



Food Safety at Farmers Markets

VDACS Office of Dairy & Foods
Food Safety Program

Legislative Updates

- ▶ Approved by the Governor on 3/25/2024 (effective 7/1/24)
- ▶ lis.virginia.gov > Bills & Resolutions > 2024 Session > HB759
- ▶ Food inspections; private homes; pickles and acidified vegetables; gross sales.
 - ▶ Increases from \$3,000 to \$9,000 the gross sales annual revenue cap for sales of pickles and other acidified vegetables that have an equilibrium pH value of 4.6 or lower and are processed and prepared in a private home without an inspection as otherwise required to operate a food establishment
 - ▶ Expands the exemption for private homes where the resident processes and prepares certain food products to allow for such person to sell the food at a temporary event that operates for a period of no more than 14 consecutive days
 - ▶ Also clarifies that such person may advertise such food products over the Internet provided that the sale takes place in person and complies with certain restrictions

Jurisdiction and Regulations

- ▶ All food products must be made in an inspected kitchen, unless a home kitchen exemption applies and is followed
- ▶ **Jurisdiction - Who Inspects What?**
 - ▶ VDACS - retail stores such as grocery and convenience stores, large and small manufacturers, home kitchen food processing operations, and warehouses
 - ▶ VDH - restaurants and temporary food establishments
- ▶ **Applicable Regulations**
 - ▶ Virginia Food and Drink Law (this includes exemptions)
 - ▶ 21 CFR 101 Food Labeling
 - ▶ 21 CFR 117 Current Good Manufacturing Practices
 - ▶ Additional regulations for specific types of food (ex. seafood, juice, acidified foods, dietary supplements, etc.)

Resources for New Food Businesses

▶ VDACS Food Safety Program

- ▶ Website: <https://www.vdacs.virginia.gov/food-dairy-and-foods.shtml>
- ▶ Email: foodsafety@vdacs.virginia.gov
- ▶ Phone Number: 804-786-3520

▶ Home Kitchen Food Processing Operations

- ▶ “How To” Application Guidance Document ([pdf](#))
- ▶ Permit Application ([pdf](#))

▶ Commercial Kitchen Food Processing Operations

- ▶ “How To” Application Guidance Document ([pdf](#))
- ▶ Permit Application ([pdf](#))

VDACS Farmers Market Webpage

Microsoft PowerPoint - How To-- X Farmers' Market Vendors X +

← ↻ 🔒 <https://www.vdacs.virginia.gov/dairy-farmers-market-vendors.shtml> 🔍 🔊 ☆

Virginia Department of Agriculture and Consumer Services
An official website of the Commonwealth of Virginia [Here's how you know](#) ▾

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

ABOUT VDACS ▾ JOBS SERVICES/FORMS MEDIA ▾ EMPLOYEE ▾ CONTACT SEARCH

Home / Dairy & Foods / Farmers' Market Vendors

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 - Prepaid Legal Service Plan Sellers
 - Produce Safety
 - Transporters of Waste Kitchen Grease
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FARMERS' MARKET VENDORS

Food establishments, including farmers' markets, that manufacture, process, pack or hold food for sale are subject to the Virginia Food and Drink Law and related regulations.

Enforcement of these requirements includes regular periodic inspections of food establishments, including farmers' markets. VDACS' Food Safety Specialists, also known as inspectors, ensure that any food or beverage manufactured, produced, processed, packed, exposed, offered, possessed or held for sale is safe for human consumption, and in compliance with the Virginia Food and Drink Law and related regulations. Inspectors look for evidence of unsanitary conditions, mislabeling and the mishandling of food products that can lead to unsafe foods. Manufacturers are subject to unannounced inspections and sampling. Vendors and market managers are encouraged to contact the VDACS Food Safety Program office with questions concerning safe food handling practices.

Food service vendors at farmers' markets are permitted by the Virginia Department of Health.

