

# Local Health's Oversight Role with Farmer's Markets and On Farm Food Sales

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## Introduction

- Farmer's Markets – Why are they of such importance to farmers?
- Potential problems with food sold at markets
- Enforcement issues at local health departments
- Possible solutions
- New regulations



## Potential Money Makers

- Obviously, one way a farmer can increase profitability is by directly marketing their products directly to consumers.
- Variety of ways to do this
- Participation in a Farmer's Market
- Roadside Farm Stand
- They can now process certain foods directly on the farm and market their products through traditional distribution streams.
- Sell animal products directly to consumers and utilize a USDA approved packaging plant where the consumer can directly pick up their product.



## So what are the problems

### **August – September 2006 - Survey of Farmers Markets and Local Health Dept. Inspection processes noted some significant problems.**

- Many processed foods were manufactured and sold without required Licenses required by the Department
- Home canned vegetables were available for sale, one of 17 was adulterated and not adequately processed to preclude the growth of botulism.
- 1 of 7 samples of vegetable jams, jellies or butter had a water activity level above the threshold that may have allowed growth of staphylococcus bacterial and formation of toxins.
- Multiple canned vegetables were misbranded, failing to have required labeling to indicate ingredients.
- Meats and dairy products were available for sale without labeling indicating source or keep refrigerated statements. Risk of Listeria Monogenes and numerous other zoonotic agents



## **More problems**

- Inadequate process control during manufacturing was evident in 12% of pickled and jellied vegetables
- Un-refrigerated eggs were being sold – risk of salmonellosis (Required to be stored at 45 degrees air temp)
- The unlabelled products that were found could increase the risk of allergenic reaction in consumers buying the products.



## **Problems at Local Health**

- Inconsistent regulation of food sales from County to County
- Some Counties doing a fairly good job ensuring that food sold at markets were from approved sources, safe, wholesome and properly labeled.
- Other Health Departments were not regulating farmer's markets at all or only regulating certain activities.



## Solutions

Training for LHD staff so that appropriate oversight of retail sales of markets.- This training took place in 2006 but with the turnover rate of LHD EH staff, should be conducted on a routine basis.

Increase capacity to process plan reviews and food license applications. – Staff limitations at DHMH. No current process authority in Maryland. University of Md. Working to establish this authority again. Private consultants would be prohibitively expensive for most farmers.

Publish specific requirements for food sales at farmers markets in current revision of COMAR 10.15.03. Now available but some what confusing. Need to condense the requirements to a one or two page summary sheet that can be made available to agricultural marketing managers, other Farmer's Market organizers, and farmers.



## New Regulation 10.15.03

### Definition – Farmer's Market

#### A place where a person sells:

- Raw agricultural products (fruits, vegetables, and grains) supplied directly from the farm.
- Food processed in a private kitchen located on a farm. Certain types of fruit butters and jams and jellies are enumerated. Conditional on meeting permit requirements of 10.15.01 (pertaining to acid food canning) and offered for sale only at a farmer's market
- Non- potentially hazardous baked goods
- Food manufactured on the farm by a licensed food processor in accordance with 10.15.04.19 (On-farm home processing regulations)
- All other foods produced by a licensed processor.



## **Inspection Requirements**

- Regulation requires Health Departments to inspect farmers markets to ensure compliance.
- Requires Health Department to take action against misbranded or adulterated food.



## **Conditions for Waiving License**

- Place of business meets definition of a farmers market; and
- Foods sold are only fruits and vegetables or the foods specifically listed as permitted for sale at a farmer's market.



## Licensure

- Regulations allow waiver from licensure as a food service facility for farmers markets that meet the defined criteria.
- Markets are required to be inspected to ensure compliance with the standards
- Action may be taken against vendors that sell food from unapproved sources and that are mislabeled



## Conclusions

- Local health will be a critical link in educating organizers of farmers markets and specific vendors of what is permissible to sell and what is not. New regulations provide a good framework.
- Local health must be consistent in monitoring these type of facilities to ensure compliance
- There will always be grey areas that must be handled on a case by base basis. To expect uniformity in how these issues are handled by individual sanitarians or health departments may be unrealistic.