

TOWN OF HALFMOON FARMERS' MARKET RULES

Seasons and Times of Operation

The Halfmoon Farmers' Market will operate at the Town Municipal Complex. It will be held every Wednesday from June 17, 2020 through September 30, 2020 from 3:00 p.m. – 7:00 p.m. The Halfmoon Farmers Market reserves the right to cancel or further limit the hours.

1. No selling to the public may occur until the opening of the market.
2. Vendors may sell to one another before the opening of the market.
3. Sellers may arrive up to two (2) hours prior to opening to begin setting up.
4. Sellers must remain set up until market closing unless prior permission by the market manager is given.
5. Sellers must have their market sites dismantled, packed up and cleaned within one hour of the market closure.

Who may sell at the market?

1. The market will allow vendors who make or produce what they sell within a three hundred (300) mile radius of Halfmoon, NY and in compliance with the New York State Agriculture & Markets Interim Guidance for the operation of Farmers Markets and Sanitary Regulations for New York State Farmers Market vendors.
2. Vendors may sell items on behalf of other producers with permission from the market manager, if those items do not make up the majority of their inventory.
3. Items coming from outside three hundred (300) mile radius may only be sold with prior approval by the market manager, must make up a minimal amount of the seller's inventory, and must be marked as such.
4. Sellers are required to keep their market space neat and clear of obstacles, litter and debris.
5. No form of discrimination is permitted at the market.
6. Sellers are expected to treat customers in a courteous manner.
7. Sellers are expected to clean their sales area and remove all refuse at the end of the day.
8. Dogs must be on a leash or tied outside the market where they will not be a nuisance to customers or other vendors at the market.

9. All trucks and carts needed at the sale lot should enter and exit at the designated area. Driving on the grass is NOT permitted.
10. All products offered for sale must be of good quality and condition
11. No soliciting by political, religious, or other special cause groups or individuals are permitted at the market.
12. Sellers must sign an indemnity agreement.
13. All produce and products for sale should be priced clearly.
14. Vendors must adhere to all NYS guidelines including but not limited to;
 - a. Vendors' selling taxable items must display a valid NYS Certificate of Authority
 - b. Vendors' selling nursery and greenhouse crops must display a valid NYS Nursery license.
 - c. Vendors selling processed foods, prepared foods, and other perishable items shall do so in compliance with the requirements of the NYS Department of Health and Department of Agriculture & Markets.
 - d. Vendors selling by weight must have scales approved by the County Department of Weights and Measures.
 - e. Vendors selling by volume must use standard size containers, such as pint, quart, etc.
 - f. Vendors selling wine must display a valid NYS Winery License.
 - g. Vendors selling beer or liquor must display a valid NYS Liquor Authority License.
 - h. All prepacked items, such as baked goods, must be labeled in accordance with NYS labeling requirement.
 - i. Produce cannot be advertised as organic unless it has been certified by a recognized independent third party certifying agency. Certificated must be displayed.
 - j. No live animals may be sold or given away at the Farmers' market.

Fees

The 2020 seasonal fee is \$100.00.

Lot Assignment

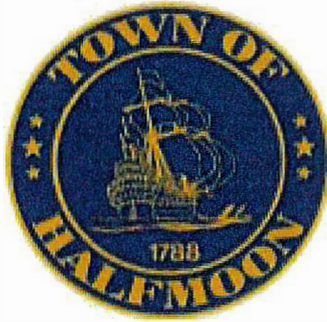
1. The market manager will assign all lots at his or her sole discretion. Preference will be given to sellers who have attend the market before.
2. Lot sizes are 12x12. A vendor may use more than one lot, buy must pay the full fee for all lots used.
3. Permanent lots may be assigned to applicants who have paid a seasonal fee.
4. Sellers must notify the market manager in advance if they will be absent. The market manager is then free to set up another vendor in that space for the day only.
5. For safety reasons, any vendor arriving after opening may be asked to set up on a lot on the periphery of the market.
6. No subletting of stall space is permitted.

Grievance Procedure

1. All complaints must be addressed in writing to the market manager and the market's governing body. To eliminate frivolous complaints, a \$50.00 deposit as show of good faith must

accompany all complaints. The market manager and/or sponsor will investigate the complaint. If the complaint is legitimate, the vendor will be reimbursed \$50.00. If the complaint is found be frivolous or blatantly false, the vendor forfeits the \$50.00 to the markets operating funds.

2. The market manager will notify sellers of any rules violations and notify the markets governing body of those violations. The governing body will review those violations and determine consequences appropriate to the offenses, including warnings, fines, and termination of the vendor's rights to sell at the market. The vendor may appeal such decision by giving written notice and appearing at the next meeting of the governing body.



Town of Halfmoon Farmers' Market

Town of Halfmoon Farmers' Market Application 2020

Application Steps.

1. Fill out and sign application.
2. Agree to abide by Halfmoon Farmers' Market Rules.
3. Attach copies of all required permits and licenses as necessary for your business. Examples:
 - a. Sales tax certificate
 - b. Nursery Grower and Nursery Dealer Registration Certificate (required for any vendor growing and selling plants intended for outdoor use)
 - c. Home Processing Exemption Inspection Report (for vendors of home-processed foods, a copy of this report or a copy of your 20-C Food Processing License)
 - d. Organic Labeling (all growers/producers claiming organic status or advertising produce or other products as organic must be certified by their state chapter of NOFA, OCIA, Demeter Society, or other certified program)
4. Complete and sign the Hold Harmless and Indemnification Agreement.
5. Mail application to: Farmers' Market, Town of Halfmoon, 2 Halfmoon Town Plaza, Halfmoon, NY 12065.
6. You will need to submit the following items prior to your first day at the Market:
 - a. A copy of Product Liability Insurance with a minimum coverage amount of \$1,000,000 listing "Halfmoon Farmers' Market" and the Town of Halfmoon" as certificate holders.
 - b. A check made out to "Town of Halfmoon" for the amount of your approved booth size.

