

# APPENDIX A

Each Farmers Market will be required to register with the West Virginia Department of Agriculture (WVDA) annually. For the 2018 growing season, all Farmers Markets are required to register with the WVDA.

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 farmers market vendor permit. The registration for a farmers market vendor permit 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. For the 2018 growing season, if a food establishment permit has already been obtained, the permit fee shall be waived.

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.

*For the 2018 growing season, Farmers Markets and Vendors should follow the current Farmers Market Vendor Guide until further guidance is available, with the following exceptions:*

**Baked Goods**- Vendors may sell baked goods and candies prepared in a home kitchen, so long as they are non-potentially hazardous, without registering with the local health department. Non-potentially hazardous baked goods are exempt from obtaining a WVDA vendor permit.

**Applebutter, Sorghum, & Molasses** - Vendors who would like to sell these products will not be required to register with the local health department and are exempt from obtaining a WVDA vendor permit.

**Preserved or Canned Foods** - Vendors may sell certain home canned acidified foods, such as: pickled products, sauces, salsas, fermented products, and acidified fruits or vegetables, if they acquire a farmers market vendor permit from the WVDA. Vendors are not required to register with the local health department for the sale of these items.

Certain additional non-potentially hazardous food items may now be manufactured including: condiments, commercially harvested mushrooms, canned tomatoes, tomato sauce, and tomato juice.

Vendors are not required to register these items with the local health department and they are exempt from obtaining a WVDA vendor permit.

**Jams & Jellies-** Vendors who would like to sell home canned jams and jellies do not need to register with the local health department prior to the date of sale and are exempt from obtaining a WVDA vendor permit.

**Chef Demonstrations-** Farmers markets will not be required to obtain a food establishment permit to conduct chef demonstrations, however the farmers market must register with the WVDA and a representative from the market must have taken a WVDA approved good manufacturing training course.

**Sampling-** Farmers markets will not be required to obtain a food establishment permit to conduct sampling, however the farmers market must register with the WVDA and a representative from the market must have taken a WVDA approved good manufacturing training course.

Additionally, some of the comments for both the WVDHHR and the WVDA are obsolete.

## APPENDIX B

### REFERENCES REGARDING PROCESS REVIEW OF POTENTIALLY HAZARDOUS FOODS SOLD AT WV FARMERS MARKETS:

§61-38-8. Requirements for Farmers Market Vendors.

8.1. A producer of potentially hazardous foods must have the process for preparing and preserving the products approved prior to selling the products, and must be obtained in a manner approved by the Department, as provided in the West Virginia Farmers Market Vendor Guide.

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### What is a process review of a commercial food product?

A *process review* of a commercial food product is a complete evaluation of how a food product is made, including all the steps of preparation, ingredients, and packaging. These procedures must be followed for each batch processed.

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Searchable database of food process authorities by state:

<http://www.afdo.org/foodprocessing>

Regional food processing authorities who work with West Virginia food manufacturers (service charges may apply):

1. West Virginia University-Davis College of Agriculture  
Susan Slider, Research Assistant II  
(304) 293-1985  
sslider@wvu.edu

Additional information:

<http://www.wvdhhr.org/ohs/food/Food%20Manufacturers/NEST%20VIRGINIA%20UNIVERSITY%20FOOD%20PROCESS%20AUTHORITY%20CHECKLIST%202018.pdf>

<http://www.wvdhhr.org/ohs/food/Food%20Manufacturers/Product%20Evaluation%20Request%20Form%202018.pdf>

2. Virginia Tech Food Innovations Program  
Joell Eifert  
(540) 231-2483  
[joell.eifert@vt.edu](mailto:joell.eifert@vt.edu)

<https://ext.vt.edu/food-health/food-innovations.html>

## APPENDIX C

### **REFERENCES REGARDING EDUCATIONAL REQUIREMENTS OF WV COTTAGE FOOD PRODUCERS:**

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#### **Educational requirement for cottage food processing in West Virginia**

A process authority review determines the food composition and its suitability to sell. In order to address issues that may be present in the home, farm or commercial kitchen used to manufacture West Virginia cottage food, an education requirement focusing on Good Manufacturing Practices (GMP's) is required. During the rule transition, several programs are available to fulfill this requirements until the West Virginia Department of Agriculture and its partners can create educational materials that are state specific.

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#### **561-38-8. Requirements for Farmers Market Vendors.**

8.4. Persons engaged in the production of cottage foods for sale at farmers markets shall attend and keep current one or more of the following and provide documentation of successful completion of the scope of curriculum from a Department-approved food-safety course:

8.4.a. Department-developed cottage foods training (renewed biennially);

8.4.b. ServSafe curriculum;

<https://www.servsafe.com/ServSafe-Food-Handler>

8.4.c. Statewide food handlers' card;

<https://www.statefoodsafety.com/food-handler>

8.4.d. Good manufacturing practices (GMP) certificate program; and

<https://foodsafety.ncsu.edu/good-manufacturing-practices/>

<https://instituteforfoodsafety.cornell.edu/trainings/good-manufacturing-practices-registration/>

8.4.e. Other curriculum approved by the Department.