

FAQ for Farmers' Market Food Vendors

How do I know if the Farmers' Market I'm registering for is considered exempt from *Ontario Regulation 493/17 – Food Premises*?

A farmers' market is considered exempt from the regulation when more than 51% of the vendors at the market are farmers selling their own farm products. This count includes vendors who are not selling food.

Farm products are defined in *Ontario Regulation 493/17-Food Premises* as "products that are grown, raised or produced on a farm and intended for use as food and include, without being restricted to, fruits and vegetables, mushrooms, meat and meat products, dairy products, honey products, maple products, fish, grains and seeds and grain and seed products"

You can ask the farmers' market coordinator whether the farmers' market you are registering for will meet the exemption criteria for the upcoming season.

If the Farmers' Market I plan to attend is considered to be exempt from the requirements of *Ontario Regulation 493/17*, what does this mean for me as a food vendor?

At a farmers' market that is considered exempt from the requirements of *Ontario Regulation 493/17 – Food Premises*, the only products that are required to come from an inspected facility are products that are provincially inspected, such as meat, milk and eggs, or certain federally licensed food items that cross provincial borders (please see next question for more information).

Home-prepared food items are allowed at exempt farmers' markets; however, a health hazard assessment on the food items will be completed by a public health inspector.

A health hazard assessment completed on high-risk items may determine a food item cannot be safely prepared, stored, and transported from a home kitchen. It is recommended that vendors selling home-prepared foods avoid high-risk food items.

High-risk food items are those that can support growth of infectious or toxigenic microorganisms. High-risk food items require time and temperature control to ensure food safety, such as:

- cakes/pastries with whipped cream, cheese, or cream fillings
- custards, salads, egg dishes
- cabbage rolls, perogies
- fish and shellfish
- home canned items
- garlic spreads, oils
- dairy products (e.g., milk, yogurt)
- guacamole, salsa, hummus
- fresh or processed meat, sausages

Low-risk food items are those that do not require time and temperature control to ensure food safety, such as:

- whole fresh fruits and vegetables
- dry noodles
- brownies, butter tarts, cinnamon buns
- cookies, muffins
- bread and buns (no dairy fillings)
- commercially dried fruits
- cakes (no whipped cream)
- fruit pies and pastry
- dry cereal products, popcorn
- hard candy, toffee
- chocolate, fudge
- honey, maple syrup

(Source: ASPHIO Common Approaches for Farmer's Markets and Special Events, 2012)



If the Farmers' Market I plan to attend is not considered to be exempt from the requirements of Ontario Regulation 493/17, what does that mean for me as a food vendor?

At a farmers' market that is not considered to be exempt from the requirements of *Ontario Regulation 493/17 – Food Premises*, all food vendors must meet the requirements of the regulation. This means any food that will be sold at the event must be prepared in a kitchen space that is inspected and approved by the NWHU or another health authority. This also means you will be required to obtain a Temporary Event Food Vendor Permit and post it on-site at the farmers' market. There are two types of permits:

1. **Single Permits** are issued to approved vendors who serve or sell food to the general public. A food vendor permit will be issued to operators of single events or markets if they are in compliance with food regulations. Single event permits will expire as soon as the individual event is over.
2. **Annual Permits** are issued to inspected food premise operators that plan to attend multiple markets or events throughout the calendar year. Annual vendor permits will list each date that you plan to attend an event or market during the calendar year, and will be issued providing that food items, booth setup, and operating processes will remain the same for each event. **An annual permit may only be used at the events or markets that you have notified us of. If you wish to operate at additional events or markets, you must notify the health unit so that we can update your permit accordingly.**

I am selling food products brought in from another province, are there additional rules I need to follow?

If you are selling food items you have prepared in another province, you will require a license from the Canadian Food Inspection Agency (CFIA) under the *Safe Food for Canadians Act Regulations*, as of July 15, 2020. A license is not required for producers of fresh fruits or vegetables, as long as those products are not packaged or labelled. Any other food items brought from another province into Ontario must be from a source that has a license under the *Safe Food for Canadians Act*. For more information on this license, please contact the CFIA, or visit their website to use the interactive licensing tool.

What are the options for someone who would like to become a vendor at a non-exempt market but does not currently have an approved kitchen to work from?

