

# **West Virginia Farmer's Market Vendor Guide**

with West Virginia Cottage  
Foods Industry Best Practices

**FIRST DRAFT**

*Submitted May 4, 2018*

# *A Guide for Farmers, Regulators and the Consumer*

## **Table of Contents**

Introduction

Permits and Fees

Baked Goods

Applebutter, Sorghum and Molasses.

Dairy Products

Honey

Preserved or Canned Foods

Eggs

Jams and Jellies

Meats

Poultry

Fish

Fruits and Vegetables

Chef Demonstrations

Sampling

Contacts

West Virginia Cottage Foods Industry Best Practices

## **Appendix**

- Methods of Sale Chart
- Farmer's Market Vendor Permit Quick Guide
- Guidance for selling Meat and/or Poultry at a Farmer's Market
- Handwashing Station

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# INTRODUCTION

The Farmer's Market Vendor Guide was developed to provide standards, guidelines and consistent information for farmers, food vendors, the cottage food industry, and regulatory inspectors to provide fresh, safe and quality food to the consumer. The Vendor Guide offers advice on food items that may be sold and conditions that must be met at the point of sale. The Vendor Guide represents a collaborative effort of the West Virginia Departments of Agriculture (WVDA), Health and Human Resources (WVDHHR), the Farmers Market Association and other members of the Food Safety and Food Defense Task Force.

## PERMITS AND FEES

Each Farmer's Market will be required to register with the West Virginia Department of Agriculture (WVDA) annually. **The registration is free of charge, and is due on April 1.**

In addition to registering with the WVDA, Consignment Farmer's Markets are required to obtain a food establishment permit issued by the local health department.

Farmer's Market Vendors statewide are required to apply for a farmer's market vendor permit. **The registration for a farmers market vendor permit is due on April 1 and costs \$35 per year.** This permit is required in lieu of the food establishment permit, notwithstanding any other provisions of code or rule that require a food establishment permit.

Vendors are exempt from obtaining a farmers market vendor permit if they are delivering their products to a consignment farmers market only, or if they are selling fresh, uncut produce.

Depending upon the product sold, a vendor may additionally be required to obtain a permit from the local health department as a Food Establishment. Contact the WVDA to determine if a Food Establishment permit is required. Food Establishment is defined by the FDA Model Food Code, which was adopted by the West Virginia Legislature April 2, 2008; "Food establishment" means an operation that stores, prepares, packages, serves, vends or otherwise provides food for consumption." Further clarification of the definition is available on the WV Secretary of State's webpage, Code of State Rule 64-17, Food Establishment Rule.

## BAKED GOODS & CANDIES

Baked goods and candy prepared in a home kitchen may be sold so long as they are NOT potentially hazardous. Nonpotentially hazardous breads, cakes and candies DO NOT require a farmers market vendor permit. **Baked goods excluded from requiring a permit include:**

- Loaf breads, rolls, biscuits
- Cakes including celebration cakes
- Candies and confections
- Fruit pies
- Cereals, trail mixes, and granola
- Coated or uncoated nuts
- Popcorn, popcorn balls, cotton candy

WVDA requires that baked goods be pre-wrapped or protected from contamination during display and properly labeled as required by FDA Guidelines. The vendor shall register with the local health department before the date of sale. While these products are considered potentially non-hazardous from a bacteriological standpoint, the food may be contaminated with filth or other extraneous matter. Therefore, the health department reserves the right to inspect the home kitchens if conditions warrant.

**Potentially hazardous baked goods that are not allowed for preparation in a home kitchen include:**

- Meringue, custard or cream pies
- Cheesecake
- Cream-filled cupcakes, donuts, pastries
- Cream cheese based frostings or fillings.

**Labels must include the following information\*:**

- Common name of product, e.g. apple pie, wheat bread
- Name and address of vendor
- Ingredient list with items in order from most to least, by net weight, not volume
- Net weight or numerical count, e.g. 1lb, 14 oz, 13 cookies.  
*The weight should be in US and Metric equivalency.*
- Major allergens listed (see Appendix A)
- The words "MADE IN A WV \_\_\_ KITCHEN" in capital, bold, 10-point type or larger words with the blank space to state whether the product was made in a home, farm, community or commercial kitchen.

Labels for baked goods may be considered provided if a placard is placed on the sales table and not on the individual package. However, if the product contains one of the eight major food allergens (eggs, wheat, fin fish, shellfish, peanuts, tree nuts, milk products or soy) then a label must be provided with each product item. This could be a sheet of paper that includes the appropriate information. WVDA is able to assist with labeling and West Virginia Division of Labor, Weights and Measures office can assist with determining net weights.

