

▶ Act 106 and Farmers Markets

Guidance for the 2011 Farmers Market Season

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Overview and Agenda

PDA Introductions

- Dr. Lydia Johnson
- Brook Duer
- Jean Lonie

Agenda

- Opening Comments
- Act 106 Overview
- Questions and Discussion

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Framing and Background

Objectives of the Meeting

- Provide Insight on Act 106
- Distribute Guidance Documents
- Answer Questions

Thank You to Partners

- PASA
- PSU Cooperative Extension
- PA Retail Farm Markets Association

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Introduction

Act 106 of 2010

- Designed to clarify and strengthen oversight of ALL food safety inspections in PA
- Covers 40,000+ PDA-inspected locations and an estimated 60,000 locally-inspected facilities.
- Enacted Nov. 23, 2010; Effective Jan. 22, 2011
- Culmination of nearly 6 years of effort
- Created with a lot of stakeholder input

Updated Definitions

- Previous law included language from two Acts and created some confusion in the marketplace
- Act 106 provides clarity – anyone selling directly or indirectly to the public is a Retail Food Facility
- Under previous law, an entire farmers market would have to be closed if one vendor had food safety violations

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Licensing of Farmers Market Vendors

Under Act 106

- Individual stands must be licensed, if applicable
- PDA or County/Local Health Dept's will license
- PA Food Code will guide all inspections

Regulatory Standards

- The products sold determine if the stand must be licensed
- Inspections will be consistent across all jurisdictions
- Extensive efforts have been made to balance PDA's food safety and market development charges

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What Act 106 means to vendors

Licensing/Inspection

- Vendors may be exempt from licensing requirements based on what products are sold
- Ready-to-Eat operations (cafés, food carts, etc.) have always required a food safety license and annual inspection
- Stands selling “potentially hazardous food” or unpackaged food (deli or meat counters) require a food safety license and annual inspection

Types of Products

- Raw Agricultural Products
- Pre-Packaged, Non-Potentially Hazardous
- Pre-Packaged, Potentially Hazardous
- Unpackaged, Potentially Hazardous
- Ready-to-Eat

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Raw Agricultural Products

Fruits and Vegetables From the Farm

- EXEMPT from retail food facility license requirement
- Must have sanitizing hand wipes on-site for use by employees (or access to handwash station)
- These products, sold for food, are generally exempt from state sales tax collection
- No labeling requirements for raw agricultural products

License-exempt vendors are still subject to inspection by the department when inspectors are on-site at farmers markets to ensure the products being sold comply with the exemption requirements and that the food products meet the requirements of the food code.

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Pre-Packaged, Non-Potentially Hazardous Products

Includes baked goods, jams, candy, canned pickled food products, bottled juices, apple cider, honey products, etc.

- EXEMPT from retail food facility license requirement
- Must complete a Retail Plan Review application
- Products must be made in an inspected kitchen/facility
- Have sanitizing hand wipes on-site for use by employees (or access to handwash stations)
- Some products may be subject to state sales tax
- Products must be properly labeled; Labels must include:
 - Name of product
 - Name & address of manufacturer or distributor
 - Ingredients
 - Net contents/weight
 - Any applicable allergy warnings

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Pre-Packaged, Non-Potentially Hazardous Products

Additional Labeling Information for Baked Goods

- A list of ingredients must be made available upon request by the consumer
- If you made the product yourself from scratch or from mix and you are selling the product, no label is required
- "Bake-Off" items (frozen or refrigerated products prepared at home) are not exempt from labeling requirements

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License and Inspection Exemption

If you sell raw agricultural products AND/OR pre-packaged, non-potentially hazardous items:

Your stand is exempt from licensing requirements, however you must complete the Retail Plan Review Application and follow the production/labeling requirements for pre-packaged, non-potentially hazardous food.

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Pre-Packaged, Potentially Hazardous Products

Includes pre-packaged items that are temperature sensitive such as meat, milk, eggs and cheese

- MUST have a retail food facility license from PDA or county/Local Health Department
 - This requires a Retail Plan Review application and completed plan review
- If all food is pre-packaged you will need a system for washing equipment
- If food is high-risk, you will need access to a handwashing station capable of reaching 100 degrees Fahrenheit
- Shell eggs must meet PA Egg Refrigeration Law standards

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Unpackaged, Potentially Hazardous Products

Includes deli or meat counters

- MUST have a retail food facility license from PDA or county/Local Health Department
 - This requires a Retail Plan Review application and completed plan review
- “Necessary Equipment” will include appropriate sink/water access and detergent/sanitizer to wash, rinse and sanitize food equipment; typically this is a three- or two-bay sink (if approved by food safety inspector)
- Convenient access to a handwashing station capable of reaching 100 degrees Fahrenheit (not the rest room sink)

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Ready-To-Eat

Includes cafés, restaurants, food carts, etc.

- MUST have a retail food facility license from PDA or county/Local Health Department
 - This requires a Retail Plan Review application and completed plan review
- “Necessary Equipment” will include appropriate sink/water access and detergent/sanitizer to wash, rinse and sanitize food equipment; typically this is a three- or two-bay sink (if approved by food safety inspector)
- Convenient access to a handwashing station capable of reaching 100 degrees Fahrenheit (not the rest room sink)

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If you sell at multiple farmers markets

“Mobile Unit” is an option

- Covers multiple farmers market stands if the following parameters are met:
 - 1) Set-up and tear-down at each site includes the vendor removing all food products from the stand
 - 2) The actual license (not a copy) is present when the stand is open

NOTE – this means vendors cannot operate multiple stands on the same day unless they have applied for/received additional licenses

“Mobile Unit” licenses issued through PDA are valid only in those jurisdictions where PDA has licensing/inspection authority.

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Retail Plan Review Application

Required for all but raw agricultural product stands

- Should be completed and submitted to PDA prior to the start of the farmers market season
- Required first year only or if what is sold at the stand undergoes significant changes/ownership changes
- A special, condensed "Farmers Market" version of the application has been created
- Vendors must disclose whether they have a state sales tax license

NOTE – vegetables, fruits, meat, cheeses and most other non-ready-to-eat food products are sales tax exempt.

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Licensing Fees

Fees for Licensing/Inspection

- 1) New Retail Food Facility license - \$103
- 2) Annual renewal - \$82
- 3) Warehousing license - \$35
- 4) Bakery/Home Food Processor - \$35
(If this is a retail operation, a Retail Food Facility license is required)

These fees reflect the cost for PDA licenses; county or Local Health Departments are able to charge fees that may differ from the fees listed above.

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Additional Information

Visit www.EatSafePA.com for more details

- Background information on Act 106
- Special section for farmers market vendors
- Updated details and FAQ's

You can also contact the PA Department of Agriculture's Bureau of Food Safety and Laboratory Services with additional questions – (717) 787-4315.

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Questions and Discussion