



**Public Health & Social Services  
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## **FARMERS' MARKET GUIDE**

### **1. INTRODUCTION**

The Farmers' Market Reference Guide was created to emphasize the specific rules and requirements common with farmers' markets. The guide was written for both market organizers and market vendors and to help understand both the food safety regulations and permit requirements in Thurston County.

***Note: The Downtown Olympia Farmers' Market is under different rules as it operates more than 3 days a week. Do not submit a farmers' market vendor application, instead contact us directly for additional information.***

### **2. TERMINOLOGY** (The following are a few of the terms commonly associated with farmers' markets)

- **Approved:** acceptable to the regulatory authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.
- **Commissary:** an approved food establishment where food is stored prepared, portioned, or packaged for service elsewhere.
- **Consumer:** a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or food processing plant, and does not offer the food for resale.
- **Cottage Food Operation:** a WSDA licensed business which people make low-risk food products in their own home kitchen and sell directly to consumers. Refer to Washington State Department of Agriculture (WSDA) for further information on this specific program.
- **Cut Leafy Greens:** fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term "cut" does not include removing and discarding the exterior leaves.
- **Farmers' Market:** a common facility where two or more vendors gather to sell a variety of fruits, vegetables, baked products, raw product, and related farm or food products sold to the consumers. The location and conditions under which it operates must be approved by this department.
- **Farmers' Market Coordinator:** an individual or group of individuals that are responsible for coordinating and organizing the farmers' market.

- *Farmers' Market Vendor*: an operator providing an approved product for sale at the farmers' market.
- *Food*: a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.
- *Food Worker Card*: a food and beverage service worker's permit.
- *Harvest Cut*: leafy greens cut from their root in the field. These are not considered "cut" leafy greens.
- *Permit*: the document issued by the regulatory authority that authorizes a person to operate a food establishment.
- *Potentially Hazardous Food (PHF)*: a food that requires time / temperature control to limit pathogenic microorganism growth or toxin formation.
- *Ready-to-Eat*: food(s) that are in a readily edible form without additional or further preparation to achieve food safety.

### 3. PERMITTING PROCESS

Depending on the type product(s) offered for sale to the consumer, a farmers' market vendor may require a permit from Thurston County Public Health and Social Services. Refer to the attached quick product reference list of various examples that require a permit or are exempt from a permit to operate at a farmers' market. Those requiring a permit are expected to comply with the Washington State Retail Food Code Washington Administrative Code Chapter 246-215 and abide by this guidance document.

The following steps are outlined to provide a "roadmap" to better assist potential coordinators and/or vendors who require a farmers' market permit:

1. Obtain and read a copy of the Farmers' Market Reference Guide and all applicable applications.
2. Locate a farmers' market coordinator for a location. The farmers' market coordinator must first submit a farmers' market coordinator application to the health department. No fee required. The coordinator must have a minimum of two market vendors to classify as a farmers' market.
3. Farmers' market coordinator information and application is reviewed by the health department.
4. Once coordinator application is approved, then the location is open to accept market vendor applications. Each farmers' market vendor shall complete a Farmers' Market Vendor Application. The Farmers' Market Vendor Application is good for multiple farmers' market locations.
5. Farmers' market vendor completes the entire farmers' market vendor application and submits the application to the health department with the seasonal permit fee. Refer to the farmers' market vendor application for the current farmers' market (non-refundable) permit fee. One fee

shall be applied to ALL approved farmers' markets located within Thurston County. Submit 14 days before "proposed" opening to avoid late fees.

6. Farmers' market vendor information and application is reviewed by the health department.
7. Once a vendor application is approved, the vendor is issued a written conditional approval and can set up at the farmers' market as described and illustrated on the vendor application with the food product(s) approved for consumer sale.
8. The health department shall arrive during the vendor's opening day at the farmers' market to conduct an inspection and determine if conditions are met and the vendor's booth, employee(s), product(s) and the layout meet Washington State Retail Food Code requirements and is congruent with the Farmers' Market Reference Guide for Thurston County Public Health and Social Services.
9. Once the approved farmer's market coordinator chooses to shut down the market for the season or year, all farmers' market vendor's permits at the approved location will no longer be valid and hereby closed for business at that specific location for that year.

