

## Questions/Topics

### **AWM's "Certified Farmers' Market Roadmap" and new website**

- AWM worked with other departments involved in permitting CFMs to create a "roadmap" to guide applicants through the regulatory process of opening a CFM.
- You can find the "Roadmap" at our new website, [www.sdfarmersmarkets.org](http://www.sdfarmersmarkets.org), under the "Open a CFM" tab.
- The website also features:
  - New and improved lists of all the CFMs in the County
  - A "Resources" tab under which you can find Direct Marketing laws and regulations, as well as the complete Powerpoint presentation from our Direct Marketing 101 event earlier this year
- We encourage you to explore the website and let us know if you have any feedback.

### **The County Department of Parks and Recreation (DPR) is interested in having a CFM in a County Park**

- AWM is in the process of working with DPR to compile a list of the County Parks most suitable to host a CFM.
- If you are interested in being involved or learning more, please let us know.

### **Legislative/Regulatory update**

- CDFA decided not to proceed with the Direct Marketing regulations that were working their way through the rulemaking process. This process will be starting over again. AWM will send out updates as we receive them.
  - <https://www.cdca.ca.gov/is/pdfs/Regulations/CFM-NoticeofDecisionNottoProceed.pdf>
- Recent Changes to Direct Marketing laws:
  - As of 2016, "fresh whole... cultivated mushrooms" and "herbs" may not be sold/distributed in the non-certified section.
  - Due to the passage of AB 2324, "raw sheared wool" will be included in the definition of agricultural product, meaning it may be sold in the certified section (beginning in 2017).

### **ProduceGood Market Share Gleaning Program**

- Nita Kurmins Gilson – Founding Director of ProduceGood and Program Director of CropSwap
  - ProduceGood collects excess produce for donation at the end of farmers' markets.
    - Receipts are provided to vendors for tax purposes.
    - Produce is taken to local food pantries for distribution.
    - Program has been a great success in LA County.
    - Currently looking for markets to participate in a pilot program in San Diego County.
  - CropSwap is a gleaning program that harvests excess fruit at farms and delivers it to local food banks.

For more information, see the flyers attached to this e-mail. Let us know if you would like to get in touch with Nita regarding these wonderful programs.

## Overview of the Certified Farmers' Market Forum on October 24, 2016

### FDA Food Safety Modernization Act (FSMA) – Produce Rule

- Food safety measures will be mandated on farms for the first time.
- Roll out will occur over a five year period.
- Enforcement will fall under CDFA, who will seek to educate farmers first.
  
- Q: How will it affect small farms/certified producers?
  - A: There are certain exemptions depending on gross sales, type of commodity grown, etc. Review the information and flow charts below to determine if the FSMA Produce Rule will affect your farm.
    - <http://www.fda.gov/Food/GuidanceRegulation/FSMA/>
    - <http://www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM472499.pdf>
    - <http://sustainableagriculture.net/wp-content/uploads/2016/02/2016-FSMA-Final-Rule-Flowchart-V2.pdf>
  
- Q: What resources would CDFA recommend for growers who want to comply with the Produce Rule?
  - A: Produce Safety Alliance <http://producesafetyalliance.cornell.edu/>  
National Association of State Departments of Agriculture <http://www.nasda.org/>

### What can be sold in the certified vs. non-certified section

- Q: Do other counties allow baked goods sold in the certified section of the CFMs?
  - A: No, and if they do they are in violation of direct marketing laws and regulations which state that bakery items are not agricultural products and therefore can't be sold in the certified section.
- Q: Can processed products be sold in the certified section?
  - A: Processed products may be sold in the certified section as long as the ingredients were produced by the farmer and are listed on their certificate, with certain exceptions\*. Products must be produced in accordance with health and safety requirements.
- Q: Why can't wreathes be sold in the certified section (even if all ingredients produced by farmer)?
  - A: Because CDFA considers wreathes to be crafts and therefore not agricultural products.

A review of what can be sold in the certified vs. non-certified section is attached to this e-mail.

\*Details about the requirements for selling processed products are also attached to this e-mail.

### \$2 fee per vendor

- Q: What is the \$2 fee used for?
  - A: CDFA uses the money to hire additional inspectors as well as contract with counties to conduct inspections and investigations.
  
- Q: Why do all vendors have to pay the fee (not just farmers)?
  - A: The intent of CFMs is to benefit farmers. It was seen as unfair for only the farmers to pay the fee when all vendors benefit from the existence of the CFM. The fee would have to have been raised to \$6-\$7 if only assessed on farmers.

## Overview of the Certified Farmers' Market Forum on October 24, 2016

### Miscellaneous questions and answers

- Q: Why are CFM operators held responsible for certain violations caused by producers?
  - A: In summary, it goes back to the intent of the Direct Marketing program. Ensures it is in the CFM operator/manager's best interest to maintain the integrity of the market.
  
- Q: Is a permit required from the Department of Environmental Health (DEH) for a market that has certified farmers only (no non-certified section)?
  - Answer from DEH- Yes, the Temporary Event Organizer Permit is still required. [Application](#) is linked here. The application and process are the same as for a market that has a non-certified side, however the fees are different. A Certified Farmers Market with adjacent temporary food facilities is \$574 annually, while a market without the temporary food facilities is \$340 annually. These fees are not noted on the application and we will work to correct that in the near future.
  
- Q: Request for a simplified/one page guide for those interested in opening a CFM/becoming a certified producer.
  - A: AWM will review and look for ways to simplify/improve the information, possibly creating one page guides.
  
- Q: How are community gardens regulated by AWM and DEH?
  - A: AWM would regulate certain activities at a community garden, including (not limited to): use of pesticides, organic claims, produce sold at CFMs, CSA programs, produce sold elsewhere (subject to quality/maturity/labeling/etc. requirements).
  
  - DEH would require the garden to obtain a Community Food Producer Registration if the produce was intended for sale to retail establishments/restaurants.
    - [http://www.sandiegocounty.gov/content/sdc/deh/fhd/food/fhd\\_communitygardens.html](http://www.sandiegocounty.gov/content/sdc/deh/fhd/food/fhd_communitygardens.html)
  
- Q: Are wells tested by the Department of Environmental Health (DEH)?
  - A: DEH's Land and Water Quality Division only tests and permits construction of new wells or modification of existing wells.
    - [http://www.sandiegocounty.gov/content/sdc/deh/lwqd/lu\\_water\\_wells.html](http://www.sandiegocounty.gov/content/sdc/deh/lwqd/lu_water_wells.html)
  
- Q: How will the registration fees for organic producers change in 2017?
  - A: Details are attached to this e-mail.