

Farmers' Markets, Roadside Stands, and Food Safety

Kentucky Department for Public Health Guidelines for Sampling at Farmers' Markets and Certified Roadside Stands

The Food Safety Branch in the Kentucky Department for Public Health (KDPH) works in collaboration with the Kentucky Department of Agriculture (KDA) to allow farmers to provide customer samples of their products in a safe and sanitary manner. Providing samples at farmers' markets allows consumers to try a product before purchasing. This can be beneficial not just for common products, but also when the farmer offers a new or different product that the customer has not tried before. Since farmers at such markets make sales primarily on taste, sampling is an excellent marketing tool.

It is equally important to recognize that unsafe growing and harvesting practices and/or unsafe sampling methods can adulterate or contaminate food products and result in foodborne illness. Consequently, vendors engaged in allowing the sampling of food products should be aware of the importance of practicing the basic principles of food safety, from the farm to the table.

The partnership of KDPH and KDA aims to assist farmers with recognizing the importance of pairing samples with appropriate sanitation practices for dispensing food to members of the public. Preventing illness from occurring and damaging marketing efforts is beneficial to the farmer and the consumer. Good hygiene and food protection practices also reduce the risk of larger-scale foodborne outbreaks among those who patronize farmers' markets.

Sanitation requirements may vary depending on the type of food products being sampled and the sanitary facilities available at the location of the sampling. Some food items are much lower in risk due to the nature of the product, while others are at a higher risk, due to temperature maintenance requirements or to a documented past association with foodborne illness outbreaks. For the purposes of this KDPH Sampling Guidance Document, the following definitions apply:

Sample: A sample is defined as a food product promotion where a bite-size 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.

Low Risk Food: A low risk food is defined as a shelf-stable, non-potentially hazardous food from an approved source that has been processed in such a manner as to render the item incapable of supporting the rapid and progressive growth of pathogenic microorganisms. Low risk foods include, but are not necessarily limited to, the following: baked goods, including breads and cakes; cookies; candies; jams; jellies; preserves; honey; sorghum; and shelf stable, value-added foods.

High Risk Food: A high risk food is defined as a non-shelf stable, potentially hazardous food from an approved source that requires temperature maintenance and is capable of supporting the rapid and progressive growth of pathogenic microorganisms or any particular food which has been shown to be epidemiologically linked to increased risk for foodborne illness. High risk foods include, but are not necessarily limited to: meat, poultry, dairy, and seafood products; garlic in oil mixtures; raw seed sprouts; and other agricultural commodities such as fresh fruits and vegetables that are offered in "ready-to-eat" form and which do not receive a cook or kill

step during processing. This category would also include products made from agricultural commodities that do not receive a kill step, such as unpasteurized juices and cider.

Sampling Requirements for Vendors:

(1) A vendor who engages in food product sampling, as defined above (product sample distributed free of charge for promotional and educational purposes only), exclusively at a KDA-registered farmers' market or a Kentucky Farm Bureau certified roadside stand may do so without obtaining a permit to operate as either a "temporary food service establishment" or as a "farmers' market temporary food service establishment," provided the requirements in this section are met.

(2) Each farmers' market or certified roadside stand vendor that engages in the sampling of "high risk" food products must successfully complete a "farm to table" food safety certification program developed by KDA. The program shall address, at a minimum, the following:

- Good Agricultural Practices (GAPs);
- Employee hygiene and hand washing;
- Time and temperature controls for potentially hazardous foods;
- Safe preparation and handling of ready-to-eat foods;
- Protection of food from human and environmental contamination;
- Utensil cleaning and sanitizing requirements;
- Potable water requirements;
- Proper procedure for washing fruits and vegetables;
- Allowable foods/approved source foods;
- Specific food safety hazards associated with ready-to-eat foods;
- Approved disposal of waste water;
- The application process for the temporary food-service permits at farmers' markets;
- The Cabinet's right to inspect;
- Expectations and responsibilities of farmers' markets boards/managers with regards to ensuring that all vendors operate in compliance with all pertinent food safety rules/regulations; and
- Other items deemed relative to food safety and public health protection.

(3) KDA shall provide a certificate of completion to each individual who successfully completes the training program.

(4) The "farm to table" food safety training certification for individuals engaged in high risk food product sampling is valid for 24 months from the date issued.

