

PORTSMOUTH HEALTH DEPARTMENT

Farmers' Market Vendor Requirements

WHICH FARMERS' MARKET VENDORS MUST OBTAIN A PORTSMOUTH FOOD SERVICE LICENSE?

Each individual vendor selling or distributing foods other than whole fresh fruits or vegetables must obtain a Portsmouth food service license, which allows that vendor to participate in any Farmers' Market in Portsmouth that has submitted notification of its intent to hold a Farmers' Market to the Health Department. Wine, maple syrup and honey are exceptions to this because these items are considered non-potentially hazardous and are regulated by other agencies.

WHAT FOOD PRODUCTS CAN BE SOLD AT FARMERS' MARKETS IN PORTSMOUTH?

Non-potentially hazardous foods, frozen potentially hazardous foods that are kept frozen, and cheeses are allowed for sale or distribution. Ready to eat foods that may or may not be pre-packaged are also allowed but may require additional food safety measures. All foods sold or distributed by licensed vendors must come from an approved source, according to local, state and federal codes. Raw milk products are restricted.

Use this checklist as a guide for application submission, review and pre-opening inspections.

Administrative

- **Farmers' Market Organizer:** The organizer of each Farmers' Market must complete and submit the Farmers' Market Vendor List a minimum of three weeks prior to the Farmers' Market seasonal start date. All participating vendors must be listed, along with contact information, type of product (e.g. baked goods, frozen meat, etc.) for sale or distribution, and vendor start date.
- **Application:** A Farmers' Market Application must be submitted to the Health Department via the City's on-line permitting system a minimum of two weeks before participation in a Farmers' Market, for review and approval. The approved plan, to include specific food items, may not be changed unless amended and approved in writing. \$140 permit fee will be assessed upon approval of the application and applicants will be notified to pay the permit fee online.
- **Inspection:** New vendors must be inspected on the first day of attendance at the market. Any required systems, water, propane, etc. must be ready for operation at the time of inspection.
- **Licenses:** License issued by the Portsmouth Health Department must be posted at each vendor's set up. If the vendor is licensed in another jurisdiction, a copy of that license must be uploaded into the on-line permit application, along with applicable Commissary information, if required.

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Personnel

- **Person in Charge/Market Manager:** A designated person responsible for compliance with health code requirements must be on site and accessible during all hours of operation of the Farmers' Market.
- **Health/Hygiene:** Food service workers must maintain a high degree of personal cleanliness and must wear clean outer garments or aprons. Effective hair restraints are required for food service workers who handle foods that are not pre-packaged. Smoking, drinking and eating are not allowed in food preparation and service areas. Unauthorized people and animals are not allowed in food preparation and service areas. Employees with communicable diseases which can be transmitted through food or who are experiencing vomiting and/or diarrhea must be excluded from food activities. Food workers must not have any open cuts or wounds.
- **Hand Washing:** Vendors who handle foods that are not pre-packaged or conduct food sampling must provide and utilize a hand-washing set up, which minimally will consist of a 5 gallon insulated container with a spigot to hold heated water, a catch basin of 1 ½ times the size of the water container, a pump-style hand soap dispenser and paper towels on a dispenser. The spigot may not be push-button style.
 - Facilities that only offer commercially pre-packaged food distributed in original packaging do not require a hand washing set up. Food service workers must wash their hands prior to entering food preparation and service areas, immediately before food preparation, after using toilets, smoking, drinking or eating and as often as necessary.
 - *Proper hand washing:* wet hands with clean, warm water. Apply soap and work into a lather. Rub hands together for 20 seconds, clean under the nails and between fingers. Rinse under clean, running water. Dry hands with disposable paper towel.

Food and Utensil Storage/Handling/Labeling

- **Food:** Foods must be stored to prevent cross-contamination and must be stored off the ground. All food must be protected from customer contamination by use of wrapped single serve items, food shields, or other effective barriers.
- **Sampling:** Small amounts of food prepared at market may be offered free of charge to customers.
 - Sampling activities require the use of the hand washing set up.
 - Rinse fruits and vegetables in potable water. Set up must be approved by the Health Department.
 - Clean food contact surfaces with soap and water, rinse, then sanitize and allow to air dry before use. (*Follow Ware Washing instructions below*)

