HEA 1309 and Farmers Markets – What’s the Connection?

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Background

• Farmers Markets have not been regulated by the state or local health departments in many areas in IN
• Means for entrepreneurs to market their goods and wares
• USDA and ISDA have promoted the development of agriculture and farmers markets
• Purdue and ICDC have been very active in helping educate market masters and vendors
• ISDH has participated in several trainings
Background

- HEA 1309 passed in 2009 by Indiana Legislature
- Allows certain food products to be made in a private residence
  - Limited regulatory oversight
  - Sold in only 2 public places:
    - Farmers’ Markets
    - Roadside Stands
HEA 1309 Modifications to IN Code 16-18-2 and 16-42-5

- New exclusion from the definition of “food establishment”
- Addition of term and definition of “potentially hazardous food product”
- Addition of a section outlining sanitary requirements for home based vendors (HBV)
Farmers’ market: a common facility where two or more farmers or growers gather on a regular recurring basis to sell a variety of fruits, vegetables and other farm products directly to consumers.

- Can be combined with other events, but must be with the farmers market.
- Is NOT a individual produce market operated by a person or company.
Relevant Definitions

- **Home-based vendor:**
  - An individual who:
    - has made a non-potentially hazardous food product in their primary residence (or in adjacent area on the same property)
    - is selling the food product they made only at a roadside stand or at a farmers’ market
    - is not a commercial kitchen
Potentially hazardous food products (PHF)

PHF are natural or synthetic foods that require temperature control because of capability to support:

- Rapid and progressive growth of infectious/toxigenic microorganisms
- *Clostridium botulinum*
- *Salmonella enteritidis*
- Do consider pH, Aw and other intrinsic factors when making a determination
Examples of PHF

- Meat (domestic or wild)
- Poultry
- Aquatic animal products
- Dairy*
- Egg products*

*Excluding some baked items and dried noodles
Additional Types of PHF

- Canned or hermitically sealed containers of acidified or low-acid food
- Cut melons
- Raw seed sprouts
- Non-modified garlic-in-oil mixtures
- Cut tomatoes
- Use of “reduced oxygen packaging” methods
Specific Examples of Allowed Non-PHF

- Baked goods – cakes, fruit pies, cookies, brownies
- Candy and confections – caramels, chocolates, fudge
- Produce – whole and unprocessed
- Tree nuts and legumes
- Honey, molasses, sorghum, maple syrup
- Jams, jellies, preserves – only high acid fruit
- May be temperature controlled only for quality
Items for Clarification

- Shell eggs are considered a PHF
- Shell eggs cannot be sold by a HBV, but can be sold by a regulated food establishment
- Pickles, if made by acidification, cannot be sold by a HBV
- Low acid and acidified foods must be commercially sterile – HBV cannot do this
  - **Such as:**
    - Green beans, pickled beets, salsa, etc.
Labeling of HBV Food Products

- HBV food products must be labeled
- Label must include the following:
  - Producer’s name and address
  - Common name of food product
  - Ingredients of food product
  - Net weight and volume
  - Date food product was processed
  - The following statement:

“This product is home produced and processed and the production area has not been inspected by the State Department of Health.”
In place of labeling on the product a placard may be used in some situations:

- When the product sold is not packaged
- Must contain all the same required labeling information
- Labeling is encouraged in most situations
Specifications

• An HBV:
  • may only sell their food products at a farmers’ market and a roadside stand
  • may not sell other commercially prepared products (prepackaged items)
  • shall not deliver to any location other than a farmers’ market or roadside stand (pre-ordering is acceptable)
Food Sampling Procedures

- Practice of proper sanitary procedures
  - Proper hand washing
  - Sanitation of food product’s container or other packaging
  - Safe storage of food product
- Sampling does not include the assembling of 2 or more HBV food products at point of sale
- Sampling must be discontinued if not conducted in a sanitary manner
Permitting

- Industry concerns about requirements for multiple permits for same operation
- Food code needs updated to address these non-traditional temporary food establishments
Conclusion

- HEA 1309 promotes home agriculture without specific restraints to home grown product
- Was expected, hence previous work on value added food products
- Refer to ISDH guidance of June 11, 2009
- Purdue website: http://www.ag.purdue.edu/foodsci/Pages/IN-HEA-1309-info.aspx
Final Conclusion

- Role of the regulatory authority and HEA 1309:
  - Inquire about a food product in certain situations
    - HBV is non-compliant
    - Occurrence of an imminent health hazard
  - Emphasize education on new requirements
  - Were in this together so don’t hesitate to contact us!
Questions?