ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
DIVISION OF FOOD, DRUGS AND DAIRIES

TECHNICAL INFORMATION BULLETIN

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SUBJECT: Sanitation Guidelines for Farmers Markets

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AUTHORIZED: _____
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GENERAL INTRODUCTION

In accordance with the Illinois Food Handling Regulation Enforcement Act [410 ILCS 625/3.3], this technical information bulletin provides Illinois regulatory **guidelines** for foods often found at farmers markets. It also contains information regarding some of the risks involved with various foods often distributed at farmers markets and basic guidance regarding safe transportation, delivery and display of foods.

As the number of farmers markets in Illinois has increased three-fold in the past decade, guidance and clarification regarding farmers markets is needed. In addition, the range of food products sold at these venues has expanded from only fresh, uncut, unprocessed fruits and vegetables to also include meats, poultry, eggs, dairy products, and processed foods, including baked goods, jams and salsas. This guidance document, originally written in 1999, has been revised to clarify several areas of confusion, such as foods that are allowed when certain regulations are met. Given that certain foods pose potential risks to public health, local health departments need to be aware of the Illinois statutes and rules, and must be able to verify the source of foods distributed.

An appendix (Appendix A) listing Illinois' statutes and rules that provide the legal basis for regulating farmers markets can be found at the end of this document.

This technical information bulletin is not all-inclusive. Other regulations may apply including local, city or county food ordinances. Contact information for local health departments may be obtained at the following website: *http://www.idph.state.il.us/local/home.htm*.

PERMITS/LICENSES

Operators of stands and concessions who wish to sell products other than fresh, uncut, unprocessed produce must contact each local health department (*http://www.idph.state.il.us/local/home.htm)* in which they will be operating to obtain specific requirements, including necessary inspections, food permits or licenses. Fresh, whole, uncut, unprocessed produce, as implied in the Farm Products and Marketing Act [505 ILCS 70], is exempt from inspections and licensing fees.

FOODS ALLOWED FOR SALE OR DISTRIBUTION AT FARMERS MARKETS WITH NO RESTRICTIONS

As provided by the Farm Products Marketing Act, the following foods are allowed at farmers markets with no restriction:

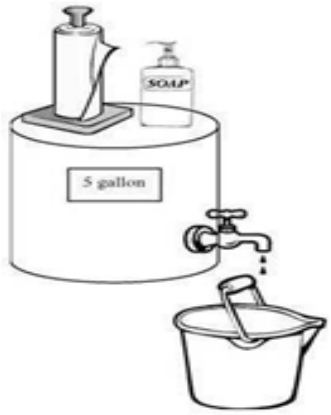
- Fresh fruits and vegetables, only minimally rinsed to remove visible soil, but otherwise unprocessed
- Grains, seeds, beans and nuts (whole, unprocessed and unsprouted)
- Popcorn (kernels can be removed from the cob)
- Fresh herb sprigs; dried herbs in bunches (only cut for harvesting, minimally rinsed to remove visible soil).

Above items are allowed to be in unsealed bags or containers or bagged at the time of sale by the vendor.

Honey in the comb or that is removed from the comb and in an unadulterated condition is exempt if the producer packs or sells less than 500 gallons. Per the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/27], honey is exempt from inspection; however, federal labeling laws must be followed (Page 6).

HANDWASHING

Handwashing is required when produce or any food item is sliced, cut or prepared on-site or off-site; therefore, handwashing facilities must be provided. It is highly recommended that if warm water under pressure is not available, a handwashing station such as the one shown below is utilized. Water used for handwashing shall be from a potable source.



A temporary handwashing station that is conveniently accessible is required at all permitted temporary food facilities. This must be set up prior to any food preparation. Provide a container with a spigot that allows hands-free flowing water, a waste water bucket, a pump-type soap dispenser and single use/disposable paper towels. All food workers must wash their hands when they return to the concession stand/booth and after using the restroom, after eating, smoking or handling money.