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- Cut fruit and vegetables with a clean knife on a clean cutting board, both of which must be in good condition.
 - If wiping cloths are used, they must be kept in a solution of approved sanitizer at the allowed concentration and concentration must be checked throughout each day of use using the appropriate test strips.
 - Cut samples must be covered to protect against insects and dust and debris.
 - Eliminate bare hand contact with cut produce using gloves or tongs.
 - Use single service items like cups, napkins or toothpicks to serve food.
 - Carefully supervise sampling to prevent customer contamination from occurring.
 - Samples of potentially hazardous foods must be discarded after two hours out of refrigeration.
- **Bare Hand Contact:** Employees preparing food may not contact exposed, ready-to-eat food with their bare hands and must use appropriate utensils such as single-use gloves, tongs, deli paper or dispensing equipment.
 - **Water:** If required, adequate supplies of both hot and cold water must be provided and must be obtained from an approved source. Hoses and water supply equipment carrying water must be constructed of approved food contact materials and must be installed to preclude the backflow of contaminants into the water supply.
 - **Ice:** Ice must be from an approved source and if used for consumption, must not be used to cool food products or containers. Ice must not be made from home well water unless licensed for such use. Ice must be stored in an approved container and dispensed with a proper utensil and must be self-draining to remove accumulations of water. Ice must be protected from contamination.
 - **Thawing:** Potentially hazardous food must be thawed either under refrigeration that maintains the food temperature at 41°F or less; completely submerged under running water at a temperature of 70°F or below; or as part of the cooking process.
 - **Hot Holding:** Hot food storage units must be used to keep potentially hazardous foods at 135°F or above. Electrical equipment, propane stoves, grills, etc., must be capable of holding foods at 135°F or above. Crockpots or other hot holding devices must not be used for heating of foods; they are only to be used for hot holding of foods at 135°F or above.
 - **Reheating for Hot Holding:** Potentially hazardous food that is cooked, cooled, and reheated for hot holding must be reheated so that all parts of the food reach a temperature of at least 165°F for 15 seconds. Reheating must be done rapidly so that food is between 41°F and 165°F for less than 2 hours. Potentially hazardous foods must be discarded after 4 hours when held at hot holding temperatures.
 - **Cold Storage:** Refrigeration or other approved units shall be provided to keep potentially hazardous foods at 41°F or below. A cooler with sufficient ice or other means to maintain potentially hazardous foods at 41°F or below may be approved for the storage of frozen

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potentially hazardous foods. Unpackaged foods may not be stored in direct contact with un-drained ice.

- **Ware Washing:** The minimum requirements for a utensil-washing set-up to wash/rinse/sanitize should consist of 3 basins, large enough to immerse utensils, potable hot water, and adequate wastewater disposal. Alternately, a licensed food service facility may be used to wash, rinse and sanitize utensils. Market provided set up requires prior Health Department approval.
- **Dry Storage:** All food, equipment, utensils and single service items must be stored at least 6” above the floor/ground on shelving and protected from contamination.
- **Thermometers:** Each refrigeration unit or other approved method of cold holding shall have a numerically scaled thermometer to accurately measure the temperature of the unit affixed to the unit. An NSF approved (or equivalent) digital food service thermometer shall be provided to check the internal temperatures of both hot and cold foods.
- **Utensil Storage:** Food dispensing utensils must be stored in the food with their handles above the top of the food and container, or clean and dry on a sanitized surface or under running potable water.
- **Food Labeling:** All packaged foods must be labeled, and ingredient information must be available for foods sold in bulk.
 - Packaged foods must be labeled with the name of product, net weight, and ingredients in descending order by weight, and name and address of the producer or distributor.
 - Bulk foods must list ingredient information. Vendors can post ingredients on bulk bins or display a sign saying the ingredients are available on request. Ingredient information should be maintained in writing.

Sanitation

- **Wastewater:** If generated, all wastewater and grey water must be disposed of in a sanitary sewer system. If a sanitary sewer system is not readily available, suitable storage devices must be provided. Storm drains may not be used to dispose of grey water.
- **Trash:** Trash must be stored in leak proof, non-absorbent containers that must be kept covered with tight fitting lids. Trash containers must be provided for consumer use. Trash must be removed as necessary to prevent a nuisance or health hazard.
- **Sanitizer:** Chlorine bleach or other approved sanitizers must be provided for sanitizing any food contact surfaces, equipment and wiping cloths. Sanitizers must be used at appropriate strengths: chlorine solution at 50 ppm, quaternary ammonium compound at 200 ppm. An approved test kit, typically test strips, must be available and utilized to accurately measure the concentration of the sanitizing solution.
- **Toxic Materials:** Poisonous or toxic materials must be properly labeled and stored so that they cannot contaminate food, equipment, utensils, or single-service articles. Only those chemicals necessary for the operation of the vendor’s set up will be allowed on site.

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Structure

- **Overhead Protection:** Each licensed vendor's set up must be covered with a tent, canopy or other type of overhead protection unless the foods offered are commercially pre-packaged food items dispensed in their original containers. Walls and ceilings, if required, are to be of tight and sound construction against the elements, windblown dust and debris, insects, or other sources that may contaminate food, food contact surfaces, equipment, utensils, or employees.
- **Lighting:** Adequate lighting by natural or artificial means must be provided. If used, light bulbs must be shielded, coated, or otherwise shatter-resistant in areas where there is exposed food, clean equipment and utensils, or unwrapped single service articles.
- **Food Contact Surfaces:** All food contact surfaces must be smooth, easily cleanable, durable and free of seams and difficult to clean areas. All other surfaces must be finished so that they are easily cleanable.

Miscellaneous

- **Distribution of Single Use Disposables on City Property:** All single-use cups, disposable containers and disposable straws issued at market must be compostable.
- **Carryout Bags:** Single-use plastic shopping bags are only allowed to be issued to transport prepared foods. (Please see [City Council Policy No. 2019-01](#) for additional details)