During the farmers' market season, random inspections will be conducted to all permit holders to verify if food safety standards, guidelines and requirements are being followed as approved.

#### **4. VENDOR REQUIREMENTS**

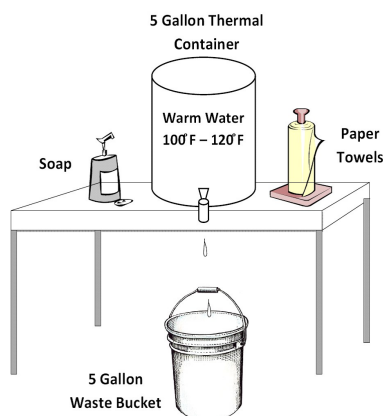
Although farmers' markets are less complex than other temporary food events, they are expected to follow the same requirements and do not operate much differently. The main difference is that farmers' markets typically operate on a set frequency every week during the warmer seasons, such as one day a week.

**The following are a list of RULES the health department requires participating vendors to understand:**

- Only vendors who have been approved by the farmers' market coordinator to participate may apply for the farmers' market permit.
- A vendor can ONLY operate at an approved farmers' market if the permit issued by Thurston County Public Health is for farmers' markets. Other permitted food operators must receive specific written permission from this department before operating at a farmers' market.
- Vendor permits are limited to the selling of prepackaged foods. No cooking, hot holding, or food preparation is permissible by the market vendor. Only foods listed on the application and approved by Thurston County Public Health may be offered for sale. Contact your market coordinator to find out if your market offers food demonstration sampling / cooked samples through a permitted caterer.
- If the vendor offers sampled products, refer to the section for sampling for approved sampling methods which shall comply with Washington State Retail Food Code.
- Vendors must display the business/organization name at the front of the market booth.

**The following are a partial list of food code requirements the health department requires participating vendors to comply with: (Refer to Washington State Retail Food Code for a complete list of requirements)**

- Prepackaged foods shall be labeled. Labeling shall include the common name of the product, an ingredients list by order of weight, a statement of quantity (e.g. net weight, volume or count) and name, address and zip code of the producer. Provide sample labels with application.
- Food source shall be verified and approved. Provide copy of wholesale license with application.
- Provide sufficient number of ice chest(s) if cold holding any potentially hazardous foods, and provide a probe thermometer inside the chest to monitor and maintain 41°F or less at all times. Provide sufficient amounts of ice or cold packs. Only provide ice from an approved supplier or source.
- Store ALL food products off the ground minimum 6 inches and store under a cover or canopy.
- Except for service animals, as per law, no pets or livestock are allowed within your market space.
- At least one employee for each vendor's booth shall possess a valid food worker card.
- All products must be held, stored, and transported in a clean and sanitary environment.



- With exception to an approved cottage food kitchen, no home prepared or packaged foods.
- If selling bulk food items, the product shall be protected and the opening shall be at least 30 inches from the ground, and under cover. The scoop shall be stored outside the bulk bin in a sanitary way.
- Provide hand washing station if required by the health department, such as sampling or handling food products that are ready-to-eat. A hand washing station must include a 5-gallon thermal (insulated) container with a spigot that provides a continuous flow of warm (100°F-120°F) running water, soap, paper towels and a 5-gallon bucket to collect dirty water.

## 5. COORDINATOR REQUIREMENTS

Farmers' markets are required to be operated or managed by a coordinator. The coordinator may be an individual or an organized group/committee with assigned positions. The coordinator has control over the vendor and makes the decision which farmers' market vendor is invited to participate and the product(s) each vendor may offer for sell. If necessary, the coordinator has the authority, above and beyond the health department, to remove a vendor and/or food product from sale.

**The following are RULES the health department requires farmers' market coordinators to understand:**

- To qualify as a farmers' market, the coordinator shall have at least two vendors operating at one time. These first two vendors must be permitted, owned and operated by two separate parties.
- The coordinator is to maintain a current list of all participating vendors and have it available during the normal business hours of the farmers' market.

