equipment that chefs may not have at their disposal. If a market wishes to host these events throughout the season it is to their advantage to purchase a "kit" containing some the essential items. A list of the items KDA keeps on hand to hold a market cooking demonstration is included at the end of this chapter.

Small samples of cooked foods prepared at a farmers' market for promotional and educational purposes may be offered free of charge to consumers without obtaining a temporary food-service permit from their local health department.

A sample is defined as a food product promotion where only a sample of a food (or foods) is offered free of charge to demonstrate its characteristics. A whole meal, individual hot dish or whole sandwich is not recognized as a sample.

In all instances, however, the person cooking shall comply with all of Kentucky's temporary food-service regulations and all requirements for sampling at the market outlined in other chapters of this manual, but shall not be required to observe the same time limitations as those placed on temporary food-service operations.

Vendors who offer food product samples in portions larger than the above-noted definition of “sample”; those who charge a fee for their samples; or those vendors, who offer both free samples in combination with meal-sized portions, whether free or for sale, are not eligible for this exemption. Instead, such vendor operations shall comply with all requirements of Kentucky’s Retail Food Code for operation of temporary food establishments, including fees, time limits, *etc.*

Summary of cooking demonstration requirements

- If a market is not under cover, the market needs to provide a tent or umbrella for the demonstration. The product needs to be under that cover at all times.
- Food products should not be exposed to insects or other environmental contaminants such as dust. If electricity is available, a fan may be used to keep a gentle breeze going to keep insects off the product. (The chef may appreciate the fan as well.) Covering product in some manner at all times will also deter insects.
- During the event the person cooking will need a way to wash his/her hands. A simple, health department-approved set up could consist of an elevated container of potable water that is equipped with a turn-spout dispenser or drain, with a catch bucket placed below the container. Liquid soap and disposable towels should also be provided at the hand wash station. The chapter on sampling discusses hand wash stations and includes a picture of the simple setup.
- Facilities to wash and sanitize all utensils used throughout the day must be available. A three-compartment sanitizing wash station can be easily constructed with three tubs, potable water, soap, and an approved sanitizer. A farmers’ market friendly setup is pictured in the chapter on sampling. You will find that this set up is wonderfully convenient to clean up after the event. You will need more water than you think so bring an adequate supply. Lots of paper towels are a necessity here since you won’t be able to set washed items out to air dry. Remember, utensils must also be protected from insects, dust and other forms of contamination. An extra measure of protection for clean utensils, food, and food-related items can be accomplished by storing the items in a plastic container with a tight-fitting lid.
- All products must be maintained at safe hot and cold temperatures throughout the entire event. The rule of thumb is to “keep hot foods hot and cold foods cold.” Coolers and plenty of ice should be available. *Coolers cannot be made of Styrofoam as these coolers are impossible to disinfect.* At no time should any product sit in water. You will need to have provisions for melted ice to drain away from the product.

Serving the samples to your customers

Each sample needs to be pre-cut, adequately protected from insects and other forms of contamination, and served individually. That is, each sample needs to be placed in an individual cup or plate or served with individual toothpicks. (You should provide plenty of waste containers to dispose of these items.) At no time should a customer be able to touch any sample that is not theirs. A helper that controls the samples is important and will prevent any cross contamination and will allow the cook to “sell” the product. That helper should be careful to avoid touching the product and avoid contamination of any utensils used to portion out the samples. Tips for meeting these requirements are included in the Sampling chapter.

How do we decide how many customers to prepare for?

A little research may be necessary to answer this question. Traffic counts may have to be taken. During our events in the summer of 2005 we found that 100-150 was a minimum.

KDA’s supply list for cooking demonstrations:

- _____ Tent, if market not under cover
- _____ Plastic container with tight-fitting lids to protect utensils from contamination
- _____ Potable water – at least 15 gallons (you can’t have too much)
- _____ Three-compartment wash, rinse, and sanitize set-up
- _____ Dish soap
- _____ Sanitizer tablets or regular (unscented) household bleach
- _____ Hand wash station
- _____ Hair nets or caps for individuals who are involved in food preparation or cooking
- _____ Grill, hot plate, or other portable cooking utensil
- _____ An adequate supply of ice
- _____ Food service gloves – medium and large
- _____ Two coolers to use to store ice, product and for hand wash station setup
- _____ Two tables
- _____ Table cloths
- _____ Hot pads or pot holders
- _____ Trays for samples
- _____ Tongs (several sets)
- _____ Trash bags
- _____ Sani-wipes
- _____ Paper towels (minimum of two rolls)
- _____ Individual serving cups or plates
- _____ Disposable forks/spoons or toothpicks
- _____ Trash cans – one for the chef and one for samplers
- _____ Tape
- _____ Sign explaining the event

- _____ Road/yard signs
- _____ Business cards to give to media for further contacts
- _____ Copies of the recipes
- _____ Extension cord
- _____ Aprons and hats for servers
- _____ Knives, large and paring and others as may be appropriate
- _____ Bowls (large)
- _____ Skillet, if you are not using a grill
- _____ Spoons (large)
- _____ Cutting board(s)
- _____ Aluminum foil

Event Promotion

Farmers' markets have become a staple in many communities across the country. As demand grows for fresh fruits and vegetables, the pull is stronger to lean toward the local farmers' market than the major food chain stores. It's more important now than ever to promote your service, your location, your products and your market.

In the past, KDA has sponsored several cooking demonstrations at farmers' markets using a chef from Louisville. By trying different promotional avenues, a promotional model for these types of events was developed. The objective was to bring customers to the markets who were not already frequent customers and to improve the sale of a particular product or introduce a new product to the market. No single plan works in every venue, but we did learn a thing or two about pulling off a successful event.

As with any event, the goal has to be clear. The answer to why the market is spending money on this event should be evident, and all decisions regarding the event should first examine which direction will meet the goal. It may be hard to justify any expense that doesn't increase sales. You can aim toward getting regular market customers to spend more money than usual at the market, but the best way to increase sales is to bring new customers to the market. Defining these new customers and how to reach them should be foremost in deciding which media to use in your promotion.

We promoted our events several ways. The first was to develop a press release explaining why this event was special and different from what has been done in the past. We sent these releases to all local media in the area. We included names and phone numbers for KDA folks and the name and phone number of a local market/producer contact. We outlined when there would be a good photo opportunity and what the photographer should look for. Spelling it out never hurts. For example, "At 10:00 am at the corner of Main

and Cook Street the contest will be judged and the children will receive their awards immediately afterwards.”

Secondly, we bought an advertisement in the local paper that again emphasized that a famous chef would be offering a free cooking demonstration at the market. We included a graphic of some kind in the ad to set it apart from those with just words. These ads should include times and particulars so folks new to the market can come to the market and participate.

Thirdly, we printed large-lettered signs that were mounted on yard sign wires announcing the event. We made 20 of these and placed them up and down the main road leading to the market the morning of the event. Since research has shown that most folks stop for the first time at a farmers’ market by driving past and seeing the activity rather than as a response to advertising, we really tried to have a bunch of these. Each sign had no more than three words on them in large, bold type. We found this to be the most effective thing we did.

At the event, we had a large sign identifying the chef and what was being prepared. Customers want to know what is going on. Have signage that is specific; for example, a sign worded “Free samples of dishes made with products available at the market today. Free recipes.” We emphasized where in the market you could buy the featured product(s). We had plenty of copies of the featured recipes with the name and contact information for the producers as well as market days and times.

Having staff assigned to act as servers worked wonderfully by ensuring safe handling of the samples and someone to answer questions, handle the crowd, and “talk up” the product.

You may not want to include all these parts in your promotional plan, but the local media always showed up at our events and many stories with pictures appeared after the event and some television and radio stations covered the event as well.

Other tips

- Time limit your event to about 2-3 hours and start about the time the market opens.
- If yours is a morning market remind your chef for cooking events that some recipes are just not “morning food.”
- Schedule time to clean up. Extra volunteers here are important.
- Use the event to do short surveys. Did you reach your goal? Ask how many are new to the market or only come rarely.
- The event should be located so customers must walk through the market to get to the event. This causes more customers to pass more vendors.

- Evaluate the event afterwards to see if the market met its goal for the event.
- Use repeat market customers to help staff events. If your market doesn't have a market volunteer program, start one.
- Have fun!

Other events/activities

- Contact local businesses or schools in the area to team up as part of their health wellness program.
- Local entertainment
- Planned activities for kids
- Free items
- Recognize and celebrate during National Farmers' Market Week

Scales

Scales must be for legal trade and made for commercial use. A legal-for-trade scale will be marked with:

- A serial number.
- A model number.
- Class III designation on the identification plate or seal.
- All scales must have an NTEP (National Type Evaluation Program) certificate of conformance. The scales must have been manufactured after July 1, 2003 to have this certificate.

Scales suitable for farmers' markets will have a 1/2 ounce or smaller or .01 pound or smaller increment.

Scales marked "Not Legal for Trade" are not acceptable. Baby scales or kitchen scales are two types of scales that are not legal.

There is no problem with hanging scales as long as they meet all of the criteria. Vendors selling scales should be able to inform the purchaser that a scale is handbook 44 compliant. There are some hanging scales that do not meet these criteria, so get the assurance from the vendor in writing.

It is the responsibility of the scale owner to have the device inspected and maintain the accuracy of the scale. Scales should be inspected annually. Farmers' markets or direct markets should contact Tom Bloemer with the Kentucky Department of Agriculture at (502) 573-0282 to schedule an inspection of their scales. Please group your inspections together. For instance, a farmers' market should have only one scheduled visit for all of your members to be inspected at the same time. All scales can be brought to

a central location, such as the market, an Extension office, *etc.*, and be tested at one time before the season starts.

It is illegal to conduct business in the state with an unapproved scale. Inspectors from KDA's Division of Regulation and Inspection are charged with ensuring that this law is enforced. These inspectors can and will shut a vendor down for the use of illegal scales.

MARKETING TIPS: Since approved scales can run upwards of \$250, some markets have successfully bought and shared scales between vendors. Martin County is one of these markets. Otherwise, vendors are encouraged to sell by volume rather than weight. That is, sell by the box or bag or count.

Some growers report increased sales by using digital scales. With these scales they get an exact price instead of rounding down the price to the closest weight. This way you don't lose sales through "nickel and dime" losses.

Kentucky's Good Agricultural Practices (GAP) Program

Illnesses traced to food occur on a regular basis. Typically, the public thinks of illnesses caused by undercooked ground beef, mayonnaise left out too long, or other foods that have long been recognized to require careful preparation and handling to be enjoyed safely.

In recent years several types of fresh produce have been implicated in illnesses. Ultimately some of these outbreaks were caused by cross contamination and are the result of how the produce was handled by the end user. Troubling however for the farming community is the fact that some of the outbreaks have been traced back to the farm where the produce commodity was grown.

Kentucky has not had a known case of food borne illness caused by locally grown produce, and we wish to continue that pattern. To that end The Kentucky Department of Agriculture formed a partnership with the Department for Public Health, and University of Kentucky's Cooperative Extension Service to develop a food safety program for producers to implement in their operation to minimize the risk of contamination. This program is the Good Agricultural Practices (GAP) Training Program.

The first part of Kentucky's GAP Training Program is education. A curriculum has been developed that has been given to county Extension Agents to present to local producers. During this class producers learn the best practices that will reduce the risk of their product becoming contaminated. Upon completion of this class the farmer receives a certificate issued by the KDA. This

certificate is required for those farmers' wishing to participate in the WIC Farmers Market Nutrition Program. Additionally, the certificate is a component of the requirements to allow raw product samples at Kentucky Farmers' Markets and Kentucky Farm Bureau Certified Roadside Markets.

The second step is the completion of a self-audit utilizing workbooks received during the GAP training class. This process allows the producer to go over his or her operation step-by-step to identify possible deficiencies in their production practices and make the necessary adjustments to ensure GAPS are being followed. Using the self-audit materials allows for a record of the steps taken which better allows the farmer to address future concerns.