## **APPLEBUTTER, SORGHUM AND MOLASSES**

These products may be sold at farmers markets so long as they are properly labeled as required by the WVDA. Due to the high sugar content and the high temperature of the product when it is jarred, the product is not considered to be potentially hazardous. A farmer's market vendor permit is not required to sell apple butter, sorghum, tree syrup, or molasses at a farmers market. No other products (e.g. pumpkin butter) shall be considered in this category. These products may be processed outside in copper kettles.

Labels must include the following information:

- Common name of product
- Name and address of vendor
- Ingredient list with items in order from most to least, by net weight, not volume
- Net weight in US and Metric equivalency
- Major allergens listed.
- The words "MADE IN A WV \_\_\_ KITCHEN" in capital, bold, 10-point type or larger words with the blank space to state whether the product was made in a home, farm, community or commercial kitchen.

\*WVDA is able to assist with labeling and West Virginia Division of Labor, Weights and Measures office can assist with determining net weights.

## DAIRY PRODUCTS

Pasteurized milk, cheese and other dairy products may be sold at farmer's markets if the following guidelines are followed:

- Vendor has an approved Dairy Processing Plant
- Product is pre-packaged
- Product is kept at appropriate temperatures in coolers, refrigerated vehicles, or freezers with calibrated thermometers
- The vendor must have a valid Food Establishment Permit from the local health department before the date of sale.
- Products may be sold if they are properly labeled and include the following information:
- Fluid milk container must state "Grade A"
- Common name of product and common name of the hooved mammal producing the milk shall precede the name of the milk or milk product when the product is or is made from other than cattle's milk, e.g. goat cheese
- Net quantity of contents
- Ingredient list with items in order from most to least
- Allergens listed
- Identity of the milk plant-name and address or plant code.

Aged cheese may be made from raw milk (unpasteurized) so long as the cheese is processed in an approved processing facility and aged for at least 60 days at a temperature of 35°F or greater. Aging time and temperature may vary dependent upon the type of cheese processed. Contact regulatory agency for individual cheese aging requirements.

The sale of raw milk (unpasteurized) for humans or pets is prohibited under West Virginia Regulation. (DHHR Office of General Council interpretation of 64 CSR 34)

## HONEY

The sale of honey is permitted at farmer's markets. The apiarist (beekeeper) must be registered with WVDA. Honey is considered a nonpotentially hazardous food and does not require a farmer's market vendor permit to be sold at farmer's markets. The product must be properly labeled according to WVDA with the following information:

- Common name of the product
- Name and address of processor
- Net weight in US and Metric equivalency

Refer to WVDA for additional information. WVDA is able to assist with labeling and West Virginia Division of Labor, Weights and Measures office can assist with instructions on determining net weights.

## PRESERVED OR CANNED FOODS

A farmer's market vendor permit IS REQUIRED to produce and sell certain canned acidified products, such as pickled products, sauces, and salsas.

A farmers market vendor permit IS NOT REQUIRED to sell certain fermented products, certain condiments, tomato sauce, tomato juice, or whole or chopped canned tomatoes that have a verified final equilibrium of pH 4.6 or below.

For other home canned or processed foods, the vendor shall provide proof from WVDHHR that they are an approved food manufacturer. Persons wishing to offer these products for sale shall register with the local health department before the date of sale. A food manufacturing approval is required to thermally-process or low-acid canned food products that are offered for sale.

Food processors exceeding the farmer's market cottage foods sales volume and/or vendors selling online, commercially, wholesale or for interstate commerce must register with DHHR and follow commercial food manufacturing guidelines including registration.

Contact WVDHHR for more information on being an approved food manufacturer.

**Some requirements are listed below:**

- Separate approved kitchen facility
- Certificate of attendance from a Better Process Control School
- Processing methods must be approved and flow charts provided to WVDHHR
- Registration with FDA
- Approved label from WVDA
- Approval to distribute from WVDHHR.

## **EGGS**

A small producer may market up to one hundred fifty (150) dozen eggs or less per week of their own production. The producer must register with the WVDA.

**Small producers must label their cartons with:**

- The name and address of the person producing and selling the eggs
- The date the eggs are packed
- The words "Ungraded Eggs" in print of at least five-eighths (5/8) inch

Eggs shall be washed. Eggs shall be transported at 45°F, unless the time for transportation is less than three hours. Eggs are to be stored and displayed at the farmers market in cold holding equipment capable of holding 41°F or less. The eggs must reach the 41°F temperature within four hours of receipt at the market.

