

# 2014 – 2015 Kentucky Farmers' Market Manual and Resource Guide



*A guide to assist you with Farmers' Market rules, regulations, guidelines and suggestions for marketing, food processing, organics and the KY Proud program.*



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***A Message from Kentucky  
Agriculture Commissioner  
James R. Comer***



Dear Kentucky farmer and producer,

The demand for affordable, fresh, local, and healthy foods is growing. With more than 145 farmers' markets across the state, spanning over 100 counties and 2,500 vendors, farmers' markets and direct-to-consumer marketing are great ways to meet that demand.

This guide is to help you better prepare your product for market and establish your farmers' market as a beacon in your community. It answers questions about sampling, health and market standards, organic certification, and GAP (good agricultural practices) training. This guide contains resources and contact information for the Kentucky Department of Agriculture, the Kentucky Proud™ program, and our partners who help us maintain our outstanding state reputation for delivering safe and reliable farm-fresh products to market.

The Kentucky Department of Agriculture is dedicated to helping farmers, farmers' markets, and agribusinesses throughout Kentucky. We welcome any questions you may have about the information presented in this guide. Our staff is here to assist you.

Have a safe and prosperous growing season, and remember: *Kentucky grown keeps Kentucky growing!*

Sincerely,

A handwritten signature in black ink that reads "James Comer".

James R. Comer  
Commissioner of Agriculture  
Commonwealth of Kentucky

# **Kentucky Department of Agriculture Programs**

## **Office of Agricultural Marketing & Product Promotion**

The Kentucky Department of Agriculture Office of Agricultural Marketing and Product Promotion assists farmers, agricultural businesses, and commodity groups in promoting and marketing their products by expanding existing markets, as well as developing domestic and international markets.

## **KDA Farmers' Markets**

### **KDA's Relationship with Kentucky Farmers' Markets**

Direct marketing of farm products through farmers' markets has become an increasingly important sales outlet for agricultural producers. This is mostly due to growing interest among consumers in understanding where their food comes from. Farmers' markets allow consumers to have access to locally produced, farm-fresh food and the opportunity to personally interact with the individuals that produced the food.

Each market is an independent entity that sets its own rules and guidelines. Vendors are recruited to maintain product diversity to meet their customers' needs while making it a profitable marketplace for the farmers. All foods marketed at Kentucky's farmers' markets, however, are subject to pertinent federal, state, and local food safety rules and markets must follow all applicable laws regarding trade. In general, the Kentucky Department for Public Health and local health departments are primarily responsible for the regulatory oversight of food safety at Kentucky's farmers' markets. However, depending upon the food products being marketed, other agencies such as the Food and Drug Administration (FDA) or the United States Department of Agriculture (USDA) — Food Safety and Inspection Service (FSIS) may also have regulatory oversight.

With the exception of the use of scales and the sales of eggs, the Kentucky Department of Agriculture does not regulate either the use of the term farmers' markets or the operation of the markets. Markets are free to organize themselves as they see fit, and sometimes businesses with no farmers connected to them may term themselves a farmers' market. KDA will not, however, register any market that does not meet its minimum definition set by KDA and USDA. For a list of these requirements, please see the section below.

The KDA Office of Agriculture Marketing and Product Promotion recognize farmers' markets as a viable retail outlet for agricultural products and offers assistance with marketing and educational training to strengthen markets to benefit Kentucky producers. KDA requires farmers' markets to register each year to receive assistance and to take advantage of technical assistance and grant opportunities. With up-to-date contact information, KDA can reach

markets with the latest information. The registration is free and, as you'll see below, there are many advantages to being a KDA registered farmers' market.

### **KDA Market Registration Requirements**

For the purposes of KDA, a farmers' market is defined as a prescribed location(s) where two or more producers gather on set days and times to sell products that they grow or produce directly to consumers. Though the market may allow other types of sales, the sale of agriculture products grown or produced by the seller or their family should be the primary business of the market.

A market can register with KDA at any time during the year but, to be included in all listings and take full advantage of all opportunities, **the market should register each year by April 15<sup>th</sup>**. At the beginning of each year, registration forms and informational material are mailed to the current market contact on file with KDA. If the market is new or there is a new contact, please contact Sharon Spencer (502) 564-4983 or [sharon.spencer@ky.gov](mailto:sharon.spencer@ky.gov) or you may visit our website at [www.kyagr.com](http://www.kyagr.com) and select "Farmers' Markets" from the programs list. *There is no fee to register as a KDA farmers' market and no fee to become a Kentucky Proud™ member.*

Markets are encouraged to update their information with the on-line enrollment in the Kentucky Proud system. In order to register on-line, please go to [www.kyproud.com/login](http://www.kyproud.com/login). If your market has registered the previous year, you may enter your email and password to access your market information. For any new members, you must click on "New Member Registration" at the bottom of the page and follow the instructions.

Only registered markets are:

- Designated as Kentucky Proud™;
- Approved locations by the Kentucky Department for Public Health for the sale of Home-based Processed/Microprocessed value-added food items;
- Approved locations by the Kentucky Department for Public Health for the "farmers' market temporary food-service permit";
- Eligible to participate in the Senior Farmers' Market Nutrition Program (SR FMNP);
- Eligible to participate in the WIC Farmers' Market Program;
- Approved locations for the sale of Kentucky-produced wine providing other requirements are met;
- Eligible to apply for advertising and market development cost share programs;

- Eligible to buy low-cost Kentucky Proud™ promotional items such as shopping bags, stickers, price cards, etc.; and,
- Informed with all information on changing regulations and news pertaining to markets.

On an annual basis KDA provides the USDA and Kentucky agricultural agencies with data on Kentucky farmers' markets. In order to provide accurate information and to properly represent the industry, KDA asks a few questions on the registration form to gather data. One important question is the gross sales for the market. This figure may be hard to obtain from growers but many markets collect this information by having vendors anonymously submit their sales either by the week or for the year. The data supplied on the registration forms can be valuable information for additional funding or benefits to be offered in the future. An example for reporting gross sales at the markets can be found at the back of this manual.

***NOTE:** More than one market has accessed grants or fought detrimental changes by showing their economic impact on the community. Without knowing your gross sales, especially over time, the market does not have any way to show its importance to the economic health of their community or to gauge if a promotional campaign is working.*

The **Kentucky Department for Public Health, Food Safety Branch** is a partner with KDA in Kentucky's farmers' market program. The Food Safety Branch is charged with ensuring the safety of all food products marketed in Kentucky. This branch administers the Home-based Processing and Home-based Microprocessing programs and conducts market inspections for compliance with food safety regulations, provides education, guidance and direction to food processors.

The **University of Kentucky Extension Service** plays an important role in many farmers' markets by offering market management support, providing Good Agricultural Practices (GAP) training to producers, education for the microprocessor program, conducts marketing and production training and does much more to support the markets and work closely with the partners on both the state and local level.

### **Kentucky Farmers' Markets Offer a Range of Products**

All KDA registered farmers' markets offer vegetables and fruit products but many offer a wider variety of items: certified organic products, cheese, eggs, baked goods, wine, HB 391 (Home Processed) products, meat (beef, goat, lamb, pork and poultry), arts and crafts, candles, lotions, soaps, honey, mushrooms, fresh cut flowers, nursery/greenhouse products, wool products and pet treats.

## **Kentucky Department for Public Health - Expectation regarding the operation of farmers' markets**

**Market Managers and Boards** - Farmers' market boards should make reasonable efforts to ensure that all vendors comply with food safety rules. This includes ensuring that all vendors have the required permits and these documents are being prominently displayed each market day. Additionally, each market should maintain a copy of vendor permits. Market managers are not expected to be food safety experts, but they are expected to help educate vendors about food safety and ensure that all vendors comply with the rules and regulations. Much of what is expected is included in this manual. When market managers are unable to resolve issues, they should ask the local health department for guidance.

Kentucky's Food Safety Branch can be contacted at (502) 564-7181. An address and telephone listing of all district and single-county health departments in the state can be found at the following Web address: <http://chfs.ky.gov/dph/local+health+department.htm>

**Farmers' Markets Vendors** — Vendors at farmers markets are expected to comply with all food safety rules. This will require vendors to contact the local health department in each county where food products are offered to ensure they have the proper permits. Vendors are also expected to familiarize themselves with the principles of Good Agricultural Practices (GAPs) and safe food handling procedures to ensure that farmers' market customers are provided with a safe, wholesome and unadulterated product.

### **Kentucky Proud™ Logo Program**

The Kentucky Proud™ logo is available to all Kentucky producers of agriculture products for use on their products. Throughout the year, KDA promotes recognition of the logo through both targeted and general media campaigns. Consumers will be encouraged to look for and ask for Kentucky Proud™ products. By placing the logo on your product and displaying it at your market, you take advantage of this advertising and promotion.



To be eligible for the Kentucky Proud™ program, an agricultural product must be born, raised, grown, manufactured or processed in the Commonwealth of Kentucky. Becoming a program participant is *free*. Markets that register are automatically enrolled in the Kentucky Proud™ program. Individual producers participating with the farmers' market must sign up separately to become a member. The Kentucky Proud™ application can be found at [www.kyproud.com](http://www.kyproud.com). Click on the "Members" section. Then, click on "Kentucky

[Proud™ Membership Application.](#)” The application process generally takes 2-3 weeks. Once approved, printer-ready proofs and official digital graphics files of the trademarked Kentucky Proud™ logo will be mailed to you. As a Kentucky Proud™ member, you will also be eligible to apply for the Horticulture Advertising cost-share program, the Horticulture Market Development cost-share program, the Kentucky Proud™ promotional cost-share program, At-Cost Promotional items, and assistance from the Kentucky Department of Agriculture’s marketing staff.

Kentucky Proud is not only a way to provide safe and nutritious foods for your loved ones, but it is an investment in Kentucky’s land, people and its future.  
***Kentucky Grown Keeps Kentucky Growing!***

## **Kentucky Proud™ Appalachia Proud**

This Kentucky Proud regional brand celebrates the innovation and entrepreneurial spirit of the region while at the same time honoring its traditions. The logo enables consumers all over the world to immediately identify a quality product from Eastern Kentucky, whether it is a jar of jelly... a cut of beef ... or a basket of apples.



Farmers’ Market and individual producers from the thirty-seven Eastern Kentucky counties: Bath, Bell, Boyd, Breathitt, Carter, Clay, Elliott, Estill, Floyd, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Madison, Magoffin, Martin, McCreary, Menifee, Montgomery, Morgan, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Rowan, Whitley and Wolfe are eligible to become members in the program.

Appalachia Proud is now a trademarked brand in the Kentucky Proud family and cannot be copied or used without the express written consent of the Kentucky Department of Agriculture (KDA). For more information on the program and its guidelines, feel free to call the KDA's Office of Agricultural Marketing and Product Promotion at (502) 564-4983 or [www.AppalachiaProudKY.com](http://www.AppalachiaProudKY.com).

## **Kentucky Proud™ Homegrown By Heroes**

The Homegrown by Heroes marketing initiative will afford farmers and/or agricultural producers located within the Commonwealth of Kentucky and who have served in any of the branches of the United States Military (U.S. Air Force, Army, Marine Corps, Navy and Coast Guard) the ability to use the Homegrown by Heroes logo on their agribusiness signage and/or agriculture products. This distinctive logo will serve as identification to prospective consumers that the

products were *locally grown or raised by a veteran*. From the grocery shelf to the farmers' market to on-line retail, this label will hopefully serve as an extra incentive to consumers when making a purchase decision and give them a tangible way to thank a veteran for their service by purchasing their products.



### **Goals for Homegrown By Heroes**

- Provide Kentucky farmers who served in the military distinctive marketing/branding power to their locally grown and raised agriculture products at the point of sale.
- Afford consumers the opportunity to identify agriculture products produced by Kentucky Proud veteran-farmers at the point of sale.
- Afford consumers the opportunity to support Kentucky Proud™ veteran-farmers by identifying and purchasing their agriculture products at the point of sale.

For more information, please visit [www.kyproud.com/veterans](http://www.kyproud.com/veterans) or call 502-564-4983.

### **Kentucky Proud™ Restaurant Rewards Program**

The Restaurants in Kentucky are a great venue to sell your products. Many restaurants are striving to increase the amount of locally grown products and have shown interest in promoting individual farmers and products. The Kentucky Department of Agriculture hosts a program that gives incentives to restaurants who purchase more local products that have direct farm impact. The Restaurant Rewards program will reimburse KY Proud member restaurants' up to 20% of the value of the products they buy, up to \$12,000 per year. This is a great program and details can be found at: [www.kyagr.com](http://www.kyagr.com) or by contacting Angela Caporelli at 502-564-4983 or e-mail at [angela.caporelli@ky.gov](mailto:angela.caporelli@ky.gov)

## **Ready, Set, Grow: A Kid's Guide to Gardening in Kentucky**

If you're a young person looking for ideas on how to grow your own garden, this is the place for you. If you're a parent or teacher, this website will help you too!

"Ready, Set, Grow: A Kid's Guide to Gardening in Kentucky" has been created to help you get started and answer your questions. This booklet provides planting tips, pictures and descriptions of plants, growing and harvesting ideas and even menus. Also, there's a special section of games, puzzles and pages to color. A copy of the booklet can be found and downloaded by visiting our website at: <http://www.kyagr.com/marketing/ready-set-grow.html>.



For additional information you may contact Elizabeth McNulty at 502-564-4983 or by e-mail at [elizabeth.mcnulty@ky.gov](mailto:elizabeth.mcnulty@ky.gov).

## **Agritourism in Kentucky and Kentucky Farms are Fun**

### **What is Agritourism?**

Agritourism is defined as "The act of visiting a working farm or any agricultural, horticultural, or agribusiness operations for the purpose of enjoyment, education or active involvement in the activities of the farm or operation."



### **Why is Agritourism important to Kentucky farmers?**

As Kentucky tobacco farmers move forward in the post-tobacco quota buyout economy, many aspects of the agricultural landscape have changed. No longer is there a guaranteed market for the producer who raised tobacco. Many tobacco producers in Kentucky have either quit raising tobacco or greatly reduced the amount of tobacco that they raise. These producers are looking for ways to make up for that lost tobacco income. Agritourism venues and events can provide additional income to farmers and the rural communities that they live in. Agritourism is not a replacement for tobacco, but it can be a means of earning supplemental income that can help preserve and sustain family farms. Agritourism is one way to "add value" to existing agricultural assets such as crops, livestock and the natural resources that the farm has to offer.

### **Why is Agritourism important to local tourism?**

Agritourism offers an opportunity to build relationships between the agricultural community and the local tourism industry by incorporating tour groups, educating school children and hosting civic events. This increases rural economic development dollars in areas with agritourism venues. The ultimate goal of an

agritourism venue is to increase net farm income by filling customer needs for education and recreation on the farm.

For additional information on Agritourism in Kentucky you may visit our website at [www.kyagr.com](http://www.kyagr.com) or [www.kentuckyfarmsarefun.com](http://www.kentuckyfarmsarefun.com) or contact Amelia Brown Wilson at 502-564-4983 or by email [amelia.wilson@ky.gov](mailto:amelia.wilson@ky.gov).

## Kentucky Proud™ At-Cost Promotional Program

Due to statute establishing a special promotional fund (KRS 246.245), the Kentucky Department of Agriculture can purchase in volume promotional and marketing items. These items are then offered for sale to Kentucky Proud members at our cost so that producers and retailers may use to show they are "Kentucky Proud."



There are two ways to order Kentucky Proud At-Cost Items -- by mail or stopping by our office in Frankfort **(appointment required)**.

- For mail orders, print out the Item Order form and mail with payment by check or money order. Orders are processed weekly. Make checks or money orders payable to "Kentucky State Treasurer." All prices include postage.
- For pick up orders, call the KDA marketing office (502) 564-4983 to schedule an appointment. Appointments are necessary to ensure someone is available to assist you.
- We accept checks or money orders made payable to "Kentucky State Treasurer."
- Payment is due at the time of purchase/ordering. We do not bill or invoice. We fulfill order upon payment.
- We are unable to accept phone, fax, or Internet sales because we do not have the ability to process credit cards

To view the items available and a price listing, please visit our website at [www.kyagr.com](http://www.kyagr.com) click Promotional Programs and then select Kentucky Proud At-Cost Information.

## Kentucky Proud™ Farm to School Program

### What is Farm to School?

Farm to School brings fresh local products grown by local farmers into school cafeterias. But that's just the beginning. Effective Farm to School programs also bring education and first hand experiences into classroom learning environments, increasing children's consumption of healthy food and providing them with food

literacy that teaches them where their food comes from. Farm to School also creates partnerships that help the community understand and connect to local producers.

By bringing locally raised food into the cafeteria Farm to School programs support healthy children, farms, communities and local economies. Kentucky schools serve over 130 million meals a year and spend tens of millions of dollars on food. These are dollars that can be kept in the Kentucky economy. Schools are a natural market for Kentucky producers and their products.

Serving Kentucky grown food in Kentucky schools is just good common sense. Currently 85 district School Food Service Directors are members of Kentucky Proud and many participate in the Restaurant Rewards program. As more schools and farmers learn how to work together we predict Kentucky Farm to School will continue to grow and flourish.

For information you may contact the Farm to School Program Coordinator, Tina Garland. Tina can be reached at 502-382-7505 or [tina.garland@ky.gov](mailto:tina.garland@ky.gov). Also visit the KDA website at [www.kyagr.com](http://www.kyagr.com) and look under Programs for the Farm to School tab.



# FARMERS' MARKET RESOURCES

## KENTUCKY RESOURCES

In this section you will find a listing of valuable Kentucky resources and contact information to resolve any problems or questions that your market or vendors may need.

### **KENTUCKY DEPARTMENT OF AGRICULTURE**

The Kentucky Department of Agriculture does not regulate farmers' markets or the products sold at the markets. KDA provides assistance to markets to govern themselves and to reach their goals with the information and valuable resources available in this manual.

#### **Sharon Spencer Farmers' Market Marketing Specialist**

Sharon provides farmers' markets with support and assistance for market development, educational training, research, planning and promotional activities for the markets. She maintains a directory and collects data annually for all active Farmers' Markets in Kentucky.

In addition to working with the markets, Sharon provides support and maintains a directory for the Community Supported Agriculture (CSA) operations. Sharon can be contacted at 502-564-4983 or by e-mail at [sharon.spencer@ky.gov](mailto:sharon.spencer@ky.gov)

#### **Joshua Lindau Horticultural Marketing Specialist**

Josh is the principal contact for those wanting more information concerning Good Agricultural Practices (GAP). Josh may also assist you with any general horticulture marketing concerns.

Josh can be contacted at (502) 564-4983 or by e-mail at [joshua.lindau@ky.gov](mailto:joshua.lindau@ky.gov)

#### **Jessica P. Hinkle Senior Farmers' Market Nutrition Program (SR FMNP)**

This program provides qualified seniors with vouchers for fresh fruits, vegetables and honey that are redeemable only at approved Kentucky farmers' markets with designated vendors. Jessica can be contacted at (502) 573-0282 or [jessicap.hinkle@ky.gov](mailto:jessicap.hinkle@ky.gov)

**Benson Bell, Director**  
**Division of Regulation and Inspection**

The KDA regulates weights and measures across the state. All scales used for commercial sales, including farmers' markets, must be legal for trade and accurate. Benson can be reached at (502) 573-0282 or [benson.bell@ky.gov](mailto:benson.bell@ky.gov).

**Bobbie J. Butler**  
**Division of Regulation and Inspection – Eggs**

The KDA Division of Regulation and Inspection regulates the sale of eggs within the Commonwealth. Bobbie can be reached at (502) 573-0409 or [bobbie.butler@ky.gov](mailto:bobbie.butler@ky.gov).

**Warren Beeler, Director**  
**Animal Marketing Division**  
**Direct Meat Marketing**

The Kentucky Department of Agriculture works with Kentucky farmers interested in marketing their meat products by assisting them in understanding the regulations involved in direct marketing meat products. Through cooperative efforts with Partners for Family Farms, we have helped assemble a directory of Kentucky processing facilities, and published the first Direct Marketing Directory for farmers with products to sell, as well as restaurants and retailers wishing to buy Kentucky products. Our work with the University of Kentucky has also been vital in assessing the profitability and acceptability of local meat products. For more information, refer to the Meat Sales section in this manual. If further information is needed, you may contact Warren at 502-564-4983 or [warren.beeler@ky.gov](mailto:warren.beeler@ky.gov).

