

## **Rules and Regulations for Certified Farmers' Markets**

### **STATEMENT OF INTENT**

**NATURE OF THE MARKET:** The Certified Farmers' Markets (CFM) are diversified markets offering for sale to the general public certifiable agricultural products and non-certifiable agricultural products, as well as non-agricultural products in an area adjacent to the CFM.

The CFM provides producers with the opportunity to sell their fresh, locally grown products directly to the consumers without the intervention of a middleman.

Each CFM is operated in accordance with regulations established in the California Administrative Code (Title 3, Article 6.5) pertaining to Direct Marketing. Each market is certified by the County Agricultural Commissioner as a direct marketing outlet for producers to sell their products directly to consumers without meeting the usual size, standard pack and container requirements for such products. However, all produce must meet minimum quality standards.

The non-certifiable agricultural products and non-agricultural products add variety and enhance the festive ambiance of the Farmers' Market. Although the State Direct Marketing regulations require the producers of fresh fruit, nuts, vegetables, flowers, honey, eggs, nursery stock, and plants be certified, producers of non-certifiable agricultural products and non agricultural products are not certified, but the same producer-to-consumer philosophy applies for all items sold at the Market.

Each CFM is managed, operated and controlled by the Foothill Farmers' Market Association.

In order to ensure the successful maintenance of the CFM as an efficient outlet for producers to sell their products directly to consumers, FFMA has established the following set of Rules & Regulations.

The Foothill Farmers' Market Association Board of Directors and the FFMA General Manager will have the final authority in interpreting and enforcing these Rules and Regulations.

FFMA reserves the right to make additions or deletions to these rules when deemed necessary.

### **I. INTENT AND IMPLEMENTATION**

The purpose of this set of rules is to govern the operation, administration and management of the Certified Farmers' Markets under the control of this organization.

The Board of Directors of this organization, its management and its designated agents will implement and enforce all Rules and Regulations pertaining to the operation of the Certified Farmers' Markets under its control in a fair and equitable manner.

### **II. STATE REGULATIONS**

#### **CALIFORNIA ADMINISTRATIVE CODE:**

- (a) Except as provided in subsection (f) below, producers or certified producers may sell

or offer to sell only agricultural products which they have produced to consumers at a certified farmers' market. The certified producer's immediate family or employee(s) may also act for and sell the certified producer's agricultural products. No certifiable agricultural products may be sold at a certified farmers' market unless such products are listed on the certified producer's certificate.

(b) All agricultural products, when sold or offered for sale at a certified farmers' market or at or near the point of production, shall comply with all applicable requirements of Article 1 (beginning with Section 113700), 2, 3, 4, 5, 6, 7, 11, 13, and 15 of Chapter 4 (California Uniform Retail Food Facilities Law), Division 104, Part 7, of the California Health and Safety Code, and Chapters 1 (beginning with Section 109875), 2, 4, 5, and 8 (California Sherman Food, Drug, and Cosmetic Law), and Division 104, Part 5, of the California Health and Safety Code.

(c) Only agricultural products may be sold or offered for sale at a certified farmers' market. The sale of nonagricultural products shall not be permitted in the area designated as a certified farmers' market.

(d) The certified producer's embossed photocopy certificate shall accompany the certified agricultural products during transportation and shall be conspicuously posted at the point of sale.

(e) When any agricultural products are sold by weight, the type of scale used shall be approved by the Department of Food and Agriculture and shall be tested and sealed for use by the county sealer-director of weights and measures.

(f) A certified farmers' market may allow, or prohibit, a certified producer or his/her immediate family member or employee to sell at that market certified agricultural products on behalf of a maximum of two other certified producers including, but not limited to, separate entities, such as partnerships, in which the certified producer has an interest as an individual member. If such practice is allowed, the following provisions shall be met by the certified producer and shall be specified in the certified farmers' market's rules and regulations:

(1) A certified producer shall not represent, nor be represented by more than two other certified producers in a 12-month period.

(2) Each certified producer's certified agricultural products to be sold or offered for sale shall be separated and identifiable by each certified producer's valid certificate at the point of sale.

(3) The name of the certified producer for whom another certified producer is selling shall appear on the certificate of the certified producer that is conducting sales at a certified farmers' market.

