

FOOD SAFETY AT THE MARKET

With the danger of foodborne illnesses and the potential for litigation, farmers market managers and vendors should pay close attention to State and local health department rules and use some common sense practices.

For the past few years, Virginia Cooperative Extension and VDACS have been cooperatively working to train small farmers in implementing food safety practices on the farm. VDACS provides the audits. These are not mandatory, but make good sense and will help the farmers to market to customers other than farmers markets and local fruit/veggie stands. The training covers agricultural water quality, biological soil amendments (of animal origin), health & hygiene of workers (especially those that are harvesting or physically touching the food), the presence of domestic and wild animals in the growing and packing areas and the sanitation of tools, equipment and buildings used to harvest and store the food.

There are no food safety standards for produce at the farmers market. In the section ahead, Food Safety Modernization Act (FSMA), you will find information on the status of the new law and how it may impact the role of the market manager. Currently, however, food safety indicators of unclean practices in display, storage, sampling for customers are handled by the local health department, within the farmers market rules of a market, or simply from the observations of a market manager. VDACS and the local health department regulate vendors other than produce, unless they observe adulterated or potentially adulterated produce (displaying on the ground or in dirty containers, etc.).

However, with the diversity of markets setup, vendors and locations, some procedures may work well in one market, but not in another. Requiring all vendors to use tablecloths may be an ideal practice, but if the tables are plastic and washed before market, tablecloths may not be needed.

Michael Morrelli, retired USDA Food Safety Specialist and co-Manager of the Fredericksburg Farmers Market, shared his practice of food safety protocols at the market:

“When I go out to audit the produce growers in the Fredericksburg market, I use the USDA Audit Checklist as a guide to ask questions and get the producers to think about what they might do to follow standard common sense procedures. It's universal, easy to find, easy to use, and farmer friendly.

Many of the questions do not apply to small family farmers that live on the farm, but the [same] concept applies. For example, they do not need portable toilets because such are used in the home on the property. When they use the toilet, they need to wash their hands (20 seconds minimum with soap) before they return to work. I ask pertinent questions to determine what they're doing.

I do not conduct a [formal] audit, I use the Checklist [Farmers Market Self-Help Form] as a training tool to move the farmers along towards better practices and hopefully one day to pass an audit or be familiar with terminology if they take a VT Extension class. Generally, the farmers are following good practices in most areas, but not in all. I stress correction of the higher risk practices (clean irrigation water, hand-washing, proper use of composted manures, harvesting when ill, etc.).”

*If you're interested in conducting a food safety inspection of produce growers, search for the *Farmers Market Self-Help Form* in this website's Resources.

Food Safety Modernization Act (FSMA)

In January 2011, the Food Safety Modernization Act (FSMA) was signed into law and is the first major update of federal food safety laws since 1938. FSMA gives the FDA (Food & Drug Administration) the power to prevent food safety problems, detect and respond to food safety issues, and improve the safety of imported foods. FSMA doesn't change food safety regulations for meat, poultry, and egg products, which are under the USDA's jurisdiction.

The FDA's proposed regulations, which show how it expects to implement the provisions in FSMA, are still in review as of publication of this guidebook so they are not final yet and may take several years to roll out and become fully effective. As they relate to producers selling at the farmers market, some of the provisions address scale of operation, conservation practices, and certified organic and value-added producers. The regulations focus on addressing food safety risks from microbial pathogen contamination (e.g., Salmonella, E. coli O157:H7, and Shigella). As they are proposed, there are two rules that may impact farmers markets in that, if passed, they will authorize regulations at the farm level (for folks that grow and sell fresh produce, and/or processes, packs, manufactures, or holds/store food); they are the Produce Rule (standards for produce production) and the Preventative Controls Rule (food safety measures for facilities that process food for human consumption). Again, these rules have not yet gone into effect.

Tester-Hagan Amendment

In addition to the FSMA, the Tester-Hagan Amendment (S.510) was passed and is also still in review. Tester-Hagan is an amendment designed to exempt the smallest producers (\$25,000 in sales or less) from GAP Certification food safety compliance *if pre-qualification* is awarded.

Tester-Hagan will require small producer vendors, exempt from GAP Certification food safety compliance, to 'hang their shingle' clearly and visibly in their market stall stating the name and location of their farm. Tester-Hagan does *not* relieve small growers from product liability, which are still regulated by state and local health departments.

GAP Certification

Good Agricultural Practices (GAP) certification is a voluntary, traceable, food safety program established through the USDA for growing fresh produce. Requirements for meeting GAP certification are rigorous and go beyond common sense ways of limiting contamination of produce. Records detailing wild animals sighted on the property, concentration of produce cleaning chemicals, and temperature of refrigerators holding food before transport to market are all examples of requirements to meet GAP certification standards. GAP aims to put common sense practices into more methodical and thorough terms to ensure that food safety standards are being met. Producers choose to become GAP certified or are required to do so by an outside entity, such as a wholesale buyer. GAP puts practices into place that allow each harvest to be traceable in case of foodborne illness and helps to discourage the likelihood of a foodborne illness originating on a particular farm. GAP certification and compliance comes from an audit, either by the USDA or by an independent third party entity; it must be renewed on an annual basis and certification is required for each crop sold. For small, diversified growers—those characteristically at a farmers market—the program is cumbersome and in some cases, prohibitive.

For GAPs that might be applicable to meat and poultry farming operations, they are *not* replacing the Hazard Analysis Critical Control Point (HACCP) plans required by USDA, Food Safety & Inspection Service (FSIS), of meat and poultry operations. The Virginia HACCP contact is:

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New Home Kitchen Food Processing Amendment

On July 1, 2013, an amendment (§3.2-5130) to the Code of Virginia went into effect that expanded the types of prepared foods that individuals can make and sell from their homes or at farmers markets without VDACS inspection, including certain low risk foods and acidified vegetables.

*Search our Resources for more information on *FSMA*, *Tester-Hagan*, and *Virginia's New Home Kitchen Food Processing Exemptions*.