

# **FOOD SAFETY AT FARMERS MARKETS**

**Virginia Department of  
Agriculture & Consumer Services**

**Office of Dairy & Foods  
Food Safety Program**

**April 2026**



# JURISDICTION & REGULATIONS

All food products must be made in an inspected kitchen, unless an exemption applies and is followed

## Jurisdiction:

- **VDACS**
  - Retail stores such as grocery and convenience stores
  - Large and small manufacturers, including home kitchen food processing operations
  - Warehouses
- **VDH**
  - Restaurants
  - Mobile food units
  - Temporary food establishments

## Applicable Regulations:

- Virginia Food and Drink Law
- 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.)

# STARTING A NEW FOOD PROCESSING BUSINESS IN VIRGINIA

- VDACS Food Safety Program
  - Email: [foodsafety@vdacs.virginia.gov](mailto:foodsafety@vdacs.virginia.gov)
  - Phone Number: 804-786-3520
- Website Provides:
  - Permit Applications
  - “How To” documents for each application
  - Informational handouts and guidance documents
  - Links to laws and regulations

## Food Safety Program Website



<https://www.vdacs.virginia.gov/dairy-farmers-market-vendors.shtml>

# WHAT IS A CONSIDERED A HOME FOOD PROCESSOR?

## Home Food Processors

- Operate **within** a private residence
- Check your locality for any restrictions

## Non-Home Food Processors

- Operate in a facility that is **separate** from a private residence
- Includes separate structures on personal property and shared-use facilities (ex. detached garage, barn, commissary kitchens, commercial kitchens, etc.)

# PERMIT APPLICATION PROCESS



Submit your application packet to VDACS at [foodsafety@vdacs.virginia.gov](mailto:foodsafety@vdacs.virginia.gov) or by mail to PO Box 1163 Richmond, VA 23218-1163



Ensure all items on the Application Checklist are provided with your Application Packet



An application reviewer may contact you for revisions or to request additional information prior to the approval of your application. Current reviews may take between 8-10 weeks



After the application review is complete, a Food Safety Specialist will contact you to schedule a preoperational inspection



Approval to sell your products is granted and a permit is issued following the satisfactory completion of the inspection



## PETS IN THE HOME

- If you have pets within your home, then areas where food is prepared or stored must be completely enclosed/separated from the rest of the home
- Pets must be excluded from these areas AT ALL TIMES
  - For example, food processing and storage areas must be fitted with a solid hinged door that can be latched/closed shut
  - Placing pets in closed rooms in other areas of the home or installing "baby gates" will not satisfy this requirement

# NEW PRODUCTS

- After you have received your permit, you are approved to sell the products included in the approved application
- You may submit new products to [foodsafety@vdacs.virginia.gov](mailto:foodsafety@vdacs.virginia.gov) if you would like to have the recipe and label reviewed



## **SPECIALIZED FOOD PROCESSING**

Specialized processes have additional requirements necessary for approval prior to processing and selling those foods

Such requirements may include items such as additional regulations, specific training, hazard analysis, product assessments, product evaluations, process filing, sampling, and documentation

# SPECIALIZED FOOD PROCESSING EXAMPLES\*

## MUST HAVE APPROVAL BEFORE SALE

### Acidified Food

- Acidified Foods  
21 CFR 114
- Better Process Control  
School training
- Process Authority  
Evaluation
- [Process Authority  
Directory Link](#)
- [FDA Link](#)

### Baby Food

- Baby Food Protection Act  
§ 3.2-5125.1
- Process Authority  
Evaluation
- Toxic heavy metal testing
- QR code on labels and  
website for testing results  
and guidance

### Dietary Supplements

- Dietary Supplements  
21 CFR 111
- Training
- Ingredient and product  
testing
- [FDA Link](#)

### Juice

- Juice HACCP  
21 CFR 120
- Training
- Hazard Analysis
- HACCP Plan
- [FDA Link](#)

### Seafood

- Seafood HACCP  
21 CFR 123
- Training
- Hazard Analysis
- HACCP Plan
- [FDA Link](#)

**\*NOT AN ALL-INCLUSIVE LIST**

# DAIRY PRODUCTS



## Manufactured Grade

Manufacturing products such as cheese, butter, cream cheese, ice cream, dairy and non-dairy frozen desserts

Contact VDACS Dairy Services  
804-786-1452

[dairyservices@vdacs.virginia.gov](mailto:dairyservices@vdacs.virginia.gov)