(4) The name of the certified producer who is selling the products of another certified producer shall appear on the certificate of the person or entity for whom the certified producer is selling.

(5) The certified producer selling for another certified producer shall be selling or offering for sale, at the same certified farmers' market on the same day, certified agricultural products which the certified producer conducting the sales has produced and which are in greater volume than the volume offered for sale for the other certified producer. For purposes of this section, the volume shall be measured by the weight or dollar value of the products at the time and point of sale. This volume requirement shall apply only at the beginning of each day of sale.

(6) The producer applying for certification shall obtain and submit to the agricultural commissioner, prior to certification, written authority from said other certified producers to sell on their behalf.

(7) Commission sales and buying and selling between certified producers is prohibited. Any payment made for the service of one certified producer selling for another certified producer shall not be related to the volume or value of the products sold.

(8) The operator of a certified farmers' market may prohibit or otherwise establish rules regarding sales permitted under this subsection that are more restrictive, provided that such prohibition or restriction is contained in the market's written rules and regulations.

(9) A certified producer who sells certified agricultural products on behalf of another certified producer or whose products are sold by another certified producer at a certified farmers' market shall keep for a period of not less than three years, the following records relating to such products:

- (i) Date of transfer to seller and accurate amount of products, by weight, dry measure, or count, transferred. Each separate product and amount shall be recorded according to variety.
- (ii) Date of sale and accurate amount of products, by weight, dry measure, or count, sold. Each separate product and amount shall be recorded according to variety.
- (iii) Names of both certified producers involved.

(10) A certified producer subject to this subdivision shall produce, for inspection, records required by this section upon demand of a representative of the department or county agricultural commissioner.

(g) The provisions of this section, and any amendments thereof, shall apply to all new certified producer's certificates, including renewals, upon filing with the Secretary of State, unless another effective date has been designated by the Office of Administrative Law. Certified producer's certificates already issued shall conform to the requirements of this section, and any amendments, within twelve (12) months of the certificate issue date.

(h) Any person selling organic products or representing products as organic at a certified farmers' market shall conspicuously post at the point of sale a photocopy of his or her current State of California organic registration and, if applicable, documentation of his or her organic certification. Prior to posting organic documents, it is permissible to conceal from public view acreage and dollar amounts pertaining to annual sales. A complete photocopy of the original, unaltered, current organic document(s) shall, upon the request of an enforcement officer, be made available for review at any time during participation in a certified farmers' market.

(i) Any person selling organic products or representing products as organic on behalf of another certified producer at a certified farmers' market shall conspicuously post at the point of sale a photocopy of the represented certified producers' current State of California organic registration and, if applicable, documentation of the represented certified producers' organic certification. Prior to posting organic documents, it is permissible to conceal from public view acreage and dollar amounts pertaining to annual sales. A complete photocopy of the original, unaltered, current organic document(s) shall, upon the request of an enforcement officer, be made available for review at any time during participation in a certified farmers' market.

(j) A certified producer shall not sell or represent sprouts as his or her own production resulting from practicing the agricultural arts if less than 50 percent of the seeds, legumes or nuts in any package or container have sprouts that have emerged from the seed, legume or nut coat, husk, pericarp or other type of covering.

**CALIFORNIA RETAIL FOOD CODE:**

When selling at the markets, the producer and the producer's agricultural products shall comply with all applicable requirements of the California Retail Food Code and the California Sherman Food, Drug and Cosmetic Law, specifically:

