



Tigard Farmers Market Vendor Handbook 2018

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HOURS AND DATES FOR 2017 SEASON

Sunday Market season is May 6 – October 28

- Open to the public from 9:00 a.m. to 1:30 p.m.

Staff

Jessica Love, Market Manager

MISSION STATEMENT

The TFM is focused on bringing farmers, community and non-profits together in a way that benefits all. Farmers **grow local** produce, plants, and flowers; our Tigard Community members **gather together** to buy these products; and weekly non-profit booth space gives all the opportunity to **give back. Tigard Farmers Market. GROW. GATHER. GIVE.**

To achieve our objectives, the Market:

1. Secures and manages the physical market site.
2. Provides services to our customers that support vendor sales and enhance the overall shopping experience.
3. Encourages customer attendance through community outreach - special events and programs designed to enhance the customers experience at the market.
4. Promotes the market through its website, newsletter, social media sites, relevant farmers market brochures, chamber marketing programs and other key community relationships such as the City of Tigard supports non-profit organizations by giving them the opportunity to sell in our Community Booth with profits going directly to the organization.
5. Provides space for the Master Gardener volunteers to dispense gardening advice to customers, answering their questions and helping them with garden related problems.

Other Facts about the Tigard Farmers Market

1. We are not a forum for political or religious activities.
2. We are owned by the Tigard Chamber of Commerce, a 501(c)6.

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SPACE FEES & REGISTRATION

Sunday Farmers Market

Booth Space 10 X 10 : \$35 per week

Registration – Applies for Farmers, food, artisan, all vendors.

1. Market participants are re-evaluated annually. Acceptance for one season does not guarantee acceptance in subsequent seasons.
2. A complete vendor application, with copies of all licenses relevant to that business, must be submitted for market review.
3. All unpaid fees from previous year must be paid before vendor's application will be accepted.
4. Vendors will select a payment plan for the season at the time of registration.
5. **A non-refundable \$25.00 application fee must be submitted with the application (application fee covers both markets). A space fee deposit is also required once you have been approved. The deposit will be your last market space fee. If your deposit was taken earlier in the season you will need to replenish it.**
6. Sharing a booth by two or more vendors must be approved by the Market. Vendors must each fill out an application indicating who they will be sharing with and an application fee and deposit from each vendor is required.

Weekly Vendors

1. What is a weekly vendor?
 - Weekly vendors are those who will call each week for a space assignment. They are selected by the Market Manager to fill any available open spaces on Sunday Market days.
 - Weekly vendors must submit a Vendor Application and fee prior to selling at the Market and must abide by the rules.
2. Space Assignments for Weekly Vendors
 - Priority in assigning spaces is given to weekly vendors whose products are not already well represented in the Market.
 - Vendors who wish to sign up for weekly spaces should e-mail the market office at Manager@TigardFarmersMarket.Org by noon on Thursday for the Sunday Market that the vendor would like to attend.
 - Weekly assignments are e-mailed back to vendors by 5 PM two days before the market.
3. Paying Weekly Space Fees
 - Please make your checks payable to the Tigard Farmers Market.
 - Failure to pay your fee on market day may result in a late fee of \$10 per week without payment. Weekly vendor status will be suspended until space fee and late charges are paid.
 - Vendors who are given a space assignment are responsible for occupying that space and paying the applicable fee.
 - Vendors who cancel their space by not showing up at market and not giving more than 24 hours' notice will not be eligible for another space assignment until the fee for the missed market and the late fee is paid.

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- Repeat non-appearances may result in loss of vendor status.
- Weekly vendors pay the regular season rate for their space.
- Weekly vendors are not guaranteed that they will be given a space, or that they will receive the same space they may have previously occupied.

Reserve Vendors

What is a reserve vendor:

1. Reserve Vendors will be assigned a regular space in the market. The vendor will be responsible for occupying the space(s) for all approved dates.
 2. Assignment of reserve space is based on evaluating a vendor according to the following criteria:
 - The quality of product, its display and presentation
 - Maintenance of good product mix in the overall market
 - Principles of good marketing and product promotion
 - Benefit and disadvantages of placing select products next to each other
 - The vendor's ability to be a positive part of the TFM community
 - Vendor's ability to follow the market rules
 3. Such space assignments do not guarantee that a vendor will occupy the same space during the entire term selected.
 4. Changes in space assignment for reserve vendors may occur at the Market's discretion.
 5. Reservation of space establishes no right to, or guarantee of, space rental in subsequent years.
 6. Reserve vendors may not sublet stall spaces to other vendors.
 7. If a vendor sells his or her business, they may not transfer their market spaces to the new owner. The market will determine who will occupy the space after the business changes hands.
 8. A Reserve Vendor is guaranteed a space for the term in which they are registered and are responsible for occupying that space for the duration of that term.
- Emergency Absences – reserved vendors are allowed only 2 emergency absences during the season for which the space fee will be forgiven. Vendors will be required to pay space fees for additional absences.
9. Repeat non-appearances may result in loss of Reserve Vendor status.
 10. Pre-assigned space reservations will be guaranteed until one half hour prior to market opening. After this time, vacant spaces may be given to a weekly vendor. If possible, the Market Manager will assign the Reserve Vendor a space when they arrive at the market. In the event a space cannot be found, the Reserve Vendor will not qualify for a refund.
 11. Failure to pay your fee on market day may result in a late fee of \$10 per week without payment. Weekly vendor status will be suspended until space fee and late charges are paid.
 12. Vendors who cancel their space by not showing up at market and not giving more than 24 hours' notice will not be eligible for another space assignment until the fee for the missed market and the late fee is paid.

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PAYMENT OPTIONS

OPTION 1: Full season payment - receives 8% discount - Check must be submitted by April 29, 2018.

OPTION 2: Split season payment – receives 5% discount

Checks for both payments must be received by April 29, 2018 in order to qualify for discount.

One check for half of the fee is to be dated no later than April 29, 2018, the other check for the remaining balance is to be dated July 15th.

OPTION 3: Weekly payment – no discount

Full Season Vendors may select to pay their space fee on a weekly basis by submitting a payment to the Market Manager each market day. There is a \$10 non-negotiable late fee for failure to make the weekly payment. \$10 will be added each week the payment is not made. Reserve vendors paying weekly are responsible for paying the fee for every week approved on their application.

FARM AND PRODUCTION FACILITY INSPECTIONS AND VISITS

All TFM vendors are subject to farm or facility inspections or visits. A visit is an opportunity for us to get to know you. An inspection is a fact finding mission meant to document specific information. The Market will determine the schedule of inspections and visits which may or may not be pre-arranged with the vendor depending upon the reason for the inspection or visit. Farms - It is expected that all vendors reveal the location of all properties farmed by them. Food production facilities are also subject to inspection and are required to be licensed in accordance with ODA Food Safety regulations.

PRODUCT GUIDELINES

All products must be grown, raised, produced or collected in Oregon or Washington. Products allowed to be sold at the Market are agricultural products such as plants, fruits, vegetables, herbs, flowers, seafood, meat, poultry, honey, processed foods and eggs. All products shall be of good quality and must comply with any applicable regulations pertaining to their production and sale. The Market is for farm fresh locally grown products and is not an outlet for wholesale produce.

All products sold by vendors must be produced by that vendor unless specific permission is given by the market via the approval of a Second Farm application.

The Tigard Farmers Market reserves the right to:

- *Prohibit any vendor from selling a particular product in the Market.*
- *Prohibit any product from being sold in the Market.*
- *Prohibit a particular vendor from selling in the Market.*

Vendors must submit a complete list of products that they produce and wish to sell at the time they make application to the market. If an accepted vendor wants to sell an item not previously approved, the Market Manager must approve the new item before it may be sold. This includes arts/crafts/artisan vendors as well.

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Prices

All vendor prices must be clearly marked or posted. Collusion and deceptive pricing practices are strictly forbidden. Vendors are not allowed to pressure, harass or bully other vendors regarding the pricing of their product.

Nursery Products and Plants

1. Nursery products and plants must be propagated by the vendor from plugs, seed, cuttings, bulbs or plant divisions and sold in standard, non-decorative nursery containers. When non-traditional containers are appropriate, such as Bonsai dishes, succulent dishes, baskets, or planter boxes, the value of the container may not exceed the value of the plant material.
2. Vendors who sell nursery products and plants are required by the State to obtain a nursery license if annual sales exceed \$250. More information can be obtained from ODA – Plant Division. A photocopy of the vendor’s nursery license is required at the time of application.
3. It is strictly forbidden for a nursery vendor to sell a finished product purchased from another grower.
4. Nursery vendors may not sell hardware such as plant stands, ornamental decorations, hangers, stakes or trellises. It is also prohibited for plant vendors to sell fertilizers or other nutritional supplements for their plants.