## Grade A

Manufacturing products such as fluid milk, yogurt, kefir, cottage cheese, buttermilk, whey

Contact Virginia Department of Health

VDH Local Health Districts



<https://www.vdh.virginia.gov/local-health-districts/>

# MEAT & POULTRY PRODUCTS

- Food containing meat, poultry, or catfish cannot be processed in a home operation
- Manufacturers that are not home-based may process certain meat or poultry products under the VDACS Food Safety Program. Examples include:
  - Closed-face sandwiches
  - Products containing less than 2% cooked meat/poultry or 3% raw meat/poultry
- For other meat/poultry products, contact the VDACS Office of Meat and Poultry Services  
804-786-4569  
[omps@vdacs.virginia.gov](mailto:omps@vdacs.virginia.gov)

VDACS Meat and Poultry  
Services



<https://www.vdacs.virginia.gov/animals-meat-and-poultry.shtml>

# FOOD CONTAINING ALCOHOL

- Food products cannot be sold in VA if they contain 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 regulates food that has an alcohol content of greater than 0.5% ABV as an alcoholic beverage/product
- Contact Virginia ABC for additional information  
804-213-4632  
[compliance@virginiaabc.com](mailto:compliance@virginiaabc.com)

## Confectionary Permit



<https://www.abc.virginia.gov/licenses/va/definitions/confectionary>

## Culinary Permit



<https://www.abc.virginia.gov/licenses/va/definitions/culinary-permit>

# LABELING

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

## 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)



<https://www.fda.gov/media/81606/download>

# ALLERGEN LABELING

- When an ALLERGEN is included in an ingredient, the common key allergen word must be included on the label in the ingredient statement or in an allergen “contains statement”
- The key allergen words for the nine common allergens are: **Milk, Wheat, Eggs, Peanuts, Tree Nuts** (name the specific type of nut), **Soybeans, Fish** (name the specific type of fish), **Crustacean Shellfish**, and **Sesame**

## Allergens\* listed in ingredient statement:

Ingredients: all-purpose flour (bleached **wheat** flour, malted barley flour, niacin, iron, thiamin mononitrate, riboflavin, folic acid), semi-sweet chocolate chips (sugar, chocolate, cocoa butter, **soy** lecithin, vanillin, natural flavor), butter (cream (**milk**), salt), **walnuts**, granulated sugar, brown sugar (molasses), **eggs**, sodium bicarbonate, vanilla extract (vanilla bean extractives in water, alcohol), salt.

\*Text does not need to appear in red.

## Allergens\* listed in contains statement:

Ingredients: all-purpose flour (bleached wheat flour, malted barley flour, niacin, iron, thiamin mononitrate, riboflavin, folic acid), semi-sweet chocolate chips (sugar, chocolate, cocoa butter, soy lecithin, vanillin, natural flavor), butter (cream, salt), walnuts, granulated sugar, brown sugar (molasses), eggs, sodium bicarbonate, vanilla extract (vanilla bean extractives in water, alcohol), salt. **Contains: wheat, soy, milk, walnuts, eggs**

**OR**

# NUTRITIONAL LABELING

- Section 403(q) of the Federal Food, Drug and Cosmetic Act requires that packaged foods and dietary supplements bear nutrition labeling unless they qualify for an exemption based on the number of employees and number of product units sold
- Businesses with fewer than 100 employees and products fewer than 100,000 units can file for an exemption with the FDA
  - The number of employees is based on the average number of full-time equivalent employees
  - No exemption may be taken if a company has more than the number of employees listed regardless of number of units produced
- If a company has less than 10 employees and products less than 10,000 units sold, there is no need to file for an exemption

<b>Nutrition Facts</b>	
16 servings per container	
<b>Serving size</b>	<b>1 Tbsp. (21g)</b>
<b>Amount per serving</b>	
<b>Calories</b>	<b>60</b>
<b>% Daily Value*</b>	
<b>Total Fat</b> 0g	<b>0%</b>
Saturated Fat 0g	<b>0%</b>
<i>Trans</i> Fat 0g	
<b>Cholesterol</b> 0mg	<b>0%</b>
<b>Sodium</b> 0mg	<b>0%</b>
<b>Total Carbohydrate</b> 17g	<b>6%</b>
Dietary Fiber 0g	<b>0%</b>
Total Sugars 17g	<b>34%†</b>
<b>Protein</b> 0g	
Vitamin D 0mcg	0%
Calcium 0mg	0%
Iron 0mg	0%
Potassium 0mg	0%

\* 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.