For questions please contact:

Desired booth size

☐

12x12

☐

24x24

Farm / Business Name _____

Name of Vendor _____

Address _____

City _____

Phone _____

Sales Tax ID Number _____

Email Address _____

Briefly describe your operation (size, years in business, animals, greenhouses, organic, IPM, employees, where you source ingredient, etc.).

What are your current sales outlets (farm stand, wholesale, retail, co-op, restaurants, pick your own)? Please list all farmers' markets in which you participate.

What products do you propose to sell that you grow, produce or create?

Please indicate when you plan to start coming to the Market and when you will finish.

_____ I plan to attend for the full Season. I will start attending on _____.

_____ I plan to attend for a partial season.

Dates: _____

_____ I wish to accept EBT/Food Stamps at the Market for qualified products.

I certify that the above information is true. I have read and understood the Halfmoon Farmers Market Rules and will abide by the Halfmoon Farmers' Market Rules, without exception or conditions. The Market Manager has the authority to decline any and all products a vendor may sell.

Vendor Signature _____ Date _____



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Food Types Allowed at New York State Farmers' Markets

Product	Licensure Requirements	Storage Requirements	Comments
Baked goods	<ul style="list-style-type: none"> Licensed under Article 20-C and inspected by the NYS Department of Agriculture and Markets (Department); Compliant with and registered as a Home Processor; Permitted and inspected by the NYS Department of Health (DOH); or Licensed or permitted by an out-of-state regulatory agency. 	If refrigeration is necessary, must be stored with an internal temperature of 41°F or less.	<ul style="list-style-type: none"> Must be sold as a packaged food at farmers' markets. Packages must be properly labeled. Cottage food products made out-of-state will NOT be authorized for sale in NYS.
Whole, Uncut Fruits and Vegetables	A license is not required to sell fruits or vegetables that have been grown and harvested.	Must be stored under sanitary conditions, having removed excess dirt.	Produce may NOT be cut or processed at farmers' markets.
Meat and Poultry	<p>Animals must be processed in compliance with Article 5-A or U.S. Department of Agriculture (USDA) regulations:</p> <ul style="list-style-type: none"> Beef, pork, goats and sheep must be slaughtered and processed at a USDA inspected processing facility and bear a USDA mark of inspection. Exotic species, such as farm raised deer or rabbits, may be processed under the USDA voluntary inspection. If not processed under USDA inspection, the meat must be processed at an Article 5-A licensed facility under the jurisdiction of the Department. Poultry must be processed under USDA inspection or under Article 5-A, with the appropriate USDA poultry exemption. Individuals who process 1,000 birds or less annually from their own flock are exempt from Article 5-A licensing requirements, but are allowed to sell product at a farmers' market venue. 	Meat must be sold frozen or must be stored under refrigeration with an internal temperature of 41°F or less. Mechanical refrigeration is the preferred method.	<ul style="list-style-type: none"> Must be offered for sale in a properly labeled and packaged form. May NOT be cut or processed at farmers markets. USDA amenable poultry processed under exemption can ONLY be sold intrastate and CANNOT cross state lines.
Fish, Shellfish, Crustaceans, Other Seafood (Seafood)	<ul style="list-style-type: none"> Must come from approved sources and/or waters. Shellfish must be in compliance with the NYS Department of Environmental Conservation (DEC) regulations. Shellfish tags must be maintained for 90 days by the vendor at the point of sale and made available for inspection by regulatory agencies upon request. 	Must be sold frozen or must be stored under refrigeration with an internal temperature of 40°F or less, as outlined by the manufacturer's requirements. Mechanical refrigeration is the preferred method.	<ul style="list-style-type: none"> Must be properly labeled. May NOT be cut or processed at farmers markets except as permitted as a food service item under DOH.
Eggs	Must be from the vendor's own flock.	Must be stored with an ambient temperature of 45°F or less. Mechanical refrigeration is the preferred method.	Eggs must be cleaned and packaged in properly labeled cartons. Egg cartons should be considered one-time-use packaging.
Honey, Maple Syrup	<ul style="list-style-type: none"> A vendor is exempt from licensing if they are bottling honey or making maple syrup at their own production facility; this includes out-of-state facilities. If the vendor is mixing either with any other incidental ingredients that change the original identify of the product or is repacking product from another producer, an Article 20-C food processing license and inspection is required at the production facility. 	May be stored with ambient temperature unless opened.	Product for sale at farmers' markets must be packaged, properly labeled, and graded.
Jarred Acidified Vegetables	<ul style="list-style-type: none"> Produced in NYS at an Article 20-C food processing licensed and inspected establishment or produced under permit by DOH. Products produced out-of-state must meet equivalent licensing or permitting and inspection requirements. 	May be stored with ambient temperature unless opened if approved processes verify the product is shelf stable or may be sold under proper refrigeration.	Must be sold in sealed and properly labeled containers.
Jarred Non-Potentially Hazardous Food (i.e. Jellies, Jams, Marmalades)	Must be manufactured at a location that is licensed and under inspection by the appropriate regulatory authority or is made by an approved NYS Home Processor.	May be stored with ambient temperature unless opened.	Must be sold in sealed and properly labeled containers.



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Food Types Allowed at New York State Farmers' Markets

