

## Farmers Markets FAQs

### **\*How do I know if I need a permit?**

If you are providing consumables to the public at a Certified Farmers Market, then a permit must be obtained. Permits are issued by jurisdiction and may not be used in a different jurisdiction. Only one permit is needed per jurisdiction to be eligible to sell at all certified farmers markets within that jurisdiction.

Farmers Market Permit EXEMPTIONS are:

- Vendors selling commercially prepackaged (closed) shelf-stable foods;
- Raw agricultural products (whole, uncut fruits and vegetables; nuts still in their shell);
- Cottage Food Law vendors (see below);
- Properly labeled Honey and Honeycomb from a Small Honey Production Operation; and
- Free samples

### **\*How do I know if the Farmers Market is Certified?**

Farmers markets are certified through the Texas Department of Agriculture. A list of approved, certified farmers markets is available online:

<https://www.texasagriculture.gov/GrantsServices/CertifiedFarmersMarkets.aspx>.

### **\*What is difference between a Class A and Class B Permit?**

- Class A:
  - Vendors may only provide or sell pre-packaged time/temperature controlled for safety foods.
  - Beverages in closed containers (customer self-service)
  - Properly labeled Eggs (graded/ungraded) in new cartons.
  - Class A Farmers Market permits do not require food handler or food manager training or registration.
- Class B:
  - All types of foods are allowed, bulk dispensing, and beverages in closed containers (employee service).
  - Vendors may sell pre-packaged food items, dispense bulk food and prepare food onsite.
  - Class B Farmers Market permit must have an original Food Manager certificate posted at all operating booths. City of Austin jurisdictions require that the certificate is registered in the City of Austin.
  - Additionally, a Class B Farmers Market permit requires all employees that handle food must complete an accredited Food Handler Training course and readily make a copy of the certificate available upon request by the health authority or their agent.

**\*What are the Temperature Requirements of time/temperature control for safety food at a Farmers Market?**

Time/temperature control for safety food sold, distributed, or prepared on-site at a farmers' market, and Time/temperature control for safety food transported to or from a farmers' market shall meet the requirements of this section.

Stored frozen foods shall be maintained frozen.

All Time/temperature control for safety food sold at, prepared on site at, or transported to or from a farm or farmers' market at all times shall be maintained at:

- 41 degrees Fahrenheit (5 degrees Celsius) or below; or
- 135 degrees Fahrenheit (54 degrees Celsius) or above.

Raw animal foods shall be cooked to heat all parts of the food to the following temperatures:

- poultry, ground poultry, stuffing with poultry, meat and fish to 165 degrees Fahrenheit (74 degrees Celsius) for <1 second
- ground meat, ground pork, ground fish, and injected meats to 155 degrees Fahrenheit (68 degrees Celsius) for 17 seconds
- beef, pork, meat, fish and raw shell eggs for immediate service to 145 degrees Fahrenheit (63 degrees Celsius) for 15 seconds

Prepackaged, Time/temperature control for safety food, that has been commercially processed, to 135 degrees Fahrenheit (57 degree Celsius)

Raw or undercooked whole-muscle, intact beef steak may be served if:

- The steak is labeled to indicate that it meets the definition of "whole-muscle, intact beef" as defined in by the U.S. FDA Food Code Section 1-201.10 of this title (relating to Definitions) or
- The steak is cooked on both the top and bottom to a surface temperature of 145 degrees Fahrenheit (63 degrees Celsius) or above and a cooked color change is achieved on all external surfaces.

Raw animal foods cooked in a microwave oven shall be:

- Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat
- Covered to retain surface moisture
- Heated to a temperature of at least 165 degrees Fahrenheit (74 degrees Celsius) in all parts of the food and
- Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

Fruits and vegetables that are cooked shall be heated to a temperature of 135 degrees Fahrenheit (57 degrees Celsius).

Eggs. A farmer or egg producer that sells eggs directly to the consumer at a farm or farmers' market shall maintain the eggs at an ambient air temperature of 45 degrees Fahrenheit (7 degrees Celsius) or less.