FOODS ALLOWED FOR SALE OR DISTRIBUTION AT FARMERS MARKETS WITH CERTAIN RESTRICTIONS

Note: *In addition to the guidance below, please refer to the complete applicable statute and regulation listed in Appendix A at the end of this document.*

- **Baked goods** – Under the Illinois Food Handling Regulation Enforcement Act, Cottage Food Operation [410 ILCS 625/4], baked goods that are not potentially hazardous may be produced in the kitchen of the person's primary domestic residence for direct sale to customers at farmers markets. The public act only provides for direct sale by the owner or the family member to customers at farmers markets. Thus, cottage food operation products cannot be sold to retail stores, restaurants, over the Internet, by mail order, or to wholesalers, brokers or other food distributors who resell food. The cottage food operation shall register with the local health department where the cottage food operation resides. Failure to register with the local health department will subject the cottage food operation to regulation by Illinois Department of Public Health and/or Illinois Department of Agriculture. Refer to TIB #44 on Cottage Food Operations for additional requirements. Check with your local health department for any local regulations and/or additional recommendations http://www.idph.state.il.us/local/map.htm.

- **Retail or wholesale** - If the goods are for direct retail sale or distribution, the facility and processes must be inspected by the local health department. Potentially hazardous baked goods (i.e., cream or custard filled items, egg-based or custard pies) shall be transported and held at or below 41 F at all times. **If the goods are for wholesale distribution,** the facility and processes must be inspected by the Illinois Department of Public Health, Division of Food, Drugs, and Dairies (FDD). Contact information for the Illinois Department of Public Health/FDD regional offices can be found at the end of this document in Appendix B.

- **Cut fruits and vegetables** shall be deemed to be ready-to-eat and shall be prepared and handled in accordance with the temporary food service section of the Illinois Food Service Sanitation Code [77 Ill. Adm. Code 750] sections 750.1600 through 750.1700.

- **Milk and cheese products** shall be processed in an Illinois Department of Public Health-licensed facility. Products that have been pasteurized, processed and packaged in a licensed dairy plant may be sold at farmers markets. All potentially hazardous dairy products shall be stored at 41 F or below. For specific information, contact the regional office by clicking onto the following site: http://www.idph.state.il.us/local/map.htm . The FDD regional office contact information is also available at the end of this document in Appendix B. All milk products must follow the labeling requirements found in the labeling section of this document on Page 7.

- **Raw milk cheeses** may be sold if made in a licensed dairy plant and is cured at a temperature of not less than 35 F and aged more than 60 days. Title 21 Code of Federal Regulations (CFR) Part 133 [21 CFR 133] addresses those standardized cheeses that are permitted to be manufactured from raw milk when the cheese is aged not more than 60 days.

- **Ice cream** may be sold if it is manufactured in a licensed dairy plant or in a retail food establishment from commercially pasteurized ice cream mix.

- **Herbs** - Chopped, blended, packaged, or otherwise processed herbs must be prepared in an inspected facility. Dry herb, dry herb blend or dry tea blend is allowed under the Cottage Food Act if it is intended for end-use only (direct to consumer). Refer to TIB 44 on Cottage Food Operations for further restrictions.

- **Honey** from a producer selling more than 500 gallons must be extracted and bottled in an inspected facility. If any sweetener is added, the product may not be called honey. *Note:* The Illinois Bees and Apiaries Act [510 ILCS 20] requires every person keeping one or more colonies of bees to register with the Illinois Department of Agriculture annually.

- **Maple syrup** must originate from an inspected facility and must follow the labeling requirements found in the labeling section on Page 7.

- **Cultivated mushrooms** - Commercially-raised mushrooms (i.e., common button mushroom, portabellas, shiitake, enoki, bavarian) must have documentation detailing their source. "Wild-type" mushroom species picked in the wild shall not be offered for sale or distribution.

- **Apple cider and other fruit and/or vegetable juices** shall be made in an inspected facility. Juice Hazard Analysis Critical Control Points (HACCP) regulations must be followed if sold wholesale. Reference the United State Food and Drug Administration (FDA) website for more information (www.fda.gov).