Permit Applications

- Permit Application for a Home Food Processing Operation (pdf)**
- Permit Application for a Commercial Kitchen Food Processing Operation (pdf)**
- Wild Mushroom Harvester Application (pdf)
- Wild Mushroom Retail Sales Application (pdf)

Laws & Regulations

- Virginia Food and Drink Law
- Regulations Governing the Manufacturing and Sale of Products that Contain Industrial Hemp Extracts Intended for Human Consumption
- Virginia Retail Food Establishment Regulations

Additional Resources

Application Process

1. Email completed application packet to VDACS at foodsafety@vdacs.virginia.gov.

Packet shall include:

- ▶ Business information and zoning approval
- ▶ Food processing and storage area diagram
- ▶ Product list and planned distribution
- ▶ Ingredient list, ingredient source, and recipes
- ▶ Labels

2. **Preoperational Inspection**

- ▶ After the application review is complete, a Food Safety Specialist will contact you to set up a preoperational inspection

3. **Issuance of Permit**

- ▶ Approval to sell the products in your application is granted following the satisfactory completion of the inspection
- ▶ New products must be approved prior to selling them

New Products

- ▶ After you successfully complete the application and preoperational inspection process, you are approved to sell only the products included in your application
- ▶ As your business grows, you must submit your new products for review and approval prior to offering the new products for sale
- ▶ **Approval Process for New Products**
 - ▶ Email product list, planned distribution, ingredient list, ingredient source, recipes, and labels to foodsafety@vdacs.virginia.gov
 - ▶ You will be notified when the products have been approved and added to your file
- ▶ **NOTE:** email labels for review before having them printed



Home Kitchen Exemption from State Inspection

- ▶ Food establishments, including private homes, that manufacture, process, pack or hold food for sale are subject to the Virginia Food & Drink Law and other applicable regulations
- ▶ Section §3.2-5130 of the Virginia Food and Drink Law allows individuals to make and sell certain low risk foods in their private home without state inspection, with certain restrictions
- ▶ The list of allowed foods are in the following general categories:
 - ▶ Low risk foods
 - ▶ Certain home-canned foods (pickles & acidified vegetables)
 - ▶ Honey
- ▶ Home Kitchen Food Processing Exemption Fact Sheet
 - ▶ <http://www.vdacs.virginia.gov/pdf/kitchenbillfaq.pdf>

Home Kitchen Exemption from State Inspection

- ▶ Low risk foods:
 - ▶ Candies
 - ▶ Jams and jellies not considered to be low-acid or acidified food products
 - ▶ Dried fruits, dried pasta, dried tea, dry herbs, dry seasonings, dry mixtures, dry baking mixes
 - ▶ Coated and uncoated nuts
 - ▶ Vinegars and flavored vinegars
 - ▶ Popcorn and popcorn balls
 - ▶ Cotton candy
 - ▶ Roasted coffee, cereals, trail mixes, granola
 - ▶ Baked goods that do not require time or temperature control after preparation

Home Kitchen Exemption from State Inspection

- ▶ Certain types of home-canned foods
 - ▶ Pickles and other acidified vegetables with a pH of 4.6 or lower
 - ▶ Acidified vegetables products include pickled products, salsa, chow-chow, relishes
- ▶ Must also comply with 21 CFR 114 Acidified Foods regulation
- ▶ Total gross annual sales must not exceed \$3,000* for all acidified foods produced
- ▶ This category does not include the following:
 - ▶ Canned fermented foods
 - ▶ Canned foods that require refrigeration
 - ▶ Canned acid foods
 - ▶ Canned fruits
 - ▶ Low-acid canned foods with a pH greater than 4.6

