

October 2011

FARMERS MARKET FOOD SERVICE FACILITY BILL

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DEFINITIONS

“Farmers Market” means a place, rather permanent or non-permanent location, used by two or more farmers for the direct sale of farm produce, farm products and/or other food products to individual consumers. This location operates on a periodic basis, for a set period of time, usually during the local growing season, but may include a “Winter Market”. It can be located on private or public property which may be a building, structure, street, park or parking lot.

“Farmers Market Food Service Facility” means a Farmers Market which is used by Farmers as well as other Food Service Vendors for the direct sale of their products to consumers.

“Farmer” means a person residing in Missouri or Illinois who grows or processes any article of farm produce or farm product on his/her own farm. A farmer may vend, retail or wholesale said products free from license, fee, or taxation, by doing so shall not be considered a merchant, in accordance with RSMo 150.030.

St. Louis County is part of an agricultural geographic region. Many of the farmers participating in St. Louis County Farmers Markets are from Illinois. They bring their business to St. Louis County and Missouri and the region benefits economically from their participation. Therefore, they shall be accorded the same economic protection as Missouri Farmers provided in RSMo 150.030.

“Food Service Vendor” means a food establishment or operation as defined by the Food Code that operates in conjunction with a Farmers Market Food Service Facility.

“Farmers Market Food Service Facility Permit” or “FM-FSF Permit” means a permit issued by the STL Co DOH to a Non-Produce Farmer or Food Service Vendor who operates in conjunction with a Farmers Market Food Service Facility.

“Department of Health” or “DOH” means the St. Louis County Health Department.

“Permitting Fee Structure” means the Permit Application Fees which are applied to Food Service Vendors operating at Farmers Markets. The Permit Fees shall be applied based upon the same criteria used to assign Permit Fees to restaurants, grocery stores and other food establishments; namely the sales volume which reflects the quantities of food processed and the degree of food risk.

Grocery Store Example: DOH permits for grocery store departments are based on volume of sales in that department. Less than \$100,000 in sales a 1-year permit costs \$193; for \$100,000-\$500,000 in sales a 1-year permit is \$322 and over \$500,000 in sales a 1-year permit is \$451.

Restaurant Example: A new restaurant DOH Permit costs \$130/year or \$2.50/week or \$.36/day. An older restaurant is expected to have higher sales volume, consequently the permit fee goes up accordingly to just over \$300/year.

Conclusion: A Farmers Market Food Service Vendor operates 4 hours/week at 1 (one) market and has very low volume in sales. At \$.36 (cents) per day the permit would cost \$.06 (cents) for 4 hours. Adding basic DOH administrative costs brings the basic Farmers Market Food Service Vendor Fee to \$35/year. The volume of sales at a Farmers Market goes up as the number of Vendors increases, and thusly, the revenue the DOH makes from a Farmers Market increases accordingly, adequately covering administrative costs.

(Please note: In 2011, a Vendor selling made to order waffles on-site paid \$315 for only 4 hours of operation per week for 18 weeks which comes to over \$900 in DOH permit fees for one year for very, very little volume in sales.)

PERMIT FEES FOR A FARMERS MARKET FOOD SERVICE VENDOR SHALL BE:

Low-Risk Pre-Packaged Foods: \$35.00 (Thirty-Five Dollars) for 1 (One) Year

Medium-Risk Pre-packaged Foods: \$40.00 (Forty-Five dollars) for 1 (One) Year

On-Site Food Preparation: \$45.00 (Fifty-Five Dollars) for 1 (One) Year

Duplicate Permits for Multiple Farmers Markets: \$5.00 (Five Dollars) Each per Added Market

Sampling: Food Service Vendors and Non-Produce Farmers with a valid FM-FSF Permit and Farmers registered with a ST. Louis County Farmers Market shall not be required to obtain additional permits and shall not be charged additional fees to offer samples of their products.

