

# FRESHFARM Markets Rules & Procedures

**FRESHFARM**



**Markets**

**FRESHFARM Markets**  
**2012/2013 Rules & Procedures and Product Guidelines**

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# FRESHFARM Markets

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### Statement of Purpose

FRESHFARM Markets, a nonprofit (501c3) organization, creates and operates producer-only farmers markets in Washington, D.C., Maryland and Virginia and provides educational programs at these markets and in regional public schools. The organization is dedicated to building a sustainable, regional foodshed in the Chesapeake Bay watershed and to educating people about the benefits of sustainable agriculture. FRESHFARM Markets emphasizes the direct connection between local food choices and the quality and health of our environment and daily lives. FRESHFARM Markets favors farmers/growers who cultivate the land using sustainable agricultural practices or raise livestock using humane and sustainable practices. By providing these farmers/growers with direct markets for their products, FRESHFARM Markets helps sustain the regional farm economy and helps ensure the future of farming in the Chesapeake Bay watershed. The Rules & Procedures and Product Guidelines are used to ensure the integrity of all products sold at the FRESHFARM Markets. All farmers/growers and producers must adhere to these rules.

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### Eligibility

#### Producer-only Requirement

FRESHFARM Markets is a public service to support local agriculture and improve the quality of life in Washington, D.C., Maryland and Virginia. Participation in the farmers markets is only for regional farmers/growers who sell what they grow, raise or produce on their farm, and for local producers who make products featuring agricultural foods from the Chesapeake Bay region.

A farmer/producer may be a sole proprietorship, a partnership, or a corporation and shall include family members and employees who assist in the production and/or sales/marketing of the farm products. A farmer or producer may not be a cooperative. **The re-sale of agricultural products by farmers/growers or producers is not permitted and will be cause for immediate expulsion from FRESHFARM Markets. This includes selling goods from a neighboring farm.**

If you are not a farmer, you may be considered eligible to sell at FRESHFARM Markets as a Producer in one of the following categories:

**Baker:** makes freshly baked goods from scratch, using seasonal ingredients from the region as much as possible.

**Cheese Maker:** makes cheese and other value-added products from milk that is purchased from regional dairy farms. Or a dairy farmer who supplies milk to a regional Cheese Maker whose cheese is to be sold at market.

**Pasta Maker:** makes pasta and sauces from scratch, using seasonal ingredients from the region or a farmer who sells these ingredients at a FRESHFARM Market.

**Soap Maker:** hand crafts soaps and/or other health-care products using seasonal ingredients from a farmer who sells at a FRESHFARM Market.

**Meat Processor:** primarily operates a food processing facility that processes meat raised by regional farmers/growers.

**Fisherman/Waterman:** raises or catches fresh fish and shellfish, and uses local processing facilities for seafood products to be sold at market.

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**Specialty:** Other regional agricultural product(s) that are not currently available at market and the agricultural product(s) is/are an important specialty crop in our region.

**Food Concessions:** FRESHFARM Markets defines food concessions as ready-to-eat food that is prepared partially or entirely at market. At specifically designated farmers markets, a limited number of food concessions may be admitted to sell food and beverages prepared on-site so long as they have all the licenses required to do so. Such foods must be made from locally sourced ingredients and uphold FRESHFARM Market's core mission of building a sustainable, regional food shed in the Chesapeake Bay watershed.

**Winemaker:** makes wine from grapes or other fruits grown on the winery's property or from grapes grown locally.

### **PLEASE SEE THE PRODUCT GUIDELINES BELOW FOR DETAILED REQUIREMENTS.**

FRESHFARM Markets recognizes a growing complexity in what producer-only rules mean due to the increasing number of foods at market that require on- or off-farm processing and the increase in entrepreneurial strategies that farmers/growers are using to bring regional products to market.

FRESHFARM Markets regards these activities as indicators of a healthy adaptation due to access to direct markets and part of the process of building a viable local food economy. In making a case-by-case decision about these farmers/growers, producers and their products, FRESHFARM Markets will use a balance of factors: quality of product(s), scarcity of product(s) in the markets, diversity of product mix in the markets and traceability of the farmers/growers and producers.

### **Regional Qualification**

To sell at the FRESHFARM Markets in Washington, D.C., all farmers/growers and producers must be from the Chesapeake Bay watershed region (including the states of Delaware, Maryland, Pennsylvania, Virginia and West Virginia), and preferably within a 200-mile radius of Washington, D.C.

Farmers/growers and producers at the FRESHFARM Markets in Maryland and Virginia must also be from the Chesapeake Bay watershed. Preference is given to farmers/growers and producers who are closer to each market site. For instance, for the St. Michaels FRESHFARM Market, preference is given to farmers/growers and producers from the Eastern Shore of Maryland.

Applications from other areas will be reviewed and may be admitted to FRESHFARM Markets on a case-by-case basis.

