



## CERTIFIED FARMERS' MARKET GUIDELINES

A Certified Farmers' Market (CFM) is a location certified by the County of San Mateo Agriculture Department where certified producers sell their agricultural products directly to consumers. San Mateo County Environmental Health (EH) requires a CFM health permit from the market operator to operate a CFM. The applicant must be a certified producer, a non-profit organization or a government agency and have a current Certified Farmers Market Certificate issued by the County of San Mateo Agriculture Department to be approved for an EH CFM Permit. Vendors within the CFM do not need their own permit; however, they must produce the foods they are selling and meet all the requirements of the Agriculture Department to sell within the CFM.

The Community Events section is the area adjacent to the CFM where Non-Agricultural products can be sold. Food vendors in this section are required to have one of the three valid permits issued by Environmental Health. See the section titled "Community Events", page 4.

### *Market Manager Responsibilities*

- Obtain all necessary permits and licenses to operate, including Environmental Health CFM Permit. The EH permit shall be posted in a conspicuous place at the CFM.
- Ensure that all vendors have the required permits, licenses and registrations to sell food products.
- Ensure that all vendors in the community events section have an original EH Non-Agriculture Vendor Permit available for review while operating.
- Ensure that producers/vendors meet food safety requirements while operating.
- Clearly separate the CFM section from the Community Events (Non-Agricultural) section.
- Provide toilet and hand washing facilities within 200 feet from the food booths.
- Keep live animals at least 20 feet away of any area where food is stored or held for sale (except for guide dogs, signal dogs or service dogs when used in the manner specified in Section 54.1 of the Civil Code).
- Provide wastewater and refuse disposal containers.
- Notify Environmental Health of any changes in operation such as location, date or time.
- Ensure that all outdoor food booths in the CFM and Community Events Section have overhead protection (e.g., tent or canopy).

Non-compliance with any of the requirements will result in re-inspection fees and/or penalty billing.

## CERTIFIED FARMERS' MARKET SECTION

The market manager must secure a CFM Certificate from San Mateo County Agriculture Department prior to applying for the Environmental Health CFM permit. The EH CFM Permit is site- and owner-specific and must be available for review during all operating hours. The EH CFM permit allows multiple producers to sell their certified and non-certifiable agricultural products, as allowed by County of San Mateo Agriculture Department. If for any reason, the producer is removed from the CFM by the Agriculture Department, the vendor will be required to obtain a Non-Agriculture Vendor Permit from EH in order to continue selling food items in the Community Events Section.

The EH CFM permit approval is contingent upon maintaining a valid/current CFM Certificate issued by San Mateo County Agriculture Department.

Each producer must have a Certified Producers' Certificate from the Agriculture Department for any certifiable agricultural products such as fruit, vegetables and honey. Products that require any level of packaging or processing and "value-added products" sold by producers must be from an approved food facility under a Processed Food Registration (PFR) or a Cottage Food Operation (CFO) Registration/Permit.

### *CFM Vendor/Operator Requirements*

- All food shall be stored at least six-inches off the ground.
- Overhead protection must be provided to prevent contamination of the food.
- Food preparation is prohibited with the exception of samples. Food samples may be distributed provided that the following sanitary conditions exist:
  - Samples are kept in approved, clean, covered containers.
  - The producer distributes samples in a sanitary manner (e.g., employee hands samples to customers and/or customer self-service areas are set up to protect food from contamination using equipment such as sneeze guards or covered dispensers).
  - Clean, disposable plastic gloves are used when cutting food samples.
  - Food is washed or cleaned in an approved manner prior to being offered for consumption.
  - A hand wash station is located within the booth and is supplied with warm water in an insulated container with a free-flowing spigot, hand soap and paper towels.
  - Wastewater is collected and disposed of in an approved manner.
  - Utensils and cutting surfaces are smooth, non-absorbent and easily cleanable.
  - Garbage and refuse is disposed of in an approved manner.
- Potentially hazardous foods (e.g., milk, cut melons, cut tomatoes, sprouts) shall be stored and displayed at or below 45°F at all times.
- Raw shell eggs may be stored and displayed without refrigeration if all of the following conditions are met:
  - The eggs were produced by poultry owned by the seller and collected on the seller's property.
  - The eggs are not placed in direct sunlight during storage or display.
  - Containers are labeled "refrigerate after purchase" or a sign is posted in a conspicuous location, advising consumers to refrigerate eggs after purchase.