A third part involves third-party or buyer-specific verification. Much like the process of organic certification, an inspector visits a farm and walks through the production, harvest and transport system with the producer and verifies that GAP is being used. This level is usually only required for producers selling to large buyers.

A common question asked of the GAP Training Program is whether it is a requirement for farmers to complete it? Aside from the two instance of being a requirement for the WIC Farmers Market Nutrition Program and Sampling of raw products the answer is no. To date there are no regulations at a federal, state, or local level that require GAP, or GAP type plans, be implemented by fresh produce producers.

Some individual farmers' markets have made the GAP Training Program a requirement, but that is a decision made by the local farmers' market board. Likewise some retailers and wholesalers require a third party gap audit of their producers.

Many of the GAP Training Program materials are available on the KDA Web site: www.kyagr.com, by clicking the Programs button and then choosing Good Agricultural Practices (GAP). These materials will be mailed to anyone who requests them.

The basic elements of the GAP Training Program are outlined below. Participants in farmers' markets should familiarize themselves with these principles and make appropriate changes to their production, handling, and transportation. Every producer is encouraged to take advantage of the local educational opportunities presented by their Cooperative Extension office to help Kentucky prevent the first case of illnesses relating to locally grown produce.

The following points of the GAP Training Program taken from "Reduce Microbial Contamination with Good Agricultural Practices" by Cornell University.

PRODUCTION

Clean soil

The improper use of manure can be a risk factor contributing to foodborne illness. Pathogens such as *E. coli* 0157:H7, *Salmonella*, and *Campylobacter* can be present in manure slurry and soil for up to three months or more, depending on temperature and soil conditions. *Listeria* may survive on vegetables growing in the soil, even though it may not survive in the soil itself. *Yersinia* may survive in soil for up to 330 days. Composting manure, incorporating it prior to planting, and avoiding top-dressing with fresh manure are important steps that can reduce the risk of contamination while making use of this important source of nutrients. Excluding domestic and wild animals as much as possible from production fields will help reduce the risk of manure (fecal) contamination.

Clean water

When using surface water for irrigation, test quarterly for fecal coliforms, especially if water passes close to sewage treatment or livestock areas. Make sure that water used for produce cooling, washing, dipping, and processing operations is drinkable (potable). Whenever possible, use chlorinated water. Always make ice with potable water.

Clean hands

Attention should be paid to worker hygiene in the field and the packing house. Workers who pick, sort, grade, or pack produce must wash their hands after using the restroom. Hepatitis A outbreaks have been linked to infected workers. Teach workers about microbial risks. Provide soap, clean water, and single-use towels in the field and insist that all workers wash hands before handling fruits and vegetables.

Clean surfaces

Before harvesting or packing and at the end of each day, clean all bins and work surfaces. Sanitize surfaces using recommended chemicals and procedures (consult local extension service for specific recommendations).

Select produce fields carefully

- Review land history for prior use and applications of sludge or animal manure.
- Choose fields upstream from animal housings.
- Know upstream uses of surface water and test water quality as needed.
- Prevent runoff or drift from animal operations from entering produce fields.

Store Manure

- Store slurry in continuously loaded systems for 60 days in summer or 90 days in winter prior to field application.
- Consider satellite storage for slurry used on produce fields.

- Compost manure properly to kill pathogens.

Time Applications and Incorporate Manure

- In fall - apply manure to all planned vegetable ground, preferably when soils are warm (>50°F), non-saturated, and cover cropped.
- In spring - incorporate manure two weeks prior to planting.
- Whenever possible, incorporate manure.
- Do *NOT* harvest produce within 120 days after manure application.
- Keep records of application rates, source, and dates.

Choose crops carefully

- Avoid root / leafy crops if manure is applied in spring.
- Plant agronomic or perennials crops where manure is applied in spring.

Do NOT sidedress with manure

- **ABSOLUTELY DO NOT SIDEDRESS** with fresh or slurry manure or manure 'tea' or mulches containing fresh manure.
- OK to sidedress with mature composts or compost teas.

Exclude animals

- *NO* grazing of livestock near produce fields.
- Minimize wild and domestic animal traffic in produce fields.

HARVEST

Promote worker hygiene in the field

- Provide and maintain clean restrooms.
- Supply soap, clean water and single-use towels for hand washing and enforce use.

Test irrigation water quality

- Identify water source for irrigation.
 - Municipal drinking water – low risk
 - Potable well water – minimal risk if well casing is maintained and livestock excluded from active recharge area
 - Surface water – high risk
- Test quarterly or during season (beginning, mid or high draw, and at harvest) if water source passes near livestock or sewage treatment.
- Filter or use settling ponds to improve water quality.
- Use potable water for crop protection sprays.
- Maintain records of water tests.

Select irrigation method

- Where feasible, use drip irrigation to reduce crop wetting and minimize risk.
- Apply overhead irrigation early in the day so leaves dry quickly.

Clean harvest aids

- Check that bins are clean and in good repair.
- High-pressure wash and sanitize bins prior to harvest and clean bins daily during harvest.
- Remove excess soil from bins in field.
- Ensure that packing containers are not overfilled and protect produce adequately from bruising and damage.

Handle produce carefully during harvest

- Avoid standing in bins during harvest to reduce pathogen spread by shoes.
- Minimize bruising of produce during harvest.
- Remove excess soil from produce in the field.

PACKING AND TRANSPORTATION

Keep produce cool

- Cool produce quickly to minimize growth of any potential pathogens.
- Use ice made from potable water.
- Store produce at appropriate temperatures to maintain good quality.
- Do not overload coolers.

Promote worker hygiene and health

- Teach workers about microbial risks and the importance of hygiene.
- Provide clean restrooms with soap, clean water, and single-use towels.
- Post signs in restrooms and enforce hand washing.
- Provide non-food contact jobs for sick employees.

Monitor wash water quality

- Use potable water for all washes.
- Maintain clean water in dump tanks by sanitizing and changing water regularly.
- Avoid tank water temperatures more than 10°F cooler than produce temperature.

Sanitize packing house

- Clean and sanitize loading, staging, and all food contact surfaces at end of each day.
- Exclude all animals, especially rodents and birds, from the packing house.
- No smoking or eating in packing area.

Transportation and refrigeration

- Check and clean trucks prior to loading.
- Sanitize if animals previously hauled.
- Ensure that refrigeration equipment is working properly.

Cooking or Preparing Ready To Eat Meals

In general, individuals who wish to cook or prepare food at a farmers' market should contact their local health department for guidance regarding permit applications, food safety rules and regulations, and inspections. Cooking or preparing food at a farmers' market will generally require some form of local health department permit and inspection. Particular food safety concerns include employee hygiene (including hand washing), protecting food products from human (sneeze) and environmental (dust, insects, etc.) contamination, cooking foods at temperatures high enough to destroy harmful pathogens, maintaining safe hot and cold holding temperatures, and keeping utensils clean and free of contamination.

There are two options for cooking food at a farmers' market: 1) the "temporary food service establishment permit" and 2) the "farmers' market temporary food service establishment permit". Under either permit option, vendors will need to comply with the food safety and operational guidance contained in the *Concessionaires Food Sanitation Guidelines* specified at the end of this chapter.

Temporary Food Service Establishment Permit

The "temporary food service establishment" permit is an outdoor cooking/food preparation option that has been available for many years. Because a "temporary food service establishment" means any food service establishment which operates at a fixed location for a period of time not to exceed fourteen (14) consecutive days, this outdoor or satellite cooking permit option is often utilized by vendors at fairs, festivals and other community-related events. Once a "temporary food service establishment" permit has expired, a vendor must wait until thirty (30) days has elapsed before becoming eligible to obtain another temporary food service establishment permit for the same physical location. Vendors seeking to obtain a "temporary food service establishment" permit will need to contact the local health department in the particular county in which they intend to operate. Permit fees for temporary food service establishments are based on the length of operation and range from \$25 to \$30 for each event.

Special Note: Please be advised that your local health department reserves the right to restrict menu items prepared at a temporary food service setting based upon degree of food safety risk.

Farmers' Market Temporary Food Service Establishment Permit

The “farmers’ market temporary food service establishment” permit is an option designed exclusively for KY farmers operating at markets registered with the Kentucky Department of Agriculture. A “farmers’ market temporary food service establishment” means any temporary food service establishment operated by a KY farmer who is a member of the market which operates within the confines of a farmers’ market registered with the Kentucky Department of Agriculture for the direct-to-consumer marketing of Kentucky-grown farm products from approved sources for a period of time not to exceed two (2) days per week for any consecutive six (6) months period in a calendar year. **If the market you wish to operate at IS NOT a KDA-registered farmers’ market, this permit option is not applicable.** The permit fee for a “farmers’ market temporary food service establishment” is \$50.

Although general food safety guidelines and rules as contained in the *Concessionaires Food Sanitation Guidelines* are the same for both types of permits, the “farmers’ market temporary food service” permit contains three (3) major provisions that have to be met before a local health department will issue this type of permit:

- 1) The location where the temporary food operation is to be conducted must be a KDA-registered farmers’ market location.
- 2) The applicant must provide verification that he or she is a member of that KDA-registered farmers’ market.
- 3) An applicant for this type of permit must have attended and successfully completed an approved food manager training program with regard to food safety principles. The food safety training requirement must be updated every two (2) years.

As part of the permit application process, an applicant needs to produce verification of having completed this food safety training requirement. Your local health department can provide additional assistance as to the “approved training” requirement for this permit option.

What follows are some additional stipulations with regard to the “farmers’ market temporary food service establishment” permit:

- Only one “farmers’ market temporary food service establishment” permit will be issued per applicant, per approved (KDA-registered) farmers’ market location, per calendar year.
- The new rules do not prohibit an applicant from holding concurrent “farmers’ market temporary food service establishment” permits at separate approved farmers’ market locations.
- A vendor with a “farmers’ market temporary food service establishment” permit may operate at each approved location for a total of two days

per week for a period of time not to exceed six consecutive months in calendar year.

- The two days of operation can vary by the week.
- The “calendar year” clock starts ticking once the permit is issued.
- In all instances of permit issuance for either a “temporary food service establishment” permit or a “farmers’ market temporary food service establishment” permit, any subsequent permits for the same physical location will not be issued until a period of thirty (30) days has elapsed.
- A vendor holding a “farmers’ market temporary food service establishment” permit may not simultaneously hold a “temporary food service establishment” permit at the same farmers’ market location.

If you have any questions regarding the rules for either temporary food permit, or additional questions regarding food safety at a farmers’ market, contact your local health department or the Kentucky Department for Public Health — Food Safety Branch (502-564-7181).

Special Note: Please be advised that your local health department reserves the right to restrict menu items prepared at a temporary food service setting based upon degree of food safety risk.

Concessionaires Food Sanitation Guidelines

From the Kentucky Department of Public Health

NOTE: All “Temporary” and “Farmers’ Market Temporary” food service establishments shall be permitted by the Department prior to operation. Item numbers refer to the item numbers of the Inspection Sheet, DFS-208.

Food protection

- Keep potentially hazardous foods (meats, poultry, seafoods, milk, eggs) or any foods containing such products at 41° or below or 135° or above during storage, display, and transportation. (Item 3)
- Provide adequate facilities for maintaining foods at safe temperatures during preparation, storage, display, service and transportation. (Item 4)
- Provide visible thermometers in all hot and cold food units (including freezers) and metal-stemmed thermometers for monitoring internal temperatures of potentially hazardous foods during storage, service, preparation, and display. (Item 5)
- Store containers of foods off or above the floor, or ground, preferably a minimum of 6 inches. (Item 8)
- Provide an easily accessible “running water” hand wash station consisting of a 5-10 gallon turn-spout container of potable water, raised off the ground, with a catch bucket placed below.