Bakery, Prepared Food & Value Added Food Products

1. Bakery Products must be made locally, from scratch, from quality ingredients.
2. Prepared Food must be manufactured in the Northwest, from raw ingredients, and done under the direction of the owner. The owner is not required to raise any of the raw ingredients. Priority consideration will be given to processed food products containing locally grown ingredients.
3. Value Added Products are processed food products whose main ingredients are raised by the farmer.
4. All value added and prepared food products must be made and handled in accordance with the ODA Farmers’ Market Guidelines.
5. The Market may, at its discretion, limit the number of prepared, processed or value added food products in the market.
6. Vendors will be required to submit a complete list of products at the time they make application.
7. Additions to that product list must approved by the Market Manager.
8. Products will be re-evaluated every year.

Dairy Products

All dairy products such as butter, milk, cheese and ice cream must be free of rBGH.

Coffee

All roasted beans or brewed coffee must be made from documented Fair Trade beans.

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Meats – Including but not limited to Beef, Pork, Lamb, Chicken, Turkey, Buffalo, Rabbit, —Game Meats||, Cured and/or Processed Meats.

Livestock Producers

1. Livestock must be raised and processed in the Northwest.
2. Livestock must be farm raised under the control of the vendor and not finished in feedlots. Tigard Area Farmers Market defines a feedlot as a confined feeding operation where a vendor’s livestock would be sent for —finishing|| prior to processing.
3. Vendors who sell meat products are required by the State to obtain a Meat Sellers or equivalent license. More information may be obtained from ODA – Food Safety Division.
4. All livestock claims (free range, natural, pastured, cage free, etc.) must be clearly identified in a vendor’s space and be approved in advance by the Market Manager.
5. All meat products sold at the Tigard Area Farmers Market must be processed and labeled in accordance with USDA FSIS guidelines.—Game|| meats and species that do not fall under the jurisdiction of the USDA must comply with ODA & FDA guidelines regarding their processing and labeling.
6. Raw meat products must be displayed and stored in accordance with ODA food safety guidelines at all times. Meat temperatures must be maintained at or below 41 degrees.
7. Vendors will be required to submit a complete product list of all species intended for sale with their annual application. In addition, vendors will be required to submit a —Meat, Poultry and Egg Survey|| which will be sent to applicants upon receipt of their application.
8. Additions to the vendor’s product list must be approved by the Market Manager prior to sale.
9. Products will be re-evaluated every year.
10. No sub-therapeutic antibiotics and no added growth promoters of any kind may be used in the production of vendors livestock

Cured, Processed & Value Added Meat Producers

1. Cured and Processed Meat products must be manufactured in the Northwest, from raw ingredients, and done under the direction of the owner. The owner is not required to raise any of the raw ingredients. Priority consideration will be given to cured and processed meat products containing locally grown ingredients.
2. Value Added Products are processed meat products whose main ingredients are raised by the farmer/rancher.
3. Cured, Processed & Value Added Meat Products must be produced and handled in accordance with USDA, FDA and ODA guidelines.
4. Cured, Processed & Value Added Meat Products must be displayed and stored in accordance with ODA food safety guidelines at all times. Meat temperatures must be maintained at or below 41 degrees.
5. All Livestock Claims must be clearly identified in a vendor’s space and be approved in advance by the Market Manager.
6. Vendors will be required to submit a complete list of products with their annual application.
7. Additions to that product list must be approved by the Market Manager prior to sale.
8. Products will be re-evaluated every year.
9. No sub-therapeutic antibiotics and no added growth promoters of any kind may be used

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in the production of the meat used in vendor's products

Eggs

1. All eggs must come from chickens raised by the vendor. Vendors are not allowed to sell eggs raised on farms other than their own.
2. All chickens must have daily access to pasture. We do not allow eggs from chickens raised in battery cages, confined coops or enclosed buildings.
3. Farmers are not required to have an Egg Handler's license to sell their eggs directly to the consumer at a farmers market.
4. Egg temperatures must be maintained at or below 41 degrees while being displayed or held in ice chests.

Fish & Shellfish

All seafood must be raised or caught in Oregon or Washington waters.

Wild Mushrooms

1. Any vendor approved to sell wild mushrooms will submit a daily log sheet of mushrooms sold at the market which contains both the scientific names and the common names of those mushrooms, as well as the location where they were collected.
2. Wild mushroom collectors are also required to provide a copy of the collection permit obtained either from the U.S. Forestry Service (Mushroom Permit) or the Oregon Dept. of Forestry (Special Forest Products Permit), depending upon where the mushrooms are collected.

Non-Food Agricultural Products

The Market may allow some non-food agricultural products such as wool, goat's milk soap, lavender wands or beeswax candles. All non-food agricultural products must be handcrafted or processed by the vendor. The vendor must have grown or produced the main ingredient in the category item such as the goat's milk for the soap, or the beeswax for the candles. These products must be approved in advance by the Market Manager.

Product Exclusivity

The Market does not guarantee any vendor the exclusive right to sell any one product. The customer often benefits from having multiple vendors selling the same product. The market will determine when a product category is adequately represented and make the decision to deny applications for vendors with similar products. The product mix in the market as a whole, as well as customer demand, will serve as important factors in determining how many vendors will be allowed to sell similar items.

FOOD AND BEVERAGES TO BE CONSUMED ON THE MARKET PREMISES

The TFM limits the number of food vendors at the market at any one given time. We have a number of planned spaces for food, the remaining spaces are designated for growers and artisan food producers. This is in keeping with the Market's main objective --- to bring fresh, locally grown plants and produce to the consumer. We do, however, feel that it is important to

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have delicious, prepared from scratch, authentic food for our customers to enjoy while they are shopping at the Market.

Evaluation Criteria

Food to be consumed on premises will be evaluated on the following criteria:

- Ethnic food must be authentic in style and preparation.
- Typical carnival style foods will not be considered.
- All foods must be made from scratch.
- Priority will be given to products containing raw ingredients produced by the vendor, or a vendor in the market.
- New foods must be distinctly different from foods already represented in the market.
- Food booths are to specialize in a small selection of unique and well crafted menu items.

You may mail your proposal to:

Tigard Farmers Market
PO Box 230421
Tigard, OR 97281

Once accepted, a food vendor will be required to submit copies of the following documentation:

1. Temporary-For-Profit Restaurant License obtained from Washington County Environmental Health Dept. at 503-648-8722.
2. Food Handler's License for at least one employee who will be in the booth at all times. This is obtained from Washington County Environmental Health Department.
3. Certificate of Product Liability Insurance listing the Tigard Area Farmers Market as an additional insured.

SUNDAY MARKET VENDOR OBLIGATIONS

Vendor Parking

1. Vendors and their employees will park in the designated parking areas.
2. A vendor parking lot will be designated before the market opens.
3. Vendors are expected to comply with the City parking codes, including but not limited to, the following:
 - Vehicles over 6' tall may not park within 50' of an intersection.
 - Vendors may not line up and block traffic while waiting to get into the market at the end of the day.
4. Vendors are responsible for making sure that their employees or representatives are aware of the rules regarding vendor parking.

Signage

1. Each vendor will post a sign which must be a minimum of 11" X 17", with letters at least 3" high, identifying the name and location of the producer represented.
2. Signage regarding the use of the word —organic must comply with

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the federal and state statutes regarding the use of this word.