If the vendor wishes to have a kitchen approved, the vendor should contact the NWHU for a kitchen consultation. This consultation will assist the vendor in determining any work required for the kitchen to meet the standards of the *Food Premises Regulation*.

If the consultation results in the vendor no longer wishing to have the kitchen approved, the vendor may rent an approved kitchen to use for preparing and storing food items. Examples of approved kitchens may be church kitchens or community hall kitchens that are inspected by the local health authority and available to rent.

If the vendor is not able to find an inspected/approved space to prepare food items, they will not be permitted to sell their food items at a non-exempt market.



My food preparation premises is served by a private water source, what requirements do I need to meet?

Drilled well:

- Provide a recent water sample that indicates that your water contains 0 total coliforms and 0 E. coli.
- If you apply for an annual permit, you are required to sample your water once every 3 months and provide the sample results to the inspector who approved your permit. *If this is not completed, an annual permit will not be an option for the next year.*

Dug well or surface water source (ie: lake water):

- Provide a water treatment system that is designed to be capable of achieving, *at all times*:
 - At least 99 per cent removal or inactivation of *Cryptosporidium* oocysts
 - At least 99.9 per cent removal or inactivation of *Giardia* cysts, and
 - At least 99.99 per cent removal or inactivation of viruses.

The most common water treatment includes filtration prior to UV light disinfection. Where a UV light is used, it must be a NSF 55-A certified unit. NSF 55-A certified UV lights have additional UV dose sensors and flow regulators that help provide an extra layer of assurance that the water is being continuously treated with the proper dose of UV light.

- Provide a recent water sample that indicates that your water contains 0 total coliforms and 0 E. coli.
- If you apply for an annual permit, you are required to sample your water once every 3 months and provide the sample results to the inspector who approved your permit. *If this is not completed, an annual permit will not be an option for the next year.*

What are the rules about selling home-canned food items at Farmers' Markets?

If you wish to sell home-canned food items at your market booth, please note that only certain products will be permitted for sale at local markets. High-acid or acidified home-canned food items that are prepared in accordance with a scientifically validated recipe may be sold at local markets. Low-acid home-canned food items will not be permitted, due to the high risk of botulism from improper processing.

High-acid foods are those that have a pH of 4.6 or less. *Low-acid foods* are any foods with a pH of greater than 4.6 that do not have other naturally prohibitive growth factors such as a water activity of less than 0.85. *Acidified foods* are low-acid foods to which acid/acidic foods are added so that there is a final pH of 4.6 or less and a water activity greater than 0.85.

Vendors preparing high-acid or acidified home-canned food products will be required to submit a satisfactory food safety plan to the NWHU before the home-canned products can be sold. A food safety plan template is available on the NWHU farmers' market information webpage; however, other food safety plan formats may also be accepted.

What are the rules about selling home-dehydrated food products at Farmers' Markets?

Vendors preparing dehydrated food products will be required to prepare the food in accordance with a scientifically validated recipe, and to submit a satisfactory food safety plan to the NWHU before the products can be sold. A food safety plan template is available on the NWHU farmers' market information webpage; however, other food safety plan formats may also be accepted.



What sanitizers are approved for use on surfaces that come into contact with food?

The following sanitizers are listed in *O.Reg 493/17-Food Premises* for use on equipment, utensils, and other surfaces that come into contact with food:

1. 100ppm chlorine solution (bleach and water)
2. 200ppm quaternary ammonium compound
3. 25ppm iodine solution
4. 77°C water

Other sanitizers may be approved after discussion with a public health inspector, providing that they have been granted a letter of no objection (LONO) by the Canadian Food Inspection Agency (CFIA) for use on food contact surfaces, AND they have a test reagent that can be used to test concentration during use.

What is a certified food handler, and when is a certified food handler required to be on-site?

A certified food handler is an individual who has a current food safety certificate from an Ontario Ministry of Health approved food handler training course.

A certified food handler must be on-site during every hour of operation at a food premises that meets the following criteria:

- Meals or meal portions are prepared by the premises for immediate consumption or sold or served in a form that will permit immediate consumption on the premises or elsewhere;
- The regulation applies (ie: no exemption in place);
- There is food that is not low-risk being served or sold.