**Angela Caporelli**  
**Aquaculture Coordinator and Marketing Specialist**

Angela Caporelli is the Aquaculture Coordinator and Marketing specialist with the Kentucky Department of Agriculture. She works with several of the fish farmers in the state and has helped them create HACCP plans in order to process and sell Kentucky grown fish products direct to consumers. She has extensive food safety training and has conducted several cooking demonstrations at Farmers' Markets through out the state to help promote products available at the markets and promote the necessary protocols for sampling at the markets. In addition to her responsibilities as the Aquaculture Coordinator and Food Safety oversight, she manages the Kentucky Proud™ Restaurant Rewards program and is a member of the Kentucky Proud™ and the Mobile Processing Unit management teams. Angela can be reached at 502-564-4983 or by email [angela.caporelli@ky.gov](mailto:angela.caporelli@ky.gov).

**Adam Watson**  
**Kentucky Organic Program**

Adam provides assistance to producers who wish to offer all types of certified organic products. He may be contacted by phone at (502) 564-4983 or by email at [adam.watson@ky.gov](mailto:adam.watson@ky.gov)

**Ben Shaffar, Director**  
**Business Development**

Ben is the principal contact for those looking to find new markets for their Kentucky Proud products. Additionally, Ben is the principal contact for the Homegrown by Heroes, Kentucky Proud Jobs for Vets, Farm to Table, and Farm to Campus programs. Ben may be reached at (502) 564-4983 or by e-mail at [ben.shaffar@ky.gov](mailto:ben.shaffar@ky.gov)

**Amelia Brown Wilson, Director**  
**Division of Agritourism**

Agritourism has been defined by Kentucky's General Assembly as the act of visiting a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation. Let an Agritourism Adventure be your experience while traveling Kentucky's diverse landscape and learn why our farm families are Kentucky Proud™! Amelia may be reached at (502) 564-4983 or by e-mail at [amelia.wilson@ky.gov](mailto:amelia.wilson@ky.gov).

**Tyler Madison**  
**Grape & Wine Marketing Program**

The Grape and Wine Marketing Program attempts to further boost the wine industry of the Commonwealth by assisting in public awareness through creative marketing as well as working to offset cost to growers, winemakers and distributors through State Funded Grants. Tyler may be reached at (502)-564-4983, or via email at [tyler.madison@ky.gov](mailto:tyler.madison@ky.gov).

**Tina Garland**  
**Farm to School Program Coordinator**

The Kentucky Department of Agriculture's Farm to School program is housed within the Division of Food Distribution. Tina Garland is the Program Coordinator who aids in creating a non-traditional market for Kentucky Producers. She connects local producers to local School Food Service Authorities enabling them to purchase fresh local products and integrate them into their school menus for our students to enjoy. Tina can be reached at 502-382-7505 or [tina.garland@ky.gov](mailto:tina.garland@ky.gov). Also you may visit our website at [www.kyagr.com](http://www.kyagr.com) and look under Programs for the Farm to School tab.

**Sean Burgess  
Kentucky State Apiarist**

The Kentucky State Apiarist identifies and eradicates infectious disease in honeybee colonies. In addition, the State Apiarist helps to educate the non-beekeeping public about the importance of honeybees, and offers best advice practice to the beekeeping community. Hive inspections are available with an appointment, and health certificates are provided for the transport of bees out of state. Sean is also available to speak at beekeeping meetings and various other functions. You may reach Sean at the office 502-564-3956 or his cell phone at 270-589-9434. You may also contact Sean by e-mail [sean.burgess@ky.gov](mailto:sean.burgess@ky.gov)

**KENTUCKY DEPARTMENT FOR PUBLIC HEALTH- FOOD SAFETY BRANCH**

**Shadrick Adams  
Department for Public Health  
Food Safety Branch**

The Kentucky Department for Public Health — Food Safety Branch is a major partner with KDA in Kentucky's farmers' market program. The Food Safety Branch is charged with ensuring the safety and wholesomeness of all food products marketed in Kentucky.

Shadrick works with the Home-based processing/farmers' market program. Contact him if you have any questions regarding Home-based Processing or Microprocessing certification. He also reviews each application for compliance with pertinent mandates. Shadrick can be reached at 502-564-7181 or by email [shadrick.adams@ky.gov](mailto:shadrick.adams@ky.gov).

**LOCAL COUNTY HEALTH DEPARTMENT-Environmentalist and Food Safety Professional**

On-site food preparation questions should be directed to the local health department. This includes questions about the requirements for temporary food vendors. A telephone/address listing of Kentucky's county health departments can be found at the following Department for Public Health Web page: <http://chfs.ky.gov/dph/local+health+department.htm>.

**UNIVERSITY OF KENTUCKY EXTENSION SERVICE**

The University of Kentucky Extension Service maintains an office in each county in Kentucky where you can obtain useful and valuable information on marketing and production. Your local agents can put you in contact with specialists at the University of Kentucky and connect you to the latest research. In numerous counties the farmers' market is either supported or assisted by the local Extension Service.



Some statewide UK specialists who frequently interact with farmers' markets are:

UK SPECIALIST	PHONE NUMBER	AREAS COVERED
Sandra Bastin	859-257-3800	HB 391, Home-based Processing and Microprocessing information
FSIC Coordinator	859-218-4387	Food Systems Innovation Center
Dr. Shubin Saha	859-257-3374	Vegetable production
John Strang	859-257-5685	Fruit production, Coordinator for the Fruit and Vegetable Conference
John Wilhoit	859-218-4385	Specialty crop mechanization
Tim Woods	859-257-7270	Marketing (market trends, pricing and market structure)
Patsy Wilson	859-257-1332	Grape production
Shawn Wright	606-666-2438 ext. 234	Small fruit, vegetable, medicinal and ginseng crops
Alan Harrison	859-257-5887	Feed Program Coordinator – pet treats
Christy Cassady	859-257-1477	Center for Crop Diversification
Ric Bessin		Extension Entomologist

### **Kentucky Office of the State Entomologist**

The Kentucky Office of the State Entomologist requires that every resident nursery or dealer selling nursery stock in the state obtain a nursery license through the State Entomologist office (KRS Chapter 249). Information on how to obtain a nursery license or for additional information, please contact the State Entomologist office at 859-257-5838 or visit their website at [www.KyStateEnt.org](http://www.KyStateEnt.org).

### **Kentucky State University Small Farm Program**

Kentucky State University offers excellent services to small farms through educational opportunities and research. In selected counties, the staff provides one-on-one education through agents and small farm or horticulture assistants. A well-received effort is “The Third Thursday Thing” educational workshops. Held on the third Thursday of every month – January through November – these free workshops cover topics as diverse as goats, aquaculture,



horticulture, and organics. Another well-received effort is the annual Small, Limited-Resource/Minority Farmers Conference which is held the week prior to Thanksgiving. To find out more about “The Third Thursday Thing” or other opportunities at KSU, call (502) 597-6437 or check these websites: <http://organic.kysu.edu/index.shtml> or <http://www.kysu.edu/landgrant/>

### **Governor’s Office of Agriculture Policy**

The Governor’s Office of Agricultural Policy (GOAP) provides a direct link between the Governor and one of the state’s most important industries, agriculture. The office provides staff support to the Kentucky Agricultural Development Board (KADB) and the Kentucky Agricultural Finance Corporation (KAFC), as well as the Kentucky Agricultural Resource Development Authority (KARDA). Additionally, this office represents Kentucky’s interests as national agricultural policy is developed.



More than \$2 million in state and county Kentucky Agricultural Development Funds (KADF) have been invested in farmers’ markets across the Commonwealth. Funding opportunities are available to markets and to individual farmers through the KADF.

For information on grant and loan opportunities through the KADF and KAFC, contact the Governor’s Office of Agricultural Policy at (502) 564-4627 or visit their website at [agpolicy.ky.gov](http://agpolicy.ky.gov).

### **Kentucky Center for Agriculture and Rural Development (KCARD)**

The Kentucky Center for Agriculture and Rural Development is an independent, non-profit organization that provides technical assistance to Kentucky producers and agribusinesses with business planning, marketing, and evaluation of new opportunities. It is funded in part by the Kentucky Agricultural Development Board and the US Department of Agriculture. In addition to its work with individual businesses and cooperatives, KCARD also works with several farmers’ markets around the state to help them organize and address issues that may arise. KCARD also offers training for a market’s board of directors to help them work more effectively, understanding the critical role that each person plays in the organization and how good boards can lead to good markets for producers. For more information, check out [www.kcard.info](http://www.kcard.info) or call 270-763-8258.



## **Kentucky Farmers' Market Association, Inc.**

The Kentucky Farmers' Market Association is a non-profit producer group organized to promote and support farmers' markets across the state.

We are supported by member dues and

occasional grants. KFMA partners with sponsors

to provide an annual Kentucky Farmers' Market of the year contest. KFMA's Board of Directors has two advisory positions: Dr. Timothy Woods with the University of Kentucky and Sharon Spencer with the Kentucky Department of Agriculture.



To find out more about the KFMA, visit its Web site at [www.kentuckyfarmersmarket.org](http://www.kentuckyfarmersmarket.org).

## **NATIONAL RESOURCES**

### **North American Farmers Direct Marketing Association**

NAFDMA is a 501 (c) (6) membership association dedicated to nurturing the farm direct marketing industry. Their members are farmers, farmers' market managers, extension agents, industry suppliers, government officials and others who are part of the thriving farm direct marketing industry in North America. Their members are involved with agritourism, on-farm retail, farmers' markets, pick your own, consumer-supported agriculture, and direct delivery. They grow nursery and greenhouse crops, fruits, vegetables, Christmas trees and raise livestock. They make maple syrup and wine, pickles and cheese. They sell at farmers' markets or on the farm. Some have created the foundation for an incredible farm visit, lasting memories, and traditions. They also have a growing number of international members who are currently represented on the board of directors by an at-large director.

### ***Benefits of the Farmers Direct Marketing Association***

One of NAFDMA's greatest benefits is one that you can't put a price tag on: networking and fellowship. Their members come together each year at the conference to ask questions and share ideas with each other.

### **NAFDMA's Mission Statement**

*The North American Farmers' Direct Marketing Association (NAFDMA) advances the prosperity of its members and the farm direct marketing industry through networking, participation, education, and innovation.*

Visit their website for additional information, <http://www.nafdma.com/>

### **Farmers' Market Coalition**

The Farmers Market Coalition is a 501 (c) (3) nonprofit dedicated to strengthening farmers markets across the United States so that they can serve as community assets while providing real income opportunities for farmers.

The mission of FMC is “to strengthen farmers markets for the benefit of farmers, consumers, and communities.”

Toward that end, the priorities of FMC are:

- To serve as an information center for farmers markets.
- To be a voice for North American farmers market advocacy.
- To foster strong state and regional farmers market associations.
- To bring private and public support to the table to sustain farmers markets in the long term, for the benefit of farmers, consumers, and communities.
- To promote farmers markets to the public.
- To develop and provide educational programming and networking opportunities for farmers market managers and farmers market vendors.

FMC applauds the explosive proliferation of farmers markets in the USA. In 1994, there were approximately 1,755 farmers markets in the United States. In 2012 their numbers have more than tripled — to at least 8,100. In excess of 3 million consumers shop and more than 70,000 farmers sell at these markets annually. The United States Department of Agriculture estimates that these markets generate at least \$1.5 billion in consumer spending each year.

Many agencies and groups support farmers markets – cooperative extension, food security advocates, departments of agriculture, and a host of nongovernmental organizations. The FMC supports these efforts in serving as a central hub from which to locate allies, identify and share best practices, and positively impact public policy pertaining to farmers markets. For additional information, visit their website at <http://farmersmarketcoalition.org>

### **United States Department of Agriculture Agricultural Marketing Service**

The USDA offers many great programs for farmers' markets through its Agricultural Marketing Service. For information and details on grants, technical assistance and educational materials, visit the website at [www.ams.usda.gov](http://www.ams.usda.gov)

You may also visit Know Your Farmer Know Your Food website at:  
<http://www.usda.gov/wps/portal/usda/knownyourfarmer?navid=KNOWYOURFA>

[RMER](#) for additional information about grants, technical assistance and other resources available in the Department. Please keep in mind that information for some of the grant programs will be updated with the passing of the new farm bill.

The USDA National Farmers Market Directory updating campaign will start on Friday, April 4<sup>th</sup>. Market managers can go to the general portal at [www.usdadirectoryupdate.com](http://www.usdadirectoryupdate.com) to add or update their market listing. Market managers will be contacted by email directly to update their market information early if they have a valid email address listed in the Directory. Even if the market manager listed their information last year or previous years, it is important that they review their market information to make sure all the information is still correct. If market managers have questions about the updating process they can contact AMS at [directoryupdates@ams.usda.gov](mailto:directoryupdates@ams.usda.gov).

# **Farmers' Market Nutrition Programs**

## **Senior Farmers' Market Nutrition Program (SR FMNP)**

**Jessica P. Hinkle, Program Coordinator  
Kentucky Department of Agriculture**

### **What is the Senior Farmers' Market Nutrition Program?**

The Senior Farmers' Market Nutrition Program (SRFMNP) provides fresh, locally grown fruits and vegetables from Kentucky farmers' markets to the dinner tables of low-income seniors who are nutritionally at-risk. The obesity epidemic in the United States has caused increases in heart disease, cancer, diabetes, and high blood pressure. The SR FMNP was constructed to help fight against diseases and help targeted groups to achieve a diet that is nutritionally sound. The program also provides farmers with additional revenue at Kentucky farmers' markets.

### **How is it structured in Kentucky?**

More than 100 farmers' markets participate in the Farmers' Market Nutrition Program. There is more of a demand for the program than a supply of funding. Each year, the Kentucky Department of Agriculture completes a grant application for SR FMNP and sends it to the USDA for approval. Once the grant is approved, USDA grants Kentucky a particular amount of funding.

### **Criteria for a Market to Accept Farmers' Market Nutrition Program Vouchers**

- The market must be an organized market. To be considered "organized" the market must have an established contact person/decision maker and meet at a named location on specified days and times.
- The market must be registered with the Kentucky Department of Agriculture and approved as a Kentucky Proud™ member.
- The market must experience one growing season before application.
- The market must have fresh Kentucky-grown produce.

### **How do markets apply?**

Farmers' markets that are interested in applying for the Farmers' Market Nutrition Program can call the Division of Food Distribution at (502)573-0282 or find the application on the Kentucky Department of Agriculture's Web site, [www.kyagr.com](http://www.kyagr.com). The applications are competitive and must be received no later than September 30 for the next year's season. Participating markets do not need to apply. The amount of federal dollars that are received for the Senior Farmers' Market Nutrition Program determines the number of new

farmers' markets that are included in the program. Counties with the highest poverty levels will be placed in the program first.

## **WIC Farmers' Market Nutrition Program**

### **Beverly Salchli, Procedures Development Coordinator Department for Public Health**

The Nutrition Services Branch administers the WIC Farmers' Market Nutrition Program (FMNP) in collaboration with the Kentucky Department of Agriculture (KDA). WIC FMNP is funded through a grant from the United States Department of Agriculture (USDA), Food and Nutrition Services (FNS).

1. The WIC Farmers' Market Nutrition Program (FMNP) began as a pilot program in 1992. The intent of the program is to bring locally grown fresh fruits and vegetables into the homes of the WIC participant and to help promote the local farmers' market.
2. WIC FMNP assists with meeting the goals of the Healthy People 2010 objectives which are to increase to at least 40% the proportion of people age 2 and older who meet the Dietary Guideline minimum average daily goal of at least five (5) servings of fruits and vegetables.
3. In Kentucky, each WIC recipient in the household receives food instruments (fis) worth \$20 each summer to purchase locally grown fruits, vegetables or fresh cut herbs. The local WIC agencies issue the FMNP fis and provide nutrition education on the importance of using fruits and vegetables in the diet daily.
4. WIC FMNP serves WIC eligible women and children at 62 counties with 70 Farmers' Markets.
5. Local health departments and the health department's service sites issue the Farmers' Market Automated Food Instruments and provide nutrition education for the recipients.
6. Farmers' Markets and farmers have contracts with the Program to provide the fresh fruits and vegetables. KDA and WIC provide monitoring for the farmers.
7. The University of Kentucky Cooperative Extension Services cooperates with some agencies for nutrition education and market promotion.

The WIC FMNP Program provides food instruments for locally grown fresh fruits and vegetables and nutrition education on fresh fruits and vegetables to pregnant, breastfeeding and post-delivery women and children up to the age of five (5) who meet income and health risk guidelines for the WIC Program. The food instruments (fis) are redeemed by the participant and accepted by a contracted Farmer at an approved WIC Farmers' Market.

Don't forget special outreach for the Farmers' Market Nutrition Program Senior and WIC recipients (if your market is in the program) to increase your redemption rate. Beverly can be reached at 502-564-3827 ext. 4328 or by email [Beverly.Salchli@ky.gov](mailto:Beverly.Salchli@ky.gov)

## **Supplemental Nutrition Assistance Program (SNAP)**

The Supplemental Nutrition Assistance Program (SNAP) (formerly the Food Stamp Program) is the Nation's largest nutritional assistance program and the cornerstone of Federal Government efforts to alleviate hunger in the United States and its territories. SNAP benefits are funded by the United States Department of Agriculture's Food and Nutrition Service (FNS). They are issued by individual states and redeemable at any authorized FNS SNAP retailer, which includes an increasing number of farmers' markets.

Farmers' Markets that are not currently participating in the SNAP program could be eligible to receive funding for an electronic balance transfer (EBT) terminal and monthly service fees paid to accept the SNAP benefits at their markets. Funds are available with USDA FNS through 2014 for farmers' markets. There are numerous things for a market to consider before accepting the SNAP program. For example:

- ✓ Who will be responsible for operating the machine?
- ✓ Does the market have a bank account?
- ✓ How will the payments be processed?
- ✓ What type of script will be used for payments?
- ✓ How will vendors be reimbursed for transactions?
- ✓ What type of record keeping will be required?

If the farmers' market decides accepting the SNAP program is not an option for their market, a direct marketing producer selling at a farmers' market can apply to accept SNAP benefits. Funds would be available for the producer to receive an EBT machine and monthly service fees paid.

By the Farmers' Market or the direct marketing producer offering to accept SNAP benefits it becomes a win-win for everyone. The markets and/or producers are building their customer base, which will generate more sales and customers in the communities are able to access fresh fruits, vegetable and other healthy foods.

To access the online application go to:  
<http://www.fns.usda.gov/snap/ebt/fm/htm> and click on "Apply to accept SNAP"

at your Farmers' Market" or you may request a paper application by calling the USDA FNS office at 877-823-4369.

For additional information on How to accept SNAP at the Farmers' Market, please visit the USDA website <http://www.fns.usda.gov/ebt/learn-about-snap-benefits-farmers-markets> or contact Sharon Spencer with the Kentucky Department of Agriculture at 502-564-4983 or by email [sharon.spencer@ky.gov](mailto:sharon.spencer@ky.gov).

## **Plate It Up, Kentucky Proud™!**

The Plate It Up, Kentucky Proud™ project is a Specialty Crop Recipe Development Project which partnerships between the University of Kentucky Cooperative Extension Service College of Agriculture, the University of Kentucky Family and Consumer Sciences Cooperative Extension Agents, the Nutrition and Food Science Students and the Kentucky Department of Agriculture.



The objective for this project is to increase consumer purchase, preparation, and preservation of Kentucky grown and value-added commodities through marketing and educational collaborations.

Resources are available for Agents or other individuals who may be interested in planning a special event around the seasonal recipes. The seasonal recipes will allow you to promote each month during the summer, fall, winter and spring seasons. Demonstration guides will be available featuring the recipe, grocery list, equipment needs, display pre-preparation, demonstration steps and commodity talking points. Along with the recipes and demonstration guidelines, media scripts will be available that can be used to market and educate consumers concerning KY Proud products.

How to use Plate It Up, Kentucky Proud™?

- Farmers' Markets
- Cooking School
- Television Segments
- Facebook
- Newspaper Columns
- Blogs
- Workshops
- County Website
- Radio
- SNAP-ED

For further information regarding the Plate It Up, Kentucky Proud™, you may contact your local University of Kentucky Extension Service or visit the following website: <http://www.ca.uky.edu/hes/fcs/plateitup/>

## **Market Rules**

### **Introduction**

The market members or the sponsoring entity should establish rules for the day-to-day operation of the market. Market rules contribute to the experience for the customer, the success of the farmers and keep conflicts to a minimum if they are enforced consistently.