† One serving adds 17g of sugar to your diet and represents 34% of the Daily Value for Added Sugars.

**\*Nutritional Labeling Exemptions do not apply if any nutrient content claims are made**

# HOME KITCHEN FOOD PROCESSING EXEMPTION

- Section § 3.2-5130 of the Code of Virginia allows certain foods to be made from a private home without a permit from the VDACS Food Safety Program, with certain restrictions
- These products can only be made in your own private home and sold to an individual for their own consumption
- The exemption covers certain foods under three general categories:
  - Low Risk Foods
  - Acidified Vegetables
  - Honey

## VDACS Home Kitchen Food Processing Exemption FAQ's



<https://www.vdacs.virginia.gov/pdf/kitchenbillfaq.pdf>

# LOW RISK FOODS ALLOWED UNDER EXEMPTION

Candies

Jams and jellies not considered to be low-acid or acidified low-acid food products

Dried fruits

Dried herbs

Dry seasonings

Dry mixtures

Coated and uncoated nuts

Vinegars and flavored vinegars

Popcorn and popcorn balls

Cotton candy

Dried pasta

Dry baking mixes

Roasted coffee

Dried tea

Cereals

Trail mixes

Granola

Baked goods that do not require time or temperature control after preparation

# ACIDIFIED VEGETABLES UNDER EXEMPTION

## ALLOWED

- Pickles that have an equilibrium pH of 4.6 or lower
- Acidified vegetables that have an equilibrium pH of 4.6 or lower

## NOT ALLOWED

- Canned acid foods
- Canned fermented foods
- Canned foods that require refrigeration for safety
- Canned fruits
- Low-acid canned vegetables

**MUST NOT EXCEED \$9,000 IN TOTAL ANNUAL GROSS SALES FOR ALL ACIDIFIED VEGETABLE PRODUCTS PRODUCED**

## PRECAUTIONS FOR ACIDIFIED VEGETABLES

- To reduce the likelihood of foodborne illness, home-canned acidified vegetables must have an equilibrium pH value of 4.6 or lower to inhibit the growth and formation of toxins from the bacteria that cause botulism
  - An electronic pH meter should be purchased so that you can test the product
- We strongly advise that exempt home food processors
  - Have their process reviewed and validated by a competent process authority
  - Complete a recognized Better Process Control School course

# LABELING REQUIREMENTS FOR EXEMPT LOW-RISK FOODS AND ACIDIFIED VEGETABLES

- Packaged food products must be labeled as required by law
- In addition to mandatory labeling, exempt product labels must include:
  - Producer's name and telephone number
  - Producer's physical address (*NEW eff. July 1, 2026: or post office box number in place of street address*)
  - Date food product was processed/made
  - Disclaimer Statement
    - "NOT FOR RESALE — PROCESSED AND PREPARED WITHOUT STATE INSPECTION"

# POINT-OF-SALE REQUIREMENTS FOR EXEMPT LOW-RISK FOODS AND ACIDIFIED VEGETABLES

## CURRENT

- Sold to an individual in the Commonwealth for his own consumption:
  - In person
  - At the private home, temporary event, or farmers market
- **CANNOT be:**
  - Sold online
  - Delivered in person, by mail, or by delivery service
  - Sold for resale or consignment
  - Sold across state lines
  - Offered for sale to be used in or offered for consumption in retail food establishments

## EFFECTIVE JULY 1, 2026

- Sold to an individual in the Commonwealth for his own consumption:
  - In person, online, by phone
  - At any location, delivered in person, by mail, or by delivery service
- **CANNOT be:**
  - Sold for resale or consignment
  - Sold across state lines
  - Offered for sale to be used in or offered for consumption in retail food establishments

# HONEY ALLOWED UNDER EXEMPTION

What are the criteria for the exemption?

- Private homes where the resident processes and prepares pure honey produced by his own hives
- The resident sells less than 250 gallons of honey annually
- The resident does not process and sell other food products in addition to the honey, except as allowed under exemption (low risk foods and acidified vegetables)

Where can the honey be processed?

- In your own private home

What types of home processed honey products are NOT allowed?

