

To: Farmers Market Participants

**CC: Farmers Market Commissioners
Farmers Market Managers**

**From: Mike Charley, Environmental Health Services Supervisor
Village of Oak Park Health Department**

RE: Health Sanitation Guidelines for Farmers Markets

Like other farmers markets, festivals, fairs, harvest days and other food sales events, the Oak Park Farmers Market participants offer for sale more than just simple fresh uncut produce. This memo will provide regulatory guidelines as well as the risks involved with various foods often sold at farmers markets.

Every farmer, fruit and vine grower, and gardener has the undisputed right to sell the produce from his farm, orchard, vineyard and garden in any place or market, according to the Farm Products Marketing Act. The Illinois Egg and Egg Products Act allows farmers to also sell shell eggs directly to household consumers on the farm without candling or grading such eggs. Producers, who choose to retail their unprocessed home grown produce and/or fresh cut herbs on their home premises or at a Farmers Market, usually do so with a minimum of regulation. The definition of "retail food store" in the Retail Food Store Sanitation Code, Section 760.20, specifically exempts "roadside markets that offer only fresh fruits and fresh vegetables for sale from code requirements." However, as soon as a Farmers Market Participant cuts, prepares or sells produce or any other food item that person is no longer exempt from the Illinois Retail Food Store Sanitation Code and/or the Illinois State Food Service Sanitation Code.

Stands and concessions that **cut their produce for sampling** and/or sell processed, prepared or packaged foods are subject to inspection by the Oak Park Health Department according to the Illinois Department of Public Health Food Service Sanitation Code or the Retail Food Store Sanitation Code. **The Oak Park Health Department will be inspecting the Farmers Market in 2009 and will be looking to ensure that the following guidelines/rules are followed by all participants:**

PREMISES - The operator of each stand or sales area is responsible for maintaining it in a neat and clean sanitary condition. An adequate number of tightly covered waste containers must be provided for storage of garbage and refuse. These containers must be stored to eliminate potential for contamination of any food products. At the close of business, each stall holder shall clean the stall and surrounding area. No pets are allowed in the storage and display area.

SAMPLING AND/OR FOOD PROTECTION DURING STORAGE, DISPLAY AND SALES - Food on display in open air markets must be adequately protected from incidental public handling, dirt and other contamination. Foods must be stored off the ground or off the floor of the stand. Any prepared, processed, baked or cut food must be packaged or wrapped for protection (see labeling requirements on last page). Any wrapping or container must be constructed of safe, new, food-grade materials.

All utensils, display cases, counters, shelves, tables and refrigeration equipment must be clean, sanitary, smooth, sealed and constructed of approved materials to prevent contamination of any food products.

Hand washing is required when produce or any food item is sliced, cut or prepared on or off-site.

Therefore, if foods are to be handled, hand washing facilities must be provided. Where water under pressure is not available, the minimum requirements for hand washing would be a thermos or coffee urn with spigot, pump liquid soap and individual paper towels with a separate bucket to catch all hand washing waste water. All persons handling food products must conform to proper hygienic practices and be free from disease conditions which may contaminate food.

Three-compartment utensil washing is required when produce or any food item is sliced, cut, prepared on-site. Therefore, if foods are to be handled, a three-compartment dish washing system consisting of a first container containing a potable water/detergent solution, a second container containing potable water and a third compartment containing a potable water/sanitizer solution of either 50-200 parts per million of available chlorine, 12.5 parts per million of available iodine or 200 parts per million of available quaternary ammonium compound must be provided. Test strips should be provided for testing the concentration of your chosen sanitizer. All utensils and containers shall be air-dried after washing.

If ice is used to cool food products, beverages or beverage containers, it must be from an approved commercial source. All ice used for display must be properly drained. All potentially hazardous food, as defined in the Food Service Sanitation Code and Retail Food Store Sanitation Code, must be held at temperatures of 41 °F. or less. Equipment requirements for storage of foods cold and/or hot differ depending on the type of food being held. At times commercial cold holding and hot holding equipment may be required. Vendors should contact the Oak Park Health Department for additional information if cold and/or hot holding potentially hazardous product.

FOODS ALLOWED AT A FARMERS MARKET WITH NO RESTRICTION

Fresh Fruits, Vegetables, Nuts, Seeds - uncut, not processed in any way
Melons - may be cut for display only
Popcorn, Other Seeds - not sprouted, ground, etc.
Organic Foods - not cut or processed
Fresh or Dried Herbs

FOODS ALLOWED AT A FARMERS MARKET WITH CERTAIN RESTRICTIONS

Foods described below are prohibited at a farmers market or similar event without prior approval by the local health department as to approved source, ingredients, holding or storage equipment or other pertinent factors.

Non-potentially hazardous foods such as cookies, cakes and fruit pies which have not frequently been associated with foodborne illness may be prepared in non-commercial kitchens and sold, provided the sale is limited in nature, i.e., meets the time limitations of a temporary food stand as, for example, a fund raiser for a not-for-profit organization and is not a routine business. It is strongly recommended that this preparation take place in a controlled environment such as a club or church kitchen.

When hot or cold potentially hazardous foods are being sold, the cold foods must be held at 41 °F. or below and the hot foods must be maintained at 140 °F. or above.

