

# Farmers Market Food Safety Guide



**City of Nashua**

**Environmental Health Department**



# Farmers Market (RSA 21:34-a)

A farmers market as defined in NH RSA 21:34-a(V) means an event or series of events at which 2 or more vendors of agricultural commodities gather for purposes of offering for sale such commodities to the public.

## Market Operation

### Market Organizer

It shall be the responsibility of the market organizer to disseminate the requirements of the farmers market. The market organizer must provide a complete list of vendors to Environmental Health a minimum of three week prior to the beginning of the market. Vendor information shall include the name of the vendor, contact person, mailing address, phone number, email address, and list of products. A complete list of all food and non-food vendors must be provided.

The market organizer should make all reasonable efforts ensuring market vendors selling products requiring a license have obtained and are maintaining the license.

### Market Vendor

Market vendors selling food products requiring a permit as outlined in this document must submit a completed Farmers Market Vendor Application, \$35 fee, verification of licensure\*, and any other information required to the Environmental Health Department a minimum of two weeks prior to the start of the market. On the first day of the market, vendors requiring a permit must be set up and ready for inspection 1 hour prior to the official start of the market. If vendors are not prepared, not following the regulations, or have critical violations endangering public health, the market permit shall not be issued.

\*All vendors applying for a permit (with the exception of whole produce vendors wanting to offer sampling) MUST hold a current food service license from their home town and/or state and must provide a copy of the license for verification at the time of application submittal.

## Food Requiring an Environmental Health Permit

The followings food items for sale or distribution require a permit from the Nashua Environmental Health Department. All licensed vendors are subject to inspection during the market season.

- Fruits/Vegetables/Herbs which are chopped, blended, or otherwise processed.
- Garlic-in-oil – these must be processed in an inspected, commercial licensed facility and acidified.
- Flavored oil from a licensed facility.
- Jams, jellies, and preserves deemed non-potentially hazardous (Non-PHF).

- Milk and Raw Milk products as allowed in NH RSA183. Raw milk products must be provided with additional signage and labeling as required by the Environmental Health Department. Dairy products must be held at 41°F or below.
- Meat and Poultry processed through a USDA approved slaughterhouse and stored at 41°F or below.
- Fish processed in an inspected facility using a HACCP plan as required in Title 21 Code of Federal Regulations Part 123 (21 CFR 123). A commercial fishing license is required for the selling and distribution of fish. Fish must be held at 41°F or below and labeled with country of origin.
- Any prepared/processed food or beverage
- State licensed homestead operations making only approved non-PHF may apply to sell their products

*Approved state licensed homestead vendors may only sell at the farmers market and **shall not** sell at other temporary food service establishments, retail stores, restaurants, or at any other place(s) within Nashua. The Nashua Environmental Health Department does not license or recognize homestead operations outside of the Farmers Market*

## Food Not Requiring a Permit

The following items may be sold at the Nashua Farmer’s Market without a food permit:

- Fresh fruits and vegetables which are whole, uncut, and otherwise unprocessed.
- Fresh herb sprigs and dried herbs in bunches which are only cut for harvesting.
- Grains, seeds, beans, and nuts which are whole, unspouted, and unprocessed
- Cultivated Mushrooms, or commercially raised mushrooms having documentation regarding their source and are appropriately labeled
- Shell Eggs as outlined in RSA 428:22-30 do not require a license but must adhere to proper labeling required by the Department of Agriculture.
  - *Nashua Environmental Health does require shell eggs be refrigerated at a temperature at or below 41°F. This temperature must be maintained at all times during storage, transportation, and sale. If a refrigerated truck is not used, the Environmental Health department recommends cartons of eggs are stored in coolers containing ice packs to maintain temperature. Displaying a carton of eggs to “advertise” is prohibited, as an empty carton can be used for this purpose.*
- Maple and Honey Products as outlined in RSA 429:13-28.
  - Maple products – only products that are 100% pure maple (syrup, cream, sugar) are exempt for licensure at the farmers market. Any other products made with maple syrup would require a permit through Nashua Environmental Health.
  - Honey products – must follow labeling requirements set forth by the Department of Agriculture.