Rules should reflect the purpose for the market and protect the credibility of the market in the eyes of the customer. Many markets operate successfully with a single page of 10 rules. Some choose to be more extensive and cover every detail of their market. Either way, you should make sure each member gets a copy of the rules and reads and understands them. Many markets require members to sign a copy of the rules as part of their membership agreement to ensure they are understood.

### **How to get started**

Decide basic information about how you want the market to work and make rules that ensure those basic items. Democracy is great, but getting everyone to agree on every rule will be difficult. It is best to appoint a committee and have the committee develop some working rules for the season and your area. What works for one market may not for every market. Ask everyone to direct any comments, questions, or complaints to the committee so they can revisit the rules after a couple of months. Don't be hesitant to make needed changes; but don't do it on the basis of one person's complaint. For every complaint, someone may be very happy with the way the rule reads now.

One of the first rules that should be established is how to make and change rules. This process needs to be fair and open and allow for producer input but should limit endless discussion or arbitrary changes at the whim of one or two members.

### **Hints for making rules**

- Rules should be clear and easily understood.
- Rules should be in writing and made available to all members and sponsors.
- Rules need to be fairly and consistently enforced. Rules that can't be enforced should be removed.

- The rule committee or individual market should determine at the time the rules are being established who will be enforcing the rules and steps for filling a complaint.
- Rules should work to the advantage of the producers selling at the market.
- Rules should protect the credibility of the market by requiring producers to properly label and represent product at the market.
- Most importantly, the rules should protect and direct the market rather than settle conflicts between vendors.
- Rules should help define who, what, when, and how of your market.
- Remember, at no time shall a market entity create rules that allow practices which violate standing Kentucky statutes or regulations.

Neither the Kentucky Department of Agriculture nor any other entity sets requirements or standards for these rules. There are, however, several areas that markets are encouraged to cover in their rules to help each market operate efficiently and to serve the producers who sell at the market.

### **Areas to cover**

#### **Membership application and fees**

The rules should specifically state how a producer applies for and maintains his or her membership. Fees should be outlined in detail. Any restrictions on space usage or required number of days at market should be defined.

Markets do not have to take all applicants and should set criteria for producers to meet in order to be members. How many market days are they planning on being at the market? Will the product they offer add to the diversity of the market? Competition between vendors is good and should not be discouraged by severely limiting tomato producers, for instance, because your president happens to grow tomatoes. But if space is tight, then a judicious look at applicants who offer something different may be in order.

#### **Enforcement, including the who and how**

Rules are only as good as enforcement of the rules. This one gets hard for markets without paid market managers but is vital to keeping the market from dissolving into numerous petty arguments. Each member should be aware of how the rules are enforced and agree to submit to the process before joining the market.

Some markets have instituted levels of violations; for example, being late for the market opening is a small violation whereas selling misrepresented product would be a big violation. Some develop “three strikes and you’re out” provisions. Fair, consistent enforcement and an established way for vendors to lodge a complaint is the key.

### **Market days and times**

The days, times and location of your market should be outlined in the rules. Market season opening and closing date should also be covered. The opening and closing dates help producers who want to offer early or late product. Establishing times for the market will help customers find you and know when to shop. If your market decides to close a market day or location late in the season, or has a location and day that is only open part of the year, the criteria for that decision should be spelled out and listed on your market registration with KDA.

Along with establishing and keeping market hours, this is important if your market hopes to accept vouchers for the Farmers' Market Nutrition Program - WIC or Senior. If an inspector comes to an approved market during the week on a published market day and there are no vendors, this will constitute a program violation and will be considered in the decision to keep your market in the program.

### **Source of all products**

The source of all products needs to be clearly labeled, especially if your market allows vendors to sell a product that is not grown by the vendor or accepts vendors from out of state. Signage should be required that identifies product bought from other producers or from a USDA terminal or produce auction. This maintains your market's integrity and avoids misunderstandings and hard feeling from customers and other vendors.

### **Hold-harmless**

Vendors should agree not to hold the market responsible or liable for any damage or loss incurred by them while at the market. This protects the market itself from being responsible for many types of loss producers can incur while at the market including personal injury or property damage.

### **Licensing and necessary permits**

Vendors are required by the Department for Public Health (health department) to obtain different types of permits or licenses for different products. Additionally, some municipalities require business licenses or taxes. To eliminate market liability for each vendor complying with all regulations, markets may include a catch-all rule that states that each vendor shall be responsible for complying with all applicable state and local laws, regulations and requirements.

### **Products allowed**

Each market can determine what products will be allowed for sale at their market. Beyond the issue of value-added agriculture products is whether the market will allow arts and crafts, live animal sales and other products. When discussing these rules, it is good to revisit why the market was started in the first place. Products besides agriculture products can give a market a flea market feel that does little to lead to the success of the local farmer and market.

On the other hand, restricting products to only fresh fruits and vegetables can limit some farmers from branching out into value-added products as well as preventing the market from attracting all the customers it could. Additional items being offered could only allow your market to grow, such as: meats, plant sales, fresh cut flowers, jams, jellies, gourd art, eggs, honey and more.

### **Quality**

Restricting vendors to selling only top-quality, fresh product has become necessary for some markets. If a market decides to pass a rule in this area, some objective criteria need to be spelled out along with whom is responsible for making that decision. This can be a very subjective area and can lead to some real battles. Be careful in this area and revisit these rules often to make required revisions.

### **Geographic restrictions to market membership**

Some markets restrict their membership to producers from their county. Though there are good and bad sides to this, each market should consider accepting members outside the county to increase the diversity of product at the market. For instance, if no one in the county is offering small fruit or pumpkins, the market may want to let in a producer close by who can offer these products. Be aware that a producer of tree fruit may not want to join the market if he or she is restricted only to bringing apples and not allowed to bring other products they grow that may be offered by present market members.

### **Pricing**

Setting market prices is a difficult area. Customers do not like to know that the market is involved in “price fixing” but, at the same time, markets need to protect their vendors from vendors who dump low-cost products on their market. Sometimes these vendors are hobbyists who are not trying to make a profit or might be someone who has overbought or over-produced a product and wants to sell it quickly.

Some markets set a minimum price for a product and allow any higher prices that the vendor may want to charge. Organics, heirloom varieties, specialty crops, and others may bring higher prices. Farmers’ market prices are reported as well as prices from the produce auctions around the state to the University of Kentucky’s New Crops Opportunity Center. You can find a link to these prices by visiting our website at [www.kyagr.com](http://www.kyagr.com) and clicking on farmers’ market and

looking under the helpful links and clicking Weekly Price Reports from Kentucky Farmers' Markets.

### **Market Stalls / Space Assignments**

Theoretically, if a market is set up efficiently, all spaces should be equal at the market. But reality tells us that this isn't so. How spaces are assigned should be included in the rules. Some markets choose to assign spaces based on seniority. Others, in order to encourage and reward producers who come the entire market season, allow producers to choose their space on the basis of number of days they were at the market the previous year. To those starting a new market this issue becomes critical and should be given sufficient attention as it causes many disagreements at markets.

An agreement needs to be reached on when vendors can move into another vendor's reserved spot if the vendor doesn't come to market that day. A specific time for any moves needs to be set so those who wish to move can do so without upsetting a vendor who is running late.

### **Wine sales**

Kentucky produced wine can be sold at farmers' markets. (Refer to the chapter on Wine Sales in this manual.) Each market in wet territory should enact a rule that defines what it wants to do before it is approached by a winery. It is always easier to discuss this issue and enact a rule *BEFORE* a local producer shows up. Rules enacted at the last minute can be taken personally and may result in lawsuits.

In Kentucky, farmers' markets retain the authority to limit sales at the market to any products that meet the marketing vision of the market. If they are allowed to sell, the winery must meet all general market membership requirements, such as county of production, etc. For additional information and requirements, please refer to the Wine Sales at Farmers' Market section in this manual.

In order to help markets with this issue, the following three (3) sample rules are offered by KDA to cover the three possible scenarios. These are only suggestions, and markets are free to write any rule that best deals with their situation.

- **SCENARIO 1: Market wants NO wine sales at the market.**  
"No wine sales are allowed at the \_\_\_\_\_ Farmers' Market."
- **SCENARIO 2: Market wants package wine sales but no by-the-glass sales.**  
"Packaged wine produced by the vendor may be offered at the \_\_\_\_\_ Farmers' Market during regular market hours if the vendor holds a valid small winery license issued by the Kentucky Office of Alcoholic Beverage Control (ABC). The license will be visible at all times. No by-the-drink sales will be allowed."

- **SCENARIO 3: Market wants to allow both package and by-the-drink sales.**  
 “Packaged wine produced by the vendor may be offered at the \_\_\_\_\_  
 Farmers’ Market during regular market hours if the vendor holds a valid small  
 winery license issued by the Kentucky Office of Alcoholic Beverage Control  
 (ABC). The license will be visible at all times. Wine may also be sold by the  
 drink.”

**Right of refusal**

In your rules and on your application, state that the market reserves the right to refuse membership to anyone. This might be done for numerous reasons so the reason should not be stated; only the market has the right to refuse membership.

**Fees**

Every market that is not completely supported by a sponsor needs to charge fees to members to cover expenses. A good way to determine what fees to charge is to add up your expenses and divide them among market members. The following worksheet may be of some help to markets trying to determine fees.

**How Much Should Markets Charge for Membership Fees?**  
**(Not all expenses will apply to each market)**

ITEM	EXPENSE (COST)	NEED OR WANT
Facility or lot rental		
Permits		
Facility or lot improvements		
Port-a-johns		
Utilities		
Market Manager		
Insurance		
Advertising		
Bags		
Bank Fees		
Promotional events		
Printing for Board members		
Mailing (postage)		
Office Supplies		
<b>TOTAL MARKET EXPENSES</b>		

**Number of members** \_\_\_\_\_

**Total market expenses divided by number of members** \_\_\_\_\_

The fee you determine can be either a membership fee or a gate fee that is collected each market day. Remember that not all members will sell every day, so adjust your gate fee accordingly.

**Do not underestimate the amount of advertising and promotion your market will require. This is always money well spent.** Studies tell us that for every dollar the market spends on advertising the market makes two. Grants could be a way to benefit your market with advertising and promotion. Visit the KDA website at [www.kyagr.com](http://www.kyagr.com) for your grant opportunities for your market and individual producers.

## **Market Safety**

The safety of Farmers' Markets customers and members should be the goal of every market manager and vendors. Farmers' Markets are statistically among the safest places and each market hopes to continue practicing good safety standards. By taking a few simple steps the market can ensure the market remains a safe and great place to visit.

### **Tents, umbrellas, and other things that fly in the wind**

Wind-blown canopies and umbrellas are the number one cause of injuries at a farmers' market. Wind is unpredictable and can come without warning. A gusty wind coming from just the right direction will cause a tent to become a very heavy, damaging projectile. Any market vendor who has sold at an open air market for any length of time can attest to this.

Because some traditional ways of securing a tent can add a tripping obstacle to the sales area, smart market vendors devise ways to secure tents and umbrellas without adding to the safety problem. The average customer is looking straight ahead at the tables with all the fresh fruits and vegetables, value added products, honey, crafts and many other eye catching items than looking down!

Some suggested ways to secure tents include: filling an empty bucket (2.5 gallon works great) with cement and tying this to each corner of the tent with a rope or bungee, filling buckets/containers with sand/cement that can be anchored or secured with a rope or bungee, sandbag weights that are specially made for securing canopies and weigh at least 24 pounds, PVC pipe capped and filled with cement can be hung on the inside of canopy poles as long as it is secured so that it does not collide with customers and the best weights are strapped to the bottom of each leg, and then tethered via a bungee to the top corner of the canopy, thus lowering the center of gravity of the canopy. In a strong gust of wind, even canopies secured with enough weight, can be broken if the weights are not suspended from the top corners of the canopy.

Anything placed lower than waist high can actually create another safety problem. The often-seen concrete block on each leg or a coffee can filled with

cement and attached to the tent with bungee cords can pose a trip hazard if some strategy to alert customers to the trip hazard is not employed. Sand bags at each tent leg require the same strategy of drawing the customers' eye down to see the trip hazard.

## Traffic

Markets try to locate themselves in high traffic areas for visibility to draw in the most customers. But anytime you mix pedestrians and vehicles, accidents can occur. Both customers and the passing motorists will be looking at the market offerings and not for each other. A little planning is required to make things safer.

The location of parking in relation to the market can raise several issues. Do the customers park across the street from the market and have to cross a busy street? Perhaps the market should contact local authorities to allow the placement of a sign in the roadway to alert motorists to pedestrian traffic in the area.



The market should post signs to direct the flow of traffic into and out of the parking area allowing for a clear line of sight for exit. These signs can advertise the market as well as serving to ease confusion.

At no time should a market allow customer cars to pass between the vendors or in front of vendor's stands. Cars in the market shopping area are not a safe situation for either the vendors or the customers and it is very risky for families with small children. Designing the placement of booths and adding traffic barriers should be done to protect the walking area of the market shopping space. If vehicles' driving through your market becomes an issue, it may be a good idea to station someone from the market or even a volunteer to intercept and control vehicle traffic before an incident occurs.

We all know older customers who want to drive up to their favorite booth and have their purchases delivered to their car. If the market wants to cater to these customers then a space behind some of the booths can be set aside.

## Surfaces

Parking lots and the market area should be free of holes, short poles out of the line of sight of drivers, drop off areas and any other obstacle that could cause injury or damage. Any possible problem area should be blocked off and clearly marked.

Vendors should be cautioned to avoid placing items on the ground around their booth; keep in mind that edible items should be elevated at least 6" of the ground. Empty boxes or containers should be stored in their vehicle and not thrown around the truck. Loose wires, twine, or ropes will present a trip hazard if not covered.

The market area should be kept clean and all produce/garbage picked up or swept away. A piece of cantaloupe or a broken jar of jelly can make a slippery surface out of an asphalt parking lot. Any dropped items should be cleaned up immediately and each market should have supplies on hand to clean these things up.

If dogs are allowed in the market, customers should be gently reminded to pick up after their dogs and a receptacle for them to use should be made available. If customers do not pick up after their pets, vendors should have baggies on hand to pick up (one more reason to have a good hand washing station) or something to cover it should be available.

## **Displays**

All tables should be stable and setups outside your primary table should be sturdy and able to hold weight. All glass jars and containers should be displayed so that customers can pick up and replace a jar as they shop. The same thing applies to elaborate produce displays. The choice of one tomato should not cause the entire stack to collapse.

## **Be prepared**

If someone falls or is otherwise injured at your market and needs first aid are you prepared? A market may keep a first aid kit on location to handle basic injuries. If market vendors are reluctant to provide first aid, the supplies can be given to the injured person and/or persons there with the injured person to use.

All injuries should be documented, making certain to include the date, time, location and cause of the incident, the nature and extent of the injury, whether or not emergency medical attention was requested and the contact information of anyone who may have witnessed the event.

Having this information does not create or increase liability. It's easier to complete the information at the time of the accident and have any witness statements than to try to recreate or ask questions after a period of time has passed.

## **Live Animals**

Contact with animals in public settings provides opportunities for entertainment and education. However, it's important to understand that some diseases can be

passed between animals and humans. This risk can be addressed though with some simple design and safety guidelines to follow. The Center for Disease Control has an excellent publication that can be found at the following website: [www.cdc.gov/mmwr/pdf/rr/rr6004.pdf](http://www.cdc.gov/mmwr/pdf/rr/rr6004.pdf)

Livestock (cattle, sheep, goats and hogs) being sold at a farmer's market would require a 30 day Certificate of Veterinary Inspection written by an accredited veterinarian and with official individual animal identification on each animal. Horses would require a negative EIA test within the last 12 months and a Certificate of Veterinary Inspection. Out of state animals would require the same documentation. Please see 302 KAR 20:065 and 302 KAR 20:040.

Birds over 4 months of age that originate in KY can sell with no paperwork. Birds over 4 months of age from out of state must come from a National Poultry Improvement Plan (NPIP) flock with a USDA form 9-3 or come in on a negative Salmonella pullorum test done within 30 days.

Baby chicks and hatchlings (under 5 months of age) must originate from a flock that meets the requirements of the NPIP program. This applies to both in and out of state birds; see 302 KAR 20:065, section 7(3) (b) and KRS 257.400. There is an age discrepancy between the KAR and KRS on the 4 and 5 months, we usually go with the 4 months, as that is the age used by the NPIP program.

## **Market Scales**

Scales must be for legal trade and made for commercial use. A legal-for-trade scale will be marked with:

- A serial number.
- A model number.
- Class III designation on the identification plate or seal.
- All scales put into service in Kentucky after July 1, 2003 must have an NTEP (National Type Evaluation Program) certificate of conformance. Scales that were in use prior to July 1, 2003 are exempt from this regulation.

Scales marked "Not Legal for Trade" are not acceptable. Baby scales or kitchen scales are two types of scales that are not legal.

There is no problem with hanging scales as long as they meet all of the criteria. Vendors selling scales should be able to inform the purchaser that a scale is handbook 44 compliant. There are some hanging scales that do not meet these criteria, so get the assurance from the vendor in writing.

It is the responsibility of the scale owner to have the device inspected and maintain the accuracy of the scale. Scales should be inspected annually.

Farmers' markets or direct markets should contact Jason Glass, with the Kentucky Department of Agriculture at (502) 573-0282 to schedule an inspection of their scale. Please try and schedule for all your vendor scales to be inspected together. For instance, a farmers' market should have only one scheduled visit for all of your members to be inspected at the same time. All scales can be brought to a central location, such as the market, an Extension office, *etc.*, and be tested at one time before the season starts. A good time to have the scales inspected in during your spring market meeting and training. There is currently no charge for this service.

It is illegal to conduct business in the state with an unapproved scale. Inspectors from KDA's Division of Regulation and Inspection are charged with ensuring that this law is enforced. These inspectors can and will shut a vendor down for the use of illegal scales.

**MARKETING TIPS:** *Since approved scales can run upwards of \$250, some markets have successfully bought and shared scales between vendors. Otherwise, vendors are encouraged to sell by volume rather than weight. That is, sell by the box or bag or count.*

*Some growers report increased sales by using digital scales. With these scales they get an exact price instead of rounding down the price to the closest weight. This way you don't lose sales through "nickel and dime" losses.*

## **Market Insurance**

There are two types of insurance purchased by farmers' markets and/or farmers' market vendors – overall general liability which is commonly known as "slip and fall" and product liability. Insurance is frequently a large expense for the markets and producers. Markets are encouraged to fully understand the policy they are purchasing and shop around for the best coverage and rates.

The market's insurance needs will depend on a variety of factors. You should consult an insurance specialist to determine what type of insurance your market will need and if individual coverage is required for the market members. Here is a basic description of the two types.

### **Liability**

Liability insurance covers the market for accidents that may occur at the market during business hours, such as customer falls and injuries. Some folks call these "slip and fall" policies. Because vendors themselves could get injured while at the market, markets may wish to include a "hold harmless" clause as part of the market rules in which the vendors agree not to hold the

market liable for injuries and damage that they might incur. This type of policy does not cover illness that may result from spoiled products.

A market located on property that it does not own should discuss liability with the person or entity owning the property. The property owner might require the market to maintain a separate liability policy to protect the owner from liability while the market is open or offer the possibility of putting a rider on his present insurance to cover the market during the season.

### **Product liability**

Product liability policies cover the individual vendors from liability from the products they have sold. Producers who sell value-added products may want to purchase this type of insurance. Policy cost is usually based on your gross sales. Most companies have a minimum policy that reflects higher gross sales than most farmers' market vendors enjoy.

Your farm policy may or may not cover you so check with your insurance agent. To help protect themselves from liability claims, value-added product producers should carefully follow the correct procedures and keep meticulous records on the steps and safety best practices used in every batch of product they make.

## **Farm Inspections**

As more markets designate themselves as producer-only markets or limit the amount of reselling taking place at the market, the matter of fair, objective enforcement of those rules becomes an issue. Some markets have instituted farm inspections to enforce these rules, protect their market and to maintain quality standards. An on-farm visit is conducted and recorded to determine the crops a person is growing, the apparent amount they are growing, and any other evidence of production that can be objectively recorded.