Small producers are permitted to pack in recycled or used cartons when the distributor's name, address, expiration date, size and grade are marked out and replaced with the labeling required for small producers. Cartons shall be clean and free of odor or debris. More information may be obtained by contacting WVDA.

Any vendor selling eggs shall have a valid food establishment permit from the local county health department. Reference: §61CSR19 Egg Marketing Rule, §64CSR30

## **JAMS AND JELLIES**

The sale of home-processed non-dietary jam and jelly is permitted at farmers markets as these products are not considered potentially hazardous. A farmers market vendor permit is not required to sell non-dietary jams and jellies. Fruits and berries usually associated with jams and jelly are grape, strawberry, raspberry, peach, orange, etc. Hot pepper jelly must be acidified and therefore falls into the preserved or canned foods category. While these foods do not present a hazard from a bacteriological standpoint, the food may be contaminated with filth or other extraneous matter. Therefore, the health department reserves the right to inspect the home kitchens if conditions warrant.

Dietary food products (i.e., no sugar added, all fruit, sugar-free) must be tested to insure that the pH is  $\leq 4.6$  or water activity (aw) is  $\leq 0.85$

These products must be labeled\* according to WVDA with the following information:

- Common name
- Name and address of processor
- Ingredient list with items in order from most to least

- Net weight in US and Metric equivalency.
- Major allergens listed.
- The words "MADE IN A WV \_\_\_\_ KITCHEN" in capital, bold, 10-point type or larger words with the blank space to state whether the product was made in a home, farm, community or commercial kitchen.

\*WVDA is able to assist with labeling and West Virginia Division of Labor, Weights and Measures office can assist with determining net weights.

## **MEATS**

Fresh or frozen meats may be sold at farmers markets if the following guidelines are followed:

- All products must be commercially slaughtered under USDA or WVDA inspection, passed, and labeled
- Raw products must be kept in cold holding equipment capable of holding the product at 41°F or less
- Meat products must be held, stored, and transported in a clean sanitary environment to keep products wholesome

The vendor shall receive a food establishment permit from the local health department before the date of sale. As part of the routine inspection the local health department may coordinate with WVDA and/or inspect the storage space of the product off premises of the sales area. Off premise storage should be in separate designated cold holding equipment that is stored in a clean, safe, and secure environment. Labels must be provided for the product that include:

- Common name of the product
- Net weight of the product
- Other information as required by WVDA and USDA safe handling instructions.

Cured, smoked or dehydrated meats for sale at Farmers Markets shall be USDA or WVDA inspected. See 9 CFR 303.1 The vendor must supply appropriate documentation at the point of sale proving the product has been approved.

## **POULTRY**

The vendor shall receive a food establishment permit from the local health department before the date of sale. As part of the routine inspection the local health department may coordinate with WVDA and/or inspect the storage space of the product off premises of the sales area. Off premise storage should be in separate designated cold holding equipment that is stored in a clean, safe, and secure environment.

Labels must be provided for the product that include:

- Common name of the product
- Net weight of the product
- Other information as required by WVDA and USDA-safe-handling instructions.

WVDA is able to assist with labeling and West Virginia Division of Labor, Weights and Measures office can assist with determining net weights. Refer to §CSR19 and WVDA for further information.

## **FISH**

Commercially raised and harvested fish may be offered for sale at farmers markets. Wild caught fish are NOT allowed. Fish vendors must provide to market managers a certificate of wholesomeness that states for all species of product that the product was farm raised, at what farm it was raised, and whether or not the product was administered FDA approved medication. These documents must be provided every time fish is brought to the market. The required water tests shall be submitted once per year per water source to insure safe water

samples. Markets shall keep a copy of these for two years. Additional requirements are:

- Raw products must be kept in cold holding equipment capable of holding 41°F or less
- Annual scale certification
- Fish must be gutted at an approved facility
- Fish products must be held, stored and transported in a clean sanitary environment to keep products wholesome.

The vendor shall receive a food establishment permit from the local health department before the date of sale. As part of the routine inspection, the local health department may inspect the storage space of the product off premises of the sales area. Off premise storage should be in separate designated cold holding equipment that is stored in a clean, safe, and secure environment.

- Labels must be provided for the product that include:
- Common name of the product
- Net weight of the product
- Other information as required by WVDA.