  Contact the Department's office (Appendix B) to arrange to have a facility and process of juicing approved.

  - Apple cider, packaged or in a container, must be treated to achieve a five-log reduction of pathogens or show a warning statement on the label stating:

    "WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly and persons with compromised immune systems."

  - Unpackaged apple cider and other fresh juice produced on site are exempt from the warning statement.

- **Fruit butters**. The following fruit butters are allowed: apple, apricot, grape, peach, plum, quince, and prune. **Pumpkin butter, banana butter and pear butter are not allowed unless they are produced in an inspected facility**. Fruit butters not listed may be produced by a cottage food operation provided their recipe has been tested and documented by a commercial laboratory, at the expense of the cottage food operation, as being not potentially hazardous, containing a pH equilibrium of less than 4.6. Refer to TIB 44 on Cottage Food Operations for further restrictions.

- **Herb vinegars** shall be made in an inspected facility. All vinegars must follow labeling requirements found in the labeling section on Page 7.

- **Garlic-in-oil** shall only be sold if processed in an inspected, commercial processing plant where it has been acidified to certain specifications (usually with citric acid). Garlic-in-oil is frequently contaminated with Clostridium botulinum spores and has been implicated in several foodborne outbreaks.

- **Jam, jellies and preserves** - The following jams, jellies and preserves are allowed: apple, apricot, grape, peach, plum, quince, orange, nectarine, tangerine, blackberry, raspberry, blueberry, boysenberry, cherry, cranberry, strawberry, red currants, or a combination of these fruits. **Rhubarb, tomato, and pepper jellies or jams are not allowed unless they are produced in an inspected facility**. Any other jams, jellies or preserves not listed may be produced by a cottage food operation provided their recipe has been tested and documented by a commercial laboratory, at the expense of the cottage food operation, as being not potentially hazardous, containing a pH equilibrium of less than 4.6. Refer to TIB 44 on Cottage Food Operations for further restrictions.

- **Other flavored oils** shall be made in an inspected facility. Flavored oils have not been epidemiologically implicated in foodborne illness outbreaks. Therefore, they do not require acidification and are not considered potentially hazardous. Labeling requirements must be followed as detailed in the labeling section on Page 7.

- **Pickles, relishes, salsas, other "canned" items** - All canning and preserving, except for jams, jellies and preserves allowed in cottage food operations, shall be done in an inspected facility. Home canning is not allowed. The facility shall be inspected by Illinois Department of Public Health or state public health department, and the inspector shall verify the sources of ingredients and compliance of Title 21 Code of Federal Regulations Part 113 and 114 [21 CFR 113-114]. In addition, the canning process must be inspected and approved by the Department, or relevant regulatory authority in another state.

- **Shell eggs** - Salmonella enteritidis (SE) is the pathogen of concern with shell eggs. An egg license issued by the IDOA is required for anyone who transports and sells eggs anywhere except on the farm where the eggs were produced. IDOA rules stipulate that all eggs sold at farmers markets and other off-farm venues must be candled and graded, and held at 45 F or below during storage, transportation and distribution. Once the eggs are at the farmers market, the Illinois Food Service Sanitation Code [77 Ill. Adm. Code 750] stipulates that the eggs shall be held at 41 F or below. Any form of refrigeration is acceptable, so long as the temperature requirements are met. For more information regarding these requirements and the Illinois Egg and Egg Products Act [410 ILCS 615], contact IDOA, Division of Food Safety and Animal Protection, P. O. Box 19281, State Fairgrounds, Springfield, IL 62794-9281, 217-524-1550, or visit www.agr.state.il.us.

- **Meats and poultry** are regulated by the IDOA, Bureau of Meat and Poultry Inspection and United State Department of Agriculture (USDA), Food Safety and Inspection Service. Meat, meat products, poultry and poultry products must be derived from livestock or poultry (including rabbits), which were slaughtered under IDOA or USDA inspection. A meat and poultry broker's license issued by IDOA is not required for anyone who sells meat, poultry, meat products or poultry products exclusively to retail/household customers.