Product	Licensure Requirements	Storage Requirements	Comments
Cheese Cut and Wrap	<ul style="list-style-type: none"> Approved cheese varieties with less than 50% moisture content that are made by the vendor may be sold if the products are made in a facility that meets permitting under Part 2. The facility must follow regulatory requirements set forth by the Department's Division of Milk Control and Dairy Services as a cheese manufacturer. 	If refrigerated, must be stored with an internal temperature of 45°F or less. Mechanical refrigeration is the preferred method.	<ul style="list-style-type: none"> Bulk packages must be properly protected from environmental contaminants (i.e. covered or in display cases). Food processing equipment and surfaces must be maintained in a sanitary manner. Employees must maintain proper handwashing practices and use appropriate barriers when handling cheese.
Raw Milk Cheese	May be sold at farmers' markets only if the product is manufactured under a Part 2 permit and is inspected by the Department's Division of Milk Control and Dairy Services.	Must be stored with an internal temperature of 45°F or less. Mechanical refrigeration is the preferred method.	<ul style="list-style-type: none"> Must be aged a minimum of 60 days. Must have a statement "aged 60 days or more" on the label. If the name and address on the label is not that of the plant that processed or manufactured the product, the label must also contain the plant number.
Other Dairy Products (i.e. Yogurt, Cheese, Cottage Cheese, Sour Cream, Cream Cheese, Ice Cream etc.)	<ul style="list-style-type: none"> Must be manufactured under a Part 2 permit from the Department's Division of Milk Control and Dairy Services. Frozen desserts manufactured for retail sale are licensable under Article 20-C or an equivalent DOH permit. 	Must be stored with an internal temperature of 45°F or less. Mechanical refrigeration is the preferred method.	<ul style="list-style-type: none"> Dairy products made from pasteurized milk must have "pasteurized" appear on the label. If the name and address on the label is not that of the plant that processed or manufactured the dairy product, the label must also contain the plant number.
Processed Products	<ul style="list-style-type: none"> Processed in an Article 20-C licensed or Part 2 permitted facility or made by a NYS registered Home Processor. Processed products that require refrigeration (i.e. soft cheese, fresh pickles, cheesecake) must be processed in an Article 20-C licensed facility, a facility operating under a Part 2 permit or a facility permitted by DOH. 	If refrigerated, must be stored under proper refrigeration with an internal temperature of 41°F or less, unless otherwise noted. Mechanical refrigeration is the preferred method.	
Kombucha	Must be manufactured under an Article 20-C license.	Must be stored with an internal temperature of 41°F or less.	Kombucha produced with a level greater than 0.5% alcohol by volume may be subject to regulation by the NYS Liquor Authority (SLA).
Alcoholic Products	Vendors who wish to sell alcoholic products should verify their ability to do so by contacting SLA.		

Foods Types NOT Allowed: raw milk, acidified or low acid canned foods made in a private residence, raw (i.e. unpasteurized or not UV treated) apple cider, sprouts (as a self-service item or packaged by the vendor at the farmers' market), foods/beverages containing CBD or THC, bulk products offered for service or customer self-service, exposed foods, out-of-state products manufactured under cottage food laws or in a private residence.

Please contact the Department's Division of Food Safety and Inspection at (518) 457-4492 with any additional questions or comments.



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Guidance on Sanitary Regulations for New York State Farmers' Markets Vendors

Introduction

The New York State Department of Agriculture and Markets (Department) regulates non-food service vendors at farmers' markets to ensure compliance with New York State food sanitation requirements and to ensure that food is not adulterated or misbranded as outlined in Article 17 of Agriculture and Markets Law. This includes vendors selling raw agricultural products, such as produce and eggs, and processed, packaged foods, such as baked goods and preserved foods. The Department's Division of Food Safety and Inspection issues licenses to a variety of food-based businesses or establishments in New York State. The Department's Division of Milk Control and Dairy Services is responsible for all establishments in New York State that manufacture dairy products.

Food service establishments fall under the jurisdiction of the New York State Department of Health (DOH) and must comply with associated permitting and regulatory requirements. Food service establishments include food trucks or other vendors serving products, such as sandwiches, meals, snack foods, and fountain beverages.

This guidance document supersedes previous or undated documents on direct marketing published by the Department.

Definitions

The following definitions apply for the purpose of this guidance document.

Ambient temperature: Temperature of the product's immediate surroundings, such as the storage container or air.

Approved source: Foods offered for sale at a farmer's market must come from a vendor that is:

- Properly licensed under Article 20-C by the Division of Food Safety and Inspection;
- Exempt from Article 20-C;
- Registered as a Home Processor operating within New York State by the Division of Food Safety and Inspection;
- Permitted under Part 2 for dairy products by the Division of Milk Control and Dairy Services;
- Permitted by DOH or a local health department within New York State;



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- Processed under USDA inspection;
- Properly licensed under Article 5-A by the Division of Food Safety and Inspection;
- Exempt from Article 5-A licensing requirements for individuals who process 1,000 birds or less annually from their own flock; and
- Properly licensed or permitted and inspected by the appropriate regulatory agency if selling out-of-state products. Vendors selling honey or maple syrup made out-of-state do **NOT** need to be licensed or permitted.
- Approved source for plant industry

Farmers' market vendors are required to provide a copy of their food license or permit (as listed above) upon request by the market manager or regulatory inspector.

Article 5-A license: Exemptions from USDA oversight allow for certain species of birds, including chickens, turkeys, ducks, geese, guineas, ratites, or squabs to be slaughtered/processed under New York State oversight with an Article 5-A license. Businesses must operate within the parameters outlined in the Federal Poultry Products Inspection Act (PPIA). Parameters include the source of the live birds, how the poultry products will be sold, and the annual amount of birds slaughtered or dollar value limitations. USDA amenable red meat (i.e. cattle, swine, goat, and sheep) may **ONLY** be sold if processed under USDA inspection.

1,000 bird exemption: This exemption allows individuals to slaughter any species of bird from their own flock without an Article 5-A license or USDA oversight. These poultry products may **ONLY** be sold at retail off of the owner's farm or at a farmers' market.

Article 20-C license: Food manufacturers, processing plants, wholesale bakeries, and retail food establishments (i.e. grocery stores) that conduct any type of food preparation must obtain an Article 20-C license, including but not limited to, meat and cheese slicing, heating foods, sandwich making, operating beverage dispensing machines, and preparing sushi, salad bars, or other ready to eat exposed food packaging activity.

The following processing facilities are exempt from Article 20-C licensing; however, they must adhere to current good manufacturing practices (GMPs).

- Licensed by the New York State Liquor Authority (SLA) as a Farm Winery
- Licensed by SLA as a Cidery
- Licensed by SLA as a Farm Brewery
- Licensed by SLA as a Farm Distiller
- Honey producers



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- Maple syrup processors
- Hop processors
- Home processors
- Cheese cut and wrap at farmers' markets

For further information on exemptions or Article 20-C license fees click here:
<https://agriculture.ny.gov/system/files/documents/2020/03/fsi-303.pdf>

Conveniently located: Means within view and service of customers.