*WVDA is able to assist with labeling and West Virginia Division of Labor, Weights and Measures office can assist with determining net weights. Refer to §61CSR23A West Virginia Fish Processing Rules under WVDA for additional information.*

## **FRUITS AND VEGETABLES**

Whole, uncut fruits and vegetables may be offered for sale without registering with or receiving a food establishment permit from the local health department. Once cut, many fruits and vegetables are considered potentially hazardous foods. Melons and tomatoes are just two examples. These products, once cut, would have to be held below 41°F. Therefore, if offering cut fruits or vegetables the vendor would have to receive a food establishment permit from the local health department before the date of sale.

Sprouted seeds are NOT allowed for sale at West farmers market.

Wild harvested mushrooms are NOT allowed for sale at a farmers market. However, there are several mushroom species that can be commercially grown from spores. The sale of mushrooms cultivated on the farm from spores and are harvested by the grower may be offered for sale at the farmers market. Proof of identity of the species and proof that the mushroom is edible shall be displayed at the sales area.

Dehydrated fruits and vegetables may be sold without requiring a farmers market vendor permit.

Other foods may or may not be allowed for sale. Approval for questionable products is at the discretion of the Commissioner of Agriculture, or his/her designee.

## **CHEF DEMONSTRATIONS**

Any cooking demonstration will be regulated under the guidelines of the 2005 Food Code and 64CSR17 "WV Food Establishment Rule." A food establishment permit shall be required for any type of cooking demonstration in which samples are offered to the public. Please contact the local health department for requirements to operate a food establishment.

## **SAMPLING**

WVDA allows the distribution of samples at farmers markets given:

- Hand washing station is present
- Sanitary procedures are followed
- Proper food storage temperatures are maintained
- Appropriate tools for dispensing samples are used
- Adequate trash receptacles are available.

Foods that are potentially hazardous such as cut melons, cooked meats, cut vegetables, cut tomatoes, eggs and dairy products may only be offered as samples when the farmers market has obtained a farmer's market permit. The individual farmers markets reserve the right to allow or disallow sampling of product.

The vendor must obtain a food establishment permit from the local health department. Non-potentially hazardous foods (foods that do not require temperature control due to pH of <4.6 or water activity of <.85 fall into this category) may be offered as a sample without obtaining a food establishment or vendor permit.

A sample is defined as a food product where only a small portion is offered. A whole meal, sandwich, or an individual hot dish is not recognized as a sample.

Handwashing is critical to prevent the spread of illness. Therefore, at a minimum, a handwash station shall be located in close proximity to each vendor that is providing samples.

The handwash station shall be equipped with the following items:

- Five gallon cooler modified with a free-flow spigot or other similar unit
- Catch basin for waste water
- Soap (hand sanitizers are not a substitute)
- Paper Towels
- Adequate supply of warm water
- Waste receptacle.

Sampling must occur under a roof. A tent or large umbrella may provide adequate cover if the vendor is not under a structure.

Samples may not be exposed to insects or other environmental contaminants. A fan or fly screen may be necessary. No bare hand contact with ready to eat food is allowed. Food handlers must wash their hands with soap and water before using deli tissue or gloves to touch the food. All utensils used must be cleaned and sanitized before use and as often as necessary throughout the day.

Hot foods shall be maintained at 135°F and cold foods below 41°F unless 'time as a public health control' is implemented. A properly calibrated food thermometer must be provided to check food temperatures. Samples must be served individually on plates, in cups, toothpicks or similar items. It is vital that vendors control access to samples so that customers cannot touch any sample that is not theirs. Adequate waste receptacles must be provided. Animals shall not be allowed in any food preparation or sampling display area.

## **WV Department of Agriculture/Other Contacts:**

### **West Virginia Department of Agriculture (WVDA)**

#### **Labeling**

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#### **Eggs, Aquaculture, and Registration**

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### **West Virginia Department of Health & Human Resources (WVDHHR)**

#### **Food Program Manager**

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Wayne Powell

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### **WV Department of Labor Weights and Measures**

Elvin Kelly, 304.722.0602

### **WV Farmers Market Association**

Jack Dunbar, 304.772.5175

### **WVU Extension Small Farm Center**

Tom McConnell, 304.293.6131

## **DHHR District Offices:**

### **BECKLEY DISTRICT OFFICE**

100 East Prince Street Beckley, WV 25801

Telephone (304) 256-6666

Fax (304) 256-6672

#### **Counties:**

Fayette: 574-1617 • Greenbrier - 645-1539 • Logan: 792-8630 • McDowell: 448-2217 • Mercer: 324-8836