### **Product Guidelines**

Farmers/growers and producers must abide by all applicable federal, state and local health regulations in the harvest, preparation, labeling and safety of the product(s), s/he brings to market. Farmers/growers and producers will be responsible for obtaining and paying for any permits and licenses required by the District of Columbia and the states and counties where markets are located in Maryland and Virginia. All permits and licenses must be kept current for the entire market season.

Producers must include a copy of all applicable permits for production and sale, including those from the health department of the state or county where the products originate, as described below in the "Producer Certificates/Licenses/Permits" section (see Page 10). **AN APPLICATION IS NOT CONSIDERED COMPLETE WITHOUT THE INCLUSION OF ALL APPLICABLE PERMITS FOR ALL PRODUCTS.** Farmers/producers must have submitted all required application materials before attending

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markets.

Products not specifically listed under the FRESHFARM Markets Product Guidelines will be reviewed on a case-by-case basis and admitted (or not) at the discretion of the market management. If a farmer or producer wishes to add product(s) to their market offerings they must inform market management and get approval before bringing the products to market. If non-approved products are brought to markets, management will request they be removed from the farm stand.

**FRESHFARM Markets strives to maintain a high level of quality at all markets, and any new producers of prepared foods, baked goods or value added products must supply samples upon request prior to acceptance to any FRESHFARM Markets.**

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**Baked Goods:** No commercial mixes, crusts or flavored fillings may be used. Baked goods to be sold at market should highlight regional produce and seasonal ingredients. Bakers who use local eggs, grain, butter and dairy are given preference over those who source nationally. At least **60% of ingredients** in the fillings of fruit or vegetable pies and tarts must be from the farmer or producers' own production or purchased from regional farmers/growers.

**Canned Fruits and Vegetables:** Canned fruits and vegetables must be from the farmer's own produce. If processed off-farm the farmer must supply FRESHFARM Markets with the name, address and telephone number for the facility where the produce is processed. Canned fruit and vegetables made from produce not grown by the producer but sourced locally will be admitted on a case-by-case basis.

**Cider:** Cider must be produced from the farmer's own or leased orchard, but may be processed off-farm in a facility that ensures the cider is made with the fruit from that orchard. Contact information (name, address and telephone number) for the mill where the cider is pressed and processed must be provided to FRESHFARM Markets management.

**Condiments:** Condiments such as mustard, relish or ketchup must be made by the farmer/producer using his/her own produce or produce from regional farmer. Exotic, out-of-region ingredients may be used if the condiment complements the product line.

### **Dairy:**

- a. **Fresh Milk:** Fresh milk must be 100% from the farmer's own herd. Exotic out of region flavorings may be purchased and used minimally (e.g., chocolate for chocolate milk).
- b. **Cheese and Butter:** FRESHFARM Markets accepts both farmstead (made from dairy from the producer's own herd) and artisanal (made from dairy purchased by the producer from a local farm) cheese and butters. For artisanal cheese or butter, all milk purchased must be from regional farmers. The cheese/butter maker must provide contact information (owner, farm name, address, telephone number and directions) for the farms from which the cheese maker is buying the milk. A dairy farmer selling farmstead cheese made from their milk by a regional cheese maker must provide contact information (name, address, and telephone number) for the location where the cheese is made.
- c. **Yogurt and Frozen Dairy Products:** Yogurt and frozen dairy products must be made with milk produced by the farmer or sourced from a regional farmer. Locally available flavoring agents (e.g.

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fruit or honey) must be sourced locally. Exotic, out-of-region flavorings (i.e., chocolate, avocado and pomegranate) may be purchased and used minimally.

**Dried Fruits and Vegetables:** Dried fruits and vegetables must be from the farmer's own produce. If fruits/vegetables are dried off-farm, farmer must supply information about location (name, address, and telephone number) where they are dried.

**Eggs:** Eggs must be from the farmer's own fowl. **No re-sale of another farmer's eggs is allowed by any farmer or producer.**

**Farm-Related Merchandise:** The intent of the FRESHFARM Markets is for farmers/growers and producers to sell fresh food. On a case-by-case basis, we will allow farmers/growers to sell farm-related merchandise (e.g., tee-shirts, bags, caps, cookbooks, note cards with farm scenes). This farm-related merchandise must constitute a small portion of the product mix that the farmer is selling at market. All farm-related merchandise must be shown to the market management for advance approval before selling the item(s) at any FRESHFARM Market.

**Fish and Shellfish:** Fish and shellfish must be raised or caught by the fisherman/waterman. Farmed fish or shellfish will be considered on a case-by-case basis. Fisherman/waterman must hold a commercial fishing license and submit a copy of the license. Contact information (name, address and telephone number) for any facilities where fish and shellfish is processed must be provided to FRESHFARM Markets management.

**Flavored Oils and Vinegars:** Flavored oils and vinegars must be prepared by the farmer using his/her own produce. Exotic, out-of-region, ingredients (such as olive oil) may be purchased and used minimally and only as necessary.

