



SHELBY COUNTY HEALTH DEPARTMENT



Public Health
Prevent. Promote. Protect.

Farmers Market Guidelines:

Farmer's Market Facility Permit Fee: \$300.00

Farmers' Market Vendor Seasonal Health Permit (FMVSHP) w/ sampling: \$150.00

Farmers' Market Vendor Seasonal Health Permit no sampling (FMVSHP): \$50.00

A farmer's market facility shall meet all of the applicable requirements of this chapter and shall also meet the following special requirements:

- A. The agent, manager, or director of the sponsoring organization of a farmer's market shall secure an annual farmers' market facility permit from the health department and shall pay the appropriate fee as required in section 9-52-84. This permit shall cover all sellers operating within the market, and the agent, manager or director thereof shall be directly responsible for the operation of each seller.
- B. A farmers' market facility permit shall be issued for fruits, vegetables, melons, berries or nuts only. All other types of food sold at farmers' markets shall require a health permit by the health department.
- C. Vendors that meet the requirements under the Changes to the Domestic Kitchen Laws Regulating Tennessee's Cottage Food Industry may purchase a Farmers Market Vendor Seasonal Health Permit (FMVSHP) with sampling of their products. Local health department guidelines for sampling must be met. Guidelines for sampling products must be met through local health department. One seasonal inspection will be required; however, all complaints will be investigated.

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- D. Vendors that meet the requirements under the Changes to the Domestic Kitchen Laws Regulating Tennessee's Cottage Food Industry may purchase a FMVSHP without sampling of their products. One seasonal inspection will be required; however, all complaints will be investigated. Vendors that are found distributing samples of their product without the sampling health permit will be held in violation of the ordinance.
- E. The person requesting the permit for a farmers' market facility must submit an application to the health department. Random inspections will be conducted at the farmers' markets facility; however, all complaints will be investigated. Each applicant will be provided basic food safety training and materials describing the permitting requirements for selling of different types of food at the farmers' market.
- F. A farmers' market facility permit may be suspended or revoked for violating the applicable provisions of this chapter, as required in section 9-52-7.
- G. Unprocessed fresh fruits, including cantaloupe and melons, shall be sold whole and shall not be cut or sliced while on the premises of the market. There will be no sampling of fruits at farmers' market.
- H. The farmers' market facility must be completely contained on a paved surface. Toilet facilities shall be provided by the sponsoring organization and made available to the public, and shall meet the requirements of the county plumbing code.
- I. A separate permit must be obtained to become a vendor for each farmers' market facility location. A separate FMVSHP (sampling or non-

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sampling) must be obtained for each farmers' market location. Farmers' market and FMVSHIP shall not be transferable from site to location.

- J. Failure to comply with the ordinance or local health department guidelines will result in an environmental court citation being issued and permit being revoked.

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Sampling Guidelines

Shelby County Health Department mission is to promote, protect and improve the health of all in Shelby County. The Sampling Guidelines has been put in place to avoid any and all foodborne illnesses related to personal hygiene and proper temperature control. Temperature Control for Safety (TCS) foods (meat, milk, eggs, cut tomatoes, etc.) Farmers' markets operating with seasonal permits must meet the required sampling guidelines with an inspection.

Processed Food Sampling

Processed foods include baked goods (cakes, pies, cookies, etc.) jams, jellies, preserves, jerky, cheese, salsa, canned items, etc.

Standard Procedure:

Samples must be prepared at a licensed kitchen prior to arriving at farmer's market. A food vendor that operates a licensed bakery or a domestic kitchen (cottage food law) can cut baked goods into pieces at their licensed facility, place the (food product on a tray with toothpicks or in a plastic sample cup). The tray must be kept covered or lids must be placed on the plastic sample cup.

- Packaged items (i.e., jelly, salsa, etc.) may be opened one package at a time and supplied with a disposable utensil for customers to use.
- Generally, use toothpicks, wax paper, paper sampling cups, or disposable utensils to distribute samples.
- Temperature control must be maintained on items needing refrigeration after opening until the food is consumed or discarded.