Cottage food laws: Laws that differ by state that allow individuals to use appliances in a private residence to process foods for sale. New York State does **NOT** recognize these laws from other states. Out-of-state cottage food products may **NOT** be offered for sale at a farmers' market.

Farmers' market: Means any building, structure or place, the property of a municipal corporation or under lease to or in possession of a public or private agency, individual or business used or intended to be used by two or more producers for the direct sale of a diversity of farm and food products from producers to consumers and food buyers.

Farm and food product: Any agricultural, horticultural, forest, or other product of the soil or water, including but not limited to: fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap products, apple cider, fruit juice, wine, ornamental or vegetable plants, nursery products, flowers, firewood, fermented agricultural products, and Christmas trees. Any products offered for sale by out-of-state vendors at farmers' markets located within New York State must meet all applicable New York State, as well as federal, laws and regulations for same products.

Food processing: Includes, but is not limited to: cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, freezing or otherwise manufacturing a food or changing the physical characteristics of a food; and the packaging, canning or otherwise enclosing of such food in a container; but not the sorting, cleaning or water rinsing of fruits and vegetables.

Food service establishment: Any place where food is prepared and intended for individual portion service and includes the site at which individual portions are provided, whether consumption occurs on or off the premises, or whether there is a charge for the food. The term includes delicatessens that primarily offer prepared food in individual service portions; that is, over 50 percent of the dollar value of the business is classed as food service with a minor portion related to



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sales as a food store; food service operations where a distinct group mutually provides, prepares, serves and consumes the food; the location of food vending machines; and supply vehicles.

Food vendor: General term applied to anyone who sells farm and food products at a farmer's market.

Game animal: Means an animal, the products of which are food, that is not classified as cattle, sheep, swine, goat, horse, mule or other equine, as poultry, or as fish. Game animal includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria or muskrat and nonaquatic reptiles such as land snakes. Game animal does **NOT** include ratites, such as ostrich, emu, and rhea.

Home Processor registration: Person(s) who produce any food processed in a private home or residence in New York State using only the ordinary kitchen facilities of that home or residence which are also used to prepare food for the owner thereof, their family, nonpaying guests, and household and farm employees who reside therein must be registered with the Department to sell products. Products shall exclude potentially hazardous foods or thermally processed low-acid foods packaged in hermetically sealed containers and acidified foods packed in closed containers, including but not limited to pickles and relishes prepared from low-acid fruits, vegetables, poultry, meat, meat products, fish, or seafood. For a full listing of allowed and disallowed products that can be processed at home click here: <https://agriculture.ny.gov/food-safety/home-processing>

Market manager: Person(s) in charge of a farmer's market location that generally oversee market operations. Market managers and other responsible persons are not expected to be food safety experts, but can help educate vendors on topics related to food safety. Managers should make a reasonable effort to ensure that all vendors selling products requiring a license have the appropriate license. Managers should also encourage vendors to communicate with the appropriate regulatory authorities.

Out-of-state product: Any product that has **NOT** been manufactured within New York State. Products produced out-of-state must be manufactured at a facility that is licensed or permitted and inspected by the appropriate regulatory agency. Vendors with out-of-state products must post the appropriate permit or license as evidence. Vendors with honey or maple syrup products made out-of-state do **NOT** need to be licensed or permitted.

Packaged: Bottled, canned, boxed, bagged or securely wrapped.



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Part 2 permit: Individuals that pasteurize milk or manufacture dairy products in New York State must obtain a Part 2 permit by the Department's Division of Milk Control and Dairy Services.

Potentially hazardous: Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does **NOT** include: foods that have a pH level of 4.6 or less or a water activity (aw) value of 0.85 or less under standard conditions; food products in hermetically sealed containers commercially processed to prevent spoilage; air-cooled hard-boiled eggs with shell intact, or a shell egg that is not hard-boiled, but has been treated to destroy all viable *Salmonellae*.

Non-potentially hazardous: Generally, food that does **NOT** meet the definition of potentially hazardous, does **NOT** require holding in a temperature-controlled environment, and will **NOT** become dangerous to consume under normal circumstances.

Producer: Any person or persons who grows, produces, or causes to be grown or produced any farm and food products in New York State.

Raw agricultural commodity: Means any food in its raw or natural state, including all fruits that are washed, colored or otherwise treated in their unpeeled natural form prior to marketing.

Scheduled Process: The process selected by an establishment operator as adequate for use under the conditions of manufacture for a food in achieving and maintaining a food that will not permit the growth of microorganisms which could cause food borne illness, and shall include controls of critical processing criteria established by a competent processing authority who has expert knowledge acquired through appropriate training and experience in the processing of potentially hazardous foods. For a list of recognized food processing authorities click here:

https://agriculture.ny.gov/system/files/documents/2020/03/recognized_food_processing_authorities.pdf

Food Types

Under Department jurisdiction, farmers' market vendors are permitted to sell the following farm and food products.

Baked Goods



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May be sold if the products are made in a facility that meets one of the following New York State regulatory requirements:

- Licensed under Article 20-C and inspected by the Department;
- Compliant with and registered as a Home Processor;
- Permitted and inspected by DOH; or
- Licensed or permitted by an out-of-state regulatory agency. Cottage food products made out-of-state will **NOT** be authorized for sale in New York State.

Baked goods must be sold as a packaged food at farmers' markets. Packages must be properly labeled and, if refrigeration is necessary, be stored with an internal temperature of 41°F or less.

Whole, Uncut Fruits and Vegetables

A license is not required to sell fruits or vegetables that have been grown and harvested. Produce must be stored under sanitary conditions, having removed excess dirt. Produce may **NOT** be cut or processed at farmers' markets except as part of a DOH permitted food service operation.