# Food Prohibited From Sale or Distribution

The following items are prohibited from sale or distribution at Nashua's Farmers Market:

- Home-butchered meat, poultry, or wild game
- Wild-type mushrooms harvested from the wild per NH Sanitary Production and Distribution of Food Code He-P 2303.01(b)(2)
- No home-prepared or stored foods are allowed (State licensed homestead operations making only approved non-PHF may apply to sell their products).

## Labeling and Storage

### Product Labeling

All prepackaged foods must be labeled with the product name, date of manufacture or expiration, contact and location of manufacturer, net weight, and list of ingredients in descending order of weight.

Bulk food items do not follow the same labeling requirements as prepackaged foods, however, ingredient information needs to be available to customers at all times. Ingredient information for bulk items can be posted or a sign stating ingredient information is available upon request.

Unpackaged single ingredient food items such as fruits and vegetables do not require labels.

### Product Storage

All food products, with the exception of whole fruits and vegetables, must be individually wrapped or covered at all times to protect them from contamination. Food must be properly stored in a manner to prevent splash, dust, or other contamination and at least 6 inches off the ground. Overhead protection, such as a pop-up tent, is required for all food vendors.

Some foods are considered potentially hazardous foods (PHF). PHF are foods requiring temperature control due to the ability to rapidly grow microorganisms that may cause foodborne illness. Examples of PHF are eggs, meat, poultry, dairy products, seafood, sliced melons, and heat-treated plants foods such as cooked rice. Potentially hazardous foods offered for sale must be appropriately cold held. Refrigerated foods must be held at 41°F or below and frozen foods must remain frozen at all times during transport, storage, display, and sale.

Methods for cold holding vary but may include refrigerated trucks, chest freezers connected to a generator or other power source, or coolers lined with ice or ice packs. Thermometers must be provided in all refrigeration units/containers. If ice is used for temperature control it must be from an approved source. Ice-holding containers must be non-porous, easily cleanable, and have an attached lid. Styrofoam coolers are prohibited. Ice used for cold holding shall not be used for human consumption.

# Restaurants and Other Food Service Establishments

Restaurants and other food service establishments wishing to sell prepared potentially hazardous foods are not eligible for a seasonal market license. Non-potentially hazardous foods, such as certain baked goods, may be permitted. This does not apply to cooking demonstrations or promotional sampling.

If vendors wish to occasionally cook food to sell they will need to follow the requirements for temporary food events. Temporary food-service establishments, defined in NRO 170-1, are any food-service establishment which operates at a fixed location for a temporary period of time, not to exceed two weeks. If vendors wish to cook foods on a routine basis, it is not a temporary food event and vendors would need to follow the requirements for mobile food establishments. All mobile food establishments shall operate out of a licensed commissary and have a signed agreement with the licensed commissary kitchen.

## Cooking Demonstrations

All cooking demonstrations require approval from the Nashua Environmental Health Department and a minimum 2 week notification prior to the proposed demonstration. A temporary food service license will not be required as cooking demonstrations are intended for educational purposes. Only small samples of cooked foods may be offered free of charge to market patrons. All food safety rules and regulations must be adhered to at all times. More information on safe practices can be found in the **promotional sampling** and **handwashing** sections.

## Promotional Sampling

All vendors wishing to provide promotional samples must obtain approval from the Nashua Environmental Health Department. In addition to hand washing as outlined on page 5, vendors must adhere to all food safety practices as outlined in this section.

All food sold and sampled at the market must be clean, free from spoilage, free from adulteration, from an approved source, and safe for human consumption.