  Meat, meat products, poultry and poultry products offered for sale must bear an IDOA or USDA inspection legend and other required labeling (product description, ingredients) on every container/package. All required labeling and handling rules apply and vary depending on the product. Vendors at farmers markets must meet any additional relevant requirements found in the Food Service Sanitation Code [77 Ill. Adm. Code 750] and/or local food ordinances if applicable (contact your local department of public health or the state health department). Meat and meat products must be held at a temperature of 41 F or below, and fresh poultry must be held at 41F or below. Always obtain meat and poultry information from IDOA because USDA does not provide information on Illinois laws and regulations, which cover many additional species of livestock and poultry. For additional information and meat and poultry broker license applications, contact IDOA, Bureau of Meat and Poultry Inspection, Compliance Section, P.O. Box 19281, State Fairgrounds, Springfield, Illinois 62794-9281, 217-785-4709, or visit www.agr.state.il.us to download a meat and poultry broker application.

- **Fish** shall be processed in an inspected facility using a Hazard Analysis and Critical Control Points (HACCP) plan required in Title 21 Code of Federal Regulations Part 123 [21 CFR 123]. A commercial fishing license is required for anyone selling or distributing fish at a farmers market. Fish must be held at a temperature of 41 F or below.

- **Commercially produced pre-packaged food products** are allowed for sale at farmers markets and other outdoor food events if they meet applicable regulations and requirements, including labeling requirements found on Page 6.

- **Other food products** will be assessed on an individual basis by the local or state health department.

- **Live animals** shall be segregated from the general food sales area, and may be sold if there are no local ordinances that prohibit it. State regulations provide for specific identification and/or testing requirements, as well as sales records for certain species of live animals and poultry. Information regarding testing and identification requirements can be obtained by contacting the IDOA, Bureau of Animal Health and Welfare at 217-782-4944 or online at www.agr.state.il.us .

- **Lotions/creams/cosmetics** - Contact the FDA Chicago District Office at 312-353-5863.

LABELING

Products that fall under Cottage Food Operations - Refer to TIB 44 on Cottage Food Operations.

All food pre-packaged in advance of retail sale that do not fall under the Cottage Food Act must bear the following label, sign or placard, or as a recipe available to the consumer. The information must be written in English.

- Common name of the product;
- Name, address and ZIP code of the packer, processor, distributor or manufacturer;
- Net contents (weight or volume) of the package;
- List of ingredients in descending order of predominance by weight, with ingredients shown with common or usual name;
- List of any artificial color, artificial flavor or preservatives used;
- Safe handling instructions (as needed) for meat and poultry products;
- Other labeling information as required by federal, state or local jurisdictions; and
- Major allergens.

Guidance for Industry: Questions and Answers Regarding Food Allergens, Including the Food Allergen Labeling and Consumer Protection Act of 2004 (Edition 4); Final Guidance www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Allergens/ucm106187.htm

No nutrition labeling is required for businesses with less than $10,000 gross sales per year unless a health claim is made (for example, relieves or cures some disease or condition), or a nutrition claim is made (no fat, low salt).

The following is an additional exemption from Nutrition Facts listing for businesses selling foods for direct retail sale to consumers (not wholesalers) provided that the food bears no nutrition claims or other nutrition information in any context on the label, in labeling or in advertising:

> A **retail** firm that has total annual gross sales made or business done in sales of food to consumers of not more than $50,000, or, has annual gross sales made or business done in sales to consumers that is not more than $500,000 is exempt from the Nutrition Facts requirement, 21 CFR 101.9(j)(1)(i). The following chart illustrates the exemption:

SALES IN FOOD	TOTAL SALES (FOOD & NON-FOOD)	STATUS
$50,000 or less	$500,000 or less	EXEMPT
$50,000 or less	$500,001 or more	EXEMPT
$50,001 or more	$500,000 or less	EXEMPT
$50,001 or more	$500,001 or more	NOT EXEMPT

For more information about health and nutrient claim requirements, contact Illinois Department of Public Health, FDD central office, 525 W. Jefferson St, Springfield, IL, 62761, 217-785-2439.

