

VDH Farmers Market Permitting & Food Safety 101



Virginia Department of Health,
Division of Food and General
Environmental Services

Whitney Wright,
Environmental Health Coordinator
Whitney.Wright@vdh.virginia.gov

Jessica Klemencic,
Food Safety Quality Assurance
Coordinator
Jessica.Klemencic@vdh.virginia.gov

Acronyms Used Throughout the Presentation:

CFPM = Certified Food Protection Manager

FDA = Food and Drug Administration

LHD = Local Health District (35 total in Virginia)

MOU = Memorandum of Understanding

PIC = Person-in-Charge

TCS Food = Time-Temperature Control for Safety Food

TFE = Temporary Food Establishment

VDACS = Virginia Department of Agriculture and Consumer Services

VDH = Virginia Department of Health

What's the Difference Between a VDH Vendor and a Farm Vendor?

VDH Vendor

- Requires a VDH food establishment permit
- Food service establishment preparing food for sale e.g., concessions direct to consumer
- Examples are permitted food establishment, mobile unit, or TFE vendor
- Food preparation occurs in VDH food establishment, mobile unit, or onsite at the market

Farm Vendor

- Farmers selling their-own farm produced products direct to consumer at their farm or farmers' market
- Includes farmers, growers, producers
- Firms permitted by VDACS
- Firms exempt by VDACS under VA “cottage law”
- May provide a sample of product w/o VDH permit

Vendors Not Inspected by VDH at the Farmers Market

Vendors selling food items from approved sources including manufacturers inspected by VDACS



Vendors selling packaged food items that are exempt from VDACS inspection as specified by [COV §3.2-5130C \(3-5\)](#) can sell these foods at a farmers market and do not require a VDH permit to serve or sample food

Products Exempt from VDH Inspection under [CoV §35.1-14](#)

“Farmers offering their own farm-produced products directly to consumers for their personal use,…”

At the farmers market, these farmers may offer samples of their farm-produced products, e.g.,:

- sliced fruits and vegetables
- cooked fruits and vegetables
- cooked and prepared meat, poultry, seafood, eggs



Who is Exempt from a VDH Permit?

Food Safety Exempt Organizations:

1. Churches
2. Fraternal or School Organizations
3. 501 (c) (3) Exempt Organizations
4. Vol. Fire and Medical Services

For the above organizations, the following requirements apply:

1. Event must be no more than 2 days
2. Food may only be prepared in the following locations:
 1. Homes of members
 2. Kitchen of Church, School, or Organization
 3. Purchased or donated from a permitted food establishment.
3. Food prepared onsite at an event is not exempt from a permit, however the fee for the permit would be waived.

VDH VIRGINIA DEPARTMENT OF HEALTH
HOUSE BILL 57
(2024 GENERAL ASSEMBLY SESSION)
FOOD SAFETY EXEMPT ORGANIZATIONS

The following organizations no longer have to hold their own events to be exempt from VDH permitting and food safety requirements:

- 1 CHURCHES
- 2 FRATERNAL OR SCHOOL ORGANIZATIONS
- 3 501 (C)(3) EXEMPT ORGANIZATIONS
- 4 VOL. FIRE AND MEDICAL SERVICES

THE FOLLOWING REQUIREMENTS APPLY:

- NO MORE THAN 2 DAYS**
The exemption applies when the events are occasional dinners, bazaars, and other fundraisers. The organization's participation in the event may only be of one or two days' duration.
- LOCATION OF FOOD PREP**
Food may only be prepared in:
 - The homes of members;
 - The kitchen of the church, school, or organization;
 - Purchased or donated from a permitted food establishment.
- NO PERMIT FEES**
Food prepared onsite at an event is not included in the exemption—this activity would require a TFE permit, but the \$40 fee would be waived.

<https://www.vdh.virginia.gov/environmental-health/food-safety-in-virginia/>

Food Allergen, Intolerance, and Sensitivity Awareness

- New legislation passed in this year's General Assembly session
- In 2026 VDH will be gathering stakeholder input for drafting new regulatory requirements associated with retail food and consumer food allergen, intolerance, and sensitivities
- We would like to have you as part of the Virginia Farmers Market Association be part of our stakeholder group.
- Visit our website and click on "Allergens" to learn more.
- If you are interested, please email us at FoodSafety@vdh.virginia.gov

Food Allergen Control Procedures

Sesame Milk Egg

Soy Fish

Wheat Shellfish

Peanut Tree Nuts

VDH VIRGINIA DEPARTMENT OF HEALTH

<https://www.vdh.virginia.gov/>

f @ X in

The infographic features a central QR code and the VDH logo. It is surrounded by illustrations of various food allergens: Sesame (seeds), Milk (a glass), Egg (two eggs), Soy (a green bean), Fish (a fish), Wheat (wheat stalks), Shellfish (an open oyster), Peanut (peanuts), and Tree Nuts (almonds, cashews, walnuts).