All equipment/utensils used must be clean, in good condition, easily cleanable, and of commercial quality. No residential equipment is allowed. Clean utensils must be appropriately stored and covered to prevent possible contamination during transport and while not in use. All utensils in product must be stored with handles up to prevent contamination of the food contact side of the utensil. If appropriate storage is not possible, utensils must be cleaned and sanitized between uses. All food contact surfaces (i.e. cutting boards) must be cleaned and sanitized before use. If sampling two different types of foods (i.e. fruits/vegetables and meats), there must be a different set of cutting boards and utensils for the different foods to prevent cross-contamination.

If the sample is a cooked food item it must be appropriately hot held at 135°F or above at all times. Pre-cooked foods must be reheated to 165°F before serving. Required internal cooking temperatures vary depending on food type: chicken ≥ 165°F, pork/beef ≥ 145°F, and ground beef ≥ 155°F. Equipment capable of maintaining hot held temperatures after cooking must be provided for the duration of the sampling and accurate thermometers available to verify temperatures. Partial cooking of PHFs is prohibited.

Samples must be protected from contamination at all times. Keeping samples covered when not actively sampling will protect samples from insects, road dust, debris, and other contaminants. Promotional sampling should be designed to prevent customer contamination by inadvertent touching of samples. Samples should be out of reach of children and pets and closely supervised at all times. Vendors sampling/preparing foods may not drink, eat, or smoke/vape in food sampling/preparation areas. Nashua Environmental Health Department recommends vendors pre-portion samples prior to arriving at the market, if possible, to reduce incidental contamination.

Chlorine and quaternary ammonium chloride compounds (quats) are approved sanitizers for the market. Chlorine sanitizer can be made using **unscented** household bleach at a concentration of 50-100 parts per million (ppm) by combining 1 teaspoon (tsp) bleach into 1 gallon of water. Quat sanitizer should be mixed to a concentration of 200ppm. All sanitizer concentration should be verified using sanitizer test strips appropriate to the sanitizer before use. Concentration should also be checked periodically as it will decline over time. Test strips can be purchased online or through a restaurant supply store.

## Handwashing

Keeping hands clean is one of the most important steps in avoiding illness and spreading potentially harmful microorganisms to others. Feces from people and animals are important sources of harmful pathogens such as *Salmonella*, *E. coli*, and *norovirus*. These harmful pathogens can get onto hands after using the toilet, changing a diaper, and handling raw meats or other products contaminated with animal feces. One gram of human feces, approximately the size of a peanut, can contain upwards of 1 trillion bacteria and viruses. Germs can also get onto hands by touching any object that has germs on it. When these germs get onto hands and are not washed off, they can be passed from person to person and have the potential to make people sick.

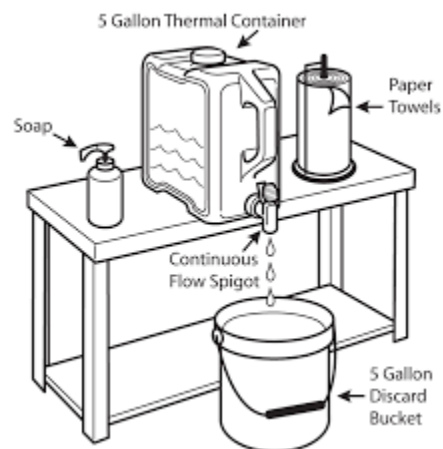
The spread of many illnesses can be greatly reduced by properly washing hands with soap and clean, running water. Effective handwashing includes lathering, scrubbing, rinsing, and completely drying hands and is essential for minimizing the likelihood of cross-contamination. The fingernails are usually the most contaminated parts of the hand and are also the most difficult part of the hand to get clean. Every stage of handwashing (lathering, scrubbing, rinsing, and drying) is equally important and has an effect in reducing the number of germs on the hands. Hands should be washed after touching trash, handling money, changing gloves, switching tasks, using the toilet, coughing, sneezing, blowing your nose, and before, during, and after preparing food.