Before a market decides to utilize farm inspections it should be aware that inspections are not easy and take a great deal of time. The person(s) doing the inspections should be above reproach and knowledgeable. Before the inspection call at least a day in advance to schedule, let the producer know the amount of time that might be needed and be respectful of the producer's time. Make sure to dress appropriately and review the crop plan before you arrive with questions or highlight areas that you will need to see.

With season extension efforts on both ends of the traditional growing season, determining a producer's crops, varieties, and capacity may be difficult with one visit. In June there will be little evidence of the fall pumpkin crop, for instance. Other methods such as a sketch of the farm with crop plan for each field or evidence of seed orders may be utilized. You may want to consider the season during your inspection, visit when crops are in the field, fruit is on

the trees, cuttings/transplants/seeds are in the greenhouse, labor is planting/harvesting/packing/processing and animals are in the field.

Whether the market requires farm visits or allows for visits as the result of a complaint, this requirement needs to be spelled out in the rules. Every producer needs to sign off on this requirement and give permission for his or her farm to be inspected as part of the membership signup. To avoid hard feelings it is suggested that all farms get inspected over the season so one individual doesn't feel singled out.

A reporting form should be developed that specifies:

- The name of the producer and contact information
- The location of the farm
- The date and time of the inspection
- The weather on the inspection day
- Who was present during the inspection
- Space to note where pictures were taken (make sure to ask permission before taking pictures)
- Each crop and how many plants, acres, rows, etc. existed (specifying varieties here can be very beneficial)
- Planting intentions for the remainder of the season
- The name of the inspector(s)

As in organic inspections, the market may require the producer provide farm maps with crops specified on them including the entire season's crops. Then the inspector can simply visually verify what the producer has submitted, reducing the time the inspector is on the farm. Seed and plant invoices may also be useful.

The inspector should bring the information back to a governing body that actually makes the decision rather than it being an in-field decision. Allow the producer the opportunity to clear up any issues or problems that was documented in the inspection within a set period. Keep the information confidential.

## **Evaluating Your Market**

There are several possible ways to do a formal assessment of your market. You may, of course, hire a consultant. By the time you explain your community and your market to him/her, you might be able to do a pretty thorough job yourself. Using market members and a couple of folks from a nearby market, your market can use a method called Rapid Market Assessment. There are three parts to this method.

## Attendance counts

It is hard to plan events, obtain grant monies, measure the need for more vendors, and more when you have no idea how many customers your market draws each market day. Designating someone to count every person can be difficult. The rapid market assessment method suggests placing spotters at each entrance way to the market and having them count customers for 10 minutes each hour and then multiply this number by six. The numbers will be nearly as accurate as a full count and certainly be easier. Accuracy depends on both planning and personnel.


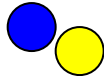
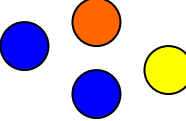
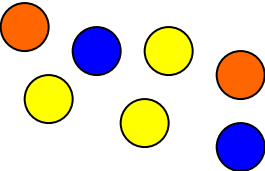
Here are some tips for doing this part of the assessment:

- Count everyone entering the market in a 10-minute period each hour and multiply by six to give hourly estimates.
- Record each hour's attendance separately so the market can know its busiest time.
- Establish clear communication between counters.
- Count only adults entering the market.
- Do counts on at least two days before decisions are based on the numbers.

## Dot surveys

An easy way to get information from customers is to ask a few questions with dot surveys. Set up 2-4 posters with questions and give shoppers stick-on dots to indicate their answer.

Example: **How often do you visit this market?**

First Visit	Rarely	Once a Month	Once a Week
			

Tips for this part of the assessment:

- Make the question clear and simple.
- Give customers only as many dots as there are questions.
- Color code the dots according to either a demographic (woman vs. man) or the hour the customer came to the market.
- Affix the posters to something strong and sturdy
- Set up a table nearby for customers to set their bags, purses, etc. down so they can use their stickers.
- Have someone invite customers to participate, hand out stickers, and answer questions.

## **Constructive comments and observations**

This last part is the hardest. If your market is serious about making changes and has an open mind about what might need to be done, this one can be the most helpful. You invite members of another market, business people, or another group familiar with farmers' markets to come to your market and critique what they see.

You ask them to comment on:

- Physical characteristics of the market
- Vendor diversity and product selection
- Market atmosphere
- Safety considerations
- Anything else the market is interested in

After the team visit, the team gets together to decide the most important message to the market. One person then prepares a report and talks with the market board. If you find yourself giving excuses or being defensive, then you won't get much from this exercise. If you can take the opportunity to "see" the market like others see it, this exercise will prove to be the most powerful.

## **Market Events and Promotion**

Farmers' markets have become a staple in many communities across the country. As demand grows for fresh fruits and vegetables, the pull is stronger to lean toward the local farmers' market than the major food chain stores. It's more important now than ever to promote your service, your location, your products and your market.

As with any event, the goal has to be clear. The answer to why the market is spending money on this event should be evident, and all decisions regarding the event should first examine which direction will meet the goal. It may be hard to justify any expense that doesn't increase sales. You can aim toward getting regular market customers to spend more money than usual at the market, but the best way to increase sales is to bring new customers to the market. Defining these new customers and how to reach them should be foremost in deciding which media to use in your promotion.

When advertising your special event you may want to first develop a press release explaining why this event is special and different from what has been done in the past. Send the releases to all local media in the area. Make sure to include the contact information for the market representative. The press is always looking for a good photo opportunity and setting a time for the special event that has local officials or special guest may give the press a time for their schedule to make sure it's worth their time in attending. For example, "The Kentucky Proud Farmers' Market located on Fairgrounds Road will be

hosting a cooking contest for kids at 10:00 am Saturday morning. Our local officials will serve as judges and present the awards to the winners. For information contact our Market Manager at xxx-xxx-xxxx.”

Next, you may want to consider purchasing an additional advertisement in the local paper to promote your contest. Including a graphic of some kind in the ad draws attention and set it apart from those with just words. These ads should include times and particulars so folks new to the market can come to the market and participate.

After contacting the local press and preparing your advertisement, printed large-lettered signs mounted on yard sign wires posted on both sides of the road leading to the market on the day of the event. Since research has shown that most folks stop for the first time at a farmers’ market by driving past and seeing the activity rather than as a response to advertising, we really tried to have a bunch of these. Each sign had no more than three words on them in large, bold type. We found this to be the most effective thing we did.

At the event, we had a large sign identifying the chef and what was being prepared. Customers want to know what is going on. Have signage that is specific; for example, a sign worded “Free samples of dishes made with products available at the market today. Free recipes.” We emphasized where in the market you could buy the featured product(s). We had plenty of copies of the featured recipes with the name and contact information for the producers as well as market days and times.



Having assigned staff to act as servers worked wonderfully by ensuring safe handling of the samples and someone to answer questions, handle the crowd, and “talk up” the product.

You may not want to include all these parts in your promotional plan, but the local media always showed up at our events and many stories with pictures appeared after the event and some television and radio stations covered the event as well.

#### Other tips:

- Time limit your event to about 2-3 hours and start about the time the market opens. If yours is a morning market remind your chef for cooking events that some recipes are just not “morning food.”
- Schedule time to clean up. Extra volunteers here are important.
- Use the event to do short surveys. Did you reach your goal? Ask how many are new to the market or only come rarely.

- The event should be located so customers must walk through the market to get to the event. This causes more customers to pass more vendors.
- Evaluate the event afterwards to see if the market met its goal for the event.
- Use repeat market customers to help staff events. If your market doesn't have a market volunteer program, start one.
- Enjoy and have fun!

There are many ways you can advertise or promote your market with little expense. At the top of the list and number 1 way to promote your market is Word of Mouth. Other opportunities could be:

- Facebook/Social Media (be sure to keep it up-to-date)
- Website (be sure to keep it up-to-date) (website and/or facebook) (but make sure to keep it up-to-date)(tell your story, spotlight a farmer weekly)
- Offer a space for other community groups or school groups to setup during market hours
- Public Service Announcements on the local cable TV or radio station
- Work with your County Extension agent for a spot in their newsletters or updates in their weekly news column
- Post weekly specials or market notices at your local Senior Citizen centers and health departments
- Work with your area churches and see if you can get in their church bulletins or newsletters
- Brochures at your area tourist attractions (bed and breakfast, hotels, campgrounds) or even your local library
- Invite local artists, musicians or school bands or chorus groups to perform
- Invite your customers to sign up for a mailing list or to be put on an email distribution list
- Giveaway tokens or gift certificates to shop at your market during other special events (Farm/City Field Days, Community activities that may offer drawings)
- Volunteer to be a guest speaker at one of your local clubs monthly meetings (Chamber, Farm Bureau, Fair Boards, Rotary, Homemaker or Garden clubs)
- Always make sure to put "Rain or Shine" on your advertisement

Other activities:

- Grand opening or opening day celebrations
- Work together with area businesses or schools as a part of their health wellness programs.

- Promote awareness programs such as Family Farm Day, Earth Day, Health Fair, Food Day or Bike Safety Day
- Host a Kid's Day at the market with events planned throughout the day for kids (crafts, cooking demonstrations for the kids and even hands-on, decorating their favorite fruit or vegetable)
- Giveaways (reusable shopping bags with your market name is a great promotion)
- Celebrate National Farmers' Market Week, second week of August
- Customer Appreciation Days
- Double Dollar Days for participates with the Senior and WIC Nutrition Program and SNAP(Food Stamp) program
- Cooking demonstrations (check with a local area chef, county extension staff or even a market member may volunteer), good smells motivate customers to buy. Make sure to offer recipe cards for your customers to take home and mention which producer to visit to pick up those items listed on the cards.
- Become friends with your local officials (maybe drop off a basket of products with contributions from each vendor to your local mayor, judge or you're your State Representative but make sure to include a brochure from your market or current edition of your market newsletter or even recipe cards)
- Plan special events around the seasonal produce (offering sampling/tasting provide recipes)
  - Strawberry Festival
  - Watermelon Mania (eating and seed spitting contest)
  - Apple Festival
  - Pumpkin Carving Contest
- Host a book signing (cookbook)
- Host a Friday night live at the market with music and food
- Have a live radio broadcast from the market



## **Cooking Demonstrations**

Cooking demonstrations are a sure bet to increase attendance, excitement and most importantly sales at farmers' markets. Cooking from scratch has become less common—some might go as far as to say it's almost a lost art.

While shoppers may snatch-up locally raised tomatoes and fruit, chances are they will skip kohlrabi, beets, bok choy and other less common items. Perhaps it's because they have never tasted them; maybe they are unsure how to prepare these products. Either way, cooking demonstrations offer shoppers opportunities

to taste fantastic seasonal produce and market products prepared before their eyes.

Demonstrations, especially those by local chefs, also grab the attention of the local press. Media coverage is proven to be much more effective than advertising and your market may find that diverting part of your ad budget into a chef at market program may be a worthwhile investment. If a local area chef isn't available, contact your local Extension staff for their assistance in preparing some of the Kentucky Proud Plate-it Up Recipes.

Not only do these events lend a festive air to the market day, but they give customers ideas on how to select and prepare the products. Research has shown that featured products being prepared at the markets and the aroma added to your market day will increase sales.

As a means to accommodate this unique form of product marketing and promotion, ensure market accountability, and provide a means for ensuring a safe, wholesome product, Kentucky's Food Safety Branch developed a uniform set of guidelines and requirements for farmers' markets cooking demonstrations. The guidelines have been distributed to local health departments across the state. All farmers' markets that intend to conduct cooking demonstrations are required to operate in accordance with these guidelines and requirements.

Hosting a cooking demonstration requires specific equipment that chefs may not have at their disposal. If a market wishes to host these events throughout the season it is to their advantage to purchase a "kit" containing some the essential items. A list of the items KDA keeps on hand to hold a market cooking demonstration is included at the end of this chapter.

Small samples of cooked foods prepared at a farmers' market for promotional and educational purposes may be offered free of charge to consumers without obtaining a temporary food-service permit from their local health department.

A "sample" is defined as a food product promotion where only a sample of a food (or foods) is offered free of charge to demonstrate its characteristics. A whole meal, individual hot dish or whole sandwich is not recognized as a sample.

In all instances, however, the person cooking shall comply with all of Kentucky's food safety regulations and all requirements for sampling at the market outlined in other chapters of this manual. However, sample offerings are not required to observe the same time limitations as those placed on temporary food-service operations.

## Summary of cooking demonstration requirements

- If a market is not under cover, the market needs to provide a tent or umbrella for the demonstration. The product needs to be under that cover at all times.
- Food products *should not* be exposed to insects or other environmental contaminants such as dust. If electricity is available, a fan may be used to keep a gentle breeze going to keep insects off the product. Covering product in some manner at all times will also deter insects.
- During the event the person cooking will need a way to wash his/her hands. A simple set-up consists of an elevated container of potable water that is equipped with a turn-spout dispenser or drain, with a catch bucket placed below the container. Liquid soap and disposable towels should also be provided at the hand wash station. The chapter on sampling discusses hand wash stations and includes a picture of the simple setup.
- Facilities to wash and sanitize all utensils must be available and used throughout the day. A three-compartment sanitizing wash station can be easily constructed with three tubs, potable water, soap, and an approved sanitizer. A farmers' market friendly setup is pictured in the chapter on sampling. You will find this set-up is also convenient to clean up after the event. You will need more water than you think so bring an adequate supply. Lots of paper towels are a necessity here since you won't be able to set washed items out to air dry. Remember, utensils must also be protected from insects, dust and other forms of contamination. You should store utensils, food, and packaging in a plastic container with a tight-fitting lid.
- All products must be maintained at safe hot and cold temperatures throughout the entire event. REMEMBER: The rule of thumb is to "keep **hot** foods **hot** and **cold** foods **cold**." Coolers and plenty of ice should be available. (*Styrofoam coolers cannot be used, as these are impossible to properly disinfect.*) At no time should any product sit in water. You will need to have provisions for melted ice to drain away from the product.

## Serving the samples to your customers

Each sample needs to be pre-cut, adequately protected from insects and other forms of contamination, and served individually. That is, each sample needs to be placed in an individual cup or plate or served with individual toothpicks. (You should provide plenty of waste containers to dispose of these items.) At no time should a customer be able to touch any sample that is not theirs. A helper that controls the samples is important to prevent any contamination from shoppers. And, it will allow the cook the opportunity to "sell" the product. That helper should be careful to avoid touching the product

and avoid contamination of any utensils used to portion out the samples. Tips for meeting these requirements are included in the Sampling chapter.

Deciding on how many customers to prepare for could be easily determined from traffic counts taken from previous market events.

**KDA's supply list for cooking demonstrations:**

- ✓ Tent, if market not under cover
- ✓ Plastic container with tight-fitting lids to protect utensils from contamination
- ✓ Potable water – at least 15 gallons
- ✓ Three-compartment wash, rinse, and sanitize set-up
- ✓ Dish soap
- ✓ Sanitizer tablets or regular (unscented) household bleach
- ✓ Hand wash station
- ✓ Hair nets or caps for individuals who are involved in food preparation or cooking
- ✓ Grill, hot plate, or other portable cooking utensil
- ✓ Adequate supply of ice
- ✓ Food service gloves – medium and large
- ✓ 2 coolers to use to store ice, product and for hand wash station setup
- ✓ 2 tables
- ✓ Table cloths
- ✓ Hot pads or pot holders
- ✓ Trays for samples
- ✓ Tongs (several sets)
- ✓ Trash bags
- ✓ Sani-wipes
- ✓ Paper towels (minimum of two rolls)
- ✓ Individual serving cups or plates
- ✓ Disposable forks/spoons or toothpicks
- ✓ Trash cans – one for the chef and one for samplers
- ✓ Tape
- ✓ Sign explaining the event
- ✓ Road/yard signs
- ✓ Business cards to give to media for further contacts
- ✓ Copies of the recipes
- ✓ Extension cord
- ✓ Aprons and hats for servers
- ✓ Knives, large and paring and others as may be appropriate
- ✓ Bowls (large)
- ✓ Skillet, if you are not using a grill
- ✓ Spoons
- ✓ Spoons (large)
- ✓ Cutting board(s)
- ✓ Aluminum foil

## Kentucky's Good Agricultural Practices (GAP) Diploma Program

Whether you are a small producer selling direct to consumers at a farmers' market or a large grower selling to national distributors, food safety is a topic that **ALL** producers should be addressing on their farms. Most elements of food safety require little expense, or effort, on the part of a farmer. Minor changes in a farmer's practices can greatly enhance the safety of an agriculture commodity.

Kentucky has not had a known case of food borne illness caused by locally grown produce, and for the safety of consumers and the benefit of producer's, we wish to continue that pattern. In 2008 the Kentucky Department of Agriculture formed a partnership with the Department for Public Health, and University of Kentucky's Cooperative Extension Service to develop a food safety program for producers to implement in their operation to minimize the risk of contamination. This program is the **Good Agricultural Practices (GAP) Diploma Program**.

The first part of Kentucky's GAP Diploma Program is education. The program utilizes county level Extension agents as trainers to present a class on GAP principles and practices to local producers. During this class producers learn the best practices that will reduce the risk of their product becoming contaminated by microbial or other substances. Upon completion of this class the farmer receives a GAP Diploma issued by the KDA. This diploma is a component of the requirements to allow raw product samples at all Kentucky Farmers' Markets registered with KDA and Kentucky Farm Bureau Certified Roadside Markets.

The diploma does not expire, but there will be mandatory retraining as developments in food safety occur. When the retraining occurs producers will be issued a new GAP Training Diploma. All previously trained persons would be required to complete the retraining regardless of the age of their diploma.

The second step is the completion of a self-audit utilizing workbooks received during the GAP Diploma class. This process allows the producer to go over his or her operation step-by-step to identify possible deficiencies in their production practices and make the necessary adjustments to ensure best practices are being followed. Using the self-audit materials allows for a record of the steps taken which better allows the farmer to address future concerns.

The third and final component involves a third-party audit or buyer-specific verification. Much like the process of organic certification, an auditor visits a farm and walks through the production, harvest and transport system with the producer and verifies that GAP is being followed. This level is usually only

required for producers selling to large buyers and the cost of the audit is typically the responsibility of the producer. Growers who are pursuing GAP certification should contact Joshua Lindau who is available to work one on one with growers to prepare for the audit and to discuss possible cost share opportunities.

A common question asked of the GAP Program is whether KDA requires farmers to participate? Aside from the instance of being a requirement for the sampling of raw products, the answer is no. However, several farmers' markets, produce auctions, schools and other buyers have made the decision to require a GAP Diploma before they allow a farmer to participate in their market.

On a Federal level, the Food Safety Modernization draft was released in early 2013. Public comments on FSMA will close November 2013 and any producers who would like to be notified when such regulations are finalized should contact Joshua Lindau by calling 502-564-4983 or by e-mail [joshua.lindau@ky.gov](mailto:joshua.lindau@ky.gov) to be placed on a notification list and this section will be updated as necessary.

Farmers interested in completing the GAP Diploma program should contact their local UK Cooperative Extension Office; trainings are most often held mid-winter to late spring but each trainer sets their own classes. Many of the GAP Diploma Program materials are available for review on the KDA Web site [www.kyagr.com](http://www.kyagr.com) and clicking the Programs button and then choosing Good Agricultural Practices (GAP).

## **Food Sampling Guidelines and Procedures**

Farmers' markets sell primarily on taste. Allowing a customer to try a new product prior to buying can be a tremendous marketing tool for producers. Care should always be taken to ensure each sample is of the highest quality and will be a positive experience for the consumer.

Adherence to food safety principles is of great importance when offering samples. Food borne illness resulting from improper sampling methods could create a negative image of the producer or the farmers' market in general.

It's important to note that the vendor offering samples assumes all liability and should look carefully at every step to make sure their samples are as safe as possible.

A sample is defined by the Department for Public Health as *a food product promotion where only a bite-sized portion of a food or foods is offered free of charge to demonstrate its characteristics. A whole meal, individual hot dish or whole sandwich is not recognized as a sample.* There are two broad

categories of samples allowed: those that are cooked or processed, and those that are raw or unprocessed.

### **Cooked or Processed Sampling Certificate**

In order for processed and cooked products to be sampled at the farmers market, a producer must:

- ✓ read through the sampling chapters in the Farmer's Market Manual
- ✓ complete the KDA Farmers' Market Sampling Application
- ✓ submit completed application to the KDA office

No formal classroom training is required. Once the Application has been reviewed and approved, the sampling certificate will be issued. This certificate must be on display at the markets when samples are being offered.