Mingo: 235-3570 • Monroe: 772-3064 • Nicholas: 872-5329 • Pocahontas: 799-4154 • Raleigh: 252-8532

Summers: 466-3388 • Webster: 874-2001 • Wyoming: 732-7941

### **FAIRMONT DISTRICT OFFICE**

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#### **Counties:**

Barbour: 457-1670 • Braxton: 765-2851 • Doddridge: 873-1531 • Gilmer: 462-7351 • Harrison: 623-9308

Lewis: 269-8218 • Marion: 367-1746 • Monongalia: 598-5131 • Preston: 329-0096 • Randolph - 636-0396

Taylor: 265-1288 • Tucker: 478-3572 • Upshur: 472-2810

### **ST. ALBANS DISTRICT OFFICE**

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#### **Counties:**

Boone: 369-7967 • Cabell: 523-6483 • Clay: 587-4269 • Jackson: 372-1093 • Kanawha: 348-8050

Lincoln: 854-3330 • Mason: 675-3050 • Putnam: 757-2541 • Wayne: 272-6761

### **KEARNEYSVILLE DISTRICT OFFICE**

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Kearneysville, WV 25430

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#### **Counties:**

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Mineral: 788-1321 • Morgan: 258-1513 • Pendleton: 358-7565

### **WHEELING DISTRICT OFFICE**

117 Methodist Building, 1060 Chapline Street

Wheeling, WV 26003

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Fax (304) 238-1002

#### **Counties:**

Brooke: 737-3665 • Calhoun: 354-6101 • Hancock: 564-3343 • Marshall: 845-7844 • Ohio: 234-3682

Pleasants: 684-2461 • Ritchie: 643-2917 • Roane: 927-1480 • Wetzel/Tyler: 337-2001 • Wirt: 275-3131

Wood - 485-1416

# West Virginia Cottage Foods Industry Best Practices

The sale of cottage foods at West Virginia farmer's markets is a great way to develop value-added products, extend the shelf life of farm grown fruits and vegetables and provide additional revenue opportunities for your market enterprise.

The production and processing of food requires a commitment to public safety and assurances to the consumer that food is being grown, handled and held in a sanitary manner to help prevent the spread of disease or illness. There is no substitute for hand washing, cleanliness and proper processing to reduce risk.

"Cottage food" are defined as foods that are non-potentially hazardous which do not require temperature control for safety. "Acidified foods" are low-acid foods to which acid or acid foods are added to establish a finished equilibrium of <4.6 pH and/or a water activity (aw) of >0.85. Foods that achieve these laboratory result are considered potentially non-hazardous because of their inability to support microbial growth of certain life-threatening micro-organisms.

Farmer's market vendors are able to sell limited amounts of acidified cottage foods prepared in their home kitchens by following these guidelines:

**Acidified foods eligible for sale at farmer's market, with a farmer's market permit, include but are not limited to:**

- a. Pickled products
- b. Sauces;
- c. Salsas;
- d. Certain fermented products;
- e. Processed acidified foods
- f. Other products that meet the review procedures set forth in X.X, 2 (below)

**For acidified foods to be eligible for sale at West Virginia farmer's markets, the following evaluation and testing guidelines must be documented and available for review upon application for a vendor permit:**

- a. Process flowchart listing the product ingredients, quantity and preparation/jarring procedure;
- b. A verified final equilibrium pH report
- c. Review of recipe/process by WVDA or a process authority

**Manufacturers of acidified cottage foods must attend an educational program approved by WVDA covering Good Manufacturing Practices and sanitation guidelines on a bi-annual basis. Examples of approved curriculums include:**

- a. WVDA-developed Cottage Food training;
- b. ServSafe curriculum;
- c. State issued (not county) food handler's license;
- d. Good Manufacturing Practices (GMP) certificate program;
- e. Other approved curriculum

At least 51% of the produce in canned acidified foods must be sourced from the vendor's West Virginia farm or garden. A review of production areas is part of the inspectional process of this section and shall be available for observation.

Pursuant to 8.7, all canned acidified foods must provide potable water in production, hand wash and sanitation areas and a written record of testing must be maintained and subject to review.