**Flowers, Plants and Trees:** Flowers, plants, bedding plants and trees must be from the farmer's own farm or greenhouse. Producers must start bedding, potted plants and flowers either from seed, cell pack, bulbs, cutting, or plugs or received dormant (e.g. azaleas, hydrangeas, and roses). Producers must plant or repot all plant material. **No re-sale of flowers, plants and trees will be allowed by any farmer or producer.**

**Frozen Non-dairy Fruit Products:** Frozen fruit products (e.g., sorbets and dairy-free ice pops) must be made by the farmer. Flavoring agents (e.g., fruits) must be from the farmer's own production or purchased from regional or FRESHFARM Markets farmers/growers. Exotic, out-of-region, flavorings (such as vanilla, chocolate, and citrus) may be purchased and used minimally and only as necessary in the product. 75% of flavorings in total frozen, non-dairy fruit product offerings at market should be locally sourced. For instance, if there are four flavors, only one can be an exotic, out-of-region flavor. No commercial products or mixes may be used.

**Grain Products:** Granola, baking mixes, meal and flour prepared by the farmer or producer must be made from fresh and regional produce when available. Exotic, out-of-region ingredients (such as olive oil) may be purchased and used minimally and only as necessary. No commercial products or mixes may be used. Dried fruit for the granola must be produced by the farmer or purchased from regional or FRESHFARM Markets farmers/growers.

**Honey:** Honey must be from the farmer's own hives, but may be processed off-farm. The farmer must

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provide the FRESHFARM Markets management with the name, address and telephone number of the facility where the honey is processed or the name and telephone number of the beekeeper who is processing the honey and the location at which it is processed.

### **Meat:**

- a. **Livestock Farmers:** All meat products must be 100% from the animals raised from weaning by the farmer. Animals may be butchered and/or processed off-farm. The farmer must provide copies of any processing permits and contact information (name, address, and telephone number) for any processing facilities used during the market season.
- b. **Meat Processors:** all meats must be raised by farmers/growers in the region defined by FRESHFARM Markets that is the Chesapeake Bay watershed region, preferably a 200-mile radius of Washington, D.C. All meat products sold must carry the identification of the individual farmer and the Meat Processor identification. The names, addresses, and telephone numbers of all farmers for whom meat is processed must be provided as part of the FRESHFARM Markets application process.

**Pasta:** Eggs for the pasta must be from the farmer's fowl or purchased from regional or farmers/growers. Preference is given to pasta makers who use local grains and potatoes (in the case of gnocchi). Fillings for the pastas must be from the farmer/producer's own produce or purchased from regional or FRESHFARM Markets' farmers/growers. Exotic, out-of-region ingredients (such as olive oil and imported wine or cheese) may be purchased and used minimally and only as necessary.

### **Prepared Foods:**

- a. **Foods prepared off-site:** Must follow the guidelines outlined in this document for the particular product. Locally available fruits, vegetables and meat in prepared foods should be from the farmers own production or sourced from regional farmers. Preference will be given to prepared foods that use local dairy, eggs, grains or other ingredients where applicable. Exotic, out-of-region ingredients may be purchased and used minimally and only as necessary.
- b. **Food Concessions** (foods prepared entirely or partially on-site): Please see "Food Concession Guidelines" on the following page.

**Preserves, Pestos, Jams, Fruit Butters, Syrups, Purées, Salsas:** Preference will be given to farmers making preserves, pestos, jams, fruit butters, syrups, purées and salsas from fresh fruits and vegetables grown on their farm. However, artisanal products in this category will be reviewed on a case-by-case basis. Artisanal producers in this category must source the primary ingredients in these products from regional farmers and producers. Exotic, out-of-region ingredients (e.g. olive oil and vinegar) may be purchased and used minimally.

**Produce:** All produce, defined as vegetables and fruits, offered for sale at the FRESHFARM Markets must be **100% grown by the farmer**. The re-sale of produce is strictly prohibited.

**Soaps and Herbal Products:** Soaps and herbal products include fresh and dried herbs, creams, spritzers, powders, lip balms and scrubs. Soaps and herbal products must highlight regional produce and seasonal ingredients. Exotic, out-of-region, ingredients (such as oils and essential oils) may be purchased.

**Wine:** Wine must be made at a local vineyard and exclusively from locally grown grapes or fruit, either

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grown at the vineyard itself or obtained locally. Wines made from grapes or fruit grown out-of-region may not be sold at market.

**Wool and Pelts:** Wool and pelts must be from the farmer's own animals or purchased from regional farms, but may be carded, cleaned, or spun off-farm. No more than 25% of exotic, out-of-region, fibers may be added to the yarn during processing and spinning. For pelts, animals may be processed off-farm. The farmer must provide the FRESHFARM Markets management with the name, address and telephone number for the facilities where wool and pelts are processed.