(5) Each vendor engaged in sampling of high risk food products at a KDA-registered farmers' market or Kentucky Farm Bureau certified roadside stand must prominently display their certificate of completion at the sampling location. The KDPH and/or its agents will issue a "Notice to Cease Operation" to any vendor at the above locations who is engaged in the sampling of high risk foods and does not have a valid KDA certification.

(6) Any vendor engaged in product sampling must at a minimum provide:

- An approved hand washing station. The station shall consist of a container of potable water of sufficient size to provide enough water for the entire sampling event, and

be equipped with a free-flowing dispensing valve. The container should be raised off the ground to allow a catch basin under the spigot. The hand washing station shall also be equipped with hand soap and disposable paper towels.

- A means of protecting the samples from dust and other environmental contaminants;
- A means to prevent contamination by “double-dipping” (i.e., toothpicks, single portion containers, disposable utensils, etc.); and
- A method to minimize bare hand contact with the food, such as through the use of deli tissue, toothpicks, gloves, disposable utensils, etc.

(7) All food products offered as samples at a farmers’ market must have originated from an approved source as defined in KRS Chapter 217.005 to 217.215. This includes products which have been produced under a valid Home Based Processor’s Registration or a Home Based Microprocessor’s Certification.

(8) Samples of foods that require temperature control for safety (potentially hazardous foods) that have not been served to consumers within two hours have to be discarded.

(9) All raw agricultural foods, such as fruits and vegetables, must be thoroughly washed in potable water prior to cutting. This should be completed by the vendor prior to the market, but if facilities are available for the washing at the market it may be completed there. All washed food products for sampling must be stored separately and apart from other unwashed food items and shall be protected from recontamination after washing.

(10) All utensils, cutting boards, etc. used to slice or prepare samples must be washed, rinsed and sanitized prior to use in sampling. Sanitizing can be accomplished through the use of bleach water at a concentration of 50 to 100 ppm. This equals approximately one tablespoon of bleach per gallon of water. Disposable utensils should be used whenever practical.

(11) Vendors must bring an adequate supply of utensils with them for use in the day’s sampling activity or provide temporary facilities for the washing, rinsing, and sanitizing of soiled utensils. This would require a minimum of three containers and an adequate supply of potable water, dish soap, sanitizer (bleach), as well as a dish rack for air drying of utensils.

(12) At a minimum, each farmers’ market where temporary food service vendors, farmers’ market temporary food service vendors, or other vendors engaged in product sampling operate must provide adequate toilet facilities (permanently installed or portable), conveniently located and accessible to the market vendors and consumers.

(13) Where portable toilet facilities are utilized, at least one portable hand washing station (as defined in number 6 above) must be provided and maintained for consumers and vendors.

(14) Fixed and portable toilet facilities must be maintained in a clean, sanitary condition.

(15) Animals are not allowed in any food handling and sampling display areas.

(16) Each farmers’ market board and/or manager must ensure that all vendors, including those engaged in product sampling, operate in compliance with all pertinent rules/regulations regarding food product marketing at farmers’ markets. Non-compliant vendors will be reported to the appropriate authority (the local health department in the county of operation, KDPH’s Food Safety Branch or KDA).

(17) KDA has responsibility for ensuring that all vendors engaged in product sampling comply with all provisions of these guidelines. KDPH or its agents retain the authority to monitor all

vendors engaged in product sampling and, where necessary, initiate enforcement action with regards to non-compliant vendors. All violations noted by the health officials must be corrected immediately by the vendor. If violations are not corrected, a “Notice to Cease Operation” will be issued to the vendor.

(18) KDPH may revise or amend this policy in the event that federal, industry, or science-based changes in guidance are necessary for the protection of public health.

In summary, providing samples at farmers’ markets is an important strategy used by vendors with the goal of increasing product sales. However, it is vital to both the farmer and consumer that these products are processed using safe and sanitary methods in an approved location, in order to prevent foodborne illness. It is the shared duty of the KDPH’s Food Safety Branch, local health departments, and KDA to ensure that good agricultural practices are being implemented, and that the consumer will be able to safely enjoy the fruits of farmers’ labors at local markets.

- Food Safety Branch staff report, Department for Public Health.