**Food Safety Guidance for Farmers Markets**

***A Self-Audit Checklist***

The Food Safety Modernization Act (FSMA) is a set of Federal regulations administered by the Food and Drug Administration, to ensure a safe food supply, and minimize the risks of contamination of foods that result in consumer illness and potential death. Comprised of several rules, including Preventive Controls, Foreign Supplier Verification and Animal Foods, the rule that applies most to the production of fruits and vegetables is the FSMA Produce Safety Rule. This regulation outlines standards how produce is grown, harvested, handled, and stored to reduce possible contamination and food safety risks.

Only direct marketing farmers that fall under the following guidelines will be exempted from the rule. (Even if exempted from the Federal regulation, buyer demands for food safety assurance may require farmers to ensure food is safe, such as compliance with FSMN, GAPs compliance or a USDA Harmonized audit.)

* Exemptions include[[1]](#footnote-1):
  + Those with produce sales less than $25,000 during the previous 3-year period.
  + Produce not likely to be consumed raw (outlined in § 112.2); for example, dried beans, potatoes, winter squash. Note: Rarely consumed raw commodities still included in the calculation of total produce sales.
  + Produce which is intended for commercial processing with a “kill” step; for example, commercial canning.
  + Those with less than $500,000 in total food sales over the previous 3 years AND a majority of food is sold directly to qualified end users (consumers or retail food establishments) within the state or same Indian reservation or 275 miles of where the produce was grown.

The rule, however, does not directly apply to farmers markets. Rather, the market is more of a food facility. However, since the market management does not actually take ownership of the food, nor participate in the activities of growing, harvesting and selling, the market does not match the FSMA definition of a food facility. But that does not mean that we should be complacent about food safety. In fact, it is more important than ever that market managers keep a keen eye on the market to ensure everything that is being done, and products sold at the market has the safety of their customers in mind. The customers trust we are providing an environment that ensures they will not become ill by the foods they are buying at the market. It is up to us, as market managers, to ensure that their trust is upheld. Therefore, your work to ensure food safety is of paramount importance and a key marketing tool to promote your market. For farmers, it also means the future of their farm – when faced with the legal and financial woes of being tied to a foodborne illness outbreak, the cost of compliance is quite low.

A weekly review of the market should help managers to maintain food safety standards within the market. These standards are outlined in the Farmers Market Federation of NY’s protocols for Food Safety at Farmers Markets. These protocols can be found at <http://www.nyfarmersmarket.com/protocols/>.

What follows is a self-audit checklist that market managers should use daily to ensure a market environment that promotes food safety at the farmers market.

Note all answers marked “Does Not Comply” and those marked “Needs Improvement”. These issues should be reviewed with a plan created and implemented to bring those issues up to standards.

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| **Issue** | **Complies** | **Does Not Comply** | **Needs Improvement** | **N/A** |
| **Vendor Displays** | | | |  |
| No products are in direct contact with the ground or floor |  |  |  |  |
| All food products are covered by tent or canopy to prevent airborne contamination |  |  |  |  |
| Potentially hazardous foods are displayed segregated from non-hazardous foods |  |  |  |  |
| All foods are maintained at appropriate temperatures, whether on display or in storage:   * hot foods at 140° * frozen foods at 0° * shell eggs at 45° |  |  |  |  |
| Vendors are vigilant about potential consumer contamination and remove suspected foods immediately |  |  |  |  |
| All foods being resold are marked with their origin to allow any trace back, if necessary |  |  |  |  |
| Ready to eat foods, such as baked goods, are brought to the market pre-packaged and appropriately labeled. |  |  |  |  |
| All display materials are cleaned and sanitized between uses |  |  |  |  |
| Prepared foods are covered to prevent contamination |  |  |  |  |