- Provide and use soap and paper towels for hand washing. (Item 32)
- Stored packaged food refrigerated in drained ice. Should not be allowed to rest in water. (Items 3 and 8)
- To prevent contamination provide counter protector devices, cabinet cases, containers, or other protective equipment where unwrapped food is placed on display (Item 8)
- To prevent contamination from dust, flies, coughs, sneezes, overhead drippings, *etc.* cover food during preparation, storage, display, service, and transportation. Uncover only when actually preparing or serving to customers. (Item 8)
- Provide and use scoops for handling edible ice, store scoops with the handles out of ice. Do not store containers of food in edible ice. (Items 9 and 10)

Personnel

- No smoking is allowed in food preparation, serving, and utensil washing areas. (Item 12)
- All persons engaged in the preparation of the foods, and utensil washing must wear effective hair nets or hats. (Item 13)

Food equipment and utensils

- For easy cleaning of food contact surfaces all utensils must be smooth, in good repair, not chipped or cracked, Enamelware and graniteware are not acceptable. (Item 14)
- Food contact and non-food contact surfaces of equipment must be smooth, in good repair and of approved materials. Do not use towels, foil, *etc.* to cover such surface. (Items 14 and 15)
- Non-food contact surfaces (stoves, refrigerators, shelves, tables, counters, deep fat fryers, *etc.*) must be kept clean. (Item 23)
- Ice contact surfaces must be smooth, easily cleanable. Do not use Styrofoam or similar containers for ice or food storage. (Item 14)
- Single service articles (cups, forks, spoons, straws *etc.*) must be stored, dispensed, and handled so that they are protected from contamination.
- Cleaning/Sanitizing Facilities Three (3) containers, approved sanitizer, detergent must be provided. (Item 16)
- Chemical Test Kit Provided A testing kit or device shall be provided that accurately measures the parts per million (ppm) concentration of sanitizing solution. (Item 17)
- Cleaned and sanitized utensils and equipment must be stored so that there is no danger of becoming contaminated. Do not towel dry utensils (Item 24)

Hand washing

- Provide water in separate containers for hand washing and utensil washing. Do not use the same container for both purposes (Items 12 and 31)

Garbage and refuse

- Store garbage in durable, washable containers. Do not use boxes, paper bags, or similar absorbent material. (Item 33)
- Keep all garbage containers covered with lids when not in use. (Item 33)
- Dispose of liquid and solid waste in designated areas only. Do not create a nuisance by disposing of such waste adjacent to food service establishments. (Item 28)

Fly and insect control

- Prevent the entrance of flies by use of effective screening, air curtains, or similar material.
KEEP FLIES OUT. (Item 35)

Poisons and toxic items

- Store poisonous compounds (insect spray, oven cleaner, polishes, *etc.*) and bactericides and cleaning compounds (bleach, cleansers, soaps, detergents, *etc.*) so that there is no danger of contaminating food contact surfaces or utensils. Do not store insecticides near bactericides, cleaning compounds or toxins. (Item 41)

Floor clean

- Floors must be kept free of dirt, grease, and other soil and food debris. (Item 36)

Light shields

- Shield all lighting fixtures located over, by, or within food storage, preparation, and display facilities to protect against broken glass falling in to food; provided that recessed heat lamps or approved “Tuff Skin” bulbs may be acceptable. (Item 38)

Home Processing of Products (HB 391)

On March 10, 2003, House Bill 391 was enacted allowing farmers who qualify to process, in their home kitchen, some value-added food products containing home-grown horticulture ingredients. Products produced under this program may be marketed at the following locations: farmers’ markets listed

with the Kentucky Department of Agriculture, Certified Roadside Stands listed with Kentucky Farm Bureau, or from the processor's farm. It is important to note that foods produced under this program may not be marketed or sold outside these three restricted locations. Farmers or individuals who wish to process foods to sell or market to other locations, such as restaurants and grocery stores, will need to obtain a "commercial" permit from the Kentucky Food Safety Branch to operate.

In order to qualify, each allowable product must contain a primary or predominant ingredient grown, harvested, and processed by the farmer. For instance, a farmer wishing to produce strawberry jam will need to have grown, harvested, and processed the strawberries going into the product.

Depending on the food items the farmer wishes to process and sell, interested farmers may apply for one or both of two permits to process foods under this program.

The first category is **Home-based Processor**. This category allows the farmer to process whole fruit and vegetables, mixed greens, fruit jams, fruit jellies, sweet sorghum syrup, preserves, fruit butter, bread, fruit pies, cakes, or cookies in his or her home kitchen. Because of special processing concerns, no non-sugar (sugarless) or vegetable jams and jellies (for example, hot pepper or garlic jelly) are allowed at this level of registration. As noted above, one or more of the ingredients of each product must be grown by the processor. These products must be labeled as outlined at the end of this chapter.

If you are interested in this category of registration, please contact the Kentucky Department for Public Health at (502) 564-7181 to obtain an informational packet and an application for registration. The application will ask if you have an approved water source. If you have city water, you need nothing else. If, however, you have any other system, the water will have to be approved through the Kentucky Division of Water. This agency can be contacted at (502) 564-3410. This is a different process than just getting your water tested and typically requires that a filtration and disinfection system be installed. A water test typically will also be required. You will also have to submit approval documentation as part of your application. The farmer may not process or sell Home-based Processor products until he/she receives official approval and the registration document.

The second category is **Home-based Microprocessor**. This category allows a farmer to produce some types of non-fruit (vegetable) or sugarless jams/jellies in addition to acid foods, formulated acid food products, and/or low-acid canned foods. This includes, but is not limited to, green beans, salsa, barbeque sauce, pickles, chutney and similar products. The farmer may not have an annual net income of more than \$5,000 from the sale of the product.

If you do not have an approved water source, or prefer, you may process foods falling into the Home-based Microprocessor category from an approved kitchen outside your home. Contact the Department for Public Health – Food Safety Branch for details.

To become certified the farmer must:

- Successfully complete the Home-based Microprocessor Workshop offered by the University of Kentucky Cooperative Extension Service or an FDA-approved Better Process Control School.
- Have each recipe reviewed and approved by a Process Control Authority such as the University of Kentucky Cooperative Extension Service.
- Apply for and receive certification through the Kentucky Department for Public Health – Food Safety Branch.
- Pay an annual \$50 fee.

All products must be labeled as outlined below. Additionally, each product label must be reviewed and approved by the Food Safety Branch. The farmer may not process or sell Home-based Microprocessor products until he/she receives official approval and the registration document.

The following potentially hazardous foods are prohibited from either category noted above:

- | | |
|---|--|
| 1) Crème-filled pies | 9) Canned, pureed baby foods |
| 2) Custard | 10) Foods vacuum packaged in containers other than mason-type jars |
| 3) Custard pies | 11) Processed juices |
| 4) Pies with meringue | 12) Foods containing meat and poultry |
| 5) Cheesecake | 13) Other foods as designated by the Process Control Authority |
| 6) Cream, custard and meringue pastries | |
| 7) Raw seed sprouts | |
| 8) Garlic-in-oil mixtures | |

LABELS FOR ALL HOME BASED PROCESSOR/MICROPROCESSOR FOOD PRODUCTS SHALL CONTAIN THE FOLLOWING INFORMATION:

The following information shall be included on the label of each food product:

1. The common or usual name of the food product.
2. The name and address of the home-based processing operation. This shall include the street address, city, state, and zip code.
3. The ingredients of the food product. Ingredients shall be listed in descending order of predominance by weight.
4. The net weight or volume of the food product by standard measure or numerical count.
5. The following statement in 10-point type: “This product is home-produced and processed”.
6. The date the product was processed.

Example:

Judy's Jams and Jellies Strawberry Jam



Ingredients: Strawberries, White Grape
Juice Concentrate, Pectin, Citric Acid.

Made by: Judy's Jams & Jellies
275 East Main Street
Frankfort, KY 40621

This product was home-produced and processed. Made on June 12, 2003.

1 pint

Home-based Microprocessor labels are required to be attached to the approved scheduled process (recipe) for each product and included with your application.

Specific Product Requirements

Farmers are bringing new and different products to the markets every season. The list that follows is not all-inclusive. It is intended to give some guidance on some more common products. If you have questions about a particular food, feel free to call and ask about requirements.

Bakery items (including breads)

There are three ways a vendor can offer bakery goods at a market.

- Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Beans, canned

You can:

- Obtain a Home-based Microprocessor certification if you meet the qualifications noted under the chapter on HB 391.

- If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. This food is considered a high-risk, acidified or low-acid food. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Beans, dried

You can:

- Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

MARKETING TIP: Dried beans attractively packaged in a glass jar with dried herbs and a recipe to use the jar contents to make a soup or hearty dish makes an attractive value-added product for the market.

Beans, snapped

This product is considered a minimally processed, single food item that is still considered raw produce and as such may be marketed without having to obtain a permit from the health department.

Some customers prefer to purchase their green beans already broken so they may simply wash them and put them in a pot to cook. This is especially true for seniors who may have limited dexterity in their fingers. Also, busy mothers may appreciate the added convenience. This product, with no further processing, may be sold at farmers’ markets if the beans are kept at the correct temperature. This can be accomplished with a cooler that has provisions (drain plug, etc.) for draining water away from the product.

The beans should be packaged in clean, unused bags, and the customer should be encouraged to wash the beans before cooking. Farmers should charge more for this product than for unbroken beans because of the extra time and equipment it involves.

Candies

You can:

- Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- If you do not grow a primary ingredient that goes in the candy, you can process this product under a “commercial” food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Cheese

The Home-based Processor/Microprocessor rules do not apply to dairy products such as cheese. Consequently, all dairy products offered at a farmers’ market must be manufactured under a “commercial” permit. You are advised to contact Kentucky’s Milk Safety Branch, (502) 564-3340, for more information regarding the manufacture of cheese and other dairy products that are intended to be marketed to the public at farmers’ markets and other locations.

You may also purchase “commercially” manufactured cheeses for resale at a farmers’ market. The marketing of these products will necessitate proper refrigeration at the market. This can be provided by a cooler with adequate provision for drainage of melted ice. The vendor will need to contact the local health department about obtaining a retail sales permit to sell this product at the market.

Corn, canned, or other processed product containing corn

You can:

- Obtain a Home-based Microprocessor certification if you meet the qualifications noted under the chapter on HB 391.
- If you do not grow the primary ingredient (corn), you can process this product under a “commercial” food manufacturing permit. Canned products containing corn are considered high-risk, acidified or low-acid foods. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Corn, shucked

This product is considered a minimally processed, single food item that is still considered raw produce and as such may be marketed without having to obtain a permit from the health department.

Some customers may prefer corn already shucked. This product may be offered at farmers' markets if kept in a cooler or other approved cold holding unit and sold the same day it is shucked. The ears should be packaged in clean, unused bags. We encourage the farmer to charge more for this product than for the unshucked corn because of the extra time and cooling equipment it involves.

Corn may NOT be removed from the cob and sold at the market without a proper permit and processing.

Fruits and vegetables - whole, fresh, uncut

With the exception of sprouts, whole, fresh uncut fruits and vegetables may be marketed without the vendor having to obtain a permit or pay any fees. Vendors marketing these items exclusively are not routinely inspected, but may be investigated upon complaint under the Kentucky Food, Drug and Cosmetic Act.

On an annual basis, however, Kentucky Department for Public Health — Food Safety Branch Inspectors do collect samples of raw agricultural produce for the purpose of routine monitoring for pesticide residues. Consequently, you may encounter one of the inspectors at your farmers' market location from time to time.

Fruits and vegetables, dehydrated

Properly dried vegetables and fruits can be offered at a farmers' market. These can be great in salads or rehydrated in soups or stews. Many cooks frequently use minced dried onions and garlic. You may want to powder them for another product or to mix with herbs for rubs or herb mixes.

You can:

- Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- If you do not grow the primary ingredient, you can process this product under a "commercial" food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- Buy already processed product from a permitted "commercial" source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

MARKETING TIP: Dried products require extra care in packaging to prevent moisture uptake, especially during humid weather or rain. Take extra care to protect your product.