- Containers are labeled with the date of packing.
- Eggs have been cleaned and sanitized, are not broken, checked, or cracked.
- Eggs that are stored and displayed at temperatures of 90°F or below and that are unsold after four days from the date of pack, shall be stored and displayed at 45°F or below, pasteurized, or destroyed.
- Eggs that are stored and displayed at or above 90°F that are unsold after four days from the date of pack shall be pasteurized or destroyed.
- For any processed or value-added food products (e.g., jams, jellies, sausage, etc.), maintain proof of permits, licenses or registration for the approved food facility where food is made, packaged or stored.
- Non-certifiable agricultural products (processed/packaged foods) must be processed in an approved facility.
- Honey Vendors:
  - Honey is a certifiable agricultural product that may be sold within the CFM.
  - If blending or heat-treating the honey, a Processed Food Registration is required.
  - If non-agricultural items such as soaps and lotions are sold within the booth, the vendor will be required to relocate to the Community Events Section where non-agricultural items may be sold (the vendor is not required to obtain a Non-Agricultural Food Vendor Permit to sell honey in the community events section).

## **NON-AGRICULTURAL COMMUNITY EVENT SECTION**

San Mateo County Environmental Health allows for the sale of non-agricultural food products to be sold adjacent to the CFM at the Community Event Section. A valid health permit issued by San Mateo County Environmental Health is required from each vendor selling food within the Community Events Section. Vendors found operating without a valid permit are subject to penalties up to three times the permit fee and/or closure. Changes to the permit application regarding food facility or contact information must be submitted in writing to EH.

- [Non-Agricultural Vendor Permit](#) – pre-packaged food items, bakery items, kettle corn and beer/wine booths. Operator submits application directly to Environmental Health to obtain permit.
- [Non-Agricultural w/ Food Preparation Vendor Permit](#) – open food, on-site food preparation.
- Mobile Food Facility (MFF) Permit

### **Allowable Foods**

Food sold in the Community Events Section must be pre-packaged and from an approved food facility; no on-site food preparation is allowed. Pre-packaged potentially hazardous foods (PHF) are allowed if held at or below 45°F and monitored using an accurate probe thermometer. Hot holding of PHFs is not allowed.

#### *Exceptions:*

- *Kettle Corn*
- *Baked Goods – if protected from contamination from customers.*
- *As of July 1, 2016, up to five food preparation vendors will be permitted with approval from the market manager and San Mateo County Environmental Health.*

All foods must be prepared and packaged off-site at the approved food facility listed on the permit application. Food prepared, packaged, or stored at home is not allowed unless the home kitchen is registered or permitted as a Cottage Food Operation (CFO).

### **Baked Goods**

Baked breads and pastries may be displayed without packaging if protected from overhead and customer contamination and a hand wash station is available inside the booth.

### **Labeling**

All pre-packaged food must be labeled properly including the common name of the food; list of ingredients; quantity of contents; and name and place of business of the manufacturer, packer, or distributor.

### **Mobile Food Facilities**

MFF operators are allowed to sell within the Community Events Section with a valid San Mateo County-issued MFF permit. MFFs may store, display and sell from a table or display fixture apart from the MFF. No food preparation is allowed outside of the MFF.

## Criteria for Permit Approval

The processing and storage location must be under regulation by an authority acceptable to California Department of Public Health Food and Drug Branch (CDPH FDB) or EH and owned and operated by the same person or entity.

The Non-Agricultural Vendor Permit allows for sales of food at CFMs, the permit does not oversee how or where the food is made; therefore, additional permits, licenses or registrations are required. One or more of following may be required for processing or packaging any food products:

- San Mateo County Environmental Health Permit – issued by San Mateo County for a retail food facility (e.g., restaurant or market) under the applicant’s ownership (additional licenses or permits may be required if canning low acid foods, wholesaling, etc.).
- Processed Food Registration (PFR) – issued by California Department of Public Health Food and Drug Branch (CDPH FDB). Required from operators that do not have any retail sales from their food preparation location. For commercial kitchens where there are multiple operations occurring, each separate operator is required to have their own PFR (sharing or operating under the main kitchen’s permit/PFR is not allowed – permits are owner-specific).
- Cottage Food Operation (CFO) Registration or Permit – issued by a local enforcement agency in California. All products must be properly labeled as per Section 114365.2(e) of the CA Retail Food Code.
- FDA inspection certificate.

*The registration or permit must be issued to the producer processing the food. If contracting with a co-packer and the producer has no involvement in the processing of the food, proof of the agreement and the co-packer’s PFR must be provided upon request.*

## DEFINITIONS

**Agricultural products** – certified and non-certifiable agricultural products, as defined by the California Department of Food and Agriculture (CDFA).

**Approved** – acceptable to the enforcement agency based on a determination of conformity with applicable laws, or, in the absence of applicable laws, current public health principles, practices and generally recognized industry standards that protect public health.

**Certifiable Agricultural Products** – agricultural products certified by the Agricultural Department relative to inspection and verification of compliance with the provisions of Direct Marketing regulations. They include fresh fruits, nuts, vegetables, shell eggs and honey.