Home Kitchen Exemption from State Inspection

- ▶ Home Kitchen Food Processors operating under the Home Kitchen Exemption must adhere to ALL of the following:
 - ▶ Food products made in the home
 - ▶ Sold at the home or at the farmers market*
 - ▶ Sold directly to the end consumer and not for resale/to other businesses
 - ▶ Not offered for sale over the internet or across state lines
 - ▶ Labeling requirements
- ▶ Food labels must:
 - ▶ Include your name, physical address, and phone number
 - ▶ Include the food production date and the statement “NOT FOR RESALE - PROCESSED AND PREPARED WITHOUT STATE INSPECTION”
 - ▶ Meet mandatory labeling requirements

Home Kitchen Exemption from State Inspection

- ▶ Honey
 - ▶ Only pure honey
 - ▶ Infused honey products are not exempt
- ▶ Total annual sales must not exceed 250 gallons of honey
- ▶ Honey labels must:
 - ▶ Meet mandatory labeling requirements
 - ▶ Include the statement **“PROCESSED AND PREPARED WITHOUT STATE INSPECTION. WARNING: Do Not Feed Honey to Infants Under One Year Old.”**
- ▶ Honey can be sold retail or wholesale



Mandatory Labeling Requirements

1. Statement of identity (common name of product)
2. Ingredients list, including sub-ingredients and allergens, listed in order from most heavy to least heavy
3. Net quantity statement in standard and metric units
4. Name and address of manufacturer, packer, or distributor

Example - Label for Toll House Chocolate Chip Cookies

CHOCOLATE CHIP COOKIES

Ingredients: Bleached, enriched wheat flour (bleached wheat flour, malted barley flour, niacin, iron, thiamin mononitrate, riboflavin, folic acid), semi-sweet chocolate chips (sugar, chocolate, cocoa butter, milkfat, soy lecithin-an emulsifer, natural and artificial flavor), pecans, vegetable shortening (partially hydrogenated soybean and cottonseed oils, mono and diglycerides), sugar, brown sugar (sugar, cane molasses), eggs, sodium bicarbonate, salt, vanilla. **Contains: Wheat, Milk, Pecans, Eggs**

Grannie's Cookies, 111 Happy Lane, Anytown, VA 22554

Net wt. 10 oz (283 grams)

Mandatory Labeling Requirements

- ▶ All major allergens must be declared on food labels

MAJOR FOOD ALLERGENS: THE BIG 9



Milk



Eggs



Fish



Crustacean
Shellfish



Tree Nuts



Peanuts



Wheat



Soybeans



Sesame

Nutritional Labeling Requirements

- ▶ Packaged foods and dietary supplements must bear nutrition labeling, unless they qualify for an exemption
- ▶ One of two exemptions may apply to your business:
 - ▶ Less than 10 employees and less than 10,000 units sold (per item) - no need to file for an exemption
 - ▶ Less than 100 employees and less than 100,000 units sold (per item) - must file an annual exemption notice with the FDA
- ▶ If any nutrient content or health claims are made (ex. fat free, low fat, sugar free, etc.), the nutritional labeling small business exemption is not applicable
- ▶ The nutritional labeling exemption has no effect on the mandatory labeling information discussed on the previous slide

Nutrition Facts	
4 servings per container	
Serving size 1 1/2 cup (208g)	
Amount per serving	
Calories	240
	% Daily Value*
Total Fat 4g	5%
Saturated Fat 1.5g	8%
<i>Trans</i> Fat 0g	
Cholesterol 5mg	2%
Sodium 430mg	19%
Total Carbohydrate 46g	17%
Dietary Fiber 7g	25%
Total Sugars 4g	
Includes 2g Added Sugars	4%
Protein 11g	
Vitamin D 2mcg	10%
Calcium 260mg	20%
Iron 6mg	35%
Potassium 240mg	6%

* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

Label Review

- ▶ As your business grows and changes, so will your products and labels
 - ▶ Submit your new products for review and approval prior to offering the new products for sale
 - ▶ Send your labels for review before you get them printed
-
- ▶ Submit to foodsafety@vdacs.virginia.gov