3. Organic vendors must post a copy of their certification in their booth.

Vehicles

Loading and Unloading

1. Vehicle unloading will **not** be permitted before 7:00 a.m. unless permission for early unloading is granted by the Market Manager.
2. Vendors must be quiet and considerate of our neighbors when arriving and setting up in the morning. Avoid slamming car doors, loud voices and clanking tent poles. Back-up beepers on trucks will not be allowed in the hours before the Market opens, they are a nuisance to sleeping neighbors. Excessive noise such as yelling, horn honking, loud radios and back-up beepers are subject to a fine.
3. The morning set-up time is very congested. There are a lot of vehicles that need to be moved in and out of the market in a short period of time. Vendors need to arrive and quickly unload the parts and contents of their booth, move their vehicle to the designated parking area, then return to their booth to set up. Do not set-up as you unload -- this is time consuming and your vehicle may be blocking another vendor's access to their space.
4. Vendors may not drive a vehicle into, or out of the Market after 8:30 a.m. Market entrances will be barricaded at this time. Any vendor arriving after 8:30 a.m. must carry their booth, tables and product into the Market.
5. After the market closes, vendors whose vehicles are parked in the Market may drive out of the market at 1:45 p.m. Vendors parked outside of the Market will not be allowed to drive their vehicles into the Market until 1:45 p.m. or until after the Market Manager gives the OK. Vendors may not line up on the streets surrounding the market and wait to drive in. This is considered an obstruction to the flow of traffic by the City of Tigard and offending vendors may receive a citation.
6. Vendors will not disassemble booths before closing time unless special permission has been granted by the Market Manager.

Operations

1. Vendors will not have vehicles, tables, product, boxes, signs or any part of their booth outside their space boundaries as marked on the pavement without Market Manager approval. Vendors must stay within their allocated space while selling and may not distribute samples or literature outside their stall area.
2. Booths and/or tables must be provided by the vendor, and must be erected with concern for the safety of the public and other Market Vendors.
3. Each leg of vendor's canopy must be secured at all times with enough weight to keep them anchored to the ground, no matter the weather. Vendors whose canopies blow around due to insufficient weights will pay a \$100 fine, which is payable at time of incident.
4. Vendors must obtain permission from the Market Manager to use electrical cords that will cross public walkways. Cords must be covered completely in order to avoid an accident.
5. Vendors are responsible for keeping their space(s) attractive during the Market and for cleaning them up thoroughly after the Market. Before leaving, all litter and product debris in

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the vendor's booth must be collected and the ground swept clean. There will be a cleaning fee of \$25 if TFM staff has to clean up your space.

6. Vendors are responsible for removing their own refuse and unsold products from the market premises. The Market trash cans and dumpster are for the use of the public only!

7. Vendors may not bring pets to the market without from the Market Manager.

8. Selling before 8:30 AM is strictly forbidden unless permission is obtained from the Market Manager.

9. All scales used for weighing customer goods must be certified by the Oregon Dept. of Agriculture, Measurement Standards. Scales must be licensed annually.

10. Fire Department regulations require any vendor with a canopy covering of 200 sq. ft. or more, to have a 2A10BC fire extinguisher in the booth. A canopy of 500 – 1000 sq. ft. requires two 2A10BC extinguishers.

12. All vendors selling at the Market are required to provide the Market with proof of liability insurance, naming the TFM as an additional insured.

13. All vendors must comply with the ODA Farmers' Market Guidelines (see the appendix section in this book).

14. Playing of radios or CDs inside the Market must be low enough that it cannot be heard from outside your booth. If complaints from vendors or customers, vendor will be asked to turn off music.

15. Vendors may be fined, suspended, or removed from the Market, or have selling privileges revoked for failure to obey or conform to market, federal, state or local regulations.

Rules of Conduct

1. Vendors shall be honest and conduct themselves at all times in a courteous and business-like manner. Rude, abusive, offensive or other disruptive conduct will not be permitted.

2. To maintain a positive atmosphere, vendors should bring concerns about the Market to the staff, vendor representatives, or Market Advisory Committee, not to customers or other vendors.

3. Vendors who wish to smoke must leave the Market grounds to do so.

4. No loud hawking, shouting or barking is allowed. This is defined as selling one's wares in an aggressive manner, such as calling out to a shopper as they pass by one's stall or standing outside one's stall to attract customers.

5. Vendors are responsible for the actions of their employees.

Vendor Support for Promotional Activities

The Market sponsors many events and special programs throughout the season. Through these activities the TFM generates media and consumer interest for the Market, its vendors and their products. We expect vendors to support these efforts by donating products and/or expertise where appropriate.

Health and Wellness Corner

Vendors for the Health and Wellness Corner will sign up through the Manage My Market. The space fee is \$40 for 10x10 space. Approved vendors are required to provide their own tent,

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weights, tables and supplies needed for their booth. They are required to follow vendor space regulations.

Local Complementing Business Booths

There is a limited number of spaces available for local businesses that are complementing the TFM mission. These vendors will be approved by the Market Manager. They are required to follow the same vendor space requirements and responsibility. Their space fee is \$40 per week and 10x10 space fee.

WIC Farm Direct Nutrition Program, Senior Farm Direct Nutrition Program and WIC Fruit & Veggie Voucher Program

1. The TFM participates in these programs and requires all qualifying vendors to participate.
2. For application or eligibility questions call ODA – Agriculture Development and Marketing office at 503-872-6600.

SNAP / CREDIT / DEBIT / TOKEN PROGRAM

- All vendors are required to participate in the token program.
- All tokens have the TFM name on the side. Make sure that you are taking tokens from our market. There is no expiration date on the tokens so they are good indefinitely.
- Vendors may not charge a transaction surcharge if customers pay for purchases with tokens.
- Vendors may not post signs for the purpose of discouraging customers from making purchases with tokens.

SNAP - Supplemental Nutrition Program

SNAP customers may purchase tokens at the Market Token Booth using their EBT cards.

Vendor rules for the redemption of tokens:

- No change can be given for these tokens.
- These tokens come in \$1 denominations. They are green in color
- It is illegal to charge an SNAP customer more than non SNAP customers.

You may not charge a token surcharge to SNAP customers.

- SNAP customers are to be treated with the same respect and quality of service as any other customer

SNAP TOKENS CAN BE USED for all food intended to be eaten at home. This includes non-alcoholic beverages, snack foods, soft drinks, candy and ice.

SNAP TOKENS CAN NOT BE USED for alcoholic beverages, foods that are hot at the point of sale, foods to be eaten on site, pet foods, non-food items.

CREDIT AND DEBIT TOKENS

Credit and debit customers may purchase tokens at the Market Token Booth.

- Tokens come in \$5 denominations and are red. They say Credit and Debit.
- Tokens can be used for any and all products in the Market. They are just like cash.
- You may not use the \$1 EBT tokens as change for a credit/debit transaction.
- You must give cash back for credit and debit tokens.

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- If you currently take credit cards you are welcome to continue to do so. You may even want to tactfully tell your customers that you prefer to deal directly with their credit purchases. However, if you are offered tokens you are required to take them, just like any other vendor.

Token Redemption

Tokens may be turned in at the Market Information Booth each week. Tokens must be turned in at least once a month. The Market cuts checks once a week and will be handed out at the next market or mailed. If you have any unpaid fees your token reimbursement will go towards those first. **Market tokens cannot be used to pay booth fees.**

ENFORCEMENT

All rules of the Market will be enforced by the Market Manager, who has the ultimate on-site authority. If a vendor does not abide by any rule of the Market, the Market Manager has the discretion to impose a penalty, which may include a written warning, monetary fine and/or suspension from the Market.

Customer Complaints

Customer complaints will be forwarded to vendors and kept on file each season. Complaints may result in disciplinary action including removal from the market. The market information booth will keep a complaint form at their booth.

Disputes Between A Vendor And The Market Manager

1. Disputes between a vendor and the Market Manager or crew will be resolved by an appeals committee.
2. The appeals committee shall consist of three members, one of whom shall be a representative of the vendors.
3. Members of this committee will be appointed by market staff.
4. Disputes shall be presented in writing to the three member committee.
5. Agreement by two members of the appeals committee shall constitute a final decision; both the vendor and the Market Manager will be notified immediately.
6. All disputes and their resolutions shall be made record of at the next regular meeting of the advisory committee.

Product Challenge –

1. It is the intent of the Market to offer customers fresh, high quality farm direct products. Products offered for sale may be challenged by any vendor, customer, Market Manager. Challenges may be made for poor quality or for misrepresentation of product.
2. Any challenge must be signed by the person bringing the challenge and supported by verbal or physical evidence of the offense. A challenge may be made only on the day violation is observed; challenges alleging wrongdoing on past occasions will not be accepted.
3. The written challenge will be immediately delivered by the Market Manager upon acceptance. The Market Manager will conduct such investigation as conditions permit upon delivery of the challenge.
4. Prior to the next Market day following a challenge, the Market Manager and two board members will issue a written determination of the challenge and impose sanctions upon a

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finding that a violation has occurred. If found in violation a vendor may be fined, suspended or removed from the Market at the Market Board's discretion.

