

Mendocino County Farmers Market Association
MCFARM
Market Rules and Regulations

Revised 1/25/1998
1/15/2000
5/17/2006

I. INTENT AND IMPLEMENTATION:

These Rules and Regulations are meant to govern the operation, administration and management of the Certified Farmers Markets (CFM's) under the sponsorship and direction of the Mendocino County Farmers Market Association (MCFARM). All sellers must have a current Membership Card from MCFARM.

The Governing Body of MCFARM, its management and its designated agents will implement and enforce all Rules and Regulations pertaining to the operation of the Certified Farmers Markets under its control in a fair and equitable manner.

II. STATE REGULATIONS:

The regulations of the California Department of Food and Agriculture pertaining to Direct Marketing (Article 6.5, Group 4, Subchapter 1, Chapter 3, Title 3 of the California Administrative Code) are hereby incorporated by reference to be part of these Rules and Regulations. (For details on specific subjects see your Market Manager).

Specifically restated are the following provisions of such regulations:

A. Producers of fresh fruits, nuts, vegetables, shell eggs, honey, flowers and nursery stock must obtain a Certified Producer's Certificate prior to selling such commodities at a Certified Farmers Market. Such commodities must have been produced by the producer by the practice of the agricultural arts upon land which the producer farms and owns, rents, leases, or sharecrops. All fish must be harvested in accordance with state laws.

B. Fresh fruits, nuts and vegetables listed on a Producer's Certificate may be sold directly to consumers exempt from size, standard pack, container, and labeling requirements with the exception that all prepackaged closed consumer containers of agricultural products shall be labeled with the name, address, zip code and e-mail or web address of the producer and a declaration of identity and net quantity of the commodity in the package. However, a package containing 6 or fewer items which are fully visible does not need a statement of count.

C. All agricultural products sold at the market shall comply with the regulations of the California code governing maturity and quality.

D. All agricultural products, other than exempt fresh fruits, nuts and vegetables, which are sold at the markets must comply with all applicable laws pertaining to their grading and labeling.

E. All agricultural products sold at the markets are subject to the provisions of federal marketing orders, state marketing orders, state laws and regulations enforced by any state agency, or any other local health and safety laws, regulations or ordinances.

F. Only the producer or the producer's parents, children, grandparents and grandchildren or a relative regularly residing in the producer's household or an employee of the producer may sell the producer's products at the market. An employee is any person employed by the producer at a regular salary or wage on either a full or part time basis. It does not include a person who is reselling or whose compensation is primarily based on a commission on sales.

G. A Certified Producer's Certificate (embossed photocopy) must accompany the certified agricultural products during transportation and must be conspicuously posted at the point of sale.

H. When any agricultural product is sold by weight, the type of scale used shall be approved, tested and sealed by the County Agricultural Commissioner, Sealer of Weights and Measures.

I. When a producer has been granted the privilege of selling for another certified producer, it shall be under the following conditions:

1. The agricultural products shall be separated at the stand and be clearly identifiable by the respective certificates. Seller shall report gross sales separately for each certificate holder, and shall pay stall fees for each certificate based upon the gross sales for each grower.

2. The producer selling for the other producer must also sell or offer for sale agricultural products which the selling producer has produced. Seller's produce shall be predominate over that of the other producer.

3. Prior to sale, the producer selling has furnished a written letter from the additional producer which verifies the selling producer's authority to sell their products on their behalf.

J. A producer shall provide upon request by an enforcing officer or Market Manager, any certificate, documentation, information or

identification that may be reasonably required to show that the conditions of the regulations are being met. Some of these not stated elsewhere are: Nursery Certificate to sell nursery stock, Seller's Permit from the State Board of Equalization for all non-food items and Proof of Automobile Insurance.

K. When selling at the Certified Farmers Markets, the producer and the producer's agricultural products shall comply with all applicable requirements of the California Uniform Retail Food Facilities Law and the California Sherman Food, Drug and Cosmetic Law. Specifically:

