

TIB #30 – Sanitation Guidelines for Farmers’ Markets

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
DIVISION OF FOOD, DRUGS AND DAIRIES

TECHNICAL INFORMATION BULLETIN

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GENERAL INTRODUCTION

This technical information bulletin provides regulatory guidelines for foods often found at farmers’ markets. It also provides information regarding some of the risks involved with various foods often distributed at farmers’ markets and similar venues, and contains basic guidance regarding safe transportation, delivery and display of foods.

The guidance and clarification regarding farmers’ markets is needed as the number of farmers’ markets in Illinois has increased 3-fold in the past decade. In addition, the range of food products sold at these venues has expanded from fresh, uncut, unprocessed fruits and vegetables, to include meats, poultry, eggs, dairy products, and processed foods from baked goods to jams and salsas. This guidance document, originally written in 1999, has been revised to clarify several areas of confusion, such as foods that are allowed, but only when certain regulations are met. Given that certain foods pose potential risks to public health, local health departments need to be aware of the Illinois statutes and rules, and must be able to verify the source of foods distributed.

An appendix listing the Illinois’ statutes and rules that provide the legal basis for regulating farmers’ markets can be found at the end of this document.

This technical information bulletin is not all inclusive. Other regulations may apply including local, city or county food ordinances. You can obtain contact information for other local health departments at the following website <http://www.idah.state.il.us/local/home.htm>.

- This Technical Information Bulletin is currently being revised and will be released hopefully within the next couple of weeks.

Sections of the TIB

- Foods allowed with no restrictions
- Foods allowed with certain restrictions
- Food prohibited from sale
- General information
 - Labeling
 - Sampling
 - Bake sales
 - Exotic meats

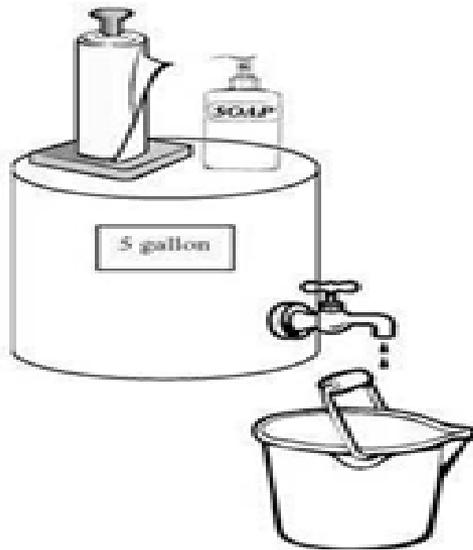
FOODS ALLOWED FOR SALE OR DISTRIBUTION AT FARMERS' MARKETS WITH NO RESTRICTIONS

- Fresh fruits and vegetables, only minimally rinsed to remove visible soil, but otherwise unprocessed and not packaged;
- Honey in the comb or that is removed from the comb and in an unadulterated condition is exempt if the producer packs or sells less than 500 gallons;
- Grains, seeds, beans and nuts -- whole, unprocessed, unpackaged and unsprouted;
- Popcorn – The kernels can be removed from the cob;
- Fresh herb sprigs (a little twig or spray); dried herbs in bunches –only cut for harvesting, minimally rinsed to remove visible soil and unpackaged.

FOODS ALLOWED FOR SALE OR DISTRIBUTION AT FARMERS' MARKETS WITH CERTAIN RESTRICTIONS

- Baked Goods - Under P. A. 097-0393, baked goods that are not potentially hazardous may be produced in the kitchen of the person's primary domestic residence for direct sale to customers at farmers' markets. The Public Act only provides for direct sale by the owner or the family member to customers at farmers' markets. Thus, cottage food operation products cannot be sold to retail stores, restaurants, over the Internet, by mail order, or to wholesalers, brokers or other food distributors who resell food. The cottage food operation shall register with the local health department (LHD) where the cottage food operation resides. Failure to register with the LHD will subject the cottage food operation to regulation by IDPH and/or IDOA. Refer to TIB #44 for additional requirements.
- Check with your local health department for any local regulations and/or additional recommendations
<http://www.idph.state.il.us/local/map.htm>

Handwashing



- A temporary handwashing station that is conveniently accessible is required at all permitted temporary food facilities. This must be set up prior to any food preparation. Provide a container with a spigot that allows hands-free flowing water, a waste water bucket, a pump-type soap dispenser and single use/disposable paper towels. All food workers must wash their hands when they return to the concession stand/booth and after using the restroom, after eating, smoking or handling money.