Cultivated mushrooms

A license is not required to sell mushrooms which have been cultivated under controlled conditions. Mushrooms must be stored under sanitary conditions, having removed excess dirt. Mushrooms may **NOT** be cut or processed at farmers' markets except as part of a DOH permitted food service operation. Wild foraged mushrooms **may not** be sold unless the vendor has been certified as an expert mushroom forager.

Milled grains, Rolled oats, Popcorn, Seeds

May be sold if the products are milled/ processed in a facility that meets one of the following New York State regulatory requirements:

- Licensed under Article 20-C and inspected by the Department;
- Permitted and inspected by DOH; or
- Licensed or permitted by an out-of-state regulatory agency.

Products must be stored under sanitary conditions and may **NOT** be repackaged at farmers' markets except as part of a DOH permitted food service operation.

Meat and Poultry



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Meat and poultry offered for sale at farmers' markets must be farm-raised and processed in compliance with Article 5-A or USDA regulations. Game animal meat from wild sources may **NOT** be sold.

- Beef, pork, goats, and sheep must be slaughtered and processed at a USDA inspected processing facility and bear a USDA mark of inspection.
- Exotic species, such as farm raised deer or rabbits, may be processed under the USDA voluntary inspection. If not processed under USDA inspection, the meat must be processed at an Article 5-A licensed facility under Department jurisdiction.
- Poultry must be processed under USDA inspection or under Article 5-A with the appropriate USDA poultry exemption.
- Individuals who process 1,000 birds or less annually from their own flock are exempt from Article 5-A licensing requirements. These entities are only allowed to sell poultry products off the owner's farm or at a farmers' market.

Meat must be sold frozen or must be stored under refrigeration with an internal temperature of 41°F or less. Mechanical refrigeration is the preferred method to maintain proper temperature as it will provide stable storage conditions and temperature. Meats must be offered for sale in a properly labeled and packaged form. Meat and poultry may **NOT** be cut or processed at farmers' markets.

Fish, Shellfish, Crustaceans, Other Seafood (Seafood)

Fish and seafood items offered for sale at farmers' markets must come from approved sources and/or waters. Vendors who wish to sell fish and seafood items should verify their ability to do so by contacting the New York State Department of Environmental Conservation (DEC).

Fish and seafood items must be sold frozen or must be stored under refrigeration with an internal temperature of 40°F or less, as outlined by the manufacturer's requirements. Mechanical refrigeration is the preferred method to maintain proper temperature as it will provide stable storage conditions and temperature. Fish and seafood items must be properly labeled. Fish and seafood items may **NOT** be cut or processed at farmers' markets except as permitted as a food service item under DOH.

Shellfish must be in compliance with DEC regulations. Shellfish tags must be maintained for 90 days by the vendor at the point of sale and made available for inspection by regulatory agencies upon request.

Eggs



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Eggs should be visibly cleaned (free of filth, dirt and fecal matter), and packaged in properly labeled cartons. Labeling must include the name and address of the packer, grade, size, the contents, a "keep refrigerated at 45°F or below" statement and the statement "To prevent illness from bacteria: keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly". Egg cartons should be considered one-time-use packaging. Bacteria from foods that packages once contained may remain on the packaging and thus be able to contaminate foods or even hands if reused.

Eggs must be stored with an ambient temperature of 45°F or less. Mechanical refrigeration is the preferred method to maintain proper temperature as it will provide stable storage conditions and temperature.

Honey, Maple Syrup

A vendor is exempt from licensing if they are bottling honey or making maple syrup at their own production facility or is adding ingredients, such as spices, that are not capable of supporting the growth of infectious or toxigenic organisms. Out-of-state facilities would need to be in compliance with home state requirements relating to licensing and inspection. However, if the vendor is mixing with any other incidental ingredients that change the original identity of the product or is repacking product from another producer, an Article 20-C food processing license and inspection is required at the production facility. Product for sale at the farmers' market must be packaged, properly labeled, and graded. Honey or maple syrup may be stored at ambient temperature.

Jarred Acidified Vegetables

Jarred acidified vegetables (i.e. pickles) must be produced in New York State according to an approved scheduled process, at an Article 20-C licensed and inspected establishment or produced under permit by DOH. Products produced out-of-state must meet equivalent licensing or permitting and inspection requirements.

Products must be sold in sealed and properly labeled containers. Unless opened, products may be stored with ambient temperature if approved processes verify the product is shelf stable. Products may also be sold under proper refrigeration.

Jarred Non-Potentially Hazardous Foods (i.e. Jellies, Jams, Marmalades)

Jams, jellies, and marmalades must be manufactured at a location that is licensed and under inspection by the appropriate regulatory authority or is made by a registered New York State Home Processor. Home processors may make fruit



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jams and jellies using high acid fruits such as berries or grapes. Vegetable jams or jellies, low or reduced sugar jams or jellies, and jams or jellies containing alcohol must be produced in an Article 20-C licensed and inspected facility. These items may not be produced under a home processor exemption.

Products must be sold in sealed and properly labeled containers. Products may be stored at ambient temperature.

Cheese Cut and Wrap

Approved cheese varieties with less than 50 percent moisture content that are made by the vendor may be sold if the products are made in a facility that meets permitting under Part 2. The facility must also follow regulatory requirements set forth by the Department's Division of Milk Control and Dairy Services as a cheese manufacturer.

Cheese of the vendor's own production may be cut and wrapped per customer order at farmers' markets. Bulk packages must be properly protected from environmental contaminants (i.e. covered or in display cases) and if refrigerated, must be stored with an internal temperature of 45°F or less. Mechanical refrigeration is the preferred method to maintain proper temperature as it will provide stable storage conditions and temperature. Food processing equipment and surfaces must be maintained in a sanitary manner. Employees must maintain proper handwashing practices and use appropriate barriers when handling cheese.

