

SULLIVAN COUNTY FARMERS' MARKETS ASSOCIATION, INC.

2009 RULES AND REGULATIONS

REGULATORY GUIDE FOR ASSOCIATION MEMBERS SELLING AT THE ASSOCIATION'S FARMERS' MARKETS

I. INSURANCE: Consult your insurance company to see that you are properly protected. Members are required to show proof of general liability insurance (premises and product) in the amount of \$500,000.00 and to name Sullivan County Farmers' Markets Association, Inc. as an additional insured.

II. SANITATION FOR FOOD HANDLERS (sellers of prepared food items):

- Food handlers must be personally clean and follow sanitary practices in handling food.
- Pets are not permitted in areas where food is handled.
- Food and ingredients must be free of adulterants.
- Food which requires refrigeration must be stored at temperatures according to Health Department, Department of Agriculture and Markets rules.
- All utensils, containers and equipment shall be clean and in good condition.
- Health Certificates are required and must be displayed for food services.

III. PRODUCTS:

1. FRUITS AND VEGETABLES

- Bulk displays of unpackaged fresh fruit and vegetables are not subject to grading, packaging and labeling requirements.
- Closed packages of fresh produce (including honey, cider and maple syrup) require
 - name of product (e.g., peppers)
 - name and address of producer
 - declaration of quantity
 - declaration of quality is required for the following products when packaged:
 - Apples: variety, grade, "NY" or "New York" label
 - Apple cider: whether or not pasteurized
 - Grapes: grade marked unclassified
 - Lettuce: cull lettuce must be designated as such
 - Maple syrup: grade
 - Onions: grade if advertising price
 - Potatoes: grade

2. DAIRY PRODUCTS

- All fluid milk must be packaged in properly labeled commercial containers at a facility having a permit from the Department of Agriculture and Markets, Division of Milk Control. Milk must be from your herd, managed and milked by you.
- Butter and cheese must be prepackaged and properly labeled. Refrigeration below 40 degrees F. required. You must make cheese and other dairy products. You must have a dairy herd producing at least 60% of the milk used to make your single milk cheese and other single milk dairy products. Up to 40% of the milk for single milk cheese and single milk dairy products may be purchased from a local farmer. Mixed milk cheese producers may buy up to 20% milk from a species of animal other than those owned by you.
- Frozen desserts (i.e., ice cream) must be packaged and in commercial containers and properly labeled (permit required - NYS Department Agriculture & Markets, Milk Control), refrigeration required.
- Serving frozen desserts for immediate consumption is under the jurisdiction of the local Health Department.

3. EGGS from your own farm: must be marked with exact grade, size, name of producer, and contents. Individual eggs must be weighed, graded and candled. Bulk displays require size and grade. Store eggs in a cool place and maintain less than 45 degrees F. Nest run eggs must be labeled as such and are exempt from the above rules.

4. MEAT may be sold at Association markets. They shall be wrapped, USDA approved and stamped or tagged when required. Packages must be identified, labeled with weight, producer's name and address. Meat and meat products must meet current Department of Agriculture and Markets and USDA regulations. You must raise the animals. Animals may be butchered and smoked/processed off farm, provided meat you sell is from your animals.

5. POULTRY may be sold at Association markets if packaged and processed under Article 5A of NYS Department of Agriculture and Markets Law.

6. FISH cleaned and packaged at an approved location may be sold at Association markets. Fish must be iced or frozen. Smoked fish must be your product.