Cultivated Mushrooms/Fruit butters

- **Cultivated Mushrooms** - Commercially-raised mushrooms (i.e., common button mushroom, portabellas, shiitake, enoki, bavarian, etc.) must have documentation detailing their source. "Wild-type" mushroom species picked in the wild shall not be offered for sale or distribution.
- **Fruit Butters.** The following fruit butters are allowed: apple, apricot, grape, peach, plum, quince, and prune. **Pumpkin butter, banana butter, and pear butter are not allowed unless they are produced in an inspected facility.** Fruit butters not listed may be produced by a cottage food operation provided their recipe has been tested and documented by a commercial laboratory, at the expense of the cottage food operation, as being not potentially hazardous, containing a pH equilibrium of less than 4.6.
Refer to TIB 44, Cottage Food Operations for further restrictions.

Jam, Jellies and Preserves

- **Jam, jellies and preserves.** The following jams, jellies and preserves are allowed: apple, apricot, grape, peach, plum, quince, orange, nectarine, tangerine, blackberry, raspberry, blueberry, boysenberry, cherry, cranberry, strawberry, red currants, or a combination of these fruits. **Rhubarb, tomato, and pepper jellies or jams are not allowed unless they are produced in an inspected facility.** Any other jams, jellies, or preserves not listed may be produced by a cottage food operation provided their recipe has been tested and documented by a commercial laboratory, at the expense of the cottage food operation, as being not potentially hazardous, containing a pH equilibrium of less than 4.6. Refer to TIB 44, Cottage Food Operations for further restrictions.

Meats and Poultry

- **Meats and Poultry** are regulated by the Illinois Department of Agriculture, Bureau of Meat and Poultry Inspection (IDOA) and USDA, Food Safety and Inspection Service (USDA). Meat, meat products, poultry and poultry products must be derived from livestock or poultry (including rabbits) which were slaughtered under IDOA or USDA inspection. A meat and poultry broker's license issued by IDOA is not required for anyone who sells meat, poultry, meat products or poultry products exclusively to retail/household customers.

What information must be included on the label of a cottage food product?

- Name and address of the cottage food operation.
- The common or usual name of the food product (All capital letters or upper/lower case are both acceptable).
- The ingredients of the cottage food product, including any colors, artificial flavors, and preservatives, listed in descending order of predominance by weight. If you use a prepared item in your recipe, you must list the sub ingredients as well. For example: soy sauce is not acceptable, soy sauce (wheat, soybeans, salt) would be acceptable, please see the label below for further examples.
- The following statement: "This product was produced in a home kitchen not subject to public health inspection that may also process common food allergens."
- The date the product was processed.
- Allergen labeling as specified in federal labeling requirements.
<http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/FoodLabelingNutrition/FoodLabelingGuide/default.htm>

Bake Sales

- **BAKE SALES AS FUNDRAISERS**
- Non-potentially hazardous foods such as cookies, cakes and fruit pies, which have not frequently been associated with foodborne illness, may be prepared in non-inspected kitchens provided the products are sold or distributed on an occasional basis (e.g., a fundraiser for a non-profit organization) and not as a routine business as long as the consumer is informed by clearly visible placard at the sales or service location. The placard must state the following: “ This product was produced in a home kitchen not subject to public health inspection that may also process common food allergens. “ .

Approved and Inspected Sources of Certain Exotic Meats

- Game animals, game birds and exotic meats are appearing more frequently at the retail level. According to 9 CFR 352.1(k), the definition of exotic animal means any reindeer, elk, deer, antelope, water buffalo or bison. Under federal regulations, the preceding list of species are subject to voluntary/for fee inspection including, ante-mortem and post-mortem inspection in an “official” establishment and bear USDA inspection legends to enter commerce in Illinois (except poultry slaughtered under religious exemptions in which a statement and establishment number will appear on the label). In addition, the MPIA requires ante-mortem and post mortem inspection on American bison (buffalo), catalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo, domesticated rabbits and domesticated birds. Again, the slaughter and inspection must be performed in a state licensed Type 1 establishment. Federal laws and regulations do not require that products derived from these “exotic” species bear inspection legends to enter commerce. In Illinois, products in commerce derived from these “exotic” species must be inspected and bear inspection legends from either USDA (under voluntary inspection program), IDOA, another state’s inspection program, any approved foreign country inspection program or a statement/certificate of inspection in lieu of inspection legends.

Sampling

- As long as your product meets the requirements of the Cottage Food guidance document and is a non-potentially hazardous food, sampling is allowed. Samples must be pre-packaged in your home kitchen (e.g., if you sample bread, you can't cut it at the market, but can cut it in your home kitchen and individually wrap or package the bread samples). Although you do not need an individual label for each sample, you must have properly labeled packages of your product on display with the samples so your customer can review the ingredient list. Your product cannot be cooked or prepared in a way that makes it a potentially hazardous food/temperature control for safety food (e.g., you can't add a dried dip mix to sour cream or serve anything that can't be kept safely at room temperature - these examples would require a food license).
- If the samples are not prepared at the Cottage Food Operation, a temporary food permit may be required by the LHD.

Contact for more Information:

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