"ON THE SPOT" VENDOR CHECKS

1. The Market Manager will conduct periodic On the Spot Vendor Checks. The checks are a —quick assessment of the vendor's compliance with rules that the market considers of particular importance.

2. There will be a \$10 penalty for each item found to be in violation, payable to the market immediately upon presentation of completed inspection.

Food / Produce Violations

- Hand washing station not present and ready for use
- Employee not present in the booth with a food handlers card (if applicable)
- Food not off of the ground at least 6 inches or in impervious plastic tubs
- Samples are not being handled according to ODA Guidelines General Violations
- Licenses and certifications not up to date for all applicable products
- Each canopy leg is not secured with weights
- Booth is not set up with regard for public safety. All components of the booth are contained within the boundaries of the booth
- Improper booth signage
- Organic certification not posted
- Prices of products are not clearly and accurately posted
- Fire extinguishers not present (if applicable)
- Planters and sidewalks contains vendor's product, boxes, garbage etc.
- Improper use of scale with a current certification
- Selling before the opening bell without specific permission from the Market Manager.
- Failure to remove all refuse and/or unsold products from the Market premises. The Market dumpsters are for public trash only!
- Failure to pick up the litter and sweep stall space at the end of the day.
- Product check – all products in a vendor's booth will be checked against the vendor's application. Any product for sale which is not listed on application, and approved by the market, must be pulled from booth. A \$10 per item will fine will be assessed.
- Second Farm violations result in a \$100 fee do you mean fine and product must be pulled from booth
- Vendor and employees must be parked in places designated for employee parking. There will be a \$10 per vehicle penalty for improperly parked vehicles.

THE TIGARD FARMERS MARKET INCLEMENT WEATHER POLICY

The TFM has a general policy of staying open in inclement weather unless the Market Managers determines that the situation poses a threat to vendors or customers. Staff will work with vendors for best course of action.

High Winds

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All vendors are required to weight down their canopies with adequate weight to keep it on the ground. Canopies must be weighted on all four corners. There is a \$100 fine to the vendor for a canopy that lifts off the ground. The Market Manager may require canopies to be taken down that are at risk for taking flight either due to inadequate weights or high winds.

LIGHTNING POLICY

In the case of lightning, an immediate response is recommended:

Vendors

- Those with vehicles in the market should get into them. Avoid touching the metal frame of the vehicle.
- All vendors with electrical equipment should unplug it at the first sign of lightning and step away from the appliance.

Customers and Vendors

- Try to get a safe distance from light posts or trees
- It is best to go inside of a regularly occupied building such as the community room.

THE TIGARD FARMERS MARKET AS A SUSTAINABLE EVENT

The customers that shop at the Market come to buy locally grown and produced agricultural products, and to feel good about participating in a more sustainable food system. The responsibility for implementing sustainable practices falls to all of us in the market community, not just to our farmers. For that reason, the Tigard Farmers Market has made a commitment to work towards becoming a more earth friendly event. In a sustainable food system, it's not only the food that's important, but also how it is packaged and carried home. We are asking that you try to use more earth friendly packaging and service ware. Please contact our Market Manager for a list of suppliers who carry biodegradable, compostable and recyclable products.

VENDOR LICENSING

Vendor licensing as well as copies of any permits and licenses applicable to the sale of their products will be required. Vendors are responsible for complying with State and local licensing requirements governing the sale and production of their products. Failure at any time to conform to local, State or Federal requirements can be grounds for removal from the Market and forfeiture of space fees. A list of contact information for governmental agencies is located in the appendix section of this book.

REQUIREMENTS

Proof of Liability Insurance

All vendors selling at the Market are required to provide the Market with proof of liability insurance naming the TFM as the additional insured.

Native American Vendors

1. The treaty rights of Native American vendors allow them to sell product without licensing.
2. The vendor's tribal identification card will need to be submitted with the application to confirm Native American status.

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Apple Cider

1. If you make your own cider, a Food Processor's License from ODA Food Safety is required.
2. If your cider is made by a processor other than yourself, a Retail Food Establishment License is required. This is available from ODA Food Safety.

Cheese / Dairy Products

1. Dairy Processor's License available from ODA Food Safety.

Fish

1. If you are processing the fish yourself, a Food Processor's License from ODA Food Safety is required.
2. If you are selling whole fish or having the fish processed by another processor, a Retail Food Establishment License is required. This is available from ODA Food Safety.
3. Oysters, clams or mussels require a Shellfish Shippers License, available from ODA Food Safety.

Meat / Poultry

1. Meat Seller's License available from ODA Food Safety.
2. Rabbit and Poultry Slaughter License.

Organic Products

1. Organic Registration -- vendor must post a copy of this license in their booth, in addition to filing a copy with the market. See information in the appendix section of this book.

Plant and Nursery Growers

1. If your plant sales are over \$250 per year, a Nursery License from the ODA Plant Division is required.

Bakery, Processed and Value Added Foods

1. For foods you prepare yourself, a Food Processor's License is required. This is available from ODA Food Safety.
2. For foods that are prepared by another processor, a retail food establishment license is required. Available from ODA Food Safety.
3. Bakery Processor's License, available from ODA Food Safety.

Selling Food to be Consumed on Premises

1. Temporary for Profit Restaurant License. This is available from the Washington County Environmental Health Department.
2. Food Handler's Permit for at least one person that will be in the booth at all times; available from the Washington County Environmental Health Department.

Vendors Scales

1. ODA Scales Certification for each scale you intend to use. Certification available from ODA Measurement Standards.

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2. Washington vendors must have a current sticker from WDA affixed to their scale.

Wine and Beer

1. SEW (Special Event Winery Permit) or Multiple Location License from OLCC.
-OR- SEG (Special Event Growers Permit) -OR- SEB/PH (Special Event Brewers and Public house Permit)
2. OLCC service permit for all employees working the market.

Wild Mushrooms

1. Wild mushroom collectors are required to provide a copy of the collection permit obtained either from the U.S. Forestry Service (Mushroom Permit) or the Oregon Dept. of Forestry (Special Forest Products Permit), depending upon where the mushrooms are collected.

INFORMATION FOR NEW AND WEEKLY VENDORS

What to Bring on Market Day

1. Your space number and map – write down your space number when you receive your assignment. Bring a market map to help you locate the space.
2. Your space fee
3. Your products
4. Canopy
5. Canopy weights sufficient enough to hold your canopy in place
6. Tables, tablecloths, racks and/or shelves and other display equipment
7. Signage – you must bring a sign telling customers the name and location of your business. All of your products must have their prices clearly signed.
8. Plastic and/or paper bags, boxes, flats for customer purchases
9. Broom and dustpan for clean up
10. A certified scale (if appropriate)
11. Cash box and plenty of change
12. Promotional materials and business cards
13. Hand washing station and appropriate supplies if you are sampling (see ODA guidelines in the appendix section of this book)
14. Trash cans (you must take your garbage with you at the end of the day)
15. Pens, pencils, chalk, markers, calculators
16. Personal comfort items such as hats, scarves and drinking water
17. Smiles!

Other Important Things to Remember

1. Spaces are based off the map provided.
2. The morning set-up time is very congested. There are a lot of vehicles that need to be moved in and out of the market in a short period of time. Vendors need to arrive and quickly unload the parts and contents of their booth, move their vehicle to the designated parking area, then return to their booth to set up. Do not set-up as you unload -- this is time consuming and your vehicle may be blocking another vendor's access to their space.
3. You and your employees must park in the designated vendor parking lot.

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4. Check out the Market in advance so you can see what a typical Tigard Market day is like. Being familiar with the Market before you arrive will make your set-up go more smoothly.
5. Practice setting your booth up at home! Work out all the logistics before you come to the Market. We can't stress this enough! Do not come to market and try to put up your canopy for the first time- it can be very frustrating! Practice in advance -- this will help your first real market day to run smooth and be less stressful.
6. Weekly space fees will be paid to the Market Manager, at the Market Information Booth, between 12:00 p.m. and 1:15 p.m. on Market day.