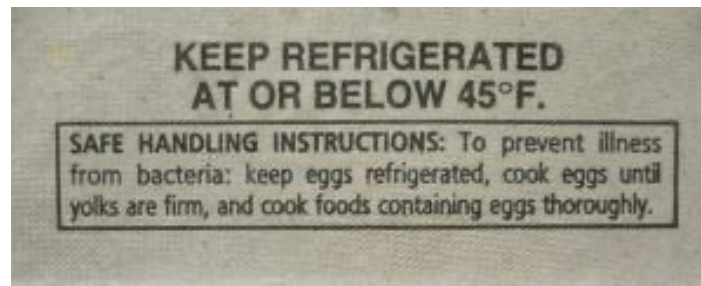
Eggs

Virginia Egg Law

- ▶ You can sell the following without state inspection:
 - ▶ Up to 150 dozen eggs/week produced by your own hens
 - ▶ Up to 60 dozen eggs/week from another producer's hens
- ▶ Eggs offered for sale at farmers markets must be:
 - ▶ Clean and unbroken
 - ▶ Properly refrigerated at 45° F or below
 - ▶ Properly labeled

Labeling Requirements

- ▶ Statement of Identity: EGGS
- ▶ Net quantity: 12 eggs, 1 dozen
- ▶ Business name and address
- ▶ The appropriate grade or “ungraded” if none
- ▶ Eggs labeled as “Fresh” must meet Grade A standards
- ▶ Keep refrigerated statement and safe handling instructions



Alcohol in Food

- ▶ A food cannot be sold in VA if it has more than 0.5% Alcohol by Volume (ABV)
 - ▶ Anyone that wants to sell a product with alcohol in it must have the product tested for alcohol content
 - ▶ Test results showing it is below the limit must be submitted
- ▶ Exception: Virginia ABC would regulate food that has an alcohol content of greater than 0.5% ABV as an alcoholic beverage/product
- ▶ Contact Virginia ABC to discuss your specific situation. Below are two applications that others have used
 - ▶ Confectionary Permit ([link](#))
 - ▶ Culinary Permit ([link](#))

Selling Live Chicks and Animals

- ▶ There are no limitations from our Department regarding selling live animals at markets
- ▶ If buying and reselling chicks, register as a poultry dealer with the VDACS Office of Veterinary Services
 - ▶ <https://www.vdacs.virginia.gov/animals-how-to-become-a-livestock-poultry-dealer.shtml>
- ▶ Live animals can not be sold within the food booth
 - ▶ Maintain enough distance between the live animals and food to prevent contamination of the food
 - ▶ Provide separate employees for each area - one employee for food, one for live animals
 - ▶ Provide access for handwashing

Transporting Food to the Market

- ▶ Food must be protected from contamination and under temperature control during transportation to and from the market
- ▶ Food crates/boxes and transportation vehicles (trucks, vans, etc.) should be clean and maintained in sanitary condition
- ▶ Temperature-controlled vehicles should also have display thermometers



- ▶ Do a test run!
- ▶ Ex. It takes you 2 hours to drive to the market, the market is 4 hours long, and it takes 2 hours to get home - a total of 8 hours
- ▶ In this scenario, TCS foods must be under temperature control for the entire 8 hours

Temperature Control

- ▶ Cold Holding: 41 °F or below
- ▶ Hot Holding: 135 °F or above
- ▶ Use a probe type thermometer to check internal temperatures of time/temperature control for safety (TCS) foods

