

## **City of Warren Farmers Market Inspection and Licensing Guidelines**

The City of Warren is tasked with the licensing and inspection of retail food facilities in Warren. With the passage of Act 106 of 2010, food safety and inspection services were updated in an effort to ensure that food safety protocols are meaningful and met throughout the entire food chain – from farm to fork across the State of Pennsylvania. This guide is designed to help farmers, marketers and food processors prepare for and meet the regulatory requirements that come with participating in farmers markets and/or selling products through a retail farm market within the City of Warren.

Under Act 106, retail food facilities are required to be licensed and inspected. This includes farmers markets and retail farm markets/stands. Licensing and inspection will be handled by the local health jurisdiction (City of Warren).

PLEASE NOTE – there are exemptions from the licensing requirement for farmers market vendors.

### **Act 106 – Exemptions**

- (1) A retail food facility that is exempted from the license requirements under this section shall remain subject to inspection and all other provisions of this requirements of this section subchapter.
- (2) A licensor shall exempt the following retail food facilities from the license requirements .
  - (i) A retail food facility in which only prepackaged, non-potentially hazardous food or beverages are sold.
  - (ii) A retail food facility that sells only raw agricultural commodities.

### **Examples of Exempt/Non-Exempt Farmers Market Stands**

A vendor that sells only raw products from the farm – fruits and vegetables that have been harvested but not processed in any way (no value-added work done) **IS EXEMPT**. This would cover vendors selling fresh fruits and vegetables.

A vendor selling pre-packaged, non-potentially hazardous items (this may include baked goods, jams, candy, canned pickled food products, bottled juices, apple cider, honey products, etc.), prepared in a kitchen/facility that is registered, licensed and inspected by the PA Department of Agriculture **IS EXEMPT**.

A vendor who is selling both raw product and pre-packaged non-potentially hazardous food together, you **DO NOT NEED** a retail food facility license.

A vendor selling food that is ready-to-eat\*, for example a stand where lunches are served, **IS NOT EXEMPT**. (\* The term 'Ready-to-Eat' is defined in Appendix A, as it appears in the Pennsylvania Code.) This includes stands that have added-value to raw products by washing, processing, chopping or offering them in a state that meets the ready-to-eat definition – such as leafy greens that have been washed and chopped to

form a salad or fruits/vegetables that have been washed and sliced.

A vendor selling pre-packaged, potentially hazardous foods\*\* (those that are temperature sensitive and must be controlled) such as meats, cheeses, milk or eggs, **IS NOT EXEMPT**. (\*\* The term 'Potentially Hazardous Food' is defined in Appendix A, as it appears in the Pennsylvania Code.)

### **EXEMPT VENDORS**

If your stand meets the requirements to be exempt from licensing, you should register with the Market Master, but do not need to secure licensing from the City of Warren.

If your stand sells pre-packaged, non-potentially hazardous food (see the list above), you must still complete a **Retail Plan Review Application and Retail Plan** prior to the start of the farmers market season. This is a one-time form that you must complete prior to opening up for the season. If, in later years, you add new products, change ownership or remodel your stand, you or the new owner must submit a new Retail Plan Review Application and Retail Plan.

License-exempt vendors are still subject to annual inspections by the City of Warren to ensure products comply with the exemption requirements, are properly labeled and are from an approved source.

Please note that stands that are exempt from licenses are also still subject to the requirements of the Food Code.

### **NON-EXEMPT VENDORS**

If your stand does not meet exemption requirements, you must do the following to register with the City: 1) Complete and file a Retail Plan Review Application AND conduct a plan review with the City of Warren (Health Officer); 2) Secure a license from the City of Warren upon passing inspection.

### **LICENSING FEES**

For Farmer Market Vendors who need to secure a license from the City of Warren, Fee are: (You will be invoiced for any licensing fees)

#### **Exempt from license fees (not inspections)**

- Pre-packaged non-potentially hazardous foods only
- Raw agricultural commodities only

- \*Temporary Facility Annual License Fee           \$     50.00
- Replacement License*                                     \$     15.00

Temporary Food Facility (TFF) is defined by the PA Act 46 as

- Temporary Food Facility – A food facility that operates for a period of no more than 14 consecutive days in a fixed location and in conjunction with a single event or celebration (such as a fair, festival, carnival, or other transitory gathering).

- Temporary license –(Either of the following)
  - A license that is the following:
    - Issued to the operator of the temporary food facility.
    - Valid for the duration of a particular event or celebration (such as a fair or carnival) of no more than 14 days duration (whether these days are consecutive or non-consecutive).
    - Issued to the operator with respect to no more than three events or celebration in a particular calendar year.
  - A license that is the following:
    - Issued to a food facility operator operating a food facility, whether stationary or mobile.
    - In operation for a total of no more than 14 days within a particular calendar year
    - Not in conjunction with an event or celebration.

### **FOOD PRODUCT SOURCE**

Those products that are deemed non-potentially hazardous are, in many instances, made in the home. The kitchen where the items are prepared must be registered as a Home Food Processor with the PA Dept. of Agriculture and inspected by the Bureau of Food Safety and Laboratory Services. Those applications are available at [www.eatsafepa.com](http://www.eatsafepa.com). Those vendors who will be operating as a Home Food Processor within the City must first file an application with the City's Zoning Administrator to be approved as a No-Impact Home Based Business. Those applicants are available at [www.cityofwarrenpa.gov](http://www.cityofwarrenpa.gov). Non-potentially hazardous foods do not require temperature control to remain safe and may include baked goods, jams, candy, canned pickled food products\*, apple cider, and honey products.

Those products that are deemed potentially hazardous may NOT be produced/processed in a personal home kitchen. Potentially hazardous foods are those that require temperature controls to remain safe. This can include meats, cheeses, eggs and milk.

