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To promote and protect the health and well-being of Kings County residents through education, prevention, and intervention.



## **Excerpts from California Conference of Directors of Environmental Health (CCDEH) Certified Farmers' Market (CFM) Guidelines**

### **Is a permit required for each producer selling agricultural products?**

No. Since a CFM is defined in CRFC as a food facility, all agricultural products (certified and non-certifiable) sold at a CFM are part of that facility and covered under the health permit for the CFM.

Prior to the July 1991 change in the Direct Marketing Regulations, vendors selling processed food were required to have individual health permits. Now, products meeting the definition of non-certifiable agricultural products have been added to those foods which can be sold at a CFM. However, non-certifiable agricultural products must still be produced under inspection by the appropriate regulatory authority. Proof of an approved source for each food product is also still required. The CFM manager should maintain a copy of each vendor's documentation, at the CFM location, for review by the enforcement officer.

Since one health permit will cover all vendors that are part of the CFM, the CFM permit holder is responsible for ensuring that each vendor complies with all applicable health codes. Noncompliance by a single vendor may be cause for suspension or revocation of the permit.

Vendors selling food other than agricultural products, such as bread, are not considered part of the CFM. Each vendor selling nonagricultural food products must have their own health permit.

### **What is a "non-certifiable agricultural product" and what are some of these products that may be found in a CFM?**

These products are part of the definition of agricultural products but are not certified by the agricultural commissioner. Products that are considered non-certifiable include processed products from certified agricultural products such as fruit and vegetable juices, shelled nuts, jams and jellies, and wine. Other examples include catfish, trout, and oysters from controlled aquaculture operations, livestock and livestock products, and poultry and poultry products.

Though these products are not "certified," they must have been produced or derived from plants or animals raised or produced by the producer. These non-certifiable processed agricultural products may include, or have added to them, a limited number of ingredients or additives which act only as preservatives or are essential in the preparation of the product. Examples include pickles and cucumbers in a brine or vinegar solution for curing or pickling, natural smoking of meat or poultry for drying and preserving, flavorings such as smokehouse, hickory, or jalapeno added to shelled nuts which do not change the visual identity of the product, sulfites added to dried fruits and vegetables, and sugar, fruit juices, and pectin added to fruits to make jams and jellies.

**NON-CERTIFIABLE AGRICULTURAL PRODUCTS MUST BE FROM AN  
"APPROVED SOURCE."**

**What is considered an "approved source?"**

The California Retail Food Code (CRFC) requires that all food at a certified farmers' market be obtained from approved sources. The following agencies regulate the growing or processing of the indicated food products. Acceptance of an approved source is up to the local environmental health agency.

1. County Agricultural Commissioner
2. California Department of Public Health, Food and Drug Branch
3. California Department of Fish and Game
4. California Department of Food and Agriculture, Meat, Poultry and Egg Safety Branch
5. California Department of Food and Agriculture, Milk and Dairy Food Safety Branch
6. United States Department of Agriculture, Food Safety Inspection Service
7. Local Environmental Health Agency

**PRODUCT REGULATORY AUTHORITY**

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FRUITS AND VEGETABLES:	fresh, whole	<b>1</b>
	processed	<b>2 or 7*</b>
NUTS:	fresh, whole	<b>1</b>
	processed	<b>2 or 7*</b>
SPROUTS		<b>1</b>
SHELL EGGS		<b>1</b>
HONEY		<b>1</b>
JUICES		<b>2 or 7*</b>
JAMS AND PRESERVES		<b>2 or 7*</b>
LOW ACID CANNED FOODS		<b>2</b>
POULTRY:	live	<b>none</b>
	processed	<b>4** or 6</b>
FISH AND SHELLFISH		<b>2 &amp; 3</b>
RED MEAT:	fresh	<b>6</b>
	processed (cured, smoked)	<b>6 &amp; 4</b>
DAIRY PRODUCTS		<b>5</b>

\*In most cases, the Food and Drug Branch regulates wholesale operations. Food Processors who sell only at retail are usually regulated by the local environmental health agency.

\*\*The exemption from CA Dept. of Food and Agriculture (CDFA) inspection of poultry does not apply when sales occur at CFMs. Inspection must be requested from CDFA.

