

## **HEALTH DIVISION REVIEW FOR FARMER'S MARKET**

MDAR definition for farmer's markets, "*public markets for the primary purpose of connecting and mutually benefiting Massachusetts farmers, communities, and shoppers while promoting and selling products grown and raised by participating farmers.*" Market Managers must apply and receive Use of Premises with the Building Division of Boston Inspectional Services.

### **Exempt Farm Products**

\* MDPH interpretation of farm products includes:

- Fresh Produce (fresh uncut fruits and vegetables)
- Unprocessed honey from MDAR inspected apiaries  
(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).

*BISD reviews for exemption if the above was produced on the farm.*

*An application must be submitted for all non-exempt food products.*

***Note -Foods sold by weight will require permitting by the Weights & Measures Division***

### **Vendors that require a retail food permit**

Each vendor that sells processed / prepared food products other than those farm produced products listed above, must be licensed as a farmers market retail food operation and inspected by the Boston Inspectional Services Department, Health Division in accordance with the 105 CMR 590.000 State Sanitary Code.

### **Retail Foods**

Examples of processed foods: pies, cookies, breads, jams and jellies, candy, and baked goods. These and other prepared and processed foods, if approved, are assessed for source, soundness, and safe handling.

BISD must assess the facilities available to the farmer's market and prohibit any foods or practices that cannot be safely performed. In addition, BISD prohibits preparation outside of a licensed food establishment for which the vendor is permitted. The establishment must be inspected and licensed for the food products produced in accordance with 105 CMR 590.000, and other state, local and federal agencies as required.

### **Safe Food Handling Practices**

#### ***Physical and Sanitary Facilities***

Farmers markets require restrooms and hand washing facilities nearby that vendors may use. If facilities are not nearby, the market must provide portable restrooms and hand washing facilities for use by vendors. Hand washing sinks must be easily accessible to vendors for use before donning gloves, sampling, demonstrating or dispensing foods. If only agricultural products and packaged food items are offered for sale, there is no requirement for hand washing stations at each individual vendor area. However, if portable toilets are provided, a hand washing station must also be made available.

## **FARMER'S MARKET REGULATORY REVIEW (cont.)**

### ***Approved Source***

*Processed/prepared foods* sold at a farmer's market must be manufactured in a licensed food processing facility, a licensed food establishment, or a licensed residential kitchen (non-potentially hazardous foods only) and subject to verification for preparation of foods produced. Copies of residential kitchen permits, retail food establishment permits or food manufacturing licenses at which the food was prepared must be submitted to BISD along with the vendor's application. Out of state vendors must be compliant with federal requirements for transport / sale in MA. ***Meat and poultry*** must be slaughtered in a federal and/or state licensed and inspected facility under USDA inspection. Meat and poultry must be transported and stored frozen solid.

***Finfish and crustaceans*** . The sale of seafood such as *crustaceans and finfish* is in preliminary stages and requires permission under a pilot program. They may be sold at a farmer's market provided they are sold only from a vendor who holds a Division of Marine Fisheries (DMF) seafood dealer permit in addition to the farmers market food permit. If the finfish and crustaceans at the farmer's market are sold from a wholesale seafood truck, the permit required from DMF is a wholesale seafood truck permit. The additional farmers market retail permit allows the permit holder to use the permitted truck at the location for which it has approval. However, when finfish and crustaceans are transported by a licensed seafood dealer vehicle and sold at a properly constructed booth at a farmer's market (i.e., not directly from a permitted seafood truck), a separate farmers market retail permit is required for each vendor and each market location.

### ***Meat and Poultry***

Meat must be slaughtered in a federally inspected facility. These facilities are also licensed by FPP. USDA-inspected meat products must bear the mark of inspection on each retail package. Poultry products may be processed in a USDA facility or a state only licensed facility if the processor is working under the exemptions allowed in the USDA Poultry Act.