Raw Milk Cheese

Raw milk cheese may be sold at farmers' markets only if the product is manufactured under a Part 2 permit or equivalent and is inspected by the Department's Division of Milk Control and Dairy Services. Further, raw milk cheeses unless aged for a minimum of 60 days may **NOT** be sold. Aged raw milk cheese products must be stored with an internal temperature of 45°F or less. Mechanical refrigeration is the preferred method to maintain proper temperature as it will provide stable storage conditions and temperature.

Other Dairy Products (i.e. Yogurt, Cheese, Cottage Cheese, Sour Cream, Cream Cheese, Ice Cream, etc.)

Dairy products must be manufactured under a Part 2 permit or equivalent from the Department's Division of Milk Control and Dairy Services. Products must be stored with an internal temperature of 45°F or less. Mechanical refrigeration is the preferred method to maintain proper temperature as it will provide stable storage



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conditions and temperature. Frozen desserts manufactured for wholesale must be produced at a plant that is licensed and inspected by the Department's Division of Milk Control and Dairy Services. Frozen desserts manufactured for retail sale only are licensable under Article 20-C or an equivalent DOH permit.

Manufactured or Processed Food Products

Manufactured or processed food products, such as bottled fruit or vegetable juices; salads; cut fruits or vegetables; tinctures (not supplements), dried herbs (not supplements), etc., may be sold at a farmers' market provided they are manufactured or processed at an off-site approved facility under an Article 20-C license, Part 2 permit, or New York State Home Processor registration. Products for sale at the farmers' market must be packaged and properly labeled.

Food service items processed at a Farmer's market under a Department of Health permit must comply with the appropriate DOH requirements. Vendors should consult the Department or a local health department for additional information.

Processed products that **require refrigeration** (i.e. soft cheese, fresh pickles, cheesecake) must be processed in an Article 20-C licensed facility, a facility operating under a Part 2 permit, or a facility permitted by DOH. Products must be stored under proper refrigeration with an internal temperature of 41°F or less unless otherwise noted. Mechanical refrigeration is the preferred method as it will provide stable storage conditions and temperature.

Kombucha

Kombucha teas are considered food and therefore subject to regulation by the Department. Most kombucha is intended to be sold in unpasteurized form with refrigeration as the control to prevent further fermentation and to maintain a level of less than 0.5% alcohol by volume. Kombucha must be stored with an internal temperature of 41°F or less. Vendors must produce the products at an Article 20-C licensed facility in order to sell bottled kombucha at a farmer's market. Kombucha produced with a level greater than 0.5% alcohol by volume may be subject to regulation by SLA. Service of kombucha is not permitted at a farmer's market unless the vendor is permitted under the Department of Health oversight.

Alcoholic Products

Vendors who wish to sell products above 0.5% alcohol should verify their ability to do so by contacting SLA. Vendors should also ensure that they are operating in compliance with local codes concerning sale of alcoholic beverages.



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Hemp (not including flowers)

Hemp may be sold as food provided it is manufactured and/or processed in compliance with Department requirements. For further information click here: https://agriculture.ny.gov/system/files/documents/2020/02/hemp_program_guidance.pdf

Wild foraged foods (excluding mushrooms and game animals)

Wild foraged foods such as fruits, ramps, fiddleheads, may be offered for sale provided they are not adulterated, properly identified and stored and handled in a manner to prevent adulteration.

Foods NOT Allowed

The following items may **NOT** be offered for sale at farmers' markets in New York State. Additionally, individual farmers' markets may have additional limitations on the sale of items that do not support the market's mission.

Raw Milk

Raw milk may **NOT** be sold at farmers' markets in New York State. Raw milk may only be sold at the physical farm location and must be permitted by the Department's Division of Milk Control and Dairy Services.

CBD Food Products

NO food or beverage product may be made or sold in New York State if it contains CBD or THC as a food, a food additive, or an ingredient.

Acidified or Low Acid Canned Foods Made in a Private Residence (i.e. pickles, canned vegetables)

Acidified or low acid canned foods made in a private residence may **NOT** be offered for sale at farmers' markets in New York State. Acidified or low acid canned foods are **NOT** approved for commercial sale in New York State unless they are commercially manufactured under an Article 20-C license or equivalent in an inspected facility.

Raw (i.e. Unpasteurized or Not UV Treated) Apple Cider

Department law requires that all apple cider sold in New York State receive a proper pathogen kill step, such as pasteurization, UV treatment, High Pressure



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Processing (HPP), or equivalent. Cider must be produced at an inspected facility under Article 20-C or equivalent.

Sprouts (as a Self-Service Item or Packaged by the Vendor at the Farmers' Market)

Sprouts are considered a potentially hazardous food and may **NOT** be re-packaged at a farmer's market. They may be sold if they are pre-packaged at the properly licensed and inspected production location. Packaged and labeled sprouts may be sold provided they are maintained under refrigeration at an internal temperature of 41°F or less at the farmers' market and the product is protected from contamination.

Bulk Products Offered for Service or Customer Self-Service

Food sold at farmers' markets must be sold as a packaged product. Bulk foods, not including uncut fruits or vegetables, may **NOT** be packaged by the consumer or the vendor per customer request or order at farmers' markets. Items such as grains, candies, herbs or spices, etc. which may be repacked into smaller containers from a larger amount, must be packaged in containers at a licensed and inspected facility. If customers often purchase varying sized containers, the repacked containers can be of mixed sizes, weights, and counts.

Exposed Foods

Exposed foods, apart from raw agricultural commodities, may **NOT** be offered for sale at farmers' markets unless exempt from regulation (i.e. cheese cut and wrap as permitted by the Department) or permitted as a food service establishment by DOH.

Packaging/re-packaging, cutting, slicing, or portioning of fruits and vegetables, meat, poultry, fish, dairy products, grains, bulk, or ready-to-eat food per customer order is **NOT** permitted at farmers' markets.

Out-of-State Products Manufactured Under Cottage Food Laws or in a Private Residence

Products made under cottage food laws or in a private residence from out-of-state are **NOT** considered to be an approved source, **CANNOT** be sold in New York State, and are subject to regulatory enforcement by the Department. Honey and maple syrup products made out-of-state are exempt and do **NOT** need to be licensed or permitted.