- (1) All food shall be stored at least six inches off the floor or ground or under any conditions that are approved.
- (2) Food preparation is prohibited at Certified Farmers' Markets with the exception of food samples. Distribution of food samples may occur provided that the following sanitary conditions exist:
  - (a) Samples shall be kept in approved, clean covered containers.
  - (b) All food samples shall be distributed by the producer in a sanitary manner.
  - (c) Clean disposable plastic gloves shall be used when cutting food samples.
  - (d) Food intended for sampling shall be washed or cleaned in another manner of any soil or other material by potable water in order that it is wholesome and safe for consumption.
  - (e) Notwithstanding Section 114205, potable water shall be available for hand washing and sanitizing as approved by the enforcement agency.
  - (f) Potentially hazardous food samples shall be maintained at or below 45 degrees F and shall be disposed of within two hours after cutting.
  - (g) Wastewater shall be disposed of in a facility connected to the public sewer system or in a manner approved by the enforcement agency.
  - (h) Utensils and cutting surfaces shall be smooth, nonabsorbent, and easily cleanable or single use articles shall be used.
- (3) Processed foods must be processed in an approved facility, properly packaged and labeled under clean and sanitary conditions.
- (4) Dried fruit and shelled nuts sold in an unpackaged bulk form must be displayed with a cover and conform to dispensing methods approved by the local health department.
- (5) No live animals, birds or fowl may be kept or allowed within 20 feet of any area where food is stored or held safe.
- (6) Vendors selling nonagricultural food products are required to have a valid Health Permit from the local jurisdiction and are not considered part of the Certified Farmers' Market.

(7) All products grown produced or processed as organic must be labeled according to the requirements of the Organic Foods Production Act of 1990. Organic product must be registered with the California Department of Food and Agriculture. Registration must be prominently displayed. In addition, product requiring certification by an USDA accredited certification agency must also prominently display the certification seal.

(8) Smoking is not permitted in produce display and immediate sales area.

### **III. ADMISSION OF A PRODUCER/VENDOR TO THE MARKET**

The FFMA reserves the right to verify the authenticity of a producer's certified production of agricultural products by the Association's designated inspector and one member of the Board of Directors. Any producer who disagrees with the result of the inspection report may file a written appeal with the Board of Directors within thirty (30) days of the date of that report. The decision of the Board, made at the next regular scheduled meeting, shall be final.

Admission to sell at any market shall be at the reasonable discretion of the FFMA. In making this determination, the General Manager should consider the following:

- A. Producer's/vendor's positive or negative history of the compliance with state, local government and market Rules and Regulations.
- B. Producer's/vendor's history of market participation. When practical, significant weight, priority, and preference should be given to producers returning from previous seasons.
- C. The competitive availability and number of sellers of producer's/vendor's product present within the market. If practical, monopolies and surfeits (gluts) should be avoided.
- D. Whether the present number of sellers of producer's/vendor's product is adequately supplying consumer demand.
- E. The number of spaces and other limitations of the market.
- F. A Certified Producer shall not represent, nor be represented by more than two Certified Producers at any FFMA market in a 12-month calendar year unless approved in writing. All 2<sup>nd</sup> certificate producers must be members of the FFMA.
- G. Importance of the FFMA as a marketing outlet for the producer's/vendor's overall marketing strategy.

Change of business ownership requires submission of a new application of FFMA, which will be processed as a new admission. The transfer or change of ownership does not grant or guarantee the new owner the same admission or current stall space assignment as the previous owner.

The FFMA may waitlist a new vendor for a period of time and may limit the kind of product allowed to be sold.

#### **IV. ADMISSION OF PRODUCTS TO THE MARKET**

Unless otherwise specifically listed as an additional authorized agricultural, processed agricultural, processed agricultural or nonagricultural product in this section, only fresh fruits, nuts, vegetables, shell eggs, honey, flowers and nursery stock listed on a producer's certificate may be sold at the market.

Admission of any certifiable agricultural or non-certifiable agricultural product to the market or nonagricultural product to an area adjacent to the market shall be at the reasonable discretion of FFMA. In making any determination in this regard, the General Manager shall consider the following:

- A. Producer/vendor history of selling such product within or adjacent to the market. When practical, significant weight and preference should be given to products sold by producer/vendor in previous seasons.
- B. The present number of sellers of producers/vendors product within or adjacent to the market. If practical, monopolies and gluts should be avoided.
- C. Product from contiguous counties will be considered first, after consideration of Placer and Nevada County producers/vendors.
- D. Quality of product offered by the producer/vendor. First quality produce receives highest consideration. Culls or lowest grade sales are not acceptable.
- E. All products sold must have been approved by the FFMA General Manager. Producers may not be allowed to sell at market all of the commodities listed on their Certified Producer's Certificate. New products which the producer/vendor wishes to sell during the market season must be approved by the General Manager.
- F. Other limitations and market policies affecting product admission.