Herbs, cut (not mixed or blended)

This product is considered a minimally processed, single food item that is still considered raw produce and as such may be marketed without having to obtain a permit from the health department.

Consideration should be given on how the product will be stored at the market and presented for the customer. Some vendors put herbs in water like flowers, and some bag and cool the herbs. Some are sold by weight and some by volume.

MARKETING TIP: Recipes and storage tips may be important with this product. Let customers know how to use the less well-known herbs.

Herbs, dried and blended

Properly dried herbs can be offered at a farmers' market. Some herbs can be air dried, but a dehydrator or oven works quicker.

You can:

- Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Product labeling and packaging is a consideration with this product. Clean, new jars, approved plastic baggies, or other approved containers may be utilized. Look for something that can take a little weather and transporting. Labeling is important with any kind of blend. The product labels must comply with the pertinent labeling requirements of the particular rules/regulations that the product was produced under. Remember, an accurate ingredients statement is essential so customers can avoid food allergy problems.

MARKETING TIP: Packaging and presentation can make all the difference in what price you may get for herb blends. Don't sell your product short by packaging it in cheap baggies. Use jars or water-resistant bags. Offer suggested uses and recipes for further use and future sales.

Honey

See chapter on honey, page 78.

Ice cream

The Home-based Processor and Home-based Microprocessor rules do not apply to dairy product, such as ice cream. Consequently, all dairy products offered at a farmers' market must be manufactured under a "commercial" permit. You are advised to contact Kentucky's Milk Safety Branch (502-564-3340) for more information regarding the manufacture of ice cream and other dairy products that are intended to be marketed to the public at farmers' markets and other locations.

You may also purchase "commercially" manufactured ice cream for resale at a farmers' market. The marketing of these products will require proper frozen storage at the market. This can be provided by a cooler with adequate provision for drainage. However, a powered freezer unit is recommended for adequate storage of this particular product. The vendor will need to contact the local health department about obtaining a retail sales permit to sell this product at the market.

A Kentucky company is now processing "commercial" ice cream from producers' own fruit for them to sell in small containers.

Jams and jellies

There are three ways a vendor can offer jams and jellies as well as fruit butters. You can:

- Obtain a Home-based Processor or Microprocessor registration (depends on the type of jam/jelly to be produced) if you meet the qualifications noted under the chapter on HB 391. **NOTE:** Non-fruit, vegetable/herb and no-sugar jellies require Home-based Microprocessor Certification.
- If you do not grow the primary ingredient for this product, you can process under a "commercial" food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- Buy already processed product from a permitted "commercial" source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Jerky

Jerky, as with all meat products, cannot be home processed. The processing of jerky cannot be conducted under the Home-based processing and Home-based Microprocessing provisions of HB 391 and the Farmers' Market rules regarding home processing. All jerky products must be processed in an approved "commercial" kitchen or under USDA inspection.

If your plans are to sell wholesale (to other retailers such as convenience stores or supermarkets) or to distribute your products out-of-

state via Internet or through a shipping company such as United Parcel Service, the USDA would be the lead agency in assisting you with your plans as well as conducting inspections and permitting the operation. See chapter on meat sales.

In the event your plans involve the manufacture of jerky from USDA-inspected meat and exclusive direct-to-consumer (retail) sales at a farmers' market, a Retail Food Store Processing permit would be required at the point of manufacture. The local health department in the county where the product is processed would issue this permit. As for all commercially prepared items, a prepackaged retail market permit is required to sell jerky at a farmers' market. This permit is also obtained through the local health department. As a reminder, the jerky must be made from USDA-inspected and approved meat.

Lettuce mixes

If the lettuce is removed from the head, you will have to process under one of the three options below. You may:

- Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- If you do not grow the primary ingredient, you can process this product under a "commercial" food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- Buy already processed product from a permitted "commercial" source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Consideration should be taken on how the product will be stored at the market and presented for the customer. Lettuce wilts quickly on warm summer days. Packing delicate lettuces next to ice will quickly freeze the lettuce and make it useless. You should make an effort to keep the lettuce crisp and cool while protecting it from freezing. Typically, lettuce at this point is not considered "ready-to-eat." Consequently, you should inform your consumers that the lettuce should be thoroughly rinsed prior to consumption.

Maple syrup

Farmers may sell maple syrup at a farmers' market under one of the following three options. You can:

- Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- If you do not grow the primary ingredient, you can process this product under a "commercial" food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

- Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Meat and poultry

See chapter on meat sales for more information.

More farmers’ markets than ever are adding value-added items to the vegetables and fruits that have always been the mainstay of the offerings. One of the growing areas is meat sales

The sales and marketing of custom-processed meats and poultry is not allowed at farmers’ markets. Some enterprising farmers set up a booth at the local farmers’ market and take orders for custom slaughter, but selling individual cuts of custom-slaughtered meat is not allowed. In short, all meat and poultry that falls under the jurisdiction of USDA must have been processed under USDA inspection and bear the agency’s mark of inspection.

Some foods we tend to think of as “meat,” such as rabbit or quail, are not recognized under USDA jurisdiction. In such instances where the food is not under USDA jurisdiction, it must have been processed under a state Food Safety Branch permit in a “commercial” facility. See chapter on meat sales.

Although USDA exempts some poultry processors who raise, slaughter and sell their own product, the Kentucky Food Safety Branch still requires this category of processors to comply with state requirements for non-USDA inspected products, if the products are intended for commercial sales to restaurants or grocery stores, or are to be marketed at farmers’ markets. The Mobile Processing Unit for Small Livestock Species (MPU), operated by Kentucky State University in partnership with Partners for Family Farms, the Kentucky Department of Agriculture and the Kentucky Department for Public Health — Food Safety Branch, may be an option for some entities to comply with the “approved source” requirements for processors. For more information about this unit, contact Mr. Steve Skelton of the Kentucky State University (KSU) Research Farm at (502) 597-7501.

In short, the processing of meat and poultry, or fish, cannot be conducted under the Home-based processing or Home-based Microprocessing provisions of HB 391 and the Farmers’ Market rules regarding home processing. Additionally, the sales or marketing of meat and poultry products at farmers’ markets will require a prepackaged retail market permit, obtained through the local health department.

Melons, cut

Fruits and vegetables that are cut onsite at a farmers’ market and are offered in an uncooked, ready-to-eat form can pose a number of food safety concerns. For instance, harmful pathogens found in the soil where these items

are grown can be introduced into the “meat” of the product at the time the product is cut. Since the product is not cooked, there is no “kill step” to rid the product of these pathogens. Washing these products under potable, pressurized water is the key to reducing numbers of harmful pathogens that may be present. Pathogen removal by washing is particularly difficult for some fruits and vegetables containing rough surfaces, such as cantaloupes with netted rinds. This concern is compounded by the general lack of water under pressure at many temporary farmers’ market sites across the state. Because of these concerns, producers are generally restricted from selling melons cut on-site at a farmers’ market unless they have obtained a “farmers’ market temporary food service establishment” permit to operate.

Another option to consider is to market melons that are thoroughly washed and cut in a “commercially” permitted kitchen, under pertinent sanitary controls. All cut melons must be properly refrigerated.

Mushrooms, fresh

All mushrooms must be from an approved source. Mushrooms that are wild-harvested are not approved for marketing to the public at farmers’ markets or other locations. Approved species of whole, fresh, uncut mushrooms may be marketed at a farmers’ market without the vendor having to obtain a permit.

Mushrooms, dried/powdered

You can:

- Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- If you do not grow the primary ingredient (mushrooms), you can process this product under a “commercial” food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Note: Only cultivated, farm-fresh mushrooms may be marketed. No mushrooms gathered in the wild may be sold either fresh or dried.

Peppers, dried

Properly dried peppers may be sold at farmers’ markets. You may:

- Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. You will need to

contact your local health department about obtaining a retail sales permit to sell this product at the market.

- Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

While thin-skinned peppers such as all in the cayenne family and Thai family are easily air-dried, others such as habaneros, poblano, green/red chile, etc., must be dried using a dehydrator or oven. Packaging should prevent rehydrating on hot, humid days at the market.

MARKETING TIP: Selling ristras (strings of peppers) lets you add value to your peppers. If you aren’t adept at tying an authentic New Mexican ristra, try using strong thread and a needle to string the peppers together. This technique works best when the peppers are fresh. Just run the needle through the fleshy part of the cap at the top of the peppers. Add a bow or some raffia on the top and you’ve made a great product. Though many will use these strings of peppers for decoration, stick to the types of peppers that air dry well to give some “shelf life” to the string. If you treat the peppers with some type of preservative or spray, attach a label to the string notifying customers that the peppers are not edible!

Pet foods

Though Kentucky’s Food Safety Branch does not regulate dog biscuits and other specialty pet foods, the Kentucky Commercial Feed Law requires that all commercial animal feeds be labeled for distribution. This program is administered by the Division of Regulatory Services at the University of Kentucky College of Agriculture.

Consequently, individuals who wish to manufacture dog biscuits and other specialty pet treats are required to register with the Division of Regulatory Services as well as meet specific labeling requirements of the law. For more information regarding the manufacture of pet treats, contact the Feed Program, at (859) 257-2785. Additional information may be obtained by visiting their web page at <http://www.rs.uky.edu/regulatory/feed/index.php>.

Pet treats such as dog biscuits should be clearly labeled as pet food. Many specialty dog biscuits look good enough to eat, particularly to a small child.

Popcorn, popped and pre-packaged

You can:

- Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- If you do not grow the primary ingredient (corn), you can process this product under a “commercial” food manufacturing permit. You will need

- to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Popcorn (plain), popped on-site at a market for immediate consumption

The rules for plain popcorn, popped on-site at a market and intended for immediate consumption, differ from the rules for a prepackaged product. Because plain popcorn, popped on site at a market, is considered a low-risk, minimally processed food, a vendor may market this product without having to obtain a permit to operate from the local health department. Although plain popcorn is generally considered “exempt” from “food-service” permitting requirements, vendors are still expected to comply with the *Concessionaires Food Sanitation Guidelines* contained in the “Cooking or Preparing Food at a Farmers’ Market” chapter of this manual.

Due to the additional processing steps involved, the on-site preparation and service of flavored popcorn food items, such as kettle corn, will require that vendors secure applicable permits from local health department officials.

Relishes

- You can:
- Obtain a Home-based Microprocessor Certification if you meet the qualifications noted under the chapter on HB 391.
 - If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. This food is considered a high-risk, acidified or low-acid food. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
 - Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Salsa

- You can:
- Obtain a Home-based Microprocessor Certification if you meet the qualifications noted under the chapter on HB 391.
 - If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. This food is considered a high- risk, acidified or low-acid food. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

- Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Sauces

You can:

- Obtain a Home-based Microprocessor Certification if you meet the qualifications noted under the chapter on HB 391.
- If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. This food is considered a high-risk, acidified or low-acid food. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Sandwiches/Prepared Meals

See chapter on “Cooking and Preparing Food at the Farmers’ Market”, page 42.

Seafood (Including Prawn)

Seafood, such as prawn, cannot be home-processed. The processing of this food cannot be conducted under the Home-based processing or Home-based Microprocessing provisions of HB 391 and the Farmers’ Market rules regarding home processing. As a consequence, all seafood products such as fish and prawn must be processed in an approved, state-inspected “commercial” kitchen. The Mobile Processing Unit for Small Livestock Species (MPU), operated by Kentucky State University in partnership with Partners for Family Farms, the Kentucky Department of Agriculture and the Kentucky Department for Public Health — Food Safety Branch, may be an option for some entities to comply with the “approved source” requirements for seafood processors. For more information about this unit, contact Steve Skelton of the Kentucky State University (KSU) Research Farm at (502) 597-7501.

In short, the processing of seafood, including fish and prawn, cannot be conducted under HB 391 and the Farmers’ Market Home Processing rules. Additionally, the sales or marketing of seafood products at farmers’ markets will require a prepackaged retail market permit, obtained through the local health department.