Exemptions: Farmers and Non-Profit Organizations are exempt from permit fees.

DEPARTMENT OF HEALTH REQUIREMENTS

- I. Establish a Farmer’s Market Food Service Facility Permit (FM-FSF) which replaces both the Temporary Food Establishment Permit and the Seasonal Food Establishment Permit currently required of Farmers and Food Service Vendors at STL County Farmers Markets

- II. The Farmers Market Food Service Facility (FM-FSF) Permit Shall Provide:
 - A. One-time Permit Application filing per Food Service Vendor or Non-Produce Farmer per year
 - B. One Permit Fee per year per Farmers Market Food Service Vendor
 - C. Vendors to carry their permits with them when vending at STL Co Farmers Market
 - D. Duplicate copies of permits for vendors attending multiple STL Co Farmers Markets
 - E. Space on the Permit Application to list multiple Farmers Markets at time of filing or to be added later in the season for a fee of \$5.00 (five dollars).

- III. The “Permitting Fee Structure” is to be applied according to the type of “Food Service” a Vendor is operating and the volume of sales. The Permit Application shall include the following options in a convenient check-and-fill-in-the-blank format.
 - A. Farmers from Missouri or Illinois will not be charged a permit fee pursuant to Missouri State Statute 150.030.
 1. Produce Farmer: No permit required for Fruits, Vegetables, Unshelled Nuts, or Cultivated Mushrooms.
 2. Meat, Poultry, Dairy, Fish, Egg or other non-produce Farmers offering “Value Added” Farm Products shall fill out a Permit Application and pay no fee
 3. Egg Farmers shall have applicable Egg license from Missouri Department of Agriculture (MDOA) or Illinois Department of Agriculture (IDOA) and maintain the temperature of the eggs at 45’ or less. Any form of refrigeration is acceptable.
 4. Meat and Poultry shall be USDA and/or MDOA inspected. Farmer shall sell frozen products only, use mechanical freezer, and have proper labeling on each container.
 5. Fish shall be processed in an inspected facility according to USDA Guidelines. Fresh Fish shall be packed on ice at the Market or it may also be sold frozen using a mechanical freezer.
 6. Dairy Products shall be sold in the form of Cultured Cheese Products or Pasteurized Milk. Raw milk may be sold at dairy only, sales at Farmers Market prohibited. Temperature of dairy products must be maintained at 41’ or less using mechanical refrigeration for soft cheese. Hard cheese may be stored in coolers on ice.

- B. Food Service Vendors offering low-risk pre-packaged foods or baked goods shall obtain a one-time FM-FSF Permit for \$35 which is good for one Calendar Year and may be used at any St. Louis County Farmers Market (See Section IV. for multiple markets)
1. These products include Honey; Jams and Jellies and Fruit Butters; Beef Jerky and other Dried Meats; Canned Salsa, Pickles, Vegetables and Other Foods; Dried Fruits and Vegetables; Dried Mixes (Soup, Pancake, Brownie, etc.); Pre-packaged Candy, Soft Drinks, Juices, Dry Snacks (Chips, etc.); Pre-packaged Herbs and Spices, Pre-packaged Tea and Coffee; and Pre-packaged Dried Grains, Beans and Nuts.
 2. All products must be from an approved source, kitchen, or establishment.
 3. All products must have proper package labeling, listing ingredients.
 4. Canned Products must comply with 12CFR114
 5. Baked Goods may be sold unlabeled from a case or under the counter if an ingredient list is made available to consumers.
- C. Food Service Vendors offering medium-risk pre-packaged foods shall obtain a FM-FSF Permit at a cost of \$40.00.
1. These products may include pre-packaged foods such as Shaved-Ice, Sno-Cones, Gelato, Ice-Cream, and Baked Goods containing eggs or dairy products.
 2. All products must be from an approved source, kitchen, or establishment.
 3. All Products must have proper package labeling.
 4. All products must be maintained at proper temperatures using either mechanical refrigeration or ice.
- D. Food Service Vendors preparing food on-site or offering food served from bulk packaging for immediate consumption shall obtain a FM-FSF Permit at a cost of \$45.00.
1. These products may include but are not limited to such items as BBQ and Grilled Foods; Omelets and Crepes; Waffles and Donuts; Pizza; Ice Cream and Gelato; Kettlecorn; and Smoothies, Coffee, Tea and Hot Chocolate.
 2. Ingredients shall be kept at proper temperatures.
 3. Any pre-market preparation shall be conducted at an approved, inspected kitchen or establishment.
 4. Safe food handling guidelines shall be followed.
 5. Utensil washing station shall be provided within 20 (twenty) feet of on-site food preparation areas.