All non-certifiable agricultural products must have been produced from product found on the producer's certified producer certificate. Producer must be able to show location and capability of processing or, if processing is done by a second party, the method used to insure that the processed product returned is comprised of the original source product submitted by the producer for processing. Certifications from the processor verifying this may be required. Producer must show that all processing was accomplished under safe and sanitary conditions and that all of the proper health permits and certifications have been obtained. Products must be approved by the General Manager prior to sale.

Any producer/vendor aggrieved by the General Manager's decision may appeal in writing for review by the President of the Board of Directors. A decision by the President can be appealed in writing to the Board of Directors within thirty days. The decision of the Board of Directors made at the next regular scheduled meeting shall as to this association be final.

#### **V. ASSIGNMENT OF SELLING SPACE**

The producer's/vendor's location, space size and other factors of assignment of selling space within a market shall be at the reasonable discretion of the Site Manager and the General Manager. Sellers must accept the stall space assigned to them by the Site Manager. In making any determination of the assigned space, the Site Manager and General Manager shall consider the following:

- A. Length of attendance at the specific market applied for.
- B. Length of attendance for the season. At year round markets preference will be given to vendors who sell all year long.
- C. Consumer-producer relationships.
- D. Causing or maintaining an unsafe or unsanitary condition at the market.
- E. Unreasonable or outrageous conduct considered detrimental or prejudicial to the purposes and interest of the market or the Association.
- F. The following Rules and Regulations apply to stall space assignments:

1) A producer's/vendor's selling privileges shall be suspended by the Market Manager if the producer's certificate is revoked, or if the producer/vendor fails to pass the Association's inspection. The first such suspension will be for a period of thirty(30) days, commencing upon the effective date of the Notice of Suspension. The second such suspension will be for a period of sixty (60) days commencing upon the effective date of the Notice of Suspension. A third such suspension, at any time during a producer's affiliation with the Association, will result in expulsion from the Association.

2) Whenever a producer/vendor does not adhere to Market arrival and departure times or fails to notify the manager of his/her intention to sell at the CFM on a specific day, the manager may revoke the producer's/vendor's stall space for two weeks. The producer/vendor may be assigned a different stall space than normal in the event of a late arrival.

## **VI. OTHER MARKET RULES, POLICIES AND REQUIREMENTS**

These additional rules shall apply to all producers/vendors within the Market:

- A. **Product Limitations.** Sales of out-of-season produce are allowable only to the extent of their reasonable and normal storage life or upon proof that such produce was produced by producer in greenhouse facilities operated by such producer. All fruits and vegetables must meet State of California standards for maturity and quality. Second Quality produce is not allowed as the primary product for sale at the individuals stand. Second quality fruits and vegetables are to be clearly marked as: #2, Cosmetically challenged, Visually Distressed, Pie Fruit, etc.
- B. **Scales.** All scales used in the Market must have current valid inspection seals from the seller's County Sealer of Weights and Measures.
- C. **Certificates.** Producer certificates with two or more names listed must proved acknowledged evidence of partnership or other legitimate business agreement.
- D. **Prices.** All prices must be clearly marked or posted. Collusion and deceptive pricing practices are prohibited. Bargaining with the consumer is specifically allowed.
- E. **Market Hours: Arrival and Departure.** The hours for any market shall be set by the FFMA. Sellers must arrive no earlier than 90 minutes prior to and no later than 30 minutes prior to the published opening time

of the market and leave within one hour after the published closing time of the market. Sellers may be required to relocate if they are set up too early. Sellers arriving less than 30 minutes prior to the opening of the market may be denied vehicle access and be required to offload. Sales prior to the posted opening hours of the market or after the posted closing hours of the market are allowed only at the discretion of the Site Manager with approval from the General Manager. Sellers may leave the market site prior to the published closing time only in case of emergency and only upon the approval of the Site Manager who will assess public safety and welfare. Stalls must be staffed during Market hours. Vendors are not allowed to disassemble booths before the end of a Market unless permission is received from the Site Manager.