### ***Raw Milk and Raw Milk Products***

Raw (unpasteurized) milk is not allowed for sale at farmer's markets in accordance with 105 CMR 590.000. Raw milk is only allowed for sale in Massachusetts at farms which are certified and inspected by DAR. Aged cheeses made with raw milk that are made in a licensed food manufacturing facility are an approved food supply provided that vendors maintain strict temperature control of 41°F or below. Mechanical refrigeration is required.

### ***Wine***

Legislation passed in August, 2010 allows licensed farm-wineries to sell wine at farmer's markets. The licensed farm-winery seeking to participate in the agricultural event is the applicant and must submit the agricultural event certification application to DAR. After the application is approved by DAR and the agricultural event is certified, the farm-winery will need to submit an application to the local liquor/license control board that has jurisdiction over the event's location to obtain a license to allow the sale of wine. The city licensing authority may then issue a special license for the sale of wine at the event.

## **FARMER'S MARKET REGULATORY REVIEW (cont.)**

### ***Temperature Control***

Any food requiring temperature control for safety must be held at proper temperatures in accordance with 105 CMR 590.000 and federal laws governing those foods during transportation. Mechanical refrigeration to store at / below 41F is required on site for potentially hazardous foods (PHF's). This includes cut produce such as melons, raw seed sprouts, cut tomatoes, raw garlic mixtures, and chopped greens must be kept refrigerated at or below 41°F. Food temperatures must be maintained during storage, sampling and display for sale and verified with a food thermometer. Meats and poultry must be kept frozen.

### ***Display Conditions***

Fresh uncut fruits and vegetables can be displayed in open air. They should be stored off the ground. Vendors use a table, empty crates or boxes underneath the crates holding the produce. All food products, with the exception of uncut produce, require protection while on display. Vendors may individually package items such as baked goods or, if displayed in bulk, cover the items until dispensed to the consumer. Items offered in bulk must be dispensed with a utensil, single use glove, or single use paper sheet.

### ***Food Samples***

Food samples should be cut, wrapped and secured in the licensed facility in which they are manufactured, and must be protected from environmental and consumer contamination during transportation and display. This includes produce for sampling. Any food handling process involving exposed ready-to-eat foods must be closely evaluated for proper controls and restricted if there is any potential for contamination or growth of pathogenic organisms. If a vendor offers food sampling, access and use of a hand washing station is required.

### ***Food Demonstrations***

Demonstrations offered at the farmer's market for educational value with prior board of health notice, review, and approval. Safe food handling practices, including required food temperatures, must be followed. Sample portions are to be prepared in accordance with food samples stated above. The intent is that the food is not for food service. Check with Boston Fire Department for cooking permits and tent / structure requirements.

### ***Product Labeling***

All packaged foods must be labeled with the common product name; list of ingredients, nutrition labeling unless exempted; all FDA certified colors, name and address of the manufacturer, packer, or distributor and major food allergens as outlined in the MDPH brochure; "Keep refrigerated" or "Keep frozen" (if perishable). All perishable or semi-perishable foods require open-dating and recommended storage conditions printed, stamped, or embossed on the retail package. Once an open-date has been placed on a product, the date may not be altered.

## **FARMER'S MARKET REGULATORY REVIEW (cont.)**

### **For additional information about:**

- Opening and operating a farmers' market and wine sales at farmers' markets, contact the Massachusetts Department of Agricultural Resources at 617-626-1754
- Food safety and sanitation, licensure and city requirements, contact the following City of Boston Departments:
  - Use of Premises Permits Private property -Building Division 617- 635-5312,  
Public property – Public Works, 617-635-4911, Public parks -Parks & Recreation,  
617-635-4505
  - Health Division Farmers Market Retail Vendor Permits 617-635-5326
  - Weights & Measures for foods sold by weight 617-635-5328
  - Boston Fire Department for tent structures at 617-635-5300, fire inspections for cooking demonstrations at 617-343- 3447
- State Regulations, contact the Massachusetts Food Protection Program at 617-983-6712.
- Seafood Dealers at Farmer's Markets Pilot Program, contact Charlie Cook, Assistant Commissioner of Health, 617-961-3209 and John Racioppi, Seafood Supervisor, Massachusetts Food Protection Program at 617-983-6774.