Minimal Procedure:

Bring several clean, sanitized knives and cutting boards in protective plastic containers or food storage bags, wrapped in plastic wrap, etc.

- Use clean equipment to cut product, taking care to store in-use items so they are protected from contamination.
- Use single service items whenever possible.
- Replace soiled knives, cutting boards, etc. with clean items every four hours.
- Take soiled items with you at the end of the day.

Meat/Poultry/Fish Sampling:

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All meats/poultry/fish must come from inspected approved sources. Vendors must be able to show proof of the approved source (Tennessee Department Agriculture, USDA). Home-canned and home-prepared foods are not allowed.

Standard Procedure

- Provide meats in pre-formed patties, or pre-cut portions not requiring on-site preparation.
- Serve cooked items directly from a covered grill using sanitary methods, such as toothpicks or tissues.

Minimal Procedure

- When foods are cooked and held, the product must be held at 135°F or above.
- Foods must be protected from environmental contamination and insects at all times.
- Provide condiments in single service packets, unless the condiment is an item being offered as a sample.
- Should on-site utensil and equipment washing be necessary, set up and operate as shown in warewashing section.

Personal Hygiene

The following procedures will help assure food safety:

Avoid Bare Hand Contact With Ready-To-Eat Food

Employees may not have bare hand contact with exposed ready-to-eat food. Suitable utensils, such as deli paper, spatulas, tongs, dispensing equipment, or gloves shall be used.

Practice Good Personal Hygiene

Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods. Employees shall have clean outer garments and wear effective hair restraints (i.e., baseball cap, hair restraints). Smoking, eating, and drinking are not allowed by employees when preparing or serving samples.

Wash Hands Frequently

Employees must wash their hands and exposed portions of the arms after touching bare human body parts, using the toilet room, coughing/sneezing, using a handkerchief, using tobacco, eating/drinking, handling soiled equipment/utensils, as often as necessary to prevent cross-contamination, when switching between raw and ready-to-eat food, and after engaging in other activities that contaminate the hands.

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Wash Hands Properly

Employees shall clean their hands and exposed portions of the arms for a minimal of twenty seconds in a properly equipped handwashing facility by vigorously rubbing together the surfaces of the lathered hands and arms and thoroughly rinsing with clean water. Employees shall pay particular attention to the areas underneath the fingernails and between the fingers. To avoid contaminating hands, food employees may use disposable paper towels or similar barriers when touching surfaces such as faucet handles.

Provide Proper Handwashing Facilities

When cutting or handling exposed ready to eat food, use either handwashing facilities provided in your space or located in close proximity to your space (diagram shown on final page.)

Two levels of handwashing facilities are possible:

1. Potable hot and cold tempered running water under pressure with suitable hand cleaner, dispensed paper towels, and a waste receptacle. This option must be used when available.
2. When food exposure is limited, a food vendor may use a five-gallon insulated container with a spigot, which can be turned on to allow potable, clean, warm water to flow over one's hands into a waste receiving bucket of equal or larger volume; suitable hand cleaner; disposable towels, and a waste receptacle.

Exclude Ill Employees From Work

The person in charge must exclude employees who have the following conditions

- Symptoms such as diarrhea, fever, vomiting, jaundice, sore throat with fever, and lesions. (A food employee with vomiting or diarrhea must be free of symptoms for at least 24 hours.)
- Illnesses such as Salmonellosis, Shigellosis, Escherichia coli, Hepatitis A, or Norovirus.
- Coronavirus (Covid-19) symptoms such as fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, loss of taste or smell, sore throat, congestion or runny nose, diarrhea, nausea or vomiting.

Temperature Control of Foods

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Temperature Control for Safety (TCS) foods (i.e. meat, poultry, fish, milk, eggs, cut tomatoes, etc.) must be maintained at proper temperature to prevent the growth of disease-causing organisms.

Hot Holding: 135°F or higher.

Cold Holding: 41°F or below.