Shell Eggs - All eggs must be cleaned, candled, graded, packed in new cartons, date marked and refrigerated if sold any place except on the farm where they were produced. The egg carton must be marked with a Julian pack date (counted from the first day of the year) and an expiration or sell by date of not more than 30 days from day of pack for Grade A and 15

days for Grade AA. Often, checking the Julian pack date or expiration date will indicate whether the egg cartons have been reused. A Department of Agriculture license is required for anyone who sells eggs anywhere except on the farm where the eggs were produced. For more information regarding these requirements and the Illinois Egg and Egg Products Act, contact Illinois Department of Agriculture, Bureau of Weights and Measures, P.O. Box 19281, State Fairgrounds, Springfield, IL 62794-9281, telephone (800) 582-0468. *Salmonella enteritidis* (SE) is the pathogen of concern with fresh shell eggs. Since *salmonella enteritidis* does not multiply below 45°F, eggs must be kept refrigerated.

Honey - Honey must be from an inspected source (IDPH, FDA or another state). It is often heat treated to minimize mold spores. No other sweetener may be added to the honey; otherwise it cannot be called honey.

Apple Cider - Apple cider, packaged or in a container, must be pasteurized or show a warning statement on the label. A placard or sign nearby stating it is unpasteurized is also acceptable. After November 8, 1999, the warning statement must be on the label. If unpasteurized apple cider without a warning statement is found, please notify the nearest Division of Food, Drugs and Dairies Regional Office. Unpackaged apple cider and other fresh juices produced on-site are exempt from the warning statement.

Baked Goods - Potentially hazardous baked goods such as cream or custard filled items, egg-based or custard pies (pumpkin, custard, etc.) must be produced and packaged in an inspected facility and held under refrigeration of 41°F or less. Non potentially hazardous baked goods such as cookies, cakes or fruit pies may be prepared in non-commercial kitchens and sold, provided the "bake sale" is limited in nature (less than 14 days of consecutive operation, a fund raiser for a not-for-profit or charitable organization, not a regular commercial business). Labeling requirements must be met.

Herb Vinegars - Herb vinegars will be allowed, provided commercial vinegar which has a controlled pH is used and labeling requirements are followed.

Flavored oils - Garlic-in-oil may be sold only if it is produced in a commercial processing plant under inspection. Other flavored oils besides garlic-in-oil have not been epidemiologically implicated in foodborne illness outbreaks. Therefore, they do not require acidification and are not considered potentially hazardous. Labeling requirements must be followed.

Candies, and Caramel Apples - Candies, caramel apples and other confectioneries frequently have an inhibitory high sugar content and growth of pathogens is unlikely.

Other Foods - Products must be individually assessed.

FOODS PROHIBITED AT A FARMERS MARKET OR FROM OUTDOOR SALES -

Home Made Ice Cream - Ice cream made at home is prohibited.

Raw Milk, Cheese, Yogurt or Other Dairy Products - Prohibited by the Grade A Pasteurized Milk and Milk Products Act. Raw dairy ingredients are commonly contaminated with *Listeria monocytogenes*, *Salmonella* or other pathogens. All Grade A dairy products must be pasteurized and processed in a licensed dairy plant.

All Home Canned Foods - All low acid canned foods in hermetically sealed containers have a

risk from surviving *Clostridium botulinum* and subsequent formation of toxin unless a stringent scheduled process is followed. Some recipes for apple butters, jams and jellies may have been adapted to use a sugar substitute, pectin or fruit juice in place of sugar which will not give the same protection as a high sugar content. Without process controls and product analysis, it is extremely difficult to distinguish between safe and unsafe products. Therefore, home canned foods may not be sold to the public.

Home Vacuum Packaged Products (of any type) - The risk of *Clostridium botulinum* and other anaerobic pathogens occurs without strict controls and an approved HACCP plan. Food products vacuum packaged at home are not allowed.

Home Butchered Meat, Poultry or Wild Game Animals - Home-butchered meat and poultry which has not received an ante mortem and post mortem inspection, is for the use of the owner and his/her family alone and may not be sold, according to Agriculture laws. Wild game may only be donated to charitable or not-for-profit organizations or it may be for personal use.

Home prepared sandwiches - All potentially hazardous foods must be prepared on-site in an inspected facility or be prepared in another inspected facility. Sandwiches prepared at home may not be sold to the public.

Garlic-in-oil - Garlic-in-oil may only be sold if processed in an inspected, commercial processing plant where it has been acidified to certain specifications (usually with citric acid). Garlic-in-oil is frequently contaminated with *Clostridium botulinum* spores and has been implicated in several foodborne outbreaks.

Pickles, Relishes, and Salsa - Because of the wide variation in ingredients, pH, and processing methods, these products must be produced in a commercial processing plant.

LABELING - All prepackaged foods must comply with minimum labeling requirements. This information may be provided as a label on the package or container, on a sign or placard or as a recipe available to the consumer.

- 1) common name of the product
- 2) name, address and zip code of the packer, processor, manufacturer, etc.
- 3) net contents
- 4) list of ingredients in descending order of predominance by weight
- 5) a list of any artificial color, artificial flavor or preservatives used.