Sorghum

Farmers or vendors can sell sorghum at a farmers' market under one of the following three options. You can:

- Obtain a Home-based Processor registration if you meet the qualifications noted under the chapter on HB 391.
- If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Sprouts

Sprouts (such as alfalfa) have been implicated in a number of foodborne outbreaks in recent years, including Salmonellosis and *E. coli* 0157:H7. Kentucky's Home-based processing/Home-based Microprocessing rules do not recognize sprouts as an “approved” food for non-commercial marketing. As a consequence, the production, sales and marketing of seed sprouts will require a “commercial” permit to operate. For more information contact the Kentucky Food Safety Branch at (502) 564-7181.

Tomatoes, sundried

Properly dried vegetables and fruits can be offered at a farmers' market.

You can:

- Obtain a Home-based Processor registration if you meet the qualifications noted under the chapter on HB 391.
- If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

These can be great in salads or rehydrated in soups or stews. Many cooks frequently use minced dried onions and garlic. You may want to powder them for another product or to mix with herbs for rubs or herb mixes.

Note: Storing produce, including tomatoes, in oil is not allowed under the Home-based processing/Microprocessing rules because of increased food safety risk.

MARKETING TIP: Dried products require extra care in packaging to prevent moisture uptake, especially during humid weather or rain. Take extra care to protect your product.

More....

The above list is intended to serve as general guidance regarding the rules/regulations for manufactured food sales at farmers' markets. The above guidelines are not intended to replace official laws and regulations which govern the manufacture and sales of the above-noted products. Consequently, there may be instances when a particular product or specific method or manufacturing process can not be approved.

Additionally, the manufacture and marketing of food products at a farmers' market or other location is not approved until the manufacturer and/or vendor obtains all necessary permits and inspections relative the product being manufactured and marketed.

Remember, all foods sold or marketed at a farmers' market must be from an approved source. For this reason, prior to the manufacture and marketing of these products, all prospective vendors are advised to contact pertinent federal/state/local health department personnel to obtain all required permits, registrations and certifications. Market managers/boards should also be consulted prior to the marketing of processed food products at a farmers' market.

How to Process or Manufacture Food for “Commercial” Sales

Kentucky's Home-based Processor Registration and Home-based Microprocessor Certification programs provide a unique opportunity for farmers to “test the waters” in terms of value-added product acceptability and sales without having to assume the level of financial risk generally associated with “commercial” food sales. However, if you are pleased with the sales of your Home-based Processor or Home-based Microprocessor products, you may be ready to take that next step into “commercial” food production.

A particular advantage of “going commercial” is that your marketing opportunities are greatly expanded. Remember, the sales and marketing of products produced under the home-based processing programs are restricted to KDA-listed farmers' markets, Kentucky Farm Bureau certified roadside stands, and on-farm sales locations.

On the other hand, food products produced under a valid “commercial” permit can be marketed in a much broader arena that includes restaurants,

grocery stores, supermarkets, and gift shops, in addition to the three locations approved for home-based processed foods.

A List of Things You Need to be Aware of Regarding the Manufacture of Packaged Food for “Commercial” Sales

A. These are the general, prerequisite **structural and fixture requirements** necessary for the issuance of a commercial permit to manufacture food in Kentucky:

- (1) The submittal of construction plans, through your local health department, for new or renovated facilities
- (2) An insect/rodent-proof facility that is constructed of smooth, non-absorbent and easily cleanable materials
- (3) If not connected to a municipal utility — an approved water supply
- (4) If not connected to a municipal utility — an approved onsite (septic) waste disposal system
- (5) A hand wash lavatory in the food preparation/utensil wash area(s)
- (6) A three-compartment utensil wash sink with drain boards
- (7) A utility/mop sink
- (8) Approved employee restroom facilities

B. In addition to the structural and fixture requirements noted above, there may be other product-specific equipment, training, and record-keeping requirements as well. For instance, “commercial” juice processors, fish processors, and “commercial” manufacturers of acidified or low-acid foods (such as pressure-canned vegetables and sugarless and non-fruit jams/jellies) will have to meet additional state and federal food-safety stipulations.

The Kentucky Food Safety Branch can provide additional information and insight as to product-specific requirements and can provide you with a complete information packet on the requirements for “commercial” food manufacturing. The Food Safety Branch may be reached at (502) 564-7181.

C. Also, for foods sold in packaged form, product labels must be reviewed by the Food Safety Branch prior to the marketing of manufactured items. Product labels should be directed to the attention of Annhall Norris. Annhall can also answer questions regarding nutritional facts panel labeling requirements and exemptions for small producers. Annhall may be reached by telephone at (502) 564-7181, extension 3683.

D. You should also be aware that, as a result of new Food and Drug Administration (FDA) regulations designed to enhance food safety and security, non-exempt domestic and foreign food facilities that manufacture,

process, pack or hold food for human or animal consumption in the United States are required to register with FDA. This is a fairly simple online registration process. Should you have questions pertaining to the registration requirement, please contact (800) 216-7331 or (301) 575-0156. Additional information pertaining to the registration process can be found at www.cfsan.fda.gov/~furls/ovffreg.html.

- E. With any business venture, including “commercial” food manufacturing, there are certainly financial risks and expenses. However, producing a value-added food product under a “commercial” permit may not be as difficult and cost-prohibitive as one might assume.

Though a residential kitchen cannot be utilized for “commercial” food manufacturing and processing, you may still be able to conduct certain “commercial” manufacturing and processing activities from your home if you wish to convert an area into a small food manufacturing operation. For instance, a number of small processors across the state have converted a portion of their home, such as a garage or basement room, into a dedicated “commercial” kitchen that is used for the production of “commercial” jams, jellies, candies, cakes, breads, and other baked goods. In addition to meeting the requirements noted above, this will necessitate that your dedicated “commercial” kitchen be completely separated from the domestic kitchen and living quarters of your home. Solid walls and/or self-closing doors would generally be considered acceptable for this purpose.

Three other options you may wish to consider if you are interested in “going commercial” are as follows:

Option 1 - Use of Existing Facility

To avoid new construction or renovation of a portion of your home, you may wish to use an existing permitted kitchen or find an existing kitchen in your community (such as a church kitchen or community civic group kitchen) that would meet the structural, equipment, construction, water and waste disposal requirements for the issuance of a “commercial” permit. In either case, as part of your permit application process, your food safety inspector will typically require that you submit a written agreement which verifies that the property owner has granted you access and permission to utilize the facility and that all of your products will be manufactured in that establishment during periods when the establishment itself is not in operation. In addition, your food safety inspector will need to review your proposed manufacturing process, standard operating procedures and, in some cases, product shelf stability documentation.

Option 2 - Custom Manufacturing by Permitted Facility

You may wish to have your food product manufactured for you by an existing, permitted food processing facility. Under this option, the firm would

typically utilize your recipe to manufacture the product and would apply your label to the finished product. Should you select this option, you would not be required to obtain a permit to operate as a food processing establishment; however, you may be required to obtain a food storage warehouse permit if your product is stored at a location (such as your residence) other than the site where it was manufactured. If you intend to warehouse food products at home, you will need to contact the Food Safety Branch for a determination of whether it will be necessary for you to obtain a warehouse permit. Remember, if you intend to store manufactured food products at your residence that are intended to be sold retail or wholesale, it will be necessary for you to find a suitable location so that these items are stored separate and apart from residential or personal items.

Option 3 – New Construction/Renovation

Under this option, there are a number of steps to consider.

First: If you plan to move into an existing building that previously served as a restaurant or food processing establishment, contact the Food Safety Branch office or area food manufacturing inspector to determine if what you are proposing can be done in the structure without a lot of costly renovations. Your area food inspector will be glad to meet with you for a consultation and to conduct a “courtesy” inspection of the facility as a means to provide you with an accurate assessment of what needs to be completed so that the structure meets the requirements for permit issuance. Also, if you plan to move into an existing structure that has never been utilized as a restaurant or food processing establishment, or if you intend to build a new building, you will need to contact your local health department as well as the Food Safety Branch prior to construction for step- by-step guidance, including plan review. The state plumbing inspector, usually located in your county health department, will also be able to answer any questions you might have regarding this process.

Second: Put your facility floor plans (including plumbing schematic) on paper and contact your local health department environmental services office for directions regarding the plan review and submittal process. Remember, any location without municipal water or municipal sewer service will also have to comply with additional state/local stipulations pertaining to water/waste treatment and be able to provide documentation of approval to the pertinent state or local health department representatives.

Third: Determine who the area food inspector is for your region of the state. The Food Safety Branch can provide you with this information. You will then provide your area food inspector with information relating to your product, such as product formulation, ingredients, manufacturing process, cooking, holding and storage times and temperatures, and intended product distribution. At this point you will also want to ensure that your proposed product label meets all state and federal labeling requirements. Annhall Norris

of the Food Safety Branch, 502-564-7181, extension 3683 can assist you with this process. Your area food manufacturing inspector will want to make sure you know how to safely manufacture, store, distribute and label your food products.

Fourth: At this point, you may be ready to apply for a permit to operate and pay the applicable permit fees. This step will be done through your area food manufacturing inspector. In many cases, this step will occur at the same time as your “opening” inspection, discussed below.

Permits expire on December 31 from the date issued. Each year, prior to the permit expiration date, a renewal notice is mailed to current permit holders. If an individual wishes to renew a permit, he or she will return the notice, with the required fees, to the Department for Public Health, Food Safety Branch. The permit fee schedule for food manufacturing and food processing establishments and food storage warehouses is based on square footage as follows:

0 – 1000 square feet	\$75	30,001 – 40,000 square feet	\$275
1001 – 5000 square feet	\$85	40,001 or more square feet	\$290
5001 – 30,000 square feet	\$147		

Fifth: Now you may be ready to request your opening inspection by your area food manufacturing inspector. The opening inspection is typically conducted after your plumbing is inspected. The plumbing inspector will conduct the first inspection to make sure any plumbing changes or additions have been done by a licensed plumber and have been installed correctly. The plumbing inspector will place a sticker in a particular location (usually on your water heater) if the plumbing passes inspection. Once your plumbing has been approved, your area food inspector will conduct your opening inspection. Once you pass the opening inspection, you will receive a permit to operate. This permit will remain valid as long as your permit is renewed yearly and your establishment operates in conjunction with applicable food safety laws and regulations.

For more information about the permit application process, please contact the Kentucky Department for Public Health’s Food Safety Branch at (502) 564-7181. An informational packet is available which contains the following documents:

- A copy of Kentucky’s Food Drug and Cosmetic Act
- A copy of Kentucky’s Food Packaging and Labeling Regulation
- A “Guide to the Labeling of Food Products in Kentucky”
- Some general information on food manufacturing
- *Food Security Preventive Measures Guidance* document for food producers, processors, and transporters

- A fact sheet for “How To Process or Manufacture Food For Sale”
- The Publication "What you Need to Know About Facility Registration”
- Other product-specific information

Product-specific considerations for food products containing meat/poultry:

The guidelines above describe the general process for obtaining a permit-to-operate in order to manufacture FDA-regulated foods in Kentucky. The above steps, however, do not apply to USDA-regulated products, such as most meat and poultry processing and manufactured food products containing meat and poultry.

In general, the United States Department of Agriculture (USDA) has jurisdiction over the commercial manufacture or processing of food products containing meat and/or poultry. The USDA is a federal agency that has offices in Kentucky. Depending upon the specifics of your manufacturing process, including the source of the meat products to be utilized, how your final food product is manufactured, and how you plan to market your product, USDA may retain sole regulatory jurisdiction over your manufacturing process. In order to be sold wholesale to restaurants or grocery outlets in Kentucky, processed foods under USDA jurisdiction which contain meat or poultry must bear the USDA mark of inspection.

Typically, food products containing 3 percent or more beef, or 2 percent or more poultry fall under the regulatory jurisdiction of USDA. If you intend to manufacture products containing meat/poultry, first contact the USDA District Office, located in Raleigh, N.C. at (919) 844-8400, and enlist the agency’s assistance in determining its jurisdiction over your proposed product. At this time explain your plans to USDA and inquire about the necessity for obtaining a “Grant of Federal Inspection.”