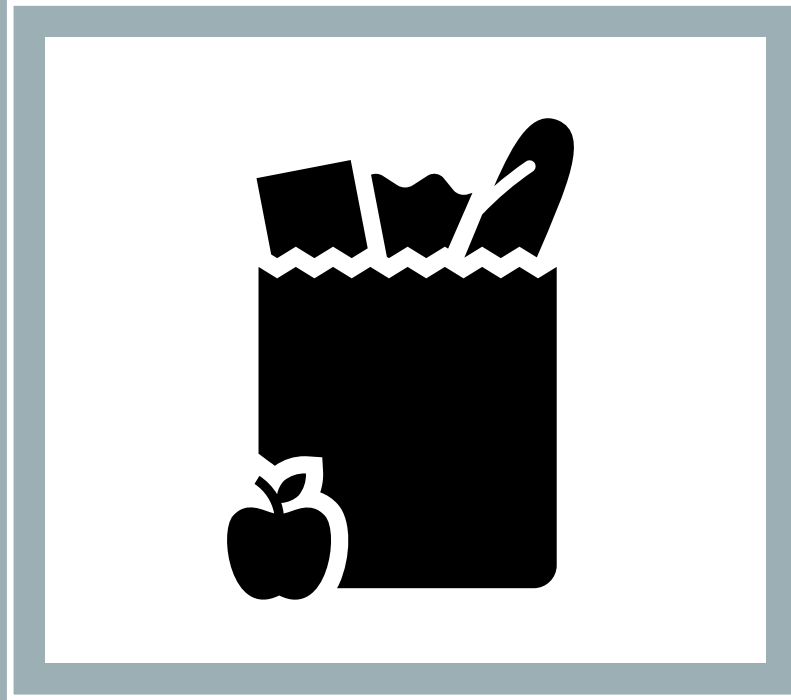
- Honey products that are NOT pure honey are not included in the exemption and require a permit
- For example: infused honey is a value-added honey product, not pure honey

What are the labeling requirements for home-processed honey?

- The product is labeled “PROCESSED AND PREPARED WITHOUT STATE INSPECTION. WARNING: Do Not Feed Honey to Infants Under One Year Old.”
- In addition, this exemption does not preclude the need for standard mandatory labeling (name of product, net weight statement, name and address of the manufacturer, etc.)

Where can I sell my honey and to whom can I sell it?

- Currently there are no restrictions regarding where the honey can be sold and who it may be sold to



**PREPARING FOR THE MARKET**

# HEADING TO THE MARKET



MAKE SURE YOU OBTAINED  
YOUR FOOD FROM AN  
APPROVED SOURCE



MAINTAIN TIME AND  
TEMPERATURE CONTROL FOR  
SAFETY AT ALL TIMES,  
INCLUDING DURING  
TRANSPORT



KEEP YOUR TRANSPORTATION  
VEHICLE CLEAN

# THERMOMETERS



- An ambient air thermometer in each refrigerator/cooler
  - This is necessary to monitor the air temperature of the refrigerator/cooler
  - You want the air temperature of the refrigerator/cooler to be about 38°F to keep foods 41°F or below
- A metal stem probe type thermometer that reads from 0°F to 220°
  - This is necessary to take the internal temperature of food products



## USING ICE FOR FOOD STORAGE

- Ice and ice packs may be used for temperature control of cold items provided acceptable temperatures are achieved (41°F or below)
- Ice must be drained frequently
- Except for fruits and vegetables, do not store foods in direct contact with ice
- **Recommendations:**
  - Bring an extra cooler full of just ice and/or extra ice packs
  - Provide pictures or a menu so your customers know what you're offering for sale without having to constantly open the cooler
  - Food items that are held outside of the cooler “for display only” must be discarded at the end of the day

# **PRACTICE GOOD PERSONAL HYGIENE & CLEANLINESS**

**No discharge  
from eyes,  
nose, or mouth**

**Clean outer  
garments**

**Hair restraints**

**No smoking,  
eating, or  
drinking**

**Washing hands**

**No fingernail  
polish**

**No jewelry on  
hands or arms**

## Guidelines for Providing Safe Food Samples at the Market



<https://www.vdacs.virginia.gov/pdf/farmers-mkt-safe-food-samples.pdf>

# BEST PRACTICES FOR SAMPLING AT THE MARKET

- Try to prep before getting to the market
- Set up a handwashing station
  - Water dispenser, catch basin, soap, and paper towels
- Use clean utensils and equipment
  - Recommend bringing extra equipment or set up warewashing station (wash, rinse, sanitize)
- Use tongs, deli paper, toothpicks, etc. to provide the sample to the customer
- Make sure customers and employees are aware of allergens in the samples