**Batch recordkeeping for cottage foods is required and must be available for review upon inspection. At a minimum, these records should include:**

- a. Raw ingredient sourcing including fruits and vegetable grown on the farm;
- b. Date of processing;
- c. Recipe used;
- d. Number of units manufactured;
- e. Distribution
- f. Initials of processor

**All acidified, cottage food products sold at West Virginia farmer's markets must be labeled with the following information:**

- Common name of product
- Name and address of vendor/processor
- Ingredient list with items in order from most to least (by weight not volume)
- Net weight in US and metric equivalency
- Major allergens listed

Acidified cottage food home kitchens shall be inspection upon initial registration and annually. Non-compliance violations will result in additional inspections. Inspectional costs are \$27.00 per hour plus travel and billable to the farmer's market vendor. These fees apply to initial, annual and additional inspection occurrences.

**Kitchen inspections will include, but are not limited to:**

- a. Review of specific food products eligible for sale at farmer's markets;
- b. Verification that only the permittee, or a person under the direct supervision of the permittee, may be engaged in the preparing, processing, packaging and handle of acidified cottage food products;
- c. Time and activity breaks must be observed through verification that no preparation, packing or handling of cottage foods is occurring in the home kitchen while other domestic activities, such as home meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment;
- d. Infants, small children, and pets are prohibited from the kitchen area during time of food production;
- e. Only non-commercial types of kitchen and utensils are being used in cottage food production and are maintained in clean and sanitized conditions;
- f. All food contact surfaces, equipment and utensils that come in contact with cottage food products are washed, rinsed, and sanitized before each use;
- g. Written processes for the handling of equipment, ingredients and contact surfaces to avoid cross contamination;
- h. Signage indicating:
  - a. Hand washing required before any food preparation, packaging, sanitation facility use, re-entrance to kitchen area after a break or eating;
  - b. Cleaning and sanitation procedures
- i. All food, preparation, equipment, and storage areas used in cottage food production are free of rodents and insects as well as chemical contamination from stored product;
- j. Review of production records;
- k. Visual examination of production fields to verify raw ingredient sourcing.

**All kitchen personnel involved in the preparation and packaging of cottage food products must adhere to Good Manufacturing Practices, including but not limited to:**

- a. Working while knowing ill or experiencing the following symptoms:
  1. Vomiting;
  2. Diarrhea;
  3. Jaundice;
  4. Sore throat with fever;

5. Symptoms or diagnosis of:
  - a. Norovirus;
  - b. Hepatitis A;
  - c. Shigella spp.;
  - d. Shiga toxin producing Escherishia coli;
  - e. Salmonella spp.

Any lesion containing pus, infection or an open or draining wound on the hands or wrist require the use of an impermeable barrier such as gloves to prevent contact. For exposed portions of the arms, lesions must be protected by an impermeable cover. Wound or lesions on any other portion of the body must be covered with a durable, tight-fitting bandage to prevent seeping.

Reducing or eliminating bare hand contact with foods through the use of single use implements or other suitable barriers.

During the production of a cottage food, personnel shall not eat, drink, or use any form of tobacco.

Farmer's market vendors are permitted to sell acidified cottage foods prepared in their home kitchen until one of the following criteria are met. Once a producer meets one of these criteria, they are classified as a commercial processor and must register with DHHR as a food manufacturer.

1. Farmer's market vendor sells more 1,500 units total of acidified cottage foods;
2. Farmer's market vendor sells online and does not deliver directly to the consumer (i.e. "ships");
3. Sells to any outlet at a wholesale cost;
4. Sells to any outlet for resale at a retail cost;
5. Participates in interstate commerce (i.e. Tamarack)

# APPENDIX

## RABBIT & POULTRY FARMER'S MARKET SALES

You may also sell exempted rabbit or poultry products if you comply with one of the following exemptions:

1. WV exemption for 1,000 poultry per year (refer to Fact Sheet for requirements);
2. WV exemption for 20,000 poultry per year (refer to Fact Sheet for requirements);
3. WV exemption for 20,000 rabbits per year (refer to Fact Sheet for requirements).

