

July 5, 2011

Councilman Pat Dolan
St. Louis County Council
41 South Central Ave.
Clayton, Missouri 63105

Dear Councilman Dolan,

It was a pleasure to meet with you and the other Health and Justice Committee Members at the hearing on June 28. I appreciate your openness to hearing information about the need for a Farmer's Market Food Establishment/Facility Permit that replaces the permits which are currently being applied to farmers and other food vendors at St. Louis County farmers markets. With your confirmation to move forward with a proposal to amend the permitting and fee structure as it applies to next year (2012), thereby giving some time to further research criteria for the outline of the actual bill and permit, I would like to take the opportunity to focus on your recommendation for a moratorium on the St. Louis County Health Department permitting fees for the rest of 2011.

I respectfully urge you to go forward with a moratorium on permitting fees for several reasons. First, of course, is the intent of Missouri Statute 150.030 as outlined in the June 7 letter by the Missouri Department of Agriculture's General Counsel, Michael Warrick. Even though farmers have already paid their permitting fees for 2011, a moratorium at this time would relieve the financial burden of another fee for any farmer who wants to add another farmers market to their schedule. It would also relieve the financial burden for any farmer who wants to sell or give samples of a "value-added" product like beef jerky. A moratorium would give St. Louis County a way to immediately be in compliance with statute 150.030.

The other reason to instate a moratorium on permitting fees is that currently there are gross inconsistencies in how and when the fees are applied. Inconsistencies vary widely depending upon which Health Department office a permit is issued from, who owns the farmer's market, who is interpreting the 2011 Farmer's Market Guidelines, and which district the Market is located in. Following are a few examples of permitting and fee inconsistencies:

- The Clayton Farmers Market, which is owned by Straub's in a Cooperative Partnership with the City of Clayton, is required to pay a fee for Temporary Food Establishment Permits (TFE) at \$35/14 days for Chef Demonstrations and Tastings. The Webster Groves Farmer's Market, which is owned by the City of Webster Groves, and the Ellisville Farmers' Market, which is classified as a non-profit, are not charged permitting fees by the Health Department for Chef Demonstrations.
- On June 9, Stone Hill Winery was told they needed to purchase a TFE permit at \$35/14 days to do wine tastings at the Clayton Farmer's Market. In all of their years of doing tastings in St. Louis County, this was the first time Stone Hill Winery was

required to get a health permit. Garland Wines, a wine shop in Webster Groves, is currently not required to get a TFE permit to conduct wine tastings or sales by the glass, at the Webster Groves Farmers Market. The Ellisville Farmer's Market partners with a local rotary club and is not required to get a TFE permit for wine tastings.

- When Aimee Viehmann, Special Events Coordinator for Stone Hill Winery, phoned the STL County Health Department, to find out which office to mail their permit to, she was told that mailing the permit in was unnecessary. She was asked for her charge card number and again told she did not have to mail the permit into the department.
- Annette Hopkins of Trail Lodge Tea was told by a Health department representative she would need a TFE at \$35/14 days to give samples of her brewed teas. According to the 2011 Farmers Market Guidelines, she does not need a permit to sell teas by the glass (unless she adds milk). She has decided to sell brewed tea by the glass.
- The City of Webster Groves is required to get a TFE permit (fee waived) to sell lemonade by the glass. One of the non-profit vendors at the Clayton Farmer's Market is not required to get a permit to sell lemonade. If a for-profit vendor wanted to make lemonade at the Clayton Market, they would be required to get a TFE permit.

The third reason that a moratorium on Health Department permitting fees is a good idea is that the way the fee structure stands right now it is inhibiting business expansion or outright participation by some of our vendors. Following are some examples of this:

- This is an email I received on June 18 from the folks who sell kettlecorn. "Hi Deb Just wanted to let you know. We won't be coming back you were great but we just didn't get the sales we need. I enjoyed meeting everyone. But with the permits it just wasn't cost effective. Thanks Andy and Cindy Kinder Taste of Mayberry Kettlecorn."
- Beth Levy of Sugar Creek Piedmontese is not offering samples of her beef jerky because she would be required to get a TFE permit at \$35/14 days. And as a beef farmer she is already paying \$150 to sell her beef and eggs at two farmers markets.
- A couple of food vendors/farmers are thinking of adding the Clayton Farmers Market or another market to their schedule but they are hesitating, partly because of the cost of staffing another market, but also because they don't want to pay more health fees.
- Our bakeries, Great Harvest and Black Bear, are not giving out samples of their baked goods because they would be required to get a TFE permit at \$35/14 days. Both of these bakeries have inspected and licensed facilities and their employees have food handler training. Until this year, they did not have to pay a fee to hand out samples of their products. When they provide product samples, their sales increase.

Because some vendors are opting out of participating in the ways I described above, the Health Department would not lose revenue if a few more farmers or food vendors applied for permits without fees attached for the rest of the year. Right now they're not getting that revenue anyway. Most food vendors and farmers have already paid for their permits for the year. Some will take advantage of the moratorium and apply for permits for sampling, selling at another market, and preparing ready-to-eat food on-site.

Please note that a moratorium on permitting fees for the rest of 2010 would not alter Farmers Market Food Vendors compliance with health code guidelines and safe food handling. Nor would it alter their applications for permits—it would just temporarily stop the fees. We have hand-washing stations, utensil washing stations, electricity to mechanically comply with temperature regulations, proper product labeling, approved kitchen and/or production facilities with applicable inspections and licensing, and proper food handling practices with gloves and single-use utensils. Our food vendors love what they do and want to sell great food products while complying with best practices in food safety and sanitation.

Permitting fees charged by the St. Louis County Health Department to Farmers Market Food Vendors and Farmers is a relatively new procedure. Until 2010 only a few if any fees were charged. Otherwise, this issue would have surfaced a long time ago. We're not against fees as a practice; we're against the inconsistent application and inappropriate enforcement of them on our farmer's market food vendors and farmers.

Even the Environmental Specialists or Health Inspectors, who we have great, working relationship with in regard to health guidelines and safe practices, are sometimes confused about how to apply the permits as they are currently being administered. The other market managers and I respect and appreciate our Health Inspectors. They do a great job, especially in the area of education.

For the reasons outlined above, I respectfully request that you issue a moratorium on the permitting fees that are currently being charged farmers market food vendors and farmers for the duration of the 2011 calendar year. As always, your time and consideration in this matter are truly appreciated.

Sincerely,

Deborah Henderson
Market Manager
Clayton Farmer's Market
8282 Forsyth Blvd.
St. Louis, Mo 63105