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| **Issue** | **Complies** | **Does Not Comply** | **Needs Improvement** | **N/A** |
| **Animals at the Market** | | | |  |
| If animals are allowed at the market, are they required to be on a short leash and under full control of their owners |  |  |  |  |
| Vendors are prohibited from bringing personal pets to the market |  |  |  |  |
| Any animals at the market; whether a petting zoo, animal shelter display or those for sale to the public; are segregated and downwind from where food is being sold/consumed |  |  |  |  |
| Any areas where animals are displayed are equipped with a handwashing station and signage requiring people to thoroughly wash hands before returning to the market, as well as signage prohibiting eating while in the animal display area |  |  |  |  |
| **Issue** | **Complies** | **Does Not Comply** | **Needs Improvement** | **N/A** |
| **Vendor Hygiene** | | | |  |
| All vendors have clean clothes, body and hair |  |  |  |  |
| Vendors are not allowed to smoke while selling food |  |  |  |  |
| Vendors do not eat while they are selling food |  |  |  |  |
| Vendors with open cuts or wounds have them covered to prevent contaminating the foods they sell |  |  |  |  |
| Vendors who are sick do not personally attend the market and sell food |  |  |  |  |
| Market rules require that all vendors are required to wash their hands before handling food and after anytime their hands become soiled |  |  |  |  |
| **Issue** | **Complies** | **Does Not Comply** | **Needs Improvement** | **N/A** |
| **Products** | | | |  |
| Signs posted throughout market telling consumers to thoroughly rinse all produce before consumption |  |  |  |  |
| All processed food vendors have current and appropriate licenses with copies on file with the market |  |  |  |  |
| **Issue** | **Complies** | **Does Not Comply** | **Needs Improvement** | **N/A** |
| **Packaging** |  |  |  |  |
| All bags used for food are made of food grade materials |  |  |  |  |
| All egg cartons are clean and labeled with farm name and address |  |  |  |  |
| **Issue** | **Complies** | **Does Not Comply** | **Needs Improvement** | **N/A** |
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| **Water** | | | |  |
| All non-municipal water has been tested in appropriate intervals and is potable. |  |  |  |  |
| All non-potable water is clearly marked Non-Potable |  |  |  |  |
| Each hand washing station is equipped with: 1. Hands free flow 2. Catch basin for gray water 3. Single use towels 4. Soap 5. Water temperature at 70 – 110 degrees 6. Signage for vendors and consumers to wash hands before handling produce |  |  |  |  |
| Hand washing stations are located within or adjacent to all prepared food vendors |  |  |  |  |

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| **Issue** | **Complies** | **Does Not Comply** | **Needs Improvement** | **N/A** |
| **Bathroom** | | | |  |
| If using a port-a-john, a handwashing station must be available, preferably outside the port-a-john |  |  |  |  |
| Signage is posted requiring all vendors to wash hands after using the facility and before returning to the market |  |  |  |  |
| **Issue** | **Complies** | **Does Not Comply** | **Needs Improvement** | **N/A** |
| **Food Sampling** |  |  |  |  |
| All samples are distributed/displayed for self-service in a manner that prevents contamination from human hands, utensils or other means. |  |  |  |  |
| If using sample cups, toothpicks or other means to self-serve samples, a receptacle for trash is provided by the vendor |  |  |  |  |
| A handwashing station is nearby (within the market) for any vendors offering samples |  |  |  |  |
| Potentially hazardous foods are prepared in a licensed kitchen and brought to market pre-packaged |  |  |  |  |
| Appropriate temperatures for foods being sampled are maintained |  |  |  |  |
| Samples are distributed in “sample sized” portions and are offered free of charge |  |  |  |  |
| **Issue** | **Complies** | **Does Not Comply** | **Needs Improvement** | **N/A** |
| **Transportation** | | | |  |
| All food products are under cover during transport to market to prevent any cross-contamination |  |  |  |  |

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| **Issue** | **Complies** | **Does Not Comply** | **Needs Improvement** | **N/A** |
| **Food Demos** | | | |  |
| If samples are to be distributed, proper County DOH license is in place |  |  |  |  |
| Booth is covered with tent or canopy |  |  |  |  |
| Temporary floor is placed on ground in the demo booth or pavement swept clean before setting up |  |  |  |  |
| Waste receptacles are covered |  |  |  |  |
| All food and supplies are minimally 18 inches off the ground |  |  |  |  |
| All water used to rinse foods, must be potable |  |  |  |  |
| Foods brought prepared to the market were prepared in a licensed kitchen |  |  |  |  |
| All equipment, utensils, work surfaces are cleaned and sanitized before use |  |  |  |  |
| All utensils used for cutting are kept in a sanitizing solution. |  |  |  |  |
| All foods are maintained under proper temperatures |  |  |  |  |
| There is no bare hand contact of foods |  |  |  |  |
| All foods are protected against dust, insects, and consumer contamination |  |  |  |  |
| **Issue** | **Complies** | **Does Not Comply** | **Needs Improvement** | **N/A** |
| **General** |  |  |  |  |
| Do your market rules indicate that vendors are responsible for complying with FSMA and that the market is not responsible for vendor compliance |  |  |  |  |
| Have you distributed information to your vendors so they understand their responsibilities regarding FSMA? |  |  |  |  |

1. https://www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM472499.pdf [↑](#footnote-ref-1)