### WV 20,000 RABBITS PER YEAR EXEMPTION

1. Up to 20,000 rabbits per calendar year may be slaughtered and processed at the premises where they were raised. The resulting rabbit meat products may be sold without inspection within West Virginia. These sales include, but are not limited to, direct sales to individuals, at farmer's markets, restaurants, grocery stores, and wholesales/distributors.
2. Premises where rabbits are raised and procedures used for slaughtering and processing the rabbits must be registered annually with the West Virginia Department of Agriculture (WVDA).
3. No person with a contagious disease can process rabbits.
4. Only healthy rabbits are eligible for processing/sale.
5. Rabbits must be slaughtered using a humane method.
6. Rabbits must be slaughtered and dressed in a sanitary manner.
7. Cooling of rabbits must start immediately after slaughter and rabbits must be chilled to less than 40 degrees within 24 hours.
8. Rabbits may be sold fresh but must be frozen if not sold within 72 hours of slaughter.
9. Equipment used in the slaughter and processing of rabbits must be cleaned and sanitized as necessary but at least daily at the end of use.
10. Rabbit meat products must have a label on each package. The label must include the following information:
  - Processor's name and address
  - Product Name
  - Net Weight
  - Safe handling instructions (Make sure the instructions do not indicate that the product was prepared from inspected and passed meat.)
  - Slaughter Date
11. Please do not include any claims on the package labeling. (You may communicate information about raising practices, breeds, nutritional benefits, etc. on signage at the point-of-purchase or via social media.)
12. Sales and production records must be provided to a WVDA compliance officer/inspector if and when requested. The premises where the exempted rabbit slaughter occurs may be visited by WVDA staff without prior notice.
13. Producers must keep records for a minimum of two years.

### WV 1,000 POULTRY PER YEAR EXEMPTION

1. Poultry must be healthy
2. Birds must be slaughtered and dressed in a sanitary manner
3. Birds must be slaughtered on same premises where grown
4. Cannot cross state line
5. Can sell to distributor
6. Can sell to restaurant
7. Can sell to any customer within the state

8. Label must have:

- Processor's name
- Processor's address
- Product name
- Net Weight
- Safe handling instructions (uninspected product)
- Pack date

9. Records must be kept related to number of birds raised and to whom they were sold.

## WV 20,000 POULTRY PER YEAR EXEMPTION

1. The producer/grower slaughters/process no more than 20,000 healthy birds of his/her own raising, on his/her premises in a calendar year.
2. The producer/grower sells/distributes only poultry products he/she prepares under the Producer/Grower 20,000 Poultry Limit Exemption. He/she may not buy or sell poultry products prepared under another exemption in the same calendar year.
3. The poultry products can be sold only within the State of West Virginia. The poultry products may not move in interstate commerce.
4. The poultry are healthy when slaughtered.
5. The slaughter and processing at the producer/grower's premises is conducted under sanitary standards, practices and procedures that produce products that are sound, clean, fit for human food and not adulterated. (Basic Sanitary Standards)
6. The producer/grower only distributes poultry products he/she produced under the Poultry/Grower Exemption. Note: The producer/grower can also distribute poultry products that he/she raised and had slaughtered /processed under USDA inspection.
7. With the exception of mobile slaughter units, the facility/location used to slaughter or process the poultry is not used to slaughter or process another person's poultry unless the State Director of Meat and Poultry Inspection grants an exemption.
8. All poultry or poultry products produced under this exemption must be labeled with the following:
  - a. Processor's name
  - b. Address
  - c. Product name
  - d. Net weight
  - e. Safe Handling Instructions (uninspected product)
  - f. Pack date
9. The producer/grower keeps accurate and legible records necessary for at least two years necessary for the effective enforcement of the Act.
10. A poultry producer who otherwise meets the requirements of the exemption and that slaughters or processes 20,000 or fewer birds per calendar year under the federal Poultry Products Inspection Act, 21 U.S.C. 464(c)(3), may not keep a poultry flock of more than 3,000 birds at any one time.

# Handwashing Station

WVDA equires the following minimum handwashing station set-up for any farmers market that includes sampling or temporary food service.

- 5 gallon cooler with a free-flow spigot
- Catch basin for waste water
- Soap
- Paper towels
- Adequate supply of warm water
- Trash receptacle