CONTACT INFORMATION FOR GOVERNMENT AGENCIES

The following information is provided to aid vendors in complying with regulations concerning their product. It is not a comprehensive list and vendors should contact the appropriate State agency for more detailed information. Whenever a specific agency is not mentioned below, as in the case of most produce and food items, the contact is:

Oregon Department of Agriculture,
Food Safety Division
635 Capitol St., N.E.
Salem, OR 97301-2532
(503) 986-4720 phone
(503) 986-4729 fax
www.oda.state.or.us

Oregon Department of Agriculture,
Plant Division
635 Capitol St., N.E.
Salem, OR 97301-2532
(503) 986-4644 phone
(503) 986-4786 fax
www.oda.state.or.us

Oregon Department of Agriculture,
Measurement Standards
635 Capitol St., N.E.
Salem, OR 97301-2532
(503) 986-4670 phone
(503) 986-4784 fax
www.oda.state.or.us

List of ODA Food Safety Specialists
www.oregonfarmersmarkets.org

ODA License Database
(various ODA divisions)

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www.oda.state.or.us/dbs/search.lasso

Oregon Department of Human Services
800 N.E. Oregon St.
Portland, OR 97232
(503) 731-4012 phone
www.ohd.hr.state.or.us

Mt. Hood National Forest Headquarters 16400 Champion Way Sandy, Oregon 97055 (503) 668
1700
<http://www.fs.usda.gov/main/mthood/passes-permits/forestproducts>

Oregon Department of Forestry 2600 State St. Salem, Oregon 97310
Phone: 503-945-7200
http://www.oregon.gov/ODF/about_us.shtml

Washington County Department of
Health & Human Services
155 N. First Avenue, Suite 170
Hillsboro, OR 97124
(503) 846-8722 phone
www.co.washington.or.us/deptmts/hhs/health.htm

Women, Infants & Children Coupon Program (WIC)
www.dhs.state.or.us/publichealth/wic/countyinfo.cfm

Oregon Tilth
(Organic Certification)
260 SW Madison Ave. Suite 106
Corvallis, OR 97333
(503) 378-0690 phone
Toll free number : 877-378-0690
www.tilth.org

Oregon Liquor Control Commission (OLCC)
9079 S.E. McLoughlin Blvd.
Milwaukie, OR 97222
(503) 872-5000 phone
www.olcc.state.or.us

Information for Market Customers,
Vendors and Managers / Boards
www.oregonfarmersmarkets.org

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Oregon Farmers Market Association
Information for Market Customers, Vendors and Managers / Boards
www.oregonfarmersmarkets.org

INFORMATION REGARDING LABELING AND PACKAGING OF AGRICULTURAL PRODUCTS

Most of these statutes were implemented in order to allow the ODA to trace food born illnesses resulting from the consumption of the product in the boxes, as well as a desire to promote —truth in advertising|| regarding the origin of the product, particularly in retail situations. (This is a partial representation of the statutes.) This information has been approved by:

Jim Cramer - Division administrator of Commodity Inspection, and Ron McKay - Division administrator of ODA Food Safety

632.456

Used packages or containers It is unlawful to sell or offer for sale or to transport or offer for transportation, horticultural products in used packages or containers unless such used packages or containers are first cleaned of all foreign matter and substances, and unless all previous markings, brands, grade markings, labels, trademarks, names and addresses are entirely removed or so defaced as to destroy their legibility, or by turning such container inside out. This section does not apply to transportation from the owner's fields to a warehouse for storage or grading and packing, or to processing plants. Ron McKay explains: This section applies to product, e.g. berries, where the product would be sold in a box or flat for the customer to take home. The box must accurately reflect the name of the grower, product name, etc. If the berries were transported to Market in a used box, but the box was not given to the customer it wouldn't matter if the box had someone else's name on it. It is also O.K. to use a box from a totally different type of produce to transport and sell a product, for example, you can bring your tomatoes to Market in a banana box because there is no chance that someone will confuse the product in the box with the producer listed on the outside. That is, as long as the company listed on the box does not have a problem with it. If Dole complained about a vendor using their boxes to sell another product ODA might stop the vendor from using Dole boxes. Regarding egg cartons: Clean egg cartons may be reused as long as the name, date and grade is correctly indicated on the carton. The old farm name and product information must be obliterated.

632.470

False representations as to raising, production or packing. No person, by means of any false representation, either verbal, printed or written, shall represent or pretend that horticultural products were raised, produced or packaged by any person, or in any locality other than by the person, or in any locality where the same were in fact raised, produced or packed.

632.475

Possession of unlabeled, falsely labeled or deceptively labeled packed products. No

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person shall have in possession for sale or transportation any horticultural products not labeled as required in ORS 632.450 to 632.485, or falsely marked or labeled, or deceptively packed contrary to the provisions of ORS 632.450 to 632.485.

632.480

Shipment or sale of deceptive pack, load or display prohibited. No person shall prepare, deliver for shipment, ship, transport, offer for sale or sell a deceptive pack, or package, load, arrangement or display of horticultural products. Basically what this legal gobbledey goop of these last two sections mean is that, if you have a tote labeled with Hermiston melons in your be Hermiston melons in the tote. If you advertise that your corn was raised by you, it had better be the truth! If it was raised by someone else, you must truthfully advertise that fact. This is all about truth in advertising!!

632.490

Labeling fruit or vegetables as Oregon grown or packed. All persons operating under their own private brand in Oregon in the business of packing or canning fruit or vegetables, either fresh, canned, evaporated or otherwise, shall plainly designate on such private brand that goods were Oregon grown or packed in Oregon.

HIGHLIGHTS OF THE OREGON DEPARTMENT OF AGRICULTURE FARMERS' MARKETS GUIDELINES

The Tigard Area Farmers Market requires all vendors to comply with the Farmers' Market Guidelines established by the Oregon Dept. of Agriculture, Food Safety Division. Please make yourself familiar with the Guidelines which appear in the appendix section of this book. The following are highlights of those guidelines upon which the TAFM would like to place particular emphasis:

1. Distribution of Samples

- The vendor should keep himself or herself and the selling area clean and neat in appearance.
- Hands must be washed with soap and clean water before handling the food and after using the toilet.
- All surfaces, equipment and utensils which come into contact with food must be easily cleaned and non-toxic, easily cleaned and in good repair.
- Any vendor distributing samples must have a portable hand washing station at the sample preparation site. On a temporary basis, the vendor may rent a hand washing station from the market for a fee of \$5, payable at time of use.
- Vendors should design their sampling setups to prevent customers from touching samples other than the one they take.
- In addition to the ODA Guidelines, the TAFM requires all sampling to be done within the boundaries of a vendor's booth. Vendors may not stand in the aisles to sample product.

2. Any vendor displaying perishable products in ice, must use a sufficient quantity of ice to cover the product completely and keep it at 41 degrees or below.

3. All food stuffs in a vendors' booth must be elevated 6" off of the ground.

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4. Processed foods are those that involve drying, juicing, cooking, baking, shelling, heating, separating, extracting, grinding, churning, cutting, freezing, canning, etc require a food processor's license from ODA. A photocopy of the kitchen certificate for these products must be submitted to the market at the time of application.
5. Processing of fresh fish -- heading and gutting may take place in a non-licensed facility such as a fishing vessel; however, further processing must take place in an ODA licensed facility. Fresh fish may be sold whole or cut into portions and wrapped. Fish that is vacuum packed must be sold frozen. The selling of fresh, vacuum packed fish is prohibited by ODA.
6. All meat processing must meet ODA and USDA guidelines. Vacuum packed meat may be sold fresh or frozen.

OREGON DEPARTMENT OF AGRICULTURE FARMERS' MARKETS GUIDELINES

Market Operation Requirements

Farmers' markets should make reasonable efforts to ensure that all vendors selling products requiring licenses have obtained them and are maintaining those licenses. Each market manager (or other responsible person designated by the organization operating the market) should maintain a copy of vendor licenses or a record of the number of the license. Licenses are listed on the ODA website and can be accessed using license numbers and/or other data routinely furnished by vendors. (See contacts.) Market managers and other responsible persons are not expected to be food safety experts, but they can help educate vendors about topics related to food safety and encourage vendors to communicate with the appropriate licensing authorities.

What Activities and Products are Licensed?

Many, but not all products sold at farmers' markets require licenses from the Food Safety Division of ODA. Here is a list of products and their licensing requirements:

Fresh Fruits and Vegetables

No food safety-related license is required, but vendors should review handling and sampling procedures in this publication. Device licenses issued by the Measurement Standards Division are required for sales by weight.