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7. **DOMESTIC GAME MEAT** includes buffalo, ostrich, emu and rabbit. Packaging requirements are the same as meat (4).
 8. **CIDER AND FRUIT JUICES** may be sold only by producers of those fruits. Follow labeling requirements set by Department of Agriculture and Markets and Department of Health. Fruit may be pressed off farm, and producer must provide name and address of mill. At least 60% of fruit in your juice shall come from your orchard. Up to 40% may come from another farm within market region. No concentrates are allowed. Apple cider manufacturers are required to hold a Food Establishment License Article 20C.
 9. **DRINKS** at Association markets: fruit juice, cider, milk and homemade herb teas (herbs grown by you) may be sold by the cup. Bottled water and carbonated beverages may be sold. No commercial teas and coffees may be sold, except by arrangement by the Board of Directors.
 10. **DRIED FRUIT** shall be only from fruit grown and dried by you.
 11. **HONEY AND BEE PRODUCTS** including beeswax candles, propolis and royal jelly extracted and bottled by you from your own hives within the applicable 60 mile region may be sold at SCFMA. Bee pollen and added fruit in honey spread products must be harvested in this region.
 12. **JAMS, JELLIES, PRESERVES** and the like must be prepared by you from fresh produce. 90% of fruits or vegetables must be from the region. Fruits or vegetables not from this area may be purchased fresh only and may constitute up to 10% of your display.
 13. **GRAIN PRODUCTS** include pancake mix, granola, pasta and other grain products from grain grown by you. Grain products may be processed off farm, providing only your grain is used in manufacture of these products.
 14. **BAKED GOODS** must be freshly baked and prepared from scratch. No commercially prepared dough mixes, crusts and shells for filling are allowed. Fruits and vegetables used in baked goods must come from regional farmers when available. No commercially canned or frozen fruits or vegetables may be used. Produce not grown in this area may be purchased fresh or dried, but may not exceed 10% of your display. Baked goods such as cookies, breads and "dry" cakes may be sold at Association markets, if they are protected by a covering or closed packaging. All baked goods must be either individually prepackaged or otherwise protected by a transparent tray cover. Items sold in closed packages must include:
 - Identity of food in package form
 - Name of manufacturer, packer or distributor
 - Place of business
 - Ingredients declaration in descending order of predominance by weight on a single panel of the label
 - Net weight or quantity of contents
- Cream, custard, pumpkin, meat or other single-crust pies or cream or cheese-filled baked goods may not be sold at Association markets unless prepared in an approved, inspected baking facility, packaged or covered and properly refrigerated. Refrigeration must be provided for perishables, and all NYS Health Department standards must be met.
15. **PROCESSED FOODS:** Home-processed food shall mean any food processed in a private home or residence using only the ordinary kitchen facilities of that home but shall exclude potentially hazardous foods. Commercial equipment is not considered ordinary kitchen facilities. Processors of home processed foods may be exempt from the licensing requirement of Article 20-C, provided the following conditions are met:
 1. All finished product containers are clean, sanitary and properly labeled
 2. All home processed foods produced under this exemption are neither adulterated nor misbranded
 3. Glass containers for jams, jellies, marmalades and similar products are provided with suitable rigid metal covers

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In order to protect public health and to minimize the potential of food product adulteration, this exemption is restricted to the following non-hazardous home processed foods:

1. Bakery products, i.e., bread, rolls, cookies, cakes, brownies, fudge, and double-crust fruit pies for wholesale or retail agricultural venues such as farms, farm stands, farmers markets, green markets, craft fairs and flea markets
2. Traditional fruit jams, jellies and marmalades
3. Candy (excluding chocolate)
4. Spices or herbs
5. Snack Items such as popcorn, caramel corn and peanut brittle

Home processors whose residences contain separate segregated facilities for food processing, while not qualifying for a home processor exemption, must hold licensing under Article 20-C. In any event, all operators must consult with local zoning officials for approval before commencing any food processing operations. The exemption relates only to Article 20-C licensing. The exempt firm will be subject to inspection by the NYS Department of Agriculture and Markets. For more detailed information, please contact the regional office in Albany at 518-457-5459.