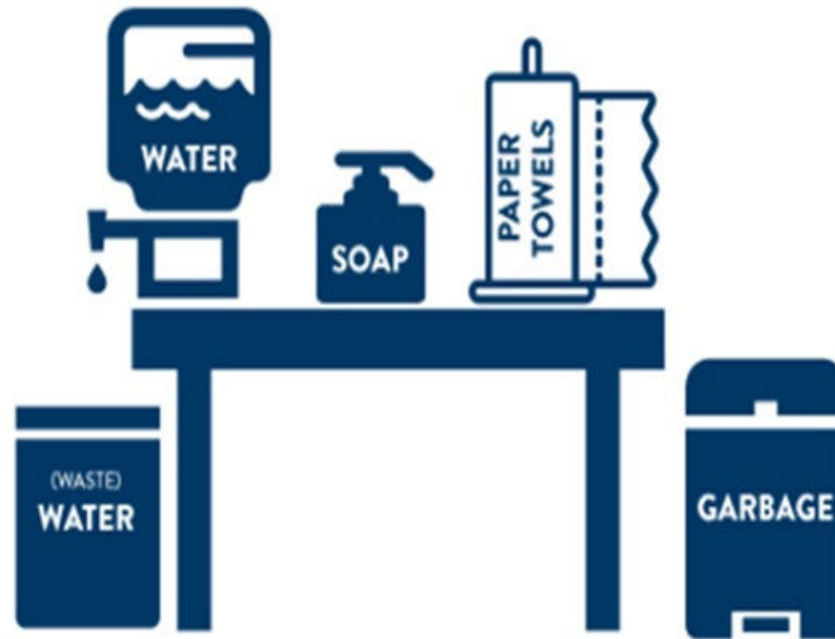
# PROTECTING YOUR FOOD AT THE MARKET

- Store food and equipment in a clean and dry location where it is not exposed to splash, dust, or other contaminants
- No barehand contact with food
- Protect food from customers and pests (ex. covered containers, sneeze guards)
- Keep equipment clean
- Have overhead cover and ground cover