Dr. Chet Miller (502) 797-6119 is the USDA Frontline Supervisor for the central Kentucky area. USDA’s Technical Service Center (402) 221-7400, in Omaha, Neb., should also be able to address additional questions you may have. In the event you are advised that your proposed product falls outside of USDA jurisdiction, the Food Safety Branch typically will require that you obtain from USDA a “letter of release” from USDA jurisdiction and that a copy of this document be submitted with your permit application.

Questions concerning specifics of the USDA inspection process should be directed to the following address:

USDA, FSIS, OFFICE OF FIELD OPERATIONS
Raleigh Regional Office
6020 Six Forks Road
Raleigh, NC 27609

Telephone: (919) 844-8400

Permits for Processed Products

Although the sales and marketing of whole, fresh, uncut fruits and vegetables generally does not require a permit to operate, the sales and/or marketing of processed food products in Kentucky typically requires some variation of a permit (or permits) to operate. When does a product become “processed?” Generally speaking, whenever you take a knife to a raw agricultural product, change its temperature and/or combine ingredients, it is a “processed” product. Packaged food products are also typically considered processed products.

Even though a product may be permissible or permitted by the state or local health department, the market may choose to not allow the sale of a particular product or products. In short, markets may make their own rules regarding what can and can't be sold at the market as long as the rules do not conflict with federal, state and local food safety rules.

You should always check with both your market and appropriate state/local food safety authorities before you plan to process and sell any of your products. Producers should be aware that processing a product, even minimally, increases the level of liability risk (and often food safety risk) undertaken by the producer.

It is important to remember that, depending on the circumstances surrounding a product's manufacturing, storage, and distribution, separate permits may be required for:

- The location where the food product is actually manufactured (permit to manufacture or process food);
- The physical location where processed food products are stored, if stored in a separate location from the manufacturing site (food storage warehouse permit); and
- The location where customer sales occur (prepackaged retail market permit).

For these reasons, it is important that you make every effort to communicate your manufacturing and sales plans to state and local health department officials well in advance of actual manufacture and promotion of the food product.

Farmers' market vendors have three general options for offering processed products:

- Marketing of Home-based processed and Home-based Microprocessed foods that the farmer processes under the farmers' markets rules (See "Home Processing - HB 391").
- Marketing of commercially processed foods that the farmer manufactures under a "commercial" food manufacturing permit (See the section on "Processing/Manufacturing Food for Commercial Sales"). This option also typically requires a Pre-Packaged Retail Sales Permit from the local health department to sell at the farmers' market.
- Marketing of commercially processed foods that were manufactured by someone else. "Commercial" production by another entity is often referred to as "private label" manufacturing. There are companies that will process your product for you, using your supplied recipe and label, thus eliminating the need for you to buy lots of expensive equipment. Particularly with regards to "high risk" manufactured foods, third-party manufacturing can also eliminate the need for you to complete Better Process Controls School training. Contact your processor early to give yourself time to make adjustments to your recipe, work on your label, and straighten out other details. A few processors in Kentucky have received forgivable loans from the Ag Development Board, and they will process your product for you at a reasonable cost. Contact KDA or the Governor's Office of Ag Policy for a list of those processors. This option typically requires a Pre-Packaged Retail Sales Permit from the local health department to sell at the farmers' market.

Pre-packaged retail sales permits

Depending upon the exact circumstances of the operation and the food items being marketed, vendors marketing pre-packaged food items at a farmers' market location may qualify for either a "mobile retail sales" permit or a "prepackaged retail market" permit.

In general, a farmers' market location (or vendor) may meet the minimum requirements for a prepackaged retail market permit by providing the following: a restroom with an approved hand wash station; adequate facilities and equipment to maintain required frozen or cold-holding temperatures for foods being marketed; and a means to protect your prepackaged product from pests and the elements (rain, dust, *etc.*).

In non-permanent locations, where restrooms are accessible at a nearby business and approval is granted for their use, the local health department *MAY* consider the restroom requirement as having been met. For non-permanent farmers' markets sites where no restroom facilities are readily accessible (such as a parking lot, *etc.*), restroom requirements may be met by providing an adequate number of port-a-johns, with those vendors marketing foods that would necessitate a prepackaged retail food store permit, providing an approved hand wash station (*i.e.*, 5-gallon container of

potable water that is equipped with a turn-spout dispenser and catch bucket placed below, with liquid soap and disposable towels) at their stand.

Small Producer's Guidelines for Handling and Selling Eggs

**Provided by the Kentucky Department of Agriculture,
Division of Regulation and Inspection, Egg Marketing Section**

Eggs are listed on the hazardous food list by the United States Food and Drug Administration. You should exercise caution when handling and/or selling eggs that you produce. Regardless of operational size, careful egg handling and proper sanitation are absolutely essential. The purpose of proper cleaning of eggs is to remove bacteria, which might otherwise enter through the shell, multiply in the egg and result in sour or rotten eggs. The egg is obviously a balanced source of nutrients for the growth of many organisms. Thus, a cleaning procedure must be adopted to remove, destroy or inhibit growth of a wide range of bacteria.

Another reason that eggs are cleaned or washed is the value or price per dozen is higher for clean eggs than for dirty eggs. When eggs are laid, very few bacteria are present on the egg shells and essentially none inside the eggs. After the eggs have been laid they enter an environment full of bacteria, from wire cages, body or hen's feet, gathering equipment, hands of a worker or air. Although, many types of microorganisms are present on the shell, some have no economic or health significance. Others, especially pseudomonas, are instrumental in egg spoilage resulting in rotten eggs.

With all of these microorganisms present, it is really incredible that more eggs do not spoil, especially when held for several weeks before consumption. The egg, however, has an amazing number of built-in antimicrobial agents that were probably designed to protect the developing embryo. These are both physical and chemical. These mechanisms will protect most eggs; however, when too many microorganisms are present, or when the eggs are improperly handled, the bacteria enter the eggs and may multiply rapidly. In order to assist you in safeguarding potential retail consumers and your family, we have provided the following guidelines that should be followed to help prevent illness.

- Do not come into contact with eggs if you have a communicable illness.
- Wear clean clothing.
- Practice correct hygiene.
- Do not smoke in the processing area because eggs may absorb these odors.

- Wash your hands at least every 2 hours, or as needed to maintain cleanliness, if you candle or handle eggs.
- Gather eggs frequently and wash them as soon as possible after collection. Remove badly soiled and cracked eggs before they are washed and before they are candled. Eggs should be candled after they are washed.
- Eggs should be below 90 degrees F. before washing as they can contract wash water. The suggested wash water temperatures are between 110 and 120 degrees F. Never let the temperature fall below 110 degrees F. Never have wash water more than 50 degrees F. above the temperature of the egg as this will cause excess breakage. Change wash water every 4 hours, or more often if necessary.
- Use only potable water having an iron content of not more than 2 ppm to prevent the growth of bacteria.
- Use a good quality detergent, but do not use household detergents — they may cause discoloration and/or undesirable flavors in the eggs.
- Egg should not be immersed longer than is necessary to clean them. Because egg contents are damaged by prolonged exposure to high water temperatures, a timing device should be used to avoid leaving eggs for more than 3 minutes. No more than two to five baskets of eggs should be washed before replacing the solution.
- Spray rinse eggs with water at 20 degrees F warmer than the detergent solution. It is suggested that the eggs should be dipped in a sanitizer solution containing 200 ppm chlorine 20 degrees warmer than the detergent solution.
- Never expose the eggs to temperatures greater than 128 degrees F during the cleaning process.
- Never put wet eggs into cartons or boxes because the wet eggs can pick up bacteria very easily.
- Gather eggs frequently. Clean, dry, candle, package and refrigerate immediately upon gathering.
- If you are offering your eggs for sale at a farmers' market and you choose to use a chest type cooler that is maintained with wet ice, there must be a divider between the eggs and the area that holds the ice. The space between the ice and the eggs should be a minimum of three inches. At no time should the eggs/egg cartons that are kept in chest coolers come into contact with the ice or water from the melted ice. This exposes the eggs to bacteria, rendering them inedible. The space allowance between the eggs and the ice should also prevent eggs from freezing.
- Clean and sanitize all of your equipment each time it is used to prevent the build up of bacteria and calcium deposits.

- If your eggs are being sold, egg cartons used for packaging the eggs must be blank cartons with the nutritional labeling, refrigeration requirements, and safe handling requirements on the cartons. **You may not use cartons or cases which are labeled by other businesses, and the cartons may not be re-used.** All cartons or cases are subject to the packaging and labeling requirements as specified in KRS 260.630. If you sell your eggs at the retail or wholesale level, you must license per KRS 260.600.
- If you sell more than 60 dozen eggs weekly, you must purchase a retail license. If you sell your eggs to a retail store to be resold or to a distributor that will further distribute them, you must have a distributor's license.

KRS 260.630 Labeling requirements.

(1) All wholesale egg packs consisting of cases or portions of cases shall bear a legible label designating contents; quality; quantity; date of packing and an expiration or best-by date; dealer's name, address, and plant number; and size and grade of eggs. Expiration dating shall include qualifying prefixes such as "EXP," "Expiration date," "Sell by," "Not to be sold after date on end of carton," "Purchase by," "Last sale date on end of carton," or other similar language denoting stock rotation. The dates associated with these prefixes shall be calculated from the date the eggs are originally packed into the container and may not exceed thirty (30) days including the day of pack. Best-by dating shall include qualifying prefixes such as "Use before," "Use by," "Best before," "Best by," or other similar language to generally indicate the maximum time frame for expected quality. The dates associated with these prefixes shall be calculated from the date the eggs are packed into the container and may not exceed forty-five (45) days including the day of pack. The letters on the label shall not be less than one-sixteenth (1/16) inch in height.

(2) Graded eggs shall be offered for sale in cartons or other consumer packs and shall be plainly and legibly marked as to grade; size; quantity; dealer's name, address, and plant number; and date of packing and an expiration or best-by date. Expiration dating shall include qualifying prefixes such as "EXP," "Expiration date," "Sell by," "Not to be sold after date on end of carton," "Purchase by," "Last sale date on end of carton," or other similar language denoting stock rotation. The dates associated with these prefixes shall be calculated from the date the eggs are originally packed into the container and may not exceed thirty (30) days including the day of pack. Best-by dating shall include qualifying prefixes such as "Use before," "Use by," "Best before," "Best by," or other similar language to generally indicate the maximum time frame for expected quality. The dates associated with these prefixes shall be calculated from the date the eggs are packed into the container and may not exceed forty-five (45) days including the day of pack. The marking letters shall not be less than one-sixteenth (1/16) inch in height. The information on the label shall not be

altered or replaced. The quantity may be changed in accordance with KRS 260.610(4).

(3) Eggs offered for sale that are not in a carton shall be in a container that:

(a) Contains all information required by this section; and

(b) Displays the information in legible letters at least one-sixteenth (1/16) inch on a label attached to the container.

(4) The required label information on wholesale egg packs, cases, or portions of cases shall match the required label information on the carton or other consumer pack contained therein, with the exception of the dealer's name and address.

(5) If eggs are packed in retail "breakaway" cartons that can be divided by the consumer or retailer into smaller units for the purpose of selling lesser amounts of eggs, each half or portion of the container shall contain full information as required by subsection (2) of this section.

(6) Wholesale egg packs, cases, or portions of cases shall be used only in the following manner:

(a) All original label information shall be redacted completely in such a manner so that it is obvious that the container is being reused;

(b) The new label shall contain all of the information otherwise required by this section; and

(c) The cases shall be clean, sturdy, and intact.

(7) Egg cartons cannot be reused.

(8) If a producer who sells directly to consumers only is using stock cartons, the cartons shall be labeled "ungraded" followed by "produced by:" (producer's name and address) and "sold directly to the consumer." This information may be hand printed on the carton if it is legible and appears on the top panel of the egg carton.

