



# Market Matters

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## Farmers' Market Friendly Laws Can Be Trumped By Health Boards

*Carol Miller, American Farm Marketer*

[Maryland-based Capital Gazette published an article](#) recently about how the health department did a sweep of local farmers' markets and fined several of the farmers for violating administrative rules. Since most farmers thought they were covered by cottage, they were quite upset about the sweep. Many growers thought they were in compliance with the laws, but were not.

That had us here at *American Farm Marketer* curious. With serious food-borne disease outbreaks making headlines at a fairly steady rate, although not at farmers markets, the scenario described in the article seems like it would be repeated all over the country.

So we reached out to Rutgers' Extension Agent Rick Van Vranken to ask a few questions. He, in turn, brought in another Rutgers Extension Agent, Meredith Melendez.

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## SNAP Outreach and Promotion

*Farmers Market Coalition*

Once your market has created a new EBT and/or debit/credit program, its success will depend on letting shoppers know about it. Making the services as visible as possible and in as many ways as possible is crucial. People are creatures of habit and may not see a new banner or a new sign. It may take multiple signs, banners, A-boards, flyers and Facebook posts before they notice. As such, think of as many different ways to educate all your shoppers about its availability and how it works. Specifically for EBT, there are three main groups to target with your outreach: 1) community partners, 2) shoppers, and 3) vendors.

### Community Partners

For EBT, these are organizations that work with low-income people who are eligible or receive food stamp benefits. Typically, this includes the local WIC clinic, community action agencies, Workforce Development Agency, food banks, low-cost health clinics, Head Start programs, anti-hunger, faith-based, immigrant and refugee support organizations - to name a few.

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Q. What tips would you give those selling at farmers markets about how they can sail through these types of surprise inspections?

**Van Vranken:** It’s interesting though that the article you sent is not the focus of the FSMA rules, but rather falls under the myriad of local health dept regulations, which may or may not be friendly or supportive of community farmers markets. The other issue mentioned is that each state may or may not have a law that either exempts or somehow reduces liability and compliance with local health dept regulations for cottage industry food processors (i.e. the homemade jam and jelly, or home baked goods vendors). Seems to me we just passed a new law allowing for it here in New Jersey a couple of years ago, or maybe I had heard about one being passed in a neighboring state. In either case, each state law differs somewhat, and each county or state health department may have different sets of rules and/or no exemption from their rules for community market vendors.

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The good news is that local and state health department regulations tend to cover only prepared foods, not fresh. So, most grower vendors won’t be covered by these regulations, unless (there are always exceptions to watch for!) they are offering pre-cut produce (think sliced Calabaza in a Hispanic community), or are offering cut pieces of produce for tasting (taste the melons to know how sweet they are!).

So, my quick thoughts on the matter are that it’s critical for vendors to know for themselves, or at the very least to know that the market manager knows, the state and local health department, as well as weights and measures, which will get the fresh folks, too, though I’m not sure about the “label font” regulations mentioned in the article, and business licensing regulations for each market where they plan to sell. It may differ from one community to the next, depending how much they want a farmers market. Some may require individual mercantile licenses while others offer an umbrella license for the market. Health inspection certs will likely be for individual vendors, unless there’s a blanket exemption, and the list goes on.



Unfortunately, ignorance of the law is rarely a way to avoid these regulations, and getting defensive or antagonistic about it won’t get you anywhere with the inspectors. So if farmers and crafters want to sail through surprise inspections, they need to know, understand and be in compliance with the local regulations before they set up at the market.

**Melendez:** Rick did a great job of covering the topic. Fresh uncut produce has not been a point of concern for the health inspectors, that I am aware of, in New Jersey.

As you know, farmers market sales are not immune to food safety risks. I hand out information during food safety workshop specific to New Jersey regulations on farmers market sales. We are fortunate enough to have that

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Building long term relationships with these organizations can help the market in many ways.

The key is to not assume that these community partners know about the farmers market and what it offers. In some cases, you may encounter perceptions of the farmers markets as being “expensive,” or that clients may not want to shop at the market. Many projects around the country have demonstrated that given the opportunity, many low income people want to shop at markets for the same reasons as others. Emphasize that “farmers markets are for everyone” and that, with EBT, low income shoppers are able to access healthy foods and support local farms. By taking the time to build trust and a strong relationship, you can better educate these organizations, and they will be better able to promote EBT at the market. They might also be able to offer incentive programs to help get food stamp recipients to the market.