F. Market Deliveries: All deliveries must be completed 30 minutes before the opening and otherwise conducted 30 minutes after the closing of the market. This includes delivery of CSA's, delivery of additional vendor product, vendor to vendor transfer of product, etc. Delivery vehicles must not be in the marketplace. Delivery vehicles are not allowed to double park, use handicap spaces or otherwise interfere with pedestrian and automobile traffic.

G. Market Attendance: Cancellations. Producers/vendors are required to cancel 24 hours in advance of the Market they will miss. They must notify the Site Manager of the market they will miss. Leaving a message on the Market phone line or e-mail to the general e-mail address does not constitute notice. Producers/vendors who cancel less than 24 hours before market day are responsible for the stall fee. Producers/vendors who fail to notify the Site Manager of a cancellation twice in a three(3) month period or cancel a market 3 times in a 3-month period may permanently lose their stall space for that market.

H. Product Packaging: Products that are prepackaged, closed and sold by weight must be labeled with the name, address and zip code of the producer/vendor and a declaration of product identity and net quantity. The producer/vendor must make sure that all other applicable labeling requirements for their product(s) are met.

I. Setups, Safety and Sanitation:

1. All display table frontage must be behind the setup line designated by the Site Manager. No boxes or produce displays may extend into the common customer traffic aisle way. Tables and other display fixtures must be sturdy, stable and not overloaded. All shades and shelters must be tied down and completely secured in windy conditions or be subject to immediate and uncompromised removal.

2. Absolutely no rubbish of any type will be allowed on the stall grounds, the consumer area directly surrounding the stall, or in any other contiguous area that could constitute a health or safety issue. Any waste water generated during the market for washing of produce or utensils must be collected by the producer/vendor, removed from the market area in a container with a lid, and properly disposed of at the producer's/vendor's farm or business through the approved plumbing system which shall discharge into the public sewerage, into an approved private sewage disposal system, or as approved by the enforcing officer.

3. Before the producer/vendor may leave the market, both the stall section and the surrounding area must be totally free of any produce and debris. Producer's/vendor's trash shall be removed by the producer/vendor and disposed of properly. Failure to follow the above referenced issues will result in the revocation of the sellers stall space and a \$50.00 fine.

4. Pets are not allowed within the confines of the market as per State Health and Safety Code.

J. Sampling: Sampling of products is allowed only so long as the sampling procedures are in compliance with state and county regulations concerning the safe distribution of food products. The FFMA may issue its own sampling guidelines that are more restrictive than those of the state or county.

K. Noise, Disturbance, and Intrusion. With few exceptions, no radios are allowed to be played during market sales hours. No loud hawking, barking or shouting to promote product is allowed. All product promotion must occur within the space assigned to the producer/vendor and not in any common area. Disruptive action in the market is prohibited.

L. Signage:

1. All producers/vendors must display a sign identifying their name or the name of their establishment and the city or town where their production occurs.

2. Signs posted by producers/vendors may be subject to approval of the Market Manager. Negative signage such as "Please don't touch the produce" is not allowed.

3. Easy to read signs must be posted for each product listing the name of the product and the price. Second quality produce must be labeled accordingly.

4. All certified producer certificates, permits and licenses are required to be displayed during selling hours.

M. Stall Spaces:

1. Each regular stall space is 10'x10' with 10' of linear selling frontage. Vendors who elect to rent more than stall space may be required to rent that amount of space for the entire season. This is dependent upon the market and space availability.

2. Vendors who have vehicles larger than the parking space allocated to their stall space may be required to offload their vehicle. Typically, one 10'x10' stall space will accommodate one standard size pickup.

2. Stall space assignments are at the discretion of the General Manager and/or Site Manager.

3. Signs or products must be placed so as to not block more than 50% of the line of vision from one stall to any other stall.

4. Vendors are expected to remain for the full length of the market. Vendors are required to leave stalls and tables set up in the event that they sell out of product for the day. The market recommends that vendors have signs in place that identify that the vendor is out of product. The market further recommends that the vendor have some type of marketing materials available for the customer to take away.

N. Conduct:

1. Any statement and/or action which is deemed to be offensive, abusive, or otherwise inappropriate to a customer, site manager, market staff person, attending producer/vendor, or any official from a city, county, or state agency conducting business within the Market parameters, will be considered a violation to these market rules and will be subject to any or all disciplinary steps indicated in these market rules.