Processed Foods

Baked goods, dairy products, jams, jellies, preserves, salsas, vinegars, oils, salad dressings, frozen berries and cherries, dried herbs, and dehydrated fruits and vegetables are examples of common farmers' market products that must be processed in a licensed facility. (See definitions for a more complete list food processing activities.) Home kitchens that meet requirements may be licensed as domestic kitchens for some food processing activities. Jams, jellies and baked goods are often allowed under a domestic kitchen license, but dairy, meats and low-acid canned goods are not allowed in domestic kitchens. Vendors should consult their ODA food safety specialist to make sure the products they plan to sell can be licensed in the facility they intend to use.

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Seafood

Licenses are required for many activities involving fish and shellfish. Oysters require a shellfish shipper license. Most other types of seafood require either a processing license or a retail food establishment license, depending on whether products are processed by sellers or other licensed facilities. Live fish, shrimp and prawns are not part of ODA's jurisdiction.

Meat and Poultry

All vendors selling meat and poultry must have a license from ODA, and certain activities require USDA inspection. All beef, pork, and lamb must originate in a USDA inspected slaughter facility. Poultry processors of 20,000 or fewer birds per year are exempt from the USDA inspection requirements if they raise, slaughter and sell their own product. USDA inspection exemptions are complex, so producers should consult with ODA before starting such operations.

Eggs

Eggs may be sold at market without an egg handler's license and without labeling, but only by the farm that produces the eggs. All other eggs — even those produced by friends or relatives on neighboring farms — must come from licensed facilities and comply with labeling requirements.

Honey

Licenses generally are required to extract honey, but an exception is made for operations with 20 or fewer hives. Honey in combs is not extracted and thus does not require a license.

Restaurant Foods / Food Service

Foods prepared and sold at markets require a temporary restaurant license from the county health department in the county where the food is served. This requirement does not include samples and demonstrations discussed in the section below. NOTE: Vendors who cook any product at a farmers' market must either make sure it qualifies as a sample or demonstration, or must obtain a temporary restaurant license. (In some counties the Field Services Unit of the State Office of Environmental Services & Consultation does the licensing on behalf of the county.) County health department jurisdiction applies even if vendors of such foods also sell products subject to licensing by ODA's

Food Safety Division.

Temporary restaurant vendors must have one person licensed as a food handler in the booth during hours of operation. Chef / Cooking Demonstrations / Other Sampling Small samples of cooked foods prepared at market may be offered free of charge to customers without obtaining a temporary restaurant license, for promotional and educational purposes. (Please see the definition of sampling.) All handling and sampling guidelines must be followed. Sample portions must be small, since the purpose is not to circumvent laws governing food service. Similarly, vendors may offer samples of other market products without additional licensing but must follow all applicable procedures in these guidelines.

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Out of State Food Establishment Licenses ODA recognizes licenses from other states, but vendors should check with market managers and food safety specialists before bringing out-of-state products to Oregon farmers' markets. ODA requires proof of licensing for all processed foods. Other ODA Licenses Other ODA divisions with duties outside the scope of these guidelines also issue licenses to farmers' market vendors. These include the Plant Division, which issues nursery licenses, and Measurement Standards Division, which regulates weighing devices.

Product Labeling

All packaged foods must be labeled, and ingredient information must be available for foods sold in bulk. Unpackaged single-ingredient foods like fruits and vegetables do not need labels. Four pieces of information are required on labels: name of product, net weight, ingredients in descending order by weight, and name and address of the producer or distributor. Bulk foods do not have the same labeling requirements as packaged foods. Ingredient information needs to be available to customers. Vendors can post ingredients on bulk bins or display a sign saying the ingredients are available upon request. Ingredient information should be maintained in writing.

Handle with Care

Products at farmers' markets generally fall into three levels of handling care. At the strictest level are potentially hazardous foods, which require refrigeration and other special handling. In the middle are products that are not potentially hazardous but still require more care because they cannot be washed by consumers. The least restrictive level applies to fresh produce and in-shell nuts.

Potentially Hazardous?

Even though market farmers consider their products to be the most wholesome foods available, some foods sold at farmers' markets are legally classified as potentially hazardous foods because they allow fast growth of germs that may cause food poisoning. This term includes common foods like eggs, meat, poultry, seafood, dairy products and many foods that contain those ingredients. Even foods that are not potentially hazardous can become potentially hazardous once water has been added and/or they have been cooked. Please see the definition of potentially hazardous foods, which includes technical details concerning pH and water activity level. Certain baked goods are potentially hazardous foods. Cheesecake is one example, but some foods may not be as obvious. Vendors should talk with their food safety specialist to determine whether the licensed foods they sell fall into this category. Potentially hazardous foods in general must be stored, displayed and offered for sale packaged and refrigerated at or below 41 degrees F. Frozen products must stay frozen.

Maintaining these foods at appropriate temperatures in an outdoor environment generally requires use of ice chests or other containers filled with ice or dry ice surrounding the product — except for eggs, which must be kept dry. Care should be taken to prevent accumulation of water from melted ice. Other products sometimes used to keep food cold, such as blue ice packs, are often not effective enough because they do not surround food products. Vendors

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should carry a thermometer to monitor product temperatures of refrigerated foods. Live seafood is not subject to this temperature rule. Live shellfish, for example, may be held at 45 degrees F.

Packaging Safely

Seafood can be sold smoked, frozen or fresh, but vendors must make sure they are using appropriate packaging for their products. Here are some examples of handling concerns:

- Vacuum packaging is appropriate for smoked fish but not for fresh fish.
- Whole crab cooked in shells in a licensed facility can be sold on ice, but vendors should provide a barrier to prevent customers from touching the product.
- Food packages should be in good condition and protect contents so that food is not adulterated or contaminated.
- Fresh or frozen whole fish may be sold unpackaged on ice. Wrap or Cover
- Some products are not potentially hazardous but need extra protection because customers cannot wash them. Baked goods are the most common example. Vendors have two options: packaging these items in a licensed facility or selling from enclosed bulk containers. Those who choose to sell from covered bulk containers must set up and use a hand washing station and must follow procedures in these guidelines to avoid contamination. Acceptable methods to remove food from covered bulk containers include clean tongs or other utensils, single-use gloves, and wax paper sheets.

Off the Ground

Fresh fruits and vegetables and nuts in their shells can be displayed in open air. The only caveat is that they must be stored off the ground. Vendors can accomplish this in a number of ways. Many vendors use plastic tubs to transport and protect their produce. Empty crates or boxes underneath the ones holding produce can do the job if impervious tubs are not available. The only exception is for pumpkins or similarly large squash, which are often too bulky and irregular to display off the ground. Vendors who sell products licensed by ODA should consult with a food safety specialist about proper handling procedures for each licensed product.

Hand Washing

This section applies directly to anyone who prepares and serves samples at the market or who handles bulk-dispensed (unwrapped) products other than produce and nuts in the shell. Hand washing is an important task that many people do — or fail to do — without thinking. To protect public health, farmers' market vendors, like workers in other food establishments, must make a special effort. Here is what health authorities mean by hand washing: a cleaning procedure of about 20 seconds that includes vigorous friction, for at least 10 to 15 seconds, on the surfaces of lathered fingers, finger tips, areas between fingers, hands and portions of arms exposed to direct food contact, followed by thorough rinsing under clean, running water.

When Does the Requirement Apply?

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Whenever vendors use the restroom, contact bodily fluids (sneezing or coughing into hands, nose-blowing, etc.), touch animals, have soiled hands, or return to their work stations after leaving for any reason. NOTE: A trip to the restroom or contact with bodily fluids requires two hand washings – at the toilet facilities and again at the work station.

What About Hand Sanitizers and Moist Towelettes?

Vendors may use these products but not as a substitute for hand washing.

How About Single-Use Gloves?

Gloves do not eliminate the need for hand washing, although they may be helpful in some circumstances to avoid bare handed contact with food. If used, they must be limited to a single task and discarded when damaged or soiled or when tasks are interrupted. Non-latex gloves are preferred because of allergy considerations and are required in temporary restaurant operations.

What About Money Handling – Isn't It a Problem?

Not in the way that most people would expect. Research indicates that money handling is not a danger in food establishments, but public opinion is another matter. This may be a case where it is prudent for vendors to ignore science and structure their operations to please customers.

How Do Vendors Set Up A Hand Washing Station?

Vendors may find they already own many of the components, and the rest are available at minimal cost. One key piece is an enclosed container that holds an adequate amount of water for the duration of a market day. Water containers should have a spigot that can stay open to allow a constant flow of water for two-handed washing. Such containers are available at stores that sell camping supplies. Other required components include: water, soap, single-use paper towels and some sort of catch basin for the wastewater.

