



# County of San Diego

**HA DANG**  
AGRICULTURAL COMMISSIONER/  
SEALER OF WEIGHTS & MEASURES

DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES  
9325 HAZARD WAY, STE. 100, SAN DIEGO, CA 92123-1217  
(858) 694-2739  
FAX (858) 467-9697  
<http://www.sdcawm.org>

**MÈGAN MOORE**  
ASST. AGRICULTURAL COMMISSIONER/  
SEALER OF WEIGHTS & MEASURES

February 17, 2017

To: Certified Producers  
From: Karen Melvin, Deputy Agricultural Commissioner/Sealer  
Re: **CERTIFIED PRODUCERS SELLING AT  
COMMUNITY EVENTS, OPEN-AIR MARKETS, STREET FAIRS, AND SWAP MEETS**

*INFORMATION YOU NEED TO KNOW WHEN SELLING YOUR AGRICULTURAL PRODUCTS  
AT LOCATIONS OTHER THAN A CERTIFIED FARMERS' MARKET*

Changes in the California Food and Agricultural Code went into effect in 2015 that provide Certified Producers with options for selling their produce outside of Certified Farmers' Markets. The County of San Diego Departments of Agriculture, Weights and Measures and Environmental Health have been receiving inquiries about Certified Producers selling their certified agricultural products at community events, open-air markets, street fairs, and swap meets. Certified Producers are now allowed to sell California-grown fresh or processed products that they produce, directly to the public exempt from size, standard pack, container, and labeling requirements at these outlets and locations. However when selling at these outlets and locations, you must be in compliance with federal and state marketing orders and health and safety laws, regulations, and ordinances applicable to vendors at community events, open-air markets, street fairs, and swap meets.

The enclosed information sheet provides you with what you need to know when selling your agricultural products at venues other than at Certified Farmers' Markets to help you make informed decisions and assist you in maintaining regulatory compliance.



## Information for Certified Producers at Community Events/Open-Air Markets/Street Fairs/Swap Meets



Certified Producers selling at Community Events, Open-Air Markets, Street Fairs, and Swap Meets have different requirements than when selling at a Certified Farmers' Market. The following information is to help Certified Producers meet state and local requirements enforced by the County of San Diego Departments of Environmental Health and Agriculture, Weights & Measures that pertain to the sale of fresh agricultural products when selling at these locations. Certified Producers using exemptions for fresh produce standardization requirements of size, standard pack, and labeling at venues other than at Certified Farmers' Markets should know the following:

### Department of Agriculture, Weights & Measures

- California Food and Agricultural Code (FAC), section 47002, and Title 3 California Code of Regulations, section 1392.4(a) allows the Certified Producer to sell directly to the public. The Certified Producer, when selling their agricultural products at Community Events, Open-Air Markets, Street Fairs, and Swap Meets:
  - Must post their current, valid Certified Producer's Certificate
  - Must be present in person to sell their produce – no employees or family members can sell on behalf of the Certified Producer, and
  - Cannot sell on behalf of another Certified Producer
- Fresh produce not produced by the Certified Producer are subject to standardization requirements and inspection pursuant to FAC, section 42651.

### Department of Environmental Health

- California Health and Safety Code, section 114387, requires all food vendors (including Certified Producers) operating at a Community Event to obtain a Temporary Event Vendor Permit.

Information on the requirements to operate as a Temporary Event Vendor can be found in the application packet at:

[http://www.sandiegocounty.gov/content/dam/sdc/deh/fhd/food/cep/tempevent\\_vendorapp\\_fp.pdf](http://www.sandiegocounty.gov/content/dam/sdc/deh/fhd/food/cep/tempevent_vendorapp_fp.pdf)

#### Fee Schedule

- Annual Prepackaged Food Permit \$250
  - Annual Unpackaged or Perishable Food Permit \$497
- ➡ *Vendors who cut and allow sampling of food must obtain the Annual Unpackaged Food Permit.*

- These requirements are not applicable to Certified Producers operating at a Certified Farmers' Market

#### Contact information:

**Department of Agriculture, Weights & Measures**  
Agricultural Standards Division  
9325 Hazard Way, Ste. 100  
San Diego, CA 92123  
Email: [AgStandards.AWM@sdcounty.ca.gov](mailto:AgStandards.AWM@sdcounty.ca.gov)  
Phone: (858) 614-7786

**Department of Environmental Health**  
Food and Housing Division  
5500 Overland Avenue, 1<sup>st</sup> Floor  
San Diego, CA 92123  
Email: [fhdtempevents@sdcounty.ca.gov](mailto:fhdtempevents@sdcounty.ca.gov)  
Phone: (858) 505-6809