### **\*What about Free Samples?**

Free samples of food may be prepared and distributed at a farmers market if the following sanitary conditions are met:

- Setting up a temporary handwashing station with potable water, soap, and paper towels for the washing of hands (and other infrastructure available for the washing of utensils, if applicable)
- Observing proper hand washing techniques immediately before preparing samples
- Wearing clean, disposable plastic gloves when preparing samples
- Removing by washing in potable water any soil or other visible material from produce intended for sampling
- Maintaining time/temperature controlled for safety foods at or below 41 degrees Fahrenheit or disposing of them within two hours after cutting or preparing; and
- Ensuring that cutting surfaces used for cutting samples and all utensils are visibly clean, smooth, nonabsorbent, and easily cleaned or discarded between uses.

A person who sells or provides a sample of meat or poultry or food containing meat or poultry must comply with Texas Health & Safety Code Chapter 433.

This section does not authorize the sale of or provision of samples of raw milk or raw milk products at a farmers market.

A cottage food production operation may only provide prepackaged/labeled samples of food described by Section 437.001(2-b)(A).

### **\*What is a Sample?**

A sample is defined as a bite size portion, not a full serving.

### **\*Do I need to have an agreement with a Central Preparation Facility (CPF)?**

Yes, it is City Ordinance that all permitted Farmers Market vendors have a notarized Central Preparation Facility agreement even if just for emergency use only. Your CPF is the food establishment where you store your foods between markets. A private home may not be used as a CPF. A CPF agreement must be on file with the City of Austin during the entire duration of the Farmers Market permit. Any changes in CPF providers must be reported to the Environmental Health Services Division immediately.

### **\*Do I fall under the Cottage Food Law?**

In order to qualify as a cottage food law vendor, you must be in compliance with the entirety of the law, including labeling requirements and NO open sampling. Cottage Food Law FAQs can be found by visiting this website: <https://dshs.texas.gov/foodestablishments/cottagefood/faq.aspx>. Detailed information on Cottage Food Production Operations can be found on this website: <https://dshs.texas.gov/foodestablishments/cottagefood/default.aspx>



**\*What is the cost of a permit?**

Please refer to our fee schedule on our website <https://www.austintexas.gov/department/farmers-markets> to review the fees for all Environmental Health Services fees.

**\*I only serve drinks; do I need a permit?**

Yes, the U.S. FDA Food Code (2017) defines any beverage as food.

**\*What do I need to apply?**

A completed Farmers Market permit application, a notarized agreement with a Central Preparation Facility, and current & valid government identification card along with any applicable fees. All applications must be submitted and approved before a permit can be issued. For application assistance, you may call (512) 978-0300. Permit approval is based upon compliance with state and local health ordinances. For the application for a permit to operate go to this page: <https://www.austintexas.gov/department/farmers-markets>

**\*How long is a permit valid?**

A Farmers Market permit is valid for one year from approval.

**\*Where do I get a permit?**

You may obtain a permit application online <https://www.austintexas.gov/department/farmers-markets> or at 1520 Rutherford Lane, Building 1 by appointment. Appointments can be made by calling (512) 978-0300. Turn in the completed application with applicable fees at least 10 days before your first market day. The Farmers Market Permit will be mailed to the business owner indicated on the application.

**\*Can I post copies of my permit?**

Environmental Health Services Division allows for copies of farmers market permits to be posted. These permits must be posted at every booth you are operating in all Certified Farmers Markets within Austin/Travis County, including Pflugerville, Sunset Valley and Bee Cave. Failure to post a copy of your current permit (within the valid jurisdiction) in a conspicuous location may result in a reinspection fee, legal charges, or closure of operations.

**\*Can raw milk be sold at a farmers market?**

No, raw milk and products made from raw milk cannot be sold at a farmers market.



**\*May I sell my own cattle or poultry that I have slaughtered at a licensed and inspected facility?**

Yes, meat or poultry products must come from animals processed in compliance with the regulations for livestock processing (Texas Health & Safety Code Chapter 433). A Central Preparation Facility contract or separate license is necessary for storage of meats and/or equipment between farmers markets (examples: USDA FSIS/Texas Meat Safety Assurance Section licensed slaughter plant, licensed Retail store or Restaurant with agreement, licensed Central Preparation Facility with agreement, or own licensed warehouse/facility).

**\*May I sell fish and other aquatic species at a farmers market?**

Yes, commercial fish vendors must possess a license from the Texas Park and Wildlife. Central Preparation Facility contract is necessary for storage of fish and/or equipment between farmers markets.