OTHER REQUIREMENTS

This technical information bulletin is not all-inclusive. Other regulations may apply including local, city or county food ordinances. You can obtain contact information for other local health departments at the following website http://www.idph.state.il.us/local/home.htm.

SAMPLING

Products that fall under Cottage Food Operations - Refer to TIB 44 on Cottage Food Operations.

A temporary food permit may be required by the local health department.

VEHICLES

During transportation and delivery, food and food equipment must be protected from insects, flies, animals, dust and dirt, unnecessary handling, chemicals and other contamination. Delivery vehicles or other equipment used for such transportation must be constructed so as to be easily cleanable.

PREMISES

The operator of each stand or sales area is responsible for maintaining it in a neat, clean and sanitary condition. An adequate number of tightly covered waste containers must be provided for disposal of garbage and refuse. These containers must be stored to eliminate potential for contamination of any food products. At the close of business, each vendor shall clean their stand and surrounding area.

FOOD PROTECTION DURING STORAGE, DISPLAY AND SALES

Any prepared, processed, baked or cut food must be packaged or wrapped for protection and have required labeling (see page 7). Food on display in open air markets must be adequately protected from incidental public handling, dirt and other contamination. Food must be stored off the ground or off the floor. Any wrapping or container for prepared, processed, baked, or cut food must be constructed of safe, non-toxic and food-grade materials. Food products must be enclosed and protected from pests overnight.

BAKE SALES AS FUNDRAISERS

Non-potentially hazardous foods, such as cookies, cakes and fruit pies, which have not frequently been associated with foodborne illness, may be prepared in non-inspected kitchens provided the products are sold or distributed on an occasional basis (i.e., a fundraiser for a non-profit organization) and not as a routine business as long as the consumer is informed by clearly visible placard at the sales or service location. The placard must state the following: "This product was produced in a home kitchen not subject to public health inspection that may also process common food allergens."

SCALES

The Illinois Department of Agriculture's Bureau of Weights and Measures regulates the retail sales of fruits, vegetables and other items at farmers markets. Commodities not in liquid form must be sold by weight, measure or count. All scales used in commerce must have a National Type Evaluation Program (NTEP) Certificate of Conformance issued by the National Conference on Weights and Measures. Commercial scales also are subject to annual inspections by the Bureau of Weights and Measures. For additional information, please contact the Bureau of Weights and Measures by calling 800-582-0468 or on their website at www.agr.state.il.us.

Approved and Inspected Sources of Certain Exotic Meats

Game animals, game birds and exotic meats are appearing more frequently at the retail level. According to 9 CRF 352.1(k), the definition of exotic animal means any reindeer, elk, deer, antelope, water buffalo or bison. Under federal regulations, the preceding list of species are subject to voluntary/for fee inspection including, ante-mortem and post-mortem inspection in an "official" establishment and bear USDA inspection legends to enter commerce in Illinois (except poultry slaughtered under religious exemptions in which a statement and establishment number will appear on the label). In addition, the Meat and Poultry Inspection Act [22 ILCS 650] requires ante-mortem and post-mortem inspection on American bison (buffalo), catalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo, domesticated rabbits and domesticated birds. Again, the slaughter and inspection must be performed in a state licensed Type 1 establishment. Federal laws and regulations do not require that products derived from these "exotic" species bear inspection legends to enter commerce. In Illinois, products in commerce derived from these "exotic" species must be inspected and bear inspection legends from either USDA (under voluntary inspection program), IDOA, another state's inspection program, or any approved foreign country inspection program or a statement/certificate of inspection in lieu of inspection legends. Inspection legends for these "exotic" species are usually in the form of a triangle, but not always. Other wild or exotic game animals and birds, to meet the requirement that food "shall be safe for human consumption" and "comply with all laws relating to food and food labeling" [77 Ill. Adm. Code 750 and 760], must be able to show an inspection stamp or proof of inspection that it has been "passed and approved." For additional information about meat and poultry, contact IDOA, Bureau of Meat and Poultry Inspection, Compliance Section, P.O. Box 19281, State Fairgrounds, Springfield, IL 62794-9281, 217-785-4709.