- E. Food Service Vendors participating in multiple St. Louis County Farmers Markets shall be charged a \$5.00 filing fee per each additional copy of their “Farmers Market Food Service Establishment” Permit. This is a copy of the original permit
1. This nominal fee is to cover the administrative cost of providing duplicate permits.
 2. Permit must accompany each Food Service Vendor or Non-Produce Farmer when conducting business at a STL Co Farmers Market.
 3. Farmers may request additional copies of their FM-FSF Permit at no additional cost.
 4. Application shall provide space for Food Service Vendors and Non-produce Farmers to list more than one Farmers Market.
 5. The DOH shall make available copies of duplicate Permits to the appropriate Satellite Offices.
- F. Food Sampling by Food Service Vendors and Non-Produce Farmers with valid FM-FSF Permit and Missouri and Illinois Produce Farmers shall be allowed to offer on-site samples of their products.
1. Food Safety and Sanitation Guidelines shall be followed.
 2. No additional permits or fees shall be required.
- G. Farmers Markets may obtain a FM-FSF Permit at \$45.00 (forty-five dollars) for a “Culinary Tent” for visiting Chefs or Culinary Personnel who conduct food demonstrations and offer samples.
1. This permit is Market specific and may not be transferred.
 2. This permit is good for 1 (one) year or 1 (one) market season.
 3. No additional permits or fees shall be required.
 4. Food Safety and Sanitation Guidelines shall be followed.
- H. Farmers Markets may obtain a FM-FSF Permit at \$45.00 (forty-five dollars) for a “Winery or Brewery Tent” for visiting wineries and breweries who give demonstrations, offer samples of their products, or sell by the glass.
1. This permit is Market specific and may not be transferred.
 2. This permit is good for 1 (one) year or 1 (one) market season.
 3. No additional permits or fees shall be required.
 4. Food Safety and Sanitation Guidelines shall be followed.
 5. A Winery or Brewery may obtain their own FM-FSF Permit as a regular Food Service Vendor as specified under Section III. B. This is optional

- I. Non-Profit Organizations who sell food or beverages or prepare food on-site shall obtain the appropriate FM-FSF Permit
 - 1. They shall be exempt from Permit Fees.
 - 2. They shall provide paperwork showing their Non-Profit, Tax-Exempt Status.
 - 3. Food Safety and Sanitation Guidelines shall be followed.

- IV. The DOH shall provide Food Safety and Sanitation inspections by DOH Environmental Specialists.
 - A. Farmers Markets Food Service Facilities are currently inspected approximately once a month or as needed like restaurants, grocery stores & bakeries.
 - B. The DOH shall develop consistency in its application of food safety and sanitation guidelines as they pertain to Farmers Markets.
 - C. The DOH shall make clear to Farmers Market Managers, Food Service Vendors and Farmers who participate in Farmers Markets as well as to DOH Supervisors and Environmental Specialists who permit and inspect Farmers Markets the content of its Food Safety Codes and Sanitation Guidelines as they pertain to Farmers Markets.
 - D. The DOH shall provide Environmental Specialists and Supervisors with an updated Inspection Form specifically formatted to fit the requirements of Farmers Markets and their Food Service Vendors and Farmers. This will save the amount of time required for paperwork by the DOH.