Food Service v. Sampling at a Farmers' Market

Food Service

- Sold to the consumer
- Can be a meal or single entrée such as sandwich or slice of pizza
- Food is prepared at a permitted food establishment (includes onsite as a TFE vendor)



Samples

- Free
- Bite-size portion
- Showcases a food produced by farmer, producer, grower
- Prepared in a VDACS approved kitchen or onsite



Vendors Inspected by VDH at the Farmers' Market

- Permitted Food Establishments
- Mobile Units
- Temporary Food Establishments



**Temporary Food
Establishments**

Permitted Food Establishments:

- Prepares and serves the same types of food at the market that is prepared and served at the permitted location e.g., restaurant setting up a booth at the farmers' market
- A copy of the permit must be posted
- Inspected by VDH based on risk category

Mobile food unit:

- Food establishment on wheels or readily movable at all times also known as “food truck” or “hot dog cart”
- Permit issued by the LHD where the commissary is located or in the locality in which the operator resides, if a commissary is not required.
- Annual permit that is valid statewide.



Mobile food unit:

- Inspections are conducted based on risk category.
- Permit is a sticker that is adhered to the mobile unit.



Temporary food establishment:

- A food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration.
- Inspections are conducted based on risk category



| mon | tue | wed | thu | fri | sat | sun |
|-----|-----|-----|-----|-----|-----|-----|
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |



An application for a TFE permit must be submitted at least **10 days** prior to the event.

- We recommend you check with the local health department where the market is taking place prior to participating in the market since there may be additional local codes.
- Permit may be issued for multiple occurrences of an event for up to one year.
- Permit must be posted where visible to the public
- A food establishment with a valid VDH permit can operate as a TFE without an additional VDH permit and must post a copy of the permit.

- All food preparation must occur onsite at the TFE



Most VDH Restaurant and TFE Permits look like this



COMMONWEALTH OF VIRGINIA
VIRGINIA DEPARTMENT OF HEALTH

CERTIFIES THAT:
Pierce Promotions & Event Management, LLC
178 Middle Street
Portland, ME 04101

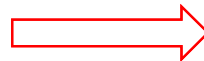
TRADING AS:
LIDL MOBILE FOODS

is hereby granted a permit/license to operate in the Commonwealth of Virginia
in association with any event or celebration as a
TEMPORARY FOOD ESTABLISHMENT
in accordance with the regulations of the Board of Health
of the Commonwealth of Virginia.

Health Official
Danville City Health Department

Facility Type: Truck, Category 3
Valid from August 21, 2017 - August 20, 2018

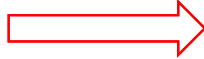
Operator and dba
name



Type of Permit



Signature of LHD
who issued the
permit and the
locality name

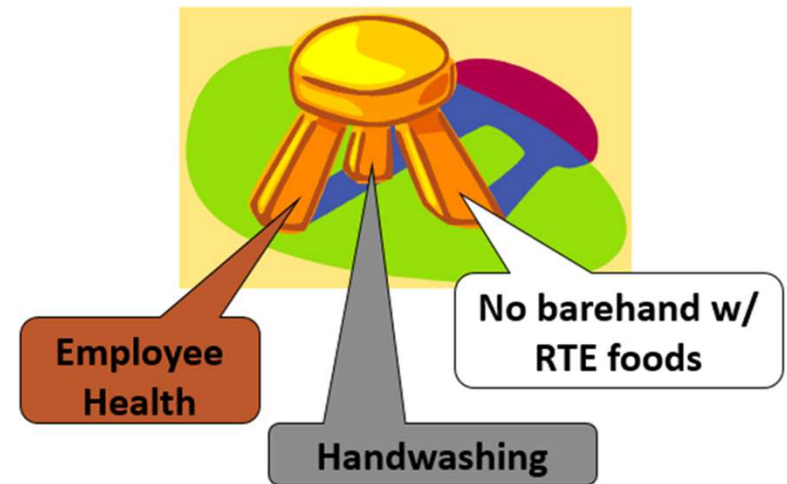


Risk Category and
Expiration Date



Operational Requirements for VDH Permitted Establishments

- 1) Person-in-Charge (PIC)
- 2) Certified Food Protection Manager (CFPM)
- 3) Food and water obtained from approved sources—No Home Prepared Food
- 4) Employee practices/personal hygiene
 - Employee health
 - Handwashing
 - No bare hand contact with RTE food
- 5) Cooking of raw animal foods-Use a thermometer
- 6) Holding temperatures of TCS food-cold food $\leq 41^{\circ}\text{F}$, hot food $\geq 135^{\circ}\text{F}$
- 7) Clean/sanitized wares and surfaces