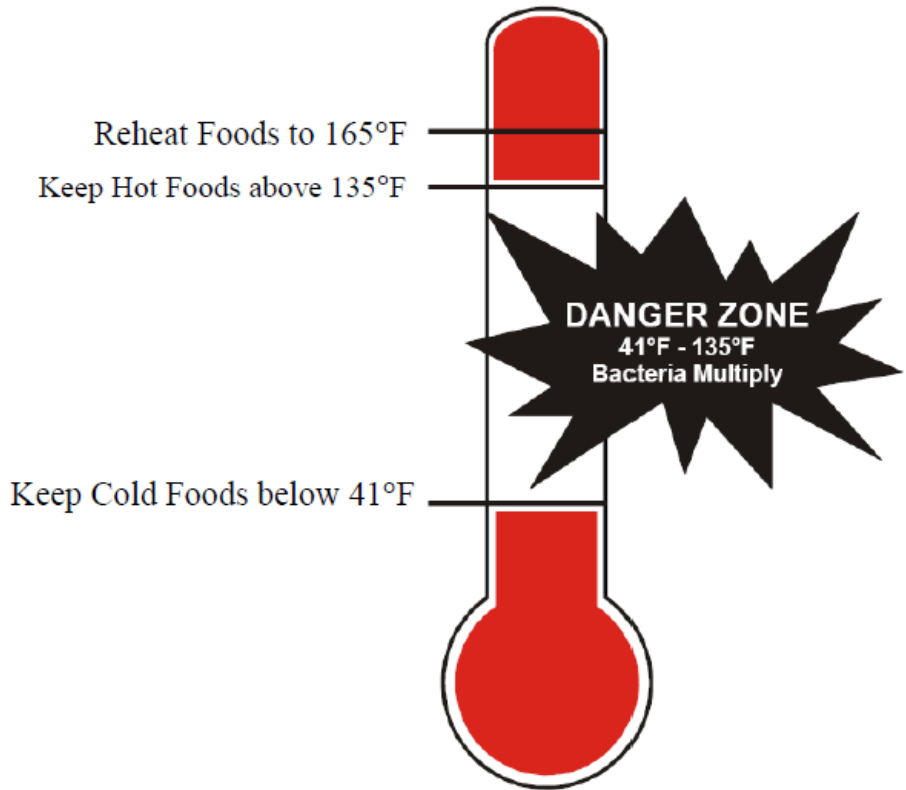


- ▶ Keep display thermometers in coolers



- ▶ Ice or electrical/gas powered equipment may be used, provided acceptable temperatures are achieved

Temperature Danger Zone



When in Doubt, Throw it OUT!

Ice for Cold Holding

- ▶ Ice and ice packs may be used for temperature control of cold items provided acceptable temperatures are maintained (41 ° F or below)
- ▶ Ice must be drained frequently
- ▶ Do not store foods in direct contact with ice to avoid contamination - exception for fruits and vegetables



Ice for Cold Holding

- ▶ Recommendations:
 - ▶ Bring an extra cooler full of just ice and/or extra ice packs
 - ▶ Provide pictures of items on the display table so your customers know what you're offering for sale without having to constantly open the cooler
- ▶ If you want customers to see the actual item:
 - ▶ Provide display examples labeled "Example only - not for sale"
 - ▶ Display examples must be thrown away at the end of the day



Food Samples

- ▶ **Guidelines for Providing Safe Food Samples at the Market ([pdf](#))**
- ▶ Safe preparation and storage
 - ▶ Clean surfaces and utensils
 - ▶ Good personal hygiene
 - ▶ Proper storage for prepared samples
- ▶ Keep your hands clean
- ▶ Maintain barrier between hands and food
- ▶ Keep equipment clean
- ▶ Limit exposure time
 - ▶ 4 hours or less for TCS Foods
- ▶ Protect food from the environment
- ▶ Protect allergic customers



Food Samples

- ▶ If preparing samples at the market:
 - ▶ Have a handwashing station on-site
 - ▶ Have an on-site utensil and equipment cleaning station set up to wash, rinse, sanitize
 - ▶ It is recommended to use single-service items whenever possible