Cooking Temperatures for Temperature Control for Safety (TCS) foods are: Poultry - 165°F, Ground Beef - 155°F, Pork - 155°F, Fish - 145°F. Partial cooking of TCS foods is prohibited.

A thermometer shall be provided to check internal temperatures of TCS hot and cold food items.

Food Protection

All food shall be protected from customer handling, coughing, sneezing, or other contamination by wrapping, the use of sneeze guards, or other effective barriers.

- Preparation of samples must be done using smooth, cleanable surfaces (i.e. tables) that are protected from customer traffic.
- Slicing must be done on cutting boards. Slicing may not be done on vehicle tailgates or by using pocket knives. *(Please refer to minimal procedure under processed food sampling on page 1).*
- Display food samples on disposable plates or trays. When transporting pre-prepared samples, protect from contamination and maintain temperature control of Temperature Control for Safety (TCS) foods.

Warewashing

When on-site warewashing must be done as follows. Either a commercial dishwasher or a three-compartment sink set-up must be utilized to wash, rinse, and sanitize equipment and utensils coming into contact with food. The minimum requirements for a utensil washing set-up to wash/rinse/sanitize should consist of three basins that are large enough for immersion of the utensils, a potable hot water supply, and an adequate disposal method for the wastewater. In-use equipment and utensils must be cleaned and sanitized at least every four hours.

Sanitizing

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An approved sanitizer must be provided for sanitizing food contact surfaces. Sanitizers must be used at appropriate strengths as specified by manufacturer. Three common sanitizers, and the typical concentrations required by manufacturers, are: Chlorine solution = 50 ppm; or Quaternary ammonium compound = 200 ppm. Soak clean, rinsed items in sanitizing solution for at least 60 seconds and then air dry. An approved test kit to measure sanitizer concentrations must be available and used. (Diagram shown on final page.)

Overhead Protection

Outdoor farmers' market booths which offer food samples must be covered with a canopy or other type of overhead protection unless the food items offered are prepackaged. Overhead protection is not required over outdoor cooking devices. Grillers, smokers must have screen protection for the prevention of insects.

Floors

Flooring is necessary when located on dirt, gravel or a surface that can allow dust or mud to be generated and contaminate food samples. When temporary flooring is provided, it should be constructed of materials such as non-absorbent matting, tight wood or removable platforms that minimize dust and mud.

Insect Control

When flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting conditions, no insect protection is required. When insects are present, any exposed food samples must be protected by providing walls, screens, doors, etc. designed to prevent the entry of pests.

Any farmer's market booth that serves full meals must obtain a temporary food establishment license from the local health department.

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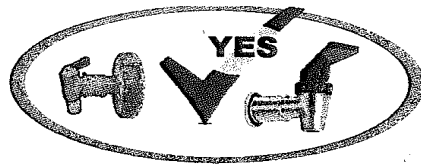
Farmers' Markets Safe Food Sampling Self Checklist

	1. Refrigerator or cooler with drained ice provided, if needed.
	2. Adequate supply of clean cutting boards, knives, disposable display plates, disposable gloves, deli tissue, etc.
	3. Cooking thermometer available if hot or cold samples provided.
	4. Table for preparing, storing, handling samples provided and located in an area protected customer traffic, rain, insects, etc.
	5. Warewashing sinks, detergent, hot water, sanitizer and sanitizer test strips provided, if needed.
	6. Covered garbage container available.
	7. Insect protection provided, if needed.
	8. Container to store soiled items in provided (knives, cutting boards, etc.).
	9. Flooring provided if dust and mud can be generated.
	10. Ill employees excluded from working.
	11. No bare hand contact with ready-to-eat food- gloves, tongs, deli tissue, etc., used.
	12. Cooked samples cooked to proper internal temperature.
	13. Temperature Control for Safety (TCS) foods maintained at proper temperatures (i.e. items such as meat, milk, eggs, cut melons, cut tomatoes, etc.).
	14. Use of single service, disposable items maximized.
	15. Display samples protected from insects, sneezing, handling, etc. during preparation, storage and display (i.e. store and display wrapped, covered).
	16. Bagged ice stored and handled in a manner that prevents contamination.
	17. Warewashing conducted properly (wash, rinse, sanitize, air dry).
	18. Wastewater properly disposed of in sewer (not on ground or in storm drain).