Examples of TFE Handwashing



PROPER HOLDING TEMPERATURES

KEEP HOT FOODS HOT

KEEP COLD FOODS COLD



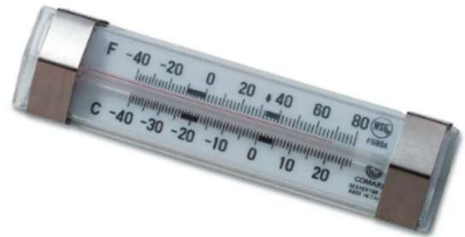
U.S. INSPECTED AND PASSED BY DEPARTMENT OF AGRICULTURE EST. 38



If you wear gloves or use utensils when handling ready-to-eat foods, you keep the food and your customers safe.

Protect people from getting sick. Always wear gloves or use utensils when handling ready-to-eat foods.

FDA



On drained ice



Wastewater Disposal



TFE Permitting Process Scenario #1

Whitney wants to sell birria grilled cheese sandwiches at his local farmers market. What does he need to do?

- Contact the LHD—they will provide him with the TFE application and walk Whitney through the process
- Complete the TFE application and pay \$40 state fee (local fees may apply) **at least 10 days** prior to participating in a farmers market
- Keep the receipt of the \$40 state fee payment

Here are some tips for Whitney when filling out his application:

- Know the name and location of the farmers market
- Know who the Market Coordinator is and have their contact information (**i.e., name, phone number, email**)
- Know the dates of the farmers market (**This is the date range which you plan to operate**)
- Know what foods will be on his menu (**Any food for sale must be on the menu**)
- Have a copy of his (or his staff's) CFPM certificate available (**They must be on site at the farmers market during operation**)

TFE Permitting Process Scenario #2

Whitney obtained a TFE permit for selling birria grilled cheese sandwiches last month from Richmond City Health Department (HD) and has decided he would like to participate in a farmers market in Virginia Beach. What does he need to do?

If the permit has not expired:

- Contact the Virginia Beach HD, provide them with a copy of his TFE permit issued by Richmond City HD, his most recent VDH inspection report, and let them know he is planning to participate in a farmers' market in Virginia Beach.
- Virginia Beach HD will determine if any additional steps are needed.

If the permit is expired:

- Contact Virginia Beach HD, they will provide him with the TFE application and walk him through the process again. He should also provide a copy of his receipt from Richmond City HD to avoid any additional state fees if it's within the calendar year.

To Our Market Managers and Coordinators

We are here to help you have a successful market! Here are some points to consider:

- Some localities have local ordinances with more stringent requirements than the State Food Regulations
- Some localities have local Event Coordinator forms to complete
- Do not hesitate to contact us with your questions

How can you help us?

Work with the local health department when organizing your market:

- Let us know when and where the market will open in advance. Keep in mind VDH TFE vendors need to apply for a permit at least 10 days prior to their participation in the farmers' market
- Provide your list of vendors so we can determine who is exempt, who needs permitting, and who requires a CFPM
- Request the vendor or farmer to provide you with a copy of their VDH or VDACS permit

Find A Local Health District

VDH VIRGINIA
DEPARTMENT
OF HEALTH



How can we help you?

- Do not hesitate to contact us for any questions you may have
- Refer to our resources slide at the end of this presentation