2. All producers/vendors shall sell/market their products in a manner satisfactory to the Site Manager and General Manager and in an honest, conscientious and business-like manner.

3. Producers/vendors must wear shirts/shoes while on the market premises.

O. Insurance:

1. Producers/vendors must, at all times while selling in an FFMA market, take out and maintain in full force and effect a current policy or policies of general public liability and product liability. These policies must name the ***“FFMA, its employees and agents” as an Additional Insured; give FFMA ten (10) days advance written notice prior to its cancellation, if canceled during the operated season; and provide coverage of \$1,000,000.00 each or greater.*** A certificate showing proof of insurance naming the FFMA as an additional insured shall be filed with the Association before entry into a Market.

2. In addition, all members must carry an automobile insurance policy.

M. Sales of Organic Products: The only products that may be promoted, represented or sold as organic are those that meet the requirements of the Organic Foods Production Act of 1990. The promotion, representation or description of products as organic that do not meet the requirements of the OFPA of 1990 is a violation of the law and these Rules and Regulations. If a producer is selling both Organic and Conventionally grown products at the same stall, clear and concise separation of the products and signage shall be required.

Violations of these rules or policies may result in a fine, penalty or other disciplinary action. The severity of any penalty or discipline imposed shall be directly related to the gravity or repetition of the violation. The following disciplinary steps may be issued by the Site Manager or the General Manager. Severity of the penalties will be dependent upon the nature and intent of the offense and may not necessarily following the order below:

- A. An oral warning
- B. A written notice of violation
- C. A written notice of violation with a \$25.00 fine
- D. A written notice of violation with a fine determined by violation
- E. Market suspension of any length, up to eighteen months

A producer/vendor is responsible for the actions of the producer's/vendor's representatives, employees, or agents.

If possible and reasonable under the circumstances, a Site Manager with the General Manager must attempt to give adequate warning and notice of consequential action prior to the actual action of removal or other disciplinary action.

The Board of Directors will review all disciplinary actions at a regularly scheduled meeting.

Any producer/vendor removed or disciplined by the action of the Site Manager or General Manager shall have the right of written appeal and review by the President of the Board of Directors.

The President, after review, may uphold, modify, or negate any decision by the General Manager. Decisions by the President may be appealed in writing to the Board of Directors within thirty (30) days. The decision by the Board of Directors at the next regular scheduled meeting in regard to all above matters shall as to this association be final.

If a producer/vendor challenged the FFMA in a court of law and the court finds in favor of the FFMA, said producer/vendor agrees to pay all costs associated with the legal action.

The penalty for producers/vendors who sell product(s) not of their own production is suspension and/or a fine subject to the discretion of Board of Directors. This applies to the owner(s), producer(s), employee(s) or other representatives associated with the business. The maximum suspension period shall be eighteen months and withdraw all consideration with respect to past participation for same. Suspended party(s) shall not sell for her(himself) or on behalf of any other producer during the suspension period at any market operated by the FFMA. A fine of \$250.00 will be due upon suspension. Conditions for re-entry will include the costs of two(2) inspections by designated representatives to the farm or other locations(s) where products are produced, processed or held.

A second violation will cause permanent disqualification for all FFMA markets.

A producer/vendor that is cited by the Department of Agriculture or the Environmental Health Department and/or causes a re-inspection will be responsible for the re-inspection fees. A producer/vendor whose violation results in a penalty or fine against the FFMA or one of the FFMA markets will be responsible for reimbursement of the penalty or fine to the FFMA.