### **All Samples Certificate**

If the producer wishes to offer samples of raw or uncooked products they must complete the Good Agricultural Practices (GAP) Training class and the KDA Farmers' Market Sampling Application. The University of Kentucky County Extension Agents will be utilized as the instructors for the GAP Training classes. The instructors will be responsible for submitting a list of class participant's full name and mailing address after the class has been completed. This should be sent to the KDA office immediately following the class. Once the required GAP training has been completed and the Sampling Application has been reviewed and approved, the All Samples Certificate will be issued by the KDA office. This certificate must be on display at the markets when samples are being offered.

Here are a few points about both types of sampling certificates:

- Sampling Certificates are valid for a two year period; this coincides with updating of the KDA Farmers' Market Manual.
- The sampling certificates will only be issued for an individual. This means the person listed on the certificate will be the only person to offer samples. Employees, family members, etc. must complete their own Sampling Application and receive their own certificate if they intend to offer samples at the market.
- GAP Diplomas, however, are not required of employees, family members etc. so long as the farm operation has at least one GAP diploma on record. When sending in the Sampling Application for an All Samples Certificate (raw and uncooked products) you must write the name of the person who's GAP Diploma you will be sampling under.
- If a producer moves or expands to another market they **MUST** contact KDA so the new changes are on file and a new sampling certificate can be issued. The sampling certificate must have the names of all the markets where samples will be offer.

## **Preparation of Samples**

Some farmers choose to prepare their samples at home where the quality of water, cleanliness of surfaces and equipment and cleanliness of vegetables can be easily controlled. The samples may be washed, cut up and placed in disposable, individual cups with lids. These cups are available at any restaurant supply store or at large outlet stores.

Whether you prepare your samples at the market or at home you must provide equipment and maintain practices that ensure the following during sample preparation:

### **Potable water**

All water that touches your product or your utensils MUST be potable. If the water is from a well, cistern, or other non-municipal source it must then be tested and the records retained. Documented test results prove the water is potable, not previous use as drinking water.

### **Clean produce**

All raw produce **MUST** be washed thoroughly with *running* potable water. The water has to be running to carry away any dirt or contaminants that may be on the outside of the product. For example, you cannot wash your tomatoes in a bucket of clean water.

Produce with rinds pose a special problem. Cantaloupes and muskmelons need a good scrubbing to remove all dirt and. This can be done at home to all the produce you plan to use for samples. Make sure the washed produce is then packed in clean bags or containers to keep them clean; and then store them separately from unwashed items until you arrive at the market.

### **Approved Ingredients**

All products used in your samples must come from an approved source. This means all agricultural products that will be served without cooking must have been raised according to Good Agricultural Practices (GAP) and any value-added product must be commercially produced or produced under the Home-based Processing/Microprocessing program.

### **Clean hands**

You must wash your hands properly before touching any part of your samples. Hand sanitizers do not substitute for proper hand washing. Gloves do not substitute for proper hand washing. Always wash your hands before putting on gloves and after taking them off. If gloves become torn, ripped or contaminated they should be changed. Never reuse gloves.

Though we have all washed our hands since childhood, the proper way for sanitation purposes includes the following:

- Wetting your hands
- Applying liquid soap

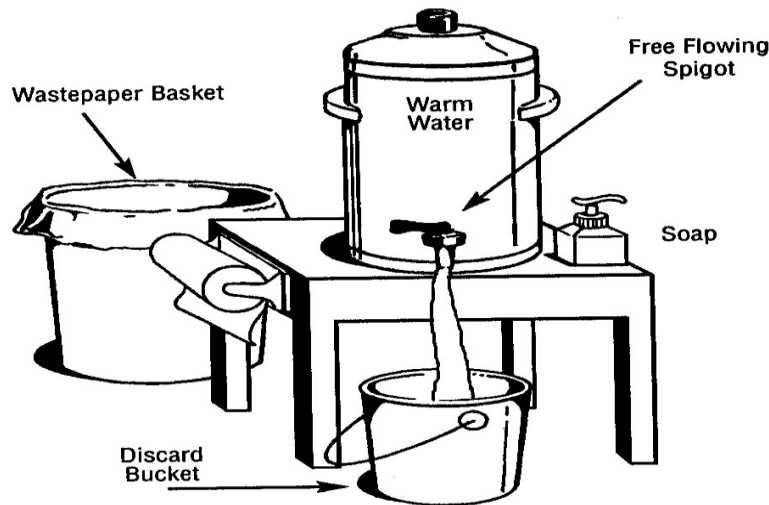
- Briskly rubbing your hands together – including fingernails and backs of hands for a minimum of 20 seconds (a long time!)
- Rinsing your hands under free flowing water
- Drying your hands with a disposable paper towel

When should you wash your hands?

- After using the bathroom
- After handling money, unwashed produce, baskets, and anything not clean and sanitized
- Any time you leave your stand and return

**A proper hand washing station includes:**

- A container of potable water large enough to supply water for the entire sampling time. This container must have a free-flowing dispensing valve. This is the type of spigot that does not require you to hold open the valve to keep the water flowing.
- The container should be raised off the ground to allow a catch basin under the spigot.
- Paper towels
- Liquid hand washing soap in a pump or squeeze bottle.



Depending on the market setup, providing for hand washing may mean each vendor must have their own station. If vendors feel they can share a station, it must be easily accessible with no physical impediments between the vendor and the station.

**Clean utensils**

All utensils that touch a sample in **any way** must be washed in a detergent, rinsed in clean potable water and **soaked for 60 seconds in a sanitizing**

**solution.** If more than one or two different utensils are used, a cleaning, rinsing and sanitizing station is required. A simple, but effective sanitizing solution is 50 ppm household bleach/water solution. This is about one capful of bleach to one gallon of water. The sanitizing container should be of sufficient size to completely immerse the largest utensil in use.

### **Proper temperature**

- If you bring cold products to the market for sampling, you must maintain them at 41°F or below. That means you should probably ice it above and below. And, if using ice, you need to make provisions for melted ice to drain away from the product. A small cooler can provide a great way to keep samples cool.
- Any product you warm at the market must be heated and kept above 140°F. You must have a way to maintain this temperature.
- A quality food thermometer is a good investment. Note the temperature readings in your records in case there is ever any doubt.
- For both safety and quality, samples should be monitored to ensure that none remain out for more than 30 minutes. Remember you want your samples to be perfect little bites of your product at its best!

### **If you are preparing your samples at the market**

- If you are only using a few utensils, you may choose to bring a number of the utensils in a zip lock bag marked as **“CLEAN”** and bring with you another zip lock bag marked **“DIRTY”**. That way if you drop or soil a utensil a clean one is available and the dirty one can be easily distinguished and isolated.
- If using a knife then you must also have a proper cutting board. It must be handled like any other utensil – washed, rinsed, sanitized.
- Use only plastic (nonabsorbent) or approved hardwood cutting boards or disposable paper plates for cutting produce for sampling.
- If samples of both meat and vegetables are going to be cooked and offered, there should be 3 separate sets of utensils. The first is for raw meat, the second for cooked meat and the third for vegetables and fruits. These utensil sets must be kept separated from each other at all times to prevent cross-contamination.
- Allow all cleaned and sanitized utensils to air dry on a clean non-porous surface or dish rack. Do not dry with a towel.
- The “washing, rinsing and sanitizing station” and the “hand washing station” must be separated from each other and completely set up before preparing any samples.

### **Delivery of Samples**

- You must deliver the samples to the customers in such a way to prevent anyone from touching any other sample. If you have prepared the samples at home, you can place the individual cups on a tray a few

at a time. Then, there is no need to worry about any customer touching any samples other than their own.

- You must protect the samples from the elements and insects. Cover your samples with insect proof netting or plastic wrap (or lids if you use the individual cups).
- You must use disposable single use utensils for distribution of samples to customers- toothpicks, cups, etc. Or you can use tongs, *if* you control them. Customers should never reach in a plate or bowl of samples.
- You should make available a waste basket lined with a plastic bag for sampling preparation waste and sampling distribution waste disposal. It works best to have two cans – one behind the table for your waste and one out in front for the customers.
- All food shall be stored at least 6 inches off the ground.

### **Additional Information and Best Practices for Sampling at Farmers' Markets Study by the University of Kentucky College of Agriculture**

The 2011 Regional Farm Market Sampling study consisted of 3,406 responses from farmers market patrons across eight states, who had had a previous food sampling experience. Responses indicated that vendor friendliness, sample presentation, market atmosphere, sampling with friends or family and interaction with the vendor significantly impacted how the patrons felt about the sampling event. They concluded that the impact derived from sampling experiences extends to future purchases and referrals, and many vendors might find that going through the certification process is worth it, because it means increasing their customer base, and in turn, their revenues.

This practical guide provides farmers' market vendors with best practices and ideas of how to sample their own products. Advice and extra resources helpful throughout the sampling process are also included.

For a copy of the Best Practices for Sampling at Farmers' Market visit their website at <http://www.ca.uky.edu/cmsspubsclass/files/extensionpubs/2012-19.pdf>. You may also find a Checklist for Best Practices in Sampling at the end of this manual.

## **Cooking or Preparing Ready To Eat Meals**

In general, individuals who wish to cook or prepare food at a farmers' market should contact their local health department for guidance regarding permit applications, food safety rules and regulations, and inspections. Preparing meals at a farmers' market will require a local health department permit and inspection. Particular food safety concerns include employee hygiene

(including hand washing), protecting food products from human (sneeze) and environmental (dust, insects, etc.) contamination, cooking foods at temperatures high enough to destroy harmful pathogens, maintaining safe hot and cold holding temperatures, and keeping utensils clean and free of contamination.

There are two options for cooking food at a farmers' market: 1) the "temporary food service establishment permit" and 2) the "farmers' market temporary food service establishment permit". Under either permit option, vendors will need to comply with the food safety and operational guidance contained in the *Concessionaires Food Sanitation Guidelines* specified at the end of this chapter.

### **Temporary Food Service Establishment Permit**

The "temporary food service establishment" permit is an outdoor cooking/food preparation option that has been available for many years. A "temporary food service establishment" means any food service establishment which operates at a fixed location for a period of time not to exceed fourteen (14) consecutive days. This permit is often utilized by vendors at fairs, festivals and other community-related events. Once a "temporary food service establishment" permit has expired, a vendor must wait until thirty (30) days has elapsed before becoming eligible to obtain another temporary food service establishment permit for the same physical location. Vendors seeking a "temporary food service establishment" permit will need to contact the local health department in the county in which they intend to operate. Permit fees for temporary food service establishments are based on the length of operation and range from \$25 to \$30 for each event.

***Special Note:** Please be advised that your local health department reserves the right to restrict menu items prepared at a temporary food service setting based upon degree of food safety risk.*

### **Farmers' Market Temporary Food Service Establishment Permit**

The "farmers' market temporary food service establishment" permit is an option designed exclusively for KY farmers operating at markets registered with the Kentucky Department of Agriculture. **If the market you wish to operate at is NOT a KDA-registered farmers' market, this permit option is not applicable.** A "farmers' market temporary food service establishment" means any temporary food service establishment operated by a KY farmer who is a member of the market which operates within the confines of a farmers' market registered with the Kentucky Department of Agriculture for the direct-to-consumer marketing of Kentucky-grown farm products from approved sources for a period of time not to exceed two (2) days per week for any consecutive six (6) months period in a calendar year. The permit fee for a "farmers' market temporary food service establishment" is \$50.

Although the food safety rules are the same for both types of permits, the “farmers’ market temporary food service” permit contains three (3) major provisions that have to be met before a local health department will issue this type of permit:

- 1) The location where the temporary food operation is to be conducted must be a KDA-registered farmers’ market location.
- 2) The applicant must provide verification that he or she is a member of that KDA-registered farmers’ market.
- 3) An applicant for this type of permit must have attended and successfully completed an approved food manager training program with regard to food safety principles. The food safety training requirement must be updated every two (2) years.

As part of the permit application process, an applicant needs to produce verification of having completed this food safety training requirement. Your local health department can provide additional assistance as to the “approved training” requirement for this permit option.

Here are a few additional stipulations with regard to the “farmers’ market temporary food service establishment” permit:

- Only one “farmers’ market temporary food service establishment” permit will be issued per applicant, per approved (KDA-registered) farmers’ market location, per calendar year.
- An applicant MAY hold concurrent “farmers’ market temporary food service establishment” permits at separate approved farmers’ market locations.
- A vendor with a “farmers’ market temporary food service establishment” permit may operate at each approved location for a total of two days per week for a period of time not to exceed six consecutive months in calendar year.
- The two days of operation can vary by the week.
- The “calendar year” clock starts ticking once the permit is issued.
- In all instances of permit issuance for either a “temporary food service establishment” permit or a “farmers’ market temporary food service establishment” permit, any subsequent permits for the same physical location will not be issued until a period of thirty (30) days has elapsed.

If you have any questions regarding these rules, contact your local health department or the Kentucky Department for Public Health — Food Safety Branch 502-564-7181.

***Special Note:*** *Please be advised that your local health department reserves the right to restrict menu items prepared at a temporary food service setting based upon degree of food safety risk.*

## Concessionaires Food Sanitation Guidelines

### Food protection

- Keep potentially hazardous foods (meats, poultry, seafood, milk, eggs) or any foods containing such products at 41° or below or 135° or above during storage, display, and transportation.
- Provide adequate facilities for maintaining foods at safe temperatures during preparation, storage, display, service and transportation.
- Provide visible thermometers in all hot and cold food units (including freezers) and metal-stemmed thermometers for monitoring internal temperatures of potentially hazardous foods during storage, service, preparation, and display.
- Store containers of foods off or above the floor, or ground, preferably a minimum of 6 inches.
- Provide an easily accessible “running water” hand wash station consisting of a 5-10 gallon turn-spout container of potable water, raised off the ground, with a catch bucket placed below.
- Provide and use soap and paper towels for hand washing.
- Stored packaged food refrigerated in drained ice. Do not allow product to rest in water.
- To prevent contamination from dust, flies, coughs, sneezes, overhead drippings, *etc.* cover food during preparation, storage, display, service, and transportation. Uncover only when actually preparing or serving to customers.
- Provide and use scoops for handling edible ice, store scoops with the handles out of ice. Do not store containers of food in edible ice.

### Personnel

- No smoking is allowed in food preparation, servicing, and utensil washing areas.
- All persons engaged in the preparation of the foods, and utensil washing must wear effective hair nets or hats.

### Food equipment and utensils

- For easy cleaning of food contact surfaces all utensils must be smooth, in good repair, not chipped or cracked. Enamelware and graniteware are not acceptable.
- All equipment surfaces must be smooth, in good repair and of approved materials. Non-food contact surfaces (stoves, refrigerators, shelves, tables, counters, deep fat fryers, *etc.*) must be kept clean.
- Ice contact surfaces must be smooth, easily cleanable. Do not use Styrofoam or similar containers for ice or food storage.
- Single service articles (cups, forks, spoons, straws *etc.*) must be stored, dispensed, and handled so that they are protected from contamination.
- A wash/rinse/sanitize set-up must be provided.

- A testing kit or device shall be provided that accurately measures the parts per million (ppm) concentration of sanitizing solution.
- Cleaned and sanitized utensils and equipment must be stored so that there is no danger of becoming contaminated. Do not towel dry utensils.

### **Hand washing**

- Provide water in separate containers for hand washing and utensil washing. Do not use the same container for both purposes.

### **Garbage and refuse**

- Store garbage in durable, washable containers. Do not use boxes, paper bags, or similar absorbent material.
- Keep all garbage containers covered with lids when not in use.
- Dispose of liquid and solid waste in designated areas only. Do not create a nuisance by disposing of such waste adjacent to food service establishments.

### **Fly and insect control**

- Prevent the entrance of flies by use of effective screening, air curtains, or similar material. **KEEP FLIES OUT.**

### **Poisons and toxic items**

- Store poisonous compounds (insect spray, oven cleaner, polishes, *etc.*) and bactericides and cleaning compounds (bleach, cleansers, soaps, detergents, *etc.*) so that there is no danger of contaminating food contact surfaces or utensils.

### **Floor clean**

- Floors must be kept free of dirt, grease, and other soil and food debris.

### **Light shields**

- Shield all lighting fixtures to protect against broken glass falling in to food.

## **Home-based Processing and Microprocessing**

On March 10, 2003, House Bill 391 was enacted allowing farmers who qualify to process, in their home kitchen, some value-added food products containing home-grown horticulture ingredients. Products produced under this program may be marketed at the following locations: farmers' markets listed with the Kentucky Department of Agriculture, Certified Roadside Stands listed with Kentucky Farm Bureau, or from the processor's farm. It is important to note that foods produced under this program may not be marketed or sold outside

these three restricted locations. Farmers or individuals who wish to process foods to sell or market to other locations, such as restaurants and grocery stores, will need to obtain a “commercial” permit from the Kentucky Food Safety Branch to operate.

In order to qualify, each product must contain a primary or predominant ingredient that has been grown, harvested, and processed by the farmer. Depending on the food items the farmer wishes to process and sell, interested farmers may apply for one or both of two separate permits to process foods under this program.

### **Home-based Processor**

This category allows the farmer to process whole fruit and vegetables, dried fruits and vegetables, mixed greens, fruit jams, fruit jellies, sweet sorghum syrup, preserves, fruit butter, bread, fruit pies, cakes, or cookies in his or her home kitchen. Because of special processing concerns, low-sugar, non-sugar (sugarless) or vegetable jams and jellies (for example, hot pepper or garlic jelly) are NOT allowed at this level of registration.

### **Home-based Microprocessor**

This category allows a farmer to produce some types of non-fruit (vegetable or herb) or sugarless jams/jellies in addition to acid foods, acidified food products, and/or low-acid canned foods. This includes, but is not limited to, tomatoes, green beans, salsa, barbeque sauce, pickles, chutney and similar products. The farmer may not have an annual net income of more than \$35,000 from the sale of the product.

You may process foods falling into the Home-based Microprocessor category from an approved kitchen outside your home.

To become certified the farmer must:

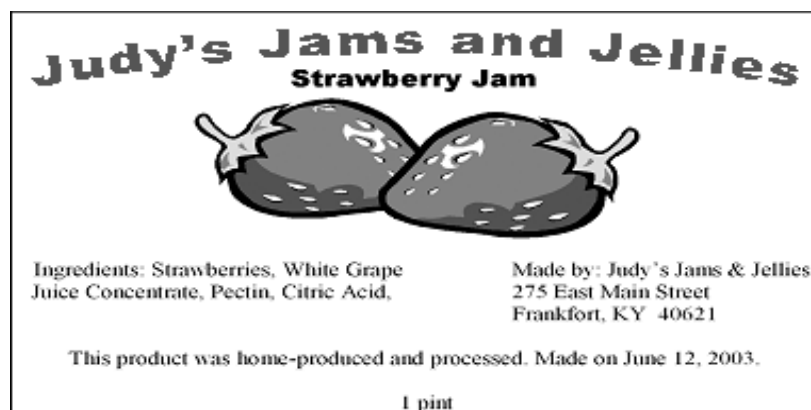
- Successfully complete the Home-based Microprocessor Workshop offered by the University of Kentucky Cooperative Extension Service (or an FDA-approved Better Process Control School).
- Have each recipe reviewed and approved by Dr. Sandra Bastin at the University of Kentucky, at a cost of \$5.00 per recipe.
- Apply for and receive certification through the Kentucky Department for Public Health – Food Safety Branch.
- Pay an annual \$50 fee.

**The following potentially hazardous foods are prohibited from either category noted above for both Home-based Processors and Home-based Microprocessors:**

- Canned, pureed baby foods
- Cheesecake
- Crème-filled pies
- Crème, custard and meringue pastries
- Custard
- Custard pies
- Foods containing meat and poultry
- Foods vacuum packaged in containers other than mason type jars
- Garlic-in-oil mixtures
- Pies with meringue
- Processed juices
- Raw seed sprouts
- Other foods as designated by the Food Safety Branch or the University of Kentucky.

**LABELS FOR ALL HOME BASED PROCESSOR/MICROPROCESSOR FOOD PRODUCTS SHALL CONTAIN THE FOLLOWING INFORMATION:**

- common or usual name of the food product
- name and address of the home-based processing operation, including street address, city, state, and zip code
- ingredients of the food product, should be listed in descending order of predominance by weight
- net weight or volume of the food product by standard measure or numerical count
- following statement in 10-point type: “This product is home-produced and processed”
- date the product was processed



**Example of Label Requirements**

**Home-based Microprocessor** labels are required to be attached to the approved recipe for each product and included with your application.