- 16. PLANTS AND NURSERY PRODUCTS** include annuals, perennials, shrubs, trees, vegetable and fruit and flower plants and other nursery stock. Registration with the Department of Agriculture and Markets, Division of Plant Industry, is required. Houseplants and cut flowers are excluded from this registration. Unless specified, items must be grown, foraged and/or produced by you on your farm or in your own facility in this region. The following non-edible items grown by you may be sold:
- Field grown/greenhouse/cold-frame grown plants and flowers. Bedding and potted plants and flowers must be started by you from seed, cell pack, bulbs, cuttings, plugs or received dormant (e.g., azaleas, hydrangeas, roses). Large foliage plants from air layered cuttings, rooted in your facilities are allowed. Plants sold must be well established, with good root systems and disease insect free.
 - Christmas trees.
 - Wreaths, roping, arrangements and displays of fresh or dried flowers or greens.
 - Vines and gourds.
 - Wild and foraged plant materials not protected by law.
 - Wood products from your woodlot, including firewood, mulch chips, rough-cut wood, vine and woven wood baskets and furniture.
- 17. WINE, BEER AND HARD CIDER:** NYS licensed wineries, breweries and producers of hard cider are permitted to sell NY State labeled wines, beer and hard cider by the bottle and conduct tasting at Association markets. You must display a valid NYS Liquor Authority permit. You must display a sign that states:
"State law requires that consumers be at least 21 years of age, proof required."
- 18. ANIMAL PRODUCTS** allowed at Association markets include feathers, down, wool and wool fleece and un-tooled leather.
- 19. GIFT BASKETS** may be sold, with a majority of items coming from your farm. Other items should be obtained from other Association members.
- 20. OTHER ITEMS:** Products not specifically listed in these rules and regulations must be pre-approved by the Board of Directors. Products which substantially depart from practices or products currently permitted may be reviewed by the Board of Directors for approval.

IV. DECEPTIVE ADVERTISING IS NOT PERMITTED.

V. DECEPTIVE PACKAGING IS ILLEGAL. For further information on grading, packaging, and labeling contact:

- Division of Milk Control and Dairy Industry Services: 518-457-8870
- Division of Food Safety and Inspection: 518-457-5380

To contact local inspectors:

- Division of Food Safety and Inspection: 518-457-5459
- Health Department, Dennis Crosswell: 845-794-2045
- Division of Plant Industry: 518-457-2087
- Bureau of Weights and Measures, Gerald T. Smith, 845-794-4680, ext. 614

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VI. DEFINITIONS:

1. Farmers: For the purpose of these regulations, a farmer includes: fruit, vegetable and grain growers; producers of eggs, poultry and meat of all domestically raised animals, livestock, fish, dairy farmers; growers of field grown/greenhouse/coldframe plants, flowers and Christmas trees.
2. Eligible Farm Organizations:
 - Individual, family or family corporations
 - Full partnership of two or more individual farmers
3. Grown by Principal Farmer: Principal farmer must be in full control and supervision of the individual steps of production of crops, including tilling, planting, cultivating, spraying, harvesting and post-harvest handling with own machinery and labor. For vegetables, rental of local farmland is permitted. For fruit growers, rental of orchards only is permitted. Any other arrangements must be submitted in writing and approved by the Board of Directors.
4. Other Producers: Other allied regional producers permitted to sell at Association markets include: apiarists, maple sugar producers, wineries, bakers, and jelly/jam/preserve producers. Principal producer must be in full control of items sold.
5. Organic Producers: Organic producers must follow current USDA National Organic Practices Rules (NOP) rules.
6. Local: Within 75 mile radius of market site; i.e., Callicoon, Jeffersonville, Liberty, and Roscoe. Purchases from farmers marginally beyond this may be approved by the Board of Directors.
7. Region: Includes Sullivan, Delaware, Chenango, Wayne, Otsego, Green, Columbia, Ulster and Orange Counties in New York state; and parts of Pennsylvania and New Jersey. The region is circumscribed by a 75-mile radius from Callicoon, Jeffersonville, Liberty, and Roscoe.
8. Members shall be area producers, farmers, residents, business people, community residents that either reside or work within the 75-mile radius of the Association area markets.

PLEASE RETAIN FOR YOUR RECORDS