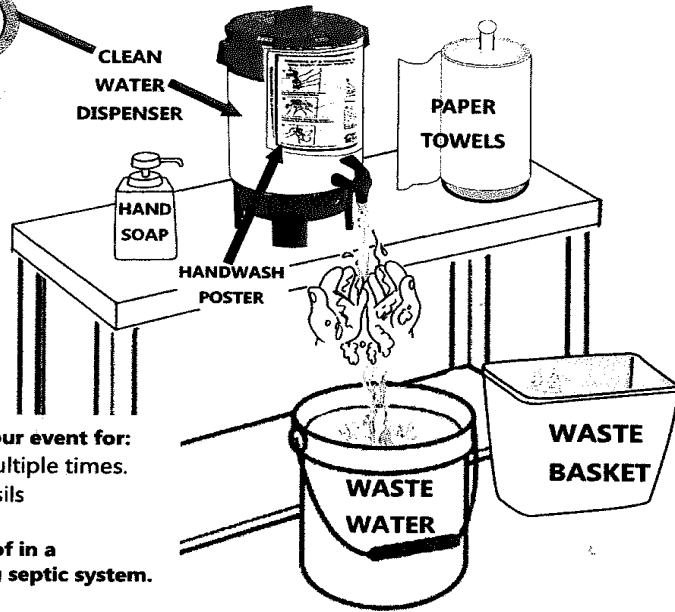
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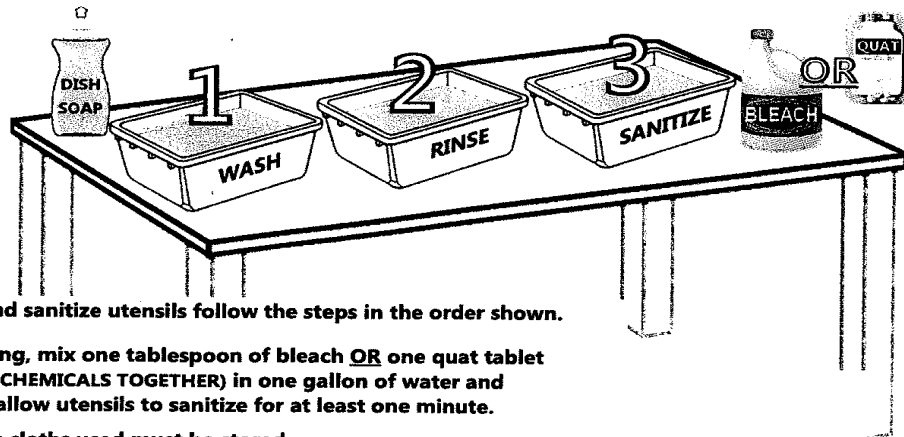
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- ◆ Water dispenser used must have a spigot that **stays open** without holding or pressing it.



- ◆ Provide plenty of clean water at your event for:
 - ◆ workers to wash their hands multiple times.
 - ◆ cleaning and sanitizing of utensils
- ◆ All waste water must be disposed of in a sanitary sewer drain or functioning septic system.



- ◆ To clean and sanitize utensils follow the steps in the order shown.
- ◆ For sanitizing, mix one tablespoon of bleach **OR** one quat tablet (**DONT MIX CHEMICALS TOGETHER**) in one gallon of water and be sure to allow utensils to sanitize for at least one minute.
- ◆ Any wiping cloths used must be stored in the sanitizer solution while not in use.