(9) Plastic or wire crates, change baskets, or racks may be used as wholesale packs without bearing the required label information only if the required label information is visible on the carton or consumer egg pack.

260.610 Grade identification -- Handling -- Conditions requiring removal from retail display -- Retailers prohibited from repacking eggs into full cartons -- Prohibition of sale or possession for sale of inedible eggs -- Emergency recall plan.

(5) No person shall sell, offer or expose for sale, or have in his possession for sale, for human consumption, eggs that are inedible, including eggs that are unfit for human food in whole or in part, addled or moldy, containing black rot, white rot, or blood ring, adherent yolks, or bloody whites, incubated beyond the blood ring stage, or consisting to any extent of filthy decomposed substance.

(6) No later than June 30 of each year, all packing plants and distributors shall submit an emergency recall plan to the department. The plan shall address policies and procedures that will be followed in the event of a recall of eggs or egg products pursuant to an inedible product designation, as described in subsection (5) of this section. If there have been no changes in the plan from the

previous year, a statement to that effect shall be submitted in lieu of a plan on an annual basis.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 66, sec. 4, effective July 15, 2008. -- Amended 2006 Ky. Acts ch. 215, sec. 2, effective July 12, 2006. -- Amended 1998 Ky. Acts ch. 208, sec. 4, effective July 15, 1998. -- Amended 1980 Ky. Acts ch. 120, sec. 17, effective July 15, 1980. -- Amended 1962 Ky. Acts ch. 195, sec. 1. -- Amended 1960 Ky. Acts ch. 36, sec. 2. -- Created 1956 Ky. Acts ch. 121, sec. 8.

302 KAR 10:100. Refrigeration of eggs and temperature requirements.

RELATES TO: KRS 260.620

STATUTORY AUTHORITY: KRS 260.620

NECESSITY, FUNCTION, AND CONFORMITY: KRS 260.620 requires the department to establish standards governing eggs offered for sale as graded eggs. This administrative regulation establishes the requirements relating to the refrigeration of eggs, including temperature, transportation, and labeling requirements.

Section 1. The refrigeration and temperature requirements in the standards of quality for shell eggs shall be governed by the following specifications:

(1) To prevent undue deterioration, a shell egg packed in a container for the purpose of resale to a consumer shall be stored and transported under refrigeration at an ambient temperature of forty-five (45) degrees Fahrenheit or seven and two-tenths (7.2) degrees Centigrade or less.

(2) Eggs, which are shipped across the state line into Kentucky, shall be transported under refrigerated conditions at the temperature as required by subsection (1) of this section.

(3) A shell egg that is packed into a container for the purpose of resale to a consumer shall be labeled with the following statement: "Keep refrigerated at or below forty-five (45) degrees Fahrenheit".

(4)(a) A person who takes possession of an egg in this state shall be liable for compliance with subsections (1) and (2) of this section.

(b) Upon receiving an egg, a person shall ensure that his supplier complies with the labeling requirements established in KRS 260.630.

(5) An egg that does not meet the refrigeration requirements either in transit, storage or display shall be seized or destroyed by a Department of Agriculture inspector. (24 Ky.R. 2242; Am. 2620; eff. 6-10-98.)

260.550 Prohibition against buying, selling, or processing eggs without license -- Exceptions -- Stop orders and withdraw from sale orders imposed for certain violations.

(1) No person shall buy, sell, trade, traffic, or process eggs in Kentucky without a license issued pursuant to the egg marketing law, with the following exceptions:

(a) Hatcheries purchasing eggs to be used exclusively for hatching purposes;

- (b) Hotels, restaurants, and other eating places where all eggs purchased are served in the establishment;
- (c) Bakeries, confectioneries, and ice cream manufacturers who use eggs in a manufactured product;
- (d) Consumers buying eggs for their own consumption; or
- (e) Producers who sell only directly to consumers and do not exceed a sales limit of sixty (60) dozen eggs per calendar week.

(2) Any person engaged in the act of selling shell eggs or egg products under any of the following circumstances shall have all shell eggs and egg products placed under a stop order:

- (a) Selling or otherwise marketing shell eggs or egg products without a license;
- (b) Selling or otherwise marketing shell eggs or egg products without first submitting an emergency recall plan to the department; or
- (c) Failing to remit or pay fines owed to the department.

(3) Any person engaged in the act of selling or otherwise marketing shell eggs under the following conditions shall have those eggs placed under a stop order for:

- (a) Failing to have the proper labels attached, as required by KRS 260.630; or
- (b) Failing to meet the tolerances of consumer grades and consumer grade quality standards, as required by KRS 260.620.

(4) Any person engaged in the act of selling or otherwise marketing shell eggs or egg products shall have these shell eggs or egg products placed under a withdraw from sale order for the following reasons:

- (a) Ambient temperature above forty-five (45) degrees Fahrenheit for a period of four (4) hours or more; or
- (b) Contamination or any condition which may render the shell eggs or egg products unfit for human consumption.

The withdraw from sale order shall remain in effect until such time as the disposition of the shell eggs or egg products has been determined by the department.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 66, sec. 2, effective July 15, 2008. -- Amended 2006 Ky. Acts ch. 215, sec. 1, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 40, sec. 2, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 208, sec. 2, effective July 15, 1998. -- Created 1956 Ky. Acts ch. 121, sec. 2, effective January 1, 1957.

Selling Honey at Kentucky Farmers' Markets

By Phil Craft, Kentucky State Apiarist, Kentucky Department of Agriculture

Regulations for selling honey at Kentucky farmers' markets are the same as for selling honey anywhere in the state. Beekeepers who produce fewer than 150 gallons (about 1,800 pounds) of honey a year are exempt from

regulations that require honey to be processed (extracted and bottled) in a certified food processing establishment, or from being required to obtain a permit from the state health department. Most beekeepers in Kentucky are smaller producers and fall under this exemption. However, legal labels are required on all containers of honey that are sold (see below).

If the beekeeper sells 150 gallons or more of honey per year, this honey must be processed in an inspected and permitted food processing facility. Regulations and permits that cover this type of facility are administered by the Kentucky Department for Public Health, Food Safety Branch. Beekeepers needing information on certification of food processing facilities should contact the Food Safety Branch in Frankfort at (502) 564-7181.

Legal honey labels

Labels for honey jars, as for all foods in Kentucky, are regulated by the Food Safety Branch of the Kentucky Department for Public Health. The regulations for food labels are contained in **Kentucky Administrative Regulation 902 45:050**. You can view these regulations by going to: www.lrc.state.ky.us/kar/902/045/050.htm.

The Department for Public Health, Food Safety Branch also publishes a helpful pamphlet entitled “A Guide to the Labeling of Food Products in Kentucky,” which can be obtained by contacting the Food Safety Branch’s office. However, requirements for honey labels are simple because honey is a single-ingredient product, and because most honey containers are not of unusual shape or size. Here is an outline of the regulations.

- **Identity of the product.** HONEY
- **Quantity of contents.** For honey this is most commonly stated in weight – ounces and grams, not pounds and not volume. You may state pounds if over 16 ounces.
 - A one-pound honey jar label should state “Net Wt.. 16 ounces (454 grams)” or “Net Wt.. 1 lb. (454 g).”
 - A two-pound jar should say “Net Wt. 32 ounces (908 grams)” or “Net Wt. 2 lbs. (908 g).”
 - A one-pint jar should say “Net Wt. 22 ounces (624 grams)” or “Net Wt. 1.38 lbs. (624 g).”
 - A one-quart jar should say “Net Wt. 44 ounces (1.2 kg)” or “Net Wt. 2.75 lbs. (1.2 kg).”
- **Name of manufacturer, packer, or distributor.** This is your name, or your company’s name if you use a company name (*example*: “Cumberland River Honey Farm”). However, from a marketing standpoint, it is also good business to always put your name on the

label. If you're selling a local product, people may know your name, but not your company's name.

- **Address of manufacturer, packer, or distributor.** You must put your address here, including street address, city, state, and ZIP code. However, if your name (or company name if that is what is on the label) is listed in the local telephone directory, the street address may be omitted. But again, from a marketing standpoint it's a good idea to give your address and phone number. If someone eats some of your honey at one of your customers' homes (and likes it!), it is in your best interest to make it obvious that that is YOUR honey, and to make it easy for them to contact you to purchase some.

You may also submit food labels to the Food Safety Branch of the Kentucky Department of Public Health for approval. To do this, merely mail one of each label that you use (one of each size) to: Kentucky Department of Public Health - Food Safety Branch, 275 East Main Street, Frankfort, KY 40621. There is no fee involved in this approval, and it's a helpful service. This approval guarantees that a beekeeper's labels are correct and legal, and will avoid problems when selling honey. Also, if someone is planning on investing in the cost of getting labels printed, it is highly recommend that proofs of the labels be submitted for approval before the labels are printed.

Meat Sales at Farmers' Markets

Federal and state food safety requirements for meat and poultry

Meat and poultry are perishable products that must be processed and stored correctly to ensure they are safe and wholesome. All meat and poultry being marketed to the public at farmers' markets and similar locations must be obtained from an approved source. This means that all meat products must be produced and packaged in an establishment under either a federal (USDA) or state (Food Safety) inspection program. Packaged meat products must bear the relevant mark of federal or state inspection, be protected from contamination, and be stored frozen or under proper refrigeration (41°F or below). Additionally, meat and poultry products shall carry safe handling information and a "use by" date.

Home-processed meat and poultry and/or custom-processed meat and poultry, including wild game, may not be marketed or sold at farmers' markets.

In general, the United States Department of Agriculture (USDA) has jurisdiction over most meat and poultry items. USDA inspection requirements, exemptions, and areas of jurisdiction are often complex. For this reason, producers should first consult with the Kentucky Food Safety Branch prior to any processing. USDA's Office of Field Inspections located in Raleigh, N.C.,

telephone (919) 844-8400, is the point of contact for Kentucky farmers who are interested in obtaining a “Grant of Federal Inspection” for the processing of USDA-regulated meat and poultry products. This office should also be able to provide you with a listing of USDA-inspected processing plants in Kentucky.

Cuts of meat (including beef, pork, goat, *etc.*) and poultry (including turkey, chicken, duck, *etc.*) from species which are considered amenable by United States Department of Agriculture (USDA) must be processed in a USDA-inspected facility and bear the mark of USDA inspection. Although USDA has some exemptions for small poultry processors who raise, slaughter, and sell their own product, the Kentucky Food Safety Branch still requires USDA-exempt processors to comply with state requirements for non-USDA inspected products if the products are intended to be marketed to restaurants or grocery stores or at farmers’ markets.

Other animal species, such as rabbit or quail, are considered non-amenable by USDA. This means that USDA requires a fee-for-service in order to inspect the product and provide the USDA mark of inspection. A vendor who wishes to process and market cuts from non-amenable species must ensure that: (1) the products were processed under USDA inspection protocols and bear the mark of USDA inspection; or (2) the products were processed in a permitted, state-inspected and approved facility. Vendors who market product under option number two (2) above shall carry to the farmers’ market pertinent documentation — including invoices and a copy of the processing facility’s state permit — and be ready to provide this information upon request.

The Mobile Processing Unit (MPU) operated by Kentucky State University is an example of a small USDA-exempt poultry processing facility that is under a state permit to operate. Poultry products processed in this state-inspected facility do not receive the mark of USDA inspection but are considered “approved-source” products. It is important that vendors who market poultry products processed in this unit at farmers’ markets be able to provide pertinent documentation (invoices, *etc.*) to health authorities which verify that the products are from an approved source.

Inspectional jurisdiction over seafood, including fish and prawn, is retained by the Food and Drug Administration (FDA) and the agency’s state counterpart, in this case the Kentucky Food Safety Branch. All processed seafood marketed at farmers’ markets must come from a permitted, state-inspected and approved facility. Vendors shall carry to the farmers’ market pertinent documentation which can be used to verify that the product was obtained from an approved source. As addressed above, such documentation includes invoices as well as a copy of the processing facility’s state permit.

