



## FARMERS MARKET AND FARM STAND GUIDELINES

This guide is designed to help farmers, marketers and food processors prepare for and meet the regulatory requirements that come with participating in farmers markets and/or selling products through a retail farm market or farm stand. Retail food facilities are required to be licensed and inspected. This includes farmers markets and retail farm markets/stands. Licensing and inspection will be handled by the appropriate authorized agency, typically either the Pennsylvania Department of Agriculture (PDA) or a local or county health department.

### Exemptions

- A vendor that sells only raw fruits and vegetables that have been harvested but not processed in any way (no value-added work done) **IS EXEMPT FROM LICENSING.**
- A vendor selling pre-packaged, shelf stable items including baked goods, jams, candy, canned pickled food products, bottled juices, apple cider, honey products, etc., **IS EXEMPT FROM THE LICENSE FEE but not from licensing and inspection.** Vendors selling these items are still required to apply and be inspected. Other licensing may be applicable such as a Limited Food Establishment Registration to produce non-TCS (shelf stable) foods from a home kitchen.

### Applications

- Vendors attending a single farmers market only shall complete the [Farmers Market Application](https://www.pa.gov/agencies/pda/food/food-safety/retail-food/farmers-markets) found on PDA's website under Retail Farmer's Markets or at <https://www.pa.gov/agencies/pda/food/food-safety/retail-food/farmers-markets>.
- Vendors attending a single farmers market (same address) on a routine basis for up to 14 days within a calendar year would be eligible for a **Temporary Food License**. All temporary food facilities will use the "[Application Packet- Temporary Food Facilities](https://www.pa.gov/agencies/pda/food/food-safety/retail-food/fairs-and-other-temporary-events)" that can be found on PDA's website under Mobile Food Facilities, Fairs and Temporary Events or at <https://www.pa.gov/agencies/pda/food/food-safety/retail-food/fairs-and-other-temporary-events>.
- Vendors attending multiple farmers markets as a movable stand/unit/truck/etc. may be eligible for a **Mobile Food Facility License**. All mobile food facilities will use the "[Application Packet- Mobile Food Facilities](https://www.pa.gov/agencies/pda/food/food-safety/retail-food/fairs-and-other-temporary-events)" that can be found on PDA's website under Mobile Food Facilities, Fairs and Temporary Events or at <https://www.pa.gov/agencies/pda/food/food-safety/retail-food/fairs-and-other-temporary-events>.
- A "Mobile" license can cover multiple farmers markets if the following parameters are met:
  - 1) Set-up and tear-down at each farmers market site must include the vendor removing all food products from the stand.
  - 2) The actual license must be present in the stand when the farmers market is open. Note – this means that "Mobile Unit" vendors cannot operate multiple stands on the same day unless they have applied for and received separate licenses for each location.
  - 3) Where the Pennsylvania Department of Agriculture does not have food safety jurisdiction, vendors should contact the county or Local Health Department to verify



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licensing requirements in those jurisdictions. Visit the [Local Health Department link](#) on the bureau's main website to determine which jurisdiction your facility will fall under - <https://www.pa.gov/agencies/pda/food/food-safety>.

More information regarding mobile and temporary food licenses are available within our [Mobile Food Facility Operation Guide](#) on PDA's website under Mobile Food Facilities, Fairs and Temporary Events or at <https://www.pa.gov/agencies/pda/food/food-safety/retail-food/fairs-and-other-temporary-events>.

## **FOOD SOURCE**

**All food and beverages sold at a farmers' market must come from a licensed kitchen or manufacturer.**

### **Food Prepared at Home:**

- Products that are made in a home or in home-style kitchens must be licensed with PDA as a Limited Food Establishment. Only shelf stable foods (non-refrigerated or non-TCS) are permitted to be prepared in personal home kitchens.
- An application must be submitted to the department prior to production. Limited food establishments may not have pets present in the home.
- Common foods that do not require temperature control to remain safe include baked goods, jams, candy, canned pickled food products, apple cider, and honey products.
- The [Limited Food Establishment Application](#) can be found on PDA's website under Food Manufacturing, Packing, Holding, and Distribution (Limited Food Establishment) or at <https://www.pa.gov/agencies/pda/food/food-safety/limited-food-establishment->