Safe Sampling

Vendors who sell products licensed by ODA should consult with a food safety specialist before sampling at markets. In addition to hand washing, there are other sampling procedures that will protect vendors and their customers.

Start with Clean Food

Thoroughly rinse fruits and vegetables in potable water before cutting them. Vendors should not use substances other than potable water unless they have made certain the substances are approved to be used on food. Many soaps can actually make food less safe, and bleach solutions are not recommended for this purpose.

Clean Tools

Use a clean cutting board and knife. Equipment and utensils must be easily cleanable and in good condition. Materials must be impervious and free of cracks and crevices. Smooth hardwood is acceptable for cutting boards. Utensils must be stored and covered to protect from contamination during transit to market and when not in use. Utensils can be stored

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between uses in ice or in the product with handles above the top of the food but not in sanitizing solution. Otherwise, clean and sanitize between uses. Food contact surfaces should be cleaned with soap and water followed by an approved sanitizer, which is allowed to air dry before use. Single-use paper towels can be used on food contact surfaces. If wiping cloths are used, they must be sanitized and monitored as follows:

- Cloths must be stored in a sanitizing solution of an approved sanitizer at an acceptable concentration.
- Sanitizer concentration for stored cloths must be checked throughout each day using paper test strips.

Sanitizers

Household bleach may be used at a concentration of one tablespoon per gallon of lukewarm water, which equals 100 parts per million. (Quaternary ammonium compounds are mixed at 200 parts per million.) Do not assume that —more is better. Bleach concentration cannot be allowed to fall below 50 parts per million. Sanitizers exposed to air lose concentration over time, while spray bottles hold concentration for extended periods.

Protection

Samples must be covered to protect them from insects, dust and other contaminants when they are not actively being sampled by customers. Vendors should design their sampling setups to prevent customers from touching samples other than the one they take. Close supervision of customers tasting samples is critical, especially when children are sampling. Toothpicks are helpful but not error-free. Sticking one in each sample, as time permits, can help discourage reuse.

Extra care is required in sampling potentially hazardous foods. Sampling is an exception to the rule that potentially hazardous foods are packaged in an ODA licensed facility and stay packaged until they reach consumers' homes. Temporary restaurants, which follow rules on which these sampling guidelines are based, are another exception. Cook all potentially hazardous foods at approved temperatures for the required duration. Samples of potentially hazardous foods must be discarded after two hours out of refrigeration. Vendors who portion or otherwise prepare samples in a licensed facility rather than at market should keep the samples refrigerated while in transport in the same manner as the packaged product. If samples of potentially hazardous foods are portioned or cooked at market, remove from packaging and refrigerate only what is needed to prepare each batch of samples.

Cross-Contamination

Vendors should strictly segregate the foods handled at market to ensure that there is no cross-contamination of foods — particularly raw meat, poultry or seafood and ready-to-eat foods. Those who sample meats, poultry or seafood and fruits or vegetables in the same stall should use separate cutting boards, knives, wiping cloths, sanitizer buckets, etc. Clean and sanitize all equipment associated with raw meats, etc., immediately after preparing these foods, to avoid inadvertent contact. Cross contamination also can involve two different kinds of raw meat,

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poultry or seafood. Separate equipment is not necessary to sample two kinds of meat, but vendors should clean and sanitize all equipment between uses.

ADDITIONAL GUIDELINES FOR MARKETS AND VENDORS

Animals

Vendor animals must be kept a minimum of 20 feet from any food handling, display or storage. Customer animals are allowed, but it is recommended that markets require that animals be kept on leashes.

Toilet Facilities

Farmers' markets must have toilet facilities conveniently located to the market. Appropriate hand washing facilities (hand wash stations like those used in market stalls or permanent facilities that meet or exceed standards for temporary washing facilities) must be located in or near toilet facilities.

Waste Water

Waste water must be disposed of in an approved manner, which includes approved plumbing. Vendors should not dump waste water in storm water drains. Reasonably clean waste water can be used to water plants.

DEFINITIONS

Food Processing Cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, freezing or otherwise manufacturing a food or changing the physical characteristics of a food; and the packaging, canning or otherwise enclosing of such food in a container; but not the sorting, cleaning or water rinsing of vegetables.

- Drying includes the drying of herbs by mechanical means.
- Extracting includes shelling.
- Cutting does not include the harvesting of leaf greens for sale as produce.

Sampling

A food product promotion, where only a sample of a food (or foods) is offered free of charge to demonstrate its characteristics, is exempt from licensing. A sample cannot be a whole meal, an individual hot dish or a whole sandwich.

Potentially Hazardous Food

(a) —Potentially hazardous food|| means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:

- The rapid and progressive growth of infectious or toxigenic microorganisms;
- The growth and toxin production of *Clostridium botulinum*; or
- In raw shell eggs, the growth of *Salmonella Enteritidis*

(b) —Potentially hazardous food|| includes an animal food (a food of animal origin) that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; unpasteurized juices; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth as specified under Subparagraph (a) of this definition.

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(c) —Potentially hazardous food|| does not include:

- An air-cooled hard-boiled egg with shell intact;
- A food with an aw value of 0.85 or less;
- A food with a pH level of 4.6 or below when measured 24°C (75°F);
- A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;
- A food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or the growth of *S. Enteritidis* in eggs or *C. botulinum* cannot occur, such as a food that has an aw and a pH that are above the levels specified under Subpara graphs (c) (ii) and (iii) of this definition and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; or
- A food that does not support the growth of microorganisms as specified under Subparagraph (a) of this definition even though the food may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness.

ORGANIC CERTIFICATION INFORMATION

Information obtained from —The National Organic Program|| website www.ams.usda.gov/nop/

General Requirements

Production and handling operations seeking to receive or maintain organic certification must comply with the Act and applicable organic production and handling regulations. Such operations must establish, implement, and annually update an organic production or handling system plan that is submitted to an accredited certifying agent. They must permit on-site inspections by the certifying agent with complete access to the production or handling operation, including non-certified production and handling areas, structures, and offices. As discussed in subpart B, certified operations must maintain records concerning the production and handling of agricultural products that are sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))" sufficient to demonstrate compliance with the Act and regulations. Records applicable to the organic operation must be maintained for not less than 5 years beyond their creation. Authorized representatives of the Secretary, the applicable State organic program's (SOP) governing State official, and the certifying agent must be allowed access to the operation's records during normal business hours. Access to the operation's records will be for the purpose of reviewing and copying the records to determine compliance with the Act and regulations. Certified operations are required to immediately notify the certifying agent concerning any application, including drift, of a prohibited substance to any field, production unit, site, facility, livestock, or product that is part of the organic operation. They must also immediately notify the certifying agent concerning any change in a certified operation or any portion of a certified operation that may affect its compliance with the Act and regulations.

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Certification Process

To obtain certification, a producer or handler must submit an application for certification to an accredited certifying agent. The application must contain descriptive information about the applicant's business, an organic production and handling system plan, information concerning any previous business applications for certification, and any other information necessary to determine compliance with the Act. Applicants for certification and certified operations must submit the applicable fees charged by the certifying agent. An applicant may withdraw its application at anytime. An applicant who withdraws its application will be liable for the costs of services provided up to the time of withdrawal of the application. The certifying agent will decide whether to accept the applicant's application for certification. A certifying agent must accept all production and handling applications that fall within its area(s) of accreditation and certify all qualified applicants to the extent of its administrative capacity to do so. In other words, a certifying agent may decline to accept an application for certification when the certifying agent is not accredited for the area to be certified or when the certifying agent lacks the resources to perform the certification. However, the certifying agent may not decline to accept an application on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status.