## **Water Source**

Water source approval is also a prerequisite for Home-based Processors or Microprocessors. If your kitchen is not connected to public water, it will be necessary to submit verification of water source approval from the Kentucky Division of Water (DOW) with your application. Typically, DOW requires that samples from private water sources be analyzed for Secondary Contaminants (15 parameters), Nitrates, and Nitrites. This analysis must be performed by a Certified Lab (See DOW web page <http://www.water.ky.gov/dw/profi/certlabs/> ). Usually, a chlorinator and retention tank are required.

Verification of water source approval must include: (1) DOW Plan Approval letter, and (2) a certification letter, addressed to this office, which attests that facilities have been installed to DOW specifications. The Drinking Water Branch can assist you with this at 502-564-3410.

## **Specific Product Requirements**

### **Permits for Processed Products**

Although the sales and marketing of whole, fresh, uncut fruits and vegetables generally does not require a permit to operate, the sales and/or marketing of processed food products in Kentucky typically requires some variation of a permit (or permits) to operate. When does a product become “processed?” Generally speaking, whenever you take a knife to a raw agricultural product, change its temperature and/or combine ingredients, it is a “processed” product. Packaged food products are also typically considered processed products.

Even though a product may be permissible or permitted by the state or local health department, the market may choose to not allow the sale of a particular product or products. In short, markets may make their own rules regarding what can and can't be sold at the market as long as the rules do not conflict with federal, state and local food safety rules.

You should always check with both your market and appropriate state/local food safety authorities before you plan to process and sell any of your products. Producers should be aware that processing a product, even minimally, increases the level of liability risk (and often food safety risk) undertaken by the producer.

It is important to remember that, depending on the circumstances surrounding a product's manufacturing, storage, and distribution, separate permits may be required for:

- The location where the food product is actually manufactured (permit to manufacture or process food);
- The physical location where processed food products are stored, if stored in a separate location from the manufacturing site (food storage warehouse permit); and
- The location where customer sales occur (prepackaged retail market permit).

For these reasons, it is important that you make every effort to communicate your manufacturing and sales plans to state and local health department officials well in advance of actual manufacture and promotion of the food product.

Farmers' market vendors have three general options for offering processed products:

- Marketing of Home-based Processed and Home-based Microprocessed foods that the farmer processes under the farmers' markets rules (See "Home Processing - HB 391").
- Marketing of commercially processed foods that the farmer manufactures under a "commercial" food manufacturing permit. The KY Food Safety Branch has prepared a document to help potential manufacturers understand the regulations relating to food manufacturing. "Commercial Food Manufacturing in Kentucky—A Starter Guide" brochure is available on the official KY Food Safety Branch website at <http://chfs.ky.gov/dph/info/phps/food.htm>. Note that this option also requires a Pre-Packaged Retail Sales Permit from the local health department to sell at the farmers' market.
- Marketing of commercially processed foods that were manufactured by someone else. "Commercial" production by another entity is often referred to as "private label" manufacturing. There are companies that will process your product for you, using your supplied recipe and label, thus eliminating the need for you to buy lots of expensive equipment. Particularly with regards to "high risk" manufactured foods, third-party manufacturing can also eliminate the need for you to complete Better Process Controls School training. Contact your processor early to give yourself time to make adjustments to your recipe, work on your label, and straighten out other details. This option typically requires a Pre-Packaged Retail Sales Permit from the local health department to sell at the farmers' market.

### **Pre-packaged retail sales permits**

Depending upon the exact circumstances of the operation and the food items being marketed, vendors marketing pre-packaged food items at a farmers' market location may qualify for either a "mobile retail sales" permit or a "prepackaged retail market" permit.

In general, a farmers' market location (or vendor) may meet the minimum requirements for a prepackaged retail market permit by providing the following: a restroom with an approved hand wash station; adequate facilities and equipment to maintain required frozen or cold-holding temperatures for foods being marketed; and a means to protect your prepackaged product from pests and the elements (rain, dust, *etc.*).

In non-permanent locations, where restrooms are accessible at a nearby business and approval is granted for their use, the local health department *MAY* consider the restroom requirement as having been met. For non-permanent farmers' markets sites where no restroom facilities are readily accessible (such as a parking lot, *etc.*), restroom requirements may be met by providing an adequate number of port-a-johns, with those vendors marketing foods that would necessitate a prepackaged retail food store permit, providing an approved hand wash station (*i.e.*, 5-gallon container of potable water that is equipped with a turn-spout dispenser and catch bucket placed below, with liquid soap and disposable towels) at their stand.

Farmers are bringing new and different products to the markets every season. The list that follows is not all-inclusive. It is intended to give some guidance on some more common products. If you have questions about a particular food, feel free to call and ask about requirements.

**Food products with special or more stringent regulatory requirements are listed after the table.**

Commodity - Specific Processing Options				
Item	Home-based Processor	Home-based Microprocessor	Commercial Manufacturer <sup>1</sup>	No Permit Required
Baked Goods	•		•	
Beans, canned		•	•	
Beans, dried	•		•	
Beans, snapped				•
Candies	•		•	
Corn, canned		•	•	
Corn, shucked				•
Fruit, canned	•		•	
Fruit, dehydrated	•		•	
Fruit, frozen			•	
Fruit, whole				•
Grains, milled	•		•	
Greens, mixed	•		•	
Greens, whole				•
Herbs, dried or blended	•		•	
Herbs, whole				•
Jams/Jellies, fruit	•		•	
Jams/Jellies, herb or veggie		•	•	
Jams/Jellies, no/low sugar		•	•	
Mushrooms, dried/powdered <sup>2</sup>	•		•	
Mushrooms, fresh <sup>2</sup>				•
Popcorn, prepackaged	•		•	
Relish		•	•	
Salsa		•	•	
Sauces		•	•	
Sorghum	•			
Syrup, maple	•			
Tomatoes, canned		•	•	
Tomatoes, dried	•		•	
Vegetables, canned		•	•	
Vegetables, frozen			•	
Vegetables, whole				•

<sup>1</sup>Products manufactured commercially may only be sold with an additional Mobile Retail Sales permit from the Local Health Department. Home-based products **DO NOT** have to have this additional permit.

<sup>2</sup>Only cultivated mushrooms of recognized safe species may be marketed. No mushrooms that have been gathered in the wild may be sold in any form.

## **Cheese**

The Home-based Processor/Microprocessor rules do not apply to dairy products such as cheese. Consequently, all dairy products offered at a farmers' market must be manufactured under a "commercial" permit. You are advised to contact Kentucky's Milk Safety Branch, (502) 564-3340, for more information regarding the manufacture of cheese and other dairy products that are intended to be marketed to the public at farmers' markets and other locations.

You may also purchase "commercially" manufactured cheeses for resale at a farmers' market. The marketing of these products will necessitate proper refrigeration at the market. This can be provided by a cooler with adequate provision for drainage of melted ice. The vendor will need to contact the local health department about obtaining a retail sales permit to sell this product at the market.

## **Eggs**

Farmers may sell up to 60 dozen eggs per week directly to consumers without a license. Eggs shall be kept refrigerated at a temperature of 45 degrees Fahrenheit during transport and storage.

To obtain a retail license you may visit our website at [www.kyagr.com](http://www.kyagr.com). At the home page, click on programs, after you click programs, click on Regulation and Inspection then click on Egg Marketing. On the left you will see a link to all the egg forms. Download, complete, and return to the address on the application along with your check or money order for \$20.00. Keep in mind that if you are selling in ways other than directly to the consumer, (i.e., retail store, restaurant, bakery or another distributor) you will have to have a wholesale/distributor's license. This application is also available in the forms. If you do not have access to the internet, you may contact the Kentucky Department of Agriculture Egg Law Section at (502) 573-0409. For additional information and regulations refer to the section on Eggs in this manual.

## **Ice cream**

The Home-based Processor and Home-based Microprocessor rules do not apply to dairy products, such as ice cream. Consequently, all dairy products offered at a farmers' market must be manufactured under a "commercial" permit. You are advised to contact Kentucky's Milk Safety Branch (502-564-3340) for more information regarding the manufacture of ice cream and other dairy products that are intended to be marketed to the public at farmers' markets and other locations.

You may also purchase "commercially" manufactured ice cream for resale at a farmers' market. The marketing of these products will require proper frozen storage at the market. This can be provided by a cooler with adequate provision for drainage. However, a powered freezer unit is recommended for

adequate storage of this particular product. The vendor will need to contact the local health department about obtaining a retail sales permit to sell this product at the market.

A Kentucky company is now processing “commercial” ice cream from producers’ own fruit for them to sell in small containers.

### **Jerky**

Jerky, as with all meat products, cannot be home processed. The processing of jerky cannot be conducted under the Home-based Processing and Home-based Microprocessing provisions of HB 391 and the Farmers’ Market rules regarding home processing. All jerky products must be processed in an approved “commercial” kitchen or under USDA inspection.

If your plans are to sell wholesale (to other retailers such as convenience stores or supermarkets) or to distribute your products out-of-state via Internet or through a shipping company such as United Parcel Service, the USDA would be the lead agency in assisting you with your plans as well as conducting inspections and permitting the operation. See chapter on meat sales.

In the event your plans involve the manufacture of jerky from USDA-inspected meat and exclusive direct-to-consumer (retail) sales at a farmers’ market, a Retail Food Store Processing permit would be required at the point of manufacture. The local health department in the county where the product is processed would issue this permit. As for all commercially prepared items, a prepackaged retail market permit is required to sell jerky at a farmers’ market. This permit is also obtained through the local health department. As a reminder, the jerky must be made from USDA-inspected and approved meat.

### **Melons, cut**

Fruits and vegetables that are cut onsite at a farmers’ market and are offered in an uncooked, ready-to-eat form can pose a number of food safety concerns. For instance, harmful pathogens found in the soil where these items are grown can be introduced into the “meat” of the product at the time the product is cut. Since the product is not cooked, there is no “kill step” to rid the product of these pathogens. Washing these products under potable, pressurized water is the key to reducing numbers of harmful pathogens that may be present. Pathogen removal by washing is particularly difficult for some fruits and vegetables containing rough surfaces, such as cantaloupes with netted rinds. This concern is compounded by the general lack of water under pressure at many temporary farmers’ market sites across the state. Because of these concerns, producers are generally restricted from selling melons cut on-site at a farmers’ market unless they have obtained a “farmers’ market temporary food service establishment” permit to operate.

Another option to consider is to market melons that are thoroughly washed and cut in a “commercially” permitted kitchen, under pertinent sanitary controls. All cut melons must be properly refrigerated.

### **Plant Sales**

- The Kentucky Office of the State Entomologist requires that every resident nursery or dealer selling nursery stock in the state obtain a nursery license through the State Entomologist office (KRS Chapter 249).
- If the plants being sold can be placed outdoors, survive through the winter, and then start growing the following spring, a nursery or nursery dealer license is required.
- Plants will be subject to inspection by an agent of the state entomologist once a year to check for presence of insect or disease pests. The agent may collect plant material for further identification of plant pests.
- Licenses are not required if the seller is only selling herbs, annuals, cut flowers, or garden mums.
- Any person soliciting orders for or delivering trees or plants in the state must carry a copy of their license to show prospective buyers, county officials, or state entomologist inspection agents on demand.
- Trees, plants, or parts of plants, whether nursery-grown or not, that are sold, shipped, or transported into Kentucky from another state must bear a copy of a certificate of inspection from a state or United States government inspector.
- To obtain a nursery license or if you have further questions please call the State Entomologist office at 859-257-5838 or visit [www.KyStateEnt.org](http://www.KyStateEnt.org).

### **Pet foods**

Though Kentucky’s Food Safety Branch does not regulate dog biscuits and other specialty pet foods, the Kentucky Commercial Feed Law requires that all commercial animal feeds be labeled for distribution. This program is administered by the Division of Regulatory Services in the College of Agriculture at the University of Kentucky.

Consequently, individuals who wish to manufacture dog biscuits and other specialty pet treats are required to register with the Division of Regulatory Services as well as meet specific labeling requirements of the law. For more information regarding the manufacture of pet treats, contact the Feed Program, at (859) 257-2785. Additional information may be obtained by visiting their web page at [www.rs.uky.edu/regulatory/feed/pet\\_treats](http://www.rs.uky.edu/regulatory/feed/pet_treats)

Pet treats such as dog biscuits should be clearly labeled for pets. Many specialty dog biscuits look good enough to eat, particularly to a small child.

### **Sandwiches/Prepared Meals**

Please refer to the chapter in this manual on “Cooking and Preparing Food at the Farmers’ Market”.

### **Seafood (Including Prawn)**

Seafood, such as fish or prawn, cannot be home-processed. The processing of this food cannot be conducted under the Home-based Processing or Home-based Microprocessing provisions of HB 391 and the Farmers’ Market rules regarding home processing. As a consequence, all processed seafood products such as fish fillets, steaks or pieces and prawn tails must be processed in an approved, state-inspected “commercial” facility or kitchen. The Mobile Processing Unit for Small Livestock Species (MPU), operated by Kentucky State University in partnership with Partners for Family Farms, the Kentucky Department of Agriculture and the Kentucky Department for Public Health — Food Safety Branch, may be an option for some entities to comply with the “approved source” requirements for seafood processors. For more information about this unit, contact Steve Skelton of the Kentucky State University (KSU) Research Farm at (502) 597-7501.

In short, the processing of seafood, including fish and prawn, cannot be conducted under HB 391 and the Farmers’ Market Home Processing rules. Additionally, the sales or marketing of processed seafood products at farmers’ markets will require a prepackaged retail market permit, obtained through the local health department.

### **Sprouts**

Sprouts (such as alfalfa) have been implicated in a number of foodborne outbreaks in recent years, including Salmonellosis and *E. coli* 0157:H7. Kentucky’s Home-based Processing and Home-based Microprocessing rules do not recognize sprouts as an “approved” food for non-commercial marketing. As a consequence, the production, sales and marketing of seed sprouts will require a “commercial” permit to operate. For more information contact the Kentucky Food Safety Branch at (502) 564-7181.

The above list is intended to serve as general guidance regarding the rules/regulations for manufactured food sales at farmers’ markets. The above guidelines are not intended to replace official laws and regulations which govern the manufacture and sales of the above-noted products. Consequently, there may be instances when a particular product or specific method or manufacturing process cannot be approved.

Additionally, the manufacture and marketing of food products at a farmers’ market or other location is not approved until the manufacturer and/or vendor obtains all necessary permits and inspections relative the product being manufactured and marketed.

Remember, all foods sold or marketed at a farmers' market must be from an approved source. For this reason, prior to the manufacture and marketing of these products, all prospective vendors are advised to contact pertinent federal/state/local health department personnel to obtain all required permits, registrations and certifications. Market managers/boards should also be consulted prior to the marketing of processed food products at a farmers' market.

## **Permits for Processed Products**

Although the sales and marketing of whole, fresh, uncut fruits and vegetables generally does not require a permit to operate, the sales and/or marketing of processed food products in Kentucky typically requires some variation of a permit (or permits) to operate. When does a product become "processed?" Generally speaking, whenever you take a knife to a raw agricultural product, change its temperature and/or combine ingredients, it is a "processed" product. Packaged food products are also typically considered processed products.

Even though a product may be permissible or permitted by the state or local health department, the market may choose to not allow the sale of a particular product or products. In short, markets may make their own rules regarding what can and can't be sold at the market as long as the rules do not conflict with federal, state and local food safety rules.

You should always check with both your market and appropriate state/local food safety authorities before you plan to process and sell any of your products. Producers should be aware that processing a product, even minimally, increases the level of liability risk (and often food safety risk) undertaken by the producer.

It is important to remember that, depending on the circumstances surrounding a product's manufacturing, storage, and distribution, separate permits may be required for:

- The location where the food product is actually manufactured (permit to manufacture or process food);
- The physical location where processed food products are stored, if stored in a separate location from the manufacturing site (food storage warehouse permit); and
- The location where customer sales occur (prepackaged retail market permit).

For these reasons, it is important that you make every effort to communicate your manufacturing and sales plans to state and local health department officials well in advance of actual manufacture and promotion of the food product.

Farmers' market vendors have three general options for offering processed products:

- Marketing of Home-based Processed and Home-based Microprocessed foods that the farmer processes under the farmers' markets rules (See "Home Processing - HB 391").
- Marketing of commercially processed foods that the farmer manufactures under a "commercial" food manufacturing permit (See the section on "Processing/Manufacturing Food for Commercial Sales"). This option also typically requires a Pre-Packaged Retail Sales Permit from the local health department to sell at the farmers' market.
- Marketing of commercially processed foods that were manufactured by someone else. "Commercial" production by another entity is often referred to as "private label" manufacturing. There are companies that will process your product for you, using your supplied recipe and label, thus eliminating the need for you to buy lots of expensive equipment. Particularly with regards to "high risk" manufactured foods, third-party manufacturing can also eliminate the need for you to complete Better Process Controls School training. Contact your processor early to give yourself time to make adjustments to your recipe, work on your label, and straighten out other details. This option typically requires a Pre-Packaged Retail Sales Permit from the local health department to sell at the farmers' market.

### **Pre-packaged retail sales permits**

Depending upon the exact circumstances of the operation and the food items being marketed, vendors marketing pre-packaged food items at a farmers' market location may qualify for either a "mobile retail sales" permit or a "prepackaged retail market" permit.

In general, a farmers' market location (or vendor) may meet the minimum requirements for a prepackaged retail market permit by providing the following: a restroom with an approved hand wash station; adequate facilities and equipment to maintain required frozen or cold-holding temperatures for foods being marketed; and a means to protect your prepackaged product from pests and the elements (rain, dust, *etc.*).

In non-permanent locations, where restrooms are accessible at a nearby business and approval is granted for their use, the local health department *MAY* consider the restroom requirement as having been met. For non-permanent farmers' markets sites where no restroom facilities are readily accessible (such as a parking lot, *etc.*), restroom requirements may be met by providing an adequate number of port-a-johns, with those vendors marketing foods that would necessitate a prepackaged retail food store permit, providing an approved hand wash station (*i.e.*, 5-gallon container of

potable water that is equipped with a turn-spout dispenser and catch bucket placed below, with liquid soap and disposable towels) at their stand.

## **Small Producer's Guidelines for Handling and Selling Eggs**

Eggs are listed on the hazardous food list by the United States Food and Drug Administration. You should exercise caution when handling and/or selling eggs that you produce. Regardless of operational size, careful egg handling and proper sanitation are absolutely essential. The purpose of proper cleaning of eggs is to remove bacteria, which might otherwise enter through the shell, multiply in the egg and result in sour or rotten eggs. The egg is obviously a balanced source of nutrients for the growth of many organisms. Thus, a cleaning procedure must be adopted to remove, destroy or inhibit growth of a wide range of bacteria.

Another reason that eggs are cleaned or washed is the value or price per dozen is higher for clean eggs than for dirty eggs. When eggs are laid, very few bacteria are present on the egg shells and essentially none inside the eggs. After the eggs have been laid they enter an environment full of bacteria, from wire cages, body or hen's feet, gathering equipment, hands of a worker or air. Although, many types of microorganisms are present on the shell, some have no economic or health significance while others, especially pseudomonas, are instrumental in egg spoilage resulting in rotten eggs.

With all of these microorganisms present, it is really incredible that more eggs do not spoil, especially when held for several weeks before consumption. The egg, however, has an amazing number of built-in antimicrobial agents that were probably designed to protect the developing embryo. These are both physical and chemical. These mechanisms will protect most eggs; however, when too many microorganisms are present, or when the eggs are improperly handled, the bacteria enter the eggs and may multiply rapidly. In order to assist you in safeguarding potential retail consumers and your family, we have provided the following guidelines that should be followed to help prevent illness.

- Do not come into contact with eggs if you have a communicable illness.
- Wear clean clothing.
- Practice correct hygiene.
- Do not smoke in the processing area because eggs may absorb these odors.
- Wash your hands at least every 2 hours, or as needed to maintain cleanliness, if you candle or handle eggs.
- Gather eggs frequently and wash them as soon as possible after collection. Remove badly soiled and cracked eggs before they are

washed and before they are candled. Eggs should be candled after they are washed.