### **Refrigerated/Frozen Food Sources (must be maintained at 41°F or lower)**

- Off-site storage facilities or food preparation for food including products sold at farmers markets will be required to have a Food Establishment registration at this location. This includes coolers, storage lockers and on-farm warehousing.
- All meat must come from a USDA inspected manufacturer with proper labeling (USDA stamp, safe handling instruction, name of food, manufacture name and address). USDA exempt processors, not under voluntary USDA inspection/review, who slaughter/process poultry (1,000 or less birds), rabbits or other meats for the public must be registered as a Food Establishment and be inspected prior to operating. More information about these processes and exemptions is available the Department's Commercial Food Establishment's website where the application is located.
- The application for a [Food Establishment](#) can be found on PDA's website under Food Manufacturing, Packing, Holding, and Distribution (Commercial Food Establishments) or at <https://www.pa.gov/agencies/pda/food/food-safety/food-manufacturing-packingholding-and-distribution/commercial-food-establishments>.
- All milk must come from a permitted manufacturer, including raw milk. To learn more about these permits or to apply for a permit visit the [Department's Dairy and Dairy Product Manufacturing](#) webpage at <https://www.pa.gov/agencies/pda/food/food-safety/dairy-and-dairy-product-manufacturing>.



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## LABELING OF FOOD PRODUCTS

Raw agricultural products do not have a labeling requirement; however, there are certain products that must be appropriately labeled prior to retail sale. Labeling requirements call for food products, including pre-packaged food items prepared by a Limited Food Facility, to be labeled with the name of the product, all ingredients (including sub ingredients), name and address of the manufacturer or distributor, net contents/weight and an allergy warning, if applicable.

Bakery products made from scratch or mix and sold directly to the public by the producer of the product are exempt from labeling requirements; however, ingredient information must be available to the consumer at the point of sale. More labeling information requirements can be found on our [Labeling of Packaged Foods at Retail](#) guidance found on PDA's website under Retail Food Facilities or at <https://www.pa.gov/agencies/pda/food/food-safety/retail-food/retail-food-facilities-and-restaurants>.

## SHELL EGG HANDLING/REQUIREMENTS

Egg producers with more than 3,000 laying hens must register with and be inspected by the Pennsylvania Department of Agriculture at the production farm. For those producers with less than 3,000 laying hens, the following protocols must be followed for retail sale of shell eggs from the farm or at farmers markets:

- Eggs must be sold within five (5) days from the date of the lay.
- Eggs must be sold directly from the farm or distributed within a 100-mile radius of their production or processing facility.
- Eggs must be maintained at 45°F or less within 24 hours from the time of lay until the time of sale. This includes the period of time when the eggs are at the farmers market.
- Each carton, flat or container of eggs must be labeled with the following:
  - Name and address of producer
  - Date of lay
  - Statement of identity (eggs)
  - Net contents (in letters at least 3/16 of an inch high)
  - "Keep Refrigerated"
  - Safe handling instructions
  - If you do not weigh the eggs or if they are mixed sizes, the carton, flat or container must be labeled as "Unclassified". Dirty, leaking or cracked eggs must be removed prior to sale.

**Farmers market stands selling eggs off-site of the production farm, are required to obtain a Retail Food License for the farmer market stand. These are considered pre-packaged TCS Foods, thus requiring a license.**

More information can be found on our [Eggs From Small Flock Producers](#) guidance found on PDA's website under Eggs or at <https://www.pa.gov/agencies/pda/food/food-safety/eggs>.



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## LICENSING FEES

For vendors securing a new license from the PDA for Farmers Market or Mobile Food Facility Licenses, fees are:

- \$103 for retail food facilities that have not been previously licensed.
- \$82 for annual renewals/change in ownership/additional farmers market stands on the same day.
- \$14 for temporary licenses up to 14 days per calendar year