



# St. Charles County Government

Department of Community Health and the Environment  
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## Farmers Market Frequently Asked Questions March 2010

### 1 - What is a Farmers Market?

If you try to look up a definition of Farmers Market you will find many different definitions. They describe a venue where an array of activities may take place. What most have in common is that a Farmers Market is a place where those who produce food locally congregate and sell the food to the public. Commonly the definitions include produce and some other limited items like eggs, meat, nuts and jams, jellies and honey and non-potentially hazardous baked goods. Other larger markets include other things and are usually in a permanent facility. But with most, large or small, we at least have LOCAL produce and some other farm goods, SOLD BY THE PERSON OR FARM THAT PRODUCED IT, DIRECTLY TO THE PUBLIC.

### 2 – When is a permit needed to sell at a Farmers Market?

**NO PERMIT** is needed for the following items:

- Produce (whole, uncut fruits and vegetables)
- Nuts in the shell
- Jams, jellies, apple butter, and honey (as long as they are properly labeled)
- Baked goods (as long as they are non-potentially hazardous, labeled, and sold by the person or farm that baked them).
- Whole Eggs (Must have Missouri Department of Agriculture Egg Permit and hold eggs at 45 degrees F or less)
- Cheese (Must have been produced by the vendor. Vendor must have a valid permit issued by the Missouri State Milk Board. Must be packaged and properly labeled. Must meet refrigeration requirements for the type of cheese being sold)

**PERMIT IS NEEDED:**

- Meats (must also be USDA or Missouri Department of Agriculture certified, properly packaged and properly labeled and transported and held at required temperatures)
- Fish and fowl (must be properly labeled, and have any required state or federal permits and be transported and held at proper temperature)

The above items are what we generally think of as available at a Farmers Market with “produce only” being the most simple variation. **TO REPEAT: whole uncut produce is NOT REGULATED and NO PERMIT IS NEEDED in St. Charles County.**

### **3 – Is the health department requiring permits for other food at farmers markets?**

In the last year the department became aware of a number of individuals who want to prepare food and sell it at the markets. Items like hamburgers, hot dogs, omelets, popcorn, etc have been creeping in to some Farmers Markets. These items involve food preparation of potentially hazardous food. They involve food handling during preparation. There are state and local laws regulating the source of the food being prepared and how it is stored, prepared, held for sale and handled.

This type of operation is no different than the food vendors and the products that are found at scores of festivals, fairs and other events in St. Charles County every spring, summer and fall. **THEY ARE REGULATED** and require either:

- **A temporary 14 day permit (\$50 and restricted to one location)** and an inspection by the health department of the temporary operation, or;
- **Mobile food vendors permit (1 year @ \$75 for use anywhere in the county)**. The mobile food vendor must have an approved mobile setup to be considered for a mobile permit. A department Environmental Public Health Specialist can discuss this with anyone interested in developing a mobile operation. This option avoids the necessity for multiple consecutive temporary 14 day permits.

### **4 – Shouldn't an exception be made for vendors at Farmers Markets since they are just one or two days or half days a week?**

We cannot overlook food safety and exempt any type of operation that involves food preparation, handling, and selling potentially hazardous food. These activities are no different at a Farmers Markets than activities conducted by the many hundreds of other individuals and organizations that apply for and receive temporary permits every year for fairs and festivals.

### **5 – Why do I also have to pay a vendor's fee to the market and what if I'm not happy with the market rules?**

The health department does not charge vendors fees. We only charge temporary food establishment fees or mobile food establishment fees and **ONLY** when the particular vendor is handling, preparing and selling potentially hazardous food. Any concerns about Market Fees or rules are between the vendors and the market. We do not regulate the market operation.

### **6 – What IS a potentially Hazardous Food?**

Here is the basic definition of a potentially hazardous food:

A food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:

1. The rapid and progressive growth of infections or toxigenic microorganisms;
2. The growth and toxin production of *Clostridium botulinum*; or
3. In raw shell eggs, the growth of *Salmonella Enteritidis*.