FARMERS MARKET SITE REQUIREMENTS

- I. Market Managers shall ensure all of the following requirements are met during the operation of a Farmers' Market:
 - A. Municipal Water shall be made available to Food Service Vendors for hand-washing and sanitizing. If an approved facility is not available on-site the Farmers Market shall provide the following:
 - 1. Hand-Washing Station with potable water in a 5-gallon container with a leave-on spigot, 5-gallon bucket for waste-water, trash bin with lid, paper towels, and liquid soap in a pump container. Please see Figure 1.
 - 2. Utensil-Washing Station with three labeled containers of water; one each containing soapy water for washing, clean water for rinsing, and bleach water (50 ppm) for sanitizing. Station shall be made available for on-site food preparation and located within 20 (twenty) feet of food preparation areas. Station may also be located in a Food Service Vendors stall or space.
 - B. Wastewater shall be disposed of in a facility connected to the public sewer system or in a manner approved by the DOH.

- C. Approved toilet and hand-washing facilities shall be available within 200 feet of the Farmers Market Site in accordance with Municipal Codes or as approved by the DOH.
 - D. No live animals, birds, or fowl shall be kept or allowed in any area, stall or booth where food is stored or held for sale. This does not apply to guide dogs, signal dogs, or service dogs when used in the manner specified in Section 2-403.11 of the Code. Pet dogs are allowed to accompany Market Shoppers at an outdoor Market Site provided they are on a leash.
 - E. All garbage and refuse shall be stored in trash bins with lids and liners and disposed of in a manner approved by the DOH or Municipal Public Works codes.
- II. Farmers Market Food Service Vendors and Farmers shall comply with the following:
- A. No home canned or home processed foods shall be sold by a Food Service Vendor or Farmer unless an approved and inspected kitchen facility has been installed and meets Municipal and DOH code requirements.
 - B. Grills and barbecues or other approved cooking equipment shall be separated from public access by using ropes or other approved methods to prevent contamination of the food and injury to the public.
 - C. All food preparation shall be conducted on site at the Farmers' Market or in another approved, inspected food establishment, facility or kitchen.
 - D. Farmers Market Food Service Vendor Spaces or Stalls shall be equipped with overhead coverings to protect food preparation and food sampling areas from precipitation, dust, bird and insect droppings, and other contaminants. If weather permits, open-air spaces are allowed for whole produce and pre-packaged food products.
 - E. Food-related and utensil-related equipment used by Food Service Vendors and Farmers shall be clean and sanitized in a manner approved by the DOH.
 - F. Insulated or thermal containers approved for food or mechanical cold and hot holding equipment shall be provided to insure proper temperature control during transportation, storage, and operation by the Food Service Vendor.
 - G. During periods of operation, food, equipment, and supplies shall be stored in a manner where they are protected from contamination, exposure to elements, ingress of rodents and other vermin, and temperature abuse.

1. Food shall be stored at least six inches off the ground or floor or in another manner approved by the DOH for food storage.
2. Non-potentially hazardous food may be stored in unopened, pre-packaged, or sealed containers next to the Food Service Vendors stall, in an approved nearby storage unit or permanent facility.
3. Potentially hazardous food shall be stored in the manner(s) described previously in section III.

SAMPLING GUIDELINES

I. General Guidelines

- A. No self-serving of samples shall be allowed without sneeze guards or similar counter protection. Unattended food sampling is not allowed.
- B. Bare-hand contact with food is prohibited. Gloves, single serving utensils, toothpicks, tissue or napkins may be used.
- C. Tobacco use in food preparation area is prohibited.
- D. Food samples must be protected from contamination and insects at all times.
- E. Samples may be pre-packaged in single use containers or samples may be proportioned on-site (except for meats).
- F. Utensils shall be clean and sanitized.
- G. Potentially hazardous food samples shall be maintained at or below 41°F if cold and above 135°F if hot.
- H. Other unused food samples must be discarded within two hours of cutting.