Health Department Locator

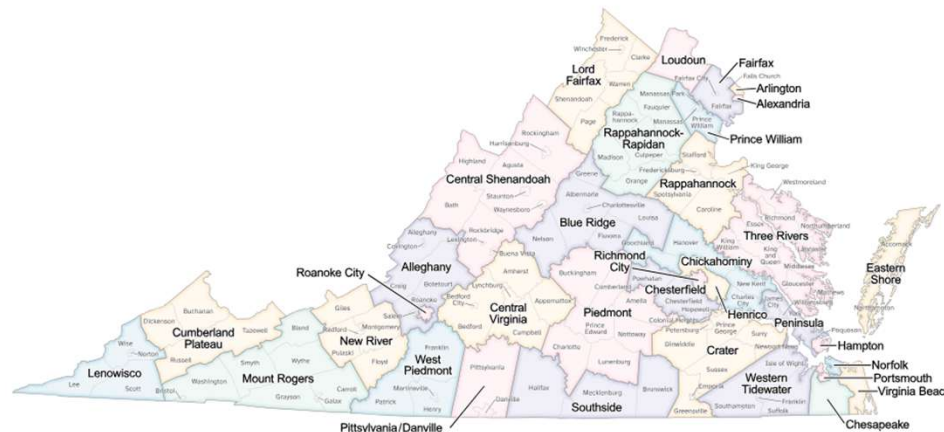
Offices of VDH

VDH Programs

Email this page

Local Health Districts

- District Directors
- District Directory
- Localities by Health District



- Alexandria
- Alleghany
- Arlington
- Blue Ridge
- Central Shenandoah
- Central Virginia
- Chesapeake
- Chesterfield
- Chickahominy
- Crater
- Cumberland Plateau
- Eastern Shore
- Fairfax
- Hampton
- Henrico
- Lenowisco
- Lord Fairfax
- Loudoun
- Mount Rogers
- New River
- Norfolk
- Peninsula
- Piedmont
- Pittsylvania/Danville
- Portsmouth
- Prince William
- Rappahannock
- Rappahannock/Rapidan
- Richmond
- Roanoke
- Southside
- Three Rivers
- Virginia Beach
- West Piedmont
- Western Tidewater

Food Safety in Virginia - Environmental Health Food Establishment

Information for Food Establishment Operators

| | | | |
|--|--|--|---|
|  Virginia Food Regulations |  Policies and Local Ordinances |  Certified Food Protection Manager |  Allergens |
|  Bodily Fluid Cleanup |  Mobile Food Units |  Temporary Food Establishments |  VDH- VDACS Partnership |

Food Safety Resources for the Public

| | | | |
|---|---|--|---|
|  Restaurant Inspection Reports |  Food Safety Basics |  Foodborne Illness and Outbreak |  Safe Dining Out Tips |
|  Food Recalls |  Additional Resources |  Ask a Food Safety Expert |  Food Safety in Emergencies |

Policies and Local Ordinances

<https://www.vdh.virginia.gov/environmental-health/food-safety-in-virginia/>

Is cheese from which mold has been removed considered sound and safe for human consumption?
Guidance on Recognition and Treatment of Anaphylaxis in Restaurants

Local Ordinances

| | |
|---|---|
| Certified Food Protection Manager | + |
| Food Handler's Cards | + |
| Local Food Ordinances/FDA Model Food Code | + |
| Local Exemptions for Fair Food Booths and Youth Athletic Activities | + |
| Local Requirements for Special Use Permits, City Operated Markets, Temporary Food Events, and/or Mobile Units | + |

Last Updated: July 22, 2024

Temporary Food Establishments

VDH VIRGINIA
DEPARTMENT
OF HEALTH



| |
|---|
| Bedding and Upholstered Furniture Program |
| Childhood Lead Poisoning Prevention |
| Food Safety in Virginia |
| Marina Program |
| Migrant Labor Camps |
| Public Health Toxicology |
| Shellfish Safety |
| Tourist Establishment Regulation ▼ |
| Waterborne Hazards Control |
| Onsite Water and Wastewater Services |

Email this page

Temporary Food Establishments

Operating a TFE? Check out these quick informative videos created by Blue Ridge Health District!

A **Temporary Food Establishment (TFE)** is a type of food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration, including carnivals, fairs, festivals, and other events. These establishments are distinguished from other classes of food establishments in the **Food Regulations**, such as mobile food establishments, caterers, and traditional restaurants.

- TFEs typically operate with limited resources (water, electricity, wastewater disposal) and for a short duration.
- Unlike permanent facilities, TFEs operate with equipment staged beneath a tent or similar open-air cover.
- TFEs are often seasonal in nature and may operate at a fixed location such as a farmers market, or at an event or celebration including but not limited to: festivals, community fairs, music venues, sporting events, and other public gatherings.