1. All produce and containers of produce must be kept at least 6 inches above the ground.
2. Food preparation (except trimming) is prohibited. Chef demonstrations will comply with Environmental Health Regulations.
3. Processed foods must be processed and stored in an approved facility and properly packaged and labeled under clean and sanitary conditions before coming to market. These foods must be transported to market and stored or displayed in an approved manner. A copy of the facility's Health certificate shall be posted at the seller's point of sale.
4. Dried fruits, shelled nuts, and other processed foods that are sold in bulk form must be displayed with a cover and conform to dispensing methods approved by the local Environmental Health Department.
5. Eggs must have the appropriate certification and comply with the storage, packaging, and labeling specifications that are required by the local Environmental Health Department.
6. No live animals, birds or fowl may be kept or allowed within 20 feet of any area where food is stored or held for sale, except service dogs which shall be kept on a leash.
7. Members selling non-agricultural food products are required to have valid permits from the local jurisdiction and are not considered part of the Certified section of the Farmers' Market.
8. All products sold as organic must be grown, produced and processed in accordance with the USDA National Organic Program. The producers of organic labeled produce must be registered as organic producers with the County Agricultural Commissioner. A Registered Organic Certificate must be provided to the Market Manager and MCFARM Office Manager. If the operation's gross agricultural income from organic sales totals more than \$5000 annually, they need to be certified organic by an accredited certifying agent and provide a copy of their organic certificate to the Market Manager and MCFARM Office Manager.
9. Smoking is not permitted within the market, at or behind vendor areas.
10. All processed certifiable agricultural products must have, and be accompanied by a verifiable listing of the fresh product on the seller's Producer's Certificate. Sellers must be able to show location and capability of processing. If the processing is done by a second party, the seller must be able to show the method used to insure that the processed product returned by the processor is from the original product submitted by the producer for processing. Receipts, volume date, and letters verifying methodology may be requested or required. The seller must show that all processing was accomplished under safe and sanitary conditions, and, if applicable, obtain, furnish and display all necessary health permits.
11. If the local health authority approves, distribution of samples in a manner which will ensure safe, unadulterated samples for the public may be allowed. The following guidelines are to be followed:
 - a. Keep samples in clean, covered containers approved by the local health agency.
 - b. Use toothpicks or disposable utensils to distribute the samples.
 - c. Dispose of pits, peels, food waste and rubbish in leak-proof garbage receptacles with close-fitting lids.
 - d. Use clean disposable utensils to distribute the samples.
 - e. Produce intended for sampling must be washed and cleaned so as to be wholesome and safe for human consumption.
 - f. Utensils and cutting surfaces must be washed and sanitized (use a chlorine solution of one teaspoon or capful of liquid bleach per gallon of water).
 - g. Cutting surfaces must be smooth, non-absorbent and easily cleaned.

III. ADMISSION OF A PRODUCER AND PRODUCTS TO A MARKET:

The major goal of our association is to operate quality certified markets that enable farmers to sell local produce directly to consumers. It is our philosophy that an open market policy provides healthy competition and allows our markets to grow economically which benefit both the farmer and the consumer. More vendors and products provide the consumer with additional choices and opportunities to support our markets. Admission of producers and their products shall be based on this philosophy.

A. Vendors with certified produce from Mendocino and nearby counties shall be accepted until all spaces are full. All products that are listed on their certificates shall be accepted at each market. Vendors must notify the market manager before the season begins in order to be assured a space in that market.

B. Managers of markets that may reach maximum capacity should give first priority to certified producers from Mendocino County and from adjacent counties who have participated in MCFARM for 2 or more years and are members in good standing. Preference shall also be given to local vendors who are returning to that specific market from the previous season. Remaining spaces shall be filled by the manager using the following factors:

1. Locality of the farm/business
2. The need for that product in the market
3. The date of request for acceptance into the market

C. Certified and non-certified Specialty Foods such as cheese, honey, and olive oil have historically been limited to a minimal number of vendors in each market. New vendors from Mendocino and nearby counties will not be excluded nor will products that are added to certificates of these growers. However, the Market Manager must inform the new vendor of the economic reality and the risks for both vendors. Competing vendors will be encouraged to meet with the Market Manager and a market representative if possible, to negotiate positive solutions such as alternate markets, alternate days, or second certificates and decide for themselves how to resolve it. If both parties decide to participate in the same market at the same time, it is imperative that both parties abide by market pricing regulations and compete in a fair and ethical manner. If the new producer is from outside our neighboring county, the Market manager may exclude the product, but should make strong attempts to honor the philosophy of an open market, considering what is ultimately best for the market and consumer.

D. New non-certified producers will only be allowed in markets that have sufficient space to allow maximum participation from all certified produce vendors who notify the market manager before the season begins. Market managers must have the latitude to use their discretion in considering market supply and demand for non-certified products. Market managers should strive to keep the number of non-certified vendors below 25% of the total vendors. Bakeries, other food providers, or community agencies who are invited by the market manager for the purpose of hospitality, education, or community service are exempt from this count.

1. Admission of vendors who sell processed food, seafood, or foods harvested in the wild, shall be based on the following factors, "a" having the most priority, as well as the factors previously listed in section "B".

- a. The food is harvested locally or caught regionally by the vendor.
- b. The food is grown or raised by the vendor and processed locally.
- c. The inclusion of this food would significantly enhance the market (based on the manager's skilled observation)
- d. The food is processed locally.
- e. It is a local business.

2. For the markets that accept crafts, admission or denial into the market shall be based upon the market managers reasoned discretion and on the number of factors included in the product, as well as the factors listed in section "B" above:

- a. The majority of the work in each craft is created by the local vendor.
- b. The person uses local products when possible.
- c. The product is farm related.
- d. The product is unique or original
- e. The quality is commendable.

E. A vendor who requests to sell for another individual with a second certificate will be allowed to sell these products. Market Managers shall use their reasoned discretion in determining acceptance of second certificate.

F. Market Managers should keep a list of vendors who requested admission, but were denied entrance because of space availability. Managers should attempt to create a schedule of markets that current vendors plan to attend in order to maximize the possibility of including the above vendors in some market days that aren't totally filled.