**Methods of Retail Sale for Fresh Fruits/Veggies Chart  
Specific Comodity**

**Methods of Retail Sale for Fresh Fruits/Vegetables Chart  
General Commodity**

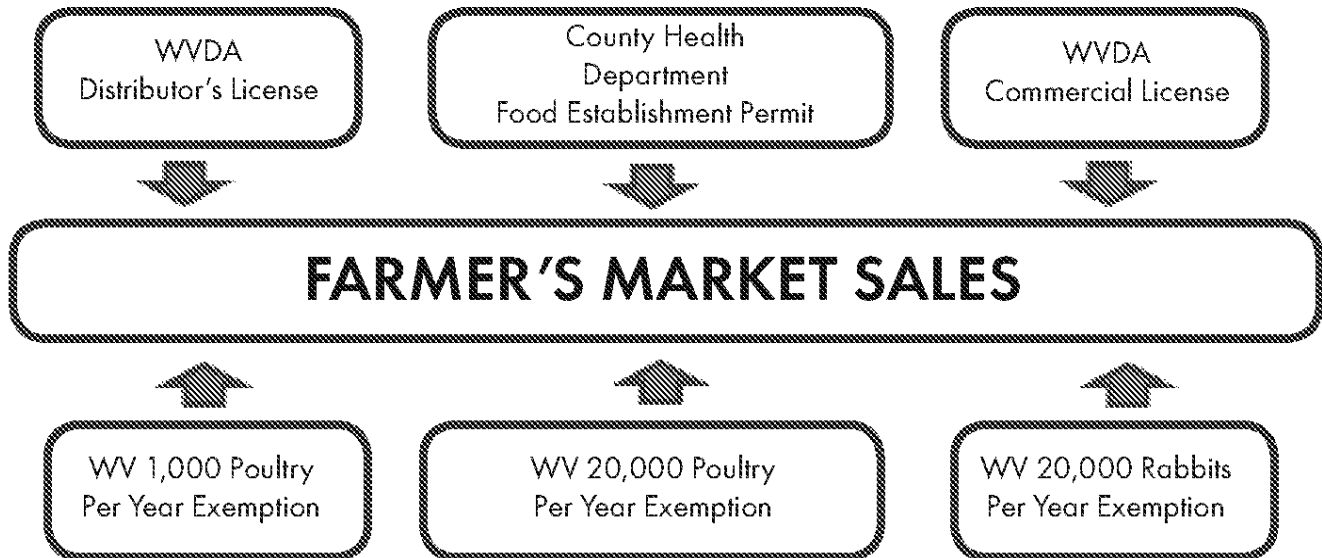
# Guide to Farmers Market Vendor Permits

Commodity	Farmer's Market Vendor Permit WVDA	Food Establishment Permit DHHR	Other permits
Fresh uncut produce	Not required	Not required	Not required
Loaf breads, rolls, biscuits	Not required	Not required	Not required
Cakes, including celebration	Not required	Not required	Not required
Candies & confections	Not required	Not required	Not required
Fruit pies	Not required	Not required	Not required
Cereals, trail mixes, granola	Not required	Not required	Not required
Coated or uncoated nuts	Not required	Not required	Not required
Popcorn, popcorn balls, cotton candy	Not required	Not required	Not required
Applebutter	Not required	Not required	Not required
Sorghum	Not required	Not required	Not required
Molasses	Not required	Not required	Not required
Tree syrup	Not required	Not required	Not required
Pasteurized milk	Not required	Required	??
Cheese	Not required	Required	??
Honey	Not required	Not required	Apiarist must be registered with WVDA
Non-dietary jams & jellies	Not required	Not required	Not required
Pickled products	Required	Not required	Not required
Sauces	Required	Not required	Not required
Salsas	Required	Not required	Not required
Condiments	Not required	Not required	Not required
Certain fermented products	Not required	Not required	Not required
Tomato sauce & juice	Not required	Not required	Not required
Whole or chopped canned tomatoes	Not required- see above	Not required	Not required
Other canned or preserved foods	Not required	Required	Approved manufacturer from WVDHHR
Eggs	Not required	Required	Must register with WVDA as egg producer
Meats	Not required	Required	WVDA Distributors or commercial license or retail exemption (see further description below)
Poultry	Not required	Required	WVDA Distributors or commercial license or retail exemption (see further description above)
Fish	Not required	Required	If processed at a processing facility, then must register as fish processing facility with WVDA and obtain a "Fish Processing License"
Commercially harvested mushrooms	Not required	Not required	Proof of identification of species is required
Dehydrated fruits and vegetables	Not required	Not required	Not required

# Additional Guidance for Selling Meat and/or Poultry at Farmer's Markets

You may sell meat or poultry products at farmer's markets if one of the following applies:

1. You have a current Distributor's License issued by the WVDA;
2. You have a current Food Establishment Permit issued by a county health department;
3. You have a current Commercial Establishment License issued by the WVDA.



**You may also sell exempted rabbit or poultry products if you comply with one of the following exemptions:**

1. WV exemption for 1000 poultry per year (refer to Fact Sheet for requirements);
2. WV exemption for 20,000 poultry per year (refer to Fact Sheet for requirements);
3. WV exemption for 20