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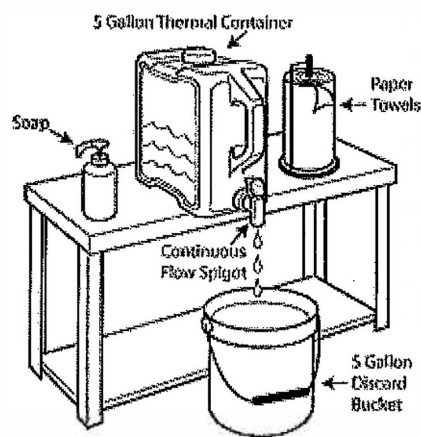
Sampling

The Department allows for farm and food product sampling at farmers' markets; however, it is recommended that food vendors check with their local health department who may have additional sanitation and permit requirements. For example, vendors who offer samples may need to have proper handwashing stations conveniently located. Product samples offered must be handled in a sanitary manner and protected from environmental contaminants. Samples may be offered in individual portioned cups, napkins, plates, or similar means of preventing hand contact from the public. Foods that require refrigeration must be maintained at an internal temperature of 41°F or less.

Proper Handwashing

Handwash stations must be available at vendors sampling product and those classified as cheese cut and wrap. Handwash stations must be conveniently located on site.

Example of Handwash Station



Water containers should have a spigot that can stay open to allow a constant flow of water for two-handed washing. Other required components include: water, soap, single-use paper towels, and a catch basin for wastewater.

Proper Handwashing Techniques

Proper handwashing techniques should be used to protect public health. Individuals should use the following techniques:

- Wet hands with clean, running water (warm or cold), turn off the tap, and apply soap.



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- Lather hands by rubbing them together with soap. Be sure to lather the backs of hands, between fingers, and under nails.
- Scrub hands for at least 20 seconds.
- Rinse hands well under clean, running water.
- Dry hands using a clean towel or air dry them.

Hands should be washed:

- Before, during, and after preparing food;
- Before and after eating food;
- Before and after treating a cut or wound;
- After encountering blood or any other bodily fluid;
- After using the toilet;
- After changing diapers or cleaning a child who has used the toilet;
- After blowing the nose, coughing, or sneezing;
- After touching the nose, mouth, ears, or hair;
- After touching garbage;
- After smoking;
- After handling any product that can contaminate the hands; and
- After any other time that the hands have become soiled.

Vendors may use hand sanitizers and moist towelettes, but **NOT** as a substitute for handwashing.

Single-use gloves do **NOT** eliminate the need for handwashing. When used, they must be limited to a single task and discarded when damaged or soiled, or when tasks are interrupted.

Cross-Contamination

Food processing at farmers' markets is limited to food service establishments permitted and inspected by DOH. Since other items are predominately sold packaged, the concern for cross-contamination is minimized. However, certain foods carry a risk for pathogens and care must be taken to ensure that other foods are not contaminated by them.

Raw foods, such as meats, eggs, or fish should be stored separately from foods that will or may not be cooked, such as raw vegetables, dairy products, or prepared desserts. If separate units are not possible, ensure adequate separation between products. Keep ready-to-eat items separated from raw items. Hermetically sealed containers, such as those used for raw meats, may be sufficient to protect from cross contamination.



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Further, products should be protected from environmental contamination, such as rain/water, dirt/dust, leaves, handling by consumers, and insects.

Labeling

All food products sold at farmers' markets must be pre-packaged and properly labeled in accordance with New York State food labeling requirements. Products must bear the common name of the product, the name and address of the manufacturer or responsible party, the net quantity of contents, and the ingredient statement for the product.

Dairy products made from pasteurized milk must have "pasteurized" appear on the label. Raw milk cheese must have a statement "aged 60 days or more" or another truthful phrase on the label. Additionally, if the name and address presented on the label is not that of the plant that processed or manufactured the dairy product, the label must also contain the plant number.

Recommended Methods of Refrigeration

Mechanical refrigeration is always preferred as it is more likely to maintain required refrigeration temperatures even on the hottest days. However, if ice is used as a cooling medium, it must be made from potable water, continuously drained so that products are not sitting in or immersed in water and be protected from contamination. Ice packs or dry ice are also acceptable means of maintaining proper temperatures.

In general, refrigerated products must be maintained at an internal temperature of 41°F or less. Colder temperatures may be required on certain products to ensure food safety. If a lower temperature is required according to the manufacturer's label, products must be maintained at the manufacturer's labeled temperature requirements.

Additional Assistance

For additional assistance, use the following links:

- **New York State Department of Agriculture and Markets:**
<https://www.agriculture.ny.gov/>
 - **Division of Food Safety and Inspection**
 - Information on Division of Food Safety and Inspection regulations: https://agriculture.ny.gov/laws-regulations?f%5B0%5D=filter_term%3A206



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- Information on Article 20-C license:
<https://agriculture.ny.gov/food-business-licensing>
- Information on current good manufacturing practices:
<https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=I216de5504c7e11e7b828e21b81bf0cf7&originationContext=documenttoc&transitionType=Default&contextData=%28sc.Default%29>
- Information on Article 5-A laws related to slaughterhouses:
<https://www.nysenate.gov/legislation/laws/AGM/A5-A>
- Information on Home Processor registration and allowable products: <https://agriculture.ny.gov/food-safety/home-processing>
- Information on labeling requirements:
<https://agriculture.ny.gov/food-safety/food-labeling>
- To file a complaint regarding farmers' markets:
FSIwebinquiries@agriculture.ny.gov
- List of frequently asked questions regarding CBD in food:
<https://agriculture.ny.gov/food-safety/cannabidiol-food>
- Current guidance on the manufacture and sale of kombucha:
<https://agriculture.ny.gov/food-safety/kombucha-processing>
- Information on the FSMA Produce Safety Rule:
<https://agriculture.ny.gov/food-safety/food-safety-modernization-act>
- **All questions and inquiries related to the Division of Food Safety and Inspection can be sent to:**
fsiwebinquiries@agriculture.ny.gov
- **Division of Milk Control and Dairy Services**
 - Information on Division of Milk Control and Dairy Services regulations: https://agriculture.ny.gov/laws-regulations?f%5B0%5D=filter_term%3A216
 - Part 2 permit application: <https://agriculture.ny.gov/dairy/dairy-business-licensing>
 - **All questions and inquiries related to the Division of Milk Control and Dairy Services can be sent to:**
mcds@agriculture.ny.gov
- **Division of Agricultural Development**
 - Information on the Farmers' Market Nutrition Program (FMNP):
<https://agriculture.ny.gov/consumer-benefits-farmers-markets#farmers-market-nutrition-program-overview>
 - Information on the Farmers' Market Designation Program:
<https://agriculture.ny.gov/operating-farmers-market>
- **Kosher:** <https://agriculture.ny.gov/food-safety/kosher-law-enforcement>
- **Halal:** <https://agriculture.ny.gov/food-safety/halal-foods-protection>