**Certified Producers' Certificate (CPC)** – Certificate issued by the Agriculture Department listing specific certifiable food products produced at the specified location by the specified producer.

**Community Events Section** – Non-Agricultural Food section adjacent to the CFM.

**Cottage Food Operation (CFO)** – an approved private home-based food operation. Registrations and permits are issued by EH. For additional information, visit [www.smchealth.org/foodforms](http://www.smchealth.org/foodforms)

**Food Preparation** – packaging, processing, assembling, portioning or any operation, which changes the form, flavor, or consistency of food. Trimming of produce is not considered food preparation.

**Market Manager** – owner, operator or person-in-charge of the CFM and Community Events Section.

**Non-Agricultural Food Vendor** – a food vendor in the Community Events Section.

**Non-Certifiable Agricultural Products** – agricultural products that are not certified by the Agriculture Department, certified agricultural products that have been processed (value-added products), livestock, livestock products, and fish/shellfish produced under controlled conditions in waters or ponds located in California (examples include fruit/vegetable juices, shelled nuts, jams, jellies, wine, catfish, trout, and livestock or poultry products). Though these products are not “certified,” they must have been produced or derived from plants or animals raised or produced by the producer. These non-certifiable processed agricultural products may include, or have added to them, a limited number of ingredients or additives which act only as preservatives or are essential in the preparation of the product. Non-certifiable agricultural food products must be from an approved source.

**Processed Food Registration (PFR)** – issued by California Department of Public Health Food and Drug Branch for food facilities selling wholesale or conducting food operations without a retail front.

**Produce** – any whole fruit or vegetable in its raw or natural state.

**Producer** – means a person or entity who produces shell eggs or edible plants by practice of the agricultural arts upon land that the person or entity controls.

**Value-Added Products** – certified agricultural products that have been processed.

## FREQUENTLY ASKED QUESTIONS

### ***What is required to sell honey?***

If you produce the honey, a CPC is required to sell within the CFM and a PFR if blending or heat-treating. If you do not produce the honey, a PFR or CFO registration/permit in addition to a Non-Agricultural Food Vendor Permit is required to sell within the Community Events section.

### ***Can I offer fresh juices of my produce at the market?***

No, juicing is considered food preparation and is not allowed in the CFM or Community Events Section. If you wish to offer juices, they must be pre-packaged and from an approved food facility under a PFR.

### ***Can I sell low-acid canned food?***

Yes, with a Cannery License issued by CDPH FDB.

### ***If I rent kitchen space at a restaurant or commissary, do I still need a PFR for my business?***

Yes, each business operating is required to have their own health permit or registration for their own operation. Permits and PFRs are owner-specific and cannot be shared.

### ***What is required to sell meat that I produce?***

Producers may sell meat and other livestock products they produce within the CFM. Livestock and livestock products are considered non-certifiable agricultural products, a CPC is not issued to livestock producers. All meat must be processed in an approved USDA inspected facility.

### ***What is required to sell cheese?***

A license from California Department of Food and Agriculture, Milk and Dairy Food Safety Branch.

### ***What is considered an approved source?***

Facilities that possess a valid CPC are considered an approved source for certified agricultural products. For non-certifiable agricultural food products, the processing and storage location must be under regulation by an authority acceptable to CDPH or EH and owned and operated by the same person or entity. One or more of following may be required for processing or packaging any food products:

- Processed Food Registration (PFR) issued by CDPH FDB.
- EH permitted retail food facility located within San Mateo County (e.g., bakery, restaurant, etc.)
- Cottage Food Operation Registration or Permit.
- A federal inspection certificate issued by the Food and Drug Administration.

*The registration or permit must be issued to the producer processing the food. If contracting with a co-packer and the producer has no involvement in the processing of the food, proof of the agreement and the co-packer's PFR must be provided upon request.*

### ***How much do the permits cost?***

The most current [fee schedule](#) can be found on the EH website. Permit fees are billed annually.

### ***What is required to sell pet food?***

Approval from CDPH FDB is required for selling pet food processed pet food. Approval from CDFA is required for selling raw or unprocessed pet food.

## OTHER AGENCIES

### [County of San Mateo Agriculture Department](#)

728 Heller Street  
Redwood City, CA 94064  
(650) 363-4700  
[smateoag@smcgov.org](mailto:smateoag@smcgov.org)

### [California Department of Public Health \(CDPH FDB\)](#)

Food and Drug Branch  
1500 Capitol Avenue MS 7602  
PO Box 997435  
Sacramento, CA 95899-7435  
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### [California Department of Food and Agriculture](#)

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Sacramento, CA 95814  
(916) 654-0466