Hand sanitizer and other hand hygiene products may be used in conjunction with, but NOT in place of handwashing.

Gloves provide a good barrier to avoid bare-handed contact with food, but gloves are only as clean as the hands putting them on. Proper handwashing should be conducted before putting on gloves. Gloves use is limited to a single task and must be discarded when damaged, soiled, or changing to a different task.

Any vendor at the Farmers Market preparing and/or serving samples is required to have a hand wash station. A temporary hand wash station must include an enclosed container with a continuous flow spigot having enough capacity to hold hot water for the duration of market hours, single use paper towels, dispensed soap, and a discard bucket with sufficient capacity for the wastewater. The wastewater must be discarded in a sanitary sewer only (i.e. toilet, utility sink, etc.) and NEVER into a storm drain

### Example Hand Wash Station



## Animals

Vendors wishing to bring animals to the market must receive prior approval from the Environmental Health Department. All animals must be current on rabies vaccination, where applicable, and must have a certificate of good health from a veterinarian. Animals must be kept a minimum of 20 feet from any food at all times. Hand sanitizer **and** a hand wash station must be available to all customers who may interact with the animal. If a vendor with an animal is also handling food, there must be a second individual present whose sole responsibility is to tend to the animal. Handwashing for vendors must occur after any interaction with an animal.

# Public Health Tips

- Food handlers' hands, consumers' hands, and insects are major sources of potential food contamination. Contamination can occur during an exchange of money and then offering a sample to the next customer. Also, viruses, such as flu, can live on surfaces such as money for days to weeks! Proper handwashing between transactions and food handling will limit the spread.
- There are eight major food allergens that account for nearly 90% of all food-allergy reactions: milk, eggs, peanuts, tree nuts, fish, shellfish, wheat, and soy. This can be avoided with clear and proper labeling.
- *Salmonella* bacteria are the pathogen of concern for shell eggs. Keeping eggs refrigerated inhibits the growth of *Salmonella* to higher numbers. Therefore, eggs should remain refrigerated until used.
- Under ideal conditions, bacterial numbers in food can double every 20 minutes! This is why ensuring food remains at proper temperature is essential. Keeping meats, poultry, and fish at 41°F or below is required to restrict bacterial growth.
- Pathogens of concern in raw dairy include *Campylobacter*, *Listeria*, *Salmonella*, and *E. coli*. *Listeria* is of particular note due to its ability to grow at refrigeration temperatures and its dangers to pregnant women and their unborn children.



## **Who we are**

The City of Nashua Environmental Health Department's mission is to protect the public's health by promoting best prevention practices through science, education, guidance, and fostering public trust; and enforcement of laws and ordinances.

The Environmental Health Department aims to work with vendors, market managers, and consumers to ensure safe, quality food is provided for a growing and thriving Nashua Farmer's Market.

## **City of Nashua Environmental Health**

City of Nashua Environmental Health Department  
18 Mulberry St  
Nashua, NH 03060  
Phone: 603-589-4530

Email: [EH@nashuanh.gov](mailto:EH@nashuanh.gov)

Web: [www.nashuanh.gov/512/Environmental-Health-Department](http://www.nashuanh.gov/512/Environmental-Health-Department)

## **NH Department of Agriculture, Markets & Food**

New Hampshire Department of Agriculture, Markets & Food  
PO Box 2042  
Concord, NH 03302  
603-271-3551  
[www.agriculture.nh.gov](http://www.agriculture.nh.gov)

Division of Regulatory Services  
603-271-3685

Division of Weights and Measures  
603-271-3551

## **NH Dairy Sanitation Program**

New Hampshire Department of Health and Human Services  
Dairy Sanitation Program  
29 Hazen Drive  
Concord, NH 03301  
603-271-4673  
<https://www.dhhs.nh.gov/dphs/fp/dairy>