- The coordinator shall coordinate and comply with city or county jurisdictions concerning public access, parking, public utilities, and zoning ordinances.
- The coordinator shall obtain a copy of all vendors' WSDA wholesale licenses for their file, as applicable.
- With the exception to sampling products (refer to sampling guide attached), vendors are not permitted to prepare food to serve customers or other vendors.
- The coordinator shall keep the health department informed of any changes or problems with the location.
- The coordinator shall provide accommodations and essentials to the vendors as listed below.

**NOTE:** Food demonstration sampling / cooked samples are allowable if prepared by a permitted caterer. Notify the health department if you wish to have this type of sampling at your farmers' market.

**The following are a partial list of requirements the health department requires farmers' market coordinators to comply: (Refer to Washington State Retail Food Code for a complete list of all food code requirements)**

- Locate approved pressurized water supply for farmers' market vendors who require it for their setup. Provide food grade hose to transport water or food grade water containers when pressurized water is not available. Provide a backflow prevention device to protect water supplies connected to the hoses. A private well is not an approved water supply and shall not be used as a source unless authorized.
- Electrical supply shall be located, sufficient and available to vendors who require it for their setup.
- Restroom facilities shall be within 200 feet to the farmers' market location without crossing any major streets. Restrooms shall be provided with hot water, soap, and disposable towels, and kept available for all farmers' market vendors. Portable toilets are allowed with conditions on a performance basis.
- Wastewater generated by vendors shall be properly disposed of in a sanitary sewer system, such as inside nearby buildings. If sanitary sewer is not readily available, then approved totes designed for hauling and transporting wastewater shall be provided to prevent contamination. Streets, gutters, ground (including grass), and storm sewers are not approved for wastewater disposal.
- Garbage or rubbish containers shall be provided by the coordinator to collect solid waste generated by the vendors at the farmers' market. Provide containers with lids and liners in adequate number and place strategic location around the market. Empty containers to prevent flies, odors, and other nuisances.

Farmers' market coordinators shall include with the coordinator application a diagram of the entire farmers' market identifying the essentials mentioned above and the proposed sites for each farmers' market booth.

## **6. SAMPLING REQUIREMENTS**

Distribution of samples at farmers' markets allows customers to sample products before purchasing it. However, unsafe sampling methods can easily contaminate the product(s) and may result in foodborne

illnesses. The Washington State Retail Food Code requires that basic sanitation and food safety practices be followed when samples are dispensed at farmers' markets

To sample, the farmers' market vendor shall comply with the following sanitation and food safety practices:

- Sampling of any food product(s) must be approved by the health department and the proper permit must be obtained after providing a written procedure describing the food flow process.
- A hand wash station is a REQUIREMENT and must be set up near the vendor's booth. Refer to section 3. Farmers' Market Vendor Requirements to see a proper hand washing station setup.
- Bare hand contact / directly touching of the samples is not allowed. Use disposable gloves or tongs. Gloves are to be used on both hands. Wash hands first before putting on gloves. If handling money and using gloves, you must always wash hands after handling money.
- Produce intended for sampling must be pre-washed and pre-portioned at an approved commissary.
- Samples may be served in a variety of fashions, including but not limited to the following:
  - Shaker containers with spout and lid (e.g. nuts, popcorn, seasoning, jerky, etc.)
  - Disposable single use utensils, such as toothpicks (e.g. smoked salmon, cheese, etc.)
  - Disposable single use miniature paper cups. (e.g. trail mix, jerky, fudge, crackers, etc.)
  - Tongs to retrieve product(s) from a food grade container (e.g. sauerkraut, pickles, etc.)
  - Individually wrapped or sealed samples prepared in advance at the commissary.
- All containers used to store or serve samples shall have a lid with a hinge, cover or dome to protect from contamination.
- Cutting surface shall be smooth, non-absorbent and easily cleanable.
- Provide extra backup utensils (e.g. tongs, forks, knives) and provide containers labeled "clean" and "dirty" for the utensils. Keep the clean utensil container lid closed.
- Products intended for sampling that require refrigeration must maintain a minimum cold holding temperature of 41°F.
- All produce breached, cut, or sliced shall maintain a cold holding temperature of 41°F or below.
- If washing utensils on site, you must set up a washing station consisting of 3 bins; one with soapy warm water for washing, one with clean water for rinsing, and one with bleach in water for sanitizing (use one tablespoon bleach per gallon of water to achieve approximately 50 ppm chlorine).
- Provide own garbage can with lined disposable bags to keep sample preparation area clean, discard disposable single use items and provide a lid to reduce insects from assembling over can.