- Eggs should be below 90 degrees Fahrenheit before washing as they can contract wash water. The suggested wash water temperatures are between 110 and 120 degrees Fahrenheit. Never let the temperature fall below 110 degrees Fahrenheit. Never have wash water more than 50 degrees Fahrenheit above the temperature of the egg as this will cause excess breakage. Change wash water every 4 hours, or more often if necessary.
- Use only potable water having an iron content of not more than 2 ppm to prevent the growth of bacteria.
- Use a good quality detergent, but do not use household detergents — they may cause discoloration and/or undesirable flavors in the eggs.
- Egg should not be immersed longer than is necessary to clean them. Because egg contents are damaged by prolonged exposure to high water temperatures, a timing device should be used to avoid leaving eggs for more than 3 minutes. No more than two to five baskets of eggs should be washed before replacing the solution.
- Spray rinse eggs with water at 20 degrees Fahrenheit warmer than the detergent solution. It is suggested that the eggs should be dipped in a sanitizer solution containing 200 ppm chlorine 20 degrees Fahrenheit warmer than the detergent solution.
- Never expose the eggs to temperatures greater than 128 degrees Fahrenheit during the cleaning process.
- Never put wet eggs into cartons or boxes because the wet eggs can pick up bacteria very easily.
- Gather eggs frequently. Clean, dry, candle, package and refrigerate immediately upon gathering.

If you are offering your eggs for sale at a farmers' market and you choose to use a chest type cooler that is maintained with wet ice, there must be a divider between the eggs and the area that holds the ice. The space between the ice and the eggs should be a minimum of three inches. At no time should the eggs/egg cartons that are kept in chest coolers come into contact with the ice or water from the melted ice. This exposes the eggs to bacteria, rendering them inedible. The space allowance between the eggs and the ice should also prevent eggs from freezing.

Clean and sanitize all of your equipment each time it is used to prevent the build up of bacteria and calcium deposits.

If your eggs are being sold, egg cartons used for packaging the eggs must be blank cartons with the nutritional labeling, refrigeration requirements, and safe

handling requirements on the cartons. **You may not use cartons or cases which are labeled by other businesses, and the cartons may not be re-used.** All cartons or cases are subject to the packaging and labeling requirements as specified in KRS 260.630. If you sell your eggs at the retail or wholesale level, you must license per KRS 260.600.

**If you sell more than 60 dozen eggs weekly, you must purchase a retail license.** If you sell your eggs to a retail store to be resold or to a distributor that will further distribute them, you must have a distributor's license.

To obtain a retail license you may visit our website at [www.kyagr.com](http://www.kyagr.com). At the home page, click on programs, after you click programs, click on Regulation and Inspection then click on Egg Marketing. On the left you will see a link to all the egg forms. Download, complete, and return to the address on the application along with your check or money order for \$20.00. Keep in mind that if you are selling in ways other than directly to the consumer, (i.e., retail store, restaurant, bakery or another distributor) you will have to have a wholesale/distributor's license. This application is also available in the forms.

If you do not have access to the internet, you may contact the Kentucky Department of Agriculture Egg Law Section at 502/573-0409.

### **KRS 260.630 Labeling Requirements**

(1) All wholesale egg packs consisting of cases or portions of cases shall bear a legible label designating contents; quality; quantity; date of packing and an expiration or best-by date; dealer's name, address, and plant number; and size and grade of eggs. Expiration dating shall include qualifying prefixes such as "EXP," "Expiration date," "Sell by," "Not to be sold after date on end of carton," "Purchase by," "Last sale date on end of carton," or other similar language denoting stock rotation. The dates associated with these prefixes shall be calculated from the date the eggs are originally packed into the container and may not exceed thirty (30) days including the day of pack. Best-by dating shall include qualifying prefixes such as "Use before," "Use by," "Best before," "Best by," or other similar language to generally indicate the maximum time frame for expected quality. The dates associated with these prefixes shall be calculated from the date the eggs are packed into the container and may not exceed forty-five (45) days including the day of pack. The letters on the label shall not be less than one-sixteenth (1/16) inch in height.

(2) Graded eggs shall be offered for sale in cartons or other consumer packs and shall be plainly and legibly marked as to grade; size; quantity; dealer's name, address, and plant number; and date of packing and an expiration or best-by date. Expiration dating shall include qualifying prefixes such as "EXP," "Expiration date," "Sell by," "Not to be sold after date on end of carton,"

"Purchase by," "Last sale date on end of carton," or other similar language denoting stock rotation. The dates associated with these prefixes shall be calculated from the date the eggs are originally packed into the container and may not exceed thirty (30) days including the day of pack. Best-by dating shall include qualifying prefixes such as "Use before," "Use by," "Best before," "Best by," or other similar language to generally indicate the maximum time frame for expected quality. The dates associated with these prefixes shall be calculated from the date the eggs are packed into the container and may not exceed forty-five (45) days including the day of pack. The marking letters shall not be less than one-sixteenth (1/16) inch in height. The information on the label shall not be altered or replaced. The quantity may be changed in accordance with KRS 260.610(4).

(3) Eggs offered for sale that are not in a carton shall be in a container that:

- (a) Contains all information required by this section; and
- (b) Displays the information in legible letters at least one-sixteenth (1/16) inch on a label attached to the container.

(4) The required label information on wholesale egg packs, cases, or portions of cases shall match the required label information on the carton or other consumer pack contained therein, with the exception of the dealer's name and address.

(5) If eggs are packed in retail "breakaway" cartons that can be divided by the consumer or retailer into smaller units for the purpose of selling lesser amounts of eggs, each half or portion of the container shall contain full information as required by subsection (2) of this section.

(6) Wholesale egg packs, cases, or portions of cases shall be used only in the following manner:

- (a) All original label information shall be redacted completely in such a manner so that it is obvious that the container is being reused;
- (b) The new label shall contain all of the information otherwise required by this section; and
- (c) The cases shall be clean, sturdy, and intact.

(7) Egg cartons cannot be reused.

(8) If a producer who sells directly to consumers only is using stock cartons, the cartons shall be labeled "ungraded" followed by "produced by:" (producer's name and address) and "sold directly to the consumer." This information may be hand printed on the carton if it is legible and appears on the top panel of the egg carton.

(9) Plastic or wire crates, change baskets, or racks may be used as wholesale packs without bearing the required label information only if the required label information is visible on the carton or consumer egg pack.

**KRS 260.610 Grade Identification - Handling - Conditions requiring removal from retail display - Retailers prohibited from repacking eggs into full cartons - Prohibition of sale or possession for sale of inedible eggs - Emergency recall plan.**

(5) No person shall sell, offer or expose for sale, or have in his possession for sale, for human consumption, eggs that are inedible, including eggs that are unfit for human food in whole or in part, addled or moldy, containing black rot, white rot, or blood ring, adherent yolks, or bloody whites, incubated beyond the blood ring stage, or consisting to any extent of filthy decomposed substance.

(6) No later than June 30 of each year, all packing plants and distributors shall submit an emergency recall plan to the department. The plan shall address policies and procedures that will be followed in the event of a recall of eggs or egg products pursuant to an inedible product designation, as described in subsection (5) of this section. If there have been no changes in the plan from the previous year, a statement to that effect shall be submitted in lieu of a plan on an annual basis.

**Effective:** July 15, 2008

**History:** Amended 2008 Ky. Acts ch. 66, sec. 4, effective July 15, 2008. -- Amended 2006 Ky. Acts ch. 215, sec. 2, effective July 12, 2006. -- Amended 1998 Ky. Acts ch. 208, sec. 4, effective July 15, 1998. -- Amended 1980 Ky. Acts ch. 120, sec. 17, effective July 15, 1980. -- Amended 1962 Ky. Acts ch. 195, sec. 1. -- Amended 1960 Ky. Acts ch. 36, sec. 2. -- Created 1956 Ky. Acts ch. 121, sec. 8.

**302 KAR 10:100 Refrigeration of eggs and temperature requirements  
RELATES TO: KRS 260.620**

**STATUTORY AUTHORITY: KRS 260.620**

**NECESSITY, FUNCTION, AND CONFORMITY:** KRS 260.620 requires the department to establish standards governing eggs offered for sale as graded eggs. This administrative regulation establishes the requirements relating to the refrigeration of eggs, including temperature, transportation, and labeling requirements.

**Section 1.** The refrigeration and temperature requirements in the standards of quality for shell eggs shall be governed by the following specifications:

(1) To prevent undue deterioration, a shell egg packed in a container for the purpose of resale to a consumer shall be stored and transported under refrigeration at an ambient temperature of forty-five (45) degrees Fahrenheit or seven and two-tenths (7.2) degrees Centigrade or less.

(2) Eggs, which are shipped across the state line into Kentucky, shall be transported under refrigerated conditions at the temperature as required by subsection (1) of this section.

(3) A shell egg that is packed into a container for the purpose of resale to a consumer shall be labeled with the following statement: "Keep refrigerated at or below forty-five (45) degrees Fahrenheit".

(4)(a) A person who takes possession of an egg in this state shall be liable for compliance with subsections (1) and (2) of this section.

(b) Upon receiving an egg, a person shall ensure that his supplier complies with the labeling requirements established in KRS 260.630.

(5) An egg that does not meet the refrigeration requirements either in transit, storage or display shall be seized or destroyed by a Department of Agriculture inspector. (24 Ky.R. 2242; Am. 2620; eff. 6-10-98.)

**260.550 Prohibition against buying, selling, or processing eggs without license -- Exceptions -- Stop orders and withdraw from sale orders imposed for certain violations.**

(1) No person shall buy, sell, trade, traffic, or process eggs in Kentucky without a license issued pursuant to the egg marketing law, with the following exceptions:

- (a) Hatcheries purchasing eggs to be used exclusively for hatching purposes;
- (b) Hotels, restaurants, and other eating places where all eggs purchased are served in the establishment;
- (c) Bakeries, confectioneries, and ice cream manufacturers who use eggs in a manufactured product;
- (d) Consumers buying eggs for their own consumption; or
- (e) Producers who sell only directly to consumers and do not exceed a sales limit of sixty (60) dozen eggs per calendar week.

(2) Any person engaged in the act of selling shell eggs or egg products under any of the following circumstances shall have all shell eggs and egg products placed under a stop order:

- (a) Selling or otherwise marketing shell eggs or egg products without a license;
- (b) Selling or otherwise marketing shell eggs or egg products without first submitting an emergency recall plan to the department; or
- (c) Failing to remit or pay fines owed to the department.

(3) Any person engaged in the act of selling or otherwise marketing shell eggs under the following conditions shall have those eggs placed under a stop order for:

- (a) Failing to have the proper labels attached, as required by KRS 260.630; or
- (b) Failing to meet the tolerances of consumer grades and consumer grade quality standards, as required by KRS 260.620.

(4) Any person engaged in the act of selling or otherwise marketing shell eggs or egg products shall have these shell eggs or egg products placed under a withdraw from sale order for the following reasons:

- (a) Ambient temperature above forty-five (45) degrees Fahrenheit for a period of four (4) hours or more; or
- (b) Contamination or any condition which may render the shell eggs or egg products unfit for human consumption.

The withdraw from sale order shall remain in effect until such time as the disposition of the shell eggs or egg products has been determined by the department.

**Effective:** July 15, 2008

**History:** Amended 2008 Ky. Acts ch. 66, sec. 2, effective July 15, 2008. -- Amended 2006 Ky. Acts ch. 215, sec. 1, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 40, sec. 2, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 208, sec. 2, effective July 15, 1998. -- Created 1956 Ky. Acts ch. 121, sec. 2, effective January 1, 1957.

For additional information or questions, please contact Bobbie J. Butler with the KDA Division of Regulation and Inspection. Bobbie can be reached at (502) 573-0409 or by email at [bobbie.butler@ky.gov](mailto:bobbie.butler@ky.gov).

## **Meat Sales at Farmers' Markets**

All meat and poultry being marketed to the public must be obtained from an approved source. This means that all meat products must be produced and packaged in an establishment under either a federal (USDA) or state (Food Safety) inspection program. Packaged meat products must: 1) bear the relevant mark of federal or state inspection, 2) be protected from contamination, and 3) be stored frozen or under proper refrigeration (41°F or below). Additionally, meat and poultry products shall carry safe handling information and a "use by" date.

**Home-processed or custom-processed meat and poultry, including wild game, may not be marketed or sold at farmers' markets.**

In general, the United States Department of Agriculture (USDA) has jurisdiction over most meat and poultry items. USDA inspection requirements, exemptions, and areas of jurisdiction are often complex. For this reason, producers should first consult with the Kentucky Food Safety Branch prior to any processing. Cuts of meat (including beef, pork, goat, etc.) and poultry (including turkey, chicken, duck, etc.) from species which are considered "amenable" by USDA must be processed in a USDA-inspected facility and bear the mark of USDA inspection. Although USDA has some exemptions for small poultry processors who raise, slaughter, and sell their own product, the Kentucky Food Safety Branch still requires USDA-exempt processors to

comply with state requirements if these products are intended to be marketed to restaurants, grocery stores, or at farmers' markets. A listing of USDA inspected processing plants in Kentucky can be found on this link:

<http://www.kyagr.com/marketing/meat-marketing.html>.

Other animal species, such as rabbit or quail, are considered non-amenable by USDA. This means that USDA requires a fee-for-service in order to inspect the product and provide the USDA mark of inspection. A vendor who wishes to process and market cuts from non-amenable species must ensure that: (1) the products were processed under USDA inspection protocols and bear the mark of USDA inspection; or (2) the products were processed in a permitted, state-inspected and approved facility. Vendors who market product under option number two (2) above shall carry to the farmers' market invoices and a copy of the processing facility's state permit — and be ready to provide this information upon request.

The Mobile Processing Unit (MPU) operated by Kentucky State University is an example of a small USDA-exempt poultry processing facility that is under a state permit to operate. Poultry products processed in this state-inspected facility do not receive the mark of USDA inspection but are considered "approved-source" products. It is important that vendors who market poultry products processed in this unit at farmers' markets be able to provide pertinent documentation (invoices, *etc.*) to health authorities which verify that the products are from an approved source.

Inspectional jurisdiction over seafood, including fish and prawn, is retained by the Food and Drug Administration (FDA) and the agency's state counterpart, in this case the Kentucky Food Safety Branch. All processed seafood marketed at farmers' markets must come from a permitted, state-inspected and approved facility. Vendors shall carry to the farmers' market pertinent documentation which can be used to verify that the product was obtained from an approved source. As addressed above, such documentation includes invoices as well as a copy of the processing facility's state permit.

Vendors selling meat, poultry, seafood and other commercially packaged processed foods should contact their local health department with regard to obtaining a mobile, prepackaged retail sales permit. The yearly permit is inexpensive (\$27) and allows you to sell other commercially processed products as well as meat and poultry. The permit expires annually on December 31.

Until you are ready to transport your meat and poultry products to the market, they must be stored in an approved manner, at safe refrigerated or frozen storage temperatures. If products are stored at home, they must be stored in a dedicated refrigerator or freezer, separate from personal use foods. Products must be stored at 0 degrees Fahrenheit, if frozen, or 41 degrees Fahrenheit (or colder) if refrigerated. The product must be transported and maintained at these temperatures at the market. This can be accomplished by either a

freezer or an ice chest/cooler. All units holding frozen or refrigerated product should contain a thermometer in order to monitor the temperature of the product at all times.

While a freezer is generally preferred, a heavy duty ice chest/cooler may also be used provided sufficient ice is available to maintain safe product temperatures. Styrofoam coolers are not approved. If you use an ice chest, the meat must be covered in the ice. You will also need to have provisions for melted ice to drain away from the product. The meat should NEVER be sitting or floating in ice water. Additionally, vendors should ensure that juices from one species (i.e., chicken) do not drip onto and contaminate another species (beef). Storing product in dedicated species-specific coolers or freezers is typically required in order to reduce the risk of cross-contamination from one species to another.

At the market you have to use a tent or large umbrella so the product is covered. At all times the product should be protected from human and environmental contamination, including insects and dust. Most activities involving the handling of meat and poultry, including packaged product, can cause your hands to become soiled. Consequently, the health department will typically require that each vendor provide a suitable portable hand wash station. A simple, health department-approved set up could consist of an elevated 5-gallon container of potable water that is equipped with a turn-spout dispenser or drain, with a catch bucket placed below the container. Liquid soap and disposable towels should also be provided at the hand wash station.

### **Risk**

All producers should consider the added risk of selling retail. The potential for loss could be great. Consult your insurance professional to discuss product liability insurance. You may also consider legally organizing the meat sales part of your farm business separately to protect your farm.

### **Displays and marketing tips**

Meat is hard to display while maintaining correct temperature and storage requirements. Customers are accustomed to looking through meat packages to choose the one with right marbling, size, thickness, etc. that they want. Good displays of most products at a farmers' market start with techniques that let the customer see and choose their selections. Meat in a freezer doesn't allow for such merchandizing. Therefore, you have to give your customers something else to draw them to your booth and select your product.

First, put a lot of effort into your signs. Describe your product to the customer. Tell them how thick the steaks are cut, describe the marbling, etc. Tell them why your product is different. If it is raised by your family on a nearby farm – tell them. Better yet, take photos of your farm and your family busy at work, blow those up to poster size and put them up on your booth. If your product is

grass fed, pasture raised, organic, etc., tell them, but also tell them why that it is important to you and why it is important to them.

Clearly display prices. If your chicken is \$3 per pound and most chickens weigh between 4-5 pounds, explain this. If ground beef is packaged in 2-pound packs, make this clear.

Recipes are important. Give a woman the answer to what she is cooking for dinner that night and she will be a steady customer. Offer “goes with” ideas as well to complete the meal. Feature seasonal fruits and vegetables as your “goes with” suggestions. Ask your fellow market members what recipes they have and use those. Cooperatively sell the makings for an entire meal with fellow vendors.

Many folks don't know how to cut up a chicken. If you are selling whole chickens you should get a printed guide to doing this and pass out copies. Another angle is to supply recipes for roasting or grilling whole chickens.

Make sure you have the meat arranged in the ice chest or freezer to facilitate getting to a certain cut to limit the time you spend in the container. This will help you maintain the correct temperature. Vacuum packed product will get air leaks in the package if pushed around too often. Also, it is nice to reach in and get a couple of packages for the customer to choose between.

Always carry business cards and price lists with you to the market. You will make a lot of contacts at the market that may result in sales from your farm. Make it easy for them to reach you or pass your name along to others.

## **Cuts**

Some producers report that only their higher end cuts sell. Some report success from offering package deals on their product that include the cuts that are slow sellers.

## **Price**

There are essentially two types of farmers' markets. There are price markets and specialty markets. At a price market, usually in smaller towns and rural areas away from urban areas, meat sales at a profit will be difficult. Customers are looking for a bargain. This type of market typically sets their prices to beat a large retailer like Wal-Mart. Except for a few customers, most will not spend more than what they can get the meat for at the local grocery store. If you can produce for this price and make a decent profit then it may be a good market for you. Customers at these markets may still want to buy an entire or half beef if they perceive this as a cost savings.

The other markets, the specialty markets, bring higher prices. They are usually in larger urban areas or in small bedroom communities that surround urban areas where customers are seeking a certain quality of product. In these markets a producer will get higher prices for higher quality or niche

products. They are usually the markets where there will be the most competition as well.

Though these generalizations do not hold true in every market, it is worthwhile for a producer to investigate the strength of the potential marketplace as part of his or her decision to offer retail meat sales.

## **Selling Honey at Kentucky Farmers' Markets**

Regulations for selling honey at Kentucky farmers' markets are the same as for selling honey anywhere in the state. Beekeepers who produce fewer than 150 gallons (about 1,800 pounds) of honey a year are exempt from regulations that require honey to be processed (extracted and bottled) in a certified food processing establishment, or from being required to obtain a permit from the state health department. Most beekeepers in Kentucky are smaller producers and fall under this exemption. However, legal labels are required on all containers of honey that are sold (see below).

If the beekeeper sells 150 gallons or more of honey per year, this honey must be processed in an inspected and permitted food processing facility. Regulations and permits that cover this type of facility are administered by the Kentucky Department for Public Health, Food Safety Branch. Beekeepers needing information on certification of food processing facilities should contact the Food Safety Branch in Frankfort at (502) 564-7181.

### **Legal honey labels**

Because honey is a single-ingredient product, and because most honey containers are not of unusual shape or size, the requirements for honey labels are relatively simple. Here is an outline of the regulations.