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## VII. DEFINITIONS

### California Retail Food Code

#### 113871.

(a) *"Potentially hazardous food" means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic micro-organisms, the growth and toxin production of Clostridium botulinum, or, in raw shell eggs, the growth of salmonella enteritidis.*

(b) *"Potentially hazardous food" includes a food of animal origin that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic-in-oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth as specified under subdivision (A.)*

(c) *"Potentially hazardous food" does not include any of the following:*

1. *A food with an aw value of 0.85 or less.*
2. *A food with a pH level of 4.6 or below when measured at 75°F.*
3. *A shell egg that is not hard-boiled but has been treated to destroy all viable salmonellae.*
4. *A food in an unopened, hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution.*
5. *A food that has been shown by appropriate microbial challenge studies approved by the enforcement agency not to support the rapid and progressive growth of infectious or toxigenic micro-organisms that may cause food infections or intoxications, or the growth and toxin production of Clostridium botulinum, such as food that has an aw and a pH that are above the levels specified under paragraphs (1) and (2) and that may contain a preservative, other barrier to the growth of micro-organisms, or a combination of barriers that inhibit the growth of micro-organisms.*
6. *A food that does not support the rapid and progressive growth of infectious or toxigenic micro-organisms, even though the food may contain an infectious or toxigenic micro-organism or chemical or physical contaminant at a level sufficient to cause illness.*

## VIII. SAMPLING GUIDELINES

### Farmers Market Sampling Procedures

1. Produce must be clean
2. Your hands must be clean
3. Your utensils must be clean
4. Handle all waste properly
5. Correctly give samples
6. Keep potentially hazardous foods cold

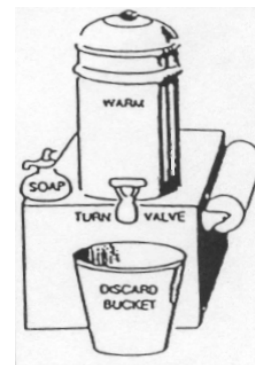
**Be aware that food preparation is prohibited at Certified Farmers' Markets with the exception of the food samples. Distribution of food samples is allowed provided that the following sanitary conditions #1-6 exist:**

**1. Produce must be cleaned:** Food intended for sampling shall be washed cleaned in another manner of any soil or other material by potable water in it is wholesome and safe for consumption.

**2. Your hands must be cleaned:**

Provide a hand wash station that includes:

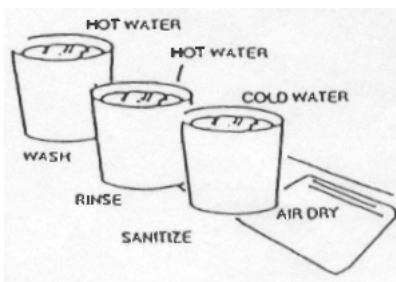
- A minimum five gallon water container with warm potable water and a dispensing valve which leaves hands free for washing, with single-service towels at each booth. Make sure you have a container to catch the wastewater. Clean disposable plastic gloves shall be used when cutting food samples.



or  
order that

soap and

**3. Your utensils must be cleaned and sanitized, acceptable sanitizer solutions are:**



- (1) 100 ppm chlorine – ½ ounce per gallon of water (1/2 oz = 1 tablespoon)
- (2) 200 ppm quaternary ammonium – ½ ounce per gallon of water
- (3) 25 ppm iodine – ½ ounce per 2.5 gallons

3 containers for cleaning of equipment shall be provided for washing, rinsing and sanitizing of all utensils. (1). Potable water with soap; (2) Clear, potable water for rinsing; (3) Potable water with approved sanitizer.

- Cutting boards and other items used in sampling (containers) must be washed, rinsed, sanitized and air-dried before use

• All utensils should be food grade (approved for food contact), Non-absorbent, (plastic or metal), and in good repair. Utensils and cutting surfaces shall be smooth, nonabsorbent, and easily cleanable, or single-use articles shall be utilized.

**4. Handle all waste properly in the following approved ways:**

- Liquid waste, which includes ice, must be disposed of into a sanitary sewer system (not street drains or nearby plants)
- Farmers must take their waste (both solid and liquid) back to their farms or dispose in containers provided by the market's Event Coordinator or Site Manager.

## **5. Correctly give samples:**

- Samples must be protected from droplet contamination, insects, dust, and a customer coming in contact with more than their sample.

- Samples must be kept in approved, clean covered containers.

- Here are the seven methods that have been approved, but remember that other methods are possible. Use these as a guideline if you have an item that does not exactly fit one of these:

(1) Capped Squeeze Bottle – for items such as honey. Bottle is uncapped, and product is squeezed onto a disposable stick for each customer. Bottle is recapped. Stick is discarded.