- Discard PHF or product samples after 4 hours if left at room temperature.

## 7. FARMERS' MARKET PRODUCT QUICK REFERENCE GUIDE

### Permitting Criteria:

#### **What food products can be sold at Farmers' Markets in Thurston County?**

Whether a farmers' market vendor requires a permit or not is determined by the type of food or product(s) offered for sale, and the health department will assist with this decision. Regardless of the permit criteria, ALL food product(s) shall be from an approved source and comply with the labeling requirements. For additional clarification, please contact Thurston County Public Health and Social Services.

#### **Farmers' Market – Permit Required**

Primarily, any commercially prepackaged potentially hazardous foods (PHF) that are bottled, canned, in cartons, securely bagged, securely wrapped or portioned, divided, or weighed at the food booth. The permit is required even if the product(s) were processed and packaged at a state licensed wholesale facility or a permitted retail food establishment.

Examples of food products requiring a farmers' market permit include, but not limited to the following items:

- |   |                                     |
|---|-------------------------------------|
| • Anything requiring refrigeration      | • Juices and cider                  |
| • Sliced or cut PHF fruit or vegetables | • Garlic or herb-in-oil mixtures    |
| • Eggs & dairy products                 | • Sprouted beans and seeds          |
| • Meat/poultry/seafood products         | • Fresh salsa/dairy-containing dips |
| • Soups                                 | • Salads                            |

#### **Farmers' Market – No Permit Required**

1. Selling whole vegetables and fruits (harvest cut OK)
2. Selling non-potentially hazardous foods (does not require refrigeration) that were made under a permit from a WSDA or other food safety authority, including foods like:
 

• Candy	• Jam/Jelly
• Bakery products	• Dried herbs/spices
• Cottage Food Licensed products	
3. Making foods at a market that are exempt from permit (as per law). These items require very minimal review on an annual basis. See the Exemption from Permit form. Exempt foods include:
 

• Popcorn, including flavored	• Roasted corn on the cob (for immediate service)
• Cotton candy	• Roasted nuts

## **Farmers' Market – Conditionally Permitted Products**

The following product(s) may be permitted to sell but with additional conditions and requirements:

- Wild harvested mushrooms
- Shellfish
- Game animal

***NOTE: The sale of raw milk is not allowed at Farmers' Markets in Thurston County.***

## **8. FREQUENTLY ASKED QUESTIONS**

**Q. I would like to sell my product at the Downtown Olympia Farmers' Market. Why are the rules different for that specific farmers' market?**

**A.** The Downtown Olympia Farmers' Market operates at a frequency (more than 3 days a week) that exceed the WA Retail Food Code requirements for a farmers' market as a temporary food event. Therefore, vendors that wish to sell their product at the Downtown Market must complete a Food Establishment Application. Please contact our office if you are interested in operating at the Downtown Olympia Farmers' Market.

**Q. We would like prepare food at all the farmers' markets in Thurston County. Will the farmers' market permit allow me to do this?**

**A.** No, the farmers' market permit is only issued to vendors and limited to the selling of prepackaged foods and produce. Cooking or food preparation (except approved sampling) is prohibited. Cooking or advance food preparation requires either a mobile food unit, catering, or temporary food establishment permit. Speak with your market coordinator to find out if your market offers food demonstration sampling using a permitted caterer for preparation and cooking of samples.

**Q. We want to set up a booth to sell our product(s) that requires a permit, but we are the only booth wanting to participate at this time. Do we qualify for a farmers' market permit?**

**A.** No, the farmers' market permit is only valid if there are at least two vendors at one location AND there is a farmers' market coordinators application on file at the health department for the event.