II. Sampling of Fresh Fruits and Vegetables

- A. All fruits and vegetables must be rinsed thoroughly in clean water.
- B. Melons must be rinsed in a chlorine solution prior to slicing.

III. Sampling of Processed Foods

- A. Foods must be from an approved and inspected kitchen.
- B. When applicable, proper food temperature shall be maintained.

IV. Sampling of Meats

- A. Meats must come from an inspected source.
- B. Meats may be served directly from a covered grill using a sanitary method such as a toothpick, plate, or napkin.
- C. Meats must be in preformed patties or pre-cut proportions
- D. Meats must be maintained at proper temperature.
- E. Partially cooking of potentially hazardous foods is prohibited.

Figure 1. Temporary Hand Washing Station

- 1. Clean potable water in 5-gallon container with leave-on spigot**

2. 5-gallon bucket to catch waste water.
3. Disposable paper towels.
4. Liquid hand soap in pump container

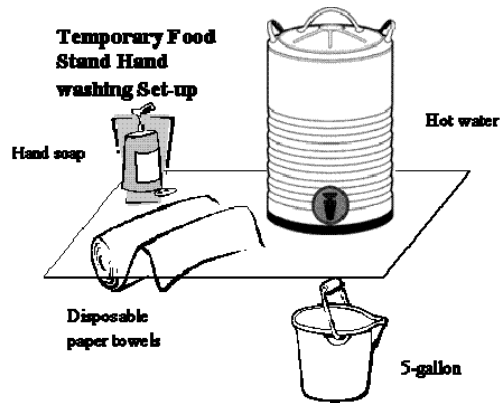
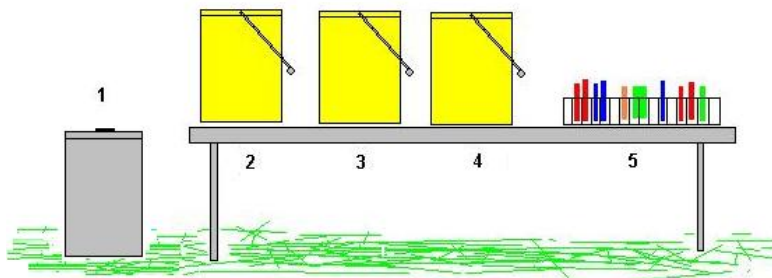


Figure2. Temporary Dishwashing Station



How to Safely Wash Dishes at a Farmers Market

1. **Scrape off dishes into the trash can.**
2. **Wash dishes in the soapy water bucket.**
3. **Rinse dishes in the rinse bucket.**
4. **Dip dishes in the sanitizer bucket for 30 seconds.**
5. **Stack clean dishes and utensils on/in the drying rack to air dry.** As the water dries, the bleach breaks down into salt. *After* the dishes have dried, wipe off any remaining salt residue. Do not rinse off the sanitizer or wipe the dishes before they are dry.

REFERENCES:

Clayton Farmer's Market; Rules and Regulations

St. Louis County Department of Health; Farmers Markets Guidelines

St. Louis County Department of Health; Food Codes and Amendments

Columbia, MO Department of Health: Guidelines for Farmers Markets

Boone County, MO Department of Health

Kansas City, Mo; Farmers Market Guidelines

Missouri Department of Agriculture; Revised Statutes, Agri Missouri

Illinois Department of Agriculture; Farmers Markets

Baltimore County, MD, Department of Health; Farmers Markets

Austin, Texas; Farmers Markets

Texas Department of Agriculture; Texas Cottage Food Laws

Colorado Department of Agriculture; Colorado Cottage Food Bill

Farmers Market Coalition

United States Department of Agriculture; Farmers Markets Statistics