Upon acceptance of an application for certification, a certifying agent will review the application to ensure completeness and to determine whether the applicant appears to comply or may be able to comply with the applicable production or handling regulations. As part of its review, the certifying agent will verify that an applicant has submitted documentation to support the correction of any non-compliances identified in a previously received notification of non-compliance or denial of certification. We anticipate that at a future date the certifying agent will also review any available U.S Department of Agriculture (USDA) data on production and handling operations for information concerning the applicant. We anticipate using data collected from certifying agents to establish and maintain a password-protected Internet database only available to accredited certifying agents and USDA. This database would include data on production and handling operations issued a notification of non-compliance, non-compliance correction, denial of certification, certification, proposed suspension or revocation of certification, and suspension or revocation of certification. Certifying agents would use this Internet database during their review of an application for certification. This data will not be available to the general public because much of the data would involve ongoing compliance issues inappropriate for release prior to a final determination. After a complete review of the application, which shall be conducted within a reasonable time, the certifying agent will communicate its findings to the applicant. If the review of the application reveals that the applicant may be in compliance with the applicable production or handling regulations, the certifying agent will schedule an on-site inspection of the applicant's operation to determine whether the applicant qualifies for certification. The initial on-site inspection must be conducted within a reasonable time following a determination that the applicant appears to comply or may be able to comply with the requirements for certification. The initial inspection may be delayed for up to 6 months to comply with the requirement that the inspection be conducted when the land, facilities, and activities that demonstrate compliance or capacity to comply can be observed. The certifying agent will conduct an initial on-site inspection of each

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production unit, facility, and site that produces or handles organic products and that is included in the applicant's operation. As a benchmark, certifying agents should follow auditing guidelines prescribed by the International Organization for Standardization Guide 10011-1, "Guidelines for auditing quality systems - Part 1: Auditing" (ISO Guide 10011-1). The certifying agent will use the on-site inspection in determining whether to approve the request for certification and to verify the operation's compliance or capability to comply with the Act and regulations. Certifying agents will conduct on-site inspections when an authorized representative of the operation who is knowledgeable about the operation is present. An on-site inspection must also be conducted when land, facilities, and activities that demonstrate the operation's compliance with or capability to comply with the applicable production or handling regulations can be observed. The on-site inspection must verify that the information provided to the certifying agent accurately reflects the practices used or to be used by the applicant or certified operation and that prohibited substances have not been and are not being applied to the operation. Certifying agents may use the collection and testing of soil; water; waste; plant tissue; and plant, animal, and processed products samples as tools in accomplishing this verification. The inspector will conduct an exit interview with an authorized representative of the operation who is knowledgeable about the inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The main purpose of this exit interview is to present the inspection observations to those in charge of the firm in such a manner so as to ensure they clearly understand the results of the inspection. The firm is not required to volunteer any information during the exit interview but would be required to respond to questions or requests for additional information. The inspector will raise and discuss during the exit interview any known issues of concern, taking into account their perceived significance. As a general rule, the inspector will not make recommendations for improvements to the operation during the exit interview. However, the certifying agent will have the discretion to decide the extent to which an inspector may discuss any compliance issue. At the time of the inspection, the inspector shall provide the operation's authorized representative with a receipt for any samples taken by the inspector. There shall be no charge to the inspector for the samples taken. The certifying agent shall, within a reasonable time, provide the inspected operation with a copy of the on-site inspection report, as approved by the certifying agent, for any on-site inspection performed and provide the operation with a copy of the test results for any samples taken by an inspector. Notification of Approval A certifying agent will review the on-site inspection report, the results of any analyses for substances, and any additional information provided by the applicant within a reasonable time after completion of the initial on-site inspection. The certifying agent will grant certification upon making two determinations: (1) that the applicant's operation, including its organic system plan and all procedures and activities, is in compliance with the Act and regulations and (2) that the applicant is able to conduct accordance with its organic systems plan. Upon determining the applicant's compliance and ability to comply, the agent will grant certification and issue a "certificate of organic operation." The certification may include requirements for the correction of minor non-compliances within a specified time period as a condition of continued certification. A certificate of organic operation will specify the name and address of the certified operation; the effective date of certification; the categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified

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operation; and the name, address, and telephone number of the certifying agent. Once certified, a production or handling operation's organic certification continues in effect until surrendered by the organic operation or suspended or revoked by the certifying agent, the SOP's governing State official, or the Administrator. Feels like there need to be some paragraph breaks in this?

Denial of Certification

Should the certifying agent determine that the applicant is not able to comply or is not in compliance with the Act, the certifying agent will issue a written notification of non-compliance to the applicant. The notification of non-compliance will describe each non-compliance, the facts on which the notification is based, and the date by which rebuttal or correction of each non-compliance must be made. Applicants who receive a notification of non-compliance may correct the non-compliances and submit, by the date specified, a description of correction and supporting documentation to the certifying agent. As an alternative, the applicant may submit a new application to another certifying agent, along with the notification of non-compliance and a description of correction of the non-compliances and supporting documentation. Applicants may also submit, by the date specified, written information to the issuing certifying agent to rebut the non-compliance described in the notification of non-compliance. When a non-compliance cannot be corrected, a notification of non-compliance and a "notification of denial of certification" may be combined in one notification. The certifying agent will evaluate the applicant's corrective actions taken and supporting documentation submitted or the written rebuttal.

If necessary, the certifying agent will conduct a follow-up on-site inspection of the applicant's operation. When the corrective action or rebuttal is sufficient for the applicant to qualify for certification, the certifying agent will approve certification. When the corrective action or rebuttal is not sufficient for the applicant to qualify for certification, the certifying agent will issue the applicant a written notice of denial of certification. The certifying agent will also issue a written notice of denial of certification when an applicant fails to respond to the notification of non-compliance. The notice of denial of certification will state the reasons for denial and the applicant's right to reapply for certification, request mediation, or file an appeal. An applicant who has received a notification of non-compliance or notice of denial of certification may apply for certification again at any time with any certifying agent. When the applicant submits a new application to a different certifying agent, the application must include, when available, a copy of the notification of non-compliance or notice of denial of certification. The application must also include a description of the actions taken, with supporting documentation, to correct the non-compliances noted in the notification of non-compliance. When a certifying agent receives such an application, the certifying agent will treat the application as a new application and begin a new application process. A certifying agent has limited authority to deny certification without first issuing a notification of non-compliance. This authority may be exercised when the certifying agent has reason to believe that an applicant for certification has willfully made a false statement or otherwise purposefully misrepresented its operation or its compliance with the requirements for certification. Continuation of Certification Each year, the certified operation must update its organic production or handling system plan and submit the updated

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information to the certifying agent and pay the certification fees to continue certification. The updated organic system plan must include a summary statement, supported by documentation, detailing deviations from, changes to, modifications to, or other amendments to the previous year's organic system plan. The updated organic system plan must also include additions to or deletions from the previous year's organic system plan, intended to be undertaken in the coming year. The certified operation must update the descriptive information about its business and other information as deemed necessary by the certifying agent to determine compliance with the Act and regulations. The certified operation must also provide an update on the correction of minor non-compliances previously identified by the certifying agent as requiring correction for continued certification.

Following receipt of the certified operation's updated information, the certifying agent will, within a reasonable time, arrange and conduct an on-site inspection of the certified operation. When it is impossible for the certifying agent to conduct the annual on-site inspection following receipt of the certified operation's annual update of information, the certifying agent may allow continuation of certification and issue an updated certificate of organic operation on the basis of the information submitted and the most recent on-site inspection conducted during the previous 12 months. However, the annual on-site inspection must be conducted within the first 6 months following the certified operation's scheduled date of annual update. As a benchmark, follow auditing guidelines prescribed by ISO Guide 10011-1. Upon completion of the inspection and a review of updated information, the certifying agent will determine whether the operation continues to comply with the Act and regulations. If the certifying agent determines that the operation is in compliance, certification will continue. If any of the information specified on the certificate of organic operation has changed, the certifying agent will issue an updated certificate of organic operation. If the certifying agent finds that the operation is not complying with the Act and regulations, a written notification of non-compliance will be issued as described in section 205.662. In addition to annual inspections, a certifying agent may conduct additional on-site inspections of certified operations that produce or handle organic products to determine compliance with the Act and regulations. The Administrator or SOP's governing State official may also require that additional inspections be performed by the certifying agent to determine compliance with the Act and regulations. Additional inspections may be announced or unannounced and would be conducted, as necessary, to obtain information needed to determine compliance with identified requirements. Such on-site inspections would likely be precipitated by reasons to believe that the certified operation was operating in violation of one or more requirements of the Act or these regulations. The policies and procedures regarding additional inspections, including how the costs of such inspections are handled, would be the responsibility of each certifying agent. Misuse of such authority would be subject to review by USDA during its evaluation of a certifying agent for re-accreditation and at other times in response to complaints. Certified production and handling operations can file complaints with USDA at any time should they believe a certifying agent abuses its authority to perform additional inspections. Information obtained from "The National Organic Program" website www.ams.usda.gov/nop/