**Q. Can we sell non-potentially hazardous foods (i.e. raw produce/vegetables, honey, etc.) at the farmers' market without a farmers' market vendor permit?**

**A.** Yes, there are several food items that are allowed to be sold at the farmers' market and considered exempt from a permit from the health department. Please refer to the *Farmers' Market Product Quick Reference Guide* for a list of products that requires a permit or not.

**Q. Do we need a hand washing station at our booth? If so, how do we provide one?**

**A.** That depends on the operation inside the booth. If there is ANY form of food handling, such as selling ready-to-eat produce, providing samples, and food NOT prepackaged or certain bulk food items or portioning is done on-site, it requires a hand wash station at the booth. Please refer to the *Farmers' Market Reference Guide* Section 3. Farmers' Market Vendor Requirements, on how to correctly set up a hand wash station.

**Q. We have a Washington State Department of Agriculture (WSDA) license; do we still need a permit from the health department to sell food at the farmers' market?**



**A.** That depends on the product and operation. No, if the product is shelf-stable and can be served with minimal handling. Yes, if the product requires temperature control (i.e. refrigeration) and/or is considered a potentially hazardous food by the health department.

**Q. How long is the farmers' market permit good for once issued to the farmer market vendor?**

**A.** The permit is only valid until the farmers' market coordinator decides to close the market for the season or year.

**Q. We already have a farmers' market permit, but we want to offer samples to our customers. What steps must we take to provide samples?**

**A.** Provide the health department with written procedures outlining the steps or food flow to ensure the samples are prepared and dispersed safely to the customers. Please refer to the *Farmers' Market Reference Guide* for approved sampling methods and requirements.

## **9. CONCLUSION**

Farmers' markets have become a popular venue for many local farmers and businesses to introduce, promote, educate, and sell their products to consumers. If a business chooses to become a food vendor at a farmers' market in Thurston County, it is important they understand and follow the rules and regulations that exist to protect the consumers from food borne illnesses and safe guard their product from contamination and adulteration. The health department has the responsibility to regulate all food establishments including those operating at farmers' market which are not exempt from the law. We encourage all farmers' market vendors and coordinators to obtain a copy of the WA Retail Food Code for further information on food safety. Hopefully, this guidance document will serve as a basis of further understanding and expectations in how to properly regulate a farmers' market. For further information, clarification or interpretation of the food code or this guidance document, please contact our office or the appropriate inspector below.

## **10. CONTACT & RESOURCE INFORMATION:**

- Farmers' Market Application and Reference Guide Available Online:  
[www.co.thurston.wa.us/health/ehfood](http://www.co.thurston.wa.us/health/ehfood)
- Food Worker Card Testing Online: [www.foodworkercard.wa.gov](http://www.foodworkercard.wa.gov)
- Washington State Retail Food Code Chapter 246-215  
<http://www.doh.wa.gov/Portals/1/Documents/Pubs/332-033.pdf>
- Food Safety and Consumer Services Division
  - Office: 360-902-1876
  - [http://agr.wa.gov/AboutWSDA/Divisions/FS-CS\\_Div.aspx](http://agr.wa.gov/AboutWSDA/Divisions/FS-CS_Div.aspx)
- Cottage Food Operation Information  
Contact 360-902-1876  
Email: [cottagefoods@agr.wa.gov](mailto:cottagefoods@agr.wa.gov)  
<http://agr.wa.gov/FoodAnimal/CottageFoodOperation/>

- Small Farm and Direct Marketing
  - Contact 360-902-2057
  - Email: [smallfarms@agr.wa.gov](mailto:smallfarms@agr.wa.gov)
  - <http://agr.wa.gov/marketing/smallfarm/>
- Publications: Washington State Farmers Market Manual  
<http://agr.wa.gov/Marketing/SmallFarm/docs/FMM1.pdf>
  - WSDA Small Farm & Direct Marketing Handbook  
<http://agr.wa.gov/marketing/smallfarm/directmarketinghandbook.aspx>

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**To request this document in an alternative format, please contact the Food and Environmental Section at the numbers above.**

**Document produced May 2014 by Jerry Caird, R.S., *et al***

**Version 1.2 – Final Draft** (Prohibition of raw milk sales)

**Version 1.3 - Final Draft** (Food demonstrations allowable by permitted caterers)

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