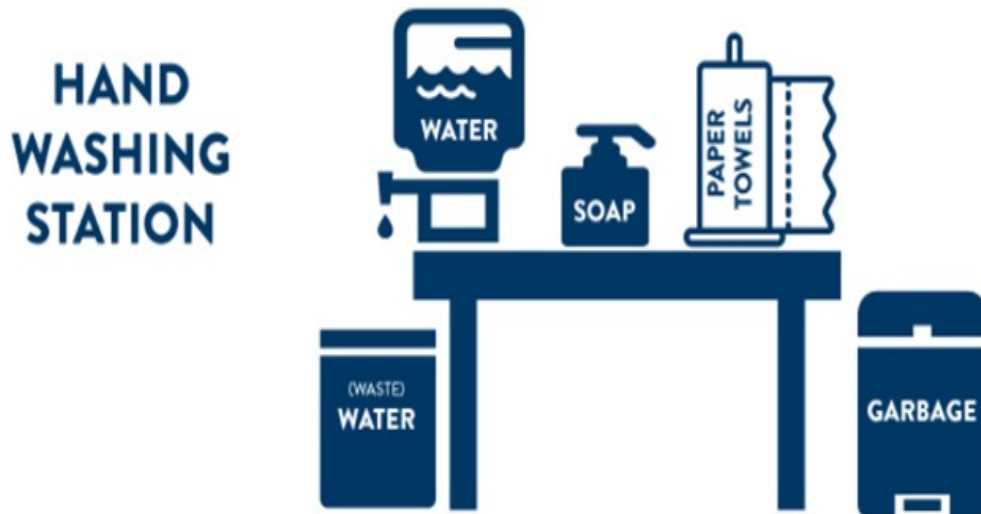
- ▶ Keep cold things cold, hot things hot
- ▶ Have signs or other materials that inform customers of possible allergens
- ▶ As a best practice: prepare samples at an approved, inspected facility prior to arriving at the market

Food Protection

- ▶ Store your products in a clean, dry location where they are not exposed to splash, dust or other contamination
- ▶ Cover or package to protect your products and samples from the elements, pests, and dirty fingers
 - ▶ Sneeze guards, dome covers
- ▶ Maintain a barrier between hands and food
 - ▶ Tongs, spoons, gloves, toothpicks, ramekins, single-use deli paper
- ▶ Keep your equipment clean
 - ▶ Use clean, disposable items
 - ▶ Be prepared to wash, rinse, and sanitize non-disposable items
 - ▶ Bring extras so you do not run out



Personal Hygiene



▶ Practice good personal hygiene

- ▶ Clean outer garments
- ▶ Effective hair restraints
- ▶ No smoking, eating, or drinking

▶ Wash your hands frequently

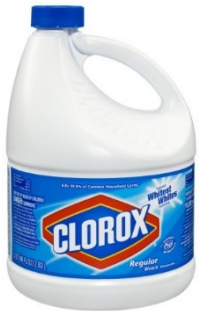
- ▶ After touching bare human body parts or your hair, coughing or sneezing, using a handkerchief, eating/drinking
- ▶ After using the restroom, handling animals, using tobacco, handling dirty equipment & utensils
- ▶ After switching between raw and ready-to-eat food, and after engaging in other activities that contaminate the hands

▶ Avoid bare-hand contact with ready-to-eat (RTE) foods

- ▶ Use deli paper, spatulas, tongs, dispensing equipment, or gloves

Three-Compartment Sink

Three Step DISHWARE AND UTENSIL Washing Station



- ▶ Sanitizers must be approved for sanitizing food-contact surfaces and used as per the manufacturer instructions
- ▶ Test strips are used to measure the appropriate concentration of sanitizer
 - ▶ 50-100 ppm chlorine bleach
 - ▶ 200-400 ppm quaternary ammonium

Contact Information

- ▶ VDACS Food Safety Program
 - ▶ foodsafety@vdacs.virginia.gov
 - ▶ 804-786-3520

- ▶ Karen Bergin, Food Safety Manager
 - ▶ Karen.Bergin@vdacs.virginia.gov

- ▶ Rashelly Bland, Food Safety Manager
 - ▶ Rashelly.Bland@vdacs.virginia.gov

- ▶ Pam Miles, Office of Dairy and Foods Program Manager
 - ▶ Pamela.Miles@vdacs.virginia.gov