For products made with the farmer's wool, including blankets, socks, mittens, scarves and caps, the farmer must provide information on any processor that is involved in making these products (e.g., where are the blankets being made?) and which products the farmer is making.

Preference will be given to those selling wool or wool products from their own herd.

**Seasonal Farm Products and Crafts:** Seasonal farm products and crafts produced from materials grown or gathered on the farm by the farmer, such as flower or herb bouquets or wreaths and foraged plant materials are allowed at the market management's discretion. Decorative accents (e.g. ribbon) may be used sparingly, but no artificial foliage, fruit or vegetables may be used. Christmas trees sold at FRESHFARM Markets must be grown by the farmer.

**Other Farm Products:** Other farm products sold at the FRESHFARM Markets must be homemade of material grown, processed or gathered predominately by the farmer/producer. These products include compost, mulch and custom potting mix.

### Food Concession Guidelines

Food Concessions are ready-to-eat foods that are prepared partially or entirely at market. **FRESHFARM Markets will consider admittance of a limited number of food concession stands on a case-by-case basis.**

Products must be made primarily from the farmers/producers own produce, dairy, meats, and cheeses, or made from ingredients purchased from regional or FRESHFARM Markets' farmers/growers. Exotic, out-of-region flavorings and ingredients (such as vanilla, chocolate, olive oil and citrus) may be purchased and used minimally and only as necessary in the product. All prepared, ready-to-eat food producers should be familiar with what is at market and adjust their offerings to reflect what is seasonal. Process and equipment must meet all standards set out by the city/county/state in which that specific market exists, and any permits required must be obtained and copies submitted to FRESHFARM Markets with the annual application.

Guidelines which food concessions are required to abide by, and permits that must be obtained, are different for each market. The individuals that hold these specific permits must be present at all markets for the Concessionaire to sell at each specific market. The permits required are as follows:

DC markets:

Guidelines: DC Special Event Food Concession (NOTE: You are not required to submit the signed

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form to the DC Department of Health, only to abide by the guidelines.)

Permits Required: Food Handlers Permit (contact your local health department)

Silver Spring and Bethesda markets:

Guidelines: Montgomery County Farmers Market Sampling Guidelines

Permits Required: Montgomery County Farmers Market License. Issued by the Montgomery County Department of Health and Human Services, Licensure and Regulatory Services (240-777-3986). Fees and license type vary depending on whether you are a farmer or a non-farmer so please consult with the county on which type of license is appropriate for you.

St Michaels market:

Guidelines: Minimum Health Standards for Special Food Events in Talbot County

Permits Required: Food Handlers Permit (contact your local health department)

Annapolis market:

Guidelines: Anne Arundel County Guidelines to Meet Requirements for Temporary Food Service Facilities (NOTE: You are not required to get the food service permit referred to in this document, only to abide by the guidelines.)

Permits Required: Food Handlers Permit (contact your local health department)

Crystal City Market

Guidelines: Guidelines for Vendors in Arlington County

Permits Required: Vendor's License & Certified Food Manager Certificate

Important Notes: Vendor must have a base of operation and must sell from a cart or conveyance

### CONTACT INFORMATION

Montgomery County Department of Health and Human Services, Licensure and Regulatory Services  
(240) 777-3986  
Kenny Welch

Anne Arundel County Health Dept  
(410) 222-7239

Talbot County Health Department; Office of Environmental Health  
(410) 770-6880  
Amy Hunt

Arlington County Public Health Division  
(703) 228-7400  
Rick Snaman

### Application Procedures & Requirements

For 2012 there are two ways to apply to FRESHFARM Markets: online ([http://freshfarmmarkets.org/farmers\\_producers/farmer\\_producer\\_application.html](http://freshfarmmarkets.org/farmers_producers/farmer_producer_application.html)) or via a paper

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application (call 202-362-8889 to request a copy). FRESHFARM Markets strongly prefers that all farmers/producers apply online and reserves paper applications only for those farmer/producers who do not have internet access.

### **Farmers/Growers and Producers Application Fees**

Farmers/Producers must pay an annual application fee upon acceptance to FRESHFARM Markets. **All application fees must be paid annually by check or money order payable to “FRESHFARM Markets.” Application fees are due with your application, unless you are new in which case do not send a check until you are accepted to a market.**

Application fees for the market season will be as follows:

- **NEW Farmers or Producers:** \$50 total for first year’s application
- **RETURNING Farmers/Growers:** \$25 total for any/all markets, including winter markets
- **Producers** (Bakers, Soap makers, Specialty Products): \$50 total for any/all markets
- **Farmers/Growers who are also Producers:** \$50 total for any and all markets
- **Food Concessions (foods prepared on-site):** \$100 total for any/all markets

### **Product Samples**

Product samples must be furnished upon request prior to admittance to FRESHFARM Markets. FRESHFARM markets reserves the right to request product samples for the purpose of assessing quality at any time during the market season.

