

OUTDOOR MARKET REQUIREMENTS

Utah Department of Agriculture and Food

The Utah Department of Agriculture and Food is the regulatory authority for food sold and manufactured in Utah. This means foods that are manufactured, processed, packaged, stored, transported, prepared, sold or offered for sale in the state of Utah. This regulatory responsibility also extends to food sold at outdoor market venues including farmers markets. It is the expectation of UDAF that outdoor markets comply with the same requirements that retail food stores must follow. Only food items that are pre-packaged in an approved food establishment with complete labeling information will be allowed for retail sale at an outdoor market. The following list, are requirements that shall be followed by markets and vendors who sell food items at outdoor markets. These requirements are based upon regulations promulgated by the Utah Food Protection Rule R70-530.

REGISTRATION

- The outdoor market shall be registered by the Utah Department of Agriculture and Food.
 - In addition, each vendor who sells food in any form must be registered by UDAF or the local health department as stated in the Food Establishment Registration Rule R70-540. Typically, local health departments permit vendors whose food is intended for immediate consumption and is not in pre-package form.
 - Vendor registration by the Division of Regulatory Services is required for retail sale even if the vendor is registered with another division within the UDAF.
 - The outdoor markets must maintain copies of its and its vendor's permits and provide to an inspector upon request.
 - Each vendor shall display a copy of their permit at the booth that is conspicuous to consumers.

EXEMPTION

- A "Farmers market" means a market where producers of food products sell only fresh, raw, whole, unprocessed, and unprepared food items directly to the final consumer.
 - If all vendors in the market fall within the above definition, the market itself is considered a "Farmers Market" and may be exempt from registration.
- Vendors who grow or produce their own unprocessed fruits, vegetables, grains and eggs will be exempt from registration by UDAF even if the market falls within the Outdoor Market designation.
 - They shall not cut, process, prepare, package produce or offer other prepackaged food products for sale. For example, simply cutting a melon or fruit may negate the exemption.
 - Cut "leafy greens" including micro-greens, whose leaves have been cut, shredded, sliced, torn or otherwise presented to the consumer in a ready to eat form constitutes processing and requires registration with UDAF.
 - Eggs must be maintained at 45 degrees or less.

PERSON IN CHARGE

- A person in charge (PIC) shall be designated by the market.
 - Typically, this would be the person who would accompany an inspector during an inspection and assist in voluntary enforcement actions.

POTENTIALLY HAZARDOUS FOOD

- Potentially hazardous food (PHF) means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.
 - Foods requiring refrigeration shall be maintained at 41 degrees or less.
 - Eggs shall be maintained at 45 degrees or less.
 - Some examples of PHF are meat, fish, cheese, salsas, hummus, juice, yogurt, prepackaged processed produce, cut melons and any prepackaged food that indicates on the label to "keep refrigerated". This is not an all-inclusive list but only a few examples that may be observed at outdoor markets. Please contact the UDAF to determine if a food item is considered a PHF and requires refrigeration.

REFRIGERATED FOODS

- Temperature control is best achieved by mechanical refrigeration, however if ice is used as a refrigerant the following requirements shall be met:
 - Storage of open food products in contact with ice is prohibited.
 - Packaged foods that are subject to the entry of water because of the nature of packaging, wrapping, or container, cannot be stored in contact with ice/water.
 - If ice is the principle means of refrigeration, it must be done in such a way so that the ice is constantly draining (into a proper area or container; not onto the ground).
 - Vendors are required to have a thermometer to verify that equipment is operating at correct temperatures or if using ice, food is maintained at 41 degrees or less.

FROZEN FOODS

- Frozen foods such as meat, fish and foods originally frozen or indicates “keep frozen” on the label shall remain frozen and not be allowed to thaw at an outdoor market.
 - Mechanical refrigeration equipment should be used; however dry ice may be used to maintain **frozen** foods.

SAMPLING

- Sampling on site of any food is an activity that may be regulated by local health departments because food is being offered for immediate consumption. Check with local health departments to determine their specific regulations. A list of health departments can accessed at <http://www.ualhd.org/Department/Department.htm> .

ENFORCEMENT

- Unregistered vendor:
 - The vendor will be required to voluntarily destroy the affected food or remove the food from the market for suspicion of adulteration and or misbranding.
 - The market may receive a citation for allowing an unregistered vendor to sell food at an outdoor market because food is considered “from an unapproved source”.
- Food found out of temperature:
 - The vendor will be required to voluntarily destroy the affected food or remove the food from the market.
 - Food items requiring refrigeration that are found not refrigerated (at 41 degrees or less) as indicated in these requirements will be suspect of temperature abuse.
- Inspectors may complete appropriate documentation such as voluntary destruction forms, hold orders, embargo tags or inspection reports.
- Inspectors will notify the person in charge of any enforcement actions.

It is the policy of the Utah Department of Agriculture and Food to seek voluntary compliance. However, if voluntary compliance is not obtained, additional regulatory action may be deemed necessary. Violations of agriculture laws and rules are punishable, either criminally as a class B misdemeanor, by citation of up to \$500.00, or by civil penalties of up to \$5000.00 per occurrence.

OTHER REQUIREMENTS

- Retail sale of meat have special requirements. Please contact Clay Petersen, 801-913-8968.
- Labels on food products have special requirements. Please contact Rebecca Nielsen, 801-860-7075.
- Retail sale of fish in may have special requirements. Please contact Quincy Boyce, 801-913-8971

INFORMATION

www.fda.gov/Food/FoodSafety/RetailFoodProtection/FoodCode/FoodCode2005/default.htm

www.rules.utah.gov/publicat/code/r070/r070-530.htm

<http://ag.utah.gov/divisions/regulatory/index.html>