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- **New York State Department of Health (DOH):** <https://www.health.ny.gov/>
 - Information on food service establishment regulations and permit requirements:
https://www.health.ny.gov/environmental/indoors/food_safety/regs.htm
 - To find your local health department:
https://www.health.ny.gov/environmental/water/drinking/doh_pub_contacts_map.htm
- **New York State Liquor Authority (SLA):** <https://sla.ny.gov/>
- **New York State Department of Environmental Conservation (DEC):**
<https://www.dec.ny.gov/>
 - Information on shellfish permits and licenses:
<https://www.dec.ny.gov/outdoor/99007.html>
- **NYC Farmer's market permit information:**
<https://www1.nyc.gov/site/cecm/permitting/permit-types/farmers-markets.page>
- **FDA:** <https://www.fda.gov/>
- **USDA:** <https://www.fsis.usda.gov/wps/portal/fsis/home>

Please contact the Department's Division of Food Safety and Inspection at (518) 457-4492 or email at FSIwebinquiries@agriculture.ny.gov with any additional questions or comments.



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New York State Department of Agriculture and Markets Division of Food Safety and Inspection Regional Offices

ALBANY (Central Office) (518) 457-5459

10B Airline Drive
Albany, NY 12235

For Counties: Albany, Clinton, Columbia, Delaware, Essex, Fulton, Greene, Hamilton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, Washington

BUFFALO (716) 847-3185

Electric Tower Bldg., 2nd Floor, Suite 203
535 Washington Street
Buffalo, NY 14203

For Counties: Erie, Cattaraugus, Chautauqua, Genesee, Niagara, Orleans, Wyoming

ROCHESTER (585) 427-2273

1530 Jefferson Road
Rochester, NY 14623

For Counties: Allegany, Cayuga, Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Yates

SYRACUSE (315) 487-0852

New York State Fairgrounds
581 State Fair Blvd.
Syracuse, NY 13209

For Counties: Broome, Chenango, Cortland, Franklin, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, Otsego, St. Lawrence

NEWBURGH (845) 220-2047

103 Executive Drive, 3rd floor, Suite 300
New Windsor, NY 12553

For Counties: Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester

METRO NEW YORK & NASSAU COUNTY (718) 722-2876

55 Hanson Place – 3rd Floor- Room 378
Brooklyn, NY 11217-1583



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For Counties: Bronx, Kings (Brooklyn),
Nassau, New York (Manhattan),
Queens, Richmond (Staten Island)

HAUPPAUGE (631) 952-3079

Suffolk State Office Bldg. Room 13A,
4th Floor

250 Veteran's Memorial Highway
Hauppauge, NY 11788

For Suffolk County

New York State Department of Agriculture and Markets Division of Milk Control and Dairy Services

REGION 1

For Counties: Chautauqua,
Cattaraugus, Erie, Niagara, Orleans,
Genesee (western side), Wyoming
(western side), Allegany

Contact: Supervisor Shannon Brown,
607-221-3645

REGION 2

For Counties: Monroe, Genesee
(eastern side), Wyoming (eastern
side), Livingston, Steuben, Ontario,
Wayne, Yates, Seneca, Schuyler,
Chemung

Contact: Supervisor Rodney Hinz,
518-573-5739

REGION 3

For Counties: Oswego, Cayuga,
Onondaga, Cortland, Tompkins,
Tioga, Broome, Chenango, Otsego

Contact: Supervisor Oscar Cox,
518-320-0068

REGION 4

For Counties: Jefferson, St.
Lawrence, Franklin, Clinton, Essex,
Hamilton, Warren, Herkimer, Lewis,
Oneida, Madison

Contact: Supervisor Becca Durant,
315-264-3045

REGION 5

For Counties: Washington, Saratoga,
Fulton, Montgomery, Schenectady,
Schoharie, Albany, Rensselaer,
Columbia, Greene



Agriculture and Markets

Contact: Supervisor Terri Gonzalez,
518-265-2398

REGION 6

For Counties: Delaware, Sullivan,
Ulster, Orange, Dutchess, Putnam,
Westchester, Rockland

Contact: Supervisor Joanne Lawton,
518-265-2398

REGION 7

For Counties: New York, Bronx,
Richmond, Kings, Queens, Nassau,
Suffolk

Contact: Supervisor Jacqueline
Burke, 518-416-1528

Protect yourself from COVID-19 and stop the spread of germs.



Wash your hands thoroughly with soap and water **for at least 20 seconds**, especially before eating.



Avoid close contact with people who are sick and stay home if you are sick.



Avoid touching your eyes, nose, and mouth.



Stay home as much as possible. **Everyone** – even young people and those who feel well.



If you must go out, **stay at least 6 feet away** from others.



You must wear a face mask or face covering in public when social distancing (staying 6 feet apart) is not possible, especially on public transport, in stores and on crowded sidewalks.



Cover your cough or sneeze with a tissue, then throw the tissue in the trash.



Clean and disinfect frequently touched objects and surfaces.

Stay Home. Stay Safe. Save Lives.
www.ny.gov/coronavirus