HANDWASHING  
AT THE MARKET

HAND  
WASHING  
STATION



WAREWASHING  
AT THE MARKET

**Three Step  
DISHWARE  
AND  
UTENSIL  
Washing Station**

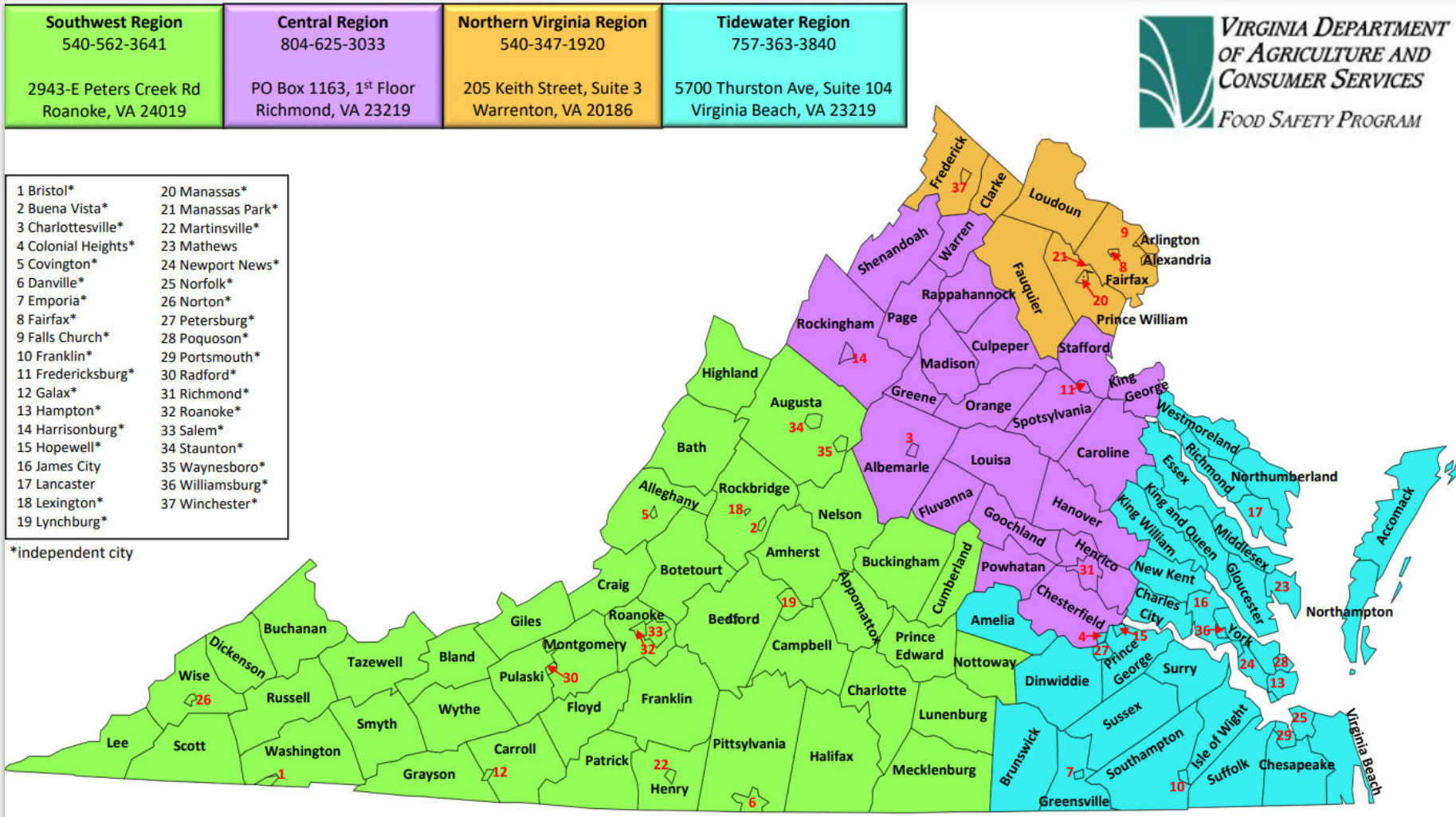


# SANITIZING EQUIPMENT

- Sanitizers used must be approved for sanitizing food-contact surfaces and used in accordance with the manufacturer instructions
- Test strips are used to measure and ensure you have the appropriate concentration of sanitizer
  - 50-100 ppm chlorine bleach
  - 200-400 ppm quaternary ammonium



# FOOD SAFETY PROGRAM REGIONAL MAP



<https://www.vdacs.virginia.gov/pdf/Regional-Contact-Map.pdf>

# FOOD SAFETY PROGRAM FIRM INVENTORY

- Website Provides:
  - Inventory of permitted firms
  - Information on recent inspections



<https://www.vdacs.virginia.gov/food-dairy-and-foods.shtml>

## DAIRY & FOODS

The Food Safety Program works to ensure that food and dietary supplements manufactured, processed, stored and sold in Virginia are safe, wholesome and properly labeled. This program administers the **Virginia Food and Drink Law** and related regulations.

The Dairy Services Program administers the **Virginia Dairy Laws** and related regulations designed to ensure the safety and wholesomeness of milk and dairy products.

### Resources for New & Existing Food Businesses

- **Commercial Animal Feed** (Selling human food waste products intended for animal feed)
- **Dairy Farms, Milk Haulers & Cheesemaking Operations**
- **Farmers' Market Vendors**
- **Food & Beverage Manufacturing Facilities & Warehouses**
- **Guidance Documents & Informational Handouts**
- **Hemp Product Enforcement**
- **Home & Commercial Kitchen-Based Businesses & Food Service Vendors**
- **Industrial Hemp-Derived Extract Intended for Human Consumption**
- **Retail Food Stores & Frozen Dessert Shops**
- **Virginia Department of Health** (For restaurants, caterers, hospitals & schools)
- **Virginia Rapid Response Team** (pdf)

### Food Firm Inventory & Recent Inspections

- **Firm Inspections** (pdf)
- **Firm Inventory** (pdf)



QUESTIONS?

- **VDACS Food Safety Program**  
[foodsafety@vdacs.virginia.gov](mailto:foodsafety@vdacs.virginia.gov)  
**804-786-3520**
- Rashelly Bland, Food Safety Manager  
Central and Tidewater Regions  
[Rashelly.Bland@vdacs.virginia.gov](mailto:Rashelly.Bland@vdacs.virginia.gov)
- Karen Bergin, Food Safety Manager  
Northern and Southwest Regions  
[Karen.Bergin@vdacs.virginia.gov](mailto:Karen.Bergin@vdacs.virginia.gov)