G. Market Managers should keep a list of vendors who have specific products that were denied access to the market in order to fill a void if needed in the future.

H. The Office Manager and affected Market Managers should keep a list of names of producers who intend to attend specific markets in the future when their product is ready, as some products need several years to mature (e.g. olive oil, stone fruit, grapes). Membership dues each year of waiting and a letter of intent will insure a space in the market for a Mendocino County grower. High priority will be given to a certified grower in adjacent counties.

I. Whenever a producer or product is excluded from a market, that Market Manager shall document the reasons for exclusion and provide a copy to the affected producer, the Office Manager, the member representatives, and to the President of MCFARM within seven days of the request for Market access. The following is the process for appealing the decision:

J. At the written request of an excluded producer:

1. Members of the Operating Committee shall be notified by email stating the grievance. Any members of the Operating Committee that don't regularly receive email will be contacted by phone.
2. A telephone conference meeting will be held with a minimum of 7 voting members in attendance. No Operating Committee member who is part of the grievance will be allowed a vote. The decision will be based on a majority rule. The decision of the Operating Committee will be final.

3. Utilizing this appeal process in a reasonable manner will not be a factor in future market participation.

IV. OTHER MARKET RULES, POLICIES AND REQUIREMENTS:

- A. Attendance Notification: The Market Manager may require a one week advance notification of intent to attend the market prior to the first selling day of a member. All applicable documents must be provided to market manager prior to selling at that market. The application and membership dues must be received by the office manager before a vendor may sell at the market.
- B. Bags and Litter: Sellers using plastic bags for their customers shall insure that such bags do not litter the market. All vendors shall bring a trash receptacle for the convenience of their customers and for themselves. Before leaving the market, all matter in the selling area, including an area extending into the common customer traffic area, must be completely removed and taken with the seller.
- C. Certificates: Producer certificates with two or more names listed as producer must provide acknowledged evidence of partnership or other legitimate business agreement. All applicable certificates must be visibly posted by each vendor. Copies of each certificate must be given to the Office Manager and the Market Manager of each market where the vendor intends to sell. One is the limit for second certificates (see State Regulations I.).
- D. Food Coupons: MCFARM is authorized as an organization to accept Food Stamps. However, our organization is not accepting Food Stamps at this time as coupons need to be redeemed electronically at the market. Any vendor selling produce must accept WIC coupons and post signs to indicate acceptance. No change may be given to the customer. Instead, vendors are encouraged to give extra produce to create an equal exchange. Vendors must write or stamp their certificate number on each coupon. WIC coupons are redeemed by the individual seller at a bank to be treated like cash.
- E. Market Hours: Arrival and Departure: The arrival and departure times of the sellers are to be determined by the Market Managers. Vendors will be expected to abide by these hours (unless permission is granted for special circumstances) for the safety and integrity of the market.
- F. Pricing: All prices must be clearly marked or posted. Collusion and deceptive pricing practices are prohibited. Bargaining with the consumer is specifically allowed. Deliberate and significant undercutting of a competitor's pricing to gain market advantage is strongly discouraged.
- G. Selling Space and Assessments: Assignment of selling space will be at the discretion of the Market Manager. The Market Manager will attempt to assign sites so that vendors will have some consistency in their weekly location. Elimination or downward adjustments of the stall fees shall only be used infrequently, should be justified, and will be at the discretion of the Market Manager.
- H. Setups and Safety: Vendors must set up in a way that minimizes safety hazards. All display table frontage must be behind the setup line designated by management. No boxes or produce displays may extend into the common customer traffic area. Tables and other display fixtures must be sturdy, stable, and not overloaded. All canopies and umbrellas must be completely secured by weights or tie downs or they will be subject to immediate and uncompromised removal. Electric cords must be placed, marked and/or taped down in a way that greatly reduces the risks of tripping on them.

V. STANDARDS OF CONDUCT

- A. Noise, Disturbance and Intrusion: Radios or other electronic music players are not allowed to be played during market sales hours. No loud hawking or shouting to promote products is allowed. Disruptive or confrontational behavior in the market is prohibited.
- B. Producers and employees representing producers must:
 - 1. Be knowledgeable about product, how it is used, grown or produced and communicate clearly to the customers
 - 2. Be courteous, professional and presentable
 - 3. Display products in a clean and attractive way
- C. Producers are expected to be honest and to conduct themselves at all times in a courteous and business-like manner. Participants are expected to dress and behave in an appropriate manner. Drinking, yelling, swearing, name-calling, slanderous remarks and other rude behavior will not be allowed.
- D. Customers are expected to be courteous as well. Producers experiencing any difficulty with customers in this regard are encouraged to refer the matter to MCFARM management.
- E. Participants are expected to treat each other, staff, customers and officials with respect.
- F. Participants are expected to wear shirts, shoes, or sandals during market hours.

Any complaints about other participants or the Market Rules and Regulations should be made to the Market Manager and MCFARM Officers.