FOODS PROHIBITED FROM SALE OR DISTRIBUTION

The following products are prohibited from sale or distribution to the public:

- **Raw milk or any dairy products made with raw milk** (*see Page 3 for exemption regarding cheese aged more than 60 days*) are prohibited for sale or distribution at farmers markets by the Grade A Pasteurized Milk and Milk Products Act. Raw dairy ingredients can be contaminated with *Campylobacter jejuni, Listeria monocytogenes, Salmonella*, and/or other pathogens.

- **Home-butchered meat, poultry, or wild game animals** - Home-butchered meat and poultry is for the owner's own household use and may not be transported to or sold at farmers markets.

Wild game may only be donated to charitable or non-profit organizations if it is processed in an inspected facility.

- **Home-canned foods except jam, jellies and preserves that are allowed under cottage food operations –** All low acid canned foods in hermetically sealed containers have a risk of containing surviving *Clostridium botulinum* and subsequent formation of toxin unless a scheduled process is filed with the FDA and followed. Without process controls and product analysis, it is extremely difficult to distinguish between safe and unsafe products. Therefore, home-canned foods may not be sold to the public. Any canned or preserved goods must be made in an inspected facility, and comply with Section 750.110(f) of the Illinois Food Service Sanitation Code [77 Ill. Adm. Code 750].

- **Home vacuum-packaged products** - The risk of *Clostridium botulinum* and other anaerobic pathogens occurs without strict controls and an approved HACCP plan.

- **Sandwiches prepared at home** - All potentially hazardous foods must be prepared in an inspected facility. Sandwiches made at home may not be sold to the public.

- **Ice cream** made in an uninspected facility.

APPENDIX A - ILLINOIS REGULATION

Below are some of the Illinois statutes and rules that provide the legal basis for regulating farmers markets and other outdoor food sales events. Note that this list is not comprehensive. There may be other applicable regulations or local ordinances.

I. Bees and Apiaries Act [510 ILCS 20]
II. Egg and Egg Products Act [410 ILCS 615/1 et seq.]
III. Farm Products Marketing Act [505 ILCS 70/1]
IV. Food Handling Regulation Enforcement Act [410 ILCS 625/]
V. Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635/1 et seq.]
VI. Illinois Food Service Sanitation Code (77 Ill. Adm. Code 750)
VII. Illinois Retail Food Store Sanitation Code [77 Ill. Adm. Code 760]
VIII. Illinois Food, Drug and Cosmetic Act [410 ILCS 620/1 et seq.]
IX. Meat and Poultry Inspection Act [225 ILCS 650/1 et seq.]
X. Sanitary Food Preparation Act [410 ILCS 650/1.1 et seq.]

APPENDIX B – Illinois Department of Public Health FDD REGIONAL OFFICES

CHICAGO REGIONAL OFFICE
4212 W. St. Charles Road 2309
Bellwood, IL 60104-1146
708-544-5300

MARION REGIONAL OFFICE
2309 W. Main St.
Marion, IL 62959-1195
618-993-7010

CHAMPAIGN REGIONAL OFFICE
2125 S. First St.
Champaign, IL 61820-7499
217-278-5900

PEORIA REGIONAL OFFICE
5415 N. University St.
Peoria, IL 61614-4784
309-693-5360

ROCKFORD REGIONAL OFFICE
4302 N. Main St.
Rockford, IL 61103-1209
815-987-7511

WEST CHICAGO REGIONAL OFFICE
245 W. Roosevelt Road, Building 5
West Chicago, IL 60185-4803
630-293-6800

EDWARDSVILLE REGIONAL OFFICE
22 Kettle River Drive
Glen Carbon, IL 62034
618-656-6680

The uniform resource locator (URL) for the Illinois Department of Public Health FDD regional offices is: http://www.idph.state.il.us/local/map.htm .