The Department of Agriculture is mandated to license and inspect off-site storage facilities for all food, including products sold at farmers markets. This includes coolers, storage lockers and on-farm warehousing. Priority is given to off-site storage facilities for potentially hazardous food products.

\* - Only foods that are acidic or pickled can be processed/canned in a home kitchen. Canning of low-acid food is prohibited unless done by an FDA-approved processor.

### **LABELING OF FOOD PRODUCTS**

Raw agricultural products do not have a labeling requirement; however there are certain products that must be appropriately labeled prior to retail sale.

Labeling requirements call for food products, including pre-packaged food items prepared by a home food processor, to be labeled with the name of the product, ingredients, name

and address of the manufacturer or distributor and net contents/weight and an allergy warning, if applicable\*\*. This includes pre-packaged candy, honey, nuts, jams, specific acidified foods (approved canned goods) that can be sold at farmers markets, and other such items.

Bakery products made from scratch or mix and sold directly to the public by the producer of the product are exempt from labeling requirements. Items that are termed "bake-off" products (those that are purchased frozen or refrigerated with final preparation/heating at home) are not exempt from labeling requirements.

For all items, a list of ingredients must be available upon request by the consumer.

Shell eggs must be labeled in accordance with the Pennsylvania Egg Refrigeration Law. More details on this law are listed below.

\*\* - For additional information on food allergy labeling requirements contact the Bureau of Food Safety and Laboratory Services at (717) 787-4315 or the U.S. Food and Drug Administration.

## **SHELL EGG HANDLING/REQUIREMENTS**

Egg producers with more than 3,200 laying hens must register with and be inspected by the Pennsylvania Department of Agriculture.

For those producers with less than 3,200 laying hens, the following protocols must be followed for retail sale of shell eggs:

- Eggs must be sold within five (5) days from the date of the lay.
- Eggs must be sold predominately within a 100 mile radius of the production or processing facility.
- Eggs must be maintained at 45 degrees or less from the time of gathering to the time of sale. This includes the period of time when the eggs are at the farmers market.
  - Each carton, flat or container of eggs must be labeled with the following:
    - o Name and address of producer
    - o Date of lay
    - o Statement of identity (Eggs)
    - o Net contents (in letters at least 3/16 of an inch high)
    - o "Keep Refrigerated"
    - o Egg handling instructions

If you do not weigh the eggs or if they are mixed sizes and you do not wish to assign a grade, the carton, flat or container must be labeled as "Unclassified."

Dirty, leaking or cracked eggs must be removed prior to sale.

## **FOOD SAFETY AND HANDLING REQUIREMENTS**

Proper handling of food at farmers markets is a critical part of ensuring the safety of consumers.

For foods considered ready-to-eat, all standard food safety protocols apply. No bare hand contact is permitted with the ready-to-eat products; gloves, tongs, spoons, hand papers or other food safety measures should be utilized when handling food products. Employees should not work with food while ill. Hand washing stations must be conveniently available and employees should wash hands frequently and as often as necessary to avoid cross contamination of products.

Food and surfaces within the stand also must be protected from contamination. This may include establishing a roof (non-permeable tents are acceptable) to cover food and surfaces.

Potentially hazardous foods must be maintained at the appropriate temperatures to prevent risk and illness. For cold products, storage must be below 41 degrees. For warm/hot products, the temperature must be 135 degrees or above at all times.

Should the safety of a specific product be called into question, it is the responsibility of the stand operator to prove the product is not potentially hazardous. This may be accomplished through laboratory testing. The City of Warren reserves the right to require refrigeration/storage of any potentially hazardous products until testing is completed.

**NECESSARY EQUIPMENT** The City is required to take into account items deemed “necessary equipment” for the proper handling and serving of food when issuing retail food facility licenses and performing annual inspections.

This necessary equipment must put in place specific functionality related to the sanitation of food equipment; it does not have to come in the form of permanent facilities or structures.

**Vendors Selling All Raw Produce**

Sanitizing hand wipes are acceptable for the cleansing of hands and surfaces.

**Vendors Selling Pre-Packaged, Non-Potentially Hazardous Product**

Sanitizing hand wipes are acceptable for the cleansing of hands and surfaces.

**Vendors Selling Pre-Packaged, Potentially Hazardous Product** Stands selling pre-packaged, potentially hazardous products will be evaluated by the local health officer based on the products they are selling and the potential for cross-contamination. If there is a low risk of cross-contamination, sanitizing hand wipes will be deemed acceptable necessary equipment. For higher risk stands (for example those that have raw product and higher risk, potentially hazardous products that may come into contact with each other or be handled in a manner that promotes cross-contamination) the vendor may need to have access to a three-compartment sink in which to wash, rinse and sanitize food equipment. The local health officer can provide insight on what equipment is needed based on the products being sold. All necessary equipment must be designed, constructed, installed and maintained according to the standards outlined in Chapter 46 of the Food Code.

**Vendors Selling Ready-to-Eat Product** Must have access to a three-compartment sink in which to wash, rinse and sanitize food equipment. In some instances, a vendor may be approved to utilize a two-compartment sink. The equipment must be designed, constructed, installed and maintained according to the standards outlined in Chapter 46 of the Food Code.

For vendors selling ready-to-eat or some high risk, potentially hazardous food, there is an additional requirement for a handwashing sink to be present for use by employees. This cannot be the sink utilized in the restroom. In some limited situations, and after review/approval by a health Officer, shared hand washing stations may be allowed between two stands. This station must be convenient and accessible to users at all times. Handwashing sinks must be able to reach 100 degrees (Fahrenheit), have soap and towels present, and signage reminding food handlers to wash their hands.