

Truro Board of Health Farmers Market Policy

Traditionally, a Farmers Market is a market, consisting of two or more vendors that promote and sell whole products grown and raised by participating farmers.

However, some farmers markets have expanded into food operations where prepackaged food is retailed or food is prepared, portioned or sampled on site. In addition, some farmers markets retail non-food products such as plants, flowers, soaps, candle etc.

Boards of Health has been faced with decisions regarding evolving Farmers Markets. These decisions have included location, sanitation, and types of food offered. The Truro Board of Health views its role in the oversight of a Farmers Market as:

- An assessment of the facilities available to the farmer's market.
- An obligation to assure that all food products being offered for sale in a safe and sanitary manner.
- Prohibiting the sale of certain food items if the items cannot be prepared, transported, displayed and sold in a manner that protects the consumer.
- Enforcing the provisions of the State and Federal Food Code, consistently, fairly and firmly. This enforcement includes the requirements for food handling and licensing.
- Granting variances, where appropriate.

After reviewing the above, it is the opinion of the Board of Health that it should work with the local farmers market to ensure that all processed food products are prepared, stored and displayed in a manner that promotes good public health principles and is consistent with the State and Federal Food Codes.

For the purpose of this policy the following definitions apply:

Farmers Market:

A public market, consisting of two or more vendors, for the primary purpose of connecting and mutually benefiting Barnstable County farmers, communities, and shoppers while promoting and selling products grown and raised by participating farmers. For the purpose of this policy **whole farm products** include:

- Fresh produce (fresh uncut fruits and vegetables)
- Unprocessed honey (Raw honey as defined by the National Honey Board: Honey as it exists in the beehive or as obtained by extraction, settling or straining without added heat.)
- Maple syrup
- Farm fresh eggs (must be stored and maintained at 45°F (7.2°C))

Farmers Market Retail Food Permit: A permit issued to a vendor who sells pre-packaged, processed foods or food other than those defined as farm products at the Farmers Market.

Farmers Market Whole Farm Product Registration: A form completed by the vendor to sell whole farm products as defined above.

¹ Adopted by the Truro Board of Health – 3/5/13

Mobile Food Establishment: A licensed self-contained food service operation located in a vehicle or push cart, self- or otherwise propelled, used to store, prepare, display or serve food intended for individual portion service.

Farmers Market Responsible Person or Market Manager:

- All farmers markets must designate a market responsible person or market manager, who would be an individual or committee who is responsible for the overall market management.
- All potential Farmers Market vendors requesting to receive Board of Health Approval/Permits must be authorized by the Markets Responsible Person or Market Manager.

It is the opinion of the Board of Health that all vendors serving food items other than the items included in the above definition of a whole farm product are required to be licensed per the requirement of the State and Federal Food Code. They are also required to meet the Minimum Standards of the State and Federal Food Code unless otherwise receiving a variance.

Policy

All farmers markets in Truro, as defined above, must be reviewed and approved by the Board of Health for the purposes of:

- **Reviewing the products to ascertain if they meet the definition of Whole Farmed Products as defined above.**
- **Reviewing the products to ascertain if the market proposes the sale of foods other than Whole Farmed Products.**
- **Assessing the facilities available to the market.**
- **Reviewing the procedures being put in place to assure that all food product being offered can be done safely.**

All farmers markets must designate a responsible person to meet with the Board of Health prior to the start of each Market season to review the operations of the market. This review must include the location, dates and times of operation, vendors and their associated food products proposed at the market.

All vendors, authorized by the Markets Responsible Person, meeting the requirements of the State and Federal Food Codes, and approved by the Board of Health will be eligible for either a Farmers Market Retail Food Permit or a Temporary Food Service Permit

Approvals

- 1. If a Market meets the definition of a farmers market as defined above the Farmers Market must register with the Board of Health. This Registration allows vendors to sell whole farmed food products at the farmers market.**
- 2. If the Market serves food other than those defined as Whole Farmed Food Products, each vendor serving such food must apply for a Farmers Market Retail Food Permit or a Temporary Food Service Permit. All permits shall be granted to a specific applicant for a specific site and are subject to all fees and conditions established by the Board of Health.**
- 3. All potential Farmers Market vendors requesting to receive Board of Health Approval/Permits must be authorized by the Markets Responsible Person.**

² Adopted by the Truro Board of Health – 3/5/13

4. **All applications for Farmers Market Retail Food Permits and Temporary Food Permits shall be reviewed to for the purposes of:**
 - **Assessing the facilities available to the market.**
 - **Reviewing the procedures being put in place to assure that all food product being offered can be done safely.**
 - **Assessing compliance with the provisions of the State and Federal Food Code, including the requirements for physical facilities, sanitation, hand washing facilities, refrigeration and food handling.**
 - **Reviewing requests for variances from the State and Federal Food Codes.**
5. **All Farmers Market Retail Food Vendors must meet the Department of Public Health's Food Labeling requirements (105 CMR 520.000)**
6. **A Mobile Food Vendor, authorized by the Markets Responsible Person, licensed in Truro may, within the restrictions of its permit, prepare, portion, sell or give away food at the Farmers Market.**
7. **Food Demonstrations: A Farmers Market authorized vendor may, with Board of Health approval, conduct a food demonstration at the Farmers Market if no samples are going to be provided to the public. If samples are provided to the public, a Temporary Food Service Permit is required.**
8. **The sale of wine or other alcoholic beverages is subject to the approval of the Truro Board of Selectmen, the Massachusetts Department of Agricultural Resources and the Alcoholic Beverages Control Commission.**
9. **Applicants wishing to sell shellfish or finfish at the farmer's market must submit the following documents to the Board of Health:**
 - **A copy of a valid current retail seafood permit or retail seafood truck permit from DMF.**
 - **A written operational and HACCP plan (which adequately addresses food safety hazards associated with the activity.)**
 - **Verification that the vehicle used to transport shellfish or finfish to the farmer's market is insulated and mechanical refrigerated.**
 - **Verification that the shellfish or finfish offered for sale at the farmer's market will be held under appropriate temperature controls, e.g., insulated mechanical refrigeration, ice, or other approved temperature controls.**
10. **Applicants wishing to sell Meat or Poultry:**
 - **Meat must be slaughtered in a federally inspected facility. The applicant must submit a copy of the facility license issued by the Food Protection Program.**
 - **Poultry must be processed in a USDA facility or state only licensed facility (Mobile Poultry Processing Unit). Applicant must submit a copy of the facility license.**
11. **Applicants wishing to sell Milk or Milk Products:**
 - **Raw milk for sale is prohibited.**
 - **Cheeses must be processed in a licensed food manufacturing facility.**

Adopted by the Truro Board of Health – 3/5/13

Non-Food Products:

The Board must evaluate Non-food items to determine if it creates a conflict with the safe storage, display and sale of food products.

Prohibitions

- 1. The Board of Health will prohibit the sale of certain food items if in the Boards opinion, the items cannot be prepared, transported, displayed and sold in a manner that protects the consumer.**
- 2. The sale of live animals, other than lobsters and shellfish (as noted above) is prohibited at Farmers Markets.**
- 3. The sale of any smoking blend, alternatives, or any smoking product is prohibited at the Farmers Market.**
- 4. Any item, which by its presence at the Farmers Market creates a conflict with the safe storage, display and sale of food products.**

Waivers

- 1. The Board of Health may waive the application of any provision of this policy with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and provided that the decision of the Board of Health shall not compromise the protection to the public by forfeiting sound public health principles including but not limited to proper food sanitation practices and adequate storage and display of food.**

Adopted by the Truro Board of Health – 3/5/13