**California Department of Food and Agriculture (CDFA) Poultry 1000  
Bird Limit Exemption Guidelines (Excerpt):**

**Introduction**

The purpose of these Guidelines is to provide processing and handling recommendations to poultry producers who process and sell fewer than 1,000 chickens or 250 turkeys under the federal **Producer/Grower – 1,000 Bird Limit** exemption. The goal is that products offered for sale via Community Supported Agricultural programs (CSAs) are wholesome and properly identified.

### **Producer/Grower – 1,000 Bird Limit Exemption**

First a misconception---that an exempt operation is exempt from all requirements of the Poultry Products Inspection Act (PPIA) and the Federal Meat Inspection Act (MIA). In fact, exempt poultry operations are exempt from continuous bird-by-bird inspection and the presence of USDA Food Safety Inspection Services (FSIS) inspectors during the slaughter of poultry and processing of poultry products, but they are not exempt from laws pertaining to sanitation and record keeping.

However, only limited provisions of the Poultry Product Inspection Act (PPIA) apply to poultry growers who slaughter no more than 1,000 poultry in a calendar year for use as human food. A person may slaughter and process poultry that he or she raised on his or her premises and they may distribute such poultry without mandatory inspection when the following five criteria are met [PPIA Section 464(c)(4) "Section 15 (c)(4)"4; Title 9 CFR §381.10(c)].

### **Exemption Criteria**

1. The poultry grower slaughters no more that 1,000 healthy birds of his or her own raising in a calendar year for distribution as human food;
2. The poultry grower does not engage in buying or selling poultry products other than those produced from poultry raised on his or her own farm;
3. The slaughter and processing are conducted under sanitary standards, practices, and procedures that produce poultry products that are sound, clean, and fit for human food (not adulterated);
4. The producer keeps records necessary for the effective enforcement of the Act [Title 9 CFR 381.175]; and
5. The poultry products do not move in commerce. (In this context, "commerce" is defined as the exchange or transportation of poultry products between States, U.S. territories (Guam, Virgin Island of the United States, and American Samoa), and the District of Columbia) [PPIA Section 453; Title 9CFR §381.1(b)].

### **Additional Requirements**

If any of the five criteria described above are not met, the owner of the poultry is not eligible for this exemption.

All records necessary for the effective enforcement of the Act include slaughter records and records covering the sales of poultry products to customers. USDA/FSIS or contracted State employees review such records to determine compliance with the requirement of the sale of no more than 1,000 poultry in a calendar year.

The Act does not exempt any person slaughtering or processing poultry from the provisions requiring the manufacturing of poultry products that are not adulterated and not misbranded. Thus, all businesses slaughtering or processing poultry for use as human food, including exempt operations, must produce poultry product that is not adulterated or misbranded.

### **Can uninspected, processed poultry be sold at a CFM?**

No. The Department of Food and Agriculture exemption from State law that requires inspection and licensing of poultry slaughter plants does not apply to sales at retail food facilities. Since the CFM is a retail food facility and the Direct Marketing Regulations require compliance with CRFC, uninspected poultry and rabbits would not be from an approved source. Therefore they could not be sold at a CFM.

**Producers raising poultry for sale at a CFM must request inspection and licensing from the California Department of Food and Agriculture, Meat, Poultry and Egg Safety Branch, or have their poultry processed at a licensed facility.**

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To sell processed poultry at a Certified Farmers' Market, a poultry processing farm or one that processes less than 1000 chicken per year, please contact CDFA, Animal Health and Food Safety Services to request licensing and inspection.

Alternatively, a poultry processing farm, that processes less than 1000 chicken per year, may arrange to have their poultry processed at a licensed facility in order to sell processed poultry at a Certified Farmers' Market.

### **CDFA Contact Information**

- Animal Health and Food Safety Services: Meat, Poultry and Egg Safety Branch:
  - 1220 N Street, Sacramento, CA 95814 • (916) 900-5004 • [cdfa.mpes\\_feedback@cdfa.ca.gov](mailto:cdfa.mpes_feedback@cdfa.ca.gov)
- Certified Farmers' Market Program:
  - 1220 N Street, Sacramento, CA 95814 • (916) 900-5030 • [cfm@cdfa.ca.gov](mailto:cfm@cdfa.ca.gov)
- General Information Contact Phone Number: 916-654-0466

### **USDA Contact Information (Western Region):**

- USDA District 05: 800 Buchanan St. Albany, CA .94701 • (510) 769-5700