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Farmers Market Possible Questions

1. What is being achieved by changing the previous farmers' market county ordinances?

Farmers' markets have been around for a long time. However, today's farmers' market is more complex than ever. In the past, whole fruits and vegetables were the primary items sold; now, food is processed, cut open for display purposes, and offered as samples to entice purchasing from the public. Because of the evolving complexity of food items offered at the farmers' market. It is necessary for the local health department to become more involved in ensuring food safety. Improve on food safety while the burden in costs and time for the vendors.

2. Why is the health department introducing seasonal permits to food vendors that are not covered under the farmers' market permit?

Currently, food vendors are paying for a temporary food permit each weekend they are operating at the farmers' market. At the present time, if a food vendor is working at the farmers' market every weekend from the month of March to the month of October a temporary permit with sampling would cost a vendor an estimated total of \$930.00 and a temporary permit without sampling's estimated cost is 348.75. If the health department implement a seasonal permit for food vendors under the farmers' market ordinance, the fee's for food vendors drops dramatically. A seasonal farmers market health permit with sampling would cost \$150.00. A seasonal farmers' market health permit without sampling would cost \$50.00. This reduces the financial burden on food vendors at a farmers' markets. This would reduce costs and time.

3. Why food vendors selling food would not be covered under the farmers' market permit?

The current Shelby County Ordinance Section 9-52-84 sub section C states a farmers' market permit shall be issued for fruits, vegetables, melons, berries or

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nuts only. All other types of food sold at farmers' markets shall require a separate permit.

Sub Section E states fruits, including cantaloupe and watermelon, shall be sold whole and shall not be cut or sliced while on the premises of the market.

Farmers markets are a great way to directly market products to consumers, but ordinances must also evolve to encompass a newer market. This ordinance would provide a mechanism for supporting farmers market and new consumers.

4. Explain the seasonal permit and how would this benefit the food vendors selling food at the farmers' market from a health department perspective?

The product is prepared and sold can present a risk to consumers. Certain types of foods, can be potentially hazardous or Time Temperature Control for Safety Foods (TCS). Their products must be kept at a proper cold or holding temperature to keep consumers safe. Processed foods pose a high risk of botulism. Shelby county must inspect the food for safe preparation.

5. How would you prevent an illegal food vendor from selling their product at the farmers' market? What is being achieved by conducting inspections.

With the purposed new local farmers' market ordinance, stipulations have been put in place for the farmers' market, food vendors, and illegal food vendors. Failure to comply with the local ordinance will result in an environmental court citation or permit revocation.

With the increase of frequent inspections at farmers' markets, the environmentalist can check to make sure each food stand is properly permitted, food products are within TCS range, food products are protected and covered, and that overall food safety practices are conducted. (See example below)

6. Why are we increasing the annual fee for farmers' market from \$50.00 to \$300.00?

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Farmers' markets are a good outlet to connect consumers with farmers and locally owned businesses that offer samples of their food products for consumption. The preparing of food in a safe environment such as the farmers' markets and the more complex farmers' market becomes, the more risk consumers face.

The health department has been consistently involved with local farmers' markets by conducting routine food inspections of food vendors that are not covered under the farmers' market ordinance. This would increase more frequent inspections, man-hours, and weekend coverage by environmentalists.

Example of food vendor with or without a permit (reference to question 5):

An environmentalist is at a farmers' market permitting a new food vendor on site. After the environmentalist completes the inspection, the environmentalist conducts a complete walk-through of the farmers' market to verify all food vendors present and operating are selling food products that are in compliance by observing safe food practicing procedures and verify a health permit is posted onsite. If by chance, the environmentalist observes a food stand practicing unsafe food procedures with a health permit, the environmentalist will then conduct a routine food inspection and discuss the priority violation(s) with the food vendor. If the food vendor persists on practicing unsafe acts, then an environmental citation will be issued and/or their seasonal permit will be revoked.

If a food vendor is selling food at the farmers' market without a health permit, during a walk-through by the environmentalist, the environmentalist will then give the illegal food vendor a cease and desist order preventing sells of unsafe food products to the consumer. If the illegal food vendor continues to sell food products without a health permit, then an environmental citation will be issued to the illegal food vendor.

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