Temporary Food Establishment Policy (TFE Policy)- includes permit and fee information, inspection guidance for Environmental Health Specialists, and enforcement policy for local health departments.

| | |
|--|---|
| Food Vendors- When Do I Need a Permit? | + |
| Applications and Inspections | + |
| Temporary Event Coordinators | + |
| TFEs at Farmers Markets | + |
| Certified Food Protection Manager | + |



VDH and VDACS Partnership MOU

VDH VIRGINIA
DEPARTMENT
OF HEALTH



| |
|---|
| Bedding and Upholstered Furniture Program |
| Childhood Lead Poisoning Prevention |
| Food Safety in Virginia |
| Marina Program |
| Migrant Labor Camps |
| Public Health Toxicology |
| Shellfish Safety |
| Tourist Establishment Regulation ▼ |
| Waterborne Hazards Control |
| Onsite Water and Wastewater Services |

VDH and VDACS Partnership and MOU Agreements

The **Virginia Department of Health (VDH)** and the **Virginia Department of Agriculture & Consumer Services (VDACS)** work together to maintain the highest level of public health protection in food operations to keep citizens of the Commonwealth safe from foodborne illness. Code of Virginia [§3.2-5100](#) establishes VDACS's authority and responsibility for inspecting all establishments which manufacture, sell, expose, or offer food and drink products for sale. Code of Virginia [§§35.1-1](#) and [35.1-5](#) give VDH responsibility for inspecting restaurants, including any place where food is served to the public, whether on or off premises, and any place where food is prepared.

In areas where the inspection authority of VDH and VDACS overlap, Memorandums of Understanding (MOUs) delineate the responsibilities of each agency and reduce duplicate inspections to the greatest extent possible.

Refer to the full MOUs below for more information on the inspection responsibilities of each agency as they relate to food service operations in different types of food service establishments.

- [Retail Food Service MOU](#) (grocery store food service, bakeries, seafood markets, farmer's markets, and breweries/wineries)
- [Ice Cream and Frozen Desserts MOU](#)

For information about the roles of VDH and VDACS in Milk and Milk Product Safety, see also the [Milk Safety in the Commonwealth](#) webpage.

The 2024 General Assembly amended and reenacted [Section § 3.2-5130](#) of the Code of Virginia relating to food inspections; private homes; pickles and acidified vegetables; and gross sales. Click on the link for a brief overview [2024 General Assembly House Bill 759](#).



[Email this page](#)

VDH List of Resources for Vendors

- ❖ Main Food Safety Landing Page: [Food Safety in Virginia - Environmental Health Food Establishment Operators Information - Environmental Health \(virginia.gov\)](#)
- ❖ [Operators Information - Environmental Health \(virginia.gov\)](#)
 - How to apply for food permit including mobile units and temporary food establishments (TFE)
 - Certified Food Protection Manager (CFPM) information
 - List of Localities that have local ordinances or additional requirements for TFEs
 - Employee Health
 - Food Regulations
 - Food Allergen Awareness
- ❖ VDH and VDACS Memorandum of Understanding: [VDH and VDACS Partnership and MOU Agreements - Environmental Health \(virginia.gov\)](#)
- ❖ Find your Local Health District:
 - Main Landing Page: [Local Health Districts - Virginia Department of Health](#)
 - Health Department locator: [Health Department Locator - LHD Locator \(virginia.gov\)](#)
- ❖ Contact us at: foodsafety@vdh.virginia.gov

Thank you!

Virginia Department of Health, Division of Food and General
Environmental Services

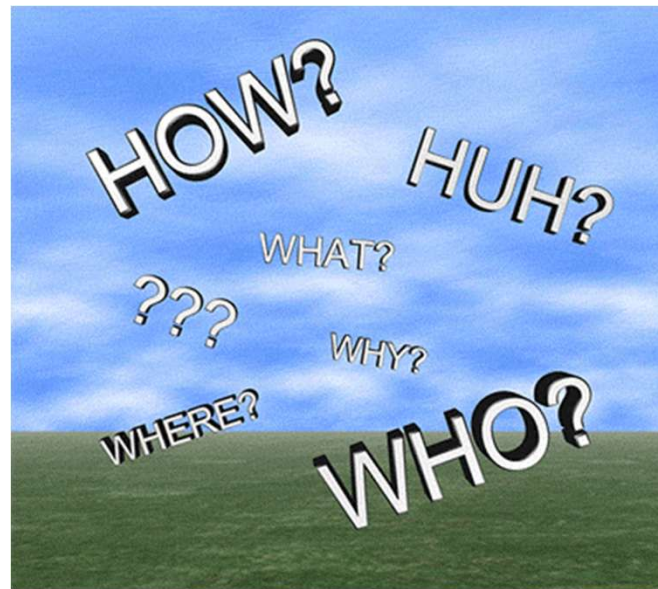
Whitney Wright, Environmental Health Coordinator

Whitney.Wright@vdh.virginia.gov

Jessica Klemencic, Food Safety Quality Assurance Coordinator

Jessica.Klemencic@vdh.virginia.gov

Questions?



Contact us at: foodsafety@vdh.virginia.gov