### Shoppers

It is critical to let people know they can use their EBT cards (and debit/credit, if appropriate) at your market. This means making information as visible as possible with clear, attractive signage at your information booth, vendor booths, and other promotional materials. It helps if your signage is visually similar to the materials for your community partners.

### Vendors

Vendors can play an important role promoting these services by strategically letting shoppers know all the ways they can buy products at the market. The direct benefit to the farmers is increased sales! When a shopper brings in FMNP checks, the vendor could ask whether they know the market accepts credit cards or EBT cards and then refer the person to the market information booth for help. If a shopper says they’ve run out of cash and can’t buy more, a vendor could use this as a “teaching moment” ask if they know that the market accepts credit cards.

### Complementary Programming

#### Incentives:

Research demonstrates that financial incentives or “bonus bucks” have a defining impact on the number of SNAP recipients using their benefits at the markets, and the rate at which they return there to shop. In a 2010 study of the Boston Bounty Bucks program, 87% of participating SNAP recipients reported they were consuming more fresh produce as the result of the program and that they would continue to eat more produce even without the assistance of Bounty Bucks (Kim, 2010). Nationally-recognized organizations like [Wholesome Wave](#) and [Fair Food Network](#), which have popularized incentive programs at farmers markets, have numerous resources on their web sites. Many markets have even found success developing independent, locally-funded incentive programs rather than working with national funders. The Portland Farmers Market raised funds in the community for their [Fresh Exchange Program](#), and launched a companion organization called [Farmers Market Fund](#) in order to administer Fresh Exchange across the city. The Hub City Farmers Market in Spartanburg, South Carolina has leveraged two distinct funding sources to operate a [“Double SNAP” program](#). To learn more about your options initiating or funding an incentive campaign, consult The [EBT Incentive Program Toolkit](#) published by the Washington State Farmers Market Association, or The Oregon Farmers Markets Association’s web page devoted to starting [SNAP-Based incentive programs](#), covering logistic aspects like volunteers and marketing as well as funding and evaluation.



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in a chart format, and I feel it helps the farmer to have the regulations with them should an inspector ask them questions. This has been particularly helpful for honey producers. I am always very happy when I see a hand washing station (microbially safe water, soap, and paper towels) provided at the market, and I would be even happier if a hand washing station was each stall. A simple 5-gallon container with a spigot will work, and the whole set-up can cost less than \$20. I also encourage producers to educate their customer on proper produce handling after purchase, such as being mindful of how their reusable shopping bags have been used, and to no allow co-mingling of meats and eggs and produce.

Farmers market vendors should also encourage customers to wash their fresh produce under cool, running water for at least 20 seconds prior to use.

Q. Are these health and commerce oriented rules inherently conflicting interests? When state level laws meet municipal laws, state wins. Is that in play here?

**Van Vranken:** Conflicting, yes. Health Departments almost always think safety rules should apply uniformly for everyone (from FDA on down). They don't see any benefits to cottage industries, farm markets, direct marketers, etc. And it doesn't have to even be the state encouraging, while the municipal health dept resists. We're seeing more communities with green committees (of volunteers, activists and municipal workers) and/or planning departments (or consultants and regional NGOs) seeking to start community farmers' markets (and food hubs). That's because they're promoted from USDA on down as the most wonderful economic development tool that also save local farms, get fresh produce into areas that might not otherwise have access, etc. But that's without talking to other municipal entities that might have concerns and input, like health, weights and measures, zoning, and licensing.

Does state rule always win? Depends on whether there's an allowance for a municipal reg to be more stringent, but not less, which might vary state by state too.



## Upcoming Penn State Extension Events

### [Are You Crazy: Retail Farm Market Bus Tour](#)

**When:** September 13, 2016 7:00 AM to September 14, 2016 6:00 PM

**Where:** Allentown, PA

Join us for our 20th Annual Are You Crazy? Retail Farm Market Bus Tour to explore some of the premier farm markets in Northern Pennsylvania and the Finger Lakes region of New York.

<http://www.cvent.com/events/are-you-crazy-retail-farm-market-bus-tour/event-summary-cd388ee6b7224bc5825d48ed24bb499f.aspx>

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