Vendors selling meat, poultry, seafood and other commercially processed foods should contact their local health department with regard to obtaining a mobile, prepackaged retail sales permit. The yearly permit is

inexpensive (\$27) and allows you to sell other commercially processed products as well as meat and poultry. The permit expires annually on December 31.

Until you are ready to transport your meat and poultry products to the market, they must be stored in an approved manner, at safe refrigerated or frozen storage temperatures. If products are stored at home, they must be stored in a dedicated refrigerator or freezer, separate from personal use foods. Products must be stored at 0 degrees Fahrenheit, if frozen, or 41 degrees Fahrenheit (or colder) if refrigerated. The product must be transported and maintained at these temperatures at the market. This can be accomplished by either a freezer or an ice chest/cooler. All units holding frozen or refrigerated product should contain a thermometer in order to monitor the temperature of the product at all times.

While a freezer is generally preferred, a heavy duty ice chest/cooler may also be used provided sufficient ice is available to maintain safe product temperatures. Styrofoam coolers are not approved. If you use an ice chest, the meat must be covered in the ice. You will also need to have provisions for melted ice to drain away from the product. The meat should NEVER be sitting or floating in ice water. Additionally, vendors should ensure that juices from one species (i.e., chicken) do not drip onto and contaminate another species (beef). Storing product in dedicated species-specific coolers or freezers is typically required in order to reduce the risk of cross-contamination from one species to another.

At the market you have to use a tent or large umbrella so the product is covered. At all times the product should be protected from human and environmental contamination, including insects and dust. Most activities involving the handling of meat and poultry, including packaged product, can cause your hands to become soiled. Consequently, the health department will typically require that each vendor provide a suitable portable hand wash station. A simple, health department-approved set up could consist of an elevated 5-gallon container of potable water that is equipped with a turn-spout dispenser or drain, with a catch bucket placed below the container. Liquid soap and disposable towels should also be provided at the handwash station.

Risk

All producers should consider the added risk of selling retail. The potential for loss could be great. Consult your insurance professional to discuss product liability insurance. You may also consider legally organizing the meat sales part of your farm business separately to protect your farm.

Displays and marketing tips

Meat is hard to display while maintaining correct temperature and storage requirements. Customers are accustomed to looking through meat packages to choose the one with right marbling, size, thickness, etc. that they want. Good displays of most products at a farmers' market start with techniques that let the customer see and choose their selections. Meat in a freezer doesn't allow for such merchandizing. Therefore, you have to give your customers something else to draw them to your booth and select your product.

First, put a lot of effort into your signs. Describe your product to the customer. Tell them how thick the steaks are cut, describe the marbling, etc. Tell them why your product is different. If it is raised by your family on a nearby farm – tell them. Better yet, take photos of your farm and your family busy at work, blow those up to poster size and put them up on your booth. If your product is grass fed, pasture raised, organic, etc.– tell them, but also tell them why that is important to you and why it is important to them.

Clearly display prices. If your chicken is \$3 per pound and most chickens weigh between 4-5 pounds, explain this. If ground beef is packaged in 2-pound packs, make this clear.

Recipes are important. Give a woman the answer to what she is cooking for dinner that night and she will be a steady customer. Offer “goes with” ideas as well to complete the meal. Feature seasonal fruits and vegetables as your “goes with” suggestions. Ask your fellow market members what recipes they have and use those. Cooperatively sell the makings for an entire meal with fellow vendors.

Many folks don't know how to cut up a chicken. If you are selling whole chickens you should get a printed guide to doing this and pass out copies. Another angle is to supply recipes for roasting or grilling whole chickens.

Make sure you have the meat arranged in the ice chest or freezer to facilitate getting to a certain cut to limit the time you spend in the container. This will help you maintain the correct temperature. Vacuum packed product will get air leaks in the package if pushed around too often. Also, it is nice to reach in and get a couple of packages for the customer to choose between.

Always carry business cards and price lists with you to the market. You will make a lot of contacts at the market that may result in sales from your farm. Make it easy for them to reach you or pass your name along to others.

Cuts

Some producers report that only their higher end cuts sell. Some report success from offering package deals on their product that include the cuts that are slow sellers.

Price

There are essentially two types of farmers' markets. There are price markets and specialty markets. At a price market, usually in smaller towns and rural areas away from urban areas, meat sales at a profit will be difficult. Customers are looking for a bargain. This type of market typically sets their prices to beat a large retailer like Wal-Mart. Except for a few customers, most will not spend more than what they can get the meat for at the local grocery store. If you can produce for this price and make a decent profit then it may be a good market for you. Customers at these markets may still want to buy an entire or half beef if they perceive this as a cost savings.

The other markets, the specialty markets, bring higher prices. They are usually in larger urban areas or in small bedroom communities that surround urban areas where customers are seeking a certain quality of product. In these markets a producer will get higher prices for higher quality or niche products. They are usually the markets where there will be the most competition as well.

Though these generalizations do not hold true in every market, it is worthwhile for a producer to investigate the strength of the potential marketplace as part of his or her decision to offer retail meat sales.

Wine Sales at Kentucky Farmers' Markets

Kentucky licensed small farm wineries may participate in fairs, festivals, and other similar types of events under KRS 243.155. The Kentucky Office of Alcoholic Beverage Control (ABC) recognizes registered farmers' markets.

This law allows Kentucky small farm wineries to sell the wine they produce by the drink or package. Wineries may participate in these events under the following conditions:

- A copy of the wineries' Kentucky ABC license is posted at the event booth.
- Only wines produced by licensed small farm wineries are sold at the event.
- No tasting or samplings of "free" wine and no wine may be advertised as "free." All wine must be sold for cost or above.
- No wine is sold, tasted, or offered **by the drink** unless local laws of the event territory permit drink sales.
- No wine sales on Sundays unless Sunday sales are approved by local ordinance of the event territory. (Check this before hand).

- No wine sales before or after hours. Hours of operation is established by local ordinance of the event territory (be sure to check the selling hours of the territory where the event is to be held).
- Persons selling wine to the consumers must be at least 20 years of age. (Check with your local ABC Administrator to see if there is a mandatory alcohol servers training ordinance requirement in their areas).
- Any person purchasing or consuming wine must be at least 21 years of age.

Contact your local ABC office to verify all local laws are adhered to.

Office of Alcoholic Beverage Control

1003 Twilight Trail

Frankfort, Kentucky 40601

Office Phone: 502-564-4850

Fax Number: 502-564-1442

www.abc.ky.gov

Hints for a successful wine display at farmers' markets

Putting together a successful display of wines at an outdoor farmers' market has its challenges. The wind, weather, rain, and sun will require you to take a second look at each aspect of your booth. Start by reviewing the chapter on safety elsewhere in this manual to determine if your proposed set-up incorporates safe practices. Then read through the tips below to make your display dazzling.

These tips come to us from **Wildside Vines** in Woodford County, which sells at its local farmers' market.

- Make your booth elegant looking. Your product is more expensive than most at the market, and your booth should reflect your care and pride in your product.
- Have a small banner made stating your winery's name and location and hang it in a prominent location on your tent.
- Wine customers expect to be waited on and the wines discussed. Bring enough knowledgeable staff to man the booth while taking time with each customer.
- Keep a variety of wine on display at all times.
- Use sturdy wine racks or other strategies for displaying wines at various heights.
- Provide shade for your wine and your customers. Sunshine through glass is very hot and may degrade your product. This probably means

using a pop-up tent. Make sure the tent is clean and attractive while being safely secured from the wind.

- Using a barrel as a prop in front of your table provide an attractive promotion for your product and adds a little extra table room.

Kentucky's Organic Program

What is Organic?

You hear a lot of talk about organic these days. Organic production means more than not spraying pesticides. To call your product "organic" or "organically grown" you have to comply with requirements on soil building, crop rotation, erosion control, seed choices, and much more. All of these things must be verified by meticulous record keeping and an independent inspection.

In the past, the term "organic" was controlled by a hodgepodge of state regulations that made interstate commerce difficult as well as being confusing to the customer. The USDA now controls the use of the term "organic" and sets the standards. A good Web site to find out more information on all the requirements is www.attra.org.

KDA as a certifying agent

The Kentucky Department of Agriculture is qualified as a certifying agent with the USDA National Organic Program (NOP). That means KDA has established and has implemented a protocol for review, inspection and determination that allows it to grant organic certification to farmers. Having a government agency as a certifying agent allows Kentucky organic producers to receive their certification at a greatly reduced cost.

Why organic?

Organic farming is an environmentally responsible approach to producing high-quality food and fiber. Personal health and environmental concerns have long been motivating factors for those who choose to farm organically. Increasingly, however, economics has become a major factor. Organic farmers typically earn a premium for their production.

Commitments

Farming organically involves committing to two principles: ecological production and maintaining organic integrity.

Ecological production entails using farming and ranching techniques and materials that conserve and build the soil resource, pollute little, and encourage development of a healthy, diverse agro ecosystem, which supports natural pest management.

Maintaining organic integrity consists of actions that prevent contamination of organic production with prohibited materials, and that prevent the accidental mixing (commingling) of organic and conventional products. A considerable amount of paperwork and documentation is required to ensure organic integrity; it is one of the necessary "burdens" of being a certified organic farmer.

Prospective organic producers should understand in advance that prohibited substances (synthetic fertilizers and pesticides, *etc.*) must not have been used on the land for three full years preceding harvest of the first organic crop. Farms or specific fields that do not yet meet this requirement may be considered as in ***transition***.

Organic livestock producers must make a further commitment — to manage and raise their livestock in ways that are not cruel and that take account of the animals' natural behavior. This includes providing pasture for ruminants and outdoor access for all livestock, and agreeing to restrictions on physical alterations.

More information about KDA's organic program is available at www.kyagr.com.

Steps to Organic Certification

(1) Submit an application.

The producer should request a copy of KDA's organic standards and an application packet, which includes an organic farm plan questionnaire. Upon submission of this application, an application fee is required. The producer must complete the questionnaire, which elicits information about the farm, including details about soil fertility planning, seeds and seedlings, weed and pest management practices (including the materials one plans to use), and storage and handling routines. Farm maps will be required along with crop and input histories for all fields. Strategies to prevent contamination with prohibited substances and commingling with non-organic products must be outlined.

2) Completeness review.

KDA reviews the organic farm plan application to be certain that it is complete and that the operation appears able to comply with National Organic Program (NOP) organic standards. The producer will be contacted to provide further information if needed.

3) On-farm inspection

If the organic farm plan application is judged to be complete, KDA assigns an organic inspector to inspect all relevant areas of the farm. (Note that inspectors only record observations; they do not make decisions about certification.)

4) Final review

The organic farm plan application and inspection report are reviewed by KDA. The Department may approve organic certification; request additional information; issue a finding of noncompliance; or deny certification.

If certification is granted, the producer can begin marketing his or her products as organic. The producer is free to use USDA's organic seal.

At this time, producers may not use "organic," "transitional," "transition to organic," or any similar terminology to describe and market production from fields or farms in *transition*. This issue is under consideration by the National Organic Program, and some legal form of transitional status may be recognized in the future.

The \$5,000 exemption

Producers who market less than \$5,000 worth of organic products annually are not required to become certified, though they have the option of doing so. **They do, however, have to register with KDA and pay the \$25 registration fee.** These operations must still adhere to the federal standards for organic production, product labeling and handling. Exempted operations face two other constraints. While they may label their products as organic, they may not use the USDA seal, the seal of KDA's Organic Program, or otherwise claim that their production is certified. Furthermore, they may not sell their products as ingredients for use in someone else's certified organic product. Retail stores may require exempted producers to sign an affidavit stating that they adhere to federal organic standards.



Kentucky Department of Agriculture
A Consumer Protection and Service Agency
Richie Farmer, Commissioner

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Nothing else is close.



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275 East Main Street
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<http://chfs.ky.gov/dph/info/phps/food.htm>