### **Insurance**

All FRESHFARM Market farmers/growers and producers must carry insurance for general liability and property damage, as well as product liability coverage, in an amount not less than \$500,000. The policy shall name FRESHFARM Markets and other entities, if determined to be necessary, as added insureds, and shall maintain all other coverage as required by law. A copy of the Certificate of Insurance must be provided with the application to the FRESHFARM Markets. If insurance expires mid market season, the farmer or producer must provide FRESHFARM Markets with a copy of the renewed insurance policy at the time of policy expiration.

**If you are a Meat Processor**, all the farmers/growers for whom you process foods that will be sold at FRESHFARM Markets must carry insurance for general liability and product liability of not less than \$500,000. If you as the Meat Processor are providing insurance coverage for these farmers/growers, a copy of the policy naming those farmers/growers must be provided with your application as proof of insurance coverage.

### **Farm Visits and Inspections**

All farmers/growers and producers are subject to annual farm or business visits and inspections. **All new farmers/growers and producers will be visited before approved to sell at any FRESHFARM Market.** FRESHFARM Markets representatives may inspect any farm or establishment used by its farmers/growers or producers during normal business hours (8:00 am-6:00 pm) to verify compliance with the producer-only requirement. Such inspections may or may not be announced.

The farmer or producer must provide any help necessary to thoroughly document the establishment or

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property being inspected and the products brought to market and/or listed in the annual application.

Failure to permit a farm visit or inspection may result in suspension from the FRESHFARM Markets. A farm map identifying locations of crops and directions to the farm and other establishments must be submitted with the FRESHFARM Markets application.

### **Leased Property**

If you are a farmer or producer who leases property for products that will be brought to market, you must include a copy of the signed lease agreement(s) with the annual market application. You must also submit a crop plan and farm map for the leased property and be willing to provide, upon request, receipts for planting or labor on the leased property. Leased property is also subject to inspection by market management.

### **Market Agreement**

All farmers/growers and producers must complete and sign a FRESHFARM Agreement as part of the annual application process to the FRESHFARM Markets.

### **Farmer Certificates, Product Plans, and Labels**

A current product list must be submitted with the application to the FRESHFARM Markets. **NOTE: First-time farmer applicants to FRESHFARM Markets must provide the Farmer Certification Form, and it must be signed by your County Extension Agent or other 3<sup>rd</sup> party inspector (i.e., USDA Organic, Food Alliance) as verification of your farmer status.**

Only items listed in your completed application can be sold at the FRESHFARM Markets. You must list all food and products that you plan to bring to market. **Items not listed will be allowed for sale only with advance approval by the FRESHFARM Markets' management.**

**If you want to bring additional or new products to market that are not on your original market application, you must let market management know in writing what those products are and get approval from market management before bringing these products to market.**

Livestock farmers must submit product labels for at least (1) cut of meat they intend to sell at market. This label must adhere to the product labeling guidelines as mandated under the Federal Meat Inspections Act and should serve as a baseline for all meat products sold at a farmers market.

Poultry farmers must also submit product labels for at least (1) poultry product that they intend to sell at market to serve as a baseline for all products. These labels should adhere to the Poultry Products Inspection Act. The farmer must provide labels for each slaughtering process they intend to use, i.e. Federal inspected facility, state inspected facility, or on-farm slaughter.

If poultry farmers are on-farm processing/slaughtering their poultry, they should submit any and all certificates needed to do so within their state.

Egg producers must submit (1) product label they intend to use on their product for each market they apply for admittance. This will also serve as a baseline for all products for sale at each farmers market the producer has applied to. They must also submit any and all certifications required by their state to be an egg

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producer as well applicable certifications required in the state where the producer's market operates.

### Certificates/Licenses/Permits

All products must comply with local, state, and/or federal health ordinances and the farmer/producers must supply documentation of such compliance to FRESHFARM Markets. **AN APPLICATION IS NOT CONSIDERED COMPLETE WITHOUT THE INCLUSION OF ALL APPLICABLE PERMITS FOR ALL PRODUCTS.**

The following is a basic summary of required permits. It is provided as guidance only and is not all-inclusive. Producers are ultimately responsible for obtaining and providing copies of any and all necessary permits for sale and production, and including them in their application.