(2) Modified shaker Bottle – for items such as nuts or grapes. The opening of a squeeze bottle is enlarged to allow a bottle to shake out a limited number of items per shake in the hand of the customer.

(3) Bulk Liquid Container – for items such as juice, dispensed with a down-facing, self closing spout into a cup given to the customer. Cup is used once, and then thrown away. Wash the container in an approved kitchen.

(4) Small Sample Cup – for items such as sprouts or jams. Disposable cups are filled in an approved manner for individual distribution to customer.

(5) Covered Serving Dish – for products such as sprout mixes, jams, jellies. Serving dish should have a hinged lid that opens on the grower's side of the table. Grower lifts lid and use as disposable spoon to scoop out a small sample portion. Spoon is given to customer.

(6) Sliced Produce – carried in washable containers with lids, and dispensed by grower by the use of disposable toothpicks, etc.

(7) Sneeze guards must be of sufficient size to intercept fluids and contaminants from the public.

\* You must provide a waste container for the customers to use, if you distribute paper cups, toothpicks, spoons etc.

## **6. Keep Potentially Hazardous Foods Cold.**

Potentially hazardous food samples shall be maintained at or below 45°F and shall be disposed of within two hours after cutting.

## IX. Free Speech

“Free Speech Zones” have been designated in each market operated by the Foothill Farmers’ Market Association.

The following rules apply to all person(s) wishing to participate in the “Free Speech Zones”:

- Please go to the information booth at each of our markets and ask for the Site Manager. He/She will assign you a space for that market on the day requested. Spaces are limited and will be assigned strictly on a first-come, first-serve basis. (The Site Manager may *not* grant or deny space simply on the basis of your political or religious views.)
- You may set up a card table or folding table no larger than [6x3] in your assigned space. Larger tables are not permitted because they impede the flow of traffic and create safety hazards during emergency evacuations.
- In conducting your free-speech activities, you may not block or impede traffic flow around the entrance to the market, around any designated exits, or in any fire lanes.
- You may not block, restrict access to, or otherwise interfere with the operation of the market or its vendors.
- Because umbrellas and tents can cause injuries if they are not adequately set up and secured, you like all the other vendors, are not permitted to set them up in the free-speech area without first submitting a complete application to the market manager with evidence of insurance coverage as per application as well as follow all the rules and regulations regarding set-up and tie down requirements for all market vendors equipment during inclement weather. You may obtain an application form at [www.foothillfarmersmarket.com](http://www.foothillfarmersmarket.com).
- We ask that you respect our patrons’ right to privacy by not pushing unwanted materials on them.
- We encourage you to restrict your distribution of flyers and other material, both to cut down on waste and to avoid the buildup of trash that could impede the flow of traffic in the market.
- To respect the right of all people in the free-speech zone to be heard and to allow our patrons to hear emergency evacuation alarms, we do not allow amplification equipment in the free-speech zone.
- Commercial activities are not permitted in the free-speech zone.
- The above rules have been instituted to protect the safety of our patrons and to guarantee the free-speech right of people who visit our markets. Violation of any of the above rules may result in your removal from the market and/or a denial of subsequent access to the free-speech zone.
- Individuals wishing to participate in the “Free Speech Zone” must fill out the following sign-in sheet prior to participation in the appropriate market showing that they acknowledge these rules.

### Sign-In Sheet

**The undersigned person acknowledges they are the responsible party for the group named which is utilizing the Free Speech Zone on the date indicated.**

**The undersigned accepts responsibility for all actions and activity of the group in connections with the Foothill Farmers Markets activities.**

**The undersigned agrees that the group which the undersigned represents (or the undersigned, if acting in an individual capacity) will indemnify and hold harmless the Foothill Farmers' Market Association.**

**The undersigned person additionally acknowledges they have read the rules for the area and agree to comply with those rules.**

Date: \_\_\_\_\_  
Group Name: \_\_\_\_\_  
Responsible Person: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
ID: \_\_\_\_\_  
Signature: \_\_\_\_\_

Date: \_\_\_\_\_  
Group Name: \_\_\_\_\_  
Responsible Person: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
ID: \_\_\_\_\_  
Signature: \_\_\_\_\_