

August 2, 2010

FARMER'S MARKETS

Farmer's markets have evolved over the years from venues for small vegetable and fruit producers to marketplaces that encompass much more than uncut fruit and vegetables. The various food-related activities at farmer's markets can be divided into five categories, which are distinguishable by the products that are sold and/or the type of retail food establishment (RFE) license that is issued:

Category 1. Vendors who sell *uncut fruit and vegetables*: If a vendor is selling only uncut fruit and vegetables, the vendor is exempt from retail food establishment licensure, even if offering samples.

Category 2. Vendor who sell *wrapped, non-potentially hazardous foods (phf) for off-premises consumption*. If a vendor is selling only wrapped, non-potentially hazardous foods for off-premises consumption, the vendor must obtain a RFE license. For example, wrapped loaf bread falls in this category.

Category 3. Vendors who sell *wrapped, potentially hazardous foods* for off- premises consumption*. If a vendor is selling unwrapped non-potentially hazardous foods for off-premises consumption, the vendor must obtain a RFE license. For example, unwrapped loaf bread falls in this category.

Category 4. Vendors who sell *wrapped, potentially hazardous foods* in units or individual portions for off-premises consumption*. If a vendor is selling wrapped, potentially hazardous foods for off-premises consumption, the vendor must obtain a RFE license. For example, cheese, shell eggs, frozen meats and roasted chilies fall in this category.

Category 5. Vendors who sell *potentially hazardous foods* in units or individual portions for immediate consumption*: If a vendor is selling potentially hazardous foods* in individual portions for immediate consumption, the vendor must obtain a RFE license.

Licenses may be obtained at San Juan Basin Health Department:
281 Sawyer Dr.
Durango, CO 81301

*Potentially Hazardous Foods" includes any food of animal origin that is raw or heat-treated; any food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons and garlic in oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth of Clostridium Botulinum.

Please refer to the enclosed handout for ***Guidelines for Temporary Food Establishments*** for detailed instructions.

In addition to the "***Guidelines***", the following items apply:

- ✓ Food must be protected from contamination at all times.
- ✓ Vendors must provide evidence of commissary use.
- ✓ Vendors must provide a Colorado sales tax account number.

Vendors in category 4 may use an approved ice chest (e.g. Igloo or Coleman cooler) to transport and store shell eggs and prepackaged potentially hazardous foods, as long as the foods for sale are maintained at 41°F or less or in the case of frozen goods, the food remain hard frozen.

Authority for these regulations are established under Sections 25-4-1604, 25-5-420, 25-1.5 (1) (g) and 25-1-108(1)(c)(I), of the Colorado Revised Statutes.

*Colorado Retail Food Establishment Rules and Regulations
6 CCR 1010-2
Amended March 15, 2006. Effective May 30, 2006*

<http://www.cdphe.state.co.us/op/regs/consumer/101019.pdf>

SJBHD will be most happy to assist any vendors in interpretation of these rules and regulations and to answer any questions you may have regarding Farmers' Markets.

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