- **Baker** must provide certificate for approved baking facility.
- **Cheese Maker** who makes cheese and other value-added products from milk that is purchased from regional dairy farms must provide certificates for cheesemaking facility. Or a dairy farmer who supplies milk to a regional cheese maker whose cheese is to be sold at market must provide certificate for the cheese maker's processing facility and certificate for the dairy milking facility.
- **Fisherman/Waterman** must provide fishing/shellfish licenses and certificates for processing facilities and a photograph of the fishing boat.
- **Food Concession** must provide any licenses that may be required by the city/state/county in which that specific market exists where they will be preparing food on-site. See "Food Concession Guidelines" on Page 8 for additional information on permit requirements.
- **Livestock Farmers** must provide documentation of the slaughterhouses they intend to utilize throughout the market season. The slaughterhouse(s) must be a USDA-inspected facility if the farmer intends to sell in interstate commerce. The farmer must also submit one product label they intend to use; this label will serve as a baseline for all livestock products to be sold at our markets.
- **Meat Producer** who primarily operates a food processing facility that processes meat from regional farmers/growers must provide state and federal (USDA) certificates for meat processing facility. Producer must also submit (1) product label they intend to use, this label will serve as a baseline for all products.
- **Pasta Maker** must provide certificate for approved processing facility.
- **Poultry Farmers** must provide documentation of the slaughterhouses they intend to utilize throughout the season. The slaughterhouse(s) must be a USDA-inspected facility if the farmer intends to sell in interstate commerce. If the farmer operates under any exemptions that allow on-farm processing they must submit applicable permits and certifications required by their state to operate such a facility on-farm. The farmer must also submit one product label for each slaughter method they intend to utilize during the market season.
- **Soap Maker** must provide documentation for processing facility.
- **Specialty** must provide information on the regional farmers/growers.
- **Value Added Food Producers** must provide all local and state licensing, certificates & permits

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required to sell value added products. Value added food products would include:

- Canned goods
  - Dried products
  - Fermented products
  - Fruit butters
  - Jellies and jams
  - Pickles
- **Winemaker** must provide license to produce wine and engage in retail sales.

### Market Operations

FRESHFARM Markets on-site Market Masters are responsible for administering and enforcing all FRESHFARM Markets Rules and Procedures as well as public safety, space assignments, market data collection, EBT redemption, matching incentives programs, and market public education programs. Market Masters are trained by the FRESHFARM Market management prior to the market season and are instructed to handle and resolve any issues that may arise during the markets. The FRESHFARM Market management has final authority in resolving issues in a civil and efficient manner.

#### Market Opening and Closing

Farmers/growers and producers must arrive **at least one hour before** the FRESHFARM Market opens. No farmer or producer may drive into the market site after the market has opened without permission of the FRESHFARM Markets management. **Latecomers may be denied admission or admitted and located at the market management's discretion.**

However, farmers/growers and producers cannot expect to be able to park or set up if arriving more than 2 hours before the FRESHFARM Market opens. Market management will advise regarding specific logistics for individual markets.

All markets will open and close with the ringing of a market bell. **No sales are allowed before the market opens.** Selection and bagging of items may begin 15 minutes before opening time.

At the close of market, all farmers/growers and producers must begin packing up to leave the market site when the closing bell rings, but may continue to sell as they load. Farmers/growers and producers must leave the market site as soon as possible after the close of market.

#### Inclement Weather Policy

Recognizing it is the mission of FRESHFARM Markets to provide a venue for farmers/growers and producers to sell their products, it is also our responsibility to ensure a safe and orderly market environment. Market Masters and FRESHFARM Market management will make decisions to alter market times based on weather reports and on site market conditions. It is the authority of Market Masters and FRESHFARM Markets' management to close a market early or open a market late due to severe or inclement weather. If a market is cancelled due to severe weather farmers/growers and producers will be notified in a timely way by email and telephone.

# FRESHFARM Markets

## 2012/2013 Rules & Procedures and Product Guidelines

### Market Fee Structure

All farmers/growers and producers participating in the FRESHFARM Markets will report weekly market fees to the FRESHFARM Markets management by the end of the next business day after market, and pay fees on the schedule you indicate on your Payment of Fees form as part of your application (weekly, biweekly, or monthly). The FRESHFARM Markets fee structure is designed as an incentive for the farmers/growers and producers and the markets to prosper. Fees pay for market permits and licenses, liability insurance, parking meter fees, market staff, market signage and printed materials, weekly market e-mail newsletter, market equipment, market educational programs and promotion of the market.

Sales should be reported accurately. Inaccurate or fraudulent reporting jeopardizes the future of the FRESHFARM Markets and the individual success of every farmer and producer at the markets. Fraudulent reporting or failure to remit weekly market fees may result in fines and a farmer or producer being suspended from the FRESHFARM Markets.