- **Identity of the product.** HONEY
- **Quantity of contents.** For honey this is most commonly stated in weight – ounces and grams, not pounds and not volume. You may state pounds if over 16 ounces.
  - A one-pound honey jar label should state “Net Wt.. 16 ounces (454 grams)” or “Net Wt.. 1 lb. (454 g).”
  - A two-pound jar should say “Net Wt. 32 ounces (908 grams)” or “Net Wt. 2 lbs. (908 g).”
  - A one-pint jar should say “Net Wt. 22 ounces (624 grams)” or “Net Wt. 1.38 lbs. (624 g).”
  - A one-quart jar should say “Net Wt. 44 ounces (1.2 kg)” or “Net Wt. 2.75 lbs. (1.2 kg).”

- **Name of manufacturer, packer, or distributor.** This is your name, or your company's name if you use a company name (*example:* "Cumberland River Honey Farm"). However, from a marketing standpoint, it is also good business to always put your name on the label. If you're selling a local product, people may know your name, but not your company's name.
- Address of manufacturer, packer, or distributor. You must put your address here, including street address, city, state, and ZIP code. However, if your name (or company name if that is what is on the label) is listed in the local telephone directory, the street address may be omitted. But again, from a marketing standpoint it's a good idea to give your address and phone number. If someone eats some of your honey at one of your customers' homes (and likes it!), it is in your best interest to make it obvious that that is YOUR honey, and to make it easy for them to contact you to purchase some.

*Special Note: You may also submit food labels to the Food Safety Branch for review. To do this, merely mail one of each label that you use (one of each size) to: Kentucky Food Safety Branch, 275 East Main Street, HS1C-F, Frankfort, Kentucky 40621*

*There is no fee for label review. Having your labels review beforehand can eliminate expensive printing mistakes.*

## **Soaps, Balms and Cosmetics Sales at Farmers' Markets**

### **Soaps**

Kentucky law exempts the manufacture of soaps from regulations provided that the label makes no medicinal claims. Few examples of medicinal claims might be:

- treats acne
- eases psoriasis
- eliminates rashes

Soaps that **DO** make medicinal claims will fall under federal regulations, and must be manufactured according.

### **Balms and Cosmetics**

Lip balms, lotions and any other cosmetics may be produced only by permitted manufacturer. Cosmetic manufactures are permitted by the

Kentucky Food Safety Branch and are subject to the same Rules and Regulations as any other food manufacturer. This includes having a commercial grade kitchen and a label review by the Food Safety Branch. Contact the Food Safety Branch for further information.

## Wine Sales at Farmers' Markets

Kentucky licensed small farm wineries may participate in fairs, festivals, and other similar types of events under KRS 243.155. The Kentucky Office of Alcoholic Beverage Control (ABC) recognizes registered farmers' markets.



This law allows Kentucky small farm wineries to sell the wine they produce by the drink or package. Wineries may participate in these events under the following conditions:

- A copy of the wineries' Kentucky ABC license is posted at the event booth.
- Only wines produced by licensed small farm wineries are sold at the event.
- No tasting or samplings of "free" wine and no wine may be advertised as "free." All wine must be sold for cost or above.
- No wine is sold, tasted, or offered **by the drink** unless local laws of the event territory permit drink sales.
- No wine sales on Sundays unless Sunday sales are approved by local ordinance of the event territory. (Check this before hand).
- No wine sales before or after hours. Hours of operation is established by local ordinance of the event territory (be sure to check the selling hours of the territory where the event is to be held).
- Persons selling wine to the consumers must be at least 20 years of age. (Check with your local ABC Administrator to see if there is a mandatory alcohol servers training ordinance requirement in their areas).
- Any person purchasing or consuming wine must be at least 21 years of age.

Contact your local ABC office to verify all local laws are adhered to.

Office of Alcoholic Beverage Control  
1003 Twilight Trail  
Frankfort, Kentucky 40601  
Office Phone: 502-564-4850      Fax Number: 502-564-1442

For additional information you may visit their website at: [www.abc.ky.gov](http://www.abc.ky.gov)

## **Hints for a successful wine display at farmers' markets**

Putting together a successful display of wines at an outdoor farmers' market has its challenges. The wind, weather, rain, and sun will require you to take a second look at each aspect of your booth. Start by reviewing the chapter on safety elsewhere in this manual to determine if your proposed set-up incorporates safe practices. Then read through the tips below to make your display dazzling.

These tips come to us from **Wildside Vines** in Woodford County, which sells at its local Farmers' Market.

- Make your booth elegant looking. Your product is more expensive than most at the market, and your booth should reflect your care and pride in your product.
- Have a small banner made stating your winery's name and location and hang it in a prominent location on your tent.
- Wine customers expect to be waited on and the wines discussed. Bring enough knowledgeable staff to man the booth while taking time with each customer.
- Keep a variety of wine on display at all times.
- Use sturdy wine racks or other strategies for displaying wines at various heights.
- Provide shade for your wine and your customers. Sunshine through glass is very hot and may degrade your product. This probably means using a pop-up tent. Make sure the tent is clean and attractive while being safely secured from the wind.
- Using a barrel as a prop in front of your table provide an attractive promotion for your product and adds a little extra table room.

## **KDA's Organic Certification Program**

### **What is Organic Agriculture?**

The specific definition of organic agriculture is a system that integrates cultural, biological, and mechanical practices that foster cycling of resources,

promote ecological balance and conserve biodiversity. The USDA National Organic Program (NOP) sets the standards and regulations that must be followed for agriculture products to be labeled and sold as certified organic.

### **What is CERTIFIED ORGANIC?**

Agricultural products can only be labeled CERTIFIED ORGANIC after the operation becomes certified through the USDA NOP by an accredited certifier, such as the Kentucky Department of Agriculture. A certifier will require an applicant submit an application of their operation and then inspect all aspects of the operation to determine if the production methods and inputs are allowed for organic production.

### **What is unique about CERTIFIED ORGANIC production?**

Generally speaking, synthetic fertilizers, synthetic pesticides, and any other synthetic products, sewage sludge, irradiation, and genetic engineering (GMO) can NOT be used to produce organic products.

### **Why be Certified?**

Marketing; many consumers specifically look to purchase certified organic products. Once certified, a producer can use the USDA Organic seal and market their products as organic. In some markets this might allow a producer to charge a premium for the product over a conventional product of equal quality.

Certified organic products can be viewed with confidence as the standards are codified into federal law and adherence to the regulations is monitored by a third party, a USDA accredited certifier such as KDA. Other labeling terms, such as “All Natural”, “Naturally Grown”, etc. may not have formal standards or an independent verification process to protect the consumer. The USDA accredited certifier is itself monitored and audited to verify it is correctly applying the regulations by the USDA National Organic Program.

### **Who needs to be certified?**

Producers who sell at least \$5,000 (gross receipts) of organic products are required to be certified. Producers selling less than \$5,000 worth of product are not required to be certified but are required to register with the Kentucky Department of Agriculture (KDA) Organic Certification Program in order to label their products as “organic” (must not say “certified”). There is no charge for registration of organic producers selling less than \$5,000. Registered producers also must adhere to the NOP guidelines for production the same as certified producers.

### **When do I become certified if I wish to sell certified organic products?**

Certification must be obtained before selling any CERTIFIED ORGANIC products, or when you expect to exceed \$5,000 in gross sales. The certification process typically takes a few months, so contact the KDA Organic

Certification Program well in advance of your needed certification. Each year in late winter applications are available and the earlier we receive the application the sooner we can begin the process.

### **How do I become certified?**

**1. Select a certifier** - KDA is the only accredited certifier located in Ky., but you can choose to use another certifier. However, they are considerably more expensive as you are responsible for an inspectors transportation costs.

**2. Complete the application process** – Applications can be obtained from the KDA organic website and can also be mailed.

**3. Pass an inspection** – An inspector will conduct an on-farm inspection of facilities, growing crops, all fields, etc. to insure compliance with the regulations.

**4. Be granted certification** – After the completion of the inspection another member of the organic program will review the information a determine eligibility for certification and an official “Organic Certification Certificate” will be mailed to you if you are deemed in compliance with the organic regulations.

**5. Recertify annually** – Steps 2 through 4 are repeated annually for all certified organic operations.

### **What is included in the application?**

An application {Organic System Plan} includes: a detailed description of the operation, a history of substances applied to the land in the previous 3 years, a list of products to be sold, and many details pertaining to production.

### **What products can be certified?**

Any agriculture product can be certified. The four areas of certification are: Crop, Wild Crop, Livestock and Handling/Processing. Any producer who is raising fruits, vegetables and other plants would complete a Crop Application. If that same producer also wanted to raise certified beef, that would require both a Crop Application and a Livestock Application as livestock must be raised on certified organic ground.

### **How much does it cost?**

If you select the Kentucky Department of Agriculture (KDA) as your certifier, the prices are as follows: \$250 for the first Scope (crop, livestock, wild crop, or handling/processing), plus another \$125 for each additional scope. There are additional fees for handling/processing if certified organic product sales exceed \$100,000.

Examples of KDA certification costs:

**\$250** for Crops only (including fruits, vegetables and all crops/plants grown)

**\$375** for Crops and Livestock combined (\$250 crops + \$125 Livestock)

**\$375** for Crops and Handling/Processing (\$250 crops for fruit trees + \$125 Handling/Processing if making and selling jams and jelly)

### **Where can I market my CERTIFIED ORGANIC products?**

Anywhere. Most certified organic producers in Kentucky market direct to the consumers through farmers markets, CSAs or on-farm markets.

Wholesale opportunities also exist.

### **Does KDA assist with marketing?**

KDA promotes all agriculture products through Kentucky Proud. Occasionally, KDA will host targeted meetings for a new potential market that might specifically want certified organic products.

### **What do these labels mean?**

**100% Organic** - All ingredients certified organic except water and salt which cannot be certified.

**Organic** - 95% of the product must be certified organic ingredients. The remaining 5% cannot have prohibited substances or GMOs.

**Made with Organic Ingredients** - 70% of the product must be certified organic and major certified organic ingredients must be identified in the ingredients statement.

This USDA Organic Seal can only be used by Certified Organic producers on products that are 100% Organic or Organic.



### **Where can I learn more about organic agriculture production and organic certification?**

For more information about organic agriculture and KDA's Organic Certification Program visit our website at [www.kyagr.com/marketing/organic-marketing.html](http://www.kyagr.com/marketing/organic-marketing.html) . You will find links to applications, the fee schedule, and other resources.

You may also contact Adam Watson, Organic Program Manager by calling 502-564-4983 Email: [organic@ky.gov](mailto:organic@ky.gov).

# **KENTUCKY DEPARTMENT OF AGRICULTURE**

## **EXAMPLES OF FORMS AND CERTIFICATES**

- **Good Agricultural Practices (GAP) Diploma**
- **Certificate of Sampling**
  - **Cooked or Processed Certificate**
  - **All Samples Certificate**
  - **University of Kentucky's Checklist for Best Practices for Sampling**
- **Gross Sales Recording Sheet**
- **KDA USDA NOP Certification Acknowledgement**

## Good Agricultural Practices Diploma

This diploma will be issued to anyone completing the Good Agricultural Practices (GAP) training course. **If you are currently holding a Good Agricultural Practices Certificate issued by our office, the Certificate is still valid. At present, no one is required to be re-trained or re-certified in GAPs.** *This is only a name change for the verification of training completed.*

Please refer to the chapter on Good Agricultural Practices in this manual for additional information.

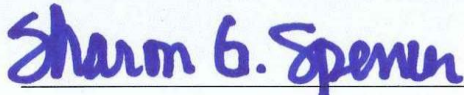



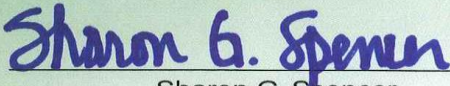
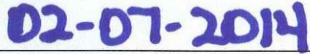
## Certificate of Sampling

There are two separate Certificate of Sampling issued by the Kentucky Department of Agriculture: Cooked and Processed or All Sampling.

**Anyone sampling at a KDA registered Farmers' Market would be required to have a Sampling Certificate on displayed at their booth.** This certificate is issued by the Kentucky Department of Agriculture office.

Please refer to the chapter on Food Sampling in this manual for additional information, guidelines and procedures to follow.

<b>KY DEPARTMENT OF AGRICULTURE CERTIFICATE OF SAMPLING COOKED OR PROCESSED</b>	
<b>Joe Farmer</b>	
has completed all training and requirements to offer samples of cooked and processed products as samples to customers at the following Kentucky Department of Agriculture registered farmers' market locations (s):	
<b>Downtown Farmers' Market Farm to City Farmers' Market</b>	
 Sharon G. Spencer Kentucky Department of Agriculture	 Date Issued <b>Expiration Date: December 31, 2015</b>

<b>KY DEPARTMENT OF AGRICULTURE CERTIFICATE OF SAMPLING ALL SAMPLES</b>	
<b>Joe Farmer</b>	
has completed all training and requirements to offer samples of cooked, processed and raw products as samples to customers at the following Kentucky Department of Agriculture registered farmers' market location (s):	
<b>Downtown Farmers' Market Farm to City Farmers' Market</b>	
 Sharon G. Spencer Kentucky Department of Agriculture	 Date Issued <b>Expiration Date: December 31, 2015</b>

## Checklist of Best Practices for Sampling at Farmers' Markets

We have laid the Best Practices out in chronological order: sampling event preparation, sampling deliver, and follow-up after the sampling event. We hope this helps you to think through preparing yourself and your products for sampling events.

### Sampling Event Preparation

- I present a professional and clean appearance of myself and my products
- I have access to signage to indicate that I am providing samples today
- I understand that signs can help draw people to my booth, improve product presentation, and can help build my product's identity
- I have food allergy warning signs, if applicable
- I understand the typical sampling packaging for my product(s) and have obtained all necessary materials
- I will prepare enough samples for approximately every person who stops by my booth on a regular market day
- I have presented my products in a way that I hope provides customers with easy access to samples
- I will have products available to sell on days I provide samples, and will showcase them on my table
- I have enough help (employees, volunteers, etc.) to provide samples during a busy market day
- I have taken the opportunity to define terms like "certified," "sustainable," and other phrases mean when I use those terms
- I have developed storage guidelines for my products available for customers that may be new or unfamiliar to handling my farm's products
- I have educational materials (recipe cards, nutrition information) available to my customers
- I have acquired the proper utensils, materials and equipment to provide my customers with a safe sampling experience
- I have the proper hand washing station set-up and the wash-rinse-sanitize station set-up
- If selling meat, dairy, or processed products, I understand my legal regulations for sampling and labeling those products
- I am prepared to keep my sample products cold or hot

- I will store all of my food products at least 6” off of the ground
- I will try putting the product I’m sampling on sale during the time we are sampling
- I have thought about offering coupons, gift cards, or special offers during sampling events
- As a market vendor, I have the necessary product liability insurance coverage for my farm

**Sampling Delivery**

- I understand that growing relationships with my customers is just as critical as producing quality products
- I am prepared to engage customers by offering samples to each of them
- I am making the effort to connect personally with my customers to improve the conversation and the business relationship
- I provide nutritional information, a list of ingredients, and health information when sampling
- I have prepared recipe cards or idea lists for customers to learn how to use my products
- I have simple, clear printed materials (like a brochure or website) that provide information about my product and how it is produced
- I will discuss the benefits of my product’s quality, freshness, or locally-grown attributes

**Follow-up After the Sampling Event**

- I have access to email, websites, social networking sites, and other communication channels to discuss products and availability
- I have thought about opportunities to create an event around sampling at different venues
- I have thought about working with other market vendors to do a pooled sampling event
- I have considered having a chef do a cooking demonstration using my products



To access our *Best Practices for Sampling at Farmers Markets: A Practical Guide for Farmers Market Vendors* publication online, please visit this link:

<http://www2.ca.uky.edu/cmssubclass/files/extensionpubs/2012-19.pdf>

For more information, contact Miranda Hileman at [miranda.hileman@uky.edu](mailto:miranda.hileman@uky.edu) or 859-218-4384.

**GROSS SALES AT YOUR FARMERS' MARKET**

On an annual basis the Kentucky Department of Agriculture provides the USDA and Kentucky agricultural agencies with data on Kentucky Farmers' Markets.

In order to provide accurate information and to properly represent the industry, our office asks a few questions on the registration form to gather data. One important question is the gross sales for the markets. This figure may be hard to obtain from growers but many markets collect this information by having vendors anonymously submit their sales either by the week or for the whole market season. The data supplied on the registration forms can be valuable information for additional funding opportunities or benefits that can be offered in the future.

By tracking sales at your market, you can better understand how your efforts and other factors may affect your market's success and will only assist you for future planning and improvements for your market. For example, advertising campaigns, special events, holidays and weather.

Without knowing your gross sales, especially over time, the market does not have any way to show its importance to the economic impact of their community.

Here's a sample that other markets have used that could come in useful for tracking your market sales.

**Table for Recording Market Information:**

Date	Agriculture Sales	Food Sales	Crafts Sales	Total Gross Sales	Number of Ag Vendors	Number of Food Vendors	Number of Craft Vendors	Total Number of Vendors	Weather Conditions	Attendance

Keeping this information can assist you with planning for the next market season especially if you are looking at expanding you market.

On the back of this sheet, you will find a sample vendor gross sales tracking slip for your vendors to complete after each market day or you can request vendors to report at the end of the year. As you will notice, no names are required on this form. Information can and should be submitted anonymously.

**VENDOR GROSS SALES**  
**TRACKING SLIP**

DATE: \_\_\_\_\_ GROSS SALES: \_\_\_\_\_

BREAKDOWN OF TOTAL GROSS SALES:

AGRICULTURAL: \_\_\_\_\_

PREPARED FOODS: \_\_\_\_\_

CRAFTS: \_\_\_\_\_

**VENDOR GROSS SALES**  
**TRACKING SLIP**

DATE: \_\_\_\_\_ GROSS SALES: \_\_\_\_\_

BREAKDOWN OF TOTAL GROSS SALES:

AGRICULTURAL: \_\_\_\_\_

PREPARED FOODS: \_\_\_\_\_

CRAFTS: \_\_\_\_\_

**VENDOR GROSS SALES**  
**TRACKING SLIP**

DATE: \_\_\_\_\_ GROSS SALES: \_\_\_\_\_

BREAKDOWN OF TOTAL GROSS SALES:

AGRICULTURAL: \_\_\_\_\_

PREPARED FOODS: \_\_\_\_\_

CRAFTS: \_\_\_\_\_

## Kentucky Department of Agriculture Organic Certificate – Sample

Please refer to the KDA Organic Certification Program in this manual to find out how to be certified.

<b>KENTUCKY DEPARTMENT OF AGRICULTURE USDA NOP CERTIFICATION ACKNOWLEDGEMENT</b>	
<b>This is to certify that:</b>	
<b>NAME</b>	
<b>Farm</b>	
Address	
City state zip	
<b><u>Is Certified Organic under the US National Organic Program 7 CFR Part 205.</u></b>	
The Kentucky Department of Agriculture has certified the following scopes and products.	
<b>Scope: Crop, Livestock, Handling, Wild Crop</b>	
<b>Products:</b>	
Once certified, a production or handling operation's organic certification continues in effect until surrendered, suspended or revoked.	
<b>Certificate #: ##-###-###</b>	
<b>Effective Date of Certification:</b>	
<b>Issue Date:</b>	
 James R. Comer Commissioner of Agriculture	 Kentucky Department of Agriculture
	KENTUCKY DEPARTMENT OF AGRICULTURE ORGANIC PROGRAM 100 FAIR OAKS LANE, 5 <sup>TH</sup> FLOOR FRANKFORT, KY 40601 (502) 564-4983, FAX (502) 564-0303
	

**Kentucky Department of Agriculture**  
***A Consumer Protection and Service Agency***  
**James R. Comer, Commissioner**



Office of Agriculture Marketing and Product Promotion  
100 Fair Oaks Lane, 5<sup>th</sup> Floor  
Frankfort, Kentucky 40601  
(502) 564-4983      [www.kyagr.com](http://www.kyagr.com)

***Nothing else is close.***



**Kentucky Department for Public Health**  
**Food Safety Branch**

275 East Main Street  
Frankfort, Kentucky 40621  
(502) 564-7181

<http://chfs.ky.gov/dph/info/phps/food.htm>