### Calculating and Reporting Market Fees

All farmers/growers and producers must:

- **REPORT** their gross market sales by the end of the next business day after the market by emailing Bernadine (Bernie) Prince at [bernieprince@freshfarmmarkets.org](mailto:bernieprince@freshfarmmarkets.org). If the farmer or producer is selling in more than one FRESHFARM Market, s/he must indicate gross sales for each market.
- **PAY** a market fee based on a percentage of total gross sales (excluding any sales tax charged). This fee is paid on the schedule you indicate on your Payment of Fees form as part of your application (weekly, biweekly, or monthly). Fees are as follows:
  - Farmers/Producers – 6%
  - CSA Sales (if you distribute over 20 shares at market) – 3% of the total value of shares distributed at market for the season. Payment due at start of market season.
  - Food Concessions – 10%

A check or money order for the percentage market fee should be made payable to “FRESHFARM Markets” and mailed to:

FRESHFARM Markets  
P.O. Box 15691  
Washington, DC 20003

**No cash payments will be accepted; no checks will be collected at the markets.**

Regardless of the schedule on which you **PAY** your fees, all farmers/producers must **REPORT** fees each and every week. If farmers/growers or producers fail to report weekly market sales and/or, without prior notice to market management, do not pay market fees in a timely manner, the farmer or producer may be assessed a fee. If your personal or business check is returned for “insufficient funds,” you must pay bank fees and send only a cashier’s check or money order for all future payments for the market season.

### Market Attendance

A minimum attendance of 80% of market days is required for a full-time farmer or producer to be

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### 2012/2013 Rules & Procedures and Product Guidelines

considered for admission to the FRESHFARM Markets the following season and to hold the farmer or producer's assigned place at the market. This minimum attendance requirement may be waived at the discretion of the market management.

Farmers/growers or producers not able to attend a market day should telephone the following staff members:

- Dupont, Foggy Bottom, and Bethesda markets, call Laura Genello (cell 781.799.6101).
- H Street NE, HHS, and Penn Quarter markets, call Juliet Glass (cell 612.232.3459).
- Crystal City, by the White House, and Silver Spring markets, call Reg Godin (cell 443.367.1625).
- St. Michaels market, call Carol Bean (cell 410.829.8286) and
- Annapolis market, call Tara Boyle (cell 610.755.8849).

Please call if you will miss a market, giving us at least 24 hours in advance, so the market setup can be modified and/or the space filled on a temporary basis. If you are delayed and will be arriving late to market, give our staff as much advance notice as you can. **If market managers are not available and it is an emergency, call Bernie Prince (202.441.5907) or Ann Yonkers (202.486.9310).**

#### Farmers' Market Nutrition Programs

FRESHFARM Markets management strongly encourages all farmers/growers of fruits and vegetables to **accept Farmers' Market Nutrition Program coupons for low-income Women, Infants and Children (WIC) and Senior's Farmers' Market (SFMNP) coupons** from customers for qualifying purchases.

WIC/SFMNP certificates of participating farmers must be properly displayed at their market stands.

#### **To apply to be eligible to accept coupons in Maryland and DC contact:**

1-800-442-9367 (District of Columbia WIC office)

1-800-841-5776 (Maryland Department of Agriculture)

For the past few years there has been no WIC FMNP benefits in Virginia, but for the most up to date information, please contact the Virginia Department of Agriculture.

FRESHFARM Markets operates **EBT (Food Stamp)/Debit/Credit Card** machines at some markets in Washington, DC and Maryland. The machine, operated by an EBT Coordinator, swipes a customer's card in exchange for tokens that can be spent at market stands. **All farmers/growers and producers must agree to participate in the EBT/Debit/Credit program and accept tokens as a form of payment. FRESHFARM Markets will reimburse farmers/producers on a monthly basis for tokens accepted for payment at markets.**

#### Sales Tax

Farmers/growers or producers selling non-edible products, such as flowers, plants, wreaths, yarn, wool blankets, soap or other items that are subject to sales tax, should comply with local and state tax regulations. **Farmers/producers must provide their sales tax identification number and a copy of their sales tax card.** Also, applicants should be aware that the state of Virginia requires sales tax on all retail food sales. Applicants applying for Virginia markets will need to comply with these requirements as mandated by the state of Virginia.

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### Market Programs

**Educational Programs:** All farmers/growers and producers may be asked to participate in programs including market tours and chef demonstrations during FRESHFARM Market days. Farmers/growers and producers may also be asked to participate in classroom presentations for our FoodPrints program. FRESHFARM Markets will provide a small stipend and mileage reimbursement for participating in the FoodPrints program.

Farmers/growers or producers are also encouraged, but not required, to provide market produce to the “Chef at Market” programs that feature fresh, seasonal recipes prepared by local, regional and nationally known chefs.

**Gleaning Programs:** Farmers/growers and producers are encouraged, but not required, to participate in the FRESHFARM Markets end of market gleaning program by donating fresh, usable produce or other foods and flowers to the nonprofit organizations that will pick up the products at the end of the market day.

All non-profit organizations make advance arrangements to glean from the market with FRESHFARM Market staff and agree to follow FRESHFARM Markets protocol for handling gleaned produce and products by completing an annual gleaning application.

### Market Space Assignments

The FRESHFARM Markets management retains control of all unassigned space openings. Such spaces will be available to current and new farmers/growers or producers who wish to change the size or location of their space. Requests from current farmers/growers or producers for space assignment changes will be considered before locating new farmers/growers or producers in a market. **Space assignments to new farmers/growers or producers will be made at the market management’s discretion** to insure the viability of the FRESHFARM Markets and the diversity of the marketplace.

## Farmstand Requirements

### Signage

Before the market opens, farmers/growers and producers must post prices for all items and hang WIC/SFMNP signage if enrolled in the program. **All farmers/producers are required to post prices at all times.** Each farmer is required to post a minimum 11”x17” farm/business sign at their farm stand on every market day. This educational sign will, at minimum, include the farm name and location (county, city, state). It is also acceptable and encouraged for this sign to include a photo (if possible), a brief history and biography on the farm and a description of the growing practices of the farm.

The farm or business sign should be mounted on the farmer or producer’s vehicle or on, or next to, the market tables/tent. The farm or business sign and lettering should be large enough to be easily read from a reasonable distance.

### Plastic Bags

For 2012 FRESHFARM Markets requires that all farmers and producers use biodegradable or compostable “plastic” bags rather than traditional plastic bags. Exceptions will be made on a case-by-case basis, and any farmer/producer wishing to be exempted from this bag policy must contact FRESHFARM Markets in

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advance to bringing plastic bags to market.

### **Market Canopies/Tents/Umbrellas**

All canopies, umbrellas, and other forms of stall cover must be **sufficiently** and **safely** secured to the ground, from the moment the canopy is erected at the start of the market day until the moment immediately before it is taken down at the end of the market.

**If tents are inadequately secured, market management will ask the farmer or producer to take it down and sell without it.**

**Sufficiently** means at least 24 pounds per leg for canopies, and at least 50 pounds for umbrellas. One canopy manufacturer recommends at least 40 pounds on each corner of a 10x10 tent; double that on a 10x20 tent.

**Safely** means that the method used to secure the canopy does not create its own safety hazards:

- Canopy weights should not cause a tripping hazard.
- Canopy weights should be tethered with lines that are clearly visible.
- Canopy weights should have soft edges to avoid causing scrapes and cuts.
- Canopy weights should be securely attached to the canopy.
- Canopy weight should be on the ground and not above people's heads.

### **Maintenance and Appearance**

Tables and other fixtures should be in good repair. All produce must be kept off the ground. Market products should be of a high quality. Products that do not meet this quality criterion may be removed at the market management's discretion. Farmers/growers and producers who fail to comply with this requirement are subject to suspension or termination from the FRESHFARM Markets.

### **Sanitation**

Farmers/growers and producers must maintain their market stands and spaces in a clean and sanitary condition. Each farmer or producer is responsible for bringing a broom and trash bags and keeping the market area free of any debris. In snowy weather, farmers/producers should bring at least one shovel to market.

Farmers/growers and producers must remove containers, waste and trimmings before leaving the market site and take any trash or garbage they have generated at market back to their farm or business. The market management will be responsible for ensuring that any trash from public traffic at the market sites is properly removed and disposed of at the close of each market day.

### **Market Food Samples**

Food samples must be prepared behind the farmer or producer's market stand and presented in a safe and sanitary manner, according to the state Department of Health code and the direction of FRESHFARM Markets management. The farmer or producer must provide trash receptacles for the disposal of any sampling materials such as cups, utensils or toothpicks.

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### **Scales**

Scales must be registered as legal for trade and meet local and/or state regulations for commercial scales. Scales must be placed so that they are clearly visible and readable to customers at all times. Scales may be checked annually for accuracy at the market site by officials in DC, Maryland or Virginia.

## **Administration of Rules and Procedures**

### **Advisory Committee to FRESHFARM Markets for Rules, Procedures & Product Guidelines**

In order to ensure that the producer-only farmers markets created and operated by FRESHFARM Markets continue to promote the viability of agriculture in the Chesapeake Bay region and to remain flexible for emerging situations related to all farmers/growers and producers, an Advisory Committee was created in 2004. This Advisory Committee serves at the direction of FRESHFARM Markets' Board of Directors and recommends changes to the FRESHFARM Markets "Rules, Procedures & Product Guidelines" on an annual basis or as needed for a specific market issue.

### **Producer-Only Violations**

**Complaints of a suspected violation of the producer-only rule must be submitted in writing to the FRESHFARM Markets' management.** To file a complaint, or report a suspected rule violation, please send a letter or email to the Market Manager (see section "Market Attendance" for managers name and information). The identity of the person complaining shall be kept confidential. The market management may notify the subject of the complaint in writing and confer with farmer or producer market members and others, if necessary, to determine what level of investigation is necessary including a site visit. Farmers/growers or producers refusing to cooperate with a site visit will be permanently removed from the market.

Any farmer or producer who is found to have violated the producer-only rule will receive a warning, temporary suspension, or be permanently removed from the market, depending on the severity of the offense. Any subsequent violation of the producer-only rule will be grounds for removal from market.